

IS CRIMINALITY IN-BORN? AN ISLAMIC PERSPECTIVE

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ABSTRACT

According to the teachings of Islam human beings are born into this world in the clean and precious in the sight of Allah. In the Qur'an Allah describes man was created with the best creation and certified by Allah preferred them from other creatures. They are given intellect and freedom to choose something good or bad in their life and they are responsible for their actions . However there is an opinion from the West claim that human misbehavior and crime is because hereditary. For their crimes and vices inherited from the past and their descendants rather than external influences or the environment. This paper discusses whether the criminals it is descended from the past in the view of Islam . Is it true that Western allegations that it inherited criminals ? Arguments conclusions of this paper explains that the Western view of the criminals was the inheritance is not true at all.

Keywords: Man, Criminality, Western and Islamic views

INTRODUCTION

In verse four of Chapter ninety-five begins with the oath and also notes the high nobility of man who is created “In the best mould”^{xi} which signifies that he is a *ashraful makhluqaat* (crown of creation) in his high position. Sayyid Qutb has commented on this verse that, “...the superiority of man’s creation is most clearly apparent in the spiritual qualities. He is made in a way which enables him to attain a sublime standard, superior to that of the highest ranking angels.”^{xii} The Qur’anic verse also says,

And indeed We have honoured the Children of Adam, and We have carried them on land and sea, have provided them *At-Tayyibaat* (lawful good things), and have preferred them above many of those whom We have created with a marked preferment.^{xiii}

This Qur’anic verse clearly shows that the creation of man has placed him as the best and most noble of creatures. Thus, he has more special privileges before Allah on earth than other creatures, and he is superior to the angels because of his intellect, freedom of will and concept of responsibility. The diverse features and qualities in man’s nature, mean that man by nature has a great potential to become good.

Western and Islamic views

However, some of Western views of the criminal has mentioned that criminality is in-born. The idea of the Italian criminologist Cesare Lombroso which takes the view that criminality

^{xi} The Qur’an 95:4

^{xii} Sayyid Qutb, *In The Shade of The Qur’an*, vol. 30, translated by M. Adil Salahi and A. A. Shamis, (New Delhi, 1998), p. 213

^{xiii} The Qur’an 17: 70

is inherited by biological determinism could seem somewhat strange in Islam. His study in *L' Uomo Delinquente* (Criminal Man) which was published in 1876 was one of the early efforts to look at crime from a biological perspective. He popularised the notion of a “born criminal” which had great influence well into the twentieth century. According to his theory,

Criminality is in-born, being the result of an *atavistic reversion* to an earlier evolutionary stage. It is a constitutional matter, that is to say, it is an essential part of the inherited nature of the criminal and cannot be changed. Lombroso later added the idea of *degeneration*; basic flaw in heredity, giving rise, in later generations, to the deterioration of physique and behaviour which we see in the criminal.^{xiv}

His theory postulated that primitive man was criminal and that modern criminals are throwbacks (*atavists*) to an earlier form on the evolutionary scale. In his study “Criminal Types” he identified a number of attributes which distinguish the criminal population such as abnormal nose, large ears, long arms, shifty eyes, strong and jutting jaws, darker skin colour and so on.^{xv} He believed that someone who had at least five of these features was born with a strong tendency to become criminal. Although his ideas are now deemed to be outdated, his scientific approach to crime paved the way for various modern studies of criminology.^{xvi} Even today there are theories of criminality, which are based on biological aspects.

Since the chemical composition of genes known as Deoxyribonucleic Acid was identified in the 1950s, there has been a breakthrough in the study of genetics which has further opened the ‘secrets of life.’ We now know that each life form carries the Deoxyribonucleic Acid or DNA code of genetic information, which indicates that the mechanism of inheritance is the same for all creatures. In other words, common ancestry is similar in the cell structure of all living things.^{xvii} According to Roman B Romaniuk,

DNA is found in the cells of all living things, ranging from some viruses and bacteria to trees, grasses, and human beings. It is responsible for passing on hereditary characteristics from one generations of living thing to the next...All living things – whatever the species – from bacteria to humans use DNA as the blueprint for life.^{xviii}

We do not deny that this scientific study is beneficial for human beings because it provides the conclusive answer to idealism. However, further developments in the some study of genetics have claimed that men are born with a given set of genes, which cannot be altered and that this decides their fate. Moreover, since their genes determine the behaviour of human beings it is impossible to remedy their behaviour by social means. This idea is discussed by Richard Dawkins in *The Selfish Gene*.^{xix}

Another fascinating theory is psychoanalysis theory. The founder of this theory was Sigmund Freud (1856-1939) who proposed that crime is caused by unconscious forces and drives. According to him, early childhood experiences have great effects on the development of the personality, which is made up of three aspects; the id, ego and superego. The Id is the mass

^{xiv} Cited from: Muhammad Tahir-ul-Qadri, *Islam and Criminality*, (Lahore,1988), p. 45

^{xv} For further information about “Criminal Types” see: Brian Lane, *The Encyclopedia of Forensic Science*, (London, 1992), p. 99

^{xvi} For a detailed discussion on the development of Lombroso’s view see: Muhammad Tahir-ul-Qadri, *Islam and Criminality*, (Lahore, 1988), pp. 46 – 54

^{xvii} Florian von Schilcher and Neil Tennant, *Philosophy, Evolution & Human Nature*, (London, 1984), pp.14 – 16 and see also: Richard Dawkins, *The Blind Watchmaker*, (Essex, 1986), pp. 111 – 137

^{xviii} Roman B. Romaniuk, *Roman’s Notes on DNA*, (Toronto, 1995), p. 11

^{xix} Richard Dawkins, *The Selfish Gene*, (Oxford, 1989), p. 3

instinctual of human mind, whose activity is largely governed by the arousal of specific needs. It is regarded as the unconscious element of the human psyche, which contains urges or drives that are often in conflict with the ego and superego. The ego refers specifically to the element of the human mind which represents the conscious process concerned with reality. It relates desires to behaviour. And the superego is the element of the human mind concerned with being responsible for ethics, which generally judges actions as either right or wrong.^{xx} In Freud's theory, the complicated role is played by the ego which has to satisfy the demands from reality, the demands from the desires of the Id and to face the demands originating from the superego. According to him, if the ego fails to meet the demands of reality, the Id or the superego created mental disorders such as *realistic anxiety*, *neurotic anxiety* or *moral anxiety*, while in the case of an ideal normality there is a nicely balanced interplay among all three agencies.^{xxi} According to this theory, these agencies are among the factors which may affect the development of man's behaviour.^{xxii}

An Islamic Perspective

The core of the foregoing arguments is very different from those held in the Islamic point of view. The Qur'an and the *Hadith* lay very clear emphasis on the fact that human nature has the potential to have good moral qualities, and, moreover, on man is conferred the best crown of creation.^{xxiii} To allow make man to be responsible for his actions, Allah has bestowed on him the freedom of will and knowledge so that he can choose whether to do good or bad deeds. The Qur'anic verses precisely describe this, "Have We not made for him two eyes, And a tongue and two lips?, And shown him the two ways (good and evil)?"^{xxiv} These verses signify that man has been given the ability to discriminate between good and evil. By his freedom of will he can choose either one of them.^{xxv} Sayyid Qutb has commented on these verses that,

Man is conceited because he feels himself powerful, but he is granted his power by Allah. He is mean with his wealth while Allah is the One Who provided him with it. He neither follows the right guidance nor shows his gratitude, although Allah has given him the means to do so. He has given him eyes which are marvellous, precise and powerful. He has granted him the faculty of speech and the means of expression, 'a tongue and two lips.' He has equipped him with the ability to distinguish good from evil, right from wrong, 'and show him the two path,' so that he may choose between them; for in his make-up there exists the ability to take either way.^{xxvi}

The explanation above has shown that Allah has endowed man's nature with the ability of knowing how to distinguish between right and wrong. This ability may lead man either to follow the divine guidance which leads to the right way or to follow his lust with its

^{xx} Sigmund Freud, *The Ego and The Id*, translated by Joan Riviere, (London, 1935), pp. 19 – 53, see also: Humberto Nagera, *Basic Psychoanalytic Concepts of the Theory of Instincts*, (London, 1970), pp. 46 – 49

^{xxi} Christopher Badcock, *Essential Freud*, (Oxford, 1988), pp. 111 – 112, for further explanation see: Sigmund Freud, *The Ego and The Id*, translated by Joan Riviere, (London, 1935), pp. 79 – 88

^{xxii} See: C Fred Alford, "Freud and Violence" in Anthony Elliott, *Freud 2000*, (Cambridge, 1998), pp. 61 – 81, Robert Bock, *Freud and Modern Society*, (Wokingham, 1976), pp. 120 - 144

^{xxiii} The Qur'an 95 : 4 – 5

^{xxiv} The Qur'an 90 : 8 – 10

^{xxv} Hasan Al – Anani, *Freedom and Responsibility in Qur'anic perspective*, translated by M.S. Kayani, (Indianapolis, 1990), pp. 77 – 103

^{xxvi} Sayyid Qutb, *In the Shade of the Qur'an*, vol. 30, translated by M. Adil Salahi and A. A. Shamis, (New Delhi, 1998) p. 175

tendencies to sinful deed and evil. Therefore, the point that crime is an inherited part of human nature is absolutely negated from the Islamic point of view.

In this connection, Ali Akram Khan Sherwani has noted, “A man is neither sin-inherited nor criminal by birth; he is born innocent with a free will and with certain endowed powers in the form of emotions, desires and instincts.”^{xxvii} With reference to the Qur’anic passages 2 : 35 – 38; 20 : 117 – 123 and reflection of ‘original sin’ in Islam, Adam’s ‘sins’ were his own and not passed on to his progeny.^{xxviii} This means that man can either adopt the path of righteousness or the path of immorality, and he has the potential to elevate himself to be higher than the Angels or lower than animals.^{xxix} The fact remains that, if man is inclined to the righteous path and always strives for spiritual purification this may elevate him to the way of Angels, which means he is creating a way of goodness. However, if he adopts the immoral path and elements of bestiality, eventually he may get into trouble and become a criminal.

Thus, man’s acts in his life are generally the consequence of his own actions, and if he commits a crime it is by his own free will. Numerous Qur’anic verses clearly explain that man is held to be liable for his actions, for example, “And be afraid of the Day when you shall be brought back to Allah. Then every person shall be paid what he earned, they shall not be dealt with unjustly.”^{xxx} The context of this verse signifies that man is responsible for what he earns and the way in which he acts. Moreover, he will be held to account before Allah in the Hereafter on the basis of his performance according to his own acts, and not to his inheritance.^{xxxi} Hence, in this matter, we hold the view that it is baseless in Islam to say that men were created prone to sins, evil deeds and bad natures

In addition, the crucial point which must to be understood in the issue of crime in Islam is that no inherited tendencies bind a man to become a criminal. Man, however, through his freedom of will, may commit a crime although his *fitrah* of creation is good. In this respect, he may be able to curb his criminal tendencies through the process of *Tarbiyyah* and follows the guidance and teaching of Islam. He who commits sin and crime does not rely on in-born process. He voluntarily follows his lusts and this way of luring, which is schemed by *Shaitan*, is a direct cause of his involvement in sin and crimes.^{xxxii}

Conflict between man and *Shaitan*

Shaitan always tempts every human being away from obedience to Allah and the righteous course he should follow. The Qur’anic verse testifies to this when it says,

(*Iblis*) said: Because You have sent me astray, surely I will sit in against them (human beings) on Your Straight Path. Then I will come to them from before and behind them, from their right and from their left, and You will not find most of them as thankful ones (i.e they will not be dutiful to you)^{xxxiii}

^{xxvii} Ali Akram Khan Sherwani, *Impact of Islamic Penal Laws on the Traditional Arab Society*, (New Delhi, 1993), p. 32

^{xxviii} Ismail R. al-Faruqi, *The Hijrah: The Necessity of its Iqamat or Vergegenwartigung*, (Philadelphia: 1981), pp. 63 – 67

^{xxix} Muhammad Abul Quasem, *The Ethics of Al-Ghazzali A Composite Ethics in Islam*, (Petaling Jaya, 1975), pp. 50 – 52

^{xxx} The Qur’an 2 : 281

^{xxxi} Hasan Al – Anani, *Freedom and Responsibility in Qur’anic perspective*, Translated by M.S. Kayani, (Indianapolis, 1990), pp. 142 – 147

^{xxxii} Muhammad Iqbal Siddiqi, *The Penal Law of Islam*, (Lahore,1985), pp. 4 – 5

^{xxxiii} The Qur’an 7: 17

Shaitan takes advantage of the freedom of man to choose between good and evil, to prey on man and his weaknesses, his forgetfulness and heedlessness. He designs every possible way to get access to the spiritual nature of man, in order to corrupt it and tempt it away from Allah's guidance. According to As-Sha^crawi,

In fact, Satan has used two things that are most tempting and alluring to man, which are eternal life and inexhaustible wealth. Man has always longed to live forever, to maintain his youth and never grow old, and to amass all the wealth his hands could seize. It is through these two desires that Satan finds easy access to man's soul.^{xxxiv}

From the Islamic perspective, when a Muslim deviates from the purpose of his creation, and gives in to his lust, then he opens the way to *Shaitan* who is always ready get him into his grip. The Qur'an is very clear about the creation of man (Adam), that *Iblis* is the spirit of rebellion who refuses to humble himself before Adam when the Angels prostrated themselves before him. But another verse of the Qur'an indicates that the Satanic schemes and machinations have no effect on those who comply sincerely with the commandments of Allah.^{xxxv} So the way to defeat *Shaitan* is for a Muslim to worship Allah sincerely, voluntarily surrender to Allah's command and always remember Allah. Allah says:

Verily! He has no power over those who believe and put their trust only on their Lord (Allah). His power is only over those who obey and follow him (Satan), and those who join partners with Him (Allah i.e those who are *Mushrikin* (polytheists))^{xxxvi}

He tries to persuade man that there is no reward for righteousness or punishment for evil. Nevertheless, the conflict between man and Satan does not mean that man is always ungrateful and disposed to commit evil. He (Allah) Who is Merciful and has Supreme power overall has revealed the guidance through the Prophets to people which may help them despite the schemes of Satan. For those who follow the guidance of the Qur'an and always sincerely seek to achieve Allah's pleasure, *Shaitan* will not be able to get hold of them.^{xxxvii}

The concept of Sins and Crimes

To understand accurately the distinction between sin and crime from the Islamic perspective, we have to clarify the nature of these terms. Obviously sin may be committed by everyone^{xxxviii} through the violation of Allah's commandments and this is not in the interests of society. The man who commits sins may not be punishable in the *Shari^cah*, but severe punishments in the Hereafter are waiting for him if he fails to seek forgiveness from Allah. Crime, however, includes the unlawful acts which are prohibited by the *Shari^cah* that entail a *hadd* or discretionary punishment.^{xxxix} Crime (*Jinayah*) literally means, "the bringing to pass of an evil thing, or action; committing forbidden action, also a crime, an offence, or an injurious action, for which one should be punished."^{xl} It generally signifies, "an action that a man commits requiring punishment or retaliation to be inflicted upon him in the present

^{xxxiv} Shaykh Muhammad Mitwali al-Sha^crawi, *The Miracle of the Qur'an*, translated by M Alserougii, (London, nd.), p. 118

^{xxxv} The Qur'an 38 : 83

^{xxxvi} The Qur'an 16 : 98 – 100

^{xxxvii} See: The Qur'an 38 : 75 – 83

^{xxxviii} See: the *Hadith* recorded by Muslim, *Sahih*, translated by Abdul Hamid Siddiqi, vol. 4 B, no. 2748, (Lahore, 1990), p. 259

^{xxxix} Abu'l-Hasan al-Mawardi, *Al-Ahkam as-Sultaniyyah*, translated by Asadullah Yate, (London, 1996), p.309

^{xl} Edward William Lane, *Arabic~English Lexicon*, vol. 1, (Cambridge, 1984), p. 472

world and in the world to come.”^{xli} Here we can grasp the point that criminal acts actually affect individual rights or the interests of society. From an Islamic perspective, the *Shari'ah* has prescribed these criminal acts as for example, theft, highway robbery, murder, adultery or fornication, the drinking of alcoholic beverages, defamation and apostasy. Therefore, someone who commits these crimes for which there is true evidence as is prescribed in the *Shari'ah*, is punishable under the *Shari'ah*. In this point, Ali Akram Khan Sherwani has noted the different between sin and crime that,

A violation of ‘Divine Rights’ can be treated as ‘sin’ while a violation of ‘human rights’ a crime. A sin may also be accounted as crime when it affects the rights of an individual or the interest of the society. Sins are not punishable under penal laws, while crimes are punishable under the penal code of the country.^{xliii}

Therefore, man who remains a sinful person may later on commit crimes by violating the rights of others. According to Muhammad Iqbal Siddiqi, “...if the sin remains unattended and the society is not secured from the sinners who have indulged into the sin due to the inner urge, crime will be rampant...”^{xliii} In this regard, therefore, Islam always reminds Muslims to realise and be aware of their sins by self-evaluation, and encourages them to seek forgiveness from Allah immediately when they commit sins. Apart from this, Islam always offers and generates virtues by giving *tarbiyyah* and guiding people so that they do not commit sins and crimes. There are several profitable ways of *tarbiyyah* which may be helpful when dealing with Muslims’ conduct before they commit sins and crimes.

CONCLUSION

Islam provides its followers with methods to resist the ways, which lead to sin and crime. This is because *Din-al-Islam* and morality are inseparable. In so far as the issue of crimes is concerned, a noble method in Islam is to prevent crimes through the idea that “Prevention is better than treatment.”^{xliv} This means that Islam always strives by various means to give the right guidance and *tarbiyyah* rather than imposing punishment. In this connection, Liaquat Ali Khan Niazi has noted, “To prevent crime, Islam really aims to eliminating the conditions that produce it. It seeks to remove the very root-cause of all crime by working a complete moral reformation in man.”^{xlv} The *tarbiyyah* that is designed by Allah does not shift the natural needs of human desires but lays down the direction for pleasure and the satisfaction of desires. It helps man to organise his life in a correct, productive and progressive manner. Moreover, this sphere of *tarbiyyah* will reform an individual Muslim from his sinful life and encourage him to seek beneficial values. In the domain of *tarbiyyah*, we find the Qur’an and the *Sunnah* underlying the method of advising, guiding, encouraging, persuading, admonishing and warning the particular habits of man which may lead to crime. In fact, these noble methods often begin with the inculcation and encouragement of good values, which gradually characterise an individual and eventually become embedded as a way of life, particularly when man’s internal nature is higher than his instinctual nature. Therefore to say that the criminal inherited from people before (forefather, family or relative) is against Islamic teaching.

^{xli} *ibid*, vol. 1, p. 473

^{xlii} Ali Akram Khan Sherwani, *Impact of Islamic Penal Laws on the Traditional Arab Society*, (New Delhi, 1993), p. 33

^{xliii} Muhammad Iqbal Siddiqi, *The Penal Law of Islam*, (Lahore, 1985), p. 6

^{xliv} Yusuf al-Qaradawi, *Introduction to know Islam*, (Cairo, 1995), p. 108

^{xlv} Liaquat Ali Khan Niazi, *Islamic Law of Tort*, (Lahore, 1988), p. 140

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