GYÖRGY ATTILA NÉMETH

ERIK HELLER*

(1880–1958)

Erik Heller taught substantive and procedural criminal law between 1925 and 1944 at the Ferenc József University as a full professor for almost 38 semesters. He began his career as a practicing lawyer, besides this activity he published continuously, and later obtained a university teacher qualification. He committed himself to an academic career at the time of his appointment as a full professor in Szeged. With this study, I intend to draw a portrait of one of the decisive figures of the criminal sciences between the two world wars. Following a brief overview of his career, I present his perception of the theories of punishment. In the second part of the study, I address the views of Erik Heller on the essential issues of the criminal dogmatics, such as the concept of criminal offence, unlawfulness and guilt.

I. Biography

Judicial career[1]

Erik Heller was born in Budapest, on May 15, 1880 as the child of engineer, physicist *Ágost Heller*[2] and *Georgina Bolberitz* of Bleybach. His siblings were *Farkas Heller*,[3] *René Lothár Heller*[4] and *Georgina Heller*.[5]

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1 I reconstructed the stations of *Erik Heller*'s judicial career primarily on the basis of the report of *Gyula Moór*, which was prepared on December 18, 1924, in order to comment on the professorial applications received for filling the department in Szeged. *Moór Gyula egyet. ny. r. tanár előadói jelentése*. MNL Csongrád Megyei Levéltár Szegedi Ferenc József Tudományegyetem Jogi Karának iratai 1924/25, VIII. 4. b, iktatószám: 82. [*Report of Gyula Moór, full professor*. National Archives of Hungary (hereinafter abbreviated: MNL), Csongrád-Csanád County Archives of National Archives of Hungary (hereinafter abbreviated: CSCSML), Documents of the Faculty of Law of Ferenc József University of Szeged 1924/25, VIII. 4. b, file number: 82.] 2. In the following: Moór-report.

2 Pest, August 6, 1843 – Budapest, September 4, 1902. Physicist. His most significant work is the *Geschichte der Physik von Aristoteles bis auf die neueste Zeit* [The History of Physics from Aristotle to Modern Times]. Cf. OROSZI – SIPOS 1990, 1493.

He was inaugurated as a doctor of law in 1904 at the Faculty of Law of the University of Budapest (the predecessor of ELTE). From 1906, he worked at the Royal Regional Court of Győr as a substitute notary,[6] from 1908 as a notary,[7] and from 1912 as a royal council notary. At the beginning of 1913, he was appointed substitute district court judge in Nezsider (now Neusiedl am See in Austria), and in november he served in the same position at the Royal Criminal District Court in Budapest.[8] He later officiated as substitute regional court judge in Budapest,[9] and was appointed as judge to the Royal Regional Court in Budapest in 1914.[10] In this position, he was assigned as a juvenile court judge by the Minister of Justice for three years.[11] From 1916 he was employed in the Ministry of Justice, wherein from 1919 he became an undersecretary,[12] then in 1921 he was appointed royal deputy chief prosecutor.[13] In 1923 he obtained a university teacher qualification at the Faculty of Law of the Budapest University (between 1921 and 1950 Pázmány Péter University).[14]

Educational activities in Szeged[15]

Simultaneously with the appointment of *Erik Heller* to the Department of Substantive Criminal Law, he was commissioned to lecture the criminal procedure law course as well. The reason for this was that after the assignment of *Ferenc Finkey*, the Head of the Criminal Law Department, as deputy crown prosecutor, and the death of *Adolf Lukáts*[16] on May 20, 1924, the Department of Substantive Criminal Law also became vacant.[17] Because of this, the competent committee proposed[18] that, between the two positions of

[3] Budapest, May 9, 1877 – Budapest, September 29, 1955. Economist, full professor at the Budapest University of Technology and Economics, member of the Hungarian Academy of Sciences. See more: OROSZI – SIPOS 1990.

[4] Budapest, 15 May 1878. – Budapest, 2 March 1929. Engineer, chief inspector of railways and shipping.

[5] She was born in Budapest on 17 May 1880, she was the twin sister of Erik Heller, the date of her death is unknown. See: My Heritage Company, Geni-adatbázis. [http://bit.ly/georgineheller, downloaded on 05.01.2020.].

[6] Moór-report, 2.

[7] Index by names for the 1908 volume of the *Jogtudományi Közlöny*.

[8] See: HELLER 1913a, 49., and Moór-report, 2.

[9] Moór-report, 2.

[10] Ibid. 2.

[11] See: "HIREK" rovat. ["NEWS" column.] Az Est 1914/5. 4.

[12] Moór-report, 2.

[13] Ibid. 2.

[14] Budapesti Királyi Magyar Pázmány Péter Tudományegyetem Jog-és Államtudományi Karának ülései, 1922–1923 (HU-ELTEL 7.a.23.) 1923. április 12. IV. rendkívüli ülés. [Minutes of the meetings of the Faculty of Law and Political Science of the Royal Hungarian Pázmány Péter University of Budapest, 1922–1923 (HU-ELTEL 7.a.23.) 12 April 1923. IV. Extraordinary Meeting.] 124, 125.

[15] I am grateful to Tamás Vajda, archivist of the University of Szeged, for providing me with archival materials related to Heller's years in Szeged.

[16] Felsősolva, 1848 – Budapest, 1924, professor at the legal academy in Pécs, judge at the Regional Court of Appeal from 1891, then from 1894 professor of criminal law in Kolozsvár. See: HUSSEIN 2020a, 463-464.

[17] *Az 1924. május 21-én tartott IV. rendkívüli kari ülés jegyzőkönyve.* MNL Csongrád Megyei Levéltár, Szegedi Ferenc József Tudományegyetem Jogi Karának iratai 1923/24, VIII. 4. b, iktatószám nélkül. [*Minutes of the IV. extraordinary faculty meeting held on 21 May 1924.* MNL, CSCSML, Documents of the Faculty of Law of the Ferenc József University of Szeged 1923/24, VIII. 4. b, without file number.]

[18] The chairman of the committee was *Ignác Kosutány*, its members were *Gáspár Menyhárt*, *Károly Tóth*, *Albert Kiss*, *László Buza*.

the head of the criminal law departments, only the position according to the substantive criminal law should be filled, and the person to be appointed to that position should also be responsible for holding the criminal procedural lectures without additional remuneration. Following the adoption of the motion in this matter at the 1st extraordinary meeting on September 25, 1924, they called for the application on the 25th of October.[19] The committee supplemented by the Dean *Gyula Moór* and *István Ereky*, compiled a report on the applications received,[20] the draft of which was prepared by *Moór*, who was the elected rapporteur of the committee, by the 18th of December. I referred to this document earlier as the Moór-report. A total of seven people applied for the announced position: *Ervin Hacker,*[21] *Erik Heller, Lajos Zehery,*[22] *Kálmán Gerőcz,*[23] *Emil Grandpierre,*[24] *János Samassa*[25] and *Bertalan Landori Kéler*.[26]

Moór criticized the applicants' scientific and academic literary work. Regarding *Heller*, he noted that "his skills predominate in analyzing judicial, especially technical legal issues", although he can be said to be less experienced in resolving theoretical, and philosophical questions.[27] In his report, the professor recommended *Erik Heller* and *Ervin Hacker* in the first place, between the two of them, he considered *Hacker* more worthy to fill the department. In the second place, he supported the appointment of *Lajos Zehery* as an extraordinary professor, furthermore the appointment of Emil Grandpierre as full professor.[28] At its meeting on December 19, the committee fully accepted the rapporteur's recommendation according to the order of the appointments.[29] This opinion was also discussed by the faculty council[30] on the same day.[31] After the voting, the faculty supported

[19] MNL Csongrád Megyei Levéltár, Szegedi Ferenc József Tudományegyetem Jogi Karának iratai 1924/25, VIII. 4. b, iktatószám: 82. [MNL, CSCSML, Documents of the Faculty of Law of the Ferenc József University of Szeged 1924/25, VIII. 4. b, file number: 82.].

[20] Ibid.

[21] Bratislava, 1888 – Miskolc, 1945, university teacher at the university of Bratislava from 1919, then from 1920 teacher at the legal academy in Miskolc. He worked in many branches of the criminal sciences, including criminal statistics, criminology and prison law. See: NAGY 2013, 83.

[22] Szeged, 1893 – Budapest, 1968, university teacher in criminal procedure law at the University of Szeged from 1922, then from 1940 judge at the Curia. See: HUSSEIN 2020b, 787–799. FARAGÓ M. 1993.

[23] Sátoraljaújhely, 1888 – Sátoraljaújhely, 1965, from 1912 teacher at the Calvinist legal academy in Sárospatak. Moór-report, 2.

[24] Nagykanizsa, 1874 – Budapest, 1938, from 1910 judge at the regional court in Kolozsvár, from 1918 Government Commissioner in the county of Cluj, and from 1922 teacher of general legal knowledge at the teacher training institute in Kolozsvár, father of the writer Emil *Grandpierre Kolozsvári*. Ibid. 5.

[25] Born in Verebély, in 1867, extraordinary professor at the Roman Catholic legal academy in Eger, later representative in the Hungarian Parliament. Ibid. 5.

[26] Born in Komárom, in 1897, lawyer candidate, assistant pastor. Ibid. 5.

[27] Ibid. 10.

[28] Moór-report, 20.

[29] *A m. kir.-i Ferenc József Tudományegyetem felterjesztése gróf Klebelsberg Kunó m. kir. vallás- és közoktatásügyi Miniszter Urnak.* MNL Csongrád Megyei Levéltár, Szegedi Ferenc József Tudományegyetem Jogi Karának iratai 1924/25, VIII. 4. b, iktatószám: 82. [*Proposal of the Royal Hungarian Ferenc József University to Count Kunó Klebelsberg, Royal Hungarian Minister of Religion and Public Education*. MNL, CSCSML, Documents of the Faculty of Law of the Ferenc József University of Szeged 1924/25, VIII. 4. b, file number: 82.].

[30] It consisted of the 12 full professors of the faculty, each with one vote.

[31] *Kivonat az 1924. december 19-én tartott IV. rendes kari ülés jegyzőkönyvéből.* MNL Csongrád Megyei Levéltár, Szegedi Ferenc József Tudományegyetem Jogi Karának iratai 1924/25, VIII. 4. b, iktatószám: 82. [*Excerpt from*

the appointment of *Erik Heller* as a full professor in the first place, then the appointment of *Ervin Hacker* also as a full professor in the second place and the appointment of *Lajos Zehery* as an extraordinary professor in the third place.[32] *Kunó Klebersberg* submitted a personal proposal to the governor in accordance with this motion, who assigned *Heller* on September 23, 1925, to head the Department of Substantive Criminal Law as a full professor.[33] The newly appointed professor took the official oath on October 11.[34]

Besides lecturing substantive law five hours per week, *Heller* also took care of the criminal procedure law course in the same number of hours (under the name of the Hungarian Criminal Jurisdiction) – which from the I. semester of the 1936/37 academic year, was solely announced in the fall semester – until 1940.[35] From the autumn of 1941, *Elemér P. Balás* took over the teaching of the procedure law.[36] During his professorship, Heller was dean twice: in the academic year of 1933/34[37] and – now in Kolozsvár – in the academic year of 1943/44.[38] In each year after holding the dean's office, and also in the academic year of 1940/41 – instead of *István Ereky* – he performed the duties of the formal dean's[39] tasks.[40] On May 14, 1943, he was elected a corresponding member of the Hungarian Academy of Science, the title of his inaugural lecture: *Subjectivism and objectivism in the criminal law*.[41] He left the Ferenc József University in the summer of 1944 in order to fulfill the invitation of the university in Budapest. After his departure,

the minutes of an ordinary faculty meeting held on 19 December 1924. MNL, CSCSML, Documents of the Faculty of Law of the Ferenc József University of Szeged 1924/25, VIII. 4. b, file number: 82.].

[32] *A m. kir.-i Ferenc József Tudományegyetem felterjesztése gróf Klebelsberg Kunó m. kir. vallás-és közoktatásügyi Miniszter Urnak.* MNL Csongrád Megyei Levéltár, Szegedi Ferenc József Tudományegyetem Jogi Karának iratai 1924/25, VIII. 4. b, iktatószám: 82. [*Proposal of the Royal Hungarian Ferenc József University to Count Kunó Klebelsberg, Royal Hungarian Minister of Religion and Public Education.* MNL, CSCSML, Documents of the Faculty of Law of the Ferenc József University of Szeged 1924/25, VIII. 4. b, file number: 82.].

[33] MNL Csongrád Megyei Levéltár, Szegedi Ferenc József Tudományegyetem Jogi Karának iratai 1925/26, VIII. 4. b, iktatószám: 190. [MNL, CSCSML, Documents of the Faculty of Law of the Ferenc József University of Szegedi 1925/26, VIII. 4. b, file number: 190.].

[34] Ibid.

[35] A magyar királyi Ferenc József Tudományegyetem tanrendje az MCMXXXVI-XXXVII tanév első felére. [Curriculum of the Royal Hungarian Ferenc József University for the first half of the MCMXXXVI-XXXVII Academic Year.], Szeged Városi Nyomda, Szeged, 1936. 34.

[36] A magyar királyi Ferenc József Tudományegyetem tanrendje az 1941/42. tanév első felére. [[The Curriculum of the Royal Hungarian Ferenc József University for the first half of the 1941/42. Academic Year.], a m. kir. Ferenc József Tudományegyetem Kiadása, Kolozsvár, 1941. 16.

[37] A magyar királyi Ferenc József Tudományegyetem tanrendje az MCMXXXIII-XXXIV tanév első felére. [The Curriculum of the Royal Hungarian Ferenc József University for the first half of the MCMXXXIII-XXXIV Academic Year.], Szeged Városi Nyomda, Szeged, 1933. 26.

[38] A magyar királyi Ferenc József Tudományegyetem tanrendje az 1943/44. tanév első felére. [The Curriculum of the Royal Hungarian Ferenc József University for the first half of the 1943/44. Academic Year.], a m. kir. Ferenc József Tudományegyetem Kiadása, Kolozsvár, 1943. 3.

[39] Translator's note: The formal dean was the all time vice-dean.

[40] A magyar királyi Ferenc József Tudományegyetem tanrendje az 1940/41. tanév második felére. [The Curriculum of the Royal Hungarian Ferenc József University for the second half of the 1940/41. Academic Year.], a m. kir. Ferenc József Tudományegyetem Kiadása, Kolozsvár, 1941. 12. István Ereky was the head of the Department of Administrative and Financial Law until 1940, but he did not follow the university to Kolozsvár. On 19 October 1940, he was appointed a full professor at the Erzsébet University of Pécs. PÉTERVÁRI 2014, 30. See more: PÉTERVÁRI 2020, 197-211.

[41] FEKETE 1975, 106, 107. His academic inaugural lecture was published in 1944, in Kolozsvár in the form of an independent book as a part of the Acta-series. HELLER 1944.

Elemér P. Balás took over the management as the deputy head of the Department of Substantive Criminal Law.[42]

Professorship and retirement in Budapest

Following the retirement of *Pál Angyal*, on the proposal of the committee rapporteur *Gyula Moór*[43] – based on *Angyal's* commendable expert opinion – the council of the Faculty of Law of the Pázmány Péter University on June 21, 1944 invited *Heller* with a majority to head the Department of Substantive and Procedural Criminal Law.[44] He held the substantive and procedural law lectures in Budapest until 1949. Together with the ideological reorganization of the education of criminal justice, he was exiled to head the Department of Ecclesiastical Law.[45] He retired on November 12, 1949, however nominally – until the formal termination of the ecclesiastical education – he operated at the Budapest faculty for another six months.[46] *Miklós Kádár* became his successor at the department.[47]

The reckoning of the so-called bourgeois criminal law also affected his academic membership: on October 31, 1949, together with his brother, he was one of the 122 academics who were qualified as deliberative members.[48] His academic membership was restored in 1989.[49] *Heller's* is set apart because of his ideological basis which could not undermine his passionate research enthusiasm, after his retirement he continued with the creative work.[50] He died on October 15, 1958, at the age of 78.

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[42] BALOGH 1999, 91.

[43] From 1929, *Moór* headed the Department of Philosophy of Law at the University of Budapest. SZABADFALVI 2006, 173.

[44] Budapesti Királyi Magyar Pázmány Péter Tudományegyetem Jog- és Államtudományi Karának ülései, 1943–1944 (HU-ELTEL 7.a.43.)1944. június 21. VIII. rendes ülés. [Meetings of the Faculty of Law and Political Science of the Royal Hungarian Pázmány Péter University of Budapest, 1943–1944 (HU-ELTEL 7.a.43.) June 21, 1944. VIII. Ordinary Meeting.], 40. [Hungaricana adatbázis http://bit.ly/2tmexyZ, cit. 2020. 02. 01.].

[45] BÉKÉS 1972, 286.

[46] Budapesti Pázmány Péter Tudományegyetem Jog- és Közigazgatástudományi Karának ülései, 1949–1950 (HU ELTEL 7.a.49.) 1949. szeptember 14. [Meetings of the Faculty of Law and Public Administration of Pázmány Péter University of Budapest, 1949–1950 (HU ELTEL 7.a.49.) September 14. 1949.], 16. Hungaricana adatbázis [http://bit.ly/2TNiYx7, cit. 2020. 02. 02.] Valamint BÉKÉS 1972, 286.

[47] Ibid. 290.

[48] At the time of the reorganization, the Academy had 257 members, of whom only 102 regular and correspondent members and one honorary member were re-elected under the new statutes, and 122 of the old members became deliberative members. According to the newly adopted statutes of the Academy, the deliberative members could use their membership address as "deliberative", attend the meetings of the departments of the Academy, except in closed sessions, and speak up in scientific matters. However, they did not have the right to vote or to speak up in organizational and property matters. See: ALEXITS 1950, 10., 11.

[49] *Önálló Akadémiát!* [*Independent Academy!*], Magyar Nemzet 1989/104. 4.

[50] MÓRA 1959a, 102.

II. Academic work

A brief overview of his significant works

Initially, he was specifically interested in problems with practical relevance, which is illustrated excellently by his regular case explanations published in the Repository of Criminal Law, and also by his several shorter articles in the Journal of Jurisprudence. He later turned to dogmatic and legal theory questions.

He did not only deal with juvenile criminal law as a judge, but he elaborated upon it in his theoretical work in this field. In addition to numerous case studies on the subject, he also published a shorter paper on the domestic legislative developments in the renowned german journal Zeitschrift für die gesamte Strafrechtswissenschaft in 1911 with the title *Die Reform des Jugendstrafrechts in Ungarn* (The Reform of the Juvenile Criminal Law in Hungary).[51] The first amendment of the Code of Csemegi[52] the Act XXXVI of 1908 introduced relevant innovations in the substantive criminal law of juveniles, however for the adaptation of the procedural law to this changed legal environment had to be waited until 1913. (This was the Act VII of 1913 on the Court of Juveniles). He dealt with these difficulties regarding the application of law arising from the deficiencies of the juveniles' criminal procedural law in his first monograph published in 1912 in Budapest with the title *Criminal Procedure Law in Criminal Cases of Juveniles, with special regard to the Tasks of the Legislation*.[53]

Gyula Moór considered this work in his report, written in accordance with the filling of the Department of Criminal Law in Szeged, to be the most substantial. He explained his reasoning, as the work "establishes many clever critical remarks and, in particular discussing certain detailed issues, reveals a non ordinary legal mind."

He presented his first work specifically dealing with theories of criminal law on June 6, 1921 in the II. department meeting of the Hungarian Academy of Science with the title *The Review of the Theories of Criminal Law*. It happened here that he first elaborated his understanding of the theories of punishment, which – with some minimal differences – he represented consistently throughout his entire career.[54] Among his dogmatic works, his study *Material Subjective Guilt*, which also constitutes the milestone of his scientific research regarding guilt, deserves to be stressed,[55] as well as his presentation *Material Unlawfulness and Criminal Law Reform* held on June 12, 1938 in the Department of Criminal Law of the Hungarian Lawyers Association, in which he specified his conception of unlawfulness.[56]

He also carried out outstanding activities, recognized by his colleagues as a textbook writer in the field of substantive criminal law. In the seventh year of his professorship in Szeged, in 1931, he published his first textbook. The work, consisting of nine

[51] HELLER 1911. Checked by: HEALY 1911, 282–284.
[52] Translator's note: The Code of Csemegi was the first Hungarian codified Criminal Code.
[53] HELLER 1912. Cf. Moór-report, 10.
[54] Cf. HORVÁTH 1981, 226.
[55] HELLER 1936.
[56] The text of the presentation was also published in the same year in the Menyhárt Memorial Book. See: TÚRY (ed.) 1938, 219–239.

chapters, discussed substantive criminal law from the position of criminal law within the Hungarian legal system and the determination of the concept of criminal sciences to the doctrine on the concurrence of offences.[57] In his critique, *Miklós Degré*[58] called the textbook a serious and nice work, which shows that its author takes a strictly theoretical approach to criminal law, but at the same time also follows the court practise with interest.[59] The second volume of this textbook was published in 1937, in which, in addition to the detailed discussion of the sanctioning system, he also dealt with military and printing press criminal law, as well as the criminal law of juveniles.[60] According to the critique of *Pál Angyal*, the second volume "proclaims the glory of the Hungarian legal literature and gives its creator a well-deserved reputation".[61] With respect to *Emil Schultheisz*, who praises the didactic virtues of the work, *Heller* takes an original view on virtually every major issue and usually supports his ideas with a convincing argument.[62] In the same year he also published an abbreviated textbook for educational purposes,[63] which was republished in 1945 with minor modifications. [64]

He also elaborated literary activity in the field of criminal procedure law. His study *The Principle of Ne Bis In Idem in Criminal Law* was published in 1932,[65] and he also disclosed a paper in 1939 on the topic of identity of acts in the memorial book of Kolosváry.[66] He wrote the first volume of *The Handbook of the Hungarian Criminal Law* in 1947.[67] The work included the static part as we refer to it nowadays, as well as the procedure of the council of the regional court from the dynamic part. The second part of this handbook was published as a lithography in 1949 in Budapest.[68] With his last piece of work he translated the whole material of the Hungarian criminal procedure law in german, therefore the Act III of 1951 and its amendment the Act V of 1954. It was published in Berlin in the year of his death.[69]

The theory of punishment of Heller: retributive punishment (Vergeltungstheorie), retribution (Vergeltungsdogma), deterrence[70]

His theory of retributive punishment is explained in his work *The Review of the Theories of Criminal Law*, which eventually found its legal basis in the rule of law.[71] In

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[57] HELLER 1931.
[58] Vác, 14 October 1867 – Budapest, 27 February 1945. Judge, between 1926 and 1937 he was the head of the Regional Court of Appeal in Budapest. Between 1927 and 1937 he was a member of the upper house. Between 1915 and 1937 he was the editor of the criminal law journal Repository of Criminal Law. Magyar életrajzi lexikon internetes változat, *Degré Miklós* címszó. [http://bit.ly/36dxYY9, downloaded on 07.01.2020.].
[59] DEGRÉ 1931, 444.
[60] HELLER 1937b, 186–262. Fifth book: Exceptional, special and extraordinary criminal law.
[61] ANGYAL 1938, 60.
[62] SCHULTHEISZ 1939, 101.
[63] HELLER 1937c, Foreword.
[64] HELLER 1945.
[65] HELLER 1932.
[66] HELLER 1939.
[67] HELLER 1947.
[68] MÓRA 1959a, 102.
[69] HELLER 1958.
[70] Cf. HORVÁTH 1981, 217–219.
[71] HELLER 1924, 126.

his opinion the rule of law is nothing more than a sum of legal dogmas, thus the legal acts as a whole.[72] The punishment is implied by the fact that the rule of law has been damaged: *"not by immorality of the act, nor by the fact that it is dangerous to the values protected by law."*[73] The retributive punishment is the reciprocation of the criminal wrongdoing with an equivalent punishment, thus it is retribution that essentially carries the character of the malum.[74] However, *Heller* was not satisfied with that, but rather seeked to find a common basis for the punishment aiming for the protection of the society and for the aprioristic retributive punishment. In his opinion, the contrast between the punishment that aims to prevent crime commission, therefore serving the protection of society and the absolute punishment that exclusively enforces the principle of retribution, is only existing insofar as the absolute theory expresses the punishment as self-serving.[75] Retribution and the punishment that aims for the protection of the society are not contrary to each other, because retribution can also serve the protection of the society and the inviolability of the rule of law like the retributive punishment. Moreover, in reverse, the retributive punishment is in fact the only punishment that is compatible with the principle of retribution.[76]

He put the act at the center of his examination, however the punishment needs to take into account the personality of the perpetrator, since it is primarily a psychological coercion targeted at changing the direction of the perpetrator's will.[77] The nature and the intensity of the coercion needed in order to change the direction of the will is dependent on the content and the intensity of the unlawful will. However, individualisation has – according to Heller – two barriers: On the one hand punishment can only aim what can be achieved by coercion, it must never be transformed into a means of correction or education, and on the other hand it also needs to target not only the overcome of the perpetrator's unlawful will, but also other individuals'. Without recognizing this, the punishment could be neglected if it can be shown that in the meantime the will of the perpetrator has changed in the right direction. With this, the idea of general prevention appeared in his work.[78]

Heller's psychological coercion was in sharp contrast to the theory of correction of the new trends (including the Italian positivism and the intermediary theory of Liszt.) The theory of correction itself necessarily leads to indeterminate punishments, which he considered improper, since the good behavior of the convicted – according to Heller's view – is nothing more than the false appearance of improvement.[79] He tried to resolve this contradiction: In a system based on the theory of correction the retributive punishment cannot prevail, while conversely, within the punishment intended psychological coercion, the theory of correction can be fulfilled to a greater extent.[80]

[72] Ibid. 121.
[73] Ibid. 128.
[74] Ibid. 123, 129. and NAGY 2013, 80.
[75] HELLER 1924, 129.
[76] Ibid.
[77] Ibid. 128.
[78] There is no means of general prevention for the authorities other than psychological coercion. Indirectly: public education, culture, public welfare etc. See: HELLER 1924, 131.
[79] HELLER 1924, 133.
[80] Ibid. 137. and Ibid. 133.

Based on his view, between the theory of retributive punishment and the (preventive) theory of the protection of the society, the theory of retributive punishment should be enforced primarily, however besides that the legitimacy of the theory of social protection must also be recognized. It follows that, if it is possible without the prejudice of the principle of retributive punishment, the requirements of social protection should also be met.[81] *Heller* saw the future of criminal law in the following elements: in the imposition of punishment alongside the principle of retribution – if the principle allows it – in the content of the punishment based on special prevention, and in the security measures as a supplement to the criminal institutions in case of their failure. In his assessment, he has come to the conclusion that the retributive punishment is the best defence punishment.[82]

Briefly summarizing Heller's theory of punishment, it can be stated, that he considered the retributive punishment conceived in the spirit of the classical criminal law school[83] as primary, and within its frame, he also allowed some room for the social protection aspects of the school of criminal policy of Liszt.[84]

András Szabó[85] academic, late full professor at our faculty and the representative of the neoclassical criminal law school,[86] could be seen as a follower of the tradition pursued by *Erik Heller* in the sense that he also developed his own theory arising from the concept of retributive punishment. For both authors punishment is retribution,[87] the essential element of which is its malum content. Based on *Heller* the most important, according to *Szabó* the exclusive role and purpose of the punishment is to maintain the rule of law, thus the integrity of legal and ethical norms, when sanctions from other legal branches cannot help.[88] Both focused on the act committed instead on the personality of the perpetrator, furthermore they denied the right of indeterminate sanctions to exist.[89] *Heller*'s theory of punishment also attracted the attention of *István Bibó*, who quoted the author's conclusion ("the retributive punishment is the best defence punishment") in his study *Ethic and Criminal Law*. *Bibó* considered *Heller's* concept to be kind of a bridging theory that pointed out that only the retributive punishment can have the deterrent effect that is necessary for prevention.[90] Moór did not

[81] Ibid. p. 134.
[82] Ibid. p. 139.
[83] See its particularities: NAGY 2013, 100–102.
[84] *Ferenc Nagy* calls it intermediary theory, see: NAGY 2013, 105–107. and LISZT 1905, 126–179.
[85] Radnót, 1928 – Pilisborosjenő, 2011, criminologist, member of the Constitutional Tribunal between 1990–1999. See: SEREG 2016. [http://bit.ly/37fEfnk, downloaded on 12.02.2020.].
[86] See: NAGY 2013, 109, 110.
[87] 23/1990 (X.31.) Decision of the Constitutional Tribunal, *Szabó András*'s parallel opinion: "The purpose of the punishment is in itself: in the public declaration of the integrity of the legal system, in retribution that does not consider the purpose." Cf. NAGY 2013, 109.
[88] See: 23/1990 (X.31.) Decision of the Constitutional Tribunal, *Szabó András*'s parallel opinion. And HELLER 1924, 121.
[89] SZABÓ 1993, 54.: "Here, the principle is the following: you remain in prison until you are changed for the better […] This practice is harmful and dangerous because it is based on illusions: the moment of change is neither known or recognizable. […] Since the convict wants to be released, it is in his interest to prove his virtue or, if this is lacking, to simulate it." In *Heller*'s view: *"Because, admittedly, irreproachable behavior usually only gives the appearance of improvement, and even if the convict's improvement is real, it is only a temporary improvement due to harmful influences, which, if the sentenced person is returned to free life, will soon disappear due to the harmful factors affecting him again."* HELLER 1924, 133.
[90] BIBÓ 1984, 518.

consider this work successful: in his report, which has been quoted several times, he critiqued , when the author discovers the legal basis for the punishment in the rule of law itself, he falls into a circulus vitiosus, thus into a self-explanatory argument. According to *Moór* "there is no point in seeking the legitimacy of material legal institutions from the point of view of material law."[91] As he writes:" the legitimacy of the legal institutions can only be justified on the basis of higher criterias outside and above the rule of law..."[92]

The definition of criminal offence and the role of the statutory elements of criminal offence

Heller comprehensively elaborated the doctrine of criminal offence in his textbook "*The conditions of imposing criminal sanctions"*[93] (later: *"The conditions of practicing criminal law"*).[94] According to his own definition: *"the criminal offence means the fulfilment of the statutory elements of the criminal offence, unlawfulness and guilt."*[95] Prior to the appearance of *Heller*, *Ferenc Finkey* and *Pál Angyal* considered the criminal offence as an unlawful conduct threatened by criminal punishment,[96] whereas *Rusztem Vámbéry* and *Albert Irk* defined it as a conduct, which is unlawful, guilty and punished.[97] For Heller the novum was that he abolished the independence of the statutory elements of the criminal offence, and he rendered the fulfilment of the statutory elements as the part of the concept of criminal offence.[98]

If we compare the different criminal offence constructions of the four generations of professors in Szeged (*Heller, Schultheisz, Tokaji, Nagy*),[99] we can see that the concept of criminal offence most recently represented by the criminal law school in Szeged is closest to the concept of *Heller*. In the textbook of *Professor Ferenc Nagy* – who finished his book before he died on May 8, 2020 – the following definition can be read: "criminal offence is such an act, which fulfills the statutory elements of the criminal offence, and which is unlawful and guilty."[100]

[91] Moór-report, 13.
[92] Ibid. p. 13.
[93] HELLER 1937, 54.
[94] HELLER 1945, 67.
[95] HELLER 1931, 121.
[96] FINKEY 1914, 197. ANGYAL 1920, 66. Cf. LAKÓ 1982, 283. and TOKAJI 1984, 24.
[97] VÁMBÉRY 1918, 169. Cf. LAKÓ 1982, 284. and TOKAJI 1984, 24.
[98] HELLER 1931, 145, 146. Cf. LAKÓ 1982, 284. and TOKAJI 1984, 24.
[99] *Emil Schultheisz* broadened *Heller*'s concept with the element, "that the act has the peculiarity that if it is punished, then the purposes of the punishment can be achieved." – quoted by, TOKAJI 1984, 25. According to *Géza Tokaji* a criminal offence is "such an act, which is dangerous to the society, guilty and which fulfills all the statutory elements of the criminal offence, thus the law threatens it with punishment." TOKAJI 1984, 11.
[100] NAGY 2020, 147, 148.

His views on unlawfulness

At the beginning of the XX. century in the German literature – in response to the excessive rigidity of the formal unlawfulness based on positivism – the theory of material unlawfulness appeared, which by researching the content of unlawfulness, tried to find an explanation for the reason for the declaration of unlawfulness within the frame of positive law.[101] A wide variety of opinions emerged in connection with that momentum which can constitute the material aspect of unlawfulness.[102]

Heller – just like several Hungarian authors[103] – rejected the doctrine of material unlawfulness, because he saw the danger of legal uncertainty[104] and judicial arbitrariness in it.[105] He insisted all along, that unlawfulness means nothing more, than formal contradiction with the law.[106] He only accepted the provisions of the material law, under which he meant the rules of legal sources and customary law, as the standard values of unlawfulness.[107] He wanted to eliminate the rigidity of the written law – de lege lata – with the materialization of unlawfulness through the proper interpretation of the law. The interpretation is appropriate, if it decides on the question of unlawfulness by collating all the laws (which basically means the requirement of the unity of the legal system), furthermore if it establishes the applicable law from the internal, rather than the external meaning of the written law, and – according to the newer edition of his textbook – if it determines the scope of the statutory elements of the criminal offences properly.[108] This requirement can be satisfied by the correct establishment of the true nature of that legal interest, which is wished to be protected, namely by teleological interpretation.[109]

Heller expressed in his presentation *Material Unlawfulness and Criminal Law Reform*, which further details his views on unlawfulness, that the contrast between formality-materiality can be resolved without harm to the principle of legal certainty by converting material unlawfulness to formal unlawfulness.[110] To achieve this, he formulated four de lege ferenda proposals. According to this, it should be expressed in the general provisions of the Criminal Code, that criminal offence can only be an unlawful act (1), in respect of the proposed German Criminal Code Bill of 1925, those acts should be generally exposed from the scope of unlawfulness, whose lawfulness (sic!) is excluded by any law, or written sources based on law or customary law (2).[111]

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[101] LAKÓ 1982, 285.

[102] See: HELLER 1931, 150, 151. *Ferenc Finkey* represented the most advanced view in Hungary. Based on his views, lawlessness as the general criterion of the punishable act reveals to us two essential features: 1. The formal criterion of the punishable act, namely the irregularity, the opposition to the law, and prohibition; 2. the opposition to the society, undutifully insulting or endangering the legitimate interests of others (legal property). The latter is the material criterion of the punishable act. FINKEY 1914, 197.

[103] VÁMBÉRY 1918, 224., ANGYAL 1920, 67.

[104] See more: HELLER 1938, 236.

[105] HELLER 1931, 151.

[106] Ibid. 148., HELLER 1945, 104.

[107] HELLER 1938, 225.

[108] HELLER 1931, 151., HELLER 1945, 105.

[109] Ibid.

[110] HELLER 1938, 237.

[111] *Heller*'s contradiction, which most probably arises from a misspelling, can be resolved by reading the text of the quoted work: § 20 Ausschluß der Rechtswidrigkeit. Eine strafbare Handlung liegt nicht vor, wenn

The list of grounds for justification should be expanded in line with the dominant viewpoint in the literature (3). Furthermore, it should be granted, with the more precise description of the statutory elements of the criminal offences, that those cases, which are not considered as unlawful by the public belief, remain outside of the statutory elements (4).[112]

His view on guilt

Similarly to the changes that took place in the field of unlawfulness in the German criminal science, the formal concept of guilt[113] – which was called a psychological concept of guilt in the first two decades of the XX. century – was also replaced by a material concept which included an evaluative element, the so-called normative concept of guilt.[114]

Heller changed his conception several times in relation to the concept of guilt, however he insisted all along that guilt consists of an evaluation free psychological and an evaluative normative, also called axiological[115] category.

In his textbook from 1931, he defined the concept of guilt, as the characteristic of an unlawful conduct, which makes it undutiful.[116] The psychological element of this construction is the so-called psychological causality, in which Heller saw the role of the personality in the creation of the act, consequently the causality of the personality.[117] However it is not determined by the individual personality itself, but by the reflection of the personality in the act, that is, the influence of the personality on the act.[118] Contrary to Liszt's conception, by Heller the personality falls outside the scope of the legal assessment,[119] because the law is not interested in the individuals themselves, but in the certain actions of the individuals.[120] According to Heller, one component of this psychological element is the subjective causality, and the other is the relationship of the consciousness of the perpetrator to the norm violated by the act.[121] Subjective causality is a criminally colorless concept: it is the psychic relationship embodied in intent or negligence between the perpetrator and the act committed by him/her. These two elements together serve the subject of the normative value judgement of guilt.[122] In the

die Rechtswidrigkeit der Tat durch das öffentliche oder bürgerliche Recht ausgeschlossen ist. [20. § The exclusion of unlawfulness. There is no punishable act, if the unlawfulness of the act is precluded by a provision of public or civil law.] L. Amtlicher Entwurf eines Allgemeinen Deutschen Strafgesetzbuches von 1925. [The Bill of the German Criminal Code of 1925.] [http://bit.ly/stgb1925, downloaded on 12.02.2020.] Based on this, the second half of *Heller*'s sentence sounds like this: "…whose unlawfulness [...] is excluded..."

112 HELLER 1938, 237, 238.

113 See: BELING 1906, 180. In Hungary: FINKEY 1914, 156. See more: LAKÓ 1982, 288.

114 See: FRANK 1907, 519–547. See more: LAKÓ 1982, 288.

115 Value theory (Greek): philosophical theory of values. [From the online edition of *Kislexikon* http://bit.ly/2Ny399X, downloaded on 02.12.2020.].

116 HELLER 1931, 182.

117 Ibid.

118 Ibid. 181.

119 Cf. TOKAJI 1984, 59.

120 HELLER 1931, 181.

121 Ibid. 183.

122 Ibid.

first concept of Heller, the normative element of guilt is the moral value judgement of the causality of the personality, essentially the undutiness itself, which may lead to the perpetrator being blamed. An unlawful act counts as undutiful, if the image, which based on a legal norm was supposed to become a deterrent motive, has not become one, even if it could have so.[123]

In his study from 1936, the element of normative guilt (here it is already called axiological),[124] which did not change in content,[125] was no longer considered as value judgement establishing guilt, but as one, which is itself the subject of a value judgement. The value judgement establishing guilt is henceforth the so-called judgement on psychological statutory elements of the criminal offence.[126] The psychological statutory elements of the criminal offence, that can be considered as a new concept (and which cannot be identified with the psychological element included in the earlier guilt construction) consists of two elements: the value-free, and thus not evaluable subjective causality, which embodies the psychic relationship, and an evaluable normative element, which does not change in content.

In his last textbook published in 1937 and 1945, he took the view that guilt is the attribute of the unlawful act, which makes it reprehensible.[127] The use of the term reprehensible instead of undutifulness followed in 1931 did not bring change in relation to the content, although the unfavorable ethical assessment of reprehensibility was no longer the normative element of guilt, because it was embodied by the relationship between the consciousness of the perpetrator and the norm breached by the act[128] (the knowledge or the possibility of knowing of the breached norm).[129] The subjective causality becomes reprehensible, if the normative element of guilt also contributes to it.[130]

In his study from 1936 *Material Subjective Guilt*, which has been cited several times, Heller extensively examined the concept of expectability (in german: Zumutbarkeit), which constitutes the central point of the normative concept of guilt[131] and has been the subject of heated debates in the German literature. Based on this, in case of exceptional (abnormal) situations accompanying the act (for example necessity), it is not reasonable to expect that the perpetrator motivates himself to refrain from committing a crime, so reprehensibility has to be neglected.[132] He feared for the softening of the frame of criminal law in case of applying the reasons excluding

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[123] Ibid. 182.

[124] Guilt is always a kind of assessment, so it is more expressive to call the normative element of guilt its axiological element. HELLER 1936, 12.

[125] He continued to see the normative element of guilt in the fact that the potential realization of the unlawful result will not hold back the perpetrator from the determination of the act. HELLER 1936, 12.

[126] Ibid. 13.

[127] HELLER 1937, 108., HELLER 1945, 133. *Heller* already found the application of the term 'reprehensibility' more expressive in 1936, because the innermost sense of guilt is related to punishment, and the application of punishment is based on the moment of reprehensibility. HELLER 1936, 12.

[128] See more: HELLER 1945, 150, 151.

[129] HELLER 1937, 109., HELLER 1945, 134.

[130] HELLER 1937, 109., HELLER 1945, 134.

[131] "Kern des normativen Schuldbegriffs." – the name comes from *Reinhard Moos*. See: MOOS 2004, 891.

[132] HELLER 1936, 9. See: GOLDSCHMIDT 1913, and GOLDSCHMIDT 1930.

expectability generally above the law, which are determined based on the judge-made law standards.[133]

In what did Heller find the significance of the doctrine of expectability in order to feel the need to deal with it in this prestigious study of his? He considered it an important achievement, that among the grounds of excuse, those whose place in the dogmatic system was difficult to determine could thus be easily introduced into the doctrine of criminal offence: these are exceeding the limit of the necessity, the threat and the defense from fear, fright or confusion. As the doctrine pointed out: in these cases impunity can be explained by the fact that the legal system does not presuppose refraining from committing an unlawful act due to an abnormality of motivational circumstances.[134] Furthermore, he undoubtedly considered the doctrine of expectability's merit to be able to explain the grounds of excuse related to certain statutory elements of the criminal offences regulated in the special part of the Criminal Code. Such grounds of excuse are regulated in 224. § of the Code of Csemegi – which could be concluded from the prohibition of self incrimination – concretely: "the one shall not be punished for the acts regulated in this chapter [different forms of perjury]: who by admitting the truth would accuse himself/herself by committing a punishable act". The doctrine of expectability clarifies the previously mentioned cases' dogmatically unclear place in the dogmatic system, by placing all the reasons regulated either in the general or specific part of criminal law in the category of ground of excuse.[135]

Summarizing his views about guilt, it can be stated, that Erik Heller was the first representative of the normative concept of guilt in Hungary, with which he paved the way for the establishment of the multi-elemented[136] complex concept of guilt, which is nowadays represented in its main features by the criminal law school in Szeged.[137] The reception of the expectability as an element of guilt and the doctrine of reasons of expectability began in the Hungarian criminal law based on the work of *Erik Heller*.[138] *Emil Schultheisz* and *Géza Tokaji* have already considered the expectability of the lawful conduct as an independent conceptual element of guilt. This concept was represented by Ferenc Nagy, the doyen of the criminal law school in Szeged until his death.

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[133] HELLER 1936, 21, 22. See more: 1945, 170.

[134] HELLER 1936, 20.

[135] Ibid. 21.

[136] In Hungary the first multifaceated concept of guilt was created by *Emil Schultheisz*. SCHULTHEISZ 1948, 47.

[137] In the mind of *Ferenc Nagy* guilt is an imputable psychological relationship between the perpetrator and his/her act dangerous to the society and its consequences. The elements of guilt: appropriate age (age of punishability), legal capacity, intent or negligence and the expectability of a behavior in conformity with the law. NAGY 2020, 258.

[138] Basically, this process was completed with the legal uniformity decision 2/2002, when the expectability was recognized as an element of guilt by judicial law, thus in positive law as well. According to the relevant provision of the decision: "The expectability of a conduct that conforms a norm constitutes the element of guilt. Everyone is obliged to refrain from committing punishable acts, the law expects that the behavior of a citizen is influenced by the "community motive". However, there are situations in which this cannot be expected at the expense of criminal liability."

Appreciation of Erik Heller

Mihály Móra appreciated *Heller's* oeuvre briefly in two necrologies in the columns of the Journal of Jurisprudence and the Zeitschrift für die gesamte Strafrechtswissenschaft. The author highlighted the exceptional quality of Heller's textbook[139] and his widespread interest beyond substantive law in both places.[140] However, the content of the two commemorations are not identical. According to *Móra*, in the paragraph which can only be read in the Hungarian text, in *Heller's* "substantive law works […] the direction gaining its space between the two world war reflects, which is characterised by the struggles, artificial abstractions, ambiguities and contradictions of foreign bourgeois criminal law theory deviating from the path of legal positivism."[141] It cannot be said that this classification, guided by these political considerations, is well-founded, especially in light of the knowledge of his opinion regarding the rejection of the doctrine of material unlawfulness and the reasons excluding expectability above the law.

According to *Imre Békés's* assessment in 1970, *Heller* – unlike *Angyal* – did not write to the practitioners of law, but to the representatives of science, "his choice of topic was always from a legal dogmatic point of view and not a practical one."[142] *Békés's* opinion can slightly be shaded by the fact that indeed during his professorship the dogmatic problems took over by *Heller*'work, but at the same time we should not forget about his case explanations, which were mostly written in the period he spent as a practitioner of law, as well as about his substantive and procedural law textbooks, that provided several practical examples and thus can be used to the benefit of practicing lawyers. In regard to *Békés, Heller* was inspired by the German dogmatical problem-searching and solving, he was not interested in the horizon, but tempted by the abyss."[143] This statement is true in that he examined most thoroughly, among his contemporaries, and in some areas criticised substantially the prevailing doctrines of the German criminal dogmatics around that time, with which he undoubtedly strengthened its scope in Hungary.[144]

Békés pointed out to *Heller* that "the abstract nature of his problems and his cumbersome authorial style locked him in an ivory tower."[145] While he did deal with abstract legal theory issues – in my personal view – it was precisely because of his susceptibility to practical problems and his work as a textbook writer that he could not be accused of becoming a "room scientist".[146] At the same time, in terms of his authorial style, it can indeed be stated that he was not able to compress his chain of thoughts in all cases, therefore it sometimes became extensive and difficult to understand.[147]

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[139] MÓRA 1959a, 99., MÓRA 1959b, 192.
[140] MÓRA 1959a, 100., MÓRA 1959b, 192.
[141] MÓRA 1959b, 192.
[142] BÉKÉS 1970, 288.
[143] Ibid.
[144] Cf. NAGY 2014, 139., and NAGY 2020, 143, 144.
[145] BÉKÉS 1970, 288.
[146] Agreeing with Mihály *Móra*. MÓRA 1959b. 192.
[147] In particular: HELLER 1924. I refer here to the line of reasoning described in the context of retributive punishment, which contains contradictory statements in some places, for example "*The retributive punishment is therefore retribution in the true sense of the word […] The idea of purpose is outside the notion of*

Taking this all into consideration *Imre Békési* still considered *Erik Heller* the greatest theoretical dogmatist of the so-called "bourgeois Hungarian criminal law science".[148] In connection with Heller, even in 2009 a simplistic and obviously erroneous appreciation emerged, according to which his summary and systematizing works had primarily didactic value.[149] Even his textbooks, which undoubtedly carry didactic value, are much more than just being called "summarizing and systematizing" works.

Based on what is described in this study, it can be stated, that *Erik Heller* was a fruitful and versatile personality in criminal science between the two world wars, who can be rightly considered the school-founder representative of the criminal law school in Szeged in view of his work elaborated in the field of the doctrine of criminal offence. The dogmatic framework laid out in his textbooks always serves as a starting point for future generations of criminal justice.

III. His selected works

Kizárja-e a törvény a fölmentés indoka miatti semmiségi panaszt? [*Does the law preclude a nullity complaint for a reason for dismissal?*] Jogtudományi Közlöny 1908/32. 250, 251.

Die Reform des Jugendstrafrechts in Ungarn. [*The reform of juvenile criminal Law in Hungary.*] Zeitschrift für die gesamten Strafrechtswissenschaft 1911/6. 616-635.

Bűnvádi perrendtartás a fiatalkorúak bűnügyeiben, figyelemmel a törvényhozás feladataira [*Criminal procedure law in criminal cases of juveniles, with special regards to the tasks of the legislation.*]. Budapest, 1912.

A közveszélyes munkakerülés vétsége miatt fiatalkorú ellen kiszabott fogházbüntetés tartama meghaladhatja az 1913. XXI. tc-ben meghatározott fogházbüntetési tételek leghosszabb tartamát. [*The duration of a prison sentence imposed on a juvenile for a misdemeanor of publicly dangerous avoidance of work may exceed the length of the maximum duration of prison sentence set out in the Act XXI of 1913.*] Büntető Jog Tára 1913/4. 49-51. [HELLER 1913a]

A fiatalkorúak bíróságáról szóló törvény és a fiatalkorúak bírái és ügyészei, valamint a pártfogó tisztviselők részére tervezett továbbképző tanfolyam. [*The training organised for the act of the juvenile's court and for the juvenile's judges, prosecutors and probation officers*.] Jogtudományi Közlöny 1913/11. 90–98. [HELLER 1913b]

A Büntetőjogi elméletek bírálata. [*Criticism of criminal theories.*] Magyar Tudományos Akadémia, Budapest, 1924.

La dottrina del tentativo nel progetto Rocco. [*The doctrine of attempt in the Rocco prohect.*] In: Galgano, Salvatore (ed.): Annuario di Diritto comparato e di Studi legislativi, I. Roma, 1930. 253–280.

A magyar büntetőjog tankönyve. Általános rész I. félkötet. [*The textbook of the Hungarian criminal law. Half volume no. I. of the general part.*] Szent István Társulás, Szeged, 1931.

retribution." HELLER 1924, 128, 129., then half a page later: *"Retributive punishment is the only punishment aiming for the protection of the society, which is compatible with the principle of retribution…"*

[148] BÉKÉS 1972, 288. Cf. NAGY 2013, 81.

[149] LAMM 2009, 295.

A „Ne bis in idem" elve a büntető törvénykezési jogban. [*The principle of "Ne bis in idem" in criminal law.*] Szeged Városi Nyomda és Könyvkiadó Rt., Szeged, 1932.

Le misure di sicurezza in sostituzione o complemento delle pene. [*Security measures as a replacement or completion of punishments.*] In: (without editor) Scritti in del Prof. Ugo Conti. Tipografia Dell Unione Arti Grafiche, Citta di Castello, 1932. 209–222.

Büntetőjogi kodifikáció Franciaországban. [*Criminal codification in France.*] In: (without editor) *Polner Ödön emlékkönyv, dolgozatok Polner Ödön egyetemi ny. r. tanár születésének 70. évfordulójára, I. kötet.* Szeged Városi Nyomda és Könyvkiadó Rt., Szeged, 1935. 269-294.

Materiális alanyi bűnösség. [Material substantive guilt.] Egyetemi Nyomda, Pécs, 1936.

Az Exceptio veritatis a bírói gyakorlatban. [*The exceptio veritatis in the judicial practice.*] In: Heller Erik (ed.): Jogi értekezések Degré Miklós hetvenedik életéve betöltésének megünneplése alkalmából. Szeged Városi Nyomda, Szeged, 1937. 191–208. [HELLER 1937a]

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A magyar büntetőjog általános tanai (rövidített tankönyv). [*General doctrines of Hungarian criminal law (abbreviated textbook).*] Szent István Társulat, Szeged,1937. [HELLER 1937c]

Anyagi jogellenesség és büntetőjogi reform. [*Material unlawfulness and criminal reform.*] A Magyar Jogászegylet büntetőjogi szakosztályában egy új magyar büntetőtörvénykönyv előkészítésével kapcsolatban 1938. évi február 12-én tartott felolvasás, Budapest, 1938.

Tettazonosság és azonosság. [*Identity of the same acts and identity.*] In: (without editor): Emlékkönyv Kolosváry Bálint Dr. jogtanári működésének negyvenedik évfordulójára. Grill Károly Könyvkiadóvállalata, Budapest, 1939. 196–211.

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A magyar büntető törvénykezési jog tankönyve I. [*The handbook of the Hungarian criminal law.*] Grill Károly Könyvkiadóvállalata, Budapest, 1947.

Die ungarische Strafprozessordnung III. Gesetz vom Jahre 1951 durch Gesetz V vom Jahre 1954 modifizierter und in einheitliche Fassung gebrachter Text. [The text of the Act III of 1951 on Hungarian Criminal Procedure, amended and consolidated by the Act V of 1954.], De Gruyter, Berlin, 1958.

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