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## Nationhood and Loyalty in Islam: Between *Dustūr al-Madīnah* and the Bukit Seguntang Covenant

Fadzilah Din<sup>\*</sup>  
Mohd. Noh Abdul Jalil<sup>\*</sup>

### Abstract

This paper aims at analyzing the concept of nationhood and loyalty in Islam as enshrined in the *Dustūr al-Madīnah* (the Charter of Medina) and the Bukit Seguntang Covenant of the Malay world. The authors give special focus on the universal values that are features salient in the Charter of Medina and in the Bukit Seguntang Covenant of the Malays. Through a qualitative methodology, the authors made comparative and textual analyses on both treatises and on related materials. The findings reveal that both documents exhibit principles and values, such as loyalty, tolerance and others, that are universal in nature and are not contradictory. Today, some practices committed by Malay Muslims under the name of Islam, yet are incongruent with the principles and values mentioned in the Medina Charter and in the Covenant, do not represent Islamic teachings but a gross distortion instead.

**Keywords:** Nationhood, citizenship, loyalty, *dustūr al-madīnah*, Muslims, non-Muslims.

### Introduction

It is indeed amazing, considering that the *Dustūr al-Madīnah* or the Charter of Madinah is the oldest political or state constitutional document in history but the Muslims did not discuss much about this important document and its implications to political life until recently; whereas many Orientalists have mentioned the importance of the said

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document until the first half of the 20<sup>th</sup> century.<sup>1</sup> Perhaps this is due to Muslim scholars' emphasis on the ḥadīth literature which is considered sacred, that the original literature dictated by the Prophet was overlooked. Otherwise, it could be that much of the Muslim lands were under colonial control that Muslim scholars were more concerned with other urgent matters and neglected to discuss the matter which seemed alien to traditional Islamic political theory or did not foresee or concerned themselves with political structure of a society due to autocratic practices of Muslim leadership, whereas the *Dustūr* portrays a more consultative and democratic practice. Nevertheless, more and more scholars as well as laymen are now aware of the important implication that the Charter of Medina could have on modern Muslim governance and institutions if they would follow the lessons that could be learnt on idea of citizenship and pluralistic society. *Bukit Seguntang* Covenant on the other hand is based on the mythical and legendary story in *Sejarah Melayu* on the nature of obedience of the ruled towards the rulers and the responsibility of the ruler towards the ruled which is very important in order to understand Malay culture and the positions of the ruler and the ruled.

### ***Dustūr al-Madīnah***

The *Dustūr al-Madīnah* or the Charter of Medina is a very interesting document in that it was written for a plural society. At the time it was written in 622 CE, the population of Medina or Yathrib as it was then called, consisted of Jews, pagan Arabs, perhaps some Christians (although the Charter doesn't indicate this), and Muslim Arabs who were a minority at that time. Some of the Muslims were immigrants from Mecca while others were native of Medina. According to Hamidullah, the Muslim population was only a few hundreds in a total population of 4000-5000 inhabitants with the Jews constituted half of the total population at the time of the Prophet's migration.<sup>2</sup> Medina at that time consisted of 22 tribes in a milieu of tribal societies which often times waged war against each other. The nascent Muslim community whether local or immigrant became a new tribe of its own. Yet, the charter gave equal rights to every citizen regardless of their religion and laid out

<sup>1</sup> See Muhammad Hamidullah, *The First Written Constitution in the World* (1941, 1975 and 1986) p. 4.

<<<https://ia800409.us.archive.org/11/items/THEFIRSTWRITTENCONSTITUTIONOFTHEWORLD/THE%20FIRST%20WRITTEN%20CONSTITUTION%20OF%20THE%20WORLD.pdf>>>

<sup>2</sup> Ibid. p 5.

equal responsibilities to every community. The *Dustūr* addresses many issues pertaining to equality and citizenship namely justice and protection, freedom of religion and governing rules. In addition to these particular issues that this paper is concerned, to Hamidullah the “document is a proclamation to problems that needed urgent solution” which include:

- a. Definition of the rights and obligations, the Prophet’s own as well as those of local inhabitants
- b. Arrangement for the settlement of the Meccan refugees
- c. An understanding with the non-Muslims of Yathrib, particularly the Jews.
- d. Arrangement for political organization and military defense of the city.
- e. Compensation for the loss of life and property suffered by the refugees at the hands of the Quraish of Mecca.<sup>1</sup>

It is also interesting to note that the process in which the document was produced through consultation which could also be considered as polls in the modern sense. It has also been suggested by Yildirim that the techniques used to obtain consensus is comparable to methods present in modern resolution theories.<sup>2</sup> Thus, for a document which is 1439 years old, this charter is very modern for its time in terms of its concerns, content, and how it was produced.

### **The Concept of Citizenship in the *Dustūr al-Madīnah***

It is interesting to note that while Muslims at present largely use the term “*ummah*” to refer only to Muslims, the charter uses the term *ummah* to refer to all the members of the community in Medina who agrees to the stipulations or clauses in the charter. As mentioned earlier, the population of Medina at the time was not homogeneous. The charter mentions this at least twice, first in clause 2 of the charter and the second in clause 25.<sup>3</sup> The second clause of the Charter says that the

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<sup>1</sup> Ibid. p 8.

<sup>2</sup> Yetkin Yildirim, “Peace and Conflict Resolution in the Medina Charter” in *Peace Review: A Journal of Social Justice*, 18:109-117, p. 111-113.  
[http://www.analogfeminism.net/Peace\\_and\\_Conflict\\_Resolution\\_in\\_the\\_Medina\\_Charter.pdf](http://www.analogfeminism.net/Peace_and_Conflict_Resolution_in_the_Medina_Charter.pdf)

<sup>3</sup> See Appendix. This text is taken from A. Guillaume, *The Life of Muhammad - A Translation of Ishaq's Sirat Rasul Allah*, Oxford University Press, Karachi, 1955; pp. 231-233. Numbering added.

<<[http://www.constitution.org/cons/medina/con\\_medina.htm](http://www.constitution.org/cons/medina/con_medina.htm) retrieved on 12/9/2017>>



believers and Muslims of Quraish and Yathrib, and those who followed them and joined them “are one community (*ummah*) to the exclusion of all men”. Again, in clause 25, “The Jews of Banū ‘Auf are one community (*ummah*) with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons except those who behave unjustly and sinfully”. Notice that those who followed them or joined them could be pagans. In addition, clause 39 reiterates that Yathrib or Medina shall be a sanctuary (*ḥarām*) for the people of this document. Therefore, this charter was the first to “establish a plural society that granted equal rights and duties to the citizens of a city-state coming from different social and religious groups”.<sup>1</sup> The Charter also proposed a “unified citizenry” as distinct from the rest of the people of the world.<sup>2</sup>

### **Citizenship with Equality, Justice and Protection, Freedom of Religion, and Right to Consultation**

The first impression one gets from reading through the Charter is the equal position that the people of the document were accorded. The very first and second clauses which refer particularly to the Muslim migrants from Mecca and the Muslim helpers from Yathrib, and those who follow them, in addition to clause 25 onwards which refer to the Jews already stated very clearly that these people are of one *ummah*. The equality they enjoyed is reflected in their rights and responsibilities. It can be seen throughout the Charter that all members of the signatories to the document whether Muslims, Jews or pagans had the same rights and responsibilities despite their difference in religions. The fact that each tribe was individually named, as stated in clauses 4 to 11, and clauses 26 to 35, illustrated that they are not only bound as a general Muslim or Jewish community, but also each tribe has their rights and responsibilities recognized in the Charter equally. Clause 16 accorded protection to the Jews. In another version of the document, it is mentioned that the Jews will not be discriminated against just on account of being Jews. Thus the clauses mentioned gave the Jews equal political and cultural rights with the Muslims.<sup>3</sup>

As mentioned earlier, freedom of religion is guaranteed in clause

<sup>1</sup> See Yildirim, p 111. See also Kassim Ahmad, “A Short Note on the Charter of Medina”, <<<http://www.constitution.org/cons/medina/kassim2.htm>>>

<sup>2</sup> Ibid.

<sup>3</sup> Muhammad Hamidullah, p. 25.

25, which in the modern times is a very important human right. Nowhere in the Charter does it suggest that the city-state is an Islamic state. While it mentions God in the beginning and at the end of the document, it shows that God is the higher principle to be followed, and thus its foundation is morality not the individual man or whims of men. Kindness and justice are mentioned numerous times. Clause 35 states clearly that the only way to lose protection in this state is by treachery. Clause 37 mentioned that the wronged must be helped and again, “loyalty [to the agreement] is protection against treachery”. Clause 13 mentions unequivocally that believers shall be against the rebellious and those who seek to spread injustice, or sin or animosity or corruption. In fact, “the hand” of all members shall be against such persons even if they are the sons of one of them. Thus, here we can see the shift of loyalty from tribalism to the state. Clearly vigilantism is not allowed.

Hamidullah, Ahmad, and Yildirim have suggested that the Prophet did not interfere with social issues thus giving each tribe autonomous power to govern itself. But, the Charter provided consultation to hear the voices of the people as mentioned in clause 37. Thus, while Muslims and Jews have equal rights and responsibilities, they are to help each other, “and must seek mutual advice and consultation” and as such giving voice to each quarter. In addition, clause 42 states that “if any dispute or controversy is likely to cause trouble should arise it must be referred to God and to Muhammad the apostle of God”. And again, morality is invoked, “God accepts what is nearest to piety and goodness in this document”.

It has been illustrated thus far that the Charter of Medina is indisputably modern in the sense that it was written for a pluralistic society, at that time consisted of Muslims both natives and immigrants, Jews, and pagans who are considered one people due to their loyalty to the constitution. The Charter promulgated equality, freedom of religion, promised of justice and protection, autonomy, and that their grief, concerns and complaints will be heard by the central government headed by the Prophet.<sup>1</sup> The Charter promoted abandoning religious hostilities to loyalty to the state. This unified citizenship is in fact what patriotism is the modern sense. Unified citizenship can be achieved “by recognizing that we can be loyal to our principles without insisting that other groups be disloyal to theirs”.<sup>2</sup> Therefore, in the modern state, it is

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<sup>1</sup> <<<http://eng.dar-alifta.org/Foreign/ViewArticle.aspx?ID=4874&CategoryID=5>>>

This article is originally written in Arabic by Hani Dawah and translated with modifications. Celebrating Diversity: Snapshots from The Constitution of Medina.

<sup>2</sup> Yildirim, p. 113.

most essential that Muslims understand the full implications of the Charter of Medina, especially when they are in the majority so that they do not practice injustice on others, and to understand that it is not against the *Sunnah* of the Prophet to guarantee their rights, safety, freedom and justice. It is also very important for non-Muslims to understand the true Islamic stance in governance, i.e., the upholding of moral-ethical principles in order to safeguard their rights, but also to urge and advice the government of its responsibilities towards citizens. Governing the people by division is unethical.

From the Malay culture, the idea of loyalty and the relationship between the ruler and the ruled is being told in a story which includes information concerning the social and political structure of the Malay society as follows:

### **Social and Political Structure of the Malay Society during the Early Period of Islam in the Malay World**

The origin of social and political structure in the Malay world can be traced back to the covenant between Sri Tri Buana and Demang Lebar Daun. The Bukit Seguntang Covenant recorded in *Sejarah Melayu* between these two leaders marked the beginning of the people- ruler relationship in the Malay world. Sri Tri Buana, as a designated Ruler to Sumatra and Demang Lebar Daun, who was at that time a community leader for the people of Sumatra, agreed to obey and respect the promises made between them.

*".... One more thing, I request for your kindness O Your Highness the Most Kind, for I am a Malay slave, if there are any mistakes commit upon you, I beg from you to not denounce me nor despise or embarass me, if there are any religious punishment that should be put on me, I beg from you O Highness to not dishonor my dignity."*

*Seri Teri Buana said, "Your wish is granted, Uncle. However, I would like an exchange of deal from you too, Uncle." Demang Lebar Daun replied, "What is that you wish to have, O Your Highness?" Seri Teri Buana later answered, "If there are any of my ancestries who committed any sins or they are bad in their character, I request that they will never commit treason and drop any blood on this earth. If they are injured, surrender your country".*

*And Demang Lebar Daun decreed, "Your wish is my command, Your Highness. But what if your Highness' children make the change first, for my children will also follow suit and*

*change.” Then Seri Teri Buana replied, “I agree upon that promise, Your Highness.” Afterwards both Demang Lebar Daun and the Majesty exchange their deals.*

*The Majesty said, “Whoever breaks the promise, may God's wrath be upon that person - that his house will be overturned.” Demang Lebar Daun then said, “If the Malay King breaks his promise, God's wrath will be upon his country, his throne and kingship”.*

*That is how Allah gifted all the Malay kings – they never disgraced their Malay people, no matter how big their sins are, no one was then tied or hung or thrown negative remarks until he is condemned with execution. If any king did that, it is a sign that the country will soon perish by wrath of Allah.<sup>1</sup>*

The core of the Bukit Seguntang Covenant was about loyalty and respect. Demang Lebar Daun offered his people to the kingship of Sri Tri Buana, on condition that Sri Tri Buana must exercise the power bestowed upon him with justice and honesty. Loyalty and respect must be in both directions, to and from the ruler. If any party broke this promise, it could lead to disastrous consequences. Indeed, this agreement served as the foundation for the long tradition of the

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<sup>1</sup> A.Samad Ahmad (ed.), 1979. *Sulalatus Salatin (Sejarah Melayu)*, (Kuala Lumpur: Dewan Bahasa dan Pustaka), pp. 25-26. The original texts are as follows:

*‘... Seperkara lagi, perjanjian patik mohonkan anugerah ke bawah duli Yang Maha Mulia, segala hamba Melayu jikalau ada dosanya ke bawah duli, paik pohonkan jangan ia difadihatkan, dinista yang keji-keji, jikalau patut ada pada hokum syarak bunuh, tuanku; jangan duli tuanku aibi’. Maka titah Seri Teri Buana, ‘Kabullah hamba akan janji paman itu; tetapi hamba pun hendak minta janji juga pada paman.’ Maka sembah Demang Lebar Daun, ‘Janji yang mana itu, patik pohonkan titah duli Yang Maha Mulia.’ Maka titah Seri Teri Buana, ‘Hendaklah oleh segala anak cucu hamba, jikalau ada salahnya sekalipun, atau zalim jahat pekertinya, jangan segala hamba Melayu itu derhaka dan menitikkan darahnya ke bumi, jikalau mereka itu akan cedera, berundur hingga takluk negerinya juga’. Maka sembah Demang Lebar Daun, ‘Baiklah tuanku, tetapi jikalau anak cucu duli tuanku dahulu mengubahkan, anak cucu patik pun berubahlah tuanku’. Maka titah Seri Teri Buana, ‘Baiklah paman, kabullah hamba akan waad itu. Maka baginda pun bersumpah-sumpahanlah dengan Demang Lebar Daun. Titah baginda, ‘Barang siapa hamba Melayu derhaka mengubahkan perjanjiannya, dibalikkan Allah bumbungan rumahnya ke bawah kaki ke atas’. Maka sembah Demang Lebar Daun, ‘Jikalau raja Melayu itu mengubahkan perjanjian dengan hamba Melayu, dibinasakan Allah negerinya dan takhta kerajaannya’. Itulah dianugerahkan Allah subhanahu wa taala pada segala raja-raja Melayu, tiada pernah memberi aib kepada segala hamba Melayu, jikalau sebagaimana sekalipun besar dosanya, tiada diikat dan tiada digantung, difadihatkan dengan kata-kata keji hingga sampai hokum mati, dibunuhnya. Jikalau ada seorang raja-raja Melayu itu memberi aib seseorang hamba Melayu, alamat negerinya akan binasa.’ (Sejarah Melayu, 25-6)*

relationship between the Malay communities and their rulers.

The direct influence of the South Asian theory of kingship to the entire practices and traditions of the early Malay royal courts is undeniable. The royal administration of the Malay courts, based on the South Asian models of kingship, survived for a long period, even after the arrival and spread of Islam in the Malay world.<sup>1</sup>

When Islam arrived in the Malay world, the Malay rulers once again played an important role in making the entry of this new religion complete. They ostentatiously abandoned South Asian religions and embraced Islam. However, certain rites and rituals from the past legacy did not stop, especially practices related to the court's customs and traditions, such as the palace protocols and the use of royal colour which some of them seem to go against the teachings of Islam. Instead, these practices have been continued by the royal courts.<sup>2</sup> It is also important to note that no direct or indirect objection from ulamas to the continuation of these practices is recorded in the texts. The early Malay royal administration, which was based on the South Asian models and not Islam, survived even with a change of religion in the Malay world.

In order to ensure that the institution of the Ruler is still relevant with the change of religious environment in the Malay world at that time, several steps have been taken to redefine the meaning and functions of the existing institution, and to show that it is not against any fundamental teachings of Islam. A new interpretation of the role and position of the ruler was introduced. The ruler was no longer in the position of being a divine representative of god on earth who enjoyed a direct communication with god was infallible and was considered as half- divine, half human. Such understanding was reduced during the period of Islam in the Malay world. The ruler was only a human being, just like other people. The only thing which made him different from the rest was responsibility, which was entrusted upon him with the power to rule his country. He had to carry out his duty justly and honestly as part of his obligation, not only to his fellow men, but also to God.

In return, the ruler had to be respected and obeyed. In Islam, any leader who has been bestowed with such honourable responsibility should be respected, and any commands from him should be obeyed, as long as those commands are not in contradiction with the fundamental

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<sup>1</sup> Coedes, G., 1968. *The Indianized States of Southeast Asia*, (Kuala Lumpur: University Malaya Press), pp. 33-34.

<sup>2</sup> A. Samad Ahmad, *Sulalatus Salatin*, p. 74.

principles of Islam. The leader/s or, in this regard, the Malay ruler is in the third rank of authority of who should be obeyed by all Muslims, after the God and His Prophet. The redefinition of the role and position of the early Malay ruler from the legacy of the Hindu- Buddhist traditions to Islam enables this institution to survive and continuously commands respect and loyalty from the people.

During the early period of Islam in the Malay world, the ruler continued to maintain the highest position within the social hierarchy.<sup>1</sup> The ability of this institution to redefine itself to suit the current religious manifestation at that time made them continuously gain loyalty and respect from the people, as was the case during the Hindu-Buddhist period. The original Bukit Seguntang Covenant was still in the minds and practices of the Malay people, and it continued to define the roles of the Malay ruler and his people. In other words, the ruler and the authority of the palace did not lose their power and influence with a change of religious environment in the Malay world from Hindu-Buddhist to Islam.

The next authority after the ruler was the Bendahara. He was the second most powerful person in the social structure of the early Malay society. In fact, he is the one who carried out all commands from the Ruler. The Malay royal authority, from the Hindu-Buddhist period to Islam, remains a symbolic figure of the unity and greatness of the Malay people. Thus, as a highly respected institution, the ruler is not involved in the running of the country. He needs someone else to execute his orders and at this point comes the role of the Bendahara. The Bendahara always has to be at the side of the Ruler.

The authority of the Bendahara also represents the interests of the early Malay community at large, if we look back at the Bukit Seguntang Covenant. Demang Lebar Daun, who was the community leader of the people, was declared as the first Bendahara. He represented the wish and voice of the people to ensure that both parties respected the agreement made for the sake of his people. At the same time, Demang Lebar Daun was also father-in-law to Sri Tri Buana. He allowed Sri Tri Buana to marry his daughter after the acceptance of covenant by both parties.

In short, the social and political structure of the Malay society during the early period of Islam in the Malay world was very much shaped by the Bukit Seguntang Covenant. The ruler was able to maintain his authority over the people by making his institution relevant to the changing religious scenario in the Malay world. The social and political

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<sup>1</sup> Ibid. pp. 152-153.

structure of Malay society remains as it was before even after the coming and the spread of Islam in the Malay world. The only difference is in its new interpretation of the roles and position of the ruler and his royal authority as *zillullahu fil- 'Alam* (God's shadow on earth).

## Conclusion

From the above exposition, it can be seen that in the *Dustūr al-Madīnah* or Charter of Medina, loyalty is based on the ethical principles in right governance not on any individual or persons of authority. The *Bukit Seguntang* Covenant on the other hand, did not dictate much concern about ethical principles in general but about saving face and request to be treated with much reciprocal clemency and dignity on both sides. Considering the feudal nature of the society, this is perhaps much improvement upon the harshness and injustice that the rulers could impose on the subject if they were seen as the shadow of God on earth.

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