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**Crime, Punishment, And Justice Among  
Muslim Inmates**  
**(The Meaning of Crime and Punishment to Muslim Inmates  
and Its Policy Implications)**

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**ABSTRACT**

*This study explores how incarcerated Muslim men understand crime and punishment from their religion's perspective. It analyzes responses to open-ended questions posed in a mail survey delivered to Muslim inmates from Ohio State prisons. The inmates' understanding of concepts such as crime, punishment, repentance, reconciliation, and forgiveness is then compared to the "normative" textual explanations to better understand the religious experiences of Muslims in U.S. prisons. The results suggest that more moderate or "normative" religious education might help counter extremist interpretations of Islamic texts and, correspondingly, reduce the prospects of terrorist-related activities.*

## *Crime, Punishment, And Justice Among Muslim Inmates*

Nawal H. Ammar & Robert R. Weaver

There is an emerging literature on religion in prison. Several studies examine the role religion plays in regard to inmates' and their adjustment to prison conditions, rehabilitation, recidivism (Beckford, 1999; Beckford & Gilliat, 1999; Clear & Sumter, 2002; Clear, Hardyman, Stout, Lucken, & Dammer, 2000; Cochran, Wood & Arnekev, 1994; Evans, Cullen, Dunaway, Burton & Velmer, 1995; Grasmick, Cochran, Bursick & Kimpel, 1993; Johnson, 2004; O'Conner & Perreyclear, 2002; Sharp, 2003; Spalek & Wilson, 2002). Others explore conversion patterns and certain minority religions (Ammar, Weaver & Saxon, 2004; Byron, 1987; Kusha, 2002). Few studies explore how inmates experience and understand their religion, its central tenets, and its relationship to crime and punishment (Dammer, 2002).

This paper investigates how incarcerated Muslim men understand crime and punishment from their religion's perspective. The inmates' understanding of crime and punishment is then compared to the "normative" textual explanations of such concepts to better understand the religious experiences of Muslims in U.S. prisons. Inquiring about the understanding of incarcerated Muslim inmates and how their opinion of crime and punishment is articulated has policy implications. There is a growing concern in post 9/11 times that prisons will become "hubs" of Islamic extremism and violence (Colson, 2002; Malkens, 2004; Marks, 2006). A view of what inmates know about Islam and its tenets prior to the panic of 2001 provides a more realistic assessment of Muslims in American prisons. The discussion is based on survey data collected from Muslim men incarcerated in the Ohio state system in 1998-2000.

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCJS; Volume 2, No. 2, November 2006*

First, however, we briefly describe the historic context of Islam in U.S. prisons.

**ISLAM & PRISONS IN THE U.S.**

Islam is not a new religion to the United States. The presence of Islam in the New World began with the Moriscoes who accompanied the Spanish invaders. Later, a great number of Muslim slaves were imported to this continent to work on the plantations of the South (Muhammad, 2001, Diouf, 1994). Islam has been the second largest minority religion in the United States since before the last decade of the second millennium (Haddad & Lummis, 1987; Dannin, 2002). It is estimated that there are between 5-8 million Muslims in the United States (The World Almanac, 2001; Ba-Yunus & Kone, 2004).

Presently, approximately 350,000 prisoners in the United States claim Islam as their religion, comprising about one-third of all inmates. Most of those are African Americans with few Middle Eastern immigrants and European American converts (The World Almanac, 2001). While the Nation of Islam remains prominent within U.S. prisons, it is perceived by most Muslims as a sect or as having little in common with the much longer history, tradition, or text of Islam. Today, it remains unknown what portion of these inmates identify with the Nation of Islam or to other Islamic sects. Most Muslim chaplains working in state and federal prisons, however, are required to minister according to the Orthodox (Sunni) stream of Islam (personal communication with an Ohio

## ***Crime, Punishment, And Justice Among Muslim Inmates***

Nawal H. Ammar & Robert R. Weaver

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Within this system Muslim practices were not always officially accepted as legitimate. It was not until landmark cases in 1960's (Cooper v. Pate, 1964; Walker v. Blackwell, 1969) and 1970's (Finney v. Hutto, 1976, and Northern v. Nelson) that inmates won the right to freely practice their religion. Now most U.S. prisons incorporate programs to accommodate dietary restrictions, and other religious obligations. While these programs enable Muslims to practice their constitutionally-guaranteed religious freedom, there are questions about whether the prisoners understand the meaning of these beliefs and practices (Dannin, 2002, Ammar et al., 2004). In what follows, we explore some of these meanings with respect to inmates' religious understandings of crime and punishment.

### **METHOD**

#### *Sample: Muslim Prisoners in Ohio*

At the time our research was conducted, the Ohio prison system included approximately 48,000 male inmates. About 3% of those were Muslims. One thousand four hundred and forty inmates were identified as Muslims in the Ohio prison system in 1999-2000. Sixteen correctional institutions returned their surveys (out of 26). Several methodological challenges associated with prison studies were identified elsewhere (Ammar, Weaver and Saxon, 2004, 417-418). We faced three obstacles in doing this study. First the distrust of authorities initially stopped our access to inmates.

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCJS; Volume 2, No. 2, November 2006*

Administrators in general and head chaplains in particular showed concern about the data being collected, the purpose for its collection and its impact on internal policies. This is partly due to the volatile legal history of Islam in prison and partly due to the dynamics of operating prisons in general. Second, access to Muslim inmates in Ohio prisons in particular became more difficult after the Lucasville riots (1992) due to their unruly history. After numerous meetings we were able to gain the trust and the understanding of the Chaplains and administrators and thus access to the prisons. However, this only facilitated the distribution of the questionnaires into the prisons. The inmates' distrust of the purpose of the survey presented a third obstacle. Surely, fly-by-night researchers previously have used data against incarcerated populations and the Muslim inmates were suspicious of using the data against them in the future. Requesting that Chaplains give Imams the questionnaires to distribute surveys to Muslim inmates might encourage participation. However, after the research was completed one Imam working in a prison indicated to our team that some Imams raised the suspicions of the inmates regarding the purpose of the study, possibly lowering the response rate. While Muslim inmates remain a difficult population to research, this study offers an important initial step toward providing a picture of this group of inmates.

Two hundred and twenty seven (15.8%) individuals completed the surveys and fifteen returned narratives or letters to the researchers. The level of educational attainment among the Muslim sample is lower when compared with the larger population in the State of Ohio. (Ammar et al., 2004). Comparative data on the educational attainment of the general inmate population was not available from

## ***Crime, Punishment, And Justice Among Muslim Inmates***

Nawal H. Ammar & Robert R. Weaver

Ohio Department of Rehabilitation and Correction. The majority of inmates (65%) in the Muslim sample had an educational attainment of high school or less, 8.0% in our sample received a bachelors or higher, none of the respondents had less than 8<sup>th</sup> grade education. The demographic characteristics of Muslim inmates in the survey are similar to the general population of inmates in Ohio state prisons. The sample of Muslims in Ohio prisons shows that the inmates are on average three years older than the general population of inmates, has a larger majority of African Americans (85%) versus (53% in general population).

The crime types of the Muslim sample also closely correspond with those of the general population of the inmates in Ohio's state prisons. Crimes against persons were the main reason why any one was incarcerated. The Muslim sample, however, had a larger percentage of inmates (61.4%) incarcerated for crimes against persons than the general population (36.0%). Drug offenses and Crimes against property represent the second reason for incarceration among the inmates both in the Muslim sample and the general population. Sex offenses represent the lowest crime type for both the Muslim sample and for the general population inmates.

### *Data Collection and Analysis*

The questionnaire asked Muslim inmates a variety of questions about demographic characteristics, the conversion process, and religious practices. The last three questions in the instrument were open-ended related to the inmates' understanding of crime and

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCJS; Volume 2, No. 2, November 2006*

punishment generally, repentance in the Islamic perspective, and the meaning of restorative justice:

1. “What are the general views of Islam on crime and punishment?”
2. “What are the general views of Islam about repentance and justice?”
3. “What is Islam’s general view of reconciliation, peacemaking and restorative justice?”

According to Houidi (1994, 73) “the *Qur’an* in general is not ‘obsessed’ with crime and punishment. This is evidenced by the fact that only 30 Ayah (unit of revelation) out of 6236 address crime and punishment.” Mainstream Islamic jurisprudence, however, has systematized the field of crime and punishment as Islamic political systems have evolved since the 6<sup>th</sup> century C.E.. Generally, Muslim countries have developed legal justice codified into three systems: the civil, the personal status and penal (Ammar, 2004).<sup>i</sup> All these codes are based on or derived from the textual sources of Islam. These include (1) the *Qur’an* (the highest textual source), (2) the *Hadith* and *Sunnah* (Sayings and Traditions of the Prophet Muhammad), (3) Qiyas (the use of analogical reasoning to apply the principles of the *Qur’an*, *Hadith* and the *Sunnah* in situations arising from modern day conditions which are not clearly addressed through these sources) and (4) *Ijma* (consensus, permits the consensus of the community to guide when no clear guidance is given by the *Qur’an* or the *Sunnah* on a principle).<sup>ii</sup> The process by which these codes are derived is referred to as *fiqh* (derive from the Islamic sources rulings of practical methods) and these codes are often referred to as *Shari’ah*, or Islamic Law

## *Crime, Punishment, And Justice Among Muslim Inmates*

Nawal H. Ammar & Robert R. Weaver

(Hanif, 1999; Ammar, 2001). Despite common misrepresentations about Islam, none of these sources is sacred except the Qur'an.

This paper analyzes the Muslim inmates' answers as narratives in relation to the Islamic views on crime, punishment, restorative justice, repentance and forgiveness as described in its holy texts – the *Qur'an* and the *Hadith* (sayings from the Prophet Mohammad). It relies on the first author's expertise and familiarity with the holy texts, combined with the analyses offered by several other scholars of Islam. While the Muslim population is very diverse, Islamic texts form the basis for a unified interpretation that is often referred to as "orthodox", but we will refer to it here as a "normative" perspective. This is the perspective that is mostly adhered to by various countries inside and outside the Middle East – e.g., Egypt, Turkey, Morocco along with Indonesia and Albania as well as those taught inside most U.S. prisons.

Next, the paper examines inmates' responses to the three open-ended questions. The aim is to better understand the "insider" meaning or *emic* perspective of the Muslim inmates' definitions of crime and punishment. Issues of the "Con" culture and the "manipulative nature" of prisoners have often been cited as ways of de-legitimizing the use of offenders' voices to capture knowledge and reality within the prison context (Drake, 1998; Terry, 2003). The "insider" meaning in the prison context would only be problematic if one frames those experiences at the individualistic level without a critical examination of the institutional context and experiences. The analysis thereby borrows Foucault's "repressive hypothesis" to illuminate the structural influence of the discourse and how it shapes the

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCJS; Volume 2, No. 2, November 2006*

experience, knowledge, and views of the Muslim inmates. To Foucault the “repressive hypothesis” refers to how power serves to mute the formation of knowledge (1980). He argues that the best way to counter the silencing effect of power is to challenge it with the liberating discourses about the truth/knowledge. This discourse includes hearing out those whose voices have not been heard before.

The results present the voices of the Muslim inmates as discourse of a reality in the institutional setting of prison. The aim here is to explore inmates’ narrative responses to show their understandings, values, and ideas with respect to crime, punishment, and justice (discourse of religious worship and ideology). Such a process in and of itself offers the “opportunity to ...utter truths... to link together enlightenment .... To pronounce a discourse that combines the fervor of knowledge and the determination to change the laws...” (Foucault, 1980: 7).-

## **RESULTS**

### *Crime and Punishment*

*Hudud* and *Qisas* are punishments prescribed by the *Qur’an*. Jurists disagree regarding the *Hudud* and *Qisas* punishments since the *Qur’an* prescribed general rules of punishment leaving conditions and applications to other sources (including the Prophet’s *Hadiths* and *Shari’ah*). Hence it is important to understand that *Hudud* punishments are identified only in a most general way in the *Qur’an*, and that “between the original divine

## *Crime, Punishment, And Justice Among Muslim Inmates*

Nawal H. Ammar & Robert R. Weaver

proposition and the eventual human disposition is interposed an extensive field of intellectual (human) activity and decision” (Coulson, 1962, 2).

The range of punishments that are prescribed for *Hudud* and *Qisas* crimes include five practices. Punishment for committing any of these acts is harsher in Islam than in the US. (Recall that these punishments were defined during the first centuries of Islam.) The punishments include lynching/stripping which is prescribed for adultery, slander and the drinking of alcohol (Bahnsi 1989, 181-186). Another punishment prescribed for *Hudud* crimes is stoning. Although there is only minor reference in the *Qur'an* to stoning, there is enough evidence that the Prophet and his successors did stone people for *Hudud* crimes. These crimes where stoning occurred include adultery for married people and those who confess adultery as well as for apostasy. Crucifixion is a third form of punishment prescribed for *Hudud* crimes. This punishment is particularly prescribed for “highway robbers” (i.e., praying on the innocent or defenseless) who commit the two crimes of theft and murder. The fourth *Hudud* punishment prescribed in the *Qur'an* is cutting off the limbs for the crime of theft. According to jurists this mandate is general and becomes complicated when applied (Ammar, 2004).

Under the last category of crimes in Islam, *Ta'zir*, the punishment is left to the discretionary power of the ruler and his/her delegates. It is the discretionary power of the judge, the contextual setting of the society, and the status and personality of the offender that contribute to the definition of a crime and the implementation of a penalty. Punishment for *Ta'zir* crimes is not divinely prescribed in

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCJS; Volume 2, No. 2, November 2006*

the *Qur'an* as in *Hudud* or *Qisas* and is left for humans to formulate them. In *Ta'zir* crimes and punishment, forgiveness and minimum punitive measures are central features of punishment.

Penal sanctions can be abolished in four cases, the death of the convict, the granting of grace, (*'afw*) (initially by the victim and then by the judge/arbitrator), if the victim and the offender had forgiven each other prior to the matter appearing before the judge or sovereign, and if the offender had repented (Benmelha 1982, p. 224). This category of crime is the most amenable to transforming justice in the Islamic criminal justice system from retributive to restorative.

*Repentance and Justice*

Repentance or *Tawbah* in Arabic literally means 'to return'. In an [Islamic](#) context, it refers to the return to the right way which is the way God commanded and to abandon what God has prohibited (Bahnasi, 1989). Many *Qur'anic* verses about repentance refer to Allah as the source of forgiveness. For instance, "Whosoever repents after his crime and does righteous good deeds [by obeying Allah], then verily, Allah will pardon him [accept his repentance]. Verily, Allah is Often Forgiving, Most Merciful (Al-Ma'idah 5:39). Another more general *Qur'anic* verse states:

“Our Lord! Thy Reach is over all things, in Mercy and Knowledge. Forgive, then, those who turn in Repentance, and follow Thy Path; and preserve them from the Penalty of the Blazing Fire "And grant, our Lord! That they enter the Gardens of Eternity, which Thou hast promised

## *Crime, Punishment, And Justice Among Muslim Inmates*

Nawal H. Ammar & Robert R. Weaver

to them, and to the righteous among their fathers, their wives, and their posterity! For Thou art (He), the Exalted in Might, Full of Wisdom" [Ghafer 40: 78].

There are also Prophetic Sayings noting that: "Allah spreads out His Hand at night to accept the repentance of those who did wrong during the day, and He spreads out His Hand during the day to accept the repentance of those who did wrong during the night... [This will continue] until the sun rises from the west" (Siddiqui, (translated by), Sahih Muslim, no. 2759).

### *Forgiveness and Reconciliation*

In general Islamic texts are clear about the value of forgiveness and reconciliation. Not only is Allah forgiving, but also humans (in terms of judges, community and victims) should also be forgiving. Hence the *Qur'an* has numerous verses which address the practice of forgiveness and reconciliation among humans. These include:

- "The recompense for an injury is an injury equal thereto, but whoever forgives and makes, reconciliation, his reward is due from God, for God loves not evil doers." (Al-Shura: 42: 40) re instructed to: "[r]epel evil (not with evil) but with something that is better (ahsan) - that is, with forgiveness and amnesty" [Al-Sajdah 23: 96].
- "Ye who have believed, prescribed for you is legal retribution for those murdered – the free for the free, the slave for the slave, and the female for the female (no one other than the killer should be executed). But if the brother

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:*  
*AJCJS; Volume 2, No. 2, November 2006*

of the slain makes any remission, then grant any reasonable demand, and compensate him with handsome gratitude. This is a concession and a mercy from your Lord” [Al Baqarah 2: 178].

- “Let not those among you who are endowed with grace and amplitude of means resolve by oath against helping their kinsmen, those in want, and those who have left their homes in God’s cause. Let them forgive and overlook.... Do you not wish that God should forgive you? ‘For God is Oft—Forgiving, Most—Merciful” [Al-Nur 24: 22].
- “The reward of the evil is the evil thereof, but whosoever forgives and makes amends, his reward is upon Allah” [Al-Shura 42: 40].

Forgiveness, argues Houidi (1982), is a recommended practice in *Qisas* crimes particularly after reading the verse 178 of Al-Baqarah: ‘but if forgiveness is made by the brother of the slain, then grant any reasonable demand and compensate him with handsome gratitude.’ Bahnasi (1989) notes that forgiveness in *Qisas* crimes, does not abrogate the State’s responsibility to punish more punitively by either imprisonment or compensation.

The *Qur’an* cautions against vengeful retaliation as a punishment for the crime of murder: “We ordained there in for them life for life, eye for an eye, nose for nose, ear for ear, tooth for tooth and wounds for equal. Anyone remits the retaliation by way of charity; it is an act of atonement” [Al-Mai’dah, 5:45]. The *Qur’an* constantly reminds Muslims of the importance of forgiveness and reconciliation. The practices help in the restoration of community

## ***Crime, Punishment, And Justice Among Muslim Inmates***

Nawal H. Ammar & Robert R. Weaver

and well-being among believers. So it says, “Those who avoid the greater sins and indecencies; and when they are angry even then forgive” [Al-Shura 42: 37]. Another verse states: “Kind words and forgiving of faults are better than charity followed by insult” [Al-Baqarah 2: 263]. Alternatives to the retributive death punishment exist in the case of *Qisas* crimes (Ammar, 2001; 2004). These include giving a *Diyya* (victim’s compensation) or reconciliation. *Wali Amr* (appointed guardian/arbitrator); victim or victim’s family can order the forgiveness and consider the alternatives. Such cases have been documented by many sociologists and anthropologists of the Middle East (Ammar 1954; Antoun 1972; Ammar 1988).

*Diyya* in *Qisas* crimes are procedurally complex. Generally, it is due in cases where there is doubt in evidence, in cases of involuntary manslaughter, in cases where a juvenile is the perpetrator, and the offender is insane. The offender should accept *Diyya* as an option, otherwise the *Qisas* punishment applies. The amount of compensation is paid by the offender according to a predetermined amount and over a prescribed period of time. In cases where the offender has neither the funds nor the resources to pay, the immediate blood relatives are responsible. If, however, the offender is a female or a juvenile offender, then their immediate relatives are exempt from repayment (Ammar, 2004). If the offender has no immediate blood relatives living, then the state is responsible to pay the compensation amount. *Diyya* can be revoked in cases where the guilty is found innocent, or else (according to the Maliki’i school), if the victim requires the cessation of payment and then dies. Some argue that after a period

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCJS; Volume 2, No. 2, November 2006*

of fifteen years without legal inheritors, *Diyya* payment should stop (Bahnasi 1983, p. 160; Bassiouni, 1982a).

*Solh* or reconciliation does not replace compensation or *Diyya*, but rather presents an additional step in the process. It is highly recommended in cases where injuries have not led to death. *Solh* takes the place of forgiveness, and requires negotiations in the presence of an appointed arbitrator (*Wali Amr*). *Solh* does not have to occur between all injured parties and offenders, but can be partial, i.e. the offender and one of the injured (Ammar, 2001, Bassiouni, 1982).

In sum, Islamic texts provide considerable flexibility with respect to crime and punishment, repentance and justice, and forgiveness and reconciliation. Repentance, forgiveness, and reconciliation all work toward restoring the community, contribute to its well-being, and contribute to the well-being of the victim as well as the perpetrator of criminal acts.

***THE INMATES “EMIC” UNDERSTANDING OF CRIME  
AND PUNISHMENT COMPARED TO TEXTUAL ANALYSIS***

How do Muslim inmates understand Islam’s relationship to crime, punishment, forgiveness, justice, and reconciliation? To what extent do their views depart from, or coincide with Islamic texts? As discussed, Muslim inmates were asked three open-ended questions regarding crime and punishment.

## *Crime, Punishment, And Justice Among Muslim Inmates*

Nawal H. Ammar & Robert R. Weaver

*Question one:* “What are the general views of Islam on crime and punishment?”

Ninety-nine respondents offered written responses to question one (excluding twenty who responded “don’t know” or “unsure”). Responses followed three basic patterns.

1. The first focused on inmates’ understanding of Islam’s orientation toward *crime and violence*. The majority of inmates’ responses followed this answer pattern. Forty three inmates responded that Islam is a religion that is against violence and crime. Among these, five suggested that Islam permits violence and law breaking under certain conditions.
2. Thirty-three inmate respondents discussed the *religious sources* that should be consulted in the face of crime or violence.
3. The third pattern pertains to the *punishment* Islam prescribes for crimes and violent acts. Coinciding with religious texts, most inmates suggest more severe punishment than that found in western criminal codes. Eighteen of the inmates provided this sort of response. The following table offers a representative selection of the various sets of responses to the question about crime and punishment, and conditions under which they might be permitted.

**Table I: Selected responses among Muslim inmates regarding Islam's views of crime and punishment.**

*Question one: "What are the general views of Islam on crime and punishment?" (n=99)*

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*Responses suggesting Islam's condemnation of crime and violence (n=43)*

- That under Islamic law, crime and violence is a sin.
- Islam has no tolerance for crime or violence.
- Islam teaches all Muslims to adjoin what is right conduct and abstain from what is wrong.
- No matter how many sins a person commits, Allah will forgive them all as long as the person does not persist in what wrong they have done, then repentance is useless.
- Islam teaches all Muslims to adjoin what is right conduct and abstain from what is wrong.
- It's a big injustice to one's own soul whosoever does this.
- Islam translates into peace. A Muslim is a peacemaker.
- It's *haram* (religiously not permissible). And victims justifiably have redress.
- To never be the oppressor and when (a Muslim must) ask for peace, give peace, and fight only in the cause of Allah, which is called jihad.

*Under certain conditions (n=5)*

- Eye for an eye.
  - Against enemies.
  - Violence is accepted. When you are defending yourself, the community, your household and when you are defending the 'de'en'(the religion referring to Islam here).
  - Transgress against a person whom transgresses against you in the same manner they transgress.
  - (allowed) Only if they ask you to do something against God.
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## ***Crime, Punishment, And Justice Among Muslim Inmates***

Nawal H. Ammar & Robert R. Weaver

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### *Responses referencing religious sources for advice on dealing with crime and punishment (n=33)*

- When a crime is being committed, a Muslim should always use the Shariah which is the law of Allah.
- God's laws must be applied to human crime and violence.
- The Qur'anic verses are clear on punishment and crime.
- Different punishments for different crimes. For example, 24:2 (Qur'anic verse) the woman and man are both.
- Guilty of adultery or fornication should be flagged; each of them is punished with 100 lashes.
- We have to answer God for our action.
- The Qur'an is the basics of penal laws of Islam which the Shariah based on Qur'an and Sunnah which prevents measuring hindrances, restraints, prohibition, respecting, what is lawful and unlawful.
- Concur with the Shariah.
- Crime is contrary to the will of Allah. Crime not only affects the criminal, but it is detrimental to the society. Therefore, it must be stamped out! However, we must honor and respect the mercy of Allah.

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### *Responses referencing severity of punishment when addressing crime and violent actions (n=18)*

- Different punishments for different crimes. For example, 24:2 the woman and man are both guilty of adultery or fornication flag, each of them with 100 lashes.
  - Three crimes punishable by death murder, irtaad (return from Islam), zina (adultery) for the
  - Depending on the crime the punishment may be severe.
  - Crime is handled in a much more serious way.
  - Severe punishments for your actions in Islam.
  - They are very strict on crime and violence. But they do not
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*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCJS; Volume 2, No. 2, November 2006*

married adulteress as the  
unmarried adulteress.

- For robbery in Islamic country, they can cut your hand off or the person who you took from can ask you to give a time 3-time the amount back.

believe in continuous punishment. Often times you are required to pay restitution to those injured or harmed.

- Crimes against the community are harshly dealt with.

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*Question two:* “What are the general views of Islam about repentance and justice?”

One hundred and three out of the two hundred and twenty seven inmates responded to this question (excluding five “don’t knows” or “unsures”). Of those who understood the meaning of repentance in Islam, six indicated that Islam offers repentance only under certain conditions. For instance, the first condition was that it is “up to *Allah* to forgive who He wishes”, and the second is that “God does not forgive those who take up other Gods to worship with Him (*Shirk*).” Eighty two respondents saw Islam as accepting repentance unconditionally(see Table II for exact quotes). Of these, repentance for misdeeds was viewed in three main ways:

1. The first viewed repentance as a *means to ask forgiveness from Allah* (see Table 3 for exact quotes) (n=53).
2. A second set of responses viewed repentance *means being sincere about being forgiven* (see Table II for exact quotes) (n=19)

## *Crime, Punishment, And Justice Among Muslim Inmates*

Nawal H. Ammar & Robert R. Weaver

3. Third, respondents understood repentance as meaning *not repeating the “wrong” committed* (see Table II for exact quotes) (n=10).

The following table offers a representative selection of responses to question two:

**Table II: Selected responses among Muslim inmates regarding Islam’s views on repentance**

**Question two: “What are the general views of Islam about repentance and justice?” (n=82)**

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*Responses repentance accepted unconditionally (n=82)*

- Allah says (6:54), “when those come to thee who believe in our signs, say: Peace on you. Your lord hath inscribed for himself (the rule of) mercy: verily, all any of you did evil in ignorance, and thereafter repented, and amended (His conduct), He is not forgiving, most merciful.”
- We believe that we repentance to Allah and do not do it again.
- Acceptable until the approach of the Day of Judgment, or when the sun rises from the west.
- Allah is forgiving, most merciful To repent 5 times a day everyday for the rest of your life. Ina time of repentance, a muslim should always turn to Allah and make two raka’at, ask forgiveness for whatever sin he or she has committed.
- The views about Islam always stress *tawba* (repentance) .
- It involves a commitment to living according to the spiritual principles of truth, justice and righteousness with sacrifice and efforts made to demonstrate sincerity.

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCJS; Volume 2, No. 2, November 2006*

- To do it sincerely.
- According to Allah and the Qur'an, a Muslim should repent before Judgment Day. If he seeks the mercy of Allah, repentance is mandated.

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*Repentance as a means to ask for forgiveness from Allah (n=53)*

- In a time of repentance, a Muslim should always turn to Allah and ask forgiveness for whatever sin he or she has committed.
- Allah says (6:54), "when those come to thee who believe in our signs, say: Peace on you. Your lord hath inscribed for himself (the rule of) mercy: verily, all any of you did evil in ignorance, and thereafter repented, and amended (His conduct), He is forgiving, most merciful."
- I ask Allah for forgiveness in every salat (prayer).
- Everyone should ask forgiveness from Allah and repent for the sins they have committed.
- Allah can forgive as any religion if you bring it to him and ask for change and help.

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*Repentance means being sincere about being forgiven (n=19)*

- To do it sincerely.
- It is stated that Allah is just and forgiving, and that He forgives those who are sincere in intentions.
- Ask Allah for forgiveness
- Repentance is very acceptable when sincere
- Can be accepted as long as the person is sincere and tries not to fall into the same thing again. But even then, Allah is the most merciful and ready to accept

## *Crime, Punishment, And Justice Among Muslim Inmates*

Nawal H. Ammar & Robert R. Weaver

with sincerity

repentance.

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*Repentance means not repeating the “wrong” committed (n=10)*

- We believe that we repentance to Allah and do not do it again.
- The views in Islam always stress about *tawba* (not to do it again)
- Repentance as *tawba*, in Arabic, constitutes an entire surah (chapter) of the Holy Qur’an.

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*Question three: “What is Islam’s general view of reconciliation, peacemaking and restorative justice?”*

One hundred out of two hundred and twenty seven inmates responded to this question. Of these, two indicated that they did not know about or were still learning about Islam’s views on this issue. Six indicated that Islam offers a non-violent reconciliation under certain conditions – e.g., reconcile if possible, otherwise use violence as a last resort; Islam teaches non-aggression; use Islam to promote reconciliation and peacemaking. The ninety two remaining respondents emphasized that Islam is a religion that promotes reconciliation, peacemaking and non-violence. The following statements illustrate this:

**Table III: Selected responses among Muslim inmates regarding Islam's views of reconciliation, peacemaking, and restorative justice.**

*Question three:* "What is Islam's general view of reconciliation, peacemaking and restorative justice?" (n=92)

- There is no "turning the other cheek." However, Islam expresses respect, humility, peace, and to show love for all of Allah's creatures. There is only one distinction in Islam, either you are a Muslim or you are not. It's not ethnicity or which region you are from. All men are to be respected (despite views) and as long as violence or hostility is brought at the Islamic community, then there is no violence. But in the state of war/ violence, no woman or child is to be blamed, rather just the aggressor to be killed. Islam doesn't teach to kill or get one specific person you can bomb the entire village city, or country. Only fight, kill the aggressor until there's no more aggression.
- Allah says He made us as a nation. Not that we may hate one another but that we may learn from one another (Surah 49, Ayat 11). Islam means peace and love for all people of humanity. That is our way of life as Muslims.
- The Holy Qur'an clearly instructs the Muslims to make peace with those who make peace with you, the same as the other religions. As for non-violence look in the Bible and compare the standards. Surah 42, eye for an eye for tooth, ear for ear, but the best resolution is to forgive, make peace whenever you can and *kafirs* still have rights we can't violate.

To summarize, Muslim inmates who responded to the survey described Islam as a religion that sees crime and violence as undesirable and deserving of punishment. Just five inmate respondents (227) saw Islam as conditionally allowing violence

## ***Crime, Punishment, And Justice Among Muslim Inmates***

Nawal H. Ammar & Robert R. Weaver

and breaking of the law. Further, they understood Islam as a religion that has a system of punishment that is more severe than the one in the United States. Most inmates (89 out of 103 who responded to the question on repentance) viewed Islam as a religion that allows repentance. They also explained repentance as forgiveness from *Allah*, sincerity about one's remorse and not repeating the wrongdoings. Almost all inmates (92 out of 100 who responded to the question on reconciliation) described Islam as a religion of reconciliation and forgiveness up to the point of having to defend oneself or one's community from aggression and oppression. Finally, inmates did refer to the holy texts for their views on various issues surrounding crime and punishment, and the large majority understood Islam to be a religion of non-violence, tolerance, forgiveness, reconciliation, and peace.

### **Discussion**

The responses of the inmates to the question about crime and justice correspond closely to those normative interpretations. This is unsurprising insofar as they use the *Qur'an* as their source for understanding these issues, which most appear to do. In Muslim jurisprudence Islam considers crime an act of injustice towards society, a sin against oneself and a transgression against Allah (Bahnasi, 1983; Ghitan, 1995). Every Muslim is required to defend his/her property, or others and their property (Ammar, 2003). This principle is based on the Islamic rule that humans have to do well and avoid sin and on several Prophetic Sayings among which are "Anyone who witnesses evil should remonstrate upon it by hand, and then mouth, or heart, the last is the weakest of faith" (Imam Ahmad, quoted in Izzu Dien, 1992). However, and

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCS; Volume 2, No. 2, November 2006*

according to some interpretations Islam permits crime or breaking the societal rules under certain conditions (Ammar, 2003). These include self-defense, defending others, fighting against oppression, and defending ones property.<sup>iii</sup>

The inmates' responses to the question about repentance also closely correspond to the normative Islamic theological explanation. The meanings of repentance the inmates gave in their answers correspond closely to normative Islamic interpretations and are supported by ample textual evidence. The Qur'an states in numerous chapters this meaning by stating "Surely Allah loves those who turn unto him in repentance and loves those who purify themselves" [Al-Baqarah 2:222]; And "Whoever does evil or wrongs himself but afterwards seeks Allah's forgiveness, he will find Allah Often Forgiving, Most Merciful" [Al-Nisa' 4: 110].

Two other meanings of repentance -- "sincerity" and "not repeating the wrong" -- also follow normative text very closely. The *Qur'an* supports this view: "O you who believe! Turn to Allah with sincere repentance! It may be that your Lord will expiate from you your sins, and admit you into Gardens under which rivers flow [Paradise]" [Al-Tahreem 66:8]. Another verse states: "And of no effect is the repentance of those who continue to do evil deeds until death faces one of them and he says: 'Now I do not repent;' nor of those who die while they are disbelievers. For them We have prepared a painful torment" [Al-Nisa' 4: 17-18]. The inmates' responses to the question of repentance reflected a "thick" understanding of the Islamic texts, as well as the underlying philosophical principles behind the term (See Table II for the inmates' words supporting such a claim).

## ***Crime, Punishment, And Justice Among Muslim Inmates***

Nawal H. Ammar & Robert R. Weaver

Inmates' responses to the question about forgiveness, reconciliation and restorative justice also reflect close adherence to textual prescriptions. Several inmates understood that, unlike Buddhism's non-violent struggle, Gandhi's concept of non-harm ("[Satyagraha](#)"), or Christ's dictum "to turn the other cheek"; Islam considers war/violence as a viable form of struggle against injustice or oppression. They also understood that this form of struggle, however, operates only under limited conditions and protocol – as a last resort when other attempts at non-violent reconciliation and peacemaking have failed. According to the *Qur'an*, first "invite (all) to the way of thy lord with wisdom, and beautiful preaching and argue with them in ways that are best and most gracious" [Al-Nahl16: 127]. Persuasion and patience should first be employed as a form of struggle.

### **POLICY IMPLICATIONS**

This study offers an initial step towards understanding what Muslim inmates know about crime, punishment, violence and forgiveness. Inmates demonstrated a real understanding of the mainstream text and did not express extreme views or interpretations. They were well versed in the language and terminology of Islamic texts (e.g., employing words such as "tawba," [repentance], "rahman," [merciful]). Their knowledge base also included correct use of *Qur'anic* text, and paradigms that are very much in the center of Islamic teachings on crime and punishment.

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:  
AJCJS; Volume 2, No. 2, November 2006*

There is a growing concern in post 9/11 times that prisons will be centers of Islamic extremism and violence. Just as there are fears that prisons “school” many inmates into more crime, there are fears about radical Islamic indoctrination in the country's prison system. This is shown in FBI Director Robert Mueller’s (2005) remark to the Senate Intelligence Committee:

As part of our continued efforts to identify populations that may be a target for extremist recruitment, the FBI has been involved in a coordinated effort between law enforcement and corrections personnel to combat the recruitment and radicalization of prison inmates. Prisons continue to be fertile ground for extremists who exploit both a prisoner's conversion to Islam while still in prison, as well as their socio-economic status and placement in the community upon their release.

There is little doubt that it is exceedingly important that we continue to be diligent, careful and innovative in combating terrorism, its causes and its sources. Nevertheless, this can be done through understanding the Muslim inmates rather than through policies based on “panic” or “fear.” One important aspect of this understanding is that the interpretation of Islam regarding issues of violence, the right conduct, and crime is determined by political factors (Bahnasi, 1989; Dalacoura, 2002). Hence, creating the correct political context by way of providing a minimum standard of theological education by choosing the appropriate Imams (Chaplin), and utilizing concepts relevant to Islam could help in averting the schooling of extremists in prisons.

## ***Crime, Punishment, And Justice Among Muslim Inmates***

Nawal H. Ammar & Robert R. Weaver

Three policy recommendations can be offered from the results of this study on Muslim inmates' understanding of crime and punishment. The first has already been employed by the Ohio Department of Rehabilitation and Corrections and its continuance should be encouraged. This concerns the importance and seriousness of providing Muslim inmates with sound education about their religion. After the Lucasville riots in 1992, the Ohio Prison System, in consultation with the Islamic leaders in the various nearby communities, developed and implemented informed policies including how to hire Muslim Imams as well as responding to dietary restrictions, religious holidays and other practices. The result has been that the prison instruction produced a group of inmates who are knowledgeable and familiar with the mainstream Islamic texts and ideas and not extremist views based on ideological fabrications.

A second policy recommendation relates to prisoners' strong belief in repentance. Such beliefs coincide with and reinforce rehabilitative and other programs within the prison system designed to curb recidivism. Further, this understanding squares well with efforts to re-integrate prisoners into the community upon their release, thereby possibly discouraging recidivism. Follow-up investigations comparing recidivism rates between Muslim and non-Muslim prisoners would shed further light on whether and to what extent these beliefs translate into non-criminal behaviors.

Finally, the values of reconciliation offered by the Muslim inmates we surveyed offer a solid blueprint of a pious Muslim code of mediation, conflict resolution and peacemaking. Again, acknowledging this offers a way to encourage moderate and just

*AFRICAN JOURNAL OF CRIMINOLOGY & JUSTICE STUDIES:*  
*AJCJS; Volume 2, No. 2, November 2006*

ways to resolve grievances and conflicts both inside and outside the prison system. It would further serve to remind inmates who claim Islam as a religion of its core values, and moderate against extremist and marginal views propagated by al-Qa'ida and other fringe groups that may view prisons as a fertile ground to expand their own power base.

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<sup>i</sup> . Some countries have completely done away with the personal status code (e.g. Turkey) and others are still developing their personal status code (e.g. Bahrain)

<sup>ii</sup> Shi'i fiqh includes also the sayings of the 12 sacred Imams, and the intellect (*aql*).

<sup>iii</sup> "Fight in the way of *Allah* with those who fight with you [Al-Baqarah 2:190]. The Prophet Muhammad was quoted as having said that "Whoever dies in defense of religion is a martyr; and whoever dies in self-defense is a martyr; and whoever dies defending property is a martyr; and whoever dies defending the family is a martyr". One is to defend property by all means available, and if there is no alternative but to kill an assailant, the latter might be killed by the former in defense of ones own property. One is also allowed to defend other's property. This principle had been unanimously agreed to by all the jurists. In "Faithul Qadir", if burglars steal any other people's property, and the latter ask for help, the rescuers who might respond to the call are allowed to kill the thieves. To some jurists, to defend others is similar to self-defense. Not only should crime be fought before it is committed; it has to be also fought even after it takes place, and this is done in a bid to deter any other criminal who would think of a probable crime. The Islamic Law has imposed punishment on criminals and explained in detail the procedure of indictment, ways of litigation, or means of collecting evidences (Bahnasi, 1989; Ammar, 1990; Izzi Dien, 2004).