



PREMIER

LAW JOURNAL

----- **Premier Research Centre** -----
A Project of Premier Law College Gujranwala



CONTENTS

- **An Outline of Historical Background of Brickwork and Difference in Nānak Shāhi And Lakhori Bricks**
Author: Dr. Rahat Afza.....7
- **Environmental Constitutionalism in Pakistan: A New Dimension of Fundamental Human Rights**
Author: Zoha Shahid 19
- **The Anatomy Of The Deviant Mind And The Taxonomy Of Criminal Psychopathology**
Authors: Dr. Shahid Rizwan Baig and Umer Riaz 26
- **Artificial Intelligence And Right Of Digital Privacy In Pakistan**
Author: Muhammad Saleem Shaheen 49
- **The Constitutional Untouchables: A New Reality of Pakistan's Constitution**
Author: Tamoor Mughal and Mahnoor Shakeel 57

EDITORIAL BOARD

The Editorial Board of the Premier Law Journal comprises the following
Members from the various universities:

1. **Dr. Hafiz Farhan Arshad (Editor in Chief)**
Assistant Professor Faculty of Arts and Social Sciences
(Gift University, Gujranwala)

2. **Dr. Hafiz M. Waseem Abbas (Editor)**
Assistant Professor Faculty of Arts and Social Sciences
(Gift University, Gujranwala)

3. **Dr. Muazzam Mahmood Bhatti (Managing Editor)**
Senior Instructor (Head of Department)
(Government Leather College Gujranwala)

4. **Dr. Rao Imran Habib**
Chairman
Department of Law
Islamia University, Bahawalpur

5. **Dr. Ahmad Ali Ghouri**
Senior Lecturer in Commercial Law
(University of Sussex, UK)

ADVISORY BOARD

The Advisory Board of the Premier Law Journal comprises the following
Members from the various universities:

1. **Dr. Ayesha Rafiq**
Head of the Department (Islamic Studies)
Gift University Gujranwala
2. **Dr. Hafiz Muhammad Usman Nawaz**
Assistant Professor of Law
(International Islamic University, Islamabad)
3. **Dr. Muhammad Riaz Mahmood**
Associate Professor of Islamic Thought, History & Culture (Allama
Iqbal Open University, Islamabad)
4. **Dr. Naureen Akhter**
Assistant Professor of Law
(Bahauddin Zakariya University, Multan)
5. **Dr. Ataullah Khan Mahmood**
Assistant Professor of Law
(International Islamic University, Islamabad)



EDITORIAL NOTE

Premier Law Journal (PLJ) is a research Journal published by Premier Research Center, Premier Law College Gujranwala in English Language. This is a 6th volume, Issue 21, which is going to be published in March, 2026. It is a quarterly Journal dedicated to provide original research articles in Legal Studies as well as analysis and commentary on issues related to Legal & Social Issues. This Journal brings together many of today's distinguished scholars and thinkers, practicing lawyers, teachers and students making their research available on Current Issues need to be legislated in Pakistan.

It is an interdisciplinary Journal of peer-reviewed research and informed opinion on various intellectual and academic issues in areas of Legal & Social Studies. Its readership includes Legal practitioners, policy makers, Judges, Teachers and Students of Law. The articles published in this Research Journal undergo initial editorial scrutiny, double blind peer-review by at least two experts of the field, and further editorial review.

Dr. Muhammad Amin's paper explores the historical, ethical, and legal dimensions of assisted reproductive technologies where a third party carries a child for intended parents. A significant portion of the analysis focuses on the comparative religious and legal frameworks within the Islamic Republics of Pakistan and Iran. The

paper concludes that a regulated framework, potentially modeled after Iran, is necessary to protect the rights of the child, the carrier, and the intended parents while adhering to Islamic injunctions regarding legitimate lineage

Zoha Shahid insert in her paper the study of article 9A in the Constitution of Pakistan that is a milestone in the constitutionalization of environmental rights. Through its acknowledgement of the right to a clean and healthy environment, free from contamination, it extends the scope of the right to life from merely sustenance to a "life worth living". This article considers the implications of Article 9A in the context of environmental constitutionalism in Pakistan. It suggests that this article codifies the existing judicial interpretation of Article 9 and formally recognizes the right to a clean environment as an explicit fundamental right.

Dr. Hafiz Farhan Arshad
Editor in Chief

AN OUTLINE OF HISTORICAL BACKGROUND OF BRICKWORK AND DIFFERENCE IN NāNAK SHĀHI AND LAKHORI BRICKS

DR. RAHAT AFZA¹

ABSTRACT: Brickwork is the major material for construction used in Indian Subcontinent. It was gradually developed and modified according to the size, shape and form. In the early period brick was used only for the building purpose but progressively it became an essential ornamental feature of Islamic architecture. Seljuks generously used bricks for their monuments. The earlier form was square and rectangular but later it was prepared in various shapes and sizes. Its varied forms and shapes were developed and named differently.

KEYWORDS: Brick, Lakhori Bricks, Nānak SHāhi

INTRODUCTION

Brick is an oldest and the prime material used in architecture not only for the construction but also for ornamental purpose. Brick is a Babylonian word and it is a name of the clay which can write, charter and order.² The history of the brick's dates back to 7000 BC and originated towards southern Turkey.³ Brick was the

¹ University College of Art & Design, University of Punjab

² Journal of Architectural Engineering Technology, Studying the Brickwork of Islamic Mosques as Architectural Decorations, accessed 15 December, 2020, <https://www.omicsonline.org/open-access/studying-the-brickwork-of-islamic-mosques-as-architectural-decorations-2168-9717-1000193.php?aird=89612>.

³“The History of Bricks and Brick Making,” accessed December 19, 2020, <https://brickarchitecture.com/about-brick/why-brick/the-history-of-bricks-brickmakingile>.

main decorative material in Iranian architecture, from the early Islamic to the Seljuk period. At first bricks were made with clay and were dried in the natural heat of sun. In the beginning the bricks were formless and had irregular dimensions but with the passage of time it began to prepare in a proper size.

Earliest Egyptian brick clay was prepared with mud and straw. In the Indus Civilization; Harrapa, Buhen and Mohenjodaro are the finest example of this mixture. The fired or baked bricks came through in 3,500 BC by the Romans which were smart and varied in sizes and shapes and subsequently spread in other parts of the world. They prepared bricks two years before to use because the ancient Greeks thought that the durability of perpendicular fire burnt brick wall was more than the stone wall.⁴ The archaeologists calculate the age of the brick approximately 10,000 years.⁵ The use of bricks in the 1st and 2nd century was as a material or element only but in the 3rd century it became a prominent ornamental feature in the architecture. In common, the early Islamic centuries developed the formation of Brickwork ornamentation which was highly implemented in the architecture of Seljuks.⁶

Since the last five thousand years, several efforts and experiments have been made with the material, size and shapes of bricks. The brick industry in general

⁴ Ibid.

⁵ Journal of Architectural Engineering Technology, Studying the Brickwork of Islamic Mosques as Architectural Decorations, accessed 15 December, 2020, <https://www.omicsonline.org/open-access/studying-the-brickwork-of-islamic-mosques-as-architectural-decorations-2168-9717-1000193.php?aird=89612>.

⁶ Habib Shahbazi Shiran, Mehran and et. al, International Journal of Architecture and Urban Development,

was evolved before the Achaemenid era⁷ (c.550-330 BCE) in which baking and glazed enameled bricks were prepared. Its size and shape have been alternated in different periods but the most commonly used brick in architectural construction was the square and rectangular. For ornamental purpose different kinds of bricks' shape was prepared like thin, thick, medium, oblong, square, octagonal, hexagonal, star-shaped and wedge-shaped bricks.

Gradually its size became smaller not in length but its width and thickness also reduced. In Islamic architecture, the most prominent buildings in bricks are the Twin Towers, domes and columns of Isfahan Mosque that is the mixture of art, geometry and technique. Āmir Ismaīl Samānī and Khorāqan (fig.1) Tombs of 10th century at Bukhara are the best example of brick architecture. Āmir Ismaīl Samānī Tomb's design has been taken from Sassanian's fire temples (fig.2). Baked bricks in vertical shape have been used in its surface and decorated with a variety of form. The prominent feature is the pearl motif used in the southern façade of the tomb. Another important monument is the Rabat Caravanserai that was later named the brick museum (fig. 3).

The brick had been used in the past especially in the Punjab in a large range. Because a brick is the fundamental element for the construction of a structure

The Development of Brick Ornamentation From the Early Islamic Centuries to the End of Kharazmshahian Period in the Architecture of Mosques in Iran, Vol.9. No. 2. P61-72. Spring 2019, https://ijaud.srbiau.ac.ir/article_14363.html.

⁷ Achaemenid Empire, the first and the ancient Iranian Empire founded by the Cyrus the Great was stretched from the Balkans and Eastern Europe in the west to the Indus valley to the east.

which is used for base, walls, lintels and roofs etc. with simple and sharp tools. Bricks are found everywhere in different colors like, white, blue, black and red which is more preferably used in buildings. Bricks are named differently such as: fire brick, Dutch brick, engineering brick, hollow brick, cream city bricks, burnt

clay brick, jhama brick, concrete brick, London stock brick, sun-dried brick, lakhori brick, Nānak Shāhī brick, porotherm smart brick and fly ash brick etc.



Figure 1. Āmir Isma'īl Samānī tomb (10th century) at Bukhara

(Source:

<https://www.orientalarchitecture.com/sid/1315/uzbekistan/bukhara/ismail-samani-mausoleum>).



Figure 2. Brickwork in Khoraghan Twin Towers (10th century) at Bukhara

(Source: https://www.google.com/search?q=khoraghan+tomb+iran&tbm=isch&hips=q:khoraghan+tomb+iran,online_chips:kharraqaan:11FG6uj7Q_w%3D&rlz=1C1NHXL_enPK774PK774&hl=en&sa=X&ved=2ahUKEwjL47GH5J7xAhXF)

[4YUKHTxHBeMQ4lY0BXoECAEQIw&biw=1077&bih=506#imgsrc=q73TulVaUb194M](https://www.google.com/search?q=4YUKHTxHBeMQ4lY0BXoECAEQIw&biw=1077&bih=506#imgsrc=q73TulVaUb194M)).



Figure 3. Rabat Caravanserai Museum (10th century)

(Source: <https://howin.ir/en/robat-sharaf-caravanserai-ribat-i-sharaf/>).

The lakhori bricks and Nānak Shāhī bricks, both were created during Mughal era. The bricks used during the Mughal Empire of Shāhjahān (16th century) are known as Lakhauri or lakhori bricks or Bādshāhī brick which were red burnt clay bricks and were flat in shape and size was thin. This kind of brick was originated in Indian Subcontinent and it was well-liked element for construction.⁸ The Nānak Shāhī brick was used in the northern India in a large range and was used for

⁸ “Lakhori Bricks,” accessed June15, 2021,

<https://artsandculture.google.com/entity/lakhori-bricks/g11f2wn2yjf?hl=en>.

designing in the building.⁹ The reasonable proportions of Nānak Shāhī brick were useful to enforce the lime concrete in the walls and other heavy areas. It was also used for intrinsic improvement and Mughals have usually used it for their construction.¹⁰ Sikhs used by the name of Nānak Shāhī brick. Mughal era lakhauri bricks predate the Nanak Shāhī bricks as seen in Bahādugarh Fort at Patiala in which both earlier era Lakhauri bricks and Nanak Shāhī bricks of Mughal and Sikh Empire have been used in their respective dominions.

Lakhauri brick has been used in the Mughal buildings of 17th and 19th century in *jharokās*, *jalīs*, fluted sandstone columns and archway entrances because of the handling and placing of brick to create a form according to the requirement that was unproblematic for the mason. Moreover, it can be seen in forts, protective bastions, Mughal and Sikh *havelīs*, Hindu temples, gurudwārās, mosques, tombs, *bāolī* step wells, bridges, minarets etc.

A writer Anil Laul throws light on the importance of the Lakhori and Nānak Shāhī bricks and explains that in India it was called by lakhori and Nānak Shāhī while in other parts of the world it is known as thin or slim Roman brick.¹¹ The mixture by crushing bricks and lime mortar was used in construction and concrete

⁹“Nānak Shāhī Bricks,”

accessed December 20, 2020,

https://www.researchgate.net/publication/327100751_Structural_Behaviour_of_Masonry_Cast_in_NānakShāhī_Brick.

¹⁰ “Nānak Shāhī Bricks,” Sikhi Wiki Encyclopedia of the Sikhs,

accessed December 15, 2020, https://www.sikhiwiki.org/index.php/Nānak_Shāhī_Bricks.

¹¹“Lakhori Bricks,” accessed December 15, 2020, https://en.wikipedia.org/wiki/Lakhori_bricks.

was prepared by adding lime, *surkhi* (trass), jaggery, pulp of Indian bael fruit (wood apple) and a paste of *urad ki daal* (vigna mungo pulse).

In the colonial period (20th century) Bādshāhī bricks or so called the Nānak Shāhī bricks were modified in a larger size measuring 228.6mm/10.16/7.62cm known as ghumma bricks.¹² However, Lakhauri brick was slenderer than ghumma bricks of British later spelled as gumma.¹³

In later Mughal, many dynasties developed their own style of architecture especially Gujarat and Deccan used brick in a large scale because of non-availability of stone. In the Nawabi architecture of Faizabad and Lucknow, Lakhauri brick was the most important major element of building material and the reason of frequently usage was due to durability in making intricate designs, shapes and fine details on walls and column surfaces. Lucknow monuments are the hall mark of 17th and 18th century architectural buildings in bricks in the region of Oudh. The Baīā Imāmbāra (fig.4) and Rūmī Darwāzā, Lucknow (fig.5) are

¹² Ibid.

¹³ Akanksha Singh, “Lakhori Bricks, the Building Blocks of Lucknow’s Famed Architectural Marvels,” accessed June 15, 2021, <https://www.knocksense.com/lucknow/lakhauri-bricks-lucknow> .

the best example of Lakhnui bricks construction.¹⁴ The bricks used in Lucknow are called Lakhnui bricks.



Figure 4. The Bafā Imāmbāra, Lucknow

(Source: https://en.wikishia.net/images/d/d5/Asaf_al-Dawla_Imambara.jpg).



Figure 5. Rūmī Darwaza, the entrance of Bafā Imāmbāra , Lucknow

(Source: <https://www.sid-thewanderer.com/2017/04/Rūmī-darwaza-history-lucknow.html>).

The major characteristic feature of Barā Imāmbāra built by Asaf-al-Daula, the fourth Nawab of Oudh, is the interlocking system of bricks in which the blocks have been placed together. Rūmī Darwāzā is the entrance of Barā Imāmbāra . The bricks used in Rūmī Darwāzā have been coated with lime to get an elaborated design which makes it unique and gives it a unique and significant look in the history of brick architecture.

CONCLUSION

Brick has been an oldest material for construction and ornamentation used in South Asian countries since the Islamic period. In the beginning small size fired or baked bricks were used later, its size has been gradually changed according to the requirement of the region. The most common form of brick used in the architecture was the square and rectangular. For ornamental purpose various forms were developed. Most preferable brick was the Lakhaury brick introduced in Indian Subcontinent by Mughals and Nānak Shāhī brick was used by the Sikhs in almost same, size and shape. The detailed study of bricks confirms that Sikhs renamed it as Nānak Shāhī brick while it was already prevalent in India and being

¹⁴ Rishu Sdesign, “The Lakhori Bricks,” accessed June 15, 2021, <https://thenawabsproject.wordpress.com/2017/07/14/the-lakhauri-brick/>.

used by the Mughals and later it was freely used in the Sikh regime also.¹⁵ Both Lakhauri and Nānak Shāhī bricks are same in size and form. Mughal era lakhauri bricks predate the Nanak Shāhī bricks and Bahādugarh Fort at Patiala is the example of it in which both earlier era Lakhauri bricks and Nanak Shāhī bricks of Mughal and Sikh Empire have been used in their particular time span aesthetically. The brick work has been a significant feature in the architecture and architectural ornamentation throughout the Islamic, Mughal and Sikh history.

¹⁵ Discussed with Shaukat Mahmood, Professor of PUCAD Research Centre Lahore on May 10, 2021.

ENVIRONMENTAL CONSTITUTIONALISM IN PAKISTAN: A NEW DIMENSION OF FUNDAMENTAL HUMAN RIGHTS

ZOHA SHAHID¹⁶

ABSTRACT: The insertion of Article 9A in the Constitution of Pakistan is a milestone in the constitutionalization of environmental rights. Through its acknowledgement of the right to a clean and healthy environment, free from contamination, it extends the scope of the right to life from merely sustenance to a "life worth living". This article considers the implications of Article 9A in the context of environmental constitutionalism in Pakistan. It suggests that this article codifies the existing judicial interpretation of Article 9 and formally recognizes the right to a clean environment as an explicit fundamental right. It also examines the interplay between environmental sustainability, dignity and constitutional rights, and the role of the judiciary in bolstering the jurisprudence of environmental rights. It concludes that while Article 9A is a doctrinal development, it requires institutional capacity and judicial enforcement to ensure sustainability.

KEYWORDS: Article 9A: Environmental Constitutionalism; Right to Life; Life Worth Living; Fundamental Rights; Environmental Justice; Judicial Interpretation; Dignity; Pakistan Constitution; Climate Governance.

INTRODUCTION

The addition of Article 9A to the Pakistan constitution is a momentous constitutional milestone in the advancement of fundamental rights jurisprudence. Through its express affirmation of the right to a clean, healthy, and sustainable environment,¹⁷ The Constitution recognizes that the right to life does not simply mean the right not to be deprived of life. Rather, it acknowledges

¹⁶ She is a Lecturer in Law specialising in Human Rights, Criminal, and Environmental Law, and serves as Faculty Incharge of the Law Clinic at Premier Law College, Gujranwala.

¹⁷ Constitution of the Islamic Republic of Pakistan (Twenty-Sixth Amendment) Act 2024, s 2 (inserting Article 9A), *The Gazette of Pakistan*, 21 October 2024.

a constitutional concept that life must be valuable, dignified and sustainable in its character.¹⁸ Therefore, Article 9A gives rise to the concept that the right to life not only means that the life of a person shall not be arbitrarily deprived, but also that it guarantees an environmental condition in which humans can encompass a "life worth living", in terms of environmental sustainability, ecological balance and intergenerational justice. The doctrinal evolution is especially relevant in the Pakistani constitutional context, where problems of environmental degradation have become systemic and structural. Problems like chronic air pollution in urban areas, acute water shortage, rampant deforestation, and recurring climate change disasters, taken together, have made environmental degradation a constitutional issue. These issues do not have a mere impact on quality of life; rather, they directly impinge on human life, health, dignity and livelihoods, bringing into play the fundamental rights safeguards in the Constitution.¹⁹

In this context, Article 9A is more than a statement of environmental law. It creates a doctrinal connection between these conditions and the protection of constitutional rights, especially the right to life (Article 9) and the right to dignity (Article 14). It constitutionalizes the protection of the environment by elevating it from the level of policy and administrative decision-making to the level of fundamental rights. Consequently, environmental harm is no longer a simple issue of administrative failure, but one potentially subject to constitutional review.

Literature Review

The ascension of environmental rights in constitutional law has been the subject of considerable legal scholarship worldwide, particularly in the sense of commenting on the extension of fundamental rights.

The theoretical basis can be found in Christopher D. Stone's influential essay, *Should Trees Have Standing?*,²⁰ that questioned anthropocentric approaches to law and called for

¹⁸ The Paradigm Shift and Milestone for Environmental Justice: A Legal Analysis of Article 9A of the Constitution of Pakistan after the 26th Amendment,”

¹⁹ Bakhtawar Manzoor, Anwaar Rana, and Sunbal Islam Chaudhary, “The Paradigm Shift and Milestone for Environmental Justice: A Legal Analysis of Article 9A of the Constitution of Pakistan after the 26th

²⁰ Christopher D. Stone, “Should Trees Have Standing?—Toward Legal Rights for Natural Objects,” *Southern California Law Review* 45 (1972): 450–501.

environmental interests to be recognised under law. Stone's work is noteworthy for its reconceptualisation of environmental damage from a regulatory to a rights-based analysis, thus foreshadowing contemporary environmental constitutionalism.

Building on this rights-based treatment of environmental protection are subsequent theoretical contributions. Dinah Shelton's research on environmental rights considers the place of environmental protection within human rights law, highlighting that environmental degradation impairs the enjoyment of human rights, especially the right to life and health.²¹

Likewise, Alan Boyle's work on human rights and the environment highlights the intrinsic link between environmental issues and human rights, and recognizes that environmental degradation increasingly comes within the scope of constitutional and international legal protection.²²

In comparative constitutional law, David R. Boyd's book, *The Environmental Rights Revolution*,²³ offers a detailed study of states that constitutionally recognize environmental rights. He suggests that constitutionalization of environmental rights results in better environmental outcomes, but only with effective institutions and enforcement. His book is timely in its emphasis that although constitutionalization is important, it is not enough without governance capacity.

On the global institutional level, the United Nations Environment Programme's (UNEP) *Environmental Rule of Law: First Global Report*, reviews the state of environmental rule of law globally. This report highlights that enforcement capacity, institutional coordination, and regulatory capacity are key barriers to the realization of environmental rights. It stresses that

²¹ Dinah Shelton, "Human Rights and the Environment: What Specific Environmental Rights Have Been Recognized?" *Denver Journal of International Law and Policy* 35, no. 1 (2006): 129–171.

²² Alan Boyle, "Human Rights and the Environment: Where Next?" *European Journal of International Law* 23, no. 3 (2012): 613–642.

²³ David R. Boyd, *the Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (Vancouver: UBC Press, 2012).

while the law is imperative, it will be ineffective unless accompanied by effective implementation measures.²⁴

In recent years, research on Pakistan has focused on judicial pronouncements, such as *Shehla Zia v WAPDA*²⁵ and *Leghari v Federation of Pakistan*,²⁶ as crucial milestones in the development of environmental constitutionalism. This work emphasizes the role of the judiciary in extending Article 9 to incorporate environmental protection and its requirement to recognize climate change as a constitutional concern. More recent scholarship, like "The Paradigm Shift and Milestone for Environmental Justice: A Legal Analysis of Article 9A of the Constitution of Pakistan after the 26th Amendment", analyses the introduction of Article 9A and the recognition of environmental rights. This work describes Article 9A as a movement from "judicialization" to "constitutionalization".

But, while this literature is expanding, there remains a need to integrate doctrinal and institutional analysis. Some of this literature emphasizes either the theoretical importance of environmental rights or judicial advances, and fails to consider the institutional constraints of governance and enforcement. This article aims to redress this oversight by considering Article 9A as both a constitutional milestone and as enforceable in practical terms. This article considers how the success of environmental constitutionalism in Pakistan depends on the relationship between constitutional inclusion, judicial reasoning and institutional considerations.

Environmental Constitutionalism and the Expansion of the Right to Life

Article 9A needs to be seen in the context of environmental constitutionalism, which incorporates environmental protection into the constitutional structure of rights. Conventionally, in Pakistan, environmental protection stems from the interpretation of Article

²⁴ United Nations Environment Programmed (UNEP), *Environmental Rule of Law: First Global Report* (Nairobi: UNEP, 2019).

²⁵ *Shehla Zia v WAPDA*, PLD 1994 Supreme Court 693 (Pakistan).

²⁶ *Leghari v Federation of Pakistan*, W.P. No. 25501/2015 (Lahore High Court, 2015).

9, which gave rise to the progressive inclusion of the environment within the right to life.²⁷ This was progressive, but also an indirect and discretionary approach. Article 9A changes this by explicitly constitutionalizing environmental protection. The recognition of the right to a "clean, healthy and sustainable environment" elevates environmental protection from a mere interpretative application to a constitutionalized right. Doctrinally, this places a transition from implied to specified rights within the constitutional framework of fundamental rights.

The reference to a "life worthy of living" is especially noteworthy. It is an indication that the constitutional life is not merely survival but also the qualitative aspects of human well-being and dignity. Environmental threats, consequently, become not just policy issues but constitutional violations.

Dignity, Environment, and Constitutional Coherence

Interpretations of Article 9A are strengthened by considering its connections with Article 14, on the dignity of man.²⁸ Human dignity is compromised directly by environmental degradation through impacts on health, income and ways of life. Environmental degradation impairs the ability to realize dignity.

This interpretive link enhances the role of fundamental rights jurisprudence. After all, protection of the environment is not a stand-alone constitutional concern but rather an integral part of dignity and life. In this way, Article 9A serves as a constitutional strengthener of rights, rather than standing alone.

Judicial Engagement and Environmental Rights Jurisprudence

Judicial evolution has been crucial in the development of environmental rights jurisprudence in Pakistan. Even before the express constitutionalization of environmental rights in Article 9A, the superior courts consistently read the right to life (Article 9) to include environmental concerns. This interpretation has evolved into the recognition that environmental damage is not

²⁷ *Shehla Zia v WAPDA*, PLD 1994 Supreme Court 693 (Pakistan).

²⁸ Constitution of the Islamic Republic of Pakistan, 1973, arts 9A & 14.

just a matter of government policy but also has direct constitutional implications on rights to life and human dignity.

This interpretive journey has been confirmed in recent judicial statements, such as *Mehar Badshah v Government of Khyber Pakhtunkhwa*.²⁹ In which the Supreme Court reiterated that environmental damage, in the form of deforestation, pollution, and ecosystem imbalances, has constitutional implications. It emphasized the essential role of forests, environmentally sustainable practices and environmental conservation to the notion of "life worth living", and that environmental protection has been elevated to a fundamental right status under Article 9A. Crucially, the Court reiterated that environmental degradation is not just a matter of administrative neglect or management but a violation of enforceable constitutional duties of the State, given the high risk of Pakistan experiencing dire impacts from climate change and environmental collapse. In this context, Article 9A offers a statutory mandate for what had previously been a judicially recognized doctrine. It minimizes reliance on wide-ranging interpretative approaches to Article 9 and allows for the enforcement of environmental rights from the text itself. This evolution provides greater doctrinal stability, bolstered justifiability, and reinforces Pakistan's environmental constitutionalism under the ambit of its fundamental rights regime. Yet, this constitutional transformation only becomes meaningful if judicially protected and institutional mechanisms for environmental protection are strengthened.

Institutional and Structural Limitations

While important in principle, the institutional framework in Pakistan remains weak in the field of environmental governance. Pakistan's system of environmental governance suffers from confusion of institutional powers and responsibilities, jurisdictional ambiguities, and administrative inconsistencies between the national and provincial levels of government. Environmental regulatory agencies often lack the technical expertise, financial and enforcement powers to effectively operationalize constitutional protections against

²⁹ *Mehar Badshah v Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar*, PLD 2025 Supreme Court 36 (Pakistan).

environmental degradation. In addition, policy responses in Pakistan continue to be constrained by an enduring policy paradox between development and environmental sustainability.³⁰ Economic development, infrastructure projects and industrialization often take precedence over environmental protection, leading to regulatory trade-offs that weaken environmental regulation. In this context, constitutional recognition of environmental rights is likely to be constrained without effective policy implementation and a consistent administrative focus.

The lack of effective enforcement mechanisms also gives rise to concerns about the enforceability of environmental rights under Article 9A. Although constitutional recognition of environmental protection raises environmental protection to the level of a fundamental right, its safeguard depends on the presence of institutional mechanisms whereby constitutional norms are translated into regulatory practice. In the absence of robust monitoring, compliance and coordination measures, constitutional provisions may end up becoming aspirational goals rather than enforceable rights. As such, Article 9A is as much an exercise in judicial interpretation as it is dependent on building the institutional and governance capacity for environmental protection.³¹

CONCLUSION

Article 9A marks an important doctrinal shift in the Pakistani Constitution by enshrining the right to a clean, healthy and sustainable environment as a facet of the right to life. It marks the evolution of environmental constitutionalism and brings to fruition previous advances in judicially recognized constitutional law. However, the interpretation of its meaning and application will be pivotal to its success. The true measure of Article 9A's success will be its efficacy in driving environmental reform and safeguarding the constitutional aspiration of a life worth living.

³⁰ Asian Development Bank, *Pakistan: Country Environmental Analysis* (Manila: ADB, 2022).

³¹ United Nations Environment Programme, *Environmental Rule of Law: First Global Report* (2019); Asian Development Bank, *Pakistan: Country Environmental Analysis* (2022); *Leghari v Federation of Pakistan*, W.P. No. 25501/2015 (LHC 2015).

THE ANATOMY OF THE DEVIANT MIND AND THE TAXONOMY OF CRIMINAL PSYCHOPATHOLOGY

Dr. SHAHID RIZWAN BAIG³²

UMER RIAZ³³

ABSTRACT: This article presents a comprehensive taxonomy of criminal psychopathology, utilizing a "Hardware and Software" metaphor to analyze the biological and cognitive origins of violent behavior. By integrating neuro-criminology, diverse theoretical frameworks, and forensic case studies (Dahmer, Bundy, Iqbal, Magnotta), we challenge the traditional binary of "Sane vs. Insane." The analysis isolates specific physiological "glitches," such as Amygdala dysfunction, and sociological catalysts to argue that the violent offender is a complex biological system undergoing critical failure. Finally, we propose systemic "patches" regarding educational, digital, and spiritual reforms to prevent the manufacturing of future predators.

KEYWORDS: Criminal Psychopath, Jeffrey Dahmer, Ted Bundy, Javed Iqbal, Luka Magnotta, Neuro-criminology, Antisocial Personality Disorder, Dark Triad

INTRODUCTION

In the foundational study of modern criminology and forensic psychology, establishing a distinct and precise terminology is an absolute requisite for effectively separating the criminal act from the psychological reality of the actor. To truly comprehend the nature, genesis, and execution of violent crime, legal and psychological scholarship must first meticulously categorize the underlying pathology of the offender. Moving beyond mere statutory definitions and superficial moral judgments, this article presents a comprehensive taxonomy of criminal psychopathology, utilizing a unique and highly illustrative "Hardware and Software" metaphor to deeply analyze the biological and cognitive origins of violent behavior. By seamlessly integrating advanced neuro-criminology, diverse theoretical frameworks from historical and

³² Assistant Professor G C, University Faisalabad

³³ Student of LAW, Premier Law College, Gujranwala, Punjab, Pakistan

modern schools of thought, and profound forensic case studies specifically focusing on the distinct profiles of Jeffrey Dahmer³⁴, Ted Bundy³⁵, Javed Iqbal³⁶, and Luka Magnotta³⁷ this analysis fundamentally challenges the traditional, often reductive legal binary of "Sane versus Insane".

This comprehensive taxonomy provides authentic, clinically grounded definitions for the core personality structures, biological origins, cognitive mechanisms, and deeply entrenched deviant desires frequently found within the broad spectrum of abnormal psychology. Furthermore, the subsequent analysis isolates specific physiological "glitches," such as localized Amygdala dysfunction or Prefrontal Cortex deficits, alongside critical sociological and environmental catalysts. ³⁸Through this multi-disciplinary lens, we argue that the violent offender is best understood not merely as a rational agent of malice, but as a complex biological and psychological system undergoing critical, systemic failure. Finally, by diagnosing these structural and cognitive failures, we propose actionable and systemic "patches" regarding vital educational, digital, and spiritual reforms, ultimately aiming to actively prevent the societal manufacturing of future predators rather than merely punishing them after the fact.

Key Terminologies and Definitions

The foundation of criminal taxonomy begins with the clinical diagnoses and core personality structures of the offender. Antisocial Personality Disorder (ASPD) serves as the official clinical diagnosis (DSM-5) characterized by a pervasive pattern of disregard for, and violation of, the rights of others, acting as a medical "umbrella" under which psychopathy and sociopath are often categorized.

The Psychopath is a personality construct defined by shallow emotions, lack of empathy, high intelligence, and calculated predatory behavior; they are often considered "born" with a

³⁴ *State of Wisconsin v. Dahmer*, Case No. F-912542 (Wis. Cir. Ct. 1992).

³⁵ *Bundy v. State*, 455 So. 2d 330 (Fla. 1984).

³⁶ *State v. Javed Iqbal*, Special Anti-Terrorism Court, Lahore, 2000.

³⁷ *R. v. Magnotta*, 2014 QCCS 1178 (CanLII).

³⁸ Adrian Raine, *the Anatomy of Violence: The Biological Roots of Crime* (New York: Pantheon Books, 2013).

neurological inability to feel remorse. Conversely, the Sociopath is a volatile, impulsive offender often "made" by trauma or environmental factors, resulting in an erratic individual prone to emotional outbursts and an inability to maintain a facade for long³⁹.

These profiles are frequently compounded by traits such as Machiavellianism a personality trait centered on manipulation, exploitation, and a cynical disregard for morality, built on the belief that "the ends justify the means".

This often intersects with Narcissistic Personality Disorder (NPD), which involves a long-term pattern of exaggerated feelings of self-importance and an excessive need for admiration, including Megalomania (delusions of power) and the God Complex (belief in one's own infallibility). Furthermore, a Sexual Sadist derives sexual gratification specifically from inflicting physical or psychological suffering, including humiliation, on a victim.

Finally, these structures can be complicated by Histrionic Personality Disorder (HPD), a pattern of excessive attention-seeking behaviors, inappropriate seduction, and a pathological need for approval, or Borderline Personality Disorder (BPD), a mental health disorder impacting self-image, emotional regulation, and relationships that often leads to impulsive violent reactions.⁴⁰

To understand the etiology of these disorders, we must examine their biological "hardware" and theoretical "software" origins. Amygdala Dysfunction relates to the brain's processing center for fear and emotion; in many violent offenders, this area is smaller or underactive, meaning they physically cannot process fear or the distress signals of others. Similarly, a Prefrontal Cortex Deficit involves damage to the "CEO" of the brain responsible for impulse control and decision-making, resulting in a "brake failure" where the offender cannot inhibit violent urges⁴¹.

On a neurochemical and genetic level, the MAOA Gene ("The Warrior Gene") regulates aggressive behavior; when an individual possesses the low-activity variant of this gene and

³⁹ Robert D. Hare, *the Hare Psychopathy Checklist-Revised (PCL-R)* (Toronto: Multi-Health Systems, 1991).

⁴⁰ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed. (Arlington, VA: American Psychiatric Association, 2013).

⁴¹ Adrian Raine, *the Anatomy of Violence: The Biological Roots of Crime* (New York: Pantheon Books, 2013).

suffers childhood abuse, they are statistically significantly more likely to commit violent crimes.⁴²

Additionally, Serotonin Depletion (low levels of the neurotransmitter) is directly linked to impulsive violence and arson. From a developmental standpoint, Attachment Theory (Reactive Attachment Disorder) posits that if a child does not form a secure emotional bond with a caregiver in the first few years of life, they may lose the capacity for empathy permanently. Ultimately, the consensus in modern criminology regarding Nature vs. Nurture is best summarized as: "Genetics loads the gun (Nature), and the environment pulls the trigger (Nurture)".

To function within society and justify their actions, offenders utilize specific cognitive defense mechanisms. Chief among these is the Mask of Sanity, a concept introduced by Hervey Cleckley, describing how psychopaths mimic normal human emotion and behavior to conceal their lack of empathy and blend into society⁴³.

When committing acts of violence, they may rely on Compartmentalization, a psychological defense where a person separates conflicting thoughts or lives (e.g., being a "good father" at home and a killer on the street) to avoid cognitive dissonance. They also utilize Rationalization, the cognitive process of explaining undesirable behaviors in a rational or logical manner to avoid the true, painful reasons for the behavior, or Dissociation, a mental process of disconnecting from one's thoughts, feelings, memories, or identity to detach from the reality of the crime.

Repeated exposure to negative stimuli like violence leads to Desensitization, actively reducing their emotional responsiveness. In some instances, offenders may also exhibit factitious behaviors like Munchausen Syndrome, a mental disorder where a person repeatedly and deliberately acts as if they have a physical or mental illness when they are not sick, driven by a need for attention.

⁴² A. Caspi et al., "Role of Genotype in the Cycle of Violence in Maltreated Children," *Science* 297, no. 5582 (2002): 851–54.

⁴³

Finally, the execution of violent crime is frequently dictated by the pathology of desire, which catalogs specific paraphilias and deviant urges. Necrophilia is a paraphilia characterized by a sexual attraction to or sexual acts involving corpses. Splanchnophilia is a rare paraphilia involving sexual arousal derived from the sight or thought of internal organs (viscera). In the most severe cases, this extends to Anthropophagy, the scientific term for cannibalism, which is the consumption of human flesh or internal organs. Furthermore, offenders may exhibit age-specific predatory preferences, such as Pedophilia, a psychiatric disorder characterized by primary or exclusive sexual attraction to prepubescent children. Alternatively, they may exhibit Ephebophilia, a sexual preference for individuals in late adolescence; while not always a clinical disorder, it remains a critical distinction in forensic and legal contexts.⁴⁴

The Biological and Psychological Origins of the Deviant Mind

This section examines the specific mechanical and chemical abnormalities often observed in the offender's physiology, alongside the systemic software failures that characterize the mind. Rather than treating criminal intent solely as an abstract concept, this analysis isolates specific hardware malfunctions that impair judgment, emotional processing, and impulse control.

A primary malfunction is Prefrontal Cortex Dysfunction, which results in impaired impulse control. In a neurotypical brain, the Orbitofrontal Cortex (OFC) acts as a behavioral "brake," inhibiting violent impulses and calculating social consequences before action is taken.⁴⁵

In the deviant mind, this circuit is frequently impaired or severed, causing aggressive impulses to travel from the primitive brain directly to the muscles without passing through a moral filter or consequence assessment. The offender possesses the drive to act but lacks the biological mechanism required to stop. This is often coupled with Amygdala Atrophy, an emotional processing failure.

The Amygdala serves as the brain's alarm system, generating fear and anxiety in response to danger or social transgression. Offenders often exhibit "Fear Blindness" a physical inability to

⁴⁴ American Psychiatric Association, *DSM-5*.

⁴⁵ Adrian Raine, Chapter 7 of *the Anatomy of Violence: The Biological Roots of Crime* (2013).

experience physiological symptoms of anxiety, such as a racing heart or sweating. Because they cannot feel their own fear, they are biologically limited in their ability to process the terror of their victims. This is compounded by mirror neuron dysfunction, which prevents the immediate empathetic simulation of another's pain, allowing for profound emotional detachment⁴⁶.

Further hardware issues include Low Arousal Theory, which addresses the physiological need for stimulation driven by the Autonomic Nervous System and resting heart rate. While this system regulates the body's baseline state of alertness, many offenders suffer from chronic physiological under-arousal. While an average person feels content at rest, these individuals exist in a painful state of numbness. To reach a normal baseline of alertness, they require extreme stimulation through chaos, violence, or danger. They do not offend solely for pleasure, but to self-regulate their arousal levels to a state that neurotypical individuals feel naturally. Additionally, Dopaminergic Deregulation corrupts the reward system. Neurotransmitter production, specifically dopamine, provides feelings of reward and pleasure typically triggered by social bonding or achievement. The offender's reward system is often "rewired" to release dopamine primarily in response to high-risk behavior, dominance, or violence. This creates a cycle similar to substance addiction, where the act of offending becomes a chemical necessity to alleviate withdrawal and achieve neurochemical satisfaction.⁴⁷

Finally, there is a Genetic Predisposition, notably the MAOA-L variant or the "Warrior Gene". The Monoamine Oxidase a (MAOA) gene produces enzymes necessary to metabolize stress hormones and calm the brain after conflict. The MAOA-L variant results in a deficiency of this enzyme. When this genetic trait combines with early childhood trauma, the brain struggles to reset after stress, remaining in a permanent state of hyper-vigilance and aggressive defensiveness.⁴⁸

Transitioning from the biological hardware, the psychological "software" involves corrupted cognitive scripts, processing errors, and operating system failures that allow an offender to

⁴⁶ Adrian Raine, Chapter 3 *The Anatomy of Violence: The Biological Roots of Crime* (2013)

⁴⁷ Adrian Raine, Chapter 4 *The Anatomy of Violence: The Biological Roots of Crime* (2013)

⁴⁸ A. Caspi et al., "Role of Genotype in the Cycle of Violence in Maltreated Children," *Science* (2002).

rationalize cruelty and bypass the universal code of human empathy. The core operating system failure is often represented by the "Dark Triad," a corrupted kernel of personality that processes information in a way that strips other humans of their humanity. The first element, Narcissism, operates as a reality distortion or solipsism. Driven by pathological grandiosity and self-centricity, the narcissistic mind suffers from a "Solipsistic Error" the inability to acknowledge that other people exist as independent entities with their own inner lives. The offender views the world not as a shared reality, but as a mirror reflecting their own image. When the external world fails to reflect their "God Complex," the software crashes into "Narcissistic Rage," viewing the victim not as a person being hurt, but as a prop that malfunctioned⁴⁹.

The second element, Machiavellianism, is a utilitarian glitch characterized by strategic calculation and exploitation. This processing error calculates human value solely by utility, viewing social interaction strictly as a zero-sum game of chess. The error lies in hyper-rationality without ethics; the offender calculates the most effective way to achieve their goals such as manipulation or violence but lacks the "ethical subroutine" to weigh the moral cost, effectively reducing people to resources or obstacles.

The final element is Psychopathy, an affective void representing a data input failure. While a neurotypical mind experiences negative emotional feedback like guilt when deciding to harm someone, the psychopathic mind lacks the software to read this data. They run a simulation of life where emotional consequences simply do not register; it is not that they choose to ignore pain, but rather the system essentially returns a "404 Error: File Not Found" when searching for empathy.⁵⁰

Beyond the core personality, the criminal mind relies on specific "viral scripts" or cognitive distortions malware that twists reality to justify aggression. Hostile Attribution Bias is a perceptual error of hyper-vigilant threat detection, where the offender systematically misinterprets ambiguous social cues as aggressive. A casual glance or accidental bump is processed as a deliberate threat, creating a permanent state of defensive aggression where the

⁴⁹ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* (2013).

⁵⁰ Robert D. Hare, *the Hare Psychopathy Checklist-Revised (PCL-R)* (1991).

offender attacks "first" to neutralize a threat that existed only in their code. Moral Disengagement acts as an ethics bypass, utilizing cognitive switches that temporarily disable the self-sanctioning system. The offender turns off their morality before the act and turns it back on afterwards, allowing them to commit heinous acts while maintaining a self-image of being a reasonable person⁵¹.

Techniques of Neutralization provide pre-crime rationalization scripts to override guilt before the crime is committed.⁵² Common justification algorithms include the denial of injury, the denial of the victim, and the condemnation of the condemners. This is bolstered by the Victim Stance, an accountability firewall acting as an external locus of control where the offender fundamentally believes they are the victim of a chaotic world. Even while holding a weapon, they view themselves as being forced into the situation by circumstance, poverty, or the victim's behavior, preventing the system from ever accepting personal responsibility. Finally, Temporal Discounting is a myopia glitch an inability to process future consequences. Cognitively trapped in the "Now," the offender possesses a severe inability to weigh future consequences like prison or death against immediate rewards like money or thrill. Because the future is abstract and hypothetical while the urge is concrete and immediate, the brain consistently chooses the certain "Now" over the uncertain "Later."

Theoretical Frameworks

The study of criminality transitioned from a theological debate into a scientific taxonomy through the work of foundational thinkers who mapped the mechanical, psychological, and environmental origins of the deviant mind. This evolution began with Cesare Lombroso of the Positivist School, often considered the "Father of the Born Criminal," who revolutionized the field by arguing that criminality was innate and biological rather than a moral failing.

Lombroso coined the term "Atavism" to describe the theory that violent offenders are evolutionary throwbacks to a more primitive human species. While his specific physiognomic

⁵¹ Albert Bandura, *Social Learning Theory* (1977).

⁵² Sykes and Matza, "Techniques of Neutralization: A Theory of Delinquency," *ASR* (1957).

markers are now obsolete, his core thesis remains the bedrock of modern neuro-criminology: the "glitch" is often a hardware problem rooted in physiology rather than conscious choice.⁵³ In contrast, Jeremy Bentham of the Classical School, the "Calculator of Pain," viewed the criminal as a hyper-rational economic actor through his theory of the "Hedonistic Calculus." Bentham argued that all human behavior is a mathematical calculation where value equals pleasure minus pain. This framework perfectly explains the Machiavellian offender as a "merchant of chaos" who has calculated that the potential profit of a crime outweighs the risk of punishment.⁵⁴

The psychological dimension of this pathology was introduced by Sigmund Freud, the "Subconscious Saboteur," through his Psychoanalytic Theory of the "Weak Superego." Freud structured the human psyche into the Id (primitive drive), the Ego (reality), and the Superego (morality), theorizing that the psychopath suffers from a "Superego Lacunae" a specific gap in the conscience where the internal regulator is underdeveloped. Consequently, the primitive drives of the Id seize control of the machine without an internal mechanism to inhibit them.⁵⁵ This theoretical pathology was later operationalized by Dr. Robert Hare, the "Diagnostician of Darkness," who developed the Psychopathy Checklist-Revised (PCL-R). While building on Hervey Cleckley's concept of the "Mask of Sanity," Hare quantified the "interspecies predator" by proving that psychopathy is a distinct clinical cluster of traits that can be used globally to assess the risk of violent recidivism⁵⁶.

Further theoretical developments shifted the focus toward environmental influences, led by Albert Bandura, the "Software Architect," and his Social Learning Theory. Bandura challenged purely biological narratives by proving through the "Bobo Doll Experiments" that aggression is a downloaded script learned by observing and mimicking authority figures. This suggests the "glitch" can be installed via a violent ecosystem even without a genetic predisposition.⁵⁷

⁵³ Cesare Lombroso, *Criminal Man*, trans. Mary Gibson and Nicole Hahn Rafter (Durham: Duke University Press, 2006).

⁵⁴ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907).

⁵⁵ Sigmund Freud, *The Ego and the Id*, trans. Joan Riviere (New York: W.W. Norton & Company, 1960).

⁵⁶ Robert D. Hare, *The Hare Psychopathy Checklist-Revised (PCL-R)* (Toronto: Multi-Health Systems, 1991).

⁵⁷ Albert Bandura, *Social Learning Theory* (Englewood Cliffs, NJ: Prentice Hall, 1977).

Building on cognitive mechanisms, Gresham Sykes and David Matza introduced the "Override Code" through their theory of "Techniques of Neutralization." They argued that most offenders are not true sociopaths who reject all societal rules, but rather individuals who learn cognitive algorithms such as the "Denial of Victim" to temporarily "turn off" their moral restraints right before committing a crime⁵⁸.

Finally, the "Network Failure" described by Émile Durkheim and Robert Merton identifies the macro-sociological origins of deviance. Durkheim's concept of "Anomie" (normlessness) and Merton's "Strain Theory" explain that when a broken social system demands success but denies individuals the legal tools to achieve it, those individuals resort to criminal "Innovation" to resolve the systemic tension.⁵⁹

Applied Pathology and Critical Case Analysis

This section transitions from the theoretical architecture of the deviant mind to the applied pathology of the violent offender, analyzing profound forensic case studies to demonstrate how the aforementioned biological hardware glitches and psychological software failures manifest in reality. By meticulously examining the distinct profiles of Jeffrey Dahmer, Ted Bundy, Javed Iqbal, and Luka Magnotta, the systemic collapse of the moral and cognitive operating systems becomes directly observable. These cases represent the apex of criminal psychopathology, fundamentally challenging the traditional, often reductive legal binary of "sane versus insane" by illustrating offenders who are legally competent yet biologically and psychologically compromised.

State of Wisconsin v. Dahmer⁶⁰

The case of Jeffrey Dahmer serves as the clinical paradigm for compounding paraphilias and deep-seated attachment disorders resulting in profound systemic failure. Dahmer's pathology

⁵⁸ Gresham M. Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review* 22, no. 6 (1957): 664–70

⁵⁹ Robert K. Merton, "Social Structure and Anomie," *American Sociological Review* 3, no. 5 (1938): 672–82.

⁶⁰ *State of Wisconsin v. Dahmer*, Case No. F-912542 (Wis. Cir. Ct. 1992).

was not driven by the malignant Narcissism or Machiavellian calculation typical of the traditional psychopath, but rather by an overwhelming, pathological fear of abandonment rooted in Borderline Personality Disorder (BPD) and severe schizoid traits. To permanently prevent his victims from leaving him, Dahmer's cognitive software corrupted into extreme paraphilic executions. His desire for absolute control and physical possession manifested in Necrophilia, characterized by sexual acts involving corpses, and Splanchnophilia, an arousal derived from the sight of internal organs. Ultimately, this pathology devolved into Anthropophagy the consumption of human flesh and macabre neurological experiments attempting to create submissive "zombies" out of his victims. Dahmer's cognitive distortion involved profound dissociation, systematically reducing humans to inanimate objects of comfort to bypass the ethical subroutine of empathy.

Analytical Commentary on the Case: Jeffrey Dahmer represents a distinct paradox in criminal taxonomy a mind characterized by "limited social intelligence" yet plagued by a sophisticated, complex pathology. He was neither fully "insane" in the strict legal sense nor fully "sane" in the moral sense; rather, he was a biologically compromised entity. His pathology was deeply rooted in severe emotional neglect and family instability, creating a corrupted "Attachment Script."⁶¹ We must not overlook the specific traumatic catalysts identified by his father, Lionel Dahmer. The combination of early medical trauma specifically a double hernia operation and allegations of sexual victimization at age eight likely installed a permanent sense of physical vulnerability.⁶² Furthermore, the psychological impact of maternal dominance, characterized by living under a mentally unstable and controlling mother, conditioned Dahmer to associate intimacy with a loss of autonomy. His subsequent violence was arguably a compensatory mechanism: a desperate attempt to reclaim the power stripped from him by

⁶¹ John Bowlby, *Attachment and Loss: Vol. 1. Attachment* (New York: Basic Books, 1969). (*Cites the foundation of Attachment Theory*).

⁶² Lionel Dahmer, *a Father's Story* (New York: William Morrow & Company, 1994). (*Cites his father's specific claims of the hernia operation and early trauma*).

childhood trauma and maternal overbalance. He did not kill out of hatred; he killed out of a pathological need for absolute ownership to silence these internal anxieties.

This biological and psychological glitch manifested specifically as Splanchnophilia, defined as a rare arousal especially sexual triggered by the texture and sight of internal organs. This, combined with Necrophilia, proves that his desire was for a passive object rather than a human partner, aiming to achieve relationships by sexualizing the victim's organs⁶³. His act of Anthropophagy (cannibalism) was the ultimate manifestation of a broken Attachment Theory: he believed that by consuming his victims, they would become a permanent part of him, thus neutralizing his chronic loneliness. He utilized Techniques of Neutralization to justify this, convincing himself he was "keeping" them rather than destroying them.⁶⁴ Furthermore, we must acknowledge the role of Differential Association Theory. The specific methodology of his crimes, namely dismemberment and preservation, was not innate but learned. His father had taught him taxidermy, including the bleaching of bones and preserving of shapes. Dahmer simply reapplied this learned technical skill to his human victims to satisfy his deviant urges.⁶⁵ Because he was conflict-averse, he used chemical tools, such as drugs, to induce unconsciousness; he sought control without the chaos of violence.

Beyond the individual hardware, the Dahmer case represents a catastrophic system failure rooted in institutional bias. The police ignored clear "red flags," including strange odors and screams, and famously returned a drugged fourteen-year-old victim, Konerak Sinthasomphone, directly to Dahmer's custody.⁶⁶ This negligence was not accidental; it was systemic. Dahmer specifically targeted men of color, intuitively exploiting a societal blind spot. Of his 17 known victims, the overwhelming majority belonged to marginalized racial groups: 11 were African

⁶³ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed. (Arlington, VA: American Psychiatric Association, 2013). (Cites the medical definition of Paraphilic Disorders).

⁶⁴ Gresham M. Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review* 22, no. 6 (1957): 664–70.

⁶⁵ Edwin H. Sutherland, *Principles of Criminology*, 3rd ed. (Philadelphia: J.B. Lippincott, 1939). (Cites the originator of Differential Association Theory).

⁶⁶ Anne E. Schwartz, *the Man Who Could Not Kill Enough: The Secret Murders of Milwaukee's Jeffrey Dahmer* (New York: Birch Lane Press, 1992).

American, 2 were Hispanic, 1 was Asian (Laotian), and only 3 were white. He recognized that the legal apparatus and government protections were less reactive to the disappearance of individuals from marginalized racial and socio-economic backgrounds. By preying on those whom society had tacitly devalued, he operated within a gap in the social firewall. While his internal "brake pedal" was broken, it was the societal indifference toward these specific communities that allowed the machine to keep running for so long.

Ultimately, the legal verdict stands as a controversial "Legal Necessity," even if it contradicts the biological reality. Given the overwhelming convergence of his Necrophilia, profound emptiness, childhood trauma, and attachment disorders, one could argue that Dahmer lacked true agency. He was a prisoner of his own biology. Therefore, the court's rejection of the Insanity Defense may have been a "Scientific Error" ignoring the fact that a broken machine cannot "choose" to function correctly but it was the only viable decision to neutralize the threat.⁶⁷ We punish the machine not because it is inherently evil, but because it is irreparably broken and dangerous.

Bundy v. State⁶⁸

Conversely, Ted Bundy exemplifies the apex of the "Dark Triad" operating system, specifically highlighting the lethal integration of primary Psychopathy, Machiavellianism, and Narcissistic Personality Disorder. Unlike Dahmer's chaotic and emotionally driven offenses, Bundy was a hyper-rational economic actor dark manifestation of Bentham's Hedonistic Calculus who utilized calculated predatory behavior to hunt his victims. Bundy's primary defense mechanism was the "Mask of Sanity," allowing him to expertly mimic normal human emotion, project a highly charismatic facade, and blend seamlessly into high-functioning society. When committing his crimes, he relied on strict Compartmentalization, mentally separating his life as a promising law student and political aide from his reality as a sadistic predator and necrophilia. Bundy lacked the biological hardware for remorse; his internal system essentially

⁶⁷ *State of Wisconsin v. Dahmer*, Case No. F-912542 (Wis. Cir. Ct. 1992). (Cites the court's rejection of the insanity plea).

⁶⁸ *Bundy v. State*, 455 So. 2d 330 (Fla. 1984).

returned a perpetual error regarding empathy, allowing him to exploit the social trust of his victims without experiencing any moral or cognitive dissonance.

Analytical Commentary on the Case:

Ted Bundy serves as the definitive archetype of the "high-functioning predator." Unlike Jeffrey Dahmer, whose crimes were driven by biological compulsion and confusion, Bundy's pathology was driven by calculated malevolence. The most terrifying aspect of his profile is that his biological "hardware" specifically the prefrontal cortex was fully functional regarding logic and planning. He possessed cognitive empathy, which is the ability to intellectually understand another's pain and subsequently use it to manipulate them, as demonstrated by his infamous "fake cast" strategy.⁶⁹ However, he entirely lacked affective empathy, the biological capacity to genuinely care or feel remorse. He utilized compartmentalization to such an extreme degree that he could brutally murder a victim and attend a law school mixer the same evening, effectively stabilizing his own psyche through the construction of an impenetrable "psychological firewall."

This weaponized intellect was compounded by a profound "narcissistic glitch," characterized by a severe God Complex. Bundy's decision to act as his own attorney (pro se) during his trial was not a legitimate legal strategy; rather, it was a pure manifestation of malignant narcissism.⁷⁰ He genuinely believed his intellect was superior to the entire judicial system. Furthermore, his two escapes from custody perfectly demonstrate Jeremy Bentham's Rational Choice Theory; he was a rational economic actor who was keenly aware of the consequences and claimed to love life.³ However, his "temporal discounting" glitch an inability to weigh future consequences against immediate desires prevented him from stopping. He was not insane; he was simply arrogant enough to believe he was entirely exempt from the universal laws of causality.

⁶⁹ Robert D. Hare, *Without Conscience: The Disturbing World of the Psychopaths among Us* (New York: Guilford Press, 1993). (Cites the distinction between cognitive and affective empathy in psychopaths).

⁷⁰ Stephen G. Michaud and Hugh Aynesworth, *The Only Living Witness: The True Story of Serial Sex Killer Ted Bundy* (New York: Simon & Schuster, 1983).

The deepest "glitch" in Bundy's software, however, was evident in his necrophilia, an act representing a desperate bid for "total ownership" to fill a profound psychological void. He admitted to returning to his decomposition sites specifically Taylor Mountain, where he revisited the remains of victims like Lynda Ann Healy and Roberta Parks to engage in sexual acts with the corpses until putrefaction made it impossible.⁷¹ This behavior contradicts the notion that he felt absolutely nothing; rather, it suggests a profound, pathological emptiness resulting in a "paradox of completion." Why did he choose the dead? Because the living possesses autonomy, judgment, and conditions for intimacy. For a mind so utterly obsessed with control, a living partner constitutes a threat. A corpse, however, offers unconditional ownership. By merging with the dead, Bundy sought to silence his own internal void. The act provided him with a fleeting sense of being "whole" and "powerful." Thus, his monstrosity was not exclusively about hatred, but about a desperate, twisted attempt to achieve a state of total control that reality otherwise denied him⁷². He was a man who felt "complete" only when holding something that could not leave, judge, or speak.

Finally, in examining the tension between legal necessity and biological madness, we must validate the court's ultimate decision. The capital punishment verdict was required not simply because Bundy was a monster, but because he was a rational actor who explicitly chose to be one⁷³. However, while the verdict was legally sound, it does not erase the biological reality of the offender. A man who carefully calculates risks and manipulates systems is legally sane, but a man who finds intimacy in the decomposition of corpses suffers from a profound "biological madness" that the rigid binaries of the law cannot fully quantify. Therefore, we must conclude that while Bundy was legally sane enough to face the consequences of his actions, he was clinically broken enough to commit the acts in the first place. The law rightfully punished the choices he made, but his severe necrophilia undeniably proves that the mind making those choices was fundamentally, irrevocably "glitches."

⁷¹ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907).

⁷² Ann Rule, *The Stranger beside Me* (New York: W.W. Norton & Company, 1980). (Cites the specific facts regarding Taylor Mountain, Healy, and Parks).

⁷³ *Bundy v. State*, 455 So. 2d 330 (Fla. 1984). (Cites the official legal ruling).

State v. Javed Iqbal⁷⁴

The case of Javed Iqbal shifts the taxonomic focus toward the intersection of sociopath, extreme environmental catalysts, and age-specific predatory preferences. Iqbal, who confessed to the murder and dismemberment of one hundred runaway children in Lahore, exhibited deep-rooted Pedophilia and Ephebophilia, purposefully targeting the most vulnerable and marginalized components of society. However, his psychological software relied heavily on the "Victim Stance" and the utilization of Techniques of Neutralization. Iqbal fundamentally utilized the "Condemnation of the Condemners," framing his mass murders not as acts of sadistic deviance, but as a righteous crusade against a corrupt police force and an indifferent society that he claimed had previously wronged him. This represents a catastrophic manifestation of Strain Theory and Anomie, where the offender perceives the entire societal network as broken, utilizing a corrupted moral disengagement script to justify the mass slaughter of children as a rationalized act of systemic retaliation.

Analytical Commentary on the Case:

Javed Iqbal represents the terrifying outcome of secondary sociopath a monster "made" by the collision of individual pathology and systemic corruption. Unlike Ted Bundy, whose psychopathy was innate and cold, Iqbal's "glitch" was triggered by a profound narcissistic wound: the death of his mother following his arrest on false sodomy charges.⁷⁵ This trauma initiated a severe shame-rage spiral. To overwrite his internal moral code, he utilized the "condemnation of the condemners," a technique of neutralization identified by Gresham Sykes and David Matza⁷⁶. By viewing the police and society as the "real" criminals who killed his

⁷⁴ *State v. Javed Iqbal*, Special Anti-Terrorism Court, Lahore, 2000.

⁷⁵ David T. Lykken, *the Antisocial Personalities* (Hillsdale, NJ: Lawrence Erlbaum Associates, 1995). (*Cites the clinical distinction of secondary sociopathy triggered by environmental trauma*).

⁷⁶ Gresham M. Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review* 22, no. 6 (1957): 664–70.

mother, he rationalized the murder of one hundred children not as a heinous crime, but as a "retributive mission" designed to inflict equal pain upon society.

We must also correct the common clinical misdiagnosis regarding his deviance: Iqbal was not merely a pedophile; he exhibited ephebophilia (an attraction to adolescents) combined with severe sexual sadism⁷⁷. His chosen method of disposing of his victims dissolving their bodies in vats of acid was not just a forensic disposal technique; rather, it was a psychological act of "total erasure." Driven by a God Complex, he sought to delete the very existence of his victims. His ultimate surrender to a local newspaper rather than to law enforcement confirms his malignant narcissism; the mass murders were viewed as "achievements" or "trophies," and he required the world to publicly acknowledge his high score and validate his claim of "mission accomplished."

Furthermore, Iqbal exploited a horrific societal glitch: the systemic devaluation of the poor. He specifically targeted runaways and orphans because he knew they were rendered "invisible" to the state. This operational reality exposes a dark sociological truth: a predator can only operate with such terrifying efficiency if society has already dehumanized the prey. Iqbal effectively held a mirror to the state's negligence, his actions implicitly stating, "You did not care when they were hungry; why do you care now that they are dead?"

The judicial response to Iqbal creates a profound legal paradox concerning talionic justice versus human rights. The court's unprecedented verdict mandating that Iqbal be strangled and cut into one hundred pieces in acid invokes the ancient principle of *lex talionis* (an eye for an eye).⁷⁸ While this draconian sentence satisfies the theory of general deterrence by attempting to create enough fear to stop future crimes, it generates a profound moral paradox characterized by a hypocrisy of attention. The international outcry focused almost exclusively on the "inhumane punishment," effectively ignoring the one hundred dead children. This reaction

⁷⁷ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed. (Arlington, VA: American Psychiatric Association, 2013). (Cites the clinical definition of *Ephebophilia* and *Sexual Sadism*).

⁷⁸ *State v. Javed Iqbal*, Special Anti-Terrorism Court, Lahore, 2000. (Cites the official, unprecedented court ruling).

inadvertently validated Iqbal's cynical worldview that the global system values "protocol" over human life.

Ultimately, this raises the specter of the state acting as the monster. If the legal system adopts the killer's exact methods of acid and mutilation, it risks a dangerous moral equivalence. By becoming a mirror image of the monster to punish him, the state validates the killer's internal logic that violence is the ultimate authority. While the sentence may have been viewed as a retributive necessity for the grieving parents, it serves as a grim jurisprudential reminder that when fighting monsters, the law must be careful not to become one itself.⁷⁹

R. v. Magnotta⁸⁰

Finally, Luka Magnotta represents the modern evolution of the deviant mind, illustrating how Histrionic Personality Disorder (HPD) and extreme Narcissism intersect with the digital ecosystem. Magnotta's pathology was defined by an excessive, pathological need for attention and validation, driving him to utilize the internet as a global amplifier for his violence. His systematic escalation from filmed animal cruelty to the recorded murder and dismemberment of a human being was fundamentally performative; the violence was instrumental, serving primarily as a mechanism to achieve infamy and global notoriety. Magnate also exhibited severe factitious behaviors and a profound solipsistic error, viewing his global audience, law enforcement, and his victim merely as props in his own manufactured reality. His case proves that the underlying "glitch" of the criminal mind can weaponizes modern digital platforms, transforming the private pathology of the offender into a crowd sourced spectacle.

Analytical Commentary on the Case:

Luka Magnotta represents an evolutionary leap in modern criminology: the "digital variant." Unlike Jeffrey Dahmer, whose crimes were rooted in biological compulsion, or Javed Iqbal, who was driven by systemic revenge, Magnotta's pathology was not internal, but strictly

⁷⁹ Friedrich Nietzsche, *Beyond Good and Evil*, trans. Walter Kaufmann (New York: Vintage Books, 1966), 89. (Cites the philosophical origin of the "fighting monsters" maxim).

⁸⁰ *R. v. Magnotta*, 2014 QCCS 1178 (CanLII).

external. He suffered from severe Histrionic Personality Disorder (HPD) combined with malignant narcissism.⁸¹ He viewed his life not as a tangible reality, but as a movie set, effectively erasing the line between existence and performance. Consequently, his crimes were not committed for the satisfaction of the act itself, but explicitly for the global broadcast of the act.

The most critical "glitch" in this case existed not only in Magnotta's mind but within the digital ecosystem itself. Magnotta engaged in a symbiotic relationship with the internet. When he posted his initial videos of animal cruelty acting out the Macdonald Triad in real-time the public's outrage and the subsequent obsession of online investigative groups provided him with profound negative reinforcement.⁸² He did not care that he was hated; he only cared that he was watched. The insults served as "fuel" for his narcissism, actively validating his perceived significance. He manipulated online sleuths using Machiavellian tactics, intentionally creating fake identities to prolong the game, proving that his pursuit of fame thoroughly superseded any fear of capture.

Magnotta's ultimate crime, the murder of Jun Lin, was meticulously designed as a cinematic production rather than a standard homicide. From the deliberate placement of a *Basic Instinct* movie poster in the background to the specific staging of the body, everything in the room functioned as a prop⁸³. His subsequent acts of cannibalism and necrophilia, alongside his interaction with the victim's internal organs (splachnophilia), were likely entirely performative designed to maximize "shock value" rather than to satisfy an innate biological urge. This theatrical detachment is most disturbing in his parallel behaviors: just as he gently petted a python while feeding it a live kitten in his early videos, he similarly petted a dog while feeding it the human victim's remains. This ritualistic mirroring confirms that he identified with the

⁸¹ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 5th ed. (Arlington, VA: American Psychiatric Association, 2013).

⁸² J. M. Macdonald, "The Threat to Kill," *American Journal of Psychiatry* 120 (1963): 125–30. (Cites the origin of the Macdonald Triad regarding animal cruelty as a predictor of violence).

⁸³ *R. v. Magnotta*, 2014 QCCS 1178 (CanLII). (Cites the official case facts and staging details).

"predator" (the python and the dog) as his co-stars, while systematically reducing the living victims (the kitten and the human being) to mere disposable props for the scene.

Ultimately, the fact that he was arrested in an internet café while actively reading news stories about himself stands as the definitive proof of his solipsistic error. He remained trapped in his own reflection until the very end. This moment confirms the application of Rational Choice Theory to his profile: he was legally sane enough to successfully orchestrate a global manhunt, yet pathological enough to prioritize his ego and media consumption over his own freedom.⁸⁴

Finally, this case forces a profound mirror upon modern society, highlighting the complicity of the audience. Magnotta was undeniably a monster, but he was a monster actively fed by our clicks. The internet effectively created a "market for monsters," and Magnotta simply supplied the product to meet that demand. This dynamic raises a deeply disturbing sociological question: if the internet had entirely ignored his early cries for attention, would the escalation to human murder have ever occurred? We must critically acknowledge that in the age of the algorithm, attention is a tangible currency, and by indiscriminately spending it on the wicked, society inadvertently finances their evolution.

Strategic Solutions for Prevention and Rehabilitation

Moving beyond taxonomy, we must propose actionable protocols to "patch" the societal and cognitive vulnerabilities that allow these pathologies to thrive. The first essential patch involves educational reform through an empathy curriculum. We must move beyond academic grading to cognitive empathy training. Schools must teach children not just to judge, but to decipher human emotion and genuinely understand the pain of others. By identifying "cognitive deflectors" a fundamental lack of empathy yearly in childhood, we can intervene before a child develops the callousness seen in offenders like Dahmer or Bundy.

Ultimately, a society that teaches how to feel is significantly safer than one that only teaches what to think. Furthermore, systemic debugging and institutional transparency are required.

⁸⁴ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907). (Cites the foundation of Rational Choice Theory).

The case of Javed Iqbal highlights a critical failure: the invisibility of the poor. To prevent the creation of "avengers" driven by strain, the government must ensure that the legal "firewall" protects all citizens equally. When institutions are opaque or corrupt, they create the strain that pushes narcissists toward violent innovation. We must ensure that poverty is not a death sentence, and that rehabilitation centers are equipped to treat the biological and psychological roots of crime, rather than serving as mere warehouses for the broken.

In the digital age characterized by offenders like Luka Magnotta, attention is currency. We must practice digital hygiene, which means actively refusing to engage with or share content that glorifies cruelty. The public must understand that "negative engagement," such as hate-watching or commenting, is still a reward for the histrionic offender. Algorithms and users alike must starve the "attention glitch" by denying these individuals the notoriety they desperately crave. This extends to cultural debugging and the de-glorification of malice. We are currently witnessing the normalization of Machiavellianism, where manipulation is celebrated as "smart" and villains are glorified in media with "superpowers" while heroes are depicted as inherently flawed. This creates a state of collective anomie; if an entire culture agrees on a twisted morality, the entire culture becomes complicit in the resulting violence. We must firmly reject the narrative that cruelty is "cool" or that exploitation is an art form.

Additionally, we must not discard the role of spiritual and ethical grounding as a moral anchoring system. A "spiritually correct" individual possesses a functional superego, defined as an internal realization that harming another incurs a cosmic or divine cost. We must invite society back to moral accountability, with the strict caveat that religion must never be misinterpreted or weaponized to justify violence, such as in cases of radicalization. True spirituality serves as the ultimate check against the primitive drives of the "Id," preventing the thought of a crime before it even reaches the stage of action.

To facilitate this, society must avoid the "labeling trap" through de-stigmatization and early detection. Society often rushes to label individuals as "bad" or "mad" before a crime is even committed, which can easily become a self-fulfilling prophecy as outlined by Labeling Theory.

⁸⁵Once an individual is tagged with such a label, they may judge their own character as flawed and lose the internal inhibition to commit crime, feeling they have nothing left to lose. Instead, we must focus on mental strength monitoring. We need to normalize therapy and psychiatric care, explicitly dispelling the myth that these resources are only for the "insane." Early intervention is key; if an individual feels an inexplicable detachment or "weird feelings," they should have immediate, stigma-free access to care. Simple acts such as playing with children, taking a break from routine, or sharing burdens can act as vital "pressure valves" for the mind. We must also expand our definition of the psychopath to build micro-aggression awareness. As Dr. Robert Hare famously noted, not all psychopaths are in prison; some are in the boardroom. ⁸⁶A psychopath is not necessarily a killer; they can be anyone who uses Machiavellian tactics for small, personal gains. They may exist in our bedrooms, offices, or friend groups. We must learn to judge the mechanism of their behavior specifically their lack of empathy and manipulation and not just the severity of their actions. Recognizing these "micro-psychopaths" early actively prevents them from escalating into macro-predators. Beyond preventative measures, post-crime protocols regarding the treatment of the offender must dictate how the system responds once the machine has officially broken. We propose a tiered approach based on the specific nature of the "glitch." For the biologically defective, representing a permanent hardware failure, true reformation may be impossible. These are offenders with profound, incurable biological deficits, such as severe structural brain damage or deep-seated psychopathy, whose belief systems are permanently cemented by physiology. In these cases, the priority must be containment and quarantine. They should be humanely isolated from society to prevent harm, receiving palliative treatment rather than punitive punishment, acknowledging that they are "broken machines" that cannot be safely reintegrated. Conversely, for the psychologically ill, representing software corruption, reformation is possible.

⁸⁵ Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: Free Press, 1963). (*Cites the sociological foundation of Labeling Theory*).

⁸⁶ Robert D. Hare, *Without Conscience: The Disturbing World of the Psychopaths among Us* (New York: Guilford Press, 1993).

Offenders driven by psychological illness or trauma, such as sociopaths, require aggressive rehabilitation. This involves a combination of medication to stabilize neurochemistry and Cognitive Behavioral Therapy (CBT) to actively rewrite corrupted cognitive scripts.⁸⁷

They should be provided with all necessary medical tests and psychological support to repair the psychological "software." Finally, for those in the early stages of deviation, we must encourage self-rehabilitation and a spiritual reset. This involves voluntary isolation and reflection. Taking a dedicated break from society to work on oneself spiritually and mentally whether surrounded by positive influences or in rehabilitation centers where their feelings are genuinely understood can effectively prevent a temporary "glitch" from becoming a permanent structural failure.

CONCLUSION

This taxonomy leads us to a disturbing but necessary conclusion: the "Deviant Mind" is not a mystical entity, but a biological and sociological output. Whether it is the Hardware Failure of Dahmer's amygdala, the Software Glitch of Bundy's empathy deficit, or the Network Error of Magnotta's digital feedback loop, the criminal is a product of specific, identifiable malfunctions. However, identifying the "glitch" does not absolve the machine. As we observed in the case of Javed Iqbal, society often acts as the catalyst that pushes a volatile system into critical failure. Therefore, the study of criminology is not merely the categorization of monsters, but the diagnostics of the human condition. We dissect the machine not to excuse its destruction, but to understand the mechanics of the break. Until we address both the biological and societal inputs, we will continue to manufacture these errors, leaving the law to merely clean up the wreckage of the broken machine.

⁸⁷ Aaron T. Beck, *Cognitive Therapy of Depression* (New York: Guilford Press, 1979). (Cites the clinical foundation for using CBT to rewrite cognitive distortions).

ARTIFICIAL INTELLIGENCE AND RIGHT OF DIGITAL PRIVACY IN PAKISTAN

MUHAMMAD SALEEM SHAHEEN⁸⁸

ABSTRACT: Pakistan's legal regime for regulating electronic activities is not well-positioned to tackle the complexities of artificial intelligence (AI). Although the Prevention of Electronic Crimes Act 2016 (PECA) still governs cyber transactions, it only serves to criminalize certain acts and not to provide a framework for data protection or AI regulation. This article contends that PECA's retroactive and enforcement-focused approach does not adequately tackle concerns such as profiling, algorithmic decision-making, or big data. The lack of a comprehensive approach to data protection compounds these shortcomings by failing to address data collection, processing and storage. Within the realm of AI, which relies on large data sets, this unregulated approach allows unrestricted use of data, without principles like purpose limitation and data minimization. Moreover, given the increased classification powers of the state, accompanied by a lack of judicial oversight, there are also concerns about arbitrary interference with privacy and the clash between the new powers and constitutional rights (Article 14). Through this critical assessment, the article shows that Pakistan's regulatory framework is inadequate to safeguard digital privacy in the context of AI. It finds that substantial reforms, based on transparency, accountability, and informational privacy, are crucial to modernize national legislation and bring it in line with technological change and the Constitution.

KEYWORDS: Artificial Intelligence; Digital Privacy; Informational Privacy; Surveillance; Data Protection; Algorithmic Governance; ICCPR; GDPR

INTRODUCTION

The evolution of artificial intelligence (AI) has significantly redefined the concept of privacy. AI-based intrusion is temporal and invisible, as opposed to the spatial and visible nature of

⁸⁸ He is Director of Premier Group of colleges of Pakistan.

traditional forms of invasion of privacy. This allows governments and private actors alike to track, Analyse, and shape behaviour in new and enhanced ways.⁸⁹ Pakistan's right to privacy is enshrined under Article 14 of the Constitution of the Islamic Republic of Pakistan 1973 ('Constitution'), which protects the dignity of man and the sanctity of home.⁹⁰ Yet this protection has only been doctrinally restricted to physical privacy and not digital informational privacy.

This article shows that AI undermines the right to digital privacy in Pakistan by outlining the shortcomings of constitutional and statutory protections. It assesses the Prevention of Electronic Crimes Act 2016 ('PECA')⁹¹ and shows how the lack of data protection principles and intrusive surveillance powers undermines the efficacy of privacy protections within the framework of algorithmic governance.

Literature Review

The intersection of artificial intelligence, surveillance and informational privacy is extensively addressed in legal literature, especially in relation to data-driven governance and digital constitutionalism.

An early starting point for literature on surveillance is found in the work of Michel Foucault in *Discipline and Punish*, which views modern surveillance as a disciplinary apparatus based on constant observation, and provides the foundation for subsequent discussions about algorithmic surveillance and control.⁹²

Drawing on this, David Lyon's book *The Culture of Surveillance*⁹³ expands on the concept of surveillance, which has become a normalized form of contemporary governance, especially in the digital realm, where information is being gathered continuously.

⁸⁹ Shoshana Zuboff, *the Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (New York: PublicAffairs, 2019), 8–11.

⁹⁰ Constitution of the Islamic Republic of Pakistan, 1973, art. 14.

⁹¹ Prevention of Electronic Crimes Act, 2016 (Pakistan).

⁹² Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Pantheon Books, 1977).

⁹³ David Lyon, *the Culture of Surveillance* (Cambridge: Polity Press, 2018).

In the digital era, Shoshana Zuboff's book, *The Age of Surveillance Capitalism*,⁹⁴ offers a critical analysis of the extraction, commodification, and behavioural prediction and modification through surveillance data in digital capitalism. Zuboff's analysis is important for artificial intelligence because it draws attention to the power imbalance between data producers and data owners, an issue that is also a recurrent theme throughout this article on informational privacy and algorithmic rules.

Likewise, Frank Pasquale's book *The Black Box Society*⁹⁵ discusses the black box nature of algorithms, suggesting that decision-making algorithms often do not provide transparency or accountability, undermining procedural fairness and due process.

Meanwhile, Virginia Eubanks' *Automating Inequality*⁹⁶ highlights how automation in public administration can perpetuate social inequalities, especially in welfare and policing/surveillance. These books collectively highlight the dangers of automated decision-making systems if not safeguarded by law.

Governance literature, such as that produced by the Organisation for Economic Co-operation and Development (OECD), emphasizes mechanisms of AI governance. The OECD papers on data governance and AI highlight principles like transparency, accountability and human interactivity in automated decision-making.⁹⁷

Likewise, the European Union Agency for Fundamental Rights stresses the importance of ensuring compliance with fundamental rights, especially privacy, dignity and non-discrimination, when using AI. These approaches are supported by the European Union's

⁹⁴ Shoshana Zuboff, *the Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (New York: PublicAffairs, 2019).

⁹⁵ Frank Pasquale, *the Black Box Society: The Secret Algorithms That Control Money and Information* (Cambridge, MA: Harvard University Press, 2015).

⁹⁶ Virginia Eubanks, *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor* (New York: St. Martin's Press, 2018).

⁹⁷ Organisation for Economic Co-operation and Development (OECD), *Artificial Intelligence in Society* (Paris: OECD Publishing, 2019).

General Data Protection Regulation (GDPR), which sets internationally important standards such as data minimization, purpose limitation, and the challenges of automated processing.⁹⁸

At the international level, the United Nations Human Rights Committee, in General Comment No. 16 on Article 17 and in General Comment No. 34 on Article 19, has confirmed that freedom of expression and privacy rights are interlinked in the digital environment. These findings are reiterated by resolutions of the UN General Assembly and Human Rights Council that recognize the right to privacy in the digital environment, and call for measures to prevent arbitrary surveillance and misuse of data.⁹⁹

In Pakistan, academic works have concentrated on the regulatory provisions of the Prevention of Electronic Crimes Act 2016 (PECA). The Digital Rights Foundation's critique of PECA underscores its enforcement and punitive focus, and its inadequate approach to data protection, privacy protections and algorithmic governance.¹⁰⁰ But the current literature in Pakistan is still scant in its discussion of artificial intelligence as a game-changing legal scenario. The focus tends to be on cybercrime legislation, rather than the ramifications of predictive analytics and data profiling.

This study expands on current literature by aligning global theoretical paradigms for surveillance regulation and AI governance with Pakistan's constitution. While global literature highlights the importance of transparency, accountability and informational autonomy in contemporary privacy laws, current Pakistani law remains largely criminal and reactive. Thus, this article advances the future of existing literature by looking at how artificial intelligence alters traditional notions of privacy safeguarded by Article 14 of the Constitution and assessing the sufficiency of PECA and other legal frameworks in regulating algorithmic governance and informational privacy.

⁹⁸ European Union Agency for Fundamental Rights, *Getting the Future Right: Artificial Intelligence and Fundamental Rights* (Luxembourg: Publications Office of the EU, 2020).

⁹⁹ UN Human Rights Committee, *General Comment No. 16: Article 17 (Right to Privacy)* (1988).

¹⁰⁰ Digital Rights Foundation, *the Prevention of Electronic Crimes Act 2016: A Critical Analysis* (Lahore: DRF, 2017).

Artificial Intelligence and the Reconfiguration of Privacy

I. From Invasion to Extraction

Conventional privacy law protects individuals from physical intrusion. AI challenges this traditional approach by relocating the site of privacy breaches to the collection and analysis of data. Data is continually tracked through online platforms, devices and surveillance technologies, often surreptitiously.¹⁰¹ This shift disrupts the traditional understanding of privacy as a private space, replacing it with an "always on" visibility.

II. Tracing Techniques and Knowledge Asymmetry

AI uses data mining to draw insights. AI algorithms create deep profiles of individuals, informatively profiling their behaviour, tastes, and even political views.

This profiling results in an information discrepancy between individuals and organisations. Data subjects do not "know" what is going on with their data, while governments and corporations increase their predictive capacities. This asymmetry is unregulated in Pakistan's legal system, allowing for prying without checks and balances.¹⁰²

III. Algorithmic Decision-Making and the Due Process Problem

AI is increasingly used to make decisions in the public sphere, for example, in policing and regulatory frameworks. These processes are often not transparent and not subject to human supervision, undermining procedural justice. The lack of transparency in algorithmic processes or decisions, in particular, erodes the right to due process, as it is impossible for individuals to contest decisions they do not understand.¹⁰³

¹⁰¹ United Nations Human Rights Council, *The Right to Privacy in the Digital Age*, A/HRC/39/29 (2018), para. 5–7.

¹⁰² Seghid, N., F. Iqbal, K. Al-Room, and Á. Mac Dermott. "Emerging Threats in AI: A Detailed Review of Misuses and Risks across Modern AI Technologies." *Frontiers in Communications and Networks* 6 (2026): 1727425.

¹⁰³ UN Human Rights Council, *Report of the Special Rapporteur on the Right to Privacy*, A/HRC/44/24 (2020), para. 38–40.

Legal Framework in Pakistan: Structural Gaps

There are substantial gaps in Pakistan's legal framework that regulate online behaviour, especially related to artificial intelligence. The Prevention of Electronic Crimes Act 2016 (PECA) continues to be the governing act for cyber activity. While it criminalizes certain types of cyber offences, it does not provide an overarching framework for data protection and governance of AI technologies. The law is primarily retrospective and reactive, with an emphasis on reactive measures. As a result, it does not address many key issues, including data profiling, automatic decision-making and the management of data.¹⁰⁴

This is compounded by the lack of a data protection framework in Pakistan. We lack any enforceable principles around data collection, storage or use. This is particularly concerning in the context of AI, given the amount of data used to develop AI systems. Lacking rules such as purpose limitation and data minimization, there are few checks and constraints on data collection, use or abuse.¹⁰⁵ Moreover, current laws provide for broad powers given to the State to access and monitor data. As part of the arsenal for AI technologies, these powers allow for extensive and ongoing surveillance with minimal oversight. The lack of judicial oversight for such monitoring raises concerns about arbitrary deprivation of privacy and violates constitutional rights. Overall, these shortcomings signal Pakistan's failure to adapt to the data challenges created by AI technologies.¹⁰⁶

Constitutional and International Dimensions of Informational Privacy

Privacy rights are enshrined within the Constitution of the Islamic Republic of Pakistan in Article 14, which guarantees man's dignity and the inviolability of one's home. Yet, it continues to retain its classical interpretation in terms of physical and spatial invasions, disregarding the

¹⁰⁴ Digital Rights Foundation, *the Prevention of Electronic Crimes Act 2016: A Critical Analysis* (Lahore: DRF, 2017), 3–6.

¹⁰⁵ Paras Zafar and Sajjad Ali, “The PECA Amendment 2025: A Critical Analysis” (LUMS SAHSOL, 2025), SAHSOL Working Paper.

¹⁰⁶ UN Human Rights Committee, *General Comment No. 34: Article 19 – Freedoms of Opinion and Expression*, CCPR/C/GC/34 (2011), para. 21–25.

intricacies of digital technologies. In an age of artificial intelligence, this is an insufficient reading. The purposive interpretation of Article 14 requires the recognition of informational privacy as having a critical place in constitutional protection. Informational privacy refers to an individual's autonomy over the collection, use, and processing of personal information and the interference of algorithms. Dignity as a constitutional guarantee remains incomplete where there is no autonomy in the online realm of personal information and identities. Not extending constitutional doctrine in this way creates a gap between the law and ever-evolving technological advancements.¹⁰⁷

This disparity is all the more glaring against the backdrop of international human rights law. The right to privacy is enshrined under Article 17 of the International Covenant on Civil and Political Rights ('ICCPR'), which protects against arbitrary or any other unlawful interference with privacy, including digital communications.¹⁰⁸ Article 19 of the ICCPR also safeguards freedom of expression, a right that is directly connected with privacy in the digital context, as such surveillance can have a chilling effect on freedom of expression.¹⁰⁹

In contrast, the General Data Protection Regulation offers a more structured approach to digital privacy. It sets foundational principles, such as integrity, accountability and purpose limitation, as well as limitations and safeguards on automated decision-making. Crucially, it endorses the principles of data access, control, and in some cases, deletion, and human oversight of automated processing.

Pakistan falls short in these regards, particularly in matters of data governance and the use of algorithms. This not only makes people vulnerable to privacy-invasive data practices but also renders Pakistan non-compliant with international human rights law. This lack of regulation is not only harmful to governance in the context of democracy. Over-reliance on AI technologies allows people to be constantly monitored, which can have a chilling impact on fundamental

¹⁰⁷ Muhammad Ismail Qureshi v. Federation of Pakistan through Secretary Interior, PLD 2019 Islamabad 1.

¹⁰⁸ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, 999 UNTS 171, art. 17.

¹⁰⁹ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, 999 UNTS 171, art. 19.

rights, like freedom of expression and association.¹¹⁰ The perception of being under constant surveillance reduces involvement by citizens in legitimate activities and debates. Furthermore, the lack of checks and balances on AI use also affects trust in government. This hurts democracy through a lack of public participation and the institutionalization of governance. In this sense, the weakness of the protection of informational privacy is not only a matter of law but also a constitutional matter related to governance and the rule of law.

CONCLUSION

Pakistan's online privacy is at risk due to the addition of artificial intelligence to surveillance, making it transparent and data-based. Limited explanations of Article 14 do not hold up to the challenges of contemporary times, although they promise constitutional safeguards. The Prevention of Electronic Crimes Act 2016 does not offer adequate oversight of AI, nor does it defend against intrusions into computers. This exposes women and men to intrusive collection of data and decision-making. A more accurate way to protect privacy is for Pakistan to adopt a human rights approach to privacy by recognizing informational privacy as a human right. This requires legislative and judicial responses and compliance with international standards such as the General Data Protection Regulation.

¹¹⁰ European Union Agency for Fundamental Rights, *Getting the Future Right: Artificial Intelligence and Fundamental Rights* (Luxembourg: Publications Office of the EU, 2020), 22–27.

THE CONSTITUTIONAL UNTOUCHABLES: A NEW REALITY OF PAKISTAN'S CONSTITUTION

TAMoor MUGHAL¹¹¹

MAHNOOR SHAKEEL¹¹²

ABSTRACT: This article critically examines the provisions of lifetime immunity for the President and five-star military ranks as introduced by the 27th Amendment to the Constitution of Pakistan, 1973 specifically under the expanded scope of Articles 243 and 248. It also discusses those articles that are self-contradiction to such immunities that are violating the human rights as well as the fundamental rights enshrined in the constitution itself. It provides the deep analysis in comparison with other countries including USA, Russia etc. noting that no other democracy offers lifelong absolute protection.

The article documents international condemnation from the International Commission of Jurists and proposes reforms: limit immunity to tenure and official acts, exclude serious crimes, empower parliamentary oversight and align with International standards. It concludes that without these changes, the amendment erodes equality before the law and democratic accountability.

KEYWORDS: Constitutional Immunity, Twenty-Seventh Amendment, Pakistan, Two tiers of law, Accountability, Equality before law, Article 6, Article 8, Article 25 of Constitution of Pakistan, International Response.

INTRODUCTION:

What would you do if you know you could never be arrested or put on trial? This is not a hypothetical question in Pakistan it is a new constitutional reality. The 27th Amendment, enacted in November 2025, grants the lifetime immunity from the criminal prosecution and from the process of arrest or imprisonment to the country's President also to military officers elevated to five-star rank, making them legally untouchable. This shield doesn't just protect highest authorities from accountability; it places them in separate legal class and raises a corrosive question for the state: can a democracy truly survive when it's most powerful figures are placed permanently above the law?

¹¹¹ (PhD Scholar), School of Political Science, Minhaj University Lahore

¹¹² Student of LAW, Premier Law College, Gujranwala, Punjab, Pakistan

Rushed Through, Not Debated:

The amendment was moved through Parliament at remarkable speed, leaving little room for substantive debate. The bill received the federal cabinet approval on 8th November Saturday, the same day introduced in the Senate, by the Law Minister Tarar. A meeting joined virtually by Prime Minister Shehbaz Sharif from Baku. Following swift international consultations, a revised draft was circulated in the Senate on 10th November and passed that very evening. A two-third majority was secured with support from some independent and defecting opposition Senators.¹¹³

This session was marked by intense opposition. Protesting Senators tore copies of the bill and chanted slogans against the government, staging a walkout and denouncing the process as an attempt to force through the institutionalization of lifetime immunity and a centralized military authority without national consensus.¹¹⁴

When the Law Has Two Tiers: One for Them, One for Us:

In Pakistan, the common citizen faces special and exclusive treatment every day, from the police stations to the courts and from the hospitals to educational institutions. On the contrary, elite culture is prominent, dominating all spheres of power including political, economic and social. Ironically, a system has been established that draws a line between such classes of Pakistanis with equivalent rights and obligations promised to all by the Constitution but unjustly granted only to the higher officials of the state.¹¹⁵

The Proposed amendments to Article 243 and 248 of the Constitution of Pakistan have a direct impact on accountability and the rule of law. The changes establish the President and the Army Chief's dominance constitutionalize their positions, politicize the Field Marshal rank and grant an unprecedented immunity that could shield the President and Field Marshal from any legal accountability.

This strike at the heart of a simple, fair promise: that everyone is equal before the law. They elevate military leadership above ordinary judicial accountability, weaken the principle of

¹¹³ Shifting the Scales: How Pakistan's 27th Amendment Undermines Judicial Independence and Cements Executive Dominance by Zainab Malik on 28th November, 2025

¹¹⁴ Ibid (footnote 1)

¹¹⁵ A Tale of Two Pakistanis: When Justice Is Only For Elites by Qaisar Abbasi on November 19, 2024

equality before law under Article 25 of COP and risk establishing unchecked authority. Thus immunity designed to protect stability and command continuity may, in practice function as a structural privilege, raising concerns about democratic oversight and the balance of civil military relations. It's the pave towards the autocracy.

Michael Kugelman, former director of the Wilson Center's South Asia Institute in Washington said:

"For me, this amendment is the latest indication perhaps the strongest yet, that Pakistan is now experiencing not a hybrid system but post-hybrid system. We're essentially looking at a situation where the civil -military imbalance is about as imbalanced as it could possibly be."¹¹⁶

In short, the scale of power has tipped in a way that may never be set right.

Pakistan like other countries including China, USA and Russia etc. is shifting towards the unified military command. But that's not the main issue.¹¹⁷ The major problem is Pakistan's Parliament that are not just restructuring the judicial and military institutions but also giving the President and Field Marshal an unprecedented immunity from any sort of trial and imprisonment for life that is unique in world and not found in any other democratic systems of any country. In a country where the President have the long history of utilizing their immunities in their possible favors even when such immunities are based on tenure basis and where the military has long history of interrupting democracy more than once, totally unfair to grant them blanket immunities that even are not granted to kings. This is the moment when the balance breaks and may never be fixed.

Such level of immunities that were granted by the constitution not only breaks the balance of power but also contradicts the self-provisions of the constitution including article 6 as it clarifies that any abrogation, suspension or subversion of the constitution shall be guilt of high treason on contrary the field marshal who commits such acts would be protected from prosecution under article 248 and 243. The Constitution of Pakistan, Article 8, nullifies any law that violates the fundamental rights enumerating in the constitution Article 10 which is a fundamental right states that, "a person shall be entitled to a fair trial and due process" on contrary the higher authorities were shielded from any sort of accountability as per Article 248 and 243. Not any discrimination on the basis of status or power and all are equal in the eye of law is specifically guaranteed by the constitution in article 25, constitutional immunities also contradicts with

¹¹⁶ Pakistan's army has always been influential, now its chief has new powers.

¹¹⁷ Pakistan's Shift Towards Unified Military Command By Babar Gorski on January 6, 2026

such provision. In this way the 27th Amendment weakens the deterrent effect of such provisions.¹¹⁸

Unfortunately the Federal Constitutional Court (FCC), also made under 27th amendment, is designed to be subservient to the executive, not an independent check on it.

International Response:

The Institutionalization of this two tiered legal system has drawn sharp condemnation from international observers. The International Commission of Jurists (ICJ) has expressed serious concerns about the grave consequences of the ongoing dismantling the rule of law and the resulting violations of human rights in Pakistan. The organization called upon all responsible states and judicial officials to only give effect to the constitutional amendments in a manner that complies with the Pakistan's rule of law obligations.¹¹⁹

From Immunity to Accountability: The Road Ahead:

The way forward is clear and requires a multi-step constitutional and legal roadmap.

- First, immunities under Articles 243 and 248 must be amended so they apply only during active tenure, not for life.¹²⁰
- Second, even during tenure, immunity should cover only official acts directly related to state functions; unofficial conduct including corruption, murder, or subversion of the Constitution must remain prosecutable.¹²¹ This aligns with Article 6, which declares any abrogation of the Constitution as high treason, a provision currently nullified by lifetime immunity.
- Third, Parliament must exercise genuine oversight through a joint committee on judicial and military accountability, empowered to refer serious cases to a special tribunal composed of sitting Supreme Court judges selected by seniority, not executive appointment.¹²²
- Fourth, the newly created Federal Constitutional Court (FCC) must be restructured to guarantee judicial independence, judges should be appointed by a cross-party parliamentary

¹¹⁸ How Pakistan's 27th Constitutional Amendment Shields Its Army Chief From accountability By L.Ali khan on November 10, 2025.

¹¹⁹ Pakistan Dismantling Justice: A Full-Frontal Assault on the Rule of Law on 13th November 2025

¹²⁰ Ibid (footnote 5)

¹²¹ Ibid (footnote 6)

¹²² Ibid (foot note 1)

commission, not the executive, and protected from summary removal.¹²³

- Fifth, Pakistan should ratify and implement the UN Convention against Corruption (UNCAC) and the International Covenant on Civil and Political Rights (ICCPR) Article 14 (right to a fair trial), both of which reject blanket immunities that create two tiers of justice.¹²⁴
- Sixth, a national constitutional dialogue must be launched, involving civil society, bar associations, and human rights commissions, to build consensus on repealing or substantially narrowing Articles 243 and 248.¹²⁵

Finally, the International Commission of Jurists (ICJ) has called on all responsible states and judicial officials to give effect to constitutional amendments only in a manner compliant with Pakistan's rule of law obligations; Pakistan must heed this call and submit to periodic international review of its immunity provisions.¹²⁶

Without these steps, the 27th Amendment will continue to erode Article 25's guarantee of equality before law and Article 8's protection of fundamental rights.¹²⁷ As the article concludes:

"Democracy thrives where no one is above the law and dies where someone is."¹²⁸

Only by replacing permanent privilege with time-bound, conduct-specific, and judicially reviewable immunities can Pakistan restore the balance between institutional stability and democratic accountability.

CONCLUSION

In conclusion, the 27th Constitutional Amendment represents a critical turning point in Pakistan's constitutional and democratic framework. By granting lifetime immunity to the highest state authorities, it undermines the foundational principles of accountability, equality before law, and the rule of law as guaranteed under the Constitution. Such unchecked privileges risk creating a permanent divide between the rulers and the citizens, weakening democratic institutions and eroding public trust. While stability and continuity in governance are

¹²³ Ibid (footnote 7)

¹²⁴ UNCAC, Article 30 Paragraph 2

¹²⁵ ICCPR Article 14(1)

¹²⁶ Ibid (footnote 7)

¹²⁷ Ibid (footnote 6)

¹²⁸ Ibid (footnote 3)

important, they cannot come at the cost of justice and constitutional supremacy. For Pakistan to preserve its democratic integrity, it is essential to revisit these provisions and ensure that no individual or institution remains above the law. Only through transparent accountability, judicial independence, and constitutional balance can the state uphold its commitment to fundamental rights and a truly democratic order.