

Will and Testament and Funeral Arrangements

By Susan Gammage ¹

The writing of a will is obligatory for Bahá'ís and failure to draw it up is considered by 'Abdu'l-Bahá as "disobedience" to the command of Bahá'u'lláh.

Bahá'u'lláh clearly establishes the making of a will as one of His laws. In the Kitáb-i-Aqdas, paragraph 109, He instructs: "Unto everyone hath been enjoined the writing of a will." The importance of this law is not to be underestimated, as can be seen from a careful study of the attached compilation of newly translated extracts from Tablets revealed by 'Abdu'l-Bahá. Not only is making a will a spiritual duty, "one of the binding laws of this mighty Dispensation", but it allows the individual full discretion to specify how his or her property, including the residence, is to be disposed of, and it is conducive to unity and agreement. Failure to draw up a will is considered by 'Abdu'l-Bahá as "disobedience" to the command of Bahá'u'lláh and as "non-fulfilment of the divine obligation", and it leads to the division of the individual's property according to provisions of the laws of inheritance. (Messages From The Universal House of Justice: 1986-2001, p. 539, #229.3a)

There is a lot of information online about what to include in a will, and how to word it if you are going to write it in your own handwriting, instead of going through a lawyer. Because the laws vary from province to province, from state to state, you will want to make sure you follow the law where you live, or better yet, hire a lawyer to make sure it's done right.

Here are some things to consider.

As Baha'is we are free to dispose of our estates in whatever manner we choose.

A basic will names:

1. Your executor (the person responsible for executing your final wishes, paying your bills, dispersing your property, filling out government forms etc.). You may also want to nominate an alternate person to act as back-up, in case the executor passes away or is unable to perform the duties for any reason.
2. a guardian for any minor children or dependents
3. instructions for any pets you may own
4. who you want to receive specific items

In addition, there are certain additional items Baha'is might consider adding.

¹ Prepared by David Bowie (2023) for posting, with permission of author, at https://bahai-library.com/gammage_various_essays

A heading:

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. (Baha'u'llah, Kitáb-i-Aqdas, p. 59, #109)

Here is what I have at the beginning of mine:

Yá Bahá'u'l-Abhá!

I testify to the oneness of God, as manifested in the day spring of His revelation.

A Concluding Statement:

Here is what I have at the end:

I have set forth such good deeds as I wish to be realized, that these may stand as my testimony in the worlds of revelation and be as a treasure, stored up with my Lord, the Protector, the Trusted One.

Burial and Funeral Service:

It's best to have these separate from the Will because often the will is not read until after interment has taken place.

Although much of the following is not yet binding on believers in the West, you might also take into account the following guidance:

For the burial of the dead the only requirements now binding in the West are to bury the body (not to cremate it), not to carry it more than a distance of one hour's journey from the place of death, and to say the Prayer for the Dead if the deceased is a believer over the age of 15." (Universal House of Justice, the Compilation of Compilations, vol. I, p. 12, #39)

Under the Bahá'í teachings it seems clear that the body is not to be embalmed. The burial should take place within an hour's travel time from the place of death. The preparation for the body for burial is a careful washing, and placing in a shroud of white cloth, silk preferably. There is nothing in the teachings with regard to turning the body over to Scientific Institutions for scientific research, and therefore the individual may do as he wishes, until such a time as the Universal House of Justice may legislate on this matter, if they ever do. The practice in the Orient is to bury the person within 24 hours of the time of death, sometimes even sooner, although

there is no provision in the teachings as to the time limit. (Shoghi Effendi, The Compilation of Compilations vol. I, p. 11, #37)

A very useful statement of all matters concerning the Bahá'í burial laws is found at https://bahai-library.com/compilation_preparation_funerals_burials. The following points are extracted from that compilation.

In Bahá'í Law, the deceased is to be buried no more than one hour's journey from the place of death. The journey to the burial place should be timed at an hour, regardless of the means of transport, and may be calculated from the city limits.

The length of time between death and the burial is unspecified in the Bahá'í writings, though Bahá'u'lláh's says that "the sooner the burial taketh place, the more fitting and preferable." We gain some idea of the context of this statement in Shoghi Effendi's explanation that in the Orient the practice is to bury the person within 24 hours of the time of death.

Bahá'ís are not to be embalmed or cremated, unless required by law, as our teachings require both that the body be treated with great respect and that it be allowed to decompose naturally, with no means used to hasten its decomposition.

After death, the body is to be washed carefully and wrapped in a shroud ... Though it is not specified in the Bahá'í law, it has been the custom among the Bahá'ís of Iran to perfume the body as well, with attar of rose or another perfume. Subsequently, the body should be wrapped in white cloth, preferably silk, though cotton is also mentioned.

The deceased should also be buried wearing a Bahá'í burial ring, customarily placed upon the forefinger.

The coffin used to bury the deceased should be made, in the words of the Aqdas, "of crystal, stone, or hard fine wood (oaks, maple, hickory, birch, beech and cherry)

The body must be placed in the grave in such a position that the feet point towards 'Akká (the Qiblah).

In a Tablet of the Master's, He emphasizes the need for the cemetery to have a beautiful outward appearance and ... each one should have a flower bed around its four sides. He also indicates that it would be pleasing if a pool were located in the center of the cemetery and beautiful trees were planted around it as well as around the cemetery itself.

According to Bahá'í law, there is just one ceremonial requirement at a Bahá'í funeral, and that is the recitation of the Prayer for the Dead. This prayer should be recited by one believer only, at the graveside, with all those present standing. Other prayers may be chosen as well, and the service should be very simple and dignified. All of the arrangements for the service and the burial is left to the family of the deceased and no fixed form for funeral services should be adopted or imposed upon the friends.

My personal thoughts:

To minimize stress on your remaining family members, you might want to purchase your burial shroud and burial ring ahead of time, so it's on hand when needed.

I purchased mine from this company and am very pleased with their business model, their compassionate communication and the quality of their products. <https://www.forlora.com/>

During the COVID-19 pandemic, the House of Justice sent the following guidance.

In relation to the current health crisis, the House of Justice advises that public safety must be diligently and thoroughly observed by all believers. Although Bahá'í law concerning the burial of the dead is clear, yet in case of serious and contagious diseases, whatever advice the health authorities provide must be followed. In a Tablet that addresses the question of whether cremation of bodies is permissible in the event of contagious diseases, 'Abdu'l-Bahá confirms that hygiene and protection are the highest priority. Thus, for example, believers from Bahá'í communities in the East who have customarily washed and shrouded the bodies of the deceased may refrain from such observances in relation to a Bahá'í who has died from the coronavirus disease, in order to avoid exposure. Even should authorities mandate cremation of the deceased, there would be no objection to observing such a requirement in light of the guidance of 'Abdu'l-Bahá. As to the Prayer for the Dead, there is no stipulation that it must be recited at the graveside—only that it be said before the interment of the body takes place. It may even be recited in a private setting.

If government health authorities have not provided advice on the handling of remains during this health crisis, or the advice is not sufficiently specific as it bears on the application of Bahá'í law, the National Spiritual Assembly may, following consultation with medical experts and seeking the advice of the Counsellors, provide guidance to believers about how the principles set forth above may be applied. (The Universal House of Justice to a National Spiritual Assembly, 8 April 2020. https://bahai-library.com/uhj_bahai_burial_covid)

Bahá'í books and other written material:

Record how you want your Baha'i literature, files, and records to be disposed of. Baha'í books may be donated to individuals, to the local Baha'í library or a library in a larger centre. If you have files you think may be of interest to the archives, consider having them sent to your National Spiritual Assembly.

Bahá'í education of your children:

Identify that you want to ensure that your children receive Baha'i training, and who might be willing to make sure this is done.

Donations to the Bahá'í Fund:

If you want a portion of your estate to go to the Baha'i Fund, make sure you specify which fund (local, national, international, continental, World Centre Endowment, deputization, International Baha'i Development Fund). For more information on how to best approach this, you might want to consult your national treasurer.

Huqúqu'lláh:

Arrange for the payment of Huqúqu'lláh (Right of God), if it hasn't been paid prior to your death

Your understanding that the obligation to pay Huqúqu'lláh arises during one's lifetime and is normally to be carried out with lifetime giving is correct, although at the same time it is true that there may be cases where a believer dies without having made provision in his or her will for payment of the unpaid portion of Huqúqu'lláh, if any. The event of death does not remove from a believer the obligation to pay Huqúqu'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. The cost of the funeral and burial, the payment of the debts of the deceased, and the payment of whatever portion of Huqúqu'lláh remains due are prior charges on the estate which must be met before arriving at the amount of the property which has to be divided in accordance with the provisions of the law of inheritance. Thus, whether or not a person makes a will or, having made a will, whether he or she makes provision in it for the payment of Huqúqu'lláh, the Huqúqu'lláh should be paid, like all debts, before the rest of the state is divided. (Messages From The Universal House of Justice: 1986-2001, p. 540, #229.9)

For further clarification, you are encouraged to consult the Deputy Trustee of Huqúqu'lláh in your area.

Baha'i Inheritance Laws

- This law is not applicable yet and is normally covered by civil laws
- It only applies when the individual dies without making a will
- We now have and will always have complete freedom in determining how to dispose of our property, whether it be to Baha'is or non-Baha'is, provided we make provisions for the payment of Huqúqu'lláh and the discharge of our debts

Nevertheless, there may be elements you'd want to include in your own Will.

Shoghi Effendi tells us:

...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.
(Shoghi Effendi cited by the Universal House of Justice in the Kitáb-i-Aqdas, p. 182, Note #30)

The system of inheritance in the Kitáb-i-Aqdas is based on the provisions written by the Báb and provides for the distribution of the deceased's estate among seven categories of heirs. According to the Book of God, the estate of the deceased is divided into 2,520 shares, which number is the lowest common multiple of all integers up to nine, and these shares are then distributed into seven portions, each of which is allocated, as mentioned in the Book, to a particular category of heirs. (The Kitáb-i-Aqdas, p. 106, Note #5)

What happens when an individual dies without leave a will?

1. children receive 1,080 out of 2,520 shares (nine parts)
2. the spouse receives 390 out of 2,520 shares (eight parts)
3. the father, 330 out of 2,520 shares (seven parts)
4. the mother, 270 out of 2,520 shares (six parts)
5. the brothers, 210 out of 2,520 shares (five parts)
6. the sisters, 150 out of 2,520 shares (four parts)
7. the [Baha'í] teachers, 90 out of 2,520 shares (three parts)
(Kitáb-i-Aqdas, p 153 The Synopsis and Codification)

When some of these people don't exist or have passed away, this is what happens.

In cases where there is no issue the share of the children reverts to the House of Justice to be expended on orphans and widows and for whatever will profit mankind. (The Kitáb-i-Aqdas, p. p. 107, Q & A 7, p. 129 Q & A 41)

If the son of the deceased be dead and leave issue, these will inherit the share of their father. If the deceased is a father and his estate includes a personal residence, such residence passes to the eldest son (The Kitáb-i-Aqdas, p. 117, Q & A 34).

If the daughter of the deceased be dead and leave issue, her share will have to be divided into the seven categories specified in the Most Holy Book. (Kitáb-i-Aqdas, p 154, Synopsis and Codification, #3 cii)

Should one leave offspring but either part or all of the other categories of inheritors be nonexistent, two thirds of their shares reverts to the offspring and one third to the House of Justice. (Kitáb-i-Aqdas, p 108, A 7)

Should none of the specified beneficiaries exist, two thirds of the inheritance reverts to the nephews and nieces of the deceased. If these do not exist, the same share reverts to the aunts and uncles; lacking these, to their sons and daughters.

In any case the remaining third reverts to the House of Justice. (Kitáb-i-Aqdas, p 153, Synopsis and Codification, #3e).

What happens when there are no heirs?

Should one leave none of the aforementioned heirs, the entire inheritance reverts to the House of Justice. (Kitáb-i-Aqdas, p 154, Synopsis and Codification, #3f)
The residence and the personal clothing of the deceased father pass to the male not to the female offspring. If there be several residences the principal and most important one passes to the male offspring. The remaining residences will together with the other possessions of the deceased have to be divided among the heirs. (Kitáb-i-Aqdas, pp. 154-155, Synopsis and Codification, #3g)

If there be no male offspring two thirds of the principal residence and the personal clothing of the deceased father will revert to the female issue and one third to the House of Justice. (Kitáb-i-Aqdas, p.128, Q & A 72). See note 42 concerning the levels of the institution of the House of Justice to which this law applies. (See also note 44)

In the case of the deceased mother all her used clothing is to be equally divided amongst her daughters. Her unworn clothing, jewels and property must be divided among her heirs, as well as her used clothing if she leaves no daughter. (Kitáb-i-Aqdas, p 155, Synopsis and Codification, #3g)

Should the children of the deceased be minors their share should either be entrusted to a reliable person or to a company for purposes of investment, until they attain the age of maturity. A share of the interest accrued should be assigned to the trustee. (Kitáb-i-Aqdas, p 155, Synopsis and Codification, #3h)

The inheritance should not be divided until after the payment of the Huqúqu'lláh (The Right of God), of any debts contracted by the deceased and of any expenses incurred for a befitting funeral and burial. (Kitáb-i-Aqdas, p 155, Synopsis and Codification, #3i)

If the brother of the deceased is from the same father he will inherit his full allotted share. If he is from another father he will inherit only two thirds of his share, the remaining one third reverting to the House of Justice. The same law is applicable to the sister of the deceased. (Kitáb-i-Aqdas, p 155, Synopsis and Codification, #3j)

In case there are full brothers or full sisters, brothers and sisters from the mother's side do not inherit. (Kitáb-i-Aqdas, p 154, Synopsis and Codification, #3k)

In case there is more than one heir in any category the share allotted to that class should be divided between them equally, be they male or female. (Kitáb-i-Aqdas, p. 185, Note 38.4)

A non-Bahá'í teacher does not inherit. If there should be more than one teacher, the share allotted to the teacher is to be equally divided among them. (Kitáb-i-Aqdas, p 156, Synopsis and Codification, #3cl)

Non-Bahá'í heirs do not inherit. (Kitáb-i-Aqdas, p 156, Synopsis and Codification, #3cm)

Aside from the wife's used clothing and gifts of jewellery or otherwise which have been proven to have been given her by her husband, whatever the husband has purchased for his wife are to be considered as the husband's possessions to be divided among his heirs. (Kitáb-i-Aqdas, p 156, Synopsis and Codification, #3 cn)

Remember to make a will.

Shoghi Effendi in a letter written on his behalf indicates that this restriction applies "only to such cases when a Bahá'í dies without leaving a will and when, therefore, his property will have to be divided in accordance with the rules set forth in the Aqdas. Otherwise, a Bahá'í is free to bequeath his property to any person, irrespective of religion, provided however he leaves a will, specifying his wishes." It is always possible, therefore, for a Bahá'í to provide for his or her non-Bahá'í partner, children or relatives by leaving a will. (The Kitáb-i-Aqdas, p. 184, Note 38.9)