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## Shari'ah Perspectives on Enjoining Good and Forbidding Evil: A Comparative Juristic Study

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### Abstract

The principle of enjoining good and forbidding evil is a fundamental doctrine in Islamic law that aims to preserve faith, morality, justice, and social order. This article examines the juristic definitions of *al-Ma'rūf* and *al-Munkar* and explores their classifications within Islamic jurisprudence. Drawing upon the views of classical Muslim jurists, the study highlights *al-Ma'rūf* as all actions, statements, and values approved by Shari'ah and recognized as beneficial to individuals and society. Likewise, *al-Munkar* refers to all acts prohibited by Islamic law that undermine moral and social well-being.

The article analyzes the divisions of both *al-Ma'rūf* and *al-Munkar* into three categories: matters related to the rights of Allah, matters concerning the rights of individuals, and matters involving shared rights. It further discusses practical applications of these categories in worship, social relations, financial transactions, family affairs, and public conduct. Using a comparative juristic approach, the study demonstrates that enjoining good and forbidding evil is not merely a personal ethical duty but a collective responsibility aimed at safeguarding public interests, preventing corruption, and protecting individual and communal rights. The study concludes that this doctrine remains a vital instrument for achieving the objectives of Shari'ah and promoting social reform in contemporary Muslim societies.

**Keywords:** Quran, Hadith, Shariah, good, Evil, worship, social relations, financial transactions, family affairs, and public conduct

### The Legitimate Essence of Good (Al-Ma'ruf)

Al-Ma'ruf has been defined by some as "every action, saying, or intention that is deemed good according to Islamic law"<sup>1</sup>. Others defined it as "every saying or action that should be said or done in accordance with the texts of Islamic law, its general principles, and its spirit"<sup>2</sup>. And yet others defined it as "a general term that encompasses everything accepted by reason and in accordance with the laws and religion"<sup>3</sup>. Al-Ma'ruf refers to all the good known to the self, which brings tranquility, and it is a comprehensive

term for all acts of obedience to Allah, drawing close to Him, and showing kindness to fellow beings. It is a praiseworthy characteristic such that when people witness it, they do not disapprove.

Imam Abu Bakr Al-Jassas stated in his book "Ahkam Al-Quran": "It is whatever is commanded by humans in accordance with the law, whether obligatory or recommended" and he also said "and whatever I have commanded is known, and it is the judgment of Allah, the Exalted. This prevents them from unanimously falling into error, and it necessitates that whatever they unanimously agree upon is the judgment of Allah, the Exalted"<sup>4</sup>

Ibn Ashur mentioned in his interpretation that Al-Ma'ruf is "the truth and righteousness"<sup>5</sup>. In Islamic criminal legislation, it is stated that Al-Ma'ruf is "every saying or action that should be said or done in accordance with the texts of Islamic law, its general principles, and its spirit. This includes adopting noble virtues, forgiving when capable, reconciling between disputing parties, prioritizing the afterlife over this world, being kind to the poor and needy, establishing institutes, shelters, and hospitals, supporting the oppressed, settling disputes justly, promoting mutual consultation, submitting to the consensus and implementing its will, and appropriately managing public funds and other similar matters"<sup>6</sup>.

Judge Abdul Jabbar Al-Mu'tazili stated that Al-Ma'ruf is "every action known to the intellect or the law, and its doer is recognized as good, or it indicates goodness"<sup>7</sup>.

An objection to this definition is that it is not accurate because the doer of "Al-Ma'ruf" must be aware of its goodness. In other words, if the doer is unaware that their action is good, it should not be considered good. However, this objection is not valid because there are many rulings that the intellect cannot comprehend. Moreover, there is a reconciliation between Islamic law and reason. If reason has a place in Islamic law, it operates in conjunction with it and acts through it, and this is feasible<sup>8</sup>.

The Divisions of Good (Al-Ma'ruf) According to Its Relationship in Islamic Jurisprudence

Scholars divide Al-Ma'ruf based on its association into three categories: what pertains to the rights of Allah, the Exalted, what concerns the rights of human beings, and what is shared between the rights of Allah and the rights of human beings.

### **Al-Ma'ruf Related to the Rights of Allah**

Al-Ma'ruf concerning the rights of Allah, the Almighty, includes acts like holding the Friday congregational prayer in inhabited areas, performing congregational prayers in mosques, and announcing the call to prayer (Adhan) for prayers. These are Islamic rituals and symbols of worship that

the Messenger of Allah (peace be upon him) used to differentiate between the land of Islam and the land of disbelief. Thus, if the people of a region or locality unanimously agree to abandon congregational prayers in their mosques and neglect to announce the Adhan during prayer times, it is commendable for the righteous to encourage them to establish the Adhan and the congregational prayers<sup>9</sup>.

Among the rights of Allah, the Exalted, is faith and acts of worship, such as prayers, charity (Zakat), fasting, and pilgrimage (Hajj), as their benefits extend to the whole community. The purpose of these acts is to establish and preserve the religious order in Islamic legislation. The entire system of Muslims' social life is based on their religion. Hence, anything that affects the general community in terms of acts of worship or otherwise is solely the right of Allah<sup>10</sup>.

### **Al-Ma'ruf Related to the Rights of Human Beings**

This category includes all transactions that benefit a person, such as financial dealings, buying, selling, earning, and so on<sup>11</sup> Al-Mawardi further divides Al-Ma'ruf<sup>12</sup> related to the rights of human beings into general and specific. The general includes situations like when a city's water supply is disrupted, its walls collapse, or travelers in need of help pass through. In such cases, people should come to their aid. Similarly, if their mosques and places of worship are attacked, then it is the duty to rebuild their walls, repair their water supply, rebuild their mosques, and assist those travelers without singling out a particular individual to be responsible for these actions (\*).

As for the specific rights, they include matters like fulfilling obligations when due and settling debts. In these cases, the righteous person may order the debtor to fulfill their obligations if the creditor is capable and willing to receive the payment. The righteous person may also be involved in taking care of the needs of the young or providing support to relatives in certain situations.<sup>13</sup>

In these instances, the righteous person is instructed to pay the debts and fulfill the rights of others, provided two conditions are met:

first, the ability to carry out the task, and

second, the clarity of the right, without any dispute about it.

### **Al-Ma'ruf Related to Common Rights (الحقوق المشتركة)**

This division involves cases where enjoining what is right and forbidding what is wrong pertains to the common rights shared between Allah and human beings. For example, it is the right of Allah, on one hand, and the right of human beings, on the other hand, when the pious advise suitable suitors to get married when requested, and they admonish them against abstaining from marriage. Similarly, if it becomes widespread among

women not to observe the required waiting period (Iddah) after divorce from their husbands, it is within the right of the righteous to order them to comply with the rules of Iddah and maintain its observance and to discipline anyone who opposes it. Likewise, the righteous have the right to instruct the landlords to take care of their tenants, treat them kindly, and provide them with sufficient food. The righteous also have the right to hold the owners of livestock accountable to prevent them from overburdening the animals with loads beyond their capacity<sup>14</sup>

These are the divisions of Al-Ma'ruf briefly presented here. To elaborate further, the discussion will focus on explaining "Al-Munkar" (the wrong or evil) and its divisions in Islamic Jurisprudence. This theory revolves around the role of society in combating crimes and evils and protecting the Islamic community from vices and sins to establish a society based on goodness and virtue.

#### Defining "Al-Munkar" and Its Divisions in Islamic Jurisprudence

The jurisprudential definition of "Al-Munkar" varies based on each jurist's perspective and sources. Some connect it to religious texts (Sharia), while others relate it to reason, like the Mu'tazilah. As for the definition agreed upon by the majority of jurists, Imam Al-Ghazali defines "Al-Munkar" as "whatever the Sharia prohibits from occurring"<sup>15</sup>.

This comprehensive definition encompasses all forms of evil, even if they are not religiously forbidden acts (sins). For example, the actions of a mentally disturbed person or an unaccountable child, though prohibited by Sharia, are not considered sinful due to their lack of accountability. Still, they must be discouraged as "Munkar" because the term "Al-Munkar" is more general than the term "Al-Ma'siyah" (sin) according to Imam Al-Ghazali's viewpoint<sup>16</sup>.

Imam Al-Qurtubi defined "Al-Munkar" in his interpretation as "whatever the Sharia mentioned with a prohibition, encompassing all types of sins, vices, and despicable acts, regardless of their various forms"<sup>17</sup>.

Imam Abu Bakr Ibn Al-Arabi Al-Maliki defined it as "whatever the Sharia forbids with a prohibition"<sup>18</sup>.

Some scholars assert that enjoining what is right and forbidding what is wrong refers to "enjoining the obligations of Sharia and forbidding its prohibitions"<sup>19</sup>, which means prohibiting the acts that Sharia has forbidden.

The definition of "Al-Munkar" according to the Mu'tazilah is "every ugly action known to be ugly by the doer or indicates its ugliness."<sup>20</sup>

However, the correct definition, as stated by the majority of jurists, is not limited to the doer's awareness of its ugliness. In other words, if the doer is unaware that their action is ugly, it should still be considered "Munkar." This implies that "Munkar" and "Ma'siyah" (sin) are considered

equal. For instance, if a child or a mentally disturbed person commits an act that disrupts social order, it may not be considered a sin for them due to their lack of accountability. Nevertheless, it can still be considered "Munkar" because it negatively affects the social reality. However, society is not obliged to prevent such individuals from their actions, and this argument is not accepted by anyone, as it implies leaving the mentally disturbed or children to persist in their bad behavior, claiming they are unaware of its ugliness, even though it is not a sin for them. However, it is still considered "Munkar" because it disrupts the social reality, and anyone who witnesses it should try to change it if possible, and this change is not dependent on the doer's knowledge of it being "Munkar" or not.

The Divisions of "Al-Munkar" According to Its Relationship in Islamic Jurisprudence

"Al-Munkar" is divided based on its relation into three categories: "Munkar" related to the rights of Allah, "Munkar" related to the rights of individuals, and "Munkar" shared between the rights of Allah and the rights of human beings.

First Division: "Al-Munkar" related to the rights of Allah:

This category includes actions that must be prohibited, considering the rights of Allah, which may involve acts related to worship, prohibitions, or even dealings. We will present these divisions in the following order:

### **Prohibiting "Al-Munkar" Related to Worship**

The rights associated with worship are considered the rights of Allah. Therefore, it is obligatory to forbid anyone who intends to violate the established forms of worship and deliberately alters their prescribed characteristics. For example, it is obligatory to prevent someone from praying aloud during silent prayers or praying silently during audible prayers. It is also obligatory to prevent someone from adding non-prescribed supplications during the prayer or the Adhan. Similarly, one should discourage people from revealing their private parts or uncovering their clothing or prayer place during prayer. Moreover, it is necessary to discourage those who openly break the fast during Ramadan. If they have a valid excuse, such as being sick or traveling, they should conceal their act of eating to avoid suspicion. However, if there is no valid excuse, it is obligatory to openly admonish them, discipline them, and reprimand them. The same applies to those who refuse to pay their Zakat. If their wealth is evident, the one responsible for distributing Zakat should forcefully take it from them, especially if they continue to refuse to pay. If their wealth is hidden, it is possible that someone else should be specifically responsible for admonishing them because the person distributing Zakat cannot have access to their hidden wealth. In such cases, the person in charge of Zakat

distribution should focus on admonishing them, considering their state of refusal to pay Zakat<sup>21</sup>.

"Furthermore, Al-Mawardi stated that if someone who is not qualified, such as a scholar or preacher, attempts to engage in the knowledge of Islamic law and there is a fear that people might be deceived by his misinterpretation or distortion, then it is essential to reject his interference and reveal his situation to prevent people from being misled. If someone is puzzled about a matter, no criticism should be raised against him until his position is clear, and the matter is accurately verified.

An example narrated by Al-Mawardi is about Ali ibn Abi Talib and Al-Hasan Al-Basri. When Ali asked Al-Hasan Al-Basri about the essence of religion, he replied: "Piety." Then Ali asked, "What harms it?" and Al-Hasan answered: "Greed." At this moment, Ali told him to speak freely if he wanted to. This illustrates that when dealing with some attributed statements that breach the consensus and contradict the evidence, and scholars of the time reject them, the denouncement should be raised against the individual involved, and he should be discouraged from doing so. If he repents and stops, then the ruler should maintain the purification of religion. However, if some commentators distort the interpretation of Allah's Book from its apparent meaning to an internal innovation, distorting its meanings, or attributing some of the narrators to false traditions that alienate people, or spoil the interpretation, the responsible authority should denounce that and prevent it."<sup>22</sup>

### **Prohibiting "Al-Munkar" Related to Prohibitions (Haram Acts)**

Prohibiting "Al-Munkar" related to prohibitions requires preventing people from places of doubt, suspicion, or where false accusations may arise. The Prophet Muhammad (peace be upon him) said, "Leave what makes you doubt for what does not make you doubt."<sup>23</sup>

For example, if someone sees a man standing with a woman in a deserted place without passersby, it is obligatory to prohibit and admonish them since the solitude of the location is a matter of suspicion and should be discouraged. However, one should not rush to punish them, fearing that they might have a valid reason. Similarly, it is obligatory to prohibit someone from openly displaying prohibited amusements. The responsible person should remove the amusement's items to avoid promoting sinful behavior and discipline those who openly engage in it.<sup>24</sup>

As for matters that are not openly visible, the person responsible should not spy on or violate their privacy. The Prophet Muhammad (peace be upon him) said, "Whoever comes near these defiled things should cover himself with the cover of Allah." So, if someone is engaged in something that is not apparent, one should not reveal their secrets or try to expose them.

If any issue needs clarification, it should be done with proper wisdom and privacy, so as not to expose them to humiliation.<sup>25</sup>

### **Prohibiting "Al-Munkar" Related to Dealings**

Prohibiting "Al-Munkar" in dealings includes all prohibited actions in transactions. This includes fraudulent sales, tampering with prices, invalid transactions (e.g., dealing with usury), and anything that the Sharia prohibits in transactions when both parties agree on its prohibition. In such cases, it is obligatory to prohibit, prevent, and admonish those engaged in such transactions. However, in cases where there is a difference of opinion among jurists regarding the prohibition or permissibility of an act, there is no obligation for the enjoining of good and forbidding of evil, and there is no room for admonishing the doer.<sup>26</sup>

In terms of dealings related to marriage contracts, if the scholars agree on the prohibition of certain types of marriages, one should forbid them. However, if there is a difference of opinion among scholars, one should not enforce the prohibition unless the disagreement weakens and leads to a universally accepted prohibition, as in the case of temporary marriages (*mut'ah*), which might lead to the legalization of adultery.<sup>27</sup>

### **Al-Munkar Related to the Rights of Individuals**

This addresses the denouncement of misconduct committed by some individuals, which is considered an infringement on the rights of others. For instance, if someone trespasses on his neighbor's property, invades the privacy of their home, or places branches on their neighbor's wall, the affected neighbor has the right to seek the ruler's assistance to intervene and have the owner of the tree remove the branches that encroach on their property. However, there should be no punishment imposed on the owner of the tree because the spreading of the branches was not a deliberate act on his part.<sup>28</sup>

An incident related by Abu Hafis with its chain of narration from Muhammad bin Ali goes as follows: Samurah bin Jundub had a date palm tree near the wall of one of the Ansari men's homes, and the tree's branches would disturb the family inside. The Ansari man complained about this to the Prophet Muhammad (peace be upon him), who advised Samurah to uproot the tree in exchange for a similar one in Paradise, but Samurah refused. The Prophet (peace be upon him) then said, "You are causing harm, so go and uproot it."<sup>29</sup>

If a tenant exceeds his rights and interferes with another tenant's earnings, either by reducing their wages or increasing their workload, it is incumbent upon others to denounce this behavior. Likewise, if a tenant falls short in fulfilling their responsibilities to the landlord by reducing the work or increasing the rent, it is also necessary to denounce their actions. In both

cases, the authorities (or the ruler) should step in and denounce the misconduct of both parties.<sup>30</sup>

However, if the two parties are in dispute and deny each other's claims, the judge has the right to adjudicate the dispute and decide what is fair and just.

**Denouncing Wrongdoings Related to Shared Rights (Between the Rights of Allah and Human Rights)**

This refers to the misconduct that violates the rights of Allah while simultaneously infringing upon the rights of individuals. When a righteous person witnesses such misconduct, it becomes obligatory for them to prevent it and disapprove of the wrongdoer's actions. An example of this would be preventing someone from supervising people's homes. Similarly, it is necessary to denounce preachers in mosques who prolong the prayer, causing hardship for the weak and preventing those with needs from attending. The Messenger of Allah, peace be upon him, disapproved of Mu'adh ibn Jabal when he prolonged the prayer for his people and said, "Are you putting people to a trial, O Mu'adh? Or "are you imposing a hardship O Mu'az"<sup>31</sup>.

The Ombudsman should also denounce judges who show favoritism to one party over the other, blocking the litigants when they approach him and refusing to listen to their cases until justice is compromised and the plaintiffs lose their rights. However, the righteous ruler can make exceptions and intervene by arbitrating between the disputing parties with valid reasons, even if it requires mediating between them. The status of the person should not prevent them from denouncing their shortcomings.<sup>32</sup>

Among the wrongdoings that infringe upon the rights of both Allah and individuals, and which should be denounced by those who commit them, are encroaching on public roads by constructing buildings or occupying them with belongings and construction materials. These wrongdoings have become widespread in modern society. Al-Mawardi said, "If a group builds on a public road, they should be prevented from doing so, and if the road is broad, they should be forced to demolish what they have built, even if it is a mosque because the roads are meant for passage, not for constructions."<sup>33</sup>

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