

Angulimala's Case: The Genesis of Criminology in Buddhism¹

1. Introduction

Criminology is the scientific study of crime, including its causes, responses to it, and methods of prevention. Leon Moosavi notes that *'like the rest of the social sciences, criminology is dominated by Western literature and perspectives.'*² He goes on to explain that this *'is problematic [...] because it unnecessarily excludes alternative accounts that may be useful for informing criminological scholarship.'*³ The vast scriptures of Buddhism might contain some examples of such alternative accounts. Several Bhutanese scholars have offered valuable insights into how lawmakers, adjudicators and law enforcement agencies here in Bhutan seek to draw on Buddhist ethics, principles and ideas when shaping, interpreting and enforcing the law.⁴ This is not merely a matter of personal faith. The Kingdom's Constitution requires us all to *'strive to create conditions that will enable the true and sustainable development of a good and compassionate society rooted in Buddhist ethos...'*⁵ Against that background, it would seem fitting to explore the social phenomena of crime through the lens of Buddhist philosophy and science. However, anyone who has ever seen a comprehensive collection of Buddhist scriptures will know what a vast and intricate body of knowledge it is.⁶ Therefore, this paper examines only the case of Angulimala and a few related texts, seeking to identify reasoning that could possibly be relevant to criminological scholarship.

2. The case of Angulimala

Angulimala's story is perhaps most well-known from the Pali canon.⁷ However, accounts of what happened in the town of Savatthi, in what today is the State of Uttar Pradesh, about 21 years after the Buddha's enlightenment, also appear in

¹ Contributed by Marcus M. Baltzer and Lobzang Rinzin Yargay

² Leon Moosavi, *Decolonising Criminology: Syed Hussein Alatas on Crimes of the Powerful*, *Critical Criminology* (2019) 27:229–242. A student taking up the study of criminology will probably begin with the classical ideas of European thinkers such as Cesare Beccaria and Jeremy Bentham. Then comes the positivist ideas of other European thinkers like Cesare Lombroso (often called the 'the father of criminology') and Émile Durkheim. Chapters further down the table of contents might cover the Chicago School, examining crime in American cities in the early twentieth century.

³ Moosavi op. cit. at p. 230.

⁴ See e.g. Lynpo Sonam Tobgye, *Law and Buddhism: The Vinaya as a Source of Modern Jurisprudence*, *Bhutan Law Review* (2020) 13: 6–32 and Lungten Dubgyur, *Buddhism – A Source of Bhutanese Criminal Justice System*, *Bhutan Law Review* (2019) 11: 17–29. Further evidence of how Buddhism is a source of inspiration is in the Penal Code, in which the Lord Buddha is quoted on the very front page: *'For the perpetuation of good and chaste actions'* Penal Code (2004), Royal Government of Bhutan.

⁵ Article 9(20) of the Constitution of the Kingdom of Bhutan.

⁶ One online transcript of the Pali canon alone amounts to well over 16,000 pages, the Taisho Tripitaka consists of 100 volumes, and in the Tibetan canon the Kangyur usually takes up 108 volumes and the Tengyur 225 volumes.

⁷ The Pali canon refers to Angulimala in several places. Of these, the oldest is probably verses 866–91 of the Theragatha (verses of the elders), a collection of hymns attributed to some of the Buddha's earliest disciples. These verses, however, only obliquely refer to events in the case. The Angulimala Sutta, a sermon found in the Majjhima Nikaya (middle length discourses), a collection of early Buddhist discourses, presents a more developed narrative.

both Chinese and Tibetan scriptures. What follows is the author's amalgamation of the events, compiled from different sources, with a view to identify some fragments of Buddhist criminology.

Angulimala's real name is actually Ahimsaka. He enrolls as a student of a renowned Brahmin clerical master, where he excels in his studies and earns special attention and accolades from the faculty. This gives rise to jealousy among Ahimsaka's peers, who begin to take against him and become determined to bring him down. To this end, they spread rumours that Ahimsaka has an intimate affair with their teacher's wife. The teacher, a venerated priest, is dismayed by the gossip, yet he fears that taking direct action against Ahimsaka, such as calling for his expulsion, might jeopardise the reputation of the school. The problem must, therefore, be solved in a more enigmatic manner. The teacher pretends that he has not heard of the supposed dalliance and lets classes with Ahimsaka go on as usual for a while. The teacher eventually summons Ahimsaka to tell him that he has done so remarkably well that his training as a true Brahmin is almost complete, save for one final ritual. Ahimsaka must offer a gift to his master of one thousand fingers, and no two fingers must come from the same person. The idea is that if Ahimsaka attempts to comply with this supposed ritual, then he will soon get himself arrested and severely punished. The teacher will thus fulfil his yearning for vengeance. Not unsurprisingly, Ahimsaka's first reaction is to protest. *'Surely you do not require this of me?'* responds a horrified Ahimsaka.⁸ The teacher nevertheless insists: *'You have taken from me, and in return, you must now do my bidding. Go now and bring a thousand fingers.'*⁹ Most regrettably, Ahimsaka is persuaded that he must comply with his master's morbid instructions. What then follows is a gruesome saga of violence, reminiscent of a horror novel, as Ahimsaka identifies his victims, kills them with whatever implements he can find, and severs their right index fingers. He threads the fingers on a string, which he wears around his neck, and this earns him the name Angulimala, meaning 'necklace of fingers'.¹⁰ At first, he ambushes travellers on secluded stretches of country roads, but as stories of incidents proliferate, people begin to avoid travelling, and Angulimala, as he is now known, starts attacking villages. He proves to be a natural and talented fighter and defeats all resistance he faces. The reports of his ravages cause people to abandon their villages and flee to fortified towns and cities. King Pasenadi of Kosala, in whose kingdom these massacres are unfolding, puts together a special military task force to locate and eliminate Angulimala who now poses a threat to state security.

All this takes place as the monk Gautama, by then already known as the Buddha, is travelling around in the region. One day, as the Buddha enters Savatthi, the town seems deserted. The wind is hauling through the empty alleys stirring up dust and fallen leaves. The Buddha visits a family he knows, and they tell him that Angulimala is in the vicinity and therefore the whole town is under lockdown. The family recounts the many atrocities that Angulimala has committed, and the

⁸ The Dharma Education Association, *The Buddha and His Disciples*, paragraph 66 available at <http://www.buddhanet.net/e-learning/buddhism/disciples10.htm>

⁹ Ibid.

¹⁰ He initially strings the fingers on a thread and hangs them on a tree. However, because birds begin to eat the flesh from the fingers, he starts to wear them around his neck instead.

Buddha listens carefully. They implore him to remain inside and await the arrival of the military. The Buddha, however, insists on leaving, saying that he can only preserve the trust of the people of Savatthi by continuing to do his alms rounds as usual.

Once back on the desolate streets, the Buddha hears someone running behind him. It is, of course, none other than Angulimala. Moments later, Angulimala catches up with the lonesome monk but is startled when the Buddha does not attempt to flee. The Buddha does not even seem jolted by the petrifying sight of a man with 999 bloody and decaying fingers strung around his neck. The Buddha smiles at Angulimala, bows and greets him politely, as is customary. The serenity displayed by the Buddha is so disarming that Angulimala is unable to draw his blade and attack. He is genuinely puzzled by the man before him; a man who shows no sign of fear or trepidation.

A long conversation then ensues in the middle of that dusty alley. There are many versions of what is said, but what all versions have in common is how the Buddha seeks to understand Angulimala's life story without aversion or condemnation. The Buddha explains how all cruelty and suffering arises from ignorance, hatred, desire and jealousy. The Buddha's words resonate so well with Angulimala's own experiences that he eventually just breaks down in tears. The Buddha embraces Angulimala and offers him to join the sangha. Angulimala does not know what to say or do. He is confused; how can this mysterious monk know so much about him? At the same time, Angulimala realises that he is wanted and that the military is hunting him down. *'I have gone too far on my path of destruction. It is no longer possible to turn back'* he mumbles. The Buddha looks at Angulimala and says *'it is never too late for a good act. Though the sea of suffering is immense, look back, and you will see the shore.'* What then happens is quite extraordinary. The Buddha offers to help Angulimala avoid capture; *'I will protect you if you vow to abandon your mind of hatred and devote yourself to the study and practice of the dharma.'* Angulimala then kneels, places his sword on the ground, and prostrates himself at the Buddha's feet. Now sobbing uncontrollably, Angulimala looks up and says, *'I vow to abandon my evil ways. I will follow you and learn compassion from you. I beg you to accept me as your disciple.'*¹¹

Angulimala accompanies the Buddha back to Jetavana, where the sangha has its camp. The Buddha introduces Angulimala to the bhikkhus who welcome him and begin initiating him into their community. None of the bhikkhus ask Angulimala any questions about his past and Angulimala begins taking part in the routines of the sangha. Just two weeks later, even the Buddha is amazed by the transformation that Angulimala has undergone; he shows no signs of neither anger nor violence. The bhikkhus call Angulimala by his real name, Ahimsaka, which means 'the non-violent one'.

Meanwhile, the military task force, now led by King Pasenadi himself, continues their search for the serial killer, but of course, nobody thinks of looking for Angulimala at the encampment of the Buddha and his peaceful followers.

¹¹ All quotes in this paragraph are taken from Thich Nhat Hanh, *Old Path White Clouds*, Full Circle Press (2018) at pp. 354 – 355.

Nevertheless, one day, as the bhikkhus are conducting their morning alms round, they meet the King, mounted on his horse, leading a full company of soldiers. The Buddha appears surprised at the sight of all the heavily armed men, and he asks, *'Your Majesty, has something happened? Have your borders been invaded?'* King Pasenadi, who knows the Buddha well, explains how concerned he is for the safety of the citizens of Kosala, and how his people expect their King to protect them against the mass murderer Amgulimala. The King declares that *'Amgulimala is a danger to every man, woman and child. I cannot rest until he found and killed.'* The Buddha contemplates what he has just heard. He knows that Ahimsaka is among the bhikkhus who have joined the alms procession on this particular morning, but neither the King nor his men can recognise Ahimsaka with his shaven head and saffron robe. The Buddha asks, *'Your Majesty, what if Angulimala repented his ways and vowed never to kill again; if he took the vows of a bhikkhu and respected all living beings, would you still need to capture and kill him?'* The King replies at once: *'If Angulimala became your disciple and followed the precept against killing and lived the pure and harmless life of a bhikkhu, my happiness would know no bounds! Not only would I spare his life, I would offer him robes, food and medicine. But I hardly think such a thing will come to pass!'* The Buddha reflects for a moment on what the King just said, and then points to Ahimsaka standing behind him and says *'Your Majesty, this monk here is none other than Angulimala. He has taken the precepts of a bhikkhu, and he has become a new man in these past weeks.'* King Pasenadi is visibly rattled, and his well-trained men immediately draw their weapons and get into battle formation. The Buddha calms them all, *'there is no need to fear anything, bhikkhu Ahimsaka is as gentle as a handful of earth.'*¹²

The Buddha speaks with King Pasenadi, explaining what happened a few weeks back and how Ahimsaka is now gradually being rehabilitated with the support of the monks in the sangha. The King, who is very familiar with the Buddha's teachings, understands that all evil deeds are reverberations of a disturbed mind, and so he decides to trust that the Buddha and the sangha will ensure that Ahimsaka will jeopardise the safety of the people of Kosala.

3. The criminology in the dharma

This is a highly abridged version of the events in Angulimala's case. However, even from this deficient summary, are we able to identify any ideas or examples of how the dharma suggests that we might understand the causes of crime and how the state best ought to respond? What follows are some snippets of what hopefully could be described as Buddhist criminology.

(a) Punishment

One classical university textbook on criminal law in England and Wales defines the *'criminal law as a series of prohibitions backed up with the threat of punishment.'*¹³ This definition seems broad enough to serve as a portrayal of the criminal law in most countries today. The purposes of punishment also vary remarkably little across jurisdictions and legal traditions, at least officially. On

¹² All quotes in this paragraph are taken from Thich Nhat Hanh, *op. cit.* at p. 357.

¹³ Michael J. Allen, *Textbook on Criminal Law*, Blackstone Press (1999) at p.3

paper, most criminal justice systems in the world consider four general purposes of criminal sanctions: (a) retribution, (b) deterrence, (c) incapacitation and (d) rehabilitation.¹⁴ Can anything be deduced, from Angulimala's case, about what the Buddha might have thought of these aims of the criminal law?

The purpose of retribution is served when punishment is meted out to the offender because this is what he deserves in response to his infraction of the criminal law.¹⁵ A leading authority on the criminal laws of England puts it candidly: *'The infliction of punishment by the law gives definite expression and a solemn ratification and justification to the hatred which is excited by the commission of the offence...The criminal law thus proceeds upon the principle that it is morally right to hate criminals and confirms and justifies that sentiment by inflicting upon criminals punishments which express it.'*¹⁶ While James Stephen wrote this in the late nineteenth century, we see the sentiment to which he refers reflected in both court rulings and media reports about serious crime around the world every day. A more modern take on the purpose of retribution in a Bhutanese context is offered by Lungten Dubgyur: *'Undoubtedly, a sentence of imprisonment, more than anything else, serves the purpose of retribution where the victim feels that the crime committed against him or her is mitigated.'*¹⁷

We know that there was much public hatred directed at Angulimala for what he had done, and many people wanted to see Angulimala severely punished. King Pasenadi presumably must have felt pressure from the public to, as Stephen puts it, give *'definite expression and a solemn ratification and justification to [that] hatred...'* Indeed, King Pasenadi is on a 'capture and kill' mission when he meets the Buddha. Yet when looking closer at how the scriptures have chronicled King Pasenadi's words and actions, we learn a little more about the King's motives. The King explains that *'Amgulimala is a danger to every man, woman and child. I cannot rest until he is found and killed.'* In criminological terms, the purpose of slaying Amgulimala would be to incapacitate him and to eliminate the danger to the public thereby. As it happens, the Buddha also prioritises the pressing need to stop Amgulimala from murdering more people. The Buddha makes his protection conditional upon Angulimala abandoning his *'mind of hatred'* and devoting himself to the *'practice of the dharma'*. So, it seems the Buddha and King Pasenadi have a common understanding of what the objective is: to prevent Amgulimala from harming more people. The difference between them is the means they wish to use to attain that objective. The King initially thinks that putting Angulimala to death is the only way of restoring security, while the Buddha believes that the same result can be achieved by helping Angulimala reform his mind. A criminologist might say that King Pasenadi pursued incapacitation while the Buddha advocated rehabilitation. What makes it possible for King Pasenadi to agree to the Buddha's proposal for sparing Angulimala's life is that the Buddha's plan for rehabilitation entails incapacitation. The King is persuaded that rehabilitating Angulimala within the sangha, making him follow the precepts, is a better way of

¹⁴ These purposes are also applicable to criminal sentencing in Bhutan. See Lungten Dubgyur, *Criminal Justice in Bhutan: A Handbook on Criminal Procedure*, Royal Court of Justice, Research Division (2006) at p. 117

¹⁵ Allen op. cit. at p. 3

¹⁶ James F. Stephen, *A History of the Criminal Law of England* (1883) at pp. 81-82

¹⁷ Dubgyur, op. cit. at p. 117.

incapacitating Angulimala than executing him. The King is, in fact, so enthusiastic about the idea that he even offers to sponsor the rehabilitation work. The idea of punishing Angulimala out of hatred or a desire for vengeance never arises in the exchange between the two men. Moreover, the notion that punishing Angulimala is necessary or justifiable for the purpose of deterring other people from becoming mass murderers is absent from the scriptures. Neither the individuals involved in the case nor the many people who have documented the case over several centuries seem to have thought in those terms.

Modern criminology has proven that the Buddha and his followers were right all along. Having examined a wide array of criminological studies, from across the globe, on the deterrent effect of criminal sanctions, Tom Gash concludes that *'those who have hoped that tougher penalties will eliminate wrongdoing have been disappointed – and will continue to be so... tough punishments do very little to deter those punished from committing crime: indeed painful punishments may even make some people more likely to offend in the future...and prison – while unpleasant – is something that does little to change future behaviour for the better.'*¹⁸

(b) Restitution

Even more astonishing than the absence of punishment is the fact that nobody asks Ahimsaka to compensate or even apologise to his victims. It is of course perfectly imaginable, even plausible, that Ahimsaka offered both compensation and apologies, but even then, it is interesting that the scriptures make no mention of this. If indeed it happened, it was never deemed significant enough to document. Even though the story has been re-interpreted by many monks, scholars and scribes over the millennia, nobody found it necessary to add any details around restitution.

One possible explanation might be that the Buddha does not think that compensation will serve the purpose we envisage. We can recall the heart-wrenching tribulations of Bhikkhuni Patācara. While she is not directly a victim of any crime, her entire family is wiped out, in a short space of time, under harrowing circumstances. Nevertheless, the Buddha's approach is not to apportion blame for the tragedy and call for compensation. Instead, he seeks to help Patācara understand impermanence. The Buddha explains to her that death is as much part of life as birth is. The Buddha likes the ocean, and he often uses it as a metaphor. When a wave crashes against the reef and disintegrates into countless droplets, the wave, of course, does not die; it merely returns to the ocean of which it was always part. In the same way, we humans, and indeed all other organisms, do not, and cannot, die. We merely return to the creation of which we were always part, only to reappear in the form of some other manifestation of creation. There is no self that can die. Once Bhikkhuni Patācara gains this insight, she writes: *'My mind was released from all bondage as the morning star appeared.'*¹⁹ The suffering of loss, regardless of whether the loss arises from crime or an accident, cannot ever

¹⁸ Tom Gash, *Criminal – The Truth About Why People Do Bad Things*, Penguin Books (2017) at p. 222

¹⁹ *Therigatha: Poems of the First Buddhist Women*, translated by Charles Hallisey, Harvard University Press (2015).

be overcome with the help of money or material goods. Such loss cannot be 'compensated' for in any event. Easing the financial hardship of one befallen to misfortune is undoubtedly meritorious, but it can never make up for the bereavement. In Patacara's experience, it was instead the understanding of impermanence that allowed her mind to release itself from those bondages of grief and suffering.

(c) The victims

For many of us, these are not easy propositions to accept. Those of us who have been victims of crime may have felt the rage and burning urge to retaliate or at least to make the offender 'pay' for his transgressions by forfeiting something valuable such as freedom or money. We know that many people in Kosala felt the same way. Long after Ahimsaka joined the sangha, a group of men recognise him and assault him. Ahimsaka does not attempt to resist their blows and allows his assailants to vent their fury and hatred. The beating is fierce and merciless. The scriptures describe how Ahimsaka, in the end, is left at the roadside vomiting blood. Yet somehow, Ahimsaka is rescued and carried back to the Buddha's encampment. Upon seeing Ahimsaka, the Buddha immediately calls to Ananda and Svasti, two of his closest confidants, to provide first aid. He also sees to it that medicinal plants are collected to treat the many wounds. Once Ahimsaka's condition has stabilised, the Buddha speaks with Ahimsaka about the ordeal, but the Buddha is not interested in finding the attackers. Instead, he tells Ahimsaka that *'your sufferings today can rinse away all the sufferings of the past. Enduring suffering in love and awareness can erase the bitter hatred of a thousand lifetimes.'* The Buddha is suggesting that as victims of crime, or indeed in any other state of agony or sorrow, we can endure it *'in love and awareness'* and see it as an opportunity to *'erase the bitter hatred'* of past lives.²⁰ Ahimsaka, an intelligent man by all accounts, clearly understood this advice. For many of us, of more average intellectual ability, this is a tremendously challenging assertion.

The Buddha would probably point out that the mindset that makes us want to hit back against the perpetrator of a crime is the very same mindset that made that person commit the crime in the first place. He once famously said: *'Bhikkhus, even if bandits were to sever you savagely limb by limb with a two-handled saw, he who gave rise to a mind of hate towards them would not be carrying out my teaching.'*²¹ This shows that if perpetrators of crime are to be rehabilitated through the dharma, it is just as imperative to help victims understand the dharma and thereby allow them to truly recover and to erase all the bitter hatred that we know arises in our minds when we are wronged or have suffered injustice.

Maybe another motivation behind the Buddha's advice is to break the chain of destructive action. Responding to an act of violence with a retaliatory act of violence, even if committed by the state in accordance with positive law, undoubtedly has the effect of increasing the amount of harm done. This, in turn, triggers demand for yet another round of retaliation. The suffering escalates and

²⁰ All quotes in this paragraph are taken from Thich Nhat Hanh, op. cit. at pp. 381 – 382

²¹ *Kakacupama Sutta* (The Smile of the Saw), *Majjhima-Nikaya* (collection of middle-length discourses) MN 21.

multiplies not unlike a contagious disease. What the Buddha seeks to do is to stop this outbreak. We see clearly, from how he handles Angulimala's case, that his priority is to prevent further harm. When we examine modern criminal justice systems, we see how they often respond to crime by imposing what is deemed to be proportional harm on perpetrators, such as imprisonment. Research, from a wide range of jurisdictions, unequivocally shows that this response tends to exacerbate the social, financial, psychological and substance abuse factors that are known to induce offending behaviour.²² Rates of recidivism are typically high, and sadly the severity of crime and the injury caused often spiral in correlation with time previously spent in prison.²³ The cycle of harm accelerates at an alarming rate. It seems conceivable that this is precisely what the Buddha seeks to avoid when he decides to intervene in Angulimala's case.

(d) Rehabilitation according to the dharma

The Buddha was able to help Angulimala in an extraordinary way. Perhaps Angulimala's remarkable mind transformation was possible thanks to his well-documented intelligence. The case is characterised by a meeting of the most enlightened of gurus and a highly able student. When we look at criminal justice systems around the world today, we are very far from such optimal conditions. At best we might have an overburdened and underfunded probation service. Typically, we have offenders with drug use disorders, mental health problems, lacking in skills and education, and disowned by whatever friends and family they might once have had. The gap between the meagre resources available and the immensity of the needs can be overwhelming. There is a temptation to dismiss Angulimala's case as a mere fable from a bygone era without practical relevance for how we deal with crime today. Is there anything in Angulimala's case that we can practically apply today?

The Buddha knows, of course, that our actions are merely reflections of our state of mind. A confused mind is easily infected by hatred, jealousy, and selfishness; emotions that arise from a mind that identifies with an illusionary self. We see how the minds of Ahimsaka's fellow students are infected by jealousy. Through their conspiracy and action, the disease quickly spreads to the teacher, who in turn begins to feel strong resentment against Ahimsaka. This resentment then leads the teacher to twist Ahimsaka's mind, with devastating consequences. The case illustrates how a mind infected by the *dis-ease* of believing in a self, with all its thoughts and emotions, can spread swiftly from one person to another, just as a virus or a bacterium does. The dharma suggests that when there is no self, there can be none of those destructive thoughts and emotions that drive us to inflict pain and grief on each other.²⁴ The gist of the Buddha's approach in handling the case

²² For an excellent and very succinct summary of the evidence around the social and economic impact of imprisonment, see *Too many prisons make bad people worse. There is a better way*, The Economist, March 27th, 2017.

²³ See e.g. Yukhnenko et. al. *A systematic review of criminal recidivism rates worldwide: 3-year update*, *Wellcome Open Res* (2019) 4:28.

²⁴ Contrast this approach with many prisons around the world today, which, in most countries, churn out angry and alienated men, full of hatred and contempt of the societies that betrayed them. Prisons are often incubators of all shades of violent extremism, drug addiction and destructive patterns of thought. See e.g. Andrew Silke and Tinka Veldhuis, *Countering Violent Extremism in Prisons: A Review of Key Recent Research and Critical Research Gaps*, *Perspectives on Terrorism*, Vol. 11, No. 5 (October 2017), at pp. 2-11

is by helping Angulimala '*abandon [the] mind of hatred and devote [himself] to the study and practice of the dharma.*'

Many countries across Asia have large monastic bodies with well-read followers, many of whom may be willing and able to share their insights with people whose minds have become disturbed. Much like Angulimala was offered the opportunity to join the sangha and transform himself back to Ahimsaka, perhaps offenders who are not dangerous can be offered to serve a term living in a monastery with monks and lamas acting as probation officers. After all, that is precisely the role the sangha took upon itself in Angulimala's case. Most countries have provisions in their legislation for probation and community services. In our Bhutanese Penal Code, for instance, we see that a court '*may order community service in lieu of the imprisonment...provided that the defendant convicted does not pose a potential threat to the society, the victim or there exists no likelihood of flight.*'²⁵ In practice, however, it is both difficult and expensive to establish such mechanisms.²⁶ Could time served in a monastic community be a form of community service? Might monks, nuns and lamas be the ultimate probation officers, just as the Buddha and his sangha brethren were in Angulimala's case? The dharma will undoubtedly have beneficial effects on the minds of both offenders and victims. Furthermore, the routine, camaraderie, and sense of belonging in a monastic setting could help offenders gain the confidence and stability that they are often in such desperate need of.

While the Buddha was able to help even an extremely violent offender like Angulimala, we cannot expect that from monks and nuns today; few people have the abilities of the Shakyamuni Buddha. As both King Pasenadi and the Buddha made clear, we must protect the public from the risk that violent people pose. For this reason, the use of prisons seems justified, but only if they can serve the same purpose as the sangha served in Angulimala's case, i.e. that of helping offenders heal their minds, understand the dharma, and commit to not causing further harm to any being. This idea is not at all new. In the United Kingdom, there is a Buddhist prison chaplaincy dedicated to making '*available facilities for the teaching and practice of Buddhism in Her Majesty's Prisons and other places of lawful detention or custody.*'²⁷ Similar initiatives exist throughout Europe, the United States and in Hong Kong.

The little research that has been undertaken, in the English-speaking world, on how the dharma can help rehabilitate people in prisons seems to validate Angulimala's experience. One meta-study that systematically reviewed research papers on what academics call 'Buddhist derived interventions' in correctional settings pointed to some very promising results. It concluded that '*intervention participants demonstrated significant improvements across five key criminogenic variables: (i) negative affect, (ii) substance use (and related attitudes), (iii) anger*

²⁵ Section 30 of the Penal Code of Bhutan.

²⁶ A recent example of this here in Bhutan was recently reported on BBS news, see *Human resource shortage, a challenge in implementing Child Care and Protection Act* at <http://www.bbs.bt/news/?p=118564>

²⁷ As it happens, the charity is named after none other than Angulimala himself. See <https://angulimala.org.uk>

and hostility, (iv) relaxation capacity, and (v) self-esteem and optimism.’²⁸ A subsequent study found that ‘through a commitment to the Noble Eightfold Path to reduce suffering, Buddhism in prison has been beneficial in shifting habits of violence to attitudes and behaviours grounded in compassion and understanding. This approach has significantly improved the lives of inmates and the environment of prison life.’²⁹ It is highly likely that further research has been conducted in languages other than English. There seems, however, to be a consensus among academics that far more research must be conducted to accurately determine what kinds of interventions are most effective and in what settings.

Bhutan has clearly demonstrated its willingness to place emphasis on rehabilitation in its criminal justice system. One good example of this is the open-air prison system which was introduced to reduce overcrowding, enable prisoners to earn an income, and live with their family members before their prison term ends. While serving their open-air prison term, inmates work in regular workplaces alongside other people. The idea is to facilitate reintegration back into society. One commentator notes how ‘this revolutionary concept helps the inmates re-orient themselves with their innate human nature that may have undergone turmoil and disconnection - as a result of many years spent within the walls of shame and dishonour.’³⁰ Prisoners can qualify to serve in open-air prisons (which are actually not prisons at all) by displaying good behaviour. Transfers to open prisons often coincide with auspicious occasions, such as the birth anniversary of Guru Rinpoche.³¹ Our nation’s current development plan sets out that ‘strengthening rehabilitative and reformative programmes for inmates’ is an essential strategy for delivering ‘effective justice services.’³² The same plan outlines a ‘programme [that] aims to ensure rehabilitative programmes...for meaningful social reintegration of inmates and [to] reduce recidivism.’³³ This seems to be precisely what the Buddha wanted to ensure in Angulimala’s case too.

It is evident that the spirit of compassion and enlightened thinking, the very spirit exhibited by the Buddha in Angulimala’s case, is highly present in the criminal justice system in Bhutan. This is, of course, not a coincidence. The Kingdom’s Constitution explains that ‘Buddhism is the spiritual heritage of Bhutan’, and that this means that we all have the obligation to ‘promote the principles and values of peace, non-violence, compassion and tolerance.’³⁴ In Bhutan, showing leniency, sympathy and benevolence is not optional – it is a constitutional duty.

(e) Crime prevention according to the dharma

Angulimala’s case illustrates how the Buddha suggests that we might wish to respond to crime when it has already occurred. However, the Buddha also offers

²⁸ Shonin, E.S., Van Gordon, W., Slade, K. & Griffiths, Mindfulness and other Buddhist-derived interventions in correctional settings: A systematic review. *Aggression and Violent Behavior*, 18, (2013) pp. 365-372.

²⁹ Kathleen A. Cameron, *Buddhism in Prisons*, in *The Encyclopaedia of Corrections* (2017) available at <https://onlinelibrary.wiley.com/doi/epdf/10.1002/9781118845387.wbec040>

³⁰ Yeshey Dorji, posted at <http://yesheydorji.blogspot.com/2019/02/one-more-for-our-men-in-blue.html>

³¹ See *The Bhutanese*, June 19th, 2013.

³² National Key Result Area 16, *Twelfth Five Year Plan 2018 – 2023*, Gross National Happiness Commission, Royal Government of Bhutan (2019) p. 96.

³³ *Ibid.* p. 98.

³⁴ Article 3(1) of the Constitution of the Kingdom of Bhutan.

some valuable advice on how to prevent crime. In the *Kutadanta Sutta*, we read of another discussion between King Pasenadi of Kosala and the Buddha. This encounter takes place many years after the events surrounding Angulimala. The two men talk about life and death, but also about many social issues. The Buddha encourages the King to reform the system of justice and economics in the country. In particular, he points out that corporal punishment, torture, imprisonment and executions are not effective means for preventing crime. The Buddha explains that violence and crime arise under certain social and economic conditions characterised by poverty and hunger. He suggests that instead of seeking to respond to crime with harsh punishments, it would be far more effective to invest in developing the economy as a way of preventing crime. The Buddha is very pragmatic and points out to the King that not only will this prevent delinquency and improve security, it will also expand the nation's revenue base: '*Your Majesty's revenues will be great, the land will be tranquil and not beset by thieves, and the people, with joy in their hearts, will play with their children, and will dwell in open houses.*'³⁵ Some two and a half millennia later, social scientists are producing overwhelming and irrefutable proof of the strong correlation between crime on the one hand and poverty, inequality, and economic stagnation on the other.³⁶

Ahimsaka actually came from a relatively prosperous family. Nevertheless, it is worth noting that the Buddha also recognises that when people are forced to live in destitution and scarcity, desperation ensues. Minds then become far more vulnerable to being affected in such a way that crime and violence arise. The Buddha seems to suggest that a vibrant economy, with ample opportunities for all, regardless of colour or creed, to pursue a dignified livelihood, will do far more to prevent crime than all the police, courts and prisons in the world.³⁷ While our criminal justice system is critical for purposes of responding to crime when it happens, as in Angulimala's case, the *Kutadanta Sutta* makes the point that our social and economic systems are probably far more instrumental for purposes of preventing crime. This resonates well with Bhutan's philosophy of Gross National Happiness (GNH), which requires that all public policy and its implementation is compatible with and contributes to the well-being and happiness of all citizens.³⁸ It is quite likely, therefore, based on what we can learn from the *Kutadanta Sutta*, that the Buddha would have considered GNH to be a good crime prevention strategy.

4. Conclusion

If we are to draw any criminological lessons from Angulimala's case, the main one appears to be that the objective of the criminal law ought to be to prevent or

³⁵ *The Kutadanta Sutta* (On Sacrifice), *Digha Nikaya* (collection of long discourses) DN5, see also Thich Nhat Hanh, op. cit. pp. 522 – 523.

³⁶ For a very succinct and well-presented summary of this research, see Richard Wilkinson and Kate Pickett, *The Spirit Level – Why Equality is Better for Everyone*, Penguin Books (2010), chapters 10 – 11 (*Violence: gaining respect, and Imprisonment and punishment*).

³⁷ The Constitution requires the state '*to develop and execute policies to minimise inequalities of income, concentration of wealth, and promote equitable distribution of public facilities...*' Furthermore, the state must '*enable the citizens to secure an adequate livelihood.*' Article 9 (7) and (11) of the Constitution of the Kingdom of Bhutan.

³⁸ For further information on GNH, see GNH Centre Bhutan at <http://www.gnhcentrebhutan.org/what-is-gnh/>

minimise further harm. The question then immediately arises; how is this best done? The Buddha seems unequivocal in his answer. We commit crime because our minds have become deranged by hatred, anger, jealousy, and illusions about a self. As this is the real cause of crime, the only way to respond to and prevent crime is to address that very cause by healing the mind. The criminology in Angulimala's case hence looks unmistakable; the purpose of any criminal sentence should be rehabilitation and rehabilitation alone. The Buddha believes that the best way to help rehabilitate Angulimala is to invite him into the community of the sangha. This offers not only an opportunity for Angulimala to learn about the dharma and to clear his mind from misconceptions, but it also provides the kind of social support that his rehabilitation requires.

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