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European Office of the United Nations
Geneva

Press Release No. SOC/120
24 August 1955

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FIRST U.N. CONGRESS ON THE PREVENTION
OF CRIME AND THE TREATMENT OF OFFENDERS

THE CONGRESS HEARD A LECTURE BY MR. MARC ANCEL, PRESIDING JUDGE
OF THE COURT OF APPEAL, PARIS

The United Nations Congress on the Prevention of Crime and the Treatment of Offenders met in plenary session this morning, with Mr. de STEIGER in the chair, and heard a lecture on "Modern Trends in the field of the prevention of crime and the treatment of offenders in Europe" by Mr. Marc Ancel, a presiding judge of the Court of Appeal and Secretary General of the French Centre of Comparative Law in Paris.

The lecturer pointed out that modern trends in the field of the prevention of crime and the treatment of offenders in Europe were manifold and at times contradictory, and that no attempt can be made to summarize them without a preliminary detailed analysis. In his view it is preferable to attempt to show the process by which European nations and legal systems have come to recognize these two fundamentally dynamic concepts, and how they have tried to put them into practice.

The birth of these two concepts (the prevention of crime and treatment of offenders) marks the historical transition to modern penal law. They arose with the scientific revolution achieved at the end of the last century by the Italian school which proposed to substitute the study of the offender for that of the offence, and to give pride of place in such study to the personality of the criminal. From the scientific point of view this school is now out of date; and on the legal side the various schools which intervened in the early 20th century ultimately obscured the value of the positivist approach. However, legal systems were directly affected as early as 1885 and became concerned with the criminal's personality, the danger of which evokes preventive and protective measures and the anti-social condition of which calls for treatment.

Hence the primary aim in prevention is to protect society. It begins with measures to eliminate hardened criminals (police translocation); it then proceeds under the influence of the penal law on juveniles and of prison reform, to measures for re-education or treatment (protective detention for an indefinite period) and finally in the most recent state of European law, there appears the idea of prevention by assistance (open treatment, probation, after-care and discharged prisoners' aid).

The idea of treatment is taking longer to become established in positive law. However, its foundations were laid last century by the movement for adapting

sentence to the individual and by reformatory. In the 20th century, it is the keystone of all prison management and modern prison reform. Outside that context it has introduced into European legal systems a new conception of the duty of the judge (who ceases to be an impersonal distributor of abstract sentences) and has led to a gradual modification of the legal framework of penal justice (abandonment of the narrow legalism of indictment and punishment and a more flexible procedure).

Such reforms are often made empirically and in a somewhat confused manner, thus suggesting a crisis in penal law or legislative chaos. However, these are symptoms of the growing pains experienced by modern penal law as it tries to find and gradually asserts itself; and out of the apparent chaos may come a new world guided by a rational criminal policy for the prevention of crime and the treatment of offenders.

Mr. Paul AMOR (Executive Secretary to the Congress) then announced that no meeting would be held on the next day owing to the visit to be paid by the participants in the Congress to the Witzwill, Bellechasse and Thorberg institutions. He also stated that the exhibits on penitentiary institutions will be on view from to-day in Rooms VIII, IX and XI and the adjacent hallways of the Palais des Nations.

The plenary meeting rose at 10.30 a.m. and the Congress divided into Sections.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.