

In the Name of God, the Most Merciful, the Most Kind



September 03, 2016

## Before Punishing the Criminals

Crime is considered to be an evil against society for which the man is punished by the laws made by man. It is generally believed that good and evil lie embedded together in human nature and it has been seen often in actual life that many good souls commit evil deeds simply because evil in them gets the upper hand over the good in them. The causes of human vices may be many, for example, some persons submit to pleasure while others cannot endure pain and a few others lack the strength of purpose or even prudence in the choice of actions.

It is generally believed that evil is always punished whether in the form of bodily sufferings or mental agonies or even in the form of complete ruin and death. But let us not forget that it is unjust to inflict punishment where law fails to weigh in the scales a person's criminality and the suffering he has already undergone for that. A punishment that is not aimed at reforming the offender would turn him a confirmed criminal. We cannot contradict that "Justice is a machine that when someone has once given it the starting push, rolls on of itself and the defaulter is ground to pieces under this machine for an act which at the worst was one of weakness". So we must see how far and in what circumstances the accused is really guilty of an offence. There must be some flexibility in the law in which there is a scope for the psycho analysis of the convict. Unfortunately, there is no provision under the law to treat a prisoner of "Weak Character" as a patient rather than a criminal.

According to the Holy Qur'an; "All sins can be wiped away by good deeds and repentance, except the sin of disbelief in the reality of the ideal, which contradicts belief in itself". It is very unfortunate that in our modern society, criminals are dealt or treated like dogs. Their power of resistance is broken by solitary confinement and unhealthy atmosphere, and naturally when they come out of the prison, they are quite unfit to cope with life. Their will-power is broken and they easily succumb to temptation. So it has become an established fact that solitary confinement instead of reforming the prisoner makes them desperate. A thoroughly disgraced convict feels extremely humiliated when he moves about in the society.

Therefore, it is the basic need of the society to find out ways and means to rehabilitate such a person to an honorable place in the society so that he may become, a useful citizen and show repentance over his past punishment. Society uses it as a means of preventing its members from violating both its formal and its written laws, although its confidence in the effectiveness of this technique is not great. There is little enough justification for confidence, for time and again the threat of punishment has failed to keep the members of society in line. At numerous times, in the history of civilization, the punishments prescribed for various crimes have been most severe. As recently as the 19th Century, for example, long years of punishments and even death were meted out for the theft of nothing more than a loaf of bread. Yet despite such inhuman penalties, transgression occurred.

Psychologists themselves originally accepted the popular belief in the value of punishment - the belief that is expressed so dogmatically in the proverb 'spare the rod and spoil the child'. Experimental work of punishment is not consistent. This seems to imply that punishment is not a single psychological mechanism which works in a single fashion but rather that its effectiveness will be a function of the various conditions in which it is used. If we consider some of the factors that may generally influence the effectiveness of punishment, we shall recall the usual situation in which punishment is brought into play. Generally it is simply one in which the organism has responded to a stimulus in a way which we wish will not recur. In other words, we are dealing with a stimulus-response connection which we hope to destroy by punishment. This connection may be one that has been strongly teamed and because of its strength is likely to show great resistance to destructive efforts. Thus, one or two punishments may not prevent the response from occurring when the stimulus is again presented. Actually these punishments may decrease the probability that the response will occur, but we do not measure the response with sufficient precision. As we understand it today, punishment seems to operate in the same manner as the avoidance learning. Behaving in a certain fashion leads to painful consequences and we tend to move away from the painful consequences. At the same time, through a process like conditioning, the stimuli that have been associated with the painful consequences acquire the tendency to produce anxiety reactions. Since we tend to escape from an environment that produces anxiety, we tend to make a different response than the one which has been associated with the pain of punishment. This punishment works not by weakening the original habit but by substituting a conflicting response to the same stimulus.

## Amanullah and Kalakani's Regimes

By Hujjatullah Zia

Amanullah Khan, who succeeded his father as the king of Afghanistan on February 23, 1919, was a reformist emir and established great milestones in the history of Afghanistan. He liberated the individuals from backbreaking taxes imposed by former regime and discussed the nation's equal rights and liberty. Unlike his father, Emir Habibullah Khan, he took less heed of the upper class and traditional clergy and valued the intellectuals. Besides declaring the independence of Afghanistan, Amanullah took significant steps towards democratization.

Since primary education became imperative during his sultanate, about 322 primary schools were opened across the country as their students reached to 51 thousand (1927). Moreover, a large number of Afghan students were sent to foreign countries for continuing their education.

The first Constitution of Afghanistan - which was approved by Loya Jirga (Grand National Assembly) held in Jalal Abad during Amanullah's sultanate in the solar year of 1301 - recognized the nation's rights and freedom. This Constitution banned torture, humiliation and slavery and declared the freedom of beliefs and religious rituals and freedom of speech as about 13 journals were being published by the government's support. Formerly, the judges were allowed to punish and torture the criminals according to their own wills or understandings; however, the new constitution articulated definite punishment for every crime in a balanced manner.

However, the reformation of Amanullah was, later, resisted by the public as a number of tribal elders, who were not paid heed by him mainly Khans (a group of tribal elders who exploited the poor), muddied the water and sparked off a sense of antipathy towards his movement. Amanullah continued his reformations such as banning the underage marriage, freeing women's hijab (covering), increasing the taxes on land, etc. The government ruled the hearts and minds of the people and there was a strong sense of nation-state trust.

Despite this fact, a split emerged between two groups in Amanullah's cabinet, and Englishman revealed that there is a skirmish between groups in the cabinet as the foreign minister, Mahmud Tarzi revolted against England whereas the Prime Minister, Sardar Abdul Qudus Khan, discussed against him - this was a serious threat against the government and paved the way for further turbulence in public. The government lacked intelligence service while the spies of foreign countries infiltrated the heart of the military and government and even in remote areas under the terms of salespersons, mullahs, etc.

Gradually turbulence emerged in Paktia led by Mullah Abdul Rashid Khan and Mullah Abdullah Khan, who asked the reformation of criminal law which was already approved by the clergy but turned down by Emir. The anti-government opportunists fished in

troubled waters through spreading propaganda so as to generate further hatred against the government. This was deemed as insurgency and suppressed by the government. Subsequently, a Jirga (assembly) was conducted in Paghman to gain the support of the public, mainly of the clergy and Khans. In this Jirga, Emir reformed some articles of the law under pressure such as allowing the underage marriage, restricting women's education in home rather than schools, allowing the judges to punish the criminals based on their understanding from sharia rather than law, etc. - it was a blow to Amanullah's reformations.

Amanullah, extended his reformation to a large extent, which was in conflict with the society's values and social norms. He banned the women's burqa (a covering from top to toe which was an obligation for women during the Taliban's regime) and ordered men to wear suit and hat rather than turban and greet by gesture not by words. After all, the officials were involved in taking bribery and the tax increased.

The extreme reformation, which was against the social value, on one hand and the propaganda against the government on the other hand prompted to a revolution against Amanullah's sultanate. Habibullah Kalakani (known as Bacha Saqa) was also among the anti-government parties and had active role in attacks staged sporadically against Amanullah's regime. In his youth, he was a servant to a tribal elder Malik Mohsen Kalakani, who was against the government and its reform. To cut it short, Kalakani succeeded Amanullah Khan and ruled Afghanistan from January to October 1929. Politically, he was not mature enough to lead a government; however, he was surrounded by a number of political figures. During his regime, the history shows that there were no development and positive changes regarding education and schools were ended, however, he and his men hated demagoguery.

His men feared the return of Amanullah, who lived in Kandahar, and issued a statement against him. This statement, which was signed by mullahs and tribal elders, deemed Amanullah's reformation against Islam and society's values and condemned him for establishing female schools and sending the girls to foreign countries for getting education, banning burqa, opposing the clergy, etc. Through this statement, the sultanate of Amanullah was ended and Kalakani's regime was declared.

With the establishment of his regime, a sense of turbulence and dissatisfaction continued among the public. The plot for killing him was foiled. Anti-government movements were started in provinces and a war broke out between nation and his regime. Since many provinces refused to pledge allegiance to Kalakani, his period ended in war and the overthrow of Amanullah's regime was deemed a "historic tragedy" in Afghanistan, mainly among the intellectuals.

Hujjatullah Zia is the permanent writer of the Daily Outlook Afghanistan. He can be reached at zia\_hujjat@yahoo.com

## Playing Defense in Europe

By Mark Leonard

The most frightening periods in history have often been interregnums - moments between the death of one king and the rise of the next. Disorder, war, and even disease can flood into the vacuum when, as Antonio Gramsci put it in his Prison Notebooks, "the old is dying and the new cannot be born." The dislocation and confusion of 2016 do not rival the turmoil of the interwar period, when Gramsci wrote, but they are certainly symptoms of a new interregnum.

After the end of the Cold War, the world was held together by an American-policed security order and a European-inspired legal order. Now, however, both are fraying, and no candidates to replace them have yet emerged. Indeed, unlike in 1989, this is not a crisis of a single type of system. Countries as different as Brazil, China, Russia, and Turkey are coming under heightened political and economic pressure.

Even if the nightmare of a President Donald Trump is avoided, as appears increasingly likely, the United States can no longer be the world's policeman. Powers such as Russia, Iran, and China are probing US reactions in Ukraine, Syria, and the South China Sea. And US allies like Turkey, Saudi Arabia, Poland, and Japan are forging independent and assertive foreign policies to make up for a US that cannot and will not carry its previous burdens.

Meanwhile, the European Union's declining cohesion is undermining its moral authority on the world stage. Many of the global institutions that reflect European values and norms - from the World Trade Organization and the International Criminal Court to the United Nations Framework Convention on Climate Change - are gridlocked.

Regionally, the three strands of the European order are unraveling: the US is seeking to reduce its investment in NATO, the EU is de-emphasizing enlargement, and the chaos in the Middle East and Ukraine is making a mockery of the European Neighborhood Policy. The rise - and rapprochement - of illiberal forces in Russia and Turkey mean that the EU is no longer the only pole of attraction in the region.

Worse, EU integration has gone into reverse, with member states seeking to insulate themselves from the outside world, rather than trying to export their shared values. As a result, the biggest threats to free trade and the open society stem from domestic sources, not external enemies. Even in Germany, which had long seemed immune to such pressures, the interior minister talks of banning burkas (a policy that would affect 300 people), while the vice-chancellor has declared the death of the Transatlantic Trade and Investment Partnership (TTIP) between the EU and the US even before the body is cold.

The EU proved over the last few decades that it could be a force for globalization - tearing down barriers between peoples and nations. But today its survival depends on showing that it can protect citizens from the very forces it has promoted.

Maintaining the four freedoms at the heart of the European project

- the free movement of people, goods, capital, and services within Europe - will be possible only if EU governments have credible policies to protect the most vulnerable in their societies. That will mean improving protection of the EU's external borders, compensating domestic losers from migration and free trade, and soothing public fears about terrorism.

The danger is that much of what the EU rightly pushed for during the good times could hasten its unraveling now, during the current interregnum. For example, given so much uncertainty about the future state of Europe and the world, debating enlargement or the TTIP seems pointless - or worse, because even opening such discussions is certain to play into the hands of Euroskeptics.

The EU needs to distinguish between core and peripheral priorities. For issues such as EU relations with Russia and Turkey (and these two countries' relations with each other), member states need to agree on a policy that recognizes the interests of all. But much greater flexibility is advisable in other areas, including commitments to refugee re-allocation and eurozone rules, where excessive rigidity could cause European unity to buckle and snap.

In addition to preventing an alliance between Russia and Ankara, the EU should rethink its goals in its neighborhood. Although the Balkan countries that are outside the EU will remain there for many years, they are in the European security space already, and Europeans should be prepared to intervene militarily if outbreaks of violence recur. Moreover, EU leaders should pursue a broader definition of peace than the absence of war, including political and social stability and preventing radicalization in Bosnia and Kosovo. For Georgia, Ukraine, and Moldova, the goal should be to promote stable and predictable governments. For the next few years, the EU should view them as independent buffer states rather than as member-states-in-waiting. It will be particularly important not to set red lines that the EU is not willing to defend.

In the troubled Middle East, the EU cannot hope to be the central actor. But EU countries cannot protect their populations from instability if they are only spectators. Particularly in Syria and Libya, the EU needs to playing a more concerted role with regional powers - as well as with the US and Russia - to advance political processes that could help reduce violence, provide humanitarian aid, and stem the flow of refugees.

One of the EU's main challenges is to define success in a defensive era. During the heyday of enlargement, the goal was to deepen integration and broaden its reach across Europe. Now, however, success means preventing countries from leaving the EU or hollowing out its institutions.

History moves in cycles. The interregnum will eventually end and a new order will be born. What is certain is that the survivors and inheritors of the old order will write the rules of the new one. The EU's goal, achievable only with flexibility and courage, must be to remain a viable project - and thus be one of the authors. (Courtesy Project Syndicate)

Mark Leonard is Director of the European Council on Foreign Relations.



Chairman / Editor-in-Chief: Dr. Hussain Yasa

Vice-Chairman: Kazim Ali Gulzari

Email: outlookafghanistan@gmail.com

Phone: 0093 (799) 005019/777-005019

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