

ومن كتاب له (عليه السلام) إلى عثمان بن حنيف الأنصاري وهو [وكان] عامله على البصرة وقد بلغه أنه دعي إلى وليمة قوم من أهلها، فمضى إليها [قوله]

To 'Uthmān ibn Ḥunayf al-Anṣārī who was Amīr al-mu'minīn's Governor of Baṣrah, when he came to know that the people of that place had invited 'Uthmān to a banquet and he had attended.

أَمَّا بَعْدُ، يَا بَنَ حَنِيفٍ، فَقَدْ بَلَّغَنِي أَنَّ رَجُلًا مِنْ فِتْيَةِ أَهْلِ الْبَصْرَةِ دَعَاكَ إِلَى مَأْدِبَةٍ، فَأَسْرَعْتَ إِلَيْهَا، تَسْتَطَابُ لَكَ الْأَلْوَانُ، وَتُنْقَلُ إِلَيْكَ الْجِفَانُ، وَمَا ظَنَنْتُ أَنَّكَ تَجِيبُ إِلَيَّ طَعَامَ قَوْمٍ، عَائِلَهُمْ مَجْفُوٌّ وَغَنِيَهُمْ مَدْعُوٌّ. فَانْظُرْ إِلَى مَا تَقْضِمُهُ مِنْ هَذَا الْمَقْضَمِ، فَمَا اشْتَبَهَ عَلَيْكَ عِلْمُهُ فَالْفُظْهُ، وَمَا أَتَقَنَنْتَ بِطَيْبِ وَجْهِهِ فَفُلْ مِنْهُ.

O' Ibn Ḥunayf, I have come to know that a young man of Baṣrah invited you to a feast and you leapt towards it. Foods of different colours were being chosen for you and big bowls were being given to you. I never thought that you would accept the feast of a people who turn out the beggars and invite the rich. Look at the morsels you take, leave out that about which you are in doubt and take that about which you are sure that it has been secured lawfully.

أَلَا وَإِنَّ لِكُلِّ مَأْمُومٍ إِمَامًا، يَقْتَدِي بِهِ، وَيَسْتَضِيءُ بِنُورِ عِلْمِهِ. أَلَا وَإِنَّ إِمَامَكُمْ قَدْ اكْتَفَى مِنْ دُنْيَاهُ بِطَمَرِيَّةٍ، وَمِنْ طُعْمِهِ بِقُرْصِيَّةٍ. أَلَا وَإِنَّكُمْ لَا تَقْدِرُونَ عَلَى ذَلِكَ، وَلَكِنْ أَعِينُونِي بِوَرَعٍ وَاجْتِهَادٍ، وَعِفَّةٍ وَسِدَادٍ فَوَاللَّهِ مَا كُنْتُ مِنْ دُنْيَاكُمْ تَبْرًا، وَلَا أَدْخَرْتُ مِنْ غَنَائِمِهَا وَفْرًا، وَلَا أَعْدَدْتُ لِإِلَائِي طِمْرًا وَلَا حَزْتَ مِنْ أَرْضِهَا شَبْرًا وَلَا أَخَذْتُ مِنْهُ إِلَّا كَقَوْتِ أَتَانٍ دَبْرَةً وَلَهِي فِي عَيْنِي أَوْهَى وَأَوْهَنَ مِنْ عَفْصَةِ مَقَرَّةٍ

Remember that every follower has a leader whom he follows and from the effulgence of whose knowledge he takes light. Realize that your Imam has contented himself with two shabby pieces of cloth out of the (comforts of the) world and two loaves for his meal. Certainly, you cannot do so but at least support me in piety, exertion, chastity and uprightness, because, by Allāh, I have not treasured any gold out of your world nor amassed plentiful wealth nor collected any clothes other than the two shabby sheets. ---

بَلَى! كَانَتْ فِي أَيْدِينَا فَدَاكٌ مِنْ كُلِّ مَا أَظْلَمَتْهُ السَّمَاءُ، فَشَحَّتْ عَلَيْهَا نَفُوسُ قَوْمٍ، وَسَخَّتْ عَنْهَا نَفُوسُ قَوْمٍ آخِرِينَ، وَنِعَمَ الْحَكَمُ لِلَّهِ. وَمَا أَصْنَعُ بِفَدَاكِ وَغَيْرِ فَدَاكِ، وَالنَّفْسُ مَظَانِئُهَا فِي غَدٍ جَدَثٍ، تَنْقَطِعُ فِي ظِلْمَتِهِ آثَارُهَا، وَتَغِيبُ أَخْبَارُهَا، وَحُفْرَةٌ لَوْ زِيدَ فِي فَسْحَتِهَا، وَأَوْسَعَتْ يَدَا حَافِرِهَا، لَأَضْغَطَهَا الْحَجَرُ وَالْمَدْرُ، وَسَدَّ فَرْجُهَا التُّرَابُ الْمَتْرَاكِ.

Of course, all that we had in our possession under this sky was Fadak [1], but a group of people felt greedy for it and the other party withheld themselves from it. Allāh is, after all, the best arbiter. What shall I do: Fadak, or no Fadak, while tomorrow this body is to go into the grave in whose darkness its traces will be

destroyed and (even) news of it will disappear. It is a pit that, even if its width is widened or the hands of the digger make it broad and open, the stones and clods of clay will narrow it and the falling earth will close its aperture.

وَإِذَا مَا هِيَ نَفْسِي أَرَوْضَهَا بِالتَّقْوَى لَتَأْتِي آمَنَةً يَوْمَ الْخَوْفِ الْأَكْبَرِ، وَتَثْبُتَ عَلَيَّ جَوَانِبُ الْمَزَلَقِ. وَلَوْ شِئْتُ لَاهْتَدَيْتُ الطَّرِيقَ، إِلَى مَصْفَى هَذَا الْعَسَلِ، وَلِبَابِ هَذَا الْقِمَحِ، وَنَسَائِجِ هَذَا الْقَزِّ، وَلَكِنْ هِيَ هَاتِ أَنْ يَغْلِبَنِي هَوَايَ، وَيَقْوِدَنِي جَشْعِي إِلَى تَخْيِيرِ الْأَطْعِمَةِ - وَلَعَلَّ بِالْحِجَازِ أَوْ بِالْيَمَامَةِ مَنْ لَا طَمَعَ لَهُ فِي الْقَرَصِ، وَلَا عَهْدَ لَهُ بِالشَّيْبِ - أَوْ أَبَيْتَ مِبْطَانًا وَحَوْلِي بَطُونٌ غَرْتِي وَأَكْبَادٌ حَرَى، أَوْ أَكُونُ كَمَا قَالَ الْقَائِلُ:

I try to keep myself engaged in piety so that one the day of great fear it will be peaceful and steady in slippery places. If I wished I could have taken the way leading towards (worldly pleasures like) pure honey, fine wheat and silk clothes but it cannot be that my passions lead me and greed take me to choosing good meals while in the Hijāz or in Yamāmah there may be people who have no hope of getting bread or who do not have a full meal. Shall I lie with a satiated belly while around me there may be hungry bellies and thirsty livers? Or shall I be as the poet has said:

وَحَسْبُكَ دَاءٌ أَنْ تَبْتَ بَيْطَنَةً * وَحَوْلَكَ أَكْبَادٌ تَحْنُ إِلَى الْقَدِّ

It is enough for you to have a disease that you lie with your belly full while around you people may be badly yearning for dried leather.

أَقْنَعُ مِنْ نَفْسِي بِأَنْ يُقَالَ [هَذَا] أَمِيرُ الْمُؤْمِنِينَ، وَلَا أَشَارُكُهُمْ فِي مَكَارِهِ الدَّهْرِ، أَوْ أَكُونُ أُسْوَةً لَهُمْ فِي جُشُوبَةِ الْعَيْشِ! فَمَا خُلِقْتُ لِيُشْغَلَنِي أَكْلُ الطَّيِّبَاتِ، كَالْبَهِيمَةِ الْمَرْبُوطَةِ هَمُّهَا عِلْفُهَا، أَوْ الْمُرْسَلَةِ شُغْلُهَا تَقَمُّمُهَا، تَكْتَرِشُ مِنْ أَعْلَافِهَا، وَتَلْهُو عَمَّا يَرَادُ بِهَا، أَوْ أَتْرَكَ سَدَى، أَوْ أَهْمَلَ عَابَثًا، أَوْ أَجَرَ حَبْلَ الضَّلَالَةِ، أَوْ أَعْتَسَفَ طَرِيقَ الْمَتَاهَةِ!

Shall I be content with being called 'Amīr al-mu'minīn' (The Commander of the Believers), although I do not share with the people the hardships of the world? Or shall I be an example for them in the distresses of life? I have not been created to keep myself busy in eating good foods like the tied animal whose only worry is his fodder or like a loose animal whose activity is to swallow. It fills its belly with its feed and forgets the purpose behind it. Shall I be left uncontrolled to pasture freely, or draw the rope of misguidance or roam aimlessly in the paths of bewilderment?

وَكَأَنِّي بِقَائِلِكُمْ يَقُولُ: إِذَا كَانَ هَذَا قُوتُ ابْنِ أَبِي طَالِبٍ، فَقَدْ قَعَدَ بِهِ الضَّعْفُ عَنْ قِتَالِ الْأَقْرَانِ وَمَنَازِلَةِ الشُّجْعَانِ. أَلَا وَإِنَّ الشَّجَرَةَ الْبَرِيَّةَ أَصْلَبَ عُودًا، وَالرَّوَاثِعَ الْخَضِرَةَ أَرْقَ جُلُودًا، وَالذَّائِبَاتِ الْعَذِيَّةَ أَقْوَى وَقُودًا، وَأَبْطَأَ خُمُودًا.

I see as if one of you would say that if this is what the son of Abī Ṭālib eats then weakness must have made him unfit to fight his foes and encounter the brave.

Remember that the tree of the forest is the best for timber, while green twigs have soft bark, and the wild bushes are very strong for burning and slow in dying off.

وَأَنَا مِنْ رَسُولِ اللَّهِ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) كَالصَّبْنُو مِنَ الصَّبْنُو [كَالضَّوْءِ مِنَ الضَّوْءِ]، وَالذِّرَاعُ مِنَ الْعَصْبِ. وَاللَّهُ لَوْ تَظَاهَرَتْ الْعَرَبُ عَلَى قِتَالِي لَمَا وَلَيْتَ عَنْهَا، وَلَوْ أَمَكَنْتِ الْفَرَصَ مِنْ رِقَابِهَا لِسَارَعَتْ إِلَيْهَا، سَأَجْهَدُ فِي أَنْ أَطْهَرَ الْأَرْضَ مِنْ هَذَا الشَّخْصِ الْمَعْكُوسِ، وَالْجِسْمِ الْمَرْكُوسِ، حَتَّى تَخْرُجَ الْمَدْرَةُ مِنْ بَيْنِ حَبِّ الْحَصِيدِ.

My relation with the Messenger of Allāh is that of one branch with another, or of the wrist with the forearm. By Allāh, if the Arabs join together to fight me I will not run away from them and if I get the opportunity I will hasten to catch them by their necks. I shall surely strive to relieve the earth of this man of perverse mind and uncouth body, till the bits of earth are removed from the grain.

وَمِنْ هَذَا الْكِتَابِ، وَهُوَ آخِرُهُ: إِلَيْكَ عَنِّي يَا دُنْيَا، فَجَبَلِكَ عَلَى غَارِبِكَ، قَدْ انْسَلَلْتُ مِنْ مَخَالِكَ، وَأَقَلْتُ مِنْ حَبَائِكَ، وَاجْتَنَبْتُ الذُّهَابَ فِي مَدَاحِصِكَ. أَيْنَ الْقُرُونُ الَّذِينَ غَرَرْتَهُمْ بِمَدَاعِيكَ؟! أَيْنَ الْأُمَمُ الَّذِينَ فَتَنْتَهُمْ بِزَخَارِفِكَ؟! فَهَا هُمْ رَهَائِنُ الْقُبُورِ، وَمُضَامِينُ الدُّحُودِ.

A part of the same which is the end of the letter : Get away from me, O' world. Your rein is on your own shoulders as I have released myself from your ditches, removed myself of your snares and avoided walking into your slippery places. Where are those whom you have deceived by your jokes? Where are those communities whom you have enticed with your embellishments? They are all confined to graves and hidden in burial places.

وَاللَّهُ لَوْ كُنْتُ شَخْصًا مَرِيئًا، وَقَالِبًا حَسِيًّا، لَأَقَمْتُ عَلَيْكَ حُدُودَ اللَّهِ فِي عِبَادِ غَرَرْتَهُمْ بِالْأَمَانِي، وَأَمَمَ أَلْقَيْتَهُمْ فِي الْمَهَاوِي، وَمَلُوكَ أَسْلَمْتَهُمْ إِلَى التَّلَفِ، وَأَوْرَدْتَهُمْ مَوَارِدَ الْبَلَاءِ، إِذْ لَا وَرْدَ وَلَا صِدْرَ! هَيْهَاتَ! مِنْ وَطْئِ دَحْصِكَ زَلَقَ، وَمَنْ رَكِبَ لَجَجَكَ غَرِقَ. وَمَنْ أَزُورَ عَنْ حَبَائِكَ وَفَى، وَالسَّالِمُ مِنْكَ لَا يَبَالِي إِنْ ضَاقَ بِهِ مَنَاخُهُ وَالِدُنْيَا عِنْدَهُ كَيَوْمٍ حَانَ انْسِلَاخُهُ.

By Allāh, if you had been a visible personality and a body capable of feeling, I would have awarded you the penalties fixed by Allāh because of the people whom you received through desires and the communities whom you threw into destruction and the rulers whom you consigned to ruin and drove to places of distress after which there is neither going nor returning. Indeed whoever stepped on your slippery place slipped, whoever rode your waves was drowned, and whoever evaded your snares received inward support. He who keeps himself safe from you does not worry even though his affairs may be straitened and the world to him is like a day which is near expiring.

اعْزُبْنِي عَنِّي! فَوَاللَّهِ لَا أَذِلُّ لَكَ فَتَسْتَذِلِّي، وَلَا أَسْلَسُ لَكَ فَتَقْوِدِينِي. وَائِمُّ اللَّهُ - يَمِينًا أَسْتَشْنِي فِيهَا بِمَشِيئَةِ اللَّهِ - لِأَرُوضَنَّ نَفْسِي

رِيَاضَةً تَهْشُ مَعَهَا إِلَى الْقُرْصِ إِذَا قَدَرْتُ عَلَيْهِ مَطْعُومًا، وَتَقْنَعُ بِالْمِلْحِ مَا دُومًا، وَلَا دَعْنٌ مَقْلَتِي كَعَيْنِ مَاءٍ، نَضَبَ مَعِينَهَا مُسْتَفْرِغَةً دُمُوعَهَا.

Get away from me, for, by Allāh, I do not bow before you so that you may humiliate me, nor do I let loose the reins for you so that you may drive me away. I swear by Allāh an oath wherein I, except the will of Allāh, shall so train myself that I will feel joyed if I get one loaf for eating, and be content with only salt to season it. I shall let my eyes empty themselves of tears like the stream whose water has flown away.

أَتَمْتَلِي السَّائِمَةَ مِنْ رِعْيِهَا فَتَبْرُكُ؟ وَتَشْبَعُ الرِّبِضَةَ مِنْ عَشْبِهَا فَتَرِيضُ؟ وَيَأْكُلُ عَلَيَّ مِنْ زَادِهِ فَيَهْجَعُ؟ قَرَّتْ إِذَا عَيْنُهُ إِذَا اقْتَدَى بَعْدَ السَّنِينَ الْمَطَاوِلَةَ بِالْبَهِيمَةِ الْهَامِلَةِ، وَالسَّائِمَةِ الْمَرْعِيَةِ!

Should 'Alī eat whatever he has and fall asleep like the cattle who fill their stomachs from the pasture land and lie down, or as the goats (who) graze, eat the green grass and go into their pen! His eyes may die if he, after long years, follows loose cattle and pasturing animals.

طُوبَى لِنَفْسٍ أَدَّتْ إِلَى رَبِّهَا فَرَضُهَا، وَعَرَكَتْ بِجَنْبِهَا بُرْسَهَا، وَهَجَرَتْ فِي الدَّلِيلِ غُمُضَهَا، حَتَّى إِذَا غَلَبَ الْكَرَى عَلَيْهَا افْتَرَشَتْ أَرْضَهَا، وَتَوَسَّدَتْ كَفِّهَا، فِي مِعْشَرِ أَسْهَرِ عَيُونِهِمْ خَوْفٍ مَعَادِهِمْ، تَجَافَتْ عَنْ مَضَاجِعِهِمْ جُنُوبِهِمْ، وَهَمَّهَتْ بِذِكْرِ رَبِّهِمْ شِفَاهُهُمْ، وَتَقَشَّعَتْ بِطُولِ اسْتِغْفَارِهِمْ ذُنُوبُهُمْ. ﴿أَوَلَيْكَ حِزْبُ اللَّهِ لَا إِنْ حِزْبُ اللَّهِ هُمُ الْمُفْلِحُونَ﴾

Blessed is he who discharges his obligations towards Allāh and endures his hardships, allows himself no sleep in the night but when sleep overpowers him lies down on the ground using his hand as a pillow, along with those who keep their eyes wakeful in fear of the Day of judgement, whose bodies are ever away froth beds, whose lips are humming in remembrance of Allāh and whose sins have been erased through their prolonged beseechings for forgiveness. They are the party of Allāh; Be it known, verily the party of Allāh alone shall be the successful ones (Qur'ān, 58:22).

فَاتَّقِ اللَّهَ يَا ابْنَ حَنِيفٍ، وَلْتَكْفُفْ أَقْرَأَ صُكِّكَ، لِيَكُونَ مِنَ النَّارِ خَلَا صُكِّكَ.

Therefore, O' Ibn Hunayf, fear Allāh and be content with your own loaves so that you may escape Hell.

Footnote :

[1] Fadak was a green fertile village near Medina in the Hijāz and it also had a fortress called ash-Shumrūkh. (Mu'jam al-buldān, vol. 4, p. 238; Mu'jam masta'jam,

al-Bakrī, vol. 3, p. 1015; ar-Rawḍ al-mi'tār, al-Ḥimyarī, p. 437; Wafā' al-wafā, vol. 4, p. 1280). Fadak belonged to the Jews and in the year 7 A.H. its ownership went from them to the Prophet under the terms of a settlement for peace. The reason for this settlement was that when after the fall of Khaybar the Jews realized the real power of the Muslims, their martial aspirations were lowered, and noting that the Prophet had spared some Jews on their seeking protection, they also sent a message of peace to the Prophet and expressed their wish that Fadak might be taken from them and their area should not be made a battlefield. Consequently, the Prophet accepted their request and allowed them an amnesty, and this land became his personal property wherein no one else had any interest, nor could there be any such interest; because the Muslims have a share only in those properties which they might have acquired as booty after jihād, while the property acquired without jihād is called fay' and the Prophet alone is entitled to it. No other person has a share in it.

Thus, Allāh says : "And whatever hath Allāh bestowed on His Apostle from them, ye pricked not against it any horse or a camel, but Allāh granteth authority unto His apostles against whomsoever He willeth; And Allāh over all things is All-powerful." (Qur'ān, 59:6)

No one has ever disputed the fact that Fadak was secured without battle. It was therefore the Prophet's personal property to which no one else had any title. The Historians write: Fadak was personal to the Prophet as the Muslims did not use their horses or camels for it. (at-Tārīkh, at-Ṭabarī, vol. 1, pp. 1582—1583, 1589; al-Kāmil, Ibn al-Athīr, vol. 2, pp. 224—225; as-Sīrah, Ibn Hishām, vol. 3, p.368; at-Tārīkh, Ibn Khaldūn, vol. 2, part 2, p. 40; Tārīkh alkhamīs, ad-Diyār'bakrī, vol. 2, p. 58; as-Sīrah al-Ḥalabiyyah, vol. 3, p. 50)

The historian and geographical scholar Aḥmad ibn Yaḥyā al-Balādhurī (d. 279/892) writes : Fadak was the personal property of the Prophet as the Muslims had not used their horses or camels for it. (Futūḥ al-buldān, vol. 1, p. 33)

'Umar ibn al-Khaṭṭāb had himself regarded Fadak as the unshared property of the Holy Prophet when he declared: The property of Banū an-Naḍīr was among that which Allāh has bestowed on His Messenger; against them neither horses nor camels were pricked but they belonged to the Messenger of Allāh especially. (aṣ-Ṣaḥīḥ, al-Bukhārī, vol. 4, p. 46; vol. 7, p. 82; vol. 9, pp. 121-122; aṣ-Ṣaḥīḥ, Muslim, vol. 5, p. 151; as-Sunan, Abū Dāwūd, vol. 3, pp. 139—141; as-Sunan, an-Nasā'ī, vol. 7, p. 132; al-Musnad, Aḥmad ibn Ḥanbal, vol. I, pp. 25, 48, 60, 208; as-Sunan

al-kubrā, al-Bayhayqī, vol. 6, pp. 296— 299)

It is also proved in the accepted way that the Prophet had in his lifetime given this land (Fadak) to Fāṭimah as a gift. It is narrated through al-Bazzār, Abū Ya'īlā, Ibn Abī Ḥātim, Ibn Marduwayh and others from Abū Sa'īd alKhudrī and through Ibn Marduwayh from 'Abdullāh ibn al-'Abbās that when the verse: "And give to the near of kin his due ..." (Qur'ān, 17:26) was revealed the Holy Prophet called Fāṭimah and gifted Fadak to her. (ad-Durr al-manthūr, as-Suyūṭī, vol. 4, p. 177; Mama' az-zamā'id, al-Haythamī, vol. 7, p. 46; Kanz al-'ummāl, al-Muttaqī, vol. 3, p. 439; Rūḥ al-ma'ānī, al-Ālūsī, vol. 15, p. 62)

When Abū Bakr assumed power then in view of some benefits of State he turned out Fāṭimah from Fadak and took it from her possession. Thus, the historians writes: Certainly, Abū Bakr snatched Fadak from Fāṭimah (a.s.) (Sharḥ Nahj al-balāghah, Ibn Abī'l-Ḥadīd, vol.16, p. 219; Wafā' al-wafā, as-Samhūdī, vol. 3, p. 1000; aṣ-Ṣawā'iq al-muḥrigah, Ibn Ḥajar, p. 32)

Fāṭimah raised a voice against it. Protesting to Abū Bakr, she said, "You have taken over possession of Fadak although the Prophet had gifted it to me during his lifetime." On this Abū Bakr asked her to produce witness of the gift. Consequently, Amīr al-mu'minīn and Umm Ayman gave evidence in her favour. (Umm Ayman was the freed bond maid and the dry nurse of the Holy Prophet. She was the mother of Usāmah ibn Zayd ibn al-Ḥārithah. The Holy Prophet used to say "Umm Ayman is my mother after my mother." [al-Mustadrak, vol. 4, p. 63; aṭ-Ṭabarī, vol. 3, p. 3460; al-Istī'āb, vol. 4, p. 1793; Usd al-ghābah, vol. 5, p.567] The Holy Prophet bore witness that she is among the people of Paradise. [Ibn Sa'd, vol. 8, p. 192; al-Iṣābah, vol. 4, p. 432]). But this evidence was held inadmissible by Abū Bakr and Fāṭimah's claim was rejected as being based on false statement. About this al-Balādhurī writes:

Fāṭimah said to Abū Bakr, "The Messenger of Allāh had apportioned Fadak to me. Therefore, give it to me." Then he asked her 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."

After these facts there remains no possibility of denying that Fadak was the personal property of the Prophet and that he had completed its gifting to her by handing over possession in his lifetime. But Abū Bakr took over its possession and dislodged her from it. In this connection, he rejected the evidence of 'Alī and Umm

Ayman on the ground that the requirement of evidence was not completed by the evidence of one man and one woman. Besides them, Imām Ḥasan and Imām Ḥusayn gave evidence in support of Fāṭimah, but their evidence was rejected too on the ground that the evidence of the offspring and minors was not acceptable in favour of their parents. Then Rabāḥ, the slave of the Holy Prophet was also produced as a witness in support of the claim of Fāṭimah but he was rejected too. (Futūḥ al-buldān, al-Balādhurī, vol. 1, p. 35; at-Tārīkh, al-Ya'qūbī, vol. 3, p. 195; Murūj adhdhahab, al-Mas'ūdī, vol. 3, p. 237; al-Awā'il, Abū Hilāl al-'Askarī, p. 209; Wafā' al-wafā, vol. 3, pp. 999, 1000—1001; Mu'jam al-buldān, Yāqūt al-Ḥamawī, vol. 4, p. 239; Sharḥ, Ibn Abī'l-Ḥadīd, vol. 16, pp. 216, 219-220, 274; al-Muḥallā, Ibn Ḥazm, vol. 6, p. 507; as-Sīrah al-Ḥalabiyyah, vol. 3, p. 361; at-Tafsīr, al-Fakhr ar-Rāzī, vol. 29, p. 284).

At this stage the question arises that when Fāṭimah's possession over Fadak is admitted as Amīr al-mu'minīn has also clarified in this letter by saying, "We had Fadak in our possession," what was the sense in asking Fāṭimah to produce evidence in support of her claim, because the onus of proof does not lie on the person in possession. The onus of proof lies on the person filing a counter claim because possession itself constitutes a proof. As such it was on Abū Bakr to produce a proof of the lawfulness of his taking over the land, and in the case of his being unable to do so Fāṭimah's possession would mean a proof for her lawful ownership. As such it would be wrong to ask her to produce some more proof or evidence.

It is strange that when other claims of this nature came before Abū Bakr he allowed them in favour of the claimant merely on the basis of the claim, and the claimant is neither asked to furnish proof of his claim nor to produce witnesses. In this connection, the traditionalists write:

It is related from Jābir ibn 'Abdillāh al-Anṣārī that he said that the Messenger of Allāh had said that when the booty from Bahrain arrived he would allow him such and such out of it, but the booty did not arrive till the Prophet's death. When it arrived in the days of Abū Bakr he went to him and Abū Bakr made the announcement that whoever had a claim against the Messenger of Allāh or to whomever he had made a promise should come for his claim. So I went to him and told him that the Prophet had promised to give me such and such property out of the booty from Bahrain whereupon he gave me all that. (aṣ-Ṣaḥīḥ, al-Bukhārī, vol. 3, pp.119, 209, 236; vol.4, p.110; vol.5, p.218; aṣ-Ṣaḥīḥ, Muslim, vol. 7, pp. 75—76; al-Jāmi' aṣ-Ṣaḥīḥ, at-Tirmidhī, vol. 5, p. 129; al-Musnad, Aḥmad ibn

Ḥanbal, vol. 3, pp. 307—308; aṭ-Ṭabaqāt al-kabīr, Ibn Sa‘d, vol.2, part 2, pp. 88—89).

In the annotations of this tradition, Shihābu’d-Dīn Aḥmad ibn ‘Alī (Ibn Ḥajar) al-‘Asqalānī ash-Shāfi‘ī (773/1372 — 852/1449) and Badru’d-Dīn Maḥmūd ibn Aḥmad al-‘Aynī al-Ḥanafī (762/1361 — 855/1451) have written: This tradition leads to the conclusion that the evidence of one just companion can also be admitted as full evidence even though it may be in his own favour, because Abū Bakr did not ask Jābir to produce any witness in proof of his claim. (Fath al-bārī fī sharḥ Ṣaḥīḥ al-Bukhārī, vol. 5, p. 380; ‘Umdatul-qārī fī sharḥ Ṣaḥīḥ al-Bukhārī, vol. 12, p. 121)

If it was lawful to allow property to Jābir on the basis of good impression without calling for witness or evidence then what stopped allowing Fāṭimah’s claim on the basis of similar good impression. If good impression could exist in the case of Jābir to such an effect that he would not benefit by speaking a lie, then why should there not be the good belief about Fāṭimah that she would not attribute a false saying to the Prophet just for a piece of land. Firstly, her admitted truthfulness and honesty was enough for holding her truthful in her claim and the evidence of ‘Alī and Umm Ayman in her favour was also available besides other evidences. It has been said that the claim could not be decided in favour of Fāṭimah on the basis of these two witnesses because the holy Qur’ān lays down the principle of evidence that:

“...then call to witness two witnesses from among your men and if there not be two men, then (take) a man and two women, ..” (Qur’ān, 2:282)

If this principle is universal and general then it should be taken into regard on every occasion, but on some occasions it is found not to have been followed; for example, when an Arab had a dispute with the Prophet about a camel, Khuzaymah ibn Thābit al-Anṣārī gave evidence in favour of the Prophet and this one evidence was deemed to be equal to two, because there was no doubt in the honesty and truthfulness of the individual in whose favour the evidence was led. It was for this reason that the Holy Prophet granted him the title of Dhu’sh-Shahādatayn (i.e., one whose evidence is equivalent to the evidence of two witnesses). (al-Bukhārī, vol. 4, p. 24; vol. 6, p. 146; Abū Dāwūd, vol. 3, p. 308; an-Nasā‘ī, vol. 7, p. 302; Aḥmad ibn Ḥanbal, vol. 5, pp. 188, 189, 216; al-Istī‘āb, vol. 2, p. 448; Usd al-ghābah, vol. 2, p. 114; al-Isābah, vol. I, pp. 425 - 426; al-Muṣannaf, aṣ-Ṣan‘ānī, vol. 8, pp. 366 — 368).

Consequently, neither was the generality of the verse about 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 truthfulness one evidence in his favour was deemed to be equal to two, then could not the evidence of 'Alī and Umm Ayman be regarded enough for Fāṭimah in view of her moral greatness and truthfulness? Besides, this verse does not show that there can be no other way of establishing a claim other than these two ways. In this connection, al-Qādī Nūru'llāh al-Mar'ashī at-Tustarī (956/1549 — 1019/1610) has written in Iḥqāq al-ḥaqq, chapter on al-Maṭā'in: The view of the objector that by Umm Ayman's evidence the requirement of evidence remains incomplete is wrong, on the grounds that from certain traditions it is seen that it is lawful to give a decision on the basis of one witness and it does not necessarily mean that the injunction of the Qur'ān has been violated, because this verse means that a decision can be given on the strength of the evidence of two men or one man and two women, and that their evidence is enough. From this it does not appear that if there are some other grounds besides evidence of witnesses that are unacceptable, and that verdict cannot be given on its basis, unless it is argued that this is the only sense of the verse. But since every sense is not final argument, this sense can be brushed aside, particularly because the tradition clearly points to a contrary sense, and ignoring the sense does not necessarily mean violation of the verse. Secondly, the verse allows a choice between the evidence of two men or of one man and two women. If by virtue of the tradition a third choice is added namely that a verdict can be passed by means of other evidence as well, then how does it necessitate that the Qur'ānic verse should stand violated?

In any case, from this reply it is clear that a claimant is not obliged to produce the evidence of two men or one man and two women in support of the claim because if there is one witness and the claimant swears on oath, then he can be taken to have legitimacy in his claim and a decision can be given in his favour. In this connection, it has been narrated by more than twelve companions of the Holy Prophet that:

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

It has been explained by some companions (of the Prophet) and some scholars of jurisprudence that this decision is specially related to rights, property and transactions; and this decision was practised by the three Caliphs, Abū Bakr, 'Umar and 'Uthmān. (Muslim, vol. 5, p. 128; Abū Dāwūd, vol. 3, pp. 308—309; at-Tirmidhī, vol. 3, pp. 627—629; Ibn Mājah, vol. 2, p. 793; Aḥmad ibn Ḥanbal, vol. I,

pp. 248, 315, 323; vol. 3, p. 305; vol. 5, p. 285; Mālik ibn Anas, al-Muwattaʿa, vol. 2, pp. 721 - 725; al-Bayhaqī, as-Sunan al-kubrā, vol. 10, pp. 167 -176; as-Sunan, ad-Dārʿuṭnī, vol. 4, pp. 212 — 215; Majmaʿ az-zawāʿid, vol. 4, p. 202; Kanz al-ʿummāl, vol. 7, p. 13)

When decisions were passed on the strength of one witness and swearing, then even if in Abū Bakr's view the requirement of evidence was incomplete, he should have asked her to swear and given the judgement in her favour. But here the very object was to tarnish the truthfulness of Fāṭimah so that in future the question of her testimony should not arise.

However, when Fāṭimah's claim was rejected in this manner and Fadak was not accepted as the Prophet's gift to her, she claimed it on the basis of inheritance saying: "If you do not agree that the Prophet had gifted it to me, you cannot at least deny that Fadak and the revenues of Khaybar as well as the lands around Medina were the Prophet's personal properties, and I am his only successor." But she was deprived of her inheritance on the basis of a tradition related by Abū Bakr himself that the Holy Prophet said, "We prophets have no successors and whatever we leave behind constitutes charity." (al-Bukhārī, vol. 4, p. 96; vol. 5, pp. 25 — 26, 115, 117; vol. 8, p. 185; Muslim, vol. 5, pp. 153—155; at-Tirmidhī, vol. 4, pp. 157—158; Abū Dāwūd, vol. 3, pp. 142—143; an-Nasāʾī, vol. 7, p. 132; Aḥmad ibn ʿanbal, vol. I, pp. 4, 6, 9, 10; al-Bayhaqī, vol. 6, p. 300; Ibn Saʿd, vol. 2, part 2, pp. 86—87; aṭ-Ṭabarī, vol. 1, p. 1825; Tārīkh al-khamīs, vol. 2, pp. 173 - 174).

Besides Abū Bakr no one else had knowledge of this saying which was shown to be a tradition of the Prophet nor had anyone from among the companions heard it. Thus, Jalālu'd-Dīn ʿAbd ar-Raḥmān ibn Abī Bakr as-Suyūṭī ash-Shāfiʿī (849/1445—911/1505) and Shihābu'd-Dīn Aḥmad ibn Muḥammad (Ibn Ḥajar) al-Haytamī ash-Shāfiʿī (909/1504—974/ 1567) have written: After the death of the Prophet there was a difference of view about the inheritance and no one had any information in this matter. Then, Abū Bakr said that he had heard the Messenger of Allāh saying that: "We prophets leave no successors and whatever we leave behind constitutes charity." (Tārīkh al-khulafāʾ, p. 73; aṣ-Ṣawāʿiq al-muḥriqah, p. 19)

The mind refuses to believe that the Prophet should not tell those individuals who could be deemed his successors that they would not inherit, and inform a third party who had not the remotest kinship that there would be no successor to him. Then this story was made public only when the case for Fadak had been filed in his court and he himself constituted the contesting party. In such circumstances how can his

presenting in his own support a tradition which no one else had heard be deemed permissible. If it is argued that this tradition should be relied upon in view of the greatness of position of Abū Bakr, then why cannot Fāṭimah's claim to the gift be relied upon because of her honesty and truthfulness, more so when the evidence of Amīr al-mu'minīn and Umm Ayman as well as others was also in her favour. If necessity was felt to call more evidence in her case, then evidence can also be called for about this tradition, particularly, since this tradition hits against the general instructions of the Qur'ān on succession. How can a tradition which is weak in the manner of its relating and altered and is questioned on the basis of facts be deemed to particularize a generality of the Qur'ānic injunction on succession, because the question of the inheritance of the prophets is clearly mentioned in the Qur'ān. Thus, Allāh says: "And Solomon inherited David . . ." (Qur'ān, 27:16)

At another place it is stated through the words of Prophet Zakariyyā: "... So grant me from yourself an heir, who shall inherit me and inherit from the family of Jacob . . ." (Qur'ān, 19:5—6)

In these verses succession refers to succession in estate and to take it in its figurative meaning of succession in prophetic knowledge would not only be obtuse but also against facts, because knowledge and prophethood are not objects of succession, nor do they possess the quality of transmission through inheritance, for in that case all the progeny of the prophets would have been prophets. There is no sense in making a distinction that the progeny of some prophets may inherit prophethood while others should remain deprived of it. It is strange that the theory of transmission of prophethood through inheritance is propagated by those who have always laid the objection against the Shī'ahs that they regard the Imāmate and the caliphate as an object of inheritance and confined to one family only. Will not prophethood become an object of inheritance by taking succession in this verse to mean succession to the prophethood?

If in Abū Bakr's view by virtue of this tradition there could be no successor of the Prophet then where was this tradition when a document had been written admitting Fāṭimah's claim for succession? Thus, Nūru'd-Dīn 'Alī ibn Ibrāhīm al-Ḥalabī ash-Shāfi'ī (975/1567 — 1044/1635) quoting from Shamsu'd-Dīn Yūsuf (Sibt ibn al-Jawzī) al-Ḥanafī (581/1185 — 654/ 1256) narrated: Abū Bakr was on the pulpit when Fāṭimah came to him and said, "O' Abū Bakr, the Qur'ān should allow your daughter to inherit you but I am not to inherit my father!" Abū Bakr started weeping and alighted from the pulpit. Then he wrote for her about Fadak. At that time 'Umar arrived and enquired what it was. Abū Bakr replied, "It is a document I have written

for Fāṭimah about her inheritance from her father.” ‘Umar said, “What will you spend on the Muslims while the Arabs are waging war against you, as you see?” Then, ‘Umar took the document and tore it. (as-Sīrah al-Ḥalabiyyah, vol. 3, pp. 361—362)

Every sensible person who remarks this behaviour can easily reach the conclusion that this tradition is concocted and wrong, and was fabricated only to secure possession over Fadak and other inheritances. Consequently, Fāṭimah refused to accept it and expressed her anger in this way that she made a will about Abū Bakr and ‘Umar that the two should not join in her funeral prayer. ‘Ā’ishah narrated:

Fāṭimah (a.s.), the daughter of the Holy Prophet (S) sent for Abū Bakr (after he became Caliph after the death of the holy Prophet) claiming from him her inheritance left by the Messenger of Allāh from what Allāh had bestowed (especially) upon him at Medina and Fadak and what was left from one-fifth (khums) of the income (annually received) from Khaybar. . . , Abū Bakr refused to hand over anything from it to Fāṭimah. Then, Fāṭimah became angry with Abū Bakr and forsook him and did not talk to him until the end of her life . . . When she died, her husband, Alī ibn Abī Tālib buried her at night. He did not inform Abū Bakr about her death and offered the funeral prayer over her himself . . . (al-Bukhārī, vol. 5, p. 177; vol. 8; p. 185; Muslim, vol. 5, pp. 153—155; al-Bayhaqī, vol. 4, p. 29; vol. 6, pp. 300—301; Ibn Sa’d, vol. 2, part 2, p. 86; Aḥmad ibn Ḥanbal, vol. 1, p. 9; aṭ-Ṭabarī, vol. 1, p. 1825; Ibn Kathīr, at-Tārikh, vol. 5, pp. 285—286; Ibn Abī’l-Ḥadīd, vol. 6, p. 46 and Wafā’ al-wafā’, vol. 3, p. 995)

In this connection, Umm Ja’far, the daughter of Muḥammad ibn Ja’far, narrated about the request of Fāṭimah (a.s.) to Asmā’ bint ‘Umays near her death that: When I die, I want you and ‘Alī to wash me, and do not allow anyone to go in to me (in my house).

When she died ‘Ā’ishah came to enter, Asmā’ told her, “Do not enter.” ‘Ā’ishah complained to Abū Bakr (her father) saying, “This Khath‘amiyyah (a woman from the tribe of Kath‘am, i.e. Asmā’) intervenes between us and the daughter of the Messenger of Allāh . . .” Then, Abū Bakr came and stood at the door and said, “O’ Asmā’, what makes you prevent the wives of the Prophet from entering in to the daughter of the Messenger of Allāh?” Asmā’ replied, “She had herself ordered me not to allow anyone to enter into her . . .” Abū Bakr said, “Do what she has ordered you.” (Hilyah alawliyā’, vol. 2, p. 43; as-Sunan al-kubrā, vol. 3, p. 396; vol. 4, p. 334;

Ansāb al-ashrāf, vol. 1, p. 405; al-Istī'āb, vol. 4, pp. 1897—1898; Usd al-ghābah, vol. 5, p. 524; al-Iṣābah, vol. 4, pp. 378—379)

Fāṭimah (a.s.) had also made a request to Amīr al-mu'minīn 'Alī that she must be buried at night and that no one should come to her, that Abū Bakr and 'Umar should not be notified about her death and burial, and that Abū Bakr should not be allowed to say the prayer over her body. When she died, 'Alī washed and buried her in the quietness of the night, not notifying Abū Bakr and 'Umar. So, these two were not aware of her burial.

Muḥammad ibn 'Umar al-Wāqidī (130/747 — 207/823) said: It has been proved to us that 'Alī (a.s.) performed her funeral prayer and buried her by night, accompanied by al-'Abbās (ibn 'Abd al-Muṭṭalib) and (his son) al-Faḍl, and did not notify anyone.

It was for this reason that the burial place of Fāṭimah (a.s.) was hidden and unknown, and no one is sure about it. (al-Mustadrak, vol. 3, pp. 162—163; al-Muṣannaf, vol. 4, p. 141; Ansāb al-ashrāf, vol. 1, pp. 402, 405; al-Istī'āb, vol. 4, p. 1898; Usd al-ghābah, vol. 5, pp. 524—525; al-Iṣābah, vol. 4, pp. 379-380; aṭ-Ṭabarī, vol. 3, pp. 2435-2436; Ibn Sa'd, vol. 8, pp. 19—20; Wafā' al-wafā, vol. 3, pp. 901—902, 904, 905; Ibn Abi'l-Ḥadīd, vol. 16, pp. 279 — 281)

To attribute this displeasure of Fāṭimah to sentiments and thereby to lower its importance does not evince a correct sentiment, because if this displeasure had been the result of sentiments then Amīr al-mu'minīn would have stopped her from this misplaced displeasure, but no history shows that Amīr al-mu'minīn took this displeasure to be misplaced. Besides, how could her displeasure be the result of personal feelings or sentiments since her pleasure or displeasure always accord with Allāh's will. The Prophet's following saying is a proof of this: O' Fāṭimah, surely Allāh is enraged in your rage and is pleased in your pleasure. (al-Mustadrak, vol. 3, p. 153; Usd al-ghābah, vol. 5, p. 522; al-Iṣābah, vol. 4, p. 366; Tahdhīb at-tahdhīb, vol. 12, p. 441; al-Khaṣā'ish al-kubrā, vol. 2, p. 265; Kanz al-'ummāl, vol. 13, p. 96; vol. 16, p. 280; Majma' az-zawā'id, vol. 9, p. 203)

A short history of Fadak after the death of Fāṭimah

The motive which causes us to pursue the history of Fadak and to extract the continuation of events after it for a period of three centuries from the texts of historical books is to clarify three questions:

a. The rule of annulment of inheritance from prophets made by the Holy Prophet, in other words, that the property of the Holy Prophet is a part of the public treasury and belongs to all Muslims. This was claimed by the first caliph Abū Bakr, and was rejected by his successors, both by next the two caliphs ('Umar and 'Uthmān) and by the Umayyads and the 'Abbāssids. We must consider that the lawfulness and rightfulness of their caliphate depended upon the correctness and lawfulness of the caliphate of the first Caliph and his actions.

b. Amīr al-mu'minīn ('Alī – a.s.) and the descendants of Fāṭimah never had any hesitation regarding the rightfulness and justifiability of their claim. They insisted and confirmed that Fāṭimah (a.s.) had always been right and that Abū Bakr's claim had always been rejected, and they did not yield to the false claim.

c. Whenever one of the Caliphs made a decision to put into effect Allāh's command, in regard to Fadak, to observe justice and equity, and to restore the right to the entitled one in conformity with Islamic rules, he used to return back the Fadak to the descendants of Fāṭimah (a.s.) and to hand it over to them.

1. 'Umar ibn al-Khaṭṭāb was the most harsh person in keeping Fāṭimah (a.s.) from Fadak and her inheritance as he himself confessed: When the Messenger of Allāh died I came along with Abū Bakr to 'Alī ibn Abī Ṭālib and said, "What do you say about what has been left by the Messenger of Allāh?" He replied, "We have the most rights with the Holy Prophet." I ('Umar) said, "Even those properties of Khaybar?" He said, "Yes, even those of Khaybar." I said, "Even those of Fadak?" He replied, "Yes, even those of Fadak." Then, I said, "By Allāh, we say no, even if you cut our necks with saws." (Majma' az-zawā'id, vol. 9, pp. 39 – 40)

As it has been mentioned before, 'Umar then took the document of Fadak and tore it up. But when 'Umar became Caliph (13/634 — 23/644) he gave back the Fadak to inheritors of the holy Prophet. Yāqūt al-Ḥamawī (574/1178 — 626/1229), the famous historian and geographer, following the event of Fadak said:

... Then, when 'Umar ibn al-Khaṭṭāb became caliph and gained victories and the Muslims had secured abundant wealth (i.e. the public treasury satisfied the Caliphate's needs) he made his judgement contrary to that of his predecessor, and that was to give it (Fadak) back to the Prophet's heirs. At that time 'Alī ibn Abī Ṭālib and 'Abbās ibn 'Abd al-Muṭṭalib disputed Fadak.

‘Alī said that Holy Prophet (S) had bestowed it on Fāṭimah during his lifetime. ‘Abbās denied this and used to say, “This was in the possession of the Holy Prophet (S) and I am sharing with his heirs.” They were disputing this among each other and asked ‘Umar to settle the case. He refused to judge between them and said, “Both of you are more conscious and aware to your problem; but I only give it to you. . .” (Mu‘jam al-buldān, vol. 4, pp. 238-239; Wafā’ al-wafā, vol. 3, p. 999; Tahdhīb al-lughah, vol. 10, p. 124; Lisān al-‘Arab, vol. 10, p. 473; Tāj al-‘arūs, vol. 7, p. 166)

[The last part of this historic event has been inserted afterwards to demonstrate the matter of inheritance by the brother of the deceased or the paternal uncle of the deceased when he has no sons. This problem is a matter of dispute between Islamic sects. The judicial and jurisprudential discussion is separate from our goal. We are only discussing the matter historically. ‘Abbās had no claim in this case because he had not shown that he had a share in this property nor did his descendants consider it to be among their own assets even when they had become caliphs and were reigning. They owned this estate either in their position as caliphs, or they used to return it to the descendants of Fāṭimah when they had decided to be just governors.]

The reason that ‘Umar and Abū Bakr were trying to seize Fadak was an economic and political reason, not merely a religious one as the previous episode shows, for when the economic and political condition of the caliphate improved, and there was no need of the income obtained from Fadak, ‘Umar’s judgement changed also.

2. When ‘Uthmān ibn ‘Affān became caliph after the death of ‘Umar (23/644 — 35/656) he granted Fadak to Marwān ibn al-Ḥakam, his cousin (as-Sunan al-kubrā, vol. 6, p. 301; Wafā’ al-wafā, vol. 3, p. 1000; Ibn Abi’l-Ḥadīd, vol. 1, p. 198), and this was one of the causes of vindictive feelings among the Muslims towards ‘Uthmān (al-Ma‘ārif, Ibn Qutaybah, p. 195; al-‘Iqd al-farīd, vol. 4, pp. 283, 435; at-Tārīkh, Abu’l-Fidā’, vol. 1, p. 168; at-Tārīkh, Ibn al-Wardī, vol. I, p. 204) which ended in the revolt against him and his murder. “While previously Fāṭimah used to claim it. sometimes as her inheritance and sometimes as a gift (from her father), she was driven away from it (Fadak)” as Ibn Abi’l-Ḥadīd said. (Sharḥ Nahj al-balāghah). In this way Fadak fell into the possession of Marwān. He used to sell its crops and products for at least ten thousand Dinars per year, and if in some years its income decreased this drop was not very pronounced. This was its usual profit until the time of the caliphate of ‘Umar ibn ‘Abd al-‘Azīz (in 100/718). (Ibn Sa’d, vol. 5, pp. 286, 287; Ṣubḥ al-a’shā, vol. 4, p. 291)

3. When Mu'āwiyah ibn Abī Sufyān became caliph (41/661 — 60/680) he became a partner with Marwān and others in Fadak. He allotted one third to Marwān and one third to 'Amr ibn 'Uthmān ibn 'Affān and one third to his son Yazīd. This was after the death of al-Ḥasan ibn 'Alī (a.s.). "To make angry the progeny of the Holy Prophet" al-Ya'qubi states: (at-Tārīkh, vol. 2, p. 199)

It was in the possession of the three above mentioned persons until Marwān became caliph (64/684 — 65/685) and he completely took over possession of it. Then he donated it to his two sons, 'Abd al-Malik and 'Abd al-'Azīz. Then 'Abd al-'Azīz donated his share to his son ('Umar ibn 'Abd al-'Azīz).

4. When 'Umar ibn 'Abd al-'Azīz became caliph (99/717 — 101/720) he delivered a lecture and mentioned that: "Verily, Fadak was among the things that Allāh had bestowed on His Messenger, and no horse, nor camel was pricked against it. . ." and mentioned the case of Fadak during the past caliphates until he said: "Then Marwān gave it (Fadak) to my father and to 'Abd al-Malik. It became mine and al-Walīd's and Sulaymān's (two sons of 'Abd al-Malik). When al-Walīd became caliph (86/705 — 96/715) I asked him for his share and he gave it to me. I asked also for Sulaymān's share and he gave it to me. Then I gathered the three parts and I possess no property more preferable to me than this. Be witness that I returned it to its original state." He wrote this to his governor of Medina (Abū Bakr ibn Muḥammad ibn 'Amr ibn Ḥazm) and ordered him to carry out what he had declared in the speech he delivered. Then Fadak came into the possession of the children of Fāṭimah. "This was the first removal of oppression by returning it (Fadak) to the children of 'Alī." (al-Awā'il, Abū Hilāl al-'Askarī, p. 209). They possessed it during the reign of this caliph.

5. When Yazīd ibn 'Abd al-Mālik became caliph (101/720 — 105/724) he seized Fadak and they (the children of 'Alī) were dispossessed. It fell into the possession of the Banū Marwān as it had been previously. They passed it from hand to hand until their caliphate expired and passed away to the Banū al-'Abbās.

6. When Abu 'l-'Abbās 'Abdullāh as-Saffāh became the first caliph of the 'Abbāsid dynasty (132/749 — 136/754) he gave back Fadak to the children of Fāṭimah and submitted it to 'Abdullāh ibn al-Ḥasan ibn al-Ḥasan ibn 'Alī ibn Abī Ṭālib.

7. When Abū Ja'far 'Abdullāh al-Mansūr ad-Dawānīqī (136/754 — 158/775) became caliph, he seized Fadak from the children of al-Ḥasan.

8. When Muḥammad al-Mahdī ibn al-Mansūr became caliph (158/775 — 169/785) he returned Fadak to the children of Fāṭimah.

9. Then Mūsā al-Hādī ibn al-Mahdī (169/785 — 170/786) and his brother Hārūn ar-Rashīd (170/786 — 193/809) seized it from the descendants of Fāṭimah and it was in the possession of Banū al-‘Abbās until the time that al-Ma’mūn became caliph (198/813 — 218/833).

10. al-Ma’mūn al-‘Abbāsī gave it back to the descendants of Fāṭimah (210/826). It is narrated through al-Mahdī ibn Sābiq that:

al-Ma’mūn one day sat to hear the complaints of the people and to judge in cases. The first utter of complaint which he received caused him to weep when he looked at it. He asked where the attorney of Fāṭimah daughter of the Holy Prophet was? An old man stood up and came forth, arguing with him about Fadak and al-Ma’mūn also argued with him until he overcame al-Ma’mūn. (al-Awā’il, p. 209)

al-Ma’mūn summoned the Islamic jurisprudents (al-Fuqahā’) and interrogated them about the claim of the Banū Fāṭimah. They narrated to al-Ma’mūn that the Holy Prophet gifted Fadak to Fāṭimah and that after the death of the Holy Prophet, Fāṭimah demanded Abū Bakr to return Fadak to her. He asked her to bring witnesses to her claim regarding this gift. She brought ‘Alī, al-Ḥasan, al-Ḥusayn and Umm Ayman as her witnesses. They witnessed the case in her favour. Abū Bakr rejected their witness. Then al-Ma’mūn asked the Islamic jurisprudents: “What is your view about Umm Ayman?” They replied, “She is a woman to whom the Holy Prophet bore witness that she is an inhabitant of Paradise.” al-Ma’mūn disputed at length with them and forced them to accept the argument by proofs till they confessed that ‘Alī, al-Ḥasan, al-Ḥusayn and Umm Ayman had witnessed only the truth. When they unanimously accepted this matter, he restored Fadak to the descendants of Fāṭimah. (at-Tārīkh, al-Ya’qūbī, vol. 3, pp. 195 — 196)

Then al-Ma’mūn ordered that the estate (of Fadak) should be registered among the property (of the descendants of Fāṭimah) and it was registered and al-Ma’mūn signed it.

Then he wrote a letter to his governor in Medina named Qutham ibn Ja’far as follows: “Know that Amīr al-mu’mīnīn, in exercise of the authority vested upon him

by the divine religion as the Caliph, successor and the kinsman of the Holy Prophet has considered himself more deserving to follow the precedent of the Holy Prophet (sunnatu'n-nabī) and to carry out his commands. And (the chief is more entitled) to restore to the rightful persons any endowment gifted by the Holy Prophet or thing which the Holy Prophet had gifted to someone. The success and safeguard of Amīr al-mu'minīn is by Allāh and he is particularly anxious to act in a way which will win the pleasure of the Almighty Allāh for him.

“Verily, the Holy Prophet had gifted the estate of Fadak to his daughter Fāṭimah (a.s.). He had transferred its ownership to her. It is a clear and established fact. None of the kindred of the Holy Prophet have any difference of view. Fāṭimah always claimed that which was more deserving (to be justified) than the person (Abū Bakr) whose word was accepted. Amīr al-mu'minīn considers it right and proper to restore Fadak to the heirs of Fāṭimah. He would hereby win nearness to Almighty Allāh by establishing His justice and right. It would win the appreciation of the Holy Prophet by carrying into effect his commandments. Amīr al-mu'minīn has commanded that this restoration of Fadak should duly be registered. The commands should be transmitted to all the officials.

“Then, if, as it was, a custom to proclaim on every ḥajj gathering (every year), following the death of the Holy Prophet, that anyone to whom the Holy Prophet had promised (the donation) of a gift or a present, should come forward, his statement will be accepted and the promise will be fulfilled. Certainly, Fāṭimah (a.s.) had a superior right to have her statements accepted in the matter of the gifting of Fadak by the Holy Prophet (may Allāh bless him and his descendants) to her.

“Verily, Amīr al-mu'minīn has commanded his slave Mubārak aṭ-Ṭabarī to restore Fadak to the descendants of Fāṭimah the daughter of the Holy Prophet with all its borders, its rights and all slaves attached thereto, cereal crops and other things.

“The same has been restored to Muḥammad ibn Yaḥyā ibn al-Ḥasan ibn Zayd ibn 'Alī ibn al-Ḥusayn ibn 'Alī ibn Abī Ṭālib and Muḥammad ibn 'Abdullāh ibn al-Ḥasan ibn 'Alī ibn al-Ḥusayn ibn 'Alī ibn Abī Ṭālib.

“Amīr al-mu'minīn has appointed the two of them as the agents representing the owners of the lands — the heirs of Fāṭimah. Know then this is the view of Amīr al-mu'minīn and that Allāh has inspired him to obey the order of Allāh and to win His pleasure and the pleasure of the Holy Prophet. Let also your subordinates know this. Behave towards Muḥammad ibn Yaḥyā and Muḥammad ibn 'Abdillāh in the same manner as you used to behave towards Mubārak aṭ-Ṭabarī. Help them both to everything which has to do with its flourishing and prosperity and its improvement in abundance of cereals by Allāh's will; and that is an end to the matter.”

This is written this Wednesday, two nights past Dhu'l-qī'dah, the year 210

(15/2/826).

11. During the period of al-Ma'mūn's caliphate Fadak was in the possession of Fāṭimah's descendants, and this continued during the caliphate of al-Mu'taṣim (218/833 — 227/842) and al-Wāthiq (227/842 — 232/ 847).

12. When Ja'far al-Mutawakkil became caliph (232/847 — 247/861), the one among them who was marked as an arch enemy of the progeny of the Holy Prophet both of those alive and of those dead, gave the order to recapture Fadak from the descendants of Fāṭimah. (He seized it and granted it to Ḥarmalah al-Ḥajjam or the Cupper), and after the death of al-Ḥajjam he granted it to al-Bāzyār or the Falconer, a native of Ṭabaristān. (Kashf al-ghumnah, vol. 2, pp. 121 — 122; al-Biḥār, [1st ed.], vol. 8, p. 108; Safīnah al-biḥār, vol. 2, p. 351). Abū Hilāl al-'Askarī mentioned that his name was 'Abdullāh ibn 'Umar al-Bāzyār and added: "And there were in it (Fadak) eleven date-palm trees which the Holy Prophet had planted by his own hands. The descendants of Abū Ṭālib used to gather these dates. When pilgrims (al-Ḥujjāj), entered Medina they donated the dates to them. Through this they received a considerable return. This news reached al-Mutawakkil. He ordered 'Abdullāh ibn 'Umar to cut up the fruits and to squeeze the juice from them. 'Abdullāh ibn 'Umar sent a man named Bishr ibn Umayyah ath-Thaqafī who squeezed the fruits. It was reported that he made it into wine. It had not reached Baṣrah (on its way to the Caliph) before it decayed and al-Mutawakkil was killed." (al-Awā'il, p.209).

13. When al-Mutawakkil was killed and al-Muntaṣir (his son) succeeded him (247/861 — 248/862) he gave the order to restore Fadak to the descendants of al-Ḥasan and al-Ḥusayn and delivered the donations of Abū Ṭālib to them and this was in 248/862. (Ref. for Nos. 3—13: Futūh al-buldān, vol. 1, pp. 33—38; Mu'jam al-buldān, vol. 4, pp. 238—240; at-Tārīkh, al-Ya'qūbī, vol. 2, p. 199; vol. 3, pp. 48, 195—196; al-Kāmil, Ibn al-Athīr, vol. 2, pp. 224—225; vol. 3, pp. 457, 497; vol. 5, p. 63; vol. 7, p. 116; al-'Iqd al farīd, vol. 4, pp. 216, 283, 435; Wafā' al-wafā, vol. 3, pp. 999—1000; at-Ṭabaqāt al-kabīr, vol.5, pp. 286—287; Ṭarīkh al-Khulafā', pp. 231—232, 356; Murūj adh-dhahab, vol. 4, p. 82; Sīrah 'Umar ibn 'Abd al-'Azīz, Ibn al-Jawzī, p. 110; Ṣubḥ al a'shā, vol. 4, p. 291; Jamharah rasā'il al-'Arab, vol. 2, pp. 331—332; vol. 3, pp. 509—510; 'Alām an-nisā', vol. 3, pp. 1211-1212; Ibn Abī'l-Ḥadīd, vol. 16, pp. 277-278; al-Awā'il, p. 209; Kashf al-ghummah, vol. 2, pp. 120—122; al-Biḥār, vol. 8, pp. 107—108).

14. It seemed that Fadak was recaptured from the descendants of Fāṭimah after the death of al-Muntaṣir (248/862), because Abu'l-Ḥasan, 'Alī ibn 'Īsā al-Irbilī (d.

692/1293) mentioned, “al-Mu‘taḍid (279/892 — 289/902) returned Fadak to the descendants of Fāṭimah. Then he mentioned that al-Muqtafī (289/902 — 295/908) seized it from them. It is said also that al-Muqtadir (295/908 — 320/932) returned it to them (the descendants of Fāṭimah).” (Kash al-ghummah, vol. 2, p. 122; al-Biḥār, vol. 8, p. 108; Safīnah, vol. 2, p. 351).

15. And after this long period of recapturing and restoration, Fadak was returned to the possession of the usurpers and their heirs as it seems, no further mention was made in history and the curtain fell.

Is it (then that) the judgement of (the times of pagan) ignorance they desire? And who (else) can be better than Allāh to judge for a people of assured faith. (Qur’ān, 5:50)