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The heritage of the Emir Abd el Qader el Jazairy or the Universality of Islamic values

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Excellencies,
Mr. Director of the Oxford Centre for Islamic Studies,
Ladies and gentlemen,

I am delighted to be invited as the Executive Director of the Geneva Centre for Human Rights Advancement and Global Dialogue. It is a special pleasure for me to speak about the rich legacy in international human rights law and humanitarian law of the Emir Abd el Qader el Jazairy. He is indeed an irreplaceable source of inspiration in our soul-searching to address challenges of our contemporary societies.

The Board of the Geneva Centre has great respect for the valuable work of the Oxford Centre for Islamic Studies. I am certain that both our centres will make the most of their obvious complementarities to contribute to the enlightenment of public opinion world-wide, paving the way for better international understanding. I offer my profound thanks to Dr Farhan Nizami, his deputy, Ambassador Richard Makepiece and the staff of the Oxford Institute for inviting me to address this prestigious audience.

A famous Arab thinker and anthologist of the 9th century, Abu Temmam once said:

« There are amongst people those who are dead but who remain alive by their evocation and those who are alive and well but who, for people, are dead. »

By this standard, the Emir Abd el Qader el Jazairy is very much alive today with city squares and streets across the world bearing his name and with even a city in Iowa, in the US, named after him. Not a single year has elapsed in recent times without new books and innumerable articles being published about this towering international figure.

Honoured he was by no lesser world leaders of his time than Abraham Lincoln, Queen Victoria, Tsar Alexander II, Sultan Abdelmajid I and of course Napoleon III. Praised also was he by no lesser writers and poets than Rimbaud and Voltaire, Browning and Thackeray.

The Emir is known to have fought the French invaders of Algeria for 17 years from 1830 to 1847. He waged 116 battles and confronted, at times defeating them, 5 princes of the French Royal Household, ten field-m Marshals and 150 generals. Despite the fact that the French army outnumbered 10 to 1 the troops of the Emir, despite the former's resort to weapons of mass destruction of the times, the almighty mobile cannon, the French conquest was slow, even laborious. Its vagaries called for the replacement of the Minister of War in France 16 times during this period.

This was the longest resistance ever opposed by Algeria to foreign invasion and occupation. Jugurtha, born in 160 BC, for instance, a courageous leader of Algeria, resisted 7 years to the Roman invasion. Algeria's liberation war 1954-1962 also lasted 7 years. In December 1847 the fighting officially ended leading to what Algerians refer to as a treaty to end hostilities. The French called it, not ingenuously, a surrender. By this treaty the French committed *inter alia* to the transfer of the Emir, his family and followers to Alexandria or Acre. However, the treaty was shamefully violated by France. As Thackeray said:

“How have they kept their promise? Turned they the vessel's prow

Unto Acre, Alexandria, as they have sworn e'en now?

Not so: from Oran northwards the white sails gleam and glance,

And the wild hawk of the desert is borne away to France!”

This saga of the sword, though impressive, is not why the memory of the Emir is still so vivid in people's mind to this day. His spiritual longevity, as it were, is related to the universal character of the values he upheld and to the relevance of his legacy to contemporary concerns. This was his saga of the pen.

Despite the cruelty of the French invaders, the Emir led a chivalrous war. At the end of the 1830ies the Emir introduced rules concerning the humane treatment of prisoners. This developed in 1842 into his Code for the Protection of Prisoners. He summoned, in the midst of the war, a congress of 300 of his most important decision-makers and had this

revolutionary code adopted. The Code prohibited torture, a practice now reintroduced in a major power in the form of “waterboarding”. Upholding human rights in wartime is not easy. Even the UK announced in October 2016 that it would derogate during wartime to the European Convention on Human Rights. In the same spirit, it has decided to discontinue the Iraq Historic Allegations Team.

The Emir’s Code also prohibited mistreatment of prisoners and the killing of unarmed enemy soldiers or prisoners. In the Emir’s jails, there were no “enemy combatants” prevented from enjoying basic human rights. Indeed the code recognised prisoners’ right even to have a chaplain and to share the same material conditions as the Emir’s own troops.

He introduced the practice of exchanging prisoners. One first exchange took place at Sidi Khelifa in 1841. However no further exchanges occurred because the French decided that what was taken away by force, whether prisoners or property should only be regained by force.

Henri Dunant, the great Swiss humanitarian activist is credited with having introduced the first code to protect war prisoners that led to the creation of the Red Cross. That was in 1863, some twenty years after the adoption of the Emir’s Code. Dunant had spent 15 years in Algeria before taking his world-famous initiative. He refers to the Emir in his correspondence. It may therefore be safely surmised that the initiator of humanitarian law was none other than the Emir himself.

He was fighting to protect the community which had elected him. The act of allegiance was the prevailing form of selection of a leader by society. We would call it an “election” in today’s parlance. This popular endorsement of his leadership took place first in the plain of Ghriss part of the green pasture highlands of Western Algeria, then in the town of Mascara, then in other regions across the whole country except for the town of Algiers, under French occupation and of Constantine. He therefore had democratic credentials, which was not the case for the Dey of Constantine who was appointed by the Ottoman sultan.

In his first acceptance speech, the Emir committed to upholding the rule of law among those who served the State as well as among citizens. He

stated that he would make no difference between them and that in particular any relative of his would be treated no differently from any other person. This is in modern language a behaviour precluding conflict of interest between State and family, a contentious political issue right now. Having separated the executive from the judicial power, he also established a justice review court to ascertain that judicial decisions would not be subject to influence - peddling by the mighty. This again is a topical issue.

One finds in the Emir's saga an antidote to current day islamophobia. By "islamophobia", one means a phobic behaviour broadly accepted in some quarters as a manifestation of freedoms of opinion and of expression where Islam is concerned. Such broad interpretation of the above freedoms is not however tolerated in those same quarters for a kindred phobic behaviour taking the form of anti-semitism.

The Emir evinced the true meaning of Jihad which has now been distorted in the press world-wide using phobic language. The Greater Jihad for him, as for all true Muslims, is the fight against one's own temptations and weaknesses. He resorted to Sufism to practise Greater Jihad, a form of meditation akin to Christian mysticism. He also practised the Lesser Jihad which consists in exerting oneself to resist to a foe if one is attacked, a right to self-defence enshrined in the United Nations' Charter. His Jihad was admired even in North America and led the Founding Fathers of the city of Elkader in Iowa to make him the symbol of their commitment to freedom in the 1850's.

Today this correct understanding of Jihad has evaporated. Regrettably, this results from the fact that terrorist groups in the Middle East have misused the concept of "Jihad" to justify heinous crimes. Their hijacking of faith is no different from other terrorists such as those of the Ugandan Lord's Resistance Army who claim to invoke the Christian faith as their inspiration or of Nigeria's Boko Haram who do the same, also with Islam.

All these violent extremists manipulate religion to claim legitimacy for action condemned by all civilisations. Where illiteracy or ignorance is widespread this alleged religious cover can be a good recruiting gambit. What is worrying however is that the world press by calling these

groups “Jihadis”, a barbarism which does not even exist in Arabic, actually confirm their alleged religious legitimacy. Rather than denouncing the criminalization of Islam, they islamize crime. The media thus provide such groups with recruitment publicity while stimulating in credulous people’s minds, both in the Middle East and in the West, a conflation of Islam with terrorism. Even the Head of a major power who cursed the misrepresentation of facts by the media, now falls into their trap. He does so by also equating Islam with terrorism not just in rhetoric but in action by shutting out of his land nationals from several mainly Moslem countries. This is providing additional unsolicited recruitment support for terrorist groups, the likes of so-called Daesh.

Increasing numbers of Muslims are offended and consider that their dignity is being trampled by this amalgamation. They respond with equally sweeping condemnations of the faith of their critics. This creates social tension at the local as well as the international levels.

The Emir had anticipated populist antagonism as we witness it today. Thus he said about what we now refer to as islamophobic postures: “When we see people deprived of insight who labour under the delusion that the principle of Islam is steeped in dogmatism, roughness, violence and barbarity, this is an opportunity for us to repeat these words: what is required is patience and in God we must confide”. In other words, he recommends to Muslims who are ever more under pressure today outside their ancestral region, not to be overwhelmed by their anger for the assaults on their dignity that they experience. Only spirituality, he advises, will enable wisdom and forethought to be the masters in full control of their minds and to provide a rational response. This applies totally to current provocations.

Likewise he might be referring to some contemporary doctrinaire preachers when he writes referring to Islam: “The harm done to religious prescriptions can unfortunately be ascribed more to those who have claimed to uphold religion through inappropriate means rather than to those who have fought it.”

This Cherif or descendent of the Holy Prophet (PBUH) reaffirmed the great convergence between Abrahamic religions, in particular between

Islam and Christianity. He asserted in a letter of July 1862 to a French bishop, Mgr. Pavy, that the teachings of both of these faiths were the same and could be encapsulated in two principles: the worship of God and compassion towards His creatures. Our religions, he averred, only differ in the prescriptions provided as to how best to comply with these cardinal principles.

This brings the Emir to the conclusion in his book “Reminder to the Thoughtful and Notice to the Oblivious” that religions are complementary and all lead to tolerance. Thus religious intolerance or religious violence, I would add, are oxymorons.

The value of “tolerance” (for lack of a better word) elicited by the Emir Abd el Qader was the hallmark of his *magnum opus*, the Book of Halts wherein he wrote: “The Divine in itself espouses a variety of states and refuses to remain in a single manner of being”. In other words, he explains that the perception of the Divine by the Christians corresponds to God’s reality but He is not only that. Muslims of all denominations perceive also a correct vision of the Divine but God is that and is also more than that...The Emir goes on to say:” Whoever limits the Real (that is the Divine) to one creed and does not recognize it in any other, whichever it may be, is in denial of God”. The author concludes thus: “God embraces the beliefs of all His creatures as embraces them His mercy”.

This vision of a great convergence between Islam and Christianity to be put at the service of the protection of all religious minorities across the world needs to be re-discovered. It is advocated by the Holy Qur’an itself (29:46) wherein God says: “Say: We believe in He who was revealed to us and who was revealed to you. Your God and our God is one and to him we are subservient”.

This really goes beyond tolerance which should only be a transitional stage towards empathy. As a Sufi, Hadj Abd el Qader bin Mahieddine saw that only through empathy with people of other faiths could one progress on the path to one’s own faith. Dialogue starts between you and me and then I become you and you become me; then we realize that there is only Him. That, of course is the ultimate stage of mystical faith and wisdom. In that vision of true Islam, the Emir was a disciple of

Mahieddin Ibn Arabi, one of the most famous Sufis of the XIIIth century who said:

“My heart has become capable
Of taking all forms,
It is a pasture for gazelles
An abbey for monks
A table for the Torah,
Kaaba for the pilgrim.
My religion is love,
Whichever the route love’s caravan shall take,
That shall be the path of my faith.”

The Qur’an asserts that there is no compulsion in religion. In a comment written to the Imam Chamyl of Chechnia, the Emir recalled that “Moslem Law is one that ensures social cohesion and preserves us from dissension”. By what diabolical stratagem can a religion of love be instrumentalised, as it is today, and as others were before, to become a tool for violence?

It is no wonder therefore when in July 1860 civil strife broke out between Muslims and Christians in Damascus where the Emir ultimately settled in exile, that he stood up courageously for the oppressed Christian minority. There were 14,000 Christians in the town. The Emir assisted by two hundred Algerian followers who had preceded or joined him in his Syrian exile succeeded in rounding up under his protection 11,000 of them. Not over his dead body or that of his men would they let the angry crowds get at these Christians.

Foreign observers later asked him why he had risked his life to rescue these Christians when other Christians had invaded his native land, destroyed it and were colonizing it. His reply was that he had fought the French for so long not because they were Christians but because they had invaded his country. As for rescuing the Christians of Damascus from sure death, he had just complied with the teachings of the Qur’an that states the following: “Whoever kills a single soul wantonly is as if he had killed the whole of mankind and whoever saves one is as if he had saved the whole of mankind”(5:32). He added in a letter of 1862 to Mgr Pavy that his action was dictated by a concern for the “rights of

humanity” an expression that preceded, and anticipated on, the adoption of the Universal Declaration of Human Rights 85 years later.

Such was the way this enlightened statesman, who was clearly ahead of his time, advocated the protection of minorities and the right to life, the most sacred of all human rights.

In conclusion, values deemed today to be universal were not all of western origin. Thus close to 4 millennia ago, the king of Babylon, Hammurabi proclaimed in his famous code the basic principle of penal law: the presumption of innocence of the accused until proved guilty.

Also in pre-Islamic times, the inhabitants of Mecca pledged, in an alliance called the Treaty of the Virtuous, to stand up for the rights of the oppressed or of a minority or of any stranger that might come to town to trade with Meccans.

In compliance with the principle of Shura, the Emir made sure he had the full support of the population in order to lead the country democratically. He introduced the separation of the executive from the legislative authority and the principles of good governance. He rejected autocracy and consulted his officials before taking any major decision. He had an austere lifestyle and was detached from worldly possessions. Most of all, he introduced humanitarian law on the battlefield. He also upheld the “rights of humanity” including the right to life and the protection of religious minorities. He thus was the harbinger of the contemporary concept of humanitarian law and human rights law. History has not given him adequate credit for his foresight.

The Emir Abd el Qader el Jazairy was thus a precursor of universal values in policy and in deeds. These values have come to be adopted and proclaimed in contemporary times without, alas!, necessarily leading to compliance on the ground. Therein lies the topical character or exemplary nature of the heritage of this humble Muslim that practised what he preached. One could liken him to a tree whose roots were steeped in his Arab-Islamic soil but whose branches reached out to the world.