

## 17. The Book Of Wills

(المعجم ١٧) - أَوَّلُ كِتَابِ الْوَصَايَا  
(التحفة ١٢)

**Chapter 1. what Has Been  
Related About What Is  
Commanded About The Will**

(المعجم ١) - بَابُ مَا جَاءَ فِيْمَا يُؤْمَرُ بِهِ  
مِنَ الْوَصِيَّةِ (التحفة ١)

**2862.** It was reported from Nāfi', from 'Abdullāh, meaning Ibn 'Umar, from the Messenger of Allāh ﷺ, he said: "A Muslim who has anything with him to will, has no right to spend three nights except that his will is written with him." (*Ṣaḥīḥ*)

٢٨٦٢ - حَدَّثَنَا مُسَدَّدُ بْنُ مَسْرُوهٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي نَافِعٌ عَنْ عَبْدِ اللَّهِ يَعْنِي ابْنَ عُمَرَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «مَا حَقُّ أَمْرِيءِ مُسْلِمٍ لَهُ شَيْءٌ يُوصَى فِيهِ بَيْتٌ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ».

**تخریج:** أخرجه مسلم، الوصية، باب: وصية الرجل مكتوبة عنده، ح: ١٦٢٧ من حديث يحيى القطان، والبخاري، الوصايا، باب الوصايا، ح: ٢٧٣٨ من حديث نافع به.

**Comments:**

Meaning if he has property that he wants to will to other than his heirs, he must record that will.

**2863.** It was reported from 'Āishah who said: "The Messenger of Allāh ﷺ did not leave behind any Dinārs, Dirhams, camels or sheep, and he did not willed anything." (*Ṣaḥīḥ*)

٢٨٦٣ - حَدَّثَنَا مُسَدَّدٌ وَمُحَمَّدُ بْنُ الْعَلَاءِ قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: مَا تَرَكَ رَسُولُ اللَّهِ ﷺ دِينَارًا وَلَا دِرْهَمًا وَلَا بَعِيرًا وَلَا شَاةً وَلَا أَوْصَى بِشَيْءٍ.

**تخریج:** أخرجه مسلم، الوصية، باب ترك الوصية لمن ليس له شيء يوصي فيه، ح: ١٦٣٥ من حديث أبي معاوية الضرير به.

**Chapter 2. What Has Been  
Related Regarding What Is  
Allowed For A Testator To  
Give From His Wealth**

(المعجم ٢) - بَابُ مَا جَاءَ فِيْمَا يَجُوزُ  
لِلْمُوصِي فِي مَالِهِ (التحفة ٢)

**2864.** 'Āmir bin Sa'd reported

٢٨٦٤ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ وَأَبْنُ

from his father (Sa'd bin Abī Waqqās), who said that when he fell sick — Ibn Abī Khalaf (one of the two narrators) said: "In Makkah," then they were in accord — which brought him very near to death, the Messenger of Allāh ﷺ visited him. He said: "O Messenger of Allāh! I have a lot of wealth, and I only have a daughter to inherit it, can I give two-third of it in charity?" He replied: "No". He said: "What about one-half?" He replied: "No". He said: "What about one-third." He replied: "(You may bequest for) one third, though one-third is a lot. If you leave your heirs rich it is better than leaving them poor, begging from the people. And whatever you spend, seeking to please Allāh, you will be rewarded for that, even a morsel you put in your wife's mouth." I said: "O Messenger of Allāh! Will I have stayed behind from emigration?" He said: "If you live after me and do righteous deeds for the sake of Allāh, you will but increase in rank and degree. Perhaps you will live until some people will benefit from you, and others will be harmed by you." Then he said: "O Allāh complete the emigration for my Companions, and do not turn them back, but the one who suffered is Sa'd bin Khawlah." The Messenger of Allāh ﷺ felt sorry for him as he had died in Makkah. (*Ṣaḥīḥ*)

أَبِي خَلْفٍ قَالَا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ،  
عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: مَرَضَ  
مَرَضًا - قَالَ ابْنُ أَبِي خَلْفٍ: بِمَكَّةَ ثُمَّ اتَّفَقَا  
- أَشْفَيْ فِيهِ، فَعَادَهُ رَسُولُ اللَّهِ ﷺ فَقَالَ:  
يَا رَسُولَ اللَّهِ! إِنَّ لِي مَالًا كَثِيرًا وَلَيْسَ يَرِثُنِي  
إِلَّا ابْنَتِي أَفَأَصَدِّقُ؟ بِالثَّلْثَيْنِ؟ قَالَ: «لَا»،  
قَالَ: فَبِالشُّطْرِ؟ قَالَ: «لَا»، قَالَ: فَالثُّلُثُ  
قَالَ: «الثُّلُثُ وَالثُّلُثُ كَثِيرٌ، إِنَّكَ إِنْ تَتْرَكَ  
وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدْعَهُمْ عَالَةً  
يَتَكَفَّفُونَ النَّاسَ، وَإِنَّكَ لَنْ تُنْفِقَ نَفَقَةً إِلَّا  
أُجِرْتَ فِيهَا حَتَّى اللُّقْمَةُ تَذْفَعُهَا إِلَى فِي  
أُمَّرَأَتِكَ». قُلْتُ: يَا رَسُولَ اللَّهِ! أَتُخَلِّفُ عَنْ  
هِجْرَتِي؟ قَالَ: «إِنَّكَ إِنْ تُخَلِّفَ بَعْدِي فَتَعْمَلْ  
عَمَلًا صَالِحًا تُرِيدُ بِهِ وَجْهَ اللَّهِ لَا تَزْدَادُ بِهِ إِلَّا  
رَفْعَةً وَدَرَجَةً، لَعَلَّكَ أَنْ تُخَلِّفَ حَتَّى يَنْتَفِعَ  
بِكَ أَقْوَامٌ وَيُضِرَّ بِكَ آخَرُونَ»، ثُمَّ قَالَ:  
«اللَّهُمَّ أَمْضِ لِأَصْحَابِي هِجْرَتَهُمْ وَلَا تَرُدَّهُمْ  
عَلَى أَعْقَابِهِمْ، لَكِنَّ الْبَائِسَ، سَعْدُ بْنُ خَوْلَةَ»  
يَرِثُنِي لَهُ رَسُولُ اللَّهِ ﷺ أَنْ مَاتَ بِمَكَّةَ.

تخريج: أخرجه مسلم، الوصية، باب الوصية بالثلث، ح: ١٦٢٨ من حديث سفیان بن عيينة،  
والبخاري، الدعوات، باب الوباء برفع الدعاء والوجع، ح: ٦٣٧٣ من حديث الزهري به.

**Comments:**

The wealthy person has a duty to take care of his family and near relatives, and Sa'd was afraid of dying in Makkah before emigrating to Al-Madinah, which is why he asked Allāh's Messenger if he would be among those that stayed behind. Sa'd lived for forty-four years after the death of the Prophet ﷺ.

### Chapter 3. What Has Been Related About It Being Disliked To Cause Harm With The Will

**2865.** It was reported from Abū Hurairah who said: "A man said to the Messenger of Allāh ﷺ: 'O Messenger of Allāh! Which kind of charity is best?' He replied: 'To spend (in charity) while you are healthy, aspiring, hoping to survive, and fearing poverty, and not delaying until death comes to you, then you say: "This and this is for so-and-so, this and this is for so-and-so," while it already belongs to so-and-so.'" (*Sahih*)

(المعجم ٣) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ  
الإِضْرَارِ فِي الْوَصِيَّةِ (التحفة ٣)

٢٨٦٥ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا  
عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ قَالَ: حَدَّثَنَا عُمَارَةُ بْنُ  
الْقَعْقَاعِ عَنْ أَبِي زُرْعَةَ بْنِ عَمْرٍو بْنِ جَرِيرٍ،  
عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَجُلٌ لِرَسُولِ اللَّهِ  
ﷺ: يَا رَسُولَ اللَّهِ! أَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ:  
«أَنْ تَصَدَّقَ وَأَنْتَ صَحِيحٌ حَرِيصٌ، تَأْمُلُ  
الْبَقَاءَ وَتَخْشَى الْفَقْرَ وَلَا تُمَهِّلُ حَتَّى إِذَا بَلَغَتْ  
الْخُلُقُومَ قُلْتَ: لِفُلَانٍ كَذَا، وَلِفُلَانٍ كَذَا،  
وَقَدْ كَانَ لِفُلَانٍ».

**تخریج:** أخرجه البخاري، الزكاة، باب فضل صدقة الشحيح الصحيح، ح: ١٤١٩ ومسلم، الزكاة، باب بيان أن أفضل الصدقة صدقة الشحيح الصحيح، ح: ١٠٣٢ من حديث عبدالواحد بن زياد به.

**Comments:**

The best charity is that given by a person in spite of his own need for it, and in a state of good health.

**2866.** It was reported from Abū Sa'eed Al-Khudrī, that the Messenger of Allāh ﷺ said: "For a person to give one Dirham in charity during his lifetime is better than one hundred Dirham in charity at the time of his death." (*Da'if*)

٢٨٦٦ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ قَالَ:  
حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ قَالَ: أَخْبَرَنِي ابْنُ أَبِي  
ذُئْبٍ عَنْ شُرْحَبِيلٍ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ  
أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَأَنْ يَصَدَّقَ الْمَرْءُ  
فِي حَيَاتِهِ بِدِرْهَمٍ خَيْرٌ لَهُ مِنْ أَنْ يَتَصَدَّقَ بِمِائَةٍ  
عِنْدَ مَوْتِهِ».

**تخریج:** [إسناده ضعيف] أخرجه ابن عبدالبر في التمهيد: ٤/٣٠٤ من حديث أبي داود به،

وصححه ابن حبان، ح: ٨٢١ \* شرحبيل بن سعد: ضعفه الجمهور واختلط أيضًا.

**2867.** It was reported from Al-Ash'ath bin Jābir who said: "Shahr bin Hawshab narrated to me that Abū Hurairah narrated to him, that the Messenger of Allāh ﷺ said: 'A man or a woman does the deeds of obedience to Allāh for sixty years, then when death comes to them they cause detriment through the bequest, and the Fire becomes mandatory on them.'" He (Shahr) said: "Abū Hurairah recited to me from: 'After the payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone)' until the Verse: 'that will be the great success.'"<sup>[1]</sup> (Hasan)

Abū Dāwud said: Al-Ash'ath bin Jābir is the grandfather of Naṣr bin 'Alī (one of the narrators).

٢٨٦٧ - حَدَّثَنَا عَبْدَةُ بْنُ عَبْدِ اللَّهِ قَالَ: أَخْبَرَنَا عَبْدُ الصَّمَدِ قَالَ: حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْحُدَايِيُّ قَالَ: حَدَّثَنَا الْأَشْعَثُ بْنُ جَابِرٍ قَالَ: حَدَّثَنِي شَهْرُ بْنُ حَوْشَبٍ أَنَّ أَبَا هُرَيْرَةَ حَدَّثَهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ الرَّجُلَ لَيَعْمَلُ أَوْ الْمَرْأَةُ بِطَاعَةِ اللَّهِ سِتِّينَ سَنَةً، ثُمَّ يَخْضُرُهُمَا الْمَوْتُ فَيُضَارَّانِ فِي الْوَصِيَّةِ فَتَجِبُ لَهُمَا النَّارُ. قَالَ: وَقَرَأَ عَلَيَّ أَبُو هُرَيْرَةَ مِنْ هَاهُنَا ﴿مِنْ بَعْدِ وَصِيَّتِهِ يُوصِي بِهَا أَوْ دَيْنَ غَيْرِ مُصَاوَرٍ﴾ حَتَّى بَلَغَ ﴿ذَلِكَ الْقَوْلُ الْعَظِيمُ﴾ [النساء: ١٢، ١٣].

قَالَ أَبُو دَاوُدَ: هَذَا يَعْنِي الْأَشْعَثَ بْنَ جَابِرٍ جَدُّ نَصْرِ بْنِ عَلِيٍّ.

تخريج: [إسناده حسن] أخرجه الترمذي، الوصايا، باب ما جاء في الضرار في الوصية، ح: ٢١١٧ من حديث عبدالصمد به وقال: "حسن صحيح غريب" ورواه ابن ماجه، ح: ٢٧٠٤ \* شهر بن حوشب مختلف فيه، وثقه الجمهور فيما أرى وقال الذهبي في ديوان الضعفاء، (ص: ١٤٥) "وحديثه حسن" وقال ابن حجر: "وشهر حسن الحديث وإن كان فيه بعض الضعف" (فتح الباري: ٦٥/٣).

#### Comments:

The *Hadīth* is clear on the point that to seek to harm the interest of the legal heirs through one's will is a major sin; it amounts to transgressing the bounds of Allāh, which is unlawful in Islam.

#### Chapter 4. What Has Been Related About Accepting The Position Of Executing A Will

(المعجم ٤) - بَابُ مَا جَاءَ فِي الدُّخُولِ فِي الْوَصَايَا (التحفة ٤)

**2868.** Abū Dharr said: "The Messenger of Allāh ﷺ said to me:

٢٨٦٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا

[1] *An-Nisā'*: 4:12,13.

‘O Abū Dharr! I see you as weak, and I love for you what I love for myself. Do not take command over two persons, and do not be a guardian over an orphan’s property.’ (Sahih)

Abū Dāwud said: The people of Egypt are alone with it.<sup>[1]</sup>

أَبُو عَبْدِ الرَّحْمَنِ الْمُقْرِيءُ قَالَ: حَدَّثَنَا سَعِيدُ ابْنُ أَبِي أَيُّوبَ عَنْ عُيَيْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ، عَنْ سَالِمِ بْنِ أَبِي سَالِمٍ الْجَيْشَانِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي ذَرٍّ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «بِأَبَا ذَرٍّ! إِنِّي أَرَاكَ ضَعِيفًا وَإِنِّي أُحِبُّ لَكَ مَا أُحِبُّ لِنَفْسِي فَلَا تَأْمَرَنَّ عَلَيَّ اثْنَيْنِ وَلَا تَوَلَّيَنَّ مَالَ يَتِيمٍ».

قَالَ أَبُو دَاوُدَ: تَفَرَّدَ بِهِ أَهْلُ مِصْرَ.

تخريج: أخرجه مسلم، الإمامة، باب كراهة الإمامة بغير ضرورة، ح: ١٨٢٦ من حديث أبي

عبدالرحمن المقرئ به.

### Comments:

There can be no doubt that a position of leadership or responsibility is a weighty task in both this world and the Hereafter. Anyone aware of his weaknesses must decline to shoulder such a responsibility at the very outset, and spare himself the ignominy and disgrace in this world as well as in the Hereafter.

## Chapter 5. What Has Been Related About Abrogating The Will For The Parents And Near Relatives

2869. It was reported from Ibn ‘Abbās: “If he leaves wealth, that he makes a bequest to parents and next of kin”<sup>[2]</sup> (he said) the bequest was made in this way until the Verse of inheritance abrogated it. (Hasan)

(المعجم ٥) - بَابُ مَا جَاءَ فِي نَسْخِ الْوَصِيَّةِ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ (التحفة ٥)

٢٨٦٩ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْمَرْوَزِيُّ: حَدَّثَنِي عَلِيُّ بْنُ حُسَيْنِ بْنِ وَاقِدٍ عَنْ أَبِيهِ، عَنْ يَزِيدِ النَّحْوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ ﴿إِنْ تَرَكَ خَيْرًا الْوَصِيَّةُ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ﴾ [البقرة: ١٨] فَكَانَتِ الْوَصِيَّةُ كَذَلِكَ حَتَّى نَسَخَهَا آيَةُ الْمِيرَاثِ.

تخريج: [إسناده حسن] أخرجه البيهقي ٦/ ٢٦٥ من حديث أبي داود به.

[1] Meaning, in narrating this.

[2] Al-Baqarah: 2:180.

### Chapter 6. What Has Been Related About Willing To An Heir

2870. It was reported from Abū Umāmah, that he said: "I heard the Messenger of Allāh ﷺ saying: 'Allāh has allotted to every rightful person what is due to him, so there is no willing to an heir.'" (Hasan)

تخريج: [حسن] أخرجه الترمذي، الوصايا، باب ما جاء لا وصية لوارث، ح: ٢١٢٠ من حديث إسماعيل بن عياش به، وصرح بالسمع عند أحمد: ٢٦٧/٥ وقال الترمذي: "حسن صحيح" ورواه ابن ماجه، ح: ٢٧١٣ \* شرحبيل شامي وللحديث شواهد كثيرة.

### Chapter 7. Mixing One's Food With The Food Of An Orphan

2871. It was reported from Ibn 'Abbās, who said: "When Allāh, the Mighty and Sublime, revealed: "And come not near to the orphan's property, except to improve it"<sup>[1]</sup> and: "Verily, those who unjustly eat up the property of orphans."<sup>[2]</sup> until the end of the Verse, whoever had an orphan with him, went and separated his food from the food of the orphan, and his drink from the drink of the orphan. The food of the orphan started to become surplus, which he would keep for him to eat, or until it spoiled. That became difficult on them, so they mentioned this to the Messenger of Allāh ﷺ. So Allāh, the Mighty and

(المعجم ٦) - بَابُ مَا جَاءَ فِي الْوَصِيَّةِ  
لِلْوَارِثِ (التحفة ٦)

٢٨٧٠ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ  
قَالَ: حَدَّثَنَا ابْنُ عَبَّاسٍ عَنْ شُرْحَبِيلِ بْنِ  
مُسْلِمٍ قَالَ: سَمِعْتُ أَبَا أُمَامَةَ قَالَ: سَمِعْتُ  
رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ  
ذِي حَقٍّ حَقَّهُ فَلَا وَصِيَّةَ لَوَارِثٍ».

(المعجم ٧) - بَابُ مُخَالَطَةِ الْيَتِيمِ فِي  
الطَّعَامِ (التحفة ٧)

٢٨٧١ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ:  
حَدَّثَنَا جَرِيرٌ عَنْ عَطَاءٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ،  
عَنِ ابْنِ عَبَّاسٍ قَالَ: لَمَّا أَنْزَلَ اللَّهُ عَزَّوَجَلَّ:  
﴿وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ﴾  
[الأنعام: ١٥٢] ﴿وَإِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ  
الْيَتَامَى ظُلْمًا﴾ [النساء: ١٠] الآية، انطلق مَنْ  
كَانَ عِنْدَهُ يَتِيمٌ فَعَزَلَ طَعَامَهُ مِنْ طَعَامِهِ وَشَرَابَهُ  
مِنْ شَرَابِهِ، فَجَعَلَ يَفْضَلُ مِنْ طَعَامِهِ فَيَحْسِبُ  
لَهُ حَتَّى يَأْكُلَهُ أَوْ يَشْرَبَهُ، فَاشْتَدَّ ذَلِكَ عَلَيْهِمْ،  
فَذَكَرُوا ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فَأَنْزَلَ اللَّهُ  
عَزَّوَجَلَّ: ﴿وَيَسْتَلُونَكَ عَنِ الْيَتَامَى قُلْ إِصْلَاحٌ لَهُمْ  
خَيْرٌ وَإِنْ تُخَاطَبُوا عَنْهُمُ فَإِنْوَانُكُمْ﴾ [البقرة: ٢٢٠]

[1] Al-An'am 6:152.

[2] An-Nisā' 4:10.

Sublime, revealed: “And they ask you concerning orphans. Say: “The best thing is to work honestly in their property, and if you mix your affairs with theirs, then they are your brothers.”<sup>[1]</sup> Then they mixed their food with his food, and their drink with his drink.”

فَخَلَطُوا طَعَامَهُمْ بِطَعَامِهِ وَشَرَابَهُمْ بِشَرَابِهِ.

**تخريج:** [إسناده ضعيف] أخرجه النسائي، الوصايا، باب ما للوصي من مال اليتيم إذا قام عليه، ح: ٣٦٩٩ من حديث عطاء بن السائب به، وصححه الحاكم: ٢/٢٧٨، ٢٧٩ ووافقه الذهبي \* عطاء اختلط.

### Comments:

The elevated position of guardianship, upbringing and well-wishing towards an orphan, bestowed upon a person, also demands that he sees to it that the orphan is treated with special kindness, leaving no room in his mind for a feeling of alienation in the household.

### Chapter 8. What Has Been Related About What Is Allowed For The Guardian Of The Orphan To Take From His Wealth

**2872.** It was reported from ‘Amr bin Shu‘aib, from his father, from his grandfather, that a man came to the Prophet ﷺ, and said: “I am a poor person, I have nothing with me, and I have an orphan.” He said: “Eat from the wealth of your orphan without extravagance, nor haste, nor using it for trade.” (*Hasan*)

(المعجم ٨) - بَابُ مَا جَاءَ فِيْمَا لَوْلِيِّ الْيَتِيمِ أَنْ يَنَالَ مِنْ مَالِ الْيَتِيمِ (التحفة ٨)

٢٨٧٢ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ أَنَّ خَالِدَ ابْنَ الْحَارِثِ حَدَّثَهُمْ قَالَ: حَدَّثَنَا حُسَيْنٌ يَعْنِي الْمُعَلَّمُ عَنْ عَمْرٍو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ فَقَالَ: إِنِّي فَقِيرٌ لَيْسَ لِي شَيْءٌ وَلِي يَتِيمٌ، قَالَ: فَقَالَ: «كُلْ مِنْ مَالِ يَتِيمِكَ غَيْرَ مُسْرِفٍ وَلَا مُبَادِرٍ وَلَا مُتَأَثِّلٍ».

**تخريج:** [إسناده حسن] أخرجه النسائي، الوصايا، باب ما للوصي من مال اليتيم إذا قام عليه، ح: ٣٦٩٨ من حديث خالد بن الحارث به وصححه ابن الجارود، ح: ٩٥٢ وقواه الحافظ في الفتح: ٨/٢٤١.

### Chapter 9. What Has Been Related About When One Ceases Being An Orphan

**2873.** It was reported from ‘Alī bin

(المعجم ٩) - بَابُ مَا جَاءَ مَتَى يَنْقَطِعُ الْيَتِيمُ (التحفة ٩)

٢٨٧٣ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ قَالَ:

[1] *Al-Baqarah* 2:220.

Abī Tālib, that he said: “I memorized from the Messenger of Allāh ﷺ: ‘There is no orphan after attaining puberty, and there is no observance of silence for the whole day until night.’” (*Ḍaʿīf*)

حَدَّثَنَا يَحْيَى بْنُ مُحَمَّدٍ الْمَدَنِيُّ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ خَالِدِ بْنِ سَعِيدِ بْنِ أَبِي مَرْيَمَ عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ رُقَيْشٍ أَنَّهُ سَمِعَ شُيُوخًا مِنْ بَنِي عَمْرٍو بْنِ عَوْفٍ وَمِنْ خَالِيهِ عَبْدُ اللَّهِ بْنِ أَبِي أَحْمَدَ قَالَ: قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ: حَفِظْتُ عَنْ رَسُولِ اللَّهِ ﷺ: «لَا يَتِمُّ بَعْدَ احْتِلَامٍ وَلَا صُمَاتٍ يَوْمٌ إِلَى اللَّيْلِ».

**تخریج:** [إسناده ضعيف] وأخرجه الطبراني في الصغير: ٩٦/١ من حديث أحمد بن صالح به وللحديث شواهد في التلخيص الحبير: ١٠١/٣، ح: ١٣٨٨ وغيره \* خالد بن سعيد لم يوثقه غير ابن حبان، وباقي السند حسن، وللحديث شواهد ضعيفة، وحديث الطبراني: ١٤/٤ ح: ٣٥٠٢ يغني عنه.

### Comments:

On reaching the age of puberty, the child ceases to be legally an “orphan,” and therefore should be responsible for his own affairs. Thus, if he is found to be possessed of sound judgment, his say will be preferable and decisive in matters relating to business and marriage arrangements. But if it is found that the orphan has not developed the capacity of sound judgment, the guardian shall, for some additional time, remain in-charge of his affairs.

As regards the vow of silence, people were wont to observing it in the pre-Islamic era. When Islam came, it was prohibited. Instead, it was encouraged for the people to use their gift of speech to articulate the praises of Allāh and speak other good things.

### Chapter 10. What Has Been Related About The Severity Of Consuming The Wealth Of An Orphan

**2874.** It was reported from Abul-Ghath, from Abū Hurairah that the Messenger of Allāh ﷺ said: “Avoid the seven destroyers.” They said: “O Messenger of Allāh! And what are they?” He replied: “Committing *Shirk* with Allāh, magic, to kill someone that Allāh has prohibited — except by right — consuming *Ribā*, consuming the wealth of an orphan, to flee on the

(المعجم ١٠) - بَابُ مَا جَاءَ فِي التَّشْدِيدِ

فِي أَكْلِ مَالِ الْيَتِيمِ (التحفة ١٠)

٢٨٧٤ - حَدَّثَنَا أَحْمَدُ بْنُ سَعِيدِ الْهَمْدَانِيُّ

قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ سُلَيْمَانَ بْنِ بِلَالٍ عَنْ نَوْرِ بْنِ زَيْدٍ، عَنْ أَبِي الْعَيْثِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «اجْتَنِبُوا السَّبْعَ الْمُؤْبَقَاتِ»، قِيلَ: يَا رَسُولَ اللَّهِ! وَمَا هُنَّ؟ قَالَ: «الشُّرْكُ بِاللَّهِ، وَالسَّحْرُ، وَقَتْلُ النَّفْسِ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ، وَأَكْلُ الرِّبَا، وَأَكْلُ



day of the march (to battle), and to slander the chaste, unaware, believing women.” (*Ṣaḥīḥ*)

Abū Dāwud said: Abū Al-Ghaith Sālim, the freed slave of Ibn Muṭīr.

مَالِ النَّبِيِّ، وَالنَّوَلِيِّ يَوْمَ الرَّحْفِ، وَقَذْفُ الْمُحْصَنَاتِ الْغَافِلَاتِ الْمُؤْمِنَاتِ».

قَالَ أَبُو دَاوُدَ: أَبُو الْغَيْثِ سَالِمٌ مَوْلَى ابْنِ مُطِيعٍ.

**تخریج:** أخرجه مسلم، الإیمان، باب الكبائر وأكبرها، ح: ٨٩ من حديث ابن وهب، والبخاري، الوصايا، باب قول الله تعالى: ﴿إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالِ الْيَتَامَى ظُلْمًا...﴾ إلخ ح: ٢٧٦٦ من حديث سليمان بن بلال به.

### Comments:

The seven acts mentioned in the *Hadīth* are regarded as major sins, but according to other narrations the number of such deeds is more than seven.

**2875.** It was reported from ‘Ubaid bin ‘Umair, from his father, that he narrated to him — and he was a Companion of the Prophet ﷺ — that a man asked: “O Messenger of Allāh! What are the major sins?” He replied: “They are nine.” And he mentioned its meaning (as preceded), and added: “disobeying Muslim parents, and violating *Al-Bait Al-Harām* (the Sacred House) which is your *Qiblah* during life and after death.” (*Da‘īf*)

٢٨٧٥ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ يَعْقُوبَ الْجُوزْجَانِيُّ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ هَانِيءٍ قَالَ: حَدَّثَنَا حَرْبُ بْنُ شَدَّادٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ عَبْدِ الْحَمِيدِ بْنِ سَيَانَ: حَدَّثَنَا عُبَيْدُ بْنُ عُمَيْرٍ عَنْ أَبِيهِ أَنَّهُ حَدَّثَهُ - وَكَانَ لَهُ صُحْبَةٌ - أَنَّ رَجُلًا سَأَلَهُ فَقَالَ: يَا رَسُولَ اللَّهِ! مَا الْكَبَائِرُ؟ قَالَ: «هُنَّ تِسْعٌ» فَذَكَرَ مَعْنَاهُ. زَادَ: «وَعُقُوقُ الْوَالِدَيْنِ الْمُسْلِمِينَ، وَاسْتِحْلَالُ الْبَيْتِ الْحَرَامِ قِبَلَتِكُمْ أَحْيَاءً وَأَمْوَاتًا».

**تخریج:** [إسناده ضعيف] أخرجه النسائي، تحريم الدم، باب ذكر الكبائر، ح: ٤٠١٧ من حديث معاذ بن هانئ به وصححه الحاكم: ٢٥٩/٤ ووافقه الذهبي مرةً وخالفه مرةً أخرى: ٥٩/١ وللحديث شواهد \* يحيى بن أبي كثير مدلس وعنعن، وللحديث شواهد ضعيفة.

### Comments:

Technically, any action expressly forbidden by Allāh is a major sin. According to another view, a major sin is that about which either the threat of Hellfire, or a curse has been pronounced for it by Allāh and His Prophet ﷺ, or some punishment has been pronounced for the committing of it. Moreover, a minor sin, if repeated again, and again also assumes the status of a major sin.

### Chapter 11. What Has Been Related Of Evidence That The Shroud Is From One's Wealth

2876. It was reported from Khabbāb who said: "Muṣ'ab bin 'Umair was killed on the Day of Uḥud, and he had nothing but a *Namirah*. When we covered his head with it his legs were exposed, and when we covered his legs with it his head was exposed. So the Messenger of Allāh ﷺ said: "Cover his head with it, and put some *Idhkhir* over his legs." (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجنائز، باب: في كفن الميت، ح: ٩٤٠ من حديث سفيان والبخاري، الجنائز، باب: إذا لم يجد كفناً إلا ما يوارى رأسه... إلخ، ح: ١٢٧٦ من حديث الأعمش به.

#### Comments:

Arrangement for the shrouding and burial of the deceased person is given preference over paying debts and implementation of his will.

### Chapter 12. What Has Been Related About A Man Who Gives A Gift, Then It Is Bequeathed To Him, Or He Inherits It

2877. It was reported from Buraidah that a woman came to the Messenger of Allāh ﷺ and said: "I gave a slave-girl to my mother as charity, and she died and left behind that slave-girl." He said: "Your reward has been granted and she is returned back to you in inheritance." She said: "She died and a month's fasting was due on her. Will it be sufficient" — or "fulfilled for her if I fast it for her?" He replied: "Yes." She said:

(المعجم ١١) - بَابُ مَا جَاءَ فِي الدَّلِيلِ عَلَى أَنَّ الْكَفْنَ مِنْ جَمِيعِ الْمَالِ (التحفة ١١)  
٢٨٧٦ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ قَالَ: أَخْبَرَنَا سُفْيَانُ عَنِ الْأَعْمَشِ، عَنِ أَبِي وَاثِلٍ، عَنْ حَبَّابٍ قَالَ: مُضِعِبَ بْنَ عُمَيْرٍ قُتِلَ يَوْمَ أُحُدٍ وَلَمْ يَكُنْ لَهُ إِلَّا نَمْرَةٌ كُنَّا إِذَا غَطَيْنَا بِهَا رَأْسَهُ خَرَجَتْ رِجْلَاهُ، وَإِذَا غَطَيْنَا رِجْلَيْهِ خَرَجَ رَأْسُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «غَطُّوا بِهَا رَأْسَهُ وَاجْعَلُوا عَلَى رِجْلَيْهِ مِنَ الْإِدْخِرِ».

(المعجم ١٢) - بَابُ مَا جَاءَ فِي الرَّجُلِ يَهَبُ الْهَبَةَ ثُمَّ يُوصِي لَهَا بِهَا أَوْ يَرِثُهَا (التحفة ١٢)

٢٨٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ قَالَ: حَدَّثَنَا زُهَيْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَطَاءٍ عَنِ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنِ أَبِيهِ بُرَيْدَةَ: أَنَّ امْرَأَةً أَتَتْ رَسُولَ اللَّهِ ﷺ وَقَالَتْ: كُنْتُ تَصَدَّقْتُ عَلَى أُمِّي بِوَلِيدَةٍ وَإِنَّهَا مَاتَتْ وَتَرَكَتْ تِلْكَ الْوَلِيدَةَ. قَالَ: «قَدْ وَجِبَ أَجْرُكَ وَرَجَعَتْ إِلَيْكَ فِي الْمِيرَاثِ». قَالَتْ: وَإِنَّهَا مَاتَتْ وَعَلَيْهَا صَوْمُ شَهْرِ أَبِي جَرِيءٍ - أَوْ يَفْضِي - عَنْهَا أَنْ أَصُومَ عَنْهَا؟ قَالَ: «نَعَمْ»،

“And she has not performed *Hajj*, will it be sufficient” — Or “fulfilled for her if I perform *Hajj* for her?” He replied: “Yes.” (*Ṣaḥīḥ*)

قَالَتْ: وَإِنَّهَا لَمْ تَحُجَّ أَفِيَجْزِيءُ - أَوْ يَقْضِي  
- عَنْهَا أَنْ أُحَجَّ عَنْهَا؟ قَالَ: «نَعَمْ».

تخريج: أخرجه مسلم، الصيام، باب قضاء الصوم عن الميت، ح: ١١٤٩ من حديث عبدالله

ابن عطاء به وتقدم، ح: ١٦٥٦.

### Comments:

It is lawful to accept, as inheritance, the things previously given in charity or as gift. This does not fall under the category of taking back gifts and charity. If the deceased person had some missed fasts, they should be made up by his heirs. Some of the scholars held the view that making up such fasts was only in the case when the person had vowed to perform those fasts other than the prescribed fast of Ramadan, and died prior to having the chance.

### Chapter 13. What Has Been Related About A Man Who Institutes An Endowment

(المعجم ١٣) - بَابُ مَا جَاءَ فِي الرَّجُلِ  
يُؤَيِّفُ الْوَقْفَ (التحفة ١٣)

**2878.** It was reported from Nāfi‘, from Ibn ‘Umar who said: “‘Umar acquired some land in Khaibar, so he came to the Prophet ﷺ and said: ‘I acquired some land and I have never acquired a property more precious than it, so what do you advise me to do with it?’ He replied: ‘If you wish institute an endowment of it and give in charity from its (profit).’ So ‘Umar gave it in charity, and stated that the property is not to be sold entirely, nor given away, nor inherited but it is (to be used) for the poor, and near kindred, and freeing slaves, and in the cause of Allāh, and for the wayfarers” — and he added from Bishr:<sup>[1]</sup> “and the guests.” Then they were in accord: “There will be no sin on the administrator of the property to eat from it

٢٨٧٨ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا يَرْبُودُ

ابن زُرَيْعٍ؛ ح: وَحَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا  
بِشْرُ بْنُ الْمُفَضَّلِ؛ ح: وَحَدَّثَنَا مُسَدَّدٌ قَالَ:  
حَدَّثَنَا يَحْيَى عَنِ ابْنِ عَوْنٍ، عَنِ نَافِعٍ، عَنِ  
ابْنِ عُمَرَ قَالَ: أَصَابَ عُمَرُ أَرْضًا بِخَيْبَرَ فَأَتَى  
النَّبِيَّ ﷺ فَقَالَ: أَصَبْتُ أَرْضًا لَمْ أَصِبْ مَالًا  
قَطُّ أَنْفَسَ عِنْدِي مِنْهُ فَكَيْفَ تَأْمُرُنِي بِهِ؟ قَالَ:  
«إِنْ شِئْتَ حَبَسْتَ أَضْلَهَا وَتَصَدَّقْتَ بِهَا»،  
فَتَصَدَّقْ بِهَا عُمَرُ، أَنَّهُ لَا يَبَاعُ أَضْلَهَا وَلَا  
يُوهَبُ وَلَا يُورَثُ، لِلْفُقَرَاءِ وَالْقُرْبَى وَالرَّقَابِ  
وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ - وَزَادَ عَنِ بِشْرِ:  
وَالضُّيْفِ - ثُمَّ اتَّفَقُوا، لَا جُنَاحَ عَلَيَّ مَنْ  
وَلَيْهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ وَيُطْعِمَ صَدِيقًا  
غَيْرَ مَتَمَوْلٍ فِيهِ. زَادَ عَنِ بِشْرِ قَالَ: وَقَالَ

[1] That is, Musad-dad added that Bishr said, because Musad-dad narrated it from more than one person.

within what is customary, and to feed a friend from it without making it his own property.” And he added from Bishr: “And Muḥammad<sup>[1]</sup> said: ‘Without trying to amass wealth from it.’”

(*Sahih*)

تخریج: أخرجه البخاري، الوصايا، باب الوقف كيف يكتب؟ ح: ٢٧٧٢ عن مسدد، ومسلم، الوصية، باب الوقف، ح: ١٦٣٣ من حديث عبدالله بن عون به.

2879. It was narrated from Yahyā bin Sa‘eed, regarding the endowment of ‘Umar bin Al-Khaṭṭāb, he said: “‘Abdul-Ḥamīd bin ‘Abdullāh bin ‘Abdullāh bin ‘Umar bin Al-Khaṭṭāb copied it (the document) for me: ‘In the Name of Allāh, Most Gracious, Most Merciful. This is what the worshiper of Allāh, ‘Umar, has written about Thamgh.’” He narrated in the report similar to the *Hadīth* of Nāfi‘ (no. 2878). He added: “Without amassing wealth, whatever surplus there is from its fruits, then it is for the beggars and the deprived ones.” He said: “And he cited the narration. He said: ‘If the administrator of Thamgh wishes to buy a slave from its fruits for the work then he may do so.’ It was written by Mu‘aiqīb and witnessed by ‘Abdullāh bin Al-Arqam. In the Name of Allāh, Most Gracious, Most Merciful. This is what has been directed by the worshiper of Allāh, ‘Umar, the Commander of the Believers, if anything happens to him, then Thamgh, Ṣirmah bin Al-Akwa’, and

مُحَمَّدٌ: غَيْرَ مُتَأْتِلٍ مَالًا.

٢٨٧٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي اللَّيْثُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ صَدَقَةَ عُمَرَ بْنِ الْخَطَّابِ قَالَ: نَسَخَهَا لِي عَبْدُ الْحَمِيدِ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ: بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا كَتَبَ عَبْدُ اللَّهِ عُمَرُ فِي تَمَغٍ فَقَصَّ مِنْ خَيْرِهِ نَحْوَ حَدِيثٍ نَافِعٍ قَالَ: غَيْرَ مُتَأْتِلٍ مَالًا، فَمَا عَفَا عَنْهُ مِنْ تَمَرِهِ، فَهُوَ لِلسَّائِلِ وَالْمَحْرُومِ. قَالَ: وَسَاقَ الْفِصَّةَ، قَالَ: وَإِنْ شَاءَ وَلِيُّ تَمَغٍ اشْتَرَى مِنْ تَمَرِهِ رَقِيقًا لِعَمَلِهِ، وَكَتَبَ مُعَقِّبًا، وَشَهِدَ عَبْدُ اللَّهِ بْنُ الْأَرْقَمِ، بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا أَوْصَى بِهِ عَبْدُ اللَّهِ عُمَرُ أَمِيرُ الْمُؤْمِنِينَ، إِنْ حَدَّثَ بِهِ حَدَثٌ أَنْ تَمَغًا وَصَرَمَةً بِنِ الْأَكْوَعِ وَالْعَدَدَ الَّذِي فِيهِ وَالْمِائَةَ سَهْمِ الَّذِي بِخَيْرٍ وَرَقِيقَهُ الَّذِي فِيهِ وَالْمِائَةَ النَّبِيَّ أَطْعَمَهُ مُحَمَّدٌ ﷺ بِالْوَادِي تَلِيهِ حَفْصَةُ مَا عَاشَتْ، ثُمَّ يَلِيهِ ذُو الرَّأْيِ مِنْ أَهْلِهَا أَنْ لَا يُبَاعَ وَلَا يُشْتَرَى، يُنْفَقُ حَيْثُ رَأَى مِنْ

[1] That is, ‘Abdullāh bin ‘Awn narrated it to Muḥammad bin Sīrīn, and he said this. See *Al-Bukhārī* no. 2737, *Muslim* no. 4224, and *At-Tirmidhī* no. 1375.

the slave who is there, and the hundred shares which are in (the land of) Khaibar, the slave who is there, and the hundred shares which Muḥammad ﷺ donated to him in the valley, will remain in the custody of Ḥafṣah during her lifetime, then will go in the custody of a man of insight from her family. These will neither be sold, nor purchased. It (the produce) will be spent on where he sees it is appropriate, for the beggars, the deprived ones, and those near kindred. There is no harm for the one administering to eat, feed, and buy a slave from it.” (*Hasan*)

السَّائِلِ وَالْمَحْرُومِ وَذِي الْقُرْبَىٰ وَلَا حَرَجَ عَلَىٰ مَنْ وَلِيَهُ إِنْ أَكَلَ أَوْ اشْتَرَىٰ رَقِيْقًا مِنْهُ.

تخریج: [حسن] سنده ضعيف لأن عبدالحميد لم يدرك جده عمر (تحفة الأشراف: ٨٠/٨)

#### Comments:

لكنه وجادة وللحديث شواهد منها الحديث السابق.

The standard definition of *Waqf* (endowment or trust), is something or some property that is kept in tact, and the income accrued from it is given in charity. In all cases of *Waqf*, the conditions imposed on the property as well as on the administrator have to be clearly stipulated.

A person allotting a high-yielding property as a *Waqf*, so that even after his death, the expenditures concerned continue to benefit by it, is an act of great virtue, since Allāh says in the Qur’ān: “By no means shall you attain righteousness (and reward from Allāh) unless you spend (in His cause) of that which you love.” (*Āl ‘Imrān* 3:92)

The administrator of the trust has the right to spend, within the accepted norms for himself in his work for the *Waqf*, and his guests, from its income.

The will, as well as the trust deed, must be in the form of a written document, with signatures of witnesses affixed to it, so as to obviate the possibility of misappropriation and waste in it.

#### Chapter 14. What Has Been Related About Giving Charity On Behalf Of The Deceased

(المعجم ١٤) - بَابُ مَا جَاءَ فِي الصَّدَقَةِ

عَنِ الْمَيِّتِ (التحفة ١٤)

**2880.** It was reported from Abū Hurairah that the Messenger of Allāh ﷺ said: “When a person dies his deeds discontinue, except for three things: Ongoing charity,

٢٨٨٠ - حَدَّثَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ الْمُؤَدَّنُ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ سُلَيْمَانَ يَعْنِي ابْنَ بِلَالٍ، عَنْ الْأَعْلَاءِ بْنِ عَبْدِ الرَّحْمَنِ: أَرَأَاهُ

knowledge which people benefit from, and a righteous son who prays for him.” (*Sahih*)

أبيه، عن أبي هريرة أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ أَشْيَاءَ: مِنْ صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ».

تخريج: [صحيح] أخرجه مسلم، ح: ١٦٣١ من حديث العلاء به من غير شك.

### Comments:

Acts like placing properties of ‘continuous benefit’ for the people under charitable trust, building *Masājid* and rest-houses for travelers, disseminating beneficial knowledge, training pupils, writing and publishing books, and engaging in other works of public good are all excellent forms of charitable work. Upbringing children on the principles of the *Shari’ah* may, however, be considered among the best form of charity.

### Chapter 15. What Has Been Reltaed About Giving In Charity For One Who Died Without Leaving A Will

(المعجم ١٥) - بَابُ مَا جَاءَ فِيْمَنْ مَاتَ عَنْ غَيْرِ وَصِيَّةٍ يُتَصَدَّقُ عَنْهُ (التحفة ١٥)

**2881.** It was reported from ‘Āishah that a woman said: “O Messenger of Allāh! My mother died suddenly, if it were not for that, she would have given in charity and donated. Will it suffice if I give charity on her behalf?” The Prophet ﷺ said: “Yes, give in charity on her behalf.” (*Sahih*)

٢٨٨١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا حَمَادٌ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ امْرَأَةً قَالَتْ: يَا رَسُولَ اللَّهِ! إِنْ أُمِّي افْتَلَتَتْ نَفْسَهَا وَلَوْ لَا ذَلِكَ لَتَصَدَّقْتُ وَأَعْطْتُ، أَفْتَجْزِيءُ أَنْ أَتَصَدَّقَ عَنْهَا؟ فَقَالَ النَّبِيُّ ﷺ: «نَعَمْ، فَتَصَدَّقِي عَنْهَا».

تخريج: [صحيح] \* حماد هو ابن سلمة، وأصله عند البخاري، ح: ١٣٨٨ ومسلم، ح: ١٠٠٤ بعد، ح: ١٦٣٠ من حديث هشام عن أبيه: "أن رجلاً قال ... إلخ".

**2882.** It was reported from Ibn ‘Abbās that a man said: “O Messenger of Allāh! His mother died; will it benefit her if he gave charity on her behalf?” He replied: “Yes.” He said: “I have a garden, and I make you a witness that I have given it in charity on her behalf.” (*Sahih*)

٢٨٨٢ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ قَالَ: حَدَّثَنَا زَكَرِيَّا بْنُ إِسْحَاقَ قَالَ: أَخْبَرَنَا عَمْرُو بْنُ دِينَارٍ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ! إِنْ أُمُّهُ تُوَفِّيَتْ أَفْتَنْفَعُهَا إِنْ تَصَدَّقْتُ عَنْهَا؟ قَالَ: «نَعَمْ»، قَالَ: فَإِنَّ لِي مَخْرَفًا، وَإِنِّي أَشْهَدُكَ

أَنِّي قَدْ تَصَدَّقْتُ بِهِ عَنْهَا .

**تخریج:** أخرجه البخاري، الوصايا، باب: إذا وقف أرضاً ولم يبين الحدود فهو جائز وكذلك الصدقة، ح: ٢٧٧٠ من حديث روح بن عبادة به .

### Comments:

These are the only forms of conveying to the departed person the reward of deeds done after his death.

### Chapter 16. What Has Been Related About The Will Of A Combatant Disbeliever Who Dies, And His Executor Accepts Islam, Does He Have To Carry Out The Will?

2883. It was reported from ‘Amr bin Shu‘aib, from his father, from his grandfather, that Al-‘Āṣ bin Wa‘il instructed in his will that one hundred slaves be freed on his behalf. His son Hishām freed fifty slaves, and his son ‘Amr wanted to free the remaining fifty on his behalf. He said: “I will not do it until I ask the Messenger of Allāh ﷺ.” So he came to the Prophet ﷺ and said: “O Messenger of Allāh! My father instructed in his will to free one hundred slaves on his behalf. Hishām has freed fifty slaves on his behalf, and fifty remain. Can I free them on his behalf?” The Messenger of Allāh ﷺ said: “If he had been a Muslim; and you freed the slaves on his behalf, gave charity on his behalf, and performed *Hajj* (pilgrimage) on his behalf it would have reached him.” (*Hasan*)

**تخریج:** [إسناده حسن] أخرجه البيهقي: ٦/٢٧٩ من حديث العباس بن الوليد، وأحمد: ٢/

١٨١ من حديث عمرو بن شعيب به .

### Comments:

Such good deeds done on their behalf by their descendants, will only benefit the Muslims after their death.

(المعجم ١٦) - بَابُ مَا جَاءَ فِي وَصِيَّةِ الْحَرَبِيِّ يُسَلِّمُ وَلِيُّهُ أَيْلِزَمُهُ أَنْ يُنْفِذَهَا  
(التحفة ١٦)

٢٨٨٣ - حَدَّثَنَا الْعَبَّاسُ بْنُ الْوَلِيدِ بْنِ مَرْيَدٍ قَالَ: أَخْبَرَنِي أَبِي قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ قَالَ: حَدَّثَنِي حَسَّانُ بْنُ عَطِيَّةَ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ الْعَاصِمَ بْنَ وَائِلٍ أَوْصَى أَنْ يُعْتَقَ عَنْهُ مِائَةٌ رَقَبَةٍ، فَأَعْتَقَ ابْنُهُ هِشَامٌ خَمْسِينَ رَقَبَةً، فَأَرَادَ ابْنُهُ عَمْرُو أَنْ يُعْتَقَ عَنْهُ الْخَمْسِينَ الْبَاقِيَةَ، فَقَالَ: حَتَّى أَسْأَلَ رَسُولَ اللَّهِ ﷺ، فَأَتَى النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّ أَبِي أَوْصَى بِعِتْقِ مِائَةِ رَقَبَةٍ، وَإِنَّ هِشَامًا أَعْتَقَ عَنْهُ خَمْسِينَ وَبَقِيَ عَلَيْهِ خَمْسُونَ رَقَبَةً، فَأَعْتَقْتُ عَنْهُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّهُ لَوْ كَانَ مُسْلِمًا فَأَعْتَقْتُمْ عَنْهُ، أَوْ تَصَدَّقْتُمْ عَنْهُ، أَوْ حَجَّجْتُمْ عَنْهُ، بَلَغَهُ ذَلِكَ» .

**Chapter 17. What Has Been Related About A Man Who Dies And Leaves Behind A Debt, And He Has What Will Fulfill The Debt, The Creditors Will Be Asked To Defer Repayment For A While, And The Heirs Should Be Treated with Leniency**

(المعجم ١٧) - بَابُ مَا جَاءَ فِي الرَّجُلِ يَمُوتُ وَعَلَيْهِ دَيْنٌ وَلَهُ وَقَاءٌ يُسْتَنْظَرُ غَرَمَاؤُهُ وَيُرْفَقُ بِالْوَارِثِ (التحفة ١٧)

**2884.** It was reported from Jābir bin ‘Abdullāh who said that his father died and left a debt he had with a Jew for thirty *Wasq*. Jābir requested him to defer payment for a while but he refused, so Jābir requested the Messenger of Allāh ﷺ to intercede with him on his behalf. The Messenger of Allāh ﷺ came and spoke to the Jew to take dates instead of the debt that he was owed, but he refused. Then the Messenger of Allāh ﷺ spoke to him to defer it for a while, but he refused. — Then he narrated the rest of the *Hadīth*. (*Ṣaḥīh*)

٢٨٨٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ أَنَّ شُعَيْبَ بْنَ إِسْحَاقَ حَدَّثَهُمْ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ وَهْبِ بْنِ كَيْسَانَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّهُ أَخْبَرَهُ: أَنَّ أَبَاهُ تُوْفِّي وَتَرَكَ عَلَيْهِ ثَلَاثِينَ وَسَقًا لِرَجُلٍ مِنَ الْيَهُودِ، فَاسْتَنْظَرَهُ جَابِرٌ فَأَبَى، فَكَلَّمَ جَابِرٌ رَسُولَ اللَّهِ ﷺ أَنْ يَشْفَعَ لَهُ إِلَيْهِ، فَجَاءَ رَسُولُ اللَّهِ ﷺ فَكَلَّمَ الْيَهُودِيَّ لِيَأْخُذَ ثَمَرَ نَخْلِهِ بِالَّذِي لَهُ عَلَيْهِ، فَأَبَى عَلَيْهِ، وَكَلَّمَهُ رَسُولُ اللَّهِ ﷺ أَنْ يُنْظَرَهُ فَأَبَى، وَسَاقَ الْحَدِيثَ.

**تخریج:** أخرجه البخاري، الاستقراض، باب: إذا قاص أو جازفه في الدين تمرًا بتمر أو غيره، ح: ٢٣٩٦ من حديث هشام بن عروة به.

**Comments:**

Outstanding debts of the deceased person must be paid at the first possible opportunity. Interceding in such matters on behalf of the descendants is a desirable act.

**The End of the Book of Wills**