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## **THE FAREWELL ADDRESS OF PROPHET MUHAMMAD: A UNIVERSAL DECLARATION OF HUMAN RIGHTS**

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### **ABSTRACT**

A critical examination at the farewell address of Prophet Muhammad during his pilgrimage in the 7<sup>th</sup> century reveals that the pronouncements made therein pass messages on conducts that cuts across various sectors of human values and attitudinal characters. Though, the address was delivered hundreds of years before the United Nations Universal Declaration on Human Rights in 1948, it is, however, acknowledged as a significant and laudable human rights codes ever bequeathed to mankind, in of the fact that the majority of issues on human rights that are now universally celebrated and jealously guarded, such as rights to life, property, dignity, freedom from discrimination, rights of the women, to mention but a few, were all taken from his address. Thus, the address deserves a special examination to appreciate the thought provoking rubric issues raised by the Prophet as they were found to inure to the advancement of human rights, especially, in the contemporary era. To this end, this paper examines the various human rights issues that were raised in the address with the aim to comparing it with the modern human rights declarations. The conclusion drawn from the study is that, without an in-depth understanding of the messages of this farewell address, a study of human rights in International law cannot be said to have been completed. Also, any modern study on the historical foundation and development of human rights declaration will be missing a significant landmark period without objective consideration and reference to this historic farewell address.

**Keywords:** *Farewell address, Human rights, United Nations universal declaration on human rights, Islamic law, Prophet Muhammad.*

### **INTRODUCTION**

The personality of Prophet Muhammad, May the Peace and Blessing of Allah Be Upon Him (P.B.U.H) needs no introduction in any quarter, as he is known as the leader of the World Muslim populace (Ezejiofor, 1999). Research by a non-Muslim has even confirmed him to be the first and most influential leader human history has ever produced (Michael, 1992). However, beyond his being known in connection with Muslims and the religion of Islam, there is much more to be specifically and objectively learnt from his various acts and speeches which are found to be immensely useful in addressing many contemporary human challenges and the inculcation of a culture of good relation and peaceful co-existence among the human race (Habeeb, 2008).

In the ideal modern world, the human rights values are perceived as one of the significant tools for the human race to experience the desired peace and development (Brownlie, & Goodwin-Gill, 2006). To appreciate the essence of human rights and the need for its respect, the historical antecedent to various modern human rights instruments is indispensable. An understanding of the history of human rights may, thus, become highly important for everyone to have much better value of the rights available to them (Brownlie, & Goodwin-Gill, 2006). This might have been informed by the belief that ‘rights cannot ever be defined from any pure platform, they must emerge in history’ (Edmund, 2012). If that is

the much inexplicable role which history plays in the promotion of good human rights culture, graver damage may be caused if any historic period in its development is not adequately accounted for (Malcolm, 2003).

The general modern approach to studying evolution of human rights in international law is to trace and attribute significant landmark evolutionary recognition, preservation and promotion of human rights to the Western bloc (Al-Mawdudi, 1407 A.H). To proudly demonstrate this, references are mostly made to the *Magna Carta (The Great Charter)* of 1215 and the United Nations *Universal Declaration of Human Rights* of 1948 (Zafrullah Khan, n.d.). Some Muslim writers have debunked the claim as most unfounded by demonstrating that hundreds of years before 1915 and 1948 respectively (Al-Mawdudi, 1407 A.H), human rights values, as now propagated, have been embodied in Islam through the preserved two major sources of Islamic law; the *Qur'an* and the *Sunnah*. In that wise, much attention has been paid to scrutinize the last sermon delivered by Prophet Muhammad (P.B.U.H) during his farewell pilgrimage and subsequently confirmed that it was the first true historic human rights declaration to be handed over to mankind. Although, when human rights in Islamic law are being examined and explained, some faint references were usually made to this address in support of points (Aisha, 2015). The address, in the writer's view, really deserves much more appreciation as a human rights code. It is imperative for scholars of human rights to appreciate the fact that for the history of official human rights declarations to be properly related, the starting point should not be later than the year 632 C.E when the historic last sermon of Prophet Muhammad (P.B.U.H) was delivered. It is, indeed, a sermon by which more of its contents on human rights are now found to be included in the modern international declarations and national bills on human rights.

## NATURE AND SCOPE OF HUMAN RIGHTS IN ISLAMIC LAW

Before we can be able to adequately grasp the values in the human rights declaration in the farewell address of the Prophet (P.B.U.H), there is need for a proper understanding of the nature and scope of human rights in Islamic law. The conception of human rights in Islamic law, therefore, leads to the understanding that even though, the words human rights carries the prefix 'human', it is not significantly a subject completely left to the determination, declaration, designation and enjoyment of human beings alone. Rather, there are some key features that must be identified for this purpose. These features are as specified below.

### A divine origin in nature

Human Rights provisions and what man can and should claim as such are considered to be of divine origin in Islamic law. What this simply connotes is that, like any other aspects of the provisions of Islamic law, such values must have the firm sanctions of Allah either through the *Qur'an* or the *Sunnah*. This should not be surprising because nothing has been left unaddressed in these two main sources of Islamic Law. While the approach of the *Qur'an* can be described as declaratory, that of the *Sunnah* may be said to be demonstrative. It should, therefore, be made clear from the onset that:

Human Rights are conceived in the Islamic law as of divine origin, a divine dictate; just as the whole *legal corpus* of the Islamic law itself is. Their scope and components are, as such, as spelt out by the Divine Law-Giver (Allah), as may be derived from the sanctioned sources. What constitute human rights, how they can be enjoyed and limitations to their enjoyment as dictated by Islamic law may (therefore) be within or beyond the human comprehension (Abdullahi, 2013).

The above assertion goes to show that all the various human rights to be identified in the address may be within or go beyond the modern conception of human rights.

### Legal force and self executing prowess of the declaration

A universal accepted principle of the modern Western bred international law is that human rights declarations, like other international treaties, have no force of law; they were merely declared without the requisite legal back up (Zafrullah Khan, n.d.). They at best 'stand as a shining milestone along the

long and often difficult and weary path trodden by Man down the corridors of history through centuries of suffering and tribulation towards the goal of freedom, justice and equality' (Zafrullah Khan, n.d.). This is not the nature of human rights declaration in Islamic law. Rather, once the declaration is made, it enjoys full force of law. This is the sense in which the study undertaken in this work on the farewell address is approached. All the rights declared in the address never needed and still do not need either monism or dualism principle for them to be lawfully claimed and enjoyed, unlike the contemporary international human rights that are being pronounced in modern human rights bills (Zafrullah Khan, n.d.).

### **Programmed for defined objectives – *maqasid shari'ah***

There are general foundational objectives for which Islamic law legislates and these, technically, are known as *maqasid al-Shari'ah* (the objectives of the *Shari'ah*) in *usul al-fiqh* (the Islamic jurisprudence) (AbdulHameed, 2013). The position of Islamic law on matters of human rights is that no values or way of life can be paraded or claimed as human rights where they tend to tamper in any way with the realization of the basic objectives of the law. Thus, where a purported human right will hamper freedom or purity of religion for Muslims (*al-din*); destroy life (*an-nafs*); damage the family genealogy (*al-'urd*); spoil human intellect (*al-'aql*); or unjustly deprive man of his belongings and properties (*al-mal*), it shall not be advanced in Islamic law as a human rights' value. In the same vein, when the declarations are made in the modern world towards the preservation of any and other valued objectives of the law, they may be promoted and claimed as human rights. Thus, if the farewell address of the Prophet (P.B.U.H) is also approached in this manner, the human rights declared therein would be better and easily understood.

### **Claim and enjoyment of the rights on scale of preference**

Another significant nature of human rights in Islamic law by which the Prophet's farewell address could be well appreciated as a human rights' declaration code is that human rights are not of equal values (Abdullahi, 2013). For this reason, one human right may have to give way when it ensues in conflict with a human right of higher value, depending on the circumstances of each event. For instance, there are occasions when the right to manifestation of religion may be sacrificed for preservation and enjoyment of right to life and vice versa. Thus, one is permitted to proclaim disbelief in the religion to save one's soul when the situation demands (*Qur'an* 16: 106) even though, one is, initially, expected not to hesitate to sacrifice one's life in defence of the religion (*jihad*) (*Qur'an* 9: 38). Therefore, one should not be surprised to see some human rights being proclaimed more emphatically than others in the farewell address of the Prophet (P.B.U.H).

### **Human rights are subject to limitations and not absolute**

With the facts that human rights are not of equal values and that one human right may be sacrificed for the enjoyment of another as earlier explained, Islamic law reasonably posits that human rights are not absolute but they are subject to limitations. The preference which a right has over another in a given circumstance is a limitation which the latter must subscribe to at such moment. Rights of Allah (the Creator) exert limitations on rights of the creature just as specific rights enjoyable by some special individuals or groups would put limitations to the general rights to be enjoyed by the general populace without any specificity. This approach is also seen in the farewell address of the Prophet (P.B.U.H), and it is with this notion that the human rights declared therein could be well appreciated.

### **EXPRESSION OR DECLARATION OF RIGHTS IN GENERAL AND SPECIFIC TERMS**

The approach of Islamic law to human rights does not favor careless generalization of the rights. This is an offshoot of both the facts that there is a scale of preference for the rights and that human rights are subject to limitations. Each of them must be put in its relevant position for proper appreciation. Thus, human rights in Islamic law may be in different categories such as general rights to all human beings

(right to life, property, dignity, etc.), (Al-Ilory, 2012). Rights specific to non-Muslims (Hanbali, 1993), rights specific to men (husbands) and women (wives) (Doi, 2001). Rights specific to weak or vulnerable members of the community or the children (Badamasiuy, 2009), rights specific to individuals (Kamali, n.d.), rights specific to prisoners (Fari, 2009), rights specific to the dead (Abdullahi, 2005), rights specific to Allah or the Prophet (Abdullahi, 2005), rights specific to neighbors (Toha, n.d.). This arrangement is put in place to ensure that the individual specific rights are not subsumed in the bid to preserve the collective rights. It is, therefore, asserted hereby that only in clear demonstration of the ignorance of the nature of human rights in Islamic law and the approach adopted by the critics that would portray the Islamic human rights system as inimical to human development (Ezejiolor, 1999).

### **Context of human rights in Islamic Law**

Within the context of Islamic law, human rights are not merely what every man is entitled to by the only reason of being a human being as it is popularly proclaimed in the Western worldview (Umzurike, 1993). Rather, the scope of human rights in Islamic law must be approached from the perspectives that will make it clear that the Creator; the Almighty Allah is entitled to some of these rights, just as the human beings enjoy some others that are specific to them only. It must be borne clearly in mind that for every corresponding right, there is a corresponding duty. Thus, when a duty is declared to be discharged by man, it becomes relevant in the discourse of human rights that a corresponding right would have been created for such a kind of a duty. In essence, human rights as provided in Islamic law cannot be properly identified and appreciated by merely looking for declarations that may be apparently beneficial to human beings alone. It is, therefore, imperative that the duties of man towards his Creator should not be overlooked as such duties are rights of the Creator, and therefore a subject of human rights. This is the right approach that must be adopted in distilling the human rights from the farewell address under consideration. Thus, the human rights in Islamic law are classified into rights of the Creator or public rights and rights of the creature or individual rights, while the components of those human rights are both rights and duties (Ishola, 2005).

### **BACKGROUND OF THE FAREWELL ADDRESS**

Before we take a look at the human rights values declared in the farewell address, it will be pertinent, at this junction, to give the background information that led to the event.

#### **Circumstances surrounding the delivery of the farewell address**

The propagation of the religion of Islam started in Makkah, but as the Islamic faithful grew in number, persecution against them was intensified by the pagans of Makkah. Eventually, the Prophet (P.B.U.H) and his Muslim followers had to embark on *hijrah* (migration) to Madinah where they were met with luck and had immense favours to peacefully practice their religion (Ahmad, n.d.). The Prophet (P.B.U.H) and his followers remained in exile without any access to their birthplace until the 8<sup>th</sup> year of *hijrah* when they gained entrance into their beloved city (Ahmad, n.d.). With Makkah falling under the control of the Muslims, the Prophet and his followers had now become free to go to Makkah whenever they decided to do so. Hence, in the 10<sup>th</sup> year of the *hijrah*, the Prophet (P.B.U.H) visited Makkah on pilgrimage which was consequently referred to as the *hajat al-wada'i* (the farewell pilgrimage), and it happened to be the first and the last made by him (Tantawi, 2006). Historical antecedent is replete with the information that the pilgrimage was made sometime in March, 632 C.E, corresponding to the month of *Dhul-hijjah* in the 10<sup>th</sup> year of *hijrah*. It is on record that the address was delivered on one of these three different days; 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> of *Dhul-hijjah*. Reference to the address as 'farewell address' is rooted in the occasion of the farewell pilgrimage on which it was delivered and also because it happened to be the speech delivered by him to the last largest multifaceted gathering before his death. The Prophet himself did not only presented the address to be so regarded but also attached to it, a significance of high immense as he expressly sought the special attention and indulgence of his audience to carefully listen to him, in that it may be the last public speech he might have the opportunity to make. Incidentally, it was not more than three months after his return to Madinah that he bade this world a final farewell.

The Prophet's farewell address is traceable to the authentic books of *ahadith* such as *sahih al-bukhari: hadith* numbers 1623, 1626 and, 6361; *sahih muslim: hadith* number 98; *sunnah al-tirmidhi: hadith* numbers 1628, 2046, and 2085; and; *musnad imam Ahmad: hadith* number 19774 (Tantawi, 2006). A remarkable commentary and in-depth analyses of the accounts of this farewell is provided by the renowned classical Islamic historian, Ibn Kathir in his voluminous reliable book of history known as *al-Bidayah wa al-Nihayah*. He provides the excerpt on the contents of the Prophet's farewell address as follow (Ibn Kathir, 2003):

O people! Hear me well: I explain to you. For I do not know; I may well not meet you again in this place where I now stand, after this year of mine.

O people: your lives and your property, until the very day you meet your Lord, are as inviolable to each as the inviolability of this day you are now in, and the month you are now in. Have I given the message? --- O Allah, be my witness. So let whoever has been given something for safekeeping give it back to who gave it to him”.

Truly, the usury of the era of ignorance has been laid aside forever, and the usury I begin with is that which is due to my father's brother 'Abbas ibn 'Abd al-Muttalib. And truly the blood –vengeance of the era of ignorance has been laid aside forever, and the first blood-vengeance we shall start with is that which is due for the blood of [my kinsman] 'Amir ibn Rabi'ah ibn Harith ibn 'Abd al-Muttalib. Truly, the hereditary distinctions that were pretensions to respect in the era of ignorance have been laid aside forever, except for the custodianship of the *ka'bah* [by Bani 'Abd al-Dar] and the giving of drink to pilgrims [by al-'Abbas]. A deliberate murder is subject to retaliation in kind. An accidental death from a deliberate injury means a death resulting from [something not usually used from intended as a deadly weapon such as] a stick or a rock, for which the indemnity is one hundred camels: whoever asks for more is a person of the era of ignorance.

O people: the Devil has despaired of ever being worshipped in this land of yours, though he is content to be obeyed in other works of yours that you deem to be of little importance.

O people: postponing the inviolability of a sacred month [claiming to postpone the prohibition of killing in it to a subsequent month, so as to continue warring despite the sacred months having arrived] is a surfeit of unbelief, by which those who disbelieve are led astray, making it lawful one year and unlawful in another, in order to match the number [of months] Allah has made inviolable. Time has verily come full turn, to how it was the day Allah created the heavens and the earth. Four months there, are which are inviolable, three in a row and fourth by itself: *dhul hijjah*, and *muharram*; and *rajab*, which lies between *jumada* and *sha'aban*. Have I given the message? -- O Allah, be my witness.

O people: verily you owe your women their rights, and they owe you yours. They may not lay with another man in your beds, let anyone into your houses you do not want without your permission, or commit indecency. If they do, Allah has given you leave to debar them, send them from your beds, or [finally] strike them in a way that does no harm. But if they desist, and obey you, then you must provide for them and clothe them fittingly. The women who live with you are like captives, unable to manage for themselves: you took them as a trust from Allah, and enjoyed their sex as lawful through a word [legal ruling] from Allah. So fear Allah in respect to women, and concern yourselves with their welfare. Have I given the message? --- O Allah, be my witness.

O people, believers are but brothers. No one may take his brother's property without his full consent. Have I given the message? --- O Allah, be my witness. Never go back to being unbelievers, smiting each other's necks,

for verily, I have left among you that which if you hold unto it, you will never stray after me: the Book of Allah and my *Sunnah*. Have I given the message? O Allah, be my witness.

O people, your Lord is one, and your father is one: all of you are from Adam, and Adam was from the sand. The noblest of you in Allah's sight is the most God-fearing: Arab has no merit over non-Arab other than *taqwa* (piety). Have I given the message? O Allah, be my witness. [At this, they said yes.]. He said: Then let whoever is present tell whoever is absent.

O people: Allah has apportioned to every deserving heir his share of the estate, and no deserving heir may accept a special bequest, and no special bequest may exceed a third of the estate. A child's lineage is that of [the husband who owns the] bed, and adulterers shall be stoned. Whoever claims to be the son of someone besides his father or a bondsman who claims to belong to other than his masters shall bear the curse of Allah and the angels and all men: no deflecting of it or ransom for it shall be accepted from him. And may the peace and the mercy of Allah be upon all of you.

## SIGNIFICANCE OF THE FAREWELL ADDRESS

The Address accorded the Muslims to be acquainted with the fundamental issues in the religion of Islam, as aptly summarized to them by the Prophet (P.B.U.H) himself. Also, some issues which could have remained shrouded in doubts were also clarified by him. Such issues include whether the heir, as mentioned in the *Qur'an*, is entitled to a Will, whether the punishment by *rajm* (stoning the adulterer to death) stands or not, whether a portion of one's property beyond 1/3 is allowed to be willed out or not, and so on and so forth. Needed to be added to it, is that the farewell address presents Muslims with a standard by which their actions and inactions could be personally and independently assessed (Salawu, 2008).

### Emphasis on human rights in the farewell address

In consideration of the nature and scope of the human rights' value in Islamic law as explained earlier, a thoughtful look at the contents of the Prophet's farewell address, as demonstrated above, shows that it contains the following human rights' values:

1. Right to life, its safeguard, security and respect.
2. Right to property, its safeguard, security and respect.
3. Right to reclamation of trust from the trustee by the owner or the beneficiary.
4. Right of Allah to be dedicated to, and which the man is accountable for it.
5. Duty of refrain from usury activities; the right due to Allah through the man's obedience.
6. Right to freedom and enjoyment of the earnings.
7. Right to freedom and safety from inequity; right to Justice.
8. Duty to refrain from un-Islamic legal and justice systems; right of Allah = duty of the Muslims, right of the Muslims = duty of the state.
9. Duty of observing the lunar calendar; right of Allah = duty of the Muslims, right of the Muslims = duty of the state.
10. Right to safety of religion and freedom from impediments thereto.
11. Rights of the husband = duties of the wife.
12. Rights of the wife = duties of the husband.
13. Rights of the women to the best treatment.
14. Rights of Allah upon the Muslims through the observation of Islamic rites.
15. Right to equal treatment and freedom from discrimination.
16. Duty of preserving the Islamic brotherhood= the right of Allah.
17. Right to freedom from forceful acquisition of one's property and belongings.
18. Right to freedom from Injustice; duty to restrain from inflicting injury and melting out injustice to others.
19. Duty of adherence to the tenets of the *Qur'an* and the *Sunnah*; right of Allah and the prophet.
20. Right to freedom of access to information.

21. Right to fair hearing.
22. Right to freedom from non-personal criminal responsibility.
23. Duty of preserving and promoting the realization of the objectives of Islamic Law.
24. Right of prisoners/wards/servants to good treatment.
25. Right to inheritance.
26. Duty of limiting the Will to 1/3.
27. Right of Allah to the implementation of stoning adulterers to death.
28. Right to preservation of the family lineage; affiliation and identity.
29. Right to freedom of speech.
30. Right to the rule of law.
31. Right to preservation of paternity.
32. Duty to accord reverence and regard purposely for the fear of Allah; piety.

## **JUSTIFICATION FOR THE FAREWELL ADDRESS AS A UNIVERSAL CODE OF HUMAN RIGHTS DECLARATION**

In this part, attempt is made to justify that the farewell address of the Prophet (P.B.U.H) is a code of human rights declaration rather than an ordinary religious sermon.

### **A reflection of better modern understanding of the address**

A closer look at the concluding part of the address shows that the Prophet himself was of the prayer that may the generations to come after those who are present listening to him on that occasion be blessed with better understanding of the essence and implications of his farewell address. Thus he says: “All those who listen to me shall pass on my words to others and those to others again; and may the last ones understand than those who listen to me directly”. It is in consideration of that notion for a better understanding by the subsequent generations, as prayed for by the Prophet (P.B.U.H), that the farewell address is being advanced, after a careful thought and objective examination, as a universal code of human rights declaration (Salawu, 2008).

### **Germaneness human rights context of the address**

The modern criteria for regarding any instrument as human rights declaration is for such a kind of instrument to contain and pass messages on human rights that are available for enjoyment. There is no special reason why the international, regional and national human bills are regarded as human rights declarations other than the very fact that they pass human rights messages. The address of the Prophet, therefore, is of many sides; from the human rights angle, the best understanding that could be carved out of it, is for it to be perceived, treated, examined and handled as a precious human rights code. A comparison of its human rights provisions with what is obtainable in the international, regional and national human rights bills would be better draw home the point. Thus, a quick comparison of that farewell address with the UN human rights declaration and the human rights provisions in the Nigerian Constitution for example, can be very apposite in this case, if not better.

### **Comparison of the farewell address with the UN-UDHR, 1948**

On the 10<sup>th</sup> of December 1948, the General Assembly of the United Nations unanimously adopted some values as universal human rights worthy of recognition and respect by all manners of persons and governments across the globe. The values have come to be known as *Universal Declaration of Human Rights*. The Declaration is widely revered as one of the international human rights bills. Whenever the human rights experts or human rights activists are narrating the history of the development of the human rights, the year 1948 is always referred to as the milestone period and the declaration as the landmark human rights pronouncements (National Human Rights Commission of Korea. 2013). Except in few places, however, the declaration is almost a repetition of all the human rights declared in the farewell address of Prophet Muhammad (P.B.U.H). Thus, to the objective modern human rights specialists, the address deserves designation as the first code of human rights declaration. In terms of quality, relevance

and effectiveness, there is no doubt that the human rights values declared in the farewell address are richer in contents and concretion than the UN Human Rights Declaration. The writers are, therefore, of the opinion that the legal force which the farewell address enjoys gives it the relevance immense status required for its promotion and adoption at the international human rights environment.

### **Comparison of the farewell address with the Nigerian constitutional fundamental rights**

The Nigerian human rights provisions are contained in chapter IV of the constitution of the Federal Republic of Nigeria (FRN Constitution, 1999). Except for some inadequacies and conflicts in some of its provisions with the Islamic law, all those provisions meant to preserve the human rights values, are found to have been declared in the farewell address of the Prophet (P.B.U.H). One other notable deficiency in the provisions of the Nigerian constitution is the deliberate denial of some core rights to the non-citizens, such as the right to privacy. Besides, the incapacitation placed on international human rights bills and treaties by the Nigerian constitution through its adoption of the principle of dualism, makes the human rights declared in the farewell address to have an edge over the Nigerian human rights' provisions.

### **CONCLUSION**

Attempt has been made in this paper to critically examine the farewell address of Prophet Muhammad (P.B.U.H) due to the fact that it is a significant code of human rights worthy to be studied within the context of the international human rights law. It is manifested through this study that for the history of international declaration of human rights to be properly related, reference must be made to the occasion of the delivery of this farewell address. It has also been made particularly clear that every truly universal value of human rights that may be found in any national, regional or international human rights bill has already been declared by Prophet Muhammad (P.B.U.H) in his farewell address since 632 C.E. In view of that, it is not essentially belated to emphasize that since the message of Islam and the value of human rights are universal, the farewell address delivered by Prophet Muhammad (P.B.U.H) is, thus, worthy of recognition and promotion as a universal human rights declaration.

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