

Missed Opportunities for Meaning

Over many years, in firms throughout the country, and at the hands of competent, well-meaning practitioners, we have reduced will writing to a form of accountancy:

- Money and the trinkets have taken pride of place;
- Our accountancy has crowded out our clients' motivations and inspirations, and meanings or wishes they might otherwise have articulated;
- The meaning and value our clients may have set out to express ends up omitted entirely, or at best understood implicitly.

In sum, we have reduced will drafting to a familiar and banal list of 'reasons for having a will' as might be found on cereal packet.

I doubt this will soon change. And no doubt there are times when, to borrow a phrase, a will is just a will. Yet as a practitioner I chide myself for encouraging this cramped understanding of the project.

How many of my clients have left me with a properly drafted will, but with a disappointed feeling the project was only so much bean counting?

For what more profound project do we ever engage, then in contemplating our own inevitable demise, considering those we love and cherish who would survive us, and attempting to write wishes that reflect, however dimly, the lives we have lived via the gifts we pass on.

Wills are markers of the meaning in and of our lives: else we would not make them. Our wills are vessels for meaning, and important vessels, protected by long-held traditions that have come to be defended by and enshrined in law.

It does not follow, however, that all wills are meaningful: the meaning they contain is the meaning we bring to them. In writing a will, we (and our clients) may set-off with a plan only to dispense with our physical items and financial accumulations, but the project always holds this greater potential.

Given the opportunity, some might find this bigger picture: that these material things are but placeholders for our life's activities, and that the process of giving them, even if only in death, makes them vectors for the love with which those gifts are made.

In all my time writing wills I regret that not once have I drafted a will that included any of the following – and more pointedly, not once have I suggested that my clients might include these their wills:

'I have cherished that memory always, and want you to keep it for me when I am gone.'

'I failed you. I do not ask your forgiveness but know that I am sorry I hurt you.'

'We've not been in touch but I have only ever thought of you with kindness.'

'I have loved you with all my heart'.

It might be asked if any of these things have a place in a well-drafted will.

Yet equally we might ask if a will can be considered well drafted without them.

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