

لَهُمْ زَرْعٌ أَوْ لَمْ يَكُنْ لَهُمْ زَرْعٌ؟ قَالَ:
مَا كُنَّا نَسْأَلُهُمْ عَنْ ذَلِكَ. [راجع:

[٢٢٤٣، ٢٢٤٢]

(8) CHAPTER. *As-Salam* in buying a she-camel to be delivered after it has given birth.

(٨) بَابُ السَّلْمِ إِلَى أَنْ تُنْتَجَ النَّاقَةُ

2256. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: The people used to sell camels on the basis of *Habal-il-Habala*.⁽¹⁾ The Prophet ﷺ forbade such sale. Nafi' explained *Habal-il-Habala* by saying. "The she-camel is to be delivered to the buyer after the she-camel gives birth."

٢٢٥٦ - حَدَّثَنِي مُوسَى بْنُ
إِسْمَاعِيلَ: أَخْبَرَنَا جُوَيْرِيَةُ، عَنْ نَافِعٍ،
عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ:
كَانُوا يَتَبَايَعُونَ الْجَزُورَ إِلَى حَبْلِ
الْحَبَلَةِ، فَنَهَى النَّبِيُّ ﷺ عَنْهُ، فَسَرَّهُ
نَافِعٌ إِلَى أَنْ تُنْتَجَ النَّاقَةُ مَا فِي بَطْنِهَا.

[راجع: ٢١٤٣]

(1) (H. 2256) See glossary.

36 - THE BOOK OF PRE-EMPTION

[*As-Salam in Ash-Shufa*
(pre-emption)]

(1) CHAPTER. *Shufa* (pre-emption) is valid if the property is undivided, but if the limits become defined, then there is no pre-emption.

2257. Narrated Jābir bin ‘Abdullāh رضي الله عنه gave the verdict of pre-emption (*Shufa*) for every undivided joint thing (property). But if the limits are defined (or demarcated) or the ways and streets are fixed, then there is no pre-emption.

(2) CHAPTER. The partner should inform his partner, who has the right of pre-emption, of his intention to sell his share before selling it.

Al-Hakam said, “If the pre-emptor allows his partner to sell before selling, then he has no pre-emption any more.” *Ash-Sha‘bi* said, “If the pre-emptor witnesses the sale of what he has the right to buy by pre-emption and does not object to that sale, he loses the right of pre-emption.”

2258. Narrated ‘Amr bin *Ash-Sharid*: While I was standing with Sa’d bin Abi Waqqās, Al-Miswar bin Makhruma came and put his hand on my shoulder. Meanwhile Abū Rāfi‘, the freed slave of the Prophet ﷺ came and asked Sa’d to buy from him the (two) dwellings which were in his house. Sa’d said, “By Allāh I will not buy them.” Al-Miswar said, “By Allāh, you shall

٣٦ - كتاب الشفعة

(١) بَابُ الشُّفْعَةِ فِيمَا لَمْ يُقَسَّمْ فَإِذَا وَقَعَتِ الْحُدُودُ فَلَا شُفْعَةَ

٢٢٥٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَضَى النَّبِيُّ ﷺ بِالشُّفْعَةِ فِي كُلِّ مَا لَمْ يُقَسَّمْ، فَإِذَا وَقَعَتِ الْحُدُودُ، وَصُرِّقَتِ الطُّرُقُ، فَلَا شُفْعَةَ. [راجع: ٢٢١٣]

(٢) بَابُ عَرْضِ الشُّفْعَةِ عَلَى صَاحِبِهَا قَبْلَ الْبَيْعِ

وَقَالَ الْحَكَمُ: إِذَا أُذِنَ لَهُ قَبْلَ الْبَيْعِ فَلَا شُفْعَةَ لَهُ. وَقَالَ الشَّعْبِيُّ: مَنْ بَاعَ شُفْعَتَهُ وَهُوَ شَاهِدٌ لَا يُعْرِئُهَا فَلَا شُفْعَةَ لَهُ.

٢٢٥٨ - حَدَّثَنَا الْمَكِّيُّ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي إِبْرَاهِيمُ بْنُ مَيْسَرَةَ، عَنْ عَمْرِو بْنِ الشَّرِيدِ قَالَ: وَقَفْتُ عَلَى سَعْدِ بْنِ أَبِي وَقَّاصٍ فَجَاءَ الْمِسْوَرُ بْنُ مَحْرَمَةَ فَوَضَعَ يَدَهُ عَلَى إِحْدَى مَنكَبَيْي إِذْ جَاءَ

buy them.” Sa’d replied, “By Allāh, I will not pay more than four thousand (Dirhams) by installments.” Abū Rafī‘ said, “I have been offered five hundred Dīnār (for it) and had I not heard the Prophet ﷺ saying, ‘The neighbour has more right than anyone else because of his nearness, I would not give them to you for four thousand (Dirhams) while I am offered five hundred Dīnār (one Dīnār equals ten Dirhams) for them.’” So, he sold it to Ṣa’d.

أَبُو رَافِعٍ مَوْلَى النَّبِيِّ ﷺ فَقَالَ: يَا سَعْدُ ابْتَعْ مِنِّي بَيْتِي فِي دَارِكَ. فَقَالَ سَعْدٌ: وَاللَّهِ مَا أَبْتَاغُهُمَا، فَقَالَ الْمِسْوَرُ: وَاللَّهِ لَتَبْتَاغُنَّهُمَا، فَقَالَ سَعْدٌ: وَاللَّهِ لَا أَرِيدُكَ عَلَى أَرْبَعَةِ آلَافٍ مُجَمَّةً أَوْ مُقَطَّعَةً. قَالَ أَبُو رَافِعٍ: لَقَدْ أُعْطِيتُ بِهَا خَمْسِمِائَةَ دِينَارٍ، وَلَوْلَا أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْجَارُ أَحَقُّ بِسَقْبِهِ» مَا أُعْطِيتُكُمَا بِأَرْبَعَةِ آلَافٍ وَأَنَا أُعْطِي بِهَا خَمْسِمِائَةَ دِينَارٍ، فَأَعْطَاهَا إِيَّاهُ.

[انظر: ٦٩٧٧، ٦٩٨١]

(3) CHAPTER. Who is considered as the nearer neighbour?

(٣) بَابُ: أَيُّ الْجَوَارِ أَقْرَبُ؟

2259. Narrated ‘Āishah رَضِيَ اللهُ عَنْهَا: I said, “O Allāh’s Messenger! I have two neighbours and would like to know to which of them I should give presents.” He replied, “To the one whose door is nearer to you.”

٢٢٥٩ - حَدَّثَنَا حَجَّاجٌ: حَدَّثَنَا شُعْبَةُ. ح وَحَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا شَبَابَةُ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا أَبُو عِمْرَانَ قَالَ: سَمِعْتُ طَلْحَةَ بْنَ عَبْدِ اللَّهِ عَنِ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّ لِي جَارَيْنِ فإِلَى أَيِّهِمَا أُهْدِي؟ قَالَ: «إِلَى أَقْرَبِيهِمَا مِنْكَ بِأَبَا». [انظر: ٢٥٩٥، ٦٠٢٠]

37 – THE BOOK OF HIRING (Concerning Hiring)

٣٧ - كتاب الإجارة

(1) CHAPTER. To hire a pious man.

The Statement of Allāh تعالى :

“... Verily, the best of men for you to hire is the strong, the trustworthy.” (V.28:26)

(And what is said about) the honest treasurer, and the person who does not employ the one who is in an earnest pursuit of a job (position).

2260. Narrated Abu Mūsa Al-Ash‘arī رضي الله عنه : The Prophet ﷺ said, “The honest treasurer who gives willingly what he is ordered to give, is one of the two charitable persons (the second being the owner).”

2261. Narrated Abū Mūsa رضي الله عنه : I went to the Prophet ﷺ with two men from Ash‘arī tribe. I said (to the Prophet ﷺ), “I do not know that they want employment.” The Prophet ﷺ said, “No, we do not appoint for our jobs anybody who demands it earnestly.”

(١) بَابُ اسْتِئْجَارِ الرَّجُلِ
الصَّالِحِ وَقَوْلِ اللَّهِ تَعَالَى: ﴿إِنَّ خَيْرَ
مَنْ اسْتِئْجَرْتَ الْقَوِيُّ الْأَمِينُ﴾ [القصص:
٢٦] وَالْحَازِنُ الْأَمِينُ وَمَنْ لَمْ يَسْتَعْمِلْ
مَنْ أَرَادَهُ.

٢٢٦٠ - حَدَّثَنَا مُحَمَّدُ بْنُ
يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي بُرْدَةَ
قَالَ: أَخْبَرَنِي جَدِّي أَبُو بُرْدَةَ، عَنْ أَبِيهِ
أَبِي مُوسَى الْأَشْعَرِيِّ رَضِيَ اللَّهُ عَنْهُ
قَالَ: قَالَ النَّبِيُّ ﷺ: «الْحَازِنُ الْأَمِينُ
الَّذِي يُؤَدِّي مَا أُمِرَ بِهِ طَيِّبٌ نَفْسُهُ أَحَدُ
الْمُتَّصِدِّقِينَ». [راجع: ١٤٣٨]

٢٢٦١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا
يَحْيَى، عَنْ قُرَّةَ بْنِ خَالِدٍ قَالَ: حَدَّثَنِي
حُمَيْدُ بْنُ هَلَالٍ: حَدَّثَنَا أَبُو بُرْدَةَ، عَنْ
أَبِي مُوسَى قَالَ: أَقْبَلْتُ إِلَى النَّبِيِّ ﷺ
وَمَعِيَ رَجُلَانِ مِنَ الْأَشْعَرِيِّينَ فَقُلْتُ:
مَا عَلِمْتُ أَنَّهُمَا يَطْلُبَانِ الْعَمَلَ، قَالَ:
«لَنْ، أَوْ لَا نَسْتَعْمِلُ عَلَى عَمَلِنَا مَنْ
أَرَادَهُ». [انظر: ٣٠٣٨، ٤٣٤١، ٤٣٤٣،
٤٣٤٤، ٦١٢٤، ٦٩٢٣، ٧١٤٩، ٧١٥٦،
٧١٧٢، ٧١٥٧]

(2) CHAPTER. To shepherd sheep for *Qirāt*.⁽¹⁾

(٢) بَابُ رَعِيِ الْعَمَمِ عَلَى قَرَارِيطِ

(1) (Ch. 2) One *Qirāt* equals one-half *Daniq* and one *Daniq* equals: one-sixth of Dirham. Sometimes it may very big as Uhud mountain (at Al-Madīna).

2262. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Allāh did not send any Prophet but he shepherded sheep." His Companions asked him. "Did you do the same?" The Prophet ﷺ replied, "Yes, I used to shepherd the sheep of the people of Makkah for some *Qirāt*."

(3) CHAPTER. The employment of *Mushrikun* (by Muslims) if necessary, or if no Muslim is available for that purpose.

And the Prophet ﷺ employed the Jews of *Khaibar* (for the purpose of irrigating the land).

2263. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا: The Prophet ﷺ and Abū Bakr employed a (*Mushrikun*) man from the tribe of Banī Ad-Dail and the tribe of Banī 'Abd bin 'Adī as a guide. He was an expert guide and he broke the oath contract which he had to abide by with the tribe of Al-'Āsī bin Wā'il, and he was on the religion of Quraish pagans (*Mushrikun*). The Prophet ﷺ and Abū Bakr had confidence in him and gave him their riding camels and told him to bring them to the cave of *Thaur* after three days. So he brought them their two riding camels after three days, and both of them (the Prophet ﷺ and Abū Bakr) set out accompanied by 'Āmir bin Fuhaira and the Daili guide who guided them below Makkah along the road leading to the sea-shore.

٢٢٦٢ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْمَكِّيُّ: حَدَّثَنَا عَمْرُو بْنُ يَحْيَى، عَنْ جَدِّهِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَا بَعَثَ اللهُ نَبِيًّا إِلَّا رَعَى الْغَنَمَ». فَقَالَ أَصْحَابُهُ: وَأَنْتَ؟ فَقَالَ: «نَعَمْ، كُنْتُ أَرْعَاهَا عَلَى قَرَارِيطٍ لِأَهْلِ مَكَّةَ».

(٣) بَابُ اسْتِئْجَارِ الْمُشْرِكِينَ عِنْدَ الضَّرُورَةِ، أَوْ إِذَا لَمْ يُوجَدِ أَهْلُ الْإِسْلَامِ

وَعَامَلَ النَّبِيُّ ﷺ يَهُودَ خَيْبَرَ.

٢٢٦٣ - حَدَّثَنِي إِبْرَاهِيمُ بْنُ مُوسَى: أَخْبَرَنَا هِشَامٌ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا: وَاسْتَأْجَرَ النَّبِيُّ ﷺ وَأَبُو بَكْرٍ رَجُلًا مِنْ بَنِي الدَّيْلِ، ثُمَّ مِنْ بَنِي عَبْدِ بْنِ عَدِيِّ هَادِيًا: الْمَاهِرُ بِالْهَدَايَةِ، قَدْ غَمَسَ يَمِينَ حَلْفٍ فِي آلِ الْعَاصِي بْنِ وائِلٍ، وَهُوَ عَلَى دِينِ كُفَّارِ قُرَيْشٍ، فَأَمَانُهُ. فَدَفَعَا إِلَيْهِ رَاجِلَتَيْهِمَا وَوَاعَدَاهُ غَارَ ثَوْرٍ بَعْدَ ثَلَاثِ لَيَالٍ. فَأَتَاهُمَا بِرَاجِلَتَيْهِمَا صَبِيحَةَ لَيَالٍ ثَلَاثٍ فَارْتَحَلَا وَأَنْطَلَقَ مَعَهُمَا عَامِرُ بْنُ مُهَيَّرَةَ وَالِدَيْهِ الدَّيْلِيُّ، فَأَخَذَ بِهِمْ أَسْفَلَ مَكَّةَ وَهُوَ طَرِيقُ السَّاحِلِ.

[راجع: ٤٧٦]

(4) CHAPTER. It is legal if somebody hires someone to work for him after three days, or after one month or after a year. When that period elapses they should carry out their contract.

2264. Narrated 'Āishah رَضِيَ اللهُ عَنْهَا, the wife of the Prophet ﷺ : Allāh's Messenger ﷺ and Abū Bakr hired a man from the tribe of Banī Ad-Dail as an expert guide who was a pagans (*Mushrik*) follower of the religion of the pagans (*Mushrikun*) of Quraish. The Prophet ﷺ and Abū Bakr gave him their two riding camels and took a promise from him to bring their riding camels in the morning of the third day to the cave of Thaur.

(5) CHAPTER. Employing labourers for services in holy battles.

2265. Narrated Ya'la bin Umaiyya رَضِيَ اللهُ عَنْهُ : I fought in *Jaish-al-'Usra* (*Ghazwa* of Tabūk) along with the Prophet ﷺ and in my opinion that was the best of my deeds. At that time I had an employee who quarrelled with someone, and one of them bit and cut the other's finger and caused his own tooth to fall out. He, then, went to the Prophet ﷺ (with a complaint) but the Prophet ﷺ cancelled the suit and said to the complainant, "Did you expect him to let his finger in your mouth so that you might snap and cut it as does a stallion camel?"

(٤) بَابُ إِذَا اسْتَأْجَرَ أَجِيرًا لِيَعْمَلَ لَهُ بَعْدَ ثَلَاثَةِ أَيَّامٍ، أَوْ بَعْدَ شَهْرٍ، أَوْ بَعْدَ سَنَةٍ جَارًا، وَهُمَا عَلَى شَرْطِهِمَا الَّذِي اسْتَرَطَاهُ إِذَا جَاءَ الْأَجَلُ

٢٢٦٤ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ عَنْ عُقَيْلٍ: قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوْجَ النَّبِيِّ ﷺ قَالَتْ: وَاسْتَأْجَرَ رَسُولُ اللَّهِ ﷺ وَأَبُو بَكْرٍ رَجُلًا مِنْ بَنِي الدَّيْلِ هَادِيًا خَرِينًا وَهُوَ عَلَى دِينِ كُفَّارِ قُرَيْشٍ، فَدَفَعَا إِلَيْهِ رَاجِلَيْهِمَا وَوَاعَدَاهُ غَارَ ثَوْرٍ بَعْدَ ثَلَاثِ لَيَالٍ فَأَتَاهُمَا بِرَاجِلَيْهِمَا صُبْحَ ثَلَاثٍ. [راجع: ٤٧٦]

(٥) بَابُ الْأَجِيرِ فِي الْعَزْوِ

٢٢٦٥ - حَدَّثَنِي يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلِيَّةَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي عَطَاءٌ، عَنْ صَفْوَانَ بْنِ يَعْلَى، عَنْ يَعْلَى بْنِ أُمَيَّةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: غَزَوْتُ مَعَ النَّبِيِّ ﷺ جَيْشَ الْعُسْرَةِ فَكَانَ مِنْ أَوْثَقِ أَعْمَالِي فِي نَفْسِي. فَكَانَ لِي أَجِيرٌ فَقَاتَلَ إِنْسَانًا. فَعَضَّ أَحَدَهُمَا إضْبَعًا صَاحِبِهِ. فَانْتَرَعَ إضْبَعُهُ فَأَنْدَرَ ثَنِيَّتَهُ فَسَقَطَتْ. فَانْطَلَقَ إِلَى النَّبِيِّ ﷺ فَأَهْدَرَ ثَنِيَّتَهُ، وَقَالَ: «أَفِيدَعُ إضْبَعُهُ فِي فَيْكِ تَقْضُمُهَا؟» قَالَ:

أَحْسِبُهُ قَالَ: «كَمَا يَقْضِمُ الْفَحْلُ».

[راجع: ١٨٤٧]

2266. Narrated Ibn Juraij from 'Abdullāh bin Abū Mulaika from his grandfather a similar story: A man bit the hand of another man and caused his own tooth to fall out, but Abū Bakr رضي الله عنه judged that he had no right for compensation (for the broken tooth).

(6) CHAPTER. If somebody employs someone and tells him the period for which he is employed, is it permissible for him not to tell him the nature of the work?

(It is permissible, if he takes into consideration Allāh's Statement): He said: "I intend to wed one of these two daughters of mine to you... (till the end of the Verse) '...Allāh is a Surety over what we say..." (V.28 : 27, 28)

(7) CHAPTER. It is permissible for one to employ someone to repair a wall which is about to collapse.

2267. Narrated Ubaī bin Ka'b رضي الله عنه: Allāh's Messenger ﷺ said, "Both of them [Mūsa (Moses) and Al-Khidr] proceeded on till they reached a wall which was about to fall." Sa'īd said, "(Al-Khidr pointed) with his hands (towards the wall) and then raised his hands and the wall became straightened up." Ya'la said, "I think Sa'īd said, 'He (Khidr) passed his hand over it and it was straightened up.' (Mūsa said to him), "If you had wanted you could have taken wages for it." Sa'īd said, "Wages with which to buy food."

٢٢٦٦ - قَالَ ابْنُ جُرَيْجٍ:

وَحَدَّثَنِي عَبْدُ اللَّهِ بْنُ أَبِي مُلَيْكَةَ، عَنْ جَدِّهِ بِمِثْلِ هَذِهِ الصَّفَةِ: أَنَّ رَجُلًا عَضَّ يَدَ رَجُلٍ فَأَنْدَرَتْ نَيْبَتُهُ فَأَهْدَرَهَا أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ.

(٦) بَابُ إِذَا اسْتَأْجَرَ أَجِيرًا فَبَيَّنَّ

لَهُ الْأَجَلَ وَلَمْ يَبَيِّنِ الْعَمَلَ لِقَوْلِهِ:

﴿إِنِّي أُرِيدُ أَنْ أَتَزَوَّجَ مِنْ ابْنَتِي

هَاتِهِنَّ﴾ إِلَى قَوْلِهِ: ﴿وَاللَّهُ عَلَىٰ مَا نَقُولُ

وَكَافٍ﴾ [الفصص: ٢٧-٢٨] يَا جُرَيْجُ

فَلَانَا: يُعْطِيهِ أَجْرًا، وَمِنْهُ فِي التَّعْرِيَةِ:

أَجْرَكَ اللَّهُ.

(٧) بَابُ إِذَا اسْتَأْجَرَ أَجِيرًا عَلَىٰ أَنْ

يُقِيمَ حَائِطًا يُرِيدُ أَنْ يَنْقُضَ جَارَ

٢٢٦٧ - حَدَّثَنِي إِبرَاهِيمُ بْنُ

مُوسَى: أَخْبَرَنَا هِشَامُ بْنُ يُوسُفَ: أَنَّ

ابْنَ جُرَيْجٍ أَخْبَرَهُمْ قَالَ: أَخْبَرَنِي

يَعْلَى بْنُ مُسْلِمٍ وَعَمْرُو بْنُ دِينَارٍ: عَنْ

سَعِيدِ بْنِ جُبَيْرٍ، يَزِيدُ أَحَدَهُمَا عَلَى

صَاحِبِهِ، وَغَيْرَهُمَا قَالَ: قَدْ سَمِعْتُهُ

يُحَدِّثُهُ عَنْ سَعِيدٍ، قَالَ: قَالَ لِي ابْنُ

عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: حَدَّثَنِي أَبِي

بْنُ كَعْبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:

«فَانْطَلِقَا حَتَّىٰ إِذَا أَنَا أَمَّا أَهْلَ قَرْيَةٍ

اسْتَطَعَمَا أَهْلَهَا فَأَبُوا أَنْ يُضَيَّفُوهُمَا فَوَجَدَا

فِيهَا جِدَارًا يُرِيدُ أَنْ يَنْقُضَ

[الكهف: ٧٧] - قَالَ سَعِيدٌ: بِيَدِهِ هَكَذَا، وَرَفَعَ يَدَهُ - فَاسْتَقَامَ». قَالَ يَعْلَى: حَسِبْتُ أَنَّ سَعِيداً قَالَ: «فَمَسَحَهُ بِيَدِهِ فَاسْتَقَامَ» ﴿لَوْ شِئْتَ لَتَخَذْتَ عَلَيْهِ أَجْرًا﴾ [الكهف: ٧٧] قَالَ سَعِيدٌ: أَجْرٌ نَأْكُلُهُ. [راجع: ٧٤]

(8) CHAPTER. Employment up to midday.

2268. Narrated Ibn 'Umar رَضِيَ اللهُ عَنْهُمَا: The Prophet ﷺ said, "Your example and the example of the people of the two Scriptures (i.e., Jews and Christians) is like the example of a man who employed some labourers and asked them, 'Who will work for me from morning till midday for one *Qirāt*?' The Jews accepted and carried out the work. He then asked, 'Who will work for me from midday up to the *Salāt-ul-Asr* for one *Qirāt*?' The Christians accepted and fulfilled the work. He then said, 'Who will work for me from the *Asr* till sunset for two *Qirāt*?' You, Muslims have accepted the offer. The Jews and the Christians got angry and said, 'Why should we work more and get lesser wages?' (Allāh) said, 'Have I withheld part of your right?' They replied in the negative. He said, 'It is My Blessing, I bestow upon whomever I wish.'

(٨) بَابُ الإِجَارَةِ إِلَى نِصْفِ النَّهَارِ

٢٢٦٨ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادٌ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «مَثَلُكُمْ وَمَثَلُ أَهْلِ الْكِتَابَيْنِ كَمَثَلِ رَجُلٍ اسْتَأْجَرَ أُجْرَاءً. فَقَالَ: مَنْ يَعْمَلُ لِي مِنْ غُدُوَّةٍ إِلَى نِصْفِ النَّهَارِ عَلَى قِيرَاطٍ؟ فَعَمِلَتِ الْيَهُودُ، ثُمَّ قَالَ: مَنْ يَعْمَلُ لِي مِنْ نِصْفِ النَّهَارِ إِلَى صَلَاةِ الْعَصْرِ عَلَى قِيرَاطٍ؟ فَعَمِلَتِ النَّصَارَى. ثُمَّ قَالَ: مَنْ يَعْمَلُ لِي مِنَ الْعَصْرِ إِلَى أَنْ تَغِيبَ الشَّمْسُ عَلَى قِيرَاطَيْنِ؟ فَأَنْتُمْ هُمْ، فَعَضِبَتِ الْيَهُودُ وَالنَّصَارَى فَقَالُوا: مَا لَنَا أَكْثَرَ عَمَلًا وَأَقَلَّ عَطَاءً؟ قَالَ: هَلْ نَقَصْتُمْ مِنْ حَقِّكُمْ؟ قَالُوا: لَا، قَالَ: فَذَلِكَ فَضْلِي أُوتِيهِ مَنْ أَشَاءَ». [راجع: ٥٥٧]

(9) CHAPTER. Employment up to the *Asr*.

2269. Narrated 'Abdullah bin 'Umar bin Al-Khattāb رَضِيَ اللهُ عَنْهُمَا: Allāh's Messenger ﷺ said, "Your example and the example of Jews and Christians is like the example of a man who employed some labourers to whom

(٩) بَابُ الإِجَارَةِ إِلَى صَلَاةِ الْعَصْرِ

٢٢٦٩ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللهِ ابْنِ دِينَارٍ مَوْلَى عَبْدِ اللهِ بْنِ عُمَرَ،

he said, 'Who will work for me up to midday for one *Qirāṭ* each?' The Jews carried out the work for one *Qirāṭ* each; and then the Christians carried out the work up to the *Aṣr* for one *Qirāṭ* each; and now you Muslims are working from the *Aṣr* up to sunset for two *Qirāṭ* each. The Jews and Christians got angry and said, 'We work more and are paid less.' The employer (Allāh) asked them, 'Have I usurped some of your right?' They replied in the negative. He (Allah) said, 'That is My Blessing, I bestow upon whomever I wish.'

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّمَا مَتْلُكُمُ وَالْيَهُودِ وَالنَّصَارَى كَرَجُلٍ اسْتَعْمَلَ عَمَالًا، فَقَالَ: مَنْ يَعْمَلُ لِي إِلَى نِصْفِ النَّهَارِ عَلَى قِيرَاطٍ قِيرَاطٍ؟ فَعَمِلَتِ الْيَهُودُ عَلَى قِيرَاطٍ قِيرَاطٍ. ثُمَّ عَمِلَتِ النَّصَارَى عَلَى قِيرَاطٍ قِيرَاطٍ. ثُمَّ أَنْتُمْ الَّذِينَ تَعْمَلُونَ مِنْ صَلَاةِ الْعَصْرِ إِلَى مَغَارِبِ الشَّمْسِ عَلَى قِيرَاطَيْنِ قِيرَاطَيْنِ. فَغَضِبَتِ الْيَهُودُ وَالنَّصَارَى وَقَالُوا: نَحْنُ أَكْثَرُ عَمَلًا وَأَقْلُ عَطَاءً، قَالَ: هَلْ ظَلَمْتُمْ مَن حَقَّكُمْ شَيْئًا؟ قَالُوا: لَا، قَالَ: فَذَلِكَ فَضْلِي أُوتِيهِ مَنْ أَشَاءُ». [راجع: ٥٥٧]

(10) CHAPTER. The sin of him who withholds the wages of the employee.

2270. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "Allāh said, 'I will be an opponent to three types of people on the Day of Resurrection:

1. One who makes a covenant in My Name, but proves treacherous;
2. One who sells a free person (as a slave) and eats his price; and
3. One who employs a labourer and takes full work from him but does not pay him for his labour.'

(١٠) بَابُ إِنْ مَن مِّنْ مَّنَعَ أَجْرَ الْأَجِيرِ

٢٢٧٠ - حَدَّثَنَا يُوسُفُ بْنُ مُحَمَّدٍ: حَدَّثَنِي يَحْيَى بْنُ سُلَيْمٍ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «قَالَ اللَّهُ تَعَالَى: ثَلَاثَةٌ أَنَا خَصْمُهُمْ يَوْمَ الْقِيَامَةِ: رَجُلٌ أَعْطَى بِي ثُمَّ عَدَرَ، وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ ثَمَنَهُ، وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِهِ أَجْرَهُ».

[راجع: ٢٢٢٧]

(11) CHAPTER. Employment from 'Asr till night.

2271. Narrated Abū Mūsa رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "The example of Muslims, Jews and Christians is like the example of a man who employed labourers to work for him from morning till night for specific wages. They worked till midday and then said, 'We do not need your money which you have fixed for us and let whatever we have done be annulled.' The man said to them, 'Don't quit the work, but complete the rest of it and take your full wages.' But they refused and went away (like the Jews who refused to believe in the Message of Jesus عليه السلام). The man employed another batch after them and said to them, 'Complete the rest of the day and yours will be the wages I had fixed for the first batch.' So, they worked till the time of 'Asr. Then they said, Let what we have done be annulled and keep the wages you have promised us for yourself. The man said to them 'Complete the rest of the work, as only a little of the day remains.' But they refused (like the Christians who refused to believe in the Message of Muhammad ﷺ). Thereafter he employed another batch to work for the rest of the day and they worked for the rest of the day till sunset, and they received the wages of the two former batches (like the Muslims). So, that was the example of this light [Islāmic Monotheism, the Qur'ān, the Sunna (legal ways of the Prophet ﷺ) and the (guidance) which Prophet Muhammad ﷺ brought] which they (Muslims) have accepted willingly".⁽¹⁾

(١١) بَابُ الْإِجَارَةِ مِنَ الْعَصْرِ إِلَى اللَّيْلِ

٢٢٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ بُرَيْدٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «مَثَلُ الْمُسْلِمِينَ وَالْيَهُودِ وَالنَّصَارَى كَمَثَلِ رَجُلٍ اسْتَأْجَرَ قَوْمًا يَعْمَلُونَ لَهُ عَمَلًا يَوْمًا إِلَى اللَّيْلِ عَلَى أَجْرٍ مَعْلُومٍ، فَعَمِلُوا لَهُ إِلَى نِصْفِ النَّهَارِ، فَقَالُوا: لَا حَاجَةَ لَنَا إِلَى أَجْرِكَ الَّذِي شَرَطْتَ لَنَا وَمَا عَمَلْنَا بِإِطْلٍ. فَقَالَ لَهُمْ: لَا تَفْعَلُوا، أَكْمِلُوا بَقِيَّةَ عَمَلِكُمْ وَخُذُوا أَجْرَكُمْ كَامِلًا، فَأَبَوْا وَتَرَكُوا. وَاسْتَأْجَرَ آخَرِينَ بَعْدَهُمْ، فَقَالَ: أَكْمِلُوا بَقِيَّةَ يَوْمِكُمْ هَذَا، وَلَكُمْ الَّذِي شَرَطْتُ لَهُمْ مِنَ الْأَجْرِ، فَعَمِلُوا حَتَّى إِذَا كَانَ جِئْنَ صَلَاةِ الْعَصْرِ قَالُوا: لَكَ مَا عَمَلْنَا بِإِطْلٍ وَلَكَ الْأَجْرُ الَّذِي جَعَلْتَ لَنَا فِيهِ. فَقَالَ لَهُمْ: أَكْمِلُوا بَقِيَّةَ عَمَلِكُمْ فَإِنَّ مَا بَقِيَ مِنَ النَّهَارِ شَيْءٌ يَسِيرٌ، فَأَبَوْا، فَاسْتَأْجَرَ قَوْمًا أَنْ يَعْمَلُوا لَهُ بَقِيَّةَ يَوْمِهِمْ فَعَمِلُوا بَقِيَّةَ يَوْمِهِمْ حَتَّى غَابَتِ الشَّمْسُ وَاسْتَكْمَلُوا أَجْرَ الْقَرِيقَيْنِ كِلَيْهِمَا،

(1) (H. 2271) The Jews refused to believe in the Message of 'Iesa (Jesus), so all their work was annulled; similarly, the Christians refused to accept the Message of Muḥammad ﷺ and thus their work was annulled too. Such people were not rewarded, because they refused to have true Faith for the rest of their lives and died as disbelievers. They should have believed in the latest Message; for their insistence on keeping their old=