CHAPTER 1

Introduction

In the early evening of Thursday 22 September 1988, a woman was raped at a local train station in Chicago in the presence of several people.[1]

A brief account of the incident appeared that Sunday in the *New York Times*, based on what the police had said on the Friday. The salient feature of the incident in this account was that nobody had moved to help the victim, and her cries had gone unheeded – for all that the rape took place during the rush hour. As Detective Daisy Martin put it: 'Several people were looking and she asked them for help, and no one would help.'

A longer account which likewise appeared on the Sunday in the *Chicago Tribune* placed the matter in a very different light. Quoting what the police had said on the Saturday, the article began by stating that six bystanders were to be recommended for citizen's awards for their work in helping the police arrest and identify the suspect. The account which followed emphasised two features of the situation that did not emerge from the notice in the *Times*. The first was that the rape took place in a part of the station to which access was blocked by an exit-only turnstile. The second was that the bystanders were confused in their understanding of what was going on: the rapist had ordered his victim to smile, which she did. Although at one point she reportedly mouthed the word 'help', it was only after her assailant had run off that she screamed. Initially, at least, the bystanders took the woman to be engaged in voluntary sex. But one young bystander, Randy Kyles, took a second look and thought 'Man, this is strange'. Something seemed not to be right, so he did not get on his train when it came in. (Others on the platform, by contrast, remarked that what was happening was weird, but nevertheless boarded the train.) When the victim ran up the steps screaming that she had been raped, Kyles chased after the rapist, eventually flagging down a police car and getting him arrested. Kyles later explained his action as follows: 'I had to do something to help that woman. It just wasn't right. It could have been my mother, my aunt, one of my mother's friends.'

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[1] ix–xi.

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It is clear from these accounts that neither paper considered a rape at a local station in Chicago to be newsworthy in itself. The focus of journalistic attention – and the anticipated focus of the reader's interest – was the conduct of the bystanders. The account given in the *Times*, which went back to Detective Daisy Martin's statements on the Friday, placed their behaviour in a most unflattering light: though they greatly outnumbered the lone rapist, they had simply stood by and let it happen. The implication was that their conduct was shameful, and the reader reacts with appropriate indignation. How differently we would have behaved had we been there! Or at least, we hope we would have.

The account given in the *Tribune*, by contrast, suggests that at least some of the bystanders, and Kyles in particular, behaved commendably. They had two good excuses for not intervening during the rape itself – the physical layout of the station, and the appearance of consent created by the coerced smiles of the woman, even if these did not look quite right. Kyles himself behaved with energy and courage when the situation became clear. He felt that he had to do something to help the woman, just as we would have felt had we been there; and we hope that we would have acted as well as he did in the distinctly confusing circumstances of the case.

Underlying these two accounts, and the remarks of Martin and Kyles, is a broad moral consensus. One cannot just stand by and watch someone rape a woman, even a complete stranger, in a public place. Either one must do something about it, or one must have good and specific reasons for not doing anything. In other words, it seems, we have a clear conception that we have some kind of duty not just to behave decently ourselves, but to prevent others from doing things to their fellow humans that are outrageously wrong. Yet in everyday life we lack a name for the duty, still less a general formulation of the situations to which it applies and the circumstances that dispense us from it. The value is there, but it is not one that our culture has developed and systematised. 'It just wasn't right' is the bottom line in Kyles's explanation of what he did; the 'just' signals that, had he been pressed to explain himself further, he would have had nothing to say. We either understand or we don't. In fact, of course, we understand perfectly well, and some of us can on occasion wax quite eloquent on the subject; but our culture provides us with no ready-made articulation of our understanding.

In Islamic culture, by contrast, such a duty has a name, and it has been analysed repeatedly by the religious scholars whose writings make up the bulk of the literature of Islam. The main purpose of this book is to make this body of thought available in English in a concise and readable form. We can come back to the intriguing contrast between the treatment of the duty in Islamic and Western cultures at the end of the book.[2]

Before we delve into the thinking of the Muslim scholars, there are some preliminary matters that need attention: the terminology used by the Muslim scholars

[2] See below, ch. 13.

in referring to the duty; the religious allegiances of these scholars; and the main
types of work in which they set out their ideas. The following sections address
these themes, and are in the nature of road-maps.

1 Terminology

The phrase 'commanding right and forbidding wrong' has its source in Muslim
scripture, that is to say in the Koran, which Islam considers to have been revealed
by God to the Prophet Muḥammad (d. 632) through Gabriel. Thus in one verse,
God is calling for unity among the believers, and addresses them thus: 'Let there
be one community (*umma*) of you, calling to good, and commanding right and
forbidding wrong; those are the prosperers' (Q3:104). In another verse He avers:
'You were the best community (*umma*) ever brought forth to men, commanding
right and forbidding wrong' (Q3:110). And again: 'And the believers, the men and
the women, are friends one of the other; they command right, and forbid wrong'
(Q9:71) – a verse, incidentally, that is notable for its explicit mention of women
in connection with the duty. As these examples show, the phrase is firmly rooted
in the diction of the Koran.

But what goes for the phrase may not be true of the conception. There is no
certainty that the Koranic phrase originally meant what the later Muslim scholars
took it to mean. The Koranic uses of the phrase are vague and general, and give no
indication of the concrete character of the duty, if any. Indeed, there was a trend in
early Koranic exegesis that saw the duty as simply a matter of affirming the basic
message of Islam: 'commanding right' was enjoining belief in the unity of God
and the veracity of the Prophet, and 'forbidding wrong' was forbidding polytheism
and the denial of the Prophet.[3] But whatever the Koranic phrase originally meant,
the Muslim tradition overwhelmingly took it to refer to the duty we now under-
stand by it.

Muslim scholars normally follow Koranic usage in referring to 'commanding
right and forbidding wrong' in tandem. Occasionally they make scholastic distinc-
tions between commanding right and forbidding wrong, but these are niceties we
can leave aside.[4] For our purposes, they are two sides of the same coin, and in most
contexts we can conveniently abbreviate the full phrase to 'forbidding wrong'.

Alongside the Koran, Islam possesses a second body of material at least some
of which is accorded the status of revelation, namely tradition (*ḥadīth*). In early
times, individual traditions were orally transmitted, but within a few centuries they
had been reduced to writing and embodied in voluminous collections. In the Sunnī
case, what the Muslim scholars consider to be authentic traditions from the Prophet
form a body of material with a status comparable to that of the Koran. There are

[3] 22–4.
[4] xii n. 9; cf. below, 106.

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numerous traditions that refer to forbidding wrong, often to encourage believers to perform the duty. However, the tradition that figures most prominently in the discussions of the later scholars, at least among the Sunnīs, is couched in different terms. Like many traditions in favour of forbidding wrong,[5] it is identifiable from its transmitters as stemming from the city of Kūfa in Iraq.

According to this tradition, Marwān, the governor of Medina, was presiding over the ritual prayer on a feast-day some time in the 660s or 670s. In this connection he did two things that were considered irregular: he brought out the pulpit despite the fact that it was a feast-day, and he delivered the sermon before conducting the prayer. In the face of these ritual infractions, a man got up and said: 'Marwān, you've gone against the normative practice (*sunna*)! You've brought out the pulpit on a feast-day, when it used not to be; and you've started with the sermon before the prayer!' At this point, one of the Companions of the Prophet commented that the man had done his duty, and proceeded to quote something he had heard the Prophet say: 'Whoever sees a wrong, and is able to put it right (*an yughayyirahu*) with his hand, let him do so; if he can't, then with his tongue; if he can't, then in his heart, and that is the bare minimum of faith.'[6]

This tradition, then, provides us with a clear example of a wrong that needs righting, and at the same time sets out a schema of modes in which a believer might respond to it; we will come back to these 'three modes' in a later chapter.[7] Yet in the payload of the tradition, the Prophet speaks not of 'forbidding' wrong but of 'righting' it, using a verb (*ghayyara*) whose primary sense is 'to change'.[8] From this the scholars derive the phrase 'righting wrong' (*taghyīr al-munkar*) – though because the phrase derives from a Sunnī tradition, it is less used by the Shīᶜites.[9] Despite the difference of language, the scholars take it for granted that 'forbidding wrong' and 'righting wrong' are the same thing, and we will follow them in this without further ado.

Both these ways of referring to the duty go back to early Islamic times. There is a third that is of later origin, and mainly an invention of Ghazzālī.[10] Following a precedent set by a somewhat earlier scholar, Māwardī (d. 1058), he adopted the word *ḥisba* as a general term for 'forbidding wrong'. He then developed a terminology based on the root behind this word (*ḥ-s-b*). Thus the person who forbids wrong is 'the one who performs *ḥisba*' (*al-muḥtasib*), the person who has committed the wrong is 'the one to whom *ḥisba* is done' (*al-muḥtasab ᶜalayhi*), and the wrong itself is 'that with regard to which *ḥisba* is done' (*al-muḥtasab fīhi*).

Because Ghazzālī was a very influential thinker, this terminology is frequently encountered in the works of later scholars.[11] But despite its systematic character,

[5] 45.
[6] 33f.
[7] See below, ch. 3.
[8] 34f.
[9] 258f.
[10] 429; 447–9.
[11] 21 n. 36; 296 and n. 298; 326 and n. 145; 371; 423 and n. 229; 452 n. 161; 455 and nn. 191f.

it led to a considerable amount of confusion. Long before the time of Ghazzālī, the word *ḥisba* had been applied to the office of a functionary I shall refer to as the censor (*muḥtasib*); his job was to oversee the markets and morals of the city in which he was appointed. This too was a form of 'commanding right', but distinct from the duty of the individual Muslim that is our primary concern in this book.[12]

2 Religious allegiances

As world religions go, Islam is relatively unified. It has nevertheless been shaped by a variety of cleavages, some deeper than others, with the result that Muslims have been divided into a large number of more or less distinct groups. These groups are relevant to us to the extent that they have constituted intellectual communities within which doctrines of forbidding wrong have been transmitted and discussed. In practice, of course, we are unlikely to know much of the views of a group unless it has survived into the present and preserved a significant literary heritage; so we shall have little occasion to refer to the numerous groups that died out at one time or another in the course of Islamic history.

By far the oldest and deepest cleavage is the sectarian division that separates Shīʿites, Khārijites and the Sunnī mainstream. The main ground on which these sectarian allegiances were defined was the religious politics of the seventh century, above all the question who was the legitimate ruler of the Muslim community after the death of the Prophet. Both Shīʿites and Khārijites were subject to further splits, generating numerous sects. On the Shīʿite side, two of these sects will play significant roles in this book: the Imāmīs, who today constitute the predominant Shīʿite group in Iran and elsewhere, and the Zaydīs, who survive only in northern Yemen. On the Khārijite side, only one sect survives today, namely the Ibāḍīs. Geographically speaking, the Ibāḍīs have long been confined to two widely separated regions: Arabia, where they make up the majority of the population of Oman, and North Africa, where they are found as minorities in Algeria, Tunisia and Libya. Each sect tended to have its own succession of imams, that is rulers which it recognised as legitimate; those of the Imāmīs soon came to exercise no real political power, whereas those of the Zaydīs and Ibāḍīs did better. The various sects were likely to have distinct heritages of tradition (*ḥadīth*), and this was particularly pronounced in the Imāmī case. They also tended to regard each other, with some qualification, as infidels; truth was a zero-sum game, and only one sect could possess it. In modern times the Zaydīs and Ibāḍīs have shown a strong tendency to move towards the Sunnī mainstream, but the Imāmīs remain clearly distinct from it.

A later and less profound division separates the four surviving law-schools of Sunnī Islam: the Ḥanafīs, Mālikīs, Shāfiʿites and Ḥanbalites. These are rival schools of thought in the field of religious law (*sharīʿa*), and originate in the heritages of

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[12] Cf. 475 n. 33.

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founding figures of the eighth or ninth centuries: Abū Ḥanīfa (d. 767f.),[13] Mālik (d. 795), Shāfiʿī (d. 820) and Ibn Ḥanbal (d. 855). The law-schools differ on numerous legal questions, but they have tended to see their differences as in some sense legitimate; thus scholars of rival law-schools have not been given to calling each other infidels, or not at least on the basis of their legal views alone. It gradually became the norm for any Sunnī Muslim to belong to one or other of the four schools; thus both Māwardī and Ghazzālī were Shāfiʿites. But many early Sunnī scholars, and a few later ones, lacked such allegiances. An example is Ibn Ḥazm (d. 1064), a brilliant Spanish maverick. The law-schools were important as intel-lectual – and also social – communities, and as such they will play a significant part in this book; but in modern times they have tended to become less salient. Outside the Sunnī fold, the various sectarian groups likewise had their law-schools; but there will be less reason to refer to them, since in the sectarian environment the law-school is often (though not invariably) coterminous with the sect.

A third cleavage demarcates the various theological schools. The word 'theo-logical' in this context is to be taken in a fairly broad sense, but it should be understood to exclude religious politics and law. The fundamental division here was between those who espoused the use of systematic reasoning in matters of theology and those who rejected it in favour of an exclusive reliance on Koran and tradition. By the ninth century the champions of systematic reasoning had split up into numerous schools, of which the only one that matters to us is the Muʿtazilites. They did not survive as an independent movement, but their views and works were to an extent adopted and transmitted by members of some of the sects and law-schools described above. The major role in this was played by the Shīʿite sects. Thus the Imāmīs adopted many Muʿtazilite views, though they did not preserve Muʿtazilite works written by non-Imāmīs. The Zaydī reception of Muʿtazilism went further, and included the preservation of a significant body of Muʿtazilite writing by a Shāfiʿite Muʿtazilite, ʿAbd al-Jabbār ibn Aḥmad al-Hamadhānī (d. 1025). On the Sunnī side, Muʿtazilism survived longest among the Ḥanafīs, but even they do not preserve a significant number of Muʿtazilite works. In addition to Muʿtazilism, two further theological schools of a somewhat later vintage will occasionally concern us. One was Ashʿarism, which became strongly associated with the Shāfiʿite and Mālikī law-schools; the other was Māturīdism, which came to prevail among the Ḥanafīs. Ranged against these schools were the enemies of systematic reasoning, whom we can call the traditionalists. We encounter them in a variety of contexts, but their greatest bastion was undoubtedly the Ḥanbalite law-school. In one way theological differences run deeper than legal differences: in theology, as in religious politics, truth tends to be seen as a zero-sum game, and those who find themselves in disagreement are prone to call each other infidels.

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[13] Our sources tell us that Abū Ḥanīfa died at some point in the Muslim year 150, which began in February 767, and ended in January 768. So '767f.' means 'the parts of 767 and 768 corresponding to the Muslim year that began in 767 and ended in 768'.

But in another way the divisions run less deep: theological differences did not provide the basis for the formation of lasting social communities, but rather, as we have seen, rode piggyback on sectarian and legal groupings.

A fourth form of division, of great importance historically, is that between the numerous Ṣūfī brotherhoods that have come into existence over the centuries. But these brotherhoods will play very little part in this book. Some aspects of the heritage of Ṣūfī thought will occasionally concern us, as will the tensions between Ṣūfism and its enemies.

3 Sources

Islamic religious literature is vast and ramified, and references to forbidding wrong crop up in sources of very varied types and provenances. But the more sustained discussions of the duty tend to cluster in a limited number of genres.

As we have already seen, there is relevant material in both Koran and tradition. Scholastic cultures tend to invest heavily in commentary on their authoritative texts, and the Muslim scholars are no exception. Since the Koran is the most authoritative Muslim text, it is not surprising that it has been the subject of more commentaries than any other; these range in date from the eighth century to the present. What such commentaries have to say about the relevant verses thus provides us with a rich vein of material. There are likewise commentaries on the major collections of traditions, of which the most important from our point of view is that of Muslim (d. 875); but in general the commentaries on tradition have less to offer us than those on the Koran.

The most obvious type of source to go to for systematic and detailed accounts of the duties of Muslims is the vast legal literature of Islam. The study of law was the central activity of Muslim scholarship, and any topic that had a recognised place in the law-book was thus assured of continuing literary attention down the centuries, and wherever there were scholars to attend to it. The Sunnī law-schools, however, did not cover forbidding wrong in their law-books, with the result that their legal literature has only occasional and incidental remarks to offer on the subject. Fortunately the sectarian scholars – the Imāmīs, the Zaydīs, and the Ibāḍīs (at least in the east) – did not follow the Sunnī lead, and their law-books regularly included discussions of forbidding wrong. In the case of the Imāmīs the amount of material this yields is particularly large. In part this reflects the historical success of the Imāmīs over the centuries – they became far more numerous than the Zaydīs or Ibāḍīs, and thus supported many more scholars. But it is also a testimony to the impetus given by the Islamic revolution in Iran to the publication of Imāmī manuscripts; secularists would have left most of them to gather dust.

Another kind of work that may include a treatment of forbidding wrong is the theological handbook. This is particularly so with the Muʿtazilites and their heirs,

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the Zaydīs and Imāmīs. The Muʿtazilites, indeed, initiated by far the strongest
tradition of systematic analysis of the duty to be found in Islam. By contrast, the
Ashʿarites possessed no such tradition, although they sometimes provided accounts
of the duty in their treatises on theology. So too did the Ḥanbalites, to the extent
that these traditionalists belatedly adopted the genre. The Māturīdites had no prob-
lem with the genre, but it was not their practice to include discussion of forbidding
wrong in it.

Theological treatments of forbidding wrong tend to abstraction; more concrete
and colourful material can sometimes be found in collections of responsa (*fatwā*s).
In such texts a scholar is responding to specific questions usually put to him by
laymen, and these questions may include accounts of the actual circumstances that
raised the issues. There is a rich collection of responsa of Ibn Ḥanbal on forbidding
wrong that reflects the conditions in which Ḥanbalites lived in ninth-century
Baghdad; Iran in the late twentieth century is represented in some responsa of
Khumaynī (d. 1989).

From time to time scholars have devoted monographs to forbidding wrong. For
example, there is a massive compilation on the subject by Zayn al-Dīn al-Ṣāliḥī (d.
1452), a Damascene Ḥanbalite who was also a Ṣūfī – indeed at one point he makes
a specifically Ṣūfī contribution to the armoury of techniques for forbidding wrong.
But Ṣāliḥī's work, in line with others of this genre, tends to be more interesting for
the materials he transcribes from earlier sources than for any ideas of his own. In
recent times monographic treatments of forbidding wrong have become signific-
antly more common, among both Sunnīs and Imāmīs. Modern works of this kind
are often of interest for the ways in which their authors seek to relate the heritage
of forbidding wrong to modern conditions.

If there is one account of forbidding wrong that stands out from the rest, it is
Ghazzālī's. This account forms part of a lengthy anatomy of piety to which he gave
the famous – if not entirely modest – title *The revival of the religious sciences*
(*Iḥyāʾ ʿulūm al-dīn*).[14] In this work he devotes far more space to forbidding wrong
than most earlier writers on the duty. But it is also the quality of his analysis that
sets it apart. His account is a fine example of his talent for effective organisation –
a talent explicitly recognised and appreciated by posterity.[15] It is also innovative,
insightful, and rich in detail. Small wonder that the work in general, and its treat-
ment of forbidding wrong in particular, achieved a wide currency in the Islamic
world. A striking testimony to this was the appearance of reworkings of the *Revival*
designed to render it compatible with milieux distinct from that of Ghazzālī him-
self. Such recensions were produced among the Mālikīs, Ḥanbalites, Ḥanafīs,
Ibāḍīs, Zaydīs and Imāmīs; even the Monophysite Christians of Syria had their
version.[16] At the same time numerous writers on forbidding wrong mined

[14] 427.
[15] 447; 450; cf. 449.
[16] 453–5; 600–3.

Ghazzālī's account of the duty.[17] The result of all this was to spread his ideas about forbidding wrong far and wide. Yet for one reason or another, certain features of his account tended to meet with resistance on the part of those who customised or borrowed from it;[18] monitoring their reactions can shed an interesting light on their attitudes to sensitive questions.

All these sources document the doctrines of forbidding wrong that were prevalent among the Muslim scholars. But it is only incidentally and unevenly that they reveal anything about the practice of the duty in real life – though responsa obviously have considerably more to tell us here than handbooks of theology. In addition to the kinds of source described above, however, we can have recourse to the large body of historical and biographical literature that the scholars have left behind them. The disadvantage of such anecdotal material is that it is scattered here and there in a random fashion. The advantage is that the works in which we find it do not have formal doctrinal agendas – which is not, of course, to say that they are innocent of doctrinal concerns and influences. Such material may not be the ideal source for reconstructing the practice of the duty, but it is the best we can hope to find for pre-modern times.

We are now ready to start looking at the doctrines of forbidding wrong put forward by the Muslim scholars.

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[17] 452f.; 455.
[18] 140f.; 246; 295; 321f.; 372; 456–8.

CHAPTER 2

The elements of the duty of forbidding wrong

This chapter is mainly concerned to answer three basic questions about the duty of forbidding wrong: *who* has to do it, *to whom*, and *about what*? Once we have dealt with these elementary questions, we can go on in later chapters to more advanced issues, ranging from the techniques for forbidding wrong to the limits placed on them by considerations of privacy. But before we tackle our three basic questions, we have to start by briefly disposing of a more fundamental one: *why* should there be a duty to forbid wrong?

1 Why?

The reason this question will not detain us long is that the Muslim scholars had a simple and straightforward answer to it: God had imposed the duty, and had made His will known through explicit statements in both Koran and tradition. (Sometimes this is backed up by reference to consensus (*ijmāʿ*), but we can leave this aside.) A considerable range of Koranic verses and traditions were cited in this connection, but one particular verse, and, among the Sunnīs, one particular tradition, have pride of place. We have already met both.

The verse is Q3:104: 'Let there be one community (*umma*) of you, calling to good, and commanding right and forbidding wrong; those are the prosperers.' In the wider context of the passage, 'you' refers to 'those who believe' (Q3:102), so that it is natural to take God to be addressing the Muslims in general. At the same time the language – 'let there be' – is unambiguously prescriptive. So the obvious reading of the verse is indeed that God is imposing a duty on the Muslims, and this is how it was universally understood. The only thing that is a little obscure is the precise relationship between the 'community' God mentions here and the believers at large: are *all* Muslims to belong to this community that forbids wrong, or just some of them? We need not bother with this ambiguity here; but it attracted the attention of the scholars, and we will find ourselves coming back to it in the next section.

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