



## The Medina Charter

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The first Islamic state was founded not in the shadow of swords, as is commonly believed in some circles, but in the security of a social contract, called the Constitution of Medina. By all counts, the Medina Constitution lit the torch of freedom by establishing a Free State for a pluralistic community composed of Muslims, Jews, and pagans. This unprecedented Free State, the first of its kind in the intellectual and political history of human civilization, was founded by none other than Prophet Muhammad himself in the Gregorian year of 622, that is, more than thirteen hundred years before the Universal Declaration of Human Rights (1948) envisaged a modern pluralistic, religiously tolerant Free State- Prof. Ali Khan, Professor of Law, Washburn University.

The Constitution of Medina sets out in general terms the rights of various classes of citizens, their duties to each other, and the manner in which disputes would be resolved. A small number of the people of Yathrib were already Muslims, having converted during the period when Muhammad (SAW) and his followers were being persecuted in Mecca. The rest of the people of Yathrib were non-Muslims, either pagans or Jews. The pact signaled these peoples' voluntary agreement to be ruled by Islamic law. They hoped that by having this external, objective source of laws, the strife that was tearing their community apart would be healed.

The Jews in Medina were a minority group. They were clients of the two major Arab tribes, some on one side of the dispute and some on the other. The Constitution of Medina gives special attention to the rights of the Jewish citizens of Medina. Among the clauses relating to the Jews are the following:

- those Jews who join in the treaty and become part of the larger community it creates are due help and equal treatment
- the Jews shall not be wronged, nor shall their enemies be given aid
- the Jews will be treated as one community with the Muslims, but each has their own religion
- the Jews have the same status as the parties making the pact

Rather than being counted as part of the tribes they were attached to (and hence split among themselves), the Jews under the Constitution of Medina were treated as a single community of their own. This community was elevated from its previous position to a state of equality with the main parties making the treaty (the Muslims and the two Arab tribes). Its interests were given equal weight with those of the other groups, so that no party to the agreement could ally with its enemies. Most importantly, it was guaranteed the right to have its own religion. As well, individual Jews were guaranteed fair and equal treatment and to be protected from wrongdoing. In return, the Jewish

community would contribute equally with the other communities to the protection and defense of Medina.