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12 Questions Concerning Fadakh

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Chapter 1

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Qur'anic verses and historical documents reveal that the land of Fadak situated near the Fort of Khaibar, formerly belonging to the Jews, was the personal property of the Holy Prophet (p.b.u.h). It was neither a government property owned by the treasury nor was it war booty. The seventh verse of Surah Hashr, explains the point in detail:

“Whatever Allah has restored to His Apostle from the people of the towns, it is for Allah and for the Apostle, and for the near of kin and orphans and the needy and the wayfarer, so that it may not be a thing taken by turns among the rich of you... ” (59: 7)

Fadak was a piece of land that had come in possession of the Prophet (p.b.u.h) without waging a war. In the seventh century, the people of that place had handed it over to the Muslims fearing reprisal. As it was given voluntarily, this land automatically became the personal property of the Holy Prophet (p.b.u.h), and had nothing to do with the government. The fact was accepted by many commentators and historians. For reference, we are quoting a few names: Bilazaris 'Futuh al-Bildaan'; Shaykh Shahabudin Hamui in 'Mojam al-Bildaan' under the word 'Fadak'; Mohammad Ibn Jurair Tabari in his 'Tarikh al-Umam wal Molook', vol.3, p. 14; Ibn Atheer in 'Al-Kaamil', vol.3, p.221; Ibn Abil Hadeed in 'Sharh-eNahjul Balagha', vol. 16,p.210

All the Sunni commentators while explaining the 28th verse of Surah Bani Israel state that the Holy Prophet (p.b.u.h) had gifted Fadak to Janabe Fatima Zahra (p.b.u.h). Thus, automatically it becomes the personal property of Hazrat Fatima Zahra (p.b.u.h). Just to prove our point, the following books may be

referred to: Suyooti's 'Durrul Mansoor', vol. 5, p.273; Hakim-e-Haskani's 'Shawaahed ut-Tanzeel', vol. 1, p.240. Both these authors have quoted from Abu Saeed Khudri and Ibn Abbas. Also, the following learned men have explained and confessed that the Holy Prophet (p.b.u.h) has gifted Fadak to Fatima Zahra (p.b.u.h): Qazi Abdul Jabbar Motazali, Yaqoote Hammui, Ibn Abil Hadeed, Abdul Fattah Abdul Maqsood-e-Misri, etc...

After receiving Fadak from the Holy Prophet (p.b.u.h), Fatima Zahra (p.b.u.h) had appointed her own employees there. Thus Fadak remained of the Prophet (p.b.u.h). The first Caliph could not bear to see Fadak in the hands of Fatima (p.b.u.h). So he sent his henchmen to Fadak to drive away the appointees of Fatima Zahra (p.b.u.h) and grabbed possession. Ameerul Mo'mineen Hazrat Ali (p.b.u.h) has penned a very meaningful sentence in his book Nahjul Balagha saying that "Under the sky what we were having was Fadak", which proves that the due of Ahlul Bayt was not given. Whereas how many people have applied their charitable disposition and broad based outlook? Of course, God is an Excellent Arbiter. (Nahjul Balagha, Letter no. 45).

Janabe Fatima Zahra (p.b.u.h), protesting against the step of the government went to the Mosque. There she sat behind the curtain and addressed the first Caliph in the presence of all the people. She questioned him and put up a claim for the return of Fadak, that was given to her by the Holy Prophet (p.b.u.h) and that it had become her property. The first Caliph did not entertain her claim and refuted it by saying that the Prophet (p.b.u.h) had not gifted it to her, and asked her to produce witnesses to the effect that Fadak was her property. Janabe Fatima (p.b.u.h) then produced six witnesses three males and three females, comprising Hazrat Ali (p.b.u.h), Imam Hasan (p.b.u.h), Imam Husain (p.b.u.h), Ummul Mo'mineen Janabe Umme Salma, Umme Aiman, maid of the Holy Prophet (p.b.u.h) and Asma Binte Umais, the wife of the first Caliph himself (may God be pleased with her).

The first Caliph did not accept the testimony of these witnesses and continued his occupation of Fadak. Even after adopting this attitude the first Caliph could not gain much. First, because the Holy Prophet (p.b.u.h) had himself given it to her. Second, because she (Fatima 1 (p.b.u.h)), being the only

daughter of the Prophet (p.b.u.h), it was her parental inheritance. She had to advance the plea of inheritance because her first plea was not accepted by the first Caliph. At this juncture, the Caliph recited a hadith on his own authority (without substantiating it from any source) saying that, "We prophets do not leave behind any property, and if at all something remains, it belongs to all Muslims." Janabe Fatima (p.b.u.h) took exception to it, and contradicted the authenticity of this hadith and said it is against the spirit of the Qur'an.

Qur'an on numerous places had said about the worldly property of the prophets. When Fatima (p.b.u.h) could no longer bear the Caliph's obstinacy, she returned home displeased. After that incident, she never spoke with both first and second Caliphs. According to Ibn Qutaybah ('Al-Imamah wal-Siy-aasah'), she cursed them after every prayer. And during her last days, she had requested Hazrat Ali (p.b.u.h) not to permit these persons to accompany her funeral. Keeping all this in mind, some questions would automatically arise in the minds of decent persons who believe in truth and justice. We therefore, would like to pose a few questions:

1. Regarding the claim of Fadak, the claim of Fatima (p.b.u.h) was enough because Janabe Fatima (p.b.u.h) is the main spirit of the verse of Tatheer. She would never talk or utter anything which is not true and correct. Under these circumstances, non-acceptance of her claim tantamounted to casting aspersions on Ayat Tatheer wherein God had certified the purity of the characters of the persons of the Cloak.

2. Why the witnesses of Hazrat Ali (p.b.u.h) and others were not accepted when the Holy Prophet (p.b.u.h) had repeatedly said, "Wherever Ali (p.b.u.h) goes, Truth goes with him." Ayat Tatheer was revealed in connection with Hazrat Imam Hasan and Imam Husain (p.b.u.h). Were not these two princes, the leaders of the youths of Paradise? Why the witness of Umme Salma, may God be pleased with her, and Umme Aiman, was not accepted even though they were among those promised paradise by the Holy Prophet (p.b.u.h)? Whether the Qur'an for giving witness was not complete? No, because the witness of two men and one woman or two women and one man was enough to complete the Qur'an. Were the witnesses not the

upholders of justice? Leave alone the question of being upholders of justice, their infallibility personified.

3. Before arriving at the decision, the witnesses of Janabe Fatima (p.b.u.h) were driven out. Why? Whether this act was not to be construed as tyrannical or that of high-handedness?

4. This is an undisputed act of Muslim Law that whoever is in possession of anything, be it a property or anything else, it belongs to the person who is possessing it. He would simply say under the oath that a certain property belongs to him. Moreover, witnesses are required by the party who is claiming and not by the one who is having the property in his possession. Under this law calling for witness does not conform with the requirements of Justice. Thus, calling for witnesses from Fatima Zahra (p.b.u.h) was not right. Her responsibility was to simply say an oath. Presenting witnesses was the duty of the first Caliph. Why then Islamic law was tampered with and circumvented?

5. On many occasions, the first Caliph had agreed to the problems presented by the companions of Prophet (p.b.u.h) without calling for witnesses. For instance, once Janab Jabir came to the Caliph saying that the Prophet (p.b.u.h) had promised that he would pay him some amount. The first Caliph paid him one thousand five hundred dirhams without calling for witnesses. Similarly, once Abu Basheer Maazani had said that the Prophet (p.b.u.h) had promised to pay him some amount. The Caliph paid him 1400 dirhams (Sahih Bukhari).

Then what was the reason, that in these cases no witnesses were called for. In some cases only companionship of Prophet (p.b.u.h) was enough for consideration. But, in the case of the Prophet's daughter why witnesses were required? There were the very persons about whom the verse of Tatheer was revealed.

6. When Fadak was not considered as a property of Fatima (p.b.u.h), why then on previous occasion the first Caliph had issued a certificate of property in her favour, when earlier she had represented in the matter? Why then the second Caliph seeing the certificate in the hands of Fatima (p.b.u.h) had torn it into pieces and had spat on it? (Sharh Nahjul Balagha, of Ibn Abil Hadeed vol. 16, p.174; Seera Halbiya, vol. 3, p.362)

When Fadak was not the property of Janabe Fatima (p.b.u.h), why was it given to her in the first instance? And if at all it was hers, why was it usurped?

7. If the first Caliph was right in the case of Fadak, then why did he repeatedly repent at the time of remembering Fadak? And why he himself was ashamed of his own act?

8. The hadith that was quoted by the first Caliph for not conceding Fadak was clearly against the spirit of the Qur'an. In Qur'an, there is reference to the property of Sulaiman, Dawood, 'Aal-eYaqub, Zacharia and Yahya - all of them were prophets and property holders (Surah Naml, verse 16; Surah Mariam, verse 46).

Apart from the above, Janabe Fatima Zahra (p.b.u.h) was infallible, virtue and honest. Why then her statement was not taken as true? The hadith recited by the first Caliph was not conforming with Qur'anic spirit and teachings, and hence, cannot be accepted. Why then was Fatima Zahra (p.b.u.h) deprived and denied her own property?

9. If it is true, that the Messenger of Allah had not let any property and if at all there is any, it belongs to the government or to all Muslims, why then the wives of the Prophet (p.b.u.h) specially Abu Bakr's daughter, Ayesha, were not told to vacate possession of their premises? This was also the property left by the Prophet (p.b.u.h). Whether the denial of the right of property was applicable only to Janabe Fatima Zahra(p.b.u.h)?

10. If the property left by the Holy Prophet (p.b.u.h), does not belong to any particular person, then why did Abu Bakr seek permission only from his own daughter, Ayesha, for getting buried besides the Prophet (p.b.u.h)? If at all the inheritance of property is considered, the wives are not entitled to get a share in it. At the most they can have residential rights. If the property rights are accepted, in the presence of children, a wife's share is only 1/8th. And in this very 1/8th only, all wives would get equal share. If it is to be distributed among nine wives, the share of each wife would come to 1/72. In this way, Ummul Mo'mineen, Ayesha could give permission only upto her own share. Why other were not approached and consulted?

11. If it is accepted that the Holy Prophet (p.b.u.h) did not gift Fadak to Janabe Fatima (p.b.u.h) and that there was no property belonging to the Holy Prophet (p.b.u.h), even then,

why were the Ahlul Bayt deprived of the Khums of the Khaibar and the wars? Has Qur'an not ordained to pay Khums to all your relatives (Zul Qurba) (Surah Tawba: 41, Surah Isra: 28)? In regards to booty, the question of inheritance does not arise.

12. Had the argument and the stand of the Khilafat been right regarding Fadak, then why Omar II, Omar bin Abdul Aziz, Omavi, Saffah, Mehdi and Mamoon Abbasi, had made offers to return Fadak to the progeny of Janabe Fatima (p.b.u.h)?

If it was the property of all followers of Islam, then why the third Caliph gave it to Marwan? After that, Muavia distributed it amongst his son, Hakam's son, the son of Osman? Thereafter, why was it retaken into possession by Yazid bin Abdul Malik, Mansoor Dawaaneqi and Mutawakkil Abbasi? (Bukhari vol.5, p.3; Tarikh of Ibn Atheer vol.5, p.288, vol.9, p.200) The truth is that Fadak belonged to Fatima (p.b.u.h) and was her right. But the government usurped it, most probably for the reason that the land was fertile and populated. Its income was quite good, and it was the base of the economic resources of Ahlul Bayt. Or it was a step towards weakening the economy of Ahlul Bayt and to ease them out from religion and political mainstream. Anyway, those who possess absolute faith in Qur'an and obey its orders, taking it as their bounded duty and for those who take Fatima (p.b.u.h) as the meaning fo 'Ayat Tatheer' and who consider Mubahala as the evidence of her truthfulness and take Surah Hal 'Ataa in the light of her exalted character and purity, they are sure that in respect of Fadak, Janabe Fatima (p.b.u.h) was absolutely right and that it was her due. In the words of Qur'an, "After truth, there is nothing but erring." "When they are told not to commit corruption in the land, they reply, "We are only reformers." They are corrupt but do not realize it. When they are told to believe as everyone else does, they say, "Should we believe as fools do?" In fact, they are fools but they do not know it." (Holy Qur'an)

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