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CHANGES IN THE HUNGARIAN CORRECTIONAL AFTER PEACE OF TRIANON

1. A Prelude to the Corrections in Hungary During the „Happy Years”

Since 1880, the 30 years that marked the coming into effect of the Csemegi Code can be considered a fortunate period in the history of Hungarian corrections was helped by the joint endeavor to catch up to the developed civil societies, the economic conjuncture and the increasing amounts of correctional writings. While towards the 19th century, correctional science or penology

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mostly addressed topics related to the infrastructure, security, technical (all in all: „less legal) issues, by the end of the 20th century and as a result of the positivist school, the main goal of the deprivation of liberty has become that of personality-based prevention. Social sciences opened up to welcome the new scientific dimensions of psychology, pedagogy, sociology or criminology. As a result of several reform directives, professional literature enjoyed increased interest, with several significant experts of the era like *Jenő Balogh* contributing to the susceptible reform initiatives of the correctional system.²

Following the turn of the century, a large variety of important works were published, which represents the new science's expanding horizon: *Károly Vajna* processed the history of the tools and methods used as sanctions in Hungary³ and *István Megyeri* provided a detailed description on the operation of the early prison systems.⁴ The boom that was apparent in the field of correctional science during the beginning of the new century also outlined two different concepts related to the nature of the science itself. According to the first one, the new field was considered a *social science* encompassing knowledge related to various other fields such as philosophy, criminology, sociology and public administration. The other concept – through the works of *Ferenc Finkey* – propagated that correctional science was basically jurisprudential in nature, namely the third branch of criminal science. Following the footsteps of *Freudenthal and Krohne*, Finkey worked towards making others realize that inmates have a legal relationship with the state itself. He claimed that the reason for the relatively slow development apparent in the field of corrections can be attributed to the neglect its legal control had suffered before.⁵

² BALOGH, J., *The Crisis of Criminal Law*. Budapest, Franklin, 1910, p.14.

³ VAJNA, K., *Bygone Sanctions in Hungary I-II*. Budapest, Univer, 1906, p.188.

⁴ MEGYERY, I., *Hungarian Corrections and the National Detention Remand Prisons*. Budapest, 1905, p.297.

⁵ FINKEY, F., *The State of Corrections and its Reform Options*. Budapest, Grill, 1904, p.56.

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A widely acclaimed achievement of the Code – besides the regulation of the correctional field through ministerial decrees – was undisputedly the *prison construction program*, one of the most significant initiatives of the era. The condition of the framework of prisons as inherited in 1867 was incapable of realizing the sanctioning principles of civil societies, thus it came as no surprise that the realization efforts of the Csemegi Code also involved the nationwide construction of new prisons.

In 1881, the Hungarian legislation decided on the establishment of the *Szeged Royal Regional Prison*, which was constructed between May 1883 and 1 January 1885. Act no. 20 of 1884 further decided on the construction of the *Sopron Prison*, which was completed by August 1886. The third modern correctional institution was the *Budapest Prison*, completed in October 1896. The architect of these three facilities was one of the most prolific experts in contemporary Hungary, *Gyula Wagner*. These three new prisons were faithful representations of the state-of-the-art prison construction concepts. Szeged and Budapest served as the premises for a groundbreaking solution of the 19th century, namely the star-shaped design, which *Wagner* – due to the attributes of the old sugar factory – could not follow. Nevertheless, he still made efforts to utilize the achievements of modern prison architecture here as well.

Besides the nationwide constructions, the turn of the century also witnessed the renewal efforts of the construction of *the network of courthouse-adjacent detention centers*. The constructions were similar in a sense since contrary to the planning of independent prisons, these detention facilities were situated in the same blocks courthouses operated in, serving as „backstage” to the judicial bodies. The logic behind this arrangement was clear: the judge, the prosecutor,

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the court apparatus and the accused could gather in a simple, yet secure was, without unnecessary disruption from the public. Hanging corridors were widely used in cell buildings, which was no different from the wing of a star-shaped prison section. These facilities (originally of local jurisdiction) comprise the majority of today's prison network. The establishment of these building complexes was based on two fundamental aspects. One of these is the dynamic development of the justice system, while the other is the presence of lucrative resources allowing orders to be made. The building complexes not only became the centers of regional justice, but also served as architectural landmarks, with some of them becoming actual attractions. While – based on international experiences – penal congresses suggested a simple, goal-oriented approach to the architects; justice buildings had their fair share of monumentality, uniqueness and art. By the end of the century, 9 prisons of national jurisdiction were in operation, together with 65 detention centers adjacent to regional courts, and another 313 operating alongside district courts.⁶

The successful efforts of the era were not only ensured by the developing material conditions, but also by competition-limited prison labor, which by then had increased in popularity due to the economic conjuncture. By the end of the century, the great question related to the contradiction between prisoner labor and free market labor was no more. By then, it had been proven that significant competition can only arise if the state had decided to employ prisoners in several fields and to reduce the prices of the products manufactured through it. A phenomenon like this, however, did not occur. On the contrary: Hungarian penal authorities made stringent efforts to introduce a wide assortment of possible jobs within prisons to ensure that prisoners were employed based on their skill sets

⁶ KABODI, CS-LŐRINCZ, J-MEZEY, B., *Fundamental Terms of Criminal studies*. Budapest, Rejtjel, 2005, p. 134.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.*

and qualifications, which was an important factor in lucrativity. However, competition could also be eliminated by not introducing certain products in the market, and sell them to state-governed agencies (e. g. army, police) instead. One of the favorite examples of *Finkey*, an acclaimed penologist of the era was that of the Vác Printworks, which produced all the justice-related documents, or the fact that the uniforms and equipment of prison service personnel, soldiers and policemen were manufactured through prisoner labor. Handcrafts offered a wide array of possible job alternatives. In his book, *Megyery* lists 20 industrial trades (cobbler, webster, copper, tubber, lather, smith, tailor, printer, brush maker, basket weaver, rope maker, mason, bookbinder, gardener, painter etc.) Besides this, so-called „internal” or „domestic” employment (cleaning, cooking, laundry, maintenance etc.) and „external” (mostly agricultural, such as grounds keeping, sewage management, road construction etc.) served to further widen the options for the prisoners. Such a wide spectrum of course also resulted in a significant profit.⁷

1.1 The Effects of the Positivist School

States wishing to protect public order and security started turning towards a more modern penal approach that utilized the credible scientific achievements of anthropology, psychiatry and sociology. The representatives of the positivist school were the first to provide a professionally grounded and convincing knowledge related to the origins of crime and criminal behavior. The originally intended goal of sanctions, namely to restore the balance in the damaged legal equilibrium that followed offences was no longer valid, since several other aspects, such as the need for efficient prevention (the active protection of society through discovering the reasons behind crime and thus the elimination of

⁷ MEGYERY, I., *Hungarian Corrections and the National Detention Remand Prisons*. Budapest 1905, p. 297.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.*

criminal enterprise as a whole) started gaining the upper hand. This aspect paved the way for further developments, such as the one that dictates that human will as a whole is influenced by three, so-called „spheres” (socosphere, biosphere, psychosphere) that have a complicated, dialectic and interlinking relationship among them. This – in the field of penal science – led to the recognition that a „deficient” individual can be corrected through these three spheres. „*They have to be corrected and educated until the threat of them committing another offence subsides.*”⁸ The concept of changing one’s character (or nature, or, as Finkey writes „fundamental character”) was subject to heated debates, resulting in the fact that penal science finally accepted that „irreparable” criminals exist. While Finkey accepted this as a valid argument, he was convinced that it simply cannot be fully integrated into penal science, since it would mean that another argument stating a general truth (the need for lifelong learning and development) would contradict it. Beyond one’s mental capabilities, nature can also be developed. Refusing to shape one’s will would be „ethical nihilism.”⁹

In accordance with the aspect taken by Elemér Kármán, Finkey believes that education as a measure to correct an individual should find its source in the values of civil society. „*...the supreme ethical ideal is the ideal of the perfect human, who strives to understand and internalize all that is good, true and fair and who strives to satisfy a stringent moral code. Those of sane mind have the ethical obligation to strive for this perfection because all of us are capable to do so.*”¹⁰

⁸ LŐRINCZ, J., *From Repair to Reintegration. The Metamorphosis of Correctionalist Ideology in Hungarian Prisons*. ELTE Eötvös Kiadó Budapest 2015, p. 455.

⁹ FINKEY, F., *Punishment and Education*. Magyar Tudományos Akadémia Budapest 23. 1922, p. 74.

¹⁰ FINKEY, F., *Punishment and Education*. Magyar Tudományos Akadémia Budapest 23. 1922, p. 77.

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Finkey believed that prisons have a limited capacity to address ethical deficiencies: „*True and honest repentance, the complete alteration of one’s character and thus total transformation is – even in prison standards – but an ideal, which rarely comes to fruition.*” He acknowledged the fact that while education towards good is not the task of prisons, it is still possible to „train one’s mind and body” and to facilitate the ethical development of prisoners within the walls. Complete ethical transformation is not a viable goal in this case, but inserting the term of „*education*” to the equation helps to underline the related efforts: „*in my opinion, the most idealistic goal of executing a given sanction is education itself and with the exception of death penalty, all sanctions serve as tools with which the state would like to express a certain influence partly on society as a whole, and partly on the individual.*” In accordance with the arguments of Kármán, Finkey designated criminal pedagogy as the scientific background behind education.¹¹

The psychiatric treatment of the mentally ill or paving the way for the specialized treatment and education of juvenile prisoners separated from adults is also the result of the reform approach to correctional science.¹²

2. *The Correctional Consequences of the Trianon Peace Treaty*

The previously set conditions within which the correctional field in Hungary had operated before was severely maimed following the Trianon Peace Treaty. It was not the lack of institutions that posed a problem, but the collapse of the light-medium-strict regime division of the institutions systematized during the turn of the century. Following the war, Hungarian corrections lost the facilities

¹¹ FINKEY, F., *Punishment and Education*. Magyar Tudományos Akadémia Budapest 23.1922, p. 3.

¹² LŐRINCZ, J., *From Repair to Reintegration. The Metamorphosis of Correctionalist Ideology in Hungarian Prisons* ELTE Eötvös Kiadó. 2015, p. 455.

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at Lipótvár, Illava and Nagyenyed (33%), and a further 42 detention centers at regional (64,4%) and 200 detention centers at district courts (63,9%). This way, out of the pre-war infrastructure, only 6 prisons, 23 regional and 113 district court detention centers remained.¹³ The post-war infrastructure consisted of judicial – regional and district – detention centers and national level prisons and workhouses. The prisons in Budapest, Vác, Sopron, Harta (Állampuszta), Márianosztra and Szeged were of national jurisdiction. As an effect of the anthropological reform initiative, the Budapest Prison also operated a laboratory dedicated to criminal anthropology to study the anthropological and psychological characteristics of delinquents. Well-equipped prison hospitals were in operation in the Vác and Budapest facilities. The National Museum of Corrections was established in 1922, with the Tauffer Library following suit in 1925, as the result of donations from the inheritors of *Emil Tauffer*.¹⁴

Considering the dramatically increasing criminality during the post-war poverty and the temporary confusion within prison management, the Hungarian correctional field had to face exceptional and unique tasks. The number of arrests doubled when compared to the dismembered territory of the country, rendering the facilities overcrowded (within the new borders, more than 14 000 people were incarcerated while the pre-war amount on the same given territory was around 7 700. Conditions worsened as the result, leading to nutritional problems, the lack of clothing material, inadequate heating and the terminal fatigue of staff members. These extraordinarily harsh conditions slowly faded

¹³ MEZEY, B., *Between New Borders. The Prison Service of Hungary During The Interwar Period*. In: *Börtönügyi Szemle* Vol. 3. Nr.3, 1995, p. 98.

¹⁴ SZÖLLŐSY, O., *Hungarian Corrections*. Budapest 1935, p. 99.

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out from the beginning of the 1920s, due to the economic consolidation that began.¹⁵

The legal environment surrounding corrections did not change significantly following the war. The government – following the ideals of continuity – did not initiate any sort of repeated regulations, but tried to adapt to the new situation in the topics of prisoner employment, the treatment of juvenile prisoners, the healthcare of convicts, the classification of prisoners, post-release care, staff selection and order and security.

2.1. The main characteristic of prisoner employment following World War I was the profile change from industrial to agricultural. Agricultural enterprises enjoyed a favorable situation since Hungary, which had lost its industrial centers, slowly shifted towards being agriculture-centered. The fact that almost 40% of the prisoners were of agricultural background was also a significant contributing factor to the shift. In 1919, the justice sector restructured the Harta Exchange Prison to a national exchange institution and placed convicts capable of performing agricultural work.

Since Harta only had 233 acres of government issue property, they leased the nearby Miklapusztá property with its 2 406 acres of area for the purposes of prisoner labor. (17.385/1920. sz. IM r.).

By the end of 1919, a new department was established within the Ministry of Justice that – due to the severely bad fiscal situation of the state – rented 250 acres for the Balassagyarmat facility (1922), 1 034 acres for the Nyíregyháza

¹⁵ MEZEY, B., *Between New Borders. The Prison Service of Hungary During the Interwar Period*. In: *Börtönügyi Szemle* Vol.14., Nr.3, 1995, p. 99.

▪ Pallo József, Judit Forgacs. *Changes in the Hungarian Correctional After Peace of Trianon*. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jpppot.pdf>.

facility (1923), 1 520 acres for the Budapest facility (1926) and 647 acres for the Besnyő and Harta institutions (1926). Following the war, the total cultivated area increased from 233 to 7 100.¹⁶ The alimentation of court detention centers was restructured upon grounds similar to the national jurisdiction penal institutions (3063/1921. sz. IM r.), with prisoner garden plots to ensure the supply of raw materials.

2.2. *Regarding the corrections of juveniles*, it can be said that in the 1920s, courts issued an average annual number of 600 – 700 sentences involving deprivation of liberty, with 80% of these being under a month's length. The low number of convicted juveniles was housed in three regional detention centers: Nyíregyháza served as placement location for boys sentenced to longer terms, while the so-called „Pest Area” and Pécs prisons housed girls and boys with less than half a year to be served. The enclosed section of the Nyíregyháza prison offered handcrafts (e. g. carpenting, tailoring, shoemaking, brushmaking) for around 40 convicts, with another 50 being employed on the fields located in the outskirts of the city. Juveniles were also provided with an opportunity to participate in formal education.¹⁷

2.3 Early prison conditions had differentiated opportunities to address *the hygiene and health of prisoners*. Strict and medium regime prisoners could spend two, light regime prisoners could spend one hour open-air each day. On feast days, guards had the convicts under 30 perform several exercises. Upon admittance, the physician examined every convict in a detailed manner and recorded the results. The physician also supervised and checked all the areas of

¹⁶ SZÖLLÖSY, O., *Hungarian Corrections*. Budapest 1935, p.52-53.

¹⁷ SZÖLLÖSY, O., *Hungarian Corrections*. Budapest 1935, p.143.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.

the facility: he inspected the cleanliness and ventilation of the rooms and checked the shower areas. He also examined the sick and upon necessity made arrangements for their placement in a hospital. He also had a say in the quality and quantity of food the prisoners received.¹⁸ From the 1920s, chronically sick (particularly those suffering from a pulmonary disease), received increased attention. In 1929, the new prison hospital of national jurisdiction was completed at the Vác Strict and Regime Prison, equipped with 18 wards, 100 beds, a laboratory, a pharmacy, operating theatre and an X-ray, coupled with open wards dedicated to those with a pulmonary disease. The increasing number of inmates suffering from such a disease resulted in the establishment of a separate and dedicated department.¹⁹

Those suspected of having a mental disease and the actual mentally ill prisoners (or those with a precondition requiring specialized treatment such as hysteria, epilepsy) were transferred to the National Forensic Mental Facility, with the permission of the Minister of Justice. If a convict placed here no longer needed continuous screening and treatment but has not yet served the imposed term, then he or she was sent back to the prison. If the sentence was served but the prisoner still showed signs of a mental disease, the police transferred him or her to the National Asylum.²⁰

2.4. *Special rules related to the separation and placement* were utilized in the case recidivists and political prisoners. Recidivists received only the two-thirds of the allocated daily meals for four weeks, while being in solitary confinement. During this time, they were not allowed to work and were excluded from

¹⁸ SZÖLLÖSY, O., *Hungarian Corrections*. Budapest 1935, p. 173.

¹⁹ SZÖLLÖSY, O., *Hungarian Corrections*. Budapest 1935, p. 178.

²⁰ PALLO, J., The Peculiarities of Treatment-Focused Coercive Measures. In. *Börtönügyi Szemle*, Vol. 25, Nr.3, 2006, p.:25-26.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.*

receiving rewards and buying food items for six weeks. The situation of political prisoners was less severe: they were not placed in solitary confinement, could equip their own cells with the cell doors being open during the day and they were also allowed to wear their own clothing. They could also eat freely on their own (including a daily amount of half a liter of wine or beer) and could use tobacco products. They were not obliged to work. Their mail correspondence was supervised but unlimited and they could also welcome visitors every day.²¹

2.5. *Ferenc Finkey* helped pave the way for the taxonomical classification of *the education of prisoners* (both general and juveniles/adults). The house rules from the era contained provisions related to the ethical support to be offered to prisoners (as in religious and spiritual care) and emphasized the importance of education and the use of the libraries. All prisoners under the age of 30 were obliged to participate in education, while those over 30 could join voluntarily (or they were ordered to do so by the chief executive in a case-by-case basis). Courses were held in beginner and intermediate classes with the option to establish a third class if the need arose. First grade students familiarized themselves with reading, writing and calculus. Second grade was about the history and geography of Hungary, coupled with basic agricultural terminology, while the third grade consisted of general geography, grammar and basic legal terms. Winter classes were held for those performing agricultural work. On Sundays and feast days, the governor, the chaplain, the case manager or another person invited by the management held lectures, often paired with presentations. Chaplains held separate lectures for the religious on a weekly basis, with libraries being managed by the case officers (educators) containing scientific literature, textbooks and prayer books. The convicts also had the liberty of being able to procure other books (or subscribe to certain periodicals) which either

²¹ SZÖLLŐSY, O., *Hungarian Corrections*. Budapest 1935, p. 18-19.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.

they or their family paid for. Towards the end of 1929, a magazine called „Fogházújság) („Detention Gazette”) was published with new editions every two weeks, printed by the Vác printworks.²²

2.6. *The institutions upheld their order and security plus the discipline of the prisoners* through the use of security measures, disciplinary punishments and rewards. In the case of a severe disciplinary offence, guards used handcuffs, straitjackets, chains and firearms. Handcuffs were only used on violent prisoners and/or on those who resisted certain measures or attempted to escape. Straitjackets and chains were used exclusively on enraged prisoners. Firearms served the purpose of self-defense and as tools to be used to prevent an escape or to terminate a mutiny. Regarding the actual disciplinary measures, the following ones were in use: reprimand, removal certain benefits (e. g. right to written correspondence or to welcome visitors, reading etc.), limiting the time available for leisure activities, solitary confinement, handcuffing, fettering etc. Corporal punishment was forbidden.²³

A variety of rewards were in use besides open-air labor, reading and probation („conditional release”). After serving one-third of the sentence imposed, prisoners could take care of their own alimentation and could also procure 3 liters of wine on certain days (Christmas, the birthday of the head of state, etc.), plus – if their conduct was satisfying – they could spend 6 pengő a month to procure food items.²⁴

2.7. *The post-release care of released inmates* was taken care of by civil organizations and aid unions usually connected to one institution. The members

²² SZÖLLŐSY, O., *Hungarian Corrections*. Budapest 1935, p. 180-237.

²³ BALOGH, J- HORVÁTH, T., *Büntetés-végrehajtási jog I. Kötet*. BM Könyvkiadó 1983, p. 189.

²⁴ SZÖLLŐSY, O., *Hungarian Corrections*. Budapest 1935, p. 17.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jpppot.pdf>.*

of these organizations could visit convicts about to be released to become familiarized with their life and conditions and to provide help to them or their families. Before the release of a given prisoners, prisons notified these organizations that then designated probation officers to provide post-released care to the person in question. Out of the aid budget, released offenders received aid consisting of clothing, train tickets and a maximum of 50 pengős. Offenders on parole had to regularly report to the designated police authority which also monitored their conduct and lifestyle. These offenders could only change residence with the permission of the court.²⁵

2.8. One of the most important questions of the correctional field was the *selection of staff members*. Based on the records from the years 1930/31, prisons had a staff consisting of career law enforcement officers, executives, secretaries, physicians, chaplains, educators, commanding officers, custodians, totaling 94, while a total of 1 460 staff members were tasked with guard duties. Only one position was present in the case of regional detention centers: that of the detention custodian or governor, who managed the detention center under the authority of the chief royal prosecutor or his deputy. The guards were directly subordinated to the governor.²⁶

The correctional field started to demand higher qualifications and personnel with better training and knowledge from the beginning of the 20th century, since this was the period during which the goal from „punishment and revenge” shifted towards „prevention”, making the profession all the more complex and complicated. Following a variety of predecessors, the first provisions of general jurisdiction on the qualification of staff members came into effect in 1926. On

²⁵ BALOGH, L – HORVÁTH, T., *Büntetés-végrehajtási jog I. Kötet* BM Könyvkiadó 1983, P. 183.

²⁶ SZÖLLŐSY, O., *Hungarian Corrections*. Budapest 1935, p. 415.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.*

top of the general ethical and legal requirements, these provisions contained school qualifications as pre-requisites for one's entry, which means that in the case of governors and draftsmen, a law degree was required, and a maturity exam was the condition for officers and senior officers. Guards had to show aptitude in weapons handling, reading, writing and calculus, while women were expected to know how to cook and lead a household as well. Monitoring and supervision was handled by the prosecutors in charge.²⁷

Chaplains, teachers and physicians worked for a royalty. For a Roman Catholic chaplain to become employed he had to be a certified presbyter, while in the case of the Reformed and Lutheran church, separate certificates were required. Teachers had to have a certificate in education; doctors had to possess a medical degree and a forensic medical exam. The scope of activities of the chaplain and teacher was determined by the chief prosecutor, taking into account the local conditions. Besides controlling the medical affairs of the detainees and the detention center, the physicians also had to treat the guards and their family members without extra fee. Medical prescriptions were recorded in a dedicated register. The physicians' private practice was limited only as far as they could not privately support the interruption or postponement of a convict's sentence with private diagnoses through medical recommendations.

Guard staff was tasked with the direct monitoring and supervision of detainees (in certain cases, prison authorities had the right to utilize the help of the army or the gendarmeries well). The members of this staff category in the case of regional detention centers were the detention sergeant, detention guards and women detention guards. Sergeants were the direct superiors of the latter two. One of these sergeants acted upon the directives of the governing officer by

²⁷ SZÖLLÖSY, O., *Hungarian Corrections*. Budapest 1935, p. 390-391.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.

managing shifts, taking care of the checks performed on newly admitted prisoners, their placement and supervision. The other was responsible for the adherence to the daily schedule and the house rules, kept order and security, managed the work ledgers, and monitored the equipment and the security devices of the facility. The guards were expected to exert due diligence and to unconditionally obey the orders of the chief executives at all times. On top of their daily tasks associated with their regular schedule, they were expected to return to their posts in the case of a natural disaster, mutiny, fire and escape attempts. Women detention officers performed the tasks of their male counterparts but with female offenders. If the number of female inmates was low in a given detention center, then sergeants could use the help of their wives' to take care of these tasks.²⁸

Staff members employed by the prisons received wages similar to the ones received by state employees. The Minister of Justice had the liberty of using 10% of the net prisoner wages to finance the bonuses received by staff members whose performance was exceptional. Governors, and staff and chief executives had to reside within the prisons. Living inside was not mandatory for the other staff members, but – out of necessity – they could opt to stay there.²⁹

With the exception of physicians and chaplains, correctional officers were expected to wear uniforms during their service which they – along with the sword – had to procure themselves. The goal of having them wear uniforms was to „ensure that during service the officers remain recognizable, and to increase

²⁸ SZÖLLÖSY, O., *Hungarian Corrections*. Budapest, 1935, p. 398-401.

²⁹ SZÖLLÖSY, O., *Hungarian Corrections*. Budapest, 1935, p. 383.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jpppot.pdf>.*

their authority among prisoners and also improve their personal safety through a sidearm weapon”.³⁰

3. Criminal Offences and the Resulting Sanctions in the Post-Trianon Era

Following the devastation of the lost World War I and among the damaged social, legal and national structure, negative criminal phenomena and tendencies started showing up along with an increased frequency in crime. In the 1920s, there was an increasingly strong legal argument which claimed that a hardcore subgroup exists within the category of recidivists the members of which have an extremely strong incentive to perpetrate offences, resulting in a lifestyle of crime and habitual reoffending. Legal experts of the era designated this subgroup as people whose personalities include a constant tendency to become involved in a form of criminal enterprise. The official view was that this category of habitual offenders with a high threat level is the one that poses the highest danger to public security. It was also believed that deprivation of liberty as a sanction is not sufficient since their depravity is so grave that special-preventive measures are ineffective in their case. This also meant that the protection of society required a more effective measure of indeterminate nature with the goal of pacifying the subjects as long as the threat they posed to society subsided.

This goal was only reachable through legislation, resulting in Act no. X of 1928, an amendment to the Csemegi Code³¹. This legislation addressed to large areas of criminal law: on the one hand, it restructured the system of fines, and – on the

³⁰ SZöllősy, O., *Hungarian Corrections*. Budapest, 1935, p. 401.

³¹ The full title of the Act: Act no. X of 1928 on addressing certain questions related to criminal justice

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jpppot.pdf>.*

other hand – it introduced a new type of measure for habitual offenders, the enhanced severity workhouse (quasi „preventive arrest”)³².

The legislation targeted those recidivists who had committed crimes against life, sexual freedom or assets at least three separate times, the last two within five years within a criminal enterprise or showing signs of a constant willingness to perpetrate such offences.³³

Based on § 36. of the legislation, the procedure related to „habitual offenders” was the following: Instead of imposing a pre-determined sentence on the subject, the court shall sentence a person to an enhanced severity workhouse stay if he or she had committed crimes against life, sexual freedom or assets at least three separate times, the last two within five years within a criminal enterprise or is showing signs of a constant willingness to perpetrate such offences and there are no grounds for imposing a death sentence.

This new regulation settled a long-standing debt by realizing suggestions from 1913, creating a more complex legal environment for addressing the situation caused by offenders posing a grave threat to the public. These thoughts and the underlying philosophy was underlined by the second amendment to the Act, which used characteristic arguments when it stated that: „*our Criminal Code's*

³² Enhanced severity workhouses were used instead of a sanction. According to the provisions of the relevant legislation, only the minimum duration was pre-determined, the maximum wasn't, which means that it lasted at least 3 years. After these 3 years had been served, the delinquents could request their release from the Minister of Justice, on which the Minister decided following hearing out the authority responsible for monitoring the workhouse. This measure, however, could last for a lifetime as well, with prisoners being accommodated among conditions resembling that of a strict regime prison.

³³ MEZEY, B., *The History of the Hungarian Constitution*. Budapest 1996, Osiris Kiadó, p. 231.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право»*. 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.

four decades of existence is hopefully enough to convince unbiased viewers to find out that its provisions do not provide a satisfying way of protecting society against habitual offenders and that this deficiency cannot be corrected through law enforcement only. It is widely known that there are hundreds of people among us with countless grave offences behind them, whose lifestyle is revolving around self-sustenance through constant offending and threatening public security, law and order. Just think about the criminals among the wandering gipsy communities! These, or the looting and murdering at Dános or several other inhumane acts already caused the public to call out for viable alternative measures. Or let us just think of career thieves, robbers, pickpockets, fencers and pimps. The Hungarian Bureau of Criminal Registry has hundreds of habitual offenders in its registry who only use their „liberty time” between to sanctions to commit new, gratuitously severe offences.³⁴

The new legislation did not cause any debate and the profession itself generally supported it. In Finkey's words: *„During the last few decades, criminal policy talks have reached a universally supported conclusion that regular prison sentences are no longer viable in the case of career (or „habitual”) offenders, since these people will not be corrected through these methods. Likewise, regular workhouses are incapable of inducing any positive effect in this case. These people require specialized treatment and purpose-designed facilities.³⁵*

The dogmatic views on the new legislation diverge into different aspects. Nándor Gévay-Wolf said that enhanced severity workhouses can be regarded as security measures imposed in place of a sanction, which nevertheless have a sanctioning nature as well: the legal consequences they bring are similar to strict

³⁴ FINKEY, F., Social Defense and Criminal Law. Miskolc, In. *Miskolci Jogászélet*, Nr. 41., p.25.

³⁵ FINKEY, F., Social Defense and Criminal Law. Miskolc, In. *Miskolci Jogászélet*, Nr. 41., p.15.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.*

regime sentences, but are indeterminate, which makes it more like a measure.³⁶ Oszkár Szöllősy takes a simpler, but similar approach, claiming that enhanced severity workhouses are nothing more than indeterminate strict regime prison sentences.³⁷

When we analyze the nature of enhanced severity workhouses, it can be stated that they can be regarded as the combination of regular workhouses and strict regime prisons. They utilize the indeterminate sentence length loaned from regular workhouses and mix it with the strict discipline and obligation to work – elements taken over from strict regime prisons. It is all the more apparent when we take a look at the fact that while regular workhouses had a maximized length of stay of five years, in the case of their enhanced severity counterparts there is no upper limit, since probation can be denied. Rules of execution unique to the strict regime prisons have also been adapted, which basically renders enhanced severity workhouses as atypical examples of life sentences. Since the border between these legal devices is unclear, division between them can only be made through several lesser factors. For example, in the case of enhanced severity workhouses, tools that serve the purpose of education in a progressive prison system (e. g. solitary confinement, progressive „prison careers”, etc.) are non-existent. Finkey tries to protect the dogmatic fundamentals of this peculiar legal institution by claiming that *„our enhanced severity workhouses are true to their names, since the second amendment managed to elevate regular workhouses to a higher level to create an entity that combines the advantages of workhouses and strict regime prisons but ignores those elements that would be unsuitable for use in the case of these highly dangerous offenders.”*³⁸

³⁶ GÉVAI-WOLFF, N., *An International Fight against Habitual Offenders*. Budapest 1931, p. 28.

³⁷ SZÖLLŐSY, O., *Hungarian Corrections*. Budapest.1935, p.129.

³⁸ FINKEY, F., *Punishment and Education*. Magyar Tudományos Akadémia. 1922, p. 13.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.*

We cannot avoid comparing the fundamental characteristics of regular³⁹ and enhanced severity workhouses. There was a significant difference in the rules related to execution, since while light regime prisons were the basis for regular workhouses, while strict regime prisons filled this role in the case of enhanced severity workhouses. We also have to address the fact that these were regulated differently according to their „source material”. Regarding the two measures’ system of execution, we can certainly state that both of their philosophy is based on the daylight labor and nighttime separation of adequately classified inmates. The formal goal to be achieved was to create some sort of work-related diligence within the confines of this pseudo-progressive system. The importance of classification is underlined by the fact that multiple recidivists worked in separate work areas, where they were further differentiated based on their age, intelligence and qualifications. Those who denied work or posed a threat to their peers were also kept separated. Length-wise, it can be seen that workhouse-placed inmates had to stay inside for at least a year, but the sentence could not exceed five years. The time of release was influenced by the diligence exercised during the first year of stay, allowing the people inside to have a say in their own fate. In the case of enhanced severity workhouses, the stay inside lasted a minimum of three years and no maximum limit was set.

Strict obligation to work was present in the workhouses, according to the directives of the chief executive. Those inside had no liberty to choose between types of work, and exceptions could only be made based on medical or mental issues, in which cases the prisoners were transferred to a more adequate place following due procedure. Labor was a crucial question for workhouses, with heated debates forming on the role of agricultural work with the involvement of these facilities. Arguments against this type of labor were focused on the mostly

³⁹ Regular workhouses were introduced in Act no. XXXI of 1913.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.*

urban background of the inmates inside and the possible risks of having highly dangerous offenders working in open-air facilities.

Finkey had a strict opinion on this topic as well, claiming that: „*Those important theoretical principles that encourage the open-air employment and particularly agricultural work of prisoners are valid in the case of workhouses, just like they are valid in the case of convicted prisoners within correctional institutions. Humane and economic reasons alike require us to introduce open-air labor to regular and enhanced security workhouses. This, of course, should not be exclusive at all, but based on the personality of the prisoners and the conditions of the facility in question.*”⁴⁰

Enhanced severity workhouses were the sources of a multitude of programs from a dogmatic aspect as well, and several were crucial enough to worth noting. The first one was the issue of introducing a fundamental definition, the „*willingness (or tendency) to commit crimes*”. Efforts made with the intention of filling this definition with a compact and adequately abstract content proved futile, meaning that the profession itself did not possess a uniform understanding of the term itself. Since this designation had no pre-requisites, it could virtually be used for everyone. The lack of consistency (and the presence of contradictions) can be noted in the fact that this measure was a usable tool for both extremes of crime severity: petty delinquents could become its subjects just as easily as the most high-profile career criminals.

White-collar criminals, however, did not belong under this category, so those convicted of crimes such as forgery, credit fraud etc. had no need to be afraid from being placed in a workhouse.

⁴⁰ FINKEY, F., *Punishment and Education*. Magyar Tudományos Akadémia Budapest, 23. 1922, p. 55.

▪ Pallo József, Judit Forgacs. Changes in the Hungarian Correctional After Peace of Trianon. *Часопис Національного університету «Острозька академія». Серія «Право». 2020. № 2(22) : [Електронний ресурс]. – Режим доступу : <http://lj.oa.edu.ua/articles/2020/n2/20jppot.pdf>.*

Disproportionality was also present in the regulation, since the minimum time to be spent inside was at least 3 years, since if those on parole violated a behavioral rule (even if no crime had been committed), they could only be released on the same terms after 5 more years. This basically meant that from the aspect of parole, violating a behavioral rule and committing another crime absurdly fell under the same category. This, however, did not change the official interpretation as set by the justice department as follows: „*Taking into account the standpoint of the London International Correctional Congress of 1925, enhanced severity workhouses count as a security measure. Sanctioning habitual offenders with determinate sentences in line with the severity of the crime and personality of the perpetrator is inappropriate, thus linking it in a consistent manner to enhanced severity workhouses since according to several studies, determinate sentences simply fail to reach the intended goals in certain cases. The new suggestion utilizes indeterminate sentences for habitual offenders, emphasizing that no parole may take place until the convicts become capable of living a law abiding life.*”⁴¹

The theoretical foundations of the second amendment lie in perpetrator-justice aspect, and accordingly, it decreed that sanctions were not to be based on the offence itself, but instead, opens up the way towards the use of indeterminate length security measures for habitual offenders with criminal tendencies as symptoms for the threat one might pose to public security. Regarding the ultimate summary of the instrument, it is perfectly valid to state that „*Enhanced security workhouses would only have served the security of society if actual education had taken place within their walls. Without these, societies were only protected from dangerous criminals for as long as they were in custody. The*

⁴¹ Magyarország igazságügye az 1927. évben. Budapest, 49. p.

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indeterminate length of sentences thus in the end did not contribute to the protection of society."⁴²

Taking into account all these, it is perfectly understandable that the second amendment's provisions related to the workhouses remained but a failed attempt to bring to fruition an unsuccessful legal idea that was far from reality.⁴³ Data from contemporary judicial practice seem to underline this, since while in 1928 the number of admissions was 74, in 1929 it was 31, in 1930 it was 143, in 1938 it was 136, increasing to 158 by 1940. If we compare this with the number of people who had been sanctioned more than three times it can be seen that in 1929 10,3%, and in 1930 9,4% of repeated offenders ended up in enhanced severity workhouses. The following years this indicator started to decline gradually, reaching 3,8% in 1937 and 3,2% in 1938.⁴⁴

With this legislation and the related, kind of resigned application experiences the interwar codification process came to a close. Of course, it has to be noted that the urge to introduce reforms had been present before World War I as well. In Pál Angyal's words: „*further postponement of the Criminal Code's reform equals to sacrificing Hungarian criminal justice itself.*”

Before the last year of peace on the brink of World War II, the following sanctions involving deprivation of liberty could be utilized: high-medium-low regime prisons, state light regime correctional institutions, workhouses and enhanced severity workhouses. 6 national prisons, 23 regional court detention

⁴² MEZEY, B., *The History of the Hungarian Constitution*. Budapest Osiris Kiadó 1996, p. 304.

⁴³ However, it has to be noted that this concept did not disappear fully, since albeit modified but using the same legal and logical fetters they appeared again in Law decree no. 9 of 1974, as enhanced security custody.

⁴⁴ NAGY, F., *Measures in the Sanction System of Criminal law*. Budapest Közgazdasági és Jogi Kiadó, 1986, p. 128.

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centers, 90 district court detention centers and two workhouses operated to serve this purpose. However, by this time history had caught up with Hungary, foreshadowing the twilight of the Csemegi Code's hegemony among the great political and historical changes of the era.

With this study, my goal was to provide a fittingly detailed depiction of the most important changes on the field of corrections following the Trianon Peace Treaty. Of course, the confines of this essay only made it possible to introduce certain focal points evaluated based on my subjective opinions. However, I am confident that it is apparent that along with the changes in the historical context and criminal policy, the era following 1920 introduced significant changes into the context of corrections, several of which either formed or deformed society's values. In spite of this, the most significant recognition still stands: every change that occurs finally melts into the great historical truth that proves the Hungarian willingness and capacity to live and move on; even with all the slings and arrows (or the unjust rearrangement of borders) fate might throw in its way. There is one thing for sure that Trianon can teach us: where people forget the ethos of belonging to a nation and do not respect kind feelings towards it, time collapses and the past permanently fades away...

Abstract

The Trianon Peace Treaty had a profound effect on the social and governmental structure of Hungary. These changes of course also influenced the field of corrections and actually altered some of its key aspects as well. The author will recall several key penological concepts and ideas from the era to provide an introduction to the philosophical foundations of the establishment of correctional legislation and the resulting substantive changes that occurred.

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Moreover, a detailed analysis will be provided on the system of enhanced severity workhouses, an emblematic punitive measure that addressed the unfavourable criminological tendencies of the 1920s, that emerged as consequences to the Trianon Peace Treaty. The essay will conclude with deducing the generalized historical, legal and moral lessons and conclusions pertaining to this peculiar period of Hungary.

Keywords: *Hungarian corrections, penology, independent field of law, legal classification, correctional infrastructure, employment, enhanced severity workhouse*

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