

## *Punishment for Crime— Influence on Personality*

Delbert Rice\*

**The author summarizes five concepts of punishment for crime—*isolation, retribution, deterrence, reformation and restoration*. He shows that *restoration is the most effective*, and gives examples taken from the practice of the *Kalahans, a cultural minority in northern Luzon*.**

Even a casual examination of newspapers and news magazines in recent years indicates that there is much to be desired in the methods by which present societies handle crime. A riot in Muntinglupa Prison in Rizal on Aug. 29, 1969, added one more man to the list of those killed and many to the total of those wounded as a result of a long series of riots which has occurred in most of the major prisons in the Philippines<sup>1</sup> and in other parts of the world.

\* B.S. in electrical engineering, Oregon State University; B.D., Western Evangelical Seminary, Portland, Ore.; graduate student in anthropology, Silliman University. Rice came to the Philippines in 1956 to work as a missionary with the Ilocano and cultural minorities in Luzon. Since 1963, he has been pastor of the United Church of Christ in the Philippines, Kalahan Mission, Nueva Vizcaya.

The approach of this paper, i.e., viewing law from the aspect of its ultimate cultural function, has been stimulated within the law profession, itself, by several recent articles, which were, in turn, stimulated by the works of, such anthropologists as E. A. Hoebel (1955) and R. F. Barton (1919 and 1949). D. D. Gardner (Review of the "Law of Primitive Man, by E. A. Hoebel," *American Bar Association Journal*, Vol. 41, 1955, pp. 255-256), for instance states:

Viewing law through the eyes of an anthropologist. . . . brings refreshing and rewarding insights into the meaning of law in any society. . . . Some of these primitive solutions to age-old legal problems may well offer fresh stimulation for re-thinking legal problems whose traditional solutions have been taken too much for granted.

<sup>1</sup> *Manila Times*, Aug 30, 1969, p. 1.

The increasing number and seriousness of crimes committed<sup>2</sup> have become subjects of grave concern.<sup>3</sup> The increasing population of jails and prisons at great cost to society is also a serious problem.<sup>4</sup> The thoughtful person is forced to restudy the entire concept of punishment and the reactions of society to crime.

This problem came forcefully to the writer when, in analyzing the custom law of the Kalahan people in the Philippines, where he has been privileged to live as a participant-observer for more than four years, he observed that even though crimes exist, some petty and some serious, they seem to be handled much more effectively than in other cultures and with very little recidivism.<sup>5</sup> The observations suggested a more thorough study into the problem of punishment which is being reported in this paper.

It is obviously impossible to study crime without studying the criminal. It is likewise ineffective to study any individual, whether criminal or not, without studying him in relation to his society. Some recent studies have been made attempting to ascertain the problems in society (or culture) which cause criminal behavior.<sup>6</sup> This is important. But it is also important to consider that, unless the criminal is removed completely from his former society and never returned (which is sometimes done), some attention must also be given to the society to which the criminal returns and his relationship to that society upon his return. A phenomenon which ties these various factors (i.e., crime, criminal society) together, is punishment, the usual reaction of society to crime.

It will not be possible, in the bounds of a short paper, to analyze all of these various items and phenomena in depth. This study will limit itself to analyzing broadly the individual transgressor and his culture and trying to relate them through a study of the various concepts of punishment and their effects upon transgressor and society.

**Definitions.** Crime has been defined in many ways. The most

<sup>2</sup> Ben Javier, "Up in Arms against Crime," *Examiner*, March 18, 1968, p. 2.

<sup>3</sup> Renato Constantino, "Crime and the Cult of Individualism," *Manila Graphic*, Feb. 21, 1968, p. 23ff.

<sup>4</sup> "Essay," *Time Magazine*, March 29, 1968, p. 26.

<sup>5</sup> Recidivism is the commission of additional punishable offenses after a first offense and punishment.

<sup>6</sup> Sheldon Glueck and Eleanor K. Glueck, *Criminal Careers in Retrospect* (New York: The Commonwealth fund), 1943.

<sup>7</sup> Walter C. Reckless, *The Crime Problem* (New York: Appleton-Century-Crofts), 1950, p. 7 ff.

usual definition given in western societies is "a violation of a code of law."<sup>7</sup> This definition is helpful and valid but not easily applicable to the many cultures which do not have a well-defined "code." Even a culture with no code recognizes the existence of crime. It would be more helpful for this present study, therefore, to define crime as any act which is considered seriously wrong in the culture where the act was committed<sup>8</sup>. This definition recognizes that the specific acts which are considered to be criminal will change over a period of time within a given culture and will also vary from culture to culture. A homosexual act between consenting adults, for instance, was formerly considered to be criminal in England, but now it is accepted as a tolerated form of social deviance in some places. In Oregon, the act is still considered criminal.

The word criminal, even though it is loaded with negative connotations, will be used in this paper to refer to a person who commits a crime.

### Universal Human Values

Since it is the purpose of this study to evaluate the various concepts of punishment in the light of culture and personality, it is necessary to determine some universal systems of values which will serve as a standard by which punishment, both in concept and in practice, might be measured.

Most social scientists recognize the existence of a system of universal human values and several of them are working diligently to prepare an adequate statement of such. No absolute agreement has yet been reached as to how these values should best be defined and described. The inability of any single language to properly state such universal concepts is part of the problem. Until full agreement is reached, however, it is suggested that the following five values could serve as a partial categorizing of universal values.<sup>9</sup>

1. **Physical health.** This includes the various physical and material needs of the individuals of a society. Food and water are absolute necessities. Clothing and shelter are necessities in some areas due to climatic conditions. Relief from sickness is also a part of this category.

<sup>8</sup> Felix Keesing, **Cultural Anthropology** (New York: Holt, Rinehart and Winston), 1966.

<sup>9</sup> This outline is by this writer but it is culled from Felix Keesing, **Cultural Anthropology** (New York: Holt, Rinehart and Winston), 1968, and others.

The amount and type of each item mentioned above will vary considerably depending upon customs and climactic conditions, as mentioned above. There is universal agreement, however, that every individual in every society needs physical health. There are also in every society methods, mores and institutions for maintaining the physical health of its members.<sup>10</sup>

2. **Mental Health.** Many aspects of interpersonal and social values are included under the category of mental health. Such values as love, acceptance, belonging, support, comfort, opportunity for personal fulfillment or accomplishment must all be considered. Sex may be included under this heading or under the category of "physical health" depending upon the cultural emphasis. A proper balance of strains, tensions, responsibilities, accomplishments, opportunities for self-respect, assistance, etc. is necessary to make it possible for the individual to operate acceptably within the framework of his own culture. Sufficient opportunities for self-realization and achievement are also necessary for the individual to have a sense of emotional well-being.

No culture can continue unless the majority of the people of that society are in a condition of mental health, i.e., able to operate successfully within that culture. Every culture must have mental health as a basic cultural value and it must also have adequate cultural methods for maintaining the mental health of the members of its society.<sup>11</sup>

3. **Protection.** Both physical safety and protection of property rights<sup>12</sup> are included in the important concept of protection. Some cultures do not have private property but every society has a material culture, however simple it might be, and therefore, property, whether personal, familial or tribal, needs to be protected. Physical safety as a universal value grows out of the universal instinct for survival. The *dap-ay* of the Sagada Bontoc<sup>13</sup> is a cultural institution established for that purpose. (The *dap-ay* is a male dormitory. Its members originally formed a protective military force for the community. Vestiges of this purpose still remain although it is now primarily a training institution.)

4. **Cultural continuity.** Members of some modern sub-cultures, such as the recent Hippie movement, might attempt to reject cultural continuity as a universal value. The battle cry, "Overthrow the establish-

<sup>10</sup> Ralph Linton, *Cultural Background of Personality* (New York: Appleton-Century-Crofts), 1945.

<sup>11</sup> *Op. cit.*, pp. 6-11.

<sup>12</sup> John Locke, *First Treatise on Government*.

<sup>13</sup> William Henry Scott, *On the Cordillera* (Manila: MCS Enterprises), 1966, p. 57.

ment," springs from the teachings of Thoreau and others and their modern representative, poet Allen Ginsburg, who says concerning youth in the present culture: "Suddenly everybody wakes up [to the fact] that we're all living in hell."<sup>14</sup> The criticism may be true but it does not show a lack of need for cultural continuity. Continuity does not mean rigidity. Continuity refers to the continuation of society working within the changing framework of a culture. Individuals are thereby enabled to communicate and interact for individual and mutual benefit (or fight if they prefer). Without cultural continuity all languages, both covert and overt, becomes impossible and interaction becomes chaotic and unproductive. A given culture might be considered conservative and resistant to change or it might be rapidly changing and liberal, but all cultures, including sub-cultures, have developed certain sub-values and mores which, working together, tend to maintain cultural continuity.

5. **Training.** The importance of training is inherent in the physiology of man due to his long period of dependence. Some societies institutionalize training and call it education. Other societies, such as the pre-Christian Jews of Palestine, center training in the religious institution.<sup>15</sup> Many of the ethnic groups in Africa utilize the initiatory rituals at puberty as the time when definite and organized training takes place.<sup>16</sup> The Sagada Bontoc people center male education around the male dormitory mentioned above. In every culture, however, there are certain things which every individual must learn and know concerning how to find the means of livelihood and how to operate successfully within his own society. Sociologists and anthropologists refer to this process as socialization or enculturation.<sup>17</sup>

Those who develop their knowledge and ability are usually highly regarded, at least as long as that knowledge and ability is utilized according to other cultural values. If, however, an individual uses unusual knowledge or ability for personal power or unusual purposes, he will frequently be rejected. The need for, and desirability of, training is definitely a universal value.

The relative importance of these values will differ between cultures and even between individuals within a given society. Values frequently

<sup>14</sup> Quoted in "Hippies—A Passing Fad?" *U. S. News & World Report*, Oct. 23, 1967, p. 44.

<sup>15</sup> Alfred Edersheim, *In the Days of Christ* (Chicago: Ravell), 1876, pp. 122-138.

<sup>16</sup> George Harley, "Notes on the Poro of Liberia," *A Reader in General Anthropology*, ed. Carleton S. Coon (New York: Henry Holt), 1954, p. 347ff.

<sup>17</sup> Keesing, *op. cit.*, p. 414.

come into situations where they conflict with each other. In such a case, the relative importance of each value will be decided on the basis of other, perhaps less universal cultural values or existential circumstances. Two examples of this problem could be mentioned.

1. If the only educational institutions available are conducted by members of another culture and or teach curricula based upon the mores and values of another culture (a situation which is common in most, if not all, of the schools for cultural minorities in the Philippines), the value of training comes into conflict with the value of cultural continuity. The decision, in this case of conflict, is a difficult one.

2. If the family finances are limited and a son needs money for tuition but the family also needs money for food, a conflict between physical health and training exist. Again, the resolution of the conflict is very difficult.

Many similar conflict situations could be imagined but the reader can readily document them from his own experience and culture.

### Personality of the Criminal

Realizing the importance of every individual within a society, it is important to analyze also the personality of the criminal. Only by such an observation is it possible to determine the source of the person's actions and the possible methods by which the criminal activity can be understood and perhaps altered. Modern psychologists, as represented by Gardner Murphy, have noticed that there are three different types of personalities which commit crimes.<sup>18</sup>

These can be described as follows:

1. The **individual criminal** ascribes to the value system of the culture and is a participating member of society but for one reason or another he has committed a crime.<sup>19</sup> If that crime becomes "known to the police" or noticed by society, the individual is likely to be punished through the usual cultural processes. In most western societies, only a small proportion of the crimes which are committed ever become known to the police, so many are not punished. This is especially true when crime is defined as a violation of a "code" which no longer expresses the actual mores of the society.<sup>20</sup>

<sup>18</sup> Ledford J. Bishop, *Interpreting Personality Theories* (New York: Harper and Row), 1964, pp. 559-560.

<sup>19</sup> Reckless, *op. cit.*, p. 21.

<sup>20</sup> *Op. cit.*, p. 8f.

2. The **social criminal**<sup>21</sup> is actually a part of a sub-culture in the society. The mores and values of this sub-culture not only permit members to do acts which are considered "criminal" by the majority of society, they actually encourage these actions. This is not a new phenomenon. B. S. Haikerwal, an Indian sociologist, has made a detailed study of the problem of criminality in his own country.<sup>22</sup> He reports that one type of criminality in that country was placed within the caste system of the society in ancient times by the recognition of the "thug" caste. The standard of behavior for the members of this caste includes theft from other castes but forbids theft from fellow-members of their own sub-culture (caste). Violence and deceit are a natural part of intercultural relationships for them but are strictly prescribed within their own caste.

The existence of this type of sub-culture is not limited to India, however. It is both ancient and modern. Many persons who have spent time in a penitentiary belong to a sub-culture. The OXO and Sigue-Sigue gangs and others well known in this country are actually sub-cultures within the society.<sup>23</sup>

3. The **individual deviant** represents a completely different type of personality which should be distinguished from the previous two types. He is not a part of a sub-culture; he is probably nominally a member of the majority culture of the society, but his actions indicate a severe personality defect.<sup>24</sup> The source of the defect, its cause, and its cure are all subjects for psychiatrists or psychologists. Many suggestions have been made for cures but not many have been very successful, perhaps because they are so seldom applied.

In practice, very few societies, if any, make recognition of the difference between these three types of criminal personalities<sup>25</sup>. The reason is that in an urban society it would be very difficult, because of the large mass of people, to be subjective about the criminal. Therefore, the custom is to be absolutely objective when dealing with criminal acts. Since societies do not distinguish between the personality types when administering punishment, it will not be possible to do so here

<sup>21</sup> *Op. cit.*, p. 21f.

<sup>22</sup> Howard Becker and Harry Elmer Barnes, **Social Thought from Lore to Science** (New York: Dover), 1961, 3 vols., p. 1141.

<sup>23</sup> Franklin G. Ashburn, "Structure-Function of Conflict Gangs in the Manila City Jail," **Asian Studies**, III, 1 April, 1965, pp. 126-144.

<sup>24</sup> Leonard Savitz, **Dilemma in Criminology** (New York: McGraw-Hill), 1967, pp. 50-65.

<sup>25</sup> Herman Mannheim, **Comparative Criminology** (Boston: Houghton-Mifflin), 1965.

in the limited confines of this study. These types will be mentioned, however, in relation to the various concepts of punishment which will be studied.

### Punishment

The methods of punishment are multitudinous. Beating, imprisonment, mutilation, fines, public humiliation, starvation, forced labor, exile, annihilation, physical torture and mental torture are only a few which have been used in times past. Regardless of the technique, however, punishment consists of the infliction of some kind of pain, either physical or mental, upon a person who has committed a crime.<sup>26</sup>

The fact of punishment seems to be universal, existing in all cultures. The purpose behind punishment contains a strong universal element also, i.e., the ceremonial reaffirmation of societal values that are violated and challenged by the crime.<sup>27</sup> It is one of the peculiarities of human nature, however, that although this purpose for punishment is both valid and important, it is seldom, if ever, expressed as the avowed purpose for the punishment. Other reasons are given and the reasons partially determine the type of punishment that will be administered and its effectiveness or ineffectiveness.

It would be impossible in a brief paper to examine the actual punishment practices in every one of the thousands of world cultures. It would be even more difficult to study the avowed purposes behind the punishment practices. Fortunately, however, it has been observed that nearly all, if not all, of the punishment concepts fall into one or more of the following five categories: (1) Isolation, (2) Retribution, (3) Deterrence, (4) Reformation and (5) Restoration.<sup>28</sup>

### Isolation

The basic concept behind isolation is the protection of society with no consideration whatever for the criminal.

The Italian sociologist and criminologist, Cesare Lombroso, claimed, at the close of the 19th century that criminals are born, not made.<sup>29</sup>

<sup>26</sup> Savitz, *op. cit.*, p. 113.

<sup>27</sup> Attributed to Durkheim (1893) in Alfred Lindesmith, "Punishment," *Encyclopedia of Social Sciences*, Vol. III, 1968, pp. 217-221.

<sup>28</sup> Outline partly adapted from W. Lillie, "Toward a Biblical Doctrine of Punishment," *Scottish Journal of Theology*, December 1965, Vol. 21, pp. 449-461.

<sup>29</sup> Becker and Barnes, *op. cit.*, pp. 105-106.



He considered that there was a definite criminal type which would be recognized by certain physical marks or characteristics.<sup>30</sup> Later he extended his theory to include certain other "defectives." For a time his concepts were quite persuasive.

If the doctrine of Lombroso is true, i.e., that a criminal is born a criminal and change is impossible, the only alternative is to isolate the criminal from society as soon as he is recognized. The basic idea is to "protect" society.

Isolation can be accomplished by several means. Banishment is an ancient form of isolation. The banished individual is merely prevented from reentering his original society and is forced to either live alone or find another community somewhere which will accept him. In the latter case, it is conceivable that the individual could become an accepted and functioning part of that new society, but this is not considered by his original society.

Exile has been practiced for centuries.<sup>31</sup> Seneca, for instance, was exiled in 41 A. D. by Claudius I.<sup>32</sup> In 1597, English law decreed that felons (probably not destined to be as famous as Seneca) be exiled to North America, and by 1775 it was sending about 2,000 per year. A total of about 50,000 were eventually sent, of which most were sold as servants in the Southern colonies. (The price was better there.) The practice ended with the "American Revolution" but began, again, in 1787 when the English began sending the prisoners to Tasmania and other areas in Australasia for forced labor in forests and mines. The practice was finally eliminated in England in 1867.<sup>33</sup> Exile is still practiced in several countries, however, notably in U.S.S.R. which sends an undisclosed number to labor camps. Victor Kravchenko reports 8,000 slaves, apparently all prisoners, in only one camp in Siberia in 1940. Very little has been

<sup>30</sup> When Edward Westermarck, an anthropologist, visited Italy, he was taken to a prison where Lombroso proceeded to remove the shoes of two of the prisoners to demonstrate the "projecting" toes of the "criminal type." Both prisoners proved to be exceptions whose toes did not project. Westermarck wanted to remove his own shoes to show that he did have projecting toes, but he felt it might be classed as an exception, also. The story is related in Hays, *op. cit.*, p. 168.

<sup>31</sup> Harry Elmer Barnes and Negley K. Teeters, *New Horizons in Criminology* (New York: Prentice-Hall), 1943, pp. 436-455.

<sup>32</sup> Alexander W. Mair, "Seneca, Annaeus," *Encyclopedia Britannica*, 1963.

<sup>33</sup> Arthur Evans Wood and John Barker Waite, *Crime and Its Treatment: Social and Legal Aspects of Criminology* (New York: American Book), 1941, 466f.

documented since that time, but reportedly the practice continues.<sup>34</sup>

A more effective form of isolation is the death penalty, but this is practiced less frequently now in the 20th century than in previous centuries. The state of Michigan abolished the death penalty in 1847. Some states in the United States abolished it for a period of time and then restored it, e.g., Iowa and Oregon.<sup>35</sup> Pressures against the death penalty continue to build up in many areas. There was a recent request by Attorney General Ramsey Clark in the United States for its abolition.<sup>36</sup>

It should be pointed out, however, that isolation is not necessarily a punishment since it is not necessarily an infliction of pain. In some societies, a criminal might be glad to get away. In a close, family-centered society, however, isolation can be so traumatic that the individual would prefer suicide as was described in the incest case recorded from among the "Forest Men" culture in Viet Nam by George Condominas.<sup>37</sup>

Isolation usually does not accomplish anything of benefit to the individual or to his relationship to society. The only thing which isolation can accomplish is the "protection of society."<sup>38</sup>

### Retribution

The basic concept behind retribution is the repayment to society of an obligation which the offender presumably incurred by his transgression.

Retribution is considered by many to be the most primitive concept behind punishment.<sup>39</sup> Some sociologists repudiate the concept entirely, but, as Professor Woods very cogently points out:

"When they (the legislators) lay down a penalty of forty years' imprisonment for a crime, it must be that they have retaliation in mind; for in their reflective moments they must know that many criminals, actual or potential, do not take them seriously (when they say that their purpose is deterrence or reformation)."<sup>40</sup>

<sup>34</sup> Anatoly Marchenko, "My Testimony," *Reader's Digest*, September, 1969, pp. 158-190.

<sup>35</sup> Wood and Waite, *op. cit.*, p. 470.

<sup>36</sup> "Death Penalty," *Newsweek*, July 15, 1968, p. 13.

<sup>37</sup> Georges Condominas, "The Primitive Life of Vietnam's Mountain People," *Natural History Magazine*, June-July, 1966, Vol. 75, No. 6, pp. 8-19.

<sup>38</sup> "Police: The Thin Blue Line," *Time*, July 19, 1968, p. 16.

<sup>39</sup> Barnes and Teeters, *op. cit.*, p. 10.

<sup>40</sup> Wood and Waite, *op. cit.*, p. 452.

The popular concept of the criminal "paying his debt to society" comes from the concept of retribution or retaliation. Frequently this concept is given a quasi-religious authority in the name of Christianity by quoting out of context the biblical phrase, "an eye for an eye and a tooth for a tooth."<sup>41</sup>

A practical difficulty for the society is the method by which the obligation should be measured. In British Columbia, the Haidas determined the penalty by considering primarily the status of the injured person.<sup>42</sup> Western law attempts to set an objective standard by which the retribution is fixed by the "seriousness" of the act itself and not by any characteristic of the injured party.<sup>43</sup> This is, in actuality, a development of the "eye for an eye" (Exodus 21:24) principle mentioned above and more commonly referred to as *lex talionis*.<sup>44</sup>

Retribution can be understood to be social vengeance imposed upon a violator by the social mores. As vengeance, it does not actually accomplish anything toward helping the individual malefactor or the injured party except to reiterate for the benefit of all in the society that the society is still maintaining its value system. This alone, of course, is very valuable.

#### Deterrence

The threat of punishment supposedly deters prospective criminals from repeating their crimes. This is the basis on which the concept was developed.

Jeremy Bentham (1748-1832), realizing the dangers to society of unmitigated vengeance which often resulted from a pure retribution concept of punishment, carried further the theories and principles set forth by John Locke (1632-1704) and Cesare Bonesano [also known as Cesare Beccaria (1735-1794)] in establishing the so-called Classical School for criminology.<sup>45</sup> He assumed that man always acts purely upon the conscious hedonistic principle of choosing between pain and pleasure.<sup>46</sup> He further assumed that a man committed a crime for the ultimate pleasure which would come to him, either by the act itself or by what he would accomplish through the act. Bentham, therefore, deve-

<sup>41</sup> Barnes and Teeters, *op. cit.*, p. 10.

<sup>42</sup> Wood and Waite, *op. cit.*, p. 447.

<sup>43</sup> Cesare Beccaria, "An Essay on Crimes and Punishment," *From Absolutism to Revolution 1648-1848*, ed. Hubert H. Rowen (New York: Macmillan), 1963, p. 102.

<sup>44</sup> Lillie, *op. cit.*, p. 451.

<sup>45</sup> Wood and Waite, *op. cit.*, p. 452.

<sup>46</sup> Becker and Barnes, *op. cit.*, p. 529f.

loped what came to be known as "hedonistic calculus" by which the amount of punishment applied to any given crime was made slightly greater than was necessary to counteract the pleasure which a criminal might receive from the successful accomplishment of that same act. In that way, Bentham felt men would be adequately deterred from committing any crimes and at the same time no excessive punishment would be inflicted upon them.<sup>47</sup>

The theory, though beautiful and easily understood, was naive in that it assumed that man acts logically in regard to crime and also that he made his decisions purely on hedonistic grounds. Modern sociological theory has quite adequately demonstrated that the motivation of men is much more complex than would be indicated by a purely hedonistic framework.<sup>48</sup>

Justice Holmes, before the turn of the century, asked, "Does punishment deter?" and thus implied his serious doubts.<sup>49</sup> Gabriel Tarde, Director of Criminal Statistics in France at about the same time, stated categorically that he found no statistical relationship between the rate of criminal activity and the severity of penal law.<sup>50</sup>

More recently the Gluecks' have made more comprehensive studies and have concluded that there is no significant relationship between the rate of crimes and either the amount of punishment or type of treatment which a criminal received during his time of parole or imprisonment.<sup>51</sup> It must be remembered, however, that they were able to consider only those types of treatment which were in common use in the United States at that time.

Other studies indicate convincingly that there is no relationship between whether or not a state or country practices capital punishment and the number of murders or other capital crimes which are committed in that state.<sup>52</sup> There is no reason to believe that data obtained from similar studies in the Philippines would produce results which are significantly different.

<sup>47</sup> Barnes and Teeters, *op. cit.*, p. 463ff.

<sup>48</sup> Bischof, *op. cit.*, pp. 145-146.

<sup>49</sup> Quoted by Justice Felix Frankfurter in the Introduction to Glueck and Glueck, *op. cit.*, p. 8.

<sup>50</sup> Jerry N. Clark, "Gabriel Tarde," *International Encyclopedia of Social Sciences*, (1968).

<sup>51</sup> Sheldon Glueck and Eleanor K. Glueck, *Criminal Careers in Retrospect* (New York: The Commonwealth Fund), 1943, p. 285.

<sup>52</sup> Barnes and Teeters, *op. cit.*, pp. 414-435, especially 432.

In other words, while there is undoubtedly some aspect of deterrence due to the fact of punishment, there seems to be little or no effect upon prospective criminals caused by the amount or duration or kind of punishment.

In summary, it can be said, that while the **principle** of deterrence as a reason behind the administration of punishment may be valid for the purpose of maintaining peace and order (protection) and cultural continuity, it is also true that the types of punishment which are in common use in recent generations, at least in western societies, have not been effective in actually deterring criminal action. Possibly the lack of reality behind the "hedonistic calculus" is the reason for this distressing discovery. Whatever it is, we find that society is left with an unsatisfactory situation.

### Reformation

The humanitarian spirit which spread across Europe after the French Revolution gave the necessary impetus by which a new emphasis was brought into the practice of punishment. This new emphasis, i.e., reformation, was strongly championed by John Howard (1725-1790), an English sheriff.<sup>53</sup> Novelists<sup>54</sup> and poets<sup>55</sup> joined forces with the champions of change in the penal system in England.

The Quakers, heading up the reform movement across the Atlantic, sought to change the mentality of the prisoners by putting them into solitary confinement with only a Bible and chosen books and pamphlets for reading materials and visitors limited to certain persons who were chosen for their spiritual benefit to the prisoner.<sup>56</sup>

In Auburn, New York, another experiment was revealed in 1816.<sup>57</sup> Realizing that work was also constructive in character building, the prisoners were put to work in certain agricultural activities, and later in manufacturing. The prisoners were still forbidden to talk or converse with anyone.<sup>58</sup> News of the experiment went back across the Atlantic

<sup>53</sup> *Op. cit.*, p. 480.

<sup>54</sup> Charles Dickens (1812-1870), Charles Reade (1814-1884), Charles Kingsley (1819-1875), *et. al.*

<sup>55</sup> Thomas Hood (1799-1845), Percy B. Shelley (1782-1822), *et. al.*

<sup>56</sup> Daniel Glaser, "Penology," *International Encyclopedia of Social Sciences*, Vol. 11, 1968, p. 515.

<sup>57</sup> Barnes and Teeters, *op. cit.*, pp. 533-543.

<sup>58</sup> Peter Gowing, "Prisons," Radio address over DYSR at Dumaguete City, August 3, 1969).

and several more prisons were established on the Auburn Plan in England.

The first "Reformatory" was established in Elmira, New York, for youthful offenders.<sup>59</sup> A similar institution was developed in Borstal (Kent, England) in 1908 and most of the institutions of this type have been referred to by that latter name.<sup>60</sup> Education is stressed, both vocational and traditional subjects, in order that inmates in the Borstal type might be prepared for life outside the prison walls. At first the education was sloppy, but,

"As Mr. MacCormick has recently pointed out, the year 1929-30 was a turning point in penal education, largely because the State of New York and the Federal government began dignifying the educational process in their respective institutions."<sup>61</sup>

Much progress has been made in the development (1) of "community prisons," where the "jail" atmosphere is nearly removed,<sup>62</sup> (2) of psychiatric treatment for inmates,<sup>63</sup> (3) of vocational training and guidance,<sup>64</sup> (4) of principles of parole.<sup>65</sup>

The object of parole is to get the inmate back into society as quickly as possible, so that he might not become a part of a prison culture.<sup>66</sup> Some experimental work has been done with non-prisons, e.g., hospitals, for certain types of persons, such as alcoholics, addicts, and prostitutes.<sup>67</sup>

Some success has perhaps accompanied these emphases upon reform. But it seems that, on the basis of the available statistics mentioned above and more recent statistics by the Gluecks,<sup>68</sup> the only real progress in penology is in preventing some of the "individual criminals" from becoming "social criminals" during their time of imprisonment and in

<sup>59</sup> Barnes and Teeters, *op. cit.*, pp. 553-555.

<sup>60</sup> William Healey and Benedict S. Alper, *Criminal Youth and the Borstal System* (New York: Commonwealth Fund), 1941.

<sup>61</sup> MacCormick was New York Commissioner of Prisons in 1943 and a leader in reformatory development.

<sup>62</sup> Barnes and Teeters, *op. cit.* pp. 791-796.

<sup>63</sup> Reckless, *op. cit.*, p. 437ff.

<sup>64</sup> Wood and Waite, *op. cit.*, pp. 484-591.

<sup>65</sup> Barnes and Teeters, *op. cit.*, pp. 814-839.

<sup>66</sup> See above in section regarding Criminal Personality, section 2.

<sup>67</sup> Barnes and Teeters, *op. cit.*, pp. 875-896.

<sup>68</sup> Sheldon Glueck and Eleanor K. Glueck, *After Conduct of Discharged Offenders* (London: Macmillan), 1946, p. 97.

treating psychiatrically a few of the "individual deviants."<sup>69</sup> Dr. Eysenck has proposed a very interesting method of "desensitizing" or "retraining" offenders which could be tried, but since it would require extended time and many facilities, its use will probably be limited.<sup>70</sup>

In a recent survey in the United States, it was discovered that 77 per cent of the Americans assume that the purpose of prisons is to reform criminals.<sup>71</sup> A mere 20 per cent of the employees of the U.S. Penal system, however, are involved in reformation or training activities. The majority are assumed to be guarding, not reforming.

In the case of juveniles, who supposedly are more susceptible to punishment as a method of learning, it was found that only 28 per cent of those paroled immediately after sentence was passed became recidivists while 52 per cent of those who were imprisoned repeated their criminal acts. Although the statistics are undoubtedly weighed since only the more promising juveniles would be paroled in the first place, the statistics are still indicative of the possibility that imprisonment is not the best method.

In analyzing the concept of reformation, therefore, this problem immediately presents itself:

Even though the individual has been reformed, nothing has been done in the community to which he returns to ensure that he will be accepted. One of the largest problems behind the large number of recidivists is the lack of acceptance when they return to society except by members of the "criminal sub-culture" mentioned above. Any psychological progress which the individual has made as a result of the treatment and control he has experienced is immediately cancelled. As Hiawatha Burris, an ex-New York prisoner said, "We might feel that in prison we've paid our debt but we know the community doesn't believe it."<sup>72</sup>

Another basic criticism of the concept of reformation is the observation that punishment does not generally reform adults. Punishment may be a means of guidance for children and may help them to form

<sup>69</sup> See above in section regarding Criminal Personality, page 12ff.

<sup>70</sup> H. J. Eysenck, *Crime and Personality* (Boston: Houghton-Mifflin), 1964, pp. 95-179.

<sup>71</sup> The terms individual and social criminal and individual deviant are defined above in the section on Criminal Personality.

<sup>72</sup> "Essay," *Time*, March 29, 1968, p. 26. For an interesting study of the extra legal effects of punishment, see also: Richard D. Schwartz and Jerome H. Skolnick, "Two Studies of Legal Stigma," Howard S. Becker, ed. (New York: Free Press), 1964.

habits of action and reaction where the mind-set is not yet formed by canalization.<sup>73</sup> Nevertheless, for an adult whose conscious and unconscious patterns of thought and action are fairly well set, there seems to be nothing in punishment, nothing in imprisonment and nothing in paying fines that will help him change that mind-set.

In sum, punishment for the sake of reformation is addressed entirely to the individual without consideration of the community and stems from a defective concept of learning. In the words of Sheldon Glueck,

“Prevention of recidivism through fear, as the chief aim of punishment, has miserably failed. . . . Correction or reformation. . . has also been shown to be very unsatisfactory.”<sup>74</sup>

### Restoration

The basic concept behind the term “restoration” is the establishing of a climate within the society and within the individual malefactor by which he can be returned to a meaningful interaction with his own society. This is usually done through some act, such as punishment, which repairs the damage done to the victim of the crime and removes the guilt from the mind of the criminal. The act must be performed quickly enough that the society as a whole recognizes the connection between the act of restitution and the crime which had been committed, and the society also accepts the restoration of fellowship.

An excellent illustration of restoration is found in modern Cebuano culture. If a girl is wounded by a stone thrown by a boy, the father of the girl will go to the home of the boy, sometimes taking his daughter with him. He will approach the father of the boy and request (or demand) that the boy’s father punish the boy for his misdeed. The boy will be called and, in front of the girl’s father, he will be punished. In that way the two fathers can be restored in their relationship and through their guidance, the two children can also be restored.<sup>75</sup>

While this concept of restoration has not been practiced on a large scale in the world, some modern writers are beginning to suggest it.<sup>76</sup> It was developed as a complete code in pre-Christian Jewish Society, and it is practiced today in the Kalahan Society.

<sup>73</sup> Bischof, *op. cit.*, pp. 529-534.

<sup>74</sup> Glueck and Glueck, *op. cit.*, p. 76f.

<sup>75</sup> Described in conversation with Dr. Agaton Pal and F. Beltran of Silliman University.

<sup>76</sup> “Essay,” *Time*, March 29, 1969, p. 27.



**Jewish concept of punishment.** Dr. W. Lillie very convincingly demonstrates that the basis of punishment taught in the **Old Testament** was not *lex talionis* but rather restoration. The code, also known as the Mosaic code, is found primarily in the first five books of the **Old Testament**, especially in Exodus and Deuteronomy. The language which is used in the code itself indicates this intention. The phrase "an eye for an eye..." (Exodus 21:24) could more accurately be translated "an eye in place of an eye..." in the sense of restitution, not punishment. The phrase translated "he shall pay" or "he shall give" which occurs 14 times in Exodus 21 and frequently elsewhere in the Jewish code is important, also. The Hebrew concept there is to "pay compensation" rather than "pay penalty."<sup>77</sup>

Compensation, in Jewish law, took many forms. In the case of murder, the death of the murderer was usually the only acceptable compensation. In the case of the accidental death of an animal at the hands of a person other than the owner, replacement of the animal itself was sufficient. If a person stole an animal and butchered it, showing that he had no intention of returning it, the thief was required to replace the animal and also pay an additional indemnity depending upon the type of animal which was stolen.<sup>78</sup>

Indemnity for crimes against the person is much more difficult to determine than crimes against property, but this, too, was handled quite adequately in the Jewish code. In case a man should slander his wife, the punishment was a flogging, but never more than 40 strokes under any circumstances. The reason behind the strict limitation is clearly stated: i.e., in order that the malefactor, who must be recognized as a brother, would not be degraded in the sight of the community (Deut. 25:3). It is also important to notice that a flogging or any other punishment is administered immediately. There must be no delay for a delay would give the community an opportunity to ostracize the offender before he had a chance to make restitution. Having made immediate restitution, he can be immediately restored to society.

Fines in the form of money soon developed as an alternative for restitution-in-kind when money became more important than cattle. Rabbinic writings in later years indicated that fines could take the place of all types of restoration except capital punishment.<sup>79</sup>

<sup>77</sup> Lillie, *op. cit.*, p. 452.

<sup>78</sup> *Op. cit.*, p. 454.

<sup>79</sup> *Op. cit.*, p. 452.

The Code of Hammurabi<sup>80</sup> and the Assyrian Laws, which are from the same era as the Mosaic code discussed here, abound with many forms of bodily mutilation. This kind of punishment is almost completely lacking in the Mosaic Code,<sup>81</sup> since, as mentioned above, it would practically eliminate the possibility of the individual resuming his place in society. Restoration would not be possible for a person who was "branded."

Slavery existed as a part of the Hebrew legal code. It was not, however, indicated as a punishment for crime. Slavery was the means by which a debtor could work off his debt.<sup>82</sup> All slaves, whether Jews or not, were to be released in the Jubilee year, regardless of their length of service.

Many people today would object to some of the requirements of the Jewish code regarding "mere religious offenses." It must be recalled, however, that religious offenses drastically attacked the very fabric of that society and therefore, should not be described as "mere."

It is also interesting to note that imprisonment was never suggested as a means of restitution or punishment in Jewish Law. The emphasis was on quick judgement and the performance of restitution in-kind in order that restoration of all concerned into the unity of society might be accomplished as quickly as possible.

This same concept carried over into early Christian philosophy and in doctrines such as that of atonement,<sup>83</sup> and reconciliation (Matt. 5:24). Before Christians came into a position where they could influence public concepts of punishment, however, Christendom had become primarily a social and political organization and in the process had lost the inner motivations which the individual Christians should have had. Both its desire and its ability to provide that type of influence had been lost.<sup>84</sup> Thus, the concept of restoration as a motivation for punishment was lost for many centuries in the larger, so-called civilized, societies.

<sup>80</sup> Becker and Barnes, *op. cit.*, pp. 87-90.

<sup>81</sup> The only occurrence of mutilation is in the case of a woman who, in trying to rescue her husband from an argument with another man seizes the enemy's genitals. Her hand is to be amputated. In that particular incident, her crime was enormous due to compounded and complicated implications (Deut. 25:11-12).

<sup>82</sup> Lillie, *op. cit.*, p. 454.

<sup>83</sup> William Owens Carver, "Atonement," *International Standard Bible Encyclopedia*, ed., James Orr. (Grand Rapids: Eerdmans), 1960, p. 321.

<sup>84</sup> Ilion T. Jones, *A Historical Approach to Evangelical Worship*, (New York: Abingdon Press), 1954.

**Kalahan concept of punishment.** The Kalahan people of North Luzon<sup>85</sup> have a very complete system of custom law which is democratically administered by a conference headed by a group of elders who hold office by ascription.<sup>86</sup> It appears from the ancient documents regarding pre-Spanish Philippine culture that this system of custom law was very wide-spread, if not general, at that time.<sup>87</sup> The Kalahan, being isolated by geography and culture, have been able to maintain the system which the majority cultures, in the face of the impact of foreign cultures, have partially lost. (The illustration from Cebuano culture given above shows that it has not been lost entirely.)

The few case studies of pre-Spanish cases and the more than 100 case studies of Kalahan criminal cases indicate that restoration is the basic concept behind this system of custom law.

To demonstrate how it is worked out in actual situations, five cases will be cited in some detail.

#### Case 1 — Juvenile Fighting

Four teen-age boys from Community 13, visiting in Community 4, teased AD, age 14, of Community 4 concerning a girl whom he disliked. AD warned them that he did not appreciate their teasing, but one of the four challenged him to fight. They fought and AD won. AD then followed the other three and hit them too, to clarify his position.

The four boys returned to Community 13 and reported to their fathers who, in turn, reported the fight to the elder. The elder called a conference in Community 4 attended by AD, the four boys, their fathers, AD's uncle, all of the elders and all interested parties.

An investigation was not necessary since the four boys readily admitted the teasing and AD admitted the fighting. The decision of the conference, as expressed by one of the elders, was that AD and his family provide rice and a small pig which was to be butchered immediately. They did this and all of the people enjoyed the celebration which demonstrated the restoration of good relationships between the families, boys and communities. The four boys were reprimanded concerning the teasing and AD and his father were satisfied that they would not repeat it.

<sup>85</sup> Delbert Rice, "An Experiment in Developing an Indigenous Church Music in the Kalahan Culture," *Silliman Journal*, Vol. 4, 1969, pp. 339-359.

<sup>86</sup> Complete details of this system will be published later. It is adequate at this time to examine the principles and results.

<sup>87</sup> *Loc. cit.*

AD also provided 25 pesos which was taken back to Community 13 by an elder from that Community. The next time there was a community celebration in 13, that money was used to buy extra refreshments, and it was announced to all the people that the money was the restitution given by AD.

All families and both communities have been on good terms since that time 14 years ago.

### Case 2 — Serious Physical Injuries

Both Mr. MM and Mr. AV had been drinking and gambling. During the game they misunderstood each other's bet and started a quarrel, as a result of which Mr. AV was stabbed, though not fatally. An elder of the community called a conference the next day. Mr. MM was required to pay all of the cost for medical treatment for Mr. AV and also provide a cow and enough rice to feed everyone in that community and neighboring communities at a celebration which was to be held a few days hence (relatives were not specifically called, but they were all involved since they all lived in the nearby communities which were invited).

Everything was done according to the request, everyone enjoyed the celebration and MM and AV have been on good terms during the 12 years which have passed since the incident.

### Case 3 — Adultery

Mr. CE and Mrs. BO, both married, had adulterous relations about three times. They also wrote letters to each other. BO's husband was suspicious for several weeks but when a letter was found, the suspicion was confirmed and he notified an elder who called a conference for the following Saturday. BO and CE were both in attendance with their spouses. All of the elders were present, as usual, and everyone else who was interested attended the meeting. Both BO and CE testified during the investigation along with several other persons. The investigation lasted several hours. CE tried to deny it, but the evidence was overwhelming and no one believed the denial. He was required to give 2 large pigs and 200 pesos as indemnity. One pig and 100 pesos was given to the husband of BO and the remainder was used to feed the people who came for a celebration. The payment was made one month after the conference.

Since CE did not have sufficient resources to pay his fine, he was forced to collect donations from all of his kin. In this way he became obligated to all of them and they are in a stronger position to help him control his actions in the future.

After the fines were paid and the celebration of restoration was held, the inter-family and inter-community relationships continued smoothly again. There has been no repetition in two years since the incident.

#### Case 4 — Theft

Mr. III, a single young man, caught a pig in the forest which belonged to Mrs. JJJ, a widow of his own community. That afternoon when the pig did not return as usual, she investigated and upon learning that III was selling fresh pork at the highway, she informed an elder and requested a conference. The conference was held the next day. At the investigation Mr. III did not want to admit that he had taken the pig, but he was found guilty. The elders knew, however, that if the pig which he had butchered was actually a wild pig as he claimed, he would not have sold the meat but rather, he would have returned it to his own community and distributed part of the meat to his neighbors, as is the custom.

Mr. III was required to give Mrs. JJJ a live pig which he did. Both of them continued to live in the same community and continue to have friendly interpersonal relationships.

#### Case 5 — Multiple Theft Outside the Cultural Area

Mr. E. was called to a conference by the elders of his community. They confronted him with his activities during the past weeks. He had been committing hold-ups on a highway several kilometers away. He could not deny it. With the cooperation of his family he was instructed to pay four pigs and enough rice for a celebration which would be the means of restitution for the damage done to the prestige of the community. He was also ordered to stop his thievery.

Mr. E. paid the pigs and rice for the celebration but soon thereafter he committed the crime again. His family refused to support him for any more fines so the elders and family cooperated and captured him and turned him over to the government officials who imprisoned him in Muntinglupa. He died in prison.

More cases could be cited but these five demonstrate adequately the basic technique and principles which are used to establish restoration in the community whenever possible.

**First:** Judgment is immediate. Following judgment, a period of time is sometimes allowed for the criminal to prepare the necessary animals, rice or money which he must pay as restitution, but the time is kept as brief as possible in order to accomplish the purpose of restoration and avoid the possibility of any group of persons being inside the society but outside of the culture by virtue of ostracism. Ostracism and guilt together can be such a psychological burden that they could cause an individual who was otherwise normal to enter the category of the individual deviant. If the time period were extended so that several "unconvicted criminals" were together at one in the same state of ostracism, it would be very easy for a criminal sub-culture to develop.

The speedy trial and restitution is of psychological benefit to the injured party and makes it much easier for him to accomplish genuine forgiveness.

**Second:** All parties involved in the case are required to be present at an open and public hearing and to take part in it. Embarrassment and withdrawal are not allowed. Crime is never glossed over and never glorified. An investigation cannot become a "battle-of-wits" in which opposing attorneys are trying to "win." The trial has two purposes which must be accomplished as quickly as possible: (1) to determine the truth, and (2) to determine the amount of restitution needed, if any, in order to accomplish restoration.

**Third:** Actual restoration of relationships between the criminal and the injured is pressed by the necessity that they both take part in the community celebration in honor of their reconciliation. (the food is furnished with compliments of the criminal, of course.)

**Fourth:** the kin of the criminal are frequently involved financially in helping the criminal pay the fines. In this way, the kinship group is given a powerful lever which it can and does use to accomplish reformation.

Reformation in the Kalahan culture, in contrast to reformation supposedly accomplished during imprisonment, is accomplished within the supporting climate of the community with the strengthening support of the kinship group. The fact of the crime is common knowledge but since restitution has already been made, acceptance is assured. Preliminary studies indicate that recidivism is less than 10 per cent in comparison to a reported 90 per cent in the Manila City Jail and more

than 50 per cent in Massachusetts.<sup>88</sup> In such a situation true psychological reformation is a strong likelihood, rather than a nebulous hope.

**Fifth:** If, as occasionally happens, an individual refuses to be restored and refuses to be reformed, stronger measures are undertaken immediately (as in case 5) and supported completely by the families and kin group, since it is very clear to all that to do otherwise endangers the entire society. It is clear, in cases like this, that the criminal cannot rationally blame a system or an individual for his ostracism from the society, since he, himself, accomplished it.

In summary, it appears that the most satisfactory concept of punishment, as based upon the universal cultural values discussed above, is the concept of restoration since it deals directly with all five of them.

### Summary and Conclusions

A chart of all five concepts of punishment and their effectiveness in supporting universal cultural values is presented here so that a proper evaluation can be made.

#### Isolation:

- |                         |  |
|-------------------------|--|
| 1. Physical Health:     | no effect.   |
| 2. Mental Health:       | negative effect on criminal,<br>no effect on others. |
| 3. Protection:          | for society effective;<br>for criminal negative.     |
| 4. Cultural Continuity: | effective for all persons<br>except the criminal.    |
| 5. Training:            | little effect.                                       |

#### Retribution:

- |                         |  |
|-------------------------|--|
| 1. Physical Health:     | usually negative on the<br>criminal, no effect on<br>others.   |
| 2. Mental Health:       | occasionally positive for<br>criminal, no effect on<br>others. |
| 3. Protection:          | evidence indicates little<br>effect.                           |
| 4. Cultural Continuity: | little effect or negative.                                     |
| 5. Training:            | little effect.   |

<sup>88</sup> Glueck and Glueck, *op. cit.* (1943).

**Deterrence:**

- |                         |                               |
|-------------------------|-------------------------------|
| 1. Physical Health:     | data indicated little effect. |
| 2. Mental Health:       | little effect.                |
| 3. Protection:          | little effect.                |
| 4. Cultural Continuity: | little effect or negative.    |
| 5. Training:            | frequently negative effect.   |

**Reformation:**

- |                         |   |
|-------------------------|---|
| 1. Physical Health:     | no effect.  |
| 2. Mental Health:       | positive but temporary effect on the criminal, no effect on others. |
| 3. Protection:          | positive effect but limited.  |
| 4. Cultural Continuity: | little effect.  |
| 5. Training:            | positive effect for the criminal, none for others.                  |

**Restoration:**

- |                         |   |
|-------------------------|---|
| 1. Physical Health:     | some positive effect.                   |
| 2. Mental Health:       | positive effect for all.                |
| 3. Protection:          | positive effect for all.                |
| 4. Cultural Continuity: | very strong positive effect for all.    |
| 5. Training:            | usually strong positive effect for all. |

**Need for Holistic Approach**

No man lives in a cultural vacuum, especially the man who commits a crime since crime, itself, is defined on a cultural basis. The approach to crime, therefore, must be cultural, holistic and honest.

Occasionally, some of the problems discussed in this study are recognized. Barnes and Teeters state:

"In the meantime, the disposition of the case should be determined on the basis of the investigation by experts of the background of the accused, his mental and biological potentialities, and the possibility of his making restitution to his victim's family. The plan adopted should involve his amenability to a program of helpful supervision. . ."<sup>89</sup>

<sup>89</sup> Barnes and Teeters, *op. cit.*, p. 961.



Professor Glaser<sup>90</sup> of the University of Illinois also makes a strong plea for this type of orientation of criminal law which he calls "social reintegration." He further points out that the other concepts of punishment have not been effective.

The excellent editorial essay on prison reform in *Time* magazine<sup>91</sup> recently emphasized the same point, i.e., let the criminal make proper restitution directly to the injured in order that the mental and psychological problems of both can be properly adjusted. The writer further suggests closing all, or most, of the prisons and establishing intensive care centers so that criminals can be paroled immediately back into their own community whenever possible under care of supportive and understanding supervisors and counselors. A functioning kin group can automatically provide this support but in the modern urban society where the kin group no longer functions, some alternative must be found. The intensive care might be able to perform the function.

In Philippine culture the family and/or kin group is still a viable group which can perform the function of reformation of one of its members who has violated the laws of society. Trained social workers are fast becoming available to help during the initial period of "parole" if that is what the state should be called. What remains is for the majority peoples, both in the Philippines and in the United States and in many other countries of the world, to agree to reject the sadistic desire for revenge and begin to learn from some of the minority groups who have maintained over the years the technique by which they are able to "make peace," not just to "keep peace."

<sup>90</sup> Daniel Glaser, "Crime and Its Control in the United States," reprinted in *Crime and Its Prevention*, Stephen Lewin, ed. (New York: Wilson), 1968, p. 203ff.

<sup>91</sup> Prison Reform," *Time*, March 29, 1968, p. 25f.