

FEDERAL JUDICIAL ACADEMY
ISLAMABAD

**CHARTER OF HUMAN FREEDOM
AND RIGHTS**

One of the World's Greatest Historic Documents

By

Hazrat Ali

Hazrat Ali, the Great Caliph of Islam and the first in the line of the imamate, apart from his abiding contribution to spiritual thought, is known to the Arabic world as a great jurist and man of letters. According to the historian Masudi (Murooj-uz-Zahab Masudi Vol. II, P.33. Egypt), Hazrat Ali is credited with not less than 480 treatises, lectures and epistles on a variety of subjects dealing with philosophy, religion, law and politics, as collected by Zaid Ibn Wahab in the Imam's own life time. So highly valued are these contributions both for their contents and their intrinsic literary worth that some of his masterpieces, throughout the course of Islamic history, have become subjects of study in centres of Muslim learning. Indeed, his reputation seems to have travelled into Europe at the time of the Renaissance, for, we find that Edward Powcock, (1604-1691) a professor at the University of Oxford, published the first English translation of his 'Sayings' and delivered in 1639 a series of lectures on his 'Rhetoric'.

I have given below a translation from Arabic into English of Hazrat Ali's famous letter of instructions addressed as caliph to the then Governor of Egypt Malik Ashtar. This letter according to Fehrist-e-Tusi (p.33) was first copied in the time of Hazrat Ali himself by Asbagh bin Nabata, and later on reproduced or referred to in their writings by various Arab and Egyptian scholars, chief of them being Nasr ibn Mazahim (148 A.H.) Jahiz Basari (225 A.H.) Syed Razi (404 A.H.) Ibn-i-Abil Hidaid (665 A.H.) Ibn-i-Abduh, the reformer of Egypt and Allama Mustafa Bok Najib, the great living scholar of Egypt. The last named regards this letter as a basic guide in Islamic administration.

Rasheed Turabi

THE RICHEST TREASURE

Be it known to you. O Malik, that I am sending you as Governor to a country which in the past has experienced both just and unjust rule. Men will scrutinise your actions with a searching eye, even as you used to scrutinise the actions of those before you, and speak of you, even as you did speak of them. The fact is that the public speak well of only those who do good. It is they who furnish the proof of your actions. Hence the richest treasure that you may covet should be the treasure of good deeds. Keep your desires under control and deny yourself that which has been prohibited, for, by such abstinence alone, will you be able to distinguish between what is good for them and what is not.

Develop in your heart the feeling of love for your people and let it be a source of kindness and blessing to them. Do not behave with them like a barbarian, and do not appropriate to yourself that which belongs to them. Remember that the citizens of the state are of two categories. They are either your brethren in religion or your brethren in kind. They are subject to infirmities and liable to commit mistakes. Some indeed do commit mistakes. But forgive them even as you would like God to forgive you. Bear in mind that you are placed over them, even as I am placed over you. And then there is God even above who has given you the position of a Governor in order that you may look after those under you and be sufficient unto them. And you will be judged by what you do for them.

Do not set yourself against God, for neither do you possess the strength to shield yourself against His displeasure, nor can you place yourself outside the pale of His mercy and forgiveness. Do not feel sorry over any act of forgiveness, nor rejoice over any punishment that you may mete out to any one. Do not rouse yourself to anger, for no good will come out of it.

Do not say: "I am your overlord and dictator, and that you must therefore, bow to my commands", as that will corrupt your heart, weaken your faith in religion and create disorder in the state. Should you be elated by power or ever feel in your mind the slightest symptoms of pride and arrogance, then look at the power and majesty of the Divine governance of the Universe over which you have absolutely no control. It will restore the sense of balance to your wayward intelligence and give you a sense of calmness and affability. Beware ! Never put yourself against the majesty and grandeur of God and never imitate his omnipotence. For God has brought low every rebel of God and every tyrant of man.

Let your mind respect through your actions the rights of God and the rights of man, and likewise, persuade your companions and relations to do likewise. For, otherwise, you will be doing injustice to yourself and injustice to humanity. Thus both man and God will turn into your enemies. There is no respect anywhere for one who makes an enemy of God himself. He will be regarded as one at war with God until he feels contrition and seeks forgiveness. Nothing deprives man of divine blessings or excites divine wrath against him more easily than cruelty. Hence it is, that God listens to the voice of the oppressed and waylays the oppressor.

THE COMMON MAN

Maintain justice in administration and impose it on your own self and seek the consent of the people, for, the discontent of the masses underlines the contentment of the privileged few and the discontent of the few loses itself in the contentment of the many. Remember, the privileged few will not rally round you in moments of difficulty; they will try to side-track justice, they will ask for more than they deserve and will show no gratitude for favours done to them. They will feel restive in the face of trials and will offer no regret for their shortcomings. It is the common man who is strength of the State and Religion. It is he who fights the enemy. So live in close contact with the masses and be mindful of their welfare.

Keep at a distance he who pries into the weaknesses of others. After all, the masses are not free from weaknesses. It is the duty of the ruler to shield them. Do not bring to light that which is hidden, but try to remove those weaknesses which have been brought to light. God is watchful of everything that is hidden from you, and He alone will deal with it. To the best of your ability conceal the weaknesses of the public, and God will hide the weaknesses in you, which you are anxious to keep away from their eye. Unloose the tangle of mutual hatred between the public and the administration and remove all those causes which may give rise to strained relations between them. Protect yourself from every such act as may not be quite correct for you. Do not be quick to confirm the teller of tales, for, the tale-teller is a deceitful person appearing in the garb of a friend.

THE COUNSELLORS

Never take counsel of a miser, for, he will impair your magnanimity and make you timid. Do not take counsel of a coward also, for, he will cheat you of your resolves. Do not take counsel of he who is greedy either: for he will instil greed in you and turn you into a tyrant. Miserliness, cowardice and greed deprive man of his trust in God.

The worst of counsellors is he who has served as a counsellor to unjust rulers and shared their crimes. So, never let men who have been companions of tyrants or shared their crimes be your counsellors. You can get better men than these, men gifted with

intelligence and foresight, but unpolluted by sin, men who have never aided a tyrant in his tyranny or a criminal in his crime. Such men will never be a burden to you. On the other hand, they will be a source of help and strength to you at all times. They will be friends to you and strangers to your enemies. Choose such men alone for companionship both in privacy and in public. Even among these, show preference to those who have a habitual regard for truth, however, trying to you at times their truth may prove to be, and who offer you no encouragement in the display of tendencies which God does not like his friends to develop.

Keep close to you the upright and the God-fearing, and make clear to them that they are never to flatter you and never to give you credit for any good that you may not have done: for the tolerance of flattery and unhealthy praise stimulates pride in man and makes him arrogant.

Do not treat the good and the bad alike. That will deter the good from doing good, and encourage the bad in their bad pursuits. Recompense every one according to their deserts. Remember that mutual trust and good-will between the ruler and the ruled are bred only through benevolence, justice and service. So cultivate good will amongst the people; for their good-will alone will save you from troubles. Your benevolence to them will be repaid by their trust in you, and your ill treatment by their ill-will.

Do not disregard the noble traditions set by our forbears which have promoted harmony and progress among the people; and do not initiate anything which might minimise their usefulness. The men who established those noble traditions have had their reward; but responsibility will be yours if they are disturbed. Try always to learn something from the experience of the learned and the wise, and frequently consult them in state matters so that you may maintain the peace and good will which your predecessors established in the land.

THE DIFFERENT CLASSES OF PEOPLE

Remember that the people are composed of different classes. The progress of one is dependent on the progress of every other; and none can afford to be independent of the other. We have the army formed of the soldiers of God, we have our civil officers and their establishments, our judiciary, our revenue collectors and our public relations

officers. The general public itself consists of Muslims and Zimmis and among them of merchants and craftsmen, the unemployed and the indigent. God has prescribed for them their several rights, duties and obligations. They are all defined and preserved in the Book of God and in the traditions of His Prophet.

The army, by the grace of God, is like a fortress to the people and lends dignity to the state. It upholds the prestige of the Faith and maintains the peace of the country. Without it the state cannot stand. In its turn, it cannot stand without the support of the state. Our soldiers have proved strong before the enemy because of the privilege God has given them to fight for Him but they have their material needs and have therefore to depend upon the income provided for them from the state revenue. The military and the civil population who pay revenue, both need the cooperation of others – the judiciary, civil officers and their establishment. The Qazi administers civil and criminal law; the civil officers collect revenue and attend to civil administration with the assistance of their establishment. And then there are the tradesmen and the merchants who add to the revenue of the state. It is they who run the markets and are in a better position than others to discharge social obligations. And then there is the class of the poor and the needy, whose maintenance is an obligation on the other classes. God has given appropriate opportunity of service to one and all. Then there are the rights of all these classes over the administration which the administrator has to meet with an eye to the good of the entire population, a duty which he cannot fulfil properly unless he takes a personal interest in its execution and seeks help from God. Indeed, it is obligatory on him to impose this duty on himself, and to bear with patience the inconveniences and difficulties incidental to this task.

THE ARMY

Be particularly mindful of the welfare of those in the army who in your opinion, are staunchly faithful to their God and Prophet and loyal to their chief, and who in their hour of passion can restrain themselves and listen coolly to sensible remonstrance, and who can succour the weak and smite the strong, who will not be thrown into violent temper by violent provocation and who will not falter at any stage.

Keep yourself in close contact with families of established reputation, integrity and a glorious past, and draw to yourself men brave and upright in character, generous and benevolent in disposition: for such are the salt of society.

Care for them with the tenderness with which you care for your children, and do not talk before them of any good that you might have done to them, nor disregard any expression of affection which they show in return: for such conduct inspires loyalty, devotion and good-will. Attend to every little of their wants not resting content with some general help that you may have given to them, for sometimes timely attention to a little want of theirs brings them immense relief. Surely these people will not forget you in your own hour of need.

It behoves you to select for your Commander-in-chief one who imposes on himself as a duty the task of rendering help to his men, and who can excel every other officer in kindness who has to attend to the needs of the men under him, and look after their families when they are away from their homes; so much so, that the entire army should feel united in their joys and in their sorrows. The unity of purpose will give them added strength against the enemy. Continue to maintain a kindly attitude towards them so that they might feel ever attached to you. The fact is that the real happiness of the administration lies in establishing justice in the state and maintaining affectionate relations with the people. Their sincerity of feelings is expressed in the love and regard they show to you, on which alone depends the safety of the administrators.

Your advice to the army will be of no avail, unless and until you show affection to both men and officers, in order that they might not regard the Government as an oppressive burden or contribute to its downfall.

Continue to satisfy their needs and praise them over and over again for such services as they have rendered. Such an attitude, God willing will inspire the brave to braver actions and induce the timid to deeds of bravery.

Try to enter into the feelings of others and do not foist the mistakes of one upon another and do not begrudge dispensing appropriate rewards. See to it that you do not show favours to one who has done nothing but merely counts on his family position; and do not withhold proper rewards from one who has done great deeds simply because he holds a low position in life.

THE REAL GUIDANCE

Turn to God and to His Prophet for guidance whenever you feel uncertain as to what you have to do. There is the commandment of God delivered to those people whom He wishes to guide aright: “O people of Faith! Obey God and obey God and obey His Prophet and those from among you who hold authority over you. And refer to God and His Prophet whenever there is a difference of opinion among you”. To turn to God is in reality to consult the Book of God; and to turn to the Prophet is to follow his universally accepted traditions.

CHIEF JUDGE

Select for your chief judge one from the people who is by far the best among them – one who is not obsessed with domestic worries, one who cannot be intimidated, one who does not err too often, one who does not turn back from a right path once he finds it, one who is not self-centred or avaricious, one who will not decide before knowing full facts, one who will weigh with care every attendant doubt, and pronounce a clear verdict after taking everything into full consideration, one who will not grow restive with the arguments of advocates and who will examine with patience every new disclosure of fact and who will be strictly impartial in his decision, one whom flattery cannot mislead or one who does not exalt himself over his position. But it is not easy to find such men.

Once you have selected the right man for the office, pay him handsomely enough, so that he may live in comfort and in keeping with his position, enough to keep him above temptations. Give him a position in your court so high that none can even dream of coveting it and so high that neither back biting nor intrigue can touch him.

SUBORDINATE JUDICIARY

Beware! The utmost carefulness is to be exercised in their selection: for it is this high office which adventurous self-seekers aspire to secure and exploit in their selfish interests. After the selection of your chief judge, give careful consideration to the

selection of other officers. Confirm them in their appointments after approved apprenticeship and probation. Never select men for responsible posts either out of any regard for personal connections or under any other influence, for, that might lead to injustice and corruption.

From these, select for the higher posts men of experience, men firm in faith and belonging to good families. Such men will not fall an easy prey to temptations and will discharge their duties with an eye to the abiding good of others. Increase their salaries to give them a contented life. A contented living is a help to self-purification. They will not feel the urge to tax the earnings of their subordinates for their own upkeep. They will then have no excuse either to go against your instructions or misappropriate state funds. Keep loyal and upright men to watch over them without their knowledge. Perchance they may develop true honesty and true concern for the public welfare. But whenever one of them is accused of dishonesty, and the guilt is confirmed by the report of your secret service, then regard this as sufficient to convict him. Let the punishment be corporal and let him be dealt within public at an appointed place of degradation.

REVENUE ADMINSTRARION

Great care is to be exercised in revenue administration, to ensure the prosperity of those who pay the revenue to the state: for on their prosperity depends the prosperity of others, particularly the prosperity of the masses. Indeed, the state exists on its revenue. You should regard the proper upkeep of the land in cultivation as of greater importance than the collection of revenue, for revenue, for revenue cannot be derived except by making the land productive. He who demands revenue without helping the cultivator to improve his land, inflicts unmerited hardship on the cultivator and ruins the State. The rule of such a person does not last long. If the cultivators ask for reduction of their land cess for having suffered from epidemics or drought or excess of rains or the barrenness of the soil or floods damaging to their crops, then reduce the cess accordingly, so that their condition might improve. Do not mind the loss of revenue on that account for that will return to you one day manifold in the hour of greater prosperity of the land and enable you to improve the condition of your towns and to raise the prestige of your state. You will be the object of universal praise. The people will believe in your sense of justice. The

confidence which they will place in you in consequence will prove your strength, as they will be found ready to share your burdens.

You may settle on the land any number of people, but discontent will overtake them if the land is not improved. The cause of the cultivator's ruin is the rulers who are bent feverishly on accumulating wealth at all costs, out of the fear that their rule might not last long. Such are the people who do not learn from examples or precedents.

CLERICAL ESTABLISHMENT

Keep an eye on your establishment and your scribes; and select the best among them for your confidential correspondence, such as possess high character and deserve your full confidence, men who will not exploit their privileged position to go against you and who will not grow neglectful of their duties and who in the drafting of treaties will not succumb to external temptation and harm our interests, or fail to render you proper assistance and to save you from trouble, and who in carrying out their duties can realise their serious responsibilities, for he who does not realise his own responsibilities can hardly comprehend the responsibilities of others. Do not select men for such work merely on the strength of your first impressions of their affection or good faith; for as a matter of fact, the pretensions of a good many, who are really devoid of honesty and good breeding, may cheat even the intelligence of rulers. Selection should be made after due probation – probation which should be the test of righteousness. In making direct appointments from the people, see to it that those selected possess influence with the people and who enjoy the reputation of being honest; for such selection is agreeable both to God and Ruler. For every department of administration let there be a head to whom no trying task might cause worry and no pressure of work annoy.

And remember that every weakness of anyone among your establishment and scribes, which you may overlook, will be written down against you in your scroll of deeds.

TRADE AND INDUSTRY

Adopt useful schemes placed before you for those engaged in trade and industry and help them with wise counsels. Some of them live in towns, and some move from

place to place with their wares and tools and earn their living by manual labour. Trade and industry are sources of profit to the State. While the general public is not inclined to bear the strain, those engaged in these professions take the trouble to collect commodities from far and near, from land and from across the sea, and from mountains and forests and naturally derive benefits.

It is this class of peace living people from who no disturbance need be feared. They love peace and order; indeed they are incapable of creating disorder. Visit every part of the country and establish personal contact with this class, and enquire into their condition. But bear in mind that a good many of them are intensely greedy and are inured to bad dealings. They hoard grain and try to sell it at a high price; and this is most harmful to the public. It is a blot on the name of a ruler not to fight this evil. Prevent them from hoarding; for the Prophet of God – Peace Be on Him – had prohibited it. And see to it that trade is carried on with the utmost ease, that the scales are evenly held and that prices are so fixed that neither the seller nor the buyer is put to a loss. And if in spite of your warning, should and one go against your commands and commit the crime of hoarding, then deal with him appropriately with severe punishment.

THE POOR

Beware! Fear God when dealing with the problem of the poor who have no patrons, who are forlorn, indigent and helpless and are greatly torn in mind – victims of the vicissitudes of time. Among them there are some who do not question their lot in life and who notwithstanding their misery, do not go about abegging. For God's sake, safeguard their rights; for on you rests the responsibility of their protection. Assign for their greater comfort a portion of the state exchequer (baitul-mal), wherever they may be, whether close at hand or far wavy from you. The rights of all should be equal in your eye. Do not let any preoccupations dismiss them from your mind; for no excuse whatsoever for the disregard of their rights will be acceptable to God. Do not treat their interests as of less importance than your own, and never keep them outside the purview of your important considerations, and mark the persons who look down upon them and of whose conditions they keep you in ignorance.

Select from among your officers such men as are meek and God-fearing who can keep you properly informed of the condition of the poor. Make such provision for these poor people as shall not oblige you to offer an excuse before God on the day of judgement; for it is this section of the people more than any other which deserves benevolent treatment. Seek your reward from God by giving to each of them what is due to him and enjoin on yourself as a sacred duty the task of meeting the needs of such aged among them as have no independent means of livelihood and are averse to seeking alms. And it is the discharge of this duty that usually proves very trying to rulers, but is very welcome to societies or nations who truly carry out with equanimity their covenant with God to discharge their duty to the poor.

OPEN CONFERENCES

Meet the oppressed and the lowly periodically in an open conference, and conscious of the divine presence there, have a heart-to-heart talk with them, and let none from your armed guard or civil officers or members of the police or the intelligence department be by your side, so that the representatives of the poor might state their grievances fearlessly and without reserve. For I have heard the Prophet of God saying that no nation or society will occupy a high position in which the strong do not discharge their duty to the weak. Bear with composure any strong language which they may use, and do not get annoyed if they cannot state their case lucidly, even so, God will open for you His door of blessings and rewards. Whatever you can give to them, give it ungrudgingly, and whatever you cannot afford to give, make that clear to them with utmost sincerity.

There are certain things which call for prompt action. Accept the recommendations made by your officer for the redress of the grievances of the clerical staff. See to it that petitions or applications submitted for your consideration are brought to your notice the very day they are submitted, however much your officers might try to prevent this. Dispose of the day's work that very day, for the coming day will bring with it its won tasks.

COMMUNION WITH GOD

And then do not forget to set apart the best of your time for communion with God, although every moment of yours is for Him only, provided it is spent sincerely in the service of your people. The special time that you give to prayer in the strict religious sense is to be devoted to the performance of the prescribed daily prayers. Keep yourself engaged in these prayers both in the day and in the night, and to gain perfect communion, do not as far as possible let your prayers grow tiresome. And when you lead in congregational prayer, do not let your prayer be so lengthy as to cause discomfort to the congregation or raise in them the feeling of dislike for it or vitiate its effect: for in the congregation there may be invalids and also those who have to attend to pressing affairs of their own.

When I asked of the Prophet of God, on receiving an order to proceed to Yaman, how I should lead the people over there in prayer, he said “Perform your prayers even as the weakest among you do; and set an example of considerateness to the faithful”.

ALLOFNESS NOT DESIRABLE

Alongside the observance of all that I have said above bear one thing in mind. Never for any length of time keep yourself aloof from the people, for to do so is to keep one self ignorant of their affairs. It develops in the ruler a wrong perspective and renders him unable to distinguish between what is important and what is not, between right and wrong, and between truth and falsehood. The ruler is after all human and he cannot form a correct view of anything which is out of sight. There is no distinctive sign attached to truth which may enable one to distinguish between the different varieties of truth and falsehood. The fact is that you must be one of two things. Either you are just or unjust. If you are just, then you will not keep yourself away from the people, but will listen to them and meet their requirements. On the other hand, if you are unjust, the people themselves will keep away from you. What virtue is there in your keeping aloof? At all events aloofness is not desirable, especially when it is your duty to attend to the needs of the people. Complaints of oppression by your officers or petitions for justice should not prove irksome to you.

Understand well that some immediately about and around you will like to exploit their position to covet what belongs to others and commit acts of injustice. Suppress such a tendency in them. Make it a rule of your conduct never to give even a small piece of land to any of your relations. That will prevent them from causing harm to the interests of others and save you from courting the disapprobation of both God and man.

Dispense justice fairly regardless of the fact whether an accused is a relation or not. If any of your relations or companions violates the law, mete out the punishment prescribed by law, however, painful it might be to you personally; for it will be all to the good of the State. If at any time people suspect that you have been unjust to them in any respect, disclose your mind to them and remove their suspicions. In this way your mind will get attuned to the sense of justice and people will begin to love you. It will also fulfil your wish that you should enjoy their confidence.

PEACE AND TREATISE

Be mindful that you do not throw away the offer of peace which your enemy may himself make. Accept it, for that will please God. Peace is a source of comfort to the army; it reduces your worries and promotes order in the State. But beware! Be on your guard when the peace is signed; for certain types of enemies propose terms of peace just to lull you into a sense of security only to attack you again when you are off your guard. So you should exercise the utmost vigilance on your part, and place no undue faith in their protestations. But if, under the peace treaty you have accepted any obligations, discharge those obligations scrupulously. It is a trust and must be faithfully upheld and whenever you have promised anything, keep it with all the strength that you can command, for whatever differences of opinion might exist on other matters, there is nothing so noble as the fulfilment of a promise. This is recognised even among the non-Muslims, for they know the dire consequences which follow from the breaking of covenants. So never make excuses in discharging your responsibilities and never break a promise, nor cheat your enemy. For, breach of promise is an act against God, and none except the positively wicked acts against God.

Indeed divine promises are a blessing spread over all mankind. The promise of God is a refuge sought after even by the most powerful on earth; for there is no risk of

being cheated. So, do not make any promise form which you may afterwards offer excuses to retract; nor must you go back upon what you have confirmed nor do you break your bond, however galling it may at first prove to be. For, it is far better to wait in patience for wholesome results to follow than to break a treaty out of any apprehensions.

Beware! Abstain from shedding blood without a valid cause. There is nothing more harmful than this. The blood that is wilfully shed shortens the life of a state. On the day of judgement it is this crime for which one will have to answer first. So, beware! Do not wish to build the strength of your state on blood; for it is this blood which ultimately wakens the state and passes it on the other hands. Before me and my God no excuse for wilful killing can be entertained.

Murder is a crime which is punishable by death. If on any account the corporal punishment dealt out by the state for any lesser crime results in the death of the guilty, let not the prestige of the state stand in any way of the deceased's relations claiming blood money.

LAST INSTRUCTIONS

Do not make haste to do a thing before its time, nor put it off when the right moment arrives. Do not insist on doing a wrong thing, not show slackness in rectifying a wrong thing. Perform everything in its proper time, and let everything occupy its proper place. When the people as a whole agree upon a thing, do not impose your own view on them and do not neglect to discharge the responsibility that rests on your in consequence. For, the eyes of the people will be on you and you are answerable for whatever you do to them. The slightest dereliction of duty will bring its own retribution. Keep your anger under control and keep your hands and tongue in check. Whenever you fall into anger, try to restrain yourself or else you will simply increase your worries.

It is imperative on you to study carefully the principles, which have inspired just and good rulers who have gone before you. Give close thought to the example of our Prophet (Peace Be Upon Him), his traditions, and the commandments of Book of God and whatever you might have assimilated from my own way of dealing with things. Endeavour to the best of your ability to carry out the instructions which I have given you here and which you have solemnly undertaken to follow. By means of this order, I enjoin

on you not to succumb to the promptings of your own heart or to turn away from the discharge of the duties entrusted to you.

I seek the refuge of the might of the Almighty and of His limitless sphere of blessings, and invite you to pray with me that He may give us together the grace willingly to surrender our will to His will, and to enable us to acquit ourselves before Him and His creation; so that mankind might cherish our memory and our work survive. I seek of God the culmination of His blessings and pray that He may grant you and me His grace and the honour of martyrdom in His cause. Verily, we have to return to him. I invoke His blessings on the Prophet of God and his pure progeny.