

41 - THE BOOK OF CULTIVATION  
AND AGRICULTURE٤١ - كِتَابُ الْحَزْبِ  
وَالْمَرْاعَةِ

(1) CHAPTER. The superiority of sowing seeds and planting trees if some of the product is eaten (by people or animals).

The Statement of Allāh تعالى: "Then tell Me about the seed that you sow in the ground, is it you that make it to grow, or are We the grower? Were it Our Will, We could crumble it to dry pieces..." (V.56: 63-65)

2320. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "There is none amongst the Muslims who plants a tree or sows seeds, and then a bird, or a person or an animal eats from it, but is regarded as a charitable gift for him."

(2) CHAPTER. What is to be afraid of the results of indulging in the agricultural mechanical equipment, or to transgress the prescribed limits.

2321. It is narrated that Abū Umāma al-Bāhili saw some agricultural equipments and said, "I heard the Prophet ﷺ saying: "There is no house in which these equipment enter except that Allāh will cause humiliation to enter it."

(١) بَابُ فَضْلِ الرَّزْعِ وَالغَرْسِ إِذَا أَكَلَ مِنْهُ، وَقَوْلَ اللَّهِ تَعَالَى: ﴿أَفَرَأَيْتُمْ مَا تَحْرُثُونَ﴾ ١٣ ءَأَنْتُمْ تَزْرَعُونَهُ أَمْ نَحْنُ الزَّارِعُونَ ﴿١٤﴾ [الواقعة: ٦٣-٦٥].

٢٣٢٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا أَبُو عَوَانَةَ (ح) وَحَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ الْمُبَارَكِ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ مُسْلِمٍ يَغْرِسُ غَرْسًا أَوْ يَزْرَعُ زَرْعًا فَيَأْكُلُ مِنْهُ طَيْرٌ أَوْ إِنْسَانٌ أَوْ بَيْهَمَةٌ إِلَّا كَانَ لَهُ بِهِ صَدَقَةٌ».

وَقَالَ مُسْلِمٌ: حَدَّثَنَا أَبَانُ: حَدَّثَنَا قَتَادَةُ: حَدَّثَنَا أَنَسٌ عَنِ النَّبِيِّ ﷺ.

[انظر: ٦٠١٢]

(٢) بَابُ مَا يُحْذَرُ مِنْ عَوَاقِبِ الْأَشْيَاعِ بِأَلَّةِ الرَّزْعِ أَوْ مَجَاوِرَةِ الْحَدِّ الَّذِي أَمَرَ بِهِ

٢٣٢١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُونُسَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَالِمٍ الْجُمَيْصِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ زِيَادٍ الْأَلْهَانِيُّ، عَنْ أَبِي أُمَامَةَ الْبَاهِلِيِّ

(1) (H. 2321) This *Hadith* indicates that the profession of cultivation is often a source of=

قَالَ: وَرَأَى سِكَّةً وَشَيْئاً مِنْ آلَةِ الْحَرْثِ، فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يَدْخُلُ هَذَا بَيْتَ قَوْمٍ إِلَّا أَدْخَلَهُ اللَّهُ الذَّلَّ». قَالَ مُحَمَّدٌ: وَاسْمُ أَبِي أَمَامَةَ: صُدِّيُّ بْنُ عَجَلَانَ.

(۳) بَابُ اقْتِنَاءِ الْكَلْبِ لِلْحَرْثِ

(3) CHAPTER. Keeping a watch-dog for the farm.

2322. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "Whoever keeps a dog, one *Qirāt* (of the reward) of his good deeds is deducted daily, unless the dog is used for guarding a farm or cattle."

Abū Hurairah (in another quotation) said: "The Prophet ﷺ said, "... unless it is (used) for (guarding) sheep or farms, or for hunting."

Abū Hurairah added: The Prophet ﷺ said, "... unless a dog is kept (for guarding) cattle or for hunting."

2323. Narrated As-Sā'ib bin Yazīd: Abū Sufyān bin Abū Zuhair, a man from Azd Shanū'a and one of the Companions of the Prophet ﷺ said, "I heard Allāh's Messenger ﷺ saying, 'If one keeps a dog which is meant for guarding neither a farm nor cattle will get a daily deduction of one *Qirāt* of the reward of his good deeds."

۲۳۲۲ - حَدَّثَنَا مُعَاذُ بْنُ فَصَالَةَ: حَدَّثَنَا هِشَامٌ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَمْسَكَ كَلْبًا فَإِنَّهُ يَنْقُصُ كُلَّ يَوْمٍ مِنْ عَمَلِهِ قِيرَاطًا إِلَّا كَلْبَ حَرْثٍ أَوْ مَاشِيَةٍ». قَالَ ابْنُ سِيرِينَ وَأَبُو صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنْ النَّبِيِّ ﷺ: «إِلَّا كَلْبَ عَنَمٍ أَوْ حَرْثٍ أَوْ صَيْدٍ». وَقَالَ أَبُو حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ: «كَلْبَ مَاشِيَةٍ أَوْ صَيْدٍ». [انظر: ۳۳۲۴]

۲۳۲۳ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ يَزِيدَ بْنِ حُصَيْنَةَ: أَنَّ السَّائِبَ بْنَ يَزِيدَ حَدَّثَهُ: أَنَّهُ سَمِعَ سُفْيَانَ بْنَ أَبِي رَهْوَيْرٍ - رَجُلٌ مِنْ أَزْدِ شَنْوَةَ، وَكَانَ مِنْ أَصْحَابِ

=oppression and humiliation, especially under the feudal system. By indulging in this work, one may neglect *Jihād* in Allāh's Cause and other important Allāh's Obligations. It is also said that this *Hadīth* is concerned with those living near the enemies: If they got busy in agriculture and left *Jihād*, the enemies might overcome and humiliate them. Of course, the *Hadīth* should not be taken literally. Farming is not undesirable in itself but we should beware the results of indulging too much in it. (*Fath Al-Bārī*)

I asked, "Did you hear this from Allāh's Messenger ﷺ?" He said, "Yes, by the Lord of this mosque."

النَّبِيِّ ﷺ - قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «مَنْ أَقْتَنَى كَلْبًا لَا يُغْنِي عَنْهُ زَرْعًا وَلَا ضَرْعًا نَقَصَ كُلَّ يَوْمٍ مِنْ عَمَلِهِ قِيرَاطًا». قُلْتُ: أَنْتَ سَمِعْتَ هَذَا مِنْ رَسُولِ اللَّهِ ﷺ؟ قَالَ: إِي وَرَبِّ هَذَا الْمَسْجِدِ. [انظر: ٣٣٢٥]

#### (4) CHAPTER. Employing oxen for ploughing.

2324. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "While a man was riding a cow, it turned towards him and said, 'I have not been created for this purpose (i.e., carrying), I have been created for ploughing.'" The Prophet ﷺ added, "I, Abū Bakr and 'Umar believe in this story." The Prophet ﷺ further said, "A wolf caught a sheep, and when the shepherd chased it, the wolf said, 'Who will be its guard on the day of wild beasts, when there will be no shepherd for it except I?' " After narrating it, the Prophet ﷺ said, "I, Abū Bakr and 'Umar too believe it."<sup>(1)</sup> Abū Salama (a subnarrator) said, "Abū Bakr and 'Umar were not present then."<sup>(2)</sup>

#### (٤) بَابُ اسْتِعْمَالِ الْبَقْرِ لِلْحِرَاثَةِ

٢٣٢٤ - حَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُثْمَرُ: حَدَّثَنَا شُعْبَةُ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفِ الزُّهْرِيِّ، قَالَ: سَمِعْتُ أَبَا سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «بَيْنَمَا رَجُلٌ رَاكِبٌ عَلَى بَقْرَةٍ أُلْتَفَتَتْ إِلَيْهِ فَقَالَتْ: لَمْ أُخْلَقْ لِهَذَا. خُلِقْتُ لِلْحِرَاثَةِ، قَالَ: آمَنْتُ بِهِ أَنَا وَأَبُو بَكْرٍ وَعُمَرُ. وَأَخَذَ الذَّبُّ شَاةً فَتَبِعَهَا الرَّاعِي فَقَالَ لَهُ الذَّبُّ: مَنْ لَهَا يَوْمَ السَّبْعِ؟ يَوْمَ لَا

(1) (H. 2324) The Prophet ﷺ talked on behalf of Abū Bakr and 'Umar, because he was sure that they would believe the story when they heard it.

(2) (H. 2324) It has been written that a wolf also spoke to a shepherd during the Prophet's lifetime near Al-Madina as narrated in *Musnad Imām Ahmad* in the *Musnad* of Abū Sa'īd Al-Khudri رَضِيَ اللَّهُ عَنْهُ (Vol. 3): Narrated Abū Sa'īd Al-Khudri رَضِيَ اللَّهُ عَنْهُ: (While a shepherd was in his herd of sheep), suddenly a wolf attacked a sheep and took it away, the shepherd chased the wolf and took back the sheep, the wolf sat on its tail and addressed the shepherd saying: "Be afraid of Allāh, you have taken the provision from me which Allāh gave me". The shepherd said: "What an amazing thing! A wolf sitting on its tail speaks to me in the language of a human being." The wolf said: "Shall I tell you something more amazing than this? There is Muḥammad, the Messenger of Allāh (ﷺ) in Yathrib (Al-Madina) informing the people about the news of the past." Then the shepherd (after hearing that) proceeded (towards Al-Madina) driving his sheep till he entered Al-Madina, cornered his sheep in a place, and came to Allāh's Messenger (Muhammad ﷺ) informed the whole story. Allāh's Messenger ordered for the proclamation of a congregational prayer (صلاة جامعة), then he ﷺ came out and asked=

رَاعِي لَهَا غَيْرِي؟ قَالَ: أَمَنْتُ بِهِ أَنَا  
وَأَبُو بَكْرٍ وَعُمَرُ. قَالَ أَبُو سَلَمَةَ:  
وَمَا هُمَا يَوْمَئِذٍ فِي الْقَوْمِ. [انظر:  
٣٤٧١، ٣٦٦٣، ٣٦٩٠]

(5) CHAPTER. (It is permissible for one) to say to another, "Look after my date-palm trees or other trees and share the fruits with me."

(٥) **بَابُ إِذَا قَالَ: أَكْفِنِي مَوْوَنَةَ  
التَّخْلِ وَغَيْرِهِ وَتَشْرِكُنِي فِي الثَّمَرِ**

2325. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The *Anṣār* said to the Prophet ﷺ, "Distribute the date-palm trees between us and our emigrant brothers." He replied, "No." The *Anṣār* said (to the emigrants), "Look after the trees (water and watch them) and share the fruits with us." The emigrants said, "We listen and obey."

٢٣٢٥ - حَدَّثَنَا الْحَكَمُ بْنُ نَافِعٍ:  
أَخْبَرَنَا شُعَيْبٌ: حَدَّثَنَا أَبُو الزَّنَادِ، عَنِ  
الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ  
عَنْهُ قَالَ: قَالَتِ الْأَنْصَارُ لِلنَّبِيِّ ﷺ:  
أَقْسِمُ بَيْنَنَا وَبَيْنَ إِخْوَانِنَا النَّخِيلِ،  
قَالَ: «لا»، فَقَالُوا: تَكْفُونَا الْمَوْوَنَةَ  
وَتُشْرِكُنَا فِي الثَّمَرَةِ، قَالُوا: سَمِعْنَا  
وَأَطَعْنَا. [انظر: ٢٧١٩، ٣٧٨٢]

(6) CHAPTER. The cutting of trees and date-palm trees.

Anas said, "The Prophet ﷺ ordered that the date-palm trees be cut down and they were cut down."<sup>(1)</sup>

(٦) **بَابُ قَطْعِ الشَّجَرِ وَالتَّخْلِ**  
وقال أنس: أمر النبي ﷺ بالتَّخْلِ  
فَقُطِعَ.

2326. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ got the date-palm trees of the tribe of Banī An-Naḍir burnt and the trees cut down at a place called Al-Buwaira. Hassān bin Thābit said in a poetic verse:

٢٣٢٦ - حَدَّثَنَا مُوسَى بْنُ  
إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ، عَنْ نَافِعٍ،  
عَنْ عَبْدِ اللهِ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ  
ﷺ أَنَّهُ حَرَّقَ نَخْلَ بَنِي النَّصِيرِ

=the shepherd to inform the people (about his story) and he informed them. Then Allāh's Messenger said: "He (the shepherd) has spoken the truth. By Him (Allāh) in Whose Hands my soul is, the Day of Resurrection will not be established till beasts of prey (سباع) speak to the human beings, and the stick lash and the shoe-laces of a person speak to him and his thigh informs him about his family as to what happened to them after him [(*Musnad Imām Ahmad*, Vol. 3, in the *Musnad* of Abū Sa'īd Al-Khudrī). (See H. 3663).

(1) (Ch. 6) The date-palm trees referred here to are those of the mosque of the Prophet ﷺ which were cut down during its construction.

“The chiefs of Banī Lu’āi found it easy to watch fire spreading at Al-Buwaira.”<sup>(1)</sup>

وَقَطَعَ، وَهِيَ الْبُؤَيْرَةُ وَلَهَا يَقُولُ  
حَسَانٌ:

لَهَانَ عَلَى سَرَاةِ بَنِي لُوَيْ  
حَرِيْقٌ بِالْبُؤَيْرَةِ مُسْتَطِيرٌ

[انظر: ٣٠٢١، ٤٠٣١، ٤٠٣٢، ٤٨٨٤]

(7) CHAPTER :

(٧) بَابٌ :

2327. Narrated Rafī bin Khadij: We worked on farms more than anybody else in Al-Madīna. We used to rent the land at the yield of specific delimited portion of it to be given to the landlord. Sometimes the vegetation of that portion was affected by blights etc., while the rest remained safe and vice versa, so the Prophet ﷺ forbade this practice. At that time gold or silver were not used (for renting the land).

٢٣٢٧ - حَدَّثَنَا مُحَمَّدُ بْنُ  
مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا يَحْيَى  
بْنُ سَعِيدٍ، عَنْ حَنْظَلَةَ بْنِ قَيْسِ  
الْأَنْصَارِيِّ: سَمِعَ رَافِعَ بْنَ خَدِيجِ  
قَالَ: كُنَّا أَكْثَرَ أَهْلِ الْمَدِينَةِ مُزْدَرَعًا،  
كُنَّا نُكْرِي الْأَرْضَ بِالنَّاجِيَةِ، مِنْهَا  
مُسَمًى لِسَيِّدِ الْأَرْضِ، قَالَ: فَمِمَّا  
يُصَابُ ذَلِكَ وَتَسْلَمُ الْأَرْضُ، وَمِمَّا  
يُصَابُ الْأَرْضُ وَيَسْلَمُ ذَلِكَ، فَتُهَيِّئَا،  
فَأَمَّا الذَّهَبُ وَالْوَرِقُ فَلَمْ يَكُنْ يَوْمَئِذٍ.

(8) CHAPTER. Temporary share-cropping contract on the basis of dividing the yield into halves, one for each partner or on other basis.

(٨) بَابُ الْمَزَارَعَةِ بِالشَّرْطِ وَنَحْوِهِ

Narrated Abū Ja’far: All the emigrants in Al-Madīna used to cultivate the land (for the *Anṣār*) on the condition of having one-third or one-fourth of the yield. ‘Alī, Sa’d bin Mālik, ‘Abdullāh bin Mas’ūd, ‘Umar bin ‘Abdul ‘Azīz, Al-Qāsim, ‘Urwa and the families of Abū Bakr, of ‘Umar and of ‘Alī, and Ibn Sīrīn cultivated the land of ‘Abdur-Rahmān bin Yazīd on the basis of taking a portion of the yield.” ‘Umar made a deal with the people that if he provided the seeds,

وَقَالَ قَيْسُ بْنُ مُسْلِمٍ، عَنْ أَبِي  
جَعْفَرٍ، قَالَ: مَا بِالْمَدِينَةِ أَهْلُ بَيْتِ  
هَجْرَةَ إِلَّا يَزْرَعُونَ عَلَى الثُّلْثِ وَالرُّبْعِ.  
وَزَارِعَ عَلِيٌّ وَسَعْدُ بْنُ مَالِكٍ وَعَبْدُ اللَّهِ  
بْنُ مَسْعُودٍ وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ  
وَالْقَاسِمُ وَعُرْوَةُ بْنُ الزُّبَيْرِ وَالْأَبِي بَكْرٍ  
وَالْأَبِي عَمْرٍو وَالْأَبِي سَيْرِينَ. وَقَالَ  
عَبْدُ الرَّحْمَنِ بْنُ الْأَسْوَدِ: كُنْتُ أَشَارِكُ

(1) (H. 2326) The trees were burnt and the palm trees were cut down to make an open space for fighting.

he would get half of the yield, and if they provided the seeds, they would get so-and-so much. Al-Ḥasan said, "There is no harm if the land belongs to one, but both spend on it and the yield is divided between them." Az-Zuhrī had the same opinion. Al-Ḥasan said, "There is no harm if cotton is picked on the condition of having half the yield." Ibrāhīm, Ibn Sirīn, 'Aṭā, Al-Ḥakam, Az-Zuhrī and Qatāda said, "There is no harm in giving the yarn to the weaver to weave into cloth on the basis that one-third of the cloth is given to the weaver for his labour." Ma'mar said, "There is no harm in hiring animals for a definite (fixed) period on the basis that one-third or one-fourth of the products carried by the animals is given to the owner of the animals."

عَبَدَ الرَّحْمَنِ بْنِ يَزِيدَ فِي الزَّرْعِ. وَغَامَلَ عُمَرُ النَّاسَ عَلَىٰ إِنْ جَاءَ عُمَرُ بِالْبَدْرِ مِنْ عِنْدِهِ فَلَهُ الشَّطْرُ، وَإِنْ جَاءُوا بِالْبَدْرِ فَلَهُمْ كَذَا. وَقَالَ الْحَسَنُ: لَا بَأْسَ أَنْ تَكُونَ الْأَرْضُ لِأَحَدِهِمَا فَيُنْفِقَانِ جَمِيعًا فَمَا خَرَجَ فَهُوَ بَيْنَهُمَا. وَرَأَىٰ ذَلِكَ الرَّهْرِيُّ، وَقَالَ الْحَسَنُ: لَا بَأْسَ أَنْ يُجْتَنَى الْقَطْنُ عَلَى التَّصْفِ. وَقَالَ إِبْرَاهِيمُ وَابْنُ سِيرِينَ وَعَطَاءُ وَالْحَكَمُ وَالرَّهْرِيُّ وَقَتَادَةُ: لَا بَأْسَ أَنْ يُعْطِيَ الثَّوْبَ بِالثَّلْثِ أَوْ الرَّبْعِ وَنَحْوِهِ. وَقَالَ مَعْمَرٌ: لَا بَأْسَ أَنْ تُكْرَى الْمَاشِيَةُ عَلَى الثَّلْثِ أَوْ الرَّبْعِ إِلَى أَجْلِ مُسَمًى.

2328. Narrated 'Abdullāh bin 'Umar رَضِيَ اللَّهُ عَنْهُمَا: The Prophet ﷺ concluded a contract with the people of Khaibar to utilize the land on the condition that half the products of fruits or vegetation would be their share. The Prophet ﷺ used to give his wives one hundred *Wasq* each, eighty *Wasq* of dates and twenty *Wasq* of barley. (When 'Umar became the caliph) he gave the wives of the Prophet ﷺ the option of either having the land and water as their shares, or carrying on the previous practice. Some of them chose the land and some chose the *Wasq*, and 'Āishah chose the land.

٢٣٢٨ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا أَنَسُ بْنُ عِيَاضٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا أَخْبَرَهُ أَنَّ النَّبِيَّ ﷺ غَامَلَ خَيْبَرَ بِشَطْرِ مَا يَخْرُجُ مِنْهَا مِنْ تَمْرٍ أَوْ زَرْعٍ، فَكَانَ يُعْطَىٰ أَزْوَاجَهُ مِائَةَ وَسْقٍ. ثَمَانُونَ وَسْقٍ تَمْرٍ، وَعِشْرُونَ وَسْقٍ شَعِيرٍ. وَقَسَمَ عُمَرُ خَيْبَرَ فَخَيَّرَ أَزْوَاجَ النَّبِيِّ ﷺ أَنْ يُقْطَعَ لَهُنَّ مِنَ الْمَاءِ وَالْأَرْضِ أَوْ يُمَضَىٰ لَهُنَّ، فَمِنْهُنَّ مَنِ اخْتَارَ الْأَرْضَ. وَمِنْهُنَّ مَنِ اخْتَارَ الْوَسْقَ، وَكَانَتْ عَائِشَةُ اخْتَارَتْ الْأَرْضَ.

## (9) CHAPTER. When no period is specified in the contract of share-cropping.

2329. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا :

The Prophet ﷺ made a deal with the people of Khaibar that they would have half the fruits and vegetation of the land they cultivated.

## (10) CHAPTER:

2330. Narrated 'Amr: I said to Tāwūs, "I wish you would give up *Mukhābara* (share-cropping), for the people say that the Prophet ﷺ forbade it." On that Tāwūs replied, "O 'Amr! I give the land to share-croppers and help them. No doubt; the most learned man, namely Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا told me that the Prophet ﷺ had not forbidden it (i.e., *Al-Mukhābara*) but said, 'It is more beneficial for one to give his land free to one's brother than to charge him a fixed rental.'"<sup>(1)</sup>

## (11) CHAPTER. Share-cropping with the Jews.

2331. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا : Allah's Messenger ﷺ gave the land of Khaibar to the Jews on the condition that they work on it and cultivate it, and be given half of its yield.

## (٩) بَابُ إِذَا لَمْ يَشْتَرِطِ السِّنِينَ فِي الْمَزَارَعَةِ

٢٣٢٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى ابْنُ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ: حَدَّثَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: عَامَلَ النَّبِيُّ ﷺ خَيْبَرَ بِشَطْرِ مَا يَخْرُجُ مِنْهَا مِنْ ثَمَرٍ أَوْ زَرْعٍ. [راجع: ٢٢٨٥]

## (١٠) بَابُ:

٢٣٣٠ - حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانٌ: قَالَ عَمْرٌو: قُلْتُ لِطَاوُسٍ: لَوْ تَرَكْتَ الْمُخَابَرَةَ فَإِنَّهُمْ يَزْعُمُونَ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْهُ. قَالَ: أَيَّ عَمْرُو، إِنِّي أُعْطِيهِمْ وَأُعِينُهُمْ وَإِنِّي أَعْلَمُهُمْ أَخْبَرَنِي - يَعْنِي ابْنَ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا -: أَنَّ النَّبِيَّ ﷺ لَمْ يَنْهَ عَنْهُ وَلَكِنْ قَالَ: «أَنْ يَمْنَحَ أَحَدَكُمْ أَحَاهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ عَلَيْهِ خَرْجًا مَعْلُومًا». [انظر: ٢٣٤٢، ٢٦٣٤]

## (١١) بَابُ الْمَزَارَعَةِ مَعَ الْيَهُودِ

٢٣٣١ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا عُبَيْدُ اللَّهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ أَعْطَى خَيْبَرَ الْيَهُودَ عَلَى أَنْ يَعْمَلُوهَا

(1) (H. 2330) Sharecropping is not forbidden, but it is recommended that one should let his Muslim brethren utilize one's own land without charging them anything.

وَيَزْرَعُوهَا وَلَهُمْ شَطْرُ مَا يَخْرُجُ مِنْهَا.

[راجع: ٢٢٨٥]

(12) CHAPTER. What conditions are disliked in share-cropping.

2332. Narrated Rāfi' رضي الله عنه: We worked on farms more than anybody else in Al-Madīna. We used to rent the land and say to the owner, "The yield of this portion is for us and the yield of that portion is for you (as the rent)." One of those portions might yield something and the other might not. So, the Prophet ﷺ forbade us to do so.

(١٢) بَابُ مَا يُكْرَهُ مِنَ الشَّرْطِ فِي الْمَزَارَعَةِ

٢٣٣٢ - حَدَّثَنَا صَدَقَةُ بْنُ الْفَضْلِ: أَخْبَرَنَا ابْنُ عُيَيْنَةَ، عَنْ يَحْيَى: سَمِعَ حَنْظَلَةَ الزُّرَقِيَّ، عَنْ رَافِعِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنَّا أَكْثَرَ أَهْلِ الْمَدِينَةِ حَقْلًا، وَكَانَ أَحَدُنَا يُكْرِي أَرْضَهُ فَيَقُولُ: هَذِهِ الْقِطْعَةُ لِي وَهَذِهِ لَكَ، فَرَبَّمَا أَخْرَجَتْ ذُوهُ وَلَمْ تَخْرُجْ ذُوهُ، فَتَهَاكُمُ النَّبِيُّ ﷺ.

[راجع: ٢٢٨٦]

(13) CHAPTER. If a person invests the money of someone else in cultivation without taking his permission and the enterprise effects profit, (to whom will the profit belong?).

(١٣) بَابُ إِذَا زَرَعَ بِمَالِ قَوْمٍ بغيرِ إِذْنِهِمْ وَكَانَ فِي ذَلِكَ صَلاَحٌ لَهُمْ

2333. Narrated 'Abdullāh bin 'Umar رضي الله عنهما: The Prophet ﷺ said, "While three men were walking, it started raining and they took shelter (refuge) in a cave in a mountain. A big rock rolled down from the mountain and closed the mouth of the cave. They said to each other, 'Think of good deeds which you did for Allāh's sake only, and invoke Allāh by giving reference to those deeds so that He may remove this rock from you.' One of them said, 'O Allāh! I had old parents and small children and I used to graze the sheep for them. On my return to them in the evening, I used to milk (the sheep) and start providing my parents first of all before my children. One day I was delayed and came late at night and found my parents sleeping. I

٢٣٣٣ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا أَبُو ضَمْرَةَ: حَدَّثَنَا مُوسَى بْنُ عُقْبَةَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «بَيْنَمَا ثَلَاثَةٌ نَفَرٍ يَمْشُونَ أَحَدُهُمُ الْمَطَرُ فَأَوْوَا إِلَى غَارٍ فِي جَبَلٍ فَأَنْحَطَّتْ عَلَى قَمِ غَارِهِمْ صَخْرَةٌ مِنَ الْجَبَلِ فَأَنْظَبَقَتْ عَلَيْهِمْ، فَقَالَ بَعْضُهُمْ لِبَعْضٍ: انظُرُوا أَعْمَالًا عَمِلْتُمُوهَا صَالِحَةً لِلَّهِ فَادْعُوا اللَّهَ بِهَا لَعَلَّهُ يَفْرَجُهَا عَنْكُمْ. قَالَ أَحَدُهُمْ:

milked (the sheep) as usual and stood by their heads. I hated to wake them up and disliked to give milk to my children before them, although my children were weeping (because of hunger) at my feet till the day dawned. O Allāh! If I did this for Your sake only, kindly remove the rock so that we could see the sky through it.' So, Allāh removed the rock a little and they saw the sky. The second man said, 'O Allāh! I was in love with a cousin of mine like the deepest love a man may have for a woman. I wanted to outrage her chastity but she refused unless I gave her one-hundred Dinār. So, I struggled to collect that amount. And when I sat between her legs, she said: O Allāh's slave! Be afraid of Allāh and do not deflower me except rightfully (by legal marriage). So, I got up. O Allāh! If I did it for Your sake only, please remove the rock.' The rock shifted a little more. Then the third man said, 'O Allāh! I employed a labourer for a *Faraq* of rice and when he finished his job and demanded his right, I presented it to him, but he refused to take it. So, I sowed the rice many time till I gathered cows and their shepherd (from the yield). (Then after some time) he came and said to me: Fear Allāh (and give me my right). I said: Go and take those cows and the shepherd. He said: Be afraid of Allāh! Don't mock at me. I said: I am not mocking at you. Take (all that). So, he took all that. O Allāh! If I did that for Your sake only, please remove the rest of the rock.' So, Allāh removed the rock."

[Also see *Hadīth* No.2272]

اللَّهُمَّ إِنَّهُ كَانَ لِي وَالِدَانِ شَيْخَانِ  
كَبِيرَانِ وَلِي صَبِيَّةٍ صِغَارٌ كُنْتُ أُرْعَى  
عَلَيْهِمْ، فَإِذَا رُحْتُ عَلَيْهِمْ حَلَبْتُ  
فَبَدَأْتُ بِوَالِدَيَّ أُسْقِيهِمَا قَبْلَ بَنِيَّ،  
وَأَنِّي اسْتَأْخَرْتُ ذَاتَ يَوْمٍ وَلَمْ آتِ  
حَتَّى أُمْسَيْتُ فَوَجَدْتُهُمَا نَامًا فَحَلَبْتُ  
كَمَا كُنْتُ أَحْلُبُ فَقُمْتُ عِنْدَ  
رُؤُوسِهِمَا أَكْرَهُ أَنْ أُوقِظَهُمَا وَأَكْرَهُ أَنْ  
أُسْقِيَ الصَّبِيَّةَ. وَالصَّبِيَّةُ يَتَضَاعُونَ عِنْدَ  
قَدَمَيَّ حَتَّى طَلَعَ الْفَجْرُ. فَإِنْ كُنْتُ  
تَعْلَمُ أَنِّي فَعَلْتُهُ ابْتِغَاءً وَجْهَكَ فَافْرُجْ  
لَنَا فَرْجَةً نَرَى مِنْهَا السَّمَاءَ، فَفَرَجَ اللَّهُ  
فَرَأَوْا السَّمَاءَ. وَقَالَ الْآخَرُ: اللَّهُمَّ  
إِنَّهَا كَانَتْ لِي بِنْتُ عَمِّ أَحْبَبْتُهَا كَأَشَدِّ  
مَا يُحِبُّ الرَّجَالُ النِّسَاءَ فَطَلَبْتُ مِنْهَا  
فَأَبَتْ عَلَيَّ حَتَّى آتَيْتَهَا بِمِائَةِ دِينَارٍ،  
فَبِعَيْتُ حَتَّى جَمَعْتُهَا فَلَمَّا وَقَعْتُ بَيْنَ  
رِجْلَيْهَا قَالَتْ: يَا عَبْدَ اللَّهِ، اتَّقِ اللَّهَ  
وَلَا تَفْتَحِ الْخَاتَمَ إِلَّا بِحَقِّهِ، فَقُمْتُ.  
فَإِنْ كُنْتُ تَعْلَمُ أَنِّي فَعَلْتُهُ ابْتِغَاءً  
وَجْهَكَ فَافْرُجْ عَنَّا فَرْجَةً، فَفَرَجَ.  
وَقَالَ الثَّلَاثُ: اللَّهُمَّ إِنِّي اسْتَأْجَرْتُ  
أَجِيرًا بِفَرَقٍ أَرَزُّ، فَلَمَّا قَضَى عَمَلَهُ  
فَقَالَ: أَعْطِنِي حَقِّي، فَعَرَضْتُ عَلَيْهِ  
فَرَوَّغَبْتُ عَنْهُ فَلَمْ أَرِ أَنْ أُرْزَعُهُ حَتَّى  
جَمَعْتُ مِنْهُ بَقْرًا وَرُعَاتَهَا فَجَاءَنِي  
فَقَالَ: اتَّقِ اللَّهَ، فَقُلْتُ: أَذْهَبُ إِلَى  
ذَلِكَ الْبَقْرِ وَرُعَاتِهَا فَخُذْ، فَقَالَ: اتَّقِ

الله ولا تَسْتَهْزِئُ بِي، فَقَالَ: إِنِّي لَا  
أَسْتَهْزِئُ بِكَ، فَخُذْ فَأَخَذَهُ. فَإِنْ كُنْتَ  
تَعْلَمُ أَنِّي فَعَلْتُ ذَلِكَ ابْتِغَاءً وَجْهَكَ  
فَأَفْرُجْ مَا بَقِيَ، فَفَرَّجَ اللَّهُ. قَالَ أَبُو  
عَبْدِ اللَّهِ: وَقَالَ إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ  
بْنِ عُقْبَةَ، عَنْ نَافِعٍ: «فَسَعَيْتُ».

[راجع: ٢٢١٥]

(14) CHAPTER. The *Auqāf* (i.e., endowments) of the companions of the Prophet ﷺ and the land of *Kharāj* (*Zakāt*), the contracts of share-cropping and other agreements of the companions.

The Prophet ﷺ said to 'Umar, "Give those trees as a whole in charity (as *Waqf*) so that those might not be sold but their fruits can be spent and given in charity." So, 'Umar gave those trees in charity.

2334. Narrated Zaid bin Aslam on the authority of his father: 'Umar رَضِيَ اللهُ عَنْهُ said, "But for the future Muslim generations, I would have distributed the land of the villages I conquer among the soldiers as the Prophet ﷺ distributed the land of *Khaibar*." (1)

(15) CHAPTER. Whoever cultivates neglected uncultivated land belonging to nobody (will own it).

'Alī رَضِيَ اللهُ عَنْهُ had the same opinion concerning such land in Kūfa. 'Umar said, "Whoever cultivates uncultivated land (belonging to nobody) will possess it." 'Umar and Ibn 'Aūf narrated the same from

(١٤) بَابُ أَوْقَافِ أَصْحَابِ النَّبِيِّ  
ﷺ وَأَرْضِ الْخَرَاجِ وَمُزَارَعَتِهِمْ  
وَمُعَامَلَتِهِمْ

وَقَالَ النَّبِيُّ ﷺ لِعُمَرَ: «تَصَدَّقْ  
بِأَصْلِهِ، لَا يُبَاعُ وَلَكِنْ يُنْفَقُ ثَمَرُهُ»،  
فَتَصَدَّقَ بِهِ.

٢٣٣٤ - حَدَّثَنَا صَدَقَةٌ: أَخْبَرَنَا  
عَبْدُ الرَّحْمَنِ، عَنْ مَالِكٍ، عَنْ زَيْدِ  
بْنِ أَسْلَمٍ، عَنْ أَبِيهِ قَالَ: «قَالَ عُمَرُ  
رَضِيَ اللهُ عَنْهُ: لَوْلَا آخِرُ الْمُسْلِمِينَ  
مَا فَتَحَتْ قَرْيَةٌ إِلَّا قَسَمْتُهَا بَيْنَ أَهْلِهَا  
كَمَا قَسَمَ النَّبِيُّ ﷺ خَيْبَرَ». [انظر:

٣١٢٥، ٤٢٣٥، ٤٢٣٦]

(١٥) بَابُ مَنْ أَحْيَا أَرْضًا مَوَاتًا

وَرَأَى ذَلِكَ عَلِيِّ رَضِيَ اللهُ عَنْهُ  
فِي أَرْضِ الْخَرَابِ بِالْكُوفَةِ. وَقَالَ  
عُمَرُ: مَنْ أَحْيَا أَرْضًا مَيِّتَةً فَهِيَ لَهُ،  
وَيُرَوَّى عَنْ عُمَرَ بْنِ عَوْفٍ عَنِ النَّبِيِّ

(1) (H. 2334) 'Umar رَضِيَ اللهُ عَنْهُ meant to keep the land as *Waqf* for the Muslims to benefit by through the *Kharāj* (*Zakāt* of cultivated land).

the Prophet ﷺ adding, "... provided that the land does not belong to any Muslim; otherwise one has no right to plant anything in it oppressively."

2335. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ said, "He who cultivates land that does not belong to anybody is more rightful (to own it)." 'Urwa said, "Umar gave the same verdict in his caliphate."

#### (16) CHAPTER:

2336. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُمَا: While the Prophet ﷺ was passing the night at his place of rest in Dhul-Hulaifa in the bottom of the valley (of Al-'Aqīq), he saw a dream and it was said to him, "You are in a blessed valley." Mūsa said, "Sālim let our camels kneel at the place where 'Abdullāh used to make his camel kneel, seeking the place where Allāh's Messenger ﷺ used to take a rest, which is situated below the mosque which is in the bottom of the valley; it is midway between the mosque and the road."

2337. Narrated 'Umar رَضِيَ اللهُ عَنْهُ: While the Prophet ﷺ was in Al-'Aqīq he said, "Someone [meaning Jibrīl (Gabriel)] came to me from my Lord tonight (in my dream) and said, 'Offer the *Ṣalāt* (prayer) in this blessed valley and say (I intend to perform) *Umra*

ﷺ، وَقَالَ: «فِي غَيْرِ حَقِّ مُسْلِمٍ، وَلَيْسَ لِعِرْقٍ ظَالِمٍ فِيهِ حَقٌّ». وَيُرْوَى فِيهِ عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ.

٢٣٣٥ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْمَرَ أَرْضًا لَيْسَتْ لِأَحَدٍ فَهِيَ أَحَقُّ»، قَالَ عُرْوَةُ: قَضَى بِهِ عُمَرُ رَضِيَ اللَّهُ عَنْهُ فِي خِلَافَتِهِ.

#### (١٦) بَابٌ :

٢٣٣٦ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ أَرَى وَهُوَ فِي مَعْرَسِهِ بِوَيْدِي الْحَلِيفَةِ فِي بَطْنِ الْوَادِي، فَقِيلَ لَهُ: إِنَّكَ بِبَطْحَاءِ مُبَارَكَةٍ. فَقَالَ مُوسَى: وَقَدْ أَنَاخَ بِنَا سَالِمٌ بِالْمَنَاخِ الَّذِي كَانَ عَبْدُ اللَّهِ يُنِيخُ بِهِ يَتَحَرَّى مَعْرَسَ رَسُولِ اللَّهِ ﷺ وَهُوَ أَسْفَلُ مِنَ الْمَسْجِدِ الَّذِي يَبْطِنُ الْوَادِي، بَيْنَهُ وَبَيْنَ الطَّرِيقِ وَسَطٌ مِنْ ذَلِكَ. [راجع: ٤٨٣]

٢٣٣٧ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا شُعَيْبُ بْنُ إِسْحَاقَ، عَنْ الْأَوْزَاعِيِّ قَالَ: حَدَّثَنِي يَحْيَى عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ، عَنْ عُمَرَ

along with *Hajj* (together).”

رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ:  
«اللَّيْلَةَ أَتَانِي آتٍ مِنْ رَبِّي وَهُوَ  
بِالْعَقِيقِ أَنْ صَلَّى فِي هَذَا الْوَادِي  
الْمُبَارِكِ، وَقُلْتُ: عُمْرَةٌ فِي حَجَّجِهِ».

[راجع: ١٥٣٤]

(17) CHAPTER. If the owner of the land (says to the tenant), “I let you utilize the land as long as Allāh permits you,” and does not mention a specific time for the expiration of the lease, then the lease can be continued according to the approval of both the parties.

(١٧) بَابُ إِذَا قَالَ رَبُّ الْأَرْضِ:  
أُفْرِكُ مَا أُفْرَكَ اللَّهُ، وَلَمْ يَذْكُرْ أَجْلاً  
مَعْلُوماً، فَهُمَا عَلَى تَرَاضِيهِمَا

2338. Narrated Ibn ‘Umar رضي الله عنهما: ‘Umar رضي الله عنه expelled the Jews and the Christians from Hijāz. When Allāh’s Messenger ﷺ had conquered Khaibar, he wanted to expel the Jews from it as its land became the property of Allāh, His Messenger, and the Muslims.

٢٣٣٨ - حَدَّثَنَا أَحْمَدُ بْنُ  
الْمُقْدَامِ: حَدَّثَنَا فَضِيلُ بْنُ سُلَيْمَانَ:  
حَدَّثَنَا مُوسَى: أَخْبَرَنَا نَافِعٌ، عَنِ ابْنِ  
عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: كَانَ رَسُولُ  
اللَّهِ ﷺ... وَقَالَ عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا  
ابْنُ جُرَيْجٍ قَالَ: حَدَّثَنِي مُوسَى بْنُ  
عُقَيْبَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ  
عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ أَجْلَى  
الْيَهُودِ وَالنَّصَارَى مِنْ أَرْضِ الْحِجَازِ.  
وَكَانَ رَسُولُ اللَّهِ ﷺ لَمَّا ظَهَرَ عَلَى  
خَيْبَرَ أَرَادَ إِخْرَاجَ الْيَهُودِ مِنْهَا وَكَانَتْ  
الْأَرْضُ حِينَ ظَهَرَ عَلَيْهَا، لِلَّهِ وَلِرَسُولِهِ  
ﷺ وَلِلْمُسْلِمِينَ. وَأَرَادَ إِخْرَاجَ الْيَهُودِ  
مِنْهَا فَسَأَلَتِ الْيَهُودُ رَسُولَ اللَّهِ ﷺ  
لِيُقَرَّهُمْ بِهَا أَنْ يَخْفُوا عَمَلَهَا وَلَهُمْ  
نِصْفُ الثَّمَرِ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ  
ﷺ: «نُقِرُّكُمْ بِهَا عَلَى ذَلِكَ مَا شِئْنَا».

Allāh’s Messenger ﷺ intended to expel the Jews but they requested him to let them stay there on the condition that they would do the labour and get half of the fruits.

Allāh’s Messenger ﷺ told them, “We will let you stay on this condition, as long as we wish.” So, they (i.e., Jews) kept on living here until ‘Umar forced them to go towards Taimā’ and Arīḥā’.

[راجع: ٢٢٨٥] وأريحاء.

(18) CHAPTER. The Companions of the Prophet ﷺ used to share the yields and fruits of their farms with each other gratis.

2339. Narrated Rāfi' bin Khadij رَضِيَ اللهُ عَنْهُ: My uncle Zuhair said, "Allāh's Messenger ﷺ forbade us to do a thing which was a source of help to us." I said, "Whatever Allāh's Messenger ﷺ said was right." He said, "Allāh's Messenger ﷺ sent for me and asked, 'What are you doing with your farms?' I replied, 'We give our farms on rent on the basis that we get the yield produced at the banks of the water streams (rivers) for the rent, or rent it for some *Wasq* of barley and dates.'<sup>(1)</sup> Allāh's Messenger ﷺ said, 'Do not do so, but cultivate (the land) yourselves or let it be cultivated by others gratis, or keep it uncultivated.' I said, 'We hear and obey.'"

[See *Hadith* No.2346, 2447].

2340. Narrated Jābir رَضِيَ اللهُ عَنْهُ: The people used to rent their land for cultivation for one-third, one-fourth or half its yield. The Prophet ﷺ said, "Whoever has land should cultivate it himself or give it to his (Muslim) brother gratis for cultivation; otherwise keep it uncultivated."

2341. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ:

(١٨) بَابُ مَا كَانَ مِنْ أَصْحَابِ النَّبِيِّ ﷺ يُوَسِّي بَعْضُهُمْ بَعْضًا فِي الرِّيَازَةِ وَالشَّمْرِ

٢٣٣٩ - حَدَّثَنَا مُحَمَّدُ بْنُ مُقَاتِلٍ: أَخْبَرَنَا عَبْدُ اللَّهِ: أَخْبَرَنَا الْأَوْزَاعِيُّ عَنْ أَبِي النَّجَّاشِيِّ مَوْلَى رَافِعِ بْنِ خَدِيجٍ: سَمِعْتُ رَافِعَ بْنَ خَدِيجِ بْنِ رَافِعٍ، عَنْ عَمِّهِ ظَهْرٍ بْنِ رَافِعٍ قَالَ ظَهْرٌ: لَقَدْ نَهَانَا رَسُولُ اللَّهِ ﷺ عَنْ أَمْرٍ كَانَ بِنَا رَافِعًا، قُلْتُ: مَا قَالَ رَسُولُ اللَّهِ ﷺ فَهَوَّ حَقٌّ، قَالَ: دَعَانِي رَسُولُ اللَّهِ ﷺ، قَالَ: «مَا تَصْنَعُونَ بِمَحَاقِلِكُمْ؟» قُلْتُ: نُوَاجِرُهَا عَلَى الرَّبِيعِ وَعَلَى الْأَوْسُطِ مِنَ التَّمْرِ وَالشَّعِيرِ. قَالَ: «لَا تَفْعَلُوا، ازْرَعُوهَا، أَوْ أَزْرَعُوهَا أَوْ أُمْسِكُوهَا». قَالَ رَافِعٌ: قُلْتُ: سَمِعَا وَطَاعَةً. [انظر: ٢٣٤٦، ٤٠١٢]

٢٣٤٠ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُوسَى: أَخْبَرَنَا الْأَوْزَاعِيُّ عَنْ عَطَاءٍ عَنْ جَابِرِ رَضِيَ اللهُ عَنْهُ قَالَ: كَانُوا يَزْرَعُونَهَا بِالثُّلُثِ وَالرُّبْعِ وَالنِّصْفِ، فَقَالَ النَّبِيُّ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا فَإِنْ لَمْ يَفْعَلْ فَلْيُمْسِكْ أَرْضَهُ». [انظر: ٢٦٣٢]

٢٣٤١ - وَقَالَ الرَّبِيعُ بْنُ نَافِعِ أَبِي

(1) (H. 2339) The majority of the religious scholars agree that to rent the land for its yields was not allowed by the Prophet ﷺ, but to rent it for money was allowed. See *Fath Al-Bārī*.

Allāh's Messenger ﷺ said, "Whoever has land should cultivate it himself or give it to his (Muslim) brother gratis for cultivation; otherwise he should keep it uncultivated."

[See *Hadith* No.2346, 2347].

2342. Narrated 'Amr: When I mentioned it (i.e., the narration of Rāfi' bin Khadij. No.2339) to Ṭāwūs, he said, "It is permissible to rent the land for cultivation, for Ibn 'Abbās رضي الله عنهما said, 'The Prophet ﷺ did not forbid that, but said: One had better give the land to one's brother gratis rather than charge a certain amount for it.'"

2343. Narrated Nāfi': Ibn 'Umar رضي الله عنهما used to rent his farms in the time of Abū Bakr, 'Umar, 'Uthmān, and in the early days of Mu'āwiyā.

2344. Then he was told the narration of Rāfi' bin Khadij that the Prophet ﷺ had forbidden the renting of farms. Ibn 'Umar went to Rāfi' and I accompanied him. He asked Rāfi' who replied that the Prophet ﷺ had forbidden the renting of farms. Ibn 'Umar said, "You know that we used to rent our farms in the lifetime of Allāh's Messenger ﷺ for the yield of the banks of the water streams (rivers) and for certain amount of figs.

[And in some copies of *Ṣaḥīḥ Al-Bukhārī* it is written "*At-Tibn*" i.e., chopped straw instead of figs.]

تَوْبَةَ: حَدَّثَنَا مُعَاوِيَةُ، عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا أَخَاهُ فَإِنْ أَبِي فَلْيَمْسِكْ أَرْضَهُ».

٢٣٤٢ - حَدَّثَنَا قَبِيصَةُ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرِو قَالَ: ذَكَرْتُهُ لَطَاوُسٍ فَقَالَ: يُزْرَعُ. قَالَ ابْنُ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ النَّبِيَّ ﷺ لَمْ يَنْهَ عَنْهُ، وَلَكِنْ قَالَ: «أَنْ يَمْنَحَ أَحَدَكُمْ أَخَاهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ شَيْئًا مَعْلُومًا».

[راجع: ٢٣٣٠]

٢٣٤٣ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادٌ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا كَانَ يُكْرِي مَزَارِعَهُ عَلَى عَهْدِ النَّبِيِّ ﷺ وَأَبِي بَكْرٍ وَعُمَرَ وَعُثْمَانَ وَصَدْرًا مِنْ إِمَارَةِ مُعَاوِيَةَ. [انظر:

٢٣٤٥]

٢٣٤٤ - ثُمَّ حَدَّثَ عَنْ رَافِعِ بْنِ خَدِيجٍ: «أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ كِرَاءِ الْمَزَارِعِ، فَذَهَبَ ابْنُ عُمَرَ إِلَى رَافِعٍ فَذَهَبَتْ مَعَهُ فَسَأَلَهُ فَقَالَ: نَهَى النَّبِيُّ ﷺ عَنْ كِرَاءِ الْمَزَارِعِ. فَقَالَ ابْنُ عُمَرَ: قَدْ عَلِمْتَ أَنَا كُنَّا نُكْرِي مَزَارِعَنَا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ بِمَا عَلَى الْأَرْبَاعِ وَبِشَيْءٍ مِنَ التَّبَنِ».

[راجع: ٢٢٨٦]

2345. Narrated Sālim: ‘Abdullāh bin ‘Umar رضي الله عنهما said, “I knew that the land was rented for cultivation in the lifetime of Allāh’s Messenger ﷺ.” Later on Ibn ‘Umar was afraid that the Prophet ﷺ had forbidden it, and he had no knowledge of it, so he gave up renting his land.

٢٣٤٥ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي سَالِمٌ: أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: «كُنْتُ أَعْلَمُ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ أَنَّ الْأَرْضَ تُكْرَى، ثُمَّ خَشِيَ عَبْدُ اللَّهِ أَنْ يَكُونَ النَّبِيُّ ﷺ قَدْ أَخَذَتْ فِي ذَلِكَ شَيْئًا لَمْ يَكُنْ يَعْلَمُهُ، فَتَرَكَ كِرَاءَ الْأَرْضِ». [راجع: ٢٣٤٣]

(19) CHAPTER. To rent the land for gold and silver.

(١٩) بَابُ كِرَاءِ الْأَرْضِ بِالذَّهَبِ وَالْفِضَّةِ

Ibn ‘Abbās said, “The best thing to do is to take the uncultivated land on yearly rental basis.”

وَقَالَ ابْنُ عَبَّاسٍ: إِنَّ أُمَّثْلَ مَا أَنْتُمْ صَانِعُونَ أَنْ تَسْتَأْجِرُوا الْأَرْضَ الْبَيْضَاءَ مِنَ السَّنَةِ إِلَى السَّنَةِ.

2346, 2347. Narrated Ḥanzla bin Qais: Rāfi‘ bin Khadij said, “My two uncles told me that they (i.e., the companions of the Prophet ﷺ) used to rent the land in the lifetime of the Prophet ﷺ for the yield on the banks of water streams (rivers), or for a portion of the yield stipulated by the owner of the land. The Prophet ﷺ forbade it.” I said to Rāfi‘, “What about renting the land for Dīnār and Dirham?” He replied, “There is no harm in renting for Dīnār-Dirham. Al-Laith said, “If those who have discernment for distinguishing what is legal from what is illegal looked into what has been forbidden concerning this matter, they would not permit it; for it is surrounded with dangers.”<sup>(1)</sup>

٢٣٤٦، ٢٣٤٧ - حَدَّثَنَا عَمْرُو بْنُ خَالِدٍ: حَدَّثَنَا اللَّيْثُ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: حَدَّثَنِي عَمَّامِي أَنَّهُمْ كَانُوا يُكْرُونَ الْأَرْضَ عَلَى عَهْدِ النَّبِيِّ ﷺ بِمَا يَنْبُتُ عَلَى الْأَرْبَعَاءِ أَوْ شَيْءٍ يَسْتَثْنِيهِ صَاحِبُ الْأَرْضِ، فَتَهَى النَّبِيُّ ﷺ عَنْ ذَلِكَ. فَقُلْتُ لِرَافِعٍ: فَكَيْفَ هِيَ بِالذِّينَارِ وَالذِّرْهَمِ؟ فَقَالَ رَافِعٌ: لَيْسَ بِهَا بَأْسٌ بِالذِّينَارِ وَالذِّرْهَمِ. وَقَالَ

(1) (H. 2346) Al-Laith agrees in the *Hadith* with the common opinion of the scholars who think that renting the land is forbidden if it leads to arrogance and mischief; the principle of renting is not illegal. The scholars differ as to what ways of renting are permissible. And the majority of the religious scholars agree that to rent the land for=

اللَيْثُ: وَكَانَ الَّذِي نُهِيَ مِنْ ذَلِكَ مَا  
لَوْ نَظَرَ فِيهِ ذُووُ الْمَهْمِ بِالْحَلَالِ  
وَالْحَرَامِ لَمْ يُجِيزُوهُ لَمَّا فِيهِ مِنْ  
الْمُخَاطَرَةِ. [راجع: ٢٣٣٩، وانظر:

[٤٠١٣

## (٢٠) بَابُ:

## (20) CHAPTER:

2348. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Once the Prophet ﷺ was narrating (a story), while a bedouin was sitting with him. (saying), "One of the inhabitants of Paradise will ask Allāh to allow him to cultivate the land. Allāh will ask him, 'Are you not living in the pleasures you like?' He will say, 'Yes, but I like to cultivate the land.'" The Prophet ﷺ added, "When the man (will be permitted he) will sow the seeds and the plants will grow up and get ripe, ready for reaping and so on till it will be as huge as mountains within a wink. Allāh will then say to him, 'O son of Adam! Here you are. Take it and gather (the yield); nothing satisfies you'." On that, the bedouin said, "The man must be either from Quraish (i.e., an emigrant) or an *Anṣārī*, for they are farmers, whereas we are not farmers." The Prophet ﷺ smiled (at this).

٢٣٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ سِنَانَ:

حَدَّثَنَا فُلَيْحٌ: حَدَّثَنَا هِلَالٌ. ح  
وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا  
أَبُو عَامِرٍ: حَدَّثَنَا فُلَيْحٌ؛ عَنْ هِلَالِ بْنِ  
عَلِيٍّ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي  
هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ النَّبِيَّ ﷺ  
كَانَ يَوْمًا يُحَدِّثُ، وَعِنْدَهُ رَجُلٌ مِنْ  
أَهْلِ الْبَادِيَةِ «أَنَّ رَجُلًا مِنْ أَهْلِ الْجَنَّةِ  
اسْتَأْذَنَ رَبَّهُ فِي الزَّرْعِ فَقَالَ لَهُ: أَلَسْتَ  
فِيمَا شِئْتُ؟ قَالَ: بَلَى وَلَكِنْ أُحِبُّ  
أَنْ أُزْرَعَ. قَالَ: فَبَدَرَ فَبَادَرَ الظَّرْفُ  
نَبَاتُهُ وَاسْتَوَاوُهُ وَاسْتَحْصَادُهُ فَكَانَ  
أَمْثَالَ الْجِبَالِ، فَيَقُولُ اللهُ تَعَالَى:  
دُونَكَ يَا ابْنَ آدَمَ فَإِنَّهُ لَا يُشْبِعُكَ  
شَيْءٌ». فَقَالَ الْأَعْرَابِيُّ: وَاللهِ لَا  
نَجِدُهُ إِلَّا فُرْشِيًّا أَوْ أَنْصَارِيًّا فَإِنَّهُمْ  
أَصْحَابُ زَرْعٍ، وَأَمَّا نَحْنُ فَلَسْنَا  
بَأَصْحَابِ زَرْعٍ، فَضَحِكَ النَّبِيُّ ﷺ.

[انظر: ٧٥١٩]

## (21) CHAPTER. What is said about planting trees.

## (٢١) بَابُ مَا جَاءَ فِي الْعَرَسِ

=its yields was not allowed by the Prophet ﷺ but to rent it for money was allowed. (Fath Al-Bārī)

2349. Narrated Sahl bin Sa'd رَضِيَ اللهُ عَنْهُ: We used to be very happy on Friday as an old lady used to cut some roots of the *Silq*, which we used to plant on the banks of our small water streams, and cook them in a pot of her's, adding to them, some grains of barley. [Ya'qūb, the sub-narrator said, "I think the narrator mentioned that the food did not contain fat or melted fat (taken from meat)."] When we offered the Friday prayer we would go to her and she would serve us with the dish. So, we used to be happy on Fridays because of that. We used not to take our meals or the midday nap except after the *Jumu'ah* prayer.

٢٣٤٩ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ رَضِيَ اللهُ عَنْهُ أَنَّهُ قَالَ: إِنَّ كُنَّا لَنَفْرَحُ بِيَوْمِ الْجُمُعَةِ، كَانَتْ لَنَا عَجُوزٌ تَأْخُذُ مِنْ أَصُولِ سِلْقٍ لَنَا كُنَّا نَعْرِسُهُ فِي أَرْبَعَاتِنَا فَتَجْعَلُهُ فِي قَدْرِ لَهَا، فَتَجْعَلُ فِيهِ حَبَاتٍ مِنْ شَعِيرٍ - لَا أَعْلَمُ إِلَّا أَنَّهُ قَالَ: لَيْسَ فِيهِ شَحْمٌ وَلَا وَدَكٌ - فَإِذَا صَلَّى لَنَا الْجُمُعَةَ زُرْنَاهَا فَقَرَّبَتْهُ إِلَيْنَا، فَكُنَّا نَفْرَحُ بِيَوْمِ الْجُمُعَةِ مِنْ أَجْلِ ذَلِكَ وَمَا كُنَّا نَتَعَدَّى وَلَا نَقِيلُ إِلَّا بَعْدَ الْجُمُعَةِ. [راجع: ٩٣٨]

2350. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The people say that Abū Hurairah narrates too many narrations. In fact Allāh knows whether I say the truth or not. They also say: "Why do the emigrants and the *Anṣār* not narrate as he does?" In fact, my emigrant brethren were busy trading in the markets, and my *Anṣār* brethren were busy with their properties. I was a poor man keeping the company of Allāh's Messenger ﷺ and was satisfied with what filled my stomach. So, I used to be present while they (i.e., the emigrants and the *Anṣār*) were absent, and I used to remember while they forgot (the *Hadūth*). One day the Prophet ﷺ said, "Whoever spreads his sheet till I finish this statement of mine and then gathers it over his chest, will never forget anything of my statement." So, I spread my covering sheet which was the only garment I had, till the Prophet ﷺ finished his statement and then I gathered it over my chest. By Him Who had sent him (i.e., Allāh's Messenger ﷺ) with the truth, since then I did not forget even a

٢٣٥٠ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ، عَنْ ابْنِ شَهَابٍ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ قَالَ: يَقُولُونَ: إِنَّ أَبَا هُرَيْرَةَ يُكْثِرُ، وَاللَّهُ الْمَوْعِدُ، وَيَقُولُونَ: مَا لِلْمُهَاجِرِينَ وَالْأَنْصَارِ لَا يَحْدُثُونَ مِثْلَ أَحَادِيثِهِ؟ وَإِنَّ إِخْوَتِي مِنَ الْمُهَاجِرِينَ كَانُوا يَسْغَلُهُمُ الصَّفَقُ بِالْأَسْوَاقِ، وَإِنَّ إِخْوَتِي مِنَ الْأَنْصَارِ كَانُوا يَسْغَلُهُمْ عَمَلُ أَمْوَالِهِمْ، وَكُنْتُ أَمْرًا مَسْكِينًا أَلْزَمَ رَسُولَ اللَّهِ ﷺ عَلَيَّ مِلءَ بَطْنِي. فَأَحْضُرُ حِينَ يَغِيبُونَ، وَأَعْي حِينَ يَنْسَوْنَ. وَقَالَ النَّبِيُّ ﷺ يَوْمًا: «لَنْ يَسْطُرَ أَحَدٌ مِنْكُمْ ثَوْبَهُ حَتَّى أَفْضِيَ مَقَالَتِي هَذِهِ ثُمَّ يَجْمَعُهُ إِلَى صَدْرِهِ

single word of that statement of his, till this day of mine. By Allāh, but for two Verses in Allāh's Book, I would never have related any narration (from the Prophet ﷺ).” (These two Verses are): “Verily, those who conceal the clear proofs, evidences and the guidance, which we have sent down... (up to)... the Most Merciful.” (V.2:159, 160)

فَيَنْسَى مِنْ مَقَالَتِي شَيْئاً أَبَداً .  
فَبَسَطْتُ نَمْرَةً لَيْسَ عَلَيَّ تَوْبٌ غَيْرُهَا  
حَتَّى قَضَى النَّبِيُّ ﷺ مَقَالَتَهُ ثُمَّ  
جَمَعْتُهَا إِلَى صَدْرِي ، فَوَالَّذِي بَعَثَهُ  
بِالْحَقِّ مَا نَسِيتُ مِنْ مَقَالَتِهِ تِلْكَ إِلَى  
يَوْمِي هَذَا . وَاللَّهِ لَوْلَا آيَاتَانِ فِي كِتَابِ  
اللَّهِ مَا حَدَّثْتُكُمْ شَيْئاً أَبَداً ﴿ إِنَّ الَّذِينَ  
يَكْتُمُونَ مَا أُنزِلْنَا مِنَ الْبَيِّنَاتِ وَالْهُدَىٰ  
إِلَى قَوْلِهِ : ﴿ الرَّحِيمِ ﴾ [البقرة: ١٥٩ -

[١٦٠] . [راجع: ١١٨]