

85 - THE BOOK OF *AL-FARĀ'ID*⁽¹⁾
(THE LAWS OF INHERITANCE)

٨٥ - كتاب الفرائض

(1) CHAPTER. The Statement of Allāh تعالى :
“Allāh commands you as regards your children’s (inheritance)... (up to)... This is a Commandment from Allāh; and Allāh is Ever All-Knowing, Most Forbearing.”
(V.4:11,12)

6723. Narrated Jābir bin ‘Abdullāh رضي الله عنه :
I became sick, so Allāh’s Messenger ﷺ and Abū Bakr came on foot to pay me a visit. When they came, I was unconscious. Allāh’s Messenger ﷺ performed ablution and he poured over me the water of his ablution, and I came to my senses and said, “O Allāh’s Messenger! What shall I do regarding my property? How shall I distribute it?” The Prophet ﷺ did not reply till the Divine Verses of inheritance (*Al-Farā'id*)⁽²⁾ were revealed.

(١) بَابُ : وَقَوْلُ اللَّهِ تَعَالَى :
﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ﴾ إِلَى قَوْلِهِ :
﴿وَصِيَّةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ﴾
[النساء : ١١-١٢].

٦٧٢٣ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ :
حَدَّثَنَا سُفْيَانُ، عَنِ مُحَمَّدِ بْنِ السُّنْكَدِرِ
قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ
الْأَنْصَارِيَّ رَضِيَ اللَّهُ عَنْهُمَا يَقُولُ :
مَرَضْتُ فَعَادَنِي رَسُولُ اللَّهِ ﷺ وَأَبُو
بَكْرٍ وَهُمَا مَاشِيَانِ، فَأَتَيْانِي وَقَدْ
أُغْمِي عَلَيَّ، فَتَوَضَّأَ رَسُولُ اللَّهِ ﷺ
فَصَبَّ عَلَيَّ وَضُوءَهُ فَأَفَقْتُ، فَقُلْتُ :
يَا رَسُولَ اللَّهِ، كَيْفَ أَصْنَعُ فِي مَالِي؟
كَيْفَ أَقْضِي فِي مَالِي؟ فَلَمْ يُجِبْنِي
بِشَيْءٍ حَتَّى نَزَلَتْ آيَةُ الْمِيرَاثِ.
[راجع : ١٩٤]

(2) CHAPTER. Learning about the Laws of
Inheritance (descent and distribution).

‘Uqba bin ‘Āmir said, “Learn (the Laws of Inheritance) before those who depend on *Az-Zan* (guessing), namely, those who base their judgement on mere presumption.”

6724. Narrated Abū Hurairah رضي الله عنه :
Allāh’s Messenger ﷺ said, “Beware of suspicion, for it is the worst of false tales

(٢) بَابُ تَعْلِيمِ الْفَرَائِضِ ،
وَقَالَ عُقْبَةُ بْنُ عَامِرٍ : تَعَلَّمُوا قَبْلَ
الظَّالِمِينَ ، يَعْنِي الَّذِينَ يَتَكَلَّمُونَ
بِالظَّنِّ .

٦٧٢٤ - حَدَّثَنَا مُوسَى بْنُ
إِسْمَاعِيلَ : حَدَّثَنَا وَهَيْبٌ : حَدَّثَنَا ابْنُ

(1) (Book 85) (H. 6723) *Al-Farā'id* means the shares which are fixed for the closest relatives of the deceased. Such shares are prescribed in the Qur’ān and it is : half, one-fourth, one-eighth, two-third, one-third, and one-sixth. (See the Qur’ān, *Sūrah* 4, Verses 11, 12 & 176).

and don't look for the other's faults and don't spy, and don't hate each other, and don't desert (cut your relations with) one another. O Allāh's slaves, be brothers!"

[See *Hadith* No. 6064]

(3) CHAPTER. The statement of the Prophet ﷺ: "Our (i.e., Messengers') property is not to be inherited, and whatever we leave (after our death), is *Sadaqa* (to be spent in charity)."

6725. Narrated 'Aishah رضي الله عنها: Fāṭima and Al-'Abbās عليهما السلام came to Abū Bakr, seeking their share from the property of Allāh's Messenger ﷺ, and at that time, they were asking for their land at Fadak and their share from Khaibar..... (Contd. to No. 6726)

6726. Abū Bakr said to them, "I have heard from Allāh's Messenger ﷺ saying, 'Our property is not to be inherited, and whatever we (after our death) leave is to be spent in charity, but the family of Muḥammad (ﷺ) may take their provisions from this property.'" Abū Bakr added, "By Allāh, I will not leave the procedure I saw Allāh's Messenger ﷺ following during his lifetime concerning this property." Therefore Fāṭima left Abū Bakr and did not speak to him till she died.

6727. Narrated 'Aishah رضي الله عنها: The Prophet ﷺ said, "Our (Messengers') property is not to be inherited, and

طاووس، عن أبيه، عن أبي هريرة قال: قال رسول الله ﷺ: «إياكم والظن فإن الظن أكذب الحديث، ولا تحسسوا ولا تجسسوا، ولا تباعضوا ولا تدابروا، وكونوا عباد الله إخواناً». [راجع: ٥١٤٣]

(٣) بَابُ قَوْلِ النَّبِيِّ ﷺ: «لا نورث، ما تركنا صدقة»

٦٧٢٥ - حدثنا عبد الله بن محمد: حدثنا هشام: أخبرنا معمر، عن الزهري، عن عروة، عن عائشة: أن فاطمة والعباس عليهما السلام أتيا أبا بكر يئتمسان ميراثهما من رسول الله ﷺ وهما حينئذ يطلبان أرضيهما من فديك وسهمة من خيبر. [راجع: ٣٠٩٢]

٦٧٢٦ - فقال لهما أبو بكر: سمعت رسول الله ﷺ يقول: «لا نورث، ما تركنا صدقة، إنما يأكل آل محمد من هذا المال». قال أبو بكر: والله لا أدع أمراً رأيت رسول الله ﷺ يصنعه فيه إلا صنعتُه. قال: فهجرته فاطمة، فلم تكلمه حتى ماتت. [راجع: ٣٠٩٣]

٦٧٢٧ - حدثنا إسماعيل بن أبان: أخبرنا ابن المبارك، عن

whatever we leave, is *Ṣadaqa* (to be spent in charity in Allāh's Cause)."

6728. Narrated Mālik bin 'Aus: I went and entered upon 'Umar, his doorman, Yarfa came saying, "'Uthmān, 'Abdur-Rahmān, Az-Zubair and Sa'd are asking your permission (to see you). May I admit them?" 'Umar said, "Yes." So he admitted them. Then he came again and said, "May I admit 'Alī and 'Abbās?" He said, "Yes." 'Abbās said, "O, chief of the believers! Judge between me and this (man 'Alī)." 'Umar said, "I beseech you by Allāh, by Whose Permission both the heaven and the earth exist, do you know that Allāh's Messenger ﷺ said, 'Our (the Messengers') property is not to be inherited, and whatever we leave (after our death) is *Ṣadaqa* (to be spent in charity)?" And by that Allāh's Messenger ﷺ meant himself." The group said, "(No doubt), he said so." 'Umar then faced 'Alī and 'Abbās and said, "Do you both know that Allāh's Messenger ﷺ said that? They replied, "(No doubt), he, said so." 'Umar said, "So let me talk to you about this matter. Allāh favoured His Messenger ﷺ with something of this *Fai'* (i.e., booty won by the Muslims at war without fighting) which He did not give to anybody else. Allāh تعالى said: 'And what Allāh gave as (*Fai'*) booty to His Messenger... (up to)... to do all thing.' (V.59:6) And so that property was only for Allāh's Messenger ﷺ. Yet, by Allāh, he neither gathered that property for himself nor withheld it from you, but he gave its income to you, and distributed it among you till there remained the present property; out of which the Prophet ﷺ used to spend the

يونس، عَنِ الرَّهْرِيِّ، عَنِ عُرْوَةَ، عَنِ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا نُورَثُ، مَا تَرَكْنَا صَدَقَةً.» [راجع: ٤٠٣٤]

٦٧٢٨ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي مَالِكُ بْنُ أَوْسِ بْنِ الْحَدَثَانِ، وَكَانَ مُحَمَّدُ بْنُ جُبَيْرِ بْنِ مُطْعَمٍ ذَكَرَ لِي ذِكْرًا مِنْ حَدِيثِهِ ذَلِكَ، فَانْطَلَقْتُ حَتَّى دَخَلْتُ عَلَيْهِ فَسَأَلْتُهُ فَقَالَ: انْطَلَقْتُ حَتَّى أَدْخَلْتُ عَلَى عُمَرَ فَأَتَاهُ حَاجِبُهُ يَرْفَأُ فَقَالَ: هَلْ لَكَ فِي عُثْمَانَ وَعَبْدِ الرَّحْمَنِ وَالزُّبَيْرِ وَسَعِيدٍ؟ قَالَ: نَعَمْ، فَأَذِنَ لَهُمْ ثُمَّ قَالَ: هَلْ لَكَ فِي عَلِيٍّ وَعَبَّاسٍ؟ قَالَ: نَعَمْ، قَالَ عَبَّاسٌ: يَا أَمِيرَ الْمُؤْمِنِينَ، اقْضِ بَيْنِي وَبَيْنَ هَذَا، قَالَ: أَنْشُدْكُمْ بِاللَّهِ الَّذِي بِإِذْنِهِ تَقُومُ السَّمَاءُ وَالْأَرْضُ، هَلْ تَعْلَمُونَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا نُورَثُ، مَا تَرَكْنَا صَدَقَةً»، يُرِيدُ رَسُولُ اللَّهِ ﷺ نَفْسَهُ؟ فَقَالَ الرَّهْطُ: قَدْ قَالَ ذَلِكَ، فَأَقْبَلَ عَلَى عَلِيٍّ وَعَبَّاسٍ، فَقَالَ: هَلْ تَعْلَمَانِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ ذَلِكَ؟ قَالَا: قَدْ قَالَ ذَلِكَ. قَالَ عُمَرُ: فَإِنِّي أَحَدُكُمْ عَنْ هَذَا الْأَمْرِ، إِنَّ اللَّهَ قَدْ كَانَ خَصَّ لِرَسُولِهِ ﷺ فِي هَذَا الْفَيْءِ بِشَيْءٍ لَمْ يُعْطِهِ أَحَدًا غَيْرَهُ، فَقَالَ عَزَّ

yearly maintenance for his family, and whatever used to remain he used to spend it where Allāh's property is spent (i.e., in charity, etc.). Allāh's Messenger ﷺ followed that system throughout his life. Now I beseech you by Allāh, do you know all that?" They said, "Yes." 'Umar then said to 'Alī and 'Abbās, "I beseech you by Allāh, do you know that?" Both of them said, "Yes." 'Umar added, "And when the Prophet ﷺ died, Abū Bakr said, 'I am the successor of Allāh's Messenger ﷺ,' and took charge of that property and managed it in the same way as Allāh's Messenger ﷺ did. Then I took charge of this property for two years, during which I managed it as Allāh's Messenger ﷺ and Abū Bakr did. Then you both ('Alī and 'Abbās) came to talk to me, bearing the same claim and presenting the same case. (O 'Abbās!) You came to me asking for your share from the property of your nephew, and this man ('Alī) came to me, asking for the share of his wife from the property of her father. I said, 'If you both wish, I will give that to you on that condition [i.e., that you would follow the way of the Prophet ﷺ and Abū Bakr and as I ('Umar) have done in managing it].' Now both of you seek of me a verdict other than that? Lo! By Allāh, by Whose Permission both the heaven and the earth exist, I will not give any verdict other than that till the Hour is established. If you are unable to manage it, then return it to me, and I will be sufficient to manage it on your behalf."

وَجَلَّ: ﴿مَا آفَأَ اللَّهُ عَلَى رَسُولِهِ﴾ إِلَى قَوْلِهِ: ﴿فَدِيرٌ﴾ فَكَانَتْ خَالِصَةً لِرَسُولِ اللَّهِ ﷺ، وَوَاللَّهُ مَا اخْتَارَهَا دُونَكُمْ وَلَا اسْتَأْثَرَ بِهَا عَلَيْكُمْ، لَقَدْ أَعْطَاكُمْوه وَبَثَّهَا فِيكُمْ حَتَّى بَقِيَ مِنْهَا هَذَا الْمَالُ. فَكَانَ النَّبِيُّ ﷺ يُنْفِقُ عَلَى أَهْلِهِ مِنْ هَذَا الْمَالِ نَفَقَةً سَنَتِهِ، ثُمَّ يَأْخُذُ مَا بَقِيَ فَيَجْعَلُهُ مَجْعَلَ مَالِ اللَّهِ، فَعَمِلَ بِذَاكَ رَسُولُ اللَّهِ ﷺ حَيَاتِهِ. أَنْشُدْكُمْ بِاللَّهِ هَلْ تَعْلَمُونَ ذَلِكَ؟ قَالُوا: نَعَمْ. ثُمَّ قَالَ لِعَلِيِّ وَعَبَّاسٍ: أَنْشُدْكُمْ بِاللَّهِ هَلْ تَعْلَمَانِ ذَلِكَ؟ قَالَا: نَعَمْ. فَتَوَفَّى اللَّهُ نَبِيَّهُ ﷺ فَقَالَ أَبُو بَكْرٍ: أَنَا وَلِيُّ رَسُولِ اللَّهِ ﷺ فَقَبَضَهَا، فَعَمِلَ بِمَا عَمِلَ بِهِ رَسُولُ اللَّهِ ﷺ، ثُمَّ تَوَفَّى اللَّهُ أَبَا بَكْرٍ فَقُلْتُ: أَنَا وَلِيُّ رَسُولِ اللَّهِ ﷺ فَقَبَضْتُهَا سَتَيْنِ أَعْمَلُ فِيهَا مَا عَمِلَ رَسُولُ اللَّهِ ﷺ وَأَبُو بَكْرٍ، ثُمَّ جِئْتُمَانِي وَكَلِمَتُكُمَا وَاحِدَةٌ وَأَمْرُكُمَا جَمِيعٌ، جِئْتَنِي تَسْأَلْنِي نَصِيكَ مِنَ ابْنِ أَخِيكَ، وَأَتَانِي هَذَا يَسْأَلْنِي نَصِيْبَ امْرَأَتِهِ مِنْ أَبِيهَا، فَقُلْتُ: إِنْ شِئْتُمَا دَفَعْتُهَا إِلَيْكُمَا بِذَلِكَ، فَتَلْتَمِسَانِ مِنِّي قَضَاءَ غَيْرِ ذَلِكَ؟ فَوَاللَّهِ الَّذِي بِيَاذِهِ تَقُومُ السَّمَاءُ وَالْأَرْضُ لَا أَقْضِي فِيهَا قَضَاءَ غَيْرِ ذَلِكَ حَتَّى تَقُومَ السَّاعَةُ، فَإِنْ عَجَزْتُمَا فَادْفَعَاهَا إِلَيَّ فَأَنَا أَكْفِيكُمَاهَا. [راجع: ٢٩٠٤]

6729. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Not even a single Dīnār of my property should be distributed (after my death) to my inheritors, but whatever I leave, excluding the provision for my wives and my servants, is *Ṣadaqa* (to be spent in charity)."

6730. Narrated Urwa : رَضِيَ اللهُ عَنْهَا 'Āishah said, "When Allāh's Messenger ﷺ died, his wives intended to send 'Uthmān to Abū Bakr asking him for their share of the inheritance." Then 'Āishah said to them, "Didn't Allāh's Messenger ﷺ say, 'Our (Messengers') property is not to be inherited, and whatever we leave is *Ṣadaqa* (to be spent in charity)."

(4) CHAPTER. The statement of the Prophet ﷺ: "Whoever leaves some property (after his death), then it is for his family (inheritors)."

6731. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "I am more closer to the believers than their own selves, so whoever (of them) dies while being in debt and leaves nothing for its repayment, then we are to pay his debts on his behalf; and whoever (among the believers) dies leaving some property, then that property is for his heirs."

(5) CHAPTER. The inheritance share of the offspring from the property of their dead fathers and mothers.

٦٧٢٩ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنِي مَالِكٌ، عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَفْسِمُ وَرَثَتِي دِينَارًا، مَا تَرَكْتُ بَعْدَ نَفَقَةِ نِسَائِي وَمَوْوَنَةِ عَامِلِي فَهُوَ صَدَقَةٌ.» [راجع: ٢٧٧٦]

٦٧٣٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا أَنَّ أَزْوَاجَ النَّبِيِّ ﷺ حِينَ تُوْفِيَ رَسُولُ اللهِ ﷺ أَرَدْنَ أَنْ يَبْعَثْنَ عُثْمَانَ إِلَى أَبِي بَكْرٍ يَسْأَلُنَّهُ مِيرَاثَهُنَّ، فَقَالَتْ عَائِشَةُ: أَلَيْسَ قَالَ رَسُولُ اللهِ ﷺ: «لَا نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ»؟ [راجع: ٤٠٣٤]

(٤) بَابُ قَوْلِ النَّبِيِّ ﷺ: «مَنْ تَرَكَ مَالًا فَلِأَهْلِهِ»

٦٧٣١ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللهِ: أَخْبَرَنَا يُونُسُ، عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي أَبُو سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ، فَمَنْ مَاتَ وَعَلَيْهِ دَيْنٌ وَلَمْ يَتْرِكْ وِفَاءً فَعَلَيْنَا قَضَاؤُهُ، وَمَنْ تَرَكَ مَالًا فَهُوَ لَوَرَثَتِهِ.» [راجع: ٢٢٩٨]

(٥) بَابُ مِيرَاثِ الْوَالِدِ مِنْ أَبِيهِ وَأُمِّهِ،

'And Zaid bin Thābit said, "If a man or a woman leaves as an heir, a (single) daughter, then she inherits half of the property; and if they are two daughters or more, they inherit two-thirds of the property; and if there is a son along with these daughters, then the other heirs (if there are any) are given their shares first, and what remains is to be distributed (among the daughters and the son) with the ratio of two shares for the male heir and one share each for the female heirs."

6732. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ said, "Give the *Farā'id* (the shares of the inheritance that are prescribed in the Qur'ān)⁽¹⁾ to those who are entitled to receive it. Then whatever remains, should be given to the closest male relative of the deceased."

وقال زيد بن ثابت: إذا ترك رجل أو امرأة بنتاً فلها النصف، وإن كانتا اثنتين أو أكثر فلهن الثلثان. وإن كان معهن ذكرٌ بديءٍ بمن شركهم فبؤتي فريضة، فما بقي فللذكر مثل حظ الأنثيين.

٦٧٣٢ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وَهَيْبٌ: حَدَّثَنَا ابْنُ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «الْحَقُّوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرٍ». [انظر: ٦٧٣٥، ٦٧٤٦، ٦٧٣٧]

(6) CHAPTER. The inheritance of daughters (i.e., their right to inherit property).

6733. Narrated Sa'd bin Abī Waqqās: I was stricken by an ailment that led me to the verge of death. The Prophet ﷺ came to pay me a visit. I said, "O Allāh's Messenger! I have much property and no heir except my (only) daughter. Shall I give two-third of my property in charity?" He said, "No." I said, "Half of it?" He said, "No". I said, "One-third of it?" He said, "(You may do so) though one-third is also too much, for it is better for you to leave your offspring wealthy than to leave them poor, asking others for help. And whatever you spend (for Allāh's sake) you will be rewarded for it, even for a morsel of food which you may put in the

٦٧٣٣ - حَدَّثَنَا الْحُمَيْدِيُّ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا الزُّهْرِيُّ قَالَ: أَخْبَرَنِي عَامِرُ بْنُ سَعْدِ بْنِ أَبِي وَقَّاصٍ، عَنْ أَبِيهِ قَالَ: مَرِضْتُ بِمَكَّةَ مَرَضًا فَأَشْفَيْتُ مِنْهُ عَلَى الْمَوْتِ فَاتَانِي النَّبِيُّ ﷺ يَعُودُنِي، فَقُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّ لِي مَالًا كَثِيرًا وَلَيْسَ بِيْرْتُنِي إِلَّا ابْنَتِي، أَفَأَتَصَدَّقُ بِثُلُثِي مَالِي؟ قَالَ: «لا»، قَالَ: قُلْتُ: فَالشَّطْرُ؟ قَالَ: «لا»، قُلْتُ: الثُّلُثُ؟ قَالَ: «الثُّلُثُ»

(1) (H. 6732): See the footnote of H. 6723.

mouth of your wife.” I said, “O Allāh’s Messenger! Will I remain behind and fail to complete my emigration?” The Prophet ﷺ said, “If you are left behind after me, whatever good deeds you will do for Allāh’s sake will upgrade you and raise you high. May be you will have long life so that some people may benefit by you and others (the enemies) be harmed by you.”⁽¹⁾ But Allāh’s Messenger ﷺ felt sorry for Sa’d bin Khaula as he died in Makkah. (Sufyān, a subnarrator, said that Sa’d bin Khaula was a man from the tribe of Banī ‘Āmir bin Lu’āi.)

6734. Narrated Al-Aswad bin Yazīd: Mu’adh bin Jabal came to us in Yemen as a tuitor and a ruler, and we (the people of Yemen) asked him about (the distribution of the property) of a man who had died leaving a daughter and a sister. Mu’adh gave the daughter half of the property and gave the sister the other half.

(7) CHAPTER. The inheritance of one’s grandchild if one has no child.

And Zaid said, “Grandchildren are to be considered as one’s (own) children (in the distribution of inheritance) in case none of one’s own children are alive : A grandson as a

كبير، إِنَّكَ إِنْ تَرَكْتَ وَلَدَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَتْرُكَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ، وَإِنَّكَ لَنْ تُنْفِقَ نَفَقَةَ إِلَّا أُجِرْتَ عَلَيْهَا حَتَّى اللَّقْمَةَ تَرْفَعُهَا إِلَى فِي أَمْرَاتِكَ». فَقُلْتُ: يَا رَسُولَ اللَّهِ، أَخْلَفْتُ عَنْ هِجْرَتِي؟ فَقَالَ: «لَنْ تُخْلَفَ بَعْدِي فَتَعْمَلَ عَمَلًا تُرِيدُ بِهِ وَجْهَ اللَّهِ إِلَّا أزدَدْتَ بِهِ رِفْعَةً وَدَرَجَةً، وَلَعَلَّكَ أَنْ تُخْلَفَ بَعْدِي حَتَّى يَنْتَفِعَ بِكَ أَقْوَامٌ وَيُضَرَّ بِكَ آخَرُونَ. وَلَكِنَّ الْبَائِسَ سَعْدُ بْنُ خَوْلَةَ» يَرِثِي لَهُ رَسُولُ اللَّهِ ﷺ أَنْ مَاتَ بِمَكَّةَ. قَالَ سُفْيَانُ: وَسَعْدُ بْنُ خَوْلَةَ رَجُلٌ مِنْ بَنِي عَامِرِ بْنِ لُؤَيٍّ.

٦٧٣٤ - حَدَّثَنَا مُحَمَّدُ بْنُ غِيْلَانَ: حَدَّثَنَا أَبُو النَّضْرِ: حَدَّثَنَا أَبُو مُعَاوِيَةَ شَيْبَانُ، عَنْ أَشْعَثَ، عَنِ الْأَسْوَدِ بْنِ يَزِيدَ قَالَ: أَتَانَا مُعَاذُ بْنُ جَبَلٍ بِالْيَمَنِ مُعَلِّمًا وَأَمِيرًا، فَسَأَلْنَاهُ عَنْ رَجُلٍ تُوَفِّي وَتَرَكَ ابْنَتَهُ وَأُخْتَهُ فَأَعْطَى الْابْنَةَ النِّصْفَ وَالْأُخْتَ النِّصْفَ. [انظر: ٦٧٤١]

(٧) بَابُ مِيرَاثِ ابْنِ الْإِبْنِ إِذَا لَمْ يَكُنْ ابْنٌ،

وقال زَيْدٌ: وَلَدُ الْإِبْنَاءِ بِمَنْزِلَةِ الْوَالِدِ إِذَا لَمْ يَكُنْ دُونَهُمْ وَلَدٌ ذَكَرَ، ذَكَرَهُمْ كَذَكَرِهِمْ، وَأُنْثَاهُمْ كَأُنْثَاهُمْ،

(1) (H. 6733) Sa’d bin Abī Waqqāṣ survived forty years after the death of the Prophet ﷺ, but Sa’d bin Khaula died in Makkah.

son, and granddaughter as a daughter, and they (grandsons and granddaughters) inherit (their grandparents' property) as their own parents would (were they alive), and they prevent the sharing of the inheritance with all those relatives who would have been prevented from the same, were their parents alive. So one's grandchild does not share the inheritance with one's own son (if the son is alive)."

6735. Narrated Ibn 'Abbās رضي الله عنهما: Allāh's Messenger ﷺ said, "Give the *Farā'id* (shares prescribed in the Qur'ān) to those who are entitled to receive it; and whatever remains, should be given to the closest male relative of the deceased."

(8) CHAPTER. The share of inheritance of one's son's daughter in the presence of own daughter.

6736. Narrated Huzail bin Shurahbīl: Abū Mūsa was asked regarding (the inheritance of) a daughter, a son's daughter, and a sister. He said, "The daughter will take half and the sister will take the half. If you go to Ibn Mas'ūd, he will tell you the same." Ibn Mas'ūd was asked and was told of Abū Mūsa's verdict. Ibn Mas'ūd then said, "If I give the same verdict, I would stray and would not be of the rightly-guided. The verdict I will give in his case, will be the same as the Prophet ﷺ did, i.e., one-half is for the daughter, and one-sixth for the son's daughter, i.e. both shares make two-thirds of the total property; and the rest is for the sister." Afterwards we came to Abū Mūsa and informed him of Ibn Mas'ūd's verdict, whereupon he said, "So, do not ask me for verdicts, as long as this learned man is among you."

يَرْتُونَ كَمَا يَرْتُونَ وَ يَحْجُبُونَ كَمَا يَحْجُبُونَ، وَلَا يَرِثُ وَلَدُ الْاِبْنِ مَعَ الْاِبْنِ.

٦٧٣٥ - حَدَّثَنَا مُسْلِمٌ بْنُ اِبْرَاهِيمَ: حَدَّثَنَا وَهَيْبٌ: حَدَّثَنَا ابْنُ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْحَقُّوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرَ». [راجع: ٦٧٣٢]

(٨) بَابُ مِيرَاثِ ابْنَةِ ابْنِ مَعَ ابْنَةٍ

٦٧٣٦ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا أَبُو قَيْسٍ: سَمِعْتُ هَزْلِيلَ بْنَ شَرْحَبِيلَ، قَالَ: سُئِلَ أَبُو مُوسَى عَنِ ابْنَةِ وَابْنَةِ ابْنٍ وَأُخْتٍ، فَقَالَ: لِلْاِبْنَةِ النِّصْفُ، وَلِلْاُخْتِ النِّصْفُ. وَاتَتْ ابْنَةَ مَسْعُودٍ فَسَيِّئَابِعِي. فَسُئِلَ ابْنُ مَسْعُودٍ وَأُخْبِرَ بِقَوْلِ أَبِي مُوسَى فَقَالَ: لَقَدْ ضَلَلْتُ إِذَا وَمَا أَنَا مِنَ الْمُهْتَدِينَ، أَقْضِي فِيهَا بِمَا قَضَى النَّبِيُّ ﷺ لِلْاِبْنَةِ النِّصْفُ، وَلِابْنَةِ الْاِبْنِ السُّدُسُ تَكْمِلَةَ الثَّلَاثِينَ، وَمَا بَقِيَ فَلِلْاُخْتِ. فَأْتَيْنَا أَبَا مُوسَى فَأَخْبَرْنَاهُ بِقَوْلِ ابْنِ مَسْعُودٍ، فَقَالَ: لَا

تَسْأَلُونِي مَا دَامَ هَذَا الْحَبْرُ فِيكُمْ.

[انظر: ٦٧٤٢]

(9) CHAPTER. The shares of inheritance for the (living) paternal grandfather, the father and brothers of the deceased.

Abū Bakr, Ibn 'Abbās and Ibn Az-Zubair said, "A grandfather is to be treated as a father (in the distribution of inheritance)," and Ibn 'Abbās recited the Holy Verse:

"O children of Ādam..." (V.7:26) (And in fact, by that Allāh meant sons and grandsons and great-grandsons).

He also recited the Verse:

"And I have followed the religion of my fathers — Ibrāhīm (Abraham), Ishāque (Isaac) and Yaqūb (Jacob)..." (V.12:38)

And it is not reported that anybody disagreed with Abū Bakr in his lifetime, although at that time there was a great number of the Companions of the Prophet ﷺ. And Ibn 'Abbās said, "My son's son inherits my property though my own brothers don't, and I do not inherit the property of my son's son." And there are different views given by 'Umar, 'Alī, Ibn Mas'ūd and Zaid رضي الله عنهم (as regards inheritance).

6737. Narrated Ibn 'Abbās رضي الله عنهما: The Prophet ﷺ said, "Give the *Farā'id* (the shares prescribed in the Qur'ān) to those who are entitled to receive it, and then whatever remains, should be given to the closest male relative of the deceased."

6738. Narrated Ibn 'Abbās رضي الله عنهما: The person about whom Allāh's Messenger ﷺ said, "If I were to take a *Khalīl*⁽¹⁾ from this nation (my followers), then I would have taken him (i.e., Abū Bakr), but the Islāmic

(٩) بَابُ مِيرَاثِ الْجَدِّ مَعَ الْأَبِ وَالْإِخْوَةِ،

وَقَالَ أَبُو بَكْرٍ وَابْنُ عَبَّاسٍ وَابْنُ الزُّبَيْرِ: الْجَدُّ: أَبٌ. وَقَرَأَ ابْنُ عَبَّاسٍ ﴿يَتَىٰ آدَمَ﴾ ﴿وَاتَّعَتْ مَلَّةَ مَا بَاءَ عَىٰ إِتْرَهَيْمَ وَإِسْحَقَ وَيَعْقُوبَ﴾ [يوسف: ٣٨] ولم يُذَكَّرْ أَنْ أَحَدًا خَالَفَ أَبَا بَكْرٍ فِي زَمَانِهِ وَأَصْحَابُ النَّبِيِّ ﷺ مُتَوَافِرُونَ. وَقَالَ ابْنُ عَبَّاسٍ: يَرِثُنِي ابْنُ ابْنِي دُونَ إِخْوَتِي، وَلَا أَرِثُ أَنَا ابْنَ ابْنِي. وَيُذَكَّرُ عَنْ عُمَرَ وَعَلِيٍّ وَابْنِ مَسْعُودٍ وَزَيْدِ أَقَاوِيلُ مُخْتَلِفَةٌ.

٦٧٣٧ - حَدَّثَنَا سُلَيْمَانُ بْنُ

حَرْبٍ: حَدَّثَنَا وَهَيْبٌ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «أَلْحِقُوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا بَقِيَ فَلِأَوْلَىٰ رَجُلٍ ذَكَرَ». [راجع: ٦٧٣٢]

٦٧٣٨ - حَدَّثَنَا أَبُو مَعْمَرٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا أَيُّوبُ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: أَمَّا

(1) (H. 6738) *Khalīl*: See the glossary.

Brotherhood is better (or said, 'good')," and regarded a grandfather as the father himself (in distribution of inheritance).

(10) CHAPTER. The inheritance of the husband along with the offspring and other relatives (of the deceased).

6739. Narrated Ibn 'Abbās رضي الله عنهما: (During the early days of Islām), the inheritance used to be given to one's offspring and legacy used to bequeathed to the parents, then Allāh cancelled what He wished from that order and decreed that the male should be given the equivalent of the portion of two females, and for the parents one-sixth for each of them, and for one's wife one-eighth (if the deceased has children) and one-fourth (if he has no children), for one's husband half (if the deceased has no children) and one-fourth (if she has children)."

(11) CHAPTER. The inheritance of a woman and a husband along with the offspring and other relatives.

6740. Narrated Abū Hurairah رضي الله عنه: Allāh's Messenger ﷺ gave the judgement that a male or female slave should be given in *Qisās*⁽¹⁾ for an abortion case of a woman from the tribe of Banī Liḥyān (as blood money for the foetus), but the lady on whom the penalty had been imposed died; so the Prophet ﷺ ordered that her property be inherited by her offspring and her husband and that the penalty be paid by her *'Aṣaba*.⁽²⁾

الَّذِي قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ كُنْتُ مَتَّخِذًا مِنْ هَذِهِ الْأُمَّةِ خَلِيلًا لَاتَّخَذْتُهُ وَلَكِنْ إِخْوَةَ الْإِسْلَامِ أَفْضَلُ، أَوْ قَالَ: حَيْرٌ»، فَإِنَّهُ أَنْزَلَهُ أَبَا أَوْ قَالَ: قَضَاهُ أَبَا. [راجع: ٤٦٧]

(١٠) بَابُ مِيرَاثِ الزَّوْجِ مَعَ الْوَالِدِ وَغَيْرِهِ

٦٧٣٩ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ، عَنْ وَزْءَاءَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كَانَ الْمَالُ لِلْوَالِدِ، وَكَانَتِ الْوَصِيَّةُ لِلْوَالِدَيْنِ، فَسَخَّ اللَّهُ مِنْ ذَلِكَ مَا أَحَبَّ، فَجَعَلَ لِلذَّكَرِ مِثْلَ حَظِّ الْأُنثِيَيْنِ، وَجَعَلَ لِلْأَبْوَيْنِ، لِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسَ، وَجَعَلَ لِلْمَرْأَةِ الثَّمَنَ وَالرُّبْعَ، وَالزَّوْجَ الشَّطْرَ وَالرُّبْعَ. [راجع: ٢٧٤٧]

(١١) بَابُ مِيرَاثِ الْمَرْأَةِ وَالزَّوْجِ مَعَ الْوَالِدِ وَغَيْرِهِ

٦٧٤٠ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ الْمُسَيَّبِ، «عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: قَضَى رَسُولُ اللَّهِ ﷺ فِي جَنِينِ امْرَأَةٍ مِنْ بَنِي لِحْيَانَ سَقَطَ مَيْتًا، بِعُرَّةِ عَبْدِ أَوْ أُمَّةٍ، ثُمَّ إِنَّ الْمَرْأَةَ الَّتِي قَضَى لَهَا بِالْعُرَّةِ تُوَفِّيَتْ، فَقَضَى رَسُولُ اللَّهِ ﷺ

(1) (H. 6740) *Qisās*: Laws of equality in punishment for wounds etc. in retaliation.

(2) (H. 6740) *'Aṣaba* means all male relatives of the deceased from the father's side.

بِأَنَّ مِيرَاثَهَا لَبَنِيهَا وَزَوْجِهَا، وَأَنَّ
العَقْلَ عَلَى عَصَبَتِهَا. [راجع: ٥٧٥٨]

(12) CHAPTER. The sisters (of the deceased) share the inheritance with the daughters (of the deceased), the sisters being treated as the *'Aṣaba*.⁽¹⁾

(١٢) بَابُ مِيرَاثِ الْأَخَوَاتِ مَعَ
الْبَنَاتِ عَصَبَةً

6741. Narrated Al-Aswad: Mu'ādh bin Jabal gave this verdict for us in the lifetime of Allāh's Messenger ﷺ. Half of the inheritance is to be given to the daughter and the other half to the sister. Sulaimān said: Mu'ādh gave a verdict for us, but he did not mention that it was so in the lifetime of Allāh's Messenger ﷺ.

٦٧٤١ - حَدَّثَنَا بِشْرُ بْنُ خَالِدٍ:
حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ، عَنْ شُعْبَةَ،
عَنْ سُلَيْمَانَ، عَنْ إِبْرَاهِيمَ، عَنِ
الْأَسْوَدِ قَالَ: قَضَى فِينَا مُعَاذُ بْنُ جَبَلٍ
عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ: النِّصْفُ
لِلْبَنَةِ، وَالنِّصْفُ لِلْأُخْتِ.

ثُمَّ قَالَ سُلَيْمَانُ: قَضَى فِينَا، وَلَمْ
يَذْكُرْ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ.
[راجع: ٦٧٣٤]

6742. Narrated Huzail: 'Abdullāh said, "The judgement I will give in this matter will be like the judgement of the Prophet ﷺ, i.e., half is for the daughter and the rest of the inheritance for the sister."

٦٧٤٢ - حَدَّثَنِي عَمْرُو بْنُ
عَبَّاسٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ: حَدَّثَنَا
سُفْيَانُ، عَنْ أَبِي قَيْسٍ، عَنْ هُزَيْلِ
قَالَ: قَالَ عَبْدُ اللَّهِ: لِأَقْضِيَنَّ فِيهَا
بِقَضَاءِ النَّبِيِّ ﷺ: لِلْبَنَةِ النِّصْفُ،
وَلِلْبَنَةِ الْإِبْنِ السُّدُسُ، وَمَا بَقِيَ
فَلِلْأُخْتِ. [راجع: ٦٧٣٦]

(13) CHAPTER. The inheritance of the sisters and brothers.

(١٣) بَابُ مِيرَاثِ الْأَخَوَاتِ وَالْإِخْوَةِ

6743. Narrated Jābir عنه الله رضي عنه: While I was sick, the Prophet ﷺ entered upon me and asked for some water to perform ablution, and after he had finished his ablution, he sprinkled some water of his ablution over me, whereupon I became

٦٧٤٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ
عُثْمَانَ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا
شُعْبَةُ، عَنْ مُحَمَّدِ بْنِ الْمُتَكَدِّرِ قَالَ:
سَمِعْتُ جَابِرًا رَضِيَ اللَّهُ عَنْهُ قَالَ:

(1) (Ch. 12) *'Aṣaba*: See the footnote of H. 6740.

conscious and said, "O Allāh's Messenger! I have sisters." Then the Divine Verses regarding the Laws of Inheritance were revealed.

دَخَلَ عَلَيَّ النَّبِيُّ ﷺ وَأَنَا مَرِيضٌ فَدَعَا بِوُضُوءٍ فَتَوَضَّأَ، ثُمَّ نَضَحَ عَلَيَّ مِنْ وَضُوءِهِ فَأَفَقْتُ فَقُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّمَا لِي أَخَوَاتٌ، فَنَزَلَتْ آيَةُ الْفَرَايِضِ. [راجع: ١٩٤]

(14) CHAPTER. (The Statement of Allāh (عز وجل):
"They ask you for a legal verdict. Say: 'Allāh directs (thus) about *Al-Kalālah* (those who leave neither descendants nor ascendants as heirs). If it is a man that dies, leaving a sister, but no child, she shall have half the inheritance. If (such a deceased was) a woman, who left no child, her brother takes her inheritance. If there are two sisters, they shall have two-thirds of the inheritance; if there are brothers and sisters, then the male will have twice the share of the female.' (Thus) does Allāh makes clear to you (His Law), lest you go astray. And Allāh is the All-Knower of everything" (V.4:176)

(١٤) **بَابٌ**: ﴿يَسْتَفْتُونَكَ قُلْ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَلَهُ أختٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ إِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ بِمَا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلذَكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ بَيْنَ اللَّهِ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ يَكِلُ شَيْءٌ عَلَيْهِ﴾ [النساء: ١٧٦].

6744. Narrated Al-Barā' رضي الله عنه: The last Qur'ānic Verse that was revealed (to the Prophet ﷺ) was the last Verse of *Sūrat An-Nisā*:

"They ask you for a legal verdict. Say: 'Allāh directs (thus) about *Al-Kalālah* (those who leave neither descendants nor ascendants as heirs)...'" (V.4:176)

٦٧٤٤ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَخْرَجَ آيَةَ نَزَلَتْ خَاتِمَةُ سُورَةِ النِّسَاءِ ﴿يَسْتَفْتُونَكَ قُلْ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ﴾. [راجع: ٤٣٦٤]

(15) CHAPTER. Regarding the heirs of a lady who dies, leaving two cousins, one of whom is her maternal brother and the other, her husband.⁽¹⁾

(١٥) **بَابُ ابْنِي عَمِّ أَحَدُهُمَا أَخٌ لِلْأُمِّ وَالْآخِرُ زَوْجٌ**

(1) (Ch. 15) The relation between the lady and the two cousins resulted from the following situation: A man married a woman and she gave birth to a son, and then he married another woman who also gave birth to a son. Then he divorced the second wife, who=

'Alī said, "Her husband takes half of her left property, and the maternal brother one-sixth, and the rest of the property is divided equally between them."

6745. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "I am more closer to the believers than their own selves, so whoever (among them) dies leaving some inheritance, his inheritance will be given to his 'Aṣaba;⁽¹⁾ and whoever dies leaving a debt, or dependants, or destitute children, then I am their supporter."

6746. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ said, "Give the *Farā'id* (the shares of the inheritance that are prescribed in the Qur'ān) to those who are entitled to receive it; and whatever is left should be given to the closest male relative of the deceased."

(16) CHAPTER. (Can) kindred by blood (i.e., *Dhawīl-Arḥām*) (be the heir of the deceased).

6747. Narrated Ibn 'Abbās regarding the Holy Verse:

"And to everyone, We have appointed heirs..." (V.4:33)

And also:

"...To those also with whom you have

وقَالَ عَلِيٌّ: لِلزَّوْجِ النِّصْفُ،
وَلِلْأَخِ مِنَ الْأُمِّ السُّدُسُ، وَمَا بَقِيَ
بَيْنَهُمَا يَصْفَانِ.

٦٧٤٥ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا
عُبَيْدُ اللَّهِ، عَنْ إِسْرَائِيلَ، عَنْ أَبِي
حَصِينٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي
هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ رَسُولُ
اللَّهِ ﷺ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ
أَنْفُسِهِمْ، فَمَنْ مَاتَ وَتَرَكَ مَالًا فَمَالُهُ
لِمَوَالِي الْعَصَبَةِ، وَمَنْ تَرَكَ كَلًّا أَوْ
ضِيَاعًا فَأَنَا وَوَيْثُهُ فَلَا دَعَى لَهُ». الْكَلُّ:
الْعِيَالُ. [راجع: ٢٢٩٨]

٦٧٤٦ - حَدَّثَنَا أُمَيَّةُ بْنُ بَسْطَامٍ:
حَدَّثَنَا يَزِيدُ بْنُ زُرْعَيْعٍ، عَنْ رُوْحٍ، عَنْ
عَبْدِ اللَّهِ بْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ
ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ قَالَ:
«الْحِقُّوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا تَرَكَتِ
الْفَرَائِضُ فَلْأَوْلَى رَجُلٍ ذَكَرَ».
[راجع: ٦٧٣٢]

(١٦) بَابُ ذَوِي الْأَرْحَامِ

٦٧٤٧ - حَدَّثَنِي إِسْحَاقُ بْنُ
إِبْرَاهِيمَ قَالَ: قُلْتُ لِأَبِي أُسَامَةَ:
حَدَّثَكُمْ إِدْرِيسُ: حَدَّثَنَا طَلْحَةُ، عَنْ
سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ

=consequently married her first husband's brother and gave birth to a girl. This girl married the first son of her father's brother who was her cousin. Then she died, leaving the two cousins as her only heirs. One of those cousins was her husband, and the other was her maternal brother.

(1) (H. 6745)'Aṣaba: See the footnote of *Hadīth* No. 6740.

made a pledge (brotherhood), give them their due portion by (*Wasiya* — wills)..." (V.4:33)

When the emigrants came to Al-Madīna, the *Anṣār* used to be the heir of the emigrants (and vice versa) instead of their own kindred by blood (*Dhawīl-Arḥām*), and that was because of the bond of brotherhood which the Prophet ﷺ had established between them, i.e., the *Anṣār* and the emigrants. But when the Divine Verse:

"And to everyone, We have appointed heirs..." (V.4:33) was revealed, it cancelled the other order i.e.:

"...To those also with whom you have made a pledge (brotherhood), give them their due portion by (*Wasiya* — wills)..." (V.4:33)

[See Vol. 3, *Ḥadīth* No. 2292]

(17) CHAPTER. The inheritance in the case of *Mulā'ana*.⁽¹⁾

6748. Narrated Ibn 'Umar رضي الله عنهما: A man and his wife had a case of *Li'ān* (or *Mulā'ana*) during the lifetime of the Prophet ﷺ and the man denied the paternity of her child. The Prophet ﷺ gave his verdict for their separation (divorce) and then the child was regarded as belonging to the wife only.⁽²⁾

(18) CHAPTER. The child is for the owner of the bed, whether its mother was a free lady or a slave-girl.

﴿وَلِكُلِّ جَعَلْنَا مَوْلَىٰ﴾ ﴿وَالَّذِينَ عَقَدْتَ أَيْمَانُكُمْ﴾ قَالَ: كَانَ الْمُهَاجِرُونَ حِينَ قَدِمُوا الْمَدِينَةَ يَرِثُ الْأَنْصَارِيُّ الْمُهَاجِرِيَّ دُونَ ذَوِي رَجْمِهِ لِلْأُخُوَّةِ الَّتِي آخَى النَّبِيُّ ﷺ بَيْنَهُمْ، فَلَمَّا نَزَلَتْ ﴿وَلِكُلِّ جَعَلْنَا مَوْلَىٰ﴾ قَالَ: نَسَخْتُهَا ﴿وَالَّذِينَ عَقَدْتَ أَيْمَانُكُمْ﴾. [راجع: ٢٢٩٢]

(١٧) بَابُ مِيرَاثِ الْمَلَاعِنَةِ

٦٧٤٨ - حَدَّثَنِي يَحْيَى بْنُ قَزَعَةَ: حَدَّثَنَا مَالِكٌ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَجُلًا لَا عَنَ امْرَأَتِهِ فِي زَمَنِ النَّبِيِّ ﷺ وَانْتَفَى مِنْ وَلَدِهَا، فَفَرَّقَ النَّبِيُّ ﷺ بَيْنَهُمَا وَالْحَقَّ الْوَالِدَ بِالْمَرْأَةِ.

[راجع: ٤٧٤٨]

(١٨) بَابُ: الْوَالِدُ لِلْفَرَاثِ حُرَّةً كَانَتْ أَوْ أَمَةً

(1) (Ch. 17) *Mulā'ana* or *Li'ān* means the taking of oaths by a wife and her husband, the wife denying the charge of adultery which the husband confirms by his own oath. (See Qur'an 24:7-10).

This chapter deals with the inheritance of the child who is born after such a situation, i.e., whose heir he would be, and who would be his heir.

(2) (H. 6748) Such a mother would inherit the share prescribed for her in the Qur'an from her child's inheritance and he would be her heir if she died before him.

6749. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: 'Utba (bin Abī Waqqāṣ) said to his brother Sa'd, "The son of the slave-girl of Zam'a is my son, so be his guardian." So when it was the year of the conquest of Makkah, Sa'd took that child and said, "He is my nephew, and my brother told me to be his guardian." On that, 'Abd bin Zam'a got up and said, "But the child is my brother, and the son of my father's slave-girl as he was born on his bed." So they both went to the Prophet ﷺ. Sa'd said, "O Allāh's Messenger! (This is) the son of my brother, and he told me to be his custodian." Then 'Abd bin Zam'a said, "(But he is) my brother and the son of the slave-girl of my father, born on his bed." The Prophet ﷺ said, "This child is for you, O 'Abd bin Zam'a, as the child is for the owner of the bed, and the adulterer receives the stones." He then ordered (his wife) Sauda bint Zam'a to veil herself from that boy as he noticed the boy's resemblance to 'Utba. Since then the boy never saw Sauda till he died.

6750. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "The boy is for the owner of the bed."

(19) CHAPTER. *Al-Walā'*⁽¹⁾ is for the manumitter.

(Regarding) the inheritance of *Al-Laḳīṭ* (a small child or an insane person, who has nobody to be responsible for him).

And 'Umar said, "*Al-Laḳīṭ* is a free person and not a slave."

٦٧٤٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ عُبَيْدُ بْنُ زَمْعَةَ مَتًى إِلَى أَخِيهِ سَعْدِ بْنِ أَبِي وَقَّاصٍ فَلَمَّا كَانَ عَامُ الْفَتْحِ أَخَذَهُ سَعْدٌ فَقَالَ: ابْنُ أَخِي عَهْدٌ إِلَيَّ فِيهِ، فَقَامَ عَبْدُ بْنُ زَمْعَةَ، فَقَالَ: أَخِي وَابْنُ وَلِيدَةَ أَبِي، وُلِدَ عَلَيَّ فَرَأَيْتَهُ. فَتَسَاوَقَا إِلَى النَّبِيِّ ﷺ فَقَالَ سَعْدٌ: يَا رَسُولَ اللَّهِ، ابْنُ أَخِي قَدْ كَانَ عَهْدٌ إِلَيَّ فِيهِ، فَقَالَ عَبْدُ بْنُ زَمْعَةَ: أَخِي وَابْنُ وَلِيدَةَ أَبِي وُلِدَ عَلَيَّ فَرَأَيْتَهُ. فَقَالَ النَّبِيُّ ﷺ: «هُوَ لَكَ يَا عَبْدُ بْنُ زَمْعَةَ، الْوَلَدُ لِلْفَرَّاشِ وَاللِّعَاطِرِ الْحَجَرِ». ثُمَّ قَالَ لِسُودَةَ بِنْتِ زَمْعَةَ: «اِحْتَجِي مِنْهُ» لِمَا رَأَى مِنْ شَبْهِهِ بِعُتْبَةَ. فَمَا رَأَاهَا حَتَّى لَقِيَ اللَّهَ. [راجع: ٢٠٥٣]

٦٧٥٠ - حَدَّثَنَا مُسَدَّدٌ، عَنْ يَحْيَى، عَنْ شُعْبَةَ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «الْوَلَدُ لِصَاحِبِ الْفَرَّاشِ». [راجع: ٦٨١٨]

(١٩) بَابُ الْوَلَاءِ لِمَنْ أُعْتِقَ، وَمِيرَاثُ اللَّقِيطِ،

وقال عمر: اللقيط حرٌ.

(1) (Ch. 19) *Al-Walā'*: See the glossary.

6751. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: I bought Barīra (a female slave). The Prophet ﷺ said (to me), "Buy her as *Al-Walā'* is for the manumitter. Once, she was given a sheep (in charity). The Prophet ﷺ said, "It (the sheep) is *Ṣadaqa* (a thing given in charity) for her (Barīra) and a gift for us."

Al-Ḥakam said, "Barīra's husband was a free man." Ibn 'Abbās said, "When I saw him, he was a slave."

٦٧٥١ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا شُعْبَةُ، عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: اشْتَرَيْتُ بَرِيرَةَ فَقَالَ النَّبِيُّ ﷺ: «اشْتَرَيْهَا فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ»، وَأَهْدَيْتُ لَهَا شَاةً، فَقَالَ: «هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ».

قَالَ الْحَكَمُ: وَكَانَ زَوْجُهَا حُرًّا، وَقَوْلُ الْحَكَمِ مُرْسَلٌ. وَقَالَ ابْنُ عَبَّاسٍ: رَأَيْتُهُ عَبْدًا. [راجع: ٤٥٦]

6752. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ said, "The *Walā'* is for the manumitter (of the slave)."

٦٧٥٢ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ».

[راجع: ٢١٥٦]

(20) CHAPTER. The heir of the *Sā'iba* (a slave whose master frees him and tells him that nobody will be entitled to get his *Walā'*).

6753. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: The Muslims did not free slaves as *Sā'iba*, but the people of the Pre-Islāmic Period of Ignorance used to do so.

٦٧٥٣ - حَدَّثَنَا قَيْصَةُ بْنُ عَقْبَةَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي قَيْسٍ، عَنْ هُرَيْلٍ، عَنْ عَبْدِ اللَّهِ قَالَ: إِنَّ أَهْلَ الْإِسْلَامِ لَا يُسَيِّبُونَ، وَإِنَّ أَهْلَ الْجَاهِلِيَّةِ كَانُوا يُسَيِّبُونَ.

6754. Narrated Al-Aswad رَضِيَ اللهُ عَنْهَا: 'Āishah bought Barīra in order to manumit her, but her masters stipulated that her *Walā'* (after her death) would be for them. 'Āishah said, "O Allāh's Messenger! I have bought Barīra in order to manumit her, but her masters stipulated that her *Walā'* will be for them." The Prophet ﷺ said, "Manumit her, as the *Walā'* is for the one who manumits (the

٦٧٥٤ - حَدَّثَنَا مُوسَى: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ: أَنَّ عَائِشَةَ رَضِيَ اللهُ عَنْهَا اشْتَرَتْ بَرِيرَةَ لِتُعْتِقَهَا وَاشْتَرَطَ أَهْلُهَا وَلَائَهَا، فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنِّي اشْتَرَيْتُ بَرِيرَةَ

slave),” or said, “The one who pays her price.” Then ‘Āishah bought and manumitted her. After that, Barīra was given the choice (by the Prophet ﷺ) (to stay with her husband or leave him). She said, “If he gave me so much, and so much (money), I would not stay with him.” (Al-Aswad added: Her husband was a free man). The subnarrator added: The series of the narrators of Al-Aswad’s statement is not authentic. The statement of Ibn ‘Abbās, i.e., ‘When I saw him he was a slave,’ is more authentic.

لَأُعْتِقَهَا، وَإِنَّ أَهْلَهَا يَشْتَرُونُ وَلَاءَهَا
فَقَالَ: «أُعْتِقْتُهَا فَإِنَّمَا الْوَلَاءُ لِمَنْ
أَعْتَقْتُ، أَوْ قَالَ: أَعْطَى الثَّمَنَ»، قَالَ:
فَاشْتَرْتَهَا فَأَعْتَقْتَهَا. قَالَ: وَخَيْرْتُ
فَأَخْتَارَتْ نَفْسَهَا وَقَالَتْ: لَوْ أُعْطِيتُ
كَذَا وَكَذَا مَا كُنْتُ مَعَهُ.

قَالَ الْأَسْوَدُ: وَكَانَ زَوْجُهَا حُرًّا،
قَوْلُ الْأَسْوَدِ مُنْقَطِعٌ، وَقَوْلُ ابْنِ
عَبَّاسٍ: رَأَيْتُهُ عَبْدًا، أَصَحُّ.

[راجع: ٤٥٦]

(21) CHAPTER. The sin of the freed slave who denies his master who has freed him.

(٢١) بَابُ إِثْمِ مَنْ تَبَرَّأَ مِنْ مَوَالِيهِ

6755. Narrated ‘Alī: “We have no Book to recite except the Book of Allāh (the Qur’ān) and this paper.” Then ‘Alī took out the paper, and behold! There was written in it, legal verdicts about the retaliation for wounds, the ages of the camels (to be paid as Zakāt or as blood money). In it was also written:

٦٧٥٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:
حَدَّثَنَا جَرِيرٌ، عَنِ الْأَعْمَشِ، عَنْ
إِبْرَاهِيمَ التَّمِيمِيِّ، عَنْ أَبِيهِ قَالَ: قَالَ
عَلِيٌّ رَضِيَ اللَّهُ عَنْهُ: مَا عِنْدَنَا كِتَابٌ
نَقَرُوهُ إِلَّا كِتَابُ اللَّهِ غَيْرَ هَذِهِ
الصَّحِيفَةِ. قَالَ: فَأَخْرَجَهَا إِذَا فِيهَا
أَشْيَاءٌ مِنَ الْجَرَاحَاتِ وَأَسْنَانِ الْإِبِلِ.
قَالَ: وَفِيهَا: «الْمَدِينَةُ حَرَمٌ مَا بَيْنَ
عَبِيرٍ إِلَى ثَوْرٍ، فَمَنْ أَخَذَتْ فِيهَا
حَدَثًا، أَوْ آوَى مُحَدِّثًا، فَعَلَيْهِ لَعْنَةُ اللَّهِ
وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يُقْبَلُ
مِنْهُ يَوْمَ الْقِيَامَةِ صَرْفٌ وَلَا عَدْلٌ.
وَمَنْ وَالَى قَوْمًا بِغَيْرِ إِذْنِ مَوَالِيهِ فَعَلَيْهِ
لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ،
لَا يُقْبَلُ مِنْهُ يَوْمَ الْقِيَامَةِ صَرْفٌ وَلَا
عَدْلٌ. وَذِمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ، يَسْعَى

“Al-Madīna is a sanctuary from ‘Aīr (mountain) to Thaur (mountain). So whoever innovates in it an heresy (something new in religion), or commits a crime in it or gives shelter to such an innovator will incur the Curse of Allāh, the angels and all the people, and none of his compulsory or optional good deeds will be accepted on the Day of Resurrection. And whoever (a freed slave) takes as his master some people other than his real masters, without the permission of his real masters, will incur the Curse of Allāh, the angels and all the people, and none of his compulsory, or optional good deeds will be accepted on the Day of Resurrection. And the asylum granted by any Muslim is to be

secured by all the Muslims, even if it is granted by one of the lowest social status among them; and whoever betrays a Muslim in this respect will incur the Curse of Allāh, the angels, and all the people, and none of his compulsory or optional good deeds will be accepted on the Day of Resurrection.”

6756. Narrated Ibn ‘Umar رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ forbade the selling of the *Walā’* (of slaves) or giving it as a present.

(22) CHAPTER. If someone is converted to Islām through somebody else.

Al-Ḥasan (Al-Baṣrī) did not think that the latter had the right to be the heir of the converted person.

The Prophet ﷺ said, “The *Walā’* is for the one who manumits (the slave).” And Tamīm Ad-Dārī is said to have narrated that the Prophet ﷺ said, “The one who converts somebody to Islām is the closest of the people to the converted person, whether during his life or after his death.” The scholars differ as to the genuineness of this narration.

6757. Narrated Ibn ‘Umar that ‘Āishah رَضِيَ اللهُ عَنْهَا (Mother of the believers), intended to buy a slave-girl in order to manumit her. The slave-girl’s masters said, “We are ready to sell her to you on condition that her *Walā’* should be for us.” ‘Āishah mentioned that to Allāh’s Messenger ﷺ who said, “This (condition) should not prevent you from buying her, for the *Walā’* is for the one who manumits (the slave).”

6758. Narrated Al-Aswad رَضِيَ اللهُ عَنْهَا: ‘Āishah رَضِيَ اللهُ عَنْهَا said, “I bought Barīra and her masters

بِهَا أَذْنَاهُمْ، فَمَنْ أَخْفَرَ مُسْلِمًا فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يُقْبَلُ مِنْهُ يَوْمَ الْقِيَامَةِ صَرْفٌ وَلَا عَدْلٌ». [راجع: ١١١]

٦٧٥٦ - حَدَّثَنَا أَبُو نَعِيمٍ: حَدَّثَنَا سُفْيَانُ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ ﷺ عَنْ بَيْعِ الْوَلَاءِ وَعَنْ هَبَيْتِهِ. [راجع: ٢٥٣٥]

(٢٢) بَابٌ: إِذَا أَسْلَمَ عَلَى يَدَيْهِ، وَكَانَ الْحَسَنُ لَا يَرَى لَهُ وِلَايَةً. وَقَالَ النَّبِيُّ ﷺ: «الْوَلَاءُ لِمَنْ أَعْتَقَ»، وَيُذَكَّرُ عَنْ تَمِيمِ الدَّارِيِّ رَفَعَهُ قَالَ: «هُوَ أَوْلَى النَّاسِ بِمَحْبَاهُ وَمَمَاتِهِ». وَاخْتَلَفُوا فِي صِحَّةِ هَذَا الْخَبَرِ.

٦٧٥٧ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ أَرَادَتْ أَنْ تَشْتَرِيَ جَارِيَةً تُعَقِّقُهَا فَقَالَ أَهْلُهَا: نَبِّعُكَهَا عَلَى أَنْ وَلَائَهَا لَنَا، فَذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «لَا يَمْنَعُكَ ذَلِكَ فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ».

[راجع: ٢١٥٦]

٦٧٥٨ - حَدَّثَنَا مُحَمَّدٌ: أَخْبَرَنَا

stipulated that the *Walā'* would be for them.” ‘Āishah mentioned that to the Prophet ﷺ and he said, “Manumit her, as the *Walā'* is for the one who gives the silver (i.e., pays the price for freeing the slave).” ‘Āishah added, “So I manumitted her”. After that, the Prophet ﷺ called her (Barīra) and gave her the choice to go back to her husband or leave him. She said, “If he gave me so much, and so much (money) I would not stay with him.” So she selected her own self (i.e., refused to go back to her husband).”

جَرِيرٌ، عَنِ مَنْصُورٍ، عَنِ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنِ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: اشْتَرَيْتُ بَرِيرَةَ فَأَشْتَرَطْتُ أَهْلَهَا وَلَائَهَا فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «أُعْتِقِهَا فَإِنَّ الْوَلَاءَ لِمَنْ أُعْطِيَ الْوَرَقَ». قَالَتْ: فَأَعْتَقْتُهَا، قَالَتْ: فَدَعَاها رَسُولُ اللَّهِ ﷺ فَخَيَّرَهَا مِنْ زَوْجِهَا فَقَالَتْ: لَوْ أُعْطَانِي كَذَا وَكَذَا مَا بَيْتُ عِنْدَهُ، فَأَخْتَارَتْ نَفْسَهَا.

[راجع: ٤٥٦]

(23) CHAPTER. What a women can inherit of the *Walā'*.

(٢٣) بَابُ مَا يَرِثُ النِّسَاءُ مِنَ الْوَلَاءِ

6759. Narrated Ibn ‘Umar رضي الله عنهما: When ‘Āishah intended to buy Barīra, she said to the Prophet ﷺ, “Barīra’s masters stipulated that they will have the *Walā'*.” The Prophet ﷺ said (to ‘Āishah), “Buy her, as the *Walā'* is for the one who manumits.”

٦٧٥٩ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا هَمَّامٌ، عَنِ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: أَرَادَتْ عَائِشَةُ أَنْ تَشْتَرِيَ بَرِيرَةَ فَقَالَتْ لِلنَّبِيِّ ﷺ: إِنَّهُمْ يَشْتَرِطُونَ الْوَلَاءَ، فَقَالَ النَّبِيُّ ﷺ: «اشْتَرِيهَا فَإِنَّمَا الْوَلَاءُ لِمَنْ أُعْتِقَ». [راجع: ٢١٥٦]

6760. Narrated ‘Āishah رضي الله عنها: Allāh’s Messenger ﷺ said, “The *Walā'* is for the one who gives the silver (i.e., pays the price) and does the favour (of manumission after paying the price).”

٦٧٦٠ - حَدَّثَنَا ابْنُ سَلَامٍ: أَخْبَرَنَا وَكَيْعٌ، عَنِ سُفْيَانَ، عَنِ مَنْصُورٍ، عَنِ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنِ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْوَلَاءُ لِمَنْ أُعْطِيَ الْوَرَقَ وَوَلِيَّ النِّعْمَةِ». [راجع: ٤٥٦]

(24) CHAPTER. The freed slave belongs to the people who have freed him. And the son of the sister of some people is one of them (belongs to those people).

(٢٤) بَابُ مَوْلَى الْقَوْمِ مِنْ أَنْفُسِهِمْ وَابْنُ الْأُخْتِ مِنْهُمْ

6761. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "The freed slave belongs to the people who have freed him," or said something similar.

6762. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "The son of the sister of some people is from them or from their own selves."

(25) CHAPTER. The inheritance of a captive (in the hands of the enemy).

Shuraiḥ used to give inheritance to the captive who was in the hands of the enemy, and used to say, "He is in more need of it than anybody else."

And 'Umar bin 'Abdul-Azīz said, "Execute the will of the captive, and fulfil his order to manumit slaves and allow him to dispose of his property, and he can do with it as he wishes."

6763. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "If somebody dies (among the Muslims) leaving some property, the property will go to his heirs, and if he leaves a debt or dependants, we will take care of them."

(26) CHAPTER. Neither a Muslim can be the heir of a disbeliever, nor a disbeliever can be the heir of a Muslim. And if somebody becomes a Muslim before the property of his dead (disbeliever) relative is divided among the heirs, he will have no share.

6764. Narrated Usāma bin Zaid رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "A Muslim cannot be the heir of a disbeliever, nor can

٦٧٦١ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا مُعَاوِيَةُ بْنُ قُرَّةٍ وَقَتَادَةُ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَوْلَى الْقَوْمِ مِنْ أَنْفُسِهِمْ» أَوْ كَمَا قَالَ.

٦٧٦٢ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ النَّبِيِّ ﷺ قَالَ: «ابْنُ أُخْتِ الْقَوْمِ مِنْهُمْ، أَوْ مِنْ أَنْفُسِهِمْ». [راجع: ٣١٤٦]

(٢٥) بَابُ مِيرَاثِ الْأَسِيرِ،

قَالَ: وَكَانَ شُرَيْحٌ يُورِثُ الْأَسِيرَ فِي أَيْدِي الْعَدُوِّ وَيَقُولُ: هُوَ أَحْوَجُ إِلَيْهِ. وَقَالَ عَمْرُ بْنُ عَبْدِ الْعَزِيزِ: أَجْزُ وَصِيَّةِ الْأَسِيرِ وَعَتَاقَتَهُ وَمَا صَنَعَ فِي مَالِهِ مَا لَمْ يَتَغَيَّرْ عَنْ دِينِهِ، فَإِنَّمَا هُوَ مَالُهُ يَصْنَعُ فِيهِ مَا يَشَاءُ.

٦٧٦٣ - حَدَّثَنَا أَبُو الْوَلِيدِ: حَدَّثَنَا شُعْبَةُ، عَنْ عَدِيِّ، عَنْ أَبِي حازِمٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ، وَمَنْ تَرَكَ كَلًّا فَلِإِنَّا». [راجع: ٢٢٩٨]

(٢٦) بَابُ: لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ، وَلَا الْكَافِرُ الْمُسْلِمَ، وَإِذَا أَسْلَمَ قَبْلَ أَنْ يُفْسَمَ الْمِيرَاثُ فَلَا مِيرَاثَ لَهُ

٦٧٦٤ - حَدَّثَنَا أَبُو عَاصِمٍ، عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ شِهَابٍ، عَنِ

a disbeliever be the heir of a Muslim.”

(27) CHAPTER. The Inheritance of a Christian slave and a *Mukātab* Christian slave.

And the sin of the person who denies being the father of his children.

(28) CHAPTER. Whoever claims that somebody is his brother or his nephew.

6765. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: Sa'd bin Abī Waqqāṣ and 'Abd bin Zam'a had a dispute over a boy. Sa'd said, "O Allāh's Messenger! This (boy) is the son of my brother, 'Utba bin Abī Waqqāṣ, who told me to be his custodian as he was his son. Please notice to whom he bears affinity." And 'Abd bin Zam'a said, "This is my brother, O Allāh's Messenger! He was born on my father's bed by his slave-girl." Then the Prophet ﷺ looked at the boy and noticed evident resemblance between him and 'Utba, so he said, "He (the boy) is for you, O 'Abd bin Zam'a, for the boy is for the owner of the bed, and the stone is for the adulterer. Screen yourself before the boy, O Sauda bint Zam'a." 'Āishah added: Since then he never saw Sauda.

عَلِيِّ بْنِ حُسَيْنٍ، عَنْ عَمْرِو بْنِ عَثْمَانَ، عَنْ أُسَامَةَ بْنِ زَيْدٍ رَضِيَ اللهُ عَنْهُمَا أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ، وَلَا الْكَافِرُ الْمُسْلِمَ». [راجع: ١٥٨٨]

(٢٧) بَابُ مِيرَاثِ الْعَبْدِ النَّصْرَانِيِّ وَالْمُكَاتَبِ النَّصْرَانِيِّ.

بَابُ إِنْ مَنِ انْتَفَى مِنْ وَلَدِهِ

(٢٨) بَابُ مَنْ ادَّعَى أَخًا أَوْ ابْنَ أَخٍ

٦٧٦٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ:

حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا أَنَّهَا قَالَتْ: اخْتَصَمَ سَعْدُ بْنُ أَبِي وَقَّاصٍ وَعَبْدُ بْنُ زَمْعَةَ فِي غُلَامٍ، فَقَالَ سَعْدُ: هَذَا يَا رَسُولَ اللهِ ابْنُ أُخِي عْتَبَةَ بْنِ أَبِي وَقَّاصٍ، عَهْدَ إِلَيَّ أَنَّهُ ابْنُهُ، أَنْظُرْ إِلَى شَبْهِهِ. وَقَالَ عَبْدُ بْنُ زَمْعَةَ: هَذَا أُخِي يَا رَسُولَ اللهِ، وُلِدَ عَلَيَّ فِرَاشٍ أَبِي مِنْ وَلِيدَتِهِ. فَظَنَرُ رَسُولَ اللهِ ﷺ إِلَى شَبْهِهِ فَرَأَى شَبْهًا بَيْنًا بَعْتَبَةَ، فَقَالَ: «هُوَ لَكَ يَا عَبْدُ بْنُ زَمْعَةَ، الْوَلَدُ لِلْفِرَاشِ وَاللِّعَاطِرِ الْحَجَرِ، وَاخْتَجِبِي مِنْهُ يَا سَوْدَةُ بِنْتُ زَمْعَةَ». قَالَتْ: فَلَمْ يَرِ سَوْدَةَ بَعْدُ.

[راجع: ٢٠٥٣]

(29) CHAPTER. Whoever claims to be the son of a person other than his father.

(٢٩) بَابُ مَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ

6766. Narrated Sa'd رضي الله عنه: I heard the Prophet ﷺ saying, "Whoever claims to be the son of a person other than his father, and he knows that, that person is not his father, then Paradise (will be) forbidden for him."

6767. (Sa'd added:) I mentioned that to Abū Bakra, and he said, "My ears heard that, and my heart memorized it from Allāh's Messenger ﷺ."

6768. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "Do not deny your fathers (i.e., claim to be the sons of persons other than your fathers), and whoever denies his father, is charged with disbelief."

(30) CHAPTER. If a lady claims to be the mother of a son.

6769. Narrated Abū Hurairah رضي الله عنه: Allāh's Messenger ﷺ said, "There were two women and with them were their two sons. A wolf came and took away the son of one of them. That lady said to her companion, 'The wolf has taken your son.' The other said, 'But it has taken your son.' So both of them sought the judgement of (the Prophet) Dāwūd (David) عليه السلام who judged that the boy should be given to the older lady. Then both of them went to (the Prophet) Sulaimān (Solomon), son of Dāwūd and informed him of the case. Sulaimān said, 'Give me a knife so that I may cut the child into two portions and give half to each of

٦٧٦٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا خَالِدٌ هُوَ ابْنُ عَبْدِ اللَّهِ: حَدَّثَنَا خَالِدٌ عَنْ أَبِي عُثْمَانَ، عَنْ سَعِيدِ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ وَهُوَ يَعْلَمُ أَنَّهُ غَيْرُ أَبِيهِ فَالْجَنَّةُ عَلَيْهِ حَرَامٌ».

[راجع: ٤٣٢٦]

٦٧٦٧ - فَذَكَرْتُهُ لِأَبِي بَكْرَةَ فَقَالَ: وَأَنَا سَمِعْتُهُ أُذْنَايَ وَوَعَاهُ قَلْبِي مِنْ رَسُولِ اللَّهِ ﷺ. [راجع: ٤٣٢٧]

٦٧٦٨ - حَدَّثَنَا أَصْبَغُ بْنُ الْفَرَجِ: حَدَّثَنَا ابْنُ وَهَبٍ: أَخْبَرَنِي عَمْرُو، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنْ عِرَاكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تَرْغُبُوا عَنْ آبَائِكُمْ، فَمَنْ رَغِبَ عَنْ أَبِيهِ فَهُوَ كُفْرٌ».

(٣٠) بَابٌ: إِذَا ادَّعَتِ الْمَرْأَةُ ابْنًا

٦٧٦٩ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ قَالَ: حَدَّثَنَا أَبُو الزَّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «كَانَتِ امْرَأَتَانِ، مَعَهُمَا ابْنَاهُمَا، جَاءَ الذِّئْبُ فَذَهَبَ بِأَيِّنِ إِحْدَاهُمَا فَقَالَتْ لِصَاحِبَتَيْهَا: إِنَّمَا ذَهَبَ بِأَيِّنِكَ، فَقَالَتِ الْأُخْرَى: إِنَّمَا ذَهَبَ بِأَيِّنِكَ، فَتَحَاكَمَتَا إِلَى دَاوُدَ - عَلَيْهِ السَّلَامُ - فَقَضَى بِهِ لِلْكَبْرَى، فَخَرَجَتَا عَلَى سُلَيْمَانَ بْنِ

you.' The younger lady said, 'Do not do so; may Allāh bless you! He is her child.' On that, (Prophet) Sulaimān gave the child to the younger lady." Abū Hurairah added: By Allāh! I had never heard the word '*Sikkīn*' as meaning knife, except on that day, for we used to call it '*Mudya*.'

داوُد - عَلَيْهِمَا السَّلَامُ - فَأَخْبَرْتَاهُ فَقَالَ: اتُّنُونِي بِالسَّكِّينِ أَشَقُّهُ بَيْنَهُمَا، فَقَالَتِ الصُّغْرَى: لَا تَفْعَلْ، يَرْحَمَكَ اللَّهُ، هُوَ ابْنُهَا، فَفَضَى بِهِ لِلصُّغْرَى. قَالَ أَبُو هُرَيْرَةَ: وَاللَّهِ إِنْ سَمِعْتُ بِالسَّكِّينِ قَطُّ إِلَّا يَوْمَئِذٍ، وَمَا كُنَّا نَقُولُ إِلَّا: الْمُدْيَةُ. [راجع: ٣٤٧]

(31) CHAPTER. The *Qā'if* (one who is expert in noticing resemblance between persons belonging to the same lineage).

(٣١) بَابُ الْقَائِفِ

6770. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا: Allāh's Messenger ﷺ once entered upon me in a very happy mood, with his features glittering with joy, and said, "O 'Āishah! Don't you see that Mujazziz (a *Qā'if*) looked just now at Zaid bin Hāritha and Usāma bin Zaid and said, 'These feet (or Usāma and his father) belong to each other.'"⁽¹⁾

[See Vol. 4, *Hadīth* No. 3555]

٦٧٧٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: إِنَّ رَسُولَ اللَّهِ ﷺ دَخَلَ عَلَيَّ مَسْرُورًا تَبْرُقُ أَسَارِيرُ وَجْهِهِ فَقَالَ: «أَلَمْ تَرَيَ أَنَّ مُجْزَزًا نَظَرَ آيْفًا إِلَى زَيْدِ بْنِ حَارِثَةَ وَأَسَامَةَ بْنِ زَيْدٍ فَقَالَ: إِنَّ هَذِهِ الْأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ.» [راجع: ٣٥٥٥]

6771. Narrated 'Āishah رَضِيَ اللَّهُ عَنْهَا: Once Allāh's Messenger ﷺ entered upon me and he was in a very happy mood and said, "O 'Āishah: Don't you know that Mujazziz Al-Mudlijī entered and saw Usāma and Zaid with a velvet covering on them and their heads were covered while their feet were uncovered. He said: These feet belong to each other."

٦٧٧١ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ ذَاتَ يَوْمٍ وَهُوَ مَسْرُورٌ فَقَالَ: «يَا عَائِشَةُ، أَلَمْ تَرَيَ أَنَّ مُجْزَزًا الْمُدَلِجِيَّ دَخَلَ عَلَيَّ فَرَأَى أُسَامَةَ وَزَيْدًا وَعَلَيْهِمَا قَطِيفَةً قَدْ غَطَّيَا رُؤُسَهُمَا وَبَدَّتْ أَقْدَامُهُمَا فَقَالَ: إِنَّ هَذِهِ الْأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ.» [راجع: ٣٥٥٥]

(1) (H. 6770) The *Qā'if* learned through examining their feet, that they were father and son.