

‘Behind The Fence’—An Interdisciplinary Perspective

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ABSTRACT

The policy of a country's legal area carries all the historical, legal history, political, socio-psychological, social, etc. the direct and indirect imprint of processes that it had to face in the past decades. This is also true for criminal policy. Moreover, there are few areas of law where the relationship between individual factors is so complex and multidirectional. The specific forms of state responses to crime and actions against behavior that offends or endangers society can change quickly, responding sensitively to society's (perceived or real) expectations. After all, the basic phenomenon, the causes of crime, are also complex, and it is only possible to determine in retrospect which of the factors influencing illegal behavior played a specific role in its creation – at the same time, whether was the chosen criminal policy directions good. In the case of Central and East-European countries, however, there are common events that connect their past and present, and at the same time help us understand their responses to crime. Belonging to the former Soviet bloc can be considered as such – even if its ideological, political and economic influence was different in certain regimes. Similarly shared, mostly cataclysmic socio-psychological experience for the societies of these countries is system change and all its negative accompanying phenomena, from the economic crisis to the crisis of values and the loss of trust in state bodies. And although the accession to Council of Europe, and to the European Union (or its intention) provides a new common framework for the current existence of criminal policy, the strong demand for public safety remained a marked feature of this region.

KEYWORDS

post-socialist countries, criminal policy, political and economic changes, social challenges, crisis of value

The main principles and criminal policy approaches defining the framework of a country's criminal justice system were influenced by many factors. Direct factors, such as the prevailing criminal policy or the specific level of crime, and indirect factors such as the economic, social, social characteristics, political, ideological organization, and demographic conditions of the given country play an equally important role in this context. Although these direct and indirect elements exert their influence within national borders, the importance of the international environment, which indirectly influences the institutions and operational frameworks of the justice system, cannot be ignored either. The study focuses on eight Central and East-Central European countries, from Poland until Slovenia and on their common historical roots, political

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changes, economic experiences and social challenges (like the crisis of confidence, the worsening public security etc.) – and which¹ resulted in a common framework for their criminal policy responses.

1. Common roots

Regarding the Central and Central Eastern European region, there are many characteristics that can be a point of connection between the individual countries. An example of this is the common geopolitical past resulting from their geographical location. After the great social upheavals of the Middle Ages (for example Tatar and then Turkish subjugation), until the beginning of the 20th century, some of these countries were part of a larger empire (e. g., the Austro-Hungarian Monarchy, the German Empire or the Russian Empire,) while others existed partly as independent kingdoms (Serbia, Romania).

The political and geographical reorganization following World War II had an explosive effect on the region, creating new state structures that did not exist before; such as Czechoslovakia or Yugoslavia (earlier Serbian-Croatian-Slovenian Kingdom), which were founded in October and December 1918; while other countries, such as Poland, regained their statehood after 128 years.

The period following the Second World War can also be defined as a common political and historical framework. Although during the Global Conflagration the individual states appeared in different roles, on the side of the “winners” or “losers”, at the end they tried to cope with the spiritual, economic and social wounds of the war as a member of same community – belonging to the Soviet sphere of influence. Although this link was not equally close for all Central and Central Eastern European countries, it significantly determined the political organization of these nations, and through this the state institutional system as well as the scenes of everyday life.

Belonging to the Soviet sphere of interest weighed on society as a heavy burden in an ideological sense, creating dictatorial periods, even political showdowns with human sacrifices, and the complete vulnerability of certain classes or groups. However, from an economic point² of view it provided apparent security – although it was not artificially sustainable in the long term.

COMECON, the Council of Mutual Economic Assistance³ (“CMEA”), was already on January 5-8, 1949 established in Moscow with the aim of developing the national economy of the member countries with the help of economic cooperation and the international socialist division of labor, raising the standard of their productive forces⁴.

1 See Selih and Zavrsnik, 2012.

2 See Böröczfy, 1975.

3 Múlt-Kor, 2004.

4 Ferenc, 2020.

The six founding countries – in addition to the Soviet Union, Bulgaria, Czechoslovakia, Poland, Hungary and Romania – continued to expand their network of contacts, and thus members appeared from all over the world (for example, Cuba (1973)) – some of them ‘only’ nations with observer status (for example, the People’s Republic of China or Yugoslavia) were. Moreover, Finland (1973) or Mexico (1976) established a special contractual relationship with the organization. The member countries acquired their missing resources (Hungary, for example, raw materials) in this market, which, by concluding long-term contracts, also served as a safe receiving market for manufactured goods, freeing the member states from the hectically changing and uncertain atmosphere of free market.

Later, two financial institutions providing financial support were founded behind the organization: in 1964, the International Bank for Economic Cooperation (Mezsd-bank), and in 1970, the International Investment Bank.

This economic framework made the most important tenets of the ideology of socialism feasible. By ensuring (indeed, requiring) full employment, standardizing the supply of the internal consumption market, and providing housing and other programs, the large economic, income, and wealth differences that affected the societies of the region in the previous eras were seemingly smoothed out. During the achievement of the goal, especially in the first period, some social groups were criminalized with an ideological background and political authorization (e.g., ‘kulaks’) or were deprived of their property, while other social strata (e.g., the working class) brought in the focus of support.

In other hands, the state tried to suppress initiatives coming from the side of society, to repress citizen self-organization (which existed in previous eras), and to put a wide range of decisions in the hands of the state. The communist / socialist party as a caring “parent” decided in different important question of society, concentrating the rights.

“Existing socialism”, writes Katalin Gönczöl⁵, “weakened all kinds of previously existing natural community cohesion, and did not motivate the formation of new ones.”

However, the economic changes also brought about serious social changes; well-functioning systems, values, and norms that had been established for centuries were transformed, the effects of which can be felt direct and indirect even today.

Hundreds of thousands of women were went to work for ideological reasons – but otherwise, it was necessary to order to satisfy existing economic needs. This process not only meant new and cheap labor, enabling, for example, the establishment of state social care (which was ideologically expected), and to reinforcing the image of a caring state, but also resulted in a significant transformation of the previous family model.

However, the social change in the perception of male and female roles did not go as fast as entering into the workforce, as a result of which the old and new values

5 Gönczöl, 1991, p. 75.

continued to live in parallel: women tried to meet the previous role expectations of housewives and also of the new employees, while men – although their (main) position as family breadwinners changed, they continued to insist on their previous authority, their role as the head of the family.

The negative effects of the internal crisis, which led to the family becoming weaker and more vulnerable, were further strengthened by numerous external – partly ideological – ‘attacks’. Although the family remained the basic arena of social reproduction, it was no longer claimed for its previous functions, such as in connection with the upbringing of the next generations.

From an ideological point of view, community work (for example, voluntary work on construction sites, agriculture), public or political work (for example, in workplace party organizations) was considered more useful and valuable. The institutional education of children was preferred, thus making it possible to develop a type of person suitable for the political needs of the socialist state. Thus, families were less and less able to fulfill their previous, traditionally protective and regenerative function.

The family has become more and more dysfunctional, the impact of which can still be felt today, as its ability to respond to the challenges of the information society and to fend off the negative effects of the globalized world has significantly deteriorated. In the socialist era, the family was considered an institution that “retreats to private life and faces the public”⁶. The background of this negative opinion was the experience that the value system of the “earlier old world”, the disadvantageous social situation or the privileges are preserved by the family, passing the approach from generation to generation that makes this possible. (By the way, this further reduced not only the involvement of families, but also the willingness of individuals and communities to assume responsibility and contribute.⁷)

The forerunners of this were, for example, criticisms of the functioning of the socialist economy, which initially believed that the root of the problems lay in the cult of personality. But from the 1980s, other approaches also emerged. Their common feature is that they did not question the main tenets and theoretical frameworks of the socialist state system, either from a political or ideological point of view. “Acknowledging and accepting the Marxian idea that the operation of the economy has a predominant role in the entire organization of society – more attention should be paid to the analysis of the operating models of the socialist economy with the preconception that the principles are correct, but the practice is not capable of these principles for its consistent realization.”⁸

By the 1980s, the region was showing signs of a serious political and economic crisis. The experts’ opinions are divided as to what the roots of economic problems can be determined.

6 Ferge, 1982, p. 189.

7 Hankiss, 1982, p. 28.

8 Herédi, 1985, p. 235.

It is a fact that the so-called ‘Complex program’⁹ developed for the countries of the socialist sphere of interest was not able to compensate for the decline in trade between the member countries and the fact that economic attention was mainly directed towards the more technically advanced western states. There was also the question of whether economies based on full employment, often with a more backward structure, would have been able to operate successfully on the world market.

2. Shared experience – the social and political changes and its shock effects

The common point of connection between the countries of the examined region is not only previous historical similarities or belonging to a similar interest group after the World War II, but also all the difficulties that appeared together with the separation from the Soviet sphere of interest and with joining to the Council of Europe, and later to the European Union.

In 1990 and the following period, the communist-socialist parties and their political power disappeared in the Czech Republic, Poland, Hungary and Romania, while similar processes took place in the former Yugoslavia. The political changes, although they took place in different countries at different times, form and depth, typically generated very marked social, economic and social changes.

Similar social psychological experience of the former socialist country is the trauma of the transition to the new political-economic system. This started with a severe economic downturn in each of the countries and was typically accompanied by the impoverishment of a significant part of the citizens.

The disintegration of the former Soviet bloc, the changes in the political and economic system that took place almost at the same time, created the multi-party system based on free elections, which resulted in the democratization of society, and the establishment of the ‘rule of law’ in all affected Central and Eastern Europe (CEE) countries. But the birth of ideological pluralism was also a very important result. At the same time, the transition to a market economy took place.

2.1. Characteristics of political and economic ‘system change’ in the region

The ‘great transition’ made communities already struggling with countless internal conflicts and social problems very vulnerable.

The fact that there are changes in direction in the world economy is not an unprecedented story. From a historical perspective, the transition from the Middle Ages to

9 The aim of the complex program first adopted in 1971 was the development of economic integration between the socialist countries, for which 15-20 years were allocated. Among the most important target programs were the satisfaction of raw material and energy needs, the modernization of the machinery industry or the development of transport, while for example the new complex program adopted in 1985 focused on scientific and technical improvement. See more at Rákos, 1971.

the New Age, and from pre-capitalism to capitalism, affected European societies in a similar way.

At the same time, these can be seen as slow processes¹⁰ even when measured on a historical scale. Cases of China or West Germany could be an example from the modern history. The former in the era after the leadership of Mao Tse-Tung, and the latter in the period after World War II had faced significant challenges. However, while in China none of this was accompanied by a drastic change in political direction and sufficient time was available, in West Germany the processes took place relatively quickly. This was partly made possible by the Marshall Plan provided by the winning countries, partly by the fact that the transformation did not affect all spheres of society.

The countries of Central and East-Central Europe serve as a unique example from this point of view, because we do not find such a similar major transition in history, when processes appeared in a short period of time in every structure of society, economy and politics at the same time, in parallel. In practice, all of this means that development started simultaneously in the countries in the direction of the construction of the market economic system and the creation of democracy in politics. In order to create the conditions for these processes, partly as a result of their results, the legal system, economic and political regulators underwent significant changes, as did the ideology that forms the basis of the exercise of power, and the value system (that provided the framework for social existence).

The political transition was typically non-violent, except in Romania, where demonstrations began on December 15, 1989, and eventually spread throughout the country. The Romanian secret service (Department of State Security), the Securitate, had serious clashes with the demonstrators. Although the army also got involved in this to protect the existing order, its several units also defected to the revolutionaries. The leader of the former political regime that collapsed in just 5 days, President Nicolae Ceaușescu – who had been the general secretary of the Romanian Communist Party since 1965 – was brought before a summary court (immediate trial) and executed on December 25.

In contrast to the West German transition given as an example, these processes in the region were not preceded by war or foreign military occupation. The processes affected all segments of society at the same time and shook them with such an elemental force that they had a serious negative impact on the daily lives of the vast majority of citizens in almost all areas.

One of the reasons for this is the “amazing” speed¹¹ of the processes. With regard to societies that are otherwise typically ‘closed’, there was not enough time to get used to the new conditions. It is also partly due to this that the negative effects caused by the economic, political, institutional, legal – i.e., structural and organizational – changes that took place in just 10 (15) years can still be seen to this day.

10 Kornai, 2005, p. 916.

11 Kornai, 2005, p. 915.

Before the birth of the political change, there were already signs of serious economic changes. At the beginning of 1991, after the political independence of countries with socialist influence, the Soviet Union introduced a ban on barter transactions, which were a typical form of trade between themselves. Partly because of this, by September 1991 trade among the Comecon states practically collapsed, which led to the official declaration of the organization's termination on September 26. (At the same time, the two banks which helped earlier to COMECON, faced real challenges only now, during the war in Ukraine in 2022. In protest against Russia, Bulgaria, the Czech Republic, Romania and Slovakia have indicated their intention to withdraw from the International Investment Bank (IIB), of which 9 former socialist countries are members. In April 2022, the Czech Republic, in May 2022, Poland withdrew from the board of the International Bank for Economic Cooperation (IBEC), expressing concern that this organization could help avoid economic sanctions against Russia.)

In this connection, an important question arises: whether there were common causes or similar characteristics that enabled the rapid course of transformation in these CEE-countries?

It can be stated, that there were some special circumstances in the region. It is a fact that by the 1980s, the socialist state system in each of the countries showed the signs of crisis, although to varying degrees. The prevailing regulation and ideology limited those who wanted to achieve changes in the economic field; thus, the demand for independent businesses was also strongly present in the economy. Although the countries – albeit within a narrow framework – typically provided the opportunity to implement them. Thus, for example, in Hungary, from 1981, the legislation enabled the establishment of economic work communities, which, as a new organizational form of small businesses, could provide consumer and other services or engage in small-scale production (but could not carry out commercial activities).

The partial opening of the borders, travel to Western European countries, and the opportunity for those who settled abroad during or after the wars to visit their homeland facilitated the flow of information or the fact that citizens could get a more accurate picture of the standard of living in Western countries. This served as an additional catalyst for transformation.

However, the fact that the majority of society had neither economic nor political resistance to the changes is also a function of other external circumstances. In the meantime, Mikhail Gorbachev became the General Secretary of the Soviet Communist Party, and from 1990 he was the President of the Soviet Union. He initiated significant reforms within the country, which eventually led to the dissolution of the Soviet Union. Thus, those exercising power in the region's countries also lost their background support, and thus the chance to act more decisively against the changes. Symbolic processes took place, such as the demolition of the 'Berlin Wall', which separated the two parts of Berlin and thus expressed the division of Germany. The 'wall' was the part of the Second World War history, as one of the mementos of the Cold War following World War II.

The rapidity of the transition was partly facilitated by the fact that countless forms of state organization were available as “know-how” among the Western European countries.

At the same time, it cannot be denied that these countries and the actors of the world economy saw the territory of Central and Central Eastern Europe as a new market and provided a strong driving force for the transformation of the economy. The financial background of the processes was partly provided by the birth of cooperation with the International Monetary Fund (IMF) and the World Bank, which required a number of conditions, legal harmonization and political-institutional transformation in order to achieve the earliest possible accession to the European Union.

The ideological receptiveness was also high as a result of the measures of the socialist period. There were no families or only in a small number, which had memories and experiences the capitalist economic system (and social values) of the years before World War II.

While from a historical point of view both the formation of the capitalist system and the development of modern parliamentary democracy typically took centuries, the two parallel processes had 10-15 years for the Central and East-Central European countries. This duration from historical point of view is very short.

The next similar characteristic was the compulsion to join the Council of Europe, and later the European Union and to meet the expectations associated with this process.

Although Council of Europe was established as an integration organization after the 2nd World War, at May 5 1949, it had only 23 member states before 1989, because of the continent’s historical-political division. Hungary – as a catalysator country in the democratization processes of the region – got a Special Guest status from Council of Europe (CoE) already in June 1989, and became (firstly in the CEE-region) member state of CoE in 1990.

In 2004, it – with the Czech Republic, Poland, Slovakia and Slovenia – is admitted to the European Union, while Romania and Bulgaria joined the organization in 2007 and Croatia in 2013. Serbia, along with Montenegro and other countries, is currently in candidate status.

While from a socio-historical point of view the processes that took place can be evaluated as part of a positive development process, from the point of view of the important part of the population, they proved to be a real trauma.

Although the financial situation and standard of living of the people living in these countries was significantly lower than that of the inhabitants of Western Europe, the society was free from significant material (and other conspicuous) differences.

However, after the system change, partly due to the market acquisition techniques of the Western European countries and the actors of the international economy, the lack of regulation of privatization, and the low financial self-determination competencies and knowledge of the citizens, the vast majority of the population was either in a worse financial situation, or their real income – the market conditions based on, with frantically rising prices – remained unchanged.

Full employment made it possible for the low-educated, unskilled strata to participate in the world of work. It was precisely this most vulnerable group that there was no longer a need – as a result of the closure of production plants, their inefficient operation, the rise of new technologies after privatization, etc. The unemployment rate jumped significantly, for example in Poland it reached 20% by the beginning of the 2000s, and 19.2% in Slovakia. (At the same time the unemployment rate was 7.7% in the “old” 15 countries of the EU.)¹²

The previously fixed prices changed continuously after the system change, the bank interest rates became extremely high, not only the job, but also the security of housing disappeared.

At the same time, significant inequalities also developed in the income distribution. The so-called GINI-coefficient is used to measure this¹³. (Where income is equal, the value is 0, while in the case of complete inequality¹⁴ it is 100.) Before the system change, this measure was below the EU 15 average in Central and Central Eastern European countries. (For example, it was 22.5 in Hungary, 19.8 in the Czech Republic, and 21 in Slovenia.) After the political transition, however, by the beginning of the 2000s, it significantly worsened (with 40% in Estonia, 38% in Slovakia, 28% in Poland). Slovenia (16%) and Hungary (19%) seemed to be ‘refreshing’ exceptions.

All of this meant a marked change in the distribution of incomes and, in this connection, consumption, with the enrichment of a very narrow segment of society and the loss of opportunities for the great majority. At the same time, a multitude of human tragedies took place, the experience of which was made more difficult by the increasingly powerful new value system. This suggested that only those who meet the expectations of the new social order can count on success who are sufficiently creative, enterprising and do not adhere to outdated norms such as sticking to one workplace and taking responsibility for the working community. In other words, the cause of failure is to be found in the given person, the cause of their difficult life situation is their own lack of competence¹⁵. All of this brought the loneliness of coping with difficulties, the deterioration of self-esteem and self-image, which indirectly made it more difficult to cope with new challenges. The traumatic nature of these experiences was not diminished by the increased range of democratic rights and civil liberties they received.

2.2. A crisis of confidence

All of these processes led to a deteriorating general well-being of society, a loss of trust in those exercising power and in the institutions embodying the new political order. Citizens who were left alone with their problems and were previously accustomed to the caring role of the state and the livelihood and housing security provided by it,

12 Kornai, 2005, p. 925.

13 Kornai, 2005, p. 923.

14 For example, where all income is received by only one household.

15 See Beck, 1986.

were suddenly – without any prior preparation, knowledge or experience – faced with the difficulty of an extremely rapidly changing world, where, in addition to the loss of the basic sense of security, self-care and active participation challenges should have been met. All of this led to the fact that “every third person in the region was dissatisfied, or indeed very dissatisfied” regarding their own life in the period following the regime change.¹⁶

However, distrust towards institutions and those exercising power was not only a consequence of traumatic experiences. In addition to the economic, social and material differences that have never been experienced before, the consumer and lifestyle differences that are becoming very obvious, the disappointment with the new social and economic systems (assumed to be successful based on the Western worldview), the frustration (due to the insufficiently effective operation of democratic institutions) led people’s opinion in this direction.

And the media – now in the hope of the greatest possible ‘readership’ – constantly broadcasted about political abuses, economic corruption, other forms of crime, and the enrichment of others in objectionable ways. At the same time, the criminal law consequences in the majority of cases – partly due to the lack of regulation and insufficient detection – were not met. This gave rise to further dissatisfaction, since these cases also violated the interests of the community and the general sense of justice, yet the law did not react to it.

As a result of all this, in Lithuania, for example, by the beginning of the 2000s, only 10% of citizens trusted the parliament; but the Czech Republic also showed a similarly low rate (12.2%). Slovakian citizens showed the highest trust index (42.8%). In the case of the civil sphere, trust was typically higher (for example, 49.6% in Hungary – compared to 34% measured in connection with the parliament). However, even so, only 21.8% of the population in the Czech Republic and 25.3% in Slovenia considered this sphere reliable. The rest of Western Europe had a much higher trust index (EU-15: 39.1%, 41.1%)¹⁷.

2.3. The specific challenges of transformation

The specialties of coping with difficulties there were similar obstacle in the states of the region. Partly due to the decision-making powers assumed by the state, partly due to the caring attitude, the ability of individuals to take care of themselves has been significantly reduced. Generations have become accustomed to living in a certain degree of security, the framework for which was provided by the socialist state. This caring attitude was further enhanced by the creation of centralized, state-maintained institutional networks in certain areas (e.g., in connection with the children or elderly care or other forms of social services), which – although in varying quality – provided an adequate background, taking the burden off families.

¹⁶ Kornai, 2005, p. 927.

¹⁷ Kornai, 2005, p. 927.

The socialist state did not support (in fact, hindered) self-organization, it weakened community activity, spontaneous manifestations, and the creation of those living spaces that could have been decisive from the point of view of community existence. With such antecedents, the population socialized to these conditions faced completely unexpected expectations: the state did not hold their hand, did not protect them, did not guide them. They should have recognized the legalities of the constantly changing market, should have made thoughtful, long-term financial decisions, or even should have taken steps for their future self-care.

3. Changes in crime, interpretations of crime and response to crime

Crime is generally of great interest in all societies; this became even stronger in the former socialist countries, where the news was previously filtered, taking care of the citizens’ “image of the country”, after the system change. The media responded immediately to this public demand¹⁸. The sudden increase in the number of media has not been accompanied by the preservation of quality journalism; the rights of the affected parties or the reality of the news have often not been taken into account. The reporting of negative news became more and more prevalent. The reason for this is that “the ‘bad news media’ operating on the assumption that crime and exposés of corruption and ineffectiveness of state officials, including the police and criminal justice system, sells more papers”¹⁹.

The special relationship with state property was also partly connected with this. Even though it was given increased protection by the criminal law, the people did not feel that this was theirs, and thus they were more tolerant in relation to acts against state property.

3.1. Concept of crime in the socialist era

Thanks to the crime picture and conceptual approach of the socialist countries, as well as the changes in the criminal statistics, it is possible to record several specific features that are specific only to this region, but at the same time, they serve with partial explanation for the changes of the criminal policy.

Perhaps the most striking feature is the political and ideological approach to crime. The central element of the Marxist approach to crime is the critique of the capitalist social system, and the approach that the crime one of the forms of class struggle. Behaviors that are against the interests of the ruling class are prohibited by criminal law. According to some theories, the task of criminal law is directly to ensure that the rich get away with punishment – but it takes decisive action against the poor.

18 See Sajó, 1986, p. 285.

19 Caparini and Marenin, 2005.

This approach continued to exist in the second half of the 20th century, partly with a different content. This means that, according to the new theoretical point of view, the political forces that have obtained a majority in the legislature partly by means of criminalization and partly by shaping criminal policy (especially law enforcement policy) influence the chance becoming offender. In connection with this situation, certain groups will have a greater chance of committing illegal behavior and of detecting by the police action.

Other radical criminological theory²⁰ formed on the basis of neo-Marxist theory – although many criticisms were leveled against it – directly aimed to break away from the traditional theoretical framework. According to his point of view, the basis of crime is the inequalities of capitalist society, the different property and power relations, so the real solution is not to change the rules of criminal law, but to transform the entire social system. And this can be achieved by abolishing capitalism.

The tenets of the socialist criminological theories prevailing in Western Europe echoed in the concept of crime in the socialist countries, but in some cases, they appeared in a much more radical form.

According to the communist and socialist understanding of the post-World War II period, crime can be traced back to the unjust capitalist system. The fact that even in socialism there are still criminals is basically the result of the fact that the way of thinking of these people is still connected to the capitalist environment, their cognitive development is lagging behind their existential development. That is why criminals are actually enemies of the people, and since their illegal behavior actually stems from a hostile perception of socialism or their inadequate ideological maturity, they must be dealt with strictly²¹.

Crime is alien to the new, socialist-communist type of person, which is able to act consciously, with a certain knowledge of Marxist-Engelsian ideas²².

Since the main cause of crime is to be found in the capitalist economic system, the injustices of which will disappear in the socialist or communist era that ensures equal goods – just as the state and the law will cease to exist in the ‘near future’ – crime will no longer characterize societies. As a result, only people who have some sort of psychological problem behind them commit crimes. Thus, crime will not be considered a social or mass phenomenon in the future.

The power of this approach to crime is clearly demonstrated by the fact that, for example, in Hungary, even the teaching of the subject of criminology at universities has been discontinued for a short period.

Although this approach to crime did not appear so sharply in all socialist countries of Central and Central Eastern Europe, at the same time, it can generally be said

20 Vig, 2019, p. 201.

21 Lévy, 2019, pp. 268–269.

22 Łoś, 2002.

that the powerful, ideological approach and the prevalence of the so-called 'Rudiment theory' were typical in the region²³.

The criminological approach to explanation of crime changed during the decades of socialism along with the change in political perception, and moved further and further away from the power-ideological approach, giving way to traditionally accepted explanations of crime. *"In Hungary, for example, it became accepted by the 1970s that „a) crime is a social mass-phenomenon even in the socialist system, b) crime is not alien from the socialist social order but a necessary part of it, basically determined by the existing socialist conditions.”*²⁴

This was partly due to the fact that, according to criminal statistics, the majority of the perpetrators were not enemies of the people – in fact, they came from the very social class (worker, peasant) that played a prominent role in the construction of socialist societies. On the other hand – as the experience in Poland shows – the "Socialist man' could never become a social norm because Poles viewed it as grounded in alien concepts lacking rational or moral bases. 'Socialist man' was simply not thinkable: neither as a model nor as a person."²⁵

Behind many of the behaviors ordered to be punished by the proletarian dictatorship, there was no affirming force of public opinion.

The common feature of these crimes is that they were not found in the criminal laws of the respective countries before the period of the socialist system. Only is enough to think of the period after World War II, when Stalinism was more strongly present in the countries of the region. The interest of the state power raised it to the level of behaviors dangerous to society – and with it, also ordered to punish – e.g., such behaviors, like resistance to the collectivization of agriculture; or the fact that someone did not have a job was considered behavior against socialist morality and the "perpetrator" became punishable. In this period, the concept of sin was far removed from the concept of sin of the earlier historical period of the region (or indeed from its religious content).

In addition, there were other operating mechanisms affecting the former socialist countries. For example, 'deficit management' can be classified as such. In connection with this, corruption based on barter became a kind of 'social game'²⁶, in which a significant part of the population knew themselves well, and in which – within the framework provided by their own abilities and social situation – they themselves could participate. In this context, it was in the interest of individual citizens that the other party violates the norms, because it benefits both parties involved²⁷. These norm-violating behaviors were first tolerated and then tacitly accepted.

23 Korinek, 2010, p. 173.

24 Vigh, 1994, p. 93.

25 Łoś, 2002.

26 Hankiss, 1982, p. 28.

27 Sajó, 1986, pp. 226–227.

3.2. *Effects of regime change on response to crime*

*“High social costs, arose from the rapid economic transition of the early 1990s and those kinds of social and socio-psychological problems were not handled adequately. This led to disappointment, decline of trust in democracy and heavy loss of credibility of the political elites. Euroscepticism in the CEECs originates from the people’s skeptical view of life in general.”*²⁸ One of the most important elements of the many connection points affecting the countries of the region is the negative impact of system change on the crime situation and the related need for public safety.

The social and economic transformation was typically accompanied by the impoverishment of a significant part of the citizens (this affected 80% of the population in Hungary²⁹, for example). The multiplication of the number of economic abuses were typical because of the uncertain and inadequately regulated economic conditions.

As a consequence of the opening of the country’s borders, new forms of crime appeared, often such serious, violent behavior that society had not faced before. *“All post-socialist societies experienced an explosion of regular and transnational organised crime involved in smuggling drugs, people, arms, or conventional contraband such as cars, and in some areas, the criminalisation of the economy through growth of the shadow economy and links between organised crime and corrupt state officials.”*³⁰ In this situation, the typically under-resourced, understaffing low public trust and prestige police should have been successful during the fight against criminality. (In later, different forms of criminal activities (prostitution, drug trafficking, etc.), which originating from the CEE-countries, targeted the western member states of EU.³¹)

This caused further deterioration of public safety. Unemployment and difficulties in making a living led to an increase in the number of crimes against property – and with it the crime rate – to an unprecedented extent and speed.

The lack of trust also stems from the inefficiency and inefficiency of the functioning of the justice system, especially the police, perceived by the population. Although in 1996³² 73% of Western European respondents were satisfied with the police performance, this number was among the Central and Eastern European respondents only 33%.

The uncertainty, the frustration feeling in connection with failures, the negative socio-psychological effects of the system change, the disappointment in the new social order and the lack of trust in the effective functioning of the state and judicial bodies caused an increase the fear of crime. (Citizens of Central and East-Central European countries felt least safe: 53% of them felt their circumstances a bit unsafe or very unsafe.³³)

28 Flamm, 2012.

29 Kolosi and Róbert, 1992, p. 37.

30 Solomon and Foglesong, 2000, p. 76.

31 See more at Kerezsi, 2004.

32 Alvazzi del Frate, 2004, pp. 70–71.

33 Zvekcic, 1998, p. 82.

The fear was further increased by the media’s distorted image of crime³⁴, as well as the elevation of public safety questions to the political arena.

After the ‘top’-years 1990’ the criminal activity decreased to 2000 in certain categories as police and state authorities became more adept at dealing with crime, including organized crime, and as political and socio-economic conditions began to stabilize. At the same time, the citizens’ demand for public order and public safety remained.

As Caparini and Marenin pointed out “in contexts where public fear of crime reaches high levels, public, media and political parties can create pressure for punitive crime control policies as ‘law and order politics’ comes to dominate the political agenda, leading to calls from certain political parties, media and members of the public for more punitive crime control policies.”³⁵

4. Conclusion

The socialist state system before 1990 can be described with a number of common characteristics. The most important political framework was the dictatorial system without free elections. The specific extent of this – i.e., whether there was a hard or soft dictatorship in the given country – depended on a number of historical factors.

Instead of a market economy, the most important feature of the socialist economic operation is the planned economy, where the operation of the economy was not regulated by ‘supply and demand’, but rather by political goals and principles. The countries – although they belonged to the great socialist family – were not completely united ideologically. At the same time, all of them were characterized by ideological hegemony referring to Marxism-Leninism instead of pluralism of ideas, thoughts, and lifestyles.

The disintegration of the former Soviet bloc, the changes in the political and economic system that took place almost at the same time, created the multi-party system based on free elections, which resulted in the democratization of society, and the establishment of the ‘rule of law’ in all affected CEE countries³⁶. But the birth of ideological pluralism was also a very important result. At the same time, the transition to a market economy took place.

One of the defining common experiences of the examined region is the transformation of the former political system, the process of system change. In the case of Central and East-Central European countries, this typically took place in 1989/1990 and the following few years. The similar, often shocking historical experiences led to the same socio-psychological reactions of the nations of the region, despite the different cultural characteristics. The drastic increase in crime after the political,

34 See Korinek, 1997.

35 Caparini and Marenin, 2005.

36 Lévy, 1994.

economic changes³⁷ and the loss of citizens' sense of security led to the loosening of the trust in regime-changing, then in the European Union – as a consequence of the economic crisis.

This frustration resulted the reborn of the nostalgic feeling for the socialism arose. For example, in 2004 more than 50% of the asked CEECs citizens evaluated the previous communist regime positively. The data was in Slovenia 68% (!), in Hungary 58%, in Poland and Slovakia 51%. The 'best' nation belonged to the Czech Republic (32%).³⁸

The cause was, that by entering the European Union,

“life seemed to still be difficult for individuals to follow the rapidly changing world. The CEECs joined the EU in those hectic times when a big part of the society was not able to and it was not willing to adopt changes of the transformation”³⁹.

These common effects and experiences resulted in similar criminal policy responses from those exercising political power, the framework of which was also influenced by the connection to the value system and professional position of the Council of Europe and then the European Union⁴⁰.

37 However, the issue of public safety is not only in the former socialist states has a special power and need. It is also true in the case of the USA or Western Europe that it has become an extremely important aspect of the citizens, the solution of which is basically expected from those who exercise the state criminal power, and for this purpose they are increasingly willing to renounce the protection of their privacy and a certain range of their acquired human rights.

38 Kornai, 2007, p. 106.

39 Flamm, 2012, p. 320.

40 See more at Lévay, 2004.

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