
Zoltan J. Toth*

Department of Legal Sociology and Philosophy, Faculty of Law and Political Sciences at the University of Szeged, Szeged, Hungary

Although the death penalty has been abolished in the majority of the European countries by now (it is only applied in Belarus, while Russia can be considered a so-called de facto abolitionist state, where this sanction exists in theory, but no execution has taken place in the last fifteen years and, according to the current situation, will not take place anymore), the debates concerning capital punishment keep arising. In many European countries leading politicians argue or have recently argued in favour of reinstatement of the death penalty and not only the leaders of extremist parties (such as Ján Slota, former president of the Slovakian SNS,1 in 2010, or Jean-Marie Le Pen, former president of the French FN2 and his daughter Marine Le Pen, former vice-president, currently president of the party, in 2007), but moderate (mainly conservative) politicians as well. Similarly, Lech Kaczyński, Poland’s deceased president, advocated an European debate regarding the reintroduction of capital punishment in 2006; his twin brother, Jaroslaw Kaczyński, former prime minister and currently president of the leading opposition party, the PiS,3 announced at the end of 2011 that one of the objectives of his party was also to reinstate the death penalty. Daniel Lipšic, former Slovakian

---

* E-mail: tothz@juris.u-szeged.hu.

1) Slovenská národná strana (Slovak National Party).

2) Front National (National Front).

3) Prawo i Sprawiedliwość (Law and Justice).
Minister of Justice, also raised the issue at the beginning of 2008 and John Arthur Stevens, former head of the Metropolitan Police Service (better known as Scotland Yard) in England, also declared after the murder of a policewoman in 2005, that although he was against capital punishment before, the only acceptable response to brutal murders is death. All these persons were in favour of the death penalty, partly for moral reasons and partly for practical considerations believing that capital punishment has a deterrent effect and would serve to actually decrease the number of murders.

The debate related to capital punishment keeps arising in Hungary as well, especially after brutal murders. Various politicians stated that, according to their personal opinion, the reinstatement of the death penalty would be expedient or proper, or that it should not have been abolished in the first place. For example, Hungary’s current prime minister, Viktor Orbán, spoke in a radio interview back in May 2002, when he first served as prime minister (between 1998–2002), still in his capacity as PM, that after having met the relatives of the murdered victims of the recent Mor bank robbery his opinion regarding the death penalty had changed, and while he had been against it before, now he would be in favour thereof. He also declared that he is aware that Hungary would not be able to join the European Union if it would maintain or reinstall the death penalty, but he believed the EU was changing as well and there may come a time when the EU — for instance, in the fight against terrorism — will once again permit this kind of sanction. According to Mr. Orbán, Hungary should be amongst those countries in Europe which argue that the death penalty should once again fall within the scope of national legislation.

The last time when a hot debate on capital punishment started in Hungary was in 2012: first in July 2012, when a young, pretty police psychologist was raped and murdered in Pécs, and then in the late autumn of 2012, when the body of an 11-year-old boy was found, a few days after he went missing on 30 October 2012, and it was established that the boy was murdered with premeditation (it is suspected that his foster-mother had him beaten to death by two homeless men). Following these cases not only common people started demanding the reintroduction of capital punishment (e.g., tens of thousands of people on Facebook), but many celebrities expressed their opinion as well, and numerous politicians also openly criticised the present regulation which does not allow the imposition of the death penalty and the execution of brutal murderers. The loudest, of course, was the extreme right-wing party, the JOBBIK, which includes the reinstatement of capital punishment in its official programme since its foundation and which received 17% of the votes in the parliamentary elections of 2010; the true novelty,

---

4) Hungary was not yet a member of the EU in 2002, it joined the European Union on 1 May 2004.