

## عمدة الأحكام

Abu Muhammad ‘Abdul-Ghane Al-Maqdisi (رحمه الله) 541 – 600 H

### كتاب الفرائض

#### Book of Laws of Inheritance

٢٩٥. عن عبد الله بن عباس رضي الله عنهما، عن النبي صلى الله عليه وسلم قال: "أَلْحِقُوا الفرائضَ بأهلها، فما بقيَ فهو لأوْلَى رجلٍ ذَكَرٍ". (أخرجه البخاري ومسلم) وفي رواية: "أَقْسِمُوا المَالَ بَيْنَ أَهْلِ الفرائضِ على كتابِ الله، فما تركتِ الفرائضُ، فلأوْلَى رجلٍ ذَكَرٍ". (أخرجه مسلم)

295. Narrated on the authority of ‘Abdullah bin ‘Abbas (radhia Allahu ‘anhuma) who said: “The Messenger of Allah ﷺ said: ‘Distribute the inheritance to those who are entitled to them, and what remains over goes to the nearest male heir’.” - *Al-Bukhari & Muslim*.

And in another narration: “Distribute the property amongst those who are to inherit according to the Book of Allah, and what is left out of them goes to the nearest male heir” - *Muslim*.

٢٩٦. عن أسامة بن زيد رضي الله عنهما، قال: قلتُ: يا رسولَ الله، أتَنْزِلُ غداً في دارِكِ بمكةَ؟ قال: "وهل تركَ لنا عَقِيلٌ من رِباعٍ، أو دورٍ"، ثم قال: "لا يرثُ المسلمُ الكافرَ، ولا الكافرُ المسلمَ". (أخرجه مسلم)

296. Narrated on the authority of Usamah bin Zaid (radhia Allahu ‘anhuma) who said: “I said: O Messenger of Allah ﷺ, will you stay at your house in Makkah tomorrow? He ﷺ said: ‘Has ‘Aqeel left something for us from land or house? Then he ﷺ said: ‘A Muslim is not entitled to inherit from a non-Muslim, and a non-Muslim is not entitled to inherit from a Muslim’.” - *Muslim*.

٢٩٧. عن عبد الله بن عمر رضي الله عنهما، أَنَّ النبيَّ صلى الله عليه وسلم نهى عن بيعِ الوِلاءِ وَهَيْبَتِهِ. (أخرجه مسلم)

297. Narrated on the authority of ‘Abdullah bin ‘Umar (radhia Allahu ‘anhuma) who said: “The Messenger of Allah ﷺ forbade the selling allegiance or right to inheritance between the slave and the one who frees him and gifts - *Muslim*.

٢٩٨. عن عائشة رضي الله عنها، قالت: كان في بريدة ثلاث سنن، خيِّرت على زوجها حين عتقت، وأهدي لها لحم، فدخل علي رسول الله صلى الله عليه وسلم، والبُرْمَةُ على النار، فدعا بطعام، فأتي بخبز وأدم من أدم البيت، فقال: "ألم أر البُرْمَةَ على النار فيها لحم؟" فقالوا: بلى يا رسول الله، ذلك لحم تُصدِّق به على بريدة، فكرهنا أن نُطعمَكَ منه، فقال: "هو عليها صدقة، وهو لنا منها هديَّةٌ" وقال النبي صلى الله عليه وسلم فيها: "إنما الولاء لمن أعتق". (أخرجه مسلم)

298. Narrated on the authority of 'Aishah (radhia Allahu 'anha): "There are three Sunan that we came to know in case of Bareerah. She was given an option with regard to her husband when she was emancipated. She was given meat as charity. Allah's Messenger ﷺ visited me when an earthen pot with meat in it was placed on the fire. He asked for food and he ﷺ was given bread with ordinary meat usually cooked in the house. Thereupon he ﷺ said: 'Don't I see the earthen pot on fire with meat in it?' They said: 'Yes. O Messenger of Allah ﷺ, there is meat in it which was given as charity to Bareerah. We did not deem it advisable that we should give you that to eat', whereupon he ﷺ said: 'It is charity for her, but it is gift for us'. And the Prophet ﷺ said: 'The right of inheritance vests with one who emancipates'." – *Muslim*.