

Chapter 13

The Other Piece of the Puzzle

*Justice does not consist of punishing the aggressor,
but of making the victim whole.*

Righting Our Wrongs

So far, we've seen how our aggression, meant to protect us from selfish others, is a cure worse than the disease. Can we deter those who would harm us without becoming aggressors ourselves?

We know what we'd do if we accidentally put a baseball through our neighbor George's window. We'd go to him and offer to fix it. If George had been cut by flying glass, we'd pay his doctor bills. We might even offer George something to make up for his discomfort. George would be unlikely to hold a grudge against us if we "made things right" again.

If we didn't volunteer to pay for the window, George would probably be angry. If he had us arrested, we might go to jail. George would still have a broken window to fix and perhaps doctor bills as well. In today's system, he'd also pay taxes to cover the cost of apprehending, convicting, and imprisoning us. It's doubtful that George would feel very positive about dealing with us in the future.

The situation would become even more unbalanced if we were to actually gain from our "crime." Had we stolen George's valuable coin collection instead of breaking his window, we might come out ahead, even if we spent a few days in jail. We might decide that crime pays and continue our aggressive behavior.

Apparently, many criminals have come to the same conclusion. Of those imprisoned, almost 80% will be arrested 5 years after release and 50% will be convicted.¹ Crime today is often committed by "career criminals," who average more than 100 offenses per year.²

Perhaps we should not be surprised that aggression permeates our culture. As we saw in earlier chapters, we've condoned aggression of the majority

against the minority. We've taught others that a "good cause" can justify stealing George's wealth—at gunpoint, if necessary. Burglars, rapists, and murderers may rationalize that looking out for Number One is the best cause of all.

Nonaggression Wins the Game

The first step in putting an end to aggression is to stop teaching it by example. We cannot cast stones when we ourselves are guilty. Next, we must respond to aggression in a way that will deter aggression in the future rather than perpetuate it.

The second principle of the Good Neighbor Policy, righting our wrongs, discouraged us from aggression as children. Breaking other children's toys didn't make much sense if we were going to have to replace them out of our allowance. When what we gave out was reflected back to us, we learned quickly how to be Good Neighbors.

A well-known psychological game, the Prisoner's Dilemma, which mimics how honesty is learned, actually predicts this outcome. In the Prisoner's Dilemma, two prisoners must decide, when held apart from each other, whether to keep their pact to remain silent. If they are both true to their promise, they will each gain freedom (3 points apiece). If both break their promise and incriminate the other, they both end up in prison (1 point apiece). In both cases, they reap what they sow.

However, if they each choose differently, the promise breaker goes free (5 points), but the incriminated prisoner goes to jail (0 points). When both prisoners choose differently, one ends up feeling like a "sucker" and the promise breaker feels that dishonesty is the best policy. In addition to the physical outcome (prison or freedom), there is a psychological payoff as well, reflected by more points for the promise breaker and less for the sucker. Now each prisoner is not reaping as they have sown. The aggressor (promise breaker) comes out ahead.

The point system reflects the cynical view of human nature that is prevalent in our culture today. If selfish others betray our trust, we can lose only by being honest. If they are honest, we still gain more by cheating! Doing unto others before they do unto us seems to be the best alternative. This viewpoint is reflected in our aggressive laws, as described previously in Part II.

How did honesty, cooperation, and the Good Neighbor Policy ever evolve in a system that seems to favor aggressors and penalize those who keep their

promises or contracts? If the Prisoner's Dilemma has any relation to reality, some other factor must be involved. When players have to deal with each other *repetitively*, they adapt to each other's response.

This discovery was made when computers were programmed to play the Prisoner's Dilemma repeatedly with different strategies. One strategy always cheated. Another strategy always was honest. One strategy cheated twice for every time the other broke a promise. Another was honest until the other player broke his promise, and so on.

Some of the strategies were quite complex. Computers were used to play each strategy a specified number of times and keep score. The tournaments were replicated many times, varying strategies and the number of repetitive interactions. One strategy, however, almost always came out ahead.

This winning strategy was called TIT FOR TAT. In its first interaction with another strategy, it dealt honestly. After that, TIT FOR TAT reflected back what the "other" had done last. If the other program had been honest, TIT FOR TAT was too. If the other program had defrauded, TIT FOR TAT cheated in the next interaction. Other computer strategies quickly learned how TIT FOR TAT worked and began to deal honestly to create a win-win scenario.³

TIT FOR TAT practiced the first principle of nonaggression as did every program that scored in the top half of the games. TIT FOR TAT never was the first to defraud. When TIT FOR TAT encountered an aggressor (a program that defrauded first), it reflected exactly what the other gave it—nothing more, nothing less.

TIT FOR TAT won the game by converting aggressors to non-aggressors. It first set a good example and then allowed aggressors to experience the fruits of their actions. In essence, TIT FOR TAT modeled the Good Neighbor Policy.

Of course, computer games and real life often bear no relation to each other. However, the TIT FOR TAT strategy is commonly used throughout the animal kingdom to teach cooperation. Stickleback fish, divorcing couples, and even enemy combatants in trench warfare instinctively use TIT FOR TAT to create cooperation in the midst of strife. Such findings have made the Prisoner's Dilemma and the TIT FOR TAT strategy a starting point for studies in many diverse fields ranging from evolutionary biology to networked computer systems.⁴ Because TIT FOR TAT so strongly resembles the Good Neighbor Policy, it may give us insight for creating a world of peace and plenty.

As seen in the preceding chapters, we often try, unsuccessfully, to deter aggression with aggression. The tournaments with the Prisoner's Dilemma suggest that aggression elicits retaliation, not cooperation. Perhaps that's why we found in Part II that aggression was a cure worse than the disease!

TIT FOR TAT's success also implies that we deter and rehabilitate aggressors best when we allow them to experience the fruits of their actions. If we break George's window, we repair it and thereby learn to be more careful in the future. Righting our wrongs "rehabilitates" us and dissipates any hostility that we have caused. We recreate the peace and wealth that we have destroyed.

Unfortunately, in our society, aggressors rarely experience the fruits of their actions by making their victims whole again. Most are never caught. We'll learn a better way to deal with this problem in Chapter 16.

Even when they are caught, however, less than one-third of convicted burglars are even imprisoned.⁵ Because only one prison term is served for every 164 felonies committed,⁶ aggressors often look at imprisonment as simply the cost of doing business as a career criminal.

Usually, aggressors are not required to repair the damage they've done. Imprisonment as punishment does not help them experience what their actions have cost others or defuse the hostility that they have caused. Thus, aggressors rarely take responsibility for their crimes and may actually feel victimized by "the system." As a result, they continue to prey upon others.

A Better Way: Restitution

The principles of restorative justice are consistent with those of many indigenous traditions, including Native American, Hawaiian, Canadian First Nation people, Aborigines in Australia, and the Maori in New Zealand. These principles are also consistent with values emphasized in nearly all of the world's religions.

—Mark Umbreit
Western Criminology Review

How could we implement TIT FOR TAT's strategy to deter aggression? To a large extent, Japan already has. Its system of apology and restitution to domestic crime victims has made Japan the only industrialized country where crime rates have fallen every year since World War II.⁷

In Japan, once a wrongdoer has been caught, he or she is expected to negotiate a settlement with the victim. Usually a mediator, often a relative of the offender, visits with the victim. First, through the intermediary, the aggressor apologizes to the victim and offers restitution. After a period of negotiation, the victim may

accept both the apology and the settlement. He or she will then write a letter to the judge, expressing satisfaction with the offer. The offender receives a light fine or sentence, because the judge is satisfied that the wronged party has been made whole again.

If the victim and aggressor cannot agree on a settlement, the judge must decide if the victim is simply being unreasonable, or if the aggressor is not sorry enough to make a good-faith bargaining effort. If the judge finds fault with the criminal's offers, a harsh sentence is imposed. Thus, offenders have a great deal of incentive to make things right for their victims.⁸

When aggressors experience the harm that was done, they are, in essence, receiving the "punishment" that TIT FOR TAT gives cheaters. They learn honesty, as evidenced by Japan's lower crime rates and fewer repeat offenses.⁹ Most career criminals start with small offenses. In Japan, they are twice as likely to get caught as in the United States,¹⁰ in part because victims have something to gain (i.e., restitution) by turning to the authorities. When criminals reap what they sow, they are more likely to turn away from crime before it becomes a career.

Western nations are starting to reintroduce restitution into their victim-offender mediation programs. In face-to-face dialogues, both victims and aggressors can express their feelings. Ninety-five percent of such meetings result in a consensus on appropriate restitution, much as similar negotiations in Japan might do. Restitution is usually financial, although personal service to the victim and community service are sometimes included as well.¹¹ Mediation programs report contract fulfillment of 79–98%.¹²

Reconciliation meetings between victims and aggressors can be healing to both parties. Ms. Brugger of Elkhart, Indiana, plagued with insomnia after two burglars raided her home, was finally able to rest soundly after speaking her piece and receiving promises of restitution.¹³ Although the possibility of restitution motivates many victims to enter mediation, they often find that telling the offender how they feel is even more satisfying.¹⁴ Victims are less likely to experience post-traumatic stress disorder from the aggression as well.¹⁵

A thief must certainly make restitution, but if he has nothing, he must be sold to pay for his theft.
—*The Holy Bible*
Exodus 22:3

Aggressors also feel differently after mediation, making comments such as "I realized that the victim really got hurt and that made me feel really bad" and "I had a chance of doing something to correct what I did without having to

pay bad consequences.”¹⁶ As one might expect from such comments, offenders involved in mediation are less likely to commit additional crimes than those who are imprisoned.¹⁷

Restorative justice, the term used for this process, is spreading throughout the world for property crimes as well as murder and sexual assault.¹⁸ Both victims and offenders find that a great deal of healing occurs in these supervised meetings. When aggressors express sorrow at the suffering they cause, victims find a greater measure of peace.¹⁹

An Even Better Way: Full Restitution

Requiring aggressors to fully right their wrongs might deter criminals even further. Victim restoration is only part of the true cost of aggression. Catching offenders, holding them until the case is resolved, and even the mediation process itself are costly. Taxing other members of society, including the victim, to pay those costs creates additional victims. Indeed, those expenses are likely to dwarf the value of goods stolen in most burglaries. Full restoration requires that aggressors cover these costs as well.

How might such a justice system work? Because most aggression involves theft or burglary,²⁰ let’s first examine how such violators might fully right their wrongs.

Thieves would be expected to negotiate a settlement to compensate the victim and pay for the costs of apprehension, mediation, and any other losses resulting from their crime. If the victim carried insurance, the company could pay the victim immediately and collect from the thief. Uninsured victims might receive payments, with interest, from the offender. Depending on the crime, some victims might accept personal services (e.g., painting, grass cutting) from the wrongdoers as part of the compensation.

... inmates rate the private facilities as substantially better and substance abuse programs and that the inmates’ mood was substantially better in the private facilities as well.
—Bruce Benson
To Serve and Protect

Thieves who refused to make payments might be put in a prison factory. They could earn money to pay their debts along with the added costs of their imprisonment. The harder the inmates worked, the sooner they would be released. Prisoners could choose the prison that helped them make the most money in the least amount of time, given their particular skills or experience. The ability to choose a prison and transfer would help minimize inmate exploitation and maximize prisoner pay.

Private prisons keep costs down²¹ and quality up. In addition to outperforming public facilities, private prisons have lower escape rates and fewer inmate disturbances.²² If inmates had transfer privileges, an abusive facility would lose prisoners. Business and profits would suffer. Each prison would reap what it sowed.

Contrast this self-regulation of the marketplace ecosystem with our current situation. Although 150 county governments and 39 states were charged with violating prison regulations in 1984, prisoners rarely receive any compensation for their mistreatment.²³ Transferring to a more humane institution is not an option.

Obviously, imprisonment greatly increases the debt a thief would be required to pay. Most thieves would make regular payments to the victim, or the victim's insurance company, to avoid prison and its added costs.

Taxpayers would no longer need to support those who did not agree to right their wrongs. Because food and other commodities would have to be purchased from the prison store, criminals who refused to work would have to rely on charity for sustenance. Inmates would be motivated to take responsibility for their lives.

Prisoners who refused to work would be unlikely to starve to death, however. Most prisons would probably provide a simple, but not necessarily appetizing diet for such individuals. Charitable individuals or groups could help support prisoners if they felt circumstances warranted such compassion. Repentant young offenders facing a lifetime of payments for a single mistake might find charitable sponsors to shoulder part of their debt.

Nevertheless, some uninsured victims might never be fully compensated. Partial payment, however, would be better than nothing, which is what they usually receive today.

Are prisoners capable of creating wealth even when imprisoned? In the early 1900s, my great-grandfather's factory gave inmates of the Missouri State Penitentiary jobs making saddle parts. Not only was the prison self-supporting, it also made a small profit.²⁴ The inmates grew their own food and manufactured brooms and men's clothing. The prison prided itself on the health of the prisoners, noting that epidemics were rare and the death rate was "less

During the nineteenth century many state prisons actually were able to finance their own operations and turn over surplus funds to state treasuries.

—Bruce Benson
To Serve and Protect

Study after study finds that employment before release not only improves behavior behind bars, but serves as the strongest antidote to recidivism after release.

—Morgan Reynolds
The Feds and Rational Prison Policies

than that of the average village.” Self-financing prisons were common in the nineteenth century.²⁵

Today, many companies employ inmates.²⁶ One private corporation, Prison Rehabilitative Industries & Diversified Enterprises (PRIDE) of Clearwater, Florida, manages 42 prison work programs with 400 different jobs. Only 11% of prisoners who work for PRIDE 6 months or more return to prison within two years after their release.²⁷ In 2012, armed with the experience and training given by PRIDE, the average worker started at over \$10/hour after serving their sentence.²⁸ Clearly, this rehabilitation works!

Prison wages are used to pay taxes, costs of imprisonment, restitution, and family support.²⁹ Some individuals on probation contribute to the cost of their supervision while working at regular jobs.³⁰

Until 1980, inmates of the Maine State Prison manufactured arts and crafts, which were sold through the prison store. Individuals made as much as \$30,000, which would be equivalent to a six-figure income today. Some of their businesses were so successful that the prisoners no longer wanted to commit crimes.³¹

In such an environment, inmates could gain work experience. Unskilled prisoners could participate in training programs to raise their hourly earnings. Instead of learning better ways to steal, they would learn alternatives to stealing. Restitution through productive work is the most successful rehabilitation known.³²

Of course, aggressors sometimes harm others in ways that cannot be totally undone. Monetary compensation to a person who has been raped or maimed, or to families whose loved ones have been killed, does not make things right again. In some cases, the victims, their family, or their insurance company might accept a monetary settlement as the best compensation available. A repeat offender might be imprisoned permanently so he or she could not harm others. In a self-supporting prison system, victims would not have to clothe and feed those who had harmed them, as they do now.

Less Aggression Equals Less Crime

Today, it’s difficult for young people to learn how to create wealth. When we destroy jobs by implementing minimum wages and licensing laws, unemployment and criminal activity rise.³³ Increasing welfare payments by 50% doubles the crime rate among young black men,³⁴ probably by encouraging breakup of the family as described in Chapter 11. When our aggression keeps

the disadvantaged from creating wealth, stealing becomes an attractive option. When we destroy jobs with aggression, our chances of becoming crime victims increase. We reap what we sow.

Making sure that aggressors repay their victims could require the use of retaliatory force. Retaliatory force, by definition, is not first-strike force, but a response to first-strike force. Retaliatory force stops aggressors or compels them to compensate their victims. Using more force than is necessary to accomplish these ends can make us aggressors too. In the computer games, strategies that defrauded twice for every time that the other cheated did not do as well as TIT FOR TAT.

Turning the other cheek can discourage aggressors when they are not aware of what they are doing. India's Mohandas Gandhi understood this principle well. He and his followers engaged in nonviolent civil disobedience, allowing themselves to be imprisoned, beaten, or even killed to demonstrate the true nature of the British colonial government. The more violence the British employed, the worse they looked. The British, who did not wish to consider themselves aggressors, eventually changed their ways.

Gandhi's experience suggests that we do better when we err on the side of forgiveness, especially in situations where people "know not what they do."

Indeed, when the computer tournaments described earlier were changed so that a cooperative move was occasionally mistaken for fraud, a "generous" TIT FOR TAT scored more points than the original version. Forgiving aggression 10% of the time ensured that a misinterpreted move didn't create an endless echo between two TIT FOR TAT players. Because mistakes in the real world are frequent, erring on the side of forgiveness is a practical strategy.³⁵

TIT FOR TAT teaches cooperation better than any other strategy. However, when we mistake how the other person is reacting to us, or if we occasionally send the wrong signal, erring on the side of forgiveness and contrition is appropriate.

Computer games have their limitations, but they do give us valuable insights. The successful TIT FOR TAT strategies all suggest that we should err on the side of less force, not more. Good Neighbors win the game!

A Better Way

When aggressors right their wrongs, everyone benefits. Victims are made whole again. Aggressors have the satisfaction of knowing that they have truly paid their

debt. Taxpayers get relief when aggressors pay the costs of their own capture and imprisonment. Prisoners don't lose years of earning power and work experience or suffer as much abuse. Prisons profit. Everyone wins!

In Part II, we examined how we've used aggression-through-government to control those who would harm us. In many Western nations, punishment was more common than restitution. Victims understandably felt cheated and wanted more prevention. Rather than deterring crime by moving from punishment to restoration, we tried to fight aggression by becoming aggressors ourselves. We could have made a better choice.

Instead of enacting licensing laws, for example, we could have required fraudulent service providers to compensate those they had harmed. Physicians who lied about their training and experience or pharmaceutical firms that made false claims about their drugs would have faced a powerful deterrent. Restitution, especially when it includes the costs of apprehension, mediation, and imprisonment, could absorb a life-time of earning power. Although such offenders would be able to keep some of what they earned for survival and motivation, they would be unlikely to enjoy much luxury.

Bankruptcy would not be the easy option that it is today, because only victims or their surviving family could forgive the debt. Any service providers who lied about their credentials would be more visible and easier to catch than a hit-and-run driver or a thief in a dark alley. The high probability of being caught would serve as a powerful deterrent against fraud.³⁶ Restitution would deter dishonest service providers without the negative consequences that accompany the aggression of licensing laws.

Of course, individuals and businesses would not be held liable for risks that the consumer had agreed to take. People who chose to take a drug when told by the manufacturer that testing was incomplete, might have little recourse in case of injury. A person who hired a surgeon who freely admitted that he had no training would have difficulty mounting a malpractice lawsuit.

Restitution might also influence corporate liability. A corporation is a business that is held responsible for the damage it does only to the extent of its holdings. Owners (stockholders) and most corporate officers cannot be held personally liable, except in unusual circumstances. Aggression-through-government limits victims' restitution either from corporate decision makers or the owners who hired them.

A better way of protecting businesses and investors from unforeseen liabilities while permitting victims to seek compensation is through insurance. Careful businesses would enjoy low premiums, while insurers would charge careless firms more. As a result, businesses would reap what they sow.

Victims with too few resources to prosecute their aggressors could hire a lawyer on contingency, just as many do today. Frivolous lawsuits would be less usual, because those who brought them could end up paying the legal costs of the person they unjustly accused. Today, a wealthy person, a big corporation, or tax-supported government can bankrupt a poor opponent simply by instigating a frivolous suit that requires an expensive defense. Rarely are the vindicated victims able to recover these costs as readily as they would in a system based on restitution.

Crime just doesn't pay when aggressors right their wrongs. As a result, restitution is the perfect "pollution solution," as described in the next chapter.





In Summary . . .

- “Righting our wrongs” is the second part of the Good Neighbor Policy.
- TIT FOR TAT is a well-known social strategy that acts very much like the Good Neighbor Policy. In both computer tournaments and diverse situations of strife, it has proven effective in convincing aggressors to become peaceful and cooperative.
- In addition to our own experience as children when we re-created the peace by righting our wrongs, TIT FOR TAT’s record suggests that letting aggressors experience the harm that they have done is the best way to teach them to be Good Neighbors.
- When aggressors make their victims whole again, they experience the harm they have done to others. Restitution through productive work is the most successful rehabilitation known.
- Restitution also deters crime better than imprisonment. Japan has an extensive program of restitution and is the only industrialized nation in the world that has seen a consistent decrease in crime since World War II.
- Full restitution, which would include all the costs of trial and apprehension, would end the aggression of taxation that currently subsidizes these functions.
- When we used licensing laws and regulations in an attempt to stop individual aggressors, we slashed our wealth creation. When we substitute restitution for these laws, we will deter individual aggressors more effectively and increase wealth creation once again.
- Corporate irresponsibility would lessen if aggressors were required to right their wrongs. Forgiveness could only come from victims, not from an arbitrary limitation of liability by government.

Philanthropy, July 1999, <http://www.capitalresearch.org/publications/alternatives/1999/july.htm>, accessed January 3, 2002; reprinted in part at http://fee.org/the_freeman/detail/lessons-from-the-chicago-fire, accessed November 15, 2014.

62. M. Kasindorf, “\$1.5B of 9/11 Donations Distributed,” *USA Today*, September 19, 2002.

63. “South Carolina Students Repay Old NYC Kindness,” *Associated Press*, November 14, 2001. www.elvisthefish.com/fishy/sc_promise.shtml, accessed January 14, 2002; text at <http://www.ar15.com/archive/topic.html?b=1&f=5&t=69815>, accessed November 15, 2014.

64. E. T. Devine, “Pensions for Mothers,” *Survey* 30: 458–459, 1913; F. Almy, “The Relation Between Private and Public Outdoor Relief,” *Charities Review* 7: 22, 1899, as cited in D. T. Beito, *From Mutual Aid to the Welfare State: Fraternal Societies and Social Services, 1890–1967* (Chapel Hill, NC: University of North Carolina Press, 2000), pp. 19–20.

65. For a thorough treatment of this subject, see Beito.

66. Beito, pp. 28, 43.

67. *Ibid.*, pp. 30–31.

68. *Ibid.*, p. 117.

69. *Ibid.*, p. 213.

70. *Ibid.*, pp. 124–128, 213–215, 231.

71. *Ibid.*, pp. 195–201.

72. *Ibid.*, pp. 223–230.

73. *Ibid.*, pp. 140, 207.

12. By Their Fruits You Shall Know Them

1. J.D. Gwartney, R.A. Lawson and R.G. Holcombe, “Economic Freedom and the Environment for Economic Growth,” *Journal of Institutional and Theoretical Economics* 155: 643–663, 1999.

2. R.J. Keating, “The State Tax-Cut Revolt,” *Investor’s Business Daily*, October 23, 1994.

3. S. Moore and D. Stansel, “The Myth of America’s Underfunded Cities,” *Cato Policy Analysis No. 188*, February 23, 1993.

4. J.D. Gwartney, R.G. Holcombe and R.A. Lawson, “The Scope of Government and the Wealth of Nations,” *Cato Journal* 18: 163–190, 1998.

5. Gwartney, Lawson and Holcombe, pp. 654–655.

6. Gwartney, Holcombe and Lawson, *op. cit.*

7. Gwartney, Lawson and Holcombe, p. 650, indicate that countries that increased their EFI by one unit (on a scale of 1 to 10) between 1980 and 1985 enjoyed a 0.8% increase in % GDP/capita from 1980 to 1995. If the United States, which had an EFI of 7.9 in 1995 (J.D. Gwartney and R.A. Lawson, *Economic Freedom of the World 1997* (Vancouver, BC: Fraser Institute, 1997), p. 195) were to increase its EFI to 10, its wealth creation would experience an average increase from 1% (both the 1995 value and the average value for 1990 to 1995 as per Gwartney and Lawson, p. 195) to 2.7% ($1 + (0.8 \times 2.1) = 2.7$) over the next 15 years. Because the EFI measures only a portion of aggression-through-government, this estimate is probably a conservative one.

8. G.W. Scully, “Taxes and Economic Growth,” *NCPA Policy Analysis No. 292*, November 2006.

9. W.C. Dunkelberg and J. Skorburg, “How Rising Tax Burdens Can Produce Recession,” *NCPA Policy Analysis No. 148*, February 21, 1991, p. 6, indicate that every 1% rise in the federal tax burden reduces real aggregate GNP growth by 1.8%. At 0% tax rate, real aggregate GNP growth is 37% (extrapolated linearly by author). In 1995, and for the years 1990 to 1995, real aggregate GNP averaged 2% (Gwartney and Lawson, p. 195). The theoretical increase is an 18.5-fold increase in wealth creation.

13. The Other Piece of the Puzzle

1. B.L. Benson, *To Serve and Protect: Privatization and Community in Criminal Justice* (Oakland, CA: Independent Institute, 1998), pp. 69, 320; M.R. Durose, A.D. Cooper and H.N. Snyder, “Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010,” *U.S. Department of Justice Special Report NCJ 244205*, April 2014.

2. J.M. Chaiken and M.R. Chaiken, *Varieties of Criminal Behavior* (Santa Monica, CA: Rand Corporation, 1982), p. 219 (Table A.19).

3. R. Axelrod, *The Evolution of Cooperation* (New York, NY: Basic Books, 1981), pp. 27–54.

4. *Ibid.*, pp. 5, 40–41.

5. M.O. Reynolds, *Crime by Choice: An Economic Analysis* (Dallas, TX: Fisher Institute, 1984) p. 6.

6. *Ibid.*, p. 9.

7. J.O. Haley, “Confession, Repentance, and Absolution,” in *Mediation and Criminal Justice*:

- Victims, Offenders, and Community*, M. Wright and B. Gallaway, eds. (London, UK: Sage, 1989), pp.195–211 as cited in Benson, p. 254; J.O. Haley, “Introduction—Beyond Retribution: An Integrated Approach to Restorative Justice,” *Washington University Journal of Law & Policy* 36: 1–16, 2011.
8. Benson, pp. 251–254.
 9. Haley (1989); Haley (2011); W.M. Evers, *Victim’s Rights, Restitution, and Retribution* (Oakland, CA: Independent Institute, 1994).
 10. Evers, op. cit.
 11. M.S. Umbreit, “Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment,” *Western Criminology Review* (Online) 1(1):1–29, 1998.
 12. *Ibid.*, p. 20.
 13. E.J. Pollock, “Victim-Perpetrator Reconciliations Grow in Popularity,” *Wall Street Journal*, October 28, 1993, pp. B1, 8.
 14. Umbreit, p.18; L.W. Sherman and H. Strang, *Restorative Justice: the Evidence* (London, UK: The Smith Institute, 2007), p. 63.
 15. Sherman and Strang, p. 63.
 16. Umbreit, pp. 18–19.
 17. Umbreit, p. 21; for a review of recidivism studies in various countries, see Sherman and Strang, op. cit.; *Reoffending Analysis for Restorative Justice Cases: 2008 and 2009* (Wellington, New Zealand; Ministry of Justice), 2011.
 18. Umbreit, pp. 22–24; M. Umbreit and J. Greenwood, *National Survey of Victim-Offender Mediation Programs in the United States* (St. Paul, MN: Center for Restorative Justice & Peacemaking, University of Minnesota, 2000); see also www.restorativejustice.org for access to their library resources on restorative practices in countries around the world.
 19. M.S. Umbreit, *Victim Meets Offender: The Impact of Restorative Justice & Mediation* (Monsey, NY: Criminal Justice Press, 1994); for a review of recidivism studies, see Sherman and Strang, op. cit.
 20. Reynolds, p. 68.
 21. Benson, p. 28.
 22. *Ibid.*, p. 37.
 23. P.E. Fixler, Jr, “Can Privatization Solve the Prison Crisis?” *Fiscal Watchdog*, April 1984, p. 1.
 24. J.W. Johnston, ed., “The Missouri State Penitentiary,” *Illustrated Sketchbook of Jefferson City and Cole County* (Jefferson City, MO: Missouri Illustrated Sketchbook, 1900), pp. 250–251.
 25. Benson, p. 300.
 26. J.K. Stewart, letter to *Wall Street Journal*, July 26, 1989.
 27. Prison Rehabilitative Industries & Diversified Enterprises (PRIDE) Annual Report 2012 (Brandon, FL: PRIDE Enterprises, 2013), p. 19.
 28. *Ibid.*, p. 23.
 29. T.A. Roe, “A Guide to Prison Privatization,” *Heritage Foundation Background No. 650*, May 24, 1988, pp. 3–4.
 30. T. Gest, “Why More Criminals Are Doing Time Beyond Bars,” *U.S. News & World Report*, February 26, 1990, pp. 23–24.
 31. J. Shedd, “Making Goods Behind Bars,” *Reason* March 1982, pp. 23–32.
 32. R.E. Barnett, “Restitution: A New Paradigm of Criminal Justice,” *Ethics* 87: 293, 1977; Benson, p. 309.
 33. B.M. Fleisher, *The Economics of Delinquency* (Chicago, IL: Quadrangle Books, 1966), pp. 68–85.
 34. M.A. Hill and J. O’Neill, *Underclass Behaviors in the United States: Measurement and Analysis of Determinants* (New York, NY: Baruch College, City University of New York, 1990).
 35. J. Wu and R. Axelrod, “Coping with Noise: How to Cope with Noise in the Iterated Prisoner’s Dilemma,” in R. Axelrod, ed., *The Complexity of Cooperation: Agent-Based Models of Competition and Collaboration* (Princeton, NJ: Princeton University Press, 1997), pp. 33–39.
 36. I. Kim, B.L. Benson, D.W. Rasmussen, et al., “An Economic Analysis of Recidivism among Drug Offenders,” *Southern Economic Journal* 60: 169–183, 1993.

14. The Pollution Solution

1. J.S. Shaw and R.L. Stroup, “Gone Fishin’,” *Reason* August/September 1988, pp. 34–37.
2. E. Zuesse, “Love Canal: The Truth Seeps Out,” *Reason* February 1981, pp. 16–33.
3. R. Blumenthal, “Fight to Curb ‘Love Canals,’” *New York Times*, June 30, 1980, pp. B-1, B-11.
4. Zuesse, op. cit.
5. H. Browne, *The Great Libertarian Offer* (Great Falls, MT: LiamWorks, 2000), p. 159.
6. E.M. Whelan, *Toxic Terror* (Ottawa, IL: Jameson Books, 1985), pp. 94–98.
7. Browne, p. 160.
8. F. Smith, Jr., “Superfund: A Hazardous