

FADAK

Sayyid Saeed Akhtar Rizvi



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BY:

Sayyid Saeed Akhtar Rizvi

Published by:

Al-Ma'arif Publications

Toronto, Canada

First Published by:
Bilal Muslim Mission of Tanzania,

Dar es Salaam Edition
First (Toronto) Edition 2022

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ISBN : 978-0-920675-92-2

Published by



Al-Ma'arif Publications
Toronto, Canada

www.al-m.ca | publications@al-m.ca | (+1-416) 624-7861

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Fadak is a very important and crucial episode in Islamic history. Situated north of Madinah, at a distance of 2 or 3 days journey, it was a very fertile land, where according to the report of Ibn Abī'l-Ḥadīd, date-groves were not less than those of Kufa of 13th century¹ and whose income was between 24,000 and 70,000 dinars.² It was inhabited by a Jewish tribe.

In 7 A.H., the Prophet waged a war against the Jews of Khaybar, because they had broken a treaty with the Muslims. Some of their fortresses were taken; two or three were besieged. At last, they proposed a deal that their life, religion, honour etc. would be safe, and they would leave their fortresses and land for the Muslims. The agreement was concluded; the Jews were allowed to work on the land on behalf of the Muslims, and the produce was shared between the Jews and the Muslims half and half.

According to the 'Āyah of Qur'ān (8:41), one-fifth of the fortresses and land was given to the Prophet as Khums, and the remaining four-fifths to the Muslims.

When the Jews of Fadak heard of the battle of Khaybar and the resulting agreement, they began thinking about themselves. At the same time a messenger came to them from Madinah inviting them to Islam. They refused to accept Islam, but, on their own accord, offered peace on following terms:

- a. They would give half of their land to the Prophet, the other half remaining in their possession.
- b. They would work on the land of the Prophet, sharing in its produce.

1 Ibn Abī'l-Ḥadīd, *Sharḥ of Nahj al-Balāghah*, vol. 16, p. 236, Halab Publishing House, Cairo.

2 Ibn Ṭāwūs, *Kashf al-Maḥajjah*, p. 94.

- c. The Prophet would have authority to turn them out of Fadak whenever he so wished, but he would have to pay them full price of their share of land and property.

The Prophet accepted these terms.³ Some Muslims thought that Fadak also was Muslims property, like Khaybar. But it was their misunderstanding, because long before that, in the case of Banū Naḍīr, the law was promulgated that whatever comes to the Prophet without military expedition, was the Prophet's personal property, for him to use or divide as he thought appropriate, as the Qur'ān says:

And whatever Allāh restored to His Messenger from them, you did not press forward against it any horse or a riding camel but Allāh gives authority to His Messengers over whom He pleases, and Allāh has power over all things. (Qur'ān, 59:6)

Banū Naḍīr were banished from Madinah in the beginning of the 3rd year of hijrah. They were allowed to take whatever their camels could carry except arms.

On arriving at Madinah, the Prophet had created fraternal relationships, making a *muhājir* brother of an *anṣārī*; and every *anṣārī* shared all his property half and half with his *muhājir* brother; so much so that if an *anṣārī*'s inheritance was divided among his brothers and sisters, the *muhājir* "brother" was included in it.

Abū Bakr was made brother of Khārijah bin Zayd; 'Umar and 'Utbān bin Mālik Anṣārī were made brothers, as were 'Uthmān and Aws bin Thābit Anṣārī; and so on.⁴ Only 'Alī was left out of this fraternity, the Prophet declaring that 'Alī was the brother of the Prophet himself.⁵

3 Yāqūt al-Ḥamawī, *Mu'jam al-Buldān*; Ibn Abī'l-Ḥadīd, *Sharḥ of Nahj al-Balāghah*, vol. 16, p. 210; al-Ṭabarī, *Annals*, vol. , p. ; Ibn al-Athīr, *Tārīkh al-Kāmil*.

4 *Tārīkh Abū al-Fidā'*, vol. 1 p. 127.

5 Samhūdī, *Khulāṣat al-wafā'*, vol. 1, p. 109; Ibn 'Abdil Birr, *al-Isti'ab*, Hyderabad, vol. 2, p. 473.

On acquiring the property of Banū Naḍīr, the Prophet on his own decided to divide it among the *muhājirin* and release *anṣār* from this burden. He did so, and included two extremely poor *anṣār* in the list --- Abū Dujānah and Sahl ibn Haneef.⁶

So all *muhājirin*, including Abū Bakr, ‘Umar and ‘Uthmān, got their shares from that land and it became their personal property. It was not for their “maintenance” only.

In the same way Fadak became a personal property of the Prophet; and he managed it himself.⁷

Then another ‘Āyah came:

And give to the near of kin his due... (Qur’ān, 17:26).

The Prophet asked Jibrīl the meaning of this revelation. He said: Give Fadak to Fāṭimah; it will be a source of income to her and her children.⁸

The Prophet gave Fadak to Fāṭimah; and she was using it as her own property; her agent was there to look after her interests. This continued till the Prophet died and Abū Bakr took the possession of Fadak by force.

Now Fāṭimah protested against this usurpation of her property, saying that the Prophet had given it to her. Abū Bakr asked her to produce witnesses to prove it.

Now Fāṭimah was already in possession of the property; and according to the Islamic principles, possession itself is a sufficient proof of ownership. If Abū Bakr claimed that property for himself

6 *Tafsīr ad-Durr al-manthūr*, vol. 6, pp. 187-190.

7 ar-Rāzī, *Tafsīr al-Kabīr*; az-Zamakhshari, *Tafsīr al-Kashshaf*.

8 Suyūṭī, *ad-Durr al-manthūr*, vol. IV, p. 177; Suyūṭī, *Lubabun Nuqul*, printed on margin of *Tafsīr al-Jalālayn*, vol. II, p. 19. Virtually all commentaries of Qur’ān record it.

or for Muslim nation, then it was he, as claimant, who should have produced witnesses to support his claim. But he put the onus of proof on Fāṭimah, disregarding Islamic Law.

Again, as he was a claimant, he should not have judged the case himself. But he did not care for judicial niceties so long as his purpose was served.

Anyhow, Fāṭimah brought ‘Alī and Umm Ayman (widow of Zayd b. Ḥāritha). Abū Bakr said that there should be either two males or one male and two female witnesses.⁹

Now in family matters — and gift of a father to his daughter is a family matter — only one witness is enough; but Abū Bakr conveniently forgot it. Also Islam accepts one witness coupled with the oath of the claimant as a sufficient proof.¹⁰

Fāṭimah was obliged to bring other witnesses, among them her two sons, Ḥasan and Ḥusayn and one woman, Asmā’ d/o ‘Umays (wife of Abū Bakr himself).

Now there were more witnesses than the minimum required. So Abū Bakr started discrediting all the witnesses:

- a. ‘Alī, Ḥasan and Ḥusayn were Fāṭimah’s husband and sons, and they were liable to be moved by self-interest.

Remember that Fāṭimah, ‘Alī, Ḥasan and Ḥusayn were the only ones who were selected by the Prophet to prove his truth against the Christians of Najrān — who were to say “Amen” to the prayer of the prophet seeking curse of Allāh “against the liars.”

They were the only people alive at that time who were purified by Allāh from all sins and mistakes.

⁹ Fakhruddin ar-Rāzī, *Tafsīr al-Kabīr*, vol. VIII, p. 386.

¹⁰ *Kanz al-‘Ummāl*, vo1.3, pp. 178-9.

And there is not a single Muslim in the world who can say that they could tell lies.

But Abū Bakr rejected their evidence explicitly saying that their evidence was motivated by self-interest – in other words, they were lying!!

- b. Asmā' d/o 'Umayy was previously married to Ja'far, brother of 'Alī; and therefore, she would support the claim of Banū Hāshim.

He forgot that she was his wife and therefore her evidence against his views was more telling.

And, by the way, is it necessary that a witness should not be a friend of the party for whom he is appearing – that only the evidence given by an enemy should be accepted?

- c. Umm Ayman was a non-Arab and she could not speak Arabic fluently. (Umm Ayman was a slave-girl of 'Abdullāh, father of the Prophet. The Prophet had inherited her, married her to Zayd b. Hāritha and, according to the Prophet she was one of “the people of virtue,” “people of Paradise.”)

Does it mean that only Arabic-speaking people can be accepted as witness? Or only Arabs are truthful and trustworthy?

This ruthlessness of the Khalīfah prevented others to come forward and give evidence on behalf of Fāṭimah. When the Khalīfah had no hesitation in degrading and insulting 'Alī and his sons, how could they be sure that their honour would not be tarnished if they appeared to support Fāṭimah?

The purpose of witness is to establish veracity or otherwise of a claim. If one is satisfied of the truth of a claim, the number of witnesses

becomes a mere formality, which in some cases was dispensed with even by Abū Bakr. Jābir b. ‘Abdullāh Anṣārī, a companion of the Prophet, claimed that the Prophet had promised him so much from the revenue of Bahrain. Abū Bakr accepted the claim without asking for any witness.¹¹

Anyhow, when Fāṭimah saw that Abū Bakr was bent upon taking away Fadak from her, she said that, if not by gift, then Fadak was hers by inheritance.

Now, Abū Bakr came with an ingenious reply. He said: “I have heard the Messenger of Allāh saying: ‘We, the group of the prophets, are not inherited from; whatever we leave is ‘Ṣadaqah’ (charity).”

Now, this supposed saying of the Prophet is against many ‘Āyāt of Qur’ān and all the accepted principles of Islam, as Fāṭimah herself pointed out in her address, in which she says *inter alia*:

“And now you hold out falsely that I have no inheritance from my father. Do you want the custom of (the days of) ignorance?¹² And who is better than Allāh, in giving the Law, for the people who do believe? Don’t you know? Surely, it is clear for you like the midday sun that I am his daughter. Would I be prevailed over my inheritance? O Son of Abū Quḥāfā! Is it in the book of Allāh, that thou shouldst inherit from thy father, and I would not inherit my father? Surely, thou hast brought a slanderous thing.¹³ Is it intentionally that you have discarded the Book of Allāh and thrown it behind your backs? As Allāh says: *And Sulaymān inherited Dāwūd*¹⁴; and He said narrating the advent of Yaḥyā b. Zakariyā: *When called he, i.e., Zakariyā his Lord..., when he said ‘O my Lord! Verily my bones*

11 Bukhārī, *Ṣaḥīḥ*; Muslim, *Ṣaḥīḥ*. The same thing happened with another companion, Abū Shaybah Māzinī, as narrated in *Kanz al-‘Ummāl*.

12 In Pre-Islam Arabia, woman had no right of inheritance; she herself was treated as a property to be inherited. See Ameer Ali, *Mohammedan Law*, vol. II.

13 If a daughter is prevented from inheriting her father, it is a slander.

14 Qur’ān, 27:16; Here a prophet inherits and another’s property is inherited. Thus, the supposed tradition is manifestly against the Qur’ān.

are weakened and my head does glisten with grey hoariness..., and verily I fear my kindred after me, and my wife is barren, so grant me from Thyself an heir who shall inherit me and inherit from the family of Ya‘qūb...¹⁵; and He said: ... and the relatives of blood have more right upon each other in the book of Allāh¹⁶; and He said: Allāh enjoins you about your children, the male shall have the equal of the shares of two females¹⁷; and He said: (It is prescribed for you when death approaches one of you) if he leaves behind any goods that he makes a bequest for parents and the (near) kinsmen, in goodness; (it is) a duty incumbent upon the pious ones.¹⁸”

“And you hold out falsely that there is no right for me nor any inheritance for me from my father. Well, has Allāh sent any ‘Āyāt especially for you, and from which my father was excluded? Or do you say that people of two different religions do not inherit from each other?¹⁹ Are not my father and I people of one religion? Or are you more knowledgeable of the particularity and generality of the Qur’ān than my father and my cousin (‘Alī)?”

These arguments were and are irrefutable, but the Khalīfah did not pay any heed to them. Here one must mention a few points before going further:

The supposed *ḥadīth* was against so many verses of the Qur’ān (some of which have been mentioned just above): Now we have a universally accepted *ḥadīth* of the Prophet that “Verily, there have appeared many who tell lies attributing them to me; so when a narration attributed to me comes to you, refer it to the Book of Allāh; and what is in

15 Qur’ān, 19:3-6. It is said that Zakariyā meant inheritance of prophethood. If so, than what is the sense of his fear (“and verily I fear my kindred after me”)? Was he afraid that his kindred would become prophet after him?

16 Qur’ān, 8:75.

17 Qur’ān, 4:11.

18 Qur’ān, 2:180.

19 In Islam, an unbeliever is not entitled to inherit from a Muslim. She asks if they claim that she or her father, the founder of Islam, was not a Muslim.

conformity with the Book of Allāh, accept it and what is against it, throw it upon the wall.” Therefore, that *ḥadīth* must be thrown to the wall.

Abū Bakr was the claimant, and he produced a *ḥadīth* which upto that time no companion of the Prophet had ever heard. As he was so fond of formalities and procedures, why did not he produce two male witnesses to vouch his narration?

Let us accept, for the sake of argument, that it was a genuine *ḥadīth*. Now, who should have been informed of it by the Prophet, his would be heirs (daughter, wives, uncle, cousin etc.) or a stranger who could never think of inheriting anything from the Prophet? Common sense says that it was the family-members who should have been told by the Prophet that “Look, when I die, all that I leave shall become charity; you will not inherit anything because I am a Prophet and prophets are not inherited from. So, be careful to give all my worldly belongings to Ṣadaqah.” How was it that he did not tell any of his would-be heirs and told it to Abū Bakr, who had no claim in his inheritance? Why did he keep his daughter, wives and uncle in dark, thus starting a bitter quarrel between Khalīfah and his family-members?

Even when Fāṭimah’s claim was rejected with the help of this ready-made *ḥadīth*, the wives of the Prophet sent ‘Uthmān to Abū Bakr asking their shares in the inheritance of the Prophet in Khaybar.²⁰ It clearly shows that the wives of the Prophet did not believe that *ḥadīth*, nor was it believed by ‘Uthmān (who later became 3rd Khalīfah); otherwise, he would not have taken that message to Abū Bakr.

One may wonder why Abū Bakr did not accept the valid and irrefutable arguments of Fāṭimah? Apparently it could have done him no harm if he had accepted the claim of Fāṭimah.

²⁰ Yāqūt al-Ḥamawī, *Mu’jam al-Buldān*. (Later on a *ḥadīth* was attributed to ‘Ā’ishah in which she supports her father.)

The first and basic cause has been mentioned by Ibn Abī'l-Ḥadīd in his *Sharḥ of Nahj al-Balāghah*:

“I asked ‘Alī b. Fāriqī, a teacher in Madrasah Ghārbīyah at Baghdad, ‘Was not Fāṭimah most truthful?’ He said, ‘Certainly!’ I said: ‘Then why did not Abū Bakr return Fadak to her when he knew that she was most truthful?’ The teacher smiled and said: ‘Had he given her Fadak today just because of her claim, she would have returned next day and claimed Khalifat for her husband, and removed him from his position; and then he would have had no excuse, because he had already accepted that she was most truthful in her claim, whatever it may be, without any need of proof or witnesses.’”²¹

This much about not returning the property. But why did they usurp it in the first place? Imam Ja‘far Ṣādiq (a.s.) told his disciple, Mufaḍḍal b. ‘Umar: “When Abū Bakr became Khalīfah, ‘Umar advised him to deprive ‘Alī and his family from Khums, booty and Fadak, ‘because when his partisans will know it, they will leave him and will turn towards you, for material gains.’ It was for this reason that Abū Bakr deprived them from all their rights.”²²

It is interesting to note that Fadak had the same legal position as the land of Banū Naḍīr which was given to the *muhājirin* (including Abū Bakr and ‘Umar themselves). But while Fadak was taken away from Fāṭimah, *muhājirin*’s properties were not touched.

Be as it may. The high-handedness used in this case totally negated the two legacies which the Prophet (s.a.w.a.) had left behind for the guidance of his *ummah*: He had repeatedly said in his sermons: I am leaving among you two weighty things, the Book of Allāh and my family-members who are my progeny; as long as you will hold fast to them you will not go astray; and they will not separate from each other until they reach me at the reservoir (Kawthar).

But Abū Bakr and ‘Umar destroyed the credibility of both.

21 Ibn Abī'l-Ḥadīd, *Sharḥ of Nahj al-Balāghah*, vol. 16, p. 284.

22 Haidar al-‘Amidi, *al-Kashkul*. [It is the only Shi‘a reference in this article.]

1. They degraded the Progeny of the Prophet in the public eyes. People saw that in spite of all the verses of the Qur'ān and traditions of the Prophet extolling the virtues of 'Alī, Fāṭimah, Ḥasan and Ḥusayn, they had less weight in the eyes of the Khalīfah than many ordinary companions of the Prophet, like Jābir b. 'Abdillāh and Khuzayma b. Thābit.
2. They destroyed the sanctity and supremacy of the Qur'ān, making it subservient to the rulers' expediencies; a system was established that the caliphs' words could change/abrogate clear rules of the Qur'ān.

In this way they deprived the *ummah* of the guidance of Qur'ān and Ahlul Bayt forever, and the two safeguards against going astray were destroyed.

It was because of this intentional discarding of the two weighty things, Ahlul Bayt and Qur'ān, in process of which the laws of inheritance, jurisprudence and evidence were corrupted, that Fāṭimah was extremely angry with these two persons. Bukhārī and Muslim have narrated: "Verily Abū Bakr refused to give anything to Fāṭimah, so she was angry with him about this matter, and she forsook him and did not talk with him till her death."²³

Details may be seen in *Sharḥ of Nahj al-Balāghah* of Ibn Abī'l-Ḥadīd, vol. 16; *Siratum-Nabi* of al-Ḥalabī; *al-Imāmah was-Siyāsah* of Ibn Qutaybah; *Wafā' al-wafā'* of al-Samhūdī and many other books of traditions and history. "*Fadak*" of Sayyid Muḥammad Ḥasan al-Mūsawī Qazwīnī throws light on all important aspects of this incident in short chapters. It has been published by an-Najah Publishers, Cairo, in 1397 AH. (1977 C.E.) with footnotes of Baqir Muqaddasi and Preface of Professor 'Abdul-Fattah.

²³ Bukhārī, *Ṣaḥīḥ, Bāb Fard al-Khumus* (Arabic Text with English Translation), Beirut, n.d., vol. 4, p. 208; Muslim, *Ṣaḥīḥ*, vol. 5, p. 154.

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