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Usurping the Land of Fadak

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Hadhrat Fatimah (sa) the only surviving child of the Prophet, his most beloved, claimed inheritance of the properties in the lands of Medina, Khaibar, and also Fadak, which were acquired by Prophet from the Jews without the use of force. The Prophet (S) had already given her those properties in order to maintain Ahlul-Bayt and their followers, in accordance with the commands of Allah. However they were confiscated after the death of prophet (S).

Brother Khalid wrote:

Next the issue of RasulAllah's inheritance. Garden of Fadak, as it is known. First we have to ascertain, if RasulAllah ever had any property at the time of his death. We all know that after Nabuwat, Prophet (SAAW) had no means of income.

All of his time was being devoted in the cause of Allah. In Mecca his own means for living was whatever Khadija had and after hijrat to Medina he was absolutely broke. Later on when the chains of war against infidels started, it was revealed by Allah to obtain 5th part of the plunder was meant for RasulAllah. Please refer sura "Anfal" ayat 41.

Accordingly, RasulAllah's source of income was from few oasis which were abandoned by Bani Alnaseer in Medina. RasulAllah used part of this income for the maintenance of his family and what ever was left, used to be spent in the name of Allah. Please note that this was not a property owned by RasulAllah, but was in his use as a leader of Islamic state.

Obviously, he was NOT there to accumulate properties and estates for himself. This privilege could only be extended to him as long as he was alive And he had made it quite clear in his lifetime.

Al-Bukhari, Muslim, Motha and Masand-e-Ahmed have recorded, "my heirs will not distribute anything.

Whatever I leave will be an allowance for my wives and payment for my doers and whatever is left is Alms. Now observe how this inheritance issue arose and what actions was taken by the caliphs. According to Islamic law, there could only be three heirs. One Fatimah as his daughter, then Abbas as his uncle and third his wives. The first two parties presented their inheritance soon after Abu-Bakr came to power. In certain stories Fatimah even said this to Abu-Bakr, O if your bequest is to be distributed among your heirs, then how come I can not get my inheritance from what is left by my father?

Upon this Abu-Bakr said, O RasulAllah said that I will not leave any inheritance. Whatever I will leave will go to the Alms. But, Abu-Bakr said, I will not leave any such thing which RasulAllah did, because I am afraid if I do so I will go astray.

However I will continue maintaining those who were being maintained by him and continue spending on those on whom he used to spend. By Allah, it is more lovable for me to be kind to his relatives than it is for me to my relative. I have not read anywhere that upon listening to this Fatimah or Abbas accused Abu-Bakr for any wrong doing.

Now the third group, ie; his wives. They also thought of sending Usman to Abu Bakr as their rep to demand their eighth share. But Aisha opposed it and all the wives withdrew from such demand. One thing in this regards is that it is also said that RasulAllah, in his lifetime decided that this particular oasis (fidak) will be given to Fatimah.

Therefore Fatimah demanded this property and she presented 'Ali and Ume-Yamin as a witness in the court of Abu Bakr. But he refused to accept this witnesses and did not allocate the property to her. But this story is no where in the authentic Hadith, However Baladhuri and Ibn-Saad has copied it. But there is a lot of contradiction in their statements.

Ibn-Saad narrates that Fatimah had not heard this directly from RasulAllah , but from Ume-Yamin and that is why she presented her as a witness. On the other hand Baladhuri says that Fatimah claimed that her father had given her Fadak oasis. Whatever! Now let us look at the legal aspect of this issue. Legally, it could be either RasulAllah's deed of gift (Hiba) or his will. If it was a gift, it should have been given to Fatimah in his lifetime. But this was not the case as we all know. If we call it a will, then this violates the Qur'anic Inheritance Law, Apart from Will or Gift, as discussed above, if we just examine the witnesses presented in the court of Abu-Bakr when Fatimah demanded this property, we will find that this again violates the Islamic witness Laws. Fatimah presented (if my brother 'Ali believes that it was true) one male/and or one woman in her claim. As per the Qur'anic Laws, more witnesses were required. One man or Two women. I am sure brother 'Ali will not change the entire divine law just because of the personalities involved.

Most important, I would like to ask brother 'Ali, that after all 'Ali (RAA), himself became Caliph after Usman. Why he did not grant this property to Fatimah as the inheritance of RasulAllah? Question is how come 'Ali (RAA), in his caliph ship, deprived of its rightful owners. If it is ok to call Abu-Bakr or Omar as

oppressors, then all those who did not grant this property to Fatimah, should also be declared Oppressors. Makes sense or not. Measuring rod should be the same for everyone!

My brother 'Ali, when quoting RasulAllah's Hadith concerning Fatimah whosoever hurts her, hurts me, is perhaps not aware of the background of this hadith. Here is when and how it became necessary for RasulAllah to say this. It is narrated by Imam Zain-ul-Abaideen 'Ali Ibn Hussain and Abu-Mulaika through Miswar Ibn Muhazma and further endorsed by Abdullah Ibn

Zubair. Bokhari, Muslim, Abu-Daood, Ibn-e-Maja, Trinddi and Hakim have all narrated this in their various books. Anyhow the story is: After the conquest of Mecca, when the family of Abu-Jahl embraced Islam, 'Ali wanted to marry Abu-Jahl's daughter named Jamila (some say Auora and some say her name was Jewaira). ...Fatimah came to know the intentions of 'Ali and went to RasulAllah and said. Upon this RasulAllah delivered this sermon: O Bani Hashim Ibn Mughaira wants to marry his daughter to 'Ali and has asked my permission. I don't approve it. I don't approve it. I don't approve it. Abu Talib's son can divorce my daughter and marry his daughter. My daughter is my piece.

Whatever is unpleasant to her is unpleasant to me and whoever will give her pain will give me pain ... But please note that it was perfectly halal for 'Ali to do so and that is why he thought of it. After all RasulAllah himself had many marriages and that is why RasulAllah never said that it is Haram. He only disliked the idea for reasons of Abu-Jahl's old enmity of Islam. This family embraced Islam after the Conquest of Mecca and it was too early to tell if they had a change of heart or it was only to get into RasulAllah's house.

To start with I would like to mention the verse from the Qur'an that brother Khalid has mentioned, concerning the verse for Khums. Though it is out of context but it won't hurt to mention that the word Khums (literally meaning 1/5 th) is NOT restricted to the plunder of the war against the infidels.

Here I would rely on the hadith, but before that the Verse is as follows

And know ye (O believers) that whatever of a thing ye acquire a fifth of it is for God, and for the Apostle and for the (Apostle's) near relatives and the orphans and the needy and the way farer ... (Qur'an 8:41)

Now the hadith that clearly mentions the fact that the Khums is not restricted to the plunders of wars as many Sunni brothers and sisters believe.

Sahih al-Bukhari Hadith: 4.327 (page 213)

Narrated Ibn Abbas:

The delegates of the tribe of Abdul Qais came and said: 'O Allah's Apostle! We are from the tribe of Rabia and between us and you stand the infidels of the tribe of Mudar, so we cannot come to you except in the Haram Months. So please order us some instructions that we may apply it to ourselves and

also invite our people left behind us to observe as well. ‘ The Prophet (S) said: `I order you to do four (4) things and forbid you to do four (4): I order you to believe in Allah, that is, to testify that None has the right to be worshipped but Allah (the Prophet (S) pointed with his hand) ; to offer prayers perfectly, to pay Zakat, to fast the month of Ramadhan, and to pay the Khums.

Now a few points, before we proceed to the conclusion – It seems that the tribe of Bani Abdul Qais was not a strong tribe. More over when they had to travel to Medina, they had to cross a land that was inhabited by a tribe (Muzar) that was against the Muslims. – This left them no portions to travel only in the Haram months, the months when the war fare was forbidden. This therefore leaves us no room to interpret the application in the above hadith to the spoils of war exclusively.

You have mentioned that the Prophet (S) had narrated (as you claim in the books of al-Bukhari, Muslim, Musnad Ahmed etc ...) his heirs will not distribute anything. Before I impart you with the authenticated references let me make it clear what the word ‘heir’ means, it means one who inherits or who is legally entitled to inherit. (Also in the later part of the article you have mentioned that only three (3) persons were entitled to claim the property of Fadak (Imam ‘Ali, Fatimah and Ibn Abbas), so it would be safe to assume following your claim that only the above three (3) would be the Prophets (S) heirs).

Your claim that the ‘heirs’ will not distribute anything is contrary to what I found in the Sunni books of traditions:

Imam ‘Ali (as) said that he heard the Messenger of Allah (S) saying:

I have granted in ‘Ali five things, none of which was granted to any Prophet (S) before me. One of these is that ‘Ali will repay my debts and will bury me.

Sunni reference:

- Musnad of Imam Ahmed, v5, p45
- Musnad of Imam Ahmed, v6, p155
- Kanz al-Ummal, v6, pp 153,155,404

I shall cite a Qur’anic Verse in the support of the statement that the heirs of the Prophet (S) repaid his debts. With reference to the Qur’anic Verse (26: 124), Ibn Mardawayh has recorded a tradition as related by ‘Ali, who said that when the verse "Give warning to your closest relatives" was revealed, the Messenger of Allah (S) said:

"Ali will repay my debts and fulfill my promises."

- Kanz al-Ummal, v6, p401

Again Imam Ahmed (in his Musnad) states a hadith from the Prophet (S) as follows:

"None will repay my debts and discharge my duties except me or ‘Ali."

– Musnad of Imam Ahmed, v4, p174

Now with reference to the above hadiths who gave Abu Bakr the right to distribute the Property of the Prophet (S), when the Holy Apostle (S) had clearly mentioned that it was Imam ‘Ali (as) and Imam ‘Ali (as) alone who was entitled to distribute his property and/or repay his debts. Let me quote one more tradition that would state that Imam ‘Ali (as) paid of the debts of the Prophet (S) through his “own account”. The tradition is as follows:

After the death of the Prophet (S) ‘Ali discharged certain duties. Most of these were the promises and the contracts made by the Prophet which ‘Ali fulfilled. I think that he had mentioned 5000 (Five thousand) dirhams, which were repaid by ‘Ali.

– Kanz al-Ummal, v4, p60

Please bear in mind that the debt was paid from the personal property of Imam ‘Ali (as) and not from the Baitul-Mal, this was also followed by Imam Hasan, Imam Hussain.

In this connection, the following is reported in Tabaqat of Ibn Sa’d:

Abdul Wahid Abi Aun reports that after the demise of the Holy Prophet (S), ‘Ali ordered an announcer to make it known if there was some one to whom the Prophet (S) owed some debt or promise, he should have if from ‘Ali. After ‘Ali, hassan, hussain repeated the same thing. It means that after the passing away of the Prophet (S) his descendants continued announcing publicly for fifty (50) years their responsibilities, which they fulfilled.

It is very interesting to note that the promises of the Holy Prophet (S) and his debts are paid off by the Ahlul-Bayt and the heir to the Prophet’s property becomes Abu Bakr, what a weird phenomena!

Contrary to your claim that Abu Bakr was not accused of doing something wrong, and I can base this on the attitude of Hadhrat Fatimah (sa) here I present a hadith from al-Bukhari:

Sahih al-Bukhari Hadith: 4.325 (page 208)

Narrated Aisha, the mother of believers:

After the death of Allah’s Apostle Fatimah (sa), the daughter of Allah’s Apostle asked Abu Bakr As Siddiq to give her, her share of inheritance from what Allah’s Apostle (S) had left of the Fai which Allah had given him. Abu Bakr said to her: "Allah’s Apostle said: `Our Property will not be inherited, what ever we (Prophets) leave is Sadiqa (to be used for Charity)."

Fatimah (sa) the daughter of the Prophet (S) got angry and stopped speaking to Abu Bakr, and continued assuming that attitude till she died. Fatimah (sa) remained alive for six months after the death of the Prophet (S). She used to ask Abu Bakr for her share from the Property of Allah’s Apostle which he

(S) left at Khaibar and his Property at Medina ...

I can base the following conclusions from the above hadith

- Janabe Fatimah al-Zahra (sa) were displeased with the refusal of her share by Abu Bakr
- She continued to be displeased (Bukhari uses the word angry) till the day she departed from this World, that had showed her so much pain and trouble after the death of the Prophet (S) that reminds me of the famous saying from her holiness "If my father (S) were alive today, and he had seen me succumb to all the pain and miseries, the days would have turned into nights."
- She asked for her share of inheritance repeatedly, as confirmed in the above report.
- Brother Khaild also claims that Hadhrat Fatimah (sa) never accused Abu Bakr of some thing wrong, before I make my point it would be helpful to bring another hadith from al-Bukhar:

Sahih al-Bukhari Hadith: 5.546 (page 381):

... She (Fatimah (sa)) remained alive for six (6) months after the death of the Prophet (S). When she died, her husband 'Ali buried her at night without informing Abu Bakr and he said the funeral prayer himself ...

Also the reknowned Sunni Historian Tabari writes:

Abu Salih al Dirari- Abd al Razzaq b. Hammam- Mamar- al Zuhri - Urwah- Aishah: Fatimah and al Abbas came to Abu Bakr demanding their (share of) inheritance of the Messenger of God. They were demanding the Messenger of Gods's lan in Fadak and his share of Khaybar ('s tribute). Abu Bakr replied, "I have heard the Messenger of God say: 'Our (i.e the prophet's property) cannot be inherited and whatever we leave behins is alms (i.e to be given in charity). The family of Muhammad will eat from it. ' By God, I will not abandon a course which I saw the Messenger of God practicing, but will continue doing it accordingly."Fatimah shunned him and did not speak to him about it untill she died. 'Ali buried her at night and did not permit Abu Bakr to attend (her burial).

Sunni references:

- Tabari, vol IX p 196 (The Events of the Year 11, English version),
- Tabaqat of Ibne Sad, vol VIII p 29,
- Yaqubi History, vol II p 117,
- Masudi in his Tanbih, p 250 (The last three are mentioned in the footnotes of Tabari's book)
- al Bayhaqi, vol 4 p 29
- Musnad, Ahmad Hanbal, vol 1 p 9
- Tarikh, Ibn Katheer, vol 5 p 285-86
- Sharah, ibn al Hadid, vol 6 p 46

In this connection, Umm Jafar, the daughter of Muhammad ibn Jafar, narrated about the request of Fatimah (sa) to Asma bint Umays near her death that:

When I die, I want you and 'Ali to wash me, and do not allow anyone to go into me (in my house).

When she died Aishah came to enter, Asma told her, ' Do not enter, ' Aishah complained to Abu Bakr saying,

This Khathamiyyah (a woman from the tribe of Katham, i.e Asma) intervenes between us and the daughter of Messenger of Allah (S).

Then Abu Bakr, came and stood at the door and said:

O Asma, what makes you prevent, the wives of the Prophet from entering into the daughter of the Messenger of Allah?

Asma replied:

She had herself ordered me not to allow anyone to enter into her.

Abu Bakr said: Do what she has ordered you.

Sunni references:

- Hilyatul Awliya, vol 2 p 43
- as Sunan al Kubra, vol 3 p 396
- Ansab al Ashraf, vol 1 p 405
- al Istiab, vol 4 p 1897-98
- Usdul Ghabah, vol 5 p 524
- al Isabah, vol 4 p 378-89

Muhammad ibn Umar al Waqidi said:

It has been proved to us that 'Ali (as) performed her funeral prayer and buried her by night, accompanied by al Abbas and al Fadl (his son), and did not notify anyone. It was for this reason that Fatimah's (as) burial place was hidden and is unknown till today.

Sunni references:

- Mustadrak, al Hakim, vol 3 p 162-63
- Ansab al Ashraf, vol 1 p 402, 405
- al Istiab, vol 4 p 1898
- Usdul Ghabah, vol 5 p 524-25
- al Isabah, vol 4 p 379-80

- Tabaqat, Ibn Sa'ad, vol 8 p 19–20
- Sharah, Ibn al HAdid, vol 16 p 279–81

If I were to assume that She didn't accuse Abu Bakr of anything wrong, then why was She angry with Abu Bakr, why did she not allow Abu Bakr to attend her funeral (as stated in her will). Surprisingly, al-Bukhari clearly mentions that She had instructed Imam 'Ali (as) not to inform Abu Bakr.

If Fatimah is the leading ladies among all the ladies, and if She is and was the only lady in the entire Muslim Nation that Allah kept clean and pure, then her anger could not be but just. It is because of this very reason that:

Abu Bakr said: "May Allah save me from His anger and Fatimah's anger"(the same words used by al-Bukhari) then he cried bitterly when she said, "By Allah, I will curse you in every prayer that I do."He came crying out and said: "I do not need your pledge of allegiance and discharge me from my duties."

- Sunni reference: Tarikhul Khulafa by Ibn Qutaybah, v1, p120

Was Fadak Muhammads (S) Property ?

Fadak was allotted to the Prophet (S), because it had been acquired by treaty. The inhabitants, according to the treaty, were to remain there while giving up half of their lands and half the produce.

Sunni references:

- Tabari, vol IX p 196 (The Last years of the Prophet English version)
- Futuhal Buldan p 42
- Tarekhe Khamees vol 2 p 64
- Tarikhe Kamil (Ibn Atheer) vol 2 p 85
- Seerah by Ibn Hisham vol 3 p 48
- at Tarikh, Ibn Khuldun, vol 2 part 2

The historian and the geographical scholar Ahmad ibn Yahya al Baladhuri writes

Fadak was the personal property of the Prophet (S) as the Muslims had not used their horses or camels for it.

- Futuhul Baldan, vol 1 p33

Umar ibn al Khattab himself regarded Fadak as the unshared property of the

Holy Prophet when he declared:

The property of Banu an Nadir was among that which Allah has bestowed on His Messenger; against

them neither horses nor camels were pricked but they belonged to the Messenger of Allah especially.

Sunni references:

- Sahih Bukhari, vol 4 p 46, vol 7 82; vol 9 p 121-22
- Sahih Muslim, vol 5 p 151
- Sunan Abi Daood. vol 3 p 139-41
- Sunan Nasai, vol 7 p 132
- Musnad of Ahmad Hanbal, vol p 25, 48, 60, 208
- Sunan al Kubra (al Bayhaqi), vol 6 p 296-99

Did The Prophet (S) Present The Land To Fatimah (sa) ?

The Prophet in his life time with the instructions from Allah the almighty presented this Land to Hadhrat Fatimah (sa), as is found in the Commentary of the respected Sunni Scholar, Jalaluddin al-Suyuti. Here is the historical background for the Land of Fadak, and after that is the text for the Tafseer for the Verse 26 Chapter XVII.

Imam 'Ali (as) was sent to Fadak, a Jewish town not far from Khaibar to take it. But, before the use of any force, the inhabitants tendered their submission, ceding half of their property to the prophet. When the Angel Gabriel revealed to the Prophet the Divine Command as in the Verse 26 of Chapter XVII (17)

"And give unto one who is of Kin (to thee) that which is due"(17:26)

and the Prophet asked as to who was meant as "being of Kin". the Angel named Janabe Fatimah (sa) and told the Prophet to give Fadak to her (as) as the Income from Fadak belonged wholly to him on account of its being ceded to him without the use of force. the Prophet (S) accordingly bestowed upon Janabe Fatimah (sa) his estate of Fadak for the sustenance of herself and her children.

With reference to the above Qur'anic Verse, many Sunni commentators have written that:

when the Verse was revealed, the Holy Prophet (S) asked the Angel Gabriel: "Who are the Kinsmen and what is their due?"The Angel Gibrael replied "Give Fadak to Fatimah for it is her due, and whatever is due to Allah and the Prophet (S) out of Fadak, that also belongs to her, so entrust to her also."

(The above is narrated through al Bazzar, Abu Yala, Ibn Abi Hatim, Ibn Marduwayh and others from Abu Said al Khudri and through Ibn Marduwayh from Abdullah ibn al Abbas for the above verse)

Sunni references:

- Tafsir Durr al-Mansur, v4, p177
- Kanz al-Ummal, v2, p158
- Sawaiq al Muhriqah Chapter 15 p 21-22

- Rozatul Safaa vol 2 p 135
- Sharah e Muwaqif p 735
- Tareekh Ahmadi p45
- Ruh al ma'ani, vol 15 p 62

It leaves no room for us to believe that the Land of Fadak was not the personal belonging of Hadhrat Fatimah (sa)!

Historians also write that

Certainly, Abu Bakr snatched Fadak from Fatimah (sa)

Sunni references:

- Sharah, vol 16 p 219
- Wafa al Wafa (as Samhudi), vol 3 p1000
- Sawaiq al Muhriqah, p 32

Concerning the claim that You have made, that the above story is no where to be found in the hadith books, I would like you to refer to these books, that are termed as authentic and reliable by the Sunni scholars that contains the very event that you have had mentioned.

- Commentary of the Qur'an by Fakhr al-Din al-Razi , v8, p125 (Under the Tafseer of Surah Hashr)
- Sawaiq al-Muhriqah by Ibn Hajar Haythmi, p21

Fatimah (sa) raised a voice when Fadak was stolen from her, protesting to Abu Bakr, she said:

You have taken over possession of Fadak although the Prophet had gifted it to me during his life time.

On this Abu Bakr asked her to produce witnesses of the gift. Consequently, Imam 'Ali (as) and Umm Ayman gave evidence on her favor. (Umm Ayman was the freed bond maid and the dry nurse for the Holy Prophet (S), She was the mother of Usamah ibn Zayd ibn al Harith. The Holy Prophet used to say Umm Ayman is my mother after my mother. The Holy Prophet (S) also bore witness that she is among the people of paradise.

Sunni references:

- al Mustadrak, vol 4 p 63
- History of Tabari, vol 3 p 3460
- al Istiab, vol 4 p 1793
- Usud al Ghabah, vol 5 p 567
- Tabaqat, vol 8 p 192

– al Isabah, vol 4 p 432

But this evidence was held in-admissible by Abu Bakr and Fatimah's (as) claim was rejected as being based on false statement. About this Baladhuri writes:

Fatimah (sa) said to Abu Bakr: The Messenger of Allah had apportioned Fadak to me. Therefore give it to me. Then he asked for another witness than Umm Ayman, saying: O daughter of the Prophet, you know that evidence is not admissible except by two men or one man and two women.

Besides, them, Imam Hasan (as) and Imam Hussain (as) gave evidence in support of Fatimah (sa), but their evidence was also rejected; on the ground that the evidence of the offspring and minors was not acceptable in favour of their parents. Then Rabah the slave of the Holy Prophet (S) was also produced as a witness in support of the claim of Fatimah but he was rejected too.

Sunni references:

- Futuhul Buldan, vol 1 p 35
- at Tarikh, Yaqubi, vol 3 p 195
- Muruj ad Dhahab, al Masudi, vol 3 p 237
- al Awa'il, Abu Hilal al Askari, p 209
- Wafa al Wafa, vol 3 p 99–1001
- Mujam al Buldan, Yaqut al Hamawai, vol 4 p 239
- Sharah, Ibn al Hadid, vol 16, p 216, 219–220, 274
- al Muhalla, Ibn HAZm, vol 6 p 507
- as Sirah al halabiyah, vol 3 p 261
- at Tafsir, al Fakr ad Din al Razi, vol 29 p 284

Talking about the very hadith that Abu Bakr had cited to support his decision that has been mentioned in many books, that goes as follows It is narrated on the authority of Urwa Ibn Zubair who narrated from Aisha that she informed him that Fatimah, the daughter of the Messenger of Allah (S) sent some one to Abu Bakr to demand from him her share of the legacy left by left by the Messenger of Allah (S) from what Allah had bestowed upon him at Medina and Fadak and what was left from 1/5 th of the income from Khaibar. Abu Bakr said that: the Messenger of Allah (S) said:

We (prophets) do not have any heirs; what we leave behind is to be given in charity. The household of the Messenger of Allah will live on the income of these Properties, but, by Allah I will not change the charity of the Messenger of Allah from the condition in which it was in his own time.

I will do the same with it as the Messenger of Allah (S) himself used to do.

So Abu Bakr refused to hand over any thing from it to Fatimah who got angry with Abu Bakr for this reason. She forsook him and did not talk to him until the end of her life. She lived for six months after the death of the Messenger of Allah (S). When she died her husband 'Ali Ibn Abu Talib buried her at

night. he did not inform Abu Baker about her death and offered the funeral prayer over her himself

– Sahih Muslim, English version, v3, Chapter DCCXIX, p956, Tradition #4352

Now let us analyze the statement that Abu Bakr stated:

We (prophets) do not have any heirs; what we leave behind is to be given in charity.

and the word heir means: "One who inherits "or "is legally entitled to inherit the property"(the American Dictionary – 2nd College Edition p324). Now, the very first statement goes against the facts since, historically it is admitted the holy Prophet (S) received inheritance from his father as follows

Abdullah Ibn Abdul Muttalib left to Umme Aiman a legacy of five (5) dust coloured camels and a small flock of sheep, which was inherited by the Prophet of Allah.

Sunni references:

- Tabaqat Ibn Sad – Part I p39
- Siratun Nabi by Moulana Shibli Noumani, v1, p122
- Fath al Bari vol 3 p 360–361 (Mentions a house from Hashim, a sword, some goats and five (5) camels).
- Seerah al Halabiyah vol 1 p 56
- Ansab al Ashraf v 1 p 96

When the first part of the tradition is proved wrong, then how can the second part that is "What we leave behind is to be given in charity", be true as well! This very statement also clearly violates the Verses that are stated in the Holy Qur'an, that are as follows:

"And Solomon (Sulaymaan) inherited from David."(Qur'an 27: 16)

While both Sulaymaan and David were prophets and very wealthy. they were kings at their era. Allah , Exalted, also says:

"(Zakariya prayed to Allah by saying) ... Grant me a son from yourself, who inherits from me and inherit from the children of Jacob, and make him, O' my Lord, the one with whom you are well-pleased."(Qur'an: 19:5-6).

These are examples that Prophets left inheritances, and as might you have seen that they seem to contradict the hadith that was narrated by Abu Bakr. The tradition mentioned by Abu Bakr is fabricated otherwise it would not contradict Qur'an. It would also be very helpful to cite an incident, where Imam 'Ali (as) had quoted the verses of the Qur'an, the same as the ones cited above. The incident runs as follows:

It is reported by Jafar that Fatimah came to Abu Bakr to demand her inheritance. Ibn Abbas also came

to demand his inheritance, 'Ali ibn Talib also came with him. Abu Bakr said that the Prophet of Allah (S) had said: "We do not make any heir to inherit our property, what we leave is charity, and the support that he gave them is now my responsibility."

'Ali said: "Prophet Sulayman was the heir of Prophet Da'ud. Prophet Zakariya prayed to Allah: `Bestow upon me a son, who is heir to me and the family of Yaqoub."

Abu Bakr said: "The matter of the Prophet's legacy is as it is. By Allah! You know it as I do."

'Ali said: "And see what the Book of Allah is saying."

– Sunni reference: Tabaqat Ibn Sad, v4, p121–122

This report proves that the descendants of Muhammad did not regard the tradition, put forward by Abu Bakr in response to Fatimah's claim for the inheritance, as true rather they refuted it through the verses of the Qur'an which they say that Allah has made the prophets heirs to one another.

There are also many instances when Abu Bakr never asked for any witness when people made claim to the promise of the Prophet (S). I would as usual rely on the authentic sources of hadith for my Sunni brethren and sisters:

Sahih al-Bukhari Hadith 3.848 (page 525)

Narrated Muhammad Ibn 'Ali:

Jabir Ibn Abdullah said: `When the Prophet (S) died, Abu Bakr received some property from al-Ala al-Hadrami. Abu Bakr said to the people, ` whoever has a money claim on the Prophet (S) or was promised something by him , should come to us, (so that we may pay him right). ` Jabir added: `I said (to Abu Bakr), Allah's Apostle (S) promised me that he would give me this much, and this much, and this much (spreading his hands three times). Jabir added, ` Abu Bakr counted for me and handed me five hundred (500) gold pieces, and then five hundred, and then five hundred.

Sunni references:

- Sahih, Muslim, vol 7 p 75–76
- Sahih, al Tirmizi, vol 5 p 129
- Musnad, Ahmad Hanbal, vol 3 p 307–308
- Tabaqat, Ibn Sa'ad, vol 2 part 2 p 88–89

In the annotations of this tradition, Ibn Hajar Asqalani and Ahmad al Ayni al Hanafi have written:

This tradition leads to the conclusion that the evidence of one just companion can also be admitted as full evidence though it may be in his own favor, because Abu Bakr did not ask Jabir to produce any witness in proof of his claim.

Sunni references:

- Fath al Bari, vol 5 p 380 (Ibn Hajar Asqalani)
- Umdatul Qari, vol 12 p 121 (al Hanafi)

It it was lawful to allow property to Jabir on the basis of good impression; without calling for witness or evidence, then what stopped allowing Fatimha's claim on the basis of similar good impression? If good impression could exist in the case of Jabir to such an effect that he would not benefit by speaking a lie, then why should there not be the good belief about Fatimah (sa) that she would not attribute a false saying to the Prophet (S) just for a piece of land.

Firstly, her admitted truthfulness and honesty was enough for holding her truthful in her claim and evidence of Imam 'Ali (as) and Umm Ayman in her favor was also available besides her other evidences. It has been said that the claim could not be decided in favor of Fatimah (sa) on the basis of two witnesses because the Holy Qur'an lays down the principle of evidence that: (2: 282)

... then call witness two witnesses from among your men and if there not be two men, then (take) a man and two women...

If this principal is universal and general then it should be taken into regard on every occasion, but one some occasion it is found not to have been followed; for example when an Arab had a dispute with the Prophet (S) about a camel, Khuzaymah ibn Thabit al Ansari gave evidence in favour of the Prophet (S), and this one evidence was deemed to be equal to two, because there was no doubt in the honesty and the truthfulness of the individual in whose favor the evidence was led. It was for this reason that the Holy Prophet (S) granted him the title of Dhush Shahadatayn (one whose evidence is equivalent to the evidence of two witnesses)

Sunni references:

- al Bukhari, vol 4 p 24, vol 6 p 146
- Sunan of Abu Dawood, vol 3 p 308
- Suna of an Nasai, vol 7 p 302
- Musnad of Ahmad Hanbal, vol 5 p 188–89. 216, vol 2 p 448
- Usdul Ghaba, vol 2 p 114
- al Isabah, vol 2 p 425–26

Consequently, neither was the generality of the verse about the evidence affected by this action nor was it deemed to be against the cannons of evidence. So, if here in view of the Prophet's (S) truthfulness, one evidence in his favor was deemed to be equal to two, then could not the evidence of 'Ali and Umm Ayman be regarded enough for Fatimah in view of moral greatness and truthfulness?

Also there is a tradition mentioned by more than twelve companions that The Messenger of Allah (S)

used to decide cases on the strength of one witness and the taking oath.

It has been explained by some companions of the Prophet (S) and some scholars of jurisprudence that this decision is specially related to rights, property and transactions; and this decision was practiced by the three Caliphs

- Abu Bakr
- Umar
- and Uthman

Sunni references:

- Sahih, Muslim, vol 5 p 128
- Sunan, Abu Dawood, vol 3 p 308–309
- Sahih, Tirmidhi, vol 3 627–29
- Sunan, Ibn Majah, vol 2 p 793
- Musnad, Ahmad Hanbal, vol 1 p 248, 315, 323, vol 3 p 305
- al Muwatta, Malik, vol 2 p 721–25
- Sunan, al Bayhaqi, vol 10 p 167–176
- Suna, ad Darqutani, vol 4 p 212–215
- Majma az Zawaid, vol 4 p 202
- Kanz al Ummal, vol 7 p 13

Now brother Khalid, a few points

- Why did Abu Bakr not call upon witnesses at the time of his giving away the gold pieces that was in accordance with the promise of the Holy Prophet (S). Why did he take their statement for granted that the Prophet (S) had made a promise?
- On the contrary when Fatimah, the daughter of the Prophet whom he called the Chief of the women of the Worlds, made a claim for Fadak, then witnesses were called upon to appear before the caliph and one some pretext or other their evidence was rejected!

According to the following traditions from Sahih al-Bukhari, Umar, during his reign, gave the property to Imam 'Ali (as) and Abbas. So there was nothing for Imam 'Ali to retake when he became Caliph. However, the tradition implies that Umar gave Fadak to Imam 'Ali to manage it, and spend its revenues for the sake of Allah. The tradition also confirms that Imam 'Ali overpowered Abbas and took over the land (after he became Caliph), and the Imam Hasanin herited the land, till it was usurped again (by Umayyad). Here is the tradition:

Sahih Bukhari Hadith: 5.367

'Umar said to "Ali and 'Abbas: "... I kept this property in my possession for the first two years of my rule

(i.e. Caliphate and I used to dispose of it in the same way as Allah's Apostle and Abu Bakr used to do; and Allah knows that I have been sincere, pious, rightly guided and the follower of the right (in this matter). Later on both of you (i.e. "Ali and Abbas) came to me, and the claim of you both was one and the same, O 'Abbas! You also came to me. So I told you both that Allah's Apostle said, "Our property is not inherited, but whatever we leave is to be given in charity.'

Then when I thought that I should better hand over this property to you both on the condition that you will promise and pledge before Allah that you will dispose of it in the same way as Allah's Apostle and Abu Bakr did and as I have done since the beginning of my caliphate or else you should not speak to me (about it).' So, both of you said to me, 'Hand it over to us on this condition.' And on this condition I handed it over to you. Do you want me now to give a decision other than that (decision)?

By Allah, with Whose Permission both the sky and the earth stand fast, I will never give any decision other than that (decision) till the Last Hour is established. But if you are unable to manage it (i.e. that property), then return it to me, and I will manage on your behalf."The sub-narrator said, ... this property was in the hands of 'Ali who took it from 'Abbas and overpowered him.

Then it came in the hands of Hasan Ibn "Ali, then in the hands of Husayn Ibn "Ali, and then in the hands of 'Ali Ibn Husayn and Hasan Ibn Hasan, and each of the last two used to manage it in turn, then it came in the hands of Zaid Ibn Hasan, and it was truly the Sadaqa of Allah's Apostle."I am not sure (according to Shi'a) if Muawiyah usurped the Fadak at the time of Imam Hasan and Imam Husayn or not.

Nevertheless it was usurped shortly after. See also tradition 4.326. As we see in the above tradition, if Imam 'Ali believed that this is charity, he wouldn't ask for his share from Umar, nor would he drive Abbas out of the land.

The following traditions clearly mention that Imam 'Ali claimed the land. Do you think Imam 'Ali who lived with Prophet, who was the first man who embraced Islam, and was the most knowledgeable companion, did not know what the rule of Allah is?

Sahih Bukhari Hadith: 8.720

Narrated Malik Ibn Aus:

'Umar said to "Ali and 'Abbas: "... Then I took charge of this property for two years during which I managed it as Allah's Apostle and Abu Bakr did. Then you both ("Ali and 'Abbas) came to talk to me, bearing the same claim and presenting the same case. (O 'Abbas!) You came to me asking for your share from the property of your nephew, and this man ('Ali) came to me, asking for the share of his wife from the property of her father. I said, 'If you both wish, I will give that to you on that condition (i.e. that you would follow the way of the Prophet and Abu Bakr and as I (Umar) have done in managing it).' ... If you are unable to manage it, then return it to me, and I will be sufficient to manage it on your behalf.' "

Sahih Bukhari Hadith: 9.408

Narrated Malik Ibn Aus An-Nasri:

... Then he (Umar) turned to “Ali and ‘Abbas and said,

"You both claim that Abu Bakr did so—and-so in managing the property, but Allah knows that Abu Bakr was honest, righteous, intelligent, and a follower of what is right in managing it. Then Allah took Abu Bakr unto Him, ‘I said: I am the successor of Allah’s Apostle and Abu Bakr.’ So I took over the property for two years and managed it in the same way as Allah’s Apostle, and Abu Bakr used to do. Then you both (“Ali and ‘Abbas) came to me and asked for the same thing! (O ‘Abbas!

You came to me to ask me for your share from nephew’s property; and this (“Ali) came to me asking for his wives share from her father’s property, and I said to you both, ‘If you wish, I will place it in your custody on condition that you both will manage it in the same way as Allah’s Apostle and Abu Bakr did and as I have been doing since I took charge of managing it;

The above story that you have cited is considered weak, because of its narrator, Miswar Ibn Muhazma, and as usual I shall cite Sunni references to prove my point. This person that you have mentioned, i.e., Miswar Ibn Muhazma, was related to Abdul Rahman Ibn Auf, and he was born 2 (two) years after the Hijrah and he came to Medina in the end of the Eight (8th) Year of the Hijrah. The Sunni hadith Scholar, Ibn Hajar al-Asqalani states as follows

Born in Mecca two (2) years after the Hijrah, and he came to Medina with his father in the end of the month of Zhilhajjah for the year 8th (eight) hijri.

Sunni reference: Tahdhib al-Tahdhib, v10, p151

Now a few points, this would make Miswar only 6 (six) years old and according to the standard set by the hadith scientists, any hadith that is narrated by a child (minor) is not to be accepted. I am not saying this on the basis of my knowledge, infact I am borrowing words from the mouth of great Sunni Scholar and Historian from India ‘ Maulana Shibli Numani ‘. In his voluminous work on the Seerah of the Prophet, where he scrutinizes the nature of the reports (hadiths) and the status of the narrator, he writes:

For instance a commonly debated question is this: Is it necessary to impose the age limit for narrators? Furthermore he also states the belief held by Imam Shafi’i that ‘He is inclined not to accept a narration referring to the experience of a minor.’

Sunni reference: Siratun Nabi (The Life of the Prophet) by Shibli Numani English Edition , p55

Furthermore it also reminds me of the saying from the lady (Jewaira) at the time of the conquest of Mecca, when Bilal gave the call of the Prayer from the House of Allah (The Kaabah) God has saved my father from hearing the unpleasent voice of Bilal in the Kaabah! How do you expect me to believe that

Imam 'Ali (as) would offer his hand to an un-believer?

In the end, would be very unfair not to look at the arguments presented by the Sunnis in favor of their First Caliph, Abu Bakr. In the footnote of Sahih Muslim, the commentator writes:

It was a sort of a misgiving on the part of the Hadrat Fatimah that Hadrat Abu Bakr was reluctant to give the due share of her part of her great father. Noble Abu Bakr could not conceive of that. He had intense love and affection for the family of the Holy Prophet (S) but he was not yielding to her demand since he found it against the verdict of the Holy Prophet (S) in regards to the legacy of the Prophets as we find in a hadith!

– Footnote of Sahih Muslim, v3, p958 (English), footnote number 2235

How can it be a misgiving on the part of the Chief of the Women in Paradise when Her highness was bestowed by the Prophet (S) himself the title of al-Siddiqah? How can the commentator accuse her of a misgiving when She was also known as The Splendid One, The Chaste and The Pure One? How can any Muslim accuse Her of a misgiving with the facts in mind that the Qur'an talks about her in the following Verses

“The Verse of Purity (Chapter 33 Verse 33)

“The Verse of Imprecation (Mubihala Chapter 3 Verse 61)

How can we take it for fact that what Abu Bakr stated was a hadith of the Holy Prophet (S) when the statement is in direct contradiction with not only Historical facts, Interpretations of the Sunni Commentators, but also with the Qur'anic injunctions?

Wassalam.

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