

Chapter – 31

Pre-emption, Hiring, Debt Transfer

(شفعة، اجاره، حواله)

[قال النبي بالشفعة في كل ما لم يقسم فإذا وقعت الحدود وصرفت الطرق فلا شفعة، (رواه البخاري)]
 [يَا أَبَتِ اسْتَأْجِرْهُ إِنَّ خَيْرَ مَنِ اسْتَأْجَرْتَ الْقَوِيُّ الْأَمِينُ، (28:26)]
 [قال النبي مطل الغني ظلم فإذا أتبع أحدكم على ملي فليتبّع، (رواه البخاري)]

No.**Hadith**

- 2115 Allah's prophet gave a verdict regarding شفعة (pre-emptive right) in every undivided joint property (or thing). But if the limits are defined or demarcated or the ways and streets are fixed, then there is no pre-emption. *Narrated: Jabir bin 'Abdullah.* (See Hadith - 2074/2075).
- 2116 The slave of the Noble Prophet Abu Rafi' said to Sa'ad bin Abi Waqas that I have two houses in your street. It is better if you buy it, but Sa'ad refused to buy it. Al-Miswar bin Makhrama was standing nearby so he suggested Sa'ad to purchase it. So, Sa'ad offered four hundred Dirhams and said I will not give anymore. Abu Rafi' said, "Although I have been offered five hundred Dirhams for it, but it is the saying of the Noble Prophet that neighbour has great rights, so I give these two properties on your said price. *Narrated: 'Amr bin Sharid.*
- 2117 I said, "O Allah's Prophet! I have two neighbours and I would like to know to which of them I should give my gift." He replied, "To the one whose door is nearer to you." *Narrated: 'Aisha.*

- | <u>No.</u> | <u>Hadith</u> |
|------------|---|
| 2118 | The Prophet said, "The honest treasurer who gives willingly what he is ordered to give, is one of the two charitable persons, <i>(the second is the owner)</i> ." <i>Narrated: Abu Musa Al-Ash'ari.</i> |
| 2119 | I went to the Prophet with two men from Ash'ari tribe. I said <i>(to the Prophet)</i> , "I believe that they want employment." The Prophet said, "No, we do not appoint for our jobs anybody who demands it forcefully." <i>Narrated: Abu Musa Ash'ari.</i> |
| 2120 | The Prophet said, "Allah did not send any prophet who did not shepherd the sheeps." And the Prophet said, I also used to shepherd the sheeps of the people of Mecca for some Qirats." <i>Narrated: Abu Hurairah.</i> |
| 2121/2122 | The Prophet and Abu Bakr employed a man from the tribe of Bani Wail, and another man 'Amir Bin Faheerah from the tribe of Bani 'Abd on daily wages. 'Amir Bin Faheerah was an expert guide. The Prophet and Abu Bakr gave their riding camels to them and said to bring them to the Cave of Thaur after three days. So, they brought their two riding camels after three days. After that they all left to Medina. <i>Narrated: 'Aisha.</i> |
| 2123 | I participated in the battle of Tabuk. During this stay, one of my employee quarreled with someone. One of them took a finger of another in between his teeth and caused his own tooth to fall out. One of the them went to the Prophet with his complaint that this fellow has broken my teeth. The Prophet cancelled the suit and said to the complainant, "Did you expect him to let his finger in your mouth so that you might snap and cut it. In this way, the matter was solved without any compensations. <i>Narrated: Safwan Bin Ya'ali.</i> |
| 2124 | Allah's Prophet said, Moosa and Khizr proceeded on till they reached a wall which was about to fall. Therefore, Khizr raised his hands towards that wall and the wall became straightened up. Moosa said to Khizr that "if you had wanted, you could have taken wages for it." <i>Narrated: Ubai bin Ka'ab.</i> |
| 2125/2126 | The Prophet narrated a story that: "Your example and the example of the people of the two Scriptures <i>(i.e. Jews and --</i> |

No.**Hadith**

Christians) is like the example of a man who employed some laborers and asked them, 'Who will work for me from morning till midday for one Qirat?' The Jews accepted and carried out the work. He then asked, 'Who will work for me from midday up to the 'Asr prayer for one Qirat?' The Christians accepted and fulfilled the work. He then said, 'Who will work for me from the 'Asr till sunset for two Qirats?' The Muslims have accepted the offer. The Jews and the Christians got angry on Allah and said, 'Why should we work more and get lesser wages?' (Allah) said, 'Have I withheld part of your right?' They replied in the negative. He said, 'It is My Blessing! I bestow upon whomever I wish.'

Narrated: 'Umar bin Al-Khattab and Ibn 'Umar.

2127 The Prophet said, "Allah declares, 'I will be an opponent to three types of people on the Day of Resurrection':

1. One who makes an agreement in My Name, but proves disloyal; 2. One who sells a free person and eats his price; and 3. One who employs a laborer and takes full work from him but does not pay him for his labor.' "

Narrated: Abu Hurairah. (See Hadith - 2088).

2128 The Prophet narrated a story that: "The example of Muslims, Jews and Christians is like the example of a man who employed Jews for some labor work from morning till evening on certain wages. But in the afternoon those Jews left the job and said we won't do this work and we will not take the wages as well. Then for the remaining job Christians were called and they were given the remaining job and promised to give them the full wages as offered to the first group. But at the time of Asr they also left the job and went away without taking any wages. Third time Muslims were called to complete the work on the fixed full wages of the day. They completed the job and earned more money with less efforts. *Narrated: Abu Moosa.*

(See Hadith - 2125/ 2126).

2129 (*Invoking Allah with the help of past best deeds*): This is repeated hadith. See the narration of the Prophet in hadith-2099 to 2103. *Narrated: Salim Bin 'Abdullah.*

No.**Hadith**

- 2130 (In the beginning days) Whenever Allah's Prophet ordered us to give in charity we would go to the market and work as porters to earn a Mudd (*two hand-full of foodstuff*) and then give them in charity. Now, some of us have one-hundred thousand Dirhams or Dinars. *Narrated: Abu Masood Ansari.*
(See Hadith -1331).
- 2131 "The Prophet forbade the meeting of caravans (*on the way*). He also ordained that no townsman is permitted to sell things on behalf of a Bedouin." Taoos asked me , "What is the meaning of his saying, 'No townsman is permitted to sell things on behalf of a Bedouin.' " He replied, "He should not work as a broker for him." *Narrated: Ibn 'Abbas.*
(See Hadith -2027 to 2032).
- 2132 (*A Pagan denied to a Muslim to give wages of Pre-Islamic days*): This is repeated hadith. See hadith-1963 above. *Narrated: Khabbab.*
- 2133 Some of the Companions of the Prophet went on a journey. On the way they stopped on a place of an 'Arab tribe, and expected to get hosting from them, but they refused. Incidentally, the chief of that tribe was then bitten by a scorpion. They tried their best to cure him but in vain. So they went to the group of the Companions and said, "Our chief has been bitten by a scorpion and we have tried everything but he has not benefitted. Have you got anything useful?" One of them replied, "Yes, by Allah! I can do something but as you have refused to accept us as your guests, I will not do anything until you fix for us some wages for it." They agreed to pay them a flock of sheep. Then that Companion went to the chief and recited Surat-ul-Fatiha. As a result, the poisonous effects gone out of the body of the chief very quickly. They paid them what they agreed to pay.
Some of the Companions suggested to divide their earnings among themselves, but the one who performed the recitation said, "Do not divide them till we go to the Prophet and narrate the whole story to him, and wait for his order." So, they went to Allah's Prophet and narrated the story. The ----

No.**Hadith**

Noble Prophet asked, "How did you come to know that Surat-ul-Fatiha is so much effective? Anyways, you have done the right thing. Divide equally what you have earned."

Narrated: Abu Saeed.

2134to2138 Abu Taiba cupped the Prophet and the Prophet ordered that he be paid one or two Sa'a of foodstuff and the prophet interceded with his masters to reduce his taxes.

Ibn Abbas says that the Prophet has paid the labor charges for cupping. If he would dislike it he would not pay its wages. *Narrated: Anas bin Malik, Ibn 'Abbas and Amr Bin .Amir.*

(See Hadith -1974/1975).

2139 Allah's Prophet regarded as illegal: the price of a dog, the earnings of a prostitute, and the charges taken by an astrologer. *Narrated: Abu Masood Al-Ansari.* (See Hadith -2097).

2140 The Prophet prohibited the earnings of slave girls (*through prostitution*). *Narrated: Abu Hurairah.* (See Hadith -2098).

2141 The Prophet forbade taking a price for animal copulation. *Narrated: Ibn 'Umar.*

2142 After the victory of Khyber, Allah's Prophet gave some land of Khyber to the Jews to work on and cultivate and take half of its yield and half be paid to the government. But the land was given on rent instead of doing agriculture. When the Prophet came to know about this he showed his anger on them. The Prophet forbade renting farms.

Ibn 'Umar discontinued the contract of Khyber in his time and he evacuated the Jews from the land of Khyber.

Narrated: Abdullah bin 'Umar.

2143/2144 The Prophet said, "Delay in paying debts by a wealthy man is injustice". *Narrated: Abu Hurairah.*

2145 Once, we were sitting in the company of the Prophet, and a dead man was brought. The Prophet was requested to lead the funeral prayer for the deceased. He said, "Is he in debt?" The people replied in the negative. He said, "Has he left any wealth?" They said, "No." So, he led his funeral prayer. Then another dead man was brought and the people said, "O Allah's Prophet! Lead his funeral prayer." The Prophet said, "Is he in debt?" They said, "Yes." He said, "Has he left any -

No.**Hadith**

wealth?" They said, "Three Dinars." So, he led the prayer. Then a third dead man was brought and the people said to the Prophet, Please lead his funeral prayer." He said, "Has he left any wealth?" They said, "No." He asked, "Is he in debt?" They said, "Yes!", He refused to pray and said, "Then pray yourself for your dead companion." Abu Qatada said, "O Allah's Prophet! Kindly lead his funeral prayer, and I will pay his debt." Then, he led the prayer.

Narrated: Salama bin Al-Akwa.

2146

Quran says:

وَلِكُلِّ جَعَلْنَا مَوَالِي مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَالَّذِينَ عَقَدْتُمْ أَيْمَانَكُمْ فَأَتَوْهُمْ نَصِيحُهُمْ

{And for all, We have appointed heirs from whatever the parents and near relatives leave behind;

and to those with whom you have made as agreement, give them their dues; (04:33)}

Ibn 'Abbas elaborates the above Quranic verse that: مَوَالِي mean heirs, and the elaboration for وَالَّذِينَ عَقَدْتُمْ أَيْمَانَكُمْ is that: when the emigrants came in Medina, the emigrant would inherit the Ansari while Ansari's relatives would not inherit because of the bond of brotherhood which the Prophet established between them. When the above quoted verse revealed, this وَالَّذِينَ عَقَدْتُمْ أَيْمَانَكُمْ part was abrogated. 'Abbas said, "The matter of inheritance was excluded, and it became permissible to assign something in one's testament to the person who had the right of inheriting before. *Narrated: Said bin Jubair.*

{Compiler's Note: The current research on the subject "Abrogation of Quranic Verses" concludes that there is no verse of Quran which has been declared cancelled. For this, refer: (1) Tafseer-e-Siddiqui, Maulana Abdul Qadeer Siddiqui, Section-I, page 152 to 155 and section-10, page 24 to 26 and Introduction, page 42 to 52. Published by Idarah Isha'at Tafseer-e-Siddiqui, Karachi.
(2) Tafseer-e-Siddiqui - Its Fruits, Muhammad Abdul Ahad Siddiqui, Chapter-82, Published by Maktabah Ta'ameer-e-Insaniyat, Lahore.}

- | <u>No.</u> | <u>Hadith</u> |
|------------|---|
| 2147 | Abdur-Rahman bin 'Auf came to us and Allah's Prophet established a bond of brotherhood between him and Sa'ad bin Rabi'a. <i>Narrated: Anas.</i> |
| 2148 | I asked Anas bin Malik, "Have you ever heard that the Prophet said, 'There is no alliance in Islam?' " He replied, "The Prophet made alliance between Quraish and the Ansar in my house." <i>Narrated: Asim.</i> |
| 2149 | <i>(Funeral prayers of a dead person who is in debt):</i> This is repeated hadith. See hadith- 2145 above. <i>Narrated: Salama bin Al-Akwa.</i> |
| 2150 | Once the Prophet said to me, "If the booty money of Bahrain comes, I will give you a certain amount of it." The Prophet had breathed his last before the money of Bahrain arrived. When the money of Bahrain reached, Abu Bakr announced, "Whoever was promised by the Prophet should come to us." I went to Abu Bakr and said, "The Prophet promised me so and so." Abu Bakr gave me a handful of coins and said, "Take twice the amount of it". When I counted them, they were five-hundred Dirhams." <i>Narrated: Jabir bin 'Abdullah.</i> |
| 2151 | In the early days of Islam when the Muslims were persecuted, they were ordered to migrate to Ethiopia. Abu Bakr also set out for Ethiopia as an emigrant. On the way he met Ibn Dagha, the chief of the Qara tribe. Ibn Dagha said, "A man like you will not go out. I am your protector. Go back and worship your Lord at your home." Ibn Dagha went along with Abu Bakr and took him to the chiefs of Quraish saying to them, "A man like Abu Bakr will not go out, nor will he be turned out."As a result Abu Bakr remained in Makah. Soon after, he made a mosque in the premises of his house. He used to recite Quran loudly that attracted to the nearby people and they started gathering at the time of recitation. Quraish were very much upset with this situation. They called Ibn Dagha and complained about him. Ibn Dagha came to Abu Bakr and said I will no more protect you and my responsibility is finished. From now onwards do whatever you like. Abu Bakr replied him that I - |

No.

Hadith

am fully confident of Allah's protection. ---- Few days later it was ordered by Allah for the emigration towards Medina. And within four months all of them migrated to Medina.

Narrated: 'Aisha.

2152

Whenever a dead man in debt was brought to Allah's Prophet he would ask, "Has he left anything to repay his debt?" If he was informed that he had left something to repay his debts, he would offer his funeral prayer, otherwise he would tell the Muslims to offer their friend's funeral prayer. When Allah made the Prophet wealthy through conquests, he said, "I am more rightful than other believers to be the guardian of the believers, so if a Muslim dies while in debt, I am (*means the government is*) responsible for the repayment of his debt." *Narrated: Abu Hurairah.*

Siddiqui Publications