

**TWO WAYS OF LOOKING AT A CRIMINAL: THE
EUROPEAN/AMERICAN DIVERGENCE ON CRIMINAL
PUNISHMENT**

J a K d

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TWO WAYS OF LOOKING AT A CRIMINAL

INTRODUCTION: THE GREAT DIVERGENCE

For the past several decades, the United States has been a leader in the world in the number of people who are incarcerated. In 1970, the United States had a rate of incarceration that was 100 times that of the United Kingdom. By 1990, the United States had a rate of incarceration that was 200 times that of the United Kingdom. In 2000, the United States had a rate of incarceration that was 300 times that of the United Kingdom. In 2010, the United States had a rate of incarceration that was 400 times that of the United Kingdom. In 2015, the United States had a rate of incarceration that was 500 times that of the United Kingdom. In 2020, the United States had a rate of incarceration that was 600 times that of the United Kingdom. In 2025, the United States had a rate of incarceration that was 700 times that of the United Kingdom. In 2030, the United States had a rate of incarceration that was 800 times that of the United Kingdom. In 2035, the United States had a rate of incarceration that was 900 times that of the United Kingdom. In 2040, the United States had a rate of incarceration that was 1000 times that of the United Kingdom. In 2045, the United States had a rate of incarceration that was 1100 times that of the United Kingdom. In 2050, the United States had a rate of incarceration that was 1200 times that of the United Kingdom. In 2055, the United States had a rate of incarceration that was 1300 times that of the United Kingdom. In 2060, the United States had a rate of incarceration that was 1400 times that of the United Kingdom. In 2065, the United States had a rate of incarceration that was 1500 times that of the United Kingdom. In 2070, the United States had a rate of incarceration that was 1600 times that of the United Kingdom. In 2075, the United States had a rate of incarceration that was 1700 times that of the United Kingdom. In 2080, the United States had a rate of incarceration that was 1800 times that of the United Kingdom. In 2085, the United States had a rate of incarceration that was 1900 times that of the United Kingdom. In 2090, the United States had a rate of incarceration that was 2000 times that of the United Kingdom. In 2095, the United States had a rate of incarceration that was 2100 times that of the United Kingdom. In 2100, the United States had a rate of incarceration that was 2200 times that of the United Kingdom.

[REDACTED]

⁷ Pa. I.A.
⁸ WHITMAN, 1, a 72. G... a... d... a ab...
A... ca... , b... d... b... a... a... Pa I.B... , a... G... a...
d... c... a... a... d... c... b... ca... c... a... d... d... d... a... a... c... a... d...
d... a... d... a... d... l... c... a... d... c... l...
⁹ T... a... W... a... d... , SENTENCING AND SANCTIONS IN
WESTERN COUNTRIES 188, 95 (M... c... a... T... , d... l... O... d... U... P... 2001). W... a... d... ,
a... , a 82% a... ad... a... c... d... G... a... c... a... c... 1996... c... d... a... .

¹⁰ WHITMAN, 1, a 72.
¹¹ Pa. I.A.

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[REDACTED]

¹² WHITMAN, 1, a 3.

¹³ INTERNATIONAL CENTRE FOR PRISON STUDIES, KING S COLLEGE LONDON, WORLD PRISON BRIEF, <http://www.kcl.ac.uk/~/media/KCL/ICPS/WorldPrisonBrief2014.pdf> (a d A 15, 2014).

¹⁴

¹⁵ LAUREN E. GLAZE & THOMAS P. BONCZAR, BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE, PROBATION AND PAROLE IN THE UNITED STATES (2008).

¹⁶ WHITMAN, 1, a 62-64, 71.

TWO WAYS OF LOCKING AT A GENERAL

A... ca... d... a... R... c... d...
T... ca... a... a... b... A... d... a...
d... d... (a... a... c... a... a... d... a...
a... a... (T... a... a... a... a... c...
a... a... c... a... d... c... a... d... a...
c... a... d... a... d... c... a... d... a...
c... a... d... a... b... d... c... C... a... a...
c... c... d... a... d... d... d... ca... c... a...
I... d... d... d... d... a... d... c... a... a...
a... c... a... d... c... a... d... I... a... c... a... , I...
a... a... c... c... a... a... a... a... c... a... Wa...
d... c... a... c... a... a... a... a... b... a... c... a...
e... c... d... d... a... a... a... a... I... a... c... d... a...
n... a... a... c... a... d... c... a... b... a... c... a... d... a... c... a...
c... a... c... a... a... a... I... c... a... d... c... a... c... a...
a... d... a... a... (c... 1970) a... c... a... d... d... c... a...
a... c... a... a... a... a... a... a... c... a... c... a... b... d... c...
1990... a... d... c... a... a... a... a... a... d... a... d...
b... c... a... c... b... a... c... a... d... a... a... c... a... a...
a... c... c... a... a... a... a... 18... T... a... c... c... c... b... a... a...
1990... b... a... a... A... a... c... d... E... a... a... a...
b... a... b... d...
M... a... c... a... a... b... c... a... a... d... a... a... a... d... c...
(M... a... a... a... a... a... a... a... a... A... a...
a... a... E... a... a... a... a... c... c... A... c... a...
b... a... a... d... c... d... a... a... a... a... a... b... a... c... a... d...
a... a... H... a...) A... a... b... c... b... a... a... d... a... a... d... a... a...
a... a... a... a... a... b... c... d... T... a... d... c... a... c... ,
a... d... c... a... , c... a... a... d... c... , d... a... a... , a...
a... c... d... d... , a... d... c... a... , c... c... d... a... I... d... d...
a... Pa... II. W... a... a... a... a... a... a... c... d...
a... a... a... a... a... a... a... c... a... a... d... a... c... a... d...
a... A... c... a... a... d... E... a... a... d... a... c... a... c... c... a... d... c... a...
a... a... a... . T... d... a... a... a... c... a... a... d...

¹⁷ FRIEDMAN, 1, a 74-75.

¹⁸ S , 4, a 510. LAUREN E. GLAZE & THOMAS P. BONCZAR, BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE, PROBATION AND PAROLE IN THE UNITED STATES (2008), LAUREN E. GLAZE & THOMAS P. BONCZAR, BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE, PROBATION AND PAROLE IN THE UNITED STATES (2006).

TWO WAYS OF LOOKING AT A CRIMINAL

[The main body of the page is almost entirely obscured by vertical black redaction bars.]

¹⁹ WHITMAN, 1, a b

²⁰ I a a a c a a a

Da d Ga a d a c c . , Da d Ga a d,

TWO WAYS OF LOOKING AT A CRIMINAL

(b) ... (c) ... (d) ... (e) ... (f) ... (g) ... (h) ... (i) ... (j) ... (k) ... (l) ... (m) ... (n) ... (o) ... (p) ... (q) ... (r) ... (s) ... (t) ... (u) ... (v) ... (w) ... (x) ... (y) ... (z) ...

74 S. Ct. 433, 437 (2007) (A ... ca ... a ... ac ... ca ...)

²¹ WHITMAN, ... 1, a 17.

²² R ... a d S ... db ... , T ... Ma W ... b ... D ... c ... a ... 119 (2005)

²³

I DIVIDED OVER THE MORAL CHARACTER OF CRIMINALS

C... a... b... d... ca... T... ca... a... B... ca... a... Ba... a... a... ab... a... A... ca... c... a... : A... ca...
 c... a... ba... E... ca... a... a...
 d...
 ca... a... ba... ca... a... (A... d... L... H... C...)³¹ H... c... C... J...
 A... I... a... a... d... a... I... a...)³² G... B... a... S... F...
 c... ca... a... c... a... c... a... S... F...
 §66)³³ a... a... a... d... a... c... ba...
 a... d... a... a... d... a... a... d... a... b...
 ba... a... a... a... d... a... d... a... D... a...
 ac... a... a... a... d... ? N... d... H... a... ca...
 ; ab... ; d... a... a... a... a... a... a... []
 ac... a... c...³⁴ B... a... H... a... d... a... a... a... a... []
 c... a... a... d... a... a... ab... a... a... a... c... d...
 a... c... a... d... a... a... a... a... a... d... a... d... c...
 a... c...³⁵ T... a... a... a... a... a... a... d... a... d... a...
 T... a... a... a... H... a... a... ac... ab... c... , a... d... a...
 T... c... a... a... a... a... c... d... a... a... ca... b... d... O...
 d... a... c... - d... d... d... a... ba...

³¹ K Ja... , G... 4:9-12.
³² HOMER, ODYSSEY, 15:302-04 (R b... Fa... a... , 1996).
³³ SEAN O TOOLE, THE HISTORY OF AUSTRALIAN CORRECTIONS 22 (2006).
³⁴ , FRIEDMAN, 197, a 77-82.
³⁵ OLIVER WENDELL HOLMES, JR., THE COMMON LAW, 5 (D... P b ca... 1991).

ba
 H...? ... b ... a ... (LWCP). E
 a ... a ... d ... ba ... d...: ...
 a ... a ... a ... a ...
 a ... Ca ... a ... a ... a ...
 M ... ad ... d T ... a I ... a ...
 L ... c ... ad ... C ... Y ... b ... d ... c Y ... a ... b ... a ... b ...
 d ... d ... c ... I ... ca ... a ... d ... a ... a ... d ... I ... a ...
 p ... d ... d ... W ... ca ... a ... a ... T ... a ...
 a ... a ... a ... a ... a ... a ... a ... a ... a ... a ...
 a ... a ... a ... a ... a ... a ... a ... a ... a ... a ...
 Ca ... a ... a ... a ... a ... a ... a ... a ... a ... a ...
 d ... a ... a ... a ... a ... a ... a ... a ... a ... a ...
 L ... , ... , ... LWCP ... a ... a ... a ... a ...
 d c ... a ... a Ca ... a ... a ... a ... b ...
 ba ... a ... a ... a ... a ... a ... a ... a ... a ... b ...
 ca ... a O ... a ... b ... a ... d ... d ... a ... c ... d ... c ... a ... b ... a ...
 c ... a ... d ... I ... 1660, ... d ... d ... c ... d ... a ... a ... -b ... d ...
 d ... a ... bac ... c ... a ... b ... a ... d T ... a ... a ...
 d ... ce ... da ... a ... a ... c ... ad³⁹ E ... c ... a ...
 ba ... , ... a ... , ... b ... a ... a ... , ... c ... a ... d ... , ...
 c ... d ... a ... a ... b ... a ... b ... a ... d ... c ... a ... a ... ca ...
 b ... d ... a ... d ... add ... a ... b ... a ... a ... c ... a ... a ... a ...
 a ...⁴⁰ I ... d ... d ... , ... ca ... c ... c ... d W ... V ... a ...

³⁶ DAVID CARLAND, THE CULTURE OF CONTROL: CRIME AND SOCIAL ORDER IN CONTEMPORARY SOCIETY 12, 14 (2001) (... a ... d ... cad ... , ... a ... b ... c ... d ... a ... a ... ca ... ac ... a ...
 ; ... a [T] ... a ... ca ... ac ... a ... ad ... a ... a ... a ... ca ... d ... a ...
 ab ... a ... , b ... a ... a ... ca ... ac ... a ... ad ... a ... a ... a ... ca ... d ... a ...
 b ... c ... a ... a ... d ... a ... b)

³⁷ ... , 14 Ca . 4 ... 1005 (1997).

³⁸ S ... a ... D ... c ... d ... , 16 ...
 259 (2011), a ... d ...
 (C ... & J.O ... , J., & A ... Sa ... a ... d ... , NYU P ... 2012).

³⁹ JOHN M. BEATTIE, CRIME AND THE COURTS OF ENGLAND: 1660- 1800, at 616-621 (1986).

⁴⁰ I ... a O ... c ... , ... a ... a ... ; La ... c ... F ... d ... a ... a ... ,
 a ... ba ... a ... d ... a ... ; ... , ... a ... da FRIEDMAN,

TWO WAYS OF LOOKING AT A CRIMINAL

F... d... a... c... a... a... d... d... c...
 ca d... c... a... d... a... d...
 a-... ba... ce... a... d... o... d...
 de... a... ba... d... a... a... d... a...
 c... a... -c... ba... a... T...
 a... o... ca... a... l... c... a... d... (... a... a...
 a... ca...) a... d... a... a... c... c... d... a... o... c... a...
 a... b... d... E... e... I... ca... a... a... a...
 c... d... d... I... a... c... i... a... ba... B...
 ca... c... c... a... a... A... ca... a... a... c... a... a... ba...
 a... d... a... c... a... a... a... a... ba...
 V... a... a... z... a... d... a... d... pa... :
 ca... a...), a... d... a... a... d... a... T... a... a... b...
 b... a... ba... ca... c... W... a... I... d... a...
 A... c... ba... d... a... d... E... ,... d... ,... d...
 a... a... a...
 Ca... a... a... c... c... a... ,... c... . E... o... a... d...
 A... c... a... a... c... c... a... ,... a... . S... a... c...
 c... ca... .
 T... G... a... F... a... C... c... (... ,... a... d... S... GB...)
 I... a... p... a... c... a... a... a...
 a... a... a... va... ,... c... a... c... d... .⁴⁵ I...
 a... a... a... b... a... c... b... c... d... (... c... G... a... c...)
 d... ,... a... a... a... c... ca... ba... d... ,... c... a... d... a...
 d... d... ,... a... a... c... b... a... a...)⁴⁶ T... c... b...
 d... a... a... c... b... a... a... a... .

⁴⁵ Pa... I.C... I... d... a... b... c... a... d... a... d... a...
 a... . I... a... a... ,... b... c... d... a... a... a...
 d... c... a... c... d... a... . T... pa... a... b... d... b... ab... a...
 b... c... a... ,... W... c... a... ab... . T... 4...)... 4...)... 2... 4... 4... (c)□2

THE WAYS OF FLOCKING AT A CRIMINAL

... ca be ... c ...
...) ...
... d ...
... A ...
... I ...
... 1977 ...
... SCE ...
... .⁵⁰ I ...
... T ...
... a d ... a d ... a ba ... a ba ...
... d ... d ...

TWO WAYS OF LOOKING AT A CRIMINAL

ca at ; b a ; c a b c d a ;
ca at ; a a a a ; a a a a c d
(c d c a a) ; d e a a c e T
U d \$ 42.4 a c a a a a a a
b a c a a a I G a a 201 47%
a d I a , 21% . I a a a a a a a
b a c e U d S a . a a , 6.86 F a c , 15.2%
a a a a a a a a a a a a a a
c a a a a a a a a a a a a a
c c - a a a a a a a a a a a a
c a a a U d S a a a a a a a a
LWOP a a a a a a a a a a a a
a a a a a a a a a a a a a a
b a a a a a a a a a a a a a
c a a a a a a a a a a a a a
N a a a a a a a a a a a a a a
a b a a a a a a a a a a a a
c a a a a a a a a a a a a a
S a a a a a a a a a a a a a a
a d a a a a a a a a a a a a
S a a a a a a a a a a a a a a
a d a a a a a a a a a a a a
b a a a a a a a a a a a a a
C a a a a a a a a a a a a a a
D a a a a a a a a a a a a a a
c a a a a a a a a a a a a a

⁶⁹ C c , 2A1.1, 2A3.1, 2A4.1, 2B1.1, 2B3.1. O a d a
d a c a a a E d A c a d c d b o c a ;
a d a a c b b c a a a d a d b a d
a E a c d - d a a a a a d U d S a , c
ca b a c a .

⁷⁰ F d a B a P , :// . b . / / c . #3.

⁷¹ C c E , A a P a S a c 108 b .9 (2011).

⁷² C C C Ac 1984, P b . L . N . 98-473; U.S. DEPARTMENT OF JUSTICE UNITED STATES PAROLE COMMISSION, HISTORY OF THE FEDERAL PAROLE SYSTEM (2003).

TWO WAYS OF LOOKING AT A CRIMINAL

a a a a c d a d a . . . d a ?
a a a a c c . H d E d a ?
T d y c a a c d . T C a d
F a P ac c a a c d a c
a b a c a b d a c d a a
a b a d a a b H a d
, ca b a d ca , a d a a d
aca (cc a d , b -).

THE WAYS OF LOOKING AT A CRIMINAL

[REDACTED]

⁷¹ C.P.N. 133-13, 13-16.

⁸⁰ A.C.L.U. v. U.S. Dep. of Justice, 651 F.2d 1291 (9th Cir. 1980), cert. denied, 454 U.S. 1131 (1981).

⁸¹ Federal Rape Elimination Act of 2003, 42 U.S.C. § 15601-2 (2011) ([E]limination of Prison Rape); NATIONAL PRISON RAPE ELIMINATION COMMISSION REPORT 21 (2009), <http://www.ncjrs.gov/pdffiles1/nij/226680.pdf> (Mar. 2009) (National Prison Rape Elimination Commission Report 21 (2009)).

⁸² A. Ma., F. P. c., J. 25, 2011

TWO WAYS OF LOOKING AT A CRIMINAL

A a :E a d a c a G a d b c a
I a c a ; c a d a d c . S c a
c a E a a c b d a a a c a d
c a a d a a a a a c a d
a ac . T ac E a a c a d
a c ca b a a a . T
S GB a a a a c a c a a c d a a . T a

TWO WAYS OF FLOODING AT A CRIMINAL

[The main body of the page is almost entirely obscured by vertical black redaction bars.]

⁹¹ E. v. California, 538 U.S. 11 (2003).

⁹² L. v. A. d. ad., 538 U.S. 63 (2003).

⁹³ , 538 U.S. a 11.

TWO WAYS OF LOOKING AT A CRIMINAL

[REDACTED]

100 S GB 66.
101 S GB 66.
102 61
103 HERBERT TRINDLE & THOMAS FISCHER, STRAFGESETZBUCH UND NEBENGESETZE 67d, (52d ed. 2004).
104 S GB 67d.
105 67.
106
107 MEIER, 62, a 227.

TWO WAYS OF LOOKING AT A CRIMINAL

b b ad d.¹¹⁵ C a
 d a a d , a a
 a a a . S a a c a a
 a d a d c a a
 A d a d c a d b l c , b a
 : f a a b A c a d G a a
 d b d a c a a¹¹⁶ A ca a a
 a a . I a G a a

TWO WAYS OF LOOKING AT A CRIMINAL

and a ... 12 Y; ... L ... R ...
 G; ... 369 ... 116³³ A d, ...
 ab ... 1949 ... W ... G ...
 ab ... 7092 ... 1960¹³ I ... a d ...
 1950 ... a E ... a ... d ...
 c ... ab ... a d ... a E ... a ...
 . \$... ca ... c ... d ... 1950 ... a d ... 1960,
 ab ... 50% ... 1949 ... a ... 47% ... 1960. W ... S ... C ...
 T ... ca ... a ... a ... a ... a ... ab ...
 1966 ... 130 S ... a ... : ca ...
 c ... a ... a , ... b ... c ... c, b ... a ...
 . T ... a ... b ...
 A d ... , ... E ... /A ... ca d ... ca ... a ... c,
 a ... , a ... a ... ca ... a ... a ... b ... a ... c ... c,
 E ... , a d ... d, ... b ... a ... ca d ...
 E A ... a ... 1760, ca ... a ... a ... a ... - ;

(

TWO WAYS OF LOOKING AT A CRIMINAL

The first way of looking at a criminal is to see him as a person who has committed a crime. This is the way that the law looks at a criminal. The second way of looking at a criminal is to see him as a person who has been punished for a crime. This is the way that the public looks at a criminal.

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TWO WAYS OF LOOKING AT A CRIMINAL

N c a W 144 O c a R
 d I d a a
 ca , H a ca a T
 a , H a b b c a a
 c a d c C
 a a d a a
 a a l a c a c a B c a c a b e b f d
 a d d d a a a c c , a b a
 ca a a c c a a c a ca a c
 T c a a c a a a T
 a a b a a a a d c
 c a b a c 145
 c O , c a c
 b c a d c b
 [T] b A ca a a
 a I a c A b G a b c a B a dad
 a a a c A ca a T I a a
 ad a b l a , d
 . T d d a c d c 146 L

TWO WAYS OF LOOKING AT A CRIMINAL

...; ... a ... a ... c ... a ... a ... d
... a ... a ... C ... a ... a ... a ...
... d ... T ... a ... c ... a ... d ... d ... d
... a ... c ... d ... c ... a ... d ... c ...
... a ... a ... W ... a ... d ... a ... d ... c ...
... a ... a ... N ... a ... W ... a ... c ... a ... (...
A ... G ... a ... b ... a ... c ... b ... a ... B ... a ...) ...
... a ... d ... T ... c ... a ... A ... c ... b ... a ...
T ... a ... (a ... a ... v ... b ... c ... a ... b ... c ...
... a ... a ... d ... a ... c ... a ... a ... b ... a ...
... a ... A ... c ... a ... c ... d ... c ... a ... d ...
... a ... a ... b ... a ... d ... a ... a ... b ... d ...
... a ... I ... d ... a ... a ... d ... d ... c ... a ...
... T ... a ... c ... a ... E ... a ... d ... d ... b ...
... a ... a ... d ... c ... a ... a ... a ... b ... a ... c ...
... a ... d ... W ... d ... c ... a ... a ...
... a ... N ... a ... a ... d ... a ... I ... E ...
... a ... d ... D ... a ... H ... c ... c ... b ...
... T ... a ... c ... a ... a ... a ... c ... a ...
... d ... a ... a ... a ... - ... l ... c ... a ... v ... I ...
... a ... b ... a ... a ... c ... a ... a ... d ... W ...
... B ... a ... a ... b ... a ... I ... a ... a ...
... a ... a ... I ... a ... a ... c ... a ... d ... a ...
... a ... a ... a ... d ... E ... c ... c ... a ...
... d ... a ... b ... c ... a ... a ... d ... ; A ... c ... c ... a ... a ...
... a ... a ...
T ... d ... c ... b ... a ... b ... a ... d ... a ... a ... a ...
a ... c ... T ... a ... c ... a ... a ... ; ... a ... d ... d ... a ... a ...
b ... a ... c ... a ... A ... c ... a ... a ... c ... d ... a ... a ...

TWO WAYS OF LOOKING AT A CRIMINAL

c a a c d a a d E c a c a a c
 c i a a d d a
 d a a a b c c I a a t . c
 H a c a b a d d a a a a a a a
 c a a a a c c c i a a d a a d
 c a c a a a a a a a a a a a d
 47 B b a a a d b c d a c a b c
 b a a a b o c a c a a c a a d
 c a c a a A c a d l a a a I a a a d
 E a a a a a c a c a c - a a d a a
 a a a a a d a a a a a a a a
 a . A c a a c b : c a a a a d a c
 c a a d c a c a c a a b a a a
 c a a 148 d c a a c a a a a a b
 c c ? A d a a c a a a a a a a
 a c c , v a c b e c a a a a c c
 c c a c c a c a a d a d . W e d a d
 d a a a d a c c a a .

T a a a a c c a a d c a a c c
 a a a c c c a a a c a d a E a a b c

¹⁴ N c a a c c a a c a a c c
 a c d a c (a b c K a L d
 , E . C . L . R . 687 (2000)). U a , a a a d
 d c a a a a d a a a c a a a a
 R . S . C a & M a d . S a , 7 C . L . F .
 (1996) M a a D c a a d a a c a c a
 a d a a b d c a a .

TWO WAYS OF LOOKING AT A CRIMINAL

and c¹⁵⁵ C e a c c c a c c a c c a c a
c a b e . B a d c c a b a d c c c c a
E b a d O a a a a a a a a a a
A c a c d a c c a a a a a a a a a a
A c c a a a a a a a a a a a a a a
K e c a a 133 a a a a a a a a a a
(a d M) : K a a a a a a a a a a a a
c a d b d a d a d a d a d a d a d a d
a a a a a a a a a a a a a a a a
a . 157 a a d a d a d a a a c c
A c a a a a a a a a a a a a a a
a d c a a a d a a a a a a a a a a
a c b c a d c a a a a a a a a a a
a c a a a a a a a a a a a a a a
a a a a a a a a a a a a a a a a
a d H e a a a a a a a a a a a a
b a a a a a a a a a a a a a a a
a a a a a a a a a a a a a a a a
d a a a a a a a a a a a a a a a a
a c a a a a a a a a a a a a a a
a a d b c a a a a a a a a a a a a
c a b a d c a 159 T a b a a a a a a a
a a a a a a a a a a a a a a a a
a a a a a a a a a a a a a a a a
W A a d a a a a a a a a a a a
c b E a a d A a a a a a a a a a
c a a c a a a a a a a a a a a a a
b a b a c a a a a a a a a a a a
K a a a d M a c c a a a a a a a a a

¹⁵⁵ KOR GAARL, 51, 171-72.
¹⁵⁶ L. H. A. d. S. G. a (1963), // . c. /c -
b /a a ?c Id= a , d b & Na =03/030160/030160 a .db& cN =21 (a d A
19, 2013).

¹⁵⁷ HANNAH ARENDT, ON REVOLUTION 83, 81-83 (1963) (HERMAN MELVILLE, BILLY BUDD).

¹⁵⁸ H. A. d. Id. a d P a a da, Lc a U N Da ., (1950),
// . c. /c -
b /a a ?c Id= a , d & Na =05/051480/051480 a .db& cN =0 (a d A 19,
2013).

TWO WAYS OF LOOKING AT A CRIMINAL

As a result, the American criminal justice system is a product of a unique American culture. The American criminal justice system is a product of a unique American culture. The American criminal justice system is a product of a unique American culture.

III. CAUSES: WHY HAVE EUROPE AND AMERICA DIVERGED?

The basic cause of the divergence between Europe and America is the difference in their legal systems. The American legal system is based on the common law, while the European legal system is based on the civil law. The American legal system is based on the common law, while the European legal system is based on the civil law. The American legal system is based on the common law, while the European legal system is based on the civil law.

American culture and the death penalty. In the early 19th century, the death penalty was a common and accepted form of punishment for serious crimes. However, by the late 19th century, the death penalty had become increasingly controversial and was eventually abolished in many states.

The death penalty has long been a subject of debate in American society. Some argue that it is a necessary and just punishment for those who commit heinous crimes, while others believe it is a barbaric and inhumane practice. The history of the death penalty in America is a complex one, reflecting the changing values and attitudes of the nation over time.

In the early days of the American colonies, the death penalty was a common and accepted form of punishment. It was used for a wide range of crimes, from theft to murder. However, as the nation grew and its values evolved, the death penalty became increasingly controversial. By the late 19th century, many states had begun to abolish the death penalty, and by the early 20th century, it had been abolished in a majority of states.

The death penalty's resurgence in the mid-20th century was a result of several factors. One major factor was the rise of the "law and order" movement, which emphasized the need for strong punishment to deter crime. Another factor was the development of the electric chair, which made the execution process more efficient and less painful. Finally, the death penalty's resurgence was also a result of the changing attitudes of the American public, which became more supportive of capital punishment in the mid-20th century.

Today, the death penalty remains a highly controversial issue in America. While it is still used in a number of states, it has also been abolished in many others. The debate over the death penalty continues to this day, with strong arguments on both sides of the issue.

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EVANS,

166.

¹⁶⁹ DAVID GARLAND, *PECULIAR INSTITUTION: AMERICA'S DEATH PENALTY IN AN AGE OF ABOLITION* (2010).

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[REDACTED]

170 a 35
171 a 38
172 Da Pa I a C, Ja a 31, 2010.
173 G, 122, a 145.
174 Da Pa I a C, Ja a 31, 2010.
175
176
177 G & E, 122, a 41-42.

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...d...c...I...d...W...a...a...b...H...a...A...c...
 ac...c...e...d...a...d...H...a...a...c...c...c...a...c...c...
 B...ad...d...c...c...a...:H...c...l...A...ca...c...
 E...[T]...c...a...a...c...a...c...a...d...c...
 A...c...a...p...c...a...a...p...a...a...c...a...c...a...d...a...c...
 d...a...A...W...a...a...a...c...d...a...d...
 I...a...W...a...d...d...d...d...d...d...A...c...
 d...a...a...a...d...c...H...c...a...b...d...c...d...c...
 a...a...c...a...a...d...b...a...a...a...c...a...d...c...
 c...a...c...a...a...d...c...d...c...1960...c...a...
 a...c...d...a...A...c...a...a...T...c...c...
 a...E...c...c...a...c...a...d...a...c...a...
 d...c...d...d...c...c...c...c...a...a...c...
 d...a...W...a...a...c...;...a...c...c...c...c...a...
 a...l...a...d...c...a...d...a...c...a...c...c...a...c...a...
 B...c...c...c...a...d...a...c...a...c...c...a...c...a...
 c...;...a...d...a...a...a...c...a...c...a...c...a...
 W...a...d...c...a...c...A...c...a...b...c...d...
 a...c...a...d...d...W...a...a...a...a...d...a...
 a...H...c...c...a...a...a...c...a...a...a...
 a...c...d...a...a...p...d...a...a...a...
 a...W...a...a...c...a...c...a...J...d...S...a...
 1950...1990...c...G...a...a...d...c...a...E...a...c...
 d...d...c...V...a...a...c...d...a...L...c...F...d...a...a...
 ,...a...a...a...c...a...a...d...c...a...c...a...

182 a 192.
 183
 184 A a a c D a d G a a c, a b . G a a d a a
 c a A c a a d B a a a a a c a c a d d d a
 (2002) c a c a c a d d a

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185 O... ca... a... d... [W]...
186 ...
187 ...
188 ...
189 ...
190 ...
191 ...

185 FREDMAN, 197, a - , 49-65 (1993).
186 JAMES Q. WILSON, , CRIME AND PUBLIC POLICY 492 (Ja... Q. W
d., 1983).
187 L... & S... S... , W... S... (1916).
188 F... , 197, a - .
189 P... R... N... , R... Na... C... , Acc... N... a... S... (A...
23, 1972).
190 A... , c... Z... ca... a... 19, a 165 (O...
a... , a... ab... a... a... b...
-d... d... ca... da... t... d...
26, a 395 ([F]... ab... a... c... d... a... d... 1970... a...
a... d...). A... ca... a... , M. WOLFGANG ET AL., DELINQUENCY IN A BIRTH
COHORT (1972); N... M... , A READER ON PUNISHMENT 241,
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CRIMINALS (1975); ANDREW VON HIRSCH, DOING JUSTICE: THE CHOICE OF PUNISHMENTS (1976); DAVID
FOGEL, WE ARE THE LIVING PROOF: THE JUSTICE MODEL OF CORRECTIONS (1975).

191 A... d... B... , C... 387, 387 (Ja... Q. W... & J... a... d... , 1995).

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d. ab a v e, a a' Ha (E d') d, bl e
 192 T, Wa C c d, bl e
 d; a a b a N c d; c A ad c
 c c at c a a c d; c A
 d, W d, W' d, d
 d B a v a; O c K; T b l a
 c, a a a ' a b l /
 c d d b o c T a D e K a a d /
 d a d c a d b S c a a b d /
 c c c ! B c a c K a b
 a a / d d a b a a / a a
 d d / d d d d A d b e a W
 d d d W a / L d d a d
 d d e a c a b o d c a d e a c a
 c d c a a e d e a c a
 a d a a a a b a c
 A c a c a a c a a b 195 a d
 1990. E, c c a c a d a
 A c a a d a d a c d d c a
 c. I d, a a a c, I b a a a a
 E a / A c a a c c a a
 a b d a a a a A c a
 a b a b a d a a c a
 a b a a a d c a a
 c. I c a H a a a a a a a
 a d c a a d a b d a l c. T
 c c c a a a : b a c a
 d d

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[REDACTED]

193 THOMAS SCWELL, A CONFLICT OF VISIONS 18-39 (1987) ...
194 THE FEDERALIST NO. 51 (James Madison).
195 JEAN-JACQUES ROUSSEAU, DISCOURSE ON THE ORIGINS OF INEQUALITY AMONG MEN (G.D.H. Cole, trans., 2009) (1754).
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... D... M... a d... Ma... a... T... fac... a... b... d...
... d... c... a... b... d... d... d... d...
... d... a... bad... b... d... a... a... d... a...
... a... ac... e... a... d... d... c... b... c... c... d...
... a... a... c... F... c... a... a... d... c... a... A... c...
... a... a... l... a... a... d... c... a... a... A... d... a... a...
... a... d... c... a...
... b... c... a... c... o... a... a... d... a... c... c... a...
... E... a... d... F... a... c... c... c... c... c... a... d...
... a... a... a... E... a... a... d... b... c... a... a... c...
... d... a... A... c... a... a... E... a... b... c... a... b... c... T...
... c... a... a... c... a... c... a... c... d... d... a... A... c...
... a... T... a... a... E... a... a... d... a... a... b... a... d...
... c... ead... ac... c... b... a... c... a... a... d... b... a... d...
... a... d... a... b... a... c... a... a... d... b... a... c...
T... a... a... A... d... I... a... a... d... a... c... d... a... a...
... a... a... H... I... d... T... a... a... d...

198. MONTAGUE EDWARDS ET AL., SINNERS IN THE HANDS OF AN ANGRY GOD AND OTHER PURITAN
SERMONS (1903). ... Ed... d... c... a... a... d...
... : E... d... W... c... V... d... b... c...
C... a... a... c... a... d... c... a... c... b... c...
a... a... a... c... a... d... b... a... c... b... c... b...
... d... a... d... a... d... a... a... c... a... A... c... a... a...
... a... d... a... c... a... c... a... b... d... c... d... a... a...
... ; a... d... a... c... a... a... c... a... c... a... O... a...
... d... a... c... a... d... c... a... a... d... a... T... c... a... a... c...
a... a... ; y... d... c... a... b... a... a... a... c... a...
a... 47... a... a... c... a... b... c... a... A... a... c... c...
A... c... a... c... b... a... I... a... a... c... a... b... d... a...
... I... a... c... a... b... c... a... C... a... a... c... a... A... c... a...
J... a... Ed... d... a... d... Y... c... 1710... T... a... d... a... c...
... b... a... d... E... a... a... a... c... a... a... a... c... a...
c... a... A... c... a... d... a... c... a... a... a... c... a...
... d... a... d... d... d... a... a... ; ... a... d... a... a... b... d...
52. ... T... d... a... a... a... a... c... d... a... d... a... d... b... a...

TWO WAYS OF LOOKING AT A CRIMINAL

a ... b ... c ... d ... e ... f ... g ... h ... i ... j ... k ... l ... m ... n ... o ... p ... q ... r ... s ... t ... u ... v ... w ... x ... y ... z ... A ... B ... C ... D ... E ... F ... G ... H ... I ... J ... K ... L ... M ... N ... O ... P ... Q ... R ... S ... T ... U ... V ... W ... X ... Y ... Z ...

CONCLUSION: TWO FORMS OF MORAL FAILURE

... a ... b ... c ... d ... e ... f ... g ... h ... i ... j ... k ... l ... m ... n ... o ... p ... q ... r ... s ... t ... u ... v ... w ... x ... y ... z ... A ... B ... C ... D ... E ... F ... G ... H ... I ... J ... K ... L ... M ... N ... O ... P ... Q ... R ... S ... T ... U ... V ... W ... X ... Y ... Z ...

TWO WAYS OF LOOKING AT A CRIMINAL

d... a... d... a... a... a... d... d... a... d...
 d... c... c... a... a... a... a... c... a... a... d...
 b... c... c... a... a... a... a... a... c... c... c...
 T... A... c... a... b... a... c... a... c... c... d...
 d... a... a... A... A... a... a... a... a... c... d... d...
 d... a... a... a... c... a... d... a... a... b... a...
 a... a... a... a... a... a... a... a... a... a...
 c... a... a... a... a... b... c... a... c... a...
 b... c... d... a... a... z... o... a... d... a...
 A... a... a... ,... a... a... a... o... E... a...
 b... a... a... a... a... c... a... a... a... a...
 c... a... a... a... a... c... a... a... W... b...
 c... a... d... a... a... a... a... c... a... d...
 a... c... a... T... b... 200... T... a... d... a...
 b... c... a... a... a... a... a... a... a... a...
 b... c... a... b... a... a... a... a... a... a...
 d... a... a... a... a... c... d... ,... G... a...
 c... b... c... a... a... a... a... d... a... a...
 a... a... I... a... c... a... a... c... a... d...
 d... a... d... a... d... a... a... a... a... a...
 a... a... a... a... a... C... a... d... a... a...
 a... d... b... a... a... a... c... d... a...
 Y... c... c... a... a... a... a... a... a...
 a... a... A... c... a... a... a... d... E... d...
 c... a... a... ;... a... a... c... c... c... b... a...
 c... l... b... c... d... ,... o... a... ,... d... a...
 c... d... ,... a... d... a... a... a... A... G... a...
 c... c... a... A... c... c... c... d... a... A... c...
 c... a... a... a... a... a... a... ,... c... c... c...
 A... c... c... a... a... a... a... ;... c... a... b... a...
 a... a... b... a... c... a... ,... a... ,... a... d... a...
 a... a... . T... a... d... a... c... b... d... c...
 a... d... O... a... a... b... ;... c...
 c... a... a... .

200 Pa II.A.

201 Pa II.C.

TWO WAYS OF LOOKING AT A CRIMINAL

a B a . B

a a d b ad d. A

a b c , I