

Q: Analyze Madinah Accord as a social contract.

MADINAH ACCORD

Madinah Accord was the first covenant drafted by Holy Prophet (P.B.U.H.) after his migration to Madinah in 622 CE.

Dr. Hameedullah called it the first written constitution in history. Madinah accord was the earliest social contract which reconciled feuding Arab Tribes, Jewish tribes and other non-Muslims of Madinah.

The foundational principles of this covenant include social cohesion, mutual obligations, supreme authority in dispute resolution.

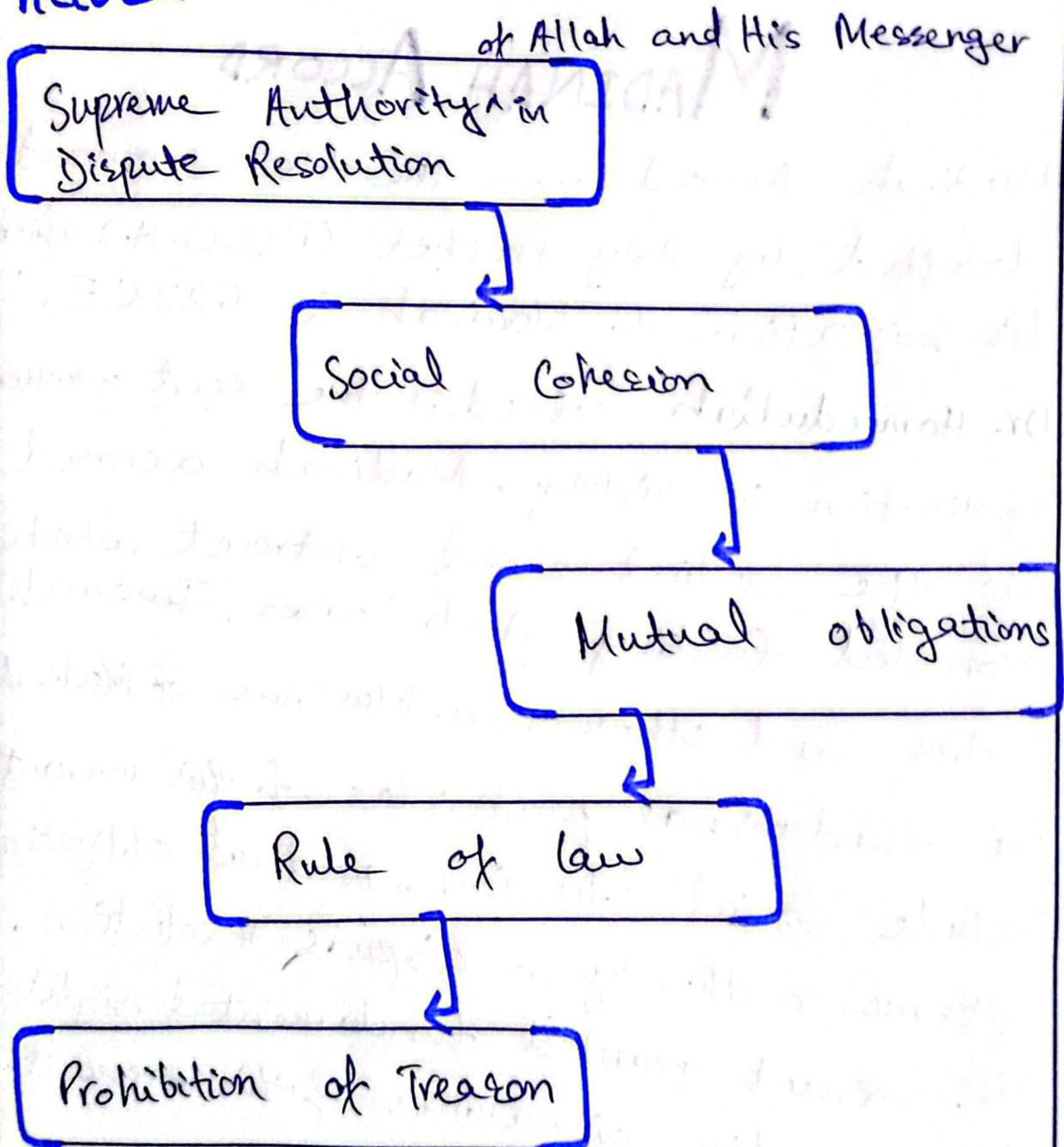
This covenant granted fundamental rights to non-muslim signatories of this covenant.

1. Foundational Principles of Madinah Accord

Following are the foundational principles

of Madinah Accord.

Fig: Foundational Principles of Madinah Accord



i- Supreme Authority in Dispute Resolution

of Allah and His Messenger
Dr. Hameedullah classified Madinah
accord into 52 Articles. The article
23 established sovereignty of Allah

and authority of Holy Prophet (P.B.U.H.) as the supreme authority in dispute resolution.

This reflects following Quranic principle.

Allah Almighty says in Holy Quran

“ The command belongs to none but Allah . ” (Surah Yusuf)

Allah, the Exalted, says that

“ And when you judge between them (O Muhammad) judge by what Allah has revealed. ” (Surah Al-Maidah)

ii. Social Cohesion

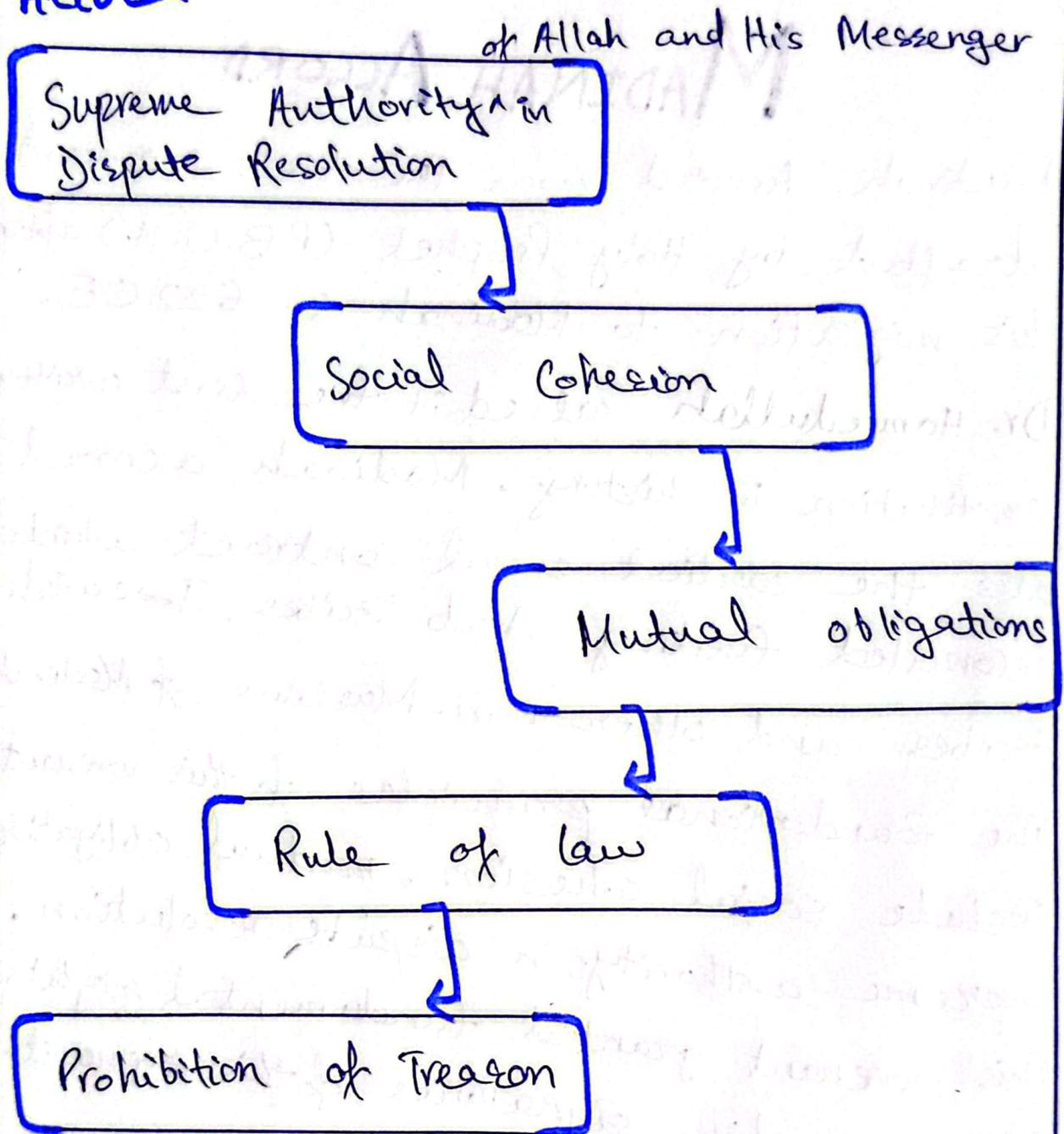
According to Article 16 of Madinah Accord:

“ The Jews who follow us shall have aid and parity. They shall not be wronged nor shall their enemies be aided against them. ”

(Dr. Hameedullah, First Written Constitution in Islam, 1941)

of Madinah Accord.

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iii- Rule of law

According to Article 13 of Madinah Accord

☞ The hands of ^{pious} believers shall be raised against anyone who seeks to spread injustice even if he be the son of one of them. ☞

iv- Mutual Obligations

According to Article 37(A)

☞ The Jews shall bear their own expenses and the Muslims theirs.

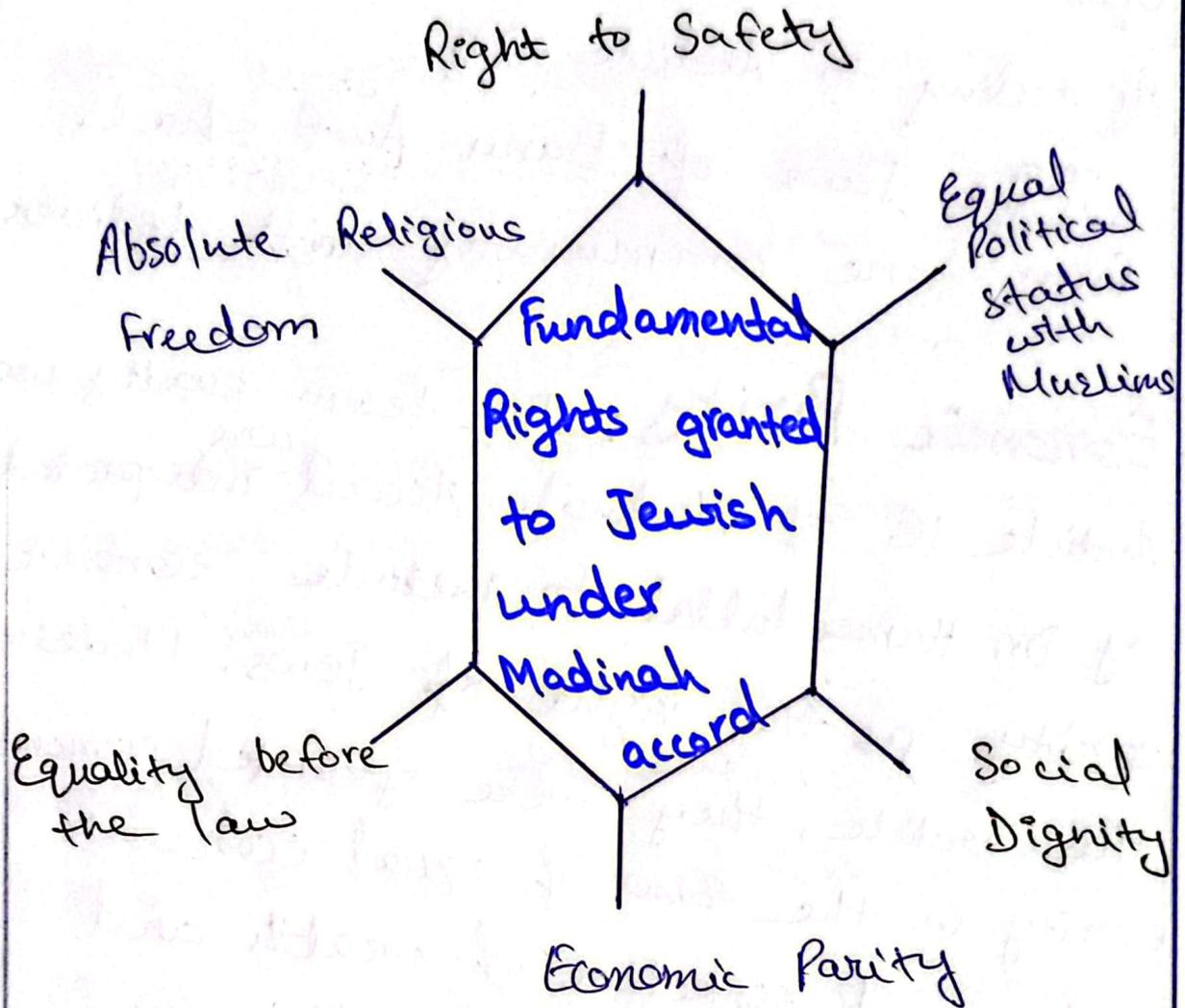
Each party shall help the other in against anyone who fights with signatories of this covenant. ☞
any of the

v- Prohibition of Treason

According to Article 21, none of the signatories was allowed to give neighb-

-only protection to Quraysh who were then at war with Madinah.

Fundamental Rights granted to Jewish under Madinah Accord



i- Right to Safety

According to Dr. Hameedullah, the following clause of Article 16 of Madinah Accord:

غَيْرَ مَنظُورٍ مِّبَيْنَ

They shall not be wronged.

This clause mandates the right of Jews

to safety under Islamic state of Madinah

ii. Equal Political Status with Muslims

According to Article 25:

“The Jews of Banu Awf shall form one community with believers.”

iii. **Economic Parity**:—The term parity used in Article 16 of Madinah Accord ^{was} interpreted by Dr. Hameedullah to include economic parity as the right of Jews. Under this article, they were granted economic parity in the form of equal economic rights and protection of wealth and property.

iv. ~~Absolute~~ Religious Freedom

According to Article 25:

“For Jews, their religion and for Muslims theirs.”

Social Dignity

According to Article 40 of this accord:

“The protected neighbor (Jews and other non-Muslims) shall be equal to that of original party (Muslims of Madinah).”

This article ensured that Jews and other non-Muslim signatories of covenant shall have equal social dignity as that of Muslims.

vii- Equality before the law

According to Article 47 of this accord:

“This covenant will not protect anyone who is unjust or commits crime.”

This article ensured that Muslims cannot use their religion to escape punishment and Jews will be granted protection which they would lose upon committing a crime.

Concluding Thoughts

The Madinah Accord provided foundation for Dhimmi system. It was the earliest social contracts in history. The foundational principles of this accord include social cohesion, mutual obligations, prohibition of treason and supreme authority of Allah and his messenger in dispute resolution. This accord granted fundamental rights to Jewish and other non-Muslim tribes.