

ENGLISH STUDIES IN CRIMINAL SCIENCE

SWISS CRIMINAL LAW

EDITORIAL NOTE

One of the main aims of our Department is to promote comparative studies in criminal science. In accordance with this purpose we prepared in 1941 a detailed plan for a comprehensive survey of the penal system of the European countries. Owing, however, to the abnormal conditions of the time it has not yet been possible fully to realize this project. We were greatly encouraged, however, to persevere by the support which was given at the Conference between the representatives of nine Allied countries and the Department held in Cambridge in 1941. A resolution was then adopted "That this Conference welcomes the Cambridge Department's action in initiating the survey and reaffirms the undertaking of its members to assist in its speedy completion. Furthermore, as scientific investigation is the basis of effective international collaboration on penal matters, this Conference expresses the hope that the Cambridge Department will continue in the future its comparative studies and assures the Department of the interest of the Allied Governments in this work."

In such a survey as this the analysis of the systems of criminal justice in the Axis countries and in those under their influence is of paramount importance and we have accordingly collected a great deal of material on this subject. Of course, comparative studies cannot be restricted to the debased systems which have been imposed in these countries. To give a just and well balanced picture of penal development in Europe, extensive investigations must be carried out into the systems of criminal justice of the countries which fully respected the heritage of civilization. Amongst these, Switzerland occupies a most prominent place. We therefore approached Professor Delaquis of Berne and asked him to provide replies to the standard questionnaire which we had framed so as to cover every point of importance which could reasonably be included in any fully developed system of criminal justice. We also asked Professor Delaquis to contribute an article in which the leading principles and the most interesting features of the new Swiss Criminal Code of 1937 would be reviewed and explained. Professor Delaquis very kindly accepted our invitation and under his direction Dr. iur Pfander has fulfilled this heavy

task with exceptional skill and precision. We have much pleasure in now publishing this article which, together with the answers to the Questionnaire, forms one complete unit of the main scheme.

In his Preface, Professor Gutteridge, the first holder of the Chair of Comparative Law in the University of Cambridge, emphasises the need for comparative studies in criminal science and explains why the Swiss Criminal Code is particularly suitable for this kind of enquiry.

We take this opportunity of expressing our gratitude to Dr. K. Lipstein who has undertaken the arduous task of translating the whole material into English.

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