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# **Punishment and Political Systems: State Punitiveness in Post-Dictatorial Greece**

Leonidas K. Cheliotis and Sappho Xenakis

## **Abstract**

Extant research on the relationship between political systems and state punitiveness has so far paid little attention to the impact that transition from one political system to another may have upon levels and patterns of state punitiveness. This risks not only exaggerating the degree to which given trends in state punitiveness are distinct to particular political systems, but also overlooking the legacy that punitive policies, practices or experiences under a prior political system may bequeath its successor. With a view to advancing a better understanding of the relationship between political systems and state punitiveness, we draw on the case of Greece, taking a long historical perspective to chart the trajectory of punitive state policies and practices in the country before, during and after its dictatorship of 1967-74.

## **Introduction**

In recent years, there has been a growth in scholarly research on the relationship between political systems and state punitiveness. Although such scholarship has productively looked at a range of jurisdictions around the world, it has so far shown little concern with the effect that transition from one political system to another may have on levels and patterns of state punitiveness. This neglect risks not only exaggerating the degree to which given trends in state punitiveness are discrete to particular political systems, but also overlooking the legacy that punitive policies, practices or experiences under a prior political system may bequeath its successor.

The tendency to neglect transition in the study of state punitiveness is particularly stark in cases of states that have moved from authoritarian to democratic rule. It is equally stark, however, that the burgeoning body of scholarship on democratic transition itself has paid only limited attention to state punitiveness. Over the last forty years, transition from authoritarian to democratic government has become a mainstream subject of study across a variety of disciplines, especially in political science, but also in sociology, law and criminology. The primary concern of pertinent literature has been to identify factors that facilitate or inhibit successful transition to a consolidated liberal democracy. What has largely been neglected to date is the relationship between, on one hand, a recent authoritarian past and, on the other hand, the forms and degree of punitiveness manifested by a state against criminal or allegedly subversive acts committed during and after transition to democracy. Indeed, whilst repression is widely regarded as an essential feature of authoritarian government, what little exists on the punitive impact of authoritarian legacies has typically overlooked levels and patterns of imprisonment, despite them comprising the core criminological indicator of state punitiveness. Insofar as scholarship on transitions has addressed the issue of state punitiveness in post-authoritarian contexts, attention has been concentrated overwhelmingly on matters specific to what is called 'transitional justice': attitudes towards abuses carried out under authoritarian rule, whether or not such abuses are subject to formal investigation, the degree to which punishment and lustration are assigned to supporters of the previous regime and those who planned and perpetrated its crimes,

as well as the extent to which reparation is provided to victims (e.g., Sikink, 2011; Pinto, 2010; Arthur, 2009; see further Cesarini and Hite, 2004).

With a view to contributing to greater understanding of the relationship between political systems and state punitiveness through examining how the scale and scope of state punitiveness are affected by processes of transition from authoritarianism to democracy, this article focuses on the case of Greece. Between 1967 and 1974, Greece was subject to rule by a military dictatorship, since which time disputes have raged in the public domain regarding the relationship between past repression in the country and subsequent punitive state policies and practices under democracy, generating a host of intriguing hypotheses that still await sustained and systematic scholarly research. In particular, the punitive excesses of the dictatorship are usually posited to have left a legacy of state leniency towards crime and disorder, and whilst some view this legacy as evidence of successful transition to a consolidated liberal democracy, others argue it has impeded the emergence of effective criminal justice policies and practices, or even stymied the maturation of the democratic polity itself (for a review, see Sotiris, 2013).

Methodologically, our exploration of state punitiveness is in broad accord with a small but growing throng of penologists calling for recognition of the multidimensional nature of the concept (e.g., Tonry, 2007; Hamilton, 2014) in that we go beyond the standard use of imprisonment as a measure to include policing, surveillance and civil and criminal law.<sup>1</sup> The logic behind this analytic move is not so much that state institutions are inextricably enmeshed in a complex web of mutual influence in terms of organisational discourse, financial and other resources, or practical procedures and operations. Although we acknowledge the validity of this point, our choice to extend the study of state punitiveness beyond imprisonment lies in the fact that other state institutions, carceral as well as non-carceral, may share a common capacity to assume punitive forms and bring about punitive effects. Policing, surveillance and civil and criminal legislation, for example, merit consideration as punitive instruments of the state insofar as they are excessively harsh or otherwise intimidatory, whether against segments of the population or the populace in its entirety (see, e.g., Harkin, 2015). In studying state punitiveness solely by reference to imprisonment, as penologists so often do, one not only risks obscuring the punitive consequences other state institutions may have in their own right. Ultimately, one risks undermining the magnitude of punitiveness as a whole, given that punishment is a process carried out cumulatively and simultaneously by an ensemble of different institutions (see, e.g., Feeley, 1979).

We begin by reviewing extant research on the relationship between political systems and state punitiveness, and proceed to show how such research can be advanced through engagement with scholarship on democratisation in general and on Southern European transitions in particular. We go on to delve into state punitiveness in Greece, first by charting the long history of illiberal rule from which democratic transition emerged in the country after the fall of the junta in 1974, and then testing the 'lenient legacy' thesis by reference to two historical periods: the seven years following the end of the dictatorship, and the decades since 1981, the juncture at which the country is often thought to have achieved a consolidated liberal democracy. In concluding, we summarise our findings on the evolution of punitive state policies and practices in the specific context of post-dictatorial Greece, and highlight the

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<sup>1</sup> For reasons of space, we do not include in this article consideration of other important indicators of state punitiveness, such as sentencing laws and practices, the quality of prison conditions, trends in the use of the death penalty, levels and patterns of immigration detention, and state censorship of the traditional and social media.

implications these findings bear both for the impact of democratic transition upon state punitiveness and, ultimately, for the relationship between political systems and state punitiveness itself.

### **Political Systems and State Punitiveness**

In recent years, there has been growing scholarly interest in the relationship between political systems and state punitiveness, both in terms of whether certain levels and patterns of state punitiveness are distinct to particular political systems, and in terms of the politico-institutional and other factors that account for any observed similarities or differences. One fruitful but heretofore largely neglected avenue for exploring whether given trends in state punitiveness are discrete to specific political systems is to compare trends in state punitiveness before, during and after transition from authoritarianism to democracy. As a corollary of neglecting democratic transition, little attention has been paid to the impact that policies, practices or experiences under past authoritarian rule may have on the scale and scope of state punitiveness in the ensuing democratic environment.

Indeed, the small body of work that has so far addressed state punitiveness in conjunction with democratic transition calls into question or otherwise complicates the distinction explicitly or implicitly supported in most extant research on political systems and state punitiveness, whereby democratic states are taken to be significantly less prone than their authoritarian counterparts to meting out punitive measures against criminal and allegedly subversive behaviours. Just as it has been found, for example, that key continuities in state punitiveness may obtain following transition from an authoritarian to a democratic regime, facilitated in good part by the legacy the former may bequeath the latter, so too instances of rupture have been explained by reference to the function an authoritarian legacy may perform as a bulwark against punitive policies and practices under democracy. The implications of such findings for the relationship between political systems and state punitiveness remain undertheorised, yet important clues can be traced in the broader literature on democratic transition as such, particularly in the significance this literature attaches and the difficulties it attributes to democratic consolidation, including the doubts it raises as to whether authoritarian and democratic regimes are invariably distinct.

Insofar as penological scholarship has paid attention to the ways in which political systems relate to the scale and scope of state punitiveness, the overwhelming focus of this work to date has been on the more specific relationship between, on the one hand, democracy, and on the other hand, levels and patterns of imprisonment. In this regard, single-case studies have predominantly addressed the US experience over recent decades, probing the effect of different democratic features in the sense of either moderating or exacerbating the use of custodial punishment, from juries' role in limiting the imposition of prison terms at the sentencing stage (Dzur, 2012), to the part played by electoral politics in fuelling rates of incarceration (Zimring *et al.*, 2001; Garland, 2001). If again mainly with reference to the US, single-case research has also shown growing interest in the impact custodial punishment itself may have on democracy, particularly as concerns the detrimental implications of 'mass incarceration' for the quality and reach of structures and processes of political participation (Simon, 2007; Burch, 2013; Lerman and Weaver, 2014; Dilts, 2014; Wilderman *et al.*, 2014).

The relationship between political systems and state punitiveness in the form of imprisonment has thus far attracted surprisingly little international comparative analysis, notwithstanding important steps taken in this direction over the last decade or so. To the extent that democracies and non-democracies have been compared,

imprisonment rates have typically been found to be lower in the former (Greenberg, 2002; Killias, 1986; Ruddell and Guevara Urbina, 2007).<sup>2</sup> Another body of international comparative scholarship has sought to account for variation in the use of custodial punishment across political systems by reference to politico-institutional as well as socio-economic arrangements, spanning, for example, constitutional structures, electoral systems, patterns of welfare provision, and labour market relations (see, e.g., Lacey, 2008; Cavadino and Dignan, 2006; Wacquant, 2009a). This literature, however, has restricted the scope of analysis to select democracies of the global North, and has tended to overlook the ways in which state punitiveness may be influenced by processes of democratisation. A notable exception is a comparative study of Latin American states and the US, which has identified links between efforts to broaden and deepen democracy, on one hand, and the expansion of harsh penal policies and practices, on the other (Beckett and Godoy, 2008).<sup>3</sup>

Whilst not situating itself within the rubric of punitiveness per se, a further body of scholarship has explored the relationships that pertain between policing, surveillance, or law and political systems. Aside from a vast array of research on the ways in which policing relates to democracy, there has been a recent growth of literature on the intersections between policing and transitions to democracy. Much of this literature has been concerned with detailing, devising and evaluating stratagems to realise the potential contribution policing can make to democratic consolidation (see further Hinton and Newburn, 2009; Bayley, 2006). There are, however, a number of studies that have addressed persistence in punitive police missions and practices after transition to democracy (e.g., Green, 2000; Hathazy, 2013a, 2013b; Jaime-Jimenez, 1997), including several that have stressed the role of non-democratic legacies in sustaining such trends (e.g., Pereira and Ungar, 2004; Morn and Toro, 1989), and others which have argued that non-democratic legacies actually proved inhibitive of punitive policing (e.g., Korbonski, 2005).

A sizeable amount of research has meanwhile examined the tensions and complementarities that underpin the relationship between democracy and state surveillance. The practice of state surveillance has often been interpreted as standing in diametric opposition to democratic values, yet the two are not inevitably antithetical; there is evidence to suggest that surveillance practices can be facilitative of liberal democratic imperatives (see further Haggerty and Samatas, 2010). Albeit to a far lesser extent, research has also considered the legacies of surveillance practices under authoritarianism for the ensuing democratic regime (e.g., Samatas, 2004). It has been found, for example, that inadequate lustration in the field of surveillance can

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<sup>2</sup> The very low number of criminological studies that compare levels and patterns of punishment across democratic and non-democratic states is no doubt due to the considerable pitfalls to be overcome by any such endeavour, ranging, for example, from the effects of political manipulation on the reliability of available data to the risks of distortion stemming from the use of unduly limited proxies of punishment in comparative international analysis (see further Nelken, 2015; Hamilton, 2014).

<sup>3</sup> Wacquant (2009b) has also looked at democracies of the global South (e.g., Greece, Portugal, Spain, Italy) in his international comparative account of punishment under conditions of neoliberalism, without, however, addressing the effect that processes of democratisation may have had on levels and patterns of punishment in the states concerned (although he has briefly touched on the issue in earlier research on crime control policies and practices in Brazil; see further Wacquant, 2003). The few single-case analyses that have focused on the evolution of punishment in a context of transition from authoritarianism to democracy have mostly yielded findings similar to those reached by Beckett and Godoy (2008). There has been, for example, some work on democratisation and increased state punitiveness in post-apartheid South Africa, although placing greater emphasis on the contribution made by the legacy of the apartheid system, only marginally qualified by the counter-legacy of the anti-apartheid struggle (Cavadino and Dignan, 2006: 92-100; see also Super, 2013). For a counter-example, see Melossi's (1998) account of punishment in Italy under and after fascism.

produce a corrupting and destabilising effect on institutions of a nascent democracy, and even lead to the manipulation of crime discourse and crime control practices in the post-authoritarian period. In the case of several post-communist European states, former secret service personnel emerged from transition as an empowered elite across politics, the state and business, yet their controversial past made them susceptible to mutual blackmail, thereby leading to a steady stream of bribery and corruption scandals that would subvert public sector accountability and repeatedly rock public life. The criminality of this elite, in combination with its own alarmist calls for the advanced management of criminal risks, served to inflame public concerns about crime. This in turn not only fuelled demand for products and services from a newly privatised security industry itself dominated by former state security operatives, but also cultivated public support for the continuation of ubiquitous forms of state surveillance (Loś, 2002, 2010).

As regards literature on the relationship between law and democracy, whilst the rule of law is commonly taken to be fundamental to an effective democracy, debates continue about the existence both of the rule of law in non-democracies (see further Habermas, 1995; Joerges and Singh Ghaleigh, 2003) and of 'democratic deficits' that are said to have afflicted the development and implementation of law in democratic jurisdictions (see, e.g., Godoy, 2005a, 2005b). There is a large corpus of scholarship addressing the importance of the rule of law in jurisdictions undergoing transition to democracy, particularly as concerns the merits of transitional justice and the most appropriate ways of achieving it. A less explored theme has been the legacy of non-democratic law for the emergent democratic polity, with extant research identifying ways in which legal cultures overcome, but may also reproduce, the authoritarianism of the previous system. Although, for example, the project of European integration has usually been understood as a reaction to the 'dark' interwar histories of member-states, alternative interpretations view it as a means by which authoritarian constitutional provisions and practices have been reasserted (Joerges and Singh Ghaleigh, 2003; see also Karstedt, 2009).

Inasmuch as the strands of scholarship reviewed above have considered democratic transition, what their findings imply for the relationship between political systems and state punitiveness is usually left undeveloped, unclear or even altogether untouched. This is not least due to inattention to the punitive dimensions of non-carceral state institutions in themselves, let alone to the constituent role these institutions play as parts of a continuum of state punitiveness. At the same time, literature preoccupied with democratic transition as such, albeit typically neglectful of state punitiveness, has generated a number of insights that are valuable not just in terms of framing the study of punitive trends before, during and after democratic transition, but also in terms of appreciating what such inquiry may reveal about the ways in which political systems relate to state punitiveness.

This latter literature, also known as 'transitology', has identified discrete historical junctures at which attributes of the international environment have interacted with political and socio-economic contingencies at the national level to condition the quality, sustainability and outcomes of democratisation processes. Transitology has additionally demonstrated that the consolidation of democracy is a somewhat elusive goal, insofar as liberal democracies deemed to be 'consolidated' have actually proved more unstable and vulnerable to regression to authoritarianism than their classification suggests. Relatedly, transitology has lain bare the mutability of differences that may obtain between political systems at a particular point in time; indeed, qualitative disparities between democratic and authoritarian rule have been

shown to have become less distinct over recent decades (see further Luckham and White, 1996).

As well as offering these general insights, transitological scholarship is particularly useful for our study of punitiveness in the specific context of post-authoritarian Greece because it highlights the importance of the Greek case, if primarily as one of the lauded Southern European exemplars of successful democratic consolidation. In what follows, we briefly review the field of transitology and the place of Southern European transitions within it.

### *Transitology and Southern European Exemplars*

From the mid-1970s until the mid-1990s, there was a confluence of states in various regions around the world abandoning dictatorship and adopting democratic forms of government. This period, following two similar episodes of democratisation that began in the early 1880s and during the Second World War, respectively, came to be known as the ‘third wave of democratisation’, a term famously coined by political scientist Samuel Huntington (1991). The very range of states engaging in democratic transition during the third wave encouraged a sense of optimism about the degree to which those that otherwise seemed unlikely contenders for democratisation might actually be able not only to break free from path-dependent autocratic political trajectories, but to do so within a short timeframe by comparison with transitions achieved in prior waves. Indeed, there was growing belief that variation in historical routes to transition would not prevent the same basic outcome of a consolidated democracy across transitioning states (Fishman and Lizardo, 2013). Against the backdrop of crumbling communist rule in Eastern Europe, as well as the end of the Cold War and the victory of liberal democracy it was quickly thought to imply (see, e.g., Fukuyama, 1992), interest and enthusiastic confidence in the transformative promise of the third wave spread well beyond the academy, propelling the growth of an international ‘democracy promotion’ community (Carothers, 2007).

Since the late 1990s onwards, however, disparate events have provided powerful reminders of the difficulty of consolidating democratic reforms and establishing liberal rule in transitioning states. Liberal democratic consolidation has proved elusive in the majority of third-wave transitions, with some third-wavers even experiencing a return to authoritarian rule (Carothers, 2002). As argued lately by one of the ‘fathers’ of transitology, Philippe Schmitter (2014), the ‘dirty secret’ of transition studies has been that, although democratic outcomes became more frequent over the course of the third wave, they also became less consequential than in the past. That is to say, transitions increasingly fulfilled the minimal procedural requisites of democracy (i.e., regular, free and fair elections) but not the range of other qualitative dimensions that are essential to the functioning of a *liberal* democracy: extensive protections for individual and group freedoms, inclusive pluralism in civil society as well as in party politics, civilian control over the military, institutions to hold officeholders accountable, and a strong rule of law secured through an independent, impartial judiciary.

The aspirations of transitology and related policy have suffered yet another blow in recent years, given political upheavals that the global financial crisis has helped spawn in all three Southern European states long described as exemplars of the third wave of democratic transition: Greece, Portugal and Spain. Albeit not uncontroversially, a variety of macro- and micro-level factors have previously been identified as rendering Southern European states more likely to achieve ‘consolidated liberal democracy’ than others partaking of the third wave. These factors have most notably included rapid economic growth and relative societal affluence by comparison

with weak and failing states in the global South, a conducive international environment and especially the ‘carrot-and-stick’ approach taken by the European Community, and considerable prior experience of party politics (see further Diamandouros, 1997; Schmitter, 2014). The severe debt crisis in Southern European states as of the late 2000s, however, has called forth a range of domestic and international responses that give cause for concern regarding the robustness of democracy in these countries.

Situated in the eye of the financial storm in the Eurozone, debt-ridden states in Southern Europe have experienced a dramatic curtailment of their sovereign capacity and democratic accountability for domestic policy-making –Greece even came to have an unelected technocratic government for a short time– as a result of pressures exerted by creditor nations through the European Union, the European Central Bank and the International Monetary Fund. Against this background, Greece, Portugal and Spain have been downgraded in international rankings of democracy, as compiled by non-governmental organisations such as Freedom House and the Economist Intelligence Unit; between 2008 and 2011, for example, the Economist Intelligence Unit removed Greece and Portugal from its category of ‘full democracies’ (Economist Intelligence Unit, 2013; see further Matthijs, 2014; Hare, 2012). With the economic downturn having also fuelled political extremism in Southern Europe, further doubt has been cast on the ability of Greece, Portugal and Spain to deliver on their liberal democratic obligations to uphold civil liberties and the rule of law. Indeed, as crystallised in the widely reported comments of European Commission President José Manuel Barroso in June 2010, there have been fears that the debt crisis facing Greece, Portugal and Spain may be jeopardising no less than the existence of democracy in those states.

If the very notion of the third wave has thus turned out to be somewhat illusory, a larger challenge still to the ambitions that surround democratic transition has been the onset of what is referred to as a global ‘democratic recession’, whereby since the mid-2000s the quality of many democracies around the world has declined and the total number of democracies has fallen (Diamond, 1997, 2011; Kurlantzick, 2013). Compounding this negative trend, questions have also been raised about whether or not a liberal democratic telos is realistically attainable for all states undergoing transition, given evidence that autocracies around the globe have manifested rising levels of resistance to Western-supported democracy-building programmes on their soil over the last twenty years or so, but also in light of the troubled efforts to enact regime change in Iraq and Afghanistan (Carothers, 2006).

The achievability of liberal democratic consolidation for transitioning states is all the more questionable when one considers that the maintenance of liberal government has not always been guaranteed in countries with a sustained history of democratic rule (i.e., first-wave democratisers). Indeed, the common assumption that liberal democracies do ever reach a final ‘consolidated’ stage has been met with growing skepticism amongst students of political systems, although there is little consensus as to what lack of consolidation might mean for the fate of a liberal democracy. An optimistic view is that the endless, cyclical move of liberal democracies from one crisis to another should be taken as evidence of their vitality. Here, in other words, flexibility is propounded as an attribute of more or less healthy and certainly durable –indeed, ‘consolidated’– liberal democratic states (see further Runciman, 2013). But there is also a pessimistic, and more convincing, view that even in Western Europe liberal democracy has far shallower roots than is commonly construed and over recent decades its resilience has been overestimated (Mazower, 1998; see also Coggan, 2013).



A further problem with the very notion of a ‘consolidated liberal democracy’ is mounting evidence that suggests rigid distinctions between democratic and authoritarian regimes have been disintegrating in the present era. Rather than adopting the typical presumption that ‘consolidated’ democracies and authoritarian regimes are by nature diametrically opposed to one another, respectively occupying the liberal and illiberal ends of a bipolar continuum, it is increasingly appropriate to consider their relationship as one characterised by hybridity. On one hand, as noted earlier, there has been a trend over recent decades for authoritarian states to don the garb of democracy; by 2001, for instance, ‘electoral authoritarianism’ involving pseudo-competitive multi-party elections was twice as prevalent internationally as fully closed, ‘exclusionary authoritarianism’ without any pretext of pluralism (Brownlee, 2009). On the other hand, and this is a point often lost in pertinent scholarship, there has been a rise in authoritarian policies and practices within long-established democracies. The latter have in recent years been shown not only to rank amongst the most punitive nations according to their per capita rates of conventional imprisonment, but also to have been making ever greater use of measures more commonly associated with authoritarian regimes, from militarised policing and intensified mass surveillance, to secret trials and arrests, to indefinite detention (see further Hallsworth and Lea, 2011; Graham, 2010; Steinmetz, 2003; Andreas and Price, 2001; Wacquant, 2009b).<sup>4</sup>

Insofar as consolidation of liberal democracy is an unrealistic aspiration, then it is unwise to expect that transition from authoritarian to democratic rule necessarily brings in its wake a substantive and durable reduction, if any, in the scope and scale of state punitiveness. In other words, achievement of the formal structural requirements of liberal democracy should not itself be viewed as a sufficient safeguard against punitive legacies of authoritarianism. This underlines the point that typological distinctions between political systems can often be inadequate guides to punitive policies and practices, and that any analysis of the relationship between political systems and state punitiveness needs to be cognisant of the historical and geopolitical context upon which this relationship is contingent.

### **Greece, transition and state punitiveness**

To explore the relationship between political systems and state punitiveness, we take a long historical perspective on developments that occurred in Greece during and after the dictatorship of 1967-74. Thematically, our overview focuses on civil and criminal legislation regarding civil liberties, as well as on policies and practices of policing, surveillance and imprisonment. Temporally, we cover four historical periods: the decades preceding the country’s dictatorship of 1967-74, starting from the 1920s onwards; the dictatorship itself; the seven-year era of conservative-led government immediately after the junta’s fall; and the decades since 1981, when ‘consolidated liberal democracy’ is often thought to have emerged in the country. After positioning the 1967-74 dictatorship as the culmination of decades of illiberal rule, including under democratic government, we summarise the ‘lenient legacy’

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<sup>4</sup> There is also some research to suggest that there is convergence towards greater punitiveness between long-established and more recently transitioned democracies, and that an important motor behind this convergence is the spread of neoliberal socio-economic policies (see, e.g., Godoy, 2005a; Beckett and Godoy, 2008; Itturalde, 2008; also Wacquant, 2003). At the same time, contemporary authoritarian states have not inevitably manifested the same levels of punitiveness as their antecedents; see, e.g., Krastev’s (2011) discussion of the comparison between today’s Russia and its Soviet forebear.

thesis that concerns the aftermath of the dictatorship, and then proceed to test it with reference to the periods 1974-81 and from 1981 onwards.

Taking a *longue durée* approach allows us to locate continuities in legal restrictions on the provision of civil liberties in the immediate aftermath of the dictatorship of 1967-74, but also to chart the intensification of such restrictions since the late 2000s through more frequent use of historic legislation, the rescinding of protections introduced after the end of the dictatorship, and the launching of new measures. We are able to identify the way in which excessive police violence has reemerged over recent years, alongside allegations of systematic torture and evidence of a close relationship between the police and violent far-right groups. We also note continuities in the practice of widespread political surveillance across all different timeframes, and track what has been the stark resurgence of the use of imprisonment over the last three and a half decades, notwithstanding some important changes to the precise forms and targets of custodial punitiveness.

### *Transition from What? The 1967-74 Dictatorship and its Antecedents*

During the anti-communist military dictatorship of 1967-74, political parties were banned, trade unions and labour strikes were outlawed, and press censorship was tight, whilst other civil liberties were rescinded (Hadjiyannis, 1990). The use of torture by the state against resisters was routine and formalised through training and instruction of personnel in the security and military police forces (Becket, 1970; Haritos-Fatouros, 2003). Surveillance measures were comprehensive against both leftists and suspected sympathisers, drawing, amongst others, on networks of civilian informants and overt monitoring by the police (Samatas, 2004). Some 10,000 leftists were banished to islands, and many more were subjected to short and violent detention aimed at extracting information about resistance activities and deterring the general population from political engagement (Voglis, 2002; Diamandouros 1995).

The widespread employment of surveillance, detention and internal exile by police and military authorities during the junta goes a long way towards explaining why the otherwise extensive use of conventional imprisonment over the same period did not generally reach the levels known for the post-Civil War era (see Figure 1), even though police-recorded rates of common crime were significantly higher during the junta by comparison with earlier years. To the extent, in other words, that conventional imprisonment was employed by the junta for the purposes of suppressing political dissidence, it formed part of a broad panoply of measures meant to sustain and strengthen the regime's reign of terror.

The average annual caseload of convicted and remand prisoners during the dictatorship stood at 16,408, or 185 per 100,000 inhabitants.<sup>5</sup> Although these figures

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<sup>5</sup> Throughout this article, our reporting and discussion of imprisonment trends in Greece draws predominantly on our compilation and analysis of primary data published by the National Statistical Service of Greece (NSSG), focusing in particular on annual caseloads of prisoners and annual totals of admissions to the prison. At the time of writing, the years for which data on imprisonment have been made available by NSSG do not go beyond 2008, hence we also make brief reference later in the article to one-day snapshots of the prison population, which are published by the Ministry of Justice, Transparency and Human Rights, and have been made available for more recent years, but only up to 2012. Pertinent literature on Greece typically relies on one-day snapshots alone (at times also on rather irregular snapshots), to the exclusion of annual caseloads of prisoners and annual totals of admissions to the prison. Evidently, this leaves one in the dark as to the number of offenders held in custody over the course of a year, the number of offenders sent to prison by the courts over that year, and the length of their stay in prison, thereby ultimately understating the overall scale and severity of imprisonment (see further Cheliotis, 2011).

are not inclusive of the mass of people subjected to detention or exile by the police or military authorities, they still incorporate political prisoners held in conventional prisons. The data available do not allow for specifying the size of this population, but it is clear that criminal courts made extensive use of custodial sentences for defendants charged with offences of a political nature, if not formally prescribed as such (e.g., public order offences and offences against state authority) (see, e.g., Voglis, 2002). It is also known that political dissidents were often detained in conventional prisons on charges of violation of common criminal laws.

Whether as a tool of stifling political opposition or as a means of dealing with common crime, custodial punishment during the dictatorship mainly assumed the form of either remand imprisonment or imprisonment under sentence for short periods. Expressed as the combined annual caseload of convicted and remand prisoners, the use of custodial punishment underwent a particularly impressive rise during 1967, the first year that the Colonels' regime was in power, rising by 20.7 percent by comparison with 1966. This upward trend was especially pronounced in the caseload of remand prisoners, which rose by a spectacular 52.7 percent between 1966 and 1967, thereby also reaching a rate of 161 per 100,000 inhabitants—what is still to date the highest rate to have been recorded since the post-Civil War era (see Figure 1).

In the remaining years of the dictatorship, imprisonment under sentence retained greater vigor than remand imprisonment. The caseload of convicted prisoners reached its peak (14,687, or 165 per 100,000 inhabitants) in 1972, just before the Colonels sought to manage public opposition to the regime by engaging in a short-lived experiment of 'controlled liberalisation' (Kornetis, 2013), during which the caseload of convicted prisoners returned to levels recorded for the immediate pre-junta years (see Figure 1). The average annual caseload of convicted prisoners during the dictatorship as a whole stood at 13,073, or 148 per 100,000 inhabitants, the overwhelming majority of whom were sentenced for terms up to a year (see Figure 1), yet admissions to the prison system under sentence were counterbalanced by the respective levels of prison releases, especially in the twilight years of the dictatorship.

Insert Figure 1 here

The dictatorship of '67 hardly represented rupture from the general mode of government with which the country was familiar, despite long traditions of constitutional rule and competitive multi-party politics. Not only was there already a clear pattern of military interventionism in political life, discrimination and repression against leftists had also been entrenched state practice, carried out in collaboration with so-called 'parastate' adjuncts (i.e., groups covertly meting out intimidation and violence against leftists, often in concert with the police or the military, and with tacit protection from the state) (Mazower, 1997).

Over the course of the twentieth century, prior to the military junta of 1967-74, Greece had experienced Civil War (1944-49), multiple coups d'état, and many decades of illiberal rule, including periods of dictatorship (between 1925-26 under General Pangalos, and between 1936-41 under former-General Ioannis Metaxas). Thousands of leftists were exiled and imprisoned on islands around Greece under Metaxas' dictatorship, mostly without trial (see further Mazower, 1991, 1997; Seferiades, 2005). Similarly, the year 1945 saw an approximate 10,000 leftists sent to prison during what is known as the 'White Terror' (Voglis, 2002: 57). Furthermore, according to Voglis, '[a]t any given moment from 1947 to 1949, between 40,000 and 50,000 individuals were interned in prisons and camps' because of their leftist beliefs (ibid.: 63).

Emergency anti-communist legislation that originated during the Civil War was only formally abolished in 1962, whereupon it was replaced in some cases by even harsher reformulations of common law; indeed, up until the dictatorship of 1967, individuals were still being detained, stripped of their citizenship and having their property seized by dint of their communist affiliations, real or invented (Samatas, 2004). What is more, Civil War-era anti-communist legal provisions were all too quickly revived by the junta of 1967 (Stefatos, 2012).

Trends in the use of conventional imprisonment also testify to the spread and intensity of state punitiveness in Greece prior to the dictatorship of 1967, again mainly in the form of either remand imprisonment or imprisonment under sentence for short periods. Between 1929 and 1937, for example, imprisonment rates stood at levels that still remain by far the highest to have been recorded in Greek penal history. During this period, the annual caseload of convicted and remand prisoners reached an average of 41,585, or 626 per 100,000 inhabitants, as a result of a 32.7 percent increase in the annual caseload of convicted prisoners, which itself amounted to 33,200, or 499 per 100,000 inhabitants, on the average. The vast majority of custodial sentences were short (not beyond a year, and usually up to three months), whilst there is evidence to suggest that at least part of the prison population in 1936-1937 consisted of political detainees, whether serving a prescribed portion of their sentence in the 'main' prison system, or awaiting deportation to an island of internal exile, or under conviction for violations of common criminal laws (see, e.g., Kenna, 2001; Voglis, 2002; Seferiades, 2005). In the post-Civil War era, despite an overall drop in the use of custodial sentences, imprisonment still affected a very significant segment of the population (e.g., the average caseload of convicted and remand prisoners stood at 19,154, or 232 per 100,000 inhabitants, between 1956 and 1966), increasingly so in the form of remand imprisonment (see Figure 1).

That such longstanding policies and practices would subside after the end of the dictatorship of 1967-1974 was far from inevitable. This was all the more so given the manner in which the Colonels' dictatorship gave way to democratic transition. Although the dictatorship had not come to power on the back of mass support, nor did it succeed in cultivating such support whilst in power, it faced relatively weak resistance to its rule, notwithstanding an ill-fated and now iconic student uprising at the Polytechnic School in Athens in November 1973. Indeed, the junta was not toppled by any spectacular manifestation of popular will, but rather collapsed, as historian Richard Clogg (1986) has put it, under the weight of its own manifest incompetence, following a humiliating conclusion to the military government's adventurism in Cyprus.<sup>6</sup> Subsequent to that humiliation, the reins of government were handed back to civilian control by the junta's military leaders themselves.

### *Regime Change as Rupture: The 'Lenient Legacy' Thesis*

Prominent scholarship on democratic transition in Southern Europe has argued that regime change in the region was marked by civilian governments that aimed to deal with the legacies of dictatorial repression as 'a major policy consideration of paramount importance'. This zeal, it has been argued further, 'made possible the effective restraining of the coercive impulses of the police and ensured that judiciaries would strictly adhere to the rule of law and to the norms concerning the defence of civil and political liberties associated with democratic politics' (Diamandouros *et al.*,

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<sup>6</sup> Under the junta, Greece stimulated in Cyprus a coup d'état, which, in its turn, incited the island's invasion by Turkey. Given the junta's nationalistic *raison d'être*, the Colonels were compelled to accept responsibility for this failure of judgment and to return government to civilian control (see further Clogg, 1986).

2006: 25). In the particular case of Greece, the argument has been taken to the extreme. Despite –or, indeed, because of– the considerable historical legacy the country needed to overcome, its democratic transition, also known as the *metapolitefsi*, is widely thought to have brought about such a radical and conclusive transformation of the tenor of political life that it instigated an excessively liberal, post-punitive era. According to this line of interpretation, the experience of dictatorship ‘inoculated’ Greek public opinion against the appeal of ‘authoritarian solutions’, albeit at the cost of generating a gloss of democratic legitimation for all manifestations of anti-state lawlessness, in the face of which civilian governments ‘utterly failed to redress the balance in favour of the law and order required by a democracy’ (Mavrogordatos, 2009: 971).

Thus, for example, what are described as routine performances of lawlessness amongst the country’s youth are regularly blamed on a national culture that glorifies resistance against the state; a culture borne of the dominant left-wing ideology that the *metapolitefsi* reputedly ushered in (see, e.g., Andronikidou and Kovras, 2012; Mavrogordatos, 2009). This celebration of anti-state activities is itself supposedly underpinned by public sentiments of deep mistrust towards the Greek police and security forces. Indeed, it has become a truism to assert that after the end of junta’s rule the police and security forces were discredited in the eyes of the public ‘for being organs of violence and oppression rather than institutions for maintaining public order, as well as for their role in the junta period in violating human rights and restricting any freedom of expression’ (Katsikas, 2014: 285-6).

In addition to encouraging lawlessness as such, sentiments of mistrust towards the police and security sectors are also said to have undermined the state’s power to maintain social order, insofar as political elites in office have found it expedient to pander to the public through ensuring that lawlessness is dealt with leniently by the criminal justice system. In this vein, accusations have been raised against governments for tying the hands of the police, rendering them too timid to intervene decisively during riots and disorderly demonstrations. Similarly, governments have found themselves under fire for undercutting the work of the judiciary by purportedly intervening to hinder prosecution in cases involving politically sensitive charges, such as those of participation in student occupations and public disorder.

### 1974-1981

The year 1974 may rightly be judged to have been a turning point at which support for democracy over dictatorship was accepted conclusively across the majority of the political spectrum in Greece and the military returned to their barracks, henceforth effectively prevented from resuming an interventionist role in political life. There is little evidence, however, that this historical juncture, or indeed the ensuing years of the *metapolitefsi*, delivered an unequivocal abandonment of the illiberal norms and modes of governance that obtained both during the dictatorship and long before it.

The first seven years after the junta saw stilted efforts, limited both in terms of scope and intensity, to redress the injustices and abuses of past illiberal rule and instigate and embed liberal democratic norms, policies and practices. As soon as civilian rule was reinstated in July 1974, the new rightist interim government led by Constantine Karamanlis introduced a set of liberalisation measures, most notably the decriminalisation of communist parties that had been outlawed in the country since 1947 (Seferiades, 1986). Other measures in this vein included the closure of the worst prison camps, the release of all remaining political prisoners, the pardoning of political crimes committed against the junta, the restoration of citizenship to all

opponents of the dictatorship, and the removal of orders denying or limiting the right of individuals to travel abroad (Katsikas, 2014; Clogg, 1986).

Liberalisation, however, was not to be pursued much further. To begin with, although the leaders of the junta were arrested and an official enquiry was launched into the brutal crushing of the Polytechnic uprising, these developments did not occur until October 1975, over a year after the junta stepped down and no less than eleven months following completion of the first post-dictatorship national elections that brought the conservative New Democracy party to office under Karamanlis' premiership. Most crucially, the government was essentially forced into action by a private citizen, the attorney Alexandros Lykourezos, who took it upon himself to instigate legal proceedings against junta leaders, at a time when Karamanlis' own inaction was receiving intensifying criticism by the centre-left parliamentary opposition.

Continuities in criminal justice provision also began manifesting themselves at that stage. For example, the decision to send junta leaders into exile on the island of Tzia immediately after their arrest drew upon long-standing anti-communist legislation (Sotiropoulos, 2007). Whilst, moreover, the eventual successful prosecution of the junta protagonists has been hailed as a cathartic moment in Greek political life, the exceptionally lenient treatment that they subsequently received in prison, including access to such perks as air conditioning, television sets and tennis courts, suggests there were significant lingering sympathies for the prior regime (see further Katsikas, 2014).

The broader 'dejuntification' of the military, but also of the police, security and judicial sectors, was similarly plagued by the tame lustration processes that were initiated in 1974 under the interim civilian government. No more than 11 military generals were retired, whilst a range of middle- and lower-ranking officers were merely placed on temporary suspension. A number of police and security officers known to have tortured opponents of the junta were meanwhile only reassigned to different posts or temporarily suspended from duties. Out of an estimated total of 92 cases of police and security officers who were purged through removal from post and prosecution, just over half (57 percent) led to a conviction, with most sentences either being suspended or converted to a fine, including for two infamous torturers. Indicative of state reticence over lustration is the fact that prosecutions for torture and human rights abuses against more than one thousand victims were triggered almost exclusively by private citizens. What is more, a law passed in 1976 imposed time limits on the filing of civil suits, thereby paving the way to two-thirds of the lawsuits brought by private citizens –the majority of all such cases filed– being dismissed. As regards the judiciary, only 23 high-ranking judges were charged with disciplinary offences following the fall of the junta. Of them, 5 were absolved, the vetting process was cancelled for another 6, and the remaining 12 received mild sanctions, ranging from cancellation of their promotion, to temporary suspension from duties, to forced retirement (Sotiropoulos, 2007).

During the first seven years of the *metapolitefsi*, furthermore, there was no effort to subject either the police and security services or the judiciary to reforms reflective of a new, liberal democratic environment, despite the fact that each had historically excluded leftists and had been instrumental in building an anti-communist state in the post-Civil War era (Magalhães *et al.*, 2006). There is a view that the pivotal role played by judges in processing a range of cases under the rubric of transitional justice helped to establish the judiciary's democratic credentials after the end of the dictatorship (see, e.g., Alivizatos and Diamandouros, 1997). Although the police and security services cannot be argued to have engaged in any such

cathartic process, they retained autonomy from parliamentary oversight and their institutionalised values and practices were left unchallenged.

Whilst there appear to have been no reported cases of torture by the police in the immediate aftermath of the dictatorship, excessive and even fatal violence continued to be practised during the policing of public protests between 1975 and 1981 (*Eleftherotypia*, 1996). At the same time, although the conservative government of New Democracy repeatedly refused to admit to the existence of a mass system of intelligence filing on Greek citizens, the state's police and security apparatus did not actually cease compiling and updating records on the ideological affiliations and political activities of citizens. Indeed, multiple files were held on vast numbers of individuals; by 1981, there were 41.2 million files in a country whose population comprised just 9.5 million inhabitants. Of those files, 25.5 million contained purely politico-ideological intelligence, including information gathered between 1974 and 1981 on individuals suspected of sympathising with the then principal party of opposition, the left-wing PASOK, and thus recorded as holding 'semi-extreme' political positions that signaled an insufficient commitment to the country's 'democratic system' (see further Samatas, 1986, 2004).

Turning to conventional imprisonment, despite a significant drop in the use of imprisonment as a whole, there was a rise with regard to remand imprisonment and, for the first time, imprisonment under long-term sentences. Between 1974 and 1981, the combined annual caseload of convicted and remand prisoners fell by 29.2 percent, from 14,754, or 163 per 100,000 inhabitants, to 10,306, or 106 per 100,000 inhabitants—a historic low according to official records (see Figure 1). This downward trend was largely confined, however, to the beginning and end of the seven-year period, with slight fluctuations in the intervening years. The total caseload of convicted and remand prisoners dropped by 16.5 percent between 1974 and 1975, and by 10 percent between 1980 and 1981, during the build-up to the elections that brought left-wing PASOK to government with a landslide victory. The overall drop in the combined annual caseload of convicted and remand prisoners between 1974 and 1981 was due to a significant 39.6 percent decline in the caseload of convicted prisoners in particular, from 11,925 (133 per 100,000 inhabitants) to 7,200 (74 per 100,000). Yet once again, the fall was inconsistent and most pronounced at the beginning and end of the period in question, amounting to 19 percent between 1974 and 1975, and to 12 percent between 1980 and 1981.

In any case, the fall in the annual caseload of convicted prisoners was overwhelmingly restricted to the caseload of prisoners serving short sentences, with the caseload of prisoners serving long terms remaining more or less stable. Whereas the caseload of prisoners sentenced up to a year declined by an impressive 54.8 percent between 1974 and 1981, the caseload of prisoners sentenced to a year or more only fell by 1.9 percent during the same timeframe, given that the flow of such cases into the prison system remained remarkably stable and at levels that practically offset the effect of releases from prison. Indeed, the annual average of 1,323 admissions to sentenced custody for terms of a year or more between 1974 and 1981 exceeded both the respective average of 1,285 admissions during the Colonels' dictatorship and even more so the levels recorded for the post-Civil War era. Perhaps more strikingly, however, the annual caseload of prisoners under remand underwent a significant 17.2 percent rise between 1974 and 1981, from 2,649 (or 30 per 100,000) to 3,106 (or 32 per 100,000), thereby gradually exceeding the caseload of remand prisoners recorded for most years of the junta (as well as reaching the highest share –30.1 percent– in the combined annual caseload of convicted and remand prisoners ever recorded in Greece up to that point) (see Figure 1).

All in all, it appears that the sensitivity of the political environment, combined with limited lustration processes that left a punitive judiciary in place, restricted (and, at least in the cases of long-term and remand imprisonment, arguably prohibited) liberalisation in the use of conventional imprisonment in the immediate years after the junta's fall. Although common crime increased during this period, it is unclear whether the levels it reached and the patterns it displayed (i.e., trends in particular types of crime) suffice to justify the rise observed in the use of longer custodial sentences and remand imprisonment over the same timeframe. It could be instead that increases in crime incited or exacerbated fears of victimisation and other, socio-economic anxieties amongst the public, thereby helping to shape the backdrop against which continuities in state punitiveness became possible in the aftermath of the junta.

Given that public opinion surveys of the period did not specifically contain questions about the police or the judiciary, the extent to which the absence of reform in either institution after the end of the dictatorship caused them to be delegitimised in the eyes of the public is not self-evident. What is clear, however, is that the preponderance of the citizenry supported or otherwise condoned the restraint shown by conservative government elites in enforcing the 'dejuntification' of the state apparatus as a whole. Indeed, despite assumptions that the electorate had been radicalised by the experience of the junta and that subsequent electoral contests would therefore show a conclusive swing to the Left, Karamanlis' New Democracy won one of the largest majorities in Greek political history in the election held four months after the end of the dictatorship, attracting 54 percent of the vote and securing 220 out of 300 seats in parliament as a result. Neither the appointment of Cabinet ministers tainted by association with fascism nor the anti-communist prescriptions in the Constitution passed in 1975 (e.g., national loyalty requirements of civil servants that practically excluded communists from public employment; see further Samatas, 1986, 2004) prevented New Democracy from achieving reelection with a comfortable parliamentary majority in the general elections of 1977, when the combined vote of right-wing parties also demonstrated a significant lead ahead of the combined left-wing vote (the former's share amounting to 50 percent, and the latter's to 37 percent; see further Clogg, 1986). If anything, there was little to substantiate the claim that the Right and its authoritarian aura had been decisively rejected by most citizens in the first few years after the dictatorship.

### *1981-2012<sup>7</sup>*

The arrival in office of the left-wing PASOK government following the elections of 1981 is often thought to have inaugurated the 'consolidated' phase of liberal democracy in Greece. PASOK's rule between 1981 and 1989 marks the point at which official efforts to confront the legacy of authoritarianism in the country not only targeted the attitudes, policies and practices embodied by the dictatorship of 1967-74, but were extended to address illiberalism over the post-Civil War era in its entirety. Just as, for example, pension rights were restored in 1985 to civil servants who had been dismissed during the junta for political reasons, so too in 1989 criminal convictions were annulled for offences relating either to participation in the Civil War on the side of the Left or to leftist anti-state activities between the end of the Civil War

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<sup>7</sup> There are two main reasons why our periodisation for this section extends to 2012 and not beyond: first, because more recent official data on imprisonment, one of our key indicators of state punitiveness, have yet to be made available at the time of writing; and second, because 2012 is the year that saw the collapse of the two-party system that developed in the wake of the dictatorship, a convulsion that has led some commentators to diagnose the (unsuccessful) conclusion of the *metapolitefsi* era (see, e.g., Pappas, 2014).



and the fall of the dictatorship in July 1974 (Katsikas, 2014). In several other important respects, however, illiberalism either saw a resurgence or continued without interruption and even intensified.

Civil liberties themselves have suffered considerable downgrading following the onset of the country's financial crisis in the late 2000s. From 2011 onwards, for instance, legislation providing for civil mobilisation in times of peacetime emergency has been used by centrist governments with a frequency unprecedented since the beginning of the *metapolitefsi* to force striking workers –or even those planning to strike– to continue working, threatening non-compliance with penalties stretching to a five-year prison sentence. Over the same period, governments have repeatedly limited the right to public assembly, evoking a legal provision of the junta era (Legislative Decree 794/1971) to prevent public demonstrations taking place against foreign dignitaries and Eurogroup meetings (Kaltsouni and Kosma, 2015). Legislation identified with the 'excessive leniency' of the *metapolitefsi* has also been withdrawn: Law 1268/1982, which barred police from entering university campuses without the permission of the Rector, thereby giving protesting students sanctuary from arrest and prosecution, was abolished in 2011. Pointedly, the first use of these new police powers was authorised by the technocratic government of prime minister Lucas Papademos in November 2011.

As regards the police, reforms have been very moderate. With the proclaimed goal of strengthening the democratic accountability of the police, tackling its illiberal ethos and practices, and improving its effectiveness in crime control, the Hellenic Police was established in 1984 under the auspices of the Ministry of Public Order. The new force replaced and absorbed the personnel of the *Chorofylake* (National Gendarmerie) and the *Astynomia Poleon* (City Police), which had been under the control of the military. The 1984 reform produced a certain degree of liberalisation through such measures as revoking the ban on police marrying individuals with a communist background, and ceasing to require police to secure permission in order to marry a foreigner. Yet as concerns the demilitarisation of the police, although pronounced as a government policy at the time, it was conceived in the narrow terms of shifting ministerial responsibilities, as a consequence of which the internal hierarchical structure and disciplinary code of the Hellenic Police retained a militaristic character (Mazower, 1997).

The continuing militaristic character of the police has since been manifest both in its strategies and tactics, in light of which the force has maintained a reputation for repression and brutality. The cumulative effect of reforms introduced over recent decades by centre-left and centre-right governments to strengthen counter-terrorism capabilities and demonstrate control of common crime and mass immigration has been to exacerbate punitive policing against a broad variety of targets. From mass preventative detentions in advance of planned public protests to so-called 'sweep' operations to capture and deport irregular immigrants, and from speculative raids on Roma communities to the deployment of militarised units to intervene against urban disorder, police intimidation and excessive violence has reportedly seen a significant increase since the early 2000s (see further Amnesty International, 2012, 2014; Basille and Kourounis, 2011; Xenakis and Cheliotis, 2013).<sup>8</sup>

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<sup>8</sup> As regards trends in excessive police violence, it is difficult to ascertain the extent to which contemporary records testify to a rise in such abuse over recent years or represent continuity with the early years of the *metapolitefsi*, given the lack of scholarship and systematic media or NGO reporting of the issue during that period. Nevertheless, and notwithstanding significant police repression of protests between 1975 and 1981, the first sustained rise in the excessive use of force by the police in the

Furthermore, whilst there has been no evidence of a return to the institutionalised torture practices of the dictatorship, by the 2000s the use of torture by the Greek police was being characterised as ‘widespread and systematic’, particularly against immigrants, as well as leftists and anarchists (Amnesty International, 2014). In tandem, Greek state authorities have been accused of treating the phenomenon with impunity, including by failing to redress weaknesses both in the legal prohibition of torture and the implementation of pertinent legislation. In particular, there has been no move to remedy the over-restrictive definition of torture in the Greek penal code so that it meets international standards, nor any apparent challenge made to the judiciary’s marked reluctance to use torture as grounds for prosecution (ibid.).

Since the 1990s, there have also been numerous allegations of police collusion with far-right intimidation and violence, which have provoked concerns amongst some leftist constituencies about the persistence of the parastate. According to a confidential police document dated 10 December 1999 and publicised by the broadsheet newspaper *Ta Nea* in 2004, for example, the Hellenic Police had been providing members of the neo-fascistic far-right party *Chrysi Avyi* (Golden Dawn) with walkie talkies and batons as aids to violence against students, leftists and anarchists at successive demonstrations (Christopoulos, 2014; Psarras, 2012).<sup>9</sup> Over the last ten years or so, moreover, there have been instances captured on film and aired in public where far-rightists have engaged in violence from behind and amongst police lines against protesting leftists and anarchists, and where they have attacked immigrants and journalists in front of passive onlooking police officers (Xenakis, 2012; Amnesty International, 2014).

Following the murder of a Greek anti-fascist musician by a member of *Chrysi Avyi* in September 2013, public concerns about police collusion in far-right violence led the government to launch an unprecedented nationwide investigation into the issue. Yet the investigation, undertaken by the Internal Affairs Directorate of the Hellenic Police itself, concluded in just one month with the announcement that a mere ten officers in total had been found to have direct or indirect links with the criminal activities meanwhile attributed by prosecutors to members or parliamentarians of *Chrysi Avyi*. No comment was forthcoming about the suggestion previously made by the Minister of Public Order and Citizen Protection that some units had gone so far as set up far-right cells within the force (Christopoulos, 2014; Amnesty International, 2014).

In dominant political discourse, police collusion with the far-right has typically been framed as a problem stemming from the culture, or sub-cultures, of the police itself. Politicians, however, have played a key role in constructing a conducive environment for the phenomenon to emerge and develop, whether by increasingly resorting to racist and politically divisive language and policies, or by denying or downplaying police misconduct as such (Amnesty International, 2012, 2014). The extent to which the political establishment has informally endorsed the parastate after 1974 is perhaps best captured by the point, contained in the secret police report from 1999 mentioned above, that centre-right parliamentarians have even directly furnished members of *Chrysi Avyi* with guns (Psarras, 2012).

Political commitment to tackling political surveillance has also proved half-hearted. Whilst in opposition, PASOK had been highly critical of political surveillance

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post-junta period is thought to have emerged from the mid-1980s onwards (Christopoulos, 2014; Psarras, 2012).

<sup>9</sup> The Golden Dawn organisation was established in 1985, but registered as a political party only in 1993 (see further Xenakis, 2012).

by the state, yet it was only several years after the party came to power, and following media revelations in 1984 that the Greek intelligence service was still collecting information on the political activities of leftists, that the maintenance of state surveillance and its scale were officially acknowledged. Indeed, despite issuing a promise henceforth that the vast number of political surveillance files would be destroyed, the PASOK government failed to do so, and instead secretly ordered in 1985 that such files be preserved for continued use. It was not until 1989, under the coalition government of New Democracy and the Communist Party (KKE), that political surveillance files were eventually destroyed by the state, but then again, the measure was only applied to 16.5 million files of the 41.2 million previously acknowledged to exist. Moreover, as brought to light by successive phone-tapping scandals in the 1980s and 1990s, both PASOK and New Democracy governments presided over the expansion of official surveillance targets to include not only members of all opposition parties but also internal challengers to party leaders (Samatas, 2004).

Trends in the use of imprisonment from the 1980s onwards cast further serious doubt on the validity of the assertion that Greece's dictatorship left a legacy of lenience behind it, even if the expressions and targets of custodial punitiveness have undergone some important changes in recent decades. Between 1982 and 1989, whilst PASOK was in government, and despite remarkably stable crime rates, the annual total caseload of convicted and remand prisoners increased by 12 percent, from 9,602 (or 98 per 100,000 inhabitants) to 10,763 (or 107 per 100,000 inhabitants). This was primarily due to a 26 percent rise in the caseload of remand prisoners, from 3,185 (or 33 per 100,000) to 4,015 (or 40 per 100,000), with the proportion of remand prisoners amongst the total prisoner caseload also rising, from 33.1 percent to 37.3 percent.

The caseload of convicted prisoners also rose over the same period, if by a comparatively modest 5 percent, despite a decline in the rate of admissions to sentenced custody. This was partly due a decline in the annual rate of releases from prison, but mainly due to a 30.6 percent rise in the caseload of prisoners sentenced to a year or more, with the largest expansion, at a rate of 75.8 percent, recorded for prisoners sentenced to a term of five to twenty years (see Figure 1). Not, then, that the judiciary was more liberal in their use of custodial sentences during the 1980s, but their traditionally punitive mentality manifested itself in the expanding use of long custodial sentences, more so than in the use of custodial sentences as such (see further Cheliotis, 2010; Cheliotis and Xenakis, 2010).

As of 1990 onwards, despite only a modest rise in crime rates (see, e.g., Cheliotis and Xenakis, 2011), the use of imprisonment has grown rapidly, albeit no longer so much in the form of remand imprisonment, but mainly in the form of imprisonment under sentence and for ever longer periods at that. Between 1990 and 2008, for example, the annual caseload of convicted and remand prisoners grew by 68.6 percent, from 11,835 (or 115 per 100,000) to 19,963 (or 178 per 100,000). The caseload of remand prisoners increased by 15.1 percent over the same period, yet the caseload of convicted prisoners grew by an astonishing 98.6 percent.

The rise was even more dramatic in the case of imprisonment under conviction for long terms: the annual caseload of prisoners sentenced to a year or more rose by 130 percent, with the largest expansions recorded for prisoners sentenced to terms of five to twenty years (by 389 percent, from 1,246 to 6,093), three to five years (by 361.5 percent, from 616 to 2,843), and life imprisonment (by 236.2 percent, from 270 to 908). Indeed, the caseload of prisoners sentenced to a year or more grew to reach historic highs in the late 2000s, overtaking even the officially recorded levels of

interwar years (e.g., 107 per 100,000 in 2008 as compared to 100 in 1937) (see Figure 1).

If the use of ever-longer custodial sentences gathered momentum during the late 1970s and 1980s before exploding thereafter, the 1990s saw an unexpected –and unprecedented– change in the ethnoracial composition of the prison population in Greece. Amidst a climate of growing xenophobia amongst the public, Greek prisons started filling with foreigners. Between 1996, when official data collection began on the nationality of convicted prisoners, and 2006, the annual total caseload of non-Greek convicts rose by 140.5 percent, from 2,253 (or 404 per 100,000 non-Greek inhabitants) to 5,420 (or 559 per 100,000 non-Greek inhabitants). Correspondingly, the proportion of non-Greeks amongst the total caseload of convicts increased from 25.3 percent to 41.1 percent—four times higher than the estimated share of non-Greeks in the general population of the country. In more recent years, according to official one-day snapshots of the prison population, non-Greeks have far outnumbered Greeks in the prison population of the country (e.g., constituting 63.2 percent of the total at the beginning of 2012).

The level and nature of criminal involvement by non-Greeks, however, leave much unanswered as to the driving forces behind their overrepresentation in the total caseload of convicted prisoners. As we have shown elsewhere, holding crime constant, non-Greeks are roughly eight times more likely to be sentenced to imprisonment than Greeks, as a consequence of a series of biases against them in the country's criminal justice system, including ethno-racial prejudices in the sentencing behaviour of judges (see, further, Cheliotis and Xenakis, 2011; Xenakis and Cheliotis, 2013).

## **Conclusion**

In a narrow sense, this article contributes a corrective account of state punitiveness in the specific context of post-dictatorial Greece. More broadly, the article provides additional empirical support to the growing body of scholarship that has sought to highlight continuities in state punitiveness before, during and after transition to democracy. Unlike previous work, however, the article also foregrounds the complex implications such continuities bear for the relationship between state punitiveness and political systems.

Our findings emphatically disprove the thesis popularly propounded in Greece that the legacy of the country's military dictatorship of 1967-74 has been decade after decade of excessive leniency in the field of law and order. In terms of institutional and normative change, Greece has not been amongst the least successful states to have undergone transition to democracy since the 1970s. Our analysis of post-dictatorship trends in state punitiveness, however, suggests that the country's liberal democratic credentials have been more limited and vulnerable to regression than expected and commonly assumed. Taking a broad approach to state punitiveness allows us to identify a striking set of continuities and recurring motifs in punitive state policies and practices before, during and after the dictatorship: from legal provisions that have been used to subvert civil rights of protest, assembly, expression and political conviction, to excessive police violence and custodial punishment against out-groups, to mutually convenient relations between the state and far-right groups engaging in illicit violence, to the intimidatory surveillance of alleged subversives.

As concerns the impact that transition from authoritarian to democratic rule has upon state punitiveness, our study confirms previous research on other jurisdictions, showing that regime change does not guarantee a transformation of punitive state policies and practices. In particular, our evidence challenges the views that prior experience of authoritarianism is protective against authoritarianism in the

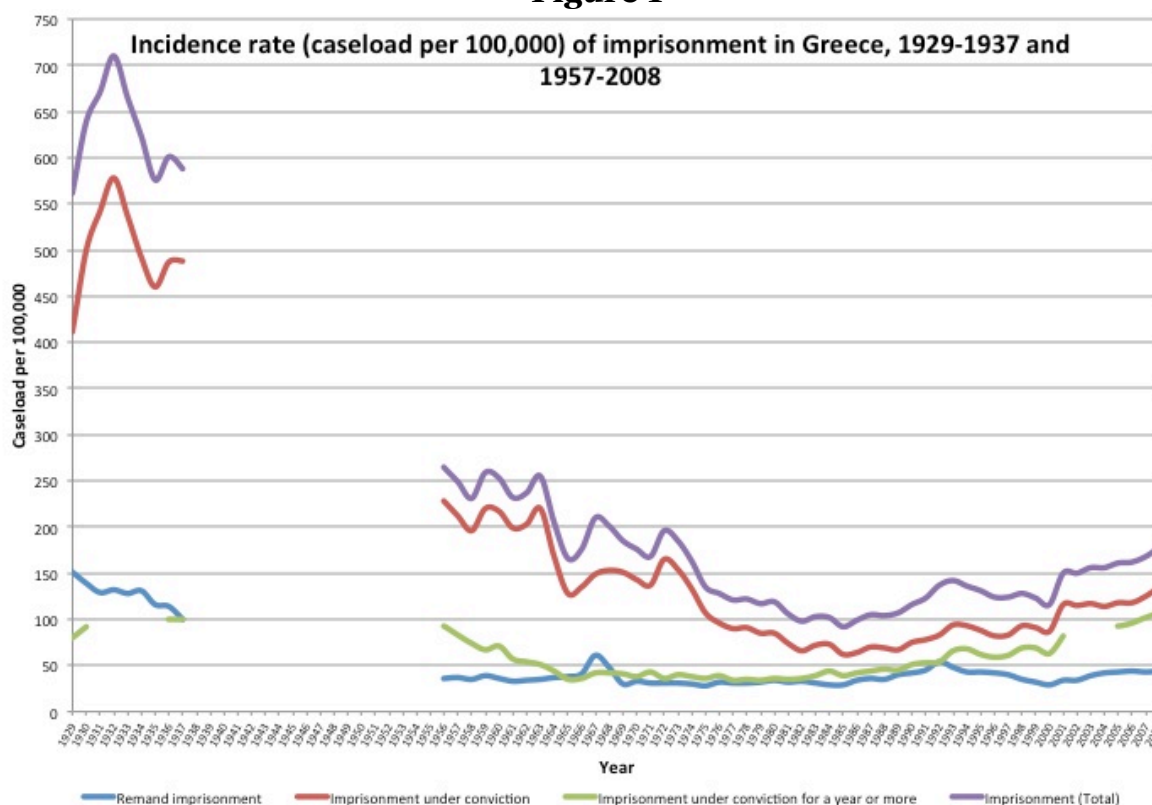
future, and that liberalisation in the field of criminal justice follows from the commitment provided to civil liberties after the establishment of democracy. Indeed, what we find is that the legacy of authoritarianism may well be more authoritarianism.

To pinpoint the persisting influence of an authoritarian past is by no means to imply that continuities in state punitiveness before, during and after transition to democracy can be attributed to authoritarian legacies alone. In the Greek case, for example, the modest nature of lustration in political life and the public sector may not suffice to account for the durability and expansion of state punitiveness beyond the early years of democratic transition. Although a thorough analysis of factors determining the manifestation and influence of Greece's authoritarian legacy has yet to be undertaken, key amongst these factors are likely to be politico-economic pressures, whose importance in shaping the use of imprisonment and cognate policies in the country over recent decades has been identified in previous research (see further Cheliotis and Xenakis, 2010, 2011; Cheliotis, 2013; Xenakis and Cheliotis, 2013, 2015).

At the same time, our study illustrates that the lasting manifestation of an authoritarian legacy does not preclude new targets for state punitiveness under the emergent democratic rule. Whilst we trace significant continuities in levels of state punitiveness in Greece over time, we also find that the profile of those subject to punitive state policies and practices changed dramatically after the end of the dictatorship. For most of the twentieth century, the Greek state and its criminal justice system in particular prioritised the repression of leftists. It is not possible to assess the precise proportion 'political criminals' have constituted of the total caseloads of arrested, prosecuted, convicted and imprisoned individuals, given that those stigmatised for their leftist political beliefs have been over-represented in common crime categories as a result of prejudice against them at each of the stages of reporting, policing and sentencing of crime. It is nevertheless clear that the post-dictatorship era saw foreigners and immigrants become the overwhelming target of state punitiveness, as testified by the disproportionate preponderance of ethnoracial minorities in police, judicial and prison statistics (see, further, Cheliotis and Xenakis, 2011; Xenakis and Cheliotis, 2013).

Turning, finally, to our study's broader concern with the relationship between state punitiveness and political systems, our findings suggest that the former does not necessarily vary across the latter. In particular, our analysis of democratic transition in the particular context of Greece yields little evidence in support of the standard criminological expectation of higher levels and harsher patterns of punitiveness in non-democratic states by comparison with their democratic counterparts. To put the point differently, democracies are far from immune to authoritarian governance, the revocation of civil liberties, and the use of repression. Indeed, our long historical perspective on Greece shows the typological division of political systems into democracies and non-democracies to be a problematic framework for exploring state punitiveness regardless of whether one does so by reference to recent decades, where hybrid authoritarian democracies and 'electoral authoritarianism' are known to have become more common around the world, or across more extensive timeframes.

**Figure 1**



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