Conditional Liberation.

By Axel Smedal, Director of the Central Prison Akershus, Christiania.

Conditional liberation is a new thing for Norwegian legislation. It dates only from October 15, 1900 for prisons and from Aug. 1, 1907 for the workhouse. Convicts in the prison are eligible to conditional liberation after the expiration of two-thirds of their sentence or six months at least. The conditions of release, of police supervision, of place of sojourn, are regulated in each individual case according to the requirements of law. The law differs from that of some countries, in so much as conditional liberation is made an integral part of the sentence and not a special act of grace. This cannot be refused arbitrarily and it applies also to recidivists, because, as the commission that studied the matter, said: The most important advantage to be derived from this system is that through conditional liberation a weak, criminal natures unaccustomed to liberty, may thus profit by this mode of transition from life within to life without the prison walls. They are the very ones who most need the support that this system can give and any arrangement that may be established which would not afford this aid to this class must be considered unsatisfactory.

Accordingly when the law was revised in 1903 it was provided that any convict who had served six months at least or two thirds of his sentence, might be conditionally released if he had conformed to the royal requirements.
Confidential Information in a new context for negotiation.

Attention please only from October 14, 1940 to January one

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If a released convict commits another crime, or breaks the condition of his parole he may be re-incarcerated for the remainder of his term. If he observes these conditions and is not arrested during three years after conditional release he may be definitely free. If a man has been released conditionally after serving a sentence of twenty years he may be definitely released after ten years.

Unsatisfactory conduct in prison may make a prisoner ineligible to conditional release and such release is forbidden if it appears that the prisoner will not earn his own living in an honorable manner outside.

Although the regulations do not expressly state it, a man who has been conditionally released is no longer eligible to such release after another sentence. For that reason the percent of such liberations is growing less, but about 40 percent of the prisoners released are conditionally freed.

On release the convict has to inform the police of his residence and any change of residence. The police are expected to do everything possible to prevent recidivism. Surveillance in the strict sense can be entrusted to guardianship societies. Mothers who have been convicted of taking the life of a newborn child, when conditionally released may be exempt from police supervision.

If a man breaks his parole he must be warned by the police. If that produces no effect the police reports him to the minister of justice who decides whether the man shall be reimprisoned or not.
As Norway sets so many men free on probation there are of course more rearrests than in countries where there is more restriction in granting this freedom, but thus far it has not seemed best to modify the existing state of things. From April 1902 to the end of March 1904 there were released 966 persons, 605 of whom were conditionally released, the other 361 having been released at the expiration of sentence. A comparison between the two groups shows little difference in quality. An examination since, with reference to recidivism, shows that there was much less recidivism among those released on probation and those definitely released. Of the 344 who finished the three years without rearrest there remained an average of seven and a half months per prisoner which they would otherwise have had to spend in prison.

From the workhouse the inmates are conditionally released after serving half their sentence, after having earned a certain amount, which is fixed by the rules, and when they are willing to accept work that is found for them.

In order to have conditional release of real value the prisoner should be well known before he leaves the prison. Papers from his family should be secured and they should, if best, be brought in touch with him. The season of the year should be considered in releasing men and outside cooperation in looking after them should be secured, through societies or by private individuals. Work should be found if possible, not day laborer's, but a trade if it can be, certainly for young offenders. For old men residence for a time in a farm colony is a good thing and for prostitutes in an asylum for women. From there
it is not difficult to find places for them in good families.

In his efforts to lead an honest, industrious life the man conditionally liberated will find little help from legislative prescriptions, no matter how good they are, if he is not received outside by people with good sense, patience, worthy of confidence and skilful in helping him to help himself.

As to the duration of the period of probation, three years seems a long time to those whose term is nearly expired. There should be some way of favoring those whose conduct is good. As to place of residence that may be arranged in different ways for special cases, but it is objectionable to grant conditional liberation that a man may emigrate. That is dangerous for the convict as well as for society.
It is not possible to live happily for long 

If the option to take on the role of a leader and collaborate with the people around you is not clear, then the decision to participate may not be. The important thing is to be able to participate in everything and make it clear to people. It is not enough to continue participating in everything and being able to explain it to others.

As to the question of the role of a participant, there is no specific answer. It is to be expected that different roles will be needed to make the best of the situation. It is important that everyone can participate in the decisions and be aware of their responsibilities to make the best out of the situation.

As in any group, there may be a need to lead. It is important to understand how these roles can be filled and how they can be balanced.

As in any situation, we must rely on the people who are involved.
CONDITIONAL LIBERATION.

By DR. A.D.H. Fockema Andreae, Holland.

In Holland a prisoner must have served three-fourths of his sentence, with a minimum of three years, before he can be conditionally liberated. The number of those who can have the benefits of a law of conditional liberation is therefore limited. It is felt that it is a favor which should be extended only to the best prisoners, but really it is a method of treatment which should be applied not to the best, but to those who on re-entering society need support and supervision to keep them from falling again into crime. The fact that we require the decision of the public minister, in addition to that of the court which rendered the sentence, is another obstacle to the success of the method of granting conditional release. This is done apparently with the idea of securing the safety of the public, but it is a mistake. Whether a man is fit to be conditionally released should be decided by those who know him personally. The public minister will judge rather from the crime committed than from the personality of the man. Again the public minister would hardly recommend a recidivist for conditional liberation, yet for the recidivist it might be the most salutary mode of treatment. We assert boldly that the public minister is incompetent to render such decisions and his action should be eliminated in deciding from the lists presented which prisoners should be allowed conditional release. No one should be released who is not likely to lead an honest and industrious life and the prison...
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We assert boldly that the public minister is incompetent to render such decisions and his action should be eliminated in deciding from the lists presented which prisoners should be allowed conditional release. No one should be released who is not likely to lead an honest and industrious life and the prison
administration is the one to decide that. That is the case in several states in America, where it is not deemed necessary that the governor should decide as to the liberation of a convict conditionally. I recognize that this imposes a great responsibility on prison commissions and authorities, but who would venture to say that they would fail in their duty?

It is of great importance in granting provisional liberation to know the surroundings into which a man will fall, whether he will have work, whether he will act in an anti-social way. Such are some of the things that must be decided in considering whether a man shall be released. Some of these matters, in Holland, are left to the local police, tho one rarely expects the police to find them work. That is left rather to the friends of the convict. Many a time this meets with great difficulty and one of the needs of this work is a ramifications of societies for finding work and good boarding places for discharged convicts. Such associations could make the reports as to the life and behavior of the convict during release.

As to whether the time spent outside in freedom under these conditions should be considered a part of the period of detention I will not discuss. According to my ideas I think the answer should be in the affirmative. Each case should be decided by itself, with relation to age, sex, degree of education, family relations, ability to work etc.

As to surveillance, in Holland and in most European countries, it is exercised exclusively by the police, but the police are not the best guides for a prisoner returning to society and such surveillance rather retards than hastens the best transition of the prisoner into the world outside. The two things necessary
for the best supervision, control and moral support, are antagonistic in police supervision. The police are not created for this task. With us, as only the best prisoners are released, the police have comparatively little control to exercise over them and their friends lend them moral support, so that they do not fall back into crime. The best control over a man on parole is the feeling that one has confidence in him and this control can best be exercised by an association whose members should seriously set themselves to reclaim released prisoners. Such control as that would best meet the end of conditional liberation. Let us see how such an association could be formed. It would be divided into local branches and the branch where the convict would find employment on release would be charged with his supervision and would report on him at least once a month to the prison administration. Such societies of guardianship have made a success in other countries.

I may make another suggestion, that indicated by Fuchs in a remarkable essay, and that is that there should be an affiliation of such societies in different countries, so that when a convict, after his release, should wish to go to some other country he might have the aid of such associations.

The duration of conditional liberation is a year, as a rule. That is sufficient. Experience shows that if there is a relapse into crime it is within a year. Some would make it two years, but a man would show himself less anxious to do well for such a long period. I should like to see conditional liberation applied to those sentenced for short terms also. The term of release should be for a year.
Conditional Liberty.

By Gaston Liegeois, Examining Magistrate, Epinal.

Up to the present time more attention has been paid to the moral side of the convict released on probation than to the economic side. Yet it is on this side, very likely, that he has committed the crime that has brought him to prison. Poverty, loss of work, extravagance,—some such cause has been at the bottom of his fall. That the same causes should not produce the same effects again the economic life of the convict should be regulated. It is because this has seemed to me of prime importance that in 1901-2 I organized the Society of Patronage of Evreux. Since 1908 we have used the contract with the convicts which has produced good results. The contract binds the convict to accept work with a certain person and to allow that employer to hold back a certain per cent of the wages, in part for the support of the family of the convict and in part to be held as a reserve fund for justifiable expenses, or to be used in times when work may cease. Failure to keep the contract is followed by a fine of ten francs deducted from the money in the hands of the employer, to be used by the Patronage Society for the benefit of men out of work.

It is arranged that if there be no trustworthy wife in the family that the money shall be entrusted to some other person who will expend it for the children or any other person dependent on the wages of the convict. One of the main objects of this arrangement—to leave a large part of the earnings in the hands of the employer—is that the man may have little to expend at the wine-shop, for but a small amount of pocket money is given to him from his wages. The fine is to prevent vagabondage, for a man who likes to shift his work too often.
The concept of a cooperative examination method is not new. Up to the present time, mere attention has been paid to the monetary side of the contract. The necessity of the economic side is evident. Yet it is on this side very likely that the real contract is to be found, not at the bottom of the contract, but in the real contract.

It is evident that something more than the mere existence of a cooperative examination method is needed to make the economic life of the contract possible. It is the real contract that it is of prime importance that in 1905-2 I organized a group of farmers with the contractors with the purpose of purchasing goods and materials under contract with the farmers with a certain agreement that should allow the employer to hold back a certain amount of the money in the hands of the employer, to be used by the farmers to cover the cost of the contract and to pay the bills of the family of the contractor and to pay the wages of the contractor's family for work and services rendered. Furthermore, to keep the money in the hands of the employer, to be used by the farmers to cover the cost of the contract.

It is surprising that there is no contract with the farmer in the family that the money shall be entrusted to some other person who will expend it for the benefit of any other person besides the wages of the contractor. One of the main objects of the arrangement to leave a large part of the farm in the hands of the employees. The arrangement to put a small amount of money in the hands of the employer for a man who likes to put his work together with a large amount of money given to him from his wages.

The time to prevent any expenditure for a man who likes to put his work together
Liégeois?

will it be likely to hesitate about giving up a place if he must forfeit ten francs.

This system imposes some work on the employer, but there has been such a lack of hands in France that many farmers are glad to take the extra trouble for the sake of getting men to work for them who are likely to stay with them for a while.

The liquor dealers, on the other hand, help by declining to give credit to men who have not all of their wages to spend as they please.

There may be some objections to the plans which are being tried, but thus far they have proved to bear good results and perhaps the experience of the men who are liberated under such conditions may so amend their lives as to acquire a desire to lead a prudent and honest one. And the method may prove once more that next to bread the first need of a nation is education.
This system imposes some work on the employer, but there has been much work in France that many farmers are glad to take the extra trouble for the sake of getting men to work on their farm, who are likely to stay with them for a while.

The laborers on the other hand, paid for going to live out of credit to men who have not all of their wages at the beginning of the year. There may be some objection to the plan which was being tried, and perhaps the experience of the men who were involved under such conditions may to some extent have an effect on the general attitude to feed a hungry and penniless man. And the method may prove once more that next to

reach the thrift need of a nation is education.
Second section
Second question
Abstract

Amendments to the system of Conditional Liberation.

By W. Mittermaier,
Professor in the University of Giessen, Germany.

Several objects may be attained by conditional liberation and it will be established in a different way according as the emphasis is laid on one or another of these objects. It may make the sentence short and effective; it may improve the discipline of the prison. It may help the convict to reform, to accustom himself to a life of freedom, and it permits the guidance of the weak. These are the things that seems to me the most important.

Conditional liberation is granted in the following countries, having been adopted in the following order: England, 1853; Canada, 1899; Aargau, 1868; Servia, 1869; Germany, 1870; Zurich, 1870; Lucern, 1871; Zug, 1871; Mexico, 1871; Tessino, 1873; Denmark, 1873; Neuchatel, 1873; Croatia, 1875; Vaud, 1875; Hungary, 1876; Japan, 1880; Holland, 1881; Schytz, 1881; France, 1885; Soleure, 1885; Bosnia, 1887; Belgium, 1888; Italy, 1889; Finland, 1889; Uruguay, 1889; Brazil, 1890; Portugal, 1893; Bulgaria, 1896; Egypt, 1897; Norway, 1900; Sweden, 1906. Almost all of the states of the United States since about 1890.

The laws differ greatly. In most of these countries it is exceptionally granted. In France it is granted however to 25 per cent of the convicts, in Norway to 40 per cent and in England to nearly all.

That conditional liberation may be of the greatest value it should constitute an integral part of the penal law and be applied according to strict regulations and should be regarded as a necessary part.
 Amendment to the System of Contingent Operation

By W. M. Møller

Professor in the University of Gießen, Germany

Several attempts may be stated in contingent operation and
will be satisfactory in a different way for various as the
appropriate to lead on one another of these attempts. It may make the sense
short and be solved; it may improve the discipline of the
nation. It may help the country to return to a common pattern to
a life of leisure, and it permits the exercise of the work. There are
the times that seem to me the most important.

Contingent operation is subject to the following countries: Norway, 1863; Canada
and been bought in the following order: England, 1890; Spain, 1885; Germany, 1890; Russia, 1890

Ireland, 1890; France, 1892; Mexico, 1892; Sweden, 1892; Germany, 1892

United States, 1893; China, 1895; Russia, 1895; Japan, 1895

Ireland, 1895; France, 1897; Russia, 1897; Japan, 1897

Spain, 1897; France, 1899; Russia, 1899

France, 1899; Russia, 1899; Japan, 1899

United States, 1899; Canada, 1899

Norway, 1899; Sweden, 1899

Almost all of the states of the
United States since about 1890.

The laws differ greatly. In most of these countries, it is
contingently granted. In France, it is granted whenever to be best for
the convenience of the country, in Norway to 20 per cent and in Sweden to

If.

That contingent operation may be of the greatest value it should
constitute an integral part of the banker, law and police organization
to strike regulations and should be regarded as necessary a part
of the sentence. As a special measure it has no great value. It is applicable to all kinds of misdemeanors and to all classes of criminals, even those sentenced for life, recidivists and confirmed criminals. Indeed it is of great importance for the last because it allows surveillance to be exercised over them after they leave the prison. It may be applied in all sentences for over a year. It is a mistake to limit it to severe sentences, as in England to "penal servitude", or to long term sentences. A year of imprisonment makes enough impression on a convict to permit of conditional liberation. For shorter sentences than a year the good-time laws might be applied.

The conditions should be: that the convict should have served two-thirds or three-fourths of his sentence; that he has no longer need of severity of discipline. It is just those who have not been absolutely perfect in confinement whose will should be strengthened by trial outside. The law should embody the principles involved, without laying down too many details of the manner of carrying it out: That should be left to the officials. Provisional liberation is not the reward for good conduct in prison, which may be hypocritical, but the best effect on the convict is to be considered. A previous knowledge of the soul of the convict is not necessary. The conditional freedom will reveal that.

It should not be granted because the convict consents to it, or asks for it: it should be granted only when the authorities deem it best for him. I venture to say that it is not necessary to require the assurance of work and a home in advance. These details must be left to the authorities.

The authority to determine when provisional liberation may be granted should be the same that fixed the sentence. The convict must feel that he receives complete and full justice.
S.S.

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If it is agreed upon that certain of the sentences and to all classes of


interesting. It is of great importance for the last case


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took it: It should be granted only when the sentence seems


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The authority to determine when proclamation interpretation may be


keep that the resource complete may not justify.
According to my idea, conditional liberation is a part of the carrying out of the sentence, and in the acceptance of this view three things are to be considered: the length of time of the probation; the conditions of surveillance; and the revocability of the measure.

It is a mistake to make the period simply equal to the remainder of the time of the sentence. If the period of probation is too short, it is of little value. The duration need not be the same in all cases: it should be fixed individually. It should last at least two years; that should be the minimum. Nor should it be too long. The main thing is that the convict should show that he is fitted to live a life of freedom. It is well to fix the maximum at the time of conditional liberation, with the understanding that good conduct may shorten the period. I should propose a maximum of three years, or if the minimum is more than two years, one year more than that. No man should be kept too long under surveillance.

It is a mistake to impose too many conditions. All that should be demanded is a well-regulated life. For this, there can be no fixed rule. Many a law contains fine phrases about this, but the administration is often very bad. One can only say that the surveillance should aid the liberated convict as a friend would aid him. When carried out with intelligence and with psychological knowledge, the proper way will easily be found. The police are incompetent for this task as are the voluntary members of guardian societies. They have not the necessary knowledge. The state should have its own officers for this work, after the manner of the American probation officers. It is difficult enough to watch over children; it is much more difficult to exercise surveillance over adults. It requires prudence, tact, patience, energy, and when necessary,
Mittermaier 4

severity. The officer must also be in constant touch with penal institutions. It goes without saying that he must act in such a way as not to have his actions known, and yet they must be felt. He must know when to demand visits from the convict; he must be in relations with the employer and he must be ready to call, if need be, on the police, but one thing he must never forget, that he must have constant knowledge of the conduct of the convict.

As to revoking the leave. The conditional liberation is sometimes revoked for the slightest cause, as for instance, failure to report. That is absurd. Under such a system a man whose conduct had been exemplary through the whole period might at the last moment break some rule by which he would be reimprisoned till the expiration of his sentence. There should be reincarceration only when it is proved that the character of the ex-convict demands it. Here again the authorities should have free elbows and the convict himself should have the right to appeal to a higher court if necessary.

Finally, the study of the subject of conditional liberation offers the conviction that the measure can be a success only when it is applied as part of the execution of the sentence and under the same regulations which surround that.
CONDITIONAL LIBERATION.

By M. Berenger

President of the Prison Society, Paris.

We shall confine ourselves here to a consideration of the French law and the amendments that might be made to it.

The law of 1865, which established conditional liberation, for adults, prescribes a disciplinary regime in prisons, based on the daily report of conduct and work of the convicts, with the idea of reforming them and preparing them for conditional liberation.

The law provides that any one who is not recognized as a legal recidivist may be conditionally released after three months, if the sentence was for six months; otherwise after half the expiration of his sentence. If he is a legal recidivist he must serve two-thirds of his sentence. They may be recalled, after such release, in case of habitual and public misconduct duly proved, or by breaking any of the rules and conditions subject to which they were released. Release is absolute at the time of the expiration of the sentence if the person has not been recalled.

The authority to release conditionally, or to recall, rests with the minister of the interior through the prison administration.

In the case of revocation of the release the rest of the unexpired term must be served in prison.

Those who are conditionally released are under the surveillance of the public administration which may confide them to a society or to guardian institutions. In that case the society receives ten cents a day for each one conditionally released for the time that his sentence would last, unless that allowance exceeds one hundred francs.
Berenger 2

A law of 1904 makes these conditions applicable to army and navy convicts.

This law has worked well and there has been little fault found with it except that too many are liberated under it. These last criticisms are baseless as figures will show. During the five years that it has been in operation the number of those conditionally released is only one in a hundred of those sentenced, and the number returned is but two in a hundred, while the recidivists of the other convicts is more than forty per cent. Far from having increased crime, as has been feared, it is the most efficient curb to recidivism, and it is desirable that even more convicts should be conditionally freed.

However, is the law susceptible of amendment? Assuredly, in three points.

It is optional with the court to grant conditional release, but the original intention was that there should be a marking system and that no one should be liberated without having the minimum number of points required. But the administration thus far has declared that to be impracticable in French penitentiaries. It certainly is desirable that some substitute then should be found to guard against arbitrary decisions.

Another criticism is that the decision of so many - the magistrate, the police department in the home of the convict - makes so much delay that the system can not easily be applied to persons with short sentences. This requirement might be repealed.

A more serious difficulty follows from that part of the law which allows recall for infraction of the special conditions given in the permission for release. The administration may thus forbid a
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person to stay in a certain place when his sentence made no such interdiction. A list of places forbidden to discharged convicts has been drawn up. At first it was confined to the city of Paris and seas the suburbs, or to the neighborhood or Lyons, where it was deemed dangerous for public safety to have convicts assemble, but little by little that has been extended. A large number of other cities, rural villages and even whole departments, have claimed the favor of being exempt and have obtained it, so that now at least fifty of the chief cities and great industrial centres, three of the departments and all of Algeria and Tunis are on the list. It is easy to see how such a state of things interferes with a convict conditionally released when he is looking for work. The law which made it possible for a man to go out and work, if he deserved to, thus creates a serious obstacle to his reformation, for it is only by securing work that he can be kept from falling again into crime. A bill has been presented to parliament to correct this.
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Anticipative Liberation.

By Mr. Brück-Faber, Luxembourg.

Anticipative liberation has two phases: one, preparatory, in prison; the other probationary, at liberty. During the first good conduct in prison determines the provisional release; good social conduct outside determines definite release. The question is how to decide the merit of the conduct. In principle rewards, as a means of stimulation, are tempting, but in practice there are serious objections. In the first place it is so easy to be deceived. A convict may owe his distinction to pretense employed simply to gain the favor. The other convicts, who are better judges, under the circumstances, consider the decision unjust and lose their confidence in the justice of the administration. Other convicts who may really deserve the distinction, but who do not reveal their inner life sufficiently, are treated unjustly and are inwardly rebellious. Finally a mark of distinction once given is regarded as a possession which cannot be easily be taken away. The only favor desirable would seem to be in softening the regime of the anniversary of expiation; supposing that exceptional method of discipline (which I have had the honor to propose) should be accepted. I suggest therefore that no documentary evidence ("notes" or "tickets for good conduct") should be used to mark the moral standing of the convict.

As to the period of probation previous to final release, three questions arise: 1. To whom shall we confide the control of the released convict? 2. How long should
...
3. What should be the method of surveillance?

It would seem to be of advantage to have the control in the penitentiary department, it would keep it from the action of the police which is humiliating to the well-intending man who is released on probation.

The time of transition between temporary and permanent release should be long enough to establish a habit of good conduct. A period of five years has been secured by us by interruption of the sentence, without the intervention of the legislature. After an experience of ten years this has been found to be sufficient.

Reports should be made every month, in writing, at first, and as later as it should be deemed wise. The authorities should always have some method of verifying these reports.

The surveillance could be broken by the authorities if it seemed best.
It would seem to be of utmost importance to have the
secretary in the department of finance which is responsible for the
information. It is released on proportion.

The time of transition between temporary and permanent re-
allocation should be found greater to establish a period of 48 hours.
A period of five years has been secured by us by in-
putting the necessary without the intervention of the
institutions. After an experience of ten years, this has been
found to be insufficient.

Reports should be made every month in writing, at
and by letter as it should be conveyed with. The authorities
should always have some method of ascertaining these reports.
The advantage would be proven by the authorities if it
were possible.