



# THE *Constitution* OF MEDINA

[63 CONSTITUTIONAL ARTICLES]

SHAYKH-UL-ISLAM  
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# **The Constitution of Medina**

[63 Constitutional Articles]

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## Introduction

The migration of Prophet Muhammad (Peace be upon him) from Makkah to Medina is one of the best examples to understand the importance of peace, security and interfaith in the religion of Islam. The first pledge of allegiance at Mina between twelve Medinan people who came to embrace Islam at the hands of Prophet Muhammad (Peace be upon him) were subsequently declared as his representatives to Medina and the Prophet, peace be upon him delivered his first sermon of Islam to them. This historical sermon has been documented in several Islamic historical books authored by authoritative Islamic figures who are accepted unanimously. The sermon itself consists of seven points which are stated as follows.

1. To be faithful and obedient to Almighty Allah
2. To not commit theft in one's life
3. To not commit adultery
4. To not kill
5. To not falsely make allegations against anybody
6. To not backbite
7. To practice every good and abstain from every evil.

[Ref: Ibn Hisham, as-Sirat-un-Nabawiyah, vol : 2, pg : 281]

Among the seven aspects discussed only one aspect deals with faith or religious matters and all other six aspects emphasize on reforming and refining the moral behaviour of human life. These aspects aim at protecting people from all kinds of social crimes and they are secular in nature.

Later Prophet Muhammad (Peace be upon him) delivered his first official public speech on the first Friday at a Mosque in Quba on his way to Medina. The Prophet (Peace be upon him) stated that all Muslims should carry out the following;

1. To worship Almighty Allah ;
2. To be truthful;
3. To love everyone in your society;
4. To fulfil all promises and commitments;
5. To differentiate between the lawful and unlawful;
6. To behave with a good manners.

[Ref: Ibn Hisham, as-Sirat-un-Nabawiyah, vol : 3, p: 30]

After suffering torture at the hands of the Makkans, Prophet Muhammad (Peace be upon him) was forced to migrate to Medina. However his benevolent character meant that he never spoke about revenging the people of Makkah but instead spoke about spreading love, peace and humanity.

The first written Constitution of Medina (also known as The Medina Charter or the Charter of Medina) was drafted and declared by Prophet Muhammad (Peace be upon him) in the year 622 AD to the people of Medina who included not only immigrant and local Muslims but also Jews and other non-Muslims and their non-Muslim allied tribes. The Constitution was meant for the ten thousand-strong multi religious citizens of the state of Medina.

This written constitution provided the Medinan society with the concept of devolution of powers which later became the practical foundation of democracy. It provided a moderate and balanced aptitude for all communities living in that society. For the first time in history it gave birth to the idea of a geographical nation which would include all faiths and cultures in one single nation. The concept of the rule of law also emerged from this constitution for the first time. It provided the concept of respecting local customary laws of all tribes and religions living together. It guaranteed the protection of human rights, the protection of women rights, social rights, cultural rights, religious freedom, and the rights of minorities living in the state. It declared Medina a State of peace and security, free from every kind of violence and terrorism. Prophet Muhammad (Peace be upon him) subsequently established the first Islamic state.

It is a remarkable political-constitutional document and the first written constitution of democracy in human history, all later constitutions was founded upon it. Its principles are based on the Qur'an and the Sunnah.

In 1986 the text of the Constitution of Medina was compiled into 47 articles by Dr Muhammad Hamidullah who did this using various original Islamic sources. More recently the noted Islamic scholar and jurist Dr Muhammad Tahir-ul-Qadri analysed the constitution and categorised the headings of the articles according to the modern legal constitutions consisting of 63 articles.

This ebook is based on Dr Qadri's book *Constitutional Analysis of the Constitution of Medina*.

## **The 63 Constitutional Articles**

### **Article 1                    Constitutional Document**

This is a constitutional document given by Muhammad (Peace be upon him), the Prophet (Messenger of God).

### **Article 2                    Constitutional Subjects of the State**

(This shall be a pact) between the Muslims of Quraysh, the people of Yathrib (the Citizens of Medina) and those who shall follow them and become attached to them (politically) and fight along with them. (All these communities shall be the constitutional subjects of the state.)

### **Article 3                    Formation of the Constitutional Nationality**

The aforementioned communities shall formulate a Constitutional Unity as distinct from (other) people.

### **Article 4                    Validation and Enforcement of the former tribal laws of blood money for the emigrant Quraysh**

The emigrants from Quraysh shall be responsible for their ward and they shall, according to their former approved practice, jointly pay the blood money in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom. Moreover, the deal among the believers shall be in accordance with the recognized principals of law and justice.

### **Article 5                    Validation of the former laws of blood money for Banu Auf**

And the emigrants from Banu Auf shall be responsible for their ward and they shall, according to their former approved practice, jointly pay the blood money in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom. Moreover, the deal among the believers shall be in accordance with the recognized principles of law and justice

**Article 6****Validation of the former laws of blood money for Banu Harith**

And the emigrants from Banu Harith shall be responsible for their ward and they shall, according to their former approved practice, jointly pay the blood money in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom. Moreover, the deal among the believers shall be in accordance with the recognized principles of law and justice.

**Article 7****Validation of the former laws of blood money for Banu Saida**

And the emigrants from Banu Saida shall be responsible for their ward and they shall, according to their former approved practice, jointly pay the blood money in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom. Moreover, the deal among the believers shall be in accordance with the recognized principles of law and justice.

**Article 8****Validation of the former laws of blood money for Banu Jusham**

And the emigrants from Banu Jusham shall be responsible for their ward and they shall, according to their former approved practice, jointly pay the blood money in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom. Moreover, the deal among the believers shall be in accordance with the recognized principles of law and justice.

**Article 9**                    **Validation of the former laws of blood money for Banu Najjar**

And the emigrants from Banu Najjar shall be responsible for their ward and they shall, according to their former approved practice, jointly pay the blood money in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom. Moreover, the deal among the believers shall be in accordance with the recognized principles of law and justice.

**Article 10**                    **Validation of the former laws of blood money for Banu Amr**

And the emigrants from Banu Amr shall be responsible for their ward and they shall, according to their former approved practice, jointly pay the blood money in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom. Moreover, the deal among the believers shall be in accordance with the recognized principles of law and justice.

**Article 11**                    **Validation of the former laws of blood money for Banu Nabeet**

And the emigrants from Banu Nabeet shall be responsible for their ward and they shall, according to their former approved practice, jointly pay the blood money in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom. Moreover, the deal among the believers shall be in accordance with the recognized principles of law and justice

**Article 12**                    **Validation of the former laws of blood money for Banu Aws**

And the emigrants from Banu Aws shall be responsible for their ward and they shall, according to their former approved practice, jointly pay the blood money in mutual collaboration and every group shall secure the release of their prisoners by paying the ransom. Moreover, the deal among the believers shall be in accordance with the recognized principles of law and justice.

**Article 13**

**Indiscriminate rule of law and justice for all the communities**

And every group shall secure the release of its captives ensuring that an indiscriminate rule of law and justice is applied among the believers.

**Article 14**

**Prohibition of relaxation in execution of law**

The believers shall not leave a debtor among them, but shall help him in paying his ransom, according to what shall be considered fair.

**Article 15**

**Prohibition of unjust favouritism**

A believer shall not form an alliance with the associate of (another) believer without the (latter's) consent.

**Article 16**

**Collective resistances against injustice, tyranny and mischief**

There shall be collective resistance by the believers against any individual who rises in rebellion, attempts to acquire anything by force, violates any pledge or attempts to spread mischief amongst the believers. Such collective resistance against the perpetrator shall occur even if he is the son of anyone of them.

**Article 17**

**Prohibition of killing a Muslim by a Muslim**

A believer shall not kill (another) believer (in retaliation) for an unbeliever, nor help an unbeliever against a believer.

**Article 18**

**Guarantee of equal right of life protection for all the Muslims**

The security of God (granted under this constitution) is one. This protection can be granted even by the humblest of the believers (that would be equally binding for all).

**Article 19**                    **Distinctive identity of the Muslims against other constitutional communities**  
The believers shall be the associates of one another against all other people (of the world).

**Article 20**                    **Non-Muslim minorities (Jews) have the same right of life protection (like Muslims)**  
A Jew, who obeys us (the state) shall enjoys the same right of life protection (as the believers do), so long as they (the believers) are not wronged by him (the Jews), and he does not help (others) against them.

**Article 21**                    **Guarantee of peace and security for all the Muslims bases on equality and justice**  
And verily the peace granted by the believers shall be one. If there is any war in the way of Allah, no believers shall make any treaty of peace (with the enemy) apart from other believers, unless that is based on equality and fairness among all.

**Article 22**                    **Law of relief for war allies**  
Every war ally of ours shall receive relief turns (at riding) at all military duties.

**Article 23**                    **Law of vengeance for the Muslims in case bloodshed in the way of Allah**  
The believers shall execute vengeance for one another for the bloodshed in the way of Allah.

**Article 24**                    **Islam is the best code of life**  
All the God-fearing believers are under the best and most correct guidance of Islam.

**Article 25**

**Prohibition of providing security of life and property to the enemy**

No idolater (or any non-believer among the clans of Medina) shall give protection for property and life to (any of the) Quraysh (because of their being hostile to the state of Medina) nor shall intervene on his behalf against any believer.

**Article 26**

**Execution of the law of retaliation for a Muslim murder**

When anyone intentionally kills a believer, the evidence being clear he shall be killed in retaliation, unless the heirs of the victim are satisfied with the blood money. All the believers shall solidly stand against the murderer and nothing will be lawful for them except opposing him.

**Article 27**

**No protection or concession for the doer of mischief and subversion against the constitution**

A believer who believes in God and in the Hereafter and agrees to the contents of this document shall not provide any protection or concession to those who engage in mischief and subversion against this constitution. Those who do so shall face the curse and wrath of God on the Day of Resurrection. Furthermore, nothing shall be accepted from them as a compensation or restitution (in the life hereafter).

**Article 28**

**The final and absolute authority in the disputes vests in Almighty Allah and Prophet Muhammad (Peace be upon him)**

When anyone among you differs about anything, the dispute shall be referred to Almighty Allah and to the Prophet Muhammad (Peace be upon him), (as all final and absolute authority is vested in them).

**Article 29**                    **Proportionate liability of non-Muslim citizens (the Jews) in bearing the war expenses**

The Jews (non-Muslim minorities) will be subjected to a proportionate liability of the war expenses along with the believers so long as they (the Jews) continue to fight in conjunction with them.

**Article 30**                    **Guarantee of freedom of religion for both the Muslims and non-Muslim minorities (the Jews)**

The Jews of Banu Awf (non-Muslim minorities) shall be considered a community along with the believers. They shall be guaranteed the right of religious freedom along with the Muslims. The right shall be conferred on their associates as well as themselves except those who are guilty of oppression or the violators of treaties. They will bring evil only on themselves and their family.

**Article 31**                    **Equality of rights for the Jews of Banu Najjar with the Jews of Banu Awf**

The Jews of Banu Najjar shall enjoy the same rights as granted to the Jews of Banu Awf.

**Article 32**                    **Equality of rights for the Jews of Banu Harith with the Jews of Banu Awf**

The Jews of Banu Harith shall enjoy the same rights as granted to the Jews of Banu Awf.

**Article 33**                    **Equality of rights for the Jews of Banu Sa'ida with the Jews of Banu Awf**

The Jews of Banu Sa'ida shall enjoy the same rights as granted to the Jews of Banu Awf.

**Article 34**                    **Equality of rights for the Jews of Banu Jusham with the Jews of Banu Awf**

The Jews of Banu Jusham shall enjoy the same rights as granted to the Jews of Banu Awf.

- Article 35**            **Equality of rights for the Jews of Banu Aws with the Jews of Banu Awf**  
The Jews of Banu Aws shall enjoy the same rights as granted to the Jews of Banu Awf.
- Article 36**            **Equality of rights for the Jews of Banu Tha'laba with the Jews of Banu Awf**  
The Jews of Banu Tha'laba shall enjoy the same rights as granted to the Jews of Banu Awf except who are guilty of oppression or violate treaties; they will bring evil only on themselves and their family.
- Article 37**            **Equality of rights for Jafna, the branch of Banu Tha'laba, with the Jews of Banu Awf**  
Jafna, a branch of Banu Thalaba, shall enjoy the same rights as granted to Banu Tha'laba.
- Article 38**            **Equality of rights for the Jews of Banu Shutayba with the Jews of Banu Awf**  
The Jews of Banu Shutayba shall enjoy the same rights as granted to the Jews of Banu Awf. There shall be complete compliance (with this constitution) and no violation (of its clauses)
- Article 39**            **Equality of rights for all the associates of the tribe Tha'laba**  
All the associates of Banu Tha'laba shall enjoy the same rights as granted to Banu Thalaba.
- Article 40**            **Equality of rights for all branches of the Jews**  
All sub-branches of the Jews shall enjoy the same rights as granted to them (the Jews).
- Article 41**            **Final command and authority in military expeditions vests in the Prophet Muhammad (Peace be upon him)**  
Verily none among the allies shall advance (on a military expedition) without the prior permission of the Prophet Muhammad (Peace be upon him) (in whom vests the final command and authority).

- Article 42**            **No exception from the law of retaliation**  
There shall be no impediment on anyone who wished to avenge a wound.
- Article 43**            **Responsibility of unlawful killing**  
Whoever commits an unlawful killing shall be responsible for it himself with his family members but he is exempted in case he kills a cruel. Verily, Allah (is the Trust Helper) support those who adhere completely to this constitution.
- Article 44**            **Separate liability of war expenses**  
The Jews and the Muslims shall bear their own war expenses separately.
- Article 45**            **Compulsory mutual help to one another in case of war**  
There shall be mutual help between one another against those engage in war with the allies of this document.
- Article 46**            **Mutual consultation and honourable dealing**  
There shall be mutual consultation and honourable dealing between the allies and there shall be the fulfilment not the violation, of all pledges.
- Article 47**            **Law of prohibition of treachery and help of the oppressed**  
No one shall violate the pledge due to his ally and verily; help shall be given to the oppressed.
- Article 48**            **The Jews (non-Muslim minorities) shall also extend financial support to the state during the war period**  
The Jews (non-Muslims minorities) along with the believers shall extend financial support to the state during the war period.
- Article 49**            **Prohibition of fighting and bloodshed among the various communities of the state**  
The valley of Yathrib is sacred and there shall be prohibition of fighting and bloodshed among the various communities of the state.

**Article 50**                    **Equal right of life protection shall be granted to everyone, who has been given the constitutional shelter**

A person given constitutional shelter shall be granted an equal right of life protection as long as he commits no harm and does not act treacherously.

**Article 51**                    **Law of shelter for the women**

A woman shall not be given any shelter without the consent of her family.

**Article 52**                    **Authority of Allah and the Prophet Muhammad (Peace be upon him) shall be final and absolute authority in all disputes instigating any quarrel**

And verily if any dispute arises among the parties to this document from which any quarrel may be feared, it shall be referred to God and to Muhammad (Peace be upon him), the Messenger of God, for the final and absolute decision. Verily, God is the Guarantee for the faithful observance of the contents of this constitution (which shall be enforced by the state).

**Article 53**                    **No refuge for the enemies of the state nor for their allies**

There shall be no refuge for the Quraysh (the enemies of the state) nor for their allies.

**Article 54**                    **Joint responsibility of defence in case of an attack on the state**

The Muslims and the Jews shall be jointly responsible to defend (the state of) Medina against any outside attack.

**Article 55**                    **Incumbency of observance of the treaty of peace for every ally**

It shall be incumbent upon the Jews to observe and adhere to any peace treaty they are invited to participate in. Likewise, it shall also be incumbent upon the Muslims to observe and adhere to any peace treaty they are invited to.

- Article 56**            **No treaty shall suspend or negate the responsibility of the protection of Deen**  
(Likewise, it shall be incumbent upon the Muslims also to observe and adhere to any peace treaty that they are invited to), but no treaty will restrain them from fighting for the protection of their Deen.
- Article 57**            **Every party to treaty shall be responsible for the defence of its facing direction**  
Every party to the treaty shall be responsible for the measures and arrangements of the defence of its facing direction.
- Article 58**            **The basic constituent members of this document and their associates shall possess the equal constitutional status**  
The Jews of Aws (one of the basic constituent members of this document) and their allies shall possess the same constitutional status as the other parties to this document, with a condition that they should thoroughly sincere and honest in their dealing with the parties.
- Article 59**            **No party shall have any right of violation of the constitution**  
No party shall have the right to violate the constitution. Every person who is guilty of a crime shall be held responsible for his act alone.
- Article 60**            **Favour of Almighty Allah will be subject to the observance of the constitution**  
Verily, God is the Guarantee for the faithful observance of the contents of this constitution (which shall be enforced by the state).
- Article 61**            **No traitor or oppressor shall have the right of protection under this document**  
Verily this constitutional document shall not protect any traitor or oppressor.

**Article 62**

**All peaceful citizens would be in a safe and secure protection**

Verily, whoever goes out (on a military expedition) shall be provided with security and whoever stays in Medina shall have (likewise), except those who commit oppression and violate the contents of this constitution.

**Article 63**

**Allah and his Prophet Muhammad (Peace be upon him) are the protectors of the peaceful citizens of Medina who abide by the constitution**

Verily, Allah and the Prophet Muhammad (Peace be upon him), the Messenger of God, are the protectors of good citizens and of those who fear Almighty Allah.

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