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## Folded Files, Unfolding Narratives

### Psycho-Pedagogical Observation in the Belgian Juvenile Reformatory, 1912-1945

Sarah Van Ruyskensvelde & Laura Nys

#### *Abstract*

The establishment of the Central Observation Institute in Mol in 1913 marks the introduction of scientific expertise in Belgium's youth delinquency policy. The child at risk was subjected to a series of observations, resulting in an observation report (*'waarnemingsverslag'*) that contained the psychological, moral and physical characteristics of the delinquent child, and suggested strategies for its re-education. This article puts central the technologies of observation in the first half of the 20<sup>th</sup> century. In contrast to earlier research, we use the observation report not as a 'key to the past' but we aim to historicize the observation report in its own right. Using M'charek's concept 'folded object', we discuss the process of truth establishing in the observation report, therein paying attention to the various actors at work in the reformatory and examining the dynamic relationships between the observation and educational institutions in the production and use of the observation files.

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## Introduction

In January 1922, the Belgian Minister of Justice sent a letter to the director of the juvenile reformatory of Ruiselede, stressing the importance of observation reports in their educational practice. In his correspondence, the Minister insisted

“on the fact that the observation report is not an administrative, but a pedagogical document and cannot, under any circumstance, be kept at the registry or at the office of the management. It is intended, in fact, to provide the educational staff, from the onset, with a physical, intellectual and moral portrait of the pupil. So, at the first stroke, the master can get a firm grip. Warned about the treatment to be applied and the errors to be avoided, he [the educator] will not waste time on sterile searches and will not risk compromising his work for not having been able to find, from the first hour, the path of the child’s heart.”<sup>1</sup>

At that time, the use of psycho-pedagogical investigation was still a relatively new practice in Belgian residential youth care. The introduction of such scientific practices in the juvenile justice system was the immediate result of the 1912 Child Protection Law that provided the state with the legal means to suspend parents’ authority over their children, in the case their health, safety or morality was considered to be at risk. Similar to the situation in other countries<sup>2</sup>, the Child Protection Law created the function of the juvenile judge who intervened ‘in the interest of the child’, not by imposing a punishment but rather by taking reformatory measures. Furthermore, the law also initiated a structural reform of the network of juvenile reformatories.<sup>3</sup>

Inspired by the emerging social sciences, in general, and the Theory of Social Defense, in particular, the shift from punishing towards *prevention* and the ‘re-education’ of youths at risk was paralleled by a reflex towards rationalization and classification of juvenile delinquents, based on their

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<sup>1</sup> State Archives of Bruges (SAB), M25 ROG, Ruiselede 2000, nr. 542 ‘Stukken betreffende het beroepskeuzecomité, 1922-1935’, Letter of the Minister of Justice to the Director of Ruiselede, 31 January 1922.

<sup>2</sup> Marie Sylvie Dupont-Bouchat and Eric Pierre, eds., *Enfance et Justice Au XIXe Siècle: Essais d’histoire Comparée de La Protection de l’enfance, 1820-1914: France, Belgique, Pays-Bas, Canada, Droit et Justice* (Paris: Presses Universitaires de France, 2001); Steven L. Schlossman, *Transforming Juvenile Justice: Reform Ideals and Institutional Realities, 1825-1920* (DeKalb: Northern Illinois University Press, 2005), Jean Trépanier and Xavier Rousseaux, eds., *Youth and Justice in Western States, 1815-1950* (New York: Springer Berlin Heidelberg, 2017).

<sup>3</sup> See, for instance, Sylvie Dupont-Bouchat, Jenneke Christiaens, and Charlotte Vanneste, ‘Jeugd En Justitie (I). Modellen, Praktijken En Hervormingen van Het Jeugdrechtstelsel (1830-2014) / Jeunesse et Justice (I). Modèles, Pratiques et Réformes de La Justice Des Mineurs (1830-2014)’, in *Tweehonderd Jaar Justitie : Historische Encyclopedie van de Belgische Justitie / Deux Siècles de Justice. Encyclopédie de La Justice Belge*, ed. Margo De Koster, Dirk Heirbaut, and Xavier Rousseaux (Brugge: Die Keure, 2015), 243–75; Dupont-Bouchat and Pierre, *Enfance et Justice Au XIXe Siècle*.

biological, moral, social and intellectual characteristics.<sup>4</sup> In Belgium, this process found its culmination point in the establishment of the Central Observation Institution in Mol in 1913, a *hub* where every minor was subjected to an intense observation for at least two months prior to their placement in a Belgian juvenile reformatory. At the end of the observation, the new laboratory for psycho-pedagogy drafted an official observation report containing information about delinquent youths' skills, 'mental, biological, and moral deficiencies', character and social background, and more importantly, it advised the juvenile judge about the best suited educational treatment. Indeed, when transferred to a specific reformatory, this 'psycho-pedagogical' report went with the child in order to inform the receiving institution about its 'typical characteristics'. Also, as the opening quotation of this article suggests, this observation file laid the foundations for the educational treatment of the child.<sup>5</sup>

This article puts central the observation report as it was produced within the context of the Belgian juvenile reformatory for boys in the first half of the 20<sup>th</sup> century.<sup>6</sup> Instead of using it as a 'key to the past' to reconstruct particular segments of historical reality, this paper historicizes the report in its own right. As a result, we aim to understand not only the observation file's content, but also its role in the construction of knowledge and institutional practices. Before delving into the technologies of observation and 'truth-building', this article first discusses how observation reports have been used in previous research to advocate a new approach. We advocate that, the existing scholarship has deployed, personal files, in general, and observation reports, in particular, mainly as sources to reconstruct the social environment of youngsters in residential youth care, and their families. In spite of their relevance, this paper approaches the observation report as a historical object in itself, to document the social constructiveness of the truths it contains. Second, we investigate the theoretical and intellectual conditions that surrounded the production of observation reports, as well as their use and reception in practice. More specifically, by a close reading of the writings of Maurice Rouvroy, the first director of the Central Observation Institution

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<sup>4</sup> Jean Trépanier, 'The Roots and Development of Juvenile Justice: An International Overview', in *Youth and Justice in Western States, 1815-1950*, ed. Jean Trépanier and Xavier Rousseaux (New York: Springer, 2017), 17-72; Jeroen Dekker, *The Will to Change the Child: Re-Education Homes for Children at Risk in Nineteenth Century Western Europe* (Frankfurt am Main: Lang, 2001), 101-140.

<sup>5</sup> Aurore François, *Guerres et Délinquance Juvénile: Un Demi-Siècle de Pratiques Judiciaires et Institutionnelles Envers Des Mineurs En Difficulté (1912-1950)* (Louvain-la-Neuve: UCL, 2005), 257.

<sup>6</sup> For more information about the observation of both boys and girls in Belgian juvenile justice, see, for instance, David Niget, 'Le genre du risque. Expertise médico-pédagogique et délinquance juvénile en Belgique au XXe siècle' *Histoire@Politique. Politique, culture, société* 14 (2011) : 38-54. For more specific details on the observation of girls in Belgian residential youth care, see Veerle Massin, 'Measuring delinquency. The observation, scientific assessment and testing of delinquent girls in 20<sup>th</sup> century Belgium' *Journal of Belgian History* 1 (2016): 104-132. More information on assessment practices in Dutch juvenile reformatories, see: Saskia Bultman, 'Constructing a Female Delinquent Self. Assessing Pupils in the Dutch State Reform School for Girls, 1905-1975 (Unpublished Doctoral Dissertation, Radboud University Nijmegen, 2016).

in Mol, we document some of the scientific debates that preceded the introduction of observation reports in Belgian juvenile justice. Third, we turn our focus to the observation report itself. Apart from a general discussion of the structure and content of such reports, we pause “at the hands and habits of those charged with the writing”.<sup>7</sup> We take one observation file as a case-study to document how particular events, kinds of behavior and emotions were selected to be included in the official observation report, thereby gaining the status of factual knowledge about the child. Lastly, this article sheds light on the reception side of the story, focusing on how observation reports were used and handled in the reformatory of Ruiselede.

### Studying the observation report: from source to object

As is illustrated by Iacovetta’s and Mitchinson’s seminal work *On the Case: Explorations in Social History*, observation files, and personal case files, in general, have often been used by social historians especially to document the lives of people in the margins.<sup>8</sup> In the case of juvenile justice, personal case files have served as key sources to analyze the organization and functioning of the juvenile courts<sup>9</sup> and residential youth care institutions<sup>10</sup>. Observation reports, in particular, have mainly been interpreted in the light of the power mechanisms at play within the juvenile reformatory, resting heavily on Foucauldian notions of the Panopticon, the connection between knowledge and power, and the power relationships involved in the intimidating performative practice of observation.<sup>11</sup> With regards to the Belgian historiography, past scholarship has argued that the introduction of a narrative of scientific and objective observation mainly served as another legitimization for the 19<sup>th</sup> century moralistic assumptions that continued to shape the institutional discourse and practices in the first half of the 20<sup>th</sup> century.<sup>12</sup> As a result, in much of the (Belgian)

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<sup>7</sup> Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009), 22.

<sup>8</sup> Franca Iacovetta and Wendy Mitchinson. *On the Case. Explorations in Social History* (Toronto: University of Toronto Press, 1998).

<sup>9</sup> Anne Meis Knupfer, *Reform and Resistance: Gender, Delinquency, and America’s First Juvenile Court* (New York: Routledge, 2001); Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Rochester, NY: Royal Historical Society/Boydell Press, 1999).

<sup>10</sup> Veerle Massin, “La Discipline”. *Jeunes Délinquantes Enfermées, Violence Institutionnelle et Réaction Disciplinaire : Une Dynamique (Belgique, 1920-1970)*, Herman Diederiks Prize 2013’, *Crime, Histoire & Sociétés / Crime, History & Societies* 18, no. 1 (2014): 31–56; Barbara M. Brenzel, *Daughters of the State. A Social Portrait of the First Reform School for Girls in North America, 1856-1905* (Cambridge, Mass.: MIT Press, 1983).

<sup>11</sup> Margo De Koster and David Niget, ‘Scientific Expertise in Child Protection Policies and Juvenile Justice Practices in Twentieth-Century Belgium’, in *Scientists’ Expertise as Performance: Between State and Society, 1860 - 1960*, ed. Joris Vandendriessche, Evert Peeters, and Kaat Wils, *History and Philosophy of Technoscience*, Number 6 (London: Pickering & Chatto, 2015), 161–72.

<sup>12</sup> Margo De Koster, ‘Tot Maat van Het Recht. De Vroege Ontwikkeling van de Wetenschap van Het Ontspoorde En Criminele Kind in Het Centrale Observatiegesticht in Mol (1913-1941)’, in *Kinderen in Gevaar. De Geschiedenis van Pedagogische Zorg Voor Risicojeugd*, ed. Sjaak Braster et al. (Assen Van Gorcum, 2007), 119; Els Dumortier, ‘De Jeugdrechter in Twijfel: Een Onderzoek Naar Het Ontstaan En de Praktijk van de Kinderrechter’ (PhD diss., Vrije

scholarship, the observation reports that were produced by the psycho-pedagogical laboratory in Mol emerge as nothing more than a vehicle for the labelling, classification and categorization of delinquent youths, used to justify the pedagogical treatment that was being imposed on them. The side-effect of such a dominant focus on structures of power and control is that the observation reports have been used mainly for what Iacovetta and Mitchinson hinted at when they advocated a reading “against the grain”: a reading of the institutional sources against the language of those in power. This ‘counter-perspective’ proved fruitful in uncovering youngsters’ voices in sources generated by the institutions. And, as a result, there is quite some literature about the methodologies of overcoming or circumventing what has been called ‘the institutional gaze’.<sup>13</sup> Most of these methodological reflections build on one premise: the personal case file is a source that is ‘mined’ for data. But, following Ann Laura Stoler’s argument about colonial history, we believe that historians should consider the archives not solely as sources, but as subjects in their own right.<sup>14</sup>

Although the social historiography of juvenile justice does discuss the sources, most studies are limited to a discussion of the methodological pitfalls and how to overcome those. Little scholarly attention has been paid to the *historicity* of the sources themselves. In recent publications, the fact that the case files have a history of their own is increasingly acknowledged, but little has been done to put this into practice. The French historians Ludivine Bantigny and Jean-Claude Vimont, for example, emphasized the importance of personal case files as a “source, but also an object of study in itself”<sup>15</sup>, but their edited volume hardly pays attention to the historicity of the case file as a subject in its own right. In the same vein, in spite of the fact that Kaisa Vehkalathi explicitly addresses the “constructed nature of social work documentation as historical sources”, she

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Universiteit Brussel, 2006), 273; De Koster and Niget, ‘Scientific Expertise in Child Protection Policies’; Veerle Massin, “‘Measuring Delinquency’”. The Observation, Scientific Assessment and Testing of Delinquent Girls in 20th-Century Belgium’, *Journal of Belgian History* 1 (2016): 133; François, *Guerres et Délinquance Juvénile*, 262; Jenneke Christiaens, ‘Youth Delinquency Redefined: The Practice of Scientific Observation and Diagnosis within the Framework of Belgian Child Protection, 1913-1960’, in *Youth and Justice in Western States*, 253–76.

<sup>13</sup> Tamara Myers and Joan Sangster, ‘Retorts, Runaways and Riots: Patterns of Resistance in Canadian Reform Schools for Girls, 1930-60’, *Journal of Social History* 34, no. 3 (2001): 669–97; Abigail Wills, ‘Resistance, Identity and Historical Change in Residential Institutions for Juvenile Delinquents, 1950–70’, in *Punishment and Control in Historical Perspective*, ed. Helen Johnston (London: Palgrave Macmillan, 2008), 215–34; Jenneke Christiaens, ‘Testing the Limits: Redefining Resistance in a Belgian Boys’ Prison’, in *Becoming Delinquent: British and European Youth, 1650-1950*, eds. Pamela Cox and Heather Shore (Aldershot, 2002), 89–104; Kaisa Vehkalahti, ‘The Urge to See inside and Cure: Letter-writing as an Educational Tool in Finnish Reform School Education, 1915–1928’, *Paedagogica Historica* 44, no. 1–2 (1 February 2008): 193–205; Veerle Massin, ‘Hearing the Voices of Reform School Inmates through Their Case Files: Measuring the Experience of Delinquent Girls in Reform Schools’, in *It’s For Your Own Good. Researching Youth Justice Practices*, ed. Jenneke Christiaens (Brussels: VUB Press, 2015), 285–302.

<sup>14</sup> Stoler, *Along the Archival Grain*.

<sup>15</sup> Ludivine Bantigny and Jean-Claude Vimont, *Sous l’oeil de l’expert: les dossiers judiciaires de personnalité* (Mont-Saint-Aignan: Publications des Universités de Rouen et du Havre, 2010), 8 (our translation).

approaches personal files in terms of their archival history, rather than the very construction of the personal case file as an object.<sup>16</sup>

The approaches that come closest to ours are probably the studies of Karen Tice and Saskia Bultman. Tice, for instance, traced the development and transformation of case-recordings in close connection with the professionalization of social work.<sup>17</sup> Furthermore, regarding the nature of observation files in state reformatories for juvenile delinquents, the research of Saskia Bultman is noteworthy. In her elaborate research on the practices of observation and assessment in Dutch state reformatories, Bultman reveals the close ties between the *practices* of observation and the *categories* used to classify delinquent girls.<sup>18</sup> This article aims to add another layer to these analyses, by investigating the different practitioners of scientific observations, including lower-ranked staff, such as the educators, within the reformatory itself. Moreover, we also look at the dynamic relationships between the observation and educational institutions in the production, as well as in the use of the observation files.

As such, the practices of assessment are not so much our point of departure, but rather, the actual observation file is the subject of study here. To investigate the observation report as a historical object, we draw inspiration from scholarship on the history of pre-printed forms<sup>19</sup> and literature within social sciences on the processes of establishing legal truths. Particularly interesting is the research of Irene Van Oorschot, who applied M'charek's concept of a 'folded object' to challenge the presumed transparency of legal case files as 'carriers of facts'. The term 'folded object' denotes an object "that keeps histories folded in itself"<sup>20</sup>. Van Oorschot describes how the legal case file is folded, to document how it mediates access to the epistemic reality, as it makes particular facts visible, while at the same time hiding others. Furthermore, she also sheds light on how the legal case file unfolds again into legal practice when lawyers trace the epistemological value of each

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<sup>16</sup> Kaisa Vehkalahti, 'Dusting the Archives of Childhood: Child Welfare Records as Historical Sources', *History of Education* 45, no. 4 (3 July 2016): 431.

<sup>17</sup> Karen Whitney Tice, *Tales of Wayward Girls and Immoral Women: Case Records and the Professionalization of Social Work*. Urbana: University of Illinois Press, 1998.

<sup>18</sup> Saskia Bultman, 'Constructing a Female Delinquent Self. Assessing Pupils in the Dutch State Reform Schools for Girls, 1905-1975'. Unpublished PhD thesis, Radboud Universiteit Nijmegen, 2016, p. 383.

<sup>19</sup> Brigitta Bernet, '»Eintragen Und Ausfüllen« Der Fall Des Psychiatrischen Formulars'. In *Zum Fall Machen, Zum Fall Werden*, ed. Sybille Brändli, Barbara Lüthi, and Gregor Spuhler (Campus, 2009), 62–91; Volker Hess, 'Formalisierte Beobachtung. Die Genese Der Modernen Krankenakte Am Beispiel Der Berliner Und Pariser Medizin (1725-1830)' *Medizinhistorisches Journal* 45 (2010): 1–48.

<sup>20</sup> Amade M'charek, 'Race, Time and Folded Objects: The HeLa Error', *Theory, Culture & Society* 31, no. 6 (November 2014): 33.

truth claim that is presented in the legal case file, therein underlining exactly what the implications are of the process of establishing truth.<sup>21</sup>

Similarly, we approach the personal case file, produced by residential care and observation institutions, as a 'folded object'. More specifically, we connect the micro processes of "how particular narrative elements have come to be accepted facts"<sup>22</sup> in observation reports, with the socio-cultural and scientific context that surrounded their introduction. In doing so, we trace the different narrative layers that have seamlessly folded into the report, and which rendered its crafting process invisible.<sup>23</sup> By taking into account the different stages of the process of observation and report-writing, we 'unfold' the final observation report again.

We believe this 'unfolding' is crucial for historians, for, as Stoler rightly questions in her reflection upon the tradition of reading sources against the archival grain: "how can we brush against them without a prior sense of their texture and granularity?"<sup>24</sup> This article sheds light on the particular conditions and contexts that surround the personal case files, and the observation reports that is part of it, not so much to investigate *which* truths it contains, but to understand *how* the report constructs truths. Therefore, in the next section, we turn our focus to the dominant socio-cultural and scientific paradigms, in general, and the scientific publications of Maurice Rouvroy, in particular, that shaped the debates about juvenile justice and practices of observation in the first half of the 20<sup>th</sup> century.

### **"Ah! Ne soyons pas des scientifiques tout secs": Maurice Rouvroy and the scientific study of the delinquent child**

In 1921, a series of pedagogical conferences was published, in which Maurice Rouvroy addressed *L'observation pédagogique des Enfants de Justice*. During his lecture series, Rouvroy advocated – be it in a somewhat ambiguous way, perhaps – the importance of the introduction of scientific practices of observation to determine and assess the moral, social, mental and medical deficiencies of juvenile delinquents. The observation would make it possible to design a pedagogical treatment tailored to children's specific needs:

"As such, [observation] is essentially scientific because, in order to study children, it uses *psychological processes and pedagogical methods* (...) to result a regime of *simultaneous* education

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<sup>21</sup> Irene Van Oorschot, 'Het dossier-in-actie: vouw- en ontvouwpraktijken in juridische waarheidsvinding', *Sociologie* 10, n° 3 (2014): 305.

<sup>22</sup> Vehkalati, "Dusting the Archives of Childhood", p. 440, commenting on Karen Tice, *Tales of Wayward Girls*.

<sup>23</sup> Van Oorschot, 'Het dossier-in-actie': 305.

<sup>24</sup> Stoler, *Along the Archival Grain*, 100.



that is the most favorable *for every child* and for each personality to be educated or re-educated.”<sup>25</sup>  
(Original italics)

Seven years prior to the publication of the pedagogical conferences, Rouvroy had been appointed as the first director of the newly established Central Observation Institution in Mol. As mentioned earlier, the institution was conceived as a '*gare de triage*'<sup>26</sup> that advised the juvenile judge about a suitable pedagogical treatment for the convicted minors. More specifically, its aims were threefold: (i) to establish the basis for the classification of delinquent and abandoned youths, (ii) to probe the child's soul as a way of discovering potential pathways to its successful reformation, and (iii) to recommend an adequate treatment.<sup>27</sup> Initially trained as a school teacher, Rouvroy had started his career in 1910 in the penitentiary house for boys in Saint-Hubert (Wallonia). Although he had initiated some preliminary observation techniques and practices there, his appointment in Mol allowed him to reform the observation procedure to fully assess their 'inner affective tendencies'.<sup>28</sup>

To a large degree, Rouvroy's concerns about the personal characteristics and needs of the individual (juvenile) criminal, as well as his emphasis on the importance of a scientific basis for the development of reformatory measures, mirrored the changing legal frameworks, and the foundations of the emerging science of criminology. Belgium's first youth prisons, such as those of Saint-Bernardus in Antwerp (°1834) and Saint-Hubert (°1844), were embedded in a penal logic of punishment. For classic penal law, human action was informed by a rational choice and a result of an individual's 'free will'. As a violation of the law was considered a deliberate act or choice, it deserved punishment.<sup>29</sup> Influenced by the emerging science of criminology, however, crime was increasingly considered as a pathology, either caused by 'extravoluntaristic' biological-hereditary (atavism) or social factors (degeneration theory) that were beyond the 'free will' of the individual. As a result, punishment *after* the crime became irrelevant: for society to defend itself against

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<sup>25</sup> Maurice Rouvroy, *L'observation pédagogique des Enfants de Justice* (1921) (Brussels: Anciens établissements J. Lebègue & Cie), 7. For a general introduction to the work of Maurice Rouvroy in the Observation Institution in Mol, see Mark D'hoker, 'Contribution de Maurice Rouvroy (1879-1954) aux soins en résidence de la jeunesse à problèmes psycho-sociaux pendant l'entre-deux-guerres' *Paedagogica Historica* 262 (1990): 211- 222.

<sup>26</sup> Dominique De Fraene and Cathy Brolet, 'Institutions et Pratiques d'enfermement Des Mineurs En Belgique', in *Protection de La Jeunesse: Formes et Réformes. Jeugdbescherming: Vormen En Hervormen*, ed. Jenneke Christiaens, Dominique De Fraene, and Isabelle Delens-Ravier (Brussels: Bruylant, 2005), 36.

<sup>27</sup> D'hoker, 'Contribution de Maurice Rouvroy (1879-1954)': 215.

<sup>28</sup> Maurice Rouvroy, 'Le Dossier médico-pédagogique de l'écolier: Le rapport psycho-pédagogique: Le caractère', *Revue Belge de Pédagogie* (July 1927):632-35.

<sup>29</sup> It was acknowledged, though, that children could not always distinguish right from wrong (the so-called criterion of 'discernement'), and should therefore be treated differently.

potential dangerous individuals, it was necessary to prevent crime, and 'cure' (potential) criminals.<sup>30</sup>

The introduction of the Belgian Child Protection Act in 1912 was a clear manifestation of these changing conceptions about and the scientification of the treatment of juvenile delinquency. In essence, it rested on the double notion of the 'child in danger', threatened by the social environment in which it grew up, and the 'dangerous child' that had been involved in criminal acts. Both categories were inextricably linked, as the unfavorable social and parental circumstances in which the 'child in danger' grew up inevitably increased the risk of becoming a 'dangerous child'. The 1912 Child Protection Act removed juvenile delinquency from the regular penal code and installed an autonomous Juvenile Court, chaired by an independent Juvenile Judge, that was entitled to intervene when the moral, physical and psychological well-being of the child was considered to be 'at risk'.<sup>31</sup>

As a result, the placement of delinquent youths in the appropriate institution was no longer informed by categories of age, gender, geographical origin or the offense, but rather based on the moral, biological and psychological characteristics tied to their personality.<sup>32</sup> For Rouvroy too, the classification of delinquent youths ought not be based on the nature of the crimes committed, but on their potential for re-education:

"I conclude that we must look at them closely when they come to use, always look at them closely (...) to separate those that are amendable from those that are not."<sup>33</sup>

This quotation does not only mirror a fear for criminal contamination that characterized Belgian penal policies since the mid-19<sup>th</sup> century<sup>34</sup>, but it also demonstrates a belief in the importance of scientific observations in order to assess the personality of the 'child at risk'. In Mol, Rouvroy installed a 'laboratory for psycho-pedagogy' and equipped it with the latest scientific instruments. Rouvroy especially used instruments to measure the sensorial characteristics of children. More

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<sup>30</sup> Jean Trépanier, 'The Roots and Development of Juvenile Justice: An International Overview', in Trépanier and Rousseau, *Youth and Justice in Western States*, 17-73; Donald Weber, *Homo Criminalis. Belgische Parlementsleden over Misdaad en Strafrecht, 1830-1940* (Brussels: VUBPress, 1996), 21.

<sup>31</sup> Inspired by the establishment of the first Juvenile Court in Chicago at the end of the 19<sup>th</sup> century, many Western European countries established similar juvenile law and court systems. For more details, see, amongst others, David Niget, 'Du Pénal Au Social. L'hybridation Des Politiques Judiciaires et Assistancielle de Protection de La Jeunesse Dans La Première Moitié Du XXe Siècle', *Histoire & Sociétés* 25/26 (2008): 14; Jeroen Dekker, 'Punir, Sauver et Éduquer: La Colonie Agricole « Nederlandsch Mettray » et La Rééducation Résidentielle Aux Pays-Bas, En France, En Allemagne et En Angleterre Entre 1814 et 1914', *Le Mouvement Social* 153 (1990): 63-90; Dupont-Bouchat *et al.*, *Enfance et Justice Au XIXe Siècle*.

<sup>32</sup> As Mark D'hoker has argued, the juvenile judge's decision about a potential sanction was informed by the psycho-medical diagnostics of the child. D'hoker, 'Contribution de Maurice Rouvroy': 215.

<sup>33</sup> Rouvroy, *L'observation pédagogique*, 15.

<sup>34</sup> See, for instance: Dominique De Fraene and Alice Jaspert, 'De historische bewegingen van het opsluiten van minderjarigen: dwarswegen en zijsporen in België', *Panopticon: tijdschrift voor strafrecht, criminologie en forensisch welzijnswerk* 33, n°5 (2012): 415-436.

specifically, he used esthesiometry and alghesimetry instruments, respectively to measure touch and sensitivity to pain.<sup>35</sup> In addition, Rouvroy used the Binet and Simon intelligence test, as well as some of the tests developed by Belgian's most prominent progressive educationalist Ovide Decroly<sup>36</sup>, the 'pedologist' Raymond Buyse<sup>37</sup> and the psychiatrist Guillaume Vermeylen<sup>38</sup>. Rouvroy's belief in science as a necessary condition "to assure the task of their education"<sup>39</sup> frames within the general interest in children and adolescents at the end of the nineteenth and the early twentieth century. Around the turn of the century, when the United States witnessed the flourishing *Child Study Movement*, Belgium experienced the heydays of *Pedology*, a discipline that borrowed methods from the natural sciences to determine the laws behind child development.<sup>40</sup> In part, this 'scientific novelty' met the needs of the progressive education movement that revolved around the development of child-centered and less authoritative pedagogical practices.<sup>41</sup>

As the opening quotation of this section suggests, Rouvroy demonstrated a marked interest in experimental psychology, in general, and pedology, in particular. More specifically, he supported the holistic study of the child, and drew attention to the importance "to depict the child in its entirety, not this or that particular aspect: it is the child in its entirety that we must know in order to reeducate it in its entirety."<sup>42</sup> Yet, Rouvroy's relationship with the developing sciences was ambiguous. As he developed his ideas about scientific observation of the '*enfant de justice*', he also questioned the potential of a yet "unfinished" science, such as experimental psychology".<sup>43</sup> In many of his writings, he warned against a strict and too sterile application of scientific measurements

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<sup>35</sup> De Koster, 'Tot maat van het recht', 108. Rouvroy gives an overview of the instruments used in his laboratory in , *L'observation pédagogique*, 195-213.

<sup>36</sup> For more details about the pedagogy and work of Ovide Decroly, see: Angelo Van Gorp, *Tussen mythe en wetenschap. Ovide Decroly (1971-1932)* (Leuven: Acco, 2005).

<sup>37</sup> For more information on Raymond Buyse's interest and work in the field of psycho-pedagogy, see: Marc Depaepe, Lieven D'hulst and Franky Simon, 'Crossing the Atlantic to gain knowledge in the field of psycho-pedagogy: the 1922 mission of Ovide Decroly and Raymond Buyse to the USA and the travel diary of the latter', in ed. Paul Smeyers, Marc Depaepe and Edwin Keiner, *Educational Research: the Importance and Effects of Institutional Spaces*, vol. 7 (Springer, 2013), 47-60. There is also an older study on the pedagogical work of Raymond Buyse: Anna Bonboir, René Dellaert, and Gérard Montpellier, *L'oeuvre pédagogique de Raymond Buyse* (Louvain: Vander, 1969).

<sup>38</sup> Guillaume ('Guy') Vermeylen is a relatively understudied figure. As a result, there are few studies about his life and work. For the necrology of Vermeylen, see R. Nyssen, 'Nécrologie – Guy Vermeylen', *Journal belge de Neurologie et de Psychiatrie* 43, n°5/6 (1943): 266-268.

<sup>39</sup> Rouvroy, *L'observation pédagogique*, 7.

<sup>40</sup> For a detailed discussion about the child study and pedological movement, see, for instance, Marc Depaepe, *De pedagogisering achterna. Aanzet tot een genealogie van de pedagogische mentaliteit in de voorbije 250 jaar* (Leuven: Acco, 1998).

<sup>41</sup> Marc Depaepe and Sarah Van Ruyskensvelde, 'De 'katholieke pedagogiek' in België. Bloei en ondergang van een normatieve benadering', in eds. Jan De Maeyer and Paul Wynants, *Katholiek onderwijs in België. Identiteiten in evolutie, 19<sup>de</sup>-20<sup>ste</sup> eeuw* (Antwerpen: Halewijn, 2016), 327-341.

<sup>42</sup> Rouvroy, *L'observation pédagogique*, 215.

<sup>43</sup> Rouvroy, *L'observation pédagogique*, 197.

and tests. For Rouvroy, scientific methods were no means to an end, but rather a vehicle that was to be applied flexibly, according to the child's necessities and the particular circumstances in which it grew up: "The result only says nothing ... the careful observation of the child during its experiences reveals everything."<sup>44</sup> The final result of any scientific observation was always in need of interpretation. For him, statistical information was of little use, if the child's spontaneous behavior was not closely observed, monitored and reported.<sup>45</sup>

For Rouvroy, a blind worship of the number endangered the project of re-education, precisely because tests were always conducted in function of the daily pedagogical practice within the reformatory. Rouvroy blamed the natural sciences for objectifying the 'abnormal' child and reducing it to an object of scientific experimentation for the sake of science itself. Apart from the fact that, according to Rouvroy, the child's mentality did not translate itself into numbers, a single final result was entirely unclear to the educator who actually had to realize the re-education of the juvenile delinquent. As a result, numerical data needed the support of qualitative feedback and interpretation that would allow for the translation of the observations into the concrete pedagogical practices.<sup>46</sup> It should not come as a surprise then that Rouvroy critiqued the 'conceptual nomenclature', as he called it, for being one-sidedly scientific and, therefore, of little practical use.<sup>47</sup> His criticism of the strict application of scientific methods and his belief in education as an essentially teleological and normative practice probably made Rouvroy a typical representative of, rather than an exception to the pedagogical discourse of that time. During the interwar years, many pedagogues considered psychology as an auxiliary science that derived its normativity from pedagogy.<sup>48</sup>

In spite of the fact that he acknowledged the merit of laboratory tests in certain circumstances, his ideas about the scientific treatment of juvenile delinquency crystallized around the idea of the '*observation perpétuelle*': a continuous observation of the child that centered on its 'normal', daily activities in the reformatory, its attitudes during work and leisure hours and its social interactions with peers. In this views on scientific observation, the spontaneity of the child surfaced as a central concept: only the observation of the child in its 'natural environment', and starting from its normal

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<sup>44</sup> Rouvroy, *L'observation pédagogique*, 192.

<sup>45</sup> Rouvroy, *L'observation pédagogique*, 195.

<sup>46</sup> Rouvroy, *L'observation pédagogique*, 197.

<sup>47</sup> Rouvroy, *L'observation pédagogique*, 28.

<sup>48</sup> Already towards the end of the 19<sup>th</sup> century, the Europe witnessed the emergence of an intellectual 'counter-movement', which dismissed purely positivist science that relied merely on reason and empiricism, as a barren search for facts. As a result, Rouvroy did not stand alone in his criticism of the quantification of the image of the human being. A disbelief in the positivistic ideal was common in particular scientific circles, as is witnessed by Freud's psychology, for example. These shifted the emphasis from the purely rational and objectively perceptible to intuition, the subconscious and the subjective. Even in the pedagogical milieus of the interwar years, pedagogy was considered more of a form of 'applied philosophy', rather than an applied form of psychology. See for instance: Marc Depaepe and Nelleke Bakker, 'Een gemeenschappelijke studeerkamer. 75 jaar *Pedagogische Studiën*', in ed. N. Verloop, *75 Jaar onderwijs en opvoeding. 75 Jaar Pedagogische Studiën* (Groningen: Noordhoff Uitgevers, 1998), 13.

activities, provided a pathway to a deeper and more truthful understanding of the child's inner self.

Precisely because of his reluctance to rely solely on standardized tests, historiography has often depicted Rouvroy as a pseudo-scientist, who shrouded his allegedly scientific practices by a new language, but did in fact nothing more than maintaining the unscientific practices of the 19<sup>th</sup> century.<sup>49</sup> Indeed, to some extent, Rouvroy's notion of 'perpetual observation' reminds of nineteenth century practices of so-called "moral accounting", introduced to observe the behavior and assess the moral improvement of prisoners.<sup>50</sup> However, as Rouvroy argued himself, these 'older' practices differed from those implemented in Mol in two ways. First, in contrast to the prison guards that passively observed prisoners, Rouvroy argued that the educator actively created the circumstances that provoked a reaction from the side of the delinquent child. Second, instead of merely taking notes, the 'scientific' practice of observation in Mol required a selection of facts that were considered typical for the '*observandus*', and relevant for his reeducation.<sup>51</sup> From this follows that 'fact selection' was central in Rouvroy's scientific observation. Hence, questions arise as to how the *observation perpétuelle* unfolded in practice, and in which archival forms it materialized. The following section takes the case file of Henri to illustrate how events, kinds of behavior, and emotions were selected from draft observation notes to be included in the official observation report, therein gaining a factual status.

### **The power of the pen: technologies of observation and the fabrication of facts**

In order to gain a deeper understanding of how the observation report was produced, and how the selection of 'relevant' facts functioned in practice, we conducted a close reading of the personal file of Henri.<sup>52</sup> After having received a first warning of the juvenile judge in 1932, Henri was condemned for theft and was sent to the Central Observation Institute of Mol in 1933, where he was subjected to observation for about five months. Based on his observations, Rouvroy decided upon his transfer to the reformatory school of Ruiselede in February 1934, where Henri remained until his release in October 1936. After his release, Henri went to live with his father and stepmother again, but after a second condemnation by the juvenile judge (this time for sexual offenses), he returned to the Central Observation Institution in Mol where he was put in observation for a second time. Rouvroy then decided that Henri needed to be transferred to the

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<sup>49</sup> De Koster, 'Tot Maat van Het Recht', 117; Dumortier, 'De Jeugdrecht in Twijfel', 273; De Koster and Niget, 'Scientific Expertise in Child Protection Policies', 169; Massin, "'Measuring Delinquency'"; Christiaens, 'Youth Delinquency Redefined'.

<sup>50</sup> Bert Vanhulle, 'Zedelijke Rekenkunde in België: De Ontdekking van de Gevangene', *De Negentiende Eeuw: Documentatieblad Werkgroep 19e Eeuw XXXI* (2007): 238–55.

<sup>51</sup> Maurice Rouvroy, 'La Clinique Psychologique Belge de La Protection de l'enfance', *Revue Belge de Pédagogie* (1935) 215; Maurice Rouvroy, 'Le dossier médico-pédagogique de l'écolier (suite)', *Revue belge de Pédagogie*, 341.

<sup>52</sup> For reasons of privacy, and to guarantee anonymity, we have removed any reference to Henri's full name in the body of the text, in the footnotes and in the figures.

juvenile reformatory of Mol, a disciplinary institution with a 'stricter' regime.<sup>53</sup> Henri's 'trajectory' within the juvenile justice system makes him an interesting case. Firstly, Henri was put under observation twice, which enables us to see how observation procedures changed, in the case of repeated offenses. Secondly, the fact that Henri was placed in two different institutions after observation makes this file relevant for investigating the relationships between the Central Observation Institution in Mol and the juvenile reformatories.

Henri's placement within the juvenile justice system left a considerable *paper trail*. For this article, we have used three different personal case files that were compiled, respectively, (i) in the Central Observation Institution in Mol (where Henri resided between August 21, 1933 and February 17, 1934; and between August 2, 1937 and August 9, 1937 – henceforth referred to as personal file 1), (ii) in the juvenile reformatory of Ruiselede (where Henri resided between February 1934 and his release in October 1936 – henceforth referred to as personal file 2), and (iii) in the juvenile reformatory of Mol (where he resided between August 9, 1936 until he reached the age of majority – henceforth referred to as personal file 3). As this section specifically concerns the observation procedures in Mol, it is mainly based on the first personal file. This first file contains different types of sources, produced by different actors, such as observation notes drafted by the educators in the Observation Institution, different documents that were written by Rouvroy and even ego-documents written by Henri himself. This begs the question: how did Rouvroy translate the information coming from different types of sources, drafted by different actors, and dealing with a wide range of topics, into one report? In other words, *who* had the power of the pen?

In our analysis, we focused on the documents that were produced by the staff of the residential youth care institutions, in particular. As a result, we did not include the autobiographical materials that we found in Henri's case files. These were mostly short notes and letters to his father and stepmother with whom Henri seems to have had a difficult relationship. Although we did not use them in the paper at hand, autobiographical materials are interesting sources, as they were an integral part of the observation procedure in Mol. More specifically, as Margo De Koster has documented, in Mol, as in other institutions, youngsters under observation were asked to make drawings, depicting situations from their personal lives, or write essays that had an autobiographical tone or topic.<sup>54</sup> Rouvroy believed that these documents provided a window to the child's personality and its perspective on the world. Although this indicates that it is important to be aware of the historicity of these materials as well, we have left them out of our analysis, because, in this case, we are not sure whether they were really produced at the specific request of Rouvroy, or added in a later stage. Also, the question with these autobiographical materials remains to what extent they attest of the "ego" of the children. Some of the historical scholarship on autobiographical materials in personal case files has precisely argued that these

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<sup>53</sup> More details about Henri's trajectory within the juvenile justice system can be found in his records State Archives Antwerp-Beveren (SAA), M65: CWG Mol, 769, Case File 5752 and M17: ROG Mol, 521, Case File 5858.

<sup>54</sup> De Koster, 'Tot maat van het recht': 107.

autobiographical materials are, because they were an integral part of the institutional practices, much more a representation of an institutional discourse, than they represent the voice of the child.<sup>55</sup>

Taking a closer look at the personal file of Henri (i.e. personal file 1), we conclude that the editorial process that resulted in the final observation report<sup>56</sup> (“waarnemingsverslag”) happened through three stages. First, in his scientific practice of observation, Rouvroy was guided by the notes of different educators who observed juvenile delinquents in their daily routines (cf. figure 1). Apart from their content, also their format is remarkable: the educators’ notes were written on snippets of paper and not on standardized forms with predefined categories. This format was, for instance, very different from the official register of sanctions that included pre-printed tables and columns, providing pre-fixed lines for information such as the date, circumstances and punishments given. The format of the documents is significant here, as it reveals how Rouvroy’s ideas about the almost invisible educator, observing the juvenile delinquent without him being aware of it, materialized into a particular type of document.

The educators’ observations resulted in a number of notes and reports that contained a multitude of, sometimes contradictory, information about particular events (e.g. fights between pupils), behavior and attitudes (e.g. outbursts of anger) or striking statements and comments (e.g. indecent comments). In order to make the translation of this multitude of information comprehensible, Rouvroy had designed a ‘synoptic diagram’ (cf. figure 2), which allowed him to visualize the collected information into one summary sheet before drafting the final observation report. More specifically, the diagram was a structured and schematic representation of the *observandus* and contained ‘relevant’ facts and ‘typical’ characteristics of the child.

Generally speaking, the synoptic diagram fell apart into three different parts. The left side of the diagram represented the familial and societal background of the juvenile delinquent, including relevant information about family members, and the nature of the conviction. In the case of Henri, who had been convicted for theft, Rouvroy noted on the diagram that Henri’s grandfather had been condemned for theft too. Furthermore, he also mentioned the early passing away of Henri’s mother and one of his sisters. The line at the bottom of the document represents the life course of the child, starting from the pre-natal period. The right column contained information about the ‘typical characteristics’ of the child. In our case-study, Henri was described as “willful”,

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<sup>55</sup> See, for instance, Vehkalahti, Kaisa. ‘The Urge to See inside and Cure: Letter-writing as an Educational Tool in Finnish Reform School Education, 1915–1928’. *Paedagogica Historica* 44, 1–2 (2008): 193–205.

<sup>56</sup> The observation report included information about the minor’s health status, social antecedents, school level, character and professional skills. In this article, we focus only on the observation and evaluation of the juvenile delinquent’s pedagogical assets. We leave out the medical information that was gathered via medical and psychological tests. However (or even: in spite of what a Foucauldian narrative of a *bio-politique du pouvoir* might suggest) the medical tests influenced the final observation report to a far lesser degree. In other words, the results of the *observation perpétuelle*, as conducted in the Observation Institute in Mol, formed the basis of the observation report.

“undisciplined”, “obeying only when forced” and “counteracting (passive)”. Furthermore, it was noted that he was “unreasonable”, that he demonstrated an urge for fighting, stealing and indecent behavior, so he was in need of supervision. Lastly, the diagram described him as cold, callous (“cares about nothing”), and unbearable.<sup>57</sup> When compared with other sources in the personal file of Henri, it becomes clear that Rouvroy based his diagram especially on two notes drafted by two educators on December 26, 1933 and on January 7, 1934. In these observation notes, particular passages were underlined in pencil, suggesting that they were read afterwards and actively used in Rouvroy’s selection of relevant facts. The observation note of January 7, 1934, for instance, explicitly states: “he is a willful, undisciplined boy”, “he cannot obey, but by force”, “he never feels anything”, “he wants to counteract in everything”.<sup>58</sup>

The final observation report (cf. figure 3), drafted on January 12, 1934, starts with an account of the familial and societal antecedents, and is a more elaborated version of the keywords included on the left side of the diagram. Also, similar to the diagram, the discussion of Henri’s character refers to his willfulness and undisciplined nature. However, the characterization of Henri as “cold, callous”, as we read in the synoptic diagram, was translated into much ‘stronger’ terms in the official observation report (i.e. “this callous and indifferent unwilling boy”). Yet, in spite of the fact that some wordings and phrasing of the observation notes were almost literally included in Rouvroy’s synoptic diagram, some parts of the diagram cannot be traced back to the educators’ notes. For instance, the diagram describes Henri as dull and apathetic, but no references to such characteristics can be found in the educators’ notes. The case of Henri illustrates that, although his final observation report did refer to many of the typical characteristics as defined in the synoptic diagram, it was not an exact representation of it.

The drafting of the final observation report (the third stage, cf. figure 3) implied a process of translation of a set of – often contradictory – facts, events and behaviors into one ‘coherent’ text. Similar to what Van Oorschot observes in her research about legal case files, the translation of what happened ‘in the real’ world into written words, inevitably implies a *transformation* of facts.<sup>59</sup> In our case, we see a ‘transformation’ not so much from the ‘real’ events to the report, but from a note that documents small and ‘tangible’ events, into an official report that transforms trivial events into generalizing claims. In other words, a multitude of observations transformed into a single, one-layered evaluation. Inevitably, some of the reported facts got lost in translation. For instance, in his official observation report, Henri is described as an “intolerable boy”, a characteristic that presumably originates from a reference to a single incident mentioned in one of the educator’s notes. Also, Henri’s observation report states that he attempted to flee the institution, but the report fails to mention how Henri “started weeping out of fear” when caught by one of the educators.<sup>60</sup> Whether this information was excluded from the report because such

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<sup>57</sup> SAA, M65: CWG Mol, 769, Case File 5752, Fiche Synoptique.

<sup>58</sup> SAA, M65: CWG Mol, 769, Case File 5752, draft note 07.01.1934.

<sup>59</sup> Van Oorschot, ‘Het Dossier-in-Actie’.

<sup>60</sup> SAA, M65: CWG Mol, 769, Case File 5752 Notes on Henri by educator B., 26.12.1933



an expression of emotion (i.e. fear, sorrow) did not fit within the narrative of a “cold, callous” boy, remains difficult to tell. In other instances, the final report did retain a certain openness for diverging opinions. For example, the report did cite an educator who did not agree with the labelling of Henri as ‘apathetic’ (“at first sight, one could easily take him for a drowsy and confused mind, a sluggish boy with no energy. But he is not like that”), but it did not elaborate on those divergent opinions.<sup>61</sup>

As mentioned earlier, Henri was again placed in the Observation Institution in Mol on August 2, 1937, after having spent a period in the reformatory of Ruiselede and two months in the prison of Antwerp. As a result, the question arises as to how the second observation report (cf. figure 4) was drafted. When compared with the documentation from 1934, there are some striking differences to note. First, the second period of observation was remarkably short. More specifically, after his first condemnation in 1933, Henri was subjected to observation in Mol for almost five months, between August 1933, and February 1934. In contrast, after his second condemnation for sexual offenses in 1937, he was transferred from the Observation Institution to the juvenile reformatory of Mol after only seven days. Second, the collection of archival documents in personal case file 1, suggests that the observation procedure differed as well. In 1937, Rouvroy made an additional observation report that discussed very similar categories (i.e. physical state, intellectual state, character, ...). This additional report contains references to the first observation report drafted in 1934, but apart from the medical information it did not refer to new tests or newly gathered information. In fact, the characteristics that were found typical for Henri during the first observation, were almost literally copied in the additional report. Rouvroy writes: “in essence, he remained what he was: willful, undisciplined, senseless and obstinate”.<sup>62</sup> Moreover, at several stages, the additional report refers to reports that were produced in the juvenile reformatory of Ruiselede (i.e. “the notes of Ruiselede present him as intellectually average”; “By the way, in Ruiselede he was guilty of small thefts or minor acts of indecency”<sup>63</sup>). In spite of the fact that several educators drafted several notes on Henri’s behavior in early August 1937 as well, their observations were not visible in the second observation report produced by Rouvroy.

This information is significant for two reasons. On the one hand, it suggests that the exchange of information between the Central Observation Institution in Mol and the reformatory in Ruiselede, which was ultimately responsible for the juvenile’s *re-education* and not for its *observation*, was multidimensional rather than one-sided. On the other hand, this also shows that the second observation relied more on a ‘self-referencing’ that ensures the normative closure of the system, whereas the first ensured a “cognitive openness towards its environment”.<sup>64</sup> This supports the

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<sup>61</sup> SAA M65: CWG Mol, 769, Case File 5752, Observation report 12.01.1934.

<sup>62</sup> SAA, M65: CWG Mol, 769, Case File 5752, Extra Observation Report, 09.08.1937.

<sup>63</sup> SAA M65: CWG Mol, 769, Case File 5752, Extra Observation Report, 09.08.1937.

<sup>64</sup> Irene Van Oorschot and Willem Schinkel, ‘The Legal Case File as a Border Object: On self-reference and Other-reference in Criminal Law’, *Journal of Law and Society* 42, n°4 (2015): 507.

observations of Niget and De Koster, who used the concept *circularité du savoir*: a circularity of knowledge between knowledge retrieved from earlier stages in the judicial process, and the actual observation practice.<sup>65</sup> In the following section, we investigate how the *circularité du savoir* panned out in the juvenile reformatory of Ruiselede. More specifically, we pay attention to the reception of Rouvroy's ideas, in general, and investigate how the observation report was received, used and translated into new reports.

### **“A proper education without observation is impossible”: the reception of Rouvroy's ideas and the use of observation reports in the juvenile reformatory**

As the opening quotation of this article suggests, it was the intention of the Ministry of Justice that the educators in juvenile reformatories would actively use the observation report in their daily practice. Such a policy implies that educators would have to be informed about the nature and statute of the observation report, as well as about its potential implementation into practice. Indeed, in the juvenile reformatory of Ruiselede, for instance, there was a marked tendency towards scientification as from the 1920s. Parallel to the reform of the network of juvenile reformatories, the early 1920s witnessed the emergence of pedagogical meetings and 'study groups' that were established with a view on the professionalization of the educational staff. The idea of 'continuous observation', as conceptualized in Rouvroy's publications, was one of the topics discussed during the pedagogical conferences held in the reformatory. On the monthly meeting of the educational staff of February 15, 1926, for instance, the educator V. L., pointed to the "necessity of gaining an individual knowledge about the child in order to educate it better and more rationally, in relation to its physical, mental and moral development". In his view, relying on 19<sup>th</sup> century 'psychology' was no longer possible. In line with the writings of Rouvroy, he was convinced that the educator should identify the typical characteristics of the child, because "therein lies the concrete knowledge about every child".<sup>66</sup> On the question as to which educational tools the educator had at his disposal, V. L. replied:

“We have few or no direct contacts with the family (...) and, therefore, an intense collaboration between the home and the school is out of the question. However, it is in our power to investigate the correspondence between the child and its family, and to seize the opportunity to start a conversation with one of its family members. Also, the file is before us to clarify a thought. Likewise, we can also resort to the observation”.<sup>67</sup>

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<sup>65</sup> Margo De Koster and David Niget, '« Pénétrer l'âme de l'enfant pour en dégager les voies d'accès ». Institutions et pratiques d'observation médico-pédagogiques en Belgique, 1913-1965' (forthcoming).

<sup>66</sup> SAB, M25 ROG 2000, nr. 579, 'Verslag der maandelijksche vergadering van 't onderwijzend personeel der Rijksopvoedingsgestichten te Ruysselede', 15 February, 1926.

<sup>67</sup> SAB, ROG 2000, nr. 579, 'Verslag der maandelijksche vergadering van 't onderwijzend personeel der Rijksopvoedingsgestichten te Ruysselede', 15 February, 1926.

From our analysis of the pedagogical conferences, it seems that a general reorganization within the juvenile reformatories stimulated this tendency towards continuous scientific observation. The idea that “a proper education without observation is impossible” appeared after 1921, in particular. In 1920, for instance, the pedagogical director of Ruiselede, had argued that the juvenile reformatories “are in no way observation institutions”.<sup>68</sup> But gradually, the importance of observation penetrated the educational discourse and practice. The idea that the *écoles de bienfaisance*, as they were called before 1921, were only to focus on the re-education of juvenile delinquents (and not on their observation), and that the task of the educator mainly rested on his “heart and devotion” (and not on scientific information), was indeed abandoned in the second half of the 1920s. Instead, the use of observation and testing to penetrate the child’s true, inner core, steadily won ground.<sup>69</sup> Entirely in line with Rouvroy’s beliefs, continuous observation practices that translated themselves into weekly and yearly reports about the juvenile delinquent, were increasingly considered imperative in order to note the evolution of the child at risk, and to adapt its pedagogical treatment to its individual needs.<sup>70</sup>

When a minor was transferred from the observation institute in Mol to another juvenile reformatory, it was always accompanied by the observation report. A ministerial decree stated that not only the principal of the receiving institution, but also the responsible educator to which the juvenile delinquent was assigned, should have full access to the file.<sup>71</sup> Determining the extent to which the observation reports were actually read and used by educators in the receiving juvenile reformatory remains difficult to assess. However, we were able to observe that as from the early thirties, juvenile reformatories started to keep weekly reports about different aspects: behavior in class, progress in the vocational workshops and health status. Until the thirties, these notes were added chronologically on one long sheet. As from the early thirties, however, a full description of each single aspect of the boy’s behavior was included on separate sheets. Significant in relation to the observation report, is that the summaries of the observation report for each section were cut out and pasted on top of the sheets of the weekly notes. These practices automatically stimulated educators to read the report every time when making a note. The notes referred, as argued earlier, to specific situations and therefore it is hard to see in what ways the discourse of the observation reports influenced the weekly notes.

However, on the six-monthly evaluations that were sent to the judge, it is clear that some phrases on the evaluations are reminiscent or even exact copies of the observation report. In the case of

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<sup>68</sup> SAB, ROG 2000, nr. 579, ‘Compte-rendu de la conférence mensuelle tenue à Ruysselede’, 1 September, 1920.

<sup>69</sup> SAB, ROG 2000, nr. 579, ‘Verslag der maandelijksche vergadering van ‘t onderwijzend personeel der Rijksopvoedingsgestichten te Ruysselede’, 22 March, 1926.

<sup>70</sup> SAB, ROG 2000, nr. 579, ‘Verslag der maandelijksche vergadering van ‘t onderwijzend personeel der Rijksopvoedingsgestichten te Ruysselede’, 15 February, 1926.

<sup>71</sup> Lieve Dewaele, ‘Van Surveillant Tot Opvoeder: Bijdrage Tot de Geschiedenis van de Opleiding Tot En van de Professionalisering van Het Beroep Opvoeder in de Instellingen Voor Kinderen Met Psychosociale Problemen in België van 1830 Tot 1965’ (Unpublished MA diss. Catholic University of Louvain, 1993).

Henri, his characterization as ‘zenuwzwakking’ (nervous weakness<sup>72</sup>) that was included in the description of his ‘somatic state’ in the observation report was systematically copied in every half-yearly report (under the section ‘physical condition’), and in the summarizing note that was drafted on the occasion of Henri’s approaching release in October 1936.<sup>73</sup> While the impact on reports on the pedagogical treatment of children has been reported by scholars in the past, it is important to point to the report’s agency. In the juvenile reformatory, observation reports were frequently used by the so-called ‘commission for professional orientation’ that oriented the child towards a particular branch of vocational training. Children that demonstrated nervous weakness, as was the case with Henri, for instance, were – at least by some – considered unfit to work with machines. Also, for children that had a tendency for stealing (also one of Henri’s typical characteristics’, cf. synoptic diagram), particular jobs, such as in plumbing, were sometimes considered unsuited, because it implied that they had “the free run in [customer’s] houses”.<sup>74</sup>

Furthermore, in Henri’s case, there are striking similarities between the initial observation report from 1934, and the summarizing note that was drafted by the administrator in Ruiselede in 1936. In the original observation report, Rouvroy suggested that Henri needed to be approached from his good side. According to Rouvroy, especially mathematics and calculation could prove productive in this respect, since ‘what he knows about it, he possesses thoroughly, and it is in this course that he demonstrates that he has more talent than people would think’.<sup>75</sup> Summarizing the pedagogical treatment and progress of Henri in his note of 1936, the administrator in Ruiselede, indeed states that Henri received “exercises suitable to the development of a healthy judgement and reasoning”, which especially boiled down to mathematics exercises.<sup>76</sup> Also, to some extent, the description of the character and moral decency in the summarizing note read like an answer to some of Rouvroy’s suggestions in his initial observation report. More specifically, in January 1934, Rouvroy underlined that “we found that he needs to be well-supervised, especially as far as decency (...) and honesty is concerned”. According to Rouvroy, Henri demonstrated “the presence of a precocious conscience that needs to be planted in proper grounds in order to chasten it from within”. In the light of these observations, Rouvroy argued that the most important educational tool “for boys as him that, by their past, by their ways of life, by their own moral defeat, have become gloomy and discouraged, is joy and confidentiality”.<sup>77</sup> At the end of Henri’s educational treatment, the administrator in Ruiselede explains in similar terms, how a pedagogical regime of

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<sup>72</sup> As Margot De Koster observed in her study of the personal files produced in the Central Observation Institution in Mol, there was a marked increase in the labelling of youngsters as ‘nervous weakness’. Influenced by psychoanalysis and Individual Psychology, nervous disorders were no longer seen as a neurological, but rather as a psychiatric disorder. See: De Koster, ‘Tot maat van het recht’, 111.

<sup>73</sup> SAB, M25 ROG 2000, nr. 926, Case File 7641, ‘Halfjaarlijks verslag’, 1 January, 1934; 1 June, 1934, 1 December, 1935 and April 24, 1936.

<sup>74</sup> SAB, ROG 2000, nr. 580, ‘Studiekring van het Rijksopvoedingsgesticht te Ruysselede’, 18 October, 1928.

<sup>75</sup> SAB, ROG 2000, nr. 926, ‘Waarnemingsverslag’, 12 January, 1934.

<sup>76</sup> SAB, M25 ROG 2000, nr. 926, Case File 7641, ‘Samenvattende nota’s over (...)’, 29 October, 1936.

<sup>77</sup> SAB, ROG 2000, nr. 926, Case File 7641, ‘Waarnemingsverslag’, 12 January, 1934.

trust and tact enabled to penetrate Henri's inner self, and allowed to reinforce his honesty and decency:

“(...) by proceeding with discretion, and sympathetic guidance, we have tried to penetrate [Henri's] inner self, to reinforce his positive characteristics, to clip his big urge to indecency, and to guide him on the way of honesty and performance of duties”.<sup>78</sup>

## Conclusion

The aim of this article has been to historicize the observation report, as it was produced in the context of juvenile justice. In this study, the observation report appears not so much as a means to investigate the institutional history of residential youth care, or even to uncover the experiences of children at risk, but as a subject of study with a history of its own. We used M'charek's concept of a 'folded object' to show how different narratives became entangled into one 'seamless' scientific narrative within the observation report. Starting from the case of Henri, we were able to demonstrate that the observation report is not only a reflection of a willingness to objectify, label and classify children, as much of the previous scholarship has argued, but also that the report accommodates an underlying practice of fact selection. More specifically, by tracing the very history of the facts that were included in and excluded from the observation report, we document what Latour and Woolgar have called the 'deletion of modalities': "the continuing disappearance of qualifying, contextualizing information (...) that turns simple 'statements' into facts".<sup>79</sup> In doing so, this study partly encompasses the critical literature that deconstructed scientific truth claims, in general<sup>80</sup>, and practices of scientific files, in particular<sup>81</sup>.

This shift in the focus of attention from *the kinds of facts* the observation report contains, to *how* the report constructs facts helps to further complicate Foucauldian registers that tend to see the observation report as a crystallization of the power relationships that children were subjected to in residential care institutions. But, as is suggested by Latour, perhaps the real power was in the shuffling of the paper, precisely because it "constantly escapes attention since its materiality is ignored".<sup>82</sup> Our attention for the concrete 'crafting' of the report considerably nuances the

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<sup>78</sup> SAB, ROG 2000, nr. 926, Case File 7641, 'Samenvattende nota's over (...)', 29 October, 1936.

<sup>79</sup> Bruno Latour and Steve Woolgar, *Laboratory life: The Construction of Scientific Facts* (Princeton: Princeton University Press). Cited in: Van Oorschot, 'Het dossier-in-actie': 316.

<sup>80</sup> For a general introduction, see, for instance, Thomas Osborne, *Aspects of Scientific Enlightenment. Social theory and the ethics of truth* (Lanham: Rowman and Littlefield Publishers, 1998). For a critical approach to the (natural) sciences, see, for instance, Karin Knorr-Cetina, 'The Fabrication of Facts: Toward a Microsociology of Scientific Knowledge', in ed. Volker Meja, and Nico Stehr, *Society and Knowledge. Contemporary Perspectives in the Sociology of Knowledge and Science* (New Brunswick, Transaction, 1984), 223-244.

<sup>81</sup> For a critical approach of medical records, see, for instance, Marc Berg and Geoffrey C. Bowker, 'The Multiple Bodies of the Medical Record: Towards a Sociology of an Artifact', *The Sociological Quarterly* 38, n°3 (1997): 513-537; Marc Berg, and Els Goorman, 'The Contextual Nature of Medical Information', *International Journal of Medical Informatics* 56 (1999): 51-60.

<sup>82</sup> Latour cited in Van Oorschot and Schinkel, 'The Legal Case File': 506.

technologies of observation, as it uncovers the perspectives of actors that have been rendered invisible in the final observation report. In other words, by taking into account the material dimension, the observation report is “something of a testament to its own success in coordinating and mobilizing the various actors in the legal-bureaucratic network”.<sup>83</sup>

In our view, and contrary to what earlier scholarship tends to demonstrate, the scientific practices of observation that materialized into the observation report, are much more than a mere legitimization of educational practices that had been existing since the 19<sup>th</sup> century. We conclude that the observation report does not only contain labels through which *enfants de justice* became classified into different categories. On the basis of these very categorizations, the observation report defined strategies for the re-education of juvenile delinquents, and by doing so, produced the child as a rehabilitative subject: “the locus of interventions that might or might not mitigate his (...) riskiness in the future”.<sup>84</sup> Or, as Rouvroy himself stated in Henri’s observation report:

“if one does not use all its influence to win the confidence of this closed heart (by being gentle and showing interest), then it is to be feared that placement will have morally harmful consequences and that he will return into life not encouraged but dulled”.<sup>85</sup>

So, rather than being a crystallization of power, the observation report emerges as a *mediator*: an actor that played a transformative role in mediating the relationships between the knowing subject and the object of knowledge.<sup>86</sup> This perspective does not only underline how, in the past, reports performed their ‘truth-function’<sup>87</sup>, but also draws our attention to the materiality of the case file and the way we handle historical documents in our research. More specifically, this article draws attention not only to the information included in the personal case file, but also to its carrier. We document how the different stages of the observation materialized into different types of sources, each having a different status and format. For instance, the educators’ notes on ‘volatile’, unstandardized snippets of paper, are a witness of Rouvroy’s *observation perpétuelle* that centered on the almost invisibility of the observer. The synoptic diagram, in its turn, was the concrete material translation of how – against the backdrop of Rouvroy’s continuous observation of the child in its natural environment and daily routines - “details of the everyday were elevated to reliable proof of character”.<sup>88</sup>

As a result, the archival collection of personal case files emerges as a critical space, not so much consisting of observation reports that were biased by the scientific ideas of their time, but rather as condensed forms of psycho-pedagogical discourses and practices *in the making*. As Ann-Laura Stoler has convincingly argued, archival materials do not become dead matter immediately after their production.<sup>89</sup> This is especially true in the case of Henri, whose observation report produced

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<sup>83</sup> Van Oorschot and Schinkel, ‘The Legal Case File’: 511.

<sup>84</sup> Van Oorschot and Schinkel, ‘The Legal Case File’: 522.

<sup>85</sup> SAA, M65: CWG Mol, Mol, 769, Case File 5752, Observation Report, 12 January 1934.

<sup>86</sup> Van Oorschot, ‘Het dossier-in-actie’: 315.

<sup>87</sup> Van Oorschot and Schinkel, ‘The Legal Case File as a Border Object’: 500.

<sup>88</sup> Stoler, *Against the archival grain*, 30.

<sup>89</sup> Stoler, *Against the archival grain*, 3.

in 1934 was reactivated after his second condemnation for an entirely different criminal offense in 1937. As a result, even after their archiving “these files resemble the ‘undead’”, in that they were again called into action again, and performed their mediating role.<sup>90</sup>

Considering the limited attention to the ‘historicity’ of case records, future research could engage with the critical perspective we propose here, by deepening the relationship between the practices of establishing truth within observation institutions, and that of the juvenile judge in the judicial sphere. For instance, his paper has not addressed the role of gender, in spite of the fact that juvenile justice practices were strongly informed by gendered policies. Consequently, we have to ask in what ways gender interferes with the production of knowledge as discussed in this paper. If juvenile justice practices attached more importance to girls’ bodies and their sexuality than was the case with boys,<sup>91</sup> what does this mean for the production of “facts” and for the process of “folding” and “unfolding”? Moreover, this article deals almost exclusively with the question as to how the observation report was informed by the concrete observation and reeducation practices in Mol and Ruiselede (i.e. the narrative congruency between the educators’ notes and the final observation report, as well as between the observation report and the reports that were later produced in Ruiselede). However, this begs the question whether the observation report could not also have been informed by the observations, findings and concepts that were written down *prior* to the observation. In other words, did Rouvroy, in drafting the final observation report, also rely on the police files, or on the reports that were prepared by the judges?

Furthermore, the question equally arises as to what kind of agency the final observation report exercised “in the mobilization and effectuation of [juvenile] law”, and how it performed its truth-function.<sup>92</sup> After all, the observation practices were a direct result of the introduction of the Child Protection Law of 1912 that created the Central Observation Institution, which, in its turn, gave juvenile justice its legitimate status. In that respect, the technologies of observation were not so much *imposed* on children by a government, but were implemented by, amongst others, educationalists, scientists and medical doctors, that operated outside of the strict boundaries of state administration<sup>93</sup>, but informed the practice of juvenile law. After all, as Van Oorschot and Schinkel argue, the judge is not primarily a truth-finder, but rather a ‘motivating decision-maker’. At the same time, however, law is expected to relate to the reality it judges. In legal practice, the juvenile judge could not only rely on the official reports that were recorded by the police, but also on the observation reports produced by Rouvroy. This raises questions about the role of the educationalist, who – via his practice of observation – gave legitimacy to a legal decision of a

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<sup>90</sup> Van Oorschot and Schinkel, ‘The Legal Case File’: 515.

<sup>91</sup> Among many, see e.g. Mary E. Odem, *Delinquent Daughters. Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill: University of North Carolina Press, 1995) 114; Pamela Cox. *Gender, Justice, and Welfare: Bad Girls in Britain, 1900-1950* (New York: Palgrave Macmillan, 2003).

<sup>92</sup> Van Oorschot and Schinkel, ‘The Legal Case File’: 500.

<sup>93</sup> As Stoler argues: ““Outside” experts verified both the state’s right to assess the public interest and its commitment to objectivity. Commissions, in short, demonstrate the state’s right to power through its will to the production of truth.” Stoler, *Against the archival grain*, 31.

juvenile judge, thereby substantiating the power monopoly of the state. The inclusion of additional empirical materials could stimulate the reflection on the role of personal files and observation reports in juvenile justice practice, and further enhance our critical understanding of the role of pedagogical expertise in that practice.