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[Abu Dawud] Shares of Inheritance

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Abu Dawud.
Book : 12. Shares of Inheritance.

012 : 2879 : Narrated By Abdullah ibn Amr ibn al-'As

The Prophet (pbuh) said: Knowledge has three categories; anything else is extra; a precise verse, or an established sunnah (practice), or a firm obligatory duty.

012 : 2880 : Narrated By Jabir

I fell ill, and the Prophet (pbuh) and Abu Bakr came to me on foot to visit me. As I was unconscious, I could not speak to him. He performed ablution and sprinkled water on me; so I became conscious. I said: Apostle of Allah, how should I do in my property, as I have sisters? Thereafter the verse about inheritance was revealed: "They ask thee for legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs."

012 : 2881 : Narrated By Jabir ibn Abdullah

I fell ill, and I had seven sisters. The Apostle of Allah (pbuh) came to me and blew on my face. So I became conscious. I said: Apostle of Allah, may I not bequeath one-third of my property to my sisters? He replied: Do good. I asked: Half? He replied: Do good. He then went out and left me, and said: I do not think, Jabir, you will die of this disease. Allah has revealed (verses) and described the share of your sisters. He appointed two-thirds for them. Jabir used to say: This verse was revealed about me: "They ask thee for a legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs."

012 : 2882 : Narrated By Al Bara' b. 'Azib

The last verse revealed about the deceased who left no descendants or ascendants: "They ask thee for legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs."

012 : 2883 : Narrated By Al-Bara' ibn Azib

A man came to the Prophet (pbuh) and said: Apostle of Allah, they ask thee for a legal

decision about a kalalah. What is meant by kalalah? He replied: The verse revealed in summer is sufficient for you.

I asked AbuIshaq: Does it mean a person who dies and leaves neither children nor father? He said: This is so. The people think it is so.

012 : 2884 : Narrated By Huzail b. Shurahbil al-Aswadi

A man came to Abu Musa al-Ash'ari and Salman b. Rabi'ah, and asked about a case where there were a daughter, a son's daughter and a full sister. They replied: The daughter gets half and the full sister gets half. The son's daughter gets nothing. Go to Ibn Mas'ud and you will find that he agrees with me. So the man came to him and informed him about their opinion. He said: I would then be in error and not those who are rightly guided. But I decide concerning the matter as the Apostle of Allah (pbuh) did: the daughter gets half, and the son's daughter gets a share which complete two thirds (i.e. gets a sixth), and what remains goes to the full sister.

012 : 2885 : Narrated By Jabir ibn Abdullah

We went out with the Apostle of Allah (pbuh) and came to a woman of the Ansar in al-Aswaf. The woman brought her two daughters, and said: Apostle of Allah, these are the daughters of Thabit ibn Qays who was killed as a martyr when he was with you at the battle of Uhud, their paternal uncle has taken all their property and inheritance, and he has not left anything for them. What do you think, Apostle of Allah? They cannot be married unless they have some property. The Apostle of Allah (pbuh) said: Allah will decide regarding the matter. Then the verse of Surat an-Nisa was revealed: "Allah (thus) directs you as regards your children's (inheritance)." Apostle of Allah (pbuh) said: Call to me the woman and her husband's brother. He then said to their paternal uncle: Give them two-thirds and their mother an eighth, and what remains is yours.

Abu Dawud said: The narrator Bishr made a mistake. They were the daughters of Sa'd b. al-Rabi' for Thabit b. Qais was killed in the battle of Yammamah.

012 : 2886 : Narrated By Jabir b. 'Abd Allah

The wife of Sa'd b. al-Rabi' said: Apostle of Allah, Sa'd died and left two daughters. He then narrated the rest of the tradition in a similar way.

Abu Dawud said: This is the most correct tradition.

012 : 2887 : Narrated By Al Aswad b. Yazid

Mu'adh b. Jabal gave shares of inheritance to a sister and a daughter. He gave each of them half. He was at Yemen while the Prophet of Allah (pbuh) was alive.

012 : 2888 : Narrated By al-Mughirah ibn Shu'bah

Qabisah ibn Dhuwayb said: A grandmother came to Abu Bakr asking him for her share of inheritance. He said: There is nothing prescribed for you in Allah's Book, nor do I know anything for you in the Sunnah of the Prophet of Allah (pbuh) Go home till I question the people. He then questioned the people, and al-Mughirah ibn Shu'bah said: I had been present with the Apostle of Allah (pbuh) when he gave grandmother a sixth. Abu Bakr said: Is there anyone with you? Muhammad ibn Maslamah stood and said the same as al-Mughirah ibn Shu'bah had said. So Abu Bakr made it apply to her. Another grandmother came to Umar ibn al-Khattab asking him for her share of inheritance. He said: Nothing has been prescribed for you in Allah's Book. The decision made before you was made for a grandmother other than you. I am not going to add in the shares of inheritance; but it is that sixth. If there are two of you, it is shared between you, but whichever of you is the only one left gets it all.

012 : 2889 : Narrated By Buraydah

The Prophet (pbuh) appointed a sixth to a grandmother if no mother is left to inherit before her.

012 : 2890 : Narrated By Imran ibn Husayn

A man came to the Prophet (pbuh) and said: My son has died; what do I receive from his estate? He replied: You receive a sixth. When he turned away he called him and said: You receive another sixth. When he turned away, he called him and said: The other sixth is an allowance (beyond what is due).

Qatadah said: They (the Companions) did not know the heirs with whom he was given (a sixth).

Qatadah said: The minimum share given to the grandfather was a sixth.

012 : 2891 : Narrated By Ma'qil ibn Yasar

Al-Hasan reported that Umar asked: Which of you knows what share the Apostle of Allah (pbuh) had given to the grandfather from the estate? Ma'qil ibn Yasar said: The Apostle of Allah (pbuh) gave him a sixth. He asked: Along with whom? He replied: I do not know. He said: You do not know; what is the use then?

012 : 2892 : Narrated By Abdullah ibn Abbas

The Prophet (pbuh) said: Divide the property among those whose share have been prescribed in the Book of Allah, and what remains from the prescribed shares goes to the nearest male heirs.

012 : 2893 : Narrated By Al-Miqdam al-Kindi

The Prophet (pbuh) said: If anyone leaves a debt or a helpless family I shall be responsible-and sometimes the narrator said: Allah and His Apostle will be responsible-but if anyone leaves property, it goes to his heirs. I am the heirs of him who has none, paying blood-wit for him and inheriting from him; and a maternal uncle is the heir of him who has none, paying blood-wit for him and inheriting from him.

012 : 2894 : Narrated By Al-Miqdam al-Kindi

The Prophet (pbuh) said: I am nearer to every believer than himself, so if anyone leaves a debt or a helpless family, I shall be responsible, but if anyone leaves property, it goes to his heirs. I am patron of him who has none, inheriting his property and freeing him from his liabilities. A maternal uncle is patron of him who has none, inheriting his property and freeing him from his liabilities.

012 : 2895 : Narrated By Al-Miqdam

I heard the Apostle of Allah (pbuh) say: I am the heirs of Him who has none, freeing him from his liabilities, and inheriting what he possesses. A maternal uncle is the heir of Him who has none, freeing him from his liabilities, and inheriting his property.

012 : 2896 : Narrated By 'Aisha, Ummul Mu'minin

A client of the Prophet (pbuh) died and left some property, but he left no child or relative. The Apostle of Allah (pbuh) said: Give what he has left to a man belonging to his village.

012 : 2897 : Narrated By Buraydah ibn al-Hasib

A man came to the Apostle of Allah (pbuh) and said: I have property left by a man of Azd. I do not find any man of Azd to give it to him. He said: Go and look for man of Azd for a year. He then came to him after one year and said: Apostle of Allah, I did not find any man of Azd to give it to him. He said: Look for a man of Khuza'ah whom you meet first and give it to him. When he turned away, he said; Call the man to me. When he came to him, he said: Look for the leading man of Khuza'ah and give it to him.

012 : 2898 : Narrated By Buraydah ibn al-Hasib

A man of Khuza'ah died and his estate was brought to the Prophet (pbuh). He said: Look for his heir or some relative. But they found neither heir nor relative. The Apostle of Allah (pbuh) said: Give it to the leading man of Khuza'ah. The narrator Yahya said: Sometimes I heard him (al-Husayn ibn Aswad) say in this tradition: Look for the greatest man of Khuza'ah.

012 : 2899 : Narrated By Abdullah ibn Abbas

A man died leaving no heir but a slave whom he had emancipated. The Apostle of Allah (pbuh) asked: Has he any heir? They replied: No, except a slave whom he had emancipated. The Apostle of Allah (pbuh) assigned his estate to him (the emancipated slave).

012 : 2900 : Narrated By Wathilah ibn al-Asqa'

The Prophet (pbuh) said: A woman gets inheritance from the three following: one she has set free, a foundling, and her child about whom she has invoked a curse on herself if she was untrue in declaring he was not born out of wedlock.

012 : 2901 : Narrated By Makhul

The Apostle of Allah (pbuh) assigned the estate of a child of a woman about whom she had invoked a curse to her mother, and to her heirs after her.

012 : 2902 : Narrated By N/A

'Amr b. Shu'aib on his father's authority, said that his grandfather reported from the Prophet (pbuh) something similar.

012 : 2903 : Narrated By Usamah b. Zaid

The Prophet (pbuh) said: A Muslim may not inherit from an infidel nor an infidel from a Muslim.

012 : 2904 : Narrated By Usamah b. Zaid

I said: Apostle of Allah, where will you stay tomorrow? This (happened) during his Hajj. He replied: Has 'Aqil left any house for us? He then said: We shall stay at the valley of Banu Kinanah where the Quraish took an oath on unbelief. This refers to al-Muhassab. The reason is that Banu Kinanah made an alliance with the Quraish against Banu Hashim that they would have no marital connections with them, nor will have commercial transactions with them, nor will give them any refuge.

Al-Zuhri said: Khaif means valley.

012 : 2905 : Narrated By Abdullah ibn Amr ibn al-'As

The Prophet (pbuh) said: people of two different religions would not inherit from one another.

012 : 2906 : Narrated By Mu'adh ibn Jabal

I heard the Apostle of Allah (pbuh) say: Islam increases and does not diminish. He, therefore, appointed a Muslim heir (of a non-Muslim).

012 : 2907 : Narrated By Abu al-Aswad al-Dili

Mu'adh bought the property of a Jew whose heir was a Muslim. He then narrated a tradition from the Prophet (pbuh) to the same effect.

012 : 2908 : Narrated By Abdullah ibn Abbas

The Prophet (pbuh) said: An estate which was divided in pre-Islamic period may follow the division in force then, but any estate in Islamic times must follow the division laid down by Islam.

012 : 2909 : Narrated By Ibn 'Umar

'Aisha, mother of the believers (Allah be pleased with her), intended to buy a slave girl to set her free. Her people said: We shall sell her to you on the condition that we shall inherit from her. 'Aisha mentioned it to the Apostle of Allah (pbuh). He said: That should not prevent you, for the right of inheritance belongs to the one who has set a person free.

012 : 2910 : Narrated By 'Aisha

The Apostle of Allah (pbuh) said: The right of inheritance belongs only to the one who has paid the price (of the slave) and patronised him by doing an act of gratitude.

012 : 2911 : Narrated By 'Umar ibn al-Khattab

Amr ibn Shu'ayb reported: Rabab ibn Hudhayfah married a woman and three sons were born to him from her. Their mother then died. They inherited her houses and had the right of inheritance of her freed slaves.

Amr ibn al-'As was the agnate of her sons. He sent them to Syria where they died. Amr ibn al-'As then came. A freed slave of hers died and left some property. Her brothers disputed with him and brought the case to Umar ibn al-Khattab.

'Umar reported the Apostle of Allah (pbuh) as saying: Whatever property a son or a father receives as an heir will go to his agnates, whoever they may be. He then wrote a document for him, witnessed by Abdur Rahman ibn Awf, Zayd ibn Thabit and one other

person. When Abdul Malik became caliph, they presented the case to Hisham ibn Isma'il or Isma'il ibn Hisham (the narrator is doubtful).

He sent them to Abdul Malik who said: This is the decision which I have already seen.

The narrator said: So he (Abdul Malik) made the decision on the basis of the document of Umar ibn al-Khattab, and that is still with us today.

012 : 2912 : Narrated By Tamim ad-Dari

Tamim asked: Apostle of Allah, what is the sunnah about a man who accepts Islam by advice and persuasion of a Muslim? He replied: He is the nearest to him in life and in death.

012 : 2913 : Narrated By Ibn 'Umar

The Apostle of Allah (pbuh) forbade selling or giving away the right to inheritance by a manumitted slave.

012 : 2914 : Narrated By Abu Hurairah

The Prophet (pbuh) said: When an infant has raised its voice (and then dies), it will be treated as an heir.

012 : 2915 : Narrated By Ibn 'Abbas

To those also, to whom your right hand was pledged, give their due proportion. A man made an agreement with another man (in early days of Islam), and there was no relationship between them; one of them inherited from the other. The following verse of Surat al-Anfal abrogated it: "But kindred by blood have prior right against each other."

012 : 2916 : Narrated By N/A

Ibn 'Abbas explaining the Quranic verses: "To those also, to whom your right hand was pledged, give due proportion." When the Emigrants came to Medina, they inherited from the Helpers without any blood relationship with them for the brotherhood which the

Apostle of Allah (pbuh) established between them. When the following verse was revealed: "To (benefit) everyone we have appointed shares and heirs to property left by parents and relatives," it abrogated the verse: "To those also, to whom your right hand was pledged, give their due portion." This alliance was made for help, well wishing and cooperation. Now a legacy can be made for him. (The right to) inheritance was abolished.

012 : 2917 : Narrated By Dawud b. al-Husain

I used to learn the reading of the Qur'an from Umm Sa'd, daughter of al-Rabi'. She was an orphan in the guardianship of Abu Bakr. I read the Qur'anic verse: "To those whom your right hand was pledged." She said: Do not read the verse: "To those whom your right hand was pledged." This was revealed about Abu Bakr and his son 'Abd al-Rahman when he refused to accept Islam. Abu Bakr took an oath that he would not give him a share from inheritance. When he embraced Islam, Allah Most High commanded His Prophet (pbuh) to give him the share.

The narrator 'Abd al-'Aziz added: He did not accept Islam until he was urged on Islam by sword.

Abu Dawud said: He who narrated the word 'aqadat means a pact; and he who narrated the word 'aqadat meant the party who made the pact. The correct version is the tradition of Talhah (aqadat).

012 : 2918 : Narrated By N/A

Ibn 'Abbas (Allah be pleased with him) said referring to the verse: "Those who believed and adopted exile... As to those who believed but came not into exile": A bedouin (who did not emigrate to Medina) did not inherit from an emigrant, and an emigrant did not inherit from him. It was abrogated by the verse: "But kindred by blood have prior rights against each other."

012 : 2919 : Narrated By Jubair b. Mu'tim

The Apostle of Allah (pbuh) said: There is no alliance in Islam, and Islam strengthened the alliance made during pre-Islamic days.

012 : 2920 : Narrated By Anas b. Malik

The Apostle of Allah (pbuh) established an alliance (of brotherhood) between the Emigrants and the Helpers in our house. He was asked: Did not the Apostle of Allah

(pbuh) say: There is no alliance in Islam? He replied: The Apostle of Allah (pbuh) established an alliance between the Emigrants and Helpers in our house.

012 : 2921 : Narrated By Umar ibn al-Khattab

Sa'id said: Umar ibn al-Khattab said: Blood-money is meant for the clan of the slain, and she will not inherit from the blood-money of her husband. Ad-Dahhak ibn Sufyan said: The Apostle of Allah (pbuh) wrote to me that I should give a share to the wife of Ashyam ad-Dubabi from the blood-money of her husband. So Umar withdrew his opinion.

Ahmad ibn Salih said: Abdur Razzaq transmitted this tradition to us from Ma'mar, from az-Zuhri on the authority of Sa'id. In this version he said: The Prophet (pbuh) made him governor over the bedouins.