#### CRIMINOLOGY AND THE CRIMINAL JUSTICE SYSTEM

# CRIMINOLOGY AND THE CRIMINAL JUSTICE SYSTEM

## A Historical and Transatlantic Introduction

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#### **PREFACE**

In the 1989–90 academic year, it was my pleasure to take over the course on *General Criminology* from the late Prof. Steven de Batselier, a course that had been taught for decades as part of the special programme in criminology at KU Leuven's Faculty of Law. It was my intention from the very start to write an introduction to general criminology for the many students taking the course – both criminology undergraduates and faculty of law graduates – that would facilitate both absorbing the course material and studying it independently. At the same time, I wished to take the opportunity afforded by writing such an introduction not only to make the course suitable for the many law students but also to align it with the ideas that I had about how such an introduction should be structured.

For me, that meant two things. On the one hand, it seemed desirable for various reasons to devote considerable attention to the long history of criminology, in the West in general and in Belgium and the Netherlands in particular. The main reason was and is, however, that without thorough knowledge of that history it is difficult to understand the contemporary developments in theory, research, and practice. On the other hand, I considered it necessary to write not merely a kind of "history of ideas" in criminology but also to show how closely that history has been associated – right up to the present day – with the evolution of criminal law and the administration of criminal justice, and more generally with the combatting of crime in all its forms and varieties.

But actually writing such an introduction proved to be no simple matter. At that time, for instance, because of the absence of systematic and thorough research it was virtually impossible to write a historical introduction to criminology and criminal justice that would, at the very least, properly represent the history of criminology in Belgium and the Netherlands, and its influence on the organisation and operation of the criminal justice systems in those countries. Carrying out that plan was not easy, however, because I did not have access – either directly or indirectly – to the countless foreign publications that I needed in order to analyse, in sufficient depth, the interaction between European and American criminology since the end of the nineteenth century, even though a proper knowledge of that interaction is also necessary for a good understanding of the development of criminology in Belgium and the Netherlands since the 1960s.

These observations led, inter alia, to my starting, in the early 1990s, to collect publications, in both Europe and the United States, that could shed light on the

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history of criminology in the West and its entanglement with the international history of criminal law and criminal justice. By the mid-1990s, I had reached the stage that I could begin drafting an initial version of the introductory work that I had in mind. But then the time factor proved to be a major problem. All kinds of large-scale research projects – in particular my time-consuming duties on five official committees of inquiry in Belgium and the Netherlands – meant that it was simply impossible from a practical perspective to write this book.

I did, however, find time for two activities. First, I continued through all those years to collect antiquarian and new books on criminology and criminal justice in Europe and America that I thought I would need for the introduction that I envisaged. Second, in the light of the literature that I had collected, I wrote a number of contributions to collections and periodicals that were well suited to inclusion in the present book. The pleasing result was that by 2010 I had gradually progressed to Chapter 5. However, in all that time, I had still not been able to write about the important episodes in the history of criminology since the beginning of the twentieth century. But in 2012 and 2013, I was finally able to carry out my intention and to finish off the book.

The original Dutch edition of this work – *Criminologie en strafrechtsbedeling; een historische en transatlantische inleiding* (Antwerp, Intersentia, 2014) – comes to 924 pages, including the table of contents, bibliography, index of persons, and the numerous illustrations. This English edition has 644 pages and is therefore a significantly abridged version of the original book. A number of chapters have been shortened considerably, namely Chapters 2 (on the medieval origins of the criminal justice system), 3 (on the restructuring of that system during the Enlightenment and the French Period), and 7 (about the early development of criminology in Belgium and the Netherlands). Chapter 8 (on the role of associations and conferences in the internationalisation of criminology) has been completely omitted from this English edition. Chapters 10 (on the reception of European criminology in the United States) and 11 (on the transatlantic integration of criminology) have been retained virtually without excisions. In Chapter 11, those sections have been deleted that relate to the current development of criminology in Belgium and the Netherlands.

The reason for all the various excisions was that the deleted passages are of less relevance for an international readership. The number of illustrations was naturally also reduced, and their selection was tailored to this abridged version of the book. The bibliography has not been adapted to this English edition, however, for the simple reason that in its unabbreviated form it retains its value as a research resource. The index of persons has of course been brought into line with the English edition.

A historical and transatlantic introduction to criminology and the criminal justice system is a work that one writes alone, but not without the help of others. I would therefore like to thank, in the first place, the many booksellers in Belgium, the Netherlands, and elsewhere who have assisted me in the past 25 years in

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building up my private library, and have thus obviated the need for me to do a great deal of searching in libraries when writing the book. Second, I naturally wish to thank the various librarians who have helped me so effectively during this period, in particular those at KU Leuven's Faculty of Law, the New York University School of Law, the Max Planck Institute for Foreign and International Criminal Law, and the Law Faculty at Tilburg University.

Finally, I consider myself fortunate in the publisher who has guided this abridged edition of the book, Kris Moeremans of Intersentia (Antwerp) and the editors of Intersentia (Cambridge), Rebecca Moffat and Rebecca Bryan, who have been very helpful with the correction of the manuscript. Finally, I also wish to thank the translators at Balance Texts & Translations for producing the translation within a relatively short time.

Tilburg, Spring 2017

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