

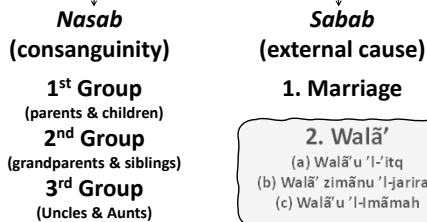
Review

- **Importance of Divine Laws**
 - 5:44 to 5:50
- **Finding “wasīyyah” in the Verses**
 - 4:11 to 5:15
- **Some Relevant Ahādīth**
- **Importance of Divine Laws of Irth**

1

Classification of Heirs

Basis of Inheritance



2

The Three Groups of Relatives

What is the source of this division?

- This is a matter of unanimity among the Muslims and so there is not much discussion about its source.
- However, it can be gleaned from the sources.
- For example, verse 33:6 says that blood relatives have greater right compared to fellow Muslims.

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The Three Groups of Relatives (2)

Verse 33:6

وَأُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ فِي كِتَابِ اللَّهِ
مِنَ الْمُؤْمِنِينَ وَالْمُهَاجِرِينَ
إِلَّا أَنْ تَفْعَلُوا إِلَىٰ أَوْلِيَائِكُمْ مَعْرُوفًا
كَانَ ذَلِكَ فِي الْكِتَابِ مَسْطُورًا

Those who are related by blood have more right
over one another in the Book of Allāh
in the matter of inheritance
than the believers and the immigrants
except if you do a good deed to your friends;
this is verily written in the Book (of Allāh).

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The Three Groups of Relatives (3)

• Verse 33:6 abrogated verse 8:72

إِنَّ الَّذِينَ آمَنُوا وَهَاجَرُوا وَجَاهَدُوا بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ
فِي سَبِيلِ اللَّهِ وَالَّذِينَ آوَوْا وَنَصَرُوا
أُولَٰئِكَ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ
وَالَّذِينَ آمَنُوا وَلَمْ يُهَاجِرُوا مَا لَكُمْ مِنْ وَلَايَتِهِمْ مِنْ شَيْءٍ
حَتَّىٰ يُهَاجِرُوا

Surely those who believed, emigrated and struggled
with their wealth and their selves in the way of Allāh,
and those who gave shelter *to the emigrants* and
helped—they are guardians *and friends* of each other.
And those Meccans who believed but had not
emigrated, you have no relationship towards them
until they emigrate...

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The Three Groups of Relatives (3)

- Verse 33:6 abrogated the order of the early days of hijrah in verse 8:72 after the Prophet^(s) established brotherhood between the Muhājirin & Ansār – they would inherit one another against their relatives who had not yet migrated.
- 8:75 says once their Muslim blood relatives migrate, they will have a greater right than the brethren in faith.

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The Three Groups of Relatives (4)

- Another example, verse 4:176 that shows that even among the blood relatives, those who are directly related to the deceased have a greater right compared to those who are indirectly related to the deceased.

deceased's child	deceased's sister
direct	indirect

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The Three Groups of Relatives (5)

Verse 4:176

They are asking you for a ruling: *O Muhammad*, say that Allāh gives you His ruling about the *kalālah*: If a man dies having no child, but he has a sister, then she shall have half of what he leaves. And he shall inherit her if she dies and has no child. But if there be two sisters, they shall have two-thirds of what he leaves; and if there are more than two siblings, male and female, then the male shall have equal of the shares of two females. Allāh makes clear to you, lest you err; and Allāh knows all things.

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The Three Groups of Relatives (6)

↔

blood relatives ↔ brethren in faith

↔

children ↔ brothers or sisters

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Relevant Ahādīth

1. Imam as-Sādiq (a): “The uncle & the aunt will inherit if there is no one else as the Almighty says: ‘Those who are related by blood have more right over one another in Allah’s Book. [33:6; 8:75]’”
2. Imam as-Sādiq (a): “If there is no child of the deceased, then the grandson will stand in place of the son; similarly, if there is no child of the deceased, then the granddaughter will stand in place of the daughter.”

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Relevant Ahādīth (2)

3. Hammād b. ‘Uthmān: I asked Imam al-Kādhim (a) about a person who leaves behind his mother and his brother... He said, “‘Ali (a) used to give the property to the closest and then only the closer.”
Hammād: “So the brother doesn’t inherit anything?”
The Imam: “I told you that ‘Ali (a) used to give the property to the closest and then only the closer!”

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Relevant Ahādīth (3)

4. Imam al-Bāqir (a): “In presence of the mother or the father or the son or the daughter, *none* shall inherit except the husband and the wife.
“And verily the husband shall not be deprived of anything from the half if there is no child; and the wife shall not be deprived of anything from the quarter if there is no child.
If they have a child, then the husband’s share is 1/4 and the wife’s share is 1/8.”

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Relevant Ahādīth (4)

5. Zurārah quotes Imam as-Sādiq (a) about verse 4:33 “As for what the parents and the near relatives leave, We have appointed (*mawāliya* موالى) heirs.”
- He (a) said, “This only refers to the blood relatives in matters of the inheritance and does not refer to the benefactors. And so the most deserving of them to the deceased is the closest one to him in blood relationship that pulls him to it.”

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Relevant Ahādīth (5)

6. Muhammad b. Muslim says that Imam al-Bāqir (a) showed a book to me and the first thing that I noticed was that the nephew and the grandfather will share the estate equally.
- I said, “The judges among us don’t give anything to the nephew in presence of the grandfather!”
 - The Imam (a) replied, “This book is in the handwriting of ‘Ali (a) and dictated by Allāh’s Messenger.”

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The Kitāb of ‘Ali (a)

- The existence of the book of Imam ‘Ali (a) written by him based on the dictation of the Prophet (s) has been mentioned in our hadīth books repeatedly.
 - The late ‘Allāmah S. Murtaza al-‘Askari has given a list of those companions who have seen this book with the Sādiqayn (a):
1. Abu Basir saw the book with the 5th Imam which contained halal, haram and shares (of inheritances). “This is dictation of the Prophet (s) in the writing of ‘Ali (a).”

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The Kitāb of 'Ali (a) [2]

2. Muhammad b. Muslim: The 5th Imam allowed me to read a portion from the book of 'Ali (a).
3. 'Abdul Malik b. A'yun saw a portion of the book of 'Ali (a) with the 5th Imam.
4. Zurārah b. A'yun: The 5th Imam quoted a verdict on inheritance from Imam 'Ali (a). Zurārah was surprised as he had not heard that opinion from anyone else. The Imam told to come next day to show him the book... → interesting story.

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The Kitāb of 'Ali (a) [3]

5. Mu'attib (an ex slave of the Imam) says that the 6th Imam came to us with the book of the Imam 'Ali (a).
6. 'Adhāfir as-Sayfari narrated that al-Hakam b. 'Utaybah was asking questions and Imam al-Bāqir (a) was answering. At one point, al-Hakam disagreed with the Imam! The Imam asked his son to bring the book... "This is in writing of 'Ali (a), dictated by the Rasul (s)." Then he showed it to al-Hakam and said:

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The Kitāb of 'Ali (a) [4]

- "O Abu Muhammad! You and Salamah and Abul Miqdām, go wherever you want, right or left, by Allah you will not find a knowledge more authentic than this from the people upon whom Jibra'il used to descend."

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