

Prophetic Model of the Social Structure: Legal Framework and Organization

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Abstract

Social structure in Islam has been constructed upon the Quranic concept of justice (*'adl*), benevolence (*ehsan*) and welfare (*falah*). The societal and moral themes of the *Quran* unified heterogenic elements of the Arab society resulting in the emergence of a model social unit at Medina. This model represents a utilitarian setup that protects individual's liberty, emphasizes balanced social mechanism and leads for the upliftment of the entire human race. The basic feature of this structure is value based social morality that guarantees peaceful co-existence along with the management of the human capital as well as the hostile forces around Medina (1-10 A.H /622-632 A.D). The prophetic model represented much simple but efficient legal framework that maintained its universal character since its evolution. The present paper is an attempt to envision the overall structure and legal framework of this model in light of the revealed instructions. It will also determine and examine the circumstances resulting in the signing of various covenants in Madina.

Keywords: Social structure, legal framework, Prophetic model, egalitarianism, co-existenc, heterogenic elements, covenant, Shari'ah law.

Islam as a religion and an effective social order has contributed immense share to the human civilization when looked and debated through annals of the history.¹ The social order evolved by the

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Prophet Muhammad (SAAS) during the 7th century A.D/1 century A.H is undoubtedly a hallmark in the world history. It proved much consistent and unswerving to lay firm foundations for a model egalitarian society in Arabia.² The revealed instructions of the Quran and the prophetic dexterity worked together to foster uncensored and tranquil sensitivity among adherents of the faith (*Muslimin*) as well as accommodating several other religious identities in and around Arabia.³ The initial phase of Islam 610-623 A.D, in this perspective, had been no less significant as it prepared ground to layout the design for the social configuration under the revealed instructions.⁴ The universal character of the prophetic model envisions high standards of the social morality that united heterogeneous rudiments of the Arabia during 7th century. It also modified course of the social institutions to act as the agents of social justice. The corpus of laws that governed the structure of this model had been much effective and qualitative in terms of Content Legitimacy Source Universality, and Relevance. The society in Arabia before the advent of Islam had been in accordance with the tribal setup where the *Sheikh* of a particular clan used to be source of law with the superb legal and social authority to enforce or confine any situation. The entire community had to venerate his decision and submit to his undisputed authority. The *Sheikh* could expel superfluous elements that he thought parallel to his authority and the Arab custom.⁵ Being the law itself, society had to oblige even to the hard decisions of the *Sheikh*. The social scenario of the Age of Ignorance (*Ayyam al-Arab*) had been strictly spinning around the legitimacy of *Sheikh*, sole authority for so called legal instruction in the tribal setup. The *Sheikh* itself was the judiciary to impose whatever he could find suitable for the sustenance of the Arab custom and the supremacy of his clan.⁶

The stiff customary law had been in practice since centuries and less hope of the social revival seem possible. Arabia, through ages, had been cut-off from the outdoor influences except the commercial in and out that was the only chance of interaction to the peninsular people. The stock thus had been an ignored ethnicity

and unproductive territory devoid of any egalitarian setup. Arab society, at the advent of Islam had not been a single social unit, rather several preferred and non-preferred groups trying to manifest their hierarchy and legitimacy even at the cost of blood.⁷ The nomads (*Badwi*) and the settled flock (*Hazri*) both had been strict, stagnant and altogether heterogeneous entities regarding the execution of social issues and their resolution.⁸ The circumstances prevailing in demanded a transformation that could unify the varied elements in the Arab society. Consequently, with the revelation of the Qur'an, chances of social revival seem possible. With the evolution of the prophetic model, the welfare and concern for all remained the basic priority to eliminate exploitation and to discover a just social order. The design of this preparation footed upon the concept of '*adl* (justice) that nourished it and protected its extensive domains.⁹

The unsullied revelations of the Qur'an guided for the social homogeneity and preached the principle of '*adl* (justice) as a basic feature of this model. The idea put together different sections of the society antagonistic since centuries.¹⁰ The principle of social equality formed nucleus of this model to ensure a non-sectarian society. Qur'an affirms the same:

O mankind! We created you from a single (pair) of male and female, into nations and tribes that ye may know each other. Verily, the most honoured of you in the sight of God is (he who is) the most righteous of you.¹¹

The egalitarian nature of the Qur'anic verdicts formed the basic structure of this society. Hence, the concept of "justice to all" remained the core component for its stimulation. The social plan in Islam is to strive for a consciousness that enables an individual to identify himself as indissoluble organ of the community. It endeavors for the establishment of a just life not on the basis of expediency or to seek personal or group interests, but to do what is right and just. Prophet Muhammad (SAAS), being core-designer of the society has been directed by Allah to endow with justice to all:

And when ye judge between man and man that ye judge with justice.¹²

The Arab-Muslim tribes, who migrated to Medina due to coercion, were given the title *Muhajirin* (migrants) including high-rank Qurayshites and the *Mawalis* (slaves) who professed Islam due to lure of its benevolent character and social mechanism. Both the entities now lived and acted together to ensure social homogeneity tying themselves with a unified social bond. As a judicious social order, Islam avoids extremes as to maintain balance and orderliness in the society. Therefore marplot, cupidity and cut-throat competition are disapproved. The social mechanism of Islam fascinated elite as well as the deprived social classes to construct sound egalitarian norms. Justice to all is Islam's essence and this enables man to lead an admirable and contented life at the same time strengthening the bonds of human brotherhood as well as the social fabric. Qur'an affirms:

And let not the hatred of others to you make you swerve to wrong and depart from justice.¹³

The Medinan social setting before the arrival of the Prophet (SAAS) had not been agreeable. It was the commendable effort of the Prophet (SAAS) that the hostility of the first Muslim tribes *Aus* and *Khazraj* came to an end and were advised to offer conjugal relations. While entering to Medina in 1 A.H/ 622 A.D, Quranic instructions concerning individual and community were strictly followed and no particular or individual identity was proclaimed. Prophet Muhammad uttered a common address:

You are all sons of Adam and Adam was created from clay. No superiority of creed and color is acceptable except you attain higher degree of righteousness.¹⁴

Prophet Muhammad (SAAS), at the very outset, tried to bond scattered elements into a social organism through *mawasat* (benevolence) and *mawakhat* (Brotherhood) to place up a firm social setting transforming all the social institutions. Simultaneously the Prophet approached non-Muslim factions in and around Arabia to conform a sense of responsibility and inclusiveness towards the

fellow beings. The societal themes of the Qur'an laid stress on simple and splendid efforts to construct a progressive social unit devoid of any sectarian or ethnic divisions. The social plan initiated by the Prophet has been absolutely free from any sort of ostentation and pretension. The Prophet was just in the strove to bridge the gap between rich and the poor, the high and the low and rural and the urban, as the message of Islam was to unify human beings upon the divinely ordained principles. He advocated a society in which there would not be any sort of exploitation neither by the individuals nor by the institutions. The Prophet aimed to formulate a progressive society which represented the equilibrium of the social forces. The revealed instructions of the Qur'an affirmed the sanctity of the Medinan model through a proper social organization in which the family, social and criminal law ascertained and focused upon the individuals all round development. The prelude behind this socio-legal setup was to manifest a virtuous mechanism that could determine and justify fate of socio-religious activities within the domains of the faith. This codification would also ensure a firm grip over the superfluous elements that may endanger overall social mechanism. The reputed German Orientalist Julius Wellhausen (1844-1918) affirms:

The first Arab Community with the sovereign powers was established by Muhammad in the city of Medina, not upon the basis of blood, which naturally leads to diversity, but upon that of religion which is equally binding on all.¹⁵

The British Orientalist D.S.Margoloith (1858-1940) shares the same view:

In the new community all tribal differences were to be sunk, and the theory of the Platonic republic, according to which members of the community should share pains and pleasures to the same extent as the members of the same body, is attributed to the prophet.¹⁶

The content and legality of the Prophetic model is primarily universal as it addresses the entire mankind affirming Islam far more

than a *theology*. The societal theme that Islam symbolizes stands for a distinctive civilization managing equilibrium of the socio-economic and political forces capable of guaranteeing the human welfare. It is through the application of Islamic ideals that the fullest development of man's potentialities can be achieved. The prophetic model demonstrated the same idea to infuse the idea of social sanctity as well as notions of the universal justice. The Medinan Muslim population, the *Ansar* (Helpers), acted upon this identical principle and supplied the basic necessities and extended their support to the *Muhajirin* (Emigrants). The Prophet (SAAS) strived hard to form a single social mechanism where the ethnic proportionalities could never endanger domains of the faith. The social organization of this newly established domain worked much effectively for the social transformation. While working and supervising the construction of *Masjid al-Nabwi* at Medina in 1A.H/623 A.D, the Prophet used to pray to Allah:

O Lord! There is no joy, but the joy of futurity! Lord!
Have mercy upon Ansar (Helpers) and the Muhajireen
(Emigrants).¹⁷

Prophet Muhammad (SAAS) annulled to the heterogenic and individualistic elements that could restrict the growth of this newly established domain at Medina. The revealed instructions, thus, fused in, the universal standards of the social equality to triumph over a range of social problems.¹⁸

The concept of tolerance and co-existence remained an inimitable component of the Prophetic model. The social laws evolved therein, brought consistency to the value system and the non-Muslim faction never thought themselves isolated or ignored. The term, *ahl al-Zimah* (under protection) evolved with the spirit to treat non-Muslim citizens (who were not prepared to accept Islam, but desired to remain within the Muslim dominion) as per the sanctity of their own religious scriptures. The Quranic term, '*ahl al-Kitab*' symbolizes Jews and the Christians who professed their faith within the Medinan realm. The protection-Tax *Jizyah* (fixed amount from the able bodied men) was collected to ensure

protection as well as their share in the state affairs. The *Jizyah*, thus, was like the annual obligatory taxes, *Zakah* and *'Ushr* paid by the Muslim citizens to the Central Treasury. The Jewish tribes *Banu-Quraydah*, *Banu-Qanuqa* and *Banu-Nadhair* were not prepared to accept Islam, but came to the Prophet and said:

We have come to make a treaty of peace with thee, of the effect that we shall be neither for, nor against thee, that we shall aid no one against thee; nor injure any who aids thee, on condition that thou injures neither us nor our friends until we learn what become of thy affairs and of those of thy people.¹⁹

The Prophet (SAAS) relied upon and complied with their request on the condition that they would afford aid to no one against him, or against any of his companions neither by word, arms or cattle, neither openly or secretly. But they could not be reconciled and from very beginning were bent on mischief and performed adverse activities to injure the Muslim interests and territorial magnitude of Medina. Measuring tune of their conspiracies, Prophet Muhammad (SAAS) took pains to uphold socio-political organization of Medina and signed a covenant "*mithaq al-Madina*" (Treaty of Mutual Obligation) on behalf of believers on the one side and Jews of Medina on the other side. The acclaimed historian and biographer of the Prophet, Ibn Hisham (d.833 A.D) who has annotated and edited the biography of the Prophet Muhammad (SAAS) has preserved the full covenant along the brief legal implications.²⁰ Some of the legal clauses reads and affirms:

Madina will be a common wealth and both Muslims and Jews shall protect its honour and territorial magnitude. Whosoever is involved to spread enmity and sedition, thee hand of every man shall be against him even if he be a son. No Muslim will kill a Muslim, for an unbeliever and non-believer will be helped as against a Muslim. Protection is meant for all. Believers are pledged to protect each other against all others. Whosoever of the Jews follows us shall have aid and succor; they shall not be injured, nor shall any enemy be aided against them.

No unbeliever shall grant protection to the people of Makkah, either in person or in property, nor interpose between the believers and them. The Jews shall contribute with the Muslims and join with them to defend Medina against a common enemy. The Jews who attach themselves with our commonwealth shall be protected from all insults and vexations. They shall have an equal right with our people to our assistance and good offices. Controversies and disputes should be referred to Allah and his prophet for the final decision.

The Jews of various branches of Auf, Najjar, Harith, Isham, Thalaba, Ans and all others domiciled in Medina shall form with the Muslims one composite nation. The Jews will profess their religion as freely as the Muslim theirs. The interior of Medina shall be sacred and inviolable for all those who join this covenant.

The socio-legal relevance of this covenant is perpetual. It widened the spectrum of the Prophetic model and tried to unify the scattered elements of the society. It does not simply assert the unity and union of the Muslims, rather asserts the socio-political unity of Medina. The divine law along the approved human experiences had been now promulgated governing the freedom of conscience as well as the religious co-existence within the society.²¹ Consequently, submission to law became a social obligation as well as a precept of the faith, whosoever violates it, not only infringes the legal tenant but also commits a sin. The prophetic model evolved the concept of the social morality and modified the institutions which represented belligerent socio-political hegemony.²²

A considerable facet of the prophetic model is the economic justice²³ The structure, modes and the provisions regarding the production and distribution has been discussed in the Quran and Sunnah.²⁴ The Quranic injunctions encourage the circulation of the wealth declaring its hoarding a grave sin defacing the social structure.²⁵ The institution of *Zakat* embarks upon this problem and serves the objective to purify the wealth.²⁶ The (collected) amount is to be distributed among the destitute. The criteria and

rate has also been fixed.²⁷ It is to be collected from the economically well to do individuals, and to be supplied to the social needs. Similarly *Ushr*, 1/10 of the agricultural produce, is to be deposited to the *Bait al- Mal* (Central Treasury) to be utilized for the weaker sections of the community. *Khums*, 1/5 of the booty, is to be kept for welfare programs of the community.²⁸ The taxes mentioned here serve as the sources of revenue to the state, as well as the economic opportunities to utilize for the community welfare.²⁹

The gender discrimination and exploitation of the women had been a common practice in Arabia.³⁰ The Women, during the pre-Islamic times were considered to be a passive being devoid of any participation in the social mechanism. Islam guaranteed her secure position and maintained her status as a potent social force. Their property rights were assured and legal description of their share was conformed in the Qur'an:

There is a share for men and a share for women from what is left by parents and those nearest related whether the property be small or large, a legal share. (4 : 7)

Allah commands you as regards your children's (inheritance) to the male, a portion equal to that of two females; if there are only daughters, two or more, their share is two thirds of the inheritance, if only one, her share is half. For parent's sixth share of inheritance to each of the deceased left children, if no children and the parents are the only heirs, the mother has a third; if the deceased left brothers or sisters, the mother has sixth. The distribution in all the cases is after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children are nearest to you in benefit (Those fixed shares) are ordained by Allah. And Allah is Ever All-Knower All-Wise" (4:11)

In that what your wives leave, your share is half if they have no child, but if they have a child you get a fourth of that which they have after payment of legacies that there may have bequeathed or debt. (4:12)

The Islamic law of inheritance (*ilm al-faraiz*) replaced the

stiff customary practices vis-à-vis women and secured her position in the matters of inheritance. The institution of marriage was redrafted and revealed instructions structured its domains.³¹ The Quranic instructions regarding the institution of marriage stabilized the gender relations and henceforth designed this institution to act socially. Polygamy has been approved as a remedy to triumph over the gender loss, it was pleaded as permissible not mandatory³² A virtuous organization, where faith and social obligation joins together, definitely results in the social progress. The Prophetic model evolved with the similar spirit and promoted the idea of human progress along the collective action and social sensibility. The equilibrium of the social forces and management of the human capital is an inimitable trait of the prophetic model. This model identified and recognized *iman* (faith), *amanah* (trust) and *falah* (welfare) as the basic principles to reflect social justice.³² Judicial order and religion, law and morals are treated here as the two aspects of the same will, from which the Muslim community derives its existence and direction.³³

In the Prophetic model, the social organization manifests the idea of union, utility and universality. The legality, here, is not to curb the individuals activities rather to defend and redirect them towards the community cause. The legality in Islam is a divinely ordained concept as well as a case of conscience and jurisprudence points to religion, approved human experiences and public good as its ultimate base.

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