

The Concept of Socio-Political Contract and Its Development in the Experience of Early Political Islam

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Abstract

This research aims at providing an intellectual study to justify or refute the accusation that says, “Islam established its empire by sword and its system of government was undemocratic, but purely based on autocracy and theocracy”, by studying the social and political system of Arabs before and after Islam; how did Islam influence their system of life morally and politically? This research confirmed that Islam came and met Arabs on some peculiar customs and traditions, such as racism, fanaticism, partisanship, etc., those acts that were highly required urgent rectification and amendment, and indeed that was what Islam as a new administration tackled with different approaches based on wisdom and social agreements. The research figured out that the establishment of Islamic state was primarily based on mutual consultation and agreement between Prophet (SAW) and the people of al-Madīdah, as it is proven by the first and second treaties signed between both parties, which can be considered as Socio-Political Contract and factors of good citizenship. Furthermore, upon arrival of Prophet Muhammad in Madinah he started with the main factors of stability, harmony, security and peaceful co-existence with others, by regulating the terms of relationship between the citizens of al-Madinah, who were formed from different ethnics and religious groups, in a document that can be considered as al-Madinah’s constitution in 623 A.D. The document that contained the statement and explanation of the duties and rights of every group including Muslims and others. The research concluded that the theory of governance and formation of the state and social institutions in Islam was based on mutual consultation and agreement between the concerned parties, as it was manifest through the treaties signed by Muhammad (SAW), his administration, as well as his caliphs’ administration. The basis of the theory of governance in Islam is celestial in terms of the legislative power and decree’s right, which are the prohibitions and lawfulness; this is strictly limited to Allah and his messenger. However, the executive and judicial rights are given to the public, based on their favourite system of government as well as their Ijtihad on the system of application for the better establishment of justice.

Keywords: Islam, Constitution, Transformation, Political System, Social Change, Arab Mentality.

1. The Background of the Study

Some people believe that Islam was spread by sword and there was no any social agreement between Prophet (SAW) and the people of Madinah for the establishment of Islamic state, therefore Islamic system of government was undemocratic and purely based on autocracy and dictatorship.

In response to this allegation, we will start with a brief history about Arabs. Arabs were before Islam Bedouin that had no system of governance, except what can be described as the Law of Desert and Tribal rule. (Muhammad Suhayl Tuqūsh, 2009, p. 159). Possibly, the image, form and of their way of lives can be identified and realized through their literary heritages and folklores, as Arab proverb says: “Poetry is the record of Arabs and address of the literature”. (Yusri, 2015).

Desert and Tribal laws are all about the law of invasion and looting, the law that was based on oppression of the people of lower privilege in community. However, it was the law of tribalism; law of I plus we equal to one, inasmuch as we are from the same lineage and tribe, no fight for the sake of justice in their system but mainly for the kinship and blood, even though the fight is unjustifiable. It is said in a common adage: “I and my brother conspire against my cousin, and I and my cousin conspire against outsider”. (Muhammad Suhayl Tuqūsh, 2009, p. 159-162). Unity of Arabs under the umbrella of Islam and their transformation from their old customs by abandoning their Tribal Law, nomadic life and instability, searching for their livelihood which was water and pasture, was indeed a total and complete change in their identity and relationship.

Nevertheless, submission of Arabs to Islamic law which is the holy Qur'an and Sunnah of the prophet (saw) that would be controlling the entire affairs of their lives after they had become Muslims was in fact a complete revolution and total change in their systems.

According to (Ibn Khaldun) while he was explaining the effect and the meaning of tribalism: Tribalism is a natural tendency in human from the first generation, it used to be inherited from family and relative, and its strength and weakness depend on degree of interaction with one's family. This custom indeed, is a beneficial perspective which helps someone to go beyond the narrow relationship within the nuclear family to the extended one which is represented by tribe; however, the level of kinship determines the degree of loyalty and allegiance to the tribe, so it is tribalism. The system of loyalty and oath in which each one supports another from the same oath and loyalty also enters under this practice, in the sense that, the affinity drives the soul to its lovers, so any kind of aggression against any member of his relatives is an aggression against him, and that is a family loyalty that cannot be gotten rid of. On the other hand, if the family is unknown and given a less concern, tribalism would be diminished and lost from thinking with a matter of time. In a nutshell, if the traces of kinship are ambiguous and unclear, radical tribalism for its sake will be surely reduced and eradicated.

Under the circumstances of nomadic lifestyle, there is no means of mingling between different families nor way of getting rid of tribalism, due to their barbaric and cruel ways of life that always lead the family to live isolating and lonely life; where that family would expect nothing from any other person and no any other group of people would wish to mix or relate with that family in its difficult and unbearable ways of life. However, with that ways of life, Bedouin were able to maintain and protect their kinship from mixture and maintain their tribalism as well from one generation to the other. (Muqadimah ibn Khaldun).

For better understanding of the effect and essence of Islam, we have to highlight the keyword of this research which is the Qur'an as Muslims' constitution. Indeed, Qur'an had become an alternative and a sacred effective replacement for the tribalism and blood loyalty that was previously known to Arab. Furthermore, we have to figure out that there is no constitution without specific agreements with some certain conditions between different parties (conditions of social political contract which is constitution); there must be a group of people that will establish an authoritative body given the higher authority to govern the people and system of government, which means the existence of law, legislation and procedures.) (Majallah Āfāq).

Above mentioned is a preamble on which the subsequent discussions about the transformation of Islam on Arabs will be based, i.e. how Qur'an was able to transform the humanity from one characteristic to another one entirely? How long did it take to be achieved? What are the requirements for the maintenance of those achievements?

2. Arabs Political Framework before Islam

Administration in Arabian Peninsula during the early stage of Islamic era was indeed highly required to resolve several common and peculiar issues to Arabs, which had become their customs, such as irrational and unjustifiable pride of family legacy and nonsensical and silly defense of that legacy, i.e. Harbu el-Basūs, Dāis and al-Gubarāu. ((Muhammad Suhayl Ṭuqūsh, 2009, p. 162-163). However, those customs that extended to the early period of Islam had been the Arabs' habit for long time ago, as it revealed in this narration:

Narrated Jabir bin Abdullah: We were in a battle and a man from the emigrants kicked an Ansari man (on the buttocks with his foot). The Ansari man said, "O the Ansar! (Help!)" And the emigrant said. "O the emigrants! (Help!) Allah's Messenger (SAW) heard that and said, "What is this call for, which is characteristic of the period of ignorance?" They said, "O Allah's Messenger (SAW)! A man from the emigrants kicked one of the Ansar (on the buttocks with his foot)." Allah's Messenger (SAW) said, "Leave it (that call) as is a detestable thing." (Sahih Bukhari).

Ibn Hishām also reported: On the authority of Zayd bin Aslam (PBUH) that: Shās bin Qays who was an unbeliever old Jew, that had a deep grudge for the Muslims passed by a group of companions discussing in a gathering comprised the people from Al-Aws and Al-Khazraj, and he was so furious with that mutual affection, friendship and collaboration that he saw between the companions, which was not there before the period of Islam. He said to himself, the unity of Al-Aws and Al-Khazraj would definitely give them authority and power to rule Al-Madinah, so there must be a conspiracy against them. Therefore, he deliberately ordered a Jewish boy with him to go and sit down in their midst and remind them about the event of Bu'āth and other past conflicts and wars that had occurred between the two groups. However, the event of Bu'āth was the conflict that occurred between the two groups three years before Hijrah, in which the victory was for the Khazraj.

Hence, the two groups exchanged the abusive words and each group was proud of its lineage to the extent that the two people from the both sides attacked each other and said; if you wish we can make it a war between us. Those two were Aws bin Qaysī from the people of Al-Aws and Jabbār bin Ṣakhar from the people of Khazraj. Here the both parties became very furious and called for the war on a ground that was known as al-Harrah in Madinah, they met there, where each group separated themselves from the other as it was their habit before Islam. When the report of the event reached prophet Muhammad (SAW) he went to them with some of Muhājirīn and said to them:

“Oh, group of Muslims! A calling to the pre-Islamic era while I am still in your midst! After Allah has guided you to the right path, liberated you from the evil of ignorance, saved you from Kufr and united you together, do you want to return to your previous condition?” (Sīrah ibn Hishām).

Here, the people of Anṣār realized that what happened was a provocation and evil from Shaytan, as well as an intrigue and conspiracy from their enemies, who their hearts are full of hatred and aversion towards Muslims, thus they leaved their weapons, shed regretful tears for being deceived and seduced by their enemies, who wanted to bring them back to the past era of chaos and ignorance. They moved close towards each other to show the sign of love and solid brotherhood between the both parties by embracing each other. Then they gathered around the Prophet (SAW) and dispersed with him feeling sorry and regretful. Indeed, Allah almighty by his mighty power had prevented them from being fallen in their enemiestrap and being the victim of Shās bin Qays’ plot, who was the enemy of Allah. (Sīrah ibn Hishām). Allah says regarding the Shās and his deed:

“Say, "O People of the Scripture, why do you disbelieve in the verses of Allah while Allah is Witness over what you do?". Say, "O People of the Scripture, why do you avert from the way of Allah those who believe, seeking to make it [seem] deviant, while you are witnesses [to the truth]? And Allah is not unaware of what you do.” (Al-Qur’an, ‘Al ‘Imran: 98-99).

It was also revealed in respect of Aws bin Qaysī and Jabbār bin Ṣakhar and their members’ deed:

“O you who have believed, if you obey a party of those who were given the Scripture, they would turn you back, after your belief, [to being] unbelievers And do not be like the ones who became divided and differed after the clear proofs had come to them. And those will have a great punishment.” (Al-Qur’an, ‘Al ‘Imran: 100-105).

There is a nice tip derived from the above narrations which is supposed to be noticed and given a consideration: The pride and appreciation of inheritance of ignorant period is a part of tribalism and it is also an instinctual Arabs habit that is always aroused and motivated by the enemies or opponents to create and plant chaos, turmoil and unrest within the Arabs themselves. In fact, that kind of situations and circumstances need an urgent and proper intervention from the authorities and Arabs elites.

Racism is another example of Arabs’ custom before Islam; this custom is actually a branch of tribalism. As it can be derived from the following narration:

Abu Ṣālim al-Jayshanī reported that a step brother to Abu al-Dardāi passed away and left another full brother who later married the deceased wife, when Abu al-Dardāi heard that, he was so angry and went to his brother’s wife asking her: “Did you get married to my step brother?” However, the wife tried to persuade him and explain the reason for doing so. When prophet Muhammad (SAW) heard that, he went to Abu al-Dardāi and tapped his shoulder telling him that: “Oh Abu al-Dardāi, Oh the son of water! You are all equal, no priority for the one above the other except with the piety.” (Mushkil al-‘Athār).

Another example of Arabs’ racism was what happened to Bilāl when Abu Dharr insulted him by his colour and reproached him for his mother not being Arab, before the prophet (SAW) later told him that: Oh Abu Dharr! You are all equal, no priority for the white people on the black people, indeed the traces of Jahiliyyah’s period is still in you. (Sahih Bukhari & Muslim).

It is very unfortunate that those traits of pre-Islamic era (al-jahiliyyah) are apparently notable in many Muslims every nook and cranny of Islamic nations. Tribalism and racism still remain effective and functional in some Muslims, despite its negative effect that is obvious on any society, rationally, socially and religiously as well. That required returning of Muslim Ummah to Islamic teachings that is based on justice, equality and humanity which are the mechanism and factor of reform and establishment of the state of law.

Accordingly, the reformation and transformation that occurred to Arabs and other Muslim Nations will be discussed and analyzed below as follows:

Stages of establishment of Islamic state after the revelation:

- 1- First Treaty of 'Aqabah
- 2- Second Treaty of 'Aqabah which was followed by emigration
- 3- Issuance of the document known as al-Madinah's book that was considered as the legislation on social, economic and political affairs in al-Madinah, which its practical application was enforced on the citizens of al-Madinah.

In addition, more emphasis will be laid on method that was applied by the prophet (SAW) to produce those companions with that high and unique qualities in the whole affairs of their lives, the action that can be considered in a nutshell as an achievement in creating and enforcing the new enactment which is actually known as the constitution in contemporary system of government. Furthermore, the system of organizing that constitution which was in fact an achievement of social agreement in one way or the other will be discussed, in order to clarify the essence of social mutual understanding in achieving the general societal goals.

Lastly, the full text of the narration of the prophet's treaty will be quoted despite its length, for the sake of comprehension and details which are the major objective of the writers.

3. Arabs Socio-Political Change

Prophet Muhammad (SAW) met with delegation of Yathrib who were twelve in number, and the meeting was held in a place known as al-'Aqabah, where Prophet Muhammad requested their pledge.

Narrated 'Ubadah bin As-Samit: who took part in the battle of Badr and was a Naqib (a person heading a group of six persons), on the night of Al-'Aqaba pledge: Allah's Apostle said while a group of his companions were around him, "Swear allegiance to me for:

1. Not to join anything in worship along with Allah.
2. Not to steal.
3. Not to commit illegal sexual intercourse.
4. Not to kill your children.
5. Not to accuse an innocent person (to spread such an accusation among people).
6. Not to be disobedient when you are ordered to do good deed."

The Prophet (SAW) added: "Whoever among you fulfills his pledge will be rewarded by Allah. And whoever indulges in any one of them (except the ascription of partners to Allah) and gets the punishment in this world, that punishment will be expiation for that sin. And if one indulges in any of them, and Allah conceals his sin, it is up to Him to forgive or punish him (in the Hereafter)." 'Ubadah bin As-Samit added: "So we swore allegiance for these." (Sahih Bukhari & al-'Umarī, 1994, p. 197).

This pledge is the one referred to in last verses of Surah al-Mumtahanah where Allah says:

“O Prophet, when the believing women come to you pledging to you that they will not associate anything with Allah, nor will they steal, nor will they commit unlawful sexual intercourse, nor will they kill their children, nor will they bring forth a slander they have invented between their arms and legs, nor will they disobey you in what is right - then accept their pledge and ask forgiveness for them from Allah. Indeed, Allah is Forgiving and Merciful.” (Al-Qur'an, Al-Mumtahanah: 12).

Comment on the items of the pledge

The first item mentioned in the treaty was monotheism; not to associate any partner with Allah, because He is only one in everything and all aspects, and there is no Islam except by refuting anything else that is being worshiped besides Allah the Almighty, that is indeed Allah's right upon all his creatures. However, belief in Allah and other unseen is a major difference between Islamic Civilization which is based on monotheism, as it is obviously apparent in the first section of the treaty, and western civilization that calls to the establishment of Disenchantment of the world, Secularization, Rationalization etc.

Then, came the details of Islamic system of inter-relationship with the others, where the prohibition of the following acts was stated:

- Theft
- Adultery
- Murder

- A woman's delivering a child by somebody else and making her husband believe that the child is his. Or a woman's accusing other women of having illicit relations with other men and her spreading such stories among the people, for the women are generally prone to spreading such things.

These four points that were mentioned above, together with others are the social well-being factors, which can bring peaceful co-existence with the others in society, as well as the means of preserving the rights of the people in the community. Afterwards, the last provision of the treaty which is the prohibition of disobeying prophet's instructions was mentioned; the point in which the Muslims were obliged to obey and abide by all the rules and instructions of Allah and his messenger. Lastly, the treaty was concluded with a short remembrance about the mindfulness and consciousness of Allah that sees them and watches the way they carry out the demands of the treaty, and He is the only one that can reward them or punish them if they failed to obey him. In a few words, the articles of the contract are the expression of Islamic way of self-discipline morally and spiritually, as well as the way of establishment of mutual social relationship which is considered as preliminary assignment of establishing a model and ideal society bound to a divine law.

Before we proceed to the discussion of the second treaty of 'Aqabah that occurred between the prophet and seventy men and two women from al-Madinah, it is worthy of mentioning here that, there is no occurrence of a change in any society except with an expensive sacrifice. As a matter of fact, that was what prophet Muhammad (SAW) and his companions underwent from the beginning of his prophethood till the end of his life in the course of bringing a change to the previous tribal way of Arabs' life which was based on tribalism to a new social system with a complete system of government that possesses the features of accommodating others, as every aspect and step of his biography is well and authentically documented.

For more elaboration on the above point, the narration of the second Treaty of 'Aqabah will be quoted fully as it was reported by Jābir Ibn 'Abdullāh (may Allah be pleased with him):

"We said: oh prophet! On what are we going to give you our pledge? He said: "you give me a pledge on the following:

Obedience and submission in any condition,
Giving some parts of your wealth to the way of Allah in hardship and comfort,
Enjoining the righteousness and forbidding the evil,
Saying the truth whatever may be the cost and consequence,

And, you will support me when I immigrate to your place, so you protect me from what you protect yourself, your wives and your children, thus your reward will be the paradise." Jābir said: we then stand up paying our allegiance to him. 'As'ad bin Zurārah who was the youngest among them stood up and held the prophet's hand while giving the following short address: "Take it easy people of Yathrib! We have not covered that long distance except because we have had deep belief that he is the Messenger of Allāh. We are already convinced that following him entails departure from the pagan Arabs even if it were at the risk of our life. Should you persevere in this course, holdfast to it and your great reward is placed in the Hand of Allāh, but if you are caught in fear, I admonish you to give it up just now, and then you would be more excusable by Allāh. They said: oh 'As'ad bin Zurārah! Release your hand, by Allah we are not withdrawing from giving the allegiance, so we stood up one after the other to pay him our allegiance as he also promised us the paradise. (Musnad Ahmad, Sahih ibn Hibbān and Al-'Umarī, 1994, p. 200).

This treaty is known as treaty of war – treaty of defense and attack. In the items of this treaty, there is a bind on every participant to be obedient and submissive in all ways.

4. General Features of Socio-Political Contract in Both Treaties

It can be simply derived from the both pledges that their items are the mechanisms and elements of good citizenship in Islamic territory or any other society. Which are as follows:

- 1- Absolute commitment to the provisions of the contract, which is the same as the rule of law that stands in contrast to an autocracy, dictatorship or oligarchy.
- 2- Generosity and philanthropy in all conditions: this is very important for the development of any society and for well-being of every individual, however it is a social economic discipline, which could be portrayed through the strong brotherly relationship between al-Muhājirīn and al-Anṣār and Jihad to the way of Allah through physical and financial commitments.

3- Promotion of Virtue and Prevention of Vice: This indeed is the utmost responsibility of every single citizen in order to build a strong society physically and spiritually. Islam has established the general rules that binds all Muslims in carrying out the responsibility of enjoining righteousness and forbidding wrong, in such a way that is so convenient for everyone to engage in doing so. There are three optional methods of making correction in Islam, from which someone can choose the most appropriate and suitable one for him who want to make correction and for the person who will be corrected.

On the authority of Abu Sa'īd al-Khudrī (may Allah be pleased with him) who said: I heard the Messenger of Allah (ﷺ) say, "Whosoever of you sees an evil, let him change it with his hand; and if he is not able to do so, then [let him change it] with his tongue; and if he is not able to do so, then with his heart and that is the weakest of faith." (Al-Nawawī, 2007, p. 82).

Actually, Islamic System seeks and requests every single Muslim to engage in the public activities for the interest of the people. Rather, Muslim is ordered and enjoined to participate in carrying out the common societal responsibilities. In order to establish this principle firmly, community responsibilities have been divided into two: Individual Obligation which must be done by everyone and Collective Obligation which must not be abandoned by the whole community, or else the whole community are sinners. This principle of Islam was one of the major elements that transformed Arabs from their previous ways of lives to new one.

4- Credibility and Truthfulness in all aspects and situations: This principle is applicable to everybody while dealing with them, being friends or enemies, insider or outsider, because Islam doesn't in any way recognize a betrayal. However, truthfulness is considered as an allegiance to Allah, His messenger and the entire Ummah.

Islamic system of transformation and establishment of an ideal society is very clear and straight as its major characteristics were revealed in al-Madinah's revelations, i.e.

"Believers! Be upholders of justice, and bearers of witness to truth for the sake of Allah, even though it may either be against yourselves or against your parents and kinsmen, or the rich or the poor: for Allah is more concerned with their well-being than you are. Do not, then, follow your own desires lest you keep away from justice. If you twist or turn away from (the truth), know that Allah is well aware of all that you do." (Al-Qur'an, al-Nisai: 135).

"Oh, you who have believed, whoever of you should revert from his religion – Allah will bring forth [in place of them] a people He will love and who will love Him [who are] humble toward the believers, powerful against the disbelievers; they strive in the cause of Allah and do not fear the blame of a critic. That is the favor of Allah; He bestows it upon whom He wills. And Allah is all-Encompassing and knowing." (Al-Qur'an, al-Mā'idah: 54)

5- Assisting the prophet (SAW): This indeed comprises of any kind of assistance for the religion of Allah, as well as preventing the prophet (SAW) in the same way they prevent themselves from any evil that could come from non-Muslim Arabs, Christians, Jews, Persians, Romanians and others.

We can see that, the way of prophet's approach in this gathering focused on the motivation of traits that are in Arabs, such as the pride and haughtiness on themselves, their wives and other relatives, to encourage them on the fulfillment of the promise and stimulate their enthusiasm. However, that shows the charisma and wisdom of prophet (SAW) as well as the importance of circumstantial induction in the establishment of any social organization. The people of al-Madinah actually fulfilled their promise as they sacrificed their whole life in the course of protecting prophet Muhammad (SAW) inside and outside al-Madinah after the emigration.

5. Formation of New System of Government and its Features

Upon arrival of the prophet (SAW) in al-Madinah he started with some special tasks on the spot, among which are the following:

- Construction of the mosque which known as the prophet's mosque: The mosque that he personally and his companions participated in its building. (Ibn Mājah). Then the method of calling people to the mosque at the time of each prayer which is Adhān was decided later. Actually, this shows the significance of the mosque in the life of a Muslim and its symbolism in Islam. (Sunan Abu Dāwud & Tirmidhī).
- Establishment of the brotherly relationship between the emigrants and the people of al-Madinah: The brotherly relationship that enjoined the people of al-Madinah to share some parts of their properties and everything they have with their emigrants' brothers from Makkah.

In fact, this step helped a lot in making their relationship so deep and strong, as it also served as a factor of formatting the new community based on the new law.) Ibn Shabbah, 1399 A.H, vol:3, p. 1054, Sahih Bukhari, al-Adab al-Mufrad, Muṣannaf ibnAbissaybah).

- Creating an empirical solution for the economic problem in Madinah that was resulted from the big number of emigrants (refuges in contemporary term): The higher number of the poor among companions that used to stay in the mosque learning about Islam led to the idea of innovating a kind of new social activities for their lively survival, which one of those activities was a market that was absolutely being controlled by the Muslims, to serve as an alternative to the other market that was under the control of the Jews. Here the break of the Jewish and other al-Madinah prominent trader's monopoly occurred, and the signs of independence and other social activities revealed to the Muslims as well.) Hussayn, n.d, p. 1-5).
- Formation of military force: It was started by training the companions on fighting to the way of Allah, and encouraging them on the sacrifice for the sake of Islam. It should be highlighted here that the sacrifice that those companions were urged on, was for the sake of almighty Allah the Creator and also for the establishment of new Islamic law for the benefit of the universe, unlike their previous sacrifice that based on tribalism.
- Regulation of relationship between the citizens of al-Madinah: It is well known that al-Madinah was comprised of different ethnic and religious groups, what led the prophet (SAW) to write a document contained an explanation of the rights and duties of every group, include Muslims and others, the document that can be considered as al-Madinah's constitution in 623 A.D.(Kostans, 1983, p. 190-197)

Below is the text of the document:

In the name of Allah, the most Beneficent the most Merciful.

This is a document from Muhammad the prophet [governing the relation] between the believers and Muslims of Quraysh and Yathrib, and those who followed them and joined them and laboured with them. They are one community (Umma) to the exclusion of all men. The Quraysh emigrants according to their present custom shall pay the blood-wits within their number and shall redeem their prisoners with the kindness and justice common among believers.

The BanūSā'idah according to their present custom shall pay the blood-wits they paid in heathenism; every section shall redeem its prisoners with the kindness and justice common among believers, and the B. Jusham, B. al-Najjār, B. 'Amr bin 'Awf, B. al-Nabīt and B. al-Aws as well. Believers shall not leave anyone destitute among them by not paying his redemption money or blood-wit in kindness.

A believer shall not take as an ally the freedman of another Muslim against him. The pious believers shall be against the rebels or him who seeks to spread injustice, or sin or enmity, or corruption between the believers; the hand of every man shall be against him even if he be a son of one of them. A believer shall not slay a believer for the sake of an unbeliever, nor shall he help an unbeliever against a believer. Allah's protection is one; the least of them may give protection to a stranger on their behalf. Believers are friends one to the other to the exclusion of outsiders.

To the Jew who follows us belong help and equality. He shall not be wronged nor shall his enemies be aided. The peace of the believers is indivisible. No separate peace shall be made when believers are fighting in the way of Allah. Conditions must be fair and equitable to all. In every foray a rider must take another behind him. The believers must avenge the blood of one another shed in the way of Allah. The pious believers enjoy the best and most upright guidance. No polytheist shall take the property of person of Quraysh under his protection nor shall he intervene against a believer. Whosoever is convicted of killing a believer without good reason shall be subject to retaliation unless the next of kin is satisfied (with the blood-money), and the believers shall be against him as one man, and they are bound to take action against him. It shall not be lawful to a believer who holds by what is in this document and believes in Allah and the last day to help an evil-doer or to shelter him. The curse of Allah and His anger on the day of resurrection will be upon him if he does, and neither repentance nor ransom will be received from him. Whenever you differ about a matter it must be referred to Allah and His messenger.

The Jews shall contribute to the cost of war so long as they are fighting alongside the believers. The Jews of the B. 'Awf are one community with the believers (the Jews have their religion and Muslims have theirs), their freedmen and their persons except those who behave unjustly and sinfully, for they hurt but themselves and their families. The same applied to the Jews of the B. al-Najjār, B. al-Hārith, B. Sā'idah, B. Jusham, B. al-Aws, B. Tha'labah and the Jafnah, a clan of the Tha'labah and the B. al-Shutaybah.

Loyalty is a protection against the treachery. The freedmen of Tha'labah are as themselves. The close friends of the Jews are as themselves. None of them shall go out to war save with the permission of Muhammad, but he shall not be prevented from taking revenge for a wound. He who slays a man without warning slays himself and his household, unless it is one who has wronged him, for Allah will accept that. The Jews must bear their expenses and the Muslims their expense. Each must help the other against anyone who attacks the people of this document. They must seek mutual advice and consultation, and loyalty is a protection against treachery. A man is not liable for his ally's misdeeds. The wronged must be helped. The Jews must pay with the believers so long as war lasts. Yathrib shall be a sanctuary for the people of this document. A stranger under protection shall be as his host doing no harm and committing no crime. A woman shall only be given protection with the consent of her family. If any dispute or controversy likely to cause trouble should arise it must be referred to Allah and His messenger. Allah accepts what is nearest to piety and goodness in this document. The contracting parties are bound to help one another against any attack on Yathrib. If they are called to make peace and maintain it they must do so; and if they make a similar demand on the Muslims it must be carried out except in the case of a holy war. Everyone shall have his person from the side to which he belongs; the Jews of al-Aws, their freedmen and themselves have the same standing with the people of this document in pure loyalty from the people of this document.

Loyalty is a protection against treachery, he who acquires aught acquires it for himself. Allah approves of this document. This deed will not protect the unjust and the sinner. The man who goes forth to fight and the man who stays at home in the city are safe unless he has been unjust and sinned. Allah is the protector of the good and pious one. Muhammad is the apostle of Allah. (Ibn Hisham)

Comment:

It is obviously apparent in the above al-Madinah's document, the idea of establishing a solid social political contract in the city, by addressing the issue of regulating relations between the people of community, based on social, national and international principles. The contract was accordingly implemented by the prophet (SAW) and likewise by his righteous caliphs.

The basis of the link between the document and social contract lies with the compromise between the two groups, where one group concedes parts of its right to the other for the benefit of the civil rights guaranteed by the state or group. In accordance with the Islamic perspective, the texts of the above contract have been mentioned the waiver of specific points, specific rights and compliance with specific conditions with some specific guarantees in return. Since then, (622 A.D) Islamic state had been established and formed over many years: ten years during the life time of the Prophet Muhammad, over thirty years for his four caliphs (may Allah be pleased with them), and so on. (Jalili Sa'ad, 1999, p. 7).

6. Muslims' Perceptions on the Establishment of Islamic State

Those books that discuss the concept of nation or state in Islamic perspective can be divided into three basic types:

1. Writings focused on the necessity of the establishment of natural civil state in the Muslims' territories for the people's services, and refutation of accusation that Islamic system of government is undemocratic and purely based on theocracy.
2. Writings that focused on the claim that the principle of everything belongs to Allah, which is known as (al-Hakimiyyah) in a contemporary media and literature terms. This ideology is in fact a misconception of concept of the general wills of Ummah and lack of understanding about the general objectives of Islam. Realistically, Islam has laid down the general divine principles for the accurate system of the universe and its values, so as to benefit from those principles human has been ordered to explore, work and produce with sincerity and industriousness.
3. Writings that focused on comparative between the paradigm of Islamic political system and contemporary politics, in term of its fundamental and emergence.

It is well known that prophet Muhammad (SAW) was succeeded by Abū Bakr, then 'Umar, then 'Uthmān and then 'Alī (may Allah be pleased with them). I will like to focus on the system of electing and installing each of the caliphs.

Comparison between the four caliphs' era

The comparison between the following issues will be discussed here, through the study of their inaugural speeches, from which the laws that governed the public and caliphs will be derived:

- Methods of their appointment
- System of their government
- Basis of their government

Methods of the appointment

- Abū Bakr: It happened in form of sudden recommendation that served as a protection for the Ummah as it was said by ‘Umar. Primary appointment took place in al-Saqīfah, which followed by the public pledge of allegiance to the caliph in the mosque. (Sahih Bukhari). The method is similar with the contemporary system of nominating a contestant, where the primary election takes place within the party before the general election. The main objective of Abū-Bakr was the fulfillment of justice.
- ‘Umar was appointed by recommendation and approval of the past caliph, who was Abū-Bakr. He took the public pledge of allegiance in the mosque, which gave the system a feature of Shūrā (mutual consultation) by getting approval of the public figures, then the general public approval. (Ma’arifah al-Şahābah). The major distinction of ‘Umar caliphate was the focus on the personal responsibility.
- ‘Uthmān was appointed as the third caliph between six nominees, followed by the public election in the mosque. The last half period of ‘Uthmān caliphate was affected by the family decision, where some of his family members hold various public posts, the act that can be considered as the leniency and negligence in entrusting people for the public posts.
- ‘Alī was appointed by recommendation after disorder and chaos that had happened to the Muslims Ummah due to the murder of the past Caliph, however he was then the most suitable nominee for the post, the recommendation that followed by the public election in the mosque. His tenure was full of conflicts and blood resulted from the misconception.

Analysis of the four caliphs’ inaugural speeches for the extraction of the general agreement between the rulers and citizens

Part of Abu Bakr’s speech

Oh people! I have been appointed over you, though I am not the best among you. If I do well, then help me; and if I act wrongly, then correct me. Truthfulness is synonymous with fulfilling the trust, and lying is equivalent to treachery. The weak among you is deemed strong by me, until I return to them that which is rightfully theirs, insha Allah, and the strong among you is deemed weak by me, until I take from them what is rightfully (someone else’s) insha Allah. No group of people abandons military struggle in the path of Allah, except that Allah makes them suffer humiliation and evil mischief does not become widespread among people except that Allah inflicts them with widespread calamity. Obey me so long as I obey Allah and His Messenger, and if I disobey Allah and His Messenger, then I have no right to your obedience. Stand up now to pray, may Allah have mercy on you. (Şūriyyah, 2012-2013, p. 31-32).

Part of ‘Umar’ speech

Now brothers I offer a few prayers and you say Amen to them. Oh, Allah I am hard, make me soft to promote the truth, to comply with your injunctions and to aspire to a better life in the world and hereafter. Oh, Allah make me hard for the enemies of Islam and for those who create mischief on the land. Oh, Allah I am miser, make me generous in the promotion of goodness. Oh, Allah save me from hypocrisy, strengthen my resolves so that whatever I do, I do it for the sake of winning your approbation. Oh, Allah soften my heart for the faithful so that I attend to their needs with a sense of dedication. Oh Allah, I am careless, make me responsible enough so that I do not lose sight of You. O Allah I am weak in offering my obedience to You; make me active and fortify my faith. O Allah bestow on me faith, and the power to do goodness. Oh, Allah give me the power of self-criticism and self-assessment. Oh, Allah bestow on me the insight into the meaning of the Quran and the strength to act in accordance with what the Quran says. Oh, Allah You can do anything. (Şūriyyah, 2012-2013, p. 54-55).

Part of ‘Uthman’s speech

Indeed, I’m appointed and I accepted the responsibility. Behold! I follow the way of the prophet and not innovative part. You are allowed to hold to your own point of view on the issues relating to Ijtihād. This world is so deceitful and tricky; therefore, don’t be deceived by its beauty. (Şūriyyah, 2012-2013, p. 70).

Part of ‘Alī’ speech

He praised Allah the Almighty, despite the calamity that befell and critical situation they were in, then he bore witness that there is no god but Allah, He is only one without any partner, and bore witness that prophet Muhammad (SAW) is Allah's servant and messenger.

He then directed the blame and rebuke to the audience for the murder of 'Uthman the past Caliph and stated that, that kind of act could lead them to a great loss and regret. (Şūriyyah, 2012-2013, p. 88).

Analysis of the speeches

Abu Bakr' speech

He opened his speech by calling upon the audience to gain their attention and notify them about the essence of the matter to be requested from them, which is the obedience to him as the successor of the prophet (SAW), to whom their pledge of allegiance had given. The situation was indeed difficult, for someone, regardless of whom was he, to come out after the prophet requesting Muslims to give him the same obedience and allegiance that was given to the prophet. This kind of situation requested a clear and explicit expression, so he frankly made the request with a condition stated that their obedience to him should be maintained whenever he himself obeys Allah, to assure them of no deviation from Allah and His messenger's path. He closed his speech with the supplication and seeking for Allah's forgiveness.

The speech was so brief and focused, because the situation did not request more than that. He focused on requesting for their obedience with the condition mentioned, and then directed them to the major issue of their interest which is the fighting in the course of Allah, then stated the general principles of his government which is the promotion of the justice and eradication of the traces of Jahiliyyah period. The basic principles of the system of his government are obviously apparent with this short and brief speech.

Umar's speech

It can be observed from Umar's speech that it was in form of a self-description, where the speech comprised the characteristics' description of 'Umar, areas of his concerns and his way of juristic deduction as well. The speech also concentrated on the spiritual aspects, in term of soul discipline and purification, for the soul is the carrier of the responsibility in human. He stated the way of his reform as follows:

- Leniency to the obedient ones
- Seeking for the truth by all means
- Fighting the corruption of the people of immorality, disobedience, innovation, hypocrisy and injustice
- Importance of humbleness to the Muslims
- Sincerity in deeds and other psychological aspects

The speech was indeed emotional. No wonder if such a speech came from 'Umar, who was known for his strong feelings for the responsibility. The emotional speech has a deep social effect on the establishment of justice and fulfillment of people's desire with the close relationship and striving. All the contents of the speech came under the guidance of Qur'an.

Eventually, 'Umar could achieve the social justice during his tenure, where Islamic nation witnessed a wide expansion to different places with the tolerance and transparency. His tenure was known for the internal political stability, after the internal wars and conflicts that occurred during the caliphate of Abu Bakr due to the apostasy of some Arab tribes.

'Umar tenure was a golden period for the Muslim nation. He established a good system and launched a good model internally and externally which led to the busyness of Muslims with the external wars rather than internal. 'Umar with his wise diplomacy and his physical and spiritual effort was able to expand the Islamic territory geographically in the way that calls for amazing.

'Uthman' speech

He started his speech by emphasizing on the major principle of the contract which is the offer and acceptance, in order to draw their attention to the point that, they themselves were the one entrusted him and he agreed based on their wish, so they have to support him. He stated his system which is the Qur'an, Sunnah and consensus, so he subjected himself to their unanimous opinion. He also mentioned the effect of the money and competition on accumulating it, as he himself is very rich and knew the consequence of the issue, so he reminded and enjoined them not to rely on this life of vanity.

‘Alī’ speech

He started by giving thanks to Allah, despite the critical catastrophe that occurred and severe situation Muslims were in. After the testimony, he directed the blame and rebuke to the audience for the murder of ‘Uthman the past Caliph and stated that, that kind of act could lead them to a great loss and regret. He didn’t disclose in his speech to the people his way of approaching the present situation and his political agenda which led to the people’s confusion. Majority of the Muslims perceived the ambiguity and darkness of the future, which was eventually led to the disaster that befell on the Muslim ummah.

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