De criminaliteit van Oss
Nagel, Willem Hendrik

Publication date:
1949

Citation for published version (APA):
SUMMARY
INTRODUCTION; PART I; PART II.

Oss is a municipality in the Dutch province of North-Brabant, to be exact, in the Eastern part of it which used to be the Majority of Bois le Duc. It was the capital of one of the four quarters of this Majority, viz. of the quarter of Maasland. Situated in that part of the Brabantine area which adjoined that of the aggressive dukes of Guelders, Oss, which obtained the municipal rights as early as 1399, has seen many battles in the course of centuries. Five times it has been looted and set fire to by soldiers between 1386 and 1568. During the Eighty-Years' War of independence of the Netherlands against Spain, Oss was situated most of the time in a man's land, which position caused the town much suffering. Later on, in the war against France and in the Spanish war of Succession, Oss is once again the scene of the battle.

After the United Provinces had liberated themselves (1648), they governed Brabant as a so-called „Generaliteitsland”. Until 1795, after the French Revolution, the completely Roman-Catholic Brabant was ruled by foreign, protestant civil servants, in an inferior position. The population did not share in the profits of the East-Indian-Company, but had to pay much higher taxes than the Seven Provinces.

On January 1st 1870 Oss had 4,540 inhabitants and on January 1st 1948, 22,929; for the Netherlands these numbers were respectively 3,579,529 and 9,715,890. This proportionally rapid increase of the population must be ascribed for the greater part to the industrialization of Oss.

Till about 1872 Oss and its environs lived mainly by a badly developed agriculture and cattle-breeding and further by market-trade, chiefly in butter.

The industrialization found its accidental cause in the fact that it were the Oss butter-dealers, at first Jurgens, later on Van den Bergh, who founded the margarine-industry in the Netherlands; the Zwanenberg and Hartog concerns took part in the process of industrialization by manufacturing and exporting bacon and meat-products.

In the period between 1924 and 1935 Oss and its nearest environments showed a very high and rapidly increasing criminality, which greatly alarmed public opinion and the government. On a scale, so far unknown in the Netherlands, hold-ups became frequent in the North-Eastern part of Brabant, which had to be ascribed to inhabitants of Oss. But due to the great reticency and the solidarity of a part of the population the number of arrests was very small.

In 1935 the reinforced police succeeded in a radical round up and by this a great number of crimes, unexplained so far, came to light.

Already during this round up the author started on the initiative of Prof. Vrij (University of Groningen) an investigation on this crime-complex; after numerous impediments (part of the material and manuscript got lost by difficulties with the German occupier) he has been able to continue it after World War II and to finish it.

In Oss I have found the official reports of the various police-authorities since 1889, and I examined them all. They lead to dividing the field of investigation into five sections.

During the investigation it soon became evident that not only during these last decennia Oss has shown peculiarities in criminality. An increase of criminality
could be proved at the end of the 19th century, a wave, which appeared to have its top in the murder of a sergeant of the Royal Mounted Police in 1893, committed by four offenders who, however, should be looked upon as the executors of a wish cherished by a great part of the population.

Section I: the criminality from 1889 till 1900, in which a wave of criminality was gradually discharged;

Section II: the period from 1900 till 1924, in which few important cases became evident;

Section III: the period from 1924 till 1935, in which the criminality rapidly increased till the big round up.

The material of these three sections relates to 4382 crimes.

Section IV: monographs of 80 crimes of Section III (in Part II, Chapter II).

Section V: monographs of 68 offenders of Section IV (in Part II, Chapter IV).

The material found was amplified with the trial-files, talks with probation officers and prison-staff and talks with the condemned persons themselves. A sociological investigation to fund the research of the criminality itself gave the study a chiefly criminological-sociological character. From the point of view of criminal psychology there was very little material available. Moreover, the prison-doctor who for many years saw inhabitants of Oss in the criminal prison at Bois le Duc came to the conclusion that the criminality of Oss had no psycho-pathological aspects.

For the question how far the criminality has to be ascribed to hereditary biological factors as well, a special opportunity for investigation presented itself. In 1892 one of the Oss manufacturers left for Rotterdam taking with him about 250 labourers, about half of which came from the criminal milieu. They and their offspring too appeared to behave themselves like normal inhabitants of Rotterdam in their new surroundings.

Even though this was a plus-selection, because the manufacturer certainly will have taken the best accommodated men, there can, on the other hand, also be found a small minus-selection. For in 1893 a group of 16 inhabitants of Oss of the worst accommodated, most criminal sort, had taken refuge to America under the stress of the fierce judicial reactions on the murder of the sergeant, and I got to know the place where they first settled.

Promised help from American sides to examine this group and their offspring on criminality and other misbehaviour has unfortunately never been given, so that further investigation into this matter will have to wait for more favourable circumstances.

PART III: The criminality.

Whereas criminal law starts from the attacked interests in classifying indictable acts, criminology has to start from the offender. Its classification is founded on an offensive base, which has been justified more closely in Part IV.

Chapter I deals with the frequency and phenomenology of the various aggressive offences; they appear to be characterized by an outbreaking, centrifugal activity. Here much aggression is directed against the new class of manufacturers and its representatives, and also against the public authorities.

Chapter II deals in the same way with the economical criminality. Poaching, theft and robbery distinguish themselves from the other economic offences by a centripetal activity in the appropriation. In classifying the sorts of theft from poaching to robbery the characteristic factor to increase.

In the cases, in which it was been enumerated under a class

PART IV: The offenders.

In Chapter I is laid down the mixed and show not only either the predomination of either the

Chapter II deals first with an gene and exogene factors of exesive drinking is prevalent, ex- binds together the milieu and style to be a more important factor in

Chapter III deals with factor social and cultural causes social ones. The border-line between a sharp one.

After that the investigation positive and a negative moment fellow men. Both moments are.

Then the aggression is exam- of the relation to the environn „Gegenstand“ (Paul Reiwald), in which „entgegenstehn“, which gives

The notion of this motive can were, besides a vague fear and dis From Part I are collected the cases public authorities who support

Chapter IV deals with factors conduct-norm of these groups I prefer the idiom subsocial (by or antisocial, also to abnormal, the various meanings with what indicates what gets beneath the la

The conduct-norm of the group deviates from the universal fighting and excessive drinking between mine and thine is not the kind, that virtues, the sexual morals are rather as well: they are generous and, police at once in case of quarre other.

For a long time this conduct-norm society of Oss; only a few imm shared the universal Dutch con
wave, which appeared to have run upon the Police in 1893, committed upon as the executors of a wave which a wave of criminality which few important cases became in which the criminality rapidly increased. 82 crimes.

In III (in Part II, Chapter II), in IV (in Part II, Chapter IV).

Interviews, talks with probation officers who themselves. A criminality itself gave the point of view of criminal. Moreover, the prison-doctor at Bois le Duc had no psycho-pathological case to be ascribed to hereditary investigation presented itself. Rotterdam taking with him on the criminal milieu. They were like normal inhabitants of the manufacturer certainly will be found, on the other hand, also be found among the industrialists and the public authorities who support them.

PART IV: The offenders.

In Chapter I is laid down that the criminal careers of nearly all offenders are mixed and show not only either aggressive or economic criminality. Examined is the predominance of either the one or the other sort.

Chapter II deals first with alcoholism as an important katalysator of the endogene and exogene factors of criminality; after it has been ascertained that excessive drinking is prevalent, especially pub-crawling appears to be a factor that binds together the milieu and stimulates criminality. In this case the pub turns out to be a more important factor than the glass.

Chapter III deals with factors from personal structure. With economic criminality social and cultural causes appear to be more important than merely economic ones. The border-line between endogene and exogene factors appears to be not a sharp one.

Chapter IV deals with factors from the social structure. Only the knowledge of conduct-norm of these groups enables us to appreciate their „subsociality”. I prefer the idiom subsocial (by M. P. Vrij) which lacks the subjectivity of asocial or antisocial, also to abnormal, the term preferred by Thorstsen Sellin; it avoids the various meanings with which usage burdened the latter expression, and indicates what gets beneath the level of desirability in society.

The conduct-norm of the group or groups to which the criminals of Oss belonged, deviates from the universal Dutch moral. Chiefly in a negative way: fighting and excessive drinking are not condemned severely and the difference between mine and thine is not felt as strictly as elsewhere; the „Wirtschaftsge-sinnung” is not the kind, that saving and „getting on in the world” are virtues, the sexual morals are rather loose. A few positive, however, may be added as well: they are generous and act in sympathy; they are not apt to run to the police at once in case of quarrels e.g. and only rarely bear witness against each other.

For a long time this conduct-norm has been normally characteristic of the whole society of Oss; only a few immigrants, civil servants, clergymen and merchants shared the universal Dutch conduct-norm. Diagram 11 on page 339 shows this.
situation under A: the elements with foreign „normatism” are only particles amongst this huge group.

The increase of industry, however, enlarged the number of those, who acknowledged the other conduct-norm. They formed a complete group, numerically weak but economically and socially predominant. The industrialization attracted great numbers of labourers from the needy agricultural population of Oss and its environments, but very often pushed them back again to the poverty or even unemployment, then even harder to bear, if they had difficulties in accommodating themselves to becoming factory-hands. The tensions resulting from this lead to aggression against „the others”, i.e. the industrialists and authorities. As the other group increased, the old conduct-norm concentrated in the group of those of the autochthones, who were not able to adjust (situation B of diagram 11). This group with the original conduct-norm, strengthened negatively and positively by a need for selfpreservation, is called „the milieu” when talking and writing on Oss.

In the period from 1924-1935 this milieu is still present. It is investigated whether this milieu formed a gang or perhaps contained one or more gangs. The results were negative. It appeared that the milieu has to be regarded as a great base, out of which the active elements could always easily get their accomplices; a loosely binding league, determined by origin, surroundings and situation. The milieu found enforcement in the failing of the tracing until the great round up of 1935.

In particular the relation between milieu and authorities is mentioned, notably that of „the public authorities as a party”, „the rights of the public authorities” and „the church as an authority”.

Chapter V deals with the above mentioned factors of the personal and social structure in their connection.

Although no real need can be shown as a factor for economic criminality, the delinquents themselves pretend its existence. In the course of a conversation with them they can, however, be convinced, that this need is imaginary: indeed, they steal almost exclusively to satisfy other wants than those for food, clothes etc.

The discovery of the imaginary need is of prognostic importance, for imagining of need is easier to be cured than a possible real need.

Envy, however, often underlies imaginary need; there often is too great a tension between the luxury of the few and the relative poverty of most people. In the milieu there also appeared to be the opinion, that „the other side” could afford more than they themselves.

By means of the imaginary need, the envy and the above described aggressiveness of the one group against the other the economic criminality too is shown to have an aggressive factor. An aggressive disposition added to a social motive may lead either to economic or to purely aggressive criminality: the criminal inhabitant of Oss appeared to commit as well economic as aggressive offences. Sauer’s national-socialistically infected opinion, after which criminals distinguish themselves morally according to the types of their delinquencies in this way that the aggressor is superior to the thief and the robber in his turn superior to e.g. the crackman, is disputed with this material.

It appears that the economic and aggressive criminality of the inhabitant of Oss are closely related and that it is chiefly the cultural phase, which decides the way of the group and its individual members in which the criminality expresses itself: either purely aggressively or economically. As culture progresses criminality is shifted from the first form to the second.
The inhabitants of Oss of the milieu, who could not adjust themselves as quickly
in the course of half a century of culture and stayed behind both socially and
economically, appeared to regard the others as deserters.

They envied them, they were afraid of being outdistanced by them, and some-
times, like at the time of the 1893 murder-case, there was an atmosphere verging
upon panic in which a short-circuit might happen at any time.

PART V: Trial and punishment.

As a result of the round up about 300 cases were cleared up, with 155 offenders
in total, being 70 different people.

Imprisonment (the only deprivation of liberty known in Dutch criminal law)
of 1 to 15 years was imposed for the various facts; combinations of sentences
made that the most serious criminal was sentenced to 18 years imprisonment.
According to the Dutch code most of them were released on licence after 2/3
of their term of imprisonment. At the moment everybody sentenced in these
cases is a free member of the society again. Only a small number of them have
returned to Oss. Good follow up-investigations could not be made as yet, as the
most important punished persons have been discharged only for too short a time.

Chapter II deals with the sentences and their functions. It is premised that dis-
Turbin! of the criminal milieu must be the first crimino-political aim. This aim
Can only slightly be approached in the verdict.

In connection with the object of the verdict of moral correction I treated re-
Penance, according to Scheler’s conception, that repentance is the psychic grief
which man suffers in expelling a certain guilt, in accordance with which concep-
ion the grief of repentance is caused by his fighting against the consciousness of
GuIl.

It is argued that society is obliged to its delinquents to lay a special stress on the
Declaration of guilt besides the penal part of the sentence. This should be more
than a justification of the penalty, and contain a reproach pronounced „ex cathe-
дра“ by the legal order. If in this reproaching trial repentance has been brought to
its climax, the condemned person gets an opportunity of unburdening himself
of it, because his guilt is objectivat.ed into punishment. This train of thought leads
up to requiring a good timing of the trial. It has been observed in the criminals of
Oss that their original repentance often sublimated by having to wait too long
for trial.

After the 1935 round up Oss does not distinguish itself criminally from other
Dutch municipalitics.