

Topic VIII.

Transition in Middle-Europe, Questions About Crime-Prevention and Crime Policy

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1. Forums of Changes

Recent alterations in the feature of the former ruling regime taken place in Hungary has been labelled as, changing of the regime or more precisely, the commencement of a long procedure concerning the *changing of the regime*. Its tangible elements may be evaluated in the following dimensions:

1. A significant erosion is going on in the realm of policies. The beginning of this process dates back quite far in the past. It stands for all countries from the region though the reasons have been generated both by external (primarily the agony of the Soviet Empire, and the wish for a more updated inner and outer Soviet policy in its handling, i.e. Gorbachovism) and by internal (primarily the desire of keeping up the competition with the developed West at any expense and in most cases, the extremely indebted-bankrupted countries insisting to its ideals about the command market up to its last moment) effects. It is a well-known fact though, that while the economic situation in Hungary had had better results – on the surface – than in the other East-Central European countries, also it was Hungary that had accumulated the biggest amount of debt – concerning the quantity of debt per capita.

The process of changing the regime – however still not having been accomplished – varies quite broadly among the countries. After the massacres and bloodshed of 1956, since the mid-sixties Hungary has begun to shape those special significant elements of its "soft dictatorship" that became acknowledged abroad even till the last minutes. The group called nowadays reform-communists or reform-socialists had already been preparing for modernization within barriers of power. It should benoted however, that radical changing of the regime had only occurred to a limited circle of the opposition – let alone that even they did not dream of these very dates. Thus there had been a last-longing coexistence – partly within,

partly outside the party - of the conservative power, being ever ready for unconditional compromises with the "big neighbour" however reluctant it may have been in serving the interest of this latter group and of the oppositions endowed with a strong desire for changes.

2. The changes in the *economy* have been very much like those in the political realm; the erosion and the transition are going along together supporting each other.

3. The *common sense* has been overruled by three ambiguous phenomena, mostly successively but eventually simultaneously as well: vitality, ambiguity and apathy. At this very point we can already talk about present phenomena.

The abrupt changes have triggered undigestible problems to the people of the region. Here are two Hungarian examples:

- October 23, 1956: had been evaluated as a counter-revolution until January 1989, then it varied: uprising, revolution, war of liberty, until now when it became the national memorial day. In October 1988 the police brutally crushed down the celebrators, whereas in 1989 the former victims of such convincing means as truncheon or water-cannon obtained escort from them. The martyr Prime Minister Imre Nagy having been labelled as traitor and counter-revolutioner for 25 years had millions of people on his and his comrade's reburial in June 1989. (The policemen and their commanders were those whom for a quarter of a century have ever been taught that to whom they were giving the respect at that very moment had been the biggest traitor of the nation).
- Janos Kadar who had been the first man of the Hungarian communist system for 25 years as "the uncle" and whose burial was attended also by thousands after having died a couple of weeks after the above mentioned ceremony was over, is regarded now as traitor, massacerer and executiontor.

For those who had not been involved in the secrecy of history and the policies do not take a couple of months or years for sufficient time to process the events. Also, since the standards of their everyday life apart from the broader free speech have not seemingly been changed according to the previous ones the spark like euphoria of the people has turned into apathy, which is still prevailing.

Even after having changed the regime the former connections of power, the distributive and proprietorial relations have remained untouched. It may result in the fact that the people would not perceive the alterations. Whereas the worsening of the situation is fairly obvious including widespread criminality, the increase of violence and the declining effectiveness of the police, the benefits of democracy are the least or not at all perceived.

Certainly in the lack of required historical insight it is not predictable whether or not there is a rational connection between the transition, the accelerated pauperism and the once hoped-to-forget-forms of social deviancy.

1.1. The Power

The style of the leaders – *nolens volens* – inevitably influences men's behaviour. It can divert into two directions:

- a as a sample for satisfaction of needs and problem-solving methods
- b as a sample for adjustment

Certainly the manifestation of the power that serves as *pattern* to the others' manner, is biased by the features related to the values and the technique of problem solving of those possessing the power. It is true for both realms of the state administration and the divisions of powers. Therefore, since in a pluralistic regime the power is being executed via parties: the supporters of such parties already reflect the very style of the relevant party as a value full example. Likewise the state administration mirrors the government (or the governing coalition), or at least after a while provided that its constellation does not change very often.

These sort of actors in Hungary – and also of other countries in the region – articulate quite detrimental effects on the behaviour of the people. The voices of those who believe that in remedying the injuries of the past one should resort to violence and of those who would choose the showdown (also as a sample to be advisably followed by the others too) have recently strengthened. The search for consent has been pushed into the shade and the hatred against the different thinkers has come into the spotlight. Knowledge and expertise have been altered into a means of political interests and serve as diversion from the troubles of everyday life. Prudence is being replaced by huffer-mugger, planning by improvisation induced also by political reasons in numerous cases. Often the power fails to come to a decision because of preference of political reliance to the quality of advice. What is more, with various political threats the advisers are scared away from any decision making well before the expert reports could even be asked for.

1.2. Organization of Society

The ideological and economic decomposition has not started just now. It is going to be judgable only after a while as to what causal connection can be found operating between significant factors defining the human values, i.e. demoralization or alienation and the Soviet influence or official ideology, besides the objective circumstances (e.g. special historic effects in the region). The so called "different thinkers" did believe before that as soon as the Soviet influence had vanished, all its deposit would be washed away. We more and more become convinced though, that the "existing socialism" has only boosted the already available negative phenomena of those countries within the region. Certainly, it is being acknowledged by now that the former regime has overshadowed some regional problems conceived as obsolete or solved. As it has already been proved throughout history that

intolerance and unacceptability of differences have ever been more natural a feature of these lands than of those in the West. Spontaneous rebellions were rather always made at home in this region.

1.3. Malfunctions of Economic Life and Legal Regulations

The considerably increased number of loop-holes is obviously the outcome of the transition and so is the demand for a stricter evaluating criteria system concerning the development of the rule of law. Paradoxically enough though – definitely at its beginning at least – it inevitably goes along with wider legal unpredictability, thus, the growing numbers of those fishing in the troubled waters using these anomalies.

It is also obvious that in such an environment the abuse of the laws also prevails proportionally to the unmeasurable measures of uncertainty in the executors of the laws. At the time being, but probably for a longer while too, there are and going to be cases which are however unjustifiable morally, still are not or cannot be prosecuted for either legal technical problems or evidence deficiency. Therefore the region is a paradise of adventurers at the moment. This statement is well supported by a recently issued estimation about Hungarian data regarding the black trades having ever been badly tolerated by Western authorities. According to its figures there are 70-80,000 people carrying out such activity in Hungary. This number though almost equals with the numbers of registered private entrepreneurs. These black traders do not pay any duty on their import, social contribution to social security on their activity and what counts the most above all – especially in the eyes of those earning fixed wages – they do not even pay tax. Certainly, the incapability or what is more the unwillingness to ameliorate this is tangible evidence of the attitude, and weakness of the prevailing power and also of the discordance of the authorities responsible for law enforcement and public order and ultimately of the vagueness of developing a rule of law system.

1.4. Hungary and Its Environment

The economic-political stability and the governing style of the surrounding countries should also be taken into account in questioning the connection of social transition and criminality.

It is already a well-known fact that Hungary is a host country for a lot of refugees and residents mainly due to its policy of open boundaries and relatively better living standard. One of its neighbours has civil war. Several others have registered movements of which political programmes are focused on minority hatreds. Some of these are based on ethnicity, others on racist grounds. The open frontiers and its liberal control allow mass incomings of even those who would have rather avoided the entire region before let alone this country itself. Criminality provides for new qualities in both transitory and internal terms.

The new democracies of East-Central Europe are in peril by new dangers, too. One of these is the invasion of refugees first in Central- then in Western-Europe. Politicians of this latter region are still not aware of the jeopardy that it means, namely that if these people were not appealed to stay in their home countries because of fear from starving and civil wars then it would be too late to hold up the mass migration. The wealthy Europe may still lock itself up behind an iron curtain, though.

The next jeopardy conceals itself in the fact that the *mafia* of the developed countries is capable of buying up the entire public administration of East-Central Europe. The news talk only about their help in creating the convertible currency of these countries and about their alleged awaiting for this. As soon as it is going to be achieved it will not only generate completely new kinds of crimes in the region that are not likely going to be easily tackled affairs (especially considering that it causes remarkable problems to more balanced and better-off societies to cope with) but also may drift the West into troubles as well.

1.5. New tendencies in screen of criminality

It is not more than a catch-phrase by now stating that the good old times are over. This region of Europe has also been reached by the formerly horrifyingly observed crime waves of the civil societies.

Some people do believe that the game of a social regime is already up. Could it be possible though that this past regime – along with several negative effects of course – has guaranteed in its stricter sense a somewhat secured life for its citizens?

However jarring would be my response to this question, it is not meant to be either original or conclusive, since I do think that from this point of view the failed world-order had really given a sense of greater security for the citizens. Nevertheless this pleasure spoiling and some would say hostile statement of mine concerning the new regime should be supplemented with the following comments.

First of all I wish to emphasize that in the last period of the former regime the remarks of the former leaders (minister of interior affairs, general attorney) that the public safety was solid did not comply with the reality whatsoever. To be more precise it could have been true depending upon what it was compared to. Furthermore it is also questionable what the criteria of public safety are. For several countries from the third world our situation is still more promising. What is more, considering the terrorist activities, our region has far better results – so far at least than Great Britain has endowed with its hundred year old civil traditions and well balanced civil society or perhaps Spain, however ideal example it has become for several reasons.

Nevertheless contrasting our past to our present one shall be faced with a fairly depressing picture and it cannot be eased even if we acknowledge that the seeds of devastation had already been sown. Even more its proliferation has yet begun when the official declarations still stated that everything was alright and perfect. While

the speakers of the power were advocating for public safety, some – although loyal but soberly thinking officers of the Interior Ministry as well – foresaw in their prognosis an irresistibly growing wave of criminality. Certainly because its conditions – see the sowing of these seeds – had already been founded by that time. It is another story indeed that the representatives of the power were not enchanted by this bitter future at all.

This process has recently been accelerated. At this point it is not wise to draw the exact line though, whether to what extent the significant role the environment created by the former regime plays, the inevitable effects of the social-economic changes or the regime prove objective considerations stemmed from the very region. What is to be taken into account any how is that the Hungarian society has not been prepared for such increased criminality (furthermore the method of narcotizing prevailed up to the last moments), thus neither the power nor the prosecuting machinery has developed counter-effects or maneuvers.

Also it does not seem to be doubted that the dictatorship seeping all deviations under the carpet and being endowed with fear as its principle – is less favourable towards unlawfulness than the dawn of democracy struggling with the identification of the state, the redefinition of rights and duties and of the international standards of humanity, trying to cope with state deficiency and thus letting the repressive organisations of the power also insecure despite their previous custom of having been directly governed.

Inadequacy of the governing system, deficiency of regulations have considerably come to play in the field of the police. The police fails already manifestly to react to injuries being carried out right in his sight. (It was not rare before either, though.) The obscurity of governing-regulating system has (also) provoked the conviction that the policemen and their commanders believe the delay in taking measures could lead to the least troubles, whereas the actions based on former reflexes or none are very likely going to be doubted owed to lack of natural legal sensitivity, clear directives and very often of social consent.

Part of the problem is that ever since the last elections an act on police based on social consent has not yet been drafted. (Therefore, presumably not only the soldiers but also the officers are unaware of the legitimate boundaries of their possibilities, rights and duties.) It is completely confusing for even the respected politicians.

2. Questionmarks of Crime Prevention and Crime Policy

Talking to Western European professionals one may face a certain kind of incomprehension towards the problems of our region.

They do not quite see why we are so worried about the increasing crime (since we still have better statistical results than they do).

They do not quite see why we are so concerned about the rapidly growing rate of unemployment (since we still have better figures sometimes than they do).

They do not quite see why we are so pedant with subtle definitions (since the aim is to elaborate the possible practical solution of the problems).

Common roots of their ignorance could be the fact that these very institutions (i.e. stable economic-crises managing panels, existing social safety network and local or global policies articulating the real interests) having been operating already for years in their own region whereas we are still seeking for their mere place under the sun.

The troubles are even crowned with another fact that everything had a different meaning in this very region unlike in the traditionally democratic countries. Common conceptions are to be filled in with new contents and formerly euphemistically used expressions are called upon by their real names.

Thus due to these reasons described above, I am not in the position to hold any well matured viewpoint. However the accelerated increase of criminality demands urgent and considered interference from the advisors. Hopefully the time when the party leaders had been regarded as the only competent persons for any professional question has already gone. Hopefully the politicians expect from the counsellors not only consent but critics as well during their decision-making process (such as criminal policy too). As for these arguments I would underline some crucial problems hereby out of this respect. Since 1992 the Criminology Department of the National Institute of Criminology and Criminalistics has been working on the elaboration of a criminal policy. Because of the short time I would like to summarize our standpoints and questions on the following pages only.

2.1. What is crime-prevention about?

Crime-prevention (briefly prevention) has various definitions. If we are to analyze them¹ we would find that its conception is divided into two groups. On one hand it is the theoretical policy-orientation whereas on the other it serves for the practical matters. It is also obvious though that, mostly due to conceptual deficiency, the opinions of the authors are quite different. It is fairly agreed however, that *state interventions* are *policies*. Or policies can only be the state intervention.

It is far less consented though, whether or not crime-prevention should be regarded as partly of theoretical policy-orientations and partly of non-political, i.e. purely problem-solving thus *cohesive system*. However it might well be acceptable – perhaps to anyone – that the orienting roles are to protect and to serve the interests of the ruling elite and the values of those whom it (believes) to represent. Its success depends on several factors not discussed here. Some of its origin is from inside the elite itself whereas others are affecting from outside – quasi balancing each other.

Also the *purpose* of prevention is not a commonplace so far. It is determined mostly by the decision of the government upon its intended role within the governing

mechanism and upon that of the people of the country; on how significant the ideology or the pragmatism is in its image and how remarkable the missionary sense is, i.e. the violence besides or the serving conscientious thus the regulating picture of the government. These are all crucial factors in determining the commitment of the executive power (due to its capability and intentions) not to the elimination of crimes but to the guarantee of a bearable life, thus to what degree it allows spheres to the spontaneous civil organizations for self protection. It is relevant also to the control over the connections between the prevailing institutions and their (mostly idealistic) aims in order to comply them with each other. Reflection works in the same way too: considerable social activities may be carried out according to the government's concepts only if this latter one provides the proper provisions for the previous one.

2.2. What are the policies of prevention?

As I have mentioned above, policies give the orientation for crime-prevention. There are some quite exaggerated opinions concerning the system and the scope of crime-prevention, such as the notion that regards crime-prevention as the heart-subject of criminal policy whereas another one holds criminal policy as the theory of crime-prevention. There is some terminological confusion within the priority rankings as well.²

The most severe differences are there in the hierarchical ranking of the various policies on prevention and also their connection to the criminal policy (more accurately: the possible connections to the policies without the jeopardy of the biased notions).

Also there is no deep consent as to which of these policies is binding, furthermore to what degree, in what circumstances and to whom. Which are those aim-groups that are to be steered only via summoning up their attention and those that are to be bound by rules. (As for an example, it is worth mentioning that in a country of a former one-party dictatorship the answer to this sort of question is not at all a truism that the policies may prescribe for an individual or for an association. Since it would also determine these sorts of actors' roles in the prevention. Furthermore it should be noted that the sharp distinction between the state organizations and the social associations is not that sophisticatedly self-evident in this region of Europe).

Approaching the practical matters we should define the relationship between social and economic policy. What kind of policies are under this umbrella? Where and what is the function of social policy and what sub-policies does it have? (Might the social-policy of Western Europe differ from the policy of society in Eastern Europe). Finally, we seek an answer for what the position is and the role of the policies which are to serve the prevention of committing crime and the mediation of the damages caused by crimes. Due to different, but mostly undefined uses of

expressions, even the hierarchical relations are not clear (i.e. in the following cases: criminal policy, criminal justice policy, penal policy, crime prevention policy). Owing to the generous application of these terms, these definitions are quite chaotic.

2.3. Prerequisites to Effective Criminal Policy

Some people draw equations between criminal policy and effective prevention of criminality. We cannot agree with that. Prevention of criminality is not merely and perhaps not even primarily activities of authorities. Politics – as we had seen before – is able only to orientate the state. Its execution is not a political task, although the participants might be the same organizations as those determining the policies.

Prevention of criminality has no sophisticated system for either policy (thus criminal-policy) or practical issues in Hungary. Likewise in any other realm of life the deterioration of the previous structures is more obvious than the generation of new ones.

Thus in order to create a system of implementation we should answer the following *questions*:

- which policies are to be involved in the effectiveness of crime prevention (prevention of criminality)?
- who (which local and central organizations) are to participate in the implementation?
- what methods may the intervention apply (the limits of restraint and arbitration)?
- what circle the interference should touch upon (according to the legal intervention when is the local, the regional or the national one due)?
- what sort of moral background should be manifested (i.e. legislating or application of law within the limits of the civil liberties)?
- what measures are to be taken for reaching the success (i.e. criminal-policy or independent ones)?
- which are the target-groups (i.e. all the people, or just some indicated risk-groups)?
- which are those aims that are to be focused upon (i.e. violence, drugs, crimes due to special circumstances, crimes against properties corruption)?

Those countries with matured development have decades to channel the reactions of changes, to experiment with adjustable new policies and to introduce the promising solutions. The results have shown however, that even the establishment of well justified new institutions may end up in failure. Certainly, it does not require detailed evidence of how likely the error of new methods is in a region where balanced evolutionary development has never been observed and where time for experiments has never been given. And what is more, this region faces a unique problem: the handling of the transition from a socialist dictatorship into capitalism.

Notes

- 1 see Mueller, G. O. W.: Criminal justice processes and perspectives in a changing world. In: Course on United Nations criminal justice policy. HEUNI No. 6. (1985) 137. p.; Grahama, J.: Crime prevention strategies in Europe and North America. HEUNI No. 18. (1990) 6., 9., 11-22. pp.
- 2 see details in Graham 1990. HEUNI No. 18. 9. p.