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## The Emergence of Criminology in Hungarian Criminal Sciences—late 19<sup>th</sup>—early 20<sup>th</sup> century

**Abstract.** At the end of the 19<sup>th</sup> century and in the first half of the 20<sup>th</sup> century, criminal justice policy was transformed by criminological thinking in Hungary. Enormous changes took place during this period. As Jenő Balogh put it, these did not simply involve the publication of revolutionary works in criminal law, 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.”<sup>1</sup> Certain criminological terms have become immanent parts of criminal law. It was under the influence of the new ideas that new institutions appeared within the scope of the Penal Code.

**Keywords:** criminology, criminal law reform, juvenile criminal law, criminal statistics, journal “Twentieth Century”, prevention

### The emergence of a new science in Hungary

The research of the causes of crime and delinquency received a revolutionary boost in Europe at the end of the 19<sup>th</sup>—beginning of the 20<sup>th</sup> 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 could also be expressed through numbers. In Hungary, new theories appeared simultaneously with international research.

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 during the abovementioned period in Hungary.

Act XXXVI/1908 (Penal Amendment I) and Act VII/1913 concerning the juvenile court deservedly won the recognition of European criminal lawyers. Penal Amendment I of 1908 placed great emphasis on the personality of offenders. As a result of the Acts, special provisions relating to juvenile offenders were finally created. It was thus possible to apply educative measures such as reprimand, probation, correction-education with regard to young offenders. Consequently, criminal measures were thereby introduced in the

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<sup>1</sup> Balogh, J.: A büntető-törvénykönyvek módosítása és kiegészítése (Amendment and supplement to the penal codes). *Jogtudományi Közlöny*, 42 (1907) 2, 9–10.

Hungarian system of criminal sanctions. Another new institution was the conditional suspension of penalties.

Act XXI/1913 also reflected 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 protect society.<sup>2</sup>

### **The journal “Huszadik Század” (Twentieth Century)**

The journal titled “Huszadik Század” (Twentieth Century) published 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.”<sup>3</sup>

“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 recently organised debates on social types. During 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 was 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 also badly needs good judges like him.”<sup>4</sup>

András Szabó, academian, and Constitutional Court judge, was one of the greatest criminologists of the second half of the 20<sup>th</sup> century. He wrote that Hungarian scholars also contributed their share in the establishment of the new science at the end of the 19<sup>th</sup> century and at the turn of the century: “Facing 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 international conferences, and particularly the formation of the International Criminal Law Society, as

<sup>2</sup> Dombóváry regarded the Domus Correctoria, opened in Szeged in 1785, as the predecessor to the 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.

<sup>3</sup> Spencer’s salutation. *Huszadik Század*, 1 (1900) 1, 1.

<sup>4</sup> Oszkár Jászi published the written version of Magnaud’s lecture on pp. 544–547 of Volume XV of the journal “Huszadik Század”, published in 1907.

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, the 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 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, accustom the work-shy to a decent lifestyle and teach them to work.”<sup>5</sup>

Criminal jurist Jenő Balogh took a criminologist’s approach to juvenile criminal law. His draft criminal law was the first to break the classical school’s focus on the offence and took the person of the offender into account, advocating individualization. Balogh expressed 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 offenders and their living conditions, the causes and prevention of punishable acts.”<sup>6</sup> Jenő Balogh, who initiated the first amendment to the Csemegi-Code one hundred years ago, proposed the waiving of “unnecessary and harmful incarceration punishment”.<sup>7</sup> He believed that “the activity of theoretical researchers is not enough”, and furthermore that legislative reform would also be insufficient if those enforcing the law were reluctant to follow it. Juvenile crime prevention cannot work without social support; the institution of patronage is necessary. The increase in juvenile criminality should not be restrained with the whipping bench nor the gallows, he said in 1909, but instead the “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 is possible to 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 the mistrust society bears towards juvenile offenders released from prison, especially those with numerous previous convictions!”<sup>8</sup>

<sup>5</sup> Szabó, A: *Recepció és kreativitás a büntetőjogban* (Reception and creativity in criminal law). In Sajó, A. (ed.): *Befogadás és eredetiség a jogban és a jogtudományban*. Budapest, 2004. 102.

<sup>6</sup> Balogh, J.: *A büntető törvények és a büntető novella* (Penal legislation and the penal amendment). Budapest, 1908. p. XXXIII.

<sup>7</sup> Balogh, J.: *Fiatalkorúak és büntetőjog* (Juveniles and criminal law). Budapest, 1909. 203.

<sup>8</sup> *Ibid.* 144.

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."<sup>9</sup>

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 in the prevention of juvenile crime, generally concerned European lawyers, who organised several international conferences on the matter.<sup>10</sup>

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."<sup>11</sup>

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 institutions 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."<sup>12</sup>

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, where 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 extraordinarily

<sup>9</sup> Finkey, F.: *A magyar büntetőjog tankönyve* (The textbook of Hungarian Penal Law). Budapest, 1905. 468.

<sup>10</sup> International child protection conferences at the turn of the 19th–20th centuries: 1896 Firenze, 1899 Budapest, 1901 London.

<sup>11</sup> Finkey: *op. cit.* 480.

<sup>12</sup> *Ibid.* 482.

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 those more virtuous convicts, but by setting a term of probation ..."<sup>13</sup>

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—as Aristotle pointed out thousands of years ago—to equally treat the unequal is the biggest injustice."<sup>14</sup>

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

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."<sup>15</sup> Vámbéry Rusztem takes a stand in favour of individualization, arguing that the very essence of security measures is special prevention.<sup>16</sup>

In 1926, Albert Irk pointed out that general preventive punishments based on the realistic assessment of classical criminal law had only partially fulfilled the requirements set by practical legal life. Therefore, he believed that it was necessary to develop "more perfect penal tactics".<sup>17</sup>

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 said, in 1941: "Combatting the criminality of habitual criminals is deservedly regarded as one of the most urgent problems of criminal policy."<sup>18</sup> Heller also dealt with this category of offenders in the same year, declaring them the habitual enemies of society.<sup>19</sup>

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

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

<sup>13</sup> *Ibid.* 487.

<sup>14</sup> Balogh: *A büntető törvények és a büntető novella. op. cit.* p. VI.

<sup>15</sup> Vámbéry, R.: *Kriminológia* (Criminology). *Jogtudományi Közlöny*, 47 (1912) 30, 259–260.

<sup>16</sup> Vámbéry, R.: *Büntetőjog* (Criminal law) I–II. 1913.

<sup>17</sup> Irk, A.: *A büntetés fogalma* (The concept of punishment). 1926. In: Irk, F. (ed.): *Irk Albert memorial volume*. Hungarian Criminological Society of the Hungarian Academy of Sciences. Budapest, 1981. 31–38, 33.

<sup>18</sup> Hacker, E.: *Kriminálpolitika* (Criminal policy). Miskolc, 1941. 6–7.

<sup>19</sup> Heller, E.: *Büntetőjogunk haladásának útja* (The progress of our criminal policy). *Acta Universitatis Szegediensis Sectio Juridico-Politica*, Szeged, 1941. 6.

2. Penalties can only be applied against perpetrators of crime. Security measures can also be applied against non compos mentis offenders or people classified as dangerous even if they have not yet committed a crime.

3. 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.

4. The extent of the penalty is a given in advance and proportionate to the crime committed. The extent of the security measure can only be determined as it is implemented, after the event.<sup>20</sup>

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.

### *Craniometry*

Austrian–Hungarian doctor Móric Benedikt suggested prior to Lombroso that the human brain contains an area responsible for the individual becoming either 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 differentiating between right and wrong. József Lenhossék refuted Benedikt's doctrine in a study published in 1878 which was contained in a supplement to *Orvosi Hetilap* (Medical Journal).<sup>21</sup> However, in analysing his collection containing the skulls of 16 serious criminals, he came to the conclusion, similarly to Lombroso, that criminals 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 results which are promising in respect of practicality regarding 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."<sup>22</sup>

Ernö Emil Moravcsik believed the signs of degeneration could 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

<sup>20</sup> *Ibid.* 251–254.

<sup>21</sup> Mátay, M.: Agycentizők a századfordulón (Brain measurers at the turn of the century). *Elektronikus Periodika Archivum Budapesti Negyed*, (2005/1–2005/2), 47–48.

<sup>22</sup> Irk, A.: Török Aurél (1842–1912). *Bűnügyi Szemle*, 1 (1912) 2, 84.

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.”<sup>23</sup> As head of the Institute for Forensic Medical Observation and Mental Health, 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 highlighted changes occurring with the viscerocranium and considered its causal connection with brain development. In his presentation of the change in the volume of the human brain, he quoted Broca, who was the first to conduct major studies on a larger sample. “For this purpose, he compared Parisian skulls from the 13<sup>th</sup> and 19<sup>th</sup> centuries, and found that the average volume of Parisian skulls grew by approximately 35.55 cm<sup>3</sup> over six centuries.”<sup>24</sup> His studies were continued by Tohnard, who reached 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 development.”<sup>25</sup>

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

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

The third group included the studies observing the relation of the brain and the skull among uncivilized people. The result of these studies was that the brain and skull expanded with the rise in cultural standard.<sup>26</sup>

### *Criminal statistics and criminal geography*

In 1903, Publicanus published a review about Bosco’s Criminal statistics. “Serious crimes are increasingly being 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

<sup>23</sup> Dr. Moravcsik, E. E.: A századvégi degenerációról (On degeneration at the turn of the century). *Huszadik Század*, 1 (1900) 1, 15.

<sup>24</sup> Irk, A.: A kriminalitás normális és patológikus jellege (The normal and pathological nature of criminality). *Magyar Társadalomtudományi Szemle*, 6 (1913) 7, 526.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

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 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 present the data of Hungarian statistics—only collected since 1900, and, sadly, not satisfactorily processed—in a European light.”<sup>27</sup>

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, i.e. in different parts of the country. It will thereby render a great service to good criminal policy...,” Elemér Kármán says.<sup>28</sup>

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 are an indispensable source of knowledge for the criminologist, the criminal policymaker, the judge, the moral and social policymaker.”<sup>29</sup> Földes also seeks to reveal in the individual and social processes and connections hidden behind the data. He believes that an appropriate, scientific interpretation of the numerical data is necessary to draw 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.”<sup>30</sup> He tries to explore the social background of crime as well. He develops a system of categories, which provide a complete picture of the factors generating crime.<sup>31</sup> His system of categories includes physical, economic, intellectual, 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

<sup>27</sup> 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 XIII 1–282 I. *Husadik Század*, 7 (1903), 850–851.

<sup>28</sup> Kármán, E.: Bűnügyi statisztikánk újabb eredményei és irányai (The latest results and directions of our criminal statistics). *Közgazdasági Szemle*, (1903) 1, 368.

<sup>29</sup> Földes, B.: Bűnügyi statisztika és bűnügyi szociológia (Criminal statistics and criminal sociology). *Statisztikai Szemle*, (1934) 2, 99.

<sup>30</sup> Földes, B.: *A bűnügy statisztikája* (The statistics of crime). Budapest, 1899. 157.

<sup>31</sup> Földes, B.: A bűnügyi statisztika problémái (Problems of criminal statistics). *Magyar Statisztikai Szemle*, (1932) 3, 250.



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, as well as 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."<sup>32</sup>

"Criminal statistics can only really perform their mission if they can also provide an appropriate insight into the broad field of crime in terms of social and moral statistics."—János Bud reasoned in 1906.<sup>33</sup> Bud further argued 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 considering the personal manifestations of individuals. Bud believed the first task could be solved by general statistics, whereby statistics are utilized to compare the various groups of crime committed in the same period of time. The second task could be solved by looking at the statistics of repeat offenders—such analysis would take into account the data gathered during the individual offenders' criminal career.

The first major criminal statement, summarising court and prison statistics for the period 1904–1908, was published in 1910. The compilation titled "The Criminal Statistics of the Hungarian Empire in the years 1909–1913" already recorded repeat offenders' earlier offences and the related penalties as well, and separated out the data relating to juvenile delinquents. Roland Perényi says that the emergence of criminal statistics meeting a scientific standard in Hungary took place in the period preceding the outbreak of World War I.<sup>34</sup>

Béla Földes, at the end of the 19<sup>th</sup> century, studied offenders who "make a profession out of crime".<sup>35</sup> 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 such an extent that it is more difficult for them to return compared to those who have not as much come into conflict with social order."<sup>36</sup> Repeat offenders can be found in towns and cities, partly because that's where they can better hide from society and criminal investigation authorities, and partly because that's 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

<sup>32</sup> 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*, (1906) 9, 73.

<sup>33</sup> Bud, J.: *Bűnügyi statisztikánk fejlődése és a kriminalitás iránya* (The development of our criminal statistics and the direction of criminality) III. *Jogtudományi Közlöny*, (1906) 10, 83.

<sup>34</sup> Perényi, R.: *A bűnözés mérése. Bűnügyi statisztika és bűnözéstörténet* (Measuring crime. Criminal statistics and criminal history). [http://andorkaweb.tarki.hu/Konferenciak/Konferencia2006/Perenyi\\_Roland.pdf](http://andorkaweb.tarki.hu/Konferenciak/Konferencia2006/Perenyi_Roland.pdf). 23 pages, p. 10.

<sup>35</sup> Földes, B.: *A visszaesők* (Repeat offenders). *Jogtudományi Közlöny*, (1887) 39, 305.

<sup>36</sup> *Ibid.* 306.

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?"<sup>37</sup> 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 terms of space and time. He compares the geographic distribution of the sentences with the population density and education 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 in a European context, and distinguishes "endemic crimes" typical of a specific geographic location. (He believes duels are such "endemic crimes" in Hungary.)<sup>38</sup>

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

Béla Kenéz, in 1905, studied 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 those inhabiting cities compared to those living in 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, a higher level of education, and, on the other hand, better opportunities to hide any increase in the level of criminality, as well as a higher degree of isolation, bigger social and financial differences and more opportunities to offend are all seen to be contributing" to a boost in criminality—also relevant are other factors such as family conditions and demographic conditions of the urban population (with 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 a 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 main reasons in explaining why, for example, the nationwide average number of criminal cases ending in a sentence was 691 per 100,000 people in Hungary in 1902 compared to 915 in the area of Budapest; in Germany, an average of 108 individuals were sentenced out of 100,000 people of punishable age during 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 should rather say that the special milieu of city life has the power to attract the corrupted elements of people, drawing to itself from faraway those members of the 'classe dangereuse', the masses of depraved, vagrant proletarians and tramps."<sup>39</sup>

Ervin Pálosi studied the moral and criminal indicators of the capital for one and a half decades.<sup>40</sup> He claimed that the capital attracts criminals, Hungarians and foreigners alike.

<sup>37</sup> *Ibid.* 307.

<sup>38</sup> Perényi, R.: A bűnügyi statisztika Magyarországon a „hosszú” XIX. században (Criminal statistics in Hungary in the "long" 19<sup>th</sup> century). *Statisztikai Szemle*, 85 (2007) 6, 537.

<sup>39</sup> Kenéz, B.: A városi élet hatásai (The effects of city life). *Husadik Század*, 11 (1905) 2, 316.

<sup>40</sup> Pálosi, E.: Budapest kriminalitása és moralitása az 1909–1925. években (Criminality and morality in Budapest between 1909–1925). *Budapest székesfőváros Statisztikai Közleményei*, 55 (1927) 3.

He also discussed the issue of servants, illegitimate children, as well as the issue of suicide. He further suggested 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.

### **The emergence of criminal pedagogy**

The reform endeavours emerging in the area of criminal pedagogy at the turn of the 20<sup>th</sup> century were not without preliminaries. In Hungary's Reform Age, the application of criminal pedagogy was one of the endeavours aimed at renewing 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 19<sup>th</sup> century, the key objective of the progressive forces was the betterment of society both in Europe and Hungary. The reform endeavours of the time included the reform of the school system and the "correction" of prisons as well.<sup>41</sup>

They wanted to carry out the correction of the convicts on two levels. The first level can be described as external correction through legislation, with the convict being led to law-abiding behaviour. They believed that it was respect for the rules, work, the controlling of one's temper, the elimination of both ignorance and 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 was to wipe out evil from the soul and plant virtues in its place. The ultimate aim of the moral education and correction was to send back to society people who had interiorized the norms and, having completed their prison term, they voluntarily became law-abiding citizens.

They regarded work as the most effective tool for 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 represents his rise in society.

Elemér Kármán was a worthy successor to 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 stated that criminal pedagogy was a science bordering between criminology and pedagogy.

In 1917, Pál Angyal proposed the establishment of an institute for criminal pedagogy. The practical implementation of this 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 implementation methods.<sup>42</sup> They planned psychological, pedagogical, medico-pedagogical observations on young people under laboratory conditions. They undertook to prepare expert opinions for juvenile

<sup>41</sup> Eötvös, J.–Lukács, M.: *Fogházjavítás* (The improvement of prisons). Pest, 1842.

<sup>42</sup> A Kriminálpedagógiai Intézet megalakítása (The establishment of the Institute for Criminal Pedagogy). *Szemle. Jogtudományi Közlöny*, (1917) 26, 242.

courts, public guardianship and child protection authorities and associations. They decided to establish a criminal pedagogical library. Their aim was to apply scientific methods in researching the causes of the moral corruption and criminality of children and young people. They sought to provide the pedagogical area with further education of juvenile courts and special needs schools.

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 Society.<sup>43</sup> 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 could be provided to occasional criminals, neglected children and highly degenerate offenders. Contemporary research supported the idea that special education and correctional facilities were necessary for psychopaths and they also held out promises for improvement.

Elemér Kármán said the corrective-educative treatment of young offenders could be conducted based on their psychological knowledge.<sup>44</sup> “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 judge and his officials and helpers to govern and guide the education of the juvenile offender...”<sup>45</sup>

Kármán brings 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 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.

### **Criminal psychology, criminal psychoanalysis**

Elemér Kármán urged from as early as 1911 that all employees of the justice system get acquainted with the latest results of psychology.<sup>46</sup> He said that Penal Amendment I could only be applied after surveying the moral and intellectual development and living conditions of the juvenile offender. Dangerous offenders should not be identified without psychological knowledge and research.

Judges must now deal with the offender as well, not just the offence, and in this they are helped by criminal psychology. This is only possible if judges receive thorough criminal

<sup>43</sup> “A Magyar Jogászegylet büntetőjogi bizottsága” vitája (The debate of the criminal law committee of the Hungarian Law Society). Szemle. *Jogtudományi Közlöny*, (1917) 20, 192.

<sup>44</sup> Kármán, E.: A fiatalkorúak bíróságainak kriminálpedagógiai alapjai (The criminal pedagogical foundations of juvenile courts). *Jogtudományi Közlöny*, (1917) 2, 12.

<sup>45</sup> *Ibid.* 3.

<sup>46</sup> Kármán, E.: A törvényszéki lélektan és oktatása (Forensic psychology and its education). *Jogtudományi Közlöny*, (1911) 50, 431–433.

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 stated that, in the first few years of the century a desire flared up to renew and improve *per se*, however, later on, two extreme directions appeared. One of these did not consider moral corruption and criminalization of young people as a genuine phenomenon in life. The other direction provided merely a biological explanation of crime, leaving the social effects out of consideration. He criticized the practice that prevented the effective operation of the Institute for Criminal Pedagogy. He believed that it was unable to achieve its targets either in medical or legal terms.<sup>47</sup>

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 study convicts in law enforcement institutes.<sup>48</sup> In addition, the detainees could also benefit from psychoanalytic work, Ferenczi said. He regarded the offender as someone who got stuck at a certain stage in their personal development or even regressed to ancient stages. He was convinced that the analytic method would help in the treatment of criminals. He believed that criminals should be treated similarly to children. In addition to the analytic treatment, educational regulations are important as well. He believed that character analysis also helps in the research of criminality. He said that it is not the criminal inclination itself, but the unusual power of some instinct that gives rise to criminality. He believed that psychoanalysis had shown that, under adverse circumstances, people who suppressed some kind of shocking experience in childhood could 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 agreed with Freud's idea that there can also be "criminals who commit crimes out of guilt", in whose case the guilt comes first; these individuals then subsequently 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 considered it important to understand the soul and the unconscious mind.

Ferenczi believed that psychoanalysis could also lead to a better understanding of outbursts of sadistic instincts. If science understands the origin and nature of neuroses better, it would 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 considered it essential to include the latest results of psychoanalysis into criminal law.<sup>49</sup> "It is with the psychoanalytic examination of such convicts that the effective exploration of the criminogenic psychic factors and thereby

<sup>47</sup> Kármán, E.: A fiatalok javítónevelésének aktuális problémái (Current problems of the corrective education of juvenile offenders). *Jogtudományi Közöny*, (1926) 1, 4–5.

<sup>48</sup> Ferenczi, S.: A pszichoanalízis és a kriminalitás (Psychoanalysis and criminality). *Századunk*, 3 (1928), 272–281.

<sup>49</sup> Dukes, G.: Pszichoanalitikus szempontok a vétesség jogtanában (Psychoanalytic points of view in the law of culpability) II. *Jogtudományi Közöny*, (1921) 13, 102–103.

the establishment of psychoanalytic criminology, on the one hand, could start, and on the other hand, could lead to the establishment of criminal therapy: that is to say special prevention in the clearest sense of the term.”<sup>50</sup>

In one of his works written six years later, he asked whether there could be a possible science-based solution to the issues of criminality as a phenomenon threatening social order, and the sociological and political need to fight against crime.<sup>51</sup> 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 proposed 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 regarding what is known as the clinging instinct, observed in respect of 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.”<sup>52</sup> In the case of humans, the particular source of aggression “...is easily detached from its original target and objects, and spreads.”<sup>53</sup>

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.”<sup>54</sup>

Szondi believes that our fate is determined by our genes, thus, it also depends on genes whether a person will become a criminal or not.<sup>55</sup> Fate analysis is 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 wrote 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 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

<sup>50</sup> *Ibid.* 103.

<sup>51</sup> Dukes, G.: Egy új büntetőjogi elméletéről (On a new criminal law theory). *Századunk*, (1927), 76–79.

<sup>52</sup> Hermann, I.: *Az ember ősi ösztönei* (The ancient instincts of man). Budapest, 1984. 345.

<sup>53</sup> *Ibid.* 354.

<sup>54</sup> Szabó, L.: *Erzsike*. (1955) Digitális Irodalmi Akadémia.

<sup>55</sup> Szondi, L.: Káin, a törvényszegő Mózes, a törvényalkotó (Cain, the lawbreaker; Moses, the lawmaker). Budapest, 1987.

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. Szondi 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; the main determinant is rather the quality of the underlying—above-described—emotional state."<sup>56</sup> She refuted the claim that there were 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 saw the main threat in the case of emotionally damaged children. She believed that emotionally inaccessible children could not be educated and therefore they were the ones at the highest risk morally.

In the case of a depraved child, the most important thing is that they should get into a 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 suffered.

In other cases, where 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 behind 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 bring these children back to the straight and narrow. Whenever criminal investigation

<sup>56</sup> György, J.: *A „nehezen nevelhető” gyermek* (The "difficult" child). Budapest, 1978. 82.

bodies deal with them, it is essential that psychologists and psychiatrists are involved 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 believed that the moral depravation of young people could be prevented through supervision and probationary education, for which, however, there was only a little qualified workforce available between the two world wars.<sup>57</sup> He quoted 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 in strengthening the nation because it concentrated putting all threads of material and formal child protection in the hands (of the juvenile judge)."<sup>58</sup> 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, which included the two world wars, retarded development in this respect. Work in the areas of child protection, the special judgment of juvenile offenders and criminal psychology could only be resumed after World War II.

### 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 statistical data.<sup>59</sup> 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 statistical data. He tried to compare juvenile criminality in the early 20<sup>th</sup> century with the earlier 20-year period starting from 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 statistical data does 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."<sup>60</sup> 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."<sup>61</sup> Balogh highlighted the work of Quetelet in criminal statistics. He considered Quetelet a pioneer scientist, who broke new ground in 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

<sup>57</sup> Németh, P.: A gyermekvédelem egységesítése (The unification of child protection). *Városi Szemle*, 18 (1932) 1, 738–761.

<sup>58</sup> *Ibid.* 744.

<sup>59</sup> Balogh, J.: *Fiatakorúak és büntetőjog* (Juvenile offenders and criminal law). Budapest, 1909. 16.

<sup>60</sup> *Ibid.* 27.

<sup>61</sup> *Ibid.* 34.



criminal statistics, Quetelet proved that gender, age, family status, cultural conditions and occupation can have a considerable influence on the “criminal inclination”.<sup>62</sup> At the beginning of the 20<sup>th</sup> century, Balogh identified bad housing conditions, the influence of alcohol, and the urban environment as some of the causes of juvenile criminality, on the basis of both moral and criminal statistical data.

The Millennium was not only a series of historical celebrations, but also a police task involving policing and public security jobs in Budapest. The Millenary Exhibition attracted more than 7 million visitors, which presented the police with previously unprecedented tasks. In order to prepare appropriately for the job, they compiled an “Alphabetical register of people with a criminal record, complete with short descriptions”. Although the register was prepared for the Millennium, they tried to compile it in a manner that would make it useful to the justice system later on as well.<sup>63</sup> The percentage of female offenders is higher in the capital than the nationwide average. Miklós Rédey analysed female criminality in 1896 in the publication “Rendőri Lapok” (Police Papers). He noted 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, this holds even truer in the area of criminality.”<sup>64</sup> As regards the period of 1888–1893, 30% of the criminals before the police were female offenders. He attributed 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 an occupation; they are more easily accessible to crime.” Female workers employed in factories and day-labourers were not considered to be in a much better position either since they almost live a man’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 the district courts and 11.43% before the county courts; and their percentage was 25.73% and 11.67%, respectively, in 1885.<sup>65</sup> 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. This is best shown by the statistics of repeat offenders. The number of female repeat offenders is almost as high as that of male ones ...”<sup>66</sup>

László Búza also studied female criminality, establishing that the reason for the lower level of criminality is the social situation.<sup>67</sup> 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

<sup>62</sup> *Ibid.* 89.

<sup>63</sup> Perényi, R.: *A “igyelő, megelőző és felfedező” rendőrség* (Police that “observe, prevent and discover”). 21 pages p. 1. *Budapesti Negyed*, 47–48. A bűnös Budapest (Sinful Budapest). *Budapest Főváros Levéltára*, [http://bfl.archivportal.hu/id-864-perenyi\\_roland\\_quot\\_figyelo\\_megelozo.html](http://bfl.archivportal.hu/id-864-perenyi_roland_quot_figyelo_megelozo.html)

<sup>64</sup> Rédey, M.: *Nő büntetettek a rendőrség előtt* (Female offenders before the police). *Rendőri Lapok*, 10 May. 1896. *Budapesti Negyed* 10. 1995/4. <http://epa.oszk.hu/00000/00003/00009/rendori.htm>.

<sup>65</sup> Földes, B.: *A nő a büntett terén* (Women in criminality). *Jogtudományi Közlöny*, (1888) 41, 334.

<sup>66</sup> *Ibid.* 336.

<sup>67</sup> Búza, L.: *A női kriminalitás* (Female criminality). *Huszadik Század*, (1908) 2, 16.

of female offenders is increased by extreme poverty, anonymity, and the large number of opportunities to offend.

At the end of the 19<sup>th</sup> century, Béla Földes studied offenders who “make a profession out of crime”.<sup>68</sup> 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 those who have not come into conflict as much with the social order.”<sup>69</sup> Repeat offenders can be found in towns and big cities, partly because that is where they are able to 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?”<sup>70</sup> He concludes that repeat offending will be less likely if the criminal encounters an accepting, supportive, helpful society on his release.

<sup>68</sup> Földes: *A visszaesők* (Repeat offenders). *op. cit.* 305.

<sup>69</sup> *Ibid.* 306.

<sup>70</sup> *Ibid.* 307.