

# LAND PROPERTY AND *JIHĀD*

*A discussion of some early traditions*

BY

M. J. KISTER

*In memory of Prof. M. M. Plessner*

Traditions which deal with agriculture and the possession of landed property, or with the question whether the acquisition of farms and estates in the territories conquered by the Muslim forces in the early period is permitted or not, are often divergent and even contradictory. The diverse utterances seem to reflect ideological differences in the attitudes of Muslim scholars as to whether the Holy War, the conquests and the expansion of Islam go on, or whether there is to be a shift towards sedentarization, the cultivation of land and the setting up of a new class structure within the Muslim community.

A study of some of these traditions may give us a clue for a better understanding of certain aspects of these problems and may help us in gaining some insight into the perceptions and views of the conflicting groups of *ḥadīth* scholars, jurists and pious ascetics.

## I

At a very early period reports attribute to the Prophet an instruction to the effect that farms or estates are not to be acquired in order to avoid wordly inclinations towards goods.

This utterance: *lā tattakhidhū l-dayʿata fa-targhabū fī l-dunyā*<sup>1)</sup> is fol-

---

1) Aḥmad b. Ḥanbal, *Musnad*, ed. Aḥmad Muḥammad Shākir, Cairo 1370/1950, V, 201, no. 3579 (and see the references of the editor and his comments); al-Bukhārī, *al-Taʾrīkh al-kabīr*, Hyderabad 1377/1958, IV, 54, no. 1935; al-Ḥākim, *al-Mustadrak*, Hyderabad 1342, IV, 3221; al-Daylamī, *Firdaus al-akhbār*, MS. Chester Beatty 3037, fol. 185b; al-Tibrīzī, *Mishkāt al-maṣābīh*, Karachi 1967,

lowed in certain sources by an enigmatic note of the transmitter, the Companion of the Prophet, ‘Abdallah b. Mas‘ūd<sup>2</sup>): *wa-bi-rādhāna mā bi-rādhāna wa-bi-l-madīnati mā bi-l-madīnati*<sup>3</sup>). The meaning of the utterance is clarified in another tradition transmitted by the selfsame ‘Abdallah b. Mas‘ūd: *fa-kayfa bi-mālin bi-rādhāna wa-bi-kadhā wa-bi-kadhā*<sup>4</sup>), “so what about the property at Radhān and such and such (a location)’?’ ‘Abdallah b. Mas‘ūd’s rebuke is actually addressed at himself, because he acted contrary to the word of the Prophet and acquired for himself abundance of family and wealth<sup>5</sup>).

no. 441; Aḥmad b. Ḥanbal, *al-Zuhd*, Beirut 1398/1978, p. 29; al-Dhahabī, *Mizān al-i‘tidāl*, ed. ‘Alī Muḥammad al-Bijāwī, Cairo 1382/1963, II, 119, no. 3103; Ibn Abī ‘Aṣim. *Kiṭāb al-zuhd*, ed. ‘Abd al-‘Alīy ‘Abd al-Ḥamīd Ḥāmid, Bombay, 1408/1987, pp. 101-102, no. 202 (and see the references of editor).

2) See on him the detailed entry in *EI* 2, s.v. Ibn Mas‘ūd (J.-C. Vadet).

3) Al-Ḥumaydī, *al-Musnad*, ed. Ḥabību l-Raḥmān al-A‘zamī, Beirut-Riyād, 1382, I, 67, no. 122; al-Ṭayālīsī, *Musnad*, Hyderabad 1321, p. 50, no. 379; Yaḥyā b. Adam, *al-Kharāj*, ed. Aḥmad Muḥammad Shākir, Cairo 1347, p. 80, no. 354.

4) Abū ‘Ubayd, *al-Amwāl*, ed. Muḥammad Ḥāmid al-Fiqī, Cairo 1353, p. 84, no. 221 (*nahā rasūlu llāhi [s] ‘ani l-tabaqquri fi l-ahli wa-l-māli*); al-Ṭabarānī, *al-Mu‘jam al-kabīr*, ed. Ḥamdī ‘Abd al-Majīd al-Silafī, n.p. 1400/1980, X, 259, no. 10493 (on the authority of ‘Abdallah b. Mas‘ūd); and see the explanation of *tabaqqur* in Ibn al-Athīr’s *al-Nihāya fi gharībī l-ḥadīth*, ed. al-Zāwī and al-Ṭanāḥī, Cairo 1383/1963, I, 44; and see al-Ṭayālīsī, *al-Musnad*, p. 50, no. 380 (with the comment of the author: *ya‘nī al-kathrata fi l-māli wa-l-wuldi*); al-Munāwī, *Fayd al-qadīr, sharḥ al-jāmi‘ al-ṣaghīr*, Beirut 1391/1972, VI, 303, no. 9336 (and see the comments of al-Munāwī on the tradition).

5) It is worthwhile noting that there was a tendency to limit the number of children in the family in the period of early Islam. ‘Alī is alleged to have said: “Anxiety is half way to decrepitude, and having a small family is one of the two manners of ease in life” (*al-hammu nisfu l-harami wa-qillatu l-‘iyāli aḥadu l-yasārayni*), and comp. Ibn Sa‘d, *al-Ṭabaqāt al-kubrā*, Beirut 1377/1957, V, 136 (*qillatu l-‘iyāli aḥadu l-yasārayni* attributed to Sa‘īd b. al-Mussayyab; and see al-Suyūṭī, *Jam‘u l-jawāmi‘*, Cairo 1978, I, 608); al-Dhahabī, *Mizān al-i‘tidāl*, II, 481. The following utterance is attributed to the Prophet: “An extensive family and paucity of means are an affliction coupled with exertion” (*jahdu l-balā‘i kathratu l-‘iyāli ma‘a qillati l-shay‘i*): al-Daylamī, *Firdaus*, MS. Chester Beatty 3037, fol. 70b; Ibn Ḥamza al-Ḥusaynī al-Ḥanafī al-Dimashqī, *al-Bayān wa-l-ta‘rīf fi asbābi wurūdi l-ḥadīthi l-sharīf*, Beirut 1400/1920, II, 264, no. 935; and see al-Jarrāhī, *Kashfu l-khafā‘i wa-muzīlu l-ilbās ‘ammā shtahara mina l-aḥādīthi ‘alā alsināti l-nās*, Beirut 1301 (repr.) I, 335, no. 1080; and see *ib.* another version: *kathratu l-‘iyāli aḥadu l-faqrayni, wa-qillatu l-‘iyāli aḥadu l-yasārayni*. A Ṣufī opinion about the problem is given in the utterance of Abū Sulaymān al-Dārānī; according to him he who wants children is a fool: children

The same tradition is recorded in Abū 'Ubayd's *Amwāl*, in the chapter with the question of whether the acquisition of (or lending of) land in territories conquered by force is legal or not. Rādhān was a place in the Sawād of 'Irāq conquered by force ('*anwatan*, without a pact concluded with the conquered people-k); an estate at Rādhān was acquired by 'Abdallah b. Mas'ūd and his name is in fact included in the list of the Companions of the Prophet, who acquired estates in the territories of *kharāj*<sup>6</sup>).

will be helpful to him neither in this, nor in the next world. When one wants to eat, drink, or copulate they interrupt him and when one wants to worship God they distract him. (Abū Nu'aym, *Hilyat al-auliya'*, Beirut 1387/1967, IX, 264).

A peculiar invocation of the believers on behalf of Christians and Jews contained a supplication for an abundance of children and wealth. (See e.g. Ibn 'Asākir, *Ta'rikh [tahdhīb]*, ed. 'Abd al-Qādir Badrān, Damascus 1399/1979, IV, 250: *jā'a rajulun yahūdiyyun ilā rasūli llāhi fa-qāla: d'ū llāha lī, fa-qāla; aṣaḥḥa llāhu jismaka wa-aṭāba ḥarthaka wa-akthara mālakā*. And see: al-Bayhaqī, *Shu'ab al-īmān*, MS. Reisülküttap Mustafa Efendi [Sulaymaniyya], no. 219, fol. 147a: '*an abdi llāhi bni 'umara annahu marra bi-rajulin fa-sallama 'alayhi, fa-qāla: innahu naṣrāniyyun... fa-qāla bnu 'umara: akthara llāhu mālakā wa-wuldaka*. And see al-Muttaqī l-Hindī, *Kanz al-'ummāl*, Hyderabad 1370/1951, III, 133, no. 1178 [quoted from Ibn 'Asākir]; and see Muḥammad b. Hibbān al-Bustī, *Kitāb al-majrūhīn*, ed. Maḥmūd Ibrāhīm Zāyid, Beirut 1396, II, 15 ult.-16, l. 1: *qāla rasūlu llāhi [s] idhā da'autum li-aḥādīn mina l-yahūdi wa-l-naṣarā fa-qūlū: akthara llāhu mālakā wa-wuldaka*; and see this tradition: al-Dhahabī, *Mizān al-i'tidāl*, II, 401.

Significant are the invocations of the Prophet on behalf of the believers. See e.g. al-Ṭabarī, *Tahdhīb al-āthār*, ed. Maḥmūd Muḥammad Shākir, Cairo 1402/1982, I, 279, no. 467: *... llāhumma man aḥabbānī fa-mna'hu l-māla wa-l-walad...*; and see *ib.*, p. 282, no. 472: *... allāhumma man āmana bī wa-ṣaddaqānī wa-'alima anna mā ji'tu bihi l-ḥaqqu min 'indika fa-aqilla mālahu wa-wuldahu wa-ḥabbib ilayhi liqā'aka wa-'ajjil lahu l-qadā'a, wa-man lam yu'min bī wa-lam yuṣaddiqnī wa-lam ya'alama anna mā ji'tu bihi l-ḥaqqu min 'indika fa-akthir mālahu wa-waladahu wa-aṭil 'umrahu.*; [see this tradition: al-Suyūfī, *al-Hāwī li-l-fatāwī*, ed. Muḥyī l-Dīn 'Abd al-Ḥamīd. Cairo 1378/1953, I, 519, inf.; and see *ibid.* I, 520 sup.]; comp. al-Ṭabarī, *Tahdhīb*, I, 293, no. 475; and see the invocation of Ṭāwūs, *ib.* p. 303, no. 514: *allāhumma ajirnī min kathrati l-māli wa-l-waladi*. And see al-Daylamī, *Firdaus*, Chester Beatty 3037, fol. 187a, penult.: *... lā tatamannau kathrata l-māli fa-inna kathrata l-māli tukthiru l-dhunūb*. And comp. Anonymous, *Waṣiyyatu l-nabiyyi [s] li-'aliyyin*, MS. Cambridge, Dd. 11.7, fol. 69a: *... yā 'aliyyu, idhā maqata llāhu 'abdan lam yanquṣ min mālihi shay'an wa-lā yursilu ilā jasadihi 'illatan wa-lā zallatan...* And see the invocation of the Prophet in Muḥammad b. Muḥammad al-Ṭabarī, *Bishārat al-muṣtafā li-shi'ati l-murtadā*, Najaf 1383/1963, *... qāla rasūlu llāhi [s]: man aḥabbānī fa-rzuqhu l-'afāfa wa-l-kafāfa, wa-man abghadānī fa-akthir mālahu wa-wuldahu*.

6) See Abū Yūsuf, *Kitāb al-āthār*, ed. Abū l-Wafā, Cairo 1355, p. 189, no. 859;

The acquisition of land and property in these territories was severely criticized by many of the orthodox scholars of Islam. The prevalent idea in the early Muslim community was that the conquered lands were to remain in the hands of the conquered population, who should be ruled by Muslim authorities; the revenues of the land, the *fay*<sup>7</sup>, belonged to the Muslim community and had to be divided among its members. The transfer of the land of the *kharāj* (or of the *jizya*-k) from the owner of the land-property to the newcomer (i.e. the Muslim, who arrived with the advancing army-k) was considered a humiliating act of debasement and a kind of regression in the status of the Muslim<sup>7</sup>). Some scholars and jurists considered the purchase of land in territories conquered on a basis of a pact (*ṣulḥan*) as a concession (*rukḥṣa*); they condemned however the purchase of land in territories conquered by force (*ʿanwatan*)<sup>8</sup>). There were however some scholars who considered the acquisition of *kharāj* land as legitimate arguing that *kharāj* is merely imposed on land, while *jizya* is imposed on the heads of the unbelievers<sup>9</sup>). They argued further that ʿUthmān granted fiefs (*aqṭaʿa*) to some Companions of the Prophet in the Sawād of ʿIrāq<sup>10</sup>).

---

and see p. 190, note 1: the people mentioned in the text are: ʿAbdallah b. Masʿūd, Ḥusayn b. ʿAlī, Khabbāb and Shurayḥ. This is also the list recorded by Abū Yūsuf in his *Kitāb al-kharāj*, Cairo 1382, p. 62. Al-Shaybānī, *al-Iktisāb fī l-rizqi l-mustaṭāb*, ed. Muḥammad ʿArnūs, Cairo 1358/1938, p. 37 mentions Abū Hurayra among the people who had lands in the Sawād, tilled them and paid the *kharāj*-tax imposed on them.

7) See Abū ʿUbayd, *al-Amwāl*, p. 77, no. 195: ʿUmar: “do not buy the slaves of *dhimma* people, nor their lands”; I said to Ḥasan: “why?”; he said: “because they are *fay*<sup>7</sup> of the Muslims”. And see *ib.*, p. 78, no. 201: Qabīṣa b. Dhūʿayb: “he who takes land with the *jizya* (imposed on it, from a Jew or a Christian-k) takes over the position of the people of the two Books (i.e. Jews and Christians-k) as to debasement and contempt.” Abū ʿUbayd mentions Companions who censured the purchase of *kharāj* land from native owners. (See *ibid.* pp. 79-80, no. 205).

8) See e.g. Abū ʿUbayd, *Amwāl*, p. 83, no. 219: ... *wa-kadhālika yurwā ʿani l-ḥasani bni ṣāliḥin al-rukḥṣatu fī shirāʿi arḍi l-ṣulḥi wa-l-karāhatu li-arḍi l-ʿanwati, wa-huwa raʿyu māliki bni anasin.*

9) See e.g. Abū ʿUbayd, *Amwāl*, p. 84, no. 224 (and see no. 223).

10) Abū ʿUbayd, *Amwāl*, p. 85.

A harmonizing view is recorded by al-Bakrī: he quotes the utterance against procuring abundance of wealth and family, followed by the remark of Ibn Mas'ūd (mentioned above-k) and records the opinion of religious leaders, the *imāms*, whose true course one should follow, and who ruled in favour of leniency (*tasahhalū*) over the problem of the purchase of land including territories conquered by force<sup>11</sup>).

The famous jurist al-Jaṣṣāṣ (d. 370 H) considered the acquisition of *kharāj* land permissible basing his opinion on the tradition of Ibn Mas'ūd. Al-Jaṣṣāṣ maintains that *kharāj* is not a humiliation, as it is imposed on the land and every land-owner has to pay it<sup>12</sup>). Contrary to it *jizya* is a humiliation and when *jizya* was imposed on the converts to Islam, Muslim jurists ruled that it was right to revolt against 'Abd al-Malik and al-Ḥajjāj; this was the cause that brought about the fall of the Umayyad caliphate<sup>13</sup>).

Abū 'Ubayd records the opinion about the iniquity of levying the *jizya* from the unbelievers of the Sawād, who had converted to Islam. Al-Ḥajjāj argued that they have to be considered as slaves: a slave who embraces Islam must continue to pay his taxes. This iniquity, reports Abū 'Ubayd, was the reason that some of the *qurrā'* sanctioned the revolt of Ibn al-Ash'ath<sup>14</sup>).

Some sources say explicitly that 'Abdallah b. Mas'ūd paid *kharāj* on his estate in the Sawād<sup>15</sup>); but there is a peculiar report stating that Ibn Mas'ūd enjoyed a special status as owner of *kharāj* land: he agreed to buy land from a *dihqān* on the condition that the *dihqān* should undertake to pay the *kharāj* due for it; the *dihqān* agreed and the transaction was accomplished<sup>16</sup>). It was indeed a wise solution of a grave

11) Al-Bakrī, *Mu'jam mā sta'jam*, ed. Muṣṭafā l-Saqqā, Cairo 1364/1945, p. 626, s.v. Rādhān.

12) Al-Jaṣṣāṣ, *Ahkāmu l-qur'ān*, Quṣṭanṭīniyya, 1338 [repr. Beirut], III, 102-103; [and see above note 9].

13) Al-Jaṣṣāṣ, *Ahkām*, III, 102.

14) Abū 'Ubayd, *Gharību l-ḥadīth*, Hyderabad 1385/1966, III, 38-40.

15) See e.g. note 6.

16) Yaḥyā b. 'Ādam, *Kharāj*, pp. 166-167; al-Bayhaqī, *al-Sunan al-kubrā*, Hyderabad 1366, IX, 140.

problem<sup>17</sup>). Many Muslims got in fact large possessions in that area<sup>18</sup>) and the transactions seem to have been economically successful. Ibn Mas'ūd's career was indeed conspicuous: he was born as *ḥalīf* of the Banū Zuhra<sup>19</sup>) and was employed as shepherd by 'Uqba b. Abī Mu'ayt; it was Ibn Mas'ūd who milked a ewe from his herd for the Prophet and Abū Bakr, when they passed by him on their *hijra* to Medina<sup>20</sup>). When he assaulted Abū Jahl (in order to give him the last stroke) Abū Jahl expressed anger at the fact that a person of low extraction like Ibn Mas'ūd should kill him<sup>21</sup>). Ibn Mas'ūd like some other rich men among the people of al-Kūfa generously gave up his *ʿaṭā'* after the death of 'Umar. Ibn Mas'ūd left at his death 90,000 *mithqāl* (apparently of gold-k), slaves, movables and cattle<sup>22</sup>).

It is no wonder that the tradition *lā tattakhidhū l-dayʿa* is recorded in the early compilations of *zuhd*. 'Abdallah b. al-Mubārak quotes it in a chapter which is devoted to living on as little as possible of the things of this world (*al-taqallul min al-dunyā*)<sup>23</sup>), though one can hardly say that Ibn Mas'ūd's financial situation at the time of his death con-

17) See e.g. the discussion in Abū 'Ubayd's *Gharību l-ḥadīth*, III, 371 penult.-373 [see esp. p. 373: ... *wa-qad rakhkhaṣa fī dhālika baʿda 'umara* (scil. *bni l-khaṭṭābi-k*) *rijālun min akābiri aṣḥābi l-nabiyyi 'alayhi l-salāmu, minhum 'abdu llāhi bnu mas'ūdīn, kānat lahu arḍun bi-rādhāna...*].

18) See e.g. F. Lōkkegaard, *Islamic Taxation in the Classic Period*, Copenhagen 1950, pp. 49, 57-58.

19) Al-Balādhurī, *Ansāb al-ashrāf*, ed. Muḥammad Ḥamīdullah, Cairo 1959, I, 204.

20) See e.g. al-Dhahabī, *Siyar a'lāmi l-nubalā'*, ed. Ṣalāḥ al-Dīn al-Munajjid, Cairo n.d. I, 334-335; al-Ḥasan b. 'Arafa, *Juz' min ḥadīth*, Chester Beatty 4433, fol. 132b [*majmū'a*]; al-Suyūṭī, *al-Khaṣā'is al-kubrā*, ed. Muḥammad Khalīl Harrās, Cairo 1387/1967, I, 303; al-Ṭabarānī, *al-Mu'jam al-saghīr*, ed. 'Abd al-Rahmān 'Uthmān, al-Madīna al-munawwara, 1388/1968, I, 186.

21) Al-Balādhurī, *Ansāb*, I, 299: ... *la-qad irtaqayla murtaqan ṣa'ban yā ruway'ī l-ghanam...lasta bi-awwali 'abdin qatala sayyidahu; amā, inna ashadda shay'in laqituhu l-yauma fī nafsi la-qatluka iyyāya wa-allā yakūna waliyya qatlī rajulun min al-aḥlāfi awi l-muṭayyabīn...*

22) Al-Dhahabī, *Siyar*, I, 355.

23) 'Abdallah b. al-Mubārak, *Kitāb al-zuhd wa-l-raqā'iq*, ed. Ḥabību l-Rahmān al-A'zamī, Malegaon 1385/1966, p. 175, no. 505.

formed to the moral requirement of the Prophet<sup>24</sup>). Al-Ghazālī records this tradition in the chapter concerning “the censure of the possessions” (*bayān dhammi l-māl*); al-Zabīdī, explaining the meaning and the purport of the utterance, states that looking after an estate may distract the owner of the property from the “Remembrance of God” (*dhikru llāhi*). He quotes a saying of a sage that estates are ways leading to anxiety and concern and that the letters of agents governing an estate (*wukalā*) constitute keys to troubles keeping one’s mind busy. People who are not affected by troubles caused by estates (i.e. those who stick to the Remembrance of God-k) are of course permitted to purchase estates<sup>25</sup>).

## II

An important factor in the opposition to the acquisition of land property in the period of the Islamic conquests was the idea of the Holy War, the *jihād*. This is manifest in the traditions recorded in the earliest compilations of *hadīth*. The Prophet is said to have foreseen that the believers would abandon the zeal and perseverance in fighting their enemies and would “stick to the tails of the cows”; then God will impose upon them humiliation which will not be lifted from upon them until they return to ride the horses (scil. in the expeditions of the Holy War-k)<sup>26</sup>). More detailed is a saying foretelling that when the believers conclude ‘*ina*-type transactions<sup>27</sup>) take for themselves

---

24) Nevertheless al-Zubayr, who was entrusted with carrying out the will of Ibn Mas‘ūd, entered the court of ‘Uthmān and demanded to have the ‘*atā*’ of Ibn Mas‘ūd handed over to him, arguing that the family of the deceased deserved the ‘*atā*’ more than the public treasury. (al-Dhahabī, *Sīyar*, I, 356)

25) Al-Murtadā l-Zabīdī, *Ithāfu l-sādati l-muttaqīn bi-sharhi ihyā’i ‘ulūmi l-dīn*, Cairo 1311, VIII, 147; and cf. al-Munāwī, *Fayd*, VI, 387, no. 9731.

26) Al-Daylamī, *Firdaus*, MS. Chester Beatty 3037, fol. 192a: *lā tazālu ummatī bi-khayrin mā rtabaṭū l-khayla ‘uddatan li-‘aduwwihim, fa-idhā tarakū ribāṭa l-khayli walazimū adhnāba l-baqari sallata llāhu ‘alayhim dhullan lā yarfa‘uhu ‘anhum ḥattā yarji‘ū ilā l-khayli*.

27) According to a lexical explanation it means “selling of a commodity for a certain price to be paid at a certain period, and buying it for less than that price

the tails of the cows, become content with tilling the land and abandon *jihād*, God will impose upon them humiliation, which will not be removed from them until they return to belief<sup>28</sup>). A concise version of the tradition is recorded in the early work of al-Shaybānī: “When you buy and sell by *‘īna*, when you follow the tails of cows<sup>29</sup>) and dislike *jihād*, you will get humiliated until your enemy will crave (to subdue you-k)<sup>30</sup>).”

The identity of the people who dislike *jihād* and dedicate themselves to the care of their estates and the social class to which they would belong, can be deduced from the prediction recorded in another relatively early compilation: “There will come a time when the poor will go out raiding (scil. in the expeditions of the Holy War-k) while the rich will remain behind being busy with their land and cattle; these people will defile the religion of God<sup>31</sup>).” Who would be the enemy who would desire to overcome the community of the believers is plainly indicated in a tradition which exposes the ethnic identity of

---

with ready money”, Lane’s *Dictionary*, s.v. *‘īna*. See the explanation of Sarakhṣī in al-Shaybānī’s *Kitāb al-siyar al-kabīr*, ed. Ṣalāḥ al-Dīn al-Munajjid, Cairo 1957, I, 29: *al-‘ayn jam‘u ‘īnatin, wa-huwa nau‘u bay‘in aḥdathahu l-bukhalā‘u min akalati l-ribā li-l-taḥarruzi min maḥḍi l-ribā...*; and see the explanation given by Ibn Dayba‘, *Taysīr al-wuṣūl ilā jāmi‘i l-uṣūl min aḥādīthi l-rasūl*, Cairo 1970, IV, 389, no. 18; and see the *‘īna* trick in order to gain the usury profit [*ribā*] forbidden in Islam: Aḥmad b. Aḥmad al-Hulwānī l-Khalījī l-Khalwatī, *al-Wasm fī l-waṣm*, Cairo 1323, p. 11.

28) Al-Zurqānī, *Sharḥ muwaṭṭa‘i l-imāmi mālik*, ed. Ibrāhīm ‘Aṭwah ‘Awaḍ, Cairo 1382/1962, IV, 236; Ibn Dayba‘, *Taysīr*, IV, 389, no. 18; Abū Nu‘aym, *Ḥilya*, V, 209; al-Munāwī, *Fayḍ*, I, 313, no. 514, 397, no. 740; Ibn al-Athīr, *Jāmi‘ al-uṣūl min aḥādīthi l-rasūl*, ed. Muḥammad al-Fiqī, Cairo 1374/1955, XII, 356, no. 9425; Ibn Rajab al-Ḥanbalī, *Majmū‘a*, MS. Laurenziana no. 197, fol. 90b, ll. 4-5; al-Muttaqī l-Hindī, *Kanz*, IV, 168, nos. 1409-1410, 200, nos. 1658-1659; ‘Abdallah b. ‘Umar, *Musnad*, ed. Aḥmad Rātib ‘Amrūsh, Beirut 1383/1973, p. 26, no. 22; al-Qurṭubī, *Tafsīr* [= *al-Jāmi‘ li-ahkāmī l-qur‘ān*], Cairo 1387/1967, II, 59; Ibn Kathīr, *Tafsīr*, Beirut 1385/1966, V, 319.

29) See the explanation of Sarakhṣī in al-Shaybānī’s *al-Siyar al-Kabīr*, I, 29: *...wa-ttaba‘tum adhnāba l-baqari ay ishtaghaltum bi-l-zirā‘ati wa-taraktumu l-jihāda aṣlan*.

30) Al-Shaybānī, *al-Siyar*, I, 29, no. 22: *...idhā bāya‘tum bi-l-‘ayni wa-ttaba‘tum adhnāba l-baqari wa-karihtumu l-jihāda dhaliltum ḥattā yaṭma‘a fikum ‘aduwwukum*.

31) Aḥmad b. Ḥanbal. *Kitāb al-wara‘*, Cairo 1340, p. 90: *...ḥattā yakūnu zamānun yaghzū fihī l-faḳīru wa-yatakhallafu l-aghniyā‘u yashtaghilūna bi-l-zar‘i wa-l-ḍar‘i, fa-ulā‘ika lladhīna yudannisūna dīna llāhi ‘azza wa-jalla*.



the enemies: "When the <sup>c</sup>*arab* (i.e. the Bedouins-k) follow the tails of the cows, God will pour upon them (the punishment of-k) humiliation and will put over them the Persians (*Wuld fāris*), then they will invoke (God) but will not be answered<sup>32</sup>." To the Prophet is attributed the following prediction: "It will come about that God will fill your hands with the (captives-k) of the foreign peoples (*al-<sup>c</sup>ajam*), then He will turn them into lions, who do not run away and they will kill your warriors and eat (i.e. devour-k) your *fay*<sup>33</sup>." In another utterance the Prophet is said to have predicted that before the advent of the Hour (i.e. the period preceding the Resurrection, *lā taqūmu l-sā<sup>c</sup>atu...*) "you will become tillers of soil and a man will proceed to a Nabaṭī woman and will marry her for his subsistence, giving up his uncle's daughter without looking at her"<sup>34</sup>).

This prediction reflects the changes which occurred within the Muslim community in the first centuries of Islam: relations between the Arab conquerors and the population of the conquered territories became close and marriages between them with the resulting degradation from the <sup>c</sup>*arab* group to that of the Nabaṭī peasants became common.

Warnings against tilling the soil are frequent in the early collections of *ḥadīth* and books of *kharāj* as already mentioned. Agricultural activity was considered disastrous for the Muslim community. An utterance attributed to the Prophet says that the subsistence of the community has been put under hoofs of the horses and the iron-feet of the spears, as long as they do not sow; if they sow they will turn to be like (other) people<sup>35</sup>). In the same vein is formulated another saying of the Prophet, foretelling that when this community would

---

32) Al-Muttaqī l-Hindī, *Kanz*, IV, 200, no. 1660: ...inna l-<sup>c</sup>*araba idhā ttaba<sup>c</sup>at adhnāba l-baqari ṣabba llāhu <sup>c</sup>alayhim al-dhillata wa-sallaṭa <sup>c</sup>alayhim wulda fārisa, fa-yad<sup>c</sup>ū fa-lā yustajābu lahum.*

33) Al-Suyūṭī, *al-Durr al-manthūr fī l-tafsīr bi-l-ma<sup>ṭ</sup>hūr*, Cairo 1314, VI, 194; al-Ṭabarānī, *al-Mu<sup>c</sup>jam al-kabīr*, VII, 222, no. 60921.

34) Al-Suyūṭī, *Jam<sup>c</sup>u l-jawāmi<sup>c</sup>*, Cairo 1978, I, 902.

35) Yaḥyā b. Adam, *Kharāj*, p. 80, no. 255.

sow, victory will be taken away from them and fear will be cast into their hearts<sup>36</sup>).

‘Alī is said to have been consulted about the meaning of verse 149 in *sūrat āl ‘imrān*: ‘‘If you obey those who become infidels they will turn you back on your heels and you will become losers’’; he was asked whether it means turning back into the *ta‘arrub* (i.e. following the ways of Bedouin life-k). ‘Alī stated that it denotes the tilling of soil<sup>37</sup>). In another work of al-Shaybānī this interpretation of *ta‘arrub* as denoting tilling the soil is attributed to the Prophet himself<sup>38</sup>), although al-Shaybānī records the early meaning of *ta‘arrub* as well: it means to dwell in the desert and to abandon the *hijra*<sup>39</sup>).

It is noteworthy that the word *ta‘arrub* denoted originally in the period of the Prophet violation of the oath of allegiance known as *bay‘at al-hijra*. A Bedouin group who gave that solemn oath of allegiance committed themselves to stay at Medina and act according to the orders of the Prophet; after his death the group had to obey the orders of the caliphs. Returning to their abode (scil. without the permission of the Prophet-k) meant in fact that they withdrew from their obligations, violated their oath, fell back into their Bedouin way of life and committed ‘‘apostasy with regard to the *hijra*’’ (*irtidād ‘ani l-hijra*). The Prophet cursed such groups<sup>40</sup>). But the other kind of the

36) Al-Shaybānī, *Siyar*, I, 19, no. 12: *idhā zara‘at hādhihi l-ummatu nuzi‘a minhumu l-naṣru wa-qudhifa fī qulūbihim al-ru‘bu*.

37) Al-Shaybānī, *Siyar*, I, 19, no. 12; al-Suyūṭī, *al-Durr al-manthūr*, II, 83: ... ‘*an ‘alī b. abī ṭālib annahu su‘ila‘ an hādhihi l-āya: yā ayyuhā lladhīna āmanū in tuṭi‘ū lladhīna kafarū yaruddūkum ‘alā a‘qābikum al-ta‘arrub ? fa-qāla ‘aliyyun: bal huwa l-zar‘u*.

38) Al-Shaybānī, *al-Iktisāb*, p. 36.

39) Al-Shaybānī, *al-Iktisāb*, p. 36.

40) Al-Ṭahāwī, *Mushkil al-āthār*, Hyderabad 1333, II, 96-298; and see al-Bayhaqī, *al-Sunan al-kubrā*, Hyderabad 1355, IX, 19; and see the significant tradition according to which the Prophet uttered three times the curse upon people who turned Bedouins after their *hijra*: ... *la‘ana llāhu man badā ba‘da hijratihī... illā fī fitnatīn fa-inna l-badwa khayrun mina l-muqāmi fī l-fitnati* in al-Ṭabarānī’s *al-Mu‘jam al-kabīr*, II, 256, no. 2074; and see al-Bukhārī, *al-Adab al-mufrad*, ed. Muḥibb al-Dīn al-Khaṭīb, Cairo 1379, p. 202, no. 578 (*al-a‘rābiyya ba‘da l-hijra* counted as one of the seven grave sins, the *kabā‘ir*); and see the discussion of the problem: al-Ḥulwānī l-Khalwatī, *al-Wasm fī l-waṣhm*, Cairo 1323, p. 12; and see Nūr al-Dīn al-Haythamī, *Majma‘ al-zawā‘id*, V, 252 (*hijratu l-bāththa* in contradistinction to *hijratu l-bādiya*).

oath of allegiance, the Bedouin one, the *bayʿa aʿrābiyya* did not necessarily compel the Bedouin group to join the Muslim community at Medina; they were free to return to their tribe. A privileged position was granted the tribal group of Aslam: they were considered *muhājirūn* although they returned to their tribal territory by the permission of the Prophet. Their relations with the Prophet were based on the principle that they would respond if summoned by the Prophet, and so would he when called by them<sup>41</sup>). Ibn ʿAmr (i.e. ʿAbdallah b. ʿAmr b. al-ʿAṣ-k) defines the “believer who turns on his heels” as a man who receives his *ʿalā*, raids for the cause of God, then abandons all this, takes a *jizya*-paying land and gets his subsistence from it. This is the man who “turns on his heels”, says Ibn ʿAmr<sup>42</sup>). Al-Sarakhsī seems to express the opinion of moderate orthodox circles in his comment on this report: victory would be indeed withdrawn from the community if *all of the people* were engaged in agriculture and abandoned *jihād*. There is however nothing wrong if one section cultivates the land and another wages Holy War, because the fighting forces and their riding beasts need food and provisions. ʿAlī, as mentioned above, interpreted “*taʿarrub*”, which originally denoted “turning to nomadism” as meaning “cultivating the land”; obeying the unbelievers means indeed giving up *jihād* and being engaged in cultivating the land<sup>43</sup>). It is obvious that we have here a reinterpretation of that which constitutes an improper change in the Muslim community: what is now condemned is the cultivation of land, not the act of reverting to nomadism, as before.

The Prophet is said to have stated that God sent him as (a messenger of-k) mercy and war; He did not send him as a merchant nor as a tiller of soil. The worst people, said the Prophet, are mer-

---

41) Al-Ṭaḥāwī, *Mushkil al-āthār*, II, 298-300.

42) Al-Suyūtī, *al-Durr*, II, 83; Abū ʿUbayd, *al-Amwāl*, p. 79, no. 203 (with a slightly different version).

43) Al-Shaybānī, *Siyar*, 19-20.

chants and tillers of soil; excepted are only those who are zealous in keeping their faith (*illā man shaḥḥa ʿalā dīnihi*<sup>44</sup>).

The Prophet's sole mission was *jihād*. "I was sent with the sword before the Hour (of Resurrection-k), my subsistence was laid for me under the shadow of my spear and humility and debasement were imposed on those who oppose me; and those who make themselves to be like other people (*wa-man tashabbaha bi-qaumin fa-huwa minhum*) become a part of them<sup>45</sup>." *Jihād* has thus to be continued by the Muslim community until the last of them would go out to fight the *Dajjāl*<sup>46</sup>). The Muslims should make an effort that *jihād* may not

44) Al-Munāwī, *Fayḍ*, III, 205, no. 3154: *buʿithtu marḥamatan wa-malhamatan, wa-lam ubʿath tājiran wa-lā zārīʿan; alā, wa-inna shirāra l-ummāti l-tujjāru wa-l-zārīʿūn illā man shaḥḥa ʿalā dīnihi*; ʿUmar b. Shabba, *Taʾrīkh al-madīnati l-munawwara*, ed. Fahīm Muḥammad Shaltūt, Makka l-mukarrama, 1399/1979, p. 632; al-Daylamī, *Firdaus*, MS. Chester Beatty 4139, fol. 139a; and see *ib.* fol. 139b: *buʿithtu bi-l-jihādi wa-lam ubʿath bi-l-zirāʿa*; Ibn ʿArāq, *Tanzīhu l-sharīʿati l-marfūʿa ʿani l-akḥbārī l-shanīʿati l-mawḍūʿa*, ed. ʿAbd al-Wahhāb ʿAbd al-Laṭīf and ʿAbdallah Muḥammad al-Ṣiddīq, Beirut 1399/1979, II, 191; Ibn Rajab, *Majmūʿa*, MS. Laurenziana 197, fol. 90a: *anā rasūlu l-malḥamati, inna llāha baʿathanī bi-l-jihādi, wa-lam yabʿathnī bi-l-zarʿi*; and cf. al-Ṭabarī, *Taʾrīkh al-rusul wa-l-mulūk*, ed. Muḥammad Abū l-Faḍl Ibrāhīm, Cairo 1971, VI, 559, penult. ...*fa-kataba ilayhi ʿumarū* [i.e. ibn ʿAbd al-ʿAzīz]: *inna llāha baʿatha muḥammadan ṣallā llāhu ʿalayhi wa-sallam dāʿiyan wa-lam yabʿathhu khātinan*; and see al-Tibrīzi, *Mishkāṭ al-maṣābiḥ*, p. 444: ...*qāla rasūlu llāhi [s] mā ūhiya ilayya an ajmaʿa l-māla wa-akūna min al-tājirīn, wa-lākin ūhiya ilayya an sabbih bi-ḥamdī rabbika wa-kun mina l-sājidīn*.

45) ʿAbdallah b. al-Mubārak, *Kitāb al-jihād*, ed. Nazīh Ḥammād, Beirut 1391/1971, p. 83, no. 105 (and see the references provided by the editor); al-Shaybānī, *Siyar*, I, 16, no. 10; Ibn Abī Shayba, *al-Muṣannaf*, Hyderabad 1390/1971, V, 313; al-Muttaqī l-Hindī, *Kanz*, IV, 167-168, nos. 1406-1407; Abū Nuʿaym, *Hilya*, IV, 72; al-Ṭabarī, *Taḥdhīb al-āthār*, IV, 57, no. 119; al-Munāwī, *Fayḍ*, III, 203, no. 3152; Ibn Abī Ḥātim, *ʿIlal al-ḥadīth*, ed. Muḥibb al-Dīn al-Khaṭīb, n.d., repr. Bagdad, I, 319, no. 956; al-Suyūṭī, *al-Khaṣāʾiṣ al-kubrā*, ed. Muḥammad Khalīl Harrās, Cairo 1387/1967, I, 192; al-Daylamī, *Firdaus*, MS. Chester Beatty 4139, fol. 139a; Ibn Rajab, *Majmūʿa*. MS. Laurenziana 197, fol. 84b; and see Abū ʿUmar al-Zāhid Ghulām Thaʿlab, *Juzʿ*, MS. Chester Beatty 3495, fol. 102b; al-Ṭaḥāwī, *Mushkil al-āthār*, I, 88, sup.; ʿAbd al-Malik b. Ḥabīb, *Kitāb al-waraʿ*, MS. Madrid, 514b, fol. 3b, sup.

46) See Ibn Qudāma al-Maqdisī, *al-Mughnī*, ed. Rashīd Riḍa, Cairo 1967, VIII, 351; al-Daylamī, *Firdaus*, MS. Chester Beatty 3037, fol. 71b.; al-Munāwī, *Fayḍ*, III, 293, no. 3434 (*Firdaus* and *Fayḍ* have the following text: *al-jihādu māḍīn mundhu baʿathanī llāhu ʿazza wa-jalla ilā an yuqātīla ākhiru ummāti l-dajjāla, lā yubtiluhu jauru jāʾirīn wa-la ʿadlu ʿādilīn*).

cease; the cessation of *jihād* is one of the four signs of the time preceding the Resurrection<sup>47</sup>).

Some reports describe the steps taken by the rulers and governors so as to prevent the momentum of the *jihād* from being impeded by the acquisition of land property in the conquered territories and the setting up of settlements and agricultural estates by tribal groups. A conspicuous case of a conflict between *jihād*, the speedy advance of troops and expansion on the one hand and sedentarization and agricultural development on the other is reflected in the report about the conquest of al-Ḥūla. When the Muslim forces entered Syria, relates Makhūl<sup>48</sup>), they heard about the high yield of crops in this tract of land and they sowed it. When the news reached ʿUmar he sent his emissaries to burn down the ripening crops<sup>49</sup>). In the letter which he wrote to this group ʿUmar pointed out the role of *jihād* in relation to agriculture: God put the subsistence of this community in the spearheads and under the iron feet of their spears; if they cultivate the land they will turn to be like the others<sup>50</sup>).

Asad b. Mūsā<sup>51</sup>), the transmitter of this report, records another letter of ʿUmar: he who cultivates the land and follows the tails of the cows, who is content with this and consents to it, on him will the *jizya* be imposed<sup>52</sup>).

A report recorded by Ibn ʿAsākir says that ʿAbdallah b. al-Ḥurr al-ʿAbsī, a man who is said to have participated in the conquest of

47) See ʿAbd al-Malik b. Ḥabīb, *al-Waraʿ*, MS. Madrid, fol. 3b: *arbaʿun min ash-rāti l-sāʿa; sūʿu l-juwāri wa-qaṭiʿatu l-arḥāmi wa-taʿtīlu l-jihādi wa-l-iḥtiyālu li-l-dunyā.*

48) See on him (Makhūl al-Shāmī): Ibn Ḥajar, *Tahdhīb al-tahdhīb*, Hyderabad 1327, X, 283, no. 509.

49) Ibn Rajab, *Majmūʿa*, MS. Laurenziana 197, fol. 90b: *...wa-li-hādḥā kariha l-ṣahābatu l-dukhūla fī arḍi l-kharāji li-l-zirāʿati, li-annahā tashghīlu ʿani l-jihādi; qāla makḥūlun; inna l-muslimīna lammā qadimū l-shāma dhukira lahum zakāʿu zarʿi l-hūlati fa-zaraʿū fa-balagha dhālika ʿumara bna l-khaṭṭābi fa-baʿatha ilā zarʿihim wa-qad ibyaḍḍa wa-adraka, fa-ḥarraqaḥu bi-l-nāri.*

50) Ibn Rajab, *Majmūʿa*, Firenze 197, fol. 90b; and cf. above note 35.

51) See on him F. Sezgin, *GAS*, I, 354.

52) Ibn Rajab, *Majmūʿa*, MS. Firenze, fol. 90b.: *...wa-rawā ayḍan bi-isnādin lahu ʿan ʿumara annahu kataba; man ttabaʿa adhnāba l-baqari wa-raḍiya bi-dhālika wa-aqarra bihi juʿilat ʿalayhi l-jizyatu.*

Damascus, cultivated land in Syria. When this information reached ʿUmar, he ordered the land to be taken away from him and rebuked ʿAbdallah b. al-Ḥurr for putting on his neck the collar of humiliation of the unbelievers (i.e. the taxes levied from the land owners of the conquered population-k)<sup>53</sup>). Another report says that ʿUmar granted a piece of grazing land for horses to a group of Banū ʿAbs; they however turned it into cultivated land. He then took it away from them and imposed a fine on them<sup>54</sup>). A revealing utterance is recorded of a warrior who was being persuaded to take a farm (*mazraʿa*, scl. in *kharāj* land-k) for his family. “By God, he said, we did not come as cultivators of land, but we came in order to kill the people of the land and to eat their grains<sup>55</sup>).” Against this background one can understand the widely circulated tradition which links the abasement, vileness and degradation of those in whose houses the instruments for tilling and ploughing are found<sup>56</sup>). Al-Ṭahāwī combines this tradition with those forbidding Muslims to take over land property from the former owners. The reason given is that in this way the Muslim becomes the one who is required to pay the tax instead of being the one who exacts the tax from the owner of the land. He thus brings humiliation upon himself. The passage is followed by the tradition of the Prophet about *jihād* already mentioned above<sup>57</sup>). The tradition

53) Ibn ʿAsākir, *Taʾrīkh [tahdhīb]*, VII, 357.

54) Ibn ʿAsākir, op. cit., VII, 357.

55) Ibn Rajab, *Majmūʿa*, Firenze, fol. 90b.: ...*wa-qīla li-baʿdihim: lau ttakhadhta mazraʿatan li-l-ʿiyālī? fa-qāla: wa-llāhi mā jiʿnā zarrāʿīna, wa-lākin jiʿnā li-naqtula ahla l-zarʿi wa-naʿkula zarʿahum.*

56) Al-Shaybānī, *al-Iktisāb*, p. 36: *mā dakhala hādihā [i.e. ālatu l-ḥarṭhi-k] bayta qaumin illā dhallū; al-Daylamī, Firdaus*, MS. Chester Beatty 3037, fol. 191b, sup.: ...*lā yadkhulu hādihā bayta qaumin, yaʿnī ālata l-ḥarṭhi, illā dakhalahu l-dhullū; al-Fasawī, al-Maʿrifā wa-l-taʾrīkh*, ed. Akram Diyā al-Dīn al-ʿUmarī, Beirut 1401/1981, II, 353: ...*samiʿtu rasūla llāhi [s] yaqūlu: lā tadkhulu hādhihi bayta qaumin illā adkhalahu llāhu ʿazza wa-jalla l-dhullū; al-Suyūṭī, Jamʿ al-jawāmiʿ*, I, 885: *lā tadkhulu sikkatu l-ḥarṭhi ʿalā qaumin illā yudhilluhumu llāhu; al-Ṭabarānī, al-Muʿjam al-kabīr*, VIII, 129, no. 7519; Ibn Daybaʿ, *Taysīr al-wuṣūl ilā jāmiʿ al-uṣūl*, IV, 390, no. 19; Ibn al-Athīr, *Jāmiʿ al-uṣūl min aḥādīthi l-rasūl*, XII, 356, no. 9426.

57) Al-Ṭahāwī, *Mushkil al-āthār*, I, 87-88; Yūsuf b. Mūsā l-Ḥanafī, *al-Muʿtaṣar mina l-mukhtaṣar min mushkili l-āthār*, Hyderabad 1362, I, 205.

which presents the existence of a plough in the house as a sign of degradation has indeed as its aim to discourage people from acquiring land so that they may be prevented from participating in *jihād*.

An adequate explanation of this tradition is recorded in *Lisān al-ʿArab*. The Prophet's utterance was given in order to inculcate in the minds of the Muhājirūn and the other Muslims an aversion to agriculture and to indulgence of easy life, as this may detract them from waging war against the enemy; being owners of land they would be obliged to pay the *fay*<sup>2</sup>-tax and they would be treated harshly by the tax collectors and would consequently be humiliated<sup>58</sup>).

*Jihād* was recommended as a way of subsistence. A tradition attributed to the Prophet says: "Stick to *jihād* and you will be in good health and get sufficient means of livelihood<sup>59</sup>)". By sufficient means of livelihood the revenues of *fay*<sup>3</sup> were meant. When on an expedition in Baḥrayn one of the warriors invoked God against the enemy: "O God let them perish, O God extirpate them", his companion rebuked him: "O fool! Invoke god to grant us victory upon this enemy! Were it not for them, we would not receive our payment. (ʿaṭāʿ)"<sup>60</sup>.

The idea that the Muslim conquerors took for themselves the land of the conquered peoples is implicitly reflected in a tradition about the Maḥdī: the Maḥdī will alight in Jerusalem; he will not leave in the hands of the people of Syria even half a span of land; he will return

58) *L* ʿA, s.v. *skk*: ...*wa-innamā qāla l-nabiyyu [s] innahā lā tadkhulu dāra qaumin illā dhallū karāhata ishtighāli l-muhājirīn wa-l-muslimīn ʿan mujāhadati l-ʿaduwwi bi-l-zirāʿati wa-l-khaḍī; wa-innahum idhā faʿalū dhālika ṭulibū bimā yalzamuhum min māli l-fayʿi fa-yalqauna ʿanatan min ʿummāli l-kharāji wa-dhullan mina l-ilzāmāti; wa-qad ʿalima ʿalayhi l-salāmu mā yalqāhu aṣḥābu l-ḍiyāʿi wa-l-mazāriʿi min ʿasfi l-sulṭāni wa-ijābihi ʿalayhim bi-l-muʿālabati wa-mā yanāluhum mina l-dhulli ʿinda taghayyuri l-aḥwāli baʿdahu...*

59) *Ilzamū l-jihāda taṣiḥḥū wa-tastaghū*. See e.g. al-Munāwī, *Fayḍ*, II, 160, no. 1078; Ibn ʿAdiyy, *al-Kāmil fī ḍuʿafāʿi l-rijāl*, MS. Ahmet III, 2943/I, fol. 162a; al-Muttaqī l-Hindī, *Kanz*, IV, 170, no. 1425. Ibn Abi Ḥātim, *ʿIlal al-ḥadīth*, I, 320, no. 957. (marked as ḥadīth bāṭil)

60) Ibn Ḥajar, *al-Iṣāba fī tamyīzi l-ṣaḥāba*, ed. ʿAlī Muḥammad al-Bijāwī, Cairo 1392/1972, VI, 205, no. 8191.

it to the *ahl al-dhimma*; he will gather all the Muslims and despatch them to wage the Holy War, the *jihād*<sup>61</sup>).

### III

The fundamental problem as reflected in the discussions of Muslim legal scholars was the question who deserves to be granted the right of possessing land, who is obliged to till the soil, who has the prerogative to receive the revenues of property, what are in fact the aims and purposes of *jihād* and what kind of Muslim community has to be formed. Some of these questions are touched upon in a lengthy passage in Ibn Rajab's treatise on the Holy War<sup>62</sup>). Commenting on the utterance of the Prophet: "...and God put my subsistence in the shadow of my spear..." (...*wa-ja'ala rizqī tahta ḡilli rumḡi*...) Ibn Rajab says that God did not send the Prophet in order to gain worldly goods; He sent him to summon the people of the world to believe in the unity of God by the force of the sword (*wa-innamā ba'athahu dā'īyan ilā tauḡīdihī bi-l-sayfi*). Consequently the Prophet may kill the enemies who refuse his Call to the unity of God, confiscate their property and capture their women and progeny. Thus the livelihood of the Prophet will be from the property of his enemies<sup>63</sup>). This is as it should be, for God created possessions for people in order that they use them by way of obedience to God, for His worship and unity<sup>64</sup>). But those who use their property by way of unbelief in God and for associating other gods with Him-God will cause the Prophet and his followers to subjugate them, to wrest away their possessions and to hand them

61) Nu'aym b. Ḥammād, *Kitāb al-fitan*, MS. Br. Mus. Or. 9449, fol. 97b: ...*ḡattā yanzila bayt l-maḡdisi fa-lā yatruku l-mahdiyyu bi-yadi rajulin mina l-shāmi fitran mina l-arḡi illā raddahā 'alā ahli l-dhimmati wa-radda l-muslimīna jamī'an ilā l-jihādi*.

62) Ibn Rajab, *Majmū'a*, MS. Laurenziana 197, fols. 89b-90a.

63) Ibn Rajab, *Majmū'a*, fol. 89b: ...*wa-min lāzimi dhālika an yaqtula a'dā'ahu l-mumtani'īna 'an ḡabūli da'wati l-tauḡīdi wa-yastabiḡa amwālahum wa-yasbiya nisā'ahum wa-dharāriyyahum, fa-yakūnu rizquhu mimmā afā'ā llāhu 'alayhi min amwāli a'dā'ihī...*

64) Ibn Rajab, *Majmū'a*, fol. 89b: ...*fa-inna l-māla khalaḡahu llāhu li-banī ādama li-yasta'īnū bihi 'alā ḡā'ati llāhi wa-'ibādatihī wa-tauḡīdihī*.



over to those who deserve more to have them, namely those who uphold the unity of God, those who obey God and worship Him. The revenues collected are called *al-fay*<sup>3</sup>, because they return to those who deserve them more and for whom they were destined. In the Qur'<sup>3</sup>ān which was abrogated there was a verse saying: *innamā anzalnā l-māla li-iqāmi l-ṣalāti wa-itā'i l-zakāti*<sup>65</sup>).

Well known is the case of some people of the Anṣār who were engaged in the management of their property and refrained from going out to *jihād*; they were rebuked in the Qur'<sup>3</sup>ān. Verse 195 of *Sūrat al-baqara*: *wa-anfiqū fī sabīli llāhi wa-lā tulqū bi-aydikum ilā l-tahluka* "and expend in the way of God and cast not yourselves by your own hands into destruction" is said to have been revealed in connection with this situation<sup>66</sup>).

The most perfect attitude of a believer is when he exerts himself in the obedience of God, *jihād* for His cause and the Call for His obedience. The believer should not strive for worldly goods and he is permitted to take from the revenues of the *fay*<sup>3</sup> only as much as is sufficient for him. Scholars belong to the category of warriors who take part in the *jihād* and consequently their subsistence should be provided from the revenues of the *fay*<sup>3</sup><sup>67</sup>).

#### IV

The growth of agricultural estates and farms and the rift between the population of the cities and that of the farms, estates and possessors of small plots in hamlets and villages in the provinces of the Muslim Empire, the formation of independent and different cultural patterns and customs are reflected in several utterances attributed to the Prophet. He is said to have forbidden to dwell in villages, for village dwellers are like grave dwellers (*lā taskunū l-kufūr*

65) Ibn Rajab, *Majmū'a*, fol. 89b.

66) Ibn Rajab, *Majmū'a*, fol. 90b, sup.; and see al-Ṭabarī, *Tafsīr*, ed. Maḥmūd and Aḥmad Shākir, Cairo n.d., III, 590-591, no. 3179.

67) Ibn Rajab, *Majmū'a*, fol. 90b.

*fa-inna sākinī l-kufūr ka-sākinī l-qubūr*)<sup>68</sup>). The commentary given in al-Daylamī's *Firdaus* says that the reason for this injunction is the fact that village people (in the commentary: *qurā* instead of *kufūr*) are far from the cities (*amṣār*) and are unable to attend the community prayers of Friday. Further: ignorance is more prevalent among them and they tend more to accept undesirable innovations<sup>69</sup>).

The prohibition against staying far from Muslim communities by joining Bedouin dwellings occurs in another tradition where the Prophet speaks against staying in caves as they are like graves and against staying with Bedouins, who tend to roughness; God's hand is stretched over the community and He does not mind the separation of those who separate themselves (scil. from the community-k)<sup>70</sup>).

The migration from the cities and the establishment of farms and villages does not seem to have been favoured by the orthodox circles.

68) Al-Bukhārī, *al-Adab al-mufrad*, ed. Muḥibb al-Dīn al-Khaṭīb, Cairo 1979, p. 203, no. 578; al-Balādhurī, *Ansāb al-ashraf*, ed. Muḥammad Ḥamīdullah, I, 481; Nūr al-Dīn al-Haythamī, *Majmaʿ*, VIII, 105: *lā tanzilū l-kufūr fa-innahā bi-manzilati l-qubūr, yaʿnī l-qurā*; al-Zamakhsharī, *Rabīʿu l-abrār*, MS. Br. Mus. Or. 6511, fol. 86b; Abū ʿUbayd, *Gharibu l-ḥadīth*, Hyderabad 1387/1967, IV, 191: *...wa-qad ruwiya ʿan muʿāwiyata annahu qāla: ahlu l-qufūr hum ahlu l-qubūr, yaʿnī bi-l-qufūr al-qurā; yaqūlu; innahum bi-manzilati l-mautā lā yushāhidūna l-amṣara wa-l-jumaʿa wa-mā ashbahahā*; and see al-Jarrāḥī, *Kashfu l-khaṭāʾi wa-muzīlu l-ilbās*, II, 355, no. 3024; Ibn al-Athīr, *al-Nihāya fī gharibi l-ḥadīth*, ed. Maḥmūd Muḥammad al-Ṭanāḥī, Cairo 1385/1965, IV, 189.

69) Al-Daylamī, *Firdaus*, MS. Chester Beatty 3037, fol. 187b, sup.: *lā taskunū l-kufūr ... yaʿnī l-qurā, wāḥiduhā kafr, wa-hiya l-qurā l-nāʿiyatu ʿani l-amṣari wa-mujtamaʿi ahli l-ʿilmi, fa-yakūnu l-jahlu ʿalayhim aghlaba, wa-hum ilā l-bidaʿi asraʿu*; cf. al-Munāwī, *Fayḍ*, VI, 401, no. 9797 (and see the version of al-Ṭabarānī recorded on p. 402: *lā taʿmurunna l-kufūra fa-inna ʿāmira l-kufūri ka-ʿāmiri l-qubūri*); al-Bayhaqī, *Shuʿab al-īmān*, MS. Reisu l-kūttab, 219 (Sulaymaniyya), fol. 26a; al-Majlisī, *Biḥār al-anwār*, LXXVI, 156; and cf. the prohibition to dwell in the Sawād: al-Bustī, *al-Majrūḥīn*, I, 123: *...iyyākum wa-l-suknā fī l-sawādi, fa-innahu man sakana l-sawāda yaṣdaʿu qalbuhu...*

70) Al-Daylamī, *Firdaus*, MS. Chester Beatty 3037, fol. 188a: *lā tanzilū l-kuḥūfa fa-innahā bi-manzilati l-qubūri, wa-lā taḍribū ṭunban fī l-badwi fa-inna l-badwa li-l-jafāʾi, wa-yadu llāhi maʿa l-jamāʿati, wa-lā yubālī llāhu shudhūdha man shadhaha...*; cf. Nūr al-Dīn al-Haythamī, *Majmaʿ al-zawāʾid*, VIII, 105 (and see *ib.* three other utterances coupled with this tradition); and cf. al-Ṭabarānī, *al-Muʿjam al-kabīr*, VII, 266, no. 7085 (the Bedouins were ordered to pray behind the Muhājirūn and the Anṣār, because they do not know how to pray).

The perils inherent in this phenomenon are exposed in the utterance attributed to the Prophet: "The extinction of my people is by the Book and by milk", *halāku ummatī fī l-kitābi wa-l-labani*. The Prophet was asked what he meant by it and he explained: "People will study the Qurʾān and interpret it in a different way than that revealed by God; and they will like milk and will leave the (urban-k) communities and turn to the Bedouin way of life (*qālū: yā rasūla llāhi mā l-kitābu wa-l-labanu; qāla yataʿallamūna l-qurʾāna fa-yataʿawwalūnahu ʿalā ghayri mā anzala llāhu ʿazza wa-jall wa-yuḥibbūna l-labana fa-yatrukūna l-jamāʿati wa-yabdūna*<sup>71</sup>).

This view is clearly expressed in another utterance of the Prophet: "I have more fear for my people from milk than from wine". Then he was asked: "How is it, O Messenger of God"? And he said: They will like milk and they will depart from the communities and lose them"<sup>72</sup>).

It is also concisely formulated in a saying reported on the authority of ʿAbdallah b. ʿAmr b. al-ʿAṣ: "I fear for my people from nothing except milk, because Satan is located between the froth and the liquid milk"<sup>73</sup>).

The antagonism between the nomadic population (probably dwelling not far from the centres of the urban population-k) and the inhabitants of the cities is reflected in a gloomy vision of future

71) Nūr al-Dīn al-Haythamī, *Majmaʿ*, VIII, 104 penult.-105 sup.; al-Daylamī, *Firdaus*, MS. Chester Beatty 3037, fol. 179a; al-Suyūṭī, *Jamʿu l-jawāmiʿ*, I, 862.

72) Nuʿaym b. Ḥammād, *Fitan*, MS. Br. Mus. Or. 9449, fols. 64b, 67b; al-Suyūṭī, *Jamʿu l-jawāmiʿ*, II, 568 (from *Kitāb al-fitan*); al-Nāzili, *Mafzaʿ al-khalāʿiq*, Cairo 1293, p. 15, sup.; Nūr al-Dīn al-Haythamī, *Majmaʿ*, VIII, 104 inf.-105 sup.; Ibn ʿAbd al-Ḥakam, *Futūḥ miṣr*, ed. Ch. C. Torrey, New Haven 1922, p. 293. A significant version of the tradition is recorded by Nūr al-Dīn al-Haythamī, *Majmaʿ*, I, 187: ... *innī akhāfu ʿalā ummatī thnatayni: al-qurʾāna wa-l-labana; ammā l-labanu fa-yattabiʿūna l-rīfa wa-yattabiʿūna l-shahawāti wa-yatrukūna l-ṣalāta; wa-ammā l-qurʾānu fa-yataʿallamūna l-munāfiqūna fa-yujādilūna bihi l-ladhīna āmanū*; and see al-Suyūṭī, *Jamʿu l-jawāmiʿ*, I, 554, ll. 16-18; and see *ib*, I, 862 ult-863 l. 1; al-Muttaqī l-Hindī, *Kanz*, X, 124, nos. 1054-1056.

73) Nūr al-Dīn al-Haythamī, *Majmaʿ*, VIII, 105; al-Suyūṭī, *Jamʿu l-jawāmiʿ*, I, 876, l. 4; al-Dhahabī, *Mizān al-ʿitidāl*, II, 479, no. 4530.

events: the people of the desert will enter the city and demand a share of the property of the city inhabitants; the latter will not be able to resist them. The Bedouins will accuse them of having stayed long in comfort and luxury while the Bedouins lived in misery<sup>74</sup>). Ka‘b’s forecast is put in a broader setting, other social groups are mentioned and their role in the events is foretold: the Prophet said: “I would like all the milk which flows from udders in the world to turn into tar.” “People will not desist, says Ka‘b, until they take for themselves small cattle (*ghanam*), milk it and vie with each other over it (i.e. in its keeping, breeding etc.-k); when the cattle grows in numbers they will leave the cities, communities and mosques and turn into Bedouins. It is well known, continues Ka‘b, that God sent no prophet and established no caliphate or kingdom except from amongst the city dwellers and sedentary population (*ahl al-qurā wa-l-ḥadāra*); and it was not desired that God should grant these boons to the tent-pole people nor to the Bedouins (*wa-kānū lā yaṭma‘ūna an yaj‘alahā fī ahli ‘amūdin wa-lā badwin*). When God sees their dislike of the communities and the mosques, He will direct against them groups of people from among their slaves and clients (*fa-idhā ra’ā llāhu raghbatahum ‘ani l-jamā‘ati wa-l-masājidi bta‘atha llāhu ‘alayhim mim mā malakat aymānuhum aquāman...*); the latter will talk with them in Arabic and will beat them with yamanī swords until they return to the community and to the mosques.” Ka‘b consequently recommends not to acquire as slaves many of the foreign captives (*al-‘ajam*). Were he to have power over the captives, he would kill nine out of ten from among them (*wa-lau sullittu ‘alā mā fī aydikum min sabyihim la-qataltu min kulli ‘asharatin tis‘atan*); the rest he would banish to the gorges. “By God”, Ka‘b says at the end of his discussion, “they will not remain loyal and they will embitter your life”<sup>75</sup>).

74) Nu‘aym b. Ḥammād, *Fitan*, MS. Br. Mus., fol. 63b: ... ‘an abī l-zāhiriyyati qāla: kayfa bikum idhā dakhala ahlu bādiyatikum fa-shārakūkum fī amwālikum, lā tamtani‘ūna minhum ḥattā yaqūlu l-qā’ilu: iāla mā kuntum fī l-ni‘mati wa-naḥnu fī l-shaqwati.

75) Nu‘aym b. Ḥammād, *Fitan*, fol. 63b; cf. about the position of the cultivators

The traditions, the utterances, the prohibitions and the injunctions give us a glimpse into the strivings and struggles within the Muslim society of the early period concerning land property, *jihād*, urban societies and the acquisition of farms and estates.

## V

In contradistinction to the traditions bidding restraint in the acquisition of land property, the early *hadīth* collections also contain a great many utterances praising the tilling of soil and the acquisition of land property. A widely circulated saying of the Prophet states that the best property is a pollinated row of palm trees and a fertile horse of good quality<sup>76</sup>).

The Prophet is said to have enjoined respect to the palm tree which is the "aunt of the people", as it was created from the remainder of the clay of Adam; no tree is more respected by God than the palm tree; Maryam, the mother of Jesus, alighted under this tree. It is the only tree which is pollinated and its fruits are recommended for parturient women<sup>77</sup>). The palm trees were described by the Prophet as "firmly rooted in mud, feeding in years of drought" and he prohibited the sale of palm groves; the money obtained from sale of palm

---

of palm trees the contemptuous verse of Jarīr: *aqūlu wa-lam amlik amāli bna ḥanzali: matā kāna ḥukmu llāhi fī karabi l-nakhlī* [See this version: al-Balādhurī, *Ansāb al-ashraf*, MS. fols. 967b and 1011a; and see other versions of this verse e.g.: Jarīr, *Dīwān*, ed. al-Ṣāwī, Cairo 1953, p. 423 ult.; *L'A*, s.v. k r b; al-Āmidī, *al-Muṭalif wa-l-mukhtalif*, ed. 'Abd al-Sattār Aḥmad Farrāj, Cairo 1381/1951, p. 214]. And see the answer of Khulayd 'Aynayn: *ayyu nabīyyin kāna min ghayri qaryatin: wa-mā l-ḥukmu yā bna l-lu'mi illā ma'a l-risli*. [al-Balādhurī, *Ansāb*, fols. 967b, 1011a].

76) Al-Suyūṭī, *Jam'u l-jawāmi'*, I, 518; al-Munāwī, *Fayd*, II, 491, no. 4066; al-Ābī, *Nathr al-Durr*, ed. Muḥammad 'Alī Qarna and 'Alī Maḥmūd al-Bijāwī, Cairo 1980, I, 201; Abū Ṭālib al-Makkī, *Qūt al-qulūb*, Cairo 1351/1932, II, 330; *L'A*, s.v. skk; al-Muttaqī l-Hindī, *Kanz*, IV, 18, no. 151; al-Waṣṣābī, *al-Baraka fī faḍli l-sa'yi wa-l-ḥaraka*, Cairo 1354, p. 18 inf.

77) Al-Suyūṭī, *Jam'u l-jawāmi'*, I, 140; Ibn Ḥajar, *al-Iṣāba*, IV, 764, ll. 1-2; Abū Ya'ālā, *Musnad*, ed. Ḥusayn Salīm Asad, Damascus 1404/1984, I, 353, no. 455; al-Suyūṭī, *al-Mawḍū'āt*, ed. 'Abd al-Raḥmān Muḥammad 'Uthmān, al-Madīna al-munawwara, 1386/1966, I, 1833-184.

groves would be dispersed like ashes by winds<sup>78</sup>). Paradise was promised by the Prophet to a man who would plant three palm trees and care for them until they bore fruit<sup>79</sup>). Ka'ab al-Aḥbār recommended acquiring palm groves<sup>80</sup>). From the profits of the crops of sown land (... *min fuḍūli ghallāti l-zar'i*) people used to purchase palm groves, but they did not buy sown land from the profits of palm groves<sup>81</sup>). Palm groves seem indeed to have been a profitable enterprise<sup>82</sup>).

The planting of fruit trees was considered a virtue; the Prophet is said to have promised that whoever planted a tree from which a person ate or anyone of God's creatures fed, would have that act counted in his favour as alms<sup>83</sup>).

Traditions which speak in favour of land cultivation became current a short time after the conquests and the acquisition of land property in the conquered territories. The Prophet is said to have

78) Nūr al-Dīn al-Haythamī, *Majma'*, IV, 68 (and see *ib.* p. 69).

79) Al-Waṣṣābī, *al-Baraka*, p. 19 sup.

80) Abū Ṭālib al-Makkī, *Qūt*, IV, 198 inf.: ... *wa-khayru l-māli l-nakhlu, bā'i'uhā mamhūq wa-mubtā'uhā marzūq...*

81) Ibn 'Abd al-Barr, *Bahjat al-majālis wa-uns al-mujālis*, ed. Muḥammad Mursī l-Khūlī and 'Abd al-Qādir al-Qiṭṭ, Cairo 1969, I, 130.

82) See e.g. al-Khallāl, *al-Ḥathth 'alā l-tijāra wa-l-ṣinā'a wa-l-'amal*. Damascus 1348, p. 14 inf.: ... *mā qutila bnu 'affāna ḥattā balaghat ghallatu nakhli mi'ata alfin*.

83) Nūr al-Dīn al-Haythamī, *Majma'*, IV, 68, ll. 1-3, 10-11: *man naṣaba shajaratan...*, p. 67 inf.: ... *mā min rajulin yaghrisu...* And see similar versions: al-Mundhirī, *al-Taghrīb wa-l-tarḥīb*, ed. Muḥammad Muḥyī l-Dīn 'Abd al-Ḥamīd, Cairo 1381/1962, V, 57, nos. 3760-3762: *man naṣaba shajaratan...* and *mā min rajulin yaghrisu...*; but see *ib.*, p. 56, nos. 3755-3758: ... *mā min muslimin yaghrisu... lā yaghrisu muslimun*. Cf. Muḥammad Ḥabībullah al-Shinqīṭī, *Zād al-muslim*, Cairo 1387/1967, II, 333-336, no. 712. And see the version of Abū Jahm, *Juz'*, MS. Hebrew Univ. Ar. 8, 273, pp. 41 inf.-42 sup.: ... *anna l-nabiyya dakhala 'alā ummi mubashshirini l-anṣāriyyi fa-ra'ā nakhlan lahā fa-qāla lahā l-nabiyyu [ṣ]: yā umma mubashshirin, man gharasa hādihā l-nakhla, a-muslimun am kāfirun? qālat: bal muslimun, qāla: lā yaghrisu muslimun gharasan wa-lā yazra'u zar'an fa-ya'kula minhu insānun wa-lā dābbatun wa-lā shay'un illā kāna lahu ṣadaqatan*; and see this tradition: *L 'A*, s.v. 'a f w; al-Dārimī, *Sunan*, Beirut, n.d. II, 269; al-Bayhaqī, *al-Sunan al-Kubrā*, VI, 137-138; al-Waṣṣābī, *al-Baraka*, p. 12. But see the version recorded by Baḥshal, *Ta'rikh Wāsiṭ*, ed. Kurkīs 'Awwād, Bagdad 1387/1967, p. 268: ... *anna rasūla llāhi [ṣ] dakhala 'alā mra'atin mina l-anṣāri wa-hiya fī nakhlin lahā fa-qāla: man gharasa hādihā l-nakhla, muslimun au kāfirun? qālat; muslimun, qāla; innahu man gharasa gharasan au zara'a zar'an fa-akala minhu insānun au sabu'un au dābbatun illā kāna lahu ṣadaqatan...*

encouraged the believers to cultivate the land<sup>84</sup>), stressed that that it is a blessed occupation and recommended to put pieces of wood in the fields in order to protect the cultivated fields from an evil eye<sup>85</sup>). Tradition emphasized that the cultivation of land is a noble occupation, as the first who ploughed the soil was Adam<sup>86</sup>).

A significant tradition is recorded by al-Bukhārī: an inhabitant of Paradise asked God to cultivate land in Paradise. God asked him: "Are you not satisfied with your situation here?" "Yes", answered the man, "but I like that". He was granted permission and his crops grew to an extraordinary height, like mountains. A Bedouin who attended the council of the Prophet and heard this story remarked: "This must have been a Qurashite or an Anṣārī, they have cultivated lands, we have not." On hearing this the Prophet laughed<sup>87</sup>). An utterance attributed to the Prophet counts as the two best kinds of property land and small cattle<sup>88</sup>).

Land property came to be considered the best investment; Sahl b. Ḥunayf<sup>89</sup>) bids one of the sons of ʿAbd al-Raḥmān b. ʿAuf (well known as one of the richest Companions of the Prophet) to acquire

84) See e.g. Aḥmad b. ʿAbdallah al-Samadī al-Nazwī, *al-Muṣannaf*, ed. ʿAbd al-Munʿim ʿAmir and Jādallah Aḥmad, Cairo 1979, I/2, 91: *iltamisū l-rizqa fī khabāyā l-arḍi, ay al-zarʿa*; al-Waṣṣābī, *al-Baraka*, p. 16; al-Thaʿālibī, *al-Laṭāʿif, wa-l-zarāʿif* (selected by Abū l-Naṣr Aḥmad al-Maqdisī); al-Thaʿālibī, *Thimār al-qulūb fī l-mudāf wa-l-mansūb*, ed. Muḥammad Abū l-Faḍl Ibrāhīm, Cairo 1384/1965, p. 509, no. 832; cf. al-Dhahabī, *Mizān al-iʿtidāl*, II, 584, no. 4946: ...*qultu: yā rasūla llāhi anā aktharu l-anṣārī arḍan; qāla: zraʿ; qultu: hiya aktharu min dhālika; qāla: bawwir...*

85) Al-Munāwī, *Fayḍ*, I, 190, no. 251: ...*uḥruthū, fa-inna l-ḥartha mubārakun wa-akthirū fīhi mina l-jamājimi*; Nūr al-Dīn al-Haythamī, *Majmaʿ*, V, 109; al-Muttaqī l-Hindī, *Kanz*, IV, 18, no. 155, 19, no. 166, 72, nos. 683-685; Ibn Ḥajar, *Lisān al-mizān*, Hyderabad 1331, VI, 211, no. 743; Ibn al-Athīr, *al-Nihāya fī gharībi l-ḥadīth*, s.v. *jmjm*; al-Balawī, *Alif bāʿ*, Cairo 1287 (repr.), I, 538 sup.

86) Al-Suyūfī, *al-Durr al-manthūr*, I, 57 sup.

87) Al-ʿAynī, *Umdat al-qārī*, Cairo 1348, XXV, 174, no. 145; al-Waṣṣābī, *al-Baraka*, p. 12.

88) ʿAbd al-Razzāq, *al-Muṣannaf*, XI, 460, no. 21006: ...*fa-ayyu amwālīnā afdalu?* *qāla: al-ḥarthu wa-l-ghanam*; Ibn ʿAdiyy, *al-Kāmil*, III, 885.

89) See on him: Ibn ʿAbd al-Barr, *al-Iṣāba*, III, 198, no. 3529; Ibn Qudāma al-Maqdisī, *al-Istibṣār fī nasabi l-ṣaḥāba mina l-anṣār*, ed. ʿAlī Nuwayhid, Beirut 1391/1971, pp. 320-321.

a farm and argues: "If you cultivate it, you get profits from it; if not it will not suffer any loss". This advice is preceded by a remark which emphasizes the advantage of investment in land property and livestock<sup>90</sup>). According to some reports Arabs used to say: "Sell the animals (*ḥayawān*) and buy barren land (*mawatān*)"<sup>91</sup>). Aḥmad b. Ḥanbal urged to acquire estates and advised that care should be taken to ensure a sound management of property in order to get sufficient means of subsistence and not to need the help of people<sup>92</sup>).

The obligation to keep the land property found its expression in some of the traditions attributed to the Prophet. The Prophet enjoined that money obtained from the sale of land be invested in another piece of land<sup>93</sup>); money invested in other kinds of property would not be blessed<sup>94</sup>). According to another tradition the Prophet is said to have recommended that one should hold on to one's land (*amsikū 'alaykum arḍakum*) and not hand it over to anyone; if anyone manages a thing well it belongs to him (*fa-man 'ammara shay'an fa-huwa lahu*)<sup>95</sup>).

In the same vein are formulated the utterances and advices of the Companions of the Prophet. 'Umar is said to have advised to acquire property<sup>96</sup>). According to Sa'īd b. al-Musayyab<sup>97</sup>) man is no good if

90) Ibn 'Abd al-Barr, *Bahjat al-majālis*, I, 130.

91) Abū Ṭālib al-Makkī, *Qūt*, IV, 187.

92) Al-Khallāl, *al-Hathth 'alā l-tijāra*, p. 7.

93) Al-Bayhaqī, *al-Sunan al-kubrā*, VI, 33, 34.

94) Al-Fasawī, *al-Ma'rifa*, I, 294; Nūr al-Dīn al-Haythamī, *Majma'*, IV, 110-111; Ibn 'Adiyy, *al-Kāmil*, I, 285, sup.; Ibn Ḥajar, *Tahdhīb al-tahdhīb*, IV, 15, no. 18; al-Mizzī, *Tuhfat al-ashraf bi-ma'rifati l-aṭraf*, Bombay 1391/1972, IV, 3-4, no. 4453; al-Ḥakīm al-Tirmidhī, *Nawādir al-uṣūl*, repr. al-Madīna l-munawwara, n.d. p. 67 inf.; al-'Amilī, *al-Jawāhir al-saniyya fī l-aḥādīthi l-qudsiyya*, Bagdad 1384/1964, pp. 51, 63: ...*maktūb fī l-taurāti: man bā'a arḍan wa-mā'an wa-lam yaḍa' thamanahu fī arḍin wa-mā'in dhahaba thamanuhu maḥqan*; al-Bustī, *al-Majrūhīn*, I, 122.

95) Al-Mu'addal, *Amālī* (= *al-Fawā'id al-hisān*), MS. Zāhiriyya 18 [*majmū'a*], fol. 273a.

96) Al-Khallāl, *al-Hathth*, p. 15: ...*qāla 'umarū: yā abā zabyana ttakhidh mālan*. And cf. Aḥmad b. Ḥanbal, *ʿIṭā'*, I, 329, no. 2146: ...*mā a'lamu shay'an yatrūku l-rajulu khayran min muwaylin yastaghni bihi wulduhu 'ani l-nāsi*.

97) See on him e.g. Ibn Sa'd, *Ṭabaqāt*, II, 379-384.



he does not strive to gain property from which he would pay his debts, keep his honour (e.g. by allocating money to poets in order to prevent them from vilifying him in their satirical poems-k) and carry out his obligations; at his death he will bequeathe it to his heirs<sup>98</sup>). Property was amassed in order to preserve faith and honour<sup>99</sup>). The father of Khālid b. Ṣafwān<sup>100</sup>) was asked for whom he had collected his wealth. He replied that he had collected it against the vicissitudes of time, the harshness of rulers and in order to contend for superiority within the tribe<sup>101</sup>).

The Prophet summoned ʿAmr b. al-ʿAṣ to go out on a military expedition, promising him booty, but ʿAmr replied that he had not converted to Islam in order to get property; he had embraced Islam in order to participate in the Holy War and remain in the neighbourhood of the Prophet. But the Prophet said: “How nice is good property for a good man”<sup>102</sup>). The fortune of ʿAmr b. al-ʿAṣ was thus foretold by the Prophet<sup>103</sup>).

Land property was considered more profitable and stable than ownership of livestock or of gold and silver; gold and silver are (like-k) stones; if you leave them they do not increase, if you use them they are spent; livestock is like green plants: it withers when it is hit by the sun; but land and water are real property<sup>104</sup>).

---

98) Al-Khallāl, *al-Ḥathth*, p. 15: ...*lā khayra fīman lā yaṭlubu l-māla yaqḍī bihi daynahu wa-yaṣūnu bihi ʿirḍahu wa-yaqḍī bihi dhīmāmahu wa-in māta tarakahu mīrāthan liman baʿdahu.*

99) Al-Balādhurī, *Ansāb al-ashraf*, MS. fol. 1082a.

100) See on Khālid b. Ṣafwān and his father e.g. al-Balādhurī, *Ansāb al-ashraf*, fol. 1023a-b.

101) Al-Balādhurī, *Ansāb*, MS. fol. 1022a.

102) Nūr al-Dīn al-Haythamī, *Majmaʿ*, IV, 64; al-Khallāl, *al-Ḥathth*, p. 16; al-Zabīdī, *Ithāf al-sāda*, VIII, 139.

103) See on his wealth: al-Masʿūdī, *Mushākalatu l-nāsi li-zamānihim*, ed. William Millward, Beirut 1962, p. 16: ...*fa-banā ʿamru bnu l-ʿāsi dārahu bi-miṣra wa-ttakhdha li-nafsihi l-ḍiyāʿa, wa-gharasa fī dayʿatihi llatī yuqālu lahā l-wahī bi-l-ṭāʿif alfa alfi ʿūdi karmin, fa-kānat ghallatuhu ʿasharata ālāfi alfi dirhamin...*

104) Ibn ʿAbd al-Barr, *Bahjat al-majālis*, I, 129: ...*qāla l-mustaurid: al-dhahabu wa-l-wariqu ḥajarāni, in taraktahumā lam yazīdā wa-in akhadhta minhumā nafidā; wa-ḥayawānu ka-l-baqli, in aṣābathu l-shamsu dhawā, wa-lākinna l-māla l-arḍu wa-l-māʿ...*

A special position of distinction among the various kinds of livestock is preserved in the *ḥadīth* for small cattle (*ghanam*): sheep, ewes and goats. The Prophet characterized the owners of the camel herds as rough-hearted; he referred to Rabī<sup>ʿ</sup>a and Muḍar; belief rests with the people of Yaman<sup>105</sup>). In another tradition the classification is more detailed: unbelief is with the people of the East (*al-kufr qibala l-mashriq*), the people of Yaman are people of belief (*al-īmān yamān*). The owners of small cattle are calm and tranquil (*al-sakīna fī ahli l-ghanam*), pride and haughtiness are to be found among rude men, owners of horses and camels<sup>106</sup>).

Al-Ḥasan al-Baṣrī made the following division: roughness is to be found among camel tails (*al-jafā<sup>ʿ</sup> ma<sup>ʿ</sup>a adhnābi l-ibil*), humility with the cow tails (*al-dhilla ma<sup>ʿ</sup>a adhnābi l-baqar*), tranquility with the owners of sheep, power and nobility (*al-ʿizz*) are with the horse-locks<sup>107</sup>). A ewe in the house, says the Prophet, is a blessing, two are two blessings, three are three blessings<sup>108</sup>). The Prophet advised Umm Hāni<sup>ʿ</sup> to acquire small cattle because it brings wealth in the morning and in the evening<sup>109</sup>). Prophets were granted revelation while they were shepherds; the Prophet was sent by God while pasturing the small

105) Al-Taḥāwī, *Mushkil al-āthār*, I, 348.

106) Al-Taḥāwī, *Mushkil al-āthār*, I, 347, inf.; cf. Nūr al-Dīn al-Haythamī, *Majma<sup>ʿ</sup>*, IV, 65 inf.: ...*al-fakhru wa-l-khuyalā<sup>ʿ</sup>u fī ahli l-ibili, wa-l-sakīnatu wa-l-waqāru fī ahli l-ghanami*.

107) Ibn ʿAbd al-Barr, *Bahjat al-majālis*, II, 69.

108) Al-Bukhārī, *al-Adab al-mufrad*, p. 201, no. 573; and see al-Rāghib al-Iṣfahānī, *Muḥāḍarāt al-udabā<sup>ʿ</sup>*, Beirut 1961, III-IV, 660: ...*mā min muslimin lahu shātun illā wa-quddisa kulla yaumin marratan; fa-in kānat lahu shātāni quddisa kulla yaumin marratayn...*; al-Muttaqī l-Hindī, *Kanz*, XVII, 147 ult-148, no. 487. And see al-Munāwī, *Fayḍ*, V, 473, no. 8009: a sheep is a blessing for the people (*baraka* is explained in the commentary as denoting subsistence); and see *ib.* no. 8010: angels pray during the night until the morning for a family in which a flock of sheep returns to their abode in the evening (*mā min ahli baytin tarūhu ʿalayhim thallatun mina l-ghanami illā bātat al-malā<sup>ʿ</sup>katu tuṣalli ʿalayhim ḥattā tuṣbiha*).

109) ʿAbd al-Razzāq, *al-Muṣannaḥ*, XI, 461, no. 21008; Nūr al-Dīn al-Haythamī, *Majma<sup>ʿ</sup>*, IV, 66; Nāṣir al-Dīn al-Albānī, *Silsilat al-aḥādīthi l-ṣaḥīḥa*, n.p., 1392/1972, II, 417, no. 773; al-Muttaqī l-Hindī, *Kanz*, XVII, 147, no. 485.

cattle of his family at Jiyād<sup>110</sup>). The Prophet spoke highly of those who wipe the mucus of sheep and clean their resting places from stones and thorns, because sheep are the beasts of Paradise<sup>111</sup>). Three blessings were sent down from Heaven, according to the Prophet: the ewe, the palm tree and the fire<sup>112</sup>).

Several utterances of the Prophet about goats put them on the same level as sheep. "Respect the goat and wipe their mucus, because they are among the beasts of Paradise", said the Prophet<sup>113</sup>). The complicated question whether the goats in Paradise resemble those on earth is answered by Ibn Qutayba: there are goats in Paradise like those on earth; there are also horses, camels, small cattle and edible birds; there are however no pigs, apes, scorpions or snakes in Paradise<sup>114</sup>).

An interesting tradition attributed to the Prophet states that he enjoined the rich to acquire small cattle (*ghanam*) while he recommended that the poor should acquire chicken<sup>115</sup>). In another tradition the Prophet states that chicken are the small cattle of the poor, and

110) Nūr al-Dīn al-Haythamī, *Majmaʿ*, IV, 65; cf. al-Muḥāsibī, *Aʿmāl al-qulūb*, ed. ʿAbd al-Qādir Aḥmad ʿAṭā, Cairo 1969, p. 184; Ibn ʿAdiyy, *al-Kāmil*, V, 1774; al-Dhahabī, *Mizān al-ʿitidāl*, III, 293, no. 6476; al-Zurqānī, *Sharḥ muwaṭṭaʿi l-imām mālik*, ed. Ibrāhīm ʿAṭwa ʿAwaḍ, Cairo 1382/1962, V, 429, penult.-430; Yūnus b. Bukayr, *al-Siyar wa-l-maghāzī*, ed. Suhayl Zakkār, Damascus 1398/1978, p. 124; al-Muttaqī l-Hindī, *Kanz*, XVII, 147, no. 486.

111) Al-Rāghib al-Iṣfahānī, *Muḥāḍarāt al-udabāʿ*, III-IV, 660; al-Haythamī, *Majmaʿ*, IV, 67, sup.: ʿalaykum bi-l-ghanam fa-innahā min dawābbi l-janna, fa-ṣallū fī murāḥihā. wa-msaḥū rughāmahā. And see al-Munāwī, *Fayḍ*, IV, 345, no. 5542; Ibn Ḥajar, *al-Iṣāba*, VI, 480, no. 6632; al-Zurqānī, *Sharḥ al-muwaṭṭaʿ*, V, 335-336.

112) Nūr al-Dīn al-Haythamī, *Majmaʿ*, IV, 66; al-Munāwī, *Fayḍ*, II, 216, no. 1637; al-Suyūṭī, *Jamʿ al-jawāmiʿ*, I, 163.

113) Al-Damīrī, *Ḥayāt al-ḥayawān*, Cairo 1383/1963, II, 327; Nūr al-Dīn al-Haythamī, *Majmaʿ*, IV, 66; al-Suyūṭī, *Jamʿ al-jawāmiʿ*, I, 140; al-Munāwī, *Fayḍ*, II, 91, no. 1422.

114) Ibn Qutayba, *Taʿwīl mukhtalifi l-ḥadīth*, Cairo 1326, pp. 310-311.

115) Ibn ʿArāq, *Tanzīhu l-sharīʿati l-marfūʿa ʿani l-aḥādīthi l-sharīʿati l-mauḍūʿa*, ed. ʿAbd al-Wahhāb ʿAbd al-Laṭīf and ʿAbdallah Muḥammad al-Ṣiddīq, Beirut 1399/1979, II, 249, no. 59; Ibn ʿAbd al-Barr, *Bahjat al-majālis*, I, 128; al-Damīrī, *Ḥayāt al-ḥayawān*, I, 329, inf.; Ibn al-Jauzī, *al-Mauḍūʿāt*, ed. ʿAbd al-Raḥmān Muḥammad ʿUthmān, al-Madīna al-munawwara 1386/1966, II, 304.

Friday is their pilgrimage (*hajj*)<sup>116</sup>). When the rich will acquire chicken God will let the villages fall into ruin<sup>117</sup>). The tradition indicates that the rich will undertake to breed chicken: they will be in competition with the poor and will thus cause the ruin of the villages as a result of the fact that the economic equilibrium of the Muslim community would be disturbed.

The qualities of sheep and goats come up in the injunction concerning places of prayer. The Prophet spoke favourably about the prayer in the resting places (*murāḥ*) of sheep<sup>118</sup>). Prayer in the resting places of camels (*aḥṭān al-ibil*) was in contrast forbidden by the Prophet<sup>119</sup>). The reason for this last prohibition, as given by the Prophet, was that the camels were created from Satans or from *jinn*s or that they are indwelt by Satan<sup>120</sup>). In a great many traditions the prohibition against praying in the resting places of camels is coupled

116) Al-Jarrāḥī, *Kashf al-khafa*<sup>3</sup>, I, 334, no. 1076, 400, no. 1286; Nāṣir al-Dīn al-Albānī, *Silsilat al-aḥādīthi l-daʿīfa*, Beirut 1392, II, 249, no. 53.

117) Al-Munāwī, *Fayḍ*, IV, 364, no. 5628; al-Daylamī, *Firdaus*, MS. Chester Beatty 3037, fol. 105a, sup.: ... *inda ttikhādhi l-aghniyāʿi l-dajāja halāku l-fuqarāʿi wa-yaʿdhanu llāhu ʿazza wa-jalla bi-halāki l-qurā*; Nāṣir al-Dīn al-Albānī, *Silsilat al-aḥādīthi l-daʿīfa*, p. 152, no. 119; Ibn ʿArāq, *Tanzīh al-sharīʿa*, II, 249, no. 59.

118) Nūr al-Dīn al-Haythamī, *Majmaʿ*, II, 26; al-ʿAynī, *Umdat al-qārī sharḥ ṣaḥīḥi l-bukhārī*, IV, 179 penult.-180; al-Munāwī, *Fayḍ*, IV, 201, no. 5020; Ibn ʿAdiyy, *al-Kāmil*, VI, 2088.

119) See e.g. Ibn Qayyim al-Jauziyya, *Ighāthatu l-laḥfān min maṣāyidi l-shayṭān*, Cairo 1358/1939, I, 148: ... *al-ṣalātu ḥaythu kāna wa-fi ayyi makānini ttafaqa siwā mā nuhiya ʿanhu mina l-maqbarati wa-l-ḥammāmi wa-aḥṭāni l-ibili*.

120) ʿAbd al-Razzāq, *al-Muṣannaḥ*, V, 158, no. 9239: ... *alā kulli sanāmi baʿṣin shayṭānun...*; and see *ib.* p. 167, no. 9264; and see al-Munāwī, *Fayḍ*, V, 475, no. 8014; II, 320, no. 1948: ... *inna l-ibila khuliqat mina l-shayṭān wa-inna warāʿa kulli baʿṣin shayṭānan*; al-Suyūṭī, *al-Durr al-manthūr*, VI, 14; Ibn Kathīr, *Tafsīr*, VI, 220; Ibn Taymiyya, *Majmūʿat al-rasaʿili l-kubrā*, Beirut 1392/1972, II, 250; Ibn al-ʿArabī, *Tafsīr*, p. 1665; al-Sharīf al-Raḍiyy, *al-Majāzāt al-nabawiyya*, ed. Maḥmūd Muṣṭafā, Cairo 1356/1937, p. 215, no. 220; Yahyā b. Muʿīn, *al-Taʿrīkh wa-l-ʿilal*, MS. al-Zāhiriyya, majmūʿ 112, fol. 9b, penult.; Nūr al-Dīn al-Haythamī, *Majmaʿ*, V, 212; al-Waṣṣābī, *al-Baraka*, p. 195; al-Hākīm al-Naysābūrī, *al-Mustadrak*, I, 444; Ibn Bābūyah al-Qummī, *al-Khiṣāl*, ed. ʿAlī Akbar al-Ghaffārī, Tehran 1389, p. 45, no. 44; al-Damīrī, *Ḥayāt al-ḥayawān*, I, 14; al-Majlisī, *Bihār al-anwār*, Tehran 1390, LXXXIII, 309; Ibn Saʿd, *al-Ṭabaqāt*, IV, 297.

with the injunction to pray in the resting places of small cattle<sup>121</sup>). In one of the versions of this tradition the Prophet explains the reason for the prohibition: “Do not pray in the resting places of camels as they were created from the *jinn*; look at their countenance and their eyes when they break away”<sup>122</sup>). Ibrāhīm b. ‘Alī al-Shīrāzī quoting this tradition adds another argument: the believer cannot apply himself to his prayer with his whole heart, because of the fear that the camels may break away (*nufūr*); this does not apply to the small cattle<sup>123</sup>). Al-Shāfi‘ī supplies an interesting comment on the tradition: the resting places of small cattle are carefully chosen in clean places, while the camels rest in stripbare and dirty places. Further, he says, the terms only refer to places which are capable of being used as resting grounds for camels or sheep even if they have not actually been used in this manner. In both cases prayer is forbidden in these places, if they contain the droppings and urine of camels or sheep (and other animals like donkeys, horses or cows); droppings and urine carry ritual impurity (*najas*) and prayer said in such a place has

121) See e.g. Ibn Qayyim al-Jauziyya, *Ighāthat al-lahfān*, I, 148: ...*ṣallū fī marābiḍi l-ghanam wa-lā tuṣallū fī a‘tāni l-ibīl, fa-innahā khullīqat mina l-shayāṭīn*...; al-Suyūṭī, *Jam‘u l-jawāmi‘*, I, 835; al-Munāwī, *Fayḍ*, IV, 200, no. 5018; al-Bayhaqī, *al-Sunan al-kubrā*, II, 448-451; Ibn al-Athīr, *Jāmi‘ al-uṣūl*, VI, 311-312, nos. 3662-3667: ...*su‘ila rasūlu llāhi [ṣ] ‘ani l-ṣalāti fī mabāriki l-ibīli fa-qāla: lā tuṣallū fī mabāriki l-ibīli, fa-innahā mina l-shayṭān; wa-su‘ila ‘ani l-ṣalāti fī marābiḍi l-ghanami fa-qāla: ṣallū fī marābiḍi l-ghanami, fa-innahā barakatun*. And see *ib.*: ...*anna rasūla llāhi [ṣ] nahā an yuṣallū fī sab‘ati mawāṭīna; fī l-mazbalati wa-l-majzarati wa-l-maqburati wa-qārī‘ati l-tarīqi wa-fī l-hammāmi wa-ma‘āṭīni l-ibīli wa-fauqa zahri bayti llāh*. And see al-‘Aynī, *‘Umdat al-qārī*, IV, 180-182; Sa‘dī Ḥusayn ‘Alī Jabr, *Fiqh al-imām abī thaur*, Beirut 1403/1983, p. 200, no. 2; al-Ṭūsī, *al-Nihāya fī mujarradi l-fiqhi wa-l-fatāwā*, Beirut 1390/1970, p. 101; Aḥmad b. Ḥanbal, *Musnad*, ed. Shākir, X, 186, no. 6658; al-Dārimī, *Sunan*, I, 323; al-Shaukānī, *Nayl al-auṭar*, Cairo 1372/1953, II, 152-154; Ibn Wahb, *Juz‘*, MS. Chester Beatty 3497, fol. 50b; Nūr al-Dīn al-Haythamī, *Mawāriḍ al-ṣam‘ān ilā zawā‘id ibni ḥibbān*, ed. Muḥammad ‘Abd al-Razzāq Ḥamza, Cairo, n.d. p. 104, nos. 335-337; al-Būṣīrī, *Miṣbāḥ al-zujāja fī zawā‘id ibn mājah*, ed. Mūsā Muḥammad ‘Alī and ‘Izzat ‘Alī ‘Aṭīyya, Cairo 1983, I, 269-271.

122) Al-Suyūṭī, *Jam‘ al-jawāmi‘*, I, 895: *lā tuṣallū fī a‘tāni l-ibīli, fa-innahā khullīqat mina l-jinni; alā tarawna ilā hay‘atihā wa-‘uyūnihā idhā nafarat*...

123) Ibrāhīm b. ‘Alī al-Shīrāzī, *al-Muhadḥab fī fiqhi l-shāfi‘ī*, Beirut 1379/1959, I, 70 (and see *ib.* the comments of Muḥammad b. Aḥmad al-Rakbī in his *al-naẓmu l-mustaḥab fī sharḥi gharībi l-muhadḥab*).

to be repeated. As to praying in the resting places of camels, even if they contain no dirt, this is considered repugnant because of the Prophet's prohibition<sup>124</sup>). Other jurists like Mālik, Aḥmad b. Ḥanbal and Iṣḥāq b. Rāhaway gave a literal interpretation of the tradition. Aḥmad b. Ḥanbal is of the opinion that there is no objection to prayer performed in a place where there is camel urine, provided that it is not a resting place for camels<sup>125</sup>).

In the practice of *wuḍūʿ*, the ritual ablution, one also notices the difference in the assessment of the qualities of camels as against sheep. A man asked the Prophet whether prayer in the resting places of sheep was prohibited. "No" said the Prophet. "Do I have to perform *wuḍūʿ* after eating the meat of sheep?" asked the man. "No" answered the Prophet. "May I pray in the resting places of camels?" asked the man. "No", was the answer of the Prophet. "Do I have to perform *wuḍūʿ* after eating the meat of camels?" asked the man. "Yes" answered the Prophet<sup>126</sup>). The scholars were however not unanimous about the injunction of performing *wuḍūʿ* after eating camel meat; their opinions were divergent and even contradictory<sup>127</sup>). It is significant that the commentators stressed in the early period the pejorative aspects of the camel and its satanic features; by eating the meat of a camel the believer consumes, in their opinion, meat which possesses satanic properties. The *wuḍūʿ* is meant

124) Al-Shāfiʿī, *al-Umm*, Cairo 1388/1968, I, 80 (However if a person prays in the vicinity of an *ʿaṭan* in which there is no dirt at all, the prayer would be considered sufficient, *ajza'athu*).

125) Al-Khaṭṭābī, *Maʿālimu l-sunan*, ed. Muḥammad Rāghib al-Ṭabbākh, Ḥalab 1953, I, 148-149; and see Abū Zurʿa al-ʿIrāqī, *Tarḥu l-tathrib*, Ḥalab n.d. II, 106; and see the exhaustive discussion of the subject: al-Ṭaḥāwī, *Sharḥ maʿānī l-āthār*, ed. Muḥammad Jādd al-Ḥaqq, Cairo 1387, I, 383-386.

126) Al-Ṭaḥāwī, *Sharḥ maʿānī l-āthār*, I, 384; ʿAbdallāh b. ʿUmar, *Musnad*, ed. Aḥmad Rātib ʿArmūsh, Beirut 1393/1973, p. 23, no. 11.

127) See e.g. al-Munāwī, *Fayḍ*, III, 275, no. 2384; Ibn Ḥazm, *al-Iḥkām fī usūli l-aḥkām*, ed. Muḥammad Aḥmad ʿAbd al-ʿAzīz, Cairo 1398/1978, I, 360; al-Shaukānī, *Nayl al-auṭār*, Cairo 1372/1953, II. 237-238; al-Damīrī, *Ḥayāt al-ḥayawān*, I, 16; cf. M. J. Kister, On concessions and conduct, in G. H.A. Juynboll (editor), *Studies on the First Century of Islamic Society*, Southern Illinois University Press, n.d. pp. 97 and 223, note 64.

to wipe off the effects of the satanic power and to remove its vile properties<sup>128</sup>). Al-Jāhīz counts camel meat among the three kinds of food which are detrimental and dangerous<sup>129</sup>).

## VI

The traditions about farms and estates mentioned above, encouraging acquisition of land and recommending planting of trees and cultivating of soil, refer in fact to the owners of the lands and to the rich possessors of the land cultivated actually by labourers, clients and often by captives of the conquered territories<sup>130</sup>). A peculiar version of a tradition attributed to the Prophet elucidates this assumption: "He who buys a village, working on its development deserves God's aid" (*man shtarā qaryatan yu'ammiruha kāna ḥaqqan 'alā llāhi 'aunuhu*)<sup>131</sup>). The virtuous deed is the acquisition of a huge land area and developing it in an economically successful manner, employing slaves, captives or cheap, landbound labourers.

Different in content are the traditions and reports describing the virtues of tilling the soil, the rewards granted the cultivators in the Hereafter and counting the eminent and pious persons who exerted themselves in agricultural activities.

Al-Shaybānī, denying the claim that cultivation of land is dispraised (*madhmūma*), mentions that the Prophet cultivated land (*anna l-nabiyya [s] izdara'a bi-l-jurf*)<sup>132</sup>) and that the majority of the

128) See e.g. Ibn Qayyim al-Jauziyya, *I'lām al-muwaqqi'in 'an rabbi l-'ālamīn*, Beirut 1973, II, 15: ...*fa-idhā ghtadhā min luḥūmi l-ibīli wa-fihā tilka l-quwwatu l-shaytāniyyatu, wa-l-shaytānu khuliqa min nārīn, wa-l-nāru tuḥā'u bi-l-mā'i....fa-idhā tawadda'a l-'abdu min luḥūmi l-ibīli kāna fī wuḍū'ihi mā yuḥfi'u tilka l-quwwata l-shaytāniyyata fa-tazūlu tilka l-mafsidatu...*

129) Al-Jāhīz, *al-Ḥayawān*, ed. 'Abd al-Salām Hārūn, Cairo 1364/1945, V, 570: ...*'an ba'ḍi l-mashāyikhi qāla: thalāthatu ashya'a rubbamā šara'at aḥla l-bayti 'an ākhirihim: aklu l-jarādi wa-luḥūmi l-ibīli wa-l-futri mina l-kam'ati.*

130) See e.g. Aḥmad Šāliḥ al-'Alīyy, *Muslim Estates in Ḥidjāz in the First Century A.H.* in *JESHO* 2 (1959) pp. 247-261.

131) Al-Suyūṭī, *Jam'u l-jawāmi'*, II, 258.

132) Al-Shaybānī, *al-Iktisāb*, p. 17.

religious scholars prefer agriculture to trade and stress that it is more useful<sup>133</sup>). ‘A’isha and Ḥafṣa are said to had preferred land property in Khaybar to getting the granted income in food<sup>134</sup>). Abū Hurayra had land property and used to sow in his plot early in the morning<sup>135</sup>). Sa‘d b. Abī Waqqāṣ used to carry large baskets of dung (‘urra) to his plot in order to fertilize it<sup>136</sup>). Shī‘ī tradition asserts that the Prophet and ‘Alī exerted themselves tilling the soil; prophets and pious men cultivated the land working as labourers<sup>137</sup>). God ordered Moses to sow the land and he obeyed God’s injunction<sup>138</sup>). God’s name is explicitly written on every stalk and destroying of plants or burning them is an unforgivable sin. It is obvious that the man who exerts himself cultivating the land performs a laudable deed<sup>139</sup>). The angels ask Gods forgiveness for the sins of the sowers and planters as long as the sown plants are green<sup>140</sup>).

In some late traditions the peasant is named *al-ḥārith* or *al-ḥarrāth*; he is given the highest praise and is promised the highest reward. “The peasant, says a tradition, is God’s friend on earth (*al-ḥarrāthu ṣadīqu llāhi fī l-ardi*), a friend of the angels and of the prophets. Were his sins more than the sands of ‘Ālij<sup>141</sup>) God would forgive him all his sins because of the invocation of the birds; they invoke for him

133) Al-Shaybānī, *al-Iktisāb*, pp. 36, 37; and see Ibn al-Ḥājj, *al-Madkhal*, Beirut 1972, IV, 4: ...*fa-idhā ‘alima dhālika fa-ākadu mā ‘alā l-mukallaḥi minna l-ṣanā’i‘ wa-l-ḥirafi l-zirā’atu llatī bihā qiwāmu l-ḥayāti wa-qūtu l-nufūsi...wa-idhā kāna dhālika kadhālika fa-l-zirā’atu min a’zami l-asbābi wa-aktharihā ajran, idh anna khayrahā muta‘addīn li-l-zārī‘i wa-li-ikhwānihi l-muslimīna wa-ghayrihim wa-l-tayri wa-l-bahā’imi wa-l-ḥasharāti; kullu dhālika yantafi‘u bi-zirā’atihi...*

134) Al-Waṣṣābī, *al-Baraka*, p. 13.

135) Al-Waṣṣābī, *al-Baraka*, p. 13.

136) Al-Waṣṣābī, *al-Baraka*, p. 13.

137) Ibn Bābuyah al-Qummī, *Man lā yaḥḍuruhu l-faqīh*, Beirut 1401/1981, III, 98, no. 380.

138) Al-Waṣṣābī, *al-Baraka*, p. 17; and cf. Ibn al-Ḥājj, *al-Madkhal*, IV, 6, sup.

139) Al-Waṣṣābī, *al-Baraka*, p. 17.

140) Ibn al-Ḥājj, *al-Madkhal*, IV, 4 inf.

141) See on ‘Ālij: al-Bakrī, *Mu‘jam mā sta‘jam* and Yāqūt, *Mu‘jam al-buldān* s.v. ‘Ālij.



every time they eat from his plants and God responds to their invocations''<sup>142</sup>).

In another tradition of this kind the Prophet is said to have stated: "When the peasant takes the seeds into his hand [and the seeds are of a lawful possession] an angel calls out '*a third for the sower, a third for the birds and a third for the beasts*'. When he puts the seed into the soil he is granted by God ten awards [for good deeds-k] for every grain. When he waters the soil and the plants begin to grow he is like a man who endows life a believer by every grain; the plant continues to praise God until the harvest. When he threshes it he [is in the position of a man who] threshes his sins; when he winnows it his sins vanish (*dhahabat dhunūbuhu*). When he weighs it he is freed of his sins and becomes like a baby on the day he was born. When he turns back home and his family is joyous by his presence, on his account are put down rewards of worship of forty years. When he aids by the harvested crops the hungry, the neighbour and the poor, God grants him safety from His punishment''<sup>143</sup>).

A most exhaustive account concerning the hardship and plight of the peasant and the lavish praises and rewards granted him is recorded in an anonymous tradition in an anonymous manuscript: The Prophet said: "The superiority of the peasant to the other people is like the superiority of the crescent to the stars. There is no angel passing a cultivated plot without saying '*may God bless you and your plot*'. God has hosts of innumerable angels in the air; they invoke God for the peasant until the Day of Resurrection and put down his good deeds. The labour of the peasant is indeed hard and his reward is abundant. Wild beasts, birds, fish in the seas and animals on earth, everything (literally: everything wet and dray, *kullu raṭīb wa-yābis*), every stone and every clod of clay in the West and in the East ask God to forgive the peasant his sins. Peasants trust God and their trade is with God (*wa-humu l-mutawakkilūna ʿalā rabbihim wa-inna tijāratuhum*

142) Ibn ʿArāq, *Tanzīh al-sharīʿa*, II, 198, no. 37.

143) Al-Waṣṣābī, *al-Baraka*, pp. 16 inf.-17.

*ma<sup>ʿa</sup> rabbihim*); they will pass the Path (*ṣirāt*, scil. on the Day of Judgment-k) with the prophets, the strictly veracious (*al-ṣiddiqīn-k*), the martyrs and the pious quick like the flash of lightning. They will be granted intercession like the intercession of the prophets. The smell of the body of the peasant will be considered by God equal with the smell of the mouth of the fasting believer; the sweat of the body of the peasant will be considered by God equal with the sweat of the warrior (fighting for the cause of God-k). God will then say: ‘O my servants, enter Paradise from any gate you like’<sup>144</sup>).

Some words may be said about the changes in the perceptions of the Arab people in the first period of Islam as to land property on the margin of the traditions and utterances scrutinized above.

It may be noted that there was a considerable concern for land property in Mecca in the period of the Jahiliyya and early Islam. Arabic sources record some cases of conflicts between Meccan leaders as to ownership of certain plots of land<sup>145</sup>).

There were close relations in the period of the Jāhiliyya between Mecca and al-Ṭāʿif: many leaders of the Meccan clans acquired land in al-Ṭāʿif. The agreement concluded between the Prophet and al-Ṭāʿif facilitated the purchase of land in Wajj by the Qurashites<sup>146</sup>)

144) *Anonymous*, MS. Leiden Or. 989, fol. 76a: ... *qāla rasūlu llāhi ṣallā llāhu ʿalayhi wa-sallam; faḍlu l-hurrāth ʿalā sāʿiri l-nāsi ka-faḍli l-hilālī ʿalā l-kawākibi; mā min malakin yamurru ʿalā l-zarʿi illā wa-qāla: bāraka llāhu fika wa-ʿalā zarʿika; inna li-llāhi taʿālā malāʾikatan fī l-hawāʾi lā yuḥṣā ʿadaduhum yastaghfirūnahu ilā yaumi l-qiyāmati wa-yaktubūna lahum al-ḥasanāti fa-inna ʿamala l-hurrathi shadīdun wa-thawābuhum kathīrun; yastaghfiru lahum al-wuḥūshu wa-l-ḥuyūru wa-l-ḥilānu fī l-baḥri [in text: wa-l-baḥru] wa-dawābbu l-arḍi wa-kullu raṭībīn wa-yābisīn wa-kullu ḥajarīn wa-madarīn mā bayna l-maghribi wa-l-mashriqi, wa-humu l-mutawakkilūna ʿalā rabbihim, wa-inna tijāratahum ma<sup>ʿa</sup> rabbihim, wa-yamurrūna ʿalā l-ṣirāti ka-l-barqi l-lami<sup>ʿi</sup> ma<sup>ʿa</sup> l-nabiyyīna wa-l-ṣiddiqīna wa-l-shuhadāʾi wa-l-ṣāliḥīn, shafāʿatun ka-shafāʿati l-anbiyāʾi; wa-rīḥu badani l-ḥarrath wa-fami l-ṣāʾimi ʿinda llāhi taʿālā sawāʾun; wa-ʿaraqū badani l-ghāzī wa-ʿaraqū badani l-ḥarrāthi ʿinda llāhi sawāʾun; fa-yaqūlu llāhu taʿāla: yā ʿibādī, udkhulū l-jannata min ayyi bābin shīʾtum.*

145) See e.g. al-Balādhurī, *Ansābu l-ashraf*, IV a, ed. M. Schloessinger, Jerusalem 1971, p. 8, l. 5.

146) See M. J. Kister, ‘Some reports concerning al-Ṭāʿif’, *JSAI*, I, (1979), p. 10, note 31.

and regulated the conditions of partnership between the Meccan owners of the vineyards and their Ṭāʿifī partners who saw to the tilling and watering of the land acquired by the Meccans<sup>147</sup>).

Noble Qurashites entered partnership deals with Bedouins, bought land property and invested in the tilling of the land and its development<sup>148</sup>).

It is of crucial importance that the compact between the Prophet and the Medinans included a stipulation which granted the Prophet a weighty prerogative: to act deliberately as to “the matters of every piece of land not reached by water” (...*anna rasūla llāhi ṣallā llāhu ʿalayhi wa-sallam lammā qadima l-madīnata jaʿalū lahu kulla arḍin lā yablughuhā l-māʿu...*)<sup>149</sup>).

It is evident that this stipulation gave the Prophet a considerable measure of authority which enabled him to control the activities of the tribal groups who alighted in Medina and tried to attach themselves to one of the tribal divisions in Medina or to settle in one of the suburbs of the city. This prerogative also gave the Prophet the opportunity to allot land in the conquered territories to some tribal groups or to individuals. Some of his Companions in fact received valuable and expensive plots.

The Prophet for example granted Bilāl b. al-Ḥārith a part of the land of al-ʿAqīq<sup>150</sup>) and allotted ʿAmr b. Salima al-Kilābī a patch of land as his exclusive property, as a *ḥimā*<sup>151</sup>). Another *ḥimā* was granted by the Prophet to a man from the tribal group of Bahz, from Sulaym<sup>152</sup>). The Prophet granted vast areas of land to his Companion

147) *Ib.*, notes 32-33.

148) See e.g. al-Balādhurī, *Ansāb*, IV a, p. 3; al-Bakrī, *Muʿjam mā staʿjam*, p. 1070, s.v. Qurayya.

149) Al-Bakrī, *Muʿjam mā staʿjam*, p. 953, s.v. al-ʿAqīq.

150) See Ibn Ḥajar, *al-Iṣāba*, I, 326; ʿAun al-Sharīf Qāsim, *Nashʿat al-dawla al-islāmiyya*, Beirut 1401/1981, pp. 251-254; and see Yaḥyā b. Adam, *Kitābu l-kharāj*, ed. Aḥmad Muḥammad Shākir, Cairo 1347, p. 93, no. 294.

151) See e.g. Ibn Ḥajar, *al-Iṣāba*, IV, 642, no. 5860.

152) See e.g. Ibn Ḥajar, *al-Iṣāba*, IV, 755, no. 6140.

al-Zubayr<sup>153</sup>). On his arrival to Medina the Prophet allotted [land] property to Abū Bakr and ʿUthmān<sup>154</sup>).

This prerogative was later expanded and included other matters connected with land ownership: the Prophet is said to have ordered the Jews of Naḍīr to sell their land-property declaring that he intends to expel them from Medina. According to a tradition they were encouraged by “the hypocrites”, who promised them their aid, to refuse the Prophet’s recommendation and refrained from selling the land. Then the Prophet received a revelation about the planned treachery of the Naḍīr and their plot to assassinate him and ordered them to leave Medina, taking with them only a load of a camel. The land left by the Banū Naḍīr became the exclusive possession of the Prophet; he divided it among the Muhājirūn<sup>155</sup>).

The delegations of the tribes that used to come to the Prophet asked to allot their tribes the right to pasture in territories which they claimed for themselves; leaders of tribes asked for themselves land property on which they intended to pasture their cattle. Sometimes the conflicting claims of the tribal groups were exposed during the visit of their representatives at the court of the Prophet. Such was the case of the delegation of the Banū Bakr b. Wāʿil who asked for themselves the right to pasture the vast area of the Dahnā<sup>2</sup>. The area was in fact pastured by the tribal divisions of the Banū Tamīm and the Prophet withdrew his consent to grant it to the Bakr b. Wāʿil, affirming the legal rights of the Banū Tamīm to this area<sup>156</sup>). Some of the Companions of the Prophet became in fact owners of big estates: ʿUthmān possessed estates in Khaybar and Wādī l-Qurā and he owned the Biʿr Arīs as well<sup>157</sup>). ʿAlī b. Abī Ṭālib owned

153) See e.g. ʿAun al-Sharīf Qāsim, *Nashʿat*, pp. 257-259.

154) See Abū Yūsuf, *Kitābu l-kharāj*, Cairo 1382, p. 61.

155) Al-ʿAynī, *ʿUmdat al-qārī*, XII, 43.

156) See e.g. ʿAun al-Sharīf, *Nashʿat*, pp. 278-279; Ibn Ḥajar, *al-Iṣāba*, VII, 83-87, no. 11654.

157) Al-Yaʿqūbī, *Mushākalatu l-nāsi li-zamānihim*, ed. W. Millward, Beirut 1962, p. 13.

Bughaybigha<sup>158</sup>). As owners of estates are mentioned: ʿAmr b. al-ʿAṣ<sup>159</sup>), Muʿāwiya<sup>160</sup>), Saʿīd b. al-Muṣayyab<sup>161</sup>), ʿAbdallah b. ʿAmir b. Kurayz<sup>162</sup>) and others.

The vigorous activity of purchasing estates started indeed in the period of the Caliphate of ʿUthmān<sup>163</sup>). Ṭalha b. ʿUbaydullah sold a plot of land and received for it a sum of a hundred thousand [dirhams?]<sup>164</sup>). Al-Zubayr sold a court (*dār*) and received for it a sum of six hundred thousands [dirhams?]<sup>165</sup>). The crops of Umm ʿIyāl, the estate of Jaʿfar b. Ṭalha, were valued at four thousand *dīnārs*<sup>166</sup>). ʿAbdallah b. Jaʿfar bought swamp land and paid for it sixty thousand [dirhams?]; he sold it with a considerable profit. He ameliorated marsh land and sold it at a high price<sup>167</sup>).

The endowments of ʿUthmān and the big estates of the members of the noble tribal divisions of Mecca were in fact one of the factors of the revolt against ʿUthmān and led to his assassination. The believers were enraged at the fact that ʿUthmān granted his relatives, the Banū Umayya, the pasture lands in the vicinity of Medina as *ḥimā* areas for their cattle<sup>168</sup>). ʿUthmān granted Marwān the contested estates of Fadak; the area of Mahzūr in the region of Medina, which the Prophet assigned as the possession of the Muslim community, was deliberately granted by ʿUthmān to al-Ḥārith b. al-Ḥakam, the

158) *Ib.* p. 15; and see Yaḥyā b. Adam, *al-Kharāj*, p. 78, no. 244: ʿAlī asked ʿUmar b. al-Khaṭṭāb an allotment and was granted Yanbuʿ; and see Ḥamad al-Jāsir, *Bilād yanbuʿ*, al-Riyāḍ n.d., p. 22.

159) *Al-Mushākala*, p. 16.

160) *Ib.*, p. 16.

161) *Ib.*, p. 14.

162) *Ib.*, p. 16.

163) *Ib.*, p. 13: ...*wa-fī ayyāmi ʿuthmāna ttakhadha aṣḥābu rasūli llāhi l-amwāla wa-banau l-dūra*...

164) Al-Fasawī, *al-Maʿrifā wa-l-taʿrīkh*, II, 415, sup.

165) *Ib.*, II, 415.

166) Al-Zubayr b. Bakkār, *Jamharat nasab quraysh*, MS Bodleiana, Marsh 384, fol. 124 a.

167) See Ibn ʿAsākir, *Tahdhīb taʿrīkh*, Damascus 1399/1979, VII, 335.

168) Ibn Abī l-Ḥadīd, *Sharḥ nahj al-balāgha*, ed. Muḥammad Abū l-Faḍl Ibrāhīm, Cairo 1385/1965, I, 199.

brother of Marwān<sup>169</sup>). It was at the time of ʿUthmān that many estates in the Arab peninsula were exchanged for estates in the conquered territories<sup>170</sup>).

ʿAmr b. al-ʿĀṣ, mentioned already above, built his court in Egypt, but he had estates and land property in Palestine as a governor of Palestine<sup>171</sup>). He managed to get rich and was reprimanded for it by ʿUmar<sup>172</sup>). In his concise and well formulated answer ʿAmr b. al-ʿĀṣ does not deny the accusation of ʿUmar, but points out the economic background of his agricultural activity and explains that his transactions are within the bound of what people usually did<sup>173</sup>).

Al-Zubayr had a thousand servants (*alf ghulām*) who were active in levying the *kharāj* for him<sup>174</sup>).

ʿUmar b. al-Khaṭṭāb was of the conviction that the lands should remain in the hands of the conquered people<sup>175</sup>); this was already said in the former chapters of this paper. The land left in the hands of the conquered people was due to assure the levying of the *kharāj* and the *jizya*, without being diminished by the purchase of the land by Muslims who paid merely the *ʿushr*<sup>176</sup>). In spite of the instruction of

169) *Ib.*, I, 198; and see on Mahzūr: Yāqūt, *Muʿjam al-buldān*, s.v. Mahzūr.

170) See al-Ṭabarī, *Taʾriḫ al-rusul wa-l-mulūk*, ed. Muḥammad Abū l-Faḍl Ibrāhīm, Cairo 1970, IV, 280-281; Muḥammad b. Yaḥyā b. Abī Bakr, *al-Tamhīd wa-l-bayān fī maḡtali l-shahīdī ʿuthmān*, ed. Muḥammad Yūsuf Zāyid, Beirut 1964, pp. 48-49.

171) See the thorough and detailed articles of M. Lecker: "The Estates of ʿAmr b. al-ʿĀṣ in Palestine: Notes on a New Negev Inscription" and Y. D. Nevo: "A New Negev Inscription", in *BSOAS* 1989.

172) Al-Qalqashandī, *Maʾāthir al-ināfa fī maʿālimi l-khilāfa*, ed. ʿAbd al-Sattār Farrāj, Beirut 1980, III, 279 inf.: ...*yadhkuru fīhi bi-annahu balaghahu fāshiyatu mālin fashat lahu...*

173) *Ib.* p. 280: ...*fa-innahu atānī kitābu amīri l-muʾminīn yadhkuru fīhi fāshiyata mālin fashat lī wa-annahu yaʿrifunī qabla dhālika wa-lā māla lī; wa-innī uʿlimu amīra l-muʾminīn annī bi-baladin al-siʿru fīhi rakhīṣun wa-annī uʿālijū mina l-zirāʿati mā yuʿālijuhu l-nāsu, wa-fī rizqī amīri l-muʾminīn saʿatun; wa-llāhi lau raʾaytu khiyānataka ḥalālan mā khuntuka.*

174) *Ib.* II, 414.

175) See e.g. Ibn Abī l-Ḥadīd, *Sharḥ naḥj*, XII, 149: ...*kariha an yashtariya arḍahum al-muslimūn wa-ʿalayhā kharājūn fa-yasīra l-kharāju muntaqilan ilā l-muslim...*

176) See Fāliḥ Ḥusayn, *al-Ḥayātu l-zirāʿiyyatu fī bilādi l-shām fī l-ʿaṣri l-umawiyi*, ʿAmmān 1978, p. 43 inf.

‘Umar, the opinions of the legal scholars, the *fuqahā*’, as well as the orders of some further caliphs, Muslim leaders, commanders of troops, governors and rulers acquired vast areas of land in the conquered territories in the very early period of Islam<sup>177</sup>).

Early sources give some accounts which help to assess the profits of the noble land owners in the conquered territories. Ṭalḥa’s income from his estate of Nishastaq in ‘Irāq amounted to five hundred thousand dirhems a year<sup>178</sup>).

According to another account Ṭalḥa got an income of four hundred thousand to five hundred thousand from his estates in ‘Irāq and an income of ca. ten thousand dīnār from his estates in the Sarāt<sup>179</sup>).

Finally the estates of the former kings and rulers of the conquered lands, the *ṣawāfi*, which were destined to form the estates of the Muslim Empire and secure the sustenance of the future generations of the Muslim community, were gradually divided among commanders of troops and high officials of the Caliphs.

These *ṣawāfi* included, according to some reports, the land owned by Kisrā, the land of the relatives of Kisrā, the land of people killed in the war, the land of people who joined the enemy, lands attached to pools and post stations (*dayr barīd*) and lands which had been confiscated by Kisrā; all these possessions were confiscated on the order of ‘Umar<sup>180</sup>).

The size of the land confiscated by ‘Umar can be gauged from the accounts about the revenues of these territories: they were assessed at 4,000,000 to 7,000,000 (dirhams)<sup>181</sup>).

A late compendium of Law, the Muṣannaf of Abū Bakr Aḥmad b. ‘Abdallah al-Kīndī al-Samdī al-Nazwī (d. 557 AH), records some

177) See on this subject: Fāliḥ Ḥusayn, *al-Hayāt al-zirā‘iyya*, pp. 58-63.

178) Al-Zubayr b. Bakkār, *Jamharat nasab quraysh*, MS Bodleiana Marsh 384, fol. 116 b.

179) Ibn ‘Asākir, *Tahdhīb ta’riḫh*, VII, 84.

180) Yaḥyā b. Adam, *Kharāj*, p. 64, nos. 199, 200; and see Abū Yūsuf, *Kharāj*, p. 57.

181) Yaḥyā b. Adam, *Kharāj*, *ibid*.

other versions about the origin and the character of the *ṣawāfi*, with special reference to the *ṣawāfi* in ʿUmān. The *ṣawāfi*, according to the account, belonged to the Majūs; at the advent of Islam they were given the choice to embrace Islam or to leave their abode; they preferred to leave and abandoned their possessions.

According to another account recorded by al-Nazwī, the *ṣawāfi* were possessions owned by people who had been treated iniquitously by the unjust rulers; they consequently left and abandoned their lands; according to this account legal scholars considered these *ṣawāfi* unlawful (*ḥarām*).

A third opinion says that the *ṣawāfi* were owned by the People of the Book (some say Christians); Abū Bakr sent to them his governor who put to them two alternatives: either to convert to Islam or to face war. They were given the choice to pay the *jizya* while being humiliated, or to abandon their places and leave the land to the Muslims. They chose to leave and abandoned the land, which was turned into *ṣawāfi*<sup>182</sup>).

It is evident that the opinion stating that the *ṣawāfi* were estates confiscated by iniquitous rulers originated in later times and reflects the perceptions of some ʿUmānī orthodox religious leaders. Moderate *imāms* were of the conviction that the *ṣawāfi* were in the hands of either just or unjust rulers. *Ṣawāfi* appropriated by oppressive rulers should be evaded by the believers<sup>183</sup>).

The revenues of the *ṣawāfi* were destined to be divided among the “people of the swords” (*aṣḥāb al-suyūf*); this was glossed as denoting “the defenders of the country” (*ḥumātu l-bilād*)<sup>184</sup>). It is worth noting that the organization of the military forces went through considerable changes and it is rather doubtful whether the *ṣawāfi* could serve as the basis for supplying the provisions of the recruited troops. It may be remarked in addition that there were considerable changes in the

182) Al-Nazwī, *al-Muṣannaf*, ʿUmān 1404/1984, XIX, 103.

183) Al-Nazwī, *al-Muṣannaf*, XIX, 103-104.

184) Al-Nazwī, *al-Muṣannaf*, XIX, 103, inf.



ownership of these *ṣawāfi*: they were leased, partly granted to leaders or officials, or sold; there were detailed discussions among the *fuqahā*<sup>185</sup> as to whether it was lawful to acquire these *ṣawāfi* and to use these lands for agricultural cultivation<sup>185</sup>).

It was already in the first period of Islam that great tribal units poured into the conquered territories. The stages of their migration to the conquered territories, the role of the families and kinfolk who joined them, their care for land property for the settled population, the link between the *miṣr* and the tribal units, all this was recently outlined in the researches of Ṣāliḥ Aḥmad al-<sup>ʿ</sup>Aliyy<sup>186</sup>) and by Khalīl <sup>ʿ</sup>Athamina<sup>187</sup>). The tribal groups struck camp in these territories and established settlements based on tribal tradition and divided according to tribal factions. Ṣāliḥ Aḥmad al-<sup>ʿ</sup>Aliyy gives a vivid description of the process of settlement in a concise passage:

*..kāna hādhāni l-miṣrāni (i.e. Kūfa and Baṣra-k) al-maqāma l-“rasmiyya” li-l-<sup>ʿ</sup>arabi. ghayra anna <sup>ʿ</sup>adadan minhumu mtalaka l-qurā wa-ṣāra yuqīmu fihā. wa-mīna l-murajjāhi anna kullān min hā<sup>ʿ</sup>ulā<sup>ʿ</sup>i kāna yuqīmu ma<sup>ʿ</sup>ahu ayḍan <sup>ʿ</sup>adadun min aqāribihi wa-rubbamā min <sup>ʿ</sup>ashīratihī. wa-qad dhakarāt al-maṣādīru <sup>ʿ</sup>adadan mimmani mtalaka l-qurā wa-ashārat ilā istīlānihi fihā. wa-min al-mu<sup>ʿ</sup>akkadi anna hādhā qad bada<sup>ʿ</sup>a bi-ṣūratin wāsi<sup>ʿ</sup>atin mundhu khilāfati <sup>ʿ</sup>uthmāna...<sup>188</sup>).*

It is evident that in those early periods of Islam this process of settlement in the conquered territories was closely linked with the political aims of the rulers of the Muslim community and the actions of the Holy War, the *jihād*.

The economic and political changes during the centuries brought upon a totally different division of land property and led to quite diverse perspectives as to ownership of farms and estates. But the

185) Al-Nazwī, *al-Muṣannaf*, XIX, 103-120.

186) Ṣāliḥ Aḥmad al-<sup>ʿ</sup>Aliyy, *Imtidādu l-<sup>ʿ</sup>arabi fī ṣadri l-islām*, Bagdad 1981.

187) Khalīl <sup>ʿ</sup>Athamina, “Arab Settlement During the Umayyad Caliphate”, *JSAI*, VIII, (1986), 185-207.

188) *Imtidād al-<sup>ʿ</sup>arab*, p. 27.

scholars of religious Law stuck persistently to the ideas of orthodox Islam attributed to the Prophet and his Companions and considered the prophetic utterances transmitted during the centuries as just and right precepts and injunctions. It was this continuous tradition which kept alive the memory of the just decisions of 'Umar and the iniquitous orders of the oppressive Umayyad rulers.

It is indeed significant that the pious and ascetic believers refrained from buying food grown on lands of the *ṣawāfi*; they considered the land as appropriated unlawfully by the rulers<sup>189</sup>). They avoided buying food from the Sawād of 'Irāq, considering the division of the land unlawful; a specific case of this kind is recorded about the revenues of Bādūrayyā<sup>190</sup>). Some pious men did not eat the food coming from Egypt, except olive oil, others did not eat food from the crops of Bagdad<sup>191</sup>). Some pious believers refrained from eating the meat of the buffalo (*jāmūs*) or from using buffalo dung for lighting fire, arguing that the *jawāmīs* had been appropriated unjustly by the Umayyads<sup>192</sup>).

The numerous traditions of *ḥadīth* as confronted with the concrete conditions of land acquisition reflect clearly the deep differences between orthodox precepts and the continuous living practice.

Land property became disconnected from *jihād* and the utterances of the Prophet about these topics remained a reminiscence of a glorious past period.

---

189) See Aḥmad b. Ḥanbal, *Kitāb al-wara'*, Cairo 1340, p. 17.

190) Aḥmad b. Ḥanbal, *al-Wara'*, p. 36.

191) *Ib.* p. 52.

192) *Ib.* p. 10.