

Civil Society Institutions in Pre-Islamic Mecca

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Abstract

The political structure of Mecca in between 4th – 6th centuries AD had been a remarkable one from many aspects. Sometimes referred as “Mecca city-state”, or “the state of tribes”, or “the state of merchants”; Mecca administration had a very original type of civil structure compared to its contemporaries. People of Mecca, despite not having a legal state, had been using their cultural and commercial advantages so well that it made them possible to stand against two superpowers of its time, the Roman Empire and the Sasanian Empire, which were trying to dominate Mecca from time to time. Being impossible to compete with these imperial powers militarily, Mecca was using both its non-military methods, and its commercial and cultural advantages based on its civil society institutions. This brought Mecca a high reputation amongst Arab Peninsula. In this study, we will try to examine the unique type of democratic administration in Mecca based on civil society institutions and common law and the spontaneous order that arose from them.

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There were two superpowers in the world during the time of Muhammad. One of them was the Roman Empire and the other was the Sasanian Empire. The Arabian Peninsula was mostly a region of political conflict between these two powers. Due to its location, its cultural and administrative structure, Mecca was a center of tourism and trade, and a tax haven and a free zone for people from both lands. This was because Mecca was not under the authority of a central power and it made possible for the inhabitants to form a powerful civil society based on their customs.

When we look at the administrative structure of Mecca, we see that many of the public services were shared between and governed by civil structures which are called “tribes”. The administrative system through which these tribes are coordinated was more like a large civil society institution rather than a legal government. All of the public services were executed within the same manner.

Central Element of the Civil Society: Tribes

We have mentioned that the administrative structure of Mecca was more like a civil society than a state. So the word Mecca in this work is synonymous with a certain society, namely the people of Quraysh. The people of Quraysh consisted of a certain number of well-known tribes. A tribe was more than just an extended family, because it was possible for someone to be accepted into a tribe or to be banned from it. It was more like a civil organization based not completely, but mainly on blood relationship.

The people of Quraysh were members of a politically free society. They had never been under the rule of a king or any kind of central authority.² They didn’t have any state or any kind of public institution that possess a legitimate right to use force. They were a self-regulating civil society which had deep-rooted culture and traditions.

It is possible to understand how deep this culture of Mecca was through an example. There was a man named Uthman ibn Huwayrith³ in Mecca. He was a monotheist and later chose Christianity as his religion. Uthman moved to Syria, which was under the rule of Roman Empire. According to historical records, he spoke with either the emperor or one of his kings, and was assigned as governor to Mecca with being equipped by a royal decree and a coat of arms. Mecca was geographically seen as under the rule of Romans,

¹ This work is originally published in “Liberal Düşünce Dergisi” (Journal of Liberal Thought), Issue: 78, pp. 45-60, 2015.

² Hamidullah, 2009, #1373, #1387, #1431.

³ He was the cousin of Muhammad’s first wife Khadija.

but they had never been successful at governing them. Uthman went to Mecca and announced his people what had been given to him. All he received was mockery and refusal. The people of Quraysh did not recognize what had been given to him. They told him that the free people of Quraysh had never submitted to anybody and would not submit to this Emperor for sure. Uthman went back to Syria and Romans started to imprison traders from Mecca who came to Syria. However, it didn't last long.⁴

Mecca is a city that includes a sanctuary called the Kaaba. It has always been regarded as a sacred building in human history. Therefore it is located in the city center also known as "Masjid al-Haram" (the sacred sanctuary), or shortly "al-Haram" (the sacred). Due to the reputation of Kaaba, Mecca was always a center of religious tourism and trade. Kaaba was always known as the house of God and the first sanctuary in the face of the earth. Quran states that it is the first house of people, meaning it was the place where Adam and Eve lived after the expulsion.⁵ It was demolished during the great flood and Abraham reconstructed it after 390 years with his son Ishmael. The reconstruction dates roughly around 1852 BC which can be considered as the establishment date of Mecca.

The genealogical roots of the people of Quraysh can be traced back to Abraham through his son Ishmael. So the people of Quraysh are literally the natives of the land for almost 2500 years in the time of Muhammad. The pride and prestige that comes from this particular aspect of Mecca brought the city an international identity that made it very difficult to be dominated by a foreign power. We can observe a similar example on the cultural roots of today's Vatican, to be able to understand this phenomenon.

Quran states that Mecca was the safest place around in that period of time.⁶ We can observe this fact in the life of Muhammad. In spite of criticizing severely the wicked abuse of religion in Mecca which the elite depended on, and promoting the truth without any compromise, he had been able to live among them 12 more years without being physically attacked in anyway. This is a very important fact that should motivate social scientists to focus on the civil structure of that city.

As we said, Mecca never experienced an authoritarian kind of political government.⁷ The administrative structure of Mecca was based on tribes that compete with each other. Tribes used to act like today's CSOs, all having a certain share in the administration of Mecca. All of the public services were undertaken by tribes that took pride in them.

⁴ Hamidullah, 2009, #1360; Osman, 2005, p.69.

⁵ *"The first house established for mankind is the one at Mekka; blessed, and a center of guidance for all people."* (Q. 3:96)

⁶ *"Don't they see how we have made the sacred region safe, while people are being carried away all around them? Do they still believe in falsehood, and not believe in the blessings of God?"* (Q. 29:67)
"They say: if we follow the guidance with you, we will be snatched from our land. Did we not provide for them the safety of this sacred region? Every kind of product is being brought to them from us as a livelihood. Yet many of them are unaware." (Q. 28:57)

⁷ Hamidullah, 2009, #1373.

Tribes used to gain prestige by conducting public services. Whenever a tribe became more powerful, the others used to form pacts in order to reset the balance. It was a social order where every person was in the system by belonging to a certain tribe and having certain responsibilities. The major issues were discussed and resolved in a general assembly formed mostly by the elders.

The tribes of Quraysh were in a political and economic competition with each other. The ones that had more members, or had larger commerce network, or had a good record on public services gained international reputation which opened new opportunities for bigger political and commercial partnerships, etc.

Administration

The civic center of Mecca was the building called “Dar al-Nadwa” (house of summons). It was a rectangle-shaped, semi-open hall just across the Kaaba, decorated with windows and statues. All of the important meetings were held here. Public decisions about commercial activities and the organization of pilgrimage were taken here by deliberative polling. The value of a proposal was determined according to the age, knowledge, wisdom, dignity and expressing ability of the proponent, as well as the wealth and reputation of his tribe. Everyone could have a chance to speak in the assembly. However, people tended to follow the decisions of those who undertook public services of Mecca and belonged to a noble tribe.⁸

To attend the assemblies or represent a tribe in *dar al-nadwa*, one was expected to be a man and at least in his forties, although exceptions could be made. For example, Amr ibn Hisham (a.k.a. Abu Jahl) was accepted in his twenties because of his cleverness.⁹ All of the public announcements like weddings, adoptions, protections, bans, oaths and special ceremonies like clothing the girls who reached puberty were made in this building.

Organizing the assemblies in *dar al-nadwa*, summoning the representatives and taking care of the building were one of the public services. The duty was called *nadwa* and it was undertaken by Uthman ibn Talha¹⁰ from the tribe of Abdudhar during the time of Muhammad. His duty was like of a president of the assembly today.

Internal Affairs

The security gaps due to the absence of a state in Mecca were filled with powerful civil institutions on the protection of the individual. All members of Quraysh were under the protection of their families. Others who were not members of Quraysh, or whose families had vanished, or orphans, slaves, captives had to be taken under protection by a

⁸ Encyclopedia of Islam (TDF): “darünnedve”.

⁹ Encyclopedia of Islam (TDF): “ebucehil”.

¹⁰ Not to be confused with Uthman ibn Affan, the 3rd president of Muslims after Muhammad.

local family in order to survive in Mecca. This institution is referred in resources as “wala” (guardianship).¹¹ When an outsider enters the protection of a local tribe in order to come into Mecca for commercial purposes or some other reason, it was called “jiwar” (neighborhood) or “himaya” (protection) or “aman” (security).¹² We see that Quran mentions *himaya* in a negative context,¹³ while it mentions *jiwar* and *aman* in a positive context referring to this particular institution:

“If any of those polytheists ask you for protection, give him protection so that he may hear the word of God. Then escort him to his place of safety. That is because they are a people who do not know.” (9:6)

The words underlined in the verse are derivatives of *jiwar* and *aman* respectively. The word *aman* is still used in a similar sense today in some Arab countries’ visa procedures.

When an outsider wants to settle in Mecca for good, he was to be accepted by a local tribe. This procedure was called “hilf” (oath) and the person accepted was called “halif” (sworn). The term was also used when two tribes or more made a political pact with each other. *Hilf al-Ahlaf* (Pact of the Sworn), *Hilf al-Mutayyabin* (Pact of the Purified), *Hilf al-Fudul* (Pact of the Virtuous)¹⁴ and *Hilf al-Silah* (Pact of Peace) were some of the major political pacts then. Allied tribes looked out for each other and tried to speak with a single voice on public issues. Political pacts were realized along with religious rituals like sacrificing animals and stacking hands after touching the animal’s blood, or putting hands in the same water or on the wall of Kaaba while taking the oath in unison.¹⁵

Buying a slave and setting him free in order to adopt him was also another practice made for protecting individuals.

All of these alliances needed to be announced in front of Kaaba in order to take effect and all of them (except political pacts) made the people concerned as like family members from that time on. Tribe chiefs were responsible for protecting their people and sharing the consequences of their actions.

The rituals gave their place to bureaucratic procedures and the announcement gave its place to newspaper publication in today’s world. In this sense, we can say that Mecca had a developed bureaucracy then even though it had no state.

Protecting the family was an institution so strong that enemies would become allies for the sake of it. One of the biggest enemies of Muhammad, whom even God sent down

¹¹ Encyclopedia of Islam (TDF): “vela”.

¹² Encyclopedia of Islam (TDF): “eman”, “civar”, “himaye”. Ibrahim, 1982, p.345-346.

¹³ See: Quran 48:26.

¹⁴ For a debate on this association and its purpose, please see the chapter: “Social Responsibility, Arts and Culture”.

¹⁵ Encyclopedia of Islam (TDF): “hilf”.

verses about, was his uncle Abu Lahab who vigorously struggled against him during his lifetime. However, when Abu Talib, the leader of Hashim tribe passed away, he became the new tribe leader and started to protect Muhammad against his enemies.¹⁶

For the people of Quraysh, giving a promise was more binding than anything else in the world. The society was literally based on “my word is my bond” principle. It was unthinkable for a person of Quraysh to dishonor his word, as it would be a declaration of his unreliability, which is the most essential feature of his culture and customary law. It is not a coincidence that God chose a messenger who is particularly famous for his trustworthiness.¹⁷

It was impossible to wander the streets of Mecca without being under the protection of a tribe. Foreigners were to take “visa” by using the methods mentioned above. After Abu Lahab became the leader of Hashim tribe, he first protected Muhammad for some time but he could only go on for one year before deciding to ban him from the tribe. Expulsion was also a civil institution in Mecca (*khal'*) and the expelled one was regarded as an outsider (*khali*). The same word was also in use during the Ottoman period in the meaning of dethronement.

After this incident, Muhammad had to acquire protection in order to stay in Mecca. He went to Taif instead, hoping to find safety and spread the word of God to some other people. Several leaders of Taif listened to him but refused to accept him in the city fearing that it may embroil their relations with Mecca. He then returned to Mecca, to the skirts of mount Hira and sent his adopted son, Zayd ibn Harithah to request protection from people he knew. After the refusals of Abd Yalil ibn Abd Kalal, Ahnath ibn Shariq and Suhayl ibn Amr, Mutim ibn Adiy accepted his request and granted him the protection to live in Mecca for some time until his immigration to Yathrib (Madina). The last 2 years of Muhammad in Mecca was not under the protection of his relatives, but of Mutim.¹⁸

Granting a protection to someone was a right of the free people of Quraysh as well as addressing the assembly and other forms of civil rights. Foreigners or second-class people were not able to grant a protection to anybody. There were second-class people in Mecca who were commonly identified as slaves. One could be a slave either by being captured in a war or by failing to pay back a debt or by being born to a slave family. Slaves were subject to trade and females were used as concubines. They did not have civil rights like the free people of Quraysh.

The only way for a slave to be a free person (other than being set free by the owner) was buying his/her own freedom. This was close to impossible, as they couldn't make much of an income without the power to negotiate on the price of their labor. Therefore, it was

¹⁶ Encyclopedia of Islam (TDF): “ebu leheb”.

¹⁷ The famous nickname of Muhammad was “al-amîn”, meaning “the trustworthy”.

¹⁸ Hamidullah, 2009, #1415.

usually done by other free men on the purpose of adopting or marrying them, or just being philanthropic.

Foreign Affairs

The foreign affairs of Mecca were mainly based on a commercial treaty called “Al-Ilaf”. The word means “acquaintanceship” and it was first introduced by the great grandfather of Muhammad, Hashim ibn Abdumanaf. The people of Quraysh used to organize two big commercial expeditions in a year. One was organized to Syria in summertime and the other to Yemen in wintertime. In order to provide road safety for caravans, they used to get in touch with every community on the road and make brokerage contracts with them. They used to take their goods, sell them and bring back their profit without a commission in exchange for protection during transit pass on their lands. This was called *al-ilaf* and it was one of the essential sources of the wealth of Mecca.¹⁹

Quran refers to these agreements in chapter Quraysh:

“For the (sake of those) treaties of Quraysh... Their treaties during winter and summer journeys... Let them worship the Lord of this House, who has fed them against hunger, and has secured them against fear.” (106:1-4)

The word translated as “treaties” in these verses is *al-ilaf*.

There were also ambassadors of Mecca who maintained their political relations with other communities and represented Quraysh in front of them. This service was called “sifara” and it was assigned according to merit. The most popular ambassadors of Quraysh during the time of Muhammad were Umar ibn al-Khattab²⁰ from Adiy tribe, Suhayl ibn Amr from Amir ibn Luay tribe, Amr ibn al-As from Sahn tribe.²¹

Settlement of Disputes

Mecca did not have legal courts, judges, or an institution to enforce the execution of judicial decisions.²² Arbitration was the common traditional method for solving conflicts. There were certain people who were most commonly appointed as an arbitrator and in fact, they had their own area of expertise, but it was not obligatory to go to a specific person in case of a dispute. There was no obstacle for the parties to appoint anyone as an arbitrator, but it was usually determined according to the matter of dispute and of course mutual consent. Due to the voluntariness of the process, there

¹⁹ Hamidullah, 1961, p.216-218. Ibrahim, 1982, p.344-345.

²⁰ The 2nd president of Muslims after Muhammad. See: Encyclopedia of Islam (TDF): “ömer”.

²¹ Hamidullah, 2009, #1373. The resources talk about Umar ibn al-Khattab as the most popular ambassador but we also see that Amr ibn al-As was Quraysh’s envoy to the king of Abyssinia (Negus) for asking back the Muslims who migrated under his protection and we see that Suhayl ibn Amr represented Quraysh in the treaty of Hudaibiyyah.

²² Çelikkol, 2002, p.210.

was no opportunity for an appeal. There was no institution for enforcement, so it was a moral obligation for the parties to follow the decree of the arbitrator.²³

The parties used to defend themselves during the trial with their evidences and witnesses. It was their responsibility to find them in order to convince the arbitrator. Some religious practices like flying birds, drawing arrows, consulting the religious authorities were also commonly applied on demand of the parties. These practices were repealed after Islam.

Arbitrators used to demand the parties to swear solemnly on sacred things that they respect or worship. Avoiding to swear against an allegation was considered an evidence in favor of the claimant. Swearing was continued after Islam and in fact became one of the important elements of Islamic Law. Popular arbitrators during the time of Muhammad were Abu Bakr ibn Quhafa,²⁴ Walid ibn Mughira and Harith ibn Qays.

Public Revenues

The public revenues of Quraysh consisted of an annual contribution called “rifada”, and of certain trading taxes imposed to foreign merchants on a reciprocal basis. There were also the gifts to Kaaba and to the idols either brought by pilgrims or sent by nobles from foreign countries and there were some extraordinary collections during times of war, famine, etc. Since Mecca was not a state, there were no government spending, and all of the public services were financed by the individuals in charge. The only exception was the catering support for poor pilgrims and that was what *rifada* was about.

Rifada means “support” in Arabic language. It was the main civil & financial institution of Mecca and it was collected annually to support the needy pilgrims. The custom was initiated by the 4th grandfather of Muhammad, Qusay ibn Kilab. Qusay also initiated the duty of *siqaya*, which meant providing water to pilgrims. The duty of *siqaya* was under the responsibility of Muhammad’s uncles Abu Talib and Abbas (Hashim tribe). *Rifada* was also carried out by the same people according to some sources, or by Harith ibn Amir from Nawfal tribe according to some others.²⁵

Military

There was no army in Mecca, since there was no state. However, there were certain people with the responsibility of commandership in case of emergencies and it was a moral obligation and a necessity for survival to accept the call of these men during these times. It was also possible to aid the army financially by sending mercenaries rather than joining in person. Women used to take charge in support services or give financial

²³ Işılak, 1995, p.70.

²⁴ The 1st president of Muslims after Muhammad.

²⁵ Encyclopedia of Islam (TDF): “rifade”, “sikaye”, “kusay b. kilab”. See also: Quran 9:19

support instead. Everyone was responsible for his/her own expenses. The spoils of war belonged to the ones who were able to lay his hands on it. Everyone owned what he got in the war and undividable goods such as lands were shared among the warriors according to their ranks and support.²⁶ It was impossible for any dweller of Mecca to be indifferent to a state of emergency, since it was regarded as a disgraceful attitude.

According to historical records, the people of Quraysh started a preparation for a battle with Muslims after their defeat in the battle of Badr. The contribution collected for the battle (of Uhud) reached to 250.000 dirhams.²⁷ The population of Mecca was somewhere around 20-25 thousand people.²⁸ We may say that almost 5-6 thousand people contributed to this fund if we leave out the slaves, the children, the poor, etc. It amounts to an average of 40-50 dirhams of contribution per person which is the equivalent of a standard camel price. This story shows that the people of Mecca were far from being selfish or irresponsible in a case of such an emergency.

Commandership was one of the customary public services. It was divided into three categories. Commanding the infantry was called "Liwa" or "Ukab". Commanding the cavalry was called "Qubba" or "A'inna". Commanding the whole army and deciding whether to go into war or to get out of it was called "Riyasa" or "Qiyada".²⁹ During the battle of Badr, the commander of infantry (*ukab*) was Amr ibn Hisham (Abu Jahl) from Makhzum tribe and the chief of high command (*qiyada*) was Utba ibn Rabia from Umayyad tribe. During the battle of Uhud, the commander of infantry was Abu Sufyan from Umayyad tribe who was also the chief of high command and the commander of cavalry (*qubba*) was Khalid ibn Walid from Makhzum tribe.³⁰

Religious Affairs

Religious affairs were of special importance since Mecca was the host of an exceptional sanctuary, the Kaaba. The well-being of Quraysh was mainly based on religious tourism, just like today (Saudi Arabia). Pilgrimage was the main religious and commercial activity in the city. Kaaba was always known as the house of God and the first sanctuary in the face of the earth. Quran states that it is the first house of people, meaning it was the place where Adam and Eve lived.³¹ It was demolished during the great flood and remained as ruins for almost 390 years which prevented the practice of pilgrimage during that period. According to tradition that is also approved by Quran, Abraham was sent to Mecca by God in order to reconstruct Kaaba with his son Ishmael at

²⁶ Hamidullah, 2009, #1409, #1419.

²⁷ Hamidullah, 2009, #1424..

²⁸ Kurt, 2001, p.105.

²⁹ Hamidullah, 2009, #1403-1405.

³⁰ Encyclopedia of Islam (TDF): "kiyade". Hamidullah, 2009, #1403-1405.

³¹ "The first house established for mankind is the one at Mekka; blessed, and a center of guidance for all people." (Q. 3:96)

approximately 1852 BC which also dates the reestablishment of Mecca. So Abraham was regarded as the father of Mecca as well as a messenger of God even before Islam.³²

Despite the fact that Abraham was a great figure of monotheism, the leading elites and the men of cloth in Mecca manipulated the foundations of this religion by inventing other figures and associating them with God in his holiness. Contrary to what has been known about them, the people of Quraysh were highly religious people who prayed, fasted, sacrificed, gave alms and did pilgrimage. They were literally the guardians of the house of God, and were called "Ahl-Allah" (the people of God) amongst the Arabs.³³ They enjoyed all the prestige of this title in their political and economic relations.

The problem in terms of Islam was not about something they did not do. It was about something they did, which was placing the figures of some so-called saints around the Kaaba to glorify them in order to attract people to Mecca, who look up to those figures. Quran defines this act as shirk (polytheism) and people who assume a slightest heavenly feature in any being other than God as mushrik (polytheist).³⁴

So everybody came to Mecca with religious purposes regardless of their religion. The statutes that symbolize angels and some respectable elders of Arabs were placed around the Kaaba and in some waypoints of pilgrimage. Inside the walls of Kaaba, there were no idols, but some drawings of the messengers including Abraham, Ishmael and Jesus son of Mary depicted with his mother. All of these made the maintenance of Kaaba and organizing its surroundings, a duty of high importance and great prestige.

The maintenance of the walls of Kaaba was called "jidar" (wall), its curtains "hijaba" (curtain), and the organization of its surroundings was called "sidana" (service). Also the word "imara" (zoning) was used for referring to all of these duties, as they used to be under one man's responsibility.³⁵ Quran refers to this institution in a verse:

"Do you consider giving water to pilgrims and maintaining the Sacred Mosque the same as believing in God and the Last Day and striving in God's path? They are not equal in God's sight. God does not guide the unjust people." (9:19)

The words underlined are *siqaya* and *imara* respectively.

³² "While Abraham was raising the foundations of that house, together with Ishmael, they said: Our Lord, accept it from us. You are certainly listening and you know." (Q. 2:127)

³³ El-Tayib, 2010, p.28.

³⁴ "They worship, besides God, what neither harms them nor benefits them and they say: 'These are our intercessors with God.' Say: 'Are you informing God about what He does not know in the heavens or on the earth?' He is glorified and high above the associations they make." (Q. 10:18)

"Is not to God that sincere faith is due? Those who take guardians besides Him say: 'We only worship them that they may bring us nearer to God.' God will finish the discussions they make. God does not guide those who constantly lie and ignore." (Q. 39:3)

³⁵ Encyclopedia of Islam (TDF): "hicabe", "sidane", "imare".

The man responsible of *imara* during the time of Muhammad was Uthman ibn Talha from Abduddar tribe.³⁶ There was also the duty of organizing the pilgrimage and it was called "ifaza". No name is mentioned in the sources about who executed this service.³⁷

Quran refers to the religious practices of Quraysh as well as their superstitions and fabrications regarding the practice of sacrifice and pilgrimage:

"They say: 'These animals and crops are restricted; none may eat them except those we permit.' by their claims; 'These animals are forbidden to mount' and they do not pronounce the name of God over a group of animals, fabricating lies against Him. He will punish them for their fabrications. They say: 'What lies in the wombs of these animals is exclusively for our males and forbidden to our wives. But if it is stillborn, they can share in it. He will surely punish them for their allegations. He knows and judges wisely.'" (6:138-139)

"Their prayers in front of Kaaba are nothing but whistling and clapping." (8:35)

"Postponing the forbidden months serves no more than increasing their disbelief. The disbelievers are led astray by it. They allow it one year, and forbid it another year, in order to conform to the number made sacred by God, thus permitting what God has forbidden. The evil of their deeds seems good to them. God does not guide disbelieving people." (9:37)

There were another group of religious works and superstitious practices like charitable gambling and fortunetelling. The charitable gambling was called "aysar" or "maysir" (easiness). It was a game for the wealthy people that imposes the loser to donate what is on the bet. The bet consisted of animals and the loser was to sacrifice the animals on the bet. The meat was left for the idols around Kaaba and poor people took them at night. Despite the liability was on the loser, the prestige was gained by all who participated in the game. It was just a pleasurable way to gain reputation amongst poor people. It had complex rules and it couldn't be played without a game master.

Fortunetelling was also a very common practice in people's lives. It was called "azlam" (arrows) and even the most important public decisions like going into war with some tribe couldn't be made without consulting the fortunetellers. They used to write some phrases like 'yes', 'no', or some numbers on the arrows and made others draw from the quiver. They earned a living by interpreting the result. Both of these works were conducted by Safwan ibn Umayya during the time of Muhammad and repealed after the conquest of Mecca.³⁸

Quran refers to these practices in the following verses:

³⁶ The word "abduddar" literally means "servant of the house". It is possible that this name was given to this tribe because of a tradition rather than of an ancestor with this name. We may support this argument with the fact that Muhammad left this duty to the same person after the conquest of Mecca (even though he was a non-muslim) and it is still in the same family today.

³⁷ Encyclopedia of Islam (TDF): "ifaza".

³⁸ Encyclopedia of Islam (TDF): "ezlam", "meysir", "safwan b. ümeyye".

“Oh believers! Intoxicants, gambling, altars (idolatry) and arrows (divination) are dirty works of the wicked. Avoid them, so that you may prosper.” (5:90)

“The animals sacrificed on altars and the practice of distribution by drawing arrows are forbidden for you.” (5:3)

The word translated as “gambling” and “arrows” are *maysir* and *azlam* respectively.

Social Insurance

According to the customary law of Mecca, a case of murder was penalized with retaliation or blood money depending on the choice of the aggrieved party. Manslaughter was penalized with blood money. The standard for blood money was 100 camels or the equivalent 4000 dirhams. Since it was a heavy obligation in such a community where a middle class person earned between 30-40 dirhams a month, it was usually undertaken by the whole tribe. According to the traditions of Mecca, such a crime resulted with a reprimand of not only the criminal, but his tribe as well. This tradition played a great role in preventing people from perpetration. The offender party was obliged to bring the camels to the neighborhood of the murdered and tie them to their trees. If they weren't able to raise the necessary amount, the offender was either to be killed or to take service with the aggrieved family for some time (enslavement). All of these were perceived as a disgrace and dishonor for the offender's tribe.³⁹

Due to the considerable amount of blood money, an institution of social insurance was invented over time in Mecca by the name of “*aqila*” (liable ones). It meant a group of people responsible for paying the blood money when one of them was found guilty of manslaughter. All of the adult male members of a tribe were natural members of their *aqila*. It was possible to extend this group by making agreements with other families and lower the amount per capita. Everybody belonged to at least one *aqila*. The system also motivated people to discourage each other against crimes.⁴⁰

Social Responsibility, Arts and Culture

The people of Mecca regarded generosity as a subject of competition. Helping the poor, the needy, the orphans, the pilgrims or other travelers was considered essential for the dignity and nobility of the elite. Hence there were many traditions and occasions that let the wealthy people enjoy the prestige of almsgiving.

* Merchants who go abroad with caravans used to sacrifice many animals in front of Kaaba when they returned with good profits. Most of these sacrifices were left there for the poor people. There are some stories stating that Muhammad used to do it too.

³⁹ Encyclopedia of Islam (TDF): “*diyyat*”.

⁴⁰ Encyclopedia of Islam (TDF): “*akile*”.

* There was the charitable gambling mentioned above. Rich people used to gamble for pleasure and give away their earnings to poor people in order to gain reputation.

* Because of the absence of legal enforcement, Arab elites were to empower their rhetoric skills in order to persuade people into their ideas. This led the arts of oratory and poetry become fashionable in Mecca. Tribe leaders used to talk with rhymes in assemblies. Arbitrators used to rhyme their judgments during cases. Rhyming was perceived as a sign of wisdom. The elite used to hire poets in order to learn from them and make them promote their ideas in public. They were also willing to give donations to street performers who praised them in their words.

* There were famous fairs around the Arab peninsula. Besides the huge commercial activity going around, the fairs were also places for poets, magicians and street performers to show their abilities in various competitions. The competitions organized by certain people allowed others to bet or race for winning prizes.

* There were also sports competitions in Mecca like wrestling, archery, footrace and even football.⁴¹ One aspect of these competitions other than having fun was to allow rich people to race their servants and bet on them. The other important aspect is to allow the young heirs of famous tribes to show their skills and build a reputation which they will need when they become tribe leaders or undertake important duties of Mecca.

Let us also mention the popular social responsibility institution called *hilm al-fudul*. The phrase means “pact of the virtuous”. These were certain people acting on behalf of their tribes who had sworn to protect the merchants, and especially the foreigners from being deceived. They were also active in ensuring the repayment of debts derived from the commercial activity in the markets of Mecca. It was a very strong civil society initiative and had a great role in providing a safe marketplace in Mecca.⁴²

However, the phrase has also another meaning such as “pact of the remnants”.⁴³ It was said that the original cause of this initiative was a political one. There were two main political groups in Mecca. One of them was the members of *hilm al-ahlaf* (pact of the sworn) and the other group was the members of *hilm al-mutayyabin* (pact of the purified). After the fajar wars, there was a change in the power balance within the members of *al-mutayyabin*. The Umayyad tribe was a member of *al-mutayyabin* and gained much reputation after being victorious in fajar wars. They were close with Nawfal tribe, and they started to act like representing the whole faction of *al-mutayyabin*. The other members of the faction, namely the tribes of Hashim, Taim, Asad, Muttalib and

⁴¹ Hamidullah, 2009, #1369.

⁴² Hamidullah, 2009, #99-105.

⁴³ The Arabic infinitive FUDUL from the root F-D-L has two meanings such as “the better” or “the virtuous” (plural of *afdal*) and “the remaining” or “the extra”.

Zuhra had to form another alliance in order to rebalance the powers within the faction and it was called *hilf al-fudul*, meaning the “pact of the remnants (of *al-mutayyebun*)”.⁴⁴

Apparently, members of *hilf al-fudul* had also engaged in social responsibility in order to gain more reputation to compete with their old henchmen.

⁴⁴ Ibrahim, 1982, p.355.

Conclusion

This study, in which we examined the civil society institutions of pre-Islamic Mecca, showed us two quite interesting facts about that period in terms of political science and history. First, the civil society of Mecca proves that state is not necessarily a requirement for a safe and wealthy society. The society we examined was able to organize itself and develop a general perception of human rights so well that even one man with a powerful opposition against the elite had the chance to live there unharmed for years. Second, most of the ideas of classical liberal thought like civil society, free markets, spontaneous order, decentralization of power and individual liberties were substantially experienced in pre-Islamic Mecca and Islam made no change on this situation.

The civil society of Mecca had a strong natural order which could and still can be an example for both its contemporaries and modern societies. Although we didn't mention much in this study, we should inform briefly that this social structure was largely preserved in the Islamic period of Mecca and Medina. The institutions that Muhammad repealed were the institution of slavery and all institutions based on the exploitation of religion. Moreover, despite the common definition of the "City State of Medina", Muhammad did not establish an order that can be identified as a state in Islam. That is because he did not establish any legal authority in order to control the practices he prohibited like drinking alcohol, gambling, prostitution and loaning on interest. It is important to emphasize that there is a difference between criticizing something in a society and making it illegal. Almost all actions of the Messenger of God for the purpose of reshaping society were in the civil sphere and he never called for legal sanctions against sinful behavior. He also did not establish an army and the battles that took place were all fought by volunteers who covered their own expenses.⁴⁵ While we know that Muhammad did not punish the civilians who refused to fight in the battles or even deserted during the battle, it would not be true to define this social order as a state.

The structure of civil society in Mecca was a noteworthy example of a free society. It could only be maintained until Umayyad dynasty seized control of the Muslim community and established a centralized political power for the first time in Islam. There was no other period in Islamic history that had the liberty of early Islam, namely the period of Muhammad and his successors (622-661). As for our opinion, the social order experienced in Medina during the time of Muhammad (622-632) is a period that cannot be disregarded by any political scientist who cares for freedom. We humbly expect that this study will enhance the necessary attention for it.

⁴⁵ İslamoğlu, 2013, p.148.

References

Quran. (The translations are made by the author himself)

Çelikkol, Yaşar; “Cahiliye Döneminde Mekke” (Mecca in the period of Jahiliyya), PhD Thesis. Ankara University, 2002.

el-Tayib, Abdula; “Pre-Islamic Poetry” In Arabic Literature to the End of the Umayyad Period, by A.F.L. Beeston, T.M. Johnstone, R.B. Serjeant and G.R. Smith, 27-113. Cambridge: Cambridge University Press, 2010.

Encyclopedia of Islam. Turkish Diyanet Foundation.

Hamidullah, Muhammed; “El-İlaf veya İslam'dan önce Mekke'nin iktisadi-diplomatik münasebetleri” (Al-Ilaf & The Economic and Diplomatic Affairs of Mecca before Islam), Translated to Turkish by İsmail Cerrahoğlu. Journal of the Faculty of Divinity in Ankara, Vol.9, No.1 (1961): 213-222.

Hamidullah, Muhammad; “İslam Peygamberi” (Prophet of Islam), Translated to Turkish by Mehmet Yazgan. Istanbul: Beyan Publications, 2009 (1st ed. 1979).

Ibrahim, Mahmood; “Social and Economic Conditions in Pre-Islamic Mecca”. International Journal of Middle East Studies (Cambridge University Press) Vol.14, No.3 (August 1982): 343-358.

Işılak, Fatma Hatice; “İslam Öncesi Mekke'nin Siyasi Yapısı” (The Political Structure of Pre-Islamic Mecca), Master's Thesis. Istanbul: Marmara University, 1995.

İslamoğlu, Mustafa; “İmamlar ve Sultanlar” (Imams and Sultans). İstanbul: Düşün Publications, 2013.

Kurt, Abdurrahman; “Sosyo-Ekonomik ve Kültürel Yönden İslâm Öncesi Mekke Toplumu” (The Pre-Islamic Society of Mecca in terms of Socio-Economic and Cultural Aspects), Uludağ University: Journal of the Faculty of Theology, Vol.10, No.2 (2001): 97-122.

Osman, Ghada; “Pre-Islamic Arab Converts to Christianity in Mecca and Medina: An Investigation into the Arabic Sources”. The Muslim World, January 2005: 67-80.