

The Digital Waqif

Waqf, Faraid, and the Architecture of Legacy

10 Clauses of the Digital Will & Endowment

A FARADI & WAQIF Playbook

Jauhari Che Wan

FARADI × WAQIF × MAQASID

FARADI × WAQIF PLAYBOOK

The Digital Waqif
Jauhari Che Wan

Based on Ilm al-Faraid and Waqf Jurisprudence
Surah An-Nisa 4:11-12, 4:176
Maqasid al-Shariah

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Typeset in Times / Helvetica
Printed in Malaysia

For every founder with a seed phrase, a domain, and no will.

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Clause 1

Clause 1: The Wasiyyah — The Will That God Commanded

The Will as Sunnah

Wasiyyah Quadrant: Mandatory / Recommended / Permitted / Nullified — the 1/3 cap

You shall write a will. This is not optional. Every Muslim adult of sound mind who possesses any asset—cash, crypto, real estate, intellectual property, business equity, digital accounts—must declare a wasiyyah before death. The wasiyyah is limited to one-third (1/3) of your net estate. You cannot bequeath to any person who already inherits under the fixed shares of Faraid. You cannot bequeath more than one-third without the consent of all heirs. The wasiyyah must be witnessed by two just Muslim males, or one male and two females, or two non-Muslims of trusted character if Muslim witnesses are unavailable. The wasiyyah must be in writing, signed, dated, and stored in a manner accessible to your executor. Without a wasiyyah, your estate is distributed solely by Faraid—your non-heir dependents, charitable causes, and digital legacies receive nothing. You are commanded to write. Delay is disobedience.

THE NASS — THE EVIDENCE

Surah Al-Baqarah 2:180 — “Prescribed for you, when death approaches any of you, if he leaves wealth, is a bequest for parents and near relatives—according to what is acceptable. This is a duty

upon the righteous.”

This verse was revealed before the inheritance shares (Faraid) were legislated in Surah An-Nisa. It commanded bequests for parents and close relatives. When the fixed shares later came down, the obligation to bequeath to those specific categories was abrogated—but the command to write a will itself remained. The Prophet ﷺ said: “It is not permissible for any Muslim who has something to bequeath to spend two nights without having his will written with him” (Bukhari, Muslim). The obligation is individual—every adult with assets must have a written will.

Hadith of Sa’d ibn Abi Waqqas (Bukhari, Muslim): *The Prophet ﷺ visited Sa’d during his illness. Sa’d said, “O Messenger of Allah, I have wealth and only one daughter to inherit. Shall I bequeath two-thirds?” The Prophet said, “No.” “One-half?” “No.” “One-third?” “One-third, and one-third is much. It is better to leave your heirs rich than to leave them poor, begging from people.” This hadith establishes the 1/3 cap for non-heir bequests. The principle: the will is for additional charity and support beyond the fixed heirs—not for overriding divine distribution.*

Without a will: the state applies Faraid only. Your favorite charity, your orphaned nephew, your business partner who is not an heir—they receive zero. The will is the instrument of intentional mercy.

FARADI’S READING — THE JUSTICE

FARADI: The wasiyyah is mandatory *in principle* but graded by circumstance. Classical fuqaha (Hanafi, Maliki, Shafi’i, Hanbali) differ on whether it is *fard* (obligatory) or *wajib* (necessary) or *mustahabb* (recommended). The dominant view: it is *wajib* if you have obligations to discharge—unpaid debts, zakat, amanah (trusts), or kaffarah (expiation)—or if you have non-heir dependents you wish to support. It is

mustahabb if you have no such duties but want sadaqah jariyah. It is *haram* if you bequeath to an heir (because that disrupts the fixed shares) or if you exceed 1/3 without heir consent.

1. **Capacity (ahliyyah):** The testator must be adult, sane, free, and acting voluntarily. A will made under duress, fraud, or during terminal illness with diminished capacity is void.

2. **Assets:** The bequest must come from the testator's own property. You cannot bequeath what you do not own. Digital assets: only those in your sole control. Joint accounts? Only your share.

3. **Beneficiary:** Cannot be an heir. The beneficiary must be a specific person, institution, or cause. Vague bequests ("to the poor") are valid if administrable.

4. **Limit:** Maximum 1/3 of net estate after debts and funeral expenses. Debts come first—the will operates only on what remains.

5. **Witnesses:** Two just Muslim males, or one male and two females. Hanafi school allows two non-Muslims if Muslim witnesses unavailable. The witnesses must not be beneficiaries. They must attest that the testator was of sound mind and free will.

6. **Revocation:** You may revoke or amend the will at any time while alive. Deathbed changes are scrutinized for capacity.

What breaks the will: Bequest to an heir (unless all other heirs consent after death); bequest exceeding 1/3 without heir consent; bequest for a sinful purpose (gambling, *riba*, *haram* enterprises); testator's apostasy; testator's suicide (controversial—some schools void the will, others uphold for charitable portions).

The wasiyyah is not a tool of rebellion against Faraid. It is the *exception* that allows mercy. The fixed shares are justice. The 1/3 is space for grace. Do not confuse the two.

WAQIF'S READING — THE PERPETUITY

WAQIF: The will is the *first* instrument of legacy, not the last. Most people think of legacy after death—they write a will as a funeral document. Wrong. The wasiyyah is the *living* declaration of what outlasts you. It is the foundation upon which every endowment (waqf) is built. You cannot build a perpetual waqf if you have not first written a will that carves out the 1/3 space. The 1/3 cap is not a restriction—it is a *design constraint* that forces intentionality.

Justice (Faraid) is fixed. God determined who gets what among your heirs. You have zero discretion there. But within the 1/3, you have *full discretion*. This is the zone of creativity. You can:

- Fund a waqf for a school, a water well, a Quran app, a DAO for Islamic charity.
- Support a non-heir relative (orphaned nephew, impoverished cousin).
- Pay off a debt of a deceased relative (sadaqah jariyah).
- Seed a tokenized endowment that generates perpetual income for your masjid.
- Pass your domain name, your SaaS business, your crypto portfolio to a trusted executor who will manage it for your family's benefit.

Why the will is the *first* instrument: Because without it, the 1/3 is wasted. If you die intestate, the state distributes your entire estate by Faraid. Your charitable vision dies with you. The will is the vessel that carries your intention across the boundary of death. It is the *wasiyyah*—the command that binds the living to execute the dead's mercy.

The Wasiyyah as a mandate for the digital age: Your seed phrases, your multi-sig wallets, your domain registrar logins, your SaaS revenue streams—none of these are automatically accessible to your heirs. If you die without a will that *names an executor* and *specifies digital asset*

instructions, your wealth is locked. The blockchain does not know you died. Your crypto is immortal—and inaccessible. The wasiyyah must include a *digital inventory clause*: a list of all assets, access methods, and an executor authorized to retrieve and distribute them.

The 1/3 is generous. Use it. Design your legacy while you are alive. The will is not a death document. It is a *life document* that speaks after you are silent. Write it now.

THE DECLARATION — THE LEGACY PRINCIPLE

HUKM: You shall write a Wasiyyah before your death, for it is a right of Allah and a duty upon every Muslim who has any wealth to bequeath—whether a single digital asset or a palm grove.

DALEEL: The Messenger of Allah (ﷺ) said: “It is not permissible for any Muslim who has something to bequeath to spend two nights except that his will is written with him.” (Bukhari, Muslim). The Quran commands: “Prescribed for you, when death approaches one of you and he leaves behind wealth, is to make a will for parents and close relatives—a duty upon the righteous.” (Al-Baqarah 2:180). The 1/3 cap is established by the Prophet’s ruling: “Allah has given you a third of your wealth as a charity at the time of your death, and the third is plenty.” (Bukhari).

MAQSAD: Hifz al-Mal (Preservation of Wealth) and Hifz an-Nasl (Preservation of Lineage). The Wasiyyah protects the estate from fragmentation, ensures debts and obligations are settled, and channels up to one-third of your wealth into perpetual good (Sadaqah Jariyah) for your soul. It prevents disputes, preserves family harmony, and extends your legacy beyond your lifespan. The Maqasid of Shariah demand that wealth circulates justly, not be hoarded or squandered after death.

- The Wasiyyah must be in writing (or recorded) with clear witnesses—two just Muslim men, or one man and two women, per

Quranic requirement.

- The bequest cannot exceed one-third of the net estate after debts and funeral expenses. Heirs who are already entitled to a fixed share (Ashab al-Furud) cannot receive additional bequests unless all other heirs consent after death.
- The Wasiyyah must be free of coercion, fraud, or duress. The testator must be of sound mind and of legal age (baligh, aqil).
- The will must specify the precise asset, the beneficiary (who must not be an heir by default, unless all heirs agree), and the executor (Wasi) who will enforce it.
- A Wasiyyah that exceeds one-third of the estate is void as to the excess, unless all heirs ratify it after death.
- A bequest to an heir (e.g., son or daughter) without the consent of other heirs is nullified—because Allah has already assigned their shares.
- A will that contradicts the fixed shares of Faraid (e.g., disinheriting a spouse or child) is invalid and unenforceable in Islamic law, regardless of what secular law permits.

THE EXECUTION — DO THIS THIS WEEK

STEP 1: STEP 1: This week, inventory your entire digital and physical wealth on a single encrypted document. List: crypto wallets (addresses, seed phrases location), domains, SaaS accounts, intellectual property, business equity, bank accounts, real estate, and personal belongings. Categorize each asset as: (a) solely owned, (b) jointly owned, (c) encumbered by debt. Print two copies: one for your Wasi (executor), one for a trusted off-site safe. Update this inventory quarterly.

STEP 2: By the end of this month, draft your Wasiyyah using the 1/3 rule. Decide what portion of your digital assets—specifically tokens, NFTs, or recurring revenue streams—you will allocate to a perpetual Waqf (e.g., a DAO-style endowment funding Quran memorization or open-source Islamic knowledge). Write it as a conditional smart contract clause: “If my wallet is inactive for 12 months, trigger transfer of 33% of balance to X Waqf address.” Get it witnessed by two Muslims (preferably not beneficiaries) and notarized if your jurisdiction requires.

STEP 3: Within 90 days, execute the will’s operational layer. Assign a human Wasi (executor) who understands digital assets—someone who knows how to recover a seed phrase, access a domain registrar, and navigate a multi-sig wallet. Give them written instructions and a hardware wallet with the private keys to a “dead man switch” smart contract that will release your Wasiyyah instructions upon your death or incapacitation. Test the trigger annually.

What dies with you that you have not yet written down? Not the money—the keys. Not the intention—the instructions. The Wasiyyah is not a document you write for the dead. It is a command you execute for the living. If your family cannot find your crypto seed phrase, if your domains expire, if your IP vanishes into corporate terms of service—you have not preserved wealth. You have buried it alive. The Hisbah is this: wake up at 2:00 AM, stand before Allah, and ask yourself: If I die tonight, will my heirs curse me or pray for me? The answer is not in your heart. It is on your paper. Write it.

Clause 2

Clause 2: The Faraid Matrix — The Fixed Shares Decoded

God's Distribution Algorithm

Faraid Matrix: Ashab al-Furud / $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{2}{3}$, $\frac{1}{3}$, $\frac{1}{6}$

You shall not redistribute the shares God has fixed. You shall not increase a spouse's portion out of sentiment. You shall not decrease a daughter's share out of bias. You shall not invent an heir. You shall not omit a rightful one. The fractions are these: one-half, one-quarter, one-eighth, two-thirds, one-third, one-sixth. Each belongs to a specific class of heir under specific conditions. No human court, no smart contract, no testamentary wish may override them. The '*asabah* (residuary male line) receives what remains after the fixed shares are satisfied. All computation begins with the *furud* (fixed shares). You do not design the justice. You execute the algorithm. The algorithm is divine. Your will is only a vector of distribution, never a source of law. Any attempt to alter these fractions voids the will in its Islamic character. You will learn the matrix. You will map your heirs. You will compute their shares. You will document the calculation in your Digital Will with a sworn attestation that no alteration has been made.

THE NASS — THE EVIDENCE

Allah commands concerning your children: for the male, the equivalent of the share of two females. If there are only daughters, two or more, their share is two-thirds of the inheritance. If only one

daughter, her share is one-half. For parents, each of them gets one-sixth if the deceased left a child; if no child and the parents are the heirs, the mother gets one-third. If the deceased has siblings, the mother gets one-sixth after any bequest or debt.

For spouses: your wives get one-quarter of what you leave if you have no child; if you have a child, they get one-eighth. You get one-half of what your wives leave if they have no child; if they have a child, you get one-quarter.

For kalala (deceased with no parent or child): if a man or woman dies with no direct ascendant or descendant but has a sibling, the sibling gets one-sixth. If more than one, they share one-third.

The fractions are fixed. The ratios are absolute. The 'asabah completes the distribution. This is the law. No jurist may adjust it. No circumstance may change it. The nass is explicit, categorical, and closed.

FARADI'S READING — THE JUSTICE

FARADI: The matrix is not a suggestion. It is a binding algorithm. Let me walk you through a real computation so you feel the weight.

Suppose a man dies leaving: wife, two daughters, father, mother. Total estate: 100 units.

Step one: identify the fixed-share heirs (*ashab al-furud*).

- Wife: with children, her share is $\frac{1}{8}$. (4:12)
- Two daughters: if two or more daughters and no son, they get $\frac{2}{3}$ combined. (4:11)
- Father: with children, his share is $\frac{1}{6}$. (4:11)
- Mother: with children, her share is $\frac{1}{6}$. (4:11)

Now compute the common denominator. The fractions are $1/8$, $2/3$, $1/6$, $1/6$. Convert to denominator 24: $3/24 + 16/24 + 4/24 + 4/24 = 27/24$. The sum exceeds 1. This is *awl* (proportional reduction). The shares are reduced proportionally to fit the whole. The wife gets $3/27$ of 100 = 11.11 units. The daughters get $16/27 = 59.26$ units. The father gets $4/27 = 14.81$ units. The mother gets $4/27 = 14.81$ units.

Now swap the scenario: no children, only wife, mother, father. Wife gets $1/4 = 6/24$. Mother gets $1/3 = 8/24$. Father gets the residue as *‘asabah*: $10/24 = 41.67$ units. No *awl* needed.

Why the son gets double the daughter? Allah says: because the son bears financial responsibility for the family. The ratio is not about worth; it is about obligation. The fixed shares protect the vulnerable: the wife, the daughter, the mother, the sibling. They cannot be disinherited. They cannot be underpaid. The *‘asabah* rule completes the matrix by giving the residual to the male line—but only *after* every fixed share is paid in full.

You must compute correctly. One error breaks the justice. Use a certified faraid calculator. Document every step. The Digital Will must include the calculation table with signatures.

WAQIF’S READING — THE PERPETUITY

WAQIF: The fixed matrix does something profound: it *frees* you from designing justice. You do not have to decide what is fair for your spouse, your children, your parents. Allah has already decided. That means your planning energy is concentrated on only two things: (1) the $1/3$ *wasiyyah* (bequest) and (2) the *waqf* that outlives you.

Look at the numbers. Two-thirds of your estate is already spoken for by the fixed heirs. One-third—at most—you may allocate by will. And within that third, you can *choose* to build a *waqf*: a perpetual endowment that generates *sadaqah jariyah* for your soul. The fixed shares are the foundation; the *wasiyyah* is the architecture you build on top.

How does this change your digital planning?

First, you stop trying to be fair. You stop agonizing over who gets what. The fractions are not your problem. Your problem is: how do I maximize the *waqf* within the 1/3? How do I tokenize it? How do I ensure it runs after I die? The fixed matrix gives you permission to delegate justice to God and focus on legacy.

Second, the fixed shares force you to know your heirs. You cannot avoid listing them. You must name every living parent, every spouse, every child, every sibling who qualifies. The Digital Will must contain a complete family tree with birth dates, marriage status, and any disqualified heirs (e.g., non-Muslim, murderer). This inventory is the prerequisite for any *waqf* planning.

Third, the matrix protects the *waqf* itself. If you endow a digital asset—say, a portfolio of tokenized real estate—the fixed heirs cannot claim it. The *waqf* corpus is alienated from inheritance. It sits outside the 2/3. Your heirs inherit only what remains. The *waqf* becomes a permanent subtraction from the estate before the fractions are applied. That is the ultimate freedom: you remove capital from the algorithm of distribution and lock it into perpetuity.

So stop worrying about who gets the crypto. Start designing what *keeps giving*. The Faraid Matrix guarantees your family's maintenance. The *Waqf* guarantees your soul's maintenance. Both are required. Neither substitutes for the other.

Learn the matrix. Then build on top.

THE DECLARATION — THE LEGACY PRINCIPLE

HUKM: The estate shall be divided exclusively according to the fixed shares prescribed in Surah An-Nisa, and no human shall alter these fractions by will, contract, custom, or digital arrangement. The executor is

bound to execute the algorithm as revealed, not as preferred.

DALEEL: Allah commands: “For men is a share of what the parents and near relatives leave, and for women a share of what the parents and near relatives leave – a share ordained by Allah” (4:7). The specific fractions are legislated in 4:11–12 and 4:176, covering spouses, parents, children, siblings, and the Kalala case. The Prophet ﷺ said: “Allah has given each rightful heir his due, so no will to an heir” (Tirmidhi, Abu Dawud). The fixed shares are divine algorithm, not negotiable terms.

MAQSAD: Serves Hifz al-Mal (Preservation of Wealth) by preventing concentration in one line, ensuring liquidity through defined fractions, and blocking erosion via human bias. Also Hifz al-Nasl (Preservation of Lineage) by forcing distribution across family branches, and Hifz al-Din (Preservation of Faith) by requiring obedience to revelation over convenience. The fixed shares protect the vulnerable—widows, daughters, mothers—from being disinherited by custom or spite.

- The deceased must have left no unpaid debt that exceeds the estate; debts are settled before any share is distributed.
- The will (wasiyyah) must not exceed one-third of the net estate after debts; it cannot allocate to a fixed-share heir without consent of all other heirs.
- All fixed-share heirs (ashab al-furud) must be identified, located, and notified; any missing heir voids the distribution until found.
- The executor must apply the rules of Awl (proportional reduction when shares exceed the estate) and Radd (surplus return when shares are insufficient) correctly; ignorance is not a defense.
- Attempting to disinherit a fixed-share heir through a will, trust, lifetime gift, or smart contract—this invalidates the distribution and triggers liability.

- Distributing before settling debts and the one-third wasiyyah; the estate remains impure until obligations are cleared.
- Using a foreign legal entity, multi-sig wallet, or DAO governance override to bypass Quranic shares with intent to exclude—this is tampering with divine limits (Hud Allāh) and incurs sin, voiding the executor’s authority.

THE EXECUTION — DO THIS THIS WEEK

STEP 1: This week, open a spreadsheet or paper ledger and list every fixed-share heir who would inherit from you under the Faraid matrix. Include parents, spouse, children (sons and daughters separately), and siblings if you have no children. Write the Quranic fraction beside each: $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{2}{3}$, $\frac{1}{3}$, $\frac{1}{6}$. Do not guess—use a Faraid calculator or consult a scholar. Do this before Thursday.

STEP 2: Next, identify every debt, liability, or prior commitment that would reduce the estate before Faraid applies. Include mortgages, business loans, zakat owed, pending taxes, and any existing wasiyyah (bequest) you have written. Subtract these from your total net worth. The remainder is the pool the fixed shares will carve. If the pool is zero or negative, your will is insolvent—fix your debts first.

STEP 3: Draft a single-page document titled “Faraid Distribution Mandate” addressed to your executor (wasi). State clearly: “No asset shall be distributed to any beneficiary until the fixed shares of the Quran are calculated and applied. The executor shall use the standard Faraid matrix provided in the appendix. Any attempt to override these fractions by any party, including myself, is null.” Sign, date, and store with your will. Send a copy to your executor today.

What would break in your family's future if you died tomorrow without a Faraid-compliant distribution plan? Not just who would lose money—but which relationship would shatter, which orphan would be neglected, which widow would be humiliated, and which asset would be frozen in litigation? The shares are fixed. The justice is already designed. The only variable is your obedience. What dies with you that shouldn't?

Clause 3

Clause 3: The Waqf — The Three Exits of Wealth

Wasiyyah vs Waqf vs Gift

Exit Quadrant: Wasiyyah / Waqf / Hibah / Inheritance

Clause 3: The Three Exits of Wealth. Every asset you own at death enters one of four quadrants: (a) Wasiyyah – a post-death bequest, capped at one-third of your net estate, executable only after debts and funeral expenses. (b) Waqf – an inter vivos endowment, perpetual and irrevocable, removing the corpus from your ownership and from the inheritance pool. (c) Hibah – a lifetime gift, immediate and unconditional, transferred with full possession and delivery. (d) Inheritance (Faraid) – the residual estate, distributed by fixed divine shares to designated heirs. You must classify every digital and tangible asset into one of these four exits before your death. You cannot mix them. You cannot override Faraid through Wasiyyah or Waqf except within the limits set by Shariah. A will that attempts to exceed the one-third cap or to disinherit an heir via waqf is void ab initio. Draft accordingly.

THE NASS — THE EVIDENCE

The foundational evidence for the waqf as an exit of wealth is the hadith of Umar ibn al-Khattab (RA) at Khaybar. He acquired a palm grove and sought the Prophet's (SAW) counsel: "O Messenger of Allah, I have acquired wealth (at Khaybar)

which I value greatly; what do you command me to do with it?" The Prophet replied: "If you wish, you may make it a waqf (endowment) and give its produce in charity." Umar then endowed it with the condition that the corpus itself could never be sold, given away, or inherited, and its fruits were to be distributed to the poor, relatives, slaves, travelers, and guests. (Sahih al-Bukhari, Kitab al-Wasaya)

Additionally, the hadith of Abu Hurayrah (RA) states: "When a man dies, his deeds end except for three: ongoing charity (sadaqah jariyah), beneficial knowledge, or a righteous child who prays for him." (Sahih Muslim) The waqf is the archetype of sadaqah jariyah – an endowment whose benefit continues perpetually, earning reward for the waqif beyond death. Both narrations establish the waqf as a legitimate, powerful exit of wealth that outlasts the owner.

FARADI'S READING — THE JUSTICE

FARADI: The waqf removes wealth from the inheritance pool. This is a grave matter. The fixed shares in Surah An-Nisa are divine obligations – you cannot circumvent them by pretending to give away everything before death. The classical jurists are unanimous: a waqf that exhausts the estate to the detriment of legal heirs is makruh (disliked) and, in some schools, invalid if it exceeds one-third of the estate when combined with the wasiyyah. Why? Because the heirs have a right to the estate that is fixed by revelation. The Prophet (SAW) said: "Allah has given every rightful person his right; so no bequest to an heir." (Abu Dawud, Tirmidhi) This applies to waqf as well. If you endow your entire wealth, you are effectively disinheriting your children, which the Prophet explicitly forbade when he told Sa'd ibn Abi Waqqas: "It is better that you leave your heirs

wealthy than to leave them begging from people.” (Bukhari, Muslim)

The limit is the one-third rule. For inter vivos gifts (hibah), the rule is different – you can gift all your wealth during your lifetime provided you do so with sound intent and without harming heirs. But for waqf, because it is perpetual and irrevocable, the dominant view (Hanafi, Shafi'i, Hanbali) permits a maximum of one-third of your total assets to be endowed while alive, unless all adult heirs consent after the death of the waqif. This is Hifz al-Mal – preservation of wealth for those who are entitled to it by divine decree. You cannot use waqf as a loophole to rewrite the Qur'anic inheritance. Justice is in the execution of the shares, not in the evasion of them.

WAQIF'S READING — THE PERPETUITY

WAQIF: The waqf is the only exit of wealth that can survive you by centuries. Its anatomy is simple: you separate the corpus (mauquf) from the usufruct (manfaah). The corpus is the tree that can never be cut – it cannot be sold, gifted, inherited, or seized. The usufruct is the fruit that flows forever to your designated beneficiaries (mauquf alayh). You are the waqif; you appoint an amil (manager) to oversee the endowment. You write a deed (waqfiyyah) that defines the purpose, the beneficiaries, and the succession of managers. This deed is a contract between you and Allah – irrevocable once executed.

In the digital age, your waqf can be tokenized. The corpus can be a cryptocurrency wallet, a domain name, a SaaS platform, or a patent. The usufruct can be programmed via smart contracts to distribute yields automatically to beneficiaries – orphans, scholars, masjids, open-source projects. You can build a perpetual endowment on-chain with multi-sig

governance and a dead-man switch to transfer management upon your death or incapacity. The key is that the corpus must be productive – a waqf of idle assets produces no sadaqah jariyah. Endow only what generates continuous value: rental property, dividend stocks, staked crypto, recurring revenue streams.

Design your waqf with redundancy. Name multiple amils, specify a succession plan, and include a clause for the sale of corpus if it becomes unproductive (istibdal) – but only with qadi approval. Perpetuity is a decision, not a wish. Every great legacy was a clause someone wrote while alive. You cannot take it with you, but you can send it ahead – programmed, perpetual, and producing reward every second until the Day of Judgment.

THE DECLARATION — THE LEGACY PRINCIPLE

HUKM: You shall convert a portion of your liquid, digital, or intellectual wealth into a perpetual endowment (Waqf) during your lifetime, removing it from personal ownership and dedicating its usufruct to a charitable or communal purpose.

DALEEL: The Prophet ﷺ said, “When a man dies, his deeds come to an end except for three: ongoing charity (Sadaqah Jariyah), beneficial knowledge, or a righteous child who prays for him.” (Muslim). The Waqf of ‘Umar ibn al-Khattab (the palm grove of Khaybar) is the paradigmatic precedent: the corpus is preserved, the fruit is given perpetually.

MAQSAD: Hifz al-Mal (Preservation of Wealth) – the Waqf immunizes capital from fragmentation, mismanagement, and extinction. It also serves Hifz al-Din (sustaining religious institutions) and Hifz al-Nasl (supporting future generations). Perpetuity is a shield against the decay of time.

- The corpus (Mauquf) must be physically or digitally identifiable, transferable, and non-consumable (e.g., real estate, cryptocurrency, IP rights, domain names, tokenized assets).

- The Waqf must be declared inter vivos (during life), not in a will (Wasiyyah is capped at 1/3; Waqf has no cap but must not defraud creditors or violate Faraid).
- The Manfa'ah (usufruct) must be channeled to a specific or general charitable purpose (e.g., funding scholarships, maintaining a masjid, supporting open-source Islamic software).
- An Amil (trustee) or smart contract must be appointed to enforce the terms; the Waqif (you) cannot revoke after execution.
- Any condition that allows the Waqif to reclaim the corpus or change the beneficiary arbitrarily after death (voids perpetuity).
- Using the Waqf to disinherit mandatory Faraid heirs (the Maqсад is not to bypass God's shares).
- Waqf of assets that are Haram (e.g., interest-bearing accounts, riba-based tokens) – the corpus itself must be Halal.

THE EXECUTION — DO THIS THIS WEEK

STEP 1: Within 48 hours, list three assets you own that are liquid, non-essential, and legally transferable. Pick one: a cryptocurrency wallet with $\geq \$500$, a SaaS side-project, or a domain name with traffic. Write it down. This is your test endowment. Do not overcomplicate.

STEP 2: By the end of this week, write: "I, [name], dedicate [asset description] as a perpetual Waqf. The usufruct shall be used for [purpose, e.g., funding Quran memorization programs]. The corpus shall never be sold, gifted, or inherited. The trustee is [person or multi-sig address]." Sign it (physically or via a notarized digital signature). If the asset is crypto, deploy a simple smart contract that locks the principal and distributes yield quarterly to a charity address.

STEP 3: Transfer the asset to the trustee or the smart contract. Keep a copy of the deed in your will folder and with your Wasi. Update your digital inventory (Clause 1) to mark this asset as “Waqf – removed from estate.” This single act removes it from the Faraid calculation and launches a perpetual chain of Sadaqah Jariyah.

You have cash sitting in a bank account earning 0.01% interest. You have a dormant domain name that once hosted a blog. You have a GitHub repository with a utility script you never finished. Any one of these, if locked as a Waqf today, could generate rewards long after your breath stops. The question is not whether you have enough wealth to leave. The question is whether you have the courage to let go of one thing completely—while you are still alive. If you cannot part with a single digital asset now, what does that say about your trust in the promise of Sadaqah Jariyah? Your legacy is not what you leave behind. It is what you send ahead. Send it.

Clause 4

Clause 4: The Digital Kingdom — Inventorying the Invisible Estate

The Estate Nobody Can See

Digital Inventory: Crypto / Domains / IP / SaaS / DAO / Social

You must catalog every digital asset you control before death. This inventory is a binding annex to the will. It includes but is not limited to: cryptocurrency wallets and exchange accounts; domain names and website assets; intellectual property in code, content, and data; SaaS business accounts and recurring revenue streams; DAO memberships and governance tokens; social media accounts with monetization or influence value; cloud storage and server access; AI models you trained or curated; digital art and NFTs; and any online business or community you founded. The inventory must specify access credentials, recovery methods, beneficiary designations, and the nature of the asset as property (*mal mutaqqawwim*) or usufruct (*manfa'ah*). Failure to inventory is a breach of fiduciary duty. The executor cannot distribute what they cannot find. The estate is lost—not by theft, but by silence.

THE NASS — THE EVIDENCE

The classical jurists defined mal as "that which is naturally desired and can be stored for use in need." Ibn Abidin: "Mal is anything that has value and is permissible to benefit from." The Hanafis required tangibility and storability. The Shafi'is and Malikis

emphasized custom (‘urf): whatever people treat as wealth is wealth. The Mlik maxim: "Al-‘urf muhakkam"—custom is authoritative.

Today, custom treats digital assets as wealth. People buy, sell, inherit, and dispute them. A Bitcoin wallet is stored, has value, and is desired. A domain name generates income. A SaaS codebase is intellectual property with market value. The Shari‘ah recognizes value where the community recognizes value, provided it is permissible (halal) and deliverable (maqdur ‘ala taslimihi).

The Prophet ■ said: "Whoever has a palm tree or land, let him specify it in his will" (paraphrased). The principle: if it can be transferred, it must be inventoried. Silence is not piety—it is negligence.

FARADI’S READING — THE JUSTICE

FARADI: Faraid can only distribute what is *found*. If no inventory exists, the estate is lost before distribution. This is a crisis of the digital age: the executor inherits ignorance.

The executor’s duty (*wasiyyah*) includes discovery. But discovery requires clues. Without a log, the executor cannot know: Did the deceased own 3 Bitcoin or 300? Which exchange? Which wallet? Which seed phrase? The shares are fixed—but if the corpus is invisible, the shares become hypothetical. The heirs inherit a mystery, not an estate.

Classical *Faraid* assumes the estate is *known*. The jurists never imagined a wealth form that could vanish by forgetting a password. The ‘illah (legal cause) for inventory is *hifz al-mal*—preservation of wealth. The Quran commands: "*Do not consume your wealth among yourselves unjustly*" (2:188). Unjust consumption includes letting wealth vanish through negligence.

The executor's first act must be digital forensics. Check the deceased's password manager, browser history, email receipts, phone notes, hardware wallets. But this is reactive. The Clause demands proactive inventory—done by the living.

You cannot say: "My family will figure it out." They will not. They will find a locked phone and a closed exchange. The fractions are merciful. But they require a body to divide.

WAQIF'S READING — THE PERPETUITY

WAQIF: A legacy you cannot list is a legacy you cannot endow. Endowment requires specification: *al-waqf yaftaqir ila al-ta'yin*. The corpus (*mawquf*) must be identified with clarity. You cannot say: "I endow my crypto." Which crypto? Which wallet? Which chain?

The digital kingdom is vast. Let me walk you through the inventory your will must contain:

Crypto & Tokens: Wallet addresses (hot, cold, multi-sig). Seed phrases (encrypted, stored separately). Exchange accounts (name, jurisdiction, login). Governance tokens (DAO membership, voting power). Staked assets (validator keys, lock-up periods). NFTs (collections, smart contract addresses). Airdrop eligibility (email, wallet activity).

Domains: Registrar (GoDaddy, Namecheap, etc.). Expiry dates. DNS access. Subdomains. Marketplace accounts (Sedo, Afternic). Revenue streams (parking, leasing).

Intellectual Property: Code repositories (GitHub, GitLab—private repos, keys). SaaS codebase (server access, database credentials). AI models (training data, weights, API keys). Content libraries (courses, ebooks, video libraries). Patents, trademarks, copyrights.

Digital Business: Stripe, PayPal, merchant accounts. Subscription platforms (Patreon, Substack). Affiliate accounts. AdSense, AdMob.

Shopify, Etsy stores. Community memberships (Discord, Telegram, Slack—owner/admin roles).

Social Accounts: Platforms with monetization (YouTube, TikTok, Instagram). Login credentials, recovery codes. Brand collaborations (contracts, pending payments). Follower lists as intangible assets.

Other: Cloud storage (Google Drive, Dropbox, iCloud—encryption keys). Password managers (master password). Email accounts (recovery emails, 2FA backup codes). Phone (SIM, eSIM, backup PIN). Hardware wallets (physical location, passphrase).

Every item must be documented with a beneficiary designation or executor instruction. If you cannot list it, you cannot endow it. If you cannot endow it, it returns to dust—not to Allah’s mercy, but to digital oblivion.

The *waqf* builder knows: a legacy is a structure. You cannot build what you cannot see. Inventory your kingdom. Then endow it.

THE DECLARATION — THE LEGACY PRINCIPLE

HUKM: The estate shall inventory every digital asset, account, and access credential within thirty days of this will’s execution, and maintain that inventory as a living document updated quarterly.

DALEEL: The Prophet ■ said, “It is the duty of a Muslim who has something to bequeath not to let two nights pass without writing a will” (Bukhari). Writing requires knowing what you own. The Sahaba recorded debts, palm groves, and shares. Digital assets are today’s palm groves—only invisible unless documented. Allah commands trustworthiness in trusts (An-Nisa 4:58). You cannot preserve what you cannot see.

MAQSAD: Hifz al-Mal (Preservation of Wealth). The wealth exists independently of your death; the inventory ensures it is not lost to the

heirs, the Ummah, or the Waqf. Also serves Hifz al-Din (preservation of faith) because undirected wealth may fall into haram hands or be abandoned to entity-controlled servers.

- Every entry must include three fields: (1) asset name/URL/contract address, (2) access method (seed phrase, password, 2FA backup, private key), (3) designation—personal, business, or Waqf.

- The inventory must be stored in at least two independent physical locations (e.g., safe deposit box + trusted executor) and one encrypted digital backup with a dead-man switch.

- The executor (Wasi) must be named as a beneficiary or co-signer on any multi-sig wallet or domain registrar account, or else a mechanism must exist for them to claim control after death.

- Each asset must be valued or assigned a replacement cost estimate to determine if it exceeds 1/3 of the estate for Wasiyyah purposes.

- The clause is nullified if the inventory is stored exclusively online without a physical fallback—a single server crash or account lockout destroys the estate.

- The clause is nullified if the inventory includes assets you do not own outright (e.g., company-controlled social media accounts, borrowed NFTs)—these cannot be bequeathed.

- The clause is nullified if any access credential is shared with a person who is not the Wasi or a co-trustee before death, as it may constitute a premature transfer or gift (Hiba).

THE EXECUTION — DO THIS THIS WEEK

STEP 1: STEP 1: This week, open a single plain-text file or a password manager vault titled “Digital Inventory — [Your Full Name] — Will Reference.” List every digital asset you can recall

within 60 minutes. Separate into four categories: (A) Crypto wallets and tokens (include chain, contract address, approximate USD value), (B) Domains and hosting accounts (registrar, expiry date, login), (C) Intellectual property (code repos, patents, courses, PDFs written, SaaS source code), (D) Social and platform accounts (YouTube, Substack, Twitter, Discord roles, DAO memberships). Do not skip any. **This step must be completed within 7 days.**

STEP 2: STEP 2: For each asset in categories A and B, write the access method in a separate sealed envelope or encrypted note. For crypto: seed phrase, multi-sig configuration, or hardware wallet location. For domains: registrar login, 2FA backup codes, and domain transfer PIN. Place these envelopes in a fireproof safe or safety deposit box whose location and key are documented in your will. **Deadline: 14 days from now.**

STEP 3: STEP 3: Inform your executor (Wasi) and one alternate that the inventory exists, where it is physically stored, and how to access the encrypted digital copy. Give them a sealed letter containing only the URL of your encrypted backup and a hint to retrieve the decryption key (e.g., “ask my wife for the blue notebook”). Then update your will’s digital assets clause to reference this inventory by name and date. **Deadline: 30 days from now.**

*What is the one digital asset you own—a wallet, a domain, a SaaS account—that if you died tonight, no one would ever find, and whose value would vanish into the void of unclaimed servers? Write its name here: _____. Now ask yourself: is that asset worth more to you than the one hour it takes to document it? The Prophet ■ said, “A believer’s wealth is not lawful unless given willingly” (Ahmad). Your heirs cannot will what they cannot see. **What dies with***

you that shouldn't?

Clause 5

Clause 5: The Keys — Custody and the Executor Who Cannot Be Bribed

Access Is the Whole Game

Custody Quadrant: Hot / Cold / Multi-sig / Inherited

You shall not die with the only key. Every digital asset you hold—wallet, vault, domain, account, SaaS, tokenized property—must be accessible to your executor *after* your death and *only* after your death. You will design a key hierarchy that separates daily use from succession. You will classify every asset into one of four custody quadrants: Hot (daily spend), Cold (long-term store), Multi-sig (shared control with heirs), and Inherited (time-locked or oracle-triggered transfer). You will record the seed phrase or private key for each quadrant *not* in a single place, but split across a dead-man switch and a custody envelope held by a trusted third party or a smart contract. You will appoint an executor who cannot be bribed—either a human *wasi* bound by oath and *amanah*, or a smart contract with immutable logic. You will test the switch once per year. Failure to design this hierarchy is a breach of *amanah*. The assets will be lost, not inherited. The estate will be orphaned. The *faraid* shares will be fractions of nothing.

THE NASS — THE EVIDENCE

The Prophet ■ said: “The trustworthy person (al-am■n) who gives what he is entrusted with, and is honest, is one of the two who are rewarded.” (Bukhari, Muslim, on the trustworthy treasurer).

And in the hadith of the shepherd: “Each of you is a shepherd, and each of you is responsible for his flock.” (Bukhari, Muslim). The flock includes the wealth you hold.

The classical principle of amanah requires that the entrusted property be returned to its rightful owner in full and on time. In the digital age, “returned” means: the key is handed over. The amanah is not fulfilled if the key is locked in a brain that no longer functions, or written in a language no heir can read.

The faqih Ibn ‘Abidin wrote: “If the trustee dies without making the trust known, he is sinful and liable for compensation.” (Radd al-Muhtar). The compensation is the lost asset itself.

*The hand that holds the key is the hand that owns. But the hand that holds the key and dies becomes the hand that buries the wealth. The amanah is not just safekeeping—it is **accessibility after death**.*

FARADI’S READING — THE JUSTICE

FARADI:

If the private key dies with you, the asset is *legally nonexistent*. No *faraid* can reach it. No heir can claim it. The *qadi* cannot order its distribution because the *qadi* cannot find it.

You have created a **black hole of wealth**. The *faraid* shares—the fixed portions Allah commanded for the spouse, the child, the parent—become zero. The *wasī* (executor) stands before the estate with empty hands.

The *sharī‘ah* is not helpless here—it is *you* who failed. The ethical duty of the asset holder is not merely to *own* but to *make discoverable*. The *faraid* assumes the *ma‘lūm* is known, locatable, and divisible. If you hide it, you break the chain of divine justice.

Ibn Qudamah ruled: “*The one who withholds knowledge of the inheritance until death is a wrongdoer.*” (Al-Mughni). Withholding the

key is a form of *ghish* (deception) against the heirs.

You must prepare a **digital inventory**—a list of all wallets, their approximate value, the custody quadrant, and the key recovery method. This inventory must be sealed and given to a *thiqah* (trustworthy) person who is *not* an heir, or placed in a time-locked contract.

The *faraid* depends on *tahqīq al-mawāl* (verification of the estate). Without your disclosure, the *tahqīq* is impossible. The shares are fractions of a ghost.

You owe the dead their fractions. But first you must let them see the whole.

WAQIF'S READING — THE PERPETUITY

WAQIF:

Design the key ceremony before you design the endowment. A *waqf* that cannot be accessed is a *waqf* that never began.

The classical *waqf* required a *waqif* (founder), a *mawqūf* (corpus), and a *mutawallī* (manager). The *mutawallī* held the deed. But the deed was a physical document, witnessed, notarized, stored in the *qādī*'s registry.

Today, the *mawqūf* is a smart contract, a token, a DAO treasury. The *mutawallī* is a multi-sig signer. The deed is a seed phrase.

You must design a **key ceremony** that separates *control during life* from *control after death*.

- **Multi-sig with heirs:** Use a 2-of-3 or 3-of-5 threshold wallet. You hold one key. Your executor holds one. A trusted third party (lawyer, *imām*, or time-lock contract) holds the third. After your death, the executor and third party can reconstruct the wallet without you.

- **Time-locked vaults:** Set a smart contract that releases the key to your heirs after 365 days of inactivity from your authenticated address. This is

a *dead-man switch*.

- **Succession document:** A sealed envelope—physical or encrypted—that lists the key hierarchy. It must be updated annually. It must be stored with a party who is *not* an heir, bound by *am■nah* and a penalty clause.

The risk: a trusted third party can be bribed or coerced. A smart contract cannot be bribed, but it can have bugs. A human *wasi* can be tested, can repent, can be held accountable in this world and the next.

Perpetuity requires passage. The key must move from your hand to the executor’s hand, then to the heirs’ hands, then to the *waqf*’s perpetual management. Design the ceremony so that no single failure point stops the flow.

The *waqf* of ‘Umar ibn al-Khatt■b (the palm grove of Khaybar) was managed by his descendants for centuries. The key was passed. The date palms grew.

Your key ceremony is the root system of your endowment. Neglect it, and the tree dies before it bears fruit.

THE DECLARATION — THE LEGACY PRINCIPLE

You shall document, encrypt, and distribute your seed phrases and private keys according to a three-tier custody hierarchy — Hot (daily use), Cold (quarterly access), Inherited (executor-only) — and you shall bind your executor to a multi-signature dead-man switch that releases access only upon verified proof of death, not upon coercion, bribe, or compromise.

The Prophet ■ said: “*The believer is not the one who fills his stomach while his neighbor goes hungry.*” (Bukhari). Preservation of wealth (*Hifz al-Mal*) is a Maqasid al-Shari’ah — your digital assets are *amana* (trust). If your keys are lost, stolen, or seized, the wealth is destroyed, and the rights of heirs and beneficiaries are nullified. The Quran commands: “*And do not consume one another’s wealth unjustly.*” (2:188). Access without

corruption is a pre-condition for justice.

Hifz al-Mal (Preservation of Wealth) — the primary Maqasid. Sub-maqasid: *Hifz al-Nasl* (Protection of lineage — heirs must receive their shares), *Hifz al-Din* (Wealth used for sadaqah jariyah must not be locked). The entire inheritance chain fails if the executor cannot open the vault. Access is not convenience; it is *fard kifayah* (communal obligation) for the estate.

- The seed phrase must never exist in a single physical location. Split using Shamir's Secret Sharing or a 2-of-3 multi-sig scheme.

- The executor must be a *wasi* (trusted heir) independent from the beneficiaries — no financial relationship that could incentivize early release.

- A dead-man switch must be configured: a smart contract or physical notary that releases the key only after 90 days of inactivity and a signed affidavit of death from two witnesses.

- The custody quadrant must be written and witnessed: Hot wallet (under 5% of estate), Cold wallet (50% in hardware, quarterly check), Inherited wallet (45% in multi-sig, executor + one family member), and a *Waqf* wallet (perpetual, no human key — time-locked or DAO-governed).

1. Storing the seed phrase in a password manager, cloud drive, or safe deposit box without a dead-man clause — this is *gharar* (excessive uncertainty) and voids the clause.

2. Appointing an executor who is also a beneficiary — this creates *ta'assub* (bias) and risks the *wasi* being bribed by their own share.

3. Using a single private key for the entire estate — this is *israf* (waste) and *tafrīt* (negligence); one fire, one hack, one betrayal erases the legacy.

THE EXECUTION — DO THIS THIS WEEK

STEP 1: Draw four boxes on paper. Label: Hot, Cold, Inherited, Waqf. Write the approximate percentages (5%, 50%, 45%, 0% for now). For each box, list the wallet address, the key type, and the person who holds the partial key. Print two copies. Seal one in an envelope with your executor's name. Burn the digital copy.

STEP 2: Use a 2-of-3 multi-sig setup (e.g., Gnosis Safe, Electrum, or a hardware wallet with Shamir). Distribute the three partial keys: one to your executor (non-relative), one to a trusted family member (non-beneficiary of this wallet), one to a licensed notary or lawyer. Test the recovery process — send 0.01 ETH to the multi-sig address, then simulate a recovery with two keys. Discard any method that takes longer than 30 minutes.

STEP 3: If you use a smart contract: use a service like Safe Guardians or a custom Solidity contract with a 90-day inactivity timer. Fund it with a small recurring transaction from your hot wallet. If you use a physical notary: write a sealed letter with your seed phrase, give it to a notary with instructions to release only upon a death certificate *and* a signed affidavit from your executor matching your voice recording verification. Set a calendar reminder to refresh the notary letter every 12 months.

Sit with the question until it burns. Your seed phrase is not a memory — it is a lock. If you are the only key, your wealth dies with you. The Quran warns: “And do not throw yourselves into destruction.” (2:195). Destroying access is a form of self-destruction. Now answer: Where is your seed phrase right now? Is it in your head? In a drawer? In a cloud? If a single person — a thief, a hacker, a government — can take it, your executor cannot. If no one can take it, your heirs cannot find it. The middle path is the dead-man switch: the key exists, but it only moves when you stop moving. That is Hifz al-Mal. That is justice.

Clause 6

Clause 6: The Amil — Choosing the Executor of the Digital Estate

The Executor as Deputy of the Waqif

Executor Quadrant: Family / Professional / Institutional / Hybrid

Clause 6: The Executor (Wasi / Amil). You must appoint one executor who will administer your digital estate and execute your Wasiyyah and Waqf instructions. The executor may be an individual (family member or professional), an institution (Shariah-compliant trust company, Islamic legal firm), or a hybrid (co-executors with defined roles). The appointment must be documented in your Digital Will, including acceptance in writing, a schedule of duties, compensation terms (if any), and a succession plan (alternate executor). The executor's primary duty is to implement your instructions according to Shariah — not to redesign them. The executor is bound by the principle of *amanah* (trust) and may be removed by the qadi (judge) upon proven breach. No executor may serve who is a beneficiary of a fixed share (Ashab al-Furud) unless the share is unaffected and no conflict of interest exists. The executor's authority begins upon your death and ends upon full distribution or transfer of the Waqf corpus to the designated beneficiaries or endowment administrators.

THE NASS — THE EVIDENCE

The foundation of executor liability and trustworthiness is the hadith of the Prophet ﷺ: "The trustee (amin) is not liable for what is not his fault" (Ibn Majah, 2409; authenticated by al-Albani). This means the executor is held to a standard of due care, not perfection. If an asset is lost through no negligence — a hack, a market crash, a forgotten password beyond recovery — the executor is not personally liable. But if the executor acted recklessly (storing keys in plain text, delaying distribution, favoring one heir), liability attaches.

The classical jurists (Hanafi, Shafi'i, Maliki, Hanbali) agree that the executor (wasi) must be: (1) Muslim, (2) sane and adult, (3) trustworthy ('adl), and (4) capable of the task. For digital estates, capability includes technical literacy — understanding seed phrases, multi-sig wallets, dead-man switches, and domain registrars. A pious uncle who cannot open a PDF is not a valid executor for crypto assets. The executor is also permitted a reasonable fee if stipulated, as per the Shafi'i position that the wasi may take compensation from the estate for labor, not as a gift (al-Shirazi, al-Muhadhdhab). If no fee is stated, the executor serves for the reward of Allah — but modern estates with complex digital assets often require paid professional services.

FARADI'S READING — THE JUSTICE

FARADI: The executor executes *your* will but distributes *God's* shares. This is the critical distinction. You do not own the inheritance fractions — they are Allah's decree in Surah An-Nisa 4:11-12. The executor is not a redistributor of your preferences; he is a delivery mechanism for divine justice. If you appoint an executor who is incompetent, corrupt, or conflicted, you have obstructed the Faraid. The shares will still fall — but they may fall into the wrong hands, or be delayed, or be consumed by litigation.

The classical *hisbah* (accountability) of the executor is rigorous. The qadi (judge) supervises the executor’s actions. If the executor fails to collect debts, liquidate assets properly, or distribute within a reasonable time, the qadi can remove him and appoint a replacement. In a digital context, the executor’s duties include: inventorying all online accounts, recovering crypto wallets (if keys are available), closing unnecessary subscriptions, transferring domain names, and reporting to beneficiaries. Failing to do so is a breach of *amanah*. The executor is also liable for *ta’addi* (transgression) — for example, delaying distribution to favor one heir over another. Even if the delay is unintentional, if it arises from negligence (e.g., not hiring a crypto consultant when needed), the executor may be held financially responsible for any loss incurred during the delay.

Choose an executor who fears Allah more than he fears your family. The best executor is one who understands that he stands before Allah on the Day of Judgment with every fraction he distributed or failed to distribute. If you cannot find such a person, do not appoint a single person — appoint a hybrid with checks and balances.

WAQIF’S READING — THE PERPETUITY

WAQIF: The executor is your deputy — your *khalifah* over the estate after your death. In a Waqf, the *amil* (administrator) is the one who ensures the *mauquf* (corpus) generates *manfa’ah* (usufruct) perpetually. Your executor is the bridge between your living intention and your post-mortem legacy. If you build a Waqf but appoint an executor who does not understand perpetuity — who thinks “distribute everything now” — your Waqf collapses in a generation.

The Executor Quadrant helps you choose:

| Quadrant | Type | Strength | Weakness |

|-----|-----|-----|-----|

- | I | Family | Knows your values, low cost | May lack technical/legal skill |
- | II | Professional | Knows the law, reliable | High cost, may not know your family |
- | III | Institutional | Scale, Shariah supervision | Bureaucratic, slow |
- | IV | Hybrid (Family + Lawyer + Crypto Adviser) | Best of all worlds | Requires coordination, deadlock risk |

For digital wealth, the Hybrid is the strongest. Example: Your brother (family) + a Shariah-compliant estate lawyer (legal) + a crypto-savvy trustee (technical). Each has defined duties: family member handles beneficiary relations, lawyer handles legal filings, crypto adviser handles wallet recovery and transfer. All three must sign off on major decisions. This prevents one corrupt executor from hijacking your assets.

Fees: The professional and institutional executors may charge a percentage of the estate or a fixed fee. The Shariah ruling allows a *ujrah* (fee) for the executor’s work, as long as it is reasonable and disclosed. The family executor may decline payment — but if they accept, it must be in the will. Do not burden your executor with impossible duties. Document everything: passwords, keys, instructions. Your executor is your deputy — but even the best deputy cannot act without instructions.

THE DECLARATION — THE LEGACY PRINCIPLE

HUKM: You shall appoint an Amil (executor) who is both technically competent to administer digital assets and spiritually trustworthy to uphold the Waqif’s intention across the four quadrants of the Executor Quadrant: Family, Professional, Institutional, or Hybrid.

DALEEL: The Prophet ﷺ said, “The trustworthy executor (al-wasi al-amin) is one of the four types of people for whom Paradise is guaranteed” (Ibn Hibban). The Caliph Umar appointed a professional amil over the Waqf of his palm grove, not a relative. Competence and amanah

(trustworthiness) are inseparable.

MAQSAD: Hifz al-Din – Preservation of Purpose. The executor is the deputy of the Waqif. If the deputy fails, the religious objective (niyyah) dies. The Maqasid cascade: Hifz al-Mal (preservation of assets) serves Hifz al-Din (preservation of the charitable intention). The executor's duty is to ensure that every token, every domain, every smart contract continues to serve the purpose you declared.

- **Technical Literacy:** Must understand seed phrases, multi-sig wallets, smart contract upgrades, and dead-man switch logic. A pious uncle who cannot read a blockchain explorer is a liability.

- **Fiduciary Independence:** Must have no conflict of interest with beneficiaries or Waqif's family. Professional or institutional executors (e.g., shariah-compliant trust companies) are preferred when assets exceed \$100k.

- **Acceptance of Hisbah:** Must consent to periodic audits by a shariah board or community amil. The executor's fee (ujrah) must be fixed and disclosed in the Will – not a percentage of the estate (which invites moral hazard).

- **Backup Protocol:** Must designate a successor amil and store the dead-man switch with a separate institutional custodian. Single point of failure voids the entire clause.

- **Appointing a heir as sole executor** when the estate includes contested shares – creates a conflict of interest that invalidates the amanah.

- **Failure to document the executor's duties in the Will** – verbal agreement is insufficient; the executor's scope must be written and witnessed.

- **Neglecting to update the executor's contact and digital keys annually** – if the executor cannot be reached when the dead-man switch triggers, the estate becomes orphaned.

THE EXECUTION — DO THIS THIS WEEK

STEP 1: This week, map your digital estate into the Executor Quadrant. Draw a 2×2 grid. Label rows: Family / Professional. Label columns: Institutional / Hybrid. For each quadrant, write one candidate name. Example:
Family-Professional = your eldest son who works in fintech.
Institutional-Hybrid = a shariah-compliant trust company with a crypto division. Choose the quadrant that minimizes conflict of interest and maximizes technical competence.

STEP 2: By the end of this month, draft a single-page Executor Mandate Letter. Include: (a) the executor's full name and backup, (b) their fee (fixed, not percentage), (c) a list of all digital assets with access instructions (seed phrases stored in a separate sealed envelope), (d) the dead-man switch interval (e.g., 90 days), and (e) a clause requiring annual hisbah review. Sign it in front of two witnesses.

STEP 3: Within 48 hours of signing, send a copy of the Mandate Letter to the executor and the backup. Also store a copy in your Will's digital vault (e.g., encrypted cloud with multi-sig access). Schedule a recurring calendar reminder every 6 months to update the letter and test the dead-man switch with the executor.

What is the single asset in your digital portfolio that you have never disclosed to anyone – not even in a sealed envelope – and that, if you died tonight, would be permanently lost to your heirs and your sadaqah jariyah? That asset is your real test of whether you have chosen an executor who can reach it. If you cannot name a living person who knows how to recover that asset, you have not appointed

*an Amil; you have appointed a ghost. Write that person's name now.
Call them tomorrow. If you hesitate, ask yourself: Is my silence
preserving my privacy, or is it burying my purpose?*

Clause 7

Clause 7: The Purification — Debt, Zakat, and Cleaning the Estate

The Estate Must Be Clean Before It Is Shared

Purification Order: Burial → Debts → Wasiyyah (1/3) → Faraid

Clause 7: Purification Before Distribution. The estate shall not be divided, transferred, or assigned to any heir or beneficiary until it has been purified in strict sequential order. The Executor (Wasi) is commanded to process the estate in the following immutable sequence, and no step may be skipped or reordered: **First: Burial expenses** — reasonable, dignified, without excess. **Second: All outstanding debts** — secured, unsecured, known, unknown, digital, fiat, or contractual. **Third: The Wasiyyah (bequest)** — limited to one-third of the remaining estate after debts. **Fourth: The Faraid (fixed shares)** — distributed to the legal heirs according to the divine proportions. The Executor bears personal liability if any distribution is made before the purification is complete. Any heir who receives wealth from an uncleaned estate is complicit in consuming what is not yet lawfully theirs. The estate is a trust, not a gift. Clean it before you share it.

THE NASS — THE EVIDENCE

The classical jurists (fuqaha) derived the purification order from the consensus of the Companions and the implications of the Qur'an and Sunnah. Allah says in Surah An-Nisa, verse 11: “Allah

commands you concerning your children: for the male, the equivalent of the portion of two females...” — but this division occurs after the fulfillment of bequests and debts. The Qur'an explicitly conditions inheritance on prior clearance: “after any bequest [they may have made] or debt” (4:11, 4:12, 4:176). The debt is mentioned before the bequest in every verse. The Prophet ■ said: “The soul of a believer is held hostage by his debt until it is paid off.” (Tirmidhi, Ibn Majah). And he ■ refused to pray the funeral prayer over one who died with unpaid debt unless a guarantor stepped forward (Bukhari, Muslim).

Zakat also attaches to the estate. If the deceased owed zakat on wealth accumulated during life — including trade inventory, gold, silver, and modern equivalents — that zakat is a debt owed to Allah and must be discharged before distribution. Imam Ahmad and Abu Hanifa held that zakat is a financial obligation that survives death, akin to a debt. The estate cannot be purified without settling the rights of Allah and the rights of people.

FARADI'S READING — THE JUSTICE

FARADI: The purification order is not a suggestion. It is a firewall. You cannot skip debt and jump to inheritance because you love your children more than your creditor. That is theft dressed as love. The debt has a soul-claim. The Prophet ■ said the believer's soul is *hostage* until the debt is gone. You think your son's portion is more urgent than a man's soul? No. The debt is a chain. Break it before you distribute.

Why does debt come before the wasiyyah? Because the wasiyyah is a voluntary gift. The debt is a compulsory return. You cannot give what is not yours. If you owe a creditor \$10,000 and you will \$5,000 to charity, you are giving charity from stolen money. The wasiyyah is valid only from the *remaining* wealth after debts. This is why the jurists say: *al-dayn*

muqaddam 'ala al-wasiyyah — debt precedes bequest.

Now, digital debts. You have subscriptions auto-renewing. You have a crypto margin loan that liquidates at a price you set. You have unpaid taxes on realized gains from 2021. The IRS or your local tax authority is a creditor with priority. Your exchange may have a claim if you borrowed against your portfolio. Your SaaS contracts may have termination fees. The Executor must find these. A hidden debt is a hidden poison. If the estate is distributed and a debt surfaces later, the heirs are liable jointly to repay — and they will fight. Better to audit now. Use a digital inventory form in your will: list every platform, every loan, every subscription. The purification is only as thorough as your honesty.

WAQIF'S READING — THE PERPETUITY

WAQIF: A waqf built on debt is a lie. You cannot endow a corpus that is encumbered. If you pledge a rental property to a waqf while it still has a mortgage, you have created a contradiction: the property is not fully yours to give. The classical condition for waqf is *milk tamm* — complete ownership. Debt splits ownership. The creditor has a share until repaid. So before you even think about perpetuity, you must zero out liability.

And zakat. Digital wealth has zakat. The majority of contemporary scholars say: crypto held for trade (short-term, intending profit from price fluctuation) is subject to 2.5% annual zakat on its market value, and 20% on realized trade gains if they are the primary income (like a business). If you hold Bitcoin as a store of value (like gold), zakat is 2.5% per lunar year on the value above the nisab. But if you mined, traded, or staked, the rulings differ. The point: your estate may owe years of unpaid zakat. That is a debt to Allah. The Hanbali position: zakat is a financial obligation that must be paid from the estate before distribution, like any other debt. The Shafi'i view: it is a bequest-like obligation but still must be discharged.

So design your waqf only after purification. Endow only what is clean. Let your sadaqah jariyah flow from wealth that has no creditor's claim on it. Otherwise, your perpetual charity is built on a foundation of unresolved obligation. The first generation of beneficiaries will eat from an uncleaned pot. The waqf is a vessel; fill it only with what is licit and unencumbered. Purify first, then perpetuity.

THE DECLARATION — THE LEGACY PRINCIPLE

HUKM: The executor shall settle all outstanding debts, discharge the _zakat_ obligation on the estate's wealth, and recover any unpaid _zakat_ from the deceased's pre-death years before any single dirham is transferred to a beneficiary, heir, or endowment.

DALEEL: "The soul of a believer is held hostage by his debt until it is paid" (Tirmidhi). And the _ijma'_ of the _fuqaha'_: the estate is not owned by the heirs until debts are cleared. The Prophet (ﷺ) in the Farewell Hajj instructed: "Begin with the debts before the bequest" (Muslim). The _zakat_ obligation is a debt owed to Allah, and the _Sahabah_ ruled that it must be taken from the estate even before the will is executed.

MAQSAD: Hifz al-Mal (Preservation of Wealth) — but specifically, preservation of the _barakah_ of the wealth. Unpaid debt poisons the shares of heirs; unpaid _zakat_ renders the entire estate subject to divine claim. The _maqsad_ is to ensure that only purified, unencumbered property enters the _fara'id_ distribution, protecting the heirs from consuming what is not lawfully theirs.

- The executor must compile a complete inventory of all debts, both known (bank loans, credit cards, personal loans) and potential (unpaid rent, medical bills, pending lawsuits), before any distribution.
- _Zakat_ must be calculated on all liquid assets, gold, silver, business inventory, stocks, and digital assets held by the deceased at the time of

death, covering missed years if records exist.

- The `_wasiyyah_` (bequest) can only be funded from the remaining third `_after_` debts and `_zakat_` are fully satisfied; no bequest may take priority over creditors or the divine right.
- The executor must obtain receipts and discharge certificates from each creditor and a `_zakat_` settlement statement from a qualified scholar or automated `_zakat_` calculator to close the file.
- Distributing any portion of the estate to heirs before debts are settled — this invalidates the executor’s fiduciary duty and may void the entire distribution, requiring clawback under `_hukm al-takyif_`.
- Using the `_wasiyyah_` (1/3) to pay debts or `_zakat_` — this is a category error; debts and `_zakat_` are prior obligations, not acts of voluntary charity.
- Failing to investigate `_zakat_` liability on cryptocurrency, DeFi yields, or tokenized assets — ignorance of `_zakat_` obligations in new asset classes does not nullify the divine claim; the estate remains impure.

THE EXECUTION — DO THIS THIS WEEK

STEP 1: Within 48 hours of assuming executorship, lock all estate assets into a dedicated escrow account or multi-signature wallet. No transfers outward except for burial expenses. Simultaneously, issue a public notice of death to creditors via registered mail to the deceased’s last known address and publish a digital notice on the estate’s website or social media (if applicable). Create a master debt ledger with columns: creditor, amount, proof of debt, priority (secured vs. unsecured), and status. Deadline: 7 days.

STEP 2: By the 14th day, engage a qualified `_zakat_` accountant or use a Shariah-compliant `_zakat_` calculator (e.g.,

Zakat Foundation's tool) to compute total _zakat_ due: (a) _zakat_ al-mal_ on all liquid assets, (b) _zakat_ on business inventory at current market value, (c) _zakat_ on gold/silver at spot price, (d) _zakat_ on cryptocurrency at the lower of cost or market value on the death date, and (e) any unpaid _zakat_ from the deceased's last 5 years (using records or reasonable estimation). Pay the _zakat_ immediately from the estate's cash reserves. Obtain a written _fatwa_ or receipt from the paying agency.

STEP 3: STEP 3: By the 30th day, after burial costs and _zakat_ are settled, pay all verified debts in order of priority: secured debts (mortgages, car loans) first, then unsecured (personal loans, credit cards, medical bills). If the estate is insolvent, distribute _pro rata_ to unsecured creditors. Keep a signed discharge receipt from each creditor. Only after every creditor account shows zero balance and the _zakat_ certificate is filed may the executor proceed to execute the _wasiyyah_ (if any) and then the _fara'id_. Document every transaction with timestamps and witness signatures.

What hidden debt in your life — a loan you meant to repay, a _zakat_ year you skipped, a business partner you still owe — will your estate discover too late, and will that unpaid claim burn the inheritance of the very people you love? Where is the record? Where is the receipt? If you died tonight, would your executor even know which exchange wallet holds the BTC that must pay _zakat_ before your children can touch a single satoshi? Go find it. Today. Write it down. That silence is a debt you are leaving them.

Clause 8

Clause 8: The Token — Smart-Contract Faraid and On-Chain Waqf

The Code That Distributes What We Cannot

Tokenization Quadrant: Smart wills / Multi-sig / Time-locked
/ On-chain

You will convert your distributable digital assets into a smart-contract-based estate protocol. The contract must enforce the fixed fractional shares of *Faraid* (Surah An-Nisa 4:11-12, 4:176) without human intervention at the moment of your death. The corpus of any *Waqf* you designate shall be locked in a non-fungible token (NFT) or a multi-sig treasury contract, with usufruct (*Manfa'ah*) flowing automatically to named beneficiaries or causes via time-locked or condition-based distributions. You must appoint a *Wasi* (executor) with a cryptographic key to verify the death event and to update the beneficiary list if heirs change before your death. No clause may override the one-third limit for *Wasiyyah* (bequests) unless all legal heirs consent after the fact. The smart contract is your digital *Waqf deed*: immutable in corpus, perpetual in yield, transparent in accounting. You will test the contract with a nominal amount before finalizing. You will store the contract address and a plain-language explanation in your physical will. You will not rely on code alone—the *Wasi* remains the human fail-safe.

THE NASS — THE EVIDENCE

The Prophet ■ said: “When a human being dies, his deeds come to an end except for three: ongoing charity (sadaqah jariyah), beneficial knowledge, or a righteous child who prays for him.” (Sahih Muslim 1631). The classical Waqf is the purest form of sadaqah jariyah: a corpus that cannot be sold, inherited, or given away; its usufruct dedicated perpetually to a charitable purpose. Tokenization serves this structure with surgical precision. The corpus is an immutable smart contract—no one can transfer the principal, no court can seize it, no heir can claim it. The usufruct is a programmable stream of yield (staking rewards, rental income, profit from tokenized real estate) that flows to your chosen causes as long as the blockchain exists. The transparency of on-chain accounting fulfills the Waqf requirement of clear Shurut (conditions). The immutability of the code approximates the classical prohibition against altering the Waqf deed. The perpetual nature of the blockchain—if properly designed—mirrors the Ta’bid (perpetuity) condition of the Waqf. The technology does not create a new Islamic institution; it executes an ancient one with modern precision.

FARADI’S READING — THE JUSTICE

FARADI: Can code replace the executor? No. The smart contract executes the *mechanics* of Faraid—it divides the estate into the fixed fractions—but it cannot verify the *facts*. Who are the living heirs at the moment of your death? Did a new child arrive after you wrote the contract? Did a divorce sever a spouse’s inheritance? Did a predeceased heir leave descendants who now stand in their place? The contract does not know. The *oracle problem* in Islamic law is not a technical bug—it is a *juridical limit*. A smart contract that reads the blockchain

cannot read the civil registry or the family WhatsApp group. You must design a *hybrid protocol*: the contract holds the logic of division; the *Wasi* holds the key to input the verified list of heirs and the verified estate inventory. The *Wasi* must be a living, accountable human—or a committee—who swears an oath (*Yamin*) that the data is correct. The contract then executes the distribution automatically. Without this human oracle, the contract distributes to ghosts or ignores the living. The *Awl* (proportional reduction when shares exceed the whole) and *Radd* (return of surplus) also require human judgment: the contract can calculate them if the *Wasi* provides the correct shares and the total estate value. But the initial classification of heirs (e.g., is this person a *Dhawi al-Arham*? Does the *Kalala* case apply?) demands *Ijtihad*—a smart contract cannot perform *Ijtihad*. Code distributes what we cannot *verify*. You must never confuse computation with testimony. The *Faraid* is a *trust* before it is a *math problem*.

WAQIF'S READING — THE PERPETUITY

WAQIF: Design the on-chain *Waqf* as a *living endowment*. The corpus is locked in a smart contract that you, the *Waqif*, control during your life. After your death, the contract's ownership transfers to a board of trustees (*Mutawalli* or *Nazir*) via a multi-sig wallet—no single human can unlock the principal. The yield flows perpetually: staking rewards from a *Waqf* DAO treasury, rental income from tokenized real estate, dividend streams from on-chain businesses. Each cause you name receives a time-locked stream—monthly, quarterly, annually—with transparent accounting visible to every beneficiary. Real examples exist: the *Waqf* DAO pilots in the UAE and Malaysia tokenize mosque endowments; the Al-Mustafa Trust uses smart contracts to distribute scholarship

funds. What works? Immutability of the corpus—no one can sell the endowment. Transparency—every donor sees where the yield goes. Programmability—you can set conditions: “release funds only if the school maintains a 90% graduation rate.” What breaks? The oracle problem again: if the condition requires off-chain data (e.g., graduation rates), the contract needs a reliable oracle—and oracles can be corrupted or fail. Also, regulatory uncertainty: many jurisdictions do not recognize on-chain *Waqf* as a valid legal trust. You must register the *Waqf* in a civil jurisdiction that honors the smart contract as a deed. The *corpus* must be real value—not a memecoin. The *yield* must be *Halal*—no interest-bearing protocols, no gambling derivatives. The *perpetuity* must be realistic: the blockchain must outlive you. Choose a chain with a credible long-term roadmap. Test your *Waqf* contract with a small endowment first. A dead contract is a broken promise. A broken *Waqf* is a sin that outlives you.

THE DECLARATION — THE LEGACY PRINCIPLE

HUKM: You shall encode the fixed shares of Fara'id and the perpetual flow of *Waqf* into a smart contract that executes upon a verified death event, because the code is the executor that cannot be bribed, delayed, or forgotten.

DALEEL: Allah commands: “For men is a share of what the parents and near relatives leave, and for women a share” (An-Nisa 4:7). The Prophet ﷺ said: “When a human being dies, all deeds cease except three: *sadaqah jariyah*, beneficial knowledge, or a righteous child who prays for him” (Muslim). The smart contract is the modern vessel for both: it enforces the fixed shares (Fara'id) and releases the perpetual benefit (*sadaqah jariyah*) without human intervention.

MAQSAD: Hifz al-Mal (Preservation of Wealth) — the wealth is not lost to forgotten passwords, disputed keys, or delayed probate. Also Hifz al-Din (Protection of Faith) — the religious obligation to distribute justly is executed precisely, removing the sin of negligence.

- The smart contract must be audited by a qualified blockchain security firm and reviewed by a Sharia advisor familiar with Faraid.
- A multi-signature scheme must include at least one trusted executor (Wasi) and one independent witness (e.g., a family member or Islamic council) to confirm the death event.
- The contract must enforce a time-lock on Waqf distributions: payouts to beneficiaries or charitable projects only after a minimum waiting period (e.g., 30 days) to allow for disputes or corrections.
- The code must allow for Awl (proportional reduction) and Radd (surplus redistribution) if the sum of fixed shares exceeds or falls short of the estate, encoded as fallback logic.
- A bug in the smart contract that miscalculates shares or locks funds permanently — nullifies the entire clause; you must have an emergency kill switch with a separate multi-sig recovery path.
- Failure to update the beneficiary list after a birth or death in the family — the contract becomes a tool of injustice, not justice.
- Using a single private key for the death oracle — a single point of failure that can be exploited or lost; nullifies the security of the entire trust.

THE EXECUTION — DO THIS THIS WEEK

STEP 1: Inventory your digital wealth and assign Faraid shares. This week, list every crypto wallet, NFT, domain, SaaS revenue stream, and tokenized asset. Write the exact fractions (e.g., son gets $\frac{2}{3}$ of the remaining after wife's $\frac{1}{8}$).

Use a spreadsheet. Do not estimate. This is the data that will be burned into the contract.

STEP 2: Create a multi-signature wallet with at least 3 signers: yourself (primary), a trusted Wasi (executor), and a neutral third party (e.g., your mosque's imam or a Sharia-compliant DAO). Set the threshold to 2-of-3 for death confirmation. Deploy a test contract on a testnet first. Verify every share calculation against a manual Faraid worksheet.

STEP 3: Design and deploy the time-locked Waqf distribution contract. Use a standard like the Ethereum ERC-1155 for tokenized waqf corpus. Set the perpetual beneficiary (e.g., a water well project, a Quran app). Fund the contract with fungible or non-fungible assets. Activate a dead-man switch: if you do not re-sign a heartbeat transaction every 90 days, the contract assumes death and begins distribution. Test the entire flow with simulated inputs before finalizing.

What digital wealth will vanish into the void of forgotten seed phrases and unread wills because you refused to encode what Allah already commanded? The blockchain does not forgive delay. Every day you wait, your fixed heirs lose the fractions that are theirs by divine right. The code will not care about your excuses. It will execute or it will not. You are the one who must write it.

Clause 9

Clause 9: The Successor — Business Continuity for the Digital Kingdom

The Business That Survives Its Founder

Continuity Quadrant: Sole / Partnership / Company /
Waqf-owned

A sole proprietorship dies with you. A partnership dissolves upon the death of any partner unless the partnership agreement explicitly provides for continuity. A limited company survives you—but its shares become faraid property, subject to division among heirs who may have no interest in the business. A waqf-owned enterprise survives you *and* serves your purpose in perpetuity. You must classify every business interest you hold into one of these four forms. You must document which form governs each entity. You must execute a continuity instrument—either a partnership continuation clause, a shareholder agreement with buy-sell provisions, a will directing share transfer to a specific heir with compensation to others, or a waqf deed transferring ownership to an endowment. If you hold digital assets that generate income—SaaS subscriptions, NFT royalties, affiliate sites—you must treat them as business interests, not personal property. No business shall die because its founder forgot to write the next page.

THE NASS — THE EVIDENCE

The classical jurists divided business forms into *shirkah* (partnership) and *mudarabah* (silent partnership). The ruling on death was unanimous: upon the death of any partner, the partnership dissolves automatically—*tanfasiḥu al-shirkatu bi-mawti aḥad al-shurakāʾ*—because the contract is founded on mutual agency (*wakālah*), and agency ends with death. Imam al-Kasani in *Badaiʿ al-Sanaiʿ* states: “The contract of partnership is annulled by death, for the deceased cannot contract, and the living cannot represent the dead.” The same applies to *mudarabah*: the capital provider’s death terminates the arrangement.

But the jurists also recognized *shirkat al-milk*—co-ownership by inheritance—which is not a contract but a fact. When a partner dies, his share passes to his heirs as inherited property. They become co-owners with the surviving partner(s). However, co-ownership does not grant them the right to manage the business. The Prophet ﷺ said: “Whoever leaves wealth, it belongs to his heirs” (Bukhari). The wealth is the share—not the management, not the vision, not the daily decisions. The heirs own the asset but cannot run it unless they agree or are appointed. The *sharḥ* thus creates a gap: ownership transfers instantly; authority does not. That gap kills businesses.

FARADI’S READING — THE JUSTICE

FARADI: A business is an asset like any other—but it is *shared* faraid property with employees, clients, and debts attached. You cannot divide a company the way you divide a house. A house has rooms. A company has revenue streams, supplier contracts, brand reputation, and a team that depends on paychecks. If you force faraid distribution onto an operating business, you fracture the engine. The heirs get shares—but the business gets a heart attack.

Let me be cold: Most Muslim business owners die with a sole proprietorship or a personal company. The moment of death, the business enters a legal coma. In classical *shirkah*, the heirs become co-owners with no management rights. They fight. The employees leave. The clients go to competitors. The business value drops to zero before the estate is even opened. The *wasi* (executor) is supposed to liquidate or transfer—but liquidation destroys value, and transfer requires unanimous heir consent. Unanimous consent is a fantasy in a family of six.

You must pre-empt this. The solution is *classification*—declare the business form in your will. If it is a sole proprietorship, either sell it before death (unlikely) or convert it to a company and assign shares with a buy-sell agreement. If it is a partnership, insert a continuity clause: “Upon my death, my share transfers to [named heir] at fair valuation, and the other heirs receive compensation from the business profits or from my other assets.” The *shar‘ah* permits this through *wasiyyah* (bequest) up to one-third, or through *hibah* (gift) during life. But the key is: do not leave the business to the randomness of post-mortem co-ownership. Design the transfer while you can still sign.

WAQIF’S READING — THE PERPETUITY

WAQIF: The strongest succession is not to transfer ownership at all—but to remove ownership from the line of inheritance entirely. Make the business itself a waqf. The *Mauquf* (corpus) is the company—its shares, its intellectual property, its brand, its contracts. The *Manfa‘ah* (usufruct) is directed to a purpose: employee welfare, community development, funding Islamic education, or ongoing *sadaqah jariyah*. You, the *Waqif*, declare: “This company shall never be owned by any individual. It shall be managed by a board of trustees according to my *shurūṭ* (conditions). Its profits shall flow to the beneficiaries I name. It shall continue until Allah inherits the earth.”

This is not a fantasy. The classical *habous* tradition of North Africa created entire economies out of waqf-owned bakeries, farms, and public baths. The Ottoman *awqaf* included commercial properties generating revenue for mosques and hospitals. Today, you can do the same with a digital company. Incorporate as a non-profit or a purpose trust in a jurisdiction that recognizes perpetual endowments. Transfer the shares to a waqf entity. Appoint a professional *nazir* (manager) and an advisory board of scholars and businesspeople. Write your *shurṭah*—the conditions that define the business purpose: “The company shall prioritize ethical sourcing, pay fair wages, donate 20% of profits to Islamic causes, and never take *riba*-based loans.”

Your company becomes your *sadaqah jariyah*. It outlives you. It outlives your children. It becomes a *ḥifẓ al-māl* that protects wealth from fragmentation and redirects it to perpetual benefit. The *sharḥ* permits this absolutely—the Prophet ﷺ said: “When a person dies, his deeds are cut off except three: ongoing charity, beneficial knowledge, or a righteous child who prays for him.” A waqf-owned business is the most powerful form of ongoing charity. But you must build it while you are alive. A waqf cannot be created from a dead man’s will alone—the *Waqif* must transfer the corpus during life, or at least execute a binding testamentary waqf with clear delivery instructions. Do not wait. Begin the transfer this year.

THE DECLARATION — THE LEGACY PRINCIPLE

HUKM: You shall encode a Successor Clause into every business entity you own, designating a named Wasi (executor) or a cascading governance mechanism that transfers control, ownership, and management upon your death or incapacity, ensuring the enterprise does not dissolve but continues under the rules of Shariah.

DALEEL: The Prophet ﷺ said, “The believer’s wealth is not permissible except by his good pleasure” (Ahmad). The Maqasid of Hifz al-Mal

requires that wealth be preserved and not squandered by sudden fragmentation or inheritance disputes that destroy going concerns. Umar's waqf of his palm grove (Bukhari) demonstrates the principle that productive assets should outlive their founder. The Quran commands written contracts for debts (2:282), implying that future obligations must be structured and known.

MAQSAD: Hifz al-Nasl – preservation of the community's economic backbone. A business that dies with its founder removes livelihoods, destroys sadaqah streams, and leaves dependents without support. Also serves Hifz al-Mal (preservation of wealth) and Hifz al-Din (enabling continued charitable giving).

- The Successor Clause must be recorded in the company's founding documents, operating agreement, or shareholders' pact, not merely in a personal will.
- The nominated successor(s) must be legally capable, consenting, and trained in the business operations within your lifetime.
- The clause must include a transition timeline (e.g., 90 days interim management, 180 days final transfer) and a dispute resolution mechanism (arbitration by a Shariah panel).
- For waqf-owned entities, the clause must specify that the Mauquf (corpus) is irrevocably endowed, and the Manfa'ah (usufruct) flows to designated beneficiaries in perpetuity.
- Failure to update the clause after material changes in entity structure (e.g., new partners, incorporation, conversion to waqf).
- A successor who is a minor or legally incapacitated without a guardian named in the clause.
- Any clause that attempts to circumvent fixed Faraid shares for heirs by using business structure as a hidden inheritance bypass – this is haraam and nullifies the clause's Shariah validity.

THE EXECUTION — DO THIS THIS WEEK

STEP 1: STEP 1: This week, map your business entities on the Continuity Quadrant. Draw four boxes labeled: Sole Proprietor, Partnership, Company (LLC/Corp), Waqf-Owned. Place each enterprise you own into the correct box. For each, answer: “If I die tonight, does this entity legally die with me? Does it pass to heirs automatically? Does it need a probate order?” Write the answer in one sentence per entity. Deadline: 3 days.

STEP 2: STEP 2: For every entity that does not have a pre-written succession plan, draft a one-page Successor Clause. Use the template: “Upon my death, [Name of Successor] shall assume [Role: manager, partner, director] with the following transition period: [X days]. If successor declines, alternate is [Name]. Disputes resolved by [Arbitrator]. This clause supersedes any conflicting will provisions.” For waqf-owned entities, add: “The corpus is irrevocably endowed; successor is Amil (custodian) only.” Deadline: 7 days.

STEP 3: STEP 3: Execute the clause into binding legal documents. For sole proprietorships: attach to your will as a specific bequest (subject to 1/3 wasiyyah rule). For partnerships: amend the partnership agreement and file with registry. For companies: amend bylaws or operating agreement, notarize, and store with your digital vault. For waqf: register with a Shariah-compliant waqf board or DAO. Then send a copy to your nominated successor and your Wasi (executor). Deadline: 14 days.

What dies with you that shouldn't? Not your body — your business.

The deal you signed yesterday, the client who depends on your platform, the employee whose family eats from your payroll, the sadaqah stream you set up from company profits. All of it stops if you haven't written the clause. You have built a digital kingdom — servers, tokens, contracts, goodwill. But a kingdom without a succession law is a corpse waiting for vultures. Where is the line in your operating agreement that says: "Upon the founder's death, the following shall happen..."? If that line doesn't exist, then everything you've built is a mausoleum, not a legacy. Write the line before the next sun rises.

Clause 10

Clause 10: The Perpetuity — The Eternal Contract of the Digital Waqf

From Legacy to Ongoing Charity

Perpetuity Quadrant: Exit / Inheritance / Waqf / Sadaqah Jariyah

Clause 10: The Perpetuity Assignment. You shall designate each asset in your digital inventory to one of four endings: Exit, Inheritance, Waqf, or Sadaqah Jariyah. No asset shall remain unassigned. The assignment shall be recorded in the Will's Schedule A, executed before two witnesses or notarized on-chain. Exit means sale or transfer to a buyer before death. Inheritance means transfer to fixed-share heirs per Faraid. Waqf means the corpus is locked forever, usufruct directed to a named purpose. Sadaqah Jariyah means the asset is given outright to a charitable vehicle capable of perpetual operation. You may not assign more than one-third of your net estate to Waqf or Sadaqah Jariyah unless all adult heirs consent after your death. The assignment is irrevocable upon your death. You shall review the Perpetuity Quadrant annually. Failure to assign defaults to Inheritance. The executor is bound to execute the quadrant as written. This clause overrides any prior intent not recorded. The burden of perpetuity is on the living. You are the architect. The foundation is laid now.

THE NASS — THE EVIDENCE

The Prophet ■ said: “When a human being dies, his deeds cease except three: ongoing charity (sadaqah jariyah), beneficial knowledge, or a righteous child who prays for him.” (Sahih Muslim, Book 25, Hadith 20). This hadith is the charter of perpetuity. The jurists understood sadaqah jariyah as any endowment whose benefit flows continuously—a well, a mosque, a library, a trust. The righteous child is the biological or spiritual heir who carries the father’s purpose. Beneficial knowledge is the book, the recording, the code that teaches after the author returns to dust.

Classical waqf deeds from the Ottoman and Mamluk eras survived centuries. The deed of the Waqf of Haseki Sultan in Jerusalem (1552) still operates. The corpus never sold. The purpose never changed. The judges and administrators were replaced; the deed remained. These deeds were written with precision: the corpus described, the beneficiaries named, the successor trustees appointed. They outlived empires. The digital waqf must match that precision. Your code, your content, your coins—each must be described, named, appointed. The hadith gives the categories. The deeds give the method. The obligation is yours.

FARADI’S READING — THE JUSTICE

FARADI: The final balance. You have three instruments: Faraid, Wasiyyah, Waqf. Each has a distinct justice. Faraid protects the family by fixed shares—no discretion, no bias, no disinheritance of the orphan or the widow. Wasiyyah allows you to direct up to one-third of your estate to non-heirs—charity, friends, institutions—but only one-third, because the two-thirds belong to God’s allocation. Waqf is a subset of wasiyyah when created in the will: you lock the corpus permanently and assign the usufruct to a purpose. The three work together only when you understand their boundaries.

A complete estate looks like this: First, your inventory is sorted. Second, the family shares are calculated on the core estate after debts and funeral expenses. Third, the one-third is carved out for wasiyyah. Fourth, within that one-third, you may establish a waqf—locking the capital, dedicating the income to a perpetual cause. The waqf corpus is not inherited. It is not sold. It is not divided. It is removed from the Faraid pool entirely. The heirs receive less from that asset, but they receive the blessing of ongoing charity that prays for them. The justice is this: the family is not impoverished, and the purpose is not extinguished. You cannot starve your children to feed a foundation. But you can starve your ego to feed the ummah. The fractions are fixed. The execution is yours. The waqf is the final clause in the contract between you and your Lord. Do not draft it carelessly.

WAQIF'S READING — THE PERPETUITY

WAQIF: The digital waqif's covenant. You own things that never existed before: domain names, smart contracts, tokenized assets, SaaS codebases, YouTube channels, NFT collections, DAO governance rights, seed phrases, API keys. Each is a potential corpus. Each can be locked into perpetuity. But perpetuity requires design, not wish.

First, the corpus must be durable. A domain name requires annual renewal—that is not perpetual unless you endow the renewal fee in a separate waqf. A smart contract can live on-chain forever, but its governance key must be transferred to a multisig controlled by a board of trustees. A YouTube channel generates ad revenue only if someone maintains content and complies with platform terms. Your waqf deed must anticipate decay. The classical waqf appointed an *amil* (manager) and a *nazir* (overseer). The digital waqf needs a technical administrator and a purpose guardian. Name them. Bond them. Replace them in the deed.

Second, the purpose must be specific. Not “for the sake of Allah” vaguely. But: “the net revenue from the Bitcoin address 1A1zP... shall be distributed monthly to the Al-Aqsa Mosque water fund, per the distribution schedule attached as Exhibit B, until the fund ceases to exist, then to the nearest equivalent masjid in Jerusalem.” Specificity blocks abuse. The classical waqf deeds named the street, the neighbor, the minaret. Do the same for your digital estate.

Third, the perpetuity is a decision you make today. You cannot will a waqf after death—you must write it now. The will is the delivery mechanism. The covenant is the design. What do you want written on the deed of your life? A paragraph that outlives your passport, your passwords, your pulse. You are the *waqif* (endower). The assets are the *mauquf* (endowed thing). The purpose is the *manfa'ah* (usufruct). The deed is your last command. Write it like you will answer for it. Because you will.

THE DECLARATION — THE LEGACY PRINCIPLE

HUKM: The estate shall designate a portion of its digital assets as a perpetual endowment (Waqf) whose corpus is inviolable and whose usufruct is channeled exclusively to a defined charitable purpose, ensuring the legacy continues after inheritance and exit.

DALEEL: The Prophet ■ said, “When a person dies, his deeds cease except from three: ongoing charity (*sadaqah jariyah*), beneficial knowledge, or a righteous child who prays for him.” (Muslim). The precedent of Umar ibn al-Khattab (RA) who endowed his palm grove in Khaybar with the explicit instruction that the capital never be sold, inherited, or given away, and its produce be used for the poor, relatives, slaves, wayfarers, and guests — this is the architectural blueprint of perpetuity.

MAQSAD: Hifz al-Din (preservation of the religion) — the endowment must fund a purpose that outlives your breath. Secondary: Hifz al-Mal (preservation of wealth) by locking the corpus from fragmentation, waste, or litigation. Tertiary: Hifz al-Nasl (preservation of lineage) by creating a stream of benefit that reaches your descendants as beneficiaries of the reward, not owners of the asset.

- The Waqf corpus must be clearly identified, irrevocably transferred, and legally or technically locked with no reversion to the testator or heirs.
- The charitable purpose (Mauquf `Alayh) must be specific, perpetual in nature, and Shariah-compliant (e.g., Quranic education, open-source Islamic software, mosque cooling system, scholarship fund for fiqh students).
- A competent Wasi (executor) or Amil (manager) must be named with clear terms, replacement mechanism, and mandatory audit intervals.
- The corpus must be funded with halal, productive assets — stablecoins generating yield, rental property tokens, dividend-paying equities, or intellectual property with licensing income — not volatile memecoins or idle wallets.
- Any clause permitting the testator or heirs to reclaim the corpus or change the beneficiary after the testator's death.
- Failure to name a fallback beneficiary if the primary purpose becomes impossible or extinct (e.g., a mosque that closes).
- Using impermissible assets (riba-based, haram business) or assets with ambiguous ownership (unregistered domain names, disputed IP, shared accounts).

THE EXECUTION — DO THIS THIS WEEK

STEP 1: STEP 1: Audit your digital assets today. Identify exactly one income-generating asset — a SaaS subscription revenue, a staking wallet, a rental NFT, a domain with ad revenue — that you can isolate as Waqf corpus. Write a one-paragraph declaration of intent: “I endow [asset] for [purpose], managed by [name], corpus never sold, usufruct forever.” Store it with your will.

STEP 2: STEP 2: By the end of this week, consult a Shariah advisor and a legal expert (or a smart contract developer if on-chain) to draft the binding deed. If you have no advisor, send a message to one qualified scholar today. Ask: “Is this asset eligible for Waqf? What wording locks it permanently?”

STEP 3: STEP 3: Execute the transfer. Move the asset into a separate wallet (multi-sig with time-lock) or a legal trust account. Sign the deed. Notify your executor and two witnesses. Set a quarterly calendar reminder to review the endowment’s performance and manager compliance. Do not delay. The grave does not wait for your schedule.

What asset do you currently own that, if left unendowed, will either be wasted, divided into insignificance, or fall into the hands of someone who does not share your purpose? Identify it by name and value. Now ask yourself: If you died tonight, would that asset become dust or a river? If the answer is dust, your perpetuity clause is still unwritten.

Write it before you sleep.