

Επιθεώρηση Κοινωνικών Ερευνών

Τομ. 136, 2011

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<https://doi.org/10.12681/grsr.49>



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To cite this article:

Vidali, S. (2011). INEQUALITIES AND CRIME. *Επιθεώρηση Κοινωνικών Ερευνών*, 136(136), 177-202.
doi:<https://doi.org/10.12681/grsr.49>

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INEQUALITIES AND CRIME

ABSTRACT

The paper analyses the various aspects of inequality related to crime and social control in Greece. The author hypothesis is that inequalities relevant to social policy, constitute also preconditions of further inequalities in the various forms of criminality and of criminal justice system. The paper analyses issues related to the different forms of criminality, their impact in legal and illegal relations and their official representations by a critical criminological perspective.

It is explored specifically the impact of social and economic inequalities within the criminal justice system operation regarding the respect for fundamental freedoms and rights. The paper concludes that a set of refusal and denials to recognise actual social problems concerning inequalities and discriminations related to the “social question”, leads to the criminalisation of this last, and to the reproduction of inequalities and discriminations. The author asserts that these forms of inequality are also indicators of long-term cultivated occupational cultural attitudes and of de-humanisation of social relations processes and that they rather reveal a humanitarian crisis within the economic crisis in Greece.

Keywords: selectivity, criminalisations, law enforcement and inequality, criminal business and inequality, humanitarian crisis

1. INTRODUCTION

Inequality is a cardinal issue for social policy. Even if different forms of it are related to different aspects of everyday life (Grover, 2008:8), “... inequality is often understood as a socioeconomic concept and is regularly

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measured as income inequality (e.g., OECD2),...connected to ‘living conditions’...” (Rasmussen, 2008). More specifically the concept of inequality is identified with economic and social inequality: in this view “economic inequality...refers to financial and material inequalities...to differences in income (mostly but not exclusively wage income) and wealth (property, shares and saving). Social inequalities refer to those inequalities that are consequences of imbalances in power and status; for example, inequalities of class, gender, ‘race; and disablement...” (Grover, 2008: 9)

Different forms of inequality and especially poverty are linked to the causes of crime. Paid work and its social meanings, unemployment, worklessness, gender, racial discriminations, parenting, are some of the most researched fields when exploring the impact of economic and social inequalities on crime.

This paper will discuss the various aspects of inequality which are related to crime and social control in Greece. Our aim is to show how different forms of inequality in Greece could be traced beyond the usual discourse that has prevailed in social policy fields on the issue. Our hypothesis is that those inequalities relevant to social policy, such as income and social status etc, constitute also preconditions of further inequalities in the various forms of criminality and of criminal justice system. In the first part of the paper are analysed some conceptual comparative perspectives of control, discrimination and inequalities as they are studied in the fields of Criminology and in Social Policy, the relationship between criminology and social policy issues as they are structured in the context of free-market economy. The second part of our analysis is structured in three sections. In the first are explored briefly the conditions of rapid social change in Greece and their impact in criminality rates and further is analysed aspects of the Greek academic criminological discourse related to poverty, inequality crime and discrimination. In the second section, it will be discussed first the relationship between social and economic inequalities and crime. It is suggested that common and street criminality rates increase are framed by state-corporate crimes increases, because of changes in behaviour of two types of social groups: i) who had no perspective to be included in the free market economy because subjected to acute forms of inequalities, ii) who had the know-how and could exploit at the extreme the free-market opportunities, however contributing in the social and economic inequalities expansion. Then, in the third section it will be discussed on the impact of social and economic inequalities within the criminal justice system operation regarding the respect for fundamental freedoms and rights. In other

words, it will be address the issue of inequalities in ensuring and respecting rights, in the context of an increasing role for social control institutions and a declining role for social policy and welfare state disintegration.

I. CONTROL, DISCRIMINATION AND INEQUALITIES

1. Criminological perspectives and inequalities

Social control is a key concept in this regard, which lead us beyond the mainstream crime causation discourse and put at the centre of analysis the role of the state institutions and the state policies in crime control. Social control concept links crime and criminality both to social policy perspectives and to crime control and criminal justice policies: some informal social control institutions constitute both apparatuses of socialisation processes and target fields of social policy development. Despite the fact that inequalities are a significant issue both for social policy and for social control, this concept has been researched mainly from an economics perspective in social policy: income, education and employment alike, are linked to social and economic inequalities the rates of which are in turn linked to processes of social inclusion and exclusion.

However by a critical criminological perspective these processes of inclusion/exclusion related to different forms of inequalities are also determined by the functioning of formal social control institutions. Nevertheless in the mainstream criminological theory the relationship between inequalities and crime, is mainly analysed by the perspective of crime causation: it is therefore oriented more explain people's attitudes toward law than to explaining structural and cultural reasons that lead to crime. Actually, in the relevant literature in Criminology, social and economic inequalities concepts are not considered in detail. Their meaning rarely is discussed; it is rather taken for granted according the meaning given by social policy experts. Criminology is more interested to poverty. In the history of criminological discourse the way of life of poor social strata were linked to the causes of crime as well as to prison institution widespread since the 19th century. Nevertheless, "...although, numerous earlier studies attributed crime to poverty and its consequences they did not explicitly focus on economic inequality" (Blau and Blau, 1982: 116).

In the post world war II period, in light of the impact of criminological theories development (from Sutherlands' influential studies on white collar crime, to Conflict Criminology, and Labelling theory and then to Critical

Criminology), the views about the role of lower social strata in criminality rates changed. In particular the relevant analysis was now interested “...not what kind of individuals tend to commit crime but what kind of conditions make it likely that many people commit them...”, (Blau and Blau, 1982: 115). In the second half of 20th century the development of criminological theory and research especially in conflict and critical criminology and then in left realism in regard to the penal question, the criminality structure, the formal and informal criminalisation processes, the selectivity of the criminal justice system (especially in police), contributed to the development of new Discourses about poverty and crime and highlighted the relationship between structural contexts, crime control policies and crime rates increase, during modernity.

However during late modernity, the free market expansion, the welfare state disintegration, and the crisis of informal social control institutions had favoured the emergence of neo-classicism and conservative positivism in mainstream Criminology (Lilly R., Cullen, F, Ball, 2006), which had changed the perspectives of crime policy. The influential theories of rational choice –the “crime pays” approach – (Clark, Cornish, Lilly, Cullen), its further interweaving with “routine activities” and “broken windows” (Kelly) and associated further to the “underclass” idea (Wilson) have determined the change of crime control policies toward a managerial /administrative trend.

As it is widely known in the prevalence of some views which considered crime not anymore as a consequence of “*social deprivation*” but as a symptom of “*social depravation*” as an intrinsic quality of a concrete social group, the *underclass*, the poverty problem has been widely dissembled and distorted concerning the social conditions of its origins: “Public discussions of the relationship between inequality and crime have been hampered by the idea of the criminal poor, a distinct class of persons who revel in their ability to survive outside conventional society” (Knepper, 2007: 50). Among others, the influence of these theoretical trends contributed further to the shift of “crime prevention” concept in crime control and to be oriented toward safety and security purposes, associated with intensive and coercive controls, severe punishments and vindictiveness and lead to criminalisations of poverty.

In this context, the increased significance of formal social control institutions especially of the state coercive apparatuses in regulating social inclusion–exclusion, and the new punitiveness trend had contributed to the re-emergence of the question on the role of these institutions in the

reproduction of inequalities. It is therefore significant to reflect on some topics addressed by relevant theory and research in Criminology regarding the reproduction of inequalities through the criminal justice system, and in particular how this process is developed in Greece.

2. Criminology, social policy and inequality

Nevertheless, the effects of these trends in crime control concerns some less discussed aspects of state policies. In the vigour of securitizations policies the new “*security economy of crime policy*”, seems that forms an antagonistic pole to social policy: considerable funds which were no longer invested in social policy and social crime prevention were reallocated to security economy. Security was reflected a concern not about “external” enemies anymore but about “internal” ones (the criminals): the “security in the cities” motto was, among others, a “product” of the expansion of the free market economy in the sector of urban security (free) market.

Discourses about the social policy involvement in crime prevention were now associated with concerns about the so-called criminalisation of social policy (Crawford, 2007) among criminologists. However the expansion of free market economy and the development of free market society (Currie, 1996), had exactly the opposite effect in crime prevention, that is, not the “criminalisation of social policy” but the “militarisation” of social problems, is what should be problematised. In particular the massive mobilization of state coercive apparatuses, in order to control social problems rather than crime, has to be under question.

Furthermore the related strategies of community policing, problem oriented policing etc., should also be theorised in this context. “Governing through crime” (Simon, 2007) did not only contribute to the underdevelopment of social policy in order to cope with social problems, but also changed our views of the “other”, and what is more, contributed to the disarticulation of the fundamental liberal and democratic principles, which had ruled social and state-citizen relations for more than a century. In this context, the “war on terrorism” (and organised crime) gave the “opportunity” to legitimate the purpose of effectiveness of criminal justice system over legality, to re-emerge the “collective responsibility” spectrum, even to justify some forms of torture, to institutionalise prisoners’ rights differentiated regimes; and more, to put in crisis the principles and other guarantees of the liberal penal law tradition of Europe such as of “fair trial”, “the presumption of innocence”.

II. GREECE: CRIME AND INEQUALITIES

1. Greece: historical perspectives of poverty and social inclusion

The history of the development of modern societies confirms that crime is a constant social feature: it exists in conditions of poverty as well as in conditions of prosperity, even if in different forms. However structural and rapid changes are strongly related to the abrupt increase of crime rates. In Greece, as it has occurred elsewhere (Blau and Blau, 1982; Knepper, 2007: 89), crime rates began to increase rapidly during the most prosperous and affluent period that Greece experienced in the 20th century: particularly, the period since the 80's was one of rapid change, social mobility, wealth redistribution and increased anomie.

Among other things, since the middle of 80's what changed was the structure of poverty and criminality, state and citizens attitudes toward crime, and criminality rates. During the 80's Greece has experienced a rapid economic and social change linked to the expansion of free market economy and to political liberalisation. Actually this was a period of expanded social mobility and low crime rates. The Greek Dream of the 80's began to crack in the middle of the '90's, but this became manifest in people's every day life only after the 2004 Athens Olympic Games, and more so after the 2007 outbreak of the world economic crisis. In particular, since the middle of the '90's, the increase of criminality rates was primarily considered as an 'imported' problem associated to the massive arrival of immigrants in Greece, and alternatively a problem related to youth slipping into drug addiction. The discourse on criminality then was associated for first time with wider social security and safety issues and to fear of crime, and crime control emerged as a predominant public issue and were included in the electoral agenda of political parties (Vidali, 2007: 810).

In that period the attention given to particular forms of crime rather than others (see below), the formal and informal criminalisation of social groups (such as Roma, immigrants, drug addicts), the focus of crime prevention policies on 'security in the city' and on the management of crime fear rather than on economic crimes are trends indicative of those aspects of inequalities, which emerged by the same law enforcement strategies and crime policy development.

2. The criminological discourse

During the last 10 years criminological discourse in Greece influenced by the dominant in European and USA contexts discourses on crime, has been

oriented to explanations of the increase in various forms of criminality and to crime policy trends. Police and crime control in urban areas (Vidali, 2007), security policies (Papatheodorou, 2011; Vidali, 2011), adolescent and youth deviance and criminality (Pitsela, 2008), leisure and youth (Georgoulas, 2009), domestic violence (Artinopoulou, 2006), prison (Courakis, 2009; Koulouris, 2009; Panousis, 2008), immigrants and criminality (Karydis, 2011), drugs (Tsiganou, 2011), illegal prostitution (Lazos, 2002), fear of crime (Zarafoniotou, 2010) and media and crime (Panousis, 2011) are some of the issues explored by Greek scholars in Criminology more recently.

In the Greek criminological literature the issue of inequality is generally absent. Greek Criminologists generally accept that poverty is a main variable, which could lead people to crime, but not that poor people are usually criminals. However, *poverty is not analysed* as a main form of social inequality, even if it is linked to certain forms of crime and deviance, which are over-represented in the Greek criminality data. Both social and economic inequalities do not constitute a specific crime-related field of analysis in the Greek criminological discourse, as well as elsewhere. Indicatively, it should be mentioned that there is only one specific publication from a criminological point of view (Panoussis, 2002), which explores the relationship between poverty and crime yet on a theoretical level. However this is not a paradox. The lack of specific interest in Criminology regarding the impact of socio-economic inequalities in crime rates increase could be explained in the light of two reasons: The first concern the strong positivistic tradition which is prevalent in Greek Criminological thought; and the second concerns the strong influence of a “law oriented” tradition in Criminological theory.

At this point, in order to understand the different point of view in Criminology and Social policy should be explained some conceptual differences regarding the relationship between “discrimination” and socio-economic inequalities. By a juridical theorising discrimination and not inequality is the subject of criminological discourse. In these views equality before the law is distinct from (not related to) social and economic equality in the society. In particular the institutionalised principle of “equality before the law” is taken for granted for positivist thinking of a liberal tradition; according this perspective every discriminatory action within the criminal justice system against who is involved with it, it is not correlated to social and economic inequalities effects. It is accepted that social and economic inequalities have effects on the criminality changes but not in the operation of criminal justice system.

Consequently, the questions of inequalities impact traced in analyses of (various types of) rights violations (see below) are considered forms of discriminations however illegal and not linked to criminal justice system structural development. The lack of empirical research in this field and the low quality of statistical data reinforce this trend.

3. *Crime, social and economic change*

Crimes of the streets and crimes of “the suites”

The rise of criminality in Greece is almost a specific argument. The average of criminality is among the lowest in Europe. Extremely violent crimes are not common and typical of the criminality structure in Greece (see Eurostat, 2010). Even today, these types of criminality could be explained by interpersonal and family relations structure; serial killing is absolutely rare, assaults in the streets are restricted to certain inner city areas of big cities, especially in Athens and Thessaloniki. Actually after a long period (1950-1980) of constantly low crime rates, the political, economic and social changes during 1975-1985 effected also rapid changes in criminality. Drug trafficking, thefts and burglaries were a constant feature of criminality since the middle of the 80's; different forms of organised crime emerged since the end of the 90's (following a normative change), while the arrival of immigrants and refugees had changed further the criminality structure and rates (Karydis, 2011) and determined also qualitative change in social relations (Triandafyllidou, 2003). Criminality data changed dramatically during 2000-2011, mostly at a qualitative rather than a quantitative level (see as an example Table 1). Reported street crime (drug trafficking, thefts and robberies, see Table 1) increased in certain urban areas, as in Athens.¹ At the same period organised crime, night-time illegal economy, white collar crime, state crime and abusive policing (Vidali, 2007: 1051) black labour and sexual exploitation (Lazos, 2002; Papanicolaou, 2011)

1. *IRR European Race Bulletin*, no. 68, Summer 2009, pp. 12-13; *New Release*, “UNHCR expresses concern over increasing incidents of racist violence”, 32/10, 17.9.2010, <http://www.unhcr.gr>; *The Guardian*, Smith, H., “Athens mayor tells of crime and violence in Europe’s oldest city”, 3.8.2011, <http://www.guardian.co.uk/world/2011/aug/03/athens-mayor-crime-violence-greece>, New York Times, Kitsantonis N., 2011, “Violent Crime Soars in Athens”, 14.6.2011, <http://www.nytimes.com/2011/06/15/world/europe/15iht-greece15.html?pagewanted=all> Euro. doc., ET1-tv, G. Kouvaras, “Drugs in the centre of Athens”, in *Greek*, <http://www.youtube.com/watch?v=JH-hW6zxuIY>, all available at web at 27.1.0.2011.

became constant criminality features in Greece, despite their being under-reported and the panic about street petty criminality (Vidali, 2009).²

In this context during the last 10 years, there has been an authoritarian turn in penal policies (Manoledakis, 2010). Penalisation and criminalisation are oriented to control multiple forms of violence and criminality related to street crimes, social violence (Vidali, 2011a), and various forms of organised crime. This trend has at the same time led to further inequalities related to the increase of imprisonment rates for unemployed, and immigrants (Papatheodorou Th., 2005).

Actually these changes in criminality were framed by the increase of unemployment rates.³ The possible causal links between crime and the increase in unemployment rates is not easy to identify; and additionally in Greece the disarticulation of the publication system of criminality statistics and the selection processes of published data (Vidali, 2010)⁴ make a similar effort almost impossible. However it is almost certain, that this link is not linear (Kneeper, 2007:102) and that it could depend on various factors.

A part from unemployment other processes had contributed to further reproduction of inequalities as structural consequences of market restructuring: the labour market disintegration, the “flexibility” in work, and black labour market expansion in combination with the deterioration of the so-

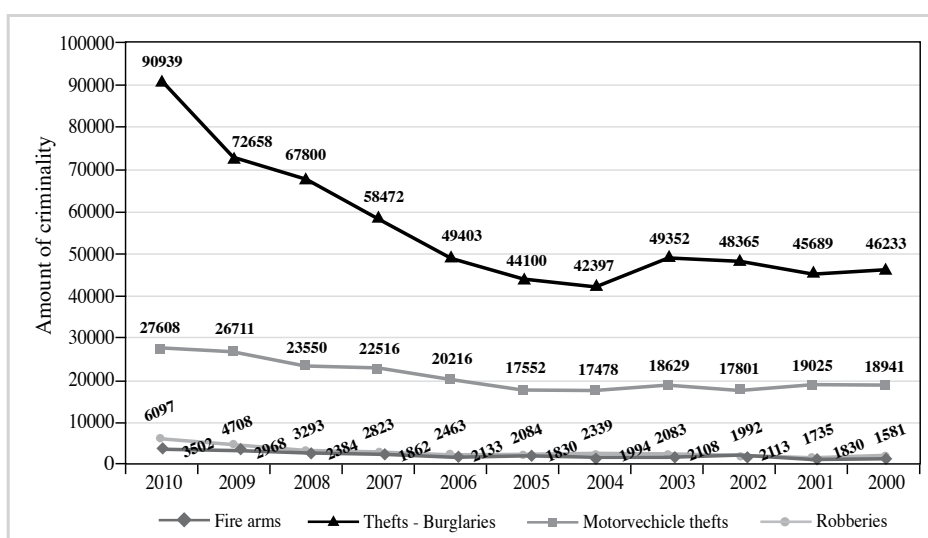
2. Homicide ratio per 100.000 inhabitants despite its increase is relative low in Greece. It was 1,90 in 2009, 1,20 in 2005 and 1,33 in 2000. For the same period however property crimes ratio were noticeably changed: fraud ratio per 100.000 inhabitants was 12,40 in 2009, 8,66 in 2005 and 7,00 in 2000. Beggary ratio was 11,43, 4,06 and 4,66 for the same years respectively; thefts and burglaries were 662,69, 402,22, 421,68, and robberies 42,94, 19,01, 14,42, drugs 112,61 89,34, 70,34. Very significant is the change of some forms of crimes which are mostly identified to organised crime: guns law violation ratio was 31,94 in 2009, 19,66 in 2005 and 16,69 in 2000. Forgery ratio per 100.000 inhabitants was 69,48, 36,46, 16,29 respectively for the years 2009, 2005 and 2000, and all of them had registered increasing trends with no critical fluctuations during the whole period 2000-2009. Data source: Ministry of Citizen Protection, on line, http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=91&Itemid=4.

3. In 2006 the unemployment rate in Greece felt to 8,9% from 9,8% in 2005; the number of unemployed people was just over 427.000. Nevertheless in 2006, Greece registered the second highest unemployment rate of the 15 EU Member States. The unemployment rate in Greece exceeded the EU15 average for the first time in 1998 (EIRO, 2007).

4. Nevertheless, it is remarkable that even poorly published data “selectively” direct researchers’ attention to specific categories and forms of crime (exactly those “visible” through published data), which are “normally” linked to specific types of perpetrators coming from marginalized social groups. By this method there is a “detering” process from insights concerning other forms of crimes, which are related to other social groups (belonging to the middle and higher classes), and do not correspond to criminal stereotypes (Vidali, 2007: 811).

cial protection system constituted typical features of inequalities, which in the context of the current economic crisis, took the form of labour force massive social and economic exclusion.⁵

TABLE 1
Criminality changes Greece 2000-2010



Source: Hellenic Police, Elaboration S. Vidali.

Moral panics and insecurity that prevailed in public practice in Greece in the 90's, and the constant terrorism problem at the time lent a hand in "obscuring" the links between crime and poverty and then between crime of powerful and the normalization of "anomia".

5. Instead other we reproduce the more recent (September, 2011) Hellenic Statistical Authority Press Release, regarding the results of Labour Force Survey: "...In the 2nd Quarter of 2011 the number of employed amounted to 4,156,336 persons while the number of unemployed amounted to 810,821. The unemployment rate was 16,3% compared with 15,9% in the previous quarter, and 11,8% in the corresponding quarter of 2010 The number of employed persons decreased by 0,9% compared with the previous quarter, and by 6,1% compared with the 2nd Quarter of 2010. The number of unemployed persons increased by 2,3% compared with the previous quarter and by 36,5% compared with the 2nd Quarter of 2010. the highest unemployment rate is recorded among young people in the age group of 15-29 years (32,9%)... For young females, the unemployment rate is 38,3%...the unemployment rate is higher among persons who have not attended school (34,5%)..." http://www.statistics.gr/portal/page/portal/ESYE/PAGE-themes?p_param=A0101&r_param=SJO01&y_param=2011_02&mytabs=0, available on 27.10.2011.

1. The expansion of crime was directly linked to the welfare state crisis and to economic restructuring, as it had occurred elsewhere. Along the same lines, public and state policies did not allow a proper consideration of the fact that street criminals (immigrants or not) *at the time* were actually exponents of the poor social classes and, what was more, that they came from those social strata that had lost the opportunity for access to the labour market (Vidali, *ibid*). However it was by these processes however the social question has been criminalised.

In particular, during the past 15 years the primacy given to tackle street criminality (which was strongly identified with certain social groups' behaviours and social conditions) had contributed to underestimating the qualitative changes in criminality rates, associated with the effects economic restructure and those of the expanded consumerism in social behaviours. And therefore these issues have been ignored in crime policy agenda (Vidali, 2011b). In particular, a research analysis on official data for the 90's (Vidali, 2007: 822 seg.) concludes that most perpetrators of crimes against property were young people who should have entered to the labor market during 1985-1999. A first finding regarding the profile of perpetrators is that the thefts and robberies were committed mostly by young men, unmarried, who had completed primary education only or were illiterate, laborers or artisans or vehicles pilots, by people without a concrete profession and also by several students. Therefore it is argued (Vidali, *ibid*: 823) that the majority of crimes which could be classified as borderline cases between street crime and the underworld were linked to marginalized social groups, who had more even clear perspectives to live in poverty or below the poverty line. These groups were affected more than others by the consequences of economic restructuring in Greece during that period. As it has been noted (Vidali, *ibid*), "the rate of these crimes would be much greater if the structure of poverty and social inequality in Greece was not affected by the support of family relations...".

The immigrants problem

At that time, the hidden poverty issues behind criminality rates increase were framed by the trend to identify criminality to immigrants; immigrants became a constant variable of criminality representations by the media since the 90's (Konstantinidou, 2001). However immigrants constitute a typical social group that the conditions of marginalisation constitute also preconditions of their further subjection to inequalities and exploitation

by criminal networks, racist behaviours, abusive policing: their status of illegal immigrants, “without papers”, black workers, victims of human trafficking, forced illegal prostituted, combined to document falsification, illegal legalisation, street criminality, etc. constitute also extreme forms of human victimisation and socio-economic inequalities (Antonopoulos, 2006; Vidali, 2011b indic; Lazos, 2002; Papanicolaou, 2011: 129 seg). Recently, concrete cases (as that against K. Kouneva) of serious injuries against immigrant women revealed labour exploitation in the sector of “contract cleaning” (a sector in which officially about 17.500 persons were employed during 2005-2008), and the extent of criminal practices of employers against immigrants (Kouzis et. al., 2009: 7, 37, 48). As it has been stated: “...images of this population convey particular messages about ‘race’ and gender. Discussions of the underclass and social exclusion, scrounging and benefits fraud, riots and immigrants convey a racialised and gendered understanding of poverty and crime...” (Kneeper, 2007: 50).

Drug addicts and drug markets

Apart from immigrant marginalisation, the question of *drugs* is also indicative of the association of social and economic inequality with deviance and crime. Although drug addicts can be found in all social groups, the addicts-drug dealers in illegal, open air drug markets are poor people, as their economic and social status is inferior to what it was when they entered the drug markets as consumers: the need to consume impoverishes the consumers-addicts. Furthermore, those who seek help and therapy in state agencies come mainly from low social strata, and belong to vulnerable and poor social groups (see also Kannas, 2011), also because a private program of detoxification therapy costs about 1.000-3.000/month according to known data (Eleftherotypia, 13.3. 2011).

In particular, according to official data (EKTEPN, 2010: 88 seg) the profile of drug addicts on national level who, in 2009, demand for therapy and help in the appropriate state and public agencies (5.501 persons) was as follows: they were Greek citizens (93,8%), male (83,4%), mostly young (84,6%) between 19 and 40 years old (47,8% was 19-29 years old, and 36,8% was 30-40 years old), they had attended secondary school (66,5%), for 3 and/or 6 years. In the majority of cases, they declared that they were unemployed (69,3%) or without a stable employment (9,9%), while only the 22, 3% of them had a stable employment, and the 62% of these people used to lived in parental homes (EKTEPN, 2010: 89 e seg). According the

same data foreigners represented only 6,2% of the addicts population in question.

2. At the same period other forms of criminality, such as the crimes of the powerful and state corporate crimes, were increased and expanded rapidly and become a “normal” attitude for concrete social groups.

Crimes of powerful

In particular, economic and white-collar crime expanded during the 90's and 2000's (Courakis, 2001). Furthermore, state-corporate crime became a rather normal activity in Greece as it can now be ascertained in retrospect (Vidali, 2012, forth). Fraud, corruption, state corporate crime related to public work contracts (such as the Siemens case), stock exchange fraud, illegal speculations over social insurance funds with investments in high-risk structured bonds, shadowy deals with big financial institutions are some of the cases brought to light and now under inquiry.⁶ The wider impact of these trends on the smooth operation of the economy and society (Courakis, 2001) became evident during the last three years.

The authoritarian turn of penal policies mentioned above has been framed by a trend of informal and juridico-technical “de-criminalisation” through discriminatory ruling and administration of public affairs in favour of certain corporations and powerful economic networks, by which state-corporate crimes and other forms of elite's crimes have been committed. These “de-criminalisations” are in turn linked to complex corrupt exchanges between political parties, politicians, governments and the private sector (corporations). The significance of this trend becomes evident if one takes into consideration the fact that the majority of these cases lies partly at the basis of the internal aspect of the Greek economic crisis (Vidali, 2012, forth.).

In this context, tolerance toward less serious forms of corrupt relationships between the state and private sector modelled during all these years⁷ contributed to widespread beliefs regarding not only impunity for crimes of the powerful, but also general impunity trend. In this context another form

6. For Parliamentary Commissions reports on line (in Greek) see www.hellenicparliament.gr

7. See a first consideration in EUICS, 2005, where it is reported that in Greece at that was no threat of fear of corruption but Greece had the second highest rating for consumer fraud-25% v. 12% EU average and the highest for corruption -13% vs. 2% EU average-. Nevertheless, according the same survey Greeks were the most afraid population in Europe and (EU ICS Cosnortium, 2005, *The Burden of Crime in Europe*, <http://www.europeansafetyobservatory.eu>

of “anomie” was developed, related to the breakdown of the value of Law and legality in the conscience of ordinary citizen (Dahrendorf, 1985).

Two remarks are significant at this point:

- i) these forms of crime are tackled by criminal justice statistics only on a descriptive level,
- ii) the increased seriousness of state-corporate crime and of some forms of widespread corruption had constituted at the same time coefficients of economic and social inequalities development: they had decisively contributed to social mobility and wealth redistribution, though under unclear conditions and through crime.

In this context the social and economic benefits from the economic restructuring and development of those years did not transact to those entitled to them but rather to those who could have the proper political, economic or personal connections. Therefore the criminality of powerful groups and the extended corrupt exchanges implicated in wealth redistribution, actually had contributed to the deregulation of the ‘normal course’ of inequalities.

Nevertheless, during these years, in public discourse these forms of state corporate crime were not linked to the fear of crime the widespread of which in Greece has been directly linked to the disadvantaged social groups’ neighbourhoods stigmatization, patterns of life and criminality (see in Zarafonitou, 2007: 51): The “Greek paradox” as it is called (Zarafonitou, 2010: 51) should not anymore refers to the disproportionate distribution between (low) criminality rates and (high) fear of crime rates (EUICS, 2005, Zarafonitou, *ibid*) but rather to the fact, that in Greece the economic and social order has been at risk due to state-corporate crime, while at the same period people have been afraid of immigrants and street crime, and social and economic inequalities rates “exploded”. In my opinion this “paradox” is a structural effect of the expansion of free-market society (Currie, 1996) and should therefore be explored further.

4. INEQUALITY AND LAW ENFORCEMENT

As mentioned earlier, a clearer picture of inequality could be drawn from the processes of law enforcement and respect to citizens’ constitutional rights. Inequality affects the process whereby people are involved in the criminal justice system, widely known among criminologists as “selective function”: this process is a form of discretionary “selection” of who will be “labelled” as criminal. Furthermore this process is strongly related on law and procedural violations committed by police, courts and prison staff

which are depending on the social and economic status of the arrested, accused and/or convicted. Therefore, social and economic inequalities produce discriminatory effects in the relationship between citizens and criminal justice system operation.

Police

The selective function of police operations and abusive policing against certain groups of the population (such as males, drug addicts, Roma, immigrants, young university students, rioters and violent extremists) is a form of inequality, proved by arrests and detentions conditions during ordinary and hot spot policing, by human rights violations against them and by the selective overpolicing of certain urban areas as opposed to under-policing of others independently of crime rate figures (Vidali, 2011a). Therefore considering that in the vast majority of cases those arrested belong to certain social groups, and that these social groups are among the poorest and most marginalised in Greek society, we can conclude that not unemployment alone, but also poverty in its various forms lead to other forms of inequality: therefore the spatial distribution of economic and social inequality in urban areas could be a significant factor of reproduction of inequalities in the relationship between coercive state apparatuses and ordinary people (citizens or not) in those areas. This process transforms an area into a dangerous place (e.g., Exarchia) independently of actual crimes and crime rates.

TABLE 2

Hellenic police operations in the commercial- historic centre of Athens 2011

	Stopped and searched persons		Presentation to police station		Law violations		Arrests	
	1	2	3	4	5	6	7	8
July	32.488	27.264	5.224	15.796	14.979	817	1.429	366
August	32.666	27.352	5.314	14.419	13.879	540	835	336
Sept.	33.141	26.569	6.572	17.798	15.707	2.091	2.409	499
Total	98.295	81.185	17.110	47.413	44.565	3.448	4.673	

Source *Hellenic Police*, data elaboration S. Vidali.⁸

8. Hellenic Police Headquarters, 2011, Press Releases, 4.8.2011, 7.9.2011, 6.10.2011, www.astynomia.gr

Dangerous places are usually identified to dangerous populations, which are subjected to abusive and discriminatory policing operations linked also to social groups “forced” displacement strategies

Table 2 reflects the “work output” of the Hellenic Police during summer 2011. The area this table refers to is only a small part of the municipality of Athens, the most central, commercial and touristic part of the city. It is however identified as one of the most problematic areas of the city in which street criminality related to drug retail markets, petty criminality, conflicts between immigrants, abusive policing, fear of crime and violent rioting (especially during specific periods of time) are constant factors of everyday life. In the table above the overrepresentation of immigrants in police operation targets is evident. However it should be noted that during that period of time the centre of Athens is usually “empty” of Greeks, because of summer holidays. Therefore what table 2 shows is not merely police operations but rather police operations against immigrants. Thus, when one could try to verify immigrants law violations (column 7) data are confounded. Nevertheless, when Greeks return to the city in September, law violations rise sharply in comparison to the previous two months, while arrest rates do not increase proportionately. What is more interesting, is that although stopping and searching foreigners rate decreases in September (col. 2), the rate of foreigners presentations in police station increase in the same month (col. 5). Last but not least, the police during summer operated a really impressive “attack” against immigrants: the aim was not to tackle criminality, but to expel immigrants from the city centre.

The above data are not exceptional. The illegal and stereotypical use of discretionary powers by police is informally institutionalised in Hellenic Police, as is documented by relevant researches, international organisations, and independent authorities and by the European Court of Human Rights Decisions (e.g. Greek Ombudsman, 2008). Forms of over-policing young adolescent students belonging to certain ethnic groups (Albanian) and considered “usual suspects” for involvement in delinquent activities and police harassment during the interrogation of young offenders are rather routine practices (Papandreou, 490). Similarly, the “...abusive and illegal systematic detention of unaccompanied minors in Greece, instead of being held at reception centres under the authority of the Ministry of Health...” (UN Human Rights Council, 2011, § 68: 17), is rather a routine practice. Moreover, as it has been documented by CPT, the reaction of competent authorities to allegations of human rights violations is usually

restricted to the (various forms of) refusal to acknowledge the seriousness of police abuse of power, the constant refusal to consider ill-treatment as a serious problem in Greece, and the neglect to take the required measures (CPT, 2010, § 16, 17-20, CAT, 2004, Greek Ombudsman, 2004, National [Greek] Commission for Human Rights). And furthermore, according to Greek Ombudsman (2008: 48) there is a “well-established belief among police officers who conduct the relevant administrative inquiries that in order for such police action to be justified, there is no need for it to be related to the behaviour of the person arrested or to individualized suspicions of committing a criminal offence as the law explicitly requires. They believe that vague reference by the police officer in charge, to subjective assessments as to the risks to public order and safety, is enough”.

Inappropriate police behaviour and unjustified bringing to police stations, police violence in demonstrations, ill treatment/ disproportionate use of force by the police, are some of the violations of Human Rights concerning police and policing in Greece, which have been brought to the attention of the Greek Ombudsman (G.O.), the National Commission for Human Rights (NCHR), international authorities and organisations (G. O., 2006: 68, 2007: 46-47, 2008: 48-49, NCHR, 2007).

The ineffectiveness of mechanisms of administrative inquiry is stigmatised by different authorities: CPT observes “a climate of impunity within law enforcement agencies”, a situation that has not improved until recently (Ibid, § 23). From 2004 to March 2011, the European Court of Human Rights (ECtHR) has found four times a violation of article 2 of the European Convention of Human Rights (ECHR) concerning a) the use of lethal (or potentially lethal) force by the police at the time of arrest and b) the state’s obligations as to the conduct and organization of such operations (see cases of Makaratzis, Karagiannopoulos, Celniku, Leonidis, v. Greece). Moreover, five Court decisions (cases of Bekos and Koutropoulos, Alsayed Allaham, Zelilof, Galotskin, Stefanou, v. Greece) the Court have found a breach of the article 3 of the ECHR due to police treatment, to be categorised as inhuman and degrading one, within the meaning of Article 3.

During 2005-2010, there have been four more cases which resulted *in violation of article 3 ECHR* due to the conditions of detention in police detention facilities/police stations for people facing criminal charges, and

four cases regarding the conditions of detention of asylum seekers.⁹ In a case (*M.S.S v. Greece and Belgium*), the extremely degrading conditions that prevailed in the detention station next to Athens airport, are described by the ECourtHR decision document according to the findings of various organisations (CPT, UNHCR, Amnesty International, *Médecins sans Frontières – Greece*). I have quoted the following paragraph because it is indicative of the situation related to human rights violations are suffered by specific groups of the population, who are just by Law under a regime of inequality.

As mentioned in the Court judgement: "...the sector for asylum seekers was rarely unlocked, and the detainees had no access to the water fountain outside and were obliged to drink water from the toilets. In the sector for arrested persons, there were 145 detainees in a 110 sq. m space. In a number of cells there was only one bed for fourteen to seventeen people. There were not enough mattresses and a number of detainees were sleeping on the bare floor. There was insufficient room for all the detainees to lie down and sleep at the same time. Because of the overcrowding, there was a lack of sufficient ventilation and the cells were unbearably hot. Detainees' access to the toilets was severely restricted and they complained that the police would not let them out into the corridors. The police admitted that the detainees had to urinate in plastic bottles which they emptied when they were allowed to use the toilets. It was observed in all sectors that there was no soap or toilet paper, that sanitary and other facilities were dirty, that the sanitary facilities had no doors and the detainees were deprived of outdoor exercise" (*M.S.S v. Greece and Belgium* § 230).

The Courts

Moreover, the further involvement of a person in the criminal justice system, and especially a prison sentence, constitute a notable pre-condition for the reproduction of social and economic inequality. Sentencing is often determined by extra-penal factors related to the social and economic status of the accused (Karydis, 2010). Court decisions are in certain cases (e.g., regarding drug cases), conditioned by judges' stereotypical perceptions and discretion against male immigrants (Karydis, 2010), which distorts

9. (*Kaja v. Greece*, 27.07.2006, *Siasios and Others v. Greece* (30303/07, 4.6.2009, *Vafiadis v. Greece*, *Shuvaev v. Greece*, and those of asylum seekers *S.D. v. Greece*, *Tabesh v. Greece*, *A. A. v. Greece*, and *M.S.S v. Greece and Belgium*).

the real meaning of the judges' discretionary power (Fytrakis, 2007) during procedural measures and the sentencing process. Furthermore, judicial corruption, political manipulation and interference in the function of criminal justice system are some more factors which enforce inequality in criminal justice administration (e.g. as judicial corruption). At the last stage of a penal process in Greece, convictions and prison penalties (and further long-term penalties) are more likely to be inflicted on disadvantaged and poor people than on middle or bourgeoisie class offenders (Panousis, 2002; Koulouris, 2011). Actually, immigrants and drug addicts are the usual "clients" of Greek Prisons.

Additionally the control and inspections of international and independent bodies over the penal justice system, proves a discretionary use of power by the judges in favour of police officers facing accusations by private persons, especially accusations of ill-treatment. These last claimed to CPT "...that the prosecutor or court dismissed their allegations of police ill-treatment without examining the matter..(CPT, 2010 §16)...". The UN Special Rapporteur remarks that the combination of a dysfunctional judicial system with great fear of reprisals that he witnessed among detainees in the hands of the police, may perpetuate a system of impunity for police violence (UN Human Rights Council, 2011, § 28:9).

The ECtHR has found in several cases violation of article 3, considering the acts of the police to constitute inhumane and degrading treatment, and furthermore it has found a violation of the procedural aspect of this article due to failures in the inquiry and more specifically in the criminal proceedings (*Bekos and Koutropoulos, v. Greece*, and *Galotsikin v. Greece*).

In other cases the ECtHR found violations concerning the right to liberty and security 5§3 regarding pre-trial detention (cases *Vafiadis, Nerattini, Shuvaev v. Greece*). During 2005-2010,¹⁰ 59 judgments of the ECtHR have found a violation of article 6§1, due to the excessive length of criminal trials, and art. 6§2 (presumption of innocence) in various cases concerning Greece.

10. See Statistical Information per year published by the ECtHR, <http://www.echr.coe.int/ECHR/EN/Header/Reports+and+Statistics/Statistics/Statistical+information+by+year/OldStats.htm>, and National Commission for Human Rights, 2010, *Comments on the draft Law of the Ministry of Justice«Streamlining and improving the administration of criminal justice»*, http://www.nchr.gr/category.php?category_id=339.

Prison

According to official data by the Ministry of Justice Transparency and Human Rights, of the total number of 11.304 inmates (3.541 in pre-trial detention and 510 juveniles in detention) in 2010, foreigners represented almost 56% (6307), and the accused or convicted for drugs 38,4% (4345). But what is more significant is that of the total number of convicted persons (7.823) about 72% (5.248) were sentenced for felonies (juveniles excluded). Prison impoverishes and deprives people of a social environment, stigmatises and neutralises social identities (Koulouris, 2011; Aloskofis, 2009). The further involvement of inmates in criminality through prisonization and acculturation (Aloskofis, 2010) to the underworld is another form of inequality reproduction. Social re-integration after imprisonment is determined by ex-prisoners' social and economic status, and of course in most cases inequality becomes a precondition for permanent social deprivation and re-criminalisation. Taking in consideration the precarious system of post-prison care services, it is possible to conclude that the social and economic inequalities that these groups experience constitute an acute problem. At this point, we should add the CPT's public statement concerning living conditions in Greek prisons: Among other the CPT has observed a steady deterioration in the living conditions and treatment of prisoners over the past decade, it has identified a number of fundamental structural issues which have undermined attempts to remedy this state of affairs (the lack of a strategic plan to manage prisons, the absence of an effective system of reporting and supervision, the inadequate management of staff, the unsuitable material conditions, the absence of an appropriate regime and the poor provision of health care, the effective control of some areas of the prisons by groups of strong prisoners). All these issues are compounded by the severe overcrowding within most Greek prisons (CPT, 2011:3,4). Furthermore, according to CPT, "...the Greek authorities have yet to recognise that the prison system as it is currently operating is not able to provide safe and secure custody for inmates. Discussions with the prison administration in Athens indicated a lack of appreciation on their part of the actual situation in the country's prison establishments..." (ibid, 4).

5. INEQUALITY AND CRIMINAL BUSINESS

Another less discussed aspect regarding inequalities, is the impact of social and economic inequalities in different kinds of illegal and criminal business. It is well known that illegal world is neither democratic nor fair

in the way the legal world understands fairness. Actually the structure of illegal business includes a distribution of labour (so does legal business) according to criteria of profit, specialisation, security and risk. The distribution of labour force is thus related to purposes of profit maximisation and risk minimisation. In this view, people who do not have a respectable status are considered “consumable”, and they are victimized in various forms (Komsatos, 2005), as there is a surplus of this type of labour-force in relation to the job assigned to them. Immigrants are employed in the lowest level of criminal business (Antonopoulos, Papanicolaou, 2010: 63), and /or they are victims of super-exploitation in the legal labour market (Kouzis et al., 2009), which is often ruled according to customary and cultural rules which are typical of the society of origin of immigrants; these rules are reproduced by the local networks that control immigrants in Greece (led by immigrants and/or Greeks). In this context the immigrant is often the victim of super-exploitation in the black labour market, and in order to tackle this situation he should distance him /herself from the influence of local networks (Botsis, 2011: 138). Furthermore the participation of immigrants in organised crime business, such as cigarette smuggling networks (Antonopoulos, 2006) or carjacking markets when these cars are promoted for sale in the Greek market (Antonopoulos, Papanicolau, 2010) is determined by the level of risks for such business.

In drug trafficking systems the inequalities are even more evident. It is well known that people from Sub-Saharan Africa, who come to Greece illegally as immigrants, are often “vehicles” of drug (especially cocaine) import in Greece. Furthermore among these people, many – in their vast majority very young even adolescent, girls or boys- upon arrival in Greece, are employed as drug sellers in drug retail open markets, subsequently become drug addicts and are then paid in kind (drugs). The same has been noted for the girls who are driven into illegal street prostitution.

CONCLUSION

In this paper, an attempt was made to highlight different forms of inequality related to various statistical “constructions” of criminality, to “reproductions” of inequality inside the formal social control agencies, and to inequalities formed inside the criminal business world against the “eternal villains” (Melossi): youth, street criminals, immigrants, and drug addicts. In this context several processes of refusal to acknowledge the real source of crime problems, were highlighted: the denial of the crimes of the power-

ful by focusing on the fear of crime, the denial of the actual risks entailed in the context of social change and employment crisis by criminalising the social question, the denial of immigrants' multiple forms of victimization by over-representing their involvement in criminality, the denial to recognise the effect of social class as a social variable in drug abuse. In the two parts that followed, we explored a) the role of formal social control agencies in reproducing inequalities through violation of the rights of those they were delegated to protect, thus contributing to an eternal reproduction of inequality of rights before the law, and b) the less discussed issue of inequality inside criminal business against –always– the most vulnerable, marginalised or stigmatised social groups. All these forms of inequality are not only of a social and economic nature but also the effect of long-term cultivated cultural attitudes, professional subcultures, legal constructions, and of the de-humanisation of social relations. All these trends express something more than social and economic inequalities. They rather reveal a humanitarian crisis which social policy and formal social control could not manage. And because this phenomenon occurs for the first time in the history of the country, its course will depend upon unforeseen future factors.

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