

فَذَلِكَ مَثَلُهُمْ وَمِثْلُ مَا قِيلُوا مِنْ هَذَا
النُّورِ. [راجع: ٥٥٨]

(12) CHAPTER. Whosoever employed a labourer (and after completing the work) the labourer left the wages and went away. The employer invested that money in some way and increased it thereby, or whoever invested somebody else's money in business and increased it thereby.

2272. Narrated 'Abdullāh bin 'Umar رَضِيَ اللهُ عَنْهُمَا: I heard Allāh's Messenger ﷺ saying, "Three men from among those who were before you, set out together till they reached a cave at night and entered it. A big rock rolled down the mountain and closed the mouth of the cave. They said (to each other), 'Nothing could save you from this rock but to invoke Allāh by giving reference to the righteous deed which you have done (for Allāh's sake only).' So, one of them said, 'O Allāh! I had old parents (whom I used to provide milk first) and I never provided my family (wife, children etc.) with milk before them. One day, by chance I was delayed, and I came late (at night) while they had slept. I milked the sheep for them and took the milk to them, but I found them sleeping. I disliked to provide my family with the milk before them. I waited for them and the bowl of milk was in my hand and I kept on waiting for them to get up till the day dawned. Then they got up and drank the milk. O Allāh! If I did that for Your sake only, please relieve us from our critical situation caused by this rock.' So, the rock shifted a little, but they could not get out."

٢٢٧٢ - حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ، عَنِ الزُّهْرِيِّ: حَدَّثَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ: أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «انْطَلَقَ ثَلَاثَةٌ رَهْطٍ مِمَّنْ كَانَ قَبْلَكُمْ حَتَّى أَوْوَأَ الْمَيْتَ إِلَى غَارٍ فَدَخَلُوهُ، فَانْحَدَرَتْ صَخْرَةٌ مِنَ الْجَبَلِ فَسَدَّتْ عَلَيْهَا الْعَارَ. فَقَالُوا: إِنَّهُ لَا يُنْجِيكُمْ مِنْ هَذِهِ الصَّخْرَةِ إِلَّا أَنْ تَدْعُوا اللَّهَ بِصَالِحِ أَعْمَالِكُمْ. فَقَالَ رَجُلٌ مِنْهُمْ: اللَّهُمَّ كَانَتْ لِي أَبْوَانٌ شَيْخَانِ كَبِيرَانِ، وَكُنْتُ لَا أَعْقِبُ قَبْلَهُمَا أَهْلًا وَلَا مَالًا، فَتَأَى بِي فِي طَلَبِ شَيْءٍ يَوْمًا فَلَمْ أُرْخَ عَلَيْهِمَا حَتَّى تَامَا فَحَلَبْتُ لَهُمَا غُبُوقَهُمَا فَوَجَدْتُهُمَا نَائِمِينَ. فَكَرِهْتُ أَنْ أَعْقِبَ قَبْلَهُمَا أَهْلًا أَوْ مَالًا، فَلَبِثْتُ وَالْقَدْحُ عَلَى يَدَيَّ أَنْتَظِرُ اسْتِيقَاطَهُمَا

=religion deprived them of the reward which they would have got for their previous good deeds achieved before the advent of the new religion. On the other hand, Muslims accepted and believed in all the three Messages and deserved a full reward for their complete surrender to Allāh. (Al-Qasṭālanī, Vol. 4)

The Prophet ﷺ further said, "The second man said, 'O Allāh! I had a cousin who was the dearest of all people to me and I wanted to have sexual intercourse with her but she refused. Later, she had a hard time in a year from amongst the famine years and she came to me and I gave her one hundred and twenty Dinārs on the condition that she would not resist my desire, and she agreed. When I was about to fulfil my desire, she said: It is illegal for you to outrage my chastity except by legitimate marriage. So, I thought it a sin to have sexual intercourse with her and left her, though she was the dearest of all the people to me, and also I left the gold I had given her. O Allāh! If I did that for Your sake only, please relieve us from the present calamity.' So, the rock shifted a little more, but still they could not get out from there."

The Prophet ﷺ added, "Then the third man said, 'O Allāh! I employed few labourers and I paid them their wages with the exception of one man who did not take his wages and went away. I invested his wages and I got much property thereby. (Then after some time) he came and said to me: O Allāh's slave! Pay me my wages. I said to him: All the camels, cows, sheep and slaves you see, are yours. He said: O Allāh's slave! Don't mock at me. I said: I am not mocking at you. So, he took all the herd and drove them away and left nothing. O Allāh! If I did that for Your sake only, please relieve us from the present suffering.' So, that rock shifted completely and they got out walking."

حَتَّى بَرَقَ الْفَجْرُ فَاسْتَيْقَظَ فَشَرِبَا
عَبْوَهُمَا. اللَّهُمَّ إِنْ كُنْتُ فَعَلْتُ ذَلِكَ
اِبْتِغَاءً وَجْهَكَ فَفَرِّجْ عَنَّا مَا نَحْنُ فِيهِ
مِنْ هَذِهِ الصَّحْرَةِ، فَاَنْفَرَجَتْ شَيْئًا لَا
يَسْتَطِيعُونَ الْخُرُوجَ». قَالَ النَّبِيُّ ﷺ:
«وَقَالَ الْآخَرُ: اللَّهُمَّ كَانَتْ لِي بِنْتُ
عَمِّ كَانَتْ أَحَبَّ النَّاسِ إِلَيَّ فَأَرَدْتُهَا
عَنْ نَفْسِهَا، فَاْمْتَنَعَتْ مِنِّي حَتَّى أَلَمْتُ
بِهَا سَنَةً مِنَ السَّنِينَ فَجَاءَتْنِي فَأَعْطَيْتُهَا
عِشْرِينَ وَمِائَةَ دِينَارٍ عَلَى أَنْ تُحَلِّيَ
بَيْنِي وَبَيْنَ نَفْسِهَا فَفَعَلْتُ، حَتَّى إِذَا
قَدَرْتُ عَلَيْهَا قَالَتْ: لَا أَحِلُّ لَكَ أَنْ
تُقْضَى الْخَاتَمَ إِلَّا بِحَقِّي، فَتَحَرَّجْتُ مِنْ
الْوُقُوعِ عَلَيْهَا فَاَنْصَرَفْتُ عَنْهَا وَهِيَ
أَحَبُّ النَّاسِ إِلَيَّ وَتَرَكْتُ الذَّهَبَ
الَّذِي أَعْطَيْتُهَا. اللَّهُمَّ إِنْ كُنْتُ فَعَلْتُ
ذَلِكَ اِبْتِغَاءً وَجْهَكَ فَافْرِجْ عَنَّا مَا
نَحْنُ فِيهِ، فَاَنْفَرَجَتْ الصَّحْرَةُ غَيْرَ
أَنَّهُمْ لَا يَسْتَطِيعُونَ الْخُرُوجَ مِنْهَا».
قَالَ النَّبِيُّ ﷺ: «وَقَالَ الثَّلَاثُ: اللَّهُمَّ
إِنِّي اسْتَأْجَرْتُ أَجْرَاءَ فَأَعْطَيْتُهُمْ
أَجْرَهُمْ غَيْرَ رَجُلٍ وَاحِدٍ تَرَكَ الَّذِي لَهُ
وَذَهَبَ فَتَمَرَّتْ أَجْرُهُ حَتَّى كَثُرَتْ مِنْهُ
الْأَمْوَالُ فَجَاءَنِي بَعْدَ جِيبٍ فَقَالَ: يَا
عَبْدَ اللَّهِ، أَدِّي إِلَيَّ أَجْرِي، فَقُلْتُ لَهُ:
كُلُّ مَا تَرَى مِنْ أَجْلِكَ مِنَ الْإِبِلِ
وَالْبَقَرِ وَالغَنَمِ وَالرَّقِيقِ. فَقَالَ: يَا عَبْدَ
اللَّهِ، لَا تَسْتَهْزِئْ بِي، فَقُلْتُ: إِنِّي لَا

أَسْتَهْزِئُ بِكَ، فَأَخَذَهُ كُفْلُهُ فَاسْتَأْفَهُ فَلَمْ يَتْرُكْ مِنْهُ شَيْئًا. اللَّهُمَّ فَإِنْ كُنْتُ فَعَلْتُ ذَلِكَ ابْتِغَاءً وَجْهَكَ فَافْرُجْ عَنَّا مَا نَحْنُ فِيهِ. فَاَنْفَرَجَتِ الصَّخْرَةُ فَخَرَجُوا يَمْسُونُ». [راجع: ٢٢١٥]

(13) CHAPTER. One who employs himself to carry loads on his back and then gives in charity from his wages, and (what is said about) the wages of porters.

2273. Narrated Abū Mas‘ūd Al-Ansārī رضي الله عنه: Whenever Allāh’s Messenger ﷺ ordered us to give in charity we would go to the market and work as porters to earn a *Mudd* (two hand-fulls) (of foodstuff), but now some of us have one hundred thousand Dirham or Dīnār. (The sub-narrator) Shaqīq said, “I think Abū Mas‘ūd meant himself by saying (some of us).”

(١٣) بَابٌ مَنْ آجَرَ نَفْسَهُ لِيَحْمِلَ عَلَى ظَهْرِهِ، ثُمَّ تَصَدَّقَ بِهِ، وَأَبْرَ الْحَمَالِ

٢٢٧٣ - حَدَّثَنِي سَعِيدُ بْنُ يَحْيَى بْنِ سَعِيدٍ الْقُرَشِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا الْأَعْمَشُ، عَنْ شَقِيقِ، عَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَمَرَنَا بِالصَّدَقَةِ انْطَلَقَ أَحَدُنَا إِلَى السُّوقِ فَيَحْمِلُ فَيُصِيبُ الْمُدَّ وَإِنَّ لِبَعْضِهِمْ لِمِائَةٌ أَلْفٍ. قَالَ: مَا نَرَاهُ إِلَّا نَفْسَهُ.

(14) CHAPTER. Wages of a broker.

Ibn Sīrīn, ‘Aṭā’, Ibrāhīm and Al-Ḥasan did not see any harm in them. Ibn ‘Abbās said, “There is no harm if one says (to a broker), ‘Sell this garment for such a price and whatever more you get, is for you.’”

Ibn Sīrīn said, “If one says to a broker, ‘Sell it for such a price and if you get more, the profit will be for you or divided between us,’ there is no harm in it.”

The Prophet ﷺ said, “Muslims should abide by their conditions.”

(١٤) بَابُ أَجْرِ السَّمْسَرَةِ

وَلَمْ يَرَ ابْنَ سَيْرِينَ وَعَطَاءَ وَإِبْرَاهِيمَ وَالْحَسَنَ بِأَجْرِ السَّمْسَارِ بِأَسَأ. وَقَالَ ابْنُ عَبَّاسٍ: لَا بَأْسَ أَنْ يَقُولَ: بَعْ هَذَا الثَّوبَ، فَمَا زَادَ عَلَى كَذَا وَكَذَا فَهُوَ لَكَ. وَقَالَ ابْنُ سَيْرِينَ: إِذَا قَالَ: بَعْ بِكَذَا فَمَا كَانَ مِنْ رِبْحٍ فَلَكَ أَوْ بَيْنِي وَبَيْنَكَ؛ فَلَا بَأْسَ بِهِ. وَقَالَ النَّبِيُّ ﷺ: «الْمُسْلِمُونَ عِنْدَ شُرُوطِهِمْ».

2274. Narrated Ṭawūs: Ibn ‘Abbās رضي الله عنه said, “The Prophet ﷺ forbade the meeting of caravans (on the way) and

٢٢٧٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا مَعْمَرٌ، عَنِ ابْنِ

ordained that no townsman is permitted to sell things on behalf of a bedouin.” I asked Ibn ‘Abbās, “What is the meaning of his saying, ‘No townsman is permitted to sell things on behalf of a bedouin.’” He replied, “He should not work as a broker for him.”

(15) CHAPTER. Is it permissible for a Muslim to work as an employee for *Mushrikun* in a land of infidelity?

2275. Narrated *Khabbāb* رَضِيَ اللهُ عَنْهُ: I was a blacksmith and did some work for Al-‘Āṣ bin Wā’il. When he owed me some money for my work, I went to him to ask for that amount. He said, “I will not pay you unless you disbelieve in Muḥammad (ﷺ).” I said, “By Allāh! I will never do that till you die and be resurrected.” He said, “Will I be dead and then resurrected after my death?” I said, “Yes.” He said, “There I will have property and offspring and then I will pay you your due.” Then Allāh تَعَالَى revealed: “Have you seen him who disbelieved in Our *‘Ayat*” (this Qur’ān and Muḥammad ﷺ) and said: I shall certainly be given wealth and children?” (V.19: 77)

(16) CHAPTER. What is paid for *Ruqya* (i.e., Divine Speech recited as a means of curing diseases) with *Sūrat Al-Fātiḥa*, when practised over an Arab tribe.

طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللهُ عَنْهُمَا: نَهَى النَّبِيُّ ﷺ أَنْ يَتَلَقَى الرَّكْبَانُ وَلَا يَبِيعُ حَاضِرٌ لِيَادٍ، قُلْتُ: يَا ابْنَ عَبَّاسٍ، مَا قَوْلُهُ: «لَا يَبِيعُ حَاضِرٌ لِيَادٍ»؟ قَالَ: لَا يَكُونُ لَهُ سِمْسَارًا. [راجع: ٢١٥٨]

(١٥) بَابٌ هَلْ يُؤَاغِرُ الرَّجُلُ نَفْسَهُ مِنْ مُشْرِكٍ فِي أَرْضِ الْحَرْبِ!

٢٢٧٥ - حَدَّثَنَا عُمَرُ بْنُ حَفْصٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا الْأَعْمَشُ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ: حَدَّثَنَا حَبَّابٌ رَضِيَ اللهُ عَنْهُ قَالَ: كُنْتُ رَجُلًا قَيْنًا فَعَمِلْتُ لِلْعَاصِ بْنِ وَاثِلٍ فَاجْتَمَعَ لِي عِنْدَهُ فَأَتَيْتُهُ أَتَقَاضَاهُ فَقَالَ: لَا، وَاللَّهِ لَا أَفْضِيكَ حَتَّى تَكْفُرَ بِمُحَمَّدٍ، فَقُلْتُ: أَمَا وَاللَّهِ حَتَّى تَمُوتَ ثُمَّ تُبْعَثَ، فَلَا، قَالَ: وَإِنِّي لَمَيِّتٌ ثُمَّ مَبْعُوثٌ؟ قُلْتُ: نَعَمْ، قَالَ: فَإِنَّهُ سَيَكُونُ لِي نَمٌّ مَالٌ وَوَلَدٌ فَأَفْضِيكَ، فَأَنْزَلَ اللهُ تَعَالَى: ﴿أَفْرَأَيْتَ الَّذِي كَفَرَ بِآيَاتِنَا وَقَالَ لَأُوتِيَنَّكَ مَالًا وَوَلَدًا﴾ [مریم: ٧٧]. [راجع: ٢٠٩١]

(١٦) بَابٌ مَا يُعْطَى فِي الرُّقْيَةِ عَلَى أَحْيَاءِ الْعَرَبِ بِفَاتِحَةِ الْكِتَابِ

وقال ابن عَبَّاسٍ عَنِ النَّبِيِّ ﷺ: «أَحَقُّ مَا أَخَذْتُمْ عَلَيْهِ أَجْرًا كِتَابُ اللهِ». وقال الشَّعْبِيُّ: لَا يَسْتَرْطِ الْمَعْلَمُ إِلَّا أَنْ يُعْطَى شَيْئًا فَلْيَقْبَلْهُ.

وَقَالَ الْحَكْمُ: لَمْ أَسْمَعْ أَحَدًا كَرِهَ
أَجْرَ الْمُعَلِّمِ. وَأَعْطَى الْحَسَنُ ذَرَاهِمَ
عَشْرَةَ. وَلَمْ يَرِ ابْنُ سَيِّرِينَ بِأَجْرِ
الْقَسَامِ بِأَسَا، وَقَالَ: كَانَ يُقَالُ:
السُّحْتُ: الرُّشُوءُ فِي الْحُكْمِ وَكَانُوا
يُعْطُونَ عَلَى الْحَرْصِ.

٢٢٧٦ - حَدَّثَنَا أَبُو التُّعْمَانِ:

2276. Narrated Abū Sa'īd رضي الله عنه:
Some of the Companions of the Prophet ﷺ
went on a journey till they reached some of
the Arab tribes (at night). They asked the
latter to treat them as their guests but they
refused. The chief of that tribe was then
bitten by a snake (or stung by a scorpion) and
they tried their best to cure him but in vain.
Some of them said (to the others), "Nothing
has benefited him, will you go to the people
who resided here at night, it may be that
some of them might possess something (as
treatment)." They went to the group of the
Companions (of the Prophet ﷺ) and said,
"Our chief has been bitten by a snake (or
stung by a scorpion) and we have tried
everything but he has not benefited. Have
you got anything (useful)?" One of them
replied, "Yes, by Allāh! I can recite a *Ruqya*,
but as you have refused to accept us as your
guests, I will not recite the *Ruqya* for you
unless you fix for us some wages for it." They
agreed to pay them a flock of sheep. One of
them then went and recited (*Sūrat Al-Fātiha*):
All the praises and thanks be to Allāh, the
Lord of the 'Alamīn (mankind, jinn and all
that exists). And puffed over the chief who
became all right as if he was released from a
chain, and got up and started walking, showing
no signs of sickness. They paid them what
they agreed to pay. Some of them (i.e., the
Companions) then suggested to divide their
earnings among themselves,

حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ أَبِي بَشِيرٍ، عَنْ
أَبِي الْمُتَوَكِّلِ، عَنْ أَبِي سَعِيدٍ رَضِيَ
اللَّهُ عَنْهُ قَالَ: انْطَلَقَ نَفَرٌ مِنْ أَصْحَابِ
النَّبِيِّ ﷺ فِي سَفَرَةٍ سَافَرُوهَا حَتَّى
نَزَلُوا عَلَى حَيٍّ مِنْ أَحْيَاءِ الْعَرَبِ
فَاسْتَصَفَّوهُمْ فَأَبَوْا أَنْ يُصَيِّفُوهُمْ،
فَلَدِغَ سَيْدُ ذَلِكَ الْحَيِّ فَسَعَوْا لَهُ بِكُلِّ
شَيْءٍ لَا يَنْفَعُهُ شَيْءٌ فَقَالَ بَعْضُهُمْ: لَوْ
أَتَيْتُمْ هَؤُلَاءِ الرَّهْطَ الَّذِينَ نَزَلُوا لَعَلَّهُ
أَنْ يَكُونَ عِنْدَ بَعْضِهِمْ شَيْءٌ. فَأَتَوْهُمْ
فَقَالُوا: يَا أَيُّهَا الرَّهْطُ إِنَّ سَيِّدَنَا لُدِغَ
وَسَعَيْنَا لَهُ بِكُلِّ شَيْءٍ لَا يَنْفَعُهُ، فَهَلْ
عِنْدَ أَحَدٍ مِنْكُمْ مِنْ شَيْءٍ؟ فَقَالَ
بَعْضُهُمْ: نَعَمْ، وَاللَّهِ إِنِّي لَأَرْقِي وَلَكِنْ
وَاللَّهِ لَقَدْ اسْتَصَفَّنَاكُمْ فَلَمْ تُصَيِّفُونَا،
فَمَا أَنَا بِرَاقٍ لَكُمْ حَتَّى تَجْعَلُوا لَنَا
جُعْلًا. فَصَالَحُوهُمْ عَلَى قِطْعٍ مِنَ
الْغَنَمِ. فَانْطَلَقَ يَنْفِلُ عَلَيْهِ وَيَقْرَأُ:
﴿الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ﴾
فَكَانَمَا نَشِطٌ مِنْ عِقَالٍ فَانْطَلَقَ يَمْشِي
وَمَا بِهِ قَلْبَةٌ. قَالَ: فَأَوْفُوهُمْ جُعْلَهُمْ

but the one who performed the recitation said, "Do not divide them till we go to the Prophet ﷺ and narrate the whole story to him, and wait for his order." So, they went to Allāh's Messenger ﷺ and narrated the story. Allāh's Messenger ﷺ asked, "How did you come to know that *Sūrat Al-Fātiḥa* was recited as *Ruqya*?" Then he added, "You have done the right thing. Divide (what you have earned) and assign a share for me as well." The Prophet ﷺ smiled thereupon.

الَّذِي صَالِحُوهُمْ عَلَيْهِ. فَقَالَ بَعْضُهُمْ: افْسِمُوا، فَقَالَ الَّذِي رَقِيَ: لَا تَفْعَلُوا حَتَّى نَأْتِيَ النَّبِيَّ ﷺ فَذَكَرْ لَهُ الَّذِي كَانَ فَتَنْظَرْ مَا يَأْمُرْنَا. فَقَدِمُوا عَلَى رَسُولِ اللَّهِ ﷺ فَذَكَرُوا لَهُ فَقَالَ: «وَمَا يَذْرُوكَ أَنَّهَا رُقِيَّةٌ؟» ثُمَّ قَالَ: «قَدْ أَصَبْتُمْ، افْسِمُوا وَاضْرِبُوا لِي مَعَكُمْ سَهْمًا». فَضَحِكَ النَّبِيُّ ﷺ. قَالَ أَبُو عَبْدِ اللَّهِ: وَقَالَ شُعْبَةُ: حَدَّثَنَا أَبُو بَشِيرٍ: سَمِعْتُ أَبَا الْمُتَوَكَّلِ بِهَذَا.

[انظر: ٥٠٠٧، ٥٧٣٦، ٥٧٤٩]

(17) CHAPTER. The taxes imposed on the slaves by their masters; and the leniency in imposing taxes on female slaves.

(١٧) بَابُ ضَرِيْبَةِ الْعَبْدِ وَتَعَاهِدِ ضَرَائِبِ الْإِمَاءِ

2277. Narrated Anas bin Mālik رَضِيَ اللهُ عَنْهُ: When Abū Ṭaiba cupped the Prophet ﷺ and the Prophet ﷺ ordered that he be paid one or two *Ṣā'* of foodstuff and he interceded with his masters to reduce his taxes.

٢٢٧٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنْ حُمَيْدِ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: حَجَمَ أَبُو طَيْبَةَ النَّبِيَّ ﷺ فَأَمَرَ لَهُ بِصَاعٍ أَوْ صَاعَيْنِ مِنْ طَعَامٍ، وَكَلَّمَ مَوَالِيَهُ فَخَفَّفَ عَنْ غَلْتِهِ أَوْ ضَرِيْبَتِهِ. [راجع: ٢١٠٢]

(18) CHAPTER. The wages of one who has the profession of cupping.

(١٨) بَابُ خَرَاكِ الْحَجَّامِ

2278. Narrated Ibn 'Abbās رَضِيَ اللهُ عَنْهُمَا: When the Prophet ﷺ was cupped, he paid the man who cupped him his wages.

٢٢٧٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وَهَيْبٌ: حَدَّثَنَا ابْنُ طَاوُسٍ: عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: احْتَجَمَ النَّبِيُّ ﷺ وَأَعْطَى الْحَجَّامَ أَجْرَهُ.

[راجع: ١٨٣٥]

2279. Narrated Ibn 'Abbās رضي الله عنهما: When the Prophet ﷺ was cupped, he paid the man who cupped him his wages. If it had been undesirable he would not have paid him.

2280. Narrated Anas رضي الله عنه: The Prophet ﷺ used to get cupped and would never withhold the wages of any person.

(19) CHAPTER. Whoever appealed to the masters of a slave to reduce his taxes.

2281. Narrated Anas bin Mālik رضي الله عنه: The Prophet ﷺ sent for a slave who had the profession of cupping, and he cupped him. The Prophet ﷺ ordered that he be paid one or two *Ṣā'*, or one or two *Mudd* of foodstuff, and appealed to his masters to reduce his taxes.

(20) CHAPTER. The earnings of prostitutes and female-slaves.

Ibrāhīm hated the earnings of female wailers and female singers.

The Statement of Allāh تعالى: "...And force not your maids to prostitution, if they desire chastity, in order that you may make a gain in the (perishable) goods of this worldly life. But if anyone compels them (to prostitution) then after such compulsion, Allāh is Oft-Forgiving, Most Merciful (to those women i.e., He will forgive them

٢٢٧٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَزِيدُ ابْنُ زُرَيْعٍ، عَنْ خَالِدٍ، عَنْ عِكْرَمَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: اخْتَجَمَ النَّبِيُّ ﷺ وَأَعْطَى الْحَجَّامَ أَجْرَهُ وَلَوْ عَلِمَ كَرَاهِيَةَ لَمْ يُعْطِهِ. [راجع: ١٨٣٥]

٢٢٨٠ - حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا مِسْعَرٌ، عَنْ عَمْرِو بْنِ عَامِرٍ قَالَ: سَمِعْتُ أَنَسًا رَضِيَ اللَّهُ عَنْهُ يَقُولُ: كَانَ النَّبِيُّ ﷺ يَخْتَجِمُ وَلَمْ يَكُنْ يَظْلِمُ أَحَدًا أَجْرَهُ. [راجع: ٢١٠٢]

(١٩) بَابٌ مَنْ كَلَّمَ مَوْلَى الْعَبْدِ أَنْ يُخَفِّقُوا عَنْهُ مِنْ خَرَجِهِ

٢٢٨١ - حَدَّثَنَا آدَمُ: حَدَّثَنَا شُعْبَةُ، عَنْ حُمَيْدِ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: دَعَا النَّبِيُّ ﷺ غُلَامًا حَجَّامًا فَحَجَّمَهُ وَأَمَرَ لَهُ بِصَاعٍ أَوْ صَاعَيْنِ، أَوْ مُدًّا أَوْ مُدَيْنِ، وَكَلَّمَ فِيهِ فَخَفَّفَ مِنْ ضَرِيْبِيهِ. [راجع: ٢١٠٢]

(٢٠) بَابُ كَسْبِ الْبَغِيِّ وَالْإِمَاءِ

وَكَرِهَ إِبْرَاهِيمُ أَجْرَ النَّائِحَةِ وَالْمُعْتَبَةِ. وَقَوْلُ اللَّهِ تَعَالَى: ﴿وَلَا تُكْرِهُوا فَتِيْنَكُمْ عَلَى الْإِعْيَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِيَبْتِغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ﴾ [النور: ٣٣]، وَقَالَ مُجَاهِدٌ: فَتِيَاتِكُمْ: إِمَاءُكُمْ.

because they have been forced to do this evil action unwillingly” (V.24:33).

2282. Narrated Abū Mas‘ūd Al-Anṣārī رضي الله عنه: Allāh’s Messenger ﷺ prohibited (from taking) the price of a dog, the earnings of a prostitute, and the charges taken by a sooth-sayer.

2283. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ prohibited the earnings of slave-girls (through prostitution).

(21) CHAPTER. (Charging for) the semen of a male animal, (i.e., copulation of animals).

2284. Narrated Ibn ‘Umar رضي الله عنهما: The Prophet ﷺ forbade taking a price for animal copulation.

(22) CHAPTER. If somebody rents land and he or the owner of the land dies (will the contract be cancelled)?

According to Ibn Sirīn the inheritors have no right to expel the tenant before the term of the contract has elapsed.

Al-Ḥakam, Al-Ḥasan and Ayās bin Mu‘āwīya said, “The contract remains valid till the end of the term.”

Ibn ‘Umar said, “The Prophet ﷺ rented the land of Khaibar on the terms that half the

٢٢٨٢ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ،

عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ تَمَنِ الْكَلْبِ، وَمَهْرِ الْبَغِيِّ، وَحُلْوَانِ الْكَاهِنِ. [راجع: ٢٢٣٧]

٢٢٨٣ - حَدَّثَنَا مُسْلِمٌ بْنُ

إِبْرَاهِيمَ: حَدَّثَنَا شُعْبَةُ، عَنْ مُحَمَّدِ بْنِ جُحَادَةَ، عَنْ أَبِي حازِمٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: نَهَى النَّبِيُّ ﷺ عَنْ كَسْبِ الْإِمَاءِ. [انظر: ٥٣٤٨]

(٢١) بَابُ عَسْبِ الْفَحْلِ

٢٢٨٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا

عَبْدُ الْوَارِثِ وَإِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ عَلِيِّ بْنِ الْحَكَمِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى النَّبِيُّ ﷺ عَنْ عَسْبِ الْفَحْلِ.

(٢٢) بَابُ إِذَا اسْتَأْجَرَ أَرْضًا فَمَاتَ أَحَدُهُمَا

وقال ابن سيرين: ليس لأهله أن يُخرجهُ إلى تمام الأجل. وقال الحكم والحسن وإياس بن معاوية: تمضى الإجارة إلى أجلها. وقال ابن عمر: أعطى النبي ﷺ خيبر بالسطر،

yield would be his share. That contract continued during the lifetime of the Prophet ﷺ, Abū Bakr, and the early part of ‘Umar’s caliphate.” It was not mentioned that Abū Bakr renewed the contract after the death of the Prophet ﷺ.

2285. Narrated Abdullāh bin Umar رضي الله عنهما: “Allāh’s Messenger ﷺ gave the land of Khaibar to the Jews to work on it and cultivate it and take half of its yield.” Ibn Umar added, “The land used to be rented for a certain portion (of its yield).” Nāfi’ mentioned the amount of the portion but I forgot it.

2286. Rāfi’ bin Khadij said, “The Prophet ﷺ forbade renting farms.”

Narrated ‘Ubaidullāh, Nāfi’ said: Ibn ‘Umar said: (The contract of Khaibar continued) till ‘Umar evacuated the Jews (from Khaibar).

فَكَانَ ذَلِكَ عَلَى عَهْدِ النَّبِيِّ ﷺ وَأَبِي بَكْرٍ وَصَدْرًا مِنْ خِلَافَةِ عُمَرَ. وَلَمْ يُذَكَّرْ أَنَّ أَبَا بَكْرٍ جَدَّدَ الْإِجَارَةَ بَعْدَ مَا قُبِضَ النَّبِيُّ ﷺ.

٢٢٨٥ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جُوَيْرِيَةُ بْنُ أَسْمَاءَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: أُعْطِيَ رَسُولُ اللَّهِ ﷺ خَيْبَرَ الْيَهُودَ أَنْ يَعْمَلُوهَا وَيَزْرَعُوهَا وَلَهُمْ شَطْرُ مَا يَخْرُجُ مِنْهَا. وَأَنَّ ابْنَ عُمَرَ حَدَّثَهُ أَنَّ الْمَزَارِعَ كَانَتْ تُكْرَى عَلَى شَيْءٍ سَمَاهُ نَافِعٌ لَا أَحْفَظُهُ. [انظر: ٢٣٢٨، ٢٣٢٩، ٢٣٣١، ٢٣٣٨، ٢٤٩٩،

[٢٧٢٠، ٣١٥٢، ٤٢٤٨]

٢٢٨٦ - وَأَنَّ رَافِعَ بْنَ خَدِيجٍ حَدَّثَ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ كِرَاءِ الْمَزَارِعِ.

وقال عبيد الله عن نافع، عن ابن عمر: حتى أجلاهم عمر. [انظر: ٢٣٣٢، ٢٣٤٤، ٢٧٢٢]

38 - THE BOOK OF AL-HAWĀLAT

٣٨ - كتاب الحوالات

(1) CHAPTER. *Al-Hawāla* (the transference of a debt from one person to another. It is an agreement whereby a debtor is released from a debt by another becoming responsible for it).

(١) بَابُ الْحَوَالَةِ، وَهَلْ يَرْجِعُ فِي الْحَوَالَةِ؟

Can *Hawāla* be rejected by the creditors after accepting it?

Al-Ḥasan and Qatāda said, "If the transferee was rich when the debt was transferred, the agreement is final and irrevocable by the creditor."

وَقَالَ الْحَسَنُ وَقَتَادَةُ: إِذَا كَانَ يَوْمَ أَحَالَ عَلَيْهِ مَلِيًّا جَارًا. وَقَالَ ابْنُ عَبَّاسٍ: يَتَخَارَجُ الشَّرِيكَانِ وَأَهْلُ الْمِيرَاثِ فَيَأْخُذُ هَذَا عَيْنًا وَهَذَا دَيْنًا، فَإِنْ تَوَيَّ لِأَحَدِهِمَا لَمْ يَرْجِعْ عَلَى صَاحِبِهِ.

Ibn 'Abbās said, "When two partners disassociate and one of them accepts assets while the other accepts debts as a part of his share, if the debts could not be collected (because of the death of the debtor, his bankruptcy, or his denial of the debt, etc.), the one who has accepted the debts would have no right to demand any compensation from his partner." This is applied also in setting the affairs of inheritors.

2287. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "Procrastination (delay) in paying debts by a wealthy man is injustice. So, if your debt is transferred from your debtor to a rich debtor, you should agree."⁽¹⁾

٢٢٨٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ أَبِي الزُّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَظْلُ الْعَنِيِّ ظُلْمٌ، فَإِذَا أُتْبِعَ أَحَدُكُمْ عَلَى مَلِيٍّ فَلْيَتَّبِعْ». [انظر:

[٢٤٠٠، ٢٢٨٨]

(2) CHAPTER. If somebody's debt are transferred to a rich debtor, the *Hawāla*

(٢) بَابُ: إِنْ أَحَالَ دَيْنَ الْمَيْتِ عَلَى

(1) (H. 2287) As the postponement of paying debts by a rich person is injustice, one should accept *Hawāla* upon that man, for one may be better able to collect the debt from the rich man than the transferor. Thus, by accepting the *Hawāla* one helps the rich man to avoid injustice. (*Fath Al-Bārī*).