Historical Accuracy of the Constitution of Medina

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Abstract

The Constitution of Medina, drafted in 622 CE, represents an extraordinary early example of written governance designed to foster a cohesive and just society amidst deep-seated tribal rivalries. This document, authored by the Prophet Muhammad, provided a pioneering framework for communal living that embraced diverse groups—Muslims, Jews, and pagans—by promoting mutual respect and cooperation. Unlike many contemporary governance models focused solely on political control, the Constitution of Medina integrated principles of social justice and inclusivity, aiming to create a balanced society where individual rights were protected and collective responsibilities were acknowledged. Its innovative approach to managing pluralism and addressing societal needs offers a rich source of inspiration for modern governance, particularly in constructing welfare states that prioritize both equity and community well-being.

Keywords: Historical Accuracy, Constitution of Medina, Prophet Muhammad (P.B.U.H), Muslims, Jews.

Introduction

Crafted over fourteen centuries ago, this pioneering charter, attributed to the Prophet Muhammad (blessings and peace be upon him), transcends its historical context to present a vision of an inclusive, equitable, and welfare-oriented state. As we delve into its profound implications, we embark on a journey that bridges the past and present, unearthing timeless principles that continue to resonate in contemporary discourse on statecraft and social justice.

The Constitution of Medina stands as a beacon of foresight and inclusivity. It encapsulates the essence of communal harmony, justice, and mutual respect. In a time fraught with tribal conflicts and societal discord, this constitution laid the groundwork for a society where diverse communities—Muslims, Jews, and pagans alike—could coexist with dignity and mutual respect. It heralded a new era of governance, where the welfare of every individual, irrespective of their faith or ethnicity, was a paramount concern.

Today, as we reflect on the principles embedded in this ancient document, we find ourselves confronting the perennial challenges of establishing welfare states—states that prioritize the

well-being of their citizens, ensure social justice, and foster a sense of collective responsibility. The Medinan Charter, with its emphasis on justice, equality, and social cohesion, offers invaluable insights into the foundational elements of a welfare state. It invites us to reimagine governance structures that are not merely concerned with the administration of power but are deeply invested in the holistic welfare of the populace.

In this Article, we will explore how the Constitution of Medina not only addressed the immediate needs of its diverse citizenry but also laid down principles that are strikingly relevant to modern political thought. By examining its articles alongside the Qur'anic verses and Hadiths that underpin them, we shall uncover the enduring legacy of this document and its relevance to the contemporary concept of the welfare state.

1. Why Study the Concept of Welfare State?

The study of the concept of a welfare state is of paramount importance in contemporary society. At its core, a welfare state is a government that prioritizes the well-being of its citizens by ensuring access to basic services such as healthcare, education, and social security. This model of governance aims to reduce economic inequality, provide a safety net for the vulnerable, and promote social cohesion.

Understanding the principles and functioning of a welfare state enables us to critically evaluate the effectiveness of current policies and practices. It allows policymakers, scholars, and citizens to engage in informed debates about how best to allocate resources and design programs that address the needs of diverse populations. Furthermore, the welfare state concept is intrinsically linked to human rights, emphasizing the state's responsibility to protect and enhance the quality of life for all its people.

By studying the welfare state, we also gain insights into the historical, economic, and social contexts that have shaped different approaches to welfare across the globe. This comparative perspective can highlight best practices and innovative solutions that can be adapted to local contexts. Additionally, in an era of rapid globalization and technological change, understanding the dynamics of welfare states can help us navigate the challenges of economic instability, demographic shifts, and social fragmentation.

In essence, the exploration of the welfare state is not just an academic exercise; it is a vital endeavor that has real-world implications for creating more just, equitable, and resilient societies.

2. What is a Welfare State?

Defining a welfare state involves understanding various perspectives and interpretations offered by scholars and institutions. Here are some well-regarded definitions:

2.1 T. H. Marshall:

He writes in *Citizenship and Social Class* about the welfare state:

"A welfare state is a state in which organized power is deliberately used (through politics and administration) in an effort to modify the play of market forces in at least three directions: first, by guaranteeing individuals and families a minimum income irrespective of the market value of their work or property; second, by narrowing the extent of insecurity by enabling individuals and families to meet certain social contingencies (for example, sickness, old age,

and unemployment) which lead otherwise to individual and family crises; and third, by ensuring that all citizens without distinction of status or class are offered the best standards available in relation to a certain agreed range of social services"[1]

2.2 United Nations Research Institute for Social Development (UNRISD):
UNRISD describes the welfare state in the following words:
"The welfare state is a system in which the state undertakes to protect the health and well-being of its citizens, especially those in financial or social need, by means of grants, pensions, and other benefits. The welfare state is based on the principles of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life".[2]

2.3 Esping-Andersen's Typology:
According to Esping-Andersen, a welfare state can be classified into three types: liberal, conservative, and social-democratic. He says:
"A welfare state is an organized and institutionalized form of solidarity that embodies the state's role in ensuring economic and social security to its citizens. This involves a complex network of social policies and programs aimed at guaranteeing a certain level of welfare for the populace."[3]

2.4 Organization for Economic Co-operation and Development (OECD):
"A welfare state refers to a state that assumes primary responsibility for the welfare of its citizens. This responsibility is typically manifested in government-provided social insurance, public health, and education, along with various social assistance programs designed to mitigate poverty and social inequality".[4]
These sample definitions highlight the multifaceted nature of welfare states and the various ways in which they can be conceptualized and operationalized in different socio-economic and political contexts.

3. Historical Context of the Constitution of Medina
Before we discuss the importance of the constitution of Medina, just close your eyes and lets time travel to the era before the Constitution of Medina was written;
1.   Imagine being part of a tribal society where loyalty to your tribe is paramount. How would you feel if your safety, livelihood, and justice were entirely dependent on the strength and influence of your tribe?
2.   Envision a time when inter-tribal conflicts were rampant, and personal vendettas could erupt into prolonged feuds. How might this constant state of tension and fear impact your daily life and your sense of security?
3.   Think about living in a society where diverse religious groups—pagans, Jews, and nascent Muslim communities—coexisted without a common legal framework. How would these differences in belief and practice shape your interactions and trust in others?
4.   Imagine a time with no centralized authority to arbitrate disputes or provide protection against external threats. How would you navigate conflicts and ensure justice in such a fragmented society?
5.   Think about the economic instability in pre-Islamic Medina, where resources were

often scarce and unevenly distributed. How would the lack of a structured system to support the needy affect the well-being of families and communities?

6.	If you were a member of a marginalized or weaker tribe, how would the implementation of a fair and inclusive constitution change your life? What hopes and fears might you have regarding this new social contract?

These some questions might make you realize the revolution Constitution of Medina brought into the world of that time. Now let's come back and continue our talk on the constitution of Medina.

The Medinan Constitution, also known as the Charter of Medina, is historically significant as the world's first written constitution. Drafted by the Prophet Muhammad (blessings and peace be upon him) in 622 CE, it established a framework for governance and social harmony within the diverse and rapidly expanding Muslim community of Medina. Article 1 of the Constitution states,

هَذَا كِتَابٌ مِنْ مُحَمَّدٍ النَّبِيِّ، بَيْنَ الْمُؤْمِنِينَ وَالْمُسْلِمِينَ مِنْ قُرَيْشٍ وَ(أَهْلِ) يَثْرِبَ، وَمَنْ تَبِعَهُمْ فَلَحِقَ بِهِمْ وَجَاهَدَ مَعَهُمْ.

"This is a document from Muhammad the Prophet, governing the relations between the believers and Muslims of Quraysh and Yathrib, and those who followed them and joined them and labored with them."5

When compared to legal documents from other ancient civilizations, such as the Code of Hammurabi or Roman law, the Medinan Constitution stands out for its inclusivity and forward-thinking principles.

Unlike these earlier codes, which often catered to the ruling elite, the Medinan Constitution emphasized the rights and responsibilities of all members of society, regardless of their tribal or religious affiliations.

The Qur'an highlights this inclusivity in *Sura al-Hujurat*, verse 13:

﴿يَٰٓأَيُّهَا ٱلنَّاسُ إِنَّا خَلَقْنَٰكُم مِّن ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَٰكُمْ شُعُوبًا وَقَبَآئِلَ لِتَعَارَفُوٓاْ﴾

œO people! Indeed, We created you from a male and a female and made you nations and tribes that you may come to know one another.∑

The Prophet Muhammad (blessings and peace be upon him) played a crucial role in drafting and implementing the Constitution. His leadership, blending divine inspiration with astute statesmanship, recognized the need for a framework that not only governed the Islamic community but also enshrined principles of social justice. This ensured the flourishing of an inclusive society.

Through his unwavering commitment to unity and profound understanding of human nature, the Prophet Muhammad (blessings and peace be upon him) skillfully navigated the complex web of tribal affiliations and religious diversity in Medina. He integrated these disparate groups into a unified political entity, demonstrating his exceptional leadership. By fostering a sense of shared purpose and collective responsibility, he set a precedent for inclusive governance that continues to inspire leaders and nations to strive for a more just and equitable world.

The Prophet Muhammad's exemplary character and adherence to principles of justice and compassion were foundational to the Constitution of Medina. A hadith recorded in *Sahih Bukhari* beautifully articulates,

إِنَّ مِنْ خِيَارِكُمْ أَحْسَنَكُمْ أَخْلَاقًا.

"The best among you are those who have the best manners and character."[6]
This teaching guided the implementation of the Constitution, instilling in the people a deep respect for the rule of law, a commitment to uphold individual rights, and a shared responsibility for the community's well-being.
The Prophet Muhammad's legacy as a visionary leader, champion of social justice, and moral exemplar is immortalized in the Medinan Constitution. This document stands as a testament to his transformative leadership and serves as an enduring guide for achieving social harmony and justice in today's world.

4. Writing the Charter
In the Prophetic state, established in the illumined city of Medina, the Messenger of Allah (blessings and peace be upon him) introduced laws and traditions that embodied the Islam's philosophy concerning the relationship between Muslims and the other religions; such as the Jews, Christians, Zoroastrians and the like thereof. These Prophetic laws and traditions were documented in the Constitutional Charters, implemented by the Prophetic State, and preserved thereafter by the Rightly-Guided Caliphate and subsequent Islamic states,

5. Narrations of the Charter
We now present the complete text of the Medinan Charter, which has been related through numerous chains of transmission. We have chosen the most famous of these on the basis of the reliability and trustworthiness of their narrators according to the scholars of Hadith and the sciences of narrator critique. These narrations, which all agree on the articles of the charter, are as follows:

5.1 Narration of Ibn Ishaq
عَنْ طَرِيقِ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عُثْمَانَ بْنِ مُحَمَّدِ بْنِ الْمُغِيرَةِ بْنِ الْأَخْنَسِ بْنِ شَرِيقٍ، عَنْ آلِ عُمَرَ بْنِ الْخَطَّابِ: وَقَالَ: كَتَبَ رَسُولُ اللهِ صلى الله عليه وآله وسلم.

Narrated by Muhammad b. Ishaq, from 'Uthman b. Muhammad b. al-Mughira b. al-Akhnas b. Shariq, from ®l 'Umar b. al-Khattab: "He said: 'The Messenger of Allah (blessings and peace be upon him) wrote…'"[7]

5.2 Narration of Ibn Ishaq
عَنْ طَرِيقِ أَبِي عُبَيْدٍ الْقَاسِمِ بْنِ سَلَّامٍ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ بُكَيْرٍ، وَعَبْدِ اللَّهِ بْنِ صَالِحٍ، قَالَا: حَدَّثَنَا اللَّيْثُ بْنُ سَعْدٍ، قَالَ: حَدَّثَنِي عُقَيْلُ بْنُ خَالِدٍ، عَنِ ابْنِ شِهَابٍ، أَنَّهُ قَالَ: بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صلى الله عليه وآله وسلم كَتَبَ بِهَذَا الْكِتَابِ.

Narrated by Abu 'Ubayd b. Sallam, from Yahya b. 'Abd Allah b. Bukayr and 'Abd Allah b. Salih who both said: "al-Layth b. Sa'd told us: "Uqayl b. Khalid narrated to us that Ibn Shihab said: 'It comes to me that the Messenger of Allah (blessings and peace be upon him) wrote this document…'"[8]

5.3 Narration of Ibn Zanjawayh
Narrated through the chain of Ibn Zanjawayh which is:
حَدَّثَنَا حُمَيْدٌ، أَنَا عَبْدُ اللهِ بْنُ صَالِحٍ، حَدَّثَنِيَ اللَّيْثُ بْنُ سَعْدٍ، حَدَّثَنِي عُقَيْلٌ، عَنِ ابْنِ شِهَابٍ، أَنَّ رَسُولَ اللهِ صلى الله عليه وآله وسلم كَتَبَ

بِهَذَا الْكِتَابِ. …

"We were told by Humayd, from 'Abd Allah b. Salih, from al-Layth b. Sa'd, from 'Uqayl, from Ibn Shihab that the Messenger of Allah (blessings and peace be upon him) wrote this document…"9

5.4 Narration of al-Waqid

عَنْ طَرِيقِ الْوَاقِدِي، عَنْ مُحَمَّدِ بْنِ إِسْحَاقٍ، عَنْ عَبْدِ اللهِ بْنِ جَعْفَر، عَنِ الْحَارِثِ بْنِ الْفُضَيْلِ عَنِ ابْنِ كَعْب الْقُرَظِيّ قَالَ: لَمَا قَدِمَ رَسُولُ اللهِ صلى الله عليه وآله وسلم الْمَدِينَةَ.

Narrated through the chain of al-Waqidi, from Muhammd b. Ishaq, from 'Abd Allah b. Ja'far, from al-Harith b. al-Fu\ayl, from Ibn Ka'b al-Qura⊡i who said: "When the Messenger of Allah (blessings and peace be upon him) arrived at Medina…"10

Conclusion
The enduring legacy of the Constitution of Medina lies in its visionary approach to social governance and justice. By establishing a framework that honored diversity and encouraged mutual respect among various groups, it set a precedent for future welfare systems centered on equality and social cohesion. In contemporary discussions about welfare state development, the principles embedded in the Medinan Charter provide invaluable guidance. They highlight the importance of creating policies that are not only responsive to the needs of all citizens but also promote a sense of shared responsibility and communal support. Examining this historical document in conjunction with Quranic teachings and Hadiths underscores its relevance to modern debates on social justice and human rights, offering a timeless model for building inclusive and equitable societies.

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[5] Set forth by •Abu 'Ubayd al-Qasim b. Sallam in *Kitab al-Amwal*, pp. 166, 260 §§328, 518. •Humayd b. Zanjawayh in *Kitab al-Amwal*, 1:331 §508; 2:466 §750. •al-Bayhaqi in *al-Sunan al-Kubra*, 8:106 §16147. •Ibn Hisham in *al-Sira al-Nabawiyya*, 3:31–32. •al-Suhayli in *al-Raw\ al-Unuf*, 4:240. •Ibn Sayyid al-Nas in *'Uyun al-Athar*, 1:227. •Ibn Taymiyya in *al-Sarim al-Maslul 'ala Shatim al-Rasul*, 2:129. •Ibn al-Qayyim al-Jawziyya in *Ahkam Ahl al-Dhimma*, 3:1405. •Ibn Kathir in *al-Bidaya wa al-Nihaya*, 3:224.

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[8] Abu 'Ubayd al-Qasim b. Sallam: *Kitab al-Amwal*, 1:301.

[9] Humayd b. Zanjawayh: *Kitab al-Amwal*, p. 205.

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