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## PRISON REFORM IN BELGIUM

THORSTEN SELLIN

An interesting and exceedingly important social experiment is being carried out in Belgium, the reorganization of the penal institutions in accord with modern scientific concepts of the nature of the criminal and the aim of punishment. Because of the considerable part which American experience and influence has played in the orientation of this reform it might be valuable to outline the background, the present attainment, and the future scope of the new order. In doing this the writer proposes to avoid any detailed discussion of technique and machinery, a task which would require considerable space.

The prison system before the war represented the life work of one man and the triumph of one idea. The man was Édouard Ducpétiaux (1804-1868) who, in 1830, became inspector general of the prisons of the country. This brilliant young lawyer, who had already won a fair amount of political fame when he accepted his new post, became, like many of his contemporaries, an ardent supporter of the Pennsylvania system, which was just beginning its triumphant conquest of Europe. Due to his ability and influence he succeeded in introducing this system in Belgium, in prisons specially built or converted for the purpose. The seemingly judicious use of constant cellular confinement brought apparently good results and until the Great War these prisons were known far and wide as models of their kind. According to the adversaries of the cell used for solitary confinement over long periods, the success was chimerical. "The most absolute empiricism ruled in the treatment of the inmates," says Vervaeck, "those who succeeded in penetrating the numerous doors for a visit of the establishment marvelled at the perfect, rigid, impeccable mechanism, which reigned, the order, the cleanliness, the calm, the automatic methodicity governing the administration. The management by devoted and intelligent officials, assisted by a personnel under military discipline, gave a reassuring impression of security and comfort, permitting the visitor to leave convinced that society could not be better defended or the criminals better treated than in the Belgian prisons."<sup>1</sup>

In the course of time certain mitigations had been introduced. The sick received special care, of course, and mental examinations

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<sup>1</sup>Vervaeck, Louis: *La conception anthropologique du traitement des condamnés*, 23 p. Imp. Méd. et Scient. Brussels, 1921, p. 5.

begun in 1892 assured the treatment of mental disorders of a pronounced kind. Those who showed themselves particularly rebellious to the system could—after ten years—be transferred to an institution on the Auburn plan. In relatively recent years the penitentiary at Louvain for long term prisoners,<sup>2</sup> under the able guidance of Mr. Ernest Bertrand, had even seen the creation of a band and a newspaper, but in all of the prisons the strict use of the cell remained, including the odious cages in the chapel and the schoolroom and the still more odious “pens” for the daily promenade.

The age-old criticisms against the cellular system were reinvoked by its adversaries; the cell does not prepare for life in society and it does not permit the individualization of treatment, both defects which cannot be blamed on the system itself so much as on the attitude of the law towards the criminal, an attitude, which obviously determines the nature of the instrument of repression. The uniformity of the treatment was largely due to the principle of moral responsibility which governed the penal law which, in addition, frequently shortened instead of sharpened the repression of those benefiting by the principle of total or partial irresponsibility due to mental infirmity or deficiency. The confinement of the latter in private or public asylums permitted their release as soon as they were held to be cured with the result that many again found themselves in immediate conflict with the law. The problem of adequate social defense against the insane and the alcoholic criminals, in particular, had not failed to interest the authorities. Both in 1890, 1909, and 1914, efforts were made to introduce legislation which would permit adequate care for these groups of delinquents but without success. The war hastened matters.

The reasons for the great impulse given to the prison reform movement after the war are several. When the invaders entered Belgium they occupied the prisons entirely or in part, introducing their own administration and surveillance. Numerous were the Belgian “intellectuals,” who were given a more or less prolonged taste of cellular confinement under very unfavorable conditions. Today these men and women are among the most vigorous supporters of the new regime. Another political factor should be taken into account, the rise to control of the Socialist party, which has always manifested great interest in the reforms of the prisons. Its chief, Mr. Vandervelde, has contributed much to the realization in this respect, but while he may be regarded as the sponsor of the reforms he is by no means their

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<sup>2</sup>Among which are over a hundred with death sentences commuted to life imprisonment.

parent. It is the scientists, the students of criminal anthropology, of psychiatry, and of penal law who have fathered them. Following the path blazed by Lombroso, Ferri, and Garofalo, men like Auguste Ley, F. Héger-Gilbert, Paul Heger, Louis Vervaeck, and Adolphe Prins have prepared the ground for the application of *the principle of social defense as the aim of penal treatment based on a scientific study of the delinquent with a view of rendering him innocuous either by a therapeutic process which will eventually lead to his social reintegration or by his definite elimination for the protection and security of society.*

The initial impulse seems to have been given by Vervaeck and Héger-Gilbert in a paper read in 1919 before the Royal Academy of Medicine. The authors demanded the support of the assembly for measures which would lead to a reform of the entire penal system of Belgium. Their request, made in the name of science,<sup>3</sup> brought immediate results. A commission was appointed by the government for the study of the question and in June, 1920, a "Conseils Supérieur des Prisons" was created, a permanent body composed of sixteen appointed members serving four-year terms. In motivating this step, Mr. Vendervelde, the Minister of Justice, said: The evolution of penal law, the progress of psychiatry and criminal anthropology, the changes in the ideas on the aim and the nature of repression ought of necessity bring profound modifications in the prison regime. To the old concept, establishing a division between the insane and the criminal, both completely separated from society, is being substituted a new concept which takes into account the infinite variety of individual cases, tending to submit all prisoners to psychiatric observations, creating intermediate stations between prison and asylum, and introducing into the prisons a rational organization of instruction and labor in order to return to society, not future recidivists but men who can be socially reinstated.

The prison administration would fail in its task if it neglected to study these new tendencies. It is its duty to find means to harmonize prison practice with the teachings of the criminological sciences. In that work numerous problems arise, interesting both from a humanitarian point of view, as well as from that of social defense. We might cite, in particular, the question of criminal asylums, psychiatric annexes to the prisons for the re-education of abnormal delinquents, and the introduction of labor in groups which, while conserving the advantages of the cellular regime and avoiding inadmissible competition with free labor, would remove the delinquent from the depressing in-

<sup>3</sup>Héger-Gilbert, F. and Vervaeck, L.: *Considérations sur le régime pénitentiaire. Les annexes psychiatriques et l'amendement par le travail*, Bull. de l'Acad. Royale de Médecine de Belgique. IVe série Tome 29:487-518, 1919.

fluence of solitude or of useless labor with rudimentary tools.<sup>4</sup> This motivation contained the demands made by Vervaeck and Héger-Gilbert and enunciated the guiding principles of the new reforms.

Just as the old concept of moral responsibility fashioned its instruments of repression, the anthropological concept of the criminal requires different tools. According to Vervaeck, the prison must be a "moral and social sanatorium" where all the knowledge of science should be utilized in order to cure the constitutional, social, and moral maladies which result in delinquent behavior, and thus furnish the offender with an arm to resist its recurrence. The exact nature of this treatment can only be ascertained after a careful study of each individual case and for this purpose there have been established anthropological laboratories in all the central prisons. Thus Belgium has become the pioneer country in realizing, on a state-wide scale, the resolutions passed in the International Congresses of Criminal Anthropology since 1886.

Already in 1907, Vervaeck was given permission to install a laboratory of criminal anthropology at the prison of Forest (Brussels), and the success of the venture led to its official recognition in 1910. Before the new reforms went into effect about two thousand delinquents had been studied, including most of recidivists in the country, and when the S. A. P. ("Service Anthropologique Pénitentiaire") was created in 1920, Vervaeck, who had beaten the path, was made its chief. The extremely great importance of this organization, which is in truth the most essential element, the heart, of the new organism, requires us to examine it in some detail.

The central bureau has been installed at Forest, where the old laboratory remains, while eight additional laboratories have been organized at the prisons of Saint-Gilles (Brussels), Louvain, Ghent, Antwerp, Liège, Mons, Bruges and Namur, each serving a defined district. All of them have been equipped with modern technical appliances and are headed by specialists, "physician-anthropologists," to give them their official title. Each one is aided by a trained anthropometrist and a clerk; the latter conducts, at least in part, the "sociological" investigation. The examination, which is obligatory for all recidivists and all first offenders sentenced to at least three months imprisonment (political and fiscal offenders excepted), has for its purpose: the evaluation of the delinquent's physical and mental health in view of his treatment; the appreciation of his abilities and in-

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<sup>4</sup>Héger-Gilbert, F.: *Les réformes du régime pénitentiaire*. Rev. de droit pénal et de criminologie, etc., 1:3-19, 1921, pp. 4-5.

clinations in view of his vocational guidance; and, the study of his "milieu" in view of his eventual social reintegration upon leaving the institution. It must be made some time during the month following the imprisonment.

So far as the medical, anthropological, and neuro-psychological examination is concerned, the data are numerous and minute. A standardized form has been developed by Vervaeck and it is a voluminous record containing over thirteen hundred items spread over twenty-four pages, legal size. A good five hours are required by trained operators to prepare one of them. Since 1920 about nine thousand such studies have been made in all the laboratories of the country, which brings the total in the archives of the central bureau to eleven thousand, a mine of incomparable value to the research student.

If I should venture a comment upon the nature of the examination as I have seen it practiced, I would point to the poverty of the "sociological" data collected. Far be it from me to suggest that an enlargement in this respect should cause the anthropological examination to be shortened; we need all the information we can get on the nature of the criminal. However, in contrast with some 300 anthropometric measurements and twice that number of items in the neuro-psychological examination (which is still primarily physiological) there are only about a hundred of a "sociological" nature. In view of Vervaeck's oft-expressed belief in the very great importance of the social and moral factors in delinquency, this is unfortunate. Besides, the sociological data are compiled by clerks who lack a background or a training even faintly comparable to that of the specialist in charge of the medical and psychological examination. The justice of these criticisms have been fully born out by the attempts that have been made to improve the social investigation, but while the enlistment of voluntary case workers from the Training School for Social Workers may have improved the situation somewhat in Brussels, it has offered no solution for the laboratories in the provinces where the members of the Prisoners' Aid Committee often volunteer for this work in which they naturally lack preparation. The heads of the "school-prisons" have felt this deficiency particularly keenly and in order to insure the success of his institution, one of them at least has found it necessary to carry on extensive supplementary investigations with the aid of his staff. Rome was not built in one day, however, and there is every reason to believe that the future will bring the necessary modifications both in the nature and the scope of the examination.

When the examination has been finished, its results are summarized in an "anthropological report," which forms part of the case record. "The anthropological report has for object the fixing of the penal treatment of the prisoner concerned; it indicates, in particular, his professional orientation, the importance of degenerative and educative defects, should they exist, the psychological therapy to which he should be submitted, and, finally, the best measures to take in view of his social readaptation."<sup>5</sup> The report is sent to the director of the prison, who communicates it to those of the following members of the personnel whose interventions are needed to carry out the treatment recommended: the assistant director, the priest, the teacher, the chief guard, the first guard, the block supervisor and the shop superintendent (art. 13). Every week the physician-anthropologist and the above members of the personnel meet under the presidency of the director of the prison for the purpose of discussing the application of the measures recommended and evaluate their success (art. 14). Members of the Prisoners' Aid Committee of the district are also admitted to these meetings.<sup>6</sup>

The importance of the above provisions are obvious. Theoretically, at least, they place the control of the treatment of all the prisoners examined in the hands of the anthropologists. The director of the prison becomes in a certain sense a subordinate, whose authority is no longer complete except as it touches the material side of his institution. What the future will bring I do not know, but at present the majority of the directors feel keenly what they consider an infringement on their rights and their dignity. The result is that in one prison at least, where the director is frankly hostile to the new order of things, the meetings in question ceased after a few weeks, during which time the physician-anthropologist was consulted out of courtesy and so clearly made to feel that he was *de trop* that he in the end suggested that the meetings be discontinued.

In connection with the prisons and under the supervision of the S. A. P., psychiatric annexes have been organized. Three of them (Forest, Ghent, and Antwerp) have been in operation since 1921, while those at Liège and Mons are of recent origin. "The psychiatric annex is destined to receive prisoners with, or suspected of, mental dis-

<sup>5</sup>Art. 12. *Règlement concernant le service des laboratoires d'anthropologie pénitentiaire.* Min. de la Justice, Brussels.

<sup>6</sup>The chief executive of the S. A. P. is a committee of five members: Dr. Vervaeck; Mr. Didion, the general director of prisons; professors Héger-Gilbert and Ley of the University of Brussels, one a physician, the other a psychiatrist; Mr. Buyse, director of art and industrial education of the city of Brussels, who is charged with the reorganization of prison labor.

orders. They are admitted to be kept under observation and to be given appropriate treatment, and are placed there either by the physician of the anthropological service, by the Central Prison Administration, or at the request of the court."<sup>7</sup> Even medical experts may on demand be allowed to place in the annex prisoners submitted to them for examination. These departments are, of course, only faintly suggestive of the prison. At Forest the annex consists of a large hospital room with eleven beds and several small single rooms. Directly outside is a spacious yard, where the rule of silence is imperative, but where the prisoners under observation spend a considerable part of the day. The guards, in constant charge, have been given a course of three months' duration in an insane asylum, where they have acquired the rudiments of nursing. While this preparation is not yet general, it will be extended to the guards of the other annexes as soon as the finances permit it.

If the preliminary examination or the period of observation shows that the prisoner suffers from epilepsy or similar forms of mental troubles he is sent to the "hospital-prison" as Merxplas, which has a modern therapeutic equipment and where he is placed under a regime which seems ideal from a medical point of view. If he is shown to be mentally deficient he is sent to an "asylum-prison" where he is given training and education commensurate with his mental powers. And, finally, if he is insane he is sent to the asylum at Tournai in accordance with a well-established practice, which may be modified if the bill introduced in 1923 is voted.

Under the new regime, special care has been taken to insure the physical rehabilitation of the prisoner. Surgical clinics, equipped for any major operation, have been installed at Saint-Gilles and Ghent and are in the hands of specialists. At Forest an eye, ear, nose, throat and mouth clinic and infirmary has been organized, also manned by specialists. While the venereal diseases are as a rule treated by the prison physician (which must not be confused with the physician-anthropologist, who has nothing directly to do with general health conditions in the institution), there exists a special service at Forest. But the most important of the innovations in this line is the "sanatorium-prison" at Merxplas, where there is place for one hundred and twenty tubercular prisoners who are sent there from all over Belgium, their selection being governed solely by the condition of their health. This institution, which is probably the first of its kind in the world, has been declared by specialists perfectly suited for the purpose. The

<sup>7</sup>Art. 1. *Règlement. Annexes psychiatriques.* Min. de la Justice, Brussels.

large open-air veranda, the well-lighted and ventilated rooms, the spotless cleanliness and the white walls make the visitor competely forget that he is walking through a penal institution.

Besides individualizing treatment on a health basis, the S. A. P. has a second important function, the vocational guidance of the prisoner. This has necessitated a reorganization of the system of prison labor, which used to be in the hands of private contractors, and of a nature which precluded any effective preparation for life in freedom. In 1920, the Superior Prison Council passed the following resolution, "It would be advisable to reorganize prison labor giving it as its principal aim the readaptation of those individuals who are mentally qualified for social life in liberty. This purpose might be reached by a system of technical labor in which apprenticeship would be associated with production."<sup>8</sup> These considerations also guided Mr. Buysel, who, in a report on the question, proposed the organization of labor in three forms: 1. Labor under present conditions for the inapt, who cannot learn a trade but can be usefully occupied at weaving, pasting paper bags, making simple toys, etc. 2. The "factory-prison" for those already knowing a trade and for the apprentices above the school-prison age.<sup>9</sup> 3. The "school-prison" for young delinquents above the juvenile court age of sixteen but under twenty-one. Inspired by Howard's dictum, "Make men industrious and you make them honest," he prophesied that such a reorganization would be particularly valuable to the young delinquent, who would be given a training and an education which would be certain to assure him a livelihood by honest means.

The directors enunciated above have been followed in so far as conditions have permitted it. In most of the penitentiaries, however, the great majority of the prisoners are still employed in the old manner with the exception that their earnings are a little higher<sup>10</sup> and

<sup>8</sup>Héger-Gilbert, F.: *Les réformes du régime pénitentiaire*, pp. 8-9.

<sup>9</sup>The financial records of some of the American prisons, such as the Minnesota State Prison at Stillwater in particular, have not failed to impress the Belgians and they are frank in avowing that they would like to combine the "therapeutic" and the money-making properties of prison labor. As a matter of fact the net profit from the prisons have constantly risen since 1920, when it was 240,000 francs, to 1923, when it was 750,000, and this in spite of the fact that the prison population fell.

<sup>10</sup>In order to avoid competition with free labor, the Superior Prison Council has been studying the question of wages. The plan, which will put into effect as soon as the organization of the prison labor has been completed, calls for a wage equal to  $\frac{3}{4}$  of that paid the free worker in the industry concerned. From this wage 20% goes to the prosecuting party (damages, restitutions, fines, court charges, etc.); 50, 40, or 30% goes to the prisoner, depending on the nature of his sentence; the rest goes to the State for maintenance, etc. Cf. the part given the prisoner half is destined for his family, if it is in need. Cf.

that they now work almost entirely for the state or for charitable institutions, the private contractors being gradually eliminated. The "factory-prisons" have been started on a small scale. At Saint-Gilles and at Louvain, for instance, I have seen the printing and carpentry shops installed but as yet they employ only between five and ten per cent of the prison population.

The biggest result so far reached is indubitably in the creation of the "school-prisons," one industrial for boys with a city background, the other agricultural for the peasant boys, in particular.<sup>11</sup> The former has found quarters in the great prison built at Ghent in 1776 through the influence of Vilain XIV the latter has been installed at Merxplas in part of that great agricultural colony for vagrants, which since the war has found its quarters, designed for over six thousand inmates, only to one-fifth occupied. The novel name must not be allowed to confuse us. These institutions are reformatories organized much as our American ones and imbued by the same spirit. The pupils are between sixteen and twenty-one and have been specially selected by the S. A. P. Six perverts and mental defectives are not admitted. In special cases the administration permits the acceptance of prisoners up to the age of thirty.

The aim of the "school-prisons" is to give their pupils professional, intellectual, physical, and moral training and this fourfold educative process is greatly facilitated by the small school population. Ghent, which is equipped to receive about one hundred and fifty has at present only about eighty, while Merxplas averages around sixty pupils. The professional education is based on an apprenticeship system with periodic examinations and complemented by theoretical instruction. Small groups are handled by supervisors who are themselves masters in the craft and work with the boys. Production, while subordinated to training, is for actual use. At Ghent, there are shops with modern equipment for the training of mechanics, tinsmiths, shoemakers, cabinetmakers, tailors, bookbinders, and painter-decorators; at Merxplas, farming, cattle and poultry raising are taught, as well as certain industries connected with farming, such as basket-making, the making of sabots, etc.

Héger-Gilbert, F. and Vervaeck, L.: *Les réformes pénitentiaires en Belgique 1921-1922*. Annales de médecine légale, de criminologie et de police scientifique, 2:105-36, 1922. Also published in *Revue anthropologique*, 1922-23. At the present time, the total earnings of the best workers of the school-prisons do not reach three francs a day. When the legal subtractions have been made little remains. The apprentices earn, of course, much less.

<sup>11</sup>Schools for Domestic Economy have been organized for the women, at Bruges and at Forest.

The physical education is cared for by gymnastics, games and sports and the traditional daily promenade in Indian file under the rule of silence. Class attendance is obligatory for those who lack the equivalent of an elementary school education and the schoolrooms are no longer a constant reminder of the prisoner's isolation from social contacts. The necessity of dividing all classes into Flemish and French sections creates a certain duplication of efforts; this is true, of course, for other phases of the work of the institution as well. Trained teachers are charged with the instruction which is correlated, as much as possible, with the professional training and which above all is governed by a social point of view. "The school should primarily teach *how to live*. What does it matter if on his release the pupil has forgotten this or that rule of syntax if the school has been successful in creating in him the framework of a moral life by means of a social education necessary for an honest and useful existence!"<sup>12</sup> At Merxplas attempts have been made to assist the more advanced boys to continue their studies, and the University of Paris has found more than one correspondence student in the institution.

The moral and social education, however, is not limited to the classroom. The entire personnel, even the pupils themselves, are charged with it. The staff has found two powerful aids in the system of progressive classification established in both the school-prisons and in the self-government plan developed at Merxplas and in use there alone. When the boy enters he is placed in a Trial division, where he must remain at least three months. By means of a system of "moral accounting" he is given daily ratings and at the end of the month his "balance" is established; the total number of points received for general conduct, cleanliness, spirit of economy, use of time in the cell, silence, application in the classroom, application in the shop, and efforts of reform forms the basis for his promotion to the Good, and, after another three months, to the Best divisions. Bad conduct may lead to the Punishment division. Anyone who at Ghent receives less than fifteen points (on a scale of fifty-six) and at Merxplas less than sixty points (on a scale of one hundred) is placed in the last mentioned category. The members of the various divisions carry distinctive marks and enjoy privileges which vary in nature and importance, depending on their classification.

The self-government system at Merxplas is of American importation. The story of its origin was told me at length by Mr. Delierneux, the assistant director, whose firm belief in his wards has in a

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<sup>12</sup>Delierneux, *op. cit.*, p. 1089.

large measure made the organization a success. He said, in substance, "For about a year I had organized nightly gatherings among the boys of the two higher divisions where, in small and intimate groups, we talked over the events of the day and the serious problems of life. All the time I was hoping that these meetings would lead some day to the formation of something like Osborne's Mutual Welfare League. One evening we discussed 'Prisons and Society' and, responding to my appeal to their patriotic pride the boys became anxious to try the idea. I gave them a week to bring in a plan, since it was to be their work and not mine. When the time expired, they brought me the constitution,<sup>13</sup> the fruit of many evenings of hard effort. The success has been

<sup>13</sup>I. *The Founding of the Association.* Art. 1. The association Broken Chains is founded today, March 2, 1923, by thirteen pupils of the school-prison at Merxplas. II. *Aim.* Art. 2. The association shall have for its aim: 1° to render moral and social freedom to the pupils of the school-prison and particularly the members of the association; 2° to permit the members to render mutual aid in the work of their moral and social regeneration; 3° to develop each member from three points of view: moral, intellectual, physical; 4° to collaborate in the improvement of the school-prison which has for its aim our readaptation; 5° to teach its members how to employ their leisure time usefully. III. *Membership.* Art. 3. The Director and the Professor shall be honorary presidents of the association. Art. 4. The honorary presidents shall have consultative but no voting power in the deliberations. Art. 5. Besides, the association shall comprise: 1° a president and his substitute; 2° two secretaries; 3° a treasurer; 4° members; 5° liberated members. Art. 6. The presidents and the secretaries shall be elected by secret vote cast by all the members of the association. Art. 7. The president shall be elected for the term of three months. He can be re-elected. He should have a majority vote. Art. 8. A committee, composed of the president and four commissioners elected by the association, shall administer its affairs. Art. 9. The association shall appoint a delegate for each shop and for each brigade of cultivators. These appointments shall be for one month. Art. 10. The duties of these delegates shall be: 1° to control the obedience to the rules of the association; 2° to report to the committee those pupils of the school-prison, members or not, who give bad examples; 3° to take under their special charge those who have applied for membership in the association; 4° to fulfill the missions entrusted to them by the committee. Art. 11. The committee shall determine the discipline to which the members should be submitted. IV. *Conditions for admission.* Art. 12. To become member of the association one must: 1° have been in the institution at least a month; 2° address a written demand to the president; 3° pass a trial period lasting two months from the date of the application; 4° during that time have at least 80 points; 5° be accepted by a majority in a secret vote. V. *Duties of the members.* Art. 13. The members must take an honor-pledge: 1° to respect the rules of the institution and of the association; 2° to aid each other: a. by giving a good example; b. by warning those of their companions whom they might see on the path of vice and, therefore, on the road to misery and dishonor; c. by defending, before the committee or the administration, the interest of any pupil who might fail to do so due to shame or ignorance; d. by contributing to a mutual fund which shall have for its purpose: first, to aid freed members who due to circumstances over which they had no control have need of such aid. Members so aided should give a receipt for the sum lent them and promise to repay it as soon as they have found work; second, to insure the members against illness; third, to help the parents of members, if they are in need due to circumstances independent of their will; fourth, to buy books and other objects of use to all; fifth, to contribute to the expenses of

unqualified. The association has a great influence. The personnel is no longer alone in the fight to realize the rehabilitation of the pupils, who no longer regard us merely as their chiefs, but also as their friends and guides. In one number of their little monthly publication I found this statement: 'From now on there are no more prisoners and guards at the school-prison, only youths who repair an error and men of sympathy who sustain and direct their efforts.'" As an evidence of the new spirit of social obligation, he mentioned that out of the relatively small treasury, the association had, on its own accord, voted large contributions to be sent to sufferers in the Liège-inundations and the Tokio disaster.

The success of any institution depends on its direction and on its personnel, since there is no "system" in existence which has any inherent reformative virtues. The sponsors of the reforms have clearly visualized this, but when the change was made it was obviously impossible to remove the old personnel and install a new one. Efforts have been made to train the employees and officials in order to ensure the practical application of the spirit as well as of the letter of the reforms. Lectures have been given in the institutions and a "School of Criminology and Police Technique" has been established, but success has been far from complete. Many of the officials in the administration are opposed or openly hostile to the new regime. Among them are able administrators, men who are profoundly, I might almost say, religiously, convinced of the superiority of the old system from the very point of view which forms the basis of the reorganization—the point of view of social defense. There the two extremes meet.

The third great function of the S. A. P. is to help the liberated

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some useful recreation. The money for this fund shall be procured in the following manner: 1° all applicants for membership shall pay an entrance fee of one franc. Two francs shall be demanded of those who demand readmittance after having been excluded; 2° Every member shall pay a monthly fee equal to one-tenth of the earnings of which he is free to dispose; 3° gifts from freed members or outsiders (the honorary presidents, parents of the members, visitors) shall be accepted by the association; 4° The paper of the association, "Broken Chains," shall be sold to the pupils of the institution and to freed members. Art. 14. In case the association should be dissolved, the money in the treasury shall be used to help some charitable enterprise particularly lacking in financial support. VI. *Loss of membership.* Art. 15. Any member of the association who is guilty of a criminal act shall be punished by the committee according to the gravity of his act. Art. 16. The punishment pronounced shall be the following: 1° reprimand accompanied by advice; 2° temporary suspension with prohibition to carry the insignia for two to four weeks; one to two months; more than two months; 3° definite expulsion with degradation. VII. *Insignia.* Art. 17. Each member shall carry on his breast the insignia of the association. VIII. *Modification of the Statutes.* Art. 18. No modification shall be made in these statutes unless they have been approved by at least two-thirds of the membership. Delierneux, A. M.: *La prison-école.* Rev. de Droit penal et de Crimin. 3:1080-1111, 1923, pp. 1087-8.

prisoner during the most difficult period of all, that immediately following his liberation, when in many cases at least the real "punishment" begins. This part of the program has as yet found no satisfactory solution. The Prisoners' Aid Committees (Comités de Patronage), which have functioned for several decades, are hardly equal to the task. Their members are well-meaning but as a rule impotent when it comes to the most important thing of all, the finding of work for the released prisoner. There is talk of organizing an official parole service on modern lines, comparable to those already in existence in many parts of our country, in England, and in Holland. In the meanwhile, a "Bureau of Social Readaptation," with trained case-workers, has been organized (in 1923), but although it does good work it serves primarily the metropolitan region of Brussels, nor is the prisoner at all compelled to seek its aid.

In 1921 Vervaeck said, "Even if the redemption for some prisoners is ephemeral, we shall, at least, have completely filled, in their respect, the mission of social therapy which should be the real *raison d'être* for the modern prison; in order to defend ourselves against incurable and unreformable recidivists, it then remains to take measures of protection and of definite elimination, which shall assure the security of society and at the same time respect the rights of science and humanity."<sup>14</sup> A bill introduced in 1923 will, if passed, go far toward realizing the desire expressed above and will harmonize the penal law with the principles governing the prison treatment. This bill provides for "social defense with respect to the abnormal delinquent, the habitual delinquent, and the young delinquent." It proposes legal sanction for the internement of those criminals who under the old law benefit by the principle of irresponsibility, ergo no punishment. An insane person who commits a crime should be adjudged "not guilty but demented" and placed in an appropriate asylum for five, ten, or fifteen years, depending upon the nature of the crime. There was a great deal of discussion, at the time of the introduction of this bill, about making the sentence truly indeterminate, but the limits mentioned were considered as accomplishing virtually the same purpose. The recidivists are menaced by an internement ranging from five to twenty years and the young delinquents are objects of a proposal to raise the age of detention in a school-prison to twenty-five, thereby making their training more certain.

These are, in great lines, the outstanding features of the reforms

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<sup>14</sup>Vervaeck, *La conception anthropologique du traitement des condamnés*, p. 23.

effected or proposed in Belgium. They represent what its protagonists consider as the absolute minimum required for an effective institutional treatment of the criminal. The hope has been expressed<sup>15</sup> that in the future the ordinary prison may be reserved for persons held for trial, perfectly normal prisoners, and those who are being submitted to anthropological observation before being directed to specialized therapeutic institutions within the penal system. No student of criminology can do else but hope for the successful realization of this program, not solely because it embodies his dreams and materializes his visions, but also because it would be carried out under conditions which would permit the measurement and the evaluation of the results, a most desirable thing in these days of "crime waves" and other humbug.

#### BIBLIOGRAPHICAL NOTE

For the convenience of those who might desire more detailed information about the reform in Belgium, I would suggest, in addition to the titles in the footnotes to the above article: (1) Vervaeck, L.: *Le traitement de tous les délinquants dans le cadre pénitentiaire* in *Annales de méd. légale; de crimin. et de police scient.* 4:165-192, 307-320, 1924; (2) Cuche, Paul: *Le régime cellulaire* in *Revue pénitentiaire* 46:43-76, 349-392, 515-526, 1922. This is an important discussion, which took place in the Société Générale des Prisons, Paris, on the merits and demerits of the Pennsylvania system. It was largely occasioned by the Belgian reforms. In addition to Cuche, who presented the report, the chief participants were Henri Joly, E. Garçon, Vervaeck, and Bertrand, the leader of the "opposition" in Belgium; (3) *A Notice sur la Prison École industrielle à Gand* (54 p. Impr. Admin., Saint-Gilles, 1925) has recently been published and can be had from the Directeur de la Prison Centrale, Gand; (4) Reports made by Vervaeck and Bertrand at the International Prison Congress, London, 1925, will be available as soon as the Proceedings appear; (5) The *Projet de loi de défense sociale à l'égard des anormaux, des délinquants d'habitude et de l'adolescence coupable* (Projet de loi no. 151, 1922-1923) and the reports made on it by Mr. Vandervelde (Chambre des Repr. Doc. no. 37, 1924-1925) and by Mr. Carton de Wiart (Ch. d. R. Doc. no. 38, 1924-1925) can be secured through the Minister of Justice, Brussels.

<sup>15</sup>*Ibid.*, p. 22.

Pages 278-328 inclusive containing  
Judicial Decisions on Criminal Law  
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