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Of the majestic narrator and the scholar, the jurist, the Sheykh
Muhammad Bin Yaqoub Al-Kulayni

Well known as 'The trustworthy of Al-Islam Al-Kulayni'

Who died in the year 329 H

كتاب المَوَارِيثِ

THE BOOK OF INHERITANCES (1)

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّم تَسْلِيمًا.

In the Name of Allah^{azwj} the Beneficent, the Merciful. The Praise is for Allah^{azwj} Lord^{azwj} of the Worlds, and Blessing be upon our Chief Muhammad^{saww} and his^{saww} Purified Progeny^{asws}, and greetings with abundant greetings.

Chapter 1a

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ صَالِحِ بْنِ السُّنْدِيِّ عَنْ جَعْفَرِ بْنِ بَشِيرٍ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ حُسَيْنِ الرَّزَّازِ قَالَ أَمَرْتُ مَنْ يَسْأَلُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) الْمَالُ لِمَنْ هُوَ لِأَقْرَبٍ أَوْ لِلْعَصَبَةِ فَقَالَ الْمَالُ لِأَقْرَبٍ وَ الْعَصَبَةُ فِي فِيهِ التُّرَابُ .

Ali Bin Ibrahim, from Salih Bin Al Sindy, from Ja'far Bin Basheer, from Abdullah Bin Bakeyr, from Husayn Al Razaz who said,

'I instructed someone to ask Abu Abdullah^{asws}, 'The wealth is for the one who is the relative or for the society?' So he^{asws} said: 'The wealth is for the relatives, and the society, in their mouths is the dust'.¹

باب

Chapter 1b

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ سَهْلِ بْنِ زِيَادٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعًا عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ يَزِيدَ الْكِنَاسِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ ابْنُكَ أَوْلَى بِكَ مِنْ ابْنِ ابْنِكَ وَ ابْنُ ابْنِكَ أَوْلَى بِكَ مِنْ أَخِيكَ قَالَ وَ أَخُوكَ لِأَبِيكَ وَ أُمَّكَ أَوْلَى بِكَ مِنْ أَخِيكَ لِأَبِيكَ قَالَ وَ أَخُوكَ لِأَبِيكَ أَوْلَى بِكَ مِنْ أَخِيكَ لِأُمَّكَ

A number of our companions, from Ahmad Bin Muhammad, from Sahl Bin Ziyad and Ali Bin Ibrahim, from his father and Muhammad Bin Yahya, from Ahmad Bin Muhahhad, altogether from Ibn Mahboub, from Hisham Bin Salim, from Yazeed Al Kunasy,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Your son is more entitled with you than the son of your son (grandson); and a son of your son (grandson) is more entitled with you than your brother. And your brother from your father and your mother (full brother) is more entitled with you than your brother from your father (only – half brother). And your brother from your father (paternal half brother) is more entitled with you than your brother from your mother (maternal half brother).

قَالَ وَ ابْنُ أَخِيكَ لِأَبِيكَ وَ أُمَّكَ أَوْلَى بِكَ مِنْ ابْنِ أَخِيكَ لِأَبِيكَ قَالَ وَ ابْنُ أَخِيكَ مِنْ أَبِيكَ أَوْلَى بِكَ مِنْ عَمِّكَ قَالَ وَ عَمُّكَ أَخُو أَبِيكَ مِنْ أَبِيهِ وَ أُمَّهُ أَوْلَى بِكَ مِنْ عَمِّكَ أَخِي أَبِيكَ مِنْ أَبِيهِ

And a son of your brother from your father and your mother (son of a full brother) is more entitled with you than the son of your brother from your father (only – son of half brother). And a son of your brother from your father (son of half brother) is more entitled with you than your paternal uncle. And your paternal uncle, a brother of your father from your father and your mother is more entitled with you than your paternal uncle, a brother of your father from his father.

¹ Al Kafi – V 7 - The Book of Inheritances Ch 1a H 1

قَالَ وَ عَمَّكَ أَخُو أَبِيكَ لِأَبِيهِ أَوْلَى بِكَ مِنْ عَمَّكَ أَخِي أَبِيكَ لِأُمِّهِ قَالَ وَ ابْنُ عَمَّكَ أَخِي أَبِيكَ مِنْ أَبِيهِ وَ أُمُّهُ أَوْلَى بِكَ مِنْ ابْنِ عَمَّكَ أَخِي أَبِيكَ لِأَبِيهِ قَالَ وَ ابْنُ عَمَّكَ أَخِي أَبِيكَ مِنْ أَبِيهِ أَوْلَى بِكَ مِنْ ابْنِ عَمَّكَ أَخِي أَبِيكَ لِأُمِّهِ .

And you paternal uncle, a brother of your father, from his father is more entitled with you than your maternal uncle, a brother of your father from his mother. And a son of your paternal uncle, a brother of your father from his father and his mother, is more entitled with you than a son of your paternal uncle, a brother of your father from his father. And a son of your paternal uncle, a brother of your father from his father is more entitled with you than a son of your paternal uncle, a brother of your father, from his mother'.²

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ قَالَ أَخْبَرَنِي ابْنُ بُكَيْرٍ عَنْ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ وَ لِكُلِّ جَعَلْنَا مَوَالِي مِمَّا تَرَكَ الْوَالِدَانِ وَ الْأَقْرَبُونَ قَالَ إِنَّمَا عَنَى بِذَلِكَ أَوْلِي الْأَرْحَامِ فِي الْمَوَارِيثِ وَ لَمْ يَعْزِ أَوْلِيَاءَ النُّعْمَةِ فَأَوْلَاهُمْ بِالْمَيْتِ أَقْرَبُهُمْ إِلَيْهِ مِنَ الرَّحِمِ الَّتِي تَجْرُهُ إِلَيْهَا .

A number of our companions, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Bakeyr, from Zurara who said,

'I heard Abu Abdullah^{asws} saying: '**[4:33] And to everyone We have Appointed heirs of what parents and near relatives leave**'. He^{asws} said: 'But rather, it Means by that is the (priority of) entitlement of the womb relationships regarding the inheritances, and it does not mean the guardians of the bounties. Thus, the closest one with the deceased is the nearest one to him from the womb relations which flows towards him'.³

بَابُ أَنَّ الْمِيرَاثَ لِمَنْ سَبَقَ إِلَى سَهْمِ قَرِيبِهِ وَ أَنَّ ذَا السَّهْمِ أَحَقُّ مِمَّنْ لَا سَهْمَ لَهُ

Chapter 2 – The inheritance is for the one who precedes to a share of his near ones, and that the the one with a (legislated) share is more deserving than the one who has no (legislated) share for him

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ وَ عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ فِي كِتَابِ عَلِيٍّ (عَلَيْهِ السَّلَامُ) أَنَّ كُلَّ ذِي رَحِمٍ بِمَنْزِلَةِ الرَّحِمِ الَّذِي يَجْرُ بِهِ إِلَّا أَنْ يَكُونَ وَارِثٌ أَقْرَبَ إِلَى الْمَيْتِ مِنْهُ فَيَحْجُبُهُ .

Humeyd Bin iyad, from Al Hassan Bin Muhammad Bin Sama'at and a number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Abu Ayoub Al Khaza,

(It has been narrated) from Abu Abdullah^{asws} having said: 'In the Book of Ali^{asws} is that: 'Every one with a womb relationship is at the status of the womb which he flows with except if there happens to be an inheritor closer to the deceased than him, so he supersedes him'.⁴

ابْنُ مَحْبُوبٍ عَنْ حَمَّادِ أَبِي يُوسُفَ الْخَزَّازِ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) يَقُولُ إِذَا كَانَ وَارِثٌ مِمَّنْ لَهُ فَرِيضَةٌ فَهُوَ أَحَقُّ بِالْمَالِ .

² Al Kafi – V 7 - The Book of Inheritances Ch 1b H 1

³ Al Kafi – V 7 - The Book of Inheritances Ch 1b H 2

⁴ Al Kafi – V 7 - The Book of Inheritances Ch 2 H 1

Ibn Mahboub, from Hammad Abu Yusuf Al Khaaz, from Suleyman Bin Khalid,

(It has been narrated) from Abu Abdullah^{asws} having said: ‘Amir Al-Momineen^{asws} was saying: ‘When there was an inheritor from the one for him is an Obligation (legislated share), so he is more deserving of the wealth’.⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ رَجُلٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ إِذَا التَّقَاتِ الْفَرَائِضُ فَالسَّابِقُ أَحَقُّ بِمِيرَاثِ قَرِيبِهِ فَإِنْ اسْتَوَتْ قَامَ كُلُّ مِنْهُمْ مَقَامَ قَرِيبِهِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from a man,

(It has been narrated) from Abu Abdullah^{asws}: ‘When the relatives are turned, so the one who is more deserving of the inheritance is his closest relative. So they are equal, each one from them would be made to stand at the place of his closeness (of relationships)’.⁶

بَابُ أَنَّ الْفَرَائِضَ لَا تَقَامُ إِلَّا بِالسَّيْفِ

Chapter 3 – The The Obligations cannot be established except by the sword

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ لَا يَسْتَقِيمُ النَّاسُ عَلَى الْفَرَائِضِ وَالطَّلَاقِ إِلَّا بِالسَّيْفِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad and Ali Bin Ibrahim, from his father, altogether from Ibn Abu Umeyr, from Hisham Bin Salim,

Abu Abdullah^{asws} has said: ‘The people will not be correct upon the Obligations (legislated shares of inheritance) and the divorce, except by the sword’.⁷

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ بْنِ إِسْمَاعِيلَ عَنْ دُرُسْتِ بْنِ أَبِي مَنْصُورٍ عَنْ مَعْمَرِ بْنِ يَحْيَى عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ لَا تَقُومُ الْفَرَائِضُ وَالطَّلَاقُ إِلَّا بِالسَّيْفِ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad, from one of his companions, from Ibrahim Bin Muhammad Bin Ismail, from Dorost Bin Abu Mansour, from Moamar Bin Yahya,

Abu Ja’far^{asws} has said: ‘The Obligations (legislated shares of inheritance) and the divorce cannot be established except by the sword’.⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ بَحْيَى الْحَلْبِيِّ عَنْ شُعَيْبِ الْحَدَّادِ عَنْ يَزِيدِ الصَّانِعِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ النِّسَاءِ هَلْ يَرِثُنَّ الرَّبَاعَ فَقَالَ لَا وَ لَكِنْ يَرِثُنَّ قِيَمَةَ الْبِنَاءِ قَالَ قُلْتُ فَإِنَّ النَّاسَ لَا يَرْضَوْنَ بِذَا قَالَ فَقَالَ إِذَا وُلِينَا فَلَمْ يَرْضَ النَّاسُ بِذَلِكَ صَرَبْنَاهُمْ بِالسُّوْطِ فَإِنْ لَمْ يَسْتَقِيمُوا صَرَبْنَاهُمْ بِالسَّيْفِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Yahya Al Halby, from Shuayb Al Haddad, from Yazeed Al Saig who said,

⁵ Al Kafi – V 7 - The Book of Inheritances Ch 2 H 2

⁶ Al Kafi – V 7 - The Book of Inheritances Ch 2 H 3

⁷ Al Kafi – V 7 - The Book of Inheritances Ch 3 H 1

⁸ Al Kafi – V 7 - The Book of Inheritances Ch 3 H 2

'I asked Abu Abdullah^{asws} about the women, do they inherit the real estate? So he^{asws} said: 'No, but they inherit the value of the building'. I said, 'But the people are not pleased by that'. So he^{asws} said: 'When we^{asws} rule and the people are not pleased with that, we^{asws} will strike them with the whip. So if they are not straightened (by that), we^{asws} will strike them with the sword'.⁹

باب نادر

Chapter 4 – Miscellaneous

أَبُو عَلِيٍّ الْأَشْعَرِيُّ وَ الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ إِسْحَاقَ عَنْ سَعْدَانَ بْنِ مُسْلِمٍ عَنْ غَيْرِ وَاحِدٍ مِنْ أَصْحَابِنَا قَالَ أَتَى أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) رَجُلٌ بِالْبَصْرَةِ بِصَحِيفَةٍ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ أَنْظِرْ إِلَى هَذِهِ الصَّحِيفَةِ فَإِنَّ فِيهَا نَصِيحَةً فَتَنْظُرْ فِيهَا تَمْ نَظَرَ إِلَى وَجْهِ الرَّجُلِ فَقَالَ إِنْ كُنْتَ صَادِقًا كَأَقْبَانِكَ وَ إِنْ كُنْتَ كَاذِبًا عَاقِبَانِكَ وَ إِنْ شِئْتَ أَنْ نُقِيلَكَ أَقْلَانَاكَ فَقَالَ بَلْ نُقِيلُنِي يَا أَمِيرَ الْمُؤْمِنِينَ

Abu Ali Al Ashary and Al Husayn Bin Muhammad, from Ahmad Bin Is'haq, from Sa'dan Bin Muslim, from someone else from our companions who said,

'A man came over to Amir Al-Momineen^{asws} at Al-Basra with a parchment, so he said, 'O Amir Al-Momineen^{asws}! Look into this parchment, for therein is advice'. So he^{asws} looked into it, then looked at the face of the man, so he^{asws} said: 'If you are truthful we^{asws} will remunerate you, and if you are a liar we^{asws} will punish you, and if you like that we^{asws} should release you, we^{asws} shall release you'. So he said, 'Release me, O Amir Al-Momineen^{asws}'.

فَلَمَّا أَدْبَرَ الرَّجُلُ قَالَ أَيْدِيهَا الْأُمَّةُ الْمُتَحَبِّرَةُ بَعْدَ نَبِيِّهَا أَمَا إِنَّكُمْ لَوْ قَدَّمْتُمْ مِنْ قَدَمِ اللَّهِ وَ أَخَّرْتُمْ مَنْ أَخَّرَ اللَّهُ وَ جَعَلْتُمْ الْوَلَايَةَ وَ الْوَرَاثَةَ حَيْثُ جَعَلَهَا اللَّهُ مَا عَالَ وَلِيُّ اللَّهِ وَ لَا طَاشَ سَهْمٌ مِنْ فَرَائِضِ اللَّهِ وَ لَا اخْتَلَفَ اثْنَانِ فِي حُكْمِ اللَّهِ وَ لَا تَنَارَعَتِ الْأُمَّةُ فِي شَيْءٍ مِنْ أَمْرِ اللَّهِ إِلَّا عَلِمَ ذَلِكَ عِنْدَنَا مِنْ كِتَابِ اللَّهِ فَذُوقُوا وَبَالَ مَا قَدَّمْتُمْ أَيْدِيكُمْ وَ مَا اللَّهُ بِظَلَامٍ لِلْعَبِيدِ وَ سَيَعْلَمُ الَّذِينَ ظَلَمُوا أَيَّ مُنْقَلَبٍ يَنْقَلِبُونَ .

So when the man turned back, he^{asws} said: 'O you community (who is) confused after its Prophet^{saww}! But had you prioritised the one^{asws} whom Allah^{azwj} has prioritised, and pushed back the one whom Allah^{azwj} has Pushed back, and made the Wilayah and the inheritance where Allah^{azwj} has Made it to be, the Guradians^{asws} of Allah^{azwj} would not be needy, nor would a portion from the Obligations (legislated shares of inheritance) of Allah^{azwj} been neglected, nor two (people) would have differed regarding the Judgements of Allah^{azwj}, nor would the community have squabbled with regards to anything from the Commands of Allah^{azwj}, except that the Knowledge of that is in our^{asws} possession from the Book of Allah^{azwj}. Therefore, taste the evil consequences of **[3:182] what your own hands have sent before and because Allah is not in the least unjust to the servants [26:227] and they who act unjustly shall come to know the turning they shall be Overturned with**'.¹⁰

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ النَّبِيِّ عَنِ مُحَمَّدِ بْنِ الْوَلِيدِ عَنْ يُونُسَ بْنِ يَعْقُوبَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ صَلَوَاتُ اللَّهِ عَلَيْهِ الْحَمْدُ لِلَّهِ الَّذِي لَا مَقْدَمَ لِمَا أَخَّرَ وَ لَا مَوْخَرَ لِمَا قَدَّمَ

Ahmad Bin Muhammad, from Ali Bin Al Hassan Al Taymi, from Muhammad Bin Al Waleed, from Yunus Bin Yaquob,

⁹ Al Kafi – V 7 - The Book of Inheritances Ch 3 H 3

¹⁰ Al Kafi – V 7 - The Book of Inheritances Ch 4 H 1

(It has been narrated) from Abu Abdullah^{asws}: ‘Amir Al-Momineen^{asws} said: ‘The Praise is for Allah^{azwj} Who, none can place first what He^{azwj} Places as last, nor place last what He^{azwj} has Places as first’.

ثُمَّ ضَرَبَ بِأَحَدِي يَدَيْهِ عَلَى الْأُخْرَى ثُمَّ قَالَ يَا أَيُّهَا الْأُمَّةُ الْمُتَحَبِّرَةُ بَعْدَ نَبِيِّهَا لَوْ كُنْتُمْ قَدَّمْتُمْ مَنْ قَدَّمَ اللَّهُ وَ أَخَّرْتُمْ مَنْ أَخَّرَ اللَّهُ وَ جَعَلْتُمْ الْوَلَايَةَ وَ الْوَرَاثَةَ حَيْثُ جَعَلَهَا اللَّهُ مَا عَالَ وَلِيَّ اللَّهِ وَ لَا عَالَ سَهْمٌ مِنْ فَرَائِضِ اللَّهِ وَ لَا اخْتَلَفَ اثْنَانِ فِي حُكْمِ اللَّهِ وَ لَا تَنَازَعَتِ الْأُمَّةُ فِي شَيْءٍ مِنْ أَمْرِ اللَّهِ إِلَّا وَ عِنْدَنَا عِلْمُهُ مِنْ كِتَابِ اللَّهِ فَذُقُوا وَبَالَ أَمْرِكُمْ وَ مَا فَرَطْتُمْ فِي مَا قَدَّمْتُمْ أَيْدِيكُمْ وَ مَا اللَّهُ بِظَلَامٍ لِلْعَبِيدِ وَ سَيَعْلَمُ الَّذِينَ ظَلَمُوا أَيَّ مُنْقَلَبٍ يَنْقَلِبُونَ .

Then he^{asws} struck with one of his^{asws} hands upon the other, then said: ‘O you community (who is) confused after its Prophet^{sawww}! Had you placed first the one^{asws} whom Allah^{azwj} had Placed as first, and placed last the one whom Allah^{azwj} had Placed as last, and made the Wilayah and the inheritance where Allah^{azwj} has Made it to be, the Guardian^{asws} of Allah^{azwj} would not be needy, nor a portion from the Obligations (legislated shares of inheritance) of Allah^{azwj} had been neglected, nor two (people) would have differed regarding the Judgements of Allah^{azwj}, nor would the community have squabbled with regards to something from the Commands of Allah^{azwj}, except that in our^{asws} possession is its Knowledge from the Book of Allah^{azwj}. Therefore, taste the evil consequences of your affairs and what you have failed to do and **[3:182] what your own hands have sent before and because Allah is not in the least unjust to the servants [26:227] and they who act unjustly shall come to know the turning they shall be Overturned with**.¹¹

باب فِي إِبْطَالِ الْعَوْلِ

Chapter 5 – Invalidation of the deficiencies/excess (in the legislated shares of inheritances)

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ مُعَلَّى بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ أَبِي مَرْيَمَ الْأَنْصَارِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ إِنَّ الَّذِي يَعْلَمُ عَدَدَ رَمْلِ عَالِجٍ لَيَعْلَمُ أَنَّ الْفَرَائِضَ لَا تَعُولُ عَلَى أَكْثَرِ مِنْ سِتَّةٍ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from one of our companions, from Aban Bin Usman, from Abu Maryam Al Ansary,

(It has been narrated) from Abu Ja'far^{asws} having said: ‘The One^{azwj} Who Knows the number of (grains of) sand can be relied upon to know that the Obligatory (legislated shares of inheritance), there cannot be a deficiency/excess (in these), are no more than six’.¹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ قَالَ قُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) رَبِّمَا أَعِيلُ السَّهَامَ حَتَّى يَكُونَ عَلَى الْمِائَةِ أَوْ أَقَلَّ أَوْ أَكْثَرَ فَقَالَ لَيْسَ تَجُوزُ سِتَّةٌ ثُمَّ قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَام) يَقُولُ إِنَّ الَّذِي أَحْصَى رَمْلَ عَالِجٍ لَيَعْلَمُ أَنَّ السَّهَامَ لَا تَعُولُ عَلَى سِتَّةٍ لَوْ يُبْصِرُونَ وَجْهَهَا لَمْ تَجْزُ سِتَّةٌ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus Bin Abdul Rahman, from Sama'at, from Abu Baseer who said,

¹¹ Al Kafi – V 7 - The Book of Inheritances Ch 4 H 2

¹² Al Kafi – V 7 - The Book of Inheritances Ch 5 H 1

'I said to Abu Ja'far^{asws}, 'Perhaps (sometimes) the (legislated) shares (of inheritances) can happen to be over a hundred, or less, or more'. So he^{asws} said: 'These do not exceed six'. Then he^{asws} said: 'Amir Al Momineen^{asws} was saying: 'The One^{azwj} Who Counted the (grains of) sand can be relied upon to know that the (legislated) shares (of inheritances) there is no deficiency/excess upon six. If they view their aspects, these would not exceed six'.¹³

بَاب آخَرُ فِي إِبْطَالِ الْعَوْلِ وَ أَنَّ السَّهَامَ لَا تَزِيدُ عَلَى سِتَّةٍ

Chapter 6 – Another (chapter) regarding the invalidation of the deficiency/excess and that the (legislated) shares (of inheritances) do not exceed upon six

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ وَ الْفَضْلِ بْنِ يَسَارٍ وَ بُرَيْدِ الْعَجَلِيِّ وَ زُرَّارَةَ بْنِ أَعْيَنَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ السَّهَامُ لَا تَعُولُ وَ لَا تَكُونُ أَكْثَرَ مِنْ سِتَّةٍ

Ali Bin Ibrahim, from his father and Muhammad Bin Ismail, from Al Fazal Bin Shazaan altogether from Abu Umeyr, from Umar Bin Azina, from Muhammad Bin Muslim and Al Fuzayl Bin Yasaar and Bureyd Al Ajaly and Zurara Bin Ayn,

Abu Ja'far^{asws} has said: 'The (legislated) shares (of inheritances), there is no deficiency/excess (therein), and they cannot be more than six'.

وَ عَنْهُ عَنْ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ عُمَرَ بْنِ أُذَيْنَةَ مِثْلَ ذَلِكَ .

And from him, from Muhammad Bin Isa Bin Ubeyd, from Yunus Bin Abdul Rahman, from Umar Bin Azina, - similar to that.¹⁴

وَ عَنْهُ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ مُوسَى بْنِ بَكْرٍ عَنْ عَلِيِّ بْنِ سَعِيدٍ قَالَ قُلْتُ لِرَّزَّارَةَ إِنَّ بَكْرَةَ بْنَ أَعْيَنَ حَدَّثَنِي عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَنَّ السَّهَامَ لَا تَعُولُ وَ لَا تَكُونُ أَكْثَرَ مِنْ سِتَّةٍ فَقَالَ هَذَا مَا لَيْسَ فِيهِ اخْتِلَافٌ بَيْنَ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ وَ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) .

And from him, from Muhammad Bin Isa, from Yunus, from Musa Bin Bakr, from Ali Bin Saeed who said,

'I said to Zurara that Bakeyr Bin Ayn narrated to be from Abu Ja'far^{asws} that the (legislated) shares (of inheritances), there is no deficiency/excess (therein) and they do not happen to be more than six. So he said, 'This is what there is no differing therein between our companions, from Abu Ja'far^{asws} and Abu Abdullah^{asws}.¹⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ السَّهَامُ لَا تَعُولُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al A'ala Bin Razeyn, from Muhammad Bin Muslim,

¹³ Al Kafi – V 7 - The Book of Inheritances Ch 5 H 2

¹⁴ Al Kafi – V 7 – The Book of Inheritances Ch 6 H 1

¹⁵ Al Kafi – V 7 – The Book of Inheritances Ch 6 H 2

Abu Ja'far^{asws} said: 'The (legislated) shares, there is no deficiency/excess (therein)'.¹⁶

وَعَنْهُ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ حَدِيدٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ قَالَ قَالَ أَمْرَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَأَقْرَأَنِي صَحِيفَةَ الْفَرَائِضِ فَرَأَيْتُ جُلًّا مَا فِيهَا عَلَى أَرْبَعَةِ أَشْهُمٍ .

And from him, from Ahmad Bin Muhammad, from Ali Bin Hadeed, from Jameel Bin Darraj, from Zurara who said,

'Abu Ja'far^{asws} instructed Abu Abdullah^{asws} so he^{asws} made me read a parchment of the Obligatory (legislated shares of inheritances). So I saw most of what was therein were upon four shares'.¹⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَنَّ السَّهَامَ لَا تَكُونُ أَكْثَرَ مِنْ سِتَّةِ أَشْهُمٍ .

A number of our companions, from Sahl Bin Ziyad, from Al Hassan Bin Mahboub, from Abu Ayoub Al Khaza, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} that the (legislated) shares (of inheritances) cannot happen to be more than six shares'.¹⁸

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَّاءِ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ أَبِي بَصِيرٍ قَالَ قَرَأَ عَلَيَّ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَرَائِضَ عَلِيٍّ (عَلَيْهِ السَّلَامُ) فَكَانَ أَكْثَرُهُمْ مِنْ خَمْسَةِ أَوْ مِنْ أَرْبَعَةٍ وَ أَكْثَرُهُ مِنْ سِتَّةِ أَشْهُمٍ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Aban Bin Usman, from Abu Baseer who said,

'Abu Abdullah^{asws} read out to me the Obligatory (legislated shares of inheritances) of Ali^{asws}. So many of them were from five, or from four, and most of them were six shares'.¹⁹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ خُزَيْمَةَ بْنِ يَفُطِينَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ بُكَيْرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أَصْلُ الْفَرَائِضِ مِنْ سِتَّةِ أَشْهُمٍ لَا تَزِيدُ عَلَى ذَلِكَ وَ لَا تَعُولُ عَلَيْهَا ثُمَّ الْمَالُ بَعْدَ ذَلِكَ لِأَهْلِ السَّهَامِ الَّذِينَ ذَكَرُوا فِي الْكِتَابِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya from Khuzayma Bin Yaqteen, from Abdul Rahman Bin Al Hajjaj, from Bukeyr,

Abu Abdullah^{asws} has said: 'The origins of the obligatory (shares of inheritances) are from six shares, not exceeding upon that, and there is no deficiency/excess to it. Then the wealth, after that, is for the people of the shares which are Mentioned in the Book (Quran)'.²⁰

بَابُ مَعْرِفَةِ الْإِقَاءِ الْعَوْلِ

¹⁶ Al Kafi – V 7 – The Book of Inheritances Ch 6 H 3

¹⁷ Al Kafi – V 7 – The Book of Inheritances Ch 6 H 4

¹⁸ Al Kafi – V 7 – The Book of Inheritances Ch 6 H 5

¹⁹ Al Kafi – V 7 – The Book of Inheritances Ch 6 H 6

²⁰ Al Kafi – V 7 – The Book of Inheritances Ch 6 H 7

Chapter 7 – Recognising the allocations of the deficiencies (in the shares of the inheritances)

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ أَبِي الْمَغْرَاءِ عَنْ إِبْرَاهِيمَ بْنِ مَيْمُونٍ عَنْ سَالِمِ الْأَشَلِّ أَنَّهُ سَمِعَ أَبَا جَعْفَرَ (عَلَيْهِ السَّلَامُ) يَقُولُ إِنَّ اللَّهَ عَزَّ وَجَلَّ أَدْخَلَ الْوَالِدَيْنِ عَلَى جَمِيعِ أَهْلِ الْمَوَارِيثِ فَلَمْ يَنْقُصْهُمَا مِنَ السُّدُسِ [شَيْئًا] وَ أَدْخَلَ الزَّوْجَ وَ الْمَرْأَةَ فَلَمْ يَنْقُصْهُمَا مِنَ الرَّبْعِ وَ الثَّمَنِ [شَيْئًا] .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Abdullah Bin Jabala, from Abu Al Magra, from Ibrahim Bin Maymoun, from Saalim Al Ashal,

(The narrator) who heard Abu Abdullah^{asws} saying: 'Allah^{azwj} Mighty and Majestic Included the two parents upon the entirety of deserving inheritors. So He^{azwj} did not Reduce anything from the sixth for the two of them, and Included the husband and the wife, so He^{azwj} did not Reduce anything from the quarter and the eighth for the two of them, (respectively)'.²¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغِيرَةِ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ أَرْبَعَةٌ لَا يَدْخُلُ عَلَيْهِمْ ضَرَرٌ فِي الْمِيرَاثِ الْوَالِدَانِ وَ الزَّوْجُ وَ الْمَرْأَةُ .

Ali Bin Ibrahim, from his father, from Abdullah Bin Al Mugheira, from Is'haq Bin Ammar, from Abu Baseer from,

Abu Abdullah^{asws} has said: 'Four', no harm is entered upon them with regards to the inheritance – the two parents, and the husband, and the wife'.²²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ دُرُسْتِ بْنِ أَبِي مَنْصُورٍ عَنْ أَبِي الْمَغْرَاءِ عَنْ رَجُلٍ عَنْ أَبِي جَعْفَرَ (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ اللَّهَ عَزَّ وَجَلَّ أَدْخَلَ الْأَبَوَيْنِ عَلَى جَمِيعِ أَهْلِ الْفَرَائِضِ فَلَمْ يَنْقُصْهُمَا مِنَ السُّدُسِ لِكُلِّ وَاحِدٍ مِنْهُمَا وَ أَدْخَلَ الزَّوْجَ وَ الزَّوْجَةَ عَلَى جَمِيعِ أَهْلِ الْمَوَارِيثِ فَلَمْ يَنْقُصْهُمَا مِنَ الرَّبْعِ وَ الثَّمَنِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Dorost Bin Abu Mansour, from Abu Al Magra, from a man, from

Abu Ja'far^{asws} has said: 'Allah^{azwj} Mighty and Majestic Included the two parents upon the entirety of the Obligatory (legislated inheritors), so He^{azwj} did not Reduce the two of them from the sixth, for each one of the two, and Included the husband and the wife upon the entirety of the deserving inheritors, so He^{azwj} did not Reduce the two of them from the quarter and the eighth'.²³

بَابُ أَنَّهُ لَا يَرِثُ مَعَ الْوَالِدِ وَ الْوَالِدَيْنِ إِلَّا زَوْجٌ أَوْ زَوْجَةٌ

Chapter 8 – One would not inherit along with the child and the two parents except for a husband and wife

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عَيْسَى وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ الْخَرَّازِ وَ غَيْرِهِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرَ (عَلَيْهِ السَّلَامُ) قَالَ لَا يَرِثُ مَعَ الْأُمِّ وَ لَا مَعَ الْأَبِ وَ لَا مَعَ الْإِبْنِ وَ لَا

²¹ Al Kafi – V 7 – The Book of Inheritances Ch 7 H 2

²² Al Kafi – V 7 – The Book of Inheritances Ch 7 H 3

²³ Al Kafi – V 7 – The Book of Inheritances Ch 7 H 4

مَعَ الْإِبْنَةِ إِلَّا الزَّوْجُ وَ الزَّوْجَةُ وَ إِنَّ الزَّوْجَ لَا يُنْقَصُ مِنَ النِّصْفِ شَيْئاً إِذَا لَمْ يَكُنْ وَلَدٌ وَ لَا تُنْقَصُ الزَّوْجَةُ مِنَ الرَّبْعِ شَيْئاً إِذَا لَمْ يَكُنْ وَلَدٌ فَإِذَا كَانَ مَعَهُمَا وَلَدٌ فَلِلزَّوْجِ الرَّبْعُ وَ لِلْمَرْأَةِ الثُّمْنُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa and a number of our companions, from Sahl Bin Ziyad, altogether, from Ibn Mahboub, from Abu Ayoub Al Khazaz and someone else, from Muhammad Bin Muslim, from

Abu Ja'far^{asws} has said: 'There shall not inherit along with the mother, nor with the father, nor with the son, nor with the daughter, except for the husband and the wife; and that the husband would not be reduced anything from the half if there does not happen to be a son, nor would the wife be reduced anything from the quarter when there does not happen to be a son. So if there was a child for the two of them, so for the husband would be the quarter and for the wife an eighth'.²⁴

بَابُ عِلَّةِ كَيْفِ صَارَ لِلذَّكَرِ سَهْمَانِ وَ لِلْأُنثَى سَهْمٌ

Chapter 9 – Reason how it came to be two shares (of inheritance) for the male and for the female, one share

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي الْحَسَنِ الرِّضَا (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ جُعِلْتُ فِدَاكَ كَيْفَ صَارَ الرَّجُلُ إِذَا مَاتَ وَ وُلْدُهُ مِنَ الْفَرَاةِ سَوَاءٌ تَرِثَ النِّسَاءُ نِصْفَ مِيرَاثِ الرَّجَالِ وَ هُنَّ أضعْفُ مِنَ الرَّجَالِ وَ أَقَلُّ حِيلَةً فَقَالَ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ فَضَّلَ الرَّجَالَ عَلَى النِّسَاءِ بِدَرَجَةٍ وَ لِأَنَّ النِّسَاءَ يَرْجِعْنَ عِيَالاً عَلَى الرَّجَالِ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus Bin Abdul Rahman,

(It has been narrated) from Abu Al-Hassan Al-Reza^{asws}, (the narrator says) 'I said to him^{asws}, 'May I be sacrificed for you^{asws}! How did it come to be such that when the man dies and his children are all equal in the relationship, (but) the women (the daughters of the deceased) inherit half the inheritance of the men (sons of the deceased), and they (women) are weaker than the men, and of less capabilities?' So he^{asws} said: 'Because Allah^{azwj} Mighty and Majestic Preferred the men over the women with a level, and because the women return for the dependency upon the men'.²⁵

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ إِسْحَاقَ بْنِ مُحَمَّدٍ النَّخَعِيِّ قَالَ سَأَلَ الْفَهْرَ بْنَ أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) مَا بَالُ الْمَرْأَةِ الْمُسْكِينَةِ الضَّعِيفَةِ تَأْخُذُ سَهْمًا وَاحِدًا وَ يَأْخُذُ الرَّجُلُ سَهْمَيْنِ فَقَالَ أَبُو مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) إِنَّ الْمَرْأَةَ لَيْسَ عَلَيْهَا جِهَادٌ وَ لَا نَفَقَةٌ وَ لَا عَلَيْهَا مَعْقَلَةٌ إِنَّمَا ذَلِكَ عَلَى الرَّجَالِ

Ali Bin Muhammad, from Muhammad Bin Abu Abdullah, from Is'haq Bin Muhammad Al Nakhaie who said,

'Al-Fahfaky asked Abu Muhammad^{asws}, 'What is the matter that the poor woman, the weak, takes one share (of the inheritance), and the man takes two shares?' So Abu Muhammad^{asws} said: 'On a woman, there is neither Jihaad, nor (living) expenses, nor is there the stronghold (household expenses). But rather, that is upon the men'.

فَقُلْتُ فِي نَفْسِي قَدْ كَانَ قِيلَ لِي إِنَّ ابْنَ أَبِي الْعَوْجَاءِ سَأَلَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ هَذِهِ الْمَسْأَلَةِ فَأَجَابَهُ بِهَذَا الْجَوَابِ فَأَقْبَلَ أَبُو مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) عَلَيَّ فَقَالَ نَعَمْ هَذِهِ الْمَسْأَلَةُ مَسْأَلَةُ ابْنِ أَبِي الْعَوْجَاءِ وَ الْجَوَابُ مِنَّا وَاحِدٌ إِذَا كَانَ مَعْنَى

²⁴ Al Kafi – V 7 – The Book of Inheritances Ch 8 H 1

²⁵ Al Kafi – V 7 – The Book of Inheritances Ch 10 H 1

الْمَسْأَلَةَ وَاحِدًا جَرَى لِأَخْرِنَا مَا جَرَى لِأَوْلَانَا وَ أَوْلَانَا وَ أَخْرِنَا فِي الْعِلْمِ سَوَاءً وَ لِرَسُولِ اللَّهِ (صلى الله عليه وآله) وَ أَمِيرِ الْمُؤْمِنِينَ (عليه السلام) فَضْلُهُمَا .

So I said within myself (thought), 'It was said to me that Ibn Abu Al-Awja asked Abu Abdullah^{asws} about this problem, so he^{asws} answered him with this answer'. So Abu Muhammad^{asws} faced towards me, so he^{asws} said: 'Yes! This is the problem asked by Ibn Abu Al-Awja, and the answer from us^{asws} is one, when the meaning of the question is one. It flows for our^{asws} last one what flowed for our^{asws} first one, and our^{asws} first one and our^{asws} last one, in the Knowledge, are one (the same), and for Rasool-Allah^{saww} and Amir Al-Momineen^{asws}, there is preference for them^{asws} both'.²⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنْ هِشَامٍ عَنِ الْأَحْوَلِ قَالَ قَالَ لِي ابْنُ أَبِي الْعَوْجَاءِ مَا بَالُ الْمَرْأَةِ الْمُسْكِينَةِ الضَّعِيفَةِ تَأْخُذُ سَهْمًا وَاحِدًا وَ يَأْخُذُ الرَّجُلُ سَهْمَيْنِ قَالَ فَذَكَرَ بَعْضُ أَصْحَابِنَا لِأَبِي عَبْدِ اللَّهِ (عليه السلام) فَقَالَ إِنَّ الْمَرْأَةَ لَيْسَ عَلَيْهَا جِهَادٌ وَ لَا نَفَقَةٌ وَ لَا مَعْقَلَةٌ وَ إِنَّمَا ذَلِكَ عَلَى الرَّجَالِ وَ لِذَلِكَ جَعَلَ لِلْمَرْأَةِ سَهْمًا وَاحِدًا وَ لِلرَّجُلِ سَهْمَيْنِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Hisham, from Al Ahowl who said,

'Ibn Abu Al-Awja said to me, 'What is the matter that the poor woman, the weak, takes one share (of the inheritance) and the man takes two shares?' He said, 'So one or our companions mentioned to Abu Abdullah^{asws}, so he^{asws} said: 'on woman, there is neither Jihad, nor expenses, nor a stronghold (household expenses). But rather, that is upon the men, and due to that one share was made to be for the woman, and for the man, two shares'.²⁷

بَابُ مَا يَرِثُ الْكَبِيرُ مِنَ الْوَلَدِ دُونَ غَيْرِهِ

Chapter 10 – What the eldest from the children inherits besides others

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيْزٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ إِذَا هَلَكَ الرَّجُلُ فَتَرَكَ بَنِينَ فَلِأكْبَرِ السَّيْفِ وَ الدَّرْعِ وَ الخَاتَمِ وَ الْمُصْحَفِ فَإِنْ حَدَّثَ بِهِ حَدَّثَ فَلِأكْبَرِ مِنْهُمْ .

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Hareyz,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man dies, and he leaves sons. So, for the eldest is the sword, and the armour, and the ring, and the Parchment. So if there befalls with him what befalls (death), so it is for the eldest among them'.²⁸

عَلِيُّ بْنُ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنِ ابْنِ أُدَيْنَةَ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَحَدِهِمَا (عليهما السلام) أَنَّ الرَّجُلَ إِذَا تَرَكَ سَيْفًا وَ سِلَاحًا فَهُوَ لِأَبْنَيْهِ وَ إِنْ كَانَ لَهُ بَنُونَ فَهُوَ لِأكْبَرِهِمْ .

Ali, from his father, from Ibn Abu Umeyr, from Ibn Azina, from one of his companions,

²⁶ Al Kafi – V 7 – The Book of Inheritances Ch 10 H 2

²⁷ Al Kafi – V 7 – The Book of Inheritances Ch 10 H 3

²⁸ Al Kafi – V 7 – The Book of Inheritances Ch 11 H 1

(It has been narrated) from one of the two^{asws} (5th or 6th Imam^{asws}) that the man, when he leaves (as legacy), a sword and weapons, so it is for his son, and if there were two sons for him, so it is for the eldest one'.²⁹

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ رَبِيعِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا مَاتَ الرَّجُلُ فَلِلْأَكْبَرِ مِنْ وُلْدِهِ سَيْفُهُ وَ مِصْحَفُهُ وَ خَاتَمُهُ وَ دِرْعُهُ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Ibn Abu Umeyr, from Rabie Bin Abdullah,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man dies, so for the eldest from his sons is his sword, and his Parchment, and his ring, and his armour'.³⁰

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ خَالِدٍ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ رَبِيعِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ إِذَا مَاتَ الرَّجُلُ فَسَيْفُهُ وَ خَاتَمُهُ وَ مِصْحَفُهُ وَ كَتَبُهُ وَ رَحْلُهُ وَ رَاحِلَتُهُ وَ كِسْوَتُهُ لِأَكْبَرِ وُلْدِهِ فَإِنْ كَانَ الْأَكْبَرُ ابْنَةً فَلِلْأَكْبَرِ مِنَ الذُّكُورِ .

A number of our companions, from Ahmad Bin Muhammad Bin Khalid, from his father, from Hammad Bin Isa, from Rabie Bin Abdullah,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the man dies, from his sword, and his ring, and his Parchment, and his books, and his rides, and his luggage, and his ride, and his clothes are for the eldest child, and if the eldest was his daughter, so it is for the eldest from the males'.³¹

باب مِيرَاثِ الْوَلَدِ

Chapter 11 – Inheritance of the children

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ وَرِثَ عَلِيٌّ (عَلَيْهِ السَّلَام) عِلْمَ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ وَرِثَتْ فَاطِمَةُ (عَلَيْهَا السَّلَام) تَرِكَتَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} having said: 'Ali^{asws} inherited the Knowledge of Rasool-Allah^{saw}, and Fatima^{asws} inherited his^{saw} legacy'.³²

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ عَبْدِ الْمَلِكِ عَنْ حَنِيذِرٍ عَنْ حَمْرَةَ بْنِ حُمْرَانَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَنْ وَرِثَ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَقَالَ فَاطِمَةُ (عَلَيْهَا السَّلَام) وَ وَرِثَتُهُ مَتَاعَ الْبَيْتِ وَ الْحَرْثِيِّ وَ كُلِّ مَا كَانَ لَهُ .

Ahmad Bin Muhammad, from Ali Bin Al Hassan, from Ali Bin Asbaat, from Al Hassan Bin Ali Bin Abdul Malik, from Hayday, from Hamza Bin Humran who said,

²⁹ Al Kafi – V 7 – The Book of Inheritances Ch 11 H 2

³⁰ Al Kafi – V 7 – The Book of Inheritances Ch 11 H 3

³¹ Al Kafi – V 7 – The Book of Inheritances Ch 11 H 4

³² Al Kafi – V 7 – The Book of Inheritances Ch 12 H 1

'I said to Abu Abdullah^{asws}, 'Who inherited Rasool-Allah^{saw}?' So he^{asws} said: 'Fatima^{asws}, and she^{asws} inherited chattels of the house, and the assets, and all that which belonged to him^{saww},³³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ سَلْمَةَ بْنِ مُحَرَّرٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّ رَجُلًا أَرْمَانِيًّا مَاتَ وَ أَوْصَى إِلَيَّ فَقَالَ لِي وَ مَا الْأَرْمَانِيُّ قُلْتُ نَبَطِيٌّ مِنْ أَنْبَاطِ الْجِبَالِ مَاتَ وَ أَوْصَى إِلَيَّ بِتَرَكْتِهِ وَ تَرَكَ ابْنَتَهُ قَالَ فَقَالَ لِي أَعْطَاهَا النِّصْفَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Jameel Bin Darraj, from Salama Bin Muhraz who said,

'I said to Abu Abdullah^{asws}, 'An Armenian man died and bequeathed to me (to be an executor)'. So he^{asws} said to me: 'And what is Armenian?' I said, 'Nabatean, from the Nabatean people of the mountain, died, and bequeathed to me with his legacy, and left a daughter'. So he^{asws} said to me: 'Give her the half'.

قَالَ فَأَخْبِرْتُ زُرَّارَةَ بِذَلِكَ فَقَالَ لِي اتَّقَاكَ إِنَّمَا الْمَالُ لَهَا قَالَ فَدَخَلْتُ عَلَيْهِ بَعْدُ فَقُلْتُ أَصْلَحَكَ اللَّهُ إِنَّ أَصْحَابَنَا زَعَمُوا أَنَّكَ اتَّقَيْتَنِي فَقَالَ لَا وَ اللَّهُ مَا اتَّقَيْتُكَ وَ لَكِنْ اتَّقَيْتُ عَلَيْكَ أَنْ تُضْمَنَ فَهَلْ عَلِمَ بِذَلِكَ أَحَدٌ قُلْتُ لَا قَالَ فَأَعْطَاهَا مَا بَقِيَ .

He (the narrator) said, 'So I informed Zurara of that, so he said to me, '(Out of) dissimulation for you. But rather, the wealth is for her'. So I came up to him^{asws} afterwards, so I said, 'May Allah^{azwj} Keep you well! Our companions are claiming that you^{asws} were dissimulative to me'. So he^{asws} said: 'No, by Allah^{azwj}, I^{asws} was not dissimulative to you, but I^{asws} was protective over you if you were held responsible. So does anyone have the knowledge of that?' I said, 'No'. He^{asws} said: 'So give her what remains'.³⁴

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ عَبْدِ اللَّهِ بْنِ خِدَاشِ الْمُنْقَرِيِّ أَنَّهُ سَأَلَ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَاتَ وَ تَرَكَ ابْنَتَهُ وَ أَخَاهُ قَالَ الْمَالُ لِلْإِبْنَةِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Abdullah Bin Khidash Al Minqary,

He (the narrator) asked Abu Al-Hassan^{asws} about a man who died and left his daughter and his brother. He^{asws} said: 'The wealth is for the daughter'.³⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعًا عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَائِعٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ مَاتَ وَ تَرَكَ ابْنَتَهُ وَ أُخْتَهُ لِأَبِيهِ وَ أُمَّهُ قَالَ الْمَالُ لِلْإِبْنَةِ وَ لَيْسَ لِلْأُخْتِ مِنَ الْأَبِ وَ الْأُمِّ شَيْءٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and a number of our companions, from Sahl Bin Ziyad, altogether from Ibn Mahboub, from Ibn Ra'ab, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} regarding a man who died and left his daughter and a sister of his father, and his mother. He^{asws} said: 'The wealth is for his daughter, and there is not for the sister of the father, and the mother, anything'.³⁶

³³ Al Kafi – V 7 – The Book of Inheritances Ch 12 H 2

³⁴ Al Kafi – V 7 – The Book of Inheritances Ch 12 H 3

³⁵ Al Kafi – V 7 – The Book of Inheritances Ch 12 H 4

³⁶ Al Kafi – V 7 – The Book of Inheritances Ch 12 H 5

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ الْقَاسِمِ بْنِ عُرْوَةَ عَنْ بُرَيْدِ الْعَجَلِيِّ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ قُلْتُ لَهُ رَجُلٌ مَاتَ وَ تَرَكَ ابْنَتَهُ وَ عَمَّهُ قَالَ الْمَالُ لِلْإِبْنَةِ وَ لَيْسَ لِلْعَمِّ شَيْءٌ أَوْ قَالَ لَيْسَ لِلْعَمِّ مَعَ الْإِبْنَةِ شَيْءٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from Al Qasim Bin Urwa, from Bureyd Al Ajaly,

(The narrator says) 'I said to Abu Ja'far^{asws}, 'A man died and left his daughter and his uncle'. He^{asws} said: 'The wealth is for the daughter and there is nothing for the uncle', or he^{asws} said: 'There is nothing for the uncle with the daughter (when there is a daughter)'.³⁷

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ حَمْرَةَ بْنِ حُمْرَانَ عَنْ عَبْدِ الْحَمِيدِ الطَّائِيِّ عَنْ عَبْدِ اللَّهِ بْنِ مُحْرَزٍ بِيَّاعِ الْقَلَانِسِ قَالَ أَوْصَى إِلَيَّ رَجُلٌ وَ تَرَكَ خَمْسِمِائَةَ دِرْهَمٍ أَوْ سِتِّمِائَةَ دِرْهَمٍ وَ تَرَكَ ابْنَةً وَ قَالَ لِي عَصَبَةٌ بِالشَّامِ فَسَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ ذَلِكَ فَقَالَ أَعْطِ الْإِبْنَةَ النِّصْفَ وَ الْعَصَبَةَ النِّصْفَ الْآخَرَ

Humejd Bin iyad, from Al Hassan Bin Muhammad Bin Sama'at, from Abdullah Bin Jabala, from Abdullah Bin Bukeyr, from Hama Bin Humran, from Abdul Hameed Al Taiy, from Abdullah Bin Muhra Bayaa Al Qalanis who said,

'A man bequeathed to me (to be an executor) and left five hundred Dirhams, or six hundred Dirhams, and left a daughter, and said to me, 'Paternal relatives are at Syria'. So I asked Abu Abdullah^{asws} about that, so he^{asws} said: 'Give the daughter half, and give the other half to the paternal relatives'.

فَلَمَّا قَدِمْتُ الْكُوفَةَ أَخْبَرْتُ أَصْحَابَنَا بِقَوْلِهِ فَقَالُوا اتَّقَاكَ فَأَعْطَيْتُ الْإِبْنَةَ النِّصْفَ الْآخَرَ ثُمَّ حَجَجْتُ فَلَقِيتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) فَأَخْبَرْتُهُ بِمَا قَالَ أَصْحَابُنَا وَ أَخْبَرْتُهُ أَنِّي دَفَعْتُ النِّصْفَ الْآخَرَ إِلَى الْإِبْنَةِ فَقَالَ أَحْسَنْتَ إِنَّمَا أَفْتَيْنُكَ مَخَافَةَ الْعَصَبَةِ عَلَيْكَ .

So when I proceeded to Al-Kufa, I informed our companions of his^{asws} speech, so they said, '(Out of) dissimulation for you'. So I gave the other half to the daughter, then I went for Hajj. So I met Abu Abdullah^{asws} and informed him^{asws} with what our companions had said, and I informed him^{asws} that I had handed over the other half to the daughter'. So he^{asws} said: 'You have done good. But rather I^{asws} was dissimulative to you out of fear of the paternal relatives over you'.³⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدِينَةَ عَنْ عَبْدِ اللَّهِ بْنِ مُحْرَزٍ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قُلْتُ لَهُ رَجُلٌ تَرَكَ ابْنَتَهُ وَ أُخْتَهُ لِأَبِيهِ وَ أُمَّهُ قَالَ الْمَالُ كُلُّهُ لِلْإِبْنَةِ وَ لَيْسَ لِلْأُخْتِ مِنَ الْآبِ وَ الْأُمِّ شَيْءٌ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Abdullah Bin Muhraz,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I said to him^{asws}, 'A man left his daughter and a sister of his father, and his mother'. He^{asws} said: 'The wealth, all of it is for the daughter, and there is nothing for the sister of the father, and the mother'.³⁹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ الْكِنْدِيِّ عَنِ أَحْمَدَ بْنِ الْحَسَنِ الْمَيْمُونِيِّ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنْ عَبْدِ اللَّهِ بْنِ مُحْرَزٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنْ رَجُلٍ أَوْصَى إِلَيَّ وَ هَلَكَ وَ تَرَكَ ابْنَةً فَقَالَ أَعْطِ الْإِبْنَةَ النِّصْفَ وَ أَتَرَكَ لِلْمَوْلَى النِّصْفَ

³⁷ Al Kafi – V 7 – The Book of Inheritances Ch 12 H 6

³⁸ Al Kafi – V 7 – The Book of Inheritances Ch 12 H 7

³⁹ Al Kafi – V 7 – The Book of Inheritances Ch 12 H 8

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Al Kindy, from Ahmad Bin Al Hassan Al Maysami, from Aban Bin Usman, from Abdullah Bin Muhraz who said,

'I asked Abu Abdullah^{asws} about a man who bequeathed to me and died, and left a daughter. So he^{asws} said: 'Give the daughter, the half, and leave for the guardians, the half'.

فَرَجَعْتُ فَقَالَ أَصْحَابُنَا لَا وَاللَّهِ مَا لِلْمَوَالِي شَيْءٌ فَرَجَعْتُ إِلَيْهِ مِنْ قَابِلٍ فَقُلْتُ لَهُ إِنَّ أَصْحَابَنَا قَالُوا لَيْسَ لِلْمَوَالِي شَيْءٌ وَإِنَّمَا اتَّقَاكَ فَقَالَ لَا وَاللَّهِ مَا اتَّقَيْتُكَ وَ لَكِنِّي خِفْتُ عَلَيْكَ أَنْ تُؤَخِّدَ بِالنِّصْفِ فَإِنْ كُنْتَ لَا تَخَافُ فَادْفَعِ النِّصْفَ الْآخَرَ إِلَى الْإِبْنَةِ فَإِنَّ اللَّهَ سَيُؤَدِّي عَنْكَ .

So I returned. So our companions said, 'No, by Allah^{azwj}, there is nothing for the guardians'. So I returned to meet him^{asws}, so I said to him^{asws}, 'Our companions said, 'There is nothing for the guardians, but rather it was out of dissimulation for you'. So he^{asws} said: 'No, by Allah^{azwj}, I^{asws} was not dissimulative to you, but I feared over you that you would be seized for the half. So if you are not afraid, so hand over the other half to the daughter, for Allah^{azwj} will be Leading you'.⁴⁰

باب ميراث ولد الوالد

Chapter 12 – Inheritance of the child of the child (grandchild)

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ سَعْدِ بْنِ أَبِي خَلْفٍ عَنْ أَبِي الْحَسَنِ الْأَوَّلِ (عَلَيْهِ السَّلَامُ) قَالَ بَنَاتُ الْإِبْنَةِ يَفُضُّنَ مَقَامَ الْبِنْتِ إِذَا لَمْ يَكُنْ لِلْمَيِّتِ بَنَاتٌ وَلَا وَارِثٌ غَيْرُهُنَّ وَ بَنَاتُ الْإِبْنِ يَفُضُّنَ مَقَامَ الْإِبْنِ إِذَا لَمْ يَكُنْ لِلْمَيِّتِ بَنَاتٌ أَوْلَادٌ وَلَا وَارِثٌ غَيْرُهُنَّ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Sa'ad Bin Abu Khalaf,

(It has been narrated) from Abu Al-Hassan^{asws} the first having said: 'Daughters of the daughter stand in the place of the daughter when there does not happen to be any daughters for the deceased, and no one else would inherit apart from them; and daughters of the son would stand in place of the son when there does not happen to be any daughter for the deceased, or any son, and no one else would inherit apart from them'.⁴¹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ مُحَمَّدِ بْنِ سَكِينٍ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ ابْنُ الْإِبْنِ يَفُضُّ مَقَامَ أَبِيهِ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Muhammad Bin Sukeyn, from Is'haq Bin Ammar,

(It has been narrated) from Abu Abdullah^{asws} having said: 'A son of the son would stand in the place of his father'.⁴²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ بَنَاتُ الْإِبْنَةِ يَرِثُنَّ إِذَا لَمْ تَكُنْ بَنَاتٌ كُنَّ مَكَانَ الْبَنَاتِ .

⁴⁰ Al Kafi – V 7 – The Book of Inheritances Ch 12 H 9

⁴¹ Al Kafi – V 7 – The Book of Inheritances Ch 13 H 1

⁴² Al Kafi – V 7 – The Book of Inheritances Ch 13 H 2

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abdul Rahman Bin Al Hajjaj,

(It has been narrated) from Abu Abdullah^{asws} having said: 'Daughters of the daughter would inherit when there does not happen to be daughters, they would be in the place of the daughters'.⁴³

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنْ صَفْوَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ بَنَاتُ الْإِبْنَةِ يَقُومُنَّ مَقَامَ الْإِبْنَةِ إِذَا لَمْ تَكُنْ لِلْمَيِّتِ بَنَاتٌ وَلَا وَارِثٌ غَيْرُهُنَّ وَلَا وَارِثٌ غَيْرُهُنَّ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Safwaan, from Abdul Rahman Bin Al Hajjaj,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The daughters of the daughter stand in the place of the daughter when there does not happen to be daughters for the deceased, and no one else would inherit apart from them; and the daughters of the son would stand in place of the son when there does not happen to be a son for the deceased, and no one else would inherit apart from them'.⁴⁴

باب ميراث الأبوين

Chapter 13 – Inheritance of the parents

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ مَحْبُوبٍ وَ عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيِّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ وَ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ مَاتَ وَ تَرَكَ أَبُوهُ قَالَ لِأَبِي سَهْمَانَ وَ لِأُمِّ سَهْمٍ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Mahboub and a number of our companions, from Ahmad Bin Muhammad and Ali Bin Ibrahim from his father, altogether from Ibn Mahboub, from Ali Bin Raib and Abu Ayoub Al Khazaz, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} regarding a man who died and left his parents. He^{asws} said: 'For the father are two shares, and for the mother is one share'.⁴⁵

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ حَمَادِ بْنِ عُثْمَانَ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ تَرَكَ أُمَّهُ وَ أَخَاهُ قَالَ يَا شَيْخُ تُرِيدُ عَلَيَّ الْكِتَابَ قَالَ قُلْتُ نَعَمْ قَالَ كَانَ عَلِيٌّ (عَلَيْهِ السَّلَامُ) يُعْطِي الْمَالَ الْأَقْرَبَ فَلِأَقْرَبٍ قَالَ قُلْتُ فَلِأَخٍ لَا يَرِثُ شَيْئاً قَالَ قَدْ أَخْبَرْتُكَ أَنَّ عَلِيًّا (عَلَيْهِ السَّلَامُ) كَانَ يُعْطِي الْمَالَ الْأَقْرَبَ فَلِأَقْرَبٍ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Hammad Bin Usman who said,

'I asked Abu Al-Hassan^{asws} about a man who left his mother, and his brother. He^{asws} said: 'O Sheikh! Do you want (to be answered) upon the Book (Quran)?' I said, 'Yes'. He^{asws} said: 'Ali^{asws} used to give the wealth to the closest (relative), so it is for the closest'. I said, 'So the brother does not inherit anything?' He^{asws} said: 'I have

⁴³ Al Kafi – V 7 – The Book of Inheritances Ch 13 H 3

⁴⁴ Al Kafi – V 7 – The Book of Inheritances Ch 13 H 4

⁴⁵ Al Kafi – V 7 – The Book of Inheritances Ch 14 H 1

informed you that Ali^{asws} used to give the wealth to the closest (relative), so it is for the closest.⁴⁶

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ حَمَّادٍ عَنِ ابْنِ مَسْكِينَ عَنِ مُشْمَعِلِ بْنِ سَعْدٍ عَنْ أَبِي بَصِيرٍ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ تَرَكَ أَبُوهُ قَالَ هِيَ مِنْ ثَلَاثَةِ أَشْهُمٍ لِأُمِّ سَهْمٌ وَ لِأَبٍ سَهْمَانٌ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad, from Ali Bin Al Hassan Bin Hammad, from Ibn Maskeyn, from Mushmail Bin Saeed, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} regard a man who left his parents. He^{asws} said: 'It is from a third – a share for the mother with one share, and for the father, two shares'.⁴⁷

بَاب مِيرَاثِ الْأَبَوَيْنِ مَعَ الْإِخْوَةِ وَالْأَخَوَاتِ لِأَبٍ وَالْإِخْوَةِ وَالْأَخَوَاتِ لِأُمِّ

Chapter 14 – Inheritance of the two parents with the brothers and sisters of the father, and the brothers and sisters of the mother

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدِ بْنِ عَيْسَى عَنِ يُونُسَ جَمِيعاً عَنْ عُمَرَ بْنِ أُذَيْنَةَ قَالَ قُلْتُ لِزُرَّارَةَ إِنَّ أَنَسًا حَدَّثَنِي عَنْهُ يَعْنِي أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ عَنْ أَبِيهِ (عَلَيْهِ السَّلَامُ) بِأَشْيَاءَ فِي الْفَرَائِضِ فَأَعْرَضَهَا عَلَيْكَ فَمَا كَانَ مِنْهَا بَاطِلاً فَقُلْتُ هَذَا بَاطِلٌ وَ مَا كَانَ مِنْهَا حَقًّا فَقُلْتُ هَذَا حَقٌّ وَ لَا تَرَوُهُ وَ اسْكُتْ وَ قُلْتُ لَهُ حَدَّثَنِي رَجُلٌ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَامُ) فِي أَبَوَيْنِ وَ إِخْوَةٍ لِأُمِّ أَنَّهُمْ يَحْجُبُونَ وَ لَا يَرِثُونَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Isa, from Yunus, altogether from Umar Bin Azina who said,

'I said to Zurara that people are narrating to me from him^{asws}, meaning Abu Abdullah^{asws}, and from his^{asws} father^{asws}, with things regarding the Obligations (legislated shares of inheritance), so I will present these to you. So whatever was false from it, so say that this is false, and whatever was true from these, so say that this is true, and do not report it and remain silent'. And I said to him, 'A man narrated to me from one of the two (5th or 6th Imam^{asws}) regarding two parents and brothers of the (side of the) mother, and that they are blocked (barred) and will not be inheriting'.

فَقَالَ هَذَا وَ اللَّهُ هُوَ الْبَاطِلُ وَ لَكِنِّي سَأَخْبِرُكَ وَ لَا أُرْوِي لَكَ شَيْئاً وَ الَّذِي أَقُولُ لَكَ هُوَ وَ اللَّهُ الْحَقُّ إِنَّ الرَّجُلَ إِذَا تَرَكَ أَبُوهُ فَلِأُمِّ الثَّلَاثُ وَ لِأَبٍ الثَّلَاثَانِ فِي كِتَابِ اللَّهِ عَزَّ وَ جَلَّ فَإِنْ كَانَ لَهُ إِخْوَةٌ بَعْضُهَا لِلْمَيِّتِ يَعْنِي إِخْوَةٌ لِأَبٍ وَ أُمٌّ أَوْ إِخْوَةٌ لِأَبٍ فَلِأُمِّهِ السُّدُسُ وَ لِأَبٍ خَمْسَةُ أَسْدَاسٍ وَ إِنَّمَا وَقَّرَ لِأَبٍ مِنْ أَجْلِ عِيَالِهِ وَ أَمَّا الْإِخْوَةُ لِأُمِّ لَيْسُوا لِأَبٍ فَإِنَّهُمْ لَا يَحْجُبُونَ الْأُمَّ عَنِ الثَّلَاثِ وَ لَا يَرِثُونَ

So he said, 'This, by Allah^{azwj}, it is false, but I shall be informing you and I will not be reporting to you anything, and that which I am saying to you, other than, by Allah^{azwj}, what is the truth.

If a (deceased) man, leaves behind two parents, so for the mother is the one-third and for the father is the two-thirds in the Book of Allah^{azwj} Mighty and Majestic. So if there were brothers for him, meaning for the deceased, (and the) brothers of the father, and the mother, or a sister of the father. So for his mother is the one-sixth,

⁴⁶ Al Kafi – V 7 – H 13037 – The Book of Inheritances Ch 14 H 2

⁴⁷ Al Kafi – V 7 – H 13038 – The Book of Inheritances Ch 14 H 3

and for the father is the five-sixth. But rather it is for the father due to his dependents. And as for the brother of the (side of the) mother, not of the father, so they do not block from the mother of her the one-third, nor are they inheriting (anything).

وَ إِنْ مَاتَ رَجُلٌ وَ تَرَكَ أُمَّهُ وَ إِخْوَةً وَ أَخَوَاتٍ لِأُمِّهِ وَ أَبٍ وَ إِخْوَةً وَ أَخَوَاتٍ لِأَبٍ وَ إِخْوَةً وَ أَخَوَاتٍ لِأَبٍ وَ لَيْسَ الْأَبُ حَيًّا فَإِنَّهُمْ لَا يَرْتُونَ وَ لَا يَحْجُبُونَهَا لِأَنَّهُ لَمْ يُورَثْ كَلَالَةً .

And if the man dies and leaves his mother, and brothers and sisters of the mother and father, and brothers and sisters of the father, and brothers and sisters of the mother, and the father is not alive, so they would not be inheriting, nor would they be barring it, because a 'Kalala' (a person who has neither parents nor offspring – 4:176) does not inherit'.⁴⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ سَعْدِ بْنِ أَبِي خَلْفٍ عَنْ أَبِي الْعَبَّاسِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا تَرَكَ الْمَيِّتُ أَخَوَيْنِ فَهُمَ إِخْوَةٌ مَعَ الْمَيِّتِ حَجَبًا الْأُمُّ عَنِ الثَّلَاثِ وَ إِنْ كَانَ وَاحِدًا لَمْ يَحْجُبِ الْأُمُّ وَ قَالَ إِذَا كُنَّ أَرْبَعٌ أَخَوَاتٍ حَجَبْنَ الْأُمَّ عَنِ الثَّلَاثِ لِأَنَّهُنَّ بِمَنْزِلَةِ الْأَخَوَيْنِ وَ إِنْ كُنَّ ثَلَاثًا لَمْ يَحْجُبْنَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from sa'ad Bin Abu Khalaf, from Abu Al Abbas,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When the deceased leaves two brothers, so they are brothers with the deceased, they both veil the mother from the third. And if there was one, he would not veil the mother'. And he^{asws} said: 'When there are four sisters, they would block the mother from the third because they are at the statues of the two brothers, and if there were three sisters, they would not be blocking (the mother from the third)'.⁴⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ أَنَانَ بْنِ عُثْمَانَ عَنْ فَضْلِ أَبِي الْعَبَّاسِ الْبُقْبَاقِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ أَبَوَيْنِ وَ أُخْتَيْنِ لِأَبٍ وَ أُمَّ هَلْ يَحْجَبَانِ الْأُمَّ عَنِ الثَّلَاثِ قَالَ لَا قَالَ قُلْتُ فَتَلَاثٍ قَالَ لَا قُلْتُ فَأَرْبَعٍ قَالَ نَعَمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Mohsin Bin Ahmad, from Aban Bin Usman, from Fazl Abu Al Abbas Al Baqbaaq, said,

'I asked Abu Abdullah^{asws} about the two parents, and two sisters of the father, and a mother; would these two be blocking the mother from the third?' He^{asws} said: 'No'. I said, 'So if they are three?' He^{asws} said: 'No'. I said, 'So if they are four?' He^{asws} said: 'Yes'.⁵⁰

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ بْنِ يَحْيَى عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا تَحْجُبُ الْأُمُّ مِنَ الثَّلَاثِ إِذَا لَمْ يَكُنْ وَلَدٌ إِلَّا أَخَوَانِ أَوْ أَرْبَعٌ أَخَوَاتٍ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan Bin Yahya, from Abu Ayoub Al Khazaz, from Muhammad Bin Muslim, from

Abu Abdullah^{asws} having said: 'The mother is not from the third if there does not happen to be a son, except for two brothers or four sisters'.⁵¹

⁴⁸ Al Kafi – V 7 – The Book of Inheritances Ch 15 H 1

⁴⁹ Al Kafi – V 7 – The Book of Inheritances Ch 15 H 2

⁵⁰ Al Kafi – V 7 – The Book of Inheritances Ch 15 H 3

⁵¹ Al Kafi – V 7 – The Book of Inheritances Ch 15 H 4

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَّالٍ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ فَضْلِ أَبِي الْعَبَّاسِ الْبُقَّاقِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا تَحْجُبُ الْأُمُّ عَنِ الثَّلَاثِ إِلَّا أَحْوَانٌ أَوْ أَرْبَعُ أَخَوَاتٍ لِأَبٍ وَ أُمٌّ أَوْ لِأَبٍ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Abdullah Bin Bukeyr, from Fazal Abu Al Abbas Al Baqbaaq,

(It has been narrated) from Abu Abdullah^{asws} having said: 'The mother is not barred from the third except (if there are) two brothers, or four sisters of the father and mother, or of the father'.⁵²

وَ بِإِسْنَادِهِ عَنِ ابْنِ فَضَّالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ عُبيدِ بْنِ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ إِنَّ الْإِخْوَةَ مِنَ الْأُمِّ لَا يَحْجُبُونَ الْأُمَّ عَنِ الثَّلَاثِ .

And by his chain, from Ibn Fazal, from Ibn Bukeyr, from Ubeyd Bin Zurara who said,

'I heard Abu Abdullah^{asws} saying that the sister of the mother would not be barring the mother from the third'.⁵³

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عِيسَى عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ عَبْدِ اللَّهِ بْنِ بَحْرٍ عَنْ حَرِيزٍ عَنْ زُرَّارَةَ قَالَ قَالَ لِي أَبُو عَبْدِ اللَّهِ (عليه السلام) يَا زُرَّارَةُ مَا تَقُولُ فِي رَجُلٍ تَرَكَ أَبَوَيْهِ وَ إِخْوَتَهُ مِنْ أُمِّهِ قَالَ قُلْتُ السُّدُسُ لِأُمِّهِ وَ مَا بَقِيَ فَلِلْأَبِ فَقَالَ مَنْ أَيْنَ قُلْتَ هَذَا قُلْتُ سَمِعْتُ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ فِي كِتَابِهِ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ فَقَالَ وَيْحَكَ يَا زُرَّارَةُ أَوْلَيْكَ الْإِخْوَةُ مِنَ الْأَبِ فَإِذَا كَانَ الْإِخْوَةُ مِنَ الْأُمِّ لَمْ يَحْجُبُوا الْأُمَّ عَنِ الثَّلَاثِ .

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Al Husayn Bin Saeed, from Abdullah Bin Bahr, from Hareyz, from Zurara who said,

'Abu Abdullah^{asws} said to me: 'O Zurara! What are you saying regarding a man who leaves his two parents, and his brothers of his mother?' I said, 'A sixth for his mother and whatever remains, so it is for the father'. So he^{asws} said: 'From where did you say this?' I said, 'I heard Allah^{azwj} Mighty and Majestic Saying in His^{azwj} Book [4:11] **but if he has brothers, then his mother shall have the sixth**'. So he^{asws} said: 'O Zurara! Those are the brothers of the father. So if there were brothers of the father, they would not be barring the mother from the third'.⁵⁴

باب مِيرَاثِ الْوَالِدِ مَعَ الْأَبْوَيْنِ

Chapter 15 – Inheritance of the son with the two parents

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدِ بْنِ عِيسَى بْنِ عُبيدِ بْنِ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ جَمِيعاً عَنْ صَفْوَانَ أَوْ قَالَ عَنْ عُمَرَ بْنِ أَدِينَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ أَفْرَأَنِي أَبُو جَعْفَرٍ (عليه السلام) صَحِيفَةَ كِتَابِ الْفَرَائِضِ الَّتِي هِيَ إِمْلَاءُ رَسُولِ اللَّهِ (صلى الله عليه وآله) وَ خَطِّ عَلِيٍّ (عليه السلام) بِيَدِهِ فَوَجِدْتُ فِيهَا رَجُلٌ تَرَكَ ابْنَتَهُ وَ أُمَّهُ لِابْنَتِهِ النَّصْفَ ثَلَاثَةَ أَسْهُمٍ وَ لِأُمِّ السُّدُسُ سَهْمٌ يُقْسَمُ الْمَالُ عَلَى أَرْبَعَةِ أَسْهُمٍ فَمَا أَصَابَ ثَلَاثَةَ أَسْهُمٍ فَلِلْابْنَةِ وَ مَا أَصَابَ سَهْمًا فَهُوَ لِأُمِّ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Isa Bin Ubyd, from Yunus Bin Abdul Rahman, altogether from Safwan, or he said, from Umar Bin Azina, from Muhammad Bin Muslim who said,

⁵² Al Kafi – V 7 – The Book of Inheritances Ch 15 H 5

⁵³ Al Kafi – V 7 – The Book of Inheritances Ch 15 H 6

⁵⁴ Al Kafi – V 7 – The Book of Inheritances Ch 15 H 7

'Abu Ja'far^{asws} made me read a book of the Obligations (legislated shares of inheritance) which was dictated by Rasool-Allah^{saww}, and in the handwriting of Ali^{asws} by his^{asws} own hand. So I found therein a man who left his daughter, and his mother. For the daughter is the half, three shares, and for the mother is the six of the share. The wealth would be divided upon four shares. So what comes to three shares, so it is for the daughter, and whatever comes to one share so it is for the mother'.

قَالَ وَ قَرَأْتُ فِيهَا رَجُلٌ تَرَكَ ابْنَتَهُ وَ أَبَاهُ فَلِلْابْنَةِ النِّصْفُ ثَلَاثَةٌ أَسْهُمٍ وَ لِلْأَبِ السُّدُسُ سَهْمٌ يُقَسَّمُ الْمَالُ عَلَى أَرْبَعَةِ أَسْهُمٍ فَمَا أَصَابَ ثَلَاثَةٌ أَسْهُمٍ فَلِلْابْنَةِ وَ مَا أَصَابَ سَهْمًا فَلِلْأُمِّ

He (the narrator) said, 'And I read in it, a man who left his daughter and his father. So for the daughter is the half, three shares, and for the father is the sixth. The wealth is divided upon four shares. So whatever comes to three shares, so it is for the daughter, and whatever comes to one share, so it is for the mother'.

قَالَ مُحَمَّدٌ وَ وَجَدْتُ فِيهَا رَجُلٌ تَرَكَ أَبَوَيْهِ وَ ابْنَتَهُ فَلِلْابْنَةِ النِّصْفُ ثَلَاثَةٌ أَسْهُمٍ وَ لِلْأَبَوَيْنِ لِكُلِّ وَ وَاحِدٍ مِنْهُمَا السُّدُسُ لِكُلِّ وَ وَاحِدٍ مِنْهُمَا سَهْمٌ يُقَسَّمُ الْمَالُ عَلَى خَمْسَةِ أَسْهُمٍ فَمَا أَصَابَ ثَلَاثَةٌ فَلِلْابْنَةِ وَ مَا أَصَابَ سَهْمَيْنِ فَلِلْأَبَوَيْنِ .

Muhammad (the narrator) said, 'And I found in it, a man who left his two parents, and a daughter. So for the daughter is the half, three shares, and for the two parents, for each one of the two, is the sixth, (one share for each of the two of them). The wealth is divided upon five shares. So whatever comes three shares, so it is for the daughter, and whatever comes to two shares, so it is for the two parents'.⁵⁵

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ زُرَّارَةَ قَالَ وَجَدْتُ فِي صَحِيفَةِ الْفَرَاخِ رَجُلٌ مَاتَ وَ تَرَكَ ابْنَتَهُ وَ أَبَوَيْهِ فَلِلْابْنَةِ ثَلَاثَةٌ أَسْهُمٍ وَ لِلْأَبَوَيْنِ لِكُلِّ وَ وَاحِدٍ مِنْهُمَا سَهْمٌ يُقَسَّمُ الْمَالُ عَلَى خَمْسَةِ أَجْزَاءٍ فَمَا أَصَابَ ثَلَاثَةٌ أَجْزَاءٍ فَلِلْابْنَةِ وَ مَا أَصَابَ جُزْءَيْنِ فَلِلْأَبَوَيْنِ .

A number of our companions, from Sahl Bin Ziyad, from Al-Hassan Bin Mahboub, from Ali Bin Raib, from Zurara who said,

'I found in a Parchment of the Obligations (legislated shares of inheritance), a man died and left his daughter, and his two parents, so for the daughter are three shares, and for the two parents, for each one of the two, one share. The wealth is distributed upon five parts, so whatever comes to three parts, so it is for the daughter, and whatever comes to two parts, so it is for the two parents'.⁵⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدِ بْنِ عَيْسَى بْنِ عُبَيْدٍ عَنْ يُونُسَ جَمِيعاً عَنْ عُمَرَ بْنِ أَدِينَةَ عَنْ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنِ الْجَدِّ فَقَالَ مَا أَجِدُ أَحَدًا قَالَ فِيهِ إِلَّا بَرَأِيهِ إِلَّا أَمِيرَ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) قُلْتُ أَصْلَحَكَ اللَّهُ فَمَا قَالَ فِيهِ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا كَانَ عَدَاؤُكَ لِقَبِي حَتَّى أَقْرَبَكَ فِي كِتَابٍ قُلْتُ أَصْلَحَكَ اللَّهُ حَدَّثَنِي فَإِنَّ حَدِيثَكَ أَحَبُّ إِلَيَّ مِنْ أَنْ تُفَرِّغَنِي فِي كِتَابٍ فَقَالَ لِي الثَّانِيَةَ أَسْمَعُ مَا أَقُولُ لَكَ إِذَا كَانَ عَدَاؤُكَ لِقَبِي حَتَّى أَقْرَبَكَ فِي كِتَابٍ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Isa Bin Ubeyd, from Yunus, altogether from Umar Bin Azina, from Zurara who said,

'I asked Abu Ja'far^{asws} about the grandfather, so he^{asws} said: 'I^{asws} did not find anyone who spoke with regards to it except by his own opinions except for Amir Al-

⁵⁵ Al Kafi – V 7 – The Book of Inheritances Ch 16 H 1

⁵⁶ Al Kafi – V 7 – The Book of Inheritances Ch 16 H 2

Momineen^{asws}. I said, 'May Allah^{azwj} Keep you^{asws} well! So what did Amir Al-Momineen^{asws} say with regards to it?' He^{asws} said: 'When it is tomorrow, so meet up with me^{asws} until I^{asws} make you to read it in a book'. I said, 'May Allah^{azwj} Keep you^{asws} well! Narrate to me, for your^{asws} Hadeeth is more beloved to me than you^{asws} making me to read it in a book'. So he^{asws} said to me for a second time: 'Listen to what I^{asws} am saying to you. When it is tomorrow, so meet up with me^{asws}, until I^{asws} make you to read it in a book'.

فَأْتَيْتُهُ مِنَ الْعَدِّ بَعْدَ الظُّهْرِ وَ كَانَتْ سَاعَتِي الَّتِي كُنْتُ أَخْلُو بِهِ فِيهَا بَيْنَ الظُّهْرِ وَالْعَصْرِ وَ كُنْتُ أَكْرَهُ أَنْ أَسْأَلَهُ إِلَّا خَالِيًا خَشِيَةً أَنْ يُقْنِنِي مِنْ أَجْلِ مَنْ يَحْضُرُهُ بِالتَّقِيَّةِ فَلَمَّا دَخَلْتُ عَلَيْهِ أَقْبَلَ عَلَيَّ ابْنُهُ جَعْفَرٌ (عليه السلام) فَقَالَ لَهُ أَقْرَأْ زُرَّارَةَ صَحِيفَةَ الْفَرَائِضِ ثُمَّ قَامَ لِيَنَامَ

So I went over to him^{asws} the next day after *Al-Zohr*, and it was my time which I would be alone with him, in what is between *Al-Zohr* and *Al-Asr*, and I disliked that I ask him except when alone with him^{asws}, out of fear that he^{asws} would issue a verdict to me with the dissimulation due to the ones who would be present (around him^{asws}). So when I entered (the room), he^{asws} faced towards his^{asws} son^{asws} Ja'far^{asws}, so he^{asws} said to him^{asws}: 'Make Zurara read the Parchment of the Obligations (legislated shares of inheritance)'. Then he^{asws} arose for a nap.

فَبَقِيتُ أَنَا وَ جَعْفَرٌ (عليه السلام) فِي النَّبْتِ فَقَامَ فَأَخْرَجَ إِلَيَّ صَحِيفَةً مِثْلَ فَخِذِ الْبَعِيرِ فَقَالَ لَسْتُ أَقْرَأُكَهَا حَتَّى تَجْعَلَ لِي عَلَيْكَ اللَّهُ أَنْ لَا تُحَدِّثَ بِمَا تَقْرَأُ فِيهَا أَحَدًا أَبَدًا حَتَّى آذَنَ لَكَ وَ لَمْ يَقُلْ حَتَّى يَأْذَنَ لَكَ أَبِي فَقُلْتُ أَصْلَحَكَ اللَّهُ وَ لَمْ تُضَيِّقْ عَلَيَّ وَ لَمْ يَأْمُرْكَ أَبُوكَ بِذَلِكَ فَقَالَ لِي مَا أَنْتَ بِنَاطِرٍ فِيهَا إِلَّا عَلَى مَا قُلْتَ لَكَ فَقُلْتُ فَذَلِكَ لَكَ وَ كُنْتُ رَجُلًا عَالِمًا بِالْفَرَائِضِ وَ الْوَصَايَا بِصِيرًا بِهَا حَاسِبًا لَهَا أَلْبَثُ الزَّمَانَ أَطْلُبُ شَيْئًا يُلْقَى عَلَيَّ مِنَ الْفَرَائِضِ وَ الْوَصَايَا لَا أَعْلَمُهُ فَلَا أَقْدِرُ عَلَيْهِ

So, there remained myself and Ja'far^{asws} in the room. So he^{asws} stood up and brought a parchment to me, like the thigh of the camel, so he^{asws} said: 'You do not read it until you make (a promise of) Allah^{azwj} to me that you will not narrate with what you read in it to anyone, ever, until I^{asws} permit you' – and he^{asws} did not say, 'Until my^{asws} father^{asws} permits you'. So I said, 'May Allah^{azwj} Keep you^{asws} well! And why are you^{asws} restricting me and your^{asws} father^{asws} did not instruct with that?' So he^{asws} said to me: 'You will not look in it except upon what I^{asws} have said to you'. So I said, 'So that is for you^{asws} (to stipulate)' – and I was a knowledgeable man with the Obligations (legislated shares of inheritance) and the bequests, having insight into it, and of calculating these. I had waited a long time seeking something cast to me from the Obligations (legislated shares of inheritance) and the bequest which I did not know, and I had no ability over it.

فَلَمَّا أَلْقَى إِلَيَّ طَرَفَ الصَّحِيفَةِ إِذَا كِتَابٌ غَلِيظٌ يُعْرَفُ أَنَّهُ مِنْ كُتُبِ الْأَوَّلِينَ فَنَطَرْتُ فِيهَا فَإِذَا فِيهَا خِلَافٌ مَا بِأَيْدِي النَّاسِ مِنَ الصَّلَاةِ وَ الْأَمْرِ بِالْمَعْرُوفِ الَّذِي لَيْسَ فِيهِ اخْتِلَافٌ وَ إِذَا عَامَّتُهُ كَذَلِكَ فَقَرَأْتُهُ حَتَّى أَتَيْتُ عَلَى آخِرِهِ بِخُبْتِ نَفْسٍ وَ قَلَّةِ تَحْفَظٍ وَ سَقَامِ رَأْيٍ وَ قُلْتُ وَ أَنَا أَقْرَأُهُ بِاطِلُّ حَتَّى أَتَيْتُ عَلَى آخِرِهِ ثُمَّ أَدْرَجْتُهَا وَ دَفَعْتُهَا إِلَيْهِ

So when he^{asws} cast towards me a side of the parchment. It was a thick book, so I recognised it that it is from the books of the former ones. So I looked into it, and there was in it opposite to what was in the hands of the people – from the relationships, and the enjoining of the goodness which there is no differing in it, and that the generality of it was like that. So I read it until I came to the end of it, having a bad self (thoughts) and little memorisation (from it), and a sick opinion, and I said (to myself) that I have read falsehood, until I came to the end of it. Then I layered it and handed it over to him^{asws}.

فَلَمَّا أَصْبَحْتُ لَقِيتُ أَبَا جَعْفَرٍ (عليه السلام) فَقَالَ لِي أَمْ قَرَأْتَ صَحِيفَةَ الْفَرَائِضِ فَقُلْتُ نَعَمْ فَقَالَ كَيْفَ رَأَيْتَ مَا قَرَأْتَ قَالَ قُلْتُ بَاطِلٌ لَيْسَ بِشَيْءٍ هُوَ خِلَافٌ مَا النَّاسُ عَلَيْهِ قَالَ فَإِنَّ الَّذِي رَأَيْتَ وَ اللَّهِ يَا زُرَّارَةَ هُوَ الْحَقُّ الَّذِي رَأَيْتَ إِمْلَاءُ رَسُولِ اللَّهِ (صلى الله عليه وآله) وَ خَطُّ عَلِيٍّ (عليه السلام) بِيَدِهِ

So when it was the morning, I met up with Abu Ja'far^{asws}, so he^{asws} said to me: 'Did you read the parchment of the Obligations (legislated shares of the inheritance)?' So I said, 'Yes'. So he^{asws} said: 'How do you view what you read?' I said, 'False. It is not with anything except that it is opposite to what the people are upon'. He^{asws} said: 'So that which you saw, by Allah^{azwj}, O Zurara, it is the truth. That which you saw was dictated by Rasool-Allah^{saww} and written by Ali^{asws} by his^{asws} own hand'.

فَأْتَانِي الشَّيْطَانُ فَوَسَّوَسَ فِي صَدْرِي فَقَالَ وَ مَا يُدْرِيهِ أَنَّهُ إِمْلَاءُ رَسُولِ اللَّهِ (صلى الله عليه وآله) وَ خَطُّ عَلِيٍّ (عليه السلام) بِيَدِهِ فَقَالَ لِي قَبْلُ أَنْ أَنْطِقَ يَا زُرَّارَةَ لَا تَشْكُرَنَّ وَدَّ الشَّيْطَانُ وَ اللَّهُ إِنَّكَ شَكَّكَتَ وَ كَيْفَ لَا أُدْرِي أَنَّهُ إِمْلَاءُ رَسُولِ اللَّهِ (صلى الله عليه وآله) وَ خَطُّ عَلِيٍّ (عليه السلام) بِيَدِهِ وَ قَدْ حَدَّثَنِي أَبِي عَنْ جَدِّي أَنَّ أَمِيرَ الْمُؤْمِنِينَ (عليه السلام) حَدَّثَهُ ذَلِكَ

So the satan^{la} came to me and whispered into my chest, so he^{la} said, 'And what makes you know that it was dictated by Rasool-Allah^{saww} and written by Ali^{asws} by his^{asws} own hand?' So he^{asws} said to me before I spoke: 'O Zurara! Do not let satan^{la} make you doubt. By Allah^{azwj}! You doubt, and how can I^{asws} not know that it is the dictation of Rasool-Allah^{saww} and writing of Ali^{asws} by his^{asws} own hand, and my^{asws} father^{saws} narrated to me^{asws}, from my^{asws} grandfather^{asws} that Amir Al-Momineen^{asws} narrated that!'

قَالَ قُلْتُ لَا كَيْفَ جَعَلَنِي اللَّهُ فِدَاكَ وَ نَدِمْتُ عَلَى مَا فَاتَنِي مِنَ الْكُتَابِ وَ لَوْ كُنْتُ قَرَأْتَهُ وَ أَنَا عَرَفْتُهُ لَرَجَوْتُ أَنْ لَا يُفَوِّتَنِي مِنْهُ حَرْفٌ

(Zurara) said, 'I said, 'No! How (can I doubt)?' May Allah^{azwj} Make me to be sacrificed for you^{asws}! And I regret upon what (I did not read) from what you^{asws} gave me from the book, and had I read it, and I would have recognised it, and hopefully not a single letter from it would have escaped me'.

قَالَ عُمَرُ بْنُ أُدَيْنَةَ قُلْتُ لِرُزَّارَةَ فَإِنَّ أَنَا سَأَلْتُ حَدَّثُونِي عَنْهُ وَ عَنْ أَبِيهِ (عليه السلام) بِأَشْيَاءَ فِي الْفَرَائِضِ فَأَعْرَضَهَا عَلَيْكَ فَمَا كَانَ مِنْهَا بَاطِلًا فَقُلْ هَذَا بَاطِلٌ وَ مَا كَانَ مِنْهَا حَقًّا فَقُلْ هَذَا حَقٌّ وَ لَا تَرَوْهُ وَ اسْكُتْ فَحَدَّثَنِي بِمَا حَدَّثَنِي بِهِ مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عليه السلام) فِي الْإِبْنَةِ وَ الْأَبِ وَ الْإِبْنَةِ وَ الْأُمِّ وَ الْإِبْنَةِ وَ الْأَبَوَيْنِ فَقَالَ هُوَ وَ اللَّهُ الْحَقُّ .

Umar Bin Azina said, 'I said to Zarara, 'The people are narrating to me from him^{asws} and from his^{asws} father^{asws} with things regarding the Obligations (legislated shares of inheritance), so I will present them to you. So whatever was false from it, so say, 'This is false', and whatever was true from it, so say, 'This is true', and do not report it and remain silent. So I narrated to him with what Muhammad Bin Muslim had narrated to me from Abu Ja'far^{asws} with regards to the daughter, and the father, and the daughter and the mother, and the daughter and the father. So he (Zarara) said, 'It is, by Allah^{azwj}, the truth'.⁵⁷

باب مِيرَاثِ الْوَلَدِ مَعَ الزَّوْجِ وَ الْمَرْأَةِ وَ الْأَبَوَيْنِ

⁵⁷ Al Kafi – V 7 – The Book of Inheritances Ch 16 H 3

Chapter 16 – Inheritance of the son with the husband and the wife, and the two parents

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ جَمِيعاً عَنْ عُمَرَ بْنِ أُذَيْنَةَ قَالَ قُلْتُ لِرَزْرَارَةَ إِنِّي سَمِعْتُ مُحَمَّدَ بْنَ مُسْلِمٍ وَ بُكَيْراً يَرَوِيَانِ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي زَوْجٍ وَ أَبَوَيْنِ وَ ابْنَةٍ فَلِلزَّوْجِ الرَّبْعُ ثَلَاثَةٌ أَسْهُمٌ مِنْ اثْنَتَيْ عَشَرَ سَهْمًا وَ لِلأَبَوَيْنِ السُّدْسَانِ أَرْبَعَةٌ أَسْهُمٌ مِنْ اثْنَتَيْ عَشَرَ سَهْمًا وَ بَقِيَّ خَمْسَةٌ أَسْهُمٌ فَهُوَ لِلابْنَةِ لِأَنَّهَا لَوْ كَانَتْ ذَكَرًا لَمْ يَكُنْ لَهَا غَيْرُ خَمْسَةٍ مِنْ اثْنَتَيْ عَشَرَ سَهْمًا وَ إِنْ كَانَتْ اثْنَتَيْنِ فَلَهُمَا خَمْسَةٌ مِنْ اثْنَتَيْ عَشَرَ سَهْمًا لِأَنَّهَا لَوْ كَانَا ذَكَرَيْنِ لَمْ يَكُنْ لَهُمَا غَيْرُ مَا بَقِيَ خَمْسَةٌ مِنْ اثْنَتَيْ عَشَرَ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Isa, from Yunus Bin Abdul Rahman, altogether from Umar Bin Azina who said,

'I said to Zurara, 'I heard Muhammad Bin Muslim and Bukeyr both narrating from Abu Ja'far^{asws} regarding a husband and two parents and a daughter. So for the husband would be a quarter, three shares from twelve, and for the two parents would be a sixth (each coming to), four shares from twelve, and the remaining five shares, so it is for the daughter, because had she been a male she would not have other than five shares from twelve; and if there were two females, so for the both of them would be five shares from twelve, because they both, had they been two males, would not have had other than what remains, five shares from twelve'.

قَالَ زُرَّارَةُ هَذَا هُوَ الْحَقُّ إِذَا أَرَدْتَ أَنْ تُلْقِيَ الْعَوْلَ فَتَجْعَلَ الْفَرِيضَةَ لَا تَعُولُ فَإِنَّمَا يَدْخُلُ النُّقْصَانُ عَلَى الَّذِينَ لَهُمُ الزِّيَادَةُ مِنَ الْوَالِدِ وَ الْأَخَوَاتِ مِنَ الْأَبِ وَ الْأُمِّ فَأَمَّا الزَّوْجُ وَ الْإِخْوَةَ لِلأُمِّ فَإِنَّهُمْ لَا يَنْقُصُونَ مِمَّا سَمَى اللَّهُ لَهُمْ شَيْئاً .

Zurara said, 'This is the truth, when you want to receive the deficiency, so make the Obligations (legislated shares) with no deficiencies. But rather, the deficiency is upon the one for whom is the excess – from the son, and the sisters from the father, and the mother. So, as for the husband and the brothers of the mother, so they would not be reduced from what Allah^{azwj} has Named something for them'.⁵⁸

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدِ بْنِ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ وَ عَلَاءِ بْنِ رَزِينَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي امْرَأَةٍ مَاتَتْ وَ تَرَكَتْ زَوْجَهَا وَ أَبَوَيْهَا وَ ابْنَتَهَا قَالَ لِلزَّوْجِ الرَّبْعُ ثَلَاثَةٌ أَسْهُمٌ مِنْ اثْنَتَيْ عَشَرَ سَهْمًا وَ لِلأَبَوَيْنِ لِكُلِّ وَاحِدٍ مِنْهُمَا السُّدْسُ سَهْمَانِ مِنْ اثْنَتَيْ عَشَرَ سَهْمًا وَ بَقِيَّ خَمْسَةٌ أَسْهُمٌ فَهِيَ لِلابْنَةِ لِأَنَّهُ لَوْ كَانَ ذَكَرًا لَمْ يَكُنْ لَهُ أَكْثَرُ مِنْ خَمْسَةِ أَسْهُمٍ مِنْ اثْنَتَيْ عَشَرَ سَهْمًا لِأَنَّ الْأَبَوَيْنِ لَا يَنْقُصَانِ لِكُلِّ وَاحِدٍ مِنْهُمَا مِنَ السُّدْسِ شَيْئاً وَ أَنَّ الزَّوْجَ لَا يَنْقُصُ مِنَ الرَّبْعِ شَيْئاً .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Ali Bin Raib and Ala'a Bin Razeyn, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} regarding a woman who dies and left her husband, and two parents, and her daughter. He^{asws} said: 'For the husband is the quarter, three shares from twelve shares, and for the two parents, for each one of them is a sixth, two shares from twelve shares, and the remaining shares, are for the daughter, because had she been a male, there would not happen to be for him more than the five shares from twelve shares, because the two parents, each one of them

⁵⁸ Al Kafi – V 7 – The Book of Inheritances Ch 17 H 1

would not be reduced anything from a sixth, and that the husband would not be reduced anything from the quarter'.⁵⁹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ قَالَ دَفَعَ إِلَيَّ صَفْوَانُ كِتَابًا لِمُوسَى بْنِ بَكْرٍ فَقَالَ لِي هَذَا سَمَاعِي مِنْ مُوسَى بْنِ بَكْرٍ وَقَرَأْتُهُ عَلَيْهِ فَإِذَا فِيهِ مُوسَى بْنُ بَكْرٍ عَنْ عَلِيِّ بْنِ سَعِيدٍ عَنْ زُرَّارَةَ قَالَ هَذَا مِمَّا لَيْسَ فِيهِ اخْتِلَافٌ عِنْدَ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ وَعَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَنَّهُمَا سَبَّحَا عَنْ امْرَأَةٍ تَرَكَتْ زَوْجَهَا وَ أُمَّهَا وَ ابْنَتَيْهَا فَقَالَ لِلزَّوْجِ الرَّبْعُ وَ لِلأُمِّ السُّدُسُ وَ لِلابْنَتَيْنِ مَا بَقِيَ لِأَنَّهُمَا لَوْ كَانَا رَجُلَيْنِ لَمْ يَكُنْ لهُمَا شَيْءٌ إِلَّا مَا بَقِيَ وَ لَا تُزَادُ الْمَرْأَةُ أَبَدًا عَلَى نَصِيبِ الرَّجُلِ لَوْ كَانَ مَكَانَهَا

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at who said,

'Safwan handed over to me a book of Musa Bin Bakr, so he said to me, 'This is what I heard from Musa Bin Bakr and read it out to him'. So, in it was that Musa Bin Bakr, from Ali Bin Saeed, from Zurara who said, 'This is from what there is no differing therein in the presence of our companions, from Abu Abdullah^{asws}, and from Abu Ja'far^{asws}, having both been asked about a woman who left her husband, and her mother, and her two daughters. So he^{asws} said: 'For the husband is the quarter, and for the mother is the sixth, and for the two daughters is what remains because both of them, had they been men, there would not be for the two of them anything except what remains, and (the share of) the woman does not exceed the share of the man, even if she were to be in his place.

وَ إِنْ تَرَكَ الْمَيِّتُ أُمًَّ وَ أَبًا وَ امْرَأَةً وَ ابْنَةً فَإِنَّ الْفَرِيضَةَ مِنْ أَرْبَعَةٍ وَ عِشْرِينَ سَهْمًا لِلْمَرْأَةِ الثَّمَنُ ثَلَاثَةٌ أَسْهُمٍ مِنْ أَرْبَعَةٍ وَ عِشْرِينَ وَ لِأَحَدِ الْأَبَوَيْنِ السُّدُسُ أَرْبَعَةٌ أَسْهُمٍ وَ لِلابْنَةِ النِّصْفُ اثْنَا عَشَرَ سَهْمًا وَ بَقِيَ خَمْسَةٌ أَسْهُمٍ هِيَ مَرْدُودَةٌ عَلَى سِهَامِ الْإِبْنَةِ وَ أَحَدِ الْأَبَوَيْنِ عَلَى قَدْرِ سِهَامِهِمَا وَ لَا يُرَدُّ عَلَى الْمَرْأَةِ شَيْءٌ وَ إِنْ تَرَكَ أَبُوَيْنِ وَ امْرَأَةً وَ ابْنًا فَهِيَ أَيْضًا مِنْ أَرْبَعَةٍ وَ عِشْرِينَ سَهْمًا لِلأَبَوَيْنِ السُّدُسَانِ ثَمَانِيَةٌ أَسْهُمٍ لِكُلِّ وَاحِدٍ مِنْهُمَا أَرْبَعَةٌ أَسْهُمٍ وَ لِلْمَرْأَةِ الثَّمَنُ ثَلَاثَةٌ أَسْهُمٍ وَ لِلابْنَةِ النِّصْفُ اثْنَا عَشَرَ سَهْمًا وَ بَقِيَ سَهْمٌ وَاحِدٌ مَرْدُودٌ عَلَى الْإِبْنَةِ وَ الْأَبَوَيْنِ عَلَى قَدْرِ سِهَامِهِمْ وَ لَا يُرَدُّ عَلَى الْمَرْأَةِ شَيْءٌ

And if the deceased leaves a mother, and a father, and a wife, and a daughter, so the Obligatory (legislated shares) are from twenty four shares – for the wife would be an eighth, being three shares from twenty four shares; for the two parents would be two sixths, being eight shares, for each one of them, four shares; and for the wife would be the eighth, being three shares, and for the daughter would be the half, being twelve shares, and the remaining one share would revert upon the daughter and the two parents in accordance of their shares, and nothing would revert to the wife (from that one remaining share).

وَ إِنْ تَرَكَ أَبًا وَ زَوْجًا وَ ابْنَةً فَلِلأَبِ سَهْمَانِ مِنْ اثْنَيْ عَشَرَ وَ هُوَ السُّدُسُ وَ لِلزَّوْجِ الرَّبْعُ ثَلَاثَةٌ أَسْهُمٍ مِنْ اثْنَيْ عَشَرَ وَ لِلابْنَةِ النِّصْفُ سِتَّةٌ أَسْهُمٍ مِنْ اثْنَيْ عَشَرَ وَ بَقِيَ سَهْمٌ وَاحِدٌ مَرْدُودٌ عَلَى الْإِبْنَةِ وَ الْأَبِ عَلَى قَدْرِ سِهَامِهِمَا وَ لَا يُرَدُّ عَلَى الزَّوْجِ شَيْءٌ

And if he left a father, and a husband, and a daughter, so for the father would be two shares from twelve, and it is the sixth; and for the husband would be the quarter, being three shares from twelve; and for the daughter would be the half, being six shares from twelve, and the remaining one share would revert upon the daughter and the father upon the measurement of both their shares, and nothing would revert to the husband (from that one remaining share).

⁵⁹ Al Kafi – V 7 – The Book of Inheritances Ch 17 H 2

وَلَا يَرِثُ أَحَدٌ مِّنْ خَلْقِ اللَّهِ مَعَ الْوَلَدِ إِلَّا الْأَبَوَانِ وَالزَّوْجُ وَالزَّوْجَةُ فَإِنْ لَمْ يَكُنْ وُلْدٌ وَكَانَ وُلْدُ الْوَلَدِ ذَكَورًا كَانُوا أَوْ إِنَاثًا فَأَيْهِمْ بِمَنْزِلَةِ الْوَلَدِ وَوَلَدُ الْبَنِيِّ بِمَنْزِلَةِ الْبَنِيِّ يَرِثُونَ مِيرَاثَ الْبَنَاتِ وَوَلَدُ الْبَنَاتِ بِمَنْزِلَةِ الْبَنَاتِ يَرِثُونَ مِيرَاثَ الْبَنَاتِ وَ يَحْجُبُونَ الْأَبَوَيْنِ وَالزَّوْجَ وَالزَّوْجَةَ عَنِ سَهْمِهِمُ الْأَكْثَرِ وَإِنْ سَفَلُوا بِبَطْنَيْنِ وَثَلَاثَةٍ وَ أَكْثَرَ يَرِثُونَ مَا يَرِثُ وُلْدُ الصُّلْبِ وَ يَحْجُبُونَ مَا يَحْجُبُ وُلْدُ الصُّلْبِ .

And, no one from the creatures of Allah^{azwj} would inherit along with the child except for the two parents, and the husband, and the wife. So if there does not happen to be a child, and there was a child of the child (grandchild), whether a male or a female, so they would be at the status of the parent, and the children of the sons are at the status of the sons, inheriting the inheritance of the sons, and the children of the daughter are at the status of the daughter, inheriting the inheritance of the daughters, veiling the two parents, and the husband, and the wife from their larger shares. And they are of a lower generation, with two, and three, and more, they would be inheriting what the child of the lineage inherits, and they would be blocking what the child of the lineage blocks'.⁶⁰

باب ميراث الأبوين مع الزوج و الزوجة

Chapter 17 – Inheritance of the two parents with the husband and the wife

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ أَبِي بِنِ عُمَانَ عَنْ إِسْمَاعِيلَ الْجُعْفِيِّ عَنْ أَبِي جَعْفَرٍ (عليه السلام) فِي زَوْجٍ وَ أَبَوَيْنِ قَالَ لِلزَّوْجِ النِّصْفُ وَ لِلأُمِّ التُّلْثُ وَ لِلأَبِ مَا بَقِيَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Mohsin Bin Ahmad, from Aban Bin Usman, from Ismail Al Ju'fy,

(It has been narrated) from Abu Ja'far^{asws} regarding a husband, and two parents. He^{asws} said: 'For the husband is the half, and for the mother is the one-third, and for the father is what remains'.

وَ قَالَ فِي امْرَأَةٍ مَعَ أَبَوَيْنِ قَالَ لِلْمَرْأَةِ الرُّبْعُ وَ لِلأُمِّ التُّلْثُ وَ مَا بَقِيَ فَلِأَبِ .

And he^{asws} said regarding a woman with two parents: 'For the woman is the one-quarter, and for the mother is the one-third, and what remains is for the father'.⁶¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دِرَاجٍ عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الرَّحْمَنِ الْجُعْفِيِّ عَنْ أَبِي جَعْفَرٍ (عليه السلام) فِي زَوْجٍ وَ أَبَوَيْنِ قَالَ لِلزَّوْجِ النِّصْفُ وَ لِلأُمِّ التُّلْثُ وَ مَا بَقِيَ فَلِأَبِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from Ismail Bin Abdul Rahman Al Ju'fy,

(It has been narrated) from Abu Ja'far^{asws} regarding a husband and two parents. He^{asws} said: 'For the husband is the half, and for the mother is the third, and what remains is for the father'.⁶²

⁶⁰ Al Kafi – V 7 – The Book of Inheritances Ch 17 H 3

⁶¹ Al Kafi – V 7 – The Book of Inheritances Ch 18 H 1

⁶² Al Kafi – V 7 – The Book of Inheritances Ch 18 H 2

وَعَنْهُ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ جَمِيعاً عَنْ عُمَرَ بْنِ أَدْنِيَةَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ أَنَّ أَبَا جَعْفَرَ (عَلَيْهِ السَّلَامُ) أَقْرَأَهُ صَحِيفَةَ الْفَرَائِضِ الَّتِي أَمْلَاهَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ حَطَّ عَلَيَّ (عَلَيْهِ السَّلَامُ) بِيَدِهِ فَفَرَأَتْ فِيهَا امْرَأَةٌ تَرَكَتْ زَوْجَهَا وَ أَبَوَيْهَا فَلِلزَّوْجِ النِّصْفُ ثَلَاثَةُ أَسْهُمٍ وَ لِلأُمِّ ثَلَاثَةُ ثَمَانٍ وَ لِلأَبِ السُّدُسُ سَهْمٌ .

And from him, from his father, from Ibn Abu Umeyr, and Muhammad Bin Isa, from Yunus, altogether from Umar Bin Azina,

(It has been narrated) from Muhammad Bin Muslim that Abu Ja'far^{asws} made him read a parchment of the Obligations (legislated shares of inheritance) which Rasool-Allah^{saww} had dictated, and written by Ali^{asws} by his^{asws} own hand. So he read in it, a woman left her husband and her two parents. So for the husband is the half, being three shares, and for the mother are two shares, being the complete third, and for the father is the sixth share'.⁶³

وَعَنْهُ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أَدْنِيَةَ قَالَ قُلْتُ لِرُزْرَةَ إِنَّ أَنَسًا قَدْ حَدَّثَنِي عَنْ أَبِي جَعْفَرَ وَ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) بِأَشْيَاءَ فِي الْفَرَائِضِ فَأَعْرَضَهَا عَلَيَّ فَمَا كَانَ مِنْهَا بَاطِلاً فَقُلْتُ هَذَا بَاطِلٌ وَ مَا كَانَ مِنْهَا حَقًّا فَقُلْتُ هَذَا حَقٌّ وَ لَا تَرْوِيهِ وَ اسْكُتْ فَحَدَّثْتَنِي بِمَا حَدَّثْتَنِي بِهِ مُحَمَّدُ بْنُ مُسْلِمٍ فِي الزَّوْجِ وَ الْأَبَوَيْنِ قَالَ وَ اللَّهُ هُوَ الْحَقُّ .

And from him, from his father, from Ibn Abu Umeyr, from Umar Bin Azina who said,

'I said to Zurara, 'The people are narrating to me from Abu Ja'far^{asws} and Abu Abdullah^{asws} with things regarding the Obligations (legislated shares of inheritance), so I present these to you. So whatever was false from it, so say, 'This is false'; and whatever was true from it, so say, 'This is true', and do not report it and remain silent'. So I narrated to him with what had been narrated to me by Muhammad Bin Muslim regarding the husband and the two parents. He said, 'By Allah^{azwj}, this is true!⁶⁴

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ عَلِيِّ بْنِ الْحَسَنِ بْنِ رَبِاطٍ عَنْ عَبْدِ اللَّهِ بْنِ وَضَّاحٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي امْرَأَةٍ تُوَفِّيتُ وَ تَرَكَتْ زَوْجَهَا وَ أُمَّهَا وَ أَبَاهَا قَالَ هِيَ مِنْ سِتَّةِ أَسْهُمٍ لِلزَّوْجِ النِّصْفُ ثَلَاثَةُ أَسْهُمٍ وَ لِلأُمِّ ثَلَاثَةُ ثَمَانٍ وَ لِلأَبِ السُّدُسُ سَهْمٌ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ali Bin Al Hassan Bin Rabaat, from Abdullah Bin Wazzah, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} regarding a woman who passed away and left her husband, and her mother, and her father. He^{asws} said: 'It is from six shares – for the husband is the half, being three shares, and for the mother is the one-third, being two shares, and for the father is the one-sixth, being one share'.⁶⁵

بَابُ الْكَلَالَةِ

⁶³ Al Kafi – V 7 – The Book of Inheritances Ch 18 H 3

⁶⁴ Al Kafi – V 7 – The Book of Inheritances Ch 18 H 4

⁶⁵ Al Kafi – V 7 – The Book of Inheritances Ch 18 H 5

Chapter 18 – The ‘Kalala’ (a person who has neither parents nor offspring – 4:176)

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ وَ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا تَرَكَ الرَّجُلُ أَبَاهُ أَوْ أُمَّهُ أَوْ ابْنَهُ أَوْ ابْنَتَهُ إِذَا تَرَكَ وَاحِداً مِنْ هَؤُلَاءِ الْأَرْبَعَةِ فَلَيْسَ هُمْ الَّذِينَ عَنِ اللَّهِ عَزَّ وَ جَلَّ قُلِ اللَّهُ يُفْتِكُمْ فِي الْكَلَالَةِ .

A number of our companions, from Sahl Bin Ziyad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father, altogether from Ibn Mahboub, from Abu Ayoub, and Abdullah Bin Bukeyr, from Muhammad Bin Muslim,

Abu Ja'far^{asws} has said: 'When man leaves his father, or his mother, or his son, or his daughter, when he leaves one of these four, so they are not those Meant by Allah^{azwj} Mighty and Majestic [4:176] Say: Allah Gives you a Verdict concerning the person who has neither parents nor offspring'.⁶⁶

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ عَلِيِّ بْنِ رَبَاطٍ عَنْ حَمْرَةَ بْنِ حُمْرَانَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْكَلَالَةِ فَقَالَ مَا لَمْ يَكُنْ وَلَدًا وَ لَا وَالِدًا .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ali Bin Rabat, from Hamza Bin Humran who said,

'I asked Abu Abdullah^{asws} about the ‘Kalala’, so he^{asws} said: ‘Who is neither a son nor a father’.⁶⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شاذَانَ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَجَّاجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ الْكَلَالَةُ مَا لَمْ يَكُنْ وَلَدًا وَ لَا وَالِدًا .

Ali Bin Ibrahim, from his father, and Muhammad Bin Ismail, from Al Faal Bin Shaaan, altogether from Ibn Abu Umeyr, from Abdul Rahman Bin Al Hajjaj,

Abu Abdullah^{asws} has said: 'The ‘Kalala’ is one who is neither a son nor a father’.⁶⁸

باب مِيرَاثِ الْإِخْوَةِ وَ الْأَخَوَاتِ مَعَ الْوَلَدِ

Chapter 19 – Inheritance of the brothers and the sisters with the children

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ عِيسَى عَنْ مُحَمَّدِ بْنِ الْحَسَنِ الْأَشْعَرِيِّ قَالَ وَقَعَ بَيْنَ رَجُلَيْنِ مِنْ بَنِي عَمِّي مَنَازَعَةٌ فِي مِيرَاثٍ فَأَشْرَفْتُ عَلَيْهِمَا بِالْكِتَابِ إِلَيْهِ فِي ذَلِكَ لِيَصُدَّرَا عَنْ رَأْيِهِ فَكَتَبْنَا إِلَيْهِ جَمِيعاً جَعَلَنَا اللَّهُ فِدَاكَ مَا تَقُولُ فِي امْرَأَةٍ تَرَكَتْ زَوْجَهَا وَ ابْنَتَهَا لِأَبِيهَا وَ أُمَّهَا وَ قُلْتُ جَعَلْتُ فِدَاكَ إِنْ رَأَيْتِ أَنْ تُحِبِّينَا بِمَرِّ الْحَقِّ

A number of our companions, from Ahmad Bin Muhammad Bin Isa, from Muhammad Bin Al Hassan Al Ashary who said,

⁶⁶ Al Kafi – V 7 – The Book of Inheritances Ch 19 H 1

⁶⁷ Al Kafi – V 7 – The Book of Inheritances Ch 19 H 2

⁶⁸ Al Kafi – V 7 – The Book of Inheritances Ch 19 H 3

'There occurred a dispute among two men from the sons of my uncle regarding inheritance. So I advised them to write a letter to him^{asws} with regards to that in order to acquire his^{asws} view.

So they both wrote to him together, 'May Allah^{azwj} Make us to be sacrificed for you^{asws}! What are you^{asws} saying regarding a woman who left her husband and her daughter of her father and her mother?' And I said, 'May I be sacrificed for you^{asws}! If you^{asws} give your^{asws} view, answer us with the bitterness of the truth'.

فَخَرَجَ إِلَيْهِمَا كِتَابٌ بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ عَافَانَا اللَّهُ وَ إِيَّاكُمَا أَحْسَنَ عَافِيَةً فِهِمْتُ كِتَابِكُمَا ذَكَرْتُمَا أَنَّ امْرَأَةً مَاتَتْ وَ تَرَكَتْ زَوْجَهَا وَ ابْنَتَهَا وَ أُخْتَهَا لِأَبِيهَا وَ أُمِّهَا فَالْفَرِيضَةُ لِلزَّوْجِ الرَّبْعُ وَ مَا بَقِيَ فَلِلابْنَةِ .

So there came out a letter to them both: 'In the Name of Allah^{azwj} the Beneficent, the Merciful. May Allah^{azwj} Grant us^{asws} and you good health, with the best of health. I understood your letter wherein you mentioned that a woman died and left her husband, and her daughter, and her sister from her father and her mother. So the Obligation (legislated shares of inheritance) is – for the husband is the one-quarter, and whatever remains is for the daughter'.⁶⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُذَيْنَةَ عَنْ عَبْدِ اللَّهِ بْنِ مُحَرَّرٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) رَجُلٌ تَرَكَ ابْنَتَهُ وَ أُخْتَهُ لِأَبِيهِ وَ أُمِّهِ فَقَالَ الْمَالُ كُلُّهُ لِلابْنَةِ وَ لَيْسَ لِأُخْتِ مِنَ الْأَبِ وَ الْأُمِّ شَيْءٌ فَقُلْتُ فَإِنَّا قَدِ احْتَجْنَا إِلَى هَذَا وَ الْمَيِّتُ رَجُلٌ مِنْ هَؤُلَاءِ النَّاسِ وَ أُخْتُهُ مُؤَمَّنَةٌ عَارِفَةٌ قَالَ فَخِذِ النِّصْفَ لَهَا خُذُوا مِنْهُمْ كَمَا يَأْخُذُونَ مِنْكُمْ فِي سُنَّتِهِمْ وَ قَضَائِهِمْ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Abdulah Bin Muhzar who said,

'I said to Abu Abdullah^{asws}, 'A man left his daughter and his sister from his father and his mother'. So he^{asws} said: 'The wealth, all of it is for the daughter and there is nothing for the sister of the father and the mother'. So I said, 'So we are needy upon this, and the deceased was a man from those people, and his sister was a Believer, understanding'. He^{asws} said, 'So take the half for her. Take from them just as they are taking from you regarding their ways and their judgements'.

قَالَ ابْنُ أُذَيْنَةَ فَذَكَرْتُ ذَلِكَ لِزُرَّارَةَ فَقَالَ إِنَّ عَلَى مَا جَاءَ بِهِ ابْنُ مُحَرَّرٍ لَنُورًا .

Ibn Azina said, 'So I mentioned that to Zurara, so he said, 'Surely what Ibn Muhriz has come with is enlightening'.⁷⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ جَمِيعاً عَنْ عُمَرَ بْنِ أُذَيْنَةَ عَنْ بُكَيْرِ بْنِ أَعِينٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) امْرَأَةٌ تَرَكَتْ زَوْجَهَا وَ إِخْوَتَهَا لِأُمِّهَا وَ إِخْوَتَهَا وَ أَخَوَاتِهَا لِأَبِيهَا فَقَالَ لِلزَّوْجِ النِّصْفُ ثَلَاثَةُ أَشْهُمٍ وَ لِأَخَوَاتِهِ مِنَ الْأُمِّ الثُّلُثُ الذَّكَرُ وَ الْأُنثَى فِيهِ سَوَاءٌ وَ بَقِيَ سَهْمٌ فَهُوَ لِأَخَوَاتِهِ وَ الْأَخَوَاتِ مِنَ الْأَبِ لِلذَّكَرِ مِثْلَ حَظِّ الْأُنثَى لِأَنَّ السَّهْمَ لَا تَعُولُ وَ لَا يُنْقِصُ الزَّوْجُ مِنَ النِّصْفِ وَ لَا إِخْوَةٌ مِنَ الْأُمِّ مِنْ ثَلَاثِهِمْ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ وَ إِنْ كَانَتْ وَاحِدَةً فَلَهَا السُّدُسُ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Isa, from Yunus, altogether from Umar Bin Azina, from Bukeyr Bin Aayn who said,

⁶⁹ Al Kafi – V 7 – The Book of Inheritances Ch 20 H 1

⁷⁰ Al Kafi – V 7 – The Book of Inheritances Ch 20 H 2

'I said to Abu Abdullah^{asws}, 'A woman left her husband and her brother from her mother, and her brothers and sisters from her father'. So he^{asws} said: 'For her husband is the half, being three shares; and for the brothers from the mother is the third, the males and the females being equal in it; and the remaining share, so it is for the brothers and the sister from the father, for the males being a share like the two females, because in the (legislated) shares, there is no deficiency, and the husband would not be reduced from the half, nor the sisters from the mother from their third, because Allah^{azwj} Mighty and Majestic is Saying [4:12] **but if they are more than that, they shall be sharers in the third** even if it was one, so for her would be a sixth.

وَ الَّذِي عَنَى اللَّهُ تَبَارَكَ وَ تَعَالَى فِي قَوْلِهِ وَ إِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةٌ وَ لَهُ أَخٌ أَوْ أُخْتُ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي التَّلَاثِ إِنَّمَا عَنَى بِذَلِكَ الْإِخْوَةَ وَ الْأَخَوَاتِ مِنَ الْأُمِّ خَاصَّةً وَ قَالَ فِي آخِرِ سُورَةِ النِّسَاءِ يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَوَلَدٌ وَ لَهُ أُخْتُ يَعْنِي أُخْتًا لِأُمِّ وَ أَبٍ أَوْ أُخْتًا لِأَبٍ فَلَهَا نِصْفُ مَا تَرَكَ وَ هُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَوَلَدٌ...

And what Allah^{azwj} Blessed and High Means by His^{azwj} Words, and if there was a man was inherited by a 'Kalala' (one who is neither with a child nor a parent), or a woman, and for him is a brother or a sister, so for each one from them is the one-sixth. So if there were to be more than that, so they are participants in the third. But rather, what is Meant by that is the brothers and the sister from the mothers in particular. And He^{azwj} Said at the end of Surah Nisa (Chapter 4) [4:176] **Say: Allah Gives you a Verdict concerning the person who has neither parents nor offspring.** If a person died and there is no a child for him, and for him is a sister, meaning sisters from a father and a mother, or sister from a father, so for her is half of what is left, and he would inherit her if there does not happen to be a child for her.

وَ إِنْ كَانُوا إِخْوَةً رِجَالًا وَ نِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَهُمْ الَّذِينَ يُرَاوُونَ وَ يُنْقَصُونَ وَ كَذَلِكَ أَوْلَادُهُمُ الَّذِينَ يُرَاوُونَ وَ يُنْقَصُونَ وَ لَوْ أَنَّ امْرَأَةً تَرَكَتْ زَوْجَهَا وَ إِخْوَتَهَا لِأُمِّهَا وَ أُخْتَيْهَا لِأَبِيهَا كَانَ لِلزَّوْجِ النِّصْفُ ثَلَاثَةَ أَسْهُمٍ وَ لِلْإِخْوَةِ مِنَ الْأُمِّ سَهْمَانِ وَ بَقِي سَهْمُهُمْ لِلأَخْتَيْنِ لِلأَبِ وَ إِنْ كَانَتْ وَاحِدَةً فَهِيَ لَهَا لِأَنَّ الْأَخْتَيْنِ لِأَبٍ لَوْ كَانَتَا أَخَوَيْنِ لِأَبٍ لَمْ يَزَادَا عَلَى مَا بَقِيَ وَ لَوْ كَانَتْ وَاحِدَةً أَوْ كَانَ مَكَانَ الْوَاحِدَةِ أَحٌ لَمْ يَزِدْ عَلَى مَا بَقِيَ وَ لَا يَزَادُ أَنْثَى مِنَ الْأَخَوَاتِ وَ لَا مِنَ الْوَالِدِ عَلَى مَا لَوْ كَانَ ذَكَرًا لَمْ يَزِدْ عَلَيْهِ .

And if there were brethren, men and women, so for the male would be like of two females. So they are the ones who are increased and decreased, and similar to that is for their child who are increasing and decreasing, and even if a woman were to leaves her husband, and her brothers from her mother, and two sisters from her father, for the husband would be the half, being three shares, and for the brother from the mother, being two shares, and the remaining one share, so it is for the two sisters of the father, even if she was only one, so it is for her, because the two sisters from a father, if they were two brothers, they would not be increased over what remains, even if she was one, or there was in the place of one of her, a brother, he would not be increased over what remains, nor would there be any increase for the female from the sister, nor from the child over what was a male, it would not be increased upon him'.⁷¹

⁷¹ Al Kafi – V 7 – The Book of Inheritances Ch 20 H 3

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنِ عُمَرَ بْنِ أَدِيْنَةَ عَنْ بُكَيْرٍ قَالَ جَاءَ رَجُلٌ إِلَى أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فَسَأَلَهُ عَنْ امْرَأَةٍ تَرَكَتْ زَوْجَهَا وَ إِخْوَتَهَا لِأُمِّهَا وَ أُخْتَهَا لِأَبِيهَا فَقَالَ لِلزَّوْجِ النِّصْفُ ثَلَاثَةٌ أَسْهُمٌ وَ لِالإِخْوَةِ مِنَ الأُمِّ الثُّلُثُ سَهْمَانِ وَ لِالأُخْتِ مِنَ الأَبِ السُّدُسُ سَهْمٌ

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Isa, from Yunus, from Umar Bin Azina, from Bukeyr who said,

‘A man came over to Abu Ja’far^{asws}, so he asked him^{asws} about a woman who left her husband, and her brothers from her mother, and her sister from her father. So he^{asws} said: ‘For the husband is the half, being three shares; and from the brothers of her mother is the one-third, being two shares; and for the sister from the father is a one-sixth, being one share’.

فَقَالَ لَهُ الرَّجُلُ فَإِنَّ فَرَايِضَ زَيْدٍ وَ فَرَايِضَ الْعَامَّةِ وَ الْقُضَاةَ عَلَى غَيْرِ ذَلِكَ يَا أَبَا جَعْفَرٍ يَقُولُونَ لِالأُخْتِ مِنَ الأَبِ ثَلَاثَةٌ أَسْهُمٌ تَصِيرُ مِنْ سِنَةِ نَعُولٍ إِلَى ثَمَانِيَةٍ فَقَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) وَ لِمَ قَالُوا ذَلِكَ قَالَ لِأَنَّ اللهَ عَزَّ وَ جَلَّ يَقُولُ وَ لَهُ أُخْتٌ فَلَهَا نِصْفٌ مَا تَرَكَ فَقَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فَإِنَّ كَانَتِ الأُخْتُ أَحَاً قَالَ فَلَيْسَ لَهُ إِلاَّ السُّدُسُ فَقَالَ لَهُ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فَمَا لَكُمْ تَقْصُرُونَ الأَخَ إِذْ كُنْتُمْ تَحْتَجُونَ لِالأُخْتِ النِّصْفَ يَا أَبَا جَعْفَرٍ فَقَالَ اللهُ قَدْ سَمَى لِالأَخِ الكُلَّ وَ الكُلُّ أَكْثَرُ مِنَ النِّصْفِ لِأَنَّهُ قَالَ عَزَّ وَ جَلَّ فَلَهَا النِّصْفُ وَ قَالَ لِالأَخِ وَ هُوَ بَرِئُهَا يَعْنِي جَمِيعَ مَالِهَا إِنْ لَمْ يَكُنْ لَهَا وَ لَدَّ فَلَا تُعْطُونَ الأَذَى جَعَلَ اللهُ لَهُ الجَمِيعَ فِي بَعْضِ فَرَايِضِكُمْ شَيْئاً وَ تُعْطُونَ الأَذَى جَعَلَ اللهُ لَهُ النِّصْفَ تَاماً

So the man said to him^{asws}, ‘But the Obligations (legislated shares of inheritance) of Zayd, and Obligations of the general Muslims, and the judges, are upon other than that, O Abu Ja’far^{asws}! They are saying that for the sister from the father are three shares, coming from six altered to eight’. So Abu Ja’far^{asws} said: ‘And do they say this?’ He said, ‘Because Allah^{azwj} Mighty and Majestic is Saying [4:176] (if a man dies (and) he has no son) and he has a sister, she shall have half of what he leaves’. So Abu Ja’far^{asws} said: ‘So if the sister was a brother?’ He said, ‘So there would be nothing for him except for the sixth’. So Abu Ja’far^{asws} said to him: ‘So what is the matter with you all reducing the brother and arguing for the sister for the half, because Allah^{azwj} has Named the half being for her. So if Allah^{azwj} has Named for a brother the whole, and the whole is more than the half, because the Mighty and Majestic Said for her being the half, and Said for the brother **and he shall be her heir**, Meaning of the entirety of her wealth, if **she has no child** for her. So you all are not giving anything to those whom Allah^{azwj} has Made the entirety of it, in some of your Obligations (legislated shares of inheritance), and you all are giving the complete to those whom Allah^{azwj} has Made the half to be for’.

فَقَالَ لَهُ الرَّجُلُ أَصْلَحَكَ اللهُ فَكَيْفَ نُعْطِي الأُخْتِ النِّصْفَ وَ لا نُعْطِي الذَّكَرَ لَوْ كَانَتْ هِيَ ذَكَراً شَيْئاً قَالَ تَقُولُونَ فِي أُمَّ وَ زَوْجٍ وَ إِخْوَةٍ لِأُمِّ وَ أُخْتٍ لِأَبٍ يُعْطُونَ الزَّوْجِ النِّصْفَ وَ الأُمُّ السُّدُسُ وَ الإِخْوَةُ مِنَ الأُمِّ الثُّلُثُ وَ الأُخْتُ مِنَ الأَبِ النِّصْفُ ثَلَاثَةٌ فَيَجْعَلُونَهَا مِنْ تِسْعَةٍ وَ هِيَ مِنْ سِنَةٍ فَتَرْتَفِعُ إِلَى تِسْعَةٍ

So the man said to him^{asws}, ‘May Allah^{azwj} Keep you^{asws} well! So how come we give the sister, the half, and we do not give anything to the male, even though she may have been a male?’ He^{asws} said: ‘You are saying with regards to a mother, and a husband, and a brother from the mother, and a sister from the father – the husband is given the half, and the mother (is given) the sixth, and the brother from the mother (is given) the third, and the sister from the father (is given) the half three, so you make these from nine (portions), and this is from six, so you raise it to nine’.

قَالَ وَكَذَلِكَ تَقُولُونَ قَالَ فَإِنْ كَانَتْ الْأُخْتُ ذَكَرًا أَحَاً لِأَبٍ قَالَ لَيْسَ لَهُ شَيْءٌ فَقَالَ الرَّجُلُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) جَعَلَنِي اللَّهُ فِدَاكَ فَمَا تَقُولُ أَنْتَ فَقَالَ لَيْسَ لِلْإِخْوَةِ مِنَ الْأَبِ وَالْأُمِّ وَلَا لِلْإِخْوَةِ مِنَ الْأَبِ مَعَ الْأُمِّ شَيْءٌ .

He^{asws} said, 'It is like that which you are saying'. He said: 'So if the sister was a brother from the father?' He^{asws} said: 'There would be nothing for him'. So the man said to Abu Ja'far^{asws}, 'May Allah^{azwj} Make me to be sacrificed for you^{asws}! So what are you^{asws} saying?' So he^{asws} said: 'There is not for the brothers from the father and the mother, nor for the brothers from the mother, nor for the brother from the father, along with the mother, anything'.

قَالَ عُمَرُ بْنُ أُدَيْنَةَ وَ سَمِعْتُهُ مِنْ مُحَمَّدِ بْنِ مُسْلِمٍ يَرْوِيهِ مِثْلَ مَا ذَكَرَ بُكَيْرٌ الْمَعْنَى سَوَاءً وَ لَسْتُ أَحْفَظُهُ بِحُرُوفِهِ وَ تَفْصِيلِهِ إِلَّا مَعْنَاهُ قَالَ فَذَكَرْتُ ذَلِكَ لِرِزَارَةَ فَقَالَ صَدَقًا هُوَ وَ اللَّهُ الْحَقُّ .

Umar Bin Azina said, 'And I heard it from Muhammad Bin Muslim narrating it similar to what Bukeyr mentioned, the meaning, only that I did not memorise it by its words and its detail, except for its meaning'. He said, 'So I mentioned that to Zurara, so he said, 'True, by Allah^{azwj} it is the truth!'.⁷²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدِ بْنِ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَخْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ وَ أَبِي أَيُّوبَ وَ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ قُلْتُ لَهُ مَا تَقُولُ فِي امْرَأَةٍ مَاتَتْ وَ تَرَكَتْ زَوْجَهَا وَ إِخْوَتَهَا لِأُمِّهَا وَ إِخْوَةً وَ أَخَوَاتٍ لِأَبِيهَا فَقَالَ لِلزَّوْجِ النِّصْفُ ثَلَاثَةٌ أَسْهُمٌ وَ إِخْوَتَهَا لِأُمِّهَا الثَّلَاثُ سَهْمَانِ الذَّكَرُ وَ الْأُنثَى فِيهِ سَوَاءٌ وَ بَقِيَ سَهْمٌ فَهُوَ لِلْإِخْوَةِ وَ الْأَخَوَاتِ مِنَ الْأَبِ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيْنِ لِأَنَّ السَّهْمَ لَا تَعُولُ وَ إِنَّ الزَّوْجَ لَا يُنْقِصُ مِنَ النِّصْفِ وَ لَا الْإِخْوَةُ مِنَ الْأُمِّ مِنْ ثَلَاثِهِمْ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثَّلَاثِ وَ إِنْ كَانَ وَاحِداً فَلَهُ السُّدُسُ

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Al A'ala Bin Razeyn, and Abu Ayoub, and Abdullah Bin Bukeyr, from Muhammad Bin Muslim,

(The narrator says), 'I said to Abu Ja'far^{asws}, 'What are you^{asws} saying regarding a woman who died and left her husband, and her brothers from her mother, and brothers and sister from her father?' So he^{asws} said: 'For the husband is the half, being three shares, and for her brothers from her mother is the one-third, being two shares, and male and the female being equal in it, and the one remaining share, so it is for the brothers and the sister from the father, for the male being the like of a portion of two females, because for the (legislated) shares, there is no deficiency, and that the husband would not be reduced from the half, nor the brothers from the mother, from their third, because Allah^{azwj} Mighty and Majestic is Saying [4:12] **but if they are more than that, they shall be sharers in the third**. And if there was one, so for him would be the one-sixth.

وَ إِنَّمَا عَنِ اللَّهِ فِي قَوْلِهِ تَعَالَى وَ إِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةً وَ لَهُ أَحٌ أَوْ أُخْتُ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ إِنَّمَا عَنِ بِذَلِكَ الْإِخْوَةُ وَ الْأَخَوَاتِ مِنَ الْأُمِّ خَاصَّةً وَ قَالَ فِي آخِرِ سُورَةِ النَّسَاءِ يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَدٌّ وَ لَهُ أُخْتُ لِأَبٍ وَ أُمٌّ أَوْ أُخْتٌ لِأَبٍ فَلَهَا نِصْفُ مَا تَرَكَ وَ هُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَدٌّ

And what Allah^{azwj} Blessed and High Means by His^{azwj} Elevated Words, and if there was a man was inherited by a 'Kalala' (one who is neither with a child nor a parent), or a woman, and for him is a brother or a sister, so for each one from them is the one-sixth. But rather, what is Meant by that is the brother and the sister from the

⁷² Al Kafi – V 7 – The Book of Inheritances Ch 20 H 4

mother in particular. And He^{azwj} Said at the end of *Surah Nisa* (Chapter 4) **[4:176]** **Say: Allah Gives you a Verdict concerning the person who has neither parents nor offspring.** If a person died and there is no child for him, and for him is a sister, meaning sisters from a father and a mother, or sister from a father, so for her is half of what is left, and he would inherit her if there does not happen to be a child for her.

فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا التُّلُثَانِ مِمَّا تَرَكَ وَ إِنْ كَانُوا إِخْوَةً رِجَالًا وَ نِسَاءً فَلِلَّذَكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ وَ هُمُ الَّذِينَ يُزَادُونَ وَ يُنْقُصُونَ قَالَ وَ لَوْ أَنَّ امْرَأَةً تَرَكَتْ زَوْجَهَا وَ أُخْتَيْهَا لِأُمِّهَا وَ أُخْتَيْهَا لِأَبِهَا كَانِ لِلزَّوْجِ النِّصْفُ ثَلَاثَةُ أَسْهُمٍ وَ لِأُخْتَيْهَا لِأُمِّهَا التُّلُثُ سَهْمَانِ وَ لِأُخْتَيْهَا لِأَبِهَا السُّدُسُ سَهْمٌ وَ إِنْ كَانَتْ وَاحِدَةً فَهِيَ لَهَا لِأَنَّ الْأُخْتَيْنِ مِنَ الْأَبِ لَا يُزَادُونَ عَلَى مَا بَقِيَ وَ لَوْ كَانَ أَخٌ لِأَبٍ لَمْ يُزِدْ عَلَى مَا بَقِيَ .

So if there two, so for the two of them would be two-thirds from what is left, and if there were brethren, men and women, so for the male would be like of two females. So they are the ones who are increased and decreased, and similar to that is for their child who are increasing and decreasing, and even if a woman were to leaves her husband, and her brothers from her mother, and two sisters from her father, for the husband would be the half, being three shares, and for the brother from the mother, being two shares, and the remaining one share, so it is for the two sisters of the father, even if she was only one, so it is for her, because the two sisters from a father, if they were two brothers, they would not be increased over what remains, even if she was one, so it would be for her, because the two sisters from the father would not be increased upon what remains, even if there was a brother of the father, he would not be increased above what remains'.⁷³

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَاذَانَ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ جَبِيلِ بْنِ دَرَّاجٍ عَنْ بُكَيْرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلَهُ رَجُلٌ عَنْ أُخْتَيْنِ وَ زَوْجٍ فَقَالَ النِّصْفُ وَ النِّصْفُ فَقَالَ الرَّجُلُ أَصْلَحَكَ اللَّهُ قَدْ سَمَى اللَّهُ لَهُمَا أَكْثَرَ مِنْ هَذَا لَهُمَا التُّلُثَانِ فَقَالَ مَا تَقُولُ فِي أَخٍ وَ زَوْجٍ فَقَالَ النِّصْفُ وَ النِّصْفُ فَقَالَ أَلَيْسَ قَدْ سَمَى اللَّهُ الْمَالَ فَقَالَ وَ هُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Ibn Abu Umeyr, from Jameel Bin Darraj, from Bukeyr,

(It has been narrated) from Abu Ja'far^{asws}, 'A man asked him^{asws} about two sisters and a husband, so he^{asws} said: 'The half and the half'. So the man said, 'May Allah^{azwj} Keep you^{asws} well! Allah^{azwj} has Named for them both, more than this. For the two of them is the two-thirds'. So he^{asws} said: 'So what would you say regarding a brother and a husband?' So he said, 'The half and the half'. So he^{asws} said: 'Has not Allah^{azwj} Named the wealth, so He^{azwj} Said **[4:176]** and he shall be her heir when there is no child for her?'⁷⁴

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ عَبْدِ اللَّهِ بْنِ الْمُعْبِرَةِ عَنْ مُوسَى بْنِ بَكْرِ قَالَ قُلْتُ لِرِزْرَارَةَ إِنْ بُكَيْرًا حَدَّثَنِي عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَنَّ إِخْوَةَ لِأَبٍ وَ الْأَخَوَاتِ لِأَبٍ وَ الْأُمَّمُ يُزَادُونَ وَ يُنْقُصُونَ لِأَنَّهَا لَا يَكُنْ أَكْثَرَ نَصِيبًا مِنَ إِخْوَةِ وَ الْأَخَوَاتِ لِأَبٍ وَ الْأُمَّمُ لَوْ كَانُوا مَكَانَهُنَّ لِأَنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ إِنْ امْرُؤٌ هَلَكَ لَيْسَ لَهُ وَلَدٌ وَ لَهُ أُخْتُ فَلَهَا نِصْفُ مَا تَرَكَ وَ هُوَ يَرِثُهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ يَقُولُ يَرِثُ جَمِيعَ مَالِهَا إِنْ لَمْ يَكُنْ لَهَا وَلَدٌ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Hassan Bin Ali, from Abdullah Bin Al Mugheira, from Musa Bin Bakr who said,

⁷³ Al Kafi – V 7 – The Book of Inheritances Ch 20 H 5

⁷⁴ Al Kafi – V 7 – The Book of Inheritances Ch 20 H 7

'I said to Zurara that Bukeyr narrated to me, from Abu Ja'far^{asws} that the brothers of the father, and the sister of the fathers and the mother would be increased and decreased because these would not be more shares than the brother and the sisters of the father and the mother, even though they had been in their places, because Allah^{azwj} Mighty and Majestic is Saying that a person dies and there is no child for him, and for him is a sister, so for her is a halve of what is left, and he would be inheriting her, if there does not happen to be a child for her, Saying that he would be inheriting the entirety of her wealth, if there does not happen to be a child for her.

فَأَعْطُوا مَنْ سَمَى اللَّهُ لَهُ النِّصْفَ كَمَلًّا وَ عَمَدُوا فَأَعْطُوا الَّذِي سَمَى اللَّهُ لَهُ الْمَالَ كُلَّهُ أَقَلَّ مِنَ النِّصْفِ وَ الْمَرْأَةُ لَا تَكُونُ أَبَدًا أَكْثَرَ نَصِيبًا مِنْ رَجُلٍ لَوْ كَانَ مَكَانَهَا

But they are giving to the one whom Allah^{azwj} has Named the half for him, the whole, and resorting to giving to the one for whom Allah^{azwj} has Named to be the whole of the wealth, less than the half. And the woman would never ever be with a share more than the man, even though she may be in his place'.

قَالَ فَقَالَ زُرَّارَةُ وَ هَذَا قَائِمٌ عِنْدَ أَصْحَابِنَا لَا يَخْتَلِفُونَ فِيهِ .

He (the narrator) said, 'So Zurara said, 'And this is established in the presence of our companions, who are not differing with regards to it'.⁷⁵

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ جَمِيلٍ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قُلْتُ لَهُ رَجُلٌ تَرَكَ ابْنَتَهُ وَ أُخْتَهُ لِأَبِيهِ وَ أُمِّهِ فَقَالَ الْمَالَ كُلَّهُ لِابْنَتِهِ

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Jameel, from Abdullah Bin Muhammad,

(It has been narrated) from Abu Abdullah^{asws}, 'I said to him^{asws}, 'A man leaves his daughter, and his sister from his father and his mother'. So he^{asws} said: 'The wealth, all of it, is for his daughter'.⁷⁶

باب الْجَدِّ

Chapter 20 – The Grandfather

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ وَ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ جَمِيعاً عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ فَرِيضَةِ الْجَدِّ فَقَالَ مَا أَعْلَمُ أَحَدًا مِنَ النَّاسِ قَالَ فِيهَا إِلَّا بِالرَّأْيِ إِلَّا عَلِيٌّ (عَلَيْهِ السَّلَامُ) فَإِنَّهُ قَالَ فِيهَا بِقَوْلِ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr and Muhammad Bin Isa, from Yunus, altogether from Umar Bin Azina, from Zurara who said,

'I asked Abu Ja'far^{asws} about the Obligations (legislated share of inheritance) of the grandfather, so he^{asws} said: 'No one from the people knows what he says with regards to it except by the opinion, except for Ali^{asws}, for he^{asws} said with regards to it with the words of Rasool-Allah^{saww}'.

⁷⁵ Al Kafi – V 7 – The Book of Inheritances Ch 20 H 8

⁷⁶ Al Kafi – V 7 – The Book of Inheritances Ch 20 H 8

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَائِ عَنِ أَبِي بَانَ بْنِ عُثْمَانَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عليه السلام) مِثْلَهُ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Aban Bin Usman, from Zurara,

(It has been narrated) from Abu Ja'far^{asws}, similar to it'.⁷⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عُمَرَ بْنِ أُدَيْنَةَ عَنْ زُرَّارَةَ وَبُكَيْرٍ وَالْفُضَيْلِ وَ مُحَمَّدٍ وَ بُرَيْدٍ عَنْ أَحَدِهِمَا (عليهما السلام) قَالَ إِنَّ الْجَدَّ مَعَ الْإِخْوَةِ مِنَ الْأَبِ بِصَيْرٍ مِثْلَ وَاحِدٍ مِنَ الْإِخْوَةِ مَا بُلَّغُوا

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Umar Bin Azina, from Zurara and Bukeyr and Al Fazl and Muhammad and Bureyd,

(It has been narrated) from one of the two (5th or 6th Imam^{asws}) having said: 'The grandfather is with the brothers from the father, becoming like one from the brothers, whatever (number) they reach'.

قَالَ قُلْتُ رَجُلٌ تَرَكَ أَخَاهُ لِأَبِيهِ وَ أُمَّهُ وَ جَدَّهُ أَوْ قُلْتُ تَرَكَ جَدَّهُ وَ أَخَاهُ لِأَبِيهِ وَ أُمَّهُ قَالَ الْمَالُ بَيْنَهُمَا وَ إِنْ كَانَا أَخَوَيْنِ أَوْ مِائَةَ أَلْفٍ فَلَهُ مِثْلُ نَصِيبِ وَاحِدٍ مِنَ الْإِخْوَةِ

He (the narrator) said, 'I said, 'A man left his brother from this father and his mother, and his grandfather', or I said, 'Left his grandfather, and his brother from this father and his mother'. He^{asws} said: 'The wealth is (divided) between them, even if there were two brothers or a hundred thousand, so for his would be like the share of one of the brothers'.

قَالَ قُلْتُ رَجُلٌ تَرَكَ جَدَّهُ وَ أَخْتَهُ فَقَالَ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ وَ إِنْ كَانَتَا أُخْتَيْنِ فَالنِّصْفُ لِلْجَدِّ وَ النِّصْفُ الْآخَرُ لِلأُخْتَيْنِ وَ إِنْ كُنَّ أَكْثَرَ مِنْ ذَلِكَ فَعَلَى هَذَا الْحِسَابِ وَ إِنْ تَرَكَ إِخْوَةً وَ أَخَوَاتٍ لِأَبٍ وَ أُمٍّ أَوْ لِأَبٍ وَ جَدًّا فَالْجَدُّ أَحَدُ الْإِخْوَةِ فَالْمَالُ بَيْنَهُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ قَالَ زُرَّارَةُ هَذَا مِمَّا لَا يُؤْخَذُ عَلَيَّ فِيهِ قَدْ سَمِعْتُهُ مِنْ أَبِيهِ وَ مِنْهُ قَبْلَ ذَلِكَ وَ لَيْسَ عِنْدَنَا فِي ذَلِكَ شَكٌّ وَ لَا اخْتِلَافٌ .

He (the narrator) said, 'I said, 'A man left his grandfather and his sister'. So he^{asws} said: 'For the male is like the portion of two females, and even if there were two sisters, so the half would be for the grandfather, and the other half for the two sisters, even if they were to be more than that. Thus, it is upon this calculation, if he were to leave brothers and sisters from the father and mother, or from the father, and a grandfather, so, for the grandfather is one (with the) brothers. So the wealth is (divided) between them, for the male being the like of the portion of the two females'.⁷⁸

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنِ حَمَّادِ بْنِ عُثْمَانَ عَنْ إِسْمَاعِيلَ الْجُعْفِيِّ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عليه السلام) يَقُولُ الْجَدُّ يُقَاسِمُ الْإِخْوَةَ مَا بُلَّغُوا وَ إِنْ كَانُوا مِائَةَ أَلْفٍ .

Al Husayn Bin Muhammad, from Moala Bin Muhammad, from Al Hassan Bin Ali, from Hammad Bin Usman, from Ismail Al Ju'fy who said,

⁷⁷ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 1

⁷⁸ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 2

'I heard Abu Ja'far^{asws} saying: 'The grandfather would be apportioned as the brothers, whatever (number) they reach, even if they are one hundred thousand'.⁷⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ ابْنِ رَبَابٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) فِي رَجُلٍ مَاتَ وَتَرَكَ امْرَأَتَهُ وَأَخْتَهُ وَجَدَّهُ قَالَ هَذِهِ مِنْ أَرْبَعَةٍ أَسْهُمٌ لِلْمَرْأَةِ الرَّابِعِ وَاللَّأَخْتِ سَهْمٌ وَ لِلْجَدِّ سَهْمَانِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Raib, from Abu Ubeyda,

(It has been narrated) from Abu Ja'far^{asws} regarding a man who died and left his wife, and his sister, and his grandfather. He^{asws} said: 'This is from four shares – for the wife is the quarter, and for the sister is one share (a quarter), and for the grandfather are two shares (half)'.⁸⁰

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) يَقُولُ فِي سِتَّةِ إِخْوَةٍ وَ جَدٍّ قَالَ لِلْجَدِّ السَّبْعُ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Abdullah Bin Jabala, from Is'haq Bin Ammar, from Abu Baseer who said,

'I heard Abu Abdullah^{asws} saying regarding six brothers and a grandfather. He^{asws} said: 'For the grandfather is the seventh'.⁸¹

وَ عَنْهُ عَنْ عُثَيْبِ بْنِ هِشَامٍ عَنْ مُشْمَعِلِ بْنِ سَعْدٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ تَرَكَ خَمْسَةَ إِخْوَةٍ وَ جَدًّا قَالَ هِيَ مِنْ سِتَّةٍ لِكُلِّ وَاحِدٍ مِنْهُمْ سَهْمٌ .

And from him, from Ubeyd Bin Hisham, from Mushma'al Bin Sa'ad, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who left five brothers and a grandfather. He^{asws} said: 'It is from six (shares), for every one among them, a share'.⁸²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ بْنِ رَزِينٍ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ إِخْوَةٌ مَعَ الْجَدِّ يُعْنِي أَبَا الْأَبِ يُقَاسِمُ الْإِخْوَةَ مِنَ الْأَبِ وَالْأُمِّ وَالْإِخْوَةَ مِنَ الْأَبِ يَكُونُ الْجَدُّ كَوَاحِدٍ مِنْهُمْ مِنَ الذَّكَورِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Al A'ala Bin Razen, from Abdullah Bin Bukeyr, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The brothers are with the grandfather, meaning father of the father, would be apportioned as the brothers from the father and the mother, and the brothers from the father. The grandfather would become like one from them, from the males'.⁸³

⁷⁹ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 3

⁸⁰ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 4

⁸¹ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 5

⁸² Al Kafi – V 7 – The Book of Inheritances Ch 21 H 6

⁸³ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 7

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدِ بْنِ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنْ زُرَّارَةَ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ تَرَكَ أَخَاهُ لِأَبِيهِ وَ أُمَّهُ وَ جَدَّهُ قَالَ أَلْمَالُ بَيْنَهُمَا نِصْفَانِ وَ لَوْ كَانَا أَخَوَيْنِ أَوْ مِائَةً كَانَ الْجَدُّ مَعَهُمْ كَوَاحِدٍ مِنْهُمْ لِلْجَدِّ مَا يُصِيبُ وَاحِداً مِنَ الْإِخْوَةِ

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Ibn Mahboub, from Ali Bin Raib, from Zurara who said,

'I asked Abu Abdullah^{asws} about a man who left his brother from his father and his mother, and his grandfather. He^{asws} said: 'The wealth is between the two of them, two halves, and had there been two brothers, or a hundred, the grandfather would be with them like one of them, whatever is attained by one of the brothers'.

قَالَ وَ إِنْ تَرَكَ أُخْتَهُ فَلِجَدِّ سَهْمَانٍ وَ لِأَخْتِ سَهْمٍ وَ إِنْ كَانَتَا أُخْتَيْنِ فَلِجَدِّ النَّصْفُ وَ لِأَخْتَيْنِ النَّصْفُ

He^{asws} said: 'And if he had left his sister, so for the grandfather would be two shares, and for the sister would be a share; and if there were two sisters, so for the grandfather is the half, and for the two sisters would be the half'.

قَالَ وَ إِنْ تَرَكَ إِخْوَةً وَ أَخَوَاتٍ مِنْ أَبِي وَ أُمِّ كَانَ الْجَدُّ كَوَاحِدٍ مِنَ الْإِخْوَةِ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ .

He^{asws} said: 'And if he left brothers and sisters from a father and a mother, the grandfather would be like one of the brothers – for the males being the like of the portion of two females'⁸⁴

ابْنُ مَحْبُوبٍ عَنْ ابْنِ رَبَائِبٍ عَنْ أَبِي عُبَيْدَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ مَاتَ وَ تَرَكَ امْرَأَتَهُ وَ أُخْتَهُ وَ جَدَّهُ قَالَ هَذَا مِنْ أَرْبَعَةِ أَسْهُمٍ لِلْمَرْأَةِ الرَّبْعُ وَ لِأَخْتِ سَهْمٍ وَ لِلْجَدِّ سَهْمَانٍ .

Ibn Mahboub, from Ibn Raib, from Abu Ubeyda,

(It has been narrated) from Abu Ja'far^{asws} regarding a man who died and left his wife, and his sister, and his grandfather. He^{asws} said: 'This is from four shares – for the wife is the quarter, and for the sister is one share, and for the grandfather are two shares'⁸⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ وَ جَمِيلِ بْنِ دَرَّاجٍ عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الرَّحْمَنِ الْجُعْفِيِّ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ الْجَدُّ يُقَاسِمُ الْإِخْوَةَ مَا بَلَغُوا وَ إِنْ كَانُوا مِائَةً أَلْفٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammaad Bin Usman, and Jameel Bin Darraj, from Ismail Bin Abdul Rahman Al Ju'fy,

(The narrator says), 'I heard Abu Ja'far^{asws} saying, 'The grandfather is apportioned as the brothers, whatever (number) they reach, and even if they were a hundred thousand'⁸⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَخٌ لِأَبٍ وَ جَدٌّ قَالَ أَلْمَالُ بَيْنَهُمَا سَوَاءً .

⁸⁴ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 8

⁸⁵ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 9

⁸⁶ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 10

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abdullah Bin Sinan who said,

'I said to Abu Abdullah^{asws}, 'A brother from the father, and the grandfather?' He^{asws} said: 'The wealth is between the two of them, equally'.⁸⁷

باب الإخوة من الأم مع الجد

Chapter 21 – The brothers from the mother (half brothers), with the grandfather

مُحَمَّدُ بْنُ بَحْبِيٍّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ سِنَانٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ تَرَكَ أَخَاهُ لِأُمِّهِ لَمْ يَتْرِكْ وَارِثًا غَيْرَهُ قَالَ الْمَالُ لَهُ فُلْتُ فَإِنْ كَانَ مَعَ الْأَخِ لِلْأُمِّ جَدٌّ قَالَ يُعْطَى الْأَخُ لِلْأُمِّ السُّدْسَ وَ يُعْطَى الْجَدُّ الْبَاقِي فُلْتُ فَإِنْ كَانَ الْأَخُ لِأَبٍ وَ جَدٍّ قَالَ الْمَالُ بَيْنَهُمَا سَوَاءً .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Sinan who said,

'I asked Abu Abdullah^{asws} about a man who left his brother from his mother, not having left an inheritor apart from him'. He^{asws} said: 'The wealth is for him'. I said, 'So if there was with the brother from the mother, a grandfather?' He^{asws} said: 'The brother from the mother would be given a one-sixth, and the grandfather would be given the remainder'. I said, 'So if there was a brother from the father, and a grandfather?' He^{asws} said: 'The wealth would be (divided) between the two of them, equally'.⁸⁸

مُحَمَّدُ بْنُ بَحْبِيٍّ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ مُحَمَّدِ بْنِ إِسْمَاعِيلَ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنِ مُحَمَّدِ بْنِ عَيْسَى عَنِ يُونُسَ جَمِيعًا عَنْ مُحَمَّدِ بْنِ الْفَضِيلِ عَنِ أَبِي الصَّبَّاحِ الْكِنَانِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الْإِخْوَةِ مِنَ الْأُمِّ مَعَ الْجَدِّ قَالَ الْإِخْوَةُ مِنَ الْأُمِّ فَرِيضَتُهُمُ الثَّلَاثُ مَعَ الْجَدِّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, and Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, altogether from Muhammad Bin Al Fuzayl, from Abu Al Sabaah Al Kanany who said,

'I asked Abu Abdullah^{asws} about the brothers from the mother with the grandfather. He^{asws} said: 'The brothers from the mother, their Obligatory (legislated share) is the one-third, with the grandfather'.⁸⁹

وَ عَنْهُ عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيِّ بْنِ إِبْرَاهِيمَ عَنِ ابْنِ مَحْبُوبٍ عَنِ حُسَيْنِ بْنِ عُمَارَةَ عَنِ مِسْمَعِ أَبِي سَيَّارٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَاتَ وَ تَرَكَ إِخْوَةً وَ أَخَوَاتٍ لِأُمِّ وَ جَدًّا قَالَ فَقَالَ الْجَدُّ بِمَنْزِلَةِ الْأَخِ مِنَ الْأَبِّ لَهُ الثَّلَاثَانِ وَ لِلْأَخَوَاتِ مِنَ الْأُمِّ الثَّلَاثُ فَهُمْ فِيهِ شُرَكَاءُ سَوَاءً .

And from him, from Ahmad Bin Muhammad and Ali Bin Ibrahim, from his father, from Ibn Mahboub, from Husayn Bin Umara, from Misma'a Abu Sayyar who said,

'I asked Abu Abdullah^{asws} about a man who died and left brothers and sister from the mother, and a grandfather. So he^{asws} said: 'The grandfather is at the status of the

⁸⁷ Al Kafi – V 7 – The Book of Inheritances Ch 21 H 11

⁸⁸ Al Kafi – V 7 – The Book of Inheritances Ch 22 H 1

⁸⁹ Al Kafi – V 7 – The Book of Inheritances Ch 22 H 2

brother from the father, for him would be two-thirds; and for the brothers and the sisters from the mother is the one-third, so they would be participants in it, equally'.⁹⁰

الْحُسَيْنُ بْنُ مُحَمَّدٍ الْأَشْعَرِيُّ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ الْوَشَّاءِ عَنْ أَبِي بَانٍ بْنِ عُثْمَانَ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَعْطَى الْأَخَوَاتِ مِنَ الْأُمِّ فَرِيضَتَهُنَّ مَعَ الْجَدِّ .

Al Husayn Bin Muhammad Al Ashary, from Moala Bin Muhammad, from Al Hassan Bin Ali Al Washa, from Aban Bin Usman, from Abu Baseer who said,

'Abu Ja'far^{asws} said: 'Give to the sisters from the mother, their Obligations (legislated shares) with the grandfather'.⁹¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائِبٍ عَنِ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الْإِخْوَةِ مِنَ الْأُمِّ مَعَ الْجَدِّ قَالَ لِلْإِخْوَةِ مِنَ الْأُمِّ مَعَ الْجَدِّ نَصِيْبُهُمُ الثَّلَاثُ مَعَ الْجَدِّ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ali Bin Raib, from Ibn Muskan, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws} regarding the brothers from the mother, with the grandfather. He^{asws} said: 'For the brothers from the mother with the grandfather, their share is the third with the grandfather'.⁹²

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ وَصَالِحِ بْنِ خَالِدٍ عَنْ أَبِي جَمِيلَةَ عَنْ زَيْدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الْإِخْوَةِ مِنَ الْأُمِّ مَعَ الْجَدِّ قَالَ لِلْإِخْوَةِ مِنَ الْأُمِّ فَرِيضَتُهُمُ الثَّلَاثُ مَعَ الْجَدِّ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ja'far Bin Sama'at and Salih Bin Khalid, from Abu Jameela, from Zayd,

(It has been narrated) from Abu Abdullah^{asws} regarding the brothers from the mother, with the grandfather. He^{asws} said: 'For the brothers from the mother is their Obligations (legislated share), being the one-third, with the grandfather'.⁹³

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنْ صَفْوَانَ عَنْ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الْإِخْوَةِ مِنَ الْأُمِّ مَعَ الْجَدِّ فَقَالَ لِلْإِخْوَةِ مِنَ الْأُمِّ فَرِيضَتُهُمُ الثَّلَاثُ مَعَ الْجَدِّ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Safwan, from Ibn Muskan, from Al Halby,

(It has been narrated) from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the brothers from the mother, with the grandfather, so he^{asws} said: 'For the brothers from the mother, their Obligation (legislated share) is the one-third, with the grandfather'.⁹⁴

بَابُ ابْنِ أَخٍ وَجَدِّ

⁹⁰ Al Kafi – V 7 – The Book of Inheritances Ch 22 H 3

⁹¹ Al Kafi – V 7 – The Book of Inheritances Ch 22 H 4

⁹² Al Kafi – V 7 – The Book of Inheritances Ch 22 H 5

⁹³ Al Kafi – V 7 – The Book of Inheritances Ch 22 H 6

⁹⁴ Al Kafi – V 7 – The Book of Inheritances Ch 22 H 7

Chapter 22 – A son of a brother (nephew), and a grandfather

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي أَيُّوبَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ نَشَرَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) صَحِيفَةً فَأَوْلُ مَا تَلَقَّانِي فِيهَا ابْنُ أَخٍ وَ جَدُّ الْمَالِ بَيْنَهُمَا نِصْفَانِ فَقُلْتُ جُعِلْتُ فِدَاكَ إِنَّ الْقُضَاةَ عِنْدَنَا لَا يَقْضُونَ لِابْنِ الْأَخِ مَعَ الْجَدِّ بِشَيْءٍ فَقَالَ إِنَّ هَذَا الْكِتَابَ خَطَّ عَلِيٌّ (عَلَيْهِ السَّلَامُ) وَ إِمْلَأْ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Abu Ayoub, from Muhammad Bin Muslim who said,

‘Abu Abdullah^{asws} displayed a parchment, so the first of what faced me in it was a son of a brother (nephew) and a grandfather, then wealth (to be divided) between the two of them is two halves. So I said, ‘The judges with us are not judging with anything being for a son of the brother (nephew) with the grandfather’. So he^{asws} said: ‘This book is written by Ali^{asws} and dictated by Rasool-Allah^{saww}’.⁹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنِ الْقَاسِمِ بْنِ سُلَيْمَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ عَلِيًّا (عَلَيْهِ السَّلَامُ) كَانَ يُورِثُ ابْنَ الْأَخِ مَعَ الْجَدِّ مِيرَاثَ أَبِيهِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Yunus, from Al Qasim Bin Suleyman,

(It has been narrated) from Abu Abdullah^{asws} having said that Ali^{asws} would make a son of the brother (nephew) inherit with the grandfather, the inheritance of his father’.⁹⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي نَجْرَانَ عَنْ عَاصِمِ بْنِ حُمَيْدٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ حَدَّثَنِي جَابِرٌ عَنْ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ لَمْ يُكْذِبْ [جَابِرٌ] أَنَّ ابْنَ الْأَخِ يُقَاسِمُ الْجَدَّ .

Ali Bin Ibrahim, from his father, from Ibn Abu Najran, from Aasim Bin Humejd, from Muhammad Bin Muslim,

(It has been narrated) from Abu Ja’far^{asws} having said: ‘Jabir narrated to me^{asws} from Rasool-Allah^{saww}, and he (Jabir) did not lie that a son of the brother (nephew) would be apportioned as the grandfather’.⁹⁷

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ قَالَ رَوَى أَبُو شُعَيْبٍ عَنْ رِفَاعَةَ عَنْ أَبَانَ بْنِ تَغْلِبَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ ابْنِ أَخٍ وَ جَدِّ فَقَالَ الْمَالُ بَيْنَهُمَا نِصْفَانِ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama’at, from Abu Shuayb, from Rafa’at, from Aban Bin Taghlib,

(It has been narrated) from Abu Abdullah^{asws}, said, ‘I asked him^{asws} about a son of a brother (nephew), with a grandfather. So he^{asws} said: ‘The wealth is (divided) between the two of them, two halves’.⁹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبِي أَيُّوبَ الْخَزَّازِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ نَظَرْتُ إِلَى صَحِيفَةٍ يُنْظَرُ فِيهَا أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فَقَرَأْتُ فِيهَا مَكْتُوبًا ابْنُ أَخٍ وَ جَدُّ الْمَالِ بَيْنَهُمَا سَوَاءٌ فَقُلْتُ لِأَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ)

⁹⁵ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 1

⁹⁶ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 2

⁹⁷ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 3

⁹⁸ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 4

إِنَّ مَنْ عِنْدَنَا لَا يَقْضُونَ بِهَذَا الْقَضَاءِ وَلَا يَجْعَلُونَ لِابْنِ الْأَخِ مَعَ الْجَدِّ شَيْئاً فَقَالَ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) أَمَا إِنَّهُ إِمْلَاءُ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) وَ حَطَّ عَلَيَّ (عَلَيْهِ السَّلَام) مِنْ فِيهِ بِيَدِهِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Abu Ayoub Al Khazaz, from Muhammad Bin Muslim who said,

'I looked at a parchment which Abu Ja'far^{asws} made me look at, so I read (what was written in it, a son of a brother (nephew), and a grandfather, the wealth (to be divided) between the two of them, equally. So I asked Abu Ja'far^{asws}, 'The ones in our presence are not judging by this judgement, nor are they making anything to be for a son of the brother'. So Abu Ja'far^{asws} said: 'But, it was dictated by Rasool-Allah^{saww} from his^{saww} mouth and written by Ali^{asws}, by his^{asws} hand'.⁹⁹

مُحَمَّدُ بْنُ إِسْمَاعِيلَ عَنِ الْفَضْلِ بْنِ شَادَانَ عَنْ عَبْدِ اللَّهِ بْنِ جَبَلَةَ عَنْ أَبِي الْمَعْرَاءِ عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَمِعْتُ رَجُلًا يَسْأَلُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَام) أَوْ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) وَ أَنَا عِنْدَهُ عَنِ ابْنِ أَخٍ وَ جَدٍّ قَالَ يُجْعَلُ الْمَالُ بَيْنَهُمَا نِصْفَيْنِ .

Muhammad Bin Ismail, from Al Fazal Bin Shazaan, from Abdullah Bin Jabala, from Abu Al Magra, from Sama'at, from Abu Baseer who said,

'I heard a man asking Abu Ja'far^{asws}, or Abu Abdullah^{asws}, and I was in his^{asws} presence, about a son of a brother (nephew), and a grandfather. He^{asws} said: 'Make the wealth (to be divided) between the two of them, in two halves'.¹⁰⁰

الْفَضْلُ عَنِ ابْنِ مَحْبُوبٍ عَنْ سَعْدِ بْنِ أَبِي خَلْفٍ عَنْ بَعْضِ أَصْحَابِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ فِي بَنَاتِ أُخْتٍ وَ جَدٍّ فَقَالَ لِبَنَاتِ الْأَخْتِ الثَّلَاثُ وَ مَا بَقِيَ فَلِلْجَدِّ فَأَقَامَ بَنَاتِ الْأَخْتِ مَقَامَ الْأَخْتِ وَ جَعَلَ الْجَدُّ بِمَنْزِلَةِ الْأَخِ .

Al Fazl, from Ibn Mahboub, from Sa'ad Bin Abu Khalaf,

(It has been narrated) from one of the companions of Abu Abdullah^{asws}, from Abu Abdullah^{asws} having said regarding daughter of a sister, and a grandfather. So he^{asws} said: 'For the daughters of the sister (nieces) is the one-third, and what remains is for the grandfather. So the daughters of the sister (nieces) stand in the place of the sister, and the grandfather is made to be at the status of the brother'.¹⁰¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عِدَّةٍ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنِ الْحَسَنِ بْنِ صَالِحٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ امْرَأَةٍ مُمْلَكَةٍ لَمْ يَدْخُلْ بِهَا زَوْجُهَا مَاتَتْ وَ تَرَكَتْ أُمَّهَا وَ أَخَوَيْنِ لَهَا مِنْ أَبِيهَا وَ أُمَّهَا وَ جَدَّهَا أَبَا أُمَّهَا وَ زَوْجَهَا قَالَ يُعْطَى الزَّوْجُ النِّصْفَ وَ تُعْطَى الْأُمُّ الْبَاقِيَّ وَ لَا يُعْطَى الْجَدُّ شَيْئاً لِأَنَّ ابْنَتَهُ حَبْنَتْهُ عَنِ الْمِيرَاثِ وَ لَا يُعْطَى الْإِخْوَةَ شَيْئاً .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and a number of our companions, from Sahl Bin Ziyad, altogether from Ibn Mahboub, from Al Hassan Bin Salih who said,

'I asked Abu Abdullah^{asws} about a woman whom her husband had yet to sleep with her, died, and left her mother, and her two brothers from her father and her mother (nephews), and her grandfather being father of her mother, and her husband. He^{asws} said: 'For the husband is the half, and give the remainder to the mother, and do not

⁹⁹ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 5

¹⁰⁰ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 6

¹⁰¹ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 7

give anything to the grandfather, because his daughter blocks him from the inheritance, and the brothers would not be given anything (either)'.¹⁰²

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ أَبِي حَمْرَةَ عَنْ أَبِي بَصِيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ مَاتَ وَتَرَكَ أَبَاهُ وَعَمَّهُ وَجَدَّهُ قَالَ فَقَالَ حَجَبَ الْأَبُ الْجَدَّ الْمِيرَاتِ لِلْأَبِ وَ أَيْسَ لِلْعَمِّ وَ لَا لِلْجَدِّ شَيْءٌ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ali Bin Abu Hamza, from Abu Baseer who said,

'I asked Abu Abdullah^{asws} about a man who died and left his father, and his uncle, and his grandfather. So he^{asws} said: 'The father blocks the grandfather. The inheritance is for the father and there is nothing for the uncle and the grandfather'.¹⁰³

وَ عَنْهُ وَ عَلِيٌّ بْنُ عَبْدِ اللَّهِ جَمِيعاً عَنْ إِبْرَاهِيمَ عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ قَالَ كَتَبْتُ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) امْرَأَةٌ مَاتَتْ وَ تَرَكَتْ زَوْجَهَا وَ أَبَوَيْهَا أَوْ جَدَّهَا أَوْ جَدَّتَهَا كَيْفَ يُقْسَمُ مِيرَاتُهَا فَوْقَ (عَلَيْهِ السَّلَامُ) لِلزَّوْجِ النِّصْفُ وَ مَا بَقِيَ فَلِلْأَبِ وَ

And from him and Ali Bin Abdullah, both together from Ibrahim, from Abdullah Bin Ja'far who said,

'I wrote to Abu Muhammad^{asws}, 'A woman died and left her husband, and her parent, or her grandfather, or her grandmother. How should her inheritance be distributed?' So he^{asws} signed: 'For the husband is the half, and what remains, so it is for the two parents'.

وَ قَدْ رُوِيَ أَيْضاً أَنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَطْعَمَ الْجَدَّ وَ الْجَدَّةَ السُّدُسَ .

And it has also been reported as well that Rasool-Allah^{saww} provided the one-sixth for the grandfather and the grandmother'.¹⁰⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَطْعَمَ الْجَدَّةَ السُّدُسَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah^{asws} having said that: 'Rasool-Allah^{saww} provided the one-sixth for the grandmother'.¹⁰⁵

عَنْهُ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَطْعَمَ الْجَدَّةَ أُمَّ الْأَبِ السُّدُسَ وَ ابْنَتَهَا حَيًّا وَ أَطْعَمَ الْجَدَّةَ أُمَّ الْأُمِّ السُّدُسَ وَ ابْنَتَهَا حَيَّةً .

From him, from Jameel Bin Darraj,

(It has been narrated) from Abu Abdullah^{asws} that Rasool-Allah^{saww} provided the grandmother, mother of the father, with the sixth, and her daughter was alive, and provided the grandmother, mother of the mother with the one-sixth, and her daughter was alive'.¹⁰⁶

¹⁰² Al Kafi – V 7 – The Book of Inheritances Ch 23 H 8

¹⁰³ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 9

¹⁰⁴ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 10

¹⁰⁵ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 11

¹⁰⁶ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 12

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ فَضَالٍ عَنِ ابْنِ بُكَيْرٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) أَنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَطْعَمَ الْجَدَّةَ السُّدُسَ وَ لَمْ يَفْرِضْ لَهَا شَيْئًا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Fazal, from Ibn Bukeyr, from Zurara,

(It has been narrated) from Abu Ja'far^{asws} that Rasool-Allah^{saww} provided the grandmother with the one-sixth, and did not Obligate (legislate) anything for her'.¹⁰⁷

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ ابْنِ فَضَالٍ عَنْ عَبْدِ اللَّهِ بْنِ الْمُغْبِرَةِ عَنْ مُوسَى بْنِ بَكْرِ عَنْ زُرَّارَةَ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ إِنَّ نَبِيَّ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَطْعَمَ الْجَدَّةَ السُّدُسَ طَعْمَةً .

Ahmad Bin Muhammad, from Ibn Fazal, from Abdullah Bin Al Mugheira, from Musa Bin Bakr, from Zurara who said,

'I heard Abu Abdullah^{asws} saying: 'The Prophet^{saww} of Allah^{azwj} provided the grandmother with the one-sixth as a provision'.¹⁰⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ سَعْدِ بْنِ أَبِي خَلْفٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ دَخَلْتُ عَلَى أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ عِنْدَهُ أَبَانُ بْنُ تَغْلِبٍ فَقُلْتُ أَصْلَحَكَ اللَّهُ إِنَّ ابْنَتِي هَلَكَتْ وَ أُمِّي حَيَّةٌ فَقَالَ أَبَانُ لَيْسَ لِأُمِّكَ شَيْءٌ فَقَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) سُبْحَانَ اللَّهِ أَعْطَاهَا السُّدُسَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Sa'ad Bin Abu Khalaf, from Abdul Rahman Bin Abu Abdullah, said,

'I came over to Abu Abdullah^{asws} and in his^{asws} presence was Aban Bin Taghlab. So I said, 'May Allah^{azwj} Keep you well! My daughter died and my mother is alive'. So Aban said, 'There is nothing for your mother'. So Abu Abdullah^{asws} said: 'Glory be to Allah^{azwj}! Give her the one-sixth!'¹⁰⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ إِسْمَاعِيلَ بْنِ مَنْصُورٍ عَنْ بَعْضِ أَصْحَابِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا اجْتَمَعَ أَرْبَعُ جَدَّاتٍ بَيْنَتَيْنِ مِنْ قِبَلِ الْأُمِّ وَ بَيْنَتَيْنِ مِنْ قِبَلِ الْأَبِ طَرَحَتْ وَاحِدَةٌ مِنْ قِبَلِ الْأُمِّ بِالْفُرْعَةِ فَكَانَ السُّدُسُ بَيْنَ الثَّلَاثَةِ وَ كَذَلِكَ إِذَا اجْتَمَعَ أَرْبَعَةُ أَجْدَادٍ أُسْفِطَ وَاحِدٌ مِنْ قِبَلِ الْأُمِّ بِالْفُرْعَةِ وَ كَانَ السُّدُسُ بَيْنَ الثَّلَاثَةِ .

A number of our companions, from Ahmad Bin Muhammad, form Ali Bin Asbat, from Ismail Bin Mansour, from one of his companions,

(It has been narrated) from Abu Abdullah^{asws} having said: 'When four grandmothers gather together, two from the direction of the mother, and two from the direction of the father, one is left out from the direction of the mother with the drawing of lots, so the one-sixth would be between the three. And similar to that, when four grandfathers are gathered together, one is dropped from the direction of the mother with the drawing of lots, and that the one-sixth would be between the three'.¹¹⁰

باب مِيرَاثِ ذَوَى الْأَرْحَامِ

¹⁰⁷ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 13

¹⁰⁸ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 14

¹⁰⁹ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 15

¹¹⁰ Al Kafi – V 7 – The Book of Inheritances Ch 23 H 16

Chapter 23 – Inheritance of the relatives

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَعَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ وَ حُمَيْدُ بْنُ زِيَادٍ عَنْ الْحَسَنِ بْنِ مُحَمَّدٍ كُلُّهُمْ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ عَلِيِّ بْنِ رَبَائٍ عَنْ أَبِي بصيرٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ شَيْءٍ مِنَ الْفَرَائِضِ فَقَالَ لِي أَلَا أَخْرَجُ لَكَ كِتَابَ عَلِيٍّ (عَلَيْهِ السَّلَامُ) فَقُلْتُ كِتَابُ عَلِيٍّ (عَلَيْهِ السَّلَامُ) لَمْ يُدْرَسْ فَقَالَ يَا أَبَا مُحَمَّدٍ إِنَّ كِتَابَ عَلِيٍّ (عَلَيْهِ السَّلَامُ) لَمْ يُدْرَسْ فَأَخْرَجَهُ فَإِذَا كِتَابٌ جَلِيلٌ وَإِذَا فِيهِ رَجُلٌ مَاتَ وَ تَرَكَ عَمَّهُ وَ خَالَه قَالَ لِلْعَمِّ الثَّلَاثَانَ وَ لِلْخَالَ الثَّلَاثَ .

A number of our companions, from Sahl Bin Ziyad and Muhammad Bin Yahya, from Ahmad Bin Muhammad and Ali Bin Ibrahim, from his father and Humejd Bin Ziyad, from Al Hassan Bin Muhammad, all of them from Al Hassan Bin Mahboub, from Ali Bin Raib, from Abu Baseer who said,

'I asked Abu Abdullah^{asws} about something from the Obligations (legislated shares of inheritance), so he^{asws} said to me: 'Shall I^{asws} bring out for you a Book of Ali^{asws}?' So I^{asws} said, 'The Book of Ali^{asws} is not studied'. So he^{asws} said: 'O Abu Muhammad! The Book of Ali^{asws} is not studied?' So he^{asws} brought it out, and it was a splendid Book, and therein was, a man who died and left his paternal uncle and his maternal uncle. He^{asws} said: 'For the paternal uncle is two-thirds and for the maternal uncle is the one-third'.¹¹¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ يُونُسَ عَنْ أَبِي بصيرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ الْخَالَ وَ الْخَالَةُ يَرِثَانِ إِذَا لَمْ يَكُنْ مَعَهُمَا أَحَدٌ إِنَّ اللَّهَ عَزَّ وَ جَلَّ يَقُولُ وَ أَوْلُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ .

Ali Bin Ibrahim, from Muhammad Bin Isa, from Ynusu, from Abu Baseer,

(It has been narrated) from Abu Ja'far^{asws} having said: 'The maternal uncle and the maternal aunt both inherit when there does not happen to be anyone with the two of them. Allah^{azwj} Mighty and Majestic is Saying **[8:75] and the possessors of relationships are nearer to each other in the Book of Allah**'.¹¹²

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ وَهَيْبٍ عَنْ أَبِي بصيرٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَمِعْتُهُ يَقُولُ الْخَالَ وَ الْخَالَةُ يَرِثَانِ إِذَا لَمْ يَكُنْ مَعَهُمَا أَحَدٌ يَرِثُ غَيْرُهُمَا إِنَّ اللَّهَ تَبَارَكَ وَ تَعَالَى يَقُولُ وَ أَوْلُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ فِي كِتَابِ اللَّهِ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Wuheyb, from Abu Baseer,

(It has been narrated) from Abu Ja'far^{asws}, said, 'I heard him^{asws} saying: 'The maternal uncle and the maternal aunt both inherit when there does not happen to be anyone apart from the two of them. Allah^{azwj} Blessed and High is Saying **[8:75] and the possessors of relationships are nearer to each other in the Book of Allah**'.¹¹³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَسِّنِ بْنِ أَحْمَدَ عَنْ أَبَانَ عَنْ أَبِي مَرِيَمَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي عَمَّةٍ وَ خَالَةٍ قَالَ الثَّلَاثَ وَ الثَّلَاثَانَ يَعْنِي لِلْعَمَّةِ الثَّلَاثَانَ وَ لِلْخَالَةِ الثَّلَاثَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Mohsin Bin Ahmad, from Aban, from Abu Maryam,

¹¹¹ Al Kafi – V 7 – The Book of Inheritances Ch 24 H 1

¹¹² Al Kafi – V 7 – The Book of Inheritances Ch 24 H 2

¹¹³ Al Kafi – V 7 – The Book of Inheritances Ch 24 H 3

(It has been narrated) from Abu Ja'far^{asws} regarding a paternal aunt and a maternal aunt. He^{asws} said: 'The one-third and the two thirds – meaning for the paternal aunt is two thirds and for the maternal aunt is the one-third'.

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنِ الْمُتَنَّى عَنِ أَبَانَ عَنِ أَبِي مَرْيَمَ عَنِ أَبِي جَعْفَرٍ (عليه السلام) مِثْلَهُ .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad, from Al Masny, from Aban, from Abu Maryam,

(It has been narrated) from Abu Ja'far^{asws}, similar to it'.¹¹⁴

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ وَهَيْبٍ عَنِ أَبِي بَصِيرٍ عَنِ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي رَجُلٍ تَرَكَ عَمَّتَهُ وَ خَالَتَهُ قَالَ لِلْعَمَّةِ الثَّلَاثَانَ وَ لِلْخَالَةِ الثَّلَاثَ .

Humejd Bin Ziyad, from Al Hassan, from Waheyb, from Abu Baseer,

(It has been narrated) from Abu Abdullah^{asws} regarding a man who left his paternal aunt and his maternal aunt. He^{asws} said: 'For the paternal aunt is the two-thirds and for the maternal aunt is the one-third'.¹¹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ حَمَّادٍ عَنِ حَرِيْزٍ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) عَنِ الرَّجُلِ يَمُوتُ وَ يَتْرُكُ خَالَهُ وَ خَالَتَهُ وَ عَمَّهُ وَ عَمَّتَهُ وَ ابْنَهُ وَ ابْنَتَهُ وَ أَخَاهُ وَ أُخْتَهُ فَقَالَ كُلُّ هَؤُلَاءِ يَرِثُونَ وَ يَحُوزُونَ فَإِذَا اجْتَمَعَتِ الْعَمَّةُ وَ الْخَالَةُ فَلِلْعَمَّةِ الثَّلَاثَانَ وَ لِلْخَالَةِ الثَّلَاثَ .

Ali Bin Ibrahim, from his father, from Hammad, from Hareyz, from Muhammad Bin Muslim who said,

'I asked Abu Abdullah^{asws} about the man who died and left his maternal uncle and his maternal aunt, and his paternal uncle and his paternal aunt, and his son, and his daughter, and his brother, and his sister. So he^{asws} said: 'All of them would be inheriting and possessing. So when the paternal aunt and the maternal aunt gather together, so for the paternal aunt is the two thirds, and for the maternal aunt is the one-third'.¹¹⁶

مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ مُحَمَّدِ بْنِ سَهْلِ عَنِ الْحُسَيْنِ بْنِ الْحَكَمِ عَنِ أَبِي جَعْفَرٍ الثَّانِي (عليه السلام) فِي رَجُلٍ مَاتَ وَ تَرَكَ خَالَتَيْهِ وَ مَوَالِيَهُ قَالَ أَوْلُوا الْأَرْحَامَ بَعْضُهُمْ أَوْلَى بِبَعْضِ الْمَالِ بَيْنَ الْخَالَتَيْنِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Sahl, from Al Husayn Bin Al Hakam,

(It has been narrated) from Abu Ja'far^{asws} the 2nd regarding a man who died and left his two maternal aunts and his adherents. He^{asws} said: '**[8:75] and the possessors of relationships are nearer to each other** – the wealth is between the two maternal aunts'.¹¹⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عَمِيرٍ عَنِ دُرُسْتِ بْنِ أَبِي مَنْصُورٍ عَنِ أَبِي الْمُعْرَاءِ عَنِ رَجُلٍ عَنِ أَبِي جَعْفَرٍ (عليه السلام) قَالَ قَالَ إِنْ أَمْرُؤُ هَلَكَ وَ تَرَكَ عَمَّتَهُ وَ خَالَتَهُ فَلِلْعَمَّةِ الثَّلَاثَانَ وَ لِلْخَالَةِ الثَّلَاثَ .

¹¹⁴ Al Kafi – V 7 – The Book of Inheritances Ch 24 H 4

¹¹⁵ Al Kafi – V 7 – The Book of Inheritances Ch 24 H 5

¹¹⁶ Al Kafi – V 7 – The Book of Inheritances Ch 24 H 6

¹¹⁷ Al Kafi – V 7 – The Book of Inheritances Ch 24 H 7

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Dorost Bin Abu Mansour, from Abu Al Magra, from a man,

(It has been narrated) from Abu Ja'far^{asws} having said: 'A person perished (died) and left his paternal aunt and his maternal aunt, so for the paternal aunt are two-thirds, and for the maternal aunt is the one-third'.¹¹⁸

وَقَدْ قَالَ النَّبِيُّ (صَلَّى اللهُ عَلَيْهِ وَآلِهِ) الْخَالَ وَارِثٌ مَنْ لَا وَارِثَ لَهُ .

And the Prophet^{saww} has said: 'The maternal uncle is an inheritor of the one who has not (other) inheritor for him'.¹¹⁹

¹¹⁸ Al Kafi – V 7 – The Book of Inheritances Ch 24 H 8

¹¹⁹ Al Kafi – V 7 – The Book of Inheritances Ch 24 H 8