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## **How Young People Can Be Reformed : Juvenile Reformatories in Modern Egypt**

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### **Abstract**

In Egypt, a reformatory for juvenile offenders began to develop under the British occupation. This institution, which was more educative and less punitive than prisons, was initially established to admit a specific category of juvenile offenders. Therefore, prisons remained the primary place for most juvenile inmates even after the establishment of the reformatory. Moreover, the re-introduction of corporal punishment for juveniles strengthened the punitive character of treating juvenile offenders. After enacting the Juvenile Vagrant Law, the reformatory was charged with treating juvenile vagrants and simultaneously faced overcrowding of inmates. In the interwar period, the reformatory system rapidly developed in terms of accommodation and function. However, it was blamed for the inefficacy in rehabilitating juveniles. Some improvements in the form of a reward system and vocational training were implemented, but they had little effect. Finally, juvenile reformatories malfunctioned when they assumed responsibility as the sole facility for treating juvenile offenders in the late 1930s.

### **Keywords**

Prison, Juvenile Reformatory, Egypt, British Occupation, Interwar Period

### **Introduction**

In the 19th century, the Egyptian prison system was very slow in developing individualized punishment or categorized treatment, except based on sex. Age-based treatment in Egypt, especially for juvenile offenders, began with the establishment of a juvenile reformatory in the late 19th century. Previous studies have viewed the establishment of a reformatory as one of the first steps toward developing categorized treatment in the Egyptian prison system and a significant change in the treatment of juveniles.<sup>1</sup> However, others believe this view should be revised, claiming that

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<sup>1</sup> Mine Ener, *Managing Egypt's Poor and the Politics of Benevolence, 1800-1952*, Princeton: Princeton

reformatories play a limited role in treating juvenile offenders. Anthony Gorman, for example, points out that prisons accommodated many juveniles even after the establishment of the juvenile reformatory.<sup>2</sup> Clearly, previous studies disagree about how far the reformatory system affected the treatment of juvenile offenders in modern Egypt. This article aims to demonstrate how the judicial system in modern Egypt treated them by tracing the development of the reformatory system.

Before the establishment of juvenile reformatories, the judicial system in Egypt made no fundamental distinction between juvenile and adult offenders in terms of accommodation. al-Qānūn al-Muntakhab, a collection of the Penal Laws in mid-19th century Egypt, stipulated that only juvenile offenders over 12 who were found to be irrational were to be placed in “educational institutions” or handed over to their parents. However, as Rudolph Peters indicated, no “educational facilities” for them existed in those days. Therefore, prisons were still the only place to confine juvenile offenders. The prison attached to the Alexandria Shipyard Arsenal accommodated juveniles under 12.<sup>3</sup>

The Penal Law of 1883 lowered the age limit for criminal liability from 12 to seven. According to Article 56 of the law, a person under seven shall be considered an illegal minor. This provision was later carried over into the Penal Laws. The age of criminal liability was seven, but those under 15 as juveniles could have their sentences commuted. The extent of reduction depended mainly on whether it was rational. Article 58 of the Penal Law of 1883 also stipulated that offenders under 15 who were deemed irrational could receive treatment in places other than prisons. They should be turned over to their parents or other appropriate persons, or sent to farms, factories, or educational institutions in the public or private sector, until the age of 20. On the other hand, juvenile offenders under 15 who were deemed rational should be incarcerated in prisons, although their sentences were reduced, or the terms of their sentences were shortened.

As described above, most juvenile offenders were treated the same as adult offenders in prisons in 19th-century Egypt. During the early period of British occupation, categorized treatment in prisons was primarily based not on age but on sex alone. Even in the case of juvenile offenders deemed irrational, there was no place

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Univ. Press, 2003, pp. 114-115; Harold Tollefson, *Policing Islam: The British Occupation of Egypt and the Anglo-Egyptian Struggle over Control of the Police, 1882-1914*, Westport: Greenwood Press, 1999, pp. 124-125.

<sup>2</sup> Anthony Gorman, “Regulation, Reform and Resistance in the Middle Eastern Prison,” in Frank Dikötter and Ian Brown (eds.), *Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America*, Ithaca: Cornell Univ. Press, 2007, p. 111.

<sup>3</sup> Rudolph Peters, “Egypt and the Age of the Triumphant Prison: Legal Punishment in Nineteenth Century Egypt,” *Annales Islamologique*, 36 (2002), pp. 271-272.

for them except in prisons. The British advisor sent to the Ministry of Justice at that time pointed out that the provision of Article 58 of the Penal Law was a “dead letter.”<sup>4</sup> Thus, except for those their parents took in, juvenile offenders were still confined to prisons and provided no special treatment.

### **The Reformatory in Alexandria: The Beginning of Categorized Treatment Based on Age**

In 1896, when the juvenile reformatory was opened in Alexandria, categorized treatment based on age began in the Egyptian judicial system. This reformatory, established by converting an old fortress, housed 100–150 juvenile inmates.<sup>5</sup> Harry Crookshank, the inspector-general of Egyptian prisons, played a leading role in establishing the institution. He advocated the need to develop it in a report submitted to the Ministry of the Interior in 1894.<sup>6</sup> According to this report, Crookshank founded the reformatory not to ensure that all juveniles are segregated from adult inmates, but to provide special treatment exclusively for juvenile recidivists. He recognized that the existing treatment for them in prisons was not effective in preventing recidivism. According to his report, 150 boys who were considered habitual offenders were imprisoned at that time, mainly in Cairo and Alexandria, which was the maximum capacity of the reformatory when it was established. This number is suggestive when considering the background of the establishment of the juvenile reformatory.

Charles Coles, the successor to Crookshank as the inspector-general of Egyptian prisons, moved the reformatory for boys from Alexandria to Būlāq in Cairo in 1897 and relocated it to Giza in 1903.<sup>7</sup> At the beginning of its relocation to Giza, the reformatory occupied the old facilities of the abolished prison. Then, it moved into a new facility at the same site completed in 1907.<sup>8</sup> Unlike the old facility, this new

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<sup>4</sup> “Tarjamat al-Taqrīr al-Marfū‘ min Janāb al-Mustashār al-Qaḍā’ī ‘an al-Maḥākīm al-Ahlīya ‘an Sanatay 1895-1896,” *Majmū‘at al-Qarārāt wa al-Manshūrāt* (hereafter *QM*), 1897, p. 109.

<sup>5</sup> Charles Coles, *Recollections and Reflections*, London: The Saint Catherine Press, 1918, p. 113; *House of Commons Sessional Papers* (hereafter *HCSP*), Egypt. No. 1 (1895), “Report on the Finances, Administration, and Condition of Egypt, and the Progress of Reforms,” [C. 7644], p. 13.

<sup>6</sup> “Rapport sur l’Administration des Prisons pendant l’année 1893 présenté par l’Inspecteur general à S. E. Riaz pacha, Ministre de l’Intérieur,” in *Recueil des Documents Officiels* (hereafter *RDO*), 1893, pp. 231-232.

<sup>7</sup> *al-Kitāb al-Dhahabī lil-Maḥākīm al-Ahlīya*, al-Qāhira: al-Maṭba‘a al-Amīriya, 1933, Vol. 1, p. 330; *HCSP*, Egypt. No. 1 (1904), “Reports by His Majesty’s Agent and Consul-General on the Finances, Administration, and Condition of Egypt and the Soudan in 1903,” [Cd. 1951], p. 41.

<sup>8</sup> *HCSP*, Egypt. No. 1 (1908), “Reports by His Majesty’s Agent and Consul-General on the Finance, Administration, and Condition of Egypt and the Soudan in 1907,” [Cd. 3966], p. 24.

facility for the reformatory was designed to accommodate both girls and boys.<sup>9</sup>

The introduction of vocational education into the reformatory, demanded first by Crookshank, was realized after its transfer to Būlāq.<sup>10</sup> Juvenile inmates in the reformatory were divided into two classes, each of which received a different treatment. The one for juveniles under 12 received two hours of vocational education and four hours of primary education per day, whereas juveniles 13 and older received four hours of vocational education and two hours of primary education per day.<sup>11</sup> Vocational education included printing, bookbinding, carpentry, shoemaking, sewing, tinplate working, blacksmithing, and farming.<sup>12</sup>

Juvenile inmates in the reformatory were also required to work in the aforementioned fields. Similar to adults in central prisons, however, most of their labor was unprofitable, except for some jobs such as printing, bookbinding, and farming. This characteristic was partly due to the short working hours and suggested that work in the reformatory was not solely based on economic motives but also on educational ones.

Primary education in the reformatory was based on the curriculum designed by the Ministry of Education for Kuttāb and on the gender division of labor.<sup>13</sup> It included reading, writing, arithmetic, calligraphy, religion, and Qur'ān recitation. Domestic hygiene education and general household chores, such as cooking, ironing, sewing, laundry, and embroidery, were taught only to girls.<sup>14</sup>

As we have seen, Crookshank established a reformatory as an accommodation only for juvenile recidivists. However, Lord Cromer, the *de facto* ruler of Egypt under British occupation, pointed out in his annual report that the juvenile reformatory, since its establishment, played quite a different role than Crookshank had initially intended. Contrary to his intent, the judicial courts exclusively utilized the reformatory to accommodate juvenile offenders deemed irrational according to the provision of the Penal Law. On the other hand, they sent juvenile recidivists, who were the original

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<sup>9</sup> HCSP, Egypt. No. 1 (1905), "Reports by His Majesty's Agent and Consul-General on the Finance, Administration, and Condition of Egypt and the Soudan in 1904," [Cd. 2409], p. 58. A reformatory for girls had already been established in Hilwān in the southern suburb of Cairo. However, it was integrated into the Giza reformatory in 1908. See Muḥammad Nabīh al-Ṭarābulusī, *al-Mujrimūn al-Aḥdāth fī al-Qānūn al-Miṣrī wa al-Tashrī' al-Maqārīn*, al-Qāhira: Dār al-Fikr al-'Arabī, n. d., p. 143.

<sup>10</sup> "Tarjamat al-Taqrīr al-Marfū' min Janāb al-Mustashār al-Qaḍā'ī 'an Sanat 1898," *QM*, 1899, pp. 109-110.

<sup>11</sup> Prisons Department, *Annual Report*, Cairo: The National Printing Press (hereafter *Prisons Department*). 1905, p. 48; Coles, *Recollections and Reflections*, p. 115.

<sup>12</sup> *Prisons Department*, 1905, pp. 46-47.

<sup>13</sup> *Prisons Department*, 1905, p. 46.

<sup>14</sup> Ṭarābulusī, *al-Mujrimūn al-Aḥdāth*, p. 143.

targets of the reformatory, to prisons.<sup>15</sup> This was a significant factor in the stipulation of the new Penal Law in 1904, allowing every juvenile offender to be sent to reformatories instead of imprisonment. Therefore, in addition to the introduction of vocational education, its capacity was expanded to 300 when it moved to Giza.<sup>16</sup>

The characteristics of juvenile reformatories since the enforcement of the new Penal Law in 1904 can be summarized in the following two points. First, recidivists took the place of first offenders as the majority among the total number of inmates. While the ratio of first offenders reached 84% of the total in 1903, it decreased to 81% in 1904 and 75% in 1905.<sup>17</sup> Furthermore, in 1911, it slightly decreased to 59%.<sup>18</sup> Second, those who committed property crimes accounted for an overwhelmingly high percentage of total admissions. In 1904 and 1905, for example, more than 90% had committed a theft defined by Article 275 of the new Penal Law.<sup>19</sup> Considering the proportion of those to the total number of juvenile offenders at that time was around 10%, this figure seems remarkable. In other words, since 1904, the juvenile reformatory was similar to prisons in its focus on the treatment of those who committed property crimes.

The period of confinement for inmates in reformatories was generally longer than if they had been confined in prisons. Article 64 of the Penal Law of 1904 stipulated that it should be between two and five years. In 1911, juvenile offenders sent to reformatory by Article 61 of the Penal Law were sentenced to terms between two to five years.<sup>20</sup> In contrast, the sentences for juvenile offenders incarcerated in prison were generally less than a year. Under the new Penal Law, sentences for juveniles should be reduced to one-third of the statutory sentence or less in the case of felony offenders and to ten years or less in the case of life sentences.<sup>21</sup> In practice, with a few exceptions, all juvenile offenders sent to prisons were sentenced to less than a year of imprisonment.<sup>22</sup> Their terms were too short, considering that even the minimum sentences for young inmates in the reformatory were criticized as insufficient for rehabilitation. In any case, the characteristics of those admitted to

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<sup>15</sup> HCSP, Egypt. No. 1 (1904), [Cd. 1951], pp. 40-41.

<sup>16</sup> HCSP, Egypt. No. 1 (1904), [Cd. 1951], p. 41.

<sup>17</sup> *Prisons Department*, 1905, p. 40.

<sup>18</sup> *Prisons Department*, 1911, p. 24. In 1910, in contrast, the number of first offenders increased to 86%. This included those who were incarcerated for the violation of the Juvenile Vagrant Law, enacted in 1908. See *Prisons Department*, 1910, p. 26.

<sup>19</sup> *Prisons Department*, 1904, Table. IX, p. 55; *Prisons Department*, 1905, Table. X, p. 87.

<sup>20</sup> *Prisons Department*, 1911, p. 24.

<sup>21</sup> In the case of misdemeanors and contraventions, their sentence shall be under the statutory provisions.

<sup>22</sup> For example, of 256 juvenile offenders sent to prison in 1911, only four people were sentenced to more than one year. See *Prisons Department*, 1911, p. 61.

reformatories and the length of their terms in the reformatory indicate that judicial authorities paid particular attention to rehabilitating juveniles who committed property crimes.

Even after the revision of the Penal Law in 1904, juvenile reformatories did not monopolize the treatment of juvenile offenders. Indeed, the following year, the number of juvenile offenders incarcerated in prisons dropped dramatically from 6,015 to 3,616 and continued to decline thereafter. However, the revised Penal Law stipulates that the primary punishment for juvenile offenders is confinement in prison. In 1909, for the first time, the annual number of juvenile offenders sent to prisons was lower than those sent to a reformatory, though both totals were nearly identical.<sup>23</sup>

The decline in the number of juvenile offenders incarcerated in prisons is not due to the increase in the number of juveniles sent to the reformatory, but to the restoration of corporal punishment. In 1904, when the penal law was revised, there was only a slight increase in admissions to reformatories compared with the previous year.<sup>24</sup> As noted above, the reformatory could only accommodate about 300 inmates and could not substitute for prisons. The number of inmates in the reformatory was nearly unchanged.<sup>25</sup> Article 61 of the 1904 Penal Law included flogging as an alternative to prison incarceration, and transfers to reformatories, but only for boys.<sup>26</sup> In 1904, the number of juveniles sentenced to flogging under this provision reached 2,507, which exceeded the number of juvenile offenders sent to prisons and accounted for approximately half of the total number of juvenile convicts in this year.<sup>27</sup> Since then, flogging remained the primary punishment for juvenile offenders in Egypt until 1937, when an amendment to the Penal Law abolished corporal punishment.<sup>28</sup>

Muḥammad al-Bābilī, the director of the School of Police in interwar Egypt, pointed out some factors as the background for the continuation of physical punishment for juvenile offenders until that time.<sup>29</sup> First, judicial courts avoided incarceration in prisons, worrying about the spread of vice caused by mixing juveniles with adult inmates. Second, extradition to parents' custody, one of the treatments for juvenile offenders, required their parents to present themselves and submit their

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<sup>23</sup> In 1909, while 280 juveniles were sent to prison, 343 youths were sent to the reformatory. See *Prisons Department*, 1910, p. 6.

<sup>24</sup> It increased from 117 to 132.

<sup>25</sup> The number of inmates in 1904 was 312, and 395 in 1905.

<sup>26</sup> Article 63 of the new Penal Law provided for up to 24 lashes for misdemeanors and up to 12 lashes for contraventions.

<sup>27</sup> The number of juvenile convicts in 1904 was 5,031.

<sup>28</sup> *Prisons Department*, 1910, pp. 8-9.

<sup>29</sup> Muḥammad al-Bābilī, *al-Ajrām fī Miṣr: Asbāb-hā wa Ṭuruq 'Ilāj-hu*, al-Qāhira: Maṭba'at Dār al-Kutub al-Miṣrīya, 1941, p. 129.

written oath, though the oath often went unfulfilled, ignoring the requirements they had sworn to fulfill. Moreover, in many cases, parents themselves instigated their children to offend crimes, making the measure itself meaningless. Third, the reformatory was overcrowded as an alternative to prisons. Fourth, corporal punishment had a deterrent effect and was quick and easy for judicial courts to carry out.

The judicial authorities under British occupation already faced the same difficulties in treating juvenile offenders. As Cromer repeatedly pointed out in his annual reports, prisons to which juvenile offenders were often sent strictly did not enforce categorized treatment according to age. On the other hand, the reformatory gradually focused on treating juvenile recidivists who committed property crimes. Without the introduction of categorized treatments on age in prisons or further enlargement of accommodation in the reformatory, confinement could not be adopted as the mean for the treatment of juveniles.

Instead of incarceration in prisons, corporal punishment became the primary punishment after 1904. As a result, from the beginning of the twentieth century until the late 1930s, the reformatory still played only a limited role in the treatment of juvenile offenders. Although they also offered them education and vocational training, it must be said that the treatment of juvenile offenders had become more punitive than ever before.

### **The Reformatory and the Juvenile Vagrant Law**

As we have seen, the reformatory transformed its role into an institution, mainly for the treatment of juveniles who committed property crimes following the implementation of the new penal law in 1904. In addition, the Juvenile Vagrant Law enacted in 1908 added a unique role to the reformatory.<sup>30</sup> This new law defines boys under 15 who meet one of the following conditions as vagrant children and stipulates that they should be sent to a reformatory. The first are those who beg on public streets or other public places. Second, offenders whose parents were already dead or in prison, of no fixed address, or unemployed. Third are those of bad conduct who deviate from the supervision of his father, or his mother or guardian, if his father is dead, absent, or incompetent.<sup>31</sup>

The Juvenile Vagrant law brought about an influx of juveniles into the

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<sup>30</sup> For the text of the Juvenile Vagrant Law, see *Majmū'at al-Qawānīn al-Hukūma al-Miṣrīya* (hereafter *QHM*), 1908, pp. 18-20.

<sup>31</sup> However, in the case of the prosecution as a juvenile vagrant pursuant to the third condition, the law also stipulated that the consent of the child's parents and his legal guardians must be obtained in advance.



reformatory. Boys deemed vagrants based on the law should be transferred to a reformatory or similar institution. After the enactment of this law, the number of admissions to the reformatory more than doubled in 1907. The number of inmates in the reformatory by the end of 1908 was higher than at the end of 1905. The proportion of vagrants in the reformatory also increased. Compared to 1905, when the reformatory admitted only one juvenile vagrant,<sup>32</sup> more than half of all admissions in 1910 were juveniles for vagrancy.<sup>33</sup>

As mentioned above, the Juvenile Vagrant law was strictly enforced and played a decisive role in the crackdown on juvenile vagrants. However, the emergence of young vagrants after 1908 was not solely due to the enactment of this law. As we have seen, the juvenile vagrant law authorized parents or relatives to claim that their children be sent to the reformatory as “juvenile vagrants” for bad behavior. In 1913, a British judicial adviser noted in his annual report that many parents brought a suit against their children to discipline them, following this stipulation.<sup>34</sup>

The term “juvenile vagrants” in this law did not necessarily mean orphans or juveniles of no fixed address. At the end of 1905, the number of orphans in the reformatory was less than 5%, while the number of orphans whose parents were still alive accounted for 60%.<sup>35</sup> Juvenile vagrants also included those who were still under their parents’ authority. Law No. 49 of 1933 on the prohibition of begging stipulated a penalty for parents who forced their children to beg.<sup>36</sup>

The large number of vagrant children that emerged with the enactment of the Juvenile Vagrant law brought to juvenile reformatories the problem of overcrowding prisons had faced for a long time. In addition, this condition worsened because, unlike other young offenders, vagrant children were allowed to stay in the reformatory until they reached 18 years of age. Depending on their age at the time of admission, their term in the reformatory could be prolonged. As a preventive measure, the capacity of the reformatory was enlarged to 600 in 1907, just before the implementation of the Juvenile Vagrant law.<sup>37</sup>

However, after only two years, judicial authorities were forced to carry out the early release of vagrant children as an additional measure to relieve overcrowding. In

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<sup>32</sup> *Prisons Department*, 1905, p. 39.

<sup>33</sup> In 1910, vagrants dominated 172 among 335, the total number of annual admissions.

<sup>34</sup> Ministry of Justice, *Report presented by the Judicial Adviser*, Cairo: Government Press (hereafter *Judicial Adviser*), 1913, p. 16. They often withdrew their lawsuits once they found it to be effective in disciplining their children.

<sup>35</sup> *Prisons Department*, 1905, p. 45.

<sup>36</sup> Aḥmad Muḥammad Hasan & ʿĪzīdūr Fildmān, *Majmūʿat al-Qawānīn wa al-Lawāʾih: al-Tashrīʿ al-Ḥadīth, 1926-1940*, Būlāq: Maṭbaʿat Faṭḥ Allāh Ilyās Nūrī wa Awlād-hu, 1940, Vol. 1, pp. 654-655.

<sup>37</sup> It included five hundred boys and one hundred girls.

1910, the total number of juvenile inmates released was 353, of which the vagrants accounted for nearly 60%.<sup>38</sup> Many of those released earlier had guardians. Simultaneously, the number of new admissions to the reformatory sharply declined in 1911. The number of vagrant children in the total number of entries to the reformatory also decreased significantly to 25, which only made up 20% of all new admissions.

While the number of inmates in the juvenile reformatory was reduced to alleviate overcrowding, the number of young inmates in prisons began to increase again. Since 1911, its number has competed with or sometimes exceeded that in the juvenile reformatory. Charles Coles, the director of the prison department, expressed his view of its cause in his 1911 annual report.<sup>39</sup> In his opinion, overcrowding in the juvenile reformatory made it challenging to admit juvenile offenders who should have been sent to the juvenile reformatory and caused an increase in the number of young inmates in prisons. This year, all juveniles sent to prisons were sentenced under the Penal Law of 1904, not the Juvenile Vagrant law.

Since then, until the end of British occupation, the number of admissions each year remained small and never recovered to the level before 1911, suggesting that each police officer and judicial court restrained themselves from executing their power. However, the number of inmates at the reformatory continued to increase. This was probably due to the rise in juvenile vagrants among inmates in the reformatory. The number of juvenile vagrants sent to the reformatory after 1912 can be obtained from an annual report by the judicial advisor to the Ministry of Justice<sup>40</sup>. As already mentioned, their terms were relatively more extended than those of other young offenders. Therefore, the ratio of juvenile vagrants to the total number of inmates continued to rise, unless early release was performed on a large scale, as in 1910.<sup>41</sup>

As described above, after implementing the Juvenile Vagrant law, the reformatory became increasingly characterized as an institution for detaining juvenile vagrants. In the face of overcrowding in the reformatory, however, the judicial authorities did not take drastic measures such as extending its capacity to alleviate it, but instead tried to cope with it by haphazard efforts such as the early release of the inmates, the restraint of new inmates, and the incarceration of juvenile offenders to prisons. The limited accommodation of the reformatory forced judicial authorities to

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<sup>38</sup> *Prisons Department*, 1910, p. 6.

<sup>39</sup> *Prisons Department*, 1911, p. 7.

<sup>40</sup> The numbers in each year were 78 (1912), 55 (1913), and 55 (1914). See, *Judicial Adviser*, 1912, p. 9; *Judicial Adviser*, 1913, p.16; *Judicial Adviser*, 1914, p. 13. The statistics for 1913 and 1914 were calculated from the number of accused and innocent rates in both years shown in the reports.

<sup>41</sup> Of 219 juveniles who were discharged from the reformatory in 1911, at most only 40 juveniles could be considered due to early release. See, *Prisons Department*, 1911, p. 23.

constrain the admission of juvenile vagrants, who tended to be detained longer in the reformatory. In 1913, the judicial adviser publicly declared the abandonment of dealing with the problem of young vagrants by indicating that the cooperation of private charitable organizations and philanthropists was essential to solve this problem.<sup>42</sup> This decision led to the number of juvenile vagrants among new admissions continuing to decrease, in contrast to the number of new admissions, which remained almost the same as before 1912.

Curbing new admissions of juvenile vagrants was not only due to the limitation of accommodation, but also the fact that the operating costs of the reformatory were much higher than those of the prison.<sup>43</sup> This may be because unlike most adult inmates in prisons, juvenile inmates in the reformatory were provided with literacy and moral education. Moreover, the cost of operating the reformatory increased throughout British occupation. In 1911, for example, the cost per inmate in the reformatory reached about 18 Egyptian pounds, about one-and-a-half times the amount it was in 1905.<sup>44</sup>

### **Juvenile Reformatories During the Interwar Period**

During the interwar era, as during British occupation, the treatment of juvenile offenders in Egypt remained punitive, influenced by the punitive character of the Penal Law of 1904. Physical punishment remained the main form of punishment for juvenile offenders, while incarceration in prisons continued, and the role of juvenile reformatories remained relatively small.

The treatment of juvenile vagrants resumed in earnest at the beginning of this era. The enhancement of capacity in the reformatory made a change in policy possible. In 1921, the Ministry of Education established a school in al-Khānika Village, al-Nawa District, al-Qalyūbiya Province to provide juvenile vagrants with vocational training.<sup>45</sup> In 1925, this school was transferred to the Prison Department and reorganized into a juvenile reformatory at al-Marg near Cairo. It was to admit juvenile offenders other than vagrants, that is, those under the Penal Law of 1904. Since the establishment of the Marg reformatory, the number of admissions to reformatories

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<sup>42</sup> *Judicial Adviser*, 1913, p. 16.

<sup>43</sup> In 1913, the cost per inmate in the reformatory was about twice as much as that of prisons. See Coles, *Recollection and Reflection*, p. 111.

<sup>44</sup> *Prisons Department*, 1911, p. 25; *Prisons Department*, 1905, p. 10.

<sup>45</sup> *al-Kitāb al-Dhahabī*, Vol. 2, p. 69.

increased more than fourfold from 1924 to 1926.<sup>46</sup>

In the interwar era, it became clear that the central role of the reformatory system was to treat juvenile vagrants. The Giza reformatory, whose capacity was approximately twice that of the Marg reformatory,<sup>47</sup> was exclusively responsible for treating young vagrants. Therefore, the Giza reformatory accommodated more juvenile vagrants than before. The proportion of juvenile vagrants to the total number of inmates in reformatories increased in the interwar era. The increase in the number of young vagrants in urban areas after World War I also contributed to the promotion of this trend.<sup>48</sup> Furthermore, during the 1930s, in particular, the Ministry of Justice expanded the scope under the application of the Juvenile Vagrant law, which was originally applied only to Cairo and Alexandria.<sup>49</sup> In the late 1930s and the early 1940s, 71% of boys and 55% of girls admitted to reformatories were vagrants.<sup>50</sup>

The spread of vagrancy among juveniles was not the only cause of increased admissions to reformatories during the interwar era. In 1931, when the Penal Law of 1904 was partially revised, it allowed reincarcerating juvenile recidivists to reformatories.<sup>51</sup>

While the Giza reformatory became an institution that exclusively treated juvenile vagrants, the Marg reformatory, established for admitting juvenile offenders other than vagrants, did not achieve its goal. In 1930, there was a gap between juvenile offenders in prisons and those in the Marg reformatory. For example, in fiscal year 1935/36, there were only 143 admissions to the Marg reformatory, whereas the number of juvenile offenders sent to prisons reached 1,902.<sup>52</sup> Even in the 1930s, juvenile offenders other than vagrants were mainly treated in jail.

Although juvenile offenders at the Marg reformatory were generally treated the same as those at the Giza reformatory, there was a significant difference only in vocational training. As we have already shown, while vocational training centered on

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<sup>46</sup> Ministère des Finances, *Annuaire Statistique de l'Égypte*, Le Caire: Imprimerie Nationale (hereafter *ASE*), 1928/29, p. 214.

<sup>47</sup> *al-Kitāb al-Dhahabī*, Vol. 2, p. 69.

<sup>48</sup> Ener, *Managing Egypt's Poor*, p. 115.

<sup>49</sup> In addition to Port Said, Ṭanṭā, and al-Manṣūra above in 1909, it applied this law to several cities, such as Suez in 1920, Giza, al-Zaqāzīq, and al-Mīnyā in 1932, Damanhūr in 1933, Asyūt in 1934, seven districts near Cairo, including al-'Agūza in al-Imbāba in 1935, Banī Suwayf, Sūhāj in 1936, al-Isma'īliya, Banhā in 1937. See Ṭarābulusī, *al-Mujrimūn al-Aḥdāth*, pp. 249-250.

<sup>50</sup> Bābilī, *al-Ajram*, p. 119.

<sup>51</sup> Law No. 27 of February 12, 1931, stipulated that the prohibition of reincarcerating juvenile recidivists to reformatories by the Penal Law of 1904 shall be canceled. See Ṭarābulusī, *al-Mujrimūn al-Aḥdāth*, pp. 136-137.

<sup>52</sup> Maṣlaḥat al-Sujūn, *al-Taqrīr al-Sanawī*, al-Qāhira: al-Maṭba'a al-Amīriya (hereafter *Maṣlaḥat al-Sujūn*), 1935/36, p. 32, 118.

handicrafts was provided in the workshop at Giza, vocational training at Marg was provided on a farm attached to the reformatory.<sup>53</sup>

The difference in social origins between juvenile vagrants and offenders was behind the difference in the contents of vocational training in both reformatories. The former mainly consisted of juveniles who lived in urban areas, as indicated by the scope of the Juvenile Vagrant law, whereas the latter also included children of rural origin. In contrast to the Juvenile Vagrant law, which was only applied to cities with large populations such as Cairo, Alexandria, and other governorates or provincial capitals, the Penal Law of 1904 had no such limitations. Thus, the Marg reformatory had a more diverse range of juvenile offenders than the Giza reformatory did. It is appropriate for smooth reintegration after release to differentiate vocational training depending on their social origins.

Vocational training at the Marg reformatory was categorized into the following sections.<sup>54</sup> The first section was on general agriculture, the second on rural industry, the third on vegetable cultivation, the fourth on orchards, and the fifth on manufacturing.

The social origins of juvenile inmates were determinants for assigning them to any section.<sup>55</sup> Those from urban areas, especially governorates with less than three years in the reformatory, were assigned to the second section. Juveniles with more than three years in the reformatory were assigned to the fourth section. Juvenile inmates from the provincial capital were assigned to the third section and those from rural areas were assigned to the first section.

According to Muḥammad Nabīh al-Ṭarābulusī, who served as a judge in the Cairo Juvenile Court in the interwar era, those who lived in rural areas or urban areas, although their parents were in rural areas or who were taken into custody in a rural area, were assigned to the first section. Those who lived with their parents in urban areas or had no rural origins were included in the fourth section.<sup>56</sup>

On the other hand, vocational education for juvenile vagrants at the Giza reformatory was also more diversified in the interwar era. A cotton-spinning factory was established near Delta Barrage in 1927 and engaged by 100 juveniles sent from the Giza reformatory.<sup>57</sup> About ten years later, this factory was upgraded to a juvenile reformatory called the Delta Reformatory for Boys.<sup>58</sup>

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<sup>53</sup> *al-Kitāb al-Dhahabī*, vol. 2, p. 69.

<sup>54</sup> *Maṣlaḥat al-Sujūn*, 1935/36, p. 76.

<sup>55</sup> *Maṣlaḥat al-Sujūn*, 1935/36, pp. 33-34.

<sup>56</sup> Ṭarābulusī, *al-Mujrimūn al-Aḥdāth*, p. 144.

<sup>57</sup> *al-Kitāb al-Dhahabī*, Vol. 1, p. 331.

<sup>58</sup> Ṭarābulusī, *al-Mujrimūn al-Aḥdāth*, p. 143.

During the 1930s, the reward system for juvenile inmates was renewed, mainly to engage them more enthusiastically in vocational training.<sup>59</sup> The old system decided the amount of their annual grant based on their conduct.<sup>60</sup> In addition to their behavior, new system assessed their proficiencies annually in learning subjects and mastering vocational skills. The amount of daily reward also varied depending on these assessments. Vocational training progress was valued more than in the other two fields. The amount of reward per day could be increased up to fifteen millīms through gaining high evaluation in vocational training, though only up to two millīms per day were added even through high grades in their learning and conduct.

These vocational education and reward system reforms were driven by the rapid deterioration of rehabilitating juvenile inmates in reformatories shortly after World War I. In 1924, a year before the Marg reformatory was established, only 14% of ex-inmates who were released that year earned a living through the skills they mastered in reformatories.<sup>61</sup> Contrary to the interwar era, the era under British occupation saw, at least officially, the effectiveness of juvenile reformatories in reintegrating young inmates into society. According to a follow-up survey in 1911, about two-thirds of ex-inmates who were released from reformatories in the last two years were judged to be good in their conduct.<sup>62</sup> Another follow-up survey in 1910 showed the efficiency of vocational training. More than half of the ex-inmates who were released in the last two years and judged to be good in their conduct became employed in jobs related to the skills they acquired in the reformatories.<sup>63</sup>

Such a lack of ability to rehabilitate juvenile inmates alarmed representatives and government officials of Egypt in the early interwar period. In 1926, the House of Representatives recognized the need for the reform of reformatories, worrying about the high rate of recidivism among its ex-inmates. In the discussion, recidivism among them was attributed to poorly categorized treatment based on age or criminal records in reformatories. The committee also established a process to discuss prison reform in the same year, with improving how juvenile offenders were treated as an urgent issue to be discussed.

The prison reform committee showed interest in upgrading support for ex-

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<sup>59</sup> *Maṣlahat al-Sujūn*, 1935/36, pp. 54-55.

<sup>60</sup> In the old system, inmates known for good conduct were rewarded 1 millīm per day in their first year. From the next year, he was added one millīm per day if passed the assessment in their conduct. A maximum reward per day was seven millīm. See Majlis Nuwwāb, *Majmū'at Maḍābiṭ*, al-Qāhira: al-Maṭba'a al-Amīriya (hereafter *Majlis al-Nuwwāb*), 3/1, Vol. 1, p. 417.

<sup>61</sup> Faṭḥ Allāh Muḥammad al-Marṣafī, "al-Ṭufūla al-Musharrada wa Naṣīb-hā min 'Ināyat al-Dawla wa al-Afrād," *Majallat al-Shu'ūn al-Ijtīmā'iya* (hereafter *MSI*), 1944/4, p. 63.

<sup>62</sup> *Prisons Department*, 1911, p. 24.

<sup>63</sup> *Prisons Department*, 1910, p. 26. See also Coles, *Recollections and Reflections*, p. 110.

inmates of reformatories. After British occupation, they received a set of clothes such as long garments, fez hats, underpants, and shirts on discharge.<sup>64</sup> To support ex-inmates, local committees presided over by the governors and made of local notables and merchants were set up in each province and governorate in 1906.<sup>65</sup> The rewards that ex-inmates earned in reformatories were remitted to these committees at their residences and paid through them.<sup>66</sup> It is possible that they were expected to play a leading role in supervising juvenile inmates after release. However, during the interwar period, their inefficiency was criticized.<sup>67</sup> Nevertheless, in 1933, on the grounds that the committee existed, the Government dismissed the Parliament's request to establish a special bureau of the Prisons Department charged with employment support for ex-inmates.<sup>68</sup>

Except for the reform of the reward system, no additional support plans for ex-inmates were realized during the interwar period. By the mid-1930s, it became apparent that even vocational training in reformatories, reformed during the 1920s, failed to help ex-inmates seek employment. Of juveniles discharged from reformatories in the 1933/44 fiscal year, only 14.5% (32 persons) were employed through the skills they had acquired in reformatories.<sup>69</sup> The number of completely unemployed was consistently less than ten each year. However, ex-inmates who were unknown after discharge were considered unemployed.<sup>70</sup> Even those who made a living were employed in a job unconnected to their skills and were semi-employed. As a result, the *de facto* unemployed accounted for half of the total, sometimes as much as 80%.

It was mainly in governmental agencies and enterprises that ex-inmates were employed during the interwar period. Although some were employed by the Misr Spinning and Weaving Company in al-Maḥalla al-Kubrā,<sup>71</sup> there was little room for the employment of ex-inmates in the private sector. In contrast, governmental agencies, including the Prisons Department, hired ex-inmates through

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<sup>64</sup> Maḥmūd Ṭāhir al-ʿArabī, *Ithnay ʿAshara ʿĀm fi al-Sujūn*, al-Qāhira: Dār al-Taqaḍdum, n. d. (hereafter *Ithnay ʿAshara*), pp. 276-277.

<sup>65</sup> *Prisons Department*, 1905, p. 10; Bābilī, *al-Ajrām*, p. 138.

<sup>66</sup> *al-Kitāb al-Dhahabī*, Vol. 2, p. 73.

<sup>67</sup> ʿAlī Hilmī, *Miṣr wa al-Nuḡum al-Taʿdībīya*, al-Qāhira: Maṭbaʿat Miṣr, n. d, p. 204; *al-Kitāb al-Dhahabī*, Vol. 2, p. 73; Bābilī, *al-Ajrām*, p. 138; Marṣafī, “al-Ṭufūla al-Musharrada,” p. 62.

<sup>68</sup> *Majlis al-Nuwwāb*, 5/3, vol. 2, p. 827.

<sup>69</sup> Ṭarābulusī, *al-Mujrimūn al-Aḥdāth*, pp. 151-153.

<sup>70</sup> Many of those who disappeared after discharge were actually still waiting for assistance (*inna-hum fi al-wāqiʿ yaqīmūn ḥayth-hum wa ḥayth yantazirūn al-ʿawn*). See *Maṣlaḥat al-Sujūn*, 1937/38, p. 48.

<sup>71</sup> *Maṣlaḥat al-Sujūn*, 1935/36, p. 35.

recommendations.<sup>72</sup>

As it was difficult for ex-inmates to find a job, the terms of juvenile inmates in reformatories gradually lengthened, possibly due to suspending their discharge from reformatories as long as possible. This tendency was particularly evident in the Giza and Delta reformatories, which mainly admitted juvenile vagrants. In the late 1930s, most young inmates stayed in these reformatories until 18, the maximum age of their term in the reformatory. Although it was not carried out, it was even implied that raising the maximum age to 21 was needed to ease this problem.<sup>73</sup>

In the late interwar period, the reformatory system in Egypt faced not only a lack of its efficacy to aid ex-inmates after discharge, but also a rapid increase in its significance for the treatment of juvenile offenders. In 1937, when the Penal Law of 1904 was amended, corporal punishment, the primary means against juvenile offenders, was abolished, and confinement to prisons, the second one against them, was prohibited from applying to those under 12. Even for juvenile offenders over age 12, those who committed misdemeanors and contraventions were excluded from the application for imprisonment. Moreover, confinement to reformatories could be applied as an alternative to the imprisonment.

Through the amendment of the Penal Law in 1937, reformatories became the central legal institution for treating juvenile offenders. In reality, however, it faced limitations in capacity. A sharp decrease occurred in juvenile offenders sent to prisons before and after this amendment. Nevertheless, there was only a slight increase in those sent to the reformatories.<sup>74</sup> The number of inmates in reformatories also did not fluctuate by this amendment.<sup>75</sup> Instead, restrictions on the number of juvenile offenders sent to reformatories was unavoidable owing to limitations in capacity. Since the late 1930s, sending juvenile inmates to reformatories has been suspended for a specific time, gradually becoming longer every year. In 1937, when the Penal Code was revised, the suspension lasted as long as nine months. Finally, in the fiscal year 1938/39, the sentences sent to juvenile reformatories, which reached 1,232 that year, were not enforced.<sup>76</sup>

In the 1940s, an institution called the Industrial Association for Ex-inmates of

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<sup>72</sup> *Maṣlaḥat al-Sujūn*, 1935/36, p. 136.

<sup>73</sup> *Maṣlaḥat al-Sujūn*, 1935/36, p. 3.

<sup>74</sup> Comparing the statistics of the fiscal year 1935/36 and 1939/40, juvenile offenders sent to reformatories slightly increased only from 432 to 546, while those sent to prisons drastically decreased from 1,902 to 334. See *Maṣlaḥat al-Sujūn*, 1935/36, p. 23, 32, 36, 118; *Maṣlaḥat al-Sujūn*, 1939/40, p. 91, 104.

<sup>75</sup> Comparing the number of inmates in reformatories at the end of 1936 and 1940, it increased only from 1,611 to 1,803. See *Maṣlaḥat al-Sujūn*, 1935/36, p. 133; *Maṣlaḥat al-Sujūn*, 1939/40, p. 106.

<sup>76</sup> Ṭarābulusī, *al-Mujrimūn al-Aḥdāth*, p. 155.



Juvenile Reformatories functioned to re-accommodate juveniles who failed to find jobs after discharge from reformatories.<sup>77</sup> The Prison Department declared that the aim of establishing the institution was as follows:

This gate [of the association] is open to accepting the ex-inmates [of reformatories] who have been waiting to seek employment for a long time, who are suffering from poverty, and who are feeling in pain by the problems we are tackling to solve: weakness of their social status and rejection by society.<sup>78</sup>

Unlike the view that ex-inmates suffered mainly from social indifference, there was another view that it resulted from defects in vocational training in reformatories. Al-Ṭarābulusī criticized the measures taken by the Prisons Department as follows:

As soon as the Prisons Department was disappointed with the results of public support for those discharged from juvenile reformatories, it decided that this association should be put into operation as if it blamed the unemployment of juveniles and their despair for life on the lack of support or will by administrative agencies or individuals. However, [the reason] is that they have received an unproductive [vocational] education [in reformatories] that was not in line with the development of the modern industry.<sup>79</sup>

The fault of vocational education in reformatories could be confirmed from the end of the productivity and employment trends after its release in reformatories. A comparison of production value in the late 1930s of inmate labor in the Giza, Marg, and Delta reformatories shows that the Delta reformatory, with the smallest number of inmates but also containing a spinning factory, overwhelmingly outnumbered the other two in production value.<sup>80</sup> In addition, as already mentioned, the fact that the only employment in the private sector that could be confirmed was with the Misr Spinning and Weaving Company showed not only the usefulness of vocational education in the Delta reformatory but also the limitations of vocational education in the other juvenile reformatories.

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<sup>77</sup> *Maṣlaḥat al-Sujūn*, 1937/38, p. 12; *Maṣlaḥat al-Sujūn*, 1939/40, p. 44.

<sup>78</sup> *Maṣlaḥat al-Sujūn*, 1939/40, p. 45.

<sup>79</sup> Ṭarābulusī, *al-Mujrimūn al-Aḥdāth*, p. 153.

<sup>80</sup> In the fiscal year 1935/36, the production value of the Delta reformatory was 5,342 EGP, while the Giza's 1,276 EGP and the Marg's 1,156 EGP respectively. See *Maṣlaḥat al-Sujūn*, 1935/36, p. 65.

## Conclusion

Previous studies have shown that the establishment of juvenile reformatories under British occupation was a turning point in the treatment of juvenile offenders in modern Egypt. Although it certainly was more educational and less punitive in treating inmates than existing prisons, this institution never took the place of prisons. Throughout the era of British occupation, even after its establishment, prisons remained the central place to confine juvenile offenders. The reformatories were used mainly for treating juvenile recidivists who committed property crimes because reformatories had more limited accommodations and higher operating costs than prisons.

There were several reasons behind judicial authorities' unfavorable attitude toward juvenile offenders in prisons. First, there were harmful influences on juvenile inmates by adult inmates in prisons that lacked categorized treatment even among adult inmates. Second, the punitive treatment of juveniles in prisons was the opposite of the idea of reformatories—of *reform*. However, the abovementioned spatial and financial restraints forced judicial authorities to choose a different means of achieving categorized treatment for juvenile offenders. The amendments to the Penal Law in 1904, which applied corporal punishment instead of incarceration to most juvenile offenders, promoted a more punitive character in the treatment of juveniles. As a result, this amendment did not expand the role of reformatories, although the number of young people in prisons was subsequently significantly reduced. The Juvenile Vagrant law of 1908 gave reformatories a new position for treating juvenile vagrants. However, it was not accompanied by an expansion in accommodation but by the overcrowding of reformatories by young vagrants. This eventually forced judicial authorities to curb the number of arrests. Based on the overall situation regarding the treatment of juvenile offenders, it must be said that it is incorrect to evaluate the treatment of juvenile offenders under British occupation only from the existence of juvenile reformatories, which aimed at educational treatment.

In the interwar period, although physical punishment remained the primary punishment for juvenile offenders, reformatories not only increased in size and number but also took an enthusiastic attitude toward supporting inmates after release through the renewal of the reward system and vocational training. Despite improvements in treatment, more than half of ex-inmates were forced into semi-unemployment in the middle of the interwar period. Faced with a situation where ex-inmates' employment was worse than during British occupation, it failed to devise an effective countermeasure for improving the situation. It eventually had recourse to establish a new association besides the reformatory, in which ex-inmates were

admitted and prevented from their isolation and recidivism.

While reformatories brought into question their roles in rehabilitating and reintegrating juvenile offenders, they assumed responsibility as the sole facility for treating juvenile offenders, both in name and reality. The Penal Law, revised in 1937, abolished physical punishment for juvenile offenders and restricted incarceration in prisons. As a result, the influx of juvenile offenders into reformatories brought about overcrowding. The judicial authorities responded not by enhancing their capacity but by temporarily suspending their transfers to reformatories. They eventually decided to forgo the imposition of sentences on them.

As shown in this article, it was not until the late 1930s that reformatories in Egypt played a central role in treating juvenile offenders. However, they lacked adequate requirements for this task in both accommodations and training ability when they were compelled to take on the charge alone. Since its establishment, the reformatory system in Egypt was given only a limited role and has survived because of it. It was inevitable, at least in the short term, that reformatories would fail in the exclusive treatment of juvenile offenders.