

THE LAST SERMON OF THE HOLY PROPHET (PBUH) AND THE CHARTER OF THE UNITED NATIONS: A COMPARATIVE CASE STUDY

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ABSTRACT

The Purpose of this paper is to understand the historical words, known as KhutbahHajjat-ul-Wada (The Last Sermon), of the Holy Prophet (PBUH), which were impactful on the United Nations 1949 Charter. The author of this paper will try to make connections between the ideals, lessons, theories, constitutional law, and human rights mentioned in the Last Sermon of the Holy Prophet (PBUH), with those in the Charter of the United Nations. The paper has been written in the form of a comparative study, which will serve to help the reader visualize the similarities and influences of the words of the Prophet Muhammad (PBUH) on the Charter of the United Nations.

KEYWORDS: Human Rights, Charter of the United Nations and the Last Sermon of the Prophet Muhammad (PBUH), Islamic Constitutional Law, the Last Sermon of the Prophet (PBUH)

INTRODUCTION

The Last Sermon, or KhutbahHajjat-ul-Wada, of the Holy Prophet Muhammad (PBUH) was the last time the Prophet (PBUH) delivered such a speech at the time of Hajj of the year 632C.E, or Holy Pilgrimage, in Makkah where innumerable Muslims were present of all ethnicities, backgrounds, cultural beliefs, both male and female, all belonging to the same religion of Islam and listening out of love for the Prophet (PBUH).¹ It was given on the ninth day of DhulHijjah, the 12th month of the lunar year, at the location of Arafat, the one of the most blessed day of the year. It was an opportunity for the Prophet (PBUH) to speak about various aspects of the society, human psychology, ways of communication with each other, behavior with family members, importance of the law of equality, respect for neighbors, and many other topics.

The United Nations is an international organization which consists of 193 member states, all of which have the same plan of action that the United Nations would aim to promote human relations, peace and tolerance, the equality of all beings and nations, promote social progress, justice, and prevent war and violence.² It came into being after the world went through the tragic Second World War. Thereafter, the member states decided that the world needed to be assured that there would be a governing international body with peace and security at the top of its agenda for all the nations involved.

The Charter of the United Nations is a testimonial for the human rights and a document of freedom and advancement based on the world's intention to protect humanity and promote peace through participation and help among each other. It was signed in San Francisco on June 26, 1945, at the end of the United Nations Conference on International

¹Sheikh Khalid Bin Ali Bin Saleh Aba Al-Khail. "Prophet Muhammad's (PBUH) Last Sermon." P.3. *Islam House*. Islam Religion, 16 June 2013. Web. 6 Feb. 2016.

²UN. "Overview About the United Nations." *The United Nations*. The United Nations, n.d. Web. 6 Feb. 2016.

Organization. It was enforced and started influencing world activities by October 24, 1945.³

UN Charter and the Last Sermon

The UN Charter and the Last Sermon of the Pophet Muhammad (PBUH) have many similarities. In order to understand them, we must break both of them down into sections to analyze the ideals presented in both the Last Sermon and the Charter of the United Nations:

The Last Sermon of the Prophet (PBUH)	The United Nations Charter
<p>“All mankind is from Adam and Eve. An Arab has no superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab; white has no superiority over black, nor does a black have any superiority over white; [none have superiority over another] except by piety and good action.”⁴</p>	<p>Article 1 The Purposes of the United Nations include:⁵ 1. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; 2. To achieve international co-operation in... promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.</p>

The last sermon of the Prophet (PBUH) mentions here that the Prophet mentioned first of all the nature of the origin of the human being which shows the importance of how all humans were created equally. He (PBUH) pointed out Adam and Eve, meaning that human beings are equal in creation, respect, feelings, and all manners, from the very beginning. Although the religion of Islam spread from Arabia and he (PBUH) was the Prophet of Islam, it is mentioned here that even the Arab does not have superiority over the non-Arab, meaning that even superiority in difference of religion, nation, or culture is not justified as one of the teachings of Islam. Additionally, he (PBUH) mentions that neither a black nor a white is better than the other, further strengthening the point that a human being is a human being, regardless of all other aspects of their lives including their beliefs, race, or gender.

Similarly, we see that the United Nations mentions that one of its main purposes is to ensure the equal rights of the people and good relations among nations. Here the term of nation, in the United Nations, meant the relationship between states, while the Holy Prophet (PBUH), called for attention towards the respect for humanity, equality, and the relations of nations. The United Nations has emphasized upon the national and international relationship to achieve international cooperation. With this unity, the member states can ensure the basic rights of equality to all people regardless of their differences. This is exactly what the Prophet (PBUH) had instructed in his (PBUH) Last Sermon in order to ensure that all of God’s creations were treated with respect and dignity and had all the freedom rights they deserved.

The Last Sermon of the Prophet (PBUH)	The United Nations Charter
<p>“O People, it is true that you have certain rights with regard to your women, but they also have rights over you. Remember that you have taken them as your wives only under a trust from God and with His permission. If</p>	<p>Article 1 The Purpose of the United Nations includes:⁷ To achieve international co-operation in... promoting</p>

³UN."Charter of the United Nations." *About the UN: Charter of the United Nations*. The United Nations, n.d. Web. 6 Feb. 2016.

⁴Sheikh Khalid Bin Ali Bin Saleh Aba Al-Khail."Prophet Muhammad's (PBUH) Last Sermon."P.4. *Islam House*. Islam Religion, 16 June 2013. Web. 3 Feb. 2016.

⁵UN. "Charter of the United Nations Chapter 1: Purposes and Principles." Article 1.Principle 2, 3.*Charter of the United Nations*.The United Nations, n.d. Web. 5 Feb. 2016.

they abide by your right then to them belongs the right to be fed and clothed in kindness. Do treat your women well and be kind to them for they are your partners and committed helpers.” ⁶	and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.
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The Holy Prophet (PBUH) gave importance to the women and he (PBUH) did not ignore this topic in his last sermon because he knew if he didn't include it then the men-dominated society would ruin the institution of women which must be called a mandatory human institution. “On 10 December 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights” which included many details as to the fundamental rights all humans should have under the United Nations protection; within this Universal Declaration, in Article 16, it states⁸:

- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- Marriage shall be entered into only with the free and full consent of the intending spouses.
- The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

The above mentioned reference indicates that the right of marriage clearly establishes the rights that the husband and wife have over each other. The Prophet Muhammad (PBUH) has clearly instructed the men to take full responsibility of the women and respect their individual rights. Today's modern societies have proved the words of the Prophet (PBUH), “do treat your women well and be kind to them for they are your partners and committed helpers,” which means that today's women are working with men to promote their businesses, to work in any organizations, and earn incomes for their households. The term of “committed helpers” used by the Prophet (PBUH) is a very comprehensive terminology and social indicator towards her status in the society based on equality and thus she is considered as a committed helper for her man who needs her not only in the home, but also at every stage of life, whether that would be a domestic matter or the participation in the society.

The Last Sermon of the Prophet (PBUH)	The United Nations Charter
“Beware, no one committing a crime is responsible for it but himself. Neither the child is responsible for the crime of his father, nor the father is responsible for the crime of his child.” ⁹	Preamble We the people of the United Nations are determined: To promote social progress and better standards of life in larger freedom ¹⁰

The Holy Prophet (PBUH) has created a balanced society in which the Theory of Individualism leading to a pluralistic society in which the act of an individual in the society will be considered his responsibility. In the example

⁷UN. "Charter of the United Nations Chapter 1: Purposes and Principles." Article 1.Principle 3.*Charter of the United Nations*.The United Nations, n.d. Web. 6 Feb. 2016.

⁶Sheikh Khalid Bin Ali Bin Saleh Aba Al-Khail."Prophet Muhammad's (PBUH) Last Sermon."P.4. *Islam House*. Islam Religion, 16 June 2013. Web. 4 Feb. 2016.

⁸UN."The Universal Declaration of Human Rights." *UN Web Services Section, Department of Public Information, United Nations*. The United Nations, 2008.Web. 5 Feb. 2016.

⁹ Ahmed, Prof. Dr. Anis. "The Farewell Sermon of the Holy Prophet Muhammad (PBUH)." (1996): p.5. *Islamic Correspondence Course*.Da'wah Academy International Islamic University.Web. 6 Feb. 2016.

¹⁰UN. "Charter of the United Nations Preamble: We the Peoples of the United NationsDetermined” Preamble. Principle 4.*Charter of the United Nations*.The United Nations, n.d. Web. 6 Feb. 2016.

quoted by the Prophet (PBUH) the father and son are both members of the society, or in other words, they are the stakeholders of the community. Individual act of father or son has been mentioned, meaning that if someone does wrong in the society, for example belonging to an extremist or terrorist group, they would not be forgiven for their actions even though they are members of the Islamic political society because they would be considered unlawful citizens of the state. The Prophet (PBUH), through this point, wanted to convey his (PBUH) message to the world that he (PBUH) wants to demolish the acts of threats, extremism, and expansion of power through terrorism, because he (PBUH) wanted to promote social progress and better standards of life in larger freedom. The same purpose has been mentioned by the United Nations. They differ in words, but the approach of both the Last Sermon and the United Nations Charter are the same. It means that the Holy Prophet (PBUH) rejected the idea of intervention of one’s act in the social action plan or progress.

The Last Sermon of the Prophet (PBUH)	The United Nations Charter
<p>“Behold! All practices of the days of ignorance are now under my feet. The blood revenges of the days of ignorance are remitted. The first claim on blood that I abolish is that of IbnRabi’ah bin Harith who was nursed in the tribe of Sa’ad and whom the Hudyayls killed. All interest and usurious dues accruing from the time of ignorance stand wiped out. And the first amount of interest that I remit is that which Abbas bin Abd-al-Muttalib had received. Verily it is remitted entirely.”¹¹</p>	<p>Preamble We the people of the United Nations are determined:</p> <p>To practice tolerance and live together in peace with one another as good neighbors.¹²</p>

The United Nations expects a practice of tolerance and living together. Both of these aspects would certainly create a peaceful environment, and such an act of a nation will remove hatred. For this purpose, one nation has to be open to loudly announce that it is forgiving all sorts of cruelty and injustice. The Holy Prophet (PBUH) practically made a public announcement conveying a message of tolerance and peacefully living together in the following words: **“Behold! All practices of the days of ignorance are now under my feet. The blood revenges of the days of ignorance are remitted.”** This act is preserved in history and his (PBUH) announcement centuries ago had practically made an article for the United Nations to include the act of the Prophet Muhammad (PBUH) as a practiced principle for the entire world. The contemporary world politics indicate that the First and Second World Wars were the result of intolerance between both people and whole nations which resulted in the ruin of nations due to the wars. Even today, we see the current example of Iraq’s capture of the territory of Kuwait. Similarly, we can see the same case with Pakistan and India which resulted in very dangerous wars. The Prophet Muhammad (PBUH) clearly mentioned that the best way to the peacekeeper is to promote the practice of forgiveness. Such forgiveness would be a basic skill to promote peace and respect for humanity.

The Last Sermon of the Prophet (PBUH)	The United Nations Charter
<p>“O People, just as you regard this month, this day, and this city as Sacred, so regard the life and property of every Muslim as a sacred trust. Return the goods entrusted to you to their rightful owners. Treat others justly so that no one would be unjust to you. Remember that you will indeed meet your Lord, and that He will indeed reckon your deeds...your capital is yours to keep. You will</p>	<p>Article 1 To maintain international peace and security, and...to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;</p>

¹¹ Ahmed, Prof. Dr. Anis. "The Farewell Sermon of the Holy Prophet Muhammad (PBUH)." (1996): p.4. *Islamic Correspondence Course*. Da'wah Academy International Islamic University. Web. 6 Feb. 2016.

¹² UN. "Charter of the United Nations Preamble: We the Peoples of the United Nations Determined" Preamble. Principle 5. *Charter of the United Nations*. The United Nations, n.d. Web. 6 Feb. 2016.

<p>neither inflict nor suffer inequity. O People, Allah has given rights to the people who deserve their rights.”¹³</p>	<p>Article 2 All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.¹⁴</p>
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Comparative studies of the Last Sermon and the United Nations charter point out some basic similarities and clearly indicate that the charter has been influenced by the Last Sermon. Minutely observing the last sermon, we see that every moment of life has been covered and discussed and then it has been declared prohibited to commit any injustice or crime. Communication methodology, used by the Prophet (PBUH) asking again and again to his (PBUH) companions, was the best teaching way for the improvement of social behavior. For example, he (PBUH) asked many times about what day and month it was, and what the name of the city was to the audience. Then he (PBUH) asked the companion, named Rabia bin Umayya bin Khalaf, who was repeating his (PBUH) words, to loudly say to them, “Allah has given as much honor to your lives and properties, until the meeting with God, as this month is respectable,” which was repeated more than three times, asking again and again.¹⁵ The Holy Prophet (PBUH) said that God has given everyone the rights they deserve.

Similarly, it can be seen that the theory of justice has been elaborated in Article 2 of the United Nations Charter, which again reflects the Last Sermon of the Prophet Muhammad (PBUH) mentioning that “all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.” Both basic principles recognize the human respect, justice, and fundamental rights. The Prophet (PBUH) emphasized the need to “treat others justly so that no one would be unjust to you.” He (PBUH), referred to the law of nature, law of nation, and international law because at that time an individual living in a civil society obeying Municipal law would be respected in the light of State Constitution and international law. The Prophet (PBUH), closed the doors of violations and injustice occurring in the society.

The whole purpose of this statement by the Charter of the United Nations was to ensure one of their most basic principles of rule which was bringing peace. However, peace cannot be brought at the expense of other basic rights of the people. There must be a balance between the international peace and harmony of the society and ensuring that the laws of justice and the security of the people are not compromised during any settlement between the nations. The people are who make up the nation itself and if in any way the people suffer then the whole nation suffers. This was one of the major points the Prophet (PBUH) was making in his (PBUH) Last Sermon: that three things are the most important to the people, their lives, their property, and the system of justice.

CONCLUSIONS

It would be very important to mention that the Last Sermon of the Prophet (PBUH) was a comprehensive document defining the term of “human rights”. If we analyze the evolution and clear definition of human rights, without any prejudice, then we can prove that even in the modernized world, we would not be able to find a proper definition of “Right” in the discipline of law or politics. A member of the House of Representative, in the UK, Mr. Win Griffiths discussed the ambiguity in the definition of the term of “Legal Right,” according to him,

¹³Sheikh Khalid Bin Ali Bin Saleh Aba Al-Khail."Prophet Muhammad's (PBUH) Last Sermon."P.1. *Islam House*. Islam Religion, 16 June 2013. Web. 6 Feb. 2016.

¹⁴UN. "Charter of the United Nations Chapter 1: Purposes and Principles." Article 1, 2.Principle 1, 3.*Charter of the United Nations*.The United Nations, n.d. Web. 6 Feb. 2016.

¹⁵Ibn-e-HishamAsseerat-un-Nabawiya, Eqypt, n.d. p.250

“Some of the rights are fundamental and we can all agree on them. However, should we include a right to a healthy environment, or is that just a worthy political objective? Might consumer rights be included?”¹⁶

We also see another important statement in the House of Common (HC) Debate regarding interpretation of laws. The following words would help understand the previous statement.

“Different interpretation from the two European Courts on similar or identical issues could give rise to confusion and legal uncertainty.”¹⁷

As in the Western World, we do not find a clear definition of “Rights” which is why the implementation of rights has become an enigma. A renowned scholar of law, Anthony Arnall discusses various countries and laws of Europe with reference to Human Rights. He explains,

“They will do little to reinforce the protection afforded to individuals in concrete cases.”¹⁸

On the other hand, the Last Sermon of the Prophet (PBUH) is very clear about the concept of Human Rights which does not require any further interpretation. The Prophet (PBUH) included details about Individual Rights, as well as, Collective Rights of the community. These rights were given under the rights of Divine Law. Of course, the Prophet (PBUH), never spoke out himself, but was always following the instructions of God. He explained everything for the betterment of humanity which is why we say that the Last Sermon was the best document for religious and spiritual guidance, peaceful settlement, respect for human beings, international law, civic of the society, balance of power, ruling principles, and equal rights of the citizens of the Islamic State.

In the Last Sermon, the Prophet (PBUH) mentioned other points which were important because these points have already been taken seriously by the United Nations and other constitutions of the world like USA, UK, France, Canada, Germany, Italy, Belgium, Holland, India, and others. These points, as per description, can be jot down in the following manner:

- Rights of children and their protection
- The amanah (a thing in the possession of another) which is given temporarily with a promise that it will be returned. The person who is in charge of it must be honest and return the same thing to its actual owner.
- Loan will be returned to the lender by the borrower.
- Property will be protected by the government whether is it private or public.
- Interest-based, or any other kind of economic exploitation, was banned by the declaration of the Last Sermon.
- The right of a peaceful life
- Rights of honor and respect for every citizen of Islamic State.
- Equal legal rights of citizens of Islamic state.

¹⁶ HC Debated, 16 Feb 2000, Research Paper HC Library, p.15

¹⁷ HC Debated, 16 Feb 2000, Research Paper HC Library, p.21

¹⁸ Anthony Arnall, The European Union and its Court of Justice, London 1999, p.219

- Superiority due to sect, or tribe, was totally banned and became illegal.
- Protection of women
- Common Brotherhood

All the points mentioned above can be considered as basic principles of democratization of any state, and guidelines for Judiciary, Government, and Legislature. Thus while the Prophet had the agenda of Religion to cover, the same basic principles which humanity requires all came within the religion as the socio-political and socio-economic aspects of his Last Sermon and came to influence the same principles discussed in the Charter of the United Nations.

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