THE QURANIC SOCIOLOGY OF CRIME

BY
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To write a preface for a thesis is very common, whatever the field or the content of the thesis may be. I have also maintained this tradition not simply to keep the tradition alive, but on the ground of the legitimacy and causal relationship with the content of my thesis. The topic of my thesis is quite new with which the present generation is not acquainted.

The Sociology of the Quran came on the arena in the present decade and by virtue of polarity of topic it automatically must concern with all those social diseases which are the threats to the meaningful societal and cultural evolution. The Quran is the Book which encompasses the whole human life and hence, if we peep into the pages of the Quran, we will find a lot of material on social pathologies, value deviances, contradictions and conflicts.

The Quran is based on a definitive philosophy of its own and therefore reluctant to use any term which stands in opposition to this philosophy. I would like to point out that the Quran, while analysing these problems never calls man as a criminal. Right earnestly maintaining the dignity of man it never uses the term 'Criminal', but categorises men's mistakes in terms of Udwan (عرائش) Khusran (خشران), Zanb (زنب) and Baghi (بگی). These variegated terms are used in accordance with the situation to which a person has fallen a prey as a result of commission of wrong. One more implication is to be kept sedulously in mind that the greatest object of the study of Quranic Criminology is to keep the dignity
of mankind. If a person is degraded by calling him criminal, the person, so charged will never regain his lost dignity of personality. He will be ostracized and condemned by the society. With this loss of personality he is nowhere and the chances of socialization and making each individual as a servant of society are lost. In order to maintain this principle, the Quran never calls a man Mujrim but rather an Asee (سیب), amendable in all ramification in social life.

Mujrim are those who commit crime by the denial of Almighty Allah and Divine precepts. We will see the use of the term Mujrim in relation to Bani Israel who had rejected the truth and hence allowing no possibility for construction and reconstruction of the personality, dignity and honour of society. This point is the fundamental base of the Quranic Criminology. Indeed it is a new concept not to be found anywhere in the modern sociology.

Apart from the enormous use of criminology in sociology today, very little is to be found as something real. There is nothing except theorization, succinctly added by information about the life of the criminals in jails and penitentiaries. The inevitable corollary is that no definite knowledge about crime and criminology is available. The whole system is like a mushroom growth, either in regard to meanings of crime or the criminology itself. This is in agreement with the views expressed by H.P. Fairchild and C. Duncan in 'Dictionary of Sociology'.
If we recognize the individual theories propounded by the scholars on their own accord, they will be no more valid on the bases of 'realism', depth level analysis or micro, macro and meta level. One more defect is to be found on the basis of Quranic methodology. Each of them is just the analysis of the thinking of scholars. The freedom to use them on their own accord on the personal knowledge, they are no more to be taken as valid, because Quran says that 'man cannot chalk out a moral code for himself'.

Much valid and logically meaningfully related materials are to be found in Quran and on this basis the entire systems of knowledge in connection with crime has been developed by the legal system of Islam and the propounders of the Fiqh. With this background I hope the scholars of tomorrow will give to the world something definitive, universal and meaningful knowledge about crime and criminology. What an agony that all the scholars of the Muslim World follow the legal juridical system of the West, without understanding difference between Islamic viewpoint and that of the West.

To my mind, Muslim laws as used today create one more pathology aggravating the list of the social problems delineated by scholars. I know the materials provided by me is very brief, it will give definitely a lead to the scholars today to study the Quran in order to develop full knowledge, valid for society. I also hope that the scholars will work to discover the valid laws for all time and space. We should keep in mind that the mumish imitation of the West will never become a source of therapy and development in future. Personal laws are particular, whereas the pathological situation is universal. For the realisation of meaning and validity, we should take support from the Quran. This is not something to be charged as personal, but
it is imperative law given expression in terms of documentation-
ization. We have neglected this imperative law altogether.

One more difference between Quran and the West is to be
discovered in terms of failure of the periodic evolution of the
society and as such we are in need of study of Quran from time to
time, because changes are inevitable.

The modern criminology is said to be dynamic and scientific.
Our study of criminology as developed in the West gave an idea that
such a claim is not proved by the men of this field. Dynamism has
created dispersion, resulting disorganization and anomie. The defi-
nition of crime is also not valid, because there is no authority which
may be recognized as authority by the men of this field. Each court
can assign different definition and meaning and hence we are left
in a state of confusion, as to which is to be accepted as valid? This
cannot be the rule of permanent nature. We have to take them in
piecemeal as valid. This will create antagonism, anomaly and confu-
sion. Under this circumstance the criminology of the Quran will
lead us to a definitive goal. While discussing the problems, the
Quran seems to be wonderfully logical and axiomatic. Every one for
all time to come has to inculcate the definitive idea that man cannot
chalk out a moral code for himself. I have discussed this problem
very briefly, in order to invite the scholars to undertake the
responsibility of further research so as to lead the humanity
by their continued research and study of the Quran. The definition
and meanings provided by the Quran are valid for all the times to
come. This is the only guarantee for attaining unity, harmony and
solidarity. It is to be remembered that law is one of the systems
of culture and the culture is to be followed for attaining balance in life. These laws will certainly provide determinism and consistency.

Modern criminology has one more deficiency. It is unable to create an atmosphere of unity and harmony in culture, value orientation patterning and development of cultural mentality. No nation can exist without attaining solidarity and in this direction our legal system under the shadow of modern legal system of the West cannot provide the cultural mentality which is the only way for building culture in situation of anomaly and disparity. All the sociologists while talking about cultural system have pungently pointed out that law is one of the exponent preserver and transmitter of culture. One of the logical contentions of the Quran is to be seen in the development of the system of penology which is interlinked with criminology. In the West penology is individualistic, maintaining the disparity of human situation. They say that each individual should be given punishment according to the commission of crime. This individualistic philosophy of the West has violated the basic law of society in individual.

The reader may feel astonished because of our omission of the interlinked part of penology. Penology certainly is a specific field, and hence to magnify this idea we have left penology pointing out that this subject will be studied in future, separately by the scholars of Quranic Sociology.
While sentencing the criminal, the court and the police should not stigmatize and victimize the criminal. It means all those who are concerned with crime and the criminal should keep in view the dignity and personality of the criminal. In any case they are not allowed to victimize the individual in a way of deterioration of personality. In all processes of judgment and sentencing, the society as a whole is to be looked into. For entire legal system of Islam including crime and criminal law, the basic philosophy of Quran is to be maintained:

1. The Unity in multiplicity.
2. Socialization and orientation of criminals.
3. The solidarity and the loyalty with the ideal base of Islam - The Principle of Tawheed.

In the end I must mention that I have taken immense help and guidance from my learned supervisor Dr. M. Basharat Ali who has always been generous to help me with his deep insight and high scholarship. In fact completion of this thesis is very greatly due to him. For this I pay respect and offer my thanks to him. I also feel dutybound to offer thanks to those personalities and institutions which helped me in my research and preparation of this thesis. I would also like to thank Messers Shawkat Ali and Shahid Hussain who took pains for typing the whole thesis with great devotion and feelings of sincerity. I have the responsibility to pay homage and thanks to Almighty Allah for giving me the opportunity to study and understand the Quran and write this thesis.

Karachi, April 1988

(ZAMIR AHMAD)
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CHAPTER I

INTRODUCTION

1. The Universality of Crime:

It is very difficult to trace out the history of crime because of obscurity in terms of methodological procedures and variegated points of view. Crime and criminality had been the focal points for all the segments of society. Common people took interest according to their own personal outlook and taste. The scholars of multitudinous types of learning never paid any interest to the varied points of scholarship. This trend remained continued up to the 19th century. However, the writers on sociocultural dynamics traced out the history of crime from 4th century B.C. We would like to refer the colossal work of P.A. Sorokin, who is the first to speak about the history of crime. 1 According to historical method it is not to be called history but rather a survey of the major and minor types of crime from 4th century B.C. upto 1949. Even the survey is not consistent and linear. The various types of crime traced out in his book create one more difficulty to understand the linear trend of various types of crime. The whole survey is guided by a trend of curvature. Sorokin is right that in the process of crime the rise and fall, fluctuations and oscillations are clearly to be noted. This survey of crime is again free

from the methods of causality. We do not know whether the crime committed all through the ages were due to social, cultural, psychological and economic forces. Professor Sorokin in his dynamic approach was guided by his own perspectivism which is based on typology of culture into ideationalism, sensatism and idealistic orientation.  

In contradistinction to the study of crime in historical perspectivism, the logical way according to modern method of study is the comparative studies of theories formulated by various theorists and scholars of crime. In the chapters to follow, we will analyse and verify them. Here in congruity with our universe of research, we would like to approach directly from the Quranic directive provided initially in Surah Baqarah. Let us quote the Quranic verses here:

(30) "And when thy Lord said to the angels, I am going to place a ruler in the earth, they said: Wilt thou place in it such as make mischief in it and shed blood? And We celebrate Thy praise and extol Thy holiness. He said: surely I know what you know not".

And He taught Adam all the names, then presented them to the angels; He said: tell me the names of those if you are right.

They said: Glory be to Thee! We have no knowledge but that which Thou hast taught us. Surely Thou are the Knowing, the Wise.

He said: O Adam inform them of their names. So when he informed them of their names, He said: Did I not say to you that I know what is Unseen in heavens and the earth? And I know what you manifest and what you hide.

And when We said to the angels, Be submissive to Adam, they submitted, but Iblis (did not). He refused and was proud and he was one of the disbelievers.
And He said: O Adam, dwell thou and thou wife in the garden, and eat from it a plenteous food wherever you wish and approach not this tree, lest you be of the unjust.

But the devil made them slip from it, and caused them to depart from the state in which they were. And We said: go forth, some of you are the enemies of others. And there is for you in the earth an abode and a provision for a time.

Then Adam received words from his Lord and He turned to him (mercifully). Surely He is oft returning (to mercy), the merciful.

We said: Go forth from this state all. Surely there will come to you a guidance from Me, then whoever follows My guidance, no fear shall come upon them nor shall they grieve.
(39) "And (as to) those who disbelieve in and reject Our messages, they are the companions of the Fire, in it they will abide. (2:30-39).

These verses form the major premise of our study. The Quranic concepts of criminology and criminality are entirely new subjects. Handicapped as we are about the material on the one hand and the extensive study of the West in this field as an interdependent part of sociology on the other, automatically beset us with difficulties which are to be surmounted. We have in the foregoing sentences given reference to Prof. Sorokin who demarcates the crime into three types. These three are guided by a differential cultural mentality. The sensate type is guided by sensate outlook of life overshadowed by the Hedonistic or Epicurean philosophy of life. Markedly different is the ideational type which negates the hard and fast realities of life, affirming that the life which is to follow after death is only real. The third one is idealistic cultural type which correlates and integrates ideational and sensate as reality of life.

In spite of our best efforts we failed to find out the basic philosophy of the idealistic cultural type. The idealistic viewpoint of typology on the paradigmatic ground is feasible and correct. Contrariwise to this typological analysis into three
differentiated classifications, we are given to understand that these three types, differentiated as they are, still represent the Christian outlook of life in the mortification of soul, and negation of life.\(^3\) All of them are guided by the tenets of faith; redemption and salvation. Even in crime, in spite of best efforts to taxonomizing them into different types in all the depth and level, is represented the Christian basic concept of original sin.\(^4\)

Criminality in modern researches in Psychology, Anthropology and Criminology is guided by the precept that man is wicked and automatically involves in wickedness and sin, because Adam was responsible for transmitting this wickedness to the entire generation of mankind.\(^5\) So long as he lives

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4. A transgression or crime against God or gods. As such the concept appears in all theistic religions, but particularly in Judaism and Christianity. Catholics distinguish between mortal sin - a deliberate act of rebellion against God, that deprives the soul of its supernatural life and deserves eternal punishment, and venial sin, a less grave offence, done perhaps inadvertently, which does not deprive the soul of sanctifying grace and may be remitted by prayer or good works. An actual sin is a personal addition to the inherited original sin. An habitual sinner is one who has sinned and not repented. See Loc. Cite Encyclopaedia of Religion. p.354.

5. The innate depravity and corruption of the whole nature of man in Christian belief is due to the sin of Adam and Eve and has been transmitted from them by ordinary generation to all their posterity. A similar doctrine is held by Jews, but it is hardly to be met with in the Far Eastern religion. In Confucianism it is completely rejected. (Encyclopaedia of Religion and Religions by E. Royston Pike, published by Meridian Books, Inc. New York: 1959 p.284).
on the surface of this earth, as a result of original sin committed by Adam, his nature is contaminated and remains involved in wickedness. The so-called scientific researches in all the fields of social sciences, are saturated with the basic Christian thought of original sin.

Under this precept, it was not possible for the scholars of this field to get this done free from the entanglements of religious involvement. They started by the study of man and nature of man as a creative object born with the original nature of believing and acting on deviancy pattern. The science of Criminology starts with this hypothesis. Even the moralists, the scholars of social problems and psychological abnormalities under the garb of scientific orientation start their study on the dictum that man is born wicked. He is according to them, persuaded to evil acts and behaviours of all sorts, nothing to say of criminal and deviant, even the sound individuals are always persuaded by the forces of wickedness and demoralization. Contrariwise to this attitude, the verses quoted above portray a man as a creature, creator, carrier and preponderatingly inclined to do good and keep himself free from all the involvements of wickedness. Almighty Allah declared that He is going to place the man as a ruler in the earth. This very declaration stands in testimony to the Quranic ideals that man being great in scale of life, was free from the stigma of sin and wickedness. The Quran exhorts that man should conquer

6. For further clarification of this concept see our Foot Note No. 4 quoted at page.6.
the phenomenal world of nature as an initial step to the
conquest of spiritual world. Consequently the greatness of man
has been established on the authority of being endowed with the
power of conquering of forces of nature. This responsibility
cannot be adequately accomplished without knowledge. In accordance
with this premise, it was inevitable that man should be given
the knowledge of things of the phenomenal world of nature with
the aptitude of understanding and conquering the nature in all
its depth and level. According to the Quran anything in the world
of heaven and the earth is not void of values and meanings. With
the fuller understanding of the depth and level of the phenomenal
world of nature, man was capable enough to keep control on the
nature and through the understanding of the meaning involvement, he
became well suited to know the Lord of the world. Thus man and
nature are corroborated and man has attained the mastery to know
the meanings of life, meanings of Creator and above all the thing
of the world. Man was provided ample chance to attain ever-new
knowledge for transformation and mastery over nature.

Having declared the greatness of man and removing the
susceptibilities and doubts of angels, the Quran establishes the
cause of declaring man of being great in the scale of life. The
term Asma in this framework of reference connotes dyadic meanings.
One being the level sense involvement and the other depth meaning
which demand critical reason to discover an inner sense involvement
represented by each thing individually and collectively. This
phenomena is not far off to seek. These two sense involvements
are to be identified and discovered in the exclusive term Sabbaha revealed in one totality in the verse No.1 of Surah Alhadid which runs as follows:

"Whatever is in the heavens and the earth declares the glory of Allah, and He is the Mighty, The Wise. (see also Surah Yasin and Rehman) (57:1)

Not only the verses above even the first Wahi (\\textit{t}) clearly indicates that knowledge forms part of the very nature of the nature of man. Thus the Quran says:

"Read in the name of thy Lord Who creates, creates man from a clot, Read and thy Lord is most Generous, Who taught by the pen, Taught man what he knew not". (96:1-5)

If knowledge would have not been the innate part of man's nature and structural base of his life, he would not have been commanded to read. It is a common fact and needs no contention that reading is not possible without previous knowledge. Man was endowed with this knowledge. This mystery was not known to the angels. In this Surah "Alaq" in parallel is brought out one more fact of greatness of man in terms of it being the possessor of knowledge in spite of the fact that he was created out of clot.

This Surah in support of the verses of Surah Baqarah quoted above
determines the real value of knowledge in terms of expansion and evernew transformation. The term 'pen' symbolises the three characteristics of knowledge in the framework of reception, manipulation and transmission. This is tantamount to the equation of man, knowledge and nature. It means the immense possibility of attaining evernew knowledge in all space time dimension. Having this dynamism in view, the Quran has portrayed man as creature, creator and carrier. According to the verse 38 of Surah Baqarah quoted below man was thrown down not because of any stigma of original sin but rather due to his failure to act categorically in congruity with the Divine order. The verse No.38 of Surah Baqarah runs as under:

"We said: Go forth from this state all. Surely there will come to you a guidance from Me, then whoever follows My guidance, no fear shall come upon them nor shall they grieve". (2:38)

The verse above undoubtedly makes free from the stigma of original sin and gives direction for the advancement and blossoming of human personality. There has been the contrary

7. This fact of Quran is recognized by modern social and physical sciences. We quote the following lines "Man is portrayed as the creature, carrier, creator, and manipulator of culture". (See 'Principles of Sociology' edited by Alfred Lee, Introduction Page IX, Barnes and Noble Inc. New York: 1953).
policy of all the religions like Hinduism, Buddhism, Christianity and Judaism. According to Quran, man becomes characterless and wicked in society through criminality and antisocial behaviour by reason of his own value deviancy patterning and in one simultaneity because of failure to act and behave according to ethical laws. These ethical laws according to Quran are Divinely oriented. The Quran in Surah Nahal points out that man cannot chalk out the moral code of life without Divine guidance. He had been given discretionary power which can be applied through critical vision and deep insight in making life meaningful and congruous with the axiological existential laws of Divine origin. By nature he is not criminal. It is the result of deviation to act and behave in accordance with the moral laws and principles on the one hand and reluctant to use discretionary power and inductive reasoning. With this guidance from Quran, we reject the concept of criminality formulated and popularised by the scholars of criminology who sedulously observed that man is wicked because of his own nature and original sin committed by Adam. The notable scholars in criminology unanimously uphold with an air of dogmatism, that crime and all antisocial acts are the result of wickedness of man's nature, e.g. in his latest contribution Marshall B. Clinard writes about human nature in

the following words.

"All deviant behaviour is human behaviour. By this is meant that the same fundamental processes which produce the "normal" person also produce the "abnormal", for both of them are human beings. If certain basic processes underlie the personality development of the normal person, those same processes and structures must be sought in the deviant. Common components of human nature are found in all types of normality and abnormality".9

We do not understand the term 'deviant'. Similarly the writers of this field with great ambiguity use various terms without definite orientation and clear-cut definitions. The simple use of 'deviant' without meaning determinant carries no meaning. Similarly the scholars of sociology without analysis and framework of definitive meaning use the term value deviancy, allowing nothing but to float in fantasy and sophistication. We are unable to understand what kind of value creates deviancy and in what fields of life they occur? It is a universal fact that all types of values accrue from the very basis of religion. Thus religion is the basis of culture, cultural mentality and cultural heritage. Value deviancy and deviant behaviour are not criminality. On the basis of deviation from values recognized by criminal law in a particular state and in a particular space-time, the meaning and definition of criminality are definitely determined. The laws are the sure means for the meaningful development of society, personality and culture.

Man is placed in the earth to rule over nature and the forces of nature. By virtue of this installation it was necessary to correlate man with nature and nature with man. For realizing the predetermined objective man was given the knowledge. This knowledge is the necessary condition for man's existence and getting mastery over nature. In this way the Quran instantaneously rejected the superiority of nature over man. This concept precluded all the chances of worship of nature as gods and goddesses. The idea of conquest of nature is the beginning of science. In contradistinction to the past nations which worshipped nature as Divine being, Islam directed that nature is subservient to mankind and its destiny lies in the subjugation by man. Not only physical nature is to be conquered in its externality and outer dimensions but the Quran demands the conquest will be complete only when meaning involvement would be discovered in one simultaneity. This concept found the total discovery of nature and harnessing the forces of nature. In every depth and level, says Quran, meanings are to be discovered. Every thing in nature glorifies Almighty Allah and stands witness to His Unity. The Quran has to direct us to attain safety from antisocial and value deviant acts through developing personality in congruity with laws, principles and meanings of nature.

The modern criminologists lay emphasis on the individuality of crime. Crime and deviation according to Quran are the contagious diseases. The criminal activities may destroy the family, a segment

10. Of course some references in modern sociology have been given in relation to antisocial activities as contagious diseases. This concept has not been given proper attention by those
of society and even the entire nation. In the stories of Quran, for example, Lot, Noah and Shoib, it has been revealed that the entire nation due to criminal activities was erased from the surface of the earth. These stories of the Quran give expression to multivariant types of crime. The people of Lot committed the crime of sodomy and in this way they became the source of spoiling scholars who talk about conflict of values. In Islam there are several Ahadith which say that a minute duration in the association of wicked person will have the same obnoxious consequences. In our day to day language there are many popular sayings about the association with the value deviant and antisocial personalities. We quote the following proverbial Persian verse:

The majority of our books on ethics and politics deal with this subject. Imam Ghazali's book 'Ahyaulloom' and Sadi's Gulistan are most important. One more book of Imam Ghazali, translated in Urdu, is Kimiae Saadat. It is not irrelevant to point out that in the ethics of Europe this concept is not to be found. Crime and criminality in modern age are not vehemently condemned there. According to the lecture delivered by Dr. Arshad Rizvi, the criminals are protected in a way by the police that they may attain freedom from the charge of crime. The idea behind this philosophy, as enunciated by Dr. Rizvi is to save the criminal which according to them is detrimental for development of personality. By virtue of the same philosophy it is also maintained that in no way the criminals are to be victimized. We reject this concept because in the last analysis according to the Quran it is the legal right of any individual Muslim to attain justice and hence criminals are to be punished and they are not to be allowed to go against the law of justice. (See for detail 'Atta' zir Fi-Alshariat-Al-Islamiah', by Dr. Abdul Aziz Aamir, its Urdu translation 'Islam Men Jurr aur Saree' by Syed Ma'roof Shirazi Part II, Idara Maa'rif Islami, Karachi, 1985). The opposite drift named as Sociology of Law opposes this concept and stresses that criminal should receive punishment in proportion to his crime. This is necessary for the structural and functional safety of the society, see for detail 'Sociology of Law' page 187 by Leonn Mayheva, published in 'Knowledge and Society', 1973.

11. The people of the time of Hazrat Lot were gone astray in sexuality which according to Quran is a gift given to mankind for procreation and expansion of human race. But the people of sodom, a particular part of the cities where Hazrat Noah was delegated to carry out the function of messenger of Allah. The prophet persuaded them to use sexual potentialities legitimately but the Noah's teachings were taken in a direction of negation and ridiculing the messages of the messenger. Consequently the race of sodomist was destroyed. Not only the modern scholars but some
the human race, the result being the total eradication. In contrast to the sexual type of criminality of the people of Lot, Shoib attempted to correct the illicit exploitation of his people and as a result of these criminal activities the nations were destroyed. Likewise the people of Noah committed polytheism (شرك) and so they were completely smashed from the surface of the earth. These few examples are sufficient enough to prove the universality of the crime.

Modern criminology is a failure to demarcate and define specifically the variations in terms used so lavishly. As we have referred there is a lot of difference between crime and deviancy and similarly between delinquency and crime. The attempts to classify in terms of age level and sex are not sufficient enough to minimise the influences and counter influences of the crime.

of the Ulema called sodomy as Lewatāt (لواطط) and a person who was habituated with this nasty habit was called as Lootī (لؤطی). The Quran never called the men of this habit as Lootī which is a conscious exploitation of the name of Hazrat Lot (لوط). What is intended is that the term Lot is not to be used as violator of ethics and religion. Except in Urdu the term Lootī (لؤطی) is not used in any one of the European languages. In English the word which is used is sodomy.

There are various opinions about the habits of homosexuality. There is one converging point of these explanations about the perverted habits of homosexuality. They all depend on Kinsay Report. The statement of Marshall B. Clinard is arbitrary and just sentimental (see for detail his book, 'Sociology of Deviant Behaviour'), whereas in her 'Social Disorganization', the opinion of the authoress a bit correct. However the Quranic criminology is not in favour of them both. Their statements are in agreement with the Christian viewpoint, because sexual ties and marital relations are profane acts to be avoided by the Christians. This very prohibition has given rise to sexual deviancies, allowing the unmarried people to indulge themselves in heterosexuality. Consequently this habit is very common among ruralite and urbanized in

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Significantly enough, such a classification might be easy to understand the personality of the criminals but in no way they are helpful to save the society from the harmful and detrimental influences of their activities.

Crime has been differentiated under the precepts known by common man. Crime is a phenomena which is very difficult to understand without analysis and causalistic orientation. In crime the most important facts are to be analysed in terms of situation, attitude and behaviour of the criminal, his personality and his heritage in the framework of understanding his family, social lien, professional activities and cogently related part of his personality, mental aptitude, illness and even some of the scholars take his moodology and time to time fluctuations.

general and more particularly in jails and hospitals, schools and hostels. This habit is not only popular among males but also common among women. Two women enjoy sexual love by penetrating the sexual organ in a way that the above part of vulva may be fascinated with the vulva of the other woman who lies below. In Urdu it is called Chupti (چپتی). In Western countries there are wideranged clubs which allow openly for young girls who are habituated in the act of feminine homosexuality. In Islam both these acts are the crimes punishable severely, so much so, the culprits are stoned, burnt, and as a lenient punishment, they might get jail sentence. For detail see op. cit, 'Islam Men Jurm aur Sazaa by Dr. Amir (Jesus).
2) The Theories of Criminality, An Historical Background from Ancient to Modern Times.

In her book 'Criminology', a text book, she has given expression that the science of criminology has come into being some 150 years ago, an assumption which is to be validated on scientific grounds. As we have stated in our previous chapter, the history of crime has been traced out by late Prof. Sorokin sometime in the 4th century B.C. During this long period humanity had to undergo the experiences of great nations, like Greeks and Romans. As claimed by the scholars of civilizations, these nations are credited as founders of many systems of knowledge. Automatically we can presume that something might have been given expression about crime and antisocial activities. Within the compass of this long period, if we are unable to trace out something about the crime and antisocial activities as human behaviour we are not to be disappointed in this direction. Certainly long before the period determined by the authoress, we are in a position to claim that the Quran has given some definitive information about crime and criminal activities.

Much has been given by the Quran under unified term [Qaumul Mujrimin'. This concept will be illustrated in an appropriate part of this thesis. What we intend here to show is that the period determined by the authoress is not at all agreeable. In scientific treatises and scientific works there is no place for haphazard expression of the whimsical ideas.

The authoress unequivocally refers to two trends while analyzing the causes of crime. 1) It is entirely individualistic. In it a person is persuaded to commit crime as a result of his sadistic nature and personal grudge with the society and 11) The social impact upon men and groups of shabby character like vagrant, vagabond and men of perverted nature. 13 She seems to have been directed by the age long concept of Christianity in terms of original sin. This Christian concept got wide popularity in Christian dogma, which was soon accepted by all the strata of Christian communities. This concept as innate part of human nature has been rejected not only by the Quran but by the various exponents of science of criminology. This is a stigma more or less having no psychological or logical consistency. Human nature is and would have to be all the same in all the times to come. Consequently man is neither wicked nor born in perfect moral order. He comes out with a clear state of mind having no knowledge or inclination to do something bad. It is not necessary that man should do wrong because of distorted brain or some defect in mind and body. The category of these types of individuals may do some harm because of distortions and some bodily and mental defects. 14 These acts because of these defects should not allow us to behave with them as a criminal. Crime and criminality are the overt acts and men of this type are instigated not on the basis of some impulse or

13. The best example of this type has been provided in the form of street corner societies. See for detail, Walter C. Reckless, 'The Crime Problem', Ch. 14, New York: Appleton-Century-Crofts, Inc. 1950.

drive but on the basis of something by virtue of social and societal influences. There are some reservations on this generalised concept because the entire society is not crime oriented. Some insignificant portions of the society, living in a shabby condition may be persuaded to commit crime. If an individual is guided to move in this specific strata of society, he is sure to go wrong. The condition is specific. Herein we are to be cautious. We have to understand the situation, and the individual place in that situation. Consequently not the whole society is to be charged for individual misdemeanor for unlawful activities. The Quran is reluctant to charge the individual as criminal without referring the situation he is placed in.

The term crime, criminal and deviant behaviour are not logico-meaningly and causally defined. Crime and deviancy are pole-apart. To call a deviant as a criminal is nothing but to stigmatise the individual unnecessarily. Deviancy is something going wrong on the basis of some innate and covert impulses. Such ideas are nothing but the expression of the Christian dogma of original sin. Deviant is not a criminal and every criminal is not at all a deviant. Deviant is a person with a distorted brain, is feeble minded and very low in terms of memory and psychotic aptitude. Criminals on the other hand are just opposite. They

15. See for example, Lowell Juilliard Carr, "Situational Analysis" Ch. VI, New York, London, Harper & Brothers Publishers, 1949. The author refers one special point, which is novel but convey some truth. All moral and behavioural deficiencies may accrue due to ambiguities, moral and mental deficiencies of culture, cause personality disorder and in all probabilities may lead to ambivalent behaviour.
are nonetheless equal to genius. There are various examples of the
sharp and high mentality of the criminals in modern literature on
crime. The sumptuous example of high calibre of the criminal has
been provided by the Qur'an which referred to Bani Israel and Nation
of Lot what the modern scholars of the world of Islam and the West
call (Qaum-e-Lot).

Theories which we have briefly analysed in the paragraph
above indeed are the result of human thinking in the light of the
experiences and sentimentalism. They know nothing about the crime
and the criminal as the criminal knows the crime concerned on his
personal experience as a criminal. Their personal knowledge is real
and specific. In generality they have the same experience and know-
ledge as the common man knows. But all of them possess thoroughgoing
knowledge in the specific field of crime in which they have been
acting personally. All the theories so far formulated from middle
ages upto the contemporaneous times are defective because of the
space-time limitation on the one hand and entirely particularistic
on the other. This is again due to the personal knowledge of the
formulators of the various theories concerned. These theories again
in spite of variations on the basis of the personal knowledge all
of them are united in echoing the spirit of the cultural mentality
and universal trend of Christianity. To attribute crime on the
basis of physical and mental degrees is nothing but the translation
of the common opinion of the men and women of the time. This stereo-
typed opinion gave rise to an elong concept - the criminal or the
born criminal. The theorists of the time did nothing but solidified
the public opinion of the time concerned. All these opinions are
the result of the religious spirit of Christianity which was
never analysed either on human grounds or on philosophical or
logical grounds. All these facts are vital proofs that Christian
world was under the grip of bigotry and religious fanaticism. The
thick dark cloud of ignorance and religious fanaticism have to be
wiped out for the realistic understanding of the crime and criminal.
Herein human mind cannot help us without integration of the knowledge
provided by religions. We discard all these theories on one more
ground. They in all totalities stand on the negation of social
realism. All the theories of the past either were rejected or
re-established according to the spirit of the ages which was the
result of the thinking of the people in terms of scienticism, logi-
cality, sociologism, psychologism, anthropology and so on and so
forth. 17

In spite of these changes in theories, the germinal idea
of original sin categorically influences these theories in all depth
and level. It is really appreciable that the stigma of crimini;

16. Social realism has been defined variously. We do not agree with
them all, more specifically on the basis of Quranic idealism.
The Quran says, 'society is a reality' so much so that Prophet
Mohammad says that society is like a wall and if one brick is
separated, the whole building will be collapsed. In one more
Hadith quoted by Leopold Asad in his Muslim Political Theory
is that if a Muslim goes apart even one span from society, he
is no more with me. So is the nature of society and social realism
in Islam. Modern thought in this direction stands no more value
than the concept of Quran and Hadith. Modern thoughts are variegate
as they are different in meaning and stand pole apart. All the
theories in this connection seem to be failure in proper understand-
ing about the meaning of the term, 'Social Realism'. Even in
their definition of the term society and social, they lag behind
the vivid and definitive understanding. In the modern time some
clear idea about realism has been provided by Werner Stark (see for
detail his book 'The Fundamental Forms of Social Thought', London,

17. P.A. Sorokin, 'Contemporary and Modern Sociological Theories
being as original sinner was modified and was shaped and reshaped on the basis of societal, social and cultural forces of the time. The question remained unsolved whether the criminals were influenced by the entire society of a particular strata or a section of the society? The society in general cannot be a society of criminals. Automatically in the greater society their should be a specific segment of criminal inhabitants (as China Town in New York). No theorist of the time gave expression to the particularistic nature of the society of criminals and their specified culture.

In spite of all the variations, loopholes and drawbacks, these theories are the best examples of the splendid efforts made by these scholars to know the why and how of the crime and the specific personality type of the criminals. Undoubtedly some of the criminologists like Reckless, Sutherland and S.K. Weinberg while analysing and discussing the personality of criminals, never attempted to specify the development of personalities of criminals befitting to the specific nature and characteristics of that crime. Our study of the man gave the clue to typologize criminals according to their act of crime. The personality of thief e.g., is totally different from that of swindler, dacoit, and murderer.

It is unfortunate that while understanding the crime, adequate attention has not been given to understand the personality of criminal, the focal point of the understanding of crime on the basis of logico-meaningful causality. Surely such a failure may be attributed to the lack of understanding of the differential psycho-
ology which was not in currency in those days. In spite of this handicap the problem of understanding crime entailed the responsibility
to understand clearly why an innocent person has fallen prey to commit crime in spite of his understanding that criminal act is a clear violation of moral code of life and decent living like a gentleman. Almost in all these theories one finds the general trend of stigmatizing the criminal. To attribute crime on personal ground or cause due to the forces of environment is nothing but scape mechanism. Crime always is the result of some pressure and some overt and covert threat or some kind of phobia or thought or melancholia or mental depression, thwart or distortion.

An analysis of the theories of modern times will give an idea that in spite of their best claims they are fluctuating and constantly changing in congruity with the changes of space-time forces on one hand and oscillating nature of the nature of man on the other. In contradistinction to these multivariant types of changing theories we are in a position to recognize the very solidifying nature of the Quranic concept of crime. The question of theory in itself points to the very nature of human nature. It should be necessarily flexible and demanding recapitulation, overhauling and modification in accordance with the changing requirements of life. These changing requirements are the sources for the forward or backward march of the society and culture. Herein we are beset with a crucial problem of knowing and understanding the trend of the flow of social forces and culture. For agelong, it was the dominant concept that culture and social forces run their course of life along the linear trend. All the old cultures audaciously hold that the life and the consequential social and cultural trends have to run their course of life just
like right line from A to Z.\(^{18}\) Thus dynamic concept was a recognized concept, dominant in all the forces of life, like phenomena, society, personality and culture. Due to this false dynamic orientation in one way or the other, all these theories from the middle ages up to the modern times are not free from the stigma of original sin. The Quran at the first instance has to recognize the realities of the space-time forces rejecting the old agelong concept of linear trend. According to Surah Āṣr (العصر) which is quoted below, we are in a position to reject the linear trend of time emphasizing that the time, and the resultant socio-cultural forces run their course of life in a specific oscillating, fluctuating and zigzag position. It is false to assume that the time runs on a straight line. It runs its course of life with fluctuation, falling down and rising upward.

\[\text{1. "By the time.....}\]

\[\text{2. Surely man is in loss.....}\]

\[\text{3. Except those who believe and do good and exhort one another to Truth, and exhort one another to patience"}(103:1-3)\]

Another thing, which has been consciously or unconsciously neglected by all the thinkers and exponents of crime-theories is the changing situation of the forces of time. However in modern

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\(^{18}\) By A to Z we mean that the changes do not run along straight line but in curvature with fluctuation, oscillation and spirals. This concept of Quran is in conformity with the modern researches in philosophy, dynamics and sociology etc. See for detail, op.cit. Sorokin, 'Social & Cultural Dynamics', Vol.II & IV.
time important consideration has been given to ecology, physical phenomena, social and cultural situation. The awful negligence of the personality of the criminal and the forces of time in which he was brought up and instigated to commit crime created a havoc in the realistic understanding of the crime and the criminal. These two awful mistakes are the result of the lack of understanding of time in its sectional categorical perspective. Time may be divided into atomistic parts and categories like seconds, minutes, hours, days, nights, months, and years, reaching its climax in a century. According to Surah Asr (33:1), all these subtle parts and entities are not free from their entelechies, influences, and meaning involvements. Such is the nature and reality of time which has placed man in a trying and awful critical situation.

'Surely man is in loss': it is not the question of passing and consumption of time without realistic understanding of the meaning involvements and inferences in terms of entities. These minutest categories of time have a great impact in relation to the development of personality and transformation of society and culture. This is not a simple problem. It demands the understanding of time in terms of its entities and entelechies.

19. This is a new term incorporated in English language commonly used in the philosophy of knowledge, God and universe. It is the basis of the philosophical thoughts of German thinker, Driach. See for detail, 'Outlines of Modern Knowledge' Camelot Press Ltd., London, and Southampton, 1931, p. 576.

20. These ideas are the results of our inferential reasoning of the thematic analysis of the verse given below

"And indeed He has created you by various stages". (71:14)
All of them are to be studied systematically as a system of knowledge known as temporology (science of time). We live in time, surrounded by space. This is another involvement and the basic condition for the understanding of the influences of time. Time related with space gave rise to another system of knowledge, called Spatiology. Such a development was unknown to the world of the past and still the people of the modern time are in the limbo of darkness about these important components of man's existence in all dimensionalities. The passing of the time in all its categories is a continued process turning finally into epic after the close of hundred years. The term Asr (عصر) with all the categories and exponence referred to above clearly indicates the close of the old century and the beginning of the new one, with its new tempo, new spirit and new world outlook (Weltanschauung) and new spirit of the age (Zeitgeist). 21

Before the advent of Islam all the nations of the past, however known as founders of great civilizations were unaware of the realities of time. The Greeks, Romans, Babylonians, Hindus, Buddhists and the other European nations had no clear concept of time as a real force of life. They thought in terms of fantasy. Sorokin, Karl Mannheim and Louis Mumford etc. have discussed analytically the causes and the sources of the development of utopias and inventions among the nations of the past, but all of them failed to delineate the utopias about time, the greatest source of life.

21. For detail see Helm Holtsch 'Spirit of the Age' an article published in Essays on Sociology, compiled and edited by Jate Professor Karl Mannheim. Et.Passim Professor P.A. Sorokin, 'Social and Cultural Dynamics' Vol. II: Professor Alexander: 'Space, Time and Deity'. These authorities are to be compared with the Islamic viewpoint developed by Dr. Basharat Ali:
of man on the globe. Sorokin has taken a short route about the development of time mentioning the understanding of various nations in terms of cultural mentality – ideational, sensate, and idealistic. 22

He seems to have been parsimonious in referring Islam, the only idealistic system of culture which came into being and becoming in the past and the present centuries. All the other religions and cultures were ideational, and hence in this framework of reference they had to negate the value of time and space, as they negated this worldly life as sham and delusion. Whereas the sensate cultural mentality recognizes the value of time and space, referring it as a source of attaining sensate value, predominantly wealth, wine, women and song. 23

In contradistinction to the above graphic analysis, the entire action and belief systems and entire systems of society and culture in Islam are guided by the realities of time and space. In 'Ibadaat (عبادات), we are not free from the liabilities and expectancies of maintaining the causalistic and realistic condition of time and space. In relation to the 'Universe' of our dissertation, it would not be illogical to mention the involvement of time in the philosophy of crime and penology. 24

See his work 'The Quranic Concept of Space and Time'


24. See for detail Attazir Fisratul Islam by Dr. Abdul Aziz Aamir,

(continued on next page)
The time factor in the understanding of crime and criminal behavior is highly important. Time elements are the determinants of the behavior of the criminal, criminal situation and psychological elements. It is not the total time which persuades the criminal to commit crime. In the total time there are moments which persuade him to act criminality, however, he may be planning to commit certain act. It is not the present time alone which is to be taken as particular moments for the commission of criminal act. In the generalized categories of time, the historical elements are to be clearly identified. This is indeed a new concept for the so-called scientific criminology. These forces are causes of the involvements of criminal behavior and action as pointed out by the Quranic Surahs like Qaaas (القصص), Noah (نوح), Abraham (الإبراهيم) and Bani Israel (الإسرائييل) etc. Nothing to say of the involvement of time in historical forces which run although the gamut of past, present and future, even the history itself failed to take account of these important elements which determine the trend and attitude of the forces of time in relation to history.

Modern criminology is free from all these elements in relation to the understanding of crime as a personal and social behavior. The entire discussion is based on conjecture and hypothetical surmises. It is claimed that modern criminology is based on scientific ground but we wonder when we see the fluctuating trends of modern theories. The American criminologists are at variance with those of the theories developed in Britain, Germany
France or any other part of the European countries. In spite of these differences all the theories are common in their expression of cultural trends and cultural mentality of the respective countries. All of them are unanimous in the last analysis to attribute the commission of crime as a result of societal and social environment of the particular country concerned. For adequate formation of the meaning of criminal act and criminal behaviour, if we recognize the logicality of the social situation, the question arises about the criminal himself. If the society turned him into criminal, he should also react influencing the society itself. Individual and society act and react in one simultaneity. This is what has been neglected. How the criminal reacts to the society is a common problem, requiring no more detail except giving some of the references of the notable criminals in all forms of criminal activities. In this connection, we would like to refer W.C. Reckless 25 E.H. Sutherland 26, Marshall B. Clinard 27 and Mabel a. Elliott and Francis E. Merrill. 28

We intend to show that society alone should not exclusively be held as a force without taking into consideration the central figure of the individual criminals. They become the source of creating a criminal society by themselves, having many accomplices. Sallin lays emphasis on criminal culture and high moral behaviour and loyalty

of the criminals to their gangs. His expression is general because each criminal group creates its own cultural circle adding more and more criminal sections and circles round the greater one. This is a highly important fact which has been neglected by the crimino-
logists. This fact is no more found in the cultural theories of the modern age. The irrefutable example is to be found in the Quranic analysis as delineated under the story of Pharaoh (فرعون) by his magical evil deeds. He not only gave rise to criminal culture but even his magicians and sires created within the greater whole many criminal circuits.

Undoubtedly, criminal culture is a deviant culture, but in one way or the other it is linked with the greater society. The culture of the greater society is shaped by the criminals to suit their own initiated culture. This culture becomes a residual culture allowing the various types of criminals to derive their own specific culture. In this way the greater culture of society if not misguided and devalued, it becomes the culture of entire society. Whereas the criminal culture, what we call the deviant culture is an abnormal and pathological culture, given specific kind of configuration by various types of criminals like murderers, thieves and swindlers.

In contradistinction to modern development of criminology, the bulwark of the theories coming from 14th century upto this age, the Quranic Criminology is definite, nonflexible and totally in accord with the changing situation of all time and space. The notable difference between the modern theories and Quranic concept of criminology is to be clearly identified in the laws and principles of the Quran given expression in many parts of Quran in
accordance with the requirement of the phenomena under analysis. As a result of the definitive nature of the Quranic laws guided by the definitive meanings, the Quranic Criminology is a system of knowledge to be discussed and understood under the given laws. This is what is demanded by the following verses of Surah Raad:

"It is Allah, am the Best Knower, the Seer. These are Verses of the Book. And that which is revealed to thee from thy Lord is the Truth, but most people believe not". (13:1).

The verses above unequivocally stress that there is no alternative except taking the laws and principles of the Quran as invulnerable and binding for making them a source for the meaningful and healthy being and becoming of life in all its patterns and varieties. If these laws are violated, the life will become trodden and devastated on the one side and on the other the avoidance of these laws will become a source of criminality through rejection of the definitive laws of the Quran. It is not irrelevant to point out that invulnerability and deviation from Quranic laws instantaneously becomes a crime against Shariah or Divine Laws.

How indispensable these laws are in explanation of the working of the Divine Order in the entire world of phenomenal Every thing of this part of the world is guided by the definitive laws assigned as a guidance to each of them. Consequently, the demand of the Quran that man should also act, behave and evolve
27. Pointing "Scientific Method", cf. Pauline Young, Research Method and Social Sciences (See for instance Wilson O. G., Research Methodology). The demand for the study of the Divine Laws which are not only the fundamentals of Islam but also explain the fundamental base of Islamic System of belief, action, knowledge, conscience and proof. In this sense, it can be said that this method in the modern terminology is called scientific research method.

In the evolution of life, mankind has been invited to use scientific method, particularly the empirical method containing observation, experience, critical vision, deep insight, and analysis. It is not irrelevant to point out that this method is discovered in the natural sciences, but it also has an inherent basis in the spiritual sciences. The divine method, which forms the basis of the study of the Divine Laws, is not only the fundamentals of Islam but also the fundamentals of our modern scientific research method.

In this way, the Quran establishes its own principles of life without divine help. This is another example of the principle of life without divine help, which has evolved as a natural law. It is a clear example that mankind and nature are guided by their own principles that man cannot chalk out a valid morally coded principles of life without divine help. This is another example of the human mind.

The law of nature is an indispensable corollary of man's existence. It is a law without any human intervention.
the failure of men to understand them not only through empiricism but also through psychological processes. Those who are psychologically devastated failed to use best psychological endowments. They will be unable to see harmony, unity and balance not only in total life of men and nature but also they will not be able to perceive and will not believe in unity of Allah and the expression of His Authority in the open working of the Divine Laws in nature. Thus, we presume the deviation from unity must be one of the sources of crime and criminality.

\[ 
\text{'Surely Allah changes not the condition of a people, until they change their own condition'. (13:11).} 
\]

Among the curative and correctional methods, modern penology and the therapeutic improvements of behavioural and action character of the criminal, psychology has an important role to play. The various branches of psychology like psychiatry, analytical psychology, clinical psychology and correctional psychology lay emphasis that all criminal acts are the result of abnormalities and development towards antisocial behaviour getting enjoyment through committing crime of various kinds. The example of these cases of psychological deviancy is to be identified in the criminals who are named as recidivist. These criminals are the habitual criminals. They are charged every time, death punishment again and again, go to the jail, and get release after the expiry of the period of sentence. Their commitment is just for the sake of enjoyment because they feel personal satisfaction in terms of
doing harm to others. In the psychological term they are called as sadist. Such criminals need psychological treatment. The therapeutic measures applied in these cases have no fruitful result. The measures taken for improvement are of dichotomous nature. Suggestions after suggestions, hypnoticism and so on and so forth may have a bit of useful result but they are unable to eradicate all mental deviances. Something more is needed to supplement the therapeutic method of psychology, some of the criminologists suggest that necessary aid from religious side must be taken. Even this source of improvement failed to yield some fruitful result. In the light of the Quran we assume that both psychology and religion failed to discover the prima facie source of all mental criminal and abnormal behaviour and action. According to Quran man is always in need of psychological pressure and control. To press all abnormal, antisocial and criminal behaviour man should have some fear. In Islam for repression and meaningful behavioural and action culture Taqwa (توْق) is needed. Daniel Heineberg in his History of Islam points out that the sources of Muslims’ unprecedented progress must be identified into two basic elements – the fear of God and fearlessness from death. These two ingredients in one synchronicity form the basic componential parts of culture and personality development and are highly important for the study of culture, psychology and criminology. The Quran indeed has declared Taqwa as an important element. We still pen down below the meaning of Taqwa as delineated by Allama Raghib Asfahani in his Mufarrid al-U-Quran. The Arabic text

28. The German work of the above author has been translated into Urdu and published by Jama Millia Delhi: The above ideas which have been translated as (خوف خدا) Khauf-e-Khuda and Maut Se Bachhaufi (موت سے بہت اف) are to be seen in the authors introduction. (Tarikh-e-Islam, Translation and publication by Jama Millia Delhi).
of his work has been translated into Urdu 29, which is quoted below:

All the translators and commentators are of the opinion that nations fall down because of their illicit and deviant pattern of life. In giving expression to these facts, they constantly use the term condition which without further elaboration becomes a term of ambiguity. Really speaking, it is ambiguous because of failure in understanding the nature of the (Quranic) ways of expression which are always integralistic. The condition here as we understand refers to physical and psychological condition. Both these physical and psychological factors are structurally and functionally correlated in terms of values, ideas and meaning. Without cohesion of the physical forces and intellectual forms, the achievement of balance or equilibrium are not possible. It should be noted that in physical forces intellectual forces, and in the intellectual forces the physical forces are involved. Both are intertwined and correlated not only in their structural base but also in meaning, values, ideas and ideals. In modern time this basic fact of Quranic concept has well been given full exposition in an important work of an eminent scholar of our time. Ward Lester in his work 'The Psychological Factor of Civilization' has given full recognition to the Quranic concept which is given expression by the Quran centuries ago. Lester referred to the extent of involvement of psychological factor in human civilization, but it was not possible for him to analyze further in depth and level. According to Quran, the psychological factors are ingrained in spiritual forces i.e. values meaning and ideas of the culture of the nation which is responsible for the origination, development and ever new transformation of the given society, personality and culture. These are the explicit and implicit involvements of the term condition which in one simultaneity
is the commonly used term condition. If such interpretation is logically and causally related to our understanding, we automatically are eligible to conclude that if nations, groups, societies and individuals intend to live cognitive, connotative and meaningful life, they should lead a life of value orientation pattern. The Quranic thesis of unity cannot tolerate any duality or dichotomy and hence in the philosophical concept of rise and fall of nations, the Quran maintains that there should be unity, concordance, harmony, balance and integralism in the life-patterns which form the total unity between physical and intellectual forces. In the same way the Quran rejects the division of mind and body which is the characteristic of the modern philosophy. Consequently the Quran rejects the division between material and non-material culture. Accordingly, the verse above maintains that there should be total unity between the life conditions which are dichotomously divided into physical and mental components of human life. Weakness in one part will contageously influence the other part. The weakness in the mind will have its repercussions in terms of weakness on the body also. So nations according to the verse will become weaker and weaker when the two parts will be weakened. Ultimately both will have to fall down.

**Condition** does not imply the exterior decline. Not only the correlation between mind and body will be loosened but they will have to be deteriorated in terms of decline and segregation of ideas and ideals, cognition, knowledge and truth. In this way the Quran ultimately concludes that value orientation patterning is the source of life and growth. In contrast to this situation value deviancy
is the main cause of decay and destruction.

The Quran addresses the entire world in two definitive forms: one generalized and the other specific. In sociological parlance it is particularistic and universalistic. Whoever may be the nation and whatever their values, ideas and ideals, they will have to live in that framework of reference. Any deviancy will weaken the life and ultimately when they are totally segregated they will be confronted with a death blow. This is a generalized or universalistic law of the rise and fall of nations. Quite contrary is the case of nations which got being and becoming and the laws and principles, values and meanings of Divine origin, they can neither survive and grow on the values and patterns of others nor they can regain life by violating the values and meaning of their original existence. It is binding for them to take refuge and revive again and again the same original values for their further existence and growth in life. These nations when they are in a situation of crisis and decay they should apply the same therapeutic methods which are involved in the values, laws and principles of their origination and development.

Pathologies, decays and pauses are the unavoidable circumstances of life. These situations are to be confronted audaciously and persistently. The leaders of society should re-evaluate the degraded values in accordance with the situations with the viewpoint that they are to be re-interpreted and re-incorporated into the patterns of life of the degenerated and value deviant nation. The Muslims cannot rebuild and reconstruct life without reviving the values of Divine origin. This is what has been definitively demanded
by the Quran in the verse quoted above, the terms Allah and Qaum (قوم) are the sources of our inference above. Allah is the meaning determinant system, whereas the Qaum (قوم) is the value oriented ideal nation. Such a nation brought up under Divine Laws needs the same therapeutic methods which are the necessary corollary of their growth and existence. Thus, the Quran warns in the following words:

"And hold fast by the covenant of Allah all together and be not disunited". (3:102)

At the end we would like to state the nature of the address of the Quran with reference to all multivariant pathological and healthy situation. The Quran is a sociocentric religio-sociocultural system. It refers to individual with reference to society. The individual is nowhere without society. There is no individual and private circuit. In the verse above, it is the entire nation which has been addressed. The society while taking the therapeutic or curative measures, must take up a sociologized procedure. While taking collectively, particular attention must be paid to individual. Thus the postulate is to be stated in some such a way: individual in society and society in individual. Consequently the improvement and reconstruction should be based on collective or societal and social level while turning to the point of individual. In this way there is no pure and unsophisticated individualism. All is sociologic, turning to the apex of individual who is to be socialized, accultured institutionalized and internalized, i.e. ideal-oriented, value oriented, meaning oriented, knowledge oriented, cognition oriented
and truth oriented. In this way the society and the individual attain the axiomatic and axiological base of unity correlating the society and the individual as one total whole. In the Quran Allah declares:

"Say: He, Allah, is one, Allah is He on Whom all depends. He begets not, nor is He begotten, And none is like Him. (30:112)"

Being a socialized and value oriented pattern system, all Quranic laws are idealistic, integrated, co-efficient and correlative. By virtue of this major premise, the social problem and social improvement methods naturally fall under the framework of team-work and group therapy. Such being the nature of the case the Prophet said that no individual Muslim should exceed even one span from the society. This Hadith (حديث) is narrated by Abudaud (الداوود) and referred to by all collectors of Hadith (حديث).
CHAPTER II

1. DEFINITION OF CRIME:

The history of crime and criminology has been traced from 14th century. From that time onward many theories were formulated with the multivariant viewpoint of the thinkers who attempted to analyze crime with their own perspectivism, personal knowledge, and their personal experience. We are prone to think that all these theories are the model of conjecturing and conceptualization. None of these theories are genuine, because they are guided by the varying fancies of the thinker concerned. The main defects of these theories are to be identified as their lack of experience, experimentalism, observation and analysis. Even the so-called scientific theories are hardly to be called scientific, because all of them are free from empirical and methodological procedure. They have been undoubtedly analysed and recorded on the basis of various viewpoints, economic, social ecological, religious and psychological. But none of them has given expression to the root cause of crime. Among all the criminals except the mentally retarded and deranged ones, none of the criminals was found rationally or psychologically deficient. Most of the criminals found in their mental calibre equated to the mental calibre of a genius. Even the ordinary criminals were also found possessing intelligent quotient (more or less 60 to 70) which is the characteristic of men possessing sound mental health. In spite of all these facts the problem of why, how, and what of crime and
criminal acts remain unsolved and unidentified. Most of the theories today are statistical and in this framework of reference they are space-time bound, hardly providing definitive knowledge about crime and criminal behaviour. All criminals on the testimony of their record were found sound and committed the crime with some motive behind. The third fact which on the basis of our research, we were able to identify is our impression that in spite of variations in time and thinking of the formulations of theories they are marked with one impression of ideationalism from 14th century upto the advent of the 20th century. These theories are guided by religious-cultural mentality of original sin. With the advent of 20th century this impression was changed and substituted in terms of sensate cultural mentality. Most of the criminals of recent and contemporary time, committed crime on the basis of their sensate value orientation pattern converging on one point i.e. wealth, wine, women and song.

The predominately clear example is to be found in the ordinary behaviour and action of the criminal in general and more particularly in the cases of white collar criminals, embezzlement, fraud and in the specific cases of a swindler.

In contrast, the Quranic criminology is free from conceptualization and theorization. Crime and criminal behaviour of various times are verified judged and investigated, identified, and even implemented on the basis of non-flexible Divine Laws.¹

What we have stated above, the variant situation of the development of criminology in the past and the present stressing the dominant trend of Christian outlook of life may be seen, for example, in the definition of crime by a recent well known scholar. We quote some of the lines below:

"The nature of a criminal act may be considered from two points of view, either a violation of the criminal law or as a violation of any law punished by the state depending upon the particular assumption with which illegal behaviour is approached".²

The few sentences above are sufficient to point out that there is no unanimity even in the definition of the crime. Legal definition is not one and the same for all the states of U.S.A. They are free in defining and handling the criminal cases. This variety always ends in the cultural mentality as enunciated by Sorokin in Ideationalism. The basic concept of this philosophy is to be discovered in the negation of hard and fast realities of life, redemption, salvation, reaching their apex in the concept of original sin.³

Paradoxically enough, not only the above differences are the characteristics of the modern criminology, but most of the terms and techniques are variously defined and explained. In contrast to other criminologists Marshall B. Clinard called crime as deviant behaviour. The term deviation means to go away from the

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3. Vide op.cit. P.A. Sorokin: Vol. II.
Divine laws and whatever is done against religion had always been called as a sin having link with the basic concept of original sin. Crime is totally different from the concept of religion. There is no such idea in the entire field of religion about crime. Any act of omission and commission was declared as sin, a deviation from religious laws and religious authority. This is not the only example. The idea in the concept of criminality whatever may be the postulate cannot turn away from the basic Christian precept and belief system.

Such variations either in names, terms, techniques and ideas about crime are not to be found in the entire field of Quranic Criminology. Every thing is definite as guided by the Quran and Sunnah, precepts of Fiqh and precedents of jurists of Islam. From the time of holy prophet Mohamad upto this date no change is to be found in the form, content, meaning, connotation and application of law. This fact has been given expression not only by judges, like Ameer Ali⁴ and Mulla on the one hand but even by the scholars like Justice Abdur Rahim⁶, Schacht⁷ and Santiayana.⁸

In contrast to modern criminology, the definitive nature of the Quranic Criminology forms the basic exponent and characteristics of this system of knowledge. This is a vital point

⁴ 'Mohammadan Law'.
⁵ Mohammadan Law
⁶ Principles of Mohammadan Jurisprudence.
⁷ Original Sources of Mohammadan Jurisprudence.
⁸ Law and Society, (an article published in Arnold's Book, 'Legacy of Islam'.)
and a basis of the idealism and perspectivism of Islam. Under the First Principle of Tawheed, nothing should be flexible, variant, oscillating and changing. If variety is not allowed, automatically multiplicity in any form of culture and life philosophy in its variety cannot be tolerated. Multiplicity should absorb in unity. Culture either material or non-material, systems of cognizance, truth, philosophy, science, ideas and thoughts should stand testimony to unity. Unity is the conglomeration of all varieties and multiplicities, so is the case with the science of criminology, a system of knowledge, correlated with the system of Quranic Sociology which contains more than 400 Disciplines and Specialities.

There is no law, neither form, technique, exposition and application other than the laws of the Quran. Consequently everything should be dealt with according to the definitive system of the Quranic laws — principles and meanings. The only perspectivism which forms the precedent for action system at any place or time are the Quranic injunctions.

"But thou wilt find no alteration in the course of Allah; and thy wilt find no change in the course of Allah". (35:43)

9. This is tantamount to Shirk (شرك) and in Islamic Shariah Shirk has been declared as kufr (كفر).

10. For the beautiful enunciation of the above idea we may suggest Dr. Syed Abdul Latif's Book 'The Concept of Society in Islam', Hyderabad Deccan, India.
The division of modern criminology in terms of legality and practice on the one hand and the treatment of crime on the basis of religion on the other hand is dichotomous not to be found out in the culture of Islam.

Crime has been defined as a violation of Divine Laws which are the constituent and innate part of human life. Even any deviation of these Divine Laws is considered by jurists as crime whether they may be punished, overlooked or not punishable. Crimes are not differentiated as religious and nonreligious. Such a bifurcation is tantamount to dualism and associationism, i.e. Shirk (شرك). The entire life whether personal or social, is institutionalized. The processes of institutionalization and socialization go hand in hand. They begin from early childhood to the last moment of life. Action is guided by belief system and vise versa. This means that the life begins from family and goes on extending throughout guided by configuration, constellation and internalization. It is not the family which is responsible to institutionalize the child to act and move in the family without having knowledge of the meaning of the entire working of the familial institution. Institutionalization, thus is not void of heuristic background. This heuristic system is intertwined with action system and behavioural culture. If in action and behaviour any omission occurs, instantaneously it becomes an act of violation in proportion to the magnitude. In simple rudimentary form it becomes sin (گناه). The Quranic Criminology divides such acts as Gunah-e-Kabira or Gunah-e-Saghira which in modern terminology is called as capital crime or ordinary crime. These ideas are sufficient enough to point out that the division of crime
in terms of religious crime and civil crime, is simply an absurdity in Islam. By virtue of this unitarian outlook of life there are no dyadic punishment, one religious and the other civil. Life is seen as one whole. Any division is simply contradictory and conflicting. Either in life or in system of culture, knowledge, cognition and truth there is no dyad and dichotomy or coincidentia oppositora (coincidence of opposites). In the Quran there are several ingredients which form the bulk of the life and character of Mushrik. 11

The stereotyped personality which is developed under the cultural influence of a Mushrik is called a Munafiq (مَناَفِق). One of the researchers traces the same characteristic element in Munafiq as found in Mushrik. 12 Mushrik and idol worshipper of multiple varieties are not the concern of the Quranic discussion in relation to antisocial activities and crime. They are declared Kafir (كافر), and totally discarded by the Quran. Any relation of a Muslim with them has been declared as unlawful and violation of sociality, tantamount to capital kind of crime. Such persons should be condemned and be eliminated from the Muslim society. After declaring Islam, if he turns away and becomes an infidel he is to be beheaded. Same is the punishment for Munafiq. These are the crimes within the domain of religion. In contrast to these specific kinds of crime, the other crimes which are detected in the Muslim society, they fall within the sphere of common civil crime. These crimes are determined non-flexible, total in definition and perfect in the framework of

11. See Surah Munafiqun (مَناَفِقُون).
procedural method commitment, identification and in judgment, verification and vindication. All of these procedures are guided by Divine Laws, supported by Ahadith (أحاديث). Having these sources in hand the judges are at liberty - according to the situation and commission of the case - to take refuge if required in adjudication, inferential reasoning and precedent. 13

2. LEGAL SYSTEM OF CRIME:

Although the human history was directed in accordance with the requirement of time and people, it is not possible to deal with this problem nation by nation, race by race, sects and groups. It is not also possible to trace the legal situation which was influenced by the socio-cultural forces. People have remained divided and stratified by virtue of their faith, ideas, philosophy of life and world outlook. We are thankful to the notable scholar of our time, Prof. P.A. Sorokin who has traced the development of legal history in various nations from 4th century B.C. He has summarised the historical development in terms of culture. It is clear that every nation of the past and present must have some sort of legal system according to their cultural milieu. It is not possible to categorise culture according to each type of culture followed by different nations and hence Sprokin has saved us from this cumbersome task by dividing the entire culture of human race into three types which are quoted below: 14

"Idealational: Mainly the supersensory and super-rational "subjects" and "realities": God, devil, angels, spirits, soul, immortality, salvation, sin,

13. For detail see Abdur Rahim 'Principles of Mohammadan Jurisprudence' Et. passim Dr. Abdul Aziz Amir's Book 'Attazir Fi Shariatul Islamia.
redemption, resurrection, paradise, purgatory, inferno, and so on with an enormous number of other sub-problems of the same kind, like St. Augustine's problem. Can angels use devils as their messengers? What is the state of angels? Are the hellish pains proportional to crimes and so on? The sensory and empirical phenomena are studied only incidentally and even then not for their own sake but merely as "visible signs of the invisible world" as symbols of supersensory reality. The supreme discipline in such a system of truth is always theology as a science of the supersensory realities, the exposition of the truth is apodictic and symbolic."

"Idealistic: Partly supersensory, partly sensory empirical. Each for its own sake, but the value of the knowledge about the sensory phenomena is subordinated to that of the supersensory "realities". The total system of knowledge here incorporates usually in the form of idealistically rationalistic philosophy ("scholasticism" of Plato and Aristotle, of Albertus Magnus and St. Thomas Aquinas, or "scholasticism" of the Upanishads and other idealistic philosophies based upon the Vedas of India), reasoning and empirical knowledge in the sense of the contemporary science. The ultimate reality is thought of as Kuvable. The exposition of the truth is dialectic and deductive."

"Sensate: Mainly the world of sensory perception, like the phenomena studied in the natural sciences. When for instance in the field of psychology, culture, and "values", the phenomena seem to have an aspect not easily reducible to the sensory-material forms. Science concentrates
mainly at their sensory aspect and either disregards the "non-material" aspect or treats it as a subsidiary and tries to "measure" them through the measurement of sensory-external phenomenal forms. Hence the tendency to "objectivism", "behaviourism", "qualitativism", and "mechanicism". The super-sensory realities are declared either non-existent or irrelevant, or "unknowable" (criticism, agnosticism, positivism). The natural sciences become the leaders as the most perfect, exact sciences and are copied by philosophy and by even abortive pseudo-theology which tries in the period of domination of the truth of senses to create "scientific religion". Exposition of the truth is "inductive" and especially "experimental".

These three types in accordance with their cultural orientation and mentality must differ accordingly. The men of ideational type do not discriminate between religious and non-religious crimes. All crimes are heuristically determined as religious, denominating them as the result of original sin. Consequently the church fathers were the jurists and the judges and hence they had the authority to identify all crimes as religious followed by religious punishment which was ascribed by church's legal system. Ideational laws under the church authority predominantly influenced up to the close of 19th century. Even after renaissance and industrial revolution, so-called movements, which gave impetus to the awakening in the church laws and the system of punishment and sentences, these ideational laws were valid for some time. After the French Revolution criminal law took a new change. The civil law and civil system of punishment substituted the church system of adjudication, conviction and punishment. In spite of this drastic change the Church system of law remained valid if not in the entire Christian world but more specifically in Rome. In
Vatican nobody knows about the criminal law and criminal justice. The idealistic forms of criminal law and justice are not to be found anywhere in the entire world except in the world of Islam. This form of crime detection and identification of criminology in that frame of reference is partially under enforcement in most of the Muslim countries. Various Muslim countries are disintegrated and dislocated due to the Western influences. There are variations in getting influences and counter influences of Western law, because various western legal systems are followed there. The legal system thus is variegated and disintegrated. In Egypt, for example, the German, French and Swiss laws exercise great influence. In some of the Muslim countries the socialistic influences have gained ground. Under such situation the idealistic legal system and way of adjudication and justice is bound to be partially followed. In contrast to these juridical and criminal justice sensitive type of philosophy is followed predominantly in U.S.A. and Canada.

Paradoxically enough, the discussion above will give impression that ideational and sensate systems and other forms of thinking are different. They connote variety in thinking. But with the procedural method of depth and analysis we will discover that they are involved with two facts of paradoxical nature: i) egocentric attitude and ii) age-long religio-Christian mentality of original sin. Ruth Benedict in her "Pattern of Culture" and Nabel in her "500 Criminal Women" while investigating the causes of crime pointed out that the crimes were committed on the basis of original sin. In religious terminology crime and sin are two different facts, but crime is still stigmatized as a result of commission of mistake.
by Adam. The idea is to point out the concept and evaluative
determinant. Islam stands unique in demarcating that crimes are
sin, whatever may be the case and that they are the result of
moral devastation, deviation and above all the loss of fear from
God. What in Quranic terminology is called Khashiatullah (خُشُشُعَاطُ اٗتُلُاٗ)
Quran says "who fears the Beneficent in secret and comes with a
penitent heart (50:33). It is very unfortunate that the value of
fear from God has not been adequately recognized by our Muslim
scholars and more particularly they failed to determine its
existential values and importance in the formation, development,
preservation and expansion of Islamic ways of life and culture.
The jurists know nothing about its value in the transformation
and evaluation of juridical culture. The historians too are yet
to recognize the value of fear from God in the structural and func-
tional base of life and culture of the Muslims. The German scholar
Danial Heineberg\textsuperscript{15} while analyzing the causes of the rise and fall
of the Muslims, lays emphasis on two facts. We take the liberty to
quote the English version of the German text as under. Thus he says:
"There are two causes 1) Fearlessness from God ii) Fear from Death".
Neither the scholars in criminology nor the sociocultural pathologists
have taken any consideration while suggesting therapeutic measures.
The well known sociologist Professor Odeh while discussing the
problems of the penology, suggests various measures emphasizing only
on jail as the only measure for correction. Odeh is a sociologist
and in contrast to him the eminent scholar in criminology Gluck
also emphasized on the sentences provided by the plenipotentiataries.

\textsuperscript{15} See for detail the translation in Urdu published by
Jamia Millia Delhi. The German name is Islamische
Kultur (Islamic Tamaddun) see the introduction of the
book.
This is almost the trend of all the criminologists including Reckless and others. Various correctional methods were applied by jail authorities under the direction of criminologists in relation to recidivists. But all these measures became futile. In the modern time some of the American Authorities have applied the religious method as a measure of improvement. In Samson, in Philadelphia, and Manhasset, clergies are invited to meet the murderer in order to have confession of the commitment of sin, by the particular criminals. This concept is again wholly and solely related to salvation not for correction at a critical time when the murderer has to go to electric chair. The case in Islam is totally different. The idea is to save the criminal from punitive torture and to persuade him to amend his ways of life according to Quranic laws. The first and foremost is the process of inculcating fear from God (خُوف خَالِد).

Nothing to say about modern penology and correctional psychology, the Muslim scholars who have done sumptuous work on crime and punishment, they have said nothing about Khashytullah as a sure means for correcting the attitude, behaviour and action of a criminal. Whatever the type of crime may be, the students of criminology while focalizing their attention on the laws and principles of crime, they cannot and should not overlook the role of fear from God, not only in the improvement of the criminal but also in the formation and development of the criminal's distorted and annihilated personality. Modern penology uses punitive methods for the repression of crime but they never took into consideration the very personality of the criminal who by virtue of his crime
has been thrown out from the society with a stigma that he should not play any societal and social role. The penology of Islam is based on the definitive ideal that the criminal should go back to society and under this ideal punishment should attain the basic ideal of reconstruction and development of personality. This is the goal target of Islamic culture, reiterated in many verses of Quran, while talking about the prophetic mission. One of the objectives of prophet is to play the role of purification (مُحَيِّر). The basic ingredient in this process is the fear from God which is a componential part of socialization.

"Certainly Allah has conferred a favour on the believers when He raised among them a Messenger from among themselves, reciting to them His messages and purifying them and teaching them the Book and the Wisdom, although before that they were surely in manifest error". (3:163)

God means internalization and hence with the acculturation and involvement of fear from God the process of internalization is complete. It is a wrong postulate that the criminals must be segregated from society and culture.
CHAPTER III

1. MODERN CRIMINOLOGY

In our effort to find out a unique system of criminology created disappointment and frustration. Various nations of the world, French, German, British and American have treated this subject according to their viewpoint and in accordance with their ideas and ideals, values and meanings, provided by their respective systems of culture. Such an approach must be particularistic and not universal. However, the diversity and multiplicity in the matter is certain. Crime has been defined by each nation according to their cultural mentality, philosophy of life and world outlook. In middle ages criminology developed as a system of study to know why and how of the crime in a nominalistic way without framework of reference. Most of the thinkers of this field treated criminology within the compass of religion. This framework of reference was conventional guided by multivariant type of thinking and taboos. Sigmund Freud, while talking about crime in relation to sex persuaded to believe that crime was guided by totem and taboo and hence in crime we find a taxonomical arrangement, enunciating the types of races and persons, who are guided to commit crime. Such sorts of crime were committed as a heritage. In such cases it is difficult to determine the causes of crime. Without any cause, incentive and persuasion the men of such calibre were habituated to commit crime. A useful work in this direction has been done under the provision of the British government by some of the scholars and police officers giving expression
very vividly about the criminal races found all over India.
In South India Dravidian and Chincho races are denominated as
criminal races. It is not murder alone which was committed by
these races, they could carry out the other capital crimes like
looting, dacoity, rape and so on and so forth. These southern
Indian races have been differentiated in their multivariate types
of crime committed by the criminals in teams or alone in other
provinces of India like Punjab, Central Provinces, Northern India
and Bengal. Among the criminals who were known in a crime which
is not to be found anywhere in the world were the Thugs (†).
bound to marry the first girl and second girl should necessarily
go to temple.¹

In the Western world prostitution undoubtedly is treated
as a heinous act of crime, but prostitute has been placed on a
higher scale of life. H.E. Barnes in his 'American Culture' writes
with an air of unsophisticated pride that prostitute starts her
life in filth and ends her life on altar.²

It is yet to be decided whether crime is an act against
religion or against moral order of society. In the first decade
of our contemporary age, criminology was declared as a part of
social sciences and mid 20th century, it is an independent system
of knowledge. In spite of this arrangement the Church all over
the world takes crime as a heinous act against religion while
arranging in causalistic order. They hold tenaciously that crime
is the result of original sin.

It is true that crime is the oldest act cogently related
with the advent of man on the earth. It is indeed also true that
crime formed the very nature of man. If he goes astray he is sure
to be guided to go wrong. Similarly in his own nature there are
forces which put restraint on his part to do something wrong.
Between these two acts there are forces of moral balance. If this

¹ See for detail Mukerjee's Book 'Prostitution in India'.
² Compare Allen Dale 'Sexual Culture'.
² Compare Et. Passim, 'Scarlet Fever' an oldest prostitution
of the world.
balance loses its capacity to exercise rightly, man may do acts in a way unwanted to be done. These repressive forces really are the endowments from Divine forces. At this juncture there are theories, religious and moral which in their way demand that some authority legal or religious should play a role in this direction. Apart from the theories, I personally as a student of research take steps to state that there is a law of balance working in a psychological world of man. This psychological law unconsciously keeps on working for repression and direction in our day to day psychological life. So long as we are under the control in a right direction, our actions and attitudes are harmonious and consolidated. In mid between we are guided or confronted by the extrovert and introvert forces to act and behave not in accordance with the right conduct of behaviour. Such a situation in day to day experience is indeed not only antisocial but even contrary to feelings and psychological personality. This is a situation man has to pass in with a crisis which is a source of pinching by his own inner psyche. The religious scholars lay emphasis on the inner stigmatization. The Quran points out that such a psychological way is the innate characteristic of mental life. Every individual has to pass through this morbid situation every day. Modern psychology both religious and scientific has done nothing in this direction. The patients of this kind are left all alone to suffer from the psychological agony, with the result of increase in suicide. Having no tolerance to undergo the pinching of this agonizing condition automatically they take refuge in killing themselves.
The eminent sociologist Emile Durkheim in his survey on the causes of personal suicide points out that 50% suicides were committed due to mental torture of committing something wrong against Divine Law. This type of suicide has been changed in the modern American world by an inner twisting what they call psychopherenia or gastic neuroses. Increasing the suicide more than 50% elucidates the religious psychology under the precept of original sin which suggested that confession before the clergy is necessary on every Sunday.

Whether it may be a mental pathology or not that is a question to be decided by psychotherapist or psychiatrist. We in the light of Quran, are given to understanding that it is an everyday phenomena of life. The Quran suggests that only prayer can solve the problem. Consequently in Surah Fatiha it is suggested that at the moment of such a kind man should refer to God and pray right earnestly that Almighty Allah should help him to right path. If deviancy is allowed to take root in the mind it might astraray a man to act obnoxiously and at the cost of total deterioration of the society.

Our intention with the reference of religious crime is to make clear that in all probabilities there are reasons to believe that these crimes may not become the social and cultural

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crimes. Religious crimes and social crimes overlap one another. The men of religion while demarcating them into capital sin (قَالُواَ) and minor sin (قَالُواَ) categorically further divide them into Zamb, Ism, Khusran (عَدْوَةَ كَثِيرَةَ) and Udwan (ذِنْبٌ). In the light of the Quranic verses quoted below:

Zamb (ذِنْبٌ)
"As was the case of the people of Pharaoh and those before them. They rejected Our messages, so Allah destroyed them, on account of their sins. And Allah is severe in requiting (evil)" and who forgives sins but Allah? (3:10).

Ism and Udwan (الْضَرِّ السَّلِيمَانَ)
"And help not one another in sin and aggression" (5:2)
"And fight in the way of Allah against those who fight against you, but be not aggressor. Surely Allah loves not the the aggressors" (2:190)

Khusran (كَحْسَرَانِ)
"who break covenant of Allah after its confirmation and cut asunder what Allah has ordered to be joined and make mischief in the land. These it is that are the losers" (2:27)
The modern criminology failed to develop the two parts of crime i) as analysed must be given the name of religious crime. ii) the another type automatically should be civil or social crime. However, they may typologize differently, but they do not criss-cross one another. This remains one of the pertinent problems of modern criminology in terms of nomenclature, terminology, and definitive typological orientation. If this situation remains valid, complexities will accrue in order to develop integration between modern criminology and the so-called religious criminology. Anyway, this complexity has been resolved by cohesion or combination of religious and nonreligious criminology into one totality. Historically speaking, the so-called modern criminology originates in 18th century with reference to Lombroso and Garafolo. They traced the crime as the innate nature of man. Thus they dogmatically asserted that criminals are born as criminals. Necessarily they must have some physical and mental abnormality and pathologies like middle ages when the criminals under the order of church father were beaten or treated brutally. The so-called father of the modern criminology followed the same path of brutality as a measure of correction. Anyway, the arbitrary and whimsical development of criminology invited the attention of the humanists, reformists and philanthropists to find out some better solution for the treatment of the criminals.
and eradication of crime from the society. The question remains baffling. Men and scholars of divergent thoughts suggested different measures in this direction but in spite of best efforts no one has suggested any solution. Some refer to crime as the product of original sin, some suggested heredity as a source of development in crime. Some suggested crime as the result of sadistic nature of man. In contrast to them all, some are of the opinion that crime is the result of poverty, stringencies and hunger. A minority of the criminologists is of the opinion that without any cause some of the criminals commit crime as a compensation to their over over annoyed life. Some seek pleasure and enjoy themselves through commitment of some kind of heinous crimes. Cases have been quoted by criminologists of some men and women that they cannot enjoy cohabitation without doing harm to oneself or to men and women with whom they expected the action of sexual union to be attained by them. These are the few cases of the history and functional activities of the crime. Sorokin in his sumptuous research work has given some tolerable detail in this direction. To keep the continuity of our universe of research we were in need of referring to these facts in abridgement here.

The Quranic science of criminology is not a separate subject nor it is a combination of various theories. It is an interconnected subject, discussed in connection with the multi-tudinous aspects of life. Life is a composite unity and total whole. All aspects of life are interconnected and cogently related aromistically with parts. There are parts, categories, entities,
but they have no separate existence and they automatically form the unity of the total whole. We can understand them as an interconnected reality and with reference to total whole, what the German scholar Spann called Einheit, i.e. oneness.

In the above concept Spann has referred to axiomatic theory which is a composition of parts and whole which in relation to social and cultural living seems to be unwarranted, but as a matter of fact life organically and inorganically is the composition of parts and whole. How can we reject this part of sociological thinking when we cast a look towards mechanistic and causalistic theories in sociology, social sciences and philosophy. So much so we cannot adequately do justice in analyzing social, psychological and philosophical thoughts taking refuge in the method of entelechy.

Quran as a Divine Book deals with the total life of man from birth to the close of life. This totality covers every thing of life without excluding anything. All aspects of life meaningful or seemingly unmeaningful are taken into consideration inevitably. Consequently the entire Quran is the embodiment of laws and principles relating to Ma'roofat (مَرُوف) and those which are related to Munkarat (مَكْرَات). Ma'roofat are the values, meaning, ideas and ideals which are necessary for rightful living. Munkarat (مَكْرَات)

5. Gurvitch, '20th Century Sociology', Article on Sociology of Knowledge by Robert Merton.
are things which are detrimental for the righteous living. The Quran in its thinking does not divide the total society into two divisions of opposite kinds. It takes society as a whole and refers the entire society in one totality including good and bad.

"You are the best nation raised up for men: You enjoin good, forbid evil, and you believe in Allah". (3:109)

Consequently the work of betterment of society and eradication of evil should be conducted by each and every member of society. This is a general law binding for one and all and in case if the communities fail to carry out this function, the responsibility falls on political leaders, Ulema (علماء) and social idealists. Over and above them all, the governments both in terms of constituent and ministerial functions are responsible to act in both the direction in order that the people may act in accordance with the laws and principles of Quran and consciously and cognitively should take note to keep themselves away from Manhiyat (منهيات). They must be so cautious and careful that they themselves should be ready to eradicate evil instantaneously.

Crime originates from the deviancy patterning of society itself. It is not the total society but a segment of a society which goes astray contaminating the society requiring repression of crime and immediate remedy. Before the government agency takes note of them it is the responsibility of the members of society to do the
best for the smooth running of the society. Apart from each individual the members of each locality and the neighbours are responsible to take note of this sordid condition, which if allowed to go its own way without note, might become a social contagion. Islam in this direction demands the active remedial services and in strict cooperation each neighbourhood should do the task needed for healthy growth. We quote some verses in relation to neighbour, enunciating their function in the direction of smooth running of society and unmolested development of personality according to laws and principles of the Quran.

وَاعْبَدُوا اللَّهُ وَكُلُّ شَيْءٍ مَّنَّهُ مَنْ كَانَ عَلَيْهِ حِسَابٌ
الْقُرْآنِ وَالَّذِي نَزَّلَهُ عَلَيْهِ الْحَقُّ وَالْحَقُّ مَنْ كَانَ حَقُّهُ
كَانَ يَجْعَلُهُ مَنْ كَانَ عَلَيْهِ حِسَابٌ أَصْحَابَ الْكَتَابِ يَا ذُرِّيَّةَ النَّاسِ
إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ عَلَيْهِ حِسَابٌ مَّنْ كَانَ عَلَيْهِ حِسَابٌ أَصْحَابَ الْكَتَابِ

"And serve Allah and associate naught with Him, and be good to the parents and to the near of kin and the orphans and the needy and the neighbour of(your) kin and the alien neighbour and the companion in a journey and the wayfarer and those whom your right hands possess" (4:36)

While eradicating the social evil, contrariwise to the modern viewpoint, giving expression in the sociology of neighbourhood, the Quran upheld that the members of the neighbourhood should play the role which is incumbent like the role of a family in order the society may run its course in congruity with the value orientation pattern which is universally applicable to one and all. The universality of this
law is to be seen in this fact that in the establishment of Maroof (مروف) and annihilation of Munkar (منكر) all the members of the neighbour whether they may be Muslims or men affiliated to other beliefs are equally responsible.

In contradistinction to modern criminology, the enunciation above will give an idea that Islamic concept of criminology is far more superior from segmentalization and specification, eradicating all divisions and allowing nothing but universal action. It is not the government and the politicians or any other controlling agency which is responsible in this direction. The entire society is responsible under the universal philosophy being Khair Ummat (خير عام) an Ummat wholly and solely responsible for doing good and always vigilant to remove anything contradictory or opposite to Maroof (مروف).

In the verses 3:102 and 3:109 two unified terms are used. Sociologically and with the viewpoint of criminology they require a big explanation. Both the verses in their address are universal and particularistic: They refer to Muslims and through them to the entire world. The work of doing good and elimination of wrong is both particularistic and universalistic. While doing good to Muslims, care is also be taken to do good to entire human races. Likewise the procedure of removing evil should not be limited. While eradicating evils from Muslim communities, care should be taken to remove evil from other communities different from those of the Muslims. Such is the genesis and nature of criminology in
Islam. Good and evil has the simplest translation of Maroof and Munkar. Khair means the entire value orientation pattern system based on the laws and principles of the Quran, whereas Munkar means all the deviencies, disorganization, anomie and the ways and means of disintegration. Value is the source of balancing. In contrast all the deviency patternings are the source means of deterioration, imbalance and sure means of deterioration. Among the nations of the world, Muslims are called a selected nation, because by virtue of their integrated personality they are capable of doing good and removing evil in one simultaneity. They are endowed to do both the work instantaneously which is beyond the purview of other nations. The Muslims alone are made capable of carrying out the functions of repression and control, because human society learns its course in both the direction—the right path and the path of curvature. Hence the science of criminology in Islam demands the development of men and women capable of repressing and controlling. It is a matter of fact that in all human societies, healthy conditions go hand in hand with the pathological conditions.

This is the short but analytically exhaustive survey of differences between modern and Quranic sociology. To emphasize again modern sociology delineates many causes of crime and social pathologies. But the Quran excluding mental and physical pathologies, lay emphasis on one and one major cause — the fearlessness from God.
"Alif Lam Mem
This 'Book', there is no doubt in it, it is a guide to those who keep their duty. Who believe in the Unseen and keep up prayer and spend out of what We have given them". (1:1-3)

Quran is a book of guidance in minutest detail for a man in various aspects of his life from birth to death and even the life which is to follow after death. Under this framework of reference Quran is the source of all knowledge required for the life of a man. All knowledge originated from this base in the past and inevitably all knowledge must come into being from its base although eternal present and future. According to Quran, knowledge and life throughout the existence of man will go in togetherness so long the world survives. Under this precept every part of the Quran for knowledge and life becomes the first principle without which knowledge and life cannot originate. All types of knowledge has originated from this base. Having in view this major premise, we think the science of crime should get some initiative and some premises from the verses above. Life is not durable. It is always in a situation of existence and decay. Life under this situation requires guidance and model. People may come and go. These perishing personalities cannot become concrete, perfect, and ever new model. Some feasible non-perishing and something with the virtue of reception, manipulation and transmissibility are needed. Thus for the continuity
of society and culture, ever continued evolution in life is the indispensable requirement of man. Such thing is called in modern terminology as document, a written piece of work capable of receiving, utilizing and transmitting to the future generation for reorientation and rebuilding of life in accordance with the laws, ideas, ideals and values recorded and given definitive enunciation in the written document. In the Quranic language this document is called Kitab (كتاب) which is derived from kataba (كتب), means a thing written. The miraculous nature of the Quran is clearly identified here. Mankind for meaningful existence and growth according to the value orientation pattern needs two things: i) Kitab (كتاب) and ii) model or pattern for the Muslims. Quran is the kitab and the beautiful conduct of life of Prophet Mohammad (S.W.S.) is the model.

For the repression of crime, meaningful existence and keeping aloof from all deviances and achieving meaningful life target, Quran is sufficient enough. The Quran in this connection directs us that no other document will fulfil the requirement needed by Muslim individuals and groups. The documents other than the Quran which might have been a source of benefit for other nations, if taken up as an authority by the Muslims, will become a source of degeneration and total annihilation. An important point of high value has been given expression by the Quran here. Every nation can live and grow on its own cultural milieu, historical destiny, faith, ideas and ideals and social legacy. If these basic elements were responsible for origination and development, automatically in a situation of decay and demolition, if they are revived, certainly
the decaying nation will receive vitality, vigour, revival and rebirth. 6

If everything can be solved with the help of Quran, automatically we are directed to state that all deviancies, crimes and criminals may be cured and directed on a right path if we take help from Quran. The first step is the change of mind and second step is the cultivation of mind. Change of mind according to Surah Raad (al-раًد) is possible with the change of psychic behaviour and action. Secondly, we have to build the cultural behaviour by inculcating the fear from God (وَقُوْنُهُ) and Quranization. Thirdly they are to be enrooted deeply by persuading the guilty mind to pray God.

"Guide us on the right path. The path of those upon whom Thou hast bestowed favour. Not those upon whom wrath is brought down, nor those who go astray (1:5-7).

This method of improving the life condition and behaviour of the criminal was never taken into consideration by any Muslim scholar. Surah Fateha (الْفَاتِحَة) was taken as a preambule for prayer but in the improvement of life in all ramifications was never considered

6. See for detail Sorokin "Social Philosophy in an Age of Crisis" Gibbon "Rise and Fall of Nations", its translation in Urdu (عِربِرَ جُوِّيُر، وِرَوْ اَلْبَرَغِيُّ، اَلْمُتَّخِطَ، اَمَّرُعَ) Graham Valace "Our Social Heritage" The Quran Surah Baqarah, Sections 35 and 36 and Surah Raad.
by repeating and concentrating attention on Almighty Allah. It is intended that at any moment of crisis and dismay man may instantaneously refer to God to help him at the very critical juncture of life. Such a drilling and practice surely keeps man away not only from committing crimes but even he gets bold enough to repress crimes and control the situation in a miraculous way. Taqwa (ترود) the fear from God if it is a necessary corollary to save from crime automatically the belief in Unseen God will provide him idea that the consequences of an action in terms of punishment will not come to an end in this world but he should expect bitter consequences in the life to follow after death. This concept of continuity of punishments of evil deeds will automatically put a restraint not to think any more about crime and evil deeds. Modern criminology is free from this concept because of bifurcation of life into two diametrically opposed entities. The unitarian concept of life in Islam cannot tolerate such dualism. Whatever is done here should have consequences here and in hereafter. In the history of penology such a concept is not to be found.

The prayer for leading a good life is unique in this way that even in prayer there should be some model. The model of those who are classed as virtuous personalities – Siddiquin.

7. At the critical moment of life, taking in view the specific situation in terms of sin and crime, the astrayed man should pray Almighty Allah for removing him from the particular astrayed phenomenon. This should form one of the major religious therapy necessarily to be carried out by all the authorities who are in charge of penalizing the criminal.
Shuhada and men of greatest value in their action and deed known as Sulaha (صلحاء) and Muttaqin (متنين).

"And whoever obeys Allah and the Messenger, they are with those upon whom Allah has bestowed favours from among the prophets and the truthful and the faithful and the righteous and a goodly company are they" (4:69).

This is highly important and unique verse of the Quran. It is multidimensional, connoting aspects of human life, attitude behaviour, mannerism, action and belief systems. Whether the life attitude and career may be related to the facts of this material life or to transcendental aspects of life, the cannon of evaluation should necessarily be according to the ideal oriented personalities graded by the Quran in the personality types of Shuhada, Siddiqin and Saleheen etc. In the verse 3:163 while analysing the role of the prophet it has been stated that he is delegated to the world of mankind for purifying the human personalities who are basically rough and tough, free from ideal and meaning orientation. To get this ideal completed one should instantaneously have readiness to carry out the dictation of the prophet word by word and syllable by syllable keeping in view that Iman or belief is not sufficient without action. To attain this highest goal one should inculcate in self this virtue categorically found in the ideal oriented personalities like Siddiqeen, Shuhada and Saleheen. Inevitably they are
directly related with the faith but in the last analysis they are actualized by developing the virtue of value oriented personality enunciated above. If these men are not available, the prophet will not be able to carry out his mission in the framework of development of faith, religion, society and culture. This imperative law should work as structural and functional base. At the first instance these types of men who are required are the Siddiqueen and the men who should be faithful, audacious, undaunted in courage and fixed in all the vicissitudes of life.

With Iman (faith) they should have cognitive understanding of what they have taken as a goal of life. They may have many difficulties, fortunes, scapegoating and even they may receive injuries from all sides. Family members, relations and friends may attack them but nothing should prevail and they should remain solidified and having nothing but the ambition and desire to achieve the ideal of their faith and mission of life.

It is Islam which is ideal oriented in all dimensions of its idealism and perspectivism. It has been clearly demarcated that Islamic society and culture, belief and action system cannot run without attaining the equilibrium of readiness to stand witness in favour of their faith and sociocultural milieu. Shahid or Shaheed are the virtuous persons which are not to be found in any system of faith and culture except that of Islam. The orientation of the ideal of life, if lacks in other systems of religion and culture, it is to their disintegrated and dichotomous formation, fluctuating between the two polemics - ideationalism and sensatism.
In contradistinction to these system, Islam stands free from these deficiencies and invites humanity to believe in unity and eradicate all multiplications.

This again is not the category of mere faith but in all totality it is enrooted within the cannon of evaluation what we call cognizance connotation and evaluation, guided by the synchronous criteria of cognizance, knowledge and truth.

These highly qualified men either individually or collectively stand witness. They are so fixed in their mission that they might undergo the hardest sacrifice of life like death. This death is sanctified by the everlasting epithets of Mujahid, Jehad and Shuhada.

In the verses 3:103, 109 and 9:122 it has been directed that the three roles referred therein are to be conducted individually and collectively because of the law of change, fluctuation, time-space situation which always undergo transition allowing nothing, but the break of balance and integration. Consequently to keep the society to run its course in balance and in integration in strict conformity with the values and meanings of the society, arrangements are to be provided by the authorities concerned to get men and institutions to play the role of balancing and integration as required by the Quran in the verses above. Such an arrangement has never been made by any human society either in the past or in the present as desired by the
Quran except during the period of Khulafar Rashidin (رضي الله عنهم). This is totally a new concept and a new contribution of the Quran. Herein the role is conglomerated in terms of uniting two opposites. At another place the Quran directs that in relation to societal orientation, cohesive and ameliorating policies are to be always kept in view. The society must have individuals in society not society in individuals. This is why in Islamic culture and society it is stated by Quran that men of integration are required. This role can well be played by the categories of men who are called Swaleheen (صالحين). In collaboration with Shuhada and Muttaqeen the Swaleheen taking the changing situation of the society must try cohesion, harmony and balance among individuals, groups, institutions and in the entire constellation and gamut of the society.

The modern criminology in its therapy adopts the view of partiality and segmentation attributing the causes of crime sometimes in mental deficiencies, social causes, political and economic situations, totally avoiding the units of all causes in one whole. Thus the measures, improvements, and corrections, are the piecemeals, whereas the Quran takes them into one major cause - the loss of Fear from God. Correction cannot be arrived at without change of mind and without insinuation of the idea of fear from Almighty Allah.

"Surely Allah changes not the condition of a people, until they change their own conditions". (13:11)
Having image of them all it is directed that Almighty Allah should lead him to act and behave according to their pattern and keep himself far off from the path of estrangement and curse. Simultaneously, this prayer is to be correlated with the example of those men who have gone astray and so have become the object of wrath of Allah.

The above enunciations have not been applied as a curative method in the world of Islam. The matter of using them in the modern criminologies is out of question. Qutub Shaheed has suggested Taqva to be used for the development of behavioural, cultural and correct conduct of life. We on the basis of research identifying its utility as a sure means for improving the life and character of a criminal take the opportunity to suggest that in jails, correctional institutions and in clinics, arrangements are to be made regularly for teaching Quran and describing the life of those persons who are known as virtuous personality in our culture. These descriptions should be in an appealing form of story. The names of Sulaha (صلی‌اللہ علی‌ه) Aulia (أولیاء) and Asfia (اصفی) should be used not only for transformation but also for repression of crime and to wipe out all retardation and degeneration. These stories should be correlated with the description of evil personalities, the Maghzoobin (معذوبین). This method may be seen as a new departure but really it is the result of our deep and critical study of the stories of bygone prophets.

The conclusive direction apart from the stories of Ambia (آدم) may also be found in the Surah Furqan under section 6 stating that the Quran is the final authority for transformation of life. The principles of transformation are to be given some enunciation here.

The verses of the Surah Fatiha categorically are the sources of transformation. The abridged forms of expression have been elaborated in the Surah Furqan, Shuara and other Surahs. We will for the purpose of clear exposition take the liberty to discuss briefly the principles of transformation given expression in Surah Fatiha under section 6. At the first instance, we should clearly understand the meaning in proper contextual and connotative framework the meaning of transformation. This term apart from its linguistic and philological framework of reference is highly significant in Sociology particularly with reference to the concept of re-evaluation, reorganization and renovation. Modern sociology has no definitive understanding for transformation. Reformation has nothing to do with transformation. We quote from the Holy Quran(25:70-77)

70-"Except him who repents and believes and does good deeds; for such Allah changes their evil deeds to good ones. And Allah is ever Forgiving, Merciful".

71-"And whoever repents and does good, he surely turns to Allah a (goodly) turning".
72- "And they who witness no falsehood and when they pass by what is vain, they pass by nobly".

73- "And they who when reminded of the messages of their Lord, fall not down there at deaf and blind".

74- "And they who say, our Lord, grant us in our wives and our offspring the joy of our eyes and make us leaders for those who guard against evil".

75- "These are rewarded with high places, because they are patient, and are met therein with greetings and salutation".

76- "Abiding therein. Goodly the abode and the resting place".

77- "Say: My Lord would not care for you, were it not for your prayer. Now indeed you have rejected, so the punishment will come".
It is postulated that the original values, ideas and ideals responsible for the birth and development of systems of culture and religion, in all certainty are bound to revive the same system in case that system has gone astray, weaken and degenerated. Leaving aside this method any other source or method will not help at all for its revival, strength and vitality. A decaying culture drained and retarded from its axiological existential base cannot be reformed. It has to be rebuilt and transformed. Any degenerated, deinstitutionalized, desystematized and totally devalued system socially leaves no room for reformation. It should be transformed. Some flaws and mishappenings can be amended and reformed. But those systems which are totally wicked leave no room for reformation. As indicated by the Quranic verses above, life and renovation is possible only through transformation.

Repentence and Taqva are the common terms of Quran, observed by the Muslims without exception. They are the techniques used by every individual and in congregational prayers. The question arises how to apply them as a correctional method in plenipotentiaries. We come to conclusion that in all jails, religious institutions are to be established. They should be guided by those who are conversant with Islam having full knowledge of Quran, Ahadith, and those correlated subjects. We at this juncture would like to suggest that these personalities are to be trained along the lines of religious missionaries appointed in every major and minor plenipotentiaries in Euro-America. The method
of correction used by these missionaries, keeping in our view, our culture, should be adopted. What we mean by this suggestion is to Quranize the individual criminal and direct them to rebuild their lives along the lines of Quran and Sunnah. Quranization process consists of the arrangements of Salat and starting Quranic classes allowing each criminal to recite Quran and the teacher who conducts these classes should give them fuller understanding with the promise that whatever they have read so far will be applied in their day to day life. When we talk about Taqva and Tawba, the meanings are not to be injected; so care should be taken to take promise for using them as a cogent part of their personality reconstruction. The Quranization process is a social reality and available only on experience and experimentation. This suggestion may provoke an idea of being only an innovation. For these objectionists and critics, we would take to invite attention to the sumptuous and monumental work of Shah Waliullah. In his translation of Quran he has added an introduction, suggesting unequivocally that Quran under a teacher should be recited by each and every individual explaining the meaning by the teacher, observing the necessary condition of promise to act according to the meaning.

2. SERVICES DONE BY COMMENTATORS

All systems of knowledge which developed from the beginning up to this time in one way or another are logically meaningful and causally related with Quran. Among them the Hadith and Quran are interdependent overlapping in such a way that Sahaba had to understand Quran by referring immediately to the verses which are a necessity to make out their meaning according to interpretation and explanation of Holy Prophet Mohammad (S.A.W.S.). This fact is so important in the history of Islamic culture that the questioning and answering by the Sahaba and the prophet paved the way for the orientation and development of most of the important systems and sub-systems of knowledge that Tafsir and most of the interlinked system of Quran and Hadith came into being. Allama Jalaluddin Saeedi points out that within a short span of time the Muslim scholars of those days developed more than 7000 systems of knowledge from Quran and more or less 120 systems of knowledge from Hadith. These systems of knowledge played an important role in systematizing the Islamic culture. Among these systems of knowledge undoubtedly there are references and categorical analyses about social cultural life of the Muslims. The Hadith literatures more particularly, Bokhari and other important books are arranged in accordance with the laws and principles of scientific taxonomy and arrangements of chapters according to the universe of discourse e.g. the chapter on Ilm

8. See his Al-Itqan, Vol. I.
9. See Raghib Tabakh; Tehrik Fikr-wa-Uloom-e-Islami.
(Babul Ilm), Nikah, (marital contact) and so on and so forth show that all of them in one way or the other produced social and cultural materials which have never been studied by the scholars. These chapters provide one more service which is important for understanding some problems envisaged by the Quran. This is an indication that Quran and Hadith are interdependent systems of knowledge. Some of the facts which are briefly given expression by the Quran, have been elaborated by Hadith. Consequently, any problem which finds expression in the Quran cannot be clearly understood without reference to Hadith. Quran is a document to give expression in terms of imperative law both in the framework of reference of knowledge and action. They cannot be utilized without understanding the explanation provided by Hadith. It has wrongly been assumed that Ahadith are the expressions of the Holy Prophet having nothing to do with revelation, but if we study Surah Najm nothing has been said by the Holy Prophet on his own accord without Divine inspiration. By virtue of this interdependence the study of sociological laws and principles without simultaneous study of Hadith seems to be logically meaningless and causally irrelevant. As a result of this correlation, it is necessary that in a treatise devoted to a particular field of knowledge, a chapter should be included in support of the field as described by Hadith. We cannot discuss in detail this sociological framework of reference because sociology of Hadith is a speciality in itself. Those who are concerned with the sociology of Hadith they are compelled to study specific universes as found in the vast field of Hadith. Such being the nature of the case we are sure to develop sociology or criminology as given expression by Hadith. Their value
is highly important for the development of knowledge with
categorical detail along with the investigation to evaluate and
vindicate their importance and authenticity more particularly in
terms of law of correlation.

The above analysis is to invite the attention of the
scholars for the study of Hadith as a social reality and to
implement the legal theories which lag behind in social realism,
pragmatism and actuality.

It requires no more discussion and analysis as Hadith
is one of the important sources of knowledge about crime and
deviant behaviour. It is a matter of vital importance to make an
enquiry about the deviancy to be regarded as a crime or not.
Undoubtedly criminality takes origination and development in the
situation of value deviancy orientation patterning. Whereas all the
sociologists and criminologists refer this tardy situation as a
result of social phenomena without reference to that nasty influence
due to violation of values, ethos and monads of society. Deviancy
is a result of aberration, correlation with the distorted mental
calibre of psychoses. Due to some mental distortion, deviants
are directed to commit some deviant acts in order to satisfy the
demands of deviancy pressure. Psychoses are mental diseases and if
related to structure, they are not the cases for criminologists
to bother about them. Only functional diseases give incentive to
the diseased persons to commit crime. The example of these cases
are provided by Psychiatrists, analytical psychologists.10 On this

10. See for detail, S. Kirzon Weinberg, Society and Personality
ground, in the light of Hadith, we are directed to infer that criminality is not an innate psychological factor but is the result of shabby influences of the criminal segment of the society. Developing the habit of crime these criminals may be directed to develop a psychological ailment which we are persuaded to call crimosis. In spite of the fact that criminality is a wanton and undesirable act, the men who are authorised to punish the criminals for any act of crime failed to perform adequate justice in exercising penalty or punishment. Any act of crime, whatever its types and categories may be towards punishment, will never be free from normative condition and morality popular among the criminal societies itself. He may break the moral principles of the society, but in no case he is free from the moral codes of his own society. This may be seen in the acts of theft, seduction, lock breaking and pickpocketing. After having committed the theft the thief will never utilize the theft property on his own accord. The things received after committing theft will be presented to the chief of the society guided by one of the nominated or elected chief. This fact is sedulously observed by every member of the society of thieves. Another fact of significant importance is to be seen in this important fact that the person who committed theft, in no way is authorized to take the whole property as his own personal property. The property will be divided among the members of the society of the thieves. Each of them will have proportionate share. The socializing factor of the criminals were never taken into consideration. In contradistinction

11. This is a term not to be found in literature. This is an innovation and a term, coined by one of the Muslim scholars on the level of psychoses. It is a habitual mental disease and similarly the man who develops the constant habit of committing crime without any persuasion is to be called as man suffering from habitual commission of crime and hence he will be called as a man of crimoses.
to the criminals and the criminality the deviants are not guided by any moral principles. They are vagrant and will have to act in accordance with the vagrant attitude of mind.\textsuperscript{12} Thus, their act is free from moral grips and the steady linear wave of mind.

Whatever is stated above, is the result of deep and steady study of Hadith and hence the Quranic criminology is totally different from so-called scientific criminology of the West. The term scientific is persistently applied by all the scholars of crime. But unfortunately they have not taken into consideration the involvement of psychological factor in human nature. We have the deep study of human nature by psychologists and in relation to tardy and unwanted behaviour, by the authorities of criminal psychology and correctional psychology. Abnormal behaviour, retarded and shaky personality traits are also studied by the scholars of the modern world. The climax of this story is to be seen in the taxonomical division of human mind into three types, consisting of Id, Ego and Superego. This Freudian division was hardly recognised by the contemporary scholars of repute and fellow workers of Freud himself. Adler repudiated on the basis of social orientation of the human mind whereas Jung found some spiritual elements in the working of human mind. This is a very incognitive and insignificant recognition by Christian scholars. There are many verses in the Quran which refer to the thoroughgoing spirituality and sociality of working of human mind.\textsuperscript{13} The value of Hadith in this direction is so significant that


\textsuperscript{13} See the Story of Adam, Surah: Bqarah, Section IV.
we cannot adequately understand the depth and level meaning of the verses without parallel and simultaneous study of Hadith. By referring these facts we are in a position to request the scholars of Quran and Quranologists to study them in strict conformity, concordance and collaboration of Hadith which are parallel, congruous and interdependent.14

Very briefly we would like to refer the Quranic analysis between civic and societal acts of crime and those of the moral one. Modern criminology never takes into account the moral aberrational acts as a source of punishment. Lies, fraud and deceiving in the modern society are hardly punishable. Small, Reckless, Reneworm, Blackmar and host of other scholars dogmatically assert that these are necessary for achieving success and glory in life. These again are the invulnerable essentialities and mannerism in life. Supporting these facts as necessary ingredients of life, almost all the zoologists and anthropologists assert that they are laws of life. All of us are in knowledge of camouflaging in animals and the mechanic life of all plants which are found in the world. Without comment and without validation and invalidation the so-called laws of life referred to above are taught to our students of sociology at graduation, post-graduation and even to our sophisticates at lower level in our universities.

14. Such a study has never been made scientifically by the modern scholars, except Mohammad Ali, who has been condemned as Qadiani. See his Manual of Hadith, Lahore, The Ahmadiyya Anjuman, Ishaat-e-Islam.
So important Hadith is that we cannot understand the Quranic Sociology without reference to Hadith and more particularly the Criminology of Hadith. They are specific and independent on the one hand and interdependent and universal on the other. One should not feel astonished when we invite the attention of the scholars to discover the working of universalism and particularism in the affinity and working of Hadith and Quran in togetherness. The interrelation and integrated working of universalism and particularism are the common features of culture of Islam, system of cognizance, knowledge and truth, belief and action system and more particularly in the depth and level involvement of spirituality and etiology.

However, the fact that neither Mufassareen nor Muhaddatheen wrote separate books on these topics, but in parallel with the Quranic exposition, the Mufassareen and Muhaddatheen were cognitively alive to give some enunciation about major and minor crimes. With reference to them all, our idea is to invite the attention of our scholars to have full knowledge of the possibilities of developing separate systems of knowledge about crime and criminology. This is a field highly important in the culture of Islam, because it had been the tradition of Ulema and exponents of various fields of knowledge to develop under their particular field of knowledge, systems, guided by the correlated subsystems in a way to organize the whole field of knowledge into a subsystem. Such an arrangement was neither arbitrary nor free from logical analysis and systematic method. They followed

15. Apart from these facts the Quranic Sociology along with Ahadith and Fiqh, are so necessary that they can help us to eradicate all absurdities and social pathologies which form the innate part of modern social mannerism and day to day cultural pathology. Sigmund Freud is very liberal in calling such vulnerable acts as day to day social pathologies.
the principle of logico-meaningful causality and particular method, called in modern sociological language as residual and derivative. This system is the known system of modern age, introduced by the Italian Sociologist - Alfredo Theodore Pareto. 16

Fiqh and Quranic Criminology:

Fiqh: Joseph Schacht in his book The Original Sources of Mohammedan Jurisprudence has not given sufficient attention to the first and last source - the Quran. His hypotheses, postulates and deductions are misguided. While analysing the problems of justice he has not given attention to the problems of crime. Whatever has been written by him as to the types and taxonomy of crimes and criminal behaviour, the specific caption of the Ulema of this field, is nothing except hotch potch and bewildered remarks here and there. The Quranic science of crime and criminology is highly methodological and scientific. In it each type of crime has been discussed exclusively and the penology has been given a specific separate field.

16. See for detail P.A. Sorokin, Sociological Theories of Today, New York, Harper and Row, Ed. II, 1969. Cf. Don Martindale, The Nature and Types of Sociological Theory, London, Routledge and Kegan Paul, Reprinted, 1964. The reference of residual and derivative sciences are systems or subsystems, may create doubt in the mind of the modern Muslims who are away from their heritage and culture that we have used them only on the basis of our knowledge of sociology. Apart from this thinking, they may charge the writer of an innovation. We, to eradicate their doubts refer to Allama Sewati who in his Itqaan with all surety claims that in the days of Islamic cultural blossoming the Muslims were able to discover more than 17000 systems of knowledge. As a result of this creativity the Muslims were able to develop more than 700 systems and subsystems of knowledge on the residual base of the Quran. Same convention was maintained by all the scholars in the various fields of knowledge developed, systematized and axiologized.
interdependent to crime. Thus, Fiqh is a specific field of knowledge which is to be studied by the criminologists of today with strict interdependent and correlated field of Quranic enunciation in various verses. All criminal acts occur in a particular situation e.g. Deviant and morally devastated sexual behaviour may not develop in a healthy situation except the one which was dominant during the time of Lot (اللّهُ). It is the beauty of Quranic enunciation that each type of crime has been given analysis in congruity with the situation and the type of culture prevalent in that particular area. In the modern age culture has been given spatial arrangement followed by cogently related causes and ecological meaning in terms of provincial culture, zonal culture and cultural areas. The same arrangement is to be found in the Quranic analysis of crime. In modern geographical system of knowledge, typography is highly important. It specifies the chief characteristics of the specific geographical situation. In contrast to other part, the people in that specific part have their own specific culture, mannerism, convention, taboos specific cultural ways etc. While analysing antisexual behaviour the Quran gives some direction to understand the genesis and nature of the sodomist living in a particular part of the country known as sodom. This is a field of knowledge requiring detailed and specific study. We have alluded here as a passing reference to show that Fiqh is entirely dependent on Quran and any study of Fiqh - the parallel and cogently related study of Quran - is indispensable.  

17. For detail see op.cit., Islam Ne Jaraim Wa Tazir. See also unpublished monograph by Dr. Ali 'Quranic Criminology'.
To summarize the above discussion it is to be restated that crime in its minutest detail has been discussed by the Quran inviting the best attention of men of scholarship of various depths of learning to take cognizant note of the pathology and ills of society responsible for disorganization, calamities, disruption and anomalies. Disorder and disorganization in any form are contrary to the philosophy of life. Consequently, peace and order, balance and harmony are to be maintained. These are the sources of attaining values and norms, entelechies morals and mores, ideas and ideals, the very basis of configurational growth of society, personality and culture. The deep concern of the Quran to maintain normative and meaningful life is to keep the major premise of life - Tauhid - as a living force providing security for all anomalies and antinomies which are the sources of growth of diffusion and disorder which are liable to give rise to the life of Mushrikin. he Quran consequently shows its hatred to the crimes which are the sources of origination and development of shirk (شرك). Crimes accruing from Shirk (شرك) destroy the personality of an individual who becomes the enemy of mankind. Socially speaking, Shirk (شرك), if becomes the part of societies and culture surely the society will become anarchist, terrorist, leaving nothing except the lover of homicide or genocide.

Shirk as a source of crime is a concept never taken into consideration by any scholar. Our study of the problems of Shirk persuaded us to discover its importance in undermining the harmonious flow of life in the society. Our thesis of referring crime in terms
of values, ideals and meanings incited us to throw light on the problems of Shirk, the great source of annihilating the meaningful growth of individual in society. It is a fact that in the slow and the peaceful development of society in Islam the Shirk and the Mushrikeen (مشارکین) were the sources of disruption.
CHAPTER - IV

TYPOLOGY OF CRIME

In the light of the Quran we are in a position to differentiate between various types and divisions of crime. At the first instance, we have taken the liberty to use the term crime (جرم) and criminology. Criminology in the Western World—a so-called scientific discipline—came into being 200 years ago by the Italian School of Criminology. This incidental growth of criminology however called scientific, is neither traceable from a definitive period of time and space. The Italian School, the so-called founder of Criminology starts thinking without consistency, logical causality and more particularly without dimension. In recent times, late Prof. Sorokin has taken liberty to trace the history of crime from 2000 B.C. It is pleasing to note that this dynamic study of crime gives us much information in data and periodic classification. In this long period upto the origination and development of Christianity we find nothing about the why, how and what of the crime. However, typologically speaking, different crimes with their proper nomenclatures have well been arranged. There is no united definition of crime, causes of crime and definitive framework of penology. It is a pertinent question to make out the way of treating crime and criminal either in terms of morality or religions. We are left in conjecture. The entire period, being the period of paganism is constituted by various pagans. This situation eliminates all the possibilities of unity of definition and treatment. We are left in a bewilderment
of multiplicity. This labour of Professor Sorokin yields no results for the criminologists of today and tomorrow. As a result of this situation it was logical that the Italian School should get adumbration instantaneously and without causalistic and sociocultural realism. It is surprising to note that the Criminology of Italian School being the Christian never took pains above the causes of origination of crime which was entirely a violation of religious law which points out that all the criminal acts and behaviour are the result of original sin. With this axiom in hand they spare no moment to victimize the criminal as a wicked creature. They declare that human nature is wicked and man cannot do any thing good. In the advancement of this theory, they declare that only those men are capable of committing crime who are physically defective, mentally distorted and morally degenerated more particularly haunted by some mental disease like epilepsy, insanity, emotionally disturbed, capable of doing some harm in terms of self-injury and doing some harm to others. It means that these two types are specific in their personality traits; one being sadist\(^1\) and second masochist.\(^2\) Both these diseases are difficult to control. Having no knowledge of these diseases the jailor and the jail authorities do much harm by their harsh treatment. Sometimes they are violently

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1. Sadism means an abnormal and wanton exercise of power on the part of a person or a group in order to torture abuse or fiercely oppress other persons, commonly associated with some perversion of sexual passion (see Dictionary of Sociology, edited by H.P. Fairchild, Philosophical Library, New York, 1944).

2. Masochism means an abnormal inclination which makes pain of some expression of cruelty, in mild or greater degree, sexually stimulating. (Ibid.)
beaten. In majority of cases the murderers are made to go to gallows. This instantaneous punishment at the cost of the loss of life of the murderer is contrary to the justice. The penology of the west like the classification of criminals inspite of much boasting is still guided by the ideology of the Christian church guided by the mannerism of the Middle Ages. This is not the only case but in all cases of crime atrocious mannerism of the middle ages is sedulously observed. The germinal idea is based on the concepts of original sin and wickedness of man's nature. These two concepts popularized the idea of degrading man leaving no room for his prestige, dignity and honour. The Quran categorically rejects these concepts and holds that man being the vicegerent of God is created with respect and honour with an endowment to rule over the entire creation.

Taking this point in view the Quran neither in action nor in verbatim uses the word which is likely to show that man has fallen from the high ladder of the scale of life. If anything is done by a man, contrary to the value orientation patterning, he is simply called not a criminal but a value deviant. According to the nature of offence, instead of calling him Mujrim (مجرم) the Quran calls in terms of Ma'isiat, Khusran, Zanab and Udwan (مصيغ. خسوان، زناب، اوونوان) and so on and so forth. The crime committed by the men of non-Islamic faith and guided by the value deviancy pattern of Munafiqat, Shirk and Kufr (منافقین، شرک و انحراف) and idol worshipping, they are called Mujrim(مجرم). Such men are called Mujrim (مجرم) because they deliberately violate the basic nature of man who is born as a believer in
God and believing nothing but declaring His Unity, Mercy, Benevolence and Omnipotence (سورة حشر وسورة نافعه). This concept of man as a believer in God forms the central note of Muslim Theology. Every scholar of Islam - theologian, metaphysician and those who belong to other fields of knowledge - have dealt with this problem, because it forms the axiological base of human nature, thing-world, societies, personalities and culture. Among such scholars, Allama Ibn-Taimiah has taken this problem as a pivotal problem. (See Ibn-e-Taimiah by Abu Zahra). Another two important books written on this subject are the works of Triton \(^3\) and Santayana \(^4\).

The concepts of crime are defined by the modern criminologists at variance with that of the Quran. Crime has been defined by the modern law as 'a violation of legal precepts.' There is no consideration of morality, social behaviour, action and belief system in this regard. Crime is an act not permissible by the criminal law. Therefore, crime and criminal are the epithets, attached for any vulnerable act so defined by law. Such an attitude and undignified terms are not tolerated by the Quran. Consequently, the term Mujrim (مجرم) or Jurm(جرم) are not the right connotations of the Quranic concept of all the deviancy patterns in all the ramification of action system.


behavioural system, cultural system and belief system. Man is prone to act adversely. He is capable to be a guilty person but not by so doing he is to be charged as a criminal. His capability to commit mistake or guilt or act of degeneration or the value deviancy, action and behaviour simply point to to his innate nature.

The verse 35 of Surah 2 establishes some basic facts which are to be clarified. The verse on the first instance establishes the nobility of man and his supremacy over all the creation of the Heaven and the earth. By the commission of mistake he is neither stigmatized nor vicrimized. Thirdly it is stated that he is liable to go astray by the instigation or committing mistake by virtue of his nature, however he may have all the favours and comforts of life. Fourthly anything done contrarywise to the laws and principles, meanings and values he is not to be degraded and steps may be taken that his guilt may not create havoc, disorder and chaos in society. They are the sources of disintegration, calamity and loss of equitable value pattern of life.

Modern society and criminology are segmentlized, irrespective of societies, culture and crime phenomena. By virtue of this particular nature it is not possible to trace universal law suitable for understanding all the problems of

life related to mankind in all situations, spaces and times. With this innate defect all the theories, so far-foled formulated, are nothing but fraud, fads and foibles. Under such a situation there is no other alternation than to follow Divine laws and principles. This is what the Quran calls that man cannot chalk out a moral code of everlasting value by himself.

"For every one of you We appointed a law and a way. And if Allah had pleased He would have made you a single people but that He might try you in what He gave you. So vie one with another in virtuous deeds." (5:48)

The difficulty at this juncture for using unconsciously the laws and principles of modern sociology and psychology is to be seen in their instability and flux. They change in form, content and meaning as recognized by Harold A. Phelps. (compare Dr. M.B. Ali, Laws and Principles of Quranic Sociology, volume I, Chapter: Scope of Quranic Sociology). In our thesis as we are


7. Et. Passim see note 704 and 705 by Mohammad Ali, the Holy Quran; see also the note No. 1378. These comments stand testimony to Divine truth stressing inability of man for codifying life on the basis of formulation of law using his own discretionary power which is sure to create hollows and disappoint in times to follow. This is what the late P.A. Sorokin pointed out in the book mentioned above. The same opinion has been given expression in his book Sociological Theories of Today. In this book Sorokin has given expression while criticising the modern theories.

concerned with the Quranic concept of crime, we cannot stupen-
dously rely on the modern sociology and criminology which are 
based only on theory and conceptualization. We agree that Quranic 
Criminology is not a mere book which could give in all simulta-
niety all the principles of Quran. Hence we are guided by the 
Quran to infer the source materials from its everlasting, universal 
and non-flexible laws. This is the directive given by the Quran 
in the Surah 3 verse 6, given below:

"He it is Who has revealed the Book to thee; some of its verses are decisive. They are the basis of the Book — and others are allegorical. Then those in whose hearts is perversity follow the part of it which is allegorical seeking to mislead and seeking to give it (their own) interpretation. And none knows its interpretation save Allah and those firmly rooted in knowledge. They say: we believe in it, it is all from our Lord. And none mind except men of understanding". (3:6)

By virtue of the above fundamental law we are given 
the liberty to infer laws and principles to meet the changing 
requirements for human life from time to time and space to space. 
This inferential reasoning at the first instance is the result 
of Quranic law that everything significant and insignificant 
(ربّ رَبِّ يَابِس ) is given in the Quran to facilitate definitive 
and logico-meaningful material in concordance with the methodology 
of Quran. It may be advisable that no inference is to be used 
haphazardly or at random without categorical application of the
science of reasoning and method. The first thing according to the 3:6 is the taxonomy and analysis which is a cogently related part of the entire bulwark of the science of method. It means the analyses in terms of cause and effect which are to be separately arranged determining meaning individually and in one totality as a whole. Finally, the results are to be recorded and after sorting out results carefully, the findings are to be discovered. (Poincare: 'Scientific Research Method' M.B. Ali, Law and Principles of Quranic Sociology, Chapter on 'Quranic Methodology').

So guided by the Quran, we are directed to infer basic principles and involvements from the Quranic reference about man and the very nature of the nature of man. Having all the comforts, prestige and honour on the one hand and having good family life on the other if man goes astray, it means the mental imbalance if he is mentally deranged otherwise this situation must be the result of fearlessness from God. This principle which is universal recurring and non-changing in the story of Adam gives an opportunity to understand human nature for all times to come. It is dyad. The second meaning which is to be understood is the parapathic situation in which man is persuaded to commit crime and follow value deviancy pattern of behaviour and action when he has no shelter and material needs of life. The loss of material necessities, if guided by the moral attitude of mind, there is no possibility to go astray. In mental cases of acute nature the man is open to commit any thing wrong in accordance with the flashes of mental retardation and distorted mental waves.9

First thing which is to be adopted is the correctional method in terms of developing the personality along the lines of religion. This has been the notable feature of modern religious therapy. The men and scholars, clergies and philanthropists who are persuaded to believe in this specific type of therapy surely were disappointed because of non-availability of the definite methods and principles from Bible. In contrast to this situation the researcher firmly believes that Quran provides sufficient material in this direction. We may suggest the first step which is to be taken in this direction is to inculcate in all the depth and level of the mind of criminal the principle of Khashatullah (خضیةالله). This should go hand in hand with the process of Quranization. This very suggestion has also been given by Shah Waliullah of Delhi in the introduction of his translation of the Quran in Persian.

Glimpses of this way of punishment is to be seen in the modern system of parole and probation. 10

Rebuilding of religious life and inculcating fear of God with thoroughgoing sociality of the basic points are to be observed by judges, jurists, lawyers and jailors. (For details see Justice Ameer Ali: The Spirit of Islam, Justice Abdur Rahim: Mohammadan Jurisprudence). Our study of the Universe of Quran gave us an idea that crime in its modern sense finds no expression significantly or insignificantly anywhere in the Quran. Similarly there is no

such thing as sin or evil, as found among Christians to be found in the Quran. They are stigma and victimization contrary to the Quranic philosophy of respect of man, greatness of man, and nobility of man. 11

Having liberated from the stigma of being charged as criminal, the Quran has done miraculous service in restoring the original dignity of man as a sovereign of the entire thing-world. Inevitably, stigmatization will terminate ultimately into more obnoxious condition which is detrimental to the entire system of personality. In the modern time no care has been taken for the correction of personality of the criminal which is constantly demolished from the very day of investigation upto sentencing and later on he is set free and given permission to come out from the shabby atmosphere of the jail. Subsequently he comes out from jail charged as criminal having no other chance than to be constantly called as antisocial. Correctional psychology has undertaken research as a remedial procedure not as a condition for a lost and injured personality. Once again we would like to stress that the Quran points out that all the mistakes committed by the antisocial person should terminate ultimately in allowing this so jeopardised person to attain his path, glory as vicegerent of God on earth. He is allowed freely to move in the society and he is also free to attend I'badat (عبادات) with the results of regaining socially recognized personality and spiritualized identity in terms of the spiritual community consequently keeping in view all the ideals the Quran restores; the processes of cognizance, evaluation and catharsis.

The entire history of juridical Islam and the sumptuous record of adjudication by our great jurists or Qazis (قاصل) will indicate that nowhere in any Fatwa, the criminal has been addressed as Mujrim (مجرم) and his nefarious activities as Jurm (جرم). It is a noteworthy feature that in commission of the charge of crime, the criminal has been addressed in the Quranic terminology as Zalim (ظلم) and Jahil (جبيل). His antisocial activities have been called as (ظلماحولا) Zaoolman Jahula.

All the situations which are violated in terms of specification, spatiality and temprocentricism are the constant features of violation and each of them are referred not only as an act of tyranny but also ignorance. Man is however rational but according to modern psychology he is always 90% in a situation of irrationality. \(^{12}\) Automatically this act of irrationality is guided by cessation of cognizance and knowledge and hence irrationality goes hand in hand with incognito tyranny. It is a strange investigation of the human nature which is not always cognate, balanced and free from act of rationality. However, he may claim to be conscious of knowledge but the fact is that in entire period of his cognizance, most of the time he is guided by the forces of irrationality and ignorance. Another feature of

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\(^{12}\) See 'An Outline of Modern Knowledge' by Victor Gollancz, 14 Henrietta Street, Covent Garden, London, 1931. An article on Theories of Psycho-analysis by Prof. J.S. Flugel, University College, London.
this wonderful research finding is to be seen in the modern researches and psychological verdicts that most of the time man is in the pitch dark of ignorance and tyranny (see for detail William Jones: Reason and Irreason in Man). In this situation, according to Quran, man was given the responsibility to be a trusty of God which was offered to all creatures of the Heavens and the earth. All of them refused and man was bold enough to accept the truth heedless of his being most of the time irrational ignorant and in the situation of power from the condition of knowledge and ability.

"We did indeed offer the Trust to the Heavens and the Earth and the Mountains. But they refused to undertake it, being afraid thereof. But man undertook it, He was indeed unjust and foolish". (33:72)

The verse above is universal, specific, condition oriented, only giving expression to the phenomena, which Quran wants to designate. It is residual and specific, allowing deviation, facilitating to interpret all conditions expectations and generalities of life. If this verse is applied in the understanding of sociocultural psychospiritual pathologies, the verse will indicate that a person who commits crime, he indeed violates the sociocultural laws and principles of society. More so he is committing a blunder in violating the condition of availing the facilities in society and attaining day to day sociality.
Automatically the phenomena of ignorance will give incentive to man to remove ignorance by getting knowledge. Whereas the situation of tyranny cannot remain in a situation of permanency. This situation will demand to achieve peace and harmony. Both these situations are the result of imbalance, disorder and loss of equilibria. With this situation, life and culture cannot remain solidified and peaceful. Hence it is inevitable that man should keep on struggling for removing these maladies and make constant efforts to attain that balance which is a necessary corollary of life, culture, society, personality and nature. Balance and peace are not the requirements of material life alone but they are equally essential for mental and spiritual life. This is why the Quran invites the attention of man to understand the essentialities of balance and peace in the Surah Yaseen, taking these facts as a major premise for understanding crime and criminalities, typified by the Quran in terms of Zanab (ذنب), Khusran (خسران) and Udwan (علوان) etc. We can come to the conclusion that all of them are the results of ignorance and imbalance in action system in belief and behavioural cultural system. This is why the Quran directs us to catch hold the Rope of Allah. With this explanation we can understand the polarity and appropriativeness of the term Udwaan. Really speaking, Udwan is the proper term for the appertainment of the crime in its variety and differential shades of meaning. The action system, the belief system and behavioural system, when loose their integrity, balance and harmony will automatically leave man in a situation of perplexity and bewilderment called by the Quran as Khusran (خسران). All these are the corollaries of loss of knowledge, tyrannical action and
belief in all situation of life. The society is impelled to arrange institutions and media for cultivating mind for the understanding of the necessities of knowledge and value orientation patterning. It is the societal and social responsibility of the government and societal institutions to provide sufficient education from beginning at least to the age of maturity and to the situations when man is capable of being cognitively alive, and also capable to understand the situation of the requirement of knowledge and evaluation of life. As regards the modern system of training the prisoner, young and matured, sufficient attention has not been given to provide knowledge to them all. Particular care has been given from the last 50 years to bring order and balance in the life of juvenile prisoners through education more particularly in sanitation and endowing them with moral and religious instructions. To this end clergies and other dignitaries of the church are doing miraculous work (See Reckless: The Problem of Criminology. See also H.E. Barnes: The New Horizon in Criminology). From the study of Quran we are well guided to infer the provision that religious and moral instructions are the responsibility of the family, the government, societal institutions more particularly the Ulema (For instance see Shibli Nomani's Alfarooq). Dr. Ali in his unpublished book on Farooq-e-Azam synoptically has discussed about the contribution of Farooq-e-Azam in the field of crime subscribing some laws and imperative principles for the cultivation of criminals paving the way for their value orientation pattern of action and behaviour in sociocultural life of the community.
Maintaining this interpretation, violation and ignorance are the conditions of every day life. This has been referred to by Sigmund Freud as Psychopathology. (see his book Psychopathology of Every Day Life). This psychopathology is amendable by doing justice to his own antinomous act through regaining cognizance, knowledge and catharsis. This notable sociologist points out that these three ingredients are the basic involvements of a social system. Mannheim and Chute maintain that the act of violation is conducted by the criminal in a situation of ignorance and total annihilation of we feeling and knowledge. But these situations of darkness involve in them the possibilities of regaining knowledge and exercising justice in his own tyrannical acts. 13 (See also Chute: Parole and Probation System). The Quran points out that all acts of ignorance open the coherence for exercising justice, whereas the ignorance in all its depth and level involves with the demands of getting more and more knowledge. What a splendid discovery has been disclosed by the Quran. All systems of knowledge discoveries, inventions, and cognizance are the result of ignorance. There would not have been justice and law without tyranny. Singularly both ignorance and tyranny are blasphemous acts but implicitly they are bounties from Almighty Allah for evernew subjugation of nature, knowledge and purity of mind and personality. This is why Quran directs to pray:

"My Lord, increase me in knowledge". (20:114)

The present study of Quran with reference to crime will certainly provide us information about the antisocial act and deviant behaviour which in ultimate analysis become the source of major or minor crimes. The divisions of crimes into types as pointed out above are neither abstract nor arbitrary. There are reasons and definitive causes to type these crimes into major and minor. Under the minor crimes we can take into account the pathologies of every day life e.g., one in the course of talk, says something which is a clear lie or some ordinary type of mis-behaviour or misaction. They are likely to be ignored but in the social mannerism which is abided by law, such simple error or mistake is taken to be an act of guilt. Under this category those lies which have the serious consequences are taken to be a mistake which could harm the society. The Quran demands serious action. In majority of cases of social life, lie may terminate in creating some serious kind of public, social or cultural harm, like fraud or other mischief of a heinous kind devastating the balance and peace of society. With this reference it is clear to point out that ordinary type of crime may be divided into two kinds: one being very simple, every day pathology, likely to be neglected. Whereas the second type is the serious kind of ordinary mistake, to be seen in the turmoil, moral and social discrepancies, having serious and dangerous consequences. With this division we have to take into consideration the crimes against religion. The persuasion of people against religion, the preaching of atheism falsifying the truth of Quran, nominalistic and unwanted criticism of the tenets of faith of Islam are heresy or Kufr. All fall under the category of religious crime. During the early period all these
crimes were taken seriously. The judges of court were responsible to treat them in order to eliminate all these illegal activities as a serious danger for the Muslim society. Up to the downfall of the Mughal Empire and even with some mishaps and gaps the legal system of Islam in India pungently took note of these evils and with severity attempted to eliminate it. Today the system of law is totally different from the period of Mughal Empire, East India Company and India Under Crown. The historians of India like Beni Prashad Jadunath Sarkar and Mukerji have discussed the legal system of those days which was more or less akin to the law of Shariat of the previous days. Winson Smith - a historian of the Cambridge History of India - has fully discussed the Indian legal system which was in vogue during British period. The only difference in the total whole of the legal system prevalent in India was that it was divided into two parts. One being for the Muslims under the name of personal law. It was nothing but a piece of appeasement and partial recognition of Muslim legal and juridical rights. The second was the law of generality entirely based on the judicatural system of the West. All crimes under such classifications were treated by the common law popularised by the British Govt. Consequently this situation brought drastic changes in the legal cultural system of the Muslims not only in India but all over the British Empire. We have been told that legal system all over the Islamic World also changed. The previous division of Muslim legal system all over the world into religious crime and civil crime committed in religious rights and rituals and belief system, action system and tenets of faith remained as things to be overlooked. No body was punished for missing
prayer or omitting easily the fast (الصوم). Muslims in this way committed so many glaring mistakes and vulnerable acts against religion, the religious culture, the religious faith and system. Looking all these things as sociocultural and more so as religious evils, the people took them as things unwanted under a political and sociocultural system called secularism.

The division of crimes into religious and non-religious is not known in Shariat. In the criminological system of the Quran what is religious, it is equally sociocultural. They are interdependent and overlapping terms.\textsuperscript{14}

CHAPTER V

ETIOLOGY OF CRIME:

Commonly the term etiology is used to denote the causes but in the sense of lexicon it connotes cause and effect. The scholars in criminology use this term in a single sense, whereas the concept of etiology will not be complete without using it in both sense involvements because cause and effect are overlapping terms. Etiology is a system of knowledge which in definitive terms lead to the understanding of the causes tracing the origin of the cause with resultant effects. In the Arabic language the science of cause and effect is called (تاؤن تأويل), Qanun-e-Ta'leel. With this Qanun (تاؤن) we can definitely understand two interdependent realities - 'Illat (علم) and Maa'lool (معارف). This methodology is constantly applied by the Muslim thinkers in the evaluation of their specialized field of knowledge. The existential way of the juridical system of Islam had been on the basis of etiological system and in all cases of adjudication, adjudicature, equity, justice and pleading. This system had been dominant feature in the evolution of legal system all through the ages. Consequently there is no excuse or negligence of using etiology in all the cases of crimes whatever their types may be. So much so the messenger of Allah had no choice than to use this method in case he was endowed to know facts through revelation. In spite of this prerogative, as a leader of mankind he set an example of etiology in investigating and passing judgment in all cases submitted in a court. Etiology as used in

legal system of Islam, is a developed form of learning causally related to logic, philosophy, ecclesiastical discourses and the science of investigation applied by the Muslim scholars in addition to their origination and development of religious and spiritual science including history. It is commonly known as (رواية) Riwaq and Daraq (رواية). Rewaayat means narration of simple fact which had always been treated as major premise or postulate, thesis or preamble for these concepts. Apart from Riwaq in research methodology, the term Khayal (خيال), Qazia ( opinie), D'awa (دعوى) or even Maqoola (مقلة) are used. They are categories of Daraq.

The tracing of cause demands categorization of the situation in terms of minutest detail. Very often in Islam the categories of what, how, why, when and what for etc. are used. They are critically evaluated individually, specifically and collectively in order to attain result of each categories. This sort of paratigmatic analysis is a common feature of Islamic research methodology. The concrete example of this fact is to be found in the entire system of judicature from beginning to the end. It is sufficient to refer Fatawas of all Qazis and Fatawa Alamgiri.

While discussing the causes of crime the modern sociologists and criminologists have nothing to suggest concrete and consistent viewpoint. In the previous century while analysing

the causes they attributed that the crime is the result of some physical and mental abnormality. They thought that epilepsy, dumbness, deafness are hereditary. Some suggested that man is born criminal and wicked. So such type of the theories of crime went on for a century or so. The church Father and other religious minded people suggested that man has to commit crime, because of original sin. By nature he is born to be vicious and he is bound to do harm. From the beginning of the 20th century all these theories became topsyturvy and play of imagination. In the majority of cases today, the causes of crime are traced in the shabby and demoralised condition of the society. Omitting the person altogether and disregarding his nature capable of doing harm and good, the criminologists charged the society as the only source for criminal activities. According to Quran, man is neither notably rational nor irrational. He is neither through and through good nor bad. If he is directed to behave in the direction of righteousness he is bound to act morally, meaningfully and according to the sociocultural norms of the society. If he is astray certainly without help, mostly Divine help, he cannot do anything good. This does not mean that he should be charged with wickedness and by virtue of this fact ought to be stigmatized but simply it has been pointed out that under the forces of life he may be instigated to do wrong and hence the Quran insists upon the necessity of Divine help for individual and society. This inevitability of Divine help is the consequence of man's inability to chalk out a moral code for himself.
Modern psychology and personality studies are yet to discover the real nature of man. According to Quran, man in spite of his discretionary power and rationality in majority of cases, is guided by the forces of ignorance. Simultaneously he is full of sympathy, love and mercy but in many situations of life, he becomes a tyrant and merciless creature, wanting nothing but cruelty, apathy and revenge.

These internal forces are to be taken into account. To declare shabby social environment as the source of instigation and enticement of crime seems to be irrelevant, unless he is guided by the internal forces. The Quran invites the attention of the scholars who are interested to study the anomalous and antisocial activities to analyse and critically evaluate them in order to arrive at a definitive result. Social environment cannot do any harm unless man is not instigated to commit an act according to his meticulous internal forces. The importance and liability rest on the nature of the man. If he is guided by the therapeutic nature provided by the Quran neither outer forces nor internal forces can do any harm. Fear of God or Taqwa is the important source in the troubled moment for getting out of the meticulous forces of inside and outside. In the modern times among the various therapeutic measures religious therapy is also one of the measures of treatment in the West. How far it is successful nothing has been communicated but it remained consolidated throughout the entire period of history of treatment. The fear of God as a measure of

3. See: Tafheemul Quran, Surah Baqarah, Section 1, by Maulana Maududi.
treatment is the highly successful therapy in Islam. The German scholar of the sociocultural dynamics, while studying the causes of the fall of Muslim civilization, finds out that the Muslims kept on progressing so long as they were guided by the principles of fear of God. When they overlooked this principle they became degenerated, immoral, socioculturally devastated and with the ultimate results of decay in all directions of life. They lost equally manly virtues and became physically impotent. With the rate of decline in manly virtues they lost the spirit of Jihad, and inculcated their mind with fear of death. The medical and religious authorities and correctional psychologists, who are devising correctional measures, we suggest them right earnestly to inculcate in the mind of the criminal, the principle of the fear of God.

The Quranic concept of crime and criminology are guided by two bases. They are structural and functional. In structure they are guided by Shariah, philosophy of Islamic culture with reference to Islamic ideal, amalgamated in one totality by Shariah. In its functional base crime and criminology guided as they are by structure, necessarily should take in all its application the social phenomena, the constellation of individuals passing their life under fluctuating condition of space-time. But in no way it is free from sociality. Consequently, the jurists and criminologists were attaching importance to the individuals. They must clearly understand the paradox that individual is not be taken into

consideration separated from social milieu, but in all ramification
and consideration the germinal point is not to be separated and
segregated from social circuit. Consequently in all consideration
and analysis, the thing which is kept in view is that individuals
are not be tried in terms of individual, but a social entity. Hence
in passing judgment, sentences are not to be levied in terms of
revenge or recompense. In short individual kinds of sentences and
punishments in Islam are highly abominable because they are the
source of degradation, distortion and annihilation of personality
of the dignity of man.

Such a consideration is not at all to be found in the
modern criminology and legal system. While imposing punishment,
care has been taken to take measure for amending and correcting
the rectified behaviour of the criminal so as to allow the
criminal to rebuild his personality along the values and cultural
milieu of Islam.
CHAPTER VI

QURANIC PHILOSOPHY OF CRIMINOLOGY:

The above enunciation in relation to etiology which in one synchronicity gives impression to cause and effect will surely lead us to expostulate the Quranic concept of philosophy. The wicked environment, slums, business boom, economic crisis, poverty debauchery, unemployment, vagrancy, filthy environment, all are individually and collectively the sources of crime. These sources, individually or collectively as we maintained above will do harm when the persons committing crime are morally and spiritually bankrupt.

"Allah has sealed their hearts, and their hearing and there is a covering on their eyes, and for them is a grievous chastisement." (2:7).

Man is born to receive, manipulate and transmit truth and knowledge if he is cognitively alive to them. With these sources he will develop consciousness and knowledge and through observation and analysis in this way he will be capable to discriminate between true and untrue. The fire of discrimination will develop discretionary power. This is only possible when he is guided by moral virtues – religious and spiritual values – which are only available when there are arrangements in the society for the cultivation of mind by the social and societal institutions and by the respectable personalities. In case such facilities are
not available, the mind will become barren and man will go astray by the wicked forces of society surrounding him. We will be automatically captivated by the illicit forces. The mind brought up under these wicked forces will be closed to receive good which has never been available to him because of shabby environment. Brought up under this uncongenial atmosphere, he will certainly lose inductive and deductive reasoning guided as he is by the one sided track of illicit forces. Now he will be incapable to see things and hear about them on the basis of discretionary power which is only available by critical vision, deep insight, assumption, reception and reasoning by logical and causally analytical orientation. In this verse the Quran lays emphasis that meaningful evolution in life is available only by experience, experimentation, observation, analysis and categorical taxonomy, recording and deriving legitimate and meaningful results. So important these facts are that more than three fourth of Quran goes repeating them with vigour and force. In support of this Quranic contention one of the modern sociologists also expresses his views in the following words:

"Sociology as a science reveals many facts about human beings and their social environment. Problems common to many situations are defined. Data related to these problems are assembled, recorded, classified and organized. Theories to explain observed phenomena are constructed. Observation, experience, analysis and experimentation are utilized to test the accuracy of theories."

This methodological orientation and analytical exposition has its own logic. The social philosophy involves in it to identify ideas and ideals which found the axiomatic and ideal base of life. Man will deviate when he sets aside his connection with God and Divine Guidance in life. If these two are abrogated the life will have to go astray, dislocated, disorganized meaningless and idealless. All entanglements, confusions and bewilderments in life are due to segregation from the meanings of life and meaningful consciousness. Almighty Allah's sheer mercy and benediction lead man to right path and bless him with Book and Messenger. In the light of the Quran the major premise which is to be kept in mind is the great concept of the Holy Quran that life is not void of ideal and meaning. Among the religions of mankind it is Islam which has laid down as an invulnerable fact that life is not something like a waste. Thus the Quran says:

"Our Lord, Thou has not created in vain". (3:190)

If life is purposeful and has got serious end, automatically the life philosophy of the Quran cannot be perplexed, confused, and ramshackled. It should be full of meanings and values and as such the philosophy of Quran whatever its variety and to whatever field it is connected should direct man to that purpose which is involved in them. Philosophy means the search for truth to develop life accordingly. It is a wrong assertion that philosophy has been rejected by Islam. Most of the scholars and Muslim intellectuals constantly refer Ibn-e-Tamia and more
particularly Imam Ghazali as the great personalities who rejected philosophy and as a system of knowledge highly undesirable. There is a misnomer and stigma attached to Imam Ghazali without understanding the germinal ideas of his philosophical orientation. He never rejected philosophy which is the basis of human thought, human life and human culture. His Tahafatul Philosopha is not the repudiation of philosophy but rather he rejected those philosophers who opposed religion and special realities of life.²

PHILOSOPHY IS THE BASIS OF CULTURE AND SOCIETY:

The above analysis will give an idea that philosophy is a part of Islamic system. Among all the systems of knowledge, human, social, religious and psychological, philosophy necessarily is one of them. The study of Islamic system of knowledge will indicate this fact. It will also indicate that philosophy is correlated with them all. It is a common saying that man is born as a philosopher. His individual thinking seemingly gives expression of an individual man, but this individual is an integral part of other institutional personality and to them all he is cognitively

or incognitively related. As an individual by this relation he gives expression to the thinking of others. In this way his personality becomes a socialized personality. As an individual he gives expression to the micro part of his thinking and later on this thinking automatically has to become macrological thinking. It is an undercurrent neither known to himself nor it can be known to others. The correlation of micro and macro thinking automatically goes upward connecting these two thinking to the upper level of thinking which is surely metaphysical and spiritual. Such an analysis has never been recognized by the modern psychology although micro, macro and meta levels of sociology and psychology are the known facts. The division of mind into unconscious, subconscious and conscious forms are another testimony to our analysis above. Keeping up this analysis, the Quran directs our attention to one more important fact. Mental faculties without exception form the universal endowment for all mankind. Everyone has to be born with these faculties making this point clear that these faculties are the universal gifts from Almighty Allah. Man unfolds them throughout life and according to unfolding and development he attains balance, adjustment and perfection in life. Modern psychologists talk very loudly about the cultivation of these faculties along right channels. They maintain that according to

3. Most of the studies call this personality trait as multiple or double personality, but we refrain to use this term, because the multiple personality is ambivalent personality, divergent and ambiguous in their psychological structure and function. Moreso on the basis of Quran the personality of double traits and multiple causation has been called Munafiq (منافقون), This idea has been derived from the study of Surah Munafiqoon (منافقون), No.63. Among the modern connotations we prefer Maulana Maududi, who while commenting on this topic in Surah Baqarah he calls them as men who dash in two polemics, kufr and Islam, evolving a unique type of personality and culture, called by Maulana as شیعیان (شیعیان).
cultivation and training, the consequential results follow. There is no reservation in the expression of the result of these faculties. But one thing is to be noted that in spite of training and cultivation the consequential results are neither same nor in conformity with the experience which is always something good and beneficial. Criminals and ordinary men stand equal in mental faculties. Modern psychology failed to differentiate between criminal and ordinary man's psychological expression and orientation. It is not that genius and high intellectual personalities are found in common men but there are many criminals who are born genius and act and behave like a genius. The I.Q. is one and the same. But in spite of these equalities one thing is lacking. The result in the behaviour and action in spite of equality of psychometry is not one and the same. Cultivation of mind, training and all the human measures will not be fruitful. The result of good or bad is under the control of Divine mercy. According to Quranic psychology man is guided to make a conscious effort in achieving required beneficial results but in spite of all efforts he will have to feel that entirely he is helpless and must seek help in other direction, the Quranic direction. He must recognize that he is a servant of God and in that frame of reference he should recognize the value of referring to God and seeking help from Him. ( "Thee do we serve and Thee do we beseech for help") (1:5). In spite of all faculties, personal and collective efforts, there are chances to go astray. At this critical juncture recognizing the clear chances of going on a wrong path, he must develop a psychological habit to pray constantly that as a human personality he can not attain the right path without Divine help. We would like to make it clear here that the Quranic
enunciation about the Universe above has clearly been delineated
by the Quran in Surah Fajr (الفجر). The verses which are
related to the discussion above are quoted below:

27. "O soul that art at rest,
28. Return to thy Lord, well pleased, well pleasing.
29. So enter among My servants.
30. And enter My Garden! (89:27-30)

In contradistinction to the modern terminology such as,
mind, psyche, id, ego, and super ego; the Quran uses the term
Nafs ( النفس ) which in form, content and meaning, is highly
dimensional and clear in its polarities of meanings. Ordinarily
Nafs has been divided into Ammarah, Lawwamah, and Mutmainnah
( عماره. لومعمة. متمينة ). They have their own specific roles. Nafs-
ل-أَمْرَاء ( النفس أمراء ) is the specific psyche which entices man to
follow wrong path. Every act and attitude of mind contrary to
morality, spirituality is adhered to by Nafs-i-Ammarahdiverting
a man to go astray and stranded from all the virtues of life.
This is a non-controlling agency. If it is alive in mind and works
preponderatingly in congruity with its meaning, man is involved in

3. For a fuller explanation of these terms see Paul W. Taylor,
Normative Discourse, Prentice Hall, Inc., Englewood Cliffs,
vicious activities and in all minor or major vicious acts. Similarly if this Nafs is left uncontrolled, the criminal can go to any extent and behave contrarily to his dictates of conscience. In contrast to Nafs-e-Ammar, the Nafs-e-Lawwama plays the role of checks and balances and with its energy sources, Lawwama keeps in balance the behavioural and action deeds allowing nothing except keeping balance between individuals and in the last analysis in the entire gamut and working of the society. In modern terminology we may call Nafs-e-Lawwama as a psyche which plays the role of equilibrium and balancing.

Along these lines the psychological treatment of the criminal is to be provided in jails and psychological treatment clinics.

These therapeutic measures are to be continued steadily and with all solemnity to the achievement of the final target what the Quran calls nafs-i-Mutama’innah. Automatically the treatment along these lines will have no results without observing spiritual congruity. This is the therapy which is the outcome of religiosity. Cultivation of mind along with religious beliefs and orientation of the criminal is the necessary condition of achieving the final goal target of what the Quran calls as Nafs-e-Mutama’innah (نَفْسُ مُتَامَّة). It has nothing to do with the evaluation and appraisal of outside agencies except the inner self. He should feel satisfied which is the development of his personality make up, behaviour, attitude, belief and action. What has been given
enunciation above needs fuller understanding of the human psyche which plays the role along the two dimensions of exteriority and interiority with a keen understanding of meaning involvement and dimensionality. What we call extrinsic and intrinsic values; one is related to outerself and the other is related to innerself. If innerself is well equipped with its internal values, it can well keep harmony and mutual understanding with the extrinsic values. Thus these relations have been termed as "I" and "me", mutual relation by late Mead. ⁴

It is interesting to note that in modern psychology Muzaffar Sharief in his psychological researches unconsciously has given the very connotation of (نفس امارة) in terms of ego involvement. In every minutest act of adverse and nihilistic type, the ego (نفس امارة) is always associated and given persuasion to do these acts persistantly. When ego of this nihilistic kind lacks in action, the (نفس وماه) does its job of checking and balance which has never been given any reference by Muzaffar Sharief. Neither Muzaffar Sharief or any other psychologist has to say any thing about (نفس مطبوقة) which is specific with the psychological system of the قسم.

Muzaffar Sharief,⁵ has given information about the meanings and value of human psychological system but he in his another book which specifically deals with norms and values of human psyche has

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⁴, G.H. Mead, Mind, Self and Society, Chicago, University Press, 1934.

nothing to say about the ideals and ideas involved in (نفس نوامحة) the apex of which has been attained to the extent which Quran calls (نفس مطميه). This is again a Quranic contribution which can be acquired through close coherence of Quranic precept, values and directions.

"Guide us on the right path". (1:6)

SOCIOMETRY:

"We pray Thee and seek Thy help" is a mental therapy which can eradicate all wickedness and egocentric maladies and this can help us to give an understanding that men are servants of God. By so doing he finds himself equal to others with a psychological development of social self running as undercurrent with his own ego-involved self. Automatically this is the real direction of the development of self which he was unable to know that his individual self was not alone in every bit of his structural functioning of egocentric self along with personal identity and "I" involvement. We, Me and Social self are intertwined. Seeking help from God means getting himself coherent with his own fellow beings, whom He loves very much. With this procedure he is capable enough to attain the pleasure and love of God. According to common sense God loves those who love His creation. One of the Directives of God in Quran runs like this:

(أَلْعَمِرْنَ) 

"Who restrain anger and pardon (all) men for Allah loves those who do good". (3:134)
CHAPTER VII

TAXONOMY OF CRIME

Meaning

The germinal point of philosophy of crime and the science of crime is dependant on the idea of avoiding man from stigma and victimization. Consequently there is no term criminal in case of violation of rights and duties. The Quran is prone to use offender rather than criminal. The term criminal is used only in cases of disobedience against Divine Laws. Even in such cases the Quran never intends to defame and stigmatize individual. It is only used in collective sense, e.g. (تَمْرِيرُ) or (تَمْرِيرُ) etc. Undoubtedly the Quran has thrown light on criminal cases like murder, theft, fraud etc. They are not used as used in the present day criminology. They are not crime but violation of moral and Divine Laws. The scholars who have written books on crime like (イスラーム・ミヒム・イスラー) have failed to maintain the Quranic concept of crime; because murder, theft and so on so forth are treated by them as crime rather than offence. We will discuss them in detail separately, all the crimes so far discussed by the Quran. If need be we will also discuss the punishment, suggested by the Quran with their logical and sociological consequences.

Before we undertake the analysis of each crime, we would like to say something about taxonomy. It means the classification of crime. The Quran divides crime into capital and small crimes.

Both of them have their own consequences and social logic, e.g. murder has been taxonomised as capital crime because this crime destroys the very root of the family and once for all annihilates the very root of the gen and pedigree whereas fraud destroys the human personality and it loses the very flavour of moral living. The crime will be discussed in the next chapter as follows:

The murderer knows the consequences of his crime. Before committing crime the criminal is sure to live a disturbed life. He cannot decide what to do and what not to do. These days of suspense and rivalries are very hard for the criminals. He cannot adjust always remaining an imbalanced life struggling, fighting with moral code of life and with those ideas which are full of sentimentalism, revenge, hatred, malice and anger. In such a situation he is unable to come to moral and normative position. Really speaking, the period of waiting to take revenge and to adopt moral attitude seems to be impossible, dominated by the desire for killing the person concerned. To presume moral teaching or controlling through moral principle in normative position seems to be a way which will not lead to some meaning and satisfaction. He will seek chance for killing the enemy. These facts have not been taken into consideration by eminent criminologists, jurists, judges and authorities who are concerned with the treatment of criminals. The murderer really is satisfied only by killing the enemy. Normative principle can be successfully applied only in jail when the criminals are in custody. The criminal's desire is to shed blood. Blood can only be eradicated after the drama is over. No criminal and no authority of jail can supply us any example of the satisfactory
working of this principle before commission of crime. When they were in jail the record shows they were highly turbulent, irritative, ready to kill themselves or others. Normative principle always failed in cases of revenge and sexuality. There are many cases of killing enemy being very severe, and merciless, when sexuality is the main cause of murder. Sex criminal usually finds sentences for long life. We have no record of the murderers of various types who committed crime on some causes. We are sure that in cases of property, land ownership, drunkenness, narcoticism, revenge and hatred, the murderers have never been cruel and terrifying, as the murderers who committed crime on the basis of love. Women have been highly dangerous source for murder. In these cases the criminal always uses knife and dumb iron material, sword, and axes. He attacks on head or he will take the enemy to some corner or he will lay down the enemy on some high place putting his head on some high level, throw sword on his neck like the slaughter of a goat or a cow. Such criminals are hardly doubtful to be treated on moral principle. They will always remain immoral, peevish and irritated. During sentences and hard life in jail they are nothing but turbulent, even to beat the jailor and those who look after them. In such cases if crime is proved the Quran stresses that they should be killed in the compensate.

There are many ways of killing the murderers. In Europe murderers are killed by bullet, but in other countries there are many ways as described by Dr. Abdul Aziz Amir. Keeping these methods of crime, the Islamic legal system suggests many ways of punishment. Whatever may be the case the philosophy of Quran suggests many ways of penal punishment.

The predominant method is beheading. In this paper we are concerned only with crime leaving aside penology. Consequently we leave penology which according to scientific orientation is a different field of knowledge. The criminology of Quran is a specialized field. Inevitably the Quranic criminology is well established according to scientific orientation. However it is divided into two parts i) dealing with the crime and the other ii) with penology. Our concern is with criminology not penology. Consequently we are meant to discuss crime problem maintaining the processes of ways and means of crime, the personality of crime, the causes and typology of crime and finally the criminology as a social problem. Quranic concept of crime in contrast to European crime differs in philosophical outlook, personality traits and the situation which instigates to commit crime. A murderer will not jump to commit crime instantaneously. He is always in pursuit to understand the situation. Modern criminologists neither took to situation nor to personality of the criminal. It is haphazard to say that night is the best situation for committing crime. It is also absurd to say that in hot season always murder takes place. There are misconceptions and false assumptions more or less conjuring type of thinking about crime and resultant punishment etc.

Modern criminologists do discuss about the personality of criminal. To our mind most of them have done nothing except conjuring. We personally do not know what system of evaluation

3. Ibid.
follows for understanding criminal personality, nor there is any measurement or psychological testing available to know the type, the attitude, the mannerism of the criminal. Moral and normative systems which are followed by the psychologists are not applicable in the case of criminal. No one stands equal to the high level of psychometry and intelligent quotient than the criminal. They always possess high intelligence quotient. This specific quality is to be utilized by providing some useful trade allowing them to cure their aptitudes and creative innovation. In jail under healthy psychological environment, the criminals are to be provided psychological lesson and moral principles. Morality in its simple and rudimentary form will help the criminal. We definitely know that this age is the age of moral and spiritual slackening. On the basis of our visit to some jails we came to the conclusion that the criminals, however terrific and brutal, they may be they have special liking for God. They fear God, love God, they pray Him for salvation and wishing to be free from the vulnerable life of jail. In such a situation arrangements should be made for teaching religious precepts.

Insipite of advancement in criminology, the criminals are not treated according to type, behaviour, cultural trait and physical environment. What we mean is that care should be taken in treating criminals by locality, personality, trade, way of life and cultural outlook. The criminals are prejudicial. They do not like criminals of other outlook, way of life and way of thinking. Our universal teaching is not sufficient. The criminal should be treated in accordance with the cultural mentality, mannerism,
etiquette, way of living and thinking according to their cultural mentality. There are evidences that criminals created havoc after release when they felt something contrary to their own culture. Our idea is to emphasize that neither the criminal problem nor the ways of treatment are in conformity with the cultural milieu and cultural mentality. This is very unfortunate that in the jail tracing the basic fact of ego involvement, personal trait has never been given expression except attributing some alien facts related to prisoner. Prisoner always revolts when he feels that personality, customs and traditions are ruthlessly violated. The criminal of Pakistan is totally different from the criminal of Europe, America and other parts of the world. He is the son of the soil. He loves his own social order, cultural patterns and everything material and non-material.

To be short it is to be stated that criminals cannot be categorised as one and the same. There are multivariant types, different from country to country and culture to culture. This important fact has not been maintained by the scholars of crime. Nothing to say of cultural differences, indeed they are to be differentiated from localities of the same country.

These facts indeed influence the life and behaviour of the criminals of the same country and the same culture. Crime is a universal phenomena but crimes and criminals differentiated as they are, both of them are certainly particularistic. These facts which are unknown to modern scientific criminologists have well
been observed by the Islamic system of criminology, based on Quran.

In this connection one more fact between Quranic criminology and the modern one is that Quranic criminology knows no stigma, Criminals charged as they are not stigmatized as criminals, but they are simply referred as offender. In Urdu they are called Khatak (خطکار). Mujrim ( مجرم) is simply a charge which instantaneously deranges him from high place to the lower one. Quran calls man as Khalifatul Arz (خلافة الأرض) and this position is not to be annihilated in scale of life by virtue of the commission of constant illicit act. Preserving his prestige and honour the Quran calls him Khatak (خطکار), amenable to correction and improvement in order he may be able to resume his role in the society whatever may be the type of crime. The criminals are meant to function as a social being, the innate characteristic of man being a social functioning creature. There are different types of criminals, and all of them are deviant and failure in observing the social milieu and their plan in a society according to their function and specific role in society. In all ramification they are servant of society and it is the society which makes them perfect in their psychological aptitude and spiritual context. Man is not merely a psychological being, but he is more than psychological being - he is out and out spiritually endowed. When these involvements are decayed and lost, he really becomes a vulnerable person, degraded in all framework of reference -
social, psychological and spiritual.

Allah has sealed their hearts and their hearing and there is a covering on their eyes, and for them is a grievous chastisement. (2:7).

Modern criminology talks very loudly about the crime in terms of malicious social environment. Man according to Quran, is directed to commit crime when he loses fear of God and Iman (إِمان) the basic elements of human action and behaviour according to meanings and objectivities. Having lost these meaningful orders of life according to Quran he loses the sense of discrimination and power of understanding. Not only lost in wisdom but he really becomes blind for not being capable to observe and calculate according to his empirical and epistemological standard. Such a judgment of the Quran is a fact made available to use by the study of criminal action and behaviour. While committing crime the criminal simply becomes run down in all aptitude of mental balance and power of sense. Read again the Quranic verdict and discover yourself what a great lesson has been provided about the character and action of behaviour which can not be available in voluminous detail, provided by the criminologists. 4

It is really very difficult to deal with all the crimes and hence we will concentrate our attention on some of the important crimes.

4. op. cit. Reckles, 'Criminal Problems'.
Crimes form part of Islamic culture. Crime and penology go hand in hand. We have paid attention on some important crimes under the matrix analysis of sociology. One more feature of Islamic concept of crime is to be sedulously observed. Crime has been treated under the perspective of Islamic major premise. One more thing to be taken into consideration is that the crime should be treated under the category of crime but in most of the cases it is treated as moral deviation e.g. trust is a moral violation but in Islam it is often treated as a violation of social order of great importance. It creates imbalance followed by moral turpitude and social cultural disorganization, culminating into criminal act and behaviour. While treating crime, we have omitted penology, because it is a speciality requiring vast study. Under the Islamic culture penology and criminology go into togetherness. More correctly it is to be stated that both are interlinked and overlapping. A lot of literature has been produced in this specialized field of knowledge. There is a difference between the concept of crime in Islam and the West and this is due to differences in relation to culture, cultural mentality, world outlook, and spirit of the age. With selected crimes omitting penology, this dissertation gets formation and adumbration. We will start first with the major crime of murder.

5. These ideas have been derived from the study of Quranic Surah Al-Asr. No commentator has dealt the Surah with the view point of modern thinking. Late Doctor Fazlur Rehman Ansari wrote a small pamphlet on this subject under the title of (سورہ عصری عمران الفتح) (الفتح) by Maulana Maududi. His commentary on Surah Asr, pp. 449-450.
Murder

"And kill not the soul which Allah has forbidden except for a just cause. And whoever is slain unjustly, We have indeed given to his heir authority—but let him not exceed the limit in slaying. Surely he will be helped" (17: 33).

Whatever may be the cause, the Quran directs us not to kill any human being. Killing is a heinous act, not by virtue of law, but every human soul is a respectable soul, for according to Quran he is vicegerent of God superior in regard to all creation of heaven and the earth. By killing him man commits serious mistake by devastating the person who might have been serviceable to society. Depriving him from life means depriving the society to derive benefits from his activities which might have been excellent and he might have done the service of receiving manipulating and transmitting the culture. Among the many facets of culture, the one which is very significantly important is the expansion of Islam which is a necessary function of every Muslim. Murder in Islam has been treated not something as an act of butchery. It has an ideal behind and with the loss of the soul, break is sure to take place in the propagation of the ideal, the establishment of Tauheed.

Paradoxically enough with the loss of one person we might feel that one person has been lost, but in reality the entire pedigree is lost. The one individual who was sure to marry and give birth to children and each of the child would have been the messenger.
"Whoever kills a person, unless it be for manslaughter or for mischief in the land, it is as though he had killed all men. And whoever saves a life, it is as though he had saved the lives of all men" (5:32).

Murder in a political system is a crime and without exception it has been treated as a sin by all religions. In contradistinction to them all murder in Islam has been treated as a vulnerable act detrimental to the prestige and honour of human beings who are created very high in the scale of life, far more superior to all the creation of the heaven and earth. With this dignified concept murder is not dealt as something of killing a man whatever may be the cause, on the contrary murder is treated as detrimental for the entire society and the pedigree of human race. Seemingly one person is killed but one person is a multiple person because he is sure to create a series of individuals who with the process of reception transmit the legacy of Islam from generation to generation. In all the races of the world from time old to this day, murder is treated as an act leading to the loss of life of one individual, but they fail to understand that one individual is a social whole who is expected through the process of procreation to add individual after individual. Not only this concept of murder is different from the entire nations and cultures of the world, but penology too is distinctively different with definitive philosophy, superior to other races. The concept of revenge, compensation, and so many divisions, delineated by the criminologists have nothing to do with
the superior motive of Islam. Unfortunately, the scholars both in the East and the West never attempted to understand the real spirit of Islamic criminal law and the concept of crime. We are sorry to say that the scholars today are guided by the apologetic mentality and unnecessarily compare crime with that of the West. Our Muslim scholars guided as they are by the phobia of the superiority of western nations without any causality and logic compare the entire system of crime without having knowledge. A crime is either treated as an ideational philosophy or sensate one. As we have studied the western philosophy while preparing our present thesis, we came to the conclusion that criminology in the West is predominantly dominated by the sensate outlook attaching more importance to the values of wealth, women, and song. These four—wealth, wine, women, and song—are the cause of murder of the slightest instigation and provocation. We take the liberty to quote the following passage which is a true picture of the western situation delineated by us above.

"Studies by Wertham, by Abrahamsen, and by other psychiatrists, and by Gillin, a sociologist, have indicated that the individual's psychogenic make-up plays an important role in murder. Such factors range all the way from lack of control of emotions and symbolic frustration to paranoid symptoms of persecution. Gillin feels that murders are the result of an inability to adjust to normal life situations,"


harmful emotional experience in early life, and a crisis which was too severe for an unstable person to handle adequately. "Most murders are crimes of passion - explosive reactions to a difficult situation". Much of the attitude toward the employment of murder, however, is culturally learned for, as Brearley has pointed out, the value placed on life seems to vary among the different regions of the United States. 

Murders can be classified on the basis of relative role of personality and cultural traits to this type of crime. There are murders which result from a long period of hostility, those which occur in sudden anger, and, finally those in which subcultural factors play a larger role.

The first type that committed by the average person, is the result of a long smouldering emotional state which flares into a violent explosion. Most murders of this cumulative type arise out of neighbours and work associates, between husbands and wives or other close relatives or between former lovers.

Modern concept lags behind the highly elaborate and dignified terms of the Quran. The Quran in the above verse says that it is not legitimately justified and honourable to kill a soul, an idea which indicates that the person who was destroyed so ruthlessly was not a simple individual of flesh and blood. He had a dignified personality by virtue of his being vicegerent of God on earth. Nafs (نفس) has been interpreted by Allama Raghib Asfahani in two integral senses i) being personality ii) connoting the idea of self i.e. Zaat(ذات). A man who was so arrogantly destroyed had two endowments; one being the personality the other
being the self. Consequently, the murderer had to suffer severe punishment not because of devastating blood and flesh but on the basis of destruction of self and personality, the precious gifts bestowed by Almighty Allah for the service of human race. It is oriented with a social order and the cultural milieu, the chief exponents for attaining cognizance, knowledge, evaluation and catharsis. They are the highest sources for achieving the understanding of life which is given by Almighty Allah for homage and worship.

Our inference above is neither arbitrary, nor the outcome of any mental creation but rather we are given light by the Quran itself. It is not the blood and flesh with which the Quran has any concern. It is the soul which is a precious gift given by Almighty Allah to contribute in the field of spirituality, sociality and culture. If the soul is lost, every thing is lost. In the modern terminology it has to be interpreted as personality.

The problems of personality were not to be found before the advent of 20th century. At the present time psychology has to throw light on this problem which is the centripital force of the life and career of man in this world. In spite of accelerated rate of advancement, the problem of personality still requires much understanding. It is the material outlook which based the entire problems of personality. Nobody ever took pains to delineate the polarity and constellation of the personality of mankind. After the second world war the psychologists took into consideration the componential part of personality of mankind which is inter-connected with the most important part of society and culture.
Prof. Sorokin took to this problem with critical vision and deep insight. By writing book under the title of 'Society, Culture and Personality', he has added much more to our understanding. Prof. Giddings in the last chapter of his book on Sociology emphasizes the objective which is to be attained by man and necessarily to be taken up by the sociologist as the final end of sociology. It is to guide mankind to attain personality with reference to society. He also added that the development of society is entirely dependent on the subjugation of nature. Prof. Sorokin stresses the development of personality in terms of society and culture, whereas Giddings laid emphasis also on the subjugation of nature. These three i.e. society, personality and culture are correlated by the Quran with the necessary objective of attaining the mastery over nature. The Quran lays emphasis also on development of spirituality which has been neglected by the modern scholars in the fields of sociology, culturology and psychology. It is evident from the Quranic verses that the problem of personality is not the exclusive problem of mankind. Heaven and earth are also given personality but in different connotation from that of man. Man is sovereign in all dimensions. Therefore the personality of nature is dependent and subservient to mankind. What the Quran has said about the problems of personality with regard to nature has been in recent and contemporaneous time taken up by Kluckhohn, who has written a sumptuous book under the title of Personality in Nature. (Loc.cit. Sorokin, 'Society, Culture and Personality').

10. See Surah Abraham, verses 32 and 33. "He has made the ships subservient to you to run their course in the sea by His command and He has made the rivers subservient to you. And He has made subservient to you the sun and the moon, pursuing their courses: and He has made subservient to you the night and the day". (14:32-33)
The problem of murder and its concomitant part, the penology should be taken in togetherness. The punishment which is given by the Quran in relation to murder is to be understood under the logical causality and philosophy as delineated by our jurists. Paradoxically enough, the punishment given by the Quran in relation to murder is full of mercy, dignity, and honour. The murderer is not at all treated severely and he is not stigmatized like the modern system, common both in Europe and America, where the murderer has to go to electric chair, a punishment which is highly brutal and lacks any sympathy to man who is equally been given some merciful and compassionate consideration even by the Christianity, which has got so nasty opinion about the world and the life of man on earth.

This is the one example of atrocious treatment in the so-called highly developed countries in relation to crime. The same precedent is sedulously obseved in other capital crimes called by the Quran as Gunah-e-Kabira (گناه کبیرہ). We should differentiate between Jurm and Gunah i.e. crime and sin. The Quran is reluctant to call all the so-called crimes victimized by the law, under the caption of capital crime. As already stated in the Quran, terms as Jurm (جرم) and Mujrimin (مجرمین) have been constantly used in relation to those persons and nations which rejected the messages of Allah and deliberately and consciously killed His messengers.

with utmost tyranny and butchery. 12 As a sinner, he is liable to be excused and amendable and not to be victimized and stigmatized. 13

The Quran under the dignified expression (اللهاتِ مَلأِيْبَلِي وَلَا أَنْتَ مِنْ الدُّجَّالِينَ) strictly prohibited not to treat any human individual in a way which is a means to annihilate his personality, the highest gift given to him by the Almighty Allah. So dignified he is in contrast to the entire creation of heaven and earth that even angels were made subservient to him. In support of this contention we quote the Quranic verses as under:

\[\text{وَأَنَّمَا نَفِّسُ الْمَلَائِكَةَ إِلَّا مَعَ اسْتِحْدَادَهُ وَأَنَّا مَعَ الْجَبَّارِينَ إِلَّا إِنَّهُمْ كَانُوا مُكْفَرٌ بِالْقُرْآنَ}

"And when We said to the angels, Be submissive to Adam, they submitted, but Iblis (did not). He refused and was proud and he was one of the disbelievers". (2:34)

In the modern age murder and other capital crimes have been treated without analytical classification. In the above paragraph following the discussion of the Quran we treated murder in general terms. In the modern age the murder of children is not treated

12. See Surah Baqarah, section 7 verse 61, cf. verses in relation to Bani Israel and Pharoah. (مَرْجَوٞ)

13. This is the common feature followed by police, while conducting investigation with other authorities. Before the criminal is legitimately charged as a criminal, he is so treated throughout the period of investigation in terms of high atrocity and without regard to his feeling, honour and prestige. Most of the criminals cannot tolerate victimization and finally they become ill tempered, nervous and totally run down in temperament. These factors are more serious than the jail punishment. The psychologists of crime and criminal who are prosecuting researches in Germany on this particular aspect, they have come to the conclusion
something serious. Many forms of killing of children are the order of the day. Under some pretext or device, children are killed merci-
cessly. In the case of birth control, the devices followed seem to be free from any stigma. The pretext which is taken seems to be the result of the concept of saving the life of the pregnant women. The second objective seems to be very judicious, as it is intended to avoid increase of population. The idea behind is to make modern generation safe from all sorts of melancholies such as poverty, paupery, economic crisis, unemployment and above all from danger of epidemic diseases, national and international, political, social and economic crises. Such antagonistic social philosophy is contrary to the highly moral, spiritual and humanitarian philosophy, Against such a type of thinking Allah directs His prophet thus:

َّنَّمُنْ نَّصَرُكُمْ أَنْتُونَا مَحْمُورَةً بِرَبِّكُمْ عَظِيمًا َٰكُمْ نَّسِمَا ٍّ
 ٍّبِلَاٰدَكُمْ يَا إِبْسَالُ أُلْدَعُكُمْ آَمَنَ بِهِ رَبَّكُمْ إِنَّا إِنَّا
 ٍّسَرُّكُمْ وَيَأْتِي مُهِمًا ِالنَّاسِ

"Say: come I will recite what your Lord has forbidden to you. Associate naught with Him and do good to parents and slay not your children for (fear of) poverty - We provide for you and for them.......(6:152)

that such a treatment is neither honourable nor legally legitimate. Punishment does not mean distortion of personality. At any case the personality of criminal is to be respected and on account of crime there is no right to throw him in mental agony and blasphemous condition of life. (We have taken this note from the extract published under the name of 'The Society' a German magazine. The duplicate copy is published in English, from Colonge. The extract is from the review given in relation to a German Research Book under the title of victimization by a German authority on the problem of crime having wide experience and knowledge as a police president). Stigmatization is a detrimental practice followed by police in charge of criminals delegated with the duty of investigation of the criminal. Before he is charged by the court as a criminal, the police allows thrashing, beating, abusing under the hideous practice what in police terminology is called Third Degree. This

(continued on next page)
The Quran vehemently condemns those arrogant and irrational personalities who think that they will derive benefit and will be able to be economically sane and they erroneously think that they have done an act of feasibility by killing children. The Quran says that they are mad and their lives will be a stigma for the vicious act of killing children. Children are progenitor, because each of them are a source of transmission of culture and continuity of generation. Such an act will come to an end. Not to kill is the imperative law of the Quran. Children are to be looked after saved and protected. They are the model of why, how and what of life. One among the best sense it may be remarked that they are the portrait of meaning of life and the creation of man. The very verses about the creation of man state that man will be functioning in terms of reception, manipulation and transmission of culture on one hand and on the other they will be the interpreter of their practice is followed even by irregular police, called in criminal terminology as white cloth investigator. (For detail see Mannheim 'Police Criminal and Judge' cf. Chuttey, 'Probation and Parole'). From beginning to the end of investigation the poor criminal has nothing to feel and suffer except stigma. Such a criminal always before getting sentence goes to mental lethargy atrophy, melancholia, hallucination and finally those criminals who are unable to tolerate such a treatment, take refuge in suicide. Long ago the French sociologist Durkheim who wrote a book on 'Suicide' called this type of suicide as altruistic suicide (see for detail the English version of the German magazine the 'Society', Stigma has been discovered by the German scholar who conducted research on this particular topic and so he persuaded the police authority to pay respect to the personality of the criminal and treat him honourably.

14. Killing for the sake of sustenance has been prohibited. Sustenance and provision of food is the Divine gift. One who claims that he has a right and might for the provision of sustenance and means which is the only prerogative of Allah, is a Kafir. He openly revolts against the authority of Divine providence. Provision of means and sustenance is the promise of Allah and every one will get it as long as he survives from cradle to grave, so much so provision of sustenance is provided to the child who is still in the womb of mother. Malthus being the Christian openly rejected this Divine blessing while all the religions have recog-
philosophical relations with space, time and causality. Under this precept time and space will continue and for this reason Quran and Hadith both teach us that man should not condemn and abuse time. One of the Hadith says 'Do not condemn and do not abuse time' (لا استرالاه). In this way the Quran solved the intricate problem of why and how of man's creation, space, time causality and so on and so forth. These two problems had always been the headache of the intellectual leaders about their relations up to this time. 15

One of the historical incidences is the killing of female child. The anthropologists point out that the killing of female child is the oldest tradition. All the savages and the primitive people audaciously maintained this very type of killing as a blessing to achieve their gods and goddesses. Before the advent of Islam this was the common feature. With the advent of Islam, the first thing was the prohibition of killing female child in all generality under the analytical imperative law for killing man whatever the cause may be. Under any pretext homicide was not allowed. 16


16. For detail provided by the scholars of anthropology see Kroeber:Anthropology', and for this type of crime see Philip Hitti, History of the Arabs'.

Retaliation or Qisas (قتصاص)

"And there is life for you in retaliation, 0 men of understanding, that you may guard yourselves" (2:179).

The term Qisas, as the translators and commentators of Quran discussed, referred to many facts and shades of reality which have not probably been understood adequately. The term Qisas has always been referred to by them as an individual act. As a result of this connotation Quran suggests the punishment as given expression in 2:178. This explanation conveys the sense of society in individual. In that context the Quran suggested the punishment, which is given further explanation by commentators. Society in individual is not a new concept. Quran on the basis of sociologism, allowing the individual liberty justifies that the punishment should also be individualistic. Individual in society according to the Quran is a false assumption. The Quranic logic in this framework of reference suggests retaliation. Keeping in view the spirit of those days which is called dark days Quran has invited the attention of the scholars that individual in society is a false concept.

The fallacies about the relationship between individual and society gave rise to various theories which were repudiated by the Quran. The history of civilization in a recent study on humanitarian line undoubtedly added some knowledge about these
problems but none of these scholars has taken a real view. The society in individual is a social fact which is for the first time made available through Quran. Individual in society is a false idea dominant in medieval ages. Knowledge should be communicated through the logic and social realism which his hidden in Quran. Maintaining this view the Quran treats the individual murderer as a violator of society and he should therefore be tried in that frame of reference. This is a concept which is true and based on sociologism. Keeping in view, the society the Quran suggested that it is the individual who should receive punishment as he by his entirely corrupt act has thrown society into a converging position and devastation. Punishment and all activities should be carried out with reference to society. In this way the Quran has given a new direction not only in criminality but in all practical realities to recognize the collective behaviour of mischief mongering as Fasad (فاساد). Sociology of individual in society is the dominant concept of the Western world. The entire period of dark ages was based on individualistic philosophy. Not only to say that, the men like Bentham, Mill and the scholars who were prominent in this field, developed the idea of individualism. It received domination not only throughout the period of 18th century but the source of devastation for entire society and politics. Thus all the theories of the West were caught with the concept of their dominant age. Quran rectifying the mistake, suggests that persons individually and collectively should be treated on the basis of society.
If an individual is beheaded on the commitment of murder he should be treated on the basis of the idea that individual by killing one individual has not a simple task of killing the individual but he must have a social treatment. Murderer kills one man but seemingly this situation creates societal and normative orientation. He kills one man with the consequences of destroying the possibility of generation to come.

The decisive philosophy of penology is based on the idea that not one individual is taken into consideration but it is the society which suffers great loss. On the basis of this philosophy crime is seen with the societal, cultural, religious points of view. The entire societal phenomena is nothing but the result of individual action and hence the jurists and judges in all the cases should keep in view the involvements of societal and social phenomena. The sexual act which is entirely individual, even here the Quran emphasizes the involvements of cultural, societal, and axiological base. Murder, prostitution, homosexuality, theft, dacoit, revolt, everything in short in all depth and level seems to have been amalgamated. Consequently society works in all patterns and ways of life. On this score law and courts, judges and pleaders cannot and should not falsify and omit the particular emphasis on social living. The above analysis is the result of Quranic directions given in all the verses which are related to human societies and cultures. The entire bulwark of Quranic criminology rests on the principles of society, personality and culture. It is regrettable that nothing to say in the past, even today the
sociological background and functional and structural facts are totally avoided in all considerations of law as a system of society and culture.

"O ye who believe! The law of equality (Retaliation) is prescribed to you in cases of murder. The free for the free the slave for the slave. The woman for the woman. But if any remission is made by the brother of the slain, then grant any reasonable demand and compensate him (For Blood Wit) with handsome gratitude. This is a concession and Mercy from your Lord. After this whosoever exceeds the limits shall be in grave penalty". (2:178)

In the foregone paragraphs we have sufficiently dealt with the retaliation problem. The point which is to be given some consideration is the problem of payment of retaliation. The general rule is head for head, death for death. This universal law has got an exception. If the murderer's relation wishes that murderer should not be killed, he/she will have to pay money in lieu of death sentence. The logic of the sentence is to kill the murderer and in case of freedom some money should be given. Naturally money cannot be the compensation of the lost life. The sentencing authority, the government, will have to follow the imperative law. But the government can go away from this act of death for death. The murderer's relation in order to avoid death punishment, if they make payment in lieu of sentence, the Islamic law permits to do so. The logic
behind this situation is that in all probabilities the aggrieved might be in stringent situation. The money might be helpful in rebuilding the niggard situation. The logic of this act is to be seen in the economic policy of Islam. Islam is a welfare state. The solution of economic problem is the ministerial function of the Islamic government.
Prostitution

Modern anthropologists and scholars of socio-cultural sciences maintain that prostitution is the oldest profession of the world. We think that sex aberration and free promiscuity were the common features in most of the primitive people. For instance in Hindu culture we see the sexual type outside the wedlock was the part of their culture. In the entire period of Vedas, we find that the institution of prostitution was a necessary corollary of their culture. This fact has been well illustrated by Bushan, Westermark, Hobhouse and Lebon etc. The entire Hindu culture is divided into sex and sub sex system, classifying them into three main types, Brahmin, Khatry and Shudra. The first two are called higher types and the last one is treated as a lower type, allowing no freedom to move about. To classify this point we would like to state here that while Brahmin is going on in the street, the Shudra must hide himself instantly. In most of the primitive races called civilized, sexual freedom was allowed on the pretext of some fabricated concept or ideology. Vis-a-vis this type of common feature the religious prostitution was also found there. In the modern time Beni Prashad in his doctoral thesis in relation to democracies points out the sex was sanctified and free promiscuity and sexuality was permissible.

18. It is commonly stated that in the Hindu culture there are three sex types but Professor Malinowski and Lebon are of the opinion that there are immumerable sex types in the Hindu culture (see for detail, 'History of Human Marriage;).
19. See Lebon, Indian Civilization.
20. Mukerjee, 'Races and Cultures in India
We are not writing a thesis on sex and in that framework we are concerned to say something about crime keeping in view the Quranic laws of sexual freedom and restraint. Nothing has been written on the problems of sex except the details provided by jurists. They have done full justice to this topic and many books have been written on this subject in the modern time for the direction in relation to sexual culture. Many Ulema of Egypt have taken liberty to conduct research on this problem. 21

It is to be pointed out that sexual deviation and illicit sexual ties have been declared by the Quran as a sin ( جناة) rather than treating the subject as عرفة (حرم). On the basis of our own thinking on the subject we are guided to refer sexual deviation as Günah ( جناة) which is in the light of the Quran a mistake and violation from the imperative laws of the Quran. About the inference above we can submit the following verse:

"And they who call not upon another god with Allah and slay not the soul which Allah has forbidden except in the cause of justice, nor commit fornication (Adultery) and he who does this shall meet a requital of sin' (25:68).

Islamic states are bound to follow the imperative laws of the Quran. This is the basic point. An Islamic state has no right to change the Divine imperative law in the ordinary sense

21 Et Passim, Dr. Amir "Islam Men Jurm & Taazir".
treated by the civil government. In this relation which is to
be observed by the Islamic state is that the acts of violation
of the types of the cases above, the government is not at liberty
to treat such cases in terms of modern typology as ideational,
sensate and idealistic. The Quranic laws of the injunctions and
without following any analytical typology we are directed to treat
all such cases required to be treated in strict congruity with the
Divine laws. We quote from Quran in the support of this contention
as under:

"The woman and the man Guilty of adultery
or fornication, - flog each of them a hun-
dred stripes. Let not compassion move you
in their case, in a matter, prescribed by
Allah, if ye believe in Allah and the last
day". (24:2)

The above injunction demands that the cases which fall under the
categories of Gunah-e-Kabair (گناه کبیر) they are to be treated as
a Divine imperative law allowing no Taweel( تاوکیل) except follow-
ing word by word any syllabul by syllabul in strict congruity
with the content and meaning provided by the Quran itself. All
laws of Gunah-e-Kabair are Muhkamat allowing no interpretation
outside the meaning of Muhkamat.

The verse above requires some comment as it has indicated
some points of reference of manifold importance. Zina cannot be
treated as a civil law nor it is possible to be placed as a social
evil as done by the scholars of social sciences and modern legal
calumny are to be treated in strict congruity with the Quranic viewpoint. Modern criminology treats it as a simple civil law which is nothing but the direct violation of imperative law of the Quran.

The Zina committed by a man has been divided in the modern time into two kinds. If it is done with a virgin girl, it has been given the name of fornication and if it is done by a deflowered woman it is called adultery. These two cases are treated differently. The punishment in case of virgin girls is more severe and harsher than the cases of adultery. The modern law in both the cases has taken an attitude of leniency. In contradistinction to this situation, the Islamic law has taken a unanimous attitude. Zina and prostitution are treated as Gunah-e-Kabair and punishment in both cases is given on the same basis, as imposed by Divine law. The unanimous treatment and punishment has its own indifferential attitude, whether this crime is done consciously or unconsciously or under the pressure or under mutual agreement of the two parties. According to the Quran it is a violation of Divine law, morality and sociality. The question of this attitude of Islamic law needs understanding. Modern law takes the attitude of leniency and thinks it is nothing but simple deviation in terms of moral or social turpitude. Islam has taken multidimensional attitude in terms of deviation of sociocultural life which is an important factor, because the corrupt women put an end to the continuity of generation and identity in terms of personality. The illegitimate child looses the value of personality and simply becomes an unwanted child, what in ordinary parlance is
called Harami (بُنْث). Thus he has no other alternative except to live as unwanted child or to kill himself. The women under the western culture become unmarried mother having no other alternative except to live deserted or to become a street girl. Consequently, Zina in Islam is a heinous act. The sin committing women have the opportunity to enter into ordinary life if the adulterer agrees to marry. Islam presses the adulterer to take her either willingly or unwillingly as his wife. The idea is to allow both of them to continue the process of progeny in order the continuity of children remain unviolated and without stigma.

Sex deviation has been a known phenomena all over the periodicities of human history. But prostitution came into existence with the development of cities. We are unable to understand how the writer of 'Oldest Profession' calls prostitution as the oldest one, in case we do not find this institution in primitive folks all over the world. All the anthropologists and those who are authorities in rural sociology never hinted that these people were accustomed to enjoy sex life with a girl on payment. They certainly hinted that villagers and the primitive people had sex enjoyment in privacy and secrecy, having full knowledge that their cases if become publicised they will be excommunicated, chastised and thrown from all the ties of the community. Louis Mumford points out that the prostitution or professional girls came on the arena with the development of city life. This point has also been given enunciation by the sociologists who are preoccupied with the study of rural life.

22. See for detail Barnes, 'New Horizon in Criminology'.
23. See Landis, 'Rural Sociology'. Cf. Thomas and Zanancike 'Rural Sociology'.

The Arabs at the advent of Islam had no prostitution, however they used to talk about the corrupt girls in their festivities like Ṣakaz (ساز). It means they were accustomed to enjoy women by enchanting them or by pressure. The Quranic laws have no concern with these typologies. Taking in view the deviant character of mankind, it imposed in universality the law in case of sexuality in order to avoid illicit ways in sexual life after they have been given chance to enjoy sex in an orderly and meaningful way. Sex in Islam is not a private affair. Undoubtedly in every act of sexuality two persons are involved but in consequences it has an action and counteraction on society covering three dimensions of time; present, past and future. These three dimensions contain three factors in terms of conservation and expansion of sexual energy for the development of progeny and generation. All the laws relating to eligibility and prohibition of sexual life have their own involvements in terms of development of personality and completion of sociocultural machinery. The child is born under a social and cultural milieu with the cooperation of two persons socialized and acculturated, guided by an ideal under the aspiration and expectation that the child will be the recipient and transmitter of culture in future. Such an ideal is certainly devoid of the idealism, necessarily involved in the phenomena of sociality and acculturation. Such an high ideal is not to be found in any philosophy like Hinduism, Christainity and Judaism. In reality under the pretext of religious sanction of sex, all of them have not only debased sexual morality but the entire system of religion. Islam stresses that marriage is necessary and with the completion of this act half of the faith is completed.
To avoid illicit sex relations, if there is no handicap or any deficiency, marriage is necessary. What is intended is to legitimize sexual ties, allowing the continuity of race. It has another logical and spiritual side. The increase of children thereby will be a source of expansion of Islam. One of the objectives of marriage is the continuity of race which will be the source of expansion of Din-e-Manif (دين منف). With this objective marriage is necessary in order to increase the race who will be the carrier of Din-e-Manif. In this way Islam laid down that the continuity in the human race by birth should be the necessary corollary of the expansion of Islam, and for this purpose marriage is necessary for a man.

Prostitution is entirely an urban crime. In rural areas it is hardly known. By chance if any one commits wrong in relation to sex or if any girl accidentally is found to be a prostitute, the villager will not allow prostitute or the person who committed adultery, they will promptly deal with this situation. The girl is killed by the angry mob and the person found committing adultery will either be expelled from the rural area or he will be killed instantaneously.

Denouncing Zina, Allah cautions in Quran as under:

"Nor come nigh to adultery for it is shameful (deed) And an evil opening the road (To other evils)" (17:32)
We quote Maulana Maududi's comments on the verses quoted above in his own words as follows:

"...Zina ke manqoob dikhane ho. As three hundred and fifty times Zina is the most hateful of sins, all the dire consequences have been mentioned in Quran for Zina. And as this verse points out, "And when one of you goes to his wife, it is only to seek her natural needs. And when one of you goes to his mother's sister, it is only to seek her natural needs. And when one of you goes to his father's sister, it is only to seek her natural needs. And when one of you goes to his paternal aunt, it is only to seek her natural needs. And when one of you goes to his maternal aunt, it is only to seek her natural needs. And when one of you goes to his wife, it is only to seek her natural needs. And when one of you goes to his mother's sister, it is only to seek her natural needs. And when one of you goes to his father's sister, it is only to seek her natural needs. And when one of you goes to his paternal aunt, it is only to seek her natural needs. And when one of you goes to his maternal aunt, it is only to seek her natural needs. And when one of you goes to his wife, it is only to seek her natural needs." This verse is a reference to the fact that Zina is a sin, and there are severe consequences associated with it."

Apart from murder, all the movements in sexual crime have been treated in a secluded manner cut off from the system of society and culture. The Quran declares that the legal system without the consideration of societal functioning is nowhere. Everybody knows that prostitution is entirely individual, but such an approach is the greatest mistake from generation to generation. No doubt, the guilt is paid. Both sides are in a situation of lust, totally unaware of the consequences of deterioration and loss of personality, society and culture. It is the society which is needed to be kept in view by all the persons who are concerned with the problem of sex and society. All deviants are to be tried proportionately with reference to crime. In this way the theories of law and crime are to be evaluated and judged.

Rape, Sodomy and other Sexual Offences:

In recent times many scholars mainly from the world of Islam have taken keen interest in prosecuting researches on criminology and penology. They have dealt with the viewpoint of Fiqh (فقه) while giving expression on crime and criminology. They have neglected some of the important criminal problems like rape, which is highly important in the issues and problems of the modern age. Rape along with other sex offences needs some consideration as an intricate problem of the contemporary age. Undoubtedly the Western criminologists paid attention to the acute problem of rape but they have not dealt with this problem in connection with Islamic world and Asia. Rape is a highly intricate and obnoxious problem allowing no safety to woman folk.

25. See Mebil and Merrill, 'Social Disorganization' Third Edition,
We find rape in most of the big cities of Asia including India and Pakistan. The girl is either persuaded or seduced or taken away by applying threat and force. Inspite of very few cases in Asiatic countries in relation to rape, however we cannot exclude it because in the modern age this is a problem which requires attention. Criminal laws in Pakistan and India have not dealt with this problem in detail. In sex offences this problem is so severe that the life of the women in great cities is in danger. Rape is always maintained for enjoying sexual act with a particular woman. She is highly reluctant to allow intercourse and in that case the man who rapes uses cruelty and in this situation death or severe injury takes place. We do not know what Islamic law will have to do in this case.

In all probability, the rape terminates into serious kind of sexual offence. The woman who is raped either kills herself or she might go to bazaar, because, according to Sorokin, the woman has no chance to live an honourable life. Under these circumstances if she takes refuge in the abominable ways of prostitution, automatically she is bound to face the same punishment as imposed by Shariah to those who commit adultery.

Modern criminology in connection with homo-sexuality has described sexual relation between males leaving behind the similar offence done by women. Both these types are unnatural and heinous through and through. The main idea of sex relation according to Quran is the continuity of race transmitting Islam from generation to generation. Homosexuality in all ways and means is detrimental and a source of agony to mankind. The entire problem of homosexuality
is to be seen in the ideal and the philosophy of sex categorically delineated in the verse of Surah Al-e-Imran given below:

"And from among you there should be a party who invite to good and enjoin the right and forbid the wrong. And those are they who are successful". (3:103).

"You are the best nation raised up for men: you enjoin good and forbid evil and you believe in Allah". (3:109).

Among the nations and cultures of the past the nation which has been selected as a model is the Muslim nation. They are model because of the ideal of integralism with a definitive outlook about good and bad. All the social problems and crimes are included under the highly elaborate term 'Maroof' (محرون) whereas the things which are detrimental for individual and society in the entire periodicity of future are included under the term 'Nahi' (نهي). What is intended is to develop society and personality in congruity with the laws and principles of Quran. With this polarity the Quran is the only material for developing a meaningful life. Consequently Maroof is to be interpreted according to universalistic and particularistic nature of Quran. Action and behaviour which are contrary to Maroof are placed under the term Nahi. Consequently, crime, whatever may be its genesis and nature, is to be seen under the direction of the term Nahi. In spite of universalistic and
particularistic nature, the Quran leads us to evaluate and judge under the term Maroof has nothing to do with the evaluation and judgment. It is not to be judged in the light of the human made values because according to the Quran man is not suited to evolve balanced and meaningful value system by himself. The term Maroof leads us to the conclusion that Maroof are those values which are divinely imposed for the meaningful existence and evolution of integrated life. Such a system is only available in the document termed as 'Kitab' by the Quran. For the evolution and meaningful development of criminology the Muslims are guided to take help from the meaning assignment of the highly elaborate term Nebi.

The verse above is the source material for the development of science of crime, the criminal behaviour, and the societal and social environment. For the source material again we are directed to focalize our attention on Maroof and Munkar. In this connection the Quran invites our attention on the dynamic nature of the crime. This dynamism of the Quran is the direct result of the ever changing condition of the society which is always in flux again due to the changes of time and space dimensionality. The Ulema of not only the past but even of the present and contemporary age are guided by the crimes which took place in the past period of our culture. They have no consideration for the new developments in crime in the present age e.g. we do not find any help for the wrong done by the emergence and growth of modern crimes like bribery, fraud, swindling, mis-appropriation and so many others. Modern criminology inspite of much development lags behind in treating the newly developed crimes.
referred to above. One more difficulty is the highly converging point of views under which the criminologists are guided to deal with the crime. These viewpoints are again conflicting and highly forfeit in understanding the true nature of the crime. It is the fashion of today to treat crime in terms of value conflict, disorder, and disorganization etc.

We presume that most of the scholars are unable to understand the integralistic outlook of Quran which is guided by the universalistic and particularistic stand point. Quran in generality is a book of guidance for the entire human race, whereas a nation which develops under the guidance of Quran and formed into a model is particularistic. Both these terms are derived from the Quranic Surah Al-e-Imran and Baqarah (see verse 3:109 and 2:143).

Having discussed the problem of crime demarcating prostitution at the helm of capital crime the Quran has given attention to the unnatural criminal behaviour without classifying as a crime which fall under Hudood (حبذ). The idea of treating homosexuality as a crime which is to be treated under the category of Taazir allowing men to treat it in the light of situation and time and space dimension. In some nations of the past and at present in England homosexuality has been treated as a sex satisfaction. The Quran condemns this practice in terms of social, moral, societal and

26. See Cuber 'Conflict in Society'.
spiritual deviation, requiring severe punishment. It is sufficient to point out that Quran puts homosexuality as an immediate source for turpitude and finally as the only cause for the decline of the nation.

"And (We sent) Lot, when he said to his people: Do you commit an abomination which no one in the world did before you". (7:80)

"Surely you come to males with lust instead of females. Nay, you are a people exceeding bounds". (7:81)

"And We rained upon them a rain. See, then, what was the end of the guilty". (7:84)

The classification of the Quran under the etiology of mental or social disorganization or disorder is the clear indication how absurd the theories of the West are that without serious analysis and deep investigation they attribute homosexuality and other sexual disorder under crime which are the result of disruption and disorganization. Such a treatment really is the outcome of the dominant cultural mentality which has been interpreted by Sorokin as sensate. One of the attributes of this culture is women
and wine. Consequently all the criminologists of modern age are guided by emotionalism and idiotic imagery. The same sensate spirit is the jarring note of all systems of knowledge. For example, the scholars of high repute like Toynbee, Sorokin, Northrop etc. while discussing the causes of decline of nations lay emphasis only on the rise and fall of sensate nature of man. In contradistinction to them all Quran finds out among many other causes the one which is surely the cause of decline is to be seen in sexual mentality.

The specialist in culture with reference to sex is the German scholar Dr. Avelling who treats sex as something extraordinary for the development of culture. All of them declare there is nothing spiritual and significant in sex behaviour in terms of morality or religiosity. In contradistinction to these fluctuating theories the Quran treats sex as a precious gift and spiritual reality to be preserved and expanded for the development of personality and culture. The Quran demands that the sexual gift should be used for the moral and spiritual development of man and for the preservation of human race. Thus there is no way of utilizing this potentiality through a secret tie of matrimonial relation.

Having dealt with the sexual crime we come to the crimes which are the source of deterioration of the society which is the highly important part of the Quranic discussion. The one which is the source of anomaly and disorder of society is dacoit and looting.


30. See P.A. Sorokin 'Social Philosophy'.
Loot and Dacoit

"The only punishment of those who wage war against Allah and His Messenger and strive to make mischief in the land is that they should be murdered or crucified or their hands and their feet should be cut off on opposite sides, or they should be imprisoned. This shall be a disgrace for them in this world and Hereafter they shall have a grievous chastisement". (5:33)

"Except those who repent before you overpower them; so know that Allah is Forgiving, Merciful". (5:34)

Both the crimes are potentially antagonistic to the peace and order of the society. The initial bearing is on the community life. Individual and the group having panic and passing time under the impending danger, the members as well as the entire community become disfunctioning. As a result of this, time, labour and money are wasted. Quran cannot tolerate the crimes which are source of danger to the entire society and thus devastating the order which is necessary for the smooth running of life of society. The above verses demand severe punishment and mercy should not be shown to those who are serious enemy to the society. In the entire fields of human, social and cultural order of the past and present no concern has been shown with society and the culture of society
"And (as for) the man and the women addicted to theft, cut off their hands as a punishment for what they have earned an exemplary punishment from Allah. And Allah is Mighty, Wise". (5:38)

"But whoever repents after his wrong doing and reforms, Allah will turn to him (mercifully) surely Allah is Forgiving, Merciful". (5:39)

Theft is a common criminal act, committed in both the forms, i) personal ii) collective. This form kof crime is detrimental to the society, because of direct aggression to men to whom the property belongs. While committing this crime the criminal is highly aggressive and shows no mercy. He is guided by personal benefit and cares nothing outside his own person. This attitude is inhuman and preponderating to this attitude, Islam is justified in its attitude of sentence and punishment. The men who commit the crime of theft always become ambivalent and egotistic. Consequently their attitude is not amenable to society. The Quran says if they revise their attitudes and give up theft turning themselves sociocentric they may be given some consideration, for laxity in punishment. Modern criminology suggests probation and parole but there is no change in the
severity and antagonistic attitude of the individual who commits this crime. In awarding sentences and punishment, the Quran rejects the attitudes of recompense, revenge and retaliation etc. Sentences and punishments are imposed with the viewpoint of social benefit.

In the criminal philosophy of Quran, those crimes and criminals are taken into consideration who are amendable on social grounds. Thus it is intended by the Quran both in punishment and mercy. The possibilities of socialization, acculturation, and internalization of the criminal is to be taken into consideration. If something is found in these directions, the Quran immediately recapitulates its attitude of punishment. Socialization and society are the main considerations in all crimes. As we have pointed out above in both sentence and mercy the Quran has no other consideration except the society and protection of personality; the two important factors of Quranic philosophy of crime and criminology. For a short while the criminal may lose his personality but at length it is the Quran which wants the healing and the achievement of the personality as viceregent of God. While he is in trial and after consideration by the court if he is going to get some punishment, lenient or highly tardy; in either case the Quran demands the reconstruction of the personality which is the main objective of the Quranic teaching. Among the various roles of the prophet, some are enunciated by the verse 3:163 below:

"Certainly Allah has conferred a favour on the believers when He raised among them a Messenger from among themselves, reciting
to them His messages and purifying them and teaching them the Book and the Wisdom, although before that they were surely in manifest error.

The above verse means the value orientation of society. The one in relation to individual is to build the personality of individual. Consequently every individual of the Muslim society should be free from stigmatization. The building of the personality along with group, communities and the entire society is to achieve the objective of thoroughgoing society. The modern Muslim criminologists while discussing the problems and issues of crime, overlook the basic fact of sociality. Due to the omitting of this point we are put in a hazy condition as to the logic, meaning and philosophy of criminal philosophy. This point of view is made clear by the major premise of the Quran in the story of Adam who was sent to paradise as a vicegerent of God, and accidently fell prey to the violation of the imperative law and as a result of the commission of this mistake he was expelled from paradise. He immediately sought the mercy of Almighty Allah and with the rejection of punishment he was again honoured as vicegerent of God for which he was initially assigned. These facts are clear indications that the personality of man is an important gift and this should be preserved. Man has been created to play the role of the vicegerent of God on earth and to pay homage to the Almighty Allah. The criminologists who talk about disorder, disorganization and deviancy as the main exponents of crime and criminal are the things which have been termed as dissimulation by the Quran with the revelation of the Quranic verses in relation to the advent of Adam as vicegerent of God on earth. If any mistake or something wrong takes place in man, it is the sheer negligence and timely mistake which is liable to
amendment and recompense.

Scandal and Slander (تست)

In modern age much respect appears to be paid to women, but there is no sincerity and homage paid to them. This fraudulent action has been condemned by the Quran. What is needed is that womenfolk should be respected as a social realism, e.g., scandal and slandering is the common feature in western civilization. Action and respect in verbatim are in conflict. The visible respect stands as coincidence in oppositota because it is due to Christian cultural mentality. In Christianity life is something which is to be treated as something profane and sedulous, whereas the life after death is highly valuable and much to be respected in contradistinction to the life of the physical world. There is no such dichotomy in the Islamic religion. Life or the material world is equally respectable and consequently the culture of Islam stands integrated. With the unity of this life and life after death the major premise of the culture of Islam stands validated. As a result the outcome should be the confirmation of the First Principle of Life, the Unity of Allah; that God is one (الله أحد) and there is no associate with Him.

"Say: He, Allah, is one. Allah is He on Whom all depend. He begets not, nor is He begotten; And none is like Him (30:114).

All cultures of the past and present stand in dualism and conflict. Their action and belief systems stand in opposition and antagonism to one another. The life pattern has nothing to do with
of them all. If they would have been derived the same result as that of Islam, there would have been the possibility of transcendental unity of all religions. At the face of definitive proof one takes the liberty to reject Schoun's conclusion. Islam by its own principles of unity stands above all of them. This is what we have from the Quran.

Modern criminology knows nothing about honour and personal identity of the women, who are aggrandized in all respects in contrast to their status in other culture e.g. scandal, the defaming of respectable women, is not a crime in most of the cultures Islam in contrast to them all gives them the highest place, honour and respect in the scale of life. They are respected and paid homage not allowing any charge of disrespect and violation of their dignity and personal status. Even, Islam cannot tolerate scandal and scapegoating, surrogating and nicknaming. All these actions are crimes and those who commit such a crime, are punished. For them, there are definitive legal sanctions and sentences. So great this crime is that in one synchronicity slandering has been declared a religious sin and in terms of societal and social framework of reference it has been declared as a heinous act of crime.

"And those who accuse free women and bring not four witnesses, flog them with eighty stripes and never accept their evidence, and those are the transgressors". (24:4).

"Surely those who accuse chaste believing women, unaware (of the evil), are cursed in this world and the Hereafter and for them is a grievous chastisement". (24:23).
The verses above point out that a man who without any cause evidence charges a woman of honourable status or accuses her unreasonably he has not simply committed a crime but with the viewpoint of religion, he has really done an awful sin. Consequently he is to be punished. Accusing a woman with the viewpoint of crime, is a double mistake. Socially he is a criminal and with viewpoint of religion he has done a great sin. Such a respect awarded by Islam to a woman is a testimony of honour and prestige, unknown in other cultures and it is the precedent which makes Islam superior to the rest of the known cultures. With the political point of view this is not to be termed simply equality and prestige but rather making women high in the scale of life. The political history shows that the West, from the middle ages up to the present age was in struggle to achieve equality, freedom and rights for the citizens of the state, but this struggle focalized men and not women. In contradiction to this situation, Islam attaches high value and prestige for women and has always put them respectable and equal to male folk. J.S. Mill in his book on 'Freedom' only takes into consideration the male having no reference of whatsoever about women. The value of these two verses go very high while we study them in the light of Magna Charta, the sermon of the last Pilgrimage.

State Crime:

The history of legislature against the crimes of the state is very interesting. To understand the logical and causal orientation of law in Islam against atrocities and crimes vis-a-vis the state

33. See for detail 'Seeratunnabi' by Allama Sulaiman Nadvi, cf. Dr. Nisar Ahmad's doctoral Thesis, 'Foundation of Islamic State'.
is worth understanding, because of the methods of approach and philosophical outlook. The entire historical periods of the West in general and more particularly of England were dominated by the concept, 'State is greater then society'. This idea is wholly and solely responsible for the tyrannies and cruelties unto the first world war. It was stated that society is subservient to state and hence society must be dominated by the state and the state is responsible to rule society as it likes. After the first world war and during the presidential rule of Woodro Wilson, a book came on the arena. It was written by the president Woodro Wilson under the title, 'The Stare'. Wilson has taken entirely a new outlook about the state. In his departure and revolt against the age-long theory of state he was guided by his personal experience and knowledge and as a professor of Political Science of the Columbia University. While analysing the theories of the past, he rejected the idea of state being greater than the society. On logical grounds and causalistic analysis he raises the slogan that the society is greater than the state'. This new departure created an atmosphere of turmoil, trouble and agitation. Wilson was a champion of democracy and yet he was of the opinion that democracy should be guided by the thoroughgoing idea of society being greater to all of them. This new departure changed the attitude about crime against state.

If we read the history of Europe in general and more particularly England we will come to discover that state was personified and treated as something Divine. State was tantamount to monarch, who was treated next to God having full attributes of Divine being. Such a concept never permitted to go to any opposition
against monarch, the personified symbol of Divine being. Any crime
done against the state was taken both by the public and church as
crime against Divine being which has been defined both in the
institution of state and the church. There is no question of Devina-
tion of the church which was by its own innate nature emerged and
survived as something Divine. The struggle between church and the
state ran its course throughout the history of England, but in
Hanovarian period when the state challenged the authority of the
church, severe struggle went on between church and the state. The
state has nothing to do with the authority and power of the church
in matter of purely religious kind. But the state violated against
agelong tradition of the church. On the other hand the church
declaring itself as the over all authority both in religion and
politics attempted to interfere with the political authority of the
ruling monarch. This situation reached its apex during the period
of Henry VIII and Marry, the tyrannical queen of England. Thus
crime converged and divided into two parts. The state punished the
criminals of any kind on the basis of political authority of the
ruling monarch. In contrarywise to this state of affair, church
attempted to punish the criminal on the basis of religious
authority. The poor criminal was thrown in fire and political
authorities took liberty to send him to gallows.

34. For detail see, Wincent Smith, 'History of England' see an account
of Henry VIII, Marry and Leckay, 'History of Europian Morals'.
A Separate volume of the history of England has been published
by the Cambridge University. A good account of tyrannies of
church and state has been given.
In spite of these historical changes and with the advent of democracy in government or popular government in Europe, the age-long idea of the superiority of the state remained dominant. As usual the state remained dominant on the society. This trend was sedulously observed in law and treatment of crime against state. In spite of the best efforts the idea of personification and Divination remained the guiding force. In contrast to this attitude the political theory of Islam from beginning up to the declining period of recent times remained solid and fixed. The political theory of Islam is based on the idea of society and it is the society which is to be allowed to run its course in peace and harmony without disturbances and disorganizations.

The state is conglomerated in personality, what the Quran calls Ulil Amr (أولي الأمر), those who are in power to rule and guide the population under the control and direct rule of the sovereign, capable to pass and guide the population on the basis of legality and legal order, called the Quran, Amr (أمر). The idea of a ruler in contrast to the political theory and convention of the nation of the world, is totally different. Amr does not mean the governmental order either passed by a democratic organization, legislature or those who are in command to rule over. Amr means Divine law. Guided by this Divine law the authority in power should guide a nation to live, act and believe in strict congruity with Divine laws envisaged by the Quran, and actualized by the prophet Mohammad. Thus the Quran says:

"O you who believe, obey Allah and obey the Messenger and those in authority from among you; then if you quarrel about anything,
refer it to Allah and the Messenger, if you believe in Allah and the last Day. This is best and more suitable to (achieve) the end. (4:59).

The verse is guided by definitive conditions and rule to obey the authority and demand the public to follow the authority. Prof. Laski and those political theorists like Sir Archibald Dunning and Hearon Shaw and host of others while talking to be obedient to authority are directed to believe that obedience should be unconditional. Laski also endorses this view in his sumptuous book, 'Grammar of Politics' and in the short treatise on the 'Tyranny of the State', stresses that if obedience is demanded on the observation of certain condition, it is not obedience. Such a dichotomy is a piece of astonishment in case of his statement that the unrestrained and unconditional demand of obedience is tantamount to tyranny and servitude. This is the problem which is neither political nor societal and cultural, but the entire problem converged on one point, the dignity of man. According to Christian teaching the principle of guidance for the Christian politicians is based on the subverging idea of man envisaged by the Christian theology. Man has been treated as an inferior being and can attain redemption or salvation by the idea that man is inferior in the scale of life, the Christian theology calls 'lowly being'.

In contrast to Christian and the dominant philosophies of all ideational types of religion, Islam upholds the superiority of man as a vicegerent of God on earth. Consequently there is

neither limitation, nor any restriction put by Islam for the
the exercise of free will, choice and rationality. Consequently
obedience should be based on rational understanding and free will,
guided by this principle. Man is free to obey any authority
provided this authority should be guided by the full understanding
and obedience initially to obedience of Allah and the prophet.
If the authorities demanding obedience are guided by the order
delineated by the verse, automatically obedience would be binding
and inviolable. The authority or the authorities demanding
obedience should be the model in obeying Allah and the Messenger.
Under this orderly observation of law of obedience, if the authori-
ties demanding obedience are guided, automatically the obedience
would be binding and become necessary corollary of attaining the
political life of citizenship. If the authority deviates from this
order, then revolt against the authority becomes the legitimate
right of the citizens of the Islamic state. The theory of revolt
against Islam has been designed as Khurooj (خروج).

The authority in power in one synchronicity has to play
two correlated functions without violation and disregard. They
have not only to impose and promulgate the laws and principles
which are necessary for development of personality and meaningful
completion of sociocultural machinery. This is the duty necessarily
to be carried out under the imperative duty (ولي الأمر) Uil Amr.
Similarly they are under obligation to put to an end the ways and
means of believing and thinking which have been prohibited by
Shariah. This was what the Quran calls Nawahi (禁止). To revalidate
Awamir, and to eliminate Nawahi are not easy jobs. It requires
caution and induction and deduction reasoning. Both Awamir and Nawahi undoubtedly are visible and open facts. But there are certain implications and substitutes which need clarification and exposition. They are to be solved before their application. Government should be under control of those people who are learned and capable of logical contention and solution of the problems with logic and inductive and deductive reasoning which the Quran calls Tadabbur and Tafakkur. Under this condition it is not possible that the government should be run by ordinary persons. Government requires men of deep knowledge possessing authority and Shariah and capable to understand day to day problems of life.

Automatically such an orderly government should be organized and in all dimensions should be the model of Islamic value orientation patterning as exposed and given expression by the beautiful conduct of the life of holy prophet Mohammad. Such an orderly government can not run under sedition, revolt and multivariant type of disturbances. Automatically such an orderly government needs peace, harmony and total equilibrium. There is no reason to go against state. Peace is the innate social philosophy of Islam. The Islamic society cannot tolerate anything contrary to peace and hence if it is put into the danger of such an anomalous condition, again it is the function of the government to crush with force. The men and groups which rise against the government they are to be severely punished.
"And make not mischief in the earth after its reformation, and call on him, fearing and hoping. Surely the mercy of Allah is nigh to those who do good". (7:56)

"And when he holds authority, he makes effort in the land to cause mischief in it and destroy tillth and offspring, and Allah loves not mischief". (2:205)

The modern forms of government - Monarchy, Aristocracy, Oligarchy and even the most modern forms of government like democracy and dictatorship, if judged and evaluated on the canon of evaluation set forth by the Quran, are not free from disturbances. It is a pertinent question requiring the best attention of our politicians to solve this intricate problem as to how far any of the modern forms of government is capable to solve our specific political problems which are ideal oriented. Without bias it must be said that Islam is based on truth and knowledge and automatically by virtue of this invulnerable law all institutions more particularly the social and political institutions and the system of government should run on the basis of knowledge provided by scholars i.e. Ulema and Asfia.
CRIMES OTHER THAN CAPITAL CRIMES:

These crimes, more or less are categorized as moral and social. Under this category the so-called innocent and incognizable crimes fall. They are incognizable because the law authorities cannot pass any verdict against them unless the litigant files a suit against the criminal. There is a long list of such crimes. We take liberty to describe a few of them, because if these crimes are classified as moral crimes, the list would be very long. In such a case all moral crimes described by the Quran would have to be included. Out of them we take first the fraud.

Fraud

Initially we concentrate our attention on fraud and lies. Most important moral deviances are fraud and lies which ultimately turn harmful to society. Fraudulent persons and liars both are commonly used to practise these moral deviances for realising their immediate interests. These two habits are not occasional but through constant use they get incorporated in the behaviour of the persons concerned. Once they are known as liars and fraudulent persons, they are sure to lose their prestige and honour in the society. Islamic culture has enumerated them as moral deviances, but in the long run they become source of disorganization and deterioration of personality. Islam regards them highly heinous because of deterioration of personality. This is highly important, because it is the important part of dignity of man, which is declared by Islamic culture as a virtue to be achieved for the glorification of material and heavenly life.
In contradistinction to this social and philosophical viewpoint of Islam, in modern culture, lie and fraud are the social laws necessary for attaining success and merit in life. Almost all the books dealing with moral and sociocultural ethics, declare fraud and lie as the law of nature, necessary for attaining success in life. And again, fraud is not contrary to nature. It is a common feature of biotic and ugenic world. All the objects in general, similarly all the animals and reptiles adopt the culture of their environments to live without getting any harm. The eminent sociologists Blackmar in his Element of Sociology and similarly Small in all of his works lay emphasis on fraud and lie as two necessary laws for attaining success in life. In the competitive world, Small stresses that only those persons attain success who are clever enough to use the laws of life and fraud tactfully and with ingenuity of mind (see for detail Social Ethics by John Dewy and Tuft). We have used the Urdu translation published by Usmania University under the title Muasharati Akhlaque. In sociology we have used Mabadiat Imraniat translated by Abid Husain pp.194, published in the year 1924.

In demarcating moral crimes, we have taken necessary help from Ahadith and even Fiqh, because in describing moral crimes, the Quran allows us to take into consideration the situation in which the crime and the criminals are placed. It helps in determining the weight of the crime, the output of the crime, the potentiality of crime and their effect and counter effect. It has its own consequences which lay emphasis on the personality of the criminal, effect and counter effect on the working of the society and the culture. To take
example, telling a lie is a social crime, because the society is jeopardised and the person who is habituated to tell a lie finally gets nothing except ostracism. This situation is contrary to the meaning, logic and philosophy of the Quran because Quran never tolerates things contrary to the dignity and prestige of man. 36

Such a position is not to be found in any religion and culture which are taxonomized as sensate and ideational cultures. Under these categories Buddhism, Hinduism, Judaism and Christianity fall under the typology of ideational religion. The modern culture is placed under the category of sensate culture because of its rejection of the life after death. In view of the Quran, it is the liability of the state and the social order of the Islamic countries to take into consideration the problems of dignity of mankind as a correlated part of culture and law. Justice is incomplete without taking into consideration the social laws as cogently related with the depth level part of justice.

Law is not something contrary to social laws and hence the Quranic Sociology, while talking about culture, lays emphasis that culture is the interdependent part of law, society and personality. Such a combination will inevitably have to give the total, all dimensional view of the Quranic phenomenology which is erroneously assumed to be the contribution of German Philosopher Husserel. This concept of

36. See for detail section 4 of Suraha Baqarah, relating to the man being created as vicergerant of God on earth.


the philosopher has been usefully applied by Vierkandt, in the analysis of social phenomena and sociocultural situation.

False Witness

Law in Islam is not divided as something dislocated from the culture, belief and action system of Islam. Everything with a moral or legal, social or cultural, religious and mundane is not tabulated and stratified in different niche. All of them under the philosophy of life, belief and action system and more particularly under the First Principle of Islam are to be understood in terms of meaning, logic and philosophy of life – the Principle of Tawheed.

For a research scholar Tawheed shall be starting point in terms of


41. See for detail, Julian Carr, 'Situational Analysis' for criticism see Sorokin, 'Modern Sociological Theory', Situational Analysis is not only used in sociology to understand the variant type of social situation, but Joachim Wach points out that judges of the court cannot do justice without demarcating the specific situation of each legal case. Husseral talks about legal situation in his phenomenology. Justice Cordozo stresses the needs of understanding each and every legal situation for exercising proper justice. See for detail his book 'Paradoxes of Law. Justice Holmes also upholds Condorcet's views in his legal paper, quoted by French Jurist Dugit, referred to by Herald Laski in his 'Grammar of Politics'.

42. See for detail sura Ikhlas. This sura has been commented in an unprecedented form by Allama Ibne Tamia in a short Risala 'Al Ikhlas'. In recent times there are many treatises on this sura but in our opinion the interpretation of Abul Kalam Azad is nearest to our viewpoint because of sociological matrix analysis.
Major Premise. There are no such preambles, hypotheses and premises etc; as enumerated by modern science of methodology, found and known to the science of methodology of Quran. It means there is no guess or presumption. Everything in Islam originates from realism. Life and ideals of life are real. So any research will have to begin from the realities of life and culture. This point which stands in contradiction to modern sociological methodology has been supported by Professor Stark and the Polish scholar Zinaneiki.

43. The irrefutable basis for all things in life and knowledge to start with is enumerated by P.A. Sorokin in his 'Social Cultural Dynamics, Vol. I & IV. Zunainke is of the opinion that Major Premise shall and cannot be given up in social life which is real, full of cognizance, knowledge and truth. See for detail his valuable book, 'Sociological Analysis'. This point of research has been applied in his study of 'No.1 unadjusted girl', for more detail in his collaborated work 'Polish Peasant' in America. For criticism see P.A. Sorokin, 'Modern Sociological Theories'.

44. For the terms used in Research Methodology, see Wilson Jee, 'Research Method in Social Sciences' and Goode and Hatt, 'Methods in Social Research'.

45. See for detail, Dr. Ali's chapter on Quranic Research Methodology published in his unprinted book 'Laws and Principles of Quranic Sociology Vol. II, Ed. Passem with the same method a valuable article on this subject has been published in Village Academy of Peshawar Proceedings.

46. Professor Stark is an English Philosopher of high repute and scholarship. His authoritative works are many. We have taken advantage from his highly scholarly work 'Sociology of Knowledge'.

47. Zinaneiki is a sociological scholar of international repute. His two books referred to above are classical. His research method in sociology is a new departure because he rejects the American way of conducting research in 'Society and Social Phenomena'. He is not in favour of statistical approach in understanding society, personality and culture. He lays emphasis on empirical observational and experimental methods, see for detail, Wilson Jee, 'Research Method in Social Sciences'. For too much reliance on data collected by Questionnaire and statistics, Professor Sorokin is so disgusted that he calls these methods as statistical mania. See for detail his book 'Society, Personality and Culture'.
To resume our talk on false witness we shall stress that in all dimensions, false witness is a crime and is a vulnerable act with all the viewpoint including social, moral, cultural, psychological, legal and spiritual. Modern law has approached the problem without any life philosophy. It is simply an act of legal deviation. In Islam false witness initially and basically is a degradation of mankind and an open breach against the integrity dignity and honour of man. Islam cannot tolerate all those social systems and philosophies which annihilate the basic tenet of the creation of man superior to all of the objects of heaven and earth. So great is this ideal of Islam that satan has to go to the lowest grade unknown to any creation, because of nonpayment of homage to mankind.

The germinal idea which is involved in all systems and super systems of culture and knowledge is to preserve the nobleness and dignity of mankind. Consequently, each thing is seen and evaluated with this perspective. Witness is the right and sociocultural and legal privilege. The person in need of witness has the right to demand witness and the person who is requested to do so is lawfully under obligation to comply with the wishes of person who requested him. This double role and unity of purpose are reciprocal. Both are bound to preserve the right by virtue of legal prestige of Islam. Standing and demanding witness are both sanctified by the legal system of Islam and equally they are the legitimate moral, social, cultural and religious obligations; if deprived and violated by demanding and complying personalities, they will be held responsible for violation of the Amr (أمر) which is invulnerable in all circums-
stances. If both the sides feel reluctant to comply with the demand and obligation of the right imposed on both of them among other things by virtue of faith, they are surely, in view of religion, the violator of faith and religiously they are sinner and Baghi (بغي)\. This analysis will give an idea that demand of witness and its proper functioning from both the sides is more than testifying to be true and concrete example of upholding truth.

Udwan (عدوان)

It is the moral and religious duty to preserve the integrity and honour of the faith. It is an heinous act to disrespect the faith to which a person or persons belong. In no case the respect and inherent value in the faith possessed by their members should be disregarded either consciously or unconsciously, seriously or by joke. Again in such a demand we will see the basic tenet of Islam, the dignity in all depth and level of thinking and action. A person who disreputes or ridicules, if seen or analysed will ultimately discover that his heinous act has done no harm to the object ridiculed but he is sure to feel degradation and deterioration of his personality. Before his acts of ridiculing and debunking or antagonism are felt by others, he is sure to feel that he has been minimised himself and will be under constant pinching and condemnation by his inner-self. In all these acts which have been declared honourous in the last analysis deteriorates human psychological orders, sense of morality and action and reaction, self consciousness and respect. The amalgam of all these virtues will give the same ultimate view, what has been throughout declared by the Quran as dignity.
If people have substituted Divine gift for the acquired virtue, they have again gone astray from the facts which are axiomatically and axiologically formed web and tissues of human physical, psychological and spiritual structure. Such an act in the light of the Quran is to be declared Udwan and Baghi (عدوان و باغى) against Divine Providence.

"And they were not divided until after knowledge had come to them, out of envy among themselves". (42:14)

"And We gave them clear arguments in the affair. So they differed not until after knowledge had come to them out of envy among themselves". (45:17)

All the things which are necessary for the meaningful existence as communicated by the Messenger of Allah has been referred to here as a knowledge, given to mankind. Automatically they have no reason to deviate and go astray. The Divine knowledge communicated by the Messenger of Allah, if assimilated and incorporated in the ways and actions of life, automatically it would become a source of cognition, knowledge and truth. Thus man will be suited to evaluate and judge his action and deed. In the verse above the Quran throws light on this important problem of judging and evaluating in a way that the further development may not be thwarted and
restrained. According to the Quran, progress in life is immense.

"But those who keep their duty to their Lord, for them are high places, above them higher places, built (for them), wherein rivers flow. (It is) the promise of Allah. Allah fails not in (His) promise" (39:20).

Among the socio-cultural and psycho-spiritual pathologies, the one which has been condemned vehemently by the Quran, is hypocrisy. It is very difficult to study the system of knowledge about the so-called social pathology or social problem in one synchronicity and simultaneity with the highly specified system of the Quran. Both these systems stand pole apart in all depth and level as to the analysis, typology, form and meaning. The social pathologies differentiated as they are, it is also very difficult to understand the variation between them, as we have hinted that most of the moral weaknesses and ills are taken by the western pathology as nominal having no serious consequences e.g. lie and fraud, hypocrisy and deceit. Likewise some of the moral and social deficiencies are taken as something not worth consideration. John Dewey and Tuff, the most important personalities in philosophy and moral, for example, do not take into consideration most of the moral deviations which form the important part of Islamic ethical system. All of them, whether they be philosophers, jurists, moralists, politicians, religionists and social scientists are unanimous in declaring most of the sociocultural
and moral pathologies as the most important essentials for attaining success in life e.g. plotting, conspiracy, distortion of facts, lies, and fraud as the important factors in political system named as diplomacy and political devices for attaining success in the ways and thinking in the political life of the nation. In contradistinction to above ways of thinking, Islam always demands legitimation and highly sincere and true conduct in the multivariant types of life of the nation. The political system, the social system and likewise all the sociocultural systems are to be guided by two sources 1) knowledge and 2) truth. There is no differential treatment between friend and foe. In all the tenacious and jaundiced situation the Islamic system of culture never allowed deception, lies, fraud and self conceited and self devised attitudes except allowing nothing but straightforward and highly truthful conduct of life and action. Such an outlook of life was guided by the ideal and philosophy of life guided by the principle—Unity of Allah. The life of holy Prophet Mohammad from the beginning up to the time of his death as an individual is testimony and his life as a social law, is religiomoral guide for the statesmen, politicians, economists, and jurists. In short in all the ways and thinking of institutionalized pattern of life, he is represented nothing fluctuative and variant except the man of truth. The Quran clearly stands testimony to his life. Prophet Mohammad as a prophet in particular and in generality as a pattern stands as a universal truth allowing nothing except unity in all multiplicities. These facts are so universal and common that most of the enemies of Islam and holy prophet Mohammad were forced to recognize the sublime and monistic character and conduct of life of the holy Prophet Mohammad.
As we have stated above among all pathologies, the Quran and the prophet condemn most rigorously and unquenchingly the chief social pathology, the hypocrisy, what is called in Quranic terminology as Munafiqat (منافق).  

There are many verses about this social evil but in all congruity, the entire situation in terms of phenomenology and person has been graphically maintaining the method of macro and micro level which has been so delineated in the Surah Munafiqoon quoted here in all entirety.

1. When the hypocrites come to thee, they say: We bear witness that thou art indeed Allah's Messenger. And Allah knows thou art indeed His Messenger. And Allah bears witness that the hypocrites are surely liars.

2. They take shelter under their oaths, thus turning (men) from Allah's way. Surely evil is that which they do.

3. That is because they believed, then disbelieved; thus their hearts are sealed, so they understand not.
4. And when thou seest them, their persons please thee; and if they speak, thou listnest to their speech. They are like pieces of wood clad with garments. They think every cry to be against them. They are the enemy, so beware of them. May Allah destroy them. How they are turned back.

6. It is alike to them whether thou ask forgiveness for them or ask not forgiveness for them. Allah will never forgive them. Surely Allah guides not the transgressing people.

7. They it is who say: spend not on those who are with the Messenger of Allah that they may disperse. And Allah's are the treasures of the heavens and the earth, but the hypocrites understand not.

8. They say: If we return to Madinah; the will surely drive out the meaner and
9. O you who believe, let not your wealth nor your children divert you from the remembrance of Allah; and whoever does that, these are the losers.

10. And spend out of that which We have given you before death comes to one of you, and he says: My Lord, why didst Thou not respite me to a near term, so that I should have given alms and been of the doers of good deeds?

11. But Allah respites not a soul, when its term comes And Allah is Aware of what you do.

(63:1-11)

At the advent of Islam when the populace of Mecca, Madina and other parts of Arabia came to the Prophet, declaring that they are willingly and with perfect belief, going to join the faith of Islam, automatically this was a moment of great joy and tranquillity for the prophet and his followers. This joining of the Arabs was a source of joy because of expansion of Islam and dominance of Muslims over the ignorant Arabs which formed the bulk of the population of the Arabian peninsula. Paradoxically enough, this seeming situation had its inner layer, the meanings of which were not known to the Messenger of Allah and his followers. In their inner layer of mind they had evil designs, hatred and malice. By joining the faith they wanted to create disruption, horror and antagonism against prophet and the Muslims. At the initial stage what the verses enunciate is
that these men were not sincere nor in true faith they recognized Islam and the messenger. Their confession of Islam was just a rebuke and taunt. This is exhibited by the verse:

كُلَّا هُمُّ يَكْفِرُونَ.. أَنَّ السَّيِّدَاتِنَّ يَكْفِرُونَ عِنْدَ اللَّهِ (٥٥)

"And Allah bears witness that the hypocrites are surely liars." (63:1)

Neither they were true in their declaration nor being the faith rejector they had any knowledge about the Divine declaration in relation to truth of Islam and the Messenger. These verses if analysed properly indicate that the hypocrites bear dual character and split of personality.

In their confession there are negative involvements. Negative and positive as such cannot be integrated and hence they talk, they live, they believe and act in the polarity of coincidentia oppositora. With this conduct of life and action they are menace to society.

Such a situation is bound to create disruption, antagonism and disorganisation. Life, society and culture cannot flourish under this nasty situation. For the development of society, personality and culture, peace, harmony and organization are necessary. Vertically and horizontally these indispensable requirements of life, belief and action will only be attainable when the society in all its polarity is directed by the ideal. The verse above unequivocally points out that the society and culture of Islam can only come into being and conserve its identity only by strictly
following the value orientation pattern of the holy prophet Mohammad. The hypocrites ridiculed this basic existential corollary of the life and culture of Islam (cf verse I Infra).

The hypocrites are very fradulent and cunning persons. There are no other alternatives to exhibit their loyalty and paradoxically oriented confession except false oath. This is one of the necessary factor of the attitude and behaviour of the hypocrites followed either by individual or by group. By virtue of their fradulent character and deception they are bound to give expression in an enchanted language, in exteriority enchanting because of their enchanting phraseology but in depth and meaning a tactic to deceive the persons who are addressed. There is a unity between their mind and attitude. This is their outlayer of mind and in innerlayer they are again a contradiction which is a direct and open example of the diseased mind of the hypocrites. Modern psychology has much to contribute on the development of personality and it has succeeded in providing graphic and detailed information of the variant types of diseased personality. Among them the split up personality and the disorganized ambivalent personality stand at the pitch, because by token of their destroyed and annihilated personalities, they can only play the role of disintegration, disamelioration in a way that society and culture are always beset with numerous difficulties, chaos and confusion.

47. See for detail, Young, 'Social Psychology'. Also La Perie, 'Social Psychology'. 
The psychic make up is based on negativism and dualism. Negation in itself is a serious kind of pathology not allowing to recognize truth. The split of personality and ambivalence, intertwined as they are, cannot allow anything to believe either open or hidden. Guided with these negative forces they lose the basic virtues of life as enunciated by Talcot Parsons in terms of catharsis, evaluation and judgment. These virtues which are the basic requirements of life and conduct of individuals and groups will allow them to maintain the requirements of meaningful and social life what Parson calls condition, knowledge and truth. Deprived with these two essentialities, the Munafiq cannot and should not live amiably, meaningfully and in accordance with the socio-cultural values, norms, ethos and meaning.

48

As a result of failure to get and to maintain harmonious relations, the hypocrites cannot do except disintegrating and always creating disruption between the two parties. The example of these facts are to be seen in the battle of Khandaq, Uhud and the victory of Mecca.

49

In the verse No.4 above the Quran exposes the basic character of their personality and behaviour. They are psychologically guided by a disease what is called exhibitionism. In modern

48. See for detail Talcot Parsons, 'Social System', Chapter I.

49. See for detail Allama Suleman Nadvi, 'Seeratunnabi', Vol.I and II. Brief but very happy accounts of the battles fought by the prophet are given in Naqsha-e-Seerat by Dr. Nisar Ahmad. The writers in English very loosely and without understanding refer all the Jihad either fought under the commands of Prophet or by his orders as battles. This is a misnomer and creates (continued on the next page)
psychology exhibitionism is defined in various ways. To give
fuller idea of this mental disease which is the basic character
of a Munafiq, we quote in full the initial passage in the following
from the writing of I.C. Flugel, the well known international
figure in psychology. 50

"Neglecting these distinctions for a while
let us return to a consideration of the
development of the component instincts. On
the strictly sexual side they can be studied in
relative purity in those adults who exhibit
the so called perversion of the sexual instinct.
These perversions are conditions in which the
hegemony of the genital components has to a
greater or lesser extent been replaced by
a dominance of one of the other component
instincts. Thus the so called 'voyeur' obtains
his chief sexual satisfaction by looking, the
exhibitionist by being looked at, the sadist
by inflicting pain on his love object, the
masochist by enduring pain himself."

It is today, the psychologists talk of exhibitionism,
but the miraculous nature of Quran is to be seen in the verses
quoted above which form the part of the Surah Munafiqoon.

One more important feature has been referred to in 63:5.
The prophet Muhammad (S.A.W.S.) being the messenger of Allah,
whatever may be the situation in terms of ecology and person, he
was bound to communicate the message of Allah. Prophet Muhammad
(S.A.W.S.) without exception communicated this message to various
nations, cultures, races and segments of society. The Prophet enlightened

a lot of phantasies and phantasmagoria in the minds of
all those who know nothing about the truth and idealistic
philosophical view of life in Islam.

50. Quoted from 'An Outline of Modern Knowledge', Victor Gollancz
Ltd. 14 Henrietta Street, Convent Garden, London 1931, p.376.
the bulky population of Arabia to accept the fate of Islam. Without any reservation or condition, he communicated the message to one and all and in no case the avoided all those enemies of Islam whether they were People of the Books, Kuffar or Mushrakeen. In his address he always kept in view the obnoxious strata of society, the Munafiqoon. Instead of taking the message seriously they ridiculed the prophet and in a mood of sarcasm without any indication of their acceptance or rejection they passed away in a mood of ridicule, scape mechanism and sarcasm. The verse points out the important feature of their character. They cut joke and always tried to disgrace and violate the mannerism and social ethics, necessary ingredients of social life. Munafiq had no tolerance for thinking and evaluating the right and wrong in the messages communicated to them. Their mind was sealed and as a result of this pathology they never gave attention to the important features of the messages of Allah which found the existential base for existence and development of society, personality, culture and the philosophy of life - the ideal, the first principle and the base of truth - Tawheed.

The Munafiq having no conscience and stamina to understand the value and meaning of the prophet’s message and on discovering that for the expansion of Islam among other things the financial assistance is needed and hence among the verbal propaganda against messenger and Islam they tried and persuaded the Arabs not to spend any thing. Financial resistance along with verbal propagation were the important aspects of their antagonism. The Quran in this way clarifies one more aspect of the blasphemous character of Munafiq.
In carrying out these propagandas against Islam and the prophet they thought economic resistance is necessary. These aspects will give an idea that among the important aspects of propaganda and negation of truth the economic sanction is the necessary factor which is followed by the so-called scientific propaganda of today. All the modern governments take propaganda as an important feature of the government policy. The origin of this concept is the result of the activities of Dr. Goebel - the propaganda minister of Nazi government in Germany. Propaganda is always based on utopia, negation of truth, deception and fraud. It is always intended to blackmail and to annihilate the enemies at home and abroad. Suspension and curtailment of truth are the important features of the so-called scientific propaganda. The entire system runs with the assistance of perverted mentalities and men known as liars, vagabonds and men known as criminals and the exponent of falsity.\textsuperscript{51}

The hypocrisy is the common feature of all the human societies and righteous personalities. This fact has been recognized by all the governments and propaganda scientists of today. What a miracle of Quran that the pathologies which are detrimental for life and culture have been logically meaningfully described in the verses of the Surah Munafiqoon. This universal disease is the disease which requires the best attention of politicians, administrators, government officials, religious leaders of all walks of life, Ulema and religionist. Islamic history stands in testimony that Munafiqoon had always been destructors of society, personality and culture. One of the reasons of Muslims' downfall and reversion to ideologies,

\textsuperscript{51} See for detail Dr. Goebel, 'Awakening of Berlin' cf. Adolf Hitler, 'My Struggle' - Mein Kampf. Also see 'Propaganda' by Edward L. Bernays, New York: Live right publication, Corp. 1938.
utopia and multitudinous types of isms and modern philosophies were and have been the hypocrites. We know the role of hypocrites in the fall of Germany, her defeat in the second world war, when the hypocrites of Germany were responsible for dismay and destruction of their own country. We know the name of Lord Aha and police conspirator Lupchu. In our own country we had many Munafiq who attempted to undermine the honour and dignity of Pakistan.

The hypocrites in the modern sociological terminology are men of sensate culture. Their bases of life and thinking are what P.A. Sorokin calls wealth, wine and women. They degraded and created an attitude of apathy and disgust on the basis of their hedonistic cultural entality. They gave preponderating importance to riches and its correlated exponents in terms of boasting, declaring they are only segment of society which is to be given respect, honour and high status. They always ridicule the men of need and poverty. The Muslims of their times were neither wealthy nor had a life of luxury and pomp and show. These factors are the involvements of personality and psychological system of Munafiqueen. They had no aptitude to understand the realities of life. On the basis of their ignorance they always ridiculed and dishonoured knowledge and continuous efforts to identify and discover the true content of life. They had no idea of the meaning and ideal of life and hence with their minds sealed, they kept on playing a role for disruption and disorganization. Those found in this category had always been men and women from the strata of vagrant and mischief players. Having these facts in view

52. Professor Toynbee, 'International Affair' for understanding international politics see the sumptuous article, written by C. Delisle Burno, 'Outline of Modern Knowledge', London, Victor Gollanvez Ltd. 14 Honnirita Street Covent Garden, 1931.

53. See for detail Sumner, 'Time for Decision' and 'Inside Europe'.
we can understand the logical causalities of the Quran in referring
the pathology of Munafiqat and Munafiqoon.

Those parties can join the circle of Munafiqeen who are
habituated to play the role of antagonism and debasing Islam or any
of its ideals. They move freely in all segments of society, specially
the men who are ideally disorganized and dislocated in faith and
psycho-spiritual system of knowledge. Automatically as they are not
guided by ideal and meaning they are bound to take refuge in the
circle of disgruntled and dislocated personalities, e.g. the Munafiq
of the time of prophet kept close ties with Abdullah Ibn Ubayee
and Abu Jahal. These men had no legitimate task and functions to carry
out, except gossiping, spying, nicknaming and other activities,
described by the Quran in the Surah Hujrat. They were opposite to
the social and cultural milieu of the society. Muslim society and
culture were ideally related to the First Principle - Tawheed and
socio-culturally they were integrated and idealized by the social
principle - The Principle of Brotherhood.

"O you who believe, let not people laugh
at people, perhaps they may be better than
they; nor let women (laugh) at women
perchance they may be better than they.
Neither find fault with your own people,
nor call one another by nicknames. Evil is
a bad name after faith; and whoso turns not,
those it is that are the iniquitous.(49:11)
What type of personalities are needed, has been categorically analyzed by the Quran in the verses quoted above. Men who intend to join the rank and file of the Muslim Ummah have well been enumerated. This is the canon of evaluation and judgment. All of them should be judged with this canon and they must necessarily possess the virtues delineated by the verses above and those who fall short of them are to be excluded. Evaluated with this canon the Munafiqueen totally fall short having not one of them as their personal character. If they by chance exhibit one or two items of the personality make up they simply do so for deception and cheat, thus they are excluded without any excuse.

The verses above, no doubt give an idea about the normative systems and ideal orientation of the structure of personality and individual traits. Thus personality in Islam must converge on one point. The achievement of thoroughgoing sociality and spirituality attaining the highest panacea what in Islamic terminology is called Ukhoosat (أخویت) not in terms of formality but in terms of realism as found in the two brothers of the one and the same parents. The normative and value orientation patterns guided by sociocultural ideal, couched with idealistically oriented spiritual involvement can not be interpreted in terms of modern terminology as commune for the adequate interpretation. Some of the English speaking scholars of Islam have taken an unconsious step by using the German word Gesellschaft. This term, however, is elaborate and extensive in contrast to the English word commune but in relation to Ukhoosat it lags behind. Instead of conveying and communicating the real sense involvement it jeopardises the depth and level meanings
of Ukhoovat. To my mind, on the basis of realism, value orientation and idealism, some sense is communicated by the German term Gemeinschaft. The term, value orientation pattern, certainly in its depth and level indicates the spiritual involvement in all macro, micro and metalevel. Judged with this canon not only all those infidels (کفار) associationist (منتک) but even people of the Book fall down. In this category Munafiq stands very high because of his involvement in destroying Islam. His nefarious activities know nothing except annoying both by words and actions. He seeks association with the Muslims both in public and private in order to know the why and how of Muslim actions and deeds just to make them a base for realising its own plots and chalk our schemes of debasement and destruction. Such persons being wicked in nature cannot be ammended and persuaded to believe and evade from harmless activities.

We have stated that hypocrites are split up personality, talk too much and exuberantly but in reality their talk is just verbal having nothing to do with meaning and action. They are habituated to build castle in the air. Consequently the Quran in Surah Baqara which is the important document for the origination and development of personality society and culture, lays emphasis that such persons should be avoided from the society. If they are allowed to be in society, it will be threatened to run down by the meaningless personalities. The chief exponents of this type of men are hypocrites. Their exhibitionism and hollow talk are the clear indication of their lack of sincerity. Their antinomic character in themselves requires no more explanation for their being dishonour, faithless and having no consideration for the betterment of society. If by chance they are
allowed to be in the society they will always play the role of
deception. At the critical moment they will deceive and become the
cosharer of those nihilists who have nothing in their heart except
playing the role of annihilation, disruption and dismay. In the
modern time such personalities are called nihilists and in the common
parlance they are termed as communists. Whatever their denomination
they come under the category of Munafiq and as such they have nothing
to do except playing the role of Nafaqa, disruption and mischief
in the society. The Quran very beautifully delineates the inner layer
of mind. All nefarious activities, attitudes and behaviour are the
clear indication of their psychological disease which in modern
psychological term is called psychosis but deluded as they are, they
think that they are healthy and hence under these fallacies they
act and deceive others totally as a man who is run down by mental
abnormality. Their action and behaviour show nothing but anomic,
contradiction, conflict and material having nothing to do with
logic, meaning, causality free from sincerity and stateforwardness.
With this material they want to deceive others but they entangle
themselves seriously in their pathological material which made them
structurally and functionally baseless and meaningless. With this
personality trait they become the object of ridicule, nicknaming,
and hatred.

"In their hearts is a disease, so Allah
increased their disease, and for them is
a painful chastisement because they lie".
(2:10)
In the verse No.10 above their activities in the society have been given clear exposition. In the society they have no ther activity except mischief with a view to disintegrate the society structurally functionally and more particularly in terms of value deviancy. The whole society, the men of institutions are all disorganized disrupted and become nothing but the model of value disorientation disintegration and thoroughly deviant and valueless. When they are invited to good they have no other exposition except deceiving people through their false statement. They join the society playing the role of dualism, contradiction and anomie. They deceive the people by saying that they actually believe and act according to the values and meanings of society. But in actuality they are in the society to create nuisance and with the intention of destroying the society, they annoy the members and participants of that section of the society which is sincere and true. They are really the participants of the society of enemies. These verses are the clear indications of the hypocrites' mentality. They are double dealer, possessing the mentality of the criminal of high order described by the modern authorities in the science of crime. 54 They are so deluded and entangled in self deception that when they are invited not to harm the society and keep themselves away from playing the role of mischief mongers, they with an air of sophistication and self deception say that they are not doing anything mischievous except

54. see for detail, Marshall B. Clinard, 'Sociology of Deviant Behaviour', Halt, Rinehart and Winston, New York, Cf. Reckless, 'Criminal Problem'. We have quoted above the name of Lupchu as a hypocrite. This is not only one example which is interesting to note but there are many examples of women who are far more cleverer to play this role in our own history. The name of Hunda, the mother of Abu Sufian is known to all Muslims. In the modern time Marril has provided interesting examples of such criminal women in her often quoted book 'Five Hundred Criminal Women'. 
the acts of peace and harmony. This is an example of their double
dealing, split up personality with the philosophy of contradiction
and sophistication.\textsuperscript{55} Their mental condition as we have analysed
above has been so beautifully expressed by the Quran.

\begin{center}

danâ a'twâl, yîn am'âwâl, am'âwâl, kana am'âwâl, kana am'âwâl
\end{center}

"And when it is said to them, Believe
as the people believe, they say: shall
we believe as the fools believe? Now surely
they are the fools, but they know not.
(2:13)

\begin{center}

danâ anâl, yîn am'âwâl, am'âwâl, kana am'âwâl, kana am'âwâl
\end{center}

"And when they meet those who believe, they
say, we believe; and when they are alone
with their devils, they say: surely we are
with you, we were only mocking". (2:14)

The Quranic method of explanation is empirical, observational
and atomistic in detail. These explanations stand congruous
and corroborative with the very nature of the nature of man. The
hypocrites with their action and verballata are guided by an attitude
of mockery, joke, disgrace and lowering down the other without
realising their repercussions. When their character is exposed and
instantaneously feel that they are disgraced, they retard with the
same weapon, disgracing and mocking them far more bitterly and

\textsuperscript{55} See for detail about the psychological trait of an anomalous
personality in P.A. Sorokin 'Crisis of our Age' and his
beautiful book "Society, Personality and Culture".
pungently. Here Quran points to a very subtle point of human nature. Whatever may be the position and status in life either by birth or by status, no one can tolerate joke and disrespect of his personality. Their attack and retard are very serious. It opens the door for revenge, social and legal, what in legal culture is called dishonour of personality. (اَرَالِیا یُت عَرْقِی)

The hypocrites live in dreamland, having no idea of life in society and cultural institutions. They on their own personal whim and fancy are habituated to live without any knowledge of the social and cultural environment. Deluded as they are, they are bound to be left by utopias and ideology. It is today, that the personal and social harms done by utopias, are recognized, but the Quran by its miraculous nature has to point out about them as a disease which is in all dimensions, detrimental for society, personality and culture. 56 Karl Mannheim is not the final name. Utopia and ideology are so acute and detrimental that the modern scholars in sociology and psychology feel that it requires further investigation. In compliance with this demand, Louis Mumford has undertaken the responsibility to trace its history from the histories of the nations of the

56. Karl Mannheim, 'Utopia and Ideology'. This is a psychological disease which creates imbalance, creating hollow and division in the unity and solidarity of the personality individually and collectively in "Ganzheit" or the wholeness of society. Ganzheit and Einheit are the two terms, commonly used by German sociologists. Ganzheit connotes wholeness whereas Einheit stands for unity and totality. These two terms were initially used by Vierkandt, the founder of sociology of Phenomenology. See for detail op cit. Theodore Abel, 'Systematic Sociology in Germany' for detailed analysis and criticism see E. Blumer Barnes, 'History of Development of Sociology', Ch. on 'Phenomenology in Sociology'. Phenomenology as such is a philosophical term and a system of knowledge, introduced by Husserl. See for detail Hoffdung 'History of Modern Philosophy'. The English Edition is not available. We have used the Urdu Translation by Dr. Khalifa Abdul Hakim (تاریخ فلسفہ حیات بلد) published by Usmania University Press, 1941.
past. Consequently his important work 'The History of Utopia and Ideology' was published. This was again not final. We are given to understanding that this topic is still under the process of investigation. We may be excused for being emotional in our reference that many of the pathologies may be discovered with all detail and analysis in the pages of the Quran. The discrimination between right and wrong between truth and falsity are not by choice or by personal effort. In these fields man cannot do better than feeling himself helpless. At this critical moment he is in the situation of suspicion and doubt, what to reject and what to accept. No learned or wise person can help him. Consequently the Quran points out the most important fact ever committed by modern psychology. They talk very loudly and with an air of sophistication, fantasy and pride that psychology has gained much for the guidance of mankind. Initially this hollow claim may be rejected in terms of lack of understanding of inner layer of the human psychological phenomena and the entire psychological system. The Quran at the very outset in the surah Baqarah has made this pertinent point clear that man should seek understanding of his own psychic system by discovering his spiritual involvement.

"Allah has sealed their hearts and their hearing; and there is a covering on their eyes, and for them is a grievous chastisement". (2:7)

On account of failure to understand these basically involved systems of spirituality not only man is led to darkness but he remains always stranded and in a condition of dismay to attain
knowledge through Divinely endowed gift of hearing and perception. Man should feel astonished by the Divine exposition of unprecedented value by referring to the source of knowledge which are organically related with the human psychological order. Herein the Quran establishes the composite nature of man in physical and psychological structure pointing out again the unity and harmony in nature and human organism, physical and psychological both. United as they are, they stand not only the First Principle of Islam – Tawheed, but equally the second basic Principle which states that nothing has been created without meaning and ideal.

Mankind in spite of the best efforts to attain knowledge discovery of mind and body, subjugation of nature, thoroughgoing sociality, still cannot guide himself without getting inspiration and Divine help. The sources of all fallacies, pitfalls, misunderstanding decay and decadence are not far off to be seen. Man should recognize without exception that he cannot be guided without Divine help. Thus the Quran says in Surah Nahl that man "cannot chalk out a moral code of life for himself". 57

57. With appraisal we would like to quote some sentences about this major premise of the Quran which has not been recognized by the world today because of sheer fallacy and error of human stubbornness. Thus Mohammad Ali writes as follows in his footnote No. 1378, p.529, Al-Quran.

"This and the previous verse seems to aim at a comparison between the Divine laws as manifested in nature and the handiwork of man. It is the working of the Divine law in nature that produces such a valuable and agreeable diet as pure milk separating it from the other elements – blood and dung – to which food is reduced in the body of a cow, a goat or other animal, which the hand of man is unable to do. On the other hand, the most agreeable provision produced by nature in the form of fruits are turned into
Lying and False Propaganda

In our synopsis we have in view of modern tendency added a new caption, designated as ethical crime. Such a division according to the teaching of Quran is totally arbitrary and sheer presumption. Crimes in Islam have not been compartmentalized into ethical, social, religious, legal and so on and so forth. Such a division stands in opposition to basic philosophy of Quran - the Unity. The world today is unable to discover unity in multiplicity. By sheer human fallacy the world today has seen multiplicity in unity. Such a division is an open revolt against the Divine teachings. This fallacy is not the result of the thinking of the modern world. It is a mistake of long historical annals run by various religions and cultures of mankind. This is common among the men and cultures of ideational and sensate types. The Hindus, the Buddhists, Zoroastrians, men and peoples who believed in the religion of Confucius on the one hand but people of the Book, the Jews and the Christians believed in multiplicity. They never felt and perceived practically or psychologically the sway of unity in the phenomenal world of nature all around them.

such a poisonous drug as wine by the hand of man. The two illustrations thus point out that just as Divine laws working in the physical world produce the purest and most agreeable diets, separating them from obnoxious elements and useless excrements, so their working in the spiritual world produces the sublimest moral teachings which afford to man the purest and the most agreeable spiritual diet. But the best teachings given by Divine revelation are likely to be corrupted by the hands of man, as the best of fruits is turned into such a disagreeable and obnoxious thing as wine, though if it had been preserved in its original condition it could have served as an excellent provision".
"Who created death and life that He might try you - which of you is best in deeds. And He is the Mighty, the Forgiving". (67:2)

"Who created the seven heavens alike. Thou seest no ingenuity in the creation of the Beneficent. Then look again: canst thou see any disorder"? (67:3) 58

As a result of this philosophy of pluralism, the crime in those cultures was divided into religious, moral, and political etc. whereas Islam knows nothing about such divisions. What are religious and ethical crimes, they are equally political, sociocultural crimes. Lie and fraud if form the category of moral and religious crimes, they are equally treated as societal, social and

58. For detail see P.A. Sorokin, 'The Social and Cultural Dynamics', Vol.II and IV. As a result of this philosophy of Pluralism they rejected the basic tenet of faith that the Quran calls oneness of God (see Surah Ikhlas). Guided by the false philosophy of pluralism they stratified their belief in religion and culture in terms of dyad, triad, and more than triad, e.g. the Parsis believed in two gods, whereas christians believed in trinity. In contrast to them all, the Hindus believed in many gods extending into thousands and lakhs. Their incarnation is conglomerated in Triad as Shew, Vishuno, Brahma and out of them many gods' existance emerged having many incarnated gods and goddesses. With this paraphary each sex has its own gods and goddesses extending to inumerable deities e.g. LeBon in his 'Indian Civilization' pointed out in his book some where published in 1887, says that in that year he counted 87 lakhs gods and goddesses in the religion of Hindus. (We have used Urdu edition
political crimes by our jurists.\textsuperscript{59}

The scholars in Quranic Criminology must keep this point in view that division of crimes in terms of sin and in the common parlance as Jurum (جرم) are the facts to indicate that sin is the componential part of crime. Thus sin and crime are the correlated terms. The division of crimes in terms of religious and civil crime is the characteristic feature of all ideational religions, whether they may be Christianity or Judaism. In this paraph狂 Hindaism and Budhism are included. Nothing to say of men of other cultures, the Ahle Kitab played havoc when fight occurred between church and state. Such a dichotomitic thinking created those conditions which were the characteristics of the situation during the entire periods of middle ages. Islam knows no division between the church and state, consequently all the crimes were dealt with by the state.\textsuperscript{60}

There are many theories of the why and how of crime but maintaining the dichotomous nature of Christianity, all the criminologists up to the contemporarious age ascertain the division of crimes into religious and civil. This fallacy is again the result of the pluralit) between the Christianity and state. This enunciation is sufficient to give a clear idea of dichotomy and plurality in all systems of culture, crime and state being the part of the culture. Excluding


\textsuperscript{60} See V. Smith 'History of England', cf. Lecky, 'Moral History of Europe' more particularly his book 'Religion and Moral in Middle Ages'. This work has been translated in Urdu under the title, Tarikh-e-Ikhlaq-e-Europe (تارخ اخلاق اورب).
the dichotomous nature of all ideational religions, Islam has given a particular feature of the cultural orientation relating to the whole set up of society and culture in terms of unitarian outlook. Thus crime should be dealt with in one totality including social, cultural and psychological. Giving expression to this phenomena Quran demands two things necessarily to be taken into consideration while analysing anything relating to culture. Modern criminologists in their analysis take into consideration the psychological factor but it is very unfortunate they paid no attention to the involvement of psychological factor and spiritual forces. In contradistinction to modern thought, Islam refers to all pathologies as a result of lack of understanding of the spiritual forces. When man gets himself disentangled with the spiritual factor, he is bound to go astray. This condition is so serious that man loses sense of understanding and perception. These factors are the result of loss of seeing and hearing, the bases of knowledge, cultural system and deduction and induction reasoning. When spiritual forces are excluded the real approach to crime becomes very difficult. The loss of spiritual forces according to Quranic theory of crime, results in the decadence. The fear of God, having lost, man becomes weak, moroseless and a menace to society. The loss of fear from God leads the individual to decadence and devastation. They loss the basic ingredients of better use of organs in taking blindness and dumbness.

صَمْ،ُ ثُمَّ رُسُلُهُمْ لَكَ لَا يَجِيِّهِنَّ الْبَقَرَةٌ

"Deaf, dumb (and) blind so they return not" (2:18)

This is one feature of discrimination between the concept of Islam and Western culture. The second fact which has never been taken into consideration is to be seen in the repudiation of
individualism. Crime is committed by individual and the punishment they get not as an individual but as a criminal which has destroyed the society. All the punishment imposed on an individual as a person who has committed the crime as a social whole directly annihilates the society itself. Quranic concept is based on this ideal that society is greater than state and the individual.

All crimes are analysed and dealt with the point of view of society, maintaining the sociological philosophy of axiomaric theory which lay emphasis on the idea that society is greater than state.

Having dealt with the problems of state versus society we would like to refer the most acute problem, the false propaganda. The punishment is so serious, one can hardly imagine. They are severely dealt with because of their social consequences. These, too form the necessary tools of the existence and growth of the state. The Quran rejecting them exercises serious punishment simply because they are the menace to the life and growth of state, the important institutions of society.
CHAPTER VIII

RECAPITULATION AND CONCLUSION

1. Place of Quranic Concept of Crime in Modern Age:

The idea behind this research is to emphasize that the world of Islam is guided by the theories, ideas and ideals of the crime and it is also to find out the logicality of adherence to the laws, theories and findings entirely under the Western situation. On the basis of our study we have found out that criminological thoughts are connected with the culture, ideas and values of particular nation, and again this nationwise criminology is subdivided into various segments of the particular national societies. In all dimensions, criminology is not at all universal. The discoveries of criminology led the social thinkers to be particular. Under these circumstances we have American, British, German and other nations stretched throughout the continents of Europe, Australia and New Zealand. Such an orientation led us to believe that modern criminology developed under the concept of particularism. All these theories are universal. The student and researcher instantaneously should discover the idea of universalism of criminality. Thus we can not adopt these ideas and principles as universal perpetual laws e.g., the German and French criminologists will not be accepted by the American criminologists. With these differentiations the modern criminology has become sectarian with a background of Christian sect and denominational Church philosophy,
for example the Catholic church will have no consideration for the concept of criminology and penology, developed by Presbitarians, Protestants and Seventh Day Advent and so on and so forth.

The criminology of modern age has given rise to crisis, conflict and plurality. Under the shadow of such an orientation it is not possible to classify them as unitarian and universal. Criminology has thus been placed under the analysis of situation. This situation is created by the cultures, religious dogmas and sectarianism. What a dismay and illogicality in the world of Islam to follow these theories to solve the problem of crime. Islamic world is totally guided by the norms and values, culture and cultural milieu, mentality and values, logically related to the situation, what we call Islamic. The Western theories guided by the culture has no bearing to accept them as universal. Under this circumstance we were persuaded to know the definitive cultural mentality, ideas and values, given to us by Quran and Sunnah.

Situation guided as the modern criminology is, it has unfortunately entangled into utopias, ideologies and sectarian Christian views. Realistically, the crime and criminal cases gave chance to law authorities to solve the problem with the particularistic opinion of the court, which
was free to follow its own reasonings and conclusions. Islam cannot follow them on the basis of religion and totally different culture and cultural point of view, hence it is very difficult to accept the Euro-American ideas because with the multi-dimensional differences, it has become purely ideological and utopian. These facts have been recognized by courts. We quote here the example of a well known judge Condorcet\(^1\). The world of Islam, misguided as it is, has no alternative except to follow the Western ideas and principles.

In this present age some of the scholars in the world of Islam particularly in Arabian soil have taken to study crime problem and formulate the principles and theories of crime, criminology and criminal cases in the light of particular Arabian culture, guided by the Shariah. In this adventure the Egyptian scholars have gained superiority. They have no chance of treating the subject under the formulation and thought-pattern of a particular scholar. Each individual scholar was guided by the best knowledge of his personal conclusions reached by research investigations. We have thus no theories, but there are many books written on crime and penology decided by a particular court of their own country. We have quoted in this paper some of the books written by the Egyptian scholars. Again the Islamic world and thinkers on criminology have been guided by particularistic viewpoint. This step is to be modified with the concerted efforts through the study of Quran and Sunnah.

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Such a study requires a team of researchers. We have taken a bold step to point out the specific nature of the concept of criminology given by the Quran.

The modern criminology notwithstanding flaw and vacuum does recognize the psychological factors in all the phenomena of human existence. There is a conflict and confusion in the method of approach and conclusion. Upto the recent days social sciences like other systems of knowledge were in a situation of material dialecticism. As a result of this situation the various methods adopted towards the understanding of life, society and culture were in an unhappy condition in terms of values and final objective of man's existence as an individual and as a social being. In an attempt to solve this wrangling the thinkers of the Islamic world tried to determine the real connotation of man and society. In this situation most of the Western scholars referred to the meaning orientation of man's existence as an individual and as a co-sharer with the society, the final form of human existence in terms of values. In this struggle scholars of the time recognized the involvement of psychological factor. In doing so they were guided by the initial attempt of Lester F. Ward who in his book 'The Psychological Factor of Civilization' laid emphasis on values. It is a general approach for the understanding of values, meanings which according to him lay hidden in all the psychological factors of the society and culture. It is indeed a valuable discovery but lacks in terms of
definitive orientation. We do not know what psychological factors are and how they are involved in all the phenomena of society. If psychological factor is the necessary layer of human society automatically it should be value oriented and meaningful. No scholar so far attempted to give anything definitive to understand the why and how of meanings and values. It is strange that some of the Muslim scholars have shown keen interest for the study of society and indeed they have done a valuable service to approach the problem of society with the specific point of view of Quran. The most prominent personalities are Ali Shariati and Murtaza Mutahhari of Iran. Instead of trying to solve the problem with pure viewpoint of the Quran, they have gone astray because of dialectic materialism. As a result of entanglement they have complicated the problem allowing nothing but the origination and development and paradoxes and dyds. The values as such have their own enunciation in terms of micro, macro and meta level. Again in their polarities they have their own enunciation in terms of axiological bases what we call mindas, monads and logos etc. It would be sheer presumption if we take these categories as philosophical.

In these they have their own place in their connection with philosophy, but when the sociologists talk in terms of phenomena, they are bound to take them into consideration. The sociologists are still at war because of their lack of understanding of value content of phenomenological layer in each and every aspect of the society. In generalities there is no use to talk about values. The material and phenomenological aspects of the society are connected
with the extrinsic values and again they attain logico-meaningful orientation with their intrinsic values. Thus the Quranic sociology in its Surahs Yaseen and Rahman refer to the interdependence of these two systems as one integral unity.

The Western world having no cohesive understanding of unity of meaning, talk in terms of values. This has given way towards further entanglements and disruption. There arose two fighting groups, one of them thinks of values and other discards the values as something unnecessary. This war about values left us in estrangement and perplexity. Max Waber rejected the system of meaning whereas the eminent sociologist Wirth talks very loudly about the meaning system in all the minutest task of human society and existence.

The problem of values are necessary part of human life. They have their own role in all aspects of life, positive and negative. Consequently it is inavoidable in any attempt to understand antisocial behaviour or criminal activities. As they are necessary aspects of human life, most of the sociologists and psychologists have taken steps to understand them with critical vision and deep insight. In sociology almost all the scholars like Gluck, Reckless and Barnes have written much about this problem.

Merril and Mabel in their Social Disorganization, and in the specific study of Women Criminals start their researches with the preamble of Norms and Values. Thanks God they have recognized the implication of psychological factors and their
involvement with meanings and values. Again they have left us in confusion, because they have no decisive orientation in terms of meaning. We know only meanings without definitive explanation of their why and how. The severe defect which we feel is the exposition of values with the viewpoint of materialism as directed them through their culture which is entirely sensate. This defective approach is the result of great flaws and vacuum in the clear understanding of meaning of values. The criminologists who have got some lien with religion, talk about values in terms of ideationalism. Thus the Western world is divided into two warring camps - the one which talks about values in terms of materialism having nothing to do with religion. The opposite camp talks about value in terms of materialism, pre-dominantly in terms of sensatism and hedonism. Those who belong to religion, thus talk of values in terms of Christian ethics. The example of this school is provided by Lumley, Ruth Benedict, Reckless and Mabel and Merrill. Such a phenomena automatically should entail in a situation what Cuber calls conflict.

The variegated patterns of life are evaluated by the canon of values common in each and every culture. There is no unified method of evaluation and judgment. In such an anomalous situation we can not expect a unified system of values. However, all the criminologists having faith in Judaism and Christianity automatically evaluated everything in life with the viewpoint of Christian ethics and the ethics formulated by Turah. With this panorama it is very difficult to introduce a unified criteria of evaluation. All of them do talk about values, avoiding analysis
in terms of discovering the layer of values. It is Islam which in all forms of life refers to the ultimate layer, the layer of spirituality. Consequently the Quran points out that all social pathologies, crimes and sins are the result of decay and demolition of spirituality.

The life goes smoothly and in balance when categorically directed by spirituality. The basic tenet of values is the fear of God. When this value equilibrium runs down automatically as the Quran says, all the sense perceptions are lost altogether. With the fear of god, man gets check and balance and if this very principle is destroyed, the life has to suffer its meaningfulness and balance.

2. Value of Quranic Concept for eradication of crimes and degradation of Human Personality.

The diversified analysis of value system is defective because of its failure to discover the fundamental layer of them all. Thus the ultimate base of values is spirituality culminating to the final layer - the Fear of God. Islam in its criminological layer demands that the criminal and all the antisocial and deviant personalities are to be treated in a way that a deficient person should attain the final values of fear of God. Under such a system we can not tolerate any theory or any analysis which has not got the basis of love of God and fear of God. It is the fashion today to build the personality of all deviant persons with the viewpoint of morality and faith. In the European world the clergies are delegated to act as a personality builder without fruitful results,
This is superfluous and also entirely nominal. In our case it is necessary to build the personality of criminal through Tazkiah( تزكية). The pattern which is to be followed is a pattern envisaged by Quran as under:

"Certainly Allah conferred a favour on the believers when He raised among them a Messenger from among themselves, reciting to them His messages and purifying them and teaching them the Book and the wisdom, although before that they were surely in manifest error". (3:163)

There are multitudinous types of theories analysing the causes of crime giving some suggestions of eliminating crime altogether. All these theories are conceptual, delineating causes in terms of family disturbances and incongenial home atmosphere, poverty, mental illness, physical disability, unhealthy atmosphere, pathological social situation, vagarancy, illiteracy and host of others but none of them refer to the wickedness of character in terms of loss of fear from God and stringencies of spirituality. In short all these theories concentrate their attention on physical factors but they have not gone into the depth discovering the spiritual factor. Quran leaving behind all of them at once attribute all deviancies in terms of personal, social, cultural, economic and so on and so forth. To one factor, the task of spirituality culminatinig to one point which is fundamental to all of them i.e., fear from God
So important this factor is that in all pathologies, personal or social, only this factor is responsible for the decay of personality and culture. Danial Heineberg, the eminent historian of Islam while delineating the causes of decay of Muslims, emphatically invites the attention on this factor. So long as man and society are guided to develop their life along the lines of fear of God and love of God, nothing can do any harm. The history of Islam of previous stages is a testimony of this fact. When the individuals and societies were guided by this principle they were saved from all dangers of decay. Only when deviancy followed through the elimination of this basic tenet, they went astray and had to face all sorts of dangers from all sides. The Ulema like Ghazali, Tamiah, Shah Waliullah, all pointed out that the bases of all morality, religion, culture and norms and values entirely depend on these two principles. Indeed we must say that they are major premise or First Principle of the life of Muslims and the system of culture. Cutting short the above discussion we must once again lay stress that in all phenomena of crime, antisocial behaviour, deviancy and pathology one should audaciously seek their causes only in the major fact - the loss of spirituality originating from the loss of fear from God.
It is very unfortunate that the historians and all the students of Muslim culture and religion succinctly refer to the spiritual environment in the culture of Islam but they never cared to enunciate and elaborate in detail leaving no room for them all to discover the causes of our decay in other subservient factors. In particular, many crimes have been caused by the lack of religious guidance. Theft, murder, seduction and so on and so forth. The materialism created an atmosphere of anomaly and conflict. There is no one cause for them all. Most of the theories talk of the social atmosphere and poverty. None of them has taken into consideration the diminishing rate of spiritual forces, more particularly the most important of them all the restraint imposed by the fear of God. They talk of crimines, enunciating that none can act in terms of crime without developing a specific tendency to commit crime. No one can be a murderer or thief without bearing a specific tendency. Crimosis as such is a concept which has taken place on the original concept that man is born with an innate characteristic of crime. The Quranic theory of crime rejects them all and in place of them the Quran upholding the dignity of man lays stress that all antisocial activities are due to fearlessness from God. The society and its institutions are responsible to cultivate the mind through Quranization which means that every individual of society should be guided to behave and act according to the laws and principles.
of Quran in strict conformity with the beautiful conduct of holy Prophet Mohammad (S.A.W.S.).

"Certainly you have in the Messenger of Allah an excellent exemplar for him who hopes in Allah and the Latter day and remembers Allah much". (33:21)

The mistakes which are committed without cognitive understanding is to be seen in this fact that while taking crime as a universal phenomena, automatically it is taken as a fact that these therapeutic measures will be the same for all the criminals whether he belongs to the West or the East. Crime is universal indeed but criminals are the product of their own respective cultures. The criminal of the West automatically should be different from that of the East. There is no similarity between the criminals living in different parts of a country, e.g. the criminal living in America in different provinces has a different personality make up. What a pity that in our country criminals are treated with the view point of the West. Whereas our criminal in spite of deviancy in value orientation pattern can not be treated on the lines of the criminals of the West. The entire question is the important question of differential psychology.

The Quranic concept of criminology based as it is on the principle of spirituality culminating in the principle of love of God and fear from God is sure to help the criminology
in discovering a unique method with surity of success. Religion has been one of the ways of therapy and we know the Church father has been rendering good service for the removal of pathology and helping the criminal in one synchronicity to build the broken personality of criminal. We are sure that inculcation of fear from God will equally help in acquiring immediate fruitful result. On the basis of love and fear from God we can not only build the personality of criminal but equally the application of this major will augment more and more for the continuous development of personality. Society needs personality and it is the necessary function of society to keep on producing meaningful personality. Among all the religions Islam is the only religion which suggests ways and means of developing personalities. One of its main functions is Tazkiah (تَزْكِيَة) the purification of personality, the indispensable part of construction of personality. We have already quoted the verse 3:163 in this behalf. With this principle Islam stands conspicuous and its principle is worth recognition with a belief that success will be inevitable. In this way Quranic method of criminality as enunciated above has its own place among the modern contributions. These contributions are diverse and have been changing constantly from time to time. In contradiction to this situation the Quranic principle is definite, nonoscillating and perpetual. Its principles may be used in all times and spaces. With three characteristics the laws and principles of criminology are correlated with the ultimate
principles of society which are as under:

1. Development of Personality
2. Completion of social machinery
3. Subjugation of nature.

These principles are the functional part of individuals and groups. The criminal is restrained from carrying out these functions and hence the therapeutic method with the tenet of faith - fear from God and love of God - allows the criminal to go back to society and take over the necessary functions delineated above.
HOLY QURAN


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"Rise and Fall of Nations" از ژرژ دوکا. شایعه‌ای که این کتاب در ابتدا تحت عنوان "_multiply of the Nation" انتشار یافت.