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CONTENTS

	Page
INTRODUCTION	1
1. THE OPINIONS OF THE REPORTERS	3
1.1 The concept of criminal policy	6
RELATIONSHIP BETWEEN SCIENTIFIC RESEARCH AND CRIMINAL POLICY	17
Ketja VODOPIVEC	
2. RESEARCH	31
3. RESEARCH AND POLICY	43
4. DEMANDS, EXPECTATIONS, AND DIS- APPOINTMENTS	55
5. TOWARDS 1980 ?	62
APPENDICES	
Questionnaire	76
List of national reporters and respon- dents to the questionnaire	80
References to the foot-notes	85

Institute of Criminology of Faculty of Law, University of
Ljubljane - YUGOSLAVIA

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CONTENTS

	Page
INTRODUCTION	1
1. THE OPINIONS OF THE REPORTERS	3
1.1 The concept of criminal policy and its spheres of action	6
1.2 The implementation of research findings in criminal policy	17
2. RESEARCH	31
3. RESEARCH AND POLICY	43
4. DEMANDS, EXPECTATIONS, AND DIS- APPOINTMENTS	55
5. TOWARDS 1980 ?	62

APPENDICES

Questionnaire	76
List of national reporters and respon- dents to the questionnaire	80
References to the foot-notes	85

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INTRODUCTION

The task assigned to me was to prepare a report on the Relation between Scientific Research and Criminal Policy. The following detailed instructions were given to me:

Which realisations in the field of criminal policy are in keeping with scientific research? Which experiences could be generalized. Is scientific research in a position to lay down the principles of criminal policy? The most important task of the report would be to give a survey of the results obtained in different countries after the last world war, and to find out which modes of communication have contributed to the incorporation of research results into criminal policy.

I did not undertake to prepare the report on my own initiative, and very likely I myself would not have chosen such a subject. In 1968, when the scientific commission of the International Association of Criminology was preparing the programme for the Fourth International Congress in Madrid, I was as a matter of fact already in very strong doubts whether the endeavours of the research-workers-criminologists are reflected in the social practice or not. Later on I confronted my doubts and at that time not yet fully-shaped attitudes with the opinions of the national and other reporters from various countries as well as with the study of literature selected for this purpose and with my own experiences.

The report which I have prepared in this way is accordingly in the first instance a search for an answer to the questions put in the assignment, coloured with the subjective perceptions of the reporter, and less a scientific description of the actual state of affairs. If anyone should set out to determine the objective state of affairs such as it is, he would have to do special research for such a purpose. I just have to say that I have not had such an opportunity.

The report I submit has essentially two parts. In the first part I attempt to recapitulate the opinions and attitudes of reporters from various countries as they have been made known to me. In the second part (chapters 2 to 5) I present my thoughts and ideas about the problems initiated by the theme of the report. In this sense my report represents above all an introductory contribution towards a discussion.

1. THE OPINIONS OF THE REPORTERS

When I undertook the obligation to prepare the present report I believed that I shall be able to rely my report on a considerable number of national contributions. But only later on I have been informed that such expectations were not particularly realistic. And so I became rather worried and proceeded to work out a special questionnaire consisting of four questions. The questionnaire was dispatched by the International Association of Criminology and partly by myself to those experts that I knew personally and from whom I could hope to receive answers; in addition I hoped to be sent some national reports. In this way I succeeded in assembling 36 reports, partly comprehensive national reports (either relying on the questions in the questionnaire or without it), partly in the form of answers to the questionnaires complemented occasionally with longer appendices.

Without this extraordinarily wide and precious help, which is quite exceptional to the current practice, my report would be doubtlessly rather different from what it is. It would have a stronger subjective colouring, for even the references used by the author are inevitable selected by what are his own attitudes. So I wish to avail myself of the present opportunity to express to all the reporters who offered me their strong support during the

preparation of this paper my sincere thanks for the no small work they have done. In fact, the entire material which I had the pleasure of receiving from them consists of as many as 527 pages.

This material, however, is in parts also so heterogeneous that within the scope of the present report does not allow either a more thorough synthetic analysis or rather specified quotation of all the different opinions, experiences, and attitudes. The subjective note of the reporter thus of necessity continues to be present in the report and I am fully aware of that.

Professor Hartmann, Lekschas, and Stiller, all from the German Democratic Republic, called my attention to the fact that actually no policy and accordingly also criminal policy is not and cannot be independent of the political system in which it is pursued. I fully agree with their warning and certainly had not cherished any illusions in this respect before. But no matter how true this is, all the same I think that international comparisons are necessary and useful since the political systems are not isolated formations but are formations both influencing one another as well as constantly developing. To this context belongs probably also the last statement by the same authors, namely that one of the aims of criminology is to alleviate "the fate of the criminals, for a democratization and debrutalization of the fight against criminality as an integral part of a far-reaching programme of

struggle for social progress, democracy, and peace."

The difficulty we are facing lies in the necessity to make each international survey a systematization and, at the same time, also a schematization. The existing ideological classifications as apparent on the surface and in international relations are probably not enough for our purpose. There persist in fact copious economic, social, and political peculiarities which I for one dare not classify into larger groups. Patterns or models are sometimes useful but they may also be highly dangerous and unrealistic. But there is more to it. For some countries I have received more reports, for others less; for some I have received national reports, for others what might be more adequately called friendly opinions of professional colleagues I happen to know. So I am not even in a position to say that all the opinions sent by the respondents are equally representative of their respective countries. Some of them go as far as explicitly say that their reports are not of such a kind.

In the choice of how to present the collected material I was thus faced with no small difficulties. I chose a way which may not be usual for this kind of reports. In the answers to the questions asked I used mainly either only the figures contained in the respondents' answers or simply quoted their surnames in the alphabetical order, adding the names of their respective country only after that. As it will be seen from the report I have drawn few conclusions which would

state the role of a particular country within the framework of the answers collected.

1.1 The concept of criminal policy and its spheres of action

QUESTION A: Concept of Criminal
Policy - 33 answers

When deciding to have in the questionnaire a question concerning the definition of criminal policy I could not possibly expect that by the help of the respondents' answers I would be able to formulate a definition that might become universally acceptable. Ever since I have occupied myself with criminology and affiliated sciences I have been aware that all the definitions of social sciences are more or less a reflection of the attitudes of individual writers to the subject and cannot be a reflection of some commonly accepted truth. It is probably well worth noting an observation made by Professor Radzinowicz who says that Anglo-Saxon sociologists are on the whole less concerned with definitions than their continental colleagues.¹ By being concerned with definitions, however, the continental European authors are

¹ A letter by Mr Roger Hood, dated January 31st, 1969, who at the request of Prof. Radzinowicz writes that they cannot give an answer to the question put in the questionnaire. Among the reasons Mr Hood states the following: "... we do not attach much importance to these definitional problems although we are aware that in certain continental countries this subject still evokes great interest."

Prof. Mueller (USA) says that the concept of "Criminal Policy" is used in the USA by few writers and that many are likely to ask "for what purpose do you want the concept of criminal policy defined?" (in a letter, dated February 22nd, 1970).

persuing a certain aim. On the one hand, different definitions make it possible to compare the attitudes of different writers, and on the other hand it is imperative for any professional communication to know what is the discussion about. This was the reason why I made an attempt first to establish a starting point^{of} my paper. My sole purpose was, by comparing the written statements of the attitudes received, to find those spheres of activity with which - in the opinion of modern criminologists - criminal policy ought to be concerned.²

While most of the respondents either accepted the proposed definition (11 out of 33) or tried partly to modify it, two definitions are as to their content so different and so characteristic of two wholly different points of view, that it might be indeed suitable to quote them in full.

Professors Hartmann, Lekschas and Stiller (German Democratic Republic) say the following:

Under the term "Fight Against and Prevention of Criminality" we understand a system of public measures and social activities towards an ousting of criminality which is going on step by step. This system is according to its contents and social essence characterized by the following features:

- It is a necessary component of the conscious government of the socialist society for the overcoming of the after-effects and remnants of capitalism in all spheres of life

² Radzinowicz, ³ Ou en est la Criminology, p. 148

and simultaneously of the establishment of the socialist society.

- It is an expression of the principle of the Socialist Constitution that the fight against criminality is the common concern of the socialist society, of the socialist state and of all citizens; and it serves the conscious realization of the constitutional order.

- It is divided into partial systems. Important partial systems are:

a) the legally regulated fighting against crime and misdemeanour by means of judicial ascertainment and realization of the criminal responsibility,

b) the legally regulated systems of prevention of criminality in social communities (territories, towns and factories) ; in social spheres, especially in those of the national economy; by means of specific measures of care for socially endangered persons.

In contradistinction to this, Mr Patrik Törnudd (Finland) holds the view that crime is "a cultural phenomenon dependent on changing social needs and values". Hence -

- No definition of criminal policy should imply that the aim is to eliminate criminality as such an elimination is impossible. The sociological view according to which criminality is necessary (that is necessary in the sense implied by E. Durkheim) is steadily gaining ground.

- No definition of criminal policy should imply, either directly or indirectly, that criminal policy measures are taken solely on the basis of their expected effect on criminality, disregarding the suffering and the costs brought about by the measures (people should be reminded that no society is ready to minimize crime "at any cost" - after all, immediate execution combined with penal torture would be quite an effective universal measure against all crime ..)
- The best definition of criminal policy not only takes this into account but makes it explicit that the weighing of costs and benefits is the fundamental element in all "policy" thinking, including criminal policy. It seems expedient to consider separately the "total sum" of costs brought about by criminality and measures against criminality and the problem of distributing these costs justly on the various parties involved ...
- For these reasons the State Committee on Juvenile Delinquency in its report published in 1966 adopted a radically different definition of criminal policy including all "activities for which aim at serving generally accepted values" in the field of decisionmaking related to criminality.

The author puts forward the following definition:

"Criminal policy comprises all social policy efforts primarily aimed at 1) regulating the total amount of social costs (including human suffering) brought about by criminality or by the measures taken against criminality, and 2) distributing

these social costs justly on the parties involved (the criminal, the victim, the general public etc.).

Accordingly we are confronted with two concepts of criminal policy which are fundamentally different. When putting in the questionnaire the thesis that criminal policy is determined by certain concepts we had in mind similar concepts about the aims and ways to achieve them as more or less any policy relies on. The three respondents who suggested that the concept should be dropped from the definition probably did not understand the notion of the concept in this sense. But Mr Mc Grath (Canada) pointed out (similarly to Mr Törnudd) that in the fight against criminality only appropriate ways should be used, and Professors Novotny and Schubert (Czechoslovakia) pointed out that criminal policy must take its start from theoretical insights.³

In the opinion of the rest of the respondents, criminal policy has in addition to the fight against criminality occupy itself also with

- problems of incrimination and penalization of offences for it is by no means irrelevant what society defines as offence and how it considers the offence with regard to the punish-

3

Bavcon says: The shaping of any kind of policy, under the circumstances of the modern world, is of course no longer the fruit of a more or less favourable intuition and inspiration but represents a planning based on the study of the reality and its developmental tendencies (Kriminalna politika v sodobni družbi, p. 179).

- ment prescribed (Doleisch, Schima - Austria; Kaiser - Federal Republic of Germany);
- prevention (Bavcon - Yugoslavia; Cualla - Colombia; Glueck - USA; Hartmann, Lekschas, Stiller - German Democratic Republic; Robert - France; Rose - United Kingdom; Schubert - Czechoslovakia; Veillard, Kurt - Switzerland; Walczak, Wierzbicki - Poland; - while Kaiser (Federal Republic of Germany) accentuates that criminal policy is not to be confounded with prevention;
 - juvenile criminality (Sa' Dander - Indonesia) which is of particular significance for countries that define juvenile delinquency as distinct from adult criminality;
 - problems of re-socialization (Bavcon - Yugoslavia, Cualla - Colombia, Robert - France, Veillard, Kurt - Switzerland); and
 - the effects of actions taken by social institutions or government agencies not explicitly designed to have any impact on criminal activity. For example ... what is the criminal impact of restructuring the Postale service? (Weber - USA).

These activities are the responsibility of social institutions and government bodies (Hartmann, Lekschas, Stiller - German Democratic Republic, Michard - France, Walczak, Wierzbicki - Poland, Weber - USA). Some respondents pointed out in this connection the court procedure (Doleisch -

Austria emphasizes the influence of the jury; Michard - France), and respondents from the German Democratic Republic the society as a whole.

Criminal policy should exercise an influence not only on the reducing of crime rates but also on removal of criminogenic social conditions (Mueller - USA) and on reducing asocial behaviours (Michard - France, Di Tullio - Italy); on the other hand it should contribute to the formation of the juridical conscience and of the public opinion (Novotny - Czechoslovakia). In the last consequence it should - in the opinion of some respondents - tend towards ousting^{of} criminality (Hartmann, Lekschas, Stiller - German Democratic Republic, Kadar - Hungary, Walczak, Wierzbicki - Poland).

Its role is in the opinion of the respondents defined in approximately the following way:

- Criminal policy will obviously range critically across the dogmatic limits of "a given concept" and "the existing penal code" (Johnston - Australia);
- Criminal policy represents a synthesis between the theory of the penal code and criminology (Würtenberger - Federal Republic of Germany)
- Inasmuch it is a part of the policy and is accordingly concerned with the entire system of social control, the scope of reference of criminal policy reaches beyond the penal code into those spheres of social norms on which legal regu-

lations are based (Kaiser - Federal Republic of Germany).

Finally let me say that the term "criminal policy" very probably does not adequately describe the task generally understood under that term. Professors Hartmann, Lekschas and Stiller (German DR) use instead of it "fight against and prevention of criminality". Nevertheless the term criminal policy has been particularly on the European continent, in use for so long (from Franz v. Liszt onwards) and still is used⁴ (so it was given to me as the theme of my report) that I use the term at this moment irrespective of its deficiencies. Perhaps we shall be able to find a more suitable term on another occasion.

QUESTION B: Categories of actions and measures that fall under the heading of criminal policy - 31 answers

This question is connected with the previous one in the sense that it tries to put forward the institutions and activities which contribute to the realization of the goals of criminal policy. Items No 1, No 2, and No 4 refer to activities and institutions expressly designed for fight against criminality (penal legislation, police, prosecution, judiciary, agencies responsible for the administration of penal sanctions and for postpenal help). All the respondents are agreed that

4

In a sense similar to that in which we use the term criminal policy, Gercenzon uses the term "ugolovnaja politka". See Gercenzon.

these are the bodies which perform the tasks of criminal policy.

Item No 3 mentions the Action of barristers (lawyers). Only 11 of the respondents dropped the contribution of barristers from the list of the above actions. Which is to say that 20 respondents view the barristers as capable of contributing their share in the pursuit of criminal policy. These answers are particularly interesting since none of the respondents refers to any study which would determine the role of lawyers in criminal policy.⁵

Item No 5 mentions the Action by non-governmental bodies (i.e. domestic tribunals, disciplinary boards, etc.). Such bodies exist predominantly in some countries and hence it is understandable that most of the respondents from other countries which have no such bodies dropped this item.

Item No 6 apparently was not understood by all the people answering the questionnaire. It refers to economic and social measures by which I had meant economic and financial means allocated for actions in the field of social welfare and socio-preventive activities in a broad sense of the term. The question must have been inadequately formulated since somebody, e.g. answered that this question was out of place as

5

Some while ago, Dr Rose brought to my attention an article by Zander which vividly illustrates the discrimination of the poorer strata of population in the utilization of defense. See Zander.

it was immoral; another one said that such measures can be applied only as penal sanctions (he probably thought of fines), and similar. An analysis of the answers to this questions would hence be inappropriate.

Items Nos 7-12 comprise such activities as social welfare, health service, education, culture, voluntary societies - that is all the remaining sociopolitical activities in a broader sense of the term. In reply to these questions the respondents answered as follows.

- all these activities have a significance in pursuing the goals of criminal policy 15 answers
 - these activities have a significance in pursuing the goals of criminal policy inasmuch they are expressly intended for that 8 answers
 - they have no significance whatsoever in pursuing the goals of criminal policy 5 answers
 - some of these activities (particularly those of the social welfare character) have no significance in pursuing the goals of criminal policy 3 answers
- T o t a l 31 answers

Personally I find it hard to accept the attitudes and answers of the last 8 respondents. However, I think that on the basis of the majority of answers we could systematize the actions which are significant in the pursuit of criminal policy;

- into general socio-economic, cultural, educational, health

- measures, social actions and normative measures (from the field of economy, civil law, family law, financial law, administrative law, and the like);
- into special measures which are within the framework of general measures specifically designed for the prevention of criminality⁶; and
 - into penal law measures together with all the educational and mentalhygienic measures used for the offenders irrespective of their age.

As additional bodies and activities not specially listed in the questionnaire some respondents list particularly;

- the work of special bodies or actions for youth (Christiansen - Denmark; Hartmann, Lekschas, Stiller - German DR; Michard - France; Szabo, Vermes - Hungary; Veillard, Kurt - Switzerland; Württenberger - FR Germany);
- special endeavours of local communities and of the leading organs in enterprises (Hartmann, Lekschas, Stiller - German DR;
- the actions of the university and the education of students (Cualla - Colombia; Johnston - Australia);
- the activity of religious associations (Cualla - Colombia; Glueck - USA); and some other activities that are specific for individual countries, (for instance Cualla for Colombia).

1.2 The implementation of research findings in criminal policy

QUESTION C: The implementation of research findings in the field of criminal policy - 29 answers

When listing the question which criminological and experimental studies have since the World War II contributed to the decisions of the decisionmaking bodies in the field of criminal policy I did not expect many answers. It is above all true that some of us, criminologists and research-workers, are very uncertain and frequently worried in view of the lack of the response to our work on the part of the social practice. Besides, an answer to a question put in this way is bound to be difficult as the political decisions are almost never influenced only by the research findings but invariably by series of other factors. And so I was genuinely surprised to receive in reply to the question C as many as 29 answers.

But the answers of the respondents are here so qualitatively different that any schematic summing of them would give nothing but a distorted picture of the real state of affairs. Accordingly, Mr Weber from the USA, for instance, mentioned in this context only one extensive experimental study currently being made in California while a few respondents from some other countries in which empirical research was started much later mentioned even more than 140 pieces of research. For this reason I shall in this respect resort to the interpretations which may bring out above all the

perceptions of the research-workers towards this question,
i.e. their subjective feelings.

The directly or indirectly expressed opinions contained in the answers to the question about the influence of research findings on the social practice (C plus D) were first divided into a few kinds of attitudes which I have defined as follows:

The influence of research findings on criminal policy is:

The attitudes of research-workers
working in

admini- stration	universities or indepen- dent insti- tutions	Total
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1) positive	4	7	11
2) partial; the attitudes of the decision-making bodies are changing only slowly	1	5	6
3) minimal or almost without influence	2	6	8
4) dubious	-	4	4
5) no attitude expressed	2	2	4
6) no empirical studies have been made	-	3	3
Total:	9	27	36

With respect to these attitudes individual research-workers have been classified as follows:

The attitudes of research-workers working in

administration

universities or independent
institutions

1) The influence is positive

Anttila, Törnudd - Finland
Mendoza - Venezuela
Michard - France
Welczek, Wierzbicki - Poland

Betawia - Poland
Cuella - Colombia
Glueck - USA
Hartmann, Lekschas,
Stiller - German DR
Kadar - Hungary
Mueller - USA
Szebo, Vermes - Hungary

2) The influence is partial

Novotny - Czechoslovakia

Bavcon - Yugoslavia
Ponti - Italy
Schubert - Czechoslovakia
Di Tullio - Italy
Würtenberger - FR Germany

3) The influence is minimal

McGrath - Canada
Veillard - Switzerland

Bekaert - Belgium
Christiansen - Denmark
Ferracuti - Italy
Schima - Austria
Strehl - Sweden
Versele - Belgium

4) The influence is dubious

Kaiser - FR Germany
Rose - United Kingdom
Sieverts, Schneider -
FR Germany
Weber - USA

5) No attitude expressed

Doleisch - Austria
Robert - France

Bemmelen - Holland
Neudert - Austria

The attitudes of research-workers working in

administration

universities or independent
institutions

6) No important empirical studies have been made

Johnston - Australia

Karanikas - Greece

Sa'Dander - Indonesia

A table of this kind certainly calls for a few notes of explanation. First, the number of answers is too small to allow a more detailed specification. Thus I was in no small doubt where to classify Mr Robert Weber who works on the National Council of Crime and Delinquency (USA) and Mr McGrath who works in Canadian Correction Association. Whereas the Canadian Association seems to me to be more strongly dependent on the administration of the Correction Service, I think that the American National Council of Crime and Delinquency, particularly as a centre of documentation, represents a more or less independent body.

I also had difficulties in classifying the answers by Prof. Walczak and Dr Wierzbicki from Poland. The answer they sent me was from the analytical department (Osrodek badan przestepczosci) of the Ministry of Justice. Prof. Walczak is at the same time Professor in the Law Faculty and Minister of Justice. I assumed that the attitudes expressed reflect primarily the experiences with empirical research as done within the framework of the Ministry.

The assumptions made are of course open to criticism

and allow a different classification which the reader will be able to draw up for himself.

Special interpretation is required also by the attitude according to which the influence of research findings on criminal policy is dubious. The opinion of all the four respondents from this category was perhaps most clearly explicated by Dr Rose who says: "Research is never more than a contributory factor and the eventual action is affected by many other pressures, so that it is often difficult to know exactly what part the results of research played".

The synthetic analysis of the above classification may in fact be strongly subjective. Yet, it appears that it offers but weak excuse for the expectations according to which respondents who work predominantly in administration should be more convinced of the positive influence of empirical studies on criminal policy than respondents who work in universities or independent agencies. But the impression left by the tabular survey suggests that the perception of the influences of research on social practice is more favourable with the respondents from the countries where the initiative for research comes primarily from the interest of the decision-making bodies or from the foundations, as for instance in the USA (Item No 1), and less favourable in the countries where the initiative for research stems in the first place from the research-workers (Item No 3). Here one should of course keep in mind that the acquired ^{sample} pattern of answers is not representative of the world situation.

The studies said to have a certain amount of influence on criminal policy can be further classified with their reference to the respective areas of social practice. These areas are especially

The number of respondents who have answered in these terms

- the treatment of juvenile and younger adult delinquents	20
- legislation (also juvenile legislation)	18
- the treatment of adult convicts and the organization of penitentiary institutions	18
- the treatment of delinquent alcohol addicts	9

The remaining fields of action, important for our purpose, are:

- the influence on the action of judiciary and of the police: 5 respondents;
- the influences on the action of health (Glueck - USA; Bavcon - Yugoslavia), and social security bodies and of voluntary organisations (Bavcon - Yugoslavia);
- the influence on socio-economic conditions and on the prevention of criminality in communities and working organizations (respondents from Czechoslovakian SR, German DR, Hungary, USA, and Venezuela).

Particularly the last kind of research is intended to contribute to the general preventive actions (in communities, and in some socialist countries also in enterprises). This kind of actions and studies have so far been characteristic

particularly of the USA⁷ (a part of the last project of this kind, "California Community Treatment Program", was appended to his answer by Mr Weber from the USA).

The balance-sheet of similar studies in Europe was until 1961 highly negative.⁸ Nevertheless mention should be made of at least two projects of action research in Europe, although they may be less known: the project sponsored by the town of Bristol in United Kingdom from the year 1953⁹, and a very comprehensive, global Swedish programme¹⁰.

In India such a project was started for a part of the town of Delhi in 1958.¹¹

The expansion of action research on the European continent, in Asia and in South America was probably influenced by the seminars arranged for this purpose by the United Nations.

But little is known of similar endeavours made in some of the socialist countries. Admittedly, their political, methodological, and actional approaches are in fact different (these are largely descriptive studies with appended sets of

7 Christie, ⁴ Recherches sur les methodes des prevention du crime, pp. 64-68

8 Morrison Although this is probably the key question of my

9 Prevention of Juvenile Delinquency in Selected European Countries, UN, p. 111

10 Christie, ⁴ Recherches sur les methodes de prevention du crime, pp. 63, 64

11 Clinard, pp. 7, 8

recommendations which, compel the agencies and governmental bodies ⁱⁿ a different way as in other countries), but the goals of the research and actions are similar. The purpose is to enlist for the prevention of criminality and other socio-pathological phenomena the population, social as well as governmental bodies. Besides the criminologists of the Czechoslovakia, German DR, and Hungary it is particularly the Soviet criminologists who are engaged in such studies and in the preparation of recommendations.¹²

Action research is usually expensive, comprehensive and takes a long time for its completion. Its positive results hardly admit of assessment and verification. But it cannot be denied that this opens a way for cooperation between researchers and practitioners which significantly contributes to a better mutual understanding.

The problems of the influence of research on legislation will be discussed in connection with the answers to the question D.

QUESTION D: The communication media that have contributed to the assimilation of the results of research by society - 20 answers

Although this is probably the key question of my

12

See Sovjetskaja kriminologija, pp. 202-226; Kasatkin - Koslepčev - Statkus: Ivanov; Voroncov - Gukovskaja - Melnikova; Belskij - Klejner.

For German DR see also: Görtler - Lehman: Müller

theme, I received in reply to it the smallest number of answers. The manners of communication as given by the respondents can be classified into 6 categories:

1) Influencing the public opinion is claimed to be a significant factor by 11 respondents. The positive influence of mass media is mentioned particularly by Bavcon (Yugoslavia); Christiansen (Denmark); Cualla (Colombia); Glueck (USA); McGrath (Canada); Mueller (USA); Strahl (Sweden); Württenberger (FR Germany). Public lectures and discussions, partly with the participation of the representatives of mass media are made use of in Czechoslovakia (Novotny, Schubert) and Yugoslavia; while popular scientific propaganda is said to be an effective means by the respondents from the German DR.

2) Administrative communication is mentioned in the answers eight times. Anttila-Törnudd (Finland); Beakert (Belgium); Ferracuti (Italy); Kadar (Hungary); Mendoza (Venezuela); Mueller (USA); and Walczak and Wierzbicki (Poland) say that influence on the decision-making bodies could be exercised especially by those research departments which work within the frame of administrative bodies. Hartmann, Lekschas, and Stiller (German DR) say of their ^hown country: "The topics of research themselves must at any rate develop out of the requirements of the social practice considering the prognostic developmental trends of society. Research can only become efficient in practice if there is a practice ready to transform its results. Therefore a system was found according to which the leading organs of

practice, concerned directly with the fight against criminality and its prevention, announce their requirements for a research which is prognostically oriented and covers a period of perspective plan of five years. They are deliberated in the Council for Political and Legal Research of the GDR, worked up into a proposal of the Council to the Government of the GDR and after that they are passed by the government as a plan task. The researches realized according to such a plan by the various collective groups are to be financed in relation to the tasks ... And further: "Thus the whole system of socialist administration of justice is obliged to transfer the results of research after testing them into practice and to generally carry them through. The Penal Code indirectly contains such obligations for all organs of state and factories. A corresponding government decree has been passed for juvenile research ..."

3) The participation of practitioners in research and vice versa of research-workers in practice is considered to be an effective means of communication between research and practice by 6 respondents. Of these, the participation of workers from practice in research is mentioned particularly by the respondents from the German DR, Michard from France, and Novotny from Czechoslovakia, while the participation of research-workers in practice is claimed to be fruitful by Ponti from Italy and Weber from the USA.

4) The education of staff (regular, post-graduate, and inservice training) is seen as a significant factor by 7 respondents: Anttila/Törnudd (Finland); Bavcon (Yugoslavia); Glueck (USA); Hartmann, Lekschas, Stiller (German DR); Mendoza (Venezuela); Mueller (USA); Novotny (Czechoslovakia).

5) The participation of research-workers in the legislative bodies is explicitly mentioned only by 5 respondents, namely by: Bavcon from Yugoslavia; the respondents from the German DR, Kadar from Hungary, Novotny from Czechoslovakia, and Mueller from the USA. I should like to dwell a little more on the problem of legislation, particularly owing to the answers made to the Question C. In connection with the Question C it was 18 respondents who said that the results of the research have an indirect influence on legislation while actual participation in legislation was mentioned only by 5 respondents. At first I thought this was due to a defect in the answers of the respondents in connection with the question under D. On reexamination of the names of the respondents it occurred to me that perhaps the majority of the remaining in fact do not participate in legislative bodies.

A schematic but perhaps slightly superficial assessment of the situation in this respect might also be something like the following:

- of Western Continental Europe it may be still true to say that professors play a leading part in the preparation and revision of penal codes. Even when mixed commissions are set

up, including judges, prosecutors and high officials of the Ministries of Justice, they invariably turn to the professors for advice and guidance.¹³ But Western Continental Europe has only in recent years come to see that empirical research in the field of criminology is a necessity, whereas the habit of the legislative bodies to hold frequent consultations with experts from other fields (except of exceptional consultations with psychiatrists for the formulation of the penal responsibility) does not exist;

- of the Scandinavian countries which have a longer tradition in criminological research the statement made in 1965 by Prof. Waaben is probably still true, namely that he does not know an instance at which the parliament would have used the research findings in order to make a change in the legislation.¹⁴
- of the Anglo-Saxon countries the following statements are probably acceptable: "In the prisons, the effects of the Mountbatten Report on prison security were still being felt, and the Radzinowicz report on maximum security conditions amounted to a review of many aspects of the prison system ..." All the remaining changes have been made more or less without any similar preparations. "These changes

13 McClean, pp. 167, 168
Radzinowicz, *Ideology and Crime*, pp. 21, 22

14 Rapport de la Reunion interregionale sur la Recherche Criminologique, p. 11

and reviews are coming piecemeal, but taken together they cover as much ground as did the abortive Royal Commission (dissolved in 1966 - Note by Vo). Changes may be needed but has the relative lack of conclusive research results been remedied since 1966? Commentators on the Criminal Justice Act 1967 have suggested some two dozen research topics arising out of its provisions, and it will be some time before we can expect results even in those areas where the necessary research is under way. The danger is of changes made, not only without any foundation in existing research, but in circumstances which make it extremely difficult to find the resources for the further work needed to assess the effect of fresh change".¹⁵ [The perception of the legislative bodies that in their work they need factual knowledge of the socio-economic relations and cannot base the legislative amendments merely on their experience, legal comparative technique and commonsense continues in this respect to be persistent.¹⁶

6) The participation of research-workers in councils, committees, and similar is mentioned by the respondents from German DR, by Kadar from Hungary, Novotny from Czechoslovakia, and Bavcon from Yugoslavia. In Yugoslavia research-workers

¹⁵ McClean, pp. 167, 168

¹⁶ Beutel; Cavers; Bavcon, Kriminološka spoznanja in perspektive našega kazenskega prava

and professors participate in the work of the legislative bodies, in various committees of the departments of health and social welfare, of education, in the organs of the self-management in communes, in child guidance clinics, in institutions for the education of youth, in the councils for the performing of penal sanctions, and in voluntary organizations. On the other hand representatives of administrative bodies and professors from the faculties of law are on the councils of both institutes, one of which is independent (Belgrade), while the other one is at the Faculty of Law (Ljubljana).

what is at present understood as criminological research, even if running the risk that my opinion may dissent from the views of the principal reporter on this theme.

At the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in 1960 in London Professor Radzinowicz estimated as countries with a tradition in the research of criminal and socially deviant phenomena above all the U.S.A. and Great Britain while as countries which had only just started to study such phenomena he quoted the Scandinavian countries, Holland, Denmark, and Finland. As institutions promising to offer potential contributions to the research work in this domain he pointed out Le Centre de formation et de recherche de l'éducation surveillée du ministère de la Justice à Vincennes (in France) and Le Centre d'étude de la délinquance juvénile à Bruxelles (in Belgium),²⁷ which had then just started

²⁷ Radzinowicz, Criminological and Penological Research
Radzinowicz, Ou en est la criminologie

2. RESEARCH

I am quite aware that it is not my task to discuss criminological research in the present-day world. This is the task of the first reporter in our section, Professor Szabo. But I find it impossible to discuss the relation between the two kinds of social activities when so far I have tried to define, by means of respondents, only one of them. For this reason, in the second chapter of my paper I am taking the liberty of offering a more or less personal view of what is at present understood as criminological research, even if running the risk that my opinion may dissent from the views of the principal reporter on this theme.

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¹⁷ Radzinowicz, Criminological and Penological Research
Radzinowicz, Ou en est la criminologie

research in juvenile delinquency and which have so far remained exclusively confined to that sphere.

During the last decade a great number of new institutions pursuing this work have sprung up. Additionally there came to research-work on the part of individuals on their private initiative as well as to research in ^{affiliated} centres, particularly in sociological, psychological, and medical ones.

During the last decade we have witnessed the opening of criminological research centres along with the emergence of empirical research projects, particularly in the following countries: Bulgaria¹⁸, Canada¹⁹, Czechoslovakia²⁰, Egypt²¹, France²².

¹⁸ The Council for Criminological Research at the General Attorney's Office of People's Republic of Bulgaria was founded at the beginning of 1968.

See ref. Bulgaria.

¹⁹ The Federal Minister of Justice set up a committee in 1960 to study all aspects of juvenile delinquency. A new Department of Criminology has been established by the University of Montreal. The Center of Criminology was established within the University of Toronto on July 1st 1963.

See ref. Canada.

²⁰ In 1959 within the office of the General Public Prosecutor a Scientific Research Institute of Criminological Research was founded. This Institute was dealing also with criminology and its name was in 1965 changed to "Criminological" Institute.

See ref. Czechoslovakia.

²¹ United Arab Republic founded the National Centre for Social and Criminological Research in Cairo. A centre existed probably already before the year 1961.

See ref. Egypt.

²² See ref. France.

German Democratic Republic²³, Federal Republic of Germany²⁴, Hungary²⁵, India²⁶, Italy²⁷, Israel²⁸, Japan²⁹, Countries of -----

23

Criminological research got an impetus as well as help through the criticism of the penal law science on the part of the party in 1962 and by a decree of the State Council in 1963 concerning the tasks and the method of work of the judicial bodies. With the help of scientific institutions General Attorney's Office was to make a study of the movement, causes and conditions of criminality and of the success in the fight against it. A special section for scientific study of criminality was founded as well as a corresponding council within the General Attorney's Office.

See ref. German DR.

24

Periodical literature brings reports on the work of criminological institutes and seminars in 1962 and 1963.

See ref. FR Germany.

25

Criminological research is pursued by the Institute for State and Law within the Academy of Sciences of Hungary, by the National Institute of Criminalistics, and by other agencies. In 1962 the National Institute of Criminalistics brought out the first volume of the publication Studies in Criminalistics.

See ref. Hungary.

26

Experimental project on local community action in Delhi was started in 1958. Already before that Tata Institute of Social Science - Department of Criminology, Juvenile Delinquency and Correctional Administration was active in research in Bombay.

See ref. India.

27

See ref. Italy.

28

Institute of Criminology at the Hebrew University in Jerusalem was founded in 1960. In 1961 another criminological institute was founded at the University Bar-Ilan in Ramat-Gan. The Institute was founded by four organs: the penitentiary commission, the police, social and defense ministries.

See ref. Israel.

29

The former Training Institute of Ministry of Justice was in 1959 reorganized into Research and Training Departments.

See ref. Japan.

of Latin America³⁰, Poland³¹, Soviet Union³², Yugoslavia³³, and probably in some others as well. The list is not exhaustive, as it was not the intention of the present contribution to study this question (also the literature which should document these facts has been chosen largely ad hoc from the material available in the library of our Institute). The purpose of this paper is above all ^{to} bring an illustration of how rapidly and strongly criminological research in the world has expanded over the last ten years.

In connection with what was said above it should be added that as early as in 1944 in Turkey two criminological research institutes were founded: at the University of Ankara and at the University of Istanbul.³⁴ In Venezuela as early as

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See ref. Latin America.

31

The first publication of the Department for Criminology at the Institute for Legal Sciences of the Polish Academy of sciences appeared in 1958 (Archivum Kryminologii). The Department for penitentiary research was founded within the Ministry of Justice in 1961.

See ref. Poland.

32

Vsesojuznyj institute po izučeniju pričín i razrabotke mer predupreždenija prestupnosti has been established in 1963.

See ref. USSR.

33

See ref. Yugoslavia.

34

The first institutes were founded in 1944: The Institutes of Criminology of the Universities of Ankara and Istanbul.

See ref. Turkey.

in 1952 a special section was formed in the Ministry for the Administration of Justice. In Poland (at the Academy of Sciences) and in Yugoslavia (at the University) criminological research institutes were opened already in 1954 and so the subsequent new research centres in these two countries represented only a considerable strengthening of this activity. Rudiments of research work in this field existed in India and Japan already before 1960, although this may not be very well known in Europe. The development of criminological research work in this part of the world has no doubt benefited, particularly during the last ~~ten~~ years, from the UN Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders.³⁵

Why am I saying all this?² Primarily because I am familiar with the objection that what all we classify as criminological research work does not deserve that designation and particularly not the designation of "scientific research". Such an opinion is doubtlessly justified in as much as it reflects the real state of affairs; it is, however, unjust in as much as it contains reproach and contempt.

A few years ago, in a different context, I put down the following: "Perhaps we now know what it was not quite clear

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The United Nations Asia and Far East Institute for the prevention of Crime and the Treatment of Offenders was established in 1962.

See ref. United Nations.

to us ten years ago. We are namely aware that a small scientific team which wants to be synchronised in its work and feels full responsibility towards the science and the nation needs for its own development, mutual understanding, coordination of theoretical standpoints and the ability of synthetizing the analytical interpretation into a whole (as if stemming from one single person) at least 15 years of intensive combined efforts or even more. It may well happen that some of such working teams - owing to a too great heterogenousness of views and too different levels of knowledge - just cannot achieve such a cooperation. In this case they have to disperse and try to start work in new, different formations and perhaps also with modified pretensions. The scientific development of an individual is a process which is continued through generations; the scientific work of teams is a process of synthetic fusion of scientific findings achieved by generations"³⁶.

Accordingly it is not at all surprizing that the large majority of criminological studies as they are being made particularly in the newly created research centres are preoccupied with descriptions, while here and there research-workers, hesitatingly but still increassingly frequently, also take up conceptual problems. Unfortunately the conceptual questions are for the present coming up in an isolated manner, in the form of studies written by one man rather than as an

36 Raymond - Raymond Dillaud, p. 8.
Vodopivec, pp. 47, 48.

established constituent part of empirical research projects. And Mr. Raymondis and Mr. Favard-Drillaud hold the view that "any research is descriptive in the first instance, description being the first phase of any survey as it is also the first phase in any clinical or experimental approach. Research of this type is undoubtedly the most widespread. It represents the indispensable initial access".³⁷

If I had given more thought to this question at the time I promised to submit the paper, I would have suggested to the scientific commission of the International Association of Criminology and its Chairman Mr. Pinatel to drop from the title of my paper the adjective "scientific" and retain only the noun "research". I am all readiness to admit that I am less and less clear as regards the delimitation between science and the rest of the intellectual efforts of search - not only through what I spoke of above but also owing to the increasing ramification of scientific disciplines and the limited views of those experts who tend to see nothing else but their own subject (which again they are more or less compelled to do because of the speed at which science is developing). "The modern scientist is such a mixture of knowledge and ignorance that it may be defined as a learned ignoramus"³⁸ This is why I very seldom and with great reluctance call myself a scientific research-worker.

37 Raymondis - Favard Drillaud, p. 8

38 Mladenović, p. 8.

work of It seems to me that at the present stage of the development and tradition in the study of the social deviations it is difficult to demand something that would be essentially more than what we in fact have. Although all the rare eminent scientific works are available in a published form, a beginner who works in a different social context and under different conditions of work cannot simply continue from the point which was reached by his older predecessor in different circumstances.³⁹ The predecessor's example may shorten for him the way through errors and trials to success but it cannot cover that way for him.

The second hesitation as regards the contemporary development of criminological research comes from the organizational structure of the research and from the related danger of pragmatism. There is no doubt that modern criminological research centres which are run by the Administration are as regards the staff and finances stronger than those which work at universities or as independent institutions. But these last mentioned institutions are also not so very free in the choice of research-subjects and in their work as it would be desired. The position of dependence of the so-called independent research centres on Administration, state-budget and various funds is vividly illustrated in his paper by Professor Christiansen.⁴⁰ Relying on wide documentary activity, a team

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See e.g. the endeavours of the Soviet author Zlobin for the improvement of the methodology of the study of the effectiveness of penal sanctions.

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Christiansen, pp. 9, 10.

work of experts from different fields, questionnaires, experiments, expensive machine and intellectual analytical processing, modern research is so expensive that research outside a firm organizational structure has now become almost unfeasible. Within such organizational units the teams of brains trust may also be small ones. (Unfortunately it often happens that they are not. The lower and the more elementary the professional level of the members is so much bigger they usually are.) But somebody has to finance all this. And by the financing he implies his interest in the particular activity. Interest, it is to be observed, is always oriented and selective.

I feel sure that a rational modern administration of today needs analytical services at all levels and that each of us, research-workers, if happening to work in the administration, would think so. To cherish a tendency to slow down a development of this kind would indeed mean to swim against the current of the development. And I feel in no way certain that this could at all contribute to the development of our scientific discipline.

Let us say that the fundamental sciences aim at a cognition and understanding of the world man lives in or will live in the near future. Applicative research is intended to meet man's wish for a better way in the implementation of scientific findings in the practical field; and the work in the various fields of development means the application of established methods in practice.⁴¹

⁴¹ Auger, pp. 18-20

This scheme which is derived from natural and technical sciences applies to an extent also for our work. The world we, the workers engaged in our discipline, live in is of course, and particularly, the social practice with the whole of its suitable and unsuitable methods drawn upon in its work with people. If the social practice is not open to the research-worker, if it does not give him the data he wants or if the reality gets distorted; or if there is not between these three levels of work an open and mutually confiding communication - then the scientist can at best hope to anticipate the truth but he cannot prove it.⁴² For the purpose of such jobs it may well be that analytical departments dependent on the existing institutional structures are even more suitable than university workers for whom the analytical materials would have to be adapted and selected by the institutional structures.

On the other hand it will probably not sound too pretentious to say that I do not feel certain that everybody who is called a scientist and works at a university is a scientist. Creative science contains also elements of imagination, but anybody pursuing these activities is not gifted with it. If we wanted to raise the science - which is today officially declared as such - on to a higher, really creative

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No matter what is the structure or status of the research centres, these centres must be in close touch with public services or else they would be deprived of the sources of information needed. Cornil, p. 37.

level, we would probably have to have a much broader background and bigger opportunities of choice.

Analytical departments inside the institutions could represent such a background. But the man who studies reality, even if according to instructions, has to improve his knowledge and has to compare the findings as recorded in literature with his own observations. The acquired results may satisfy him and he may adapt them to the expectations and demands of the institutions or he may not be satisfied and will thus not adapt them. A research-worker who is driven by his own creative power and who has been given the opportunity of learning the results of the science and reality will wish to grow out of the frameworks which hamper him in the discovering of the truth.⁴³ If one day in the future he becomes a member of the university he will in spite of the Scylla and Charibdis of the work in practise bring with him an amount of the knowledge of the reality much greater from the amount he could have acquired if he had started his career as a direct scientific aspirant. This is why I am not wholly sure as to the justification of the thesis that creativeness in this activity (criminological research, - note by Vo) can develop only outside of administration.⁴⁴ Perhaps the reverse

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"For the person with intellectual curiosity social research offers hope of fulfilling man's ancient quest for self-knowledge", Phillips, p. 4

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Rapport de la reunion interregionale, UN, p. 10.

way might be a better one, that is the orientation of university staff to prepare young people for creative and critical - analytical work also.

Finally let me say that I am wholly aware that universities and scientific academies offer the best conditions for personal creative freedom possible in a given political system. But in a world which is at its present stage on the whole largely conformistic autonomous search for the truth means also a certain degree of isolation, something that not everybody will desire or could endure. In order to achieve progress, however, it is also necessary to have big numbers of hard-working people. It thus appears to me that with an appropriate degree of consideration we could and should work side by side, being aware of the fact that we both need one another and complement one another. Along with this it is false to believe that the designation as to where a particular person works indicates the personality and the quality of the person. As it unfortunately happens, the selective social process is by far not yet automatically objective. And so it occurs and will continue to occur that some research - workers inside administrative institutions will be more creative and closer to the truth than scientific workers bearing the highest denominations.

⁴³ Ibid., Istorija političkih i pravskih teorija, p. 23

⁴⁴ In addition to other authors, this assertion is made also by the Yugoslav author A. Babić, p. 41.

3. RESEARCH AND POLICY

Even if in the preceding chapter I tried to demonstrate that in the modern criminological research there are only few which might with justification be termed scientific, I shall in the present chapter first stop at the question of the relation between science and policy - this question being today all over the world one of those dilemmas to which different authors assume highly different attitudes.

As regards the definition of what constitutes policy, the number of definitions is enormous. However, for the purpose of the present paper it will probably suffice to say briefly that "the object of policy, in the broader sense of the term, is represented by the total socially conscious activity for the attainment of definite goals, while in the narrower sense of the term this activity is implemented in the state, or rather through the state"⁴⁵ Although this definition defines policy in terms of conscious activity, some writers are right in calling attention to the fact that political decision - making goes beyond the decision-making based solely on positive knowledge. For the decision - making is oriented towards certain ideological goals which reflect the value categories⁴⁶ and besides it has to take into account the existing

⁴⁵ Lukić, Istorija političkih i pravnih teorija, p. 23

⁴⁶ In addition to other authors, this assertion is made also by the Yugoslav author A. Bibić, p. 41.

realities (economical ones, the degree of social consciousness, and the like). In this way policy is becoming the art of what is possible.⁴⁷

Some while ago science could be defined as the fond of the knowledge of nature, society, and man. But in the present-day world this static view of the science finds its complement in the dynamic tendency to search and to carry on progress. Today we have got in the forefront the question whether a particular country has science or not, which is to say whether she has research institutes in which to correct hitherto findings and add new ones.⁴⁸

The opinions about the relation between science and policy are different. One among them is the opinion that these are two branches of the social activity and have to be sharply demarcated - because science explores the reality while political activity evaluates the opportunity.⁴⁹ The second is the opinion of abstinence, for "the social and cultural systems will be taken for granted as operative, and major manipulations of man's environment will be made in monumental proportions".⁵⁰ The third view of the role of the science in policy is engaged science - since everything offered on the intellectual plane

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Szabo, p. 286

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According to Mladenović, p. 24.

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Lukič, Politika i nauka, p. 1061.

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Wolfgang, p. 120.

by philosophy (or rather, by science in the broader sense of the term - remark by Vo) finds its sense only when it is materialized in practice with the purpose to come closer to a better and more humanistic way of life.⁵¹

In literature one can find several reasons that science be obliged to seek ways of realizing its findings in the social practice. The study of nature, society, and man is in itself a social activity and its findings become common property if the scientist wants it or not. On the other hand this stems also from the moral obligation towards society which facilitates scientific development, for "If those who know and those who wish to inquire refuse to be concerned with action, or, what amounts to the same thing, do not learn the necessary skills of communication, society certainly will not evolve, and may even perish."⁵²

I should not like to continue with giving reasons that science is obliged not only to give its findings to the

51 According to Marx, Marković, p. 8.

52 Wilkins, p. 29.

With reference to the case of Caryl Chessman, it was said by Teeters, "Where do academic criminologists stand on an issue of this sort? Do they sit in their ivory towers in the academic cloisters and say or write nothing in protests against such newspaper vilification of a man who is fighting for his life, and practically alone? ... To dissipate this strange, but understandable situation is more than a challenge to academicians, it is a responsibility" (p. 12.).

society but also to work towards their application along these lines as this might acquire an apodictic ring. So I would like to illustrate the problem from a different angle - the reverse and negative in connection with the discipline which is the subject of our discussion.

What we are concerned with is the field of the social prevention and the struggle against socially deviant phenomena. What all can happen in this field if we offer to the social practice only our potential findings but do not engage ourselves for their application?

Man is not merely a rational being but is at the same time full of tensions owing to his inner contradictions⁵³ and anxieties an outlet from which he seeks in certain discharges, which if resorted to over a longer period may also do harm to him. The tendency towards a purification of the so-called socially normal behaviour from all human weaknesses would mean an indefinite extension of the notion of social deviance and would set up an unsurmountable gap between the different kinds of social cultures. This is the dilemma about the realizing of the usefulness or disadvantages of behaviour patterns which is faced with the usefulness or disadvantages of the narrowing or broadening of crime definitions.⁵⁴

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Among other, contemporary Soviet author Igoshev calls attention to the existence of the contradictions in society, man, and in its consciousness.

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The problems of narrowing the responsibility for the criminal act are treated, among other authors, also by the Soviet writers Kuznecova and Ljasa.

The development of modern technical sciences (dactyloscopy, forensic medicine, serology, chemistry and toxicology, physics with spectrometry and radio-active analysis, biology and especially microbiology, graphology, photo and television techniques, cybernetics, and so forth) offer the possibility of controlling the people (including political control) at any time and in the most intimate spheres of their life.

In investigations, psychological findings make it possible to use projective techniques, methods of free association and of polygraph while medicine has made available narco-analysis.

Criminological expert opinions used in the penal process may disclose to the participants in the trial as well as to the audience the intimate inner world not only of the accused but also (if it has been well prepared) of all those who have had certain roles in the accused persons' life - hence, of the people who are not at all the subject of the penal process.⁵⁵

In the sphere of penal sanctions we are advocating a suitable treatment of the offenders. We have empirically established that penalty as retribution fails to be effective means.⁵⁶ But in the context of the penal law, a treatment

⁵⁵ Chazal

⁵⁶ The traditional punitive process "repression - verdict - imprisonment" has to be replaced by "prevention - selection - treatment", for the punishment has no future. Picca, pp. 118, 119.

continues to be a measure forced upon the offender, a consequence of the sentence and of the social stigmatization. If the so-called treatment is proportionately determined according to the offender's personality and not according to the gravity of his offense, it means the condemnation of the personality and not the verdict of his act.

In substance every treatment is the exertion of influence on the personality, so that the person would change in the direction considered by the therapist to be useful. The treatment can be carried out for the benefit of the person subjected to it or it can be subordinated to the goals envisaged by the therapist (also to political goals). The border line between treatment and manipulation is not sharply fixed.

In penal institutions and in institutions for treatment it is possible to carry on a series of experiments which can all in the last instance serve the progress of science. But it is a question if such experiments are acceptable from the ethical point of view.

Cybernetics will make it possible to follow and control the individual life of every man, of his behaviour and his thinking. "Cybernetics is opening for us new chances of freedom and in doing this it is charging us with immense responsibility since cybernetics might also lead to the loss of every freedom".⁵⁷

Open for the legal science and for criminology remain

also all the questions of modern technical discoveries and experiments connected with the role of man played in them; of the discoveries and experiments in medicine and pharmacology as well as the problem of euthanasia.⁵⁸

And finally some countries are advocating a return of various repressive functions to the citizens. This, however, may be a rather dangerous course to pursue for the judicial and executive bodies are intended not only to guard public order and peace but also for a more reasonable dealing with the socially deviant persons. And at the same time this is a dam against the aggressive discharge of the general human revengefulness.⁵⁹

By means of the scientific findings we might easily contribute towards the transformation of the ineffective despotism into an effective one, says Christie.⁶⁰

I do not feel certain that the final results of the scientific endeavours in our science might be to people and society at large essentially less harmful than the findings of atomic physics. By publishing the results of scientific inquiries we have not freed ourselves of the responsibility for their use, said Max Born.⁶¹ The physics in the modern world

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Kobe

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Bavcon, Vloga javnosti pri zatiranju kriminalitete

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Christie, Scandinavian Criminology facing the 1970's , p. 20

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Born Max, see ref.

are fully aware of their social responsibility and have recently doubtlessly paid to such problems more attention than we, criminologists, have. In this way we witness in 1968 the beginning of the British Society for Social Responsibility in Science. The World is today crying for what lies beyond science, for wisdom⁶².

The scientist in the modern world cannot be freed from the responsibility for the application of his findings in the social practice and cannot be uninterested in political decisions. Which means commitment, a science committed both for the use and against the misuse of scientific achievements.

The question proceeding from this fundamental problem is of course the question of the ways of cooperation between science and policy. That science for its development requires a certain amount of autonomy, there can be no doubt about it. National reporter Dr Kaiser recommends the model of the cooperation of the partners, according to which science offers at the disposal of policy information and advice while the politician is the one who makes the decision and in doing this takes into consideration also other conditions of the social reality. "The only possibility left to scientific research is through its contribution and not in the least through revealing, disenchantment and ideological doubt to raise rational decision-making in criminal policy."⁶³

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Seaborg

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Kaiser, report, pp. 17, 18. Kaiser, Vorbemerkungen zu Grundlagen heutiger Kriminalpolitik, p. 27.

In the political decision-making it is certainly the public opinion which plays an extraordinary significant role. "For a higher level of policy, the relation of science to the public opinion is constitutive", says Habermas. This, however, may easily give rise to "the suspicion that one would like to shift scientific discussions on the public opinion and to misuse it ideologically" which is for our kind of activity a particularly delicate question. But still, "a society in which science is to play a decisive role could constitute itself as nature only to the degree to which science and technology pass through the heads of its members into experience."⁶⁴

In spite of the danger of the reproach to which Habermas calls attention I find the communication with the public to be of decisive significance in our branch of activity. Especially because there are in the public opinion, particularly in connection with social activity, always present a series of prejudices, of strongly emotionally coloured attitudes since fear and the projection of one's own aggressiveness are present. All these assumptions are later reflected in the work of the legislative, judicial, and executive bodies. We, criminologists, continue to live in a closed-in world and frequently think that by publishing our findings and opinions in professional literature we have done our job. We find outlets at the numerous professional consultations but when confronted with practical

men and politicians we find to our surprise that we do not speak a language that would make productive communication possible. Physicians, psychologists, and mental hygienists long ago overcame such difficulties and their fame does not at all suffer if they make use of cheap mass media that can reach the widest circles of population.

From this somewhat high-reaching discussion of the role of science in modern society let me come back to research work in general. If the essential question of science is "why", then the division of research into fundamental, applicative, and developmental (in our case action and demonstration research) cannot be of much help in the answer. It cannot be denied that sheer applicative or developmental-experimental work can also give us a number of answers to this question (if in no other way then by the fact that the scientist is also faced with the fundamental question why practice will not or cannot implement his findings). The interaction between all these levels of activity is hence becoming a condition of the development of scientific work in general. "Oscillation between

discipline, criminal policy has in the course of history changed its concepts, its content, and the means of its practical actions ... In the field of prevention the means passed from the passive punitive prevention to emphasizing the preventive role of the public and the public opinion as a significant factor in the shaping of thoughts, feelings, and attitudes towards the development of man's actions and regulation of social relations. For that reason this has become one of the fundamental concepts in modern political sciences and especially in political sociology" (p. 183).

applicative and fundamental studies is the general rule. Starting from the solving of a concrete problem the research-worker is arriving at theoretical generalizations, and his fundamental findings which he has achieved in this way are again reflected in the application.⁶⁵ Something similar is true of the institutional framework. It cannot be asserted that science could be pursued and developed solely within the framework of universities and academies, although at least for the social sciences they offer perhaps the best conditions. But significant discoveries were made also by members of research institutes which work within the frame of other institutions. There is a sound reason for the fear that such research centres consolidate the existing structures⁶⁶ and that scientists who become engaged in practical work tend to lose their critical distance towards practice.⁶⁷ In fact one cannot imagine that workers in such centres could do much thinking about the social justification of the institution in which they work. But outside these questions which can be taken up by other research-workers as well there are many other problems a solution to which may be sought also in such institutional frameworks.

It is probable, however, that such research and analysis centres have a social role slightly different from that of universities and other independent research institutions.

⁶⁵ Auger, p. 19.

⁶⁶ Martin

⁶⁷ Kaiser, report, p. 12.

If their primary task is to follow phenomena which the institution is concerned with and the efficiency of its work, then they can be along with this a significant mediator of scientific achievements to practice and policy.⁶⁸ What other research-workers at a different level usually do not know, i.e. give straightforward advice how to perform jobs that have to be performed more expediently and perhaps also in a more simple way, could be translated into the vocabulary of practice and selected from the enormous amount of material in these very centres. It is they who know sophisticated scientific terminology and the terminology of practice. Additionally, there belongs to their tasks the programming of the development of the institution with regard to the predictable events in the future.

68

"The American Federal Government runs thirty-five such scientific agencies. Established within this framework is a permanent communication between science and policy such as could otherwise be started only ad hoc when special research tasks are commissioned." Habermas, p. 134.

4. DEMANDS, EXPECTATIONS, AND DISAPPOINTMENTS

Perhaps it would be a good thing if the relations between criminologists, criminological research-workers, theorists of the penal law, and criminal policy were similar to what was outlined in the preceding chapter. But for the time being reality remains rather different. The relations between people are on the whole strongly dependent on the objective conditions, subjective perceptions, and the needs emanating from them. Criminology is no strategy or technical science - but this two factors have in the search of contemporary political and economic equilibriums priority.

Without cherishing any kind of illusions one has to admit that high science is coming from the discoveries of the nuclear energy which forms the basis of modern armaments. "The most important part of modern armaments - nuclear weapons and their carriers from the airplane to the rocket - require the highest science and this is practically the monopoly of a few countries ...

The next motive for the great consumption of science is the prestige which is said to be the main reason for the programme of sending man into space and the building of big accelerators and telescopes ..."

And the third motive which promotes the development of science is the tendency to improve the material conditions; this tendency is realized above all in the heightening of the

productivity and competitiveness on the foreign market.⁶⁹

Such a motivated interest of political forces is to be seen also in the distribution of the financial investments in science. The position of the social sciences (with the exception of the economic one) is essentially different. The content of the work social sciences are occupied with consists of the social relations and so the existing social relations become exposed, among other things, to doubt and criticism.

How is it then possible that research centres and the domains of social science could nevertheless strongly expand over the last decade and are starting to acquire the significance of a social factor? Perhaps owing to the consequences of the findings of "big sciences" in Hiroshima, perhaps because no political system wishes to leave with the public opinion an impression that it is not primarily and ultimately concerned with man as the system is depended on the favour on the part of the public opinion, perhaps through imitation. Besides, the starting point for the computing of the index of growth in this field of development was rather low.

The phenomena of social deviation are disturbing. But still not to such a degree that they would essentially re-orientate the interest of political factors from the first three areas of priority to the solving of internal social

contradictions. It would accordingly appear that the accelerated development of criminological research centres during the last ten years is above all a consequence of the tendency towards imitation, fashion, and -among other things - "performs the function of the fig-leaf."⁷⁰

What are in fact the needs of policy and practice for criminological analyses? The legislative activity might need concrete proposals for changes in the laws and might frequently wish to transfer the responsibility to the experts. The police feel the need that they might become more efficient in the detection of the offenders and would not lag behind the power, mobility, and the application of technical means encountered with organized delinquent gangs.⁷¹ Prosecutor's offices and courts are overcrowded with various written materials and need help towards a rationalization and acceleration of the case.^A The execution of penal sanctions and the supervision of delinquents at liberty is an expensive activity the costs of which should be lowered.

And what in exchange for such wishes and needs have the criminologists to offer with their findings? They tell the legislator either that they do not have concrete proposals because they have not yet examined the problem (while the

⁷⁰ Kaiser, report, p. 11.

⁷¹ Lohman, p. 131.

legislator is frequently under the pression of the public opinion and hence pressed for time)⁷² or they give alternate proposals each accompanied by potential positive and negative consequences. For the consequences of normative measures are almost never just one-sidedly good or bad. They are of the social character and hence exposed to the contradictory action of social forces. Prosecutors and judges are advised by criminologists to work with deep concern, taking into account that man is not a case and that one man is not the same as another, further they are advised to consult experts from other fields and to elaborate a convincing argumentation of the sentence passed. As regards the execution of penal sanctions involving the loss of liberty they propose as an alternative to physical guardship a bigger number of qualified personnel and therapists. As regards the execution of penal sanctions at liberty they propose a higher number of probation and parole officers. In their attitude towards the police they are ambivalent.

On the one hand they are aware of the two hundred years old truth that efficient detection of offenders is in reverse proportion with the gravity of the penalty⁷³, and on the other hand they are afraid of a too strong power of the police.

⁷² Cornil, p. 34.

⁷³ Beccaria, p. 35.

Irrespective of this the real interest of criminologists is oriented above all to those social insufficiencies which condition social deviance. In doing this they are disclosing the need for social and political changes.⁷⁴ Besides, criminologists are interested in the uselessness and ineffectiveness of some social interventions which the public opinion confides in.⁷⁵ And finally, some tend to make their own choice in their study and towards continuity of their work.⁷⁶ But they are aware that even if they had all the opportunities for carrying on such research, they will not be able to submit to the public wholly clear proposals.⁷⁷ As an example to support this assertion Christiansen quotes two polls taken in Denmark which revealed that the intensive treatment of alcohol addicts and delinquents entailed a bigger number of suicides.⁷⁸ With the bigger amount of information the

74

Keiser, report, p. 5; Lohman, pp. 191, 193, 194; Szabo, pp. 274, 281

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Conrad, pp. 253, 262, 263; Morris, Legal definitions, p. 347; Christie, Scandinavian criminology facing the 1970's, p. 23

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Mladenović, pp. 42, 59. Critical doubts about the relations between science and policy were in this respect brought forward also by the space exploration (see Randow).

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Christie, Scandinavian criminology facing the 1970's, p. 21.

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Christiansen, p. 8. - In his polemic with the "vehement unmasking" of criminology as presented by Lange in the article "Wandlungen in den kriminologischen Grundlagen der Strafrechtsreform", published in 1960, Sack says: "All the quotations come from Lange's ambitious attempt to justify the legal punitive principles of guilt and retribution with the failures of empi-

certainty of the political action is of course diminished.⁷⁹

Perhaps the above contradictions in the interests are presented too drastically and are not true to the same extent of every country and political system. Yet I thought it necessary to disclose them in their extreme outlines so that they would become more present to us and more plastic. This is probably also a constituent part of the reality we live and work in and which has to be known in order to make it easier to find a way out of the present intricate situation into the future. The more unrealistic^c and unreal are mutual expectations, the bigger are the disappointments following them. The way out of the crisis in which in this respect happen to be research-workers, practitioners and political workers (who have to run the affairs entrusted to them) will probably have to be sought in realistic disclosure of the possibilities and impossibilities; in the mutual respect for the work each of us is carrying on in his or her own field, and in tolerant acceptance of one another. On the one hand we are faced with momentary needs in the solution of which help can be offered especially by the criminologist who accepts the present as it is. The number of the research-workers of this type is and will probably remain in the ma-

rical sciences dealing with human behaviour ... In this way the weakness of modern science suddenly becomes the virtue of reaction."

See Sack, p. 447.

⁷⁹ Wilkins, p. 10.

jority. But the bigger it is the easier it will be for the society to set apart a few workers whose imagination will drive them to look beyond the present and to look at it from the prospective future. But it remains a question whether the society will succeed in setting apart for this purpose those who have sufficient creative power for such work, sufficient imagination and not too much fear of the isolation.

In spite of all this it is impossible to overlook the fact that criminology has had during the last hundred year or so - since it has been in existence - a strong influence on legislature,⁸⁰ penal law theory and practice, as well as on the treatment of offenders. The one sole stimulus for progression remains the doubt into the perfection of the present.

After all, this has been the reason why Quetelet started his study of the demogeographical phenomena: such initiatives have been used in every technique of life assurance, old-age pension and health insurance; on a wider scope, however, the elaboration of demogeographic, economic, and financial prognoses had developed in the inter-war period. In spite of the fact that many of the forecasts of the future have turned out to be inadequate even in the field of demogeography⁸¹, the process of the expansion of forecasting in other spheres of men's activities has continued and by now

80

According to Schick this influence is demonstrated by at least 60 amendments of the German penal code adopted during 1871 - 1968. See Schick, p. 97.

Henry, p. 10.

5. TOWARDS 1980 ?

The opportunity to anticipate about what is likely to be going on in the relations between research and policy in the coming years seems to be in the year 1970 too tempting to be resisted. This is the year when all mass media are full of forecasting. In all the fields of man's activities the tempo of development has been made so fast that on the one hand we are filled with fear that man might not be able to remain in control of his achievements whereas on the other hand any idea which arouses man's curiosity also has a contaminating influence.

For research-workers from the field of social sciences the meditation about the future is not something very new. After all, this has been the reason why Quetelet started his study of the demogeographical phenomena; such initiatives have been used in every technique of life assurance, old-age pension and health insurance; On a wider scope, however, the elaboration of demogeographic, economic, and financial prognoses had developed in the inter-war period. In spite of the fact that many of the forecasts of the future have turned out to be inadequate even in the field of demogeography⁸¹, the process of the expansion of forecasting in other spheres of man's activities has continued and by now become a necessity and the rule. After so many years of

81

Henry, p. 10.

successful as well as unsuccessful attempts at forecasting man has finally become aware both of the extent of his possibilities as well as of the moderate size of the knowledge at his disposal for this purpose.

The subject of my report in no way calls for such an attempt and in fact it is not my intention to finish it with a genuine futurological forecast. So far explorers of the relations between science and policy have satisfied themselves by concluding their findings about the present and the past with suggestions for the future. This was a way much more safe and less binding. If later on the reality happened to be different from the suggestions given, the responsibility for the insufficiencies laid with the social practice and not with the person who had given them. A deliberation about what is probable to happen, what the reality is going to be like, exposes above all the forecaster to the possibility of being defeated. If this is so, if recently many a person from the ranks of criminologists has exposed himself to the possibility of being later proved incorrect in his assumptions, why should not I take a chance? So, this is a just a modest attempt to keep up with the time we are living in.

1^o The Organization of Research Work

I take my starting point from the assumption that modern administration (which in substance means management - guiding) will increasingly become a part of the gigantic di-

mensions of the modern handling of things and people. Modern administration will not be able to by-pass the processes already under way in the fields of technical sciences and economy. And if wanting to keep up with the speed of their development (even if with some delay) it will have to become more rational and more economical. Which is why it will need departments for analytical and research work. The use of cybernetics will also in this sphere contribute its share. But the machine will in spite of everything else remain automatized as long as it is not guided by man's thinking. The police, judicial bodies and the bodies concerned with the execution of penal sanctions will sooner or later have to start using these techniques. Written materials will grow beyond the physical capacities of rooms and will be replaced by photo-technique. To master all this a specialised team of experts will be necessary and these experts will of their own initiative suggest possibilities for analytical processing.

The universities will not be able to keep outside such and similar processes for long. Prospective experts will have to be initiated into analytical research work. This, however, will not be possible without research centres in the university (although these will remain probably limited to a smaller size and will have smaller financial resources) because ex cathedra instruction, in the deductive way only, simply will not be sufficient for this purpose.⁸²

The expansion of research can accordingly be expected in both directions also in the future.

But we are still faced with the question of the possibility of free research work for those researchers who have an exceptional gift of imagination and are justified in requiring exceptional opportunities for their work. In the field of social sciences the ability of creative imagination denotes a tendency towards an anticipation of the future and dissatisfaction with the present. The majority culture and particularly the decision-making bodies accept and consolidate the present; they do not aim at significant changes and are sometimes afraid of them. Where, then, can one hope to obtain the financial support for such work as well as the necessary trust on the part of the society? I do not feel certain that the society will be able to solve the conflict which resides in the essence of the subject during the coming decade. There will be only rare individuals who will be given the opportunity by the society of the present to look back at it from the prospective of the future.

2° The spheres of research

Among the spheres of work mentioned by the reporters I should like to single out those to which research-workers in the future will probably attach special significance.

The first thing to notice is conceptual questions.

The fusion of the North American empirical research orientation with the traditional European tendencies towards logical and theoretical reflection will very probably contribute its share to the development of conceptual questions. The trend which in this sense has its roots in the USA already will in the European mentality find its confirmation. So it is not without a reason that Wolfgang anticipates that "the marriage of measurement and grand theory will occur"⁸³ And owing to this criminology will probably more and more tend towards synthesizing all the various kinds of information so far collected in a fragmentary way only.

The next question is the problem of legislation. We live in a period of epidemic pattern of behaviour which are destroying the traditionally established taboos (youth's riots, the use of drugs, changes in the views on sexual relations, the role of the family in the society, and the like). The social practice has by now got some experience which indicates that socially forced interventions fail to be effective means in restricting those a-social patterns of behaviour with which man does harm above all to himself. The tendencies to have more social tolerance with such and similar phenomena and to purify the legislation from all those provisions which enter the private sphere of life are present on a world scale.⁸⁴

But some of these phenomena are indeed disturbing

83

Wolfgang, p. 124.

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Wolfgang, p. 111; Kuznecova; Ljass.

for the society (e.g. youth's riots, idleness, parasitic way of life) and in some cases it will be hard to decide what should be and what should not be incriminated without a previous analysis of the social effect of such behaviour patterns. Therefore we may probably expect that in the future the legislative bodies will occasionally make use at least of the already existing results of criminological research before deciding what is and what is not to be regulated by the penal law. It is not likely, however, that this would become the system and the established way of work in the coming ten years. The tradition of making the decisions on the basis of legal comparative techniques, common sense, and the pressure of the public opinion continues to have strong roots while in this respect the criminological science is still very much insufficient.

The analyses of how legislative, judicial, and executive bodies operate will for reasons stated above probably become more and more common.

Action in demonstration research, particularly in communities but perhaps also in working organizations, is an attractive field both for research-workers and for practitioners. Through work in this way the research-worker tests the application of his findings in practice and so paves for himself the way to generalizations on a higher level. For the social practice the introduction of new methods is also a question of institutional, national, and international prestige.

It may be hoped that in the near future the social practice will come to see that careful recording of the work done and careful analysis both essentially enrich and consolidate the reputation of the experiment.⁸⁵

3^o Research methods

If we may hope for a happy marriage of measurement and grand theory we might also hope that gradually we shall start methodologically to grow beyond the descriptive techniques. But on this way we are hindered by an obstacle which appears to be of a simple organizational nature but has in fact far-reaching consequences.

Most research-workers from the field of social sciences have an attitude to the statistical science which is different from the attitudes towards the other professions constituting the research teams. One of the habits is that all research-workers of various profiles consider themselves to be also statisticians. They have acquired a knowledge of some statistical techniques which they employ on every occasion irrespective of whether the techniques are appropriate or not.⁸⁶ The computation is done by machines.

Another way of the organization of work is that the so-called applied mathematicians are part of the computers

85 Gibbens, p. 10.

86 Phillips, p. 5.

equipments. The working unit organized in this way is to select on its own the appropriate methods of processing the data and computing the results for all disciplines: from meteorology to technology, medicine, biology, economy, and further to sociological and other disciplines. Thus, the fact that statistics and machine programming are two different spheres of work is neglected. Statistics is a science by itself, just like any other science. It has its own theory and application. If the statistician is not a member of the research team, if he is not in a position to grasp the conceptual problem and the subject of the research project, he cannot make adequate use of his theoretical knowledge (he cannot select for theoretically suggested hypotheses the appropriate quantificational method).

As a scientific discipline is statistics grounded on the theory of probability which has both a mathematical and a philosophical meaning. One of its most important tasks is "to give a safety signal and to show how the collected empirical material in its size and composition does not suffice to draw any far-reaching conclusions. This second, the so-called "scotch block function" (Henschuh-Funktion)

of the mathematical statistics is largely overlooked by the opponents of statistics"⁸⁷.

This basic misunderstanding is also the source of the common and justified objection to empirical sociologists, the objection that all modern empiricism satisfies itself with standardized questionnaires which through the uncritical results only consolidate the existing social structures (e.g. objections by Mills, and by Moore)⁸⁸

If in the coming decade we do not manage to eliminate the basical misunderstanding of the role of mathematical statistics in research projects we shall not succeed in making use of the theoretical possibilities offered already by quantification today and in the final instance we shall fail to make use of the possibilities which are being opened by cybernetics.

4° The Engagement of Science

It appears to me that there is a considerable degree of probability that the criminological science will be developing in this direction. In this context it is of secondary importance the question whether criminologists will become committed to the social practice because of their moral involvement, owing to the desire to test their hypothesis in

⁸⁷ Anderson, pp. 17, 5.

⁸⁸ Mills, p. 61; Moore, pp. 94-112.

practice, or out of the fear of possible misuses.

In every case, the contact with the public through mass media is becoming a conditio sine qua non. In view of this we, criminologists, will probably have to make quite a few modification in our so far accepted mentality, in our attitude to the public and in the ways of communication.

In connection with how we present the results of our studies to the public I should like to make a marginal remark. We are used to writing on a comprehensive scale and we often use difficult language. The contemporary dynamics of development is fast and it is all the sciences that are developing, not only ours. For this reason we shall quite soon have to orientate ourselves to at least two ways of presenting our findings. The first way can be a more comprehensive one and stylistically it may be sophisticated. It is intended for the experts in our or in related disciplines.

The second way is popularly simple and represents lapidary information about new issues and problems. This is a way we seldom use and consequently are not accustomed to it.

It is often presumed that we cannot make use of this way of writing because the phenomena we are dealing with are too complicated to admit of simple exposition. But this is true of any scientific field, and hence also of ours, above all up to the point to which it is only in the course of writing or with the help of writing that the writer is

looking for an answer to his problem. If he has managed to find the answer in another way and before he started writing, then the written text becomes of itself clearer, simpler, and easily understandable.

The direct cooperation between practitioners and policy-makers will be carried on in the administrative way and by means of action and demonstration research. The model of cooperation of partners as recommended by Kaiser presupposes: an admission of limitations on both sides and the respect of the work done by the partners each in his own sphere. A possible contribution to this may also be more modern methods of teaching (at the university, inservice training, and refreshment courses), methods which will stimulate creative searching with teachers and students instead of the so far all too common mode of communicating, the so-called-positive findings ex cathedra, particularly in Europe.

The engagement of science means of course also embarking on a dispute with the future. "The task of shaping overall research policy should mainly be entrusted to experts trained in taking a global, cultural - relativistic and future-oriented view of matters", says the respondent from Finland, Mr. Törnudd. The author supposes that such an orientation might in future bring research-workers and practitioners into closer touch with one another.

But we have to keep in mind that criminology is particularly in the field of forecasting the future still very

much insufficient. In this job we can so far rely more on imagination than on the exact science.⁸⁹ The studies of the trends of the dynamics in criminality in the past as a starting point for determining future trends have more or less proved unsuccessful.⁹⁰ These trends contain in fact at least the following unknowns:

- the amount of the economic and social pressures responsible for the conflicting situations;
- the perception of the majority of what is and what is not deviant;
- the efficiency of social control bodies.

It is becoming more and more clear that the statistics on the basis of which we can calculate the trends reflect above all the efficiency of the social control bodies and not the dynamics of criminality.⁹¹

The search for a methodology for an adequate forecasting of the future accordingly remains the task of the coming decade. In view of this we should have to be very

89 For instance Wolfgang; Christie, Changes in Penal Values, p. 172

90 For instance Jepsen-Pell; Törnudd, Previsions de la tendance de la criminalite.

91 Morris, Politics and Pragmatism in Crime Control, p. 10; Anttila-Jaakkola, Unrecorded Criminality in Finland; Davidovitch-Boudon.

careful in making promises which might arouse unjustified expectations from criminology as a science, profession, and one of the modes of search.

The manuscript was concluded
on March 8th, 1970

Translated by Fr. Slivnik

SCIENTIFIC RESEARCH AND CRIMINAL POLICY

QUESTIONNAIRE

Reporters

Report drawn up on
(date)

A.- Concept of criminal policy

One of the possible definitions of criminal policy is as follows: "measures taken and actions carried out by social institutions or government bodies on the basis of a given concept of how to combat crime with a view to reducing the number and gravity of violations of the existing penal code in its widest sense".

Do you agree with this definition?

If not, what definition of criminal policy would you suggest?

SCIENTIFIC RESEARCH AND CRIMINAL POLICY

QUESTIONNAIRE

Country

Rapporteur

Report drawn up on
(date)

A.- Concept of criminal policy

One of the possible definitions of criminal policy is as follows : "Criminal policy covers all measures taken and actions carried out by social institutions or government bodies on the basis of a given concept of how to combat crime with a view to reducing the number and gravity of violations of the existing penal code in its widest sense".

Do you agree with this definition ?

If not, what definition of criminal policy would you suggest ?

B.- Categories of actions and measures that may be applied to children, young persons, young adults, and adults, and which, in your view, fall under the heading of criminal policy (Strike out items considered unnecessary, or add new items).

1. Penal legislation
2. Action by penal prosecution organs, e.g.
 - 2.1 Police
 - 2.2 Public Prosecutor
 - 2.3 Courts of law
 - 2.4 Summary courts of jurisdiction
3. Action by barristers
4. Action by bodies dealing with enforcement of penal sanctions ; after-care agencies
5. Action by non-governmental judicial bodies (domestic tribunals, disciplinary boards, etc.)
6. Economic and financial measures
7. Legislation and policy concerning social security (including social insurance); action by social security agencies
8. Legislation and policy concerning public health; action by health authorities
9. Legislation and policy concerning education and cultural matters; action by the education authorities
10. Social welfare, health services and professional associations in industry
11. Action by social organisations and voluntary humanitarian bodies
12. Action by professional mental health organisations
13.
14.
15.
16.
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19.
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21.
22.
23.
24.

C.- Criminological and experimental research -undertaken in your country after the Second World War - which has contributed to modifications in concepts and measures, or caused changes in the activities of the bodies and institutions referred to above, or, conversely, whose results tally with such modifications (1).

(1) In each case :

- (a) State name(s) of author(s), title of published work, publisher, date and place of publishing.
- (b) State whether the results of the research work tally with the modifications introduced in the concepts, measures and action of the bodies and institutions listed under B above.
- (c) Give a detailed description of the modifications, if any.

D.- State your views as to the effect of scientific research on the pattern of social life, with particular reference to the communication media that have contributed to the assimilation of the results of such research by society.

TO THE QUESTIONNAIRE

Australia

Stanley W. Johnston

University - Melbourne

Germany

Wolfgang Isenhardt

Ministry of Justice - Bonn

Kurt H. Koser

University - Bonn

Kurt H. Koser

University - Bonn

Belgium

Harmon Bekaert

Research Centre of Juvenile
Delinquency, University -
Bruxelles

E. G. Verscha

Institute of Sociology, Uni-
versity - Bruxelles

Canada

W. F. McGrath

Canadian Corrections
Association - Ottawa

Colombia

Guillermo Uribe Gueiza

University - Bogota

LIST OF NATIONAL REPORTERS AND RESPONDENTS
TO THE QUESTIONNAIRE

Australia

Stanley W. Johnston University - Melbourne

Austria

Wolfgang Doleisch Ministry of Justice - Wien

Gerth Neudert University - Graz

Konrad Schima University - Wien

Belgium

Hermann Bekaert Research Centre of Juvenile
Delinquency, University -
Bruxelles

S.C. Versele Institute of Sociology, Uni-
versity - Bruxelles

Canada

W.T. McGrath Canadian Corrections
Association - Ottawa

Colombia

Guillermo Uribe Culla University - Bogota

Czechoslovakia

Oto Novotny

Institute of Criminology of
the General Public Prosecutor
(Report prepared with the In-
stitute of Law of Academy of
Science) - Praga

Ladislav Schubert

University - Bratislava

Denmark

Karl O. Christiansen

University - København

Finland

Inkeri Anttila & Patrik Törnudd Institute of Criminology,
Ministry of Justice - Helsinki

F R Germany

Günther Kaiser

University - Tübingen

H.J. Schneider & R. Sieverts

University - Hamburg

Th. Württenberger

University - Freiburg

France

H. Michard

Centre de Recherche et de
Formation de l'éducation
surveillée - Paris

Philippe Robert

Ministry of Justice - Paris

German D R

R. Hartmann & J. Lekschas
& G. Stiller

University - Berlin

Greece

Demetre Karanikas

University - Thessaloniki

Hungary

Miklos Kadar

University - Budapest

Miklos Vermes & Andras Szabo

Research Institute of the
Academy of Science - Budapest

Indonesia

Amilijoos SA'Dander

University - Padang

Italy

Franco Ferracuti

University - Roma

Gianluigi Ponti

University - Milano

B. Di Tullio

University - Roma

Netherlands

J.M.v. Bemmelen

University - Leiden

Poland

St. Batawia

Research Institute of the
Academy of Science - Warszawa

P. Wierzbicki & Walczak

Research Institute of the
Ministry of Justice - Warszawa

Sweden

Ivar Strahl

University - Uppsala

Switzerland

M. Veillard (Cybulski)
& V. Kurt

Department of Justice -
Lausanne - Bern

United Kingdom

Gordon Rose

University - Manchester

United States of America

Sheldon Glueck

University - Cambridge,
Massachusetts

Gerhard O.W. Mueller

University - New York

J. Robert Weber

National Council on Crime and
Delinquency - New York

Venezuela

Jose Rafael Mendoza

Lawyer - Caracas

Yugoslavia FOOT - NOTES

Ljubo Bavcon: University - Ljubljana

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471

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