

Life Sentence Without the Possibility of Parole. “We Do not Allow Them to Live, We Do not Let Them Die”¹

Péter RUZSONYI²

In the first part of our study (Serial Killers on the Other Side of the Bars: “Bestial Humans—Human Beasts”) we focused on the crimes committed by serial murderers, identified alternatives of classification and analysed their behavior within the prison walls. In the upcoming part, we will investigate international and domestic experiences related to the use of life without parole; review the way of life of those who have been sentenced to “life until death”; examine the punishment’s mechanics and impact and finally conduct an analysis of the present form of the notion “not allowing them to live, not letting them die”. The basis for this inquiry is the fact that currently, 67% of the serial killers serve a sentence of life without parole. [In Hungary, the practice of sentencing convicts to life without parole is regulated by the Criminal Code. In its principle, this form of punishment means that those who receive this sentence will never be released on parole (42. §). Article 46/A–B of the Prison Code; however, it also introduces a mandatory clemency procedure for those who are serving a life sentence without parole. This procedure may be initiated after 40 years served.] Furthermore, we also endeavour to collect the characteristics of this sanction, evaluate related professional opinions and put forth a suggestion for an amendment, as well.

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In Hungary out of the convicted 13 serial killers, 11 have received a life sentence without the possibility of parole since the introduction of the sentence of life without the possibility of. We consider that this figure in itself provides ample reason for the further elaboration of our standpoint. Our decision is also supported by the judicial practice which frequently tends to use this form of punishment when convicting serial murderers. This practice is graphically demonstrated by the fact that out of the nine verdicts that have been issued since 2005, only one (11%) was a determinate sentence, while the remaining eight (89%) was life without parole. It is likely that this practice will not change in the future, and accordingly most—if not all—of the convicted serial murderers will be sentenced to life without parole. The reasons behind the fact that this form of punishment has become so generally used are manifold: 1. serial murder is one of the most serious forms of homicide which 2. staggers the public but also demands their attention, and therefore 3. incites the public to doubt its

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² Ph.D., Correctional Brigadier-General, University Professor, Dean, Head of the Department of Corrections, Faculty of Law Enforcement, National University of Public Service; e-mail: ruzsonyi.peter@uni-nke.hu

sense of security. The fact that life without parole is so often and so *casually* utilized can be traced back to the termination of death penalty.

The events that led up to the *creation* of life without parole are summarized by Vókó: “in 1971, the punishment of life was introduced once again into the roster of criminal sanctions. The ban on death penalty was issued by Decree no. 23. of the Hungarian Constitutional Court, issued on 31 October 1990. The legislators—seeking to provide a response to criminal offences while closing the gap that was apparent between determined-length sentences, life sentences with the possibility of parole and death penalty—introduced the sentence of life without parole where the conditional release is not an option.” [1: 217] Polt takes a more straightforward approach and states that “life sentence without providing the possibility of parole is an adequate substitution to death penalty, as the perpetrators are removed once and for all from society with no practical chance to earn their way back to it.” [2: 29]

The trends in international criminal justice and the corresponding practice both seem to be heading towards this direction. Soon after the ratification of the European Agreement for banning death penalty in the 1990s, the sanction of life without parole was introduced. The legislators believed that societies would only support the termination of death sentence if a punishment that is severe enough would take its place.

The scope and number of the subjected prisoners have expanded manifold. According to the most up-to-date statistics,³ in 2014 there were 27,000 convicts sentenced to life within the member states of the European Council. 22 of those countries that possess official statistics show an increase of 66% from 2004 to 2014 in the number of convicts sentenced to life without parole. The fact that there had been 7,500 convicts sentenced to life without parole in these countries is even more staggering. Most of them are held in the United Kingdom, Germany, Italy and Switzerland. [3: 34–35]

A Theoretical Approach to Life Without Parole

Ferenc Nagy analyses the function of the sentence from the historical aspect of criminal law. He emphasizes that within the hierarchy of criminal sanctions available in countries where the rule of law is more developed, deprivation of liberty is the leading and most widely used form of punishment with its harshest variant being the one that excludes parole. In this context, life without parole seems to “bridge the gap between capital punishment and determinate sentences.” [4: 272]

Kabódi takes a systematic approach. In his opinion, this form of sanction cannot be regarded as loss of freedom, since when compared to the “temporary, transitional and »preparative« nature of regular (determinate) prison sentences, life without parole permanently deprives the subjects from their freedom. Life without parole—both in theory and in practice—is inadequate for fulfilling the standard goal of the convicts’ successful reintegration. In short: from the aspect of penology, life without parole is not the deprivation of liberty.” [5: 219] He believes that “it is as a matter of fact a new form of punishment which occupies a peculiar, value-changing status within the system of sanctions. It is less than

³ Council of Europe Annual Penal Statistics (SPACE) August 2004 and July 2014.

instantly and directly taking away the life of the subjects, but more than the simply depriving them of their liberty.” [5: 219] Pál Kiszely and István Nagy take a similar approach: they state that the introduction of the sentence has opened a new chapter in the history of Hungarian penology. [6]

The opinions of Hungarian experts on the topic seem to disagree when it comes to debating its necessity and availability. One of the extremes is represented by Kornélia Hagymási, who claims that in the case of convicts sentenced to life without parole, the “aim of imprisonment is imprisonment itself.” [7: 68]

Another approach is taken by Garami, who emphasizes the cooperative, active and responsible activity of the prison service and the prisoner: “the greatest question that the prison service has to face is whether they can create a form of punishment that does not disagree with the principles set by the prohibition of torture and inhuman treatment and at the same time provides adequate security measures while also offering a viable, acceptable, albeit limited perspective for those who had been sentenced to life without parole.” [8: 60] He highlights that the detention of such convicts has to be organized in a “special way that requires the individual application of the concept of minimal security, the establishment of a sense of responsibility, and allowing the convicts to make their life within better and that these efforts culminate in visible results. During the first period of serving the punishment, it is important to make sure that the convicts work out a notion of what might happen to them, what goals can they strive for and how these goals can be achieved.” [8: 59]

Do Life Sentences without Parole have a Deterrent Effect?

Although analysing this question as a whole is beyond the reach of our current paper, we still consider it indispensable to briefly investigate the issue. First of all, we would like to point out the fact that we were unable to find genuine academic studies or arguments for the supposed deterrent effect of death penalty, which was the most serious form of punishment before the era of life without parole. Due to this reason, our approach is sceptical. Our opinion is largely the same about its substitution, the sentence of life without parole.

We accept the conclusions of Vont et al., who—based on the academic results of Hirsch—express their doubts about the empirical justification of the deterrent effects of severe punishments. In order to obtain sufficient evidence, it has to be proven that during the perpetration of a crime, the criminals are aware of the severity of the sentence that would be imposed upon them, and no other reason but this severity itself is the factor that finally deters them from actually committing the crime. It seems that there is a connection between the certainty of the punishment and the ration of criminality; however, this link is a lot weaker when it comes to their severity. [9]

Lőrincz uses his own results to support the train of thoughts shown above. According to him, statistical data provides ample evidence for the non-existence of the link between the repressive periods of criminal policy and criminalism and the fact that the increase in imprisonments did not have any effect on the rate of crimes. We endorse his conclusion without reserve: “no repressive cycles have ever reduced criminality, but all of them had a significant negative impact on the prison service’s chances in the successful reintegration of prisoners.” [10: 121]

Are Imprisoned Serial Killers Dangerous?

Presumptions

In 1999, the year the sentence of life without parole came into effect, experts tried to predict the expected behaviour of those who had been subjected to this form of punishment. Since the beginning, Garami has emphasized that as long as psychological attributes are concerned, each subject is a different personality with different coping strategies and varied reactions to outside stimuli. When compared to other convicts however, there is a significant difference as the presence of futility, the *seemingly infinite nature of time*, coupled with the fact that these convicts have already been given the most severe punishment, leaves them with nothing to lose. These attributes raise the question of what reactions and perceived changes in the behaviour of convicts can be expected. According to the author, the most likely outcome is increased aggression, especially so because these people are already familiar with it due to the violent acts for which they were convicted. Out of recognition to this fact, it can even be assumed that these convicts will try to take hostages (staff members or fellow prisoners) in the unforeseeable future. [8]

During establishing the conditions for accommodation, József Csapó, the former Governor of the Szeged Strict and Medium Regime Prison—the first institution to be designated to admit prisoners sentenced to life without parole—focused on the likely dangers emanating from the introduction of the new legal institution. In his opinion, the “greatest, detention-related security risk is the fact that these people tend to feel like they do not have anything else left to lose. Though their behaviour might still have an effect on certain allowances within the prison, criminal law lacks any further sanctions [...] We are unable to predict future events: we do not know what may occur three, five or ten years later, when due to the changes in the convicts’ personality, they end up becoming aware of the futility of their situation.” [11: 25]

Current Experiences and Relevant Scientific Results

Taking into account the hypotheses set by academic literature following the introduction of life without parole—according to which the frequency of events that threaten the order and/or security of detention will grow—we can conclude that fortunately, this prognosis has not been proven as of yet. What has been proven though, is the presumption that those sentenced to life without parole would perform self-harming acts and attempt suicides more often. [6: 11] This result corresponds to those of international research which emphasize the mentally destructive nature of the feeling of permanent insecurity. Lifers consider the authority who decided about their fate isolated, and although they are well aware of the control that limits them, the actual expectations regarding their behaviour is perceived and interpreted in a confusing way, leading to anxiety and aggression as primary consequences. [12] Pál Kiszely and István Nagy analyse the behaviour of prisoners who serve long sentences and state that “besides a generally balanced behaviour during serving a sentence, the most notable emotions from the prisoners are hopelessness and perplexity.” [6: 11–12]

For decades, the international academic literature has been providing systemic reports about long-term (and life) sentences, and scientific studies that analyse the behaviour of prisoners sentenced to death.

In 2003, Sorensen and Cunningham compared the behaviour of 5,010 persons convicted for homicide housed in the state persecution system of Florida with the behaviour of 45,000 convicts sentenced to prison for different crimes. After the results had been processed, they came to the conclusion that “convicted murderers exhibited lower prevalence rates of disciplinary infractions and potentially violent misconduct, when compared to other inmates.” [13: 239]

Marquart, Eklund-Olson, and Sorensen retrospectively reviewed (1974–1988) the prison disciplinary records of 107 convicted capital offenders in Texas who had been sentenced to life terms after their sentencing juries had rejected a *special issue* in the Texas capital-sentencing scheme (i.e., whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society). These offenders, who had averaged serving 7.2 years on their life sentences, exhibited annual frequency rates of assault on an inmate with a weapon of 0.009—similar to the rate exhibited by inmates in the Texas prison population as a whole in 1986. [14]

Cunningham and Sorensen discovered largely identical results in 2007 when—also in Texas—they analysed the behaviour of 136 inmates serving life for homicide. Their results further enforce the aspect that the frequency of violent misconducts, attacks (14%) and acts of aggression (5%) is similar to the number of misconducts perpetrated by other prisoners. [15]

In the United States, the results of scientific inquiries performed in the correctional services of various states seem to completely agree with the results received from federal prisons. Cunningham, Reidy and Sorensen depicted in 2008—during a comparative analysis of federal prisoners—that 9% of prisoners convicted for homicide resorted to violent attacks, 1% of them ending with major injury. This is similar to the number and frequency of misconducts performed by other members of the prison populace. [16]

Even the somewhat conforming behaviour of the prisoners convicted for homicide is overshadowed by the integration of those once sentenced to death and their successful avoidance of open conflict within the prison regime. The much-quoted scientific results of Sorensen and Cunningham put down convincing evidence for the fact that former death-penalty convicts, the *worst of the worst* are not as far as threatening to the staff and the prisons in general as presumptions might have suggested. As a matter of fact, those prisoners who belong to the maximum security category attack members of the staff three times as often than those who had been sentenced to death earlier. Statistical analysis shows that out of 1,000 prisoners, 12.4, formerly death-sentenced inmates exhibited violence against staff members, this number is 37.6 in the case of maximum-security prisoners. [13: 262]

On the basis of their own inquiries and other comparative studies, the authors find it proven that “convicted murderers are neither likely, nor disproportionately likely to be involved in assaultive misconduct in prison.” [13: 243]

The academic literature on the topic contains a research which goes even further by analysing a new method introduced in 1991 within the Potosí Correctional Center, located in Missouri state. In this maximum-security prison, death-sentenced inmates are not isolated from the general prison population within death rows, but instead housed in the same cells with nondeath inmates and are also able to interact in the yard and take part in other activities

together with the general population (school, sports, employment). Cunningham, Reidy and Sorensen compared the disciplinary records of the institution (ranging from 1991 to 2002) and discovered intriguing results: 1. Inmates sentenced to death and convicts sentenced to life without parole exhibited similar prevalence of violent misconduct; and 2. their rates were half of those of the parole-eligible inmates with whom they were side by side in the same facility during the same timeframe. [16]

In the inquiry, however, we were unable to find explanations to the surprising statistical results, therefore we solely consider them curiosities out of which scientific deductions cannot be drawn as of yet. Based on the numerous international results, Sorensen and Cunningham concluded that “most of these offenders have not engaged in serious prison violence and are not a disproportionate source of this type of misconduct that is of greatest concern to correctional staff.” [13: 240]

Results of scientific inquiries conducted in Europe seem to agree with those of the United States. The Committee for the Prevention of Torture (CPT)—based on their analyses of 2015—emphasizes that “the experience in various European countries has shown that life-sentenced prisoners are not necessarily more dangerous than other prisoners.” [3: 36]

This conclusion may serve as grounds for a more optimistic approach and may also provide a theoretical background for a more lenient system and a corresponding practice dedicated to those prisoners who are responsible for the most severe crimes perpetrated in Hungary. The situation in Hungary—as we have already depicted it in the previous — study is vastly different. It is of utmost importance to emphasize that following analysing the behaviour of serial murderers within Hungarian prisons, the overall results are a lot different and not nearly as favourable.

Employment and Activities

The treatment of prisoners serving a long sentence—with serial killers obviously included without exception—is a difficult and highly important task for the prison service, as the life of these convicts has to be organised within the framework of the most severe regime category. [8] Experts recognised this problem during the drafting phase of the legislation on the sentence of life without parole. Csóti already emphasized on multiple forums ten years ago that during “organizing everyday activities, we do not wish to exclude those who had been sentenced to life without parole from activities such as education, vocational and other forms of trainings and therapeutic activities, because we consider these devices indispensable. In our opinion, such activities engage the convicts, help them reduce their stress and facilitate the maintenance of their mental and physical health.” [17: 28] Theoretical assumptions have only exerted a slight influence on the actual matters of everyday life since the greatest factor that influences this life is security. During analysing the experiences resulting from the first decade of life without parole Kiszely and Nagy add that “maintaining these security considerations is reasonable. Furthermore, upgrading the security conditions will even be more indispensable in the long run. We have to accept the fact that convicts sentenced to life will continue to *play chess* with the security system of the prison, and their attempts at getting to know it better are constant. Static security elements will have to be swapped for more advanced ones...” [6: 13] Apparently, reducing the security

risk to a minimal level has become the principal task. Kabódi states that “the necessity of organizing activities that help preserve the dignity of prisoners while providing a useful way to spend time is constantly conflicting with the requirements of the prison system which is aware of the increased security risks.” [5: 219] Practice serves as evidence to his statement: out of the 15 incarcerated serial killers, currently only one is studying (No. 1) and another (No. 3) has managed to obtain a vocational qualification. The others—and among them all those who had been convicted to life without parole—have never participated in any form of education, training or vocational training whatsoever.

Internal Movement from the “Long-Term Special Section” (HSR)

When it comes to accommodating serial murderers, the most frequent location of placement is the Long-term Special Regime. In our opinion, their personality, length of incarceration and overall attitude towards the prison system justifies this—primarily security-related—decision. The relevant legislative background recognises this fact by declaring that “those convicts who are serving a life sentence or a pre-determinate sentence of at least 15 years and whose behaviour, attitude towards the security and operation of the institution and individual risk assessment results require special treatment and placement may be housed within the HSR section.” [29: para 105 (1)] in order to facilitate their successful re-insertion into the community.

Out of the 15 serial murderers, all of those sentenced to life without parole (10 convicts) are being housed within the HSR section. During the establishment of this special section, the continuous safety of life and material goods was the principal condition. Under the professional leadership of András Csóti, the aim was to create a security system that completely satisfies these requirements. The best solution was considered to be accommodation within an individual and separate section where ample living space would ensure the successful execution of special programs and at the same time reduce stress while guaranteeing security. [17]

Based on practical experiences, Kiszely and Nagy point out that “by being situated within an enclosed and isolated place, the prisoners’ desire for living a purposeful life eventually fades, giving way to the strengthening of their instinctiveness and social decay. The HSR section does not provide sufficient means for personal development and is isolated from the life lived by the members of the general prison population. As time goes by, this fact makes it even more difficult to relocate life-sentenced prisoners into more open regimes.” [6: 12] Matovics also warns that in case of prisoners sentenced to life without parole, the “personal perception of time is demolished, inevitably causing damage in other functions. The monotony of life and time is an enormous issue which cannot be avoided in the case of those sentences that remain in effect until the death of the convict.” [12: 101]

As time goes by, providing the possibility for a more dynamical movement within the HSR, the *general* strict regime or other regimes will continuously gain importance. The fact that life without parole prisoners located within HSR sections are without exception subjects of acts of self-harm, attempted suicides and perpetrators of misconducts such as “preparation for act of terrorism, escape attempts and preparations” can be considered a warning sign. These people become increasingly stressed and consider their situation hopeless. The issue

set forth by Pál Kiszely and István Nagy shows a vivid picture: first of all, “providing the means for maximum security during the life without parole prisoners’—who therefore have nothing to lose—accommodation and supervision is by no means futile”, and secondly “it cannot be proven whether some convicts would actually not be suitable for replacement within »regular« sections.” [6: 10–11] So far, we do not have practical experience that would support this claim, as no serial murderer sentenced to life without parole has ever been moved out of the HSR.

International practices regarding the accommodation of prisoners sentenced to life seem to disagree. In 2015, the CPT visited the prisons of a variety of European countries where prisoners sentenced to life are being housed. Their experience was that the general practice is to place these convicts together with other prisoners and their regime rules (their rights regarding employment, education, training and leisure activities) and the ways maintaining connection to the outside world are the same as of the *general* populace. In the Czech Republic, Lithuania and Slovakia life prisoners tend to spend the first 10 and 15 years in an isolated and specially designated cell. After serving these years, they are moved into *general regimes* where they are able to live together with other prisoners.

Certain countries including Armenia, Azerbaijan, Bulgaria, Georgia, Latvia, Moldova, Romania, the Russian Federation, Turkey and Ukraine employ a different practice, as they tend to keep these convicts separated and among very severe conditions.

We find it thought-provoking that all those countries—excluding Turkey—who employ either *severe* or a *mixed* way of isolation were members of the Eastern Bloc. Four decades of the Soviet ideological suppression, special moral approach toward sin and sinners and its dismissive and punitive practice probably still have an effect today.

Thought Experiment: Providing the Option for Release on Parole for Convicts Sentenced to Life without Parole

Expert opinions on the introduction of the release on parole for prisoners sentenced to life without parole seem to greatly differ.

A supporter, Mihály Tóth provides a very concise opinion about the punishment: “the isolation, the permanent and complete exclusion from society, the discrimination, the reduction of existence into its most basic, vegetative form—and foremost the conservation of this state without any hope for further change—cannot even be justified with the goals and role of criminal law and when viewed from the aspect of the legal systems of the third millennia, the whole context in general seems an inhuman, unjustifiable and thus unreasonable punishment.” [18: 271]

We completely agree with the professional opinion of Ferenc Nagy, who besides presenting his approach also offers a solution to the issue: “it should be made possible that the judges responsible for the execution of prison sentences are given the chance to investigate the question and – after a multi-step procedure – may decide to grant or decline releases on parole.” [19] quoted [7: 71]

Our approach is that the possibility of investigating the matter of granting release on parole after 40–45 years served, of course, does not mean that certain subjects would not be kept behind bars for the remainder of their lives. The sole aim of this suggested measure is

to enable the courts to investigate whether or not the goals of imprisonment have been met and proceed accordingly. Mihály Tóth takes a similar approach. He believes that it would be beneficial to introduce a system based on differentiation and proportionality that would provide a basis for multi-disciplinary periodic investigations where the convicts may at least recognise the fact that “instead of being buried alive for a lifetime, his fate would eventually be decided responsibly.” [18: 272]

Renáta Uitz uses different wording but arrives at the same conclusion: she emphasises that providing the chance for revisions that are based on fixed and consistent rules would be nothing more than a symbol for a national criminal policy that treats the victim and the perpetrator as human beings. [20] Szilvia Antal, László Nagy and Ágnes Solt aim serious criticism towards life imprisonment based on their research on the topic: “we consider the current legal background regulating life without parole unacceptable, as it can actually be considered a «lite edition» of death sentences since it completely disagrees with constitutional principles and the civilized criminal justice of modern Europe. It can never be assumed during sentencing that the suspects and convicts in question would commit another crime in the future. It is highly doubtful to allow the court to completely and irrevocably set a bar against possible changes in personality.” [21: 62]

In the international outlook of his study analysing life without parole from the aspect of human rights, Gönczi adds that the English and American professional literature considers the permanent privation of freedom a slower and actually more disadvantageous form of death sentences and equal to torture. He provides evidence to this claim by reviewing a startling occurrence: in Belgium, a court sentence from 15 September 2014 gave permission to a person—who was psychopathic but self-aware enough to be condemned—sentenced to life without parole for *euthanasia* with medical help, which is basically suicide with assistance. The convict chose death rather than the hopeless deprivation from freedom for the rest of his life. [22]

The suggestion of György Magyar contains strictness and humanity alike. In his opinion, it has to be made possible that “the law treats bestial and completely depraved people with the highest possible severity by subjecting them to the second most severe sanction after death penalty but also employing rules of humanity during incarceration. At the same time it should also set a period of 20–25 years after which the convict is heard by a court of three members who after gaining the opinions of the governor, experts and psychologists and analysing the subject’s behaviour declare whether or not any hopes of further re-examinations and possible release should be kept alive. This procedure does not have to become a general practice, but the possibility should be left open. In regulating this by allowing the convicts to be heard by a commission each year after 20 or 25 years, thus allowing them to become aware that if their way of life within prison is acceptable, with no violent misconducts against staff members or fellow inmates, then there is a spark of hope remaining.” [23: 130]

In their most up-to-date approach, the CPT seems highly supportive of the possibility of parole for convicts sentenced to life without parole. The document emphasizes that: “Prisons must be safe, secure and ordered, for the sake of all who become involved with them. Since being locked up, especially for an unknown period, is inherently damaging for almost all human beings, steps must be taken to minimise the damage. One important method of achieving this for life sentenced prisoners is to give them a definite date for the first

review for possible release, and a tailored individual programme which provides a realistic series of interventions for each prisoner leading towards that date.” [3: 38]

The arguments of the suggestion’s opposers is summarized by Mária Herczog: “Punishment is only one goal of detention, the other one being the fact that we are not to let these people back into the community [...] From the aspect of the community, protecting fellow humans, potential victims, us all from people who are multiple recidivists or who premeditatedly murder multiple people (one or more persons) is a reasonable goal.” [24] quoted [7: 71] András Polgár shares this view: “following the ban on death sentence, the only viable method of expulsing these people from society is this sanction.” [25: 39] András Szabó takes a theoretical approach justifying its existence and its necessity: “The goal of the punishment is found within itself: public declaration of legal capacity, and retribution without regards to the goal.” [23/1990. (X. 31.) AB határozat]

The gap between professional—and in many cases emotional—opinions seems to be unbridgeable as of yet. We hope that by collecting arguments for and against the introduction of probation, we can alter this static situation.

Does the Option for Probation in Case of (Serial) Murderers Sentenced to Life Without Parole Have a Right to Exist?

Currently, providing an answer based on the Hungarian practice to the possible dangers of releasing a serial murderer back into society is beyond our limits as in the last century no such convicts have been released from a Hungarian facility. Despite—or actually because of—this fact, we have to contemplate on the question of what would happen when an *irreparable* serial killer is unleashed once again back into society.

The proper way of analysing this issue would involve incorporating the questions of “what harm could we cause?” and “whose interest it is?” A brief contemplation on who would benefit from the introduction of the possible amendments to the regulation on life without parole and whom would it harm.

1. From the aspect of the state and its law and order: “We hold that the common goal of citizens and the State is to achieve the highest possible measure of well-being, safety, order, justice and liberty.” [31] This unequivocally means that one of the principal tasks of the governmental administration is to uphold and increase public order and through this establish a sense of security within the citizens. The imprisonment of a large number of serial killers is without a doubt a great contribution to the increase of the subjective feeling of security. The criminal power of the state sets an example by permanently excluding from society those who commit a series of merciless and inhuman acts. What would the general populace’s opinion be about the general extension of the option for parole? Introducing such a measure without due preparation would certainly create its opposition. However, we believe that by listing the advantages and disadvantages of this amendment and by adding that the option itself would not be mandatory, a positive change could be achieved within the majority of the population. Moreover, even the governments would profit from this step, as only the strong entities have the option to be permissive.

This issue is important from the aspect of our international renown. Ádám Békés points out that Strasbourg's decision⁴ in which Hungary was criticized does not demand a complete ban on life sentences, it only doubts the way the version without the option for parole works – without any alternatives for judicial review. Békés also adds that the goal is not banishing life sentences, but to fine-tune the system of judicial review used during the execution of sentences regarding which we would like to note that a *successfully* served parole that would eventually lead to *release* is only an option and not a mandatorily prescribed *mitigation* for the benefit of the convict. The author also provides a suggestion for solving the issue: “the change seems pretty straightforward as the only thing that should be introduced is the option for release on parole. The system of conditions and requirements could be made more severe, it could also be prolonged as long as it stays predictable and pre-determined. The authorities should check whether the convict has changed and whether they show any signs of development that may facilitate their release.” [26: 7]

2. From the aspect of society, the suggestion and the whole notion itself may seem completely irrelevant. Events happened decades ago are entirely unknown for the majority of people, as almost two generations have grown up since the perpetration. Contemporaries do not remember the names either, as the details of the tragedy are slowly eroded by time. After so much time, society does not want and—we have to accept this—does not wish to know anything about the perpetrators. This is what seems digestible and comfortable enough for them. The false perception of security resulting from the “If we do not talk about it then it does not exist” mentality is paired with utter contempt. Releasing the perpetrators—which would mean one person every 3–5 years—would not hit the *threshold* of society if the conditions are normal.

It is certain that those former life sentenced (without parole) prisoners who may once get released on parole would pose no danger to society. Four or more decades behind bars causes such decay that physically prevents the ex-convicts from committing another violent crime or murder. It is very much likely that a 70-year-old offender who spent two-thirds of his or her life among increased security measures, performing simple manual labour within an enclosed and isolated environment is not even capable of sustaining him or herself. Without a family that supports them, without accommodation, material goods and knowledge of the ways of modern communications, these people will be institutionalized, which cost-wise would be a lot lighter burden than their lifelong incarceration.

3. For the Hungarian Prison Service, executing the sentences of life without parole is a mightily expensive undertaking due to the special sections, the constant supervision and training of the staff members. Maintaining this form of punishment is a *dead end* for the institutions. If current legislation remains the same, it is highly probable that new HSR sections will have to be built and/or the current ones expanded significantly. Another expensive investment in the future will be the introduction of nursing care for the elderly convicts serving their life without parole. Introducing the possibility

⁴ The European Council of Human Rights condemned Hungary because of the violation of Article 3 of the European Convention on Human Rights 373593/10, 20 May 2014.

of parole for these persons would bring a significant change in the lives of staff members working in a HSR section since rewards, disciplinary measures would receive new meaning, greatly expanding their toolset.

4. In case of the prisoners in question, the amendment of the current legislation would once again bestow a different meaning on the notion of time. For civilian people, the timespan of four or more decades is largely beyond comprehension, but this is not the case with convicts. *Very far* is still a lot closer than *never*. There would be something to win and something to lose since the revision of parole would only mean the analysis of the time spent inside. This legal device would by no means be universally used! Even the mere existence of such an option would establish a real environment in which convicts can decide. Those who keep resisting—verbally or actively and dismissing the regime rules will of course not be favoured. Out of the *bestie mensch*⁵ those who are able to shed some light on their human side would most likely be offered a chance to spend a few free years within a social or healthcare institution where they would eventually die.

Conclusion

We believe that from a systematic approach, the methods used during the execution of the serial killers' prison sentences can be compared to a litmus paper. They show the state of the criminal justice system, its rigidity and flexibility, the constant search for answers to pressing issues and our perception of human beings.

Our study is only the introductory part of a pathfinding effort. We endeavour to introduce the typification attempts related to serial killers, collect their primary attributes in order to get to know them better. We tried to give a brief introduction to the best-known international practices and Békés approaches and at the same time point out difficulties and novelties. We wanted to contribute to the effort of making serial killers more than just material for *tabloid journalism*, limiting viscerally emotional opinions when speaking about their punishment. We find it important to emphasize that based on their crimes, these prisoners well deserve to be called *bestial people*, but this is exactly why we consider this an issue. We speak about *bestial people*, but they are still *people*. Not even in their case we are allowed to adopt a form of punishment that would basically be the epitome of the “we do not allow them to live, but we do not let them die”—mentality which limits their existence to simple vegetation.

The analysis of the prison sentences imposed upon serial killers is inseparable from the critical examination of the sentence of life without parole itself. We have to observe the fact that 67% of the current serial killers (10 persons) are currently serving life without parole, while the rest of them (33%; 5 persons) have received a determinate sentence from the court. This also proves that the legislators—and of course the judiciary—are not entirely against the notion of life convicts returning to society (after having served their years). This issue should be—in our opinion—analysed from two aspects.

⁵ Remark on the title of *Bestie Mensch*, authored by Thomas Müller. [27]

The first dimension would be the analysis of the legislative background. From the aspect of criminal pedagogy, we consider the termination of life without parole crucial. In our opinion, parole hearing should be reintroduced after 40 years have been served. *Time* as a dimension thus will once again receive significance and meaning, enabling the development of cooperation by creating the framework in which it is possible. We believe that this change would not limit the jurisdiction of the state, plus an elderly person who has already served 40 years poses no physical danger to society. We find it important to emphasize that the core of our suggestion is *merely* the introduction of the already widely used *mandatory parole procedure* for such convicts. The system would by no means be automatic: the subjects would have to provide certain and well established evidence that they are not potential threats anymore. (Of course, only the revision should be mandatory!) Among today's prisoners we can easily find convicts who loudly exclaim their murderous intent and malevolence: "I believe that not everybody has the right to live. [...] May God save you from having to face me outside! Human eyes are not meant for witnessing such a dirty mess what I would create!" (No. 6) The doors of the prison will of course continue to stay shut for these convicts.

Therefore, in our opinion, incarceration for life may be a reasonable, even necessary measure in case of people who are responsible for multiple deaths, openly defy society and endanger its foundations. However, it has to be recognized that this does not and cannot mean the automatic legal exclusion from being released on parole.

The other aspect of the current situation—on the grounds of the sentence's existence—is filling the convicts *life within* with pedagogical content facilitating relocation between the regimes. It is in our best interest to find a harmony between security and the possibility of self-development but also to be able to provide the framework that is required by this endeavour. Solving this problem cannot be postponed any longer. Based on their practical experiences, Pál Kiszely and István Nagy argue that "our pedagogical toolset will soon empty out, therefore creating education plans that structure time and provide short and long-term goals for convicts whose chances for release are practically non-existent is becoming increasingly difficult. The fact that correctional pedagogy is a fundamental tool for personal development is something we cannot emphasize enough. It is not control and/or leadership, but a goal-oriented practice aimed at the creation of self-reliance. It is fairly difficult to conduct any goal-oriented activities where the goal itself is beyond the convicts' reach." [6: 12]

According to Hickey, monitoring and scientifically analysing the behaviour of serial killers in prison will play a significant role in crime prevention, the importance of which we are unaware as of yet. He argues that the convicts should be offered more options for treatments aimed at rehabilitation and their behaviour should be analysed extensively. This way we can catch a glimpse of the minds of these perpetrators and gain insight in the inner workings of their psyche. In certain cases, we may also receive information on how they have become murderers. This knowledge will facilitate finding grounds for prevention and treatment/intervention. [28]

On the occasion of the birth of the new law regulating the work of the Hungarian Prison Service, Lőrincz has *high hopes* for the current attempts of professional modernization. In his opinion, "prisons are one of the chief requirements of the state's criminal power and will continue to be one of the institutions of justice. [...] This is the reason why the reformation and the changes in the foundations of the Hungarian Prison System receive great attention." [10: 348]

During planning the future of our profession, we have to be aware of the current state of the international environment that surrounds us, and raise awareness towards today's trends. We cannot overlook the fact that "the European criminal jurisprudence has advanced into a state where the sentence of life without parole has basically no right to exist. National presumptions agree that regarding the decisions on the termination of life without parole sentences, the occurring opinions and likely aversion of society cannot be taken into account." [1: 150] Although the actual solution to the problem is yet to come, professional debate and the collection of advantages and drawbacks have been ongoing for years. We agree with Vókö's forward-looking standpoint: "Recognizing practical questions will help the scientists, lawmakers and those who implement these laws achieve the best possible solution to professional questions. Progress is not to be sought after until science and practice had been harmonized. This is something we all endeavour to achieve. It is in our mutual interest to bridge the gap between the differing jurisprudential approaches and today's trends of criminal justice theory and practice on which the criminal law of the future and prison services can build upon." [1: 737]

We believe that our suggestions, coupled with performing the analysis of the serial murderers' situation behind the bars and suggesting answers to certain questions set by this paper while at the same time creating an index number by which inmate cooperation can be measured will contribute to a process of renewal and the establishment of a new framework of regulations and a method of execution.

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