

MAKING YOUR WILL

1. In the Kitáb-i-Aqdas, Bahá'u'lláh instructs every believer to write a will:

Unto everyone hath been enjoined the writing of a will. The testator should head this document with the adornment of the Most Great Name, bear witness therein unto the oneness of God in the Dayspring of His Revelation, and make mention, as he may wish, of that which is praiseworthy, so that it may be a testimony for him in the kingdoms of Revelation and Creation and a treasure with his Lord, the Supreme Protector, the Faithful.

Bahá'u'lláh, Kitáb-i-Aqdas, p. 59

2. The *Most Great Name*, or the Greatest Name of God, can take various forms, all based on the word 'Bahá'. Implementation of Bahá'u'lláh's injunction can be achieved by heading a will with such phrases as:

'O Thou Glory of the All-Glorious'; or
'In the name of God, the All-Glorious'; or
'He is the All-Glorious'

English rather than Arabic may be used.

3. In order to 'bear witness therein unto the oneness of God in the Dayspring of His Revelation', the will could open with a statement using the same words, and/or such phrases as:

'I am a Bahá'í as I accept Bahá'u'lláh as God's Manifestation for this day and age';

or

'I declare my belief in Bahá'u'lláh the Promised One of God and recognise The Báb His Forerunner and 'Abdu'l-Bahá the Centre of His Covenant'

4. Making mention of 'that which is praiseworthy, so that it may be testimony for him in the kingdoms of Revelation and Creation and a treasure with his Lord, the Supreme Protector, the Faithful' is a purely personal matter and can be an opportunity for an act of profound sincerity, offering a chance for those reading the will or indeed future generations to be inspired by a believer's highest aspirations.
5. You should make provision in your will for burial in accordance with Bahá'í law. However, a will, in which burial instructions may be contained, is frequently not read until after the funeral of the deceased. You may care to prepare a signed request that you wish to be buried according to Bahá'í law. A copy of such statement could be carried on your person and given to your Local Spiritual Assembly and/or a close relative. Whether contained in the will or a signed statement, the request might read:

‘It is my desire that upon my death my body be buried in accordance with the ordinances of the Bahá’í Faith that is my body shall neither be cremated nor any embalming preparations be used and my body shall be buried at a place within one hour’s journey [and preferably within as short a journey as possible]* from the place of my death and after a service conducted by the appropriate Bahá’í Spiritual Assembly’

*Note: the words in square brackets are optional.

You may also wish to mention if it is your wish for any part of the body to be donated.

6. For a Bahá’í, in accordance with Bahá’í law, the order of precedence for payment and distributions from one’s estate, is as follows:
 - Funeral and burial expenses;
 - Outstanding debts and payments;
 - Payment of Ḥuqúqu’lláh;
 - Distributions in accordance with the provisions of the will.

7. The payment of Ḥuqúqu’lláh is a personal obligation on each Bahá’í, and it is for them to meet this obligation in accordance with their own conscience; it cannot be demanded from them by anyone or any of the institutions of the Faith. A part of this obligation is for a Bahá’í to make provision in their will for the payment of whatever remains of their debt to Ḥuqúqu’lláh at the end of their life. Faithfully discharging this obligation will draw down blessings and bring great joy to the soul of the deceased.

Ḥuqúqu’lláh is indeed a great law. It is incumbent upon all to make this offering... It is a bounty which shall remain with every soul in every world of the worlds of God, the All-Possessing, the All-Bountiful

Bahá’u’lláh: Compilation of Ḥuqúqu’lláh, no. 13

The execution of the provisions of the will causes the spirit of the deceased to rejoice in the Abhá Kingdom.

From a letter on behalf of Shoghi Effendi to an individual believer

The Universal House of Justice has written that:

The House of Justice hopes that as the believers acquaint themselves with the law of Ḥuqúqu’lláh and start to pay it, they will also learn not only how to calculate it during the course of their lives but will thereby be enabled to understand how to provide the payment of the balance remaining at their deaths.

Letter from the Universal House of Justice to an individual, 1 October 1989

Thus you may wish to add a clause in your will regarding Ḥuqúqu’lláh. Suggested wording to this and other matters are contained in a separate document called “Notes

for solicitors preparing wills for Bahá'ís". It is recommended that these notes are given to your solicitor, preferably before going to see him or her.

The event of death does not remove from a believer the obligation to pay Ḥuqúqu'lláh. Whatever portion is due to be paid is therefore a debt due from the believer's estate at the time of his or her death.

From a letter of the Universal House of Justice dated 1 July 1996 to an individual believer:

Compilation on Ḥuqúqu'lláh, no. 73

Bahá'u'lláh states that:

A person hath full jurisdiction over his property... God, verily, hath permitted him to deal with that which He hath bestowed upon him in whatever manner he may desire.

Bahá'u'lláh, Kitáb-i-Aqdas, Questions and Answers, p. 127

A letter written on behalf of Shoghi Effendi explains one of the reasons why Ḥuqúqu'lláh should be paid:

... even though a Bahá'í is permitted in his will to dispose of his wealth in the way he wishes, yet he is morally and conscientiously bound to always bear in mind, while writing his will, the necessity of his upholding the principle of Bahá'u'lláh regarding the social function of wealth, and the consequent necessity of avoiding its over-accumulation and concentration in a few individuals or groups of individuals.

Kitáb-i-Aqdas, Notes, p. 182

8. Apart from observing the laws of Bahá'u'lláh, there are many legal and financial reasons, beyond the scope of these notes, why you should make a will, whatever the size of your estate on your death.
9. You may wish to give consideration to the needs of the Faith in your will. There are many ways in which this can be done, for example:
 - 10.1 a gift of a specified sum or an item of value; or
 - 10.2 a gift of a percentage of your estate, thereby preserving the proportions of the estate divided between all the beneficiaries, no matter what the ultimate size of your estate is; or
 - 10.3 a residuary gift, whereby you leave whatever is left over to the Faith, after making specific gifts to others; or
 - 10.4 a remainder interest in a trust, whereby a dependant receives income throughout his or her life, with the remainder on that person's death passing to the Faith.

11. A gift or bequest can be made to the National Spiritual Assembly or to an incorporated Local Spiritual Assembly. Unincorporated Local Spiritual Assemblies and the Universal House of Justice **must not be named** as beneficiaries (*those who receive your gift*) because they are not legally recognised entities in their own right in this country. Similarly, phrases such as ‘National Fund’ or ‘Bahá’í International Fund’ should not be used as beneficiaries.
 12. If you wish the Universal House of Justice or an unincorporated Local Spiritual Assembly or a particular fund to benefit, the gift should be made to the National Spiritual Assembly expressing the desire that the gift be passed on to the other body and/or fund. The National Spiritual Assembly or incorporated Local Spiritual Assembly must have an unfettered discretion to dispose of the gift as it wishes, purely for legal reasons. In practice, the National or Local Spiritual Assembly will pass the gift on to the desired ultimate beneficiary.
- In addition, any bequest made to the National Spiritual Assembly or incorporated Local Spiritual Assembly, being a registered charity, should reduce the amount of any inheritance tax payable on your estate.
13. The Bahá’í laws of inheritance are not a prescribed way of dealing with your estate and only apply in the case of intestacy, that is, when a person dies without leaving a valid will. In any event, the intestacy rules of the country take precedence.
 14. Thought and attention should be given to selecting the appropriate person(s) as an executor(s). It is important for the executor(s) to have an understanding of the spiritual nature of their task so that they can carry out their role whilst being sensitive to the opinions of the family of the deceased, some of whom may not be Bahá’ís.

The executor(s) has wide-ranging responsibilities, that will include applying the principles involved in payment of Ḥuqúqu’lláh, to the extent possible, using their best judgment and taking into account the information available. A separate set of notes entitled “Guidance notes for executors of wills of Bahá’ís”, has been prepared which sets out some of these responsibilities.

You should provide detailed information to the executor which would allow the latter to calculate any Ḥuqúqu’lláh due after death. For example, records of assets and values on which the Ḥuqúqu’lláh has (or has not) been paid during your lifetime, or explicit directions to the executor concerning where to look for your records regarding Ḥuqúqu’lláh. This information could be recorded in your will and should be periodically updated to enable the executor to ensure that the balance that may be due to Ḥuqúqu’lláh is paid.

The believer should let the executor know that they have made a will and where it can be accessed.

Under no circumstances should the National Spiritual Assembly or a Local Spiritual Assembly, even if incorporated, be named as executor and/or trustee of a will. Instead, the National Assembly encourages the believers to appoint trustworthy and preferably

experienced individuals known to themselves to act in this capacity. If, in exceptional circumstances, this is not possible, you can request that the National Assembly nominate, after your death, two persons to act as executors and/or trustees.

If you wish the National Spiritual Assembly to appoint executors, you should send a copy of your will to the Assembly at 27 Rutland Gate, London SW7 1PD.

15. The Local Spiritual Assembly or the National Spiritual Assembly, as appropriate, should be informed of the existence of the will by either the deposit of a copy of the will, or by the giving of information regarding the existence of the will, its location, and the names of the executors. As mentioned above, it is essential to deposit a copy of the will in the event of the National Spiritual Assembly being requested to nominate executors.
16. There is no standard form of will approved by the National Spiritual Assembly. A solicitor should be contacted. Home-made wills, even using standardised printed forms, are not advised.
17. If you have non-Bahá'í relatives, you should give thought as to how to carefully dispose of your Bahá'í papers and correspondence in your will.
18. If you are the parent of children under the age of eighteen and you wish your children to receive a Bahá'í education, then you should either appoint a Bahá'í guardian or ask in your will for the National Spiritual Assembly to appoint one after your death. It should be borne in mind that it is preferable for the guardian to be one of the executors/trustees to ensure that there is no conflict in the use of funds for Bahá'í education.
19. You should make a new will if your circumstances change, especially if you marry, have children or grandchildren, separate, divorce or re-marry.

Please note that the above in no way constitutes legal advice, and has been prepared for the general guidance of Bahá'ís, by a solicitor qualified in England and Wales. The relevant laws of Scotland and Northern Ireland may differ. For specific information regarding your personal estate, your will and the legal effects of your death, you should consult your own solicitor. Otherwise, please feel free to contact the National Spiritual Assembly if you have any queries arising from these Notes.

National Spiritual Assembly of the Bahá'ís of the United Kingdom
27 Rutland Gate London
SW7 1PD
tel: 020-7584-2566 fax: 020-7584-9402

e-mail: nsa@bahai.org.uk website: www.bahai.org.uk

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