

trustee (of the *Waqf*) to eat or provide his friends from it, provided the trustee had no intention of collecting fortune (for himself). Ibn 'Umar was the manager of the trust of 'Umar and he used to give presents from it to those with whom he used to stay at Makkah.

حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرٍو، قَالَ فِي صَدَقَةِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ: لَيْسَ عَلَى الْوَالِيِّ جُنَاحٌ أَنْ يَأْكُلَ وَيُؤْكَلَ صَدِيقًا غَيْرَ مُتَأَثِّلٍ مَالًا. فَكَانَ ابْنُ عُمَرَ هُوَ يَلِي صَدَقَةَ عُمَرَ، يُهْدِي لِنَاسٍ مِنْ أَهْلِ مَكَّةَ يَنْزِلُ عَلَيْهِمْ. [انظر: ٢٧٣٧، ٢٧٦٤، ٢٧٧٢، ٢٧٧٣، ٢٧٧٧]

(13) CHAPTER. To depute a person to carry out a (legal) Allāh's ordained punishment.

(١٣) بَابُ الْوَكَاةِ فِي الْحُدُودِ

2314, 2315. Narrated Zaid bin Khalid and Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "O Unais! Go to the wife of this (man) and if she confesses (that she has committed illegal sexual intercourse), then stone her to death."

٢٣١٤، ٢٣١٥ - حَدَّثَنَا أَبُو الْوَالِيدِ: أَخْبَرَنَا اللَّيْثُ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ زَيْدِ بْنِ خَالِدٍ وَأَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُمَا عَنِ النَّبِيِّ ﷺ قَالَ: «وَأَعُدُّ يَا أُنَيْسُ إِلَى امْرَأَةٍ هَذَا فَإِنْ اعْتَرَفَتْ فَارْجُمُهَا». [الحدِيث: ٢٣١٤، انظر: ٢٦٤٩، ٢٦٩٦، ٢٧٢٥، ٢٦٣٤، ٦٨٢٨، ٦٨٣١، ٦٨٣٦، ٦٨٤٣، ٦٨٦٠، ٧١٩٤، ٧٢٥٩، ٧٢٧٩]؛ [الحدِيث: ٢٣١٥، انظر: ٢٦٩٥، ٢٧٢٤، ٦٦٣٣، ٦٨٢٧، ٦٨٣٣، ٦٨٣٥، ٦٨٤٢، ٦٨٥٩، ٧١٩٣، ٧٢٥٨، ٧٢٦٠، ٧٢٧٨]

2316. Narrated 'Uqba bin Al-Hārith رَضِيَ اللَّهُ عَنْهُ: When An-Nuaimān or his son was brought in a state of drunkenness, Allāh's Messenger ﷺ ordered all those who were present in the house to beat him. I was one of those who beat him. We beat him with shoes and palm-leaf stalks.

٢٣١٦ - حَدَّثَنَا ابْنُ سَلَامٍ: أَخْبَرَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ أَبِي بَرْزَةَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عُقْبَةَ بْنِ الْحَارِثِ قَالَ: جِيءَ بِالنُّعَيْمَانِ أَوْ ابْنِ التُّعَيْمَانِ شَارِبًا، فَأَمَرَ رَسُولُ اللَّهِ ﷺ مَنْ كَانَ فِي الْبَيْتِ أَنْ يَضْرِبُوهُ، قَالَ: فَكُنْتُ أَنَا

فِيْمَنْ صَرَبَهُ فَضْرَبْنَاهُ بِالْتَعَالِ وَالْحَرِيْدِ .

[انظر : ٦٧٧٤ ، ٦٧٧٥]

(14) CHAPTER. To depute someone to sacrifice *Budn* (camels for sacrifice) and to look after them.

(١٤) بَابُ الْوَكَالَةِ فِي الْبُدْنِ
وَتَعَاهِدِهَا

2317. Narrated 'Aishah رضي الله عنها: I twisted the garlands of the *Hady* (i.e., animals for sacrifice) of Allāh's Messenger ﷺ with my own hands. Then Allāh's Messenger ﷺ put them around their necks with his own hands, and sent them with my father (to Makkah). Nothing legal was regarded illegal for Allāh's Messenger ﷺ till the animals were slaughtered.⁽¹⁾

٢٣١٧ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنِي مَالِكٌ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ بْنِ حَزْمٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ: أَنَّهَا أَخْبَرَتْهُ: قَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا: أَنَا فَتَلْتُ فَلَائِدَ هَدْيِ رَسُولِ اللَّهِ ﷺ بِيَدَيَّ ثُمَّ فَلَدَهَا رَسُولُ اللَّهِ ﷺ بِيَدَيْهِ، ثُمَّ بَعَثَ بِهَا مَعَ أَبِي، فَلَمْ يَحْرُمْ عَلَى رَسُولِ اللَّهِ ﷺ شَيْءٌ أَحَلَّهُ اللَّهُ لَهُ حَتَّى نُحَرِّقَ الْهَدْيَ. [راجع : ١٦٩٦]

(15) CHAPTER. If a person tells his deputy, "Spend it as Allāh directs you," and the deputy says, "I have heard what you have said."

(١٥) بَابُ إِذَا قَالَ الرَّجُلُ لَوْكَيْلِهِ: صَعْنَهُ حَيْثُ أَرَاكَ اللَّهُ. وَقَالَ الْوَكِيلُ: قَدْ سَمِعْتُ مَا قُلْتَ

2318. Narrated Anas bin Mālik رضي الله عنه: Abū Ṭalḥa was the richest man in Al-Madina amongst the *Anṣār*, and Beeruḥā' (garden) was the most beloved of his property, and it was situated opposite the mosque (of the Prophet ﷺ). Allāh's Messenger ﷺ used to enter it and drink from its sweet water. When the following Divine Verse was revealed: "By no means shall you attain *Al-Birr* (piety, righteousness, here it means Allāh's Reward i.e., Paradise), till you spend (in Allāh's Cause) of that which you love..." (V.3:92) Abū Ṭalḥa got up in front of Allāh's Messenger ﷺ and said, "O Allāh's

٢٣١٨ - حَدَّثَنِي يَحْيَى بْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ: أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ يَقُولُ: كَانَ أَبُو طَلْحَةَ أَكْثَرَ أَنْصَارِيٍّ بِالْمَدِينَةِ مَالًا، وَكَانَ أَحَبَّ أَمْوَالِهِ إِلَيْهِ بَيْرْحَاءُ، وَكَانَتْ مُسْتَقْبَلَةَ الْمَسْجِدِ. وَكَانَ رَسُولُ اللَّهِ ﷺ يَدْخُلُهَا وَيَشْرَبُ مِنْ مَاءِ فِيهَا طَيِّبًا، فَلَمَّا نَزَلَتْ ﴿لَنْ نَنَالُوا الْبِرَّ حَتَّى نُنْفِقُوا وَمَا نَحِبُّونَ﴾ [آل عمران: ٩٢] قَامَ

(1) (H. 2317) Sending the *Hady* to Makkah while one is somewhere else, does not require that one should be treated as a *Muḥrim*.

Messenger! Allāh تعالى says in his Book, 'By no mean shall you attain *Al-Birr* (piety, righteousness, etc., - here it means Allāh's Reward i.e., Paradise) unless you spend (in Allāh's Cause) of that which you love...' and verily, the most beloved to me of my property is Bairuhā (garden), so I give it in charity and hope for its reward from Allāh. O Allāh's Messenger! Spend it wherever you like." Allāh's Messenger ﷺ appreciated that and said, "That is perishable wealth! That is perishable wealth! I have heard what you have said; I suggest you to distribute it among your relatives."⁽¹⁾ Abū Ṭalḥa said, "I will do so, O Allāh's Messenger." So, Abū Ṭalḥa distributed it among his relatives and cousins. The subnarrator (Mālik) said, the Prophet ﷺ said: "That is a profitable wealth," instead of "perishable wealth."

أَبُو طَلْحَةَ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ تَعَالَى يَقُولُ فِي كِتَابِهِ: ﴿لَنْ نَنَالُوا الْبِرَّ حَتَّىٰ نُنْفِقُوا مِنَّا مِمَّا نَحِبُّ﴾ [آل عمران: ٩٢] وَإِنَّ أَحَبَّ أَمْوَالِي إِلَيَّ بَيْرُحَاءُ، وَإِنَّمَا صَدَقَهُ اللَّهُ أَرْجُو بَرَّهَا وَدُخْرَهَا عِنْدَ اللَّهِ، فَصَعَّهَا يَا رَسُولَ اللَّهِ حَيْثُ شِئْتَ. فَقَالَ: «بِخ، ذَلِكَ مَالٌ رَائِحٌ، ذَلِكَ مَالٌ رَائِحٌ، قَدْ سَمِعْتُ مَا قُلْتَ فِيهَا وَأَرَى أَنْ تَجْعَلَهَا فِي الْأَقْرَبِينَ» قَالَ: أَفَعَلُ يَا رَسُولَ اللَّهِ، فَقَسَمَهَا أَبُو طَلْحَةَ فِي أَقَارِبِهِ وَبَنِي عَمِّهِ.

تَابَعَهُ إِسْمَاعِيلُ، عَنْ مَالِكٍ. وَقَالَ رَوْحٌ، عَنْ مَالِكٍ: «رَابِحٌ».

[راجع: ١٤٦١]

(16) CHAPTER. To depute a trustworthy treasurer for the treasury and similar things.

2319. Narrated Abū Mūsa رَضِيَ اللَّهُ عَنْهُ: The Prophet ﷺ said, "An honest treasurer who gives what he is ordered to give fully, perfectly and willingly to the person to whom he is ordered to give, is regarded as one of the two charitable persons."⁽²⁾

(١٦) بَابُ وَكَالَةِ الْأَمِينِ فِي الْخِزَانَةِ وَنَحْوِهَا

٢٣١٩ - حَدَّثَنِي مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ، عَنْ بُرَيْدِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «الْخَازِنُ الْأَمِينُ الَّذِي يُنْفِقُ - وَرَبَّمَا قَالَ: الَّذِي يُعْطِي - مَا أُمِرَ بِهِ كَامِلًا مُؤَفَّرًا، طَيِّبًا نَفْسُهُ إِلَى الَّذِي أُمِرَ بِهِ أَحَدُ الْمُتَصَدِّقِينَ».

[راجع: ١٤٣٨]

(1) (H. 2318) That is perishable wealth and it is better for you to spend it in charity whereby you will get what will be imperishable (i.e., Allāh's Reward).

(2) (H. 2319) The owner is the other charitable person.

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(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 تعالیٰ: "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."

(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]

(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."

(٢) بَابُ مَا يُحْذَرُ مِنْ عَوَاقِبِ الْأَشْيَاقِلِ بِاللَّهْلِ 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 *Hadīth* 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.

(٣) 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."

٢٣٢٢ - 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: ٣٣٢٤]

٢٣٢٣ - حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكٌ، عَنْ يَزِيدَ بْنِ حُصَيْنَةَ: أَنَّ السَّائِبَ بْنَ يَزِيدَ حَدَّثَهُ: أَنَّهُ سَمِعَ سُفْيَانَ بْنَ أَبِي رُهَيْرٍ - 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."⁽¹⁾ Abū Salama (a subnarrator) said, "Abū Bakr and 'Umar were not present then."⁽²⁾

٢٣٢٤ - حَدَّثَنِي مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُذْرٌ: 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: أَمَنْتُ 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:
أَفْسِمَ بَيْنَنَا وَبَيْنَ إِخْوَانِنَا النَّخِيلَ،
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."⁽¹⁾

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

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-Khudri). (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.”⁽¹⁾

وَقَطَعَ، وَهِيَ الْبُؤَيْرَةُ وَلَهَا يَقُولُ
حَسَّانُ:

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 وَالْوَرَقُ 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."

2328. Narrated 'Abdullāh bin 'Umar رضي الله عنهما: 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 'Aishah chose the land.

عَبْدَ 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.

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 مِائَةً وَسَقًا. ثَمَانُونَ وَسَقًا تَمْرٍ، وَعِشْرُونَ وَسَقًا شَعِيرٍ. وَقَسَمَ عُمَرُ خَيْبَرَ فَخَيَّرَ أَزْوَاجَ النَّبِيِّ ﷺ أَنْ يُقْطَعَ لَهُنَّ مِنَ الْمَاءِ وَالْأَرْضِ أَوْ يُمَضِّيَ 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.'"⁽¹⁾

(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 عَمْرُو: قُلْتُ لِطَاوُسٍ: لَوْ تَرَكْتَ الْمَحَابِرَةَ 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.