

## The Criminological Institute at the University of Utrecht. (Netherlands).

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In the spring of 1934, in the midst of the economic crisis the just founded Stichting tot Verruiming van Werkgelegenheid voor Academisch Gevormden (a foundation which gave the opportunity to graduates to find adequate work) asked the Netherlands professors to consider which kind of work objects concerning their special branch of study could be executed by young and still unemployed graduates.

This opportunity opened possibilities to create, be it very modestly in the beginning, a working centre for criminology at the Utrecht University.

In 1938 the Institute started to edit a series of publications under the name „Criminologische Studien“ (Criminological Studies). Between the years 1938—1949 nine volumes of this series have been published.

Not every volume was accomplished in the same way. Before they were inserted in this series the volumes I, II, IV and V, were originally used as theses. After the graduation had taken place the theses were revised. In each separate case a decision was made whether or not the thesis could be considered for publication in the series.

Volume III is the outcome of the first commission, which the Institute got from an official, non-academical instance. In the spring of 1938 the Centrale Vereniging voor de Ophouwing van Drenthe (a foundation for the coordination of social work in the Province of Drenthe) asked the Institute for a statistical and sociological research in the Court District of Assen (which covers the territory of Drenthe). Notwithstanding many difficulties we succeeded to compile the necessary statistical material in a rather short time and to make it ready for further mechanical sorting. During the month of October a criminal-sociological research in loco took place in a very agreeable cooperation with the staff of the Centrale Vereniging.

A second important commission got the Institute in the autumn of 1938. The „Algemene Raad voor Psychopathenzorg“ (General Board for the care of Psychopaths, advising the Justice Department), asked

by the Minister of Justice to issue an advice concerning the preparatory modifications of the Law of 1933, concerning limitations in asylum care for criminal psychopaths wanted to dispose about the necessary data concerning this group of criminals. Consequently the Commission, who had to issue a pre-advice for the Board concerning this question and consisting of members of the General Board, asked the Institute to compile this material. In June 1939 this research was finished and an elaborate Report was delivered to the pre-advising Commission.

In the same way as was the case in other occupied countries the occupation of the Netherlands brought along serious difficulties for the university instruction. The Utrecht University has never been officially closed, but in May 1943 a part of the students was transported to Germany and the others „dived“ (hid to conceal themselves for the Germans). In November 1943 Prof. *Pompe*, the leading director, and his staff resolved to close the Institute because according to their opinion it was impossible to give instruction to those few students who had given a declaration of loyalty, as required by the occupators. In July 1945 the first attempts were made to resume the work at the Institute which definitely took place at the beginning of the university course 1945/46.

Because several criminological problems had arisen from the occupation and from the reactions of our people on this occupation, the study of which was considered to be important for the whole country, the different criminological centres (Groningen, Leiden, Utrecht) and other scientific circles sought contact with each other, as a result of which an organisation was created with the purpose to study the development of criminality and morality during and after the occupation. Several of these researches which were projected already, were combined in this great object. In 1947 this organisation was consolidated as a foundation, which got a subvention of the Government of f. 150.000,— (approximately 250.000 Danish Kroner). On the basis of data, given by the police (as a result of the war the criminal statistics of the years '44 and '45 couldn't be of any use) a statistical research was organised in four of our middletowns. At the same time in 16 rural municipalities, situated in different parts of the Netherlands, a criminal-sociological research is being performed. In two of the four towns, where the statistical research takes place, a special criminal-sociological research of the same kind as above mentioned has been organised. The research as a whole started the 1st March 1948 and



the first monographs about this work will be ready in the summer of this year (1949). Criminologists in our country are very interested in the success of this plan, because this is our first experiment in teamwork research. For the benefit of these activities the country is divided in five rayons, under the direction of the Institutes of Groningen, Leiden and Utrecht, the „Instituut voor Sociaal Onderzoek van het Nederlandse Volk“ (Institute for social research of the Dutch people) at Amsterdam and the Roman-Catholic Sociological Institute at Tilburg.

The criminological instruction of the students also has been considerably enlarged. Until the Utrecht Institute was closed in 1943 there was only one course in criminology, given by Professor *Pompe*, while the lecturer Dr. *Röling* and the assistant of the Institute held some separate lectures during a season. Nowadays the regular teaching staff consists of four members: Prof. *Pompe*; Dr. *van Rooy* and Dr. *Kempe*, both charged as lecturer to teach respectively criminal sociology and criminal psychology; and Dr. *Mr. Baan*, who gives a course in forensic psychiatry where he demonstrates prisoners. These teachers all belong to the staff of the Institute, respectively as head-assistant, conservator and assistant. Next to them a group of non-teaching assistants and students is working in the Institute.

Although criminology does not belong to the courses which the law students are obliged to follow, the interest for this complex of courses, which gradually is likely to become a study of its own, is highly satisfactory. Criminology now has got its own honorable place at the Utrecht University.

Finally it may be mentioned that every year a certain number of students get the opportunity to exercise criminological methods by doing simple research work which is compiled in a paper (*scriptie*). As far as possible the library of the Institute is at the disposal of the students. We have made a beginning with the collecting of recent books, but with regard to the restricted financial possibilities there is still much to be desired.

In the above mentioned survey the direct scientific activities of the Institute are for a good deal summed up. But other activities of a different kind have been taken up also in the course of the years.

With regard to the in itself praiseworthy organisation of occasional scientific lectures, organised by the students corporations (which play an important rôle in our academic life), criminology had up to 1935 not yet taken the place it deserved.

During the university course of 1935/1936 the Institute decided to organise five special lectures, all concerning criminology. This took place (and still takes place) in an agreeable cooperation with the studentorganisations. At first we experimented more or less in composing the subjects of the lectures. But rather soon it appeared to be preferable to choose a series of lectures connected on one subject. So in the year 1937/1938 for the first time such a series of lectures was held. Five well known speakers dealt with the subject: „Sterilisation and Castration“. This subject was a big succes, but the interest for the subject dealt with in the year 1938/1939, appeared to be still greater. In this year five prominent police authorities dealt with various kinds of offences such as: currency forgery, drugs, abortion, swindling and black-mailing.

The series of lectures, held in 1939/1940 might be considered satisfactory, given the extraordinary circumstances of the war. In that year the subject dealt with was „Various kinds of penal institutions in the Netherlands and Belgium“.

The series of 1940/1941, where eight speakers explained the point of view respectively of the Police, the Lawyer, the Public Prosecutor, the Judge, the Probation Officer, the Pastor, the Psychiater and the Criminologist, with regard to the criminal, may be called a big succes also.

After the liberation this series of lectures has been taken up again and met with the same succes as before the war. It is remarkable and important that these lectures not only are attended by interested students, social workers, police authorities a. o. living in Utrecht or in the neighbourhood of Utrecht, but that the auditors come practically from throughout the whole country.

One of the most attractive aspects of our study consists in the fact that it gives such a lot of possibilities for the future: the criminographic mapping out of our whole country; the growth of criminology from a subsidiary branch of study to an own complex of courses; the teaching of valuable criminological views to a larger circle of non-academical social workers a. o.; intensive cooperation at forming and teaching professional social workers employed in probation work; the taking of initiatives with that kind of big researches, which only can be executed in teamwork with the other Institutes; and last but not least, the interesting of great groups of students in different faculties in the study of criminology.



The „Criminologisch Instituut“ at Utrecht has originated from nothing. It was born in a dark little room, somewhere in the big complex of University buildings. Around the cradle were grouped only two or three enthusiasts, but these people had decided to educate the baby into a worthy and useful member of society.

Nowadays we think that we have reached the moment where Holland is able to offer something in this field to the international world, be it far from sufficient. So for this reason I am very thankful for the opportunity to tell something of our work in one of the most important Scandinavian penal law periodicals.

*G. Th. Kempe.*

## Forældelse af idømte straffe.

Af fuldmægtig i justitsministeriet BJARNE FRANDSEN.

**N**ormalt er spørgsmålet om forældelse af idømte straffe yderst sjældent forekommende, men på grund af de ekstraordinære forhold under og efter besættelsen har det ret hyppigt været fremme i forbindelse med betinget benådning eller straffuldbyrdelse. Da der hverken i litteraturen eller i motiverne til straffeloven er gjort meget ud af spørgsmålet, der heller ikke ses at have sat spor i domspraksis, kan det måske have en vis interesse, selv om det ikke er sandsynligt, at det fremtidigt vil få større praktisk betydning.

Efter borgerlig straffelov af 15. april 1930 § 96 bortfalder adgangen til at fuldbyrde straf af bøde, hæfte samt af fængsel ikke over 1 år efter 5 års forløb, og efter 10 års forløb kan ingen straffedom fuldbyrdes uden justitsministerens påbud. Bestemmelsen er ny i dansk ret, bortset fra 10-års-risten, som fandtes i straffeloven af 1866 § 70, sidste punktum.

Der er i den nugældende straffelov ikke angivet noget *tidspunkt*, *hvorfra forældelsen skal regnes*. Lov 1866 § 70 nævner med hensyn til 10 års-ristens beregning afsigelsen af dommen. Men dette udgangspunkt ses ikke at kunne anvendes uden udtrykkelig bestemmelse herom, selv om det ville være det simpleste. Det må nemlig formodes at have været meningen, at først forløbet af et åremål, efter at straf-