

Second Section  
First Question  
Abstract

The Classification of Criminals.

By Giustino De Sanctis , Inspector -General  
of Prisons, Italy.

There should be at least four divisions of criminals: 1, juvenile delinquents up to the age of 16. These should not be sentenced, but should have good reformatory education, with the best means available. 2, Those between 16 and 20. 3, Young men between 20 and 25. 4, Those ~~above~~ <sup>above</sup> 25. I would like to recall here what my eminent and lamented friend S.J. Barrows, — to whose memory I would here bear respectful homage — has said on the subject of juvenile delinquents at the Congress in Brussels: <sup>that</sup> we must recognize the fact <sup>that</sup> the division is absolutely arbitrary, ~~that~~ for there are persons of thirty who are really minors in all that concerns intellectual and moral development.

If the indeterminate sentence were once admitted it must have certain characteristics: imprisonment must be long enough for the full application of these reformatory methods; and it must be associated with conditional liberation.

If it seemed best to divide the term into four periods they would be as follows: 1. During the first period the convict would be submitted to ~~the greatest~~ restrictions and severity of discipline, and ~~would have the best effect of compulsory education~~; 2, In the second period the discipline would be lessened, the educational work continuing as strict as before. 3, The minimum limit would expire in these periods. 4, In this period the convict would come more or less in contact with free people, perhaps by working with them, ~~or letting them~~ entrusting ~~them~~ <sup>him</sup> <sup>responsible</sup> for a few hours a day to trustworthy masons, or other reliable



The Classification of Prisons

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If the indeterminate term were once admitted, it must have certain characteristics: it is permanent must be long enough for the full application of these reformatory methods; and it must be associated with complete isolation.

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workers , surrounded with all the guaranties possible . 4, The period of conditional liberation , under surveillance ~~for~~ a time.

The duration of these periods should be fixed by a commission composed of the the director of the prison, the judicial authority, and the president of the guardian society , or the society for the aid of discharged prisoners .

I would have different buildings for these different classes each of these divided into three sections which should serve for the three stages <sup>of</sup> ~~xxxxxx~~ the sentence .

Juveniles under 16 ~~sh~~ould not be subject to a penalty . They should be sent to reform schools or to farm colonies. The vision of one of these farms comes to me. I see it in a wide extent of ~~xxxxxx~~ <sup>xxxxxx</sup> green meadows under a shining sun , where harvests ripen and fruits abound ; where bees <sup>industrious</sup> are humming and domestic animals <sup>winds</sup> graze and the ~~xxxxxx~~ silk worms <sup>milks</sup> its precious cocoon . There our proteges scattered about in different cottages gain health and strength of body while their inner life is made better by work and instruction. Each cottage <sup>would</sup> ~~should~~ have not more than twenty inmates, with a <sup>head</sup> ~~head~~ of the family. Separated during the <sup>days</sup> ~~weeks~~ these families would come together on Sunday, in the chapel, under the cross of Christ, to have their souls revived with the word of truth and love and where hymns of love and praise should be upon their lips. These young people ~~should~~ have recreation and games, athletics and sports; on holidays they should be taken to picture galleries and evenings they should reassemble in their little homes <sup>m</sup> of peace and tranquillity.

Over the entrance to such an establishment should be the legend, Reformation and Social Security by Education.



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I would like to see such reform schools in all countries and scattered throughout my beloved Italy as flourishing as those of free America and I believe that day will come . We are making progress in Italy in this direction ~~and in caring for the insane~~ . We have new prisons and we shall shortly have improved prison administration . All this admirable work is very gratifying to us and our gratitude is due to that <sup>wise</sup> ~~admirable~~ man so fertile in excellent ideas ~~and~~ who has accomplished so much, Alexandro Doria.



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By Fernando Cadalso, Inspector General of  
Prisons, Madrid, Spain.

Second Section,  
First Question.  
Abstract.

*Penitentiary*  
The Modern Reformatory System.

1. To fix the essential principles and the method to be followed in a modern reformatory penitentiary system, it is necessary to make a distinction between accused and convicted prisoners, to take account of age, conduct, previous penalties, education, social condition, etc.

as well as the convicted  
2 The accused should be in separate confinement and isolated from others, though in relation with such persons as would have a good influence over them. Within the limits of the régime the life should be in conformity with the rules of health and there should be compulsory education and voluntary work and religious exercises. They should have all the rights compatible with the discipline of the establishment.

3. They should be held in different prisons : a, the convicted above sixty years of age; b, the incorrigible; c, political and anarchistic offenders, each category having a special system of treatment according to the personal conditions of each group. The system for the sexagenarians should be protective; for the incorrigibles severe discipline; for the others prudent restraint.

4. For those condemned to severe sentences not belonging to the preceding groups there should be transportation to places remote from the scene of the offence, if the nation has such places; if not to prisons maintained for this class. The principle of intimidation should be applied to them. Ifxx They may be employed in works of colonization in undeveloped countries.

5. For convicts above twenty-five the reformatory system may be applied, the discipline being made more or less severe ac-



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6. Minors should be placed in reform schools for as long a time as is necessary to secure their reformatio n. The treatment of minors should always be pedagogical.

7. ~~X~~ Juveniles between 16 and 23 should be held in separate institutions, ~~and submitted to similar treatment with those under~~ ~~18~~, the treatment to be repressive or reformatory according to the character of the convict.

8. All should be held till they give evidence of amendment.

9. The officials in these institutions should be capable, well fitted for their work and permanent.

10. The architecture of the different institutions will vary according to the class of prisoners . ~~The~~ <sup>The</sup> preventive prison should be built with provision for entire separation. In the others <sup>there should be</sup> a section of ~~the prison should be~~ for a period of separation . In the congregate prisons there should be cells for sleeping and the workshops, chapels, schools , etc should be in size adapted to each class of inmates, with constant regard to health and safety.

11. Conditional liberation should be granted to all classes , but especially to juvenile delinquents and those under 23, when their conduct justifies it. In granting this liberty the prison officials and the judge, ~~or~~ the court that pronounced the sentence , <sup>should</sup> ~~will~~ give the necessary facts and permission <sup>should</sup> ~~will~~ be granted by the government of each respective country.

12. Protective societies <sup>should</sup> ~~will~~ help to keep the prisoner when released from recidivism and ~~will~~ propose to the government <sup>his</sup> their recall if ~~the~~ conduct after release warrants such action.

Such, in brief, are the conclusions which I have the honor and the pleasure of submitting.



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Second Section  
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Abstract

Juvenile Delinquents.

By Dr. Eugene de Balogh , Professor in the University of  
Budapest.

A sentence for a few weeks or even for a few months is not sufficient to make the person subjected to it a proper member of society. Quite the contrary . The few weeks spent in common detention- as they are in Hungary - with professionals in crime , with vagabonds who are trying to escape from work, with recidivists of many sentences, exercise a deplorable influence on any one, but especially on the juvenile delinquent. Yet in my country thousands of persons suffer it and there are many who have had three or four short sentences before they are twenty years old. ∴

Not only do these short sentences prove insufficient for doing any good to the prisoner, but they often prevent the individual from getting honest work on his liberation. Such a sentence does not protect society for after the detention of only a few weeks the convict goes back to his old surroundings and usually commits a new crime. All this shows that there must be a radical change in the penal régime , especially in relation to adolescents. .

A rational penal regime in our day should have <sup>for its first object the</sup> ~~transforma~~ <sup>ation</sup> ~~to the first place~~ transform into useful members of society <sup>of</sup> all those who give any promise of success, especially adolescents under 23, by compulsory labor , by developing their will power and by scrupulously observing







the rules of the institution..

The detention of such delinquents should be long enough to have this transformation take place, .under an indeterminate sentence. When released  $\beta$  conditionally They should be under careful surveillance..

Since the first of January 1910 eleven special prisons Regulations have also been adopted for caring for delinquent *minors* for adolescent criminals have been organized in Hungary. <sup>^</sup> In connection with these there are fifty guardianship societies (societes de patronage) which work in harmony with the authorities having Surveillance .The system is still to o new to present the results to the Congress.



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The Borstal System.

By James S. Gibbons, President of the Irish Prison System.

The Borstal system of <sup>e</sup>trating criminals between the ages of 16 and 21 - so named because first used in the English prison of Borstal, - was introduced into Ireland in 1906, certain prisons having been set apart and arranged for youthful criminals. This system is not intended for first offenders, but for those below 21 who have shown that they are specially depraved. The law permits taking proper subjects for this treatment from other prisons and placing them at Clonmel. . The imprisonment may not be less than one nor more than three years., but the prisoner may be held till he is 23. The inmates of the Borstal institutions are subject to general prison regulations except where specially modified, the rules being a little less rigorous. . The inmates are taught ~~trades~~ <sup>work together</sup>. They ~~work together~~; they have physical exercise and take walks. They have a well-selected library; they can write letters and receive frequent visits; they have better food and may earn more gratifications than the ordinary prisoner. When they reach the grade called "special" they receive a small sum of money which they may expend for food or send to their friends.. They have some social life in a recreation hall. Their cells are better furnished and they may be liberated, by special favor, after six months detention. A "Borstal Association" or society to aid prisoners, helps them to return to life outside under good influences. It looks after their earnings and sees that they are used properly. Up to December 31, 1910 there had been 115 inmates of the Borstal institution at Clonmel. Of the whole number 81 were liberated, 72 by expiration of sentence, 9 by commutation and 3 were transferred to other prisons.







The inmates learn carpentry , gardening, laundry work, painting shoe-making tailoring and housework in general . They have made some chairs, tables and other things for use in the prison .Much atention is paid to religious teaching and many good books are read aloud to them. The conduct in the recreation hall is very good. Most of ~~the inmates~~ those who have been released have thus far continued to do well. Some have been returned for other crimes or misdemeanors.



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The Reformation of Juvenile Offenders

By the Abbé Alexander Bianchi, former director of the Reformatory, Milan, Italy.

I understand by the reformatory system the manner in which we should treat our fellows who have been deprived of their liberty in consequence of having knowingly broken the laws. The aim should be to help them to amend their ways that they may return to society as honest citizens. Severity should not exceed the requirements of discipline and order. The prisoners should not be degraded physically nor morally, and work is absolutely necessary for their reformation. The modern method demands individual study and treatment of each particular case and it differs according to the degree of responsibility and the chance of reformation. As not one remedy can be used as a panacea for all sickness, so no one prescription is applicable to all moral ills. It is necessary therefore to take the management of such institutions from the hands of persons incapable of ~~giving this delicate discrimination~~ making this delicate discrimination, no matter how <sup>well</sup> ~~good~~ ~~may~~ they may understand the mechanical routine of institution life, and give it to persons specially qualified morally, physically and administratively.

Large prisons are not to be recommended, for the prison should not be a nursery for crime. Small groups are better, not only for separation of the sexes, but that there may be distinctions of age, and of moral and physical characteristics.

The inmates should have religious and secular education, for



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it is from lack of this that they have usually fallen. They should be properly fed and supplied with suitable employment and they should be kept in touch with the world outside, so far as it is compatible with order. They should not be allowed to cultivate hatred of Society, but rather taught to be at peace with their fellows and to obey law and order/ and to respect <sup>others</sup> ~~their~~ fellows and try to do them good. The convict should not be looked on as an inferior being, but as our neighbor, who through various circumstances has failed to preserve his moral equilibrium. He should have all the rights of a citizen so far as they can be harmonized with his position as a prisoner. . . Society, which perhaps has been the cause of his downfall, through its own defects, and has taken from him his liberty, owes this to the convict. I would not diminish the guilt of the criminal - he deserves his sentence - but I hasten to add that he <sup>alone</sup> ~~alone~~ does not bear the responsibility of it: society is also guilty and like a faithful mother she ought to do her share toward meeting criminality with wise measures. . . Add one must not believe in the impossibility of improving any prisoner. There are examples where the most perverted have become saints. One must not lose courage. But in this work those should have the most pains taken with them who seem to offer the best hope of reformation. In dealing with juveniles and with recidivists it must be remembered that there is more hope with the young person. He is more accessible to a sense of honor, more attracted by a high ideal. The task of the physician who understands psychology is ~~here~~ to study each case and to suggest the best means of reform.



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Long sentences, it has been found, are not useful in dealing with juvenile delinquents, ~~but~~ but whether long or short they should correspond to the end in view. . The judge has it in his power to decide the penalty as well as conditional liberation. The authority to decide about the length of imprisonment ought also to be given to the director of the prison, or to a council of competent persons. It is ~~nearly two centuries~~ <sup>many years</sup> since Howard and Beccaria showed the way we should follow. It is for us the men of the twentieth century, to take that way.



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Second Section  
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Special Penalties.

By Mr. Brück-Faber, of the penitentiary

Establishments of the Luxembourg.

A ~~The~~ penalty to be effective should result in the reformation of the offender. The necessary means to reach that result depend on the degree of intensity of the vicious tendencies. Those tendencies must be atrophied and replaced by tendencies toward virtue.

Prison life considered as a preparation for the ordinary social life should be adapted as much as possible to the latter. In free society the groupings of individuals are made up of persons of all ages and all temperaments. The impetuosity of youth is tempered by the self-control of the mature; anger is modified by apathy, etc. In a word they modify each other. We are here in the presence of a ~~phenomenon~~ psycho-physiologic~~al~~ phenomenon which seems to have been neglected as an element of reform in prison life.. In classifying criminals similarity of age or character ought not to be the ground for classifying, but we should follow rather the example of the ordinary social life.. And as in society the anti-social are eliminated in pursuance of penal legislation, so in prison recidivists deemed dangerous should be eliminated from the groups and they should be isolated so long as they are a menace through their influence.. If the numerical grouping has as a maximum but 20 in a group it will be easy for the administration to organize the groups so as to meet the functions of discipline. These groupings cannot be permanent since periodic changes are necessary by way of discipline.

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Besides the reformatory element in the treatment of prisoners



there is an expiatory element that should be considered and which may be <sup>regarded as</sup> ~~considered~~ a special measure. Suppose there were two robbers, one of whom had used skill the other revolting brutality. The public conscience demands more severe treatment for the latter. The reformatory treatment can make no distinction between them, but the following method may be adopted. Every year, on the anniversary of the crime, or of the chief crime if there have been several, the convict is to be put under a rigid régime, consisting of absolute isolation, with material privation, diminution of food, no work, no visits, no recreations, a hard bed, etc. This regimen should last at least three days, <sup>the first year</sup> without exception, and should go up to three months according to the brutality manifested. The duration for the first year should be fixed by the court.. After that it should be decided by the prison administration, according to the conduct of the prisoner. .

If a convict does not amend his ways before the expiration of his sentence there should be a prolongation of imprisonment .

I have the honor to submit the following propositions:

1. For mixed prisons the maximum group of convicts should be 20 ; there should be no distinction of age or character ; the incorrigible should be isolated to prevent antisocial contagion. ; ~~th~~ there should be separation by partitions at school and in chapel.

2. For mixed and cellular prisons, ~~there~~ there should be psychic methods according to a program adapted to free society ; as a special penitentiary method there should be the use of psychic means and <sup>the repetition</sup> of written exercises that the thoughts inculcated may make more impression; . If at the end of his term the convict has not reformed there should <sup>be</sup> supplementary sequestration. In case of amendment before the expiration of the sentence an earlier release is justified.



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Second Section  
First Question  
Abstract.

The Rôle of Punishment.

By George Vidal, Professor of Penal Law,  
Toulouse , France.

Mr. Vidal sums up his long paper as follows:

1. Special reformatory institutions should be established for the reform and education of juvenile delinquents of both sexes between the ages of 18 and 25. They should be entirely separate from institutions for minors between the ages of 16 and 18 and from the prisons to which are condemned adults over 25.
2. To these institutions should be sent juvenile delinquents whether recidivists or not , provided the number and character of their previous offenses do not make them seem incorrigible .
3. The reformatory imprisonment should begin with a period of observation in a separate cell, both by day and by night, lasting a variable time, according to the antecedents of the individual. Work after the Sloyd system should be furnished.
4. After the expiration of the period of observation the convict should be subjected to a graded system of education, physical, intellectual, moral, religious and professional . He should be able to rise according to marks for good conduct and application , being degraded to lower classes in case of misconduct or negligence.
5. The duration of imprisonment may be abridged by good time.
6. Before the expiration of the sentence, if enough good conduct warrants it, the convict may have conditional liberty under a probation officer.
7. The period of confinement should be at least a year save for the lessening by good time . The time should be extended for recidivists.  
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the reform and education of juvenile delinquents of both sexes between the ages of 16 and 25. They should be entirely separate from institutions for minors between the ages of 16 and 18 and from the prisons to which are condemned adults over 25.

2. To these institutions should be sent juvenile delinquents whether recidivists or not, provided the number and character of their previous offenses do not make them seem incorrigible.

3. The reformatory imprisonment should begin with a period of observation in a separate cell, both by day and by night, lasting a variable time, according to the antecedents of the individual. Work after the Elvey system should be furnished.

4. After the expiration of the period of observation the convict should be subjected to a graded system of education, physical, intellectual, moral, religious and professional. He should be able to rise according to marks for good conduct and application, being degraded to lower classes in case of misconduct or negligence. 5. The duration of imprisonment may be abridged by good time.

6. Before the expiration of the sentence if enough good conduct warrants it the convict may have conditional liberty under a probation officer.

7. The period of confinement should be at least a year save for

the lessening by good time. The time should be extended for recidivists.



8. Every convict who is not on the roll of those reformed should have his sentence increased not to exceed a fifth of the original sentence; except for recidivists whose increase may be double that of others. At the same time the unreformed convict may escape this supplementary increase of sentence by giving bonds for good behavior for two years after his liberation. This guaranty could be given by a guardian society or a probation officer. &

9. Guardian societies should watch over the reformed convicts and assist them in finding places and work.

10. The <sup>public</sup> police record against the convict may be conditionally erased as a reward for good conduct, by favor of the penal authorities.

11. Delinquents whose antecedents inspire confidence in their promise to do well may be released under the surveillance of guardian societies, or probation officers, either conditionally or on suspended sentence.



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Second Section  
First Question  
Abstract.

By A . Berlet, President of the Tribunal of  
Pont-Audemer, France.

The essential principle in classification of convicts is that there should be separation according to age, the young to be kept apart from adults. Then comes the important division according to the nature of the crime or misdemeanors, a difficult separation to make in small prisons. The greatest difficulty in dealing with minors is to know the age up to which they are susceptible of amendment. It seems impossible to fix that in advance. French law fixes it at eighteen, but one too often finds hardened criminals between sixteen and eighteen. It has been determined therefore to keep minors apart up to sixteen. The larger the number of divisions of juvenile offenders the easier it will be to reform them. Of course they are kept apart in their cells at night, but how keep them apart when they work by day in common, especially in agricultural colonies, where emulation in work must be stimulated? They can at least be worked in squads and under sufficient oversight.

What is to be done with minors between the ages of sixteen and eighteen? We can think of no other punishment than sending them either to the reform school, the agricultural colony, or the reformatory. As to corporal punishment, which has been restored in some countries, as in Denmark, it may terrify and intimidate, but it does not reform. One should not have recourse to it except in case of necessity, and in the case of children only for the gravest faults denoting absolute wickedness or bestiality.

Finally, provided minors above sixteen are not to be kept







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with younger children the same treatment should be applied to both classes? Both must learn the habit of work , lacking which they have tried to satisfy their desires by stealing and by acts of violence.. We are hoping great things from the apprentice schools which are being established everywhere. The apprentice who gets a thorough knowledge of a trade , or perhaps two, will no longer commit crime to get his living. . The unfortunate youth who have not received such training but who have fallen into vice and crime, should receive it in reformatory institutions. There is no more imperative duty for society

/ Unfortunately for boys and girls between sixteen and eighteen there is not time to thoroughly learn a trade in prison, no matter how close the instruction . It would be desirable to prolong their terms of confinement till they are trained. They should be sentenced till <sup>penal</sup> majority, ( the age of twenty in France), which may be abridged by conditional liberation.



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Second Section  
First question  
Abstract

Adolescent criminals and Recidivists.

By A. Leboucq, Director of the Central Prison,  
Gand, Belgium.

To employ the time of imprisonment in teaching the principles of honesty, <sup>and how to live</sup> ~~a way of living~~ in conformity with the law; to watch the progress of the prisoner after his release and to aid him, according to his deserts, to put in practice what he has learned in prison, this is the modern penitentiary method. This is the system applied in ~~in~~ Belgium to all convicts over the age of 18 who are sentenced to more than three months imprisonment. It comprises cellular confinement by day and by night, compulsory labor, moral ~~and~~ intellectual instruction, notions of hygiene, of thrift etc. It included<sup>s</sup> classification in grades, with promotion for good conduct and on release the assistance of committees of guardianship. Objectively the end sought is the prevention of recidivism, for the protection of society. Subjectively ~~it~~ is a means of reforming the convict, who is taught how to meet the conditions of existence, to his advantage.

It is the part of justice to inflict penalties in accordance with the gravity of the crime. The increase of the penalty by prolonging the imprisonment is legitimate in treating recidivists who are a constant danger to society. The penalty inflicted on a man is not with the mere object of reforming him; it is to remind him and to remind society that any act contrary to the laws which regulate the social and economic organization, calls for punishment. . The question of reformation then does not enter into the determination of the length of incarceration. The reformation of adult criminals is very infrequent. Reformation is only the result of a change in the individual who learns to appreciate the harm of his criminal



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ways . It may come quickly to some, more slowly to another and not at all to others.. Still this method should be applied to all of whatever age , for reformation should be the ideal of the institution .

The method of dealing with criminals between the ages of 16 and 21 is different. Here one may ask whether the prisoner should be held ~~at~~ <sup>beyond</sup> the end of his sentence for the sake of reformation. The principle of continuing the moral education and training of the convict beyond the limit assigned by his sentence , until reformation, was first applied in the United States about 1875. In Belgium the law of Nov. 27, 1891 accepted the same principle. Minors under 18 can be kept till they are of age, 21, if they have been committed for vagabondage. . Those of the same age who have been found guilty of breaking the law after they have served the sentence prescribed may , if the court so decides, be held till they are 21 . The law of 1897 determines that minors under 16 if guilty of misdemeanors punishable by eight days , or less, imprisonment , shall not be sentenced , even if there is a repetition of an offense, but may be held under the oversight of the government till they are of age.

In the prison at Gand there are two sections in the special division for these cases. In one they suffer the penalty and in the other the system of education is carried on. They receive book instruction and are taught a trade . The trades are blacksmithing, carpentering, shoemaking, brushmaking, tailoring, tinsmithing, book-binding. As the establishment has no land gardening and farming cannot be taught. They receive a small sum of money a day for their work , enough to give them a desire to work and to show its value. This is held for them till their majority. They live together by day but are isolated at night. Recreation consists in compulsory walking in the courts. On Sundays they have military drill. There



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