

KILROY CAFÉ

Philosophy for the Modern Age

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KAPU!

We propose sensible reforms to American criminal law based on ancient Hawaiian wisdom: Death for Everything!

By GLENN CAMPBELL

Picture the gentle Hawaiians, playing their ukuleles and dancing the hula for tourists on Waikiki Beach. Who could lead a more idyllic life? Their paradise was spoiled only by the pillaging white man, who robbed them of their innocence, broke their spirit and forced them to wear clothes.

That's the image sold to us by the tourist board, but it's a fantasy. Hawaiian life before westerners arrived was brutal, bloody and not at all gentle. Warfare was a way of life, and authority was absurdly strict. Of course, things only got worse after contact. With a couple of ship's cannon and a little western military know-how, King Kamehameha of the Big Island, slaughtered tens of thousands of his enemies and took control of all the islands—long before any missionary or trader ever settled there. European influence may have destabilized the islands, but it was Hawaiians killing Hawaiians, not invaders from the outside.

Before western encroachment, Hawaiian law was brutally simple. There was one punishment for everything: *Kapu*. Death.

The list of offenses subject to kapu was lengthy. There were the obvious crimes of theft, murder, infidelity, etc., but also some unusual ones. It was kapu to allow ones shadow to fall upon that of

the king or to interrupt the king when he was speaking. It was kapu to not observe the holy days or to fish in the wrong spot. It was kapu for men and women to eat together, even when married. It was even kapu to prepare men's food in the same same bowl used for woman's food.

Punishment for the offender was sure and swift, with no room for appeal. One method of execution was a tombstone-shaped rock, about 8 feet high, which the offender was obliged to stand in front of. At the top of the rock was a hole through which a rope was passed. The rope was looped around the offender's neck and then back out the same hole. On the other side, upon the command of authority, a beefy man from the village pulled down hard on the rope to strangle the prisoner, without suffering the unpleasantness of watching his neighbor die.

We're much more civilized today. In America, we only kill people for extreme crimes, like premeditated murder, and everyone sentenced to death gets an appeal, sometimes years of appeals. In fact, it takes an awful long time for us to kill someone, not to mention a million dollars or more in legal fees—which makes you wonder if the Hawaiians were onto something.

In lieu of death, we sentence many offenders to life in prison without the possibility of parole, which is a lot like death but more civilized. This can also

cost the taxpayers a million dollars or more for a lifetime of incarceration. Other inmates get long mandatory sentence of 10 to 40 years, regardless of the subsequent behavior, which is pretty close to life for practical purposes.

The Hawaiian kapu system may sound barbaric but it worked for them. On islands with limited resources, it must have kept the population down. Another plus: no incarceration costs. Once the sentence was pronounced, people got closure really fast, and those who remained alive were able to move on with their lives with a minimum of complication. The same can't be said of our system.

While America society doesn't approve of death for minor crimes, we also don't believe in rehabilitation or prevention, at least to the point of funding them. America has approximately one response to every social ill: more punishment. That's why we have the highest incarceration rate in the world.

We also have the highest crime rate of the big industrial nations, which makes you ask which came first. Do we have a high incarceration rate because our people are so violent, or are our people violent because we imprison so many of them at the expense of all other social programs? A million dollars to house an inmate is a million that can't be used for say, education, job training or youth diversion—things that could prevent more crime in the long run.

To free up resources, maybe we should do things the Hawaiian way. Instead of committing prisoners to long and expensive sentences with no reasonable reformative value—say, ten years or more—let's just kill 'em!

This may sound extreme, but if we're going to kill someone's spirit while keeping their body alive, maybe we're not as civilized as we think we are.

—G.C.

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