

THOUGHTS ABOUT THE ESSENCE OF SOCIALIST CRIMINOLOGY

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Introduction

In this article, I will consider both the essential features of criminology in the socialist countries and the specificity of views on criminology in the socialist group of states. The extent to which these views are in harmony with classics of Marxism will not be discussed. It should be noted that when we speak of socialist criminology, we invariably have in mind that set of views which generally characterize criminology in the countries belonging to the socialist community of nations. At the same time, it means a Marxist criminology, or one that is considered to be Marxist-based. For that reason, I think that the term "Marxist" rather than "socialist" criminology is more appropriate from the onset in terms of content. However, because in daily usage in the socialist countries the term "socialist" is more frequently used than the term "Marxist", common usage will be applied in this article as well.

To formulate the essential issues of socialist criminology is an extremely difficult task. Several commonalities as well as considerable differences characterize criminology in the socialist countries. This is true of the different stages of development, moreover, in any given period in a specific country. An author's views, therefore, reflect the fact that they are not independent of the material, intellectual, and other conditions prevailing in society. "Socialist criminology" here reflects my own viewpoint, although I have also highlighted views differing from mine. The model of criminology which emerges may well be described as "socialist", albeit with outstanding individual features.

Let us now turn to the most important characteristics of socialist criminology. They include the following:

1. That universal regularities of causality and determination are present in criminal human behavior.

2. That crime is a social phenomenon. Furthermore, it is the social conditions prevailing in a given country, and the different forms of social injustice within them, that play the most significant role in the existence of and changes in crime.

3. That prevention of crime on a social scale, the reduction of possible elimination of the reasons for crime, and the conditions of crime are the

most effective means of combating crime. The elaboration of a complex system of crime prevention is one of the fundamental tasks facing socialist criminology.

4. That it is necessary to consistently enforce the determinist concept in the administration of penal justice and in the system of calling the criminal to account.

5. That socialist criminology must be guided by the endeavor to enforce its views in both criminal policy and in social policy. Socialist criminologists consider it essential to reflect reality as accurately as possible in their work, taking into account new social tendencies, and for their conclusions as well as the measures based upon them to be suitable means of bringing about positive change in society. The Marxist content of their activities resides in the recognition of the regularities manifested in the conditions of the past and present, and in the subsequent projection to the possibilities for the future, that is, in their forecasts of what is probable. It is the principal merit of the classics of Marxism that they set out from the realities of their age, and that they were capable recognizing the inherent correlations. For that reason, their teachings have become an epoch-making intellectual trend encompassing the whole world, and they constitute guidelines of action in several countries.

Causality and Determinism

As in the Soviet Union, the views concerning crime in the newly emergent people's democracies of Eastern Europe after World War II took rather distorted forms within the discipline of penal law until the mid-1950s, the years in which the dogmatic political and ideological tendency began to lose ground. At that time, the fundamental causes of existing crime were attributed to the influence exerted by the capitalist environment and to bourgeois remnants and vestiges in the people's minds. Conclusions were drawn with respect to the steadily decreasing rate of crime from the theory that the state as well as law were bound to wither away.

The facts, however, failed to verify this assumption, which was based upon deduction. This deduction professed that if the causes of crime are rooted in social injustices, and if socialism is a social system in which social injustices are necessarily decreased, then crime must also reveal a failing trend. It was quite obvious, nonetheless, that there existed a contradiction between principle and reality, and that an adequate scientific explanation was not available.

Beginning with the mid-1950s, profound criticism of the dogmatist trend was resumed, and views relating to crime increasingly reflected contemporary reality. That process led to the formulation of the following theorems:

1. Crime is not alien to socialist society; thus, by necessity it accompanies it.

2. The fact that crime shows a decreasing tendency in the long run does not exclude the possibility of a provisionally rising trend in the short run.

3. Even in the course of socialist construction, crime can be linked with the contradictions in socioeconomic conditions.

4. The old social remnants in the mind are closely associated with crime, but the relations between them can be weakened as a result of cultural, educational, and enlightenment work.

In Hungary, steady social development built upon a broader measure of democracy that began with the closing years of the 1950s. During this process, a new criminology took shape and grew ever stronger. Monographs discussing crime and, above all, juvenile crime, were published in rapid succession (Szabó, 1961; Huszár, 1964; and Vigh, 1964). These monographs were followed by the publication of results of research carried out in other fields of crime. By the end of the 1960s, criminological knowledge thus obtained became teaching material, and as such it was included in the curriculum for training lawyers. This process can be identified in the history of the other socialist countries as well, with certain shifts and decidedly non-parallel processes.

In undertaking research into the causality of crime, substantial energy was invested in efforts to clarify questions related to the mechanism of causality. As a result, the general concept emerged that both an actual criminal offence and crime as a mass phenomenon are effects preceded by causes for which we must seek reasons, conditions, factors, or circumstances that generate a criminal offense or crime in general. This recognition and interpretation of causality raised new questions such as:

1. What is the mechanism through which causality and determinism come into play in human actions from the time of a person's birth to the point of committing a criminal offense?

2. What role can personality, awareness, and emotions play in the causality mechanism?

3. Are man's biological properties to be classified into the category of objective or subjective factors?

4. What are the actual economic, cultural, health, and other factors that can be regarded as causes lying behind criminal offenses and crime in general at the present stage of our social development; This final question is the most important of all.

Perhaps the essence of the causality mechanism can be formulated as follows: man has definite biological properties when he is born in a given social environment. These two properties, in turn, shape man's personality hand-in-hand with the existing environmental factors. Together with the actual external or situational influences, personality thus molded and developed will result in human behaviour, including criminal behavior, which runs counter to the law (Vigh, 1980; and Kudriyavtzev, 1968.)

There is no difference in the causality mechanism of criminal and non-criminal human behavior. The difference lies in the qualification of a behavior, that is, in the causality factors which bring about the kinds

(criminal or non-criminal) of behavior. From the point of view of crime, the following factors have a role to play:

1. The quality of the personality, the content of a person's awareness and his/her emotional "tuning";

2. Objective factors from the past (social, biological, and other environmental factors) that have had a role to play in molding the personality to become what it actually is;

3. The actual objective or situational factors that exert an influence on the personality before a criminal offense is committed and strengthen the motives in a person to take decision in favour of committing a criminal offence.

In connection with these factors, it is very important to emphasize man's purposive activity, since the criminal act to be committed in the future arises in the mind of the offender as a target image. It performs a simulatory function suitable for satisfying the person's needs when taking the final decision.

The scheme outlined above reveals, among other things, that biological factors are objective conditions, whether they are inherited (such as a weak and vulnerable nervous system) or derive from current external factors exerting an influence (such as hunger, acute pain, etc.). This concept is challenged above all by some medical doctors and psychiatrists. They maintain that the personality is inseparable from and cannot exist without the soma (biological form) with which it constitutes an organic unit. It is undoubtedly true to the extent that the personality cannot exist without the soma, but neither can it exist without the environment or society. The concept of the personality would then need to include society just as the soma is included, an approach that would be quite unreasonable. Instead, we contend that the personality should be regarded as the system of psychical relations, as the socialization of the individual. Both biological conditions and the prevailing socioenvironmental relations constitute its objective foundations. This concept coincides with Karl Marx's well-known theorem formulated in his "Theses on Feuerbach." It suggests that the essence of man is nothing but the totality of social conditions (Marx-Engels, 1974).

To outline the scheme of causality is also to consider criminology as a discipline which synthesizes and analyzes simultaneously. It seeks to establish a uniform system, including all casual factors of crime and criminal human actions along with the relevant parts of sociology, psychology, and demography, which are indispensable to determining the cause of and promoting prevention of crime. Another view, however, argues that criminology as such does not exist in the form of a collective discipline, and there are foundations solely for a criminal sociology and criminal psychology (Szabó, 1980).

The materialist interpretation of the determination of criminal offenses has triggered numerous debates, ranging from establishing criminal responsibility to the possibility of calling the criminal to account. Several people have posed the following question: given causality and consistent

determination, his the offender or man in general a free will at all? Can man choose from among the different options, or is he merely a toy in the hands of fate and left to its mercy? (Békés, 1974).

The solution to this problem can perhaps be formulated most simply as follows: society and our conditions of subsistence in fact offer a number of different opportunities for action. For example, a young person who has just completed his or her secondary education can choose from among some 30–40 institutes of higher education in which to be enrolled. For our needs to be met, as a rule one can select a method for satisfying them that either corresponds with or runs counter to the provisions of the penal law. Alternatively, one can decide to abandon the idea of meeting a specific need altogether.

Objectively speaking, we can normally select from several possibilities. At issue, however, is the factor on which the selection depends. Within the causality scheme, as we have seen, it depends upon the state of the personality and the situational conditions. Because the state of the personality depends on the objective circumstance of the past, selection also comes to be determined: in the final resort, it is a function of objective circumstances. As an effect of past objective circumstances, the personality possesses a certain measure of independence in the face of influences exerted by current objective circumstances. For this reason, identical situational effects find different expressions in the different personalities of people. For instance, a criminogenic influence of equal intensity can result in the commission of a criminal offense by one man, but not by another. This relative independence of the personality, however, or his selective and valuating ability is not identical either with man's free will or even with "relative free will", although there is a tendency by some to identify the relative independence of the personality with relative free will.

The problem lies in the fact that the state of the personality is determined by past objective circumstances at any given moment, which means that selection can be made from current objective (situational) circumstances to which the personality has been subjected. Thus determination is complete.

We consider causality and determination to be universal issues which are fully enforced in the criminal actions of humans as well. Some denote this interpretation of determination as "consistent", that is, they consider it too inflexible and refuse to accept it. Instead, they suggest that the theory of relative free will reflects reality (Bihari, 1977). If we accept that materialist determinism has a role to play in criminal human behavior, then we must also accept the viability of criminal prognosis, since future probabilities necessarily follow from the past and present. Negation of the viability of prognosis therefore reflects an idealist concept.

Views on the prognosis of crime, where crime is regarded as a mass phenomenon, are today generally accepted following the recognition of the law of averages and stochastic relations. Several research programs in progress in this field have been more or less successful. What has been

termed "individual prognosis", i.e. the prognosis of an individual becoming a criminal offender or recidivist is, however, another story. Many experts in criminology have reservations about the possibility of forecasting (prognosticating) actual human behavior (actions). The doubts they have raised are closely associated with the acceptance or rejection of the interpretation of the determinist concept. Making an individual prognosis is beyond doubt an extremely complicated activity requiring very broad knowledge. This is because in addition to examining possible changes in objective circumstances, the personalities of the individuals, the content of their awareness, their views, as well as their anticipated changes must be taken into consideration. The fact that a phenomenon is complicated does not necessarily mean that we cannot recognize the inherent laws governing it. In essence, prognosis can be defined as the recognition of regularities in the past and present, and projection into the future on this basis. The accuracy of prognosis is dependent primarily on the extent to which we are capable of identifying and disclosing the regularities governing the phenomenon under study and the causes that have brought it about.

In societies based upon a planned economy, it is indispensable to make a prognosis because without it, it is impossible to draw up plans.

The whole of a planned economy is essentially based upon prognosis. In socialist countries where the administration of justice calls for foresight in several respects, it is very important to know something about the expected development and composition of crime since it has a considerable influence on the load that will be carried by the machinery of the administration of justice, on the number of persons who will receive prison sentences, on the work in jails, etc. According to our concept, a prognosis can be made of the expected changes and developments in crime through the stochastic implications of crime, but prognosis can also be made through the probability of people becoming criminal offenders.

Relations Between Social Conditions and Crime

It follows from the determinist causality concept described above that socialist criminology attaches paramount importance to the social factors in the determination of crime and criminal offenses. Bourgeois criminologists are increasingly accepting this position as well. Laying emphasis on the predominant role played by social factors does not necessarily mean the negation of influences attributable to other factors, i.e. biological factors.

Acceptance of the predominant role played by social conditions can provide adequate answers to the existence of crime, to its quality, and to its increasing or decreasing trend. In light of relevant statistical data at our disposal, Hungary ranks approximately in the middle of the list relative to other socialist countries with respect to crime figures. In addition, crime rates in Hungary are at a much lower level than in the overwhelming majority of capitalist countries. There are approximately 150 detected

criminal offences and 80 offenders per 10,000 citizens. Using rounded numbers, Hungary's population of 10 million thus corresponds to roughly 150,000 reported criminal offenses and to 80,000 perpetrators nationwide. International comparisons are rendered difficult, however, because of national variations in the manner whereby human actions dangerous to society come to be qualified as criminal offenses.

These data indicate the approximate magnitude of crime. Indices reflecting the structural proportions of criminal offenses supply considerable information in this respects, especially with regard to the degree of dangerousness to society. Criminal statistics in the socialist countries, including Hungary, demonstrate that less serious crimes account for the overwhelming majority of criminal offenses, although in Hungary there has been a rise in the ratio of more serious crime in recent years. The Hungarian reality favorably illustrated the view maintained by socialist criminology on the dynamism and variable tendency of crime.

In our view, crime must show a falling trend in the long run as socialism is constructed. This position is the result of the deduced theory discussed above. If on the one hand we accept the proposition that in capitalist society crime is rooted in social injustices and its various manifestations (e.g. unemployment, exploitation, the violation of human dignity, etc.) and the Marxist doctrine that socialism is a social order in which social injustices reveal a decreasing trend on the other, then it is quite logical to conclude that crime will also reveal a decreasing tendency under socialism. Actual empirical research and statistical data, however, indicate that in the course of socialist construction, there are periods during which crime rates rise instead of fall. This situation applies, for instance, to the seven to eight year period of revolutionary social transformation in the socialist countries immediately following World War II. In this period, the open and concealed struggle between the old and the new, and the general disarray in society contributed to a massive increase in every type of crime. In Hungary, for example, the number of convicted persons stood at 94,000 in 1938, a watershed often described as "the last peaceful year" of capitalism. This figure rose to 150,000 in 1951 and 1952, an amount never again exceeded.

In this connection, however, it should be noted that changes in crime figures have been and remain largely dependent on the range of behavior or action that become qualified as criminal offenses. For instance, the 1938 figures include petty offenses, while the 1951-52 data contain several social phenomena which do not exist today, such as activities endangering the interests of public supply, or calling to criminal responsibility masses of people strictly because of minor thefts at the expense of social property, doing minor damage, etc. Parallel with the stabilization of social conditions, from the mid-1950s onward the dynamism of crime has shown a falling tendency, and aside from minor changes, continued to decrease up to the 1970s.

There followed a period of stagnation, however, and a significant rise in crime began in the early 1980s. Factors completely verifying the

increase of crime include: social changes taking place in Hungary (such as the switchover to the new system of economic management, privatization and the appearance of a "second economy", and income-generating activities carried on in addition to the hours of the normal working day, combined with a crisis of values, a growing measure of ideological uncertainty, a loss of perspective, the deterioration of the economic situation, and the increasing injustice in the distribution of income. Where clear international comparisons can be made, however, as in the case of serious criminal offenses such as willful and accomplished manslaughter, Hungary's situation still compares quite favorably. While figures dating back to the 1930-39 period reveal that there were 329 such cases on the average per annum in Hungary, the corresponding figure for the 1972-82 period varied between 185 and 237 per year.

Criminologists are expected by some to reconcile how the present and anticipated increase in crime is compatible with the building of socialism. We believe, and hope, that the current unsettled state of affairs is provisional in nature. Therefore, the theorem that the overall falling trend of crime also takes the form of ups and downs remains defensible so long as crime does not rise over a sustained period of time, e.g. 20-30 years. Should that prove to be the case, then our theorems must be revised and adjusted to reality. (In theory, our initial premise may be erroneous and so too the logical conclusions we draw or the way in which we qualify the social system.)

The data cited and the conditions described in the foregoing are naturally valid only for Hungary and reflect its specific development.

Because of the increasing dynamism of crime, the question ever more frequently arises as to whether a citizen in a socialist-constructing country has the right to be defended by the state from criminal offenders. To adequately reply, it must first be clarified that socialist states do guarantee several such rights to their citizens, in contrast to the majority of capitalist countries which do not. Examples of these rights include the right to work, and the right to receive an education free of charge. The state does not simply proclaim these rights to exist, but rather actively creates the conditions necessary for taking advantage of them. Creation of the right to the security of one's subsistence requires the adequate public security be part and parcel of the essence of socialism.

Yet, we must accept the fact that the conditions for eliminating crime are neither available at the present stage of development of socialist society, nor can they be created in the near future either in objective terms or in those of the mind. Nonetheless, it is quite justifiable to expect from a socialist society that it establish an internal social order in which crime will not rise over the long run. Indeed, it should promote conditions wherein the trend is for crime to fall. Further, correctly judging reality leads to the recognition that each country, including the socialist countries, can exist only in continuity with the past, in an environment composed of other countries, in relation with them, and in a system of mutual depen-

dence. For that reason their development is interrelated even with regard to crime in several respects.

Regrettably, the scope of this article is too limited to provide a detailed analysis of the social phenomena that we tend to describe as criminogenic factors under our present conditions. However, highlighting the most significant of them is indispensable to illustrating the reasons for the existence of crime in socialist countries as well as for its rising trend in some cases. Today the classification of criminogenic factors using the categories of micro- and macro-environmental factors is conventional, although it is perhaps not the most advanced method. However, obsolete this approach might appear to be. I shall adopt it here because while a detailed consideration of problems is precluded, this framework appears to best promote an understanding of the issues.

Of the macro-environmental factors, the family, the school, the workplace, and the group of friends constitute the issues most frequently mentioned and with special emphasis. There is the quality of the family, that is, the parents' cultural standards, the material conditions under which they live, and their way of life. Central here is shaping the course of the child's development. It is perhaps no exaggeration to say that these considerations are essential from the standpoint of crime. There is ample evidence on hand to prove that future crime or its future tendency largely depends on the intentional and spontaneous education to which the up-and-coming generation is subjected during childhood by the family, or in its absence, by others.

Despite a rapid rate of development in cultural standards in the socialist countries, there are families in which the child is not taught to respect the norms governing social coexistence and to understand the need for carrying on activities with full responsibility. In several cases, the parents' antisocial, alcoholic way of life will become the primary determining factor in the development of the child's personality. From the standpoint of crime, it remains a serious problem that the material potential of society is insufficient for the creation of adequate material and cultural conditions for families with three or more children.

Fundamentally, it is the principle of distribution according to work performed that is adopted by socialist countries. However, this principle is "violated" from the very beginning by another principle which is of a higher level but which cannot yet be generally enforced, that is, the principle of distribution according to need. Today this represents a proportion representing approximately 30% of the population's income, and takes the form of different benefits such as health care, family allowance, aids, etc. In spite of this effort, however, the overwhelming majority of families with several children are at a disadvantage. Recent price increases have been posing material and cultural problems too serious for such families to cope with. Criminological research has provided proof that parallel with the increase in the number of children in a family is a growing proportion of juvenile offenders coming from large families.

The fact that people are increasingly taking on part-time work after the daily working hours in an attempt to acquire additional income is attributable to the inadequacy of the economic situation. Family education cannot therefore fulfill its mission even in those families where other conditions are available.

Where education at school is concerned, the disproportionate priority given to the acquisition of professional knowledge can be listed as a factor hampering performance of educational activity as desired. Conceiving as large an amount of information as possible is guided by the desire to raise well-trained young people with a many-sided education. Consequently, insufficient emphasis is laid on educating the young in correct behavior, and in accepting, understanding, and acquiring the norms (both moral and legal) governing social coexistence. Additional difficulties are inadequate recognition (in material and other terms) of the work performed by teachers, which in several cases has led to the absence of devoted and dedicated educational activities.

When considering the relations between the workplace and crime, the circumstances arising from overly loose labor discipline and the inadequate organization of the work process must be mentioned. We have not yet achieved the level of organization and culture in the performance of work in all fields required by a planned economy. The initial stages of socialist construction were characterized by the expectation that people perform work out of consciousness and devotion to the interests of community and society according to their best ability and knowledge.

Consciousness, however, has failed to be sufficient as the driving force at the present level of social awareness and, as a result, productivity has not increased to the extent desired. In places, an irresponsible attitude toward labor has been detected. For that reason, prominence has been given to material interests. While it is a more effective organizational principle, it nevertheless generates selfish endeavors, profiteering, greediness, individualism, and an approach geared exclusively to material benefits as side effects. Although these have not become the generally overriding phenomena, their intensification has been accompanied by the simultaneous widening of the scope of crime.

A major achievement of socialist society has been the guarantee of the right to work, which in practice means guaranteeing full employment. Security of one's subsistence is in itself a considerable factor in combating crime. Typically, the struggle to subsist in socialist countries does not force anyone to satisfy his or her fundamental needs in an illegal manner. These highly positive results of socialist society, however, also lead to enticing manpower away as a consequence of labor shortages, to unnecessary fluctuations in manpower, and, in the last resort, to a lack of discipline which effectively prevents an increase in the productivity of labor. Ample available data exist to prove that at those places where labor discipline is loose and an irresponsible attitude toward work prevails, the level of criminality is higher.

Of the problems relating to what are termed macro-social phenomena, those of production and distribution are illustrative. Recently it has become obvious that the productivity of labor in socialist countries fails, to a greater or lesser extent, to meet requirements. Even under the best circumstances, only those goods that have been produced can be distributed. In his work, "The Great Initiative", Lenin formulated a view that appears to remain true today, that is, that productivity is the most important factor for the victory of socialism.

By virtue of the higher standards of the productivity of labor and technological development in the capitalist countries as well as the imposition of the arms race on the socialist countries, it became imperative for the latter to create forms and methods that today ensure a much higher level of productivity within the framework of a planned economy built upon social propriety. The development of productivity and technology on a competitive basis, however, necessarily brings about disproportions in the internal life of society. The highly accelerated pace of life in our age makes it practically impossible to engage in individual pursuits like attending cultural events, going out for a sport, broadening or acquiring more professional knowledge, devoting time to a hobby, or going to parties once the eight-hour workday is over. Because of the pressure to do part-time work, human ties and relationships suffer and become meaningless. Instead of collective experiences, day-to-day individual problems keep people busy to an increasing extent and an attitude of "carpe diem", enjoy and make maximum use of today, comes very much into the picture.

Social injustices in distribution and in other fields of life even today constitute one of the major problems faced by our socialist society from the point of view of crime. Major progress has been made towards ending social injustices in the course of only a few decades in the development of socialist society. In my opinion, this explains the much lower intensity of crime in the socialist countries than in the capitalist ones in general, but the tendency and even the short-term dynamism of crime are also related to the decrease or proliferation of social injustices.

The relationship between Hungarian social conditions and crime can be illustrated very convincingly by examples taken from the past decade. A variety of factors contributed to mounting tensions and an accumulation of injustices, such as "opening the gates towards capitalism" with its attendant increase in the role played by the market, privatization, indebtedness to and subsequent dependence on the Western nations, deterioration of our economic situation, the widening gap between incomes within Hungary in favor of cunning and manipulative people, repeated price increases without corresponding wage increases, and the deterioration of material conditions, especially for old-age pensioners and families with many children, resulting from the failure to balance increasing costs with real income.

Criminological research has led to the conclusion that over and above certain material and cultural standards of society, the fairness or unfairness of distribution in meeting needs is also relevant. A related issue is the increasing or decreasing possibility of meeting demands. In the course of rising

societal development, people are more prepared to observe the regulations governing social coexistence when they experience and know well that they have "never had it so good", i. e., that they have more today than they had yesterday, and they are certain that they will have even more tomorrow. In the opposite case, the number of violations of the norms is on the increase (Vigh, 1980).

While exerting an undoubtedly positive social influence, other macrostructural factors of socialist countries such as urbanization, industrialization, migration and the restratification of society may also often bring about contradictions and create conditions for certain groups of people that temporarily favor the commission of crime in certain fields and during certain periods. The state of popular awareness, prevailing cultural standards, and inexperience that coincides with creating new conditions must always be borne in mind by criminology in the study of different phenomena. For instance, urbanization does not necessarily bring about an increase in crime. As the Soviet and Hungarian examples demonstrate, growing crime figures result only if urbanization occurs in an inadequately organized framework.

Social contradictions residing in the non-material spheres can also have the effect of stimulating crime. It is true that the demands and expectations of a considerable proportion of the populace in socialist society are not in appropriate harmony with the actual possibilities for their fulfillment. In the initial stages of our socialist construction, the colors we painted anticipating that which lay ahead of us, both in the near and distant future, were overly bright and rich. In that process, we had failed to adequately consider our social backwardness. The past four decades have brought about historic changes in the life of Hungary, yet social development, too, is governed by laws limiting its progress and the meeting of its needs. Increased demands and the limited possibility of meeting them lawfully can often lead to criminal offences being committed. This problem is aggravated in periods of economic difficulty. This fact underscores the paramount importance of developing people's awareness and intensively raising their cultural standards in order to make them familiar with and more able to comprehend the laws governing the development of society.

Ideological uncertainty is also relevant here. The uncertainty associated with economic reform and related measures seeking solutions have led to great uncertainty in intellectual life and in the sphere of political and ideological principles. Principles of socialism, such as that of the superiority of social property and that of a planned economy over a market governed by anarchy, are principles that were believed to be fundamental and true. They have now become challenged, giving rise to a "value crisis." As socialist principles once held to be true have faded, old and rusty values have assumed new glitter and new values have arisen. A value crisis invariably leads to increased irresponsibility, because maximum use of the present is made while ignoring the future. This totality has a favorable influence on the revival of crime.

Singling out and presenting these criminogenic factors serves the pur-

pose of verifying the theorem of socialist criminology that the prevailing social conditions are the determining factors in the development of crime both in the short run and the long run. In deepening our knowledge of the external and internal laws governing the development of society, socialist criminologists have tended to arrive at the conclusion that crime will persist for a long time to come even in the socialist countries. Increasing our knowledge of the inherent laws governing crime, and elaborating the means of effectively struggling against crime (through which the trend of crime falls or at least stagnates), then, are tasks to be accomplished.

Social Prevention

Many bourgeois criminologists agree that those measures designed to decrease (or eliminate, if possible) all opportunities and conditions leading to crime represent the most effective means of crime prevention. Socialist criminology, however, holds that crime can be prevented most effectively in the realm of its causes (both objective and subjective). In other words, the principal requirement is to eliminate or decrease criminogenic factors.

Preventive efforts concentrating on these social causes have been fostered in socialist criminology because of favourable conditions resulting from the internal structure of society in the socialist countries. Crime prevention and the interests of economic, administrative, and other organs of the state are in harmony with each other, or there is at least no sharp conflict between them (Gödöny, 1976). In addition to social prevention in the sphere of causality, great importance is attached to the behavior-molding effect of establishing criminal responsibility (or calling the criminal to account.)

Similarly, there is preventive value in reducing the number of opportunities leading to commission of a criminal offense. This concept also serves as the control on the causality concept. If crime shows a rising tendency during certain periods of social development, therefore, the underlying causes should neither be sought in the institutions of the administration of penal justice, nor in increased opportunities leading to crime, much less in the absence of or inadequacy of guarding and alarming systems or devices, but rather in the internal mechanisms of prevailing social conditions. The system of administering penal justice in Hungary, for example, was updated between 1970 and 1978 following almost a decade of condification work, which included wide-ranging professional debates and substantial decriminalization measures. Strangely enough, beginning in 1979, crime began to show a rising trend.

When examining relationships between social conditions and crime, it was pointed out that the increase in social contradictions and mounting social tensions largely contributed to rising crime figures in the early stages of social construction, and similar processes can be witnessed today. It is therefore imperative to formulate this question as a possible criminologica principle to be followed by criminal policies for the development and prevention of crime (Vigh, 1980).

In the initial stages of the construction of socialist, Hungary's theoreticians failed to devote adequate attention to the clarification of notions like equality and inequality; justice and injustice, which are closely associated with social contradictions. Therefore, the idea of equality practically assumed the same value as justice, while inequality came to be rendered in much the same way as injustice. This combination sprang up from the three commonly known slogans of the Great French Revolution: equality, fraternity, and liberty, that have been dragged along by inertia ever since. Today, however, we know only too well from our experience that equality does not necessarily mean justice nor does inequality by necessity equal injustice. These ideas most now also be openly formulated from the viewpoint of crime prevention, because the overwhelming majority of people have consequently developed an incorrect understanding of these notions. Thus they tend to consider all social processes not of this type to be unjust, and as such lacking the necessary legal and more foundations. Nevertheless, when passing a judgement on or guiding their own actions, including behavior which quite often runs counter to society, they set out from this theoretical position.

This incorrect view surfaces particularly with respect to issues like distribution, wages, and salaries, and different special incomes and benefits. If our principle of distribution in proportion to the work performed is properly applied, it will necessarily be accompanied by inequalities in the distribution of goods. However, this fundamental principle must still be regarded and maintained as the fairest possible one. Its undesired consequences can and must be eliminated or corrected through social policy measures.

The concepts of equality and justice can perhaps be inked most clearly in the field of equal chances. Social conditions can only be regarded as fair and just where they provide equal opportunities for everyone to develop their own personality and abilities. Inequalities attributable to different abilities cannot, of course, be regarded as unjust. When, for instance, we conclude that there is a relationship between families with three or more children and juvenile delinquency, we point to the absence of equality of chances. In other words, inequality in the chances of implementing one's abilities is closely linked with the probability of committing a criminal offence. For this reason, highly differentiated preventive measures must be designed and implemented, often tailoring them to be individual, while the general progressive social processes must be constantly encouraged.

The extent to which the principle of the equality of chances and justice can be translated into practice is the standard by which different societies can be judged, measured, and evaluated. Historically, no social system has as yet been capable of implementing this principle completely. However, never has it been formulated so clearly as a realizable social objective as in the contemporary socialist countries. I firmly believe that the path most closely approximating a just society comes through implementation of socialist and Marxist principles.

Today crime prevention has become the focus of the struggle being waged against crime. While the rising trend of crime (or the inadequacy of measures to decrease it) is largely responsible for this focus, the prominence of crime prevention is attributable first of all to the development of the criminal sciences. Increasing attention is devoted to questions relating to crime prevention at national and international conferences (e. g. the conferences on crime prevention sponsored by the United Nations). If we accept that the concepts of causality and determination are universally valid, that is, that they also apply to crime, then we invariably conclude that only preventive measures can be the fundamental and most effective means of combating crime, and that the objective of calling to criminal responsibility can be nothing but prevention.

As the idea of prevention comes to be increasingly deeply rooted in people's minds, and in public opinion, legal regulation and an organizational framework for crime prevention necessarily follow. The elaboration and implementation of more effective methods of crime prevention are now under way in most socialist countries. Generally, consideration of the negative social phenomena and criminogenic factors associated with crime has led with increasing accuracy to social reform measures aimed at decreasing or completely eliminating the criminogenic influence of the factors listed above. Implementation of these measures is very closely linked with the development of society as a whole and can only be translated into practice to the extent that development proceeds in a positive direction.

By taking the existing situation as its point of departure, criminology must formulate its theorems on two separate planes. First, the plane of pure theory formulates the long-term goals and regularities irrespective of whether implementation at present is possible or not. The second plane concerns the formulation of theorems that can be implemented straight-away or in the near future because the conditions for them are either already available or can be created in the short run. Bearing these requirements in mind, in the long run, under the circumstances of socialism, substantial transformation of social conditions must be regarded as the means of crime prevention. In the short run, a considerable preventive role can also be played by decreasing the number of opportunities leading to crime and by improving the administration of penal justice, in addition to the possible application of the abovementioned principal means.

Further Development of the System of Calling to Criminal Responsibility

The idea is becoming generally accepted today that the administration of penal justice must freed from the crimefighting and retaliatory function it came to assume over several centuries; it must instead be transformed into preventive activity serving the defense of society, with the interests of the victim borne in mind. This emerges as a demand not only in the socialist countries but also in international societies on crime like the International Society of Social Defense. (See the Minimum Program of the Soci-

ety.) The criminal codes in force in the socialist countries invariably single out prevention, that is, special and general prevention, as the guiding objective for punishments or punitive measures. Setting this objective is in harmony with views relating to the determination of human behavior, including criminal human action, because retaliation (causing legal disadvantage) has been eliminated as an objective of punishment. Socialist criminology demands that holding the criminal responsible serves preventive ends both generally and at each stage, ranging from investigation to after-care activities. However, our present administration of penal justice is closer to a system in which the punishment is proportionate to the offense than to the consistent enforcement of the preventive goals.

The first set of issues requiring criminologists to take a position is the definition of the type of human behavior (action) dangerous to society which should be qualified as a criminal offense. There is a wide variety of views regarding this issue. As a general rule, however, it is agreed that the method of calling to criminal account should only be adopted at a time and a place where it is unavoidable. The practice adopted to the present day also points in this direction.

This is supported by the fact that repeatedly over the past two decades a very wide range of decriminalization and diversion measures have been adopted. These measures, however, can only be regarded as correct to the extent made possible by the relevant conditions. It is essentially impossible to narrow down the system of calling to criminal responsibility — let alone to dispense with it altogether (Sheerer, 1983) — in the absence of conditions where effective forms of establishing criminal responsibility at a lower level (e. g. state administration, civil law, and labor law) are available. Hungary, for example, inadequately considered decriminalization. Provisions of the law now in force categorized a large number of criminal offenses as petty offenses (delegating them to the authorities of state administration). However, the staff of the state administration had not been prepared in advance to deal with the increased caseload. Inadequate execution cannot, of course, reduce the value of principles, but it may well lead to results running counter to those expected.

The process of decriminalization itself reflects that calling to criminal responsibility can only be effective where it is in harmony with other forms of calling to account. And harmony can only be brought about by the identification of objectives and principles and the combination of the means applied to form a sequence. Recent research into the problems of adjusting to society has revealed an extensive overlap between the social background and basis of crime, and deviant phenomena constituting a lesser danger to society (Szabó, 1984).

If the basis or background giving rise to deviant phenomena has common characteristics, then the different forms of calling to responsibility can only be effective where there are common objectives and common principles governing them. (Examples are educational objectives, unavoidability, sanctions with an educational content and goal, etc). Thus, according to the interpretation of criminology, the system of calling to account in-

volving the broad masses of the population (almost one third) on several planes. Criminology is for that reason based upon a set of uniform governing principles, because while bearing latent crime in mind, it is quite obvious that breaches of the law are not the exclusive domain of a few thousand wicked individuals, but are rather behaviors displayed occasionally or relatively often by a considerable proportion of the population. If we accept this statement and link it with the views based upon causality, then we shall inevitably arrive at the conclusion that calling to account in general, and calling to criminal responsibility in particular, cannot be separated from the conditions and causes that have brought about the behavior constituting a danger to society. In the course of calling to criminal responsibility, that is, when sanctions are to be imposed, it must always be remembered that the prescribed behavior is merely an effect, in other words, the consequence of the social conditions of the personality of the individual concerned, of a given situation, or perhaps the result of an inherited or acquired biological property.

Starting from the correlations based upon causality, socialist criminology requires the organs of the administration of justice to study the causal background of the criminal actions figuring in the case as long as the judge or other official understands the offender's reasons for committing the criminal offense. Obviously, understanding what lies behind a criminal offense cannot mean approving of the offense. On the contrary, it must lead to the profound disapproval of the factors figuring in the whole causality process. Only a complete understanding of the necessity for committing the criminal offense in question can lay the foundations for an appropriately individualized sentence. Thus if the sentence imposed means disapproval not only of the offender and the offense he/she has committed, but also of the causality process or causality sequence as a whole, and it is deemed necessary to change them, then it is wise to take measures designed not only to change the offender but also to eliminate the processes involved in the causality mechanism.

While some people working in the administration of justice agree, at least in theory, with the demand formulated above, they also think conditions are not yet adequate to translate it into practice, arguing that it requires too much time and energy. On the other hand, detailed study of the sequence of cause and effect prompts some criminologists to pose a new analysis, i. e. "expansion of responsibility" of the method of calling to criminal account.

The law governing criminal procedure currently requires the direct causes lying behind a criminal offense to be disclosed. It also obliges the authorities in charge of combating crime to send information to the competent organs with respect to elimination of the causes. (This is what we term signalization.) The organ receiving the information must report back to the authorities of signalization in 30 days regarding the measures it has taken. Signalization of this kind is adopted today mostly in connection with criminal offenses committed against social property. Because the method of signalization constitutes an important link between calling to crimi-

nal responsibility and the different institutions of society, its broadening and improvement appears to be very effective from the point of view of view of crime prevention. Signalization can be used both for criminal offenses committed against social property, and for other cases. For instance, it could also include the school, the public guardianship authority, the employer, or even the family if it appears wise to adopt this method (for example, if the cause laying behind the offense is drinking with colleagues or fellow-workers, or truancy).

In more abstract terms, signalization can be described on a general level as calling the direct environment of the offender (the family, school, employer or place of work, places of entertainment, etc.) to criminal responsibility. In other words, it means issuing a warning to advocate that certain measures be taken, and calling attention to bearing responsibility for the "signalized" criminal offenses. Naturally, this method of calling to account is not intended to be equal to calling to criminal responsibility under penal law. This interpretation of responsibility means the use of "indirect calling to account" in the interest of prevention. Thus it would be suitable for making the struggle against crime broader and also more effective. This interpretation of expanding responsibility is not embraced by several people who maintain that: 1. it may lead to unnecessary disturbances in relations between people if the environment at large has been informed about a member of the group, community, etc. having made a mistake or, worse yet, of having committed a criminal offense; and 2. it would lead to such an increase in administrative work that the administrative input would far outweigh the results achieved.

The view expressed in the first point is a matter of approach. In my opinion, the community is one of the most important forces molding the personality. For this reason, criminal acts committed by an offender, or any behavior displayed and qualified as deviant, should not be concealed from the community to which the person in question belongs. It should be made public in the same way that virtues, good properties, or outstanding achievements of members of the community are propagated. If the method of greeting people, who have been awarded or decorated in public is correct and welcome, then it is also correct to make public the cause behind sanctions taken against people. Obviously, this procedure requires tact, very thorough analysis, and consideration.

So far as the second point is concerned, it must be reiterated that implementation is an extremely important stage, because inadequate implementation may well render even the best principles incorrect and distort them. Anything new should therefore be implemented with profound consideration, circumspection, and appropriate modesty, with the "profit" likely to be gained borne in mind at all times.

The system of sanctions to be imposed is the cardinal issue of calling to criminal responsibility. The system of sanctions of the penal law still in force bears in several respects certain marks of the retaliatory system in which punishment is proportionate to the kind of criminal offense commit-

ted, although socialist penal law has undergone considerable changes in this respect as well.

As a rule, criminology examines the system of punishment from the point of view of efficiency. For this reason, it calls, on the one hand, for the reduction of punishments involving prolonged deprivation of liberty (many years of imprisonment) and for the creation and application of a broad range of punishments and measures other than imprisonment. On the other hand, it also demands that the perpetrator's personality and his/her living conditions should also be taken increasingly into account, in addition to considering the offense he/she has committed. It is often emphasized by socialist criminology that the effectiveness of punishments does not lie primarily in their strictness but in their unavoidability. Cases quite often go unreported, and the relatively low proportion of detected offenses makes it possible for quite a few offenders to go unpunished and to escape being called to criminal responsibility. Yet once someone has been brought into the sphere of the administration of justice, the best possible influence can undoubtedly be exerted on him/her through measures geared to prevention and education rather than to severity.

Capital punishment is treated by the socialist criminal codes as a punishment that can be imposed in exceptional cases. It is applied very infrequently. A large proportion of socialist criminologists are opposed to the death penalty.

The applicability and actual use of deprivation of liberty (imprisonment) are of a comparatively broad range. To cite this only as an example, prior to the penal law now in force in Hungary, 91% of the behaviors (actions) qualified as criminal offenses were specified by the provisions of the law as punishable by obligatory deprivation of liberty. Today, this proportion has been reduced to 75% (Györgi, 1985). In practice, the ratio of punishments taking the form of imprisonment stands at 25%. Yet a considerable part of this proportion is quite unnecessary. The literature on the subject indicates that the ratio of punishment taking the form of the deprivation of liberty is perhaps lower in Hungary than in all other socialist countries.

The process going on with regard to individualization can also be described as favorable. The introduction of severe custody (punishment taking the form of the deprivation of liberty for a relatively indefinite period) and day-fine punishment has led to breaking the pattern of the long standing principle of punishment imposed proportionately to the offense, and has opened up a new path leading towards the increased individualization of punishment. In an effort to expand this system, the method of probation and reformatory and educative labor under strict conditions for adults was introduced as well.

In contrast to charges voiced by several people, socialist criminology has never promoted the view that the system of punishment proportionate to the offense committed be replaced by the system of penal law for the perpetrator. However, it has always advocated that in addition to the offense (act) the personality of the offender and his/her living conditions

should be taken increasingly into account. As was mentioned above, enforcement of the principle of social justice is incompatible with the imposition of punishment of an equal extent on people (perpetrators) who are not equal. In other words, before imposing a final sentence, all the circumstances that can be known and disclosed, including the offense (act) must be taken very seriously into account. This concept is naturally opposed to the view of the experts of criminology who have come to be disappointed with treatment ideology and are increasingly focusing their attention in the direction of the classic administration of penal justice.

It is of paramount importance for criminology to establish its position on the type of punishment taking the form of the deprivation of liberty. In our view, it is necessary to impose imprisonment on a certain proportion of perpetrators. This applies, in particular, to offenders whose ability to adjust to society can only be developed through intentional education. Within institutions where the punishment is carried out, treatment with an educational content and objective is the most important in addition to the special preventive goal. It cannot be said that treatment ideology in general went under, for only its medical-psychiatric line got shipwrecked. It seems that, in this field, there have been more errors in the execution of treatment than in the establishment of the objective.

As one variation of treatment, criminal pedagogical education has not as yet been widely applied. In the socialist countries, the idea of education is emphasized very often, and endeavors are designed to implement the principles, however, in my view, our criminal pedagogical knowledge is still in its infancy, the related principles remain to be elaborated adequately, and the methods already adapted are poor.

The objective and personnel conditions of education are available only in part. The implementation of effective education in the institutions where punishment is carried out will take a long time. However, it is already a major achievement that the objective has been correctly set, because we know the direction in which conditions are to be transformed. The fact that the minimum duration of imprisonment has been raised from one to three months is an indication that education is gradually coming into prominence. (In several Western countries, such as Sweden, a counter-tendency can be identified.) Within the jail where people work, the best possible foundation for the effective execution of punishment requires respect for human dignity in the relationships between the convicted person and the prison officer or educator in charge, in order to satisfy demands such as the acquisition of professional skills or interest in a trade, education along the same lines as at school (when justified) and the development of habits of spending leisure time and entertainment in a cultured manner.

The discussion of the administration of penal justice as a means of prevention must also include mention of aftercare. Socialist criminology holds that where there is no change whatsoever in the living conditions of the convicted person after he/she has served his/her punishment, it is very probable that he/she will commit a criminal offense again even if the previously imposed punishment actually achieved its objective of adjusting

him/her to society. Aided by state and social organs, after-care attempts to create for the perpetrator conditions that enable successful adjustment to the demands governing social coexistence.

Enforcement of Criminological Views

A measure of the viability and strength of criminological views in the socialist countries is the extent to which they are capable of enforcing their own concepts in the penal sciences and in criminal policy, as well as in social policies. For almost two decades, socialist criminology has waged relentless struggle for the recognition of the existence of causality, materialist determination, and prognosis, and for the establishment of a system of calling to criminal responsibility and social prevention built upon the above factors.

Certain reservations aside, the representatives of the criminal sciences basically accept these criminological views. The provisions of penal law presently in force have brought about several such changes based partly or completely upon the new criminological views. Of course both criminal sciences and legislation exert a reciprocal influence on criminological views as well. As a result, several theorems of criminology are now more accurately formulated and their forms have also been modified. The makers of criminal policy give substantial intellectual and material support to criminological research, because it has become quite obvious that criminological views very faithfully reflect the problems faced by the administration of justice and provide guidelines for their solution.

The agenda for social policies includes finding solutions to numerous economic, social and other problems, and when possible addressing the issues of crime, public security, sentencing, and other questions relating to crime. A good example is the elaboration of the draft of the provisions of the law on crime prevention (which will perhaps be issued in 1985). This development is similar to what is taking place in the other socialist countries where the improvement and further development of crime prevention are also agenda items.

The relative harmony between criminological research, criminal science, and criminal policy on the one hand, and social policies on the other hand, reflects that it is in the interest of all the organs of the country, even if not to the same extent, to cause negative human behavior and action to diminish or at least not to show a rising trend, and to retain or possibly even improve existing public security which is already considered to be good. In addition, mention must also be made of the social policy which provides virtually unlimited opportunities for voicing and publishing scientific arguments and convictions. In Hungary, data about criminal statistics is accessible in full to everyone. The free atmosphere makes possible open debate and expression of often different or conflicting views concerning social contradictions and ways of resolving them. There was a time in the development of the socialist countries when this form of expression could be done only to a very limited extent. Today criminological concepts that

are reasonable reflections of reality are just as essential for the implementation and application of criminological views as are definite social conditions.

Certain views formulated in this article as "socialist criminology" are shared by bourgeois criminologists and crime experts. This sharing of views is quite natural as we have common interests and values, and considering the present standards of scientific development, progress in the long run necessarily shows convergence. Additionally, there is a common mechanism of human behavior, including criminal human actions; only the social conditions that elaborate and operate the mechanism and its interpretation reveal essential and less essential differences.

Socialist criminology is guided by the desire to know each distinct trend, and it seeks above all those ideas it can utilize for its own benefit. It is characterized by the conviction that it can only raise its own concept to a real scientific level by making comparisons with the different tendencies.

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GEDANKEN ÜBER DAS WESEN DER SOZIALISTISCHEN KRIMINOLOGIE

DR. JOSEF VIGH

(Zusammenfassung)

Die Studie beschäftigt sich eingehend mit den kriminologischen Ansichten der sozialistischen Länder. Obwohl die sozialistischen kriminologischen Ansichten von einander bedeutende Abweichungen aufweisen, zeigt sich die Annehmung der Gesetzmäßigkeiten der Kausalität und der Determination als allgemeines und grundlegendes Kennzeichen.

Die Studie versucht die folgenden Fragen zu beantworten:

1. Ist die Kriminalität der sozialistischen Gesellschaft fremd, oder ist sie mit ihre notwendigerweise verbunden?
2. Ist die ständig abnehmende Tendenz der Kriminalität gesetzmäßig?
3. Inwiefern ist das Existieren der Kriminalität von den sozialistischen wirtschaftlichen Verhältnisse determiniert?
4. Welche Rolle spielen die Bewußtseinsüberreste aus der alten Gesellschaft, und die Bewußtseins-elemente überhaupt, in der Kriminalität?
5. Durch welche Mechanismus kommen die Kausalität und die Determination in der verbrecherischen menschlichen Handlung zur Geltung?
6. Welche sind die konkreten wirtschaftlichen, kulturellen, erzieherischen, sanitären und Bewußtseinsfaktoren, die in der gegenwärtigen Phase der sozialistischen Gesellschaftsentwicklung als Ursachen der Verbrechen und der Kriminalität anzusehen sind?
7. Welche Voraussetzungen haben heute in den sozialistischen Ländern der Kampf gegen die Kriminalität und die Vorbeugung der Kriminalität?

О СУЩНОСТИ СОЦИАЛИСТИЧЕСКОЙ КРИМИНОЛОГИИ

ЙОЖЭФ ВИГ

(Резюме)

Научная работа тщательно занимается взглядами криминологии в социалистических странах. Хотя во взглядах социалистической криминологии имеются значительные различия, все таки в них общим и основным признаком является причинность, принятие закономерности детерминации.

Научная работа хочет дать ответы на следующие вопросы:

1. Является ли преступность чужой социалистическому обществу или его закономерным спутником?
2. Является ли закономерной тенденция постоянного снижения преступности?
3. Каким образом детерминируется наличие преступности экономическими отношениями социализма?
4. Какую роль играют остатки в сознании, унаследованные от старого общества, а вообще элементы сознания в преступности?
5. Каким механизмом осуществляется причинность, детерминация в преступном действии человека?
6. Какие экономические, культурные, воспитательные, здравоохранительные факторы и факторы сознания могут считаться причинами совершения преступлений и преступности в настоящем этапе развития социалистического общества?
7. Какие условия имеют в наше время борьба против преступности и предупреждение преступности в социалистических странах?