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Life imprisonment without parole: Results of a longitudinal study in Hungary

Kara dożywotniego pozbawienia wolności bez możliwości warunkowego zwolnienia. Wyniki badania longitudinalnego na Węgrzech

Abstract: The main goal of the study was to raise questions concerning life sentences and to demonstrate how it evolves and impacts the criminal, who is cast out from society and incarcerated for decades. The data collection phase of this qualitative longitudinal research spanned ten years, from March 2011 to December 2020. The narrative interviews were analyzed using content analysis. The prison system has the potential to facilitate both personality development and changes in mentality, but it can also hinder them. The legal institution of a life sentence without parole excludes the possibility of making positive changes in the convict's mindset and does not take into account the chance for the inmates' personality to develop during their long sentences. The legal institution of a life sentence, due to the exclusion of the possibility of review, could only be considered a rational institution in case of an infallible investigative and judicial system.

Keywords: life imprisonment, personality development in prison, prison effects, career model in prison, death penalty

Abstrakt: Głównym celem badania było postawienie pytań dotyczących kary dożywotniego pozbawienia wolności oraz pokazanie, w jaki sposób ewoluje ona i wpływa na przestępcę, który zostaje wykluczony ze społeczeństwa i osadzony w więzieniu na dziesięciolecia. Faza gromadzenia danych w ramach tego jakościowego badania longitudinalnego trwała dziesięć lat, od marca 2011 r. do grudnia 2020 r. Wywiady narracyjne zostały poddane analizie treści. System więziennictwa ma potencjał, aby ułatwić zarówno rozwój osobowości, jak i zmiany w mentalności, ale może również je utrudniać. Prawna instytucja kary dożywotniego pozbawienia wolności bez możliwości warunkowego zwolnienia wyklucza możliwość dokonania pozytywnych zmian w sposobie myślenia skazanego i nie bierze pod uwagę szansy na rozwój osobowości osadzonego podczas długich

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wyroków. Prawna instytucja kary dożywotniego pozbawienia wolności, ze względu na wyłączenie możliwości rewizji, mogłaby być uważana za racjonalną instytucję tylko w przypadku nieomylnego systemu śledczego i sądowego.

Słowa kluczowe: dożywotnie pozbawienie wolności, rozwój osobowości w więzieniu, skutki więzienne, model kariery więziennej, kara śmierci

Introduction

Why did you give me hope if not a chance? (Jozsef)

All inmates serving life sentences without parole (LWOP) have committed a crime resulting in immediate and permanent exclusion from society. Surprisingly, many of them are first-time offenders. This means that there are prisoners who have committed a single atrocity in their lives that has led the law to impose the most severe sanction available: imprisonment until death.

At the pinnacle of the legal regulation of life imprisonment without parole is the Fundamental Law of Hungary. Article IV, paragraph 2 of the Fundamental Law reads as follows: “No-one shall be deprived of liberty except for reasons specified in an Act and in accordance with the procedure laid down in an Act. Life imprisonment without parole may only be imposed for the commission of intentional and violent criminal offences.” The institution of life imprisonment without parole was incorporated into Hungarian criminal law by Act LXXXVII of 1998, when Section 47 of the Criminal Code was amended by Section 5 of the aforementioned Act. The amendment came into force on 1 March 1999, and since then the current text of Section 47(1) of the amended Criminal Code allows for the exclusion of the possibility of parole even in the case of life imprisonment. Although this option has been recognised by criminal law since 1993, the courts did not apply it until 1999. (Kiszely, Nagy 2012: 1)

The question of who these people are and what they have done must be separated from another issue: how to endure and live with this never-ending punishment. As a researcher, however, I found that the two questions are somehow intertwined, and that the same moral conundrum hides their answers. Is a person who kills a human being, cruelly, with vile intent, worthy of questioning the possibility of enduring their punishment? Is it ethical to consider how the perpetrator, in the role of the victim, can endure this punishment, which is perpetual for them, or how it can be made more bearable? Is it ethical to give them a chance to absolve, or even explain away, this irredeemable crime – by listening to and accepting their own narrative? These are dilemmas that others have confronted me with, and that I have sometimes confronted myself during interviews.

Over the years, I have come to understand that every judgment, every angular revelation, is also an arbitrary cut of reality. It is a flawed representation of reality. Longitudinal research, like a movie, reveals a much more nuanced reality: a chain and complex network of causes and effects. Both the situation and the person are constantly evolving. The way they think about themselves, the way they perceive the crime they have committed, the way they assess their punishment and the way they see the world and their role in it can change radically over the years. Meanwhile, the artificially inflexible, security-orientated system that surrounds them is unresponsive to these changes. This discrepancy raises serious human rights dilemmas, which unfortunately have had little impact on either Hungarian legislation or detention practices. However, life imprisonment raises significant human rights concerns, particularly regarding the treatment and rehabilitation of prisoners. Dirk Van Zyl Smit and Catherine Appleton emphasise the need for transparent legal frameworks and judicial oversight to ensure that life sentences are not arbitrary and that prisoners have the possibility of parole. The authors also highlight the psychological impact of life sentences, advocating for humane conditions and rehabilitation opportunities for long-term prisoners (van Zyl Smit, Appleton 2019).

LWOP raises problems of implementation, both in principle and in practice. The possibility of parole from life imprisonment may encourage the prisoner to behave correctly during the execution of the sentence. However, in the case of detention without a reintegration function, a fundamental question for the penitentiary system has been whether it can develop a method of execution that does not violate the prohibition of torture and inhumane treatment, provides adequate security guarantees and offers a viable perspective for LWOP inmates (Garami 1999).

Even a decade and a half ago, the then prison warden raised the issue that their pedagogical toolkit was depleted when dealing with life prisoners. It becomes increasingly challenging to set both short-term and long-term goals for such inmates. "It is difficult to engage in goal-orientated activities and to consistently implement them for every inmate when the inmates themselves do not perceive the goal" (Kiszely, Nagy 2012: 12).

In view of the special problems of LWOP inmates' treatment, the so-called Special Unit for Long-Term Prisoners was established in October 2005 in Szeged Strict and Medium Regime Prison, which operates as a "prison within a prison" (Tóth 2015). The housing and management of LWOP inmates is an increasing challenge for the penitentiary system, as the number of prisoners is growing rapidly, especially since 2012. At the start of our research, there were only 13 LWOP prisoners. In November 2017, 53 LWOP inmates had to be housed in prisons, and in 2023 72.¹ Since 1999, there have been seven suicides among them, all in Szeged, in the special unit for LWOP inmates. Since 2017, when cameras were installed in the cells and Plexiglas was fixed in front of the bars, there have been no suicides.

¹ For comparison, the total number of prisoners in 2022 in Hungary was 19,347 (Hungarian Prison Service Headquarters).

In this paper, I present the process and results of an empirical study that commenced in April 2011 and concluded in 2022. The research focussed on LWOP prisoners, with a primary emphasis on how they cope with the despair stemming from their indeterminate sentences. Following the introductory reflections, I situate the subject of my study within the context of the existing research and literature. Before delving into this, I succinctly outline the aims and methodology of my research to ensure that the theoretical framework and central thesis of the study are clear. The detailed description of the research process is elaborated on later in the paper, subsequent to the literature review. Thereafter, I present the core themes pertinent to the convicted offenders, exploring their self-perceptions and attitudes towards their crimes and their punishment. I convey these themes through the inmates' own words and subsequently address the research questions.

1. Aims and methodology of the research

In 2011, a longitudinal study was launched in Hungary, to span a 12-year period and include all inmates sentenced to life imprisonment without parole. The research was launched after discussions, preliminary negotiations and the development of the research plan and conditions between the Hungarian Prison Service and the National Institute of Criminology.

There were three main research questions:

1. What coping techniques do inmates choose to endure such a hopeless, never-ending sentence?
2. Can a sentence of life imprisonment without parole raise ethical problems?
3. How can the prison service achieve risk-free or low-risk custody of prisoners for the rest of their lives?

In addition to the effects of extremely long prison sentences, the research aim was to explore the potential for preventive interventions. It sought to find ways of preventing possible aggressive or self-harming acts on the part of the inmates. The aim of the research was to identify the factors that support and hinder adaptation to imprisonment and to assess their possible effects. It also raised the question of how prisoners' perceptions of punishment evolve in the light of prison practice and the passage of time. In the meantime, the growing number of inmates serving LWOP every year and the resulting problem of placement have become a new aspect of the research. The basis for a successful investigation was, above all, the establishment of a stable relationship of trust with each prisoner, but this was extremely difficult under the circumstances and in some cases impossible because of the personal prejudices and fears of the prisoners. However, over the years, we have been successful in building relationships with both staff and prisoners, which have provided us with useful and credible information and have given us reasonable confidence that the questions we have raised have been answered.

The research plan was to ask predefined questions at each session, but we needed to modify this plan along the way because the prisoners were only willing to maintain long-term contact with us if we had an open conversation. During the informal conversations, we steered the discussion towards the topics we preferred (satisfaction with prison conditions, relationships, plans and problems that were important to them), but in order to avoid research failure, it was essential to deviate from the predefined and predetermined order of questions. Thus, in the end, apart from those who had died in the meantime, we lost only two participants, and only one person consistently refused to talk to us from the very first moment. In order to identify the coping strategies of prisoners, we hoped to be able to typify inmates based on different behavioural attributes and attitudes and to identify the components that lead to more successful adaptation. Thus, with a series of interviews of one to three hours, recorded every three to four months, our aim was to establish types of inmates, in addition to identifying individual risk factors, and to identify the risk and protective factors associated with these types in the long term. The narrative interviews were processed through content analysis, both to map individual life trajectories and to observe typologies and co-occurrences.

2. Theoretical framework

2.1. The prison: A penitentiary as an institution

The penitentiary exerts a significant influence on the convicts' lifestyle, schedule and activities, whilst their social interactions are limited. Individuals are forced to comply with strict regulations in their daily lives, having no control over their time or the decisions about their activities. Such institutions are referred to as "total institutions" by Erving Goffman (1981). The closed nature of prisons and their physically separate system also serve as a symbol, expressing society's rejection and emphasising exclusion.

Anthony E. Bottoms identifies six features that make prisons distinct from other institutions (Bottoms 1999: 205–281):

1. **Total Institutions:** As described by Erving Goffman, prisons are places where all aspects of life are conducted in the same place under a single authority.
2. **Place of Enforced Residence:** Inmates are required to live in the prison and cannot leave voluntarily.
3. **Legal Order:** Prisons operate under a strict set of formal rules and regulations that govern both the inmates and the staff.
4. **Physical Security:** Prisons have high levels of physical control and surveillance to prevent escapes and maintain order.
5. **Coercive Authority:** The use or threat of force is inherent in the management of prisons, ensuring compliance and control over the inmate population.

6. Problem of Order: Maintaining order within prisons is a constant challenge due to the potential hostility of the inmate population towards authority.

Control is exerted not only through physical confinement, but also through shaping inmates' personalities, redefining their identities and regulating their behaviour. When not isolated, prisoners form social networks that aid in survival, influencing how they endure imprisonment. Ben Crewe observes that whilst modern prisons may be less violent than in the past, they can be psychologically more taxing. Constant surveillance, institutional rules, ongoing adaptation to prison life and the loss of freedom deeply impact inmates' mental health, leading to feelings of hopelessness, isolation and loss of identity (Crewe 2011).

2.2. Deprivation and importation models, approaches and research trends

In prison research, the terms "deprivation model" and "importation model" are used to describe different theories about inmate behaviour and adaptation within the prison environment. The deprivation model, also known as the "situational model", suggests that the stressful and oppressive conditions of the prison environment themselves lead to inmate behaviour and social structures. It posits that the unique deprivations of prison life, such as loss of freedom, autonomy, goods and services, heterosexual relationships and personal security, create the environment in which inmates' behaviour develops (Sykes 1958). The importation model, also known as the "dispositional model", argues that inmates bring their own social histories and cultural values into the prison environment, and these pre-existing traits influence their behaviour and interactions within the prison. According to this model, the behaviour of inmates is primarily influenced by their experiences and characteristics from outside the prison, rather than the prison environment itself (Irwin, Cressey 1962).

In the case of long-term imprisonment, it is evident that over time, as the impact of the prison as a living space increases, so does the explanatory power of the deprivation model. Inmates' behaviour is a conscious or unconscious attempt to manage the deprivations caused by prison life. The prison subculture is characterised by an "inmate code" (Sykes 1958; Sykes, Messinger 1960; Kruttschnitt, Gartner 2003: 24). According to Gresham M'Cready Sykes, inmates suffer from five deprivations: lack of liberty, goods and services, heterosexual relationships, autonomy and security. This leads to the creation of a normative order that opposes the authority represented by the prison staff (Goodstein, Wright 1991). John Irwin and Donald Cressey argue that norms, values and beliefs develop in outside life, and the individual characteristics of inmates cannot be explained by prison conditions (Gover, Pérez, Jennings 2008: 379). Research on inmate adaptation is defined by two approaches: the stress-coping model and the interactionist analysis of personal attitudes and orientations. The results indicate that successful adaptation primarily depends on mindset, personal needs, skills and abilities, and that prison should not be viewed as a uniform environment.

However, significant differences exist in the operational modes of different correctional institutions (Adams 1992: 280–282). In prison sociology, there is a distinction between custody-orientated and treatment-orientated institutions (Johnson, Price 1981). Whilst the operation of custody-orientated institutions is characterised by a primary focus on security, uniform discipline and enforcement, the approach in treatment-orientated institutions emphasises the care and education of inmates. This latter approach is based on indirect interaction between staff and inmates, keeping the reintegration aspects in mind.

2.3. The concept of prisonisation and adaptation to prison conditions

Donald Clemmer (1958) defines prisonisation as the assimilation into the inmate society, referring to the process by which inmates adopt the normative culture of the prison (Adams 1992: 278). According to Clemmer's concept of prisonisation, prison culture encompasses habits, behavioural patterns, customs and the codes and rules that are prevalent among inmates. He describes as prisonised those inmates who become highly committed to criminality, turn away from societal reintegration and adopt the rules of the inmate hierarchy (Kruttschnitt, Gartner 2003: 23). The prisonisation hypothesis has been criticised for not giving enough importance to individual values and attitudes, instead focussing more on goals and structures (Adams 1992: 279). Kenneth Adams' research examines the adaptation to prison conditions among male inmates, analyzing the effects of personality structure, the prison environment and the sentence. He emphasises that an individual's prisonisation cannot be separated from other adaptation processes: the success of adaptation to both society and prison depends on adaptation skills (Adams 1992: 275–359).

Stanton Wheeler demonstrated that the degree of prisonisation changes over time: in the early phase, the inmate is still connected to the outside world, strongly preoccupied with their outside life and relationships. In the middle phase, external ties weaken and their reference group increasingly consists of fellow inmates. As release approaches (if applicable), the inmate turns back towards the outside, free world (Wheeler 1961: 697–712). Adams found that the number of rule violations is relatively high in the first six months of imprisonment, but this rate decreases as the inmate adjusts.

Research shows that inmates behave differently in various prisons and under different prison conditions. In treatment-based correctional institutions, violent and defiant inmates are more manageable compared to custody-orientated ones (Street, Vinter, Perrow 1966; Cooke 1989). Adams points out in his study that a stricter, more rigid prison environment elicits a higher rate of disruptive behaviour and that the majority of inmates react negatively to an authoritarian environment. Consequently, the structure of the prison plays a crucial role in the frequency of antisocial behaviour among inmates (Adams 1992: 324).

The impact of prison can vary widely across institutions. Prisons that take a more humane approach and provide adequate rehabilitation programmes are less harmful to prisoners. The institutional environment, including staff attitudes, prisoner relations and prison security measures, is a key determinant of the impact of the prison experience on individuals. The success of prisons depends to a large extent on the rehabilitation and support programmes offered to prisoners. Educational programmes, vocational training and psychological and social support can help prisoners reintegrate more successfully into society and can reduce the risk of reoffending. Without these programmes, however, imprisonment is merely a restraint and less conducive to positive change (Liebling, Maruna 2005).

2.4. Long-term imprisonment

Imprisonment represents a severe interruption in the inmate's entire life, self-identity and life trajectory, as well as a profound disruption in feelings and routines that were previously taken for granted (Cohen, Taylor 1972; Jewkes 2005). Upon entering, a life prisoner must come to terms with and accept the fact that they are beginning a new life in which previously established routines in all areas are to be transformed. For those experiencing prison for the first time, the shock is immense. They suddenly lose all patterns of their previous life and all the validation they had previously received (Sapsford 1983).

Long-term imprisonment is also analogous to experiences such as a car accident, a chronic illness or being evacuated or exiled to an unknown area. These events override axioms and self-evident features (Cohen, Taylor 1973). They disrupt a range of fundamental assumptions, axioms and certainties about the self and society: who people are, how the world works and what constitutes daily affairs – such as time, friendship, privacy, identity, self-awareness, ageing and physical deterioration (Cohen, Taylor 1973: 41). Ivonne Jewkes compares long-term detention to chronic or terminal illness. Both are characterised as a condition that has a coercive effect on the individual and that suddenly results in a disruption of the course of one's life (Jewkes 2005).

In the case of life imprisonment, the inmate must live without perceiving direction, movement or purpose. "This goes beyond the repertoire of our culture's adaptation to normal life" (Sapsford 1983: 77). The past quickly fades, thoughts about the future provoke anxiety, and prisoners focus on the "extended present" (O'Donnell 2014: 178). Long-term imprisonment can only be survived with the support of some protective ideology (Cohen, Taylor 1972) or by accepting the parameters of punishment and confinement (Schinkel 2014). In a longitudinal study conducted among men serving long-term sentences, it was found that over time these men intentionally withdraw from the tumultuous inmate communities (Zamble 2016: 421). It may seem as though they live in their own world, in prison but apart. Their bodies are in prison, but their cognitive focus is elsewhere.

However, all research uniformly suggests that long-term inmates find strategies to mitigate their difficulties, making imprisonment increasingly manageable over time. They strive to avoid trouble, weigh their options and use their time constructively (Flanagan 1980). The ultimate sanction of life imprisonment is a process of mourning in which the prisoner loses their former life, future and identity (Jewkes 2005: 370).

3. The process – challenges for longitudinal research, 2011–2021

The Hungarian Prison Service faced an unprecedented challenge in taking on the task of guarding LWOP inmates deprived of hope of being released.² This means that prisons have to ensure the personal safety of both prisoners and staff as well as the humane treatment of prisoners – for decades – through appropriate motivational, preventive and security measures. In the meantime, the legality of the institution of life imprisonment without parole has been questioned time and again, as has its conflict with international standards; the lack of review and the inhumanity of the punishment are still the subject of professional debate and clashes of views.³

In 2012, a year and a half after the start of the research, the interviewing and the way of addressing the questions and issues in a practical way was finally established. Initially, interviews were planned for one hour, with a strict time frame and a precise set of questions. The original plan was modified in line with the experiences of the first two years. The initial plan was modified as the first two years progressed, so that the interviews sometimes lasted up to 3 hours, and the range of questions and some of the topics were also personalised. Two years after meeting the prisoners, there was a change in the trust between researcher and inmates that allowed us to use a dictaphone. By getting to know the individuals in the sample personally, we were able to observe over time which attitudinal and behavioural components lead to more successful prison adaptation, and which ones can escalate in a negative direction over time.

In 2013, in our year-end research sub-report, another problem identified during the research was reported:

The number of LWOP inmates is rising dramatically and this year poses serious problems for the prison service. Places are full, and the problem of overcrowding

² The sentence of life imprisonment without parole has been in force in Hungary since 1993; the first final sentence was handed down in 2000.

³ The latest ECtHR decision was issued on 28 October 2021. The Court ruled (again) that the LWOP sentences do not in fact offer a real prospect of release and as such are incompatible with the European Convention on Human Rights, and that LWOP does not comply with the standards of Article 3 of the Convention on the prohibition of inhuman or degrading treatment (52374/15, 53364/15 2021).

here presents multiple disadvantages and dangers. In future, therefore, we can expect an increase in suicides, as well as insecurity and discomfort among prisoners due to lack of space and conflict and unmanageability due to lack of work. (Solt 2013)

In 2014, whilst the number of LWOP inmates increased year on year, overcrowding and accommodation problems worsened. This had a noticeable and negative impact on both the staff and the daily lives of the prisoners. However, in 2014 it seemed that the problem-free control of the LWOP inmates could be solved with individualised treatment.

On 31 December 2014, the LWOP inmates' mandatory clemency procedure entered into force (Act CCXL of 2013: 46 A–H§). In 2015, this became another variable in the research: the law caused great uproar among inmates and was another source of a wave of unrest. Under the legislation, after 40 years of imprisonment, the prison will notify the Minister of Justice of the grounds for initiating a mandatory pardon procedure, unless the prisoner does not consent or does not declare whether they consent to the procedure. The convicted persons hoped that life imprisonment without parole would be abolished and that the review could take place in the 25th year following the sentence. This hope has been dashed by the enactment of the legislation.⁴

For 2016, we had to stop following the fate of all LWOP inmates and possible changes in mentality due to the dramatic increase in their number and the lack of resources. Therefore, we have been in regular contact with 27 of the LWOP inmates, in 17 of whom we can analyse in more depth the personality changes and the effects of changes in the conditions of institutionalisation. Since the start of the research, there have been many changes: not only has the number of prisoners multiplied, but the number of prisons that have set up a special ward for LWOP inmates has also increased from one to four. Comparing the practices of these institutions, evaluating the different practices and developing a dialogue between the prisons on the accommodation of inmates and the problems and issues that are specific to the sentence, have therefore also been set as objectives.

At the end of the sixth year of research, we also encountered various research ethical dilemmas. When a researcher goes back to the same people in the same institution over a period of years, they encounter many phenomena outside the unit of observation (such as changes in internal regulations that affect the daily life of the correctional officers and then spill over to interpersonal relationships). There is often a moral dilemma as a researcher regarding what to do with strange or disturbing information. Such long-term research is extremely fragile and requires constant balancing. It has been a constant challenge to reconcile institutional and scientific frameworks in empirical research.

After the new Penitentiary Code entered into force (Act CCXL of 2013: 46 A–H§), the biggest and most obvious problem of the prisoners in the LWOP special ward in Szeged⁵ was the lack of income and work compared to before. This fact, among

⁴ The ECtHR has since censured Hungary for this, most recently at the end of October 2021.

⁵ Szeged is a large city in Hungary with one of the largest prisons.

others, explained the suicides and suicide attempts among LWOP inmates during these years.⁶ At that time, the inmates in Szeged could keep guinea pigs, but they were often unable to finance the food for animals alone.⁷ In 2017, prison rules became increasingly centralised. In the case of the LWOP inmates, the individualisation aspect was therefore not sufficiently taken into account.

As is well known, the extremely long sentences mean that contact becomes poorer and more difficult every year. Meanwhile, the per-minute tariff for prison telephones is many times the market price, and prisoners' incomes at this time have been unable to cover the basic needs due to the large deductions made since the new Penal Code. The increasing workload of staff – the ever-increasing number of overtime shifts and the administrative obligations – have led to a very high turnover rate. Staff overload has spilled over to the prisoners. Overall dissatisfaction has reached its highest level in the seven years of our research. Tighter controls, cameras and a centralised system designed to control staff members as much as the prison population have created a deeply depressing atmosphere in practice. Many of the well-established procedures and processes have fallen victim to the new restrictions.

By 2018, the good working relationship between researchers and prison staff, which had greatly helped the research until then, began to falter. The authorisation of our ad hoc visits to the institute was delayed, the authorisation of the use of the dictaphone after six years of uninterrupted practice began to falter and the need for staff to assist us in our work – interviewing inmates – was no longer a matter of course.

In 2020, due to the pandemic and epidemic measures, there were far fewer opportunities for interviews and only limited opportunities for further meaningful observations. Subsequently, the Hungarian Prison Service Headquarters withdrew the research permit.

4. Risk and protective factors determining the peaceful detention of LWOP inmates

The beginning of detention and imprisonment means a rude interruption of the prisoner's whole life path and a profound shock to the feelings and routines previously taken for granted. They find themselves in a completely alien and cold place, where events and happenings are out of their control (Irwin 2009). An LWOP inmate must, on entry, accept that they will begin a life in which previous routines will be inevitably transformed.

⁶ During two years of this period, there were three completed suicides in the LWOP special ward of Szeged Strict and Medium Regime Prison; we followed the history and the path leading up to this point, and wrote a separate research report on the topic.

⁷ It was interesting and instructive to observe how the inmates treated the animals and how the bonding affected their human relationships over the years. By 2020, the last guinea pigs had died, and the purchase and keeping of more guinea pigs was no longer supported by the prison service.

During the prison life and detention of long-term prisoners, it is possible to identify risk factors that may endanger their own mental and physical stability as well as that of others. On the other hand, it is also possible to identify the protective factors for a balanced life and detention (Table 1).

Table 1. Risk and protective factors of long-term prisoners

Risk factors	Protective factors
loss of health: illness, ageing	activities, occupations
poverty	money-making opportunity
thoughts about the crime, not processing the crime	faith and hope in the abolition of LWOP
dreaming	conscious self-improvement
relationships – if irregular, unstable or involving negative emotions	relationships – if stable and providing a bond
housing regardless of individual needs	individual housing on request (in relation to a cellmate and type of ward)

Source: Own elaboration.

Anything that reinforces the prisoner’s vulnerability and helplessness has a negative effect, and anything that tends towards at least a semblance of restoring self-determination and autonomy has a positive effect on the prisoner’s well-being and mental equilibrium. This is the same for all prisoners, but it becomes proportionally more pronounced as the length of the sentence increases, and is particularly true for LWOP inmates. The determining external elements are the issues of housing, the prisoner’s cellmate and their livelihood.⁸

- Most importantly, the following issues affect the daily life of the inmate:
- whether they want a cellmate or prefer a single placement,
 - whether they prefer quiet and routine or a more stimulating accommodation with more opportunities and greater freedom of movement,
 - how much work is needed to meet personal needs.

In addition to time management and spending, various activities and occupations create new opportunities (e.g. learning), thus providing motivation and prospects for the prisoners. Work is important not only because it provides occupation and living space, but also because it is a source of basic needs and a means of obtaining coffee, cigarettes, toiletries and other consumer goods.

⁸ Prisons – and the prisoners in them – face a significant and growing challenge as a result of increasingly extreme weather conditions, particularly hot summers. LWOP prisoners are also typically housed on the upper floors of institutions. Most cells have small windows, screens and Plexiglas on the bars, so temperatures can exceed 40 degrees in the summer and there is no air movement. For long-term prisoners, conditions can therefore often amount to torture during the heat of summer.

5. Typical strategies and attitudes of well-adjusted prisoners

Crewe and colleagues wrote a book in 2020 describing a study (Crewe, Hulley, Wright 2020). The basic question of the book is what happens to people when we deprive them of their freedom for a long period of time. The study was carried out among young prisoners sentenced to life imprisonment, and it analyses how they cope with the fact that they have committed an offence against life, then with the fact that they have been sentenced to many years imprisonment and finally whether and, if so, what kind of personality-forming effect prison can have on them.

Overall, the combination of the passage of time and imprisonment was found to have a definite personality-forming effect on prisoners. Many of their observations coincide with the observations I made in this research, even though the samples were different. For those serving long prison sentences, and especially for those serving life sentences, it is typical that they begin to take note of their situation after the first few years. Perhaps the only exceptions are repeat offenders, regular recidivists, for whom prison is a natural environment.

In a somewhat simplistic way, two groups of well-adjusted prisoners have been distinguished according to the typical attitudinal and behavioural patterns: the “resigned” and the “combative” (Table 2).

Table 2. The typical attitudinal and behavioural patterns

Resigned (typically lower intelligence, simpler personalities)	Combative (typically higher IQ, ⁹ more complex personalities)
constricted, indifferent to the outside world, needs are minimised	interested, open-minded and relationships are important
acknowledgement and acceptance of the judgment	hope of freedom
preference for calm over stimuli (abandonment of solitude and freedom)	preference for variety and new stimuli over routine (increased need for company and occupation)
hobbies (sports, writing, reading, handicrafts, plants, animals, cigarettes, coffee, etc.)	
living day to day, thinking in the present	long-term thinking, conscious self-improvement

Source: Own elaboration.

The resigned inmates have accepted prison as their living space, whilst the importance of the outside world and external relations has faded.

I am so sure that this is my fate... But I hope in vain that the case will be re-examined ... To do so again would require a spiritual strength to fight for what is right. But if I couldn't do it then, I can't do it now. (Balint)

⁹ Data on the inmates' IQ were available from forensic psychology reports in criminal records.

Their horizons have narrowed along with their room for manoeuvre, and most of their thoughts are confined to the “here and now”.

The life instinct must be destroyed here. Otherwise, would you let them lock the bars on you and snot-nosed prison guards fuck you every day? They put the life imprisonment without parole in the Constitution, but why didn't they include quality death? They'd give you a handful of pills, and if you took them, you'd probably fall asleep. You'd have a sleepy room or a cell, and the man would hand in a request form. There could be a psychological evaluation or a 3–6 month waiting period, then you'd go into the sleepy cell. A lot more people would do it than hanging. Not me now, but if I fall off my feet, who's going to push me in a wheelchair? Nobody. Then it would be better. (Viktor)

They try to find “freedom” within the prison walls, where they can provide for their basic needs and a few favourite habits, and are relatively healthy.

I accept it, this is it, this is where my life ends. There is no point in trying to fight it here. Every man should be free, because he was born free. I am here, I accept it, I have to endure it, take advantage of it. I carve, water plants, draw. I make souvenirs for the prison. (Laszlo)

Their peace of mind and the stability of familiar conditions and rules are very important to them, and they typically prefer to be alone.

I've built a little world and I'm going to keep doing it until I'm not in the mood. It could be a disease or whatever, then I hang myself. I don't think about it, I've made up my mind. It gives me spiritual freedom. It could be 10 years, 5 years, tomorrow. (Adam)

Their intellectual and emotional abilities are typically lower and their personalities simpler.

It's not worth planning here. I'll be fine, overnight. Planning is useless. Here it would have been good to hang yourself or get shot in the head, that's all. (Mario)

There is only emptiness. A mist, nothing, the emotions have gone. (Tibor)

The convicts in our combative group have a very different view of themselves and the world around them. They have not, in fact, given up hope of ever seeing the open sky. They believe that even if it takes a long time they will be free.

I try to find a purpose for myself every day, but here what? I wake up every morning, there's no work here, I've got to have dumb jobs, it's all really lame, it's really boring, I don't even have a job, I can't share with anyone that my best friend died, I can't share with anyone, no-one cares. (Sandor)

If I knew for sure we were going to die here, I would kill myself right now. (Gergő)

They are fighting to make that longed-for distant future a reality. They try to keep fit mentally, spiritually and physically. They pay attention to their mental health and try to keep their bodies fit.

If I had 30 years, I'd get out at 56. I'll have two good years and two bad years. When I thought about it, I realised the power of that. So it might be worth it. But I'm also afraid of disappointment. What happens if I wait 30 years and they don't do away with the life imprisonment without parole? It was good for me to think about it. We can't set ourselves long-term goals, we just vegetate. What is a goal we can set ourselves? Right now I'm aiming for 20 years. I will wait for that. And then I'll set myself a new goal. (Csaba)

Their relationships and events in the outside world are important to them, and they try to keep up with the world and keep their relationships alive.

I once promised my wife that I wouldn't do anything stupid, and that's what keeps me from doing anything. (Gusztav)

They value variety and new stimuli and challenges, rather than routine, automatism and habit, but this does not mean changes based on their own choices.

Fighting inmates are characterised by a need for companionship, a desire for self-improvement and an increased interest in activities and programmes. Mindfulness, long-term goals and thinking are also typical. They have a more complex personality and higher intellectual and emotional standards.

I cannot and will not get involved in the fact that my autonomy has been taken away and terminated. You can't get used to that. I'm shaking like a jelly. For me, mental excitement and freedom are my only recourse. I spend most of my days thinking. I can't talk to anyone, because it's impossible here. (Szabolcs)

Towards the end of the research, I noticed that all of the convicts who had died during the 12 years of the research (8), whether by suicide or natural causes, were among those labelled as "resigned", whilst there were no deaths among the "combative" convicts. All this underlines the fact that for a human being, finding some kind of joy or meaning in life, or a belief in the future, is a prerequisite for survival in the longer term.

For all inmates, the last vestiges of autonomy they still have are obsessively clung to: their small decisions, their little room for manoeuvre, are extremely important. Therefore, the introduction of any new restriction in their daily lives is a gross insult to them. The management of maladjusted or maladapted prisoners is an acute problem for the prison service in the long term. The tools available are rather limited: single housing and close supervision, or medication in case of mental illness, severe mental deterioration or self-harm. In no case has treatment led to a lasting solution. Some of the prisoners who were unable to adapt committed suicide after a few years of living in a state they found unbearable.

When I wake up in the morning, I'm confronted with the fact that I'm here because I see these bars, it's the first sight. Every day I start again, I can't see the goal. It's not like that, there's nothing to do it for. I'm sorry there's no death penalty. It would have been better if I had been hanged already. (Attila)

For well-adjusted prisoners, self-harm or endangering others is far less common, but drastic changes in prison conditions (e.g. institutionalisation, tightening

of security rules or withdrawal of contact permits) or sudden changes in seemingly unjustified and harsh deprivations (e.g. spices, programme options or activities in the cells) can break even the most resilient. The prison's approach and treatment of prisoners, particularly those serving long sentences, is therefore largely responsible for the emotional stability of inmates and is a crucial determinant of the level of risk of convict behaviour.

6. Adaptation and coping mechanisms of LWOP inmates

Among the LWOP inmates, I have rarely encountered people who could not come to terms with the homicide that was committed, but it does happen.

Everyone decided to come here. No-one was invited. It's harder to live with the thought of what I've done than the judgment. (Laszlo)

In the case of the majority, it seems that, on the one hand, the finality, irrevocability and long-lasting nature of this punishment blocks any remorse that the perpetrator may feel over the crime of homicide and makes them, at least in part, a victim in their own eyes.

It's such a rubbish sentence. It doesn't make sense. You go to prison and you wait to die. I don't see what motivates me to have good behaviour, to be cooperative. (Jozsef)

The emphasis on innocence among LWOP inmates is not at all typical.

I realised pretty early on that what I did, I deserved it. Only in hindsight did I realise that I might not deserve as much as I was told. (Sandor)

However, several convicted persons question the conclusive evidence of the offence or deny committing the offence or some of its details. In these cases, it is more difficult for them to accept their sentences.

I still freak out when I write all the time about how many places they made mistakes in the investigation. I still keep thinking, if I write it down, what will make it better? In fact, my case has been on hold for four months because I haven't sent the paper back to the lawyer yet. When I read it, I'm freaked out. It's hard. (Sandor)

Four factors helped the prisoners to accept serving a long sentence. The first factor relates to appeal. Some of the LWOPs have worked and are working on establishing an appeal. During this period, the inmates slowly got used to the daily life in prison, losing a piece of hope every day.

Secondly, among LWOP inmates I have seen several cases where – after years of pre-trial detention, which was constantly life-threatening for the prisoner – after being transferred to a calm environment, they put an end to their suicide attempts and were able to accept their situation with ease.

The beginning was the hardest. I was in the middle, it was adventurous. There are soft parts of the body, the stomach, the armpits, there are no marks left. The first two years were a constant terror. They wanted me to commit suicide. (Viktor)

Thirdly, the passage of time alone can bring acceptance of the situation. As time passes, and the prisoner is separated from the outside world and their relationships, they arrive at the reality of the present: prison. New relationships can replace old ones, and inmates replace outsiders. There are some cases where inmates have found common ground, where forced coexistence has deepened into friendship. Such pairs and small communities stabilise the emotional state of the prisoners and have a beneficial effect on their acceptance of their sentence, of the indefiniteness of their life on the inside.

However, disrupting these communities can be fatal. In 2016, a double suicide occurred in the LWOP special ward in Szeged precisely because the guards attempted to disrupt a well-established friendship and coexistence that had worked well for many years. They wanted to separate the prisoners and move them to outside work. When the decision was taken, the prisoners committed a self-inflicted crime, simultaneously and in parallel.

According to one LWOP inmate, the most destructive and conflict-inducing factor in forced coexistence is when offenders serving long sentences are placed in the same cell with prisoners serving shorter sentences. In such cases, the goals, perspectives, ways of coping and adapting, the overall reality, are so different that there is a virtual incompatibility of interests simply because of the length of the sentences. Waiting for another prisoner's release and then experiencing the release itself as an LWOP inmate is traumatising and conflict-generating.

However, prison security policy stated that LWOP inmates should be transferred every few years. As a consequence, there have been several cases where the living conditions that had been established and made livable in accordance with the prison conditions have been disrupted and the prisoner has been transferred to another prison. These transfers pose a serious risk of self-harm and public danger, as each such occasion is a major emotional shock for the prisoner and requires a stressful and difficult re-start of the process of coping and adaptation already underway.

Regarding the fourth factor, forced contemplation and a stimulus-poor environment can have self-reflective and positive effects, but in these cases severe personality problems, a failure to process traumatic events and a persistent hopelessness are more prevalent. Without the help of a professional, these can only rarely lead the prisoner towards personal development. What is clear, however, is that our research, which involved visiting and talking to prisoners three or four times a year, whilst ensuring that they felt emotionally safe, had a clear positive impact on their personality and behaviour. Throughout our work, numerous promises were made to us, which were kept over the years, and our advice was also heeded. We believe these factors play a significant role in fostering a positive

shift in mentality. Through our interactions, trust was built, and experiencing this feeling can foster the ability to form healthy attachments and, through this, lead to personal development.

Many of the LWOP prisoners find in their activities the motivation that promotes their relative freedom from problems and peace of mind. We can look to these sustaining values as a source of strength. They can be a way for prisoners to endure life as inmates.

Why do I get up every morning? For me, TV shows. It sounds silly, but they mean a lot. (Adam)

I have a guinea pig. It has a little rat head, but I love it. (Zoltan)

I started going to drama classes, they let me. I like it. (Jozsef)

Our little lives are so uplifted by this cooking circle, it's just a laugh. (Viktor)

The value is my flowers and my fish. I do a lot of fiddling with the aquarium. (Sandor)

What has got me through a lot is the book. But now I enjoy this origami so much that I haven't read a single letter for seven weeks. (Gusztav)

I've been immersed in writing poetry for half a year. When I get into it, I don't even turn on the TV. (Adam)

We used to have intellectual competitions in the culture room. I can't tell you how good it is. (Szabolcs)

It is therefore worrying to note the trend whereby their participation in various programmes, training courses, meaningful work or creative activities of their own devising has been greatly reduced in recent years.

The fear of death is the only reason some LWOP inmates remain alive at this point in their lives.

If I didn't fear death, I would have killed myself. I'm more afraid of the unknown, or what the retribution will be if I go ahead and am prevented from doing it. (Sandor)

Suicide requires a grim determination and a deep sense of hopelessness. However, everyone fears the unknown, the pain or the harm of possible retribution following an unsuccessful suicide attempt.

I think about suicide all the time. It's just was always been something I couldn't do. (Sándor)

I've tried it once, let me tell you how hard it is. They used to say how cowardly people who do it are – well they aren't. (Viktor)

There are three types of thinking/attitudes towards the intention to stay alive. The first is that of the resigned and hopeless, who link their survival to their relative health and access to a few items of enjoyment and food that give them minimal pleasure. The second group are those who are bound to life by their remaining

relationships, promises made to loved ones and family members, especially their mother, and who continue to do so until their loved ones die.

There are some who believe in their eventual release and aim to make it to that point – they are alive as long as they can believe. They are the third group, the most hopeful, with the most positive attitude. This attitude is also the most difficult path for the prisoners, which are, by definition, the younger ones. They hope for a change in the law or some other miracle of release, even the imperceptible passage of time, until the mandatory pardon procedure after 40 years. They have chosen the most arduous path, full of trial, disappointment and agony. For them, the need for self-development, to connect with others, to learn and to participate in community life are all strong, as they strive to condition themselves physically, mentally and spiritually to achieve their goals. They are primarily the ones for whom the prison service must find a solution to help them develop in a genuine way.

Conclusion

The exclusion of parole eliminates any tangible incentive for inmates to engage in positive behavioural changes, thus raising serious human rights concerns. According to the European Court of Human Rights, states have a positive obligation to ensure that imprisonment serves a rehabilitative purpose (Meijer 2017).¹⁰ Penal Reform International also highlights the need for individualised treatment and rehabilitative opportunities to mitigate the harsh conditions faced by life prisoners (Reade 2019).¹¹

Knowing the criminal files of inmates serving LWOP, I started interviewing them. I knew the horrific acts, saw the photographs and read the testimonies. In several cases, the first eye contact was difficult for me. To turn to someone with a non-judgmental attitude, to listen with understanding attention to the words of a man who has done things, even a fraction of which I deeply disapprove of. As a researcher, I have tried to put aside all basic antipathy, all personal impressions, and to approach them in such a way that pure understanding is the only motive for the conversations.

In more than a decade of research, I have found that as the relationship has deepened and the years have passed, I have unwittingly managed to connect with them. They have become flesh and blood human beings; I have been able to separate the act from the human.

Over more than a decade of research has led to two clear findings. The first is that imprisoning someone for life without the possibility of parole is pointless and dysfunctional. A life sentence gives the possibility of keeping a person who is a danger

¹⁰ This article explores the legal and human rights aspects of rehabilitation in the context of life imprisonment.

¹¹ This policy briefing provides insights into the human rights concerns and necessary reforms for life imprisonment practices.

to society in prison until death. There is therefore no justification for this decision at the moment of sentencing. In the course of the research, we met prisoners who had undergone significant personal development during their imprisonment, who sincerely regretted their actions, who had become religious and whose mentality had changed radically. Nevertheless, in the current legal environment, there is no chance of ever being able to review the danger they pose to society. The second claim is consistent with the other research findings mentioned above. The conditions of imprisonment are of crucial importance in determining the impact on the prisoner and the consequences of decades of imprisonment. Participation in the research itself has helped many prisoners to reflect on their actions and themselves, to face up to what they have done, what they have become, what their lives are like. Personal development cannot be expected without support. But with support it can be achieved.

LWOP excludes the possibility of a positive change in the mentality of the inmates, despite there being a demonstrable chance of personal development during a long sentence. Personal development requires support and resources, without which positive change will not happen. In this way, the prison system can facilitate personal development and a change of mentality, but it can also make it impossible. All human contact, creative activities and learning processes to which the prison system gives access promote the prisoner's chances of development. Any long-term deprivation, prohibition or loss that is not a foreseeable consequence of the prisoner's behaviour – and any circumstance that gives rise to feelings of fear, hopelessness or pain – hinders the inmate's chances of mental and personality development. In long-term imprisonment, trouble-free guarding of inmates is facilitated by an individualised “life-course model” and a predictable set of conditions and rules, with achievable objectives, throughout the sentence.

Proposals

The study advocates for the implementation of a structured, individualised “life-course model” that provides inmates with predictable conditions and achievable objectives throughout their sentences. This approach not only supports the humane treatment of prisoners, but also aligns with broader rehabilitative and utilitarian goals, ensuring that life imprisonment serves a meaningful and just purpose within the criminal justice system. The integration of rehabilitative opportunities and the potential for parole can help transform life sentences into a tool for positive change, rather than merely a mechanism for punishment.

LWOP inmates are sensitive to unexpected and unpredictable changes in regulations. They may face restrictions regardless of their behaviour. I propose the development of professional protocols that can provide a stable framework to ensure that staff changes do not undermine the requirements of predictability and coherence in the prison service. In addition to standardisation, protocols should

also aim at individualisation, treating LWOP prisoners separately. There is a need to develop a predictable, personalised and time-guaranteed career model: specific rules in which a system of sanctions and rewards can be meaningful to prisoners, and in which they can not only achieve but also retain various benefits depending on their behaviour. The recommendations made in this research are easily compatible with other research and professional proposals for the prison service:

Sentence planning for LWOP inmates means creating more realistic and meaningful programming and incentives that not only benefit the inmate but can also foster better relations between inmates and staff. Small inducements such as access to a range of offender recreation programs, TV, visitation, decent-paying prison jobs, commissary privileges, and novel incentives reinforce a common desire of most long-term inmates to “do the easiest time possible.” For example, programs that allow inmates to care for animals can significantly reduce the pains of imprisonment and create an atmosphere of reduced stress and a lower likelihood of inmate misconduct. (Sorensen, Reidy 2018: 55)

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