

## Chapter 44: The Story of Fadak

A developed and fertile territory which was situated near Khayber and at a distance of 140 kilometres from Madina and was considered to be the stronghold of the Jews of the Hijaz, after the forts of Khayber, was called the village of Fadak. After destroying the strength of the Jews of Khayber, Wadi'ul Qura' and Tayma' and filling up, with the military force of Islam, the vacuum which was felt in the north of Madina, the Prophet thought of destroying the strength of the Jews of this area who were considered to be a danger to Islam and the Muslims.

He therefore sent an envoy named Muhit to the elders of Fadak. Yush'a bin Noon, who was the chief of the village, preferred peace and surrender to fighting, and the residents of that place agreed to place at the disposal of the Prophet half of the produce every year and to live under the protection of Islam and not to conspire against the Muslims. The Government of Islam, in its turn, guaranteed the security of their territory.

According to Islam the areas which are conquered through war and military power are the property of all the Muslims and their administration rests with the ruler of Islam. However, lands which fall into the hands of the Muslims, without any military operations pertain to the person of the Prophet and after he to the Imam.

He (i.e. the Prophet or Imam) exercises full authority over such lands and is entitled to gift them away or give them to lease. And one of the purposes for which he can utilize this property is that he may meet the lawful needs of his near ones out of this property in a respectable manner.<sup>1</sup>

On this basis the Prophet made a gift of Fadak to his dear daughter Lady Fatimah Zahrah. As the later circumstances go to show the Prophet had two things in view while making a gift of this property:

1. As expressly mentioned by the Prophet time and again the rulership of the Muslims was to rest, after his death, with Ali, the Commander of the Faithful and occupation of such a position necessitated incurring of heavy expenditure. Ali could, therefore, make maximum use of the income from Fadak to safeguard this position. It would appear that the organization of the caliphate had become aware of this precautionary measure and they, therefore, divested the Prophet's family of Fadak during the very early

days of their assumption of authority.

2. It was necessary that after the death of the Prophet his family, consisting of his dear daughter Fatimah Zahrah and her sons Hasan and Husayn, should lead a respectable life and the dignity of the Prophet should remain secure. The Prophet made a gift of Fadak to his daughter to achieve this very end.

The Shi'ah traditionalists and exegetes and some Sunni scholars write: "When the verse:

***Give the kinsmen his due, and the needy, and the wayfarer..... (Surah Isra, 17:26)***

was revealed the Prophet called his daughter Fatimah and made over Fadak to her".<sup>2</sup> And the narrator of this incident is Abu Sa'id Khadri who was one of the distinguished companions of the Prophet.

All the Shi'ah and the Sunni exegetes are agreed that this verse was revealed for the near relatives of the Prophet and the words 'the near ones' (kinsmen) are best applicable to his daughter. So much so that when a Syrian asked Imam Sajjad to introduce himself the Imam recited the aforesaid verse to make himself known to that man.

And this fact was so well known to the Muslims that the Syrian, while shaking his head in confirmation, said to the Imam: "On account of the special relationship which you enjoy with the Prophet, he was ordered by Allah to pay you your due".<sup>3</sup>

In short, all the scholars of Islam believe that this verse was revealed with respect to Fatimah Zahrah and her children. However, as regards the fact whether, at the time of revelation of this verse, the Prophet made over Fadak to his daughter, all the Shi'ah scholars are unanimous that he actually did so, and some Sunni scholars also agree with them.

When Mamun desired to return Fadak to the descendants of Zahrah he wrote a letter to one of the famous traditionalists (Abdullah bin Musa) to enlighten him on the subject. He wrote the above-mentioned hadith (which in fact tells about the occasion of the revelation of the verse) and sent it to him and consequently he (i.e. Mamun) returned Fadak to the descendants of Fatimah<sup>4</sup> and wrote to his governor in Madina: "The Prophet of Islam made a gift of Fadak to his daughter Fatimah. This is an admitted fact and there is no difference about it amongst the descendants of Fatimah."<sup>5</sup>

When Mamun occupied a special chair to hear complaints and grievances the first application which came into his hand was one in which the writer had introduced himself as the defender of Lady Fatimah. Mamun read the application, wept a little, and said: "Who is her defender?" An old man stood up and introduced himself as her defender. The court of justice was then converted into a session of debate between the man and Mamun.

Eventually Mamun realized that he had lost the case. He, therefore, ordered the chief justice to write a deed with the heading: "Return of Fadak to the descendants of Zahrah". The deed was written and received the assent of Mamun. At this moment Da'bal Khuza'i who was present at the time of debate

stood up and recited some verses.<sup>6</sup>

In order to prove that Fadak was the absolute property of Lady Fatimah Zahrah, Shi'ah do not stand in need of evidence produced above, because the most truthful person of Islam, Ali, the Commander of the Faithful, has clearly mentioned this fact in a letter written by him to Uthman bin Hunayf, the Governor of Basra. He writes: "Yes! Out of that which is under the sky, the only appreciable property available with us was Fadak. Some people felt jealous. Some great persons connived at this on account of some interests. And Allah is the best Judge".

Is it possible to entertain any doubt about the matter after this clear statement?

## **The Story Of Fadak After The Prophet**

After the demise of the Prophet his dear daughter was deprived of her ownership of Fadak on account of political motives and the functionaries and employees of the State expelled her from the court of the Caliph, where she had gone to lay claim to Fadak. She, therefore, decided to take back her right from the Caliph by legal means.

In the first place the village of Fadak was in her possession and this very possession was the sign of her ownership. However, in opposition to all standards of Islamic justice, the Caliph asked her to produce witnesses when we know that the one, who is in possession of some property, is never asked to produce witnesses.

She was, therefore, obliged to take before the Caliph as witnesses a person like Ali and a woman named Umme Ayman (about whom the Prophet had testified that she would go to Paradise) and, (as quoted by Bilazari vide *Futuhul Buldan*, page 43), Rabah, a freed slave of the Prophet. However, on account of some motives the Caliph did not accept their testimony and the Prophet's daughter was finally deprived of the property which her father had bestowed as gift to her.

According to the verse of purification (Surah al-Ahzab, 33:33) Zahrah, Ali and their children are free from all kinds of impurity and if this verse is taken to cover the wives of the Prophet also its applicability to his daughter is absolutely certain. Unfortunately, however, this aspect of the matter was also ignored and the Caliph of the time did not accept her claim.

Nevertheless, the Shi'ah scholars believe that eventually the Caliph accepted the view of the Prophet's daughter and wrote a certificate to the effect that Fadak was owned by her absolutely and gave it to her. But while she was on her way the old friend of the Caliph chanced to meet her and came to know about the contents of the certificate. He took the certificate from her and brought it to the Caliph and said to him: "As Ali is a beneficiary in this case, his evidence is not acceptable and Umme Ayman being a woman, her testimony too has no value" Then he tore up the certificate in the presence of the Caliph.<sup>7</sup>

Halabi, the well-known Sunni biographer, gives another version of the incident and says: "The Caliph

accepted the ownership of Fatimah. Suddenly Umar arrived and asked: "What is this certificate about? The Caliph replied: "I have confirmed Fatimah's ownership (of Fadak) in this deed". Umar said "You stand in need of income derived from Fadak. If tomorrow the idolaters of Arabia rise against the Muslims, from where will you meet the expenses of war?" Then he held the certificate in his hand and tore it up".<sup>8</sup>

It is here that one acknowledges the reality mentioned by a Shi'ah theologian, who narrates that Ibn Abil Hadid said: "I said to a Shi'ah theologian named Ali bin Naqi: The village of fadak was not very extensive and such a small place which did not contain more than a few date-palm trees was not so important that the opponents of Fatimah should have coveted it".

He said in reply: "You are mistaken here. The number of the date-palm trees of that place was not lesser than that of trees available in Kufa at present. Admittedly the family of the Prophet was deprived of this fertile land, lest Ali, the Commander of the Faithful should have utilized its income to campaign against the Caliph.

Hence they not only deprived Fatimah of Fadak but also deprived the entire family of Bani Hashim and the descendants of Abdul Muttalib of their legal rights (khums i.e. 1/5th of war booty), because people who have to lead their lives in difficult financial circumstances do not think of changing the prevailing conditions".<sup>9</sup>

And then the same writer quotes the sentence mentioned below, from one of the distinguished teachers of Madressa-i Gharbi Baghdad, named Ali bin Faruqi. He says: "I said to him:

'Was the daughter of the Prophet truthful in making the claim?' He said: 'Yes'. I said: 'Did the Caliph know that she was a truthful woman?' He said: 'Yes'. I said: 'Why did the Caliph not give her that to which she was admittedly entitled?' At this moment the teacher smiled and said with great dignity: 'If he had accepted her word on that day and had returned Fadak to her on account of her being a truthful woman and without asking for any witnesses she could very well avail of this position for the benefit of her husband on the following day and say:

'My husband Ali is entitled to the caliphate' and then the Caliph would have been obliged to surrender the caliphate to Ali on account of his having acknowledged her to be a truthful woman. However, in order to obviate any such claim or dispute he deprived her of her admitted right".<sup>10</sup>

The foundation of the deprivation of the descendants of Fatimah's claim of Fadak was laid in the time of the First Caliph. After the martyrdom of Ali, Mu'awiyah assumed the reins of government and divided Fadak amongst three persons (Marwan, 'Amr bin Uthman and his own son Yazid). During the period of the Caliphate of Marwan all the three shares were assumed by him and he gifted them to his son, Abdul Aziz. He in turn gave the same to his son, Umar.

On account of the fact that Umar bin Abdul Aziz was an upright person from amongst Bani Umayyah the

first heresy which he removed was that he returned Fadak to the descendants of Fatimah. After his death, however, the succeeding Umayyad Caliphs again took away Fadak from Bani Hashim and it continued to remain in their possession till their rule came to an end.

During the Caliphate of Bani Abbas the question of Fadak vacillated in a strange manner. For example, Saffah gave it to Abdullah bin Hasan and after him Mansur Dawaniqi took it back, but his son Mahdi returned it to the descendants of Zahrah. After him Musa and Harun took it away from them on account of some political considerations.

When Mamun assumed the office of caliph he handed it over formally to its owner. After his death the conditions of Fadak vacillated once again and it was returned at one time to the descendants of Fatimah and then taken away again from them.

During the periods of the Caliphate of Bani Umayyah and Bani Abbas, Fadak assumed largely a political aspect as compared with its pecuniary aspect. And even if the First Caliphs were in need of income from Fadak the later caliphs and nobles were so rich that they did not stand in any need of income from it.

Hence, when Umar bin Abdul Aziz handed over Fadak to the descendants of Fatimah, Bani. Umayyah reproached him and said: "By this act of yours you have found fault with the two venerable men" (viz. Abu Bakr and Umar)". They, therefore, persuaded him to distribute the income from Fadak among the descendants of Fatimah, but to keep its ownership with himself.<sup>11</sup>

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1. Surah al-Hashr, 59:6,8; and in the books of jurisprudence (Fiqh) this matter has been discussed in the chapter on jihad under the heading Fay.

2. Majma'ul Bayan, vol.III, p. 411; Sharh-i Ibn Abil Hadid, vol. XVI, p.248.

3. Durr-i Manthur, vol.IV, page 176.

4. Majma'ul Bayan, vol. II, page 211; Futuhul Buldan, page 45.

5. Sharh-i Nahjul Balaghah by Ibn Abil Hadid, vol. XV, page 217.

6. Sharh-i Nahjul Balaghah by Ibn Abil Hadid, vol. XVI.

7. Sharh-i Ibn Abil Hadid, vol. XVI, page 274.

8. Seerah-i Halabi, vol. III, page 400.

9. Sharh-i Ibn Abil Hadid, vol. XVI, page 236.

10. Sharh-i Nahjul Balaghah by Ibn Abil Hadid, page 284.

11. Sharh-i Ibn Abil Hadid, vol. XVI, page 278.