

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 :
﴿وَصِيَّةٌ مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ﴾
[النساء : ١١-١٢].

٦٧٢٣ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ :
حَدَّثَنَا سُفْيَانُ، عَنْ 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 عُبَيْدُ 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 يلتزمان 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 صنعته. 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، عَنْ عُرْوَةَ، عَنْ 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 أَدْخَلُ 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 أَحَدْتُكُمْ 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 ownelves, 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 اللَّهِ ﷺ أَرَدْنَ أَنْ يَبْعَثْنَ عُثْمَانَ إِلَى أَبِي بَكْرٍ يَسْأَلُنَّهُ مِيرَاثَهُنَّ، فَقَالَتْ عَائِشَةُ: أَلَيْسَ قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نُورَثُ، مَا تَرَكْنَا صَدَقَةٌ»؟ [راجع: ٤٠٣٤]

(٤) بَابُ قَوْلِ النَّبِيِّ ﷺ: «مَنْ تَرَكَ مَا لَّا فَلَاهُلَّهُ»

٦٧٣١ - حَدَّثَنَا عَبْدَانُ: أَخْبَرَنَا عَبْدُ اللَّهِ: 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 وَفَاءً فَعَلَيْنَا قَضَاؤُهُ، وَمَنْ تَرَكَ مَا لَّا 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."

(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

وقال زيد بن ثابت: إذا ترك رجلٌ أو امرأةٌ بنتاً فلها النصف، وإن كانتا اثنتين أو أكثر فلهن الثلثان. وإن كان معهن ذكرٌ بديءٍ بمن شركهم فبؤتي فريضة، فما بقي فللذكرِ 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 الْفَرَايِضَ بِأَهْلِهَا، فَمَا بَقِيَ فَهُوَ لِأَوْلَى رَجُلٍ ذَكَرٍ». [انظر: ٦٧٣٥، ٦٧٤٦، ٦٧٣٧]

(٦) بَابُ مِيرَاثِ الْبَنَاتِ

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’ādh 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’ādh 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 اللُّقْمَةَ تَرْفَعُهَا إِلَى فِي امْرَأَتِكَ». فَقُلْتُ: يَا رَسُولَ اللَّهِ، أَخَلَّفَ عَنِّي هَجْرَتِي؟ فَقَالَ: «لَنْ تُخَلَّفَ بَعْدِي فَتَعْمَلَ عَمَلًا تُرِيدُ بِهِ وَجْهَ اللَّهِ إِلَّا أزدَدْتَ بِهِ رِفْعَةً وَدَرَجَةً، وَلَعَلَّكَ أَنْ تُخَلَّفَ 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، عَنِ اشْعَثِ، عَنِ الْأَسْوَدِ بْنِ يَزِيدَ قَالَ: أَتَانَا مُعَاذُ بْنُ جَبَلٍ بِالْيَمَنِ مُعَلِّمًا وَأَمِيرًا، فَسَأَلْنَاهُ عَنْ رَجُلٍ تُوَفِّي وَتَرَكَ ابْنَتَهُ وَأُخْتَهُ فَأَعْطَى الْإِبْنَةَ 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 شَرْحِبِيلَ، 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. فَأَتَيْنَا 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 إِلَىٰ إِتْرَاهِيمَ وَإِسْحَاقَ وَيَعْقُوبَ﴾ [يوسف: ٣٨] ولم يُذَكَّرْ أَنَّ أَحَدًا خَالَفَ أَبَا بَكْرٍ فِي زَمَانِهِ وَأَصْحَابُ النَّبِيِّ ﷺ مُتَوَافِرُونَ. وَقَالَ ابْنُ عَبَّاسٍ: يَرِثُنِي ابْنُ ابْنِي دُونَ إِخْوَتِي، وَلَا أَرِثُ أَنَا ابْنَ ابْنِي وَيُذَكَّرُ عَنِ عُمَرَ وَعَلِيٍّ وَابْنِ مَسْعُودٍ وَزَيْدِ أَقَاوِيلُ مُخْتَلِفَةٌ.

٦٧٣٧ - حَدَّثَنَا سُلَيْمَانُ بْنُ

حَرْبٍ: حَدَّثَنَا وَهَيْبٌ، عَنِ ابْنِ طَاوُسٍ، عَنِ 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، عَنِ 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: خَيْرٌ»، 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.