

الكافي

AL-KAFI

ج 5

Volume 5

للمحدّث الجليل والعالم الفقيه الشيخ محمد بن يعقوب الكليني المعروف بثقة
الإسلام الكليني المتوفى سنة 329 هجرية

Of the majestic narrator and the scholar, the jurist, the Sheykh
Muhammad Bin Yaqoub Al-Kulayni

Well known as 'The trustworthy of Al-Islam Al-Kulayni'

Who died in the year 329 H

كتاب المَعِيشَةِ

THE BOOK OF SUBSISTENCE (7)

TABLE OF CONTENTS

THE BOOK OF SUBSISTENCE (7)	1
Chapter 126 – What is allowed if you rent out the land and what is not allowed	4
Chapter 127 – Guaranteeing the lands and the crops with the half (of the produce), and the third, and the quarter	7
Chapter 128 – Association of the Zimmy and others regarding the farming, and the stipulations between the two	8
Chapter 129 – Renting the land of the <i>Ahl Al Zimma</i> and the taxation of their heads (personal tax), and the one who leases the land from the Sultan (ruling authority) so he leases is out to someone else	11
Chapter 130 – The one who leases a land then sells it before the expiry of the term, or he dies so the land gets inherited before the expiry of the term	12
Chapter 131 – The man leases the land or the house, so he sub-leases it out with more than what he had leased it for	14
Chapter 132 – The man who contracts with the work, then sub-contracts if out to someone else for more than what he had contracted it for	17
Chapter 133 – Selling the green plants, and the straw, and such like	18
Chapter 134 – Selling the pastures	20
Chapter 135 – Selling the water and prevention of wasting the water from the valleys and the streams	22
Chapter 136 – Reviving the dead lands.....	24
Chapter 137 – The Pre-emption	26
Chapter 138 – Buying of the government land from the Sultan and its inhabitants are unwilling, and the one who buys it is from its inhabitants	29
Chapter 139 – Forced labour of the non-Muslims and the lodging upon them	31
Chapter 140 – The brokerage in the selling and its fee, and the fee of the realtor	32
Chapter 141 – Partnership with the Zimmy (non-Muslim taxpayer)	33
Chapter 142 – The bargaining after the deal.....	34
Chapter 143 – Estimating the produce	35
Chapter 144 – Wages of the employee and what is obligated upon it	35

Chapter 145 – Abhorrence of utilising the employee before agreeing his wages and delay giving it to him after the work 37

Chapter 146 – The man hires the animal, so he exceeds the limit with it, or returns it before ending up to the limit 38

Chapter 147 – The man rents the house and the ship 42

Chapter 148 – The Damages 43

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ الطَّاهِرِينَ، وَسَلَّم تَسْلِيمًا.

In the Name of Allah^{azwj} the Beneficent, the Merciful. The Praise is for Allah^{azwj} Lord^{azwj} of the Worlds, and Blessing be upon our Chief Muhammad^{saww} and his^{saww} Purified Progeny^{asws}, and greetings with abundant greetings.

بَاب مَا يَجُوزُ أَنْ يُؤَاجَرَ بِهِ الْأَرْضُ وَمَا لَا يَجُوزُ

Chapter 126 – What is allowed if you rent out the land and what is not allowed

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرِ عَنْ عَبْدِ الْكَرِيمِ عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا يُؤَاجَرُ الْأَرْضُ بِالْحِنْطَةِ وَلَا بِالشَّعِيرِ وَلَا بِالشُّعْبِ وَلَا بِالْأَرْبَعَاءِ وَلَا بِالنِّطَافِ وَ لَكِنْ بِالذَّهَبِ وَ الْفِضَّةِ لِأَنَّ الذَّهَبَ وَ الْفِضَّةَ مَضْمُونٌ وَ هَذَا لَيْسَ بِمَضْمُونٍ .

A number of our companions, from Ahmad Bin Muhammad, and Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Abdul Kareem, from Sama'at, from Abu Baseer,

from Abu Abdullah^{asws} having said: 'Neither rent out the land with the wheat, nor with the barley, nor with the dates, nor with the canal, nor with the sprouts (of water), but with the gold and the silver, because the gold and the silver are guaranteed, and these are not with a guarantee'.¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي بَصِيرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا تَسْتَأْجِرُ الْأَرْضَ بِالشُّعْبِ وَ لَا بِالشَّعِيرِ وَ لَا بِالْحِنْطَةِ وَ لَا بِالْأَرْبَعَاءِ وَ لَا بِالنِّطَافِ قُلْتُ وَ مَا الْأَرْبَعَاءُ قَالَ الشَّرْبُ وَ النِّطَافُ فَضْلُ الْمَاءِ وَ لَكِنْ تَقْبَلُهَا بِالذَّهَبِ وَ الْفِضَّةِ وَ النِّصْفِ وَ التَّلْثِ وَ الرَّبْعِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Is'haq Bin Ammar, from Abu Baseer,

from Abu Abdullah^{asws} having said: 'Do not rent out the land with the dates, nor with the wheat, nor with the barley, nor with the canal, nor with the (water) sprouts'. I said, 'And what are the canals?' He^{asws} said: 'The drinking spots, and the sprouts are the remnants of the water, but accept it with the gold, and the silver, and the half (produce), and the third, and the quarter'.²

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا تَسْتَأْجِرُ الْأَرْضَ بِالْحِنْطَةِ تَمَّ تَزْرَعَهَا حِنْطَةً .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Ibn Muskan, from Al Halby,

from Abu Abdullah^{asws} having said: 'Do not rent out with the wheat, then cultivate wheat'.³

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَجَّالِ عَنْ ثَعْلَبَةَ بْنِ مَيْمُونٍ عَنْ بُرَيْدٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) فِي الرَّجْلِ يَقْبَلُ الْأَرْضَ بِالدَّنَانِيرِ أَوْ بِالدَّرَاهِمِ قَالَ لَا بَأْسَ .

¹ Al Kafi – V 5 – The Book of Subsistence Ch 126 H 1

² Al Kafi – V 5 – The Book of Subsistence Ch 126 H 2

³ Al Kafi – V 5 – The Book of Subsistence Ch 126 H 3

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al hajjal, from Sa'albat Bin Maymoun, from Bureyd,

from Abu Ja'far^{asws} regarding the man who accepts (the rent for) the land with the Dinars or with the Dirhams. He^{asws} said: 'There is no problem'.⁴

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ سَهْلِ بْنِ زِيَادٍ جَمِيعاً عَنْ أَحْمَدَ بْنِ مُحَمَّدَ بْنِ أَبِي نَصْرٍ عَنْ دَاوُدَ بْنِ سِرْحَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَكُونُ لَهُ الْأَرْضُ عَلَيْهَا خَرَاJُ مَعْلُومٌ وَ رَبُّمَا زَادَ وَ رَبُّمَا نَقَصَ فَيَدْفَعُهَا إِلَى رَجُلٍ عَلَى أَنْ يَكْفِيَهُ خَرَاJَهَا وَ يُعْطِيَهُ مِائَتِي دِرْهَمٍ فِي السَّنَةِ قَالَ لَا بَأْسَ .

A number of our companions, from Ahmad Bin Muhammad, and Sahl Bin Ziyad, altogether from Ahmad Bin Muhammad Bin Abu Nasr, from Dawood Bin Sirham,

from Abu Abdullah^{asws} regarding the man who happened to have some land for him upon which is a known taxation, and sometimes it tends to increase and sometimes decrease. So he hands it over to a man upon a stipulation that he would pay its taxation and give him two hundred Dirhams during the year'. He^{asws} said: 'There is no problem'.⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ صَالِحِ بْنِ السُّنْدِيِّ عَنْ جَعْفَرِ بْنِ بَشِيرٍ عَنْ مُوسَى بْنِ بَكْرِ عَنِ الْفَضْلِ بْنِ يَسَارٍ قَالَ سَأَلْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) عَنْ إِجَارَةِ الْأَرْضِ بِالطَّعَامِ فَقَالَ إِنْ كَانَ مِنْ طَعَامِهَا فَلَا خَيْرَ فِيهِ .

Ali Bin Ibrahim, from Salih Bin Al Sandy, from Ja'far Bin Bashir, from Musa Bin Bakr, from Al Fuzayl Bin Yasaar who said,

'I asked Abu Ja'far^{asws} about the rent for the land with the foodstuff, so he^{asws} said: 'If it was from its foodstuff (grown in that very land), so there is no goodness in it'.⁶

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ غَيْرِ وَاحِدٍ عَنْ أَبِيَانَ عَنِ إِسْمَاعِيلِ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ اسْتَأْجَرَ مِنْ رَجُلٍ أَرْضاً فَقَالَ أَجْرُهَا كَذَا وَ كَذَا عَلَى أَنْ أُرْزَعَهَا فَإِنْ لَمْ أُرْزَعَهَا أُعْطَيْتُكَ ذَلِكَ فَلَمْ يَزُرْهَا قَالَ لَهُ أَنْ يَأْخُذَ إِنْ شَاءَ تَرَكَهُ وَ إِنْ شَاءَ لَمْ يَتْرُكْهُ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban, from Ismail Bin Al Fazl who said,

'I asked Abu Abdullah^{asws} about a man who rented a land from a man, so he said, 'I rent it out for such and such upon a stipulation that I cultivate it. So if I do not cultivate it, I shall give you that. So he did not cultivate it'. He^{asws} said: 'For him would be that he takes (the rent) if he so desires to leave it (uncultivated), and even if he so desires not to leave it (uncultivated)'.⁷

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ وَ مُحَمَّدُ بْنُ يَحْيَى عَنِ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ جَمِيعاً عَنِ الْوَشَاءِ قَالَ سَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ يَسْتَأْجِرُ مِنْ رَجُلٍ أَرْضاً جَرَبَاناً مَعْلُومَةً بِمِائَةِ كُرٍّ عَلَى أَنْ يُعْطِيَهُ مِنَ الْأَرْضِ فَقَالَ حَرَامٌ

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, and Muhammad Bin Yahya, from Ahmad Bin Muhammad, altogether from Al Washa who said,

⁴ Al Kafi – V 5 – The Book of Subsistence Ch 126 H 4

⁵ Al Kafi – V 5 – The Book of Subsistence Ch 126 H 5

⁶ Al Kafi – V 5 – The Book of Subsistence Ch 126 H 6

⁷ Al Kafi – V 5 – The Book of Subsistence Ch 126 H 7

'I asked Al Reza^{asws} about a man who bought a land from a man of known experience with one hundred *Kuf* (unit of measurement) upon a stipulation that he would give it to him (the produce) from the (very) land. So he^{asws} said: 'Prohibited'.

قَالَ قُلْتُ لَهُ فَمَا تَقُولُ جَعَلَنِي اللَّهُ فِدَاكَ إِنْ اشْتَرَى مِنْهُ الْأَرْضَ بِكَيْلٍ مَعْلُومٍ وَ حِنْطَةٍ مِنْ غَيْرِهَا قَالَ لَا بَأْسَ .

He (the narrator) said, 'So what are you^{asws} saying, may Allah^{ajwj} Make me to be sacrificed for you^{asws}, if I were to buy from him the land with a known measurement and wheat from other than it?' He^{asws} said: 'There is no problem'.⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سَهْلٍ عَنْ أَبِيهِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) عَنْ الرَّجُلِ يُزْرَعُ لَهُ الْحَرَاتُ الرَّعْفَرَانُ وَ يَضْمَنُ لَهُ أَنْ يُعْطِيَهُ فِي كُلِّ جَرِيْبٍ أَرْضٍ يُمَسَّحُ عَلَيْهِ وَرَنْ كَذَا وَ كَذَا دِرْهَمًا قَرَبَمَا نَقَصَ وَ غَرِمَ وَ رَبَّمَا اسْتَنْفَضَ وَ زَادَ قَالَ لَا بَأْسَ بِهِ إِذَا تَرَاضَيَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Sahl, from his father who said,

'I asked Abu Al Hassan Musa^{asws} about the man for whom the farmers cultivate the Saffron farm and guarantee for him that they would give him regarding every *Jareyb* (unit of measurement) of land which has been touched upon, a weight of such and such Dirhams. So sometimes it is deficient and he loses, and sometimes it is excess, and increases. He^{asws} said: 'There is no problem with it when they are both pleased (with the arrangement).'⁹

أَحْمَدُ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ سَهْلٍ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ يُزْرَعُ لَهُ الرَّعْفَرَانُ فَيَضْمَنُ لَهُ الْحَرَاتُ عَلَى أَنْ يَدْفَعَ إِلَيْهِ مِنْ كُلِّ أَرْبَعِينَ مَنَّا زَعْفَرَانٍ رَطْبٍ مَنَّا وَ يُصَالِحُهُ عَلَى الْيَابِسِ وَ الْيَابِسُ إِذَا جَفَّ يَنْقُصُ ثَلَاثَةَ أَرْبَاعِهِ وَ يَبْقَى رُبْعُهُ وَ قَدْ جَرَّبَ قَالَ لَا يَصْلُحُ

Ahmad Bin Muhammad, from Muhammad Bin Sahl, from his father, from Abdullah Bin Bukeyr,

from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who cultivates the Saffron for him, so he guarantees for him the farming upon a stipulation that he would hand over to him from every forty *Mann* (unit of weight) of Saffron, one *Mann* of fresh Saffron, and they reconcile upon the dried (Saffron); and the dried Saffron is such that when it dehydrates, it reduces by three-quarters and there remains a third of it, and it has been experienced as such. He^{asws} said: 'It is not correct'.

قُلْتُ وَ إِنْ كَانَ عَلَيْهِ أَمِينٌ يُحْفَظُ بِهِ لَمْ يَسْتَطِعْ حِفْظَهُ لِأَنَّهُ يُعَالِجُ بِاللَّيْلِ وَ لَا يُطَاقُ حِفْظُهُ قَالَ يُعْبَلُهُ الْأَرْضَ أَوَّلًا عَلَى أَنْ لَكَ فِي كُلِّ أَرْبَعِينَ مَنَّا .

I said, 'And if there was a trustworthy (overseer) upon it protecting it, not being able to protect it because it is worked on at night, and its protection is not endurable'. He^{asws} said: 'He would agree upon the land first that, 'For you is one *Mann* in every forty *Manns*'.¹⁰

⁸ Al Kafi – V 5 – The Book of Subsistence Ch 126 H 8

⁹ Al Kafi – V 5 – The Book of Subsistence Ch 126 H 9

¹⁰ Al Kafi – V 5 – The Book of Subsistence Ch 126 H 10

بَابُ قِبَالَةِ الْأَرْضَيْنِ وَالْمُرَارَعَةِ بِالنَّصْفِ وَالثُّلُثِ وَالرُّبْعِ

Chapter 127 – Guaranteeing the lands and the crops with the half (of the produce), and the third, and the quarter

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ قَالَ أَخْبَرَنِي أَبُو عَبْدِ اللَّهِ (عليه السلام) أَنَّ أَبَاهُ (عليه السلام) حَدَّثَهُ أَنَّ رَسُولَ اللَّهِ (صلى الله عليه وآله) أَعْطَى خَيْبَرَ بِالنَّصْفِ أَرْضَهَا وَنَخْلَهَا فَلَمَّا أَدْرَكَتِ الثَّمَرَةُ بَعَثَ عَبْدُ اللَّهِ بْنُ رَوَاحَةَ فَقَوَّمَ عَلَيْهِمْ قِيمَةً فَقَالَ لَهُمْ إِمَّا أَنْ تَأْخُذُوهُ وَتُعْطُونِي نِصْفَ الثَّمَنِ وَإِمَّا أَنْ أُعْطِيَكُمْ نِصْفَ الثَّمَنِ وَتَأْخُذُوهُ فَقَالُوا بِهَذَا قَامَتِ السَّمَاوَاتُ وَالْأَرْضُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby who said,

'Abu Abdullah^{asws} informed me that his^{asws} father^{asws} narrated to him^{asws} that Rasool-Allah^{saww} gave Khyber with the half of its land and its palm trees. So when the fruits were realised, he^{saww} sent Abdullah Bin Rawahat who evaluated upon them a price. So he said to them, 'Either you take it (the crops) and give me half the price, or else I give you half the price and I take it (the crops)'. So they said, 'By this (justice), stand the skies and the earth'.¹¹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ أَبِي الصَّبَّاحِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) يَقُولُ إِنَّ النَّبِيَّ (صلى الله عليه وآله) لَمَّا افْتَتَحَ خَيْبَرَ تَرَكَهَا فِي أَيْدِيهِمْ عَلَى النَّصْفِ فَلَمَّا بَلَغَتِ الثَّمَرَةُ بَعَثَ عَبْدُ اللَّهِ بْنُ رَوَاحَةَ إِلَيْهِمْ فَخَرَّصَ عَلَيْهِمْ فَجَاءُوا إِلَى النَّبِيِّ (صلى الله عليه وآله) فَقَالُوا لَهُ إِنَّهُ قَدْ زَادَ عَلَيْنَا فَأَرْسَلَ إِلَى عَبْدِ اللَّهِ فَقَالَ مَا يَقُولُ هَؤُلَاءِ قَالَ قَدْ خَرَّصْتُ عَلَيْهِمْ بِشَيْءٍ فَإِنْ شَاءُوا يَأْخُذُونَ بِمَا خَرَّصْنَا وَإِنْ شَاءُوا أَخَذْنَا فَقَالَ رَجُلٌ مِنَ الْيَهُودِ بِهَذَا قَامَتِ السَّمَاوَاتُ وَالْأَرْضُ .

A number of our companions, from Ahmad Bin Muhammad, and Sahl Bin Ziyad, from Al Hassan Bin Mahboub, from Muawiya Bin Ammar, from Abu Al Sabbah who said,

'I heard Abu Abdullah^{asws} saying that when the Prophet^{saww} conquered Khyber, he^{saww} left it in their hands upon a stipulation that the half (would be for each party). So when the fruits reached (maturity), he^{saww} sent Abdullah in Rawahat to them, who evaluated it upon them. So they came over to the Prophet^{saww} and they said to him^{saww}, 'He has increased (the estimation) upon us'. So he^{saww} sent a message to Abdullah, and he^{saww} said: 'What are they saying?' He said, 'I had evaluated upon them with something, so if they so desire to they can take with what we have evaluated, and if they so desire to, we take it'. So a man from the Jews said, 'By this (justice) stand the skies and the earth'.¹²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ لَا تُقْبَلِ الْأَرْضُ بِحِنْطَةٍ مُسَمَّاءٍ وَ لَكِنْ بِالنَّصْفِ وَ الثُّلُثِ وَ الرَّبْعِ وَ الْخُمْسِ لَا بَأْسَ بِهِ وَ قَالَ لَا بَأْسَ بِالْمُرَارَعَةِ بِالثُّلُثِ وَ الرَّبْعِ وَ الْخُمْسِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al halby,

from Abu Abdullah^{asws} having said: 'Do not accept the land with the specified wheat, but (accepting) with the third (of the produce), and the quarter, and the fifth, there is

¹¹ Al Kafi – V 5 – The Book of Subsistence Ch 127 H 1

¹² Al Kafi – V 5 – The Book of Subsistence Ch 127 H 2

no problem with it'. And he^{asws} said: 'There is no problem with sharing the crops with the third, and the quarter, and the fifth'.¹³

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنِ الْحُسَيْنِ بْنِ سَعِيدٍ عَنِ النَّضْرِ بْنِ سُوَيْدٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ أَنَّهُ قَالَ فِي الرَّجُلِ يُزَارِعُ فَيَزْرَعُ أَرْضَ غَيْرِهِ فَيَقُولُ ثُلُثٌ لِلْبَقَرِ وَ ثُلُثٌ لِلْبَدْرِ وَ ثُلُثٌ لِلْأَرْضِ قَالَ لَا يُسَمَّى شَيْئاً مِنَ الْحَبِّ وَ الْبَقَرِ وَ لَكِنْ يَقُولُ أزرَعُ فِيهَا كَذَا وَ كَذَا إِنْ شِئْتَ نِصْفاً وَ إِنْ شِئْتَ ثُلُثاً .

A number of our companions, from Ahmad Bin Muhammad, from Al Hassan Bin Mahboub, from Al Husayn Bin Saeed, from Al Nazar Bin Suweyd,

from Abdullah Bin Sinan having said regarding the man who cultivated on a sharing basis, so he farmed someone else's land, 'A third is for the oxen (ploughing), and a third for the sowing, and a third for the land'. He^{asws} said: 'He should not mention anything from the seeds, and the cows, but he should be saying, 'I shall cultivate such and such therein, if you so desire to, for a half, and if you so desire to, for a third'.¹⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ النُّعْمَانِ عَنِ ابْنِ مُسْكَانَ عَنْ سُلَيْمَانَ بْنِ خَالِدٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَزْرَعُ أَرْضَ آخَرَ فَيَشْتَرِطُ عَلَيْهِ لِلْبَدْرِ ثُلُثاً وَ لِلْبَقَرِ ثُلُثاً قَالَ لَا يَنْبَغِي أَنْ يُسَمَّى بَدراً وَ لَا بَقراً فَإِنَّمَا يُحْرَمُ الْكَلَامُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Nu'man, from Ibn Muskan, from Suleyman Bin Khalid who said,

'I asked Abu Abdullah^{asws} about the man who cultivates a land of another, so he stipulates upon him, a third for the sowing, and a third for the oxen (ploughing). He^{asws} said: 'It is not befitting that he mentioned sowing, nor oxen, for the speech makes it Prohibited'.¹⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنِ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَزْرَعُ الْأَرْضَ فَيَشْتَرِطُ لِلْبَدْرِ ثُلُثاً وَ لِلْبَقَرِ ثُلُثاً قَالَ لَا يَنْبَغِي أَنْ يُسَمَّى شَيْئاً فَإِنَّمَا يُحْرَمُ الْكَلَامُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby wo said,

'Abu Abdullah^{asws} was asked about the man who cultivated the land, so he stipulated a third for the sowing, and a third for the oxen (ploughing). He^{asws} said: 'It is not befitting that he mentioned anything, for the speech makes it Prohibited'.¹⁶

بابُ مُشَارَكَةِ الدَّمِيِّ وَ غَيْرِهِ فِي الْمَزَارَعَةِ وَ الشُّرُوطِ بَيْنَهُمَا

Chapter 128 – Association of the Zimmy and others regarding the farming, and the stipulations between the two

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ سَهْلِ بْنِ زِيَادٍ عَنِ الْحَسَنِ بْنِ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ الْكَرْخِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَشَارِكُ الْعَلَجَ فَيَكُونُ مِنَ عِنْدِي الْأَرْضُ وَ الْبَدْرُ وَ الْبَقَرُ وَ يَكُونُ عَلَى الْعَلَجِ الْقِيَامُ وَ السَّقْيُ وَ الْعَمَلُ فِي

¹³ Al Kafi – V 5 – The Book of Subsistence Ch 127 H 3

¹⁴ Al Kafi – V 5 – The Book of Subsistence Ch 127 H 4

¹⁵ Al Kafi – V 5 – The Book of Subsistence Ch 127 H 5

¹⁶ Al Kafi – V 5 – The Book of Subsistence Ch 127 H 6

الزَّرْعَ حَتَّى يَصِيرَ حِنْطَةً وَ شَعِيرًا وَ يَكُونُ الْقِسْمَةُ فَيَأْخُذُ السُّلْطَانُ حَقَّهُ وَ يَبْقَى مَا بَقِيَ عَلَى أَنَّ لِلْعَلَجِ مِنْهُ الثُّلُثَ وَ لِي الْبَاقِي
قَالَ لَا بَأْسَ بِذَلِكَ

A number of our companions, from Ahmad Bin Muhammad, and Sahl Bin Ziyad, from Al Hassan Bin Mahboub, from Ibrahim Al Karkhy who said,

'I said to Abu Abdullah^{asws}, 'I associated with *Al Ilj* (the non-Muslim) so there happened to be from me, the land, and the sowing, and the oxen, and there happened to be upon *Al Ilj* (non-Muslim) the overseeing, and the irrigation, and the workers in the farming until there came to be wheat and barley, and there happened to be the distribution, so the Sultan (ruling authority) took his right (taxation), and there remained what remained upon a stipulation that for *Al Ilj* (the non-Muslim) from it would be the third, and for me would be the remainder'. He^{asws} said: 'There is no problem with that'.

قُلْتُ فَلَئِي عَلَيْهِ أَنْ يَرُدَّ عَلَيَّ مِمَّا أَخْرَجْتَ الْأَرْضَ الْبَدْرَ وَ يُقَسِّمَ الْبَاقِي قَالَ إِنْ مَا شَارَكْتَهُ عَلَى أَنَّ الْبَدْرَ مِنْ عِنْدِكَ وَ عَلَيْهِ
السَّقْيُ وَ الْفَيَّامُ

I said, 'So would it be for me if he was to return to me from what I had brought out of the seeds, and the remainder to be divided?' He^{asws} said: 'But rather, you participated with him upon a stipulation that the sowing would be from you, and upon him would be the irrigation and the overseeing'.¹⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ يَعْقُوبَ بْنِ شُعَيْبٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ
الرَّجُلِ يَكُونُ لَهُ الْأَرْضُ مِنْ أَرْضِ الْخَرَاجِ فَيَدْفَعُهَا إِلَى الرَّجُلِ عَلَى أَنْ يَعْمُرَهَا وَ يُصَلِّحَهَا وَ يُؤَدِّي خَرَاجَهَا وَ مَا كَانَ مِنْ
فَضْلِ فَهَوَّ بَيْنَهُمَا قَالَ لَا بَأْسَ

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from yaqoub Bin Shuayb,

from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the man who happened to have the land from the goverement lands. So he handed it over to the man upon a stipulation that he would work upon it and correct it, and he would pay its taxes, and whatever was from the excess, so it would be between the two of them. He^{asws} said: 'There is no problem'.

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُعْطِي الرَّجُلَ أَرْضَهُ وَ فِيهَا رُمَانٌ أَوْ نَخْلٌ أَوْ فَاكِهِةٌ فَيَقُولُ اسْقِ هَذَا مِنَ الْمَاءِ وَ اعْمُرْهُ وَ لَكَ
نِصْفُ مَا أَخْرَجَ قَالَ لَا بَأْسَ

He (the narrator) said, 'And I asked him^{asws} about the man who gave his land to the man and therein were pomegranates, or palm trees, or fruits, so he was saying, 'Irrigate this from the water and work upon it, and for you would be half of what comes out'. He^{asws} said: 'There is no problem'.

قَالَ وَ سَأَلْتُهُ عَنِ الرَّجُلِ يُعْطِي الرَّجُلَ الْأَرْضَ فَيَقُولُ اعْمُرْهَا وَ هِيَ لَكَ ثَلَاثَ سِنِينَ أَوْ خَمْسَ سِنِينَ أَوْ مَا شَاءَ اللَّهُ قَالَ لَا
بَأْسَ

He (the narrator) said, 'And I asked him^{asws} about the man who have the land to the man, so he was saying, 'Work upon it and it is for you for three years, or five years, or whatever Allah^{ajwj} so Desires'. He^{asws} said: 'There is no problem'.

¹⁷ Al Kafi – V 5 – The Book of Subsistence Ch 128 H 1

قَالَ وَ سَأَلْتُهُ عَنِ الْمَزَارَعَةِ فَقَالَ النَّفَقَةُ مِنْكَ وَ الْأَرْضُ لِصَاحِبِهَا فَمَا أَخْرَجَ اللَّهُ مِنْهَا مِنْ شَيْءٍ فَسِيمَ عَلَى الشَّطْرِ وَ كَذَلِكَ أَعْطَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَهْلَ خَيْبَرَ حِينَ آتَوْهُ فَأَعْطَاهُمْ إِيَّاهَا عَلَى أَنْ يَعْمُرُوهَا وَ لَهُمُ النِّصْفُ مِمَّا أَخْرَجَتْ.

He (the narrator) said, 'And I asked him^{asws} about the farming on a sharing basis, so he^{asws} said: 'The expenditure is for you and the land is for its owner. So whatever Allah^{ajwj} brings out from it from anything, it would be divided upon the stipulation; and such is how Rasool-Allah^{saww} gave the people of Khyber when they came to him^{saww}. So he^{saww} gave it (land) to them upon a stipulation that they would work upon it and for them would be the half from whatever comes out'.¹⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ الْقَبَائِلَةُ أَنْ تَأْتِيَ الْأَرْضَ الْخَرِبَةَ فَتَقْبَلَهَا مِنْ أَهْلِهَا عَشْرِينَ سَنَةً أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ فَتَعْمُرَهَا وَ تُؤَدِّي مَا خَرَجَ عَلَيْهَا فَلَا بَأْسَ بِهِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

from Abu Abdullah^{asws} having said: 'The leasing whereby you are given the barren land, so you accept it from its owners for twenty years, or less from that or more. So you work upon it and you pay whatever the taxes are upon it, so there is no problem with it'.¹⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ مَزَارَعَةِ الْمُسْلِمِ الْمَشْرِكِ فَيَكُونُ مِنْ عِنْدِ الْمُسْلِمِ الْبَذْرُ وَ الْبَقْرُ وَ تَكُونُ الْأَرْضُ وَ الْمَاءُ وَ الْخَرَاجُ وَ الْعَمَلُ عَلَى الْعُلْجِ قَالَ لَا بَأْسَ بِهِ

A number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at who said,

'I asked about the farming on a sharing basis of the Muslim with the Polytheist. So there happened to be with the Muslim, the seeds and the oxen, and the land, and the water, and the taxation, and the work was upon *Al Ilj* (the Polytheist). He^{asws} said: 'There is no problem with it'.

قَالَ وَ سَأَلْتُهُ عَنِ الْمَزَارَعَةِ فَلْتُ الرَّجُلُ يَبْدُرُ فِي الْأَرْضِ مِائَةَ جَرِيْبٍ أَوْ أَقَلَّ أَوْ أَكْثَرَ طَعَامًا أَوْ غَيْرَهُ فَيَأْتِيهِ رَجُلٌ فَيَقُولُ خُذْ مِنِّي نِصْفَ ثَمَنِ هَذَا الْبَذْرِ الَّذِي زَرَعْتَهُ فِي الْأَرْضِ وَ نِصْفَ نَفَقَتِكَ عَلَيَّ وَ أَشْرِكْنِي فِيهِ قَالَ لَا بَأْسَ

He (the narrator) said, 'And I asked him^{asws} about the crop sharing. I said, 'The man sowed one hundred Jareyb (unit of measurement) in the land, or less or more, foodstuff or something else. So a man came to him saying, 'Take from me half the price of the sowing which you have cultivated in the land, and half of your expenditure incurred and participate me in it'. He said, 'There is no problem'.

فُلْتُ وَ إِنْ كَانَ الَّذِي يَبْدُرُ فِيهِ لَمْ يَشْتَرِهِ بِثَمَنِ وَ إِنَّمَا هُوَ شَيْءٌ كَانَ عِنْدَهُ قَالَ فَلْيَقْوَمُهُ قِيَمَةً كَمَا يُبَاعُ يَوْمَئِذٍ فَلْيَأْخُذْ نِصْفَ الثَّمَنِ وَ نِصْفَ النَّفَقَةِ وَ يُشَارِكُهُ .

I said, 'And if it was such that the one who sowed in it had not bought it with a price, and rather it was something which was with him (from beforehand)?' He^{asws} said: 'So

¹⁸ Al Kafi – V 5 – The Book of Subsistence Ch 128 H 2

¹⁹ Al Kafi – V 5 – The Book of Subsistence Ch 128 H 3

let him evaluate its price just as he had bought it on that day, and let him take half the price, and half the expenditure, and participate him'.²⁰

بَابُ قِبَالَةِ أَرْضِ أَهْلِ الدِّمَّةِ وَ جَزِيَةِ رُءُوسِهِمْ وَ مَنْ يَتَقَبَّلُ الْأَرْضَ مِنَ السُّلْطَانِ فَيَقْبَلُهَا مِنْ غَيْرِهِ

Chapter 129 – Renting the land of the *Ahl Al Zimma* and the taxation of their heads (personal tax), and the one who leases the land from the Sultan (ruling authority) so he leases is out to someone else

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ إِبْرَاهِيمَ الْكَرْخِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ كَانَتْ لَهُ قَرْيَةٌ عَظِيمَةٌ وَ لَهُ فِيهَا عُلُوجٌ دَمِيُونَ يَأْخُذُ مِنْهُمْ السُّلْطَانُ الْجَزِيَةَ فَيُعْطِيهِمْ يُؤْخَذُ مِنْ أَحَدِهِمْ خَمْسُونَ وَ مِنْ بَعْضِهِمْ ثَلَاثُونَ وَ أَقَلُّ وَ أَكْثَرُ فَيُصَالِحُ عَنْهُمْ صَاحِبُ الْقَرْيَةِ السُّلْطَانُ ثُمَّ يَأْخُذُ هُوَ مِنْهُمْ أَكْثَرَ مِمَّا يُعْطِي السُّلْطَانُ قَالَ هَذَا حَرَامٌ .

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad, from Ibn Mahboub, from Ibrahim Al Karkhy who said,

'I asked Abu Abdullah^{asws} about a man who had a great town for him, and for him therein were the people under the responsibility (*Zimmy*), and the Sultan (ruling authority) would take the tax from them. So he (government representative) would come to them and take fifty from one of them, and thirty from one of them, and less and more. So the owner of the town would reconcile on their behalf with the Sultan, then he would take from them more that what he had given to the Sultan'. He^{asws} said: 'This is Prohibited'.²¹

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمَيْمَنِيِّ قَالَ حَدَّثَنِي أَبُو نَجِيحٍ الْمِصْمَعِيُّ عَنِ الْفَيْضِ بْنِ الْمُخْتَارِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) جُعِلَتْ فِدَاكَ مَا تَقُولُ فِي أَرْضٍ اتَّقَبَلَهَا مِنَ السُّلْطَانِ ثُمَّ أَوْجَرَهَا أَكْرَتِي عَلَى أَنْ مَا أَخْرَجَ اللَّهُ مِنْهَا مِنْ شَيْءٍ كَانَ لِي مِنْ ذَلِكَ النِّصْفُ وَ التَّلْتُ بَعْدَ حَقِّ السُّلْطَانِ قَالَ لَا بَأْسَ بِهِ كَذَلِكَ أَعْمِلُ أَكْرَتِي .

Humejd Bin Ziyad, from Al Hassan Bin Muhammad, from Ahmad Bin Al Hassan Al Maysami who said, 'Abu Najeeh Al Mimai narrated to me from Al Qayz Bin Al Mukhtar who said,

'I said to Abu Abdullah^{asws}, 'May I be sacrificed for you^{asws}! What are you^{asws} saying regarding a land I lease from the Sultan (ruling authority), then I rent it out to my lessees upon a stipulation that whatever Allah^{ajwi} Brings out from it from anything, what would be for me from that is the half, and the third, after the right (land tax) of the Sultan?' He^{asws} said: 'There is no problem with it. That is how I^{asws} deal with my^{asws} lessees'.²²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا بَأْسَ بِقِبَالَةِ الْأَرْضِ مِنْ أَهْلِهَا عَشْرِينَ سَنَةً وَ أَقَلُّ مِنْ ذَلِكَ وَ أَكْثَرُ فَيَعْمُرُهَا وَ يُؤَدِّي مَا خَرَجَ عَلَيْهَا وَ لَا يُدْخِلُ الْعُلُوجَ فِي شَيْءٍ مِنَ الْقِبَالَةِ لِأَنَّهُ لَا يَجِلُّ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

²⁰ Al Kafi – V 5 – The Book of Subsistence Ch 128 H 4

²¹ Al Kafi – V 5 – The Book of Subsistence Ch 129 H 1

²² Al Kafi – V 5 – The Book of Subsistence Ch 129 H 2

from Abu Abdullah(a.s.) having said: 'There is no problem with leasing the land from its owner for twenty years, and less from that and more. So work on it and pay whatever taxes that are upon it, and do not include the non-Muslims in anything from the lease, because it is not Permissible'.²³

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَتَقَبَّلُ الْأَرْضَ بِطَبِيبَةٍ نَفْسٍ أَهْلِهَا عَلَى شَرْطٍ يُشَارِطُهُمْ عَلَيْهِ وَإِنْ هُوَ رَمَّ فِيهَا مَرَمَةً أَوْ جَدَّدَ فِيهَا بِنَاءً فَإِنَّ لَهُ أَجْرَ بُيُوتِهَا إِلَّا الَّذِي كَانَ فِي أَيْدِي دَهَاقِينِهَا أَوْ لَا قَالَ إِذَا كَانَ قَدْ دَخَلَ فِي قِبَالَةِ الْأَرْضِ عَلَى أَمْرٍ مَعْلُومٍ فَلَا يَعْزُضُ لِمَا فِي أَيْدِي دَهَاقِينِهَا إِلَّا أَنْ يَكُونَ قَدْ اشْتَرَطَ عَلَى أَصْحَابِ الْأَرْضِ مَا فِي أَيْدِي الدَّهَاقِينَ .

A number of our companions, from Ahmad Bin Muhammad, from usman Bin Isa, from Sama'at who said,

'I asked about the man who leases the land with the agreement of its owners upon a stipulation he stipulates upon them, and if he were to do repairs therein from the repair work or a renewal a construction therein, so for him would be the rent of its building, except for that which was already in the hands of the former farmers beforehand. He^{asws} said: 'When he had entered into a lease of the land upon a known matter, so he should not deal with what is in the hands of its farmers except he happened to have stipulated upon the owner of the land with regards to what is in the hands of the farmers'.²⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنْ إِبْرَاهِيمَ بْنِ مَيْمُونٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ قَرْيَةٍ لِأَنَاسٍ مِنْ أَهْلِ الذِّمَّةِ لَا أُدْرِي أَصْلُهَا لَهُمْ أَمْ لَا غَيْرَ أَنَّهَا فِي أَيْدِيهِمْ وَعَلَيْهِمْ خَرَجٌ فَأَعْتَدَى عَلَيْهِمُ السُّلْطَانُ فَطَلَبُوا إِلَيَّ فَأَعْطَوْنِي أَرْضَهُمْ وَقَرْيَتَهُمْ عَلَى أَنْ أَكْفِيَهُمُ السُّلْطَانَ بِمَا قَلَّ أَوْ كَثُرَ فَفَضَّلْتُ لِي بَعْدَ ذَلِكَ فَضْلًا بَعْدَ مَا قَبِضَ السُّلْطَانُ مَا قَبِضَ قَالَ لَا بَأْسَ بِذَلِكَ لَكَ مَا كَانَ مِنْ فَضْلٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Ibrahim Bin Maymoun who said,

'I asked Abu Abdullah^{asws} about a town of the people from the *Ahl Al Zimma*. I do not know whether its origin was for them or not, apart from that it was in their hands, and upon them was taxation. So the Sultan (ruling authority) exceeded upon them, and they sought (an alternative) with me, so they gave me their land and their town upon a stipulation that I shall suffice them against the Sultan with whatever was less or more. So the excess would be for me after that, a remainder after what the Sultan takes whatever he takes'. He^{asws} said: 'There is no problem with that. For you would be whatever was from the excess'.²⁵

بَاب مَنْ يُوَاجِرُ أَرْضًا ثُمَّ يَبِيعُهَا قَبْلَ انْقِضَاءِ الْأَجْلِ أَوْ يَمُوتُ فَتَوَرَّثَ الْأَرْضُ قَبْلَ انْقِضَاءِ الْأَجْلِ

Chapter 130 – The one who leases a land then sells it before the expiry of the term, or he dies so the land gets inherited before the expiry of the term

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ أَحْمَدَ عَنْ يُونُسَ قَالَ كَتَبْتُ إِلَى الرَّضَا (عَلَيْهِ السَّلَامُ) أَسْأَلُهُ عَنِ الرَّجُلِ تَقَبَّلَ مِنْ رَجُلٍ أَرْضًا أَوْ غَيْرَ ذَلِكَ سِنِينَ مُسَمَّاةً ثُمَّ إِنَّ الْمُقْبِلَ أَرَادَ بَيْعَ أَرْضِهِ الَّتِي قَبَّلَهَا قَبْلَ انْقِضَاءِ السِّنِينَ الْمُسَمَّاةِ هَلْ

²³ Al Kafi – V 5 – The Book of Subsistence Ch 129 H 3

²⁴ Al Kafi – V 5 – The Book of Subsistence Ch 129 H 4

²⁵ Al Kafi – V 5 – The Book of Subsistence Ch 129 H 5

لِلْمُقْبَلِ أَنْ يَمْنَعَهُ مِنَ الْبَيْعِ قَبْلَ انْقِضَاءِ أَجَلِهِ الَّذِي تَقَبَّلَهَا مِنْهُ إِلَيْهِ وَ مَا يَلْزَمُ الْمُتَقَبَّلَ لَهُ قَالَ فَكَتَبَ لَهُ أَنْ يَبِيعَ إِذَا اشْتَرَطَ عَلَى الْمُشْتَرِي أَنْ لِلْمُقْبَلِ مِنَ السَّنِينَ مَا لَهُ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Ahmad, from Yunus who said,

'I wrote to Al Rea^{asws} asking him^{asws} about a man who leased a land or other than that from a man for a specified number of years. Then the land owner wanted to sell his land which he had leased out before the expiration of the specified term. It is for the lessee that he prevent him from the sale before the expiration of his term which it had been lease from him to him, and what obligated the lessee for it?' He^{asws} wrote: 'For him is to sell when he stipulates upon the buyer that for the lessee would be from the years what were (contracted) for him'.²⁶

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ مَهْزِيَارٍ عَنْ إِبْرَاهِيمَ بْنِ مُحَمَّدٍ الْهَمْدَانِيِّ وَ مُحَمَّدَ بْنَ جَعْفَرَ الرَّزَّازِ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ إِبْرَاهِيمَ الْهَمْدَانِيِّ قَالَ كَتَبْتُ إِلَى أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) وَ سَأَلْتُهُ عَنْ امْرَأَةٍ آجَرَتْ ضَيْعَتَهَا عَشْرَ سِنِينَ عَلَى أَنْ تُعْطَى الْأَجْرَةَ فِي كُلِّ سَنَةٍ عِنْدَ انْقِضَائِهَا لَا يُقَدَّمُ لَهَا شَيْءٌ مِنَ الْأَجْرَةِ مَا لَمْ يَمُتِ الْوَقْتُ فَمَاتَتْ قَبْلَ ثَلَاثِ سِنِينَ أَوْ بَعْدَهَا هَلْ يَجِبُ عَلَى وَرَثَتِهَا إِنْفَاقَ الْإِجَارَةِ إِلَى الْوَقْتِ أَمْ تَكُونُ الْإِجَارَةُ مُنْقِضَةً بِمَوْتِ الْمَرْأَةِ

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad, from Ali Bin Mahziyar, from Ibrahim Bin Muhammad Al Hamdany and Muhammad Bin Ja'far Al Raaz, from Muhammad Bin Isa, from Ibrahim Al Hamdany who said,

'I wrote to Abu Al Hassan^{asws} and asked him^{asws} about a woman who rented out her place for twenty years upon a stipulation that she would be given the rent during every year of its term, nothing would proceed to her from the rent for as long as the time has not expired. So she died three years before or after it. Is it obligated upon her inheritors for enforcing the rent up to the time, or would the rent become lapsed by the death of the woman?'

فَكَتَبَ (عَلَيْهِ السَّلَامُ) إِنْ كَانَ لَهَا وَقْتُ مُسَمًّى لَمْ يَبْلُغْ فَمَاتَتْ فَلِوَرَثَتِهَا تِلْكَ الْإِجَارَةُ فَإِنْ لَمْ تَبْلُغْ ذَلِكَ الْوَقْتُ وَ بَلَغَتْ ثُلُثُهُ أَوْ نِصْفُهُ أَوْ شَيْئاً مِنْهُ فَيُعْطَى وَرَثَتُهَا بِقَدْرِ مَا بَلَغَتْ مِنْ ذَلِكَ الْوَقْتِ إِنْ شَاءَ اللَّهُ .

So he^{asws} wrote: 'If it was a specified time for her which had not yet reached and she died, so that rent would be for her inheritors. So if that time had not yet reached, and a third of it had, or half of it, or something from it, so her inheritors would be given in accordance with whatever had reached from that time (onwards), Allah^{ajwj} Willing'.²⁷

سَهْلُ بْنُ زِيَادٍ عَنْ أَحْمَدَ بْنِ إِسْحَاقَ الرَّازِيِّ قَالَ كَتَبَ رَجُلٌ إِلَى أَبِي الْحَسَنِ الثَّلَاثِ (عَلَيْهِ السَّلَامُ) رَجُلٌ اسْتَأْجَرَ ضَيْعَةً مِنْ رَجُلٍ فَبَاعَ الْمُوَاجِرُ تِلْكَ الضَّيْعَةَ الَّتِي آجَرَهَا بِحَضْرَةِ الْمُسْتَأْجِرِ وَ لَمْ يُكْرَ الْمُسْتَأْجِرُ النَّيْعَ وَ كَانَ حَاضِراً لَهُ شَاهِداً عَلَيْهِ فَمَاتَ الْمُشْتَرِي وَ لَهُ وَرَثَةٌ أَوْ يَرْجِعُ ذَلِكَ فِي الْمِيرَاثِ أَوْ يَبْقَى فِي يَدِ الْمُسْتَأْجِرِ إِلَى أَنْ تَنْقُضِي إِجَارَتَهُ فَكَتَبَ (عَلَيْهِ السَّلَامُ) إِلَى أَنْ تَنْقُضِي إِجَارَتَهُ .

Sahl Bin Ziyad, from Ahmad Bin Is'haq Al Razy who said,

'A man wrote to Abu Al Hassan^{asws} the 3rd, 'A man leased a place from a man, so the lessor sold that place which he had leased out in the presence of the lessee, and the lessee did not deny the lessor of the sale, and he was present for it, a witness upon

²⁶ Al Kafi – V 5 – The Book of Subsistence Ch 130 H 1

²⁷ Al Kafi – V 5 – The Book of Subsistence Ch 130 H 2

it. So the buyer died, and for him were inheritors, can they retract that in the inheritance or would it remain in the hand of the lessee up to the expiration of his term?' So he^{asws} wrote: 'Up to the expiration of his term'.²⁸

بَابِ الرَّجُلِ يَسْتَأْجِرُ الْأَرْضَ أَوِ الدَّارَ فَيُؤَاجِرُهَا بِأَكْثَرَ مِمَّا اسْتَأْجَرَهَا

Chapter 131 – The man leases the land or the house, so he sub-leases it out with more than what he had leased it for

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ خَالِدِ بْنِ جَرِيرٍ عَنْ أَبِي الرَّبِيعِ الشَّامِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ الرَّجُلِ يَتَقَبَّلُ الْأَرْضَ مِنَ الدَّهَاقِينَ فَيُؤَاجِرُهَا بِأَكْثَرَ مِمَّا يَتَقَبَّلُهَا وَ يَقُومُ فِيهَا بِحِطِّ السُّلْطَانِ قَالَ لَا بَأْسَ بِهِ إِنْ الْأَرْضَ لَيْسَتْ مِثْلَ الْأَجِيرِ وَ لَا مِثْلَ الْبَيْتِ إِنْ فَضَلَ الْأَجِيرِ وَ الْبَيْتِ حَرَامٌ .

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad altogether, from Ibn Mahboub, from Khalid Bin Jareer, from Abu Al Rabie Al Shamy,

from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the man who Leased the land from the farmers, so he sub-leased it out with more than what he had leased it with, and he undertook therein the share of the Sultan (ruling authority). He^{asws} said: 'There is no problem with it. The land is not like the employee, nor like the house. The excess of the employee's wages and the house is prohibited'.²⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ الْهَاشِمِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اسْتَأْجَرَ مِنَ السُّلْطَانِ مِنْ أَرْضِ الْخَرَاجِ بِدَرَاهِمٍ مُسَمَّاةٍ أَوْ بِطَعَامٍ مُسَمًّى ثُمَّ أَجَرَهَا وَ شَرَطَ لِمَنْ يَزْرَعُهَا أَنْ يُقَاسِمَهُ النُّصْفَ أَوْ أَقَلَّ مِنْ ذَلِكَ أَوْ أَكْثَرَ وَ لَهُ فِي الْأَرْضِ بَعْدَ ذَلِكَ فَضْلٌ أَوْ يَصْلُحُ لَهُ ذَلِكَ قَالَ نَعَمْ إِذَا حَفَرَ نَهْرًا أَوْ عَمِلَ لَهُمْ شَيْئًا يُعِينُهُمْ بِذَلِكَ فَلَهُ ذَلِكَ

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Ismail Bin Al Fazl Al Hashimy,

from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a man who leased from the Sultan (ruling authority) from the government land for a specified amount of Dirhams, or for a specified amount of foodstuff. Then he sub-leased it out and stipulated upon the one who cultivated it that he would distribute the half, or less than that or more, and for him in the land after that would be the excess. Is that correct for him?' He^{asws} said: 'Yes, when he digs out a river for them or does some work for them to assist them with that, so that would be for him'.

قَالَ وَ سَأَلْتُهُ عَنْ الرَّجُلِ اسْتَأْجَرَ أَرْضًا مِنْ أَرْضِ الْخَرَاجِ بِدَرَاهِمٍ مُسَمَّاةٍ أَوْ بِطَعَامٍ مَعْلُومٍ فَيُؤَاجِرُهَا قِطْعَةً قِطْعَةً أَوْ جَرِيبًا جَرِيبًا بِشَيْءٍ مَعْلُومٍ فَيَكُونُ لَهُ فَضْلٌ فِيمَا اسْتَأْجَرَهُ مِنَ السُّلْطَانِ وَ لَا يُنْفِقُ شَيْئًا أَوْ يُؤَاجِرُ تِلْكَ الْأَرْضَ قِطْعًا عَلَى أَنْ يُعْطِيَهُمُ النَّبْرَ وَ النَّفَقَةَ فَيَكُونُ لَهُ فِي ذَلِكَ فَضْلٌ عَلَى إِجَارَتِهِ وَ لَهُ تُرْبَةُ الْأَرْضِ أَوْ لَيْسَتْ لَهُ فَقَالَ إِذَا اسْتَأْجَرْتَ أَرْضًا فَأَنْفَقْتَ فِيهَا شَيْئًا أَوْ رَمَمْتَ فِيهَا فَلَا بَأْسَ بِمَا دَكَرْتَ .

He (the narrator) said, 'And I asked him^{asws} about the man who leases a land from a land of the government for a specified amount of Dirhams, or with a known amount of foodstuff, so he sub-leases it out piece by piece, or a *Jareyba* (unit of measurement) by *Jareyba*, with a specified thing. So there happened to be some excess for him regarding what he had leased from the Sultan, and he had not spent

²⁸ Al Kafi – V 5 – The Book of Subsistence Ch 130 H 3

²⁹ Al Kafi – V 5 – The Book of Subsistence Ch 131 H 1

anything upon it, or he leases out that land in pieces upon a stipulation that he would give them the seeds and the expenditure. So there happens to be some excess for him regarding that, upon his lessees, and would there be for him the fertility of the land or would it not be for him?' So he^{asws} said: 'Whenever you lease a land, so you spend something therein, or do some repair work in it, so there is no problem with what you have mentioned'.³⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ أَبِي الْمَغْرَاءِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَسْتَأْجِرُ الْأَرْضَ ثُمَّ يُوَاجِرُهَا بِأَكْثَرَ مِمَّا اسْتَأْجَرَهَا فَقَالَ لَا بَأْسَ إِنَّ هَذَا لَيْسَ كَالْحَانُوتِ وَالْأَجِيرُ إِنْ فَضَلَ الْأَجِيرُ وَالْحَانُوتِ حَرَامٌ .

Ali Bin Ibrahim, from his father, from Ibn AbuUmeyr, from Abu Al Magra,

from Abu Abdullah^{asws} regarding the man who leases a land, then he sub-leases it out with more than what he had leased it for. So he^{asws} said: 'There is no problem. This is not like the shops, nor like the employees (wages). The excess of the wages and the shops is Prohibited'.³¹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَوْ أَنَّ رَجُلًا اسْتَأْجَرَ دَارًا بِعَشْرَةِ دَرَاهِمٍ فَسَكَنَ ثَلَاثِيهَا وَاجْرَ ثَلَاثِيهَا بِعَشْرَةِ دَرَاهِمٍ لَمْ يَكُنْ بِهِ بَأْسٌ وَلَا يُوَاجِرُهَا بِأَكْثَرَ مِمَّا اسْتَأْجَرَهَا إِلَّا أَنْ يُحَدِّثَ فِيهَا شَيْئًا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

from Abu Abdullah^{asws} having said: 'If a man was to rent a house for ten Dirhams and he dwells in two-thirds of it and rents out a third of it for ten Dirhams, there would not be a problem with it, and he should not rent it out for more than what he has rented it for unless if he would to innovate something in it (Make some improvement to it)'.³²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ فَضَّالٍ عَنْ أَبِي الْمَغْرَاءِ عَنْ إِبْرَاهِيمَ بْنِ مَيْمُونٍ أَنَّ إِبْرَاهِيمَ بْنَ الْمُتَنَّى سَأَلَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَهُوَ يَسْمَعُ عَنِ الْأَرْضِ يَسْتَأْجِرُهَا الرَّجُلُ ثُمَّ يُوَاجِرُهَا بِأَكْثَرَ مِنْ ذَلِكَ قَالَ لَيْسَ بِهِ بَأْسٌ إِنَّ الْأَرْضَ لَيْسَتْ بِمَنْزِلَةِ الْبَيْتِ وَالْأَجِيرُ إِنْ فَضَلَ الْبَيْتِ حَرَامٌ وَفَضَلَ الْأَجِيرِ حَرَامٌ .

A number of our companions, from Sahl Bin Ziyad, from Ibn Fazzal, from Abu Al Magra, from Ibrahim Bin Maymoun that,

'Ibrahim Bin Al Musanna asked Abu Abdullah^{asws} and I was listening, about the land which the man leases then sub-leases it out with more than that. He^{asws} said: 'There is no problem with it. The land is not at the status of the house, nor an employee's wages. The excess of the house is Prohibited, and excess of the employee's wages is Prohibited'.³³

سَهْلُ بْنُ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَبْدِ الْكَرِيمِ عَنِ الْحَلْبِيِّ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَتَقْبَلُ الْأَرْضَ بِالثَّلَاثِ أَوِ الرَّبْعِ فَأَقْبَلُهَا بِالنِّصْفِ قَالَ لَا بَأْسَ بِهِ قُلْتُ فَأَقْبَلُهَا بِأَلْفِ دِرْهِمٍ فَأَقْبَلُهَا بِأَلْفَيْنِ قَالَ لَا يَجُوزُ قُلْتُ كَيْفَ جَارَ الْأَوَّلِ وَ لَمْ يَجْزِ الثَّانِي قَالَ لِأَنَّ هَذَا مَضْمُونٌ وَ ذَلِكَ غَيْرُ مَضْمُونٍ

Sahl Bin Ziyad, from Ahmad Bin Muhammad from Abdul Kareem, from Al Halby who said,

³⁰ Al Kafi – V 5 – The Book of Subsistence Ch 131 H 2

³¹ Al Kafi – V 5 – The Book of Subsistence Ch 131 H 3

³² Al Kafi – V 5 – The Book of Subsistence Ch 131 H 4

³³ Al Kafi – V 5 – The Book of Subsistence Ch 131 H 5

'I said to Abu Abdullah^{asws}, 'The land is leased for a third (of the produce), or the quarter, so it is sub-leased for the half'. He^{asws} said: 'There is no problem with it'. I said, 'Supposing it is leased for a thousand Dirhams and sub-leased it for two thousand?' He^{asws} said: 'Not allowed'. I said, 'How come the first is allowed and the second is not allowed?' He^{asws} said: 'Because this is guaranteed, and that is without a guarantee'.³⁴

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ إِذَا تَقَبَّلْتَ أَرْضًا بِذَهَبٍ أَوْ فِضَّةٍ فَلَا تُقْبَلُهَا بِأَكْثَرَ مِمَّا تَقْبَلُهَا بِهِ وَ إِنْ تَقَبَّلْتَهَا بِالنِّصْفِ وَ الثَّلَاثِ فَلَا أَنْ تَقْبَلَهَا بِأَكْثَرَ مِمَّا تَقْبَلُهَا بِهِ لِأَنَّ الذَّهَبَ وَ الْفِضَّةَ مَضْمُونَانِ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Is'haq Bin Ammar,

from Abu Abdullah^{asws} having said: 'Whenever you lease a land with gold or silver, so do not sub-lease it out with more than what you had leased it with, and if you were to sub-lease it for the half (of the produce) and the third, so for you would be that you sub-lease it out for more than what you had leased it for, because the gold and the silver are both guaranteed'.³⁵

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي الرَّجُلِ يَسْتَأْجِرُ الدَّارَ ثُمَّ يُوَاجِرُهَا بِأَكْثَرَ مِمَّا اسْتَأْجَرَهَا قَالَ لَا يَصْلُحُ ذَلِكَ إِلَّا أَنْ يُحْدِثَ فِيهَا شَيْئًا .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby,

from Abu Abdullah^{asws} regarding the man who leases the house, then he sub-leases it out for more than what had had leased it for. He^{asws} said: 'That is not correct unless he innovates something in it (makes an improvement)'.³⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ عَنْ أَبِي بَصِيرٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنِّي لَأَكْرَهُ أَنْ اسْتَأْجِرَ رَحِي وَحْدَهَا ثُمَّ أُوَاجِرَهَا بِأَكْثَرَ مِمَّا اسْتَأْجَرْتُهَا بِهِ إِلَّا أَنْ يُحْدِثَ فِيهَا حَدَثًا أَوْ تُعْرَمَ فِيهَا عَرَامَةٌ .

A number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at, from Abu Baseer who said,

'Abu Abdullah^{asws} said: 'I^{asws} dislike that I^{asws} rent one grinding stone, then I^{asws} hire it out for more than what I had hired it for unless I^{asws} introduce something new in it, or make a loss in it'.³⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ الْحُسَيْنِ بْنِ سَعِيدٍ عَنْ أَخِيهِ الْحَسَنِ عَنْ زُرْعَةَ بْنِ مُحَمَّدٍ عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اسْتَأْجَرَ مَرْعَى فِيهِ بِخَمْسِينَ دِرْهَمًا أَوْ أَقَلَّ أَوْ أَكْثَرَ فَأَرَادَ أَنْ يُدْخِلَ مَعَهُ مَنْ يَرْعَى فِيهِ وَ يَأْخُذُ مِنْهُمْ الثَّمَنَ قَالَ فَلْيُدْخِلْ مَعَهُ مَنْ شَاءَ بَعْضُ مَا أُعْطِيَ وَ إِنْ أَدْخَلَ مَعَهُ بِتِسْعَةِ وَ أَرْبَعِينَ وَ كَانَتْ غَنَمُهُ بِدِرْهَمٍ فَلَا بَأْسَ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Saeed, from his brother Al Hassan, from Zurara Bin Muhammad, from Sama'at who said,

'I asked him^{asws} about a man who bought a pasture field to pasture in, for fifty Dirhams, or less or more. So he intended that he includes with him anyone who

³⁴ Al Kafi – V 5 – The Book of Subsistence Ch 131 H 6

³⁵ Al Kafi – V 5 – The Book of Subsistence Ch 131 H 7

³⁶ Al Kafi – V 5 – The Book of Subsistence Ch 131 H 8

³⁷ Al Kafi – V 5 – The Book of Subsistence Ch 131 H 9

would pasture in it and take the price from him. He^{asws} said: 'So let him include with him the ones who he so desires to for part of what he has given, and even if he were to include with him forty nine sheep, and there was (only one) sheep of his for one Dirham, so there is no problem.

وَإِنْ هُوَ رَعَى فِيهِ قَبْلَ أَنْ يُدْخِلَهُ بِشَهْرٍ أَوْ شَهْرَيْنِ أَوْ أَكْثَرَ مِنْ ذَلِكَ بَعْدَ أَنْ يُبَيِّنَ لَهُمْ فَلَا بَأْسَ وَ لَيْسَ لَهُ أَنْ يَبِيعَهُ بِخَمْسِينَ دِرْهَمًا وَ يَرْعَى مَعَهُمْ وَ لَا بِأَكْثَرَ مِنْ خَمْسِينَ وَ لَا يَرْعَى مَعَهُمْ إِلَّا أَنْ يَكُونَ قَدْ عَمَلَ فِي الْمَرْعَى عَمَلًا حَفَرَ بئرًا أَوْ شَقَّ نَهْرًا أَوْ تَعْنَى فِيهِ بِرِضَا أَصْحَابِ الْمَرْعَى فَلَا بَأْسَ بِبَيْعِهِ بِأَكْثَرَ مِمَّا اشْتَرَاهُ بِهِ لِأَنَّهُ قَدْ عَمَلَ فِيهِ عَمَلًا فَبِذَلِكَ يَصْلُحُ لَهُ .

And if he was to pasture therein before he enters (others therein) by a month, or two months, or more than that after clears it for them, so there is no problem, and it is not for him that he sells it for fifty Dirhams and he pastures along with them, nor for more than fifty Dirham and he does not pasture along with them, unless it so happens that he had worked in the pasture with a work, digging a well, or grooving a canal, or he gets exhausted therein with the agreement of the owner of the pasture, so there is no problem with him selling it for more than what he had bought it for, because he had worked therein with a work. Thus, due to that, it is correct for him'.³⁸

باب الرَّجُلِ يَتَقَبَّلُ بِالْعَمَلِ ثُمَّ يُقْبَلُهُ مِنْ غَيْرِهِ بِأَكْثَرَ مِمَّا تَقَبَّلَ

Chapter 132 – The man who contracts with the work, then sub-contracts it out to someone else for more than what he had contracted it for

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) أَنَّهُ سُئِلَ عَنِ الرَّجُلِ يَتَقَبَّلُ بِالْعَمَلِ فَلَا يَعْمَلُ فِيهِ وَ يَدْفَعُهُ إِلَى آخَرَ فَيَرْبِحُ فِيهِ قَالَ لَا إِلَّا أَنْ يَكُونَ قَدْ عَمَلَ فِيهِ شَيْئًا .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Al A'ala, from Muhammad Bin Muslim,

from one of the two (5th or 6th Imam^{asws} having been asked about the man who contracted with the work, so he did not do the work in it, and he handed it over to another, so he profited therein. He^{asws} said: 'No, unless it so happened that he had done some work in it'.³⁹

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنِ الْحَكَمِ الْخَبَائِطِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) إِنِّي أَنْتَقِبُ الثُّوبَ بِدِرْهَمٍ وَ أَسْلَمُهُ بِأَكْثَرَ مِنْ ذَلِكَ لَا أَزِيدُ عَلَى أَنْ أَشْفَهُ قَالَ لَا بَأْسَ بِهِ ثُمَّ قَالَ لَا بَأْسَ فِيمَا تَقْبَلْتَهُ مِنْ عَمَلٍ ثُمَّ اسْتَفْضَلْتَ فِيهِ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Al Hakam Al Khayyat who said,

'I said to Abu Abdullah^{asws}, 'I hire the clothes (tailoring) for one Dirham and I submit these for more than that, not having increased upon it except for cutting it'. He^{asws} said: 'There is no problem with it'. Then he^{asws} said: 'There is no problem in what you contract from a work, then you improve in it'.⁴⁰

³⁸ Al Kafi – V 5 – The Book of Subsistence Ch 131 H 10

³⁹ Al Kafi – V 5 – The Book of Subsistence Ch 132 H 1

⁴⁰ Al Kafi – V 5 – The Book of Subsistence Ch 132 H 2

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ عَلِيِّ بْنِ مَيْمُونِ الصَّائِغِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنِّي أَتَقَبَّلُ الْعَمَلَ فِيهِ الصِّيَاغَةُ وَ فِيهِ النَّقْشُ فَأَشَارِطُ النَّقَّاشَ عَلَى شَرْطٍ فَإِذَا بَلَغَ الْحِسَابُ بَيْنِي وَ بَيْنَهُ اسْتَوْضَعْتُهُ مِنَ الشَّرْطِ قَالَ فَيُطِيبُ نَفْسٍ مِنْهُ قُلْتُ نَعَمْ قَالَ لَا بَأْسَ .

Muhammaid Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Ali Bin Maymoun the goldsmith who said,

'I said to Abu Abdullah^{asws}, 'I contract the work wherein is the making jewelley and in it is the engraving, so I stipulate the engraver upon a stipulation. So when the time for accounting between me and him comes up, I make him reduce from the stipulated (price)'. He^{asws} said; 'So is that with agreement from him?' I said, 'Yes'. He^{asws} said: 'There is no problem'.⁴¹

بَابُ بَيْعِ الزَّرْعِ الْأَخْضَرِ وَ الْقَصِيلِ وَ أَشْبَاهِهِ

Chapter 133 – Selling the green plants, and the straw, and such like

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَا بَأْسَ بِأَنْ تَشْتَرِيَ زَرْعًا أَخْضَرَ ثُمَّ تَتْرُكَهُ حَتَّى تَحْصُدَهُ إِنْ شِئْتَ أَوْ تَعْلِفَهُ مِنْ قَبْلِ أَنْ يُسْنِبِلَ وَ هُوَ حَثِيثٌ وَ قَالَ لَا بَأْسَ أَيْضًا أَنْ تَشْتَرِيَ زَرْعًا قَدْ سَنِبِلَ وَ بَلَغَ بَحْنَطَةً .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al Halby who said,

'Abu Abdullah^{asws} said: 'There is no problem with you buying green plants, then you leave it until harvest if you so desire to, or you use it as animal feed from before it grows seeds and it is grass'. And he^{asws} said: 'There is no problem as well if you buy plants which have seeds and it ripens with wheat'.⁴²

عَلِيُّ عَنْ أَبِيهِ عَنْ حَمَادٍ عَنْ حَرِيْزٍ عَنْ بُكَيْرِ بْنِ أَعْيَنَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَيْجَلُ شِرَاءِ الزَّرْعِ أَخْضَرَ قَالَ نَعَمْ لَا بَأْسَ بِهِ

Ali, from his father, from Hammad, from Hareyz, from Bukeyr Bin Ayn who said,

'I said to Abu Abdullah^{asws}, 'Is it Permissible to buy the green plants?' He^{asws} said: 'Yes, there is no problem with it'.⁴³

عَنْهُ عَنِ زُرَّارَةَ مِثْلَهُ وَ قَالَ لَا بَأْسَ بِأَنْ تَشْتَرِيَ الزَّرْعَ أَوْ الْقَصِيلَ أَخْضَرَ ثُمَّ تَتْرُكَهُ إِنْ شِئْتَ حَتَّى يُسْنِبِلَ ثُمَّ تَحْصُدَهُ وَ إِنْ شِئْتَ أَنْ تَعْلِفَ دَابَّتَكَ قَصِيلاً فَلَا بَأْسَ بِهِ قَبْلَ أَنْ يُسْنِبِلَ فَأَمَّا إِذَا سَنِبِلَ فَلَا تَعْلِفُهُ رَأْسًا فَإِنَّهُ فَسَادٌ .

From him, from Zurara

- similar to it, and he^{asws} said: 'There is no problem with you buying the green plants or the straw, then you leave it if you so desire to until it grows seeds, then you harvest it, and if you desire to you feed straw to your animal, for there is no problem

⁴¹ Al Kafi – V 5 – The Book of Subsistence Ch 132 H 3

⁴² Al Kafi – V 5 – The Book of Subsistence Ch 133 H 1

⁴³ Al Kafi – V 5 – The Book of Subsistence Ch 133 H 2

with it if it grows sees. So when it grows seeds, so do not feed (your animal), the top part, for it would be spoiling'.⁴⁴

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ أَبِي نَصْرٍ عَنِ الْمُتَنَّى الْحَنَاطِ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي زَرْعٍ بِيَعٍ وَهُوَ حَشِيثٌ ثُمَّ سُنْبَلٌ قَالَ لَا بَأْسَ إِذَا قَالَ أَتْبَاعُ مِنْكَ مَا يَخْرُجُ مِنْ هَذَا الزَّرْعِ فَإِذَا اشْتَرَاهُ وَهُوَ حَشِيثٌ فَإِنْ شَاءَ أَغْفَاهُ وَإِنْ شَاءَ تَرَبَّصْ بِهِ .

A number of our companions, from Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Al Musanna Al Hannat, from Zurara,

from Abu Abdullah^{asws} regarding a farm which is sold and it is grass, then it sprouts. He^{asws} said: 'There is no problem when he says, 'I am buying from you what comes out from this farm'. So when he buys it and it is grass, so if he so desires to he utilises it, and if he so desires to he waits (for harvest)'.⁴⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ صَفْوَانَ عَنْ أَبَانَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ نَهَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عَنِ الْمُحَاقَلَةِ وَالْمُرَابِنَةِ قُلْتُ وَ مَا هُوَ قَالَ أَنْ تَشْتَرِيَ حَمَلَ النَّخْلِ بِالتَّمْرِ وَ الزَّرْعَ بِالْحِنْطَةِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Safwan, from Aban, from Abdul Rahman Bin Abu Abdullah,

from Abu Abdullah^{asws} having said: 'Rasool-Alah^{saww} forbade from Al Muhaqala and Muzabana'. I said, 'And what is it?' He^{asws} said: 'If you were to buy a burden of the palm tree (unripened dates) with the dates, and the vegetation with the wheat'.⁴⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عُثْمَانَ بْنِ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ شِرَاءِ الْفَصِيلِ يَشْتَرِيهِ الرَّجُلُ فَلَا يَفْصِلُهُ وَ يَبْدُو لَهُ فِي تَرْكِهِ حَتَّى يَخْرُجَ سُنْبُلُهُ شَعِيرًا أَوْ حِنْطَةً وَ قَدْ اشْتَرَاهُ مِنْ أَصْلِهِ عَلَى أَنْ مَا بِهِ مِنْ خَرَجٍ عَلَى الْعَلْجِ فَقَالَ إِنْ كَانَ اشْتَرَاهُ حِينَ اشْتَرَاهُ إِنْ شَاءَ قَطَعَهُ وَ إِنْ شَاءَ تَرَكَهُ كَمَا هُوَ حَتَّى يَكُونَ سُنْبُلًا وَ إِلَّا فَلَا يَنْبَغِي لَهُ أَنْ يَتْرُكَهُ حَتَّى يَكُونَ سُنْبُلًا .

A number of our companions, from Ahmad Bin Muhammad, from Usman Bin Isa, from Sama'at who said,

'I asked about buying the plants which the man buys, so he does not cut it, and it begins (to sprout) during his leaving it until there comes out corns of barley or wheat, and he had bought it from its origin upon a stipulation that whatever there would be from the taxes, would be upon the non-Muslim. So he^{asws} said: 'If there was a stipulated condition when he bought it that if he so desires to he would cut it, and if he so desires to he would leave it just as it is until there happens to be corn, otherwise it is not befitting for him that he leaves it until there happen to be corn'.⁴⁷

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي أَيُّوبَ عَنْ سَمَاعَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) نَحْوَهُ وَ زَادَ فِيهِ فَإِنْ فَعَلَ فَإِنَّ عَلَيْهِ طَسْفَهُ وَ نَفَقَتَهُ وَ لَهُ مَا خَرَجَ مِنْهُ .

A number of our companions, from Ahmad Bin Muhammad, from Ibn Mahboub, from Abu Ayoub, from Sama'at,

⁴⁴ Al Kafi – V 5 – The Book of Subsistence Ch 133 H 3

⁴⁵ Al Kafi – V 5 – The Book of Subsistence Ch 133 H 4

⁴⁶ Al Kafi – V 5 – The Book of Subsistence Ch 133 H 5

⁴⁷ Al Kafi – V 5 – The Book of Subsistence Ch 133 H 6

from Abu Abdullah^{asws} similar to it, and there is an increase in it, '(He^{asws} said): 'So if he were to do it, upon him would be its maintenance and its expenditure, and for him would be whatever comes out from it'.⁴⁸

عُثْمَانُ بْنُ عِيسَى عَنْ سَمَاعَةَ قَالَ سَأَلْتُهُ عَنْ رَجُلٍ زَرَعَ زَرْعاً مُسْلِماً كَانَ أَوْ مُعَاهِداً فَأَنْفَقَ فِيهِ نَفَقَةً ثُمَّ بَدَأَ لَهُ فِي بَيْعِهِ لِنَفْلِهِ يَنْتَقِلُ مِنْ مَكَانِهِ أَوْ لِحَاجَةٍ قَالَ يَشْتَرِيهِ بِالْوَرِقِ فَإِنَّ أَصْلَهُ طَعَامٌ .

Usman Bin Isa, from Sama'at who said,

'I asked him^{asws} about a man who cultivated a farm of one who was a Muslim or a confederate. So he spent therein some expenditure, then it became inevitable for him to sell it due to his relocation from his place, or a need of his. He^{asws} said: 'He should buy it with the silver (Dirhams), for its origin is foodstuff'.⁴⁹

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ رَخَّصَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي الْعَرَايَا بِأَنْ تُشْتَرَى بِخِرْصَبِهَا تَمْرًا وَ قَالَ الْعَرَايَا جَمْعُ عَرِيَّةٍ وَ هِيَ النَّخْلَةُ تَكُونُ لِلرَّجُلِ فِي دَارِ رَجُلٍ آخَرَ فَيَجُوزُ لَهُ أَنْ يَبِيعَهَا بِخِرْصَبِهَا تَمْرًا وَ لَا يَجُوزُ ذَلِكَ فِي غَيْرِهِ .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} allowed regarding *Al Araya* that it can be bought by estimating its dates, and said: '*Al Araya* is the entirety of exposed things, and it is the palm tree which happens to be for the man in a house of another man, so he allows it for him that he sells it by its estimation of dates, and that is not allowed regarding anything else'.⁵⁰

باب بَيْعِ الْمَرَاعِي

Chapter 134 – Selling the pastures

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ يُونُسَ عَنِ بَعْضِ أَصْحَابِنَا عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ الْمُسْلِمِ تَكُونُ لَهُ الضَّبْعَةُ فِيهَا جَبَلٌ مِمَّا يَبَاعُ بِأَتْيِهِ أَخُوهُ الْمُسْلِمُ وَ لَهُ عَنَمٌ قَدْ احْتِجَّ إِلَى جَبَلٍ يَجِلُّ لَهُ أَنْ يَبِيعَهُ الْجَبَلُ كَمَا يَبِيعُ مِنْ غَيْرِهِ أَوْ يَمْنَعَهُ مِنَ الْجَبَلِ إِنْ طَلَبَهُ بغير ثَمَنٍ وَ كَيْفَ حَالُهُ فِيهِ وَ مَا يَأْخُذُهُ قَالَ لَا يَجُوزُ لَهُ بَيْعُ جَبَلِهِ مِنْ أَخِيهِ لِأَنَّ الْجَبَلُ لَيْسَ جَبَلُهُ إِنَّمَا يَجُوزُ لَهُ التَّبِيعُ مِنْ غَيْرِ الْمُسْلِمِ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, from one of our companions,

from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the Muslim man who happened to have the place for him wherein is a mountain from what he sells (his pasture). His Muslim brother comes over to him and for him are sheep, being needy to a mountain. Is it Permissible for him that he sells him the mountain (pasture) just as he had sold it to others, or should he prevent him from the mountain if he seeks it without a price? And how would be his state in it, and what can he take?' He^{asws} said: 'It is not allowed for him that he sells his mountain (for pasture) to his brother,

⁴⁸ Al Kafi – V 5 – The Book of Subsistence Ch 133 H 7

⁴⁹ Al Kafi – V 5 – The Book of Subsistence Ch 133 H 8

⁵⁰ Al Kafi – V 5 – The Book of Subsistence Ch 133 H 9

because the mountain is not his mountain. But rather, it is allowed for him the selling to a non-Muslim'.⁵¹

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ سَهْلِ بْنِ زِيَادٍ عَنْ أَحْمَدَ بْنِ مُحَمَّدِ بْنِ أَبِي نَصْرٍ عَنْ إِدْرِيسَ بْنِ زَيْدٍ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ وَ قُلْتُ جُعِلْتُ فِدَاكَ إِنَّ لَنَا ضَيْعَاعاً وَ لَهَا حُدُودٌ وَ فِيهَا مَرَاعِي وَ لِلرَّجُلِ مِثْلُ غَنَمٍ وَ إِبِلٍ وَ يَحْتَاجُ إِلَى تِلْكَ الْمَرَاعِي لِإِبِلِهِ وَ غَنَمِهِ أَيْحِلُّ لَهُ أَنْ يَحْمِيَ الْمَرَاعِيَ لِحَاجَتِهِ إِلَيْهَا فَقَالَ إِذَا كَانَتِ الْأَرْضُ أَرْضَهُ فَلَهُ أَنْ يَحْمِيَ وَ يُصَيِّرَ ذَلِكَ إِلَى مَا يَحْتَاجُ إِلَيْهِ

A number of our companions, from Ahmad Bin Muhammad, and Sahl Bin Ziyad, from Ahmad Bin Muhammad Bin Abu Nasr, from Idrees Bin Zayd,

from Abu Al Hassan^{asws}, said, 'I asked him^{asws}, 'May I be sacrificed for you^{asws}! There is a place for us and for it are boundaries, and therein is a pasture field, and for the man from us there as sheep, and camels, and he is needy to that pasture for his camels and his sheep. Is it Permissible for him that he reserves the pasture for his needs to it?' So he^{asws} said: 'If the land was his land, so it would be for him to reserve and that would come to be for what he needs it for'.

قَالَ وَ قُلْتُ لَهُ الرَّجُلُ يَبِيعُ الْمَرَاعِيَ فَقَالَ إِذَا كَانَتِ الْأَرْضُ أَرْضَهُ فَلَا بَأْسَ .

He (the narrator) said, 'And I said to him^{asws}, 'The man sells the pasture?' So he^{asws} said: 'If the land was his land, so there is no problem'.⁵²

أَحْمَدُ بْنُ مُحَمَّدِ بْنِ أَبِي نَصْرٍ عَنْ عَبْدِ اللَّهِ قَالَ سَأَلْتُ الرَّضَا (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ تَكُونُ لَهُ الضَّيْعَةُ وَ تَكُونُ لَهَا حُدُودٌ تَبْلُغُ حُدُودَهَا عِشْرِينَ مِيلاً وَ أَقَلَّ وَ أَكْثَرَ يَأْتِيهِ الرَّجُلُ فَيَقُولُ لَهُ أُعْطِنِي مِنْ مَرَاعِي ضَيْعَتِكَ وَ أُعْطِيكَ كَذَا وَ كَذَا بِرَهْمًا فَقَالَ إِذَا كَانَتِ الضَّيْعَةُ لَهُ فَلَا بَأْسَ .

Ahmad Bin Muhammad Bin Abu Nasr, from Muhammad Bin Abdullah who said,

'I asked Al Reza^{asws} about the man who happened to have the place for him, and it happened to have some boundaries for it of twenty miles, and less and more. The man comes to him, so he is saying to him, 'Give me from the pasture of your place, and I shall give you such and such amount of Dirhams'. So he^{asws} said: 'If it was that the place was his, so there is no problem'.⁵³

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ عَنْ أَبَانَ عَنْ إِسْمَاعِيلَ بْنِ الْفَضْلِ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ بَيْعِ الْكَلَالِ إِذَا كَانَ سَبِيحاً فَيَعْمِدُ الرَّجُلُ إِلَى مَائِهِ فَيَسُوقُهُ إِلَى الْأَرْضِ فَيَسْقِيهِ الْحَشِيشَ وَ هُوَ الَّذِي حَفَرَ النَّهْرَ وَ لَهُ الْمَاءُ يَزْرَعُ بِهِ مَا شَاءَ فَقَالَ إِذَا كَانَ الْمَاءُ لَهُ فَلْيَزْرَعْ بِهِ مَا شَاءَ وَ يَبِيعُهُ بِمَا أَحَبَّ

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ja'far Bin Sama'at, from Aban, from Ismail Bin Al Fazl who said,

'I asked Abu Abdullah^{asws} about selling the pasture when it was dry. So the man endeavoured to water it, so he irrigated the land, and irrigated the grass, and he is the who dug out the river, and for him is the water to pasture with whatever he so desires to. So he^{asws} said: 'When the water was for him, so let him pasture with it whatever he so desires to, and sell it for whatever he so desires to'.

⁵¹ Al Kafi – V 5 – The Book of Subsistence Ch 134 H 1

⁵² Al Kafi – V 5 – The Book of Subsistence Ch 134 H 2

⁵³ Al Kafi – V 5 – The Book of Subsistence Ch 134 H 3

قَالَ وَ سَأَلْتُهُ عَنْ بَيْعِ حَصَائِدِ الْحِنْطَةِ وَ الشَّعِيرِ وَ سَائِرِ الْحَصَائِدِ فَقَالَ حَلَالٌ فَلْيَبِعْهُ إِنْ شَاءَ .

He (the narrator) said, 'And I asked him^{asws} about selling the wheat and the barley, and the rest of the harvest. So he^{asws} said: 'Permissible, so let him sell it if he so desires to'.⁵⁴

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عُبَيْدِ اللَّهِ الدَّهْقَانِ عَنْ مُوسَى بْنِ إِبْرَاهِيمَ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ بَيْعِ الْكَلْبِ وَ الْمَرَاعِي فَقَالَ لَا بَأْسَ بِهِ قَدْ حَمَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) التَّقْوِعَ لِخَيْلِ الْمُسْلِمِينَ .

A number of our companions, from Sahl Bin Ziyad, from Ubeydullah Al Dahqan, from Musa Bin Ibrahim,

from Abu Al Hassan^{asws}, said, 'I asked him^{asws} about selling the pasture, and the meadow, so he^{asws} said: 'There is no problem with it. Rasool-Allah^{saww} had reserved Al Naqie (name of a place) for the Muslim cavalry horses'.⁵⁵

بَابُ بَيْعِ الْمَاءِ وَ مَنْعِ فُضُولِ الْمَاءِ مِنَ الْأَوْدِيَةِ وَ السُّيُولِ

Chapter 135 – Selling the water and prevention of wasting the water from the valleys and the streams

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ سَعِيدِ الْأَعْرَجِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ الرَّجُلِ يَكُونُ لَهُ الشَّرْبُ مَعَ قَوْمٍ فِي قَنَاةٍ فِيهَا شُرَكَاءُ فَيَسْتَعْنِي بَعْضُهُمْ عَنْ شَرْبِهِ أَوْ يَبِيعُ شَرْبَهُ قَالَ نَعَمْ إِنْ شَاءَ بَاعَهُ بَوْرِقٍ وَ إِنْ شَاءَ بَاعَهُ بِكَيْلِ حِنْطَةٍ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Saeed Al A'araj,

from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the man who happened to have the water for him with a group of people in a waterway wherein were partners. So some of them became self-sufficient from drinking it, can he sell his (share of the) water?' He^{asws} said: 'Yes, if he so desires to, he can sell it with silver (Dirhams), and if he so desires to he can sell it with a measurement of wheat'.⁵⁶

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ وَ حُمَيْدُ بْنُ زِيَادٍ عَنْ الْحَسَنِ بْنِ سَمَاعَةَ عَنْ جَعْفَرِ بْنِ سَمَاعَةَ جَمِيعاً عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ نَهَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عَنِ النَّطَافِ وَ الْأَرْبَاعِ قَالَ وَ الْأَرْبَاعُ أَنْ يُسْتَيَّ مَسْنَأَةً فَيَحْمَلَ الْمَاءَ فَيَسْتَقَى بِهِ الْأَرْضَ ثُمَّ يُسْتَعْنَى عَنْهُ فَقَالَ لَا تَبِعْهُ وَ لَكِنْ أَعْرَهُ جَارَكَ وَ النَّطَافُ أَنْ يَكُونَ لَهُ الشَّرْبُ فَيَسْتَعْنَى عَنْهُ فَيَقُولُ لَا تَبِعْهُ وَ لَكِنْ أَعْرَهُ أَخَاكَ أَوْ جَارَكَ .

Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, and Humejd Bin Ziyad, from Al Hassan Bin Sama'at, from Ja'far Bin Sama'at, altogether, from Aban,

from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} forbade from *Al Nat'aaf* and *Al Arba'a*'. He^{asws} said: '*Al Arba'a* is that one builds a dam, so he holds the water and irrigates the land with it, then becomes needless from it. So he^{saww} said: 'Do not pursue it, but irrigate your neighbour (adjacent land)'. And *Al Nat'aaf* is that there

⁵⁴ Al Kafi – V 5 – The Book of Subsistence Ch 134 H 4

⁵⁵ Al Kafi – V 5 – The Book of Subsistence Ch 134 H 5

⁵⁶ Al Kafi – V 5 – The Book of Subsistence Ch 135 H 1

happens to be the water for him, so he is needless from it, so he^{saww} was saying: 'Do not puruse it, but irrigate your brother or your neighbour'.⁵⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ وَ عَلِيٍّ بْنِ إِبْرَاهِيمَ عَنْ أَبِيهِ جَمِيعاً عَنْ ابْنِ أَبِي عُمَيْرٍ عَنِ الْحَكَمِ بْنِ أَيْمَانَ عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ سَمِعْتُهُ يَقُولُ قَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي سَبِيلِ وَادِي مَهْزُورٍ أَنْ يُحْبَسَ الْأَعْلَى عَلَى الْأَسْفَلِ لِلنَّخْلِ إِلَى الْكَعْبَيْنِ وَ لِلزَّرْعِ إِلَى الشَّرَاكَيْنِ ثُمَّ يُرْسَلِ الْمَاءُ إِلَى الْأَسْفَلِ مِنْ ذَلِكَ إِلَى الشَّرَاكِ وَ لِلنَّخْلِ إِلَى الْكَعْبِ ثُمَّ يُرْسَلِ الْمَاءُ إِلَى الْأَسْفَلِ مِنْ ذَلِكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, and Ali Bin Ibrahim, from his father altogether, from Ibn Abu Umeyr, from Al Hakam Bin Ayman, from Giyas Bin Ibrahim,

from Abu Abdullah^{asws}, said, 'I heard him^{asws} saying: 'Rasool-Allah^{saww} judged regarding the flow of the water of the valley of Mahzour that the upper part can only withhold upon the lower part for the palm trees up to the two ankles, and for the cultivation up to the two shoe straps. Then he should send the water to the lower parts from that for the cultivation to the shoe-straps, and for the palm trees up to the two ankles. Then the water should be sent to the lower parts from that'.

قَالَ ابْنُ أَبِي عُمَيْرٍ وَ مَهْزُورٌ مَوْضِعٌ وَادٍ .

Ibn Abu Umeyr (the narrator) said, 'And Mahzour is a place of the valley'.⁵⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى عَنْ غِيَاثِ بْنِ إِبْرَاهِيمَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي سَبِيلِ وَادِي مَهْزُورٍ أَنْ يُحْبَسَ الْأَعْلَى عَلَى الْأَسْفَلِ لِلنَّخْلِ إِلَى الْكَعْبَيْنِ وَ لِلزَّرْعِ إِلَى الشَّرَاكَيْنِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Yahya, from Giyas Bin Ibrahim,

from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} judged regarding a waterflow of the valley of Mahzour that the upper part should withhold upon the lower part, for the palm tree up to the (level of) the two ankles, and for the cultivation up to the two shoe-straps'.⁵⁹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ عَنْ عَلِيِّ بْنِ أَسْبَاطٍ عَنْ عَلِيِّ بْنِ شَجَرَةَ عَنْ حَفْصِ بْنِ غِيَاثٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي سَبِيلِ وَادِي مَهْزُورٍ لِلنَّخْلِ إِلَى الْكَعْبَيْنِ وَ لِأَهْلِ الزَّرْعِ إِلَى الشَّرَاكَيْنِ .

A number of our companions, from Sahl Bin Ziyad, from Ali Bin Asbaat, from Ali Bin Shajara, from Hafs Bin Giyas,

from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} judged regarding a waterway of the valley of Mahzour, for the palm trees it can be up to the two ankles, and for the farmers up to the two shoe-straps'.⁶⁰

⁵⁷ Al Kafi – V 5 – The Book of Subsistence Ch 135 H 2

⁵⁸ Al Kafi – V 5 – The Book of Subsistence Ch 135 H 3

⁵⁹ Al Kafi – V 5 – The Book of Subsistence Ch 135 H 4

⁶⁰ Al Kafi – V 5 – The Book of Subsistence Ch 135 H 5

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُثَيْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ فَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فِي شَرْبِ النَّخْلِ بِالسَّبِيلِ أَنَّ الْأَعْلَى يَشْرَبُ قَبْلَ الْأَسْفَلِ وَ يُتْرَكُ مِنَ الْمَاءِ إِلَى الْكَعْبَيْنِ ثُمَّ يُسْرَحُ الْمَاءُ إِلَى الْأَسْفَلِ الَّذِي يَلِيهِ كَذَلِكَ حَتَّى تَنْقَضِيَ الْحَوَائِظُ وَ يَفْنَى الْمَاءُ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Uqba Bin Khalid,

from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} judged regarding a waterway for the palm trees with the flow that the upper parts are irrigated before the lower, and the water is left up to the two ankles. Then the water is to be channelled to the lower parts which follow it. It should be like that until the gardens are irrigated and the water is depleted'.⁶¹

بَاب فِي إِحْيَاءِ أَرْضِ الْمَوَاتِ

Chapter 136 – Reviving the dead lands

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ مُحَمَّدِ بْنِ حُمْرَانَ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ قَالَ سَمِعْتُ أَبَا جَعْفَرٍ (عَلَيْهِ السَّلَامُ) يَقُولُ أَيُّمَا قَوْمٍ أَحْيَوْا شَيْئاً مِنَ الْأَرْضِ وَ عَمَرُوهَا فَهُمْ أَحَقُّ بِهَا وَ هِيَ لَهُمْ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Muhammad Bin Humran, from Muhammad Bin Muslim who said,

'I heard Abu Ja'far^{asws} saying: 'Whichever people revive something from the land, and work upon it, so they are more rightful with it, and it is for them'.⁶²

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ جَمِيعاً عَنْ ابْنِ مَحْبُوبٍ عَنْ مُعَاوِيَةَ بْنِ وَهَبٍ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ أَيُّمَا رَجُلٍ أَتَى خَرِبَةً بَائِرَةً فَاسْتَخْرَجَهَا وَ كَرَى أَنْهَارَهَا وَ عَمَرَهَا فَإِنَّ عَلَيْهِ فِيهَا الصَّدَقَةَ وَ إِنْ كَانَتْ أَرْضٌ لِرَجُلٍ قَبْلَهُ فَغَابَ عَنْهَا وَ تَرَكَهَا فَأَخْرَبَهَا ثُمَّ جَاءَ بَعْدَ يَطْلُبُهَا فَإِنَّ الْأَرْضَ لِلَّهِ وَ لِمَنْ عَمَرَهَا .

A number of our companions, from Sahl Bin Ziyad and Ahmad Bin Muhammad altogether, from Ibn Mahboub, from Muawiya Bin Wahab who said,

'I heard Abu Abdullah^{asws} saying: 'Whichever man goes to a ruined well so he extracts it and digs out its rivers and develops it, so there would be charity (to give) upon him with regards to it, and if it was a land of a man before him who was absent from it, and neglected it, so he had ruined it, then he comes afterwards, so the earth is Allah^{ajwj}'s and for the one who develops it'.⁶³

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادٍ عَنْ حَرِيْزٍ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) مَنْ أَحْيَا مَوَاتاً فَهُوَ لَهُ .

Ali Bin Ibrahim, from his father, from Hammad, from Hareyz, from Zurara,

from Abu Ja'far^{asws} having said: 'Rasool-Allah^{saww} said: 'The one who revives a dead (land), so it is for him'.⁶⁴

⁶¹ Al Kafi – V 5 – The Book of Subsistence Ch 135 H 6

⁶² Al Kafi – V 5 – The Book of Subsistence Ch 136 H 1

⁶³ Al Kafi – V 5 – The Book of Subsistence Ch 136 H 2

⁶⁴ Al Kafi – V 5 – The Book of Subsistence Ch 136 H 3

حَمَّادٌ عَنْ حَرِيْزٍ عَنْ زُرَّارَةَ وَ مُحَمَّدِ بْنِ مُسْلِمٍ وَ أَبِي بَصِيْرٍ وَ فَضَيْلٍ وَ بُكَيْرٍ وَ حُمْرَانَ وَ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِي جَعْفَرٍ وَ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) مَنْ أَحْيَا مَوَاتًا فَهُوَ لَهُ .

Hammad, from Hareyz, from Zurara and Muhammad Bin Muslim, and Abu Baseer and Fuzayl, and Bukeyr, and Humran, and Abdul Rahman Bin Abu Abdullah,

from Abu Ja'far^{asws} and Abu Abdullah^{asws} both having said: 'Rasool-Allah^{saww} said: 'The one who revives a dead (land), so it is for him'.⁶⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ هِشَامِ بْنِ سَالِمٍ عَنْ أَبِي خَالِدٍ الْكَاذِبِيِّ عَنْ أَبِي جَعْفَرٍ (عليه السلام) قَالَ وَجَدْنَا فِي كِتَابِ عَلِيٍّ (عليه السلام) أَنَّ الْأَرْضَ لِلَّهِ يُوْرثُهَا مَنْ يَشَاءُ مِنْ عِبَادِهِ وَ الْعَاقِبَةُ لِلْمُتَّقِينَ أَنَا وَ أَهْلُ بَيْتِي الَّذِينَ أُوْرثْنَا الْأَرْضَ وَ نَحْنُ الْمُتَّقُونَ وَ الْأَرْضُ كُلُّهَا لَنَا فَمَنْ أَحْيَا أَرْضًا مِنَ الْمُسْلِمِينَ فَلْيَعْمُرْهَا وَ لِيُوْدَّ خَرَجَهَا إِلَى الْإِمَامِ مِنْ أَهْلِ بَيْتِي وَ لَهُ مَا أَكَلَ مِنْهَا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ibn Mahboub, from Hisham Bin Salim, from Abu Khalid Al Kabuly,

from Abu Ja'far^{asws} having said: 'We^{asws} found in the Book of Ali^{asws} that **[7:128] surely the earth is Allah's; He Causes such of His servants to inherit it as He so Desires, and the end is for those who are pious.** I^{asws} and the people^{asws} of my^{asws} Household are those who inherited the earth, and we^{asws} are the pious, and the earth, all of it, is for us^{asws}. So the one from the Muslims who revives a land, so let him develop it, and let him pay its taxes to the Imam^{asws} from my^{asws} Household, and for him is whatever he consumes from it.

فَإِنْ تَرَكَهَا أَوْ أَخْرَبَهَا فَأَخَذَهَا رَجُلٌ مِنَ الْمُسْلِمِينَ مِنْ بَعْدِهِ فَعَمَرَهَا وَ أَحْيَاهَا فَهُوَ أَحَقُّ بِهَا مِنَ الَّذِي تَرَكَهَا فَلْيُوْدَّ خَرَجَهَا إِلَى الْإِمَامِ مِنْ أَهْلِ بَيْتِي وَ لَهُ مَا أَكَلَ حَتَّى يَظْهَرَ الْقَائِمُ (عليه السلام) مِنْ أَهْلِ بَيْتِي بِالسَّيْفِ فَيُخَوِّيَهَا وَ يَمْنَعَهَا وَ يُخْرِجُهُمْ مِنْهَا كَمَا حَوَّاهَا رَسُولُ اللَّهِ (صلى الله عليه وآله) وَ مَنَعَهَا إِلَّا مَا كَانَ فِي أَيْدِي شِيعَتِنَا فَإِنَّهُ يُفَاطِعُهُمْ عَلَى مَا فِي أَيْدِيهِمْ وَ يَنْزُكُ الْأَرْضَ فِي أَيْدِيهِمْ .

So if he was to neglect it or ruin it, and (another) man from the Muslims takes it from after him, so he develops it and revives it, so he would be more rightful with it than the one who neglected it. So let him pay its taxes to the Imam^{asws} from my^{asws} Household, and for him would be whatever he consumes until the appearance of Al Qaim^{asws} from my^{asws} family with the sword. So he^{asws} would allow it and prevent it, and he^{asws} would be throwing them out from it just as Rasool-Allah^{saww} has allowed it and prevented it, except whatever was in the hands of our^{asws} Shiah, for he^{asws} would cut it out for them upon what is in their hands and he^{asws} would leave the land in their hands'.⁶⁶

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) قَالَ قَالَ رَسُولُ اللَّهِ (صلى الله عليه وآله) مَنْ غَرَسَ شَجْرًا أَوْ حَفَرَ وَادِيًا بَدَأَ لَمْ يَسْفِقْهُ إِلَيْهِ أَحَدٌ وَ أَحْبَابًا أَرْضًا مَبْنِيَّةً فَهِيَ لَهُ قِضَاءٌ مِنَ اللَّهِ وَ رَسُولِهِ (صلى الله عليه وآله) .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

⁶⁵ Al Kafi – V 5 – The Book of Subsistence Ch 136 H 4

⁶⁶ Al Kafi – V 5 – The Book of Subsistence Ch 136 H 5

from Abu Abdullah^{asws} having said: ‘Rasool-Allah^{saww} said: ‘The one who plants a tree, or digs out a valley beginning, no one else having preceded him, and revives a dead land, so it is for him, being a judgement from Allah^{ajwj} and His^{ajwj} Rasool^{saww},⁶⁷

باب الشُّفْعَةِ

Chapter 137 – The Pre-emption

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ بْنِ عَيْسَى عَنْ عَلِيِّ بْنِ حَبِيبٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ أَحَدِهِمَا (عَلَيْهِمَا السَّلَام) قَالَ الشُّفْعَةُ لِكُلِّ شَرِيكَ لَمْ يُقَاسِم .

Muhammad Bin Yahya, from Ahmad Bin Muhammad Bin Isa, from Ali Bin hadeed, from Jameel Bin Darraj, from one of our companions,

from one of the two (5th or 6th Imam^{asws} having said: ‘The pre-emption is for every partner who has not shared’.⁶⁸

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنْ دَارٍ فِيهَا دُورٌ وَطَرِيقُهُمْ وَاحِدٌ فِي عَرِصَةِ الدَّارِ فَبَاعَ بَعْضُهُمْ مَنْزِلَهُ مِنْ رَجُلٍ هَلْ لِشُرَكَائِهِ فِي الطَّرِيقِ أَنْ يَأْخُذُوا بِالشُّفْعَةِ فَقَالَ إِنْ كَانَ بَاعَ الدَّارَ وَحَوْلَ بَابِهَا إِلَى طَرِيقٍ غَيْرِ ذَلِكَ فَلَا شُفْعَةَ لَهُمْ وَإِنْ بَاعَ الطَّرِيقَ مَعَ الدَّارِ فَلَهُمْ الشُّفْعَةُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from Mansour Bin Hazim who said,

‘I asked Abu Abdullah^{asws} about a house wherein were other houses and their pathway access was one in a courtyard. So one of them sold his house to a man. Is it for his associates in the pathway that they can take to the pre-emption?’ So he^{asws} said: ‘If he had sold the house and changed its gateway to a road other than that, so there is no pre-emption for them, and if he sold the road along with the house, so for them would be (the right of) pre-emption’.⁶⁹

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ إِبْرَاهِيمَ بْنِ إِسْحَاقَ عَنْ عَبْدِ اللَّهِ بْنِ حَمَّادٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ إِذَا وَقَعَتِ السُّهُامُ ارْتَفَعَتِ الشُّفْعَةُ .

Ali Bin Muhammad, from Ibrahim Bin Is'haq, from Abdullah Bin Hammad, from Jameel Bin Darraj, from Muhammad Bin Muslim,

from Abu Ja'far^{asws} having said: ‘When the shares are drawn (lots), the (right of) pre-emption is lifted’.⁷⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُثْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بِالشُّفْعَةِ بَيْنَ الشُّرَكَاءِ فِي الْأَرْضِيِّينَ وَالْمَسَاكِينِ وَقَالَ لَا ضَرَرَ وَلَا ضِرَارَ وَقَالَ إِذَا رُفِتِ الْأَرْفُ وَحُدَّتِ الْحُدُودُ فَلَا شُفْعَةَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhamma Bin Abdullah Bin Hilal, from Uqba Bin Khalid,

⁶⁷ Al Kafi – V 5 – The Book of Subsistence Ch 136 H 6

⁶⁸ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 1

⁶⁹ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 2

⁷⁰ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 3

from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} judged with the pre-emption between the partners regarding the lands and the dwellings, and said: 'Neither harm nor suffer harm'. And he^{saww} said: 'When the markings are marked and the boundaries are defined, so there is no pre-emption'.⁷¹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ يَزِيدَ بْنِ إِسْحَاقَ شَعْرٍ عَنْ هَارُونَ بْنِ حَمْرَةَ الْعَنْبُورِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الشُّفْعَةِ فِي الدُّورِ أَوْ شَيْءٍ وَاجِبٌ لِلشَّرِيكِ وَ يُعْرَضُ عَلَى الْجَارِ فَهُوَ أَحَقُّ بِهَا مِنْ غَيْرِهِ فَقَالَ الشُّفْعَةُ فِي الْبُيُوعِ إِذَا كَانَ شَرِيكًا فَهُوَ أَحَقُّ بِهَا بِالثَّمَنِ.

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Yazeed Bin Is'haq Shaeer, from Haroun Bin Hamza Al Ghanawy,

from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the pre-emption regarding the houses, is it an obligatory thing for the associates and he has to present it upon the neighbour, so he would be more rightful with it from others?' So he^{asws} said: 'The pre-emption regarding the selling, when there was a partner, so he would be more rightful with it, with the price'.⁷²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَيْسَ لِلْيَهُودِيِّ وَ النَّصْرَانِيِّ شُفْعَةٌ وَ قَالَ لَا شُفْعَةَ إِلَّا لِشَرِيكِ غَيْرِ مُقَاسِمٍ وَ قَالَ قَالَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) وَصِيَّ النَّبِيِّ بِمَنْزِلَةِ أَبِيهِ يَأْخُذُ لَهُ الشُّفْعَةُ إِنْ كَانَ لَهُ رَغْبَةٌ فِيهِ وَ قَالَ لِلْغَائِبِ شُفْعَةٌ .

Ali Bin Ibrahim, from his father, from Al nowfaly, from Al Sakuny,

from Abu Abdullah^{asws} having said: 'Pre-emption is not for the Jews and the Christians'. And he^{asws} said: 'There is no pre-emption except for a partner who has not been distributed (his share)'. And he^{asws} said: 'Amir Al Momineen^{asws} said: 'A trustee of the orphan is at the status of his father. He takes the pre-emption for him if it was an advantage for him in it'. And he^{asws} said: 'For the absentee is pre-emption'.⁷³

عَلِيُّ بْنُ إِبْرَاهِيمَ [عَنْ أَبِيهِ] عَنْ مُحَمَّدِ بْنِ عِيْسَى بْنِ عَبْدِ اللَّهِ عَنْ يُونُسَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ لَا تَكُونُ الشُّفْعَةُ إِلَّا لِشَرِيكَيْنِ مَا لَمْ يُقَاسِمَا فَإِذَا صَارُوا ثَلَاثَةً فَلَيْسَ لِوَاحِدٍ مِنْهُمْ شُفْعَةٌ .

Ali Bin Ibrahim, from his father, from Muhammad Bin Isa Bin Ubeyd, from Yunus Bin Abdul Rahman, from Abdullah Bin Sinan,

from Abu Abdullah^{asws} having said : 'The pre-emption does not take place except for the two partners for as long as their share has not been distributed. So when they become three, so there is no pre-emption for one of them'.⁷⁴

يُونُسُ عَنْ بَعْضِ رَجَالِهِ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنِ الشُّفْعَةِ لِمَنْ هِيَ وَ فِي أَيِّ شَيْءٍ هِيَ وَ لِمَنْ تَصْلُحُ وَ هَلْ يَكُونُ فِي الْحَيَوَانِ شُفْعَةٌ وَ كَيْفَ هِيَ فَقَالَ الشُّفْعَةُ جَائِزَةٌ فِي كُلِّ شَيْءٍ مِنْ حَيَوَانٍ أَوْ أَرْضٍ أَوْ مَتَاعٍ إِذَا كَانَ الشَّيْءُ بَيْنَ شَرِيكَيْنِ لَا غَيْرَهُمَا فَبَاعَ أَحَدُهُمَا تَصْيِبَهُ فَشَرِيكُهُ أَحَقُّ بِهِ مِنْ غَيْرِهِ وَ إِنْ زَادَ عَلَى الْإِثْنَيْنِ فَلَا شُفْعَةَ لِأَحَدٍ مِنْهُمْ .

Yunus, from one of his men,

⁷¹ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 4

⁷² Al Kafi – V 5 – The Book of Subsistence Ch 137 H 5

⁷³ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 6

⁷⁴ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 7

from Abu Abdullah^{asws}, said, 'I asked him^{asws} about the pre-emption, for whom it is, and in which thing it is, and for whom is it correct, and is there any pre-emption regarding the animals, and how is it?' So he^{asws} said: 'The pre-emption is allowed in every thing from animals, or land, or goods when the thing was between two partners, not other than the two of them. So one of the sells his share, and his partner would be more rightful with it from the others. So if there were more than the two, so there is no pre-emption for any of them'.

وَرُوِيَ أَيْضاً أَنَّ الشُّفْعَةَ لَا تَكُونُ إِلَّا فِي الْأَرْضِيِّينَ وَالدُّورِ فَقَطُّ .

And it is reported as well that the pre-emption does not happen except regarding the lands and the houses only'.⁷⁵

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْكَاهِلِيِّ عَنْ مَنْصُورِ بْنِ حَازِمٍ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) دَارٌ بَيْنَ قَوْمٍ اقْتَسَمُوهَا فَأَخَذَ كُلُّ وَاحِدٍ مِنْهُمْ قِطْعَةً وَبَنَاهَا وَتَرَكَوا بَيْنَهُمْ سَاحَةً فِيهَا مَمْرُهُمْ فَجَاءَ رَجُلٌ فَاشْتَرَى نَصِيبَ بَعْضِهِمْ أَلَا لَهُ ذَلِكَ قَالَ نَعَمْ وَ لَكِنْ يَسُدُّ بَابَهُ وَ يَفْتَحُ بَاباً إِلَى الطَّرِيقِ أَوْ يَنْزِلُ مِنْ فَوْقِ النَّبْتِ وَ يَسُدُّ بَابَهُ فَإِنْ أَرَادَ صَاحِبُ الطَّرِيقِ بَيْعَهُ فَإِنَّهُمْ أَحَقُّ بِهِ وَ إِلَّا فَهُوَ طَرِيقُهُ يَجِيءُ حَتَّى يَجْلِسَ عَلَى ذَلِكَ الْبَابِ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al Kahily, from mansour Bin hazim who said,

'I said to Abu Abdullah^{asws}, 'A house is between a group, so they divide it. So each one of them takes his piece and buids it and leaves a courtyard between them wherein is their passageway. So a man comes over and he buys a share of one of them, Is that for him (to do)?' He^{asws} said; 'Yes, but he would have to close his door and open (another) door to the road, or descend from the top of the house and close his door. So if the owner of the pathway sells it, so they would be more rightful with it, or else so it would be his pathway coming until it sets upon that door'.⁷⁶

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ بْنِ سَمَاعَةَ عَنْ أَحْمَدَ بْنِ الْحَسَنِ الْمِثَمِيِّ عَنْ أَبِيَانَ عَنْ أَبِي الْعَبَّاسِ وَ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَبْدِ اللَّهِ قَالَ سَمِعْنَا أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ الشُّفْعَةُ لَا تَكُونُ إِلَّا لِشَرِيكَ لَمْ يُقَاسَمِ .

Humeyd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from Ahmad Bin Al Hassan Al Maysami, from Aban, from Abu Al Abbas, and Abdul Rahman Bin Abu Abdullah who both said,

'We both heard Abu Abdullah^{asws} saying: 'The pre-emption does not happen except for a partner who has not been distributed (his share)'.⁷⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) قَالَ قَالَ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) لَا شُفْعَةَ فِي سَفِينَةٍ وَ لَا فِي نَهْرٍ وَ لَا فِي طَرِيقٍ .

Ali Bin Ibrahim, from his father, from Al Nowfaly, from Al Sakuny,

from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} said: 'There is no pre-emption regarding a ship, nor regarding a river, nor regarding a road'.⁷⁸

⁷⁵ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 8

⁷⁶ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 9

⁷⁷ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 10

⁷⁸ Al Kafi – V 5 – The Book of Subsistence Ch 137 H 11

بَابُ شِرَاءِ أَرْضِ الْخَرَاجِ مِنَ السُّلْطَانِ وَ أَهْلِهَا كَارَهُونَ وَ مَنْ اشْتَرَاهَا مِنْ أَهْلِهَا

Chapter 138 – Buying of the government land from the Sultan and its inhabitants are unwilling, and the one who buys it is from its inhabitants

مُحَمَّدُ بْنُ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ وَ حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ عَنْ غَيْرٍ وَاحِدٍ عَنْ أَبَانَ بْنِ عُمَانَ عَنْ إِسْمَاعِيلِ بْنِ الْفَضْلِ الْهَاشِمِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ اشْتَرَى أَرْضاً مِنْ أَرْضِ أَهْلِ الدِّمَّةِ مِنَ الْخَرَاجِ وَ أَهْلِهَا كَارَهُونَ وَ إِنَّمَا تَقَبَّلَهَا مِنَ السُّلْطَانِ لِعَجْزِ أَهْلِهَا عَنْهَا أَوْ غَيْرِ عَجْزٍ فَقَالَ إِذَا عَجَزَ رَبَابُهَا عَنْهَا فَكَأَنَّهَا تَأْخُذُهَا إِلَّا أَنْ يَضَارُّوا وَ إِنْ أُعْطِيَتْهُمْ شَيْئاً فَسَخَّتْ أَنْفُسُ أَهْلِهَا لَكُمْ بِهَا فَخُذُوهَا

Muhammad Bin yahya, from Abdullah Bin Muhammad, from Ali Bin Al hakam and Humeyd Bin Ziyad, from Al Hassan Bin Muhammad, from someone else, from Aban Bin Usman, from Ismail Bin Al Fazl Al Hashimy who said,

'I asked Abu Abdullah^{asws} about a man who leases a land from the lands of the Zimmy, from the tax, and its inhabitants were unwilling, and rather they contracted it from the Sultan (ruling authority) due to the frustration (from paying) of its inhabitants, or without frustration'. So he^{asws} said: 'When its owners are frustrated from it, so it is for you if you were to take these, unless you would be harming them, and if you were to give them something, so the selves of its inhabitants are agreeable with it, so take it'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ اشْتَرَى مِنْهُمْ أَرْضاً مِنْ أَرْضِي الْخَرَاجِ فَبَنَى فِيهَا أَوْ لَمْ يَبْنِ غَيْرَ أَنْ أَنَسَا مِنْ أَهْلِ الدِّمَّةِ نَزَلُوهَا أَلَهُ أَنْ يَأْخُذَ مِنْهُمْ أَجُورَ الْبُيُوتِ إِذَا أَدَّوا جَزِيَةَ رُءُوسِهِمْ قَالَ يُشَارِطُهُمْ فَمَا أَخَذَ بَعْدَ الشَّرْطِ فَهُوَ حَلَالٌ .

He (the narrator) said: 'And I asked him^{asws} about a man who buys from them a land from the lands of the taxation, so he builds there, or does not build, apart that people from the zimmy lodge therein. Is it for him that he takes rent of the houses from them when they pay their personal taxes?' He^{asws} said: 'He should stipulate to them. So whatever he takes after the stipulation, so it is Permissible'.⁷⁹

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيِّ عَنْ أَبَانَ عَنْ زُرَّارَةَ قَالَ قَالَ لَا بَأْسَ بِأَنْ يَشْتَرِيَ أَرْضَ أَهْلِ الدِّمَّةِ إِذَا عَمَرُوهَا وَ أَحْيَوْهَا فَهِيَ لَهُمْ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Aban, from Zurara who said,

'He^{asws} said: 'There is no problem with them buying a land of the Zimmy when they develop it and revive it, so it is for them'.⁸⁰

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ حَمَّادِ بْنِ عَيْسَى عَنْ حَرِيْزٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) وَ عَنْ السَّابِاطِيِّ وَ عَنْ زُرَّارَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) أَنَّهُمْ سَأَلُوهُمَا عَنْ شِرَاءِ أَرْضِ الدَّهَاقِيِّينَ مِنْ أَرْضِ الْجَزِيَّةِ فَقَالَ إِنَّهُ إِذَا كَانَ ذَلِكَ أَنْتَرَعْتَ مِنْكَ أَوْ تُؤَدِّي عَنْهَا مَا عَلَيْهَا مِنَ الْخَرَاجِ

Ali Bin Ibrahim, from his father, from Hammad Bin Isa, from Hareyz, from Muhammad Bin Muslim,

⁷⁹ Al Kafi – V 5 – The Book of Subsistence Ch 138 H 1

⁸⁰ Al Kafi – V 5 – The Book of Subsistence Ch 138 H 2

from Abu Ja'far^{asws}, and from Sabaty, and from Zurara, from Abu Abdullah^{asws}, and they asked both of them^{asws} about buying a land of the farmers from taxation lands. So he^{asws} said: 'If it was that (rising of Al Qaim^{asws}), it would be snatched away from you, or you would have to pay from it whatever from the taxes are upon it'.

قَالَ عَمَّارٌ ثُمَّ أَقْبَلَ عَلَيَّ فَقَالَ اشْتَرِهَا فَإِنَّ لَكَ مِنَ الْحَقِّ مَا هُوَ أَكْثَرُ مِنْ ذَلِكَ .

Ammar said, 'Then he^{asws} faced me, so he^{asws} said ;'Buy it, the right for you is what is more than that'.⁸¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ الْعَلَاءِ عَنِ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالَ سَأَلْتُهُ عَنْ شِرَاءِ أَرْضِ الدِّمَةِ فَقَالَ لَا بَأْسَ بِهَا فَتَكُونُ إِذَا كَانَ ذَلِكَ بِمَنْزِلَتِهِمْ تُؤَدِّي عَنْهَا كَمَا يُؤَدُّونَ

A number of our companions, from Sahl Bin Ziyad, and Ahmad Bin Muhammad, from Ibn Mahboub, from Al A'ala, from Muhammad Bin Muslim,

from Abu Ja'far^{asws}, said, 'I asked him^{asws} about buying a land of the Zimmy, so he^{asws} said: 'There is no problem with it. So you would become, when it transpires (rising of Al Qaim^{asws}), at their status. You would be paying from it just as they are paying'.

قَالَ وَ سَأَلَهُ رَجُلٌ مِنْ أَهْلِ النَّيْلِ عَنْ أَرْضٍ اشْتَرَاهَا بِقَمِ النَّيْلِ فَأَهْلُ الْأَرْضِ يَقُولُونَ هِيَ أَرْضُهُمْ وَ أَهْلُ الْأَسْتَانَ يَقُولُونَ هِيَ مِنْ أَرْضِنَا قَالَ لَا تَشْتَرِهَا إِلَّا بِرِضَا أَهْلِهَا .

He (the narrator) said, 'And a man from the people of the Nile asked him about a land bought at the mouth of the Nile, so the people of the land are saying that it is their land, and the people of Al Astana are saying it is from their land'. He^{asws} said: 'Do not buy it except with the agreement of its inhabitants'.⁸²

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ إِسْمَاعِيلَ بْنِ مَرَّارٍ عَنْ بُرَيْسَ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ عَنْ أَبِيهِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) إِنَّ لِي أَرْضَ خَرَجٍ وَ قَدْ ضِغْتُ بِهَا ذُرْعًا قَالَ فَسَكَتَ هُنَيْهَةً ثُمَّ قَالَ إِنَّ قَائِمَنَا لَوْ قَدْ قَامَ كَانَ نَصِيبِكَ فِي الْأَرْضِ أَكْثَرَ مِنْهَا وَ لَوْ قَدْ قَامَ قَائِمُنَا (عَلَيْهِ السَّلَامُ) كَانَ الْأَسْتَانُ أَمْتَلَّ مِنْ قَطَائِعِهِمْ .

Ali Bin Ibrahim, from his father, from Ismail Bin Marrar, from Yunus, from Abdullah Bin Sinan, from his father who said,

'I said to Abu Abdullah^{asws}, 'For me is a land of taxes, and I am straitened by it, tired'. He (the narrator) said, 'So he^{asws} was silent for a while, then said: 'When our^{asws} Qaim^{asws} rises, your share in the land would be greater than it, and if our^{asws} Qaim^{asws} were to rise, Al Astaan would be more ideal than their pieces (of land)'.⁸³

⁸¹ Al Kafi – V 5 – The Book of Subsistence Ch 138 H 3

⁸² Al Kafi – V 5 – The Book of Subsistence Ch 138 H 4

⁸³ Al Kafi – V 5 – The Book of Subsistence Ch 138 H 5

باب سُخْرَةِ الْعُلُوجِ وَ النَّزُولِ عَلَيْهِمْ

Chapter 139 – Forced labour of the non-Muslims and the lodging upon them

حُمَيْدُ بْنُ زِيَادٍ عَنِ الْحَسَنِ بْنِ مُحَمَّدِ بْنِ سَمَاعَةَ عَنْ عَيْرٍ وَاحِدٍ عَنْ أَبَانَ وَ مُحَمَّدَ بْنَ يَحْيَى عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ أَبَانَ عَنْ إِسْمَاعِيلِ الْفَضْلِ الْهَاشِمِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) عَنِ السُّخْرَةِ فِي الْقَرْيَةِ وَ مَا يُؤْخَذُ مِنَ الْعُلُوجِ وَ الْأَكْرَةِ فِي الْقَرْيَةِ فَقَالَ اشْتَرَطَ عَلَيْهِمْ فَمَا اشْتَرَطَ عَلَيْهِمْ مِنَ الدَّرَاهِمِ وَ السُّخْرَةِ وَ مَا سِوَى ذَلِكَ فَهُوَ لَكَ وَ لَيْسَ لَكَ أَنْ تَأْخُذَ مِنْهُ شَيْئاً حَتَّى تُسَارِطَهُمْ وَ إِنْ كَانَ كَالْمُسْتَيْقِنِ إِنْ كُلَّ مَنْ نَزَلَ تِلْكَ الْقَرْيَةَ أَخَذَ ذَلِكَ مِنْهُ

Humejd Bin Ziyad, from Al Hassan Bin Muhammad Bin Sama'at, from someone else, from Aban and Muhammad Bin Yahya, from Abdullah Bin Muhammad, from Ali Bin Al Hakam, from Aban, from Ismail Al Fazl Al hashimy who said,

'I asked Abu Abdullah^{asws} about the forced labour in the town and what one can take from the non-Muslim labour and the hiring in the town So he^{asws} said: 'Stipulate upon them. So whatever you stipulate upon them from the Dirhams and the forced labour, and whatever is besides that, so it is for you, and it is not for you that you take anything from it until you have stipulated to them beforehand, and even though you are certain that every one who lodges in that town takes that from it'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ بَنَى فِي حَقِّ لَهُ إِلَى جَنْبِ جَارٍ لَهُ بُيُوتاً أَوْ دَاراً فَتَحَوَّلَ أَهْلُ دَارِ جَارٍ لَهُ أَلَهُ أَنْ يَرُدَّهُمْ وَ هُمْ كَارِهِونَ فَقَالَ هُمْ أَحْرَارٌ يَنْزِلُونَ حَيْثُ شَاءُوا وَ يَتَحَوَّلُونَ حَيْثُ شَاءُوا .

He (the narrator) said, 'And I asked him^{asws} about a man who built a house or houses in a right of his to the side of a neighbour of his. So the people of the house became neighbours of his. Is it for him that he repulses them and they are unwilling?' So he^{asws} said: 'They are free to be lodging wherever they so desire to, and move around wherever they so desire to'.⁸⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ جَمِيلِ بْنِ دَرَّاجٍ عَنْ عَلِيِّ الْأَزْرَقِ قَالَ سَمِعْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) يَقُولُ وَصَّى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عَلِيّاً (عَلَيْهِ السَّلَامُ) عِنْدَ مَوْتِهِ فَقَالَ يَا عَلِيُّ لَا يُظْلَمُ الْفَلَّاحُونَ بِحَضْرَتِكَ وَ لَا يَزْدَادُ عَلَى أَرْضٍ وَضَعْتَ عَلَيْهَا وَ لَا سُخْرَةَ عَلَى مُسْلِمٍ يَعْنِي الْأَجِيرَ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Jameel Bin Darraj, from Ali Al Azraq who said,

'I heard Abu Abdullah^{asws} saying: 'Rasool-Allah^{saww} bequeathed to Ali^{asws} at the time of his^{saww} passing away, so he^{saww} said: 'O Ali^{asws}! Do not let the peasants be oppressed in your^{asws} presence, and do not let the taxes increase upon the land, and do not let forced labour be upon a Muslim' - meaning the employee'.⁸⁵

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ ابْنِ مُسْكَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ قَالَ كَانَ أَمِيرُ الْمُؤْمِنِينَ (عَلَيْهِ السَّلَامُ) يَكْتَبُ إِلَى عُمَّالِهِ لَا تُسَخَّرُوا الْمُسْلِمِينَ وَ مَنْ سَأَلَكُمْ عَيْرَ الْفَرِيضَةِ فَقَدْ اعْتَدَى فَلَا تُعْطُوهُ وَ كَانَ يَكْتَبُ يُوصِي بِالْفَلَّاحِينَ خَيْراً وَ هُمْ الْأَكَارُونَ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from Safwan, from Ibn Muskan, from Al Halby,

⁸⁴ Al Kafi – V 5 – The Book of Subsistence Ch 138 H 1

⁸⁵ Al Kafi – V 5 – The Book of Subsistence Ch 138 H 2

from Abu Abdullah^{asws} having said: 'Amir Al Momineen^{asws} used to write to his^{asws} office bearers: 'Do not let the Muslims be in forced labour; and the one who asks you^{asws} for other than the Obligations, so he has exceeded, so do not give it to him'. And he^{asws} would write advising goodness with the peasants and they were hired'.⁸⁶

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ سَهْلِ بْنِ زِيَادٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ سِنَانَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ النَّزُولُ عَلَى أَهْلِ الْخَرَاجِ ثَلَاثَةَ أَيَّامٍ .

A number of our companions, from Ahmad Bin Muhammad, from Sahl Bin Ziyad, from Ibn Mahboub, from Ibn Sinan,

from Abu Abdullah^{asws} having said: 'The lodging upon the people of the taxation is for three days (no more)'.⁸⁷

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَادٍ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ يُنْزَلُ عَلَى أَهْلِ الْخَرَاجِ ثَلَاثَةَ أَيَّامٍ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hammad, from Al halby,

from Abu Abdullah^{asws} having said: 'The lodging upon the people of the taxation is for three days (no more)'.⁸⁸

باب الدَّلَالَةِ فِي الْبَيْعِ وَ أَجْرِهَا وَ أَجْرِ السَّمْسَارِ

Chapter 140 – The brokerage in the selling and its fee, and the fee of the realtor

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحُسَيْنِ بْنِ بَشَّارٍ عَنْ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) فِي الرَّجُلِ يَدُلُّ عَلَى الثَّوْرِ وَ الضِّيَاعِ وَ يَأْخُذُ عَلَيْهِ الْأَجْرَ قَالَ هَذِهِ أَجْرَةٌ لَا بَأْسَ بِهَا .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Husayn Bin Bashhar,

from Abu Al Hassan^{asws} regarding the man who indicates upon the houses and the places, and he takes the (finder's) fee upon it. He^{asws} said: 'This is a remuneration. There is no problem with it'.⁸⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ أَوْ غَيْرِهِ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سُئِلَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) وَ أَنَا أَسْمَعُ فَقَالَ لَهُ إِنَّا نَأْمُرُ الرَّجُلَ فَيَسْتَتِرِي لَنَا الْأَرْضَ وَ الْغُلَامَ وَ الدَّارَ وَ الْخَادِمَ وَ نَجْعَلُ لَهُ جُعْلًا قَالَ لَا بَأْسَ بِذَلِكَ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, or someone else, from Abdullah Bin Sinan who said,

'Abu Abdullah^{asws} was asked and I was listening, so he said to him^{asws}, 'We instruct the man, so he buys the land for us, and the slave, and the house, and the servant, and we make a fee to be for him'. He^{asws} said: 'There is no problem with that'.⁹⁰

⁸⁶ Al Kafi – V 5 – The Book of Subsistence Ch 138 H 3

⁸⁷ Al Kafi – V 5 – The Book of Subsistence Ch 138 H 4

⁸⁸ Al Kafi – V 5 – The Book of Subsistence Ch 138 H 5

⁸⁹ Al Kafi – V 5 – The Book of Subsistence Ch 139 H 1

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ بَعْضِ أَصْحَابِنَا مِنْ أَصْحَابِ الرَّقِيقِ قَالَ اشْتَرَيْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) جَارِيَةً فَنَاقَلْنِي أَرْبَعَةَ دَنَانِيرَ فَأَبَيْتُ فَقَالَ لَتَأْخُذَنَّ فَأَخَذْتُهَا وَ قَالَ لَا تَأْخُذْ مِنَ الْبَائِعِ .

Ahmad Bin Muhammad, from Ibn Abu Umeyr, from one of our companions, from the companions of Al Raqeq who said,

'I bought a slave girl for Abu Abdullah^{asws}, so he^{asws} gave me four Dinars, but I refused (to accept it). So he^{asws} said to me: 'Take it!' So I took it and he^{asws} said: 'Do not take from the seller'.⁹¹

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ سَهْلِ بْنِ زِيَادٍ وَ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانَ قَالَ سَمِعْتُ أَبِي سَأَلَ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ أَنَا سَمِعْتُ فَقَالَ لَهُ رَبِّمَا أَمَرْنَا الرَّجُلَ فَيَسْتَتِرِي لَنَا الْأَرْضَ وَ الدَّارَ وَ الْعُلَامَ وَ الْجَارِيَةَ وَ نَجْعَلُ لَهُ جُعْلًا قَالَ لَا بَأْسَ .

A number of our companions, from Sahl Bin Ziyad, and Ahmad Bin Muhammad, from Ibn Mahboub, from Abdullah Bin Sinan who said,

'I heard my father asking Abu Abdullah^{asws} and I was listening, so he said to him^{asws}, 'Sometimes we instruct the man so he buys for us the land, and the house, and the slave, and the slave girl, and we make a fee to be for him'. He^{asws} said: 'There is no problem'.⁹²

وَ عَنْهُمَا عَنِ ابْنِ مَحْبُوبٍ عَنِ أَبِي وَ لِإِدِّ عَنِ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ غَيْرِهِ عَنِ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَامُ) قَالُوا قَالَ لَا بَأْسَ بِأَجْرِ السَّمْسَارِ إِنَّمَا هُوَ يَسْتَتِرِي لِلنَّاسِ يَوْمًا بَعْدَ يَوْمٍ بِشَيْءٍ مَعْلُومٍ وَ إِنَّمَا هُوَ مِثْلُ الْأَجِيرِ .

And from the two of them, from Ibn Mahboub, from Abu Al Wallad,

from Abu Abdullah^{asws} and someone else, from Abu Ja'far^{asws} both having said: 'There is no problem with fee if the broker. But rather, he buys for the people day after day, with something known, and rather it is like the employee'.⁹³

بَابُ مُشَارَكَةِ الدَّمِيِّ

Chapter 141 – Partnership with the Zimmy (non-Muslim taxpayer)

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ ابْنِ مَحْبُوبٍ عَنِ ابْنِ رَبَّابٍ قَالَ قَالَ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) لَا يَنْبَغِي لِلرَّجُلِ الْمُسْلِمِ أَنْ يُشَارِكَ الدَّمِيَّ وَ لَا يُبْضِعَهُ بِضَاعَةً وَ لَا يُودِعَهُ وَدِيعَةً وَ لَا يُصَافِيَهُ الْمَوَدَّةَ .

A number of our companions, from Ahmad Bin Muhammad, from Ibn Mahboub, from Ibn Ra'ib who said,

'Abu Abdullah^{asws} said: 'It is not befitting for the Muslim man that he does a partnership with the Zimmy, nor place the merchandise with him, nor entrust him with an entrustment, nor have sincere cordiality (with him)'.⁹⁴

⁹⁰ Al Kafi – V 5 – The Book of Subsistence Ch 139 H 2

⁹¹ Al Kafi – V 5 – The Book of Subsistence Ch 139 H 3

⁹² Al Kafi – V 5 – The Book of Subsistence Ch 139 H 4

⁹³ Al Kafi – V 5 – The Book of Subsistence Ch 139 H 5

⁹⁴ Al Kafi – V 5 – The Book of Subsistence Ch 140 H 1

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ النَّوْفَلِيِّ عَنِ السَّكُونِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) أَنَّ أَمِيرَ الْمُؤْمِنِينَ (صَلَوَاتُ اللَّهِ عَلَيْهِ) كَرِهَ مُشَارَكَةَ الْيَهُودِيِّ وَ النَّصْرَانِيِّ وَ الْمَجُوسِيِّ إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً لَا يَغِيبُ عَنْهَا الْمُسْلِمُ .

Ali Bin Ibrahim, from his father, from Al nowfaly, from Al Sakuny,

from Abu Abdullah^{asws} that Amir Al Momineen^{asws} disliked partnering the Jew, and the Christian, and the Magian, except if there happens to be a business of presence (hand to hand deal), the Muslim not being absent from it'.⁹⁵

باب الإِسْتِحْطَاطِ بَعْدَ الصَّفَقَةِ

Chapter 142 – The bargaining after the deal

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ إِبْرَاهِيمَ الْكَرْخِيِّ قَالَ اشْتَرَيْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) جَارِيَةً فَلَمَّا ذَهَبْتُ أَنْفَذُهُمُ الدَّرَاهِمَ قُلْتُ أَسْتَحْطِطُهُمْ قَالَ لَا إِنَّ رَسُولَ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) نَهَى عَنِ الإِسْتِحْطَاطِ بَعْدَ الصَّفَقَةِ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Ibrahim Al Karkhy who said,

'I bought a slave girl for Abu Abdullah^{asws}. So when I went to fetch the Dirhams, I said, 'Can I ask for a reduction?' He^{asws} said: 'No. Rasool-Allah^{ajwj} forbade from the reduction after the (conclusion of) the deal'.⁹⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ بَعْضِ أَصْحَابِنَا عَنْ مُعَاوِيَةَ بْنِ عَمَّارٍ عَنْ زَيْدِ الشَّحَّامِ قَالَ أَتَيْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) بِجَارِيَةٍ أَعْرَضَهَا فَجَعَلَ يُسَاوِمُنِي وَ أَسَاوِمُهُ ثُمَّ بَعَثَهَا إِلَيْهِ فَضَمَّ عَلَى يَدِي قُلْتُ جُعِلْتُ فِدَاكَ إِنَّمَا سَاوَمْتُكَ لِأَنْظُرَ الْمُسَاوِمَةَ تَنْبِغِي أَوْ لَا تَنْبِغِي وَ قُلْتُ قَدْ حَطَّطْتُ عَنْكَ عَشْرَةَ دَنَانِيرَ .

A number of our companions, from Ahmad Bin Muhammad, from one of our companions, from Muawiya Bin Ammar, from Zayd Al Shahaam who said,

'A number of our companions, from Ahmad Bin Muhammad, from one of our companions, from Muawiya Bin Ammar, from Zayd Al Shahaam who said, 'I went over to Abu Abdullah^{asws} with a slave girl. I presented her, so he^{asws} went on to bargain with me and I bargained with him^{asws}. Then I sold her to him^{asws}. So he^{asws} joined his^{asws} hand upon mine (as a gesture of conclusion of the deal). I said, 'May I be sacrificed for you^{asws}! But rather, I bargained with you^{asws} in order to see whether the bargaining befits me or does not befit me'. And I said, 'I have dropped (the price) from you^{asws} by ten Dinars'.

فَقَالَ هِيَآتِ أَلَا كَانَ هَذَا قَبْلَ الضَّمِّ أَمَا بَلَغَكَ قَوْلُ النَّبِيِّ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) الْوَضِيعَةُ بَعْدَ الضَّمِّ حَرَامٌ .

So he^{asws} said: 'Far be it! Indeed, this is before the clasp of the arms. Have the words of Rasool-Allah^{saww} not reached you: 'The reduction after the clasp of the arms (conclusion of the deal) is Prohibited?'⁹⁷

⁹⁵ Al Kafi – V 5 – The Book of Subsistence Ch 140 H 2

⁹⁶ Al Kafi – V 5 – The Book of Subsistence Ch 141 H 1

⁹⁷ Al Kafi – V 5 – The Book of Subsistence Ch 142 H 2

باب حَزْر الزَّرْعِ**Chapter 143 – Estimating the produce**

عَلِيُّ بْنُ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ أَحْمَدَ عَنْ مُحَمَّدِ بْنِ عَيْسَى عَنْ بَعْضِ أَصْحَابِهِ قَالَ قُلْتُ لِأَبِي الْحَسَنِ (عَلَيْهِ السَّلَامُ) إِنَّ لَنَا أَكْرَةَ فَنَزَارُ عَنْهُمْ فَيَجِيبُونَ وَيَقُولُونَ لَنَا قَدْ حَزَرْنَا هَذَا الزَّرْعَ بِكَذَا وَ كَذَا فَأَعْطُونَاهُ وَ نَحْنُ نَضْمُنُ لَكُمْ أَنْ نُعْطِيَكُمْ حَصْنَتَكُمْ عَلَى هَذَا الْحَزْرِ فَقَالَ وَ قَدْ بَلَغَ قُلْتُ نَعَمْ قَالَ لَا بَأْسَ بِهَذَا

Ali Bin Muhammad, from Muhammad Bin Ahmad, from Muhammad Bin Isa, from one of his companions who said,

'I said to Abu Abdullah^{asws}, 'For us are hired workers, so we make them cultivate, so they are answering and are saying to us, 'We have estimated this plantation with such and such. So give it to us and we would guarantee for you that we would give you your share upon this estimate'. So he^{asws} said: 'A has it matured?' I said, 'Yes'. He^{asws} said: 'There is no problem with this'.

قُلْتُ فَإِنَّهُ يَجِيءُ بَعْدَ ذَلِكَ فَيَقُولُ لَنَا إِنَّ الْحَزْرَ لَمْ يَجِيءْ كَمَا حَزَرْتُ وَ قَدْ نَقَصَ قَالَ فَإِذَا زَادَ يَرُدُّ عَلَيْكُمْ قُلْتُ لَا قَالَ فَلَكُمْ أَنْ تَأْخُذُوهُ بِتِمَامِ الْحَزْرِ كَمَا أَنَّهُ إِذَا زَادَ كَانَ لَهُ كَذَلِكَ إِذَا نَقَصَ كَانَ عَلَيْهِ.

I said, 'So he comes after that and he is saying to us, 'The estimated did not come out to be as we had estimated it to be, and it is deficient'. He^{asws} said: 'So when it is more, does he return to you?' I said, 'No'. He^{asws} said: 'So for you is that you take it with the complete estimated just as when it is more it would be for him, similar to that, when it is deficient it is upon him'.⁹⁸

باب إِجَارَةِ الْأَجِيرِ وَ مَا يَجِبُ عَلَيْهِ**Chapter 144 – Wages of the employee and what is obligated upon it**

أَبُو عَلِيٍّ الْأَشْعَرِيُّ عَنْ مُحَمَّدِ بْنِ عَبْدِ الْجَبَّارِ عَنْ صَفْوَانَ عَنْ إِسْحَاقَ بْنِ عَمَّارٍ قَالَ سَأَلْتُ أَبَا إِبْرَاهِيمَ (عَلَيْهِ السَّلَامُ) عَنِ الرَّجُلِ يَسْتَأْجِرُ الرَّجُلَ بِأَجْرَةٍ مَعْلُومَةٍ فَيَبْعَثُهُ فِي ضَيْعَةٍ فَيُعْطِيهِ رَجُلٌ آخَرَ دَرَاهِمَ وَ يَقُولُ اشْتَرِ بِهَذَا كَذَا وَ كَذَا وَ مَا رَبَحْتَ بَيْنِي وَ بَيْنَكَ فَقَالَ إِذَا أَدِنَ لَهُ الَّذِي اسْتَأْجَرَهُ فَلَيْسَ بِهِ بَأْسٌ .

Abu Ali Al Ashary, from Muhammad Bin Abdul Jabbar, from safwan, from Is'hhaq Bin Ammar who said,

'I asked Abu Ibrahim^{asws} (7th Imam^{asws}) about the man who employs the man with a known wage, so he sends him in a place. Then he (employee) gives Dirhams to another man and is saying, 'Buy such and such, and whatever profit there is would be between me and you'. So he^{asws} said: 'When the one who employed him allows it for him, so there is no problem'.⁹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْعَبَّاسِ بْنِ مُوسَى عَنْ يُوسُفَ عَنِ سُلَيْمَانَ بْنِ سَالِمٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَامُ) عَنْ رَجُلٍ اسْتَأْجَرَ رَجُلًا بِنَفَقَةٍ وَ دَرَاهِمَ مُسَمَّاةٍ عَلَى أَنْ يَبْعَثَهُ إِلَى أَرْضٍ فَلَمَّا أَنْ قَدِمَ أَقْبَلَ رَجُلًا مِنْ أَصْحَابِهِ يَدْعُوهُ إِلَى مَنْزِلِهِ الشَّهْرَ وَ الشَّهْرَيْنِ فَيُصِيبُ عِنْدَهُ مَا يُغْنِيهِ عَنِ نَفَقَةِ الْمُسْتَأْجِرِ فَنَظَرَ الْأَجِيرُ إِلَى مَا كَانَ يُنْفِقُ عَلَيْهِ فِي الشَّهْرِ إِذَا هُوَ لَمْ يَدْعُهُ فَكَفَاهُ الَّذِي يَدْعُوهُ فَمِنْ مَالٍ مِنْ تِلْكَ الْمَكَافَأَةِ أَوْ مِنْ مَالِ الْأَجِيرِ أَوْ مِنْ مَالِ الْمُسْتَأْجِرِ قَالَ إِنْ كَانَ فِي مَصْلَحَةٍ الْمُسْتَأْجِرِ فَهُوَ مِنْ مَالِهِ وَ إِلَّا فَهُوَ عَلَى الْأَجِيرِ

⁹⁸ Al Kafi – V 5 – The Book of Subsistence Ch 143 H 1

⁹⁹ Al Kafi – V 5 – The Book of Subsistence Ch 144 H 1

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Al Abbas Bin Musa, from Yunus, from Suleyman Bin Salim who said,

'I asked Abu Al Hassan^{asws} about a man who employs a man with expenses and a specified amount of Dirhams upon a stipulation that he would send him to a land. So when he arrived, a man from his companions welcomed him and invited him to his house for the month or two months. So he attained with him what made him needless from the expenditure (provided by the) employer. So the employee looked at what he would have spent upon him during the month if he (his companion) had not invited him. So the one who had invited him had sufficed him. So from whose wealth would be that sufficient expenditure, from the wealth of the employee or from the wealth of the employer?' He^{asws} said: 'If it was in the interest of the employer so it would be from his wealth, or else so it is upon the employee'.

وَ عَنْ رَجُلٍ اسْتَأْجَرَ رَجُلًا بِنَفَقَةٍ مُسَمَّاةٍ وَ لَمْ يُفَسِّرْ شَيْئًا عَلَى أَنْ يَبْعَثَهُ إِلَى أَرْضٍ أُخْرَى فَمَا كَانَ مِنْ مَثُونَةِ الْأَجِيرِ مِنْ غَسْلِ الثِّيَابِ وَ الْحَمَامِ فَعَلَى مَنْ قَالَ عَلَى الْمُسْتَأْجِرِ .

(He the narrator said), 'And (I asked) about a man who employed a man with a specified expenditure and did not explain anything that he would be sending him to another land. So whatever was from the provisions of the employee, from washing the clothes and the bathing, so upon whom (would it be)?' He^{asws} said: 'Upon the employer'.¹⁰⁰

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ عَلِيِّ بْنِ إِسْمَاعِيلَ بْنِ عَمَّارٍ عَنْ عُبَيْدِ بْنِ زُرَّارَةَ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) الرَّجُلُ يَأْتِي الرَّجُلَ فَيَقُولُ أَكْتُبْ لِي بِدَرَاهِمٍ فَيَقُولُ لَهُ أَخَذُ مِنْكَ وَ أَكْتُبُ لَكَ [بَيْنَ يَدَيْهِ] قَالَ فَقَالَ لَا بَأْسَ

Ahmad Bin Muhammad, from Ibn Abu Umeyr, from Ali Bin Ismail Bin Ammar, from Ubeyd Bin Zurara who said,

'I said to Abu Abdullah^{asws}, 'The man comes over to the man so he is saying, 'Write out (a promissory note) for me with the Dirhams'. So he is saying to him, 'I shall take from you and (then) I shall write for you', in front of him'. So he^{asws} said; 'There is no problem'.

قَالَ وَ سَأَلْتُهُ عَنْ رَجُلٍ اسْتَأْجَرَ مَمْلُوكًا فَقَالَ الْمَمْلُوكُ أَرْضِ مَوْلَايَ بِمَا شِئْتَ وَ لِي عَلَيْكَ كَذَا وَ كَذَا دَرَاهِمٍ مُسَمَّاةٍ فَهَلْ يَلْزَمُ الْمُسْتَأْجِرَ وَ هَلْ يَجِلُّ لِلْمَمْلُوكِ قَالَ لَا يَلْزَمُ الْمُسْتَأْجِرَ وَ لَا يَجِلُّ لِلْمَمْلُوكِ .

He (the narrator) said, 'And I asked him^{asws} about a man who employs an owned slave, so the slave said, 'Ask my master with whatever you so desire to, and for me, upon you would be such and such specified amount of Dirhams. So, does it obligate the employer, and is it Permissible for the owned slave?' He^{asws} said: 'Neither does it obligate the employer nor is it Permissible for the slave'.¹⁰¹

¹⁰⁰ Al Kafi – V 5 – The Book of Subsistence Ch 144 H 2

¹⁰¹ Al Kafi – V 5 – The Book of Subsistence Ch 144 H 3

باب كراهة استعمال الأجير قبل مقاطعته على أجرته و تأخير إعطائه بعد العمل

Chapter 145 – Abhorrence of utilising the employee before agreeing his wages and delay giving it to him after the work

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ سُلَيْمَانَ بْنِ جَعْفَرِ الْجَعْفَرِيِّ قَالَ كُنْتُ مَعَ الرَّضَا (عليه السلام) فِي بَعْضِ الْحَاجَةِ فَارَدْتُ أَنْ أَنْصَرِفَ إِلَى مَنْزِلِي فَقَالَ لِي أَنْصَرِفْ مَعِي فَبِتُّ عِنْدِي اللَّيْلَةَ فَانْطَلَقْتُ مَعَهُ فَدَخَلْتُ إِلَى دَارِهِ مَعَ الْمُعْتَبِ بْنِ فَطْرٍ إِلَى غُلَامَانِهِ يَعْْمَلُونَ بِالطِّينِ أَوْارِي الدَّوَابَّ وَ غَيْرَ ذَلِكَ وَ إِذَا مَعَهُمْ أَسْوَدٌ لَيْسَ مِنْهُمْ فَقَالَ مَا هَذَا الرَّجُلُ مَعَكُمْ فَقَالُوا يُعَاوِنُنَا وَ نُعْطِيهِ شَيْئاً قَالَ قَاطَعْنَاهُ عَلَى أَجْرَتِهِ فَقَالُوا لَا هُوَ يَرْضَى مِنَّا بِمَا نُعْطِيهِ

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Suleyman Bin Ja'far Al Ja'fary who said,

'I was with Al Reza^{asws} regarding one of the needs, and I intended to leave to go to my house. So he^{asws} said to me: 'Come with me^{asws} and spend the night in my^{asws} presence'. So I went with him^{asws} and entered into his^{asws} house along with Al Mo'tab. So he^{asws} looked at his^{asws} servants who were working with the clay in the animal enclosure, and other such work, and there was a black man with them who was not from them. So he^{asws} said: 'Who is this man with you?' So they said, 'He is helping us and we would give him something'. He^{asws} said: 'Have you agreed his wages with him?' So they said, 'No. He would be pleased from us with whatever we give him'.

فَأَقْبَلَ عَلَيْهِمْ بِضَرْبِهِمْ بِالسَّوْطِ وَ غَضِبَ لِذَلِكَ غَضَباً شَدِيداً فَقُلْتُ جُعِلْتُ فِدَاكَ لِمَ تَدْخُلُ عَلَى نَفْسِكَ فَقَالَ إِنِّي قَدْ نَهَيْتُهُمْ عَنْ مِثْلِ هَذَا غَيْرَ مَرَّةٍ أَنْ يَعْْمَلَ مَعَهُمْ أَحَدٌ حَتَّى يُقَاطَعُوهُ أَجْرَتَهُ وَ اعْلَمْ أَنَّهُ مَا مِنْ أَحَدٍ يَعْْمَلُ لَكَ شَيْئاً بِغَيْرِ مُقَاطَعَةٍ ثُمَّ زِدْتَهُ لِذَلِكَ الشَّيْءِ ثَلَاثَةَ أَضْعَافٍ عَلَى أَجْرَتِهِ إِلَّا ظَنَّ أَنَّكَ قَدْ نَقَصْتَهُ أَجْرَتَهُ وَ إِذَا قَاطَعْتَهُ ثُمَّ أَعْطَيْتَهُ أَجْرَتَهُ حَمْدَكَ عَلَى الْوَفَاءِ فَإِنْ زِدْتَهُ حَبَّةً عَرَفَ ذَلِكَ لَكَ وَ رَأَى أَنَّكَ قَدْ زِدْتَهُ.

So he^{asws} faced towards them to strike them with the whip, and was angered due to that with an intense anger. So I said, 'May I be sacrificed for you^{asws}! Why are you taking it upon yourself^{asws}?' So he^{asws} said: 'I^{asws} have forbidden them from the likes of this many a time, to make anyone work with them until they agree his wages beforehand. And know that there is no one who would work for you anything without an agreed wages, and then you increase something for him three times over upon his wages, he would still think that you have been deficient in his wages; and when you agree his wages beforehand, then give his wages to him, he would praise you upon the loyalty. So if you were to increase it even by a grain, he would recognise that for you and view that you have given him more'.¹⁰²

عَلِيُّ بْنُ إِبرَاهِيمَ عَنْ أَبِيهِ عَنِ ابْنِ أَبِي عُمَيْرٍ عَنْ هِشَامِ بْنِ الْحَكَمِ عَنْ أَبِي عَبْدِ اللَّهِ (عليه السلام) فِي الْحَمَالِ وَ الْأَجِيرِ قَالَ لَا يَجِفُّ عَرْفُهُ حَتَّى تُعْطِيَهُ أَجْرَتَهُ .

Ali Bin Ibrahim, from his father, from Ibn Abu Umeyr, from Hisham Bin Al Hakam,

from Abu Abdullah(a.s.) regarding the carriers and the employees, having said: 'His sweat should not dry up until you give him his wages'.¹⁰³

¹⁰² Al Kafi – V 5 – The Book of Subsistence Ch 144 H 1

¹⁰³ Al Kafi – V 5 – The Book of Subsistence Ch 144 H 2

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ حَنَانَ عَنْ شُعَيْبِ بْنِ قَالٍ تَكَارَرَيْنَا لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَوْمًا يَعْمَلُونَ فِي بُسْتَانٍ لَهُ وَكَانَ أَجْلُهُمْ إِلَى الْعَصْرِ فَلَمَّا فَرَغُوا قَالَ لِمُعْتَبِرٍ أَعْطِهِمْ أَجْرَهُمْ قَبْلَ أَنْ يَجِفَّ عَرْفُهُمْ .

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Hanaan, from Shuayb who said,

‘We hired for Abu Abdullah^{asws}, a group of people working for him^{asws} in an orchard of his, and their term was until the mid-afternoon. So when they were free, he^{asws} said to Mo’tab: ‘Give them their wages before their sweat dries up’.¹⁰⁴

عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ هَارُونَ بْنِ مُسْلِمٍ عَنْ مَسْعَدَةَ بْنِ صَدَقَةَ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَسْتَعْمِلَنَّ أَجِيرًا حَتَّى يُعْلِمَهُ مَا أَجْرُهُ وَمَنْ اسْتَأْجَرَ أَجِيرًا ثُمَّ حَبَسَهُ عَنِ الْجُمُعَةِ يَبُوءُ بِإِثْمِهِ وَإِنْ هُوَ لَمْ يَحْبِسْهُ اسْتَرَكَ فِي الْأَجْرِ .

Ali Bin Ibrahim, from his father, from Haroun Bin Muslim, from Mas’ada Bin Sadaqa,

from Abu Abdullah^{asws} having said: ‘The one who was a believer in Allah^{ajwj} and the Last Day, so he should not utilise an employee until he lets him know what his wages are, and the one who employs an employee, then withholds him from the Friday (Prayer) would be responsible for his sin, and if he does not withhold him, he would be a participant in the Recompense’.¹⁰⁵

باب الرَّجُلِ يَكْتَرِي الدَّابَّةَ فَيَجَاوِزُ بِهَا الْحَدَّ أَوْ يَرُدُّهَا قَبْلَ الْإِنْتِهَاءِ إِلَى الْحَدِّ

Chapter 146 – The man hires the animal, so he exceeds the limit with it, or returns it before ending up to the limit

الْحُسَيْنُ بْنُ مُحَمَّدٍ عَنْ مُعَلَّى بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ عَنْ أَبَانَ بْنِ عُثْمَانَ عَنِ الْحَسَنِ الصَّبِقَلِ قَالَ قُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) مَا تَقُولُ فِي رَجُلٍ أَكْتَرَى دَابَّةً إِلَى مَكَانٍ مَعْلُومٍ فَجَاوَزَهُ قَالَ يُحْسَبُ لَهُ الْأَجْرُ بِقَدْرِ مَا جَاوَزَ وَإِنْ عَطِبَ الْأِمْرَارُ فَهُوَ ضَامِرٌ .

Al Husayn Bin Muhammad, from Moalla Bin Muhammad, from Al Hassan Bin Ali, from Aban Bin Usman, from Al Hassan Al Sayqal who said,

‘I said to Abu Abdullah^{asws}, ‘What are you^{asws} saying regarding a man who hires an animal to a known place, so he exceeds it’. He^{asws} said: ‘The rent would be accounted for him in accordance with whatever he has exceeded with, and if the donkey is injured, so he would be responsible’.¹⁰⁶

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي حَمْرَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنِ الرَّجُلِ يَكْتَرِي الدَّابَّةَ فَيَقُولُ أَكْتَرَيْتُهَا مِنْكَ إِلَى مَكَانٍ كَذَا وَكَذَا فَإِنْ جَاوَزْتُهُ فَلَاكَ كَذَا وَكَذَا زِيَادَةً وَ يُسَمَّى ذَلِكَ قَالَ لَا بَأْسَ بِهِ كُلَّهُ .

A number of our companions, from Ahmad Bin Muhammad, from Ali Bin Al Hakam, from Al ‘ala, from Muhammad Bin Muslim, from Abu Hamza,

¹⁰⁴ Al Kafi – V 5 – The Book of Subsistence Ch 144 H 3

¹⁰⁵ Al Kafi – V 5 – The Book of Subsistence Ch 144 H 4

¹⁰⁶ Al Kafi – V 5 – The Book of Subsistence Ch 145 H 1

from Abu Ja'far^{asws}, said, 'I asked him^{asws} about the man who hires the animal, so he is saying, 'I am hiring it from you up to such and such a place. So if I were to exceed it, for you would be such and such increase (of hire charges)', and he specifies that'. He^{asws} said: 'There is no problem with it, all of it'.¹⁰⁷

أَحْمَدُ بْنُ مُحَمَّدٍ [عَنْ رَجُلٍ] عَنْ أَبِي الْمُغْرَاءِ عَنِ الْحَلْبِيِّ قَالَ سَأَلْتُ أَبَا عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ تَكَارَى دَابَّةً إِلَى مَكَانٍ مَعْلُومٍ فَتَفَقَّتِ الدَّابَّةُ قَالَ إِنْ كَانَ جَازَ الشَّرْطَ فَهُوَ ضَامِنٌ وَإِنْ دَخَلَ وَإِذَا لَمْ يُوثِقْهَا فَهُوَ ضَامِنٌ وَإِنْ سَقَطَتْ فِي بُئْرٍ فَهُوَ ضَامِنٌ لِأَنَّهُ لَمْ يَسْتَوْثِقْ مِنْهَا .

Ahmad Bin Muhammad, from a man, from Abu Al Magra, from Al Halby who said,

'I asked Abu Abdullah^{asws} about the man who hired an animal up to a known place. So the animal died'. He^{asws} said: 'If he had exceeded the stipulation, so he is responsible, and if he entered a valley not trusting it (for safety), so he is responsible, and if it falls into a well, so he is responsible, because he was not ensured from it'.¹⁰⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ صَفْوَانَ عَنِ الْعَلَاءِ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ سَمِعْتُهُ يَقُولُ كُنْتُ جَالِسًا عِنْدَ قَاضٍ مِنْ قُضَاةِ الْمَدِينَةِ فَأَتَاهُ رَجُلَانِ فَقَالَ أَحَدُهُمَا إِنِّي تَكَارَيْتُ هَذَا يُوَأْفِي بِي السُّوقَ يَوْمَ كَذَا وَكَذَا وَإِنَّهُ لَمْ يَفْعَلْ قَالَ فَقَالَ لَيْسَ لَهُ كِرَاءٌ قَالَ فَدَعَوْتُهُ وَ قُلْتُ يَا عَبْدَ اللَّهِ لَيْسَ لَكَ أَنْ تَذْهَبَ بِحَقِّهِ وَ قُلْتُ لِأَخْرٍ لَيْسَ لَكَ أَنْ تَأْخُذَ كُلَّ الَّذِي عَلَيْهِ اصْطَلَحَا فَتَرَادَا بَيْنَكُمَا .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Safwan, from Al A'ala, from Muhammad Bin Muslim,

from Abu Ja'far^{asws}, said, 'I heard him^{asws} saying: 'I^{asws} I was seated in the presence of a judge from the judges of Al Medina, so two men came over to him. So one of the two said, 'I hired this one to meet with me in the market on such and such a day, and he did not do it'. So he said, 'There is no fee for him'. He^{asws} said: 'So I^{asws} called him over and said, 'O servant of Allah^{ajwj}! It is not for you that you go away with his right'. And I^{asws} said to the other one: 'It is not for you that you take everything which was upon him. Reconcile, so returns (some fees) between you two'.¹⁰⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ مُحَمَّدِ بْنِ إِسْمَاعِيلَ عَنْ مَنْصُورِ بْنِ يُونُسَ عَنْ مُحَمَّدِ بْنِ الْحَلْبِيِّ قَالَ كُنْتُ قَاعِدًا عِنْدَ قَاضٍ مِنَ الْقُضَاةِ وَ عِنْدَهُ أَبُو جَعْفَرٍ (عَلَيْهِ السَّلَام) جَالِسٌ فَأَتَاهُ رَجُلَانِ فَقَالَ أَحَدُهُمَا إِنِّي تَكَارَيْتُ إِيْلَ هَذَا الرَّجُلِ لِيَحْمِلَ لِي مَنَاعًا إِلَى بَعْضِ الْمَعَادِنِ فَاسْتَرَطْتُ عَلَيْهِ أَنْ يُدْخِلَنِي الْمَعْدِنَ يَوْمَ كَذَا وَ كَذَا لِأَنَّهَا سُوقٌ أَتَخَوَّفُ أَنْ يَفُوتَنِي فَإِنْ أَحْتَبَسْتُ عَنْ ذَلِكَ حَطَطْتُ مِنَ الْكِرَى لِكُلِّ يَوْمٍ أَحْتَبَسُهُ كَذَا وَ كَذَا وَإِنَّهُ حَبَسَنِي عَنْ ذَلِكَ الْوَقْتِ كَذَا وَ كَذَا يَوْمًا

Muhammad Bin Yahya, from Ahmad Bin Muhammad, from Muhammad Bin Ismail, from Mansour Bin Yunus, from Muhammad Al Halby who said,

'I was seated in the presence of a judge from the judges and seated in his presence was Abu Ja'far^{asws}. So two me came over to him, and one of the two said, 'I hire the camel of this man to carry some goods for me to one of the mines, and I stipulated upon him that he comes over to me into the mine on such and such a day because it was a market day, fearing that I would miss it. So if he were to withhold from that, I would reduce from the hire charge, for each days he withholds, by such and such, and he withheld me from that time for such and such days'.

¹⁰⁷ Al Kafi – V 5 – The Book of Subsistence Ch 145 H 2

¹⁰⁸ Al Kafi – V 5 – The Book of Subsistence Ch 145 H 3

¹⁰⁹ Al Kafi – V 5 – The Book of Subsistence Ch 145 H 4

فَقَالَ الْقَاضِي هَذَا شَرْطٌ فَاسِدٌ وَقِهِ كِرَاهُ فَلَمَّا قَامَ الرَّجُلُ أَقْبَلَ إِلَيَّ أَبُو جَعْفَرٍ (عليه السلام) فَقَالَ شَرْطُهُ هَذَا جَائِزٌ مَا لَمْ يَحْطُ بِجَمِيعِ كِرَاهِهِ .

So the judge said, 'This is an invalid stipulation. Fulfil his hire charges'. So when the man arose, Abu Ja'far^{asws} turned towards me, so he^{asws} said: 'This stipulation of his is allowed for as long as he does not drop the entirety of his hire charges'.¹¹⁰

عَدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنْ ابْنِ مَحْبُوبٍ عَنْ أَبِي وَلاَدِ الْحَنَاطِ قَالَ أَكْتَرَيْتُ بَعْلًا إِلَى قَصْرِ ابْنِ هُبَيْرَةَ ذَاهِبًا وَ جَائِيًا بَكْدًا وَ كَذَا وَ خَرَجْتُ فِي طَلَبِ غَرِيمٍ لِي فَلَمَّا صِرْتُ قُرْبَ فَنْطَرَةِ الْكُوفَةِ خُبِرْتُ أَنَّ صَاحِبِي تَوَجَّهَ إِلَى النَّيْلِ فَتَوَجَّهْتُ نَحْوَ النَّيْلِ فَلَمَّا أَتَيْتُ النَّيْلَ خُبِرْتُ أَنَّ صَاحِبِي تَوَجَّهَ إِلَى بَعْدَادَ فَاتَّبَعْتُهُ وَ ظَفِرْتُ بِهِ وَ فَرَعْتُ مِمَّا بَيْنِي وَ بَيْنَهُ وَ رَجَعْنَا إِلَى الْكُوفَةِ وَ كَانَ ذَاهِبِي وَ مَجِيئِي خَمْسَةَ عَشَرَ يَوْمًا

A number of our companions, from Ahmad Bin Muhammad, from Ibn Maboub, from Abu Wallad Al Hannat who said,

'I hired a mule to Qasr Ibn Hubeyra, going and coming, for such and such (amount), and I went out in seeking the debts (collectible) for me. So when I got near to the arch of Al Kufa, I was informed that my companions had gone to the Nile. So I diverted towards the Nile. So when I got to the Nile, I was informed that my companions had gone to Baghdad. So I pursued him, and I was successful with it, and I was free from what was between me and him, and we returned to Al Kufa, and the going and coming was of (a duration of) fifteen days'.

فَأَخْبَرْتُ صَاحِبَ الْبَعْلِ بَعْذِرِي وَ أَرَدْتُ أَنْ أَتَحَلَّلَ مِنْهُ مِمَّا صَنَعْتُ وَ أَرْضِيهِ فَبَدَّلْتُ لَهُ خَمْسَةَ عَشَرَ دِرْهَمًا فَأَبَى أَنْ يَقْبَلَ فَنَرَضِينَا بِأَبِي حَنِيفَةَ فَأَخْبَرْتُهُ بِالْقِصَّةِ وَ أَخْبَرَهُ الرَّجُلُ فَقَالَ لِي وَ مَا صَنَعْتَ بِالْبَعْلِ فَقُلْتُ قَدْ دَفَعْتُهُ إِلَيْهِ سَلِيمًا قَالَ نَعَمْ بَعْدَ خَمْسَةَ عَشَرَ يَوْمًا فَقَالَ مَا تُرِيدُ مِنَ الرَّجُلِ قَالَ أُرِيدُ كِرَى بَعْلِي فَقَدْ حَبَسَهُ عَلَيَّ خَمْسَةَ عَشَرَ يَوْمًا فَقَالَ مَا أَرَى لَكَ حَقًّا لِأَنَّهُ أَكْتَرَاهُ إِلَى قَصْرِ ابْنِ هُبَيْرَةَ فَخَالَفَ وَ رَكِبَهُ إِلَى النَّيْلِ وَ إِلَى بَعْدَادَ فَضَمِنَ قِيَمَةَ الْبَعْلِ وَ سَقَطَ الْكِرَى فَلَمَّا رَدَّ الْبَعْلَ سَلِيمًا وَ قَبَضْتُهُ لَمْ يَلْزَمَهُ الْكِرَى

So I informed my companion with my excuse if he permits from it from what I had done, and I pleased him, so I extended to him fifteen Dirhams. But, he refused to accept. So we both agreed with (going to) Abu Haneefa (for a judgement). So I informed him with the story and the man informed him of it. So he said to me, 'And what did you do with the mule?' So I said, 'I have handed it over to him, safely'. He (the owner of the mule) said, 'Yes, after fifteen days!'. So he (Abu Haneefa) said, 'And what do you want with the man?' He said, 'I want the hire charges for my mule withheld from me for fifteen days'. So he said, 'I do not see for you a right, because he had hired it to Qas Ibn Hubeyra, so he differed and rode it to the Nile, and to Baghdad. So he is responsible for the price of the mule and the hire charges are dropped. So when he returned the mule safely and you took possession of it, the hire charges are not obligated upon him'.

قَالَ فَخَرَجْنَا مِنْ عِنْدِهِ وَ جَلَّ صَاحِبُ الْبَعْلِ يَسْتَرْجِعُ فَرَجَمْتُهُ مِمَّا أَقْنَى بِهِ أَبُو حَنِيفَةَ فَأَعْطَيْتُهُ شَيْئًا وَ تَحَلَّلْتُ مِنْهُ فَحَجَّجْتُ تِلْكَ السَّنَةَ فَأَخْبَرْتُ أَبَا عَبْدِ اللَّهِ (عليه السلام) بِمَا أَقْنَى بِهِ أَبُو حَنِيفَةَ فَقَالَ فِي مِثْلِ هَذَا الْقَضَاءِ وَ شِبْهِهِ تَحْبِيسُ السَّمَاءِ مَا هَا وَ تَمْنَعُ الْأَرْضُ بَرَكَتَهَا

He (the narrator) said, 'So we came out from his presence and the owner of the mule went on to say 'We are from Allah^{ajwj} and to Him^{asws} we are returning', due to what

¹¹⁰ Al Kafi – V 5 – The Book of Subsistence Ch 145 H 5

Fatwa Abu Haneefa had issued with. So I gave him something, and freed myself from him. Then I went on Hajj during that year. So I informed Abu Abdullah^{asws} with what Fatwa Abu Haneefa had issued with. So he^{asws} said: 'It is due to these (types of) judgements and what resembles these that the sky withholds its water and the earth prevents its Blessings'.

قَالَ فَقُلْتُ لِأَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فَمَا تَرَى أَنْتَ قَالَ أَرَى لَهُ عَلَيْكَ مِثْلَ كِرَى بَعْلِ ذَاهِبًا مِنَ الْكُوفَةِ إِلَى النَّيْلِ وَ مِثْلَ كِرَى بَعْلِ رَاكِبًا مِنَ النَّيْلِ إِلَى بَغْدَادَ وَ مِثْلَ كِرَى بَعْلِ مِنْ بَغْدَادَ إِلَى الْكُوفَةِ تُؤْفِيهِ إِيَّاهُ قَالَ فَقُلْتُ جُعِلْتُ فِدَاكَ إِنِّي قَدْ عَلَفْتُهُ بِدِرَاهِمٍ فَلِيَ عَلَيْهِ عَلْفُهُ فَقَالَ لَا لِأَنَّكَ غَاصِبٌ

He (the narrator) said, 'I said to Abu Abdullah^{asws}, 'So what is your^{asws} view?' He^{asws} said: 'I^{asws} view for him, upon you, similar hire charges of a mule going from Al Kufa to the Nile, and similar hire charges of a mule riding from the Nile to Baghdad, and a similar hire charges of a mule from Baghdad to Al Kufa. Pay it to him'. So I said, 'May I be sacrificed for you^{asws}! I had fed it with Dirhams, so for me, upon him, would be its feeding (to reduce from the hire charges)'. So he^{asws} said: 'No, because you are a usurper'.

فَقُلْتُ أَرَأَيْتَ لَوْ عَطَبَ الْبُعْلُ وَ نَفَقَ أَلَيْسَ كَانَ يَلْزَمُنِي قَالَ نَعَمْ قِيمَةُ بَعْلِ يَوْمَ خَالَفْتَهُ قُلْتُ فَإِنْ أَصَابَ الْبُعْلُ كَسْرًا أَوْ دَبْرًا أَوْ غَمْرًا فَقَالَ عَلَيْكَ قِيمَةُ مَا بَيْنَ الصَّحَّةِ وَ الْعَيْبِ يَوْمَ تَرَدُّهُ عَلَيْهِ قُلْتُ فَمَنْ يَعْرِفُ ذَلِكَ قَالَ أَنْتَ وَ هُوَ إِمَّا أَنْ يَخْلِفَ هُوَ عَلَى الْقِيَمَةِ فَتَلْزَمَكَ فَإِنْ رَدَّ التَّيْمِينَ عَلَيْكَ فَحَلَفْتَ عَلَى الْقِيَمَةِ لَزِمَهُ ذَلِكَ أَوْ يَأْتِي صَاحِبُ الْبُعْلِ بِشُهُودٍ يَشْهَدُونَ أَنَّ قِيمَةَ الْبُعْلِ حِينَ أَكْرَى كَذَا وَ كَذَا فَيَلْزَمَكَ

So I said, 'What is your^{asws} view, if the mule had been injured and died, would not that have been obligated upon me?' He^{asws} said: 'Yes, a price of a mule on the day you opposed him'. I said, 'Supposing the mule had been affected by a fracture, or injury, or disease?' So he^{asws} said: 'Upon you would be its price what is between the healthy and the faulty on the day you returned it to him'. I said, 'And who would recognise that (difference)?' He^{asws} said: 'You and him, and either he swears an oath upon the price, so it would be necessitated upon you. So if he were to return the swearing of the oath upon you, and you swear upon the price, that would necessitate upon him, or else the owner of the mule would come with witnesses who would be testifying that the price of the mule when it was hire was such and such, so it would be necessitated upon you'.

قُلْتُ إِنِّي كُنْتُ أَعْطَيْتُهُ دِرَاهِمَ وَ رَضِيَ بِهَا وَ حَلَلَنِي فَقَالَ إِنَّمَا رَضِيَ بِهَا وَ حَلَلَكَ حِينَ قَضَى عَلَيْهِ أَبُو حَنِيفَةَ بِالْجَوْرِ وَ الظُّلْمِ وَ لَكِنْ أَرْجِعْ إِلَيْهِ فَأَخْبِرْهُ بِمَا أَفْتَيْتُكَ بِهِ فَإِنْ جَعَلَكَ فِي حِلٍّ بَعْدَ مَعْرِفَتِهِ فَلَا شَيْءَ عَلَيْكَ بَعْدَ ذَلِكَ

I said, 'I had given him some Dirhams and pleased him with it, and he freed me'. So he^{asws} said: 'But rather, he was pleased with it and freed you when Abu haneefa judged against him with the inequity and the injustice, but return to him and inform him with what Fatwa I^{asws} have issued with. So if he were to make you to be free after recognising it, so there would not be anything upon you after that'.

قَالَ أَبُو وَلَادٍ فَلَمَّا انْصَرَفْتُ مِنْ وَجْهِ ذَلِكَ لَقِيتُ الْمَكَارِي فَأَخْبَرْتُهُ بِمَا أَفْتَانِي بِهِ أَبُو عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) وَ قُلْتُ لَهُ قُلْ مَا شِئْتِ حَتَّى أُعْطِيكَ فَقَالَ قَدْ حَبَّبْتَ إِلَيَّ جَعْفَرَ بْنِ مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) وَ وَقَعَ فِي قَلْبِي لَهُ التَّفْضِيلُ وَ أَنْتَ فِي حِلٍّ وَ إِنْ أَحْبَبْتَ أَنْ أُرَدَّ عَلَيْكَ الَّذِي أَخَذْتَ مِنْكَ فَعَلْتُ .

Abu Wallad (the narrator) said, 'So when I left from that direction of mine to meet the hirer, I informed him with what Fatwa Abu Abdullah^{asws} had issued to me with, and I

said to him, 'Say whatever you so desire to and I shall give it to you'. So he said, 'Ja'far Bin Muhammad^{asws} has become beloved to me and there has occurred the preference for him^{asws} in my heart, and you are free, and if you so like that I return to you that which I have taken from you, I would do so'.¹¹¹

مُحَمَّدُ بْنُ يَحْيَىٰ عَنِ الْعُمَرَكَيِّ بْنِ عَلِيٍّ عَنِ عَلِيِّ بْنِ جَعْفَرٍ عَنِ أَخِيهِ أَبِي الْحَسَنِ (عَلَيْهِ السَّلَام) قَالَ سَأَلْتُهُ عَنْ رَجُلٍ اسْتَأْجَرَ دَابَّةً فَأَعْطَاهَا غَيْرَهُ فَتَفَقَّتْ مَا عَلَيْهِ فَقَالَ إِنْ كَانَ شَرَطٌ أَنْ لَا يَرْكَبَهَا غَيْرُهُ فَهُوَ ضَامِنٌ لَهَا وَإِنْ لَمْ يُسَمَّ فَلَيْسَ عَلَيْهِ شَيْءٌ .

Muhammad Bin Yahya, from Al Amraky Bin Ali,

from Ali son of Ja'far^{asws}, from his brother Abu Al Hassan^{asws}, said, 'I asked him^{asws} about a man who hired an animal, so he gave it to someone else, and it died upon him. So he^{asws} said: 'If it had been stipulated that no one else would ride upon it, he would be responsible for it, and if it had not been specified, so there is nothing upon him'.¹¹²

بَابُ الرَّجُلِ يَنْكَارِي الْبَيْتَ وَالسَّفِينَةَ

Chapter 147 – The man rents the house and the ship

عِدَّةٌ مِنْ أَصْحَابِنَا عَنْ أَحْمَدَ بْنِ مُحَمَّدٍ عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ يَفْطِينٍ عَنِ أَخِيهِ الْحُسَيْنِ عَنِ عَلِيِّ بْنِ يَفْطِينٍ قَالَ سَأَلْتُ أَبَا الْحَسَنِ (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَكْتَرِي السَّفِينَةَ سَنَةً أَوْ أَقَلَّ أَوْ أَكْثَرَ قَالَ الْكَرَى لَازِمٌ إِلَى الْوَقْتِ الَّذِي اكْتَرَاهُ إِلَيْهِ وَالْخِيَارُ فِي أَخْذِ الْكَرَى إِلَى رَبِّهَا إِنْ شَاءَ أَخَذَ وَإِنْ شَاءَ تَرَكَ .

A number of our companions, from Ahmad Bin Muhammad, from Al Hassan Bin Ali Bin Yaqteen, from his father Al Husayn, from Ali Bin Yaqteen who said,

'I asked Abu Al Hassan^{asws} about the man who hired the ship for a year, or less or more. He^{asws} said: 'The hire charges are necessitated up to the time which he had hired it up to, and the choice in taking the hire charges is up to its owner, if he so desires to he takes, and if he so desires to he leaves'.¹¹³

أَحْمَدُ بْنُ مُحَمَّدٍ عَنِ مُحَمَّدِ بْنِ سَهْلٍ عَنِ أَبِيهِ قَالَ سَأَلْتُ أَبَا الْحَسَنِ مُوسَى (عَلَيْهِ السَّلَام) عَنِ الرَّجُلِ يَنْكَارِي مِنَ الرَّجُلِ الْبَيْتَ وَالسَّفِينَةَ سَنَةً أَوْ أَكْثَرَ أَوْ أَقَلَّ قَالَ كِرَاهُ لَازِمٌ إِلَى الْوَقْتِ الَّذِي تَكَرَّاهُ إِلَيْهِ وَالْخِيَارُ فِي أَخْذِ الْكَرَى إِلَى رَبِّهَا إِنْ شَاءَ أَخَذَ وَإِنْ شَاءَ تَرَكَ .

Ahmad Bin Muhammad, from Muhammad Bin Sahl, from his father who said,

'I asked Abu Al Hassan Musa^{asws} about the man who rents the house and the ship from the man for a year, or more or less. He^{asws} said: 'Its rent is necessitated up to the time which he had hired it to, and the choice regarding taking the rent is up to its owner, if he so desires to he takes, and if he so desires to he leaves'.¹¹⁴

¹¹¹ Al Kafi – V 5 – The Book of Subsistence Ch 145 H 6

¹¹² Al Kafi – V 5 – The Book of Subsistence Ch 145 H 7

¹¹³ Al Kafi – V 5 – The Book of Subsistence Ch 146 H 1

¹¹⁴ Al Kafi – V 5 – The Book of Subsistence Ch 146 H 2

from Abu Abdullah^{asws}, said, 'I asked him^{asws} about a group of people who had springs for them in a land nearby to each other. So the man intended that he makes his spring to be lower than its place which it was upon, and if he were to do that, some of the remaining springs would be harmed and some of the springs would not be harmed due to the solidity of the land'.

قَالَ فَقَالَ مَا كَانَ فِي مَكَانٍ شَدِيدٍ فَلَا يُضِرُّ وَ مَا كَانَ فِي أَرْضٍ رَخْوَةٍ بَطْحَاءَ فَإِنَّهُ يُضِرُّ وَ إِنْ عَرَضَ عَلَى جَارِهِ أَنْ يَضَعَ عَيْنَهُ كَمَا وَضَعَهَا وَ هُوَ عَلَى مِقْدَارٍ وَاحِدٍ قَالَ إِنْ تَرَأَصَبَا فَلَا يُضِرُّ وَ قَالَ يَكُونُ بَيْنَ الْعَيْنَيْنِ أَلْفُ ذِرَاعٍ .

He (the narrator) said: 'So he^{asws} said: 'Whatever was in a solid place, so it would not be harmed, and whatever was in a soft sandy land would be harmed. And he should ask his neighbour if he could place his spring just as he has placed it, and it would be upon a measurement of one. If he pleases him, so there is no harm done'. And he^{asws} said: 'There should happen to be between the two springs (a distance of) a thousand cubits'.¹¹⁷

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ يَزِيدَ بْنِ إِسْحَاقَ شَعْرٍ عَنْ هَارُونَ بْنِ حَمَزَةَ الْغَنَوِيِّ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَامُ) فِي رَجُلٍ شَهِدَ بَعِيرًا مَرِيضًا وَ هُوَ يُبَاغٍ فَاسْتَرَاهُ رَجُلٌ بَعْشَرَةَ دَرَاهِمٍ فَجَاءَ وَ أَشْرَكَ فِيهِ رَجُلًا بِدَرَاهِمِينَ بِالرَّأْسِ وَ الْجِلْدِ فَقَضَى أَنْ الْبَعِيرَ بَرًّا فَبَلَغَ ثَمَنُهُ دَنَانِيرَ قَالَ فَقَالَ لِصَاحِبِ الدَّرَاهِمِينَ خُذْ خُمُسَ مَا بَلَغَ فَأَبَى قَالَ أُرِيدُ الرَّأْسَ وَ الْجِلْدَ فَقَالَ لَيْسَ لَهُ ذَلِكَ هَذَا الصَّرَارُ وَ قَدْ أُعْطِيَ حَقَّهُ إِذَا أُعْطِيَ الْخُمُسَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Yazeed Bin Is'haq Shair, from Haroun Bin Hama Al Ghanawy,

from Abu Abdullah^{asws} regarding a man who saw a sick camel and it was being sold. So a man bought it with ten Dirhams. So he went and associated a man in it for two Dirhams for the head and the skin. It so happened that the camel was cured, so its price reached (some) Dinars. So he said to the owner of the two Dirhams, 'Take a fifth of what (its price has) reached'. But he refused saying, 'I want the head and the skin'. So he^{asws} said: 'That is not for him. This is the harm, and his right had been given to him when he was given the fifth'.¹¹⁸

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ قَالَ كَتَبْتُ إِلَى أَبِي مُحَمَّدٍ (عَلَيْهِ السَّلَامُ) رَجُلٌ كَانَتْ لَهُ قَنَاءٌ فِي قَرْيَةٍ فَأَرَادَ رَجُلٌ أَنْ يَحْرِقَ قَنَاءَهُ أُخْرَى إِلَى قَرْيَةٍ لَهُ كَمْ يَكُونُ بَيْنَهُمَا فِي الْبُعْدِ حَتَّى لَا يُضِرَّ بِالْأُخْرَى فِي الْأَرْضِ إِذَا كَانَتْ صُلْبَةً أَوْ رَخْوَةً فَوَقَعَ (عَلَيْهِ السَّلَامُ) عَلَى حَسْبِ أَنْ لَا يُضِرَّ إِحْدَاهُمَا بِالْأُخْرَى إِنْ شَاءَ اللَّهُ

Muhammad Bin Yahya, from Muhammad Bin Al Husayn who said,

'I wrote to Abu Muhammad^{asws}, 'A man had a canal for him in a town, so a man intended that he digs out another canal to town of his. How much should there be between the two regarding the remoteness until they do not harm with the other in the land when it was solid or soft?' So he^{asws} signed: 'Upon a reckoning that one of the two would not harm the others, if Allah^{ajwj} so Desires'.

قَالَ وَ كَتَبْتُ إِلَيْهِ (عَلَيْهِ السَّلَامُ) رَجُلٌ كَانَتْ لَهُ رَحَى عَلَى نَهْرٍ قَرْيَةٍ وَ الْقَرْيَةُ لِرَجُلٍ فَأَرَادَ صَاحِبُ الْقَرْيَةِ أَنْ يَسُوقَ إِلَى قَرْيَتِهِ الْمَاءَ فِي غَيْرِ هَذَا النَّهْرِ وَ يُعْطَلَ هَذِهِ الرَّحَى أَلَهُ ذَلِكَ أَمْ لَا فَوَقَعَ (عَلَيْهِ السَّلَامُ) يَنْقِي اللَّهُ وَ يَعْمَلُ فِي ذَلِكَ بِالْمَعْرُوفِ وَ لَا يُضِرُّ أَخَاهُ الْمُؤْمِنَ .

¹¹⁷ Al Kafi – V 5 – The Book of Subsistence Ch 146 H 3

¹¹⁸ Al Kafi – V 5 – The Book of Subsistence Ch 146 H 4

He (the narrator) said, 'And I wrote to him^{asws}, 'A man had a flour mill upon a river of a town, and the town was for (another) man. So the owner of the town intended that he would divert the water to his town to be in other than this river, and disrupt the flour mill. Is that for him or not?' So he^{asws} signed: 'He should fear Allah^{ajwj} and work with regards to that with the goodness and he should not harm his Believing brother'.¹¹⁹

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) قَالَ قَضَى رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بَيْنَ أَهْلِ الْمَدِينَةِ فِي مَشَارِبِ النَّخْلِ أَنَّهُ لَا يُمْنَعُ نَفْعَ الشَّيْءِ وَ قَضَى (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) بَيْنَ أَهْلِ الْبَادِيَةِ أَنَّهُ لَا يُمْنَعُ فَضْلُ مَاءٍ لِيُمْنَعُ بِهِ فَضْلُ كَلْبٍ وَ قَالَ لَا ضَرَرَ وَ لَا ضَرَارَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Uqba Bin Khalid,

from Abu Abdullah^{asws} having said: 'Rasool-Allah^{saww} judged between the people of Al Medina regarding fountains of the palm trees that nothing beneficial should be prevented, and Ali^{asws} judged between the people of Al Badiya that the excess water should not be prevented in order to prevent the Grace, and said: 'Neither harm nor let harm be caused'.¹²⁰

مُحَمَّدُ بْنُ يَحْيَى عَنْ مُحَمَّدِ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ هِلَالٍ عَنْ عُقْبَةَ بْنِ خَالِدٍ عَنْ أَبِي عَبْدِ اللَّهِ (عَلَيْهِ السَّلَام) فِي رَجُلٍ أَتَى جَبَلًا فَسَقَّ فِيهِ قَنَاءٌ فَذَهَبَتْ قَنَاءُ الْأُخْرَى بِمَاءِ قَنَاءِ الْأُولَى قَالَ فَقَالَ يَتَفَاسِمَانِ بِحَقَائِبِ الْبَيْرِ لَيْلَةً لَيْلَةً فَيَنْظُرُ أَيُّهُمَا أَضْرَتْ بِصَاحِبَتَيْهَا فَإِنْ رُبِّيتِ الْأَخِيرَةُ أَضْرَتْ بِالْأُولَى فَلْتَعَوَّرَ .

Muhammad Bin Yahya, from Muhammad Bin Al Husayn, from Muhammad Bin Abdullah Bin Hilal, from Uqba Bin Khalid,

from Abu Abdullah^{asws} regarding a man who came to a mountain, so he cleaved a canal therein. So another canal dried up by the water of the first canal. So he^{asws} said: 'They should divided the barriers of the well, night by night (alternatively), so they would look at which of the two is harming its companion. So if the irrigation of other one is being harmed by the first one, so let it be closed down'.¹²¹

عَلِيُّ بْنُ مُحَمَّدِ بْنِ بُنْدَارَ عَنْ أَحْمَدَ بْنِ أَبِي عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ بَعْضِ أَصْحَابِنَا عَنْ عَبْدِ اللَّهِ بْنِ مُسْكَانَ عَنْ زُرَّارَةَ عَنْ أَبِي جَعْفَرٍ (عَلَيْهِ السَّلَام) قَالَ إِنَّ سَمْرَةَ بْنَ جُنْدَبٍ كَانَ لَهُ عَدَقٌ وَ كَانَ طَرِيقُهُ إِلَيْهِ فِي جَوْفِ مَنْزِلِ رَجُلٍ مِنَ الْأَنْصَارِ فَكَانَ يَجِيءُ وَ يَدْخُلُ إِلَى عَدَقِهِ بِغَيْرِ إِذْنٍ مِنَ الْأَنْصَارِيِّ فَقَالَ لَهُ الْأَنْصَارِيُّ يَا سَمْرَةُ لَا تَرَالُ تَفَاجِنُنَا عَلَى حَالٍ لَا نَحِبُّ أَنْ تَفَاجِنُنَا عَلَيْهَا فَإِذَا دَخَلْتَ فَاسْتَأْذِنْ فَقَالَ لَا أَسْتَأْذِنُ فِي طَرِيقٍ وَ هُوَ طَرِيقِي إِلَى عَدَقِي

Ali Bin Muhammad Bin Bundar, from Ahmad Bin Abu Abdullah, from his father, from one of our companions, from Abdullah Bin Muskan, from Zurara,

from Abu Ja'far^{asws} having said: 'Samurat Bin Jundab had a tree for him, and its pathway to it was in the middle of a house of a man from the Helpers. So he used to come and entered to his tree without permission from the Helper. So the Helper said to him, 'O Samurat! You do not cease to surprise us upon a state which we do not like to be surprised upon. So whenever you enter, seek permission'. So he said, 'I will not seek permission regarding a pathway and it is my pathway to my tree'.

¹¹⁹ Al Kafi – V 5 – The Book of Subsistence Ch 146 H 5

¹²⁰ Al Kafi – V 5 – The Book of Subsistence Ch 146 H 6

¹²¹ Al Kafi – V 5 – The Book of Subsistence Ch 146 H 7

قَالَ فَشَكَاَ الْأَنْصَارِيُّ إِلَى رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَأَرْسَلَ إِلَيْهِ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَاتَّأَهُ فَقَالَ لَهُ إِنَّ فُلَانًا قَدْ شَكَكَكَ وَزَعَمَ أَنَّكَ تَمُرُّ عَلَيْهِ وَ عَلَى أَهْلِهِ بِغَيْرِ إِذْنِهِ فَاسْتَأْذِنُ عَلَيْهِ إِذَا أَرَدْتَ أَنْ تَدْخُلَ فَقَالَ يَا رَسُولَ اللَّهِ اسْتَأْذِنُ فِي طَرِيقِي إِلَى عَدْقِي فَقَالَ لَهُ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) خَلَّ عَنْهُ وَ لَكَ مَكَانُهُ عَدْقٌ فِي مَكَانٍ كَذَا وَ كَذَا فَقَالَ لَا قَالَ فَلَكَ اثْنَانِ قَالَ لَا أُرِيدُ

He^{asws} said: 'So the Helper complained to Raool-Allah^{saww}. So Rasool-Allah^{saww} sent for him, so he came over to him^{saww}. So he^{saww} said to him: 'So and so has complained and alleges that you are trespassing upon him and his family without permission. So seek permission to him whenever you intend to enter'. So he said, 'O Rasool-Allah^{saww}! I have to seek permission regarding my pathway to my tree?' So Rasool-Allah^{saww} said to him: 'Leave it alon and for you would be a tree in its replacement in such and such a place'. So he said, 'No'. He^{saww} said: 'For you would be two'. He said, 'I do not want it'.

فَلَمْ يَزَلْ يَزِيدُهُ حَتَّى بَلَغَ عَشْرَةَ أَعْدَاقٍ فَقَالَ لَا قَالَ فَلَكَ عَشْرَةٌ فِي مَكَانٍ كَذَا وَ كَذَا فَأَبَى فَقَالَ خَلَّ عَنْهُ وَ لَكَ مَكَانُهُ عَدْقٌ فِي الْجَنَّةِ قَالَ لَا أُرِيدُ فَقَالَ لَهُ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) إِنَّكَ رَجُلٌ مُضَارٌّ وَ لَا ضَرَرَ وَ لَا ضِرَارَ عَلَى مُؤْمِنٍ

So he^{saww} did not cease to increase upon him until it reached ten trees. But he said, 'No'. He^{saww} said: 'For you would would be ten in such and such a place'. But, he refused'. So he^{saww} said: 'And for you, in its place, would be a tree in the Paradise'. He said, 'I do not want it'. So Rasool-Allah^{saww} said to him: 'You are a harmful man, and there should neither be a harm nor a harm caused upon a Believer'.

قَالَ ثُمَّ أَمَرَ بِهَا رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) فَفَلَعَتْ ثُمَّ رُمِيَ بِهَا إِلَيْهِ وَ قَالَ لَهُ رَسُولُ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) أَنْطَلِقْ فَأَعْرِسْهَا حَيْثُ شِئْتَ .

He^{asws} said: 'Then Rasool-Allah^{saww} ordered with it, so it was uprooted, then it was thrown with it at him, and Rasool-Allah^{saww} said to him: 'Go, and plant it wherever you so desire to'.¹²²

¹²² Al Kafi – V 5 – The Book of Subsistence Ch 146 H 8