

a) *The systems' power of punishment.*

*The loss of freedom* forms the real punishment, on which the Pennsylvanian criminal legislation, and those houses of correction established in its spirit, are principally founded. Next to this is *labour*, which, according to the Auburn system, is *forced upon* the criminal by outward means, but in the Philadelphian, is *granted* him as a consolation, an employment for which he longs; which material difference shall be considered further on, in its moral point of view.

Labour, considered of itself, does not constitute any punishment, but is, on the contrary, necessary for the inward and outward health of man. It is, whether mental or corporal, the most efficacious means of improvement, and ought not, therefore, to be represented in deterring colours, or mingled with the idea of *punishment*. *Labour* ought decidedly to form a part of all systems of correction, but more as an improving, than as a really punishing element.

The Auburn discipline certainly admits also of corporal punishment, though not as an atonement for the real crime, but as a means of supporting the prescribed regulations; which important difference ought not to be forgotten. The greatest malefactor is not subjected to it, if he carefully observes the appointed discipline, while on the other hand, one less criminal sinks under the