

**Mīthāq al-Madīnah: A Universal Charter of Peace**

*(An Analytical Study in the Modern Socio-Political Context)*

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**ABSTRACT**

Different religious, political and social leaders tried their best to establish peace and prosperity in the society in different phases of the human history. An influential effort out of these efforts is that of the Prophet (ﷺ) Muḥammad. The Prophet (ﷺ) faced a pluralistic society of different faiths and religions in Madīnah. So, to make a better relationship and establish peace between the Muslims and the other communities of Madīnah, an agreement, which is called Mīthāq al-Madīnah, was made. Mīthāq al-Madīnah was not only a deed, but it presents all those principles and regulations, which were mandatory for peace building in a state or society. The excellent aspect of this charter is that the recipients of this charter were not the Muslims only, but a pluralistic society of different faiths. These communities were bound to establish peace with an agreement. This charter is an excellent model of peace, prosperity, freedom and human rights. According to this charter, all the parties were free with their religious beliefs and social interests. It was also the constitution of Madīnah. The renowned Muslim scholars are unanimously agreed that it was the first written constitution of the world. This agreement provides all other communities of Madīnah (the Jews, the Christians, and the polytheists) equal rights and freedom. Consequently, the charter of Madīnah can become a base for enduring peace and peaceful coexistence in a pluralistic world for the sake of the welfare of the human beings.

***Keywords:*** *Mīthāq al-Madīnah, Global Charter, Pluralistic Society, Analytical Study, Universal Peace, Modern, sociopolitical context.*

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## Introduction:

Peace has been the most vital issue for the humankind since they came into being; especially, it becomes the most significant and burning issue in the contemporary socio-political world. Scholars of every faith and community have understood this fact through the experience of centuries that all the human resources and the intellectual development are based on peace and peaceful coexistence. The prophets and the socio-political leaders tried their best to establish peace in the world in different phases of history. Every voice has its own vision and importance, but an influential voice, out of these voices, is that of the Prophet Muḥammad (ﷺ). This is not only a voice, but, a leading character that influenced the entire humanity in the shortest time of history.

Muḥammad (ﷺ) is the Prophet of peace and mercy. His (ﷺ) message of peace and mercy is not limited to the Muslims only, but, to all of the humankind all over the world. Almighty Allāh describes this fact in the noble Qur'ān<sup>(1)</sup> in this way:

﴿ وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ ﴾<sup>(2)</sup>

*“We sent thee not (O, the messenger of Allāh), but as a Mercy for all creatures.”*

The Prophet Muḥammad (ﷺ) said about peace:

*“A perfect Muslim is the one from whose tongue and hands, the mankind is safe.”<sup>(3)</sup>*

In fact, it is the divine message of peace for all the humankind without any discrimination of faith, color, race and gender. The Holy prophet (ﷺ) made the best efforts for peace and peace building, wherever he got the chance. These are not just my religious affiliation, nor are the sentiments, which compel me to state this, but it is a great fact; the human history bears witness to it. Another the most significant and the notable point is that the Prophet Muḥammad (ﷺ) influenced the humanity more than anyone else in this world.

A well-known Muslim scholar says:

*“History has neither witnessed nor will ever witness again another human figure whose presence, thought, action, inaction and eventual demise exerted such a profound impact on the humanity as did the Holy Prophet Muḥammad (ﷺ).”<sup>(4)</sup>*

Even the enemies of Islām accept this fact.

### **The Historical Perspective of Mīthāq al-Madīnah:**

When the Prophet (ﷺ) arrived at Madīnah, he faced a pluralistic society of different faiths and religions. So to make a better relationship and establish peace between the Muslims and the other communities of Madīnah, an agreement, which is called Mīthāq al-Madīnah (Charter of Madīnah) was signed. A renowned Sīrah writer, Dr. ‘Alī Muḥammad al-Sallābī states about the Charter:

*“When the Prophet (ﷺ) came into Madīnah, he wrote a legal document to manage the relationship of the citizens of Madīnah, which is called in historical books Mīthāq al-Madīnah.”<sup>(5)</sup>*

It was not only a deed, but it presents all those principles and regulations that were mandatory for peace building in a state or society, even most of them are the part of the constitutions of the developed countries of the modern world. Almost all of the Sīrah writers give place to this imperative document in their books.

It should be kept in mind that the socio-political scenario of Madīnah was different from that of Makkah. Dr. Muḥammad Ḥamīdu’llah writes:

*“When the Holy Prophet (ﷺ) started his preaching and reformative work in the Holy City of Makkah and proposed a change in the beliefs and practices, existing for generations, he first surprised his countrymen, then he was hated and, in the end, he encountered their opposition and hostility.”<sup>(6)</sup>*

Therefore, it seems suitable to analyze the socio-political situation of Madīnah, where the Prophet (ﷺ) signed this agreement to establish peace and prosperity of the state and society. When the Prophet (ﷺ) moved to Madīnah, he faced a pluralistic society of

different faiths and communities. In Makkah there were only two parties: the Quraysh of Makkah (the polytheists) and the Muslims companions of the Prophet (ﷺ). In Madīnah there were powerful groups of the Jews, the ancient tribes of polytheists and a little minority of the Christians, even the total number of al-Aws and al-Khizraj did not completely accept Islām.

A well-known Islamic Scholar Mawlānā Ṣafī al-Reḥmān writes about this situation:

*“The Prophet Muḥammad (ﷺ) faced three different nations of the society in Madīnah. “These were the Muslims, the Jews, and the ancient tribes of Madīnah. The problems of every nation were totally different from others.”<sup>(7)</sup>*

Therefore, it was a big challenge for the Prophet (ﷺ) to manage the issues according to their status and environment. It is also significant to discuss briefly the different communities of Madīnah. In this way, we can see and observe how the Prophet Muḥammad (ﷺ) managed to overcome these issues through the help of Almighty Allāh and his Prophetic wisdom.

### **The Muslims (the Muhājirīn and the Anṣār):**

The first major and dominant group of Madīnah was the Muslims, who belong to Muhājirīn (the immigrants) of Makkah and the Anṣār (the helpers) of al-Aws and al-Khizraj tribes. These were the followers of the Prophet Muhammad (ﷺ) and ready to face any kind of sacrifice for the sake of Allāh and his Prophet (ﷺ). There were two core issues regarding the Muslims: one was, to economically accommodate them, especially, the immigrants, and the other was, to unite them for the Islamic mission and reconstruct a peaceful society in Madīnah. It means that peace and peaceful society are essential for the economic, as well as, the social and the spiritual development. For that purpose, the Prophet Muḥammad (ﷺ) established an agreement between the Muslims (Anṣār and Muhājirīn) that is called Mawākhāt al-Madīnah (the Islamic

Brotherhood). Mawlānā Munīr Aḥmad says regarding this agreement:

*“The Prophet Muḥammad (ﷺ) for peace building in Madīnah did an excellent work which is called Mawākhāt (the Brotherhood), It was the first peace agreement of the world, the core objective of it was to eliminate all kinds of discrimination based on country, race and tribes; all standards of respect and disrespect based on humanity and Taqwā.”<sup>(8)</sup>*

According to my perception, it is not only an agreement, but, a legal document with ethical and spiritual authority. In this way, the Muslims were accommodated socially, economically and spiritually.

### **The Polytheists of Madīnah:**

The second important, but less resistant community were the ancient tribes of Madīnah. Basically, they were the sub-clans (branches of the said tribe) of al-Aws and al-Khizraj and the original inhabitants of Madīnah. Most of them embraced Islām and the remaining had no hostile sentiments about Islām and the Prophet (ﷺ). Peace had become their collective weakness and need, because the battles, lasted for decades, had wasted their economic, human and social capital.

Mawlānā Shiblī No‘mānī said:

*“In Madīnah the relationship between the Anṣār (al-Aws & al-Khizraj) and the Jews was not so good. But the civil war of the Aws and the Khizraj smashed the peace of Madīnah. The battle of Bu‘āth had broken the power of the Aws and the Khizraj. The Jews of Madīnah tried their best that they might not unite each other.”<sup>(9)</sup>*

Imām Bukhārī also narrates a Ḥadīth of the Prophet (ﷺ) from Ḥaḍrat ‘Āi’shah (RA) on the demerits of the battle of Bu‘āth. Ḥaḍrat ‘Ā’ishah (RA) says:

*“When the Prophet (ﷺ) came in to Madīnah they (al-Aws and al-Khizraj) were divided into rival faction and their nobles had been killed or wounded. God brought this about before the coming of His Prophet (ﷺ), so that they might embrace Islām.”<sup>(10)</sup>*

In other words, they were waiting for a savior of the society. Even most of them were ready to make ‘Abdullah Ibn Obayy as the supreme leader of Madīnah. In the meanwhile, the Prophet Muḥammad (ﷺ) arrived at Madīnah and became the collective voice of peace and prosperity of the society. In this way, the polytheist tribes and the ancient individuals of Madīnah became the part of this peace agreement without any reservations and hesitation.

### **The Jews of Madīnah:**

The third most important and influential community of Madīnah was the Jews. There were many tribes of Jews in Madīnah and its surroundings, but three were very prominent, Banū Qurayzah, Banū Naḍīr and Banū Qaynuqā‘. They were the traders and they earned wealth during the battles and conflicts of al-Aws and al-Khizraj through interests and weapons. They were very dangerous, rich and had also the ability to create law and order situation in Madīnah. They had a wider role in the politics of Madīnah. So, it seems necessary to introduce the Jews of Madīnah in detail, because they were the strong community of Madīnah and an important part of the Mīthāq al-Madīnah. This is also an open truth that no leader could neglect them for the sake of peace and prosperity of Madīnah. So, after Mawākhāt-e-Madīnah between the Anṣār and the Muhājirīn, the Prophet (ﷺ) kept full focus and attention on the Jews.

The Jews were not the actual citizen of Madīnah. Then, a valid academic question is that why and from where the Jews came in Madīnah. According to the Islamic historians, basically, they belonged to Jerusalem and Syria. They came in Madīnah after the fall of Jerusalem from Byzantines and Assyrians. Mawlānā Ṣafī al-Reḥmān writes:

*“They came in Madīnah due to the persecution and the injustice of the Romans and the Assyrians and permanently settled in Ḥijāz. Actually, they came from Greece, but adopted the local ‘Arab culture, civilization, dress-code and other manners of life.”<sup>(11)</sup>*

He further said:

*“Although they got mixed with the ‘Arab society, even the name of their children became ‘Arabic and instanced the intermarriages with the local ‘Arab tribes, however, they retained their individual identity and ethnic supremacy of being Jewish-Isrā’īlī.”*<sup>(12)</sup>

They believed in the priority of religious racism and did not feel hesitate to call the ‘Arabs, ignorant (Ummyyīn). They eat their resources unlawfully, without any moral right. Allāh describes about this in the Holy Qur’ān:

﴿ذَلِكَ بِأَنَّهُمْ قَالُوا لَيْسَ عَلَيْنَا فِي الْأُمِّيَّةِ سَبِيلٌ﴾<sup>(13)</sup>

*“There is no call on us (to keep faith) with these ignorant (Arabs).”*

The Jews were very rich and had total hold and control on the economy and market of Madīnah. The Book of Sīrah “The Sealed Nectar” describes this situation:

*“They excelled in the arts of earning money and trading. They, in fact, had monopolized trade of cereals, dates, wine, clothes, export and import.”*<sup>(14)</sup>

This Book further elaborates:

*“They were excellent in doing corruption and scheming. They used to sow seeds of enmity between adjunct tribes and persuaded each other to devise plots and bother with the natural outcomes of continuous exhaustive bloody fighting.”*<sup>(15)</sup>

Moreover, the Jews were very clever. They were the mastermind of the conflicts in Madīnah, because they were considered the unlimited beneficiary of each economic, social and political activity, even of war. Mawlānā Şafī al-Reḥmān said:

*“When they felt that the fire of hatred was about to subside, they would increase it by adopting new means so that they could always have the upper hand and at the same time they gain heavy interest rates on loans spent on inter-tribal warfare.”*<sup>(16)</sup>

This was the demographic scene of Madīnah at the time of the Prophet (ﷺ) immigration to Madīnah. So, it could not be, even,

imagined that there could be any kind of peace or political stability in Madīnah without the contribution or consultation of the Jews. Another important issue is that the three groups of Madīnah (the Muslims, the Jews and the local tribes) have different interests and thoughts. Therefore, it was a big challenge to achieve peace and reform such pluralistic society. Sheykh Mubārakpūrī said:

*“No doubt, the construction of a society that runs in line with this type of ethics cannot be accomplished overnight within a month or year. It requires a long time to build during which legislation and legalization will run gradually in the complementary process with mind cultivation.”<sup>(17)</sup>*

Consequently, the Prophet (ﷺ) persuaded the three groups on an agreement, which was the key to all kinds of peace, prosperity and development in Madīnah. This agreement is called Mīthāq al-Madīnah (The Peace treaty of Madīnah) in the history books. This was also a constitution of the little state of Madīnah. The fundamental objective of this agreement or constitution was to establish peace in Madīnah, as well as, its surroundings. Mawlānā Ṣafī al-Reḥmān said:

*“The core objective of all these efforts of the Prophet (ﷺ) was to provide peace, prosperity and security to all the mankind at large, and to bring about a spirit of understanding and harmony within his region, in particular.”<sup>(18)</sup>*

The Mīthāq al-Madīnah was not only a legal document, but a complete constitution of the State. Therefore, a renowned Muslim Scholar Dr. Muḥammad Ḥamīdu’llah says it is the first written constitution of the world. He said:

*“After arrival in Madīnah, the Prophet Muḥammad (ﷺ) called a meeting and present a proposal to establish a government. The majority of the tribes of Madīnah accepted it and in this way, wrote a document with consultation of all the allies about the rights and the duties of the ruler and the public. The historical importance of this document is that it is the first Witten constitution of the world.”<sup>(19)</sup>*



### The Study of the Text of Mīthāq al-Madīnah:

This should be understood; the first and last objective of this charter or agreement was to establish peace and stability in Madīnah. So, for that reason, it seems necessary to describe the relevant text of this historical peace agreement. It is an authentic historical document and every trustworthy historian and Sīrah writer mentions it in his study of Sīrah. Many Muslim scholars give much weight to it and do research about its authenticity and importance and impacts. The most imminent and valuable research work about Mīthāq al-Madīnah is the work of Dr. Muḥammad Ḥamīdu'llah. He said about the authenticity of this document.

*“In the year very first year of the Holy Prophet’s (ﷺ) migration to Madīnah, he had a deed drawn up in which there was a detailed discussion of the prerogatives and obligations of the ruler, as well as, of other immediate requirements. Fortunately, the whole of this document, word for word, has been reproduced by Ibn Ishāq and Abū ‘Ubayd in their respective books.”<sup>(20)</sup>*

Another prominent Muslim scholar Dr. Zia al-‘Umarī also research out its authenticity and writes in his the most important book “al-Sīrah al-Nabawiyyah al-Ṣaḥīḥah”. He stated about the authenticity of the Mīthāq al-Madīnah after studying the various related chains of narrations of this important document:

*“When those narrations are considered as a group, they strengthen one another to the degree that they are raised to the level of authentic Aḥādīth.”<sup>(21)</sup>*

According to the historians, this document has 53 articles, sections or clauses and two parts, one is relevant to the Muslims and other is relevant to the Jews. Dr. Ḥamīdu'llah further says:

*“This document contains 53 sentences, or, to use legal terminology, articles; and is an invaluable example of the legal language and the manner of document-writing of the time. The importance of it has been felt by the European Christians even more than by the Muslim historians.”<sup>(22)</sup>*

***In the name of Allāh, the Beneficent, the Merciful***

(1) This is a prescript of Muhammad (ﷺ), the Prophet and the Messenger of God (to operate) between the faithful and the followers of Islam from among the *Quraish* and the people of Madīnah and those who may be under them, may join them and take part in wars in their company.

(2) They (The Muslims) shall constitute a separate political unit (*Ummah*) as distinguished from all the people (of the world).

(3) The emigrants (*Muhājirīn*) from the *Quraish* shall be (responsible) for their own ward; and shall pay their blood-money in mutual collaboration and shall secure the release of their own prisoners by paying their ransom from themselves, so that the mutual dealings between the believers be in accordance with the principles of goodness and justice.

(4-11) Banū ‘Awf, Banū al-Hārith Ibn Khazraj, Banū Sa‘idah, Banū Ju‘sham, Banū al-Najjār, Banū ‘Āmir Ibn ‘Awf, Banū al-Nābit, Banū al-A’ws (The local Tribes of Madīnah) shall be responsible for their own ward and shall pay their blood-money in mutual collaboration, and every group shall secure the release of its own prisoners by paying their ransom from themselves so that the dealings between the believers be in accordance with the principles of goodness and justice.

(12-b) Also, no believer shall enter into a contract of clientage with one who is already in such a contract with another believer.

(13) And the hands of pious believers shall be raised against every such person as rises in rebellion or attempts to acquire anything by force or is guilty of any sin or excess or attempts to spread mischief among the believers; their hands shall be raised all together against such a person, even if he be a son to any one of them.

(14) And the believer shall not kill another believer in retaliation for an unbeliever, nor shall he help an unbeliever against a believer.

(15) And the protection of God is one. The humblest of them (believers) can, by extending his protection to any one, put the obligation on all; and the believers are brothers to one another as against all the people (of the world).

(16) And that those who will obey us among the Jews, will have help and equality. Neither shall they be oppressed nor will any help be given against them.

(20-b) And that no associator (the non-Muslim subject) does not give any protection to the life and property of a Quraishite, nor shall he come in the way of any believer in this matter.

(21) And if any one intentionally murders a believer, and it is proved, he shall be killed in retaliation, unless the heir of the murdered person be satisfied with blood-money. And all believers shall actually stand for this ordinance and nothing else shall be proper for them to do.

(22) And it shall not be lawful for any one, who has agreed to carry out the provisions laid down in this code and has affixed his faith in God and the Day of Judgment, to give help or protection to any murderer, and if he gives any help or protection to such a person, God's curse and wrath shall be on him on the Day of Resurrection, and no money or compensation shall be accepted from such a person.

(23) And that whenever you (the Muslims) differ about anything, refer it to God and to Muhammad (ﷺ).

(24) And the Jews shall share with the believers the expenses of war so long as they fight in conjunction,

(25) And the Jews of Banū ‘Awf shall be considered as one political community (Ummah) along with the believers, for the Jews their religion, and for the Muslims theirs, be one client or patron. He, however, who is guilty of oppression or breach of the treaty, shall suffer the resultant trouble as also his family, but no one besides.

(26-33) And the Jews of Banū al-Najjār, Banū al-Hārith, Banū Sa‘idah, Banū Ju‘sham, Banū al-Aws, Banū Tha‘labah, Banū al-Shutaybah and Jafnah shall have the same rights as the Jews of Banū ‘Awf. Of course, whoever is found guilty of oppression or violation of the treaty, shall himself suffer the consequent trouble as also his family, but no one besides.

(34) And the Mawālī (clients) of Tha‘labah shall have the same rights as those of the original members of it.

(35) And the sub-branches of the Jewish tribes shall have the same rights as the mother tribes

(36-a) And that none of them shall go out to fight as a soldier of the Muslim army, without the permission of Muhammad (ﷺ).

(36-b) And no obstruction shall be placed in the way of any one’s retaliation for beating or injuries; and whoever sheds blood shall be personally responsible for it, as well as, his family; or else (i.e., any step beyond this) will be of oppression; and God will be with him who will most faithfully follow this code in action (Ṣaḥīfah).

(37-a) And the Jews shall bear the burden of their expenses and the Muslims theirs.

(37-b) And if any one fights against the people of this code, their i.e., of the Jews and the Muslims) mutual help shall come into operation, and there shall be friendly counsel and sincere behavior between them; and faithfulness and no breach of covenant.

(38) And the Jews shall be bearing their own expenses so long as they shall be fighting in conjunction with the believers.

(39) And the Valley of Yathrib (Madīnah) shall be a Ḥaram (a war free, sacred place) for the people of this code.

(40) The clients (Mawālī) shall have the same treatment as the original persons (i.e., persons accepting clientage). He shall neither be harmed nor shall he himself break the covenant.

(41) And no refuge shall be given to anyone without the permission of the people of the place (i.e., the refugee shall have no right of giving refuge to others).

(42) And that if any murder or quarrel takes place among the people of this code, from which any trouble may be feared, it shall be referred to God and the God's Messenger, Muḥammad (ﷺ); and God will be with him who will be most particular about what is written in this code and act on it the most faithfully.

(43) The Quraish shall be given no protection nor shall they who help them.

(44) And they (i.e., the Jews and the Muslims) shall have each other's help in the event of any one invading Yathrib (Madīnah).

(45-a) And if they (i.e., the Jews) are invited to any peace, they also shall offer peace and shall be a party to it; and if they invite the believers to some such affairs, it shall be their (the Muslims') duty as well to reciprocate the dealings, excepting that anyone makes a religious war.

(45-b) On every group shall rest the responsibility of (repulsing) the enemy from the place which faces its part of the city.

(46) And the Jews of the tribe of al-Aws, clients, as well as, the original members, shall have the same rights as the people of this code: and shall behave sincerely and faithfully towards the latter,

not perpetrating any breach of the covenant. As what one shall sow, so, shall he reap? And God is with him who will most sincerely and faithfully carry out the provisions of this code.

(47) And this prescript shall not be of any avail to any oppressor or breaker of the covenant. And one shall have security, whether one goes out to a campaign or remains in Madīnah, or else, it will be an oppression and breach of the covenant. And God is the Protector of him who performs the obligations with faithfulness and care, as also His Messenger Muhammad(ﷺ).

[The text and the sequence of the document are taken from Dr. Ḥamīdu'llah's Research Work with a minute amendment. According to Well-Hausien, the constitution has 47 articles. According to Dr. Ḥamīdu'llah, the constitution has 53 articles in addition to the sub-divisions (a) & (b). He kept the numbering of Well-Hausien the same, because it is the international numbering. He mentions his differences by the subdividing it into (a) & (b).]<sup>(23)</sup>

### **Impacts and Importance of Mīthāq al-Madīnah:**

Mīthāq al-Madīnah is the most significant and historical document of the Prophet's (ﷺ) era. It was the base of all kinds of peace and prosperity in blood-spattered society of the 'Arabs. This constitution provides all those valid principles that are the essential part of the constitutions of the modern and the developed countries. Dr. 'Alī Muḥammad al-Sallābī said:

*“In order to give itself a precise meaning, every newly formed nation needs to define itself by answering the number of questions: What system of rules is it based on? What system of rules is it going to apply? Who are its citizens? Who are its allies? What are the rights of each citizen? These and similar questions are dealt with in the constitution of the modern day countries and all these principles are part of this historical constitution ”*<sup>(24)</sup>

Mīthāq al-Madīnah is a masterpiece of the prophetic wisdom, as well as, it was the base of all kinds of social and religious peace and harmony. Dr. Ḥāfiẓ Muḥammad Sānī writes in the international Sīrah Journal:

*“Mīthāq al-Madīnah is the masterpiece of the Prophet’s (ﷺ) political wisdom and beauty of management, as well as, it is full of political harmony, peace freedom and justice.”<sup>(25)</sup>*

Qāḍī Sulaymān Manṣūrpūrī writes about the political importance of Mīthāq al-Madīnah in the ‘Arab scenario:

*“When all the nations of Madīnah signed this treaty the Prophet (ﷺ) should want to extend it up to the neighbor tribes of Madīnah. According to him there were two advantages of this agreement; A)- To eliminate the mutual bloodshed, B)- To save Madīnah from the Quraysh attacks.”<sup>(26)</sup>*

A renowned Western scholar Well-Housein states about its significance:

*“The first ‘Arabic community with sovereign power was established by Muḥammad (ﷺ) in the city of Madīnah, not on the basis of blood which naturally tends to diversity but upon that of religion which binds to all.”<sup>(27)</sup>*

In the following lines, I shall try to analyze the impacts of this historical document in peace building.

### **The Quality of the Constitution:**

The ever first quality of Mīthāq al-Madīnah is that it is the first written constitution of the world. Although in history, we hear about the great Caledonian, Assyrian, Roman and Persian Empires, but they have no written constitution and if we find something in the name of the constitution, these were only the rights and responsibilities of the rulers. Dr. Muḥammad Ḥamīdu’llah calls it the first written constitution of the world. He said:

*“Although the rules and regulations of a country can be found in a more or less written form everywhere, yet, in spite of strenuous search, I could not find any instance of the constitution of a country,*

*as distinct from ordinary al-Aws, reduced to writing, before the time of the Holy Prophet Muḥammad (ﷺ).*”(28)

Another important quality of this constitution is that it holds all rules and regulations that are necessary for a government system and found in the modern world constitutions. Refer to the statement of a renowned Muslim scholar, Professor Dr. al-Sallābī quoted before.

The third most imperative quality of this constitution is that it was the constitution of the federation instead of a country or a state, where all units and communities have equal rights and responsibilities. Mawlānā Munīr Aḥmad said:

*“After the establishment of this Mīthāq al-Madīnah, there became a federal government whose capital was Madīnah, its head was the Prophet Muḥammad (ﷺ) and its slogan was peace.”*”(29)

The fourth most vital quality of this constitution is that the final decisive authority will be the Almighty Allāh and His Prophet (ﷺ). It means the political control of Madīnah was in the hands of the Muslims. Ms. Zīnat Hārūn said:

*“The constitution started in the name of the Almighty Allāh and the prophet Muḥammad (ﷺ), this mentions the Islamic and the ideological approach of the constitution. Also, in the beginning of the constitution, it was recognized that the final decisive authority will be the Prophet (ﷺ). It means the source of power will be Allāh and his prophet (ﷺ).”*”(30)

This is what we read in the article No. 1 of the Mīthāq al-Madīnah:

### **Status of the Socio-political elements:**

Although this constitution gives the Muslims authority of rule over others, but it also gives the non-Muslims rights of citizenship and other fundamental rights with equality. As we read before that there were three stakeholders of Madīnah. Professor Ṣiddīque Qurayshī says:



*“Madīnah was the pluralistic society of different faiths: the Muslims, the Jews and the Polytheists of al-Aws and al-Khizraj.”<sup>(31)</sup>*

These three groups would be the equal partner in their rights and duties. As we read in the article No. 1 and 26:

According to Dr. ‘Alī Muḥammad al-Sallābī:

*“The constitution clearly expressed that the Jewish inhabitants of Madīnah were citizens of the Muslim State. They have the right to help and they will not be wronged. As for long a different religious affiliation was not a reason to prevent one from becoming a citizen.”<sup>(32)</sup>*

### **Socio-Political Mutual Cooperation:**

Mutual Cooperation between the political partners in peace and war and other social issue is another most central aspect of this constitution. Many Articles of the constitution are evidences this fact. For example, see the article No. 25.

According to the article No. 40, if any one fights against the people of this code, their i.e., of the Jews and the Muslims, mutual help shall come into operation, and there shall be friendly counsel and sincere behavior between them; there would be faithfulness and there would be no breach of the covenant.”<sup>(33)</sup> See, especially, the article No. 44;

According to the article No. 47, war and peace of the Jews and the Muslims would be same for each other.

### **Safety from Political Anarchy:**

This constitution of Madīnah provides a guarantee of safety from socio-political anarchy. It means this constitution brought peace and prosperity in Madīnah. This has been an essential need for the development and the construction of the state and society in every age. For this purpose, the change of clientage and partnership (Mawālī and Ḥalīf) was forbidden and if necessary, it was conditional with the approval of the prophet (ﷺ). This was because, in the ‘Arab society, most of the relationships depended upon the

change of clientage and partnership. See, the article No. 49. The article No. 13 clearly expressed this deed.

An Islamic research scholar comments about this article in this way:

*“This sanction (bane on the clientage) in constitution was due to the unity of the society that the society be powerful instead of weak and this social prosperity was required to the Prophet (ﷺ), especially in future for the expansion of the preaching and completion of the Mission.”<sup>(34)</sup>*

### **Elimination of social crimes and injustice:**

This constitution provides a firm base from the elimination of social crimes and injustice. This was not exclusive to the Muslims alone, but every political partner was bound to achieve it. This was adopted as a collective approach to eliminate social crimes and injustice and did not spare any relation, even a son from this law. See the article No.13 in this regard.

This constitution gives the most attention to peace and prosperity, even the last article of the constitution also related to social prosperity. See the Article No. 50.

Therefore, we can say if a society has such a fair and a collective system to eradicate social crimes and injustice, how crimes can exist in that society.

### **Safety of human life:**

Human life is the most valuable in every civilized society, but Islām gives it an extraordinary significance. Islām considers safety of a human life as the safety of the lives of all the humankind. Allāh says in the Holy Qur’ān:

﴿ أَنَّهُ مَن قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا  
قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ  
جَمِيعًا ﴾<sup>(35)</sup>

*“If one saved a life, it would be as if he saved the life of the whole people.”*

In Islamic point of view, the respect and dignity of a human life is the most fundamental right. Even a society cannot be considered a civilized one without this right. Mawlānā Sayyad Mawdūdī said:

*“The most fundamental right of a human being is to save the human life. If any law does not accept this most essential right then this law cannot become a civilized law and this society cannot live a peaceful living.”<sup>(36)</sup>*

Many articles of this constitution accept and protect this fundamental human right. For example, see the article No. 21.

The Qur’ān also proves this article in this way:

﴿أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ  
وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَنْ  
تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَّهُ﴾<sup>(37)</sup>

*“Life for life, eye for eye, nose or nose, ear for ear, tooth for tooth, and wounds equal for equal.” But if any one remits the retaliation by way of charity, it is an act of atonement for him.”*

The Article No. 38 of the constitution also expresses to forbid the shedding of the human blood and makes it binding on the Jews, as well. This constitution gives special protection to the life of a Muslim. As we read in Article No. 14. No doubt this constitution gives all kinds of protection and help to the Jews. See the Article No. 16. It means Islām protects the human life through moral teachings, as well as, through the law of Qiṣāṣ (Retaliation) and Diyyat (Blood money).

### **Socio-political Equality:**

Islām grants all kinds of equality to the humankind for the respect and the dignity of humanity. According to the Holy Qur’ān,

all the humans are equal. Islām does not believe in any social, economic or racial discrimination. Allāh says in the Qur’ān:

﴿يَتَأْتِيَ النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقْوَىٰ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ ۝﴾<sup>(38)</sup>

“O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that you may know each other (not that you may despise each other).”

The Prophet Muḥammad (ﷺ) said about human equality:

“O people! Verily, your Lord is one and your father is one. All of you belong to one ancestry of Adam and Adam was created out of clay. There is no superiority for an ‘Arab over a non-‘Arab and for a non-‘Arab over an ‘Arab.”<sup>(39)</sup>

Accordingly, this constitution promotes human equality ultimately. See the article No. 15. It means they will help and protect each other in any state of ease and insecurity.

According to the constitution, the important elements of the society were bound to allow peace to prevail, as we read in the article No. 47. According to Dr. al-Sallābī:

“Equality is a general principle that Islām established and it helped to spread the message of Islām.”<sup>(40)</sup>

Dr. Ramzān Sa‘īd al-Būttī said:

“Equality is not a beautiful slogan in Islām but an important pillar of Islamic society and its implementation is necessary in completion and finest shape.”<sup>(41)</sup>

It means equality is a precious tradition of Islām, which brings the human beings close together for the development and the reformation.

### **Harmony, Freedom and Human Rights:**

Islām promotes religious tolerance and harmony, since its beginning, for the sake of dialogue and peace. Accordingly, the constitution provides all kinds of freedom, rights and harmony to its

signatories. Islām promotes freedom to humanity due to its respect and dignity. The Holy Qur’ān proclaims:

﴿لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ

وَيُؤْمِنْ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَىٰ لَا انْفِصَامَ لَهَا ۗ﴾ (42)

*“Let there be no compulsion in religion: Truth stands out clear from error: whoever rejects evil and believes in Allāh has grasped the most trustworthy hand-hold that never breaks.”*

The Prophet (ﷺ) said:

*“One who kills a man under a covenant (i.e. a dhimmī) will not even smell the fragrance of the Paradise.”* (43)

The constitution of Madīnah grants all kinds of social, religious, political and fundamental human rights and freedom. Many of the articles of the constitution are evidence of this fact. For example, see the article No. 25. The mutual relationship of the Muslims and the Jews supposed to be in a good manner except for the religious conflicts. See, for example, the article No.26-33. Dr. Muḥammad al-Sallābī stated:

*“The constitution declared the freedom and rights of all citizens- including the Jewish inhabitants of Madīnah who lived under the banner of the Islamic nation.”* (44)

Thus, we can certainly say that this constitution grants all kinds of religious freedom and human rights, 1400 hundred years before, which the UDHR announced in 1948. It means all the prevailing human rights are a replication of the Prophet Muḥammad’s (ﷺ) teachings.

### **Safety of Madīnah from External Invasions:**

According to the majority of historians and Sīrah writers, the essential need of this constitution was due to the internal and the external security issues of Madīnah. According to Dr. Muḥammad Ḥamīdu’llah:

*“When the Holy Prophet (ﷺ) started his preaching and reformative work in the Holy City of Makkah and proposed a change in the beliefs and the practices existing for generations, he first surprised his countrymen, then he was hated and, in the end, he encountered their opposition and hostility.”<sup>(45)</sup>*

When the Prophet (ﷺ) migrated safe and sound from Makkah to Madīnah and Islām was developing day by day in Madīnah, the Quraysh of Makkah felt danger. So, they decided to get rid of the Prophet (ﷺ), Islām and the Muslims. According to a political expert:

*“When the Prophet (ﷺ) reached Madīnah safely and the Muslims lived in Madīnah with peace, then the Quraysh of Makkah started the conspiracies against the Muslims. Even they demanded from the inhabitants of Madīnah to exit the Muslims from Madīnah.”<sup>(46)</sup>*

Therefore, it was necessary for all the Muslims to secure Madīnah from the internal and the external threats. So, for that purpose, the Prophet (ﷺ) decided to unite all the communities of Madīnah for security and peace under the umbrella of the constitution of Madīnah. According to Professor Şiddīque Qurayshī:

*“The central point of the agreement was war and peace issues. It was decided that the war and peace would be made collectively, not individually. The war service was considered mandatory for everyone.”<sup>(47)</sup>*

Most of the articles of the constitution deal with war and peace issues. See, for example, the article No. 2 and 3. The vital objective of the constitution was to defend Madīnah from the invasions of Quraysh. Therefore, for this purpose, to protect and to help out the Quraysh was considered a war crime according to the article No. 43. Dr. Nisār Aḥmad writes about this article:

*“This was declared in this constitution that nobody will help and protect the Quraysh openly and the whole of Madīnah will stand against them as one body. The Prophet (ﷺ) manages through many articles of this constitution that the status of*

*Quraysh becomes a unanimous enemy of Madīnah.*”<sup>(48)</sup>

The war and peace play a vital role in the defense of a country. So, the prophet (ﷺ) considered it a collective activity, not an individual one, so, that help to the external invader could be stopped. See, in this connection the article No. 45. The last article of the constitution declares peace for every friend and war for every enemy.

### **Establishment of internal peace in Madīnah:**

As it has already been mentioned that the inter-tribal battles of al-Aws al-Khizraj, due to the conspiracies of the Jews, had made them tired. They wanted peace, ultimately, for the sake of their social and economic concerns. According to Mr. Naeem Şiddīquī:

*“The tribes of al-Aws and al-Khizraj had a history of clashes and conflicts and the common public was also exhausted from conflict after conflict. Always some ‘Arabs and some Jews were on the one side and some ‘Arabs and some Jews on the other. In this situation, the wish of peace was there and they were searching for a constructive leadership for peace and prosperity.”*<sup>(49)</sup>

Meanwhile, the Prophet (ﷺ) arrived at Madīnah and offered them a peace agreement. They welcome it; even the Jews had no objection to this agreement.

According to the agreement, all the tribes of Madīnah were the part of this constitution and responsible for peace according to their capacities. See the article No. 3 and the article No. 37. For the internal peace every partner and its clients were responsible for the peace of their wards, as well as, Madīnah was declared a Ḥaram (A war free, sacred place). See the article No. 39.

According to my perception this constitution deals with all kinds of war and peace affairs, as well as, human rights, freedom and justice. It can serve in any state or society, even in the modern day. So, it can be said, doubtlessly, that it was not just a

proclamation, but a sacred constitution, which was implemented with its real spirit through moral and political authority.

### **CONCLUSION:**

History is full of efforts for peace building. The most effective effort out of these efforts is that of the Prophet Muḥammad (ﷺ). This is not only an effort, but his leading character influences the entire humanity in the shortest time of the history. The prophet Muḥammad (ﷺ) did his best efforts for peace and peace building, through every possible means, wherever he got the chance, especially, in the State of Madīnah. This is neither religious affiliations nor sentiments, but, the fact of the history, that the Prophet Muḥammad (ﷺ) influenced the humanity more than any other personality of the world. So, it is said that the human history has neither witnessed nor will ever witness again another human figure, whose presence, thought, action, inaction and eventual demise exerted such a profound impact on the humanity as did the Prophet Muḥammad (ﷺ). The Prophet (ﷺ) when arrived at Madīnah, faced a pluralistic society of different faiths and religions.

Mīthāq al-Madīnah is the most significant document of the prophet's era. It was the basis of all kinds of peace and prosperity in a violent society. Mīthāq al-Madīnah is a masterpiece of the prophetic wisdom and the beauty of management, as well as, it was the basis of social and religious tolerance, peace harmony and Justice. When all the nations of Madīnah signed that treaty the Prophet (ﷺ) should want to extend it up to the neighbouring tribes of Madīnah to eliminate mutual bloodshed and to save the Madīnah from Quraysh Attacks. This constitution deals with all kinds of peace and war affairs, as well as, human rights, freedom and justice of every society, even in the modern day. So, it can be said, doubtlessly, that it was not only a declaration nor an announcement, but, a sacred constitution, which was implemented with its complete spirit through moral and political authority. According to my study, this charter has all those valid principles and regulations that can



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save the humankind from terrorism, injustice and anarchy, even in the modern day.

Consequently, from the above discussion, it can be perceived easily that Mīthāq al-Madīnah is the universal charter of peace for the humanity.

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