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## **MEDINA CHARTER AND JUST PEACEMAKING THEORY**

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### **Abstract**

*The post-September 11th era has given a rise of a new wave of resentment, and the perception of the people around the Western world generally target Islam as a terrorist religion. It has posed several challenges before the followers of three abrahamic religions. Clash of civilization existed time immemorial but the intensity has been raised after 9/11 and represents changes and challenges which requires different pattern of response.*

*The world no longer divided between two superpowers and hence instead bipolar it is multipolar now. Different powers are leading each region. Hence giving birth to the world of conflict.*

*It is a fact that no matter how well we do the work of just peacemaking, not all conflicts will be resolved. Some conflicts will lead to war, or the brink of war. What we need is the theology of the restraint of war – either pacifism or just war theory. Islamic pacifism is largely based on Sunnah (practices of the Holy Prophet Muhammad (SAW) that teaches us to deal our enemies on humanitarian ground. The profound philosophical and even insightful spiritual teaching of the Prophet (SAW) is based on a state of mind that looks for a reciprocated vision and discourse. It goes with the peacemaking rather than waging war.*

*This paper will discuss the first constitution, charter, peace agreement or social contract “The Medina Charter” in resolving the conflict and clash of civilization. A very important seminal political document of Islam to resolve the present day challenges.*

*To seek the peace and justice in the world order a great emphasis should be drawn towards the just peacemaking. The remarkable*

*and landmark document of the Medina Charter is no doubt a very practical solution in building peacemaking theory. An attempt has been made to draw out some steps or axioms in just peacemaking from the Medina Charter.*

- 1) *Affirmation of common security (defence)*
- 2) *Independent initiatives*
- 3) *Consultation (Shura)*
- 4) *Negotiation*
- 5) *Autonomy*
- 6) *Confederation*
- 7) *Seeking human rights and justice*
- 8) *Identities*
- 9) *Compatibility with secular, pluralistic societies*
- 10) *Economic security*

*In addition a short summary on the challenges of peace would also be given to identify the difference between just war theory and just peacemaking, as Glen. H. Stassen argues in "Just Peacemaking" that "some wars are just, and we obligated to fight them, other wars are unjust, and we obligated to oppose them".*

**Keywords:** *Medina Charter, Justice, Peace, Islam, Conflict*

### **Introduction**

Prophet Muhammad (SAW) said, "Never aspire for confronting your enemies (in a war). Pray to God to be among those who seek living peacefully with others. But if ever you confront them (in a war) be patient and know that Heaven is as close to you as the shades of the swords."

[Narrated by Al Bukhari, Muslim and Dawoud- authorities on Sunna & hadith]

Islamic pacifism is largely based on Sunnah (practices of the Holy Prophet Muhammad that teaches us to deal our enemies on humanitarian ground. The profound philosophical and even insightful spiritual teaching of the Prophet

(SAW) is based on a state of mind that looks for a reciprocated vision and discourse. It is compatible with the peacemaking rather than waging war.

The philosophy and value of Medina Charter is not specifically for Islam or Muslims rather than it refers to universal doctrine of peace making for the whole world regardless of religion, race and ethnicity.

This document was written by the Prophet Muhammad (SAW) after his migration to Medina in 622. The Medina Charter stressed the importance of achieving justice through communal action based on law, rather than on armed conflict. The Prophet (SAW) served as a third party mediator between tribal factions, making this the first example of legally mandated conflict resolution in Muslim history (Hamidullah, Muhammad, 1941).

### **Socio Political Status of Medina at the Time of Hijrat (Migration)**

The event of Hijrah to al-Medina is considered to be of great importance in the history. It would be wrong to interpret it as an act of fleeing from death threat. The religious sanctity attached to it gave it an importance as it has been referred in the Qur'an as a deed performed in the path of Allah ([www.interfaithathens.org](http://www.interfaithathens.org)).

This event marks out the great qualities of Prophet's character and some of the most splendid aspects of his personality as the leader of one of the greatest historic revolutions.

Yathrib (old name of Medina) comprises the population of 10,000 encompasses into 22 tribes approximately. About half the inhabitants was Jewish and the other half was Arab. In spite of religion, people hunted power through military influence over other tribes. Continuous conflict was taking a toll on the tribes. Hence the bloodshed was at rise.

At the time of Hijrah Madinah was divided into tribes, details of which are as follows:

#### **Tribes:-**

Two Pagan tribes: Aus , Khazraj

Profession: Agriculture

Occupied in years of battle

Three Jews tribes: Banu.Qainuqah, Banu.Nazir, Banu.Quraiza

Profession:., Agriculture, Trade

Militarily strong Milita

Under the prevailing condition of Medina there was a dire need to formulate a constitution with the mission of governing the state of Medina city and to regulate its political and social life. At that time the Quran, was not fully revealed therefore Prophet Muhammad (SAW) has to fall back on customs and precedents (Armstrong, Karen. 1986 Sept).

The Charter of Medina dates back to year 622 AD. The Charter was the first written constitution in Islam and arguably the first constitutional law in society.

Allah's messenger had a standing to be a competent arbitrator as he had facilitated to resolve conflicts at several occasion in Makkah and had an ability of leadership quality that devoid in that area. Due to this ability he was call for by the tribes of Yathrib (Medina) to act as arbitrator to resolve the rampant conflict between them. At that time it was a common practice and custom of the Arabs to get the mediator from outside to resolve their conflict and the Prophet Muhammad (SAW) had already known as trustworthy and given the title of Ameen and Sadiq by the residents of Makkah. At last the Prophet (SAW) consulted the leaders of each tribe while drafting the Charter for mutual consensus and hence demonstrating the will to listen the needs and desires of the each tribe (Watt. Muhammad 22 Sep-2015).

### **Salient Features of the Charter of Medina**

All tribes residing in Medina will be considered single Ummah (Community)  
Prophet Muhammad (SAW) would be considered a Central Authority of the (Federation)

All Matters and issues of difference referred to Prophet Muhammad (SAW) (Leadership)

No war without permission of Prophet Muhammad (SAW)

Admonition against treachery & oppression.

Assertion on shared counsel & consultation

**Misaq e Medina: Internal affairs**

Diyat & Fidyah would be the combined duty of Muslims

Joint action would be taken against treason, revolt & tyranny.

Muslims will not help non-believer against any Muslim

Muslims will not help or give a shelter to deceitful element

**Misaq e Medina: Internal Affairs**

Shelter given by a Muslim will be requisite on all Muslims

Penalty for killing/murdering of a Muslim

If any person murders a Muslim, without any justifiable cause, he shall be given death penalty in return or recompense blood money if family or relatives agree.

All Muslims will be obliged to mutually act against the killer. (Abdul Aziz Said et al (eds) 2001)

Wronged must be helped irrespective of any religion

Yasrib (Medina) will be considered and treated as Haram

**Pact of Medina: External Affairs**

In case of attack the Yatrib (Medina) will be defended

No peace pact separately

Non believers are not allowed to

\*defend life & property of Quraysh

\* get in the way with the Muslims in such a matter

Muslims have the right to avenge the Blood of one another when fighting in the way of Allah while Quraysh & their allies will not be helped

**Misaq e Medina: Position of Jews**

Equal opportunity and facilitate Jews

Religious autonomy

Jews will facilitate Muslims in battle/war

Punishment for treason & tyranny

**Discussion**

In present era, the globalization has expanded the extent of conflict all over the world, however on the other hand it is much easier to have an access to have contact and relationship with the people from various diverse culture and beliefs. Due to variation and widely different cultural, philosophical and religious backgrounds the modern conflicts occur (Yildirim, Yetkin. 2006). Medina Charter

can be act as a harbinger to address the present day questions, offering approaches to solve and prevent divergence between groups having differences in belief and culture.

Madina Charter is not only important as a first constitution it is also considered contemporary in the sense that it was promulgated for a plural society. The charter is the magna carta of the history which provided centralized authority while having a federal structure, having various tribes in various districts comprising a unit and has the benefit of autonomous power in certain affairs of a social, cultural and religious nature. It is noteworthy that a most significant human right was given in clause 25 where freedom to practice own religion was guaranteed. Another imperative basic principle of statecraft is Shura (consultation) with the people or their representatives in all affairs.

The chaos and conflict plagued the region at that time needed a wise vision. The Charter was the magnificent document in the sense that not only it established the rules of government but also addressed the specific social issues of the community (Yildirim, Yetkin. 2010). The rights and duties of its citizens were outlined in the Charter as well as provided the collective protection and defence for all citizens of Madina state whether Muslims or non Muslims. Not only that but it also make available the first means of seeking justice through the law and a community instead of through tribal armed forces actions. As per Charter the right to seek justice was transferred from individual to the central community. The key focus of the charter was relationship rather than group dynamics. As Prof. Hamidullah rightly stated, "...this new constitution...brought with it very important, and...to Arabia at least...very revolutionary change and improvement, by providing the people with a central public institution for seeking justice, in place of everyone seeking it with the power of his own hand or, at best that of his family. This epoch-making innovation...brought an end for all times to the chaos of tribalism and which laid the basis for a wider institution, viz a State."

Before the establishment of the first Islamic state in Medina, there was a constant tension between the independent, hostile tribes. This issue of power struggle was wisely addressed by the Prophet Muhammad (SAW) by establishing common goals in the Charter that would serve the entire community. The Charter was a

peace agreement in the sense that it addressed the potential power complications by giving a focal attention to the participants' on their interdependence, hence the idea of having one community was greatly emphasized and the partakers of the agreement were bind to recognize their power as a unit.

The solutions of the key issues concerning conflict are very well presented in the Madina Charter and can be applied to the issues regarding dialogue and conflict of today' scenario (A. Guillaume, 1955). The main characteristics of the today's globalized system is the issues present in and created by pluralistic society which has been wisely addressed in the Madina Charter.

The Charter created the federal structure with a centralized authority wherein various tribes constitute a unit and also enjoying autonomy in some matters related to religion, social and culture except state security and national defense.

Noteworthy article of the Charter was equality to its members and protection against oppression. The parties of the agreement were bind to help each other against any attack on Yathrib (Saïd, Amir Arjomand, Nov, 2009).

The Clause 25 of the Charter is of great value as a very important human right has been given in this clause, according to which freedom to practice its own religion was guaranteed for each community. Another significant rule of statecraft is consultation with the people in all matters, hence the people were given a say in governmental matters.

### **Conclusion**

The Charter of Medina created by the Prophet Muhammad (SAW) with great wisdom keeping in view the strategy to combat the existing conflict. The emerging trends of the modern conflict resolution techniques are applied on the same methodology (Zauqi, Ahmed. 21 Sep-2005). The methods applied strongly provides a vital source to consider the notion of mediation and conflict resolution in Islam, and consequently, be able to present effective means with which to initiate dialogue within Islamic and non-Islamic societies.

Peace is the basic requirement of the individual and to live in the peaceful world one has to live within the limits of the legitimately created universe. Medina Charter is the best source to address the questions arises in the modern age of

science and technology as how to live in peace and harmony and to prevent conflicts and disputes between various groups having diversity in culture and belief. The Medina Charter is a prime example that is greatly needed and should be emphasized to be discussed and referred to in current conflict. Overall the Medina charter can represent the best model of ways to generate and uphold dialogue in a pluralistic society, and of ways to build and establish political and social interaction among diverse groups.

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