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Commanding good and prohibiting evil in contemporary Islam: cases from Britain, Nigeria, and Southeast Asia

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Abstract This paper examines the concept of (public) sin as well as efforts to counteract sin from the perspective of Islam. The understanding that *hisba*, the prohibition of vice and enjoining of virtues, are a responsibility of both the state and the community is common in historical and contemporary Muslim societies. Where the state cannot or does not provide means for countering (public) sin, the perception for some Muslims is that the responsibility on the community and individuals to do so increases. Based on ethnographic research in Britain, Nigeria, Indonesia, Malaysia, and Singapore, the paper highlights examples of how sin has been defined amongst Muslim communities as well as the methods and rationales given to justify the forbidding of sin as a collective and communal public obligation. As the world becomes more

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integrated, there is growing concern amongst Muslim communities that sin is becoming the norm, leading society to degeneracy, that people who would not have otherwise sinned are influenced to do so. Common features in forbidding sin across Muslim communities have appeared, often focusing on what are seen as moral issues such as dress codes, music, gambling, alcohol, smoking, and the mixing of men and women in public. The forbidding of sin has resulted in attempts to introduce "*Shari'a* Zones" in some predominantly Muslim areas of London, whilst in Indonesia, this has given rise to the Islamic Defenders Front and in some Northern Nigerian states to the reintroduction of the criminal codes of the *Shari'a*.

Introduction

The issue of sin, and especially public sin, is an increasingly important concept in Muslim societies, both countries in which Muslims are the majority and among Muslim minorities in Western and Asian states. This issue of sin for the larger part has also been conflated with growing concern in Muslim communities across the world on the impact of westernization and globalization. Jacobson et al. have shown that for many Muslims, there is a growing perception that Western influence leads to a downward spiral of depravity in Muslim cultures (Jacobson et al. 2012). An emerging theme in Muslim religious discourse is that of what should be done to reverse this tendency. One proposed solution has been a return to emphasizing the classic Islamic principle of *hisba*—that is the obligation to command good and forbid evil (Cook 2003). In recent times, this concept has been reinterpreted to constitute the basis of an Islamic doctrine of responsible citizenship. A central theme in this discourse stresses the obligation of individual Muslims, as opposed to Muslim states or rulers, to engage in these actions. Some have taken steps to ensure that a high level of morality[1] is maintained in communities, often with consequences that others, including many Muslims, find disturbing. This is especially problematic when coercion and violence are employed because of disagreement over whether using a "wrong" to prohibit a "wrong" is ever acceptable. A distinction is also drawn between public sin and private sin, with the former being far more problematic, not least because of the belief that it has potential to do more harm and on a wider scale.

In this paper, we examine the ways in which this discourse plays out and is acted on in Muslim societies in Britain, Nigeria, and Southeast Asia. We argue that there is a transregional tendency to see the West as a source of sin that requires effective and, by radical groups, sometimes violent countermeasures. These conclusions are based on extensive ethnographies by the authors, each in our geographical region of study: the UK, Indonesia, Malaysia, Nigeria, and Singapore. These countries were selected as the basis of a larger project concerning counter radical Muslim discourse and praxis outside the Middle East. In all cases, at least 18 months were spent gathering data (between 2010 and 2012), combing observation research, participant interviews,

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[1] As defined by a more literalist interpretation of Islam

textual and discourse analysis as well as living in and becoming well acquainted with each of the study locations. Materials gathered for analysis, for example posters proclaiming *Shari'a* zones or leaflets outlining the views of the *hisba*, were publicly and readily available, often displayed prominently within the different communities being studied. Interviews with a cross section of Muslim communities and those affected by the consequences of *Shari'a* implementation were used to gain a better contextual understanding of each of the regional situations, as well as allowing for cross-country comparisons to be made. We argue here that combating sin is an increasingly important part of radical discourse. By radical we mean individuals and organizations that seek to affect profound political, sociocultural, and/or religious transformations either within Muslim minority communities or Muslim majority states.

Hisba

Hisba can be translated as enjoining good and opposing sin. The Qur'an (9:71) states:

> Faithful men, and the faithful women are friends one to another: They command that which is just, and they forbid that which is evil; and they are constant at prayer, and pay their appointed alms; and they obey God, and his apostle: Unto these will God be Merciful; for He is Mighty and Wise.

> Let there be one community of you, calling to good, and commanding right and forbidding wrong: those are the prosperous' (Qur'an 3:104) and 'You are the best community ever brought forth to men, commanding right, forbidding wrong, and believing in God (Qur'an: 3:110).

There are many *hadith*, which are second only to the *Qur'an* as a source of Muslim law, that elaborate on this theme. Among the most commonly cited is:

> He from among you who observes something evil should reverse it with his hand; if he is unable to do that he should condemn it with his tongue; if he is unable to that he should at least resent it in his heart; this is the lowest level of faith (Khan 1975: 48).

This is one of the most important teachings of Islam. Works by three Muslim scholars from the classical age, Ibn Taymiyyah (750–1258), Al Ghazali (1058–1111), and Ibn Khaldun (1332–1406), are also influential in informing contemporary Muslim discourse. More recent theological works build on their thinking. The practice of *hisba* has a long historical precedence in Islam dating to the time of the Abbasid Caliphate (750–1258). Ibn Taimiyya, whose writing informs much of contemporary Islamist discourse, described it as being the ultimate form of *jihad*.[2] Al-Ghazali and Ibn Khaldun wrote important tracts on *hisba*, whilst Mohammad Ibn Wahhab (1703–1792) and his followers revived the concept as a means of imposing strict moral rectitude on the Muslim population of the Arabian Peninsula. Wahhab focused on eradicating what he perceived to be un-Islamic practices such as smoking,

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[2] *Jihad* is properly translated as struggle in the cause of God (Bonney 2004: 111–126).

the veneration of saints, and what he considered to be other forms of *shirk* (polytheism). In Saudi Arabia, there is now a state-sponsored "Committee for Enjoining Good and Forbidding Evil"—a special police force that has been tasked with maintaining moral integrity. Its purpose, according to David Commins, is "to compel attendance at daily prayers and to police public moral behavior" (Commins 2006: 94).[3] The Committee has been used as an instrument of power by the regime to promote conformity with Muslim law throughout the kingdom as well as acting as a vehicle for promoting the religious legitimacy of a royal family that does not always act in accord with those principles itself (Al-Rasheed 2002: 49–58).

Al-Ghazali was one of the earliest Muslim scholars to produce a philosophical treatise on *hisba*. For Al-Ghazali, the principle is of fundamental importance to Islam and the reason as to why prophets were sent to the world. Without the development of *hisba*, religion would be lost, ignorance would prevail, dangers and calamities would appear, and ultimately, mankind would be destroyed. Al Ghazali discussed *hisba* under four main headings:

1. The merits of the principle with quotes from the Qur'an, Hadiths, and sayings of Muslim sages.
2. Its rules and conditions—the preventers (*muhtasib*), the ones to be prevented; the preventable and the mode of prevention. With regard to preventing wrong, he outlined five stages—simple advice, pleasant sermon, abuse and harsh treatment, force application, and assault and threat. Only the last requires the permission of the authority.
3. Corrupt practices in the society.
4. The role of rulers, administrators, and persons of authority in the implementation of the principle (Al–Ghazali 2004a, b: 895–962).

Ibn Khaldun (1332–1406) argued that *hisba* is a religious duty, which falls under (the department of) "enjoining good and preventing wrong"—an obligatory duty of leaders. The person holding political authority appoints an officer in charge (*Muhtasib*), who in turn appoints assistants. The *Muhtasib* investigates abuses and applies appropriate correct measures and punishments. He ensures that the people act in accordance with public duty. His authority is not restricted to cases of quarrels or complaints, but he must look for and rule on everything that comes to his knowledge or is reported to him. He has no authority over legal claims but over everything relating to fraud and deception (Ibn Khaldun 1978).

According to Ibn Taimiyya, the Qur'anic verse 9:71 saying, "Of the believing men and women some are in charge of others, enjoining what is proper and preventing the improper" is the foundation of the concept of public duty in Islam. For Ibn Taimiyya, the duty is incumbent on every able Muslim for though a normally collective responsibility, it becomes individual when no one else undertakes it (Ibn Taimiyya 1982: 22–23). Ibn Taimiyya says the responsible individual (*Muhtasib*) or institution (*Hisba*) is specifically charged with the duty in those spheres not reserved for the governors, judges, the administrative officers, etc. The *hisba* is granted the power of

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[3] Other Muslim majority states, especially Malaysia and some of the northern states of Nigeria, have similar policies.

the police as well as of the court of law and does not wait for complaints, but searches out complaints, violations, and incidences of harm (Ibn Taimiyya 1982: 25).

Ibn Taimiyya, linking to the above *hadith*, explains that the duty should be performed with knowledge, physically, orally, or in its weakest form by the heart and executed with politeness, perseverance, leniency, and patience, and not every individual must be addressed. Cook, however, raises a number of questions around this *hadith*. The first is that of the order of the composition commenting that it would be more logical for a believer to first use the tongue before the hand as an escalatory approach to reproaching sin (Cook 2003: 27). Cook also explains that the *hadith* is open to interpretation, for example, does use of the hand mean simply to break a musical instrument or pour away an alcoholic beverage or does it mean to physically attack the offender? (Cook 2003: 27). Meijer explains that traditionally Muslim scholars will have ascribed the duty of putting things right by the hand as the prerogative of the political authorities, with the tongue, scholars, and with the heart, for common people (Meijer: 2009a: 191). This interpretation of the *hadith* in recent times has been seen as elitist by some Islamists for bestowing a monopoly on force over moral issues into the hands of the state and away from the individual believer.

It was once this interpretation of *hisba*, which was coupled with Sayyid Qutb's doctrine of complete submission to the sovereignty of Allah, that the concept became a matter of social action—the necessity of every individual to challenge all forms of public sin and to promote virtuous deeds as a means of fulfilling the *Qur'anic* commandments (Qutb 2006). Qutb (d. 1966) called for a clean break with ruling establishments, for an emergence of Islam as a complete and total system of governing life, and for each Muslim to take this as a responsibility upon themselves (Kepel 2009: 23–27).

The concept of *hisba* has not remained constant over time, but has changed, taking on different meanings with each new attempt at reinterpreting, as well as being impacted by the hugely diverse contexts in which it emerges. In more recent periods, it has manifested itself as a "socially conservative principle to ensure political subservience" and moral rectitude in Saudi Arabia, and it has also been reinterpreted as an "instrument for social activism" (Meijer 2009a: 194). That such a classical concept had become a flexible modern tool that could be reinterpreted and adapted to new circumstances has also been confirmed in recent literature issued by the *Jamiat al-Islamiya*, an Egyptian Islamist movement, in which *hisba* constitutes the basis of an Islamic doctrine of responsible citizenship (Meijer 2009b: 12). This sort of "responsible" citizenship, where it is the obligation for each Muslim to act to ensure the enjoining of good and the forbidding of evil, as opposed to it being the sole responsibility of Muslim states or rulers, has been seen in the West and especially in London, UK. This is best exemplified in the attempted initiation of "*Shari'a* Zones" by Islamists in some predominantly Muslim areas of the capital. It is also the theological justification for violent attacks of sin and sinners by the Indonesian *Front Pembela Islam* (Islamic Defenders Front) and the Nigerian "*Boko Haram*" ("Western Education is Sin").

According to Taimiyya, leaders of Muslim states are "under obligation to guide the public and enjoin good upon them and forbid them from evil" (Ibn Taimiyya 2000: 61). It is the duty of the Islamic state to enjoin upon people:

what Allah and his messenger had commanded; such as performing the five daily prayers at their assigned times, pay out their share of *zakat*, fasting, pilgrimage to the sacred house…kindness towards parents and maintenance of blood ties (Ibn Taimiyya 2000: 61).

As well as enjoining good, a legitimate Islamic state must also strive to forbid evil especially within public space. Above all, according to Taimiyya, there is an obligation on the state to forbid the greatest evil, which is to "supplicate other gods along side Allah" as well as unlawful killings, usury, gambling, and adultery (Ibn Taimiyya 2000: 61). Of course, it should be noted that in the context of non-Islamic states such as European countries, few Muslims would expect a nominally Christian or secular state to accept the responsibility of policing sin, especially in terms of sexual promiscuity, drinking alcohol, and smoking tobacco. Instead, what this paper proposes is that in the absence of a Muslim authority to take on this responsibility within these states, some Muslims have argued that the obligation has now become incumbent on non-state actors—namely on Muslim communities and individuals within those states.

Taking note of the growing discourse, and in many cases popular desire for implementation of the *Shari'a*, some Muslim majority states or regions have taken action. In Malaysia, both the federal and state governments have become increasingly concerned with forbidding public sin in recent years. In Indonesia, there is now a national, and controversial, anti-pornography law, and there are attempts to establish *Shari'a* at the local level, as well as vigilante action by radical groups. In Northern Nigeria too, where a large proportion of the population is Muslim, a number of states have reintroduced the criminal codes of *Shari'a* law, with some states such as Kano establishing *hisba* committees as official institutions of the local state.

Where the state has not taken on this responsibility, it has given rise to what can be described as Muslim community (self) policing—whereby some Muslims within an existing Muslim community aim to implement a system whereby public sin can be monitored and eradicated. The London *Shari'a* zones are an example of this, as have been attempts to convince and coerce Muslim women to wear headscarves and keep homosexuals out of Muslim "areas." Indeed, the issue over sexuality has become an increasingly important battleground in fundamentalist discourse, especially impacting on *hisba*.[4] This has also been the case in Muslim majority countries such as Indonesia where the failure of the state to accept this responsibility helps us explain why movements such as the Islamic Defenders Front have arisen (Woodward et al. 2012).

In Islam, and indeed in the majority of world religions, sin is viewed as both a private weakness and cause for public concern. Sin, especially public sin, must be controlled because it threatens the sanctity of what Durkheim called "moral communities" or the *ummah* (community of believers) in Muslim parlance. It is for this reason that under an Islamic system, repentance for a public sin should also be made in public whilst private sins may be repented privately. The reason for the public

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[4] In Britain, for example, there has been growing homophobic hate crime perpetrated by Islamists. In February 2012, three Muslim men were convicted of inciting hatred on the grounds of sexuality. The men had distributed pamphlets with anti-gay slogans—one including a mannequin strung through a noose. Another of the leaflets described homosexuality as a "vile, ugly, cancerous disease" and stated: "Gay today, paedophile tomorrow?" (Addley 2012a, b).

repentance of public sin is that a public sin may have encouraged others in the community to follow suit and also sin, with public repentance going some way to counter that. It would appear that many within Muslim communities both in the west and in Islamic states believe that the level of public sin has increased to such an extent that action is needed before the level of sin becomes even more prevalent. The second part of this paper will explore a number of case studies where this has been the case as well as the consequences of individuals or small groups of Muslims taking upon themselves the obligation to forbid evil.

The UK case studies

The issues of *Shari'a* and *hisba* are an increasingly important part of British Muslim radical discourse, although the ways these have been acted upon vary immensely demonstrating the heterogeneity of British Muslim communities as well as the contested nature of the concepts. It is important to state from the outset that whilst some actions aimed at forbidding evil in society have come from fringe groups allied with violent interpretations of Islam, there have also been concerns raised about sin from more populist albeit conservative groups such as the Tablighi Jamaat (TJ), a proselytizing Islamic grassroots movement. With regard to Tablighis in Britain, there is a frustration based on the belief that modern society in the west has become embedded in such a secular and profane mode of existence that any form of lifestyle based on Islamic principles is seen as alien. A TJ-affiliated author expresses this frustration at the state of current society:

> Today all values have been lost. To practice *deen* (religion) is regarded as inertness. To make an exit from *deen* is called progress, good is regarded as evil and evil is regarded as virtuous. The majority are so ignorant of *deen* that the situation goes beyond belief (Al-Mashaat 1993: 22).

For TJ, as well as for many Muslims, the idea of promoting good and forbidding evil, which has been a central component of Islam throughout time, has become inverted, so that the very opposite is now being propagated as the normal way of life in societies. Speakers at TJ gatherings bemoan that society has lost its direction, that the balance of the universe has been disrupted, and that in actuality, good and evil have been overturned, becoming blind to the realities as laid down by Allah. The indication is that society has digressed so much that we are in a state of darkness—a state which is described as *jahiliyya*, the period of ignorance prior to the revelation of the *Qur'an*. Tariq Jamil, an acclaimed TJ speaker, has said on the state of society:

> I bear Allah as my witness that even an animal as dirty as the pig feels embarrassed at the state of our society today. The world's most shameless animal, today is embarrassed to see society like this. People have gone beyond the borderline of abomination. The veil covering people's dignity has been lifted by them.[5]

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[5] From a recording of Tariq Jamil recommended to the interviewer by a Tablighi participant. Field research conducted July 2011

It is because of this loss of direction in society—the complete breakdown of the moral order, often linked to western values and perceived decadence—that Tablighis have urged a return to the principle of commanding good and forbidding evil. The belief is that many Muslim states have failed to enforce good and that states in the west cannot be expected to do so. As such, the priority is to ensure that at least Muslims living in these societies are reminded of what is permitted and what is not. For TJ, this has meant a greater emphasis on the missionary work of the organization aiming to reorient Muslims to a stricter version of Islam:

> Call towards Allah, forbid evil and command good. This is your job, Go! Mix with people and give *dawah*. This isn't the time for building a house – the word is coming to a destructive end. We need to shake people and remind them about the *deen*. We need to save them from the hands of evil that they are stuck in. Become the ambassadors of Allah and behind the ambassador is the supporting hand of Allah![6]

The Tablighis are instructed to physically go out into the community to call Muslims back to a stricter form of Islam (Pieri 2012). This is the primary objective of commanding good, and in doing this, Muslims will also learn to reject evil. For other Muslim groups in Britain, the forbidding of evil has involved more public and confrontational displays of their beliefs. The concern was raised by the then Bishop of Rochester, the Rt. Rev. Michael Nazir-Ali, who stated that people of a different race or faith face physical attack if they live or work in communities dominated by strict Muslim ideology (Wynne-Jones 2008). This refers to a situation whereby some Islamists who have taken it upon themselves to forbid evil within their communities resort to physically attacking those (Muslim or otherwise) if they are not following the dictates of the *Shari'a* as interpreted by a literalist reading.

An example of such an attack came in the spring of 2011 when a non-Muslim Asian woman working in a pharmacy in the London Borough of Tower Hamlets received death threats for refusing to wear the veil. It appears that local Islamists feared that the woman, working in what they regard as a predominantly Muslim area, was in violation of the *Shari'a* (even though she was not a Muslim) and as such could tarnish the morality of the area and appear as a bad example to (Muslim) women. Simply through not wearing the headscarf, the woman was perceived as a symbol of western immorality and decadence and that this somehow had the power to cause other women to sin. The owner of the pharmacy reported that men came into the store shouting, "If she keeps working here and continues to dress like that, we will boycott you because this is a Muslim area."[7]

In another incident in the same borough, Mohammed Rahman was attacked and left partially blind and with a dislocated shoulder after being attacked for smoking during Ramadan. Rahman reported to the *Telegraph*, a British-based newspaper, that: "two guys stopped me in the street and asked me why I was smoking, I just carried on and before I knew another dozen guys came and jumped me." Rahman's failure to

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[6] From a recording of Tariq Jamil recommended to the interviewer by a Tablighi participant. Field research conducted July 2011

[7] This was based on ethnographic research and conversations held in Tower Hamlets during the summer of 2011

desist from sin in public and to publicly repent resulted in his attack. The perpetrators had taken the forbidding of evil into their own hands, making it clear that smoking is not permitted for Muslims and that action will be taken to enforce the rule. In the same borough, a non-Muslim teacher of religious education was attacked (for teaching religions other than Islam) and left severely injured (Gardham 2011). At the point of sentencing the perpetrators, the presiding judge noted:

> You believed there was a higher authority to which you were responsible and that authority dictated you must attack Mr. Smith… Only time will tell whether you will ever have a different belief, but at present I believe that if you think that people around you are guilty of posing a threat or insult to the way which God intends the world to be and in which God intends people to live you would not hesitate in acting again in the way you have acted in this case" (Gardham 2011).

This stems directly from the belief of these individuals and groups that the role of commanding good and forbidding evil has fallen within their remit. One of the most acclaimed examples of a desire to forbid evil in a very public sense came with the attempts by a radical Islamist fringe group, Muslims Against Crusades, led by Anjem Choudary to establish "*Shari'a*" and "Gay-Free" Zones in London. Choudary is well known in the UK for his radical discourse and previous leadership role in the now banned Islamist group Al-Muhajiroun, along with militant Islamist Omar Bakri Mohammed. In July 2011, Choudary justified his attempts at instituting *Shari'a* zones by stating that "this call for the *Shari'a*, the commanding of good and forbidding of evil, is an obligation for Muslims wherever they are." Choudary continued with:

> The Prophet said, it is not allowed for you to live among the non-Muslims and not to distinguish yourselves. Therefore we have no choice, we cannot isolate ourselves and certainly we cannot integrate into the pornography, alcohol, drugs, prostitution, thug life, loutish behavior, that the cities of Britain have sadly become accustomed to. In light of this, our only option is to interact to change society (Choudhry 2011a).

In July 2011, posters appeared in Tower Hamlets and other areas of east London announcing that gambling, alcohol, music, porn, drugs, and prostitution would be banned in the area. The posters, which were specifically targeted at areas with a high density of Muslims, claimed that *Shari'a* would create a better society and that these new rules would be enforced. In an interview, Choudary announced that *Shari'a* "morality squads" (or *hisba* police) enjoining good and forbidding evil would soon patrol neighborhoods in London: "We'll police the streets ourselves, you see, and if need be we'll do our own arrests" (Choudary 2011b). For Choudary, the belief is that "a small group of people who believe [in Islam as interpreted by Choudary] have the power to change society" (Gover 2011). Whilst the policing of Muslim communities has not since transpired in the ways that Choudary and his organization had wanted, there have been further disturbing incidents, for example the instituting of *Shari'a* vigilante groups in East London in January and February 2013 targeting those drinking in public and women perceived to be dressed immodestly. It remains to show that *hisba* is becoming increasingly important for Islamists in Britain and an

increasing part of the discourse in Muslim communities. Muslim community leaders expressed that Choudary and his group does not represent the mainstream of opinion within Britain's Muslim communities, whilst at the same time making clear that *Shari'a* vigilante groups could be doing more harm than good.

Nigerian case studies

Northern Nigeria

Islam has been widespread in Northern Nigeria for centuries[8] with the population predominantly Muslim. Precolonial governments in the region applied the *Shari'a* legal system in various degrees. Under British colonialism, the colonial government (*c.* 1914–1960) allowed *Shari'a* courts to implement what they called "penal codes" meaning *Shari'a* civil laws but not criminal laws. In the twilight of colonial rule, specifically in 1958, the northern regional government sought the advice of a panel[9] to reform the penal law and courts. Addressing the House of Chiefs, the Premier of the regions said:

> There is nothing in the central recommendation of the Panel that a new Penal Code of criminal law should be introduced into the Region that is in any way contrary to the tenets of our religion. The new code will be almost identical with those which have been in force for years in the Sudan and Pakistan and which have been proved perfectly acceptable to the millions of Moslems among the populations of those countries (Bello 1962: 217–18).

In the early independence period, according to Paden, there was a profound impact of the penal code on the judiciary structure and process in Northern Nigeria. A judicial bureaucracy as well as a regional Khadi system emerged with personnel learned in the *Shari'a* (Paden 1986). The situation remained constant for the duration of the northern regional government's administration (1960–1966) and in the period of the military interregnum, without attracting much public discourse.

It was from 1977 to 1979 when civilian rule was to resume in Nigeria that the position of the *Shari'a* in the Nigerian constitution generated heated debates. The conciliatory position was that there would be no Federal *Shari'a* court of Appeal, but "there shall be for any state that requires it, a *Shari'a* Court of Appeal for that state."[10] Even then, *Shari'a* courts were restricted to civil proceedings involving questions of Islamic personal laws.

Following the 1999 Nigerian transition to democracy, the government of Zamfara state in Northwestern Nigeria, acting on an electoral pledge by Sani Ahmed Yerima, in March 2000 expanded the scope of the jurisdiction of *Shari'a* courts to include

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[8] Hiskett (1984:65) and Alkali (1976:16) have shown that Islam was a private affair among the ordinary people of areas now in northeastern Nigeria before the close of the ninth century, and Mahmud (1983:37) and AlKali (2007: 419) claim that by 1084, Ummw Jilmi, a king in the region, had made Islam a state religion in the region.

[9] The panel was made up of the chief justice of Sudan, a judge of the Supreme Court of Pakistan, one British expert in Islamic Law, and three Nigerians from three provinces of the region.

[10] Section 275 of the Constitution of the Federal Republic of Nigeria, 1999

criminal cases. Eleven other states in Northern Nigeria immediately followed suit. This "re-introduction" of *Shari'a* in Northern Nigeria generated much popular and academic literature as well as bloody communal crises (Suberu 2001; Osaghe and Seberu 2005; Onapajo 2012). The states claimed legislative competence, under among others, sections 4, 6, and 277, and the Second Schedule to the 1999 Nigeria constitution, to establish *Shari'a* courts, in addition to existing ones, expand their jurisdiction, and enact laws drawing inspiration from religious and non-religious norms. Thus, the states enacted written laws and punishments prescribed therein for consumption of alcohol, prostitution, and theft, among many other "sins." The move to reinstating *Shari'a* cannot be seen purely as an Islamist drive in the north, but rather a move that also carried much popular support, with the *Qadriyya* and *Tijaniyya* Sufi brotherhoods often at the forefront.

In June 2000, following mass popular demonstrations, the newly elected governor of Kano state was forced into adopting the reintroduction of *Shari'a*. For many Muslims in Northern Nigeria, the perception was just as with Muslims in other parts of the world, that society is in a state of moral decline and that Islamic values are being destroyed by a western cultural hegemony. By 2003, Kano introduced a societal re-orientation program, "*A Daidaita Sahu*," literally meaning "straighten your rows" (in the manner of worshippers in a mosque) (Economist 2007). The program targets rural and urban communities, the private and public sectors, women and youths, etc. More than a hundred problems (sins) and values to be imbibed were identified and classified for each target group. The sins and values were wide ranging—social, economic, political, familial, ethical, majors, and minors. They included such rural issues as lack of working capital, apathy, poor personal health care, idleness, early marriages, and family abandonment, and such urban "sins" as individualism, elitism, child trafficking, political brigandage, and sale and reading of licentious books.

Kano, as with a number of other Northern Nigerian states, went further to establish a *hisba* board with thousands of uniformed personnel ostensibly to implement the social reorientation program and to police sin in public places. The duties of the *hisba* range from checking that market traders do not swindle customers to tracking down brothels. They confiscate beer and scold women for using *okadas*, Nigeria's motor-cycle taxis, because it brings them into contact with men. According to Saidu Ahmad Dukawa, director general of Kano's *hisba*, "The role of the *hisba* is to command people to do what is good and prevent what is evil… we have seen an increase in good morals since we started, such as a fall in prostitution and more women voluntarily wearing the *hijab*" (Economist 2010). As Susan O'Brien notes, Kano also employs around 900 women as part of the *hisba* and who are specifically tasked with nurturing tasks such as encouraging charitable deeds and moral counseling to other women.[11]

The use of *hisba* police caused a row between the state and the federal government that ended up before the judiciary. Consequently, the *hisba* do not have much clout under Nigerian federal law. The officers are not allowed to make arrests; they can only preach at miscreants or alert the federal police, who often refuse to cooperate. Senior members comment that they pass all reports of graft on to a dedicated state

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[11] Personal communication with Susan O'Brien, 14 November 2012

body, adding that their limited powers make further action difficult. They do enjoy more success, however, with family problems such as domestic violence when all parties agree to negotiate (Economist 2010).

What emerges from the Nigerian context is that even though the *hisba* may not have as much power as they would like, the desire is the same as that of those pursing the London *Shari'a* zones, namely to police sin and to create a moral space in which Islam can be practiced free from what are seen as the blemishes of western cultural influences. Below are the findings of some of the main concerns of the *hisba* in Kano and other "*shari'a*" states[12]:

1. Drinking alcohol: The *Shari'a* implementing states have enacted laws prohibiting the sale and consumption of alcohol in public or even in private (if the law enforcement agents were to find out). Before the introduction of this law, social norms discouraged the public sale and consumption of alcohol in predominantly Muslim public spaces, and with the law, alcoholic beverages have been almost eradicated. A small number of Muslims are suspected of consuming alcohol in private or while in non-Muslim spaces, but there are no known cases of initiatives to prosecute these individuals. At best, friends and family members may continue to counsel the culprits who may also find social relations in the community unreceptive if not outright hostile.

2. Smoking: Whilst not prohibited in law, smoking, especially amongst salafis, Wahhabis, and non-*Tariqa* (Sufi) Muslims, is seen as a source of wastage of Muslim resources and therefore wrong and disliked. However, the *Qadiriyyah* and *Tijjaniyya* sufis prohibit smoking, and some necessary incantations of the order are prohibited for smokers. Nonetheless, smoking is commonplace in Northern Nigeria, and the preaching of the Sufis to prohibit smoking is occasional. Indeed, it is not uncommon to find sympathizers or outright adherents of the sufi brotherhoods smoking in public.

3. Music: The *Shari'a*-implementing states do not have laws against non-religious or even profane music, although the state censorship boards that work closely with the *hisba* do monitor lyrics of songs as well as clothing and dancing in music videos. The concern of the *hisba* is that the use of nonrespectful language and clothing, seen as part of western culture, has the ability to corrupt Islamic culture as well as hindering the enjoinment of good. In an interview, Bala Mohammed, Director General of the Kano State Directorate for Societal Reorientation, commented that "we are particular about rap, we are particular on film making, these are areas which we think would damage the culture if allowed to proliferate. We don't want the language of rap. If you want to do rap music in Hausa [language] you have to throw away the swear words, you have to throw away the baggy trousers, you have to throw away insults to elders and others, you have to throw away the drug culture—the Islamic culture cannot take that" (Mejia-Johnson and Piracha 2012).

   Having said this, issues around music do not seem to be a major concern of the public. Indeed, the last two decades have seen increased religious music in praise of the prophet with greater employment of western/secular musical instruments, a

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[12] These findings are based on observations from ethnographic fieldwork.

heightened new form of native musicians among the Hausa/Fulani Muslim youths that seek to accommodate Indian and Western musical styles to satisfy the yearnings of the new age, and increased patronage of Western/secular music by Muslim youths through the increased use of cell phones, MP3s, CDS, DVDs, etc.

4. Gambling: The *Shari'a*-implementing states have laws prohibiting gambling. Nigeria's secular laws further prohibit/regulate gambling. Societal norms abhor it and economic downturn diminishes it. Religious ethics discourage (pastime) practices associated with gambling like card playing; however, the practices are not curtailed in the *Shari'a*-implementing states.

5. The veil: The use of "covering" or even "seclusion" for women is an old Islamic tradition in Northern Nigeria. The use of *hijab* is becoming increasingly fashionable. Sometimes, it is meant to stress the Muslim identity in the face of the globalization of the Western mode of dressing and at other times to spite what some Muslims perceive as "Christian/Western 'propaganda' that seeks to show *hijab* as one of Islam's 'backward' culture or tool of oppression against women."

6. Gender segregation: The *hisba* in a number of Northern Nigerian states have been policing the interactions between men and women in public spaces. Vehicles carrying men and women are sometimes stopped, with the women forced to disembark. At times, conversations between men and women in public places are stopped on the grounds that such meetings are immoral and could lead to further un-Islamic activities. *Hisba* officials in Kano also took issue with women riding motorcycles, seeing this as an immoral activity, and proceeded to try and implement a ban on women using motorcycles. Justifying this, the Director General of the *Shari'a* Commission in Kano State commented:

> Everyone knows the type of manner in which women sit on motorcycles and it looks quite adulterous because women sit close to Achaba riders with their bodies touching each other. If mere look can lead to adultery, then the manner in which women sit on motorcycles can increase the rate of adultery (Adamu 2008: 148).

It is clear from the Nigerian context that Muslims in Nigeria share many of the concerns of Muslims around the world concerning the state of society and the role of Islam. As with Muslims in Britain and Southeast Asia, key concerns center on what are perceived to be sinful products of modernization and westernization: smoking, alcohol consumption, non-religious music, gambling, and improper dressing by women. From the Northern Nigerian perspective, globalization propelled these "sins," pushing them as part of a western cultural hegemony that would erode Islamic values and corrupt Muslims from their faith. The implementation of the *Shari'a* and creation of *hisba* patrols are a way of obliterating sin in the public space and providing an antidote to what was seen as moral decline and an erosion of traditional Muslim culture in the north. Whilst the move towards *Shari'a* may be rooted in popular origins, there is also an understanding now that the *hisba* may have gone further than initially expected, especially concerning the policing of the mixing of genders and dress codes.

Southeast Asian case studies

Islam has been the majority religion in Malay areas of Southeast Asia since the sixteenth century. Indonesia has the world's largest Muslim population and is approximately 90 % Muslim. Owing to large-scale immigration from China and India during the British colonial era, the numbers for Malaysia and Singapore are quite different. Malaysia is approximately 60 % Muslim. Indigenous Malays and immigrant Muslims make up approximately 15 % of the population of Singapore. Islam is the official religion of Malaysia and one of the officially recognized religions in Indonesia and Singapore.

In Indonesia and Malaysia, there are governmental bodies and non-state actors that seek to banish sin from public places or at least restrict it. Pressure for governments to fulfill the duties Ibn Taimiyya imposed on Muslim rulers is especially apparent during the fasting month of Ramadan. In Malaysia, federal and state governments have assumed these responsibilities to varying degrees. In Indonesia, there are a combination of national-, provincial-, and local-level regulations limiting or prohibiting public sin and vigilante groups that rely on a combination of intimidation and violence to "assist" the authorities. In Singapore, which is a secular state in which Muslims are a small minority, the prohibition of sin is a private matter. It is a matter of some concern among the Muslim minority but not a significant element of public discourse. There are no *Shari'a* vigilantes in Malaysia or Singapore.

Indonesia

At the national level, the most important legislation regulating sin is the anti-pornography act of 2008. This controversial law, would, if widely enforced, outlaw a wide range of very vaguely defined "immoral" acts and their representation in journalism, literature, poetry, and the performing arts (Gelling 2008). Enforcement has been highly selective and usually politically motivated. Sex scandals involving supporters of the legislation, including one in which a legislator from the Islamist Justice and Prosperity Party was caught viewing pornographic video on his computer while parliament was in session, have dampened enthusiasm for it. Some provincial governments, especially those in Hindu and Christian majority areas, and Muslim majority provinces in which collective identity is deeply rooted in local culture, refuse to enforce it.

The decentralization process that accompanied the democratic transition of 1998 led to an array of anti-sin legislation at provincial and district levels. There are now Perda *Shari'a* (Local Shari'ah Regulations) in at least 80 of the country's 470 districts. As Brenner notes, these regulations are attempts to move private morality into the public sphere (Brenner 2007). Some are primarily symbolic, such as requirements that civil servants (male and female) wear "Muslim clothing" on Fridays. Others, especially in Aceh in northern Sumatra, are extremely draconian, including execution by stoning for adultery. The most common are restrictions on the sale of alcohol and prostitution and requirements that bars, pool halls, night clubs, massage parlors, and other "entertainment establishments" close or restrict hours of operation during Ramadan. There is pressure on restaurants to close during fasting hours or at least to screen eating from Muslim view. Most others are regulations concerning

"Muslim dress," most often for women, but in places for men as well. There are also requirements that civil servants, students, and couples wanting to marry be able to read the Qur'an in Arabic (but not that they understand what they read) and regulations concerning the collection and distribution of *zakat*.

Supporting Perda *Shari'a* enables politicians to curry favor with conservative Muslim voters. Secular as well as religious political parties in some areas support them. Except in Aceh, which is an autonomous region, the constitutional status of Perda *Shari'a* is unclear. Islamist organizations and political parties support them. Groups advocating women's rights, and human rights more generally, and many Muslim organizations including Nadhlatul Ulama, the country's largest, take the position that government, at any level, should not be involved in the enforcement of moral behavior. There are many *ulama* who maintain that some of the Perda *Shari'a*, especially those limiting the participation of women in public life and including detailed "dress codes," violate basic *Shari'a* principles. There are, however, conservative *ulama* who support them. Many Indonesian Muslims find regulations requiring restaurants to close during fasting hours to be insulting and the idea that the sight of Christians and others eating or drinking would tempt them to neglect their religious obligations absurd.

Enforcement of *Shari'a* regulations is generally lax. In many regions, entertainment establishments continue to operate through back doors during Ramadan, with assurances from the police that there will be no raids, in return for financial considerations. Even in Aceh, where a *Shari'a* police force (*Wilayatul Hisba*) has been established, enforcement is sporadic. To date, no one has been stoned for adultery. There have been public floggings staged to symbolize the "Islamic" character of local governments. Enforcement is most aggressive in urban areas. In rural Aceh, many women ignore laws requiring them to wear headscarves, and local clerics and *Shari'a* police usually do not object. Many Acehnese describe the *Shari'a* police as corrupt and have little respect for them. Sex scandals and the gang rape of a woman taken into custody on morals charges have severely tarnished their reputation as upholders of public morality.

In some areas, violent vigilante groups have taken it upon themselves to prohibit sin. The most notorious of these is Front Pembela Islam (Islamic Defenders Front/FPI). FPI defines itself as a movement dedicated to combating sin and heresy. It presents itself as the ally of law enforcement authorities, often referring to their common mission to prohibit sin. FPI is known for violent, though generally nonlethal, attacks on those it deems sexually or theologically "deviant" and for "sweepings" (ransacking) of night clubs, bars, massage parlors, and other establishments promoting what it considers to be immoral activities, especially during Ramadan. These attacks often involve hundreds of young men, most of whom are dressed in distinctive white robes and turbans. Smaller groups confront, and sometimes beat, young couples they suspect of engaging in *khalwat* (close proximity between people of opposite sexes).

Most major Muslim organizations strongly oppose FPI. Nadhlatul Ulama has called on the police to arrest any people engaged in Ramadan sweepings. Authorities have, however, been reluctant to take action against FPI and other vigilante organizations both out of concern for alienating their supporters and because they are supported by factions within the military and police and by some conservative clerics (Woodward et al. 2012).

In some areas, there have been large demonstrations in response to attacks by FPI and other Islamist vigilantes. In Yogyakarta, for example, the provincial government, Muslim leaders, women's and student organizations, and Islamic schools dedicated to the preservation of local culture have come together to organize demonstrations and cultural festivals opposing FPI violence. A demonstration against the violent disruption of an event featuring an address by Canadian Muslim Feminist Irshad Manji in May 2012 drew more than 10,000 supporters.

Malaysia

In Malaysia, federal and state governments enforce a range of *Shari'a*-based regulations concerning *haram* activities, and there is pressure from religious conservatives for the implementation of *Shari'a* criminal law. Debates about public sin are elements of competition between the ruling United Malays National Organization (UMNO) and the opposition Parti Islam Se-Malaysia (Pan-Malaysian Islamic Party) for Muslim votes. Both seek religious legitimacy by calling for diligence in combatting sin. PAS advocates the establishment of an Islamic state, while UMNO presents itself as the guardian of Muslim morality and values. At the federal level, the regulation of religion is the purview of Jabatan Kemajuan Islam Malaysia (Department of Islamic Development), which is located in the Prime Minister's office. There are parallel institutions at the state level. The religious departments have "morality police" who sometimes conduct high-profile raids, but are usually not especially zealous. Conservative Muslims tend to support strict enforcement. Others are highly critical of the religious police and of *Shari'a* regulations in general, regarding them as unnecessary intrusions on individual liberty.

   Shari'a regulations apply only to Muslims. Alcohol, *khalwat*, and Muslims violating Ramadan fasting regulations are major concerns. The sale of alcohol to Muslims is banned nationwide. Signs in airport duty-free shops state that it is "For Sale to Non-Muslims Only." This prohibition is widely ignored especially in major cities. The law allows for sentences of up to 3 years of imprisonment, but violators are usually fined and released. In 2007, there was a high-profile case in which a woman was sentenced to six strokes of the cane for drinking beer. It attracted national and international media attention. The sentence was postponed because it was scheduled to be carried out during Ramadan and was never actually imposed (Guardian 2010).

   Khalwat is not clearly defined. Laws prohibiting close proximity are rarely enforced expect when it is reported to authorities. There have been high-profile raids on hotels and entertainment establishments especially on Valentine's Day. There is a substantial body of conservative opinion in Malaysia, Indonesia, and in other Muslim societies that observation of this Western holiday actively encourages sinful behavior. As in Indonesia, there is social and political pressure to require entertainment establishments, particularly those in which alcohol is served, to close during Ramadan. Because of the large non-Muslim minority, there is less support for Ramadan closings than in Indonesia. State governments do, however, make symbolic statements about attempting to prevent Muslims from eating or drinking in public, and there are unsystematic enforcement efforts.

   Shari'a enforcement is most actively pursued in the state of Kelantan, a PAS stronghold. There, Muslim women are required to wear headscarves, and there are

separate lines for women and men in supermarkets. As is true in Aceh, these
regulations are not rigorously enforced. The federal government has consistently
blocked attempts by the Kelantan government to introduce *Shari'a*-based criminal
law that would mandate harsh punishment for moral offenses.

Discussion and conclusions

The case studies examined in this paper highlight that the issue of sin, and especially
public sin, is an increasingly important concept in Muslim societies, both countries in
which Muslims are the majority and among Muslim minorities in Western and Asian
states. It is also apparent that issues of sin have increasingly been conflated with
growing concern in Muslim communities on the impact of westernization and
globalization. It is often the case that westernization is seen as a synonym for and
cause of immorality and as such should be resisted by Muslims where possible. This
attitude is exemplified in a statement made by Rabo Abdulkarim, Director General of
the Kano State Censorship Board:

> We allow changes but the changes must not poison our beliefs, must not
> poison our ideals, must not poison our lifestyle. We have our identity, we
> are proud of our identity, we are determined to secure our identity. If we
> jeopardise, if we bastardise, if we kill our identity then we are nowhere to
> be placed…that is why the censorship is on guard to ensure that things
> are done the right way (Mejia-Johnson and Piracha 2012).

The right way is of course the Islamic way as interpreted by a more orthodox
version of Islam, often inspired by Saudi Wahhabism. As seen from our case studies,
there is a growing perception that all non-Islamic ways of life have the power to
corrupt and bring immorality to the public space. Across the board, there has been a
perception that women and children are more at risk than men, with action, at times
coercive, taken to "protect" them.

From our case studies, it is clear that the ideal for many Islamists is that enjoining
good and forbidding evil should fall to the realm of the state. The most obvious move
in this direction has been the states of Northern Nigeria where the *Shari'a* has been
reimplemented and *hisba* and censorship boards instituted. In the British and some of
the Southeast Asian contexts, this has not been the case, and indeed given the nature
of these states, few would expect them to accept the responsibility of policing sin,
especially in terms of sexual promiscuity, drinking alcohol, and smoking tobacco. It is
here, in the absence of a Muslim authority to take on this responsibility, that some
Muslims have argued that the obligation has now become incumbent on non-state
actors—namely on Muslim communities and individuals within those states.

Where the state has not taken on this responsibility, it has given rise to what can be
described as Muslim community (self) policing—where by some Muslims within an
existing Muslim community aim to implement a system whereby public sin can be
monitored and eradicated. It is important to note that there is a critical difference
between mass popular calls for the implementation of a *Shari'a* system in regions
such as Nigeria, where the calls are often seen as an antidote to mass corruption and
wider societal inequalities, and the more ideologically driven and at times violent

desire of Shari'a implementation from groups such as the Islamic Defenders Front in Indonesia. In both types of discourse, however, there is a tendency to use the term *Shari'a* as a symbol without going into detail about what it means. There is a tendency to conflate *Shari'a*, which is divine and eternal, with *fiqh* which are human attempts to understand the behavioral implications of *Shari'a*. While scholars are aware of this distinction, many ideologues and ordinary Muslims are not. By referring to *fiqh* regulations as Allah's unalterable plan for creation, they create an aura of certainty and finality. The result is an exclusivist hegemonic discourse that defines Muslims of different theological orientations as unbelievers. Often, the issues around sin that we have discussed above become symbols in these hegemonic discourse systems, symbols that are often manipulated by Islamists and often have the largest and most detrimental impact on Muslims who do not follow the Islamist way of life.

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