

The Constitution of Islamic State of Madina

The First Written Constitution Of Human History

An excerpt from the book *Constitutional Analysis of the Constitution of Madina* written by Dr. Muhammad Tahir-ul-Qadri

Article 1 **Constitutional Document**

This is a constitutional document given by Muhammad (Peace be upon them), 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 Madina) 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 of 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 Madina) shall give protection for property and life to (any of the) Quraysh (because of their being hostile to the state of Madina) 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 them)

When anyone among you differs about anything, the dispute shall be referred to Almighty Allah and to the Prophet Muhammad (Peace be upon them) (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 them)**
Verily, none among the allies shall advance (on a military expedition) without the prior permission of the Prophet Muhammad (Peace be upon them) (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 them) 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 them), 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) Madina 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 Madina 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 them) are the protectors of the peaceful citizens of Madina who abide by the constitution**
Verily, Allah and the Prophet Muhammad (Peace be upon them), the Messenger of God, are the protectors of good citizens and of those who fear from Allah.