

CRIMINOLOGY



The New and Completely Revised
Edition of the
Standard Scandinavian Study

By Stephan Hurwitz *and*
Karl O. Christiansen

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Diagrams by Erik Leenders

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Preface

This handbook of criminology appears as the second edition of Stephan Hurwitz's *Criminology* (Allen and Unwin, London 1952) and is based on the third Danish edition of the authors' *Kriminologi*, published in two volumes by Gyldendal, Copenhagen, 1968-71.

New chapters or sections on "The History of Criminology", "Crime in Denmark", "Monozygotic Twins Brought up Apart" and "Sexual Abnormalities" have been added in Parts I and II, and the chapters on heredity and crime have been abbreviated considerably, compared to the Danish edition. Karl O. Christiansen has had principal responsibility for these revisions, for bringing the text up to date, and for revising and enlarging Parts III and IV.

Mrs. *Margot Blanchard* has translated Parts I and II, and Mr. *Thomas E. Sheahan* Parts III and IV; we thank them for their endeavours. Dr. *Joanna Shapland*, Oxford, undertook the final editing of the text. We wish to express our sincere thanks for her patience and scrupulous care in dealing with a demanding task.

The authors are indebted to a number of persons who are mentioned in the Danish edition. Two names would be repeated here: lic. jur. *Sv. Gram Jensen*, lecturer, who has contributed to the chapter on "Crime in Denmark", and lic. jur. *Vagn Greve*, lecturer, who has assisted in the collection of data and the treatment of the material, including the chapter on "Age".

To our great pleasure, Professor *Thorsten Sellin* has agreed to write a foreword to this book. We are pleased to express our deep gratitude for his vital and continuing interest in Scandinavian criminology.

The publication of the English edition has been supported by the Danish Rask-Ørsted Foundation for the Promotion of Sciences, and by Konsul George Jorck and his wife Emma Jorck's Foundation. We acknowledge our great debt to these foundations and to our Danish and English publishers for making available to English-language readers a criminology handbook based, to a great extent, on Scandinavian data.

Stephan Hurwitz

Karl O. Christiansen

Foreword

The first edition of this work was published in Copenhagen in 1948 with the title of *Kriminologi*. Its author was Stephan Hurwitz, who had served as professor of civil and criminal procedure from 1935 to 1942, when he was chosen to fill the chair in criminal law at the University's faculty of law. During the previous two years he had published a standard work on Danish criminal procedure and one on civil actions. Now he would be able to devote all his energy to his favorite subject. He soon discovered that the orthodox method of teaching criminal law was not completely responsive to the shift in interest displayed by his students. In a symposium on the training of lawyers, in which he participated late in 1943 in Sweden, he noted that "among students today . . . one sees interest aroused as soon as the professor of criminal law touches on matters that fall within the realm of criminology, while their interest flags when one spends time on details, which were of supreme importance to earlier generations, namely the analysis of the elements of an offense and the fixing of punishment in a given case." Therefore, instruction in criminology should supplement the course in criminal law. He reported that a committee appointed to review the requirements for the degree in law at his institution had just proposed that all students be required to attend a course in criminology. If this recommendation were adopted, a textbook "giving the fundamentals of criminology" would be needed, one that would synthesize the theories and researches of American sociologists and German criminobiologists concerned with the nature, development and etiology of criminal conduct.

Four years later, Professor Hurwitz could report to the Second Congress of Nordic Criminalists in Stockholm that the law faculty had indeed adopted a rule in 1944 excluding law students from the final examination for the degree if they had failed to attend a course in criminology, and that such a course had been instituted the same year, taught by a lecturer (*lektor*). He did not mention that this lecturer was Karl Otto Christiansen, nor that the urgently needed textbook was his own, and that it was ready for printing. A second edition of it, very slightly revised, was issued in 1951 and in an English translation in 1952 by the publishers of the present work. Italian and Spanish translations appeared in 1955 and 1956 respectively.

The book was the first of its kind in Scandinavia. Considering that the author's field of expertise was the criminal law, a subject of which he had been and would continue to be a brilliant exponent, and that he had not been engaged in research in criminology, as he defined the scope of that discipline, nor would do so in the future, one can only describe the masterful critical survey of criminological theories and researches that he presented in his textbook as a *tour de force*. In 1950-1952 and 1955, his standard work on Danish criminal law was published, and in the last mentioned year he left his professorship to accept the post of the Parliament's first ombudsman, a position he filled with distinction for sixteen years until his retirement. His new activity would bring him international renown and spur the movement to establish similar posts in many countries.

After the last world war, the growing concern with crime and its manifestations led to a great increase in the number and the variety of criminological researches in all leading countries. By the 'sixties, Professor Hurwitz felt that a thorough revision of his textbook was needed. It would be a time-consuming and demanding enterprise, which he would of necessity have to entrust to a competent associate. He found him in Karl Otto Christiansen, who was eminently qualified to undertake the task.

Christiansen's interest in sociology and criminology was of long standing. After receiving a master of arts' degree in philosophy in 1937, he devoted most of his time to criminological study and research. When peace was restored he began his research on male collaborators with the enemy during the occupation, which was published in 1950. A larger study of the criminality of these collaborators, seen in the light of sociology, was published in 1955; it gained him a doctorate in jurisprudence, although he was not a graduate in law. The same year he co-authored with Karen Berntsen, a psychologist, a report on a study of an experimental group of 126 short-term prisoners in the prisons of Copenhagen, who had been given special psychological and social treatment, and a control group of the same size. A follow-up investigation, six to eight years later, showed that the members of the experimental group had a significantly lower rate of recidivism than those of the control group.

Until 1957, Christiansen's lectureship had occupied only part of his time. That year, a Criminological Institute was established and he was attached to it full time, first as amanuensis and later as docent until a professorial chair in criminology was created in 1967 and he was chosen to be its first occupant. By that time, he had nearly completed the revision of Hurwitz's *Kriminologi*, a long synopsis of which appeared the same year in his remarkable article, "Kriminologie (Grundlagen)", in the German *Handwörterbuch der Kriminologie*. The first volume of the revision appeared in 1968, the second in 1971.

Of Christiansen's researches, only a sample of which has been referred to above, one was particularly close to his heart. During two decades he had been collecting data on all twins born in Denmark between 1881 and 1910, giving him a base more imposing than anyone had previously constructed for testing the role of heredity as a criminogenic factor. The completion of the analysis of this wealth of data was cut short by his untimely death in 1976 at the age of 68.

Like Professor Hurwitz, Christiansen had an international reputation. In the late 'forties he spent an academic year at the United Nations in New York as acting director of the Social Defense Section of the Division of Social Activities, where he was especially concerned with the development of comparative criminal statistics. In 1965-1970 he served as chairman of the Nordic Research Council for Criminology. He participated in the work of the European Committee on Crime Problems of the Council of Europe and in 1973 was a visiting expert at the Asia and Far East Institute in Fuchu, Tokyo. At the time of his death he was visiting professor at the University of Minnesota.

Karl Otto Christiansen was a scholar of rare ability and sound judgment, a true craftsman, who will be missed by his fellow-criminologists, among whom he occupied a place in the first rank.

Thorsten Sellin

Gilmanton, N.H.
May 1977

CRIMINOLOGY

PART I

The Science of Criminology

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1

Criminology and its branches

The term 'criminology' is used in various senses, some more wide-ranging than others. In the widest sense it covers the whole of criminal science; in a narrower sense it refers to that part of criminal science which empirically describes criminal behaviour and explores individual and social factors associated with crime and criminals. It is in this narrower sense that the word criminology is used in this book.

The above definition covers what is normally called the science of the causes of crime. The word 'cause' is avoided here because it can lead to misunderstandings. Crime has a complex background within which the importance of a single factor may be impossible to establish.

In addition, it may sometimes be difficult to decide what is primary and what is secondary in a given context. For example, the increased number of separations and divorces among criminals may be seen as an expression of a causal relation; separation and divorce cause crime, or, conversely, crime causes divorce. It may also be that both crime and separation or divorce arise from common causal factors such as abuse of alcohol.

Criminological research has aimed principally at elucidating the connection between crime and the personal characteristics of the offender or his environment, with special reference to the origin of the offence (etiology, genesis). As an object of research, however, the genesis of criminal behaviour cannot be separated from the behaviour itself. Therefore, criminology must also contain a descriptive part, criminography. Furthermore, criminology encompasses prognosis or the science of prediction. Victimology, which is research into the relation between the offender and the victim, is also included under criminology.

The science of sanctions, especially imprisonment (penology), is often included under criminology together with penal policy, i.e. the definition of which acts should be criminalised, and the description and discussion of methods for combating crime. If this is done, the subject matter of criminology can easily become too diffuse. It is convenient that some areas, such as police science (criminalistics), forensic medicine, and forensic psychiatry, are considered as separate sciences.

Penal policy is closely connected with empirical criminological research because the practical aim of research is to create a background of experience upon which penal policy can be based. But as long as the consequences of criminological research are uncertain and disputable, it remains convenient to distinguish between these two areas and their terminologies. This does not prevent criminology, where possible, from indicating the implications of studies concerning penal policy, nor does it prevent administrators of justice from utilising such results. Research on an empirical basis into the operation and efficiency of penal measures also comes within the scope of criminology.