

Medina Constitution: Exploration of Foundational Tenants for Multi Ethnic Business Community

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Abstract

It is argued that one of the best models to a multi-ethnic and multi-religious state is the one shown by Prophet Muhammad (God's peace and prayer be upon him) in Medina. In the year 622 A.D. the Prophet drafted the first ever constitution which united the population of Medina comprising twenty-two tribes and diverse religious groups of Muslims, Jews, and Pagans. Prior to the Prophet's emigration to Medina, these people were at logger heads with one another, waging wars which last for over a century. The aim of this paper is an attempt to explore the Medina Charter and draw out the requisite elements for ensuring peaceful and sustainable nation – a state which bears relevance to the Malaysian pluralistic economy. Subsequently, this paper posits possible applications of some of these elements into the multi-ethnic, multi-religious, multi-cultural globalizing business and professional community in Malaysia, as the nation aspire to be more at peace with itself and with others.

Keywords: constitution, multi-ethnic business community, Medina tenant

Introduction

The Medina Constitution represents the first constitution (Hamidullah, 1988¹; Yildirim, 2006; Ahmad, 2010) in the history of mankind to unite multi-ethnic, multi-religious tribes in Medina when the Prophet (God's prayer and peace be upon him) set foot in the city. Before the Prophet's (God's prayer and peace be upon him) arrival to Yathrib (the original name of Medina), there were 10,000 inhabitants with approximately 22 tribes of

¹ Hamidullah (1988) mentioned that the Medina Constitution is the first written Constitution in his book *The Prophet's Establishing a State and His Succession*, pp 42 – 64.

which half were Jews and the other half were Arabs. These tribes were at war with one on another for more than a century (Watt, 1956; Yildirim, 2006)

The Constitution looked into various aspects to ensuring a safe haven for the inhabitants of city, religious freedom, relationships between the various ethnic groups both within and outside of Medina, the security of women, a financial mechanism to support the inhabitants in time of conflict, a conflict resolution formula for resolving disputes, regulation for conferring protection to individuals and the methods of payments of blood money or wergild (payment between families or tribes for the death of an individual).

This Constitution forms the basis of governance in Islam Hamidullah (1988). Asad, M. (1980) in his book *The Principles of State and Government in Islam* have not elaborated on the Constitution, but instead derived more principles based on al-Quran and as-Sunnah from authentic ahadith. Upon scrutiny it can be surmise that all of these bases stem from the said Constitution. This is natural as the Constitution was coded when the Prophet (God's peace and prayer be upon him) first arrived in Medina whilst the later verses of al-Quran and the practices of Prophet (God's peace and prayer be upon him) came after this event.

Application of the Medina Constitution

The Constitution has been referred to as a basis for the formation of Islamic State (Watt, 1956; Muqtedar Khan, 2001; Ahmad, 2010; White, 2010, Worldlingo).

In the process of being referrals for the establishment of a constitution in a pluralistic society, the subject of conflict resolution has evolved (Yildirim 2006; White, 2010). This is natural since the population of Medina then comprises multi ethnic and multi religious tribes.

There is an ingenious perspective of the Constitution. This draw forth from it the relevant clauses which view it from the takaful or Islamic insurance stand point. Here as quoted in Takaful Ta'awuni website the Constitution "contained three aspects directly related to risk protection: social insurance for the Jews, Ansar and Christians; Article 3

concerning 'wergild' or 'blood money' and provision for Fidyah (ransom) and Aqila. We should follow his example to meet our needs and social obligations.”

In subsequent sections it will be seen that the Constitution could be applied to other aspects too.

Sun Tzu

It is noteworthy to mention that Sun Tzu, a Chinese military strategist and general had written a treatise known as The Art of War 2,500 years ago. The Art of War have been referred to not from both ancient and modern military warfare but also other aspects such as business, negotiation and goal setting even personal development.

Given below are some of the varied titles which had been written on this subject.

- The Art of Terrorism: What Sun Tzu Can Teach Us about International Terrorism, Bartley, 2005.
- Make Money, Not War: A Brief Critique of Sun Tzu's The Art of War, McCormick, 2001.
- Applying Sun Tzu's terrain and ground to the study of marketing strategy. MacDonald & Neupert, 2005.
- Sun Tzu's Strategic Thinking and Contemporary Business, Chen (1994).
- The Art of War for Women: Sun Tzu's Ancient Strategies and Wisdom for Winning at Work, Chu, 2007.

Some example of the principles which is expounded by Sun Tzu and being related to business are illustrated below.

Capture Your Market without Destroying It

According to Sun Tzu, *“Generally in war, the best policy is to take a state intact; to ruin it is inferior to this....For to win one hundred victories in one hundred battles are not the acme of skill. To subdue the enemy without fighting is the acme of skill.”* Sun Tzu calls this the need to “win-all-without-fighting”. Since the goal of your business is to survive and prosper, you must capture your market. However, you must do so in such a way that your market is not destroyed in the process. A company can do this in several ways, such as attacking parts of the market that are under-served or by using subtle, indirect, and low-key approach that will not draw a competitor's attention or response. What should be avoided at all costs is a price-war. Research has shown that price attacks draw the quickest and most aggressive responses from competitors, as well as leaving the market drained of profits².

Application of Medina Constitution to Business

There are 57 clauses³ in the Constitution (al-Islami). These could be categorised into three major areas (hereinafter referred to Medina Tenants). These tenants represent basic principles ensuring success in business and managing any organization including multi ethnic ones. Given below are some of the examples extracted from the Constitution and their application to business world.

Medina Tenant of Umatic Solidarity

From business stand point this may be referred to teamwork and a united organization. It is essential that the team “cares for one another” (Bernstein et. al., 2008; Ulrich & Ulrich, 2010;) and able to “manage conflicts” (Snyder, 2006; Ulrich & Ulrich, 2010). This is the main theme which the Constitution revolves upon.

²Extracted from The Sun Tzu Strategy Site at http://www.suntzu1.com/content/six_strategic_principles_for_managers/ retrieved on 11 December 2010.

³ Hamidullah (1988) and Watt (1956) referred to Ibn Ishaq's version of the Constitution which consist of 47 clauses. The message of these two versions are essentially the same.

Clause 1: This is a document from Muhammad the Prophet (may Allah bless him and grant him peace), governing relations between the Believers i.e. Muslims of Quraysh and Yathrib and those who followed them and worked hard with them. They form one nation -- Ummah.

Among the first that the Prophet (may Allah bless him and grant him peace) did in the new city was to unite the people. Having unity in mission and vision is vital in any business endeavor.

Clause 9: A Believer will not make the freedman of another Believer as his ally against the wishes of the other Believers.

Clause 10: The Believers, who fear Allah, will oppose the rebellious elements and those that encourage injustice or sin, or enmity or corruption among Believers.

Clause 11: If anyone is guilty of any such act all the Believers will oppose him even if he be the son of any one of them.

Clause 12: A Believer will not kill another Believer, for the sake of a non-Believer. (i.e. even though the non-Believer is his close relative).

Clause 13: No Believer will help a non-Believer against a Believer.

Clause 14: Protection (when given) in the Name of Allah will be common. The weakest among Believers may give protection (In the Name of Allah) and it will be binding on all Believers.

Clause 15: Believers are all friends to each other to the exclusion of all others.

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).

Clause 17: No Jew will be wronged for being a Jew.

Clause 18: The enemies of the Jews who follow us will not be helped.

Clause 19: The peace of the Believers (of the State of Medina) cannot be divided. (it is either peace or war for all. It cannot be that a part of the population is at war with the outsiders and a part is at peace).

Clause 20: No separate peace will be made by anyone in Medina when Believers are fighting in the Path of Allah.

Clause 22: When going out on expeditions a rider must take his fellow member of the Army-share his ride.

Clause 23: The Believers must avenge the blood of one another when fighting in the Path of Allah (This clause was to remind those in front of whom there may be less severe fighting that the cause was common to all. This also meant that although each battle appeared a separate entity it was in fact a part of the War, which affected all Muslims equally).

Clause 26: No non-Believer will intervene in favour of a Quraysh, (because the Quraysh having declared war are the enemy).

The organisation has common enemy (ies).

Clause 29: The Jews will contribute towards the war when fighting alongside the Believers.

Everyone shall participate towards overcoming the common enemy in the corporate world.

Clause 34: Those in alliance with the Jews will be given the same treatment as the Jews.

Clause 35: No one (no tribe which is party to the Pact) shall go to war except with the permission of Muhammad (God's prayer and peace be upon him). If any wrong has been done to any person or party it may be avenged.

No one should go into business unless with the approval and blessings of the CEO.

Clause 38: If anyone attacks anyone who is a party to this Pact the other must come to his help.

There must be esprit de corps – spirit of unity and oneness.

Clause 39: They (parties to this Pact) must seek mutual advice and consultation.

Clause 44: Yathrib will be Sanctuary for the people of this Pact.

The signatories to the constitution i.e. the Muslims, the Jews and others made Medina as their homeland. Thus, their home is their save haven.

From corporate perspective, the company represents save haven to the employees, investors and all stakeholders where they enjoy their wants and needs fulfilled.

Clause 37: The Jews must bear their own expenses (in War) and the Muslims bear their expenses.

In the corporate world everyone must have shared mission, shared objectives and shared goals.

Clause 40: Loyalty gives protection against treachery. Those who avoid mutual consultation do so because of lack of sincerity and loyalty.

Mutual consultation and advice is paramount to ensure unity.

Clause 41: A man will not be made liable for misdeeds of his ally.

In a strategic alliance partnership of two corporate entities, should one party indulge in wrong doing; the other will be absolved of the wrong doing.

Clause 42: Anyone (any individual or party) who is wronged must be helped.

Anyone who is wronged in any way must be helped. This can be the corporate employee including alliance.

Clause 44: Yathrib will be Sanctuary for the people of this Pact.

The signatories to the constitution i.e. the Muslims, the Jews and others made Medina as their homeland. Thus, their home is their save haven.

From corporate perspective, the company represents save haven to the employees, investors and all stakeholders where they enjoy their wants and needs fulfilled.

Clause 48: Quraysh and their allies will not be given protection.

Clause 49: The parties to this Pact are bound to help each other in the event of an attack on Yathrib.

Clause 50: If they (the parties to the Pact other than the Muslims) are called upon to make and maintain peace (within the State) they must do so. If a similar demand (of making and maintaining peace) is made on the Muslims, it must be carried out, except when the Muslims are already engaged in a war in the Path of Allah. (so that no secret ally of the enemy can aid the enemy by calling upon Muslims to end hostilities under this clause).

Medina Tenant of Social Justice and Compassionate

Luo, 2007 quoted that “Justice (fairness) is a foundation for all types of economic transactions, especially for strategic alliances that face a variety of internal and external uncertainties.” This is an important tenant, without which all other factors collapse. The tenant applies to all business entity and especially in the case of a multi-ethnic set up.

Brian & Miller, 2009, quoted (from Cohen- Charash and Spector 2001; Colquitt et al. 2001; Folger and Konovsky 1989; Masterson et al. 2000; Moorman 1991) that “perceptions of justice or fairness have consistently been shown to relate to important work attitudes and behaviors such as organizational commitment, citizenship behavior,

performance, turnover intentions, and satisfaction”. Brian & Miller, 2009 continued to mention, if wrongly perceived, negative reactions to injustice may lead to anger and feelings of betrayal (Bies 2001), which in turn may contribute to retaliatory behaviors in efforts to restore justice (as quoted from Bies and Tripp 1996, 2001).

The second trait of this is tenant is Compassionate. According to Sivakumar, 2008, in a study conducted by Peters and Watermann, 1982, have found that among the vital lesson gathered from the study of excellent companies’ research was to treat employees well, as partners, with dignity and respect. He further added that Ishikawa, 1984 mentioned that the “first concern of a company must be the happiness of the people who are connected with it.”

The clauses listed below provide ample examples to illustrate the abovementioned traits.

Clause 3: In case of war with anybody they will redeem their prisoners with kindness and justice common among Believers. (Not according to pre-Islamic nations where the rich and the poor were treated differently).

Clause 5: In case of war with anybody all parties other than Muslims will redeem their prisoners with kindness and justice according to practice among Believers and not in accordance with pre-Islamic notions.

Clause 6: The Bani Saeeda, the Bani Harith, the Bani Jusham and the Bani Najjar will be governed on the lines of the above (principles)

Clause 7: The Bani Amr, Bani Awf, Bani Al-Nabeet, and Bani Al-Aws will be governed in the same manner.

Clause 8: Believers will not fail to redeem their prisoners they will pay wergild on their behalf. It will be a common responsibility of the Ummat and not of the family of the prisoners to pay blood money.

Clause 30: The Jews of Bani Awf will be treated as one community with the Believers. The Jews have their religion. This will also apply to their freedmen. The exception will

be those who act unjustly and sinfully. By so doing they wrong themselves and their families.

Clause 31: The same applies to Jews of Bani Al-Najjar, Bani Al Harith, Bani Saeeda, Bani Jusham, Bani Al Aws, Thaalba, and the Jaffna, (a clan of the Bani Thaalba) and the Bani Al Shutayba.

Clause 37: The Jews must bear their own expenses (in War) and the Muslims bear their expenses.

In the corporate world everyone must have shared mission, shared objectives and shared goals.

Clause 51: Everyone (individual) will have his share (of treatment) in accordance with what party he belongs to. Individuals must benefit or suffer for the good or bad deed of the group they belong to. Without such a rule party affiliations and discipline cannot be maintained

Medina Tenant of Shared Values

Having a united business organization is achieved by having a unified workforce as discussed in A above. The forces that binds them together would be the shared values. The individual values of the employees should be aligned with that of the business organization to achieve better performance (Maxham, & Netemeyer, 2003). Alternatively, the organizational values must be cascaded throughout the whole entity and the employees must be accept or buy in to these values, Whitemire, 2005.

Clause 2: The Quraysh Mohajireen will continue to pay wergild, according to their present custom.

Clause 4: The Bani Awf will decide the wergild, within themselves, according to their existing custom.

Clauses 2 and 4 refer to the value of Keeping Promise. From the Malaysian context this would refer to the social contract among the various ethnic group i.e. the Malays, Chinese

and Indian. Even though the promised was made at the point of independence, this Malaysian social contract agreement still remains binding. On the same token all business agreement must be honored.

Clause 20: No separate peace will be made by anyone in Medina when Believers are fighting in the Path of Allah.

Clause 21: Conditions of peace and war and the accompanying ease or hardships must be fair and equitable to all citizens alike.

How does one define equitable? Fair and equitable based on the majority and not being subdued by the minority.

Clause 28: When you differ on anything (regarding this Document) the matter shall be referred to Allah and Muhammad (may Allah bless him and grant him peace).

Revert to universal values and divine laws.

Clause 32: Loyalty gives protection against treachery. (Loyal people are protected by their friends against treachery. As long as a person remains loyal to the State he is not likely to succumb to the ideas of being treacherous. He protects himself against weakness).

Loyalty is scarce commodity. Common examples will be people hopping from one company to another with only meager increment.

Those genuinely loyal will get protection (reward) directly from the management/ employer, but indirectly from God.

Clause 36: Anyone who kills another without warning (there being no just cause for it) amounts to his slaying himself and his household, unless the killing was done due to a wrong being done to him.

Whoever performs act of treachery from business perspective tantamount to imposing death unto himself and his family.

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

In the corporate world everyone must have shared mission, shared objectives and shared goals.

Clause 42: Anyone (any individual or party) who is wronged must be helped.

Anyone who is wronged in any way must be helped. This can be the corporate employee including alliance.

Clause 43: The Jews must pay (for war) with the Muslims. (This clause appears to be for occasions when Jews are not taking part in the war. Clause 37 deals with occasions when they are taking part in war).

In the absence when non-participating party, he should also bear the costs.

Clause 47: In case of any dispute or controversy, which may result in trouble the matter must be referred to Allah and Muhammad (may Allah bless him and grant him peace), The Prophet (may Allah bless him and grant him peace) of Allah will accept anything in this document, which is for (bringing about) piety and goodness.

Clause 52: The Jews of al-Aws, including their freedmen, have the same standing, as other parties to the Pact, as long as they are loyal to the Pact. Loyalty is a protection against treachery.

Clause 53: Anyone who acts loyally or otherwise does it for his own good (or loss).

Clause 55: This document will not (be employed to) protect one who is unjust or commits a crime (against other parties of the Pact).

Clause 54: Allah approves this Document.

Clause 56: Whether an individual goes out to fight (in accordance with the terms of this Pact) or remains in his home, he will be safe unless he has committed a crime or is a

sinner. (I.e. No one will be punished in his individual capacity for not having gone out to fight in accordance with the terms of this Pact).

Clause 57: Allah is the Protector of the good people and those who fear Allah and Muhammad (May Allah bless him and grants him peace) is the Messenger of Allah (He guarantees protection for those who are good and fear Allah).

Conclusion

There is so much wealth of principles and wisdom that could be drawn from the Al-Quran and as-Sunnah. This exploratory article provides some insight as to what could be garnered from the Medina Constitution. It is hoped that further study could be carried out to use the Medina Constitution as guiding principles in other aspects of life.

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