

# NEW/LINES

M A G A Z I N E

## **The Dubious Roots of Religious Police in Islam**

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On Sept. 16, 2022, thousands of protesters poured into the streets of Iran chanting, “I will kill those who killed my sister.” They were referring to Mahsa Amini, the 22-year-old Kurdish Iranian woman arrested a few days earlier by Tehran’s “Gasht-e Ershad” (literally “guidance patrol,” also known as the “morality police”) on charges of insufficiently covering her hair. She died in detention, following blows to her head, with bruises on her corpse. The popular anger sparked by this atrocity soon turned into nationwide civil unrest, which is still ongoing at the time of writing, undertaken bravely by people from all walks of life, despite the brutal response by security forces.

Over the weekend, it was reported (or misreported) that Iran had decided to scrap its morality police, which would mark a major concession to the protest movement, if it were true. A number of Iranian analysts have since clarified these reports were likely misguided and Iranian state media has formally denied them.

But why does Iran have a “guidance patrol” in the first place? Is this institution really a requirement of Islam, as the Iranian regime claims? These questions are important for the future not only of Iran, but also the broader Muslim world, because Iran is not the only country which employs religious police: They are also active in Saudi Arabia, Afghanistan, Nigeria, Malaysia and the Aceh Province of Indonesia. Their strictness may vary, but they all act on the assumption that Islamic religious requirements — as they define them — should be enforced by the state. Thus women should be forced to cover up, alcohol drinkers should be punished and “subversive” books must be banned. In the 1990s, during their first reign in Afghanistan, the Taliban movement went as far as destroying all musical instruments (and punishing their players), chess boards and even kites. Today, back in power for the second time, they claim to be milder but the observable differences are minimal. No wonder female university students in Afghanistan, who are forbidden to receive an education if they do not wear a full-body cover, or burqa, chant the same slogans as the protestors in Iran: “Woman, life, freedom!”

Meanwhile, in many other Muslim countries from the Arab world to Pakistan, there may be no distinct religious police per se, yet the regular police — or its “adaab” (decency) units — still inspect and punish religious misdeeds, such as dancing “seductively” on TikTok or eating or drinking in public during daylight hours in the holy month of Ramadan.

To many Muslims living in the West, especially those accustomed to civil liberties, all these religious dictates often seem baffling. What is the point of any religious practice, many may think, if it is not freely chosen? They might also recall the oft-quoted phrase from the Quran, “There is no compulsion in religion” (2:256) and conclude that any compulsion in religion must therefore be a deviation from the “real Islam.” Yet to question religious coercion in Islam requires a much deeper discussion, because its advocates have long justified it with two authoritative references: the Quranic duty of “commanding the right and forbidding the wrong” and the institution known as the “hisba.”

Let’s begin with the Quran. Variations of the phrase (or references to the concept of) “al-amr bi-l-maaruf wa-n-nahy ani-l-munkar” (“commanding the right and forbidding the wrong”) appear in eight separate verses (3:104, 3:110, 3:114, 7:157, 9:71, 9:112, 22:41, 31:17), either as a feature of true believers or a duty incumbent upon them. The first of these verses, 3:104, is probably the most definitive, as it calls for a specific group to carry out the duty: “Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: they are the ones to attain felicity.”

It is on the basis of this verse that Saudi Arabia’s religious police, popularly known as the “mutawa,” call themselves the “Committee for the Promotion of Virtue and the Prevention of Vice.” (Since 2016, their powers have been curbed, but by royal decree rather than religious reform per se, and only as an excuse for deepening authoritarianism on the political side.) Similarly, the Taliban has its “Ministry for the Propagation of Virtue and the Prevention of Vice.” The Iranian “guidance patrol,” too, is based on Article 8 of the Iranian Constitution, which proclaims the same concept of “commanding the right and forbidding the wrong” to be “a universal and reciprocal duty.”

Yet there is a crucial question that all these religious police forces appear to have answered all too quickly: What is “right” and what is “wrong”? How do we know? Who decides it? And do these interpretations of religion really correspond to all the religious commandments and prohibitions of Islam?

These questions are pertinent, not least due to the terminology found in the Quran. The word used for the “right” that is to be “commanded” is “maaruf,” which literally means “the known,” implying conventional ethical norms. The concept existed well before Islam, as pre-Islamic Arabs used the term maaruf for commonly known ethical values, such as gentleness and charitableness. Hence the Arab lexicographer Ibn Manzur (d. 1312) defined maaruf as “things that people find beneficial, likable.” Its opposite, “munkar,” he defined as abhorrent things that offend human conscience.

Due to this elusiveness of vice and virtue, there emerged different views in the early centuries of Islam about the duty, as examined by Michael Cook, whose 700-page book, “Commanding Right and Forbidding Wrong in Islamic Thought,” is the most comprehensive study on the topic. As Cook notes, the earliest commentators on the Quran did not necessarily interpret the duty as religious policing. Instead, some understood it “as simply one of enjoining belief in God and His Prophet.” One such commentator was Abu al-Aliya (died 712 CE), who was among the “tabiun,” or the first generation after the direct companions of the Prophet Muhammad, who reportedly described the duty as “calling people from polytheism to Islam and ... forbidding the worship of

idols and devils.” A little later, Muqatil ibn Sulayman (died 767 CE), whose three-volume book is one of the oldest commentaries on the Quran, similarly defined the duty in limited terms. For him, “commanding the right” meant “enjoining belief in the unity of God,” whereas forbidding wrong meant “forbidding polytheism.”

A political interpretation of “commanding the right and forbidding the wrong” also emerged in the early centuries of Islam. In this view, the duty primarily involved speaking out against tyrants and even launching rebellions against them. In fact, as Cook observes, “it was quite common in the early centuries of Islam for rebels to adopt forbidding wrong as their slogan.” Among the advocates of this stance were the rationalist Mutazilites, who blamed their traditionalist opponents for preaching that “obedience is due to whoever wins, even if he is an oppressor.”

This idea of quietist political obedience was indeed established by certain hadiths, or narrations attributed to the prophet. “He who insults a ruler,” one of them read, “Allah will insult him.” Another one ruled: “Listen to the ruler and carry out his orders; even if your back is flogged and your wealth is snatched.” With such guidelines, the Hanafi scholar Imam al-Tahawi (died 933 CE) in his widely accepted statement of the Sunni creed, wrote, “We do not permit rebellion against our leaders or those in charge of our public affairs even if they are oppressors.” There was also a legitimate rationale beneath this doctrine: Early civil wars in Islam, caused by rebellions, had proven disastrous. But seeking peace only in obedience — as long as the ruler upheld the basic tenets of Islam — built an authoritarian political culture that has endured in the Sunni world to the present day.

On the one hand, then, “commanding the right and forbidding the wrong” proved to be a politically modest duty in Sunni Islam. On the other, it was fervently enforced against sinners and heretics. The Hanbalis, who were often the most hardline Sunnis, were the leading example.

In the 10th and 11th centuries in Baghdad, the Hanbalis became notorious for plundering shops or homes to seek and destroy wine bottles, breaking musical instruments or chess boards, challenging men and women who walked together in public and disrupting Shiite practices.

Conceptually, this full-scale religious imposition was accompanied by the equation of “mauruf” (the known good) with all the commandments of the Sharia. The third-century Sunni Quranic exegete al-Tabari reflected this view when he argued, in Cook’s paraphrasing, “‘commanding right’ refers to all that God and His Prophet have commanded, and ‘forbidding wrong’ to all that they have forbidden.” In other words, the duty required the enforcement of all piety, and the punishment of all impiety, at least in public eyes. (The privacy of the home, meanwhile, was generally respected, thanks to the Quranic directives against spying and entering homes without permission.)

To get a sense of this expansion of enforcement, one needs to look at the very beginning of the story: the Quran. It decrees many commandments to its believers, and expects obedience from them out of their belief in God and hope for salvation in the afterlife — not out of any earthly coercive measure.

For example, believing in God is the very first commandment of Islam, yet the Quran threatens unbelievers or apostates only with the wrath of God in the afterlife. Similarly, Muslims are

commanded to pray and fast, and to abstain from drinking or gambling, but the Quran does not specify any punishment for violations of these commands. The Quran also orders Muslim women to dress modestly but, again, decrees no earthly consequence for those who don't.

By contrast, the Quran does decree earthly punishments for five specific misdeeds, four of which later became enshrined in Islamic law as “al-hudud,” or “the boundaries” of God. These are murder or injury, banditry, theft, adultery and false accusations of adultery. All are to be punished corporally, as was the norm in the Quran's historical context.

The pertinent question for our discussion is this: Why does the Quran penalize theft but not, say, giving up prayer? The Quran itself gives us no answer. But we can reasonably infer the difference: Theft is a punishable crime, in almost every society, because it violates another person's rights. Prayer, on the other hand, is a private connection between a person and God, which harms no other person when it is not performed. (The same is true, in fact, for all matters of faith and worship. As Thomas Jefferson once put it, “It does me no injury for my neighbor to say there are 20 gods or no God. It neither picks my pocket nor breaks my leg.”)

Yet the Quran was only the beginning of Islamic law. In the first few centuries that followed it, the scope of earthly punishments grew dramatically, often based on hadiths, most of which came from solitary reports (as opposed to widely transmitted ones) and were hence open to doubt. (Apostasy became a capital crime, for example, due to the report, “Whomever changes his religion, kill him.”) Almost all religious commandments also turned into enforceable laws, due to the latter-day interpretation of “commanding the right and forbidding the wrong.”

This was how giving up the daily prayers, for example, became a grave crime, as the prominent 11th-century jurist al-Mawardi explained in his book, “al-Ahkam al-Sultaniyyah” (“Ordinances of Government”), a standard Sunni text on Islamic political theory:

If the person abandons [the prayer], claiming that it is not an obligation, then he is a nonbeliever; and the same ruling as that governing the apostate applies—that is, he is killed for his denial, unless he turns for forgiveness. If he has not done it because he claims it is too difficult to do, but while acknowledging its obligation, then the jurists differ as to the ruling: Abu Hanifa considers that he should be beaten at the time of every prayer, but that he is not killed; Ahmad ibn Hanbal and a group of his later followers say that he becomes a kafir by his abandoning it, and is killed for this denial ... Al-Shafi'i considers... he is not put to death until he has been asked to turn in repentance ... If he refuses to make repentance, and does not accept to do the prayer; then he is killed for abandoning it—immediately, according to some, after three days, according to others. He is killed in cold blood by the sword, although Abu' Abbas ibn Surayj says that he is beaten with a wooden stick until he dies.

What about fasting in the holy month of Ramadan? Al-Mawardi wrote that the Muslim who refuses to fast “is not put to death,” but is still “given a discretionary punishment to teach him a lesson.” Such punishments in Islamic law, called “tazir,” meaning discretionary rules set by the authorities rather than scripture, typically included lashes or short prison sentences.

Who were the authorities responsible for implementing these laws? There were courts ruled by qadis, or judges, but they did not go after lawbreakers themselves. The latter task, which al-Mawardi described as “one of the fundamental matters of the religion,” was called “hisba,” to be carried out by “those who do hisba,” or the “muhtasibs.” While the duty of “commanding the right and forbidding the wrong” was incumbent on all Muslims, it was these state-appointed officials who physically enforced the rules.

What, then, is hisba? Among the many meanings cited by Ibn Manzur, the word implies enforcing and managing limits, as well as sufficiency, monitoring and reckoning. Both classical and contemporary Muslim sources define it as a kind of law enforcement, established by the prophet. However, when we look carefully into the prophetic practice, we see something rather different from religious policing: market inspection.

The marketplace was a fundamental institution in nascent Islam, thanks to the fact that many of the first Muslims, including the prophet himself, were longtime merchants. No wonder that, soon after settling in Medina after his historic hijra (migration) from Mecca, Muhammad designated a spot in the city, declaring: “This is your market, let it not be narrowed, and let no tax be taken on it.” He also began frequenting the market in person to prohibit any fraudulent practices, which the Quran rebuked severely in a number of verses.

This is also why the prophet appointed some of his companions to oversee the market and prevent the occurrence of fraud. Interestingly, one of these inspectors was reportedly a woman named Samra bint Nuhayk al-Asadiyya — a notable example of the prominent public roles played by early Muslim women. A few decades later, the Caliph Umar also appointed a woman, al-Shifa bint Abd Allah, in addition to three men, to oversee the Medinan market. In the first century of Islam, these market inspectors were called “aamil al-suq,” or “overseer of the market.” In Muslim Spain, they were also called “sahib al-suq,” or “master of the market.” Their functions were described by the Cordoban scholar Yahya ibn Umar (died 901 CE), who wrote about “the orderly running of the marketplace, particularly with regard to weights, measures and scales.” Significantly, he did not mention any religious policing.

Yet the latter function would soon appear. As the historian Abbas Hamdani observed, while “in his previous role as sahib al-suq, the market inspector had mainly material, not spiritual considerations,” a shift later took place. “In the late ninth century, we find that the office of the market inspector begins to be regarded as a religious office and the inspector is now called muhtasib, a person who takes count of the right and wrong deeds of the people and brings them to book.”

This dual function of the muhtasib was also observed by the historian Yassine Essid, who wrote: In reading the different treatises devoted to the hisbah we discover two categories of responsibilities, or rather, we find ourselves looking at two different figures: the censor of morals who breaks musical instruments, pours out wine, beats the libertine and tears off his silken clothing, and the modest market provost, a man who controls weights and measures, inspects the quality of the foods on sale, ensures that the markets are well supplied.

As time went on, religious policing even became the principal duty of the muhtasib, whereas market supervising turned trivial. This was evident in “The Revival of Religious Sciences,” the

highly influential book by the Imam Abu Hamid al-Ghazali (died 1111 CE), one of the towering scholars of the Sunni tradition. Al-Ghazali wrote a whole chapter on hisba, which he defined as “prevent[ing] an evildoing for the sake of God’s right in order to safeguard the prevented from committing sin.” Thus, everything that is considered sin is to be targeted, from drinking wine to leaving prayer. In retribution for such acts, al-Ghazali proposed “direct” punishments, such as “breaking the musical instruments, spilling over the wine, and snatching the silk garment from him who is wearing it.”

Al-Ghazali also justified “hisba against the religious innovations,” meaning heresies. This was, in fact, even “more important than against all the other evildoings.”

In short, hisba, which began under Muhammad with the limited function of market inspection, turned only much later into full-fledged religious coercion — against not only impieties, but also heresies.

Yet wouldn’t religious coercion infringe on an Islamic value, also cherished by pious scholars such as al-Ghazali himself: the sincerity of intentions behind acts of worship? What would be the value of prayer, for example, if it were performed only out of fear of the muhtasib, not fear of God? And if the suppression of heresy were justified, would this not lead to endless religious conflict among Muslims, since one sect’s “heresy” was another’s true faith?

These questions appear to have been asked only rarely in the classical age of Islamic civilization, though there were a few scholars who noticed the problem with coercion.

One was the Ottoman Hanafi-Sufi scholar Abd al-Ghani al-Nabulsi (died 1731), who was troubled by the Istanbul-based Kadizadeli movement, a zealous religious group that created much disturbance in 17th-century Ottoman society. Influenced by Ibn Taymiyya (died 1328), the prominent Hanbali scholar, these were puritans who blamed the Ottomans’ decline on “innovations” in Islam, such as Sufi orders that used religious music, “rational sciences” such as philosophy and mathematics, and perceived social vices such as coffee and tobacco, which had become quite popular across the empire. For a while, the Kadizadelis influenced Sultan Murad IV, who destroyed all the coffeehouses in Istanbul and executed tobacco smokers, not to mention wine drinkers. (Ironically, he himself was a heavy drinker, who died of cirrhosis at the age of 27.) In the late 17th century, the Kadizadeli militancy would decline, but not totally vanish.

Al-Nabulsi patiently argued against these puritans in his book, “al-Hadiqa al-Nadiyya” (“The Dew-Moistened Garden”). First, he opposed the conflation of “commanding the right and forbidding the wrong” with hisba, which had become the standard view since al-Ghazali. In al-Nabulsi’s view, the duty was only a “matter of the tongue,” with no enforcement. In return, people could either heed the advice or not — it was their choice, because “There is no compulsion in religion.” According to Cook, this reference by al-Nabulsi to Quran 2:256 may be the very first use of this verse against coercion in Islam. Traditionally, it had been cited only to rule out forced conversions to Islam of Jews, Christians or others.

Al-Nabulsi also referred, in a letter, to a Quranic verse often downplayed by religious enforcers: “You who believe, you are responsible for your own souls; if anyone else goes astray it will not harm you so long as you follow the guidance.” (5:105) The lesson, al-Nabulsi argued, is that instead of judging others, Muslims would be better off spending time examining their own souls.

Al-Nabulsi also deconstructed the ostensible piety of the Kadizadelis. Zealots of their kind set out to command and forbid, he argued, in Cook’s paraphrasing, “because they crave an ego trip, or see

it as a way to establish a role of power and dominance in society, or to gain the attention of important people.” Beneath their claims to righteousness, in other words, lay only self-righteousness.

Another Ottoman scholar, the famous polymath Katip Çelebi (died 1657), had also seen Kadizadeli militancy even more closely, and minced no words against it. In his book, “Mîzânü’l-Hak,” or “The Balance of Truth,” he wrote:

The most noble Prophet used to deal kindly and generously with his community. The arrogant men of later time, not seeing the disgrace of running counter to him, label some of the community as infidels, some as heretics, some as profligates, for trifling reasons ... They bring the people to the grievous state of fanaticism, and cause dissension. Ordinary folk know nothing of these rules and conditions; thinking that it is obligatory in every case to enjoin right and forbid wrong, they quarrel and are pertinacious with one another. The baseless wrangling in which they engage, with stone-like stupidity, sometimes leads to bloodshed. Most fighting and strife between Muslims arises from this cause.

Today, almost four centuries later, it is remarkable to read this sharp critique by Katip Çelebi. It is also sad, because it remains true today that “most fighting and strife between Muslims arises from this cause,” which is religious zealotry and coercion. Various Islamic regimes or parties, from West Africa to Southeast Asia, struggle with each other, and with secular forces, to “command the right and forbid the wrong,” in the narrow way they define it. In the meantime, they hardly make anyone more faithful or pious, if that is really their goal. On the contrary, as seen in Iran today, in the hijabs defiantly burned by the women on whom they are imposed, they only make people lose respect for Islam.

As such, I believe the way forward for Islamic civilization lies in divorcing “commanding the right and forbidding the wrong” from religious coercion. Sure, in any society, certain things have to be coercively “commanded,” such as honesty in trade, or “forbidden,” such as theft, murder or oppression. These are literally *mauruf*, in terms of being “known” to all humanity as common sense. But how people believe in God and worship Him are matters of their own conscience, which should be left to their private minds to freely determine.

While this argument may sound to some like a big “innovation” in Islam, it has firm roots in the earliest interpretations of the Quranic duty of “commanding the right and forbidding the wrong,” and in fact aligns with the original meaning of *hisba*. It is also strongly grounded in the Quranic dictum rightly expounded by al-Nabulsi: “There is no compulsion in religion.” Properly understood, this means there should really be no compulsion in religion. People should be at liberty to practice it, or not, based on their sincere convictions and free choices.

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