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BOOK REVIEWS

Edited by

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RESTITUTION TO VICTIMS OF CRIME. By *Stephen Schafer*. London: Stevens & Sons, Ltd.; Chicago: Quadrangle Books, Inc., 1960. Pp. vii, 130. $4.75.

The topic of this book has been for a long time in the limelight of criminal law interest in civil law countries and has recently become the subject of lively discussion in the area of common law tradition.[1]

The body of the volume, entitled "Survey of Foreign Legislation," consists of reports of the victim compensation provisions of thirty countries, a separate chapter being devoted to the law of each country.[2] This method of presentation would have been proper if the purpose of the volume were to convey understanding of the legal culture of each of the thirty countries or to serve as a reference book for lawyers and claimants. But since the purpose of the book is rather to present various solutions of problems facing the law reformer,[3] it would have been preferable to focus attention on problems rather than on description of national systems. A problem orientation would also have helped in avoiding the impression of repetitiousness.

The issues to be resolved under the heading "Compensation for victims of crime" may be grouped into several categories: (1) the scope of the compensation claims; the assets against which such claims may be asserted; the claim holders and adversaries; (2) the private or public nature of compensation claims and the manner of their assertion; (3) issues raised by modern attempts at integrating compensation into the penal system; (4) methods of relief for the victim (*Sorge für den Verletzten*).[4] All these issues and particularly those of the second and third group raise significant problems of the political and social philosophy of criminal justice, to be resolved after careful scientific, i.e., psychological and sociologic, evaluation of the impact of potential solutions. Should the victim's damage be determined by the criminal court *ex officio*? Ought a private claimant be permitted to enter criminal proceedings at all? If so, to what extent should he be allowed to intervene in the course of such proceedings?[5] Indeed, should he have the power of originating them, whether in his capacity as a private claimant, as is the case in France,[6] or because any citizen possesses the capacity of initiating criminal proceedings, as is the case in

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[1] For a recent discussion of the subject, see Symposium, *Compensation For Victims Of Criminal Violence; A Round Table*, 8 J. PUB. L. 191–253 (1959).

[2] The sources of these reports are mainly answers to a questionnaire (see Appendix to the book being reviewed, hereinafter cited as SCHAFER, at p. 130), which answers were supplied by legal authorities of the respective foreign countries. Compare SCHAFER, p. 16.

[3] That this is the purpose of the book may be inferred from the fact that it winds up with a reform proposal. SCHAFER, pp. 128–29.

[4] For a fairly comprehensive comparative law report on problems of victim indemnification see Gloss, *Die Schadloshaltung des Verletzten*, in 2 MATERIALIEN ZUR STRAFRECHTSREFORM, RECHTSVERGLEICHENDE ARBEITEN, I ALLGEMEINER TEIL 277–307 (Bonn, 1954).

It may be mentioned that the term "restitution" used by Schafer to designate a comprehensive indemnification is particularly ill-chosen, since in many laws—e.g., Spanish law and Latin American laws—"*restitución*" denotes return of a "thing" taken from the victim, as distinguished from payment of damages, that are designated, e.g., in the Spanish Penal Code of 1944, arts. 101–104, as "reparation of the damage caused" (*daño*) and "indemnification for the moral damage (*perjuicios*)."

[5] This questions complex comprises the following: Should the claimant have a right to be notified of pending proceedings and perhaps also instructed as to his right to join them? Should he have a right to make motions and objections as regards the evidence or incidental or final case disposition, to put questions to witnesses, and if so, only as to the indemnification aspect or as to the punitive aspect as well? Should the procedure of claim determination before a criminal court be governed by rules of criminal law or by those of civil law? What appellate remedies should be available to the private claimant? Should the court have the power to relegate the damage claim to a civil court, if disposition of that claim unduly burdens the criminal case?

[6] French CODE DE PROCÉDURE PÉNALE, art. 1, para. 2 (Dalloz 1960).

Spain?[7] Should the compensation claim play a role in the authorized disposition of the offender? Should it be deemed an incidental or, indeed, the principal criminal sanction? All of these questions must be resolved on the basis of fundamental ideologies of justice, in the light of scientific findings. The author's method of presentation is not apt to elucidate the profound import of each of these questions.[8]

In the latter part of the book the author offers reform suggestions. Prominent among these is the idea that restitution be turned into a punitive concept; that it be awarded as part of the criminal judgment, along with punishment, and that it be deemed a penalty. The rationale of this suggestion begins with the much exploited proposition that retribution is vengeance and that the aim of criminal law should be instead to reform the offender and to indemnify the victim. The author believes that the difference between civil and criminal law has been grossly exaggerated and that the once exclusive legal reaction to crime, "restitution," later transformed into a civil remedy,[9] may be fruitfully utilized as a penal sanction. Such sanction, in the author's view, would fulfill the dual function of a reformative device and of a means of satisfying the victim's interests realistically rather than by responding, as does conventional punishment, to his vindictive urges. The reformative potential of restitution lies, according to the author, in two of its features: (1) restitution brings home to the offender the realization that he injured not solely an abstract "community" or "State" but also, and indeed primarily, a concrete individual; (2) it "may redirect in a constructive way those same conscious or unconscious thoughts, emotions or conflicts, which motivated the offence."[10] The author submits that punitive restitution be made payable also from the offender's earnings and that the amount should be adapted to the offender's "social position, personal circumstances, and reasonable but minimum standard of living."[11]

There is no clear indication of the extent to which, in the author's view, confusion of criminal and civil law and procedure may be admitted. Conceding that the distinction between these two types of law is relative, I should like to warn against inferring from such relativity that the distinction is not important. A caveat is necessary.

Progress in law administration was marked by increasing emancipation of criminal law from "compensatory" law and by replacement of interpersonal execution by an impersonal meting out of "justice." In the course of that progress, blood "redemption" executed by the victim's kin yielded to impartial punishment, wielded by an abstractly conceived State as the instrument of justice. Thus "justice" was objectivized. In fact, the very idea of "justice," as an abstract general ethical concept rather than as a ritualistic formulary for "redemption of blood," i.e., neutralizing magic by countermagic or "undoing" what has been "done," is the product of such objectivization.[12] Transfer of "punitive power" to the State marks the beginning of refinement of legal ethics, pointing man's attention to aspects of his conduct that lie beyond the immediate situation. Such transfer, at the same time, made possible development of a distinctive notion of protection afforded the accused in criminal proceedings, not available to the defendant in civil proceedings. Only as against the State can the accused preserve his status of privilege, his civil rights of reliance on a penal code as his *Magna Charta*, of a far-reaching presumption of innocence and of requirement of proof beyond a reasonable doubt.[13] An autonomous concept of criminal law and procedure is thus an imperative imposed by the idea of a "free society." Any intervention of the private claimant in criminal proceedings is

[7] Spanish LEY DE ENJUICIAMIENTO CRIMINAL, art. 101, para. 2 in 1 MAJADA, MANUAL DE FORMULARIOS PENALES 132 (2d ed. 1956).

[8] Of course, categories (1) and (4) also raise significant problems of political philosophy. Notice, e.g., the recent expansion of the notion of "moral damage" caused by the growing scope of the concepts of "personality rights" and "privacy interests," at times inferred from constitutional provisions on "man's dignity." On this see HUBMANN, DAS PERSÖNLICHKEITSRECHT (1953).

[9] For a historical survey, see Part I of SCHAFER, pp. 3–12.

[10] SCHAFER, pp. 124–25.

[11] SCHAFER, p. 129. Since the author—it is believed, correctly—objects to conversion of the punishment of "restitution" into any other kind of penalty, the problem is how an offender, left with only a "minimum standard of living," can be prevented from refusing to work.

[12] The "redeemer of blood," executing the penalty provided for by general legislation and determined by a court, is a Biblical remnant of the idea of justice in terms of an immediate interpersonal relationship.

[13] These privileges are limitations on the "*ius puniendi*." In civil cases, where "punishment" is not in issue, the interests of the tort-feasor and the victim are entitled to equal protection.

incompatible with such concept.[14] His role in such proceedings even in the capacity of a witness must be viewed with suspicion. Our law should guard itself against intrusion of the civil law ideas of private intervention in criminal proceedings. Criminal and civil cases must be kept distinct and separate. Criminal law must remain a domain in which concern with, and protection of, the accused are paramount to all other considerations.

The stated rationale of the separation of criminal and civil law also implies that within the former law the goals of justice focussed on the offender must be deemed superior to the State goal of care for the victim. This means that there must be no compromise, and thus no complete integration, of the two types of goals within the penal system. Such integration is inadmissible except within a positivist criminal law philosophy of the type advocated by Ferri and Garfola (but not by Dorado Montero)—a philosophy ultimately concerned with neither the offender nor the victim but with the so-called "community."

It follows that criminal law is not the proper discipline for "care for the victim." Thus, institution and regulation of a State Compensation Fund for Crime Victims, similarly as regulation of civil liability arising from crime commission, have no place in a penal code.[15] Such fund may and should be established by special law or as part of the provisions of a civil code.[16]

However, separation of criminal and civil law does not imply disregard in the former of the damage caused to the victim or of the victim's role in crime causation; nor should compensation of such damage be *a limine* discarded as potential criminal sanction adapted to the specific ends of criminal law. For there is a great deal of realism in José Agustín Martínez's description of the crime, the offender and the victim as "the penal triangle."[17] It is rarely a mere coincidence that a given offender commits a given crime in a given manner against a given victim, causing him a given damage. Psychoanalytic insight throws an interesting light on the phenomena of unconscious interaction between the victim and the offender and of the victim's "unintentional complicity" in crime, as well as on the share of the unconscious of the offender, of the victim or of both in causation of the "consequences" of criminal conduct—the damage "caused" by crime.[18] The victim's damage is part of the social harm produced by crime and thus a significant element of the comprehensive concept of "responsibility." In assessing the damage "caused by the offender" due consideration should be given to the victim's conscious and/or unconscious contribution to the total damage suffered by him.[19] But in order to determine from the standpoint of criminal law goals whether indemnification of the victim should be also incorporated into criminal law as a form of punishment, the advantages of such policy must be weighed against its disadvantages.

Undoubtedly, indemnification of the victim affords a realistic rehabilitative device in an objective sense. Society attributes a great deal of significance to "repayment" of the damage done; it views it as an atonement and as a sign of repentance. In this sense, "repayment" may facilitate the offender's finding his way back to society.

However, as regards subjective "rehabilitation" by compensation, the problem is much more complex than Dr. Schafer seems to realize. He cites Aichhorn as authority for the proposition that compensation of the damage caused to the victim may be a reformative device.[20] But no one more than Aichhorn has stressed the need for

[14] However one might try to keep separate the civil and the criminal aspect of a single proceeding, it is hardly possible to neutralize the effect of civil intervention in the criminal case.

[15] Regulation of civil liability in criminal codes is not of positivist origin, but has been promoted by the positivist movement. For examples of such provisions see ITALIAN PENAL CODE, arts. 185–198; SPANISH PENAL CODE, arts. 19–22, 101–111; BOLIVIAN PENAL CODE, arts. 18–25; CUBAN CODE OF SOCIAL DEFENSE, arts. 110–127. For penal code provisions establishing a State Compensation Fund see, e.g., PENAL CODE OF PARAGUAY, art. 108; PENAL CODE OF PERU, arts. 77, 403–404; as regards Cuba, see SCHAFER, pp. 69–72.

[16] When such fund has paid the victim and succeeds to the latter's claim by subrogation, that claim ought not to be transformed into a public claim that might be executed against the body of the offender.

[17] MARTÍNEZ, CODIGO DE DEFENSA SOCIAL 21 (new rev. ed., 1939), letter of transmittal accompanying the draft of Book I of the Cuban Code.

[18] See Weihofen, in Symposium, *Compensation For Victims Of Criminal Violence*, *op. cit. supra* note 1, at 209–18.

[19] The most important argument against admission of considerations based on unconscious factors is that they cannot be proven, since they are unknown even to the subject himself. However, there are certain external indicia of unconscious motivations (e.g., failure to take precautions against crime, behavior inviting crime, prior relationship to the victim, being a repeated crime victim) that could be certainly relied on in limiting penal responsibility.

[20] AICHHORN, WAYWARD YOUTH (revised and adapted from the second German edition of VERWAHRLOSTE JUGEND, 1935). I have found no support for the proposition in the text in the chapter of Aichhorn's book (chapter 10) cited by SCHAFER, note 13 at 125.

differential treatment of diverse cases. Where, as so often happens, the subject is "in open conflict with society," Aichhorn's views can hardly be invoked in support of a recommendation that such subject be compelled to "repay" the victim of his aggression for the "wrong" that he had done to that victim.[21] Certainly, compelling the offender against his will to relive each payday the crime experience—as suggested by Dr. Schafer's recommendation that the "restitution" sentence be enforceable against earnings—may well, unless perhaps preceded by appropriate successful treatment, increase rather than diminish the offender's aggressiveness. The resentment thus evoked may promote rather than prevent crime repetition.[22]

A most important argument against introduction into the penal system of "punitive compensation" is that there is implied in such compensation, as in all forms of monetary sanction, an element of relative injustice to the poor.[23]

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DELINQUENCY AND OPPORTUNITY: A THEORY OF DELINQUENT GANGS. By *Richard A. Cloward* and *Lloyd E. Ohlin*. Glencoe, Ill.: The Free Press, 1960. Pp. xi, 220. $4.00.

This book, by two sociologists at the New York School of Social Work of Columbia University, accounts for the emergence, differentiation, and persistence of *delinquent subcultures* among lower-class adolescent males in urban areas by application of a "theory of differential opportunity structures." The *delinquent norms* are the "most crucial elements" of the subcultures, for they constitute the basis of differentiation by "principal orientation" between the three main forms: the criminal, the conflict, and the retreatist (drug-consuming) subcultures.

In too brief form, the account is as follows: The keys to the emergence of a delinquent subculture are the presence among these youths of a *shared problem* of adjustment with *blocked legitimate* solutions, which tends to produce *collective deviant* solutions, *and* the process of alienation, that is, the withdrawal of *legitimacy*, as distinguished from "moral validity," from conventional social norms, which permits the adoption of *delinquent* adaptations. This alienation is produced by a predisposition to blame one's failure on "unjust social arrangements," a response itself facilitated by objective discriminations against oneself. The shared problem of these youths is "the disparity between what lower-class youths are led to want and what is actually available to them." (p. 86) Given this "limited access to success goals by legitimate means, the nature of the delinquent response that may result will vary according to the availability of various illegitimate means." (p. 152) The criminal subculture emerges in the "integrated slum," as described by Kobrin, and the conflict subculture in the "unintegrated slum." (pp. 171–77) The retreatist subculture emerges because some of these youths are "double failures," having failed to "find a place" in either of the other subcultures (p. 183), and because drugs are available. (p. 152) The persistence of a subculture is determined by the ability to recruit new members, the integration of age-groups, and the integration of subcultures. (p. 188)

Their presentation is sufficiently persuasive to give considerable weight to the authors' prediction that "delinquency will become increasingly aggressive and violent in the future" (p. 203), and their conclusion that, because delinquency is not "a property of individuals or even of subcultures" but of "the social system in which people are emeshed," the "major effort of those who wish to eliminate delinquency should be directed to the reorganization of the slum." (p. 211)

This book is important not only for its substance, but also for its form. It seeks to account systematically for a specified phenomenon, "delinquent subcultures," with a special application ("a theory of delinquent gangs") of a more general theory ("a theory of differential opportunity systems"). Every such effort is a substantial contribution to the social sciences.

Because of this, it is unfortunate that the authors chose to write in a rather discursive style, for this tends to obscure somewhat both this form and the artful manner in which they move

[21] See particularly AICHHORN, *op. cit. supra* note 20, at 120–123, 167–185, 200–210.

[22] Studies in "victimology" show that an accused's special resentment against a sentence imposing upon him a penalty of indemnifying the victim may not be unjustified.

[23] Even the system of computing fines in terms of daily income units works relative injustice, since it reduces the poor man's standard of living whereas it may not affect a wealthy man's manner of life at all.

* The views expressed in this book review are solely those of the reviewer. They do not reflect the opinions of the Penal Reform Commission of the Commonwealth of Puerto Rico.

between empirical data of two kinds. The first consists of studies supportive of the general propositions or assumptions; the second of studies which relate the character or situation of lower-class adolescent males in urban areas to these general assumptions. Their theory of delinquent gangs thus includes two kinds of propositions, the first of which postulate a state of fact so that one or more other propositions, of the second type, can be derived from the assumptions of the more general theory.

As one would expect, both the quality and the quantity of each type of data are uneven, but usually they have limited themselves conservatively to the presentation of the best evidence. There are few important omissions. Where little or no solid documentation is available, they usually state that the assertion represents their "feeling." This procedure serves to highlight the gaps which exist in our verification of even the most simple conditional propositions.

On the substantive side, their discussion of *legitimacy* and *alienation* is most noteworthy. Unfortunately, Weber's concept of the *validity* of norms, which is not their "moral validity" but refers to an anticipated reaction by public officials to violations, is not integrated into their discussion, although the idea is employed several times. Weber's *validity* seems to be quite relevant to "fear," and it raises questions as to whether or how *alienation* solves all the actor's problems of "guilt, anxiety, or fear." (p. 130) What about the place of the "certainty of sanction," and does it relate to "unjust social arrangements" in other ways? What about the "relativity of formal and informal sanctions"? Certainly much research is needed on the behavioral relevance of and the relationships between legitimacy-alienation, validity, and moral validity.

I would nominate as the most unsatisfying of their general assumptions the idea that the origin of a collective adaptation to problems of adjustment *requires* a shared problem. It is not inconceivable that persons can develop collective adaptations to diverse problems upon some basis of mutual but diverse interests or needs, as is done in *Reaching the Fighting Gang* (1960), by the New York City Youth Board, pp. 15–21. Certainly most sociologists will want to accept these authors' idea, which is so central here, but it is still lacking in documentation. The quotation of A. K. Cohen's similarly unsubstantiated assertion (p. 139), while persuasive, is hardly evidence. The idea has been around a long time. Is there no evidence in the studies of "small groups" or of radical religious movements?

One is also prone to question their account of why those lower-class adolescents who become delinquents aspire only to improved economic position within their social milieu and do not aspire to membership in the middle-class. They state it is because "expectations are scaled down to accord with the realistic limitations on access to educational opportunities." (p. 103) But, on the other hand, they also assert that these adolescents have ability and have been led to expect opportunities, and then state further that they are alienated from the schools because of the goals they have selected (and not vice versa). Where did they get these expectations, as distinguished from aspirations? Here we seem to go round and round. Similarly, why do some double failures select the retreatist subculture while others lower their aspirations "realistically" and become "corner boys"? (p. 184) On most matters, the authors argue consistently that these delinquents *are* realists. Why not here? Or if both these choices represent "reality," what determines their choices between them? Still, it is precisely the importance of these questions and others which this book raises which makes reading it so valuable.

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GROWING UP ABSURD. By *Paul Goodman*. New York: Random House, 1960. Pp. 296. $4.50.

Growing Up Absurd is about what it means to grow up in what Mr. Goodman calls the "organized" society. The argument of the book is ambitious, dealing both with such specific problems as juvenile delinquency and larger questions of the organization of society. Indeed, it is precisely Goodman's contention that you cannot deal with the specific problems sensibly without understanding the larger question.

Let me summarize the main themes briefly. According to Goodman, our society has failed to complete a number of revolutions for which it was historically ripe. These revolutions have to do with the physical environment (technology, urbanism), economic and social changes (the dignity of labor, production for use), political and constitutional reforms (democracy, freedom, race,

pacifism), moral premises (science, religion, popular culture), and problems of childhood and adolescence (sex, education, vocation). Having started these revolutions and thereby undermined older social forms, we failed to complete them and thus develop newer and more adequate forms. Consequently, adults have difficulty finding meaning in their lives, finding values to give their activity direction. In this moral vacuum, society becomes more and more tightly organized around a set of values and procedures in whose *rightness* no one really believes, although (because of this tight organization) no one can conceive or comprehend of any alternative ideas or ways of doing things.

What, Goodman asks, is it like to grow up in this society? There are few jobs worthy of a man, jobs that have any visible use, for a boy to aspire to. No one listens to what youngsters have to say, no one takes them seriously. The class structure is rigidifying, so that those who are born poor find it impossible to be respectably poor in a society with a rising standard of living; they become instead outcasts. Children no longer learn how to *do* anything, as opportunities to observe grown-ups at work or to explore the environment disappear with the growing complexity of cities. Patriotism is discouraged by the failure of our politics and politicians to do anything about pressing problems or, even, to at least be honest. Our sexual mores are confused or, where they are not confused, restrictive. There are no high ideals to inspire faith.

All there is is a cynical, pointless system, a rat race. Some of our youth, with the proper advantages, get into the rat race and become cynical and disillusioned organization men. Some with advantages don't like the race and refuse to get into it; they become "Angry" critics or Beat refugees, neither able to develop a viable culture of his own. Those who are disadvantaged give up and build, in a kind of reaction formation, a pointless and malicious society of their own—the gang.

Juvenile delinquency, in short, is seen as one of the inevitable consequences of a society which cannot provide any decent models or opportunities for its children. It is one of the possible consequences of such a society, and its roots are the same ones which produce the organization man, the beatnik, and the hipster.

Goodman's argument covers a lot of territory and those who expect every argument to be accompanied with certified scientific evidence will dismiss it as mere speculation. This would be a great mistake. Goodman may be wrong about many things—and we will not know for sure until scientific evidence has been gathered—but certain characteristics of his argument seem to me incontrovertibly sound and a necessary corrective for current theories of delinquency. Let me point these out.

1) We cannot discover the causes and genesis of delinquency solely by looking at and into delinquents. Instead, we must examine the whole process of growing up in our present society. We must see what problems youngsters have to face and what the possibilities of dealing with those problems are for youngsters of different kinds. Delinquency, in short, needs to be put into comparative perspective.

2) Programs designed to do away with or control delinquency will probably fail if they are simply aimed at changing the delinquent in some way so that he will not misbehave any more. If the sources of delinquency, for example, are broken homes or poverty we can prevent delinquency only by doing something about present-day family life and the economic system which produces people who cannot even be respectably poor, not by giving psychotherapy to "pre-delinquents." This, of course, is "impractical." But Goodman's point is precisely that only large changes, by their nature "impractical" because they would meet with much resistance, are likely to have any chance of success.

Much of Goodman's book is devoted to reminding us of things everyone knows. It has the virtue of insisting that we take these things seriously instead of piously saying "Yes, of course," and then ignoring them as we move to deal with the problem.

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LITTLE ROCK, U.S.A.: MATERIALS FOR ANALYSIS. Selected and Edited by *Wilson Record* and *Jane Cassels Record*. San Francisco: Chandler Pub. Co. Pp. viii, 338. $2.25.

In producing their compendium of court records, newspaper accounts, official documents and diverse interpretive materials dealing with the events and opinions leading up to and surrounding the opening of Little Rock's Central High School in August,

1959, the Records have made a unique contribution to the study of race and ethnic relations. *Little Rock, U.S.A.* is "... compiled for the convenience of students writing research papers." In addition to the materials themselves there is included an extensive, well annotated, bibliography; fifteen suggested topics for "essays or term papers"; and an eighteen page chapter (prepared by the publisher) on "Documenting your Research Paper." A considerable amount of space throughout the book is also devoted to demonstrating (repeatedly) the proper form for citing the collection itself as a source. Unfortunately, the last sentence of the book should have received more emphasis. Only at this point is the student cautioned that "... edited versions, even carefully and scrupulously edited versions, may depart from originals."

Persons other than "writers of term papers" (and their teachers), however, will also find the work useful. For in the wealth of material presented, there is much to enlighten the individual who is in daily contact with the problems of a changing America. From the school board member to the police administrator, there are aspects of the events which took place in Little Rock which will have a familiar ring. Here is the rare opportunity to see the consequences—and often the rationale—of the various actions taken by such men in their attempts to solve these problems.

It is unfortunate that collections of materials for analysis of this kind are so rare; for the difficulty of persuing primary source material is often great enough to prevent students from undertaking their own interpretation and analysis of events. There is a great need for more such collections focussing upon events of significance so that students, within the setting of coursework, can carry out the analytical aspect of research without a disproportionate investment of time in bibliographic activities.

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PUBLIC EXECUTIONS IN PENNSYLVANIA, 1682 to 1834. By *Negley K. Teeters.* JOURNAL OF THE LANCASTER COUNTY HISTORICAL SOCIETY, Vol. 64, No. 2, pp. 85–164 (1960).

In this 80 page monograph, Dr. Teeters has recounted in careful detail the public executions in Pennsylvania for a period of a century and a half. Dr. Teeters gives "photographic" details of "techniques and places" of executions with case histories and reports from original public documents together with early drawings and sketches. A major part of the work covers detailed facts on 108 persons executed in the state. The study is a "grim and gray" review of the tragic and violent methods used in capital punishment in early Pennsylvania.

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