

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⁾

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.

(١٢) بَابُ مِيرَاثِ الْأَخَوَاتِ مَعَ
الْبَنَاتِ عَصَبَةً

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 عَلَيَّ عَهْدَ 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.

6743. Narrated Jābir عنه الله: 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
شُعْبَةَ، 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 فَأَقْفَتُ 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 إِنَّ أَرْثًا هَلَكَ لَيْسَ لَكَ وَلَدٌ وَلَهُ أُخْتٌ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ إِنْ كَانَتْ اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ بِمَا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالًا وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ يُبَيِّنُ اللَّهُ لَكُمْ أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ﴾ [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 آيَةُ 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 وَالْآخَرَ 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 اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ
اللَّهِ ﷺ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ
أَنْفُسِهِمْ، فَمَنْ مَاتَ وَتَرَكَ مَالًا فَمَالُهُ
لِمَوَالِي الْعَصَبَةِ، وَمَنْ تَرَكَ كَلًّا أَوْ
ضِيَاعًا فَأَنَا وَوَيْئُهُ 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'an* (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 الْمُهَاجِرِي دُونَ ذَوِي رَجْمِهِ لِلأُخُوَّةِ 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 لَاعَنَ امْرَأَتَهُ فِي زَمَنِ النَّبِيِّ ﷺ وَانْتَفَى مِنْ وَلَدِهَا، فَفَرَّقَ النَّبِيُّ ﷺ بَيْنَهُمَا وَأَلْحَقَ الْوَلَدَ بِالْمَرْأَةِ.

[راجع: ٤٧٤٨]

(١٨) بَابُ: الْوَلَدُ لِلْفَرَاثِ لِحُرَّةٍ كَانَتْ أَوْ أَمَةً

(1) (Ch. 17) *Mulā'ana* or *Li'an* 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 رَمْعَةَ مَتًى أَخِيهِ سَعْدٍ أَنَّ ابْنَ وَلِيدَةَ رَمْعَةَ مَتًى فَأَقْبَضَهُ إِلَيْكَ، فَلَمَّا كَانَ عَامُ الْفَتْحِ أَخَذَهُ سَعْدٌ فَقَالَ: ابْنُ أَخِي عَهْدٌ إِلَيَّ فِيهِ، فَقَامَ عَبْدُ بْنُ رَمْعَةَ، 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 رَمْعَةَ: أَخِي وَابْنُ وَلِيدَةَ أَبِي وُلِدَ عَلَيَّ فَرَأَيْتَهُ. فَقَالَ النَّبِيُّ ﷺ: «هُوَ لَكَ يَا عَبْدُ بْنُ رَمْعَةَ، الْوَلَدُ لِلْفَرَّاشِ وَاللِّعَاطِرِ الْحَجَرِ». ثُمَّ قَالَ لِسُودَةَ بِنْتِ رَمْعَةَ: «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»، وَأَهْدِي 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.

لأَعْتَقَهَا، وَإِنَّ أَهْلَهَا يَشْتَرُونَ وَلَاءَهَا
فَقَالَ: «أَعْتَقْتُهَا 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
عَبْرٍ 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 عَنِ 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 عَلَيَّ أَنْ وِلَائَهَا 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).”

جَرِيرٍ، عَنِ مَنْصُورٍ، عَنِ إِبْرَاهِيمَ،
 عَنِ الْأَسْوَدِ، عَنِ عَائِشَةَ رَضِيَ اللَّهُ
 عَنْهَا قَالَتْ: اشْتَرَيْتُ بَرِيرَةَ فَأَشْتَرَطَ
 أَهْلُهَا 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
 وَابْنِ 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 عَنِ 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