

(Question) 3

Analyze the Madina Accord as a Social Contract?

Answer:

1- Introduction:

The concept of human rights in Islam is associated with mutual rights, duties, respect, and equality. According to Quran, human beings have superiority over all other creatures. In Islam, ideas about right, society and social contracts are not new things. The charter of Madina is considered as the first social contract in Islamic history. The Charter of Madina is considered a social contract that provides a clear concept about the rights and duties, fundamental principles of a society, constitutional rights, legal rights, rights of state citizens, citizens and individual rights.

Muslim minorities are provided in the Charter of Madina by the Holy Prophet peace be upon him. There is a dire need to understand the core concepts of this Charter and to implement it in societies across the globe.

2- Evolution of Human rights in Islam:

The history of human rights started from Magna Carta, which was given in 1215, but in Islam, the evolution of the idea of fundamental human rights is old compared to the western world. Islam has provided sanctity and respect to human beings in the world as it is mentioned in Holy Qur'an.

"We have provided respect and sanctity to the generation of Adam (A.S)" (AL-QURAN)

In Islam, the human rights concept started from the charter of Medina which was given in 1 A.H and later on in the declaration of Mecca conquer in 8 A.H and the last sermon of the Holy Prophet (PBUH) during Hajj in 10 A.H. The constitution of Medina was created to end the bitter intertribal fighting between the rival clans of Banu Aws and Banu Khazraj in Medina and to maintain peace and cooperation among all Medina groups. Establishing the role of Muhammad as the mediating authority between the two groups.

3- Charter of Medina as a Social Contract:

The term "Social Contract" refers to an agreement in a society among the inhabitants of that society or country

to live a peaceful life with cooperation with equal rights for all citizens.

The social contract provided the basic rights of life, liberty, and freedom to inhabitants. It has 58 clauses and covers the following areas:

- 1- Fundamental Principles of Society
- 2- Individual rights
- 3- Constitutional rights
- 4- Legal rights
- 5- Rights of state citizens.

A. Fundamental Principles

In every social contract, there are some fundamental principles to be decided in every society. These fundamental principles in the Charter of Medina are following:

- a - supreme authority of a state:

The Holy Prophet (PBUH) said:

"When you have clashed at some points, give it in the authority of Allah and his Prophet PBUH." (Article-28)

- b - Supervision and Leadership of Defence Affairs:

Defense is the most important aspect for the survival of any society and state. Clause 41 of the Charter of Medina was about it.

"No one can take a military action without permission of Holy Prophet (SAW)." (Article-41)

• c - Distinguished status of Muslim Ummah
About 4, the Holy Prophet (PBUH) said:

"Muslims are knitted in the relation
of brotherhood." (Article-19)

• d - Observance of International Treaties:

"It is compulsion on Muslims that
they have to participate in
peace and completely follow it." (Article 56)

B - Individual Rights:

Individuals are the basic units of any society
The Charter of Medina is also analyzed as
a social contract because it provides the
fundamental rights of life in a society.

• a - Right of Life:

The charter of Medina also contains clauses
about it.

"Muslims can neither kill other
Muslims as revenge of non-
Muslims nor help non-Muslims
against Muslims." (Article 17)

• b - Right of Security:

According to Charter of Medina,

"Peace treaties will be done by Muslims
by keeping in mind the security
of all the citizens of the state." Article 21

• c - Right of Life of Minorities:

All fundamental rights will be given to

minorities in Islamic states. The social contract of Medina also emphasized on it.

"Minorities (Jews) will enjoy basic rights and equality in an Islamic state of Medina if they respect the state and do not help enemies against Muslims." (Article-20)

• d - Right of Protection for Women:

Women were also considered an integral part of the society under the social contract of the Charter of Medina.

C- Constitutional Rights:

Constitution is regarded as the supreme law of the land.

• a - Right to Constitutionalize the State Matters:

The state matters will be under the supreme authority of Allah and his Vicegerent PBUH. It is mentioned in a Charter of Medina Under Clause 1.

"This is a written document of agreement from the Messenger of Allah Almighty" (Article-1)

• b - Right of Constitutional Equality:

Every person in the state is equal on all basis irrespective of color, caste, creed, and religion.

"Jews will have same rights and privileges as provided to the Muslims" (Article 58)

• C - Prohibition to violate the Constitution:

The constitution will be followed by every citizen of the society as it guarantees social equality and peace for all individuals.

"There will be loyalty to the constitution without any deception.

People will get in return what they do." (Article 59)

D - Legal Rights:

Law is very important to maintain peace in any state.

• a - Legal equality in Rights:

In articles 31 and 40 of the charter of Medina.

"Jews of Bani Najjar have same rights as to Jews of Bani of."

(Article 31)

"All the tribes of Jews will enjoy rights like Muslims" (Article 40)

• b - Obedience to Law without Discrimination:

"Everyone [Jews and Muslims] has to obey the constitution and law

without any discrimination." (Article 55)

• c - Freedom from the Penalty of Undone Crimes:

"The criminal and his family will be responsible and accountable for that crime; there will be freedom from the penalty of undone crimes."

E- Rights of State Citizens:

In a social contract, due importance is given to the state.

• a - Right of Political State Identity:

According to the charter of Medina.

"Muslims have a status of a nation and political unity as compared to other people of the world." Article 3

• b - Eradication of State enemies:

"No shelter will be provided to Quraish and their supporters" Article 53.

• c - Prohibition of Conspiracy against the Islamic State.

"Non-Muslims of Medina States are neither allowed to help non-Muslims of Quraish nor they can quarrel with Muslims for the sake of Quraish."

• d - Right of State Defence.

State Defence is a collective responsibility of all citizens. (Article 25)

"In case of any foreign attack, the defence of Medina State is the responsibility of all including Muslims and Jews."

(Article 54)

4- Conclusion:

Islam has provided equal rights to all aspects and tribes irrespective of their color, creed whether these rights

are related to Muslims, non-Muslims, women, or any ordinary individual in the state. The same has been done in the Charter of Medina which is an Magna Carta in Muslim history. Due to all characteristics and clauses of the Charter of Medina, it is regarded as a social contract. The social, political, economic, legal, and constitutional rights which have been provided to people in the Charter of Medina have no parallel across the globe.

"O beloved prophet, please brighten up the whole atmosphere by putting smile on your bright face; only a glimpse of your bright and sweet face can change our bitter and dark life"

(Maulana Modudi)

