THE LEADING PRINCIPLES OF THE SWISS CRIMINAL CODE

by

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The Swiss Criminal Code, the introduction of which, on January 1, 1942, has finally brought about the uniformity of Swiss criminal law, is the result of long and exhaustive preparatory studies which were initiated in the nineties of the last century. At the request of the Federal Council, Professor Carl Stooss of Berne prepared a scientific study of the criminal laws of the Cantons of that period and in 1893-94 he submitted a first preliminary draft for a uniform criminal code. The deliberations of the first big commission of experts led to the preliminary draft of 1896. In 1898, the partial revision of the Federal Constitution provided the constitutional basis for the unification of criminal law. In the course of further developments, which resulted in the preliminary drafts of 1903, 1908 and 1916, prepared in part with the collaboration of Professor Stooss, and finally in the preliminary draft of 1918, which formed the basis of lengthy parliamentary discussions, the guiding principles of Professor Stooss' drafts and their practical application did not however, undergo any fundamental modifications. Stooss was the first to embody in a legislative draft the far-reaching demands formulated by the new criminal science arising in his time. These demands were primarily concerned with the adoption of a system of measures, to implement the traditional system of punishments, for the purpose of a more individual treatment of offenders and of a better protection of society. In the course of time, these fundamental ideas have found their way into the legislation of many countries, while Switzerland, for many reasons, could not, until shortly before the Second World War, bring to a successful end the work which had begun so promisingly. But even if its progressive character, which marks the advent of a new era in criminal policy, is not as apparent today as it would have been twenty years ago, its great importance has by no means diminished.[2]

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[2] The literature is extensive. We must limit ourselves to mention the following well-informed studies:

Le Code pénal Suisse. By Frédéric Martin, *Schweizerische Zeitschrift fur Strafrecht*, 51 (1937).

Schweizerisches Strafgesetzbuch. By Prof. H. F. Pfenninger, *Schweizerische Juristen-Zeitung.* 34 (1938) No. 24.

The Leading Principle of the New Criminal Code

Like the criminal laws of the preceding period, the Swiss Criminal Code starts from the principle of guilt and punishment, but its aims go beyond the punishment of the individual offence. Its purpose is to eliminate or neutralise the causes of crime, which modern criminology has revealed, and to consider the offender's personality as a whole. Thus, on the one hand, the Code provides, in respect of the normal criminal the punishments which were in use hitherto, especially deprivation of liberty and fines. But the system of assessing penalties has been rendered more subtle and the execution of sentences aims no longer at punishing alone, but also at educating the delinquent. On the other hand, appropriate measures of education, treatment and detention are provided for offenders who are particularly exposed to danger or dangerous, such as juveniles, idle persons, habitual drunkards and habitual and professional criminals. It is of particular importance that these measures must now be ordered by the court, like ordinary penalties, and no longer by the administrative authorities, as far as such measures were formerly provided at all. Moreover, their imposition must be motivated in the sentence. Now, since the system of punishments has been supplemented by a system of indeterminate sentences of an educative, curative or protective nature, it is easier to re-adjust the penal sanction of the community in each individual case.

The Most Important Innovation in the General Part of the Criminal Code

The Code adheres throughout to the principle of *mens rea* to the exclusion of the principle of absolute liability. For example, while many cantonal Criminal Codes still provided that assaults which subsequently led to death must be punished more severely than other assaults, the new Criminal Code relies solely upon the criminal intent which has manifested itself (Article 18). If the effect falls below that which the offender has intended, he is

Le Code pénal Suisse. By Paul Logoz. *Schweizerische Zeitschrift fur Strafrecht,* 52 (1938).

Le Code pénal Suisse et la lutte coutre le crime. By Paul Logoz, *Schweizerische Zeitschrift fur Strafrecht, 52* (1938).

Im Kampfe um das schweizerische Strafgesetzbuch. By Prof. Dr. Ernst Delaquis, *Schweizerische* Zeitschrift fur Strafrecht, 52 (1938).

Le Code pénal Suisse du 21 décembre 1937. By François Clere, *Recueil des documents en matiére pénale et pénitentiaire,* VIII (1939).

Les peines, mesures de sûreté et autres mesures dans le Code pénal Suisse de 1937. By Ernst Delaquis, Rec. de doc. IX (1941).

Schweizerisches Strafgesetzbuch, Text, supplementary ordinances and references to the modifications of the law. By Dr. Ulrich Campell, Zurich, 1942.

punished for having attempted the intended act (Articles 21-23). Today, if the effect exceeds that which the offender has intended, the question must be considered whether the offender could have foreseen this effect and if the answer is in the affirmative, he is only punishable for negligence if the Code provides expressly that the negligent commission of the act in question is punishable (Article 18 (1) and (3).) The question whether the offender could have foreseen the effects of his act is stressed particularly by the provisions of the Special Part which deal with assaults (Articles 122 (2); 123 (2) and (3)). As regards accidental results, Article 124 provides as follows: "If the offender did not intend or foresee the serious consequences of his act, he is punishable for the assault which he intended."

It must be noted that the principle of guilt does not only apply in the case of crimes (*Verbrechen*) or medium offences (*Vergehen*) (Articles 18 and 63). Contrary to French law and to some of the Cantonal laws hitherto in force, guilt (intent or negligence) must also be proved where minor offences (*Ubertretungen*) are concerned (Article 102). Only the provisions concerning libels committed by means of the Press dispense with the principle of guilt (Article 27). The publisher, editor or printer may be punished if the identity of the author cannot be ascertained.

The Code attaches great importance to the motives behind the criminal act. The court, which is allowed a far-reaching competence and a wide discretion in general, must consider the offender's motives as an essential factor when determining the sentence (Article 63). This rule follows from the principle that the court is not called upon to consider the individual act alone, but to punish the person of the offender according to the requirements of justice. According to Article 64 the sentence may be mitigated if the offender has acted from honest motives. In the case of manslaughter at the request of the victim, the altruistic motive of the offender is taken into account (Article 114). Conversely, dishonourable motives entail more severe penalties, such as the ancillary penalty of loss of civic rights (Article 52). If the offender has acted from motives of profit, the court is not limited by the maximum limit laid down for fines (Article 48). Moreover, if the offender has acted from motives of profit the court may combine the punishment of imprisonment with a fine, or if the Code provides the alternative of a fine or imprisonment, the court may always impose both penalties (Article 50). According to some provisions of the Special Part of the Code, egotistical motives constitute an essential element of the criminal act, for instance in the case of inducing or aiding a person to

commit suicide (Article 115) or in the case of overworking children and subordinates (Article 135). In a number of other cases, selfishness, the desire to profit, or malice constitute an aggravating circumstance, as for instance in the case of usury (Article 157 (2)), unfaithful management (Article 159 (2)), malicious slander (Article 174 (2)), deprivation of liberty and abduction for the purpose of committing misconduct (Articles 182-185), spreading animal diseases or parasites (Articles 232, 233) and other criminal acts. According to Article 112, "malicious intent" may be relevant to determine in individual cases whether murder or manslaughter has been committed.

According to the fundamental provisions of Article 63, the court, in determining the punishment in accordance with the guilt of the offender, must consider not only the motives, but also the previous conduct and the *personal circumstances* of the offender. In addition, the Code enumerates the personal circumstances of the offender which must be considered by the court when determining the amount of a fine (Article 48 (2); see below). The question whether *attenuating circumstances* have been proved is also of great importance for the determination of the punishment. An exhaustive enumeration of attenuating circumstances which must be taken into account is contained in Article 64. This enumeration is of great practical importance, since the courts must now follow the provisions of the Code regarding attenuating circumstances and must not, as was frequently the practice hitherto, assume the existence of attenuating circumstances in the absence of specific guidance by the law. It may be assumed that this provision will bring to a stand still the practice of the courts to make exaggerated use of minimum sentences.

The provisions of the Code regarding *recidivism* (Article 67) constitute an innovation which must be welcomed for two reasons. On the one hand, the penalty must now be increased on the ground of recidivism not only if a criminal act of the same nature has been committed again, as many cantonal laws provided (special recidivism), but also in every case where the offender has served a term of penal servitude or of imprisonment either in full or in part within the preceding five years and another penalty of this character is to be imposed again, or if, within this period, he has been released from an institution where he has undergone a term of preventive detention (*mesure de sûreté*) (Articles 42-45). On the other hand, where recidivism is concerned, the uniform Code has abolished the cumulation of individual sentences *in lieu* of one sentence for concurrent offences, which occurred frequently

if the offender was sentenced in several Cantons according to different cantonal laws.

Similar rules apply now between the Cantons in respect of concurrent offences or concurrent violations of criminal laws (Article 68). If an offender has been sentenced by different courts to several terms of imprisonment, contrary to the provisions of Article 68 which envisage one sentence only, the court, which has imposed the most severe penalty fixes a combined penalty upon application by the convicted person (*Gesamtstrafe*, Article 350).

Judical assistance between the Cantons, which is of great practical importance, was of necessity defective in former times, when different laws were in force in the various Cantons and failed to be effective in individual cases, as was also the prosecution. Now, judical assistance has been adapted to the needs of a uniform criminal law and simplified. According to Article 352 ff., the Cantons are bound to render judicial assistance to one another and to the Federation. In particular, in criminal matters under the jurisdiction of the Federation, warrants of arrest and orders to bring in a person must be carried out throughout Switzerland. The officials of the Police are entitled, in addition, to follow an accused or a convicted person into the territory of another Canton and to arrest him there, if the case is urgent (so-called hot pursuit (*Nacheile*)).

Finally, the unification of the register of convicted persons, which is essential for an effective detection and conviction of criminals, must be mentioned here (Articles 62 and 359 ff. StGB and the Decree concerning the Register of Convicted Persons of November 14, 1941).

Both in respect of inter-cantonal and of international relations, the uniform Swiss Criminal Code now permits the authorities to adopt a more active attitude towards an effective fight against criminality. Until recently, Switzerland was frequently prevented from participating in international conventions, because legislation on the subject was internally a matter for the Cantons, as, for example, the age-limit to which minors are to be protected. In extradition cases, the stipulation that capital punishment would not be carried out could create difficulties, since capital punishment was still recognized in some Cantons. On the basis of the Swiss Criminal Code, the Federation now has a freer hand in its negotiations with foreign countries.

The various provisions of the Code which concern international criminal law prescribe that a sentence abroad must be

taken into consideration for determining whether the offender is a recidivist, if the offence is one for which Swiss Criminal law would allow extradition (Article 67(2)). A sentence abroad must also be taken into account in connection with the question whether in view of the absence of previous offences in Switzerland or abroad the execution of a sentence is to be suspended (Article 41). According to Article 3, the Swiss courts must deduct a term served abroad in respect of a criminal act committed in Switzerland. The same principle applies according to Article 4 in respect of criminal acts against Switzerland committed abroad. According to Article 6, a Swiss citizen, who commits a crime or medium offence abroad for which Swiss law provides extradition, is subject to the Swiss Criminal Code, if the act is also punishable at the place where it was committed and if the offender is present in Switzerland or is surrendered to Switzerland. An acquittal, the execution of a sentence, a pardon or the prescription of the penalty abroad are taken into account. If the foreign law at the place where the act was committed is milder than the corresponding provision of Swiss law, the rule of foreign law is applied. The extradition of nationals, which is admitted in Anglo-American law, is not sanctioned by the Swiss Criminal Code.

Some so-called international crimes and offences, such as traffic in women and children, counterfeiting money and official stamps, are punished by Swiss courts, even if they are committed and punishable abroad, provided the offender has entered Switzerland and has not been extradited (Articles 202(5); 240(3)).

The core of the General Part of the Code consists of the penalties and measures provided for the various categories of offenders. As mentioned above, these penalties and measures constitute the outstanding merit of the Code from the point of view of criminal policy.

It is not our intention to repeat our survey of the system of penalties provided by the Swiss Criminal Code which was given in reply to sections 30-34 of the Questionnaire. Instead, we may refer to our observations made there in respect of penalties involving deprivation of liberty (penal servitude, imprisonment, detention), *mesures de sûreté* (care of dangerous lunatics, detention of habitual criminals, workhouses for disorderly and idle persons, treatment of habitual drunkards and drug addicts), fines, ancillary penalties (removal from public office, loss of civic rights, loss of parental rights and of the power of guardianship, prohibition to exercise a profession or trade, banishment from Switzerland, exclusion from taverns) and other measures (pledge to keep the

peace, confiscation of dangerous objects, forfeiture of presents, employment of the proceeds of confiscated objects, gifts, etc., for the benefit of the victim, publication of the sentence) and, finally, education in public institutions and educational measures where criminal children and juveniles are concerned.

Capital punishment, which was still provided by the laws of several Cantons but hardly carried into practice, has been abolished by the Swiss Criminal Code as far as proceedings against civilians are concerned.

The coming into force of the Criminal Code has now finally initiated in Switzerland a uniform and comprehensive development of the methods pursued in respect of the execution of sentences, and, more particularly, of the prison system and of the necessary special institutions. But according to the Constitution the execution of sentences, like the criminal proceedings and criminal jurisdiction, remain within the competence of the Cantons.

In establishing a system of differentiated penalties and measures and in laying down in the form of federal law, the general principles for the execution of punishment the Code complies to a high degree with the principal demands of modern criminal science, namely, to combine the purpose of retribution with the measures for educating the offender or for providing any other treatment which is required.

The purpose of education is served by the progressive stage system in prisons, the insistence on the duty of prisoners to perform work which is to be in accordance with their abilities, if possible, by the grant of progressive relaxations, and by the conditional release (Article 37 ff.). The fact that these provisions apply even in respect of sentences of penal servitude, the most severe penalty entailing deprivation of liberty, and even in respect of sentences of penal servitude for life, must be regarded as a notable advance. The penalty of detention in a workhouse or in a house of correction, which was known in most Cantons, has been abolished. This is a welcome simplification, since these penalties differ little from the penalty of penal servitude or imprisonment. On the other hand, it is all the more valuable that the modern federal system of penalties and measures entailing deprivation of liberty makes it possible to differentiate between sanctions, institutions and categories of prisoners, a differentiation which is well founded in practice. But it must be noted that even the prescribed division between juvenile and adult prisoners is not yet carried out everywhere as a matter

of course. Unfortunately, owing to financial reasons and in view of the sovereignty of the Cantons in respect of the execution of penalties, the Code has, to a certain degree, sanctioned a compromise which the experts would have preferred to avoid for the sake of clear-cut principles. The rule that penal establishments must be differentiated according to the type of penalty has been modified inasmuch as it constitutes sufficient compliance with the requirements of the Code if a *part* of a penal establishment is dedicated exclusively to the execution of a particular type of punishment. Also, training schools for work and institutions for habitual drunkards may be housed under the same roof, if the internal management and the inmates are strictly separated (Articles 35 ff. and 42 ff.). The Code is even less rigid as far as the penalty of detention (*Haft*) is concerned, for although in this case, too, a separation of establishments is prescribed, it is unfortunately provided that "rooms which are not used for the execution of other penalties" are regarded as sufficient. The rule that even prisoners who serve a term of detention are to be kept in solitary confinement at night time is a useful innovation as far as some Cantons are concerned, while it is a matter of course in the case of those serving a term of penal servitude or imprisonment.

The whole question of the reform of penal establishments is difficult for the reason that the Cantons enjoy independence in this sphere and that their territory is frequently too small to allow them to establish and maintain on their own costly institutions of a specialized type. Moreover, the preventive detention of habitual criminals and the training for work of disorderly and idle persons which constitute effective measures in the place of the former practice of imposing repeated, but useless short terms of imprisonment, as well as the penalty of ordinary detention, are an innovation for many Cantons. It is also of great importance that the training extablishments for juveniles are to be specialised to a far-reaching extent in order to fulfil the purpose of training and education which has no longer anything in common with ordinary penalties. The demand is widespread and emphatic that the necessary specialised institutions should be established if possible, by mutual arrangements between the Cantons, according to districts and subject to regional requirements, or that the existing institutions should be merged, converted or extended for the purpose of specialization. The Code itself lays down that structural reforms of institutions and the training of their officials is to be subsidised in a large measure (Articles 386 ff., 390). The institutional reforms must be carried out within twenty years

(Article 393). Although some model institutions exist, it is well known that great difficulties have yet to be overcome in this field, if the requirements of the federal laws are to be fulfilled, especially as far as institutions for juveniles and other establishments required for the execution of *mesures de sûreté* are concerned. (*Arbeitserziehungs-austalten, etc.*).

Of the *measures which do not entail deprivation of liberty* some, too, are essentially of an educational character. In the first place, the suspension of the execution of sentences must be mentioned, which may be granted under certain conditions if the sentence is one of imprisonment up to one year or of detention (*Haft*) (Article 41). If necessary the suspension can be granted in combination with an order for protective supervision (probation) (Article 47), which is also an important means for social readjustment in the case of a conditional release. It is unnecessary to discuss in detail these institutions which are well known and indispensable in a modern system of penal administration.

Further, it must be mentioned that two institutions which are specifically Anglo-American have been incorporated in the Swiss Criminal Code, namely the bond to keep the peace (Article 57) which is also known in germanic law, and the suspension of sentence in proceedings against juveniles (Article 97).

Reference must be made, in addition, to an auxiliary penalty, the prohibition to frequent taverns (Article 56) which is also designed to be an educational measure. However, its execution should not be an easy task in bigger localities.

The law regarding fines, the application and execution of which had hitherto been unsatisfactory in many respects and frequently even downright unjust, underwent a far-reaching reform. In future a fine will affect a person of means as severely as the pauper, inasmuch as fines are to be determined according to the degree of guilt on the part of the offender, with a view to his personal circumstances and with special regard to his income and assets, his position and duties as a family man, his profession and business, his age and his health. The upper limit is 20,000 francs, but it may be exceeded if gain was the offender's determining motive (Article 48). Since the execution of fines frequently entails excessive hardship for persons without means, especially owing to the automatic conversion of fines into detention in the case of non-payment, Article 49 of the Code introduces far-reaching mitigations by providing the possibility for allowing the offender to pay in instalments within a certain period or to work off the fine by voluntary labour. The conversion of a fine into

detention, which must be ordered by the court, is only to be considered in the last resort, subject to the possibility of suspending the execution of the sentence. But the court may, either in the sentence or by subsequent order (in respect of which no costs are to be imposed) exclude the conversion of the fine into a sentence for detention (*Haft*), if the convicted persons proves his inability to pay the fine through no fault of his own. In its improved form, the fine should prove one of the most effective penalties, especially since the useless and even harmful sentences of short terms of imprisonment are thus avoided.

Certain reliefs which are granted if the offender makes good to the best of his ability the damage caused by him also exercise an educative influence upon the offender which should not be under-estimated. Reparation of the damage can be of importance in connection with the question whether conditional release (Article 38) or the suspension of the execution of the sentence (Article 41) is to be granted, as well as in connection with an application for the restoration of civic rights (Article 76). It can also be a reason for mitigating the sentence (Article 64).

At the same time, these provisions are designed to give some assistance to the victim, whose interests are still, generally speaking, somewhat neglected by the Criminal Code, by affording him satisfaction outside the civil courts. Moreover, Article 60 provides for the benefit of the victim that the proceeds of confiscated objects, presents and other payments which have been forfeited to the State, or the amount of the bond to keep the peace or a sum in the nature of a fine, may be awarded to him up to the amount of damages, if it is unlikely that damages will be paid. This provision should bring about indirectly an increased protection of society by criminal law, inasmuch as it offers greater encouragement to the victim to lay an information.

The *Special Part of the Criminal Code* provides the courts with a wide measure of discretion in the matter of penalties. Just as the General Part of the Code allows the courts to consider in their discretion all the circumstances which are relevant for the determination of penalties, so the penalties provided for the various criminal acts afford the courts considerable freedom in assessing the just retribution and in deciding upon the treatment of the offender required in each individual case. Solely in the case of murder, the Code provides penal servitude for life as the only punishable penalty.

The Special Part is characterized by a division, which is logically more acceptable, according to the interests which

criminal law protects, namely life and limb, property, honour, personal secrets, liberty, morality, family, public safety and public health, the State and the defence of the State, international relations and others. It is also characterised by a stricter definition of the criminal acts, both from the dogmatic and from the technical point of view. In the case of many criminal acts the Code employs more concise definitions which have been slowly developed in the course of decades by writers and by the courts. Detailed and complicated enumerations and the long-winded description favoured by the more ancient of the cantonal criminal codes which no longer satisfy the needs of today, have been avoided. By the fact that the features of larceny, fraud, embezzlement, falsification, arson and of all other offences as well as the penalties provided for them vary no longer from Canton to Canton, the Swiss Criminal Code has finally brought about in this sphere the security and uniformity which the citizen expects, in a state governed by laws. Moreover, many serious gaps in the cantonal laws, which offenders were able to exploit owing to the smallness of the country have been filled. In the following, some of the cases which occur most frequently in practice are given as instances of the important improvements which have been effected from the above-mentioned points of view.

In the sphere of *offences against proprietary interests*, the provision regarding embezzlement (Article 140), above all others, facilitates a better prosecution of delinquents of many types. A prosecution for embezzlement no longer requires an application by the injured party. Also, embezzlement now includes not only the illegal conversion of goods, but also of money, *e.g.*, by a merchant selling on commission. In addition, other provisions punish conversion and larceny by finding (Article 141), the damaging or removal of pawned goods (Article 147, 169), and loss of property through unfaithful management (Article 159). The provision concerning the removal of goods without intent to make a profit (Article 143) is directed, *inter alia*, against the unauthorised use of vehicles. Article 146, dealing with larceny of power envisages a type of offender who frequently remained outside the range of criminal law hitherto. According to Article 144, receiving even if committed by negligence, is a criminal offence. The provisions against fraud and malicious inducement of a person to damage either his own property or property belonging to third persons (Articles 148, 149) are supplemented by special provisions against defrauding innkeepers (Article 150) and against trickery, such as practised by blind passengers (Article 151), false declarations concerning commercial enter-

prises (Article 152), adulterated goods (Article 153 ff.) and others, all of which are treated as punishable acts preparatory to a fraud. Untrue confessions to the commission of an offence which were sometimes to be found under the head of fraud are now very properly placed in the section on "misleading the authorities charged with the administration of justice." Usury (Article 157) now includes not only stipulations for excessive interest but also business exploitation. In addition, the Code contains provisions against inducing speculation (Article 158), damaging credit (Article 160), unfair competition (Article 161), and violations of business secrets (Article 162). The offences against the bankruptcy laws and against the law relating to execution include, *inter alia*, failure to keep proper accounts (Article 166), purchasing votes of creditors (Article 168) and obtaining a deed of arrangement by trickery (Article 170).

The Code contains exclusive provisions not only for the protection of economic life but also *for the protection of morals*. The provisions concerning offences against life and limb (Article 111 ff.) include intentional homicide as the basic offence, with further provisions concerning murder, manslaughter and infanticide. The latter is less severely punished in response to popular feelings. Abortion on medical grounds is permitted if certain safeguarding conditions have been observed. The pregnant woman herself is punished less severely. Among the provisions against endangering life and health (Articles 127-129), the offence of abandoning a helpless or injured person, *e.g.*, in the case of a traffic accident, must be mentioned. Reference must also be made to the provisions against the maltreatment, neglect and overworking of children (Articles 134, 135).

The *offences against the honour* (Article 173 ff.) are divided into slander, malicious slander, and insult. The section includes a provision against tampering with mail (Article 179).

The *offences against the liberty of the person* (Article 180 ff.) consist of threats, a very widely framed provision against duress, deprivation of personal liberty, abduction, disturbance of the domestic peace and, although inserted in another section of the Code, of extortion (Article 156), force or threats against public authorities or officials (Article 285) and of intimidation of the public (Article 258).

In the sphere of offences against morality (Article 187 ff.), the Code has introduced a uniform age-limit of 16 years for the protection of juveniles, in the place of a variety of age-limits in the cantonal laws ranging from 12 to 18 years. In addition, the

seduction of a female minor between the ages of 16 and 18 is punishable upon special application (Article 196). Special provisions are enacted for immoral conduct with persons in the care of public institutions, with subordinates or if the offender has exploited a state of duress or dependency. Professional procuring, pimping, and white slave traffic are threatened with severe penalties.

As regards *offences against the family* (Article 213 ff.) it must be mentioned that adultery is punishable upon application by the injured spouse, if a divorce or judicial separation has been pronounced as a result of the adultery. This is a compromise between divergent opinions which prevailed in the cantonal laws. According to Article 217, failure to support relatives is punishable; according to Article 218 the abandonment of a pregnant woman in straitened circumstances is an offence.

The sections dealing with *offences against public safety, public health,* against *public traffic,* and against *public peace* contain a number of special provisions which need not be enumerated here. Everywhere the protection of society by criminal law is increased.

In the case of *counterfeiting money,* etc. (Article 240 ff.), even preparatory acts are punishable. The crime of forgery (Article 251 ff.) includes the forgery of private documents.

The *protection of the State and of public defence* by criminal laws has been greatly extended compared with the former law on the subject (Article 265 ff.).

In the section on *offences against the administration of justice,* a provision has been included which makes it a punishable offence for a party to civil proceedings to give false evidence (Article 306).

It is hoped that although this description of the offences laid down in the Special Part of the Criminal Code is necessarily incomplete, it has nevertheless been possible to indicate the operation of some of its more interesting provisions.

Our brief summary of the uniform Swiss Criminal Code is designed to meet the requirements of foreign lawyers for a general survey. It will have shown that the Swiss Criminal Code which has superseded the obsolete division of Swiss criminal law into separate cantonal laws is modern and yet based upon sound liberal traditions. It tries to meet practical needs and to guarantee the repression of crime as effectively as possible and in a manner which is adapted to modern conditions of civilisation and commerce.