

CONNECTION POINTS BETWEEN SEGREGATION AND BECOMING A CRIMINAL PERPETRATOR

THE ANALYSIS OF THE SITUATION OF THE GYPSY MINORITY IN HUNGARY

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Introduction

The dissertation focuses on segregation, specifically the results of segregation linked to becoming a criminal, especially related to the situation of gypsies in Hungary.

Several factors motivated selecting this topic. One of these is that the Author believes that one of the most important duties of law is to detect conflicts and resolving these on macro and micro level as well. Choosing this subject was also influenced by the decision of the court of law in Gyula for the case P. 20.045/2013/47., furthermore the composition of its justification and disposition. During the procedure it has been proven that from time to time, significant social tensions arise between gypsies and non-gypsies.

The research tries to expose the myths around gypsies, pointing out to the real social, environmental, macro and micro processes affecting minorities. According to the author their historical roots, financial situation and social position lead in many cases to multidimensional and intense segregation. The consequences of segregation, the social and negative environmental effects and myths, stereotypes and bias connected to these is a society full of tension.

From the standpoint of the Author it would be important to analyze such basic and trivial problems related to gypsies - like who should be considered being a gypsy, which processes have an effect on becoming a criminal and what steps could help preventing or lowering the number of crimes, furthermore how the social tensions and conflicts could possibly be resolved.

The methodology of research

The author performed his research using the below methodologies: history of law methodology, sociological methodology, criminal statistics methodology, deduction methodology. The research on the connection between segregation and becoming a criminal – with the focus on the gypsies in Hungary – resulted in the analysis of the below hypotheses. Segregation can highly influence the law abiding/anti law behavior of the individuals. Bias and stereotypes may increase the segregation of the Hungarian gypsies with a changing intensity.

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Related to the gypsies the segregation, bias, stereotypes, analysis of the circumstances coming from their special history is mandatory to reveal the social conflicts. Eliminating the educational segregation can further relax addition segregation, thus may foster the social unity. During the research, the question got into focus – who can be considered a gypsy? From the standpoint of the Author, there is no methodology which determines if an individual is considered a gypsy or not, and based on this there is no way to determine the number of gypsy communities within a specific society. It is important to highlight, however that whenever there is a research with a focus on gypsies, it must be unambiguously specified, who the researcher considers a gypsy. János Ladányi and Iván Szelényi reveal in their study named *The “social construction” of the gypsy ethnic minority in Bulgaria, Hungary and Romania in the era of market transition* the methodologies and the advantages and disadvantages of each method, how and based on what can the identity of the individuals determined.¹

The authors describe three major and several minor systems for ethnical categorization:

- Expert categorization (categorization of specialists working with the “gypsy question”), self-identification (ethnic self-identification – people considering themselves gypsies);
- Questioning commissioner categorization (categorization of Questioning commissioners administering commercial or scientific questionnaires);
- Principle of “one drop blood” (meaning everyone is gypsy, who has any lineage relatives who was presumably a gypsy);
- People living in mixed marriage (meaning gypsies who live in a mixed marriage are not considered gypsies anymore), or the categorization based on “gypsy workstyle”.

According to the Author there are two main directions based on the study. One is based on the choice of outside people, the judgment of the environment; according to this the categorization of specialists, questioning commissioners or people living in the near or wider environment of gypsies is relevant based on external marks, “gypsy lifestyle” or other attributes. In the terrain of the other direction the focus is on the categorization based on the self-identification of gypsies, meaning gypsies can confess about their ethnic. According to the categorization chosen by the Author, in favor of the complete mapping of the selected research area – which analyses social procedures, attitudes – both directions are mandatory. The Author had rather respect for the categorization based on the society for the analysis of the connection points of segregation and becoming a criminal, as the judgment of the majority is considered competent in these processes.

¹ LADÁNYI, János – SZELÉNYI, Iván: *A roma etnicitás “társadalmi konstrukciója” Bulgáriában, Magyarországon és Romániában a piaci átmenet korszakában* [The “social construction” of the gypsy ethnic minority in Bulgaria, Hungary and Romania in the era of market transition], in *Szociológiai Szemle*, 2001/4., pp. 85-95.

In the area of categorizations, we have to mention that the Author performed a measurement using open questions in order to process the topic more authentic, collecting data from the affected people. The questionnaire was filled by two groups; in both cases the anonymity of the responders has been ensured. The Author made available a draft interview which consists of 10 questions to the public first, shared on university mailing lists, social websites, public portals. Thus, it could be answered online, or in a traditional way. The other group consisted of the inmates of the Győr-Moson-Sopron County Correctional Institute, who filled the survey voluntarily. As the number of responses was low, the research cannot be considered representative, rather orienting. According to this, the Author compared the received responses to scientifically accepted opinions. The responses received in law-enforcement have been analyzed in the dissertation separately.

The structure of dissertation

The topics covered by the dissertation are described below. During the marking of the conceptual framework the description of the criminological directions connected to segregation and crime, furthermore the mapping of segregation – as a sociological phenomenon happened. This is followed by the short history of the Hungarian gypsies, and the integration experiments of gypsies in the XX. and XXI. centuries. The next bigger thematical section concentrates on the change of the picture about the gypsies reflected in the law, from 1928 until today. Then we analyze the picture about gypsies in the media, followed by the review of the most important social data, related to Hungary and the European Union. It is followed by the description of the imperiled segregated layers endangered to sink into crime, the review of the connection between poorness and crime, the analysis of the representation of gypsies related to criminal action and law enforcement, and the myth of “gypsy crime”. The dissertation is closed implicitly by the conclusion and collecting some recommendations.

It is important to mark that the Author has only analyzed the situation of Hungarian gypsies due to the extent of the dissertation, aside from the analysis of foreign countries. In the focus of the research stands not the segregation, as a widespread sociological phenomenon, but especially the situation of the Hungarian gypsies, and the segregation connected to them and becoming a criminal. Obviously, the theoretical foundation of the segregation happened during the research, but the research could not be extended to cover widespread segregation processes.

Summary of the scientific results of the research

Based on the hypotheses and research aspects described in the first section of the dissertation the Author wants to summarize the final results of the research below. While researching the segregation and its mechanisms related to gypsies, the Author has made the below conclusions. The majority of gypsy people is affected by minor or major segregation, and in their case multiple arts of segregation accumulates – or as phrased by Agnes Solt, segregation

processes have different intensity on the affected persons in different life periods. According to Solt the sensitivity against each risk factors is changing by the age. Before the age of 6, the most important source of endangerment is caused by neuropsychic specialties, bad parent habits and structured socio-economical disadvantages. Between the age of 6 and 12 family and environmental factors, between 12 and 18 school and contemporary factors are dominant.²

The gypsies in a disadvantageous situation researched by the Author may be affected by continuously changing harmful factors until the age of 18. According to the research of the Author the hypothesis has also been proven that the majority of gypsies are mostly affected by the segregation in the areas of education, habitation, human resources and economy, as the most important social subsystems and connection points. Another hypothesis has also been proven, which tells about the creation of other segregation forms by the segregation in the education. In order to eliminate the segregation, first the educational segregation needs to be dissolved, thus the inheritance of the complex segregation can be withheld. The Author thinks that the segregation is the basis of social tensions, which in turn among others further strengthens the segregation processes. During the analysis of prejudices and stereotypes it was not surprising, how big is the bias against gypsies, thus creating or strengthening different social tensions. Besides phrasing the hypotheses and the necessary theoretical foundations, the Author has researched the different criminological directions of becoming a criminal. During the research, the Author wanted to make consequences related to gypsies reflected based on the analytical results of the different criminological directions.

In the next thematical unit the Author analyzed the origin, history and combination of the gypsies as the basis of the further dimensions of the research. Based on the analysis it turned out that the origin of the gypsies is unclear, their history is full of adversity and followed by violence and hopelessness. It is important to highlight however, that in connection to gypsies we cannot talk about a homogenous group; gypsies are split into multiple groups, and there is also an intensive blending with other ethnical groups. The appearance of gypsies in Hungary was neither parallel to individuals belonging to a single gypsy group; in opposite it happened in multiple waves, and the different gypsy group approached our country from different directions. The empiric researches lead by István Kemény in 1971 pointed out to that the group for gypsies made up of 32 .000 people creates the lowest level of society, making a foundation of the tension created by the anatomy theories. Just like István Vavró described the questions of the analysis of the theoretical and methodical questions of the “gypsy crime”: related to gypsies it is not easy to find a statistical consensus, who can be considered as a gypsy. It has been proven furthermore, that from the statistic standpoint the gypsy crime situation cannot be analyzed in an exact way.

During the analysis of the integration attempts in the XX-XXI. century it turned out that against the attempts a serious social, economic, residential and educational gap and

² SOLT, Ágnes: *Peremen billegő fiatalok. Veszélyeztető és kriminalizáló tényezők gyermek- és ifjúkorban* [Youngs swaying on the edge]. PhD dissertation. Budapest, 2012, p. 233.

tension can be observed related to gypsies. While analyzing the picture about gypsies in the law the Author observed positive changes in the gypsy picture in the law during a century. According to the Author, law creation could also effectively support the resolution of the gypsy question. During the research around the gypsy picture displayed in the media it has been unraveled that the media might have enormous impact on social processes and that balanced forecasting is indispensable.

Reviewing the basic data from Hungary István Tauber stated in his researches that crime committed by gypsies can be traced back onto the following reasons: the low position of gypsies in the structure of the society, and their lifestyle connected to this. This position is however the result of their special historical development. Tauber localized the slow social restructuring, vertical mobility, migration and the special culture, "subculture" connected to this as a factor leading to crime. Besides of these he doubts the validity of "gypsy crime" as a category as well. Katalin Gönczöl's research published in her book the *Guilty poor* is a lecture of real life implementation of the study-theories, as the researcher observed, how the younger generation picks up deviances, negative impacts from the older generation, thus predestining their future. Szilveszter Póczik pointed out while researching the attitude of poorness that 40-60 percent of the poor has gypsy roots and ascertained that among the poor criminal subcultures are necessarily established, where committing crimes is a way to become rich or at least to survive. István H. Szilágyi and Sándor Loss observed in their study „*Gypsy trial*” the real life appearance of the labeling-theories, as the trials, where gypsies are affected, there is a ritual to be detected. The trial thus does not provide any surprises, not even alternatives to the participants. Gypsies are recognizing that they already have lost the trial when they were born as gypsies.

Theoretical researches are supported and extended by empiric observations based on interviews. The questions tried to map the connection between gypsies and crime. It cannot be considered a representative research in a statistical sense, but it turned out clearly from the answers, what is the representation of different criminological directions. All of the theories discussed at the beginning of the dissertation appears in the answers namely. The Author observed the following during his research. There is a multi-time connected network of circles related to Hungarian gypsy people. These evil circles are the ones below. Due to the mechanism of the segregation circle, in case a person or social group becomes segregated, the affected group will even more get further away from economical, employment and social life, thus segregation will be even stronger. Bias or stereotypes are also considered another evil circle, which represents processes similar to the previous one, furthermore the two circles will link to each other, thus strengthen each other.

Finally, there is an evil circle connected to the theory that gypsies commit crime more frequently; this can be linked to the term "gypsy crime". This term itself locks into a circle the information and opinions about gypsies around negative impacts. This term is able to summary the biological foundation of gypsies committing crime, the accuracy of bias and stereotypes. During the research it become clear to the Author, that gypsies are also responsible for their negative situation. For example, we could mention the "self-reasoning" practice of Ágnes Solt related to gypsies. With this, the Author did not find "gypsy crime" as a term legally founded or acceptable. According to the Author using the term

“incrimination” is really harmful, as if we accept gypsies are criminals due to their biological heritage, then based on this logic there is no solution to prevent or avoid such crimes.

In the Author’s opinion it would lead to the worst consequences if we would accept the criminal behavior inherited in genes, and the existing problems and conflicts were not confronted. We should handle discussions about the situation of the gypsies and processes affecting gypsies and the majority of the society with priority, and also the search for the necessary resolutions. We have to recognize as well that we need to act actively against the realization of the aforementioned processes and phenomenon and we need to find the opportunities and the people and institutes from the two groups who can actively act against the evil circles.

The Author thinks that the representors of the major and the gypsy societies are both responsible for – and also have the opportunity to move forward – the integration of the gypsies. According to the Author based on the investigation of the potential of the state and the major society there are multiple available options to work against the segregation and the differences in the society via creating complex strategies and effective integration programs. As an example, we mention the possibilities hidden in crime prevention, where we can highlight that even gypsies can and should go many steps forward on the individual or organized level. From the standpoint of the Author gypsies could do the first steps for the integration via denying bias and stereotypes, demonstrating their culture and economic and social situation, and showing their dedication for the noble case.

It is very important to highlight for this topic the conclusions of the PhD dissertation *Criminal politics and crime prevention in late modernity* written by Andrea Borbíró. The Author especially agrees with the conclusion made by Borbíró regarding crime prevention. Borbíró investigated the usefulness of crime prevention related to criminal politics, and finally found that crime prevention has the right tools, which can produce visible and measurable results decreasing crime and improving public safety. Borbíró considered more fruitful those intervention forms inside and outside of criminal law enforcement, which are focusing on raising the motivation of the target group and creating their interest in the prevention program, than the strategies based on deterrence and repression. According to Borbíró the informal control is more powerful in most cases than formal control, as the intervention forms containing parts of collaboration, communication, participation and integration – under other terms – can get serious results in decreasing or preventing crime. Borbíró highlights at the same time that it does not mean we would not need punitive tools, deterrence or neutralization in the toolbox of criminal politics, since in some cases of principals of principal candidates there are no other working strategies.³

During his research the Author has made the same conclusion as Borbíró, stating that in the case of gypsies stricken by segregation, bias and stereotypes, the effective form of crime

³ BORBÍRÓ, Andrea: *Kriminálpolitika és bűnmegelőzés a késő-modernitásban*. [Criminal politics and crime prevention in late modernity.] Theses of the PhD dissertation, Eötvös Loránd University Department of law and political science, Budapest 2011.

https://www.ajk.elte.hu/file/AJKDI_BorbiroAndrea_tcz.pdf (The date of download: 03. 10. 2019.)

prevention would be the intervention strategy based on collaboration, communication and integration.

The first step which can and need to be done is the relegation of the unscientific, and at the same time harmful term of “gypsy crime” from all areas. In case there is the need for a term during further researches which delimits and describes the people being analyzed and the problems to be solved, furthermore reflects reality, it could be a definition focusing specifically on the problems. The suggestion by the Author would be: „Principals committing crime through social or environmental negative effects”, aka the „CSE-principals”. This is by far a more suitable term than the previous one. Like we stressed, committing crime cannot be reasoned by biological causes. This term places the topic in question on the foundation of negative effects caused by the society and the environment. Certainly, this term comprehends as well that negative social and environmental effects stricken mostly gypsies, but not all gypsy person is involved. This new term also shows that it is not only the gypsies who are involved in crime.

In case the “CSE-principals” term acclimatizes in the communication, a process can start where the roots and reasons of committing crime, negative social and environmental effects and the opportunities for changing these can be researched without extreme emotional manifestations. Thus the indicated problem is not only considered a “gypsy question”, but becomes a task to be resolved socially, which is not pressured by bias and discrimination, but works towards a target, which is to the entire society’s interest.

It is the duty of the major society to measure, review and research the opportunities in the most objective way, which can contribute to the integration of the gypsies. As we already pointed out, the major society has the possibility to eliminate the segregation, bias, stereotypes and economical differences using complex strategical plans and general provisions. It is crucial to put the situation of the gypsies via the interpretation of specialists continuously forward. The Author believes that the consequences made during the research need also be kept in view, which means that gypsies are not a homogenous group, and they cannot be punished because of their biological heritage or even by their historical legacy.

Gypsies also need to do the following essential steps and acts: it is necessary for the gypsies, group of gypsies and their institutionalized organizations to accept that their approach is inevitable to move the successful integration forward, thus eliminate the evil circles. It is essential to highlight that by exposing their culture, observing the written and unwritten rules of cohabitation and eliminating particular dependencies and demotivation they can effectively converge toward a more successful integration into social stages.

Obviously it is not easy to break out of social-environmental relations which exist since centuries, but according to the Author by making the first steps a positive process could start, which creates the additional positive proceeds. For this we believe it is essential that gypsies both as individuals and as a group should work via positive examples toward the creation of a uniform society which is profitable their own and the major society. Abraham Maslow’s theory, the Maslow-pyramid, or in other words Maslow’s hierarchy of needs can be used as a guidance to gypsies and to the major society as well. To the gypsies this pyramid may have a dual role: primarily it summarizes and describes the needs in a hierarchical order

from the existential need to the needs of a quality life, additionally it also shows as a motivational stair, after reaching a level, what level can be the target and reward. To the major society this model can lend assistance when, which need of gypsies need to be fulfilled.⁴ During the research, the Author discovered a direct or indirect connection between segregation, the educational system, bias/stereotype, differential association and crime. It has been discussed several times heavily the tight connection between education and segregation, as the form of segregation causing the most severe problems is the educational segregation. By eliminating this the other segregation processes can be stopped, thus the entire social status of gypsies can be moved forward. However the Author also thinks it is not enough to grant only even access to the education, as the elimination of social disadvantages inherited over centuries can only be moved forward effectively via positive differentiation and active intervention. According to our standpoint the positive definitions can be transferred via education, which can heavily influence the attitudes and behavioral forms related to crime.

According to the Authors implication those young people who do not get the proper values in their micro environment, this hiatus can be compensated over education, and the proper values can be created. This means becoming a criminal or abiding the law has a tight connection with these processes. It needs to be taken into consideration that these youngsters will become adults in the future, and in case the proper impulses can be transmitted continuously in order to help law abidance, then the behavior of the upcoming generations will act upon this as well. Besides education the elimination of bias, stereotypes, proper communication between minor and major social groups and the seek for factors preventing cohabitation and finding a solution applicable together and separately can be emphatically important.

Applicability of scientific research

The purpose of the research was primarily to investigate the connections between segregation and becoming a criminal, furthermore the status of the gypsies and the opportunities standing in front of them based on the available literature and to find a solution for the problems identified in the system. With these taken into account the author did not prioritize the real-life applicability of the theses, but rather the scientific theoretical systematization - however the recommendations phrased here may be the basis for further law creation. The dissertation with all these together can contribute to the better and more complete understanding of the debates related to gypsies at present time, and the further analysis of the problem area by the identification of the challenges experienced nowadays. According to the expectations of the Author the results of this research may initiate debates, respectively the observations of the research may be built into the scientific thinking.

⁴ MASLOW, Abraham: *A lét pszichológiája felé.* [Toward a psychology of being.] Ursus Libris, Budapest, 2003.