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SIC MUR AD ASTRA

EDITORS
GERGELY GOSZTONYI
IMRE KÉPESSY
DUNJA MILOTIĆ

Collection
of papers
on **Hungarian**
and **Croatian**
legal history 2024

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Eötvös Loránd University / Faculty of Law / Department of the History of Hungarian State and Law / 2024

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Dóra KARSAI: Women's criminality in the 19th-20th century

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1. Introduction

If we are to describe women with some stereotypes, we are generally presented with a charming, innocent, peaceful, caring, nurturing person. However, there are two sides to the coin, since women have also committed crimes since the beginning. Still, latency has been much more predominant in their case. Only modern criminology has begun to explore the types of crimes committed by women in earlier times, although it is undeniable that the number of female offenders began to increase with the appearance of female emancipation dramatically. The motive for committing crimes is largely psychological. In many cases, the offenders are forced to choose a life of crime by family pressure or trauma, which may culminate in the commission of a crime, but also in a life of recidivism. Furthermore, women are particularly prone to commit crimes in a less considered way, rather than out of a strong impulse.

In the 19th century, Cesare Lombroso and William Ferrero developed a theory that gender was a biological factor in criminal activities. Both insisted that by using some characteristic facial features, we can determine whether someone is a born criminal. Regarding women, fourteen percent of offenders were classified as „born criminals“ according to this theory, while the proportion of men was twice as high. According to Lombroso, the crime rate for women was lower since women are physically and mentally less developed than men.

During the 19th century, there were various other anthropological approaches that tried to explore and support the causal link between women's criminality and

various scientific arguments. Albert Irk¹ argued that women were more likely to be considered sexual beings because of their biological endowments and that women's brains could not function as well as men's because of their lower red blood cell count. Thus, they are less likely to think of committing any crime in advance because they do not get that far in their thought process. Another anthropological approach was chromosome research. English researchers Jonh Cowie and Eliot Slater found that male Y chromosome may be associated with criminality and that this propensity increases if a person has more than one Y chromosome. However, this link has not been well established, since the results of the Telfer-Richardson study² confirmed this failure. The third biological approach suggests that different physiological phases underlie crime. To be more specific, hormonal changes play a major role in the commission of crime. In this connection, Lombroso and Ferrero have already carried out research, which revealed that almost 90 percent of the women they studied had committed a criminal offence during their menstrual cycle.

Another approach is that the cause of female delinquency is not to be found in biological differences but can be explained by socialisation. According to Adolf Quetelet, a prominent 19th century scholar, women have a much lower rate of involvement in crime than their male counterparts because of their lifestyle and character. The role of parents is important, as parental neglect and negligence have been shown to have a greater impact on women and their tendency to commit crimes. Theft and prostitution were typical punishable offences for this reason. In the 1930s, the Glueck couple conducted research on hundreds of women convicts, and the results highlighted the dominant influence of environment and society, with a significant proportion of women inmates having a broken home and lacking an adequate education. As a result, many led a debauched lifestyle of vagrancy and casual work. This is especially true for those who are born into it and grow up seeing this pattern

¹ Albert Irk (18 August, 1884 – 21 October, 1952) was a lawyer and a criminologist. Besides his theoretical work on Hungarian criminal law and international law, he was a pioneer in Hungarian criminology.

² The point of the Telfer-Richardson study was to prove that people with more abnormal chromosomes are more likely to commit a crime.

as the only way forward. However, there is also research that shows that women have much greater self-control and consequently lower offending rates than men. This could be interpreted as women only resort to the „means” of committing a crime as a last resort, rather than as a „solution” to the situation. The social roles of women may also be a reason for offending, as they cannot identify with the passivity that society expects of them and therefore take the path to express their rebellion against the system. Finally, we should mention the scientific work of Jenő Ranschbrug³, who found that women, because of their physical weakness, use other means to express their aggression. For example, they avoid open confrontations and resort to „false alarms”, in which they make untrue, almost unprovable, statements about their partners to harm them and attract attention.⁴

In numerical terms, the proportion of female offenders in Hungary in the mid-19th century was between ten and fifteen percent. This represented about twelve thousand convicted women. During and after World War I, the proportion of women offenders increased both worldwide and in Hungary, with an increase of forty-three percent in Hungary. This was due to the sudden and severe poverty caused by the war and the fact that people lived in fear for a long time. Therefore, everyone was more inclined to commit crimes in self-defence.⁵ Furthermore, the terror of war made it necessary to use violence to get food faster on the ticket system, or to prevail in contemporary society in general. At the beginning of the 20th century, the female crime rate ranged between twenty-five and thirty percent. This is also interesting because the treaty of Trianon made our country’s territory much smaller, yet the female crime

³ Jenő Ranschburg (19 December, 1935 – 10 March, 2011) was a Hungarian psychologist, his main research field is child psychology.

⁴ SZABÓ, Anna: A női bűnözés az újabb kriminológiai irodalomban [Women’s criminality in recent criminological literature] *Ars Boni*, 2012a, pp. 4–8., http://arsboni.hu/dolgozatok/buntetojog/Szabo_Anna_A_noi_bunozes_az_ujabb_kriminologiai_irodalomban.pdf [Access on March 24, 2024].

⁵ SZABÓ, Anna: A női bűnözés [Women’s criminality]. *Joghistória [Law history]*, No. 4., 2012b, pp. 4-7.

rate remained quite high, which could only mean that female crime rate increased.⁶ By the middle of the 20th century, this rate had dropped to around twenty percent. During World War II this number did not change that drastically since both the number of female and male offenders increased significantly. After 1945, the proportion of women offenders stayed around fifteen percent.⁷

2. Offences against property

In general, women commit crimes against property mostly for profit, but sometimes, these can escalate to homicide. In these cases, the act of killing is a means of committing a crime against property. This proved to be one of the most common crimes for both men and women after two World Wars. Many families were forced into extreme poverty, and the inadequacies of the ticket system forced more and more people to steal, even to secure their daily food. Women stayed at home alone with their children and their income barely covered the costs of maintaining their households. That is if they were able to engage in gainful employment in addition to running a household and supporting a family. In many cases they were had to support their extended family.

There have always been perpetrators who were motivated only by the act of theft and for no other justifiable reason. In the period of the two World Wars, there were also individuals, including women, who stole because of a certain behavioural disorder (for instance kleptomania), even taking advantage of the wartime situation. It can be observed that the judicial practice of the time was to give women who committed the crime of theft a lighter sentence than their male counterparts.⁸

⁶ GILLÁNYI, Eszter: Gondoltok a női bűnelkövetés lélektani aspektusáról – különös tekintettel a maszkulitásra [Thoughts on the psychological aspect of female criminality – with special regard to masculinity] In: STIPTA, István (ed.): *Collegium Doctorum*, Miskolc, 2012, Bíbor Kiadó, pp. 1–8.

⁷ SZABÓ, *op. cit.*, 2012a, pp. 9–11.

⁸ MADAI, Sándor: A vagyon elleni bűncselekmények – „valami régi-valami új?” [Crimes against property – „something old-something new?”] In: HOLLÁN, Miklós – BARABÁS, A. Tünde: *A negyedik magyar*

This is illustrated by the large-scale theft of paintings from the Museum of Fine Arts at the end of the 20th century. The crime was committed by Hungarian and Italian perpetrators. On 5 November 1983, the perpetrators broke into the Museum of Fine Arts, which had been closed because of a riot and stole seven paintings with an estimated value of almost 1 billion forints. Some of the paintings were eventually found in Greece. The criminals were caught by the rope and screwdriver they had left behind. One of the perpetrators was a woman, Katalin Jónás, who received a 6-month suspended prison sentence, while the Hungarian man's accomplices received several years of imprisonment in prison or jail.⁹¹⁰

3. Prostitution

For a long time in Hungarian history, prostitution was not a punishable offence. This is supported by the fact that under the Csemegi Code of 1878, prostitution and the activities that facilitated it were not prohibited, only local authorities had the possibility to restrict such activities within certain limits. The change was brought about by Decree No. 160 100/1926 of the Ministry of Interior, which brought the phenomenon itself under uniform regulation and punished anyone who induced others to engage in prostitution. Prostitutes had to be registered and had to undergo regular medical examinations. They were assigned a place to live, which provided a venue for meeting people. A prominent educated courtesan of the period was Róza Pilisy. It is also interesting to note that part of the houses in Magyar Street in the city centre were used to be a designated "work area" for prostitutes. This was confirmed by law decree

büntetőködöröségi és újabb vitakérdései [Old and new issues of the Fourth Hungarian Penal Code], Budapest, 2017, Országos Kriminológiai Intézet, pp. 152–166.

⁹ Cf. ZOMBORI, Attila: *Képes Könyv [Picture Book]* BM Publishing House, 1984.

¹⁰ Központi múzeumi igazgatóság: múzeumi műtárgyvédés [Central museum directorate: protection of museum artefacts], No. 15., 1986, pp. 81–91.

34/1955. The prohibition, although apparently lifted, is still in force today because of the legislation.¹¹

4. Homicide

There are several sub-categories of homicide. Based on the typology of Gabriella Raskó what the Anna Szabó article mentioned, we can conclude that women most often committed homicide in conflict-emotional and life-association situations. Women committed homicide for emotional reasons or even to escape from a miserable life situation. They mainly committed the act against their husband or partner, but it is not uncommon for it to be committed against their children, parents or relatives. In many cases, it is observed that the victim herself could be considered a perpetrator, as women often do not commit the crime of their own volition, but as a reaction to some kind of constant provocation.¹²

One of the most famous cases in Hungarian history is the case of Anna Schmidt, described by Dezső Kosztolányi in his novel *Édes Anna* (Sweet Anne).¹³ Anna Schmidt worked as a maid for a noble family, where she was subjected to constant abuse and humiliation by Kornél Vizy's wife. Anna felt like she was completely restricted, as she was not often allowed to leave. In addition, she was ignored by her lover (the son of Kornél Vizy) and was not allowed to experience maternal pleasure, as she was forced to abortion against her will. Anna Schmidt was completely exploited, not allowed to exercise any of her basic human rights and personality, and essentially treated as an object over whom the Vizy family ruled. No wonder that the only way Anna saw to free herself was to kill Mrs. Vizy. She did it, but when Mr. Vizy woke up suddenly, the only way out suddenly seemed to kill him too. Anna Schmidt was sentenced to 15 years.¹⁴

¹¹ KORINEK, László: *Nemek, szexualitás és bűnözés* [Gender, Sexuality and Crime], *Pécsi Határőr Tudományos Közlemények – 8. Különszám* [Pécs Border Guard Scientific Bulletins – Special Issue 8], 2007, pp. 6–16.

¹² SZABÓ, *op. cit.*, 2012a, pp. 9–18.

¹³ Cf. KOSZTOLÁNYI, Dezső: *Sweet Anne* [Édes Anna]. Budapest, 1926, Genius Könyvkiadó.

¹⁴ SZABÓ, *op. cit.*, 2012b, p. 5.

In addition to this, the most typical example for when a woman kills out of jealousy, revenge or even hatred, is her husband's mistress or a neighbour who is a nuisance to her. Another type of homicide worth mentioning is the extended suicide, where the perpetrator kills not only herself but also his loved ones. This type can best be illustrated by the example of a bitter mother who wants to commit suicide but does not want her beloved children to be left alone and sees no other way out but to kill them too. Finally, there are cases where the murder is committed because of some mental illness, such as when a schizophrenic woman hallucinates voices telling her that she must kill someone. For her, it's an internal command that she can't resist, so she does what her split consciousness asks her to do.¹⁵

5. Poison mixing

Witchcraft is considered the medieval predecessor of poison mixing, as witches used to make various potions to harm and kill people. While the punishment of women classified as witches was largely a qualified case of some form of capital punishment, the punishment of poisoners was already imposed under a legal system of codified criminal law, which in turn did not for a long time preclude the use of the death penalty as an alternative punishment. Poisoning can be considered a sub-species of homicide. It can be categorised as a type of homicide the purpose of which is primarily to escape from a burdensome obligation. In this case, the offender is usually in a disadvantaged position and, in addition, usually has one or more other persons to care for.¹⁶

The most notorious case is that of the women who mixed poison in Tiszazug, about which the famous writer Zsigmond Móricz wrote a separate work. The case took place around the 1920s, when women in the villages in the region Tiszántúl used arsenic to kill people who they believed were only a detriment to their lives. It is important to note that the women who committed the crimes all came from poor

¹⁵ SZABÓ, *op. cit.*, 2012a, pp. 14–17.

¹⁶ *Ibid.*, pp. 15-17.

backgrounds, had low levels of education, were subjected to constant abuse, even by their own husbands, and lived in an oppressive environment. Arsenic was extracted from flypaper, the administration of which caused a slow, painful death, as the poison paralysed organs in the body one by one, while also causing severe convulsions. In many cases, this lethal procedure was used on people who were already sick, so their deaths were not so surprising. In total, these women killed around one hundred and sixteen people until they were prosecuted.¹⁷ After an anonymous report in 1929, the women who had committed the crimes began to be brought forward. In the end, forty-three women were prosecuted and many of them were sentenced to death. Special mention should be made of Mihályné Kardos, who not only got rid of her own family members by this method, but also encouraged several women from the area to poison themselves.¹⁸

6. Infanticide

Infanticide should be treated as a separate category within homicide, as the motive and circumstances are quite different from those of other crimes against women. Three categories of perpetrators can be identified. The first category is mostly made up of younger people who have usually become pregnant because of a casual relationship. In the second category were women who had already had several children from the same marriage and were unable to provide for another child. The third category includes those in a troubled relationship, perhaps having already become pregnant with their former partner. The last category has the highest rate of infanticide.

Overall, in all three categories, parenting, parent-child relationships and the family environment played a key role. If a woman who becomes pregnant is afraid because of a poor family background, she will not tell her partner or parents about her pregnancy. In this case, she will see it as the best solution to get rid of the child as

¹⁷ See: MÓRICZ, Zsigmond: *Tiszazugi méregkeverők [Tiszazug's poison mixers]*, *Nyugat [West]*, No. 3., 1930.

¹⁸ SZABÓ, *op. cit.*, 2012a, p. 15.

soon as possible to avoid any disadvantages. This type of action was aborting the pregnancy or even abandoning the child, condemning him or her to death. An example of this is G. Gyöngyi, a 17-year-old girl who threw her child in a garbage can after giving birth to her child. She did this because she had been brought up in a strict, all-denying upbringing and feared her parents' reaction. The damaging effects of toxic relationships are underlined by the case of a factory worker who was regularly abused by her drunken husband, who threatened her with death if she became pregnant again because they had several children who were difficult to support. However, the woman became pregnant and was forced to hide her pregnancy, which was not her husband's, out of fear. She delivered the newborn in the factory and then strangled him with a rubber belt.

In many cases, women in the village environment feared being ostracised or having negative rumours spread about them, which could stigmatise them for life in the eyes of the community. There were cases where the arrival of a child was seen as an obstacle to professional success. One 22-year-old female administrator, who saw the child she was expecting as a barrier to her career, slammed her child's head to the ground after its birth until it died. Overall, in these cases, the health care system usually does not find out about the woman's pregnancy to inform the state of alternative solutions to the placement of the unwanted child that would avoid the loss of the newborn's life.¹⁹

7. Summary

It was incredible and disappointing for me to see the life situations in which society was able to force women into during the period I studied. Committing a crime often seemed like a last resort. I have read many cases where women were given almost more freedom by prison than the abusive family they lived in before committing their crime. True, there were cases where none of these almost compelling circumstances

¹⁹ *Ibid.*, pp. 19–21.

existed, and they still committed the crime. Furthermore, it cannot be ignored that for a long time, society did not attach any importance to female criminals, despite their significance. It seemed as if the societies of earlier times could not believe that women could commit terrible acts. In my opinion, the legal system in the period under study also did not provide adequate opportunities for women to seek help in such situations. If an institution had been established that focused on the protection of women, a great many crimes could have been prevented. This was not helped by the outbreak of two World Wars. On the positive side, however, there is now a growing emphasis on the protection of women by the state. I hope that this will lead to a reduction in female crime in the future and that it will also bring the institution of prevention to the fore even more.