

Summary

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The appearance of the modification of the punishment system in the Pesti Hírlap of Lajos Kossuth (1841-1844)

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I. The aim of the present thesis is to present the reception of the punishment catalogue's change in the Pesti Hírlap of Lajos Kossuth. The dissertation analyses the appear, the reception and the drafting – during the parliamentary debates – of the modern questions of punishment concerning the preparation of the criminal law proposals of 1843. The literature of the legal history failed to analyze the complete news, it was concluded only from the leading articles that the opinion of the Pesti Hírlap's editor influenced decisively the public opinion and the codification.

II. 1. The first chapter summarizes the situation of the Hungarian criminal law in the Reform Age, introducing the system of the sources of law, the attempts on criminal law codifications and the most important characteristic features of the criminal law literature. The second chapter speaks about the relation of the criminal law and the public opinion, as well as about the role of the press in the formation of the “civic criminal law”. The third chapter presents all the news that was published in the constant and periodic headings of the Pesti Hírlap and can be related to the punishments and their implementation. The fourth chapter demonstrates the elements of the punishment catalogue that can be observed in this newspaper. It analyzes the articles on the principles concerning punishments and the types of the punishments (capital punishment, imprisonment and other punishments). The fifth chapter summarizes the statements and the results of the thesis. The annex that contains the sources and authors of the news helps to review rural and foreign news.

II. 2. A dissertation analyzes every news that where published in the Pesti Hírlap while it was edited by Lajos Kossuth (in total 365 numbers), including every headings (leading articles, capital city news, rural news, foreign news, discourses, advertisements, parliamentary news) and announcements. The theme was worked up in accordance of the present approach of the criminal law, maximally considering the state of development and conceptual tools of the criminal law that time. The aim of the research was the reconstruction of the situation during the Reform Age, hence there

only such modern words are used that can be brought into harmony with the criminal law thinking of that ages.

III. 1. News on punishments were present in every headings of the Pesti Hírlap. The leading articles introduced the most important questions (physical punishment), so they raised the demand for the formation of the “civic criminal law” to a daily communication level. The heading of the capital city news represented the “big city journalism”, it often reported about sensations and other curiosities (executions). The rural news served as a database during the process of the modification, but it presented the local solutions as well. The foreign news meant the theoretical and practical basis for the reform questions, introducing examples to be followed or rejected. The discourses played a very important preparatory and documentary role in the modification of the punishment system, they served with commentaries for the appropriation of the information that arrived from the countryside or abroad. The parliamentary news transmitted the debate on the criminal law proposals to the readers.

III. 2. 1. From the theoretical questions on punishments that were published in the Pesti Hírlap it can be concluded that the members of the Hungarian society who were engaged in politics almost unambiguously and definitely committed themselves to the theories that are called under the present typology “relative”, and they aspired primarily to correct the criminals. However, this is a bit one-sided statement, for the newspaper as the tool of political propaganda failed to present the whole criminal law thinking.

III. 2. 2. The proposition of the legal history according to which Lajos Kossuth prepared the attempt to abolish capital punishment in 1843 through the Pesti Hírlap can not be confirmed. The newspaper adopted a neutral position for a long time, and the editor did not engaged in this question.

III. 2. 3. The Pesti Hírlap campaigned for the abolition of physical punishments. This propaganda did not have a whole success, for the traditional class-orientated thinking on criminal law had a significant social basis and the requirements of the enforcement of imprisonment did not evolve yet.

III. 2. 4. The imprisonment received a broad room in Kossuth’s newspaper, but the information that can be appreciated from the aspect of punishments are narrow-ranged. The terminology did not evolve fully yet, and its effect was sensible during the codification debates as well. The problem of imprisonment came up most often in connection with the questions on prisons.

III. 2. 5. According to the researches up till now the fine that was used in Western Europe was not considered as part of the punishment catalogue in Hungary, it is proved by the news of the Pesti Hírlap as well. The Pesti Hírlap campaigned against the ignominious punishments. The punishments that deprive or limit the rights (i.e. losing the office) were also present in the newspaper.

III. 3. It is provable that the Pesti Hírlap played a very important role in the modernization of the criminal law thinking. The newspaper informed about and pointed at important questions, it communicated the modern criminal law ideas. Through the rural and parliamentary news it presented, how the requirements of the civic criminal law were interpreted and used by the readers and the elite engaged in politics. However, because of the lack of time and the political conditions the thinking of the people who used customary law could not be changed immediately. The results did not arise directly at the negotiations of the parliamentary session of 1843/44, rather they formed a part of a longer process.

It can not be proved that Lajos Kossuth had inspired the codification commission through the articles published in the Pesti Hírlap. The influencing of the parliamentary debates is neither so unambiguous. It can be discovered from the news, that the editor did not take a stand on the issue of capital punishment, the newspaper stood up for the abolition of capital punishment carefully only after the beginning of the parliamentary session. However, the editorial staff campaigned expressly against the physical and humiliating punishments. The authors of the newspaper found imprisonment as the up-to-date punishment that should be introduced, but they looked at this issue from the perspective of law enforcement.

While we examine the role of the Pesti Hírlap in forming the public opinion we should state that this modern forum did not do anything else just communicated the debates of the traditional classes to the readers. It brought the isolated debates from the county assemblies and the Parliament to the political media, and made the wider political and professional debates possible.

The news that were published in the Pesti Hírlap in connection to the punishment and codification point no the fact, that the fall of the criminal law proposals of 1843 was not only due to the acts of the government, but it was also encoded beforehand. Although the newspaper published the most modern ideas and had enthusiastic and well-informed correspondents, in three and a half years the legal

thinking based on customary and particular law could not be changed wholly. The articles of Kossuth's newspaper showed, however, that the change started already.

The publicists of the *Pesti Hírlap* and those who debated on the forums of classes could be separated clearly into two groups. One of them is a group of tight, well-traveled and highly-educated lawyers that took part in the codification and drafted the criminal law proposals of 1843. They published in the newspaper articles, making the debates of the county assemblies and the Parliament professional. They were for example László Szalay, Bertalan Szemere, Ferenc Pulszky and József Eötvös. The other group published most of the articles in the *Pesti Hírlap*, who were interested in the modern criminal law, however, because of their practical education and the routine of every-day offices they only emphasized the slogans. They were – against their will – the embodiments of the traditional criminal law thinking. The announcements that were published in the *Pesti Hírlap* it seems so that they could not understand wholly the modern criminal law and codification. In the Hungarian legislation they had a key role, and so the codification could have success only when these people's legal thinking was modernized. The *Pesti Hírlap* took the first step into this direction, preparing the criminal law codification, but not the proposals in 1843 but the Code of Csemegi.