T.C.

MARMARA ÜNİVERSİTESİ

SOSYAL BİLİMLER ENSTİTÜSÜ

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RETHINKING THE DEBATES AROUND SAHIFAT AL-MEDINA IN THE LIGHT OF CONSTITUTIONALISM, PLURALISM AND CONSOCIATIONALISM

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Danışman: PROF. DR. AHMET KEMAL BAYRAM

İSTANBUL, 2023

ÖZET

MEDİNE VESİKASI TARTIŞMALARINI ANAYASALCILIK, ÇOĞULCULUK VE OYDAŞMACILIK IŞIĞINDA YENİDEN DÜŞÜNMEK

Türkiye'de 1990'lı yıllarda yoğun şekilde kamuoyuna İslamcı düşünür, akademisyen ve entelektüellerce taşınan Medine Vesikası tartışmaları bu tezin ana konusunu oluşturmaktadır. İslam tarihinde Medine döneminin başlarında ortaya çıkan bu metnin Türkiye kamuoyunda gündeme gelmesi temelde anayasalcılık ve çoğulculuk bağlamında gerçekleşmiştir. Bu tartışmaların temeline bakıldığında, din ve ideoloji itibarıyla farklılaşan toplumsal kesimlerin anayasal düzlemde kendi değer ve pratikleri çerçevesinde nasıl eşit ve özgür vatandaşlar olarak var olabilecekleri temellendirilmeye çalışılmıştır. Özellikle, 1990'lı yılların başlarında 1982 Anayasasını değiştirmeye yönelik çalışmalar ışığında, Medine Vesikası yeni bir toplumsal sözleşme üretecek çoğulcu bir anayasa modeli olarak değerlendirilmiştir. Bu bağlamda, tartışmaların, anayasalcılık ve çoğulculuk teorileriyle ilişkili olduğu görülmektedir. Bu doğrultuda çalışma, bahsedilen Medine Vesikası tartışmalarını anayasalcılık ve çoğulculuk teorileri üzerinden değerlendirecek ve bir tarihi olgu olarak Medine Vesikası'nın çoğulcu bir anayasa için zemin olabilme imkanını tartışacaktır. Medine Vesikası'nın tarihsel süreçte nasıl algılandığı ele alınarak algılanış biçimindeki dönüşümler incelenecek ve 1990'lı yıllarda Türkiye'deki tartışmalarda kazandığı yeni anlam analiz edilecektir. Bu yeni anlamın metodolojik tutarlılığı tartışılacak ve 1990'lı yıllarda vurgulanan anayasalcılık ve çoğulculuğun ötesinde bu teorileri kapsayan oydaşmacılık düşüncesinin Medine Vesikası için yeni bir teorik açılım sunma imkânı ele alınacaktır.

Anahtar Kelimeler: Medine Vesikası, İslamcılık, anayasalcılık, çoğulculuk, oydaşmacılık

ABSTRACT

RETHINKING THE DEBATES AROUND SAHIFAT AL-MEDINA IN THE LIGHT OF CONSTITUTIONALISM, PLURALISM AND CONSOCIATIONALISM

The main theme of this thesis is the debates on the Sahifat al-Medina, which was heavily publicized by Islamist thinkers, academics, and intellectuals in Türkiye during the 1990s. This document, which emerged at the beginning of the Medina period in the history of Islam, came to the fore in Turkish intellectual circles, mainly in the context of constitutionalism and pluralism. Looking at the center of these discussions, thinkers sought to justify the possibility of the existence of religiously and ideologically diversified social segments of society as equal and free citizens by conserving their own values and practices in the pluralist constitutional framework. At this juncture, within the context of constitutional change attempts for the 1982 Constitution at the beginning of the 1990s, Sahifat al-Medina is considered a novel social and political model. In this context, the present study aims to assess the discourse surrounding Sahifat al-Medina, through the lenses of constitutionalism and pluralism. Accordingly, this study will discuss the possibility of Sahifat al-Medina to be a ground for a pluralist constitution. An examination of the historical reception and evolving interpretations of the Sahifat al-Medina will be conducted, with a specific focus on the new meanings attributed to it during the discussions in 1990s Türkiye. Furthermore, the study will critically analyze the methodological coherence underlying this new interpretation. Beyond the predominant emphasis on constitutionalism and pluralism in the 1990s, the investigation will consider the prospect of a novel theoretical framework that incorporates these theories, namely consociationalism, as a means to comprehend Sahifat al-Medina.

Keywords: Sahifat al-Medina, Islamism, constitutionalism, pluralism, consociationalism

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Selman BÜYÜKKARA

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NOTES ON TRANSLITERATION AND USAGE

If the context is Turkish, the modern Turkish usages of personal names are used. For example, Ali, Hüseyin and Mustafa are used, instead of ʻAlī, Ḥussain and Muṣṭafā. If the context is not Turkish, then the following Brill's simple Arabic transliteration system is used. For example, Ibn Isḥāq, Abū ʿUbayd or Banū Qaynuqāʿ. When there is a convention in the English language usage of Arabic, Persian and Turkish terms, it is followed. For example, sharia, umma and, tawhid is used in all contexts. In the case of the citations, the original transliteration is kept.

ا	a, ā	ف	f
ب	b	ق	q
ت	t	ك	k
ث	ṯh	ل	l
ج	j	م	m
ح	ḥ	ن	n
خ	ḫ	ه	h
د	d	و	w
ذ	ḏ	ي	y
ر	r	ء	’
ز	z	ى	ā
س	s	ي	ī
ش	š	◌َ	a
ص	ṣ	◌ِ	i
ض	ḍ	◌ُ	u
ط	ṭ		
ظ	ẓ		
ع	ʻ		
غ	ġ		

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1. INTRODUCTION

1.1. Rationale, Topic and Research Questions

The general scope of this study consists of the debates on Sahifat al-Medina in Türkiye in the 1990s through constitutionalism, pluralism and consociationalism. Thus, the debates on Sahifat al-Medina are related both to the way the text is perceived and to the possibility of evaluating it through the concepts of political theory. Therefore, it is important to investigate how the text is evaluated in the historical process in order to identify the elements that are new in its perception in the 1990s. In this respect, this dissertation is a research on the history of political thought. The Sahifat al-Medina, a text that emerged around 1400 years ago, was evaluated through the lenses of constitutionalism and pluralism theories in Türkiye during the 1990s. However, it is important to examine how this text has been interpreted over its extensive historical process. To explore this issue, it is necessary to investigate how the text was interpreted in Islamic history and disciplines related to its writing date, followed by analyzing how Sahifat was approached politically by Orientalist scholars who rediscovered it from the latter half of the 19th century.

Furthermore, the possibility of evaluating a historical text with the concepts of modern political theory is a second research point. The present study aims to analyze the debates surrounding Sahifat al-Medina in the realm of political theory, with a particular focus on the concepts of constitutionalism and pluralism that were frequently invoked in the debates in Türkiye during the 1990s. Given the accelerated intensification of these debates, it is pertinent to question whether other factors influenced the debate platform. To this end, it will be investigated whether these debates represent an extension of a particular political and intellectual transformation, or whether they developed independently as theoretical debates. In order to answer this question, the study will first examine the political and intellectual context of Türkiye during the 1990s. Second, it will be explored the position of the debates on Sahifat al-Medina in the broader global academic literature on constitutionalism and pluralism, taking into account different interpretations and topics of discussion within these theoretical frameworks. Through this analysis, the study aims to determine the general academic perspective on how Sahifat al-Medina is interpreted and what kinds of comparisons are made with respect to these theories.

One problem area regarding the historical text Sahifat al-Medina is the possibility of evaluating it through the concepts of constitutionalism and pluralism in modern political thought. In this regard, is it methodologically possible to examine Sahifat al-Medina through the lens of constitutionalism and pluralism? After examining the relationship between these two concepts and Sahifat, the

methodological feasibility of such a relationship will be discussed. In this critical discussion, the methodological dilemmas of presenting Sahifat as a pluralistic constitutional model in the 1990s will be examined. However, the emphasis on constitutionalism and pluralism raises a hypothetical question of whether Sahifat al-Medina can serve as a framework for consociationalism, which would encompass both constitutionalism and pluralism as a democratic model. Accordingly, the historical model of Sahifat al-Medina will be evaluated through the fundamental principles of consociationalism and examined in light of the methodological objections raised in the debates in Türkiye.

Overall, the thesis mainly focuses on the discussions of the Sahifat al-Medina in Türkiye spatially and historically in the 1990s Türkiye. The main reason for this is that these debates in Türkiye were intense in the 1990s. This study first analyzes the reason for this concentration contextually and then explores where it is theoretically positioned in terms of constitutionalism and pluralism. Then, the main aim of this thesis is to discuss whether the Sahifat al-Medina can serve as a basis for the examined theoretical ground and to analyze whether the consociational approach has a more comprehensive theoretical ground for the Sahifat al-Medina beyond the previous theories. Considering this scope, limit and objectives of the thesis, the following questions constitute the research questions of the thesis.

Main Research Question: Can Sahifat al-Medina justify normative foundations for the models based on constitutionalism, pluralism and consociationalism?

Sub-questions:

SQ1: How has the reception of Sahifat al-Medina evolved in the historical process?

SQ2: What are the political developments and intellectual or academic trends constructing the contextual ground for the Sahifat al-Medina debates in Türkiye?

SQ3: Through which analytical and intellectual schema the text Sahifat al-Medina is interpreted by intellectuals after 1990 in Türkiye?

SQ4: How the debates around Sahifat al-Medina in Türkiye can be evaluated in the global intellectual and academic literature?

SQ5: What are the methodologic dilemmas in evaluating Sahifat al-Medina as a constitutional and pluralist model?

SQ6: Can consociationalism constitute a theoretical ground for re-evaluating the Sahifat al-Medina?

The aims and objectives of the thesis are determined to build the contextual and conceptual ground and to answer the thesis statement. The primary objective of this thesis is to investigate the feasibility of assessing Sahifat al-Medina through the theoretical frameworks of constitutionalism, pluralism, and

consociationalism. To this end, the thesis will first scrutinize the historical interpretation of Sahifat al-Medina to identify any differences from the perspectives that emerged in the 1990s. Subsequently, it will evaluate the relationship between Sahifat al-Medina and theories of constitutionalism and pluralis, followed by a critical examination of the methodological viability of this connection. Ultimately, this thesis aims to explore the possibility of reinterpreting Sahifat al-Medina as a novel political and social model that integrates both constitutionalism and pluralism within the model of consociationalism.

1.2. A General Assessment of the Literature

In order to address these questions, the thesis draws on a wide range of national and global studies on Sahifat al-Medina. However, due to the Sahifat's age of approximately 1400 years, it is not feasible to present a comprehensive review of the literature in this area. Instead, the literature review has been restricted to studies that analyze Sahifat al-Medina with the modern concepts and theories, with a particular emphasis on post-1990s works, which are the main focus of this study. Looking at the contemporary literature on Sahifat al-Medina, it can be broadly divided into three categories: (1) studies that regard Sahifat as a conflict resolution text, (2) research on Sahifat with a focus on Islamic history and theology, and (3) works that evaluate Sahifat in the context of contemporary political concepts. This section of the thesis will provide a summary of these three literatures, followed by a discussion of the originality of this study within this framework.

The first literature considers Sahifat al-Medina as a text that provide a conflict resolution model for the contemporary political and social conflicts. In this respect, some of these types of works are also related to the discipline of international relations, not directly to political theory. The literature suggests that the Sahifat al-Medina would be a reference point for the solutions to cases of social conflict where different religious groups clashing each other. The studies in this literature generally claim that when the Prophet Mohammed came to Medina, he dealt with the different religious groups to prevent possible conflicts. So, the Sahifat includes certain principles like power-balancing, interest aggregation or mediation in order to solve the conflicts between diversified religious groups. Albar (2019) claims that the Sahifat provides an educational model to teach peaceful coexistence and toleration that would prevent any possible conflict. Also, Yıldırım (2009) focuses on the methods of conflict resolution derivate from Sahifat al-Medina including mediation, fractioning, power balancing and interest aggregation. Similarly, Embong (2018) argues that the model of plural society established by Sahifat al-Medina prevents the religious conflicts. Furthermore, Dimosthenis (2022) discusses whether the Sahifat al-Medina would be a reference point for the current Palestinian-Israeli conflict. Therefore, this

literature argues that the pluralistic structure outlined in Sahifat al-Medina prevents or provides a solution to potential religious conflict.

The second body of literature pertaining to Sahifat al-Medina can be identified as the mainstream literature, focusing specifically on Islamic studies and theology. These scholarly works delve into the significance and position of Sahifat al-Medina within the domain of Islamic disciplines. Within this literature, various aspects are investigated, including the authenticity of the text, its written date, involved parties, and the textual integrity, as well as the socio-political context of the Sahifat. This Islam centered approach to Sahifat al-Medina originated with the newly arose analyses of Orientalist scholars on Sahifat during the latter half of the 19th century. The influence of Orientalist scholars persisted in subsequent years, and Muslim scholars also engaged in these discussions, contributing to the ongoing discourse on this topic. Looking at the more recent studies in this literature, Rubin (1985) 'Arcūn (1995), Lecker (2004), Al-'Īṣawī (2006) and Zeyveli (2019) are among the scholars contributing this mainstream literature. Furthermore, some of the studies in this trend of study focus on the Sahifat al-Medina regarding the relationship between Muslim and Jewish communities. These works follow a similar methodology, but their main aim is to discover Jewish history and their relationships with Muslims. In this literature, Hoyland (1995) and Rose (2009) analyses the impact of Jews in the rise of Islam. These contentious issues examined by Orientalist scholars pertaining to Sahifat al-Medina will be extensively discussed in the third chapter of this study. Therefore, the works produced by Orientalist scholars in relation to this literature will not be addressed in this section but rather will be thoroughly analyzed in the subsequent chapters.

The third strand of literature pertaining to Sahifat al-Medina centers on the examination of the text in light of contemporary political concepts, including constitutionalism, pluralism, human rights, democracy, coexistence, and tolerance. The objective of this literature is to establish a correspondence between Sahifat al-Medina and these modern concepts. Notably, Ali Bulaç's (2020) extensive work on Sahifat al-Medina exemplifies this literature as it incorporates all of these constitutional, democratic, tolerant, egalitarian, free, and pluralistic concepts. Initially, constitutionalism emerges as a widely employed approach in the analysis of Sahifat al-Medina. Advocates of this perspective assert that Sahifat al-Medina possesses constitutional characteristics, as it legalized the relationships between Muslims, Jews, and idolaters following the establishment of the city-state of Medina (Arjomand, 2009; Doğan & Turan, 2021). Within the constitutionalist approach, Bouziane (2014) compares Sahifat al-Medina with the Constitution of the United States, while Kleidosty (2011) and Rafiq (2019) juxtapose Sahifat al-Medina and the Magna Carta. The comparison between Sahifat al-Medina and the Magna Carta traces back to the era of Orientalism, which will be analyzed in the third chapter. Furthermore, certain studies evaluate Sahifat al-Medina as a foundational text for human rights, positing that it

safeguards fundamental human rights such as freedom of conscience and property. In this regard, Diab (2018) argues that Sahifat al-Medina is a constitutional text that upholds basic human rights, including religious freedom. Similarly, Yaman (2015) compares Sahifat al-Medina and the Magna Carta from the perspective of human rights, incorporating the Universal Declaration of Human Rights in the comparative analysis. Another perspective within this literature involves evaluating Sahifat al-Medina in the context of pluralism, tolerance, or coexistence. By highlighting Medina's multi-religious and multicultural structure, Sahifat al-Medina is considered a text that protects the heterogeneous population of Medina and guarantees the differentiated rights and responsibilities of various groups (Demirel, 2013; Sambur, 2014; Yayla, 2016). Moreover, taking into account Medina's social structure, the concept of social justice is employed to comprehend the implications and significance of Sahifat al-Medina. The social justice approach contends that Sahifat al-Medina establishes the groundwork for justice among different parties or groups in Medina (Juma, 2020). Consequently, this body of literature examines Sahifat al-Medina as a political text, asserting its integration of modern political theory concepts and the consequent formulation of a model based on it. Moreover, this literature constitutes a central focus of inquiry within this dissertation. The debates surrounding Sahifat al-Medina during the 1990s in Türkiye also subjected it to scrutiny through the lenses of constitutionalism and pluralism. This literature specific to Türkiye will be comprehensively explored in the fourth section of this study.

All three of these scholarly approaches in the literature undertake an examination of Sahifat al-Medina as the primary unit of analysis. They derive conclusions about this text based on its socio-political significance or its positioning within the realm of political theory. Consequently, Sahifat al-Medina emerges as a text that encompasses these conceptual dimensions. However, a comprehensive study critically evaluating all of these approaches and considering the unit of analysis as "discussions on Sahifat al-Medina" is notably absent within the general literature. Osman's (2006) work scrutinizes the evaluation of Sahifat al-Medina in classical Islamic texts and provides a comparison with Orientalist perspectives. Similarly, Zeyveli (2019) contributes to the discourse on Orientalist era debates by extensively examining Orientalist approaches. Nevertheless, there is a dearth of extensive investigations into the discussions that assess Sahifat al-Medina through the lenses of constitutionalism, pluralism, freedom, and democracy. Specifically, there is no comprehensive text that thoroughly examines the discussions within Türkiye that fall within this scope. Only in Ravza Altuntaş-Çakır's (2021) work on Muslim democracy is there a brief inclusion of studies on Sahifat al-Medina in Türkiye, albeit in the context of pluralism, and an evaluation of the discussions within the framework of legal pluralism. However, this text primarily focuses on a singular aspect of the discussions surrounding Sahifat al-Medina, addressing it indirectly through its contribution to the discourse on democracy. Consequently,

there exists a notable gap within the literature, particularly with regard to studies that analyze approaches that evaluate Sahifat al-Medina through the lens of political theory.

This study encompasses an extensive range of literature on Sahifat al-Medina, extending beyond the literature review conducted in this section. A comprehensive exploration of Sahifat al-Medina's perception throughout the historical process is undertaken, beginning with an analysis of its position in classical Islamic works. Subsequently, an in-depth archival study of the works of Orientalist scholars is analyzed to investigate how Orientalists brought Sahifat al-Medina to light. Lastly, the study evaluates the discourse surrounding Sahifat al-Medina in Türkiye, both prior to the 1990s and between 1990 and 2000. Therefore, the chapters addressing the historical perception of Sahifat al-Medina also serve as literature review. Consequently, this thesis contributes to the literature review by comparing the evaluations of Sahifat al-Medina across this extensive historical trajectory.

This dissertation distinguishes itself from the existing literature by examining the debates surrounding Sahifat al-Medina in Türkiye from a perspective rooted in political philosophy. It engages with these debates within the framework of constitutionalism, pluralism, and consociationalism theories in political theory. In doing so, it investigates the position of Islamist thinkers in Türkiye in relation to general academic theories of constitutionalism and pluralism. Furthermore, a contextual analysis is undertaken, considering the socio-political conditions in which these debates have emerged in Türkiye. Critically, the thesis challenges the portrayal of Islamist thinkers as the foundation for a pluralistic constitutional text. Thus, it questions the viability of evaluating Sahifat al-Medina as a pluralistic constitutional text, taking the ongoing debates to a more advanced stage through the employment of a critical methodology. In this regard, the study aims to contribute to the literature on contemporary Turkish Islamic political thought by examining the assessment of Sahifat al-Medina through the lenses of pluralism, constitutionalism, and consociationalism.

1.3. Methodological Background

This study adopts a qualitative approach to examine the perception of Sahifat al-Medina throughout the historical process. The analysis begins by exploring how Sahifat al-Medina has been perceived in different historical periods. Subsequently, the focus shifts to evaluating the debates surrounding Sahifat al-Medina in Türkiye during the 1990s, employing a methodological critique that relates these discussions to proposed concepts of political thought. Primary sources constitute the main data for this study, encompassing three distinct periods. Since Sahifat does not exist as an autonomous political text within classical Islamic works, its political significance and conveyed meaning need to be extracted from various disciplinary sources. The study investigates the positioning of Sahifat within the

classification of classical texts, the symbolic implications of this positioning, and its political ramifications. Likewise, attention is given to understanding the reasons behind Sahifat's heightened scrutiny during the Orientalist period and the frameworks through which it was evaluated. Additionally, the study examines the concepts pertinent to modern political thought that featured prominently in the 1990s discussions in Türkiye, aiming to comprehend their meaning and their placement within the broader academic literature.

Hence, a comprehensive examination of the sources is imperative to understand the utilization of Sahifat in various texts. To achieve this objective, a textual analysis approach will be employed. Through this analytical lens, the investigation will shed light on the construction of meaning and ideological interpretations encapsulated within these texts, considering the aforementioned dimensions. Each of these texts embodies a distinct "preferred" meaning regarding Sahifat, influenced by the social, historical, cultural, and ideological climate prevailing at the time of authorship (Lockyer, 2008, p. 865). Consequently, these texts are rich with meaning, offering insights into the evolving perceptions of Sahifat across different periods. Even translations of Sahifat into different languages carry this inherent meaning through the selection of words and concepts. Similarly, it is crucial to discern how the concepts of political theory employed in the debates within 1990s Türkiye were applied in relation to Sahifat. Hence, the method of textual analysis has been employed to evaluate these texts within their contextual framework and facilitate the interpretation of concept usage.

Moreover, during the 1990s in Türkiye, Sahifat al-Medina did not find direct representation in academic texts or books. Instead, its presence was predominantly observed in various forms such as journal articles, newspaper columns, conferences, interviews, and even parliamentary speeches. Nevertheless, these sources cannot be regarded as isolated intellectual productions; rather, they constitute a dynamic structure of dialogue, response, and even contention. Within the socio-political and intellectual milieu of the era, various discourses emerged concerning Sahifat. Unraveling the political implications and underlying meanings of these discourses necessitates an examination of their interaction with hegemonic discursive practices and a tracing of their intertextual connections (Weninger, 2008, p. 146). To accomplish this, the study employs Ruth Wodak’s (2001) discourse-historical method, which allows for the in-depth analysis of produced discourses. Thus, the dissertation will establish a discursive relationship between interconnected journal articles, newspaper writings, or conference speeches, and will examine their connection with other discourses produced within the socio-political and intellectual context of the period. Furthermore, this approach will facilitate an analysis of the interplay between the discourses articulated by the dominant political actors of the time and the assertions made in relation to Sahifat al-Medina.

1.4. Dissertation Roadmap

This study endeavors to examine the feasibility of articulating Sahifat al-Medina as a model for constitutionalism, pluralism, and deliberation. The initial step involves providing an explication of Sahifat al-Medina. To achieve this, the socio-political context in which Sahifat emerged will be examined. This investigation encompasses an exploration of the political structure in Medina during the early years of the Hijra, the societal divisions prevalent at the time, and the impact of Muslim community. Subsequently, attention will be directed towards the textual aspects of Sahifat, with a primary focus on presenting the primary sources where Sahifat is mentioned. Moreover, different perspectives on the naming and codification of Sahifat will be expounded upon, as these factors shape contemporary interpretations of Sahifat. This section will also elucidate the preferred approach adopted in this study. Subsequent sections will address the debates pertaining to the writing date and textual integrity of Sahifat, which contribute to varying interpretations of its political significance. Finally, in accordance with the methodological stance in this thesis, an English translation of Sahifat al-Medina will be provided, serving as a point of reference for subsequent chapters, wherein specific sections will be cited as evidence.

In the third chapter of this study, a comprehensive examination of the perception towards Sahifat al-Medina throughout the historical process will be undertaken. This chapter is structured into two distinct periods: the Classical and Orientalist periods. The rationale for adopting this specific periodization will be elaborated initially. The section on the Classical period evaluates the positioning of Sahifat al-Medina within Islamic disciplines, shedding light on its corresponding political significance. Subsequently, the section will delve into the realm of Orientalist studies, presenting its discovery and novel interpretations of Sahifat al-Medina within this scholarly framework. This section will commence by clarifying the chosen periodization and thoroughly exploring the intellectual context that underscores the significance of Sahifat. Moreover, it will be compared the perspectives advanced by Orientalist scholars of the time with regard to the political aim of writing the text, its documental type, the delineation of authority, the establishment of legal and social structure, and the treatment of non-Muslims.

The fourth chapter of the thesis will first provide an overview of the reception of Sahifat in Türkiye until 1990 and the political and intellectual context of the period. This will encompass the political and constitutional movements following the 1980 coup d'état in Türkiye and the impact of liberal and postmodern thought that manifested in Türkiye on the interpretations of Sahifat. Subsequently, the research will explore the claims of Islamists intellectuals in composing a parallel between

constitutionalism and Sahifat. The following section will address the discussions on pluralism within the scope of Sahifat. Initially, the academic theories of pluralism of the period will be summarized, and then the position of pluralistic interpretations of Sahifat within the academic literature will be determined.

In the final part of this study, a methodological exploration will be undertaken to assess the viability of presenting Sahifat al-Medina as a pluralistic constitutional model within the context of 1990s Türkiye. This section will engage in a critical evaluation of this approach, taking into account methodological dilemmas such as anachronism and the construction of a modern Islamic society and model. The subsequent discussion will revolve around the inquiry into whether consociationalism, which presents constitutionalism and pluralism as a democratic model, can offer a robust conceptual framework for the political and social model claim by Sahifat al-Medina. Consequently, this section will go beyond the existing assessments and debates within the literature on Sahifat al-Medina. In light of this consideration, the study will inquire into the degree to which the principles of constitutionalism, pluralism, and consociationalism can be appropriately employed in interpreting Sahifat al-Medina.

2. CONTEXT AND CONTENT OF SAHIFAT AL-MEDINA

With the migration of Muslims from Mecca to Medina, a new page was opened in Islamic history. Muslims established contact with the Jews, who had a significant population in Medina and fought against the idolaters of Mecca. The leader of the Muslims, Prophet Muhammad, drafted a document between the Muslims and Jews in order to regulate their relationships and take measures against the idolaters. This document, known as the Sahifat al-Medina, has been extensively discussed in both Western academia and Muslim geographies since the 19th century. In these discussions, the document's context and its fundamental elements have been analyzed in detail. Almost every opinion about Sahifat al-Medina has presented a view on the document's context and script. Therefore, analyzing the context and script of the document is of great importance both to elaborate on these opinions and to understand the discussions on the Sahifat al-Medina in Türkiye, which is the main focus of this study. In this regard, this chapter will first address the socio-political context in which the document was written after the migration and then present the main topics of discussion regarding the script of Sahifat. Finally, the English translation of the document will be provided.

2.1. The Socio-Political Context of the Sahifat

In the studies on Sahifat al-Medina, many scholars have put forth various views and claims regarding the political and social influence of Sahifat. These claims convey a wealth of historical information about the period in which Sahifat was written as they examine it within its own context. Therefore, to understand both the political and social impact of Sahifat and the views of scholars on it, this chapter focuses on the political and social context of Sahifat. Understanding the political and social events of the time is also important to comprehend not only Sahifat but also contemporary topics of debate, such as relations with non-Muslim communities. At this point, historical information provided by the first written sources in Islamic history and interpretations thereof will be utilized. While conveying the historical context, the focus will be on the political and social developments rather than religious references.

As a result of severe torture and boycott by the Meccan idolaters, Muslims resolved to depart from Mecca. Prophet Muhammad subsequently sought refuge in various cities and regions. During this time, a group of people from Yathrib, later known as Medina, pledged allegiance to Islam in the historical event called the Pledge of ‘Aqaba. Through this, Prophet Muhammad secured a guarantee of protection from the Medina Muslims and decided to migrate there (Önkal, 1989, p. 211). At that time, Medina was home to two major religious groups: Jews and idolaters. The three primary Jewish tribes were Banū

Qaynuqāʿ, Banū Naḍīr, and Banū Qurayẓa, all predominantly following Judaism. The idolaters, in contrast, were mainly comprised of the Arab tribes of Aws and Khazraj, including Jewish sub-tribes residing under these two main Arab tribes (Watt, 1956, pp. 193–194). The tribes mentioned in Sahifat belonged to these sub-tribes. It is also noteworthy that the Bu'ath War between the Aws and Khazraj tribes, an extension of long-standing hostility, occurred a few years before the migration (Önkal, 1998, p. 459). Banū Qaynuqāʿ sided with the Khazraj tribe in this conflict (Avcı, 2022, p. 88), while Banū Naḍīr and Banū Qurayẓa allied with the Aws. Also, the Naḍīr tribe, which emerged stronger, gained privileges such as paying half the ransom (Özkuyumcu, 2006, p. 275). Thus, the social, political, and legal structure in Medina was based on blood ties rather than religion. While the Arab-majority tribes were at war with one another, the Jewish tribes were also divided, and some acquired certain legal privileges through these wars.

Table 1: Tribal Affiliations of Jewish Sub-Tribes Mentioned in Sahifat Al-Medina

	Tribes of Al-Anṣār	**Jews**
Khazraj	Banū 'Awf	Jews of Banū 'Awf
	Banū Sā'ida	Jews of Banū Sā'ida
	Banū al-Hāriṯh	Jews of Banū al-Hāriṯh
	Banū Jušham	Jews of Banū Jušham
	Banū al-Najjār	Jews of Banū al-Najjār
Aws	Amr b. 'Awf	Jews of Aws
	Banū an-Nabit	
	Banū al-Aws (Menât)	Jews of Banū al-Aws

Note. The table is from Medine Sahîfesi, by H. Zeyveli, 2019, p. 154.

Upon migrating to Medina, Prophet Muhammad sought to enact significant transformations in the city's socio-political structure. First, he built a mosque in Qubā, a city adjacent to Medina, and subsequently constructed another in Medina. Through these actions, he established a religious and political center for the Muslim community (Bozkurt & Küçükaşçı, 2004, p. 288). Furthermore, he referred to those who had emigrated from Mecca as Muhājirūn (emigrants) and the Muslims from the Aws and Khazraj tribes who had welcomed and assisted them as Al-Anṣār (helpers). He then formalized a brotherhood

agreement (*muāḫāt*) between the Muhājirūn and Al-Anṣār, in which the Al-Anṣār shared their homes and businesses with the Muhājirūn (Algül, 2020, p. 306). In this way, Prophet Muhammad successfully resolved conflicts between the two major Arab tribes and aimed to establish a religiously-based political and social unity.

The composition of Sahifat al-Medina, despite being a contentious issue, is generally believed to have taken place within a few months following the Hijra. This document was formulated by Prophet Muhammad upon his arrival in Medina, encompassing regulations, liberties, and constraints that are applied to both the Muslim and Jewish communities. Sahifat al-Medina primarily governs matters such as blood money, warfare conditions, and protection relationships among Muslims. For the Jewish community, it guarantees religious and property freedoms in exchange for participation in defense of Medina against potential attacks. Moreover, the document demarcated the boundaries of the city and conferred ultimate legal authority upon Prophet Muhammad. One notable feature of this text is its objective to regulate social, political, and legal structures based on religious principles akin to the brotherhood agreement. Consequently, religious standards were established to pay blood money, and religiously oriented battles replaced tribal wars. The parties involved were defined as an *umma* (community) that surpassed tribal affiliations. Therefore, the core components of Sahifat al-Medina sought to revolutionize the existing social, political, and legal frameworks of that era.

Although various Jewish tribes were accepted into the Sahifat al-Medina and were granted religious and property freedoms, the relationship between Muslims and Jews began to deteriorate in the following period. Jews began openly criticizing Muslims and propagandizing against Islam as Muslims became stronger. This situation caused tension in the relationship between Muslims and Jews. Indeed, the direction of prayer (*qibla*) was changed from Jerusalem, which is a holy place for Jews as well, to the Kaaba (Watt, 1956, p. 208). After that, the first major battle between Muslims and Meccan idolaters, the Badr War, occurred. The war ended with the Muslims' victory, and they began taking tougher measures against the Jews. Three leading Jewish poets who wrote poems insulting Prophet Muhammad and Islam were killed. When the Banū Qaynuqāʿ, one of the three major Jewish tribes, harassed a Muslim woman in their market, Prophet Muhammad declared war against them and exiled them from Medina (Avcı, 2022, p. 88). Moreover, Jews began to ally with Meccan idolaters against the growing Muslim presence. While the Naḍīr tribe was expelled from the city before the Battle of Uhud on the grounds of providing intelligence to the Meccan, the Qurayẓa tribe of Jews was eliminated on the grounds of alliance with the idolaters during the Battle of the Trench (Watt, 1956, pp. 208–215). Therefore, the religiously-based social structure that Prophet Muhammad tried to establish in Medina forced Jews to act identically against Muslims. For this reason, Jews were either exiled or eliminated

from the city due to violating the agreement. Thus, a novel state structure dominated by Muslims was established in Medina.

Examining the historical context surrounding the emergence of Sahifat, it becomes evident that a socially and politically centralized structure based on familial bonds was the prevailing norm. In this milieu, Sahifat aimed to transform the city's political and legal structure, comprising both Muslim and Jewish elements, into a religion-centered one and thus established political and legal regulations based on Islam. However, the increasing power of Muslims within the city led to resistance from Jewish tribes. As a result of certain wars initiated by Muslims against Jews on the grounds of violating the agreement, the Jewish population in the city diminished, ultimately leading to a new political structure under Muslim dominion.

2.2. The Textual Analysis and the Translation of the Sahifat

The text of Sahifat has also been a matter of debate among scholars. The unclear dates provided by sources, the ambiguous information about the writing process of the text, and the formal changes made to the text over time have resulted in different interpretations of the text. Therefore, in this section, the first sources of Sahifat and the use of sources over time will be presented. Then, the four main discussion topics about the text, which are the naming, codification, writing date, and integrity of the text, will be addressed along with different approaches. Finally, the preferred English translation of the text will be provided.

2.2.1. Primary Sources

In the Classical period, Sahifat appears in many sources. In these sources, Sahifat is sometimes included in its entirety and sometimes only referenced in part of the text. There are two main sources that are the primary includes for the complete text. The first is Ibn Isḥāq's (d. 768) work on the life of Prophet Muhammad in the field of *sīra* (Prophetic biographies) and *maghāzī* (accounts of the Prophet's raids), *Kitāb al-Maghāzī (Sīra Ibn Isḥāq, al-Mubtada' wa al-Meb'ās wa al-Maghāzī)*. Ibn Isḥāq includes many events and information that are not found in other books on history, *sīra*, and *maghāzī* of his time. This is also the first book that contains the full text of the Sahifat al-Medina, which includes the agreement between Prophet Muhammad and the Jews to organize the social and political life in the city (Fayda, 1999b, p. 95). Different from the other productions on these disciplines, by referencing the oral tradition of those who transmitted information, Ibn Isḥāq was able to reach back to the time of Prophet Muhammad and provide original and unique information and events, thus ensuring the reliability of the information he provides. However, Ibn Isḥāq's original complete text has not survived to the present

day. In this regard, Muhammad Hamidullah, one of the scholars in the age of Orientalism, compiled the surviving portions of Ibn Isḥāq's work and published it in 1976 (Tuğ & Yaşaroğlu, 2020, p. 534).

Later, Ibn Hisham (d. 833) wrote *Al-Sīra al-Nabawiyyah*, also known as *Sīra Ibn Hiṣḥām*, by abbreviating and making additions and removals to Ibn Isḥāq's text. This work is considered the most reliable *sīra* book of its time. Ibn Hisham built his work on Ibn Isḥāq's text and directly referenced Sahifat al-Medina to Ibn Isḥāq in his book (Fayda, 1999a, p. 72). In the Orientalist period, the German orientalist Ferdinand Wüstenfeld first edited Ibn Hisham's book and published it in 1858,[1] and Gustav Weil translated it into German in 1864.[2] The first Turkish translation of the work was made in 1578 during the Ottoman period by Aydınlı Eyyûb b. Halîl. In the Turkish Republican era, the complete translation of the book, including Sahifat al-Medina, was made in 1985 by Hasan Ege with the name *İslam Tarihi: Siret-i İbn Hişam Tercemesi* (Islamic History: Translation of Sīra Ibn Hisham) (Fayda, 1999a, p. 73).

The second main source containing the complete text of Sahifat is the book *Kitāb al-Amwāl* by Abū ‘Ubayd (d. 838). Unlike Ibn Isḥāq's *sīra, Kitāb al-Amwāl* is a book in the field of *fiqh*, i.e., Islamic jurisprudence. The book primarily contains information and opinions on taxation and land law, administration, and state law. One of the book's distinguishing features is that Abu ‘Ubayd supports relevant topics with detailed evidence from the book (Qur'ān), *sunna* (Prophet’s sayings and deeds), and consensus of Muslim scholars, as well as it includes ḥadīths related to the subject in detail. Sahifat al-Medina is also presented as evidence on the subject of the properties of non-Muslims and treaties with them. *Kitāb al-Amwāl* was translated into Turkish by Cemalettin Saylık in 1981 (Kallek, 2002, p. 99).

These two sources have been a fundamental point of reference for Sahifat al-Medina, both during the classical period and afterward. However, there are some differences in wording and phraseology between the two texts. These differences do not significantly alter the overall meaning of the text but may lead to different interpretations. On the other hand, Abu ‘Ubayd's text is shorter than Ibn Isḥāq's and lacks 20 sentences compared to Ibn Isḥāq's text (Zeyveli, 2019, p. 165). These missing sentences are not about the rules and regulations of the Sahifat but rather contain sentences about advice and warnings. Since the sentences related to the rules and regulations of Sahifat are fixed, there is no significant difference in meaning between the two texts.

[1] See, Ibn Hishām, ‘Abd al-Malik. (1858). Das Leben Muhammed’s Nach Muhammed Ibn Isḥāq Bearbeitet Abd el-Malik Ibn Hischâm (F. Wüstenfeld, Ed.; Vol. 1). Dieterich Universitäts-Buchhandlung.

[2] See, Ibn Hishām, ‘Abd al-Malik. (1864). Das Leben Muhammed’s Nach Muhammed Ibn Isḥāq Bearbeitet Abd el-Malik Ibn Hischâm (G. Weil, Trans.; Vol. 1). J. B. Metzler’schen Buchhandlung.

Both of these texts have been the primary sources for later works that include Sahifat al-Medina in both the classical and post-classical periods. According to Zeyveli's (2019) research, six works in the classical period used Ibn Isḥāq's text as a source, while five scholars referred to Ebu ‘Ubayd's text (pp. 67–68). Both sources have been used in *sīra*, history, and jurisprudence texts. In the Orientalist age, especially owing to the translation of Ibn Hisham's work, Ibn Isḥāq's version of the text has been used by scholars. Only Muhammad Hamidullah exploited Abu ‘Ubayd’s version of Sahifat and used it by comparing it with Ibn Isḥāq's version (Hamidullah, 1941a, p. 380). On the other hand, partial references to Sahifat are found in many different books belonging to the classical period. Accordingly, there are references to Sahifat al-Medina in 35 different books and 58 different places through a few sentences or paragraphs from the text. Furthermore, special agreements made by Prophet Muhammad with Jews are mentioned in 20 different works and 26 different places. However, since these works mention special agreements with the Jewish community other than Sahifat al-Medina, they are not considered primary sources.

2.2.2. Naming the Document

Sahifat al-Medina has been referred to in various ways throughout history. In the early sources and classical period, it was not given a specific name. Both Ibn Isḥāq and Abu ‘Ubayd presented it as *kitāb* (كتاب), which means "book" or a “written document” in Arabic, in the introduction of their versions and repeated this expression once again. In the Abu ‘Ubayd version of the text, the concept of *muwāde'a* (موادعة), meaning "agreement," has also been used. However, the term *kitāb* has been generally preferred in classical sources. Therefore, in the early sources and classical period, Sahifat al-Medina was introduced as a document between Jews and Muslims.

During the Orientalist era and with the widespread of Sahifat al-Medina in modern times, the text started to be named in different ways. In this era, the text was evaluated not only as a document but also with political implications. As seen in the Orientalist era, it is possible to examine these naming attempts in three different categories. The first category characterizes the text as a contract or agreement. Especially during the Orientalist era, the text was evaluated through the concept of "contract."[3] This approach assumes that the text is a contract between Muslims and Jews. This assumption considers Sahifat al-Medina as a contract or agreement made by the Muslim and Jewish communities who had equal status in city management. Thus, the text was created through mutual consultation and agreement between two equal communities rather than being imposed by one community on the other. This approach also refers to the Western contractual tradition through the expression of the term "contract." In this context,

[3] See, (Leszynsky, 1910; Müller, 1885).

the text was named "Contract of Medina." Along with the assumption of mutual compromise and agreement, the text was also referred to as the "Agreement of Medina."[4], "Covenant of Medina"[5], and "Treaty of Medina."[6]. The emphasis of this nomenclature is that Sahifat was written on the basis of compromise and agreement on an equal basis rather than by order of an authority. As can be seen in the chapter examining its usage in Türkiye, these names have increased, especially with the Sahifat al-Medina interpretations developed within the multicultural thought framework after the 1990s.

In the second naming, the emphasis is on the authority rather than an agreement on an equal footing. This approach claims that, after accumulating power in Medina, Prophet Muhammad presented a text that defined the rules and duties biding Muslim and Jewish communities. In this view, there is a hierarchical structure rather than an equal status between communities. Muslims under the leadership of Prophet Muhammad are in a higher status, while non-Muslims are communities in a position where they must be subject to authority. Therefore, Sahifat al-Medina is an imposed text on Jews. In this regard, the text is generally referred to as the "Declaration of Medina."[7] The text has also been described as a "prescription" or "proclamation."[8] In later periods, some authors have used the name "Charter of Medina"[9] to imply a decree imposed by an authority. The commonality in these names and descriptions is that Sahifat is an order directed at the communities mentioned in the text, who must comply with it.

The most popular and widespread name for the text is the "Constitution of Medina." This name assumes that Sahifat al-Medina has the character of a constitution. This approach, first expressed during the Orientalist period, holds that Sahifat is the constitution of the state established by Muslims in Medina. This constitution constitutes the foundational document that delineates the regulations and obligations incumbent upon the distinct communities residing in Medina, which must be adhered to unconditionally and without transgression. Considering the two different views above, Sahifat has been evaluated in two ways. One position asserts that the Constitution of Medina came into existence as a result of a contract, a key tenet of contemporary constitutionalism. Accordingly, the formation of the constitution was approved through an agreement among individuals or communities within society. Similar to the first naming, Sahifat al-Medina emerged as a constitution as an outcome of a contract and agreement. Conversely, another viewpoint maintains that Sahifat al-Medina was established through a declaration, as designated in the second naming. Following the Battle of Badr, Muslims, and Prophet Muhammad, in his capacity as a founding authority, drafted a document that defined the principles and procedures

[4] See, (Mukhan et al., 2015; Yiğitoğlu, 2022).
[5] See, (Engineer, 2006; Zafar, 2021; Zain, 2016).
[6] See, (Leszynsky, 1910, p. 52; Muir, 1861, p. 31).
[7] See, (Hoque, 2010; Tsaniyah, 2019).
[8] See, (Hamidullah, 1941b).
[9] See, (Anello, 2021; Rahman, 2020).

of the city's administration. They implemented a document that carries the nature of a constitution that binds the non-Muslim elements as well. Hence, according to this perspective, Sahifat al-Medina embodies the character of a constitution imposed upon the community due to the concentration of power rather than a contract. These two divergent opinions on the classification of Sahifat as a constitution differ in terms of how the constitution was established, but they concur on the formal type of the text. Sahifat is a written instrument that defines the principles and procedures of the city's administration, establishes the bounds of the rights and liberties of those subject to it, and thus is comparable to contemporary constitutions.

In the Orientalist era, Sahifat al-Medina was compared to Magna Charta,[10] which is considered the beginning of Western constitutional history, and it was stated that Sahifat has a similar nature. Some authors consider Sahifat as the first written constitution in history (Hamidullah, 1941b, p. 296). Consequently, studies have emerged that juxtapose Sahifat al-Medina with Magna Charta or contemporary state constitutions. In the Orientalist era, the "Constitution of Medina" was particularly used by Muhammad Hamidullah, and this terminology gained popularity in Islamic countries. The use of the "Constitution of Medina" discourse had an impact on the decolonization and constitution-making processes of Islamic states. At present, this conceptualization is recognized as the primary nomenclature. In connection with this naming, the term "act" has also been employed to signify the constitutional character of the text.[11] As such, the phrase "constitutional act of Medina" has gained currency.

However, all three approaches offer politically loaded conceptualizations. The names proposed by the aforementioned perspectives indicate a specific tradition in the history of political thought. Nevertheless, at the time the text was written, no such tradition of thought or conceptualization existed. As a result, these designations are at risk of being anachronistic and may lead to interpretations that exceed the intended purpose of the text. To avoid such politically loaded interpretations, this study has opted for the use of the term "Sahifat" (الصحيفة), which denotes parchment or leaflet. Moreover, the word "Sahifat" appears nine times in the text, indicating the way the text refers to itself. Although the word "*kitāb*," meaning book or written document, is employed twice in the text, this naming has been eschewed in favor of "Sahifat" due to its higher frequency of use.

[10] See (Krehl, 1884). Also, in later periods, (Kleidosty, 2011; Rafiq, 2019).
[11] See, (Perceval, 1848, p. 27).

2.2.3. Codification

Sahifat al-Medina, in the original primary sources and classical books, is in the form of prose. The codified version of the Sahifat, which is familiar in academic and intellectual circles, appeared in the age of Orientalism. For that reason, the codification of the Sahifat and the number of codes has been debated issue among scholars. These codification efforts also have a politically charged meaning. As stated in the discussion on naming, some scholars have evaluated Sahifat as a constitution. In this context, in order to give it a constitutional character, Sahifat, in prose form, has been divided into different sections according to subjects and meanings. Thus, Sahifat claimed to be a constitution, has been associated with modern written constitutions of today. Accordingly, first, German orientalist Sprenger presented the text by dividing it into paragraphs and sentences according to the meaning of the text. He divided the text into thirty-four paragraphs without numbering them. In addition, he evaluated Sahifat al-Medina as the constitution for the new political structure of Medina and stated that it was an important document for Muslim constitutional law (Sprenger, 1865, p. 20). Secondly, Krehl divided the text into sixteen paragraphs according to its topics. Like other scholars, Krehl also claimed that Sahifat was a constitution and named it the "Magna Carta of Islam" (Krehl, 1884, p. 149). Therefore, the first scholars who claimed that Sahifat was a constitution also structured it to give it a constitutional identity.

The orientalist scholar Julius Wellhausen was the first to number the pages of Sahifat al-Medina. Wellhausen (1889) presented the text in forty-seven articles and examined each article in detail (pp. 67-73). Wellhausen's meticulous work has popularized both Sahifat in general and the codification of the text. Hubert Grimme (1892) also evaluated Sahifat based on Wellhausen's numbering in forty-seven articles (pp. 78-81). Caetani (1905) objected to Wellhausen's forty-second article and divided it into two, presenting the text as forty-eight articles (pp. 395-402). Muhammad Hamidullah (1941d) divided Wellhausen's five articles into sections (a) and (b), presenting Sahifat in fifty-two articles (pp. 442–448). This division has been widely accepted both in the Islamic world and in Türkiye (Zeyveli, 2019, p. 20). Watt also followed Wellhausen's numbering. He did not consider the introduction of the text as an article and presented it as forty-seven articles by dividing one article into two. After the Orientalist period, Robert Bertram Serjeant (1978) developed a different method and divided the text into eight chapters according to its subjects, presenting a new numbering within each section and reaching a total of sixty-nine articles (pp. 16–39). One of the most recent articles numbering works was conducted by Michael Lecker. Comparing all versions of the document, Lecker (2004) presented it with a total of sixty-four articles (pp. 88-181). In his study on the numbering of Sahifat, Mehmet Erdem objected to the commonly accepted versions of forty-seven and fifty-seven articles and adopted a similar approach

to Lecker's (Erdem, 2012, p. 541). The meticulous researcher Hikmet Zeyveli also relied on Lecker's article numbering.

Although there are differing views on the consistency of the article divisions, there are not any articles in the original text. The issue of codification is related to the increasing evaluations of Sahifat as a constitution. Therefore, these article division efforts are inevitably loaded with political meanings. Article divisions also continued after the Orientalist era. Indeed, codification has been interpreted as the first product of constitutional thought in Islamic history. These interpretations have been a basis for the legitimacy of Muslim-majority states that gained independence during the decolonization period. In addition, references on a debated subject have always been given to relevant articles. In this regard, these articles have been the basis for the subject being researched by being detached from the whole text and context. For example, as will be discussed later, the property and religious freedom granted to Jews have been used for the concept of multiculturalism in Islam.

2.2.4. Written Date

The date of composition of the text is a subject of debate among scholars. Although it is certain that the text was written after the migration of Muslims from Mecca to Medina, it is not certain in which year after the Hijra it was written. Scholars have attempted to determine the date of composition by examining the content of the agreement with the Medinan Jews and through secondary sources. As will be discussed later, the written date of Sahifat is directly related to interpretations of its political and social context. Especially regarding the purpose of the text, the authority of Prophet Muhammad, the nature of relations with Jews, and the documental type of the text is the main debated topics related to the written date of the document. At this point, there are five different views among scholars regarding the date of composition of the text.

The first view asserts that the text was written before the Battle of Badr, which took place in the second year of Hijra between the Meccan idolaters and the Muslims. Indeed, Ibn Isḥāq placed Sahifat al-Medina before the brotherhood agreement (*muāḫāt*). Some classical scholars also noted in their works that it was written at the beginning of Prophet Muhammad's arrival in Medina. Most orientalist scholars uphold this view.[12] Those who support this view generally assume that Prophet Muhammad could not have been in a strong position yet because he had just arrived in the new city. He was only the leader of the Muslim community, especially of the emigrants. Therefore, Prophet Muhammad was in a weak position and could not establish his authority. Due to their weak position, they had to make an agreement

[12] For example, (Caetani, 1905; Krehl, 1884; Muir, 1861; Sprenger, 1865; Wellhausen, 1889). This view will be analyzed elaborately in the chapter on the Orientalist age.

with the Jews against a potential Meccan idolaters' attack. The Muslims made a contract with the Jewish community through Sahifat, which was of equal status. Consequently, Prophet Muhammad adopted a more lenient and passive attitude toward the Jews. Indeed, one of his political aims was to invite Jews to Islam and establish religious unity in the city. In this respect, Sahifat al-Medina was in the character of a contract or agreement.

The second view regarding the writing date of the text argues that it was written in the middle of the second year after Hijra.[13] The third view claims that Sahifat was written after the Battle of Badr.[14] The common point of these two views is that the text was written after the increased tension between Muslims and Jews. Accordingly, certain conflicts emerged between Muslims and the Jewish community in the middle of the second year after Hijra. After the Battle of Badr, the propaganda of the Jews against Islam escalated the conflict between the two communities. According to both of these views, Prophet Muhammad wrote Sahifat after he had gained power in Medina. Immediately after Hijra, Prophet Muhammad needed to become familiar with the city, its settled communities, and its political, economic, and social functioning. It was challenging for him to make an agreement with the Jews at that time. Consequently, Prophet Muhammad wrote a text imposing the rights and freedoms of the Jews after he established his authority in the city. Thus, Sahifat is a declaration directed at the Jews, determining their position and limits within the political structure under the leadership of Prophet Muhammad. While Prophet Muhammad held a more authoritative position in the city, the Jews were in a more restricted and obedient position.

Another view regarding the writing date of the text is that the text was written at two different times and later merged.[15] Similar to this view, the latest view on the writing date of Sahifat claims that the Sahifat is a multi-piece document written in more than two periods.[16] These views argue that new aspects and rules were added to Sahifat in accordance with the political and social developments in Medina. These two views combine the differentiated political assumptions mentioned above. According to this, the part related to the Muslims was written before the Battle of Badr, and the part related to the Jews was written after the war. Therefore, Prophet Muhammad prepared a text for the Muslim community he led in a period when he could not yet monopolize authority in the city. After gaining power, he expanded the text to include the Jewish community. This view of periodical expansion argues that Prophet Muhammad made additions to the text in the context of political and social developments

[13] For example, (Buhl, 1987; Wensinck, 1908). This view will be analyzed elaborately in the chapter on the Orientalist age.
[14] For example, (Grimme, 1892). This view will be analyzed elaborately in the chapter on the Orientalist age.
[15] See, (Hamidullah, 1941d). This view will be analyzed elaborately in the chapter on the Orientalist age.
[16] For example, (Watt, 1956). This view will be analyzed elaborately in the chapter on the Orientalist age. Also see (Goto, 1982, pp. 6–16; Serjeant, 1978, pp. 8–9).

after coming to Medina. According to this, as Prophet Muhammad built his authority, he expanded the parties in Sahifat and eventually merged these scriptures to include all Medina residents.

In summary, there exist five distinct perspectives concerning the writing date of Sahifat, each of which pertains to the political objectives of the Sahifat, the positions of Prophet Muhammad and the Jews therein, and the political and textual type of the text. The notion that Sahifat was composed prior to the Battle of Badr proposes that it constituted a bilateral agreement between equal parties during a period when Muslims held a weaker position in the city. Conversely, the view that it was written post-Badr contends that it constituted a declaration to the parties of the text following the establishment of authority. Scholars who posit that the text was written at different times have amalgamated these two positions and argue that various parties were incorporated into the Sahifat during Medina's evolving political and social climate.

2.2.5. The Integrity of the Text

The writing process of the text, whether it was composed as a single piece or assembled from fragments over time, has been a contentious topic of discussion. Scholars who have scrutinized the Sahifat have mostly maintained that it was written in a unified manner. Nonetheless, as mentioned in the previous section addressing the writing date of the text, there are also scholars who contend that it was written at distinct periods. Firstly, while it is acknowledged that the text was written as a complete work, it has been suggested that the text is divided into two parts based on the flow of sentences. Upon examining the content of the text, the portion of the translated text from (1) to (26) pertains directly to Muslims, whereas the remaining part is addressed to Jews. Alternatively, Zeyveli has indicated that the final sixteen sections encompass general provisions in addition to being addressed to Jews. (Zeyveli, 2019, p. 22).

Scholars who maintain that the text was composed at different times also take into account these differences in its content. The text's independent treatment of two distinct social groups suggests that it was authored at different points in time. Specifically, the section on Muslims pertains to the period when Prophet Muhammad arrived in Medina as the leader of the Muslim community, prior to the establishment of Muslim rule in Medina. The section on Jews, on the other hand, outlines regulations for the Jewish communities in Medina subsequent to the Muslim victory in the Battle of Badr (Hamidullah, 1941d, p. 337). Scholars who contend that the text was written over a span of time maintain that it was assembled from various parts of agreements made over time. They have further argued that the sections addressing different issues in the text are composed of agreements made with different communities regarding the prevailing political and social conditions. (Goto, 1982, pp. 6–16;

Serjeant, 1978, pp. 16–39) As a result, the notion of the text's fragmentation creates interpretative differences with respect to the political content of Sahifat.

2.2.6. The English Translation Sahifat al-Medina

As mentioned above, Sahifat al-Medina is a text written in plain prose. The text was later codified, especially during periods dominated by constitutional thought. There also exist differences in words and sentences between the two primary sources of the text. Furthermore, the obscure and infrequent words in the text have made it difficult to understand certain parts. Consequently, divergent views on the translation of the text have arisen, with numerous translations and divergences in meaning discernable in the text translations that have persisted in present times. Hence, scholars hold varying opinions about the intended meaning of some sentences within the text. In addition, the text has been interpreted within the political and social context of the 19th century. It was not evaluated in such a manner for over a millennium, resulting in a gap concerning its true meaning and impeding a comprehensive understanding of the text's context and content. Both the ambiguity of various words and the historical gap have led scholars to propose diverse interpretations of the text from political and social perspectives.

In this section, the primary objective is to share the text in complete plain prose following the original version to avoid any politically loaded meanings. The relevant article numbers will be presented in parentheses at the beginning of the sentences to indicate how the text was codified. The Turkish translation by Hikmet Zeyveli, which provides a comparative translation of the text with various sources based on the Ibn Isḥāq version, was utilized as the main source for the translation (2019, pp. 322–327). Zeyveli's translation was preferred due to its careful and meticulous examination using multiple sources. For instance, for the sentence cited in Zeyveli as Article 56, and identified by Caetani as the most ambiguous article of the Sahifat, Zeyveli offers the translation in line with the general meaning of the Sahifat. Additionally, the original Arabic text was also exploited to ensure appropriate equivalents for the words in the text and to capture the correct meaning.

English translation of the text:[17]

Ibn Isḥāq said:

The Messenger of Allah made wrote a "written document (*kitāb*)" between the Muhājirūn and Al-Anṣār. In this [agreement] he declared a truce and peace with the Jews, granted them religious freedom and recognized their property rights, bestowed some rights upon them, and imposed certain obligations.

[17] In the translation, the square brackets used to open the meaning of the expression.

(1) This is a compact (*kitāb*) arranged by the Messenger of Allah Prophet Muhammad between the believers (*Mu'minūn*) and Muslims (*Muslimūn*) of Quraysh and [the People of] Yathrib, and those who join them [and those who reside with them], and those who fight with them. (2) They form a single [social] community (*umma*) distinct from other people. (3) The Muhājirūn from Quraysh pays their blood-money by sharing it as customary in previous practices and pays the ransom for their (war) captives according to the best and fairest principles known among the believers. (4) The Banū 'Awf pays their blood-money by sharing it as customary in previous practices and pays the ransom for their [war] captives according to the best and fairest principles known among the believers. (5) The Banū Sā'ida pays their blood-money by sharing it as customary in previous practices and pays the ransom for their [war] captives according to the best and fairest principles known among the believers. (6) The Banū al-Hāriṯh pays their blood-money by sharing it as customary in previous practices and pays the ransom for their [war] captives according to the best and fairest principles known among the believers. (7) The Banū Jušham pays their blood-money by sharing it as customary in previous practices and pays the ransom for their [war] captives according to the best and fairest principles known among the believers. (8) The Banū al-Najjār pays their blood-money by sharing it as customary in previous practices and pays the ransom for their [war] captives according to the best and fairest principles known among the believers. (9) The Banū 'Amr b. 'Awf pays their blood-money by sharing it as customary in previous practices and pays the ransom for their [war] captives according to the best and fairest principles known among the believers. (10) The Banū al-Nabit pays their blood-money by sharing it as customary in previous practices and pays the ransom for their [war] captives according to the best and fairest principles known among the believers. (11) The Banū al-Aws pays their blood-money by sharing it as customary in previous practices and pays the ransom for their (war) captives according to the best and fairest principles known among the believers. (12) Believers shall not leave any member among them alone under the heavy financial burden and pay their debts of ransom and blood money according to the best and reasonable principles known among them. (13) No believer shall make a treaty with the ally (*mawlā*) of another believer without his notice [knowledge/consent]. (14) God-fearing believers are against whoever intends to commit cruelty by pushing the limits [in retaliation or blood money], to be unjustly rewarded, to commit a crime, to make an enmity, or to cause corruption among the believers. All their hands shall raise against him, even if he is a son of one of them. (15) No believer shall kill another believer [in retaliation] for an unbeliever, nor shall a believer help an unbeliever against a believer. (16) The protection of Allah is one; even the lowest one [in terms of social status among believers] may grant protection (*civār*) to anyone [and this protection binds everyone]. (17) Believers are allies (*mawālī*) of each other, distinct from other people. (18) Whoever of the Jews join us shall receive support and fair treatment without undergoing injustice or helping their enemies. (19) The peace

of the believers is one [it concerns all believers]; No believer shall make peace [end the war] without the notice/consent of other believers in a war waged for the sake of Allah. Peace shall only be made in accordance with the principles of participation and justice among believers. (20) All other participants who join us in the raid will take in turns with each other. (21) The Believers shall exact vengeance for each other when a man gives his blood in the way of Allah [in battle]. (22) God-fearing believers are those who adhere to this [document] in the best and most upright manner. (23) No idolater shall grant protection for the life and property of anyone from Quraysh, nor shall protect anyone from Quraysh against a believer. (24) If anyone intentionally kills a believer without a [legal] justification, the punishment for this is to be slain in retaliation, unless the murdered's next of kin is satisfied anywise [in return for blood money, etc.]. No believers have a choice but to ensure that the murderer is punished. (25) It is not correct (*ḥalāl*) for a believer who acknowledges the provisions of the Sahifat and believes in Allah and the Day of Judgment to help or shelter a murderer. Whoever helps and shelters him shall incur the curse and wrath of Allah on the Day of Judgment, and on that day, neither penitence nor ransom shall be accepted from them. (26) Any issue which you have a dispute with should be referred to Allah and Muhammad. (27) Jews shall contribute to the [defense] expenses along with the believers so long as they are [believers] under attack. (28) The Jews of Banū 'Awf is the community (*umma*) along with the believers; The religion of Jews shall be their own, and the religion of Muslims shall be theirs. Their allies (*mawlā*) and themselves have [the same rights] too. However, whoever commits an unjust act and a crime against another only harm to himself and his family members. (29) The Jews of Banū al-Najjār shall also have the same rights and obligations as the Jews of Banū 'Awf. (30) The Jews of Banū al-Hāriṯh shall also have the same rights and obligations as the Jews of Banū 'Awf. (31) The Jews of Banū Sā'ida shall also have the same rights and obligations as the Jews of Banū 'Awf. (32) The Jews of Banū Jušham shall also have the same rights and obligations as the Jews of Banū 'Awf. (33) The Jews of Banū al-Aws shall also have the same rights and obligations as the Jews of Banū 'Awf. (34) The Jews of Banū Ṯha'laba shall also have the same rights and obligations as the Jews of Banū 'Awf. However, whoever commits an unjust act and a crime against another only harms himself and his family members. (35) The Jafna, a sub-tribe of the Ṯha'laba, shall also have the same status as the Ṯha'laba. (36) The Banū al-Šhutayba [a sub-tribe of the Jafna] shall also have the same rights as the Jews of Banū 'Awf. (37) It [the document] shall be fully complied with, and no contrary action shall be committed. (38) The allies (*mawlā*) of Ṯha'laba shall also be accepted as Ṯha'laba themselves. (39) The allies (*biṭāna*) of the Jews [the bedouins who residing temporarily among them] shall be accepted as themselves. (40) No one [among parties of the document] shall leave [Medina] without the permission of Muhammad. (41) No obstruction shall be made from the taking of revenge for a crime [murder]. (42) Whoever kills someone [given protection] by "catching unawares" is considered to have killed himself

[and his family], unless he [murderer] has undergone an injustice (by murdered). (43) Allah is along with those who most sincerely abide by this agreement. (44) The expenses of Jews shall be their own, and the expenses of Muslims shall be theirs. (45) The parties of this Sahifat shall assist each other against those who waged war. (46) Honesty and sincerity shall prevail among them. (47) The rules shall be fully complied with, and no contrary action shall be committed. (48) No one shall betray his own ally, and it shall be helped for who [ally] was acted unjustly. (49) The borders of Yathrib (*jawf*) shall be a prohibited area (*ḥarām*) for all kinds of aggression for the parties of this Sahifat. (50) The protected person (*jār*) is in the same status as the protector. Neither shall be acted unjustly against him nor shall have allowed him to commit cruelty. (51) The warrant to provide protection shall not be wielded without receiving the permission of the parties (of this document). (52) Any incident or dispute feared to plot mischief among the parties of this agreement shall be referred to Allah and (His Messenger) Muhammad. (53) Allah is along with those who most faithfully and sincerely abide by the provisions of this Sahifat. (54) The Qurayshites and those who help them shall not be protected. (55) They [parties] shall cooperate against those attacks on Yathrib. (56) In current/upcoming blood feuds between believers and Jews who are subject to the agreement, the defendant's request for compromise shall be accepted by the plaintiff, and the reconciliation [in the blood-money payment method] shall be reached; the shares of the blood-money payment of the defendant's paternal male relatives (*āqila*) will be determined according to their status within the tribe; the Muslim mujahideen fighting for religion shall be exempted from paying the shares of blood-money. (57) The Jews of Aws -both themselves and their allies- shall have what was granted [rights and duties] to the honest and virtuous participants of this Sahifat and the people of the Sahifat. (58) The rules shall be fully complied with, and no contrary action shall be committed. (59) Whoever violates [this agreement] harms only himself. (60) Allah is along with those who most strictly and meticulously abide by this Sahifat. (61) This document (*kitāb*) shall not interfere between a person who commits an unjust act or crime and his punishment. (62) Anyone who either leaves [Medina] or stays there will be in security, however, except in the case of committing an unjust act or crime. (63) Allah is the protector of those who abide by [this Sahifat] with complete sincerity and meticulousness, and His Messenger Muhammad too. (64) The worthiest of them to this Sahifat are those who sincerely abide by it.[18]

2.3. Conclusion

Consequent to the migration of Muslims to Medina, Muslims interacted with the Jews in the city. Prophet Muhammad aimed to alter the existing tribal-based political, social, and legal framework. To achieve this goal, he first established a brotherhood between the Aws and Khazraj tribes, who had

[18] For the original Arabic text of the Sahifat al-Medina, see APPENDIX I.

embraced Islam in Medina, thereby putting an end to their old enmity. Additionally, Sahifat al-Medina regarded Muslims and Jews as members of the same community. The customary blood money and wartime practices based on tribal affiliation were also revised. As a result of the Muslim victory at the Battle of Badr, Muslims attained dominance in the city, and some Jews breached the agreement. Consequently, Prophet Muhammad expelled the non-compliant Jewish factions from the city, thus paving the way for a religiously based social, political, and legal framework to be established in Medina.

The second area of investigation in this chapter concerns the text of Sahifat al-Medina. The naming, codification, date of composition and authenticity of the text have been the subject of scholarly debate. The naming and structuring of the text have been influenced by 19th-century political thought, which used terms like "contract," "declaration," and "constitution," which were not prevalent when Sahifat was originally written. Similarly, scholars codified the text regarding certain topics and meanings in the Sahifat. Furthermore, the diversified approaches toward the written date and the integrity of the text have contributed to various interpretations. So, the objective of this study is to provide an accurate and faithful translation of the original text while considering the differing interpretations that have emerged. To this end, the text is referred to as Sahifat al-Medina, and the translation is presented in a plain text format.

3. HISTORICAL RECEPTION OF SAHIFAT AL-MEDINA

Sahifat al-Medina is a document that was created between approximately 622-623 AD among Muslims and Jews following the migration of Prophet Muhammad and the Muslims to Medina. When contemplating the Sahifat al-Medina discussions within the Turkish context of the 1990s, a substantial temporal gap of around 1400 years separates its inception from the present study. This temporal disparity requires an inquiry into the potential diversity of interpretations that Sahifat al-Medina may have undergone over this extensive period. Upon examining this process, two different approaches to Sahifat al-Medina have emerged. Firstly, an examination of classical texts referencing Sahifat al-Medina is undertaken to illuminate its initial reception. This entails an analysis of the political interpretations assigned to Sahifat al-Medina within various branches of Islamic scholarship. Subsequently, attention turns to the novel political connotations that Sahifat al-Medina acquired during the Orientalist period commencing in the latter half of the 19th century. The section endeavors to assess the political perspectives adopted by numerous Orientalist scholars in their evaluation of Sahifat al-Medina.

3.1. Sahifat al-Medina in the Classical Period

As Islamic sciences evolved throughout Islamic history, various literary works emerged in different academic disciplines. These literary works were primarily based on the fundamental sources of Islam, namely the Qurʾān and the *sunna* (the sayings and deeds of Prophet Muhammad). Due to Prophet Muhammad's status as the primary source for understanding the Qurʾān, great importance was placed on his words and actions. Consequently, the life of Prophet Muhammad and the historical context of the emergence of Islam were described in great detail. Religious and legal issues were also discussed concerning the *sunna* of Prophet Muhammad. In this regard, Sahifat al-Medina, a text created by Prophet Muhammad to regulate the relationships between Muslims and Jews in Medina after the Hijra, has been included in scholarly books due to its relevance to Muslims and its status as a text written by the Prophet. Thus, Sahifat al-Medina has attracted the attention of classical Muslim scholars in various disciplines, including the relationships between Muslims and people of different faiths, legal practices such as blood money and protection, and Muslims' wars.

3.1.1. Genealogy and Periodization of Sahifat in the Classical Age

The Classical Period, spanning from the 8th century until the advent of the Orientalist era in the latter half of the 19th century, represents a sizable length of time that poses challenges for its definition as a

single period. Nonetheless, from the perspective of the historical reception of Sahifat al-Medina, it is possible to consider this entire period as a unified era. The academic study of Islamic history and related sources, including Sahifat al-Medina, has undergone a substantial transformation over time, with the development of modern Islamic studies coinciding with the advent of the Orientalist era. The scholarly approaches employed in modern Islamic studies, characterized by calculative rationality and specialized technical methods, have been strongly influenced by a rationality-centered worldview that emerged in the 18th century and has come to be identified as "modern" (Hodgson, 1974, p. 52). This perspective contrasts the pre-modern outlook of Muslim scholars who evaluated historical events and sources through the lens of Islamic sources and disciplines. Consequently, interpretations of Islamic history, including Sahifat al-Medina, have varied over time, with the works produced during the Classical Period exhibiting consistent patterns of classification and interpretation. While the perception of Sahifat al-Medina did not change significantly throughout the Classical Period, there was a marked divergence between Classical and Orientalist-era interpretations of this text. For this reason, the period preceding the Orientalist era is referred to as the Classical Period, covering the period from Ibn Isḥāq's 8th-century script of Sahifat al-Medina until the onset of the Orientalist era in the 19th century.

In the early scholarly texts of Islamic history, Sahifat al-Medina is initially mentioned in Ibn Isḥāq's *Kitāb al-Maghāzī*, which belongs to the literature of *sīra* and *maghāzī*. This text has been transmitted to contemporary times through Ibn Hishām's As-Sīra an-Nabawiyyah, which falls under the same genre. Additionally, the text can be found in Abū ‘Ubayd's *Kitāb al-Amwāl*, which is concerned with jurisprudence. As discussed, these two sources are the primary reference texts containing the complete version of Sahifat. Although there are minor differences between the two versions in terms of words and sentences, these differences do not alter the text's overall meaning. Subsequent references to Sahifat al-Medina in other texts are based on these two sources, with numerous books containing partial references comprising a few sentences or paragraphs. Seven scholars who refer to the complete text use Ibn Isḥāq's version, while six reference Abū ‘Ubayd's version. Moreover, fragments of the text have been transmitted in 27 different books and 58 different places. However, as the references to Sahifat in these texts are brief and confined, they do not offer a comprehensive understanding of the text.

Upon examination of the sources, it can be seen that Sahifat al-Medina appears in works related to six different disciplines of classical Islamic studies:[19]

- Sīra: Biography of Prophet Muhammad
- Ḥadīth: Compilation of Prophet Muhammad’s sayings, actions, and silent approvals

[19] For the table indicating the all scholarly books including Sahifat al-Medina according to discipline and the version they used, see APPENDIX II.

- Fiqh: The branch of Islamic disciplines that studies the practical regulations on individual and social life
- History: The discipline that generally narrates world and Islamic history through an Islamic perspective
    - Urban History
- Dictionary: Books that explain both Arabic words in general and obscure and rare words in *ḥadīth* literature
- Balāg̲ha – Hazl: A literary discipline that explains a serious issue in a humorous way

The present study aims to investigate the political interpretations of Sahifat al-Medina during the classical period by focusing on works with political content. The examination is primarily limited to the genres of *fiqh* and *ḥadīth,* as they present Sahifat from a political perspective. The *sīra* genre, which deals with the life and wars of Prophet Muhammad, includes Sahifat in the section about his life in Medina. However, the historical understanding of that period differed from modern historical discipline in that it was based on the chronological writing method, which simply narrated events in historical order without analyzing their political content with an elaborate causal link. Therefore, in *sīra* texts, Sahifat is positioned as an event in the chronology of the post-Hijra period without further political interpretation. Likewise, various books related to broader world history have similarly included Sahifat in their historical accounts. *Wafā' al-Wafā,* a work categorized under the subfield of urban history, situates Sahifat within the history of Medina (Nūr al-Dīn al-Samhūdī, 1908, p. 190). Furthermore, dictionaries have used Sahifat al-Medina to explicate the meanings of obscure and seldom-used words in the text. al-Ābī's *Naṯhr al-Durr*, a literary text belonging to the humor (*hazl*) genre, refers to Sahifat while humorously discussing different events in Islamic history. Across all five genres, the text has been assessed based on its historical and textual significance, independently of its political content. Given that Sahifat is a historical document originating from the post-Hijra Medina period, it has been incorporated into these works without any additional interpretation.

In classical Islamic studies, the disciplines of *fiqh* and *ḥadīth* were the ones with political content. However, Sahifat was not considered a political thought document in these texts. Put simply, fundamental political questions such as the state structure, the role of authority, and the boundaries of sovereignty were not addressed within the scope of Sahifat. Looking at the place of Sahifat in *fiqh* texts, it was utilized as a legal source to provide solutions to political, social, and economic problems. Within the discipline, Sahifat was cited as a legal source in two areas: *ḏ̲ẖ̲immī* (non-Muslim) law and financial law.

3.1.2. Reception of Sahifat al-Medina in the Discipline of *Fiqh*

In the 13th century, Ibn Taymiyya authored the book *al-Ṣārim al-Maslūl* in response to an incident where a Christian named ʻAssāf al-Naṣrānī insulted Prophet Muhammad (Koca, 1999, p. 391). The book argued that those who insulted the Prophet should be punished, and Ibn Taymiyya presented evidence from the Qurʾān, *sunna*, and *i̲d̲jmāʿ* (unanimous consensus of the *umma* on a regulation) to support his argument. In the chapter addressing the circumstances under which the agreement with the *d̲h̲immī*s may be terminated, Ibn Taymiyya presented Sahifat al-Medina as evidence from the *sunna*. As per this text, Jews who signed an agreement with Prophet Muhammad were subjected to expulsion or execution in the event of insulting him or breaching the agreement (Ibn Taymiyya, 1997, pp. 129–133). Another work that used Sahifat within the context of *d̲h̲immī* law is the book *Ahkām ahl al-D̲h̲imma* written by Ibn Qayyim al-Jawziyya in the 14th century, which includes judgments on non-Muslims. Similar to Ibn Taymiyya, the section of the book discussing the execution of one who insults the Prophet and violates the agreement refers to Sahifat. Accordingly, there is no obstacle to making agreements with non-Muslims, but they should be killed if they insult Prophet Muhammad or engage in actions that violate their agreements (al-Jawziyya, 1997, p. 1405). Therefore, these two texts in the field of Islamic jurisprudence evaluated Sahifat in the context of relationships with minorities. However, rather than using the text as a basis for a political thought tradition related to minorities, books use Sahifat as evidence to answer a legal question. Examining the contextual usage of evidence, the relationships with non-Muslims are structured around the principles of Islam and the hegemonic Muslim presence. Insults to the Prophet or breaking a promise to Muslims requires the person or community involved to be killed. Therefore, the legal system is shaped around the values of Islam, and minorities must also comply with these values. There is no neutral state or law that is equally distant from everyone. The chapter examining the debates in Türkiye will analyze Sahifat in a manner that diverges from the approach taken in Islamic jurisprudence.

Another field of Islamic jurisprudence where Sahifat is used is in the works related to financial law. The first text written in this field is Abū ʻUbayd's *Kitāb al-Amwāl*, one of the earliest sources where the Sahifat text is found in its entirety. This work, written in the 9th century, generally discusses public finance, land law, and state law, as well as the rights of the ruler and the principles of fair governance. The book focuses on the terms cited in Sahifat related to financial law, such as blood money, protection of property, and ransom. The book mentions Sahifat in the section that elaborates on the economic relationships with non-Muslims within the chapter related to the rules and principles of territories conquered through peace (Abū ʻUbayd, 1989, pp. 290–294). This section elaborates on the economic responsibilities and freedoms that different types of agreements impose on parties, including the ransom money for a Muslim captive, the blood money in case of murder, and the prohibition on non-Muslims

protecting the enemy's property. Furthermore, it also discusses the conditions under which war is legitimate when the agreement is violated. Therefore, the book deals with how financial law operates in different forms of relationships with non-Muslims. In the same century, Ibn Zanjawayh wrote a commentary on Abū ‘Ubayd's work, which only added the events after the three major Jewish tribes violated the agreement in the section related to Sahifat al-Medina (Ibn Zanjawayh, 1986, p. 473). These works on financial law do not have a direct political meaning but rather discuss how different agreements impose economic responsibilities and freedoms on parties. In the section related to Sahifat al-Medina, the text has been evaluated regarding the Jews' minority status. Abū ‘Ubayd establishes a hierarchical relationship between Muslims and Jews, as minorities are not considered equal to Muslims. For example, according to Abū ‘Ubayd's deduction, minorities do not have the freedom to make agreements with another community independent of Muslims and cannot protect the enemy and their property. Therefore, Abū ‘Ubayd, like Muslim scholars such as Taymiyya and al-Jawziyya, established a hierarchical relationship between Muslims and Jews.

3.1.3. Reception of Sahifat in the Discipline of *Ḥadīth*

The Sahifat al-Medina is mentioned in sixteen *ḥadīth* texts; however, it has not been directly interpreted within the context of political thought. *Ḥadīth* books typically contain texts in which the *ḥadīth*s are simply transmitted without any commentary. However, the authors of these books generally transmit *ḥadīth*s in specific chapters, and their classification preferences can be an extension of a certain politically loaded background. Notably, not all *ḥadīth* books have used the Sahifat in similar chapters. Some scholars have only mentioned where they transmitted the Sahifat from, while others have used it to indicate the forbidden (*ḥaram*) areas during Hajj and ʿUmra. In a total of ten chapters related to non-Muslims, the sentences from Sahifat are used in the sections that deal with issues related to minority rights, such as blood money, *jizya* (poll tax levied on non-Muslims), and protection. Therefore, in *ḥadīth* compilations, it is included as an example related to minority rights, similar to the literature of Islamic jurisprudence. The chapter where Abū Bakr al-Khallāl uses the Sahifat stands out in the *ḥadīth* books. Al-Khallāl used the Sahifat in the section titled "Denial of Jews and Christians as members of Prophet Muhammad's *umma*." The post-Prophet generation's interpretations on this issue are transmitted in the text, taking the parts of the broad concept of the *umma* that appear in the Sahifat. These interpretations explicitly reject the inclusion of Jews and Christians in the *umma*, stating that they can only belong to their own *umma*s (Abū Bakr al-Khallāl, 1994, pp. 5–9). During the classical period, the Sahifat was perceived as emphasizing Muslims' superiority over members of other religions. It highlighted that other religions cannot form a community with Muslims, thereby creating a hierarchical relationship with non-Muslims in legal and social terms. The Sahifat is generally included in the discussion of relations with

non-Muslims in *ḥadīth* compilations, further emphasizing the hierarchical relationship with non-Muslims.

3.1.4. Concluding Remarks

In conclusion, only a few classical works, including Sahifat al-Medina, have evaluated it with concepts related to political thought. These works have not directly approached Sahifat as an autonomous political text and have not addressed the fundamental concepts and discussions related to political thought based on the content of Sahifat. Therefore, in the classical period, Sahifat was not perceived as an independent and valuable political text in itself. However, a limited number of texts in the minority and financial law disciplines of *fiqh* have used Sahifat as an example to describe the legal and financial obligations arising from agreements with minorities. Nonetheless, in these studies, a hierarchical relationship between Muslims and Jews was established, and Muslims were considered superior to other religious communities. In the *ḏẖimmī* law, blasphemy against Prophet Muhammad is a death sentence for the community in the agreement. Additionally, according to financial law, Jews were not allowed to make agreements with communities that Muslims deemed enemies and were not permitted to protect their lives and property. Therefore, Jews must comply with the value and legal system of Muslims. In *Ḥadīth*s, Sahifat has usually been mentioned in sections related to minority law, parallel to the *fiqh* literature. However, al-Khallāl's approach to the *umma* concept in Sahifat, which was contrary to the perception of the 19th century, emphasized that non-Muslims could not form an *umma* with Muslims. In general, in the classical period, Sahifat al-Medina was evaluated within the framework of the idea that Muslims are in a superior position compared to other religious communities. Jews, being in the minority position, were subject to Islamic law and expelled from the *umma* created by Muslims. Therefore, such an approach to minority and *umma* concepts is opposite to both the Orientalist period and the content of the debates in Türkiye.

3.2. Sahifat al-Medina in the Age of Orientalism

As explained in the previous part, Sahifat al-Medina has not been analyzed as an autonomous text for the purposes of Islamic or political thought. The text has been put in the specific chapters of the religious books as evidence for a legal deduction or mentioned in the books of Prophet Muhammad's life, sayings, and deeds. Owing to the rise of orientalist scholarship in the field of Islam, Sahifat al-Medina became an independent unit of analysis for scholarly inquiries. Orientalist studies treat the Sahifat as an autonomous constituent text and analyze it with a focus on that period's debates and literature. Thus, Sahifat al-Medina gained novel meanings and approaches. However, although approaches to the Sahifat

varied with different perspectives, this did not create a rupture from the classical period in terms of scholarly discipline. In the age of Orientalism, the Sahifat is also analyzed mainly by Orientalist scholars in the areas of the history of Islam and Arabs, the biography of Prophet Muhammad, and the history of Muslim-Jewish relations. Although there were no modern autonomous academic disciplines such as theology, politics, or history in the classical period, the studies of the Sahifat al-Medina in the age of Orientalism did not go beyond Islamic scholarly studies. In this part, in order to understand the motivations behind the orientalist works, firstly, the intellectual and political context of the orientalist studies on Sahifat al-Medina will be analyzed. Secondly, within the Orientalist period, studies focused on the Sahifat al-Medina will be compared under five different headings in terms of evaluating the text. This will help to identify novel elements in the approaches to Sahifat al-Medina during the Orientalist period and reveal differences of opinion among scholars.

3.2.1. The Context of the Orientalist Scholarship

Orientalism refers to the Western academic pursuit that concentrates on studying the languages, literature, religions, philosophies, histories, art, and legal systems of Asian cultures during the 18th and 19th centuries (Thomas, 2022). This intellectual enterprise was developed in the context of Western colonialism, with the aim of analyzing and defining the societies of the East, known as the Orient, through the lens of modern power and knowledge relations (Said, 2003, p. 12). In this regard, the religion of Islam became a significant research subject in this context. The topics that Orientalist scholars focused on included the history of Islam and Arabs, Islamic cultures, and the historical biography of Prophet Muhammad. Within these scholarly investigations, the Sahifat al-Medina, which pertains to Islam, Prophet Muhammad, and Judaism, attracted the attention of Orientalists. The modern relationship of Orientalist scholars with knowledge instigated a re-evaluation of Islam and prophecy, leading to new meanings and attributions being ascribed to the Sahifat al-Medina during this period.

3.2.1.1. Genealogy and Periodization of the Studies on Sahifat al-Medina

Looking at the Orientalist studies focusing on Sahifat al-Medina, the national and educational background of the scholars has importance in understanding the context of the Orientalism period and the periodization of this study. In total, twenty academic studies (including one English translation of M. Hamidullah's Arabic study) mention the Sahifat al-Medina and seventeen of these studies allocate a special place to the Sahifat by elaborately analyzing and problematizing it.[20] Regarding the nationalities of the authors of these studies, eleven German and one Austrian orientalist scholars focused on the

[20] For the chronological list of these scholarly products, see APPENDIX III.

Sahifat in their works. So, German orientalist scholars were more interested in the Sahifat al-Medina. Orientalist works from Italy, Denmark, and Holland were produced after 1900, following the popularization of the Sahifat al-Medina by German scholars. Notably, as being only Muslim and non-orientalist scholar, Muhammad Hamidullah also resided in Germany for his doctoral education, and he contacted prominent German orientalist scholars of that time, such as Paul Erns Kahle and Fritz Krenkow (Tuğ & Yaşaroğlu, 2020, p. 531).[21] Before 1900, only Armand Perceval from France and William Muir from Scotland wrote on the Sahifat. Rather than an elaborate analysis of the Sahifat, Perceval (1848) presents the sketch translation of the Sahifat in the third volume of his book *Essai Sur L'histoire des Arabes Avant l'Islamisme*, by relying on the manuscripts in Bibliothéque Royale and quoting from Ibn Hishām's *es-Sirat en-Nabaviyyah* (pp. 27-33*)*. He is aware of the German orientalist studies, especially of Rühle von Lilienstern, but he could not reach these works due to the language barrier (p. VI). Also, William Muir (1861) admits his gratitude to German orientalist Aloys Sprenger for the inspiration he got from (p. IV). So, German Orientalism was the primary determinant of the analyses for the Sahifat al-Medina. This attention to Sahifat is essential for the periodization and the contextual analysis of the era of Orientalism.

The general periodization of Orientalism is between the 18th and 19th centuries. Regarding this study's periodization for the Sahifat al-Medina (1850-1960), the periodization of works on German Orientalism in general presents similar divisions. Ursula Wokoeck (2009) periodizes the second development of German Orientalism roughly between 1875 and 1918, with the emergence of Assyriology studies (p. 146). Similarly, Suzanne Marchand (2009) names the period between 1870 and 1900 the Second Oriental Renaissance (p. 162). Regarding the Sahifat al-Medina, the first academic inquiry mentioning the Sahifat was published in 1848 by Armand Perceval. The first detailed analysis of the text was written by William Muir in 1961. After that time, the studies focusing on the Sahifat al-Medina shared similar questions of debate, methods of analysis, and types of studies until Montgomery Watt's book in 1956 with increasing intensity. Therefore, although the general age of Orientalism points to the 18th and 19th centuries and to the period between 1870 and 1900 for German Orientalism, this study extended period between 1848 and 1956 by considering the continuity in these studies, including the analysis of Sahifat

[21] There is a necessity for a further explanation of why Muhammad Hamidullah is included in the age of Orientalism. Hamidullah is a Muslim and non-orientalist scholar. In his investigations on the history of Islam and Prophet Muhammad, he did not embrace the critical perspective towards the history and sacred scriptures of Islam from an orientalist scientific methodology. However, regarding the analysis of the Sahifat al-Medina, Hamidullah was involved in the same research questions on the Sahifat posed by the orientalist scholars. Furthermore, Hamidullah also was part of the German orientalist academy during his graduate education. Therefore, Hamidullah followed the academic trend of the age of Orientalism. In this respect, Hamidullah's studies on the Sahifat al-Medina are included in the period of orientalist studies.

al-Medina. Despite the existence of inquiries following the same debates, the intensity of these types of studies decreased, and the perspectives on the Sahifat began to change.[22]

3.2.1.2. Intellectual Background of the Interest in the Sahifat al-Medina

The establishment of the chair of Islamic studies in Germany occurred after the First World War. Prior to this, Orientalist studies on Islam were conducted under the discipline of Oriental languages, particularly Semitic and Hebrew languages (Wokoeck, 2009, pp. 164-167). For example, while scholars such as Aloys Sprenger, H. Ferdinand Wüstenfeld, and Gustav Weil were situated within the departments of Oriental languages, Theodor Nöldeke, Hubert Grimme, Julius Wellhausen, and August Müller worked in the area of Semitic languages (pp. 235-273). The prominence of Semitic languages during this period indicates that studies on Islam and the Qur'ān were conducted within this context. Consequently, the history of Islam was not studied as an independent field but instead analyzed in relation to Semitic cultures.

During the period between 1820 and 1870, orientalist studies in the departments of Oriental and Semitic languages focused on biblical criticism, or *critica sacra*. Orientalists intensified their studies of the Torah and Hebrew in an effort to explain Christianity and its sacred scriptures, aiming to determine what Christianity owed to Judaism and the historical truth contained in the scriptures. Through the application of scientific methods to the social sciences and humanities, the investigation of sacred sources shifted away from spiritual or metaphysical aspects of religion and instead became a scientific and historical unit of analysis (Marchand, 2009, pp. 105-117). The later period between 1870 and 1900 was marked by the newly unified German nation-state and an expanding German colonial empire, which led to intensified relations with the Orient and posed questions about the religious-historical background of the German nation-state. This led to the Eastern and Jewish questions in Germany, which raised issues about the position of Eastern and Jewish cultures relative to the cultural and political background of the newly unified German nation-state. Although the main research topics did not change radically, Islamic history, as a part of Eastern culture, began to be analyzed critically, similar to the biblical cannons in the *critica sacra*. The Qur'ān became a part of the investigative study in this context (pp. 160-162, 186-188).

The methodology of biblical criticism, which was applied to Christianity studies, was also used to investigate the Qur'ān and Islamic scriptures. Orientalists analyzed Islam as a continuation of Judaism, thus positioning Judaism as the main element of Oriental studies. Consequently, the Sahifat al-Medina

[22] After 1960, there were also certain detailed analyses of the Sahifat al-Medina following the questions and methods of Orientalist scholars. In the publications after 1900, academics mainly used the term "constitution" to define the Sahifat; see Gil (1974), Serjeant (1978), Rubin (1985), Lecker (2004), and Zeyveli (2019).

was of great interest to German orientalists, as it provides valuable information on the history of Jewish and early Muslim communities, serving as a significant component in their research on the history of Islamic and Hebrew cultures. The Sahifat al-Medina offered new insights into the political stances and religious positions of Jewish tribes in Medina. Therefore, German orientalists provided comprehensive analyses of the Sahifat al-Medina in their works on Islamic history.

The appearance of Sahifat al-Medina in the German academy can be traced back to Ferdinand Wüstenfeld's initial printed edition of *Ibn Hishām's es-Sirat en-Nabaviyyah (The Life of Prophet Muhammad)* in 1858. This work was the first to contain the complete text of Sahifat al-Medina. With this publication, Wüstenfeld not only expanded studies on Islam and Prophet Muhammad but also introduced the Sahifat al-Medina to the German Orientalist academy. In 1864, Gustav Weil further advanced this endeavor by translating Ibn Hishām's book into German, thereby providing a detailed account of Prophet Muhammad to a broader audience. This translation represented the first translation of Sahifat's complete text. As a result of these developments, interest in the early period of Islam increased, and accessibility to the Sahifat al-Medina became easier, leading to its discovery (pp. 251-252).

Besides the content of the text, in this period, the Sahifat al-Medina was analyzed through the terminologies of theology and Islamic studies. However, despite being within the borders of Islamic studies, classical and orientalist studies differentiate regarding the analysis of the Sahifat. The authenticity of the text is one of the subjects studied. Related to the discipline of *ḥadīth*, Prophet Muhammad's sayings, and deeds, whether the Sahifat al-Medina is an authentic or fabricated text, was one of the main questions. For orientalist scholars, there is no doubt about the authenticity of the text. Similarly, Islamic historians in the classical period evaluated the Sahifat as a historical text and placed it in their studies. On the other hand, Muslim *ḥadīth* scholars primarily analyzed the authenticity within the scope of the classical methodology of *ḥadīth*. For instance, due to the deficiency in the *isnad*, the narration thread of the text, *ḥadīth* scholars generally disregarded the text (Rizqullah Ahmad, 1992, pp. 311–312; Al-Isawi, 2006, p. 68). The second discussed topic is the integrity of the text. This issue was not addressed in the classical period. Yet, in the age of Orientalism, scholars differentiated whether the Sahifat is integral, two-piece, or multi-pieces (Lecker, 2004, pp. 183-190). Another subject of discussion specific to the age of Orientalism is the writing date of the text. Scholars posited wildly divergent answers to this question, but the Badr War is the main reference point to detect the written date (Zeyveli, 2019, pp. 79-86). Contracting parties is another disputed issue among orientalist scholars. While certain scholars claimed that the agreement included all Medinans, others limited it to only Muslims and Jews (pp. 91-94). Also, whether the three prominent Jewish tribes, Banū Qurayẓa, Banū Naḍīr, and Banū Qaynuqāʿ, were among the parties of the Sahifat is another question mark in the heads

of the orientalists. Furthermore, the text mentions certain Jewish tribes named "Banū X (Banū Awf: Sons of Awf Tribe)." What these Jewish groups allude to is another question that orientalists pose to the text (pp. 96-104). These four issues are the main research topics on Sahifat al-Medina in the age of Orientalism.

Between 1850 and 1960, German orientalists undertook a critical evaluation of Islamic history through the prism of biblical criticism and Hebrew studies, with a particular focus on the segments of Islamic history pertaining to Judaism. In this respect, the Sahifat al-Medina drew the attention of orientalist scholars because of being a text that regulates the relations between Jewish tribes and the first Muslim community. These orientalist works predominantly centered on themes and methodologies of Islamic studies, with a deep analysis of the text's authenticity, written date, and integrity, in addition to the tribal affiliations and parties involved in the agreement.

3.2.2. The Political Themes of Sahifat al-Medina

Besides the Islamic studies, the political character of the Sahifat al-Medina paves the way for analyzing the text within the scope of political thought. Although the primary intention of the orientalist scholars was not to provoke debates on political thought, their attributions and evaluations allowed them to interpret the text within the concepts of political thought, such as sovereignty, religious authority, or political pragmatism. By virtue of novel attributions like the constitution, contract, and edict to Sahifat al-Medina, or examining the text as if it was a politically strategic maneuver, Sahifat al-Medina gained modern political meanings. Therefore, despite the fact that it has not been a matter of debate in political thought in the age of Orientalism, owing to the new political meanings, Sahifat al-Medina occupies an independent place in modern Islamic political thought.

While evaluating the Sahifat al-Medina, orientalist scholars insert politically loaded concepts and assessments. They assessed the text through modern political concepts. These novel attributions led Sahifat to gain new meanings compared to the classical period. The political content of the analyses on the Sahifat al-Medina is divided into five categories in terms of the main political themes that the scholars emphasized: (1) the political aim of Prophet Muhammad in writing Sahifat, (2) the documental type of text, (3) designation and position of authority in the document (4) social and legal structure defined by the Sahifat, (5) position of non-Muslims and their rights and duties.[23]

[23] For the table comparing the views of Orientalist scholars on these topics, see APPENDIX IV.

3.2.2.1. Political Aim

Scholars have debated the political motives underlying Prophet Muhammad's composition of Sahifat al-Medina. They have speculated about the socio-political climate in Medina during the Hijra, as well as the Muslims' relationship with the Jewish population and the implicit political aims expressed in the document. All orientalist scholars have posited that the Prophet Muhammad's intention was to establish a unified theocratic state by seizing power in the city, given the increased political force following the Badr War and the exclusion of Jewish tribes from Medina. In this teleological interpretation, scholars differentiate regarding the strategies developed by the Prophet in forming the Sahifat, which ultimately culminated in the accumulation of power. Some scholars argue that Prophet Muhammad aimed to establish unity and internal peace in Medina. An alternative point claims that the Sahifat was written in a permissive way to convert Jews to Islam. Another perspective suggests that the Prophet wrote Sahifat to establish a joint defense in Medina against potential attacks from Meccan enemies.

Initially, scholars posited that Sahifat al-Medina was written to establish unity and inner peace in Medina. This perspective highlights the social structure of Medina during the Hijra period. Medina's socio-political structure was based on tribal politics and laws, where even the Muslims were divided into the Aws and the Khazraj tribes. The arrival of Meccan Muslim immigrants further complicated this already split structure. In addition to the Muslim community, there were also idolaters and Christians, as well as a dense Jewish population divided into tribes. This heterogeneous community structure, separated by both religion and tribes, made it impossible to establish peace and common law in the city. Hamidullah (1941) characterized this situation from a Hobbesian perspective of an anarchical society in need of order and law (p. 302). Therefore, there was a "need for a document to establish order, peace, and unity" (Sprenger, 1865, p. 20). Initially, Prophet Muhammad signed a brotherhood agreement among the Muslims. According to the perspective that the Sahifat was written before the Battle of Badr, Prophet Muhammad sought to regulate the living conditions in the city to establish a minimum level of peace (Procksch, 1899, p. 64). At this point, Prophet Muhammad declared himself the ultimate judge and aimed to regulate elements such as blood feuds and ransoms that disrupted the unity and peace of society (Wellhausen, 1889, p. 77). Hamidullah (1941) argued that the main aim of Prophet Muhammad was centralization and unity, and the Jews submitted to these policies in the Sahifat due to their dispersion after the Battle of Badr (p. 383). Conversely, Buhl (1932) argued that after the Battle of Badr, Prophet Muhammad excluded the Jews in an effort to nationalize Islam, i.e., to create a homogeneous Muslim society (p. 649). Therefore, the views that claim the Sahifat was signed before and after the Battle of Badr differ in terms of the establishment of unity and peace. The notion that it was signed before the battle suggests that Prophet Muhammad created a set of rules that covered all elements in the

city to achieve inner peace, while those who claim it was written after the battle emphasize a more homogeneous unity concept with the submission of the Jews.

The second view claims that the Sahifat al-Medina was composed to appeal to the Jewish community to Islam. Following the Hijra, the Muslims, particularly the emigrants, were in a relatively vulnerable position. In response, Prophet Muhammad sought to unite all Muslims through the creation of a brotherhood. He also endeavored to promote religious unity in Medina by inviting Jews to embrace Islam. To achieve this, he adopted certain practices from Jewish customs, such as fasting on the 10^{th} of Muharram and maintaining Jerusalem as the *kibla* for Muslims, which is also a sacred site for Jews (Muir, 1861, p. 31; Buhl, 1938, p. 649). By doing so, Prophet Muhammad also sought to overcome the dominance of Jewish thought and religious practices by incorporating them into Islam. He aimed to melt the Jewish ideology with the discursive power of Islam (Müller, 1885, p. 96). Additionally, he developed the Sahifat al-Medina as a contract to foster communication opportunities with the Jewish population. This contract established certain regulations and duties for Muslims and Jews in the city, thereby placing both religious communities in an equal position. For this purpose, Prophet Muhammad included Jews in the *umma* (Leszynsky, 1910, p. 49). With this unification, he hoped to create religious unity and ultimately establish a theocratic state. Despite his efforts, however, due to entrenched Jewish traditions, Prophet Muhammad could not achieve his aim of conversion. As a result, he adopted an exclusionary position towards the Jews after capturing power following the Badr War, ultimately achieving religious homogeneity by expelling Jews from Medina (Muir, 1861, p. 35; Wensinck, 1908, p. 96).

According to the third view, Prophet Muhammad's initial aim was to establish a joint defense against the enemies of Mecca. This view shares the assumption of the first perspective that the Muslims were relatively weaker in the city after Hijra (Wensinck, 1908, p. 96). Both Prophet Muhammad's contrary religious position and the blood feud pursued by the Meccan idolaters raised the possibility of Meccans attacking Medina (Grimme, 1892, p. 75). To safeguard against a potential alliance between the Meccan idolaters and the Jews, Prophet Muhammad outlined specific provisions in the Sahifat al-Medina. Also, in order to avoid hindering the support of the diverse communities of Medina, Prophet Muhammad delayed asserting his religious claims in the Sahifat (Krehl, 1884, p. 140; Ranke, 1884, p. 75). As stated in the Sahifat, he ensured the Jewish community could practice their religion freely and protected their lives and property in exchange for their assistance to Muslims in the event of an attack on the city (Flügel, 1867, p. 72). The Jews were welcomed with their weapons and held an equal position to the Muslims in the *umma* (Caetani, 1905, p. 405). Furthermore, it was impossible for Prophet to force Jews to conduct an offensive attack against external enemies (Watt, 1956, p. 231). Due to the weak position of Prophet Muhammad, he could only convince Jews to a joint defense. The tolerance toward Judaism,

the defensive nature of the alliance, and the open armament signify that Prophet Muhammad was cognizant of the Muslims' weaker position and, thus, kept the notion of a unified social model centered around Islam concealed. Therefore, Prophet Muhammad formed the Sahifat al-Medina with the Jewish people to establish a joint defense in the city and counter the external attack threat.

Consequently, scholars asserted three diversified views on the political motives of Prophet Muhammad in writing the Sahifat al-Medina. While the first view limits the political aim to unification and inner peace, other ideas claim that the purpose of Sahifat is to create a warm atmosphere for appealing to Jews into Islam and to create a joint defense in the city against external enemies. All these approaches concur with the view that the ultimate aim of Prophet Muhammad was to create a theocratic state under the supreme authority of God. Regarding the first view, Prophet Muhammad sought to create unity and peace in the city so that he prepared the atmosphere to claim his authority in Medina. On the other side, scholars arguing that the Prophet Muhammad tried to attract the Jewish community posit that he aimed to create a religiously homogeneous society and an Islamic state. According to the third view, the elimination of possible external threats also creates an opportunity to establish a theocratic state. Furthermore, as discussed in further paragraphs, there is a correlation between the political aim and the documental type of the Sahifat. Scholars who claim that the main purpose of the document was the conversion of Jews also insist that the documental type of the Sahifat is a contract between Muslims and Jews. However, scholars, who define the Sahifat as a decree or constitution, differ regarding the political aim of writing the Sahifat al-Medina. Therefore, there is only a correlation between the conversion of Jews as a political aim and the contractual style of Sahifat al-Medina.

3.2.2.2. Documental Type

The second central political concept of the Sahifat al-Medina is about the documental type of the text. Scholars have differed on how the text should be defined as a political document. While some scholars claimed that the text is a contract based on mutual obligation, others suggested that it is a declaration or edict imposed by the Prophet Muhammad. On the other hand, some academics remained neutral and refrained from any politically loaded attribution. Among the views on the documental type, some scholars claimed that Sahifat was also the first constitution of the newly established state of Medina. This evaluation became the most embraced attribution that persisted after the age of Orientalism. The "Constitution of Medina" is popularized, and most of the academic or intellectual publications on Sahifat al-Medina used the constitution in their titles and contents.

First and foremost, some scholars did not attribute any political documental type to the Sahifat. In his translation of Ibn Hishām's book on the life of Prophet Muhammad, Gustav Weil (1864) translated the

word *Sahifat*, with the direct meaning, as a "document" and "leaflet."[24] While there is no word agreement or contract in the introduction of the original text, Weil choose the translation of the sentence "writing between Muslims and people of Medina" as "contract between emigrants, helpers, and Jews" (pp. 250-251). Since the original sentence resonates with an agreement between Muslims and Jews, Weil selected the word contract (*vertrag*) for the translation. In the passage on Sahifat al-Medina, Ranke (1884) mentions the Sahifat as a document written by the Muslim community to build a political unification in Medina (p. 75). Similarly, Watt uses the word document for the Sahifat, but he also refers to the "constitution of Medina" since it is widely popularized with this name (1956, p. 221; 1961, p. 93). Therefore, these three scholars refrain from any politically loaded attribution to the Sahifat.

The second documental type attributed by the orientalist scholars is a contract[25], or agreement. The term contract presupposes that the participant parties are in an equal position, where there is no imposition of certain ideas or regulations on another party. So, in the case of Sahifat al-Medina, mainly Muslims and Jews are in the same position regarding the regulations' binding power. William Muir (1861) argues that Prophet Muhammad formed a "treaty of mutual obligation" or a "contract ."This argument relies on Muir's claims about the political aim of Sahifat. For him, Prophet Muhammad was in a permissive position and lack of peremptory power when he emigrated to Medina, and his primary purpose was to convert Jews to Islam in order to enlarge the Muslim community (pp. 31-32). In this respect, due to the passive position in the city, it was hard for Prophet Muhammad to impose certain regulations on the people of Medina. Like Muir, Müller (1885) is suspicious about whether the Prophet Muhammad was in a peremptory and decisive position because the number and power of the Jewish community remained so considerable that it was hard to claim that the political independence of Jews decreased sharply. However, non-Muslims could not foresee the revolutionary character of the regulations. In the beginning, the Sahifat framed a contractual relationship between parties in which tribes protected their independence (p. 96). As explained in the political aims, Rudolf Leszynsky (1910) claims that Prophet Muhammad was in a pretty modest position and created an equal relationship with the Jews. Therefore, he insists that this document was a contract between Prophet Muhammad and the Jewish community (p. 52). Taking everything into account, orientalist scholars supporting the idea that the Sahifat was a contract between Muslims and other correlates this with the assumption that Prophet Muhammad was in a lenient position. Since Prophet was weak in terms of arm power, he had not got the ability to put regulations in Medina.

[24] In his translation, Weil chooses the direct translations of the words *kitâb* (كتاب) and *sahîfat* (الصحيفة). He translated *kitâb* as *urkunde* (Eng: Document), and *sahîfat* as *blatte* (Eng: Leaflet).
[25] German: *Vertrag*

Edict, decree, or declaration is another documental type that is attributed to the Sahifat al-Medina. In these types of documents, one party (most of the time a powerful one) imposes certain rules and regulations on the other audiences. Regarding the Sahifat al-Medina, Prophet Muhammad was considered a decision-maker, in which he enforced specific regulations on the Muslim and Jewish population in Medina. Therefore, there is a hierarchical relation between Prophet Muhammad and the parties of the Sahifat. Despite the fact that Perceval (1848) does not discuss the documental type of the Sahifat, he uses the word "act."[26] to describe it. Also, he states that this act contains certain rules and regulations for Muslims and Jews by Prophet Muhammad, which signals the rising power (p. 22). Later, Wellhausen defined Sahifat as a declaration. For him, instead of being an agreement or a law involved and approved by all parties, Sahifat is an exposition of the constitutional law of the *umma*, which is put forth by Prophet Muhammad. Therefore, Wellhausen treats the Sahifat as a declaration-like document put by Prophet Muhammad to indicate regulations of the newly established community's order in Medina. The absence of a report on negotiations or solemn commitment also led Wellhausen to evaluate Sahifat as a decree (p. 83). Although Wellhausen treats the document as a contract at the beginning of his analysis (pp. 73-74), he ends his examination with an outcome that this document is a declaration, not a contract that all parties voluntarily agree upon.[27] Furthermore, Caetani clearly posits that the Sahifat cannot be a contract because there is not any clue of an oath-taking ceremony for accepting the regulations or third-party witness (p. 393). Therefore, for Caetani, this document is a decree[28] written by Prophet Muhammad, which is declared to the mentioned groups in the Sahifat. It is a political program and moral commitment to appeal to the people of Medina to conform to the norms. He considers the Sahifat as an "internal order of the first Muslim community" (p. 395). Therefore, these two scholars claim that the Sahifat was a declaration or decree for the parties of Sahifat, in which Prophet Muhammad imposed the regulations. The main evidence in order not to consider the text as a contract is the absence of an agreement ceremony or any report on the negotiation process between parties. This view is also related to the position of Prophet Muhammad, which will be discussed in the next section. Accordingly, the statement in Sahifat that refers to resorting to Prophet Muhammad for resolving disputes demonstrates his authoritative leadership position.

The last and most popular documental type in defining Sahifat al-Medina is a constitution. The constitution refers to the supremacy of Sahifat as a judicial document of the state of Medina. So, this

[26] French: *Acte*

[27] Caetani criticizes Wellhausen for his inconsistencies about the documental type of the Sahifat. Caetane claims that although Wellhausen translated the kitâb as a document (urkunde), he later mentions the text as a contract (vertrag). Caetani also blames Wellhausen for his confession at the end of his analysis by positing that such a contractual agreement during that period was historically inconsistent (p. 394).

[28] German: *Erlass*

attribution also considers the political community established after the Hijra to Medina as a state. However, scholars supporting this documental type also diversified. While some scholars claim that the constitution was created after a contractual relationship by taking the consent of parties, others suggest that the constitution was written by Prophet Muhammad and imposed on the residents of Medina. For the first time, Aloys Sprenger identifies the Sahifat as a constitution that united believers under one rule and underlines its importance in terms of "the history of Muslim constitutional law." For him, the heterogeneous structure of Medina after the Hijra necessitated the formation of a new social structure determined by the constitution (p. 20). He also divided the text into specific paragraphs regarding the topics of the sentences. Even though he did not number the text as if a codified constitution, by dividing it into paragraphs, he treated the text as a constitution of the Medina. In this respect, he categorized the sentences of the text regarding the regulation and rules binding different tribes and relations between them, just like a modern state constitution. Furthermore, by claiming that the Prophet Muhammad wrote the foundations of the society with the consent of the residents of Medina, he also implicitly refers to the social contract tradition, which is the necessary element for the formation of a constitution in the political unities.

As Sprenger claimed, Krehl (1884) also approaches the text as if it was a constitution. He even considered the text as a "'Magna Charta' of Islam" (p. 149). Since Magna Charta is a well-known document for being the first constitutional document written in 13th century of England, the Sahifat al-Medina is also considered to be the first constitutional agreement in the history of Islam. In 1770 William Pitt the Elder, 1st Earl of Chatham, described Magna Carta as "the Bible of the English constitution" (*The Modern Orator*, 1845, p. 44). In 1956, Magna Charta even described as to be "the greatest constitutional document of all times—the foundation of the freedom of the individual against the arbitrary authority of the despot" (as quoted in Lord Dyson, 2015, p. 334) by a famous English Lawyer Tom Denning. Considering these words, the perspective on Sahifat gains broader meaning as to be a document that entitles certain freedoms and binds the ruler. In this context, Krehl (1884) also highlights the guarantee of religious practices and undisturbed possession of property (p. 143). So, Krehl receives the text as the constitution that gives certain rights and freedom to the people of Medina. However, regarding the restrictions on the ruler, Krehl claims that it was more like a treaty imposed by Muslims on non-believers. Sahifat was not a joint agreement that all parties voluntarily agreed on. Buhl (1932) claims that Prophet Muhammad formed a constitution after the relations with Jews began to be strained, especially after the war of Badr. After capturing political power, Prophet Muhammad nationalized Islam with the old Arabic tradition and presented Islam as the sole genuine religion against Judaism (p. 649). At this juncture in time, Prophet Muhammad designed a constitution in which he

appointed himself as the highest judge, ensured the obedience of the people, and monopolized the right to declare war.

Muhammad Hamidullah, a Muslim scholar who has contributed to the discourse surrounding the Sahifat al-Medina, describes it as a constitution, a view that has gained traction in the Muslim world. Hamidullah (1941) divides the written document into two periods: The first 23 articles were composed before the Badr war, which pitted the emigrants (Muhājirūn) against the helpers (Al-Anṣār), while the remaining articles were recorded after the Muslims captured power following the Badr War (p. 337). Hamidullah compares the social contract theory of Rousseau and Hobbes with the Pledge of Aqaba, citing it as an example of a social contract in which the people of Medina accepted Prophet Muhammad as their ruler upon his arrival. Hamidullah views Medina from a Hobbesian perspective, characterizing it as chaotic and tribalistic. He argues that the centralization of power under Prophet Muhammad, as enshrined in the Sahifat al-Medina, resulted in the establishment of centralization, public institutions, and the provision of justice to the people. According to Hamidullah, Sahifat al-Medina was not the product of negotiations but rather a "prescription" or "proclamation" that materialized with the motto "one ruler and one law" (pp. 301-302). Therefore, he regards it as a constitution declared by Prophet Muhammad to Muslims and Jews at different times in order to centralize power and end anarchy in Medina. In this way, Hamidullah draws attention to the relationship between social contract theory and the formation of a constitution.

The documental type of Sahifat al-Medina has generated various interpretations among orientalist scholars. Some argue that the Sahifat is a contract or agreement, contending that it was composed during the early period of Hijra when Muslims had not yet captured power. As such, Muslims and Jews were in an equal position and created a contract to govern their relations within the city. Alternatively, the Sahifat has been described as a decree or edict in which Prophet Muhammad declared specific rules and regulations to the participants of the text. In this interpretation, Prophet Muhammad occupies a relatively higher position as a ruler with the power to impose rules. Scholars who hold this view interpret the articles of the Sahifat as indicating that Prophet Muhammad held a position of authority. The Sahifat has also been described by some as a constitution, but disagreement exists among scholars as to whether it emerged from a contract or was imposed by Prophet Muhammad. Regardless, Sahifat, as a constitution, establishes fundamental freedoms and limits the ruler's power. Additionally, Muhammad Hamidullah connects the Sahifat al-Medina to the social contract tradition in Western political thought.

3.2.2.3. Designation of Authority

Scholars have raised questions regarding whether the Sahifat al-Medina designates an ultimate authority in Medina. Specifically, they have probed the decision-making process and higher authority responsible

for resolving political issues in Medina. In conjunction with the coexistence of Muslim and Jewish communities in Medina, the migration of Meccan Muslims posed a challenge to the problem of authority within the city. This predicament was addressed by Sahifat al-Medina (Ranke, 1884, p. 75). Orientalist scholars concur that Prophet Muhammad became an absolute decision-maker in Medina. However, their views on the period of Prophet Muhammad's acquisition of power in this regard have been varied. While some maintain that he held a permissive position upon his arrival in Medina, others argue that he possessed such authority after the Hijra. His power in the Sahifat was so slight that it could not have been much less at the beginning of his residence in Medina.

The first view claims that the Sahifat was written just after the Hijra, while the Muslims were relatively weak position in the Medina. Thus, the Sahifat did not designate an ultimate authority, but it was terminated after Prophet Muhammad captured power. In the aftermath of the Hijra, Islam did not hold a superior position in comparison to other religions and their followers, especially considering the deep-scaled existence of Judaism in the city (Leszynsky, 1910, p. 52). Thus, Prophet Muhammad held a permissive rather than a peremptory position (Muir, 1861, p. 32). Regarding the social organization of Medina, Prophet Muhammad was unable to alter the tribal relationships in the city, highlighting the comparatively weak position of Muslims (Sprenger, 1865, p. 25). In this respect, *umma* (the political unity) perpetrated in the Sahifat was a loose political entity, where the Muslims were the soul of it (Wellhausen, 1889, p. 76). Furthermore, the sentences of Sahifat also indicate that Prophet Muhammad could not arrogate certain rights to himself to reinforce his authority. Despite being granted the prerogative to declare war, he did not claim the power to declare peace, as the two are interdependent and inseparable (Caetani, 1905, p. 404).[29] Also, the Jews did not take an active part in the wars of the believers, in the holy wars, except to repel an attack on Medina (Wellhausen, 1889, p. 79). Regarding the blood feuds, Prophet Muhammad sought to change the traditional reception of tribal war based on blood relations by transforming it with the concept of holy war. Nonetheless, the punishment was still at the hands of blood avengers, and the Prophet Muhammad wielded executive power mainly in the religious sphere (Procksch, 1899, p. 72). Therefore, Prophet Muhammad was not capable of implementing radical changes and imposing novel regulations when he came to Medina.

However, subsequent to the Badr War and the battles against prominent Jewish tribes, Prophet Muhammad acquired absolute control over the entire population, including non-believers (Sprenger, 1865, p. 25). The antagonism between Islam and Judaism further heightened, leading to an increasingly

[29] For Caetani and Wellhausen, the Sahifat al-Medina was an explicit declaration towards all tribes in Medina. However, Prophet Muhammad was still in a permissive position because the Sahifat was regulating only administrative issues. It was like a political program. Prophet Muhammad wrote the text on common interest grounds. He did not enforce rules that diminished the power of Jewish tribes.

peremptory and exclusionary position for Prophet Muhammad (Muir, 1861, p. 35). Overall, the aim was thus peace within, while the ultimate goal was wisely silenced, which is the triumph of religious truth brought with the establishment of a theocratic state (Caetani, 1905, p. 405). By the time after Badr War, the binding nature of the Sahifat al-Medina disappeared for parties, and the Jews became an open target. For further view, the acquisition of political authority led to the nationalization of Islam by means of the exclusion of non-Muslim constituents in Medina and the attraction of Arab Muslims through novel contracts and agreements (Procksch, 1899, p. 76). There is an agreement between scholars of this view that the Muslims were in a relatively weak position and unable to exert their authority following the first years of the Hijra. Therefore, the Sahifat al-Medina did not confer authority upon Prophet Muhammad, as his political power stemmed from subsequent developments. Especially after the plotting of treason against Muslims by the major Jewish tribes, the Sahifat al-Medina has also lost its validity because the objectives for the reconciliation with other parties that the Prophet had tried to establish until gaining power had disappeared (Wellhause, 1889, p. 82).

The second perspective regarding the authority of Prophet Muhammad is predicated upon the argument that the Sahifat al-Medina was compiled subsequent to the consolidation of Muslim power, specifically with regard to the sections dealing with the Jewish community. This viewpoint is proximate to the previous assumption that Prophet Muhammad was unable to enforce certain regulations on the major Jewish tribes due to his lack of power. However, this view suggests that the Sahifat al-Medina is a document where Prophet Muhammad impose certain regulations as an authority in the city. Scholars have diverged on whether the Sahifat was drafted prior to or subsequent to the Badr War. According to Buhl and Wensinck, Prophet Muhammad held a relatively dominant position in the city, coming to the second year after Hijra, and he penned the Sahifat during this period. The necessity to write the Sahifat laid down the increasingly strained relations with the Jewish population. Prophet Muhammad endeavored to regulate relations with the Jews by promulgating certain regulations (Buhl, 1932, p. 649). So, the Sahifat authorized Prophet Muhammad above all parties in Medina, requiring Jews to assist Muslims in war, following Prophet Muhammad's policies, and paying a war tax. Jews were also forbidden from forming alliances with non-believers outside of Medina and from declaring war (Wensinck, 1908, pp. 94-95). Following the Badr war, tensions between the Muslims and the Jewish population escalated, and the Jews were eventually expelled from Medina, thereby rendering the Sahifat obsolete.

Furthermore, in Medina, there were different tribes who had autonomous positions in the city. As the leader of the emigrants (Muhājirūn) in Medina, Prophet Muhammad shared an equal position with other tribal leaders. Hence, the authority wielded by Prophet Muhammad, as per the Sahifat, was relatively meager, to the extent that the Muslims possessed a commensurately lesser degree of influence during

the nascent phase of their sojourn in Medina. (Watt, 1956, pp. 228-229; Hamidullah, 1941, p. 335). Thus, the autonomous position and independent tribal power relations in Medina, Prophet Muhammad did not possess the power to exact rules to the other tribes. Instead, Prophet Muhammad declared regulations to the Muslim majority tribes (Aws, Khazraj, and Muhājirūn) and the non-Muslim vassals of these tribes, i.e., mentioned Jewish sub-tribes in the Sahifat. Prophet Muhammad was able to impose rules and regulations after capturing power in Medina following the Badr War. (Hamidullah, 1941, pp. 334-335). While he established his authority initially above the Muslim community, then he flexed the muscles for the Jewish people after they created a conflict in the city. After the Badr War, Jews lost almost all their rights in favor of Prophet Muhammad. They are enjoined not to start a war abroad without the permission of Prophet Muhammad, and Medina is declared a place of *harâm*, in which the constituents of the Sahifat are prevented from waging war (Grimme, 1892, p. 77). Similarly but differently, Watt (1956) argues that the formalization of Prophet Muhammad's authority occurred following the pledge of Hudaybiyyah, which took place four years after the Badr War. Then, under his prophethood, Prophet Muhammad established ultimate political power (p. 234). In this respect, similar to the previous view, since Muslims were in a weaker position after Hijra, Prophet Muhammad could formulate the Sahifat until gaining a relatively dominant position in the city. Nonetheless, while some scholars claimed that the Sahifat was written in the second year of Hijra and terminated after the Badr war, others posit that Muslims captured the power only after the Badr war and then could impose regulations on the Jewish population.

The third perspective posits that Prophet Muhammad did not require a transition period, during which he would make concessions to non-Muslims, specifically Jews, prior to taking power. Rather, he established his authority immediately after the Hijra, directly declaring his power and instituting certain regulations for the people of Medina. Scholars have cited Sahifat al-Medina's statements on appointing Prophet Muhammad as the ultimate judge, establishing the city's borders, and possessing the right to declare war as evidence supporting this viewpoint. This perspective assumes that the Jewish population was coerced into submitting to the Sahifat al-Medina and remained hostile to Muslims. Participation by the Jewish community was not voluntary but instead enforced through fear (Perceval, 1848, p. 25; Krehl, 1884, p. 149). The authority laid down a theocratic state in which power was designated by God, and not a secular state where rulers were chosen and responsible to the people. All believers, including Jews and their relatives, were required to submit to the Sahifat unconditionally (Krehl, 1884, p. 148). So, the Jewish community had little political agency and was unable to pursue independent political existence (Müller, 1885, p. 96). In contrast to the first perspective, in which the Jewish community played a prominent role in Medina, Prophet Muhammad declared regulations and imposed them on the parties of Sahifat through fear and force, without requiring any transition period to accumulate power.

In general, this viewpoint is also associated with Prophet Muhammad's political objectives. Given his modest and permissive position before the Badr War, his initial aim was to enlarge the Muslim community by converting Jews to Islam and establishing a joint defense against external attacks. On the other hand, while certain scholars posit that the Prophet Muhammad has ultimate authority in the Sahifat, but he could write it after capturing power in Medina, others suggest that Prophet Muhammad formalized the Sahifat just after the Hijra and declared it to the people of Medina. Furthermore, these three views have also a relation with the previous topics. Scholars who claimed that the purpose of Sahifat al-Medina was to convert Jews to Islam evaluated the text as a contract and put Prophet Muhammad in a permissive position. Yet, some scholars see the Prophet in a dominant position and define the text as a decree, in line with the views that Sahifat al-Medina was designed as a strategic maneuver.

3.2.2.4. Social and Legal Structure

The impact of Sahifat al-Medina on the social structure of Medina society is another topic discussed by Orientalist scholars. In contrast to the previous issues, there are no contradictory views among scholars about the transformation in social structure. They analyze the elements and concepts of Medina society prior to the Sahifat and compare them with the sentences in the Sahifat aiming to change the established social structure. At this juncture, the brotherhood agreement between Muslims and societal concepts in the Sahifat are the main events that affected the social structure. Scholars mainly highlight blood feuds, tribalism, and *umma* as concepts having a revolutionary impact on society. They claim that, with Sahifat, the old-existing customs centered on tribal relations were replaced by a religion-based perception.

Firstly, the social structure of Medina was based on tribal politics and the legal system. There were multiple tribes in Medina. These tribal ties were not based on religion but on lineage. There were two prominent Arab tribes in Medina, the Aws and the Khazraj, and three major Jewish tribes, the Qaynuqāʿ, Naḍīr, and Qurayẓa. Moreover, the Jewish tribes mentioned in Sahifat al-Medina were also the sub-tribes of the Aws and Khazraj. Thus, although the major Jewish tribes were united on the basis of religion, they were also divided into different and sometimes even competing tribes (Zeyveli, 2019, p. 39). In the Arab tribes, on the other hand, there were different sub-tribes composed of people belonging to many different religions, including Judaism, Christianity, or idolatry (Watt, 1956, pp. 154-156). With the migration of Muslims, this social structure gained a more complex character. Also, as mentioned above, Hamidullah (1941) likened this situation to a Hobbesian anarchic social structure. When Prophet Muhammad came to Medina, there were certain problems in this chaotic society that required solutions: (1) Defining rights and duties, (2) sheltering and protecting Meccan emigrants, (3) establishing relations

with Jews, (4) arrangement for political organization and military defense, (5) compensating the life and properties of emigrant Muslims, which damaged in Mecca (p. 300).

Prior to the Sahifat al-Medina, Prophet Muhammad brothered Al-Anṣār (Medinan people) and Muhājirūn (emigrant Muslims from Mecca) around the Islamic principles aiming to help Muhājirūn to live in Medina freely and securely. So, Prophet Muhammad united these two tribes on the basis of Islam and made them brothers with Muslims from another city, Mecca (Watt, 1956, p. 249). This was the first attempt of Prophet Muhammad to change the existing tribal relations in Medina. Hamidullah (1941), who claims that the first chapter of the Sahifat was written for Muslims after Hijra, posits that the Sahifat established the centralized public institution providing justice and security for Muslims (p. 302). So, with brothering, Prophet Muhammad also ends the chaotic state of tribal politics among Muslim majority tribes in Medina. Secondly, for the purpose of building an Islamic community in Medina, Prophet Muhammad began to change the structure of the city, such as the construction of a mosque in the city (Krehl, 1884, p. 139).

After the unification of Muslims in Medina, Prophet Muhammad also developed communication with Jewish people in Medina through a Sahifat al-Medina. The Sahifat al-Medina unites Muslims and Jews in one community (*umma*). The *umma* basically means the Islamic community based on the religious identity, in which the believers are the bearers of unity (Wellhausen, 1889, p. 74). In Sahifat, Prophet Muhammad used this term in a more general meaning of "community ." So, Prophet Muhammad included non-Muslim residents in the community he sought to create. However, considering the revolutionary impact of the term *umma*, he did not directly remove the old-existing tribal relations. For instance, in Sahifat, Prophet Muhammad accepted Muslim and Jewish tribes keeping their tribal affiliation, and he did not displace the tribes' leaders. Also, in the case of blood revenge, tribes remained independent to determine ransom and blood money. So, the execution of the crime is the responsibility of the tribe. (p. 77). Furthermore, in cases of atonement and the release of captives, the principle that believers should contribute their wealth in the spirit of equity was a moral, not a legal, obligation. This left tribal relations untouched where religion and tribal interests did not intersect (Procksch, 1899, p. 68). In this respect, Prophet Muhammad aimed to change tribal customs and traditions gradually and moderately.

Although tribal relations were preserved to a certain extent, orientalist scholars agree that Sahifat al-Medina aimed to radically change the social structure of Medina. Prophet Muhammad sought to regulate relationships between individuals and communities based on religion rather than kinship. Accordingly, Sahifat al-Medina prohibited believers from killing each other, made believers allies to each other, and prevented a believer from providing aid and shelter to a killer (Müller, 1885, p. 97). In

addition, in Sahifat, the punishment mechanisms were also primarily based on religious principles. Prophet Muhammad was the ultimate decision-maker in disputed matters, which means that the new legal system is founded on the idea of unconditional and exclusive sovereignty of Allah, who founds his will in the Prophet (Sprenger, 1865, p. 20; Ranke, 1884, p. 75). Previously, if a member of a tribe provided shelter to someone, it bound the entire tribe. With Sahifat, this situation became a binding element for all Muslims beyond the tribe. Hostilities between Muslim tribes were eliminated. If a believer commits a crime, all Muslims unite against that person, even if they are the relatives of one of them. Therefore, the punishment process was given to all Muslims, not just the leaders of the tribe, as it was before. Another critical point here is the individualization of crime. According to predecessor regulations, if one person committed a crime, it concerned the entire tribe. However, now the individual is held responsible only for their own actions and is punished accordingly. The association of non-compliance with the agreement with the wrath of Allah also shows the integration of secular and divine punishment systems (Procksch, 1899, pp. 68-69). Thus, the criminal procedures have ultimately gained a religious identity, and the crime has been individualized with the consideration of Muslims as singular individuals before the law. Furthermore, another societal and legal issue that has changed with Sahifat al-Medina is the transformation of the concept of war. Muslims are each other's natural allies and cannot fight each other. The Jews included in the scope of Sahifat are also part of this alliance. Accordingly, no one can betray their ally, and they must help those who are oppressed by enemies. Prior to the Hijra, the leading cause of war in Medina was tribal disputes and blood feuds. With Sahifat, enemy and war concepts were determined in an Islam-centered way (Wellhausen, 1889, p. 79). Thus, Muslims fight and decide on peace together in the holy war. If Muslims are attacked, Jews will also participate in the city's defense and help each other. Additionally, the boundaries of the city of Medina were declared as a sanctuary (*harâm*) place, and warfare was forbidden within those boundaries (Grimme, 1892, pp. 77-78).

In the period following the Battle of Badr, the strained relations between Jews and Muslims had a significant impact on the transformation of the social structure. According to the view that claims the three major Jewish tribes were the parties of the Sahifat al-Medina, the tense relations after the Battle of Badr and the alliances these tribes formed with the Meccan idolaters led to the breach of the Sahifat.[30] Previously, Jews adhered to the set of rules drawn up within the framework of the Sahifat al-Medina. Accordingly, Jews were a part of the *umma* and one of the sides fighting against Medina's enemies.

[30] This situation also applies to those who claim that the three major Jewish tribes were not included in the Constitution of Medina. After the Battle of Badr, Prophet Muhammad's acquisition of political power led to the dissolution of the Jewish tribes within the Aws and Khazraj tribes. Similarly, the social transformation brought by the Constitution of Medina is valid for the political and social structure of Medina, regardless of whether it was written before or after the Battle of Badr, which has led to disagreement among scholars.

However, as a result of political disputes, the three major Jewish tribes were either expelled from the city or extinguished. This resulted in the expulsion of communities of different religions from the social and political order established within the framework of the Sahifat and the establishment of a homogeneous community (Wensinck, 1908, p. 96). Arab majority tribes remained in Medina, and this led to the homogenization of the state and society and hence to the nationalization of Islam (Buhl, 1932, p. 650). At the same time, the theocratic state structure and the absolute sovereignty of Allah over the society that Prophet Muhammad aimed to create from the very beginning were utterly established. Although the expulsion of the Jewish tribes from Medina resulted in a change in the social structure of Medina, the principles of the Sahifat continued to be followed in the same way. Tribalism was now only on paper, and the social and legal structure continued to be shaped in a religion-centered perspective.

To conclude, with the migration of the Meccan Muslims to Medina, Prophet Muhammad aimed to transform the social and political system of the city in line with Islamic principles. For this purpose, he first established a brotherhood agreement among the Muslims and then wrote the Sahifat al-Medina, which included both the Muslim and Jewish communities of Medina. The Sahifat initially aimed to eliminate the tribal-based social structure and reclassified its parties as an *umma* (community) based on religion. Furthermore, concepts such as blood feud, ransom, and protection, which were part of the tribal-based legal system, were detached from tribal dominance and tied to the legal authority of Prophet Muhammad. This also allowed for the individualization of crime rather than its attribution to a tribe. Finally, wars that had previously taken place between tribes were now defined as holy wars based on religion. Although the expulsion of Jews from Medina changed the city's social structure, the principles outlined in the Sahifat remained unchanged.

3.2.2.5. Position of Non-Muslims

The position of non-Muslim communities in Sahifat al-Medina has been one of the main topics of discussion both in the classical and modern periods. In the classical period, it constituted evidence for the law of *dhimmî* (non-Muslims). In the current period, especially in the example of Türkiye, the position of non-Muslim individuals and communities and their relations with Muslims have been portrayed as a model of society and politics. Orientalist scholars have evaluated Sahifat al-Medina based on the approach of Muslims toward Jews and the position of Jews in the city. The policy of Prophet Muhammad towards Jews when creating Sahifat al-Medina and the rights and freedoms he granted them, as well as various restrictions, have been the main research unit.

Firstly, there is a difference of opinion among scholars regarding the approach of Prophet Muhammad toward the Jewish communities when he arrived in Medina. This difference is related to the position of

Prophet Muhammad's authority and his political objectives, as well as the documental type of Sahifat al-Medina. Those who argue that Prophet Muhammad was relatively weak upon his arrival in Medina perceive his approach towards the Jews as being on an equal footing (Leszynsky, 1910, p. 49). When Muslims first arrived in Medina, they were in a position where they could not seize power. For this reason, they communicated with the Jews in order to establish a unified power alliance against their enemies from Mecca (Sprenger, 1865, p. 25; Wensinck, 1908, p. 96). Another aim was to invite the Jews to Islam and create religious unity. Accordingly, Prophet Muhammad adopted a more lenient and equal stance toward the Jews. In Sahifat, he granted them assurance of free practice of religion and undisturbed possession of property (Krehl, 1884, pp. 140-141). Accordingly, Prophet Muhammad assured the Jews that they would be treated fairly and that their enemies will not be helped. Furthermore, the authority to declare war was bestowed upon him, but he refrained from asserting his power to establish peace, recognizing the intrinsic and interdependent relationship between the two (Caetani, 1905, p. 404). Jews also abstained from taking a proactive stance in the religious conflicts of the faithful, except for instances where they had to repel an assault on Medina (Wellhausen, 1889, p. 79). Considering Prophet Muhammad's intention to become the dominant power in Medina and establish Islam as the ruling religion, the rights granted to the Jews were strategic concessions to establish a theocratic state (Caetani, 1905, p. 405). Those who regard the rights granted to the Jews as concessions due to the weak position of the Muslims evaluate Prophet Muhammad's authority as being more permissive and passive. Prophet Muhammad had to make concessions and reach an agreement with the Jews due to the Muslims' weak position. Most orientalist scholars who share this view define Sahifat al-Medina as a contract because Muslims and Jews signed the document within the framework of certain rights and responsibilities after the Hijra when Muslims became equal in power to the Jews. Similarly, scholars who share this view argue that Prophet Muhammad's political objective was to invite the Jews to Islam or to establish unity and inner peace within Medina. Prophet Muhammad granted certain rights and freedoms to the Jews in order to bring them closer to Islam and aimed to establish unity and stability in the city based on Islam.

On the other hand, the second view is that Prophet Muhammad always had a dominant position against Jews. According to this view, rather than giving certain concessions to Jews, Prophet Muhammad aimed to regulate the social structure in Medina by holding a dominant position. So, this view posits that the Sahifat was written after Muslims got an advantageous position in the city, especially after Badr War. Muslims displayed an untrusting attitude toward Jews (Grimme, 1892, p. 78). The Jews had to reluctantly join Sahifat because they accepted Muslim dominance due to their weakened state. It was almost impossible for Jews to assert their own political existence (Müller, 1885, p. 96). Although Prophet Muhammad granted the right to practice their religion and possession of the property to the

Jewish community, he also established his dominant position and drew certain boundaries for Jews. He made it a requirement that in the event of an attack on Medina, they must defend the city together with the Muslims (Flügel, 1867, p. 72). The autonomy of the Jewish community is also restricted in terms of forbidding the right to feud against the other parties of the Sahifat (Procksch, 1899, p. 66). In addition to limitations imposed on blood feuds, Jews were deprived of the right to declare war without informing Prophet Muhammad (Wellhausen, 1889, p. 75). He also stated the city of Medina was *harâm* (sanctuary) and prohibited any fighting between parties in this area (Grimme, 1892, pp. 77). Therefore, Prophet Muhammad aimed to control the community through his cautious approach toward Jews and forced them to accept Sahifat. He placed rules in Sahifat that would restrict the Jews from causing harm to Muslims. This view is consistent with the previous topics, which stated the form of the text as an edict or constitution, and Prophet Muhammad's dominant authority. According to this view, Prophet Muhammad established a dominant authority in Medina. In this context, Sahifat al-Medina is more like an edict or a constitution that dictates the rules that the Jewish community must obey rather than a contract that is arranged on an equal level with the Jews.

Beyond the rights and limitations that Sahifat granted to Jews, it is vital to consider the changing position of Jews during the period in which Sahifat was written and subsequently violated. When Muslims migrated to Medina, there was a significant Jewish population in the city. Prophet Muhammad communicated with Jews both to include them in Islam and to work with them to defend the city. Within this framework, the Sahifat al-Medina presented certain rights and duties for both Muslims and Jews. Therefore, in addition to the privileges granted to Jews, such as the freedom of religious life and property ownership, there were also restrictions imposed, such as the obligation to defend the city, partial elimination of blood feuds, and prohibition of fighting within the city. However, Jews increasingly constituted an intellectual and physical threat to the Muslim existence in the city. From a religious and intellectual point of view, during the initial two years of Muhammad's residence in Medina, the Jewish community emerged as a significant source of opposition to his prophetic claim. This posed a grave challenge to the religious zeal of Muhammad's adherents, which held a crucial role in his movement's success. In order to preserve and maintain this fervor, it became essential to quell or neutralize the objections raised by the Jewish community against Muhammad's prophethood (Watt, 1956, p. 217). However, after the Battle of Badr, the attitude towards Jews changed, particularly due to the violation of the agreement by three prominent Jewish tribes. While the Qaynuqāʿ tribe was expelled from the city after harassing a Muslim woman in their marketplace; similarly, the Naḍīr tribe was deported due to an assassination attempt against Prophet Muhammad. War was declared against the Qurayẓa tribe due to their alliance with the Meccans during the Battle of the Ditch (pp. 209-214). As a result of these events, Prophet Muhammad gained control of the city, and the Jewish population

decreased. The trust in Jews diminished significantly, and they were openly declared enemies. Thus, Medina became a more homogenous structure composed of Arab Muslims.

As a result, orientalist scholars have put forward two different views regarding the approach of Prophet Muhammad towards non-Muslims in Medina, particularly the Jews, within the framework of the Sahifat al-Medina. The first view is based on the claim that Prophet Muhammad showed tolerance towards the Jews due to the weak position of the Muslims after their migration to Medina and signed a contract with them on an equal basis. Accordingly, it argues that the Sahifat was written in a way that protected the rights and freedoms of the Jews, leaving them a vast area in the city. The second view, on the contrary, claims that Prophet Muhammad was in a dominant position in the city and that Sahifat al-Medina was a decree or constitution that tied the Jews' conditions in the city to certain rules. Orientalists who put forward this view highlight the regulations that limit the Jews within Sahifat, which reinforces Prophet Muhammad's dominant authority.

3.2.3. Concluding Remarks

During the Orientalist period that spanned from 1848 to 1956, scholars showed a particular interest in Sahifat al-Medina. German orientalist tradition, in particular, examined and popularized the text in greater detail. Initially, German Orientalism attempted to interpret the Gospel in the context of Old Testament studies and investigated the influence of Judaism on Christianity, thus showing a close interest in Jewish texts and culture. The establishment of the German nation-state and the development of the German colonial empire drew the attention of Orientalists to other Eastern societies and traditions. Therefore, studies on the Quran and Islam increased during this period. In this context, Sahifat, which contained information about the Jews of Medina, gained prominence and was examined by scholars.

Although studies on Sahifat generally belong to the field of Islamic studies and theology, they also have political implications. Therefore, the political purpose of Sahifat, the political form of the text, the document's definition of authority, the social and legal structure it built in Medina, and the position of non-Muslims in the text have been the main topic of discussion among scholars. The answers to these debates have given rise to two main approaches. The first view argues that when Prophet Muhammad came to Medina with a weak position and thus signed a contract with the Jews on an equal footing. Their approach to non-Muslim elements was more tolerant and passive. The second view, on the other hand, argues that Prophet Muhammad had Sahifat written after he seized power in Medina. Therefore, Sahifat is a decree and constitution addressed to the parties. The approach to non-Muslims has become more authoritarian and increasingly exclusionary. However, both views agree that Sahifat essentially changed the Medina social and legal system.

3.3. Conclusion

During the classical period, Sahifat al-Medina did not receive a specific political connotation as an autonomous text. Analysis of texts from that era reveals that Sahifat was predominantly viewed as part of a historical process or as an illustrative example for legal norms. Nevertheless, within certain *fiqh* (jurisprudence) and *ḥadīth* texts, Sahifat al-Medina can be examined from a political perspective. In *fiqh* texts, Sahifat is associated with matters pertaining to non-Muslim individuals, and in some instances, it is cited as evidence in discussions regarding the permissibility of killing non-Muslims who insulted the Prophet or violated treaties with Muslims. Similarly, in *ḥadīth* texts, Sahifat is primarily mentioned in relation to topics concerning non-Muslims or treaties. Particularly noteworthy among the hadith texts is the work by al-Khallāl, which dismisses the possibility of diverse religious groups forming a unified *umma* (community) based on the reference to Muslims and Jews as a singular *umma*. Consequently, the classical texts referencing Sahifat al-Medina emphasized a hierarchical relationship between Muslims and Jews, depicting Muslims as occupying a superior position when interpreting Sahifat.

During the Orientalist period, Sahifat al-Medina rediscovered and received significant attention from scholars specializing in Oriental studies. These scholars approached Sahifat within its socio-political and historical context, resulting in divergent perspectives on its nature. One group of Orientalists posited that upon his arrival in Medina, Prophet Muhammad occupied a weaker position and emphasized his display of tolerance towards the Jewish community, forging an equal contract with them. Conversely, other scholars contended that Prophet Muhammad, in a more authoritative role, established a set of regulations to be imposed upon the Jews through a formal declaration. Scholars who argued that Sahifat had the nature of a constitution differed in their views on whether this constitution emerged as a result of a contract or a declaration. However, there is a consensus among scholars that Sahifat aimed to reform the prevailing tribal-based political, social, and legal system of the time and establish a novel framework in which religion assumed a central role.

When the approach to Sahifat in the classical period is examined, it is evaluated particularly in the context of relations with Jews, who violated the agreement. This evaluation assumed that Prophet Muhammad and Muslims were in a dominant position in the city. In this regard, the classical period approach is parallel to the second view of the Orientalist period. However, it differs in terms of the way Sahifat is approached and evaluated. In the classical period, the text was primarily used as evidence for legal problems. In the Orientalist period, scholars approached the text from a more socio-political perspective. Moreover, in the Orientalist period, the interpretation of Sahifat as a “constitution” gained popularity and led to its recognition as the Medina Constitution today. On the other hand, the tolerant

and equal approach of Prophet Muhammad towards non-Muslim elements is also frequently mentioned in debates in Türkiye during 1990s. Therefore, during the Orientalist period, Sahifat al-Medina gained new political meanings and content, which differed significantly from the classical period.

4. SAHIFAT AL-MEDINA IN THE 1990s TÜRKİYE

The Sahifat al-Medina, a document that was implemented by the Prophet Muhammad after the migration to Medina, has been frequently cited in classical texts on non-Muslim rights. In examining the political implications of these examples, it is highlighted that Muslims, who were superior within the social hierarchy, established relationships with the Jewish communities. The rights and freedoms of Jews were defined through the laws of Muslims, and they were granted limited legal autonomy. During the Orientalist period, Sahifat al-Medina was reinterpreted within the framework of modern political thought, thereby gaining widespread popularity. In contrast to the classical period, the Sahifat became a foundational political document rather than a historical text to be used as an example. Sahifat was perceived through dominant political concepts of the Orientalist period such as constitution, contract, authority, equality, or freedom. Especially in the Orientalist period, Sahifat's codification and naming as the "Constitution of Medina" became widely accepted, and the text began to be used in this form and name. In the Islamic world, Muhammad Hamidullah's works, in which he referred to the Sahifat as the "first written constitution," sparked echoes in Muslim-majority countries and were discussed by many academics or intellectuals.

After the Second World War, the Sahifat became a constitutional model for newly independent or established Islamic states around the world. For instance, Muhammad Hamidullah, who wrote the first academic article about the Sahifat al-Medina in 1938 and 1941, played an active role in Pakistan's constitution-building process in the early 1950s (Tuğ & Yaşaroğlu, 2020, p. 532). In these Muslim-majority nation-states, religious and ethnic groups raised concerns about minority rights. The inclusion of Jewish communities in the Sahifat al-Medina, and the recognition of certain rights and freedoms for them, strengthened the constitutional model status of the Sahifat in addressing these minority issues. Therefore, both the fact that the Sahifat binds communities of the Medina state and its relationship with the minority issue have led to the evaluation of the Sahifat as a constitutional and political model in Muslim-majority countries.

Coming to the 1990s, Türkiye became an intellectual hub of the debates on Sahifat al-Medina. In this period, Sahifat, again, gained novel meanings after the re-interpretation of the document in the political context of Türkiye through the connection with global philosophical debates. In the 1990s, Türkiye experienced debates on pluralist constitutions, especially against the constitutions written by the military elites in accordance with founding Kemalist ideology. Together with the implication of neoliberal policies, ideologies in Türkiye touched with the liberal ideas. Furthermore, this period hosted the philosophical debates of postmodernism, which criticized the foundations of modernity and nation-

state. In this respect, also, certain Islamist thinkers in Türkiye connected the debates on constitution and Kemalism under the climate of liberal and postmodern philosophies. In these debates, a group of Islamist intellectuals[31] presented Sahifat al-Medina as a constitutionalist and pluralist social contract model to cure the problems in Türkiye.

This chapter first seeks to explore the debates surrounding Sahifat al-Medina by examining its utilization and interpretation until and after 1990. Additionally, it will analyze the positioning of Sahifat within the liberal and postmodern debates of the time, which significantly influenced Islamist thinkers. Given the crucial role of constitutionalism and pluralism theories in the perception of Sahifat, the chapter will evaluate the relationship between these theories and Sahifat. By investigating the construction of Sahifat as a constitutional text, the chapter will aim to determine its reception in the constitutional debates of the era. Finally, it will compare the claims that Sahifat is a pluralistic text with the dominant pluralism theories of the time.

4.1. The Political and Intellectual Context of Türkiye during 1990s

Sahifat al-Medina gained a new meaning among Islamists in Türkiye in the 1990s. However, this reinterpretation was not an independent intellectual effort but took place within the political and intellectual context of the time. In order to reveal this context, an examination will be conducted on how Sahifat al-Medina was approached in Türkiye until 1990. Subsequently, connections will be established between the interpretation of Sahifat al-Medina and the key political and intellectual debates of the 1990s.

4.1.1. Genealogy and Periodization of the Studies on Sahifat al-Medina in Türkiye

The first Turkish translation of Sahifat al-Medina was appeared during the Ottoman period in 1578 by with translation Ibn Hisham's work on *sīra* (Fayda, 1999a, p. 73). However, this translation did not provide a specific meaning or attribution to Sahifat. In the Republican era, Turkish version of Sahifat presented with Hüseyin Cahit (Yalçın)'s translation of Orientalist scholar Leone Caetani's *Annali Dell'Islâm* between 1924 and 1927. This translation was the first to present Sahifat in Turkish with modern political concepts and interpretations. Later, Mustafa Asım Köksal's *İslam Tarihi* (Islamic History) also includes Sahifat, and it was prepared as a rebuttal to Caetani's popular Turkish translation (A. C. Köksal, 2002, p. 236). This comprehensive study is first published in 1980-81 and then rewrote

[31] This group of Islamist intellectuals mainly wrote in the journals of Bilgi ve Hikmet and Yeni Zemin. From here onwards, by the terms "Islamist thinkers" or "Islamist intellectuals" will be referred thinkers who argued that Sahifat al-Medina could be the basis for a constitutionalist or pluralist plane, not all Islamists of the period.

it as a second edition with constriction in the number of volumes. Even though Köksal did not suggest comprehensive political interpretations about Sahifat as Caetani did, he claims, in both editions, that the Meccan idolaters composed a common threat for all Medina people, and it was written for the purpose of joint defense of the city. In his first edition, Köksal described Sahifat as a "principles of the Islamic state of Medina for the inhabitants of the city", and he codified the Sahifat into 55 articles by giving numbers (M. Â. Köksal, 1981, pp. 173–178). However, in the second edition of his study, Köksal defines the Sahifat as a "regulatory document", and he divided the text into 54 sections with bullet points (•) according to sentences (M. Â. Köksal, 1999, pp. 127–134). Therefore, coming to the second edition, he abandoned the term "state" and codification of the Sahifat. This change in the two editions indicates that Köksal renounced his first evaluation of the Sahifat as a state constitution.

The full text of Sahifat al-Medina has also been translated into Turkish by translating two primary sources. Cemalettin Saylık translated Abū 'Ubayd's *Kitāb al-Amwāl* in 1981, and Hasan Ege translated Ibn Hishām's *as-Sīra al-Nabawiyyah* in 1985. Cemaleddin Saylık (1981) uses the term "constitution" and "legal source" in parentheses in the title of the chapter on the Sahifat (p. 285). He preferred the concept of a constitution that became popular during the Orientalist era and defined Sahifat as a legal text that bound the communities in the city. On the other hand, Ege (1985) adopted the term "non-aggression treaty" to describe Sahifat in the section where it appears (p. 172), which is parallel to the Orientalist era debates that suggest Sahifat was a "treaty" between equal communities and that Prophet Muhammad aimed to defend the city with the Jews.

Sahifat al-Medina gained popularity among Muslim intellectuals in Türkiye through the efforts of Muhammad Hamidullah. The Egyptian thinker and statesman, Abdurrahman Azzam, wrote three articles on Sahifat al-Medina with reference to Muhammad Hamidullah between 1949-51. Between 1951 and 1977, Muhammad Hamidullah, who worked as an academic in Istanbul, had students named Salih Tuğ, Hayreddin Karaman, and İhsan Süreyya Sırma,[32] who conducted independent studies and wrote articles on Sahifat al-Medina (Kara, 2006, p. 241; Tuğ & Yaşaroğlu, 2020, p. 532). In 1966, the first volume of Hamidullah's book on the Prophet of Islam, translated by Salih Tuğ, included the complete text of Sahifat al-Medina with comments on its political, social, and constitutional significance (pp. 121–134). Three years later, Salih Tuğ published a book on the topic of constitutional movements in Islamic countries, in which Sahifat is presented as a legal document in the history of Islam. In this work, Tuğ (1969) analyzes the Sahifat regarding its constitutional value in Islamic legal

[32] Salih Tuğ has written on the constitutional value of the Sahifat al-Medina, see (Tuğ, 1979). Hayreddin Karaman, an Islamic jurist, evaluated the Sahifat within the context of democracy and tolerance in his newspaper column, see (Karaman, 2014). Ihsan Süreyya Sırma has also written on the value of the Sahifat in Islamic history in comparison with today's conditions, see (Sırma, 2019, 1994).

history (p. 47). Subsequently, Hamidullah's translation and analysis has been the basis of almost every text on Sahifat al-Medina written in Türkiye. For instance, in the 1990s, Hamidullah's translation was published in AKV Bulletin (Hamidullah, 1992, pp. 16–17) and in Mazlumder journal (Hamidullah, 1997, p. 17). Therefore until 1990, considering the impact of Muhammad Hamidullah, the works and translations of Sahifat evaluated the text within the scope of discussions in Orientalist period.

In the 1990s, Sahifat al-Medina gained considerable prominence in Türkiye, with a marked increase in the number of publications evaluating it directly. While only 15 articles had been written about Sahifat up to 1990, the total rose to 85 between 1990 and 2000, with independent books also emerging. Among the journals, *Bilgi ve Hikmet* and *Yeni Zemin* focused extensively on Sahifat, dedicating entire issues to it. A total of ten articles have been written on Sahifat al-Medina in *Bilgi ve Hikmet* journals, and two articles proposed a new contractual agreement based on the fundamental principles of the Qurʾān, by resembling it to Sahifat. *Yeni Zemin* journal, which generally determines the topics of discussion within the framework of current politics, has published six articles about Sahifat al-Medina. This journal also includes proposals that Sahifat could be a new social ground as well as criticisms of this claim. In the other articles, especially on the topics of constitutionalism and pluralism, there were also many references to the Sahifat.

In this period, Sahifat al-Medina gained a novel meaning through the concepts of constitutionalism, and pluralism. Prominent intellectual Ali Bulaç was the most vocal advocate of the claim that Sahifat al-Medina could be a founding text for a new constitution and pluralistic politics. Bulaç, who is also the chief editor of *Bilgi ve Hikmet*, authored numerous articles, essays, and conference papers on Sahifat. In 2019, he also wrote a substantial work specifically on this topic, titled *Medine Sözleşmesi* (Contract of Medina). The impact of Bulaç's works has been significant, with many subsequent articles on Sahifat referring to his ideas. While some scholars aimed to expand upon Bulaç's proposal, others subjected it to criticism. Socialist *Birikim* journal presented critiques of the Sahifat al-Medina proposals in *Bilgi ve Hikmet* journal between 1992 and 1993, and Ali Bulaç wrote responses to these critiques in *Birikim*. Additionally, prominent Islamist thinkers, including Rasim Özdenören, Atasoy Müftüoğlu, and İsmet Özel, have criticized Sahifat's constitutional and pluralistic interpretations.[33] During this period, certain

[33] During this period, there were many Islamist thinkers who criticized Ali Bulaç's Sahifat al-Medina thesis, but three prominent names stand out due to their intellectual weight. These three thinkers rejected the idea that Muslims and non-Muslims could be free on an equal footing within an Islamic state. According to them, non-Muslims must also be in the borders of Islamic law rather than in a pluralistic and participatory structure (Müftüoğlu, 1995; Özdenören, 1995). Bulaç describes this idea as "hegemonistic" theories (Bulaç, 2020), which were emphasized during the classical and Orientalist periods as well. Particularly, İsmet Özel among these thinkers argued that the idea of coexisting with atheists on an equal footing does not match Islam's status as the true religion, and therefore, this project is an extension of Western imperialism (İ. Özel, 1999).

thinkers also claimed him to undermine the Republic by spoiling the constitution.[34] Therefore, the discussions on Sahifat al-Medina, which Ali Bulaç vigorously raised, have generated significant echoes in the intellectual atmosphere of the period.

In Türkiye, until the 1990s, studies about the Sahifat al-Medina or including its text generally used the concepts of the Orientalist period. However, in the 1990s, especially under the leadership of Ali Bulaç, Sahifat al-Madina took on new meanings in the context of constitutionalism and pluralism. So, this chapter aims to analyze the period between 1990 and 2000 when Sahifat al-Medina gained renewed significance and conceptual framework. However, since the discussions on Sahifat dispersed into a total of twenty-two journals, it is challenging to track the ideas related to this proposal of novel model. Therefore, considering both the frequency of the articles and the impact of these journals on the public, the scope of the study is limited to the articles in *Bilgi ve Hikmet* and *Yeni Zemin* journals. These journals have presented discussions about Sahifat al-Medina, while intensively embracing the criticism of modernity, nation-state and the founding ideas of the Turkish Republic. Furthermore, the study examines the writings of Ali Bulaç, who played a significant role in giving Sahifat its renewed meaning and bringing it to the public's attention.

4.1.2. The Political and Intellectual Context in Türkiye: The Liberal and Postmodern Turn

The global political transformation and emergence of new philosophical quests in the aftermath of 1980 have led to a reinterpretation of Sahifat al-Medina. In the classical period, Sahifat was generally used as an example in relation to non-Muslims and was evaluated within a social framework where Muslims were in hierarchically superior position. During the Orientalist period, Sahifat was evaluated within the framework of modern social sciences and a new historical methodology. These studies contextualized the Sahifat and searched for answers to questions such as the political aim of Prophet Muhammad and his authority in the city, the textual form of Sahifat, the structure of society, and the position of Jews. Moreover, the document was increasingly described as a constitution, contract, or declaration in this period. However, these studies concur the notion that Prophet Muhammad held a dominant position in Medina. In the 1990s, discussions about Sahifat were reignited in Türkiye, when the country underwent political liberalization and the emergence of the philosophical debates on postmodernism. During this period, Sahifat was evaluated as a proposal for a new social contract when criticisms of Enlightenment, modernism and associated criticisms of the Republic were increasing. In this new period, Sahifat was

[34] This view claims that Bulaç's thesis of Sahifat assumes a legal pluralist political and social system, and it aims to undermine the integrity of the Republic of Türkiye (Ertop, 1994; Som, 1994).

re-evaluated to be a new basis for the formation of constitutionalism and pluralism. In this respect, the perception of Sahifat diversified from the previous two periods.

The end of the Cold War, coinciding with the collapse of the Soviet Union, resulted in the victory of the liberal bloc led by the United States on the world stage. Along with the declaration of the triumph of liberal democracy and the end of history (Fukuyama, 1992), the claim that history had entered a new clash of civilizations, particularly against Islamic civilization (Huntington, 1996), also became a dominant view. This global transformation in politics has also affected Türkiye's domestic and foreign policies. Following the 1980 coup, the Turgut Özal won the elections and his government began to implement neoliberal economic principles within the framework of the Washington Consensus (Öniş, 2004, p. 129). However, the expansion of civil society at the same time revitalized the intellectual atmosphere in Türkiye. In parallel with the increasing influence of liberalism, Islamic civil society organizations and journals emerged, and Islamist intellectuals began to influence public opinion (Atasoy, 2005). As a result, liberal thought began to infiltrate existing ideological campings in Türkiye in various forms. For instance, some thinkers within nationalist ideology discarded the emphasis on statism and embraced a democratic and libertarian approach that is compatible with liberal principles (Akyol, 2008, p. 749). Furthermore, some Islamist thinkers drew parallels between the free-market system and Prophet Muhammad's Medina market practice. (Kallek, 1997; M. Özel, 2018). In addition to the close interaction of Türkiye's ideologies with liberal thought, the emphasis on the clash of civilizations has further enhanced the prominence of Islamic thought in the public domain.

The most prominent of these was the debate on the "Second Republic" led by a group of liberal thinkers of the time. This view, which claimed that the Kemalist ideology and the Republican People's Party were anti-democratic, emphasized the need for the Republic to acquire a democratic character. Accordingly, the "Second Republic" proposal is a suggestion to make the republic "democratic" (Altan, 1992). This proposal, which was centered on criticism of the Republic and Kemalism, aimed to create a new constitution and Republic in which all segments of Turkish society would participate. Thus, it was a new social contract aiming for a democratic, inclusive, and libertarian constitution. In this respect, the claim of Islamist thinkers that Sahifat al-Medina is a social contract also assumes that a new social contract for Türkiye can be created within the framework of Sahifat, along with its criticisms of the Republic and Kemalism.

This period was also characterized by debates on the philosophy of postmodernism in the global academic and intellectual atmosphere. Even though it is hard to convey postmodern philosophy that spreads into many disciplines, including aesthetic, architecture, music, politics, and economy, this philosophy's main claims will be presented to provide a general framework of the period. Initially, the

experience of the severe violence in World War II caused the rejection of the modern idea that science and technology led human progress. As an answer this problem, postmodernism raised their critiques against the fundamental assumptions of modern period that shaped by the Enlightenment philosophy. Postmodernist thinkers questioned the totalizing claims of positivism and rationality as a universal value, which also grounded modern science and technology. They refused the unmediated reality and logically independent knowledge (Docherty, 1993). This rejection brought about the refusing of the objective truth and reality presented by modern philosophy. So, the reality is a socially constructed term or artifact of a scientific practice or language (Duignan, 2023). Postmodernist claims that there is no singular truth has also paved the way for relativist thought (Rorty, 1983). So, modern philosophy is portrayed as totalistic and exclusionary because of presenting its theoretical assumptions about rationality and reality as the ultimate truth and denies life to opposing thought structures.

The impact of postmodern thought on political thought manifests itself primarily in the criticism of the nation-state and the identity politics that emerges with it. The nation, which is the constituent elements of a nation-state, is a constructed unity. The nation is an imagined society where the different groups of society are bound with the constructed tradition, history and language (Anderson, 2006). This led to the identity loss of different ethnic or religious groups. So, the nation is an "abstract modern meta-narrative for the standardization of identity and an institutionalized political rationality where the individual autonomy is melted" under this abstract term (Salehi, 1999, p. 96). The nation defines and dominates the "other" through the discourse established by the ideology of majority that manifests itself in the state apparatus. Thus, the nation-state marginalizes subgroups. Postmodernist thought has enabled marginalized subordinate groups to define their differences from the ideology of majority and to discover their means of domination (Butler, 2002). This has led to the emergence of a radical pluralist identity politics in postmodernist thought. However, unlike liberal theory's definition of a rational and autonomous self that is independent of individual identities, the postmodern pluralism has a concept of self that is defined through identities (Grillo, 1998). Therefore, unlike liberal thought based on tolerance and recognition of other identities, postmodernity's rejection of epistemological domination has created a pluralist atmosphere in which a power struggle is experienced.

During the period when postmodern thought emerged in Türkiye's intellectual sphere, critiques arose against the totalizing truth and rationality-based philosophy of Enlightenment thought in general and the nation-state codes, and coercive modernization prevalent in the late Ottoman period, which reached its peak in the founding Kemalist ideology. The Kemalist ideology sought to concretize the basic assumptions of the Enlightenment through a top-down modernization movement within the newly established nation-state. Accordingly, *madrasa*s were closed, the caliphate was abolished, Turkish was latinized, and practices such as the hat law were implemented. Consequently, for postmodernist

thinkers, Türkiye's nation-state and founding ideology are totalitarian and exclusionary in nature, restricting the existence of other identities (Direk, 2014). The military elite also protected and institutionalized the claims of the founding ideology, which was ultimately enshrined in the constitution following the 1980 coup. Thus, opposition arose against the modernization offered by the Kemalist ideology in Türkiye and its inherent understanding of truth. This opposition led to debates concerning the basic assumptions of the Republic and the Kemalist ideology, and ultimately to the emergence of identity politics (Sezer & Dural, 1994, p. 42). Therefore, criticisms of the Republic and Kemalism have manifested themselves both in the liberal movements of the period, such as the Second Republic, and in the reflections of postmodernist thought in Türkiye.

Within the framework of postmodern philosophy, most of the Islamist intellectuals have also engaged in critiques of modernity, Kemalist ideology, and the Republic of Türkiye. During this period, they specifically criticized issues related to body politics, such as the prohibition of headscarves and beards in public spaces, which the Turkish nation-state legitimized through Western modernity and secularism. Through this critical discourse, a new Islamic consciousness of "self" emerged that diverged from the common and traditional Islamic identity (Göle, 1997, p. 87). This new Islamic identity positioned itself in opposition to modernity, secularism, and Kemalist ideology. Islamist intellectuals contended that the fundamental modernizing assumptions of the Republic required radical critique, and they called for a revision of the founding principles of the Republic, which were based on secularism and restriction of religion in public sphere. In this context, the reinterpretation of Sahifat al-Medina served as a part of the search for a new social and political model.

In this period, as in the case of postmodernism, Islamist thinkers debating Sahifat al-Medina criticizes modernity, which transcends the bounds of metaphysics and religious rationality and politically restricts religious representation concretized in the Turkish nation-state and Kemalist ideology. However, Islamists established an eclectic relationship with postmodernism in criticizing the assumptions of positivism, rationality, and deterministic understandings of history and society based on Enlightenment modernity. While some intellectuals interpreted postmodernism as a "return to religion" against the Enlightenment vision pushing religion into a traditional and archaic realm (Toku, 1994, p. 169), Ali Bulaç highlights that the "postmodernism is a chaotic pluralism without the idea of unity", which would cause the fragmented religions without having the sense of truth (Bulaç, 1993, p. 19). For him, postmodernism provides insightful critiques against the totalitarian and absolutist character of modernity, but it cannot be a starting point for an anti-modern Islamic worldview. Therefore, Islamist intellectuals exploited postmodernism in their critiques of modernity. However, it is hard to claim that the debates on Sahifat al-Medina were in a postmodern character. This contradiction has led to debates on Sahifat being associated with postmodernism (Maviş, 2018; Sarıbay, 2014), as well as, at the same

time, being evaluated within the context of liberal movements of the period (Atalay, 2019). Similarly, the Sahifat proposal has been interpreted as "Islamizing postmodernism first, then Islamizing liberalism" (Çiçek, 2019, p. 193). Therefore, the debates around Sahifat cannot directly be claimed to be in postmodernism or liberalism. Rather the debates are influenced by the climate of liberalism and postmodernism of the time, especially in the debates on modernity, nation-state, Republic of Türkiye and Kemalist ideology.

Regarding the criticism of modernity, nation-state, Republic of Türkiye and Kemalism, Ali Bulaç's detailed article in the special issue of *Bilgi ve Hikmet* journal on Sahifat al-Medina begins by describing the crisis of modernity and the nation-state. For him, with the Enlightenment, the universe began to be perceived mechanically, and the main aim was to make progress in the physical world. Therefore, modern states emerged with a mechanical system to achieve this progress. This modern state is a totalitarian state that intervenes even in the individual's inner world (Bulaç, 1994). Şenol Durgun (1994), in the same issue, draws attention to this identity problem through Türkiye's nation-state formation claiming that the Turkish Republic was based on the political thought of "national homogeneity, administrative centralism, and absolute sovereign state" (p. 123). At this juncture, minority cultures aimed to be melted under the "Turkish" umbrella identity. Accordingly, in the face of religious and ethnic divisions such as Alevi-Sunni and Turkish-Kurdish, the state should take a neutral stance (pp. 124-125). Therefore, Sahifat al-Medina discussions were built on Enlightenment and nation-state debates of postmodernism and were associated with the critique of Türkiye's nation-state model in this context.

Sahifat al-Medina was established as a means to promote a free and pluralistic civil society and constitution against the institutionalized modernity and nation-state. Pluralism is among the fundamental principles of Islam. So, the political implications of Islam cannot overlap with the assumptions of both standardizing and exclusionary modern states, and classical Islamic despotism. Islam frees individuals in their search for meaning, which is expressed through the concept of *hidayet* (salvation) (Ö. Çelik, 1994). The principle of *tawhid* (oneness of God), which is the cornerstone of Islam, encompasses the totality of knowledge of truth. However, the reflections of this truth are open to different interpretations, suggesting epistemological pluralism (Köktaş, 1994). As such, monopolizing the truth may lead to totalitarian interpretations. Therefore, Islam is a pluralistic, libertarian, and tolerant religion that necessitates the establishment of religious, cultural, and legal pluralism to enable individuals to explore their own meaning and permit diverse interpretations of the truth (Bulaç, 1992). To this end, civil society must be expanded, and individuals must be safeguarded under the law to express themselves freely. The most perfect example of this social structure is seen in Sahifat al-Medina, where Prophet Muhammad allowed the Jews to practice their religion freely and

protected them under the law (Bulaç, 1994). These views on allowing individuals to search for meaning and interpret truth intersect with the postmodern philosophy's explanations on truth. However, it is important to note that postmodernism adopts a critical approach towards concepts such as democracy, pluralism, and civil society, which originated from Enlightenment thought.

In Türkiye, until the 1990s, works on the Sahifat or its translations relied on Orientalist themes and terminology. However, a new perception emerged in the 1990s that sparked heated debates about Sahifat in Türkiye. The liberalization efforts during the Özal period and the revival of postmodernism in global academia had a significant impact on the interpretation of Sahifat. Postmodernism, which questions the truth and rationality assumptions of Enlightenment philosophy, was introduced to Türkiye by criticizing Kemalist ideology, the driving force behind Türkiye's modernization, and the nation-state codes. Islamist thinkers also participated in this contentious climate, advocating for the public display of Islamic identity. In this context, Sahifat al-Medina was primarily regarded as a pluralistic model, emphasizing that the political principles of Islam are pluralistic and libertarian. The inclusion of Jews in the *umma*, recognition of their religious freedom, and legal protection of these rights are all indications of a pluralistic social model. Although the theoretical assumptions of Sahifat on the topics of modernity and nation-state are parallel with postmodern philosophy, its practical proposals are influenced by the fundamental principles of liberal political thought. Therefore, Islamist thinkers adopted an eclectic position in contemporary debates.

4.2. Sahifat al-Medina and the Constitutional Thought

In the discussions of 1990s Türkiye, Islamists intellectuals placed the greatest emphasis on Sahifat al-Medina having a constitutional character. Although the notion of Sahifat al-Medina as a constitution has its roots in the Orientalist period, it acquired a different meaning in the discussions in Türkiye. The distinctiveness of the discussions in Türkiye is primarily related to Sahifat al-Medina's inclusion in the constitutional debates of the time. In this regard, this section will first provide a summary of the constitutional debates in the 1990s. Following the context of the constitutional debates, the claimed connection between Sahifat al-Medina and constitutionalism will be explained based on three aspects: its format resembling a constitution, its nature as a social contract, and its aim to limit the government.

4.2.1. Debates on Türkiye's Constitution Drafts in 1990s

The anti-democratic and authoritarian structure of the 1982 constitution, which is written after the military intervention in 1980, was severely criticized and certain amendments were demanded, especially as approached the 1990s. After the 1982 constitution, the first constitutional amendment

request was initiated by the Motherland Party (*Anavatan Partisi* – ANAP) mainly regarding the softening the regulations of constitutional amendments, removal of the political ban of the previous politicians, decreasing the voting age and increasing the deputy number in the parliament (Özbudun, 2000, pp. 61–62). On 15 January 1995, the constitutional negotiations with wider participation and comprehensiveness started. Within the framework of these negotiations, each party in the parliament presented certain proposals and drafts. Among them, Islamist Welfare Party's (*Refah Partisi* – RP) "Constitutional Amendment Reconciliation Proposal" has been the most comprehensive and detailed constitutional proposal submitted to the Grand National Assembly of Türkiye (*1995 Yılı Anayasa Değişim Tutanakları,* 2015, p. 174). In the introduction of this proposal, RP leader Necmeddin Erbakan emphasized the expanded human rights and freedoms, as well as real and plural democracy. The RP emphasized the issues of removing the ambiguity of the definition of laicism and keeping the freedom of religion and belief away from the intervention of the state. The freedom to live as one believes also brings forth the necessity of a constitution "in accordance with a multi-legal" pluralistic system. (Erbakan, 1993). Erbakan considers the current constitution as the domination of the minority over the majority and demands a fully pluralistic democratic constitution that paves the way for Islamic representation.

Along with the democratic, pluralistic and multi-legal aspects of the constitutional draft of RP, Türkiye's parliament was also where Sahifat al-Medina is analyzed from a constitutional perspective. Some members of the Turkish parliament referred to Sahifat al-Medina during the debates on the constitution drafts. They viewed the constitution as a social contract or consensus among various societal needs that protect human rights and freedoms. The first constitutional example of this is the agreement made by the Prophet Muhammad among Muslims, Jews, and idolaters (Elçi, 1993, p. 114). "Medina Constitution" is the inspiration point for the new constitution to foster a legal and cultural society in Türkiye where diverse cultures and civilizations coexist peacefully (Edibali, 1993, p. 304). In this sense, instead of Europe's human rights protocols, Sahifat provides a foundation for Türkiye's distinct human rights treaty that reflects its civilizational background (Çelik, 1994, p. 23). Thus, in the political arena, aligning with the prevalent constitutional and pluralistic perspectives of the time, Sahifat was portrayed as a constitutional text that guarantees human rights and freedoms and fosters peaceful coexistence among various identities.

4.2.2. Constitutionalism and Sahifat al-Medina

In the intellectual atmosphere of the 1990s, Sahifat al-Medina was introduced as a new constitutional model in Türkiye. As previously mentioned, claims that Sahifat is a constitutional text date back to the early years of Orientalist era. During this period, Sahifat was assessed through historical founding texts

in the context of the aim to limit the power of state. In this regard, it was compared to the Magna Carta, which was defined as the first constitutional script. However, in the 1990s, while limiting state power remained a crucial element, the definition of power is diversified from its previous meaning. In the debates of the 1990s, Islamists primarily targeted modernity and the nation-state. In Türkiye, the founding ideology endeavored to establish an Enlightenment truth and secularism in society via a top-down modernization campaign and formed the nation-state and constitution accordingly. Military elites protected this ideological framework, and a coup constitution was implemented two years after the 1980 coup. In the 1990s, Islamists criticizing this anti-democratic and oppressive constitution, aimed not only to restrict state power to protect individuals against the state but also to criticize secularism, which limits the social representation of Islam, and the nation-state's understanding of unitary law and education. Thus, oppressed social identities should be able to freely express themselves in the public sphere and establish a legal system and education aligned with their values. Sahifat al-Medina was hence created as a historical instance of such a society.

While evaluating Sahifat as a constitutional text, comparisons and similarities were made between the theory of constitutionalism and Sahifat. When the literature of the 1990s is analyzed, Sahifat is grounded on three main arguments about the theory of constitutionalism that remain relevant. First and foremost, constitutions establish guidelines and customs that regulate the use of authority to answer the problems of designation of decision-makers and the processes of decision-making (Casper, 1986, p. 634). In this respect, constitutionalism is a "doctrine that a government's authority is determined by a body of laws or constitution" (Bellamy, 2016). So, it focuses on the regulative mechanisms for the state's functioning. Secondly, coming to the seventeenth century, contractual theories enlarged the theory of constitutionalism. Accordingly, constitutions emerge as a result of a social consensus. In this respect, constitutions are texts that emerge according to the needs of the whole people and reflect the will of all segments of society (Spiro, 1998). In this respect, the constituent element of the constitution is a social contract made by society. Thirdly, the most prevailing and common understanding of constitutionalism refers to a restricted government and the limitations on arbitrary power. Constitutions are basically texts that limit the arbitrary exercise of power by the government. It is aimed to prevent interference with the freedom and life of the individual by controlling this exercise of power within the framework of check and balance mechanisms such as the separation of powers (Sajó, 1999, p. 72, 206). In this respect, constitutions are structures that limit the government vis-à-vis the individual. When the debates in Türkiye in the 1990s are analyzed, Sahifat al-Medina was evaluated in relation to constitutionalism through these three pillars of the theory.

4.2.2.1. Sahifat al-Medina in the Form of Constitution

The first pillar of constitutionalism defines the constitution as a form of political organization, the structure of leadership, and the determination of decision-making mechanisms, as well as the determining the limits of rights and freedoms. Accordingly, it is claimed that Sahifat al-Medina carries the nature of a constitution both in terms of its content and textual structure. In this regard, Sahifat has been evaluated from the perspective of modern constitutional law and compared with constitutional texts. This approach has been inherited from the Orientalist period. As mentioned in the previous chapter, some Orientalists have evaluated Sahifat as the first constitutional text in Islamic history and likened it to Magna Carta, which is one of the first constitutional texts in the West. Similar evaluations and comparisons have also been made in Türkiye in the 1990s, but unlike the Orientalist period, the constitutional content of Sahifat has been evaluated within the debates of the time, such as legal pluralism and human rights.

Initially, Sahifat al-Medina was carried out on the basis of negotiations, and then the consensus reached was transcribed into a text by technical sentences and announced to the public (Bulaç, 2020, p. 275). Also, to be considered a constitution, it must outline the nature and organization of the state and principles that protect the rights and freedoms of individuals. According to this definition, Sahifat al-Medina primarily defines the state of Medina that was established at the time of Prophet Muhammad. Unlike the organizational structure of existing tribal political system, Sahifat created a novel social structure within the framework of the concept of "*umma*," which legally defined the identities of different religious and ethnic groups (Tuğ, 1979), and thereby enabling them to coexist. While some thinkers compare this tribal political structure to a confederative organizational form (Özkan, 2019), others describe it as a "legal community" consisting of different legal groups (Abdiimamoğlu, 1994, p. 43). Despite differences in opinion, it has been claimed that Sahifat defines the organization of the state. Furthermore, the position and nature of authority are also specified within the framework of Sahifat. Prophet Muhammad was appointed as an ultimate decision-making authority to whom all disputes would be referred. Sahifat also determined the physical boundaries (*haram*) of the city and established rules accordingly (Tuğ, 1979, p. 41). The conditions and participants of war were also determined within the framework of Sahifat. While all Muslims were obliged to participate in war in the way of Allah, other religious communities were only required to participate in defensive wars. A common law was also established in the field of finance, such as the conditions for paying blood money. Activities such as culture, science, art, economy, health, and education outside of these two areas were left to civil society, thereby narrowing public law and expanding private law (Abdiimamoğlu, 1994). Therefore, Islamist thinkers consider Sahifat's legal nature as a legal text that aims to reduce state intervention and target a wide civil society.

Another element that demonstrates the constitutional nature of Sahifat is the determination of the rights and freedoms of the communities that are included in the document. Firstly, religious freedom was granted within the framework of Sahifat. Jewish communities within the Medina were allowed to practice their own religion, perform their religious rituals, and apply their own religious legal systems. This religious freedom indicates that Sahifat created a "human-centered" constitution (Abdiimamoğlu, 1994). Sahifat allowed individuals from diversified religious background to create heterogeneous legal groups reflecting their wills. Although different religious communities were parts of a total political formation defined as the *umma*, their rights arising from their religious laws were protected. Therefore, it has been claimed that the communities have non-interferable rights based on their own legal frameworks, and that Sahifat protects these rights (Abdiimamoğlu, 1994; Bulaç, 2020, p. 274). Furthermore, local administration opportunities were given to Jews to protect their legal autonomy within this political structure (Tuğ, 1979). This political and legal administration enabled different legal groups to coexist in the state equally and thus created a possibility for dialogue among them. The state and the head of state only act as an authority to be referred to in the event of disputes. In this way, the Sahifat represents a constitutional model that is equal and pluralistic.

Both during the Orientalist era and in 1990s Türkiye, scholars have argued that Sahifat al-Medina possesses constitutional status due to its formal and textual qualities. Accordingly, Sahifat is regarded as a constitutional text that introduced a novel form of political organization, delineated the city's boundaries, defined the ruler's authority, and established regulations and liberties. However, in contrast to the Orientalist view, it has been contended that Sahifat established a legally pluralistic foundation, wherein diverse religious communities could form their own legal communities based on their religious laws without any external intervention. Thus, they existed equally within a pluralistic political system. This legal pluralism also allowed different communities to establish their own laws in accordance with their religious beliefs. While the Orientalist view interprets religious freedom as a strategic maneuver by the Prophet, this approach in the 1990s attributes wisdom to Prophet’s action and claims that he opened the way for a legally pluralistic structure.

4.2.2.2. Sahifat al-Medina as a Social Contract

The claim that constitutions are social contracts occupies an important place in Western political thought. The Western thinkers Thomas Hobbes, John Locke and Jean-Jacques Rousseau are the founding figures of the social contract theory. Although they conveyed differentiated, even contradictory, definitions for the social contract, they concur in the question of the foundations of a legitimate state and law. They ground their answer on the basis of the definition of “state of nature”. meaning a hypothetical historical period where the people naturally were free and independent from

any social and political organization (Vattel, 2011). People in the state of nature form social organizations within the social contract for the purposes of "security", "conflict resolution," or "a better republican freedom" (Munro, 2015). Thus, constitutions are social contracts formed by society coming together within the framework of their certain needs. Regarding the debates on Sahifat, it was associated with its novel definition of a contract. Thus, the argument that Sahifat acquired constitutional status via a social contract among various religious communities in the city demonstrates a similarity with the claim proposed by certain scholars during the Orientalist era. Accordingly, Sahifat is fundamentally a contract between Muslims and Jews. The two religious groups came together on an equal basis to determine the basic elements of city administration. Within the framework of this contract, the communities were granted freedom of religion.

As one of the pillars of the social contract theory, in the 1990s, Islamist thinkers who defined Sahifat on the basis of a contract also engaged in discussions about the "state of nature" emphasized in the Western contractual tradition. Sahifat al-Medina has been proposed as a potential novel model for a social contract that could address the contemporary crisis of the state and constitution of modernity, and of Türkiye. The standardizing nature of modernity, coupled with the exclusionary tendencies of nation-states, has resulted in a disconnection between the principles enshrined in constitutions and the implicit agreement of society (Aktaş, 1993, p. 23). As a result, the search for new social contract models has intensified. One of the initial critiques of proponents of Sahifat al-Medina has been directed towards the Western social contract theorists, who are seen as the architects of the current problematic nation-state. According to Ali Bulaç, Hobbes created the absolutist state holding religion, law, and property in a single hand, Locke disrupted the relationship between rights and freedoms, bringing about inequality and injustice with liberal capitalism, and Rousseau depicted the nation as rational, superior, and comprehensive, laying the foundation for the modern nation-state (Bulaç, 2020, pp. 314–328).[35] However, the underlying reference point for the social contract theories that birthed the nation-state is predominantly "non-religious," whereas the Prophet Muhammad's social contract was established based on "*ed-Din"* (the Religion).[36] In this respect, Islamist thinkers who saw the Sahifat as a social contract,

[35] Bulaç acknowledges the philosophical divergence between liberal and Islamic thought; however, he attaches special importance to Locke's contract model and compares its core principles with the "Medina Contract" and Islamic history. According to Bulaç, Locke's idea that the law of nature can be discovered through reason is consistent with Mu'tazilite philosophy. Similarly, Locke's concept of property rights, which includes the right to life and liberty of individuals, is also upheld by the fundamental principles of the Qurʾān. The potential conflict engendered by individuals' self-interested motives is akin to al-Ghazālī's notion of *fitna*. Locke posits that rational individuals constitute the basic unit of the social contract. Similarly, in the "Medina Contract," elected leaders of tribal communities signed the contract representing their tribes. Furthermore, Locke asserts the right of resistance against an authority that does not operate in accordance with individuals' consent. This right of resistance is akin to the depiction of the community that "corrected the caliph with the sword" during the period of the four caliphs.

[36] The term "*ed-Din*" here is different from the religion that has historically been manipulated to serve the interests of the state and politics. This concept is a general definition of religion that complements other religions and worldviews and upholds their

unlike their Western counterparts, claimed to have developed a new model of the social contract within the framework of Islamic concepts.

In this demand for a social contract, Islamist thinkers have drawn certain conclusions about the state of nature, as in the case of the Western tradition. According to them, four different views similar to the Western definition of the state of nature have been put forward in the history of Islamic thought in defining the period before the Prophets were sent to the earth. Firstly, ʿIkrima and Qatāda claimed that the people before the political structures agreed on *kufr* (disbelief) and that the Prophets were sent to guide them on the right path and to put an end to conflicts. Secondly, from the Mu'tazilite school, al-Qāḍī ʿAbd al-Jabbār expressed that there was a "rational *sharīʿa*" before the Prophets and social organizations were established in accordance with Allah's general *sharīʿa*, which was reached through reason. According to the Ashʿarī school of thought, good and evil are explained by Allah, so the period without prophets is a time of political chaos. According to Islamist intellectuals, while the first and third views evoke a Hobbesian state model, the Mu'tazilite -and Enlightenment thinkers- approach that the right path can be found with reason cannot establish a correct state model since Prophets were sent owing to the inadequacy of reason. Therefore, although the concept of the state of nature was not directly used in the history of Islamic thought, the assumptions made by Islamist thinkers about the pre-Prophet period were likened to the state of nature.

On the other hand, Islamist thinkers thought that a new definition of the state of nature could be put forward based solely on the Qur'ān. So, the fourth explanation is a Qurʾān based concept of "a single *umma* (community)" mentioned in Sūrat Yūnus and Baqara. According to this, the period before political organizations was a period of a single community. During the "state of nature (pre-Prophet period)", people lived in accordance with Allāh's general *sharīʿa*, and Prophets were sent to resolve disputes among people in accordance with *sharīʿa* (Aktaş, 1993, pp. 27–28; Bulaç, 2020, pp. 335–341). Bulaç, who adopts this last view, states that this single community was corrupted when people began to define this *sharīʿa* according to their own interests and act unjustly in their established political organizations. Therefore, people should form a "global community" by returning to this period of the "single community" (Bulaç, 2020, p. 348). To do this, they must first make a contract with Allah to follow His *sharīʿa*, and then make a contract with other people in this direction (p. 357). At this point, Ali Bulaç argued that, similar to Rousseau's state of nature, it is necessary to get rid of the corrupt modern political systems and return to the era of the single *umma* in which *sharia*, the good society, prevails. This approach is also a new social design that aims for "unity" against the revolutionary tradition of Sayyid Quṭb and Ali Shariati, which aimed for "separation" in the decolonization process

authentic heritage (Bulaç, 2005, p. 135). Therefore, Bulaç sees both the state structure in the Islamic tradition and the modern nation-state as defaced.

(Aktaş, 1993, p. 29). The period of the "single community" in which Allah's *sharīʿa* is applied is an ideal period where flawed political organization and separation do not occur. In this respect, the Prophet Muhammad, in Sahifat, defined the different religious groups as a single umma, aiming to form this single community and to act according to the Allah's *sharia* within the scope of *ed-Din*.

In the Orientalist period, Orientalists who claimed that Sahifat al-Medina was a contract emphasized that it was an agreement between different tribes on the governance of the city within the framework of common interests. However, in 1990s Türkiye, it was claimed that Sahifat al-Medina was a model of a social contract in which all segments of society came together on an equal footing to build a pluralistic social model. Islamist thinkers have endeavored to elucidate Sahifat al-Medina as a social contract model analogous to the Western tradition of social contract theory. Western tradition is considered to be historically manipulated to serve the interests of the state and politics, which ultimately gave rise to modern totalitarian nation-states and the unjust capitalist system. Similarly, Islamic perspectives on defining pre-Prophet period, which is considered to be a state of nature by Islamist thinkers, have not succeeded in constructing a fair and pluralistic order that enables the proper application of *sharīʿa*. Therefore, it is imperative to revisit the Qurʾān and Sunna, the original sources of Islam. So, the state of nature has been defined through a Qurʾān-centered perspective, and it is claimed that there was a single umma in the "state of nature," where a *sharīʿa*-centered order existed. Prophets were sent to people in order to reconcile the conflict between them. The most recent example of this reconciliation is the "Medina Contract," in which the Prophet Muhammad united Muslims and Jews as a single umma. Thus, the argument that Sahifat al-Medina represents an equitable, just, and pluralistic model is based on the interpretation of the state of nature. Consequently, the social contract model has been reinterpreted utilizing a method akin to the Western tradition, as in the case of constitutional thought.

4.2.2.3. Sahifat al-Medina as a Model of Limited Government

Islamist thinkers do not suggest that Sahifat al-Medina had a direct mechanism to limit political power. However, they emphasized the principle of rule of law to indicate the legal system established by Sahifat. The rule of law is basically the state administration, in which all institutions of the state act within the principle of legality, predictability and precision, and laws are written by considering human rights (Bingham, 2007, pp. 69–75). Accordingly, within the legal system of Sahifat, the concept of religious freedom was acknowledged, allowing different religious groups to practice their own legal frameworks and protecting them from any potential interference from the state (Abdiimamoğlu, 1994, p. 43). Similarly, when considering the principles established in this social contract, it is emphasized that the Qur'ān does not grant religious superiority that leads to social privilege (Gürpınar & Malkoç, 1994, p. 34). Henceforth, it is contended that the Sahifat allows for the legal autonomy of diverse

religious communities and upholds a principle of the rule of law that transcends the jurisdiction of the state and its governing authorities. In this respect, the social and political order established by Sahifat already prevented arbitrary practices by those in power. Different religious communities were only bound by certain rules in areas such as economy, war, and protection of others. Apart from these, complete freedom was granted in fields such as law, education, culture, science, and art (Abdiimamoğlu, 1994, p. 44). In this respect, from the beginning of its formation, the state is prevented from intervening in the civil spheres of religious communities. Therefore, instead of limiting power within certain check and balance mechanisms, Sahifat established a political structure with limited state intervention in accordance with the principle of rule of law.

Furthermore, Islamist thinkers emphasized the restrictive nature of constitutionalism through the debates on constitution and Republic of the time. In Türkiye, an attempt was made to create a civil society where religion is freely practiced in the face of obstacles posed by the constitution concerning the practice of religion. To this end, Sahifat al-Medina was presented as a model that promises a limited government and a wide civil society. During the constitutional debates of the period, Islamist intellectuals participated in the discussions by criticizing the 1982 Constitution and contemplating the features of an ideal constitution. Especially, *Yeni Zemin* journal published a specific issue on the debates of constitution. The Turkish state has been founded on the concept of a "divine state," exerting control over both individuals and society while limiting thoughts and organizations within the framework of the founding ideology (Dilipak, 1993). Individuals and society have been shaped by state power, and fundamental rights and freedoms have been designed accordingly. Stepping outside the limits set by the state has been perceived as a threat to the state's survival, and the military elite has taken on the task of protecting the state against such threats. It enabled the military's intervention into politics and changed the constitution on the plea of rising threats against the unitary state. Indeed, the 1982 Constitution is also considered a product of the "military mentality" (Metiner, 1993, p. 4). Military existence caused the exclusion of social groups and individuals from the constitution-making processes. Therefore, Türkiye's constitutional history does not result from a social contract, leading to totalitarian, authoritarian and restrictive constitution in Türkiye (Kamalak, 1993). Therefore, according to the views of Islamist intellectuals, although constitutionalism argues that the state should be limited, the constitutions in Türkiye aim to restrict individuals and society.

Islamist thinkers have expressed criticism towards the state and its official ideology. The issue lies not with the concept of the constitution itself, but rather with the foundation and organizational structure upon which the state is built. Therefore, a new constitution should be drafted based on a social contract that prioritizes individuals and society. The founding ideology that suppresses civil society must be removed from the constitution, and it should reflect the nation's beliefs, culture, and tradition

(Şahinoğlu, 1993). To achieve this goal, immutable articles of the constitution should be removed, secularism should be defined to remove the state's monopoly on religion, and the Presidency of Religious Affairs should be granted autonomy (Kamalak, 1993). The relationship between the military and the state should be restructured according to democratic principles, and the centralized bureaucratic structure of the state should be diminished to establish a neutral state that is equally distant from every idea (Metiner, 1993). Accordingly, a new constitution based on a social contract should be drafted in Türkiye in line with the principles of the rule of law, justice, negotiation, participation and civil constitution by centering on the Sahifat al-Medina model (Bulaç, 2020, pp. 266–271; Dilipak, 1993, p. 25). Therefore, for Islamist intellectuals, Sahifat al-Medina can be a model for a libertarian constitution that prioritizes the individual over the Kemalist ideology and its absolutist constitutions that restrict religious life and the individual in Türkiye.

Islamist thinkers have argued that Sahifat al-Medina embodies the principle of limiting the state and government, which is the third element of constitutionalism. Specifically, they contend that the principle of the rule of law reflected in Sahifat ensures that the laws of different religious communities are not interfered with. The government does not impede the practice of religious laws by different communities that have been granted religious freedom. Moreover, the state structure in Medina itself is designed according to civil society and freedom, where the different communities have their autonomy against the state structure. This interpretation of Sahifat is also presented as a criticism of the state and constitutional debates of the era. The Republic of Türkiye, which implemented top-down secular modernization and enshrined it in the constitution through the principle of laicism, has led to a structure restricting religious representation both constitutionally and publicly in the country. In contrast, the model based on the rule of law in Sahifat can potentially promote the representation and implementation of religion in Türkiye.

4.2.3. Concluding Remarks

During the 1990s, Türkiye became the site of a highly contested constitutional debate. This period saw various political parties in parliament develop and extensively deliberate on new proposals for constitutional reform. Throughout these deliberations, the Sahifat al-Medina was invoked as a document that respects freedom, human rights, and peaceful coexistence. In this context, Islamist thinkers presented the Sahifat as a novel constitutional model and evaluated it based on three elements of constitutional thinking. Firstly, the Sahifat's textual form and content bear a striking resemblance to that of a constitution, as it addresses essential elements such as the form of government, the position of the state leader, legal structure, the boundaries of the state, and basic rights and freedoms. Secondly, Sahifat was claimed to enable a deliberative constitution through a social contract model, which aligns with the

Western social contract tradition. Islamist intellectuals also defined a state of nature based on the Quran, indicating a nature of a single umma (community) under the sharia of Allah, including different social groups. In this context, Sahifat was deemed to have created a social contract based on freedom and equality with various religious groups. Thirdly, Sahifat established a limited government model that embodies the principle of the rule of law, which is one of the fundamental tenets of constitutionalism. According to this model, Prophet Muhammad provided Jews with religious freedom and an autonomous area while prohibiting any intervention by authority. The state model of that period was designed in a way that the state would not interfere with community autonomy. It is also claimed that the structure of Sahifat provides an exemplary model for the development of a new constitution in Türkiye that is consistent with the principles of limited government and freedom.

4.3. Sahifat al-Medina and the Pluralism

In the 1990s, alongside debates in Türkiye regarding whether Sahifat al-Medina could serve as a constitutional model, it was also emphasized that Sahifat created a pluralistic political and social structure. Therefore, it was claimed that Sahifat could be an example of a pluralistic constitution. This period was also a time when discussions about pluralism were intensely debated in the global academic world. Many theoretical claims about pluralism were put forth, and their applicability was discussed. However, However, in the discourse on Sahifat's supposed pluralism, there is not any reference to any theories of pluralism in global academic literature. However, like academic theories of pluralism, Islamist thinkers have focused on fundamental questions such as the authoritarian nature of the modern nation-state, the recognition of identities and the establishment of pluralistic political structures. Despite the use of similar conceptual frameworks, there seems to be a disconnect between these two parallel discussions. Therefore, the scholarly positioning of Sahifat's claim to pluralism remains uncertain.

The purpose of this section is to examine where Islamist thinkers' pluralistic claims on Sahifat stand within academic literature. To accomplish this this, the views of leading Islamist thinkers on Sahifat's pluralism will be examined within the context of five prominent pluralism theories, represented by highly influential scholars. In this regard, liberal pluralism (egalitarian and classical), moral pluralism, institutionalist pluralism, legal pluralism, and deliberative pluralism theories will be summarized. Subsequently, the definition of pluralism within the framework of Sahifat will be examined, followed by an evaluation of which academic pluralism theory is relevant for its analysis.

4.3.1. Theories of Pluralism in Academic Literature

In order to determine where the approach that portrays Sahifat al-Medina as a pluralistic text is positioned in academic literature, it is necessary to first examine the prevailing pluralistic theories in academia. In this regard, there are fundamentally six different pluralistic theories: (1) egalitarian pluralism and (2) classical liberal pluralism, which fall under the umbrella of liberal pluralist theories, (3) moral pluralism, (4) institutionalist pluralism, (5) legal pluralism, and (6) deliberative pluralism. In this section, these theories will be explained within the framework of the perspectives of influential academics.

4.3.1.1. Liberal Pluralism

Liberal pluralist thought seeks to theorize pluralism, within the heritage of liberal political philosophy. The distinguished aspect of liberal thought is its emphasis on liberty and individuality. Its main aim is to protect the individual's freedom and autonomy from any external intervention, which would be a state or sub-state communitarian group. However, the communitarian structure of the diversified ethnic or religious groups undermines the singularity of the individuals. The interventions of the community, which are knitted with a certain thought and practical patterns, contradicts liberal understanding of autonomous individuals. Will Kymlicka and Chandran Kukathas sought to overcome this contradiction within the tradition of liberal political thought. As pioneer liberal pluralist thinkers, Kymlicka and Kukathas posed two different solutions to the dilemma between liberal principles and pluralism. Kymlicka develops his argumentation around the concept of individual autonomy and discusses the possibility of communitarian rights regarding the improvement of individual autonomy with the cultural membership. On the other side, Kukathas centralizes the concept of freedom and formulates his liberal pluralist thought around the concepts of freedom of conscience and freedom of association.

a. Egalitarian Liberal Position

Will Kymlicka firstly criticizes the orthodox liberal understanding of the autonomous agents. Kymlicka defines the liberal position in terms of the nature of freedom. For him, the main reason for being freedom is to lead a good life (Kymlicka, 1995, pp. 80–81). While orthodox liberals reduce the good life into the individual, Kymlicka seeks to enlarge the scope by including the societal culture. His main claim is that orthodox liberalism disregards the communitarian aspects of the individual life and takes the individual as the separate atomic entity of the larger political group. (Kymlicka, 1989, p. 893). In his egalitarian-liberal position, the group-differentiated citizenship is consistent with the liberal understanding of liberty and equality (Kymlicka, 1995, p. 34). In a greater society, there are certain societal cultures having shared language, tradition, and convention. Mainly immigrants or subcultures constitutes this

phenomenon. For the individuals living in a subculture or certain societal culture, the belief and value system is surrounded by cultural implications. In terms of free choices, societal cultures contribute and improve the freedom and choice option of the people. The societal cultures give meaning to practices and choices. Therefore, in order to improve the individual autonomy and free choices, taking individuals as separate and independent units, as orthodox liberals claimed, restricts the freedom and autonomy of them. So, the individuals should be counted in terms of their group-differentiated entity (pp. 83-85). However, in the case of illiberal societies, the goal of the liberals should be to liberalize the illiberal culture, not dissolving or restricting them p. 94). In this respect, Kymlicka supports comforting the existence of societal culture to activate free choices and expression of the individual autonomy.

b. Classical Liberal Position

Chandran Kukathas defines his theory of pluralism as a classical liberal position, which upholds the core liberal principles of individualism and libertarianism. For him, the individualism cannot be defined through the recognition of societal cultures manifesting the individual autonomy. Rather it should be described through the interest-driven structure of human nature. Individuals act according to their interest, which also shapes the ethical motivations of humans. Also, all individuals share a common essence of human nature, which is conscience, and that conscience corresponds with human interest (Kukathas, 2003, pp. 47–49). At this juncture, the freedom of conscience is essential to individual liberty, and no external element such as the state or community should interfere with an individual's conscience. Kukathas aims to protect the "individualistic essence" of liberalism by safeguarding the individual's conscientious actions from any external obstacle. The protection of freedom of conscience results in various conscientious belief systems in society because people gather with others sharing the same conscientious judgements. For Kukathas, since the recognition of different cultures would led to a conflicting demands and interest between groups, the state should adopt a "politics of indifference" that acknowledges individual rights to practice cultural traditions (Kukathas, 1998, p. 691). Therefore, a liberal state should not interfere with people gathering around these belief systems. Kukathas here introduces the freedom of association, which suggests that individuals should be free to associate with others who share similar conscientious belief systems (Kukathas, 2003, pp. 114–115). Giving freedom to associations in the society enables the composition of a good society. Although different belief systems may contradict each other, Kukathas asserts that they should tolerate each other, and the tolerance of difference is the fundamental virtue of classical liberal pluralist thought (p. 120). Regarding the state structure, Kukathas argues that such a liberal pluralism can only exist in a limited government where the state is neutral towards every part of society and refrains from any normative judgement. The state should act as "an umpire state" under the principle of the rule of law to ensure the freedom of conscience and association, as well as to settle disputes between conflicting individuals and

communities (pp. 212-213). In brief, Kukathas' pluralist approach to freedom of conscience emphasizes that social groups that come together on the basis of conscientious judgments can live freely within the liberal umpire state with the principle of tolerance.

4.3.1.2. Moral Pluralism

The most prominent figure to articulate the approach of moral pluralism or value pluralism as a political theory is Charles Taylor. Unlike the value pluralism that Isaiah Berlin, who is the first name that comes to mind in value pluralism, put forward as a critique of the monist approach in his moral theory, Taylor conveys his thoughts through communitarian theory (Zúñiga, 2015). In fact, Taylor has generally used the term multiculturalism instead of pluralism. The communitarian approach that emerged in the 1980s argues that the individual, which is taken independently of the community, can only be an abstract individual (Demirhan, 2015, p. 260). Thus, liberal thought, which defines individuals as abstract and atomistic with the claim of universality, has isolated individuals from the communities they belong to and brought about alienation between individuals (Taylor, 1985, p. 309). According to Taylor, a person's bonds with the community are directly related to the formation process of the self. The self is related to the process of self-discovery, and self-affirmation of the individual. A person's moral values are also related to the formation process of the self (Taylor, 2001). A person realizes their self and moral values in a dialogical relationship with the moral framework of the community they belong to, as well as with different life perspectives (Taylor, 1994, p. 32). Therefore, Taylor criticizes liberal thought, which assumes that individuals are subject to abstract and universal moral rules and claims that individual autonomy is formed independently of environmental conditions. In this regard, he expresses that the state should interfere in certain areas to enable individuals to better realize themselves, instead of advocating for negative freedom (Taylor, 1985, p. 313). This opens the way for individual and collective identities that will emerge as individuals come to know and fulfill themselves.

The emergence of an intimate identity creates a struggle for recognition in the public sphere. A state or society with a universal and abstract moral understanding disregards these various identities. However, acknowledging the existence of diverse identities in the public sphere while maintaining a universalist approach is also inadequate. This approach still involves evaluating these identities based on the universal and abstract moral definition, resulting in an understanding of the moral approaches of different identities in relation to the universalistic values. According to Taylor, this is considered "misrecognition." Both nonrecognition and misrecognition “can inflict a grievous wound, saddling its victims with a crippling self-hatred” (Taylor, 1994, p. 36). It is thus crucial to define identities without references to any superior moral values. To achieve this, a multicultural foundation should be established, recognizing group differences and eliminating social hierarchies (p. 92). In this way,

cultural identities through which individuals form their “self” can equally exist in social life and achieve political representation.

4.3.1.3. Institutionalist Pluralism

The concept of institutional pluralism challenges the absoluteness and universality of modern values and ethical and legal approaches, like in the case of morel pluralism. It offers a new approach to the dilemma arising from the tension between religious identities in states that are fundamentally based on secularism. This tension is most evident in the conflict between the formal state and the informal religious jurisdiction. Individuals who base their identities on religion are often caught between the official, secular, and positive law of the state and the unofficial, religious, and traditional customs (Shachar, 2008, p. 578). For instance, individuals may apply to religious authorities when faced with the use of interest within an economic system that includes state-imposed interest. The issue of headscarves in Türkiye, which emerged in the 1990s as part of body politics, is another example of this conflict. The wearing of headscarves by Muslim women in public spaces, such as universities, was prohibited within the framework of the secular state's public and civil distinction. The institutional pluralism model aims to primarily address the ambivalent situation in the legal field.

Ayelet Shachar proposes a solution to the challenge of multiplicity in the legal field by transforming state institutions through the concept of "transformative accommodation." This approach seeks to overcome the problem of legal multiplicity in unitary nation-states where a uniform legal system is subject to universal laws (Altuntaş-Çakır, 2021, p. 97). Shachar suggests that the first step in transformative accommodation is to implement the "no monopoly rule” (Shachar, 2004, p. 121) This means that different religious identities should not be limited to a single legal area. To accommodate this challenge in a multicultural manner, different religious legal systems should be allowed to exist within the state. Procedural limits should be established to ensure that different legal systems operate within these boundaries (p. 125). Individuals should have the freedom to choose from among different institutional legal systems. For instance, individuals can follow formal education provided by the state while adopting religious jurisdiction in family law. This approach strengthens democratic participation by giving individuals the liberty to choose legal rules that align with their religious identities. Therefore, Shachar aims to establish a pluralistic structure that provides institutional representation of diverse religious legal systems, and by giving individuals the freedom to choose among these legal rules based on their religious beliefs.

4.3.1.4. Legal Pluralism

Legal pluralist scholars fundamentally critique the modern nation-state and the Enlightenment's uniform definitions of humans, society, and values upon which it is founded. Similar to moral pluralism, legal pluralism adopts a "value pluralist" approach (Altuntaş-Çakır, 2021, p. 90). Gad Barzilai, a legal pluralist scholar, argues that religious groups play a crucial role in the development of individuals' personalities, which is in line with Taylor's communitarian approach (Barzilai, 2008b). However, in contrast to moral pluralists, legal pluralists focus on religious identity, which is often neglected in concrete examples of multicultural theories. Modernity and the modern nation-state have excluded religion from the law-making process by considering it irrational, traditional and metaphysical (Barzilai, 2008b, p. 400). Religious people were oppressed under Enlightenment values and could not reflect their religious group identity. At the same time, religious communities were excluded from public policy and constitutional processes. Moreover, like the institutionalist approach, legal pluralism highlights the problem of excluding religious legal systems from secular modern states and the challenges it creates for religious individuals with group identities. As a solution, legal pluralists take a more radical approach than the institutional approach and propose the creation of a legal pluralist structure by disrupting the central legal system.

Barzilai, who emphasizes the issue of recognition highlighted by Taylor, evaluates the imposition of secular law on individuals who live their individual lives within the framework of religious rules in public life as "misrecognition." To overcome this, a legal pluralist model that meets the legal demands of all religious minorities must be developed for the legal system (Barzilai, 2008a). This will enable individuals to actively develop and accept laws, rather than passively accepting them, which will positively impact democratic participation and deliberation processes (p. 407). Thus, Barzilai extends Taylor's moral pluralist thought by including religious legal structures in the theory. The failure to apply religious laws, which are practical extensions of religions that have a fundamental determinative role in an individual's normative world, poses a problem for the recognition of those belonging to that religion. In this respect, legal pluralism. Legal pluralism proposes a concept of a "thin state" that features a decentralized legal system, where the state is not the sole authority in law-making (Altuntaş-Çakır, 2021, p. 90). In this model, other entities outside of the state, such as religious and ethnic communities, have the power to create and enforce their own legal systems. This approach challenges the traditional idea of the state as the only source of law and recognizes the diversity of legal systems that exist within a society. By embracing legal pluralism, individuals belonging to different cultural and religious groups can exercise greater agency in shaping their legal systems, which can ultimately enhance democratic participation and promote the recognition of diverse identities.

4.3.1.5. Deliberative Pluralism

The terms deliberative pluralism refers to the deliberative model of democracy and the multiculturalist structure within this model. The deliberative democracy is mainly developed by German philosopher Jürgen Habermas. With this model, Habermas sought to overcome the postmodernist and moral pluralist ideas that criticize the monist, totalizing and exclusionary structure of modernity (Habermas, 2014). For Habermas, the existence of universal values enshrined in Enlightenment philosophy do not undermine the plural structures of the politics. To bring the “other” voices into politics, Habermas seeks a deliberative transformation in the democratic model leading to a multicultural public sphere (Jakobsen, 2017, pp. 64–65). Habermas aims to alternate the democratic politics based on interest and aggregation of preference by the morality and justice-based politics (Mouffe, 1999, p. 746). In this context, Habermas emphasizes the concept of "public discourse ethics" along with the emphasis on the public sphere. Individuals with different group affiliations and their associated worlds of meaning come together in the public sphere and develop communication with others who hold different moral judgments (Habermas, 2001, pp. 9–12). When people communicate within the framework of discourse ethics, they reveal the normative elements underlying their moral arguments and arrive at a common moral conclusion and policy.

Religious structures pose an ontological concern when it comes to the expression of their universal moral rules in the public sphere and their reflection in politics. Habermas proposes that this challenge can be overcome through a "translation" process. To achieve this, a normative expectation should be established for religious individuals to translate their religious language to political deliberation (Habermas, 2006). In addition, secular citizens should remain open to the potential truth that may arise from religion. By translating religious language into the everyday language of political negotiation, it becomes possible to comprehend religious fundamental judgments, include them in negotiation processes, and ultimately generate policies for the common good that benefit everyone. From this perspective, Habermas aims to establish a pluralistic social structure within the framework of deliberative democracy, rather than dividing society and politics into ethnic, religious, or gender-based communities and granting them certain institutional and legal structures. Within this democratic structure, individuals can bring their group identities' moral judgments to the democratic deliberation process and produce a common policy with other groups. Thus, neither society nor law is divided, nor are individuals isolated from their group identities.

4.3.2. Sahifat al-Medina as a Pluralist Model

As expounded in preceding sections, Sahifat al-Medina was crafted as a model of pluralistic society within the discourse of the 1990s. In this milieu, the concepts of pluralism, civil society, equality, freedom, and democracy were commonly invoked, and it was asserted that Sahifat served as a social foundation that encompassed all of these notions. Nonetheless, despite the emphasis on pluralism in these discussions, there exists no reference to pluralistic theories or theorists within the debates of the academic realm during the same epoch. The pluralism debates that were also associated with modern state and identity politics via postmodern thought indirectly influenced Islamist thinkers of the era. Consequently, the pluralism debates that were conducted by Islamist thinkers in Türkiye have progressed independently of global debates, as they have not engaged in general academic discussions. On the other hand, they have employed the same set of concepts. Therefore, a crucial question arises regarding the basis of theoretical and conceptual frameworks of Sahifat that nourished or critiqued the pluralism debates related to Sahifat.

To begin with, the proponents of Sahifat al-Medina have expressed significant critique of Enlightenment thought, modernity and nation-state. With its claim to a single secular truth, Enlightenment modernity gave rise to the oppressive and authoritarian nation-state that excluded all approaches and forms of rationality other than this truth. As delineated in prior sections, wherein the impact of the postmodern climate on Islamic thought was investigated, Islamist intellectuals also extend this critique of modernity and the nation-state to Türkiye's secular nation-state structure and Kemalist modernization. At this point, critiques of Islamist thinkers towards secularism and nation-state parallel the criticisms of modernity and the nation-state that underlie Charles Taylor's theory of moral pluralism. Secondly, Islamist intellectuals also exploited the Taylorian concept of communitarianism where individual self-realization is associated with the “sense of belonging (*aidiyet*)” to a group to counter the threat of nonrecognition or misrecognition. Accordingly, individuals can achieve their sense of belongingness through protective social organizations like family, kinship, community, and religious sects (Bulaç, 2020, pp. 6, 8). In this respect, both in the critique of modernity, and communitarian perspective of recognition, Islamist intellectual posed parallel ideas with moral pluralism.

Nonetheless, Islamist thinkers trace their critiques of modernity and the nation-state back to an even earlier epoch, contending that the foundations of this monolithic truth-asserting structure can be back to Christian theology. Bulaç asserts that the modern state's totalizing and universalistic structure emerged due to the disruption of the dual truth of the Christian tradition, which hinged on the dichotomy between soul and body. Christian thought was fundamentally based on the dualism between body and soul. The transfer of Islamic thought based on a singular understanding of truth to the Christian world

caused a rupture in Christian theology (Bulaç, 1994, p. 3). As a result, Enlightenment thought eradicated the metaphysical dimension of Christianity and prioritized the material knowledge of the visible world, thereby constructing a thoroughly secular world (based on a "body," not the soul) by excluding religious truth claims from modernity. However, this elimination of metaphysics, or soul, that gave birth to secularism was due to a misunderstanding of Islamic truth, which actually accommodated with the pluralism. Hence, the critique of modernity and the nation-state within the context of Sahifat is not limited to Enlightenment thought but is portrayed as an outgrowth of Christianity's theological claims. Islamist intellectuals endeavor to revive the misconstrued interpretation of Islamic truth, which ultimately resulted in secularism, by grounding Sahifat al-Medina on this critique of Christian thought.

Unlike the pluralistic theories mentioned earlier, the pluralism within Sahifat al-Medina has been shaped by an Islam-centric worldview. However, this "Islam-centeredness" does not imply any domination in political and legal spheres. At this point, the unifying element of the universe, "tawhid", is central, and as all prophets acted on this principle, the common indicator of all religions is unity (called "ed-Din") (Bulaç, 2020, p. 285). This principle of unity is also the fundamental point of the relationship between humans and creation (alem), which is manifested in pluralistic interpretations of truth. Hence, the pluralistic structure of Islam is characterized by different interpretations of this truth within a transcendent understanding of tawhid. Basically, in Sufi sense, there is unity in pluralism. (Köktaş, 1994, p. 56). The plural interpretation of truth also requires the establishment of "epistemological pluralism" (p. 57). Thus, truth is not monopolized in Islam, and this pluralism cannot be established authoritatively. This epistemological pluralism raises the question of the positioning of Islamic law, the sharia. As discussed in the section on the contractual structure of Sahifat, "ed-Din" refers to the theoretical ground of all religions independently of its political, social, and legal extensions (Bulaç, 2020, p. 409). This sharia, here, is essentially "the sum of the founding principles and laws of living in accordance with the Divine will" (Bulaç, 1994, p. 13). So, the sharia means the way of practice of living for the Divine will. Since there are different practices, also there are plural *sharia*s as well. In this respect, religion is common (ed-Din) but the practice of living this religion is differentiated and diversified practices require different implementations of law (*sharia*).

"Striving to attain Divine will requires a free environment, and it is through a free environment that Muslims can live according to the Divine will and convey it to others (Bulaç, 1994, pp. 13–14). In line with the principle of freedom, the Prophet Muhammad prepared a "contract" with other religious communities without centralizing governance and created a structure where there was no imposition with the principled of "no coercion in religion" (Bulaç, 2020, p. 402). Thus, the principle of tawhid is a transcendent principle that binds all human beings and thus allows for different interpretations of the truth. Divine's will manifests itself on earth through a transcendent sharia. At this point, the sharia does

not impose any sanctions and leaves everyone free to find the truth. Accordingly, not all individuals can make the right choice, and there will always be those who do not live in accordance with divine will. For Bulaç, this does not require for Muslims to judge others. The ultimate judge is Allah, and Muslims are only responsible for delivering the message (Bulaç, 1994, p. 13). Therefore, governments cannot hierarchically impose a specific religious or ideological viewpoint on individuals. In the absence of a single official worldview dictated by the governments, people are free to live according to their own religious, philosophical, or ideological worldview and its legal outcomes (Köktaş, 1994, p. 59). Totalitarian and exclusionary structures arise when truth is imposed by the state. This is true both of the empires in Islamic history and the modern nation-state, which have both claimed to possess the truth and exerted pressure on different segments of society (Bulaç, 2020, p. 244; Köktaş, 1994, p. 59). Therefore, in addition to the freedom to choose religion and ideology, individuals must be granted the freedom to choose the law.

In light of the above, it is important to recognize that the state ought not to be organized based on a singular truth but rather should acknowledge the plurality of law based on individual legal choices. As such, the general law, or constitution, should establish operative mechanisms to organize and protect the framework of legal pluralism. To achieve this goal, the political structure should be designed in accordance with both the principles of "power-sharing" and "participation based on law" (Köktaş, 1994, p. 59). These theoretical principles are reflected in the political and social structure established in Sahifat al-Medina. Specifically, Prophet Muhammad granted to the Jewish community the freedom to practice their religion and be considered as a community alongside the Muslims. This was possible because they were acquainted with the principle of tawhid, which is a unifying element of creation. In this manner, despite practicing a different religion, the Jews were included in the same community as Muslims within Islam's pluralistic reference. The Prophet Muhammad established a pluralistic society and granted religious freedom and separate legal autonomy to the Jews within this framework.

The idea of a pluralistic legal structure also appears in criticisms of Kemalism, the Republic, and the constitutional history of Türkiye. Accordingly, the nation-state structure and secular constitutions created within the Kemalist ideology restrict Islam's social and political representation. Therefore, secularism promoted as the only truth by Kemalist ideology must be abandoned (Metiner, 1993, p. 5; Şahinoğlu, 1993, p. 17). At the time, some Islamist thinkers made many legislative and policy proposals toward this goal. Firstly, regarding the challenge of secular nation-state's pressure on Islam, the principle of secularism in the constitution and the Presidency of Religious Affairs should be removed, as well as the monopoly of state authority in education and culture should also be replaced by civil society and the centralist structure of the state should be narrowed (Dilipak, 1993, p. 25; Kamalak, 1993, pp. 12–13). So, the state should be an "arbitrator" rather than a "judgmental, intervener, and

authoritarian" (Metiner, 1993, p. 3). The state should be in the form of an “umpire state" that is equidistant to all communities, they should be equally represented in civil society, and harmful or beneficial ideas should be decided by civil society (Bulaç, 2020, p. 380; Metiner, 1993, p. 4). As an alternative to the current legal and political structure, it has been advocated to transition to a legal pluralistic structure that includes Islamic law by changing the singular constitution in Türkiye. At this juncture, Sahifat al-Medina provides this legal pluralist model with its relationship with the different religious communities.

However, the terms used in conjunction with this legal pluralistic structure are more related to classical liberal pluralism than legal pluralistic theory. Although a polycentric legal model is proposed as a political structure, emphasizing a neutral and arbitrator state with a broad and negotiable social structure is associated with classical liberal pluralism theory. As emphasized in the general discussion on the topic, the proposed political or social structure is based on a broad civil society model. Accordingly, the narrowed and umpire state should be equidistant to different communities. Civil society is designed as a structure that negotiates right and wrong ideas and allows for forming a "good society." At the same time, it has been argued that communities should not only be autonomous in legal matters but also in education, health, and cultural fields (Bulaç, 2020, p. 150). Therefore, the approaches about the legal pluralism have utilized the possibilities of many different theories to find solutions to existing political problems rather than developing a comprehensive model directly within the framework of the pluralistic theory. Thinkers who associate Kemalist ideology, the nation-state, and the Republic with the crisis of modernity relate to Charles Taylor's criticism of modernity, which restricts the individual's self-realization. On the other hand, these thinkers, who rely on legal pluralism as a political model, use the conceptual framework of classical liberal positions criticized by both Taylor and legal pluralistic theory.

Consequently, according to Islamist intellectuals who interpret Sahifat al-Medina as a pluralistic theory, their proposed social model belongs to the legal pluralist theory category. Legal pluralism shares Charles Taylor's criticism of modernity and the nation-state in the realm of moral pluralism, which has also been applied to the discussions on Sahifat al-Medina. However, legal pluralism outlined in Sahifat is distinct from its academically debated models. The pluralistic structure proposed by Sahifat offers pluralism within the Islamic framework, establishing a pluralistic legal structure based on the fundamental principle of transcendent "tawhid," rather than Islam's political and social aspects. At this point, even though the concept of tawhid is positioned at a transcendent point, independent of its political and social projections, it is presented as the supreme principle of Islam. So, the legal pluralist model based on the Sahifat will be defined according to Islamic principles. On the other hand, the legal pluralist theory does not foresee a legal model under one religious superiority. The primary condition is to separate different communities in the legal realm, in which they are not forced to adopt a particular

religion. In this respect, the model of Sahifat as a legal pluralist model has different assumptions than the global academy's debates on legal pluralism. Furthermore, while evaluating Sahifat as a legal pluralist model, intellectuals also exploited the conceptual framework of classical liberal pluralist positions, such as the umpire state. In this respect, the intellectuals, who designed Sahifat as a pluralist model, propound an eclectic model that is interconnected with legal pluralism and classical liberal pluralism. However, considering the general structure of the plural system based on Sahifat, intellectuals can be positioned within the legal pluralism proposing different theoretical ideas.

4.3.3. Concluding Remarks

Theories of pluralism have focused on how ethnic, religious, or gender-based minority groups in the state and society will be recognized and possess political representation, and what means the state will employ to achieve these goals. There are five main approaches to this issue, which is also related to the identity politics of postmodern thought. These approaches, namely moral pluralism, institutional pluralism, and legal pluralism are based on a critique of modernity and the modern nation-state that promotes a single truth concept and an exclusionary structure. Charles Taylor, a moral pluralist, emphasizes the importance of community in individual identity construction and argues that the exclusion of these identities by a homogenizing modern state harms individual identity construction. Institutional pluralists propose a model in which religious law is institutionally included alongside secular state law. Legal pluralists claim that each religious community can construct its own legal system based on its own religious-legal principles by building a decentralized legal system. On the other hand, liberal pluralists and deliberative pluralist theories have attempted to articulate their solutions to the exclusionary structure of modernity without compromising a superior truth understanding. In liberal pluralism, while the egalitarian-liberal position advocates for a system that incorporates subaltern group structures as it enhances the autonomy and rationality of individuals within those groups, the egalitarian liberalism contends that the individual-centered liberal theory does not pose a challenge regarding recognition, where the state is in an “umpire” position. Also, Habermas's deliberative democracy model aims to create a deliberative environment in which different groups can reach a consensus on the common good through a discourse ethic and translation process.

A group of Islamist thinkers asserts that Sahifat al-Medina is presented from a pluralistic perspective. They contend that pluralism is a core value in Islamic thought. Accordingly, the principle of tawhid is a general principle that covers all of humanity regardless of religion or ideology. In this context, Bulaç's definition of ed-Din claims that all religions are ultimately nourished from the same source in a transcendent manner and thus, they are united under a supreme domain. Under this unity, there are plural manifestations of Islam's understanding of truth, leading to the emergence of different legal

systems. In this context, no one can interfere in someone else's religion and, therefore, cannot impose a single legal system on others. Thus, modernity and nation-state models that dictate a single understanding of truth and legal structure restrict individuals and communities. Prophet Muhammad also clearly demonstrated this pluralistic structure through Sahifat. Regarding the theories on pluralism, Islamist intellectuals approve of the criticisms of moral pluralists on modernity and nation-state and share the practical applications of legal pluralist theory that have the same criticisms. However, unlike legal pluralist theory, Sahifat is aimed to establish legal pluralism from a position where Islam is superior. On the other hand, Islamist thinkers have also benefited from many concepts of the classical liberal pluralist theory. Therefore, although it is possible to evaluate the Sahifat model as a different interpretation of the legal pluralist theory, they have put forward an eclectic thought based on different pluralist theories regarding the concepts they use.

4.4. Conclusion

During the classical period, the evaluation of Sahifat al-Medina in the context of relations with non-Muslims was based on the assumption that Muslims held a superior position over non-Muslims. In the Orientalist period, two contrasting views were presented concerning the position of Sahifat in the socio-political context of the period. One view claimed that Muslims were in a weak position after the Hijra, and a "contract" was formed with the Jews. The other view argued that Muslims were in a dominant position, and Sahifat was a "declaration" directed at the Jews. These Orientalist perspectives influenced the articles or translations produced on Sahifat until 1990 of Türkiye. However, in the 1990s of Türkiye, Sahifat assumed a new meaning.

In the 1990s, Türkiye's intellectual atmosphere underwent a transformation due to global academic discussions on liberalism and postmodernism and criticisms directed towards Kemalist ideology, Republic of Türkiye and secularism. This atmosphere prompted all ideological factions in Türkiye to renew their perspectives, resulting in the emergence of discussions on a civil constitution that could encompass all individuals in Türkiye’s society. Within this context, Islamist intellectuals re-conceptualized Sahifat al-Medina as a novel social and political model for Türkiye. These intellectuals reinterpreted Sahifat as a new model and criticized Kemalist ideology, the Turkish nation-state, and top-down modernization, reflecting postmodernism's critiques of modernity and the nation-state. As a result, Sahifat al-Medina gained renewed significance as a novel political and social model for Türkiye. During these debates, Sahifat took on a fresh meaning within the context of constitutionalism and pluralism.

During the 1990s, Sahifat al-Medina emerged as a reference point in the discussions surrounding the formation of new constitution in Türkiye and was reconsidered based on the fundamental assumptions of constitutionalism. It was presented to the public as a civilian constitution model and was evaluated in connection with the constitutional debates. Firstly, it was noted that Sahifat is similar to the constitution in terms of form and content, as it includes issues such as the structure of political organization, the position of the leader, the boundaries of the city, and basic rights and freedoms. Secondly, the constitutionalist view argues that constitutions are the product of a social contract. In this respect, Sahifat has been evaluated as a social contract model associated with the social contract tradition in Western thought and supported by hypothetical assumptions similar to the contractual tradition's state of nature. Finally, attention has been drawn to the structure of restricted government in constitutionalism, and it has been claimed that Sahifat is a text created within the framework of the rule of law that aims to create a political organization with limited authority. Within all these comparisons, Sahifat has been presented as a new model against the structure of the secular Turkish nation-state that excludes Islamic identity. As a social contract that includes all segments of society, Sahifat is a constitutional model that is civil, libertarian, egalitarian, participatory, and pluralistic, along with its limiting principles for the government.

The emphasis placed by Islamist thinkers on the concept of pluralism within the context of Sahifat al-Medina prompts an inquiry into its position within the contemporary academic debates on pluralism. Primarily, the contention surrounding Sahifat's pluralistic structure has been presented as a critique of the centralized and exclusionary structure of the secular nation-state, offering an alternative model in response. In this regard, Islamist intellectuals align with moral pluralistic thought in relation to modernity and the nation-state. Furthermore, it has been argued that Sahifat, through the concept of transcendent religion and the principle of tawhid, embodies a legal pluralistic structure formed by diverse interpretations of Sharia. However, since the legal pluralism in Sahifat presents an Islam-centric model, this interpreation on Sahifat’s pluralism diverges from the literature on legal pluralism. Hence, it can be evaluated as a distinct interpretation of legal pluralism. However, Islamist thinkers frequently draw upon the conceptual framework of classical liberal pluralism within the Sahifat model. Consequently, the claims pertaining to Sahifat's pluralistic model establish an eclectic relationship between legal pluralism and classical liberal pluralism.

In light of these considerations, it proves challenging to position the debates on Sahifat al-Medina in 1990s Türkiye as a substantive place within the history of Islamic political thought. These debates have presented interpretations that run parallel to postmodern critiques of modernity and the nation-state, reflecting the postmodern climate of the era. However, they do not align directly with postmodern thought. Instead, they establish connections with fundamental elements of constitutional thought that

postmodernism criticizes. Furthermore, while sharing criticisms of the state of nature put forth by postmodernism, these debates also propose a novel definition of the state of nature. On the other hand, the pluralistic thought presented within the framework of Sahifat al-Medina draws upon the conceptual framework of pluralist theories prevalent at the time, which criticize each other. Hence, although Islamist thinkers writing on Sahifat al-Medina claim to present a new social theory, the employed conceptual framework is a synthetic combination of the dominant intellectual climate of the time. Taking into account both the eclectic theoretical structure and the political debates of 1990s Türkiye, it can be argued that Sahifat serves an instrumental function, being included in the criticisms directed at Kemalism, the Republic, and secularism during that time.

5. METHODOLOGICAL CRITIQUE OF THE DEBATES ON SAHIFAT AL-MEDINA

In the 1990s, a group of Turkish Islamist intellectuals expressed their views on Sahifat al-Medina, perceiving it as a text that transcends its socio-political and historical context and embodies universal values. According to this perspective, Sahifat is regarded as a constitutional document aimed at establishing a pluralistic framework in Medina under the leadership of Prophet Muhammad. Such an interpretation raises inquiries concerning the feasibility and coherence of evaluating Sahifat divorced from its contextual underpinnings. Therefore, this chapter aims to assess the discussions surrounding Sahifat al-Medina in 1990s Türkiye in terms of anachronism. Subsequently, the methodological fallacy inherent in the definitions of Islamic society and politics proposed within these discussions will be examined. Furthermore, this analysis brings to light a hypothetical problem: whether approaches that appraise Sahifat through the lenses of constitutionalism and pluralism in the Turkish context can offer a conceptual framework that extends beyond this domain and establish an alternative intellectual model for understanding Sahifat. Consequently, the concluding section of this chapter will endeavor to address the question of whether consociationalism, as a comprehensive model encompassing constitutionalism and pluralism, provides a viable avenue for evaluating Sahifat.

5.1. Anachronic Perspectives in the Analysis of Sahifat al-Medina

Anachronism basically means the “neglect or falsification, intentional or not, of chronological relation” (Lotha & Rodriguez, 2023). It is the practice of reevaluating a historical event, individual, or expression by detaching them from their original historical context and situating them within a different historical period. This method involves bypassing the chronological progression of history and presenting the historical phenomenon in a new framework or meaning. Quentin Skinner, an intellectual historian, regards anachronism as one of the fundamental methodological errors in comprehending intellectual texts. According to Skinner, understanding a particular concept employed by a historical thinker necessitates determining how that concept was understood and situated within its specific political and social circumstances (Skinner, 1969, p. 40). Considering that individuals inevitably enter into a relationship with the surrounding concepts and political projections, one's writings, interpretations or used concepts cannot be independent from the conjuncture of the period.

The examination of interpretations surrounding Sahifat al-Medina throughout history reveals a prevailing tendency towards anachronistic approaches in the debates within Türkiye. In the classical period, historical texts merely presented Sahifat within the context of historical chronology, lacking

additional interpretation. Other texts utilized Sahifat as evidence related to non-Muslim law rather than within a political framework. Hence, an anachronistic approach cannot be attributed to the classical period. During the Orientalist period, certain definitions such as constitution or contract were attributed to Sahifat. However, Orientalist thinkers advanced these definitions by considering the socio-political events of the time. They inferred the purpose of Sahifat based on various parameters, including the political structure of the city during the Muslims' migration, inter-tribal alliances and relationships, perceived threats faced by Muslim settlers in the city, and the presumed date of its composition. Furthermore, they sought to evaluate these inferences in light of the revealed verses of that period and the general principles of Islam. Hence, the Orientalist scholars did not aim to establish universal judgments from Sahifat, distancing themselves from an anachronistic approach.

The debates surrounding Sahifat al-Medina in 1990s Türkiye exhibit a notable inclination towards anachronism. Islamist thinkers advocating for Sahifat as a social model aimed to present a universal societal framework derived from its contents. Consequently, they regarded Sahifat not merely as a text to be evaluated within its socio-political context but as a source of universal truths and judgments. In their perspective, Sahifat encompassed universal concepts such as pluralism, civility, freedom, equality, and democracy. As discussed extensively in the preceding section, the reevaluation of Sahifat al-Medina during the 1990s occurred within the purview of both global and national debates. Consequently, Sahifat was reinterpreted independently from its original context, becoming a part of the contemporary political and intellectual discourse. These discussions primarily emphasized Western political thought's concepts, where Sahifat al-Medina and Islamic principles, were interpreted through the lens of these concepts. Indeed, this process allowed for Sahifat to assume a distinct meaning by divorcing it from its socio-political conditions and Islamic reference points. Therefore, this possibility fundamentally relies on an anachronistic reading of the text.

The analysis of anachronism requires an examination of the historical value of Sahifat al-Medina for Muslims and Jews during the period of its implementation. Islamist intellectual Atasoy Müftüoğlu argues that Sahifat al-Medina held limited significance within the Medinan society of its time. According to him, Sahifat was a short-lived document that saw limited practical application and naturally dissolved as Islamic organization swiftly gained internal coherence (Müftüoğlu, 1993, p. 24). Therefore, he contends that it is erroneous to evaluate a text that lacked practical implementation as a foundational document in the modern era. When exploring the historical context of Sahifat's composition, it becomes evident that the agreement was disrupted either due to Jewish verbal and physical attacks on Muslims or through collaboration with the enemy. Considering the brief duration during which the text remained in effect, it is apparent that there was a lack of trust from the Jewish community towards the Muslims, and vice versa. Thus, contrary to claims made in the 1990s debates,

it can be observed that Jews did not lead a peaceful existence within the framework of the religious and legal freedoms granted to them. Instead, for instance, they recited poems opposing Islam and Prophet Muhammad. Furthermore, as the power of the Muslims grew, Prophet Muhammad declared war on the three major Jewish tribes and enacted laws that targeted non-Muslim minorities. Therefore, in the interpretations of the 1990s, the 12-13 year period of the Medinan era is not comprehensively considered, and the spotlight is disproportionately placed solely on Sahifat, ascribing it with a transcendent historical significance.

The anachronistic nature of the claims about Sahifat in Türkiye is further evident in the usage of concepts. Understanding concepts without considering their socio-political context hampers the comprehension of the intellectual background of the period. Hence, associating Sahifat with constitutionalism and labeling it as a constitutional text constitutes an anachronism. The constitutional approach to Sahifat views it as a text that delineates the state, the mode of governance, and the rights and freedoms of individuals. While examining the content of Sahifat, one can identify the presence of such state-related elements. However, the state structure depicted by Sahifat during the Medina period, characterized by a tribal-based political system, differs significantly from the complex bureaucratic state structures of today (Özdenören, 1995, p. 18). Sahifat, in this period, serves as a text that establishes the foundational principles of governance for a nascent political community among the tribes. Nevertheless, in the 1990s, arguments were made suggesting that Sahifat represented an "umpire" state that maintained equidistance from communities beyond the material indicators of the state (Öğüt, 2010, p. 58). Likewise, the viewpoint asserting that Sahifat presents a constitutional model posits it as a social contract grounded in pluralism and participation. However, Sahifat does not encompass all segments of society in its contract (p. 59). In fact, some interpretations of Sahifat suggest that the three major Jewish tribes were not included in the contract, and the agreement was solely reached with Jews belonging to the Aws and Khazraj tribes. In this sense, the nature of Sahifat differs from the social contract theories that assume a contract that gives birth to or determines the state.

The claim that Sahifat represents a pluralistic legal model is another approach that underscores anachronism. As discussed in the section on legal pluralism, this model advocates for the coexistence of legal communities on an equal footing within a neutral state structure. These aspects of legal pluralism were directly attributed to Sahifat, suggesting that Prophet Muhammad's grant of religious freedom to the Jews resulted in the establishment of equal legal communities between Jews and Muslims. However, this approach blurs the distinction between law and *fiqh* (Öğüt, 2010, p. 60). By conflating law with *fiqh*, the foundational sources of Islamic law, the Qur'ān and the *sunna,* are equated with existing legal values (Güler, 1993, p. 54). Law pertains to the prevailing constitutional framework and secular legal structure, while *fiqh* refers to the legal form derived from the foundational sources of

Islam. Moreover, the Qur'ān and *sunna* hold a superior status for Muslims, and socially, Muslims are hierarchically positioned above other religious communities. This ontological claim of superiority implies an inherent inequality between Muslims and non-Muslims (İ. Özel, 1999). Specifically, the assumption that Muslims are the essential element of society leads to the argument that an agreement containing legal privileges for non-Muslims cannot be formed. Although Ali Bulaç considers this approach a "hegemonistic thesis" and emphasizes the pluralistic nature of Sahifat, this pluralistic perspective does not align with the socio-political and religious context of the Medina period.

The interpretation of the concept of *umma* (community) in relation to Sahifat al-Medina, as discussed in both the section on constitutionalism theory and on legal pluralism, reflects an anachronistic understanding. In the Turkish debates, the concept of *umma* used in Sahifat is interpreted as a collective term encompassing individuals who share a religious common ground and are subject to Allah's *sharia* (Islamic law). Accordingly, the concept of *umma* represents a community in which *sharia* holds authority prior to the establishment of political organizations, and where all individuals live in accordance with it. However, when considering the social structure of the time and the political strategies pursued by Prophet Muhammad after the Hijra, the concept of *umma* primarily denotes a social or political community. In contrast, during the 1990s, the concept of *umma* was imbued with a much broader meaning and was explained through universal concepts such as pluralism. As a result, the concept of *umma* was abstracted and interpreted at a philosophical level, surpassing its intended scope and meaning.

In conclusion, the examination of Sahifat within the constitutional and pluralistic frameworks of the 1990s reveals an inherent anachronism in these four aspects. Thus, the constitutional and pluralistic arguments concerning Sahifat aim to establish a selective connection between Sahifat and the political concepts prevalent during that period. Instead of conducting a comprehensive analysis, the intention is to attribute a temporary and outdated document of a specific period to the whole history (Öğüt, 2010, p. 57). This methodological error involves extracting isolated situations and data from Prophet Muhammad's life and attributing universal significance to them, which goes beyond the actual intention of Prophet Muhammad. Consequently, expressing Sahifat through the lens of constitutional and pluralistic concepts has led to a dilution of its content and its instrumentalization for the purpose of engaging in contemporary debates of that time.

5.2. Methodological Fallacy in Defining Islamic Society and Politics

The constitutional and pluralistic approaches to Sahifat al-Medina in 1990s Türkiye encounter a methodological error concerning the definition of Islamic society and politics. Islamist intellectuals rely

heavily on critiques of modernity and the nation-state as the basis for their understanding of Sahifat. From this standpoint, modernity, stemming from Enlightenment thought, has engendered a secular society and state structure. The nation-state, embracing secularism as a governing principle, has aimed to shape the society based on modernity and secularism. Through its centralizing and totalitarian nature, the nation-state has imposed this worldview on the entire population, curtailing religious and ethnic identities of diverse subgroups. Islamist thinkers criticize the monolithic truth framework of modernity and the nation-state. Accordingly, in line with the Enlightenment-derived notion of truth, modern Western philosophy tends to make sweeping generalizations about other identities, leading to broad judgments. An illustrative example is the Orientalist perspective, which characterizes Islam as irrational, static, traditional, and monolithic (Bayram, 2018, p. 69). Within the discourse on Islam and democracy, this approach has contributed to the assertion that Islam inherently leans toward authoritarianism. In the aftermath of the 1960s, a period marked by intensified debates on Islam and democracy, these judgments gained traction, prompting some Muslim thinkers to counter such claims by highlighting the contrary aspects of Islam. In the 1990s, Islamist intellectuals argued that these perspectives on Islam originated from the positivist scientific approach, which itself is a product of modernity. According to this viewpoint, positivism seeks to depict universal features of the ideal Western society as if they were immutable laws of nature and positions Islam in opposition to this constructed ideal.

The Islamist thinkers of the period argue that Sahifat al-Medina lays the foundation for a pluralistic and libertarian society and politics that arise from a participatory social contract. According to their viewpoint, Islam, at its essence, is a religion that aligns with constitutional values such as participation, pluralism, equality, liberty, civil society, and the rule of law. Therefore, Islamist intellectuals have tried to evaluate the opposite of the Western definition of Islam through the Sahifat. Based on this understanding, they contend that the subsequent political formations after the era of the four caliphs distorted the Islamic truth, resulting in a totalitarian and exclusionary structure that marginalized fundamental Islamic principles. However, within the framework of Sahifat, Islamist intellectuals present an overly generalized and reductionist definition of Islam, as Orientalist Western tradition did. From this perspective, Sahifat is considered an ideal societal model for all of humanity, while alternative designs of Islamic society and politics are characterized as authoritarian and hegemonic. Hence, although Islamist intellectuals employ critical conceptualizations of postmodernism to challenge modernity and the state, they inadvertently adopt the positivist exclusionary and totalizing discourse of modernity in the model they construct based on Sahifat (p. 73). This reactionary employment of Sahifat also indicates that inquiry into the compatibility of Sahifat and Islam with constitutionalism and pluralism arises as a consequence of the prevailing paradigm and prejudiced modes of thinking.

The definition formulated within the framework of Sahifat gives rise to another methodological problem. As detailed in the previous section, the conceptual constructs advanced within Sahifat resemble the philosophical tenets and political paradigms of the post-1980 era. Criticisms of modernity and the nation-state are inherently rooted in the assertions espoused by postmodern philosophy. Similarly, the Sahifat model is presented in relation to the prevailing discourses on constitutionalism and pluralism during that period. In this context, Sahifat encapsulates the foundational elements of constitutionalism and envisions a model characterized by legal pluralism. However, Islamist intellectuals, while criticizing Western thought, paradoxically employ Western concepts to define themselves and Islam (p. 69). Within the framework of the Foucauldian power-knowledge nexus, the discourse and concepts employed assume profound significance. By delineating Islam through the prism of Western discourse and concepts, Islamist thinkers inadvertently concede to the hegemonic power wielded by the West. This, in turn, grants the West the ongoing authority to redefine Islam in their own terms.

An essential inquiry that arises pertains to the feasibility of encapsulating Islam, with its extensive historical trajectory, expansive geographical reach, and diverse cultural tapestry, within a singular and unifying framework. Every endeavor to define Islam within the confines of Sahifat encounters the pivotal question of "whose" and "which" Islamic society or politics. Can the multifaceted facets of Islam, which have flourished through time and embraced diverse cultural configurations, be constrained within a solitary paradigm? Given the multifarious experiences associated with Islam, is it not plausible for Islam to exhibit distinct social and political manifestations contingent upon historical circumstances? Thus, diverging from the positivist methodology that Islamist thinkers concurrently critique and adopt, a hermeneutical approach that duly acknowledges historical, social, and cultural contexts necessitates comprehensive scrutiny (p. 80). The possibility of different projections should be evaluated simultaneously, avoiding reductive or generalizing statements about Islam's social and political outlook. Consequently, extracting definitive formulations of Islam from Sahifat harbors the potential to assume a totalizing and exclusionary connotation vis-à-vis the social and political implications attributed to Islam.

5.3. Can Consociationalism Provide a Theoretical Ground for Sahifat al-Medina?

The methodological criticism directed at the assessment of Sahifat al-Medina within the frameworks of constitutionalism and pluralism raises a hypothetical question regarding the possibility of consociational democratic model, which offers an alternative model around the concepts of constitutionalism and pluralism. What makes consociationalism the subject of this thesis is its attempt

to develop a model grounded in social and political reality rather than relying solely on the assumptions of constitutionalism or pluralism theories. Thus, can consociationalism provide an opportunity to establish a more concrete political model without engaging in the philosophical justification of Sahifat as a constitutionalist and pluralist text as in 1990s Türkiye? The response to this query hinges on the possibility of transcending the approach that abstracts Sahifat through the endeavor of universalization, as well as the methodological quandaries encountered in the process. Hence, it becomes essential to scrutinize whether consociationalism can serve as a contemporary framework or model for the social and political structure established in Sahifat al-Medina.

The concept of consociationalism, introduced by political scientist Arend Lijphart, encompasses elements of constitutionalism and pluralism. The consociational model is a government by an "elite cartel designed to turn a democracy with the fragmented political culture into a stable democracy" (Lijphart, 1969, p. 216). Beyond its democratic principles, consociationalism seeks to establish a politically stable system by ensuring elite representation in a society characterized by segmented divisions. Consequently, consociationalism serves as a model for addressing existing and potential civil conflicts within society. A plural society denotes a society divided along segmental lines based on religious, cultural, ideological, linguistic, regional, racial, and ethnic differences (Lijphart, 1977, pp. 3–4). These divisions have implications for political stability, including system maintenance, civil order, legitimacy, and effectiveness (p. 4). The relationship between the type of society and political stability hinges upon the prevailing political culture and role structure. For instance, homogeneous and secular political cultures found in Anglo-American systems tend to foster a highly differentiated role structure under a two-party system, resulting in a well-functioning aggregation process. In contrast, Continental European democracies, characterized by divided political cultures and distinct political sub-cultures, exhibit a separate sub-system of roles under a multi-party system, which can lead to lower effectiveness and increased instability (Lijphart, 1969, pp. 207–210). The highly differentiated role structure in homogeneous societies, however, facilitates efficient aggregation by two dominant parties and contributes to the creation of a stable political system.

Arend Lijphart proposes the consociational model of democracy as a means to address the potential for civil violence and instability in deeply divided societies. In such societies, where subcultures are divided by reinforcing cleavages, the behavior of political elites plays a crucial role in mitigating these challenges. Leaders representing rival subcultures can intentionally work towards countering the immobilizing and destabilizing effects of cultural fragmentation. Through overarching cooperation at the elite level, a political system can achieve a level of stability that exceeds its social homogeneity (Lijphart, 1969). In this type of political system, elites must maintain the support and loyalty of their respective supporters. To prevent conflicts that can undermine the social fabric, they engage in a delicate

balancing act by collaborating with leaders from other segments, demonstrating moderation and compromise (Lijphart, 1977, pp. 53–55). In order to implement this consociational democratic system, Lijphart suggests specific constitutional arrangements, including a grand coalition of political leaders, the use of mutual veto or concurrent majority rule to protect minority interests, proportional representation in political institutions, and a high degree of autonomy for societal segments or federalism (Lijphart, 1977). Mechanisms for balancing power within the political system are necessary to ensure its functioning and prevent one segment from dominating others. Thus, consociationalism serves as a political model that aims to foster political stability in plural societies through an elite coalition guided by constitutional mechanisms.

Therefore, consociationalism is essentially a model aimed at resolving the issue of pluralism within a constitutional political system. So, this model unifies the perspectives of Islamist intellectuals under a cohesive democratic approach in analysis of the Sahifat al-Medina within the frameworks of constitutionalism and pluralism. Its primary objective is to establish a stable system by resolving the potential conflicts with elite consensus in divided societies. Comparing it with the Sahifat, when Prophet Muhammad arrived in Medina, the society was fragmented along tribal lines, with autonomous tribes possessing their own internal and external policies, where conflicts could arise among these tribes. Prophet Muhammad sought to transform these political and social divisions based on tribes into a religious-based distinction through Sahifat al-Medina, which ultimately created a social divide between Muslims and Jews. However, this religious-based division also carried the potential for conflict. Thus, Sahifat al-Medina emerged within a divided society, organizing Muslims and Jews within a political structure. Another notable aspect of the political organization established through Sahifat al-Medina, resembling consociationalism, is its reliance on an elite coalition.[37] Prophet Muhammad convened with the leaders of the tribes mentioned in Sahifat to draft this text. Also, examining the content of Sahifat, each tribe within Sahifat, similar to the principle of proportionality in consociationalism, held equal rights and responsibilities relative to others. Therefore, parallels can be drawn between Sahifat al-Medina and consociationalism, both in terms of emerging within a divided society and originating from the convergence of elite actors.

In examining the discourse surrounding Sahifat al-Medina in 1990s Türkiye, analyzing Sahifat al-Medina within the scope of constitutionalist and pluralist theories raises the question of whether it can be evaluated within the model of consociationalism. Notably, consociationalism encompasses the core tenets embraced by Turkish Islamists during that period, which are constitutionalism and pluralism. The

[37] Ali Bulaç also highlights the concept of elite consensus. According to Bulaç, tribal leaders participate in the agreement not on behalf of themselves but on behalf of their tribes or religious communities. The tribal leader is the foremost among equals and represents the individuals who are members of the tribe (Bulaç, 2020, p. 321).

consociational model not only advocates for a pluralistic social structure that encompasses all societal elements but also seeks to establish this structure within a constitutional framework. Moreover, consociationalism raises questions regarding the sustainability of such a political system and offers a solution through elite politics. In this regard, consociationalism aligns with the concerns addressed by Islamist intellectuals and shares similarities with the political structure depicted in Sahifat al-Medina, particularly in terms of an elite coalition. Additionally, the autonomy granted to religious groups in Sahifat al-Medina concurs with the vision of establishing a multi-legal system advocated by Islamist thinkers. Therefore, as a political text, Sahifat al-Medina holds significant potential to provide a comprehensive approach encompassing both theoretical and practical promises for the contemporary era within the framework of consociationalism.

Nevertheless, the methodological critiques raised against the approach taken by Islamist thinkers in the 1990s towards Sahifat al-Medina can also be extended to the interpretation of Sahifat within the scope of consociationalism. Analyzing the text through an anachronistic perspective brings into focus the question of its underlying purpose. Numerous interpretations have been proposed regarding the political intent of the text, ranging from a joint defense to a means for declaration, a peaceful unification in Medina, or the establishment of a legal pluralist structure. However, an endeavor to construct a political and social model based on Islamic principles through Sahifat al-Medina necessitates a thorough examination of Prophet Muhammad's practices during that era. When examining the historical trajectory subsequent to the composition of Sahifat, the pursuit of political stability, a fundamental objective of the consociational model, was not prioritized. In light of the Medina experience, wherein Muslims attained a position of strength, the expulsion of the three prominent Jewish tribes from the political and social fabric of Medina transpired. Hence, it becomes evident that the social group commissioning Sahifat actually undermined political stability. It cannot be deduced that Prophet Muhammad's primary objective was to establish a pluralistic and stable political system that encompassed Jews and granted them autonomy.

The proposition that consociationalism could serve as a conceptual framework for Sahifat al-Medina encounters a second anachronistic aspect concerning the distinction in elite consensus between the two models. Consociationalism posits that elites, typically a select group or individual representing specific social factions, play a crucial role in resource allocation within intricate political, economic, and social systems. The emphasis on elites arises from the critique of majority rule democratic models that primarily allocate resources based on the initiatives of the majority. Conversely, the presence of elites in Sahifat al-Medina stems from the natural outgrowth of the kinship-oriented tribal system, which lacks democratic governance. The tribal leaders, considered the elites of that era, are a product of the prevailing political structure at the time. During the Medina period, since the entire population did not

participate in governance, political negotiations were conducted through these leaders. Furthermore, the tribal leaders did not operate within a complex and totalitarian political system as seen in contemporary times; instead, they convened based on short-term strategic objectives, with the construction of a stable political system not being their primary focus.

The methodological fallacy in defining an Islamic society and politics, which was previously presented as a criticism, can also be extended to the approach of evaluating Sahifat al-Medina within the framework of consociationalism. Consociationalism aims at establishing a pluralistic, democratic, and stable political structure. Thus, analyzing Sahifat al-Medina while accepting these normative assumptions of consociationalism requires for recognizing that the elements emphasized by this theory are also fundamental principles of Islam. However, as previously emphasized, such reductionist or generalizing approaches that attempt to encompass the diverse geography and historical experiences within the Islamic tradition contradict the main proposition derived from the framework of Sahifat al-Medina. Hence, asserting that consociationalism can serve as a foundation for Sahifat implies an endeavor to confine the social and political experiences of Islam to a singular model. In conclusion, the attempt to evaluate Sahifat as a consociational model also fails on the two main points of criticism presented above.

5.4. Conclusion

In conclusion, the interpretations of Sahifat al-Medina put forth by certain Turkish Islamist intellectuals in the 1990s, which characterized it as a constitutional and pluralistic text, encounter two fundamental methodological challenges. Firstly, evaluating Sahifat in isolation from its socio-political context and attributing to it universal values such as pluralism, constitutionalism, liberalism, and equality represents an anachronistic approach. This anachronism results in Sahifat being construed as a detached text that can be aligned with any political theory or model, disregarding its historical specificity. Secondly, these Islamist thinkers criticize the positivist scientific method, a product of Enlightenment philosophy that often portrays Islam as irrational, static, and authoritarian, as well as the exclusionary nature of the modern nation-state. In response, they present Sahifat as an alternative theoretical model. However, in doing so, they inadvertently adopt a generalizing and reductionist interpretation that portrays Islam as inherently pluralistic, egalitarian, and freedom-oriented, resembling the very positivist approach they criticize. This paradoxical stance not only reinforces their dependence on the concepts derived from Western thought they condemn but also relegates them to a passive position within the power-discourse relationship.

On the contrary, it can be argued that consociationalism bears resemblances to the political framework depicted in Sahifat al-Medina, particularly in terms of its divided society structure and elite consensus. Furthermore, one can claim that consociationalism, which presents pluralism within a constitutional democratic framework, has provided new avenues for the constitutional and pluralistic interpretations of Sahifat al-Medina in the 1990s. However, the methodological criticisms raised against the debates of the 1990s are equally applicable to consociationalism. In this regard, various anachronistic approaches enable the evaluation of Sahifat al-Medina, a historical text, through the lens of different modern political theories. Consequently, treating Sahifat al-Medina as a historical artifact and disconnecting it from its "specific context" in Medina permits the manipulation of the text to fit "desired" narratives. Thus, the Orientalist perspective that posits Sahifat as a declaration emerging within an authoritarian context under the Prophet's leadership remains equally valid. In addition to the view that Sahifat in the 1990s was a pluralistic, constitutional, participatory, freedom-oriented, and egalitarian document, an opposing interpretation suggesting that Sahifat was authoritarian, exclusionary, totalitarian, and restrictive is also plausible. At this juncture, approaching Sahifat al-Medina as a consociationalist model can only be seen as an endeavor to detach the text from its original context and liken it to a suitable model, without transcending that attempt.

6. CONCLUSION

The Sahifat al-Medina, a text that emerged around 1400 years ago during Prophet Muhammad's migration to Medina, has been subjected to an interpretation in 1990s Türkiye that highlights the modern political concepts of constitutionalism and pluralism. The endeavor to interpret this text through these conceptual lenses raises inquiries regarding its reception in historical process and its place within broader intellectual history. Moreover, the methodological question arises as to the feasibility of reconciling a text from a distinct historical period with concepts that emerged in a different temporal framework. In the quest for answers that give this thesis its originality, each question has been meticulously examined. The claim that Sahifat al-Medina in 1990s Türkiye represents a pluralistic constitutional model also raises a hypothetical problem of whether consociational democracy, a political model associated with these concepts, can be linked to Sahifat al-Medina. Therefore, this study aims to explore the potential of Sahifat al-Medina to serve as a model within the realms of constitutionalism, pluralism and consociationalism. Within the context of the aforementioned questions, an extensive exploration of the intellectual history of Sahifat al-Medina has been undertaken, and its potential to be a social model has been methodologically debated.

Sahifat al-Medina, composed in the aftermath of the migration of Muslims from Mecca to Medina in 622 CE, emerged within a socio-political milieu characterized by interactions between migrating Muslims and the Jewish community of Medina. The Sahifat text sought to replace the prevailing tribal-based political structure of the time by establishing a political organization centered around religion. Consequently, the regulations outlined in Sahifat were imbued with religious principles, while granting Jews the freedom to observe their distinct religious practices and laws. However, Prophet Muhammad's position as the ultimate authority indicated that the political organization is established under the sovereignty of Islam. Initially, the text was primarily found in plain form within the works of Ibn Isḥāq and Abū ʿUbayd. The codification of Sahifat al-Medina emerged during the Orientalist era with the identification of Sahifat as a constitution, which has been widely accepted in subsequent periods. The naming of Sahifat has also been a subject of debate, with the text referred to using various political meanings such as "constitution," "contract," and "declaration." Likewise, discussions concerning the writing date and authenticity of the text have led to distinct political interpretations. The viewpoint suggesting that the text was authored upon Prophet Muhammad's initial arrival in Medina, during a period when Muslims were relatively vulnerable, posits a more tolerant framework towards the Jews and suggests limited authority on the part of the Prophet. Generally, this perspective characterizes the text as a contract. Conversely, the perspective asserting that Sahifat was written at a later stage when Muslims had gained strength portrays the Prophet as more authoritarian and exclusionary, designating

the text as a declaration. Those advocating for multiple writing periods contend that new sections were appended to Sahifat over time, targeting different groups in tandem with the empowerment of Muslims.

The examination of Sahifat al-Medina in the context of constitutionalism and pluralism in 1990s Türkiye brings to the forefront whether the historical perceptions of Sahifat al-Medina and its treatment within Islamic disciplines throughout Islamic history. Given that Sahifat al-Medina originated during the early phase of Islamic history, understanding its reception within various Islamic disciplines becomes crucial. In the classical period, Sahifat al-Medina found its place in works encompassing *sīra* (biography of the Prophet), *fiqh* (Islamic jurisprudence), *ḥadīṯh* (Prophet's words, actions and silent approvals), history, dictionaries, and *balāg̱ḥa* (eloquence). Notably, *fiqh* and *ḥadīṯh* texts offer insights into the political implications attributed to Sahifat al-Medina. *Fiqh* texts employed Sahifat al-Medina as evidence in matters concerning *ḏ̱ḥimmī* law (laws regarding non-Muslim subjects) and fiscal law. Particularly in discussions surrounding *ḏ̱ḥimmī* law, Sahifat al-Medina was cited to support arguments suggesting that individuals who blasphemed against the Prophet or violated agreements with Muslims should face capital punishment. *Ḥadīṯh* texts similarly addressed topics related to *ḏ̱ḥimmī*s completely reject the possibility of Muslims and Jews forming a unified *umma* (community). Consequently, classical texts established a hierarchical relationship between Muslims and Jews, with Muslims occupying a superior position, and Sahifat al-Medina was evaluated accordingly in this paradigm.

The presence of Sahifat al-Medina as a text that involves interactions between Muslims and Jews has captured the attention of Orientalist scholars who explore the origins of Christian theology through Jewish sources, particularly within the context of Germany's engagement with the "Jewish Question." Approaching Sahifat al-Medina through the lens of political thought history, Orientalists have assessed it based on five main aspects: (1) the written purpose of the text, (2) the documental type, (3) the position of authority, (4) the social and legal structure portrayed in the text, and (5) the status of non-Muslims. It is noteworthy that the perspectives presented by Orientalist scholars of that era regarding Sahifat al-Medina reflect two distinct political stances. The first viewpoint posits that Prophet Muhammad composed Sahifat al-Medina during a period of limited authority, thereby demonstrating tolerance towards non-Muslims. According to this perspective, Sahifat al-Medina establishes an inclusive legal framework that encompasses religious and property freedoms, rather than an exclusive legal structure. Consequently, the text is regarded as a "contract" formed on equal footing with Jews, rather than a document imposing hierarchical regulations upon them. On the other hand, the alternative perspective argues that Prophet Muhammad had Sahifat al-Medina written during a period of strong position, establishing a dominant and coercive authority over non-Muslims. As a result, Sahifat al-Medina was conceived within a legal framework where Muslims held superiority, with Jews expected to adhere to these rules. Accordingly, the text is not perceived as a contract based on equal footing with Jews, but

rather as a “declaration” aimed at them. Certain Orientalist scholars have also contended that Sahifat al-Medina possesses constitutional characteristics, although they differ in their interpretation of whether the constitution emerged from a contract or a declaration. Nevertheless, all Orientalist thinkers concur that Sahifat al-Medina transformed the tribal-centered political structure into the concept of *umma* (community) and infused it with religious significance.

Prior to the 1990s, scholarly investigations and translations of Sahifat al-Medina in Türkiye predominantly adhered to the Orientalist discourse. However, in the 1990s, against the backdrop of Türkiye's political and intellectual milieu, a reinterpretation of Sahifat al-Medina emerged by a group of Islamist intellectuals. Unlike previous periods, this reinterpretation idealized Sahifat al-Medina and presented it as a novel social and political model. As a result, Sahifat al-Medina underwent a transformation into an abstracted political and social model believed to offer solutions to contemporary challenges, detached from its socio-political context. The influence of neoliberal policies in Türkiye following the 1980, the triumph of liberalism following the end of the Cold War, and the rise of postmodernism debates in global academia exerted an impact on Türkiye's overarching political and intellectual atmosphere. Within this climate, a group of Islamist thinkers reinterpreted Sahifat al-Medina. These Islamist intellectuals, in parallel with postmodern criticisms, have criticized the Turkish nation-state and constitution, which they claim impose secular policies on the people by embracing Enlightenment philosophy and its top-down implementation. While these thinkers utilize postmodern concepts in their critiques of modernity and the nation-state, they often incorporate liberal theory concepts into the novel ideas and models they develop within the framework of Sahifat al-Medina. Consequently, it is not feasible to categorize these thinkers directly as postmodernists. Nonetheless, they have formulated certain thoughts and models in accordance with the prevailing intellectual climate of that period.

Islamist intellectuals who advocate for Sahifat al-Medina as a pluralistic constitutional model for Türkiye have engaged in a comparative analysis between the foundational principles of constitutionalism and the Sahifat al-Medina model. From this perspective, Sahifat al-Medina encompasses key elements found in a constitution, such as the structure of governance, the role of leadership, the demarcation of state boundaries, and the protection of fundamental rights and freedoms. Moreover, one of the conceptual underpinnings of constitutionalism posits that constitutions emerge as social contracts in response to the needs and demands of individuals in a hypothetical state of nature. Islamist thinkers, drawing on this notion, argue that the Western definitions of social contract ultimately led to the formation of modern totalitarian and exclusionary nation-states and their corresponding constitutions. In contrast, they posit that in the period when Prophets did not exist, people lived in accordance with Allah's *sharia* within a unified *umma*, thereby making a claim about the state of nature.

They further assert that Prophet Muhammad established a political structure aligned with this perceived state of nature through Sahifat al-Medina. Moreover, the claim of constitutionalism to constrain governmental powers resonates with the argument that Sahifat al-Medina upholds the rule of law. In this context, Sahifat al-Medina, by protecting religious freedom within the legal sphere, effectively prevents interventions by authority in these domains through its established state structure. Consequently, the constitutional framework of Sahifat al-Medina has been proposed as a model for the contemporary debates surrounding the formulation of a new constitution. It is argued that the Sahifat al-Medina model enables the creation of a constitutionally oriented framework that promotes freedom, participation, equality, and civil society.

In the 1990s, Sahifat al-Medina underwent evaluation within the intellectual framework of the theories of pluralism. While this period witnessed intense debates on pluralistic theories in academia, Islamist thinkers refrained from explicitly positioning their theory centered around Sahifat al-Medina within the existing pluralism theories. Instead, they approached pluralism from an Islam-centered perspective, accepting the equality of all individuals within the framework of a transcendent religion and the principle of *tawhid*, which unifies all religions. Accordingly, the differences between individuals and communities arise from the development of distinct legal systems (*sharia*s) under the umbrella of this transcendent religious concept. It is emphasized that Allah, as the possessor of this transcendent religion, holds guidance, thereby prohibiting the use of force by any follower of a religion against another religious community. Within this overarching principle, communities should be afforded the freedom to establish their own legal structures. It has been argued that Prophet Muhammad aimed to establish such a pluralistic legal structure by granting religious freedom to Jews. Hence, Sahifat al-Medina can be situated within legal pluralism among pluralistic theories. Nevertheless, unlike mainstream approaches to legal pluralism, the advocacy of multi-legal systems is rooted in an Islam-centered theoretical framework. Moreover, the perspectives espoused regarding the pluralistic structure of Sahifat al-Medina frequently draw upon the conceptual framework of classical liberal pluralistic theory, encompassing notions of a broad civil society, freedom of conscience, and an umpire state. Consequently, Islamist intellectuals who envision Sahifat al-Medina as a pluralistic model approach pluralism eclectically, utilizing the conceptual frameworks of contemporary pluralistic approaches rather than constructing a comprehensive theoretical foundation for pluralism. In this regard, intellectuals who evaluate Sahifat al-Medina within a pluralistic framework employ it as a valuable tool for the debates on constitution and Republic of Türkiye of the time, incorporating the conceptual frameworks of existing theoretical approaches rather than formulating a cohesive theory.

The theoretical framework proposed by Islamist thinkers in Türkiye who approached Sahifat al-Medina from a constitutional and pluralistic perspective exhibits certain methodological limitations. Firstly, this

approach leads to a contextual detachment of Sahifat al-Medina due to its anachronistic nature. Sahifat al-Medina, which had a limited duration of approximately one year, did not hold significant prominence even during that specific period. Therefore, to claim that Sahifat al-Medina is a foundational text that transcends that period is complicated by the purpose for which it was written and whether it aimed to establish an Islamic social and political model. Considering Sahifat al-Medina within the contemporary conditions, it emerges as a preliminary agreement made with the Jewish community within the social and political organization established in Medina. Hence, the concept of *umma* primarily pertains to this social organization, and it is methodologically untenable to articulate a constitutional and multi-legal political structure based solely on this premise. Furthermore, while criticizing the homogenizing, generalizing, and exclusionary structure of Enlightenment philosophy and modernity, debates in Türkiye adopts a comparable "modern" methodology in defining Sahifat al-Medina. Modern positivist science characterizes Islam with terms such as "irrational, static, and authoritarian." In contrast, Islamist intellectuals who critique positivist methodology endeavor to portray Islam as "inclusive, libertarian, egalitarian, civil, and democratic" through reductionist or generalizing expressions utilizing Sahifat al-Medina. Consequently, Islamist thinkers, in their assessments of the political and social structure of Islam, have embraced a reductionist and generalizing approach akin to positivist methodology through their utilization of Sahifat al-Medina.

The emphasis on constitutionalism and pluralism in relation to Sahifat al-Medina during 1990s Türkiye raises the hypothetical question of whether consociationalism, a democratic model encompassing both theories, can serve as an intellectual framework for Sahifat al-Medina. Consociationalism aims to establish a stable political regime through elite consensus in order to resolve potential conflicts within divided societies. There are indeed similarities between Sahifat al-Medina and consociationalism, as both involve a divided societal structure and the involvement of tribal elites in drafting the document of Sahifat al-Medina. However, this claim of similarity also gives rise to methodological challenges. Firstly, the assumption of elite consensus in Sahifat al-Medina is a natural outcome of the tribal political structure of that time and differs from the elite groups that arise within the complex political structure assumed in consociationalism. Furthermore, Prophet Muhammad did not intend to establish a stable political and social structure through Sahifat al-Medina. In fact, the structure established with Sahifat al-Medina was disrupted when Muslims engaged in warfare against the Jewish community. Moreover, interpreting Sahifat al-Medina through the lens of consociationalism also leads to a reductionist and generalizing approach to the political and social structure of Islam. Therefore, the relationship between the hypothetical assumption of consociationalism and Sahifat al-Medina encounters the methodological impasse faced by the constitutionalist and pluralist approach during 1990s Türkiye.

To conclude the conclusion, the assertion that the theories of constitutionalism, pluralism, and consociationalism offer an avenue for reevaluating Sahifat al-Medina entails inherent inconsistencies and confronts methodological dilemmas. Consequently, disregarding to consider methodological concerns when interpreting a text from Islamic history results in its detachment from its contextual background and even gives rise to conflicting political and social ideas and models derived from the text. While certain views during the Orientalist era portrayed Sahifat al-Medina as possessing an authoritarian and exclusionary structure, in 1990s Türkiye, the text was presented in the opposite light as a pluralistic and inclusive model. On one hand, the ongoing methodological debates, and on the other hand, the realistic engagement with Islamic political thought by claiming the original modeling of Sahifat al-Medina as an expression of Islamic understanding, highlight the formidable challenges faced by Islamism. The discourse surrounding Sahifat al-Medina, stemming from the political and intellectual debates of that era, failed to establish firm foundations and, over time, led to the ambiguity of influencing values that shape the nature of action and the framework of Islamic political thought. As a consequence, this lack of clarity has impeded the delineation of distinct and autonomous boundaries vis-à-vis Western political thought and has resulted in methodological confusion that seeks to extract a corresponding theory from within Islam for every theory originating from Western political thought.

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8. APPENDICES

Appendix 1: The Original Text of Sahifat al-Medina

قَالَ ابْنُ إِسْحَاق: وَكَتَبَ رَسُولُ اللهِ (ص) كِتَابًا بَيْنَ المُهَاجِرِينَ وَالْأَنْصَارِ، وَادَعَ فِهِ يَهُودَ وَعَاهَدَهُمْ، وَأَقَرَّهُمْ عَلَى دِينِهِمْ وَأَمْوَالِهِمْ، وَشَرَطَ لَهُمْ، وَاشْتَرَطَ عَلَيْهِمْ:

(بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ)

(1) هَذَا كِتَابٌ مِنْ مُحَمَّدٍ النَّبِيِّ بَيْنَ الْمُؤْمِنِينَ وَالْمُسْلِمِينَ مِنْ قُرَيْشٍ وَيَثْرِبَ، وَمَنْ تَبِعَهُمْ، فَلَحِقَ بِهِمْ، وَجَاهَدَ مَعَهُمْ. **(2)** إِنَّهُمْ أُمَّةٌ وَاحِدَةٌ مِنْ دُونِ النَّاسِ. **(3)** الْمُهَاجِرُونَ مِنْ قَرَيْشٍ عَلَى رِبْعَتِهِمْ يَتَعَاقَلُونَ بَيْنَهُمْ، وَهُمْ يَفْدُونَ عَانِيَهُمْ بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ. **(4)** وَبَنُو عَوْفٍ عَلَى رِبْعَتِهِمْ يَتَعَاقَلُونَ مَعَاقِلَهُمْ الْأُولَى، كُلُّ طَائِفَةٍ تَفْدِي عَانِيهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ. **(5)** وَبَنُو سَاعِدَةَ عَلَى رِبْعَتِهِمْ يَتَعَاقَلُونَ مَعَاقِلَهُمْ الْأُولَى، وَكُلُّ طَائِفَةٍ مِنْهُمْ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ. **(6)** وَبَنُو الْحَارِثِ عَلَى رِبْعَتِهِمْ يَتَعَاقَلُونَ مَعَاقِلَهُمْ الْأُولَى، وَكُلُّ طَائِفَةٍ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ. **(7)** وَبَنُو جُشَمٍ عَلَى رِبْعَتِهِمْ يَتَعَاقَلُونَ مَعَاقِلِهِمْ الْأُولَى، وَكُلُّ طَائِفَةٍ مِنْهُمْ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ. **(8)** وَبَنُو النَّجَّارِ عَلَى رِبْعَتِهِمْ يَتَعَاقَلُونَ مَعَاقِلَهُمْ الْأُولَى، وَكُلُّ طَائِفَةٍ مِنْهُمْ تَفْدِي عَانِيَهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ. **(9)** وَبَنُو عَمْرِو بْنِ عَوْفٍ عَلَى رِبْعَتِهِمْ يَتَعَاقَلُونَ مَعَاقِلَهُمْ الْأُولَى، وَكُلُّ طَائِفَةٍ تَفْدِي عَانِيهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ. **(10)** وَبَنُو النَّبِتِ عَلَى رِبْعَتِهِمْ يَتَعَاقَلُونَ مَعَاقِلَهُمْ الْأُولَى، وَكُلُّ طَائِفَةٍ تَفْدِي عَانِيهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ.**(11)** وَبَنُو الْأَوْسِ عَلَى رِبْعَتِهِمْ يَتَعَاقَلُونَ مَعَاقِلَهُمْ الْأُولَى، وَكُلُّ طَائِفَةٍ تَفْدِي عَانِيهَا بِالْمَعْرُوفِ وَالْقِسْطِ بَيْنَ الْمُؤْمِنِينَ. **(12)** وَإِنَّ الْمُؤْمِنِينَ لَا يَتْرُكُونَ مُفْرَحًا بَيْنَهُمْ أَنْ يُعْطُوهُ بِالْمَعْرُوفِ فِي فِدَاءٍ أَوْ عَقْلٍ. قَالَ ابْنُ هِشَامٍ: الْمُفْرَحُ: الْمُثْقَلُ بِالدَّيْنِ وَالْكَثِيرُ الْعِيَالِ. قَالَ الشَّاعِرُ:

إِذَا أَنْتَ لم تَبْرَح تؤدّى أَمَانَةً ... وَتَحْمِلُ أُخْرَى أَفْرَحَتْكَ الْوَدَائِعُ.

(13) وَأَنْ لَا يُحَالِفَ مُؤْمِنٌ مَوْلَى مُؤْمِنٍ دُونَهُ. **(14)** وَإِنَّ الْمُؤْمِنِينَ الْمُتَّقِينَ عَلَى مَنْ بَغَى مِنْهُمْ، أَوْ ابْتَغَى دَسِيعَةَ ظُلْمٍ، أَوْ إِثْمٍ، أَوْ عُدْوَانٍ، أَوْ فَسَادٍ بَيْنَ الْمُؤْمِنِينَ. وَإِنَّ أَيْدِيَهُمْ عَلَيْهِ جَمِيعًا وَلَوْ كَانَ وَلَدَ أَحَدِهِمْ. **(15)** وَلَا يَقْتُلُ مُؤْمِنٌ مُؤْمِنًا فِي كَافِرٍ، وَلَا يَنْصُرُ كَافِرًا عَلَى مُؤْمِنٍ. **(16)**وَإِنَّ ذِمَّةَ اللَّهِ وَاحِدَةٌ، يُجِيرُ عَلَيْهِمْ أَدْنَاهُمْ. **(17)** وَإِنَّ الْمُؤْمِنِينَ بَعْضُهُمْ مَوَالِي بَعْضٍ دُونَ النَّاسِ. **(18)** وَإِنَّهُ مَنْ تَبِعنَا مِنْ يَهُودَ فَإِنَّ لَهُ النَّصْرَ وَالْأُسْوَةَ، غَيْرَ مَظْلُومِينَ وَلَا مُتَنَاصَرِينَ عَلَيْهِمْ. **(19)** وَإِنَّ سِلْمَ الْمُؤْمِنِينَ وَاحِدَةٌ، لَا يُسَالِمُ مُؤْمِنٌ دُونَ مُؤْمِنٍ فِي قِتَالٍ فِي سَبِيلِ اللَّهِ، إِلَّا عَلَى سَوَاءٍ وَعَدْلٍ بَيْنَهُمْ. **(20)** وَإِنَّ كُلَّ غَازِيَةٍ غَزَتْ مَعَنَا يُعْقِبُ (يَعْقُبُ) بَعْضُهَا بَعْضًا. **(21)** وَإِنَّ الْمُؤْمِنِينَ يُبِئُ بَعْضُهُمْ عَلَى بَعْضٍ بِمَا نَالَ دِمَاءَهُمْ فِي سَبِيلِ اللَّهِ. **(22)** وَإِنَّ الْمُؤْمِنِينَ الْمُتَّقِينَ عَلَى أَحْسَنِ هُدًى [هذا] وَأَقْوَمِهِ. **(23)** وَإِنَّهُ لَا يُجِيرُ مُشْرِكٌ مَالًا لقريش وَلَا نفسا، وَلَا يَحُولُ دُونَهُ عَلَى مُؤْمِنٍ. **(24)** وَإِنَّهُ مَنْ اعْتَبَطَ مُؤْمِنًا قَتْلًا عَنْ بَيِّنَةٍ فَإِنَّهُ قَوَدٌ بِهِ إِلَّا أَنْ يَرْضَى وَلِيُّ الْمَقْتُولِ. وَإِنَّ الْمُؤْمِنِينَ عَلَيْهِ كَافَّةً، وَلَا يَحِلُّ لَهُمْ إِلَّا قِيَامٌ عَلَيْهِ. **(25)** وَإِنَّهُ لَا يَحِلُّ لِمُؤْمِنٍ أَقَرَّ بِمَا فِي هَذِهِ الصَّحِيفَةِ، وَآمَنَ بالله وَالْيَوْمِ الْآخِرِ أَنْ يَنْصُرَ مُحْدِثًا وَلَا يُؤْوِيه؛ وَأَنَّهُ مَنْ نَصَرَهُ أَوْ آوَاهُ فَإِنَّ عَلَيْهِ لَعْنَةَ اللَّهِ وَغَضَبَهُ يَوْمَ الْقِيَامَةِ، وَلَا يُؤْخَذُ مِنْهُ صَرْفٌ وَلَا عَدْلٌ. **(26)** وَإِنَّكُمْ مَهْمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَإِنَّ مَرَدَّهُ إِلَى اللَّهِ وَإِلَى مُحَمَّدٍ. **(27)** وَإِنَّ الْيَهُودَ يُنْفِقُونَ مَعَ الْمُؤْمِنِينَ مَا دَامُوا مُحَارِبِينَ. **(28)** وَإِنَّ يَهُودَ بَنِي عَوْفٍ أُمَّةٌ مَعَ الْمُؤْمِنِينَ، لِلْيَهُودِ دِينُهُمْ، وَلِلْمُسْلِمِينَ دِينُهُمْ، مَوَالِيهِمْ وَأَنْفُسِهِمْ، إِلَّا مَنْ ظَلَمَ وَأَثِمَ، فَإِنَّهُ لَا يُوتِغُ إِلَّا نَفْسَهُ، وَأَهْلَ بَيْتِهِ. **(29)** وَإِنَّ لِيَهُودِ بَنِي النَّجَّارِ مِثْلَ مَا لِيَهُودِ بَنِي عَوْفٍ. **(30)** وَإِنَّ لِيَهُودِ بَنِي الْحَارِثِ مِثْلَ مَا لِيَهُودِ بَنِي عَوْفٍ. **(31)** وَإِنَّ لِيَهُودِ بَنِي سَاعِدَةَ مِثْلَ مَا لِيَهُودِ بَنِي عَوْفٍ. **(32)** وَإِنَّ لِيَهُودِ بَنِي جُشَمٍ مِثْلَ مَا لِيَهُودِ بَنِي عَوْفٍ. **(33)** وَإِنَّ لِيَهُودِ بَنِي الْأَوْسِ مِثْلَ مَا لِيَهُودِ بَنِي عَوْفٍ. **(34)** وَإِنَّ لِيَهُودِ بَنِي ثَعْلَبَةَ مِثْلَ مَا لِيَهُودِ بَنِي عَوْفٍ، إِلَّا مَنْ ظَلَمَ وَأَثِمَ، فَإِنَّهُ لَا يُوتِغُ إِلَّا نَفْسَهُ وَأَهْلَ بَيْتِهِ.**(35)** وَإِنَّ جَفْنَةَ بَطْنٌ مِنْ ثَعْلَبَةَ كَأَنْفُسِهِمْ. **(36)** وَإِنَّ لِبَنِي الشُّطَيْبَةِ

مِثْلَ مَا لِيَهُودِ بَنِي عَوْفٍ. **(37)** وَإِنَّ الْبَرَّ دُونَ الْأَثْمِ. **(38)** وَإِنَّ مَوَالِيَ ثَعْلَبَةَ كَأَنْفُسِهِمْ. **(39)** وَإِنَّ بِطَانَةَ يَهُودَ كَأَنْفُسِهِمْ. **(40)** وَإِنَّهُ لَا يَخْرَجُ مِنْهُمْ أَحَدٌ إِلَّا بِإِذْنِ مُحَمَّدٍ. **(41)** وَإِنَّهُ لَا يُنْحَجَزُ عَلَى ثَأْرِ جُرْحٍ. **(42)** وَإِنَّهُ مَنْ فَتَكَ فَبِنَفْسِهِ فَتَكَ، وَأَهْلِ بَيْتِهِ؛ إِلَّا مِنْ ظَلَمَ. **(43)** وَإِنَّ اللَّهَ عَلَى أَبَرِّ هَذَا. **(44)** وَإِنَّ عَلَى الْيَهُودِ نَفَقَتَهُمْ وَعَلَى الْمُسْلِمِينَ نَفَقَتَهُمْ. **(45)** وَإِنَّ بَيْنَهُم النَّصْرَ عَلَى مَنْ حَارَبَ أَهْلَ هَذِهِ الصَّحِيفَةِ. **(46)** وَإِنَّ بَيْنَهُم النُّصْحَ وَالنَّصِيحَةَ. **(47)** وَالْبَرُّ دُونَ الْآثِمِ. **(48)** وَإِنَّهُ لَمْ يَأْثَمْ امْرُؤٌ بِحَلِيفِهِ. وَإِنَّ النَّصْرَ لِلْمَظْلُوم. [وَإِنّ الْيَهُودَ يُنْفِقُونَ مَعَ الْمُؤْمِنِينَ مَا دَامُوا مُحَارِبِينَ].[38] **(49)** وَإِنَّ يَثْرِبَ حَرَامٌ جَوْفُهَا لِأَهْلِ هَذِهِ الصَّحِيفَةِ. **(50)** وَإِنَّ الْجَارَ كَالنَّفْسِ غَيْرَ مُضَارٍّ وَلَا أَثِمٍ. **(51)** وَإِنَّهُ لَا تُجَارُ حُرْمَةٌ إِلَّا بِإِذْنِ أَهْلِهَا. **(52)** وَإِنَّهُ مَا كَانَ بَيْنَ أَهْلِ هَذِهِ الصَّحِيفَةِ مِنْ حَدَثٍ أَوْ اشْتِجَارٍ يُخَافُ فَسَادُهُ، فَإِنَّ مَرَدَّهُ إِلَى اللَّهِ وَإِلَى مُحَمَّدٍ (رَسُولِ اللَّهِ). **(53)** وَإِنَّ اللَّهَ عَلَى أَتْقَى مَا فِي هَذِهِ الصَّحِيفَةِ وَأَبَرِّهِ. **(54)** وَإِنَّهُ لَا تُجَارُ قُرَيْشٌ وَلَا مَنْ نَصَرَهَا. **(55)** وَإِنَّ بَيْنَهُم النَّصْرَ عَلَى مَنْ دَهَمَ يَثْرِبَ. **(56)** وَإِذَا دُعُوا إِلَى صُلْحٍ يُصَالِحُونَهُ وَيَلْبَسُونَهُ، فَإِنَّهُمْ يُصَالِحُونَهُ وَيَلْبَسُونَهُ. وَإِنَّهُمْ إِذَا دُعُوا إِلَى مِثْلِ ذَلِكَ فَإِنَّهُ لَهُمْ عَلَى الْمُؤْمِنِينَ، إِلَّا مَنْ حَارَبَ فِي الدِّينِ. عَلَى كُلِّ أُنَاسٍ حِصَّتُهُمْ مِنْ جَانِبِهِمْ الَّذِي قِبَلَهُمْ. **(57)** وَإِنَّ يَهُودَ الْأَوْسِ، مَوَالِيَهُمْ وَأَنْفُسَهُمْ، عَلَى مِثْلِ مَا لِأَهْلِ هَذِهِ الصَّحِيفَةِ. مَعَ الْبَرِّ الْمَحْضِ مِنْ أَهْلِ هَذِهِ الصَّحِيفَةِ. **(58)** وَإِنَّ الْبَرَّ دُونَ الْآثِمِ. **(59)** لَا يَكْسِبُ كَاسِبٌ إِلَّا عَلَى نَفْسِهِ. **(60)** وَإِنَّ اللَّهَ عَلَى أَصْدَقِ مَا فِي هَذِهِ الصَّحِيفَةِ وَأَبَرِّهِ. **(61)** وَإِنَّهُ لَا يَحُولُ هَذَا الْكِتَابُ دُونَ ظَالِمٍ وَآثِمٍ. **(62)** وَإِنَّهُ مَنْ خَرَجَ آمِنٌ، وَمَنْ قَعَدَ آمِنٌ بِالْمَدِينَةِ إِلَّا مَنْ ظَلَمَ أَوْ أَثِمَ.**(63)** وَإِنَّ اللَّهَ جَارٌ لِمَنْ بَرَّ وَاتَّقَى، وَمُحَمَّدٌ رَسُولُ اللَّهِ.

[38] This sentence is in the original text but is not numbered separately because it is repeated earlier (27). Therefore, it is shown in brackets.

Appendix 2: Books Containing Sahifat al-Medina in the Classical Period

Scholar	Death Year	Book Name	Discipline	Version
Ibn Isḥāq	768	Kitāb al-Maghāzī	Sīrah	Ibn Isḥāq
ʿAbd al-Razzāḳ al-Ṣanʿānī	826-27	al-Muṣannaf	Ḥadīth	Partial Text
Ibn Hishām	833	Al-Sīra al-Nabawiyyah	Sīrah	Ibn Isḥāq
Abū ʿUbayd	838	Kitāb al-Amwāl	Fiqh	Abū ʿUbayd
		Gharīb al-Ḥadīth	Dictionary	Partial Text
Ibn Sa'd	845	Kitāb al-Tabaqāt al-Kabīr	Sīrah	Partial Text
Ibn Abī Shayba	849	al-Muṣannaf	Ḥadīth	Partial Text
Aḥmad b. Ḥanbal	855	al-Musnad	Ḥadīth	Partial Text
Ibn Zanjawayh	865	Kitāb al-Amwāl	Fiqh	Abū ʿUbayd
al-Bukhārī	870	Ṣaḥīḥ of al-Bukhārī	Ḥadīth	Partial Text
Muslim b. al-Ḥadjdjādj	875	Ṣaḥīḥ of al-Muslim	Ḥadīth	Partial Text
Ibn Māja	887	Sunan of Ibn Māja	Ḥadīth	Partial Text
Abū Dāwūd	889	Sunan of Abū Dāwūd	Ḥadīth	Partial Text
al-Tirmidhī	892	al-Djāmiʿ al-ṣaḥīḥ	Ḥadīth	Partial Text
Ibrāhīm b. Isḥāq al-Ḥarbī	899	Gharīb al-Ḥadīth	Dictionary	Partial Text
Ibn Abī Āṣim	900	Kitāb al-Diyāt	Ḥadīth	Partial Text
Al-Nasa'i	915	Sunan al-Kubrā	Ḥadīth	Partial Text
al-Tabari	923	Tarīkh al-Ṭabarī	History	Partial Text
Abū Bakr al-Khallāl	923	Ahkām ahl al-Milal min al-Djāmi' li Masāil al-Imām Aḥmad bin Ḥanbal	Ḥadīth	Partial Text
al-Kulaynī	941	Furūʿ al-Kāfī	Ḥadīth	Partial Text
al-Harawī	1011	al-Gharībayn	Dictionary	Partial Text
Abū Saʿd Manṣūr b. al-Ḥusayn al-Ābī	1030	Naṯhr al-Durr	Balāgha – Hazl	Abū ʿUbayd
Abū Bakr al-Bayhaqī	1066	Kitāb al-sunan al-kubrā	Ḥadīth	Partial Text
Abū Djaʿfar al-Ṭūsī	1067	Tahdhīb al-aḥkām	Ḥadīth	Partial Text
al- Khaṭīb al-Baghdādī	1071	Takyīd al-ʿilm	Ḥadīth	Partial Text
al- Zamakhsharī	1144	al-Fāʾiḳ fī gharīb al-ḥadīth	Dictionary	Abū ʿUbayd
Nashwān al-Ḥimyarī	1178	Shams al-ʿUlūm wa-Dawāʾ al-ʿArab min al-Kulūm	Dictionary	Partial Text
Ibn al-Athīr	1210	Manāl al-Ṭālib fī Šharḥ Ṭıwāl al-Ġharāʾib	Dictionary	Abū ʿUbayd
		al-Nihāya fī Gharīb al-Ḥadīth	Dictionary	Partial Text
al-Ṣaghānī	1252	al-ʿUbāb al-zākhir wa ʾl-lubāb al-fākhir	Dictionary	Partial Text
Ibn Manẓūr	1311	Lisān al-ʿArab	Dictionary	Partial Text
Ibn Taymiyya	1328	al-Ṣārim al-maslūl ʿalā shātim al-Rasūl	Fiqh	Ibn Isḥāq
al-Nuwayrī	1333	Nihāyat al-arab fī funūn al-adab	History	Ibn Isḥāq
Ibn Sayyid al-Nās	1334	ʿUyūn al-athar fī funūn al-maghāzī wa-l-shamāʾil wa-l-siyar	Sīrah	Ibn Isḥāq
Ibn Qayyim al-Jawziyya	1350	Ahkām ahl al-Ḏhimma	Fiqh	Ibn Isḥāq

Ibn Kathīr	1373	al-Bidāya wa ’l-nihāya	History	Ibn Isḥāq
Muslim b. al-Ḥadjdjādj	1381	al-Miṣbāḥ al-Muḍī' fī Kitāb al-Nabī al-Ummī	Sīrah	Ibn Isḥāq
al-Maḳrīzī	1442	Imtāʿ al-asmāʿ	History	Partial Text
Ibn Ḥadjar al-ʿAsḳalānī	1449	Fatḥ al-bārī	Ḥadīth	Partial Text
Nūr al-Dīn al-Samhūdī	1506	Wafāʾ al-wafā	History / Urban History	Partial Text
al-Ḳasṭallānī	1517	al-Mawāhib al-Laduniyya fī’l-Minaḥ al-Muḥammadiyya	Sīrah	Abū ʿUbayd
al-Zurḳānī	1710	Sharḥ al-Mawāhib al-Laduniyya	Sīrah	Abū ʿUbayd

Appendix 3: Chronological Order of the Texts that Analyzed Sahifat al-Medina in the Orientalist Period

1848 Armand Pierre Caussin de Perceval, *Essai sur l'Histoire des Arabes avant l'Islamisme, pendant L'époque de Mahomet, et jusqu'à la Réduction de Toutes les Tribus sous La Loi Musulmane* (Essay on the History of the Arabs before Islam, during the Time of Muhammad, and Until the Subject of All Tribes to Muslim Law), 1847-1848 (I-III).

1858 Heinrich Ferdinand Wüstenfeld, *Das Leben Muhammed's Nach Muhammed Ibn Ishâk Bearbeitet Abd el-Malik Ibn Hischâm* (The Life of Muhammad According to Muhammad Ibn Isḥāq, edited by Abd al-Malik Ibn Hisham), 1858-1860 (I-II).

1861 Sir William Muir, *The Life of Mahomet*, 1858-1861 (I-III).

1864 Gustav Weil, *Das Leben Mohammed's Nach Mohammed Ibn Ishak Bearbeitet Abd el-Malik Ibn Hischâm* [aus dem Arabischen übersetzt], (The Life of Muhammad According to Muhammad Ibn Isḥāq, edited by Abd al-Malik Ibn Hisham [translated from the Arabic]), 1864 (I-II).

1865 Aloys Sprenger, *Das Leben Und Die Lehre Des Mohammad: Nach Bisher Grösstentheils Unbenutzten Quellen* (The Life and Teachings of Mohammed: From Sources Hitherto Largely Unused), 1861-1865 (I-III).

1867 Gustav Leberecht Flügel, *Geschichte der Araber bis Auf den Sturz des Chalifats von Bagdad* (History of the Arabs to the Fall of the Baghdad Caliphate), 1867.

1884 Christoph Ludolf Ehrenfried Krehl, *Das Leben und die Lehre Des Muhammed* (The Life and Teachings of Muhammad), 1884.

Leopold von Ranke, *Weltgeschichte* (World History), 1781-1888 (I-IX).

1885 August Müller, *Der Islam im Morgen- Und Abendland* (Islam in the East and West), 1885-1887 (I-II).

1889 Julius Wellhausen, *Skizzen und Vorarbeiten* (Drafts and Preliminary Works), 1884-1899 (I-VI).

Theodor Nöldeke, "Geschichte: Skizzen und Vorarbeiten" [Review of *Skizzen und Vorarbeiten*, by J. Wellhausen]. *Literarisches Centralblatt für Deutschland*, 1889.

1892 Hubert Grimme, *Mohammed: Das Leben* (Muhammad: The life), 1892.

1899 Otto Procksch, *Über die Blutrache bei den vorislamischen Arabern und Mohammeds Stellung zu ihr* (On the blood feud among the pre-Islamic Arabs and Muhammad's attitude towards it), 1899.

1905 Leone Caetani, *Annali Dell'Islam* (History of Islam), 1905-1926 (I-X).

1908 Arendt Jan Wensinck, *Mohammed en de Joden te Medina* (Muhammad and the Jews in Medina), 1908.

1910 Rudolf Leszynsky, *Die Juden in Arabien zur Zeit Mohammeds* (The Jews in Arabia at the Time of Muhammad), 1910.

1932 Frantz Buhl, Muhammad. In *First Encyclopedia of Islam: 1913-1936* (Vol. 6), 1932.

1938 Muhammad Hamidullah, *Aqdamu Doustourin Musaccalin fi'l-Alam: Wasiqat an-Nabaviyyah Muhimme*, 1938.

1941 Muhammad Hamidullah, First Written Constitution of the World: An Important Document of the Prophet's Time, In *Islamic Review*, August – November & December, 1941.

1956 William Montgomery Watt, *Muhammad at Medina*, 1956.

Appendix 4: Orientalist Scholars' Table of Disagreement on Sahifat al-Madina

		Written Date		Political Aim			Documental Type				The Authority*		Position of Non-Muslims**	
Scholar	**Publication Date**	Before Badr War	After Badr War	Conversion of Jews	Joint Defense	Unification & Inner Peace	Document	Contract	Decree	Constitution	Unestablished, Weak, Permissive	Established, Strong, Coercive	Independent, Equal	Restricted, Obedient
A. Perceval	1848	X		X					X			X	X	
W. Muir	1861	X		X				X			X		X	
A. Sprenger	1865	X				X				X	X		X	
G. Flügel	1867	X			X									
L. Krehl	1884	X			X					X		X	X	
L. Ranke	1884	X			X		X							X
A. Müller	1885	X		X		X		X				X	X	
J. Wellhausen	1889	X			X	X			X		X		X	
H. Grimme	1892		X		X				X			X		X
O. Procksch	1899	X				X			X		X			X
L. Caetani	1905	X			X				X		X			X
A. Wensinck	1908	2nd Year of Hijrah		X	X					X		X	X	
R. Leszynsky	1910	X		X				X			X		X	
F. Buhl	1932	2nd Year of Hijrah		X		X				X		X		X
M. Hamidullah	1938 & 1941	Muslims	Jews			X				X		X		X
M. Watt	1956	Different Times			X		X				X		X	

P.S.: Since all the scholars concur on the point that the Sahifat al-Medina sought to transform the social and legal structure, this topic is not included in the table.

* This difference of opinion among scholars applies to the early period when the Sahifat al-Medina was written. Scholars agree that Prophet Muhammad established the ultimate authority and theocratic state after he seized power.

** In the same vein as the topic of authority, scholars have argued that Prophet Muhammad adopted an exclusionary attitude towards non-Muslims, after establishing political authority in Medina.