

The SA Muslim Charter Initiative

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1. Introduction and background

The Muslim Community of South Africa is a diverse, heterogeneous community. It is composed of predominantly followers the Shafi and Hanafi madhhab and a sprinkling of Shia. Racially it is predominantly of Malay and Indian origin with a small minority of African and White populations. The community has around 1000 community-funded and self managed mosques and madressah and in addition a myriad of social welfare and charitable organizations, and professional groupings such as the ulama , lawyers, and medical fraternities. Its history spans from the earliest banishment of Muslims to the Cape of Good Hope (now Cape Town) to the newly emerging, immigrant, and refugee communities. The impact of colonialism and apartheid took its toll on the community while in the new democracy, Muslims are still floundering about their future in the country. With all the built up infrastructure, new found freedoms, a vibrant NGO sector, the opening up of Africa and the world, and a hostile environment, we should ask ourselves how best we should structure ourselves to protect and develop ourselves and also to protect and promote the interests of Islam in South Africa. This question is relevant to both Muslims in South Africa and in countries where Muslims are minorities.

In this paper, we explore the notion of a Muslim Charter as a mechanism to govern or regulate or direct certain actions and relationships for Muslims in South Africa and as a response to the need for the protection and promotion of the community as well as its Islamic interests.

In the section 2 of this paper we discuss some basic concepts about the Charter. This is followed by a discussion of the origin of the Charter idea and its role in early Muslim History. We also explore Quranic concepts of mutual alliances, treaties, and covenants. We then analyse the Medina charter, the recently signed Charter of the Muslims of Europe, and the Freedom Charter as adopted by the Congress of the People in 1955 in South Africa. We then elaborate on the Proposal for a Charter for Muslims of South Africa.

2. Basic Concepts and Definition

The question here is: What is a charter? A charter may be defined in several ways. In North America, a charter is often referred to as the founding and regulatory documents of a company. It may also be referred to as a Memorandum of association or a Memorandum of Understanding which delineates the roles and responsibilities of various parties to an undertaking. For example in a company, the charter would define the main objects, ancillary objects, and then in detail spell out rights and duties of shareholders and directors, powers, and mechanisms for good corporate governance e.g. appointment of auditors, holding of special and general meetings, dissolution, dispute resolution etc with a view to manage the affairs of the association in a prudent and proper manner. It may also be referred to a constitution as in the Constitution of the Republic of South Africa, or a

constitution of a Non Profit Organisation. Furthermore, it may constitute a set of values or ideals as in the Freedom Charter of the African National Congress adopted in 1912 which has been the guiding and directional tool throughout the history of the organisation and its current policies.

The following are some definitions of the term “charter”. According to Wikipedia:

“A **charter** is the grant of authority or rights, stating that the granter formally recognizes the prerogative of the recipient to exercise the rights specified. It is implicit that the granter retains superiority (or sovereignty), and that the recipient admits a limited (or inferior) status within the relationship, and it is within that sense that charters were historically granted, and that sense is retained in modern usage of the term. Also, charter can simply be a document giving royal permission to start a colony.

The word entered the [English language](#) from the [Old French](#) *chartre* (ultimately from the [Latin](#) word for "paper"), but the concept is universal and transcends language. It has come to be synonymous with the document that lays out the granting of rights or privileges.” <http://en.wikipedia.org/wiki/Charter>,

The following definitions of the term “charter” are provided by answers.com: A Charter

1. A document issued by a sovereign, legislature, or other authority, creating a public or private corporation, such as a city, college, or bank, and defining its privileges and purposes.
2. A written grant from the sovereign power of a country conferring certain rights and privileges on a person, a corporation, or the people: *A royal charter exempted the Massachusetts colony from direct interference by the Crown.*
3. A document outlining the principles, functions, and organization of a corporate body; a constitution: *the city charter.*
4. An authorization from a central organization to establish a local branch or chapter.
5. Special privilege or immunity.
6.
 - a. A contract for the commercial leasing of a vessel or space on a vessel.
 - b. The hiring or leasing of an aircraft, vessel, or other vehicle, especially for the exclusive, temporary use of a group of travelers.
7. A written instrument given as evidence of agreement, transfer, or contract; a deed. (<http://www.answers.com/topic/charter>)

From the above, one may discern that the term charter has several connotations. If one looks at the freedom charter adopted in Kliptown in 1955 by the “Congress of the People”, the document provides a sense of agreement, understanding, and visionary direction for the liberation movement. Another example is the Prophets (s a w) Medina Charter. Here is an example of a charter for communities living together, both Muslim and Non Muslim, ordering their relationships, and specifying their rights and obligations.

For our purposes, the Muslim Charter is an understanding and agreement by and between various groupings and individuals from within the Muslim community regarding the principles, values, vision, mission, and objectives of the Muslim Ummah vis a vis themselves and the communities that they interact with, both locally and globally. It may also contain fundamental duties and obligations.

While in the case of a charter of corporations, all members agree to abide by it. In the case of charters of state institutions e.g. Universities, the terms and conditions of establishment are generally prescribed by law e.g. the University of Johannesburg Act. In the case of a movement, there would need to be broad consensus as in the case of the Freedom Charter. In the case of communities, here too leaders and representatives will need to provide some form of nod either by signature, by declaration, or any other means to make the document binding.

3. Analysis of the Medina Charter

The Prophet's Medina Charter was drawn up in 622 CE i.e. 1386 years ago. There was a particular context and social milieu in which that document was drawn up. The Prophet (s) was the accepted de facto leader in the nascent community of Medina which comprised several Arab tribes, the Muhajirun, the Ansar, the Jews, and the broader Arabian community.

The document is specifically a contract between the believers of Quraysh, Yathrib, and those that joined them.

The following are some of the objectives that may be discerned from the Medina Charter:

Unity of the Ummah (2)

Peace and harmony between the various tribes. (3-11)

Justice. Fair rules in dealing with prisoners and equitable settlement of disputes.

Protection of believers against hostile unbelievers. (15)

Alliance against Injustices, the spreading of sin, animosity and corruption. (13)

Protection of Jews (16)

Peace amongst Muslims (17)

Disputes to be referred to Allah (swt) and His Rasool (s) (23)

Financial arrangements with Jews in war effort (24)

Assertion of the leadership of the Ummah (36)

Guidance on assistance to Jews.

Non protection of the unjust.

The document has around 50 clauses and several deal with the relationships and treatment of the various tribes, how the Muslims should deal with injustice, the place of justice within and outside the community; fair dealing & equity; the ummah as sacrosanct. Overall the document is a contract governing the Muslim community and the inhabitants of Yathrib. But it also points out lessons and guidelines for future generations. Several of the clauses may well apply to Muslims of today and provides indicators for inclusion in a 21st century Muslim Charter.

4. The Charter of Muslims of Europe:

The "Muslims of Europe Charter" (MEC) too has a particular context which may be encapsulated as follows: Greater immigrant communities throughout Europe for example Muslims number between 2 and 3 million in the UK; France is recognized as home to the second largest Islamic faith community; Germany is reported to have a large Turkish community. Eastern Europe too has several Muslim communities e.g. Bosnia, Kosova, and

the Rumelia nations of Bulgaria and Romania. Several of the European nations are also former colonizers of Muslim lands e.g. Italy, France, Britain and Spain. With the War on Terror and Europe closely aligned to USA foreign policy, Muslims tend to get the brunt of anti Islamic propaganda, Islamophobia, and generally recipients of hostile attitudes. Muslims of Europe also need to respond positively to this imposed undue hostile environment.

When over 400 organisations signed the 26 clause charter, a sense of unity and calm prevailed because the Muslims of Europe now felt that they were one body, albeit diverse, which gave them a sense of protection. The charter aims “to define a number of principles in accordance with the common understanding of Islam within the European context and to set thenceforth the foundations of greater positive interaction with society.” (MCE).

The rationale for the charter is stated as follows:

“The contribution of Islam to modern Europe as well as the rooted Islamic presence as represented by Muslims in many of the Eastern European states. Likewise, the establishment of Muslim communities in several Western European countries has witnessed a shift from a transitory presence of foreign migrants to a more permanent presence.

The Muslim presence in Europe requires a framework of citizenship based on justice, equality of rights, with respect for difference, and the recognition of Muslims as a European religious community.

In line with the expansion and development of the European Union, there is a need for greater co-operation among Muslims of Europe.

The need to enhance the values of mutual understanding, working for peace and the welfare of society, moderation and inter-cultural dialogue, removed from all inclinations of extremism and exclusion.

The importance of Islam in the world and its spiritual, human and civilisational potential requires a rapprochement with the West, and Europe in particular, in order to ensure justice and peace in the world.

These considerations have led European Muslim organisations to formulate this charter in the hope of enhancing the role of Muslims in benefiting European society and to help it build bridges with the rest of the Muslim world.” (MEC)

From the foregoing it is clear that Muslims of Europe are committed to the Islamic values of cooperation, peace, justice, mutual respect and understanding between the diverse Muslim communities and nationalities. Muslims also seek to assert themselves as citizens of their countries and demand the recognition as free and equal citizens. Then there is the important role that Islam as religion plays in the spiritual, human development and civilisational arenas and Islam's contribution to world civilization.

A perusal of the Muslim of Europe Charter indicates several categories of clauses:

Section one deals with the understanding of Islam. 13 clauses in this section deal with several aspects of their understanding of Islam: its basis of the Quran and Sunnah; the immutability of its laws and principles; its, values, rulings, and principles; the Islamic perspective to diversity and difference; its attitude to discrimination on the basis of

colour; its promotion of compassion, mutual support, co-operation and brotherhood, and care for the poor, needy, and sick; the articulation of women's rights, human rights, family values, dialogue, cooperation, consultation, and the promotion of values of honesty and the upholding of pledges and promises.

Section two deals with the Muslim Presence in Society. The next 10 clauses deal with the principles of interaction among Muslims including their unity despite their diversity, coming together, co-operating and co-ordinating the efforts of their different institutions and organisations; Citizenship, and Islam's Contribution to Europe

The charter thus comprehensively covers a range of issues that will suffice for them to be active and developing citizens, contributing to their countries of residence and living and behaving in terms of Islamic norms and values.

This leads us to a brief analysis of the Freedom Charter.

5. Analysis of the Freedom Charter

The context of the Freedom Charter is the wrath and fury of the inhuman colonialist apartheid system forcefully foisted upon the Black people of South Africa. (In this context Black means people of African origin, the so called "coloureds" and "Asians" who lived under these harsh regimes). Under this system, Black people did not have basic human rights of freedom to have a decent education, to own a home or property, to study at an institution of ones choice; to have a free quality basic education; to marry a person of ones choice; to enter the professions ones choice; and to have representative leaders of ones choice in the ruling chambers of government and lawmakers. This naturally led to frustration, the formation of underground movements, and generally the resistance to white domination. It also saw the birth of political agitation.

The Freedom charter was adopted by People of South Africa at the "Congress of the People" in Kliptown, Soweto, (Johannesburg) on 26 June 1955. The preamble to the Freedom Charter states:

"We, the People of South Africa, declare for all our country and the world to know:

that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

And therefore, we, the people of South Africa, black and white together equals, countrymen and brothers adopt this Freedom Charter;

And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won.”

The Freedom Charter has 10 sections dealing with various demands translated into a number of rights and demands. These may be delineated as follows:

The People Shall Govern! All National Groups Shall have Equal Rights! The People Shall Share in the Country's Wealth! The Land Shall be Shared Among Those Who Work It! All Shall be Equal Before the Law! All Shall Enjoy Equal Human Rights! There Shall be Work and Security! The Doors of Learning and Culture Shall be Opened! There Shall be Houses, Security and Comfort! There Shall be Peace and Friendship!

Each of the aforementioned “Shalls” has a number of sub demands. The document envisions a democratic society free of discrimination and prejudice on the basis of race, ethnicity, gender, colour, and belief. It also envisions a society where justice is administered independently and equally amongst the people. Significantly the document is not party – political (although the African National Congress claims it as its own) as it emphasizes the people of South Africa as a single nation. Furthermore, because the Charter was adopted by largely people who bore the brunt of the brutality of the apartheid system, there is a commitment in the concluding sentence:

“Let all people who love their people and their country now say, as we say here:

THESE FREEDOMS WE WILL FIGHT FOR, SIDE BY SIDE, THROUGHOUT OUR LIVES, UNTIL WE HAVE WON OUR LIBERTY”

7. Proposal for a Charter for SA Muslims

An analysis Muslims of South Africa can be made in several ways: Population; Racial breakdown; challenges facing Muslims in SA; their socio –economic standing; their contribution to the liberation movement; their early history; their sufferings under slavery, colonialism and apartheid; the impact of democracy on the community; the religious diversity; etc. A much more detailed paper on the subjects of the “History of Muslims in SA; The Impact of colonialism, apartheid and Democracy 1652-2008” (Reference) be referred to for a more in-depth discussion.

Suffice to say that Muslims in South Africa are a resilient community which has made tremendous progress in all fields of endeavour despite their shortcomings and hardships endured. The major challenge now is to forge a new vision and a future for itself. This was never done previously because of their “mental colonization” and circumstances. But now there are tremendous opportunities since the liberation of the country in 1994 and the new constitution which guarantees religious freedom and several other rights that were clamored for in the Freedom Charter.

So what is the rationale for a Muslim Charter for SA Muslims?

8. Rationale for a Charter of Muslims of South Africa.

There are several reasons why Muslims of SA should have a charter that is widely accepted and adopted as its own.

a) The Prophets example

The origin of charters or deeds can be traced back in some form or another during the Roman era and perhaps in other earlier civilizations. However the Medina Charter seems to be revered as the first written constitution in world government history. As Muslims who are followers of the Prophet Muhammad's (s a w) teachings and guidelines, it may be sufficient to say that he laid the foundations of developing a charter to regulate the relationships and understandings of communities residing within the city state of Medina. And herein lays the first argument. The Prophet showed an example of peaceful coexistence and documented the details of the understandings. This should be strong enough justification for his followers, albeit in the 15th century to learn and follow that experience.

b) Association of persons

Wherever there is an association of persons involving mutual rights and obligations, it would be prudent to reduce the understanding of that relationship to writing so that the parties are clear of their respective rights and duties in terms of that understanding. This is to avoid conflicts, infighting, misunderstandings, breakdowns in relationships, and generally to promote harmony between the parties concerned. There are ample examples of conflicts and breakdowns where there is no clear understanding of the relationship. One example is marriage. Others are partnerships. Yet others are masjid jamaats, schools, clubs, and societies.

c) Quranic injunction to reduce to writing

Sura Baqara v 282 exhorts us to reduce to writing transactions that involve future obligations. One needs to look at this verse as going beyond simple (or complex) commercial transactions. We often hear of Huququl ibaad - the rights of others in our daily transactions.

d) Quranic references to treaties, alliances, and covenants

Several verses of the Qur'an allude to treaties, alliances and/ or covenants. This indicates that there have been agreements and undertakings in some form of contract. Hence these documents do become binding contracts between the parties concerned. Some times these covenants are between whole populations and Allah.

e) International best practice

It is common cause that treaties are often signed between two nations e.g. bilateral agreements in terms of which there will be a range of cooperation areas e.g. trade, cultural exchange, technology exchange etc. These are normally documented and govern the relationships between the parties concerned.

f) Memorandum of Understanding

Often in partnerships or collaboration relationships between two or more groups of people or institutions, a memorandum of Understanding is signed to govern the relationship and to

spell out the rights and obligations of the parties concerned. The MOU is in fact a contract or a charter between the parties.

g) Constitution

The constitution of South Africa gives the right to freedom of association. The Bill of rights enshrines the right to language, culture, and religion. While the constitution was agreed upon by various parties in a negotiated settlement, it has not prevented communities with South Africa to organise themselves. On the contrary it has promoted a culture of “unionization” and “collective action”. Muslims have not taken advantage of the Constitutional Democracy that they find themselves in.

h) Voices of Constituencies

The Muslim community of South Africa does not have a unified voice that speaks for all. Yes, there are groupings such as the Jamiat, UUCSA, Islamic Council, and several others. Yet they do not speak on behalf of all Muslims as does the Jewish Board of Deputies, or the Hindu Seva Samaj. The Muslim entities speak on behalf of their constituencies (and sometimes purport to speak on behalf of the community) rather than truly on behalf of the community. The voices are therefore disparate and sometimes conflicting.

l) Islamic values

Islamic values of unity, brotherhood, cooperation in righteousness are undermined so long as there is no mutual understanding between members of the community.

j) Alienation

Because of a lack of clear direction, often intelligentsia in the community is alienated.

k) Clear Vision & Mission

With no charter, the vision and mission of the community is not clearly spelt out with the result that the community operates in a vacuum and lack the guiding signposts that are needed. A charter will embody a vision and a mission that is collectively agreed upon.

l) Quran is our Constitution

Often the argument against a charter is that the Quran is our constitution and that we do not need any other document to regulate our lives. The simple answer lies in the Medina Charter which took into account the special circumstances that the Prophet found himself in despite the fact that he already had thirteen years of revelation. And moreover he was the Prophet of Allah. How much more is required from us, hundreds of generations down the line. The Charter has to embody principles and values that are in alignment with the Quran and teachings of the Prophet SAW, but has to take into account peculiarities of situations and particularities of communities.

m) Clear Objectives and Policies

Muslims of South Africa lack clear policies and guidelines on several issues: Poverty alleviation; citizenship; self positioning; empowerment; cross cultural and cross racial and ethnic relations and attitudes. A Charter will give guidelines to these issues.

n) Public Relations

The Muslim Charter will become a reference point for both friends and foes in the public arena and will provide good public relations value to the Muslim community of South Africa.

8. Content of the Muslim Charter for SA

In a recent initiative of Awqaf SA, the following was stated:

There needs to develop a Charter – among Muslim organisations and accepted by the broader Muslim Community to create a platform of mutual cooperation and understanding..

The Charter needs to incorporate a set of understandings as follows:

- an understanding of a way to relate to one another
- an understanding of a way to relate to the broader SA community
- an understanding of a way to relate to the SADC, and African Union
- an understanding of a way to relate to the International Community
- an understanding of where the Muslim Community would like to aspire to reach economically, politically, socially, educationally
- an understanding of the roles it aspires to play in the broader SA community, SADC, AU and International communities and countries
- an understanding of the fundamental values that the community rests on particularly values of social justice and our commitment to poverty alleviation and sustainable development
- an understanding of the institutions, their place, role and accountability within the Muslim community.
- An understanding of the roles and expectations of individuals within the Muslim community and beyond
- Etc.....
- Of fundamental importance is the acceptance of the Charter by the large majority of Muslims based on (a) an advertising campaign (the public consultation (b) acceptance by major organisations

From the foregoing, the content of the Muslim Charter may eventually contain several sections and clauses that may incorporate a variety of ideas and principles from the Medina Charter, the Muslims of Europe Charter and the Freedom Charter. The overriding clauses will always be the guidance of the Quran and Sunnah, and the acceptance of these sources as fundamental to any agreement between Muslims.

9. Conclusion

The Muslim Charter of South Africa may be a ground breaking document for Muslims not only in South Africa but following the example of the Minorities of Europe, other minorities in Africa, the Americas, Asia and elsewhere.

This paper argues for a Muslim Charter for South African Muslims living in a democratic society having a history of trial and tribulation under successive colonialist and apartheid regimes. Some basic ideas of the concept of a charter were discussed and this was followed by a discussion of three important documents namely the Medina Charter, the Muslims of Europe Charter, and the Freedom Charter. The proposal and rationale for a South African Muslim charter was discussed.

It is hoped that, with the support of the community at large, its professionals and leaders will be amenable to a document that is both inclusive and visionary, and portrays the ideals of the Muslim Ummah locally and globally.

References

[Canadian Charter of Rights and Freedoms](#)

laws.justice.gc.ca/en/charter/ - [Similar pages](#)

[Charter of the United Nations](#)

... have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations. ...

www.un.org/aboutun/charter/

The Freedom Charter

Wikipedia

Muslims of Europe Charter

The Medina Charter

Annexure A

The Freedom Charter

Adopted at the Congress of the People, Kliptown, on 26 June 1955

We, the People of South Africa, declare for all our country and the world to know:

that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;

that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief;

And therefore, we, the people of South Africa, black and white together equals, countrymen and brothers adopt this Freedom Charter;

And we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won.

The People Shall Govern!

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws;

All people shall be entitled to take part in the administration of the country;

The rights of the people shall be the same, regardless of race, colour, or sex;

All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

All National Groups shall have Equal Rights!

There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;

All people shall have equal right to use their own languages, and to develop their own folk culture and customs;

All national groups shall be protected by law against insults to their race and national pride;

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

All apartheid laws and practices shall be set aside.

The People Shall Share in the Country's Wealth!

The national wealth of our country, the heritage of South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industry and trade shall be controlled to assist the wellbeing of the people;

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

The Land Shall be Shared Among Those Who Work It!

Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose;

People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.

All Shall be Equal Before the Law!

No-one shall be imprisoned, deported or restricted without a fair trial; No-one shall be condemned by the order of any Government official;

The courts shall be representative of all the people;

Imprisonment shall be only for serious crimes against the people, and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on grounds of race, colour or belief shall be repealed.

All Shall Enjoy Equal Human Rights!

The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;

The privacy of the house from police raids shall be protected by law;

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;

Pass Laws, permits and all other laws restricting these freedoms shall be abolished.

There Shall be Work and Security!

All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

Child labour, compound labour, the tot system and contract labour shall be abolished.

The Doors of Learning and Culture Shall be Opened!

The government shall discover, develop and encourage national talent for the enhancement of our cultural life;

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contact with other lands;

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;

Education shall be free, compulsory, universal and equal for all children; Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;

Adult illiteracy shall be ended by a mass state education plan;

Teachers shall have all the rights of other citizens;

The colour bar in cultural life, in sport and in education shall be abolished.

There Shall be Houses, Security and Comfort!

All people shall have the right to live where they choose, be decently housed, and to bring up their families in comfort and security;

Unused housing space to be made available to the people;

Rent and prices shall be lowered, food plentiful and no-one shall go hungry;

A preventive health scheme shall be run by the state;

Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children;

Slums shall be demolished, and new suburbs built where all have transport, roads, lighting, playing fields, creches and social centres;

The aged, the orphans, the disabled and the sick shall be cared for by the state;

Rest, leisure and recreation shall be the right of all:

Fenced locations and ghettos shall be abolished, and laws which break up families shall be repealed.

There Shall be Peace and Friendship!

South Africa shall be a fully independent state which respects the rights and sovereignty of all nations;

South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation - not war;

Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;

The people of the protectorates Basutoland, Bechuanaland and Swaziland shall be free to decide for themselves their own future;

The right of all peoples of Africa to independence and self-government shall be recognised, and shall be the basis of close co-operation.

Let all people who love their people and their country now say, as we say here:

**THESE FREEDOMS WE WILL FIGHT FOR, SIDE BY SIDE, THROUGHOUT OUR LIVES, UNTIL WE
HAVE WON OUR LIBERTY**

THE MEDINA CHARTER

622 C.E.

In the name of God the Compassionate, the Merciful.

- (1) This is a document from Muhammad the prophet (governing the relations) between the believers and Muslims of Quraysh and Yathrib, and those who followed them and joined them and labored with them.
- (2) They are one community (amah) to the exclusion of all men.
- (3) The Quays emigrants according to their present custom shall pay the blood wit within their number and shall redeem their prisoners with the kindness and justice common among believers.
- (4-8) The B. 'Auf according to their present custom shall pay the blood wit they paid in heathenism; every section shall redeem its prisoners with the kindness and justice common among believers. The B. SA Ida, the B. 'I-Harish, and the B. Justas, and the B. al-Najjaar likewise.
- (9-11) The B. 'Amr b. 'Auf, the B. al-Nabit and the B. al-'Aus likewise.
- (12)(a) Believers shall not leave anyone destitute among them by not paying his redemption money or bloodwit in kindness.
- (12)(b) A believer shall not take as an ally the freedman of another Muslim against him.
- (13) The God-fearing believers shall be against the rebellious or him who seeks to spread injustice, or sin or animosity, or corruption between believers; the hand of every man shall be against him even if he be a son of one of them.
- (14) A believer shall not slay a believer for the sake of an unbeliever, nor shall he aid an unbeliever against a believer.
- (15) God's protection is one, the least of them may give protection to a stranger on their behalf. Believers are friends one to the other to the exclusion of outsiders.
- (16) To the Jew who follows us belong help and equality. He shall not be wronged nor shall his enemies be aided.
- (17) The peace of the believers is indivisible. No separate peace shall be made when believers are fighting in the way of God. Conditions must be fair and equitable to all.
- (18) In every foray a rider must take another behind him.
- (19) The believers must avenge the blood of one another shed in the way of God.

(20)(a) The God-fearing believers enjoy the best and most upright guidance.

(20)(b) No polytheist shall take the property of person of Quraysh under his protection nor shall he intervene against a believer.

(21) Whoever is convicted of killing a believer without good reason shall be subject to retaliation unless the next of kin is satisfied (with blood-money), and the believers shall be against him as one man, and they are bound to take action against him.

(22) It shall not be lawful to a believer who holds by what is in this document and believes in God and the last day to help an evil-doer or to shelter him. The curse of God and His anger on the day of resurrection will be upon him if he does, and neither repentance nor ransom will be received from him.

(23) Whenever you differ about a matter it must be referred to God and to Muhammad.

(24) The Jews shall contribute to the cost of war so long as they are fighting alongside the believers.

(25) The Jews of the B. 'Auf are one community with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons except those who behave unjustly and sinfully, for they hurt but themselves and their families.

(26-35) The same applies to the Jews of the B. al-Najjar, B. al-Harith, B. Sai ida, B. Jusham, B. al-Aus, B. Tha'laba, and the Jafna, a clan of the Tha'laba and the B. al-Shutayba. Loyalty is a protection against treachery. The freedmen of Tha'laba are as themselves. The close friends of the Jews are as themselves.

(36) None of them shall go out to war save the permission of Muhammad, but he shall not be prevented from taking revenge for a wound. He who slays a man without warning slays himself and his household, unless it be one who has wronged him, for God will accept that.

(37) The Jews must bear their expenses and the Muslims their expenses. Each must help the other against anyone who attacks the people of this document. They must seek mutual advice and consultation, and loyalty is a protection against treachery. A man is not liable for his ally's misdeeds. The wronged must be helped.

(38) The Jews must pay with the believers so long as war lasts.

(39) Yathrib shall be a sanctuary for the people of this document.

(40) A stranger under protection shall be as his host doing no harm and committing no crime.

(41) A woman shall only be given protection with the consent of her family.

(42) If any dispute or controversy likely to cause trouble should arise it must be referred to God and to Muhammad the apostle of God. God accepts what is nearest to piety and goodness in this document.

(43) Quraysh and their helpers shall not be given protection.

(44) The contracting parties are bound to help one another against any attack on Yathrib.

(45)(a) If they are called to make peace and maintain it they must do so; and if they make a similar demand on the Muslims it must be carried out except in the case of a holy war.

(45)(b) Every one shall have his portion from the side to which he belongs.

(46) The Jews of al-Aus, their freedmen and themselves have the same standing with the people of this document in purely loyalty from the people of this document. Loyalty is a protection against treachery. He who acquires ought acquires it for himself. God approves of this document.

(47) This deed will not protect the unjust and the sinner. The man who goes forth to fight and the man who stays at home in the city is safe unless he has been unjust and sinned. God is the protector of the good and God-fearing man and Muhammad is the apostle of God.

This text is taken from A. Guillaume, *The Life of Muhammad* — A Translation of Ishaq's Sirat Rasul Allah, Oxford University Press, Karachi, 1955; pp. 231-233. Numbering added.

Muslims of Europe Charter

Since early 2000, the Federation of Islamic Organisations in Europe (FIOE) debated the establishment of a charter for the Muslims of Europe, setting out the general principles for better understanding of Islam, and the bases for the integration of Muslims in society, in the context of citizenship.

The FIOE formed a committee to prepare the charter, which was discussed at the organisations leadership level. The charter was then presented to many European Islamic bodies at a seminar attended by their representatives and held in Brussels in January 2002. The project was then disseminated widely, to include the greatest possible number of Muslim organisations in order to add their comments and suggestions.

After amendments were approved, and duly incorporated, the final version of the charter was ready. It was signed by Muslim organisations from 28 European states; these are listed in the accompanying document. Thereafter, signature of the charter will remain open to all organisations that decide to adopt it.

Introduction to the Charter:

Despite their diversity, Muslims of Europe share common values and principles. In order to portray this to European society they need to clearly express their religious convictions and the nature of their presence in Europe.

This charter aims to define a number of principles in accordance with the common understanding of Islam within the European context and to set thenceforth the foundations of greater positive interaction with society.

The rationale for such a charter includes:

The contribution of Islam to modern Europe as well as the rooted Islamic presence as represented by Muslims in many of the Eastern European states. Likewise, the establishment of Muslim communities in several Western European countries has witnessed a shift from a transitory presence of foreign migrants to a more permanent presence.

The Muslim presence in Europe requires a framework of citizenship based on justice, equality of rights, with respect for difference, and the recognition of Muslims as a European religious community.

In line with the expansion and development of the European Union, there is a need for greater co-operation among Muslims of Europe.

The need to enhance the values of mutual understanding, working for peace and the welfare of society, moderation and inter-cultural dialogue, removed from all inclinations of extremism and exclusion.

The importance of Islam in the world and its spiritual, human and civilisational potential requires a rapprochement with the West, and Europe in particular, in order to ensure justice and peace in the world.

These considerations have led European Muslim organisations to formulate this charter in the hope of enhancing the role of Muslims in benefiting European society and to help it build bridges with the rest of the Muslim world.

Articles of the Charter

Section one: on the understanding of Islam:

1. Our understanding of Islam is based on immutable, basic principles that are derived from the authentic sources of Islam: the Qur'an and the Prophetic traditions (Sunnah), within the framework of Muslim scholarly consensus and with consideration for the time factor as well as the specifics of the European reality.

2. The true spirit of Islam is based on moderation as extended from the Universal Objectives (Maqasid) of this religion. This moderation avoids both laxity and excessiveness and reconciles reason and divine guidance, taking into consideration the material and spiritual needs of man, with a balanced outlook on life which brings together the reality of the next life with constructive work in this world.

3. In its principles, rulings and values, Islam can be structured around the following three areas: the creed as expressed in the six pillars of faith - Belief in God, the Angels, the revealed books, the messengers, the Hereafter and Divine Decree; the Shari'ah as expressed in acts of Worship and human interaction; and the Ethical code which lays down the foundations for living a good life. These three interconnected areas are complementary and aim to fulfill the Interests (Maslaha) of humanity and avert harm from it.

4. The emphasis on the human dimension, legislative flexibility and respect

for diversity and natural differences among human beings are general characteristics of Islam.

5. Islam honours human beings. This honour embraces all the children of Adam, both male and female, without discrimination. By virtue of this honour, human beings are to be protected from anything that is an affront to their dignity, is harmful to their mental faculties, is damaging to their health or which abuses their rights by exploiting their vulnerabilities.

6. Islam gives particular emphasis to the social dimension and calls for compassion, mutual support, co-operation and brotherhood. These values apply particularly to the rights of parents, relatives and neighbours but also to the poor, the needy, the sick, the elderly and others, regardless of their race or creed.

7. Islam calls for equality between man and woman within the framework of human dignity and mutual respect and views that a balanced life is one in which the relationship between man and woman is harmonious and complementary. It unequivocally rejects all notions or actions that undermine women or deprive them of their legitimate rights, regardless of certain customs and habits of some Muslims. Islam rather confirms women's indispensable role in society and strongly opposes the exploitation of women and their treatment as mere objects of desire.

8. Islam considers that a family based on the bonds of marriage between a man and a woman is the natural and necessary environment for the raising of future generations. The family is an indispensable condition for the happiness of the individual and stability of society. Thus, Islam emphasises the significance of taking all measures in order to reinforce the family and protect it from all things that will weaken or marginalise its role.

9. Islam respects human rights and calls for equality among all human beings; it rejects all forms of racial discrimination and calls for liberty. It condemns compulsion in religion and allows the individual freedom of conscience. However, Islam encourages that freedom should be exercised in accordance with moral values, such that it does not infringe upon the rights of others.

10. Islam calls for mutual acquaintance, dialogue and co-operation among people and nations so as to enhance stability and guarantee peace in the world. The term Jihad that occurs in Islamic texts means to exert all efforts towards good, starting from reforming oneself to spreading truth and justice between people. Jihad in its understanding as warfare is regarded as one of the means available to any sovereign state when it needs to defend itself against aggression. The teachings of Islam, in this respect, are in line with international law. Based on such an understanding of Jihad, Islam rejects violence and terrorism, supports just causes and affirms the right of all people to defend themselves by legitimate means.

11. Islam enjoins Muslims to be honest and to respect their pledges;

forbidding treason and treachery. It also commands them to pursue excellence in dealings with other people, as well as with the rest of creation.

12. Given the virtues of consultation (Shura) and with consideration to human experience in the political, legislative and constitutional realms, Islam affirms the principles of democracy based on pluralism, freedom to choose one's political institutions and peaceful alternation of power.

13. Islam urges human beings to use nature in a responsible manner. This requires the preservation of the environment and its protection from all causes of pollution and harm as well as from anything that may destroy the delicate balance of nature. Likewise, it requires the protection of natural resources and forbids cruelty to animals, over consumption and wastage of wealth.

Section two: the Muslim Presence in Society:

The principles of interaction among Muslims:

14. Despite their ethnic and cultural diversity and their affiliations to various schools of Islamic law and thought, Muslims of Europe constitute one religious entity within the framework of Islamic principles, united by fraternity. They are also tied with each other, in each European country, by their belonging to the same national entity. Any discrimination arising between them based on ethnic origin is against the value of Islam which emphasises unity.

15. Considering the basic principles of their religion and their common interests, Muslims of Europe are urged to come together, co-operate and co-ordinate the efforts of their different institutions and organisations. This should not fail to recognise the natural diversity that exists among them, within the framework of Islam as generally agreed by scholarly consensus.

16. In addition to their belonging to the country in which they reside and their commitment to the demands of citizenship, Muslims of Europe retain their links with fellow Muslims by virtue of the normal relationship which exists between members of the same community.

On Citizenship:

17. Muslims of Europe respect the laws of the land and the authorities that uphold them. This should not prevent them from individually or collectively defending their rights and expressing their opinions based on their specific concerns as a religious community or on any general matter that concerns them as citizens. Whenever there is a conflict with regard to certain laws and matters that are specific to religion, the relevant authorities should be approached in order to arrive at suitable and viable solutions.

18. Muslims of Europe adhere to the principle of neutrality of the state regarding religious affairs. This means dealing fairly with all religions and allows those who hold religious values to express their beliefs and

practise the rites of their religion either as individuals or groups, in conformity with European and international human rights charters and treaties. Muslims have, therefore, the right, as religious communities, to establish mosques, religious, educational and welfare institutions, to practise their religion in day-to-day affairs such as diet, clothing and other needs.

19. As European citizens, Muslims of Europe consider it their duty to work for the common good of society. Their endeavour for the common good is as important as defending their rights. Finally, an authentic understanding of Islam requires of Muslims to be active and productive citizens who are useful to society.

20. Muslims of Europe are urged to integrate positively in their respective societies, on the basis of a harmonious balance between preservation of Muslim identity and the duties of citizenship. Any form of integration that fails to recognise the right of Muslims to preserve their Islamic personality and the right to perform their religious obligations does not serve the interests of Muslims nor the European societies to which they belong.

21. Muslims of Europe are encouraged to participate in the political process as active citizens. Real citizenship includes political engagement, from casting one's vote to taking part in political institutions. This will be facilitated if these institutions open up to all members and sections of society, an opening up which takes into account competence and ideas.

22. Muslims of Europe emphasise their respect for pluralism and the religious and philosophical diversity of the multicultural societies they live in. They believe that Islam affirms the diversity and differences that exists between people and is not discomforted by this multicultural reality. Rather, Islam calls for members of society to appreciate and enrich one another through their differences.

Islam's Contribution to Europe:

23. Through its universal and humane principles, Islam adheres to the rapprochement of all people who respect the rights of others and their particularities, who abide by the rules of fairness among people in matters of dealings and co-operation. Starting from these principles, Muslims of Europe consider it their duty to participate in strengthening relations between Europe and the Muslim World. This requires the removal of all the prejudices and negative images which stand between Islam and the West in order to build bonds of rapprochement between people and to establish bridges of fruitful exchanges among different civilizations.