

CONSTITUTION OF MEDINA

PROPHET MUHAMMAD, 622 CE

SUMMARY

The Constitution of Medina, written on behalf of the Islamic prophet Muhammad in 622 CE, outlines the rights and duties of the people living in the city of Medina (present-day Saudi Arabia). The document also regulates relations between Muslims and other communities on the basis of religion (as opposed to ethnicity or tribal affiliation).



Door of Al-Masjid an-Nabawī (The Prophet's Mosque) in Medina (via Medium)

The constitution protects all inhabitants of Medina, regardless of religion, and explicitly states that Jews and Muslims can practice their religions freely. Many historians consider the Constitution of Medina to be the first document in history to establish religious freedom as a right (though earlier documents, such as the Cyrus Cylinder, also mention religious freedom).

DOCUMENT SOURCE

"Full Text of the Madina Charter," Constitution Society,
<https://www.constitution.org/cons/medina/macharter.htm> (accessed February 7, 2019).

DOCUMENT TEXT

1. This is a document from Muhammad the Prophet (may Allah bless him and grant him peace), governing relations between the Believers i.e. Muslims of Quraysh and Yathrib and those who followed them and worked hard with them. They form one nation – Ummah.
2. The Quraysh Mohajireen will continue to pay blood money, according to their present custom.
3. In case of war with any body they will redeem their prisoners with kindness and justice common among Believers. (Not according to pre-Islamic nations where the rich and the poor were treated differently).
4. The Bani Awf will decide the blood money, within themselves, according to their existing custom.
5. In case of war with anybody all parties other than Muslims will redeem their prisoners with kindness and justice according to practice among Believers and not in accordance with pre-



Islamic notions.

6. The Bani Saeeda, the Bani Harith, the Bani Jusham and the Bani Najjar will be governed on the lines of the above (principles)
7. The Bani Amr, Bani Awf, Bani Al-Nabeet, and Bani Al-Aws will be governed in the same manner.
8. Believers will not fail to redeem their prisoners they will pay blood money on their behalf. It will be a common responsibility of the Ummat and not of the family of the prisoners to pay blood money.
9. A Believer will not make the freedman of another Believer as his ally against the wishes of the other Believers.
10. The Believers, who fear Allah, will oppose the rebellious elements and those that encourage injustice or sin, or enmity or corruption among Believers.
11. If anyone is guilty of any such act all the Believers will oppose him even if he be the son of any one of them.
12. A Believer will not kill another Believer, for the sake of an un-Believer. (i.e. even though the un-Believer is his close relative).
13. No Believer will help an un-Believer against a Believer.
14. Protection (when given) in the Name of Allah will be common. The weakest among Believers may give protection (In the Name of Allah) and it will be binding on all Believers.
15. Believers are all friends to each other to the exclusion of all others.
16. Those Jews who follow the Believers will be helped and will be treated with equality. (Social, legal and economic equality is promised to all loyal citizens of the State).
17. No Jew will be wronged for being a Jew.
18. The enemies of the Jews who follow us will not be helped.
19. The peace of the Believers (of the State of Madinah) cannot be divided. (it is either peace or war for all. It cannot be that a part of the population is at war with the outsiders and a part is at peace).



20. No separate peace will be made by anyone in Madinah when Believers are fighting in the Path of Allah.
21. Conditions of peace and war and the accompanying ease or hardships must be fair and equitable to all citizens alike.
22. When going out on expeditions a rider must take his fellow member of the Army-share his ride.
23. The Believers must avenge the blood of one another when fighting in the Path of Allah (This clause was to remind those in front of whom there may be less severe fighting that the cause was common to all. This also meant that although each battle appeared a separate entity it was in fact a part of the War, which affected all Muslims equally).
24. The Believers (because they fear Allah) are better in showing steadfastness and as a result receive guidance from Allah in this respect. Others must also aspire to come up to the same standard of steadfastness.
25. No un-Believer will be permitted to take the property of the Quraysh (the enemy) under his protection. Enemy property must be surrendered to the State.
26. No un-Believer will intervene in favour of a Quraysh, (because the Quraysh having declared war are the enemy).
27. If any un-believer kills a Believer, without good cause, he shall be killed in return, unless the next of kin are satisfied (as it creates law and order problems and weakens the defence of the State). All Believers shall be against such a wrong-doer. No Believer will be allowed to shelter such a man.
28. When you differ on anything (regarding this Document) the matter shall be referred to Allah and Muhammad (may Allah bless him and grant him peace).
29. The Jews will contribute towards the war when fighting alongside the Believers.
30. The Jews of Bani Awf will be treated as one community with the Believers. The Jews have their religion. This will also apply to their freedmen. The exception will be those who act unjustly and sinfully. By so doing they wrong themselves and their families.
31. The same applies to Jews of Bani Al-Najjar, Bani Al Harith, Bani Saeeda, Bani Jusham, Bani Al Aws, Thaalba, and the Jaffna, (a clan of the Bani Thaalba) and the Bani Al Shutayba.
32. Loyalty gives protection against treachery. (loyal people are protected by their friends against treachery. As long as a person remains loyal to the State he is not likely to succumb



to the ideas of being treacherous. He protects himself against weakness).

33. The freedmen of Thaalba will be afforded the same status as Thaalba themselves. This status is for fair dealings and full justice as a right and equal responsibility for military service.
34. Those in alliance with the Jews will be given the same treatment as the Jews.
35. No one (no tribe which is party to the Pact) shall go to war except with the permission of Muhammed (may Allah bless him and grant him peace). If any wrong has been done to any person or party it may be avenged.
36. Any one who kills another without warning (there being no just cause for it) amounts to his slaying himself and his household, unless the killing was done due to a wrong being done to him.
37. The Jews must bear their own expenses (in War) and the Muslims bear their expenses.
38. If anyone attacks anyone who is a party to this Pact the other must come to his help.
39. They (parties to this Pact) must seek mutual advice and consultation.
40. Loyalty gives protection against treachery. Those who avoid mutual consultation do so because of lack of sincerity and loyalty.
41. A man will not be made liable for misdeeds of his ally.
42. Anyone (any individual or party) who is wronged must be helped.
43. The Jews must pay (for war) with the Muslims. (this clause appears to be for occasions when Jews are not taking part in the war. Clause 37 deals with occasions when they are taking part in war).
44. Yathrib will be Sanctuary for the people of this Pact.
45. A stranger (individual) who has been given protection (by anyone party to this Pact) will be treated as his host (who has given him protection) while (he is) doing no harm and is not committing any crime. Those given protection but indulging in anti-state activities will be liable to punishment.
46. A woman will be given protection only with the consent of her family (Guardian). (a good precaution to avoid inter-tribal conflicts).



47. In case of any dispute or controversy, which may result in trouble the matter must be referred to Allah and Muhammed (may Allah bless him and grant him peace), The Prophet (may Allah bless him and grant him peace) of Allah will accept anything in this document, which is for (bringing about) piety and goodness.
48. Quraysh and their allies will not be given protection.
49. The parties to this Pact are bound to help each other in the event of an attack on Yathrib.
50. If they (the parties to the Pact other than the Muslims) are called upon to make and maintain peace (within the State) they must do so. If a similar demand (of making and maintaining peace) is made on the Muslims, it must be carried out, except when the Muslims are already engaged in a war in the Path of Allah. (so that no secret ally of the enemy can aid the enemy by calling upon Muslims to end hostilities under this clause).
51. Everyone (individual) will have his share (of treatment) in accordance with what party he belongs to. Individuals must benefit or suffer for the good or bad deed of the group they belong to. Without such a rule party affiliations and discipline cannot be maintained.
52. The Jews of al-Aws, including their freedmen, have the same standing, as other parties to the Pact, as long as they are loyal to the Pact. Loyalty is a protection against treachery.
53. Anyone who acts loyally or otherwise does it for his own good (or loss).
54. Allah approves this Document.
55. This document will not (be employed to) protect one who is unjust or commits a crime (against other parties of the Pact).
56. Whether an individual goes out to fight (in accordance with the terms of this Pact) or remains in his home, he will be safe unless he has committed a crime or is a sinner. (i.e. No one will be punished in his individual capacity for not having gone out to fight in accordance with the terms of this Pact).
57. Allah is the Protector of the good people and those who fear Allah, and Muhammad (may Allah bless him and grant him peace) is the Messenger of Allah (He guarantees protection for those who are good and fear Allah).

