

HELLENIC REVIEW OF CRIMINOLOGY

- **Editorial**
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- **The Activity of the H.S.C. in 1988**

notes for contributors

Manuscripts should be submitted in four (4) copies. They should be double spaced and typewritten.

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Editorial

Despite the inevitable flaws of the first issue of the Hellenic Review of criminology, it has been enthusiastically received by its Greek and International audience. Those of us who have contributed in the making of this issue are especially touched by the praises and feel the need to make every effort for the constant improvement of our journal.

We wish to particularly thank those who kindly expressed their views and we invite all our readers to assist us through their constructive criticism and contributions.

The second issue contains two articles by Canadian professors of criminology: Prof. Denis Szabo, Honorary President of the International Society of Criminology, and Prof. Maurice Cusson, as well as two articles by Greek professors: Prof. Alice Yotopoulos-Marangopoulos, President of the Hellenic Society of Criminology and of the Foundation of Human Rights, and Prof. Nestor Kourakis.

Denis Szabo in his article attempts to draw certain parallels between the trends in the development of the pre-1960 sociology and those of the pre-1989 criminology.

He distinguishes three general trends in the development of the social sciences during the past century (1880-1980). Firstly these disciplines become less and less holistic. They show a tendency to limit themselves within a discourse which is isolated and self-maintained.

In opposition to the axiom of the "uniform social fact" which should necessarily be taken into consideration in the understanding of social phenomena, this type of discourse leads to the first contradiction. The accuracy of description increases while the interpretation becomes inadequate.

Secondly, the utilitarian or regulatory expedience of sociological knowledge is ratified to such an extent that it becomes dominant. However this submission to the utilitarian expedience creates a second contradiction because it establishes a constant relationship between the scientific, the legal and the political order, each of which however has its own logic.

This explains also the limited influence of the social sciences on the knowledge about and the management of contemporary societies. Finally, despite any comparative or unifying trends, the social sciences appear, in the end, to be dependent upon the historical, institutional and cultural conjuncture within which they evolve.

Correspondingly, in criminology the holistic reference charac-

terises the trend towards interdisciplinarity. Any neglect of this leads to non-scientific and dangerous oversimplifications. In addition, the history of criminology can be explained through a perspective of conflict among various logics, for example those of law, humanities, biology, medicine and psychiatry in particular, as well as the science of logic. This is because the study of criminology and criminal law offers the opportunity for a utilitarian approach. Finally, the peculiarities in the functioning of the Criminal justice system which are observed in different countries and which are due to the variations, traditions etc lead to an important contradiction, since by definition, the social sciences which concern the field of penology tend towards universality.

Maurice Cusson from his point of view ascertains that penal development in western countries, during the last thirty years is characterised by a relative mildness in the sentences and an expansion of statism in this respect, also an increase in the length of sentence per inhabitant with a simultaneous decrease in its length per reported crime, an attempt for the clearance of the excess of criminal cases (due to the oversaturation of the criminal justice system), an overpopulation, a poor prison situation, an increasing development of alternative sentences and a constantly growing debate on the citizens' feeling of insecurity.

Finally the author examines the reasons why there have been no significant moves to control criminality, despite its increase, and especially leads at those reasons, which refer to the commonplaceness of certain crimes against property and the increase in public tolerance and the progress and development of ideas opposed to penal sanctions.

The two articles which follow are contributions which were presented by the respective authors in an event organised by the Greek branch of Amnesty International.

In the first one, Alice Yotopoulos-Marangopoulos looks at the death penalty from the stand point of criminology. She examines whether the ultimate sentence is useful and necessary and answers negatively on the basis of various statistical data, of arguments concerning the personality of the perpetrators of serious crimes as well as by using examples from present reality. Capital punishment enrages, corrupts and leads to imitation.

Further reasons for the abolition of capital punishment are developed and finally the author attempts to give an explanation as to why the death penalty despite all the foregoing arguments survives up to this date.

In the last article Nestor Kourakis looks from a geographical

and historical point of view at the older developments and the current perspectives which refer to the abolition of the death penalty and analyses the reasons of its endurance. Reference is made to the present situation and the author notes the steadily increasing importance which is given to the value of man. Finally he refers to public opinion surveys and research concerning attitudes towards capital punishment.

The second issue is complemented by the presentation of new publications, book reviews and the criminological annals (including references to the 10th International Congress of Criminology, the 18th Conference of Criminological Research of the Council of Europe as well as the important activities in the field in both the Greek and International scene).

In the next year's issues — the bicentenary of the Declaration of Human Rights and the International Course of Criminology which will have a related theme and takes place for the first time in our country — we hope that the contents of our journal will be even more rich and interesting.

James Farsedakis

(Translated into English by Irene Fereti)

SUMMARIES

DENIS SZABO

Professor of Criminology, University of Montreal, Honorary President of the International Society of Criminology

Trends and Impediments of Contemporary Criminology

The epistemological crisis experienced by the humanities in the 1970s had an equal impact on criminology. The aetiological approach and clinical criminology were particularly at the centre of attention/criticism. Nevertheless, the social and judicial reality have not changed significantly; the constant production of delinquency forces criminologists to intervene (practice interventions). On the basis of the given state of affairs these interventions will allow the reformulation of both the criminological concepts and practices.

MAURICE CUSSON

Professor of Criminology, University of Montreal

On Penal Evolution

The article describes in seven points the penal development of Western countries during the past thirty years. 1- The penalties of the present are certainly more lenient than those of the past centuries. 2- The State has increasingly intervened in the area of social control and has itself substituted several aspects of social control previously exercised by society. 3- The number of criminal sanction penalties in relation to the number of citizens has increased but as criminality has grown at a faster rate than the penalties, the ratio of penalties per crime has diminished. 4- The expansion of the penal sphere has forced the authorities to avoid prosecuting a steadily increasing number of offences crimes. 5- Under the pressure of the number of people who are incarcerated, the situation inside the prisons has shown a trend of deterioration. 6- The development of alternative non-custodial measures has not been sufficient to eradicate ("mop up") the increasing rate of criminality. 7- Recently, the debates on the "fear of crime" have been modified and have changed their orientation. This penal conjecture is explained by the increased tolerance and the predominance of non-punitive theories.

ALICE YOTOPOULOS - MARANGOPOULOS
Professor of Criminology, Panteios School

The Death Penalty from a Criminological Point of View.

The author begins by examining the basic problem: Is the death penalty useful and necessary from the point of view of both general and special prevention?

General Prevention and D.P.

There are no methodologically reliable statistical studies which prove the impeding power of the death penalty. From the point of view of the perpetrators' personality Thucudide's has already underlined the ineffectiveness of the D.P (History, Γ, 45, Di-odote's public speech).

The author makes reference to the modern concepts of cri-mogenesis and especially of homicide.

The prospective criminal subconsciously identifies himself/-herself with the state which executes its enemies and is encour-aged to exterminate his/her own enemy. The law of imitation plays its role.

In particular, the category of terrorists which inspires the most serious reaction to the abolition of capital punishment is the least affected by the D.P.

Special Prevention

Special prevention is thoroughly served by the D.P. However, D.P. is not necessary since relevant research has shown that recidi-vism among those who have committed homicide is almost non-ex-istent.

Other reasons for the abolition of capital punishment

Clearly, there is no question of reformation or reintegration for the person who has been condemned to death.

According to those who accept the D.P. as a just retribution this irrevocable punishment should be absolutely fair. And in order to ensure this, there requirements must be fulfilled.

1) The judgement should be infallible. Errors of justice are a reali-ty, especially due to the voluntary or involuntary inaccuracies con-tained as a rule in the testimonies of the witnesses, in the course of the penal procedure.

2) Those convicted should be the sole responsible for the criminal act. However society also does share the responsibility and so does late: "The lottery ticket of birth" from both a biological and family-environment point of view is of great importance for personality development.

3) There should be equality in the application of the death penalty. This requirement does not exist either, especially because of the selection procedure with regard to who ends up being prosecuted within the criminal justice system, and also due to the lottery of the justicial judgement, which is based to a significant extent on the subconscious identification of any judge with one or the other side of conflict.

Why does Capital Punishment survive?

It survives for the following ^{many} reasons:

It provides a sense of security to authority and generally provides a means for its ^{own} imposition. The D.P. is a widely used and preferred weapon by the totalitarian regimes which today worldwide oppress 2.840 million people (as compared to the 1900 million who live under democratic regimes).

A final reason is the fear and the revenge which is felt by society and which is stimulated by the mass media.

NESTOR KOYRAKIS

Associate professor of Criminology, University of Athens

The Abolition of Death Penalty

Developments and Perspectives

For the past 45 years the death penalty has been undergoing a constant decline in legislations and jurisprudence of economically and culturally developed countries. However, it displays an impressive longevity during the whole history of mankind and even today it prevails in about half of the world's countries, esp. in countries with large territories and big political significance, such as the U.S.A., the Soviet Union and China.

The author undertakes in this essay the task to survey the previous and contemporary evolutions in the matter of the capital penalty, to explain the reasons of its longevity and to find out whether and to what degree the conditions which formerly favored the prevalence of this penalty have been eventually modified in our days.