UNIVERSITY OF MISKOLC FACULTY OF LAW DEÁK FERENC DOCTORAL SCHOOL OF LAW

Judit FORGÁCS

CORRECTIONS – EDUCATION – REINTEGRATION The Changing Terminology and Developing Contents in the Deprivation of Liberty

PhD theses in English

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I. The Topic, Aim and Structure of the Thesis

In Hungary, a peculiar contradiction regarding the issues and questions related to the execution of imprisonment exists, particularly in the case of certain theoretical and practical fundamentals that pose an obstacle to identifying problems and hinder professional development alike. While the amount and scale differ with time, the problem has remained unaddressed for decades. An evidence to this is the fact that only a very limited number of research efforts initiated in Hungary was concerned with the professional analysis of theoretical and practical contradictions related to the deprivation of liberty. Recognizing this phenomenon, by designating the three main pathways on which I will lead my thesis, I endeavor to emphasize the importance of the aspect based on unification. The words *corrections*, *education and reintegration* refer to concepts which are present in regulations, and in practice as well. These categories designate three periods that can be analyzed as regards their history, their legislative circumstances and professional criteria as well since they remain clearly interwoven with each other. I determined that the start of the era of corrections - based on the works of Ferenc FINKEY – can be dated from the mid-1830s, which was the beginning of the July Revolution and the resulting European constitutional changes, as written in his renowned work, Hungarian Corrections in the Last Decade ("A börtönügy haladása az *utolsó száz év alatt"*)¹ The period of education can be dated from the beginning of the 1950s, the establishment of the paranoid dictatorship following the emergence of the Stalinist criminal justice system. The ideological and practical notions that surround this concept changed a lot and it took a whole 67 years for a more modern approach open to positive influences, which was eventually substituted with the concept of reintegration in 2013.

The main goal of my thesis is to provide an introduction to the sanctions taking into account their own complex legal nature, all the while separating them from the phenomenon of criminalism. The reason for this approach is that I believe that the

¹The inaugural speech of Ferenc FINKEY, which took place on 10 March 1930 within the walls of the Hungarian Academy of Sciences.

interaction between crime and criminal enterprise as a whole only have limited influence on shaping the profile of criminal sanctions. As the reactions of society, sanctions can only be analyzed closely if we take into account the social categories and phenomena related to a particular historical period. During my research, I also analyzed certain factors that have an influence on criminality since political ideologies and state authorities tend to react to the notion of crime based on their own moral code. This is the reason why the different political and legal systems established separate sanctioning systems based on their own set of morals and their approach to criminal justice.

In the *first part* of my thesis I made an effort to introduce concepts related to the emergence of the deprivation of liberty as we know it today, also addressing the genesis of the notion on *corrections* and its practical applications. It can be regarded as common knowledge that certain correctional tendencies based on philosophical and theological principles enjoyed increased popularity during the 19th century, and emphasized the importance of moral guidance and repair as the modernized goals of relative theories and special prevention. The execution of criminal sanctions within closed institutions enjoys a central role when it comes to justifying these theories since the much soughtafter correction of subjects was mostly available through efforts made during the period while the subject was deprived of his or her liberty. Consequently, in this part, I analyzed the most important factor that supports the concept of corrections, namely the canonical sanctions involving corrections, and the sinners' education through labor, which enjoyed significant importance in the establishment and expansion of disciplinary institutions. I approached the topic of the practical application of this developmental arc by analyzing the evolution of systems by processing relevant professional literature. Following this, I evaluated the materialization of the notion of corrections in Hungary, which used to be a particularly difficult endeavor among the early feudal legal and social conditions. Unfortunately, despite an auspicious period that surrounded the Csemegi Code, the efforts made as a result of the reshaping Hungarian corrections and the Austrian influence coupled with Protestant morals proved to be unsuccessful in furthering the notion of morality-based corrections and the establishment of civic values.

In the *second part* of my thesis, I aimed to provide an introduction to the Hungarian correctional environment of the 20th century. Following World War II, the development of European correctional systems diverged into two separate branches: while one of them, based on the principles of civic correctional values, remains the foundation for European norms, the other one culminated primarily in the adoption of the Soviet ideology. In the first part of the chapter on *education*, I provided an introduction to the repressive Soviet practice which involved the use of pseudo-humanist measures. In the Soviet Union, the deterministic approach of Marxism-Leninism served as the paving stone for the concept of *correctional education*, since the ideological efforts of the state were governed by a firm belief in the possibility of reshaping one's consciousness. In the case of those workers in Hungary who managed to recognize their "anti-social" behavior and sought amends for them, correctional-educational efforts – underlined by the principles of the Kádár era – remained an important goal until the beginning of the 1970s. The monopoly of criminal pedagogy was so large though, however, that it was slow to adopt practical solutions based on the findings of other disciplines, namely criminology and treatment ideologies.

In the *third main part* of my thesis, I provided a glimpse into the changing interpretational framework of the deprivation of liberty as a sanction and sought to emphasize the importance of the related new practices. By introducing the definition of reintegration that would eventually become the substituting term for education, a new, special field of expertise started to form based on one of the most important tasks of the prison service: risk assessment, management and the facilitation of a successful reintegration into society. Among my conclusions I pointed out the fact that the changing legislative background has been in a constant need of professional development and the enhancement of the conditions pertaining to the execution of the sanctions themselves. I also analyzed characteristic factors resulting from the professional culture of the service, the constantly changing and shaping role of reintegration officers and I also determined certain areas that would be the subjects of future development. Particularly this last sub-topic, namely the introduction of scientific results related to the work performed by the reintegration officers is the one that I believe

would contribute to development of the profession itself. Thus, one of the most important goals of my dissertation was to provide a meaningful contribution to future investigations and to support these by laying down the theoretical and methodological foundations in relation to these fields.

II. Methods Used During the Research

The system dedicated to the execution of criminal sanctions has a peculiar bureaucratic structure along with an independent set of rules and unique customs, which lead to some truly complex goals. In this environment, sanctions as a whole cannot be regarded as simple social phenomena, but as parts of a notion with a complex content enjoying part practical, part symbolic qualities that culminate in generally substantive ideas. The complexity of the topic paved the way for an interdisciplinary approach, thus I resorted to using multiple sources and methods to process these. In my interpretation, the deprivation of liberty as a sanction is a complicated process that mirrors the integrative approach of legal sciences and other social sciences as well. Researching a process as unique and challenging as corrections, education and reintegration requires an introduction to the practical side as well, since by getting to know historical precedents and by analyzing our not-so-distant past can help us get closer to achieving an understanding of today's practices and ways of thinking. The fundamental approaches based on jurisprudence and legal history thus have been supplemented by adding sociological, social-psychological and pedagogical aspects, which as a whole help us to centralize and correctly interpret the extraordinarily complex nature of sentence execution.

The choice of methods connected to the research was significantly influenced by the interdisciplinary approach of my dissertation, which was generally built on a research strategy emphasizing descriptive and investigative aspects. Out of the available research methodologies, the normative method has to be emphasized as it is the most suitable one when it comes to these that are drafted using the findings of legal sciences as well. My thesis contains an inductive and a deductive approach as well. The evaluation of

empirical findings was part theory-based; part data-based. Due to the complexity of research topics, using a special methodology became necessary which included the analysis of the relevant *professional literature and previous research findings*², and the *analysis and evaluation of available regulations and documents*. A qualitative way of approach dominates the descriptive and investigative strategy; thus, I strove to explore deeper interconnections through the elaborate content analysis of the available professional literature. The relevant theoretical works, the normative background and the fundamental parts of the resulting practice have been processed, while using more than a hundred pieces of Hungarian and foreign literature. Besides the generally used comparative approach, the introduction to significant definitions and legal institutions was facilitated by the use of penological dogmatics and the descriptive-critical approaches.

III. Theses Based on the Conclusion of the Research Findings

1. The Barriers to the Modernization of Early Hungarian Corrections

As a result of an organic development process, the Hungarian prison scene witnessed significant changes during the 18th and 19th centuries. The civic changes and the related, emerging notions on the importance of freedom and liberty paved the way for the widening use of prison sentence as "poena ordinaria". This new challenge demanded a completely different model of oversight. One of the first and foremost effort was the one that aimed at the safe and secure isolation of criminals for the sake of the protection of society, but at the same time the idea of personality correction through labor, education and pastoral care also started enjoying increased importance. Through the peaking of social sciences, the previously exclusive nature of philosophical and religious thinking lost its stability, meaning that the scientific scene slowly started to accept the fact that the reasons behind criminality can be discovered and identified through

² The project titled TÁMOP 5.6.3-12/1-2012-0001 for the "intensive post-release care and multi-phased social and labour-market reintegration of the prisoners served as the foundation for an extensive research on "The Staff Members of Prisons in Hungary", in which I participated as a researcher. The research was conducted in 2011 and then later in 2017, in which we analyzed certain competences that are linked to certain positions. Later, in 2021, I analyzed the effects of the pandemic on maintaining contacts and relations.

empirical findings. While theology built on faith and religious morals, the novel scientific approach emphasized the role of society itself. While the effect of relative theories seemed to gain momentum throughout Europe, Hungary – due to political and economic reasons – was not ready to welcome and accommodate such changes. The chief ideological guiding star of the civic change that resembled the era – for Hungary - was the dominance of Austrian criminal law and German legal sciences, which mostly supported faith-based corrections. We are aware of the fact that by the time of the introduction of the Austrian Penal Code in 1852, the Hungarian system had become so obsolete that it was practically unable to serve the notions associated with modern corrections. The intensive, high-level scientific and professional debate following the Austro-Hungarian Compromise, however, brought practical achievements since following the coming into effect of the Csemegi Code, a state-of-the-art and adequately regulated central state-governed prison system was supposed to be built. Initially, due to the lacking infrastructural conditions, the introduction of the gradual system of sanctions became difficult, while the great prison construction initiative that devoured 15-20 years of efforts further delayed modernization.

The criminological aspects of the penological approach were significantly influenced by the achievements of social sciences on the turn of the 20th century. The gist of this was that people who posed a danger to society could be recognized and corrected through the use of scientific tools and adequate sanctions. The paradigm shift in penology was facilitated by the relative school which gave a dualist edge to the classical values, further supplemented by concepts resulting from taking into account the influence of disciplines such as psychology, sociology and biology. In this era, the works of Elemér KÁRMÁN and Ferenc FINKEY enjoyed widespread acclaim. As contemporaries, they supported the modern ideology of education instead of corrections, despite the fact that they ,,were aware of the fact that the Hungarian practice was not a significant factor in the success of their achievements. One of the most important statements that can be made regarding the era of corrections is that the system of largely inadequate institutions and the untrained personnel were responsible for the gap between ideas and reality.

2. The Soviet Influence

Following World War II, the correctional systems of Europe branched out into two different development paths. One of them, based on civic correctional values, continued to serve as the foundation of the European norms, while the other found its roots in the Soviet ideology. Following the Communist Party's rise to power in Hungary, a rapid moral transformation occurred since the well-prepared ideological background was ready to stand in service and lend its most important elements to introduce into society. Thus, re-education through correctional labor became one of the most important motives for the prison system. Following the 1920s, this approach started to divert towards utilitarianism coupled with the political and ideological reshaping (re-education) of the subjects.

In Hungary, the structural conditions that the Soviet practice required were established through a Ministry of Interior directive issued in 1959, which was followed by the creation of the *education services*, starting a peculiar period that would eventually be completely abandoned with the introduction of the term "reintegration" in 2013.

3. The Appearance of Critical Aspects in Education

Another important paradigm shift could be witnessed in the middle of the 1970s. The dysfunctional nature of prisons as systemic entities was regarded as a scientifically proven fact by the international scene. Both the acknowledgement of *prisonization effects* as discovered by the USA-based social research and the English medicine-based *treatment* model had a profound impact in Hungary. By the end of the decade, not only case managers and educators were responsible for the prisoners, but psychologists as well. The role of the prison service was expanded to include not only the class-based awareness of the prisoners, but also their personalities. I have to emphasize, however, that this system was different in that it did not focus so much on a therapeutic (mostly psychological) approach as it did on one based on pedagogy. The *development concept of correctional education*, issued in 1983, was another important milestone in the history

of education, since it shed light on significant structural and operational hiatuses. At this time, an important statement started to materialize, which claimed that the prison system as a whole – due to peculiarities related to management and behavior control – only had a limited influence on one's chances of successful reintegration following release. By the end of the 1980s, the optimism that had been apparent during the previous era was gone, since it became obvious that prisons were unable to adequately make up for the lack of experience gained from the family and from school while growing up and thus, they were incapable of providing a substitution. The remnants of ideology-based education were deleted from every record and document. During the following time period, correctional legislation was influenced by methods, tools, goals and tasks rooted in the European approach. The shattering of the "Socialist ideal" became apparent towards the years leading up to the End of Socialism in Hungary, giving way to a degree of uncertainty and a pessimistic view regarding one's ability to be successfully educated. The international and domestic scene shared this issue, resulting in heated professional debates.

In the first half of the 1990s, the political and legislative changes had a profound impact on the practice of education. Towards the end of the decade, demands arose for a novel comparative approach that would not only merge, but also utilize the methods described by pedagogy, psychology and social work. The results of my investigation point towards the fact that – once again – the gap between theory and practice remained the fundamental reason for *education's inability to progress towards the direction that had been predicted by professionals before*. In my opinion, besides the expanding bureaucracy, the spread of IT-based systems and solutions led to the fact that educators started taking up an increasing number of *tasks previously not associated with them, shifting the balance from providing actual help to trifling with bureaucratic challenges*. By the turn of the millennium, instead of becoming completely re-shaped and professionally state-of-the-art, education was grounded, which also meant that the attempts at modernization only had a severely limited, often maimed effect on the everyday work of prison staff members while the developmental direction was hindered by the expanding administrative tasks. The professional "upgrade" that would follow European patterns and examples by completely reinventing the notion of education and the work of case officers and educators did not come to fruition. The associated jobs lost their prestige, which was worsened by the fact that formal education alternatives aimed at training future correctional officers had not been present whatsoever. The dysfunctional nature of the actual operation was apparent in the rivalry between the different branches of the services, the fractured sharing of information and the complete lack of professional methods. By the end of my research, I have come to the conclusion that at the turn of the millennium, Hungarian corrections was in a crisis. In my opinion, one of the reasons behind this was that previously widely used theories (based on the values of classical pedagogy) gradually lost their impact on the everyday operation of the prison service.

4. Reintegration, one of the Most Important Professional Changes

The third great shift in our correctional history took place in January 2013, with the newly drafted correctional legislation. The Prison Code finally established the structural conditions for the successful reinterpretation of its approach towards the behavior of prisoners. Adherence to the internal rules and regulations was not sufficient anymore: inmates would be required to participate in the mandatory and optional reintegration activities in an effective fashion. Despite undergoing frequent changes on the level of dogmatism, education had in its principles never been changed truly before, once again leading up to a situation where new theoretical approaches were not followed by practical ones. Thus, it seems like that the synthesis of theory and practice cannot be avoided, since the need for more punctual definitions is characteristic of the "upgraded" operation of the prison service. In my opinion, reintegration as a definition and as an effort which is mostly aimed towards post-release, has to be supplemented by what we understand as correctional activity and incarceration, since it also has an influence on the prisoners' chances for successfully leading a law-abiding life after their sentence had been served. In legislative efforts, this pattern should be observed and followed through by separating the fields of incarceration and reintegration while attributing them with dedicated, professional content and specially designated tasks.

Taking into account the tasks and the new legal institutions introduced by the Prison Code, the tasks of incarceration and reintegration rest on five pillars that encompass *the* support of family and social connections, the improvement of the inmates' chances for a successful labor market reintegration and ensuring that their physical and mental fitness remain intact. We consider risk assessment, risk optimization and the strengthening of the subjects' motivation as new or partly new foundations. All this, coupled with the help of probation officers and post-release care, can be an effective tool that could contribute to the social reintegration of convicts and lessening the chances of recidivism, becoming a successful crime prevention tool. Based on my research, I believe that I can confidently state that the once-traditional pillars of incarceration and reintegration went through a significant modernization process and as a result changed dramatically. The support of family and social connections, the improvement of labor-market chances and observation of the prisoners' mental and physical health all point towards the maturing efforts aimed at narrowing the gap between the domestically used system and the European standards. The principle of normalization governs the prison conditions, meaning that the convicts' life inside, the infrastructural and architectural attributes of the institutions and their legal standing. The spread of the use of IT equipment for maintaining relations can also be noted. Beyond the conventional values, the Prison Code introduced mostly unknown, modern principles for the sake of a successful incarceration and reintegration. The assessment and optimization of risks and the strengthening of one's motivation, as the fourth pillar, further reduced the gap between Hungary and the already-developed European systems based on the notions and values of the 21th century. This system is certainly capable of adapting, synthesizing, organizing and inserting the professional values, experience and information that is acquired through the everyday operation of the service into a unified methodical and operational structure. Hereinafter, this endeavor can only be destined to succeed if prompt and adequate answers become available for the efficient reduction of risk factors.

Today, the reintegration programs and activities used throughout incarceration are personalized and differentiated tools that serve as assets in the fight against recidivism. Due to its nature, the prison system in itself can mostly resort to external measures in which rewards and disciplinary measures and punishments remain crucial factors. Besides, one of the most significant novelties of the Prison Code is the progressive system of execution that addresses the inmates' internal motivation by adding a transparent, gradual and foreseeable development "career" path for them. If a prisoner is willing to actively cooperate and act according to the behavioral norms and rules of conduct, then – in alignment of the legislative background – he or she would enjoy certain privileges such as the expansion of contact options or less severe rules, etc.

5. The Training of Reintegration Officers and its Professional Contents

The work we associate with reintegration is not exclusive to the reintegration officers. While they remain central players within the system, it has to be noted that the training efforts associated with statuses also enjoy an important role in professional socialization. An ideal training would serve as the basis for confidence on duty, an enhanced initiative, creativity, sense of responsibility and loyalty towards the service as well. Creating a dedicated training regime for reintegration officers has been on the agenda for a long time, but despite this, it mostly remains part of the general training provided for commissioned officers. Taking this into account, I support the introduction of a specialized training for reintegration officers, either as a specialization offered for BA students or as a post-graduate degree. After the end of Socialism in Hungary, the professional development, focusing on social work or correctional education, did not come to happen. Moreover, several investigations suggest that the process of dehumanization (that of the field of reintegration) may finally come to an end. The militaristic approach and the intensive bureaucracy all exert strong influence on the actual role performed by the reintegration officers. Due to the discrepancy between the web of aims and goals drafted by the legislator and the actual practice, certain professional values crashed with each other. The message was that even if one's main

task was to help others, certain behavioral patterns had to be adopted nevertheless to cope with the values and demands of the system itself. I sought to depict the consequences of these conflicts and as a result I can state that there has been a characteristic change in the last couple of years on what can be expected from reintegration officers. Traditional human values lost their priorities, giving way to certain attributes linked to the world of prisons which on the other hand merged with bureaucratic roles. In order to ensure a healthy development path for the profession, the actual tendencies have to be identified while also acknowledging the growing gap between them and the traditional "helping hand" role, all the while supporting knowledge related to the phenomenon of incarceration as a whole.

6. Model Section – Breaking the Ice

The success of incarceration and reintegration is surrounded by several factors. One we consider crucially important but hard to control is the attitude of the prison service staff towards incarceration as a whole. The basis of the *Model Section experiment* was that prison staff members, as the flag-bearers of the service and the systemic dysfunctionalities associated with them should be managed in a subsidiary manner, by establishing smaller groups in which ways to solve attributed situations are sought. During the creation of the initiative, particular care was taken to ensure that it fits into the available structure, to eliminate excessive costs and to improve the efficiency of reintegration efforts. One of the most important expectation was to dispose of the polarized section structures and to make use of the previously unknown professional potential that lies within each officer. Among my suggestions I list one related to the expansion of this initiative, starting with sections housing prisoners with special needs and later broadening it accordingly. I strongly believe that by optimizing the use of the tools that we possess, the efficiency of our work could be improved.

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