

An Article on

MADINA CHARTER AND QUAID E AZAM

(An analysis of the August 11, 1947 Speech)

by S. H. Qadri, Research Associate, MUSLIM Institute



The Islamic Republic of Pakistan enjoys special association with the first Islamic state of Madina as both have been founded on the basis of Islam – the religion of nature. Islam as a religion provides for welfare of humanity in this world as well as in life hereafter as we have been exhorted in the Holy Book to seek:-

Our Lord! Give us in this world [that which is] good and in the Hereafter [that which is] good and protect us from the punishment of the Fire.⁽¹⁾

Meesaq e Madina (Madina Charter) is considered as first major initiative towards establishing Muslim state defining rights and obligations of the citizens as well as role of the state. Quaid e Azam's 11 August 1947 speech is also considered as outline of his vision for Pakistan. On the eve of 137th birthday of the founder of Pakistan, Quaid's famous speech is being compared with the Madina Charter to highlight how Quaid envisaged Pakistan to be an Islamic welfare state granting rights and protections to its citizens that were enshrined in Madina Charter for subjects of the state founded by the Holy Prophet (SAW).

Worldly rule has never been objective of any Holy Prophet (AS) nor any of them ever desired for acquisition of the same. However, the Last Holy Prophet (SAW) not only established the first Islamic state but held the position of its supreme ruler also. The system he (SAW) established remains an inspiration and example for the mankind since centuries. Since the establishment of the state of Madina till modern

day's progress and prosperity, every country has progressed by implementing – pronouncedly or silently - the golden principles of statehood lay down by The Holy Prophet (SAW). It took Europe centuries to attain current political and constitutional destination; the state of Madina, however, attained political and constitutional zenith in ten years only following its start after the migration (Hijra). Indeed the credit for this achievement goes to the unmatched leadership and vision of Hadrat Muhammad (SAW).



Why the state of Madina was established? Or amidst what circumstances was it established? This is a separate subject. However, to have an idea about its background, it must be known that Yathrib (Madina Munawara) was inhabited by different tribes and the bigger tribes amongst them Aus and Khazraj were idol worshippers. Banu Nudhair, Banu Quraidha and Banu Qainuqa belonged to Judaism. The Christians also lived there but they were a minority. Apart from these big tribes,

there were smaller too. Every tribe had its own small place. According to Syed Abul Aala Modoodi, Jews lived in this area before Aus and Khazraj came here. In the beginning, Jews did not let Aus and Khazraj thrive but eventually with the help of Syrian troops, Aus and Khazraj were successful in gaining power. Consequently, Banu Nudhair and Banu Quraidha were compelled to leave this place and live on the outskirts of the city. Since the third Jewish tribe had rivalry against both these tribes, it continued to live inside the city. However, it had to seek asylum from Khazraj tribe. Likewise Banu Nudhair and Banu Quraidha sought asylum from Aus so that they could live in peace in the suburbs of the city.⁽²⁾

Thus Aus and Khazraj attained a distinctive position in Yathrib but the Jews, through their conspiracies didn't let these two unite as the Jews had vested interests in their disunity. Eventually, a few years before the migration (Hijra) these two tribes fought a bloody war at the place Buaath wherein Jewish allies of both the tribes also participated. Each tribe suffered heavy losses of life and property. In the modern parlance, it can be described as "great tribal war", which fractured standing of both sides. Resultantly, the peace loving segments gained prominence in the society. This war also left deep imprints on the Islamic society found in Yathrib as Dr. Hameedullah has also written:

"Before migration when some people of Aus and Khazraj tribes embraced Islam, the clash arose regarding leading (imam) the prayer because if the Imam was from Khazraj tribe, the Ausi Muslims would refuse to pray behind him as there was a dispute between both the tribes. That's why it was required to send an Imam from Makkah so that both Aus and Khazraj could follow him in prayers."⁽³⁾

In this context, there is another incident related to Hazrat Sa'd Bin Muaz (R.A), who was a staunch believer and an active worker in Madina. He belonged to Khazraj. When the Holy Prophet (SAW) migrated from Makkah to Quba, Hazrat Sa'd secretly disguised himself to go there at night to see the Prophet (SAW) as this area (Quba) belonged to Aus. When the Holy Prophet (SAW) asked the elders of Aus tribe to grant refuge to Hazrat Sa'd, they hesitated and replied that they could do so to obey the prophet (SAW), else they themselves were not willing to offer the refuge to Hazrat Sa'd . This underscores the magnitude of tribal prejudice, faced by our Prophet Syedna Muhammad (SAW). Amidst these circumstances Prophet Muhammad (SAW) reached Yathrib and established an Islamic state there.

The first and foremost thing that he (SAW) did was to forge Aus, Khazraj and the migrants from Makkah into one community. Another factor must be heeded i.e. the population of Yathrib and its surrounding was around 10,000. When Prophet Muhammad (SAW) made all the tribes accept his supremacy, the number of Muslim migrant and native companions (Ansar) of Syedna Muhammad (SAW) was only around 400 persons. It is a great example of profound political vision and acumen of Syedna Muhammad (SAW) that superiority of such a (small) minority was established so peacefully.

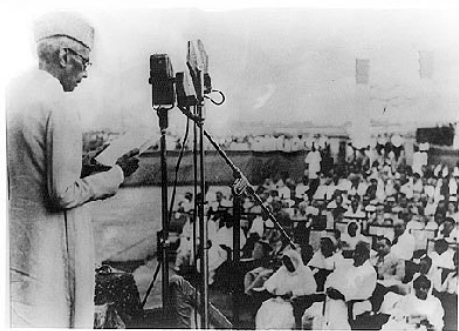


Thirteen hundred years later the same vision served as an ideal for Quaid e Azam Muhammad Ali Jinnah and the Muslim minority of Subcontinent during their struggle for independence. Situation of prejudices in the Sub-Continent was no different than Yathrib as hinted by Quaid e Azam in these words:-

“As regards Muslims you have Pathans Punjabis, Shias, Sunnis and so on, and among the Hindus you have Brahmins, Vashnavas, Khattris, also Bengalis, Madrasis and so on. Indeed if you ask me, this has been the biggest hindrance in the way of our independence else we would have been free quite long ago.”⁽⁴⁾

The Muslims of Subcontinent also established the platform of Muslim League to forge unity in their ranks and to become one unit. From this platform struggle for creation of Pakistan started. Just the attainment of a country was not the ultimate goal of Muslims; rather it was a step towards the sublime mission which was initiated by Prophet Muhammad (SAW) in Treat of Madina (Meesaq –e Madina). Quaid e Azam also pointed towards that in these words:

“The establishment of Pakistan for which we have been striving for the last ten years is, by the grace of Allah, an established fact today, but the creation of a State of our own was means to an end and not the end in itself. The idea was that we should have a State in which we could live and breathe as free men and which we could develop according to our own desires and culture and where principles of Islamic social justice could find free play.”⁽⁵⁾



On August 11, 1947, while addressing the first Constitutional Assembly of Pakistan, he has mentioned only about the social principles of Islam. Let's keep in view the important points of Quaid e Azam's address and then try to ascertain on the criterion of Madina Charter as which aspect of his speech doesn't bear any relevance to (the precedence of) Madina Charter, or doesn't correspond with what Syedna Muhammad (SAW) had stated or is not in conformity with the traditions of Islam. We will try to sort out the basis of the propagation made

by the secular minded people to prove that Quaid e Azam wanted a secular form of government in Pakistan, which should be absolutely free of religion.

After expressing thanks, he stated,

“The Constituent Assembly has got two main functions to perform. The first is the very onerous and responsible task of framing our future constitution of Pakistan and the second of functioning as a full and complete Sovereign body as the Federal Legislature of Pakistan. We have to do the best we can in adopting a provisional constitution for the Federal Legislature of Pakistan.....Dealing with our first function in this Assembly, I cannot make any well-considered pronouncement at this moment, but I shall say a few

things as they occur to me.”

1. Law and Order

Quaid e Azam /11 August

“The first duty of a Government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the State.”

Madina Charter Clause 13

The Believers, who fear Allah, will oppose the rebellious elements and those that encourage injustice or sin, or enmity or corruption among Believers.

Madina Charter Clause 16

Those Jews who follow the Believers will be helped and will be treated with equality. Neither these Jews will be maltreated nor will their enemy be helped against them.

Madina Charter Clause 36 (B)

No hindrance will be posed to take revenge of any injury or killing. If any of these parties or individual is found guilty of a murder without cause or bloodshed, he himself will pay for it as well as his family except this, that he is wronged. Allah stands by those who abide by this pact more and more.

2. Dos and Don'ts

Quaid e Azam /11 August

The second thing that occurs to me is this. One of the biggest curses from which India is suffering — I do not say that other countries are free from it, but, I think, our condition is much worse — is bribery and corruption. Black-marketing is another curse. A citizen who does black-marketing commits, I think, a greater crime than the biggest and most grievous of crimes. These black-marketers are really knowing, intelligent and ordinarily responsible people, and when they indulge in black-marketing, I think they ought to be very severely punished, because they undermine the entire system of control and regulation of food-stuffs and essential commodities, and cause wholesale starvation and want and even death. *(Regarding this, it's already mentioned above in the clause 13 of Madina Charter)*

Madina Charter Clause 47

This document will not (be employed to) protect one who is unjust or commits a crime (against other parties of the Charter). Whoever will abide by this Charter with loyalty and conscience, Allah and his Prophet Muhammad (SAW) will also be their protectors and well-wishers.

3. Justice and Nepotism

Quaid e Azam /11 August

The next thing that strikes me is this. Here again is a legacy which has been passed on to us. Along with many other things good and bad, has arrived this great evil -the evil of nepotism and jobbery. This evil must be crushed relentlessly. I want to make it quite clear that I shall never tolerate any kind of jobbery, nepotism or any influence directly or indirectly brought to bear upon me. Wherever I find that such a practice is in vogue, or is continuing anywhere, low or high, I shall certainly not countenance it.

Madina Charter Clause 13 (Remaining)

The one who will spread violence among the believers, the believers will combat him united, even though he may be any of their sons, or other close relatives.

4. The System of Public Welfare

Quaid e Azam /11 August

Now, if we want to make this great State of Pakistan happy and prosperous we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor.

Madina Charter Clause 11

Each group, following the paradigms of justice will, get its slaves freed by paying the blood money.

Madina Charter Clause 13

Believers will not fail to redeem their loanees, rather according to the norms they will help them to pay blood money, ransom etc.

Madina Charter

The Jews must bear their own expenses (in War) and the Muslims bear their expenses.

With regards to Madina Charter, from the tradition of Muhammad Bin Ishaq, following is stated in the "History of Ibn-e- Katheer":

"The immigrants from Makkah or the Helpers (Ansar) from Madina both are a single Ummah as defined by Islam. They, whether belonging to any tribe of Quraish (from Makkah) or Ansar (from Madina), will never abandon each other because of poverty (as a consequence of a large family to support). However, they will follow the path of wisdom and sanity and be steadfast to help one another."⁽⁶⁾

5. Equal Rights and Duties and Incentives

Quaid e Azam /11 August

Every one of you, no matter what is his color, caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations there will be no end to the progress you will make.

Madina Charter Clause 15

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. Believers are all friends to each other to the exclusion of all others.

Madina Charter Clause 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). No Jew will be wronged for being a Jew.

Madina Charter Clause 45 (B)

Each group will be responsible to resist intrusion in its area.

Madina Charter Clause 47

Whether an individual goes out to fight (in accordance with the terms of this Charter) or remains in his home, he will be safe unless he has committed a crime or is a sinner.

6. Unity and Integrity

Quaid e Azam /11 August

I cannot emphasize it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities — the Hindu community and the Muslim community — because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas, Khattris, also Bengalese, Madrasis and so on — will vanish.

Madina Charter Clause 37 (B)

In case anyone fights against the parties of this Charter, all the members (Jews & Muslims) will help each other. Moreover, they will help each other sincerely and they will be loyal. Everyone who is wronged (either Muslim /Non-Muslim) will be helped.

Madina Charter Clause 39

Yathrib will be a sanctuary for the people of this Charter.

7. The System of Republic and Religious Freedom

Quaid e Azam /11 August

You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State.

This is the point where the secular minded people have fallen a prey to misconception and this misconception is so grave that, while strengthening their argument on this single point, they have absolutely rejected all his Islamic statements. They have gone to the extent of saying that Quaid e Azam used religion as a tool. His real objective was to create a secular state. Let's (with the blessing of Allah Almighty) try to analyze these remarks also in the light of Madina Charter and decide whether this is an Islamic point of view or non-Islamic.

Madina Charter Clause 1

This is a document from Muhammad the Prophet (Allah's blessings be on him), governing relations between the Believers i.e. Muslims of Quraysh and Yathrib and those who follow them and participate with them in war.

Madina Charter Clause 2

They will be a separate political unity against other people.

Madina Charter Clause 35

The Jews of Bani Auf and their allies and partners, all will be considered as a single party with Muslims. Jews will follow their religion while the believers will abide by their faith. However, if anyone breaks the promise or commits a cruelty, he will simply put himself and his family into trouble.

The Holy Prophet (SAW) gave everyone religious freedom in the same State which came into being with the efforts of Syedna Muhammad (SAW), and despite difference of religion, Muslims and non-Muslims both were awarded equality because of the treaty (Madina Charter) made by the state. There was absolute religious freedom but, besides this freedom, the conformity to Charter was crucial for everyone. Thus from political perspective, they all were the citizens of the same state. For the State, neither a Jew was a Jew nor was a Muslim a Muslim (that is further confirmed from the clauses 44 and 45 respectively)

The parties to this Charter are bound to help each other in the event of an attack on Yathrib.

Madina Charter Clause 43

Amongst Muslims those who invite their allies to make peace with Jews, the Jews should reconcile and vice versa, except in case of a war for the sake of religion

The last point mentioned above makes it clear that war and peace for the sake of the state is a different issue in which Muslims and non-Muslims participate on equal basis and enjoy equal rights while war and peace for the sake of religion is entirely a different issue. In other words, the business of state is a separate matter.

Now those factions who think that Quaid e Azam had no religion or who desire to make Pakistan a secular country, must ponder if there is anything that Quaid e Azam has stated in his address to the constitutional assembly that is not in conformity with Islam of Madina Charter. Didn't Madina Charter make the provision of peace for everyone? Is Madina Charter devoid of Dos/Don'ts? Does Madina Charter promote cruelty and partiality? Is Madina Charter devoid of any spirit of human welfare? Does Madina Charter encourage ethnic and sectarian biases? Did the first ever established Muslim State under the premise of Madina Charter decline to give religious liberty to any one or deny anyone participation in state affairs? And if the answer to all this is in affirmative, then decide yourself that what kind of system Quaid e Azam had desired for Pakistan.



In his last address, to assert his point Quaid e Azam has referred to England and not Madina Charter but this should not lead us to a misconception that either he ignored Madina Charter or he was unaware of it. Three days after this address, while addressing the constitutional Assembly of Pakistan, on 14th August, 1947, in Karachi, he stated:

"I wish to emphasize that we appreciate the spirit in which those in the Government service at present and in the Armed Forces and others have so willingly and ungrudgingly volunteered themselves provisionally to serve Pakistan. As servants of Pakistan we shall make them happy and they will be treated equally with our nationals. The tolerance and goodwill that great Emperor Akbar showed to all the non-Muslim is not of recent origin. It dates back thirteen centuries ago when our Prophet (SAW) not only by words but by deeds treated the Jews and Christians, after he had conquered them, with the utmost tolerance and regard and respect for their faith and beliefs. The whole history of Muslims, wherever they ruled, is replete with those humane and great principles which should be followed and practiced."⁽⁷⁾

I think, by commemorating Madina Charter on the great occasion of 14th August and inauguration of Pakistan's Constitutional Assembly, he has made it immortal. The true love for Allah, the Holy Prophet (SAW), the Holy Quran and Quaid e Azam (R.A) demands from us that while celebrating 14th August, our Independence Day, we should also celebrate it as a day to refresh our allegiance to Madina Charter because Madina Charter is the basic constitution of an Islamic state and also Quaid e Azam's first address to the constitutional Assembly. A close study, analysis and resemblance between the both make it evident that it's not only the fundamental constitution of a state but a distinctive progress in the history of civilization on international level. In the light of the principles laid out in this charter, besides founding an ideal Islamic state, the world can also be turned into an abode of peace, mutual regard and welfare. The

current society, being nurtured on the principles of empirical and experimental sciences, must make an experimental observation of this charter (Madina charter). And for this Pakistan is the most suited laboratory.

I will also conclude with the saying of Quaid e Azam:

“They fail to see that a group of people, who deliberately want to make mischief, is involved in propaganda, that the foundation of Pakistan will not be laid on the principles of Islam (meaning thereby that the constitution of Pakistan will be secular). Today, also the principles of Islam are applicable to life in the same way as they were thirteen hundred years ago.... Let us make this, (the constitution of Pakistan). We will make it and show it to the whole world.”⁽⁸⁾

According to Madina Charter, Pakistan’s governing system is a message of Islam, not merely verbal but demonstrate able, for international. And that is an obligation for every Pakistani who is a believer. The Muslims of Pakistan only need awakening of spiritual insight and awareness of the spirit of Islam.

References

1. Al-Baqra (201)
2. Yahood, Yathrib aur Madina ba-hawaal e Tarjaman ul-Quran
3. Islami Riyasat (page 18) Dr. Hameedullah Alfaisal Publishers, Lahore
4. The Speech made to Constitutional Assembly on being elected as the first President of C.A, Karachi 11, August 1947
5. Address to the military officers of Civil, Naval and Air forces, 11 October 1947
6. Aibidiya–wal–Nihaya, Volume 3, Page 220, Al-Nafeees Academy, Karachi
7. Speech made on the occasion of the inauguration of Constitutional Assembly: Karachi 14 August 1947
8. Address on the occasion of Eid-Meelad–ul-Nabi (SAW), Karachi 25 January, 1947

Note:

For Madina Pact the book that has been made a reference and source of consultation is “Al wisaq sisayah lil-ahad e Nabwi” which is found on Page 186, of “Dhia-un-Nabi” volume 3. Dr. Hameedullah has used the same numbering for the clauses of Meesaq e Madian as is established and approved on international level (in Holand, Germany etc.). Wherever he required, he divided and made a second part. In Dhia un Nabi the number of articles is 47 while Dr. Tahirul Qadri has divided it into 63 parts. For Urdu translation both the books including Dhia un Nabi and Meesaq e Madina by Dr. Tahir ul Qadri have been consulted. In Dhia –un Nabi the translation is by Dr. Nisar Ahmad which has been derived from his research thesis “The Evolution and growth of the state during the reign of Prophet Muhammad (SAW). For the extracts from the speeches of Quaid e Azam, the book “Quaid e Azam Taqareer – O- Bayanat“, volume 4, published by “Bazm e Iqbal -2” Club Road Lahore, has been consulted.