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# EVOLUTION IN THE TREATMENT OF BELGIAN DELINQUENTS AND MENTALLY-ILL<sup>1</sup>

LOUIS VERVAECK<sup>2</sup>

## INTRODUCTION

The last thirty years have witnessed modifications of Belgian penal legislation and prison organization that are clearly inspired by concepts scientific as well as humanitarian and socially protective in nature. This same trend may be observed in the creation of institutions for the scientific education of magistrates and officials and for the technical information of subordinate officers, and finally, in the scientific modernization of institutions for treating the abnormal and the mentally-ill, the criminal and the vagrant—including the modernization of the attempts at guardianship and social rehabilitation, in order to make sure that those who are released on trial are able to be reformed and controlled.

All these reforms are more or less directly the expression of criminological doctrines and penal treatment evolved through the discussion of Lombrosian concepts. The third *Congres d'Anthropologie criminelle*, held in Brussels in 1892, clearly demonstrated that Belgian jurists, philosophers, anthropologists and psychiatrists were in general but little sympathetic with, if not actually hostile to, the ideas of the *Maitre de Turin*. By a singular reversal of circumstances, however, they finally acquired the respect of the criminologists with concepts less extreme in form, it is true, and under the check of systematically conducted prison investigations.

Upheld by this group, the theory of the frequent appearance of stigmata of degeneracy in the delinquent has influenced the mass of judicial and administrative reforms that are generally considered as noteworthy progress in the penal and social treatment of offenders.

These reforms suggest certain principles—in our opinion, of decided importance—in the struggle against crime:

1. Our best chances of preventing delinquency lie in combatting at the same time the pathological beginnings of crime (through eugenics) and the socially predisposing factors (through social hygiene and education).
2. The sentencing and treating of offenders implies, at the outset,

<sup>1</sup>Translated from the French by Miss Betty Lee, Evanston, Ill., U. S. A.

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their scientific and individual study and an exact knowledge of their biological personality—as much physical as mental and moral—as well as of their social level.

3. Magistrates, officials, policemen, and subordinates for the most satisfactory performance of their task ought to have a minimum of ideas on criminology, so that scientific and technical information alone can be impressed upon them.

We acknowledge readily that so far in Belgium, only modest results have been gained in the realization of this triple objective; such as they are, they indicate a constant and systematic effort that will be continued in spite of the present material and psychological difficulties.

### *Penal Law and Procedure*

Let us now recall the principle changes in Belgian penal law and procedure in the course of the last thirty years.<sup>3</sup>

The Belgian penal code, which has been in force since 1867, constitutes an application of neo-classical theories. Although basing itself primarily on the objective importance of the breaking of the law, it is making a definite place for the individualization of punishment since the passing of important penal laws initiated by Jules J.ejeune, Minister of Justice.

The first law was that of May 31, 1888, concerning liberation and conditional sentence. By virtue of this law an offender incurring a penalty of not more than six months can have the benefit of a reprieve. On the other hand, an individual undergoing a detention of at least three months can be freed by the decision of the Minister of Justice after having served a third of his term, if he is a first offender, or two-thirds if a repeater.

There followed the law of November 27, 1891, on the penalty for vagrancy and beggary. Those found in a state of vagrancy or habitual beggary are placed at the disposal of the government by the justice of the peace. Professional vagrants and beggars can be confined in a work colony for a term of two to seven years. Occasional beggars and vagrants are sent to a *Maison de Refuge*. When a prisoner can find work and can give promise of betterment, he is freed on the decision of the Minister of Justice.

Among the important penal reforms there remains to be mentioned the law on the protection of the child, that of May 15, 1912;

<sup>3</sup>We wish to extend our appreciation to Paul Cornil, legal advisor to the *Ministère de la Justice*, in collaboration with whom this part of our study was made.

this law was passed through the influence of Carton de Wiart, Minister of Justice, and established a special department for treating delinquent minors—a juvenile court in the headquarters of each of the twenty-six judicial districts with a magistrate who specialized in the treatment of the complex manifestations of youthful crime. He deals with all young offenders who are under sixteen years of age at the time of committing the crime. Child prostitutes also are summoned to his court. The jurisdiction is extended to include eighteen year olds, however, when the children are vagrants or beggars or when, through misconduct or lack of discipline, they are the cause of serious unhappiness to their parents. We may notice also that when the juvenile judge has undertaken the case of a minor, the child remains under his authority until he is twenty-one years old.

Article 13<sup>4</sup> of the law of May 15, 1912, on juvenile protection, sums up all the measures that the juvenile judge can take in regard to minors coming under his jurisdiction. Among these, the *reprimand* is the one most generally used; it implies organizing and watching the freedom of the minor, i.e., the intervention of a “deputy for juvenile protection” in order to control the child’s actions.

A more important measure is that of *entrusting* the child. It is usually employed because of the unwholesome condition of the minor’s family or because of his own mental or scholastic deficiency. It may be adapted to the special circumstances of the case at the judge’s discretion: the entrustment may be to a charitable or public or private educational institution, to the home of a parent, or even to a stranger well-qualified to see to the proper education of the young delinquent. Here again, the law exercises control of the child wherever he may be placed.

To assist him in this task, the juvenile judge appoints a certain number of “deputies for juvenile protection” to make the preliminary social inquiries and to watch after the minors. These deputies are usually gratuitous workers; in the large cities, however the judge appoints paid assistants.

<sup>4</sup>Article 13. “The juvenile judge acts in the care, the education, and the protection of minors appearing before him.

“If minors (under eighteen years of age) are found begging or tramping or habitually living in a state of beggary or vagrancy, they should be apprehended and referred to the juvenile judge, who has the right:

- “a. Of *reprimanding* them and returning them to those who are caring for them, advising better care of the minors in the future.
- “b. Of *entrusting* them, until they are of age, to a *person, a society, or a charitable or educational institution, public or private.*
- “c. Of *placing* them, until of age, *at the disposal of the government.* If a condition of habitual beggary or vagrancy is established, however, the juvenile judge is limited in choice to these last two measures.”

If he is uncertain as to his physical or mental condition of the offender, the juvenile judge can place him under observation in a special institution before returning a decision.

We may point out that the law of May 15, 1912, entirely separates juvenile delinquency from penal law proper. The juvenile judge pronounces no further penalties; he adopts measures of supervision and education only, and is not open to question of judgment or of criminal responsibility.

### *The Penal Code*

The penal code of 1867 allows judges a certain freedom of decision in determining, for each infraction of the law, the minimum and maximum penalty. The law of August 23, 1919, gives them still more latitude. It declares also that, in the presence of extenuating circumstances, a crime punishable by the death penalty can receive only an imprisonment of three years.

It is known that the Court of Assizes, handling criminal, political, and press matters, makes its judgments with the aid of a jury. Until 1919, the law imposed on the jury the obligation of expressing its personal conviction as to the reality of the facts, without considering the penalty that would be pronounced. It occasionally happened that, in order to avoid the application of a penalty which it thought excessive or unmerited, the jury declared innocent an offender whose guilt was evident. In order to remedy this state of affairs somewhat, the law of August 23, 1919, declares that the jury, after having given its opinion as to the guilt of the accused, is called upon to deliberate with the magistrate of the court on the extent of the penalty to be applied.

### *The Courts*

Basically, the courts of correction consist of three judges, a president and two assessors, who deliberate on the decisions. The law of October 25, 1919 instituted, in correctional matters, the jurisdiction of the judge alone, till then existing only in the juvenile court. His dealings are always limited to certain infractions and are under conditions clearly described by law. This innovation aroused considerable criticism.

The obligation of paying maintenance to a spouse or to certain relatives in need was before 1928 a purely personal duty, the failure to observe which was not dealt with in any prohibitive measure. The law of January 14, 1928, on the abandonment of a family, punished

with fines and even imprisonment anyone who wilfully avoided this obligation.

### *Reforms in the Penal Code*

The most important modification brought into the Belgian penal legislation in the course of these last years is certainly the strengthening, in the law of April 9, 1932, of the law of social protection (January, 1931) as regards abnormal and habitual offenders.

The offender known to be mentally abnormal escapes penal treatment proper from this time on. He will be the object of therapeutic and educational treatment which will be continued until his condition is judged sufficiently improved to permit him to re-enter society without danger to it; on the other hand, if, at the expiration of the term of sentence, the condition of the abnormal justifies the prolongation of his confinement, it may be continued for a similar length of time—or indefinitely if necessary. This law realizes, as a fact, the principle of the indeterminate sentence for abnormal delinquents.

The execution of this socially protective measure is entrusted to special commissions consisting of a magistrate, a lawyer and a psychiatrist—a doctor of the *service d'Anthropologie pénitentiaire*. Their task is to select the institution in which confinement is to be enforced, to decide upon the question of transferring the abnormal to another establishment or, finally, of freeing the prisoner definitely or conditionally. Let us add that the discovery and examination of abnormals is made under excellent scientific conditions, since they are placed under observation in a psychiatric annex of the prison. This greatly facilitates the investigations of the expert appointed by the examining judges or the court.

For the habitual criminal, the law of social defense of April 9, 1930, establishes a measure of safeguard, the execution of which takes place after he shall have undergone the penalty of imprisonment which has been inflicted upon him at the same time by the court. The repeater, placed at the disposal of the government at the end of his period of punishment, is sent to a special educational institution. This confinement, which has for its prime purpose the protection of society against the repetition of his, law-breaking, will end when the administration is made certain that the prisoner can be re-established in society. He is then freed on trial and subject to the vigilant watch of the social assistant of the institution.

Such, briefly stated, are the important social reforms introduced into the Belgian penal code in the twentieth century.

### *Prison Regime*

The progressive evolution occurring in the regimen of the Belgian prisons is directly inspired by the anthropological concept of criminality—so called because it envisages, in order to study the misdemeanor and the crime, all the social activity of the perpetrator and all the organic elements which make up his biological personality, in addition to the wholesome or unhealthy inheritance of which it is the expression.

The reforms introduced into the penal treatment of convicts may be considered as a practical conclusion of the scientific ascertainments made in the course of thirteen years of systematic research on the thousands of prisoners who filled the two prisons of Brussels. In 1907, there was founded by Jules Renkin, Minister of Justice, a laboratory of criminal anthropology, the direction of which was entrusted to the writer.

In 1920, at the instigation of Emile Vandervelde, Minister of Justice, a similar laboratory, under the direction of a physician well-versed in criminal anthropology and a practicing psychiatrist connected with an insane asylum as well, was established in the ten important prisons of the country.

Since then, all those sentenced to more than three months imprisonment as well as all repeaters, whatever the length of their punishment, undergo of their own accord a complete anthropological examination. This examination is even more thorough, especially as regards the psychiatric point of view and professional orientation, for prisoners of sixteen to twenty-one years of age, who are sent to a prison school.

The examination is made with the aid of a *dossier anthropologique*, which contains the results of various medical investigations and laboratory researches, the observations of specialists, neuro-psychological measurements and observations, and finally, the findings furnished by psychiatric observation. Inquiries into the family, educational, professional and military life of the delinquents are made by the social assistants with the purpose of checking and completing their replies as to their heredity, previous life and medical history.

Such an examination, which embraces not only all the aspects of the physical, functional, mental, psychic and moral personality of the delinquent and the origin and circumstances of his offense, but also his entire social life, furnishes some trustworthy data for stating precisely the immediate and more remote causes of his unlawful acts and for determining the appropriate course of his prison treatment.

This last will be, according to the individual case, of an educational, moral, professional, social or medical nature; the latter kind assumes prime importance, for it is the result of the experience of the Belgian anthropological laboratories that only one-third of the Belgian prisoners are of good physical health or of normal intelligence. Many of these are unaware of their illness (such as those suffering from tuberculosis, heart diseases, venereal diseases, toxic conditions); psychopathic personalities and the feeble-minded are no less numerous; sensory defects susceptible to amelioration or correction are observed in one-fifth of the cases; finally, there are some mentally-ill,—latent or unrecognized insane—the treatment of whom is based chiefly on psychiatric methods.

The course of procedure in individual penitentiary treatment of is to be discussed and decided upon in weekly or bi-monthly conferences attended by the principal officials of the prison and set down in reports. Thus there will be formed, with the cooperation of the directors, ordinaries, teachers and heads of the supervision department, a true individualization of punishment pursuant to the general aim: suppression and intimidation, the objectives of instruction, of re-education, of guarding if not of curing the prisoners, with the intention, far distant perhaps, but important in our opinion—of assuring their permanent social rehabilitation.

So conceived, the prison will be primarily an instrument for educating, for treating and for preventing the repeater; and so it has become in Belgium in the last twelve years.

For the realization of this goal, a whole series of administrative measures have transformed the regimen and atmosphere of the prisons; we shall confine ourselves to pointing them out.

#### ADMINISTRATIVE MEASURES

##### *Measures for Discovery and for Psychiatric Observation*

Besides the thorough physical-mental examination of the prisoners in the laboratories, there exists, in the large prisons, a service for discovering the mental and nervous defects of the entrants.

This service is of considerable importance as regards those placed under order of arrest; all whose mentality is questionable are put under observation, and the public prosecutor is informed of this action in a brief and purely objective report.

The observation takes place in the psychiatric annexes of the ten large prisons in Belgium, under the direction of medical specialists,



assisted by superintending nurses who constantly watch the prisoners affected by or suspected of mental or nervous diseases.

Finally, medical and psychiatric inspections are regularly made in all the prisons in order to examine the abnormal and the sick and to suggest the treatment or consignment that is called for by their condition—not only at the end of their period of detention, but also at the expiration of their penalty.

The instruction of superintending nurses and medical assistants has held the attention of the Belgian prison administration for the last few years. As institutions or departments planned especially for the medical and psychiatric treatment of sick and abnormal prisoners have been formed, an effort has been made to acquire a carefully selected personnel having some scientific information. Such a personnel should logically be drawn from the schools for nurses and from the social service, only then will it give the prison physician the intelligent cooperation he has a right to expect.

#### *Social Investigations Relative to the Prisoners*

Connected with the principal laboratories of the *Anthropologie pénitentiaire* (Brussels, Gand, Liège, Merxplas, the Prison School of Hoogstraeten) are social assistants charged with making investigations to check the statements of convicts and prisoners as a measure of social protection. As soon as the financial situation will allow, this service will be made general. Social assistants are connected with the state asylums of Mons, Tournai, Reckheim and Gheel; they cooperate in the inquiries and the social guardianship of the convicts and prisoners and supervise the insane who are freed on trial.

In all prison matters, the social assistants devote themselves, at the demand of the physician of the S. A. P.<sup>5</sup> and its directors, to investigations into the family, social, educational and professional environments. These inquiries are for the purpose of checking the allegations of prisoners, to prepare for the rehabilitation of convicts before their liberation and to watch the mode of living of those already freed.

Interesting herself in each prisoner whose family or professional situation necessitates competent intervention, or whose physical or mental condition calls for assistance or control, the social assistant is in close collaboration with the guardianship committees, the offices of social re-adaptation and the mental hygiene clinics. She is in fact a middleman between the *Service Anthropologique* of the prisons and

<sup>5</sup>Penal Anthropological Service.

all the organizations that are concerned with the social reconstruction and the moral elevation of delinquents.

### *Measures of Treatment*

a. The organization in the principal penitentiaries of a surgical service, a neurological service, a service for treating venereal diseases and, on the other hand of weekly consultations on defects of the eye, ear, throat and teeth.

b. The creation of a ward for the cure of tubercular prisoners, at the prison of Forest (Brussels).

c. A prison-sanatorium set up August 1, 1924 at Merxplas, in Campini, in a very healthful region away from urban centers. This is for tubercular convicts and has a ward for the incipiently tubercular. (120 rooms, an average of 65 patients under treatment).

d. A prison agricultural colony for epileptics, comprising several sections for treating convulsive neurotics.

In 1931, were founded, in virtue of the law of April 9, 1930, five establishments of social protection for abnormals:

The ward in the Asylum of Tournai for the insane and for dangerous psychopathics (men);

The Merxplas institution for the unbalanced (men);

The psycho-educational ward of the *Prison Centrale of Gand* for the feeble-minded (men);

The psychiatric ward of the prison of Forest for the feeble-minded and the unbalanced (women);

The ward of the Asylum of Mons for the insane and the dangerous psychopathics (women).

Let us add here an institution for social protection (at Merxplas) for the confinement of repeaters placed at the disposal of the government at the end of their penalty.

We call attention to the fact that the regimen of the institutions for social protection is different from that of the prisons; the former is essentially psychiatric and educational.

### *Educational Measures*

a. The prison-school at Hoogstraeten, where all prisoners of sixteen to twenty-five years of age who still have six months imprisonment to serve are sent; only the feeble-minded, the immoral and those having contagious diseases are excluded.

b. The *Ecole Ménagère* at the prison of Forest—instruction similar to that of the prison of Bruges is given.

c. The workshops of common labor in different prisons, teaching principally carpentry, book-binding, printing, boot-making, and also machine-knitting for women in the prison of Forest.

d. The development of educational and moral activities (close collaboration with the teachers), lectures, movies, concerts.

e. Gymnastic exercises during the recreation periods.

f. A course in anthropology and in clinical criminology for workers; this course is open to students in their last year at the schools of nursing and of social service, to teachers and to those interested in the guardianship and social rehabilitation of criminals. Since 1920, we have given this course at the prison of Forest once a week during the winter semester. It is regularly attended by a hundred students and consists of a half-hour theoretical lecture, followed by a study of those convicts and prisoners who are willing to appear as subjects.

g. A course in scientific and professional instruction is given for one week each semester to those who are in line for a directorship of a prison or who wish to take an examination for promotion. This course covers the following subjects: penal law, administrative law, penal science, criminal anthropology, penitentiary hygiene and medicine, educational theory, industrial and commercial technics.

The courses end with visits to prisons, organizations for social protection, mental hygiene clinics, insane asylums, institutions for the abnormal and organizations for the social re-adaptation and guardianship of convicts and prisoners.

The following figures on the work of the anthropological laboratories, from the date of their founding to December 31, 1932, give some idea of their importance in the Belgian penitentiary system.

- 24,779 reports have been made, comprising in part:
  - 5,268 examinations of repeaters,
  - 2,030 brief examinations have been drawn up since March 1, 1930, concerning new convicts and those over 60 years of age; finally,
  - 2,198 juvenile offenders have been examined from the point of view of their professional orientation.

We shall add a few words more on the subject of the psychiatric annexes organized in all the large Belgian prisons (Forest, Louvain, Gand, Anvers, Liège, Mons, Bruges, Mamur, Charleroi, Merxplas), which in our opinion constitute the most important reform in the penitentiary system.

The psychiatric annex investigates the mental and nervous ir-

regularities of the prisoners and convicts under the best scientific conditions. It makes a mental diagnosis of new arrivals and furnishes the doctors in charge of them with basic information gathered from daily and nightly observations by a staff selected for this difficult work. It places at their disposal also, outside of the various laboratory researches, samples of urine, blood and cerebro-spinal fluid, the results of a systematic neuro-psychiatric examination and the results of examinations by specialists (eye, ear, surgery) and finally, the investigations of the social assistants.

On the other hand, the psychiatric annex makes it possible quickly to treat curable mental defects in prison, to undertake the cure of drunkards placed under arrest and to provide the modern therapeutics of syphilis and epilepsy. Finally, it supplies the care that must be given to those prisoners who have attempted to commit suicide, who make hunger strikes or who have to be restrained from psychopathic actions that are dangerous to the personnel.

By December 31, 1932, 7,194 prisoners had been observed and treated, of which number, 740 were placed (1921-1930) in state insane asylums. During this period, 970 were sent to the therapeutic prisons at the end of their observation period, 3,049 were put in ordinary cells and 940 were set free or exiled from the country.

Since the enforcement of the law for social protection, there have been 874 inmates in the annexes (1931-32). They are divided as follows: 669 accused (581 men, 88 women) and 205 convicted (187 men and 18 women).

On December 31, 1932, there were 452 prisoners in the institutions for social protection; among these, 355 were accused (53 women) and 97 convicts (13 women).

We may state, on the basis of twelve years experience, that we cannot conceive of a modern, scientifically equipped prison without a psychiatric annex.

### *Post-penitentiary Organizations*

In Belgium, those who participate in the fight against crime have long understood that, to obtain lasting effects, penitentiary treatment should be sustained and continued by private philanthropic agencies, and the Department of Justice should constantly encourage their cooperation.

Several organizations collaborate in this respect in the work of the moral education and social rehabilitation of delinquents. The oldest of these is the *Comité de Patronage* for convicts, accused await-

ing trial and juvenile offenders. It has been functioning in Belgium for forty years and has departments in all the prisons and representatives in all the districts of the country. It is a private group of voluntary members, both male and female, whose work is unprejudiced and totally free from official interference and political partisanship. Besides the social re-adaptation of freed criminals and abnormals, it seeks also to provide juvenile protection and to assist the mentally-ill, the blind and the aged.

Its numerous divisions and local committees receive their orders from the *Commission royale des Patronages*, created in 1894, whose first members were appointed by the king. The Commission holds an annual conference, attended by therapeutic, educational and charitable institutions; it thus provides a common meeting ground for groups of this nature.

### *Social Readaptation*

The *Office de Réadaptation sociale* is an active service also. It was established at Brussels in 1932, and has since been extended to Anvers and other cities, with a view to rehabilitating those unfortunates who have lost the possibility of leading a normal life and who are open to vagrancy, delinquency or dissoluteness.

Originally socially protective in nature, and later charitable, it is a happy complement to the law of November 27, 1891, for the suppression of vagrancy and beggary, and also to the penitentiary reforms lately realized. Its methods of procedure, writes its founder, Willems, are based on the following theory: "The way in which an individual acts is the result of the interaction of the good or bad hereditary tendencies and those numerous environmental influences which have affected, or are affecting, the development of his personality."

The fundamental work of the *Readaptation sociale* is the study of the individuality, of the innate and unalterable personality, of the biological nature of the subjects whose acquired personality they are observing, and their relation to the environment in which they are developing and living; it is on these facts that the diagnosis of each case is based.

Under the control of the *Ligue nationale belge d'Hygiène*, this work is directed by a general council of officials competent, through their contributions to public service, to handle its activity. It functions autonomously, with the flexibility of a private institution, and is closely connected, by the nature of its members, to public authorities who give it their financial aid and the prestige of their moral support.

Its permanent office in the heart of Brussels is open to all unfortunates in distress, regardless of sex, in the district. It has two divisions: the first receives those who are homeless and reduced to vagrancy; the second, ex-convicts and delinquents, to prevent their becoming destitute and unable to make a living.

The staff of the *Office* has at its disposal funds which it makes free use of and from which it supplies the money for small necessary expenses. A clothing dispensary, under the management of the same staff and located in the *Office* building, gives out old and used garments as well as working tools.

On the other hand, the *Office* can provide lodging for an indefinite time in the *Maisons d'accueil* (shelters) of the *Oeuvre de l'Hospitalité*, with which it is closely connected, to the homeless, when the case is imperative and the circumstances unusual.

The *Oeuvre de l'Hospitalité* is a powerful organization for social protection, and judicial authorities have not hesitated to entrust it with the surveillance or the moral instruction of delinquents out on parole in the Brussels district. The courts send to it both accused prisoners and reprieved convicts, when they are worthy of aid and are destitute.

### *Mental Hygiene*

The *Ligue belge d'hygiène mentale* supplements, in the psychiatric field, the help given to convicts and freed prisoners.

Initiated in 1922 by Drs. Louis Vervaeck and Auguste Ley, the *Ligue* has for its aim the dissemination, throughout the intellectual world and all social classes, of the concepts of hygiene of the mind, and hopes ultimately to make possible an effective cure for the degeneracies and mental disorders which are the result of ignoring these laws. Since its founding, it has attempted to develop scientific and charitable work in organizations already helping the mentally diseased, and to create new organizations where they will be of social and moral value.

The extent of its activity is very great; among normals, it is interested in the mental hygiene of school-children, employees, laborers and soldiers. Sub-divisions are concerned with the cure of mental and nervous disorders, delinquency, vagrancy, habitual intoxication and juvenile irregularities. The treatment of the diseases and abnormalities of these different groups constitutes a field of action no less important. Besides providing lectures, pamphlets and meetings, the *Ligue* has founded, in the large central cities, *Dispensaires d'Hygiène*, the number of which increases each year.

A brief description of the *Dispensaire de Brussels* will indicate its social and therapeutic value. It aims to give advice to the families of psychopaths, to help and treat the psychopaths themselves, to attempt to forestall psychic difficulties, and finally, to protect society from unwholesome attitudes and from certain diseases.

The *Dispensaire* is open every day to give practical information to patients and their families. Five weekly conferences are held, two for children, with special consultations when necessary. It has a well organized social service which is connected with all the institutions of treatment, assistance, protection and hygiene.

Lately the medico-educational division has developed rapidly. Thanks to the collaboration of specialists, children suspected of abnormal tendencies are subjected to a thorough medical and mental examination, anthropological measurements and an educational test. A family investigation shows the kind of social environment.

In 1931 2,683 conferences were held at the *Dispensaire de Bruxelles*, of which 1,422 were for children. Among these latter, 64 were under the direction of the juvenile judge. New patients to the number of 540 were received in 1931, and 1,166 applications or visits were made by the *Service social*.

### *Welfare Colonies*

We should mention here the *Colonies de Bienfaisance* for vagrants, and the institutions for treating mental diseases and abnormalities.

The suppression of vagrancy and beggary comes under the law of November 27, 1891, which established two distinct types of vagrants and beggars: the professional, indolent, given to drink, and vicious on the one hand, and the aged, infirm and jobless on the other.

There are two *Colonies* for men at Merxplas, while the women are interned at St-André-lez-Bruges. Vagrants or beggars under eighteen years are, according to the law of May 12, 1912, taught in the state educational institutions. The boys are sent to Ruysselede, Moll and St-Hubert, the girls to St. Servais (Namur).

The vagrants are separated according to their age, physical condition, attitudes and conduct. They all undergo the same routine together, night and day, except for the isolation of the depraved and insubordinate at night.

The discipline of the various sections is similar to that in the penitentiaries. The labor is obligatory, but in assigning the kind of work, professional knowledge, as well as physical condition and men-

tality, is taken into consideration. The industrial trades are carried on under the direction of an engineer, in the large workshops: brick-making, tile-making, sewing, shoemaking and repairing, weaving, forging, cabinet-work, carpentry, the manufacture of mats, buttons, mother-of-pearl, etc. . . . The cultivation of the fields and forests is supervised by a farming expert. The *Colonie* has 450 hectares of cultivated land and 500 hectares of woodland.

The vagrants receive wages commensurate to the amount of work they do. The money is divided into two equal parts: one is returned to them for spending money and the other is put aside until they leave.

The *Colonie* has a psychiatric department, under the direction of a specialist—an alienist from the S. A. P.<sup>6</sup> Abnormals are placed under observation and are sent to an insane asylum if their case demands it. In the last two years, 554 vagrants have been observed and treated; 226 of these were sent to the *Colonie psychiatrique de l'Etat*, at Reckheim.

Thanks to the reforms in the treatment of vagrants and habitual beggars, this social evil is delining in Belgium, in spite of the economic crisis, as the following comparison of figures proves:

- On December 31, 1932, the population of the two colonies numbered 5,337 men;
- On December 31, 1927, the total was 2,287;
- On December 31, 1931, it was 2,089, and during 1932, 3,213 vagrants were admitted.

Credit for this improvement is certainly owed to the spirit and initiative of the director, Van Ranst.

### *Psychiatric Institutions*

Institutions for treating the mentally ill and abnormal are numerous. Most of them have been founded by religious groups and function with a disregard of sect that is admirable.

Private institutions for mentally-ill adults number 48 and are situated in all parts of the country. Eleven of these take only paying patients, eleven receive charity cases exclusively and 26 treat both classes of insane.

Besides these, there are four state asylums two of which are organized in the form of *Colonies*. Three make a place for the criminal insane. Since the enforcement of the law for social protection (January 1, 1931), these last have been sent to special establishments, five

<sup>6</sup>Penal Anthropological Service.



in number, of which three are for the feeble-minded and the unbalanced.

In addition there are 26 institutions for abnormal children, four of which are for the hopelessly abnormal; one for abnormals difficult to educate; eleven for children able to receive primary and trade school training; two for those who can improve themselves in farming and in a family environment; five for illegitimate, crippled or weak children. Eleven homes for the blind and the deaf-mutes are also maintained.

The medical supervision of these establishments is in the hands of a central inspection committee, consisting of three alienists, one of whom, Dr. Duchâteau, is the inspector-general.

#### *Judiciary Examinations*

We have yet to mention the Belgium organization of medico-legal examinations, the *Ecole de Criminologie* and the judiciary police.

A system of medico-legal examinations is not organized by official ruling. Outside of the *Ecole de Criminologie*, in which the courses and laboratories give experts the technical and scientific information necessary to the judiciary accomplishment of their objective, no instruction for this purpose exists. In the universities, it is true, a course in legal medicine is offered to those studying for their medical doctorate, but its sole purpose is to furnish future doctors with the bare fundamentals of legal medicine.

No special diploma is required for doctors such as those whose services are demanded by the public prosecutors and the courts for mental tests, autopsies, physical examinations, identification of fingerprints and laboratory research; nor does any legal or judicial regulation limit the selection of these doctors, this being left to the discretion of the magistrates.

The important public prosecutors have consented to maintain a list of experts whom they call upon regularly, but an entry on this list confers no official title, the examining judges and the courts being entirely free to select the experts they wish.

This state of affairs may be decidedly inconvenient when it comes to the competence of doctors charged with deciding on very ticklish matters and with forming conclusions often loaded with responsibility. It results also in a very unstable situation among the experts.

We should add that most of these experts are members of the *Société de médecine légale de Belgique*, the reports of whose meetings

and activities are published in its official organ, *la Revue Belge de Droit pénal et de Criminologie*.

A single point should be noted in reference to the appraisal of mentality. It often happens, when there is a question of criminal responsibility and of the diagnosis of a so-called state of insanity at the moment of committing a crime, that the examining judges demand that the alienist give his opinion as to the credibility of the statements made by certain prisoners, victims and even witnesses.

These appraisals, always difficult and complex, open up a new field to medico-legal research. The critical examination of evidence demands extreme care and a thorough knowledge of psychology on the part of the experts and cannot be properly conceived of without an exhaustive preliminary examination. Here the question arises as to the scientific and technical information of the magistrate and his subordinates on weighing evidence. This subject is included in the courses in anthropology and in criminal psychology given at the *Ecole de Criminologie*. Its students, jurists and policemen attend yearly experiments on the reliability of testimony.

#### *L'Ecole de Criminologie et de Police Scientifique*

*L'Ecole de Criminologie et de Police scientifique* is an official institution. Its primary course of study aims at the professional information of policemen, offering them the new theories of criminology, which makes it possible to apply science to judiciary education.

It is essential that minor judiciary officials become acquainted with the individual factors and the social causes of crime. Above all, their attention should be directed to the data and documents that can be used in their investigations, for the research undertaken by the police cannot yield satisfactory results unless the importance of factual data and the method of collecting them is understood.

The school accepts students from the following groups:

- a. The officers and deputies of the judiciary police of the courts, who should be required to take these courses;
- b. Representatives and judiciary officials of the townships, recommended by the local authorities;
- c. Police officers selected by the Chief of Police;
- d. Commissaries charged with policing the railway stations;
- e. Executive agents of the central offices of the various administrative departments.

These courses are offered three times a year. Each semester lasts from six to seven weeks, and the lectures—three or four every

day—are given three times a week. One hundred and fifty students are enrolled annually.

The advanced courses are offered especially for young magistrates: deputies of the public prosecutor, examining judges and lawyers; some police officers and representatives of the public prosecutor, appointed by the attorney general, also are admitted. These courses are given during a three months semester once a year. Lectures take place three days in the week.

The program of study of the *Ecole de Criminologie* is as follows:

### I.—Elementary Courses

- a. *Scientific police methods* (18 hours)—Dr. De Rechter, *Director of the School*;
- b. *Description of men* (15 hours)—M. F. Louvage, commissary of the chief of the police of the courts, Brussels;
- c. *Elements of Legal medicine* (9 hours)—Dr. De Laet;
- d. *Criminal anthropology* (10 hours)—Dr. Louis Vervaeck, general director of the *Service d'Anthropologie pénitentiaire*;
- e. *Elements in the application of penal law and procedure* (9 hours)—Collard de Slovere, attorney general.

### II. Advanced Courses

- a. *Scientific police methods* (30 hours)—Dr. De Rechter;
- b. *Legal medicine* (comprising the elements of toxicology and serum therapy, 29 hours):
  - Legal medicine* (20 hours)—Dr. Marcel Héger;
  - Toxicology* (4 hours)—Dr. De Laet;
  - Serum therapy* (5 hours)—Dr. Bruynooghe;
- c. *Physical chemistry* (3 hours)—Dr. De Laet;
- d. *Ballistics, physical and chemical elements* (9 hours)—Colonel Mage, professor in the Military School;
- e. *Criminal anthropology* (10 hours of lectures and 10 hours of clinical work at the prison)—Dr. L. Vervaeck;
- f. *Elements of psychiatry* (9 hours)—Dr. Ley, professor of psychiatry at the University of Brussels;
- g. *Application of penal law and penal procedure* (20 hours)—Hayoit de Termicourt, public prosecutor of Brussels.

These courses have been in existence ten years, during which time 1,395 students have taken the elementary work and 222 the advanced, making a total of 1,617 students.

The administrative commission of the school is presided over by the Minister of Justice. It is composed of three attorney generals, two important officials of the *Department de la Justice*, the public prosecutor of Brussels, the oldest of the Appellate Court judges, the president of the Bar Association, a representative of the examining

judges, a delegate from the professorial group and the director of the school.

### *Organization of the Police*

The Belgian police is a municipal organization under the authority of the mayor. It fills a double role: (1) administration, preventing the violation of the law and the town resolutions; (2) suppression, i. e., bringing into court those who, despite administrative prohibition, will not obey the laws and ordinances.

The superior officers of the police force are subordinated to the public prosecutor of their district and ultimately to the attorney general in their activities of suppression.

The criminal police, organized in 1920 for the control of crime that had developed to an alarming extent, is called the *Police judiciaire du Parquet*. It is broken up into divisions attached to the attorney generals of the important cities of the provinces. These groups are generally subdivided into special sections, each one making a study of a particular kind of crime, such as robbery, felony, swindling, forgery, etc. This specialization has distinct advantages in apprehending criminals.

In the large cities (Brussels, Anvers, Liège, Gand, Charleroi), the judicial police maintains a laboratory in scientific police methods, which calls for the examination, preservation, photographing and comparison of various kinds of clues, stains and impressions. Medico-legal reports relative to these matters are always drawn up by doctors who specialize in them.

The *Police judiciaire du Parquet de Bruxelles* publishes the *Bulletin Central de Signalements*. This daily bulletin is sent to all the police departments of the country as well as to the important ones of Europe. It lists those who are wanted for unfulfilled sentence or who are under warrant of arrest. All that is known relating to crimes as yet unsolved is included also.

With the cooperation of the *Notices d'arrestations*, reports on notorious criminals are made by the *Bureau Central des Renseignements* to aid in this information. Policemen and officers can be stationed at any moment by telephone, messenger or letter to obtain necessary information or to aid in establishing the identity of a criminal.

The office of the *Police judiciaire du Parquet de Bruxelles* also contains the *Bureau Central National*, which maintains a correspondence with similar organizations and with the *Bureau Central National*

*de Vienne*. It was established to carry out the resolutions adopted by the International Criminal Police Commission at Vienna.

New recruits for the *Police judiciaire* must possess average education and mature technical knowledge; they are appointed by the Minister of Justice.

Because of the geography of the country, the activity of its ports and the difficulty of communication, Belgium attracts many international criminals. In the last few years, the Belgian *Police judiciaire* has been in constant cooperation with the police of other countries in the common fight against crime.

Although the brevity of the preceding description has necessitated a rather superficial treatment, we have attempted to indicate how, in a modest fashion, Belgium has constantly been making a serious effort to modernize its laws, institutions of treatment and its organizations for social protection against a condition of crime that is growing more and more bold and dangerous.

We will welcome suggestions and criticisms of American criminologists that will help us to perfect and develop the investigations that have been carried on under the friendly auspices of the Ministers of Justice who have held office in the last thirty years.