

وَيَزْرَعُوهَا وَلَهُمْ شَطْرُ مَا يَخْرُجُ مِنْهَا.

[راجع: ٢٢٨٥]

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

2332. Narrated Rāfi' رَضِيَ اللَّهُ عَنْهُ: 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 يُكْرِئُ أَرْضَهُ يَقُولُ: هَذِهِ الْقِطْعَةُ لِي وَهَذِهِ لَكَ، فَرُبَّمَا أَخْرَجَتْ ذُو وَلَمْ تُخْرِجْ ذُو، 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 بِغَيْرِ إِذْنِهِمْ وَكَانَ فِي ذَلِكَ صَلاَحٌ لَهُمْ

2333. Narrated 'Abdullāh bin 'Umar رَضِيَ اللَّهُ عَنْهُمَا: 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 عَنْ النَّبِيِّ ﷺ قَالَ: «بَيْنَمَا ثَلَاثَةٌ نَفَرٍ يَمْشُونَ أَحَدُهُمُ الْمَطَرُ فَأَوْوَا إِلَى غَارٍ فِي جَبَلٍ فَأَنْحَطَّتْ عَلَى قَمَرِ غَارِهِمْ صَخْرَةٌ مِنَ الْجَبَلِ فَأَنْطَبَقَتْ عَلَيْهِمْ، فَقَالَ بَعْضُهُمْ لِبَعْضٍ: انظُرُوا أَعْمَالًا عَمِلْتُمُوهَا صَالِحَةً لِلَّهِ فَادْعُوا اللَّهَ بِهَا لَعَلَّهُ يَفْرُجَهَا 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 *Hadith* No.2272]

اللَّهُمَّ إِنَّهُ كَانَ لِي وَالِدَانِ شَيْخَانِ
كَبِيرَانِ وَلِي صَبِيَّةٌ صِغَارٌ كُنْتُ أَرْضِي
عَلَيْهِمْ، فَإِذَا رُحْتُ عَلَيْهِمْ حَلَبْتُ
فَبَدَأْتُ بِوَالِدَيَّ أَسْقِيهِمَا قَبْلَ بَنِيَّ،
وَأَنِّي اسْتَأْخَرْتُ ذَاتَ يَوْمٍ وَلَمْ أَتِ
حَتَّى أُمْسَيْتُ فَوَجَدْتُهُمَا نَامًا فَحَلَبْتُ
كَمَا كُنْتُ أَحْلُبُ فَقُمْتُ عِنْدَ
رُؤُوسِهِمَا أَكْرَهُ أَنْ أُوقِظَهُمَا وَأَكْرَهُ أَنْ
أُسْقِيَ الصَّبِيَّةَ. وَالصَّبِيَّةُ يَتَضَاغُونَ 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 عَمٍّ أَحْبَبْتُهَا كَأَشَدِّ
مَا يُحِبُّ الرَّجَالُ النِّسَاءَ فَطَلَبْتُ مِنْهَا
فَأَبَتْ عَلَيَّ حَتَّى آتَيْتَهَا بِمِائَةِ دِينَارٍ،
فَبَعَيْتُ حَتَّى جَمَعْتُهَا فَلَمَّا وَقَعْتُ بَيْنَ
رِجْلَيْهَا قَالَتْ: يَا عَبْدَ اللَّهِ، أَتَى اللَّهَ
وَلَا تَفْتَحِ الْخَاتَمَ إِلَّا بِحَقِّهِ، فَقُمْتُ.
فَإِنْ كُنْتُ تَعْلَمُ أَنِّي فَعَلْتُهُ ابْتِغَاءً
وَجْهَكَ فَافْرُجْ عَنَّا فَرْجَةً، فَفَرَجَ.
وَقَالَ الثَّلَاثُ: اللَّهُمَّ إِنِّي اسْتَأْجَرْتُ
أَجِيرًا بِفَرَقِ أَرْزُ، فَلَمَّا قَضَى عَمَلَهُ
فَقَالَ: أَغْطِنِي حَقِّي، فَعَرَضْتُ عَلَيْهِ
فَرُغِبَ عَنْهُ فَلَمْ أَزَلْ أَزْرَعُهُ حَتَّى
جَمَعْتُ مِنْهُ بَقَرًا وَرُعَاتَهَا فَجَاءَنِي
فَقَالَ: أَتَى اللَّهَ، فَقُلْتُ: أَذْهَبَ إِلَى
ذَلِكَ الْبَقَرِ وَرُعَاتِهَا فَخُذْ، فَقَالَ: أَتَى

الله ولا تَسْتَهْزِئْ بِي، فَقَالَ: إِنِّي لَا
أَسْتَهْزِئُ بِكَ، فَخُذْ فَأَخَذَهُ. فَإِنْ كُنْتُ
تَعْلَمُ أَنِّي فَعَلْتُ ذَلِكَ ابْتِغَاءً وَجْهِكَ
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.

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

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

2334. Narrated Zaid bin Aslam on the authority of his father: 'Umar رَضِيَ اللَّهُ 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)

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

٣١٢٥، ٤٢٣٥، ٤٢٣٦]

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

'Alī رَضِيَ اللَّهُ 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

(١٥) بَابُ مَنْ أَحْيَا أَرْضًا مَوَاتًا

وَرَأَى ذَلِكَ عَلِيٌّ رَضِيَ اللَّهُ 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 اللَّهُ 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 اللَّهُ 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."

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

٢٣٣٥ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ عُبَيْدِ 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 فَهُوَ أَحَقُّ»، قَالَ عُرْوَةُ: قَضَى بِهِ عُمَرُ رَضِيَ اللَّهُ عَنْهُ فِي خِلَافَتِهِ.

(16) CHAPTER:

(١٦) بَابُ :

2336. Narrated 'Abdullāh bin 'Umar رَضِيَ اللَّهُ 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."

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 بِذِي الْحُلَيْفَةِ فِي بَطْنِ الْوَادِي، فَقِيلَ لَهُ: إِنَّكَ بَطْطَحَاءٌ مُبَارَكَةٌ. فَقَالَ مُوسَى: وَقَدْ أَنَاخَ بِنَا سَالِمٌ بِالْمُنَاخِ الَّذِي كَانَ عَبْدُ اللَّهِ يُنِخُ بِهِ يَتَحَرَّى مَعْرَسَ رَسُولِ اللَّهِ ﷺ وَهُوَ أَسْفَلُ مِنَ الْمَسْجِدِ الَّذِي يَبْطُنُ الْوَادِي، بَيْنَهُ وَبَيْنَ الطَّرِيقِ وَسَطٌ مِنْ ذَلِكَ. [راجع: ٤٨٣]

2337. Narrated 'Umar رَضِيَ اللَّهُ 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

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).’”

(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.

2338. Narrated Ibn ‘Umar رَضِيَ اللَّهُ عَنْهُمَا: ‘Umar رَضِيَ اللَّهُ عَنْهُ expelled the Jews and the Christians from Hījāz. When Allāh’s Messenger ﷺ had conquered K̤haibar, he wanted to expel the Jews from it as its land became the property of Allāh, His Messenger, and the Muslims.

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 there until ‘Umar forced them to go towards Taimā’ and Arīḥā’.

رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «الَّيْلَةَ أَتَانِي آتٍ مِنْ رَبِّي وَهُوَ بِالْعَقِيقِ أَنْ صَلَّ فِي هَذَا الْوَادِي الْمُبَارَكِ، وَقُلْ: عُمْرَةٌ فِي حَجَّةٍ».

[راجع: ١٥٣٤]

(١٧) بَابُ إِذَا قَالَ رَبُّ الْأَرْضِ: أَقْرُكَ مَا أَقْرَكَ اللَّهُ، وَلَمْ يَذْكُرْ أَجَلًا مَعْلُومًا، فَهُمَا عَلَى تَرَاضِيهِمَا

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 عُقْبَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ أَجْلَى الْيَهُودَ وَالنَّصَارَى مِنْ أَرْضِ الْحِجَازِ. وَكَانَ رَسُولُ اللَّهِ ﷺ لَمَّا ظَهَرَ عَلَى خَيْبَرَ أَرَادَ إِخْرَاجَ الْيَهُودِ مِنْهَا وَكَانَتْ الْأَرْضُ حِينَ ظَهَرَ عَلَيْهَا، لِلْمُسْلِمِينَ. 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». فَقَرُّوا بِهَا حَتَّى أَجْلَاهُمْ عُمَرُ إِلَى تَيْمَاءَ

وَأَرِيحَاءَ. [راجع: ٢٢٨٥]

(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 اللَّهُ 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."⁽¹⁾ 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 اللَّهُ 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 اللَّهُ عَنْهُ:

(١٨) بَابُ مَا كَانَ مِنْ أَصْحَابِ النَّبِيِّ ﷺ يُوَاسِي بَعْضُهُمْ بَعْضًا فِي الرِّزَاعَةِ وَالثَّمَرِ

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 ظَهْرٍ: لَقَدْ نَهَانَا رَسُولُ اللَّهِ ﷺ عَنْ أَمْرِ كَانَ بِنَا رَافِقًا، قُلْتُ: مَا قَالَ رَسُولُ اللَّهِ ﷺ فَهَوَّ حَقٌّ، قَالَ: دَعَانِي رَسُولُ اللَّهِ ﷺ، قَالَ: «مَا تَصْنَعُونَ بِمَحَاقِلِكُمْ؟» قُلْتُ: نُوَاجِرُهَا عَلَى الرِّبْعِ وَعَلَى الْأَوْسُقِ مِنَ الثَّمَرِ وَالشَّعِيرِ. قَالَ: «لَا تَفْعَلُوا، ازْرَعُوهَا، أَوْ ازْرِعُوهَا أَوْ أُمْسِكُوهَا». قَالَ رَافِعٌ: قُلْتُ: سَمِعَا وَطَاعَةً. [انظر: ٢٣٤٦، ٢٣٤٧، ٢٣٤٨]

٢٣٤٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُوسَى: أَخْبَرَنَا الْأَوْزَاعِيُّ عَنْ عَطَاءٍ عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ قَالَ: كَانُوا يَزْرَعُونَهَا بِالثُّلُثِ وَالرُّبْعِ وَالنِّصْفِ، فَقَالَ النَّبِيُّ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا فَإِنْ لَمْ يَفْعَلْ فَلْيُمْسِكْ أَرْضَهُ». [انظر: ٢٣٣٢]

٢٣٤١ - وَقَالَ الرَّبِيعُ بْنُ نَافِعٍ أَبُو

(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 *Ḥadīth* No.2346, 2347].

2342. Narrated 'Amr : When I mentioned it (i.e., the narration of Rāfi' bin Khadīj. 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 Khadīj 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.]

تَوْبَةً: 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 أَبَى فَلْيُمْسِكْ 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 أَحَدُكُمْ أَخَاهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ شَيْئًا مَعْلُومًا».

[راجع: ٢٣٣٠]

٢٣٤٣ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادٌ، 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 عَلِمْتُ أَنَا كُنَّا نُكْرِي مَزَارِعَنَا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ بِمَا عَلَى الْأَرْبَعَاءِ وَبِشَيْءٍ مِنَ التَّبْنِ».

[راجع: ٢٢٨٦]

2345. Narrated Sālim: ‘Abdullāh bin ‘Umar رضي الله عنهما said, “I knew that the land was rented for cultivation in the life-time 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.

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

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

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.”⁽¹⁾

٢٣٤٥ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:

حَدَّثَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنْ 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 أَخَذَ فِي ذَلِكَ شَيْئًا لَمْ يَكُنْ يَعْلَمُهُ، فَتَرَكَ كِرَاءَ الْأَرْضِ». [راجع: ٢٣٤٣]

(١٩) بَابُ كِرَاءِ الْأَرْضِ بِالذَّهَبِ وَالْفِضَّةِ

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

٢٣٤٦، ٢٣٤٧ - حَدَّثَنَا عَمْرُو

بْنُ خَالِدٍ: حَدَّثَنَا اللَّيْثُ، عَنْ رِبِيعَةَ 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 يَسْتَشْنِيهِ صَاحِبُ الْأَرْضِ، فَتَهَى النَّبِيُّ ﷺ عَنْ ذَلِكَ. فَقُلْتُ لِرَافِعٍ: فَكَيْفَ هِيَ بِالْدِّينَارِ وَالذَّرْهَمِ؟ فَقَالَ رَافِعٌ: لَيْسَ بِهَا بَأْسٌ بِالْدِّينَارِ وَالذَّرْهَمِ. 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=

الْلَيْثُ: وَكَانَ الَّذِي نُهِيَ مِنْ ذَلِكَ مَا
لَوْ نَظَرَ فِيهِ ذَوُو الْقَهْمِ بِالْحَلَالِ
وَالْحَرَامِ لَمْ يُجِيزُوهُ لَمَّا فِيهِ مِنْ
الْمُخَاطَرَةِ. [راجع: ٢٣٣٩، وانظر:

[٤٠١٣]

(20) CHAPTER:

(٢٠) بَابُ:

2348. Narrated Abū Hurairah رَضِيَ اللَّهُ 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 سِنَانٍ: 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 اللَّهُ 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 شِئْتَ؟ قَالَ: بَلَى وَلَكِنْ أُحِبُّ
أَنْ أُزْرَعَ. قَالَ: فَبَدَرَ فَبَادَرَ الطَّرْفَ
نَبَاتُهُ وَاسْتَوَاوُهُ وَاسْتَحْصَادُهُ فَكَانَ
أَمْثَالَ الْجِبَالِ، فَيَقُولُ اللَّهُ تَعَالَى:
دُونَكَ يَا ابْنَ آدَمَ فَإِنَّهُ لَا يُشْبِعُكَ
شَيْءٌ». فَقَالَ الْأَعْرَابِيُّ: وَاللَّهِ لَا
نَجِدُهُ إِلَّا قُرَشِيًّا 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.
(Fatḥ 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 اللَّهُ عَنْهُ أَنَّهُ قَالَ: إِنْ كُنَّا لَنَفْرَحُ يَوْمَ الْجُمُعَةِ، كَانَتْ لَنَا عَجُوزٌ تَأْخُذُ مِنْ أَصُولِ سِلَقٍ لَنَا كُنَّا نَغْرِسُهُ فِي أَرْبَاعِنَا فَتَجْعَلُهُ فِي قِدْرِ لَهَا، فَتَجْعَلُ فِيهِ حَبَّاتٍ مِنْ شَمِيرٍ - لَا أَعْلَمُ إِلَّا أَنَّهُ قَالَ: لَيْسَ فِيهِ شَحْمٌ وَلَا وَدَكٌ - فَإِذَا صَلَّيْنَا الْجُمُعَةَ زُرْنَاهَا فَقَرَّبَتْهُ إِلَيْنَا، فَكُنَّا نَفْرَحُ يَوْمَ 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 *Hadīth*). 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 شِهَابٍ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: يَقُولُونَ: إِنَّ أَبَا هُرَيْرَةَ يُكْثِرُ، وَاللَّهُ الْمَوْعِدُ، وَيَقُولُونَ: مَا لِلْمُهَاجِرِينَ وَالْأَنْصَارِ لَا يُحَدِّثُونَ مِثْلَ أَحَادِيثِهِ؟ وَإِنَّ إِخْوَتِي مِنَ الْمُهَاجِرِينَ كَانَ يَسْغَلُهُمُ الصَّفَقُ بِالْأَسْوَاقِ، وَإِنَّ إِخْوَتِي مِنَ الْأَنْصَارِ كَانَ يَسْغَلُهُمْ عَمَلُ أَمْوَالِهِمْ، وَكُنْتُ أَمْرًا مَسْكِينًا أَلْزَمَ رَسُولَ اللَّهِ ﷺ عَلَى مِلءِ بَطْنِي. فَأَخْضَرُ حِينَ يَغْيِيُونَ، وَأَعْي حِينَ يَنْسَوْنَ. وَقَالَ النَّبِيُّ ﷺ يَوْمًا: «لَنْ يَسْتَطَاعَ أَحَدٌ مِنْكُمْ تَوْبَهُ حَتَّى أَفْضِيَ مَقَالَتِي هَذِهِ ثُمَّ يَجْمَعَهُ إِلَى صَدْرِهِ