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## GIVING AND GAINING: PHILANTHROPY AND SOCIAL JUSTICE IN MUSLIM SOCIETIES

### Abstract

*There is a longstanding tradition of philanthropy and charity in Muslim societies which is grounded in religion. As part of their religious duty Muslims are required to give a proportion of their income to provide for the welfare of the socially and economically disadvantaged in society. This 'giving' is known as *zakat* and is a universally observed duty among Muslims around the world. This paper will examine the motivation for 'giving' and what Muslims perceive as 'gaining' from it. More specifically the paper will explore whether 'giving' is primarily motivated by personal salvation or whether it has a strong collective and strategic orientation aimed at promoting the quality of human capital and institutional development. The paper will discuss the sociological implications of these orientations for social justice and economic development in Muslim societies.*

### Introduction

Like other world religions Islam is opposed to great inequalities in the distribution of material resources. Some of its key teachings relate to reducing, though not necessarily eliminating, social and economic inequalities. Islam enjoins its followers to 'give' for individual and collective well being. The three main institutionalised instruments of Islamic philanthropy and redistribution of wealth are *sadaqa* (charity), *zakat* (poor tax) and *waqf* (trust). These traditions of philanthropy have been shaped by Islamic history. At the time of the rise of Islam in Mecca the spread of commerce and rapid urban development had changed the social organization of Meccan society from nomadic kin based to class like groupings. This transformation had resulted in social upheaval and general malaise. Islam arose as a moderating religious and ethical movement under these social conditions (Wolf 1951; Watt 1954, 1955, 1962; Armstrong 2000; Rahman 1994; Denny 2005).

Islam addressed these conditions by placing special emphasis on distributive justice. The main principle laid down in the Quran for promoting distributive justice is, '*wealth should not circulate only among the rich*' (59:7). The Quran envisages the task of the Muslim Community as 'commanding good, forbidding evil, establishing prayer, and paying *zakat*'. One of the persistent themes of the Quran is to command Muslims 'to establish a political order on earth for the sake of creating an egalitarian and just moral-social order' (Rahman 1994, p. 62). This paper will focus on *zakat* as an instrument of Islamic philanthropy and redistribution. After examining its genesis

and institutionalization, the paper will review evidence of its practice and the motivations associated with *zakat* giving. It will conclude with a brief discussion of their implications for promoting social justice in contemporary Muslim societies.

### Genesis of *Zakat* as an Islamic Institution

The Arabic word *zakat* derives from the verb *zaka*, which means purify and also connotes growth or increase. The norms of pre-Islamic Meccan society urged rich people to use portion of their wealth on 'good causes' in order to purify their wealth. Islam continued this tradition and made it a religious obligation. In the formative years of Islam *zakat* signified an act which purified the soul. The moral element was conspicuous whereas the element of legal compulsion and official pressure to give was missing (Hamidullah 1993, p. 234; Denny 2005 p. 115-16; Al-Shiekh 1995). In 9AH/631CE, after the establishment of an Islamic State in Medina, *zakat* became a mandatory tax obligation. It was confirmed as part of one's service to God, as a technical part of the worship in the sense of *ibada*. For Muslims *zakat* became closely linked with prayer and is held to purify both the givers and the wealth which they give (Denny 2005, p. 115; Benthall 1999; Hamidullah 1993).

The Islamic law stipulates that the sum above the minimum expenditure remaining for a whole year with the owner becomes liable to charge of two and half per cent which goes towards meeting the social welfare needs as stated in the key Quranic verse about *zakat*: *The zakat is only for the poor and needy, those who work to collect them, those whose hearts are to be won, the ransoming of slaves, debtors, in Allah's way [for good works like scholarship, missionary projects, charitable, cultural, and educational institutions] and the wayfarer (9:60)*. The rates of *zakat* are not uniform. Different commodities attract different rates and the computation on various types of properties can be complicated (Denny 2005; Hamidullah 1993).

Money, gold and silver are taxed at the rate of two and half per cent per annum. Agricultural produce is taxed at the rate of ten per cent and other forms of properties are taxed at different rates. The categories of properties liable for *zakat* are: 1.cash, gold and silver; 2. merchandise used in trade (but not personal possessions used in ordinary living, like automobiles, clothing, house and jewellery); 3. mineral extracted from the ground; 4. ancient treasure; 5. cattle; 6. crops from tilled land. Before *zakat* is owed, a minimum amount of each type of wealth must be owned, called *nisab*. In general *zakat* is to meet the local needs and once that have been met, it is permissible to spend it on distant causes and needs (Denny 2005, pp.115-116; Benthall 1999; Hamidullah 1993 pp. 234-44; Kuran 2004 pp. 19-28).

Until the advent of colonialism *zakat* was collected by the government and distributed according to set patterns among the various categories of recipients in all Muslim territories. Because of its place in Islamic theology the general populace considered *zakat* giving as a religious and moral duty, authorities had few problems in collecting it. Colonialism heralded the introduction of secular system of government and tax and authorities in most Muslim states largely abjured Islamic

codes of law, including *zakat*. As a result *zakat* lost its once prominent position in Muslim life (Al Sheikh 1995; Benthall 1999; Bremer 2004; Hamidullah 1993). In the words of one prominent Muslim scholar, 'were it not for the concern of some Muslim individuals and institutions, *zakat* would have been completely eradicated from Muslim life' (al-Qaradawi cited in Al Sheikh 1995, p. 368).

In the post colonial Muslim societies the situation has changed and we see a spectrum between complete incorporation of the *zakat* by the state and its marginalization to the individual conscience, with a number of intermediary solutions. Several Muslim countries including Pakistan, Sudan, Malaysia, Saudi Arabia, Kuwait, Libya, Jordan and Iran now have institutionalised some form of centralized *zakat* collection by the government. Pakistan and Saudi Arabia have also introduced some major innovations concerning coverage and rates.

Traditionally *zakat* was levied only on individuals but Pakistan and Saudi Arabia have extended the obligation to companies on the grounds that companies are juristic persons. They have imposed a flat *zakat* levy on certain types of deposits. Saudi Arabia levies *zakat* on imports at rates varying from commodity to commodity and Pakistan levies *zakat* on all farm output at the rate of 5 per cent regardless of irrigation mode. Other Muslim countries continue to follow the traditional model of *zakat* collection and distribution but even they are obliged to introduce some innovations. For example, the Malaysian system exempts industrial workers, bureaucrats, businessmen, and shopkeepers, along with rubber and coconut growers, none of whom are mentioned explicitly in classical texts (Kuran 2004, pp. 21-22). A critical evaluation of these systems will be provided in a following section of the paper.

### *Zakat* Payment in Contemporary Muslim Societies

In the early history of Islam *zakat* was a centrally administered obligatory system. But for much of Islamic history it has been administered in a decentralised manner enforced by fear of God, an individual's own conscience and peer pressure (Kuran 2004 p. 22). How widespread is the practice of *zakat* in modern Muslim countries? Until recently there was no reliable comparative evidence to answer this question. However, a recent Ford Foundation funded study of Muslim philanthropy has indicated that 43 per cent of Egyptians, 40 per cent of Turks and 61 per cent of Indonesians report as having paid *zakat*.

The findings of another survey of seven countries, which surveyed over 6000 Muslim respondents and reported in Table 1, reveal that between 80 to 90 per cent Malaysian, Egyptian and Indonesian Muslims reported *zakat* payment compared with 50 to 60 per cent in Kazakhstan, Pakistan and Turkey. Only one third of Iranian respondents had done the same. The data also show that age appears to be positively related to *zakat* payment in all countries. Why do older people tend to be more inclined towards religiously mandated giving? It is most likely due to the fact that wealth accumulation usually occurs with age thus making older people both

eligible as well as able to pay *zakat*. What these findings show is that *zakat* giving is a widely practiced religious duty among Muslims globally.

Table 1: Percentage Performing *Zakat* in the Past Year\*

Countries		Egypt	Indonesia	Iran	Kazakhstan	Malaysia	Pakistan	Turkey
All		89	94	44	49	80	60	64
Sample group	Religious elite	91	94		57		59	69
	Muslim professional	91	97			88	66	58
	Public activist	75	94		57	80	55	
	Student					90		
	Working class					52		
Gender	Male	90	95	52	52	87	60	62
	Female	85	93	34	45	72	58	67
Age Group	<26	61	91	39	38	65	34	53
	26-40	86	94	46	48	85	58	65
	41-55	97	97	51	54	94	78	79
	56>	98	95	48	55	97	79	68
Education Group	< High school	90	91	55	64	84	70	69
	High school	94	95	46	46	77	48	67
	Tertiary/ Professional	86	95	40	63	77	62	52

Percentages rounded to nearest whole number

Empty cell = no data available

\* The past year refers to the 12 months prior to the date of survey.

Data from author's unpublished research. The surveys from which these data are extracted were carried out in Indonesia, Pakistan, Egypt and Kazakhstan in 1997-1998 and in Iran, Turkey and Malaysia in 2002-2003.

## The Scale of *Zakat* Receipts

There is again scarcity of reliable data about how much money is given through *zakat*. The Istanbul conference in August 2004 on The Ford Foundation study (Tusev/Ford Foundation 2004) of Muslim philanthropy provided some rough estimates of the amount involved. In Indonesia the study estimated that the cash value of Muslim philanthropy was US\$ 1.65 billion and it is reasonable to assume that a significant amount of it was in the form of *zakat*. In Turkey the *zakat* payments were estimated to be US\$ 214 million (Carkoglu 2004). Estimates from Malaysia indicate that *zakat* collection over the five years from 2002 would exceed RM 378 million (Hasan 2004) and in Pakistan these totalled four billion Pakistani rupees. While these amounts may appear to be large they are only a very small fraction of the country's GDP. In 1987-88, *zakat* collected in Pakistan was only 0.35 per cent of GDP and the corresponding estimates for Saudi Arabia for 1970 were between 0.01 and 0.04 per cent of Gross Domestic Product (Kuran 2004, p. 21).

The proceeds from *zakat*, as mentioned earlier, are earmarked for specific categories including the needy poor and disadvantaged persons. The evidence from countries for which data is available shows that in Turkey the most common category of *zakat* recipients was a 'needy acquaintance or relative' (Carkoglu 2004). Indonesians gave *zakat* mainly to *zakat* based charity organizations or directly to individuals who presumably were known to the *zakat* giver (Center for Languages and Cultures 2004, p. 8). Similar patterns are likely to prevail in other Muslim countries. In Pakistan *zakat* collection has been centralised and carried out by the state since 1980, and is widely perceived as a government tax. By 1999 there were 40,000 local government-run *zakat* committees. Their operation is so corrupt and non-transparent that devout Pakistanis feel obliged to contribute a second time to ensure that their *zakat* obligation has indeed been met (Aga Khan Development Network cited in Bremer 2004). The problem of corruption in *zakat* collection and utilization unfortunately exists in most Muslim countries but it is especially noticeable in countries which have centralised state based *zakat* systems.

Malaysia, Saudi Arabia, and Pakistan are among the countries where *zakat* is administered by the state. In all three countries there is evidence of widespread corruption and *zakat* evasion. In Malaysia restrictive coverage and substantial evasion constrain the yield. Furthermore, the burden of *zakat* almost exclusively falls on rice growers, most of whom lie below the country's poverty line. In 1988, the rate of compliance was only 8 per cent. In the state of Perlis, rice growers accounted for 93 per cent of *zakat* collection in 1985. In Malaysia *zakat* does not necessarily transfer resources to the poor; it may be transferring resources away from them. (Kuran 2004, p. 21-22). A detailed study of *zakat* collection of a village in the Malaysian state of Kedah the rate of compliance between 1977 and 1979 was only 15 per cent, which means that majority of the farmers evaded their *zakat* obligation. The evasion took the form of disguising or under declaring one's cultivated acreage, under-reporting one's crops, and handing over spoiled or adulterated grain to the *zakat* collector (Scott 1987).

In Pakistan there is widespread *zakat* evasion because the public does not trust the government's *zakat* collection and distribution. According to some estimates the total amount donated to charity in Pakistan was estimated to be Rs 70 billion (Aga Khan Development Network 2000) per annum whereas the total *zakat* collection amounted to only 4 billion which signifies the low credibility attached to the government-run *zakat* system by Pakistanis. The *zakat* system in Pakistan has about one million beneficiaries, which represents only 10 per cent of Pakistanis situated below the official poverty line. The government's own reports suggest that the state administered system has had little impact on the reduction of inequality. The corruption, evasion and mal-administration of *zakat* in the country is making people lose faith in the system. In addition to the traditional sources Saudi Arabia levies *zakat* on imports at rates varying from commodity to commodity. The total *zakat* revenue in Saudi Arabia in the 1970s, ranging between 0.01 to 0.04 per cent of GDP, is evidence of restrictive coverage, evasion and extensive loopholes.

## Motives for Giving

As mentioned previously Islam is opposed to great inequalities in the distribution of resources and from the very beginning introduced some of the remarkable instruments to reduce these inequalities if not to eliminate them. *Zakat* is one of these instruments. At the macro level *zakat* serves as an instrument to create an egalitarian and just moral social order as repeatedly emphasized in the Quran. Another macro sociological rationale for *zakat* is to heighten and strengthen social cohesion. *Zakat* strengthens horizontal relationships between Muslims through the giving of one's wealth. At the cognitive level if *zakat* is paid according to Islamic law it 'purifies' both the givers and the wealth which they give. The recipient, likewise, is also purified from jealousy and hatred of the well-off. In theory at least if *zakat* is observed widely the rich do not become poor but the poor cease to be poor. All these would contribute to heightening social solidarity and a sense of belonging to the ummah – a community of believers. These are powerful symbols of Islam's sense of community (Denny 2005 p. 115).

The studies of individual motivations for paying *zakat* show that the spiritual and religious motives dominate giving of *zakat* among Muslims. Indonesians pay *zakat* in order to 'purify body and soul' and to meet the obligations to the poor (Center for Languages and Cultures 2004). In Egypt the main motives are the promotion of religious values, purification of soul and wealth and rights of the poor (Center for Development Services 2004). Similar motivations have been reported in a Pakistani study (Civil Services Academy, Lahore, 2004). In Jordan and Palestine *zakat* is widely viewed as building 'communal trust' and as 'door to door welfarism' (Benthall 1999). The predominance of individual and parochial motivations has led some researchers to observe that such giving leads poor people to help the poor and rich to help the relatively rich. This parochial orientation to religiously motivated giving may prevent the poverty from exploding but it is not likely to have any significant impact on social justice (Carkoglu 2004).

The institution of *zakat* is frequently claimed by Muslims as a major instrument for promoting social justice through a more equitable redistribution of wealth and resources which prevents concentration of wealth and reduces poverty. The Islamic writings present *zakat* as almost a panacea for the world's ills. For Islamists like Sayyid Qutb, and Mawdudi, *zakat* is superior to the Western concept of welfare state. For Islamists *zakat* is the outstanding social pillar of Islam, enabling individuals' efforts to be steered towards the creation of a just and equitable society, the Muslim ummah (Benthall 1999; Mawdudi 1975).

## Critical Assessment

How effective is *zakat* as an instrument for promoting redistribution of resources and social justice? This question is often raised and discussed in Islamic discourse. Muslims everywhere see great merit in this religiously mandated philanthropy. But this tends to be more an expression of their faith than an objective assessment.

Obviously for the individual giver there is a genuine sense of psychological satisfaction after having fulfilled a deeply held religious obligation which prima facie contributes to promoting social well being of the receiver. But can we go beyond this individual psychological and spiritual experience and offer a grounded assessment of this act of religious philanthropy.

We can glean some assessment from the media reports. In Pakistan, where *zakat* collection has been centralised as a state activity since 1980, there are frequent reports on its operation and they are almost universally critical of the system. The criticism relates to failure of the system to reduce poverty, massive *zakat* evasion and bureaucratic corruption. These types of criticisms are also common in other countries with centralised *zakat* collection. The figures from Malaysia for the early 1980s show that the poor received only 11 to 13 per cent of *zakat* disbursement, with *zakat* collectors and religious causes claiming much of the rest (Mustapha 1987).

Perhaps the best analysis of *zakat* collection and the impact of *zakat* on social justice has been reported by Kuran (2004). After examining the records from different countries he concludes that decentralised voluntary *zakat* collection tends to be biased against poor people without proper connections and has little or no effect on poverty alleviation. The centralised system also has the same flaws. The essential difference between the two modes lies neither in fairness nor in ability to reduce poverty. "It lies, rather, in the connections to which they confer value. Decentralised *zakat* confers value to economic connections, especially ones based on employment; state administered *zakat* confers value to political connections, particularly ones touching on religion. Thus, under Malaysia's old decentralised system the surest way to obtain regular *zakat* payment was to work loyally for a wealthy landlord; under the current centralised system it is to enroll in a religious school or work for the *zakat* office" (Kuran 2004 p. 26).

Kuran's analysis also leads him to conclude that *zakat* has not made a major dent in Muslim poverty and inequality. While it has obviously redistributed some income and wealth, it has not conferred substantial benefits on the poor as a group. According to Kuran, "One must recognise in this connection that in its Islamist interpretation *zakat* constitutes a rather conservative means of redistribution. Touching neither on productive assets like land and physical capital nor on consumption good like housing and furniture, it allows limited transfers involving a restricted menu of goods and assets. Even in the best of circumstances the distributional impact of such a scheme would be modest. Poor management has compounded the disappointment" (Kuran 2004, p. 28). Almost identical conclusions have been reported in a report on the utilization of *zakat* in the health sector in Pakistan (Civil Services Academy, 2004).

### What is Gained by *Zakat* Giving?

In the light of the above the following observations can be made; 1. A significant proportion of Muslims continue to pay *zakat*; 2. For individual Muslims religious

and social motives – meeting religious obligations and helping the poor, are the main reasons for paying; 3. When *zakat* collection is centralised and its collection and utilization become the state responsibility it leads to evasion, corruption, mismanagement, misallocation and delivers no greater tangible benefits to the poor than the voluntary system; 4. In early Islamic history *zakat* was one of the main sources of state revenue for looking after social welfare but now the revenue from the state taxation system performs the same functions, making payment of *zakat* problematic. This may be one reason why *zakat* payment rates are lower in Muslim countries; 5. The existing evidence indicates that *zakat* is mainly given on parochial rather than strategic grounds; 6. Finally, while Islamists and even some Islamic economists have touted *zakat* as an unmatched instrument of inequality reduction, careful and grounded analyses indicate that it has made no significant dent in Muslim poverty.

*Zakat* is probably an anachronistic tax given the taxation and welfare systems of modern states and their role in redistribution of income and wealth and public welfare. *Zakat* obviously redistributes some income and wealth but it does not confer substantial benefits on the poor. The amount of *zakat* collected in the Muslim countries runs into billions of dollars. This may be insignificant as a proportion of their GDP, nevertheless the sum involved is substantial. Why do significant numbers of Muslims from all walks of life continue to pay *zakat* over and above the taxes they pay? All available evidence suggests that people in the modern world go to extraordinary lengths to evade paying taxes. They will take any opportunity to minimise their tax payments. Economic analysis also suggests that lower tax rates make people work harder and happier and this is not related to cultural differences or institutional factors (Prescott 2004).

To explain the practice of *zakat* in contemporary Muslim societies we need to use the Durkheimian perspective and ask what is the symbolic meaning of *zakat* for the Muslims? The answer will involve not a cost benefit economic analysis but an understanding of the experience of social reality of the society. As believers they envisage Islamic society to be a society which is fair, just and ethically grounded as enunciated by the Islamic doctrine. But the social reality they experience is anything but that. The government is seen as instrumental in creating or at least allowing the existence of a system which is unjust, corrupt and consequently ineffective in delivering social justice and thus contributing to undermining social cohesion of the ummah. They may resist payment of *zakat* through the government because of this perception and not because they are not charitable for that is obviously not the case. It may also be due to their orientation to fulfilling their religious obligations through orthopraxy and not through orthodoxy. In Pakistan the government *zakat* collection of four billion rupees per annum pales into insignificance when compared to the 170 billion rupees Pakistanis give in charity each year.

Islam places great emphasis on communal solidarity and social cohesion as embodied in the concept of ummah – a community of believers. For Muslims ummah is a social reality whose well being has been divinely ordained. A strong

ummah is sign of the true expression of the faith. Islam's ritual richness creates and reinforces a strong sense of fellowship among the believers, a kind of ummah consciousness which is free from class and social distinctions. Islamic ritual of prayer (salat / namaz), performed collectively five times daily, is an eloquent symbol of that.

However the existential reality of ummah, at the local and global levels, as experienced by ordinary Muslims is that it falls short of the idealised state it should be in. Poverty, lack of social justice and class divisions are some of the manifestations of that. The cause of this is seen not in its flawed conceptualization but in the failure of the public authorities to create the conditions conducive to its existence. The act of *zakat* then becomes both an indictment of the government as well as a personal contribution to strengthen the ummah through a shared fellowship of common faith. This transforms *zakat* into a powerful symbolic act for creating a strong community of believers as ordained by Islam. Its practice by the individuals is also compatible with the tradition of orthopraxy rather than orthodoxy in Islam.

For Muslims then the meaning of the act of giving *zakat* is symbolic as well as instrumental. The symbolic content has to do with the expression of their faith in the existence of a strong, just, fair, and ethical community of believers – the ummah. The instrumental meaning of the act is that it is contributing to the creation of such a community. The instrumental meanings exist only because the government have failed to establish the ideal Muslim ummah. The ultimate symbolism of *zakat* giving is 'doing good' by fulfilling the divinely ordained commitment to the ummah. It is more than the pleasure or usefulness of accumulating wealth. What is gained by giving then is the creation of an ideal ummah, the fellowship of shared faith and the belief that doing good matters.

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