



# Criminological Studies





PANTEION UNIVERSITY OF SOCIAL AND POLITICAL SCIENCES  
DEPARTMENT OF SOCIOLOGY- SECTION OF CRIMINOLOGY  
PROGRAMME OF POSTGRADUATE STUDIES (MA) "CRIMINOLOGY"

# Criminological Studies

VOLUME 4

*Criminal policy and public participation*

Anastasia Chalkia

ATHENS 2017



CRIMINOLOGICAL STUDIES

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Panteion University of Social and Political Sciences

PROGRAMME OF POSTGRADUATE STUDIES (MA) "CRIMINOLOGY"  
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**Anastasia Chalkia**, *Criminal policy and public participation*, Athens 2017

DTP, μακέτα εξωφύλλου | re: create

ISSN- 2408-008X

ISBN- 978-618-81828-0-6

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*To Dimitri and Eva, my family*





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## ACKNOWLEDGEMENTS

Regarding this edition I would primarily like to thank Professor *Christina Zarafonitou*, Director of the Postgraduate Program “Criminology” and the Laboratory of Urban Criminology (EAstE) for her proposal to include my work in the series she runs under the title “Criminological Studies”.

Since this study is part of my doctoral thesis, I would like to publicly address my gratitude to those who contributed scientifically to its realization.

Professor Emeritus *James Farsedakis* determined, with his academic teaching and scientific knowledge, both my choice in the direction of Criminology and the continuation of my postgraduate and doctoral studies. Throughout the preparation of my thesis his support, advice and observation, with the strict guiding lenience that distinguishes him, were crucial and invaluable at a scientific and ethical level. His Lesson is paramount.

Professor *Christina Zarafonitou* contributed catalytically to the potentiality of the conduct and completion of the doctoral research and ensured the necessary conditions, on the one hand through her personal communication with institutional representatives and the participation of undergraduate students in the course of “Empirical Criminology II” in collecting questionnaires, on the other hand with her scientific work and her substantive intervention, epistemological and methodological, during the elaboration of the thesis.

Professor *Antonis Magganis* with encouraging me to continue my postgraduate studies and with his honorary for me acceptance to be appointed as a Member of the Trilateral Commission was a contributor to the development of the thesis.

The (then) students *Anthoula Argiriou, Iole Geropanou, Yolanda Giannopoulou and Natasha Stathatou*, characterized by patience and diligence, accommodated with substantial interest, to collect part of the survey questionnaires. I will not forget their help during that difficult for me period.

I thank them all in depth and wholeheartedly.

**Athens, April 22, 2017**  
**Anastasia Chalkia**



## INTRODUCTION

**C**riminal policy is a dynamic and multifaceted set of directions and actions which is the result of the involvement and impact of public and private bodies at an international, European, regional and local level. In this sense, criminal policy is directly related to the existing social, economic, political and cultural context of a particular place at a given moment. At the same time it interacts with environments beyond the boundaries of its territory in the context of harmonizing its actions with other Member States of the European Union or transferring good practices. As a set of principles of objectives and practices, criminal policy concerns a wide range of social functions that are of particular importance and which overrun its original projects, as they are directly related to social harmony and social order.

In particular, in Greece criminal policy endeavors but is also obliged due to both the participation of the country in international and European bodies, and the existing domestic situation, to respond in a coordinated way to crime. The data from the European Social Survey,<sup>1</sup> which took place in Greece amid the crisis,<sup>2</sup> conduce to the necessity of organizing a long-term criminal policy and to a (re)establishment of it “in terms of the social demand for social justice as a rule and not solely on the basis of the fairness of the formal system of practicing social control”.<sup>3</sup> In this context, the organization of the responses to crime needs to take into account not only the economic but also the wider crisis, which is, above all, a crisis of values.<sup>4</sup> Although it is not supported - univocally - that the economic crisis is contributing to the increase of criminality, it cannot be overlooked that the general existing crisis triggers the disruption of any previous social normality and in this framework it participates in the occurrence of lawlessness, delinquency and crime.

<sup>1</sup> European Social Survey, [www.europeansocialsurvey.org](http://www.europeansocialsurvey.org)

<sup>2</sup> See Georgakakis, N., Demertzis, N. (eds) (2015) *The political portrait of Greece. Crisis and the deconstruction of politics*, Gutenberg – National Centre for Social Research, Athens, (In Greek), Mouriki, A., Balourdos, D., Papaliou, O., Spyropoulou, N., Fagadaki, E., Fronimou, E. (eds) (2012) *The social portrait of Greece– 2012. Aspects of the crisis*, National Centre for Social Research, Athens, (In Greek).

<sup>3</sup> Tsiganou, J. (2016) “Criminal policy and typical social control in Greece of crisis”, in Gasparinatou, M. (ed.) *Crime in Crisis, Essays in honor for Professor Dr Nestor Courakis*, (In Greek), <http://crime-in-crisis.com/αντεγκληματική-πολιτική-και-τυπικό/>

<sup>4</sup> Farsedakis, J. (2013) “Crisis of values and Criminology: the perspective of human rights”, *Egklimatologia*, vol. 1-2, (In Greek), p. 1207-1224.

This study, which is part of the doctoral dissertation of the writer,<sup>5</sup> refers to criminal policy, focusing mainly on participatory criminal policy, and especially on two of its forms: restorative justice and Local Crime Prevention Councils. In Part A the conceptual and theoretical context of the subject under study is presented. In Part B the findings of a survey of residents of three districts in Athens are presented, which show gradation in criminality (low, medium and high crime areas). Finally, the general conclusions drawn from the study and the research on criminal policy and public participation are cited. Particular attention is paid to participatory criminal policy, as it is actualized through Local Crime Prevention Councils and restorative justice, as well as to the attitudes of the public towards the aforementioned institutions.

The attempt to capture the attitudes of citizens towards the criminal phenomenon has significant political, social and cultural significance.<sup>6</sup> It is worth mentioning the quasi-definition of the citizen by Aristotle as the one who participates in the authority and the administration of justice.<sup>7</sup> It is therefore clear that the involvement of citizens in the confrontation of crime is a condition that defines both their relationship to politics and their relationship to law.<sup>8</sup> In this way, law and politics are concepts that are connected not only with the State but also with the citizen, who becomes the “important other” in organizing responses to crime. It is characteristic that the increased interest in crime in combination with the fear of crime<sup>9</sup> makes citizens both as individuals and as members of pressure groups an important factor in shaping and implementing criminal policy.<sup>10</sup>

<sup>5</sup> Chalkia, A. (2012) *Public punitiveness and attitudes towards criminal policy in areas of low, medium and high levels of criminality*, PhD Thesis, Panteion University, Athens, (In Greek).

<sup>6</sup> According to the second (psychological) condition of Pinatel, to characterize an act as a crime the majority of the society should considered it as such. Consequently, “research on the public attitudes is a necessity”, Farsedakis, J. (2010) “The alphabet of Criminology”, in *Volume in honor for Kalliopi D. Spinellis*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 401-413, note 10, p. 404.

<sup>7</sup> Farsedakis, J. (1991) *Social reaction to crime and its limits*, Nomiki Vivliothiki, Athens, (In Greek), p. 15. In Ancient Greece, the citizen has great power as he could judge, legislate, prosecute and impose punishments, *ibid.*, note. 3, p. 17 & 44-45.

<sup>8</sup> *Ibid.*, p. 15 & 49.

<sup>9</sup> Zarafonitou, C. (2002) *Fear of crime: a criminological approach and inquire based on an empirical study of phenomenon within the city of Athens*, European Legal Science Studies, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek / English).

<sup>10</sup> For the research on public attitudes and on the public as a contribution factor of criminal policy see Zarafonitou, C. (2004<sup>2</sup>) *Empirical Criminology*, Nomiki Vivliothiki, Athens, (In Greek), p.253-272.



A boundary in the designing and in the implementation of criminal policy is set by human rights. Criminal policy is required to be a constantly renewed State commitment to the protection of the community and the citizen, towards the infringement of the human rights resulting from crime, and a multi-level “reinvention”<sup>11</sup> of the social responses to this. Ultimately, it is among these conditions that the legitimacy of its interventions results.

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<sup>11</sup> Delmas-Marty, M. (1991) [1983] *Patterns and trends of criminal policy*, trans. Zarafonitou, C., Nomiki Vivliothiki, Athens, (In Greek), p. 377.



# PART A': CONCEPTUAL AND THEORETICAL FRAMEWORK

## 1. CONCEPTUAL APPROACHES OF CRIMINAL POLICY

Criminal policy is a wide and complex field. Given its contribution to social order, the scientific approach to criminal policy is a key parameter for both the rationalization of its social responses towards crime and the redefinition of the notion of crime. In this light, criminal policy is, in a broad sense, part of criminological science.<sup>12</sup> However, the implementation of criminal policy presupposes, among other things, changes in education, health, economy etc, which are not directly related to crime. Its design includes other cultural factors (religious, ethical, etc.) so that some scholars consider it as “an autonomous or peculiar discipline”, even though this is not the prevailing approach.<sup>13</sup>

Over the last few centuries, several conceptual approaches have arisen concerning the definition of criminal policy. From the initial restrictive approaches<sup>14</sup> which were largely related to repressive State policies, gradually broader definitions of criminal policy were adopted. These, under the influence of criminological theory, have addressed the criminal phenomenon by including the social policies of the State.<sup>15</sup>

The Council of Europe defines criminal policy as the set of measures aimed at protecting society from crime, caring for the future of the criminal, and securing the rights of the victim.<sup>16</sup> This definition highlights the wide objectives

<sup>12</sup> Farsedakis, J. (1996) *Elements of Criminology*, Nomiki Vivliothiki, Athens, (In Greek), p. 129.

<sup>13</sup> Alexiadis, S. (2004<sup>4</sup>) *Criminology*, Sakkoulas Publ., Athens-Thessaloniki, (In Greek), p.279.

<sup>14</sup> Feuerbach, in his book *Manuel de droit penal*, 1803, defined criminal policy as “all the criminal proceedings through which the State responds to crime”, as cited in Delmas-Marty, M. (1991) [1983] *Patterns and trends of criminal policy*, op.cit., p. 27.

<sup>15</sup> For example, criminologist E.Ferri in his book *Sociologica criminale*, 1880, has referred to the “substitutes for penal sanctions”, to the tackling of the social factors which contribute to crime, see Alexiadis, S. (1994) “Criminal policy, approaches and considerations”, in Courakis, N. (ed.) *Criminal policy*, Poinika 42, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p.15-62:22-23, Courakis, N. (1994) “Foundations and trends in contemporary criminal policy”, p. 469-480:475, in Courakis, N. (ed.) *Criminal policy*, Poinika 42, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek).

<sup>16</sup> Conseil de l'Europe, La participation du public a la politique criminelle, Strasbourg, 1984, as it referred in Tsitsoura, A. (1994) “Relations between criminal policy and criminological research”, in Courakis, N. (ed.) *Criminal policy*, Poinika 42, Ant.N.Sakkoula

of criminal policy, which includes crime prevention, the criminal and the victim. At the 1<sup>st</sup> Meeting for Criminal Policy of the Council of Europe in 1975, M.Ancel states that criminal policy is a rational and concerted social response to crime. It is obvious that, by this statement, he stressed that random and discontinuous responses to crime cannot be related to criminal policy.<sup>17</sup> However, other attempts to classify criminal policy occurred through time and place: M.Delmas-Marty delimits the field of criminal policy as the set of processes through which the social body organizes its responses towards the criminal phenomenon.<sup>18</sup> E.Daskalakis takes the view that criminal policy is the science and art which discovers and rationalizes the best possible solutions to the problems posed by the criminal phenomenon; he adds that one may refer to criminal policy only when any reaction against crime ceases to obey blind emotional mechanisms, stops being manifested exclusively by the use of force, and starts to evolve as a deliberate action aiming to achieve well defined goals.<sup>19</sup> J.Farsedakis claims that criminal policy includes the study of all strategies, programmes and measures aimed at preventing and controlling, within reason, crime; and always has a key criterion which is the protection of human rights.<sup>20</sup> S. Alexiadis sets criminal policy as the system of key principles, which the State chooses according to guidelines and measures indicated by the criminological theory, for the containment of crime to the fullest possible extent.<sup>21</sup> S.Vidali mentions that the term refers to a complex range of diverse aspects of criminological and penal theory through measures and policies attempting to prevent, deter and punish crime; she includes criminal policy in the set of social control.<sup>22</sup> The main idea emerging from these definitions is that criminal policy affects the whole society and that it needs to be designed and implemented carefully, according to research findings and safeguarding human rights.

Furthermore, criminal policy refers to the definition of social situations and events under the jurisdiction of criminal justice, and, on the other hand, to the measures taken for their prevention and suppression;<sup>23</sup> it refers to both primary (de)criminalization and specifically the sociopolitical process which

Publ., Athens-Komotini, (In Greek), p.63-72:63.

<sup>17</sup> Ibid.

<sup>18</sup> Delmas-Marty, M. (1991) [1983] *Patterns and trends of criminal policy*, op.cit.,p.28.

<sup>19</sup> Daskalakis, E. (1985) *Treatment of the criminal*, Ant.N.Sakkoula Publ., Athens-Komotini (In Greek), p. 21.

<sup>20</sup> Farsedakis, J. (1996) *Elements of Criminology*, op.cit., p. 132.

<sup>21</sup> Alexiadis, S. (2004<sup>4</sup>) *Criminology*, op.cit., p. 279.

<sup>22</sup> Vidali, S. (2014<sup>2</sup>) *Criminal policy. From petty crime to organized crime*, Nomiki Vivliothiki, Athens (In Greek), p. 1.

<sup>23</sup> Nikolopoulos, G. (2008) *European Union as a body of criminal policy. The "Hague Programme" and its implementation*, Nomiki Vivliothiki, Athens, (In Greek), p. 9.



consists of the evaluation of certain goods for which it establishes or abolishes laws and secondary criminalization (penalization or de-penalization), i.e., the procedure concerning both the (non)activation, of the criminal justice and all the other administrative, therapeutic bodies, as well as the civil society, who participate through their reaction to crime.<sup>24</sup>

Meanwhile, every conceptualization of criminal policy also hints to the inability to approach the concept, due to its wide scope. Therefore, criminal policy constitutes a complex concept which varies according to the changes of the criminal phenomenon. Every action of criminal policy alters the criminal phenomenon itself; the impact it has in it becomes a catalyst for the (re) configuration of criminal policy. Consequently crime and criminal policy are inseparable and cannot each be studied individually. In short, tackling crime contributes to the (re)shaping of crime itself. Further, by taking into account the criminological theory, all the interpretative approaches of crime involve, directly or indirectly, possible solutions for dealing with it.

## 2. AGENTS AND STAKEHOLDERS OF CRIMINAL POLICY

One of the main agents of criminal policy is the set of legal rules (penal law) concerning the acts and behaviors defined as punishable and the sanctions resulting from their commission. The classification of an act as criminal can be interpreted either through the perspective of the consensus model, whereby an offence constitutes an act which is normal, necessary and useful in sociological terms,<sup>25</sup> which is denounced by society as a whole, because it violates the established perceptions and social values;<sup>26</sup> or through the perspective of the conflict model, which, in general, recognizes that different social groups are in a conflict of interest. The more powerful every time manage to safeguard their values and interests through the criminalization of specific behaviors.

A synthesis of the above is the so-called pluralistic model, which recognizes the conflict of social groups, but it considers that this can be tempered through a neutral jurisdiction, for which there may be a consensus.<sup>27</sup>

<sup>24</sup> Nikolopoulos, G. (2005) *Introductory notes to criminal policy and human rights*, Panteion University, Athens, (In Greek), p. 2-4.

<sup>25</sup> Durkheim, E. (1893) *De la division du travail social*, as cited in Farsedakis, J. (1996) *Elements of Criminology*, op.cit., p. 23-24.

<sup>26</sup> Durkheim, E. (1893) *De la division du travail social*, as cited in Yotopoulos-Marangopoulos, A. (1984) *Handbook of Criminology*, Nomiki Vivliothiki, Athens, (In Greek), p. 32.

<sup>27</sup> Dimopoulos, C. (1990) *Abolitionismus*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 50.

Police, on the other hand, supply, through their activities, the criminal justice system.<sup>28</sup> As an official institution of social control and criminal policy, police act both preventively and repressively. The public prosecutor and the investigating authority are also agents of criminal policy and successive filters of acquittal or conviction.<sup>29</sup> All three of the above bodies, may be important factors of the shaping of a more rational and effective criminal policy, which specifies not only the general but also the special prevention, as they affect the future action of the person arrested.<sup>30</sup> Similarly, the process of the imposition of penal sanctions is also an essential part of the criminal policy.<sup>31</sup>

In addition, European and International organizations, such as the United Nations, the Council of Europe, the European Union, Interpol, Europol and Eurojust contribute significantly to the shaping of criminal policy and aim to the harmonization of the actions between the Member States, the cooperation between local and international actors and the transnational responses towards contemporary organized crime.

Apart from the official bodies of criminal policy, there are entities that refer mainly to administrative mechanisms operated within the institutions of criminal policy, such as the probation officers, the social workers and the prison social workers, etc. In addition to the above, there are other sectors of criminal policy such as rehabilitation and therapeutic units, etc.<sup>32</sup>

The 'civil society',<sup>33</sup> even though the term<sup>34</sup> is relatively vague on who constitutes this 'society' and how, is also involved in the field of criminal policy

<sup>28</sup> The first police force was formed in Great Britain in 1829, and by 1870 there were organized police departments in all cities of the U.S.A., Lambropoulou, E. (1994) *Social Control of crime*, Kritiki Publ., Athens, (In Greek), p. 203.

<sup>29</sup> Farsedakis, J. (1984) *Investigation, human rights and Egklimatogenesis*, Nomiki Vivliothiki, Athens, (In Greek), p. 33.

<sup>30</sup> Farsedakis, J. (1984) *Investigation*, o.cit., p. 23-89, Lambropoulou, E. (1999) *Sociology of penal law and of criminal justice institutions*, Ellinika Grammata Publ., Athens, (In Greek), p. 154-167, Lambropoulou, E. (1994) *Social control of crime*, op.cit., p. 195-219.

<sup>31</sup> Anagnostaki, M. (1994) "The sentencing as a stage of criminal policy", in Courakis, N. (ed.) *Criminal policy*, Poinika 42, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 73-95:78.

<sup>32</sup> Nikolopoulos, G (2005) *Introductory notes to criminal policy and human rights*, op.cit., p.2.

<sup>33</sup> Ibid, p. 3.

<sup>34</sup> Although the term "civil society" is relatively recent, the concept is quite old and is already found in Ancient Greece and Aristotle, as well as in newer political and philosophical approaches, such as those of Rousseau, Locke, Kant, Hegel et al., see Spurk, C. (2010) "Understanding civil society", in Paffenholz, T. (ed.) *Civil society and peacebuilding: a critical assessment*, Lynne Rienner Publ., CO, USA, p. 4-27.

through actions that are developed at local and international level. Basic characteristics of the civil society are the voluntary participation of the citizens, which is distinguished by the obligatory one deriving from the relationship with the State, the self-governing, the self-support to a certain extent, the autonomy from the State and its non-for-profit character.<sup>35</sup>

The term civil society poses particular questions concerning the social cohesion and the social participation in modern societies, especially these which are distinguished by high heterogeneity and by the way the State, the market and culture interact. However, the evaluation of the intervention of civil society has been subjected to intense criticism, both nationally and globally, because, even though civil society is regarded as a common good in democratic societies and a barrier towards the State authoritarianism, on the other hand, it may lack external controls and accountability.<sup>36</sup> But in any case, an integrated approach to criminal policy should include as agents the whole society and the institutions that constitute it. Family, teachers, peer groups as well as religious, political, economic and cultural institutions form together a network of interventions both at macro level of overall crime and its prevention and at micro level of individual crime and its prevention.

### 3. DIRECTIONS OF CRIMINAL POLICY

Criminal policy can take several different directions, which depending on the social, political and cultural framework may act in coordination, competition or complement each other. Basic directions of criminal policy are<sup>37</sup>: a) the *social* criminal policy b) the *penal* criminal policy c) the criminal policy *through the modernization of the law enforcement system*, d) the *abolitionist* trend and e) the *restorative* criminal policy<sup>38</sup> (victim-oriented criminal policy).

In specific terms, *social* criminal policy may include all the outlaw measures concerning the general policies of the State as well as the actions to be undertaken by the private sector, the participation of the public and the precautions of individuals referred to their daily routine. Social criminal policy is divided into primary, secondary and tertiary.<sup>39</sup>

<sup>35</sup> Bowden, B. (2006) "Civil society, the State, and the limits to global society", *Global Society*, Vol. 20 (2):175-178, p. 174.

<sup>36</sup> See also Agnew, J. (2002) "Democracy and human rights", in Johnston, R.J., Taylor, P. (eds) *Geographies of global change*, Blackwell, London.

<sup>37</sup> Alexiadis, S. (2004<sup>4</sup>) *Criminology*, op.cit., p. 281-320, Alexiadis, S. (1994) "Criminal policy, approaches and considerations", in Courakis, N. (ed.) *Criminal policy*, Poinika 42, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 15-62.

<sup>38</sup> Restorative justice is discussed in Chapter 6.2.1.

<sup>39</sup> Alexiadis, S. (2004<sup>4</sup>) *Criminology*, op.cit., p. 283.

By focusing primarily on social and penal criminal policy the following are noted:

The primary social criminal policy refers to the total population and attempts to reduce or eliminate the contributing factors which lead to the birth of crime. The secondary one refers to specific social groups and the tertiary social criminal policy refers to specific people. This direction, above all, tries to prevent crime and, it constitutes the essential part of crime prevention.<sup>40</sup> As a direction, it has dynamic perspectives and it converses with an extended network of institutions which embrace the entire social organization and the fundamental choices of the State.

The *penal* criminal policy concerns the penal code, the violations of which attract specific sanctions. It aims at general prevention, negative and positive, and special prevention. The general negative prevention prevents through intimidation and threat of punishment or the enforcement thereof, while the general positive prevention is intended to educate society to obey the law. The special penal criminal policy is sought to avoid re-offending through the adaptation of the sentence, according to the personality of the offender.<sup>41</sup> However, the synthesis (general and special prevention) in a sentence is considered to be optimum view that has already been posed by the ancient Greek classic writers.<sup>42</sup> Furthermore, as part of its modernization, new forms of punishment have been adopted either in parallel or in place of traditional sentences. The penal criminal policy constitutes both a basic foundation of Western civilization and an integral part of the collective representations of legality and justice but it has also been put under severe scrutiny about both its operation and its results.

The contemporary crisis of the criminal system has attempted to be dealt with in various ways, within and outside this system. Main ones appear to be decriminalization and de-criminalization (legislative, judicial, punitive) as well as the bypassing of criminal proceedings through other control mechanisms. In this context abolitionism develops strong skepticism regarding the notion of crime.<sup>43</sup> One of its first and basic positions is the proposal to abolish the penal penalty by Grammatica.<sup>44</sup> But the historical origin of the abolitionism is not so recent. It is believed to have first appeared in the German region in 1780 with the aim of abolishing slavery, under the influence of the humanist spirit and the utopian literature of Sain-Simon, Fourier, Burke et al. and around the

<sup>40</sup> Tsitsoura, A. (2003) *The prevention of criminality*, Panteion University, Athens, (In Greek), p. 6-24.

<sup>41</sup> Farsedakis, J. (1996) *Elements of Criminology*, op.cit., p. 62.

<sup>42</sup> Ibid.

<sup>43</sup> Hudson, B. (1996) *Understanding justice*, Open University Press, Buckingham, p. 12.

<sup>44</sup> Alexiadis, S. (2004<sup>4</sup>), *Criminology*, op.cit., p. 313.

same period in the USA.<sup>45</sup> By the late 1960s, abolitionist tendencies appeared in the Scandinavian countries and had a significant impact on the formation of their criminal policy. T. Mathiesen, L. Hulsman, N. Christie and H. Biangi are considered among the most prominent supporters of the abolition of the penal system. In particular, “it involves the abolition of the criminal system, which is seen as a ‘social evil’, rather than of the legal system”.<sup>46</sup> A key point of the abolition approach is the “shift of the main focus from behavior to the situation and from the offender to the victim”.<sup>47</sup>

One of the main arguments of abolitionism associated with the philosophical approaches to punishment argues that punishment can be justified theoretically (in principle) but current criminal practices are so distant from the ideal that cannot be justified. Therefore, the justification of punishment in practice is impossible.<sup>48</sup> Abolitionism is also called ‘negative criminal policy’ on the basis of its anti-positive approach to the criminal phenomenon.<sup>49</sup> It abrogates the principles of a consensual approach towards common values, the criminal definition of crime, the peculiarity of the criminal, and the penal reaction to him. A change is proposed even in the language itself (‘other grammar’) used in the context of ‘penal’ dialects”, such as criminal, crime, criminal policy, etc. These words express a beforehand stigmatizing attitude that seals the alternative potentials of approaching and tackling the phenomena and the subjects involved in them and consolidate specific attitudes and perceptions towards them.<sup>50</sup> However, the abolitionist tendency is not a unified unity as its various representatives focus on different points and highlight individual levels of abolition.<sup>51</sup> In any case, this trend has not hitherto been the dominant direction of criminal policy and its main positions have not been fully implemented. By formulating the

<sup>45</sup> Dimopoulos, D. (1990) *Abolitionismus*, iop.cit., p. 11-12.

<sup>46</sup> Nikolopoulos, G. (1997) “The perspective of penal abolitionism in the work of Louk Hulsman: theoretical foundations and social strategy”, in Hulsman, L., Bernat de Celis, J. (1997) *Misplaced Penalties. The penal system in doubt*, trans. Nikolopoulos, G., Nomiki Vivliothiki, Athens, (In Greek), p. 12.

<sup>47</sup> Ibid p.32.

<sup>48</sup> Duff, R.A. (2005) “Punishment”, in LaFollette, H. (ed.) *The Oxford handbook of practical ethics*, Oxford University Press, Oxford, p. 331-357: 352.

<sup>49</sup> Alexiadis, S. (2004) *Criminology*, op.cit., p. 15.

<sup>50</sup> Hulsman proposes to replace them with terms such as ‘problematic situations’, ‘undesirable behaviors’, ‘persons involved’, see Hulsman, L., Bernat de Celis, J. (1997) *Misplaced Penalties*, trans. Nikolopoulos, G., Nomiki Vivliothiki, Athens, p. 151-152 & 158.

<sup>51</sup> Mathiesen considers that the abolitionist policy should be extended to the entire oppressive capitalist system and not just to the penal system, see Dimopoulos, D. (1990) *Abolitionismus*, op.cit., p. 122-123.

possibility of a different approach to crime-punishment relation, abolitionism has contributed to the renewal of criminological theory and, consequently to proposals of Criminology for tackling crime.

#### 4. A BRIEF HISTORICAL REVIEW

Because crime is a universal and timeless social phenomenon,<sup>52</sup> attempts to interpret and tackle it go across the history of societies and feature a wide variety of reactions towards it. In this study a concise historical approach to the measures taken by society towards deviation from the norm is attempted.

Criminal policy can be divided into two major historical periods: the traditional and the contemporary.<sup>53</sup> The first is distinguished by public penalties and characterized by the imposition of pain and torture on the offender. The second is considered more rational (orthological) in the process, part of a continuous administrative expertise of the involved bodies and less visible to the wider public.<sup>54</sup>

In *primitive societies* the reaction to crime was concentrated on retaliation, which was limitless before the principle of proportionality between attack and retaliation prevailed.<sup>55</sup> Additionally, a central role in the genesis of a rudimentary concept of crime and punishment in primitive societies played the concepts of Totem and Taboo.<sup>56</sup> Furthermore, for many centuries the main answer to crime was the tribal customary law based on unwritten mores, customs and the race rules. Its adherents and controllers were the leader of the tribe or the groups of its elders. In parallel with the above, vendetta, or blood vengeance or the taking the law into one's hand, continue, albeit limited, to constitute till today forms of extra-institutional and asymmetric reaction towards crime.<sup>57</sup>

The *first written evidence of rules*, which includes a collection of regulating laws and decisions of Babylonian society, is the Hammurabi Code, which was

<sup>52</sup> Farsedakis, J. (1996) *Elements of Criminology*, op.cit., p. 72.

<sup>53</sup> Redekop, P. (2005) "Culture of peace and cultures of punishment", Menno Simmons College, [http://jo.uwinnipeg.ca/~msc/downloads/MsC-eseach\\_redekop1.pdf](http://jo.uwinnipeg.ca/~msc/downloads/MsC-eseach_redekop1.pdf), p. 1-17, p. 3-4.

<sup>54</sup> For a brief outline of the contemporary trends of criminal policy see: Chalkia, A. (2011) "Tendencies of contemporary criminal policy, interantionally and in Greece. A critical approach", in Chalkia, A. (ed.) *Essays in Honor of Professor James Farsedakis. The contemporary Criminality, its confrontation and the Science of Criminology*, Nomiki Vivliothiki, Athens, Vol.II, (In Greek), p. 895-914.

<sup>55</sup> Daskalakis, H. (1985), *The treatment of the criminal*, op.cit., p. 3.

<sup>56</sup> Yotopoulos- Marangopoulos, A. (1984) *Handbook of Criminology*, ibid, p. 52.

<sup>57</sup> Archimandritou, M. (2007) *Private revenge and law or anomie: vendetta and law. Criminological approach*, Ant. N. Sakkoula Publ., Athens-Komotini, (In Greek).

engraved on a column placed in the Babylon temple Marduk approximately 4,500 years ago. It is considered to have been the basis for the law of the people of the Middle East and after that it affected Crete, the cities of the Aegean and the biblical Moses law.<sup>58</sup> For the first time, the 'fair' restitution as a response against the crimes committed and the prior knowledge of which punishment they might bring are institutionalized.

In *Ancient Greece*, Draco considered to be the first legislator (7<sup>th</sup> century B.C.) inspirer of the known "Draconian measures",<sup>59</sup> who, among other things, abolished taking the law into one's hand and draw the distinction between involuntary and voluntary homicide. Then, these laws were abolished by Solon, to whom the creation of the court of Heliastia is attributed, which together with the Supreme Court are the oldest courts in Ancient Athens.<sup>60</sup> Beside the aforementioned, in Ancient Greece, the idea of social reintegration of the offender was expressed. The works of Plato and Aristotle set for the first time the concepts of 'Penitentiary', of indeterminate sentencing and of the personalization of punishment.<sup>61</sup> In any case, in the Athenian democracy, the city was "*the one which guided the process in the frame of clear and predefined rules*".<sup>62</sup>

In the *Roman Empire*, the Twelve<sup>63</sup> introduces to the Roman perception the meaning of law according to the ancient Greek standards.<sup>64</sup> The work of classical Roman jurists has been the basis of modern legal science and with the so-called Referential Law (lex citationis) of the emperors Theodosios II and Valentinianos III, an end is finally given to the insecurity provoked by the contradictory opinions among jurists.<sup>65</sup>

Regarding the *religious field*, in the Mosaic Law the concept of revenge and retaliation is known (eye for an eye). In the Jewish and Christian religion, an example of a reaction to violation constitutes the divine punishment with the persecution of the protoplast from paradise and the murder of Abel by Cain.

<sup>58</sup> Badawi, Ch. (2003) "The Code of Hammurabi," in *History of law, Eleftherotypia*, May 2, 2003, (In Greek), p. 12-17.

<sup>59</sup> Adam-Magnisali, S. (2008) *The administration of justice in ancient Greece: 5th and 4th century BC*, Nomiki Vivliothiki, Athens, (In Greek), p. 78-79.

<sup>60</sup> *ibid*, p. 80-81 & p. 92-11.

<sup>61</sup> Farsedakis, J. (1990) *The criminological thought: from antiquity to the present*, Nomiki Vivliothiki, Athens, (In Greek), p. 19-20.

<sup>62</sup> Adam-Magnisali, S. (2008) *The administration of justice in ancient Greece*, *op.cit.*, p. 221.

<sup>63</sup> Troianos, S., Velissaropoulou-Karakosta, I. (1993) *History of law*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 97-98.

<sup>64</sup> Tzamtzis, I. (2003) "Roman law", in *History of law, Eleftherotypia*, *op.cit.* p. 18-23.

<sup>65</sup> Troianos, S., Velissaropoulou-Karakosta, I. (1993) *History of law*, *op.cit.*, p. 101 & 103-104.

The Christian religion,<sup>66</sup> however, is enriched with the concepts of clemency and forgiveness, mainly following the tradition that developed in the Athenian democracy.<sup>67</sup> Regarding Islamic world, the Holy Koran and Saria make up the source of rules defining what is legal.<sup>68</sup>

In *Byzantium*, distinctive examples are considered to be the Theodosian Code, Justinian Code (*Corpus Juris Civilis*) and the *Pandectae* of Tribonian. These documents were also the basis of Western European legal culture and legal science,<sup>69</sup> since the era of the codifying of legislative texts as the Napoleonic Code, the Austrian, the German etc.<sup>70</sup> The effect of Christianity is important in the Byzantine law, according to which the law creator can be the Emperor, the source of law, however, is God. Thus the relationship between the ruler and the divine is structured.<sup>71</sup>

In the *Middle Ages*, and especially after 1200, punishment is distinguished by great austerity and with the influence of the Catholic Church intense interference occurs between law and morality.<sup>72</sup> The Inquisition, the Counter-Reform and the effort of witchcraft repression, i.e., the merciless witch-hunt, form practices of ultimate hardness, complemented by atrocious physical punishments, such as execution in the wheel, dismemberment and generally by any type of torture.<sup>73</sup> It is characteristic that this kind of punishment is mainly publicly imposed.

Then the *School of Natural Law*<sup>74</sup> impacted on theological doctrines and managed to disengage the law from them. The *Enlightenment* and the *French Revolution* are historical and social landmarks, regarding the changes they brought through the foundation of the concept of human rights and their advocacy. Their principles are reflected in the French Declaration of Rights of

<sup>66</sup> For the relation of criminal law and criminology with the Holy Gospels see Magganas, A. (2007) *Particular issues of penal law and penal procedure*, Nomiki Vivliothiki, Athens, (In Greek), p. 194-212.

<sup>67</sup> Romilly, de J. (2009) *How timely is the Athenian democracy today?*, trans. Economou E., Ermis, Athens, (In Greek), p. 45-52.

<sup>68</sup> Peters, R. (2007) *Crime and punishment in Islamic law. Theory and practice from the sixteenth to the twenty-first century*, Cambridge University Press, Cambridge.

<sup>69</sup> Typically there is a distinction between the continental European law (Civil Law) and Anglo-Saxon law (Common Law).

<sup>70</sup> Pitsakis, K. (2003) "The legal tradition in the Western Middle Ages" in *History of law, Eleftherotypia*, May 2, 2003, (In Greek), p. 36.

<sup>71</sup> Troianos, S., Velissaropoulou-Karakosta, I. (1993) *History of law*, op.cit., p.143.

<sup>72</sup> Courakis, N. (2009<sup>5</sup>) *Penal repression*, Ant. N. Sakkoula Publ., Athens-Komotini, (In Greek), p. 84.

<sup>73</sup> *Ibid.*, p. 86.

<sup>74</sup> Strauss, L. (1988) *Natural law and history*, trans. Rozanis, S., Lykiardopoulos, G., Gnosi Publ., Athens, (In Greek).



Man and Citizen, in the Constitutions of 1791 and 1793, in the social contract (Rousseau) and in the texts of Voltaire and Montesquieu. Further, Beccaria, at about the same time, supports that the punishment must be rapid, necessary and public, analogue to the offense and predefined explicitly by law.<sup>75</sup>

The passage “*to the penal system of imprisonment*”<sup>76</sup> took place at the end the 18<sup>th</sup> Century<sup>77</sup> and operates with the dual purpose of general and special crime prevention. By the implementation of imprisonment, the imposition of corporal punishment resolves as well as its public spectacle. Prison has begun to constitute a more “civilized” way to enforce punishment. More generally, the punishment in the context of cultural and mental transformations in the process of civilization in the West,<sup>78</sup> was not a public spectacle of suffering and killing of the offender any more, and began to be imposed ‘behind the scenes’ only by experts and professionals. In addition, penalties stopped to be physical and violent (‘barbarian’), the death sentence was gradually abolished in much of the Western world and replaced by the institution of imprisonment.<sup>79</sup>

In the *late 19<sup>th</sup> and 20<sup>th</sup> century* in the Western world, the humanization of criminal law dominated, along with the reintegration and reform of the offender in combination with medical, therapeutic models and alternative sanctions which oppose to previous methods of torture and killing.<sup>80</sup> At same time, social aspects of criminal policy were attempted to be combined in the context of the Welfare State. The criticism on the penal justice system and prison institution was particularly intense and resulted both from both the theory and research data. In its most extreme and radical manifestations, particularly in ‘postmodern’ approach, it led to the ‘crisis’ of penal law, by questioning the prevailing perceptions.<sup>81</sup>

<sup>75</sup> Beccaria, C. [1764] *On crimes and punishments*, transl. Korais, A., Nomiki Vivliothiki, Athens, (In Greek).

<sup>76</sup> Foucault, M. (1989) [1976] *Discipline and punish: the birth of the prison*, trans. Chatzidimou, R., Ralli, I. Rappas Publ., Athens, (In Greek), p. 303.

<sup>77</sup> Daskalakis, H. (1985) *The treatment of the criminal*, op.cit., p. 41-43, Lambropoulou, E. (1994) *Social control of crime*, op.cit., p. 224-229, Chaidou, A. (2002) *The correctional system. Issues of theory and practice*, Nomiki Vivliothiki, Athens, (In Greek), p. 36 & 47-48.

<sup>78</sup> <sup>76</sup>For N.Elias the concept of culture “is associated with various data: the level of technique, behavior, the evolution of scientific knowledge, religious ideas and habits”, Elias, N. (1997) [1939] *The process of civilization: a history of social behavior in the West*, Vol. I., trans. Loupasakis, Th., Alexandria Publ., Athens, (In Greek), p. 25.

<sup>79</sup> Garland, D. (1990) *Punishment and modern society. A study in social history*, Clarendon Press, Oxford, p. 224.

<sup>80</sup> Pratt, J. (2002) *Punishment and civilization: penal tolerance and intolerance in modern society*, Sage, London, p. 2.

<sup>81</sup> Papachristou, I. (1999) *Sociology of law*, Ant. N. Sakkoula Publ., Athens-Komotini, (In

Regarding the *Greek territory*,<sup>82</sup> the Turkish conquest imposed a theocratic law, which was based on the Holy Koran. However, the Patriarch of Constantinople retained significant criminal jurisdiction as well as the bishops, and, in contrast to what happened in the field of civil law, the “rules” of penal law were formed according to the discretion of the clergy and to the sense of justice they maintained.<sup>83</sup> However, for major penal cases only the Turkish authorities could decide.<sup>84</sup>

The Revolution of 1821 brought about changes and the establishment of a Greek penal code deemed to be necessary. The first Greek penal code (1823)<sup>85</sup> was named “Criminal compilation of the second Greek National Assembly”. Then, in 1827, the “Political Constitution of Greece” was passed and in 1934 the penal code came into force.<sup>86</sup> This code remained in force, with relevant additions, until 1950.

In the context of the above brief history of criminal policy, it is obvious that the unwritten rules constitute an early form of criminal policy and, then, in a long history that reaches to these days, the written law is the most central dimension of it.<sup>87</sup> Moreover, from the mid-20<sup>th</sup> century and on, the sharp criticism that the penal law has received contributed to the appearance of alternatives and extra-penal forms to tackling crime towards a less stigmatized and potentially more effectively way.

However, although the State has the monopoly of punishment, it cannot be ignored that the participation of members of society is particularly significant.<sup>88</sup> Specifically, the consensus of society provides the social support and the legitimacy to the authority in order to intervene, react and punish crime. Additionally, what is changing, in the end, is the form that punishment

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Greek), p. 35-36.

<sup>82</sup> Maggakis, G. (1979) *Penal law: general part diagram*, Papazissis publ., Athens, (In Greek), p. 28-31.

<sup>83</sup> Geib, G. [1835] *Presentation of the legal situation in Greece during Turkish rule until the arrival of King Otto A'*, transl. Pantazopoulos, N.J., Govostis, Athens, (In Greek), p. 105-106.

<sup>84</sup> Ibid.

<sup>85</sup> Yotopoulos- Marangopoulos, A. (1984) *Handbook of Criminology*, op.cit., p. 81.

<sup>86</sup> Troianos, S., Velissaropoulou-Karakosta, I. (1993) *History of law*, op.cit., p. 238-247.

<sup>87</sup> For this reason the long historical process that involves the character of law, the maintenance of law and order and repression as linked to the cultural values of social groups at different times, see Mavris, M. (2003) “The historical dimension of criminal policy - an approach in Criminological Historiography” in Courakis, N. (ed.) *Criminal policy*, Poinika 42, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 126.

<sup>88</sup> Garland, D. (1991) “Sociological perspectives on punishment ”, *Crime and Justice*, Vol. 14: 115-165, p. 123.

takes in time<sup>89</sup> rather its functions.<sup>90</sup> Characteristically, E. Durkheim notes that, although it is argued that “the nature of punishment changes and society no longer revenges but defends” fundamentally “the nature of practice does not change just because the conscious intentions of those that impose it are modified”.<sup>91</sup> Further, the “differences in punishment” between past and contemporary societies “lie in the fact that nowadays punishment produces its results in greater awareness for what actually is”.<sup>92</sup>

## 5. THEORETICAL APPROACH

Criminal policy does not occur *in vacuo*. It is determined, instead, by the historical, social, political and cultural context of a certain society at a given period of time. From this context, however, specific theoretical criminological approaches of the criminal phenomenon are raised and developed, and in turn define the criminal policy. Essentially, Criminal policy is *also* dependent on the interpretation of crime, that is, by factors thought to contribute to crime. The prevailing criminological approaches of criminal phenomenon contribute to the implementation of criminal policy. Any theoretical approach and interpretation of crime also includes the promise to address it; its generating factors indicate ways to reduce it. In a sense, it can be argued that these factors are essentially identical to crime prevention. The theoretical approaches throughout the historical development of Criminology and much earlier, from Greek antiquity, are not only numerous but also conflicting. So is the formulation of criminal policy. However, each theory illuminates a particular aspect of the overall phenomenon and its management. Therefore, it should not be overlooked that only through synthesis of the various interpretations of crime the criminal phenomenon can be comprehended and managed.

Three trends are noted by classifying the criminal policy according to the theoretical criminological background:<sup>93</sup>

- The *individualistic* approach which argues that crime is the result of special features of the criminal. The crime exists because there are criminals who

<sup>89</sup> See Durkheim, E. (2005) [1900] *Two laws of penal evolution*, trans. Sagkounidou-Daskalaki, H., Nomiki Vivliothiki, Athens, (In Greek), p. 1-29. Referring to the change in time, Durkheim formulates two basic laws, the law of quantitative changes and the law of qualitative changes.

<sup>90</sup> Garland, D. (1991) “Sociological perspectives on punishment”, *Crime and Justice*, Vol.14:115-165: 123.

<sup>91</sup> Durkheim, E. (1984) [1893] *The division of labor in society*, The Free Press, New York, p. 44-45.

<sup>92</sup> Ibid.

<sup>93</sup> Daskalakis, E. (1985) *Treatment of the criminal*, op.cit., p. 21-25.

are defined either by biological<sup>94</sup> or by psychopathological characteristics.<sup>95</sup> In these cases, criminal policy aims at imposing measures that help change the personality of the offender or neutralization of the perpetrator through incarceration.

- The *sociocentric* approach which postulates that crime derives from social factors and the criminal is treated as a special social case. In this point of view, criminal policy applies measures relating to the social policy and the Welfare State (social benefits, measures against unemployment, health care, security, etc.).<sup>96</sup>

-The *social reaction theory*<sup>97</sup> which argues that there is no distinction between the offender and the non-offender. This theory states that only their engagement with the institutions of formal social crime control distinguishes them. Criminal policy under this approach is focused on decriminalization and measures to reduce stigma and its effects deriving from the penal system.

It is obvious that, according to what is considered as a 'cause'<sup>98</sup> of crime, criminal policy dictates the reaction against it. But fundamental is what is perceived as a crime<sup>99</sup> in each particular time and place for the society to react against it.<sup>100</sup> Other crucial questions are what is the intensity of this reaction, namely, in what specific crimes reacts society more or less severe etc. Conclusion can only be drawn through the study of these questions

<sup>94</sup> Indicatively: nature criminals (Gall, Lombroso), genetic inheritance or predisposition (Mendel, Lange), organic dysfunctions (Vold, Bernard, Witkin, Wilson), see Chaidou, A. (1996) *Positivist Criminology*, Nomiki Vivliothiki, Athens, (In Greek).

<sup>95</sup> Ibid., indicatively: Pinel, Morel, Scheider, Freud, Adler, Jung.

<sup>96</sup> Indicatively: the School of Lyon (Tarde, Manouvrier), the School of Chicago, theory of learning/social differentiation (Park, Sutherland, Shaw-Mckay), anomy (Durkheim, Merton), subculture theories (A.Cohen, Cloward, Ohlin, Miller), cultural conflict (Sellin), social interaction (Becker), control theories, (Sykes, Matza, Hirschi), integrated theories (Laub, Sampson, Glueck), rational choice theory (Clarke), daily routine theory (E.Cohen, Felson), reintegrative shaming (Braithwaite), general theory of crime (Gottfredson, Hirschi).

<sup>97</sup> Indicatively: Mead, Becker, Schur, Lemert, Daskalakis, E. (1985) *Criminology of the social reaction*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 18-22.

<sup>98</sup> Regarding the distinction between the terms 'cause' and 'factor' see: Spinellis C.D. (2005<sup>2</sup>) *Criminology*. Current and past directions, Nomiki Vivliothiki, Athens, (In Greek), p. 178-180, Farsedakis, J. (1996) *Criminology*, op.cit. 143-144.

<sup>99</sup> For the definition of crime see: Alexiadis, S. (2004<sup>4</sup>) *Criminology*, op.cit., p. 33-43, Dimopoulos, C. (2008) *Suggestions of Criminology*, Nomiki Vivliothiki, Athens, (In Greek), p. 44-51, Panousis, G. (2007) "Quo vadis Criminologia", in Georgoulas, St. (ed.) *Criminology in Greece today*, ΚΨΜ Publ., Athens (In Greek, p. 62-72:66-70, Farsedakis, J. (1996) *Elements of Criminology*, op.cit., p. 23-29.

<sup>100</sup> Daskalakis, E. (1985) *Treatment of the criminal*, op.cit.,p. 23-24.

regarding the classification of the severity of crimes and the reaction to them by a particular society at a given time and place.

Criminal policy has been significantly influenced both by the positivist, causal approaches to crime, considering individual (biological, psychological) and social factors, and also by social control approaches. These give rise to a wide range of criminal policy which is usually applied in an additive or complementary mode.

### 5.1. Criminal policy, human rights and Criminology

The theoretical approach to criminal policy would remain incomplete without reference to human rights and Criminology. Since crime is a violation of human rights,<sup>101</sup> the criminal policy has not only to protect individuals and institutions from this violation, but also all its actions to ensure the rights of both the victim and the offender, and of the society as a whole. In any case, however, human rights constitute a guide and a boundary to the exercise of criminal policy, whether participatory or not, in the prism of the necessity and the proportionality of the intervention.

By approaching human rights from various aspects of criminal policy, it is evident that, while criminal policy is called upon to ensure human rights, at the same time it can infringe upon them or facilitate their offense. The infringement of rights as criminal policy is regarded occurs in two ways: either through its actions or by not taking action. Consequently, criminal policy should be for human rights a guarantee of their safeguarding, while human rights constitute for criminal policy not only a boundary of its interference but also a duty to intervene, where is necessary.<sup>102</sup>

In the context of practicing criminal policy, violations of human rights may arise in the field of crime prevention and in particular in the risk assessment,<sup>103</sup> during the decision- making process in criminal proceedings,<sup>104</sup> in the

<sup>101</sup> "The concept of criminality as a violation of human rights runs through criminological thought from the 19th century to the present day": for an analytic presentation of the relation between Criminology and human rights see Farsedakis, J. (2008) "Criminology and Human Rights", in *Penal Science, theory and act. Honorary Volume for Anna Benaki-Psarouda*, Ant.N.Sakkoula Publ., Athens, (In Greek), p. 1441-1448.

<sup>102</sup> i.e., the obligation of the State to contribute to the socialization of the minors: see Farsedakis, J. (1986) *Delinquency and social control of minors*, Nomiki Vivliothiki, Athens, (In Greek), p. 14.

<sup>103</sup> See Magganas, A. (2004) *The criminal phenomenon in practice*, Nomiki Vivliothiki, Athens, (in Greek), p. 85-94, Dimopoulos, C. (2008) *Suggestions of Criminology*, op.cit., p. 308-449.

<sup>104</sup> Farsedakis, J. (1997) "Decisions in Criminal Proceedings and Human Rights: Equality before the Criminal Law", in Tsitsoura, A. (ed.) *Criminal policy and human rights*,

imposition of a custodial sentence,<sup>105</sup> in the way of enforcing the sentence,<sup>106</sup> in the imposition of the death penalty, which in any case “can not belong in the field of penal law”<sup>107</sup>, in the inapplicable penal ordinances,<sup>108</sup> in the rights of victims,<sup>109</sup> in EU policies such as the “Hague Program for the Strengthening of Freedom, Security and Justice” (2004)<sup>110</sup> etc.

In this respect, the contribution of Criminology becomes decisive for the development of rational criminal policy based on human rights advocacy. The role of Criminology, especially in the public sphere, includes its broader scientific contribution through knowledge and research “on a better policy of coping with crime and its regulation”.<sup>111</sup> Criminology should take a *scientific position*, intervening on the basis of its scientific findings and trying to limit the influence of “religion, politics, ideology” on the practice of criminal policy.<sup>112</sup> In addition, it is the very object of Criminology which also defines its “social utility” in the light of the “fundamental human rights of all parties involved”.<sup>113</sup>

Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 135-146.

<sup>105</sup> Yotopoulos-Marangopoulos, A. (1997) “Custodial sentence and Human Rights,” in Tsitsoura, A. (ed.) *Criminal policy and human rights*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 87-109.

<sup>106</sup> Kakkalis, P. (1997) “Greek penitentiary legislation and act in human rights”, in Tsitsoura, A. (ed.) *Criminal policy and human rights*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 111-120.

<sup>107</sup> Farsedakis, J. (1994) “Death ‘Penalty’ ”, in Courakis, N. (ed.) *Criminal policy*, op.cit., p. 265-270:269.

<sup>108</sup> Courakis, N. (2006) “Penal ordinances that remain Inapplicable: a critical criminal policy problem”, (first publication: *Poinikos Logos*, 2001, p. 2175-2179), [www.niotho-asfalas.gr/na/meletes9.pdf](http://www.niotho-asfalas.gr/na/meletes9.pdf), p.3-4.

<sup>109</sup> Spinellis, D. (1997) “Victim protection and human rights”, in Tsitsoura, A. (ed.) *Criminal policy and human rights*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 173-194.

<sup>110</sup> Nikolopoulos, G. (2005) “Building a European area of freedom, security and justice: the Hague Program and the challenges of a supranational level of social control”, *Poiniki Dikaiosyni*, Vol.3:323-332, (In Greek) and by the same author: (2007) “Freedom, Security, Justice”: the problematic boundaries of European social control, in Zarafonitou, C. (ed.) *(In) Security, criminal policy and human rights*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p.73-95.

<sup>111</sup> Loader, I. Sparks, R. (2010) *Public Criminology?*, Routledge, Oxon, p. 117.

<sup>112</sup> Fattah E.A. (2008) “The future of Criminology as a social science and academic discipline”, *Annales Internationales de Criminologie*, Vol.46:137-161:151.

<sup>113</sup> Farsedakis, J. (2010) “The alphabet of Criminology”, in *Volume in honor for Kalliopi D. Spinellis*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 401-413:413.

## 6. PARTICIPATORY CRIMINAL POLICY

Public participation<sup>114</sup> in social process is based on the belief that those who are affected by the decision have the right to participate in decision-making.<sup>115</sup> Similarly, the issue of criminality affects all citizens and as a result it cannot only be a matter of the State.<sup>116</sup> The public participates directly or indirectly in many ways both in the formulation and implementation of criminal policy; this participation should be taken for granted in a democratic State.<sup>117</sup>

Traditionally, criminal policy was dominated by experts and (professional elites) upon whom citizens had entrusted the planning of responses to crime. Gradually, with the aggravation of social dysfunction related to the increase of criminality and the attendant insufficiency of policy, civic trust and consent have been shaken and the role of experts has become less prominent.<sup>118</sup> In addition, studies have shown that successful preventive strategies are those that include primary prevention measures which require public participation, both in design and implementation of criminal policy, as stipulated by the international and the European organizations.<sup>119</sup> In particular, public participation in the design of criminal policy is often a catalyst through the pressure groups.<sup>120</sup> Moreover, public participation is crucial in the implementation of criminal policy through reporting crimes or by situational crime prevention or by alternative measures such as mediation.<sup>121</sup>

The participation of all parties involved, through the process of rational-critical dialogue, J. Habermas argues that is essential for the shaping

<sup>114</sup> Regarding public participation in crime participation see Zarafonitou C. (2003) *Crime prevention at local level*, Nomiki Vivliothiki, Athens.

<sup>115</sup> International Association for Public Participation, (2007) *IAP2 Core Values*, <http://www.iap2.org>

<sup>116</sup> Farsedakis, J. (1998) "The confrontation of the crime issue", *Poiniki Dikaiosyni*, Vol. 3, (In Greek), p. 236-238:236.

<sup>117</sup> Tsitsoura, A. (1988) "Public participation in criminal policy", *Hellenic Review of Criminology*, Vol. 1, (In Greek), p. 32-44.

<sup>118</sup> Garland, D. (2001) *The culture of control: crime and social order in contemporary society*, Oxford University Press, Oxford, p. 150.

<sup>119</sup> Farsedakis, J. (2016) "Crime prevention as a means of criminal policy", in Gasparinatos, M. (ed.) *Crime in Crisis, Essays in honor of Professor Dr. Nestor Courakis*, (In Greek), <http://crime-in-crisis.com/η-πρόληψη-του-εγκλήματος-ως-μέσον-αντε/>

<sup>120</sup> Chalkia, A. (2013) "Hate crime in Greece during crisis: from victimization to the insult of democracy", *Egklimatologia*, Vol. 1-2:80-88, (In Greek) and by the same author: (2016) "Aspects of hate crime in Greece and proposals for their confrontation", in Gasparinatos, M. (ed.) *Crime in Crisis, Essays in honor of Professor Dr N. Courakis*, (In Greek), <http://crime-in-crisis.com/όψεις-των-εγκλημάτων-μίσους-στην-ελλά/>

<sup>121</sup> Farsedakis, J. (2015) "Crime prevention as a means of criminal policy", op.cit.

regulatory decisions and policy-making. In this context, public participation in decision-making is related to the concept of public sphere and communicative rationality.<sup>122</sup> Dialogue, according to him, gives the opportunity to all those who are affected by these policies to present their views. However, only in the context of an open, rational-critical debate and discussion, the dispersed subject's views can be converted to public opinion. In this sense, Habermas attempts to highlight the role and dynamics of communication in the formation and transformation of social reality in the context of bi-reactive operation among people<sup>123</sup> and then to formulate the potential of a morality of communicative action, which contributes in the evolution of society, away from the dominant means such as money, power, instrumental Reason that colonize our *lifeworld* (family, religion, communicative Reason).<sup>124</sup>

His theory concerning the deliberative democracy has received intense criticism, as it is mainly based on an idealistic approach to human behaviour and to the open, continuous and rational dialogue. An example of public participation in the decision-making process regarding the criminal policy, which indicates the level of confidence in the process mentioned by Habermas, is the creation of the law called 'three strikes and you're out'<sup>125</sup> and the adoption of problem-solving courts.<sup>126</sup> The "three strikes" law was adopted after a referendum as a result of agitation, due to the murder of an underage girl, in the middle of an electoral campaign, under the influence of pressure groups. In contrast, the introduction of 'problem-solving courts' emerged after slow, steady and extensive consultation and implementation/evaluation of pilot programs. The above highlight both the difference between *public opinion* and *mere opinion*<sup>127</sup> and the impact of a populist policy in comparison with a policy that relies purely on rational, public debate, like the one that Habermas states.<sup>128</sup> In addition, it should be noted that public

<sup>122</sup> Dahlberg, L. (2005) "The Habermasian public sphere: taking difference seriously?", *Theory and Society*, Vol. 34(2):111-136, σ. 112-113

<sup>123</sup> Fotopoulos, N. (2010) "From the one-dimensional man to the colonization of the lifeworld: Herbert Marcuse and Jürgen Habermas towards modernity", in Koniordos S.M. (ed.) *Social thought and modernity*, Gutenberg, Athens, (In Greek), p. 325-346:334.

<sup>124</sup> *Ibid*, p. 337-339.

<sup>125</sup> Zimring, F., Hawkins, E., Kamin, S. (2001) *Punishment and democracy: three strikes and you're out in California*, Oxford University Press, New York.

<sup>126</sup> See Dzur, A.W., Mirchandani, R. (2007) "Punishment and democracy: the role of public deliberation", *Punishment and Society*, Vol.9(2):151-175, Hutchinson, S. (2006) "Countering catastrophic Criminology", *Punishment and Society*, Vol. 8(4):452-456.

<sup>127</sup> Habermas, J. (1991) *The structural transformation of public sphere*, MIT Press, Massachusetts, p. 246-251.

<sup>128</sup> Hauser, G.A. (2007) "Vernacular discourse and the epistemic dimension of public



participation in social processes eventually changes the public itself. On the other hand, the argument that public participation can lead to more severe and punitive policies, cannot be considered valid, as participation changes the participants.<sup>129</sup> An important objective is the encouragement of the public participation and its continuity. However, the term 'public' is incomplete without the study of public opinion and of punitive / penal populism.

The term 'public opinion'<sup>130</sup> often operates as a benchmark to justify or legitimize a situation. As a concept, and when it is not put under question, holds a dual character. The reference to public opinion aims at the strengthening of the legitimacy of actions taken or not taken. In each case, it can be 'useful' to anybody who wants to facilitate the implementation of a certain policy (or the non-implementation). On the other hand, public opinion is often linked with 'ignorance'. Many times, decision makers proclaim that they will or they will not take an action, which, although against public opinion, it is to its advantage, but public opinion is not in a position to know it. Nevertheless, the State must provide mechanisms to collect the concerns and the attitudes of the general public towards crime and punishment.<sup>131</sup>

An incident, typical of the manifestation of 'public opinion' happened in Portsmouth, in 2000. Local residents, driven from the rape and murder of a young girl, argued that the Mayor did nothing against pedophiles. With the support of 'tabloid' newspapers citizens organized a protest during which young children marched under banners reading "kill pedophiles".<sup>132</sup> As this form of direct pressure from citizens on those who take decisions increases, it has been observed that public participation in politics decreases.<sup>133</sup> For example, one year after this protest, the turnout of local residents in the general election was the lowest since 1918.<sup>134</sup> Here is the paradox: a decrease of social capital (i.e. reduction of participation in the general elections) accompanied by public demand to have a say in criminal policies.

opinion", *Communication Theory*, Vol.17(4):333-339.

<sup>129</sup> The transformation of this kind is supported by Rousseau, Tocqueville, J.S. Mill, as cited in Johnstone, G. (2000) "Penal policy making: elitist, populist or participatory?", *Punishment & Society*, Vol.2(2):161-180, p. 167-168.

<sup>130</sup> Zarafonitou, C. (1991) "Representations of the criminal phenomenon", in *Tribute to Elias Daskalakis*, Panteion University, Athens, (In Greek), p. 201-217 and by the same author: (2008) *Punitiveness: contemporary trends, dimensions, and criminological concerns*, Nomiki Vivliothiki, Athens, (In Greek), p.24.

<sup>131</sup> Magganas, A. (2004) *The criminal phenomenon in practice*, op.cit., p. 506-513.

<sup>132</sup> Ryan, M. (2005) "Engaging with punitive attitudes towards crime and punishment. Some strategic lessons from England and Wales", in Pratt, J., Brown, D. et al. (eds) *The new punitiveness: trends, theories, perspectives*, Willan Publishing, Devon, p.144.

<sup>133</sup> Ibid, p. 144-145.

<sup>134</sup> Ibid.

At the macro level of criminal policy it has been claimed that punitive trends are dominating, meanwhile research confirms that similar trends for stiffer penalties are expressed in public opinion.<sup>135</sup> In this sense, public opinion is characterized by *populist punitiveness*, as it is called which could affect criminal policy.<sup>136</sup> It is generally considered that the factors which ultimately making up the populist platform are: the opposition to the institutions of representative democracy, the moralization and deification of the popular will, the use of the «people» as a fundamental concept, the charismatic leadership, and the top-down political incorporation of the lower classes.<sup>137</sup> In this context one can find a range of emotions comprising nostalgia, anxiety, helplessness, hatred, vindictiveness, ecstasy, melancholy, anger, fear, outrage, envy, the malice and grudge.<sup>138</sup> Dominating emotions fill the void and cover the decline of effective policy, rather than reason- an outcome which not only is desirable by the political system, but is also promoted to cover the irrational or inefficient management of key social issues. On the other hand, populism by channeling public anger towards the maintenance of status quo and by addressing the claimed 'will of the people' cancels any democratic debate on possible alternative policy options.<sup>139</sup>

The punitive populism is defined in many ways. Bottomley approaches punitive populism as a quite unexpected assembly of negative public opinion concerning the crime and the perpetrators, with a political environment that feeds the fears and emotions of the audience, rather than seeking to inform the public.<sup>140</sup> Populism is generally based on the belief that the instincts, expectations or discomforts of the people are the only legitimate criteria of political judgment.<sup>141</sup>

Alongside with the punitive populism coexists penal populism. Penal populism is related to the populist punitiveness<sup>142</sup> and it is defined as a punitive

<sup>135</sup> Pratt, J., Brown, D., Brown et al. (eds) (2005) *The new punitiveness: trends, theories, perspectives*, Willan Publishing, Devon.

<sup>136</sup> Bottomley, K. (2002) "Crime and criminal justice at the beginning of the 20<sup>th</sup> century", *Poiniki Dikaosyni*, (In Greek), Vol.6: 640-646, p. 644.

<sup>137</sup> Demertzis, N., Lipovatz, T. (2006) *Envy and resentment: passions of the soul and the closed society*, Polis Publ., Athens, (In Greek), p. 190.

<sup>138</sup> *Ibid.*, p. 195.

<sup>139</sup> Mouffe, C. (2004) *The democratic paradox*, trans. Koupioklis, A., Polis Publ., Athens, (In Greek), p. 217-218.

<sup>140</sup> Bottomley, K. (2002) "Crime and criminal justice at the beginning of the 20<sup>th</sup> century", *op.cit.*, p. 644.

<sup>141</sup> Heywood, A. (2006) [1994] *Introduction to politics*, trans. Karampelas, G., Polis Publ., Athens, (In Greek), p. 595.

<sup>142</sup> Bottoms, A.E. (1995) "The philosophy and politics of punishment and sentencing",

policy that is based on its popularity.<sup>143</sup> Voters are regarded as policy consumers who simply express preferences and the main objective is to gain votes rather than reduce crime or promote justice.<sup>144</sup> Penal populism is connected with a political policy, which is characterized by the reduction of the influence of experts, the focus on emotions, the irrationality. Measures taken under the effect of penal populism look at temporary solutions that seek to take advantage of the high social interest in crime and the criminal justice system. However, the penal populism is not only confined to political opportunism. In contrast, all the social and cultural context of modern societies should be taken into account in the way it reinforced these phenomena, in the base of the construction of a 'punitive' public.<sup>145</sup>

On the other hand, no action of criminal policy would be possible to be perceived as "acceptable", "legal", "right", "necessary" if not based on a minimum prerequisite level of legitimization. This legitimization is based on various fields such as interests, tradition, perceptions about the legal, belief in various authority figures, as well as the interaction between the above elements.<sup>146</sup> Each of these fields conveys a 'meaning' requesting justification. The justification occurs through the legitimizing ideologies and myths. There by, as M.Weber states, a minimum consensus towards power as well as the reciprocity of the sense and the expectations between 'dominated' and 'dominators' are cultivated.<sup>147</sup> Although today these terms, at least those concerning 'dominators' are becoming increasingly vague, impersonal and fragmented, this does not mean that there are no power networks each of which tries to impose their own sense, with a view to becoming afterwards a 'common ground' of communication. The process of legitimization is perpetual, constantly confirmed in the present and contributes to the shaping of the future. It is dynamic itself as it relies on the interaction of the parties in mutual acceptance conditions; because it the "brutal" imposition of decisions/orders is spatially and temporally limited. Therefore, legitimization is part of the wider governance of society and is included among the factors shaping the

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in Clarkson, C., Morgan, R. (eds) *The politics of sentencing reform*, Clarenton Press, Oxford.

<sup>143</sup> Roberts, J., Stalans, L., Indermaur, D., Hough, M. (2003) *Penal populism and public opinion: lessons from five countries*, Oxford University Press, New York, p.64-65.

<sup>144</sup> Ibid, p. 5 & 66.

<sup>145</sup> Pratt, J. (2007) *Penal populism*, Routledge, Oxon, p. 29-35.

<sup>146</sup> Weber, M. (1997) *Basic concepts of Sociology*, trans. Kypraios, M., Kentavros Publ., Athens, (In Greek), p. 112-113.

<sup>147</sup> Antonopoulou, M. (1991) *Theory and ideology in the minds of the classical of Sociology*, Papazissis Publ., Athens, (In Greek), p. 229-232.

social relationships; it transfers communication and sense, as well as factors that reduce the perception of society as unstable. Thus, it is produced within the process of explanation and justification.<sup>148</sup>

The legitimating ideologies or 'legitimizing myths' constitute a set of explanations of the authority that make acceptable the functions of the institutions, the hierarchy, the social inequalities, the exclusion of specific social groups and their stigmatization.<sup>149</sup> Throughout the history of societies and cultures someone can record many such myths. There are local myths focusing on locality, as well as national or others with global range. For example, groups that enjoy high status are considered successful but often problematic in terms of their emotional relationships, while those with low status are deemed to focus more on community values and harmony of social relationships.<sup>150</sup>

The dominance of these legitimating ideologies reinforces the stability of a system through its acceptance and maintains the existing order. However, occasionally in systems based on unequal class power, various "legitimacy crises" are presented, as Habermas highlights, which readapt the justifications in order to maintain the authoritarian mechanisms in their place. Some of these crises were addressed in various ways, among which was in the recent history of Western States the decline of the Welfare State.<sup>151</sup> The construction of legality arises through the synergy of the above mechanisms and their symbolic interaction with the community, and as a result the "generalization of the recognition of the decisions/orders"<sup>152</sup> is enhanced emerging from the collaboration of private and public bodies in their effort to manage risk and crisis situations, so that the population will be able to self-control his behavior to a large extent and at the same time to be controllable by the foresaid bodies.

Crime is one of the issues that can extract the greatest consensus, because it concerns the whole society and can affect anyone. It is considered, that is, among others an 'interclass' issue, too. Therefore it can reinforce the agreement between citizens and government, partially undermining the disagreements occurring on other fields, such as those related to economy (e.g. incomes policy, public facilities, etc.). But what becomes obvious is that the public participation should be based on knowledge and as far as possible

<sup>148</sup> Berger, P., Luckman, T. (2003) [1966] *The social construction of reality*, trans. Athanasios K., Nissos Publ., Athens, (In Greek), p. 179.

<sup>149</sup> Tyler, T. (2005) "Introduction: Legitimizing ideologies", *Social Justice Research*, Vol.18 (3): 211-215, p. 211-213.

<sup>150</sup> Ibid p. 214.

<sup>151</sup> As cited in Jary, D., Jary, J., *Collins Dictionary of Sociology*, I.Floros Publ., Athens, (In Greek), p. 585.

<sup>152</sup> Tsiros, N. (2005) *Sociological reflections on the political and the legal: systemic theory of Niklas Luhmann*, Ant. N. Sakkoula Publ., Athens-Komotini, (In Greek), p. 218.

sufficient and objective information. In this direction, not only do the media bear this weight but the whole scientific community and the State. Only then the democratic assembly between politics and public opinion can be obtained, beyond prejudices, stereotypes and obsessional collective representations.<sup>153</sup>

### 6.1. Institutional framework of the public participation

In the 4<sup>th</sup> *United Nations Congress on the Prevention of Crime and the Treatment of offenders* in 1970 in Kyoto, public participation has a special place.<sup>154</sup> The focus on public participation continued in 1990<sup>155</sup> with the Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and in 2002 with the Resolution to promote effective crime prevention (Resolution 2002/13).<sup>156</sup>

In 1983, the Council of Europe in Recommendation (R) (83) 7 recommends the Member States to promote public participation in the planning and implementation of criminal policy aimed at the prevention of crime at local and national level through ad hoc advisory committees, permanent bodies public consultations and fora. Public participation of this kind could derive also through extensive consultation and result mainly from public debates.<sup>157</sup> Further, it is recommended that the State informs the citizens on the trends of criminal policy it follows. On the other hand, the authorities must be aware of the suggestions and comments of the public on these policies. With regards to the public's participation in the implementation of criminal policy, it is recommended that the public through the provision of adequate information are made aware of the important role they can have in the prevention of crime, the reintegration of offenders and especially their participation in the implementation of alternative sanctions and help to the victims. Also, in the above Recommendation specific reference is made to social prevention and public participation mainly on issues related to family, education, employment, the architectural and urban city and community planning, to the strengthening the dialogue at the neighborhood level and finally to the basic precautions the public can take through situational crime prevention.

<sup>153</sup> Panousis, G. (2008) *Uses and Abuses. Laws, numbers and images of fears*, Nomiki Vivliothiki, Athens, (In Greek), p. 101-142 & 164-172.

<sup>154</sup> United Nations Office on Drugs and Crime (UNODC), <http://www.unodc.org/unodc/en/crime-congress/crime-congresses-previous.html>

<sup>155</sup> Office of the United Nations High Commissioner for Human Rights, <http://www2.ohchr.org/english/law/tokyorules.htm>

<sup>156</sup> United Nations (U.N.), <http://www.un.org/en/ecosoc/docs/2002/resolution%202002-13.pdf>

<sup>157</sup> For the contribution of the Council of Europe in Criminology and of the role of public participation in criminal policy, Farsedakis, J. (1991) *The social reaction to crime and its limits*, Nomiki Vivliothiki, Athens, op.cit., p. 132.

Similar Recommendations on public participation followed since then,<sup>158</sup> such as Recommendation R (87) 19 on the organization of crime prevention, Recommendation R (87) 21 on public help to the victim, Recommendation R (92) 16 on community sanctions and measures, Recommendation R (96) 8 on criminal policy in Europe in a time of change, Recommendation R (99) 19 on mediation in penal matters,<sup>159</sup> Recommendation (2003) 21 concerning cooperation in crime prevention. The above Recommendations highlight the necessity of public-State cooperation in criminal policy; the provision of objective information to the public in order for the society to be protected; the socializing of those at risk; and the reintegration of offenders.<sup>160</sup>

The European Union since 2001 with the White Paper (COM(2001)428 final)<sup>161</sup> recognizes the importance of citizen participation at local and regional level “in elaborating and implementing policies” as well as of the civil society. In addition, public participation in the prevention of crime is emphasized by the Commission of the European Communities (COM 2004 165 final).<sup>162</sup>

Further, indirect ways of public participation in the formulation of criminal policy refer to the representation in Parliament and direct ones refer to public opinion reactions to draft laws, referenda, conferences, pressure groups, NGOs etc.<sup>163</sup> Public participation in the implementation of criminal policy includes the entire range of the field which refers to crime management, ranging from prevention, e.g. parents’ associations and sports clubs, the testimony, extrajudicial measures to protect the victim, trial by jury, prisoners’ aid charities, reintegration of former/released prisoners etc.<sup>164</sup>

The active participation of the public has been presented as a factor which contributes to the strengthening democratic procedures, the more effective management of the fear of crime and the establishment of trust to State

<sup>158</sup> Alexiadis, S. (2006<sup>5</sup>) *Criminal policy texts. European Criminal Policy*, Sakkoulas Publ., Athens-Thessaloniki, (In Greek).

<sup>159</sup> As cited in Tsitsoura, A. (2007) “The legal framework of Council of Europe for the participation of the public in criminal policy”, in Courakis, N. (ed.) *Local Crime Prevention Councils*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 122-129.

<sup>160</sup> Ibid. p. 129.

<sup>161</sup> Communication from the Commission of 25 July 2001, “European governance-A white paper” COM(2001) 428 final, [http://eur-lex.europa.eu/legislation\\_summaries/institutional\\_affairs/decisionmaking\\_process/l10109\\_el.htm](http://eur-lex.europa.eu/legislation_summaries/institutional_affairs/decisionmaking_process/l10109_el.htm)

<sup>162</sup> Communication from the Commission to the Council and the European Parliament (2004), “Crime prevention in the European Union”, Brussels, 12.3.2004, COM (2004)165 final, p. 1-19, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52004DC0165&from=EN>

<sup>163</sup> Tsitsoura, A. (1988) “*The public participation in criminal policy*”, op.cit., p. 36.

<sup>164</sup> Ibid, p. 37-40.

policies. However, the formation of public opinion is a dynamic, interactive process influenced by many factors, individual and social. Citizens, who are of course afraid, require more and better policing, but citizens' representations of the crime, the criminal and penal system, significantly depend on the general attitudes and their views on society, their values and their rules which regulate the human behavior and judgment.<sup>165</sup> Technology also played a catalytic role in strengthening the presence of the public and the dissemination of its claims. Live TV programs, digital TV, the Internet not only encouraged but also strengthened (the role of public opinion in formulating criminal policy).<sup>166</sup>

## 6.2. Participatory forms of criminal policy

In this study two forms of participatory criminal policy will be approached, restorative justice and the Local Crime Prevention Councils (LCPCs) which are very important but in practice, until now, almost inactive institutions in Greece.

### 6.2.1. Restorative justice

The concept of the victim was considered to have been marginalized and ignored in both theoretical and empirical approaches of Criminology and the criminal justice system. As a result, it was found that there existed an incomplete recognition of victim's rights and the corresponding overestimation of the offender's rights. This gap the movement for the rights of the victim came to cover, which brought about gradual changes in the content of the criminal policy and it marked the occurrence of different approaches and a new field in Criminology, such as victimology, as well as and the introduction of innovative institutions such as the victim-offender mediation, the reconciliation, etc, aiming at the compensation of the victim, the rehabilitation or reconciliation of the victim-offender and, the special treatment and protection of the victim. The movement for the rights of the victims offered new insights, broader approach of some basic concepts of Criminology and also new concerns about the victim and perpetrator relationship, the limits of the criminal response and the ensuring of the protection of the rights of those involved. It should be mentioned, however, that the reconciliation between victim and offender, public or private, was a panhellenic institution in Ancient Greece and was realized at two stages, on

<sup>165</sup> Zarafonitou, C. (2002) *Fear of crime*, op.cit., p. 73.

<sup>166</sup> See, Panousis, G. (2008) *Uses and Abuses. Laws, numbers and images of fears*, op.cit., p. 101-142, Ryan, M. (2005) "Engaging with punitive attitudes towards crime and punishment. Some strategic lessons from England and Wales", *The new punitiveness*, op.cit., p. 146.

the one hand through the reconciliation of the two parties and on the other by solving the dispute, if the attempt to reconcile failed.<sup>167</sup>

A victim, according to the Council of Europe,<sup>168</sup> is defined as the natural person who suffered serious harm, including physical or mental trauma, emotional suffering or economic loss, caused by acts or omissions violating the penal law of a Member State. The term victim also includes, where appropriate, the immediate family or dependents of the direct victim. In the definition of The Council the concepts of repeated victimization (the situation where the same victim suffers more than one criminal incident for a particular time period) and secondary victimization (response of institutions and individuals to the victim) have been also added.

The rights of victims were originally developed in the United States during the 60s and 70s,<sup>169</sup> in the frame of the broader boom of the social movements of the period.<sup>170</sup> However, in recent decades more and more attention and protection to the victims and their role in the prosecution and penal process is being paid. The historic process traced regarding the the notion of crime is also characteristic and followed the next steps: the ignored victim, the guilty victim, the vulnerable victim, and the new victims.<sup>171</sup> An extreme trend of the victim's rights is the reduction of the victim to 'symbolic' victim, which requires the deregulation of the balance of rights between the victim and the offender, for the benefit of the former and against the latter. The consequences of this are found in the punitive attitudes of a part of citizens and the demand for "revenge" instead of justice.

The contemporary also concern of victimology movement focuses on the demand to criminalize behaviors<sup>172</sup> and lends itself to political exploitation,

<sup>167</sup> See Adam-Magnisali, S. (2008) *The administration of justice in ancient Greece*, op.cit., p. 59-62 and Artinopoulou, V. (2010) *Restorative justice: the challenge of modern law systems*, Nomiki Vivliothiki, Athens.

<sup>168</sup> Council of Europe, European Committee on Crime Problems (CDPC), "Draft recommendation on assistance to crime victims", Council of Europe, Strasbourg, 10-04-2006, [www.coe.int/tcj](http://www.coe.int/tcj), p. 3

<sup>169</sup> Zedner, L. (2002) "Victims", in Maguire, M., Morgan, R., Reiner, R. (eds) *The Oxford handbook of Criminology*, Oxford University Press, Oxford, p. 432.

<sup>170</sup> In the development of victimology movement parallel movements pushed, for example the feminist and the particular emphasis which was given to rape and to the recognition of domestic violence in Magganas, A. (2002) "International Symposium on Victimology: problems and prospects", *Poiniki Dikaosyni*, Vol.12 / 2006: 1310-1317:1316.

<sup>171</sup> Houchon, G. (1988) "The victim, progress rate in Criminology", *Greek Review of Criminology*, Vol.1: 10-31:11.

<sup>172</sup> A typical example is also that many laws are named after the victims' names, who have given rise to their creation, e.g. Megan's law, Jenna's law, Sara's law, as cited



especially in government and party policy statements of North America and Europe, acting as a political symbol to justify the expansion and the increase of social control and enhancement of neoliberal policies and arguments.<sup>173</sup> Meanwhile, at an international level the recognition of the victim's rights was consolidated through the decisions, the recommendations and guidance of organizations, as the United Nations, the Council of Europe and the European Union.

The development of victimology movement also appears as 'competition' among the victims, on who would be considered more of a victim than the other, in order to claim the appropriate compensation, leading to a transition from the fairness or not of the punishment to the fairness of the compensation. This transition could be set out in the question: "How within a few decades have we passed, from a 'meritocratic' approach (it is fair to punish someone for what he did) to a victimology conception of justice (it is fair to compensate someone for what he suffered)?"<sup>174</sup> It therefore appears that the victimology movement affects and influences decisively the shaping of criminal policy in the local, national and international context. The effect appears both in the area of criminal justice (police programs and proceedings of criminal trial) and in the social field (social service programs at a central and local / regional level).<sup>175</sup> The rights of victims also contributed to the emergence of restorative justice, which introduced a settlement between the victim and the offender very different from the penal one.

More specifically, the term restorative justice is quite broad<sup>176</sup> and includes a host of different programs and practices. Restorative justice is included in the main forms of participatory justice<sup>177</sup> "based on public participation and active citizenship. This allows a more participating civil society that puts barriers to the monopolistic and paternalistic tendency of the State".<sup>178</sup> Additionally, in Garland, D. (2001) *The culture of control: crime and social order in contemporary society*, op.cit., p. 143.

<sup>173</sup> Magganas, A. (2002) "International Symposium on Victimology: problems and prospects", op.cit., p. 1310 and Artinopoulou, V. (1996) "Victimology - modern approaches", in Artinopoulou, V., Magganas, A. (eds) *Victimology and victimization aspects*, Nomiki Vivliothiki, Athens, (In Greek), p. 24-25.

<sup>174</sup> Magganas, A. (2002) "International Victimology Symposium: Problems and Prospects", op.cit., p.1315.

<sup>175</sup> Artinopoulou, V. (1996) "Victimology- modern approaches", op.cit., p. 62-72.

<sup>176</sup> See for clarification of the term, Artinopoulou, V. (2011) "The 'gray zones' of restorative justice", in Chalkia, A. (ed.) *The contemporary criminality, its confrontation and the Science of Criminology, Essays in Honor for Professor James Farsedakis*, Vol.I., Nomiki Vivliothiki, Athens, (In Greek), p. 755-774: 756-758.

<sup>177</sup> Magganas, A. (2007) *Special issues in criminal law and penal procedure*, op.cit., p. 38.

<sup>178</sup> Bazemore, G. Schiff, M. (2001) *Restorative community justice: repairing harm and*

the handbook for restorative justice programs of the UN Office on Drugs and Crime (UNODC) mentions that participatory responses to crime are based on the approaches of restorative justice.<sup>179</sup> The “participatory justice”, as it is also mentioned, which includes restorative justice too, aims to involve all people who are affected by a dispute / harm in order to solve the problem at hand and “requires that all parties are able to participate fully and willingly in the dialogue and negotiations”.<sup>180</sup>

For an understanding of restorative justice, the key concept is the harm caused by the act and not the violation of a rule or the needs of the offender.<sup>181</sup> Essentially, restorative justice expresses an alternative approach towards the offense, which has significantly been affected by the perceptions and ways of addressing the crime on non Western societies (e.g. Aborigines, Maori, and Indians).<sup>182</sup> The basic principles of restorative justice are summarized as follows:<sup>183</sup>

- Crime is a violation against human relationships.
- The victims and the community must be central elements of criminal justice.
- The first priority of the criminal justice should be helping the victims.
- The second is the restoration and to the possible extent this of community.
- The offender has personal responsibility to the victims and to the community for the crime he committed.
- The offender will develop a better understanding of the situation and the harm he caused through the restorative justice process.
- Participants share responsibilities for restorative justice through their cooperation and acts.

Restorative justice, as it was stated above, includes many and varied programs. The basic framework, however, is defined by the mutual consent of the victim and the offender to participate in the process, on the condition that the offender has previously admitted to his guilt. The views of both parties are displayed, providing the possibility to the offender to realize the

*transforming communities*, Elsevier, Cincinnati, OH, p. 143.

<sup>179</sup> Handbook of Restorative Justice Programmes, Criminal Justice Handbook Series, New York, 2006, p.1-114 (7), [http://www.unodc.org/pdf/criminal\\_justice/06-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf)

<sup>180</sup> Magganas, A. (2007) *Special issues in criminal law and penal procedure*, op.cit., p.37.

<sup>181</sup> Magganas, A. (2000) “Restorative justice as a means of achieving social peace”, *Poiniki Dikaiosyni*, Vol.2:553-561:553.

<sup>182</sup> Zedner, L. (2002) “Victims”, op.cit., p. 445.

<sup>183</sup> Seymour, A. (2001) “Restorative Justice / Community Justice”, the National Victim Assistance Academy Textbook (Washington, D.C.: National Victim Assistance Academy), as cited in Siegel, L. (2005) *Criminology: the core*, Thomson-Wadsworth, CA, p. 199.

damage he caused and to the victim to understand the context in which the offender acts. The offender through his apology to the victim and the compensation he offers, "is reunited" both with the community and the victim. Present in this process can be local representatives, members of two families, representatives of the State or even probation officers (when the case concerns juvenile offenders). Generally, the process is aimed at the delivering of the 'social peace', the reduction of fear and the peaceful and 'human' settlement of disputes. Also, in many cases, if the offender is not revealed or he isn't able to compensate the victim, the State is obliged, if so required, to undertake the rehabilitation of the harm.

Regarding restorative justice programs the exemplar is the American project entitled "Reconciliation Program of Victim-offender" (Victim Offender Reconciliation Program) (VORP). These programs take place in all the provinces of Canada and in 80 States of the USA.<sup>184</sup> In Europe, in a survey carried out, it was evident that only for Denmark it can be argued that it is oriented towards the victim.<sup>185</sup>

Restorative justice entails two different views: the minimalist and the maximalist. According to the first, restorative justice is seen as simple interference in criminal proceedings, while according to the second, it is considered that in the long term it should and can be a complete and systematic solution.<sup>186</sup> On the other hand, the fact that the parties are not two, but three, the victim, the offender and the community should not be overlooked. Therefore, "communitarianism" is encapsulated creating special concern about who will represent the community and how in this context other external influencing factors will not enter, e.g. the social and economic status of the victim in the community.<sup>187</sup> At this point, the role of the State should remain important and maintain its regulatory role.<sup>188</sup> A more contemporary dimension of restorative justice refers to its contribution not only between the individual offender and the victim but also between broader social categories, such as what happened among different races after the civil war in Rwanda.<sup>189</sup> In any case, we ought to investigate "the potentials that restorative justice

<sup>184</sup> Dimopoulos, Ch. (2006) *Introduction to Victimology*, Nomiki Vivliothiki, Athens, (In Greek), p. 506.

<sup>185</sup> Zedner, L. (2002) "Victims", op.cit., p. 446.

<sup>186</sup> Magganas, A. (2000) "Restorative justice as a means of achieving social peace", op.cit, p. 554.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Brannigan, A. (2007) "Restorative justice in post-genocidal Rwanda: from community to citizenship as a basis for social justice", in Brannigan A., Pavich, G. (eds) *Governance and regulation in social life*, Routledge-Cavendish, p. 207-220.

offers us for a conversation with the current criminal justice system or its possible supplementation by its positive aspects and practices”.<sup>190</sup>

Restorative justice should not, however, be accounted as a panacea to every dysfunction of criminal justice, as it is not a solution for every harm caused, owing to objective limits (such as the severity of the crime, the consensus between the parts). Finally, there is a risk to a significant backslide in earlier times, where the offense and its management will eventually constitute a matter between individuals. Nevertheless, the requirement of society, as a whole, for justice is (and should be regarded as) an *acquis communautaire*.

In Greece, penal mediation institution was introduced by the law 3189/2003 on the delinquency of minors,<sup>191</sup> as a need to comply with EU recommendations. By the above law the minor could realize what he did and satisfy the victim in the most appropriate way.<sup>192</sup> But this adoption took place without the existence of a prior pilot project, which would help to the better enforcement of the law at local / regional level.<sup>193</sup> Problems are noted, however, in both the legislative regulation itself and its (non)application in practice.<sup>194</sup> In particular, the ordinances of law 3189/2003<sup>195</sup> provide alternative measures regarding “mediation between offender and victim through the Probation Service for apology from the side of the minor and for an extrajudicial settlement of the offense consequences, such as the compensation of the victim or an otherwise reduction of the consequences of the act by the juvenile”.<sup>196</sup> Subsequently,

<sup>190</sup> Giovanoglou, S. (2016) “Late modernity and decentralized criminal administration systems of Justice: The case of restorative justice”, in Gasparinatou, M. (ed.) *Crime in Crisis, Essays in honor of Professor Dr. Nestor Courakis*, (In Greek), <http://crime-in-crisis.com/ύστερη-νεωτερικότητα-και-αποκεντρώω/>

<sup>191</sup> Artinopoulou, V. (2010) *Restorative justice: the challenge of modern law systems*, op.cit., p.98-107.

<sup>192</sup> Papadopoulou, P. (2006) “Victim-offender mediation for minors in Greece”, Newsletter of the European Forum for Restorative Justice, Vol.7(1):1.3:1.

<sup>193</sup> Ibid.

<sup>194</sup> Giovanoglou, S. (2007) “Conciliation of minor offender-victim: an untapped measure of restorative justice in the criminal law of minors’ in Georgoulas, S. (ed.) *Criminology in Greece today. Honorary Volume for Stergios Alexiadis*, ΚΨΜ Publ., Athens, (In Greek), p.407-417.

<sup>195</sup> For a detailed presentation of the legal framework and criminal policy proposals see Panagos, K. (2016) “Conciliation of minor offender and the victim. The Greek legal context in light of restorative theory”, in Gasparinatou, M. (ed.) *Crime in Crisis, Essays in honor of Professor Dr. Nestor Courakis*, (In Greek), <http://crime-in-crisis.com/συνδιαλλαγή-ανήλικου-δράστη-και-θύμα/>

<sup>196</sup> See Courakis, N. (2006) “The institutional framework of the juvenile law (Greece and Europe)”, (In Greek), <http://www.niotho-asfalis.gr/na/meletes16.pdf>

another penal regulation on domestic violence (law3500/2006),<sup>197</sup> included the reconciliation between victim and offender. Especially for Greece, according to research,<sup>198</sup> important parameters for the implementation of restorative justice are the knowledge and education of judicial officials.

To conclude, important questions arise concerning the following: “*can and should restorative justice be the dominant paradigm of punishment or should it remain marginal? To what extent is restorative justice based on a comprehensive view of rights and obligations of the victim, the offender and the State? Does it offer adequate safeguards for victims and offenders? Which are its applications for the crimes without victims and offenses where the victim is not one but many?*”<sup>199</sup> The reflection on restorative justice is particularly intense and important because, in a sense, a gradual decline of criminal claim of the State, and at the same time, a wide and yet unexplored field of applications and consequences resides in it, which require attention and scientific study in order to safeguard human rights, the balance<sup>200</sup> between offender and victim in the context of the criminal justice, and the principle of legality.

### 6.2.2. The Local Crime Prevention Councils (LCPCs)

Local Crime Prevention Councils (LCPCs hereafter) in Europe, in particular in Denmark and Sweden, have been established since the 1970s, while in other countries, such as the United Kingdom and Belgium, they have grown even more in the 1990s.<sup>201</sup> The philosophy of the institution rests on the one hand

<sup>197</sup> See Artinopoulou, V. (2015) *Restorative Justice in cases of domestic violence. Best practice examples between increasing mutual understanding and awareness of specific protection needs*, European Public Law Organisation, [http://www1.eplo.eu/media/items/288/151109\\_Compilation\\_countryreports\\_addendumCR2.pdf](http://www1.eplo.eu/media/items/288/151109_Compilation_countryreports_addendumCR2.pdf), a recent approach to the issue with respect to Greece.

<sup>198</sup> Konidari, A. (2016) “Survey results for the attitude of the Greek judiciary towards restorative justice”, in Gasparinatou, M. (ed.) *Crime in Crisis, Essays in honor of Professor Dr. Nestor Courakis*, (In Greek), <http://crime-in-crisis.com/category/ζητήματα-επανορθωτικής-δικαιοσύνης/>

<sup>199</sup> Zedner, L. (2002) “Victims”, op.cit., p. 446.

<sup>200</sup> Zarafonitou, C. (2011) “From retributive to restorative justice: punitiveness or mitigating of collisions?”, in Yotopoulos-Marangopoulos, A. (ed.) *Criminology towards modern challenges. Anniversary conference for the thirty years of the Greek Society of Criminology*, Nomiki Vivliothiki, Athens, (In Greek), p. 115-129:123.

<sup>201</sup> See Zarafonitou, C. (2003) *Crime prevention at local level*, op.cit., p.44-52, Lambropoulou, E. (2003) “Non-governmental actors in the prevention and control of crime: rhetoric and implementation of communitarianism”, *Science and Society*, Vol.10, (In Greek), p.155-176:156. Papatheodorou, Th. (1999) “The Local Crime

on the “need to promote criminal policy”, on the other hand on the reduction of insecurity and distrust of citizens as to the State’s ability to protect legal and social goods.<sup>202</sup> Additionally, in the light of their “proximity” with the citizens, LCPCs relate to actions tailored to specific needs and the problems of local societies.<sup>203</sup> Further, the characteristic of “partnership” in LCPCs, attributes “collective legitimization of local communities in addressing security-related problems of citizens”.<sup>204</sup> On the other hand, LCPCs accede to the framework set by social prevention.<sup>205</sup>

For LCPCs the contribution of the community becomes also very significant. Regarding the notion of community, there is still no agreement on the notion and its contradiction with the wider society. It should be mentioned that in the context of ancient Greek democracy only the one who participated actively in politics was considered as a citizen, so the roots of the concept are very old.<sup>206</sup> Conceptually the community is perceived “as something smaller than society, something more ‘bonded’, something in which tradition and moral values have priority over economic transaction and where personal commitment is much more important than the institutions, and the impersonal mechanisms of society”.<sup>207</sup> The communitarianism also raises a humanist project which operates locally and is referred to the claim of regenerating positive social commitments between citizens, in retreat of blind individualism and selfishness, to the protection of human status of multicultural<sup>208</sup> society and the strengthening of community collective life with the active participation of citizens.<sup>209</sup>

Community prevention appeared mainly in the USA in the 70s and then in 80s in Great Britain to spread afterwards to the rest of Europe. The sense

Prevention Councils: an instrument of participatory policy against crime”, *Poiniki Dikaiosyni*, (In Greek), Vol.6:602-607:602.

<sup>202</sup> Papatheodorou, Th. (1999) “The Local Crime Prevention Councils: an instrument of participatory policy against crime”, op.cit., p. 604.

<sup>203</sup> Ibid p. 603.

<sup>204</sup> Ibid p. 607.

<sup>205</sup> See Zarafonitou, C. (2003) *Crime prevention at local level*, op.cit.

<sup>206</sup> Lambropoulou, E. (2003) “Non-governmental actors in the prevention and control of crime”, op.cit., p. 160.

<sup>207</sup> Karkatsoulis, P. (2000) “Community - communitarianism - society - social theory: from autonomy to self-reference”, *Science and Society*, Vol.4, (In Greek), p. 1, www.media.uoa.gr/issues/4\_issue/karkats.html.

<sup>208</sup> Walzer, M. (1998) [1997] *On toleration*, trans. Mandelaki, K., Kastaniotis Publ., Athens and Kotzias, N., Prologue, (In Greek), p. 47.

<sup>209</sup> Kotzias, N. (1999) “The social position of communitarianism and the confrontation with neoliberalism” in Etzioni, A. *The society of responsibility*, trans. Ganiaris A., Kastaniotis Publ., Athens, (In Greek), p. 40-41.

of community, which has religious and local origin, was connected with local authorities and with the communalism movement, by taking political implications and acting as response to neoliberal political strategies, especially in the Republican tradition of the USA.<sup>210</sup> The dissemination of community-based prevention was initially related to police statistics and research, which showed that most of the illegal acts are committed in large urban centers. Specifically, 95% of residents fall victim to the place of their residence and 2/3 of the offenders commit crimes in residences.<sup>211</sup> Then, for the other Western European countries, the factors behind the proliferation of community-based prevention are related to the opening of the borders after the fall of communist regimes and the influx of immigrants, the fear of crime and its assessment as an important social problem, the negative criticism towards the police, and the development of private security services.<sup>212</sup> The concept of community prevention covers interventions aimed at changing social conditions, which affect criminal activity inside neighborhoods.<sup>213</sup> Its justification is based on the premise that crime prevention is better tackled at the scene of the problem, that is, the city, neighborhood, neighborhood, and by the inhabitants and bodies generally experiencing and affected by it.<sup>214</sup> Dominant therefore features of community prevention are the local and decentralized nature, the participation of citizens and the partnership.<sup>215</sup> The participation of citizens in this case is mainly based on the concept of volunteering and the individual responsibility of each member of a local society.<sup>216</sup>

Therefore, community prevention accedes to the consensual model of values (rallying around a common target, crime reduction) and the theoretical approach of pragmatism (with its particular tradition in the USA) and it involves a participatory response model of crime.<sup>217</sup> Focusing on the local character of criminal policy, except LCPCs, other actions are included such as

<sup>210</sup> Ibid., p. 13-14.

<sup>211</sup> Lambropoulou, E. (2003) "Communitarianism and community prevention: the 'new' example in criminal policy", in Magganas, A. (ed.) *Essays in Honor of Alice Yotopoulos-Marangopoulos. Human Rights, crime, criminal policy*, Nomiki Vivliothiki-Bruyllant, Athens-Brussels, (In Greek), p. 777-797: 778.

<sup>212</sup> Ibid p. 788-789.

<sup>213</sup> Tonry, M., Farrington, D. (1995) "Strategic approaches to crime prevention", in Tonry, M., Farrington, D. (eds) *Building a safer society. Strategic approaches to crime*, University of Chicago, Chicago, p. 2, as cited in Zarafonitou, C. (2003) *Crime prevention at local level*, op.cit., p. 25.

<sup>214</sup> Zarafonitou, C. (2003) *Crime prevention at local level*, op.cit., p. 184.

<sup>215</sup> Ibid., p. 16-21 and 184.

<sup>216</sup> Karagiannidis, Ch. (2014) "Hellenic police and participatory criminal policy-problems and prospects", *Egklimatologia*, (In Greek), Vol.1-2:75-83:76.

<sup>217</sup> Zarafonitou, C. (2003) *Crime prevention at local level*, op.cit., p. 14-15 & 24.

“Youth Center Networks”, “Safer Cities”, the occasional prevention programs, the “Neighborhood Police” and “Police of Proximity”, the civil patrols, the “Security Agreements”.<sup>218</sup>

In Greece, LCPCs constitute a relatively recent institution (Article 16 of law 2713/1999)<sup>219</sup> which has not been particularly dynamic so far in terms of actions taken, the consolidation of security and the participation of the citizen.<sup>220</sup> Especially, the latter became its weakest point in Greece, after the lack of adequate funding and support of the institution by the State.

The municipalities have shown reluctance to undertake the project and generally financial resources were not allocated in this direction either locally or centrally.<sup>221</sup> More generally, the lack of resources and personnel, the lack of public information as well as the inadequate coordination between the bodies were structural factors for the unsuccessful implementation of the institution.<sup>222</sup> However, the Article 13 of the law 3387/9.12.2005 (“Center for Security Studies and other ordinances”) and then the Municipalities and Communities Code under the ordinances of Article 84 of law 3463/30.06.2006 were regulated the LCPCs<sup>223</sup> more concisely.

In more details, the LCPCs are<sup>224</sup> consultative advisory bodies for the development of an alternative and decentralized criminal policy, adapted to the specific needs and requirements of local communities. They are established and operated in municipalities and communities with population of more than

<sup>218</sup> For a detailed presentation of local prevention programs and models see, *ibid.*

<sup>219</sup> For the history of this institution, starting in 1988 (law. 1738/1988), see Courakis, N. (2006) “Prologue. The participation of citizens in tackling crime and Local Councils of Crime Prevention”, in *To feel secure in a society of active citizens. Practical manual for the legal protection of citizens from daily delinquency*, Central Council of Crime Prevention, (In Greek), <http://www.niotho-asfalis.gr/na/odigos.pdf>, (In Greek), p.1-96: 6-7

<sup>220</sup> For the role of active citizenship and crime prevention at the local level see Courakis, N. “Active citizens and prevention of delinquency. Basic information and answers to questions for a better quality of life in our neighborhood”, *I feel safe*, (In Greek), <http://www.niotho-asfalis.gr/na/>

<sup>221</sup> Papatheodorou, Th. (2002) *Public security and criminal policy*, Nomiki Vivliothiki, Athens, (In Greek), p. 302.

<sup>222</sup> Zarafonitou, C. (2003) “ ‘New’ tendencies in prevention policy in Greece: Local Crime Prevention Councils and the partnership model”, in Magganas A. (ed.) *Essays in Honor of Alice Yotopoulos-Marangopoulos. Human rights, crime, and criminal policy*, op.cit., p. 1563-1573: 1570-1571.

<sup>223</sup> Courakis, N. (2005) “Participation of citizens in tackling crime and Local Crime Prevention Councils”, *Poinikos logos*, 2/2005 [www.poinikologos.gr/arxeio/05t2e.html](http://www.poinikologos.gr/arxeio/05t2e.html)

<sup>224</sup> Municipalities and Communities Code, [http://www.eetaa.gr:8080/kodikas/k\\_arthra.jsp?arthro=84](http://www.eetaa.gr:8080/kodikas/k_arthra.jsp?arthro=84)



three thousand (3,000) people. They consist of five (5) to eleven (11) unpaid members who are scientists and public servants who have special knowledge and experience in the juvenile sector, such as judges, criminologists, sociologists, psychologists, social workers and police officers. The work of the LCPCs is the monitoring and the study of the delinquent behavior locally, the organization of relevant training programs in the region of the municipality or community they operate, the organization of workshops, seminars and similar events to raise awareness and inform public opinion, as well as the coordination and implementation of initiatives by the local social bodies suitable to prevent or limit certain types of crime and delinquent behavior in general, aiming at the consolidation of the security of residents and the enhancing of confidence.<sup>225</sup>

The operating framework alludes,<sup>226</sup> according to an earlier announcement of the Ministry of Citizen Protection- Hellenic Police (former Ministry of Public Order), to the promotion and penetration of the participatory criminal policy, the reduction of the feeling of insecurity, social exclusion and marginalization as well as the activation of citizens for the prevention of everyday crime. Thus, they introduce ways with which joint responsibility; co-operation and the wider participatory process in the field of prevention are embedded and realized. In addition LCPCs are based, for the first time, on active citizenship and volunteering, with the aim to tackle crime at local government level.<sup>227</sup> By taking into consideration the evidence of the former Ministry of Public Order<sup>228</sup> (now Ministry of Citizen Protection-Hellenic Police) 82 LCPCs have been established and operate in the prefectures of Attica, Thessaloniki, Heraklion, Rethymnon, Chania, Lasithi, Imathia, Samos, Kilkis, Lefkada, Corfu, Lesbos, Messinia, Grevena, Serres, Kozani, Etoloakarnania, Corinth, Magnesia, Evros Zakynthos, Pieria.<sup>229</sup>

In the research conducted as part of this study in Helioupolis, a LCPC was established in the area but, as shown by the analysis of the research data, as well as by the President of LCPC of the region,<sup>230</sup> despite the efforts, the

<sup>225</sup> See Alexiadis, S. (2004<sup>4</sup>) *Criminology*, op.cit., p.297-298.

<sup>226</sup> Ministry of Citizen Protection - Hellenic Police (Former Ministry of Public Order), [www.ydt.gr/main/Section.jsp?SectionID=10376](http://www.ydt.gr/main/Section.jsp?SectionID=10376).

<sup>227</sup> Courakis, N. (2005) "Participation of citizens in tackling crime and Local Delinquency Prevention Councils", op.cit.

<sup>228</sup> Ministry of Citizen Protection – Hellenic Police (former Ministry of Public Order) [www.ydt.gr/main/Section.jsp?SectionID=10375](http://www.ydt.gr/main/Section.jsp?SectionID=10375).

<sup>229</sup> For the empirical investigation of the organizational structure see Karagiannidis, Ch. (2011) *Towards a participatory criminal policy*, Nomiki Vivliothiki, Athens, (In Greek).

<sup>230</sup> Kourtesis, I.P. (2007) "Local Delinquency Prevention Councils in Helioupolis", in Courakis, N. (ed.) *Local Delinquency Prevention Councils*, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 69-75.

Council was not known to the majority of the inhabitants and its operation focused more on organizing workshops and informative conferences. Also, in 2004, a research was conducted regarding the investigation of the crime in the region. However, the participation of the local community, and even of its official bodies, such as school managers, was negligible. Nevertheless, the role of the local community, through LCPCs operation, may become nodal and more utilizable, since the centralized management model has shown not only its limits but sometimes its exorbitant 'cost' too, without being accompanied by the corresponding benefits.<sup>231</sup>

## PART B': THE EMPIRICAL STUDY

### 7. OBJECTIVE AND METHODOLOGY OF THE RESEARCH

This research was conducted as part of the doctoral thesis of the writer in three selected regions of Athens, Filothei, Helioupolis and St. Panteleimon, in the period of March-June 2009. The selection was made on the one hand on the basis of police statistics of General Police Department of Athens (GPDA hereinafter) in the last five years preceding the survey, to include regions of low, medium and high crime and on the other hand according to social and environmental criteria. The research was conducted with the method of home completion questionnaires with a sample which was obtained from cluster area sampling based on maps of the National Statistical Office Greece (NSOG hereafter).

More specifically, the research first ventured to explore the concept of public punitiveness and its determining factors in areas of low, medium and high crime of GPDA; secondly, to study the attitudes towards criminal policy, approaching more particularly, inter alia, contemporary -for Greece- forms such as participatory criminal policy and specifically the Local Crime Prevention Councils (LCPCs) and restorative justice. In this study, research findings will be presented regarding attitudes to criminal policy and its participatory forms.<sup>232</sup>

For the selection of areas regarding crime trends, the police statistical data were taken into consideration, rather than the judicial ones, mainly because

<sup>231</sup> Karagiannidis Ch. (2016) "The crisis as an opportunity for the development and implementation of social criminal policy", in Gasparinatou, M. (ed.) *Crime in Crisis, Essays in honor of Professor Dr. Nestor Courakis*, (In Greek), <http://crime-in-crisis.com/η-κρίση-ως-ευκαιρία-για-τη-χαραξη-και-υ/>

<sup>232</sup> Part of the research findings have been presented in Chalkia, A. (2014) "Attitudes towards participatory criminal policy", *Egklimatologia*, (In Greek), Vol.1-2:66-75.

the latter include part of the overall crime for various reasons such as: the prescription of offenses, the withdrawal of the accusation, the lack of sufficient evidence, the death of the accused etc. In addition, the longtime distance taken between the crime and the trial of the case, which becomes increasingly larger in recent years, cannot depict the current trends of criminality.<sup>233</sup> In addition, police statistics is considered representative, because on the one hand it includes lawsuits of victims and on the other hand the results of the police activity.<sup>234</sup> Moreover, international research<sup>235</sup> and European statistics<sup>236</sup> are referred on police statistics. On the other hand, the statistical data of police have disadvantages. Suffice it if you take account of the problems referring to the dark figure of crime<sup>237</sup>, which depends on the visibility, the severity and the type of offense, the formal complaints of citizens to police, the police activity in some areas, and the way of recording the offenses.<sup>238</sup> For this reason, these data are treated as “indicative trends”.<sup>239</sup> Generally, early on criminality has posed a serious concern for Criminology.<sup>240</sup> The dark figure «which is the result between real and apparent crime»<sup>241</sup> influences all the

<sup>233</sup> See Farsedakis, J. (2007) “The state of criminal justice in Greece”, in Georgoulas, Str. (eds) *Criminology in Greece today. Volume in Honor of Stergios Alexiadis*, ΚΨΜ Publ., Athens, (In Greek), p. 73-76:74, Alexiadis, S. (2004<sup>4</sup>) *Criminology*, op.cit., p. 97-102, Spinellis, C.D. (2005<sup>2</sup>) *Criminology. Current and past directions*, Nomiki Vivliothiki, Athens, p. 155-158, Karydis, V. (2004) *The unseen criminality*, Ant. N. Sakkoula Publ., Athens- Komotini, (In Greek), p. 15-16.

<sup>234</sup> Zarafonitou, C. (2004<sup>2</sup>) *Empirical criminology*, ibid, p. 37.

<sup>235</sup> Farsedakis, J. (1998) “Fifty years of forensic statistics of the United Nations’, *Poiniki Dikaiosyni*, Vol.10: 1038-1043, (In Greek).

<sup>236</sup> As the European Sourcebook of Crime and Criminal Justice Statistics, which is already in the 4th edition covering the years 2003-2007, <http://www.europeansourcebook.org/>

<sup>237</sup> Coleman, C. (2002<sup>5</sup>) *Understanding crime data: haunted by the dark figure*, Open University Press, Buckingham.

<sup>238</sup> Farsedakis, J.(1996) *Elements of Criminology*, op.cit., p. 153-154.

<sup>239</sup> Spinellis, C.D. (2005<sup>2</sup>) *Criminology*, op.cit., p. 137-138.

<sup>240</sup> The French-Belgian cartographic school (A.Quetelet and A.M.Guerry) marked the first attempt at a systematic study of forensic statistics and development of the method of geographical mapping, to reflect the crime by geographic region. The aim was to investigate correlations of crime in time and space, on the one hand with the natural environment, on the other hand with social, political, cultural and demographic variables. See Farsedakis, J. (1996) *Elements of Criminology*, op.cit., p. 86-87, Zarafonitou, C. (2004<sup>2</sup>) *Empirical Criminology*, op.cit., p. 35 & 54-56.

<sup>241</sup> Farsedakis, J. (1996) *Elements of Criminology*, op.cit., p. 153. To address the issue, new techniques, such as self-report crime surveys, victimization surveys, research on the cost of crime, comparative and historical research, try to capture crime and to overcome the problems of crime statistics, op.cit. p. 155-157.

statistics and therefore the sample, which Criminology has at its disposal, is not representative. This also constitutes “special methodological obstacle” in Criminology which is not faced by other social sciences.<sup>242</sup> The geographical diffusion of crime also has similar problems. Consequently, the extent of the dark figure remains inconceivable, and special attention needs to be paid to the use and interpretation of the official crime data.<sup>243</sup> However, despite all its flaws,<sup>244</sup> it should be recognized that in Greece, due to the absence of victimization surveys (victimization surveys) on a constant chronological basis that police statistics is a very useful depiction of criminality in time, and allows comparison of data<sup>245</sup> and crime management “since the general trends are confirmed”.<sup>246</sup>

The offenses taken into consideration in this research for the selection of areas on the basis of crime trends are: theft / burglary, robbery, assault, rape the law on weapons, and drug trafficking. The last two are considered more ‘problematic’ regarding their dark number. Rape also has high rates of dark figure; however, it remains an important indicator of violent crime. Theft / burglaries and robberies have higher reference, especially bank robberies are recorded in their entirety. Regarding homicide because they are mainly recorded in the Public Security Branch, and not in police stations, unless the perpetrator is known, records related to the research areas were not considered representative, since the total amount of committed crimes is not included. As a result homicide is not included in the analysis. The under study crimes and especially theft and robbery are related to the everyday life of the citizens in large cities. Moreover, they are more noticed by the public and are assumed strongly as anxiety and fear sources over other crimes, such as organized crime, environmental crime, and white collar crimes.

<sup>242</sup> Farsedakis, J. (2003) “For the advancement of Criminology. Prerequisites and demands”, in Magganas, A. (ed.) *Essays in Honor of Alice Yotopoulos-Marangopoulos. Human rights, crime, and criminal policy*, Vol.A’, Nomiki Vivliothiki-Bruyland, Athens, p. 357-366:362.

<sup>243</sup> Tsiganou, J., in cooperation with Koutsoukou, H., Lampraki, I., Lempesi, M. (2016) *The criminal phenomenon in Greece today. Data and views*, National Center for Social Research, Papazissis Publ., Athens, (In Greek), p. 51-72.

<sup>244</sup> Vidali, S. (2010) “Measuring crime and criminal policy”, in *Volume in Honor of Calliopi D. Spinellis*, Ant. N. Sakkoula Publ., Athens-Komotini, (In Greek), p. 559-578.

<sup>245</sup> See Karydis, V. (2004) *The unseen criminality*, op.cit., p. 17, Siegel, L.J. (2005) *Criminology. The core*, Thomson-Wadsworth, CA, p. 33.

<sup>246</sup> Panousis, G. (2007) “Static or ex-static crime?”, *Poiniki Dikaosyni*, Vol.09/08, (In Greek):1010-1018: 1016.

The main peculiarity of police statistics of GPDA on the recording of offenses is that during the period of five years there has been diversification of police stations as either some established ones were abolished or new ones were created, and as a result it is difficult to compare data police departments. Considering the above, the offenses counted in are those of police stations that had complete data for all five years for theft. As a result the comparison between the police stations was feasible. Also, theft presents the highest rates over all other offenses and, in a sense, is an offense – “index” of the criminality in each region.

As to the second criterion – the social / environmental features of the region- which was taken into account for the selection of the sample regions, the basic purpose was the representation of different regions of socio-economic profile and urban environment in the sample. Based on the above, Filothei (area of high socio-economic profile and well-structured urban environment), Helioupolis (region of medium socio-economic profile, with a good town planning, parks and shopping areas), and St Panteleimon (area of low economic and social status, intense racial / ethnic diversity of the population, and significantly disorganized)<sup>247</sup> were selected.

As for the sampling the method used was cluster area sampling. For its completion, maps of the National Statistical Service of Greece (NSSG) were used. Cluster area sampling is a basic method of obtaining a sample from the general population worldwide.<sup>248</sup> Research on the representativeness of the sample has shown that the cluster area sampling is more representative than the quota sampling.<sup>249</sup> In each region the building blocks were counted and divided by the sum of the questionnaires that should be collected (a total of about 100 questionnaires from each region). Therefore, the geographic sampling unit was the building block. Thus, the dispersion of the sample across the region was possible in order to sample all of the research area. The dissemination of the questionnaires in this space was highly significant and necessary because within each area there are sub-areas that differ significantly among themselves. This was observed in all three areas of research. Therefore, obtaining a sample from the entire geographic area of the region was necessary

<sup>247</sup> Zarafonitou C., Chrysochoou, E. (2015) “Are there ghettos in the centre of Athens? Criminological research and social attitudes and representations”, Vol.1, *Criminological Studies*, MA Criminology, Panteion University (Greek / English).

<sup>248</sup> Richardson, S., Vasilainas, A. (1999) *Introduction to statistical science*, Cactus Publ., Athens, (In Greek), p. 243.

<sup>249</sup> Hocshstim, J., & Smith, D. (1948) “Area sampling or quota control? Three sampling experiments”. *Public Opinion Quarterly*, Vol.12 (1):73-80:79.

for ensuring representativeness. Similar methodology distinguishes research done abroad<sup>250</sup> and at home.<sup>251</sup>

The map of each region formed the sampling frame, the source, namely, from which the survey sample<sup>252</sup> was selected, the building block was the sampling unit, the household residing in the selected block was the observation unit, according to which the results of research will be presented.<sup>253</sup> The questionnaire was filled basically by the member of the household “who opened the door”. The undeviating rule was that only one person from each household could complete the questionnaire. To reduce the subjectivity of the selection of the sample from the researcher a predetermined pattern was followed in each area. This was the starting point in each region and in the selection of housing a clockwise orientation choice was followed.

Subsequently, extensive findings of the survey regarding attitudes towards criminal policy and public participation in it follow.

## 8. PRESENTATION AND ANALYSIS OF RESEARCH DATA

### 8.1. Characteristics of the sample

The sample of the survey consists of 306 people, equally distributed in the three regions, namely Filothei, Helioupolis and St.Panteleimon. Of the total of respondents in terms of gender, 57.8% are women and 42.2% are men. As for age, 16-24 years old is 12.4% of the sample, 25-34 years old is 18.6% and 35-44 is 18%. Most participation is shown by the categories of 45-54 and 55+ with 24.5% and 26.5% respectively. The majority of the sample has obtained higher of education (57.5%) and a significant percentage is secondary education graduates (36.2%). Also, most of the persons declare married (55.1%) and parents (62%). In terms of their profession, most respondents state self-employed (31.3%) or private sector employees (24.7%). 42.3% indicates

<sup>250</sup> Kury, H., Obergfell-Fuchs, J. (2008) “Methodological problems in measuring attitudes to punishment (Punitivity)”, Kury, H. (ed.) *Fear of crime – punitivity. New developments in theory and research, Crime and Policy*, Vol.3, Universitatverlag, Dr. N. Brockmeyer, Bochum, p. 284.

<sup>251</sup> See Zarafonitou, C. M., Courakis, N. E. (sci. eds) & Associates (2009) *(In)security, punitiveness and criminal policy*, Nomiki Vivliothiki, Athens, and by the same author: (2002) *Fear of crime*, op.cit.: (2000) “Empirical research on fear of crime in a municipality of the Greek capital”, in Daskalaki, I., Papadopoulou, P. Tsampanli, D. (eds) *Criminals and victims on the threshold of the 21<sup>st</sup> century*, (In Greek), p. 511-519.

<sup>252</sup> Yfantopoulos, G., Nicolaidou, K. (2008) *Statistics in social research*, Gutenberg, Athens, (In Greek), p. 52.

<sup>253</sup> Lampiri-Dimaki, I., Papachristou, Th. (1995) *Social investigations with statistical techniques*, Ant. N. Sakkoula Publ., Athens-Komotini, (In Greek), p. 284-285.

left-wing political orientation, 27.3% right, and 18.6% central, while 11.8% say they are placed 'nowhere'. It is characteristic that the majority of the sample (81.2%) has been living in the same area for more than 10 years.

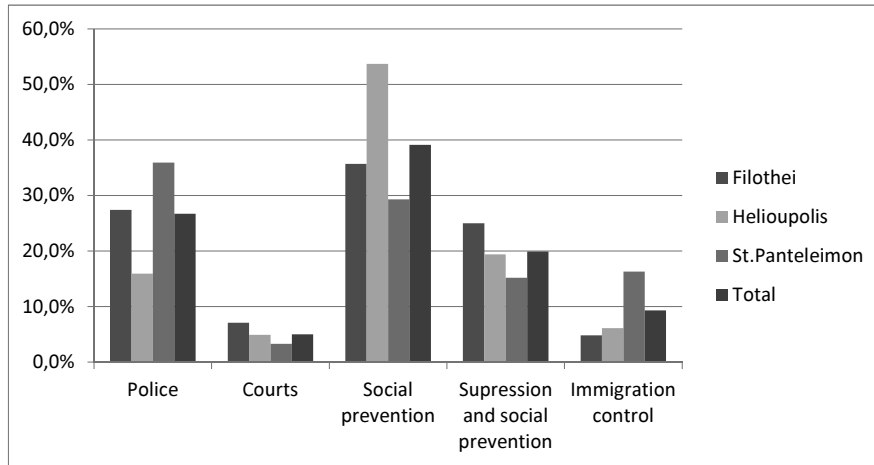
#### *Per place of residence*

Per place of residence the most important differences / similarities are: As for sex, in all three regions, women consists the majority of the sample (55% in Helioupolis, 62% in Filothei and 57% in St.Panteleimon) Regarding age, in Filothei 36% is 55+ years old and in St.Panteleimon 27.6%. On the contrary, only 15.8% of the sample is 55+ years old in Helioupolis. However, in all three areas of the sample is mainly distributed between 25-54 years old. In Filothei the level of education becomes higher, as tertiary education graduates are (80.5%), while in St.Panteleimon (37.1%) the graduates of higher education are comparatively fewer (37.5%), and in Helioupolis most of them are distributed in the highest education (55.4%). As for the marital status, the majority of respondents in all three areas are married, namely 57.4% in Helioupolis, 58.6% in Filothei and 49.5% in St.Panteleimon. Regarding their employment, the respondents declare a higher percentage of freelancers (37.4%) in Filothei compared to the other two regions. Salaried employment in the public sector has single digits in Filothei (7.1%) and in St.Panteleimon (5.8%), while in Helioupolis the percentage is significantly higher (22.8%). The political orientation of the respondents in Helioupolis and St.Panteleimon is recorded mainly as leftists (53.3% and 46.5% respectively), while in Filothei as rightists (43.3%). A percentage of 8-14% in all three regions denotes with the term "nowhere" its political position. More than two-thirds of the sample in each region indicates that they have been living in the same area for more than 10 years.

## **8.2. Attitudes towards criminal policy**

### **8.2.1. Primary measures to tackle crime**

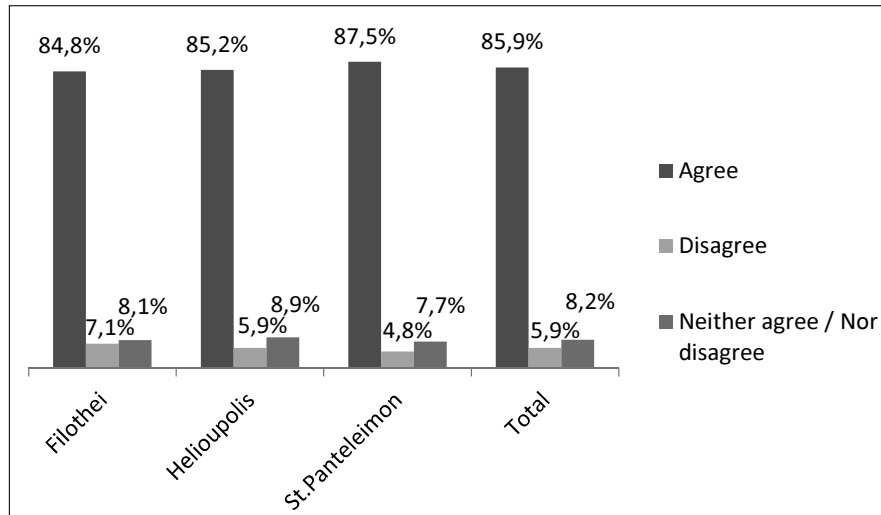
To the question regarding the measures that should be prioritized to address the crime (Graph 1) in the total sample the most frequent answer was *social prevention* (39.1%), followed by the *police* (26.7%) and the combination of *suppression and social crime prevention* (19.9%). Answers regarding *immigration control* (9.3%) and *courts* (5%) present lower response rates. Per area of residence, in terms of Filothei (35.7%) and Helioupolis (53.7%) the majority of the sample chose *social crime prevention*, while in St.Panteleimon the highest percentage chose the *police* (35.9%). It is noted that while *immigration control* as a primary measure to tackle crime shows low rates in Helioupolis (6.1%) and Filothei (4.8%), in St. Panteleimon a double digit and a significantly higher percentage are presented (16.3%).

**Graph 1: Primary measures to tackle crime**

### 8.2.2. Social crime prevention

Attitudes of the sample towards social crime prevention were attempted to be explored through the following question: *“Most people will not commit a crime if the State had timely cared to provide them with appropriate education, work, housing, insurance and healthcare”* Respondents were asked to reply through the five-point Likert scale. Their responses were merged in three groups: “agree,” “disagree,” “neither agree / nor disagree.” In total sample, the majority (Graph 2) at a very high percentage (85.9%) expressed its agreement regarding the positive contribution of social prevention in tackling crime. Only a very small percentage disagrees (5.9%) and a slightly higher percentage states that neither agree / nor disagree (8.2%). Similarly, per area of residence responses do not differ compared to the whole sample.



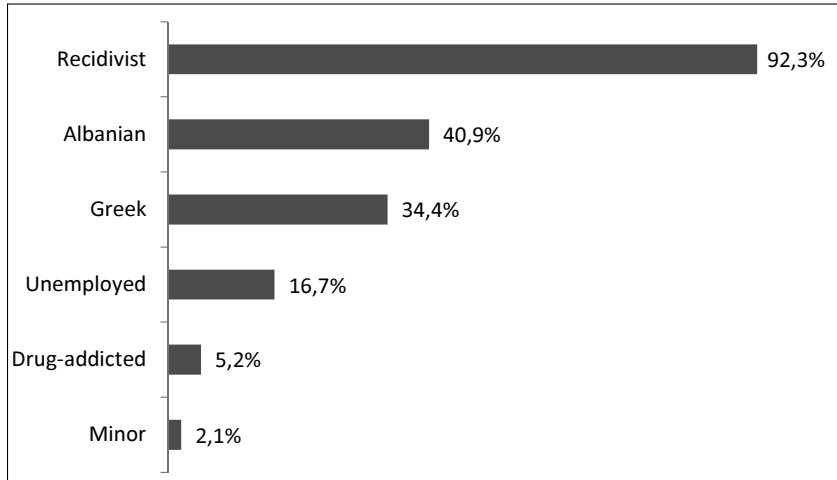
**Graph 2: Contribution of social crime prevention in tackling crime**

### 8.2.3. Typologies of offenders / crimes

The respondents were asked to choose the most appropriate sentence for different types of crimes per different kind of offenders. Proposed answers apart from the option of «no punishment», also included «other punishment», «fine», the «community service», a «suspended sentence», «imprisonment» and «treatment program». The offenses included in the question are home burglary, rape and assault (Graphs 3,4,5). The alleged offenders, in each of the aforementioned criminal offenses referred to the cases of a minor, a Greek and an (Albanian) immigrant, a recidivist offender, a drug-addict and an unemployed.

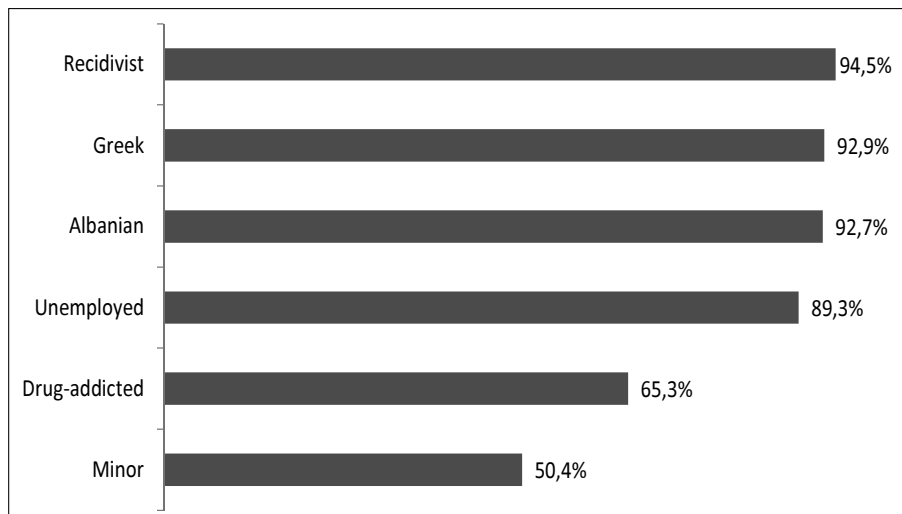
With regard to home burglary (Graph 3) the majority of the sample selects imprisonment as the most appropriate sentence for the recidivist offender (92.3%). Regarding the nationality of the offender and imprisonment as the most appropriate sentence, the sample expresses stricter attitudes towards Albanian versus the Greek offender (40.9% vs. 34.4%, respectively). Leaner attitudes are expressed towards the unemployed, for whom only 16.7% of the respondents choose imprisonment as the most appropriate sentence, the drug-addicted (5.2%) and the minor (2.1%).

**Graph 3: Home burglary and choice of imprisonment as the most appropriate sentence per typology of offenders**



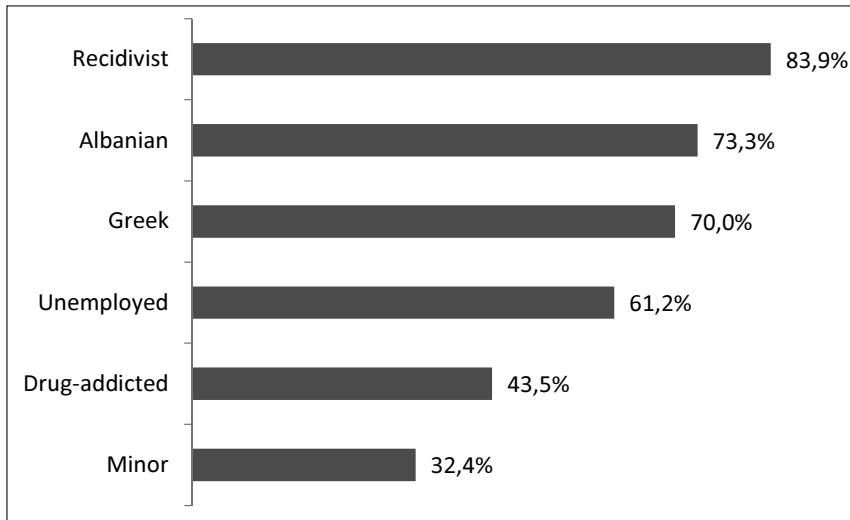
Regarding rape (Graph 4), the sample expresses stringent attitudes, as the majority selects the sentence of imprisonment for all typologies of offenders, with the boundary exception of the minor (50.4%).

**Graph 4: Rape and choice of imprisonment as the most appropriate sentence per typology of offenders**



Referring to assault (Graph 5), the majority of the sample selects the sentence of the imprisonment, with the exception of the addict user (43.5%) and the minor (32.4%).

**Graph 5: Assault and choice of imprisonment as the most appropriate sentence per typology of offenders**



### 8.3. Attitudes towards participatory criminal policy

#### 8.3.1. Restorative justice

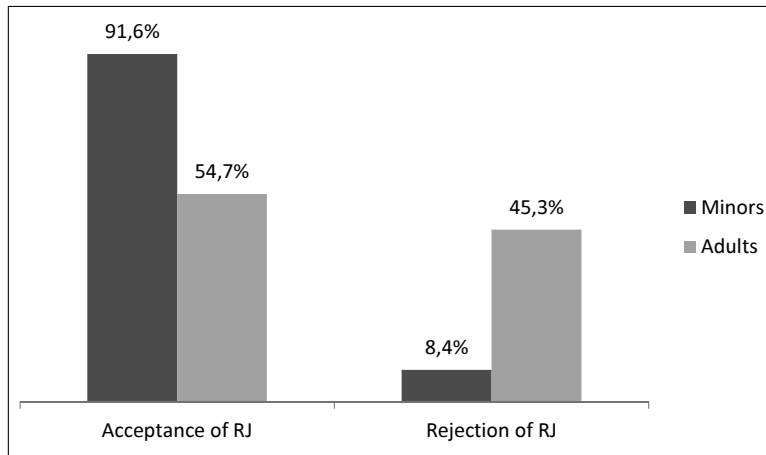
The exploration of attitudes towards the relatively new-in Greece- mediation falls within the general framework of practices of restorative justice and it was attempted in this research through two questions raised as follows:

1. *Recently, in Greece a law for minors was passed, according to which the minor offender and the victim can meet through the Probation Service and the offender can be given the opportunity to tell the victim the reasons why he committed the offense, how he feels after that and then apologize and compensate the victim for the damage he has suffered (eg to clean graffiti, pay for the item stolen, etc.). In this way, the minor offender and the victim solve in an extrajudicial way the consequences of the act and the minor will not be sentenced by the court. If you were in the position of the victim, would you accept this solution?*
2. *Do you agree or disagree with this law being extended for similar minor offenses to adults (over 18 years)?*

Regarding the question on the possible acceptance / rejection of

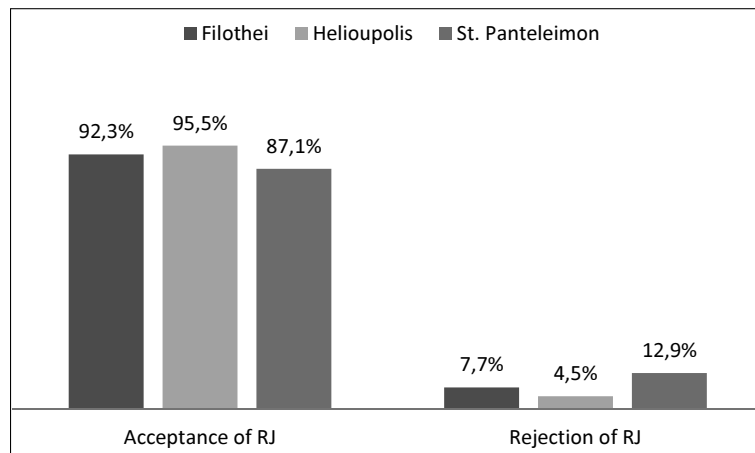
restorative justice in the case of minors, in the total sample the majority expressed almost universal acceptance (91.6%). Similarly, for the adults, the majority of the sample expresses its acceptance toward the aforementioned institution (54.7%). However, in this case, the acceptance is reduced compared to minors (Graph 6).

**Graph 6: Attitudes toward the implementation of restorative justice for minors and adults**



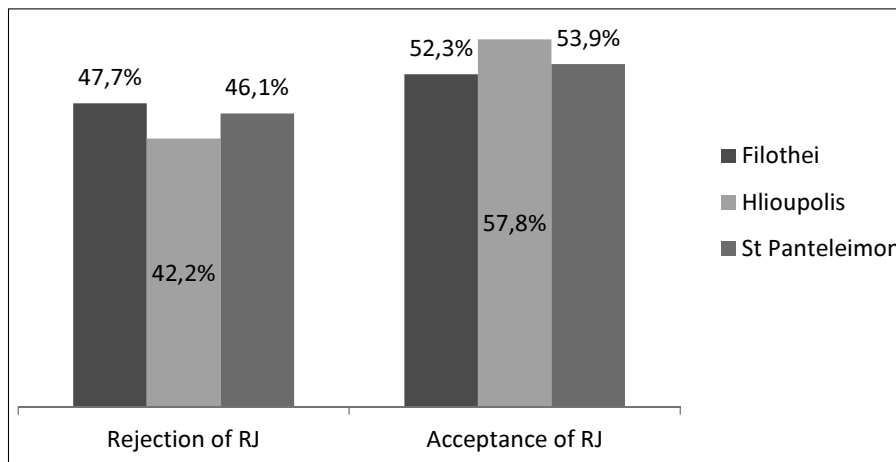
Per area of residence rejection of restorative justice in St. Panteleimon is significantly higher (12.9%) compared with Filothei (7.7%) and Helioupolis (4.5%) (Graph 7).

**Graph 7: Attitudes toward the implementation of restorative justice for minors per area of residence**



Referring to adult offenders, when the areas are compared with each other regarding the rejection of the implementation of restorative justice, a drop is noted in the differentiation between areas with respect to the sample responses. Specifically, the higher rejection occurs in Filothei (47.7%) followed St. Panteleimon (46.1%) and Helioupolis (42.2%). Nevertheless, the majority of the sample in each of the areas of research accepts the application of restorative justice in the case of adults, too (Graph 8).

**Graph 8: Attitudes toward the implementation of restorative justice for adults per area of residence**



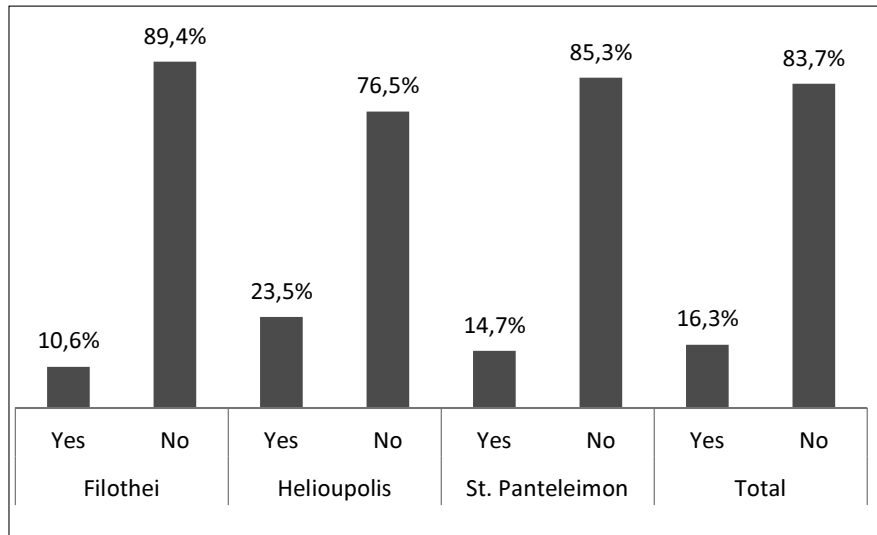
### 8.3.2. The Local Crime Prevention Councils (LCPCs)

Regarding the Local Crime Prevention Councils (LCPCs) the first question in the row was about the knowledge of the institution among the public. The second question, regardless of their knowledge about the said institution, concerned the voluntary participation of the public, that is, if the sample intended to participate or not in LCPCs. Two filter questions followed on the grounds of voluntary participation / non-participation of the public in LCPCs, depending on whether respondents answered positively or negatively to the previous question.

In the total sample a great knowledge gap for the institution of LCPCs is recorded (83.7%), a finding that highlights a lack of information about the Councils (Graph 9). Deficit of knowledge among the public is observed per area of residence, too. A small variation is recorded in Helioupolis, which presents the lowest lack of knowledge about the institution (76.5%) over the other two areas, those of Filothei (89.4%) and St. Panteleimon (85.3%). This variation is probably due to the fact that the area of Helioupolis is the only one among the

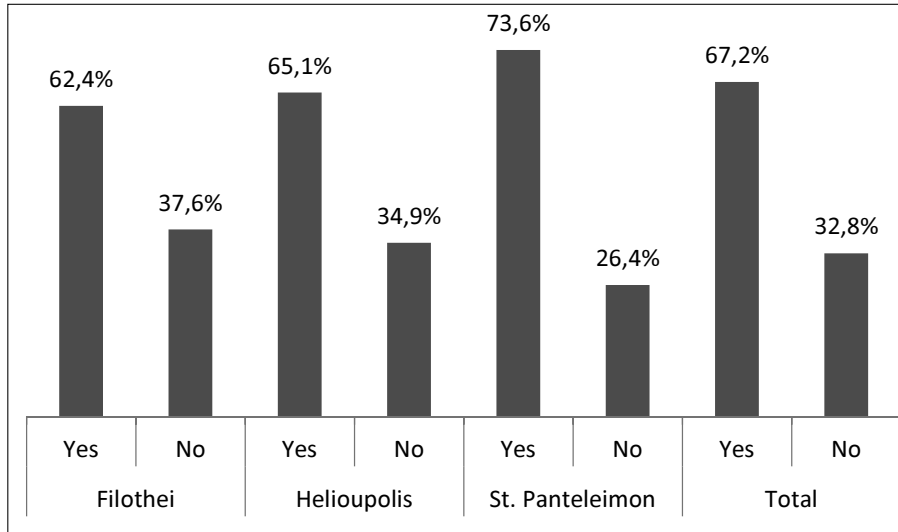
other two sampled where LCPCs operated during the research period. Still, the lack of information on the institution in the region remains extremely high and demonstrates the extent of the problem, since even the information on the establishment of LCPC in the area where they have been set up does not seem to 'reach' eventually the citizens.

**Graph 9: Knowledge about the institution of LCPCs**



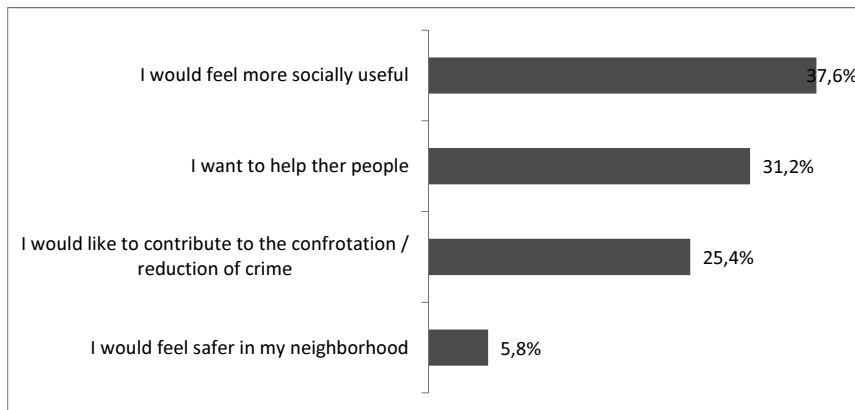
Despite the lack of knowledge about the LCPCs, the sample mostly expresses positive attitudes towards the prospect of their voluntary participation in them (67.2%) (Graph 10). It should of course be noted that in questions of similar content the public tends to over-state that it intends to participate or declares that it intends to do something which is considered 'good' for society at large. Per area of residence also the majority of the sample answered that it would voluntarily participate in the institution. It is characteristic that attitudes to voluntary public participation increase as the region is characterized by acute problems. Specifically in Filothei the lowest voluntary participation rates are recorded (62.4%) which increase slightly in the Helioupolis area (65.1%) and reach very high levels in St.Panteleimon area (73.6%).

**Graph 10: Intention to participate in LCPCs**



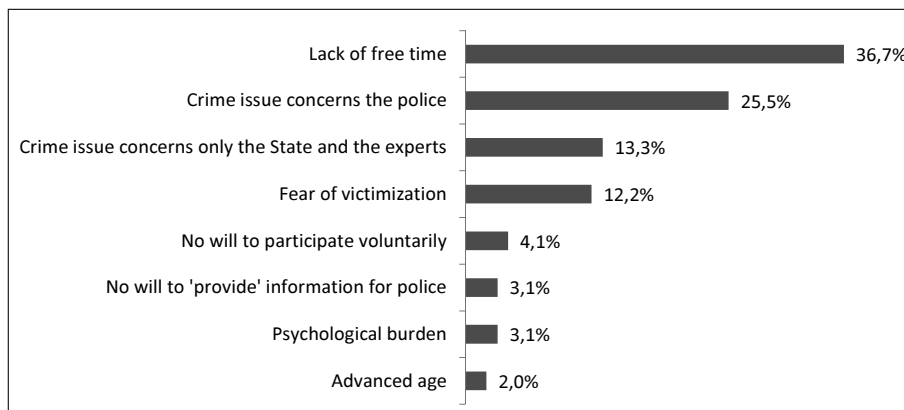
Regarding the reasons why someone would participate in LCPCs the sample at a higher rate selects *social utility* resulting from participation (37.6%) and from the *aid towards other people* (31.2%) (Graph 11). Next the answer *reducing / tackling crime in the region* (25.4%) follows; and, finally, last in frequency is the response which is associated with the *sense of security in the region* (5.8%).

**Graph 11: Reasons of intent to participate in LCPCs**



The dominant reason for non-participation in LCPCs (Graph 12) refers to the “*lack of free time*” (36.7%). The answer connecting crime only with *police* actions follows (25.5%), possibly implying that the public has no reason to participate in institutions such as LCPCs. In addition, similar attitudes are expressed by the answer ‘*the crime issue concerns only the State and experts*’ (13.3%). Particular attention should be paid to the above answers, because the important dimension of public participation is just that criminal policy is not just a matter of the police or the State but it rather applies to all citizens. The next answer in frequency refers to the public’s fear of becoming a target of criminals (12.2%); a response that should be taken into account by policy makers, given the fear of victimization that any public participation may include. The other answers of the sample have boundary frequencies and they refer to the *psychological burden that someone believes he would feel if he participates in LCPCs*, the *advanced age* of the respondent as a barrier, and, the *fear that someone will be called ‘snitch’*, that is, the one who ‘provides’ information about others to the police. This fear expresses an attitude towards the police which is embedded in the recent history of Greece and refers to the partial failure of police to regain the trust of citizens.

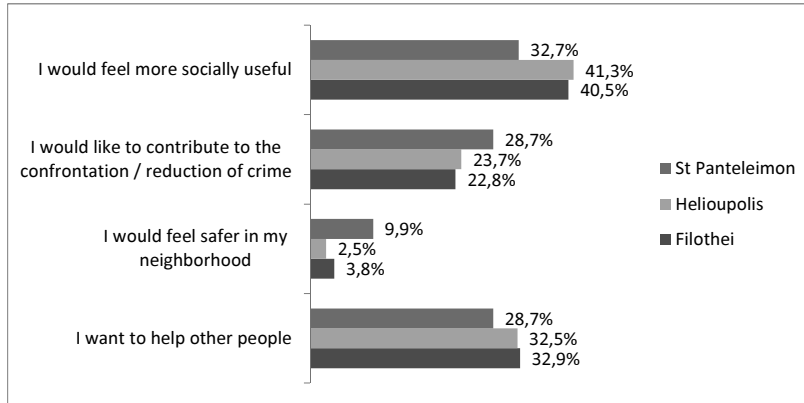
**Graph 12: Reasons for unwillingness to participate in LCPCs**



Per place of residence (Graph 13) the answers do not differ much in comparison with the whole sample. What it should mainly be mentioned is that in the area of St.Panteleimon the reasons relating to the *reduction of crime* (28.7%) and the *sense of security in the neighborhood* (9.9%) attract higher rates than in the other two areas.

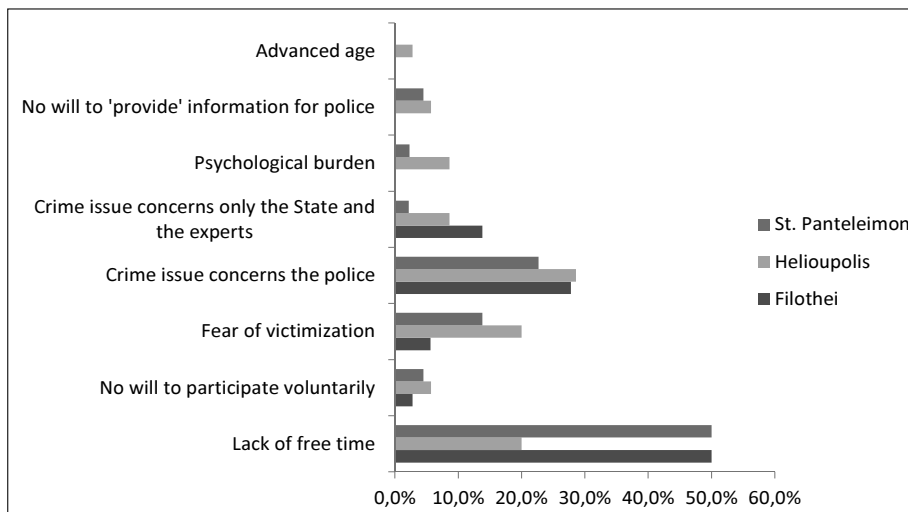


**Graph 13: Reasons of intent to participate in LCPCs per area of residence**



The dominant reason for non-participation of the public in LCPCs per area of residence is focused, as in the whole sample, on *the lack of free time* (Graph 14). It is characteristic that in St.Panteleimon area rates are reduced compared to the other two regions, indicating that this is “*police work*” (*crime concerns the police*) (18.5% versus 27.8% in Filothei and 28.6% in Helioupolis). Additionally, the answer that *crime issue concerns only the State and the experts* has zero rates in St. Panteleimon. Thus, it appears that the residents seek a more synthetic approach to tackling crime in the region where there are crime and social problems.

**Graph 14: Reasons for unwillingness to participate in LCPCs per area of residence**



## 8.4. Conclusions

Regarding the **primary measures to tackle crime** mild attitudes of the sample are observed since the first response in frequency is *social prevention*. The second in frequency is *police contribution* and *the combination of repression and social prevention* follow. Per area residence similar results presented, except the area of St. Panteleimon, where the first choice is the *police contribution*, followed by *social prevention* and *migration control*.

On the basis of the aforementioned, two points needing attention arise: firstly, that the sample recognizes the contribution of social prevention measures in the normalization of social life. Secondly, that the role of the police in tackling crime remains dominant in the social representations of the public. Especially as for the police, the acceptance of its positive role should be taken into account. The modernization and the reorganization of the police as well as the cultivation of 'proximity' in relation to citizens constitute the basis for its further effective contribution to crime prevention.

As regards **social prevention**, the majority of the sample recognizes its positive contribution to tackling crime. Thus, it is recognized, on the one hand, the role of a more humanitarian approach in response to crime and, on the other hand, indirectly, the contribution of social factors in the commission of crime. At the same time, the importance of the Welfare State is recognized as well as its intervention in the management of crucial social issues. Similarly in the area of St. Panteleimon, where crime trends appear high, the contribution of social prevention in the treatment of crime is recognized as important by the majority of the sample.

As for the most appropriate sentence per **typology of crimes and offenders**, it is observed that the sample relies mainly on *imprisonment* for sexual crime-especially rape- and for assault for all kind of offenders, except the minors and the drug-addicted. The ethnicity of the offender does not appear to affect significantly the attitudes of the sample regarding the choice of most appropriate sentence per offense.

Regarding **restorative justice**, it seems that the age of the offender is one parameter that affects the attitudes of the sample. The majority of respondents accept at a higher rate the application of restorative justice in the case of minors. More generally, the age of the offender is a guide, directing the public to less stigmatizing attitudes, since any delinquency is not perceived as 'exis', while increased expectations coexist in parallel for its future pause. More generally, from the sample's responses there appears to be an initial acceptance of the foresaid institution. The majority of respondents expressed positive attitudes towards the institution, even in the case of adults. From the above, it is demonstrated that there can be, through the appropriate conditions, a dynamic evolution of the restorative justice institution in the

future and prospects of its consolidation, at least for criminal offenses of lesser gravity. It is also characteristic that restorative justice maintains high levels of acceptance among the public and per area residence, even at St.Panteleimon, where the crime problem prevails.

Regarding the **Local Crime Prevention Councils** (LCPCs) high levels of *lack of knowledge* about the institution are observed. On the other hand, the majority of the sample declares that would participate in it. Ignorance of the public for this institution confirms the lack of its diffusion in society and partly the communicative deficiencies in terms of the local community. Sample answers about their reasons for participation or non-participation of citizens in the institution of LCPCs, if they are taken into account by local authorities, they could provide the basis for the organization of an effective communication policy to strengthen this institution. Here on, the awareness among the public of the social benefits that may result from its participation seems that it can be a driving factor of its activation in the local community. On the other hand, when the sample profess that they would not participate in the institution, because they consider that tackling crime concerns only the “State and the experts”, public information should be based on arguments to substantiate the positive consequences derived from its contribution. What seems to have been lifted-and not only in the criminal issue- is the empowerment of the public on what is happening in their neighborhood, in their society. In this sense, the public empowerment, absolutely balanced and incorporated into institutional frameworks, must be included in agenda of criminal policy. It is characteristic that the intention of the public to participate is recorded as higher when social ‘problems’ are intensified, as for example in the area of St.Panteleimon, where, compared to the other two areas of the sample, residents declare greater willingness to participate in the context of an *expressive* attitude which requires the problems of the region to be addressed by the whole society. This dimension is of great interest because it shows an opportunity for the development and implementation of a participatory criminal policy, since, where most problems appear, citizens express their willingness to participate more to address them. Further, if such participation takes place, institutionally and coordinately, phenomena of extreme attitudes of citizens towards groups marked as ‘dangerous’ may be avoided or reduced. It becomes therefore necessary for policy makers to manage with care the public responses which argue that criminal actions *are a State / police issue*. Those attitudes also are usually followed by low participation in public life and high expectations by the actions taken solely by the institutions and public officials. The social capital are almost absent from the Greek social life. The change or the transformation of this situation absolutely requires long-term planning and cohesion in the design and implementation of innovative programmes rather than ‘solutions’ of opportunistic character and ‘exercises’ to impress the citizens.



## EPILOGUE

Criminal policy does not go beyond control, judgment, research and evaluation as it is not outside the social process, on the contrary it is a part of it. Also, it should be redefined continuously in order to respond effectively, directly and appropriately in the new social challenges. Therefore, criminal policy should address wider questions about critical issues such as poverty, social inequality, racism, social justice, social tolerance.

The consequences and reactions derived from criminal policy surpass any calculation, classification, evaluation, especially today, when the flow of communication and connectivity between different systems is developed more than ever. Criminal policy cannot be either perpetually fixed or monolithic. On the contrary, it should constitute an ongoing reinvention and pose a democratic project.

Regarding attitudes towards criminal policy, the sample pose a humanitarian character, believe in the contribution of the Welfare State as far as social prevention is concerned, and prefix a combination of measures, of social and repressive character to tackle crime.

The intent of public participation in addressing crime, although at a rhetorical level it appears high, though in practice it is proved extremely low, as neither LCPCs nor restorative justice seem to have been operating adequately. This finding constitutes to some extent a manifestation of the lack of social capital in Greece and an imprinting of institutional failure regarding the support and implementation of alternative forms of criminal policy. These, by declaration, positive attitudes towards participatory criminal policy do not seem to be able to overcome the above hindrances and make the citizen essentially consider himself (co)partner of criminal policy. In conclusion, in contemporary Greek society many of the aforementioned measures remain on one hand inapplicable and ineffective, both for reasons related to social structure and to social action. However, we must seriously think “that criminal policy cannot be based only on penal law but on the strengthening of the protective / guaranteeing social function of the State (also through the revision of the established social perceptions and the policy management). A deliberative model (co-operation-participation) is necessary”.<sup>254</sup> This participation presupposes the existence of specific institutional framework, its renewal according to the changes in society, and to the ongoing evaluation of individual actions of the criminal policy, in the light of the safeguard and protection of human rights. In any case crucial to the foundation of participatory criminal policy is the foundation of

<sup>254</sup> Panousis, G. (2003) *Criminology in times of uncertainty. Chaos, jeopardy and crime*, Egklimatologica 25, Ant.N.Sakkoula Publ., Athens-Komotini, (In Greek), p. 68.



the same participatory democracy.<sup>255</sup> The above demonstrate the importance of criminal policy for society but also the difficulty of its work.

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<sup>255</sup> “The democracy of proximity (démocratie de proximité) combines direct participatory democracy”, see Panousis, G. (2013) “Prevention in our city concerns everyone “, in Zarafonitou, C. (ed.) *City, Crime and insecurity in times of economic crisis*, Conference Proceedings, Panteion University of Social and Political Sciences, Postgraduate Program “Modern crime and its confrontation”, Dionikos Publ., Athens, (In Greek), p. 85-87: 86.

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