

**INMATE MENTAL HEALTH, SOLITARY CONFINEMENT, AND CRUEL
AND UNUSUAL PUNISHMENT: A PRELIMINARY RESPONSE TO
COMMENTATORS**

HEATHER Y. BERSOT, M.S.

BRUCE A. ARRIGO, PH.D.

UNIVERSITY OF NORTH CAROLINA – CHARLOTTE

DEPARTMENT OF CRIMINAL JUSTICE AND CRIMINOLOGY

Our featured article, "Solitary Confinement, Inmate Mental Health, and Cruel and Unusual Punishment: An Ethical and Justice Policy Inquiry" appeared in a recent Special Edition of the *Journal of Theoretical and Philosophical Criminology*, 3(2): 1-82, 2010. Before addressing the assorted responses to the article, we wish to thank our commentators for their thoughtful and insightful observations. While some contributors more probingly examined important values such as dignity and empathy, others more directly questioned the need for a fundamental change in the public's perception of offenders. Given the compelling and critical interdisciplinary nature of our featured article and the published responses to it, we are grateful to the respective reviewers for their willingness to undertake such a meaningful scholarly exchange. Collectively, the contributors helped to shed greater light on the psychological, legal, correctional, and philosophical complexities situated at the controversy's core.

Regrettably, time and space limitations do not permit us to address each of the commentators' observations in detail. However, their principal concerns and criticisms do warrant some attention. Among the responses, two pivotal themes emerged. First, some

commentators expressed reservations about the suitability or adequacy of virtue ethics as a guiding moral philosophy for judicial decision-making. Second, a few authors articulated a degree of doubt about whether jurists would be amenable to our proposed virtue-guided decision-making logic and practice. In addition to these key concerns, several distinct comments also were identified and they merit some further consideration by us.

However, before discussing any of these matters, we wish to restate the main points of our article. As previously delineated, the extant social and behavioral science literature on long-term disciplinary solitary confinement has repeatedly demonstrated that such isolation severely exacerbates the mental health conditions of psychiatrically disordered incarcerates (Haney, 2003; Kupers, 2008; Lovell, 2008; Rhodes, 2004, 2005). Given that isolation policies continue to be sustained despite these troubling scientific findings, we first endeavored to determine the jurisprudential intent lodged within the prevailing case law on matters involving solitary confinement, inmates with pre-existing psychiatric conditions, and claims of cruel and unusual punishment. Second, mindful of the leading schools of ethical thought (i.e., consequentialism and its variants consisting of ethical egoism, contractualism, and utilitarianism; formalism and its derivatives including Kantian deontology and *prima facie* duties; and Aristotelian virtue philosophy, especially feminist-inspired care ethics), our investigation sought to discern the moral rationale informing and shaping this intent.

Interestingly, the results indicated that the court opinions largely failed to incorporate the current empirical body of research on solitary confinement when presiding judges reached their conclusions. Further, the findings showed that the legal decision-making of jurists was principally derived from utilitarian logic and, to some lesser degree, deontological principles. We asserted that judicial temperament based on these moral philosophies sustains harmful policies that hinder healing and deny *all* individuals their more complete humanity.

In response to the courts' questionable (and misguided) underlying jurisprudential ethics, a novel practice agenda was provisionally recommended as a way to more fully

address the problem of inmate mental health, solitary confinement, and cruel and unusual punishment. As we explained, this agenda emerges from within the law, psychology, and justice framework and the theory of psychological jurisprudence (PJ) (Arrigo, 2004). This framework and theory consist of three virtue-inspired approaches to growing citizenship for and about one and all. These approaches or practices include commonsense justice, therapeutic jurisprudence, and restorative justice. Taken together, these care-centric practices challenge agents of the criminal justice system (e.g., judges, attorneys, and legal psychologists) to dramatically rethink judicial decision-making. Moreover, these approaches provide each affected party (i.e., those victimized, those who offend, and the communities to which both are connected) with the opportunity to heal and to flourish. This, we argued, is how justice is made more realizable for a society otherwise ensconced in its own debilitating captivity (Arrigo & Milovanovic, 2009).

Having delineated the main points of our article, we now return to the chief concerns and criticisms raised by the commentators. As mentioned, several themes were identified among the responses. The first of these involved virtue ethic's sufficiency as a moral philosophy capable of significantly guiding legal decision-making. In Acorn's (2010) thoughtful critique, she asserted that utilitarian and deontological moral reasoning may yet still provide the best grounds for succeeding on Eighth Amendment claims, particularly when jurists honor inmates' dignity. Along these lines, Presser and Easterling asserted that utilitarian logic – in its purest form – could potentially lead to a “more caring criminal justice” system (2010, p. 84). From the perspective of these reviewers, “utilitarianism does not *necessarily* ignore suffering” (2010, p. 86). Taking exception to our normative assertions, Presser and Easterling explained that utilitarian calculations – if performed correctly – do not always result in one group's interests being valued over another group's needs.

We agree that virtue ethics is flawed on multiple grounds. Consistent with this view, our article drew specific attention to McIntyre's (2007) systematic and insightful analysis

regarding human vice. More importantly, though, Aristotelian (2000) virtue does celebrate dignity as an embodied habit of living excellently. Aristotle's meaning for dignity, steeped as it is in the uncertainty of following the golden mean's path, does foreshadow Kant's moral requirement that dignity's imperative be categorical for one and about all. Unlike Kant, however, Aristotle's prescription is that such universalizing (i.e., of dignity exercised responsibly) ought not to be experienced burdensomely (a vice of excess) but, instead, be inhabited lovingly as in being present to and for another's humanness (Levinas, 1987. 2004).

Still further, living this quality of dignity understandably encompasses a kind of utilitarianism. This reasoned quality of seeking to embody dignity stems from the fact that one is forever weighing, calculating, and balancing the multi-faceted dimensions of respecting (dignifying) self and others. Then, too, much like any of Aristotle's virtues, living through regard (as affirmation for one and of all) becomes embodied only when its use is regularly exercised (including the rehearsal of its varied measurements and estimates). Thus, mindful of virtue ethics limitations, we maintain that its normative practice offers the most promise for growing the flourishing interests (including dignity) of all individuals. Indeed, when respect is exhibited as a *habit* of character rather than as a prescribed *obligation*, a more genuine and unconditional affirmation of honoring another emerges. It is in this way, then, that we recognize virtue ethic's efficacy as moral philosophy capable of renovating and innovating legal decision-making.

Finally, while utilitarian formulations, even if performed as Presser and Easterling suggest, may result in outcomes that are collectively beneficial, consequentialist logic routinely guarantees that the interests of some individuals or collectives will be compromised or forfeited to advantage a larger group, a greater interest-consuming constituency. Admittedly, utilitarianism "can be pressed into the service of care" (Presser & Easterling, 2010, p. 86). Nevertheless, virtue ethics provides a uniquely generative moral philosophical foundation wherein values such as autonomy, empathy, and compassion can

function as lasting and ever-present components of *care's habit*. Accordingly, for all of these reasons, we maintain that a virtue ethics sourced in Aristotelian moral philosophy goes much farther than its deontological and utilitarian counterparts in ensuring that every individual's dignity and well-being is excellently and habitually celebrated.

Given that the criminal justice system is principally guided by formalist and consequentialist logic, several commentators expressed some degree of reservation regarding how receptive judges would be to virtue-inspired and character-building judicial decision-making. As Presser and Easterling noted, "Such an orientation [i.e., virtue ethics] is radically opposed to the utilitarian manner of reasoning" currently employed by jurists (2010, p. 84). Along these lines, Kupers (2010) thoughtfully explained that, "Law is a conservative enterprise, more sensitive to public opinion and legislation than the Founding Fathers meant it to be" (p. 96). He further emphasized that "until our society views prisoners as human beings deserving of an opportunity to do their time and return to their communities with a fair chance at "going straight," the courts are likely to continue their vacillations and limited rulings" (Kupers, 2010, p. 96).

We most assuredly agree with these astute observations. A shift toward maximizing human flourishing for and about one and all would represent a considerable undertaking for judicial decision-makers and, more problematically, for society in general. We contend, however, that reliance on the three excellence-inspired PJ practices (i.e., commonsense justice, therapeutic jurisprudence, and restorative justice), offers the greatest potential to meaningfully and transformatively attend to the concerns raised by the commentators. As we noted in our recent collaborative work, delinquent, troubled, and/or vulnerable offenders are regularly deemed to be other or less than fully human (Arrigo, Bersot, & Sellers, 2011). These disturbing characterizations fuel and sustain policies that wrongly demonize, pathologize, and criminalize citizens. Among other outcomes, the fall-out from such objectification (and commodification) is to legitimize confinement (e.g., long-term disciplinary segregation) for incarcerates with pre-existing psychiatric conditions. As such,

those who offend, those victimized, and the communities to which both are inexorably bound remain altogether fractured, disconnected, and held *captive* by such limit-setting.

It is our view that the three virtue-based practices of psychological jurisprudence allow for a more organic reconciliation process to unfold in which the personal harm resulting from violence and the shared injury suffered in its aftermath are made speakable (Arrigo et al., 2011). To illustrate, commonsense justice engages the aggrieved community in discussions regarding widely-held misconceptions about those who commit crimes. Such exchanges are crucial to *transforming* current “habits” of fear, retribution, and isolation into habits of courage, forgiveness, and connectedness. Similar efforts to recover and to heal in the wake of victimization are a part of restorative justice and therapeutic jurisprudence. Thus, the implementation of these three PJ practices suggests a tangible way to overcome suffering and to transcend harm so that the fabric that unites us all can be virtuously restored. This is a quality of change in the public’s psyche that is vital to reforming both our collective conscience and its regard for the character of citizenship and social justice.

Aside from our assessment of the above thematic points, a number of distinct comments also warrant attention. Among them is Acorn’s assertion that citizenship can only be extended to those capable of virtue. As she explained, “nothing in the Nicomachean ethics would suggest that the vicious person, one who has done base rather than noble deeds, could not be deprived of the privileges of citizenship and society” (Acorn, 2010, p. 113). According to Acorn, “For Aristotle, neither the bad nor the mad come within the logic of either citizenship or virtue” (p. 114).

Cognizant of Aristotelian logic, we acknowledge that certain individuals (i.e., offenders and the mentally ill) may be deemed unworthy of citizenship or incapable of developing moral fiber. But this is where we extend Aristotle’s rationale in the interest of the potential that virtue itself holds (see Levinas, 1987, 2004). Indeed, we suggest that a deeper quality of citizenship – one that is all-inclusive – is sorely needed (Arrigo et al., 2010). The possibility of leading a life of excellence must be available to everyone as a

human right, particularly those most troubled and/or vulnerable (i.e., offenders and the mentally ill). These are citizens whose humanness historically has been reduced (i.e., denials of one's possible being) and repressed (i.e., limits on one's potential becoming). Admittedly, we understand that this notion of affirming citizenship as a universal human right presents a number of thorny challenges. Nevertheless, we maintain that anything less than an extension of citizenship to *all* individuals diminishes prospects for dynamic self/society flourishing. The absence of such a condition is how captivity dangerously endures; we are rendered no more than a "shadow" of our humanness and its transformative potential (Arrigo & Milovanovic, 2009)

Elsewhere, Acorn (2010) questioned the robustness of the qualitative method developed for and employed in our study. As she intimated:

"Much of Bersot and Arrigo's text is taken up with an explanation of their methodology, their choice of cases to examine as well as their method of extracting the moral philosophical assumptions informing the judges' reasoning; their manner of bringing the disciplinary rigors of the social sciences to bear on the analysis of judicial decisions. However, one has the sense that the detailed discussion of method is an attempt to give the appearance of greater precision than is actually attainable in this kind of inquiry" (p. 115).

Citing Aristotle's discussion on precision, Acorn argued that, "Bersot and Arrigo may perhaps be accused of being rhetoricians who offer scientific proofs and the difficulty here is not just that they pretend to a precision that cannot be attained in this type of inquiry" (2010, pp. 115-116).

As we repeatedly acknowledged in our featured article, the selected method was novel and experimental. Moreover, as we explained, its qualitative footing, although systematic, was clearly interpretive in design. Examining jurisprudential intent in order to determine the underlying moral logic identifiable in judicial opinions is an imprecise, but certainly heuristic, process of data mining.

Accordingly, we contend that the method developed and utilized in our featured article is a preferred way of beginning to discern the unstated ethical reasoning guiding judicial decision-making. As we noted, case law inquiries employing other qualitative methods, including statutory analysis, rely solely on meaning. Meaning must be interpreted mindful of its context, and this context varies according to how the juridical language (i.e., legalese) is construed (Posner, 2008). Thus, we maintain that what makes our two-phase methodology so compelling (ascertaining jurisprudential intent followed by explicating the intent's underlying moral philosophy) is that it begins to unpack the multi-layered facets of the meaning making/generating process located within legal texts (case or statutory law). Stated differently, our approach makes it "possible to go beyond the surface meaning of legal texts [manifest content] to explore the structure and the ideological content... [and in doing so] to search for the values expressed by the law (Mercurio & Medema, 1998, p. 169). From our perspective, the rigor implied in this investigatory undertaking renders our method – while provisional in nature – a more thorough strategy for exposing and dissecting the concealed ethical rationale directing judicial decision-making.

We now turn to two distinct lines of critique raised by Ward (2010). One of his concerns focused on our lack of discussion regarding punishment. As Ward asserted, "A difficulty with the Bersot and Arrigo discussion is that they tend to speak about Formalism and Consequentialism as ethical theories rather than as specify them as justifications of *punishment* (2010, p. 102). As he further explained, "a more explicit and helpful move would be to appeal to a specific theory of punishment that is consistent with both PJ and virtue theory" (Ward, 2010, p. 102). For this, Ward suggested Duff's (2001) communicative theory of punishment.

We did not specifically describe the ethical philosophies of formalism and consequentialism as rationales for legally sanctioned punishment. However, this was an implicit dimension of the article's overall normative analysis. Thus, we most definitely agree with Ward's observation here. Still further, we agree with his assessment regarding the

relevance of Duff's (2001) communicative theory. Indeed, it effectively links a theory of punishment with virtue-infused PJ practices that seek to overcome and transcend retributive harm. This is a useful association that future researchers would do well to explore theoretically and empirically.

Another concern for Ward was what he perceived to be our limited application of virtue theory. He suggested that we consider how "the culture of a community or an institution might facilitate the flourishing and well-being of individuals through the nature of its policies and practices independently of the character traits of the individuals who work, or live, within it" (Ward, 2010, p. 106). He also argued that epistemic or intellectual virtues that increase knowledge and understanding (e.g., cognitive flexibility, curiosity, and tolerance) should be examined.

We recognize that our article is limited in its assessment and application of virtue. Indeed, we share in Ward's contention that communal and institutional policies and practices must be reevaluated in order to determine if and in what way they promote human flourishing as well as honor individual (and collectivist) well-being. This deeper level of critique is the source of analysis that is more expansively undertaken in our recent book-length collaborative effort. This work is described briefly below. What follows is a considerable reformulation of virtue ethics and its possibilities for dynamically and transformatively re-conceiving the nexus of madness, citizenship, and social justice.

Why are destructive policies, including the long-term disciplinary segregation of incarcerates with pre-existing psychiatric disorders legally endorsed? Grounded in a seemingly inexhaustible and uncontainable fear of crime (Simon, 2009), threat-management practices comprising excessive investments in hyper-vigilance and panoptic disciplining (Foucault, 1977) are understood to be normal and necessary responses to perceived violence. This questionable logic is indicative of the ominous risk society (Beck, 1992, 2009). This is a society that eliminates or neutralizes any and all potential hazards in the service of a mostly unreflective commitment to personal security (economic or

otherwise) as a maximally efficient path to democratic human progress. Thus, “[in] order to stave off the possibility of future imagined violence and victimization [possible impediments to such progress], the public demands governance (institutional responses to such conjured terror)” (Arrigo et al., 2011).

While the declared purpose of threat-avoidance practices (i.e., solitary confinement of psychiatrically disordered incarcerates), is to protect the public (those who work and/or live within prisons), we maintain that they also hold captive far more citizens than those perceived to be dangerous. These are institutional choices and actions that capture not only the kept (the confined), but their keepers (those who confine), managers (i.e., judicial and penal administrators of confinement) and their watchers (i.e., the anesthetized public). In essence then, we are *all* imprisoned by these maddening practices, especially when we dismiss, ignore, or rewrite the scientific evidence on which these restrictive choices and actions are based.

Thus, drawing upon the notion of total confinement as developed from Goffman’s (1961) appraisal of *total institutions* and Arrigo and Milovanovic’s (2009) reinterpretation of the *society of captives*, we articulated an innovative model for understanding this culture of imprisonment. In our work, *The Ethics of Total Confinement: A Critique of Madness, Citizenship, and Social Justice* (Arrigo et al, 2011) we extended the analysis established in our article on inmate isolation, and examined two additional threat-avoidance practices. These additional practices included juveniles waived to and adjudicated within the adult system and the total confinement of formerly incarcerated sexual (and violent) offenders. We systematically uncovered how institutions, by way of their respective agents, act as “totalizing apparatuses” (Arrigo, 2004, p. vii; see also Arrigo et al., 2011). These systems exercise a kind of social control that normalizes violence for the kept and their keepers as well as their managers and watchers. This violence is the power to materially and/or existentially harm – it reduces, represses, and, consequently, injures *all* individuals caught up in this limit-setting cycle of normalized violence (Arrigo et al., 2011; see also Henry &

Milovanovic, 1996). As such, the reflection, choice, and action that nurtures and sustains total confinement practices (e.g., solitary confinement for psychiatrically disordered inmates) is nothing short of *totalizing madness* (Arrigo et al., 2011).

In order to overcome this maddening captivity, a type of citizenship and a quality of (social) justice was proposed that affirms the humanity and honors the dignity of *all* subjects. This ethic was sourced in novel theory, method, and practice. Our perspective on citizenship and social justice represented not only a paradigmatic shift in how we imagine, speak about and grasp who we are (or could be), but in what we do (or could do). Thus, the madness that we diagnosed necessitated a de/reconstruction so that citizenship could itself be dis/reassembled, and the search for social justice could itself be dis/reengaged (Arrigo et al., 2011). This project of growing dynamic transformations pours into the realms of theory, method, and praxis.

As theory, we explained that there are four spheres of interdependent and overlapping influence that sustain captivity's madness. These spheres shape and are influenced by the self/society mutuality (the twin dynamics). The Symbolic sphere is the realm of consumerism. It involves the "consumption of a particular and dominant aesthetic (pictures in our minds) regarding vulnerable, troubled, and distressed individuals; those professionals whose expertise includes treatment, corrections, and societal reentry; and the interventions exercised to ameliorate offenders and the offended" (Arrigo et al., 2011). The Linguistic sphere is the realm of politics. It includes summary representations that when constructed create a text about offenders that frequently tell only the story of their deviance, disease, and dangerousness. The Material sphere is the realm of technology. Here, the favored text (i.e., the narrative of mental health law) "endorses systems of (bodies of) knowledge in psychiatry, penology, social work, education, and the like" that discipline (i.e., correct) the self/society mutuality on the systems' own reductive/repressive terms and through their own limit-setting technologies (Arrigo et al., 2011). The Cultural sphere is the realm of cosmopolitanism. It consists of the replication and distribution of

images, texts, and technologies about the self/society mutuality that sustain captivity. Collectively, these forces of control (and their corresponding hyper-vigilant and panoptic intensities) await destabilization. This is how overcoming captivity's madness is initiated.

As method, the co-productive and mutually supporting influences of consumerism, politics, technology, and cosmopolitanism necessitate further textual investigation. This future empirical inquiry would reveal a deeper level of "evidence about the quality of dignity (for one and all?), the type of healing (individual, collective, and social?), and the nature of critique (Aristotelian-derived?), located within and communicated through legal decisions" (Arrigo et al., 2011). For example, does the prevailing case law explored in our article on solitary confinement reveal any instances in which habits of character such as courage were promoted, and, if so, for whom?

Moreover, at the level of PJ practice, constructs such as "fairness," "dignity," "the therapeutic," "restorative," "self," and "society," are all presently "filtered through the intemperance that...captivity most assuredly guarantees" (Arrigo et al., 2011). In order to advance a more robust regard for social justice, the symbolic, linguistic, material, and cultural meanings that inform these constructs also must be the source of critique. Indeed, as we maintained in our book, "to speak of growing dignity, healing, care, restoration, and community as artifacts of praxis made more realizable by way of psychological jurisprudence, is to question the very basis on which these constructs are given preferred aesthetical, epistemological, ethical, and ontological grounding" (Arrigo et al., 2011). In this way, habits of character as transformative have the greatest potential to materialize, and social justice as dynamic praxis has the most promise for fulfillment.

If a moral philosophy is to emerge in response to and prevail over the ethics of total confinement, nothing less than a revolution must occur. As our book makes evident, deep and systematic reforms sensitive to re-diagnosing madness, re-advancing citizenship, and re-visiting social justice are all of the utmost importance. These reforms extend from legal education to clinical/mental health training and practice, from academic research to

human/social welfare programming and policy. Our challenge, then, is to begin the journey to overcome the normative constraints of total confinement. This is an awaiting and pulsating revolution. It is a departure from which change will spark yet unrealized self/society flourishing.

References

- Acorn, A. (2010). Arguing the 8th Amendment for the mentally ill: Can Aristotle help? *Journal of Theoretical and Philosophical Criminology*, 2(3), 110-123.
- Aristotle. (2000). *Nicomachean ethics*. R. Crisp (trans.). Cambridge: Cambridge University Press (Original work composed 4th Century, B.C.E).
- Arrigo, B. A. (Ed.) (2004). *Psychological jurisprudence: Critical explorations in law, crime, and society*. Albany, NY: SUNY Press.
- Arrigo, B.A., Bersot, H.Y., & Sellers, B.G. (2011). *The ethics of total confinement: A critique of madness, citizenship, and social justice*. New York, NY: Oxford University Press.
- Arrigo, B. A., & Milovanovic, D. (2009). *Revolution in penology: Rethinking the society of captives*. Lanham, MD: Rowman & Littlefield.
- Beck, U. (1992). *Risk society: Towards a new modernity*. London, UK: Sage.
- Beck, U. (2009). *World at risk*. Cambridge, UK: Polity Press.
- Bersot, H.Y. & Arrigo, B.A. (2010). Inmate mental health, solitary confinement, and cruel and unusual punishment: An ethical and justice policy inquiry. *Journal of Theoretical and Philosophical Criminology*, 2(3), 1-82.
- Duff, R. A. (2001). *Punishment, communication, and community*. New York: Oxford University Press.
- Foucault, M. (1977). *Discipline and punish: The birth of a prison*. New York, NY: Pantheon.
- Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. Garden City, NY: Anchor Books.
- Haney, C. (2003). Mental health issues in long-term solitary and "supermax" confinement. *Crime & Delinquency*, 49(1), 124-156.
- Henry, S., & Milovanovic, D. (1996). *Constitutive criminology: Beyond postmodernism*. London, UK: Sage.

- Kupers, T.A. (2010). Commentary on "Inmate mental health, solitary confinement, and cruel and unusual punishment: An ethical and justice policy inquiry." *Journal of Theoretical and Philosophical Criminology*, 2(3), 93-97.
- Kupers, T. (2008). What to do with survivors? Coping with the long-term effects of isolated confinement. *Criminal Justice and Behavior*, 35(8), 1005-1016.
- Levinas, E. (1987). *Time and the Other*. Pittsburgh, PA: Duquesne University Press.
- Levinas, E. (2004). *Otherwise Than Being*. Pittsburgh, PA: Duquesne University Press.
- Lovell, D. (2008). Patterns of disturbed behavior in a supermax population. *Criminal Justice and Behavior*, 35, 985-1004.
- MacIntyre, A. (2007). *After virtue: A study in moral theory (3rd ed.)*. South Bend, IN: University of Notre Dame Press.
- Mercuro, N., & Medema, S. G. (1998). *Law and economics: From Posner to post-modernism*. Princeton, NJ: Princeton University Press.
- Posner, R. (2008). *How judges think*. Cambridge, MA: Harvard University Press.
- Presser, L. & Easterling, B. (2010). Care for convicts. *Journal of Theoretical and Philosophical Criminology*, 2(3), 83-92.
- Rhodes, L. (2004). *Total confinement: Madness and reason in the maximum security prison*. California: University of California Press.
- Rhodes, L. (2005). Pathological effects of the supermaximum prison. *American Journal of Public Health*, 95(10), 1692-1695.
- Simon, J. (2009). *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. New York, NY: Oxford University Press.
- Ward, T. (2010). Dignity, virtue, and punishment: The ethical justification of disciplinary segregation in prisoners. *Journal of Theoretical and Philosophical Criminology*, 2(3), 98-109.