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HUMAN RIGHTS IN THE LIGHT OF KHUTBA HAJJAT-UL-WIDA AND HUMAN RIGHTS CHARTER OF THE UN

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Abstract

Human rights hold grave importance irrespective of religion. However, Islam is the only religion that abides by this concept. Human Rights most essential document is Khutba Hajjat-ul-wida by Hazrat Muhammad ﷺ. Because the khutbah's text and vocabulary are broad, Muslims and non-Muslims value it. It was given during the last pilgrim of Muhammad's prophethood. The Prophet performed only one Hajj during his entire life, that too near his demise which is why this Hajj is known as Hajja-tul-Wada, and the last sermon (Khutba) He then delivered is known as Khutba Hajjat-ul-Wida. Human rights and morality were enshrined in it. Its decency and ethics have never been surpassed. It unites Muslims. The first human rights charter was presented in Khutba Hajjat-ul-Wida. It encompasses social life. Khutba's human rights points are crucial. On the other hand, The "Universal Declaration of Human Rights" was adopted by the UN General Assembly in December 1948. After this historic accomplishment, the Assembly invited its member nations to make the news official and engage in its

distribution. This manifesto sought to defend human rights and solve global issues. UN declared human rights in the 20th century, however, Islam has given those rights to the people 14 hundred years ago. The 30 UN Charter articles define essential human rights in diverse manners. Social, religious, and human rights are covered. Despite many similarities, this Manifesto differs from Khutba Hajjat-ul-Wida of the Holy Prophet ﷺ.

Keywords: Khutba Hajjat-tul-Wida, Human rights, UN Charter, Last sermon, UDHR

INTRODUCTION

Islam took the first significant and practical move toward human rights in the 7th century Anno Domini (10th Hijrah). Since the Khutba Hajjat-ul-Wida of the Holy Prophet in 10 Hijrah/632 AD, Islam has guaranteed basic human rights, according to Islamic scholarsⁱ. Today, it is the most important subject in modern history, notably in Islamic and Western views. In Islam, Allah grants all freedom and rights through revelation (وحي). These rights are described in many Quranic passages and Prophetic sayings. Islam's criteria of truth, efficiency, and good and wrong are unique. Hazrat Muhammad ﷺ said: Arabs and non-Arabs are equal. Red people are not better than white people. Only piety and God's awareness distinguish whites from redsⁱⁱ.

The UN Charter is its founding text. After the United Nations Conference on International Organization in San Francisco, it was signed on 26 June 1945 and went into effect on 24 October 1945ⁱⁱⁱ. Intergovernmental attempts to rebuild the international community after World War II led to the creation of the UN. The UN Charter's Preamble states that its primary premise is to "reaffirm trust in basic human rights, in the integrity and respect for human dignity, in the equitable rights of men and women and nations large and small." The 30 UN Charter articles define essential human rights in numerous ways. Social, religious, and human rights are covered^{iv}. The Khutba of the Holy Prophet and this Manifesto share numerous similarities. Significant differences however also exist. There will be a correlation between the United Nations Declaration of Human Rights to Khutba Hajjat-ul-Wida and an analysis of its significance and utility in this project. In its charter, the United Nations says that human rights are "those rights that are part of being human and that we cannot live without." The fundamental problem with defining human rights is that there is no one agreed-upon definition. It encompasses many facets of life. Whether personal or collective. Because people have diverse religions, cultures, and philosophies, defining human rights is challenging^v. Westerners deem human rights universal. Aside from that, he also argues that everyone has the same basic rights to life, liberty, and the pursuit of happiness. People in this society have the same base level of protection for their rights as anybody else^{vi}.

METHODOLOGY

Khutba Hujjat-ul-Wida and the UN charter speaks largely of Human rights. This document is an attempt to comprehensively analyze the essence of notion on human rights by both charters, individually. For this purpose, Khutba Hujjat-ul-Wida by Hazrat Muhammad Mustafa ﷺ is taken from Ahadith as a primary source, and Human rights in UN Charter are fetched by the official document of Universal declaration of Human Rights (UDHR) as a primary source. However, some secondary

sources like books by several authors, research articles and review analysis have also been consulted. At the end, a brief similarity and comprehensive analysis has been conducted.

DISCUSSION

Human rights in the Khutba Hujjat-ul-Wida

After the Hijrah, the Prophet Muhammad ﷺ went on Hajj only once (migration to Madinah). This pilgrimage is also known as Hajjat-ul-Wida, or the Last Hajj. At the Uranah Valley of Mount Arafat, the Prophet ﷺ of Allah gave a historic sermon (Khutbah) on the 9th of Dhul Hijjah (the 12th and last month of the lunar year), ten years after the Hijrah, for the occasion of Hajjat-ul-Wida^{vii}. The Khutba was a model of elocution: expressive, succinct, and compassion. In this final khutba, the Prophet ﷺ emphasized the need of fairness and equality. He ﷺ stated emphatically that racial dominance is not acceptable, that all people are created equal, and that women deserve full social protection^{viii}. As a contemporary update on the khutba Hajjat-ul-Wida delivered by the Prophet ﷺ of Allah, the Universal Declaration of Human Rights could be noted. Here are a few of the main themes that were made during the khutba:

Fundamentals facets of the Faith: The fundamentals of Islam are laid out in the khutbah Hajjat-ul-Wida. Tawhid (oneness of Allah) and Belief in the prophecy of Muhammad ﷺ were both cited by Muhammad ﷺ, the Messenger of Allah, as essential tenets of Islam. There is none worthy of worship except Allah, the Highest, he ﷺ said. Allah has no companions. I testify that Muhammad ﷺ is His slave and His Messenger he ﷺ added. This testament is known as Kalma-e Shahadat^{ix}.

Protection of Life and Property of humans: In Islam, it is forbidden to take another person's life or property without sufficient cause. Allah's Messenger ﷺ gave the highest significance to defending the life, dignity and property of all people^x. Mentioning the life and fortune of people precious like Ka'ba (House of Allah, he ﷺ forbade continuous carnage forever. As reported by Abdullah Ibn Abbas (RA), during a sermon given on the Day of Nahr, the Prophet of Allah ﷺ reportedly inquired, "O brethren! (Tell me) what is the day today?" The people said, 'It is the holy day.' He ﷺ questioned again, 'What town is this?' 'It is the holy town,' they said in response. He ﷺ said, 'Which month is this?' They said, 'It is the holy month.' He ﷺ answered, 'Undoubtedly! Your blood, your properties, and your dignity are precious to one another like the holiness of this day of yours, in this holy town (Makkah) of yours, in this month of yours.'^{xi}

Pronouncement of fundamental human rights: We are all aware of the methods used to enslave African-Americans. Black men in the West were not considered to be equal to white men in status. In order to secure civil rights for Black Americans, Martin Luther King Jr. waged a fierce battle against white Americans. Our beloved Prophet ﷺ firmly closed the book on racism in his farewell address, 1341 years before Luther and so many years before Nelson Mandela. "All humankind is from Adam, and an Arab has no dominance over a non-Arab, nor does a non-Arab have any dominance over an Arab; furthermore, a white has no dominance over a black, nor does a black have any advantage over a white, but by the piety and good deeds," the Prophet of Allah ﷺ remarked^{xii}.

During his ﷺ lifetime, this meant that formerly enslaved people were promoted to positions of power as provincial governors and military generals, and that the concept of excellence was put into practice

across society. Early arrivals to the mosque were given prime seating, while those who arrived later were sent to the back. And in any given row of the mosque, you'll find both the wealthy and the poor, as well as both those with and without education. The Ihram scenario at the Hajj and Umrah requires all pilgrims, regardless of their socioeconomic status, to wear identical white garments^{xiii}.

Recognizing women's rights: Before Islam, women had no legal right to treat themselves with dignity and live as independently as men. During his Farewell Sermon, the Prophet of Islam ﷺ reaffirmed women's worth. He ﷺ told them, "O People, it's undeniable that you hold several privileges when it comes to your ladies, however they also got privileges over you. In exchange for respecting your rights, they should be provided with shelter, food, and clothing. So be good to your women and treat them kindly, for they are your loyal companions and supporters^{xiv}.

Follow the Qur'an and the Sunnah: In the last sermon, Hazrat Muhammad ﷺ emphasized upon saying that The Qur'an and my way of life, the Sunnah, are the two things I leave behind. If you stick to these, you can't go wrong. Then he instructed Muslims to treat slaves well by caring for them, feeding them the same food as their masters, and dressing them in the same clothes. This sermon is the best way to create a world where justice, piety, and righteous acts flourish and spread across society^{xv}.

Human rights in the charter of UN

As a contemporary update on the khutba Hajjat-ul-Wida delivered by the Prophet ﷺ of Allah, the Universal Declaration of Human Rights could be noted. To this end, the General Assembly declares that the Universal Declaration of Human Rights is a benchmark against which all nations and peoples should measure their progress, and it calls on all members of society and all levels of government to make it a priority to educate the public about these rights and freedoms and to take concrete action at the local, national, and global levels to ensure that they are respected. Here are the salient features of UN charter of human rights^{xvi}: Everyone has inherent worth and dignity and is endowed with a set of rights from birth, as stated in the article 1^{xvii}. They have the capacity for rational thought and ethical behavior; as such, they need to treat one another as brothers. No one shall be denied the enjoyment of any of the rights and freedom guaranteed by this Declaration on the grounds of race, colour, sexual orientation, dialect, religion, socio-political or other opinion, regional or socioeconomic background, wealth, or rank, as laid forth in Article 2. Moreover, there will be no differentiation based on a one political, legal, or international position, such as whether their country or territory is independent, sovereign, non-self-governing, or otherwise limited in sovereignty^{xviii}.

Every individual has the independence of life, freedom, and individual safety as outlined in Article 3. Article 4 indicates that No one should be subjected to servitude or labour; enslavement and the labour trafficking should be abolished in all their aspects. There shall be no torture or other cruel, inhuman, or humiliating treatment or punishment, as set forth in Article 5. In Article 6, it is stated that all individuals have the right to be treated equally before the law in all jurisdictions. Articles 7 and 8 are about the principle that everyone is legally equal and are obligated without any distinction to the same level of legal protection. Everyone has the right to be free from discrimination and free from incitement to discrimination, including from discrimination that is illegal under this Declaration. In the event of a violation of his or her constitutional or legal rights, every individual shall be provided an equitable relief through the national courts with authority over the matter. Nobody shall be arbitrarily arrested, detained, or exiled, as stated in Article 9. Article 10 states that everyone has the

right to a public and fair trial before a neutral and independent body to determine their legal rights and responsibilities, as well as the outcome of any criminal charges they may face. These are the two clauses that make up Article 11:

Every person accused of a criminal offense has the legal obligation to a public trial during which he or she will receive all the protections necessary to ensure a fair outcome. No one shall be judged culpable of any misdemeanour or felony on behalf of any behavior or conduct that did not amount to a legal infringement, by national or international legislation, at the time when it was perpetrated. Nor will a greater punishment be handed down than the one that was appropriate at the time the penal crime was committed. Article 12 states that no one can be subjected to attacks on his honour and reputation or invasions of his private, family, home, or correspondence. Every person has the entitlement to the defense of the legislation against such intrusion or assaults.

Everyone has the right to freely enter, leave, and remain within the frontiers of each state, as stated in Article 13. An individual is entitled to sought and to receive asylum in another country to escape persecution, as stated in Article 14. To begin with, every individual has the right to choose their own nationality, as stated in Article 15. All adults of legal marriageable age, regardless of their colour, nationality, or religion, are guaranteed the freedom to marry and form a family under Article 16. One's right to own property, both individually and collectively, is guaranteed under Article 17 of the Charter. Two, nobody's property can be taken from him without a good reason. Every person has the right to liberty of mind, conscience, and religion, as stated in Article 18; this includes the freedom to change one's religion or belief, as well as the freedom to exercise one's religion or belief publicly or privately through teaching, practice, worship, and observance. Article 19 guarantees everyone the right to free expression, which includes the unfettered expression of ideas and the ability to seek, receive, and disseminate those ideas through any means and in any location one chooses. Every individual has the right to peacefully assemble and associate with others, as stated in Article 20. No one may be coerced to join any association. Article 21 states that everyone has the right to take part in the governance of his state, either directly or through representatives who have been democratically elected. Everyone has the same right to work for the government in his country. Periodic and authentic elections by universal and equal participation and held by secret vote or by analogous free voting procedures shall be held to express the desire of the people, which shall be the basis for the power of government. Article 22 states that everyone has the entitlement to social protection and is entitled to the economic, social, and cultural rights necessary for his dignity and free growth, through national effort and international cooperation and in line with each State's organization and resources. Article 23 states that everyone has the right to work, the right to freely choose one's occupation, he right to fair compensation for one's services and the right to protection from unemployment. Second, everyone should be paid the same for the same amount of work. Workers have the right to just and fair remuneration that ensures a dignified life for themselves and their families, supplemented by other social protection. Everyone can create and join trade unions to safeguard their interests. In Article 24, it is stated that people have the right to time off work and paid vacations on a regular basis. Everyone has the right to a minimum standard of living, which includes food, clothing, shelter, medical care, and other social services, as well as protection in the event of joblessness, illness, disability, widowhood, old age, or other lack of livelihood due to circumstances beyond his control. This right is

stated in Article 25 of the UN Declaration of Human Rights. As a mother or a child, you have my undivided attention and support, since you deserve nothing less. All children, regardless of parentage, will get social protection. Article 26 guarantees education to all. At the very least, students should not have to pay anything to get a basic education. Elementary school is mandatory. Technical, professional, and merit-based higher education will be open to all. The purpose of education is to help students grow as individuals and to instill in them a firm belief in and commitment to a set of universal values that protect and promote the dignity and worth of every person. It will foster understanding, tolerance, and camaraderie among all nations, races, and religions and support UN peacekeeping efforts. Third, parental discretion over their children's education is paramount. Article 27 guarantees everyone the freedom to freely engage in cultural activities, appreciate the arts, and benefit from scientific progress. Second, everyone has the legal right to safeguard his or her moral and financial rights arising from any works of science, literature, or art that he or she has created. Article 28 states that everyone has the right to a social and international order that allows for the full enjoyment of the rights and freedoms outlined in this Declaration. Article 29 states that everyone has responsibilities to the group that allows him or her to flourish to their fullest potential. No one's rights and freedoms can be limited beyond what the law says. This is to make sure that everyone's rights and freedoms are respected and that morality, public order, and the public good are met in a democratic society. Third, the free exercise of these rights and freedoms must never run counter to the goals and ideals of the United Nations. Finally, Article 30 demonstrates that no State, group, or individual has the right to take any action or engage in any activity that would undermine any of the rights and freedoms outlined in this Declaration^{xix}.

CONCLUSION

Reasons abound to suggest that the UDHR's protections for individuals' right to life, liberty, and the pursuit of happiness fall short of what Muslims consider essential. Neither individual nations nor their governments have the power to alter or revoke these rights. Since Islam already provides a similar set of rights in the form of the Last Sermon of the Holy Prophet, this means that the UNO Rights are really a revised version of those rights. At a period when people had completely abandoned the instructions of Allah's prophets, Islam introduced the full notion of human rights to the world. In the form of the Prophet Muhammad's final sermon, Islam at the time bestowed upon the people their most basic rights. Humanity's quest for progress and betterment is moving along at a rapid clip. Human rights, on the other hand, are rapidly losing their prominence. If we desire a society based on true respect for human rights, one in which people are at peace with themselves and others, we should follow the teachings of the Holy Prophet and the Almighty God.

RECOMMENDATIONS

❖ Research Analysts, intellectuals, and academic scholars of the Islamic world should emphasize Hajjat-ul- Wida's worth and utility after comparing it to Western legal concepts and texts concerning human rights.

- ❖ Future scholars should add to this work by comparing the points made in the Last Khutba with the stipulations of other Western texts in order to protect human rights violations and to show the public at least some areas of agreement between the West and Islam on this issue.
- ❖ It is the fundamental responsibility of Muslim representative countries to raise awareness regarding human rights as mentioned in Khutba Hajjat-ul-Wida at the international forums.
- ❖ Kashmir issue, Ukraine conflicts, Syria, and many other states have been the target of human rights violations. Muslim states must not stay quiet in this regard and must talk about it emphatically on international platforms.

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