

Ummah and the Jews in the Constitution of Medina

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Introduction

The Constitution of Medina, also known as the Ummah Document and The Medina Document, poses several questions for the interpretation of the formation of the Islamic state in the time of Muhammad. The ummah, a city-state and community, which was founded on religious rather than political pillars, has as one of its most notable features the inclusion of several Jewish tribes. This paper will examine different views on why the Jews were implemented and what position they held within the ummah. In this examination I rely mainly on Watt (Muhammad at Medina, 1966) and Wensinck (Muhammad and the Jews at Medina, ed. Wolfgang Behn, 1975) as they examine the same question to a great extent. As these books are somewhat old (but none the less very informative!), I have supplied my readings with newer materials, such as Donner (Muhammad and the Believers, 2010). Furthermore, I rely on an excursus by Wellhausen, which is incorporated within Wensinck, so any references to Wellhausen is to be found in Wensinck page 128-138. Wellhausen is to be seen in contrast to Bulac (1998). Their different interpretations of the Medina Document will serve as an example of the possibility of reaching different conclusions.

The Medina Document (translation by Wensinck p 51-61) will act as my primary source alongside several verses from the Qur'an, which will be used to back up my arguments. I have chosen Wensinck's translation due to its extensive footnotes with several comparative aspects.

The primary problem in this assignment is two folded. First I shall attempt to determine whether or not The Medina Document can be used as a historical source. I shall attempt to answer this primarily on the background of Watt's and Wensinck's research, backed up with excerpts from the Qur'an in order to establish some claims to the authenticity, date and purpose of the document, what position Muhammad played in its integration and whether or not it can be seen as a strictly legal document. Secondly, the inclusion of the Jews will be examined on the background of shared religious dogmas and practises. Here special regard will be given to Abraham as a shared religious entity.

The Medina Constitution

The Medina constitution has been preserved by the follower of Muhammad, Ibn Ishaq and Ibn Sayyid al-Nas, where the latter cites it from the former.¹ Apart from a meagre introduction to the text, Ibn Ishaq does not inform us of how and when it was brought to use, nor does he inform us of his sources. It is therefore necessary to reconstruct the political framework in which the document was contextualized.

The Arab communities of Muhammad's time were centred on the conception of tribes and tribe relations. The tribes were based on blood-kinship, though with several modifications. For instance, one could become a member of a tribe even if the person was not blood-related, either as a confederate (*halif*), or a 'protected neighbour' (*jar*) or as a client (*mawla*). The tribes were an independent political entity, fighting among themselves for control. As we see in The Medina Document, almost half of its 47 sections are devoted to intestine fighting, ransoming and payment of blood-money. It was in these political surroundings The Medina Document was founded as a composite constitution consisting of the old Arab clan organization, where the leaders of the clans maintained their old positions and functioned as such in the new community. The community also continued to function as an organization of groups, which was also the standard in the clan organization, however, these groups were now to be understood from a religious point of view, rather than a political (section 23-42).

We have then Jews, Christians, polytheist Arabs and Muslims united under one constitution – the Medinan ummah. But over this unity there is much debate. Both Watt and Wellhausen (enclosed in Wensinck p 128-138) agree that the Jews were implemented in the community as clients to the Arab clans and had the rights and obligations entailed by such membership.²

The Authority of Muhammad

The Constitution is the first evidence of Muhammad's political authority in Medina.³ His name is mentioned in the preamble connected with the epithet 'prophet', which indicates at least some theocratic power. The Constitution states that disputes and disagreements shall be referred to him (§23 and §42⁴). But what position did he hold in the community? Watt simply claims that since the Mahajirun clan (the Emigrants) of which Muhammad was chief (in the Arab sense) is based on the same level as the Medina clans, it would imply that Muhammad held no higher position than

¹ Wensinck 61.

² Humpfreys 97; Wellhausen (Wensinck) 129-30.

³ Wensinck 68.

⁴ This corresponds with Qur'an 5:42.

the rest of the clan chiefs⁵. Wensinck believes, however, that Muhammad's insignificant role is deceptive:

*"The constitution was no treaty concluded between the muhajirun, ansar and the Jews. It was an edict defining the relation of the three parties; above them was Allah, i.e. Muhammad."*⁶

Watt seems to be following to some extent Wensinck's argument when he points out the parataxis of Allah and Muhammad whenever the latter is mentioned in the document. He argues that this is closely connected with the function of prophet as messenger of god and distributor of justice through this divine entity. The Meccan Qur'anic passage 10:47/48 give light to this and it seems evident that the Medinans realised this when they recognised Muhammad as prophet.⁷ In any case, Muhammad had enough influence in the community to act as mediator in some aspects of the Document - An influence that rapidly grew in accordance with his community.

Authenticity and Date of the Document

Although Ibn Ishaq does not mention his sources and how he came about the document, both western and Islamic scholars seems to agree to a great extend on its authenticity based on four criteria established by Wellhausen:⁸

- 1) A forgery would reflect an outlook on later periods, which is not the case here.⁹
- 2) The grammar and vocabulary are very archaic.¹⁰
- 3) The text is full of unexplained allusions which could only be fully understood by contemporaries¹¹.
- 4) It resembles ancient tribal law far more than developed Islamic practice¹².

As for its date of origin, Watt and Wensinck agree on dating the document in the early Medina period, after the hijra but before the battle of Badr by the argument of the inclusion of the Jews in the ummah and the language applied towards them.¹³

Another important aspect of dating the document is to look at the role of Muhammad in the document. As Watt (p 228) also argues, The Medina Document cannot be taken as clear evidence

⁵ Watt 228.

⁶ Wensinck 70.

⁷ Following Watt 229-30.

⁸ The following is based on Humpfreys 92.

⁹ "Watt 225 claims: "No later falsifier, writing under the Umayyads or 'Abbasids, would have included non-Muslims in the *ummah*, would have retained the articles against Quraysh, and would have given Muhammad so insignificant a place."

¹⁰ Wensinck 135.

¹¹ Wensinck 64-68 deals with several instances of allusions.

¹² Watt 238.

¹³ Watt 226; Wensinck 48, 71.

of the position and authority of Muhammad when he first arrived in Medina¹⁴. However, his slight political influence in the document can be taken as a temporal indicator of the origin of the document.

The Purpose of the Agreement

The unanimity of the date, origin and authenticity of the document is not maintained, however, when asking about its purpose. There can be found no single model as to how the document is to be understood, whether or not it one single document or a collection of several, whether or not it is a unilateral or negotiated settlement. Given the great level of disagreement, we cannot focus on every aspect of the above mentioned problems. Rather we shall here limit our investigation to one main focus, namely the purpose of The Medina Document. The Inclusion of the Jews in the ummah will be discussed later below.

I have found it best to limit this analysis down to two scholars: Ali Bulac, a leading figure among Muslim intellectuals and Julius Wellhausen, a German theologian and orientalist, who offer two widely different interpretations of the text.

Bulac argues that Muhammad wanted to implement the Meccan revelations on the social, legal and institutional level, not to make himself a supreme ruler over the believers, but rather in order to implement the clans in the ummah, so that they all might co-exist peacefully:

"He [i.e. Muhammad] declared that his aim was not to establish an absolute rule over Medina, but rather to assure the security of his religious community as well as the necessary conditions for the propagation of the new religion... It [i.e. The Median Document] would transform the vision of Mecca into practise in Medina; and this was what happened. In other words, he [i.e. Muhammad] demonstrated, to every one and every community, possible ways of co-existing through the realization of a pluralist social project based on religious and legal autonomy."¹⁵

According to him, the Document paved a way for the multi-religious, ethnic and political groups to co-exist through legal binding means. There are no traces in Bulac's arguments as to whether or not this agreement worked or not. Rather it seems to be everywhere implied in his argumentation that it did.

This is contested by Wellhausen, who argues: *"I doubt that there indeed was a written agreement of which both parties had a copy. The Jews never referred to their document. The Banu Qurayzah claimed that there was no agreement between them and Muhammad...In any case, there cannot have been a general agreement with the Jews, but only special arrangements with individual clans, for the Jews were no political unit"¹⁶.*

¹⁴ Watt 228.

¹⁵ Bulac 170.

¹⁶ Wensinck 137.

This corresponds with §25-31 where the Jews are mentioned only through their affiliations with other clans and nowhere as a collective unity. Furthermore Wellhausen argues¹⁷ that the Document cannot be taken for a proper contract in that it is missing three central points:

- 1) The opening formula 'bismika allahumma'.
- 2) There is no report preceding the conclusion of the agreement.
- 3) There is complete silence as to the way it came into being.

Bulac does not mention any of the above stated problems of the authority of the document but offers his own interpretation of it. According to him, The Medina Document is based upon two main constitutive principles, which would make it binding:¹⁸

- 1) A righteous and just, law-respecting ideal project aiming for true peace and stability among people cannot but be based on a contract among different groups (religious, legal, philosophical, political, ect.)
- 2) [T]he selection of the concept of participation as the starting point, rather than domination, because a totalitarian or unitarian political structure cannot allow for diversities.

On these principles he concludes that indeed the Document was an authority (by also referring to article §25). Furthermore, he seems to fully accept that the Document was written as a result of negotiations between the three social and religious groups (Polytheist Arabs, Jews and Muslims). But did the constitution work? Whereas Bulac emphatically expresses what we can call 'the possible way of co-existing' in peaceful surroundings, Wellhausen argues that there was no peace, but rather open or closed enmity and that the Muslims, as the core of the ummah sought to create a unity of the faith to the exclusion of the Jews. This argument is followed by reference to the aspect of how little the Constitution affected the relationship between Muhammad and the Jews after the battle of Badr.¹⁹ Such a view is not found in Bulac, who seems to be somewhat apologetic in his argument. For him the inclusion of the Jews, Christians and Polytheist Arabs were accepted by each other as a natural reality.²⁰

The conclusion to be drawn here is that unanimity cannot be established when talking about the purpose of The Medina Document, since it provides its readers with ample aspects of the formation of the Islamic community.

The Jews in the Medina Constitution from hijra to Badr

The inclusion of the Jews in the Medina Document poses several problems. Here we shall mainly look at one aspect of why they were included; namely by references to similar religious traditions in Islam and Judaism.

¹⁷ Wensinck 137-8.

¹⁸ Bulac 174.

¹⁹ Wensinck 135.

²⁰ Bulac 173.

The Medina Document is based on religion and not kinship; even though this is not explicitly stated in the constitution it seems to be everywhere implied or assumed.²¹ However, as §25 states:

"The Jews of Banu 'Awf are one community with the believers. To the Jews their religion and the Muslims their religion."

On the one hand, the Medina Document states that that certain Jews and Muslims form one community under the protection of Allah and on the other that Jews are allowed to uphold and practise their own religion within the community. It is clear then, that the term ummah cannot constitute a purely religious community²². Watt argues²³ for this distinction by pointing out three possible factors for a basis of this community in reference to §25:

1) Latest instance of ummah in the Qur'an: *"If, however, the last use of ummah in the Qur'an is to be dated a little after Uhud...there is no contradiction but only a development dictated by circumstances."*

2) Jews as parallel community: *"[T]hey [the Jews] constituted a community parallel to that of the believers."*

3) Organization by locality: *"[T]he ummah as described in the Constitution of Medina in fact has a territorial basis."*

Donner supplies an alternative possibility for the inclusion of the Jews (and also non-trinitarian Christians) in the ummah, by the argument that they also recognised the oneness of god which coincided with the basic beliefs and ideas of the Muslim believers. Indeed, certain parallels between Muslims and the already established monotheistic faiths can be found in the Qur'an often under the term "People of the Book", which does not simply mean Muslims, but rather pious and righteous *monotheists*.²⁴ Donner²⁵ supplies this by pointing to the subtle change in later traditions of the meaning of terms like 'Islam' and 'Muslim' by referring to Qur'an 3:67: *"Abraham was neither a Jew nor a Christian, rather he was a muslim hanif and not one of the mushrikun [polytheists ed]."*

It becomes apparent from this verse, that 'Muslim' in this Qur'anic sense must mean something else than in its later and present usage. He continues:

"[M]uslim in the sentence is used as an adjective modifying the noun hanif (the meaning of which itself remain in dispute – perhaps a pre-Islamic term for "monotheist"). The basic sense of muslim is "one who submits" to God or "one who obeys" Gods injunctions and will for mankind and of course also recognises God's oneness...[A]nd islam means committed monotheism in the sense of submitting oneself to God's will."

On the basis of this argument, Abraham can be considered in this Qur'anic sense to be a *hanif muslim*: a committed monotheistic *hanif*. Moreover, Abraham also appears in the Qur'an as the

²¹ Watt 239.

²² This seems evident from §1 where there is no religious wording. See also Wensinck p 52 Note 1.

²³ Watt 241-2.

²⁴ See for instance Qur'an 3: 113-116; 3:199.

²⁵ Donner 71.

builder of the Ka'ba in Mecca (Qur'an 2:125) which would directly connect the old Judaic tradition with that of the rising Islamic cult. According to Wensinck this was done primarily to satisfy the desire in Islamic tradition for antedating events as far back as possible (even to the time of Adam) so that the pre-Islamic Arabs would appear as the precursors of Islam.²⁶ This is a part of what Wensinck calls 'the Dogma of the Religion of Abraham' (millat Ibrahim) which served as a way for Muhammad to incorporate certain Jewish religious aspects within Muslim beliefs and ultimately make them Islamic, subsequently freeing Islam from Judaism. This dogma, according to Wensinck, fulfilled two requirements²⁷:

- 1) *It provided Muhammad with a basis on which he could maintain his independence vis-à-vis Judaism and, at the same time, present Islam as the originally revealed religion.*
- 2) *It enabled an approximation to the Meccan customs and, in this way, focus the eyes of the Muslims anxiously on the sacred city.*

The dogma of the Religion of Abraham also played a part for the qiblah during salat. Both of these practises have their roots in Judaism but were subsequently adapted to Muslim tradition. The qiblah was originally Jerusalem but were changed to the direction of Mecca mainly because, in the Muslim tradition, Abraham was the founder of the Meccan Ka'ba. This is backed up by Qur'an 2:139.

When Muhammad arrived at Medina it would have been apparent that the Medinan Jews would have recognised him as their prophet and accepted his teaching, since, by his own view, he was preaching in direct continuation of the previous [i.e. Jewish and Christian] revelations²⁸ (Quran 2:136). The Jews, however, did not accept him as prophet, perhaps, as Wensinck argues,²⁹ he as prophet aimed at worldly powers, rather than heavenly. Muhammad concluded on this background that the Judaism which he had daily contact with, was a falsified form. Generally the Jews kept their religion and even at some points seemed to have ridiculed both Muhammad's person and his position as Allah's messenger.³⁰ These verbal attacks on both his person and his beliefs can be found in two Qur'anic passages (2:38; 2:59), that reflects both the hard and disappointed tone of Muhammad against the Jews as well as also a faint hope for reconciliation.

The hope for a religious reconciliation soon burst, as can be read from Quran 2:73. The Jews had corrupted the Torah and were unable to accept the truth of the book (i.e. both Torah and Qur'an as continuous revelations). The indignant tone towards the Jews can further be dissertated with regard to several Qur'anic verses (2:82; 2:85; 2:95) which reflect the above mentioned verses, but also a widening of the religious differences must have been revealed shortly after each other sometime after the hijrah but before the battle of Badr. In Qur'an 98:5 a final break with the disbelieving People of the Book occurs, which was not to be mended by religious means but with political in the form of The Medina Document.

²⁶ Wensinck 73.

²⁷ Wensinck 94-5.

²⁸ Brinner 67.

²⁹ Wensinck 44.

³⁰ Wensinck 47.

Conclusion

The lack of sources for the Medina Document is a major problem for the interpretation of the document. We have Ibn Ishaq version, which scholars unanimously tend to regard as authentic but it does not inform us of its purpose. Therefore, in order to construe a possible purpose, one must first look into the political and religious environment in Medina in the time before the Document was implemented. This is a vast area which tends to yield different conclusions depending on what theory and method is applied. In other words, there is no agreed context in which the Medina Document can be interpreted and therefore no simple answer as to what the Document meant for the political and religious development of Medina.

Muhammad's role in the promulgation of the constitution is also a matter of some debate. His name appears in close context with the epithet prophet and alongside the name of Allah, but whether or not this is to be understood as an indicator of authority or just as a practise taken over from the Meccan tradition is debatable. It seems clear, however, that he held a position in Medina as a kind of mediator between the different clans and perhaps this is why, according to the Medina Document, disagreements shall be transferred to him.

Why the Jews were included in the ummah cannot be answered without regards to politics. Had Muhammad created an ummah exclusively of Muslims, he would have created nothing more than another clan and the intestine fighting of Medina would have continued undisputed. Also, the Qur'an itself offers a part of the answer when it refers to Jews and Christians as "The People of The Book". Combined with §25 of The Medina Document, it presents a mode of compatibility, rather than differentiation. All could join, as long as they recognised the oneness of god. Alongside the oneness of god, The Dogma of the Religion of Abraham is also an important aspect. It connected the Judaic tradition directly with the Islamic cult, which enabled Muhammad to maintain his independence towards Judaism and at the same time use this dogma for the development of Islamic traditions such as qiblah and salat, that are both rooted in Judaism. Abraham is presented in the Qur'an neither as a Jew nor as a Christian, but as a devoted monotheist, and therefore fitting the Muslim prescript perfectly.

As for the ummah the compatibility of the two religions seems to have played its part. Although most of the Jewish tribes remained strong in their own faith, there were still, as it would seem, room for religious disagreement, or rather diversity within the ummah. This, however seems to have changed after the battle of Badr. Perhaps the best way to describe the ummah is as a provisional agreement between religious and political groups backed up with heavy religious ideology serving political needs.

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