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Düşüncede Siyasi Otoritenin Doğuşu Açısından Bir  
Değerlendirilmesi

**An Evaluation of the Aqabah Pledges and the Charter of Medina to  
the Birth of Political Authority in Islamic Political Thought**

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## Akabe Anlaşması ve Medine Sözleşmesi'nin İslami Siyasal Düşüncede Siyasi Otoritenin Doğuşu Açısından Bir Değerlendirilmesi

### Öz

Bu makale, İslami siyasal düşüncede siyasi otoritenin temeli olarak kabul edilen ilk İslam döneminin iki önemli antlaşmaları Akabe anlaşması ve Medine sözleşmesini analiz etmeye amaçlamaktadır. Birçok çağdaş aydın, bu iki antlaşmayı, Modern Siyasal Düşüncede sosyal sözleşme teorisine ilişkin peygamberin önderliğinde siyasi bir otorite kurmak amacıyla Hz. Muhammed ile Medine halkı arasındaki sözleşme olarak tanımlamıştır. Bu makale, Müslüman teorisyenlerin özellikle Reşid el-Gannuşi'nin yazıları ışığında bu iki belgeyi İslami siyasal düşüncede siyasi bir otoritenin doğuşu olarak değerlendirilmektedir. Gannuşi zorlama yerine "karşılıklı sözleşme" içinde İslam devleti Şura tarafından oluşturulmalı diye tartışmayı amaçlanmıştır. Bu araştırma, birincil ve ikincil verilere dayanan nitel bir araştırmadır. Birincil veriler, birincil literatürlerden ve ikincil veriler ikincil literatürler, makaleler ve tezlerden toplanmıştır. Bu araştırma, veri analizi için içerik analiz ve tarihsel analiz yöntemleri kapsamlı bir şekilde kullanılmıştır. Bu yazının, bu bağlamda bu iki antlaşmanın İslami siyasal düşüncede siyasi otoritenin doğuşu ile ilgili önemli belgeler olarak incelenerek akademiye katkıda bulunacağı umulmaktadır.

**Anahtar Kelimeler:** Akabe Anlaşması, Medine Sözleşmesi, İslam Siyasal Düşüncesi, Gannuşi, İslam Devleti

## An Evaluation of the Aqabah Pledges and the Charter of Medina to the Birth of Political Authority in Islamic Political Thought

### Abstract

This paper aims to analyze the two crucial treaties of the early Islamic period as the Aqabah pledges and the Charter of Medina, which is considered the foundation of the political authority in Islamic political thought. Several contemporary intellectuals intended to identify these two treaties as the contract between Prophet Muhammad and the people of Medina for establishing a political authority under the leadership of the prophet relating



to the social contract theory in Modern Political Thought. This paper analyzes these two documents as the birth of a political authority in Islamic political thought in the light of the writing of Muslim theorists, particularly Rachid al-Ghannouchi, who argued the Islamic state should be formed by Shura within “mutual contract” rather than coercion. This research is a qualitative research based on both primary and secondary data. Primary data were collected from primary literature, and secondary data were collected from secondary literature, articles and theses. This research extensively used the content analysis and the historical analysis methods for its data analysis. It is hoped that this paper will contribute to academia by analyzing these two treaties as the essential documents regarding the birth of political authority in Islamic political thought within the present context.

**Keywords:** Aqabah Pledge, Charter of Medina, Islamic Political Thought, Ghannouchi, Islamic State

## Introduction

The foundation of political authority in Islamic political thought laid down in Medina within the migration of Prophet Muhammad and his companions from Makkah to Medina. As argued by Robinson, *Muhammad's decision to migrate Medina was in purpose both deeply religious and deeply political* (Robinson, 2011: 173). Aqabah Pledges played a significant role beyond this migration where people of Medina particularly from two powerful tribes Aws and Khazraj agreed to accept Prophet Mohammad as the Prophet and leader even agreed to participate in the war in terms of necessity (Vanauker, 2016: 5-6). After migration, Prophet Mohammad initiated an agreement, i.e. charter with all groups of Medina (Aws, Khazraj, Jews as well as other tribes) to ensure social and political order and protect Medina from foreign intervention. This charter is familiar with the “Charter of Medina” or “Constitution of Medina”. Hamidullah (1986) considered it as the first written constitution in the history of political thought. Following this aspect, Lecker (2004: 2) argued that Hamidullah for the first time intended to merge with the terminology of political science. However, Wellhausen (1889) described it as the “municipal charter” (*Gemeindeordnung*), who was first ever studied this charter as Modern, more accurately Western scholar (Arjomand, 2009: 555). Within this charter, a city-state was formatted, which had expanded toward a transnational level just after a few years. As the vital document beyond this big political authority, the Aqabah pledges and the Charter of Medina seem very important to discuss in every age, particularly



in Islamic political thought. Several academicians penned these treaties from different point of view.

Koyuncu (2009) analyzed from the aspect of “Medina city-state” of “first Muslim state”, where he considered the second Aqabah pledge as important for preparing favorable circumstances for migration to Medina, which was the starting point of this state, i.e., political power. Emon (2001) and Şen (1998) analyzed the Charter of Medina as the legal or constitutional documents where Sambur (2014) analyzed from the aspect of ensuring freedom and pluralism and argued that the charter of Medina was ensured justice, peace and the rule of law which is relevant today from many aspects of Modern state. Arjomand (2009) analyzed the sociological perspective of forming Ummah where Berber (2016) argued the aspect of a new community with existing the tribal system. Yildirim (2006 and 2009) analyzed it from the conflict resolution perspective. However, Hamidullah’s (1986) analysis from the perspective of the birth of state is comparatively more relative with this study and the pioneer research on this issue from the perspective of modern political science.

This current research aims to evaluate these two important treaties as the vital document of the birth of the state in Islamic political thought, particularly issues regarding “contract” in political thought. This issue is crucial because of the increasing several extremist groups all over the Muslim countries who are using “Jihad” negatively and often claim to establish an Islamic state here and there, i.e., ISIS or ISIL. They also take pelage (*Ba’yah*) from people forcibly, and the leader of these groups claimed himself as caliph (Wagemakers, 2015).

Several Muslim intellectuals both in early and contemporary time argued that political power demands a “mutual contract” between the ruler and the ruled particularly al-Mawardi from early Muslim intellectuals and Rachid Ghannouchi from contemporary aspect strongly argued for a contract between Imam and Ummah (al-Mawardi, 1996: 10; Ghannouchi, 2015: 186). Here Ghannouchi intended to compare with social contract theory in Modern political thought and he prescribed that in this perspective Islamic state is nearer to a democratic state (Ghannouchi, 2015: 186-190). Following this way, Ghannouchi argued for Muslim democracy, which has been an important aspect of Islamic political thought in the contemporary period.

This research plans to conduct the content analysis and the historical analysis of both the Aqabah pledges and the Charter of Medina. In



theoretical perspective, it will discuss broadly Ghannouchi's concept of the state which he discussed in his masterpiece, "Public freedom in Islamic State (İslam Devletine Kamusal Özgürlük)". It is hoped that this paper will contribute to the academia by analyzing the important two treaties as the contract of the birth of state with the necessary theoretical analysis.

## Theoretical Overview

The issue regarding the birth of the state is an important topic in political science in Modern times. "Social contract theory" is considered the prime theory in the birth of the state in modern political thought, which refers to a mutual contract between the ruler and the ruled to secure life, liberty, and property. However, there are several differences among vital social contract theory theorists, i.e., Hobbes, Locke, and Rousseau. The central theme of the theory is the mutual contract between the rulers and the ruled to govern society without any force (Held, 1989: 14-29; Rahman, 2020).

In the perspective of Islamic political thought, al-Mawardi was the first man who raised this issue that Imamate is a matter of contract. According to Mawardi, Imamate is a contract between two groups or institutions, Imam and people. As Mawardi stated, "There is a consensus of opinion that the person who discharges the responsibilities of this position must take on the contract of Imamate of the Ummah" (al-Mawardi, 1996: 10).

In Modern times, Rachid al-Ghannouchi discussed this issue broadly. Ghannouchi put *Shura* as the most crucial principle in his perception of the Islamic state. According to him, the Islamic state is based on two principles; *Nass* (text) and *Shura* (Ghannouchi, 2015: 128). *Nass* or text is including the *Quran* and *Sunnah*, though the interpretation of this text also depends on *Shura*, particularly where the meaning of text is not exact. On the other hand, the implementation of text also depends on *Shura*. In these meanings, *Shura* is the most crucial principle of the Islamic state. By the term *Shura*, he didn't intend to explore simply as the council of *Ulama* rather he means the whole *Ummah*. He included that *Shura* is the fundamental issue in the birth of the state, in the legislation, and all perspectives of state.

According to Ghannouchi, the Modern state stands on two important principles: legitimacy and sovereignty (Ghannouchi, 2015: 128). *Shura* covers these two fundamental issues in the Islamic state, particularly in the birth of a state where these two pre-condition is necessary. Ghannouchi further discussed the ways of birth of a state. According to him, the state may be formatted by coercion or contract. He argued that the Islamic state i.e., Imamate is a matter of contract (Ghannouchi, 186). Here he quoted from As



Senhuri's thesis (La Califat, published in 1926) where he argued that Imamate is a contract between two groups; Imam and Ummah (Ghannouchi, 2015; 186). He also quoted from Ziauddin Ar-Rais where he stated that the contract of Imamate in the Muslim community is further advanced than Rousseau's social contract (Ghannouchi, 2015: 186).

Ghannouchi further argued that the Imam gain authority only by this contract, and it should be by mutual understanding. It isn't differing if Imam himself becomes a Mujaddid because, without Ijma or the majority's support, the Ijtihad of Imam doesn't work. He also mentioned the Aqabah pledges as an example and mentioned the throne of Abu Bakar as caliph, which was also an example of a mutual contract. Finally, he argued that Imamate is a contract between Imam (president of state) and Ummah (whole Muslim/people) from all perspectives.

## Historical Background

In the early Prophetic years, Muhammad intended to build up a Muslim community (*Ummah*) based on monotheism (*Tawhid*) in Mecca. In that time, politically Mecca, more broadly, Arabia was a fragmented land between two big empires Byzantine and Persian (Sasanian) though it was the center of trade and religion (Etheredeg, 2010: 29). Polytheism was the prime religious belief of Arabia where people paid worship in front of put and idols along with the animist cults and the natural things like the sun, the moon, Venus, certain sacred rocks or trees, and so on (Esposito, 1999: 4). Christianity, jews, and other religious beliefs were also available in several areas. Pilgrimage was a tremendous religious duty where Quraysh was the host of Pilgrimage.

Politically, Mekkah was governed as a city-state. As Hamidullah argued, there were some 25 public offices consisting of different sectors like the army, the revenue, the temple, the administration of justice the foreign affairs, etc. (Hamidullah, 1986: 6). Socially, there was a discrimination in everywhere as well as economic discrimination was a common scenario. Slavery was a common culture in the Arabian society where the man was the product of selling. The slaves were often oppressed by the master. There was no right for women. The birth of the female child was considered a great curse, and often, she was buried by her father. The Quran terms it as the "time of ignorance" (Jahiliyah).

When Prophet Mohammad started his mission (*Dawah*) in Arabia, at-first his family members, dearest friend, and poorest people of the society accepted his *Dawah*. But the major groups of the society, particularly the powerful or



richest people, ignored him and his works. When the number of Muslim people increased day by day, they started to oppose and later make oppression against Muslims. Prophet Mohammed intended to find a new area or community to help his works i.e., new religion (Islam). At-first, a small group of Sahaba (Prophet's companions) migrated to Abyssinia, where the King was familiar with his justice (Ibn Hisham, 2000: 56). The Quraysh leaders send a delegation there to back them from Abyssinia, but the King refused them. Later the Quraysh boycotted Mohammad and his companions who were in Makkah, particularly from the clan of Banu Hashim, for a couple of years. There was a severe humanitarian crisis on those days for Muslims. Later though, Quraysh had withdrawn boycott, but the oppression was continuing. The life of the Prophet and his companions were in danger. Prophet Mohammad went to the leaders of several Arabian tribes to support him i.e., new religion. Still, they refused him though he was continually preaching toward Arabia, particularly in the time of Pilgrimage. Later the people of Medina accepted and sheltered him. Within this process, two important contracts were signed between the Prophet Mohammad and the people of Medina. These treaties are familiar as Aqabah pledges. As mentioned by Ibn Hisham,

*“When Allah ordained to give sovereignty to His religion..... The Prophet (pbuh) met a number of Madinah residents (who were later known as the Ansar) at the season of Pilgrimage. As usual, he introduced himself to the Arab tribes when he met at Al-Aqabah..... a number of the Khazraj.....”*  
(Ibn Hisham, 2000: 83).

Within these pledges, Mohammad and his followers migrated to Medina and founded a new political authority under his leadership. The Charter of Medina was the legal baseline for this political authority, signed by all groups/ tribes in Medina, including Jews people.

### **The Aqabah Pledges**

The Aqabah Pledges were held two times as an agreement between the Muhammad and the Citizen of Medina, particularly from Aws and Khazraj. In the first Pledge of Aqabah which was held in 621, ten peoples from Khazraj and two peoples from Aws sworn in an oath to the prophet; *“(1) not associate anything with God: (2) not steal: (3) not commit fornication or adultery:*



(4) not kill their children: (5) not slander: (6) not disobey God or His apostle in the good” (Ibn Ishaq, 1955: 199; Vanauker, 2016: 5).

This pledge was a first step to establish a new community (*Ummah*). After this First Pledge of Aqabah, Islam was spread in Yathrib (Medina) by the groups of twelve peoples and some followers of Muhammad who were sent by Muhammad to teach them Islam. As mentioned by Ibn Hisham from Ibn Ishaq,

*“When those men left, the Prophet (pbuh) sent with them Mus’ab ibn Umayr, the son of Hashim ibn’abd Manaf, charging him to show them how to recite the Qur’an, to teach them Islam, and to help them understand the doctrines of their religion. In Madinah Mus’ab was called “The Reciter” and he used to be their Imam in the prayers because the Aws and the Khazraj could not stand that they take the lead of one another”*  
(Ibn Hisham, 2000: 85).

Following year, the second round of Aqabah pledge was held and that was a final agreement with Prophet Mohammad that the people of Medina are ready to give shelter him and his follower as well as to accept him as their leader. This pledge is familiar as “Pledge of War” because they agreed to participate in war if necessary (Vanauker, 2016: 5-6). As Ibn Hisham mentioned the words of second Aqabah pledge,

*“Ubadah ibnus-Samit Said, We gave a pledge to the Prophet (pbum) that we would listen and obey in times of plenty as well as in scarcity, under likable and dislikable circumstances, and that we would not disagree with those who are in authority, and that we would speak the truth wherever we are, and that we would never fear of the blame of the blamers”* (Ibn Hisam, 2000: 89).

There was a significant difference between these two treaties; the first Aqabah pledge was a basic pledge in terms of moral matter or being a good Muslim but the second Aqabah pledge was a highly political one in terms of the clause of participation in war (if necessary). Both sides, i.e. the Prophet



and the People of Medina certainly known that signing this type of contract means ensuring war with Quraysh.

This research paid attention here in a topic that what was the reason behind this acceptance of a foreigner as a leader of them and being hostile with Quraysh, several *Sirat* (biography of Prophet), historians and writers penned on this issue. Before entering this issue, another critical point should be disclosed here that Prophet Mohammad's initiative to find a new community/ tribe to shelter him was a highly political issue. As mentioned by Ibn Ishaq (1955), Tabari (1988) and Ibn Kashir (2003), several examples of Mohammad's invitation to the leader of the tribes, i.e. the language/ the words of Prophet's to the leaders of Arabian Tribes proved that his mission wasn't merely a humanitarian issue of sheltering a people/ a group of people. Ibn Kahir (2003) discussed more details about this issue. When Prophet and his companions went to the leaders of the tribes, they often asked some questions, i.e. about their total numbers, security system, wealth, and performance of the wars with their enemies (Ibn Kasir, 2003: 262-268). The Arabian Tribes often mentioned their glory and issue regarding their relationship or contract with the Persian Empire in terms of security. But they denied accepting Prophet that it is not possible to withdraw the contract with them i.e. Persian Empire. Prophet sometimes responded to them by saying, you can overcome to the Persian Empire and they will be under you (Ibn Kasir, 2003: 162). However, the Arabian tribes refused him mainly because of fair of Quraysh and the Persian Empire.

On the other hand, giving shelter of Mohammad and his follower was a highly risky task, but the people of Medina gave shelter the Prophet and his companions. As mentioned by *Sirat* writers, there is a religious cause that intend of Allah as well as they were living with Jews people where the Jews often said them about the Prophet and claimed that this prophet will be from Jews, by whom they will lead the world (Ibn Kasir, 2003: 272). As also mentioned by Ibn Ishaq, "*Jews used to say them, A Prophet will be sent soon, His day at hand. We shall follow him and kill you by his aid as Ad and Iram perished*" (Ibn Ishaq, 1955: 198). So, people of Medina were aware on this matter.

Along with these issues, there were several political issues beyond this decision. There was a political disorder in Medina (Hamidullah, 1986: 8; Bulaç, 1992: 104; Çiçek, 2013; Sambur, 2014). The tribes belong to Aws and Khazraj often faced one another i.e. bloody war. The Bu'ath war was a mentionable one where several leaders of both tribes were killed and that was just before couple of years of Aqabah pledges. They intended to find someone who will negotiate between two tribes and lead them (Bulaç, 1992:



104; Çiçek, 2013). As mentioned by *Sirat* writers that war was the significant story behind their acceptance of Prophet as their leader. Vanauker significantly put two matters in political aspects: “(1) *their destructive intertribal wars that appear to have had occurred repeatedly and with increasing frequency and (2) their wishful thinking that through Muhammad they could reconcile and end those reoccurring and destructive hostilities*” (Vanauker, 2016: 10).

On the other hand before the couples of year one or two person accepted Islam by meeting with Prophet and listening to his speech. As mentioned by Ibn Ishaq, Iy’as Ibn Mu’adh was one of people from Aws tribe who accepted Islam before Aqabah pledges who came to Makkah for seeking help from Quraysh against Khazraj. However, Prophet meet with them and offer more better solution (i.e. accepting Islam) but other peoples of the group (i.e. except Iy’as) denied (Ibn Ishaq, 1955: 197). Though Iy’as died after a few days of these meeting but he often told the people of Medina about Prophet and his speech (Ibn Ishaq, 1955: 196-97).

Following the first pledge of Aqabah, Islam spread in Medina within the great extent, here, the preaching work (*Dawah*) of Mus’ab was also mentionable. Within this way, people of Medina were convinced that their solution is possible by Prophet and Islam. So, they intended to be with Prophet even in the war. As a result when the uncle of Prophet Hazrat Abbas raised several issues regarding the pledge that this contract is not easy work and it is a high risk work by saying,

*“...People of the Khazraj (the Arabs used to call the Ansar, the Khazraj and the Aws together, by the name of the Khazraj), you know what Muhammad’s position is among us. We have protected him against those of our people who have the same religious views as ourselves. He is held in honor by his own people and is- safe in his country. He is determined to leave them and to join you, so if you think that you can fulfil the promises which you made in inviting him to come to you and can defend him against his enemies, then assume the responsibilities which you have taken upon yourselves. But if you think that you will abandon him and hand him over after*



*he has come to you, then leave him alone now, for he is honored by his people and is safe in his country"*(Watt and McDonald, 1988: 133).

The People of Medina accepted all of this condition. After Hazrat Abbas speech, Prophet started his speech and finally said that *"I will enter a contract of allegiance with you, provided that you protect me as you would your wives and children"* (Watt and McDonald, 1988: 133). The leaders of Medina accepted Prophet's condition and oath to him. As mentioned by Tabari,

*"Then al-Bars' b. Ma'rur took his hand and said, "By Him who sent you with the truth, we shall defend you as we would our womenfolk. Administer the oath of allegiance to us, O Messenger of God, for we are men of war and men of coats of mail; we have inherited this from generation to generation"* (Watt and McDonald, 1988: 133).

So, that contract was based on mutual understanding without any force. As argued by Hamidullah,

*"Rousseau, Hobbs and other political scientetists consider social contract between the rulers and the ruled as the beginning of state. A patent and factual example of this is to be found in the bai'at (pledge) of Aqaba, in which the people of Medina accepted the Prophet as their leader, invited him to come to their country and agreed to obey his orders in weal and woe"* (Hamidullah, 1986: 9).

## The Charter of Medina

After his migration, Muhammad gave priority to unite the people of Medina under an agreement. Later the Charter of Medina was being signed by all groups of Medina, which is considered as the first written constitution in the history of political thought (Hamidullah, 1986:1). The Charter of Medina was an agreement between Muhajirun (Muhammad and his migrated followers), Ansar (citizen of Yathrib especially from Aws and Khazraj) and Jews. This charter is crucial to understand Muhammad's perception of state or perception of state in early Islamic age. Esposito argues,



*“The Prophet’s move (the Hijra, emigration) to Medina marked the beginning of a new chapter in his life and that of his followers. They were no longer a small, oppressed religious group in Mecca; they were now an autonomous religio-political community of Believers that dominated the oasis of Medina. Muhammad’s hijra to Medina in 622 was thus the beginning of Islam’s long life as a political force, a fact symbolized by the selection of that year to serve as the first year of the Islamic era” (Esposito, 1999: 8).*

Modern Muslim intellectuals divided the text of the Charter of Medina into several articles or clauses, as Hamidullah (1986) identified 47 clauses where Tahir-ul-Qadri (2012) identified 63 articles for better understanding as a political and legal text. However, the main text is the same as stated by the historians and *Sirat* writers as Ibn Ishaq, Ibn Hisham, al-Tabari or Ibn Kasir. This paper intended to discuss the clauses of the charter from both Hamidullah (1986) and Tahir-ul-Qadri (2012)’s version. In the very beginning of this charter, a formal political authority in Medina was formed under the leadership of Muhammad (Clause-1). As Hamidullah argued,

*“In the very first clause, a proclamation has been made of the Inauguration of an Islamic political unit composed of the refugees of Makkah and helpers of Medina and also those who were willing to take part in these wars, under the guidance of and cooperation with this united body of the Muslims of Makkah and Medina. It has been further laid down that this political unit will obey the orders issues by Prophet Muhammad (SA), messenger of Allah (Clause-1)” (Hamidullah, 1986: 16-17).*

Along with this, Prophet Muhammad will be the high command of the military expedition (Article 41 in Tahir-ul-Qadri, 2012) as well as the final and absolute authority shall be referred to Allah and Prophet Mohammad notably when the people differ about anything (Article 28 in Tahir-ul-Qadri, 2012). Following these articles or clauses of the charter , the citizens of



Medina were proclaimed as one nation or community apart from other people of the world (Clause-2 in Hamidullah, 1986). So this clause announced a sovereign state in modern meaning. Esposito (1999: 8), Khel (1982), Koyuncu (2009) and many others political scientists considered it as the foundation of city state or first Muslim state.

Along with this charter, the migrants (Muhajir) and the people of Medina (helper or Ansar, particularly Aws and Khazraj) were made new bonding among themselves as "brotherhood" in the provision of sharing wealth from one another. Within this provision, helpers (people of Median) offered half of their wealth, house even wives (with legal procedure) to his partner migrant Muslim. This provision is not possible anyway without a mutual environment. So, this charter was a kind of brotherhood project among the citizen of Medina which seemed very important to form a new political authority as well as society, i.e. *Ummah* (Açık, 2015; Koyuncu 2009).

A strong defense strategy for Medina has been adopted that all groups will protect this land from all kind of foreign intervention as well as all groups will pay the expense of war (including Jews). No group or person can make any types of dealing contract with foreign people without the permission of Prophet Mohammad (Hamidullah, 1986: 11-12).

Several citizen rights were adopted. The aspect of liberties and freedom of modern meaning like protection of life, the right of justice and many others right have been associated with this charter (Sambur, 2014). Religious right was one of the important rights among them. As mentioned in article 30, "*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*" (Tahir-ul-Qadri, 2012). On the other hand, the citizen had equal right without separating religion, race, and tribe. As mentioned in the Ibn Hisham Version: "*The Jews who join as clients will receive aid and equal rights; they will not be wronged, nor will their enemies be aided against them*" (Lecker, 2004: 34). Sambur (2014) considered Medina model, i.e. charter of Medina as the practical example of pluralism, liberty and rule of law.

Besides central authority, tribal authority was continuing as local administration. Citizens of each tribe were living together and away from other tribes. The Refugees from Makkah were one tribe as *Muhajir* (Refugee). In modern term, it is possible to compare to local government, i.e. regional and district administration. In each tribe, there was an authority consisted of leader and deputy leader. Tribe leader, deputy leader and meeting place were called, Naqib, Arif and Saqifa, respectively (Hamidullah, 1986: 19).



Black argued that *“Tribal identity continued to have meaning within mainstream Islamic Society. ‘In the Arab-Muslim world, the social realities consisting of tribe, clan, and lineage were characterized by a remarkable consistency and permanence”* (Black, 2011: 10).

Another critical aspect of “Medina Charter” was the clause of the continuity of blood money. Clause 4-11 of Hamidullah’s version mentions that the tribes of Medina (Banu Awf, Banu l-fiiirith, Banu sii’ida, Banu l-najjiir, Banu ‘amr ibn ‘awf, Banu l-nabft, Banu l-aws) were continuing to co-operate with each other following their former mutual aid agreements regarding blood money (and related matters) and every sub-group ransoms its captives according to what is customary and equitable among the Mu’minun (Locker, 2004: 32).

By the Charter of Medina, people accepted Islam as the code of life (article 24 in Tahir-ul-Qadri, 2012). Within this framework, several roles of conduct have been adopted as prohibition of killing a man. Following this charter, the moral standard of the state was established; firstly, accountability to Allah in case of violence of rules and regulation; secondly, the fear of Allah in case of committing sin and violating human rights (Hakkul Eibad).

Finally, within this charter, the new city-state ensured its legitimacy and sovereignty (in Modern meaning). Later, the city was named “Medina” which previous name was “Yathrib”. In the Arabic language “Medina” is referred to the city. The name “Yathrib” was changed to “Medinatunn Nabi” (City of Prophet/ Muhammad) or “Medina” in short.

After finalizing the charter, Muhammad gradually established Medina as a powerful community in world history. As an emerging political power, war with the opposition, especially The Quraysh, was ascertained. As a result, a series of battles (Badr in 624; Uhud, 625; and Khandaq, 627) were held between these two groups. Later, Muhammad broke a truce with the Quraysh at Hodaybiya in 628. Muhammad also faced internal violence by Jews people many times. After the conquest the Makkah in 630, Islam was expended through all of Arabia and its surroundings toward the Byzantine border.

Under political power, Muhammad implemented a new moral and legal order for society and its people. With his unique personality, he acted as a religious (Prophet) and political leader at the same time. In the 10 years of his active political role in Medina, he gradually transferred his community from tribe to universal arena. So, Arab or Non-Arab was an equal position in



his system. He implemented a new legal and economic system gradually among society. His economic system was a welfare economic system based on Zakah (paying alms as obligatory nature) system where interest was forbidden. As Black argues,

*“Muhammad set out to replace both the tribe and the state with a religious community and a moral and legal order. And he did indeed found a unique type of community, face-to-face and worldwide, relating individual to group through a unique combination of rites and ethics which, in retrospect, could have been deliberately designed to forge inter-personal bonds on a global scale. Islam provided a specific path, quite different to that taken by Egypt, the Greek poleis and the feudal monarchies of Europe, from tribalism to a wider and more structured society. The space occupied in other cultures by relatively impersonal state officials was here occupied by the Sharia and charismatic individuals. What all these societies had in common was dynasties” (Black, 2011:13).*

## Findings and Conclusion

So, the Aqabah pledges and the Charter of Medina have a significant impact on Islamic political thought, particularly as the legal documents of the birth of the first political authority. Historically, in the early age of Islam, it was a difficult time for the Prophet and his followers in Makkah, where it wasn't safe for them. So, Prophet intended to find shelter from other Arabian tribes though many tribes refused him. The Muslims were weak from all perspectives, and several threats from Quraysh and the Persian Empire was an important factor for the tribes. The people of Medina mutually made the contract, i.e., Aqabah pledges with Prophet to accept him as a religious and political leader. This research found the different causes in such initiative from the people of Medina to shelter the Prophet and his followers: firstly, there were several political disorder in Medina and tribes are fighting one another: secondly, there was a need a leader who will lead them and make a mutual relation among tribes: thirdly, the Jews' interpretation of a Prophet within their religious knowledges and intended to take over him to win over the people of Medina: finally, the religious cause. So, it is apparent that there wasn't any pressure from the Prophet's side and it was impossible also on



that time. As a result, the first political authority in Islam was made by mutual contract from all perspectives. On the other, the Charter of Medina also signed with a mutual environment with all groups of Medina. The equal right of living and religious freedom was ensured for all, i.e., Muslim and non-Muslim. There was no discrimination among citizens of that political authority. So, that was a mutual and interactive environment to sign the contract.

In terms of Modern time, it is also necessary to ensure a contract with the ruler and the ruled, which offers the democratic system in the aspect of social contract. Though there are several debates here about the nature of the Islamic state but most of the contemporary Muslim intellectuals argued for democracy, particularly Rachid al-Ghannouchi. As mentioned in the theoretical part, Ghannouchi argued that the birth of the Islamic state depends on Shura i.e., the intend of Ummah within mutual contract. It neither accept coercion nor the extremism. Bay'a (contract) should be held with mutual way and with full satisfaction of *Ummah*. In this perspective, the Aqabah pledges and the charter of Medina are the examples in terms of mutual contract which till relative to the birth of the state in Islamic political thought. This research suggests that these two vital documents need to discuss more in further studies from other perspectives to understand the nature of political power, i.e., the perception of state in Islam.

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