

of people whom Allāh will neither speak to them, nor look at them, on the Day of Resurrection. (They are):

1. A man who takes an oath falsely that he has been offered for his goods so much more than what he is given,
2. A man who takes a false oath after the *Aṣr* (prayer) in order to grab a Muslim's property, and
3. A man who withholds his superfluous water. Allāh will say to him, "Today I will withhold My Grace from you as you withheld the superfluity of what you had not created."

مُحَمَّدٍ: حَدَّثَنَا سُفْيَانُ، عَنْ عَمْرٍو، عَنْ أَبِي صَالِحِ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «ثَلَاثَةٌ لَا يُكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ وَلَا يُنْظَرُ إِلَيْهِمْ: رَجُلٌ حَلَفَ عَلَى سِلْعَةٍ لَقَدْ أُعْطِيَ بِهَا أَكْثَرَ مِمَّا أُعْطِيَ وَهُوَ كَاذِبٌ، وَرَجُلٌ حَلَفَ عَلَى يَمِينٍ كَاذِبَةٍ بَعْدَ الْعَصْرِ لِيَمْتَطِعَ بِهَا مَالَ رَجُلٍ مُسْلِمٍ، وَرَجُلٌ مَنَعَ فَضْلَ مَائِهِ فَيَقُولُ اللَّهُ: الْيَوْمَ أَمْنَعُكَ فَضْلِي كَمَا مَنَعْتَ فَضْلَ مَا لَمْ تَعْمَلْ يَدَاكَ». قَالَ عَلِيُّ: حَدَّثَنَا سُفْيَانُ غَيْرَ مَرَّةٍ، عَنْ عَمْرٍو: سَمِعَ أَبَا صَالِحٍ يُبَلِّغُ بِهِ النَّبِيَّ ﷺ. [راجع: ٢٣٥٨]

(11) CHAPTER. No *Himā* (private pasture) except according to what Allāh and His Messenger ﷺ did.⁽¹⁾

2370. Narrated As-Sa'b bin Jatthāma: Allāh's Messenger ﷺ said, "No *Himā*⁽²⁾ except for Allāh and His Messenger ﷺ⁽³⁾. We have been told that Allāh's Messenger ﷺ made a place called An-Naqī as *Hima*, and 'Umar made *Ash-Sharaf* and *Ar-Rabadha Himā* (for grazing the animals of *Zakāt*).

(١١) بَابُ: لَا حِمَى إِلَّا لِلَّهِ وَلِرَسُولِهِ ﷺ

٢٣٧٠ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ: حَدَّثَنَا اللَّيْثُ، عَنْ يُونُسَ، عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا: أَنَّ الصَّعْبَ بْنَ جَثَّامَةَ قَالَ:

- (1) (Ch. 11) This means that the *Imām* has the right to assign certain pastures for certain purposes (e.g., for grazing the animals of the *Zakāt*). Nobody would then have the right to use the pastures for other purposes. (*Fath Al-Bārī*)
- (2) (H. 2370) The origin of this word is that when an Arab chief came to a certain place suitable for pasturing, he would let his dog bark at a high place. The area across which the sound of the dog spread would be a private pasture for the chief's cattle, and nobody else would have the right to graze his cattle in it. So *Hima* means a private pasture, originally belonging to nobody, and nobody is allowed to cultivate it, but it is kept for grazing private animals. (*Fath Al-Bārī*)
- (3) (H. 2370) Allāh's Messenger ﷺ and the Muslim leaders only have the right to keep pastures of this sort; no individual has the right to keep *Hima* for his personal good as the Arabs used to do in the Pre-Islāmic Period of Ignorance. (*Ibid.*)

إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا حِمَى إِلَّا لِلَّهِ وَلِرَسُولِهِ». وَقَالَ: بَلَّغْنَا أَنَّ النَّبِيَّ ﷺ حَمَى النَّقِيعَ وَأَنَّ عُمَرَ حَمَى الشَّرَفَ وَالرَّبِذَةَ. [انظر: ٣٠١٣]

(12) CHAPTER. Drinking water by people and watering animals from the rivers.

(١٢) بَابُ شُرْبِ النَّاسِ وَسَقْيِ الدَّوَابِّ مِنَ الْأَنْهَارِ

2371. Narrated Abū Hurairah رَضِيَ اللَّهُ عَنْهُ: Allāh's Messenger ﷺ said, "Keeping horses may be a source of reward to some (men), a shelter to another (i.e., means of earning one's living), or a burden to a third⁽¹⁾. He, to whom the horse will be a source of reward is the one who keeps it in Allāh's Cause (prepare it for holy battles) and ties it by a long rope in a pasture (or a garden). He will get a reward equal to what its long rope allows it to eat in the pasture or the garden, and if that horse breaks its rope and crosses one or two hills, then all its foot-steps and its dung will be counted as good deeds for its owner; and if it passes by a river and drinks from it, then that will also be regarded as a good deed for its owner even if he has had no intention of watering it then. Horses are a shelter from poverty to the second person who keeps horses for earning his living so as not to ask others, and at the same time he gives Allāh's Right (i.e., *Zakāt*) (from the wealth he earns through using them in trading etc.), and does not overburden them. He who keeps horses just out of pride and for showing off and as a means of harming the Muslims, his horses will be a source of sins to him."

When Allāh's Messenger ﷺ was asked

٢٣٧١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: أَخْبَرَنَا مَالِكُ بْنُ أَنَسٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ؛ عَنْ أَبِي صَالِحِ السَّمَانِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْخَيْلُ لِرَجُلٍ أَجْرٌ، وَلِرَجُلٍ سِتْرٌ، وَعَلَى رَجُلٍ وَزْرٌ. فَأَمَّا الَّذِي لَهُ أَجْرٌ فَرَجُلٌ رَبَطَهَا فِي سَبِيلِ اللَّهِ فَأَطَالَ لَهَا فِي مَرْجٍ أَوْ رَوْضَةٍ، فَمَا أَصَابَتْ فِي طِيلِهَا ذَلِكَ مِنَ الْمَرْجِ أَوْ الرِّوَضَةِ كَانَتْ لَهُ حَسَنَاتٍ وَلَوْ أَنَّهُ انْقَطَعَ طِيلُهَا فَاسْتَنْتَّ شَرْفًا أَوْ شَرْفَيْنِ كَانَتْ آثَارُهَا وَأَزْوَائُهَا حَسَنَاتٍ لَهُ. وَلَوْ أَنَّهَا مَرَّتْ بِنَهْرٍ فَشَرِبَتْ مِنْهُ وَلَمْ يَرِدْ أَنْ يَسْقِيَ كَانَ ذَلِكَ حَسَنَاتٍ لَهُ، فَهِيَ لِذَلِكَ أَجْرٌ. وَرَجُلٌ رَبَطَهَا تَعْنِيًا وَتَعَفُّفًا ثُمَّ لَمْ يَنْسَ حَقَّ اللَّهِ فِي رِقَابِهَا وَلَا ظَهْرِهَا فَهِيَ لِذَلِكَ سِتْرٌ. وَرَجُلٌ رَبَطَهَا فَخَرًّا وَرِيَاءً وَنِيوَاءً لِأَهْلِ

(1) (H. 2371) Horses are kept as a means of conveyance or for commercial purposes. One may use them in the way that pleases Allāh and gets a reward for his obedience, another may use them in disobeying Allāh and is consequently punished, and still another may use them just for earning his living. (*Qasṭalānī*)

about donkeys, he replied, "Nothing particular was revealed to me regarding them except this general unique Verse which is applicable to everything:

'So whosoever does good equal to the weight of an atom (or a small ant), shall see it. And whosoever does evil equal to the weight of an atom (or a small ant), shall see it'."(1)

الإسلام، فَهِيَ عَلَى ذَلِكَ وَزُرًا. وَسُئِلَ رَسُولُ اللَّهِ ﷺ عَنِ الْحُمْرِ، فَقَالَ: «مَا أَنْزَلَ عَلَيَّ فِيهَا شَيْءٌ إِلَّا هَذِهِ الْآيَةُ الْجَامِعَةُ الْفَادَّةُ: ﴿فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ﴾ (٧) وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ﴾ (٨).
[انظر: ٢٨٦٠، ٣٦٤٦، ٤٩٦٢، ٤٩٦٣،

[٧٣٥٦]

2372. Narrated Zaid bin K̄halīd رضي الله عنه: A man came to Allāh's Messenger ﷺ and asked about *Al-Luqaṭa* (a fallen thing). The Prophet ﷺ said, "Recognise its container and its tying material and then make public announcement about it for one year and if its owner shows up, give it to him; otherwise use it as you like." The man said, "What about a lost sheep?" The Prophet ﷺ said, "It is for you, your brother or the wolf."(2) The man asked "What about a lost camel?" The Prophet ﷺ said, "Why should you take it as it has got its water-container (its stomach) and its hooves and it can reach the places of water and can eat the trees till its owner finds it?"(3)

٢٣٧٢ - حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنَا مَالِكٌ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ يَزِيدَ مَوْلَى الْمُتَّبِعِثِ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ ﷺ فَسَأَلَهُ عَنِ اللَّقْطَةِ فَقَالَ: «اعْرِفْ عِفَاصَهَا وَوِكَاءَهَا، ثُمَّ عَرِّفْهَا سَنَةً، فَإِنْ جَاءَ صَاحِبُهَا وَإِلَّا فَسَانِكَ بِهَا». قَالَ: فَضَالَةُ الْغَنَمِ؟ قَالَ: «هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذَّبِّ»، قَالَ: فَضَالَةُ الْإِبِلِ؟ قَالَ: «مَا لَكَ وَلَهَا؟» مَعَهَا سِقَاؤُهَا وَجَدَاؤُهَا، تَرُدُّ الْمَاءَ وَتَأْكُلُ الشَّجَرَ حَتَّى يَلْقَاهَا رَبُّهَا». [راجع: ٩١]

(13) CHAPTER. The selling of wood and grass.

2373. Narrated Az-Zubair bin Al-

(١٣) بَابُ بَيْعِ الْحَطَبِ وَالْكَلاِ
٢٣٧٣ - حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ:

- (1) (H. 2371) This means that if one treats his donkeys kindly and does not overburden them, he will be rewarded for that in the Hereafter, and if he does the opposite, he will gain the fruit of his ill-behaviour. (*Qaṣṭalānī*)
- (2) (H. 2372) It is for you if its owner does not show up, or for its owner if he shows up, or for the wolf to eat if you leave it and its owner does not find it.
- (3) (H. 2372) The Prophet ﷺ forbids the man from taking the lost camel because it can stay in the desert for a long period without any danger. It is like a well-provided traveller; it can reach its destination.

‘Awwām رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, “No doubt, one had better take a rope (and cut) and tie a bundle of wood and sell it whereby Allāh will keep his face away (from Hell-fire) rather than ask others who may give him or not.”

حَدَّثَنَا وَهَيْبٌ، عَنْ هِشَامٍ، عَنْ أَبِيهِ،
عَنِ الرَّبِيِّ بْنِ الْعَوَّامِ رَضِيَ اللهُ عَنْهُ
عَنِ النَّبِيِّ ﷺ قَالَ: «لَأَنْ يَأْخُذَ
أَحَدُكُمْ أَحْبَلًا فَيَأْخُذَ حُزْمَةً مِنْ حَطَبٍ
فَيَبِيعَ فَيَكْفَى اللهُ بِهَا وَجْهَهُ خَيْرٌ مِنْ
أَنْ يَسْأَلَ النَّاسَ أُعْطِيَ أَمْ مُنِعَ».

[راجع: ١٤٧١]

2374. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: Allāh’s Messenger ﷺ said, “No doubt, it is better for anyone of you to cut a bundle of wood and carry it over his back (and earn his living thereby) rather than to ask somebody who may or may not give him.” (See H. 2074).

٢٣٧٤ - حَدَّثَنَا يَحْيَى بْنُ بُكَيْرٍ:
حَدَّثَنَا اللَّيْثُ، عَنْ عَقِيلٍ، عَنِ ابْنِ
شِهَابٍ، عَنْ أَبِي عُبَيْدٍ مَوْلَى عَبْدِ
الرَّحْمَنِ بْنِ عَوْفٍ: أَنَّهُ سَمِعَ أَبَا
هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قَالَ
رَسُولُ اللهِ ﷺ: «لَأَنْ يَحْتَطِبَ أَحَدُكُمْ
حُزْمَةً عَلَى ظَهْرِهِ خَيْرٌ لَهُ مِنْ أَنْ يَسْأَلَ
أَحَدًا فَيُعْطِيَهُ أَوْ يَمْنَعَهُ».

[راجع: ١٤٧٠]

2375. Narrated Ḥusain bin ‘Alī رَضِيَ اللهُ عَنْهُ: ‘Alī bin Abī Ṭālib رَضِيَ اللهُ عَنْهُ said, “I got a she-camel as my share of the war booty on the day (of the battle) of Badr, and Allāh’s Messenger ﷺ gave me another she-camel. I let both of them kneel at the door of one of the *Anṣār*, intending to carry *Idhīkhīr* on them to sell it and use its price for my wedding banquet on marrying Fāṭima. A goldsmith from Banī Qainuqā’ was with me. Ḥamza bin ‘Abdul-Muṭṭalib was in that house drinking wine and a lady singer was reciting:

٢٣٧٥ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ
مُوسَى: أَخْبَرَنَا هِشَامٌ: أَنَّ ابْنَ جُرَيْجٍ
أَخْبَرَهُمْ قَالَ: أَخْبَرَنِي ابْنُ شِهَابٍ،
عَنْ عَلِيِّ بْنِ حُسَيْنِ بْنِ عَلِيٍّ، عَنْ أَبِيهِ
حُسَيْنِ بْنِ عَلِيٍّ، عَنْ أَبِيهِ عَلِيِّ بْنِ
أَبِي طَالِبٍ رَضِيَ اللهُ عَنْهُمُ أَنَّهُ قَالَ:
أَصَبْتُ شَارِفًا مَعَ رَسُولِ اللهِ ﷺ فِي
مَعْتَمٍ يَوْمَ بَدْرٍ، قَالَ: وَأَعْطَانِي رَسُولُ
اللهِ ﷺ شَارِفًا أُخْرَى فَأَنْحَتُهُمَا يَوْمًا
عِنْدَ بَابِ رَجُلٍ مِنَ الْأَنْصَارِ وَأَنَا أُرِيدُ
أَنْ أَحْمِلَ عَلَيْهِمَا إِذْخِرًا لِأَبِيَعُهُ وَمَعِيَ
صَائِعٌ مِنْ بَنِي قَيْنِقَاعٍ فَاسْتَعِينَ بِهِ عَلِيٌّ

‘O Ḥamza! (Kill) the (two) fat old she-camels (and serve them to your guests).’

So Ḥamza took his sword and went towards the two she-camels and cut off their humps and opened their flanks and took a part of their livers.” (I said to Ibn Shihāb,

“Did he take part of the humps?” He replied, “He cut off their humps and carried them away.”) ‘Ali رضي الله عنه further said, “When I saw that dreadful sight, I went to the Prophet ﷺ and told him the news. The Prophet ﷺ came out in the company of Zaid bin Hāritha who was with him then, and I, too, went with them. He went to Ḥamza and spoke harshly to him. Ḥamza looked up and said, ‘Aren’t you only the slaves of my forefathers?’ The Prophet ﷺ retreated and went out. This incident happened before the prohibition of drinking (alcoholic drinks).”

وَلَيْمَةَ فَاطِمَةَ، وَحَمْرَةَ ابْنِ عَبْدِ الْمُطَّلِبِ يَشْرَبُ فِي ذَلِكَ الْبَيْتِ مَعَهُ قَيْنَةٌ، فَقَالَتْ: أَلَا يَا حَمْرَ لِلشَّرِيفِ النُّوَاءِ، فَتَارَ إِلَيْهِمَا حَمْرَةَ بِالسَّنْفِ فَجَبَّ أَسْنِمَتَهُمَا وَبَقَرَ حَوَاصِرَهُمَا ثُمَّ أَخَذَ مِنْ أَكْبَادِهِمَا، قُلْتُ لِابْنِ شِهَابٍ: وَمِنَ السَّنَامِ؟ قَالَ: قَدْ جَبَّ أَسْنِمَتَهُمَا فَذَهَبَ بِهَا. قَالَ ابْنُ شِهَابٍ: قَالَ عَلِيٌّ رَضِيَ اللَّهُ عَنْهُ: فَظَنَرْتُ إِلَى مَنْظَرٍ أَفْطَعَنِي فَأَتَيْتُ نَبِيَّ اللَّهِ ﷺ وَعِنْدَهُ زَيْدُ بْنُ حَارِثَةَ فَأَخْبَرْتُهُ الْحَبَرَ، فَخَرَجَ وَمَعَهُ زَيْدٌ فَانْطَلَقْتُ مَعَهُ فَدَخَلْتُ عَلَى حَمْرَةَ فَتَعَيَّظَ عَلَيْهِ فَرَفَعَ حَمْرَةَ بَصْرَهُ وَقَالَ: هَلْ أَنْتُمْ إِلَّا عِبِيدٌ لِأَبَائِي؟ فَرَجَعَ رَسُولُ اللَّهِ ﷺ يُقَهِّرُ حَتَّى خَرَجَ عَنْهُمْ وَذَلِكَ قَبْلَ تَحْرِيمِ الْحَمْرِ. [راجع: ٢٠٨٩]

(14) CHAPTER. The uncultivated pieces of land (granted by the ruler to some individuals).

2376. Narrated Anas رضي الله عنه: The Prophet ﷺ decided to grant a portion of (the uncultivated land of) Bahrain to the Anṣār. The Anṣār said, “(We will not accept it) till you give a similar portion to our emigrant brothers (from Quraish).” He said, “(O Anṣār!) You will soon see people giving preference to others, so remain patient till you meet me (on the Day of Resurrection).”⁽¹⁾

(١٤) بَابُ الْقَطَائِعِ

٢٣٧٦ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ قَالَ: سَمِعْتُ أَنَسًا رَضِيَ اللَّهُ عَنْهُ قَالَ: أَرَادَ رَسُولُ اللَّهِ ﷺ أَنْ يُقْطَعَ مِنَ الْبَحْرَيْنِ فَقَالَتْ الْأَنْصَارُ: حَتَّى تَقْطَعَ لِإِخْوَانِنَا مِنَ الْمُهَاجِرِينَ مِثْلَ الَّذِي تَقْطَعُ لَنَا،

(1) (H. 2376) This prophecy was a sign of the Prophethood of Allāh’s Messenger ﷺ. It came true that the Quraish kings had the source of wealth and power in their hands. The Prophet ﷺ tells the Anṣār to be patient and wait for a great reward in the Hereafter as a compensation for the pleasures they would miss in this life.

قَالَ: «سَتَرُونَ بَعْدِي أَثَرَةَ فَاضِرُوا حَتَّى تَلْقَوْنِي». [انظر: ٢٣٧٧، ٣١٦٣،

[٣٧٩٤

(15) CHAPTER. Documentation of the land grants.

2377. Narrated Anas رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ called the *Anṣār* so as to grant them a portion of (the land of) Baḥrain. They said, "O Allāh's Messenger! If you grant this to us, write a similar document to our Quraish (emigrant) brothers." But the Prophet ﷺ did not have enough grants and he said, "After me you will see the people giving preference (to others), so be patient till you meet me."⁽¹⁾

(١٥) بَابُ كِتَابَةِ الْقَطَائِعِ

٢٣٧٧ - وَقَالَ اللَّيْثُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَنَسِ رَضِيَ اللهُ عَنْهُ: دَعَا النَّبِيُّ ﷺ الْأَنْصَارَ لِيُقْطَعَ لَهُمْ بِالْبَحْرَيْنِ فَقَالُوا: يَا رَسُولَ اللهِ، إِنْ فَعَلْتَ فَانْكُتُبْ لِإِخْوَانِنَا مِنْ قُرَيْشٍ بِمِثْلِهَا. فَلَمْ يَكُنْ ذَلِكَ عِنْدَ النَّبِيِّ ﷺ، فَقَالَ: «سَتَرُونَ بَعْدِي أَثَرَةَ فَاضِرُوا حَتَّى تَلْقَوْنِي». [راجع:

[٢٣٧٦

(16) CHAPTER. Milking she-camels at water places.

2378. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ said, "One of the rights of a she-camel is that it should be milked at a place of water."

(١٦) بَابُ حَلْبِ الْإِبِلِ عَلَى الْمَاءِ

٢٣٧٨ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ: حَدَّثَنَا مُحَمَّدُ بْنُ فُلَيْحٍ قَالَ: حَدَّثَنِي أَبِي عَنْ هِلَالِ بْنِ عَلِيٍّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَمْرَةَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللهُ عَنْهُ، عَنِ النَّبِيِّ ﷺ قَالَ: «مِنْ حَقِّ الْإِبِلِ أَنْ تُحَلَبَ عَلَى الْمَاءِ». [راجع: ١٤٠٢

(17) CHAPTER. One may have the right to pass through a garden or to have a share in date-palms.

The Prophet ﷺ said, "If somebody sells date-palms after pollinating them, their fruits will be for him and he has the right to enter

(١٧) بَابُ الرَّجُلِ يَكُونُ لَهُ مَمَرٌ أَوْ شَرِبٌ فِي حَائِطٍ أَوْ فِي نَخْلٍ؟ وَقَالَ النَّبِيُّ ﷺ: «مَنْ بَاعَ نَخْلًا بَعْدَ أَنْ تُؤَبَّرَ فَمَرَّتْهَا لِلْبَائِعِ، وَلِلْبَائِعِ

(1) (Ch. 2377) Perhaps the grants given to the *Anṣār* were land grants or money grants from the *Jizya* tax levied from that land. The Prophet ﷺ could not assign similar grants to the emigrants, perhaps because there were not many conquests then. (*Qaṣṭalānī*)

the garden and irrigate the date-palms till he reaps the fruits. The owner of 'Ariya has a similar right."

2379. Narrated 'Abdullāh رَضِيَ اللهُ عَنْهُ: Allāh's Messenger ﷺ said, "If somebody buys date-palms after they have been pollinated, the fruits will belong to the seller unless the buyer stipulates the contrary. If somebody buys a slave having some property, the property will belong to the seller unless the buyer stipulates that it should belong to him."

2380. Narrated Zaid bin Thābit رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ permitted selling the dates of the 'Arāyā for ready dates by estimating the amount of the former (as they are still on the trees).

2381. Narrated Jābir bin 'Abdullāh رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ forbade the sales called *Al-Muḥābāra*, *Al-Muḥāqala* and *Al-Muzābana* and the selling of fruits till they are free from blights. He forbade the selling of the fruits except for money, except the 'Arāyā.

2382. Narrated Abū Hurairah رَضِيَ اللهُ عَنْهُ: The Prophet ﷺ allowed the sale of the dates

الْمَمَرِّ وَالسَّقِي حَتَّى يَرْفَعَ وَكَذَلِكَ رَبُّ الْعَرِيَّةِ».

٢٣٧٩ - أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ: حَدَّثَنَا اللَّيْثُ: حَدَّثَنِي ابْنُ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ ابْتَاعَ نَخْلًا بَعْدَ أَنْ تُوْبِّرَ فَنَمَرْتَهَا لِلْبَائِعِ إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ، وَمَنْ ابْتَاعَ عَبْدًا وَلَهُ مَالٌ فَمَالُهُ لِلَّذِي بَاعَهُ إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ». [راجع: ٢٢٠٣]

وَعَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ فِي الْعَبْدِ.

٢٣٨٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ: حَدَّثَنَا سُفْيَانُ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ رَضِيَ اللَّهُ عَنْهُمْ قَالَ: رَخَّصَ النَّبِيُّ ﷺ أَنْ تُبَاعَ الْعَرَايَا بِخَرْصِهَا تَمْرًا. [راجع: ٢١٧٣]

٢٣٨١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ: حَدَّثَنَا ابْنُ عُيَيْنَةَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا: نَهَى النَّبِيُّ ﷺ عَنِ الْمُحَابَرَةِ وَالْمُحَاقَلَةِ، وَعَنِ الْمَزَابَنَةِ، وَعَنْ بَيْعِ الثَّمَرِ حَتَّى يَبْدُوَ صِلَاحُهُ. وَأَنْ لَا تُبَاعَ إِلَّا بِالْذَّيْنَارِ وَالذَّرْهَمِ إِلَّا الْعَرَايَا. [راجع: ١٤٨٧]

٢٣٨٢ - حَدَّثَنَا يَحْيَى بْنُ قَرْعَةَ:

of the 'Arāyā for ready dates by estimating the former which should be estimated as less than five *Awsuq* or five *Awsuq*. (Dawūd, the subnarrator is not sure as to the right amount.)⁽¹⁾

2383, 2384. Narrated Rāfi' bin Khadīj and Sahl bin Abī Hathma رَضِيَ اللهُ عَنْهُمَا: Allāh's Messenger ﷺ forbade the sale of *Muzābana*, i.e., selling of fruits for fruits, except in the case of 'Arāyā; he allowed the owners of 'Arāyā such kind of sale.

حَدَّثَنَا مَالِكٌ، عَنْ دَاوُدَ بْنِ حُصَيْنٍ، عَنْ أَبِي سُفْيَانَ مَوْلَى ابْنِ أَبِي أَحْمَدَ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: رَخَّصَ النَّبِيُّ ﷺ فِي بَيْعِ الْعَرَايَا بِخَرَصِهَا مِنَ الثَّمَرِ فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ - أَوْ فِي خَمْسَةِ أَوْسُقٍ، شَكَّ دَاوُدُ فِي ذَلِكَ - . [راجع: ٢١٩]

٢٣٨٣، ٢٣٨٤ - حَدَّثَنَا زَكَرِيَّا بْنُ يَحْيَى: حَدَّثَنَا أَبُو أُسَامَةَ قَالَ: أَخْبَرَنِي الْوَلِيدُ بْنُ كَثِيرٍ قَالَ: أَخْبَرَنِي بُشَيْرُ بْنُ يَسَارٍ مَوْلَى بَنِي حَارِثَةَ: أَنَّ رَافِعَ بْنَ خَدِيجٍ وَسَهْلَ بْنَ أَبِي حَتْمَةَ حَدَّثَاهُ: «أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْمُرَابَنَةِ: بَيْعِ الثَّمَرِ بِالثَّمَرِ، إِلَّا أَصْحَابَ الْعَرَايَا فَإِنَّهُ أَذِنَ لَهُمْ». قَالَ: وَقَالَ ابْنُ إِسْحَاقَ: حَدَّثَنِي بُشَيْرٌ مِثْلَهُ. [راجع: ٢١٩]

(1) (H. 2382) Since there is doubt about the limits of estimation, less than five *Awsuq* is regarded as the legal amount; five *Awsuq* or more is regarded as illegal. (*Qasṭalānī*).

43 - THE BOOK OF LOANS, PAYMENT OF LOANS, FREEZING OF PROPERTY, AND BANKRUPTCY.

٤٣ - كتاب الاستقراض وأداء الديون والحجر والتفليس

(1) CHAPTER. Whoever buys a thing on credit and does not have its price or has it, but not at the place of the transaction.

2385. Narrated Jābir bin 'Abdullāh رضي الله عنه: While I was in the company of the Prophet ﷺ in one of his *Ghazawāt*, he asked, "What is wrong with your camel? Will you sell it?" I replied in the affirmative and sold it to him. When he reached Al-Madīna, I took the camel to him in the morning and he paid me its price.

2386. Narrated Al-A'mash: When we were with Ibrāhīm, we talked about mortgaging in deals of *Salam*. Ibrāhīm narrated from Aswad that 'Aishah رضي الله عنها had said, "The Prophet ﷺ bought some foodstuff on credit from a Jew and mortgaged an iron armour to him."

(2) CHAPTER. Whoever takes the money of the people intending to repay it or to destroy it or to spoil it.

2387. Narrated Abū Hurairah رضي الله عنه: The Prophet ﷺ said, "Whoever takes the money of the people with the intention of repaying it, Allāh will repay it on his behalf, and whoever takes it in order to destroy it, then Allāh will destroy him."

(١) بَابُ مَنْ اشْتَرَى بِالذَّيْنِ وَلَيْسَ عِنْدَهُ ثَمَنُهُ أَوْ لَيْسَ بِحَضْرَتِهِ

٢٣٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ يُونُسَ

هُوَ الْبَيْهَاقِيُّ: أَخْبَرَنَا جَرِيرٌ، عَنِ الْمُغِيرَةِ، عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: عَزَوْتُ مَعَ النَّبِيِّ ﷺ فَقَالَ: «كَيْفَ تَرَى بَعِيرَكَ؟ أَتَبِيعُهُ؟ قُلْتُ: نَعَمْ، فَبِيعْتُهُ إِيَّاهُ فَلَمَّا قَدِمَ الْمَدِينَةَ عَدَوْتُ إِلَيْهِ بِالْبَعِيرِ فَأَعْطَانِي ثَمَنَهُ.

[راجع: ٤٤٣]

٢٣٨٦ - حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ:

حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا الْأَعْمَشُ قَالَ: تَدَاكَرْنَا عِنْدَ إِبْرَاهِيمَ الرَّهْنِ فِي السَّلَمِ فَقَالَ: حَدَّثَنِي الْأَسْوَدُ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا: أَنَّ النَّبِيَّ ﷺ اشْتَرَى طَعَامًا مِنْ يَهُودِيٍّ إِلَى أَجَلٍ وَرَهْنَهُ دِرْعًا مِنْ حَدِيدٍ. [راجع: ٢٠٨٦]

(٢) بَابُ مَنْ أَخَذَ أَمْوَالَ النَّاسِ يُرِيدُ أَدَاءَهَا، أَوْ إِتْلَافَهَا

٢٣٨٧ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ

عَبْدِ اللَّهِ الْأَوْسِيُّ: حَدَّثَنَا سُلَيْمَانُ بْنُ بِلَالٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ، عَنْ أَبِي الْغَيْثِ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ

عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَخَذَ أَمْوَالَ النَّاسِ يُرِيدُ إِدَاءَهَا أَدَى اللَّهُ عَنْهُ، وَمَنْ أَخَذَ يُرِيدُ إِتْلَافَهَا أَتْلَفَهُ اللَّهُ».

(3) CHAPTER. Repayment of debts.

And the Statement of Allāh تعالى:

“Verily! Allāh commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allāh) gives you! Truly, Allāh is Ever All-Hearer, All-Seer.” (V.4:58)

(٣) بَابُ إِدَاءِ الدُّيُونِ

وَقَوْلُ اللَّهِ تَعَالَى: ﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا﴾ [النساء: ٥٨].

2388. Narrated Abū D̤har رضي الله عنه: Once, while I was in the company of the Prophet ﷺ, he saw the mountain of Uḥud and said, “I would not like to have this mountain turned into gold for me unless nothing of it, not even a single Dinār remains of it with me for more than three days (i.e., I will spend all of it in Allāh’s Cause), except that Dinār which I will keep for repaying debts.” Then he said, “Those who are rich in this world would have little reward in the Hereafter, except those who spend their money here and there (in Allāh’s Cause), and they are few in number.” Then he ordered me to stay at my place and went not far away. I heard a voice and intended to go to him but I remembered his order, “Stay at your place till I return.” On his return I asked, “O Allāh’s Messenger! (What was that noise which I heard?” He said, “Did you hear anything?” I said, “Yes.” He said, “Jibrīl [Gabriel (عليه السلام)] came to me and said, ‘Whoever amongst your followers dies, worshipping none along with Allāh, will enter Paradise.’” I said, “Even if he did such and such things (i.e., even if he stole or committed illegal sexual intercourse)”

٢٣٨٨ - حَدَّثَنِي أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا أَبُو شِهَابٍ، عَنِ الْأَعْمَشِ، عَنْ زَيْدِ بْنِ وَهَبٍ، عَنْ أَبِي دَرٍّ رَضِيَ اللَّهُ عَنْهُ قَالَ: كُنْتُ مَعَ النَّبِيِّ ﷺ، فَلَمَّا أَبْصَرَ - يَعْنِي أَحَدًا - قَالَ: «مَا أُحِبُّ أَنْهُ يُحَوَّلَ لِي ذَهَبًا يَمُكُّ عِنْدِي مِنْهُ دِينَارٌ فَوْقَ ثَلَاثِ إِلَّا دِينَارًا أُرْصِدُهُ لِدَيْنٍ»، ثُمَّ قَالَ: «إِنَّ الْأَكْثَرِينَ هُمْ الْأَقْلَوْنَ، إِلَّا مَنْ قَالَ بِالْمَالِ هَكَذَا وَهَكَذَا، وَأَشَارَ أَبُو شِهَابٍ بَيْنَ يَدَيْهِ وَعَنْ يَمِينِهِ وَعَنْ شِمَالِهِ «وَقَلِيلٌ مَا هُمْ. وَقَالَ: «مَكَانَكَ» وَتَقَدَّمَ غَيْرَ بَعِيدٍ فَسَمِعْتُ صَوْتًا فَارَدْتُ أَنْ آتِيَهُ. ثُمَّ ذَكَرْتُ قَوْلَهُ: «مَكَانَكَ حَتَّى آتَيْكَ». فَلَمَّا جَاءَ قُلْتُ: يَا رَسُولَ اللَّهِ، الَّذِي سَمِعْتُ - أَوْ قَالَ: الصَّوْتُ الَّذِي سَمِعْتُ -؟ قَالَ: «وَهَلْ سَمِعْتُ؟»