

The emergence of a new science in Hungary

Andrea Domokos

1. The research of the causes of crime and delinquency received a revolutionary boost in Europe at the end of the 19th – beginning of the 20th centuries. On the one hand, societies were shocked by the considerable increase in the level of crime, which had also changed in terms of quality. On the other hand, the sudden development in natural sciences permitted a new approach to crime. Representatives of social sciences took over the methods applied by natural scientists, and sincerely believed that the characteristics of crime and criminals can also be expressed by numbers. In Hungary, the new theories appeared simultaneously with international research.

2. It is characteristic of Hungarian criminology that, while in other countries the first criminologists were people qualified as sociologists, doctors, biologists, in Hungary it was primarily criminal lawyers who started studying crime as a social phenomenon and the criminal as a delinquent personality.

Criminology played an important part in the codification of the criminal law of the period in Hungary.

Act XXXVI/1908 (Penal Amendment I) and Act VII/1913 on the juvenile court deservedly won the recognition of European criminal lawyers. Penal Amendment I of 1908 placed great emphasis on the personality of the offenders. The special provisions relating to juvenile offenders are finally created. It is now possible to apply educative measures such as reprimand, probation, correction-education as regards young offenders. Criminal measures are thereby introduced in the Hungarian system of criminal sanctions. Another new institution is the condition suspension of the penalty.

Act XXI/1913 also reflects the impact of criminology. This act dealt with a special group of offenders, vagrants or skivers, and the sanction in their case was that they could be sent to the workhouse.

Penal Amendment II, (Act X/1928) established the institution of the stringent workhouse, for habitual offenders. This was a security measure similar to the workhouse, however, it was applied in respect of particularly dangerous criminals. The purpose of this sanction was to neutralize these offenders and thereby to protect society¹.

¹ Dombóváry regarded the Domus Correctoria, opened in Szeged in 1785, as the predecessor of the

The journal “Huszadik Század” (Twentieth Century).

3. The journal titled “Huszadik Század” (Twentieth Century) published the new theories and ideas. Herbert Spencer welcomed the new Hungarian journal as follows:

“I was pleased to hear that you intend to publish a journal setting as its special aim the propagation of rational – that is scientific – ideas in respect of social issues. Society has until now been regarded as an artificial product and not as a result of development. The natural order of social phenomena was not at all recognised, but it was tacitly assumed that the order of the phenomena of social life is determined by government actions.

It will be undoubtedly difficult to enlighten your fellow-countrymen on this issue. Be that as it may, as for myself, I can only warmly welcome your endeavour, wishing that your example will also be followed elsewhere. Yours truly, Herbert Spencer.”²

“Twentieth Century” also published the written version of the lecture of Magnaud, the good judge. The editor (Oszkár Jászi) commented on the lecture as follows. «*The Sociological Society of Paris has recently organised debates on social types. In the course of these, the social position and duty of judges were also discussed. Member of Parliament Paul Magnaud, former Chairman of the Court of Château-Thierry was also invited to this conference. Magnaud has been honoured with the name “the good judge” by the people of France because he often startled the men of social justice with his famous sentences. The opinion of this noble and pioneering man is so interesting that we will present it here unabridged to our readers since Hungarian judicial practice would also badly need good judges like him*».³

4. András Szabó, academian, Constitutional Court judge, was one of the greatest criminologists of the second half of the 20th century. He wrote that Hungarian scholars also took their share in the establishment of the new science at the end of the 19th century and at the turn of the century: «*Facing the new circumstances and the emergence of new theories can be experienced across Europe, and representatives of Hungarian criminal science are also present in this intellectual process. Here, I refer to the various interna-*

stringent workhouse. This served for the placement of habitual offenders, „the incorrigible”, as they put it at the time. Habitual offenders were sentenced to an indefinite period of time at the Szeged corrective house.

² Spencer’s salutation. Huszadik Század 1900. Year I, Volume I, p.1

³ OSZKÁRJÁSZI published the written version of Magnaud’s lecture on pp. 544, 547 of Volume XV of Year VIII of the journal “Huszadik Század”, published in 1907.

tional conferences, and particularly the formation of the International Criminal Law Society, as well as the establishment of the International Association of Juvenile Judges, the initiator and first chairman of which was a Hungarian judge, Péter Németh.

In connection with the criminal law reform proposals of 1908 and 1913, Professor Jenő Balogh, then Minister of Justice, said the following words in his introduction to the parliamentary debate: *«The results of the literary battle fought by outstanding representatives of science and social policy at numerous international conferences going back to several decades are now clearly visible. It is a valuable achievement that the issues waiting to be solved have been separated into two, theoretically distinct parts. One of these is to be solved by general social policy: this is the provision of work, support and medical treatment to weak, ill or jobless and therefore poverty-stricken beggars and tramps. Criminal policy has no duties to be done in connection with this group. The other part of the problem, however, must be solved through the coercive intervention of the state, with appropriate criminal regulations: the task in this area is to educate juvenile offenders, to accustom the work-shy to a decent lifestyle and to teach them to work»*⁴.

5. Criminal jurist Jenő Balogh took a criminologist's approach to juvenile criminal law. His draft criminal law is the first to break with the classical school's focus on the offence and takes the person of the offender into account, advocating individualization. Balogh expresses the shortcomings of the classical criminal law school as follows: *«Its theory aimed to be no more than jurisprudence, its legislation merely legal legislation, neglecting the study of the offenders and their living conditions, the causes and prevention of punishable acts»*⁵. Jenő Balogh, who initiated the first amendment to the Csemege-Code one hundred years ago, proposed the waiving of the *«unnecessary and harmful incarceration punishment»*⁶. He believes that *«the activity of the theoretical researchers is not enough»*, but the legislative reform will also be insufficient if those enforcing the law are reluctant to follow it. Juvenile crime prevention will not work without social support; the institution of patronage is necessary. The increase in juvenile criminality should be restrained not with

⁴ SZABÓ, a *Recepció és kreativitás a büntetőjogban. (Reception and creativity in criminal law)* In: *Befogadás és eredetiség a jogban és a jogtudományban.* (ed.) Sajó, A. Áron Kiadó, Budapest, 2004. 72-135. p. 102.

⁵ BALOGH, *A büntető törvények és a büntető novella. (Penal legislation and the penal amendment)* Budapest, 1908. p. XXXIII.

⁶ BALOGH, *Fiatalkorúak és büntetőjog. (Juveniles and criminal law)* Budapest, Athenaeum, 1909. p. 203.

the whipping bench and not with the gallows, he said in 1909, but «*educative tools entirely avoiding punishment are required*».

Imprisonment for 1-2 months produces no result or effect, it is pointless and meaningless. Short-term incarceration is not suitable for averting the causes and factors of juvenile corruption and crime. It is not compatible with either humaneness or intelligence. It is cruel, pointless, and harmful to both the convict and the state.

The non-professional general public believes – Balogh points out – that, with 2-3 days' imprisonment, the juvenile offender has received his due and just punishment, and law and order have been restored. On the contrary, Balogh believes that a few days' incarceration or imprisonment “does more harm than it could possible have beneficial effects”.

Even one day's imprisonment can mark him for life, «*expelling him from honest society*». «*As part of our patronage activity, we experience hundreds of examples of the extent of mistrust society bears towards juvenile offenders released from prison, especially those with numerous previous convictions*⁷!».

6. Finkey reviews in 1905 the measures and institutions offering the chance to prevent crime in respect of the various groups of offenders. «*The study of prisons and criminal law ... must pay as much attention to preventive measures, corrective institutions, the protection of children, prisoners' assistance, beggars' asylums, workhouses, mental detention institutes as to punitive measures because it is these preventive institutions that render punitive measures unnecessary*⁸».

Patronage has an important part to play in the protection of children because children at risk easily become delinquent. Finkey cites the example of England, where there has been a law since 1857 to bring up abandoned children. He believes that industrial schools, truant schools and voluntary industrial homes are the results of splendid state and social activity. The protection of children, as a fundamental issue of the prevention of juvenile crime, generally concerned European lawyers, who organised several international conferences on the matter⁹.

⁷ BALOGH, J : *ibid* p. 144.

⁸ FINKEY, F., *A magyar büntetőjog tankönyve. (The textbook of Hungarian Penal Law)* Budapest, 1905. p. 468.

⁹ *International child protection conferences at the turn of the 19th-20th centuries*: 1896 Firenze, 1899 Budapest, 1901 London.

As regards workhouses, he proposes the Belgian law of 1891 as a model to be followed. The group of tramps and beggars constitutes a potential danger; many of them become perpetrators of crimes against property. In Finkey's approach, the workhouse is a purely preventive measure, which must be applied by the court. He said in 1905 that: «*In our country, the matter of vagrancy and begging is totally unregulated, and workhouses and beggars' asylums are entirely unknown institutions. This is indeed a shameful shortcoming of our legal system and a highly condemnable negligence of the Hungarian state and society*¹⁰».

7. As alcoholics similarly constitute a potential danger to society, Finkey proposes the establishment of therapeutic institutes in their case, based on English, Norwegian and Swiss models. For non compos mentis offenders, he proposes mental detention institutes based on Italian, Norwegian and Swiss examples. He emphasises that the transit prison of Kőbánya “*can be an object of our pride because, even abroad, there are few similarly beautiful and expedient institutes*¹¹”.

He proposes alternative punishments such as judicial reprimand, public work and conditional sentencing to replace short-term imprisonment. In connection with judicial reprimand, he refers to the proposal of 1843, where it was also included, as the lightest punishment. He suggested that it should be introduced in the case of juvenile offenders, people committing an offence out of neglect and first-time offenders. “*Naturally, this punishment could only be applied in the case of the lightest offences and under extraordinary mitigating circumstances, when even the slightest extent of incarceration or fine appears too heavy*”. He also considers public work as a suitable alternative to replace short-term incarceration. He believes conditional sentencing should also be introduced; he describes probation (UK/US) and the institution of the suspension of enforcement (Belgium/France). On conditional sentencing, he says the following: “*... we consider conditional sentencing as a new triumph of humanism because it allows us to effectively hold back first-time offenders, if they have committed a minor punishable offence under extraordinary mitigating circumstances, from the path of crime, and, to this end, they should not be punished with one or two weeks' or one or two months' imprisonment, which could be humiliating for a lifetime and could well corrupt even more virtuous convicts, but by setting a term of probation ...*¹²”

¹⁰ FINKEY *ibid.* p.480

¹¹ FINKEY *ibid.* p.482

¹² FINKEY *ibid.* p.487

On Penal Amendment I, Balogh speaks in the following terms: “*the new regulations ...take into account the two big truths that individuals committing crimes can be divided into various groups, and that – as Aristotle pointed out thousands of years ago – “to equally treat the unequal is the biggest tice*”¹³”.

In connection with the principle of individualization, Balogh does think about the practice, pointing out that the new principle demands that the investigating, the prosecuting and the sentencing authority as well as the defence counsel must deal with the details of the individual case for longer and in more depth.

8. Vámbéry said that, since Penal Amendment I, it is compulsory to be familiar with criminology because that is what the principles of crime prevention are based on now. The principle of individualization, now part of the criminal code, has come from criminology. “*In Hungary, the Penal Amendment has made the knowledge of criminology a practical requirement*”. “*The idea of prevention is so much dominated by the statutory provisions relating to morally depraved and delinquent juveniles that the etiological elucidation of juvenile criminality is a condition to the successful enforcement of the law*”¹⁴. Vámbéry Ruzstem takes a stand in favour of individualization, arguing that the essence of security measures is special prevention¹⁵.

In 1926, Albert Irk points out that general preventive punishments based on the realistic assessment of classical criminal law have only partially fulfilled the requirements set by practical legal life. Therefore, he believes it is necessary to develop “*more perfect penal tactics*”¹⁶.

Taking effective action against habitual criminals has always been a major problem for criminal policy. How is it possible to stop a criminal career? Hacker calls for an international register, and emphasises the role of international legal assistance. He says, in 1941: “*Combating the criminality of habitual criminals is deservedly regarded as one of the most urgent problems of*

¹³ BALOGH, *A büntető törvények és a büntető novella. (Penal legislation and the penal amendment)* Budapest, 1908, p. 6.

¹⁴ VÁMBÉRY, *Kriminológia, (Criminology)* Jogtudományi Közlöny, 1912. Year 47, No. 30, pp.259-260

¹⁵ VÁMBÉRY, *Büntetőjog, (Criminal law)* p. 1, 2, 1913.

¹⁶ IRK, *A büntetés fogalma, (The concept of punishment)* 1926. in: Irk Albert memorial volume (ed. Irk, F.) Hungarian Criminological Society of the Hungarian Academy of Sciences, Budapest, 1981. pp. 31, 38

*criminal policy*¹⁷. Heller also deals with this category of offenders in the same year, declaring them the habitual enemies of society¹⁸.

Heller discusses the differences between penalty and security measures, listing five differences.

a) the penalty is a retaliation applied for the perpetration of a crime. Security measures are measures serving to prevent crime (special prevention).

b) penalties can only be applied against perpetrators of crime. Security measures can also be applied against non compos mentis offenders or persons classifying as dangerous even if they have not yet committed a crime.

c) penalties inevitably entail suffering. A security measure as a concept does not cause suffering; it is the special preventive tool that can inevitably cause suffering.

d) the extent of the penalty is given in advance and is proportionate to the crime committed. The extent of the security measure can only be determined as it is implemented, after the event¹⁹.

9. He divides security measures into personal and material sanctions. Personal security measures aim to prevent crime through detention on the one hand, and through probation, police supervision on the other. Material security measures are designed to prevent an object from serving to perpetrate a crime, Heller says.

In addition to penalties and security measures, Heller also mentions further legal consequences such as compensation given to the injured party.

10. *Craniometry*

Austrian-Hungarian doctor Móric Benedikt suggested prior to Lombroso that the human brain contains an area responsible for the individual becoming a law-abiding citizen or a criminal. He believed that this area is missing from the brain of criminals. Therefore, a criminal is not capable of making the difference between good and bad. József Lenhossék refuted Benedikt's doctrine in a study published in 1878 in a supplement to *Orvosi Hetilap* (Medical Journal²⁰). However, analysing his collection containing the skulls of 16 serious criminals, he came to the conclusion, similarly to Lombroso, that crimi-

¹⁷ HACKER, *Kriminálpolitika* (Criminal policy), Miskolc, 1941. pp. 6, 7.

¹⁸ HELLER, *Büntetőjogunk haladásának útja*. (The progress of our criminal policy). Acta Universitatis Szegediensis Sectio Juridico-Politica Szeged, 1941, p. 6.

¹⁹ HELLER, *ibid*, pp.251, 254.

²⁰ MÁTAY, *Agycentizők a századfordulón*. (Brain measurers at the turn of the century). *Elektronikus Periodika Archivum Budapesti Negyed*, 2005, pp. 47, 48.

nals display atavistic features. He held the view that the domed forehead of criminal types was similar to that of predatory animals.

Criminal anthropologist Aurél Török was one of the first to protest against Lombroso's faulty theories. All along, he approached anthropological research strictly as a scientist, without yielding to any extremes or fashions. He held the view that criminal anthropology helps in the fight against crime by exploring the bodily and mental characteristics of criminals. Albert Irk expressed his appreciation for Török's commitment as a scientist, emphasising that he always formed his stand-point through an objective assessment of the research. Aurél Török himself summarised the state of contemporary anthropology as follows: "If the anthropological study of convicts, which is still in its infancy, cannot yet boast of results promising in respect of practical life the realization of the hopes of society in connection with these studies; this must not in the least discourage the fervour and activity of those who industriously work on this lengthy and painstaking task."²¹

Ernő Emil Moravcsik believes the signs of degeneration can be bodily and mental characteristics. "The former include the defective development, irregular or asymmetric shape of the skull, irregular shape or position of the eye-sockets, congenital slackness of the eyelids, speckledness of the iris, different-coloured eyes (e.g. blue on one side, brown on the other), albinism, altered shape of pupils, different-sized pupils, a slanted mouth, thick, pouting lips, hare-lip, cleft palate, defective or irregularly developed jaw (e.g. a protruding jaw). Irregular teeth and ears are very common and are of higher importance. These can be small, sparse, porous, grooved, often root-like, fragile teeth, with sharper ends, and extremely large or small, elongated ears with pointed tops, some parts of which are often not shaped properly or blurred."²² As head of the Institute for Forensic Medical Observation and Mental Hospital, he also studied the mental characteristics of criminals. One of his research areas was the moral responsibility of criminals.

Albert Irk also dealt with contemporary research describing the development of the human brain. He also brought changes occurring on the viscerocranium into causal connection with brain development. When presenting the change in the volume of the human brain, he quotes Broca, who was the first to conduct major studies on a larger sample. "*For this purpose, he compared*

²¹ IRK, TÖRÖK AURÉL (1842-1912), BÜNYGYI SZEMLE 1,1912. No.2, pp.82, 84.

²² MORAVCSIK, ERNŐ EMIL, *A századvégi degenerációról*, (On degeneration at the turn of the century). Huszadik Század Year I Volume I No.I, pp. 13, 25.

Parisian skulls from the 13th and 19th centuries, and found that the average volume of Parisian skulls grew by approximately 35.55 cm³ over six centuries²³” His studies were continued by Tohnard, who came to a similar result. Both researchers came to the conclusion, Irk says, that such expansion of the skull can only be the result of a better developed brain brought about by a more advanced culture. *“As the cultural standard rises, the surface of the brain as the home of intellectual functions increases, as does the neural skull, the container for the brain. For our part, in the course of our criminal anthropological studies, we have collected a highly valuable mass of anthropological data, which can be very favourably applied to determine the relation between the neural skull and mental abilities and cultural development²⁴”*.

He collects the characteristics of brain studies. In the first group, he classifies the studies examining the ratios of brain weight, skull volume and skull perimeter of individuals with above-average intelligence. The result is that highly intelligent individuals stand out with above-average relative numbers.

The studies belonging to the second group examine the relation between brain weight, skull volume and skull perimeter and occupation. The result is that the more prestigious the given profession is, the higher the anthropological dimension figures are.

The third group includes the studies observing the relation of the brain and the skull among uncivilized peoples. The result of these studies is that the brain and skull expand with the rise of the cultural standard²⁵.

11. Criminal statistics and criminal geography

In 1903, Publicanus publishes a review about Bosco’s Criminal statistics. *“Serious crimes are increasingly committed only by members of the criminal classes, in the strict sense of the word, or by individuals motivated to do so by inheritance or degeneration. In his analysis of the relation of criminality to social development, Bosco proves in a very interesting manner how the higher mobility of the population and its various distribution modifies the intensity of crime, how emigration and immigration contribute to increasing and decreasing criminality, and how the move of masses of people into cities in particular transformed the social conditions of crime. Generally speaking, while on the one hand the mobility and concentration of the population, the abuse of work and alcohol, religious and moral uncertainty, the acceleration of life*

²³ Irk, Albert: A kriminalitás normális és patológikus jellege. (The normal and pathological nature of criminality) Magyar Társadalomtudományi Szemle Year VI 1913. No.7 pp.520-531 p.526

²⁴ Irk, Albert: *ibid.*

²⁵ Irk, Albert. *Ibid.*

*not only transform, but actually increase criminality, the spreading of culture on the other hand renders murderous offences less frequent, and the improvement of economic conditions decreases crimes against property. Naturally, these general comments do not reflect either the depth or the reliability of the argument through which the author comes to these results. Bosco's book will undoubtedly serve as a compass for the processing of criminal statistics for a long time to come, and the only thing we regret is that the author was unable to set the data of Hungarian statistics, only collected since 1900, and, sadly, not satisfactorily processed, into a European light*²⁶”.

Hungarian statisticians developed the scientific methods of criminal statistics simultaneously with their European colleagues. “*One of the key tasks of criminal statistics is to examine the distribution of criminality in various parts of an area falling under the effect of the same criminal law: in different parts of the country. It will thereby render a great service to good criminal policy...*” Elemér Kármán says²⁷.

They recognised the possibilities hidden in criminal statistics, and the fact that, without knowledge of the data of criminal statistics and the regularities based on them, there is nothing the state can do against crime. Béla Földes says that, without criminal statistics, the study of crime “*lacks the inductive and the empirical basis*”. “*Criminal statistics is an indispensable source of knowledge for the criminologist, the criminal policymaker, the judge, the moral and social policymaker*”²⁸. Földes also wants to reveal the individual and social processes and connections hidden behind the data. He believes that an appropriate, scientific interpretation of the numerical data is necessary for drawing correct conclusions from the statistics. “*There is a big difference between murder and murder ... - in terms of statistical figures, every case is the same, they are only taken into account by quantity, not by quality*”²⁹. He tries to explore the social background of crime as well. He develops a system of categories, which can provide a complete picture of the factors generating crime.³⁰ His system of categories includes physical, economic, intellectual,

²⁶ Publicanus: SZEMLE BOSCO, BŰNÜGYI STATISZTIKÁJÁRÓL, (A review of Bosco's criminal statistics) AUGUSTO BOSCO, *La delinquenza in vari stati di Europa*, Roma 1903. Estratto dal *Bulletin de l'institut international de statistique*, Tome XI LLI, 282 l. Huszadik Század Volume VII Year IV 1903, pp. 850, 851

²⁷ KÁRMÁN, ELEMÉR, *Bűnügyi statisztikánk újabb eredményei és irányai*. (The latest results and directions of our criminal statistics) Közgazdasági Szemle 1903, 1 pp. 366, 380.

²⁸ FÖLDES, BÉLA, *Bűnügyi statisztika és bűnügyi szociológia*. (Criminal statistics and criminal sociology) Statisztikai Szemle Year 1934, No. 2 pp. 99, 103.

²⁹ FÖLDES, BÉLA, *A bűnügy statisztikája*. (The statistics of crime) Budapest, 1899, p. 157.

³⁰ FÖLDES, BÉLA, *A bűnügyi statisztika problémái*. (Problems of criminal statistics) Magyar Statisztikai Szemle. No. 1932, 3 pp. 243, 255.

moral, legal and political factors alike. The statistical data that can be used in criminal sociological research as compiled by Földes are as follows: Physical factors: sex, age, family status (number of children), geographic conditions, periods, seasons, health, bodily and mental abnormality, inheritance, temperament. Economic factors: occupation, occupation-related social conditions, income, property, lifestyle, housing conditions, grain prices, crises, pauperism. Intellectual and moral factors: education, culture, religion, legitimacy, alcoholism, prostitution. Legal factors: criminal law, criminal prosecution, system of penalties, civil law (family law, property law, inheritance law). Political factors: citizenship, nationality, public administration, policing, right of vote, forms of government, social legislation, political morality, wars, revolutions.

Scientific accuracy and the search for regularities are increasingly emphasised in the collection and comparison of criminal statistics, in the creation of tables and time series. Gyula Vargha says: *“a serious statistician carefully considers the data. If he wants to make a comparison, he will first examine whether the data is suitable for comparison; and tries to make these silent numbers speak while taking into account all influencing causes and modifying circumstances, looking for the truth with the patience of a scientist and the impartiality of a judge”*³¹.

“Criminal statistics can only really perform its mission if it can also provide an appropriate insight into the broad field of crime in terms of social and moral statistics”. János Bud says in 1906³². Bud says that, on the one hand, criminal statistics must study the development of criminality within social classes according to location and time, and on the other hand, criminal offences must be examined as the personal manifestations of individuals. Bud believes the first task can be solved by general statistics, whereby statistics compares the various groups of crime committed in the same period of time. The second task can be solved by the statistics of repeat offenders. In this case, the statement will include the data following along the individual offenders’ criminal career.

The first major criminal statement, summarising the court and prison statistics of the period 1904-1908, was published in 1910. The compilation titled The

³¹ Vargha’s thoughts are quoted by JÁNOS BUD, *Bűnügyi statisztikánk fejlődése és a kriminalitás iránya*. (The development of our criminal statistics and the direction of criminality). I, II Jogtudományi Közlöny No. 1906, 9, pp. 73, 74.

³² BUDJÁNOS: *Bűnügyi statisztikánk fejlődése és a kriminalitás iránya*. (The development of our criminal statistics and the direction of criminality), III, Jogtudományi Közlöny, No. 1906, 10 pp. 83, 84.

Criminal Statistics of the Hungarian Empire in the years 1909-1913 already records repeat offenders' earlier offences and the related penalties as well, and separates the data related to juvenile delinquents. Roland Perényi says the emergence of criminal statistics of a scientific standard in Hungary took place in the period preceding the outbreak of World War I³³.

Béla Földes, at the end of the 19th century, studied offenders who "*make a profession out of crime*"³⁴. He found that, in the period 1881-1884, the number of repeat offenders was higher among those committing more serious crimes. "*This data makes it likely that...the perpetrators of more serious crimes have left the straight and narrow path to an extent that it is more difficult for them to return than for those who have not as much come into conflict with social order*"³⁵. Repeat offenders can be found in towns and cities, partly because that is where they can better hide from society and the criminal investigation authorities, and partly because that is where they encounter more opportunities to offend. As for the level of schooling, Földes could find no difference between repeat offenders and non-repeat offenders; the uneducated accounted for about 60% of both groups of offenders. As regards offenders with no children or parents, they found a higher ratio among repeat offenders. Interestingly, the ratio of unmarried persons was lower among repeat offenders. The threat of repeat offending is the highest in the period following the completion of the previous penalty, "*...because everything depends on whether the individual succeeds in finding himself a place in society or not*"³⁶." He concludes that repeat offending will be less likely if the criminal encounters an accepting, supportive, helpful society on his release.

Földes also discusses the distribution of crime in space and time. He compares the geographic distribution of the sentences with the population density and culture of the individual regions (the ratio of illiteracy is the indicator in the latter case) and with the moral conditions (number of illegitimate births). Perényi emphasises that Földes places the geographic distribution of the various types of crimes into a European context, and distinguishes "*endemic crimes*" typical of a specific geographic location. (He believes duels are such "*endemic crimes*" in Hungary.)³⁷

³³ PERÉNYI, ROLAND, *A bűnözés mérése*. Bűnügyi statisztika és bűnözéstörténet. (Measuring crime. Criminal statistics and criminal history) *handorkaweb.tarki.hu*.

³⁴ FÖLDES, BÉLA, *A visszaesők*. (Repeat offenders) *Jogtudományi Közlöny*, 1887, No. 39 pp. 305, 307.

³⁵ FÖLDES, BÉLA: *ibid* p.306

³⁶ FÖLDES, BÉLA: *ibid* p.307

³⁷ PERÉNYI, ROLAND, *A bűnügyi statisztika Magyarországon a hosszú XIX. Században* (Criminal statistics in Hungary in the "long" 19th century) *Statisztikai Szemle*, Year 85 2007. No. 6 pp. 524, 541.

Of the various factors influencing crime, he analyses the effect of the seasons and climate in addition to the economic, social and cultural characteristics.

Béla Kenéz, in 1905, studies criminality in cities. “*The difference in the intellectual lives of city-dwellers and rural people and the particular factors influencing their spiritual life also explain the difference in the moral lives of cities and the countryside, with the size of criminality being a sad aspect of urban life*”. He quotes Földes to support his argument. “*On the one hand, the higher level of education, and, on the other hand, the better opportunities to hide increase the level of criminality, with the higher degree of isolation, bigger social and financial differences and more opportunities to offend also contributing*” with other factors such as the family conditions and demographic conditions of the urban population (a higher concentration of people belonging to the appropriate age groups) as well as a number of other factors, including, last but not least, the level of economic development, which, as is well-known, provides the breeding ground for certain new crimes which were not even known or could not yet be committed at a lower level of economic development, increasing the effects thereof and thereby also boosting criminality. These are the reasons explaining why, for example, the nationwide average number of criminal cases concluded with a sentence was 691 per 100,000 people in Hungary in 1902 compared to 915 in the area of Budapest; that, in Germany, 108 individuals were sentenced out of 100,000 people of punishable age as an average of the period 1893–1897 compared to 160 individuals in cities with a population of more than 100,000. Of course, one could not claim (and it would be impossible to find out for lack of available data) that this higher criminality could be attributed to the native population of the cities. In fact, one could rather say that the special milieu of city life has the power to attract the corrupted elements of the people, drawing to itself from faraway those members of the ‘classe dangereuse’, the masses of depraved, vagrant proletarians and tramps³⁸.

Ervin Pálosi studied the moral and criminal indicators of the capital for one and a half decades³⁹. He claims that the capital attracts criminals, Hungarians and foreigners alike. He discusses the issue of servants, illegitimate children, as well as the issue of suicide. He suggests that the Statistics Office should be given permission to process the statistical papers of the royal prosecutor’s office and penal courts, located in Budapest.

³⁸ KENÉZ, BÉLA, *A városi élet hatásai*. (The effects of city life) Huszadik Század, Volume XI, Year VI 1905. No. 2, pp. 307, 328.

³⁹ PÁLOSI, ERVIN, *Budapest kriminalitása és moralitása az 1909-1925. Években*. (Criminality and morality in Budapest in 1909-1925). Budapest székesfőváros Statisztikai Közleményei Volume 55, No. 3.

The emergence of criminal pedagogy

The reform endeavours emerging in the area of criminal pedagogy at the turn of the 20th century were not without preliminaries. In Hungary's Reform Age, the application of criminal pedagogy was one of the endeavours aimed to renew the law enforcement system.

József Eötvös was one of the outstanding figures of the Hungarian Reform Age, a dominant figure not only in literature, culture, and cultural pedagogy, but also a politician and statesman striving to reform the law enforcement system, who did a great deal for the betterment of Hungarian society. In the middle of the 19th century, the key objective of the progressive forces was the betterment of society both in Europe and in Hungary. The reform endeavours of the time included the reform of the school system and the "correction" of prisons as well⁴⁰.

They wanted to carry out the correction of the convicts on two levels. The first level is that of external correction through legislation, whereby the convict is led to law-abiding behaviour. They believe that it is respect for the rules, work, the controlling of one's temper, the elimination of ignorance and of the lack of education that can lead to an honest life. The internal, moral correction must bring about a far deeper change, which can be achieved by means of education. Their goal is to wipe out evil from the soul and plant virtues in its place. The ultimate aim of moral education and correction is to send back to society people who have interiorized the norms and, having completed their prison term, voluntarily become law-abiding citizens.

They regarded work as the most effective tool of internal moral education. While the convict is working, he will not be making wicked plans for further criminal offences. Work will get the convict out of the habit of his idle, lazy lifestyle, accustoming him to regularity. Finally, the prisoner's pay allows the convict to resume his life in society under appropriate circumstances after his release. The prisoner's pay is the reward for the convict's work, on the one hand, and, on the other hand, it also serves his rise in society.

Elemér Kármán was a worthy successor of József Eötvös in criminal pedagogy. He worked as a juvenile court judge. He studied the social causes of moral depravation, and the fate of morally depraved and delinquent children. He dealt with the treatment of children's moral faults and illnesses. He says that criminal pedagogy is a science bordering between criminology and pedagogy.

⁴⁰ EÖTVÖS, LUKÁCS, FOGHÁZJAVÍTÁS. (*The improvement of prisons*) Heckenast, Pest, 1842.

In 1917, Pál Angyal proposed the establishment of an institute for criminal pedagogy. The practical implementation was undertaken by Elemér Kármán. The institute was to be set up for children and minors exposed to moral danger and corruption and suspected of crimes. In his regulation, Kármán specified the tasks and the implementation methods⁴¹. They planned psychological, pedagogical, medico-pedagogical observations on young people under laboratory circumstances. They undertook to prepare expert opinions for juvenile courts, public guardianship and child protection authorities and associations. They decided to establish a criminal pedagogical library. Their aim is to apply scientific methods to research the causes of the moral corruption and criminality of children and young people. They wish to provide for the pedagogical further education of juvenile courts and special needs schools.

12. In May 1917, the psychopathologist of the laboratory of the Erzsébetfalva Institute for Criminal Pedagogy stressed the great need for psychologically-trained criminal educators to the criminal law commission of the Hungarian Law Society⁴². He classified 25-30% of juvenile delinquents as psychopaths, proposing the establishment of special institutes for them. He believed it was necessary to involve a qualified psychologist in the case of tramps and repeat offenders. He suggested that the individualization of correctional facilities by types of juvenile criminals should be considered so that separate placement can be provided to occasional criminals, neglected children and highly degenerate offenders. Contemporary research supported the idea that special education and correctional facilities are necessary for psychopaths and they also hold out promises of improvement.

Elemér Kármán said the corrective-educative treatment of young offenders can be conducted based on their psychological knowledge⁴³. *“As regards the issue of criminal pedagogical influencing, we must first and foremost emphasise the viewpoint of the Hungarian law, which does not content itself with the court merely ordering a corrective-educative measure, but it renders the corrective-educative measure a judicial function and expressly authorises the*

⁴¹ *A Kriminálpedagógiai Intézet megalakítása.* (The establishment of the Institute for Criminal Pedagogy) Szemle. Jogtudományi Közlöny. No.1917/ 26 p.242

⁴² *A MAGYAR Jogászegylet büntetőjogi bizottsága, vitája.* (The debate of the criminal law committee of the Hungarian Law Society), Szemle. Jogtudományi Közlöny. No. 1917, 20 p. 192.

⁴³ *KÁRMÁN, A fiatalkortúak bíróságainak kriminálpedagógiai alapjai.* (The criminal pedagogical foundations of juvenile courts) Jogtudományi Közlöny. No. 1917, 2 pp. 12, 14.

*judge and his officials and helpers to govern and guide the education of the juvenile offender*⁴⁴”.

Kármán recommends the experience of the Erzsébetfalva Institute for Criminal Pedagogy to the attention of his colleagues. He proposes that juvenile judges, probationary officers and social probationary supervisors should receive further training together, where they could get acquainted with the theory and exchange their practical experience in seminars. A uniform justice system for juvenile offenders is only possible if judges, probationary officers, and the officials of correctional facilities and juvenile prisons all study criminal pedagogy in the same system.

13. Criminal psychology, criminal psychoanalysis

Elemér Kármán urged as early as in 1911 that all employees of the justice system should get acquainted with the latest results of psychology⁴⁵. He says that Penal Amendment I can only be applied after surveying the moral and intellectual development and living conditions of the juvenile offender. Dangerous offenders cannot be identified without psychological knowledge and research. Judges must now deal with the offender as well, not just the offence, in which they are helped by criminal psychology. This is only possible if judges receive thorough criminal psychological training. Already at university, law students must receive training on the most basic psychological issues.

One and a half decades later, when describing the system of juvenile criminal jurisdiction, Kármán says that, in the first few years of the century a desire flared up to renew and to improve, later on, however, two extreme directions appeared. One of these does not consider the moral corruption and criminalization of young people as a genuine phenomenon of life. The other direction provides a merely biological explanation to crime, leaving the social effects out of consideration. He criticizes the practice that prevented the effective operation of the Institute for Criminal Pedagogy. He believes that it was unable to achieve its targets either in medical or in legal terms⁴⁶.

István Ferenczi said at a psychopathological conference in Vienna that both lawyers and forensic doctors should be trained in psychoanalysis. While lawyers could learn about psychoanalysis, doctors could be given a chance to

⁴⁴ KÁRMÁN, *ibid.*, p. 13.

⁴⁵ KÁRMÁN, *A törvényszéki lélektan és oktatása. (Forensic psychology and its education)*. Jogtudományi Közlöny. No. 1911, 50, pp. 431, 433.

⁴⁶ KÁRMÁN, *A fiatakorúak javítónevelésének aktuális problémái. (Current problems of the corrective education of juvenile offenders)* Jogtudományi Közlöny, No. 1926, 1 pp. 4, 5.

study convicts in law enforcement institutes⁴⁷. In addition, the detainees could also benefit from psychoanalytic work, Ferenczi said. He regards the offender as someone who got stuck at a certain stage in their personal development or has regressed to ancient stages. He is convinced that the analytic method would help in the treatment of criminals. He believes that criminals should be treated similarly to children. In addition to the analytic treatment, educational regulations are important as well. He believes that character analysis also helps in the research of criminality. He says that it is not the criminal inclination itself, but the unusual power of some instinct that gives rise to criminality. He believes that psychoanalysis has shown that, under adverse circumstances, people who suppressed some kind of shocking experience in childhood can become pathological or criminal. In other cases, a child born with a normal inclination is diverted to criminality at an early stage and then acts under compulsion to reoffend.

Ferenczi was looking forward with great hopes to the criminal therapy of repeat offenders, who until then were considered incurable.

He agrees with Freud's idea that there can also be "*criminals who commit crimes out of guilt*", in whose case the guilt comes first and they commit crimes in order to find relief from their internal torment, hoping that the ensuing punishment will ease the excruciating tension of their remorse. This is exactly why Ferenczi considers it important to understand the soul and the unconscious.

Ferenczi believes that psychoanalysis can also lead to a better understanding of outbursts of sadistic instincts. If science understands the origin and nature of neuroses better, it will be easier to predict which cases could lead to criminal acts when instincts turn dangerous.

More and more authors recognized the need for criminal law to recognize and integrate the latest scientific accomplishments. Dukes also considers it essential to include the latest results of psychoanalysis into criminal law⁴⁸. "*It is with the psychoanalytic examination of such convicts that the effective exploration of the criminogenic psychic factors and thereby the establishment of psychoanalytic criminology, on the one hand, could start, and on the other hand, it could lead to the establishment of criminal therapy: that is to say special prevention in the clearest sense of the term*⁴⁹".

⁴⁷ FERENCZI, *A pszichoanalízis és a kriminalitás. (Psychoanalysis and criminality)* Századunk, 1928. Year III Volume III, pp. 272, 281.

⁴⁸ DUKES, *Pszichoanalitikus szempontok a vétkeesség jogtanában. (Psychoanalytic points of view in the law of culpability)*. II Jogtudományi Közlöny. No. 1921, 13 pp. 102, 103.

⁴⁹ DUKES, *ibid* p.103

In one of his works written six years later, he asks whether there can be a possible science-based solution to criminality as a phenomenon threatening social order and the sociological and political need to fight against crime⁵⁰. Naturally, neither law, nor criminal law can exist without a scientific approach and basis. One must be open to new sciences and new theories, thus, Dukes proposes that the psychoanalytic approach should also be integrated into the system of criminal sciences.

Imre Hermann does not regard aggression as an independent instinct. He holds a special view on what is known as the clinging instinct, observed on baby monkeys, which he thinks he has seen on human infants as well. *“We now want to approach the issue of the existence of the aggression instinct not based on theoretical trains of thought, but on the basis of empirical data”*⁵¹. In the case of humans, the particular source of aggression *“...is easily detached from its original target and objects and spreads”*⁵².

In the fight against aggression, Hermann can see three ways to help the individual’s social adaptation: training, imitation, the self-shaping activity of our ego.

In Hungary, educational counselling was organised by István Máday, a student and friend of Adler, the founder of Individual Psychology. By combining child therapy, family therapy, child protection and development pedagogy, educational counselling provided great help to young people in trouble with the law. *“Máday studied law between 1896 and 1900, and submitted his doctoral thesis on the ethics of the economy to the renowned economist and statistician Béla Földes. Later on, he graduated in medicine. ...In Vienna, he came into personal contact with Alfred Adler, joined the newly established Psychoanalytic Society, then, after the split between Adler and Freud, he belonged to Adler’s circle. ...In Budapest, he led the Individual Psychology Reading Circle. At one of the meetings of this Reading Circle, Jenő Rácz, who had moved home from Vienna, initiated the establishment of an association at Adler’s proposal: the Hungarian Association for Individual Psychology was set up on November 2, 1927, and operated until its official dissolution on May 31, 1950. István Máday acted as chairman of the association all along”*⁵³.

Szondi believes that our fate is determined by our genes, thus, it also depends on the genes whether a person will become a criminal or not⁵⁴. Fate analysis is

⁵⁰ DUKES, *Egy új büntetőjogi elméletről*. (On a new criminal law theory). Századunk. 1927, pp. 76, 79.

⁵¹ HERMANN, *Az ember ősi ösztönei*. (The ancient instincts of man). Magvető, Budapest, 1984, p. 345.

⁵² HERMANN, *ibid.*, p. 354.

⁵³ SZABÓ, LŐRINC, ERZSIKE, (1955) Digitális Irodalmi Akadémia.

⁵⁴ SZONDI, KÁIN, a törvénytörő Mózes, a törvényalkotó. (Cain, the lawbreaker; Moses, the lawmaker)

based on genotropism. Genotropism is defined as the attraction between carriers of the same or related genes. The term paroxysm denotes the process of tension, charging and explosion. He classifies pyromania, kleptomania, as well as vagrancy under paroxysm. Szondi writes about paroxysm for the first time in 1937, in connection with Cain's impulse-driven murder. Szondi defines paroxysm as the psychological process whereby a person receives an impetus from the accumulating crude passions; these stimulate and instigate him to commit a crime. Szondi analysed the gradual swelling of the power of the instinct, its explosive outburst and the ensuing ebb. This is how, under the effect of anger, hatred, vengeance, envy, jealousy and crude impulses, instincts can turn a person into a murderer. This phase is followed by an epileptoid phase. Szondi paid a lot of attention to epilepsy sufferers, including the famous Russian author Dostoevsky. Dostoevsky's characters also included a number of epilepsy sufferers; Szondi repeatedly mentioned that the novel *The Brothers Karamazov* was one of the influences that turned his attention to fate analysis.

Szondi says that Cain, the law-breaker, is the embodiment of Evil. Fate psychology holds the view that man's Cain-temperament cannot be wiped out because it originates from an innate propensity. He is convinced that there are people with a Cain-inclination, who, unlike people with a Moses-disposition, are unable to overcome their impulses and passions and turn against their fellow human beings.

Júlia György, a doctor, worked with antisocial children. In 1919, she worked for the Criminal Psychology Laboratory operating beside the Juvenile Court. Later on, she worked as a clinical criminal psychologist. She said that, as long as a child is under the influence of unresolved aggressive impulses, he cannot be expected to give up his criminal lifestyle. "*The critical factor is not the fact of criminality itself, and that is not what one can draw conclusions from regarding the gravity of the case, but rather from the quality of the underlying - above-described - emotional state*⁵⁵": She refutes the claim that there are more criminals among children with brain damage and mentally deficient children. During decades of research, she found that one group of juvenile delinquents was actually characterised by a high level of intelligence. She could see the main threat in the case of emotionally damaged children. She believes that emotionally inaccessible children cannot be educated and therefore they are the ones at the highest risk morally.

Gondolat, Budapest, 1987.

⁵⁵ GYÖRGY, a "nehezen nevelhető" gyermek. (*The "difficult" child*) Medicina. Budapest, 1978. p. 82.

In the case of depraved children, the most important thing is that they should get into competent educator's hands in time, because the younger the child is, the more flexible he or she will be, and the chances of resocialization will be better in spite of the gravity of the harm they suffered.

In other cases, education is not sufficient, psychotherapy and drug therapy are also required.

In puberty, schizophrenia and epilepsy can lead to criminal acts.

Her final conclusion is that criminality is not closely related to a lack of intelligence and is not in direct proportion to it. Criminality does not depend on morbid constitutional, innate bodily damages either. In the case of minors, there is a special emotional state at the back of criminality. Disharmonic children have a bad relationship with reality, which results in egocentric and affective thinking.

The criminal personality is characterised by an aggressive and depressive state, with positive experiences and emotions relegated to the background. It is educational, microenvironmental factors that play the key role in the formation of the syndrome of criminality, with constitutional characteristics only playing a secondary part. Therefore, she says, crime prevention is the duty of educators, mental institutions, and, ultimately, society as a whole. Júlia György is one of the first to declare that, in the case of delinquent children and minors, reprisal is not the correct response to the crime they have committed; the desired goal can be achieved through their re-education, medical treatment and therapeutic education. It is the task of child protection and pedagogical organisations to re-educate and take them back to the straight and narrow. Whenever criminal investigation bodies are dealing with them, it is essential to involve psychologists and psychiatrists as well in the investigation.

Péter Németh, one of the most famous judges of the first few years of the century, fought for juvenile criminal jurisdiction throughout his career. He believes that the moral depravation of young people can be prevented through supervision and probationary education, for which, however, there was little qualified workforce available between the two world wars⁵⁶. He quotes from the preamble to Act VII/1913: *"By thus regulating jurisdiction, legislation has made the juvenile judge one of the most effective bodies of a purposeful social policy and of strengthening the nation because it concentrated all threads of material and formal child protection in the hands (of the juvenile judge)"*⁵⁷

⁵⁶ NÉMETH, a gyermekvédelem egységesítése. (The unification of child protection) Városi Szemle. 1932. Year 18 No. I pp. 738, 761.

⁵⁷ NÉMETH, ibid p.744

Had it not been for the wars, juvenile criminal jurisdiction would probably have made far more progress in this area as well.

The Hungarian experts were extremely dedicated and very well-prepared scientists both in criminal pedagogy and criminal psychology. The tragic development of the country's history, the two world wars retarded development in this respect as well. Work in the area of child protection, the special judgment of juvenile offenders and criminal psychology could only be resumed after World War II.

13. Research in criminal sociology

(Based on statistics relating to juveniles, female offenders, repeat offenders, geographical contamination)

In his paper presenting juvenile criminal law, Jenő Balogh lists criminal and moral statistics data.⁵⁸ He calls his monograph a work of social policy and criminology, which studies the causes of juvenile corruption and criminality using a sociological approach, also relying on criminal statistics data. He tried to compare juvenile criminality in the early 20th century with the 20-year period starting with the 1880s. From the earlier decades, he either did not have any data or he did not consider these as sufficiently reliable. He used the statistical statements of Konek and Földes in his paper. *“No matter how great progress statistics as a science has made, the current moral statistics data do not yet provide a true picture of the moral depravation that is taking place on a large scale particularly among children of the proletariat living in certain parts of big cities, abandoned, without any supervision and education”*⁵⁹. Balogh reviewed and assessed court statistics, police data, and statements relating to children's asylums. He found that the available data does not provide a complete picture on juvenile criminality. He believes that *“...actual juvenile criminality ... is greater than shown by the number of sentences”*⁶⁰. Balogh highlighted the work of Quetelet in criminal statistics. He considered Quetelet a pioneer scientist, who broke new ground for science with his statistical approach. The task of moral statistics is to analyse the influence of external factors on the offender's innate criminal inclination. In his criminal statistics, Quetelet proved that gender, age, family status, cultural conditions and occupation can have a considerable influence on the *“criminal inclination”*⁶¹.

⁵⁸ BALOGH, JENŐ, *Fiatakorúak és büntetőjog. (Juvenile offenders and criminal law)* Budapest, Athenaeum, 1909. p.16

⁵⁹ BALOGH, *ibid.*, p. 27.

⁶⁰ BALOGH, *ibid.*, p. 34

⁶¹ BALOGH, *ibid.*, p. 89

At the beginning of the 20th century, Balogh identified bad housing conditions, the influence of alcohol, and the urban environment as some of the causes of juvenile criminality, not least on the basis of moral statistics and criminal statistics data.

The Millennium was not only a series of historic celebrations, but also a police task involving policing and public security jobs for Budapest. The Millennium Exhibition attracted more than 7 million visitors, which set previously unprecedented tasks to the police. In order to prepare appropriately for the job, they compiled an “*Alphabetical register of persons with criminal record, complete with short descriptions*”. Although the register was prepared on the occasion of the Millennium, they tried to compile it in a manner that it will be useful for the justice system later on as well⁶². The percentage of female offenders is higher in the capital than the nationwide average. Miklós Rédey analyses female criminality in 1896 in the publication “Rendőri Lapok” (Police Papers). He notes in general that the study of female offenders is more difficult not only psychologically, but in terms of statistics as well. “*Since women are actually inscrutable, almost unfathomable in their true aspect not only to the police, but also in social life, and this holds even truer in the area of criminality*”⁶³. As regards the period of 1888-1893, 30% of the criminals before the police were female offenders. He attributes the higher percentage found in Budapest to the characteristics of life in the capital city. “The police cannot provide assistance to women without a job and without occupation; they are more easily accessible to crime.” Female workers employed in factories and day-labourers are not in a much better position either since they almost live a men’s life, exposed to similar dangers under similar circumstances.

Földes reviews data from county courts and district courts. In 1884, female offenders accounted for 25.11% of criminals before district courts and 11.43% before county courts; and their percentage was 25.73% and 11.67%, respectively, in 1885⁶⁴. He believes that women are generally adversely influenced by anything that increases their isolation and loneliness. This is even truer of women living in big cities, which increases the risk of offending. “*A woman who has lost her way finds it harder to return to the right direction.*

⁶² PERÉNYI, ROLAND: A “figyelő, megelőző és felfedező” rendőrség (*Police that “observes, prevents and discovers”*), p.1 Budapesti Negyed. Pp. 47, 48 A bűnös Budapest. (Sinful Budapest) Budapest Főváros Levéltára, bfl.archivportal.hu.

⁶³ RÉDEY, NŐ bűntettesek a rendőrség előtt. (*Female offenders before the police*). Rendőri Lapok 10 May 1896 Budapesti Negyed 10. 1995, 4. epa.oszk.hu/rendori.htm.

⁶⁴ FÖLDES, BÉLA, A nő a bűntett terén. (*Women in criminality*) Jogtudományi Közlöny. 1888 No. 41 pp. 334, 337.

This is best shown by the statistics of repeat offenders. The number of female repeat offenders is almost as high as that of male ones⁶⁵..”

László Búza also studied female criminality, establishing that the reason for the lower level of criminality is the social situation⁶⁶. Presenting data from 1905, he comes to the conclusion that women commit fewer crimes until they are 30, however, the number of female offenders starts rising substantially after the age of 30. In big cities, the percentage of female offenders is increased by extreme poverty, anonymity, and the large number of opportunities to offend.

At the end of the 19th century, Béla Földes studied offenders who “*make a profession out of crime*”⁶⁷. He found that, in the period between 1881-1884, the number of repeat offenders was higher in the case of more serious criminal offences. “*This data makes it likely that...perpetrators of more serious crimes have strayed so far from the right path that it is harder for them to return than for those who have not come into conflict as much with the social order*”⁶⁸. Repeat offenders can be found in towns and big cities, partly because that is where they can hide more easily from society and the criminal investigation authorities, and partly because they have more opportunities to offend. As regards the level of schooling, Földes could find no difference between repeat offenders and first-time offenders, with uneducated people accounting for around 60% of the total in both offender groups. In the case of offenders with no children or parents, he found a higher percentage among repeat offenders. Interestingly, the percentage of unmarried people was lower among repeat offenders. The risk of reoffending is highest in the period following the completion of the previous sentence, “*...because everything depends on whether the person in question succeeds in finding himself a place in society or not*”⁶⁹.” He concludes that repeat offending will be less likely if the criminal encounters an accepting, supportive, helpful society on his release.

14. Summary

At the end of the 19th century and in the first half of the 20th century, criminal justice policy was transformed by criminological thinking in Hungary.

Enormous changes took place during this period. As Jenő Balogh put it, these not simply involved the publication of revolutionary works in criminal law,

⁶⁵ FÖLDES, B. *ibid.* p. 336.

⁶⁶ BÚZA, LÁSZLÓ, *A női kriminalitás. (Female criminality)* Huszadik Század. No. 1908, 2 pp. 15, 24.

⁶⁷ FÖLDES, B., *A visszaesők. (Repeat offenders)* Jogtudományi Közlöny. 1887 No. 39 pp. 305, 307.

⁶⁸ FÖLDES, BÉLA, *ibid.* p. 306.

⁶⁹ FÖLDES, BÉLA: *ibid.* p. 307.

but also the emergence of new branches of science including criminology. Without criminology, there can be no progress in criminal law: “In the chapters with great practical importance in terms of dogmatics, one must use the useful new ideas and latest achievements of the reform directions.”⁷⁰

Certain criminological terms have become immanent parts of criminal law. It was under the influence of the new ideas that new institutions appeared in the Penal Code.

⁷⁰ BALOGH, J., *A büntető-törvénykönyvek módosítása és kiegészítése. (Amendment and supplement to the penal codes)* Jogtudományi Közlöny. Year 42 No. 2, pp. 9, 10 1907.