**Justice Revisited**

Brothers, if that's the word we said,  
it's no disparagement to you  
although in justice we hang dead.  
Yet all the same you know how few  
are men of sense in all they do.

(From *Ballade of the Hanged* by Francois Villon)

Pakistan has no dearth of the champions of speedy justice to the victims mantra, from both conservative and liberal mindsets each of them with their own preconceived definitions of justice. As far as recent judicial punishments are concerned, three notable cases immediately come to mind, that saw multiple factions of the society rejoice at the courts’ decisions. The first was the Sarfaraz Shah murder case, in which the rangers culprit was sentenced to death for shooting an unarmed civilian. Then came the death sentence to the seven men convicted in the Sialkot lynching incident that cost the lives of two innocent boys. And most recent is the conviction of Mumtaz Qadri for the murder of Salman Taseer. All three cases were undoubtedly instances of some of the most inhuman and deplorable crimes committed, and speak volumes about how certain sections of the society have become desensitized to the use of violence and extreme measures.

At the same time, the punishment meted out to the guilty is a chilling reminder (at least to those who oppose the death penalty on principle) that capital punishment is still considered to be the unquestionable synonym of justice by a majority in Pakistan. And unlike the blasphemy law, capital punishment is something that has rarely been the subject of much debate even in the so-called liberal media; the parliament being a long shot to begin with. This article is not aimed at listing down the arguments against capital punishment; there being no point in reiterating a case that stands on solid footing already. Rather, my contention is to look at the prospects of abolishing the death penalty in Pakistan.

At present, the situation seems grim largely because of the philosophical groundings upon which justice is dispensed in Pakistan. The idea behind most punishments for various crimes remains that of either retribution or deterrence. While, both of these reasonings have an instinctive appeal, their efficacy has been debated at length by philosophers of jurisprudence, rendering them on shaky grounds at best. The alternative idea is that of punishment for the sake of reform, i.e. penalizing the criminal in such a way as to fix and restructure the mindset that originated the crime and aiding him or her to become a productive citizen. Death penalty leaves no room for such a positive change. Without the move towards a reformative notion of punishments, death penalty would continue to find one excuse or another to remain a part our legal system.

But then again, what is preventing this move? Why is it that, in a country with a history of politically motivated bills and ordinances, even the political party that cried “judicial murder!” when its founder -Bhutto - was hanged never sought to change things. The answer has deeper cultural and religious roots. Pakistan, although not officially, but loosely has framed many of its laws on the basis of the religion of the majority, from where stems the “blood for blood, eye for an eye…” notion of revenge and punishment. In a deeply religious society it would be foolish to make radical changes in the legal system without having taken the masses into confidence. Therefore, the solution lies in a sort of engagement with the public that convinces them of the lack of practicality of capital punishment in the present justice system. Given the imperfections and flaws that have repeatedly surfaced in the legal order of Pakistan, the campaigners for the abolishment of capital punishment have a much more solid ground and should exploit that fully.

*Mehr Un Nisa.*