

# **HELLENIC REVIEW OF CRIMINOLOGY**

- **Editorial**
- **Summaries**
- **The activity of the H.S.C. in 1989**

**notes for contributors**

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

An abstract of no more than 150 words should also be included.

Footnotes, references, and tables should be in an internationally accepted format (see the British Journal of Criminology or the American Sociological Review for examples), and annexed to the text.

Contributors in languages other than greek are notified that their article will be translated and only the abstract will appear in English and French.

Manuscripts and abstracts should be sent to:

Section of Criminology, Panteion University of Social & Political Sciences  
136 Syngrou Avenue, Gr-17671 Athens, Greece

Additional information can be obtained from the above address.

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Section of Criminology, Panteion University of Social & Political Sciences  
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**HELLENIC REVIEW OF CRIMINOLOGY**
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## Editorial

The publication of this double issue coincides with the 200th anniversary of the french "Declaration of the Rights of the Man and the Citizen". For this reason we reproduce in our cover a section of a painting by Jean-Baptiste Regnault (1754-1829) representing Athena composing the respective text, which shows the influence of the ancient Hellenic spirit on french intellectuals. During the celebrations, throughout the year, these influences were repeatedly pointed out. Actually, it is not a coincidence that the largest number of references to the ancient world was made in August 1789, during which period several drafts of the Declaration were proposed before the final one was voted for. And not without reason, because - in spite of the existing differences - it cannot be doubted that the sources of the Human Rights philosophy are to be found in Hellenic thought: from the first declaration of the free man's rights - the law on "societies" by Solon - and Antigone's message to the teaching of Plato and Aristotle, as well as that of the Stoics. During the Hellenic antiquity not only was democracy founded but there were determined the three key concepts - freedom, equality, fraternity - which were developed in our days into what we call human rights of the first, second and third generation. The passion for Human Rights is really one of the main characteristics of our times; quite understandable after all the sufferings of humankind, and quite hopeful both for our everyday life and the evolution of science.

And it is - from this aspect - particularly sad that the publication of this issue coincides with the completion of three years since the unexpected loss of Elias Daskalakis whose last field of interest was the social reaction to crime. An area in which the study of Human Rights has much to offer to the field of Criminology both at the theoretical and the applied level. It is a pity that our dear friend and colleague was cruelly deprived of the time to devote himself to this study, as he was planning to do.

The Hellenic Society of Criminology - participating in the celebration of the bicentennial of the french Declaration - organized in Athens at the end of this year the 42nd International Course of Criminology with a relevant subject ("The Deprivation of Liberty within the Penal System from the Point of View of Human Rights"), the proceedings of which are going to be published in a separate volume by the Marangopoulos Foundation for Human Rights which was co-organizer of the International Course

In this issue - in addition to the book reviews and the Greek and international scientific activity - there can be found very interesting articles (some of which refer directly or indirectly to human rights) by Greek and foreign scholars - "Principles of Minimum Penal Intervention: For a Theory of Human Rights as the Object and Limit of Penal Law", "The Abuse of Penal Repression", "Criminal Responsibility from Self-Destructive Acts", "The Penitentiary Evil: The Case of Belgium", "Crime in the Mass Media", "Criminology in the Federal Republic of Germany", and "Female Criminal Activity"-which cover a wide variety of subjects and offer a chance to all of us for constructive reflection.

**James Farsedakis**

## SUMMARIES

ALESSANDRO BARATTA  
*Professor, University of Saarland*

### **Principles of Minimum Penal Intervention: For a Theory of Human Rights as the Object and Limit of Penal Law\***

The present study concerns the articulation of the basic programmatic principles of a proposal for minimum penal intervention.

The axis for the formulation of this proposal is human rights, to which a double function is attributed. On the one hand, they set the limits of penal intervention and on the other hand they define the possible object of penal protection.

The analyses concern the demands for respect of human rights mainly on the level of primary criminalization. The analysis of more specific principles correspond to a fundamental division: the adoption of an internal as well as an external viewpoint of penal system. The intrasystemic principles of minimum penal intervention are classified to the following groups:

- a) Principles of typical limitation
- b) Principles of functional limitation
- c) Principles of individual limitation or limitation of penal responsibility.

The extrasystemic principles are classified as follows:

- a) Extrasystemic principles of decriminalization and
- b) methodological principles of alternative construction of conflicts and social problems.

IOANNIS MANOLEDAKIS  
*Professor of Criminal Law, University of Thessaloniki*

### **The Abuse of Penal Repression\*\***

In this article it is attempted to demystify the functionality of penal repression at all levels, in reference to **abusive** and **routinely exercised** penal repression and it is suggested that the today punishable acts, at least in the respective areas of special criminal laws and "ideological criminal law", should be **completely decriminalized**

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\*translated into english by Aphrodite Koukoutsaki.

\*\* translated into english by Telemachus Serassis

and that our **penal code** should be **reviewed** and **rephrased** in a united - in terms of terminology, language and concepts - text.

**NIKOLAOS PARASKEVOPOULOS**

*Professor of Criminal Law, University of Thessaloniki*

### **Criminal Responsibility from Self-Destructive Acts\***

Self-destructive acts, due to the social and psychological issues they pose, constitute an important, but also problematic, research subject for *Criminal Law* and *Criminology*. The interest focuses mainly on such acts as attempted suicide, intentionally rendering oneself unfit in order to avoid military service, hunger strike and use of drugs.

The analysis leads to the following positions:

- As self-destructive can be defined those acts in which the perpetrator and the bearer of the legal good is the same person.
- The criminalization of self-destructive acts contradicts the Constitution to the extent that it uses the citizen as a means for serving a specific policy, as well as since it punishes a person who has not actually committed an "act against another".
- Finally, this criminalization is also ineffective for criminal policy.

**GUY HOUCHON**

*Professor of Criminology, Catholic University of Louvain*

### **The Penitentiary Evil: the Belgian Case**

The author situates his paper within a set of conferences delivered in Athens under the banner of methodological situationism, thus moving away from mainstream individualism in current criminology. This methodological exercise however is not cut from social practices. To describe the evolution of the prison system in his country A resorts to three personal experiences. The first on as a volunteer in mate as participant observer in a prison (1966-1967), the second as director of a university criminological team in the central prison of Leuven (Belgium) from 1970 to 1978, the third on as a member of the High Committee for prison policy (from 1987 onwards).

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\*translated into english by Telemachus Serassis

The common thread of these three experiences is to be found in the institution of conditional release. It accounts for the contents of inmate sub-culture; its implementation was a main subject of complaint during the 1976 crisis in the central prison; conditional release is also a topic of great concern to the High Committee.

The first experience shows that the individualization of the penalty at the prison level cannot be met with classification and differential regimes. The second experience indicates that prison milieu carries the built-in risk of failure in any attempt to modify its usual social relational pattern. The third one adds a global social problem to the already well-known personal and interpersonal disadvantages of the prison: prison begets more prison. And, as a general and universal experience, prison is the answer to problematic situations involving the underdog. Such is the assessment of the prison evil.

HANS JOACHIM SCHNEIDER  
*Professor, University of Westfalen*

### **Crime in the Mass Media**

The constant interaction between publicized opinion and public opinion on crime, creates on the one hand, a distortion of the reality of crime (by broadcasting violent scenes, rapes, suicides etc) and on the other hand weakens the love and sympathy feelings of the recipients and causes an emotional "immunization" to adolescents and children. The above is achieved by the mass media presentation of selective programs/articles on violence and criminality, which aim at high audience ratings / circulation. This approach is empirically proved with five examples of particular form of media crime portrayal. Reference is made to two German T.V. channels, two newspapers, comics etc. Finally, some theoretical studies objecting to the mass media influence on the recipients' criminality are presented.

HELMUT KURY

*Professor of Psychology and Criminology, Albert-Ludwig University,  
Research Director, Max-Planck Institute, Freiburg i. Br.*

### **Criminology in the Federal Republic of Germany**

After a historical keypoint summary of the development of criminology in Europe and especially in the FRG, the paper at hand presents the institutionalization of the subject in Germany. Emphasis has been put on the standard of education at universities, the foundation of research institutes, research support and criminological societies as well as criminological publications and scientific meetings. Furthermore, research issues which modified criminological research in the FRG (past and present) are presented. Finally, future prospects for important issues and problems of criminological research are given. The following topics are granted special consideration: imprisonment resp. treatment research, ambulant measures, particularly probation aide, personality research and delinquency, intensive offenders, sentencing behaviour, prognosis research, violent crimes and drug related criminality, white collar crime and environmental crime, crimes committed by members of ethnic minorities, research on the genesis of norms, criminal prevention, cohort research, longitudinal studies resp. permanent supervision of crimes, victimology, evolution of crime theories and finally methodology of criminological research. Victimology will doubtlessly be an issue of particular importance in future criminological research in the FRG. As a general summary, it can be said that criminology in the FRG has a very high standard and is in a position to compete with research abroad, especially with that in the United States.



Christine NOVA – KALTSOUNI  
*Dr. of Sociology of Crime*

### **Female Criminal Activity**

The low rate of female criminality has condemned the study of this «insignificant» social phenomenon to occasional observation, within the margins of research into male criminal activity.

The central axis for the explanation of female criminality was the biological determinism or a latent biologism.

Most of the sociological oriented approaches have likewise failed to avoid the trap of a bisection of the phenomenon of criminality and its reduction into a male and female affair.

A sociological study of female criminal activity must be placed into a historical–social context, where the same activity of men will also be researched, and an effort must be made – within this context – to find those social factors which determine the quantitative as well as the qualitative differences between these activities.

Empasis must be biven to the role of socialization institutions and in general to the role of the informal forms of social control whose effectiveness can make superfluous the activation of the mechanisms of formal social control.