

## SITUATION OF TRAFFIC DELINQUENCY IN HUNGARY

by

FERENC IRK

A characteristic trend of the civilized world of the 20th century is the rapid growth of road traffic. This growth is closely associated with the level of economic and social development reached by a continent or a country and the conditions prevailing there. Since the North-American continent had not been ravaged by warfare, it stands to reason that highway traffic there was able to develop on a mass scale, for the first time in history. In Europe, too, development of vehicle traffic has been influenced by the said factors.

In Hungary, similarly to other socialist countries, owing to their backward state before the War and to the economic and social transformation following upon the War, the structure of road traffic showed a picture different from that of the Western world; conditions were lagging behind those of other European countries and they are likely to remain so for many years to come. Backwardness was perhaps most conspicuous in the field of transport of persons. Owing to the economic stringency, the purchase of passenger automobiles and their distribution to private persons would proceed on a moderate scale only. For the very same reason the construction of a modern network of highways went on slowly. Consequently, mass transportation has always enjoyed a priority, since the overwhelming majority of the population had to rely on this means.

During the latter ten years, again owing to the change in social and economic conditions, motorization began to develop vigorously, and in the latter years this growth has become momentous. What has to be accepted as in all respects a welcome phenomenon is that in this century long distances can be covered easily and motion has been facilitated. Unfortunately, the picture is not uniformly bright. It is a well-known fact that the motor car has brought with it a number of unwelcome, often unforeseeable phenomena. Among the large number of these are the congestion of highways, roads and the atmospheric pollution. However, for the purpose of the present study what is most critical is the large number of accidents. As the outcome of this development a new category of criminal offences, a few decades earlier not even surmised, has come to the fore, and simultaneously, the struggle against them. Both the makers of the law and those applying it try to combat this noxious phenomenon, namely traffic delinquency, with their own means. Administrative (traffic policing) and punitive measures ever better adapted to life come into being, only to be amended and modified as required by life from time to time.

The majority of traffic offences comes within the category of acts by negligence. As contrasted to typically wilful offences, acts by negligence constitute a

relatively peripheral section of criminal law and so also of criminology. Several factors have been quoted to explain the allocation of traffic offences to the outskirts of criminal law. Many authors both in Hungary and abroad still argue the indictable character of this category of acts, or draw limits to their indictability. The principal reason is that according to classical criminal law an act by negligence is an incomplete offence. It is not committed wilfully, and consequently an essential element, namely the psychological connection between the act and the outcome, is absent.<sup>1</sup> On this understanding traffic offences have been classified as peripheral throughout the years, and these offences have only in recent times begun to grow and proliferate on a mass scale so as to become a menace to society. This may be said in the first place of cases of traffic offences and industrial accidents constituting the bulk of acts by negligence. It should be emphasized, however, that the acts committed by persons through neglect contain certain negative elements, contrary to the expectations of society, even when in certain cases the acts in question are not directed towards the commitment of a criminal offence, or the supervention of the actual outcome.<sup>2</sup>

Legislation and the enforcement of law are, however, merely two facets of the legal aspects of safety problems. Similarly to cases of other criminal offences, here too the scientific exploration of the causes of accidents is indispensable for the elaboration of an efficacious system of prevention. This exploratory work comes within the scope of traffic criminology as a special field of general criminology.

The subject-matter of traffic criminology is traffic delinquency. The scope of traffic criminology is the exploration and definition of the circumstances which owing to their combined operation produce a traffic crime, and, in the knowledge of these circumstances, the definition of the methods of prevention of such crimes.<sup>3</sup>

Before a detailed discussion of the subject-matter a few principal notions will have to be defined. To begin with, it should be remembered that the notions of traffic accidents and traffic crime are only partially overlapping. The term traffic (road) accident includes any unforeseen event where in connection with traffic a person is injured, killed, the health of the person sustains injuries, or loss arises to property.<sup>4</sup> On the other hand, the law of traffic crimes (or road delinquency) deals only with the group of accidents whose occurrence may be traced to human responsibility.<sup>5</sup> Accordingly, the notion of accident is, partly, wider than that of a criminal offence. In fact, the notion of accident includes acts where no such responsibility of juristic or natural persons can be established whose gravity would justify the institution of criminal proceedings. Partly, however, the notion of a traffic accident is narrower than that of a traffic crime: in fact, the traffic crimes may include acts which have caused neither injuries sustained by person

<sup>1</sup> Cf. PINATEL, J.: La criminologie devant la criminalité routière d'imprudence. *Revue de Science Criminelle et de Droit Pénal Comparé*. Nouvelle Série, 1963, No. 3.

<sup>2</sup> Cf. SEREBRYAKOVA, V. A.: Study of offences against the person through negligence. *Sovetskoe Gosudarstvo i Pravo*, 1967, No. 7.

<sup>3</sup> IER, F.: A közúti tömegközlekedési balesetek okairól (On the causes of accidents in mass communication on roads). *Kriminológiai és Kriminológiai Tanulmányok* (Studies in Criminology and Criminalistics). Közgazdasági és Jogi Könyvtár, Budapest, 1973, Vol. X, p. 248.

<sup>4</sup> Cf. VISKI, L., IMRE, I. and TERNAI, Z.: *Közúti közlekedési balesetek elbírálása* (Valuation of traffic accidents on roads). Közgazdasági és Jogi Könyvtár, Budapest, 1963, p. 12.

<sup>5</sup> *Ibid.*, p. 29.

nor damage to property, i.e. acts which do not conform to the definition of the accident as an event producing the unwelcome result.

As compared to earlier criminological research, traffic criminology occupies a special position. Here for the time being we would merely point out that since an accident as criminal offence is caused by special and at the same time typical means and a typical site, a close combination of social and natural sciences, hitherto fairly segregated fields, will become indispensable. The students of the principles of criminology also call forth attention to the circumstance that "criminology, when conducting research work on non-legal considerations, does not undermine the intellectual integrity of the discipline of criminal law; on the contrary, it supplies material for an analysis on legal considerations".<sup>6</sup> In our opinion no satisfactory results can be achieved in criminology unless we have recourse to this method, i.e. in the present instance by an appraising synthesis of the several technical-scientific results and then by making use of these results.

Criminology approaches traffic offences, like any other criminal offence, from a number of aspects. By keeping in view the principle of the social-determinedness of the offence, as the guiding principle, it explores the objective and subjective sides of the offence, and so also the causes at the time of the commitment of the offence attaching to the person of the offender as well as the causes extraneous to the person. Furthermore, it makes efforts to explore all characteristics the knowledge of which may help reduce the rate of delinquency.

To sum up: the statement may be brought forward that actually traffic criminology has in the first place as its subject-matter criminological research closely attached to road accidents. Accordingly, it studies the forms of manifestation of the infringement of traffic rules and of accidents. On the bases of statistical and etiological researches it performs secondary analysis and studies the factors which have operated towards producing the unlawful conduct. Within this sphere traffic criminology has as its special function the study of the conduct ultimately responsible for the accident. Traffic criminology furthermore combines the analysis of the irregular conduct with the relevant stock of knowledge of social psychology. In this connection it offers an explanation of the reasons why the means of criminal law had to be brought into action against this category of unlawful conduct.<sup>7</sup>

#### MORPHOLOGICAL FINDINGS

In order to obtain a picture of the trends in traffic accidents in Hungary, as topic of criminological research, it may be necessary to offer a few statistical returns together with explanatory remarks.

In the following a few data will be given of the structure of traffic in Hungary.

*Division of labour in the transport of persons  
(Output in 1000 million passenger kilometres)*

Branch of traffic:	1965	1970	1975 (planned)
Railway	16.3	16.3	15.8
Road	24.8	33.7	44.4
Other	0.2	0.4	0.9
Total	41.3	50.4	61.1

<sup>6</sup> Cf. SZABÓ, A.: A kriminológiai alap kutatások elvi kérdései (Problems of criminological basic research). *Allam és Jogtudomány*, 1963, No. 3.

<sup>7</sup> VISKI, L.: *Közlekedési büntetőjog* (Traffic criminal law). MS, Budapest, 1972, pp. 704-706.

The following table wants to convey an idea of the relations of road accidents and traffic offences per 1000 motor vehicles:

Year	Number of road accidents	Number of traffic offences
	per 1000 motor vehicles	
1965	148.1	141.4
1966	129.8	111.7
1967	120.5	105.5
1968	125.5	102.7
1969	118.9	96.6
1970	96.6	87.9
1971	77.7	72.2
1972	59.4	49.9

Given the knowledge of these statistical returns, the following regularities may be established:

(1) In the numeric shape of road or traffic accidents the following trends may be observed:

- Notwithstanding the growth of the number of motor vehicles, a relative decrease of the number of accidents (and so also of traffic offences) has been recorded;
- Simultaneously with the continued growth of the number of motorized vehicles, the absolute decrease of the number of accidents (and so also of traffic offences) has been recorded.

(2) On the appraisal of the outcome of accidents in like way two stages may be distinguished, viz.:

- The number of fatalities owing to accidents has increased at about the same rate as that of the accidents;
- the number of fatalities owing to accidents has increased at a rate higher than that of the accidents;
- it appears as if from the last year onwards a third stage became distinguishable, notably the number of accidents resulting in death are decreasing parallel with, or at a higher rate than the number of accidents.

Partly the gravity of the consequences, partly the welcome trend of the latter years justify the subsequent thorough study of the forms of manifestation of traffic offences and traffic accidents, their reasons and the methods of their prevention. In a study of this kind the following have to be kept in view:

- the social and economic structure and interests of the country;
- the society-wide repercussions of the measures to be taken (e.g. at the ascertainment of the ratio of mass transportation and private transportation it may be convenient to take into account the area of the given country, its geographical situation, etc.); further whether in the given country there is planned economy and whether there is a central effective guiding and controlling system in operation, etc.

## ETIOLOGICAL STATEMENTS

According to the position actually dominant in criminology, a line has to be drawn between the causes of general delinquency and the causes of the particular criminal offences. When analyzing the causes of the particular offences it may be convenient to concentrate round two groups. According to a traditional division, one of these groups consists of the totality of subjective factors inherent in the offender, the other being the totality of objective factors present in the world outside the offender.

The trend of traffic delinquency is determined by a number of effective social factors. The most important of these factors are the following:

- The relations between the high level of personal welfare and the relative backwardness of social consciousness. Driving in a state of intoxication constitutes the greatest hazard to road traffic; and when we speak of the backwardness of social consciousness we mean that the dangers of drunken driving are underrated by the public. The majority believes that driving while under the influence of liquor is but a venial sin. First, because drinking habits are part of the social life, and, secondly, because so far it has not been possible to convince the majority of people of the harmful effects of the consumption even of the slightest quantities of alcohol.

- The relations of social and individual, general and traffic morality. These fields of morality are closely interrelated. All-social morality, which, in the scope of the present subject, has a role in the existence or non-existence of the readiness of conforming to norms, influences the individual through the norms of the other fields of morality. The man taking part in road traffic will find himself confronted with a variety of decision-making situations. Here the moral factor will be one of the determining factors of his conduct. Society may shape the morality of the group and of the individual in either a positive or a negative sense. Under actual circumstances the problem of greatest weight is the want of identification with the need for the observance of traffic norms on a social level. Society fails to condemn harmful acts to society by their sheer numerical frequency, not recognizing their actual weight. Incidentally, the discipline displayed by a collective on the road, and also the number of casualties this collective produces in traffic betray the moral standards of this collective as a whole. As a matter of fact the ideals of the collective, the aspirations, the customs of the society in question, the degree of efficiency of the shaping force of the collective, and a number of other factors,<sup>8</sup> all have their effects on traffic as a whole.

- The motor car as a status symbol. The sociological problem manifesting itself in every motorized society and lending itself for the study as a process is, dependent on the degree of development of motorization, grouped round different topics. In Hungary the following principal controversies may be discovered on this understanding:

What stands foremost is the controversy between owners and non-owners of cars. Even according to an international survey in the majority of motor car and pedestrian accidents the overwhelming majority of the pedestrians have never driven a car. The problem will therefore become a multi-level one. Partly

<sup>8</sup> Cf. VISKI, L.: Közlekedésszociológia és közlekedési büntetőjog (Sociology of traffic and traffic criminal law). *Allam és Jogtudomány*, 1971, Vol. XIV, No. 3.

the driver has a contempt for the unprotected pedestrian, partly the pedestrian is unacquainted with the running properties of the vehicle and the limitations of the vehicle-controlling "capacities" of the driver. The latent animosity of the two groups occasionally breaks out in indiscriminate aggressiveness, often on a mass scale.

There is an antagonism between professional and private or owner-drivers. In addition to a number of mainly psychological factors, the severe restrictions imposed on the freedom of movement of professional motor car drivers may account for this antagonism. Actually, a large section of professional drivers do not own a car. Thus many a driver of a motor lorry or a bus will find it difficult to imagine himself in the place of the driver of a passenger car, and may even be unwilling to do so. A considerable part of the drivers of private cars, partly owing to inexperience, partly to presumable unfitness, actually blocks or at least disturbs road traffic.

Antagonisms may be discovered also within the sphere of private or owner-drivers. In Hungary this problem is still of limited importance, however, presumably in the not very distant future it will advance to one of the principal antagonisms. At present the status symbol character of the car is still confined to the circle of haves and have-nots. In the future, however, with the gradual saturation of the market, a rivalry of types and of cylinder capacity will become the indication of a higher level of status symbol.

- The existence of a stock of vehicles and its growth will, as a matter of course, entail the increase of the number of other contingent offences. These include e.g. car theft, which as is known has a dangerous influence on the trends in juvenile delinquency. A new form of delinquency, so-called "mobile delinquency" has begun to spread and risen to an important role in overall delinquency. With the growth of the number of motor vehicles also the number of accidents tends to increase. Beyond this increase of the number of accidents, there is a rise of the number of other, wilful traffic crimes. (So e.g. imperilment of road traffic as a form of wilful crime.)

In the discussion of the circumstances responsible for certain concrete offences, or promoting these, first the so-called "objective" circumstances, i.e. those beyond the control of the offender will be dealt with in detail.

Earlier we have briefly spoken of the factors prevailing on an all-social level which eventually influence the trends in traffic delinquency. To these factors we should like to add that there are problems of expressly technical nature, such as the stage of development of the infrastructure, which may ominously shape the conduct of the person on the road. If any person has the feeling as if he were left to his own resources in traffic, and only he were required to observe the traffic code, but never those in control of the institutions associated with traffic, he will inevitably become less and less aware of the need for identification with the existing regulations. Even when obeying the regulations, he will act mechanically only, but never dynamically, i.e. he will follow only those regulations which appear as being sympathetic in his mind. This is a form of demoralization. Therefore, the organization of road traffic, including the rate of road construction in line with the growth of the vehicle fleet, in like way as the servicing establishments (garages, services) have to keep up with the expanding stock of motor vehicles.

It is an empirically well-established fact all over the world that the number of accidents may be reduced, first, by an effectual organization of traffic, and, sec-

only, by improving the safety of the vehicles. This statement seems to be in contradiction with an earlier, namely that the overwhelming majority of accidents may be traced to the blameable conduct of the human agent. The contradiction is, however, merely an apparent one, for partly by the improvement of passive safety this lower ratio may be reduced to a minimum at a very short notice, partly: passive safety helps forestall the errors in human conduct, or at least suppress its consequences and considerably mitigate the degree of gravity. To confirm this statement let a few examples stand here. By improving the technical safety of the vehicles the number of accidents owing to technical faults may, for practical purposes, be reduced to nil. All other safety devices, such as the safety belt, collision- or shock-absorbers, an adequate degree of instrumentation may correct the faulty conduct of both the other persons in the car and the driver in question. As is known the safety belt will prevent an unwelcome outcome irrespective of whether or not the person taking part in traffic has committed a grave offence against the traffic regulations. The effectual organization of traffic is an essentially allied topic. The efficacy of traffic organization does not merely imply the detaining of the driver of an expressly blameable conduct (i.e. it does not help the driver to infringe the rules): a good organization will, on the contrary, assist the person in observing the rules. An effectual organization will not provide opportunities for the manifestation of unwelcome personal factors, or do so within an appreciably limited sphere only, for it makes the only proper conduct also visually manifest. It will not even confront the driver with decision-making situations.

On discussing the objective circumstances it must be further remembered that in the different stages of the development of motorization, in conjunction with the general level of social and economic development, the consciousness of the person can be influenced to a definite degree only. This will say that at any given stage of development there are legal provisions, whose infringement will entail sanctions, and rules of conduct of moral content. It is extremely important to recognize where and for what topics it may be convenient to draw the line between moral and statutory regulation.

In the following the objective circumstances will be dealt with, separately for professional drivers and private or owner-drivers.

As far as professional drivers are concerned, in the valuation of the objective circumstances it should be remembered that after a long, unevenly distributed, often extremely tiring and exhaustive work professional drivers are in need of active leisure and complete relaxation. This will be possible only if the private life of the driver is settled and balanced, and every condition is present for a rest from physical and mental exertion. The housing conditions, in general, and the quality of the driver's home, and his status in it, are one of the indices. Peaceful, undisturbed living conditions, in a proprietary or chief tenant capacity, were characteristic of the control group (of test subjects driving free-of-accident for a number of years), whereas poor living conditions (subleases, workers' hostels) were the lot of the drivers responsible for accidents. As for the latter category, here the need for adaptation grows longer both in time and extent: beyond the time spent on the road and the persons taking part in traffic the term of adaptation extends also to the leisure time. No wonder that the two groups of drivers differ also in the exploitation of their leisure time. The majority of those causing accidents seeks relaxation in entertainments, whereas most of the members of the control group spend their free time in occupations attached to their

living environments. This latter index partly calls forth attention to the drinking habits of motor car drivers, reminding that addiction to liquor may have such multiple-metastatic background conditions. Fatigue and weariness owing to entertainment will make their effects felt even on the following day also when a state of intoxication cannot be demonstrated. Drivers causing accidents under the effects of liquor have themselves pleaded their poor living conditions more than those causing accidents not in a state of intoxication.

A similar survey has been made among private or owner-drivers. Here too considerable differences have been discovered in the personal circumstances of "poor" and "good" drivers. Drivers responsible for accidents spend their leisure time under more unfavourable conditions than those driving free-of-accident. An interesting lesson learned in this research phase was that differently from the objective facts the group of offenders described their own living conditions as favourable. The contradiction may be explained by the circumstance that the level of aspiration of the offenders as to their own social situation is considerably lower. Consequently, the probability must be presumed that of their own will these persons will not alter their circumstances. The statement automatically suggests the conclusion that poor living conditions will subconsciously frustrate the person. What has been said in connection with the use of leisure by the offender group is closely tied up with the statement according to which the majority of owner-drivers declared that the car was necessary for driving to the place of work. Notwithstanding the members of this group caused the accidents almost without exception during amusement.

The many harmful effects of the contrasts between town and countryside, having their root in the different degrees of development and also in urbanization, are well known in criminology in association with several categories of delinquency.

Similarly to certain other forms of delinquency (e.g. gang or group delinquency), here too the idea suggests itself to deal within the sphere of traffic offences separately with urban, and within it, metropolitan delinquency, and so also with road accidents. As a matter of fact, the town has significantly changed the earlier habitual relations between individual and his environment. Ever since the genesis of mankind one of the principal interests of the individual was to get nearer to his environment and to establish close cooperation with it. This practice, deeply rooted for many thousands of years, has become to some extent impossible in the present age, even undesirable in many cases. The universally approved approach has become an act at least physically qualified as harmful in traffic. If we add to this the methods of communication differing from the forms established earlier we cannot wonder that relatively few find their way in this environment. On the other hand, we may reasonably expect that sooner or later the private person will get adjusted to the changed circumstances.

Urban, and within them emphatically metropolitan, environment may act in several forms on the individual. The effects of the urban environment will be particularly powerful on those who were not grown up in it. Within the conduct of life as a whole the town requires a higher degree of ability of accommodation on the part of the individual. The rhythm of life has gathered speed appreciably and even in its details it differs from that of the countryside. Given this knowledge it is easy to understand why those failing to appropriate this rhythm are mostly responsible for accidents. This statement applies to all those who enter employment in the capital, far away from their families remaining in the country,



who are living in workers' hostels or are lodgers. Yet the statement will hold also for those who have failed to adapt themselves to town traffic in their childhood or in the years of adolescence, still in later years are forced to drive their cars under urban circumstances. In an urban environment complicated situations are likelier to arise than in the countryside, in highway traffic. In this way the permanent pressure of adaptation, beyond the psycho-physiological stress becoming chronic, insists on a higher degree of social adaptability. This is essential all the more because, owing to the large numbers taking part in traffic, anonymity is ensured in the town better than in rural areas.

The driver breaking the rule will find it easier to escape from the sight of the other man. His offence will come to notice with a delay only, so that often he cannot be called to account for technical reasons. Persons in whom the law-abiding forms of participation in traffic have not become deeply fixed in the very beginnings of their driving career, will find it difficult to appropriate the traffic norms in later years. This explains why drivers who have begun their career in a town will be responsible for relatively fewer accidents than others who have learned to drive in the country.

Appraising the role of the objective factors, finally we shall deal with the party who has sustained the accident, i.e. the party legally opposed to the one responsible for the accident, i.e. the "victim". Both domestic and foreign research work confirm that about one half of the accidents could have been prevented if the conduct of the victim had been, as reasonably expected, a correct one. The number of accidents which could have been prevented on this understanding is even greater in urban traffic, in particular in cases where pedestrians were involved. Beyond the relative number of accidents, a survey of the injured parties' conduct in the accidents proves that general and traffic morality are correlated. Statistical surveys tend to confirm that in their trends the ratios of accidents caused by the drivers and the pedestrians have remained constant throughout the years. This proves there is no special driver and pedestrian morale. The victims of accidents are mostly children, aged and/or drunk persons, who in general with their own rule-breaking conduct have actively contributed to the accident. It has further been found that—contrary to the generally wide-spread opinion—the faulty behavior of one vehicle could have been outbalanced in the first place by instantaneous manoeuvring or quick turn by the other driver following upon the recognition of the dangerous situation, rather than by abrupt operation of the brakes. In great many cases the accident-prone situation would have never happened.

In the course of research it has been established that similarly to the offenders a by no means negligible portion of the injured parties was represented by the poorly trained, or wholly untrained workers.

After this survey of the objective circumstances advancing the occurrence of traffic offences, we shall continue with a summary of what are called "subjective" factors latent in the offender.

According to the latest position taken by scholars in Hungary and also abroad, there can be no talk of a uniform notion of "criminal", consequently there is no uniform notion of the personality of the criminal either. Obviously, in the meaning of this position it is impossible to define the category of the traffic offender, or of the traffic criminal, by compiling the common characteristics of such

offenders.\* Consequently, in conjunction with the analysis of the factors inherent in the personality (in the strict sense of the term) resulting in accidents it may be proper to follow up the path covered by the trainee until he becomes a professional driver, and for owner-drivers to study certain problems attached to the possession of a motor car.

When now the career of a professional driver is reviewed it will be found that the members of the group of offenders had abandoned their studies in the first place for subjective reasons, and the majority of them did not acquire skill except the licence of a professional driver. The reasons why the members of the control group have not continued their studies are overwhelmingly objective ones, i.e. reasons beyond the control of the person concerned. It is foremost the members of the control group that have indicated the love of the profession as the reason prompting them to become professional drivers.

The majority of the group of offenders are induced by financial factors to become members of the profession. Also it remains a fact that differences have come to light in the mental capacity of the members of the two groups. Those driving without an accident have found their school studies considerably easier than the members of the group of offenders. In the training for the driver's licence, in addition to the educational environment, also the age at which driving has been chosen as a profession may play a role. For entering the career of a professional driver the age group of 20 to 25 appears to be the most favourable. According to a survey of our own those belonging to this age group have caused the least number of accidents. Apparently below the age of 20 those desirous to become drivers do not yet possess the totality of the social-psychological faculties which would qualify them for sustained free-of-accident driving. Beyond the age of twenty-six the person ceases to be predisposed to the acquisition and application of the many written and unwritten rules of the road.

The circumstances in which one becomes driver of a car of one's own as a matter of course differ considerably from those in which one is trained for driving as a profession. Still the two categories agree in one respect, notably among the private (owner) drivers also the members of the control group present a higher degree of care and solicitude for the vehicle in their possession. The majority of the "good" drivers applies a high degree of care to the traffic safety of the car and tries to improve this safety with all available means, such as the use of fog-lights, a second klaxon, safety belt, etc.

The cardinal problem of the offender side is that of aptitude. The sphere of requirements is extremely ramified both as far as the individuals are concerned and in its interrelations. The situation is all the more complex as so far neither in Hungary nor elsewhere in the world a uniform definition of aptitude, as a postulate of driving, has been offered.

Research work in Hungary is essentially grouped round three principal tendencies. According to the first position, traffic is but a mobile activity of the first and second signalling systems associated with visual and auditory sensation where the person has to respond to the stimuli of the outside world, i.e. the traffic signals, with regular activity or movement within a specified period of time. Aptitude for driving a motor vehicle is present when the person driving the car performs the acts required for driving in a judicious and practical way during

\* Cf. VÍSKI, L.: *Közlekedési büntetőjog* (Traffic criminal law). MS, Budapest, 1972, op. cit., p. 668.

an extended period of time without his health suffering damage. The average driver will, by giving adequate performance, drive his car without accident. This position attributes a primary role to the physiological factors, although it also recognizes the important functions of psychological factors. The second position relegates the physiological factors to a secondary role and considers the want of a proper psychical attitude on the part of the driver towards the problems of traffic the critical question. A third position, the most important for the purpose of the present study, integrates the objective characteristics of accidents with certain personal indices.<sup>10</sup> In this way it is possible to segregate the recidivist, drunk types, from persons responsible for fatal and multiple accidents. As a matter of fact, of late a growing number of evidence produced by researches disproves the opinion as if physiological fitness as a requirement of the highest order had a determining influence on the trend of accidents. It has been established that one-eyed, deaf, daltonian, even in the traditional sense invalid, persons have been responsible for a considerably lower number of accidents as compared with the ratio of their participation in traffic.

Modern research processes build up their methods on the following principal presumptions: "He lives as he drives", i.e. many drive in the same style as they would like to live ("he drives as he would like to live").

- A not too challenging, ostentatious conduct is the best possible in traffic. A conduct of this kind relies on average capacity, average training and what may be called social conformity. Defective adaptedness in traffic is the consequence of the want of a will to adapt, a will which may even be coloured by social factors.
- The inability to drive a vehicle with safety is the indication of a personality of characteristically reduced capacity, of limited ability, of unsatisfactory performance and unsteadiness.<sup>11</sup>
- The traffic situation is part of the different situations of life. This is valid for the methods of general social conduct, for recklessness, carelessness, over-scrupulousness, etc. However, what may still be permissive in the general (other) spheres of social life, may in a traffic situation not only cause conflicts, or amount to an infringement of the rules, but may expressly constitute a menace to the public.<sup>12</sup>

Beyond the general problem of aptitude for a long time the problem of alcohol and media coming close to liquor in their effects (medicines, drugs) have been in the focus of research.

The results of research work show that drunk drivers may be found in all age groups. Many of the drivers caught in a state of intoxication have long free-of-accident records. However, as regards the distribution by age groups the centre of gravity has shifted from the junior groups towards the middle-aged groups (from 36 to 45 years). Viewed from the point of the person causing the accident,

<sup>10</sup> For details see MÜNNICH, I.: *Pszichológiai tényezők szerepe a közlekedési balesetek létrejöttében* (Role of psychological factors in the origin of traffic accidents). MS, Budapest, 1973.

<sup>11</sup> Cf. OSWALD, D. W.: *Persönlichkeit und Kraftfahrerngung*. Analyse der Strassenverkehrsreignung und Validierung von psychologischen Methoden. Enke Verlag, Stuttgart, 1971, p. 180.

<sup>12</sup> Cf. GÖPPINGER, H.: *Der Verkehrssünder als krimineller Typus*. In: *Kriminalbiologische Gegenwartsfragen*, No. 4, Enke Verlag, Stuttgart, 1960, p. 83.

the drunken state has a number of accidental phenomena which may operate as aggravating circumstances when the case is brought up in court. The overwhelming majority of drivers failing to stop after a road accident are drunk. The fear of a severe punishment owing to driving under the influence of liquor, the failure to recognize the situation as it is, the pushing of the social norms into the background, all prompt the driver to evade responsibility. Research work has called forth attention to the fact that judgement formed of drunk drivers on all-social considerations is very much against them. From the sociological point of view drunk drivers are segregated in several indices from both those causing multiple accidents and those belonging to the control group. Even beyond the outcome the accidents of drunk drivers present a number of irregular features.

As indicated by the results of an inquiry (of our own) into the past record of drivers, professional drivers have to be kept apart from owner-drivers. The analysis of the data of professional drivers has shown that about one quarter of both the offenders and those of the control group were previously convicted.

It has further been stated that there is no appreciable difference between the ratios of drivers causing accidents and those driving free-of-accident called to answer for infringements of rules of non-criminal character. The only exception are alcoholics. Within this group the (from a criminological point of view) recidivists represent a ratio fourteen times that of the non-drunk offenders. The situation is a different one among non-professional drivers. Here even among those causing accidents there will hardly be a recidivist. Those committing a traffic accident in a state of intoxication constitute an exception. Here again recidivism is the characteristic feature.

In an inquiry into the subjective causes the analysis of petty offences cannot be by-passed. A valuation of the infringement of traffic rules shows that for the majority of accidents relative speeding, ignoring actual visibility, the traffic and road conditions are responsible.

An analysis of the petty offences also shows that the accidents may be traced to the disregard of well-known rules rather than to an imperfect knowledge of the rules.

#### PROPHYLAXIS

The principal objective of criminology is, after the recognition of the phenomena, the exploration of the regularities, the pegging out of the spheres and orientation of prevention of delinquency, or of certain given categories of offences. In connection with prevention again a line has to be drawn between criminal law and criminology. In criminal law the means of the law are in the first place also those of prevention, i.e. provisions of law giving the definitions of certain prohibited or else required conducts, the existence of a criminal code holding out punishments and other prejudices, further the promulgation of sanctions inflicted on the offender as the enforcement of the law.<sup>13</sup> The means of criminological prevention cover a considerably wider field.

<sup>13</sup> Cf. Vácó, T.: *A közúti közlekedési balesetek csökkentésének kriminológiai és büntetőjogi eszközeiről* (On the criminological and criminal-law means in the reduction of road traffic accidents). *Közgazdasági és Jogi Könyvkiadó, Budapest, 1973, p. 152.*

At marking out the principal fields of prevention, as far as the strategy of suppressing road delinquency is concerned, two principal phenomena must be kept in the limelight; viz. first, the struggle against traffic accidents and, secondly, the struggle against the consumption of liquor during driving. (In Hungary nobody may drive a car when under the influence of liquor. The prohibition implies that liquor must not be consumed either during driving, or immediately before it, even in the slightest quantities.) Although both accidents and the consumption of liquor imply hazards to society, still the hazard implied in offences is of considerably greater weight to society. This will be a decisive factor also when it comes to specify the tools of the struggle. In the general case prevention will manifest itself in the differences between the intensity of the action, in an individual case stress will be laid rather on the educative, or, as the case may be, vindictory character of the punishment.

The functions of prevention may be concentrated in two fields, viz. first, the education of the person or individual taking part in traffic, and, secondly, the creation of conditions eliminating traffic hazards.

Preventive action associated with the person taking part in traffic is continued in three principal directions, viz.:

- Education is the most effectual means; however, actually it is unsatisfactory for both content and duration. The formation of the readiness for adaptation to traffic must begin already before school-age, and accompany the person throughout his studies. The person must not withdraw from under the effects of education even in later years. After the completion of the school-years, education must continue at the place of employment and through the mass communication media. Priority should be given to the task of improving the efficacy of the education of professional drivers, persons who spend a large part of their life on the road and who traverse fifteen to twenty times the distance covered by private drivers. What has been said so far suggests that they constitute the greatest potential risk to all other fellow-drivers. The main line to be followed in education is to acquire the so-called defensive driving tactics, rather than the repeated explanation of statutory provisions governing traffic and their continual practicing.

- The next category of functions associated with the person taking part in traffic is the proper selection of drivers. The personality study of persons causing accidents suggests that several persons take part in road traffic who fail to satisfy the requirements of traffic. The large number of trends in traffic psychology and their divergent nature the world over seem to confirm the opinion that it is extremely difficult to put in a catalogue the principal characteristics, the absence of which amounts to unfitness for traffic. In Hungary each professional driver has, at the beginning of his career, to pass one kind of aptitude test. The relatively high number of offenders in the group of professional drivers reminds of the need for an improvement of the test methods. This seems to be supported by the observation that the majority of persons sent to a repeated test after an accident proved to be fit for the profession. The cardinal problem is the social-psychological unfitness.

- An effectual means of prevention is the punishment of the rule-breakers. The critical consideration at the imposition of a punishment is to guarantee the harmony of individual and social interests. According to the dominant opinion, the most effectual means of special prevention is the temporary or definitive withdrawal of the driving licence or the issue of licences with limitations. The

temporary withdrawal of the licence will achieve its end when the term of withdrawal is in harmony with the conduct of the driver, the degree of gravity of the injury inflicted, the gravity of the rules infringed by the driver, the age of the driver, his earlier conduct as driver, recidivism, and the all-social repercussions of the act.<sup>14</sup>

Effectual control has a major role in the enforcement of a policy of prevention. This holds for both employer's control (for professional drivers) and control by the police authorities. A task of importance is the timely discovery and reducing to obedience of "near accident" drivers, i.e. of persons showing misconduct of a high degree. Persons of this type are the principal sources of menace to road traffic.

For the increase of the safety of motor traffic in the first place technical safety has to be improved. Interests of production, or of any other kind, must never have priority before technical safety. What is of cardinal importance is the enforcement of the principle of individual responsibility also among the workers of the technical professional service.

The proper organization of traffic, hereincluded traffic policing, is a special, yet foremost means of fighting road delinquency. This is the case mainly because the overwhelming majority of accidents takes place in traffic situations involving no special problems. Apparently traffic organization can do but little in such situations. In the remaining, smaller part of accidents traffic safety may be improved quickly and effectually by organizational measures. The principal objective is to ensure rational, and differentiated traffic conditions possibly free of interference. For the enforcement of this exigency the segregation of vehicle and pedestrian traffic by levels, or the appropriate channelling of mass and other communication may be convenient, a well laid-out traffic organization may effectively assist the individual person in adapting himself to his environment at any time with ease.

Legislation may contribute in a high measure to the enforcement of a traffic policy as outlined in this study. The principal task of the legislator is to introduce unambiguous and modern provisions, excluding misinterpretation. Traffic rules have to be adapted to the degree of development of traffic in the given country at any time. Conflicting, not properly worded and obsolete rules may be apt to confound otherwise law-abiding drivers. They will in this case create a traffic law of their own, whose principal feature will be the priority given to personal interest before public interest. The driver will readily criticize obsolete rules and revalue them, or by observing them throw into confusion his fellow drivers. What is essential is to guarantee permanently the regulatory functions of the law.

With its means and potentialities the National Institute of Criminology and Criminalistics effectively contributes to the achievement of the all-social objectives discussed in detail above. Research in traffic criminology has been going on at the Institute for years. Research work has primarily covered the exploration of the causes of road accidents, i.e. the analysis of problems of negligence. The statements brought forward in the present paper mostly rely on the

<sup>14</sup> Cf. AEBERSOLD, T.: *Die fahrlässige Tötung im Strassenverkehr*. Haupt Verlag, Bern-Stuttgart, 1968, p. 50.

results of these basic researches.<sup>15</sup> The findings of the research work going on at the Institute are turned to good account by the various agencies concerned with traffic. Thus e.g. information provided by the Institute on the circumstances of accidents caused by professional drivers has been included in the obligatory training curriculum of the VOLÁN Trust which carries on long-distance road traffic, mass transportation in several provincial towns and the bulk of goods transport. The Institute makes use of all administrative (participation in legislation) as well as social means (participation on the Board of Accident Prevention on Roads) to profit by the results achieved as early and as extensively as possible.

<sup>15</sup> For the details of the findings of research work see: VISKI, L.: Egy közlekedéskriminológiai kísérleti felmérés tapasztalataiból (From the experiences of an experimental survey in traffic criminology). *Kriminológiai és Kriminálisztikai Tanulmányok* (Studies in Criminology and Criminalistics). Közgazdasági és Jogi Könyvkiadó, Budapest, 1973, Vol. X, pp. 209-246; IRK, F.: A közúti tömegközlekedési balesetek okairól (On the causes of accidents in mass communication on roads). *Ibidem*, pp. 247-285; IRK, F.: A hivatásos gépjárművezetők közlekedési baleseteinek okairól (On the causes of the traffic accidents of professional drivers). *Ibidem*, Vol. XI; IRK, F.: *A magánjárművezetők közlekedési baleseteinek okairól* (On the causes of the traffic accidents of private drivers). MS, Budapest, 1973, p. 95; MÜNNICH, I. and SZAKÁCS, F.: *Közúti balesetokozásért elítélt személyek pszichológiai vizsgálata* (Psychological examination of persons convicted of causing road accidents). Budapest, 1973, p. 53.