

CHARTER OF MADINA AS A SOCIAL CONTRACT

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Introduction

The history has seen many unprecedented charters which have turned the fate of societies. The Charter of Madina is among them. The Charter of Madina established a unique social structure which was very progressive, advanced and comprehensive at that time. The Charter proposed by the Prophet (P.B.U.H) is based upon principles of co-existence, religious harmony, peaceful resolution of conflict, tolerance in society, social protection, social change and establishment of state on Islamic teachings. These laid principles pulled out Arabian Peninsula from ignorance to enlightenment. The silent features of Charter of Madina are still valid today. Our societies are facing many challenges. If the Charter is simplified, it can root out social and political evils of today.

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The Charter of Madina is the lighthouse for societies to establish peace and tranquility.

The Need of Charter of Madina

The charter of Madina was a necessary for the people of Madina. The Arab world was divided into two factions. The North Arab and South Arab. The North Arab has royal system and the South Arab was in hands of chiefs. Both the regions had different political system. Besides political difference Arab was multi-religious religious region. The heterogeneous nature of society led to many conflicts. Therefore, the Arab world was in constant war. It needed a social contract among them which cement the societies. The Charter of Madina proved to be that cementing force. The charter of Madina with its provision resolved the conflicts and brought a stable society that can prosper on the principles of co-existence.

The Charter of Madina as a Social Contract

(a) The charter of Madina allowed people to live in harmony.

The Charter of Madina was a legislative document that established a society on the principles of co-existence despite the difference. In Arab world the society's social fabric was disturbed. The muslim Arabs were divided into tribes and different constitutions. Not only muslims but also different religion was prevalent feature of society. This created disharmony in the society. The charter of Madina bonded them. As Quran say

O Muhammad! you have sent
as a mercy to all mankind

(Al Anbiya)

The same course of action was taken by the prophet. He created a peace among different tribes, religion through Charter of Madina.

(b) The Charter of Madina allows people to practice their faith

In Arab world not only Muslims existed, but also Christians, and Jews lived. The Charter of Madina included provision of "religious freedom". Islam is religion of peace and prosperity and this provision of the charter clearly demonstrate. This provision of charter made society tolerant to religion and established inter-faith dialogue. Therefore, this charter is called most progressive charter of history.

(C) The Charter teach people to protect each other against enemy

As earlier mentioned that the Arabian society was sheltered. So, it was easy for enemies to attack them, because of their disunity.

In the Charter of Madina is a provision that all the tribes and religion have to come on a board to fight against enemy. The members constituent felt sense of security. This provision inculcated the minds of Arabian people that united we stand and

divide we fall. Therefore, The Charter of ~~unit~~ Madina gave a protection system to the Muslim, Christians and Jews.

(d) The Charter laid down a criminal procedure in the society:

The review of Charter of Madina reflect that it had founded a criminal procedure. The international treaty is binding to all members and breach of treaty comes with punishment in the context of international. The same is true in charter of Madina, if a signatory of Charter of Madina does not fulfil its obligation, he will be charged of breach of covenant. The punishment can be in the form of ransom, blood money and so on. In Nutshell, the Covenant has founded a criminal procedure which is being used in international laws even today.

(e) The Charter laid down the concept of state in spirit of Islam:

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The charter of Madina reflects the idea of a state in Islamic perspective. What charter has told that Islam is religion of peace, mercy, equality, justice, brotherhood, tolerance, co-existence, and love. Under the umbrella of Charter of Madina every member of state had right to worship their religion, right to live, right of security. Conclusively, we the state of Islam will come to existence it will have the same feature. According to Dr. Muhammad Hamidullah "The Charter of Madina has laid down the notion of Islamic state with its feature. This charter is blue print of constitution of any Islam state!"

(8) Conflict Resolution Method

The charter of Madina emphasized the society to resolve conflict through peace means. Whenever a conflict surface, resolve it through dialogue. If the conflict is not resolve, come to prophet (P.B.U.B). In this a new social contract, was introduced in a society to establish peace.

In conclusion, Charter of Madina

had showed people of Madina an alternative route to end conflict that was peaceful not warring

(g) The Charter of Madina Shift power from chieftains to people:

The power in Arab was concentrated in chieftains. The charter of Madina allowed people many rights. For example: Freedom of religion, Freedom of speech and freedom of movement. These rights give people sense of power to individuals. As a result, the chiefs had to listen to their people.

As Nicholson R. A has said "No one can review the this document being with impressed. — As it has changed the power center from oligarchy to people sovereignty." Consequently, Islam The charter has proved to be a vehicle to change social contract between people and their power elite and established new social contract with people power oriented.

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(h) The charter has inculcated tolerance in society:

The Charter or covenant of Madinah has produced tolerance in society, a novel social contract in society. The Arab were completely deprived of tolerance. The charter promoted inter-faith dialogue, inter-tribal dialogue. This resulted peace and tolerance in society. The charter was brain-child of Islam. For this "Tony Blair has said, "Islam is religion of tolerance"

(i) The Implications of Charter in Contemporary world:

The contemporary world is facing many challenges (such as the Clash of Civilization, the Islamophobia, extremism, radicalism, intolerance. These are the same nature of problem that existed in the time of the Apostle. If the provision of Charter of Madinah are implied today, the world can get free from these evils. The peace, prosperity, and development would be destination of society.

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Conclusion:

Samuel P. Huntington has argued the Islam spread through violence. However, The charter of Madina completely refutes his arguments. One can say that a charter of Madina was based on principles of peaceful co-existence, brotherhood, tolerance, unity, equility. These all virtues fostered harmony in the society, tranquility in the tribes and tolerance in the religion. The Charter of Madiana as a legal document proved to be a progressive document that resolved the conflict and established a peaceful means of resolution of conflict. Hence Islam is religion of Peace (Darul-Salam) and ^{the} Charter demonstrates that.