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The Punishment of Criminals

1. Question: Should a criminal be punished, or should he be forgiven and his crime overlooked?
2. Answer: There are two kinds of retributive actions: One is revenge and retaliation, and the other—punishment and requital. An individual has no right to seek revenge, but the body politic has the right to punish the criminal. Such punishment is intended to dissuade and deter others from committing similar crimes. It is for the protection of the rights of man and does not constitute revenge, for revenge is that inner gratification that results from returning like for like. This is not permissible, for no one has been given the right to seek revenge. And yet, if criminals were entirely left to their own devices, the order of the world would be disrupted. So while punishment is one of the essential requirements of the body politic, the wronged and aggrieved party has no right to seek revenge. On the contrary, he should show forgiveness and magnanimity, for this is that which befits the human world.
3. The body politic, however, must punish the oppressor, the murderer, and the assailant, to dissuade and deter others from committing similar crimes. But that which is essential is to so educate the masses that no crimes will be committed in the first place; for a people can be so educated as to shrink entirely from any crime, and indeed regard the crime itself as the greatest chastisement and the most grievous torment and punishment. Thus no crimes would occur in the first place such that punishments would be required.
4. We must speak only of that which is practically feasible in the world. There is indeed an abundance of lofty ideals and sentiments that cannot

be put into effect. Therefore we must confine ourselves to that which is practicable.

5. For example, if someone wrongs, injures, and assaults another, and the latter retaliates in kind, this constitutes revenge and is blameworthy. If Peter kills the son of Paul, Paul has no right to kill the son of Peter. Were he to do so, it would be an act of vengeance and blameworthy in the extreme. Rather, he must act in the opposite manner and show forgiveness, and, if possible, even be of some assistance to his aggressor. This indeed is that which is worthy of man; for what advantage does one gain from revenge? The two actions are indeed one and the same: If one is reprehensible, so too is the other. The only difference is that one preceded the other.
6. But the body politic has the right to preserve and to protect. It holds no grudge and harbours no enmity towards the murderer, but chooses to imprison or punish him solely to ensure the protection of others. The purpose is not revenge but a punishment through which the body politic is protected. Otherwise, were both the victim's heirs and the community to forgive and return good for evil, the wrongdoers would never cease their onslaught and a murder would be committed at every moment—nay, bloodthirsty individuals would, like wolves, entirely destroy the flock of God. The body politic is not prompted by ill will in meting out its punishment; it acts without prejudice and does not seek to gratify a sense of vengeance. Its purpose in inflicting the punishment is to safeguard others and to prevent the future commission of such vile actions.
7. Thus when Christ said, “Whosoever shall smite thee on thy right cheek, turn to him the left one also”,^[153] the purpose was to educate the people, not to imply that one should assist a wolf that has fallen upon a flock of sheep and is intent upon devouring them all. No, if Christ had known that a wolf had entered the fold and was about to destroy the sheep, He most certainly would have prevented it.

8. Just as forgiveness is one of the attributes of God's mercy, so is justice one of the attributes of His lordship. The canopy of existence rests upon the pole of justice and not of forgiveness, and the life of mankind depends on justice and not on forgiveness. Thus, if a decree of amnesty were to be enacted henceforth in all countries, the whole world would soon be thrown into disarray and the foundations of human life would be shattered. Likewise, if the powers of Europe had not resisted the notorious Attila, he would not have left a single soul alive.
9. Some men are like bloodthirsty wolves: If they were to see no punishment ahead, they would kill others solely for the sake of their own pleasure and diversion. One of the tyrants of Persia killed his tutor for mere amusement. Mutavakkil, the famous Abbasid caliph, would summon his ministers, deputies, and trustees to his presence, have a box full of scorpions let loose among them, and, forbidding anyone to move, would burst into boisterous laughter whenever one of them was stung.
10. In sum, the proper functioning of the body politic depends upon justice and not forgiveness. So what Christ meant by forgiveness and magnanimity is not that if another nation were to assail you; burn your homes; plunder your possessions; assault your wives, children, and kin; and violate your honour, you must submit to that tyrannical host and permit them to carry out every manner of iniquity and oppression. Rather, the words of Christ refer to private transactions between two individuals, stating that if one person assaults another, the injured party should forgive. But the body politic must safeguard the rights of man. Thus, if someone were to attack, injure, oppress, and wound me, I would in no wise oppose him but would show forgiveness. But if someone were to attack Siyyid Manṣhádí here, I would of course prevent him. Although to the assailant non-interference would appear as kindness, it would be sheer oppression towards Manṣhádí. So if a savage Arab were to enter the room at this moment brandishing a sword and bent upon assaulting, wounding, or killing you, I would of course prevent him.

Were I to abandon you to that man, this would be oppression, not justice. But if he were to harm me personally, I would forgive him.

11. One final point: The body politic is engaged day and night in devising penal laws and in providing for ways and means of punishment. It builds prisons, acquires chains and fetters, and ordains places of exile and banishment, of torment and hardship, seeking thereby to reform the criminal, whereas in reality this only brings about the degradation of morals and the subversion of character. The body politic should instead strive night and day, bending every effort to ensure that souls are properly educated, that they progress day by day, that they advance in science and learning, that they acquire praiseworthy virtues and laudable manners, and that they forsake violent behaviour, so that crimes might never occur. At the present time the contrary prevails: The body politic is ever seeking to strengthen penal laws and securing means of punishment, instruments of death and chastisement, and places of imprisonment and exile, and then waiting for crimes to be committed. This has a most detrimental effect.
12. But if the masses were educated so that knowledge and learning increased day by day, understanding was broadened, perceptions were refined, morals were rectified and manners reformed—in a word, that progress was made with respect to every degree of perfection—then the occurrence of crime would subside.
13. Experience has shown that crime is less prevalent among civilized peoples—that is, among those who have acquired true civilization. And true civilization is divine civilization, the civilization of those who combine material and spiritual perfections. As ignorance is the root cause of crime, the more knowledge and learning advance, the less crime will be committed. Consider the lawless tribes of Africa: How often they kill one another and even consume each other's flesh and blood! Why do such savageries not take place in Switzerland? The reason, clearly, is education and virtue.

14. Therefore, the body politic must seek to prevent crimes from being committed in the first place, rather than devise harsh punishments and penalties.