CHAPTER 5

Priceless Children? Penitentiary Congresses Debating Childhood: A Quest for Social Order in Europe, 1846–1895

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In the late spring of 1848, Willem Hendrik Suringar, chairman of the Dutch Prison Society, was very uneasy and concerned about the upheaval in several European cities, notably in Mannheim and Paris, but even in Amsterdam where, as he put it, “released prisoners could play a pernicious role and could threaten and endanger the tranquility, possessions, health,—yes the very lives of many in municipality or town.” Also in France, where there were allegedly between thirty and forty thousand released prisoners, it was most likely that large numbers of them were present at the outbreak of the Paris upheaval and “that they, assisted by wives, concubines and children, have formed a strong army that, having nothing to lose, had no thought of respect or fear whatsoever.”

It is striking that the Dutch chairman, at such an early date, in the strictly national setting of the annual meeting of the Nederlands Genootschap tot Zedelijke Verbetering der Gevangenen (Dutch Society for Moral Improvement of Prisoners), took this rather international view of the problem of delinquency. But at second glance, it is quite understandable that he was genuinely impressed by what he had heard and experienced at the conferences he had visited in recent years in Frankfurt am Main and Brussels where he had been received by fellow philanthropists to debate matters of prison organization and aftercare with renowned discussants like Édouard Ducpétiaux from Belgium, William Crawford from Britain, Karl Josef Anton Mittermaier from Germany, and Louis-Mathurin Moreau-Christophe from France. Of course these forerunners in the field of philanthropy, social policy, penal theory, and practice were not unaware of what was going on in the streets, and they shared with him their fears, hopes, expectations, and intentions on the specter that seemed to be haunting Europe.
To avoid—in Stanley Cohen’s words—the use of social control as a Mickey Mouse concept, it should be made clear how it will be used in this contribution. It will surely not be used in such broad fashion as to cover “all social processes inducing some kind of conformity.” Because crime control is our main focus here, we will try to stick to Cohen’s not too narrow definition of social control implying “the organized ways in which society responds to behavior and people it regards as deviant, problematic, worrying, threatening, troublesome or undesirable in some way or another.” Nevertheless, it needs to be made quite clear that the boundaries between what is a strictly coercive kind of control and what is a more or less associative control are sometimes blurred or uncertain and also subjected to changes in the course of time. What for instance in the first decades of the nineteenth century started as a strictly coercive endeavor—prisons for children—may, as reformatories, have become at the end of that same century of a totally different nature, in which associative aspects can be ascertained. In fact, I think, the very discussions at the penitentiary congresses that are under investigation here were all about finding out where the boundaries of social control were and where they actually should be. Whereas containment or banishment of crime remained the final goal of all actions, ideas on measures to be taken ranged from repressive to proactive, from “simple” enforcement to “refined” socialization. The problem of social order, in fact, in the sense of Durkheim’s sociology, was the collective theme of discussions at the various congresses.

In this essay, I will focus on the ways in which care and aftercare for criminal children were conceptualized and put into practice in various parts of Europe. These new social technologies, whether they involved special residential care for juveniles or aftercare for released minors, originated at the so-called International Penitentiary Congresses that took place in major European cities in the second half of the nineteenth century and were then presented as innovative and original in separate European countries. In this field of endeavor, the first half of the century can be seen as the era of philanthropic tourism in which social and moral entrepreneurs visited each other and their loci of interest all over Europe. In the second half of the century, they more and more gathered together at international congresses, which gradually became battlefields of governmental and nongovernmental agencies, of public and private enterprise, in the realm of social order and welfare—international markets for ideas and reported practices on aspects of social order. In the end these formal congresses not only acted as a center for information and debate for visitors but also grew in importance as authoritative institutions in their own right, strongly influencing national decision making.

I will follow discussions and decision making at the penitentiary congresses on the question of the treatment of juveniles leading to a shift of action from hard core criminal children (“dangerous children”), to the much broader and opaque category of endangered children (“children in danger”), to the discovery of the
“innocent criminal child.” I will do so by first touching upon the history of Western ideas on childhood and children, then by describing the general scope of the congresses. Next, I will elaborate on some discussions on juveniles at the congresses in the 1850s and the 1870s through 1890s. After this, I will compare these supranational thoughts and resolutions with actual social policies and technologies at the national level. With the Dutch case—notably residential institutions for male juveniles—as an empirical point of reference, I will finally conclude by making some comparisons with national developments in other European countries.

The Debate on Childhood

In his essay “Authority and the Family,” the late Christopher Lash argues that the democratization of the Enlightenment and civilization by his famous “forces of organized virtue” during the eighteenth and nineteenth centuries should be seen as part of the overall endeavor of the bourgeoisie to create uniformity as a condition for the development of industrial capitalism. This rather functionalist, teleological approach turned out to be too monolithic and has been rightly amended in several respects. Nevertheless, it once in a while seems to pop up again, for instance to explain the debate on childhood that rose in European countries, especially during the second part of the nineteenth century and the first decades of the twentieth century. Hugh Cunningham, however, argues that besides this care for the future manpower needs of the state and the usual concern for children’s souls, this period stands out in the European history of childhood because of a new reason for philanthropic concern with children: to “save them for the enjoyment of childhood.” From the 1830s on, first drawing on utilitarian views of the damage sometimes done to children’s physical well-being but soon revived by sentimentalist and romantic ideas on the benefits of a good childhood, philanthropists started spending a large part of their efforts especially on children, in order to achieve their general humanitarian goals. These children supposedly represented the future, and their nature was still “plastic.” A romantic view of childhood as properly dependent and protected, and as separate from adulthood, had become dominant and provided a motivating reference point for every philanthropist from the first half of the nineteenth century onward. Even criminal children seemed to be priceless! Of course not only privately organized agencies were involved, but—again in accordance with Cunningham’s views—governmental influence in this field of juvenile action had slackened in most European countries after 1750, not to gain new momentum before the last quarter of the nineteenth century, especially with the general implementation of compulsory schooling.

The nineteenth-century debate on childhood had two especially major topics:
Children and their work were of first concern, but also the problem of vagrant, begging, and criminal children was very much at stake. In spite of the common bourgeois view that children were to be raised in the family, solutions for criminal children were usually based on old methods (e.g., residential institutions for orphans, such as prisons, reformatories, colonies, or refuges). In some of the so-called agrarian colonies only, a block or cottage system was implemented, which more or less mimicked a family. Foster families, although they would have been a logical outgrowth of the idea of wet-nursing schemes for foundlings in former centuries, were not used for criminal children on a wide scale. However, children in urban reformatories were sometimes put out to artisans, or adopted by a benefactor as a substitute parent upon leaving the institution.

According to Abram de Swaan “humanitarian sensitivity” has been gradually replaced since the middle of the nineteenth century by “social awareness”: a notion of interdependency and a feeling of responsibility for all kinds of social phenomena, from health care to education, coupled with the conviction that these are a concern for the state. In my view, these phenomena include the correction of delinquent children. This rise of the state and of state intervention in public life may have been especially obvious in the development of compulsory schooling, but it has also been highly important in the penitentiary field. Professionalization of the experts involved and funding by central governments have indeed resulted in state-sponsored public care for dangerous and endangered children since the end of the nineteenth century.

The Penitentiary Congresses

European integration and communication are not just recent phenomena in a globalizing world. One can be quite astonished to note the busy traffic and long absences from home involved in the many travels members of the bourgeois classes made to visit friends and acquaintances all over the Continent and abroad. Gradually, mutual visits were expanded into common gatherings. In the fields of prison reform, penal law, juvenile care, and questions of welfare in general, several truly international gatherings, conferences, and congresses took place from 1846 onward in the major European cities. These congresses acted as nodes in a network of philanthropists, prison directors and inspectors, lawyers, government officials and delegates, architects, and other “moral entrepreneurs” from European and even American states. It is noteworthy that the congresses’ initial focus sometimes was very broad, not to say blurred. One of their prime features is the growth of scientific specialization in the course of the century. The Frankfurt Welfare Congress of 1857, for instance, had a special section on penitentiary issues and was attended by much the same category of visitors as the preceding Brussels Penitentiary Congress.
of 1847 and the Congrès international de Bienfaisance of 1856, both organized by E. Ducpétiaux in his dual function as general inspector of Belgian prisons and welfare institutions.\footnote{15}

Penitentiary congresses developed from casual, nonobligatory debating conventions in the 1850s into large-scale, trend-setting congresses after formal organization in the 1870s. Because of this evolution, their proceedings—on which I base this research—varied considerably in the course of the nineteenth century. They gained both in substance and in length, but there were also certain characteristics that remained constant: in many cases a day order or agenda for the congress was given, followed by a transcript or literary account of the discussions during the congress. Usually conclusions, resolutions, or answers to the questions stated in the day order followed the discussions. Often, it was mentioned whether resolutions had been passed by majority or unanimous votes.\footnote{16}

The way in which the agendas were put together was subject to change over time as well. The day orders in the 1850s were usually concocted by the congress’s organizer (e.g., Johann Georg Varrentrapp at the first gathering in Frankfurt am Main and Édouard Ducpétiaux at the second Brussels session) more or less in concordance with the prospective visitors. In the 1870s the agenda was formally put together by a special committee, officially set up by a congressional board, after consultation with several experts in certain penitentiary fields.\footnote{17} Moreover, congresses sometimes decided to put an unresolved topic on the next congress’s
agenda. Deliberations of the congresses took resolutions or answers to questions as a result. These, together with deliberations, were printed and published. These proceedings must have been circulated on a rather wide scale. This was an important feature, especially of the first congresses, because they had no official status. Their only means of “spreading the news” was by publishing proceedings and reports in national organizations, giving lectures, writing in newspapers, and so forth. This is a major reason why from the very beginning official government representatives were explicitly invited to the congresses: This would prove to be a direct, more efficient way to put the ideas forward before decisions to implement them were to be made. As can be seen in figure 1, this could not be effectuated until the London congress of 1872.

The scope of the congresses shifted considerably over time. Until the Paris convention of 1895, all topics were summarized in three sections, namely, Penal Legislation, Penitentiary Institutions, and Preventive Measures; thereafter a fourth section on Children and Minors was formed. This in itself is an indicator of the growing importance of the childhood debate, resulting in many measures for children taken all over Europe by the end of the century. As can be seen in figure 2, the relative importance of questions on penal legislation and penitentiary institutions diminished over time, while the subjects of preventive measures and children and minors gained in relative weight, especially after the London congress of 1872. Matters concerning juveniles and minors came to the fore in almost every discussion about crime and crime prevention and were listed on the agen-
Das of all conference sessions, with a steady gain in the course of the century and a sudden, steep rise at the Paris congress of 1895.

As a next step I will trace these discussions for two periods in the course of the nineteenth century: in the mid-1840s (i.e., the 1846 and 1847 congresses in Frankfurt and Brussels) and after 1870 (notably the 1872 congress of London, and the Paris congress of 1895), thus giving an idea of long term developments.

Discourses on Children at the Congresses

At Frankfurt and Brussels, in 1846 and 1847, solitary confinement generally was seen as the best type of confinement for all adult prisoners. Although communications on aftercare societies and asylums for young delinquents had been put on the official agenda of the seventy-four delegates in Frankfurt, discussions on how solitary confinement had to be implemented in general had taken up all the time allotted at the congress. As can be derived from the transcript of the discussions, the chairman of the Dutch Prison Society, W. H. Suringar, played an all-important role as opinion leader at this gathering. After a remarkable change of mind a few years before, he had become a zealous advocate of the system of solitary confinement, a “cellomaniac” in the words of his Dutch opponents.

At the 1847 convention in Brussels, patronage or aftercare was once again proposed as an indispensable completion of penitentiary reform, and the total or partial application of solitary confinement for young delinquents was explicitly discussed as well. It was decided in the congress’s list of resolutions that for young delinquents special houses of correctional education had to be erected in which a combined regime of solitary confinement and outplacement in agrarian colonies or apprenticeships with farmers, artisans, or industrialists had to be maintained. From this resolution one could conclude that solitary confinement was but one of several means to ameliorate juveniles, but on closer inspection of the proceedings an almost nasty battle took place between cellomaniacs, under severe command by W. H. Suringar, and “agrarian colonists,” led not by Frédéric-August Demetz, famous director of the Mettray colony, as one would expect, but by a relative outsider, Louis Wolowski, who consequently referred to the solitary cell as a “chemise de pierre.”

It was Marie Matthieu Von Baumhauer, a recent Dutch admirer of Suringar, who had been able to rescue the cause of the solitary confinement of young delinquents by persuading the congress participants to restrict their deliberations to the group of juvenile delinquents who were above the age of legal responsibility. The younger group, the “innocent” children, for which perhaps other measures had to be taken, would have to be on the agenda of another session.
seems that all arguments were allowed to forward one's case. One of the most
questionable ways of gaining votes for the cause of solitary confinement was Suringar's
confidential remark to the plenum of the congress that Elizabeth Fry had entrusted
him that she in the end truly believed in solitary confinement, even for women.
Thereupon, Lord Pearson declared that he had read a letter from Fry to
Alphonse M. M. T. Bérenger, written some moments before she died, in which
she—to the contrary—rejected solitary confinement. This comedy was concluded
by the Dutchman Jean Étienne Mollet who “confessed” that he and Fry had spent
a whole day together, some six weeks before her death when she was still in good
health, talking about prison systems. Having explained to her that solitary con-
finement would not mean total solitude, but—quite to the contrary—a regular
communication with the prisoner, she supposedly had approved with all her heart.26

At these early penitentiary congresses, “patronage” or aftercare was usually
discussed as an annex to the general program. During the 1846 conference in
Frankfurt—although explicitly on the agenda27—discussions on aftercare were
postponed to the Brussels meeting of 1847, because visitors were absorbed by
discussions on solitary confinement in the second penitentiary institutions sec-
tion. Nevertheless, in between one-liners on solitary confinement, one can come
across the statement that “the foundation of care for released prisoners is a nec-
essary completion of penitentiary Reform.”28 But even in Brussels only a few offi-
cial remarks on aftercare were made, because most of the time was taken by discussions
to secure solitary confinement for some of the criminal juveniles. Nevertheless,
aftercare—institutional or otherwise—was in the air, as can be concluded from
the many accounts of aftercare, patronage societies, and other experiments that
were submitted to the congress’s organizing committee, of which agrarian
colonies and maisons de refuge, as the institutional parts of patronage, were per-
haps the most popular for the time being. At the Brussels congress considerable
pressure was felt from advocates of these prison extensions. They included the
famous Elisabeth Fry (posthumously), and the Frenchmen Louis Wołowski, Léon
Faucher, and Frédéric Auguste Demetz, the latter cofounder of the Société de Patronage
des jeunes détenus et des jeunes libérés de la Seine, whose fame had reached the
congress. Experiments with maisons de refuge for released women, by De
Barolière in Lyon and Alphonse De Lamartine in Paris were known at the time.29

Twenty-five years later, at the London congress in 1872, the need for refor-
matory treatment still seemed to be so pressing it was even reflected in the con-
egress’s official name: International Congress on the Prevention and Repression
of Crime, Including Penal and Reformatory Treatment.30 The London convention,
however, did not reflect a need for critical inspection of what had been done in
the field of juvenile delinquency. Instead, it can best be seen as a new start of
the prison reform movement in general. It was carefully prepared and organized
by Enoch Cobb Wines, Commissioner of the United States to International Prison
Congress, to be of a more official nature, with government representation and
formalized proceedings. Presumably, this was thought to be one way of getting rid of the exhausting and sometimes circular discussions on solitary confinement. Moreover, there was an unmistakable influence from American organizations, like the American Prison Association, with different, not to say opposite, ideas on prison reform. With nine visitors, the Dutch delegation was bigger than that of France or Prussia.

Because of this new start, the agenda in London gave room for a lot of contemplation. In the children and juveniles section, many of the discussants took the opportunity of describing the programs of schools with which they were familiar or which appealed to their fancy. Thus, such places as Mettray, the institution of Demetz, the Ohio Industrial School at Lancaster, the Wisconsin reform school, and the Feltham school in Britain were discussed. The question of “what is the treatment likely to be most effective for the reformation of juvenile offenders” led to a prolonged statement by Mary Carpenter, “English Reformatories and Certified Industrial Schools,” and the reading of a paper by Charles Loring Brace from New York, “The Prevention of Juvenile Crime in Large Cities.” Even after the section had been adjourned and met again on the last day of the Congress in a second sectional meeting, no other useful decision was made or resolution taken than the quite superficial agreement “that large congregate schools were to be deplored and that schools on the cottage or family plan were highly desirable.” According to N. K. Teeters, this subject exhausted a great deal of time of the full Congress, apparently without much of a result. Nevertheless, we can conclude that a noticeable shift had taken place in the juvenile question since the midcentury congresses: no more discussions on solitary confinement for minors, but a range of views on the many possible ways of applying some sort of reeducational, reformatory system.

After the London formalities, at the gatherings in Stockholm four years later, in Rome in 1885, and St. Petersburg in the 1890s, these new views were brought to the fore in a more substantial and effective way. For instance, the third “preventive” section of the Stockholm congress took up the question that had been neglected since the Brussels convention, how children below the age of legal responsibility were to be cared for institutionally, in addition to measures to be taken for young vagabonds, abandoned children, and so forth. It is quite important to see that for all these children it was officially declared in the conference resolutions “that it is not a question of executing a penalty or chastizement, but of giving an education, whose aim is to place the children in a condition where they can gain an honest living and be useful to society instead of injuring it.” Of course in many European countries, a shift to reeducational treatment of children had already been made in earlier years, but Stockholm pinpoints the overall shift from punishment to reeducation. At the Stockholm deliberations, the idea of institutions imitating the family was propagated: Establishments ought to be small, with a mutual responsibility in the different units, with correspondence “to the
conditions in which the working classes live. Hence, a scholastic instruction on a level with that of elementary schools; the greatest simplicity in the food, clothing and lodging of the children; and above all, labor.”

This obsessive, but often ambiguous clinging to the family resounded in one of the outstanding resolutions on children made at the congresses, in the session in Rome in 1885. There the problem of parental, namely fatherly, powers and responsibilities for one’s children was discussed at length. In the discourse on children who had committed illegal acts, more and more emphasis was laid on their actual innocence, whereas their parents were more and more held to be responsible for these acts. However, to not honor or even to doubt the laws that existed in various countries regarding parental rights would be considered quite unique, even in 1885. Nevertheless, a resolution was taken clearly stating that “one of the methods to be recommended is to authorize the courts to declare, for a determined period, whole or part of the parental rights forfeited when there is sufficient evidence of a responsibility on the part of the parents.”

The Petersburg congress of 1890 followed up on Rome, by once again emphasizing the need for a court’s authority to forfeit parental rights in certain cases but added the possibility for the court to fix the term of tutelary education in correctional establishments or in public or private aid institutions until the age of majority. This in practice could mean a definitive forfeiture of parental rights.

In economic terms the Paris congress of 1895, copresided over by the Dutch professor of law Meinard S. Pols, was the moment of enlarging market share and product diversification in the realm of juvenile care. As pointed out, the children question had matured, leading to a new fourth section of the congress. In its first appearance, the agenda of the section on children and minors was overloaded. Eight questions were put to the fore ranging from “legal age of penal minority,” via “guardianship of the state,” “schools” and “houses of correction for minors,” “physical training,” “duration of correctional detention,” and “supervision of children placed with families,” to the prevention and repression of “prostitution of young girls.” According to Samuel June Barrows, reporter of the U.S. Senate, “it proved to be one of the most popular sections. . . . The fourth section was more general in membership, having a good representation of the bar, the clergy, and of prison experts; also directors of educational and correctional institutions for the young, Protestant ministers, Roman Catholic priests, Jewish rabbis, and a large delegation of women.” This may have been so, judging from the huge six-volume congress proceedings in which at least one hundred pages are taken up by the discussions in this fourth section as well as the general discussions in plenum on the answers to questions that had been delegated to this fourth section.

The official proceedings witnessed stormy discussions in the first plenary session, where the answers on questions six and seven, formulated in the children
and minors section, were to be ratified. The answer to the sixth question regarding a fixed duration of stay in correctional institutions for minors, for instance, had been elaborated by Felix Voisin, counselor at the French Cour de Cassation and member of the consultative committee for the congress. It was adopted by the plenum without any further discussion or alteration, deciding that this was solely up to the state to decide. Then senator Jules LeJeune, Belgian minister of state and vice president of the congress bureau, stepped down from the stage to report on the seventh question, regarding the issue of how and by whom oversight should be maintained of individual outplacement in families of children coming from penitentiary colonies: by aftercare societies (sociétés de patronage) themselves or by a governmental administration? Referring to his own experience in Belgium as head of the justice department, LeJeune clearly pointed to the private aftercare societies as the body to be in charge and argued to not disturb them in their activities by asking for reports and paperwork: “their zeal would greatly diminish, if you require them to write reports and do other paper work.” He concluded his deliberations by exclaiming: “while in office as Minister of Justice I did not inspect them at all, because I had more confidence in them than in myself,” upon which the audience reacted with “très bien, très bien!” However, not all were convinced. Especially some French members argued that circumstances in France were different from those in Belgium and that the proposition would not be applicable all over Europe, which should be the case. Nevertheless, the majority of the audience definitely was on LeJeune’s side, interrupting with applause and “let us vote.” In the end, LeJeune’s answer was adopted. During the next days several other statements were adopted by the plenum.

To sum up the most prominent features regarding criminal children at the penitentiary congresses, it is important to stress that special care and educational measures for criminal juveniles were on the agenda of the congresses at an early stage, in fact from the second congress in 1847 in Brussels onward, but gradually gained in momentum with a culminating point at the Paris congress in 1895. In general, the tendency was toward greater differentiation between convicted juvenile delinquents and children who had acted without the ability to tell right from wrong. This meant more wishes and possibilities of diversification according to age and crime, longer stay, more reeducation, and institutional diversification. Although solitary confinement for children was widely discussed, the focus of attention soon shifted toward reeducation in colonies and other childlike institutions. In the realm of aftercare, especially for children and minors, independent, private aftercare societies were held to be the best guarantee for a good surveillance of those released from penal institutions. The congresses themselves formalized aftercare after 1872, giving room for rivalry between private and public or governmental organizations. Dutch representatives, both governmental and private, played an active role at the various congresses, notably William Hendrik Suringar, Marie Matthieu Von Baumhauer, Johan Domela Nieuwenhuis, and Meinard
S. Pols. This brings us to the question of how they interacted between this European level and their national fields of action.

The National Level: The Dutch Connection

In the course of the nineteenth century, the Dutch established special prisons and reformatories for juvenile offenders. Representatives of the bourgeois classes, united in a privately organized prison society, initially brought about these new institutions. This Nederlands Genootschap tot Zedelijke Verbetering der Gevangenen (Dutch Society for the Moral Improvement of Prisoners, hereafter Dutch Prison Society) turned out to be the main source of ideas on the moral treatment of criminals in general and especially juveniles between 1823 and about 1850. In the realm of law, prison, and criminality, the Dutch Prison Society’s activities mainly consisted of a spread of bourgeois values by way of personal contact in visiting criminals, giving lectures, lending books, and especially taking care of primary and vocational education in the institutions. But quite a few of the members had a much wider view and took interest in other matters of social and societal policy, from public education to pawnbrokers’ shops and from visiting the poor to building public bath houses. Many of them were inspired by their Protestant faith, but they generally had a liberal outlook on the world. Members of the Prison Society, like some of their American counterparts, were actively involved in and inspired by minority religions such as the Quakers and the Remonstrant Church. They had no great expectations of results with adult criminals, but they did have high hopes for children because they were supposed to be more receptive and could of course be redirected for a much longer time than adults.

During the first half of the nineteenth century, the ideas and practices of the Prison Society focused almost exclusively on the care of criminal children. Whereas the newly formed Dutch state and its rudimentary governmental institutions were hardly able to lead and maintain a proper prison organization, the Prison Society had ample opportunities to develop a penitentiary youth care facility in accordance with its own views. As a result of its efforts, in 1833—quite early in comparison with other European countries—a first youth prison was opened in the city of Rotterdam: a dark, damp building in the center of town, initially used for boys and girls without distinction, at the same time. In this institution, the Prison Society developed a special care for the juvenile inmates, focusing on their moral education. The government took responsibility only for the maintenance of the prison building and the guards. The regime of these early youth prisons was not solitary confinement as in the Petite Roquette prison in Paris, but a rather hybrid mix of a classification system and an Auburn system of silence. In practice it was a hierarchy of three classes with increasing privileges, recognizable by
clothes, place at table, and speech. In the lowest of the three classes, all speech was forbidden, except during stay—not play—on the building’s small courtyard. Moreover, children in these classes were forced to eat separately from the others and with their faces directed to the dining room’s walls. Boys in the highest class were allowed to speak, except during meals, and could receive their parents or relatives every fortnight. As with all these institutions, effectiveness could not be guaranteed in a reliable way. Only the number of recidivists is available as an indicator, although disputable. To be frank, this number was not in favor of the Rotterdam prison. Between 1863 and 1865 recidivists in the total number of inhabitants increased from 5 percent to a soaring 35 percent in the 1860s.

Meanwhile, ideas circulating at the European congresses were considered locally as well. Suringar, as the main source of information, now and then tried to apply solitary confinement to children and minors, but after his visits to French Mettray, in the company of Von Baumhauer, he seemed quite satisfied to push for the general application of the solitary confinement system to adults alone, while diverse reeducational and reformative systems could be used for criminal children. Following ideas developed at the congresses on making more precise distinctions between children above and below the age of legal responsibility, these moral entrepreneurs in the Dutch Prison Society saw new opportunities for more effectiveness in the reeducational field. This was because normally convicted children were sentenced for perhaps a few months as a general rule, whereas the younger children, sent to an institution for reeducation, usually were to remain there until eighteen years of age. This led Suringar especially to advocate the establishment of a special institution for these children, which after his French experiences and discussions in Brussels and Frankfurt, he loved to call “Dutch Mettray,” thereby stating that it should be a rural institution, a colony with a small-scale, family-structured base, where “the soil would be made better by the children and the children by the soil.” The 1850s were a crucial period in the Netherlands: At the same time two new, intertwined branches on the reformatory tree developed. On the one hand, special reeducational institutions for the “innocent” juveniles were established, although not as a logical follow-up on the private initiatives by the Dutch Prison Society in Rotterdam and Amsterdam. On the other hand, a Dutch Mettray was indeed realized, but not for young delinquents.

When Suringar launched the idea of a Dutch rural colony like Mettray in France, he imagined this to be an institution for delinquent boys, especially the youngest ones. This group would probably give a better guarantee for successful reeducation than the recidivist lot in the youth prisons. However, the main financial resource, a Protestant benefactor from Amsterdam, insisted that no boys would be allowed who had been in contact with the police or the judiciary. For Suringar and some of his fellow philanthropists, this really was not a problem: Dutch Mettray was simply redirected toward the residential treatment of so-called endangered children, with which the punishment of criminal children shared
common ground. In this field of Dutch residential, nonpenitentiary reeducation, one sees a rapid rise in the number of privately organized institutions after the model of Dutch Mettray in the 1850s. Residential reeducation soon outnumbered even the penitentiary system with room for some 12,500 children after the turn of the nineteenth century.49

Meanwhile, a second change took place. As an early supporter of the views of the international penitentiary community, the Dutch government took responsibility and action in this field. This was more or less forced by ongoing parliamentary battles focusing first on the preferred prison system, after that on the vigor with which solitary confinement should be enforced, and finally, in the early 1860s, on alternative systems.50 But the Dutch government’s actions should also be viewed as a logical outcome of state building and expanding governance in the second half of the nineteenth century,51 as well as a result of appeals made to members of parliament, brochures, letters to editors, and speeches of the Dutch Prison Society urging changes in penal policies in reference to the insights of the international community of penal specialists at the international congresses. With the newly appointed general prison inspector, Alstorphius Grevelink, as its booster, the Dutch government itself established new institutions for juveniles who had committed a crime while below the age of legal responsibility. In addition to sincere convictions on the proper way of treating juveniles, this governmental penetration of an until then privately driven market was also meant to curb the unbridled claims of the Dutch Prison Society, which at the time proceeded even in the field of institutional aftercare for released male delinquents.

Such a governmental reformatory was maintained in the city of Alkmaar from 1857 onward. In this reformatory new educational ideas were added to the moral treatment developed in the youth prison. The children entering the reformatory were of a somewhat different nature than the population of the Rotterdam prison. In court, but inside the reformatory as well, more emphasis was placed on their mental, physical, and intellectual shortcomings, and their social background of neglect. Besides, they were usually quite young and supposed to stay at Alkmaar for a long time, until eighteen years of age. In the reformatory they were not treated as criminals, but primarily as children. The governmental care reflected the older ideas on moral treatment but added some new ones, of which the notion of strengthening the pupil’s will was most prominent. This treatment proved successful and became the general form of treatment of criminal children in the youth prisons as well. These developments were formally recorded in the new Dutch penal code of 1886. Afterward, this treatment of criminal children in general was to become primarily educational and in fact a carbon copy of the treatment of endangered children in the reeducational institutions outside the penitentiary field of action. However, by comparison, this institutional treatment of juvenile criminals was much smaller in number. Its capacity grew from a mere one hundred beds in 1833 to about twelve hundred in 1915, taking care of about twelve
thousand children, of which after 1850 those below the age of legal responsibility became a majority.52

To summarize these developments in the Netherlands: A threefold shift in ideas and practices from punishment of juvenile criminals to reeducating criminal and dangerous children to preventive education of endangered children took place at an early stage. Leadership in these matters shifted from private initiative to government responsibility (to public–private partnership, not to say a return of private initiative in daily practice, at the end of the nineteenth century). This was accompanied with a lot of dispute and rivalry. Discourses on the responsibility of the criminal child shifted from guilt to innocence, whereas their parents’ responsibility and guilt became increasingly common. This was not just a moral conviction but once again also a pretext to intervene in an even more thorough and permanent way.

The Dutch case seems a good example of international developments in penitentiary ideas and practices in the realm of children and childhood between 1830 and the end of the nineteenth century. In fact, it can be summarized in two residential models or ideal types: on the one hand the youth prison, on the other hand the reeducational institution. Both ideal types have had an existence in real life, but of course not in their pure form.

From the beginning, the Dutch youth prison had been changed by reformatory ideas, at first because of the sheer coexistence of children above and below the age of legal responsibility, but from the beginning of 1833 also because of a greater than average effort to supply basic schooling and vocational training. Finally, new reformatory ideas were implemented, like a progressive carrot-and-stick system, to promote good behavior on the spot and moral reform in the long run. It is important to note that the Rotterdam boys’ prison and its Amsterdam female counterpart largely were privately funded and organized institutions.

The Dutch state—only recently resurrected from French domination, and just starting to recover from the Belgian liberation—was neither able nor willing to provide funds for anything exceeding basic detention. This fits in nicely with Cunningham’s periodization and alternation of private and public involvement in matters of childhood in the course of the nineteenth century. Not before the middle of the century can one notice a cautious comeback of governmental agencies urging the start of a proper reeducational institution in the city of Alkmaar. It is noteworthy that romantic, religious, or even mercantilist ideas were not put into practice for all criminal children without any distinction but were at first introduced and canalized through the category that could be more easily excluded from the generally discrediting and disqualifying discourses on juvenile criminals: Children who, according to the penal code, had acted without the ability to tell right from wrong were more childish, in fact innocent, and because of that deserved to be educated instead of imprisoned. On the wave of growing interest in children and childhood in Dutch society, this new discourse of child-
ishness and innocence gradually expanded to almost all criminal children from the 1880s onward—precisely in the period where Cunningham observes the start of greater involvement by the state in juvenile matters.

Comparing Care for Criminal Children in Europe

For a tentative comparison with other European countries, I will consider here two issues. First, the debate on childhood—attitudes and conceptions of childhood—must be reviewed for discussions concerning the nature of children in general and criminal children as a special category. Questions to be considered are: Was there a common shift in classification from guilt to innocence, and were criminal children seen as a category apart from criminals in general? Second, public–private cooperation, controversies, and other communications must be reviewed—the organizational setting of childcare. Who took the initiative in caring for criminal children? Was there a gradual evolution from penitentiary to pedagogic initiatives, or were they—along these very lines—divided between state and private organizations? I will compare the Dutch case with the French and British, basing my comparison on secondary evidence.

In various European countries, experiments involving special, usually residential, care for juveniles had been made a few years before the first congress of Frankfurt in 1846. In Britain, separate youth prisons had been erected in Millbank in 1823 and Parkhurst in 1838. In France, a cellular prison for children, La Petite Roquette, had been started in Paris in 1836. In Belgium, Saint Hubert, also a prison for juveniles, was opened in the Ardennes in 1840. For German states, I have not been able to determine if separate youth prisons existed at all, except for some facilities annexed to general prisons in the major cities. In due time, these children’s prisons were followed or joined by special institutions explicitly aimed at a resocialization of the young by special education and intensive, prolonged care. In this category, the Raue Haus near Hamburg, Germany, started in 1833 by Johann Hinrich Wichern, has been seen as the model for several initiatives of this kind elsewhere in Europe, like the famous agrarian colony Mettray near Tours in France by Frédéric-August Demetz in 1840, Red Hill in Surrey, Britain by S. Turner in 1841, and the Belgian Ruisselede and Beernem in 1849–1852 by Ducpétiaux.

In the second half of the nineteenth century, few real innovations had taken place for juveniles since the introduction of the famous models of youth prisons, reformatories, and colonies in the first part of the century. Nevertheless, an enormous leap had indeed been made in terms of sheer numbers. Before 1860 some eighteen new agrarian colonies had been set up in France, and new naval and industrial colonies and ouvrières for girls had been established after the seventies.
In Britain, under the Youthful Offenders Act, children could be sent to a reformatory school after a short stay in prison. In the Netherlands, separate reformatories for delinquent boys and girls were opened in 1857 and 1859. What were the ideas that gave rise to these institutions and by which public–private agencies were they put into practice?

In France during the first half of the century, according to Rachel Fuchs, criminal juveniles were viewed as fundamentally evil and immoral: they supposedly had criminal tendencies within themselves. Especially after the French revolts of 1830, 1848, and 1871, all measures were taken to rid the streets of potentially dangerous urban youths. They were many. In Paris the number of vagrant and abandoned children was greater than before the Revolution, and according to Berlanstein they met widespread public concern. The bourgeoisie defined and redefined juvenile delinquency and accordingly designed and redesigned policies dealing with the youth problem of crime. By the last decades of the century, a transformation in attitudes arose when reformers and legislators began to concern themselves with preserving the lives of children and then protecting and educating them. Three broad categories of social policies dealing with children can be ascertained: paternal correction, still en vogue during the Restoration period through the Second Republic and even later; acquittal according to article 66 of the Code Pénal and remand to the parents or a reformatory; and conviction and sentencing to youth prison proper. The institutions were not developed on this threefold basis. All categories of children, without any distinction, were detained in youth prisons—of which the Madelonettes and La Petite Roquette in Paris were the most well known but exceptional cases—and in agrarian colonies, with of course Mettray as its hallmark. During the Second Republic the idea of aftercare or patronage societies for discharged minors was introduced, as a first nonresidential policy. During the Third Republic (1871–1940), other institutions were added like industrial colonies and ouvriers.

In Britain, ideas on childhood were primarily founded on the problem of working children and only secondarily on the problem of street and criminal children. Because of that, developments in ideas on childhood date back long before the nineteenth century. Cunningham questions the general rule that poor children had to be inured to work from an early age in the 1780s, referring to the works of Jonas Hanway (e.g., his Sentimental History of Chimney Sweepers from 1785, in which climbing boys were depicted as children earning “mercy and tenderest kindness”). Peter King is quite confident in stating that before the nineteenth century “contemporary commentators rarely regarded young offenders as a separate, distinct problem.” They were tried before the same courts as their adult counterparts, were put into the same prisons, and were subjected to the same range of sentences. Radical transformation took place during the nineteenth century, when “juvenile delinquency was established as a major social problem and a focus of great anxiety amongst the propertied.” Also, Susan Magarey states...
that in the 1820–1850 period the English became aware of a growing problem of juvenile delinquency, but in fact this was exaggerated because new forms of behavior were criminalized and benevolent measures were turned into additional punishments.64 Around the middle of the century, Shaftbury estimated that thirty thousand children behaved like “tribes of lawless freebooters” in London alone and rendered “the state of society more perilous than in any former day.”65 This midcentury “moral panic” was characterized by firm views and ideas and associated with the growth of the major towns and industrial conurbations. Juvenile delinquents were seen as a race of their own; the “life and business” of that race was “to follow up a determined warfare against the constituted authorities by living on idleness and plunder.”66 Margaret May’s view that state recognition of reformatory and industrial schools in 1854 and 1857 in fact marked the “invention of juvenile delinquency” in Britain is seriously criticized and refuted by King’s research into the Old Bailey’s court records on juveniles, from which a steep rise in the number of juvenile offenders as early as the 1820s can be ascertained.67

Turning to the issue of public versus private initiatives, let us first consider France again. In that country, parental care and authority constituted the preferred supervision of children, authorized by the penal code. According to O’Brien, 96 percent of all children in French correctional institutions had been placed there based on the penal code.68 Most of these institutions were privately managed or a kind of public–private cooperation, like La Petite Roquette, started by Gabriel Delessert, a Paris police prefect, or Les Madelonnettes, founded by Louis Mathurin Moreau-Christophe, inspector-general of prisons in the Seine department. In both cases, maintenance was done by the public authorities, whereas private societies took care of visiting the young inmates, supplying books, and so on. French champions of the agricultural colonies were Charles Lucas and Frédéric-August Demetz, who cofounded the Société Paternelle in Paris in 1839. Under the direction of this Society, the colony at Mettray was founded.69

Navigating on King’s and David J.Bosley’s directions, British institutions for delinquent children originally were governmental initiatives, notably the unsuccessful Millbank Prison and the Parkhurst Prison of 1838.70 But even before this, in the 1780s and 1790s, private initiatives by the Philanthropic Society had led to a school, factory, and house of reform for criminal and abandoned boys and girls at Hackney and Southwark. In 1849 new fuel was given to this refuge by Sydney Turner, the new director of the Philanthropic Society, changing it into an agricultural reformatory in Redhill, a copy of French Mettray, which he visited twice. Also, the thrust behind the Youthful Offenders Act of 1854, leading to reformatory and industrial schools, seems to have been by private individuals, among others Sydney Turner, Mary Carpenter, and Mathew Davenport Hill.71

Thus, the developments in Britain, France, and the Netherlands were characterized by differences and similarities. It is important to note that today’s legalistic distinctions between criminal and not-yet-criminal children were not made
in nineteenth-century ideas and practices. As in Suringar’s implementation of Dutch Mettray, the reformatory model was in its nature rather imperialistic: The earlier a child could be taken into some sort of custody, the better a chance for reform this would give. On the other side of the intervention, this could be made even more effective by keeping children under some sort of guidance as long as possible: The Dutch Prison Society’s experiment with residential aftercare in Leiden was started for that purpose. It is along these lines that the directions of care for children in the countries under study can be brought together. In all three countries discussed here—and probably in most European countries—the tendency was to extend the juvenile age group, prolong the period of stay, and to intervene forcibly in a child’s life. The first two elements of this tendency were reflected in the general idea of employing arguments related to legal responsibility, setting aside common legal sanctions, implementing unspecified measures up to a child’s maturity, and extending care to nonconvicted children in danger. The third element was integrated in the British Youthful Offenders Act from the very beginning: more or less organized systems of aftercare and parole. In France and the Netherlands—with the Leiden refuge as an exception to the rule—this genuinely belonged to a next stage in the debate on childhood that was not to come before the end of the nineteenth century and the beginning of the twentieth, with new child acts, specialized juvenile courts, dedicated aftercare, and parole organizations.

And what about the differences? The exceptional application of solitary confinement in the French youth prisons did not turn out to be successful for the young children and was dropped in the 1860s. Nevertheless, even in 1886 for Dutch children above sixteen, solitary confinement was made the rule, because they were tried as adults. A rather distinct feature of English penal policy was that corporal punishment of juveniles, like whipping those under fourteen years of age instead of sending them to prison, played such an important role in the second part of the nineteenth century up to 1948 when this was abolished. Paternal correction—another French specialty—generally changed into its opposite because in the course of the century the responsibility for the child’s mischief was more and more shifted toward its parents. The British custom of requesting financial participation of the parents in the reeducation of their children in a reformatory can be seen as a forerunner of this change, soon to be followed by the general idea that responsibility or guilt was not to be sought in the child but in its parents in the first place.

Conclusion

Over the period of a half century, in most parts of Europe, there was a considerable change in the way criminal children were conceptualized, treated, and looked
at. In public discourse they often evolved from pernicious, punishable wrongdoers into helpless, vulnerable beings, needing love and care. I seriously doubt, though, whether this has led to a greater “enjoyment of childhood” for the children involved, as Cunningham argues. However, it was not just the concept of these children that changed. With it the whole penitentiary and reformatory system, all “forces of organized virtue” included, changed as well: It became an all encompassing system of care for all dangerous and endangered, priceless juveniles, maintained by governmental and private organizations. This widening scope, these mutual influences, can be ascertained at the pan-European level—namely, at the penitentiary congresses—as well as at the various national levels.

In view of the steady and prominent involvement of Dutch experts and delegates in the penitentiary congresses, one would perhaps have expected innovative, pioneering penitentiary practices in the Netherlands. This was not the case. Instead the Dutch did play a role at the international level in the development and pushing of ideas and setting into practice of ideas elsewhere in Europe. The question of why practices in the Netherlands were not innovative is difficult to answer and needs further research. One hypothesis might be that the typically Dutch public–private controversy led to alienation between the Dutch Prison Society and governmental representatives, to a conservative mummification of private enterprise in the Prison Society, and to a shift of innovative elements to the nonpenitentiary field of care for endangered children.

Do the international penitentiary congresses add up to social control on an international, European level? Taking into account the working definition of social control adopted in the introduction to this contribution, I am inclined to say yes, at least to the idea that there has been a quest for social control. Besides the boost in quantity and opportunity for straightforward sharing and exchanging of penitentiary ideas on an abstract, theoretical level that the congresses brought about, there was a change of quality and impact as well. Reading the proceedings of the congresses, one can sometimes catch a sense of the thrill that occasionally took hold of their visitors: The idea that so many people shared a concern for certain social policies, the conviction that on such a large, international scale all lofty ideas could be effectively brought into practice without tedious negotiations and compromises that were so common at the national level, that with their common effort and patience, in the end, crime could be overcome, criminals could be rehabilitated, and juveniles could be reeducated, that indeed a better world was in the offing.

This all-encompassing, surveying view on the world can be illustrate with a small insight in congress culture at the Paris meeting. On Sunday, July 7, 1895, members of the congress visited the penitentiary colony of Douaires. There, in a big tent, was going to be a supper, artistiquement aménagée by the colony’s children. All members of the congress sat down with a good appetite, because of the walk they had just had. “During the meal, . . . all conversations were about the
future reserved for these young colonists. How would one be able to fight the hereditary influences? How could one find a place for these youngsters when they would leave home?  

Although no complete or constant correlation in timing and agendas between the penitentiary congresses and the national level of decision making in the field of juvenile care has been demonstrated, there is nevertheless much evidence in support of the idea that the European international penitentiary congresses on the whole played an important role in transnational social policy making during the nineteenth century.

Notes

1. Suringar, quoted in Leonards, *De ontdekking*, 165. Translation is mine.
2. verLoren van Themaat, *Zorg*, 320.
7. Leonards, *De ontdekking*, passim.
10. De Swaan, *In Care of the State*.
11. Although some reservation has to be made for the Dutch case, where pillarization produced a public–private partnership in many fields of social action, residential care for juveniles being one of them. (Pillarization is the structuring of society into organizational complexes that promote social functions and activities on a religious or ideological basis.)
12. Besides penitentiary congresses there was a growing number of other congresses (e.g., with a focus on medicine, poor relief, statistics, philology, law, feminism, peace, etc.). See Gregory, ed., *International Congresses*. Elsewhere, I hope to discuss congress culture in the nineteenth century from a sociocultural perspective.
16. Moreover, all proceedings contain a list of members, adherents, or visitors to the congress in a specific year. Usually the country of origin and the trade or profession of the person are mentioned as well and, though quite different in nature and
expansion, reports, advices, preparatory investigations, speeches, addresses, and so forth are provided in several appendices or even separate volumes in the course of time. Also, account is given of special trips, visits, expositions, demonstrations, concerts, banquets, parties, soirées, and so on. This primary source can be supported, strengthened, and completed with circumstantial evidence (e.g., personal accounts of visitors, official reports to national governments, commentaries, newspaper clippings, and articles in journals).

17. This Commission Pénitentiaire Internationale was formed in 1874 after the London congress. Its first chairman was E. C. Wines (verLoren van Themaat, Zorg, 381). The coming development of associations and committees in the course of the congresses' lifespans can be viewed as part of their formalization (Rasmussen, “Jalons pour une histoire,” 121).

18. So far, I have not been able to study the actual diffusion of the proceedings, the number of copies being unknown, but all instances in which copies of these proceedings can be found in libraries of prison-related institutions, government libraries, and so forth make it likely that the circulation was indeed large of scale.


20. A list of questions and answers, and resolutions and opinions, on matters regarding children and juveniles between 1846 and 1895 can be found at www.unimaas.nl/gandi/leonards/QandA.html.


24. A “stone shirt,” like a “chemise de bois,” which in French is a coffin.

25. Ducpétiaux, ed., *Débats*. Just two years earlier Von Baumhauer and Suringar had visited French Mettray and reported very enthusiastically about the colony. The former even offered his book on that visit to the secretary of the Brussels congress, Ducpétiaux (Von Baumhauer, *De landbouwkolonie te Mettray*).

26. Ducpétiaux, ed., *Débats*, 89–90 (italics in Mollet’s citation are mine). As a devil’s advocate Suringar consistently called solitary confinement the system of good company (“bonne compagnie”).

27. “Communications et discussion sur l’organisation du patronage en faveur des détenus libérés” (Moreau Christophe, ed., *Débats*, 5).

28. “Die Gründung einer Obsorge für die entlassenen Sträflinge ist eine nothwendige
Ergänzung der Penitentiar Reform” (Varrentrapp, ed., Verhandlungen der ersten Versammlung).

29. Ducpétiaux, ed., Débats, passim. Dupont-Bouchat characterizes this era of the genesis of patronage up to 1878 as “the prehistory of patronage.” Following eighteenth-century and early-nineteenth-century initiatives, she ascertains a second wave of “the public model,” consisting of governmental aftercare institutions between 1830 and 1878, and she finally distinguishes a new era of “privatization of patronage” after 1880 (Dupont-Bouchat, “La Belgique capitale internationale,” 286–97).


31. verLoren van Themaat, Zorg, 334.

32. Although all preceding congresses had adopted solitary confinement as the only good, effective, and preferable system, it had not been implemented on a wide scale. Instead, since the 1850s a growing number of voices could be heard arguing against the exclusive idea of the cell, propagating intermediate or progressive systems like the Irish system (ibid., 337–38).

33. At the London congress eighty-two persons from different American states were present.

34. The Dutch delegation included D. I. Mackay and J. Domela Nieuwenhuis on behalf of the Dutch Prison Society. W. H. Suringar was unable to attend and died in September 1872, two months after the congress. B. J. Ploos van Amstel and M. S. Pols officially represented the Dutch government.

35. Teeters, Deliberations.


37. Teeters, Deliberations.

38. Ibid.


40. Teeters, Deliberations, 97–102.


43. Ibid.; Teeters, Deliberations.


46. Until the 1840s the Dutch parliament favored the Auburn system (Franke, The Emancipation of Prisoners), whereas the majority of the Prison Society still clung to a classification system, until 1843, when its leader, Suringar, chose solitary confinement as the better system (Suringar, Gedachten, 5–8).

47. Leonards, De ontdekking, 141–42.


50. Franke, *The Emancipation of Prisoners*.

51. De Swaan, *In Care of the State*.

52. Leonards, *De ontdekking*, 57–59.


55. Christiaens, *De geboorte van de jeugddelinquent*; Dupont-Bouchat, *De la prison à l’école*.

56. Oberwittler, “Changing Penal Responses.”


60. Fuchs, “Juvenile Delinquency,” 266. Her classification seems to derive from Chevalier, *Classes laborieuses et classes dangereuses*.


63. King and Noel, “The Origins,” 17. Italics are mine.

64. Magarey, “The Invention of Juvenile Delinquency,” 325.


