

# FADAK

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# FADAK

Fadak is a very important and crucial episode in Islamic history. Situated north of Medina, at a distance of 2 or 3 days journey, it was a very fertile land, where according to the report of Ibn Abil Hadid, date-groves were not less than those of Kufa of 13<sup>th</sup> century<sup>1</sup> and whose income was between 24,000 and 70,000 dinars.<sup>2</sup> It was inhabited by a Jewish tribe.

In 7 A.H., the Prophet waged a war against the Jews of Khaibar, 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 'Aya of Qur'an (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 Khaibar and the resulting agreement, they began thinking about themselves. At the same time a messenger came to them from Medina 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.

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1 Ibn Abil-Hadid, *Sharh of Nahjul Balaghah*, vol. 16, p. 236, Halab Publishing House, Cairo.

2 Ibn Tawus, *Kashful-Mahajjah*, 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.<sup>3</sup> Some Muslims thought that Fadak also was Muslims property, like Khaibar. But it was their misunderstanding, because long before that, in the case of Banu Nazir, 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'an says:

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

Banu Nazir were banished from Medina in the beginning of the 3<sup>rd</sup> year of hijrah. They were allowed to take whatever their camels could carry except arms.

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

Abu Bakr was made brother of Kharijah bin Zayd; 'Umar and 'Utban bin Malik Ansari were made brothers, as were 'Uthman and Aws bin Thabit Ansari; and so on.<sup>4</sup> Only 'Ali was left out of this fraternity, the Prophet declaring that 'Ali was the brother of the Prophet himself.<sup>5</sup>

On acquiring the property of Banu Nazir, the Prophet on his own decided to divide it among the *muhajirin* and release *ansar* from this

3 Yaqut al-Hamawi, *Mu'jamul-Buldan*; Ibn Abil Hadid, *Sharh of Nahjul Balaghah*, vol. 16, p. 210; al-Tabari, *Annals*, vol. , p. ; Ibnul Athir, *Tarikhul Kamil*.

4 *Tarikh Abul Fida*, vol. 1 p. 127.

5 Samhudi, *Khulasatal-wafa'*, vol. 1, p. 109; Ibn 'Abdil Birr, *al-Isti'ab*, Hyderabad, vol, 2, p. 473.

burden. He did so, and included two extremely poor *ansar* in the list --- Abu Dajjanah and Sahl ibn Haneef.<sup>6</sup>

So all *muhajirin*, including Abu Bakr, ‘Umar and ‘Uthman, 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.<sup>7</sup>

Then another ‘Aya came:

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

The Prophet asked Jibril the meaning of this revelation. He said: Give Fadak to Fatimah; it will be a source of income to her and her children.<sup>8</sup>

The Prophet gave Fadak to Fatimah; 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 Abu Bakr took the possession of Fadak by force.

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

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

Again, as he was a claimant, he should not have judged the case

6 *Tafseer ad-Durru ‘l-manthur*, vol. 6, pp. 187-190.

7 ar-Razi, *Tafsir Kabir*; az-Zamakhshari, *Tafsir al-Kashshaf*.

8 Suyuti, *ad-Durru ‘l-manthur*, vol. IV, p. 177; Suyuti, *Lubabun-Nuqul*, printed on margin of *Tafsir al-Jalalain*, vol. II, p. 19. Virtually all commentaries of Qur’an record it.

himself. But he did not care for judicial niceties so long as his purpose was served.

Anyhow, Fatimah brought ‘Ali and Umm Ayman (widow of Zaid b. Haritha). Abu Bakr said that there should be either two males or one male and two female witnesses.<sup>9</sup>

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

Fatimah was obliged to bring other witnesses, among them her two sons, Hasan and Husayn and one woman, Asma’ d/o ‘Umais (wife of Abu Bakr himself).

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

- a. ‘Ali, Hasan and Husayn were Fatimah’s husband and sons, and they were liable to be moved by self-interest.

Remember that Fatimah, ‘Ali, Hasan and Husayn were the only ones who were selected by the Prophet to prove his truth against the Christians of Najran — who were to say “Amen” to the prayer of the prophet seeking curse of Allah “against the liars.”

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

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

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

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<sup>9</sup> Fakhruddin ar-Razi, *Tafsir Kabir*, vol. VIII, p. 386.

<sup>10</sup> *Kanzu ’l-Ummal*, vo1.3, pp. 178-9.

- b. Asma' d/o 'Umais was previously married to Ja'far, brother of 'Ali; and therefore, she would support the claim of Banu Hashim.

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 'Abdullah, father of the Prophet. The Prophet had inherited her, married her to Zaid b. Haritha 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 Khalifa prevented others to come forward and give evidence on behalf of Fatimah. When the Khalifa had no hesitation in degrading and insulting 'Ali and his sons, how could they be sure that their honour would not be tarnished if they appeared to support Fatimah?

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 Abu Bakr. Jabir b. 'Abdullah Ansari, a companion of the Prophet, claimed that the Prophet had promised him so much from the revenue of Bahrain. Abu Bakr accepted the claim without asking for any witness.<sup>11</sup>

Anyhow, when Fatimah saw that Abu Bakr was bent upon taking away

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11 Bukhari, *Sahih*; Muslim, *Sahih*. The same thing happened with another companion, Abu Shaibah Mazini, as narrated in *Kanzu 'l-Ummal*.



Fadak from her, she said that, if not by gift, then Fadak was hers by inheritance.

Now, Abu Bakr came with an ingenious reply. He said: "I have heard the Messenger of Allah saying: 'We, the group of the prophets, are not inherited from; whatever we leave is 'Sadaqah' (charity).'"

Now, this supposed saying of the Prophet is against many 'Ayat of Qur'an and all the accepted principles of Islam, as Fatimah 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?<sup>12</sup> And who is better than Allah, 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 Abu Qahafa! Is it in the book of Allah, that thou shouldst inherit from thy father, and I would not inherit my father? Surely, thou hast brought a slanderous thing.<sup>13</sup> Is it intentionally that you have discarded the Book of Allah and thrown it behind your backs? As Allah says: *And Sulaiman inherited Dawud*<sup>14</sup>; and He said narrating the advent of Yahya b. Zakariya: *When called he, i.e., Zakariya his Lord..., when he said 'O my Lord! Verily my bones 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'qub...*<sup>15</sup>; and He said: *... and the relatives of blood have more right upon each other in the book of Allah*<sup>16</sup>; and He said: *Allah enjoins you about your children, the male shall have the equal of the shares*

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

15 Qur'an, 19:3-6. It is said that Zakariya 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'an, 8:75.

of two females<sup>17</sup>; 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.<sup>18</sup>

“And you hold out falsely that there is no right for me nor any inheritance for me from my father. Well, has Allah sent any ‘Ayat 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?<sup>19</sup> Are not my father and I people of one religion? Or are you more knowledgeable of the particularity and generality of the Qur’an than my father and my cousin (‘Ali)?”

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

The supposed *hadith* was against so many verses of the Qur’an (some of which have been mentioned just above): Now we have a universally accepted *hadith* 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 Allah; and what is in conformity with the Book of Allah, accept it and what is against it, throw it upon the wall.” Therefore, that *hadith* must be thrown to the wall.

Abu Bakr was the claimant, and he produced a *hadith* 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 *hadith*. Now, who should have been informed of it by the Prophet, his would

<sup>17</sup> Qur’an, 4:11.

<sup>18</sup> Qur’an, 2:180.

<sup>19</sup> 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.

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 Sadaqa.” How was it that he did not tell any of his would-be heirs and told it to Abu 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 Khalifa and his family-members?

Even when Fatimah’s claim was rejected with the help of this ready-made *hadith*, the wives of the Prophet sent ‘Uthman to Abu Bakr asking their shares in the inheritance of the Prophet in Khaibar.<sup>20</sup> It clearly shows that the wives of the Prophet did not believe that *hadith*, nor was it believed by ‘Uthman (who later became 3<sup>rd</sup> Khalifa); otherwise, he would not have taken that message to Abu Bakr.

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

The first and basic cause has been mentioned by Ibn Abil Hadid in his *Sharh of Nahjul Balaghah*:

“I asked Ali b. Fariqi, a teacher in Madrasa Gharbiyah at Baghdad, ‘Was not Fatimah most truthful?’ He said, ‘Certainly!’. I said: ‘Then why did not Abu 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’.”<sup>21</sup>

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20 Yaqut al-Hamawi, *Mu’jamul-Buldan*. (Later on a *hadith* was attributed to ‘Ayeshah in which she supports her father.)

21 Ibn Abil Hadid, *Sharh of Nahjul Balaghah*, vol. 16, p. 284.

This much about not returning the property. But why did they usurp it in the first place? Imam Ja'far Sadiq (a.s.) told his disciple, Mufaddal b. 'Umar: "When Abu Bakr became Khalifa, 'Umar advised him to deprive 'Ali 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 Abu Bakr deprived them from all their rights."<sup>22</sup>

It is interesting to note that Fadak had the same legal position as the land of Banu Nazir which was given to the *muhajirin* (including Abu Bakr and 'Umar themselves). But while Fadak was taken away from Fatimah, *muhajirin'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 Allah 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 Abu Bakr and 'Umar destroyed the credibility of both.

1. They degraded the Progeny of the Prophet in the public eyes. People saw that in spite of all the verses of the Qur'an and traditions of the Prophet extolling the virtues of 'Ali, Fatimah, Hasan and Husayn, they had less weight in the eyes of the Khalifa than many ordinary companions of the Prophet, like Jabir b. 'Abdillah and Khuzaima b. Thabit.
2. They destroyed the sanctity and supremacy of the Qur'an, making it subservient to the rulers' expediencies; a system was established that the caliphs' words could change/abrogate clear rules of the Qur'an.

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

In this way they deprived the *ummah* of the guidance of Qur'an 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'an, in process of which the laws of inheritance, jurisprudence and evidence were corrupted, that Fatimah was extremely angry with these two persons. Bukhari and Muslim have narrated: "Verily Abu Bakr refused to give anything to Fatimah, so she was angry with him about this matter, and she forsook him and did not talk with him till her death."<sup>23</sup>

Details may be seen in *Sharh of Nahjul Balaghah* of Ibn Abil Hadid, vol. 16; *Siratun-Nabi* of al-Halabi; *al-Imamah was-Siyasah* of Ibn Qutaibah; *Wafa'ul-Wafa'* of al-Samhudi and many other books of traditions and history. "*Fadak*" of Sayyid Mohammad Hasan al-Musawi Qazwini 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.

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<sup>23</sup> Bukhari, *Sahih, Babu Farzil Khumus* (Arabic Text with English Translation), Beirut, n.d., vol. 4, p. 208; Muslim, *Sahih*, vol. 5, p. 154.

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