Criminal Pedagogy and the Reintegration of Prisoners

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Preface

Criminal Pedagogy is a branch of science unknown to – or at least unused by – the Anglo-Saxon countries. One of our most important goals with this monograph is to provide a comprehensive summary of the principal attributes of this field of science for those experts, scientists, teachers and university students who gather their material from English academic literature.

Besides providing an introduction to the establishment of Criminal Pedagogy, we will also depict the present state of the field and also analyse its location within the framework of relevant disciplines while identifying the similarities with penology, philosophy, criminology and criminal psychology.

We believe that in order to understand the efforts of Criminal Pedagogy, a direct – pedagogical – introduction to the notion of crime and punishment and a personal evaluation structure from the aspect of criminal pedagogy would be important. We sincerely hope that we can provide a novel scientific approach to the readers, thereby contributing to our mutual task – prevention of tertiary crime – and facilitate further efforts. At the end of our monograph, we will introduce a classification system which can facilitate today's international practices on the field of corrections from the aspect of criminal pedagogy.

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Chapter I.

INTRODUCTION

1. The Aim of the Monograph

The foundations of penology have been created almost 180 years ago by Franz Lieber who thus created the well-known and practiced field of science today. Building upon these foundations, we wish to introduce a "newer" element of penal science; namely criminal pedagogy. We believe that our efforts are important and unprecedented because this branch of science is unknown to – or at least unused by – the Anglo-Saxon countries. One of our most important goals with this monograph is to provide a comprehensive summary of the principal attributes of this field of science for those experts, scientists, teachers and university students who gather their material from English academic literature. Besides providing an introduction to the establishment of Criminal Pedagogy, we will also depict the present state of the field and also analyse its location within the framework of relevant disciplines while exploring its location within the structure of sciences.

We want to provide evidence to the reader that during the correctional work practiced with the prisoners, the use of criminal-pedagogical methods can mean that the generally explorative and explanatory scope of activities of criminology can significantly expand with the correctional pedagogy's aims of change and improvement. This way, most of the obstructions caused by the "classical" interpretation (where theory and practice are isolated) can be eliminated. We believe that the theoretical statements and practical experiences of the two fields not only merge, but open a new dimension for tertiary crime prevention. However, one needs to be curious,

accepting and open to changes: we have to let ourselves step over the boundaries dictated by the rigid framework provided by scientific taxonomy.

Are there any risks associated with this endeavour? We certainly believe that the answer is no. Criminal pedagogy does not limit the legroom of scientific and practical use, but rather expands it. Due to its multi-disciplinary nature, it contributes to the formulation of a more complex aspect, the substantive academic evaluation of methods to be used, and the improvement of the quality of the execution.

2. Editing Principles

2.1. Introduction to the Aspects and Characteristics of Criminal Pedagogy

It is important to note that we do not wish to introduce new, as yet unpublished scientific results, but rather provide a summary of our opinions and experiences from the last couple of decades regarding criminal pedagogy. We decided so because most of the readers will find this field of science completely new, which means that either their background knowledge will be wanting, or even completely absent. We believe that our most important task is to eliminate this hiatus. Our goal is to provide a comprehensive picture on the characteristics of criminal pedagogy (first and foremost correctional pedagogy and crime-prevention alternatives) to the professionals who are interested.

2.2. The Structure of the Monograph

In this paper – in order to facilitate a unified way of thinking – we will provide definitions of several scientific fields as created and accepted by us, and then we will examine the aspects of penology and criminal pedagogy that are related to law enforcement.

Following the creation of a unified system, we will focus on the principal field of penology and criminal pedagogy, namely punishments involving the deprivation of liberty, and conduct, further analysis on the law enforcement integration of penology and criminal pedagogy. We will investigate the creation and evolution of these types of punishments, and particularly the appearance and evolution of related concepts (aid, corrections, correctional education).

We believe it is important to devote a separate chapter to introduce the past and present of Hungarian criminal-pedagogical efforts. We believe that by directly reviewing the hardships our country has endured during its history, we can justify our point of view and make sure that no similar mistakes are made in the future.

After analysing the situation in Hungary, we will take a glimpse into the tendencies of international criminal-pedagogical efforts, highlighting differing concepts on penal philosophies and the resulting different practices. We will offer a classification system through which a criminal-pedagogical classification of today's correctional practices can be performed.

In order to deepen the criminal-pedagogical aspect, we will briefly address the factors that contribute to the creation of a destructive way of life and ultimately introduce a personality-evaluation structure based on criminal pedagogy.

The principal focal point of our monograph is based on our views that in order to comprehend criminal pedagogical efforts, it is important to provide a pedagogical inquiry into the concepts of crime, punishment and sinner and to process these in the same way.

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Chapter II.

THE LAW ENFORCEMENT ASPECTS OF CRIMINAL PEDAGOGY, CRIMINOLOGY AND PENOLOGY

In the introductory part of our essay – in order to facilitate a uniform way of thinking and interpretation – we will provide definitions to penology and criminal pedagogy, followed by a brief introduction to their aspects related to law enforcement.

1. Taxonomical Questions

The motive that lies behind the creation of this essay is that – despite the fact that the majority of professionals working actively on the field of personality correction, still exhibit a certain demand towards related scientific inquiries and show continuous interest towards newly published ideas – the topmost parts of academic hierarchy simply fail to recognize the slowly but surely expanding academic endeavours and achievements of penology – in Hungary, as well. This kind of judgment is inherently very dangerous since they show no adequate interest towards professions – in our case, the prison service in particular – that deal with the correction of people who lead destructive lives and other people related to them, and they are also indifferent to their goals and results (be it theoretical or academic) alike. This fact of course also means that neither help nor any sort of support can be expected of them.

1.1. The Definition and Origins of the Term Penology

The term *"penology"* was first used by Franz Lieber in 1838. (Lieber 1838) In his view, penology itself is a branch of science that is concerned with the theoretical, practical and historical sides of punishments in general. It also analyses the relation that links the sanctions in question to society and the psychological state of the delinquents. (Lieber 1838) Lieber attempted to define penology as "a sub-field of criminal sciences that is concerned with the punishments (removal from society and imprisonment) that are imposed upon criminals." (Lieber 1838, 70.)

The first Hungarian author who used the term – in 1920 – was Pál Angyal. His approach was based on the argument that penology itself is the analysis of the social consequences that are related to punishments and several other tools utilized in the efforts against crime. (Quoted by Ligeti 2009a) Half a century later Vermes analysed the field from the aspect of the execution of sentences. He defined penology as a part of criminology that deals with certain phenomena related to the execution of sentences and corrections, and analyses the effectiveness and usability of the tools and methods used during treating the criminals, and makes appropriate deductions based on them. (Quoted by Ligeti 2009c)

During a contextual analysis of the development of penology (Lőrincz 2001) in Hungary, József Lőrincz notes that József Földvári was the first person who attempted to synthesize the knowledge material that had been piling up since WWII. Besides analysing certain theoretical relevancies and legal issues pertaining to punishments in this fundamental work, Földvári also focuses on the question of the execution of sanctions. In his words: "in order to fully comprehend the nature of the punishments, their use and the expected results, it is important to synthesize the results and discoveries of fields that are concerned with the issue of punishments. This is the task that has to be realized by the science that deals with punishments." (Földvári 1970, 31.) In his attempt to provide a definition, Földvári goes further by stating that "the non-legal aspects of punishments

should be compiled and summarized by an individual, dedicated science, namely penology." (Földvári 1970, 19.)

Katalin Ligeti analyses the relation between penology and criminology. In her interpretation, "penology itself is closely related to the field that encompasses the criminal sanctions set by law and uses several of criminology's scientific results (particularly regarding the classification of the types of criminals); not only does it analyse prison environments as legal institutions but also as real entities. Criminal policy creates the system of sanctions and provides types and detailed rules and measures while building upon the knowledge gathered by penology." (Ligeti 2009b, 71.) In his compilation of characteristics related to penology, Géza Finszter also points out that the historical analysis of the correctional institutions' internal system of operations of punishments enjoyed a widespread emphasis since its beginnings. From Beccaria and Bentham to Foucault, prisons have always been central subjects of scientific inquiries and they remain so nowadays, as well. (Finszter 2011, 2.)

The terminological interpretation of international academic literature often exhibits significant similarities. The approach of the Oxford Dictionary is based on the correctional aspect: "the study of the punishment of crime and prison management." In a more detailed description it also points out that penology is concerned with the treatment and reintegration of convicts but its jurisdiction expands onto the field of prisoners on parole and crime prevention. Furthermore, it defines penology as a criminal science also dedicated to the establishment of safe and secure conditions within prison institutions. (Proffitt 1989, 1.) Fairchild provides a definition from the aspect of social sciences: "a field of applied sociology which deals with the theory and methods of punishment of crime." (Fairchild 1944, 217.)

The criminology-based interpretation of Taft provides a more comprehensive summary. He describes the attributes of penology as the following:

1. penology is the methodology of punishments and the "re-forming" of criminals

2. its task is partially identical to the task of criminology: to create efficient and constructive techniques to develop and maintain social peace and security

3. penology facilitates the establishment and efficient operation of the systems of correctional institutions and conditional release

4. besides "changing" criminals, penology contributes to achieving social harmony and peace, as well

5. penology describes and uses common fundamental principles which in their general sense are utilized for societal reforms and in their special sense used as a way to "reform and reshape" criminals. (TAFT 1956, 30.)

Clear analyses the relation between criminology and penology: "determining a specific punishment is the task of criminology, while its execution and creation of the rules pertaining to its use is the jurisdiction of criminology." (CLEAR 1994, 15.) As per the author's other definition: "penology is concerned with the fundamental principles of sanctions and their use." (CLEAR 1994) This approach attributes a "more mature" concept to penology while – indirectly – addressing criminal pedagogy which enjoys a key role during the execution of the sentence.

According to the taxonomical approach of the *American Heritage Dictionary,* penology is "the study, theory, and practice of prison management and criminal rehabilitation". We believe that putting emphasis to rehabilitation as a goal of similar importance is a significant step, since it determines the main objective of incarceration. The definition of the *Encyclopaedia Britannica* is a very progressive one. It does not settle with the "classical" definition of the term (science of punishments/sanctions), but also provides supplementary content to it by including sanctions and measures that are not strictly punitive, such as the use of conditional release,[1] or the healthcare, education and rehabilitation of prisoners. The article

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[1]   For example parole.

of the *Merriam-Webster* dictionary is in harmony with the above since it states that "penological studies have sought to clarify the ethical bases of punishment, along with the motives and purposes of society in inflicting it; differences throughout history and between nations in penal laws and procedures; and the social consequences of the policies in force at a given time."

In one of her most recent works, Katalin Gönczöl provides a new, experimental taxonomical classification which claims that "penology, which is regarded as an individual field of social sciences can easily be considered a "social control" science, the foundations of which have been provided by Goffman (1961) and Foucault (1990 [1975]), particularly so in the case of their observations on total institutions (prisons, barracks, mental institutions)." (GÖNCZÖL 2014, 114.)

After a review of the – partially different – definitions above, we suggest accepting the following in order to establish a unified point of view and way of thinking: The term penology is composed of the Latin "poena" (punishment) stem and the "logy" (branch of science) suffix. Its literary meaning is: the science of punishments. Penology is an interdisciplinary branch of science which – ever since its creation – has been tied to other criminal sciences, mostly criminology, albeit several of its fields overlap with psychology and pedagogy as well. Primarily, penology is concerned with the goals, development, usage theories, practices of punishments (mainly incarceration) and their effect on society. Its goal is to establish execution methods that ensure the effectiveness of imprisonment and ensure that the aims listed in the pertaining legal regulations are met. Besides facilitating the reintegration of criminals, it also puts emphasis on developing the management of prison institutions – both in theory and in practice – and deals with the training of prison staff as well. Its system of activities facilitates crime prevention efforts, too.

1.2. The Definition of Criminology

We continue our inquiry into scientific taxonomy by providing a summary detailing the aspects of criminology. Of course, we are not going to compile all its characteristics, but we will devote a part of this essay to analyse its relation to several disciplines that are relevant to this paper (penology, criminal pedagogy).

As a basis, we accept the definition of Kaiser, according to which criminology is a collective and systematized source of experience and knowledge related to crime, criminals and negative deviant behaviour. This field of science is concerned with basic notions such as criminality, criminals and the control of criminality but also encompasses victim studies and crime prevention." (KAISER et al. 1993) In order to be able to fulfil its tasks, criminology – as a social science – maintains a relation to sociology, psychology, pedagogy and biology, but the strongest tie links it to criminal sciences.

Adler et al. make a remark that "apparently, criminology is a branch of science that merges knowledge that has been amassed by several other disciplines. Criminologists acknowledge the fact that they owe a lot to every contributing branch of science, but still consider theirs a separate one." (ADLER et al. 1998) Julianna Váradi analyses the relation between criminology and penology. She argues that penology is placed among the subfields of criminology itself. She points out the importance of the institutional investigation of correctional facilities. In her opinion, nowadays a "widespread and intensive investigation into the interaction between criminality and the reaction of society is being conducted. Scientists are looking into society's claim for punishment and its motives. They are examining the criminal sanctions, the types of methods that are used and their rigidity. They are also investigating whether there is a relation between rigidity and criminality (and vice versa)." (VÁRADI 2006, 6.)

Tibor Horváth points out that criminology's field of inquiries expands onto the socio-political and legal issues of criminality control, such as the treatment of delinquents, the organizational and methodological questions of authorities – police, criminal courts,

prison service – and the socio-political and judicial challenges of crime prevention. (Horváth 2014) Despite the fact that he does not explicitly state, Horváth directly refers to the partial overlap that exists between the scope of activities of criminology and penology.

In the same publication, the author not only does emphasize penology's relation to criminology, but also points out that in its broader sense, prison studies form a branch of criminal science that – besides historical investigations – focuses on the role and operation of institutions dedicated to the execution of sanctions. (Horváth 2014)

1.3. The Definition of Pedagogy

Pedagogy is a multi-disciplinary science that not only does borrow from the data and principles of auxiliary fields of sciences but also integrates and uses this material in its theoretical deductions and in practical and methodological solutions alike. Due to its dynamic nature, separate pedagogical branches may come into existence, each of them representing a dedicated field. These are characterized by the fact that related analytics usually expand onto the issues and questions of other disciplines, ensuring an all-round reveal of said questions. (Ruzsonyi 2009)

1.4. The Definition and Origins of the Term Criminal Pedagogy

Before providing a definition for criminal pedagogy, it is recommended to conduct an overview of the most significant opinions regarding the taxonomical classification of the science. Several criminal-pedagogical theories and notions emerged in Hungary as early as the beginning of the 20th century. The first representatives of the field were Elemér Kármán and Ferenc Finkey. Their progressive approach was parallel with international efforts but at the same

time it was contradictory to the chief ideas of their era, meaning that they were unable to introduce changes into the practice of executing sanctions in Hungary. This is mostly regrettable, because Elemér Kármán pointed out regarding the significance of education that: "It is by no means novel to think that the best remedy for moral deviations and criminal behaviour is education." (KÁRMÁN 1922, 5.)

1.4.1. Finkey and the "Science of Criminal Pedagogy"

Criminal-pedagogical aspects regarding Hungarian correctional efforts emerged as early as the beginning of the 20th century, with their first representative being Ferenc Finkey. His progressive ideas fell in line with those followed by international endeavours. He expressed his thoughts on criminal pedagogy as early as the beginning of the 20s: "A sanction where the only aim is to punish, hurt, ruin and destroy the convict is an imperfect one." (FINKEY 1922, 32.)

Finkey's landmark achievement was the introduction of the "science of criminal pedagogy" in Hungary. In his thesis written for the Hungarian Academy of Sciences, he argues that "…some problems involving criminal sanctions have a magnitude which demanded the creation of an individual, dedicated field of science, thus emerged during the 19th century the science of penology (poenologia, science pénitentiaire), which encompasses the notion, the content and the goals of punishments, its historical development and the current status of the system of sanctions but also covers the fundamentals and details of today's correctional efforts. German academic literature does not use the word "penology", but instead introduced two separate terms to designate the new science: "prison-related science" (Gefängnisswissenschaft), or "prison studies" (Gefängnisskunde). (FINKEY 1992, 2–3.) Thus, during the beginning, penology itself was strictly interpreted as a criminal science.

Finkey continues elucidating the concept by adding that "a new and popular label has emerged in the last couple of years which seems to rival the word and concept of penology. It is designated as

"criminal pedagogy", or "criminal correctional discipline" (Kriminalpädagogik), which on the one hand endeavours to emphasize the criminal-political significance of correctional education, or simply the education of juvenile delinquents, but on the other hand it also exhibits a certain demand toward putting an end to the classical form of penology (the one which is based on the notions of revenge and penance) and in exchange introduce correctional education in the case of adult offenders as well." (Finkey 1922, 3.)

The significance of Finkey's interpretation is enormous. This was the first time that someone pointed out the importance of correctional pedagogy in relation to adult convicts. He continued by stating that correctional pedagogy not only does enjoy certain significance in the case of prisoners, but it is also capable of exerting a positive influence on society in general: "In my opinion, the ideal goal of a punishment is correction itself. With the exception of capital punishment, all these sanctions are tools by which the sate wishes to exert a certain form of educational-psychological influence partly on society in general, and partly on specific convicts as well." (Finkey 1922, 3.)

Finkey claimed that the most important goal of correctional education was to achieve a degree of moral development in the subjects. However, the church – as the embodiment of general morality – is not present in his approach, as he does not include it in his texts. It is his dedication and faith in the power of science that is paired with a firm confidence in the greatness of human beings. He described his key values as the following: "The classical and the current form of criminal sciences seems to agree on the fact that each of them claim that the word 'correction' principally means a certain degree of moral development achieved in a subject. The basis for this concept is provided by the greatest moral ideal, the 'perfect man', who believes in principles that are benevolent, true and fair and strives to comply with them in his life and in his deeds alike. It is the moral obligation of every human being to strive for this perfection, since the capability and the potential is within all of us." (Finkey 1922, 77.)

Despite Finkey's progressive ideals depicted above, his most significant achievement was determining the goals of correctional education. Despite being almost a hundred years old, his theory is still very much a progressive and modern one: "What are the chief goals of correctional education? They are the same generally put forth by educational science: not only intellectual development and the expansion of one's mind to new knowledge, sciences etc., but also the shaping of one's morals, to facilitate the shaping of one's personality and will. To summarize: the physical, mental and moral development and training of people convicted for criminal offences." (FINKEY 1922, 81.)

There was a peculiar discrepancy between Finkey's advanced theories and the chief ideas of his era, so much so that he was unable to exert significant influence on the correctional practice. However, his dedication to pedagogy is exemplary and his theoretical statements are still considered progressive and beneficial to the scientific recognition of criminal pedagogy, which is defined as the overlapping field between penology and educational sciences.

Henceforward, – based on the earlier definition by Ruzsonyi (RUZSONYI 2009, 304.) – we will consider criminal pedagogy as a special branch of pedagogy which focuses on the correctional education and personal improvement of criminally endangered people, antisocial delinquents and "professional" criminals, especially those who have been incarcerated or admitted into a juvenile disciplinary centre. Its objective is to harmonize and develop cognitive and social skills in order to provide the foundations required for a constructive way of life,[2] to facilitate the successful reintegration of its subjects.

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[2]   A constructive way of life equals to the formulation of behavioural elements and the related activities that not only are valuable to society but are also effective for the individuals. (BÁBOSIK 1997)

1.5. The Taxonomical Location of Criminal Pedagogy

In order to collect and systematize the characteristics of criminal pedagogy, it is important to place the discipline in question within the framework of relevant sciences and analyse its connection to pedagogy and the system of criminal justice as a whole.

1.5.1 Interdisciplinary Relations of Criminal Pedagogy
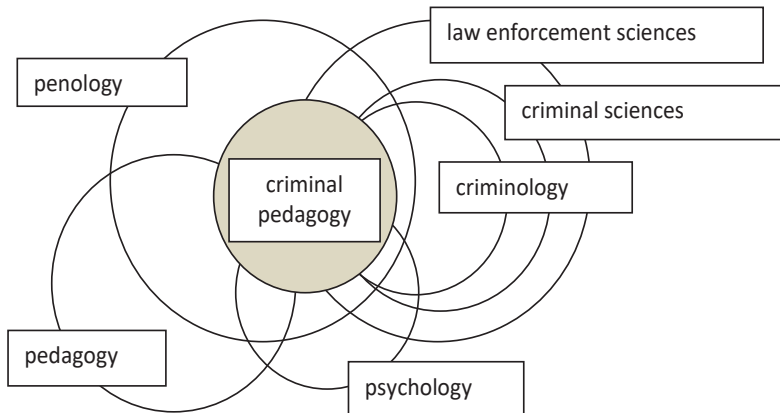
Figure 1.
Interdisciplinary relations of criminal pedagogy

Source: drawn by the author

Figure 1 provides a detailed depiction of the fact that generally, criminal pedagogy can be considered a part of penology but is also closely related to pedagogy and psychology, and – due to its ties with criminal sciences and criminology – it has common characteristics with law enforcement sciences, as well. Due to its special nature (the attributes of its subjects being the faulty and misshapen socialization and psychological handicaps, cognitive issues, criminal background, the lack of a willingness to cooperate etc.), it is essential

to determine a unique approach and a systematized methodology by combining the findings of the fields of psychology, criminology and sociology.

The closest tie between related sciences is the one with the field of pedagogy which we already recognize as a multi- and interdisciplinary field of science. Not only does it borrow from auxiliary sciences but it also integrates their conclusions, principles and laws both in its theoretical deductions and practical, methodological solutions. Due to its dynamism, separate pedagogical branches relevant to each auxiliary field exist. Criminal pedagogy is a similar field in this context since its related inquiries tend to expand onto other disciplines' field of problems. The individual nature of criminal pedagogy is also underlined by the fact that the discipline integrates with other criminal sciences, as well.

1.5.2. The Place of Criminal Pedagogy within the System of Criminal Sciences
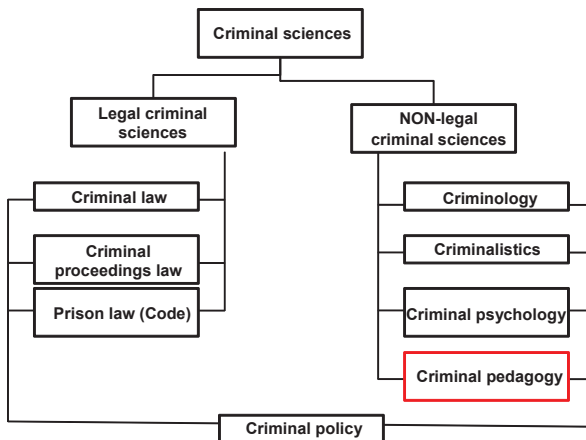
Figure 2.

The place of criminal pedagogy within the system of criminal sciences

Source: KORINEK–LÉVAI 2006

1.5.3. The Internal Division of Criminal Pedagogy

We have to emphasize the fact that criminal pedagogy in itself is not an undivided field of science. Closed institution correctional pedagogy forms a sub-division of the field. Its most important branch is prison correctional education.
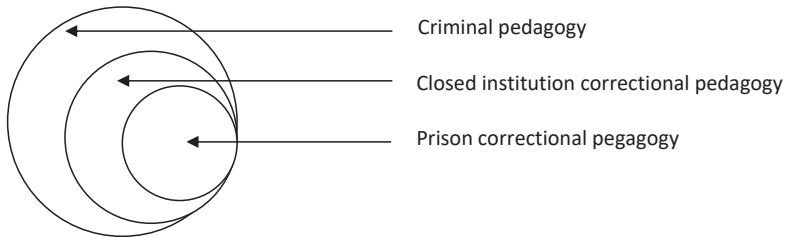
Figure 3.
The internal division of criminal pedagogy
Source: drawn by the author

Closed institution correctional pedagogy encompasses a more expansive scope of activities than prison (or juvenile) correctional pedagogy. Its general characteristic is that the pedagogical situation is the result of an external pressure (preventive measure, court verdict, pre-set behavioural rules) which the subjects cannot leave without consequences. The fact that it is called "closed institution" thus means that the subjects' rights are somewhat limited (freedom of movement, choice of residence, freedom of speech etc.) and some needs (e.g. sexuality) are left unaddressed. The institutions practicing this form of education can range from short-term semi-open types to completely secure enclosed facilities.

The goal of prison correctional pedagogy is to facilitate the establishment of a constructive way of life among the criminals, thus to create a method of reintegration that is accepted by society, is individually effective and is aimed at the development of traits and behavioural customs already deemed positive. (BÁBOSIK 1994, 8.)

It examines the pedagogical aspects of criminalization and uses its array of tools to participate in preventive efforts and rehabilitation. Although it is mostly used in closed environments, it can expand onto external issues, as well (such as juvenile delinquents exhibiting antisocial behaviour, etc.) to provide effective general prevention.

Besides the principles discovered by criminal pedagogy, prison correctional pedagogy uses the scientific results of general and specialized fields of pedagogy (medical, social etc.), and the discoveries of psychology and criminology. The activity itself is not a medical one, but rather it is a development program which is based on the voluntary cooperation of its subjects. While the personality of those admitted into the program is unrefined at best, these people are mostly mentally healthy and capable of making choices and decisions they are responsible for.

Prison correctional pedagogy is significantly different from general pedagogy in its subjects, the situation, the circumstances and the practices used. It strives to create conditions for personal development which are based on the voluntary cooperation and responsible decision-making of the convicts. It respects their sovereignty and self-esteem and avoids the unsubstantiated violation of their privacy.

1.5.4. Criminal Pedagogy as a Taxonomical Principle

We have to add one very important note to our statement: education cannot be the sole aim of corrections, but rather its tool. An important, but definitely not exclusive tool for achieving set objectives.

Thus, the central category of criminal pedagogy is the establishment of a constructive way of life. Of course, in itself it only has a "supporting" role, and it is not a goal in itself, but a tool. It serves reintegration through the personality correction of criminals capable and willing to cooperate.
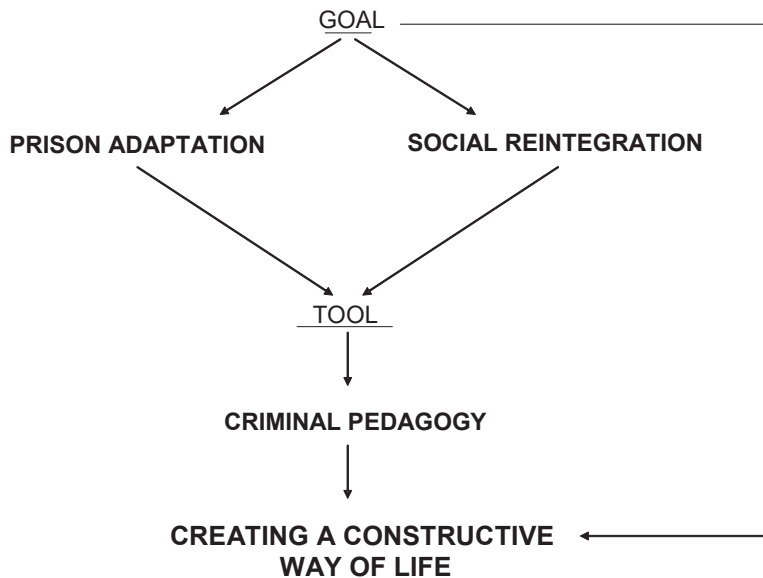
Figure 4.

Criminal pedagogy as a tool for establishing a constructive way of life

Source: drawn by the author

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Chapter III.

THE EVOLUTION OF PUNISHMENTS INVOLVING DEPRIVATION OF LIBERTY; THE CONCEPT AND PRACTICE RELATED TO CORRECTIONS AND EDUCATION

The roots of criminal pedagogy date back to the origins of spontaneous and – later – organized aid efforts provided during prison sentences. The penal philosophy and the related practice of ages long gone left long-lasting marks on society's concepts of crime, punishment and criminals alike, and thus, indirectly, on all the scholarly fields that are related to it. We believe that the present can be understood better if one knows the past, so we will examine the evolution of punishments involving deprivation of liberty, with special emphasis on aid efforts, correctional education and practice, and the related developments.

1. The Beginnings of Punishments Involving Deprivation of Liberty

During his research on legal history – based on scientifically analysed materiel – Mezey puts down a convincing argument (2007, 2011) against a fundamental thesis of criminal science. This thesis declares that before the Early Modern Age, prisons were not included in the system of institutions dedicated to execute penal measures since the birth of prisons themselves can be dated back as early as the 17th or 18th centuries. Through a proper examination of the history of systems dedicated to carrying out sanctions

involving incarceration, irrefutable evidence can be discovered which proves that *the early forms of sanctions used by the preceding penal systems did involve deprivation of liberty as a punishment and, likewise, prisons as institutions where this sanction was to be carried out were present in the system of penal measures, as well.*

In accordance with the above, the scope of our research involving the use of deprivation of liberty has expanded significantly. Our investigation begins with the classical antiquity.

Following the establishment of states as geographical entities, the role of punishments had changed significantly, particularly when compared to their earlier role. Several states introduced new disciplinary and penal measures to "deal" with the subjects within their jurisdiction. Pure, raw violence had a significant role in this change. This primitive way of thinking led to the criminals' completely different form of treatment. Mezey emphasizes the importance of this step, since those who broke the rules enforced by a given state were no longer considered simple delinquents, but criminals who had erred against the state and deserved an adequate punishment for their reprehensible actions. The most significant change resulted from the fact that those who were previously regarded as harmful members of certain communities, now became the enemies of the said communities, leading to their expulsion and the deprivation of all the rights bestowed upon them by the state – in other words, they became outlaws. This approach was the landmark of a fundamental change undergoing in the relation between societies and their individuals, and which in the long run altered the chances of returning to society. Society (the state) did not explicitly demand the "resocialization" of the subjects anymore, meaning that they were not treated as target groups for educational efforts. (MEZEY 2007) The direct consequence of this way of thinking was the fact that "internal enemies" were simply considered subjects to be exterminated, hence the authorities' total disregard for their physical – and mental – being.

1.1. The Physical Attributes of Prisons

Investigations dating back to the Ancient Ages seem to agree on the fact that initially prisoners were kept in natural holes, pits, caves and crevices. Some people used dried-up wells as a practical solution for the entrapment of animals and later concluded that they could also be used successfully for holding captives. It is fairly easy to imagine the condition and repair level of these "structures." As lighting was insufficient and ventilation was as poor as it could be, these dark and murky places quickly ruined the health of those imprisoned within them. Being locked up in a place like this, thus not only limited the movement of the unlucky subjects but also tortured them.

In Ancient India, rudimentary stone or wooden cages built next to frequented public roads were used as holding cells. The fettered captives were put in these "instruments" and subjected to the rapidly changing weather while causing them even greater agony by denying food or water from them. *Some authors consider this an early form of general prevention since the aim itself was to "display criminals in a humiliated, grotesque condition amidst squalor," serving as a deterring example to the passers-by.* (KABÓDI–MEZEY 2003c) This practice proves that the goal system of the punitive measures of a certain state sorely lacked any sort of awareness to the needs of the prisoners. Alimentation resorted to provide the bare minimum required to prolong their vegetation, so that they could deter the largest possible amount of passers-by with their agony for a while.

We have to state that the detention conditions of the era were just as unbearable on the short term as they were on the long run. European detention houses were no exception to this.

In the era of the Roman Empire, buildings strictly dedicated to the detention of prisoners did not exist. Due to the lack of such specialized institutions, public buildings with adequate rooms and facilities were used for this purpose. An example to this approach is the Carcer Mamertinus, which was most likely a multi-story facility. The deepest level was called the Tullianum. Adequate lighting and

ventilation was only available to the "residents" of the uppermost parts. These levels consisted of cells separated with wooden planks in order to isolate the prisoners within. (Kabódi–Mezey 2003c) Later, in the empire era, prison sections used for torturing Christians were established below official buildings and within the city gates. According to Khrone, the conditions of such detention facilities *"did not differ from those of the Tullianum – on the contrary, they were perhaps even worse."* Some written material related to the structure of the prison cells survives. According to these, such institutions had an "inner" part dedicated to the sole purpose of guarding the prisoners. However, they also had an outer part, in which the movement of the captives – based on the decree of Constantine issued in 320 – was somewhat available. (Kabódi–Mezey 2003c, 50.) We believe that this was the first centrally issued regulation dedicated to the provision of better – at least not unbearable – conditions to those in captivity. When compared to the standards of the era, preferential treatments such as the one above were significant innovations since they considered prisoners human beings with their own specific needs.

When summarizing the physical characteristics of these holding cells, it can be determined that incarceration was at first performed within a framework provided by nature itself. For example, the walls of such buildings were not man-made at first, or even if they were, their original purpose was not detention. Prisoners were accommodated within pits, holes, caves, wells, cisterns and cages with the main goal of limiting their freedom of movement in order to safely isolate them and limit the risks of their escape. As construction techniques evolved, prisoners were also relocated to public buildings, forts, castles and churches, and occasionally even completely separate buildings. It appears that prisons assumed a dual nature: several documents take note of "inner" and "outer" prisons, as well. The legacy of this era consisted of the following "achievements:" prisons were mostly dank underground areas, with insufficient lighting and ventilation where security measures were enforced through means provided by handcuffs, chains and ropes. (Kabódi–Mezey 2003c)

2. The Early Forms of Educational Concepts

The concept of some sort of education within the context of punishments has its roots in the era before Christ. According to Protagoras, *"society does not only punish wrongdoers for their past mistakes since punishments themselves cannot make such deeds non-existent. Instead, the perpetrators are sanctioned with the future in mind: their aim is to educate the errant citizens."* Plato (427 BC – 347 BC) demanded "incarceration for everyone convicted of impiety." One out of the three institutions that existed was a "reformatory" one. This place was dedicated to those infidels who were to be returned to reason through captivity (…) and those who had made mistakes before due to their inferior moral values, evil callings and lack of foresight." In their case, the length of incarceration was at least five years and was to be carried out among completely isolated conditions. Prisoners were unable to see anyone beside the so-called "night council" whose members were present in order to "deter them from the wrong direction through conversation" and to determine whether they could return to society or required further care. (Plato 1941, 989.)

Several buildings had been used for the incarceration of people, depending on religious orders, monasteries and places. These were identical in the fact that during their construction and furnishing, two principal goals were focused on: security and physical mortification. Their advocates believed that the physical suffering experienced within prisons was a contributing factor in the purification of the soul. In the beginning, these "facilities" were mostly constructed underground. They were small rooms without doors and windows, connected to the surface with nothing but a ladder or rope. The extremely rudimentary circumstances are backed up by the semblance of Beda Venerabilis (English monk and teacher, 672–735 AD) who claimed that these prisons resembled graves since their dark and subterranean nature constantly reminded criminals to their own deeds and hence their suffering. (Johnston 2000, 21.)

In their co-authored work published in 1867, Ágost Pulszky and Emil Tauffer provided a concise depiction on the development

of prison affairs. During analysing the situation of the Ancient Age, they determined that: *"Since institutions dedicated to the execution of punitive measures did not enjoy significant importance in the Ancient Age, it is by no means a surprise that these forgotten facilities – along with lots of other contemporary institutions – are largely covered by the fog of oblivion."* However, the written material that remains proves that: *"in ancient Rome, prisons and detention rooms were already known to the ruling elite. According to Livy, during the reign of the third king in Rome, a dedicated detention facility called robar was built on the main square of the city in order to impede the expansion of evil notions. The subterranean part of this robar was a terrifying place with reeking air and darkness. Since the role of these prisons was to secure detention beyond anything else, their condition mirrored this approach: it was a cruel and inhuman place with no respect to basic human needs or values."* (Pulszky–Tauffer 1867, 35–36.)

In Ancient Rome, Christians had been subjected to severe persecutions since the beginning of Nero's reign as they were considered dangerous to the state and the integrity of society. During these turbulent times, Pliny the Younger – imperial governor of Bithynia – pointed out the futility of the manhunt against Christians. He warned emperor Traian (98–117) to introduce new, more effective measures.

The concept of Pliny was the following:
- Christians still had to be taken into custody;
- the goal of the sanction itself was not punishment exclusively, but to facilitate their return to their "old faith";
- more severe punishments were reserved for those who stubbornly and tenaciously maintained their faith in the Christian religion. (Pál 1976)

This way of thinking obviously shows some signs of a certain form of optimism regarding arrested people. On the other hand, the effectiveness of the method above is doubtful since the accused persons mostly denied their faith under pressure, only to continue advocating

it after their release. Nevertheless, we believe that the suggestions were important, especially from the aspect of – religious – resocialisation.

The first concept that was aimed at the "correction" of delinquents was of Pliny, in which he assumed that a certain category of criminals could be reinserted into society if the subjected people showed remorse. The foundation of this phenomenon was not provided the punitive measure itself: it was the deterring factor of said measures actually in use coupled with the positive influence exerted on a given person that decided whether the accused received a punishment or was released without further sanctions.

2.1. The Christian Caritas and the Prison Mission

The spread of Christianity brought forward a huge change in the social judgement of prisons and prisoners. Although circumstances themselves were still the same: *"many convicts had been crammed into small rooms, and they – due to the lack of ventilation and several other cruel conditions which they had to endure – eventually perished. The rooms were so small that these poor beings could not even lie down, let alone sleep"* (Pulszky–Tauffer 1867, 37.), the question of treating the prisoners was already on the agenda. Thus, we can ascertain that *"the foundations of the efforts on prison development had been laid down by Christianity. The idea used and propagated by apostles not only did help the poor and weak, but also those who had erred."* (Pulszky–Tauffer 1867, 37–38.) Kabódi and Mezey also share this opinion: in their co-authored study, they emphasize that the main driving force behind prison developmental efforts was Christian ideology, where prisons are closely linked to the concept of martyrdom. Being in prison was as much as standing by one's faith, meaning that the perseverance of the imprisoned people was considered worthy of others' respect and support. (…) Thomas Aquinas takes note of the Caritas' efforts in offering help to the body and soul, from which prisoners are not exempt. Tertullianus believed that the prisoners, the exiles and

those who had been sent into the mines are important subjects for charity work. In medieval panels, if saints and chosen ones are not being subjected to the martyrdom of death, then they are located within prisons or other harsh environments. *Thus, carcer enables redemption through suffering, rendering it a place of cleansing, an embodiment of martyrdom.* (Kabódi–Mezey 2003c, 52.)

In 529 AD, Justinian I (527–565 AD), issued a decree on the maintenance, internal order and operation of prisons. From the aspect of our present inquiry, two of his measures are to be noted:

- he introduced an early version of categorization (male and female captives were separated)
- he gave permission to the priests to take care of the detained people and provide them religious services (Pál 1976)

Attending to those imprisoned is a noteworthy legacy of Christianity. The concept is already present in the Bible: *"I was in prison and you came to visit me."* (Matthew, 25:36).[3] 150 years ago, Pulszky and Tauffer also noted this embodiment of Christian altruism: *"the apostles did not pass up on conveying the love of Christianity to the prisoners: Continue to remember those in prison as if you were together with them inside, and those who are mistreated as if you yourselves were suffering."* (Hebrews, 13:3).[4] Thus, it is apparent that the tenet of godly and neighbourly love had been practiced by the Christians since times ancient, with the visits made to prisoners and burying the dead being their obligations. During the middle part of the 3rd Century, Carthaginian bishop Cyprian made it mandatory for the deacons[5] to take care of the prisoners just like their predecessors used to, *"and to strengthen them through reassurance and through reading the Holy Scripture".* (Pulszky–Tauffer 1867, 37.) Pastoral care had begun to become more structured and expansive. After Constantin had made Christianity the chief religion: *"and him*

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[3]   *Gospel of Matthew* – Parable on the Ten Virgins, 25:36.
[4]   *Epistle to the Hebrews,* 13:3.
[5]   Deacon: clerical office; a person who has not yet been ordained as a priest. Their tasks involved serving the poor and providing assistance during masses.

and his son's, Constantine's laws signalled the forthcoming of a more human age. The First Council of Nicaea (325) established the institution of procurators pauperum 'patrons of the poor,' whose task was to visit the prisoners and perform services required by the conditions experienced during these visits." (Pulszky–Tauffer 1867, 37.)

Accordingly, the wish to help and support prisoners had already been apparent centuries ago. The earliest form of such support was the so-called *prison mission.* The Church, as the guardian of the poor and downtrodden, had been performing these tasks for centuries and it was further enhanced by its role during the medieval criminal proceedings and punitive measures. It has to be noted that parallel with the prison mission, the prisoners had also been receiving aids within the framework of an ancient tradition. The clothing, alimentation and care for those suffering within prisons became an integral part of the attendance provided to the poor. Although this effort enjoyed the support of the Church, it did not mean anything more than what is provided above. (Mezey 1996) These and several subsequent initiatives (e.g. aid, patronage movements, and charity programs) vividly depict the Church's efforts and the wilful help of social subgroups voluntarily gathered in the name of neighbourly love.

The historical significance of this era – let us call it the "natural" prison age – came from the fact that the attributes listed above had had a century-long influence on the development of prisons and – inseparably – the adjudication of prisoners.

3. The Middle Ages[6]

3.1. Christian Views on Sin and Punishment

The pedagogical problems emerging from the notions of sin and punishment have been the primary area of focus of the professionals

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[6]   Middle Ages: from the fall of the Western Roman Empire (476 AD) – to the discovery of America (1492).

working on the field of education. In practice, reformatory education was characterised by severe rigidity. As punishments were considered the most important "educational" tools, they tended to be extremely harsh and humiliating. The educational understanding of this era provides a picturesque summary of the reasons behind this approach: "not only are people imperfect, but they are also burdened by the original sin." This makes them susceptible to crime, and capable of becoming poisoned by evil thoughts, making rigour and harsh discipline necessary. The foundations dictated by religious morality did not offer any alternative to the physical abuse and the deterring, terrifyingly harsh rigour.[7] This sentiment was even more outlined in those who used *criminal punishments.*

The establishment of the punitive system used throughout the Middle Ages was – first indirectly, then later with increasing influence – chiefly determined by the Church's thoughts on the concept of sin and sinners. However, this philosophy contained several ambivalent elements since Christian religion represented the concept of *cruel retribution* and *the model of altruistic Christian demeanour at the same time,* with varying intensity and emphasis through the ages. Kabódi and Mezei (2003b) believe that the reason for this approach was the dual nature of the Christian thinking regarding the aim of punishments. The Bible demands harsh sanctions against those acting against its laws in several parables and direct ordinances. Obviously, this led to the increased use of torture and execution since crimes against the divine truth and norms were considered hideous offences. Moreover, the Church itself was the driving force between the burning of witches, the Holy Inquisition and the bloody executions. At the same time, it was difficult to provide a theologically acceptable reason for bringing forth such punishments and carrying them out "in this vale of tears" and required ample justification. Several other concepts, contradictory to other teachings had to be introduced, such

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[7]   Many consider corporal punishments (beatings) "biblical education". The advocates of this approach often quote three texts from the *Book of Proverbs* (23:13; 29:15; 13:24) in order to argue for the importance of such punishments and justify their existence.

as the presence of free will against the principles on pre-destination. *"Human beings possess a free will, otherwise all the counsels, all the encouragement, all the orders, doctrines, directives, prohibitions, rewards and punishments would be obsolete."* – Said Saint Thomas of Aquino. (Quoted by Kabódi–Mezey 2003b, 10.)

Still, the advice of the tenet of "throw a bread back in return" was in huge discrepancy with the merciless approach briefly described above. *The faith in the cleansing effect of repentance, the teachings on the notions of redemption and the ability to alter evil is something that was always apparent during the use of Christian punishments.* (Kabódi–Mezey 2003/b, 10–11.) We consider it important to emphasize that it was the Church itself whose pressure led to the introduction of several important concepts into the penal system, for example the idea on the reversibility of people, the ideas on "progressive" punishments and education.

In their jointly written work, Ágost Pulszky and Emil Tauffer tried to seek justification for the widespread use of physical torture and mortification by the religion-based system in the Middle Ages: *"The savagery of the Middle Ages' first centuries, and later the ideas on deterrence further increased the ruthlessness of the period, which was further worsened by religious asceticism, that considered physical beings wicked, and believed in the purificative and reparative effects of suffering."* (Pulszky–Tauffer 1867, 14.) We can further refine the statement of the authors if we consider the well-known nexus according to which *"the arsenal of punishments has only barely changed during history and the scope of values (life, health, freedom, wealth, the respect of the community etc.) that could be taken away remains unchanged. These are the factors through which the integrity of individuals could be attacked."* (Kabódi–Mezey 2003a, 5.) In addition to the apparent "savagery" of the Middle Ages, there was another reason for the heavy focus on bodily harm and torture or execution. Although in the case of the privileged few, most of the sanctions revolved around fines, humiliation and the revocation of their privileges, these measures were simply ineffective in the case of the members of the lowest social subgroups (slaves, servants,

thralls etc.) because they simply did not possess values like freedom, rendering their existence completely meaningless to them. In their case, the obvious solution was to propagate sanctions that involved their physical being: to threaten (and often subject them to) to corporal punishments. This situation facilitated the introduction of physical abuse and later capital punishments, thus making the human body the chief subject of punishments. *The threat constituted by the poorest members of society required an ultima ratio, a punishment that was effective in their case: a punishment that promised physical torture and even death.* (MEZEY 2010, 13.)

In this period, the more widespread use of sanctions involving loss of freedom was simply not possible. It was partly due to the fact that places adequate for the incarceration of detainees were not widely available, but an even more important reason behind its seemingly low use was that only a minor part of society could call themselves truly free, severely limiting the scope of use of such a punishment. Considering that hard labour was an integral part of everyday life, penal servitude was also out of the question. The only social class that would have truly suffered from the revocation of their freedom was the elite, but they were protected from being subjected to it. By viewing the relations of the era it is evident that no real alternatives to punish were available, other than physical torture and execution.

We have to add though, that due to the frequent plagues, poverty, high infant mortality, starvation, wars, poor hygienic conditions and the lack of defence against nature, the presence of death was a completely natural and constant threat for most of the people. Due to the perpetually waged wars and the violence experienced every day, it was brutality itself that they had become used to, which in essence meant that "simple" executions were not "enough" to deter them anymore. Since deterrence has been one of the key roles of punishments, it is obvious that punitive measures had to become even harsher and "worse" than what is experienced by the community on a daily basis. The ruling elite recognized this necessity and determined that in order to convey the message about crime and the much-needed and

sought repentance, executions not only had to be extremely gruesome but also spectacular to intimidate the audience. According to Mezey, *"executions were not simply capital punishments. Not only did the executioners take the life of a convict, but did so as a service to society: executions were theatrical acts with morals, entertainment, passion, pleasure and hatred. Trying to analyse the medieval penal situation from a different aspect equals to not being capable of understanding the era."* (Mezey 2010, 18.)

Although tortures and executions enjoyed widespread use, we still cannot say for certain that these were the exclusive tools for the contemporary authorities. Based on the results of scientific investigations available to us, we can state that prisons had already begun to evolve and institutionalize in the Middle Ages, and discovered written sources prove that buildings dedicated to fulfil the functions of prisons already existed in this period.

The establishment of prisons and the development of the system of institutions responsible for executing incarcerations was, however, a longer process which began with monastery-detentions and – through further specialization – later became capable of fulfilling an increased number of functions and thus prisons capable of admitting civilians ("laymen") were established.

3.2. Imprisonment within a Monastery and its Characteristics

Monasteries became frequently used locales for imprisonment during the age of religious orders and cloisters. The simple disciplinary measure became a separate, individually used punishment on its own right – a procedure that was facilitated by the measure itself which had become part of the canon penal law before. (Kabódi–Mezey 2003c) Krauss points out the presence of endeavours directly aimed at correction: *"the goal of the sanctions realised within monasteries is, above all, reform. The tool that facilitates the achievement of this goal is repentance. However, if a brother fails to return to the correct*

path following the "warning measure" and fails to show signs of improvement, then shall be subjected to corporal punishment, promoting further contemplation on his or her sins. The rigidity and toughness of the execution contributed to the improvement of the subject in question." (KRAUSS 1895, 220.) The helpful intent is indisputable: kind, convincing words were followed by gentler forms of measures, but when necessary, the authorities did not hesitate to impose more severe penalties upon the captives. Religious leaders were convinced that they knew exactly what to do in order to correct their erring brothers and the tools to be used in this endeavour. In our opinion, this was the first appearance of the leaders' paternal attitude toward the detained people.

Ever since its beginning, the principal aim of monastery imprisonment had been to reform and correct its subjects and lead them back to the correct way of life. Those brothers and sisters whose faith was firm enough contributed to the salvation of their brethren through their work. They were dedicated and had a sense of purpose. Over time, their efforts extended outside the walls of monasteries and nunneries. We believe that Mezey's opinion is justified: he claims that the monastery-prisons contributed to the development of the penal concept through introducing the concepts of repentance and correction to the world of punitive measures. Based on the agreeing opinion of professionals working on the field of penal history, *the idea of correction was brought into civil law with the monastery prisons, since their original aim was to further personal development through the use of punishments (agendam poenitentiam).* (MEZEY 2010, 106.)

3.3. Types of Religious Detention

Religious detention has developed from the "simple" detention performed within monasteries and differentiated further into various types over time. Mezey divides religious detention into three fundamental groups based on terminological-practical differences: (1) *regular detention* for someone who had been incarcerated as a limitation imposed

on his freedom of movement; (2) *carcer*,[8] which was dedicated to those who had committed more heinous crimes and thus it often served as a locale for long sentences to be carried out, frequently among inhuman conditions; (3) the *ergastulum*,[9] which was incarceration coupled with mandatory penal labour. (Mezey 2007)

Although in varying degrees, but the presence of physical torment was constant in each of the three types above. This characteristic was justified by the fact that suffering itself was considered a form of coming to terms through repentance. Since the aim of religious detention was to save the subjects' souls for eternal life, it is not surprising that there were no set deadlines by which "repairs" were to be completed. The death of a subject was regarded as a failure; it was simply perceived as the end of that being's worldly existence which at the same time opened up the way towards eternal life. The goal was to purify the soul and remove it from under the satanic influence. Death was considered as the act that gets rid of the mortal coil ridden with the filth of the original sin in order to facilitate the salvation of the soul.

Such methods are not universally accepted as improvement attempts. Based on the resolute argument of Lukács, *"the chief punitive 'ideas' of the Middle Ages did not in any way mention the concepts of reform or prevention, and there were no signs aimed at providing gratification and compensation to the victims. The goal was to save the sinners from eternal suffering in the afterlife. In order to be redeemed, the subjects had to suffer during their mortal life – the more*

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[8]   From the 6th century, monastery prisons also admitted civil criminals besides the members of the clergy. Oftentimes these detentions were supplemented by some sort of mandatory penal labour. Incarceration was at first performed in the cells of the monasteries, but were later (from Pope Innocent III, 1198–1216) separated from them. The Premonstratensian decree of 1351 contained remarks on the monastery prisons.

[9]   The ergastulum was an early type of detention reserved for monks and nuns. In 817, the Convent of the Benedictines designated mandatory labour performed within the atrium as a punishment. The Western Gothic canon law contained provisions regarding detention supplemented by mandatory labour to be performed in a separate building, the so-called ergastulum. According to several sources, this form of measure was in use in the Frankish and Burgundian territories.

the pain, the better." (LUKÁCS 1980, 66.) We believe that the author made a typical mistake by evaluating events that happened centuries ago based on the values of our present era and his own beliefs. Therefore, we are unable to accept his statements in which he denied the reformatory efforts of the Church.

On the other hand, we unconditionally share Mezey's opinion, who argues that the chief element of monastery detention was personal improvement in its pure, theoretical sense. First used as a tool to discipline disobedient brothers and sisters, the central idea of an institution dedicated to return the subjects to their chosen way of life through repentance lived on and was applied to convicts who had been locked up elsewhere. The carcer-regime, built on the duality of the fundamental ideas of grace and repentance (and the martyrdom of saints) to advocate repentance exerted an irreversible influence on worldly ideas. This ethos was present in the religious penal system, only to expand onto secular areas later on. (MEZEY 2007, 16.)

3.4. Prisons Outside the Boundaries of Monastery Walls

Partly due to the rivalry between the convents and the bishops, and partly to the bishops' power-concentration efforts, episcopal cells independent from the monasteries had been established by the 8–9th century. Some of these were located in the vicinity of episcopal seats, cities and most often the ecclesiastical palaces. With the Church gaining leverage within the secular world later on, the bishops expanded their jurisdiction over worldly affairs, as well. First, their increased leverage mostly influenced those who had committed religious crimes, but later on more and more "worldly" sinners were condemned within the walls of episcopal courts. Most of the relevant crimes were somewhat related to religious ethics, as well (e.g. murder, bodily harm, thievery, adultery, rape, heresy, blasphemy etc.). With their secular power fully outlined, episcopal courts introduced individually operated prisons dedicated to "worldly" people. (BOHNE 1925) *This way, church prisons became the foundations of secular punishments.*

However, the frequent use of incarceration imposed upon worldly people by episcopal courts was only one of the reasons behind the secularization of the church prisons. It was also facilitated by a certain "opposite" permeability: civil courts favoured the use of monastery-prisons as well, sending an increasing number of civil criminals to be housed within monastery carcers or nunneries. Due to the bi-directional process, religious prisons gradually became secularized and thus became one of the roots of civil prison affairs.

3.5. The Legacy of the Concept of Caritas

The "brotherhoods" established in the Middle Ages were rooted in various places. Documented evidence proves that such groups operated in Venice, Naples, Turin and Florence: their influence covered almost all of Italy. The "charity organization" named after Saint John the Baptist, established by Pope Innocent VIII is worth a special mention. The chief goals of the Baptists were to offer salvation to those condemned to death. Its members accompanied the convicts to the scaffold to help to them during the last moments of their lives. (Pulszky–Tauffer 1867) Although the papal-level regulation of such forms of assistance and support may by all means be a bit strange for us, this practice was of enormous significance throughout the period.

One of the reasons behind the particular importance of the brotherhoods' increasing scope of activity was the fact that by then, these criminals were already excluded from their congregations due to the fact that these people had sinned against God. As a result of their dishonour, society was not obliged to take care of them – and most often private individuals simply turned away from these people.[10] The work of aid organizations formed out of volunteers under such circumstances promoted the values of the ancient caritas.

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[10]   Although the Bible lists the care of prisoners among the obligations of Christian people (*Gospel of Matthew,* 25:36), the task itself had largely become neglected with the exception of some religious holidays when giving alms was still practiced.

3.6. The First Appearance of Prisons in Hungary

According to Kapa-Czenczer, the presence of institutions dedicated to the deprivation of liberty has been – sometimes sporadically – present in the history of the practice of Hungarian penal law and can also be found in the decrees of Andrew III, Sigismund, Władysław III and Archduke Maximilian alike. (KAPA-CZENCZER 2008, 224.) It is present in numerous written verdicts and even the ordeal records of Nagyvárad[11] (VÓKÓ 2006, 29.) prove that their existence dates back before the 16th century. (MEZEY 2000, 12.) Besides the most frequent jail and detention house sentences, the diverse array of Hungarian penal measures is further broadened by the use of stocks, gibbets and pillories, as well. (BELIZNAY 1995, 75.)

3.7. Difficulties Related to the Expansion of the Use of Prisons

Despite the sublime goals – to reform the criminals, to save their souls, to restore the prestige of the authorities – the use of prisons did not really become that frequent. Based on the research of Mezey (2000) and Czenczer (2014), we see numerous practical reasons for this phenomenon:

1. *Execution as a deterring spectacle:* since the authorities and the ruling elite were in serious want of information, options for disciplining the people and to encourage their subservience were severely limited. Thus, justice found an obvious but effective tool: to make punishments public. During the executions, the suffering of the tortured convicts was a parable for the close relation between the concepts of evil, crime and retribution. Prisons, due to their isolated nature, were unsuitable for this goal, but the news of executions carried out during public fairs and other frequented events quickly spread through word of mouth.

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[11]   Today called Oradea.

2. *The privileges of the noble:* due to their privileges, the noble folk of the Middle Ages enjoyed protection from incarceration. In their case, only crimes regarded as heinous as – for example – treason led to further sanctions or imprisonment in institutions like the Tower, the Bastille or Kufstein.

3. *Incarceration as the most expensive form of punishments:* the costs associated with the operation of a prison and the alimentation of the convicts is severely high. We can state with certainty that that imprisonment is the highest-costing sanction, and as such, societies required centuries of development to become capable of accommodating and feeding criminals.

4. *Local interests of the landlords:* courts operated by landlords were reluctant to detain the serfs due to the fact that while incarcerated, they were unable to perform socage and pay their dues. Thus, these courts often opted to choose other forms (mostly corporal) of punishments. Hence, prisons became places dedicated to the rudimentary accommodation of robbers, highwaymen, rogues and other outlaws awaiting the verdict of the judicial authority.

3.8. Summarizing the Characteristics of the Era

In medieval Europe, the primary forms of sanctions used from the beginning of the Middle Ages to the Age of Enlightenment were either death, or some sort of corporal measure; in case of insignificant crimes, punishments revolved around the humiliation of the perpetrators. Although incarceration was only one item on the list of punitive measures, the sanction was already present in the system. According to the standpoint of Mezey (2010), prisons had no other goals but to torment the convict. The chief objective was to restore the damaged authority of the ruling elite and in practice this usually meant some sort of retribution. At the same time, the author points out that the idea of "personality correction" was already present in the system, although it was mostly associated with petty crimes.

The jails of medieval Europe were largely similar across the continent. They were underground pits; the cells of castle towers or fort dungeons where the accused and convicted detainees were crammed into: sometimes, men, women and children were locked up together with demented people. The fettered or chained-up prisoners were unable to see the sunlight – sometimes for years. Carcers were dark, dank, dirty and putrid. Contemporary authorities believed that these subhuman conditions were justified by the concept borrowed from Christianity which stated that the torment of the body (fasting, enduring physical pain) leads one back to the "true and correct path". (KABÓDI–MEZEY 2003c, 51.) For prisoners, carcers were a tragic dead-end. Even if they survived their captivity, their chances of living a normal life practically disintegrated upon release. Based on the ideas of the era, jails were reserved for those who had been accused with (or convicted of) committing the most severe crimes, earning their permanent expulsion from society and rendering themselves outlaws. Their dishonesty spread all over those unlucky enough to become locked up with them. *Jails carried with themselves a sense of dishonesty. Those who made it out had no possible chance of becoming a valued member of society for they were no longer regarded as righteous, moral persons.* (MEZEY 2009, 18.)

We can state with confidence that the most ancient – and fundamental – role of jails was to provide a locale in which accused people could be accommodated until the verdict was issued or the investigation of the crime they had been accused of was completed. Besides averting escape attempts, the main goals were to prevent the subjects from covering their tracks, hiding evidence, talking with their peers and companions and from intimidating the witnesses. The prison – as the hangman's quarters and the place of detention for the convict associated with the case under investigation – also housed a torture chamber, thus making it the scene for physical torment and torture, as well. (cf.: MEZEY 2010)

Despite the hauntingly cruel detention conditions and general disrepair of the structures used by the system we can affirm that *the situation of the pastoral care provided to incarcerated people*

had improved considerably. During the execution of punitive measures based on depriving one's freedom or imposing limitations on it, the Christian Church made great effort to correct and save the detainees. Accepting the supposition put forward by Laubenthal, Mezey hypothesized that the capitulary of Charlemagne issued in 813 was the first proven overlap between incarceration and the idea of correction. According to this measure, prisons are to be used "boni generis" for the reform and correction of criminals. (Mezey 2000) Besides the institutionalized support and care of the Church, some noblemen established charity "brotherhoods", whose primary goals were to accelerate court proceedings, to earn clemency, share bread among the prisoners, take care of the ailing convicts and to accompany sentenced inmates to their place of execution and then bury their corpses. (Pulszky–Tauffer 1867)

From the aspect of our topic, the greatest achievement of the era was perhaps that – due to the influence of the Church – the concept of humans capable of being improved became a fact, and the ideas of progressive punishment and reformation became part of the penal system.

The perpetrators of smaller or petty crimes were at first warned about the inappropriateness of their act. Recidivists received a punishment of similar nature but those who were convicted three times (confirming their status as hardened criminals) were punished more severely, mostly with death.[12] (Kabódi–Mezey 2003b, 11.)

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[12] The provisions of the decrees of King Stephen I state the following on witch-hunting: "let the priests fast and educate them." In case of incorrigibility, witches were stigmatized/marked.

4. Early Modern Period[13]

4.1. The Expansion of the Use of Incarceration

In our earlier chapters, we gave a brief description on the development of punitive measures involving deprivation of liberty and saw many examples to their use on a local level. However, we consider it imperative to emphasize that in the global sense, incarceration enjoyed a very primitive form of existence. Convicts were locked together with "pre-trial" detainees and awaited the end of their sentence without any kind of activities – if they lasted long enough inside. It is by no means a surprise – writes Kriegsmann – that contemporary authors considered prisons the sources of the plague of criminality. (Kriegsmann 1912.) *Efforts aimed at improvement and reform were scarce; only the Church and some voluntary aid organizations took part in such activities.*

Following the widely accepted stance of academic literature, deprivation of freedom as an individual punishment started to emerge in the civic societies at the end of the 17th century, when freedom and labour force had become values on their own right. A century ago, Hacker formulated his own related theory, in which he claims that incarceration as we perceive it nowadays is the "invention" of the Modern Age, and its pivotal role within the array of penal systems is the result of the historical development of the last four centuries. He adds that during the Middle Ages, capital and corporal punishments were the most important measures which started to give way to incarceration only towards the 17th century. Soon after, imprisonment has become the integral part of the penal systems. (Hacker 1918)

Thus, if we analyse the use of incarceration in its classical sense (individual sanction, widespread use, principal penalty), we agree with the approach of Lukács (1987), who claims that *prisons are the "products" of the Modern Age, more precisely the early Capitalism.*

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[13]   Early modern period: from the discovery of America (1492) to the French Revolution (1789).

However, we have to add that during the first phase of its use, incarceration itself was only regarded as a substitute to capital punishment, mutilation and humiliation, it was not in any way more humane than those.

The prelude to a significant paradigm shift on this field was the fact that the approach taken towards punishments in the Age of Enlightenment and the market-oriented attitude of the capitalist ideology re-draw the "map" of crimes and punishments alike. The greatest change was that personal freedom gained significant value which, coupled with the guarantee of equal freedom created a new type of principal punishment. Incarceration stepped up to become the most important tool used by the penal system, overshadowing demeaning disciplinary and capital punishments, and basically abolishing sanctions involving physical mutilation. It was later supplemented by various fines and established itself as the foundation of civil penal law. The scope of punishments involving deprivation of freedom narrowed down as well: the fundamental role was assumed by incarceration; thus prisons have become the synonym for custodial sentence.

4.2. The Christian Penal Philosophy in Civilian Prisons[14]

The Christian Church continued its efforts in the age of embourgeoisement with the same intensity. High-ranking church officials frequently introduced measures to facilitate pastoral activities within prisons. Charles Borromaeus, Milanese archbishop was among these officials, who in 1560 commanded his clergy to *"hold a sermon once a week in prisons under the jurisdiction of the church and supplement*

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[14]   Not only Christians followed the principle of saving the souls of criminals. During excavations conducted in Xian, a stone tablet dating back to 723 AD was found. This tablet provided evidence that Buddhist churches had been built in close proximity to prisons to have the monks contribute to the efforts aimed at improving the prisoners. (Johnston 2000, 5.) This archaeological artifact proves that the importance of pastoral activities was recognized in other continents as well.

these with religious education and hand out religious literature."
(HACKER 1918, 18.)

Detention centres were often named after certain saints, implying the holiness of their objectives. On the facade of the prison named after Michael by Pope Clement IX the following quote is engraved: "Perum est coercere improbos poena, nisi probos efficias disciplina." *(Leashing evil through punishment is insufficient without reformation through discipline.)*

For centuries, the penal system's approach toward prisoners had been influenced by the authorities' firm belief in the omnipotence of disciplinary measures. The goal (personal development) and the tool (discipline) were unambiguous, providing further evidence to the authorities' intent of reforming the subjects under their jurisdiction.

The duality of repentance and forgiveness provides a splendid depiction of the "Christian" way of personality correction. Should a criminal willingly and actively participate in his or her own repentance, then he or she is worthy of being forgiven.

4.3. New Goals: Order, Discipline and Labour

With the Christian intent to correct persons still present, punishments involving the deprivation of liberty became supplemented with the will to habituate the subjects to order, discipline and labour. These goals were to be achieved through strict means and harsh rigour so that the convicts would later become useful members of their society and become capable of returning to it. This thesis brought forward a new aspect into the definition of "punishments" and their execution alike. It expanded further with the direct inclusion of "corrections" in a global sense, which – in its gist – was different from the Christian approach since it was based on the will to make convicts recognize civil laws and rules through means provided by instruments not related to the Church.

The greatest difference between the Christian term of "salvation" and the secular approach of "correction" is that the second one did not explicitly expect the "internal" improvement of a person, but only the recognition of basic social norms and the capability of observing them. This approach eventually resulted in a new situation which the penal systems had to face. Not only were they responsible for physical mortification and secure detention of inmates but also for their correction through education (spiritual and vocational alike) and their employment as well. (Kabódi–Mezey 2003c) These requirements would not have been accomplishable in regular, carcer-like conditions.

4.4. The Origins of Workhouses

The development and spread of workhouses had been ongoing for almost a thousand years. In order for us to be able to analyse the changes as the integral parts of the process, this sub-chapter will not be divided further into historical periods.

4.4.1. The First Monastery-like Workhouses

References to monastery-like workhouses dating back to the 4th century can be found in the judicial practice of the Christian Church. Workhouse stays were usually supplemented with mandatory labour which at first was only used in the case of subjects located within the monasteries. Later (from the 6th century) the scope of this measure expanded over the clergy as well and they were harsh enough to include year-long (or even worse) restrictions on alimentation (provisions only included bread and water). At first, these measures were executed within monastery prisons, but were relocated to separate buildings during the reign of Pope Innocent III (1198–1216). In the third stage of its development, this manifestation of the deprivation of liberty expanded further to include believers,

as well. Although the place of detention was the same in their case, the rigour and discipline were a lot harsher. (HACKER 1918, 12–13.) *Penal labour employed by monastery-like workhouses was regarded as a tool with which one's personality could be improved and reformed.*

4.4.2. Civilian Workhouses[15] and Detention Facilities[16]

According to Mezey (2010), the establishment and widespread expansion of detention houses was precluded by two great European historical trends: the reformation and the embourgeoisement. Compared to Catholics, the strengthening Protestant Church had completely contrasting views on the role of human beings. While being poor was considered a virtue in its own right, for a protestant it simply equalled to laziness. While the Catholic Church urged its followers to provide alms and donations to those in need; capable but unemployed people were simply regarded as criminals by the Protestants.

Since physical labour had become a valued tool in the repertoire of Reformation it is by no means a surprise that the establishment of detention houses was a phenomenon taking place within Protestant countries, i.e. within the Low and German countries.

Hacker points out another possible reason for the appearance of workhouses. He believes that *"in the 17*[th] *century, people finally recognized that the use of the most severe punishments (usually capital ones) was severely uneconomical since they eliminated*

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[15]   Originally houses for the poor, workhouses were institutions dedicated to provide employment to those in need. They combined rational thinking, solidarity and charity and usually accompanied other forms of social aid. Since visiting such institutions was optional, related labour was considered voluntary as well. Those admitted into poorhouses accepted their employment, as well. (MEZEY 2009b, 18.)

[16]   Disciplinary houses were dedicated to the employment of vagrants, beggars and shirkers and those who had previously been on the brink of criminality. Mandatory labour requirements were enforced by the staff with the purpose of educating and improving the inmates in order to facilitate their return to society as valued citizens. (MEZEY 2009b, 18.)

valuable workforce by locking up or executing people otherwise fit for labour. They concluded that it was a lot more profitable to use the skills of people who had erred against the order of the state and society. Not only did they gain the workforce of subjected criminals but also spared the costs related to the execution of capital sentences while still keeping the society safe from the individual for the duration of the sentence." (Hacker 1918, 14–15.) Although the author's approach certainly has a strong fiscal side to it, it is very much likely that the reasons listed above played an important role in the increased influence of detention houses.

We agree with Mezey (2009b) in that we can safely assume that due to the ideas related to the Reformation and the Age of Enlightenment, public thinking turned away from cruel and inhuman forms of punishments. The recognition, namely that using "bloody laws" against the increasing number of criminals, vagrants, delinquents and beggars was impractical and ineffective was slowly taking over in the minds of individuals. They observed that the masses of criminals could not be executed or deported to other countries while there was an infinitely more useful way to punish them while using their workforce for state purposes. Several social needs emerged which could be satisfied through the cheap workforce of the inmates.

At first, the Protestant Church advocating *active care* used these workhouses, then later established the Dutch workhouse model. The Reformation and especially Calvinism supported hard and diligent work and practically regarded unemployment as a form of criminal enterprise. One of its most important self-designated goals was to lead every related subject back to society and to make them valuable citizens. The most practical apparatus for this endeavour was employment itself. The slogans written over the main entrance of such detention houses provide a fine example for this, such as the one on the facade of a Hamburg institution: "labore nutrior, labore plector" *(work nourishes, work disciplines).*

The principle is valid up until today: there is a relation between employment and the chances of one's successful return to society. We can summarize the function of the detention houses as follows:

"to introduce the world of work to shirkers, to teach them appreciation towards labour which was also used as an educational and disciplinary tool during their stay. I cannot emphasize enough that the high novelty value of workhouses was that they used labour for educational purposes." (Mezey 2009b, 19.)

The earlier reformatory efforts of the Christian Church became somewhat neglected within the workhouses. Hacker argued that the "civic" form of the idea of reformation, *"according to which people deprived from their liberty could be reformed through employment, was a slowly establishing concept. Since the chief objective was to use the workforce of criminals by having them perform some sort of labour, the concept of correctional education was mostly overshadowed by the influence of deterrence. The idea of forcing the convicts back to the world of work and order to shape them to become useful members of the society took a long time to become rooted in practice."* (Hacker 1918, 15.)

Despite the fact that the thought of "forced education of labour and order" only received substantial attention after a while, the emergence of the disciplinary houses attributed new content to the definitions of "corrections" and "repair". The Catholic Church's notions on crime, punishment and sinner lost their primacy. Earning salvation for a sinner's soul through suffering gave way to the newly declared goals of educating criminals to become honest, law-abiding people.[17] Salvation in the afterlife, earned with worldly sufferings was no longer a sustainable promise, thus it slowly gave way to worldly prosperity and welfare, earned through honest and diligent labour.

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[17] Making subjects suffer was fundamental to the earlier penal philosophies, so much so that it could not be completely eradicated from the more modern types of penal measures. A good example to this is the practice followed in an Amsterdam detention house, where work was primarily regarded as a disciplinary tool. They used a so-called "wet basement", where lazy, incapable, misbehaving inmates were locked into the basement with a hand pump. The basement was gradually filled up with water and the disciplined inmates had to constantly operate the pump in order to lower the water level and avoid drowning, performing this kind of "labour" until their release from the basement. (Mezey 2010) The gist of this form of "personality correction" was to cause mental and physical agony, thus using suffering itself as part of the disciplinary measure.

In harmony with the above, three, previously unknown concepts emerged in the field of corrections. These were: *work, education* and *resocialization.* We believe that Mezey did not over exaggerate when he claimed that *"these three new elements literally revolutionized penology".* (Mezey 2010, 165.)

The disciplinary and reformatory houses of the 16th and 17th century served as locales for strict, highly regulated penal labour through which the moral improvement of subjects were to be achieved. The first *House of Correction* was established in 1553, in the city of Bridewell and it was dedicated to vagrants and truants. According to the institution's deed of foundation, the convicts were to be employed in a useful way in order to make them capable of returning to society after their moral improvement had been completed. (Kabódi–Mezey 2003d) Several other institutions resembling that of Bridewell were opened in the following years (such as Nuremberg in 1558, Bruges or Amsterdam in 1595 or Hamburg in 1614). All these institutions were dedicated to admit corrupted, debauched juveniles, vagrants and beggars. Being admitted to one of these houses was not dishonourable. *"Their significant attribute was the fact that the detainees within had to perform mandatory labour on a regular basis in order to achieve some improvement in their personality. In some cases, these institutions – after due remunerations – also admitted children with behavioural problems to educate them."* (Hacker 1918, 15.) As it can be seen, there were two ways to assign someone to a detention house. It could happen upon the request of the relatives – in the case of misdemeanant juveniles – which meant that the length of their stay was also based on the will of their parents. The other way was to admit someone based on a measure of the authorities with the due jurisdiction, in which case the length of their detention was influenced by the measure in question. Release could only take place after due evidence that the subjects' improvement had been obtained. Detainees were isolated during the night, and participated in heavy labour during the day. The institutions also took care of their religious and civil education.

The first institution that was strictly devoted to the accommodation of criminals was established in Hamburg, in 1669. *"The historical significance of these buildings lies in the fact that it was them through which the correctional, pedagogical characteristics of incarceration became apparent."* (HACKER 1918, 15.)

Of course, several dead-ends manifested during the realization of the advancing correctional aims as well. An example of such a professional mistake was the use of "treadmills" as correctional instruments in English prisons. The operation of these machines was lucidly described by Grellet Wammy in the 1820s: *"The treadmill is a large-sized cylinder equipped with steps, on which ten to twenty people walk as if they were climbing the stairs, each step pressing the cylinder down to make way for the other foot. This activity is the most punishing one dedicated to those who – due to their size, health condition, and fitness – are capable of exerting themselves that much. The inmates walking on this machine do not produce anything, but become immensely fatigued."* (Quoted by TÓTH 1843, 180.) The author bitterly adds: *"What depths can the human mind reach!"*

4.5. The Emergence of the Will to Educate and Re-socialize

In this era, the will to reform, re-educate and correct received a new aspect. Although correctional education has always been closely linked to the disciplinary attribute of labour, it meant a lot more than that even during the beginnings. This was the first period in which authorities started to provide goal-oriented education to the detainees. Constant pastoral care and the cooperation of teachers and priests became integral parts of the treatment of criminals. According to the provincial decree of the Netherlands issued on 14 March 1597, the aim of detention houses was to *"turn useless juveniles towards an honest, god-fearing life and rid the city of scum."* (Quoted by MEZEY 2010, 165.) In order to achieve this objective, prisoners were provided one or two hours of pastoral care and education on an everyday basis

and in some cases they even made it possible for them to participate in some sort of secular education.

When the "correctional revolution" of Amsterdam created the concepts of correctional education, pedagogy and pastoral care, the main factors of correctional issues, religious services became institutionalized; job openings were listed for priests within prisons and the mission that had been tended to by the church before finally merged into the new structure. In the meantime, the prison reform movement led by John Howard (1726–1790) eventually led to the secularization of the prison mission as well. *All over Europe, visitations were taken over by humanitarian organizations, aid groups and patronage associations.* The members of these groups visited the prisoners where they educated them and also offered a limited form of legal aid not endangering or hindering the investigation. They were also informed about the family of the detainees, their children, external relations (or the lack of), their personal relations, life conditions etc. This secular prison mission enabled the patrons and patronesses to obtain information vital to the successful re-education of prisoners which would have been impossible to gain through formal means of contact. (Mezey 1996, 134–135.)

Centuries ago, our predecessors have already discovered a crucial connection: the chances of successful resocialization were severely influenced by the amount of humiliation the prisoners had been subjected to during their incarceration. Since the general aim of the Amsterdam institution was to facilitate the prisoners' return to society, prison administration did all it could to make sure that the released subjects were not "dishonest". In order to maintain a sense of dignity within the walls, the magistrate limited the scope of people eligible for admission to the perpetrators of petty crimes: thieves, prostitutes, vagrants etc. Great care was taken to separate juvenile delinquents from the elderly. Using current professional terminology, we can state that during incarcerations conducted in Amsterdam, several tools and elements of today's education were already in use (separation, classification, education, employment, pastoral care etc.).

4.6. Summarizing the Characteristics of the Era

The use of incarceration has expanded in the Early Modern Age and it became an individual punishment, as well. The three centuries of this period are resembled by stagnancy and renewal alike, with these two processes often taking place parallelly to each other. What did not change was the condition of the prisons and the use of the common system. Prisons were still home to torture and suffering, never maintained properly and still sorely lacked in hygiene with their floors covered in human faeces. Ventilation and medical assistance were out of the question. Priests – and thus spiritual support – was rarely available. Rodents like mice and rats on the other hand were attracted to prisons by the dirt, and the smell of the decaying human bodies. (Kabódi–Mezey 2003c, 51.)

Another opposing characteristic of the era besides the expansion of civilian values was the change of the penal philosophy. The growing influence of the reformation gave way to new tools, such as education with the aim of making subjects accept order, to become disciplined and willing to work and served as the foundation for the establishment of correctional and disciplinary institutions. The evolution culminated in the appearance of correctional education and resocialization as fundamental needs.

5. Modern Age[18]

5.1. The Emergence of Modern Educational Theories

The precise definition of educational theories – in a correctional sense – was accepted in the 19th century. The philosopher D. de Mably was the first person who knowingly and directly recognized the importance of addressing the "spiritual being" of the perpetrators, instead of their corporeal form: *"If I may say, I'd rather*

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[18]   Modern Age: from the French revolution to the 1980s.

have punishments that are addressed to one's soul than his or her corporeal form." (Reebs 1987, 16.) During the first part of the 19th century, the theory on labour within disciplinary institutions was equalled by theories on "punishing the soul", giving further justice to the steps already taken towards the reform of prisoners. According to academic literature, correction (as in personal improvement) as a national task was recognized by the Prussian Minister of Justice, von Arnim, as well. This approach already included moral and psychological improvements; and in his description, these goals were already present in the form of the efforts required to lead the prisoners back to the world of work and orderliness. (Reebs 1987, 18.)

One of the decisions made at the international Frankfurt Congress of 1857 directly advocated the will to "correct", which also means that punishments were regarded as the means of achieving improvement in a being; tools to facilitate resocialization. (Reebs 1987, 18.) The thinking on criminal responsibility thus shifted from a militarized "drill-like" treatment ideology towards an individual-preventive direction. (Fesenmeyer–Tegge 1973, 44.) Although designating the "soul" as the principal target of reformation was a definitive step towards further improvement, any further progress was inhibited by the common system. Thus emerged the United States of America as the pioneer of prison innovation.

5.2. The Development of Prison Systems

5.2.1. Solitary Confinement or the Philadelphian System[19]

The theory of correcting convicts through labour was born in Europe. The employment system of the Dutch, English etc. correctional institutions, workhouses observed religious tenets regarding the moral improvement of the subjected convicts. These notions were willingly adopted during the beginning of the 19th century in the United

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[19] Academic literature often quotes the Philadelphian System as the Solitary System.

States, mostly in the puritan state of Pennsylvania. Although budgetary limits were non-existent, no grounds for improvement would have been found were it not for the strongly religious movement of the Quakers. Opposing the inhuman nature of the penal system, the Quakers who had been exiled from England created an alternative answer to the traditional punishments of the Middle Ages. Their concept was based on incarceration and was aimed at the total seclusion of convicts within solitary cells resembling monastery detention rooms, for the whole length of their punishment.

The Quakers' assumption was that *criminals can be cleansed through repentance and the complete and utter rejection of their criminal past.* In order to serve the purpose better, all external stimuli besides the Bible were forbidden. Prisons themselves were considered as locales for repentance. Following the acceptance of the concept, several correctional organizations made efforts to introduce the system of solitary confinement into the law. As a result, several regulations were introduced in 1818 and 1821 in which it was stated that incarcerations were to be realized through solitary confinement coupled with mandatory labour. Thus, the will to improve the convicts was institutionalized within the prison regime. (MEZEY 2007) The first solitary confinement system was established after several failed attempts within the Eastern Penitentiary in 1828, coining the term "Philadelphian System".

5.2.2. The Auburn (or Congregate) System

The Auburn Prison in Auburn, New York – in accordance with the penal philosophy of the era – was based on seclusion. Professionals noted the large number of attempted and completed suicides among the inmates and also pointed out the vast number of people suffering from various degrees of mental breakdown. Aware of the phenomena, deputy governor John Cray suggested stopping the practice which led to the abolition of the seclusion system and the introduction of the *principles related to the separation and joint*

labour of prisoners. (RUZSONYI 1998a) The structural characteristics remained largely the same, but the internal order of the prison was based on solitary confinement during the night and jointly performed labour during daytime. The aim of this approach – similarly to the practice followed by the Church – was to achieve some sort of moral improvement in the prisoners. Seclusion was enforced through a very strict rule prohibiting prisoners from speaking and introducing rigorous, almost military-like discipline.[20] (MCKELVEY 1977) Separation was not only physical: the psychical and moral characteristics of the subjects were also taken into account.

Kabódi and Mezey (2003c) take note of a significant milestone in this development, namely the fact that during the expansion of the Auburn System, Central Europe was home to several attempts aimed at the classification of the prisoners. Prisons in Geneva and Munich established several classes of inmates where the basis of admittance was their performance during labour and their general behaviour. Due to the fact that these characteristics were evaluated and graded, this system is labelled as "grade system" by professional literature. The base model was provided by a three-degree classification system in which newly admitted prisoners began their incarceration in the middle one and were later re-classified into the milder, privileged class or the stricter group, based on their work performance and behaviour. It is apparent that this system already contained several elements of progressivity. The most important step from the aspect of our topic is the fact that prisoners themselves had an incentive to cooperate with the regime; to work efficiently and to behave. To put it simply: the alternatives of progression were offered based on the needs of the inmates.

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[20]   The martial regime of Auburn was characterised by the following: prisoners were expected to march in an orderly manner with their eyes on the ground. They were not permitted to talk or in any way converse with their peers. Mandatory activities were prescribed and their execution monitored.

5.2.3. Gradual or Progressive System

With its roots in England, the principal characteristic of the system was that convicts were to spend the first 9 months in solitary confinement following which they were sent to other prisons in which night-time seclusion was followed by communal labour during the day. If the behaviour of the prisoners was favourable, the prisoners could be released on parole. Thus, the foundations for the system are provided by a structure which was focused on improvement gained through individual responsibility and self-help. By the end of the 19th century, most countries adopted the progressive system. (KABÓDI–MEZEY 2003c) The pedagogy behind the system was progressive as well, with a heavily-reduced influence of paternal-type control mechanisms. "Personal development and correction" was an externally forced and demanded obligation, but a process in which convicts voluntarily contributed to their own improvement.

By the beginning of the 20th century, the ideas on the goals and aims of incarceration have become somewhat generalized in Europe and in the USA, as well.
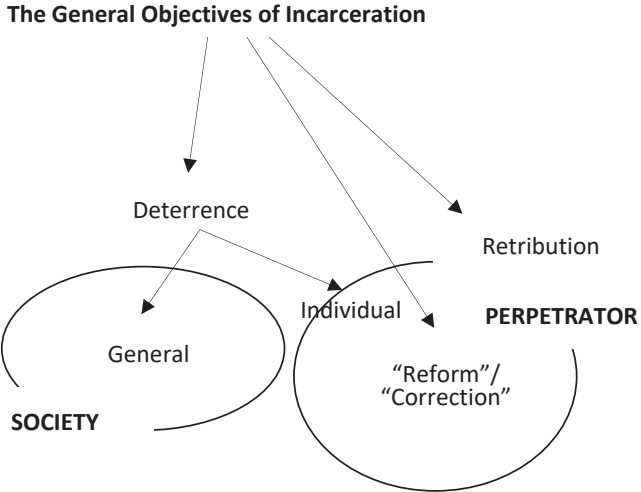
Figure 5.
The general objectives of incarceration

In the previous chapters of the present essay, we attempted to provide a general introduction to the efforts made at "changing", "reforming" and "educating" the subjects under the jurisdiction of authorities responsible for realizing punishments, which supplemented the original goals of punishments and deterrence. As we could see, this effort drifted towards several directions in the past and was influenced by political interests, prominent penal philosophies, religious convictions, with the quality of implementation being influenced by the tools available at any given time.

5.3. The Situation in Hungary, Educational Efforts

5.3.1. Development Concepts in the Reform Era

The feudal situation of prisons became a focal point during the political struggles of the Reform Era. A product of this age was a bill drafted between 1841 and 1843 which basically eliminated death penalty for all criminal acts and designated incarceration as the leading punishment. (HODOSY 2011) Finkey (1948) notes that this single but excellent move – which could have re-established the Hungarian prison system as the most advanced in Europe – was prevented from coming into effect by the small-minded Court Chancellery in Vienna.

One of the key issues of the 19th century's fight for civic development was the Hungarian justice reform. Lajos Kossuth, Ferenc Deák, István Széchenyi, László Szalai and many other professionals and academics were working on the question.

Aware of the inhuman conditions[21] of prison-houses, Ferenc Deák became disillusioned and stated the following: *"Punishments lose their objective…as soon as the central element becomes revenge instead of reform…and painfully we must admit that such houses are in their nature not correctional facilities, but schools of sin, and often…those who are admitted as remorseful wrongdoers later leave as educated, professional villains."* (DEÁK 1840, quoted by BALOGH–HORVÁTH 1983, 157–158.)

With the leadership of Ferenc Deák, Hungarian developmental efforts culminated in the introduction of the solitary system in the years of 1843–44. The former monastery of the Order of Saint Paul had been refurbished and re-structured into a prison, and was followed by the prisons of Balassagyarmat (1845) and Komárom.

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[21] By design, feudal prison cells, pits and catacombs were not meant to serve as locales for the execution of sanctions involving deprivation of liberty, since this form of penal measure did not even exist. Their primary purpose was to house detainees in a secure environment. The true goal of detention was not punishment, but rather they were used as disciplinary measures to force serfs to work. Some people awaited their sentences within these cells or the punishments – mutilation, execution, torture etc. – that were due after it.

The correctional reform initiatives were interrupted by historical events. A paradoxical fact is that after the Hungarian revolution had been put to an end, it was the neo-absolutist regime that took the first steps toward solving the issues related to the prison system in the country. In 1852, the Austrian Government introduced the Austrian Penal Code, leading to the general use of prison sentences. Regulations put an end to the existence of the previous prison houses and prescribed several developments. The Austrian "prison policy" also initiated a monumental "prison-creating" project in Hungary. Regrettably, the intention was to make it as cheap as, and provide results as soon as possible. Due to this fact, several ancient castles and public institutions were remade into penitentiaries. Thus, the institutions opened between 1852–1856 were simply incapable of adhering to any sort of innovative correctional philosophy: the structurally incompatible buildings were simply unsuitable for the adequate accommodation and correctional labour of prisoners and severely limited separation attempts which were fundamental to the successful rehabilitation of the subjects. (MEZEY 1995) However, the Government was perfectly content with these circumstances since the essence of the Austrian penal philosophy was the authoritative, completely total institutions. The prison system of Transylvania was supplemented by two more units: the Nagyenyed one (built in 1860) was the single dedicated design; and the Szamosújvár Prison (built in 1786), which was a "provincial" prison. The conditions in these institutions were largely similar to the rest of the penitentiaries.

Lőrincz claims that the forced cost-efficiency and the resulting low-quality installations harmed the Hungarian prison ecology so gravely that some of its consequences are apparent even today. (LŐRINCZ–NAGY 1997)

5.3.2. The Pedagogical Significance of the Csemegi Code

The Austro–Hungarian Compromise of 1867 brought forward important changes, some of which were relevant to the field of corrections,

as well. The construction of the new internal order and legal regulations was quick. An important step of this process was the first Hungarian Penal Code – Act V of 1878 – the so-called Csemegi Code. The importance of this legal material is twofold: to begin with, it created an individualized system of executions and limited the use of death penalty. It also abolished corporal and humiliating punishments and introduced incarceration as an individual form of punishment. The unparalleled and unprecedented sequence of prison construction initiatives that followed resulted in several new facilities, many of which form the basis of today's prison system. (PALLO, 2015)

A significant pedagogical value of this code was the fact that it introduced separate provisions for the incarceration of juvenile detainees. It also put directly forth the aims of the punishments as personal improvement. The creators of the law showed their pedagogical professionalism by pointing out that although juvenile delinquents are particularly susceptible to education, the negative effects of being locked up with adult criminals also harms them more. Although the code itself does not directly mention the importance of education – as stated by Czenczer (2008) – several related provisions did actually take note of it. Education back then primarily meant moral persuasion and improvement, a task that was expressly attributed to the pastors.

Following the coming into effect of the penal code, a large-scale prison construction project was initiated. Since the most supported approach was the solitary system, it served as a basis for the construction of the Szeged (1881), Sopron (1884) and Budapest (1896) prisons.

5.3.3. Pedagogical Efforts in Hungarian Prisons

During the beginning of the modern age, the most important tools that served the improvement of prisoners were isolation and solitary labour conducted within prison cells. Thus, when the scope of prisoner labour was procedurally expanded, it was recognized

as a significant step forward. From a pedagogical aspect, the most important change was introduced at Illava in 1883, where a separate "prisoner school" started operating. *Strictly determined educational objectives were observed when the prisoners were graded based on their merits,* and those who – due to their behaviour, work performance, and/or diligence – earned it, could study music as a reward. (Ruzsonyi 1998b)

To our knowledge, this was the first experiment in Hungarian correctional history where the prolonged rigours and disciplinary measures were substituted with reward alternatives in order to stimulate the prisoners to cooperate and provide better performance. Besides the innovative practical initiatives, the direction of punishment philosophy was also aligned with education and moral improvement. The statements of Jenő Balogh (1888) mirror this situation faithfully: *"Modern sanctions not only punish, but are aimed at achieving a certain form of moral improvement in prisoners."* (Balogh 1888, 207.) The two main instruments dedicated to the education of convicts were employment and spiritual guidance.

During the end of the 19th century, Móricz Staub[22] took a very sensitive approach towards prisons. He was the first in Hungary who recognized the pedagogical importance of prison facilities. He formulated his creed as follows: *"There is an ethical necessity that every crime brings with itself a due punishment in order to have the perpetrators feel their loss of freedom. However, it is also important to pair the punitive side with a correctional, educational side, thus I believe that prisons are firstly pedagogical institutions. The tasks that they are responsible for are far more difficult than those of a school which admits people during their most receptive age."* (Staub 1891, 251.)

Staub was one of the first thinkers of the era who were able to create some sort of equilibrium between the punitive and educational–pedagogical factor of incarceration.

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[22]   Móricz Staub: teacher, founder of the Prisoner Aid Association of Budapest.

He uses beautiful terms to convey his approach: *"While I find it important and necessary that every single aspect of prison life remind those inside to adhere to the wishes of a higher authority, it is also crucial that this subordination would not in any way be related to tyrannical principles, but to pre-determined goals of corrections. Due to this, I believe that detention facilities are pedagogical institutions. The daily schedule, the rules, formal education, contact with the staff all attribute a pedagogical effect to it. All members of the staff, from the governors to supervisors, have to adhere to this principle."* (STAUB 1891, 251.)

We believe that the approach of Staub was an important one. He recognized and emphasized the importance of pedagogical efforts conducted within prisons and pointed out the most important connection: the potential that lies within moral guidance, education, vocational training and employment can only be realized if the prison staff understands the goals and is capable of working towards achieving them.

The down-to-earth attitude of Hungarian reformers is evidenced by the fact that their faith in the improvement of prisoners did not bar them from taking a realistic approach toward the several issues and challenges that they had to face. Balogh puts forward the most important question: *"Is it possible to completely correct and recondition one's depraved morality, to remove them from under the influence of crime? This question will always provide grounds for doubt."* (BALOGH 1888, 300.)

Despite the fact that development started with a significant delay, the Hungarian correctional field managed to reach Western European standards and employ the Irish Progressive System[23] by the turn of the 20th century.

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[23]   The principle of the Irish Progressive System is the following: during their incarceration, inmates gradually move through several stages. The stricter first stages gradually give way to more lenient ones. The Irish system consisted of four stages: the first one was a strict solitary confinement and limited alimentation; the second consisted of solitary confinement at night, joint labour during the day; the third one was based on labour in so-called transitional institutions; and the fourth one was basically parole after ¾ time had been served.

Perhaps it is not an over-exaggeration to say that this era was one of the most balanced periods of Hungarian corrections. Unfortunately, it did not last long. Following the 1910s, the already weakened economy left instantly recognizable marks on the prison world. The earlier support simply evaporated and was rendered to a fragment of its former self.

5.3.4. Employment as the Primary Tool for Institutionalized Improvement

In the pre-reform history of Hungarian incarceration, the Government had already tried to establish one central detention house: a correctional house (Domus Correctoria) was opened in the former castle of count Ferenc Esterházy. The institutions – later relocated to Tallós (1785) and to the catacombs of the Szeged castle (1831) became the locales for several enlightened reforms. More humane conditions, sufficient alimentations, correctional labour: these were the main tools of the authorities. (Mezey 2000)

The detention house of Szempc operated in a joint-system.[24] Separation guidelines were only applied to men and women. Despite the rudimentary nature of this facility, it managed to achieve a long-lasting effect by issuing commands in which corrections formed an important goal. The greatest results were expected from correctional labour: inmates were employed in hemp-weaving, bag-making etc. They also believed in the influence of religion on one's personality, thus they also employed a pastor. Sermons coupled with religious education were held daily. The pastor had the obligation of *"making the prisoners aware of their own responsibility in achieving spiritual salvation and recognize their general religious obligations".* The attitude towards

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[24]   The first system used was the so-called Common System. Calling it a system is perhaps a mistake, since the system was based on the joint placement of every single inmate (be it male, female, healthy, sick, recidivist or first-timer, mentally ill and healthy) without any sort of endeavour towards the improvement of the personalities of the subject under the jurisdiction of the competent authority.

prisoners was still mostly hostile, though: they were often considered "irreparable", "godless" and "worthless". (LUKÁCS 1979)

The operation of the detention house did not last long, due to the budgetary restrictions associated with "modern, innovative" corrections, thus leading to the termination of the institution in 1831 and hence the end of the first attempt on the field of Hungarian corrections.

5.3.5. The First Steps of Separation

With the aim of continuing the introduction of uniformed practice, the Royal Council issued a decree on the "organization of law enforcement detention houses". Besides order and discipline, the separation of convicts and pre-trial detainees and men and women was mandatory. These attempts at differentiation were very limited in scope, but nevertheless contributed to the attitude and personality of prison staff. Swearing and humiliating the inmates were forbidden, while corporeal punishment was – albeit with severely limited rigour – still allowed. The decree also set forth the religious education of inmates.

Bozóky was the first person who – in the history of Hungarian correctional efforts – coined the term of "corrections" as the designated task of the Government: *"...criminals and wrongdoers should not only be punished by the Government, but also reformed and corrected through the punishment itself."* (BOZÓKY 1867, 9.) The author also states that the extremely poor conditions of the era resulted in the total depravity of the admitted criminals. *"Those who still have a spark of honesty in their heart, some goodness deep within them: they return without them and may come back later from time to time, to their new 'home'."* (BOZÓKY 1867, 137.) The correctional bills of the great minds of the reform era stated significantly innovative ideas regarding the abolition of detention houses operated by lordships and municipalities, and at the same time the introduction

of a uniform, centrally operated regime system. Unfortunately, all initiatives failed eventually, rendering practical use impossible.

Hungary began the second half of the 19th century without one single dedicated prison[25] institution. Not only the sophisticated correctional concepts had not been introduced, but also most of the facilities in use were ancient, obsolete feudal prisons. (MEZEY 1995)

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[25]   Contemporary Hungarian institutions were not used for the execution of individual sanctions aimed at depriving subjects from their liberty, meaning that no dedicated prison was available. The sole purpose of these places was to house prisoners until their execution, mutilation or torture.

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Chapter IV.

THE DEVELOPMENT AND CURRENT STATE OF CRIMINAL-PEDAGOGICAL EFFORTS IN HUNGARY

1. The Beginning of the 20th Century – the End of the Second World War

By the beginning of the 20th century, Hungarian penology managed to reach European standards with an institutional system resembling that of the Irish one. The first criminal-pedagogical theories emerged during this era, as well with Elemér Kármán and Ferenc Finkey as their chief representatives. Their progressive thinking – which was parallel with the international approach and efforts – ("a punishment that merely causes pain and suffering and destroys or ruins a convict is an imperfect one") was opposed by the era's leading notions, effectively barring these scholars from causing any significant change within the practice.

The economy, which had been staggering since the turn of the 20th century left apparent marks on the prison systems of the world. The support which the field had enjoyed before decreased to the fragment of its past form. (LŐRINCZ–NAGY 1997, 35.)

Following the end of WW1 and the Trianon Peace Treaty, the depression of the field that started around the turn of the century further deepened since neither the Hungarian economy nor the chief principles of criminal policy did offer alternatives for any sort of prison reform. The fact is that between the two World Wars, prison affairs were of marginal importance, which led to a dramatic decline of material and academic support. (LŐRINCZ 2009) Due to the lack

of the said support, the aim of the punishments in this era were deterrence through physical isolation.

2. The Era of Unlawfulness and Consolidation

Our theoretical handicap which was apparent when compared to the criminal-pedagogical approach of civil societies is further deepened by the middle of the 20th century when the profession became the display of Makarenko's philosophy. This school oversimplified and over-ideologized the efforts of Makarenko, making the following principle (among others) its thesis and dogma: *"The education of criminals is in itself not an independent task and does not differ from the nurturing and education of other, normal children,"* (MAKARENKO 1955, 325.) which means that there would be no need for any sort of "special education". Criminal pedagogy and the indistinguishably related educational efforts both have been carrying the shadow of this teaching in theory and practice alike and in some ways do so even in the present days.

Since the beginning of the 50s, this macabre form of serving justice caused a previously unexperienced flow of people into the prisons. As an effect of the dogmatic approach, differentiating between intentional and accidental crime was no longer existent, and so was the progressivity leading to a uniform practice in punishing delinquent people. Punishments were based on politics and their new content became the notion of repressive prevention.

The personal and systematic conditions of Hungarian prison methodology were changed drastically and in detail by the new policy dictated by Stalin. The composition of the prison staff was transformed drastically, as well: employment was no longer based on education and professional experience and adequacy but solely on political reliability. The roles were different too: the personnel and the convicts were each other's political opponents.

It is important to emphasize that the reason for the educational efforts' loss of importance was not only the ideological and

political mind-set since human qualities and the will to simply help others know no party affiliations. The chief problem laid within the expectations and directives which – based on manually exerted control – determined the practice. The legislation known as Act II of 1950[26] determined two key areas: that of security and employment.

The jurisdiction over the Hungarian Prison Service that had been in the hands of the Minister of Justice before changed hands and the issue became the responsibility of the Minister of the Interior. An automatic result of this change was the extreme emphasis that was put on military conduct. The strict, often severely harsh treatment further emphasized the notion of "guarding" and "production". The will to "repair" and educate the convicts was buried and the system of benefits solely depended on performance at work. The commandment of "do not just guard, but also hate them" which hung above the door of each guard room mirrored the cruel and inhuman treatment and the deep humiliation of convicts by the militarized prison staff. (LŐRINCZ 2009, 53.)

The severe political changes and the alteration of criminal justice during the first part of the 50s brought forward the most dreadful era of the Hungarian prison history. A great casualty of this time period was that while the Western societies' efforts to lead and aid those remaining on the outskirts of society were becoming more vivid and brought forward a greater financial and mental expense, in this region punishments still resorted to the humiliation of the minority opposing the majority. The pitfall that had been ongoing since the beginning of the 20th century in the field of correctional pedagogy – in a broader sense – reached the bottom.

The efforts that emerged during the more consolidated last years of the 50s were dedicated to correcting and eliminating the abuses of the previous decades. In order to facilitate this effort, attempts were made at enhancing the treatment of prisoners to allow for a more humane approach with tools that chiefly revolved around prevention.

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26   Decree no. II of 1950 on the General Provisions of Criminal Law.

The first Incarceration Rulebook was published in 1955. Although this was a significant step forward, in the end it proved insufficient of changing the approach since it was based on a material that was already obsolete. Despite that it did contain some remarks on the education of convicts, the legislator put more emphasis on the issues of security and employment. Principle and theory, especially the conditions and the approaches were conflicting. The fundamentally collectivist nature of socialist pedagogy caused a perplexity by unfoundedly adapting the aims of general pedagogy. The rights of the convicts remained unaddressed but their obligations were described in detail. Although the authors expressed that being aware of the principle of humanity during the treatment of prisoners was a mandatory requirement, the profession was unable to adopt this condition into practice.

The scope of efforts aimed at humanization was largely considered a burden and a risk factor by the personnel. They considered it a bridge towards liberalism and indiscipline. Therefore, in practice even the most basic novel arguments that had been expressed by the legislator before (1950 and 1955) were doubted.

The criminal-judicial theses stated by the Hungarian Socialist Worker's party during their conference held in June 1957 marked a return to the Leninist principles. The ideological background of this model was based on the use of harsh, highly deterring punishments against "counter-revolutionist" people and professional criminals alike, but the majority of the delinquents were considered as the remnants and victims of the criminogenic and detrimental capitalist past. Thus, the aim of the punishments was to integrate these stray, isolated criminals into the "new" form of society that was intended. It has become the task of the prison service to adopt preventive, correctional and educational tools that would help the criminals recognize the historically and socially anachronistic nature of their actions while offering them a chance to re-integrate into the division of labour within society. (LŐRINCZ–NAGY 1997, 39.) Despite the certain overemphasis on political ideologies, the regula-

tion in the end created a legal and institutional basis for the further education of the convicts.

This educational principle was officially declared as a prison service task by the Ministry of the Interior Ordinance no. 8/1959 which expressed the following about educational aims: "During incarceration, prisoners have to be offered a chance to repent and regret their crimes, to become disciplined and orderly, to recognize the importance of labour, to obey the laws and the rules of the socialist society, to protect and guard its possessions and respect its system." If we analyse the content of this sentence and overlook the highly ideological context we can instantly learn about the behaviour that was expected and preferred by the institutions. Convicts were expected to show signs of "correction" during their imprisonment, therefore the idealized subject of this ideology was the orderly, highly disciplined and rule-abiding prisoner. Independent thinking or acts were shunned and no substantial pedagogical content was to be found behind the mechanically adapted political slogans whatsoever.

Maintaining the tasks determined earlier while facilitating political and moral re-education – with the main goal of creating the ideal of the socialist man – were the goals which symbolized the 60s. Pedagogy possessed a highly specialized array of tools that were utilized to achieve this endeavour.[27]

In 1963, the prison service once again became the jurisdiction of the Minister of Justice instead of the Minister of the Interior. This was a symbolic measure enacted in order to emphasize the fact that incarceration itself formed an integral part of justice.

By analysing the literature of the era in question it can be determined that most of the authors kept resorting to a mechanical application of general pedagogical principles and methods despite the fact that the obviously peculiar environment of closed institutions required a different approach. In this phase of its evolution, closed institution correctional pedagogy carried certain elements

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[27]   Law Decree no. 21. of 1966 had a great influence on the thinking of the era.

of a certain naïve pedagogical optimism. It firmly believed that the constrained environment of closed institutions provided optimal conditions for the shaping of the convicts' personalities.

3. The Development of Criminal Pedagogy from the Beginning of Actual Correctional Pedagogy to the End of Communism

1966's legislation pertaining to the prison service (Law Decree no. 21. of 1966 on the execution of criminal sanctions and pre-trial detention) – the first Codex of Incarceration in Hungary – (First Prison Code) facilitated the evolution of the national prison system towards the European values – both in theory and in its efforts. The significance of the regulation was that it contributed to a turn that in the end became the difference between classic and modern prisons: "instead of being the often-humiliated topic, convicts became the subjects of incarceration." (LŐRINCZ–NAGY 1997, 40.) This new approach and the resulting practice marked a turning point in the Hungarian closed-institution correctional pedagogy.

During the middle part of the 1960s, the studies on the field of criminal pedagogy mirrored the re-education ideology of the era. Mostly, they contained well-intentioned pedagogical ideas. The starting point of the approach was the rightful perception that no convict should be barred from improving his or her fate. The failure of the approach was that it believed and stated unconditionally that closed-institution environments – coupled with adequate pedagogical methods – allow for a successful recreation of the convicts' personalities.

The phenomenon of "over-planning" treatments and educational measures and their failure became apparent roughly at the same time within the Western and Eastern Bloc countries, but based on a different script. The foundations were the same: the approach toward re-education which set out the moral reshaping of convicts and

achieving an inner drive that would make them abstain from crime. The main tools with which these outcomes were to be achieved were psychological and pedagogical.

In the developed countries of the West, incarceration was treated from a clinical aspect in the 60s and the beginning of the 70s and correctional intervention was treated with an overemphasized optimism. From 1974 this approach gave way to pessimism that lasted until 1981. This is the era which professional literature calls the "crisis of treatment ideology." (GÖNCZÖL 1977, 658–663.) Evidence was found (again) in 1983–84 for the "relative results" of correctional intervention. Later this judgement moved further toward the direction of "several methods can work" approach. (PALMER, quoted by TROY 1991, 85–120.)

The significant change that the prison personnel had been subjected to from the beginning of the 70s gave way to a generation of better prepared commissioned and non-commissioned officers. The skills of this new generation facilitated the abandonment of ideological burdens that weighed down the Hungarian correctional field and allowed the professionals of the field to focus on handling discrepancies and problems that were manageable. An important step of the process was the growing importance of human assets, educators and psychologists and the start of related scientific inquiries. With this move, the development of the field of professional prison education that had been ongoing since the 60s received another push.

During the beginning of the 70s it became apparent that the aim of re-educating convicts was the product of exaggerated state influence to which the only available "tool" was the infinite professional optimism while lacking everything else. (Lőrincz–Nagy 1997, 42.) Based on the chief ideology, the correctional goals were not to be given up following the pattern set by the West but instead, the importance of education had to be emphasized further by continuously refining its aims and utilizing new resources. This effort contributed to the fact that by the end of the decade, most of the potential that later gave way to expanding the educational and correctional efforts have been established.

The new-line jurisprudential thinking of the 70s had among its chief goals the facilitation of reintegration into society and the development of personality. The basis for this change were the changes set by the newly introduced regulations of 1973.[28] Law Decree no. 11 of 1979 focused on its attention on the tools provided by the fields of criminal pedagogy and psychology as resources. In the year of 1983, after a series of professional initiatives a general and expansive concept has been established that focused on education and labour, which foreshadowed the soon-to-be introduced political and social change.[29]

4. Criminal Pedagogy in the Last 25 Years

By the end of the 80s, political influence largely lost its power and gave way to professional thinking, making the convicts the central subjects of incarceration. As a result of this process, the Hungarian Prison Service finally became a professional organization by the end of Communism. Teams directly related to the convicts were established (educational service, internal monitoring), the classification of the prisoners became differentiated while their treatment also moved towards a more humane direction both in theory and practice. Direct antagonism gave way to a system of relations that was based on cooperation.

Following the end of Communism in Hungary (1989) several correctional-pedagogical efforts appeared which emphasized the importance of social work and prison psychology. During the past decades, legislators have been trying to adjust the regulations to the ever-changing social conditions, but the first true, "explosive" change was in 1993, when it became obvious that said regulations were to be

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[28]   Criminal Code, Law Decree no. 11 of 1979.
[29]   Az új büntetés-végrehajtási törvény KONCEPCIÓJA a bv. szervezet feladatrendszerének tükrében (3. változat). [The CONCEPT of the New Prison Code from the Aspect of the Prison Service's Scope of Tasks; Manuscript assembled by the Hungarian Prison Service Headquarters, 2013.]

refined in order to become parallel with the European norms, values and principles.[30] This recognition was followed by familiarizing with the European prison structures and the quickening of efforts aimed at introducing them within Hungary. The core of this process was under the pretence of introducing a new form of incarceration while dealing away with its predecessor, the paternalistic system. A condition of this modern approach was the closer cooperation with the convicts because it carried with itself the idea that although prison institutions may facilitate reintegration into society, the success of this endeavour largely depends on the convicts. The importance of using progressive incarceration also increased during this period. Western European experiences had great influence on our attitude regarding a number of important professional questions. Great emphasis was put on the realistic approach of the necessity of lowering the largely unavoidable detrimental conditions and humanizing the convicts' stay within the prisons.

Efforts noted in Western European practice which aimed at protecting the individual human rights of people, especially those who had been subjected to abuse. With the help of the international structure of institutions operated by the UN and the Council of Europe, the prison model has to observe two fundamental requirements: respecting the society's right to safety and the human dignity of the convicts.

The progressivity related to the introduction of the European Prison Rules was pushed to the background with Act no. XIV of 1999.[31] The narrowed scope of change that was the result of stricter regulations was continuously subjected to professional efforts aimed at its expansion with the greatest success being the introduction of Act LI of 2006 [32] since this regulation once again recognized the progressive approach thereby permitting the use of more comfortable norms during the operation of the prison service.[33]

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[30] See CONCEPT, 6.
[31] Act no. CIV of 1999.
[32] Act no. LI of 2006.
[33] See CONCEPT, 6.

5. The Pedagogical Potential of the Prison Code: Options for Personality-development among the Prisoners

The goal of incarceration is set down concisely by the current regulation: "the goal of incarceration is to realize the punishment as regulated by the provisions of this Act and in the meantime facilitate the convicts' successful reintegration into society after their release and avoid further misdemeanours and delinquencies."[34]

The Prison Code uses different terminology to convey the same message: "The aim of incarceration is to realize the punishment passed by court verdict and to facilitate the convicts' successful reintegration into society and their establishment as law abiding citizens using re-integrational activities during incarceration."[35] From a pedagogical point of view, we consider it important that the Prison Code emphasizes the following scope activities during incarceration: "During incarceration, the convicts have to be provided the chance to develop their self-esteem, personality and sense of responsibility and thus become capable of self-sustenance and independence as expected following the release."[36] In our opinion, this is the only way that the Prison Service can contribute to "saving" these people. (Csóti 2013/4, 17.)

It is obvious then, that this goal can only be achieved if during their incarceration, the convicts are continuously able to develop their mental and physical condition, to maintain and expand their general and specialized knowledge, participate in labour, and voluntarily and actively cooperate in shaping their way of life, and strengthen relations with their families. This is a pre-requisite for establishing their sense of responsibility and thus finally achieve a positive change in their personality. As per the provisions of the Prison Code:

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[34]   Law Decree 19 (on the Execution of Incarceration, I. A/1).
[35]   BV. Kódex: A szabadságvesztés végrehajtásának célja és elvei. [Prison Code: The Principles and Goals of Incarceration.] § 83 (1).
[36]   Prison Code § 83 (7).

"During incarceration, the order of the institution and the successful completion of the correctional tasks is ensured by a highly disciplined environment. This environment should be maintained with the voluntarily cooperating prisoners."[37]

Another important condition is that the limits that are imposed upon the convicts "cannot exceed than what is necessary for the successful completion of the goals of incarceration. The Prison Service's control of the convicts' lives should always be parallel with what is required. The convicts' way of life during incarceration shall be determined in cooperation with the convicts if they are able and willing to cooperate."[38] However, the sought-after change can only be achieved using goal-oriented methods, with the control and leadership of professionals and the voluntary cooperation of convicts. This process in itself is re-integrational education. Using the terminology of the Prison Code: "The activities dedicated to helping the convicts in their reintegration into society are – either individually or with the participation of other organizations – provided by the authority responsible for the execution of criminal sanctions through employment, therapeutic activities, vocational trainings, elementary, secondary and tertiary education and other re-integrational activities. The authority responsible for the execution of criminal sanctions performs these tasks with professional methods that are tailored to each convict."[39]

The previously mentioned sub-goals that are indispensable for achieving the main ones form an integral part of the criminal-pedagogical auto-definition. (Ruzsonyi 2006, 21.) However, there is one very important condition which we have to observe during our argument. Re-integrational activities that are performed during incarceration are by no means goals, but mere tools: tools that facilitate the achievement of goals (prison adaptation and reintegration into society), they are not exclusive ones.

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[37]   Prison Code § 83 (5).
[38]   Prison Code § 83 (8).
[39]   Prison Code § 83 (3).

In our opinion, the new law establishes a useful framework for the implementation of re-integrational efforts by creating an "adequately structured and differentiated regime system the elements of which provide a re-integrational program suited for the personality of each convict while observing the principles of individualization." (Schmehl 2013/4, 19.) The foundation of this system is a professional work process that facilitates reintegration, secure operation and the reduction of recidivism through getting to know the convicts, evaluating related information, monitoring the changes in their personality, and continuously re-validating previous decisions.[40] The legal framework for this effort has already been provided. This framework remains to be filled with meaningful content, which will be the task of the correctional professionals.

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[40]   See Concept, 3.

Chapter V.

INTERNATIONAL TENDENCIES
OF CRIMINAL-PEDAGOGICAL EFFORTS

Based on the concept developed by Thyssen, there are two ways to analyse the functions of prisons. One of these is conducted from the aspect of the penal functions said institutions fulfil. This analysis focuses on the bars, security doors (with external knobs only), staffing, the strictness of the daily schedule and the lack of private life and interaction with the other gender. The second method revolves around the examination of reintegration effort. In this case, we consider prisons as enormous "education machines" which strive to achieve a degree of mental and spiritual improvement in the inmates, utilizing direct and indirect tools for this aim. (Thyssen 2003)

1. An International Analysis of Prisoner Reintegration (Treatment, Correction and Formal Education)

Currently, several different reintegration concepts are operational throughout the planet, which means that there are many practices followed at the same time. The situation is changing dynamically and many countries are constantly on the lookout for improvements and innovative ideas. In order to analyse the various – often very different – philosophies and the related practices, it is advisable to systematize them.

As starting points, we use two concepts created by Dünkel (1990), which academic literature considers the most important ones

nowadays. These two concepts **(juvenile protection**[41] and **justice**[42]**)** serve as the foundations of the correctional education systems, namely the **neo-treatment** and the **repressive systems.** (RUZSONYI 1998)

We believe that while this division is adequate as a starting category, it is not capable of providing a more refined picture about the practical methods, hence we find it well-founded to expand and specify it. Taking into account the above, we will insert another category – the intervening sanctions – among the previous two and will handle it as a separate one. This category is reserved for sanctions and measures where the correctional systems do not establish partnership-based cooperation with the inmates, but are not characterised by repudiation and defencelessness either. (RUZSONYI 2002)
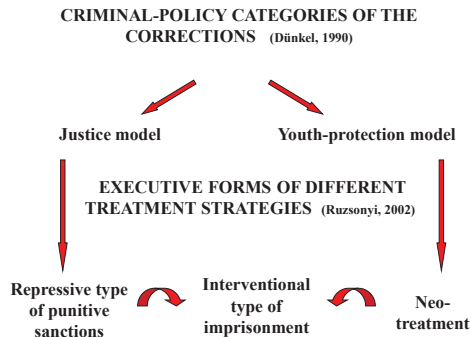

Figure 6.

Criminal policy categories of the corrections

Source: drawn by the author

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[41] Based on the standpoint of the juvenile protection concept any vindictive legal retribution that fails to target the reasons for the subjects' criminal enterprise induces further relapses and more severe criminality, rendering it counterproductive. The concept advocates positive resocialization involving the complete reintegration of the perpetrators, through the improvement of deformed personal attributes so that the convicts themselves would recognize the negative aspects in their own personalities and offering them a chance to find an acceptable solution on their own.

[42] The justice concept, on the other hand, is a way more conservative approach since it represents the classical principles of criminal law and takes a stand beside the importance of general prevention and due formal proceedings.

1.1. Repressive Sanctions

A typical example to practices using repressive sanction systems is the boot camp type.[43] Classical boot camps can be regarded as extreme examples to total institutions as described by Goffman, because they:

- determine and specify the place of their members and provide (rather small) boundaries in which they can live;
- determine the peers of those inside;
- specify the activities, their form and schedule;
- sets a timeframe in which the competent general authority with the jurisdiction can prescribe what its subjects can do. (GOFFMAN 1974)

Further characteristics of boot camps: life within their walls is rigorous, privileges are scarce. However, they are still rewarding those non-violent juvenile offenders who, instead of spending years incarcerated, get to spend a 90–180 days in a controlled environment within a camp. Accepting the classification of Osler (1991), the fundamental objectives of boot camp-type practices are the following:

1. *Deterrence* (special deterrence for the subjects, general prevention for free citizens with criminal intentions);
2. *Rehabilitation* of prisoners;
3. *Sanctioning* the committed crime;
4. *Reducing the overcrowding* within prisons and the *costs* associated with incarceration.

The efficiency and results of boot camps is a hotly debated issue nowadays. Some articles, essays (GÜLTEKIN–GÜLTEKIN 2012) and some official reports (US Bureau of Prisons 1996) recognize the achievements of these camps. The majority of the academics, however (MACKENZIE–WILSON–KIDER 2001; TYLER–DARVILLE–STALNAKER

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[43]   In this study, only the most basic, fundamental aspects of boot camps are listed. Detailed analysis on the topic can be found in the previous publications of Ruzsonyi (2000a, 2000b).

2001; WILSON–MACKENZIE–MITCHELL 2003; MUSCAR 2008), present strong arguments against this type of implementation.

In the following chapters, we will focus on the practices followed within Europe. Since boot camp-type systems do not exist in our continent (currently boot camps can be found in the United States and various Asian countries), it is necessary to restructure the illustration we began with.

If we wish to create a more picturesque illustration of the European practices, then we will have to relocate those that follow the "pure" justice concept to the category of intervening sanctions. With this step, we can concisely depict the hiatus associated with the more repressive forms. On the other hand, we have to accept that this step leads to the establishment of subgroups – each having its own attributes – within the previously homogenous category of intervention practices.
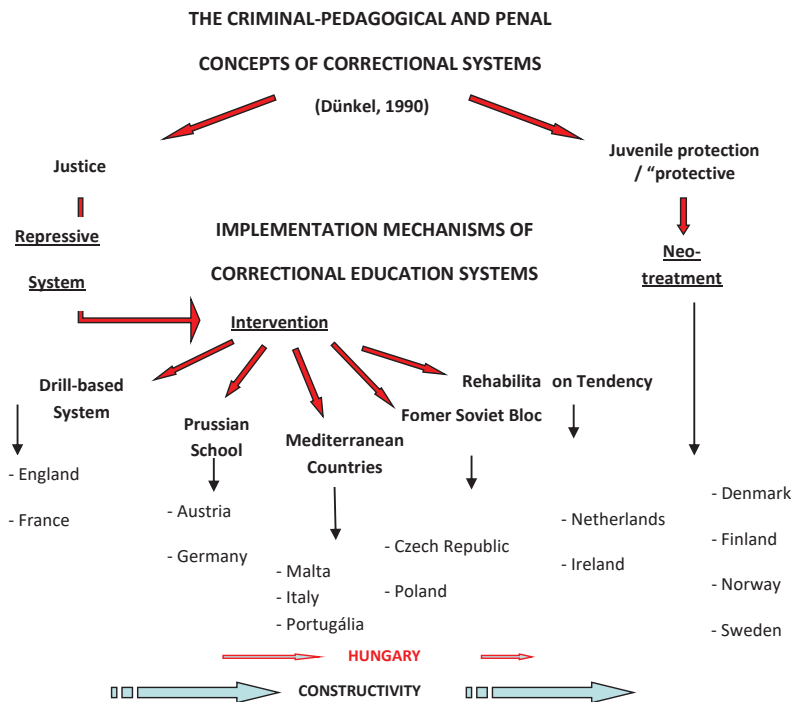
1.2. Intervention School

THE CRIMINAL-PEDAGOGICAL AND PENAL

CONCEPTS OF CORRECTIONAL SYSTEMS

(Dünkel, 1990)

Justice

Juvenile protection / "protective

Repressive

IMPLEMENTATION MECHANISMS OF

Neo-

System

CORRECTIONAL EDUCATION SYSTEMS

treatment

Intervention

Drill-based

System

Rehabilita on Tendency

Prussian

Fomer Soviet Bloc

School

Mediterranean

- England

Countries

- Denmark

- Austria

- Netherlands

- France

- Czech Republic

- Finland

- Germany

- Ireland

- Malta

- Norway

- Poland

- Italy

- Sweden

- Portugália

HUNGARY

CONSTRUCTIVITY

Figure 7.

Sub-divisions of the intervention school

Source: drawn by the author

The intervention school thus can be considered the most "general one", out of the practices used within European correctional efforts. Its general characteristic is its abstinence from the extremes.

In the following chapters, we will take a look into the subgroups of the intervention school.

1.2.1. Drill-based System (England, France)

The total isolation and rigorous emphasis of the vulnerability of the subjects is apparent in the countries using this system. Most of their institutions are old, high-capacity. Panopticon-like structures are an uncommon sight. The institutions were built to isolate the prisoners from each other. The appearance of these buildings is rarely pleasant: the walls, bars and wire fences are designed to be intimidating to those inside and remind them about the consequences of their – possible – misconduct.

The authorities have leverage over every aspect of the "internal" life, which also means that prisoners are unable to choose their company or their daily activities. These institutions rarely seek substantial innovations, so it is of no surprise that their international relations are insignificant. During the incarceration of the convicts, emphasis is put on the punitive and deterring aspects of the sentences.

1.2.2. Prussian School (Austria, Germany)

In Germany and Austria, the high number of drug addicts and foreign citizens is the greatest challenge. The ratio of foreign prisoners is slowly increasing, often exceeding 70%. The correctional system used for juveniles is a lot less severe than the system used in the case of adult convicts since vocational training and increased interaction with the external environment enjoys a pivotal role. Labour and education is mandatory for everyone. Although this system recognizes the individual within each prisoner, the treatment programs are planned with a severely limited scope of needs (substance addiction, severely aggressive personality) without demanding active and voluntary participation from its subjects.

1.2.3. Mediterranean Countries (Malta, Italy, Portugal)

The theory and practice followed by the countries above shows similarities to the drill-based system and to the rehabilitation tendency, as well. The concept of execution is under constant development and contains several progressive elements even at the present date. Material conditions, however, are rudimentary. The social acceptance and integration of the system of institutions is better than the European average, but the staff is not as qualified. The ideological influence of the Catholic church is apparent.

1.2.4. Former Soviet Bloc Countries (the Czech Republic, Poland, Romania etc.)

These countries cannot forget the more than 4-decade-long direct ideological and political influence on the everyday life. The strongest characteristic of that regime was the dictatorial intervention in many areas and the prison system was one of them. The brainwashing, the ideological transformation of the prisoners was the main expectation from prison services. Because this goal was essentially inaccessible, the prison systems were foredoomed to failure which resulted in disappointment and the feeling of incompetence among prison officers and other experts. Since the political shift, these countries started to create their own prison systems and look for an own unique image. In spite of the actual quest for own specificities, these countries' prison systems are based on the same ideological approach of crime, punishment and criminals, and many of the prisons have the same architectural structures. Above all the public expectations are very similar related to the tasks of imprisonment and they are not supportive at all.

1.2.5. Rehabilitation Tendency (the Netherlands, Ireland etc.)

The other pillar of the intervention system is the rehabilitation tendency. This philosophical and practical approach bears significant similarities with the neo-treatment school. The internal disciplinary and reward structure, the system of measures all serve educational purposes. Libraries, classrooms and workshops exist to facilitate the education of prisoners. The pastors, educators, counsellors, social workers and medical staff enjoy a significant role in this system. The activities are influenced by the interests and needs of the inmates. Cooperation is apparent in every aspect of internal life.

We will briefly explore the subgroups of the intervention system by using several examples. We hope that this will help the readers observe the tendencies and characteristics. In order to facilitate the comprehension of the following chapters, we will provide several differences and similarities among them.

1.2.6. Substantial Similarities

- the declared goals are relatively homogenous; re-socialization is in the foreground;
- they accept the importance of openness, normalization and responsibility;
- their concept of jurisdiction is immature and it is steadily changing, sometimes the demand for reprisal becomes essential;
- the consumption of drugs and its trading within is handled as a fact;
- the number of inmates is steadily increasing, overcrowding has become permanent;
- vocational training is of vital importance;
- lack of demand for actual co-operation.

1.2.7. Substantial Differences

- as to personal and material conditions;
- as to principles of differentiation;
- as to the quality and quantity of the relations that can be held with the outside world, as well as the quality and efficiency of the after-care system.

1.3. Neo-treatment (Denmark, Finland, Sweden, Norway)

The three key activities collected by Thyssen (2003) (punishment, resocialization, care) individually play an important role in this type. Correctional experts of several associated countries have recognized the fact that prison environments play an important role in achieving a positive change in one's personality, facilitating the post-release reintegration of convicts. According to a widely backed aspect, the more a prison environment is successful of simulating the attributes of social life, the easier the subjects' return to society will become.

Communication, alternatives and the feeling of responsibility became the foundations of normalized prison management. These institutions work openly and under a significant control exerted on them by society. The public is able to view and even monitor every moment of the convicts' lives. These conditions facilitate the "external" point of view into an "internal" one, supporting the prisoners in developing skills related to self-development and evaluation. By subjecting the prisoners to external monitoring, they hope to create some sort of self-control in them while developing their conscience. It is by no means a surprise that the phenomena of substantive cooperation between society and prison has only been established in countries where political safety and welfare are considered universally available.

Characteristics of the neo-treatment system:
- need-based programmes;

- supportive institutions and programmes;
- substantive partnership;
- multi-layered education and trainings;
- development of cognitive skills associated with pro-social behaviour;
- improving decision-making;
- "experience" pedagogy;
- sport, recreation;
- special programmes for drug and alcohol addicts;
- treatment for sexual offenders;
- responsibility-based progressive system;
- supportive social environment.

Chapter VI.

FACTORS CAUSING
A DESTRUCTIVE WAY OF LIFE

Academic literature on the field of correctional pedagogy and practical experience alike warn that criminals – particularly juvenile offenders – have serious issues regarding their self-esteem, their bearings, over-exaggeration of selfish values, problem sensitivity, tolerance level and empathy.

Thus, we analyse three aspects that have a great influence on the social skills of individuals (namely *intrapersonal, interpersonal and social conflicts)* and the cognitive deficiencies in the background.

1. Intrapersonal Conflicts
and the Related Cognitive Deficiencies

Hunt provided statistical evidence to the fact that the chances of finding criminals is significantly higher within groups where the members have underdeveloped self-esteem, who are egocentric and impulsive and who possess low tolerance levels in tense situations. (Hunt 1971) These juveniles contemplate the world from a completely egocentric point of view. (Ross 1989)

Examining the hopeless open or introverted aggression of several juveniles, Skiera came to the conclusion that these people had been disappointed many times already by not having sufficient sources to appease their basic needs and carried this burden within them. (Skiera 1994)

Ross and Fabiano believe that the criminal behaviour of the prisoners is significantly influenced by their knowledge, their way

of thinking and how they process the events around them, their capability of understanding others, their standards of values and their problem-solving methods, as well. (Ross–Fabiano 1985)

The conclusions of Yochelson and Samenow contain several characteristics that had already been designated as important attributes, such as volatile personality, rigid thinking, rash and irresponsible decision-making and self-regard as victims. (Yochelson–Samenow 1976)

Lajos Garami discovered largely similar results during his investigation. He emphasizes that the life of juvenile offenders is barren and severely limited. They are unsure about their emotional ties. Their principal objective is to become anarchically individual and self-reliant: to become people of prestige who are entirely devoid of limits. Since this aim – partly due to their conditions and lack of skill – is condemned to failure, their emotions become harsh, rendering them particularly sensitive to outside stimuli. It is very typical that they experience their plight as a permanent environmental conflict in which they are powerless and feel like they are losing ground, leading to an increased psychical tension. They only possess the most primitive way of dealing with conflicts or tense situations. They tend to choose intra-extra aggression as their principal coping methods. (Garami 1978)

Duguid points out the fact that the cognitive skills of most adult criminals are even below the level of teenagers. Using the terminology of Piaget, he concludes that their thinking is incapable of achieving the operational level of cognitive development. (Duguid 1981)

2. Interpersonal Conflicts and the Related Cognitive Deficiencies

Problem-solving skills consist of special capabilities which determine the individual's chances of understanding and successfully handling interpersonal situations. Spivack et. al claim that most of the prisoners are incapable of coming to terms with other people's points

of view and the fact that their needs might be different than theirs. Consequently, criminals are often unable to recognize and observe other people's feelings and foresee their reaction towards their behaviour. They lack the necessary attributes that would facilitate the development of alternative problem-solving methods and think about ways how they could react. They are also incapable of planning their solutions to problems, rendering their reactions habitual and usually futile. These people have issues in analysing their goals, as well. Most of the prisoners cannot foresee the anticipated consequences of their deeds, meaning that they cannot choose the best variation either. (Spivack–Platt–Shure 1976)

The link between cognitive skills and criminal behaviours has been comprehensively explored by a joint study of the authors quoted above. They determined the scope of skills associated with interpersonal problem-solving which they consider important for problem-free existence within society. They believe that the lack of such skills is related to the system of inadequate behavioural patterns (for example criminality, and the lack of skills related to observing responsibilities). (Spivack–Platt–Shure 1976)

Criminals cannot comprehend and accept the fact that other people's feelings and ways of thinking might be different from their own. They have never learned to consider or respect the other peoples' feelings, which means that they frequently misunderstand their acts and intentions. The lack of such basic social skills severely reduces their chances of establishing meaningful relationships with others. (Ross 1989)

Their skills of integrating into social circles is inadequate due to their limited empathy and hampered emotions. (Feshbach 1975; Garami 1978; Ellis 1982)

Among prisoners, interpersonal problems are very frequent due to the fact that they simply disregard that their behaviour might have certain repercussions. Their egocentric ideology often leads to their isolation. Their thinking is resembled by irrationality, inconsequence and the lack of self-criticism. This makes them easily fooled and suggestible. They are also easily manipulated, an attribute that is

abused by others since their words and deeds are not influenced by common sense or rationality. (ROSS 1989)

Based on King's conclusions, the impulsive behaviour and low decision-making skills of criminals can be traced back to their failed cognitive development.

3. Social Conflicts
and the Related Cognitive Deficiencies

During his analysis on persistent delinquents, some authors (JURKOVIC–PRENTICE 1977) came to the conclusion that these people have limitations in understanding the principles of social behaviour and accepting the norms pre-set by others. Thus, they cannot foresee other people's reaction and behaviour.

Sarason believes that criminals generally have a different comprehension of the world and their own future and this is what makes them different from non-criminal people. The author wanted to prove that the reason behind the perpetrators' acts was their faulty perception (lack of comprehension). They create a world for themselves, sorely lacking the pro-social patterns associated with social adaptation. Using statistical data, he states that the reason behind the criminals' failure in acquiring socially acceptable ways of reacting to external stimuli is the fact that no alternatives had been at their disposal for observing and practicing socially acceptable behavioural norms. (SARASON 1968)

Analysing the peculiarities of antisocial behaviour, Vajda determined that it is often related to the lack (or severely limited form) of social skills and poor personal relationships. (VAJDA 1994)

Chandler believes that the prisoners are unable to honour other people's aspects and opinions and are incapable of reacting to them adequately. Their social decisions/judgements are improper. (CHANDLER 1971)

According to Goldstein and Blackman, the thinking of prisoners is mostly resembled by rigidity, their incapability of seeking out

alternative ways to analyse and solve an issue, their weak skills of accepting various social roles, poor self-esteem and extremely harsh judgements. (Goldstein – Blackman 1978)

Criminals act impulsively and are unable to delay their reactions. They act without thinking and fail to evaluate their behaviour and its consequences even after they happened. The infamously selfish and insensitive nature of criminals is of course not only the question of their temper, but also of various cognitive deficiencies. They fail to observe one very significant element of lawful behaviour: the need to calculate the effects their actions have on other people. They often do not comprehend the significance of problems that exist in their relationships, meaning that they keep using obsolete and inefficient methods to cope with them. They also do not understand the relation between their own behaviour and the reactions of others. They only think about short-term benefits during the evaluation of the consequences of their actions, and fail to observe their long-term effects. Their egocentrism is mirrored by their values. When deciding about what's "good", they only consider their own interests without observing others.' Their opinion is: "if this thing is beneficial to me, then it is good." They are intolerant and insensible towards others not only in their behaviour, but also in their cognitive skills. (Ross 1989)

4. Life Experiences

According to a study published by Ayers, most of the convicts do not possess sufficient life experience indispensable for the successful "membership" in society. (Ayers 1979) In Hungarian professional literature it was Anna Volentics who emphasized the importance of introducing practical life experiences into the process of formal education. She considers the practice of these crucial. (Volentics 1993)

5. Cognitive Deficiencies and Criminality

Most of the prisoners prioritize external issues. They believe that the events that happen to them are dictated by fate, the reasons behind them influenced by luck. They consider themselves incapable of controlling the occurrences because others have leverage over them. They also frequently self-identify as victims of circumstances they are unable to influence. In the end, they give up on their wish of having control over their own fate. (Ross 1989)

The results of scientific investigations show that the thinking and cognition of criminals is very concrete. The only way for them to understand (or care about) something is if they can see, touch, feel or smell it. Thinking about more abstract concepts they have no instantly available experience about poses a significant challenge for them. The lack of abstract thinking means that their knowledge of the world diminishes and have issues in understanding the concepts of justice and social thinking, and the rules behind norms and laws. Abstract thinking is a basic requirement for the successful comprehension of other people's ideas and feelings. (Ross 1989)

We have to emphasize – as several articles do – that while the deficiencies listed above are noticeable in the case of the vast majority of convicts, they are not universally applicable for the prisoners. Some of them exhibit surprisingly high cognitive skills, which sometimes surpass even an average person's capabilities.

When addressing the issue, one also has to bear in mind that several intelligent, adaptable and socially productive persons have been identified as cognitively deficient, which is an attribute typical of prisoners. (Ross–Fabiano 1985)

Taking into account the above, we are certain that cognitive deficiency cannot be considered the sole reason behind criminality. (Ross 1989) However, we believe that the issue – without over-exaggerating any connections – still has to be addressed during the creation of the correctional education system.

As a summary, it is worth citing the works of several authors (Dennis 1987; Ruzsonyi 1998; Kapa-Czenczer 2008) and

workgroups (Romig–Cleland–Romig 1989) in which they tried to collect the most definitive reasons behind juvenile delinquency and criminality.

The following factors have been discovered:

1. Physically abusive, violent or unlawful behaviour of the parents, sexual abuse of the child (children);
2. Lack of feedback on the required and desired behaviour;
3. Lack of connection with law abiding parents, or other adults, separation;
4. Friends and acquaintances support and/or model unlawful behaviour;
5. Failure of the parents to provide concise, unambiguous behavioural patterns, expectations and sanctions that are adequate for a given age;
6. Lack of empathy towards each other;
7. Lack of trust in the moral values of society, refusal of its principles;
8. Substance or alcohol dependency, abuse and/or addiction;
9. Lack of skills supporting pro-social solution and planning of issues; lack of grounded, reasonable and responsible decision-making skills; incapability of seeing the consequences of unlawful behaviour;
10. Violent outbursts, aggression, unlawful behaviour, the influence of sexual problems on the personality;
11. Impulsivity, inability to say no, low self-control;
12. Skipping school or work, excessive amounts of free time, uncontrolled leisure periods;
13. No emotional link towards school, work, church congregations or any other pro-social institutions or organizations; bleak emotional life;
14. Lack of dedication towards formal or informal education;
15. Lack of general goals or plans required for achieving long-term personal plans;
16. Lack of skills and talents associated with meeting personal needs;

17. A series of educational failures, lack of pro-social successes;
18. Unemployment, low income, lack of financial resources;
19. Frequent boredom, lack of options to induce socially accepted forms of pleasure;
20. Not being aware of methods with which failures, frustration, anger, depression and refusal could be managed or treated to a degree;
21. Limited comprehension of the concept of social behaviour and the rules created by others;
22. Faulty perception, lack of abstract thinking, extremely direct reasoning;
23. The informal way of declaring someone a criminal (stigmatization) facilitates criminal intentions;
24. Being part of an antisocial environment.

It is easy to see that prison environment is incapable of eliminating the factors listed above. It would be an error, however, to relinquish procedures that would facilitate the personal development of prisoners and reduce the harm caused by discovered deficiencies. The criminal-pedagogical personality interpretation introduced before can support the creation of the system of practices.

Chapter VII.

CRIMINAL-PEDAGOGICAL PERSONALITY EVALUATION

1. Alternatives to Personality-improvement among the Prisoners

For an easier comprehension of the process of personality-improvement, it is worth using the evaluation chart (Ruzsonyi 2007) that is becoming more and more accepted by criminal-pedagogical professional literature and is based on the concept created by István Bábosik (1992, 1999, 2004) focusing on the creation of a law abiding, constructive way of life.
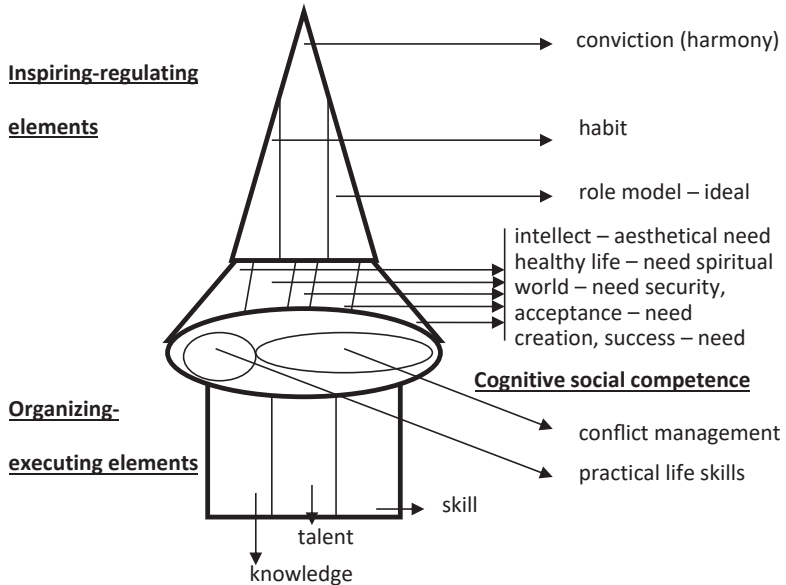
Figure 8.
The pedagogical fundamentals for a constructive way of life
Source: drawn by the author

In the following, we will provide a glimpse into the group of elements that constitute an individual's personality (inspiring-regulating elements, cognitive-social elements, organizing-executing elements) and will explore the pedagogical activities that can be used to establish or shape the elements contained within the main components.

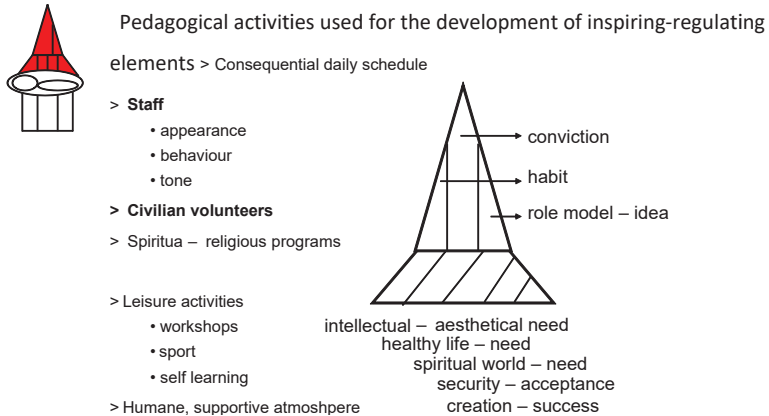## 1.1. Pedagogical Activities Used for the Development of Inspiring-regulating Elements

Pedagogical activities used for the development of inspiring-regulating

elements > Consequential daily schedule

> **Staff**
> • appearance
> • behaviour
> • tone

> **Civilian volunteers**

> Spiritua – religious programs

> Leisure activities
> • workshops
> • sport
> • self learning

> Humane, supportive atmoshpere

conviction

habit

role model – idea

intellectual – aesthetical need
healthy life – need
spiritual world – need
security – acceptance
creation – success

Figure 9.

Pedagogical methods used to develop the inspiring-regulating element group
*Source:* drawn by the author

The inspiring-regulating elements encompass the motivational-necessary formulae. This ingredient is directly responsible for the social quality of the activity and it has a direct influence on whether a person uses his or her organizational-executive skills for a socially beneficial enterprise, or practices an antisocial activity. The development of these elements depends on the professional organization of the educational process. The importance of the creation of behavioural customs is supported by evidence which proves that the reason behind the criminals' failure of developing useful ways of reacting to events is the fact that they had no access to observe and practice socially acceptable behavioural habits. (SARASON 1968) In our case, this means the enforcement of a coherent daily schedule.

The persons who convey a constructive behaviour model have to be efficient, suggestive and experienced. They should possess a certain plus in particular skills (knowledge, aesthetics, physical ca-

pabilities etc.) when compared to the general environment. Moreover, it is very important for them to have a self-assured appearance, determined tone and presence and a consistent supportive attitude. The cooperation of charity and religious organizations coupled with the efforts of civilian volunteers can expand the scope of these persons.

The scope of needs that are realistically present in the everyday lives of prisoners is severely limited by the prison environment. This is why it is crucially important to make sure that the conditions (workshops, sport, self-education) are available within the institutions.

1.2. The Pedagogical Tools for the Development of Organizing-executing Elements
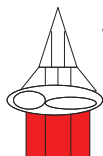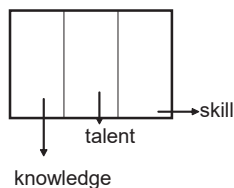

Figure 10.

Pedagogical tools for the development of organizing-executing elements

Source: drawn by the author

This group of elements also plays a vital role in the establishment of a constructive way of life. It mainly consists of knowledge, talents and skills. It is characteristic in a way that instead of the basic social directions of individual activity, it determines the details of said activities. Without a sufficiently advanced organizational-executive element group, the individuals would be incapable of self-control. Without this attribute, their lives would be unstable, subject to the influences of external stimuli and would require constant support. Even a slighter deficiency can trigger issues in choosing adequate behavioural alternatives and can prevent the anticipation of the consequences pertaining to them. All this can facilitate the derailment of one's way of life towards a more destructive path. (cf. SPIVACK–PLATT–SHURE 1976) In this case, the undeveloped state of organizational-executive elements is coupled with the significantly handicapped social skills, which is the main negative influence to quality of the inspiring-regulating elements.

In order to develop the organizational-executive elements, we have to solve the issues related to classical education and vocational training. Besides eliminating the deficiencies related to general knowledge (primary education, workshops, contests), it is crucial to extend the scope of vocational trainings and to make employment generally practiced.

1.3. Cognitive Social Competence

1.3.1. The Attributes of Cognitive Social Competence

We have already referred to the importance of competence-development as one of the most specific fields of criminal pedagogy. Almost all personal competences (decision-making skills, reasoning, critical thinking, anger and conflict management, emotional control, etc.) can be linked to cognitive social competence.

The group of elements called "cognitive social competence" – as the elements dedicated to the elimination of cognitive and social

deficiencies – will be inserted into the system due to the peculi-arities of prison correctional pedagogy. The special characteristics of the prisoners and the pedagogical system that is largely different from the average situation (Ruzsonyi 1997) requires a more spe-cific approach and management, since the discovered deficiencies in the organizational-executive elements show that in this case, the issue extends beyond the low intellectual skills and poor material knowledge of the subjects – which are issues that can be done away with using formal education. In the case of the convicts, the general state of development (or the lack of it), organizational-executive elements is the main factor that negatively influences the quality of inspiring-regulating elements.

During planning the process of correctional education it is vital to take into account the thinking deficiency that is generally present among the prisoners. Because of this, it is worth to take note of the cognitive peculiarities associated with them during the scheduling of cognitive and social development. It is important to be aware of the fact that before incarceration – during their socialization – prisoners had already created an image of their envi-ronment based on their own perception which lacked the elements associated with the prosocial way of social adaptation. They had no option to observe, practice and reinforce the accepted social norms. (Sarason–Ganzer 1973)

Cognitive social competence is a group of elements established through the processing of information (cognitive). Its aim is to create *personal* (self-stabilization) and *social* (cohabitation, behaviour that is accepted by wider social circles) competences. In other words: cognitive social competence is a personal and social standby mode which provides ample grounds for the evolution of human functions and serves as the pre-condition for the social operation, behaviour and development of a person. (Ruzsonyi 1998) It is composed of conflict management (intrapersonal, interpersonal and social) and life experience. This group of elements is interwoven with *moral disposition,* which, on the other hand, only manifests during the practice of activities related to self or group development.

Pedagogical Tools for Developing Cognitive-social Competence

> Self-sustenance (cleaning, cooking, decorating)

> Options for gatherings (clubs)

> Conflict management trainings

> Self-awareness trainings

> Inhibiting "hotel functions"

> Strengthening responsibility and
 self-esteem (challenge-like tasks)

> Creating situations for REAL decisions
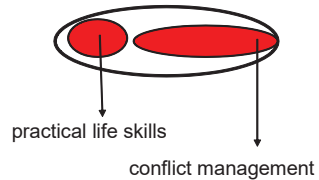 (scoring system)

> Cognitive trainings

practical life skills

conflict management

Figure 11.

Cognitive-social competence

Source: drawn by the author

Cognitive-social competence is located between the inspiring-regulating and the organizing-executive elements, with several overlapping areas leading to a special interaction. The organizing-executive group of elements – in itself – does not possess any moral guidelines but its components are "coloured" by the cognitive-social competence. During its operation, cognitive-social competence can lead to the creation of social identity. This means that some of the skills and talents associated with the organizational-executive group will have an effect on the social quality of an individual's activity. However, the presence of social skills does not automatically mean that the individual's own organizational-executive skills will be used to the benefit of society. In other words: the development of social skills is an important, but on its own not sufficient enough condition for existence of socially adequate behaviour and activities.

1.3.2. Development of Competences

In order to provide the foundations for the everyday existence of the prisoner and to improve their social skills to facilitate a constructive way of life after their release, efforts have to be made to simulate pedagogical situations which prisoners can easily recognize as important and necessary. The environments immediately surrounding the prisoners can be shaped, their circumstances altered so that they would accept the need of self-sustenance; realistic situations can be created in which they can experience the results and consequences of their decisions (scheduling, workshops, voluntary tasks etc.). Self-knowledge and conflict-management trainings can only become popular if they can be addressed to the needs of the prisoners. Challenges and tasks requiring special effort (sport contests, races, scoring: where prisoners can be assigned points for participation in certain tasks which they can accumulate and later exchange for various benefits) strengthen their responsibility, decision-making skills and self-esteem.

For the successful development of competences and in order to establish control over the behaviour, it is worth focusing on the following educational activities and program components:

Improving self-esteem: discover and support the hidden capabilities of individuals; support in developing high self-standards.

Understanding the principles of social behaviour: understanding the concept of society from a "human" aspect; accepting the mutual responsibility and interdependency; making the prisoners recognize the importance and significance of norms, morals and laws.

Recognizing social obligations: understanding the process of human cohabitation, accepting the importance of a constructive way of life, comprehending the essence of social existence.

Interpersonal problems and conflicts: verbally addressing conflicts, tense situations, differing opinions and interests; teaching techniques aimed at avoiding physical confrontations.

Anticipation: thoughts, acts, cooperation (or its refusal), and the foresight of the consequences likely to be anticipated after

a physical confrontation; being able to observe the possible conse-
quences and the capability of reflecting on one's behaviour.

Social empathy: being able to sense the reactions and feelings
of the environment after the actions of the individual.

Intellectual development, correction of errors: focusing on
handicapped thinking mechanisms (perception) and comprehension,
the program constantly emphasizes that one has to take responsibility
for his or her intents and actions.

Anger management, recognizing and observing emotions:
introduction and practice of methods and techniques with which
subjects can handle conflicts and differing opinions.

Problem solving and analysing skills: proving the futility
of strategically running away from problems; logical construc-
tion of the steps aimed at eliminating conflicts and the capability
of evaluating (and if necessary, changing) them.

Logical thinking, debating skills: cause-effect based attitude;
being able to differentiate between them; the preference of a logically
structured system of reasons.

Critical thinking: calm and meticulous analysis of the values
conveyed by the mostly external stimuli that have an influence
on one's life (e.g. commercials, the influence of peers or a person
of authority).

Avoiding substance addiction: showing the harmful effects
of alcohol and drugs to juvenile people. It raises awareness for their
adverse effects on the individual, his or her friends, family and
society itself.

AIDS education: understanding the syndrome, showing dan-
gerous factors and the options for protection.

Practical life skills: establishing basic skills required for self-
sustenance (cooking, washing, ironing, cleaning, use of household
appliances) and teach the related knowledge (financial planning and
discipline); train the subjects in order to improve their chances of suc-
cessful labour market integration (filling questionnaires, communica-
tion, appearance, negotiation skills) and to be capable of recognizing
and using the social and welfare institutions (and services) of society.

Based on the classification of Sági (1998): (1) knowledge related to the social environment (accommodation, income, employment, civilian obligations); (2) skills related to the immediate social environment of the subjects (health, expenses, self-sustenance); (3) vocational guidance and motivation; (4) consultation, aid, support; (5) morality-endangerment. Based on the study of Ayers (1979), most of the convicts simply do not possess skills that are indispensable for becoming diligent members of society. In Hungarian professional literature, it was Anna Volentics (1993) who emphasized the importance of introducing and utilizing the "curriculum" of practical life skills into the formal education of the relevant subjects.

The circumstances and situation of the victim: besides making them accept the rights of the victim, the empathy of the subjects can be improved so that they recognize the consequences of their actions, morally and emotionally deterring them from further criminal enterprise.

The programs dedicated to the treatment of *sexual criminals* belong to a special field. During the activities, all participants (involving juveniles as well) participate in analysing the sexual needs that led to the crime, explore the effects of sexual aggression on the victims and increase empathy toward them, and teach the prisoners how to overcome and control the sexual frustration caused by repeated rejections. They facilitate the creation of a self-regulating program.

Preserving the values of the traditional culture: the program teaches the basic values, customs, habits and beliefs of the (predominantly) gypsy culture to the participants.

Spiritual care: helps the prisoners obtain a pro-social system of values and can offer mental aid to those at a disadvantage.

Formal education and vocational training: literary skills, reading and calculus is improved in a controlled environment helping the prisoners gain the basic skills required for their successful labour market presence.

Physical education and sports: form an integral part of the program. It is advisable to conduct organized trainings for at least 90 minute a day. Should the schedule incorporate various tasks, then

the prisoners shall be expected to solve these in groups with impeccable sportsmanlike conduct. Physical education sessions are built on the cooperation with the peers, increasing self-esteem, trust and positive self-expression.

Employment: a not-for-profit type of labour that plays an important role in improving the responsibility and standards of the prisoners and in teaching them the basic work phases.

In choosing from the scope of activities and the related educational methods above, the personality of the prisoner in question, the social environment surrounding him or her, the conditions provided by the institution he or she is staying at and the given pedagogical goals are taken into account. We believe that by determining the pedagogical goal (establishing a constructive way of life) and demonstrating the pedagogical concepts related to personality improvement, we provide ample grounds for those interested in the topic to obtain a comprehensive picture of the efforts of prison correctional pedagogy.

Going over the separate options what becomes obvious is that in our endeavour of achieving a constructive way of live we only used programmes, tasks or activities that can already be found in the daily practice of the correctional system. It is significantly different from the earlier, "spontaneous" organization of these tasks in that these activities – with a conscious and dedicated grouping – can be integrated into a comprehensive system which – due to its structured nature – multiplies the effects of its components thus becoming more than the sum of its parts. The solution of the preferred educational tasks and conveying their values in the end means that through them, people can become capable of exhibiting moral, intellectual, aesthetical etc. behavioural forms. The needs-system created this way represents the driving factor based on which they become capable to act independently and in a constructive manner after release. (cf. BÁBOSIK 2004, 11–17.) We believe that this way, using the tools and methods of criminal pedagogy in order to achieve better prison adaptation and successful reintegration into the society is an achievable endeavour.

The principle of the activity organized and conducted in the manner above: (re)structuring the behaviour and activities of prisoners continues to enjoy a crucial role in the quest for facilitating their successful reintegration, because this is the only way to help the convicts to establish an individual, self-sufficient, law-abiding way of life.

Chapter VIII.

SUMMARY

Since libraries could be filled with the professional literature on crime, punishment and the effect of sanctions on criminals, the topic itself is handled very differently and from a multitude of aspects by scholars. Authors often analyse and then state the most extreme aspects of this field. While these claims are mostly backed up by professional inquiry, political and ideological views often influence them. (Martinson 1974; Lipton–Martinson–Wilks 1975) The doctrine that started the crisis of treatment ideology was based on the "nothing works" tenet. For the last 40 years, scepticists and those who firmly believe in reintegration have been trying to prove their points of view, using professional or ideological arguments for this endeavour.

Nowadays' prison environment is resembled by longer sentences and the general use of the "three strikes" sanctioning practice. We believe that such a repressive practice will only provide short-term improvements to the criminal statistics (Lőrincz 2003), and in addition, those under its jurisdiction tend to commit increasingly harsher crimes. (Worrall 2004) The rehabilitation of prisoners is firmly backed by Canadian authors, who still believe that the goal is realistic: Fabiano (Fabiano–Ross 1985), Ross (1989), Porporino (2010), Gendreau (Cullen–Gendreau 2000; 2001). On top of that, several professors in the United States (Cullen–Smith 2011; Cullen–Gilbert 2013; Cullen–Fisher–Applegate 2000; Johnson–Cullen–Lux 2013) also support this endeavour.

Our professional and academical opinion drifts us towards those who believe that reintegration is a viable goal. We believe that a pedagogically substantive professional work can only be

expected from a structure in which the central place is occupied by reintegration (or, more precisely, the establishment of a constructive way of life) (MACALLAIR 1993) and which in the end contributes to the conditions required for a successful reintegration. We agree with Thyssen who claims that prison systems are expected to do more than just invoke new habits and behavioural customs in a prisoner; they are required to directly influence the inner motivational workings of prisoners. However, for achieving such an improvement in one's personality, the voluntary cooperation and responsible decision-making of the subjects and at the same time respecting their self-esteem and sovereignty while avoiding harming their privacy are indispensable. (THYSSEN 2003)

At the same time, we have to emphasize that the re-education/ correction of prisoners is not our goal, just as education itself cannot be an independent goal, but only a definitive tool for refining individual personal characteristics located within people. In our case, it is crucial to add that pedagogical personality-improvement (criminal-pedagogical influence) in our view is not an exclusive tool. We have to offer a complex system in which inmate labour, psychological aid, social work, spiritual care, education and vocational training all have equal importance. Criminal pedagogy can be primus inter pares by organizing and coordinating these activities. A criminal-pedagogical aspect can create a supporting environment within institutions which provides further grounds for the personal resocialization of prisoners. Since the activities carried out within the prisons are dedicated to enable successful reinsertion into society, we do not wish to influence the internal life of prisoners as much as their internal motivation system on which they will rely following their release. We agree with the opinion of former supreme court judge Warren Burger who stated that: "To put people behind walls and bars and do little or nothing to change them equals to winning a battle but losing a war. It is wrong. It is expensive. It is foolish." (Quoted by SCHMALLEGER 2001, 439.)

We sincerely hope that by providing an introduction to criminal pedagogy, we could provide a novel insight to the reader, contributing

to the joint effort of tertiary crime prevention. We hope that by introducing the evolution of criminal pedagogy, we could convey our opinion on the importance of events taking place within prisons and their influence on the post-release life of prisoners. Trying to reduce detrimental effects is not enough. We have to create a structured whole of programs, treatments, therapies, education and trainings which can be used by the prisoners for their improvement. By presenting a criminal-pedagogical personality-evaluation structure, we wanted to provide background knowledge of practical use; determining those elements in one's personality which could be addressed in order to facilitate further changes.

Creating new methods requires an aspect – and professional reasons – which can integrate the prisons' pedagogical methods with the use of social and psychological devices dedicated to solving the conflicts between prisoners and their environment; the creation of a self-sustaining and constructive way of life; general and vocational trainings, spiritual care and the contribution of civilian organizations alike. It is important to note that the needs associated with security and the prisoners' personalities have to be harmonized in a goal-oriented manner in order to avoid any damaging overlaps and harmful effects associated with a zero-sum game. We hope that the theory of criminal pedagogy and the related practice can contribute to this effort.

We have to acknowledge the fact that re-integrational efforts do not enjoy widespread support nowadays. Increasingly severe punishments, longer sentences and deterrence are a worldwide phenomenon. This tendency has to be observed and accepted, but it would be a mistake to let go of our pedagogical pursuits. In this monograph, we demonstrated that ever since the beginnings of detention, the concept and practice of aid, education and corrections have been present and gained importance over the course of history. We are confident that the repressive tendency experienced nowadays is by no means a permanent one, because facilitating the reintegration of prisoners is important to the society as well, rendering the endeavour a goal that will become indispensable on the long run.

We hope that with our monograph we could contribute to the expansion of criminal-pedagogical ideas, and with this provide a new perspective and organizational structure for the future reintegration of prisoners. We, of course, are aware of the fact that criminal pedagogy is not a miracle, but we are also certain that neglecting such a field will result in severe long-term setbacks which would reduce the prisoners' chances for successful resocialization and reintegration.

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Criminal pedagogy is a branch of science unknown to – or at least unused by – the Anglo–Saxon countries. One of our most important goals with this monograph is to provide a comprehensive summary of the principal attributes of this field of science for those experts, scientists, teachers and university students who gather their material from English academic literature.

We sincerely hope that by providing an introduction to criminal pedagogy, we can provide a novel insight to the reader, contributing to the joint effort of tertiary crime prevention. We hope that by introducing the evolution of criminal pedagogy, we can convey our opinion on the importance of events taking place within prisons and their influence on the post-release life of prisoners. Trying to reduce detrimental effects in prisons is not enough. We have to create a structured whole of programs, treatments, therapies, education and trainings which can be used by the prisoners for their improvement. By presenting a criminal-pedagogical personality-evaluation structure, we want to provide background knowledge of practical usability; determining the elements in one's personality which could be addressed in order to facilitate further changes.

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