

State-corporate crime in Greece, in the era of memoranda

Stratos Georgoulas
Professor
University of the Aegean

1. Introduction

In recent years the international academic community has made an effort to define and scientifically test the term “state-corporate crime” that may replace and be more specific than the term “white collar crime”. It is a term that, from a political and a research point of view, corresponds to what we narrow it down as “corruption”, but with two important differences:

The first difference lies in that there is an effort to criminalize this act from the point of view of protecting human rights and social harms. Crimes are not only the known “street crimes”, but these acts as such, which, according to studies, involve much more loss of life, physical or other harm, loss of property, money, from respective registered murders, attempted murders, theft-robbery, etc The need for criminalization of these acts is connected both with the need for appropriate orientation of formal criminal policy (law, police, administration of justice) and for the awareness of citizens, consumers, workers and social movements.

The second difference lies in the revelation of the true nature of this crime and thus in the orientation not only of crime prevention but also of political and social action. The interdependence of the state and corporate capital, either by converting directly public money into private (i.e. contracts) or by providing facilities and specific policies (i.e. laws, decrees, etc.) is the way that the heart of our capitalist society operates and therefore the root of this crime.

2. What state-corporate crime is

The term state-corporate crime is not a neutral term, from an evaluative perspective, but rather a product of a very clear politico-ideological decision against a theoretical dilemma that is created by the historical tradition of criminological theory and research, and the prospects in judicio-political and social field that are opened by this specific research.

The concept of state-corporate crime has just gone the third decade of its first public appearance in a scientific text, while its use - as it has not become commonplace among scholars remains quantitatively limited. It was launched through a series of presentations at conferences by Kramer and Kramer and Michalowski in 1990, in which the first written version was introduced in 1992 (Kramer 1992) and concerned a case study. The general idea was that there should be particular emphasis on the field of the state and businesses interaction that produces serious criminality and not to be examined separately as it had usually been treated until then, that is, as state crime and as corporate crime.

According to what has just mentioned Michalowski & Kramer (2006a, 2006b) gave a comprehensive definition of state-corporate crime as follows: illegal or socially harmful actions produced by a mutually strengthened interaction between policies or practices of political institutions of governance and those of economic production and distribution.

The research carried out within this context use case studies, employing secondary data from official documents and records or from investigative journalism (Kauzlarich & Mathews, 2006), whereas the analysis that is usually at a micro-sociological level lacks a “pure evil perpetrator” as it involves complex organizational arrangements that make the motives and purposes of government and business entities involved inconspicuous (Liederbach, 2010). This very important crime, because it relates to human rights violations, is a systemic problem and not the result of individual actions, and just as such it is defined as (something that is) linked with the ownership or management of a capital accumulation process.

Within this context we could incorporate two complementary dimensions, when we talk about political ties of governance and institutions of economic production and distribution: first, major multinational companies and supranational government organizations and, second, institutions of “civil society”, that is, non-governmental organizations (NGOs).

More analytically, Friedrichs & Friedrichs (2002) mention the “crimes of globalization”, thus providing another interesting dimension to the issue. These crimes refer to forms of social harm to entire populations from political supranational institutions, such as the IMF and the World Bank. The imposition of the top-down policies and economic programmes that are consistent with the interests of powerful countries and multinational companies have effects on and even cause casualties in

human lives mainly in “developing countries” (Rothe, Mullins & Muzzatti 2006). Usually, such things as “Debt Repayment” programmes lead, as Green and Ward (2004) have shown us, to political instability, then to paternalistic or clientelism systems of governance that are the nest of the organized crime, corruption, authoritarianism, state repression, use of torture, and even of possible genocide.

This globalization and its crimes refer to the influence not only of supranational financial institutions and multinational companies but also of NGOs (Chace-Dunn et al., 2000; Mazlish, 1999). In the neocolonial situation or the postcolonial state, as called by Gupta (1995), where we have been living, there is a continuum between businesses, the state and the “civil society” that in essence makes the boundaries between them blurring; the continuous interaction that eliminates autonomy and the limits that are a “normal” situation that have been neglected in literature.

Even more in the period of modern economic crisis, the contraction of welfare state intervention leads to further involvement of NGOs to meet these needs. But the change is not only quantitative but also qualitative. As a consequence of this change and the increase in NGOs’ role as a mere provider of social services, there have been the marginalization of the contenders of actions of such organizations and the weakening of features such as the proximity to local communities, the mobilization of citizens and lobbying for changes in targeting policies (Simiti, 2014). However, this development does not signal the strengthening of civil society; it rather signals the incorporation of the existing agencies, which will ultimately survive the economic crisis, within a context that will be distinguishable for deference of retreating from self expression and promoting social demands. On the contrary, these NGO-intermediaries reproduce the features of traditional charity (e.g. disconnection of the aid provided from empowerment actions of beneficiaries, disconnection of individual needs from social needs, emphasis on moral obligation, promotion of donors) (Simiti, 2014), while at the same time the development of clientelism between specific organizations and the central or local political power favoured the appearance of cases of corruption or financial mismanagement, as several relevant publications have shown (Gibelman & Gelman, 2001; Greenlee et al., 2007).

3. The Greek reality

a. Bailouts programmes

The measures implemented under the “bailout programmes” (Memoranda of Understanding) have directly affected living conditions of the people and violated human rights, which Greece is obliged to respect, protect and promote under domestic, regional and international law. The drastic adjustments, imposed on the Greek economy and society as a whole, have brought about a rapid deterioration of living standards, and remain incompatible with social justice, social cohesion, democracy and human rights. According to the Greek Ombudsman, “the drastic adjustments imposed on the Greek economy and society as a whole, have had dramatic consequences on citizens, while vulnerable groups multiply” (Greek Ombudsman, 2012:4). Similarly, the Greek National Commission For Human Rights observed a “rapid deterioration of living standards coupled with the dismantling of the Welfare State and the adoption of measures incompatible with social justice which are undermining social cohesion and democracy” (Greek National Commission For Human Rights, 2011:71-72).

In April 2015, the President of the Hellenic Parliament established the Truth Committee on Public Debt, mandating the investigation into the creation and the increase of public debt, the way and reasons for which debt was contracted and the impact that the conditionalities attached to the loans have had on the economy and the population (Georgoulas and Voulvouli, 2015). According to the Committee’s preliminary report the growth of the Greek public debt since the 1980s was not due to excessive public spending, which in fact remained lower than the public spending of other Eurozone countries, but rather due to the payment of extremely high rates of interest to creditors, excessive and unjustified military spending, loss of tax revenues due to illicit capital outflows, state recapitalization of private banks, and the international imbalances created via the flaws in the design of the Monetary Union itself.

Let see, what human rights are violated by the bailouts programmes, according to the Truth Committee:

1. the Right to Work

Labour market reforms imposed by the Memoranda severely undermine the realization of the right to work, causing grave institutional breakdown. Destroying the system of collective bargaining agreements and labor arbitration resurrected the individual employment agreement as prime determining factor of employment conditions (Kazakos, 2013:565).

Successive wage cuts and tax hikes brought massive lay-offs, erosion of labour standards, increased job insecurity, and widespread precariousness, with over-flexible, lowly-paid jobs where women and young predominate. The minimum wage was pushed below poverty thresholds (Council of Europe, 2013, General Federation of employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) against Greece, Complaint No. 66/2011).

2. the Right to Health

The first Economic Adjustment Programme (May 2010) limited public health expenditure at 6% of GDP; the second (March 2012) demanded reducing hospital operating costs by 8%. Hospitals and pharmacies experienced widespread shortages while trying to reduce pharmaceutical expenditure from €4.37 billion in 2010 to €2 billion by 2014 (Policies, D.G.F.I. & Affairs, P.D.C.C.R.A.C., 2015).

3. the Right to Education

Specific measures outlined include reductions in teachers' recruitment, forced transference of teachers in the labour reserve and labour mobility schemes, reduction in teachers' pay, merging/closure of schools, more students per classroom and weekly teaching hours. Gaps in teaching posts are left uncovered (12,000 in primary and secondary schools for 2014-5). 1,053 schools closed and 1,933 merged between 2008 and 2012 (Greek Federation of Secondary School Teachers 2012:11–12). Reduction in operational costs left numerous schools without heating (Ekathimerini, 2013). Inadequate framework for free student transportation discriminates against children in isolated areas, Roma children and children with disabilities (Greek Ombudsman, 2014:87).

4. the Right to Social Security

The Memoranda-imposed spending cuts diminished social benefits, including pensions, unemployment benefits, and family benefits. The character of the pensions system was changed; pension funds were devastated by the PSI (Private Sector Involvement), losing around €14.5 billion (Bank of Greece, 2014: 107).

Pensions were reduced on average by 40%, falling below the poverty line for 45% of pensioners (Lumina, 2013). In 2015 8.14% of workers were found to work undeclared and uninsured (Labour Ministry, 2015:4).

5. the Right to Housing

Programme conditionalities and Greek government implementation laws violated the right to housing. Social housing was abolished in 2012, as a 'prior action' to disbursement. New laws and regulations facilitate express eviction procedures, without judicial trial (Law 4055/2012, Art. 15). In 2014 over 500,000 people lived in conditions of homelessness, insecure or inadequate housing (Arapoglou and Gounis, 2014).

6. the Right to Self-determination

The wholesale privatization of state property through a structure named TAIPED (Hellenic Republic Asset Development Fund (TAIPED) was established by Law 3986/2011), especially through the 'fast-track' procedures, violates constitutional rights and provisions, namely Articles 1.2 and 1.3 guaranteeing the principle of popular sovereignty. TAIPED also violates the constitutional rights to property (Art. 18 Const.) and protection of the environment (Art. 24 Const.).

7. the Right to Justice

The creditor-imposed measures specify commitments to reform the juridical system, including a substantial increase in fees (Policies, D.G.F.I. & Affairs, P.D.C.C.R.A.C., 2015:109-113). Recourse to Courts became financially unbearable for citizens after successive drastic cuts to salaries and pensions.

8. Protection against Discrimination

The creditor-imposed laws implementing the Memoranda discriminate against large sections of the population, e.g. employees and pensioners. Workers under 25 years were excluded from the legally protected minimum salary (European Committee of Social Rights Conclusions XX-2:31). Employees lost the right to freely negotiate collective or individual agreements, violating the Constitution that guarantees the rights to free collective negotiations (Art. 22§2) and the freedom of contracts (Art. 5§1); also the International Labour Conventions 151/1978 and 154/1981, and the European Social Charter (Articles 6, 12). Discrimination against Roma, HIV-positive, and the elderly grew; as did police harassment. The UNHCR recorded a spike in excessively violent crimes arising from discrimination based on gender and sexual orientation (Racist Violence Recording Network, 2015).

9. Freedoms of expression and assembly

Since 2010 legislative and administrative measures restricted the freedoms of expression and assembly; the right to free expression was “systematically and effectively challenged” (Syllas, 2013); the freedom of assembly was violated. Authorities prevented legitimate protest against Memoranda-driven policies by prohibiting public meetings, repressing with excessive force peaceful demonstrations, making pre-emptive arrests, questioning minors, and torturing antifascist protesters, often in collaboration with Golden Dawn ((Margaronis, 2012; Amnesty International, 2014). Between 2009 and 2015 Greece slid from 35th to 91st place on the World Press Freedom Index (Reporters without Borders, 2015).

All the above freedoms and rights are guaranteed by international treaties and human rights conventions such as Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the elimination of all forms of discrimination against women, International Convention on the elimination of all forms of racial discrimination, Convention on the rights of persons with disabilities, Convention on the Rights of the Child, European Social Charter, European Convention of Human Rights, and also the Greek Constitution.

Currently 23.1% of the population lives below the poverty line (TVXS, 2015), with relative poverty rate almost doubling in 2009-2012, and 63.3% are impoverished as a consequence of austerity policies alone (Leventi and Matsaganis, 2013). Severe material deprivation increased from 11% to 21.5% of the population in 2009-2014 (EUROSTAT, 2015a). Over 34% of children are at risk of poverty or social exclusion in 2013 (EUROSTAT, 2015b). The unequal impact of the measures dramatically worsened inequality, with the poorest 10% of the population losing an alarming 56.5% of their income (Leventi and Matsaganis, 2013).

The third bailout programme (August 2015) is in line with the two preceding ones. It continues to violate fundamental human rights, while at the same time crippling the Greek economy and providing no incentives or platform for growth, investment and enhancement of trade. It will increase poverty, class polarization and social exclusion. A characteristic example of this is that although creditor demands envisage broadening the tax base, tackling tax avoidance, etc, at the same time they seek to abolish a 26% withholding tax on cross border transactions.

The new austerity measures, among many other consequences:

-Reduces pensions in line with the measures implemented through the anti-pension reforms of 2010 and 2012.

-Increases taxation on farmers.

-Phases out progressively, by 31 December 2016, VAT discounts currently available to businesses on the Aegean islands.

-Eases attachment and seizure processes in favor of tax authorities and banks.

-Increases the advance corporate income tax not only for large enterprises, but even for the self-employed up to 75% for incomes in 2015 and 100% for 2016 incomes, thus further reducing available income.

-Imposes a new round of market liberalization under the instructions of the OECD's so-called toolkit.

Furthermore, quasi-automatic correction mechanisms that will impose new spending cuts in cases of failure to achieve their stated fiscal goals will undoubtedly bring about a new wave of austerity measures.

b. The state-corporate crime in the Greek House of Parliament

At the same time when the Greek society has been experiencing human rights violations and widespread social damage from the implementation of Policy Memoranda as defined by the government agreements and supranational organizations-international lenders, the legislative agencies have created a "policy of privileges", due to which the phenomenon of corruption is further developed. This legislative initiative is multifaceted and leads to criminal immunity regimes. Either in the form of an in advance (preventive) exclusion of prosecution for specific individuals and groups that have been involved in the relationship of power and money - especially in the "sinful" contracts or forms of privileges of public concession, such as Siemens, armament programmes, privatization through HRADF etc., or in the form of (repressive) legislative intervention in already pending criminal trials towards the limitation, suspension or termination of pending prosecution, pardoning within the meaning of Article 47, paragraph 3 of the Greek Constitution etc.

Thus, it has been generated an unacceptable system of legal discrimination in favour of bribed officials and the powerful bribing social groups, multinational companies, etc. At a time when taxpayers or insured people for relatively small

financial sums are directly at risk of being prosecuted, suffering, and being humiliated and deprived of their liberty, privileged government officials and privileged economic and social groups that are directly involved in squandering public money are “exempted” in a way that implies contempt and sarcasm towards the affected low and middle social strata by Policy Memoranda.

Let us look some specific examples in detail.

1. The Siemens scandal, during which it was revealed that the company had been “feeding” the PASOK and the New Democracy (ND) with black money, funds for years, shook public opinion of the country. Unlike other countries, where governments demanded and received compensation from the corruptor company, in Greece of the PASOK and the ND governments, that is, of the same parties that received the black money in their funds, compensation (estimated in 2 billion euros) was neither demanded nor given. In the Spring of 2012, it was attempted so that the signature of resignation amicable settlement of the claims of the Greek government would be legitimized (the subsequent Law 4072 / 11.4.2012, Article 324) - a provision with which “the Compromise Draft Agreement between the Greek Republic and Siemens is approved” and “authorization to the Finance Minister is provided to represent the Hellenic Republic and sign the settlement agreement”, accepting, in full satisfaction of the Greek government, alleged benefits of a supposed height of 270 million euros in kind.

The current Greek House of Parliament has done nothing to cancel this harmful compromise. On the contrary, scholarships provided by the National Agency for Postgraduate and Doctoral Research have now been sponsored by the same company and called SIEMENS scholarships.

2. In the Multi-Bill of March-April 2014 (the relevant provisions voted for on 30.03.2014 as paragraph IE of Article 1 of the Multi-Bill, namely Law 4254/2014, Government Gazette A’ 85 / 07.04.2014, as “Support and development measures of the Greek economy within the scope of implementation of Law 4046/2012 etc. provisions”) the criminal offenses of active and passive bribery of an official - that is, the offenses of those who “took” and consume the money, those who bribed and those

who collected the bribes - are converted from felonies to misdemeanors if “they are not contrary to the official’s duties.”

Furthermore, the bribery offenses of the Ministry of Finance officials are converted from felonies to misdemeanors, whereas the offences made by employees being of private legal entities are decriminalized. This means that defendants in felony for kickbacks of more than 120,000 euros and accused Ministry of Finance officials can invoke the new provisions to convert their actions to misdemeanors and thus be relieved of their responsibilities for the limitation, since the time limitation of misdemeanor is much shorter than that is provided for felonies.

Within the same context, with Article 68 of Law 4139/2013, it is stipulated that it is not a bribe a mere material provision for expressing gratitude. Moreover, on the initiative of Minister of Justice, Article 263a of the Penal Code was replaced (temporarily), giving the opportunity to trial with a more favourable law those who were in custody awaiting for a trial (a series of companies executives and NGOs) who received illegal funding from the Greek government.

3. The Greek State purchases eight submarines paying over 2 billion euros, receiving after 12 years only one! By amendment to an unrelated bill, it was assigned to the same HDW and ThyssenKrupp companies the completion of construction of the Navy submarines, which have being rotten in Skaramanga Shipyards for years. With this amendment, the Greek government - instead of claiming legal compensation for the unconventional behavior of the specific companies which were checked for corruption - launched a new partnership with them, concerning the amount of at least 75.5 millions Euros, according to the General Accounting Office Report. Before this Report, the Greek government had already written a resignation letter from any kind of claims.

According to the international anti-corruption legislation, these companies are debtors of the Greek Public. However, the Government signs new contracts with them, by releasing all previous debt.

4. The enactment of non-existence of criminal responsibility – and especially in cases pending against Justice.

This is about the subsequent paragraph 10 of Article 18 of Law 4002/2011 (Government Gazette A’ 180 / 22.8.2011), which was added to Article 18 as an

“Addition to-Rewording of” on 3/8/2011. With this paragraph, a retrospective legislation was introduced which dates back to 1997 and seeks that Ministers of Finance who placed in private banks part of the “stocks” of the Greek Public “to ensure stability and systemic stability of the banking system” should not be checked.

Press reports claim that 100 million euros were deposited by the Minister of Finance in a bank when inspections were conducted by the Bank of Greece and the Authority against Money Laundering of Criminal Activity for embezzling tens of million of euros and number of regulatory violations. The bank is now closed.

5. With respective enactments, the criminality of the acts is removed in the following cases

- The past, current and future legal representatives of companies under privatization on whom “prosecution is suspended, until the privatization of the company is completed”, thus “the criminality of the acts is removed and such prosecutions and any act or enforcement measures against them are permanently ceased” (Article 31, paragraph 4, Law 4141/2013, Government Gazette 81/04.05.2013).

- Presidents, members of the Board of Directors and bank executives for whom it is provided that “it does not constitute infidelity within the meaning of Articles 256 and 390 of the Criminal Code to conclude any kind of loans with legal entities of public or private non-profit, semi-public sector” (Article 78, Law 4146/2013, Government Gazette 90/18.04.2013).

- Members of the State Legal Council for whom it is provided that “they are not to blame, they are not persecuted on or examined for an opinion they expressed or an action they carried out while performing their duties” (Article 56, Law 4170/2013, Government Gazette A’ 163 / 12.07.2013).

- The Special Manager of the ERT S.A., who “is under civil, criminal and other responsibility only against the Public for any damage s/he caused to it by deceit or gross negligence while performing his/her duties under the Special Management” . For civil claims of third parties the Greek Public is involved in his/her position of the Greek government (Article 38, paragraph 3, Law 4223/2013, Government Gazette A’ 287 / 31.12.2013). Furthermore, summary declarations, decisions and acts of award of public works contracts, supplies, services and projects, commitment of expenditure, expenditure approval and payment signed by the Special Manager are legitimized ex

post and retroactively (Article 42, Law 4262/2014, Government Gazette A' 14 / 10.5.2014).

- Members of the Board of Directors or other collective Administration organ of LARCO (General Mining and Metallurgical Company) for whom it was provided that “they have no responsibility, criminal, civil, administrative or of any other kind, while exercising their duties that are related to the process of privatization or development of individual LARCO assets”. Furthermore, that “they are not subject to criminal, civil, administrative or other responsibility and individual administrative measures or enforcement measures against these debts for the company to the State, public entities, organizations and the State are not to be taken against them” (Article 9, paragraph 2, Law 4224/2013, Government Gazette A' 288 / 31.12.2013).

- Presidents and members of Boards of Directors, general managers, managers, administrators, secretaries and treasurers of agricultural cooperative organizations of any level, which are merged or converted or are or have already been in liquidation for whom provisions are suspended providing “individual and joint liability of individuals with a legal entity or personal detention or administrative measures or administrative penalties or criminal or civil liability for non-payment of taxes, duties, levies, duties to the Public and Public Entities, including the Main and Supplementary Insurance Organizations” , “what is imposed is lifted for a period of one year”, if they are still on duty or they are not. For these persons is provided that “for the same period all criminal cases pending before the Criminal Tribunals for the same reasons are suspended” (Article 19, Law 4224/2013, Government Gazette A' 288/31.12.2013).

- Both the members of the General Council and the Executive Committee of the Financial Stability Fund and the staff, for whom it is provided that “their decisions are considered in accordance with the purpose of the Fund and the Public Interest, are of beneficial interest in the Fund and the Greek public and serve the good management of the Fund assets, in respect of their liability to third parties and against the Greek Public, even when they sell the bank shares held by the FSF at prices lower of the cost or current market price” or when they resign from exercising the rights attributable to the Fund in case of a share capital increase, or proceed to the disposal of these rights to third parties (Article 2, paragraph A', Law 4254/2014, Government Gazette A' 85 / 7.4. 2014).

- The persons who handled the Special Account of Professionals (E.L.E.), the Special Account for Unemployment for Self-Employed and the Professional Housing Special Account (ELEE), (Article 20, Law 4255/2014, Government Gazette A' 89 / 11.4.2014), on whom "any prosecution that may have been brought will be ceased" for acts or omissions in the management of these Special Accounts.
- The executives of the management of private legal entities of non-profit character, who do not have bankruptcy ability, provide secondary care or their sole purpose is to support economically and operationally the above entities, on whom "the prosecution and trial of criminal cases for the offense of non-payment of debts to the State and the non-payment of contributions to social security institutions are suspended" (Article 55, Law 4262/2014, Government Gazette A' 114 / 10.05.2014).
- In addition, with Law 4024/2011, wage overruns of 30 millions Euros in School Buildings Agency were legalized, all prosecutions were terminated. The debts of all municipal enterprises were deleted with Laws 4071/2012 and 4170/2013. Finally, with Law 4255/2014, all criminal prosecutions related to the Freelancers' Insurance Organization [OAEE, in Greek] resources were ceased.

6. On 21.02.2013, Circular no 1033 / 21.02.2013 was issued by the General Secretary of Public Revenue, entitled "Clarifications of handling case of taxpayers that have sent remittances abroad in the years 2009-2011". This is a beneficial treatment of overseas remittances, through which it is allowed that late statement can be filled in that the money comes from donations and thereby undeclared remittances from abroad are legalized.

7. Everyone has to pay taxes but only for the Mass Media this payment can be displaced. Article 5, Law 3845/2010 ("Memorandum 1 Support Measures of the Greek Economy by the IMF" Government Gazette A' 65 / 6.5.2010) imposed a "special tax on ads on television. The tax rate is set at 20% of the value of advertising". The tax liability imposed with the Memorandum was transferred again and again, with emergency provisions, Legislative Acts and, finally, the tactics of the amendment:

- For 01.01.2012 (Article 4, paragraph 6, Law 3899/2010-December 2010).
- For 01.01.2013 (Government Gazette A' 268/31.12.2011).
- For 01.01.2014 (Government Gazette A' 256 / 31.12.2012), and

- For 01.01.2015, as provided under no. 1028/192/ 13.12.2013 Ministerial amendment that was incorporated as Article 53, Law 4223/2013 (“Single Property Tax Property and other provisions”, Government Gazette A’ 287 /31.12.2013).

8. Suspension of sanctioning parties responsible for maintaining emergency stocks. With no. 1399/185 / 10.4.2014 amendment of Ministers of Finances and Shipping to a bill of the Ministry of Environment, Energy and Climate Change entitled “Delimitation Process and regulations of matters regarding water courses - Planning law regulations and other provisions”, the deadline “for not imposing sanctions on parties responsible for maintaining emergency stocks” (Bitumen, LPG, lubricants) was extended until 31/03/2015. The specific regulation was denounced as favouritism and depiction of known ship-owners and oil groups, who are required to keep emergency stocks in listed products. This amendment was voted for on the same day (10.04.2014) and incorporated as Article 33, Law 4258/2014 (Government Gazette 94 / 01.04.2014).

9. Greek private bank is not obliged to pay taxes and fees resulting from the absorption of Cypriot bank branches in Greece when the financial crisis broke out in Cyprus. The provision was voted for, on 30.4.2014, as Article 168, paragraph. 1, Law 4261/2014 (Government Gazette 107 / 05.05.2014).

4. Conclusions

We should first mention one choice we have made in advance for the present work. By not having selected only a case study, as the most relevant works but making a broader analysis of several statutory measures of an implemented policy, we would like to dwell on what Durkheim (Georgoulas, 2017) claimed that in situations where anomie prevails - that is where existing collective representations and the collective consciousness have been weakened - then the normal, the rule (and not the exception) is part of the problem; it is abnormal!

It is our modern era such times when such state-corporate behaviours that cause social harm, represent the “spirit of the times”, a spirit nevertheless that is anomic,

doomed to get lost in a broader socio-political change that will create a new social “morale”.

The scientific highlighting and addressing state-corporate crimes can play such as a complementary role, as:

- it is a problem that is recognized as such by almost all social strata of Greek society and especially by those affected materially from the Memoranda;
- it reveals the root of the problem, the criminal-induced partnership between state and corporate capital, and, therefore, it does not lead to easy answers of a future “better” political management of the state, but rather to its mandatory change;
- it assists in class consciousness, when the direct consequences of this partnership are uncovered, in class interests of the working class, without the illusion of the “neutral state”;
- it raises issues of the advocacy of the public interest and universal human rights; it highlights the concept of social harm and sets democracy and the collective as the dominant principles;
- it can be the key to recognition, awareness and social movements’ political action in every area where this criminal partnership takes place – from the Greek Parliament and Ministries to public education and health, local authorities, mass media, etc. – without meaning that in the future the entire framework of the specific criminal policy should not be redirected.
- the present framework provides some (albeit little) room for preliminary highlighting and dealing with such phenomena and, thus, some potential victories of the movement
- the environment of Memoranda provides adequate fertilizer to increase and magnify of such crimes and, thus, the question of their impact on social strata and the public interest, will remain at the political and social center of interest.

The dimensions of state-corporate crime go beyond the threshold of a criminal or deviant with great social harm behaviour. It is not the exception but the rule, the main feature of an anomic age. Tombs and Whyte (2015b) refer to the reversal of Bentham’s Panopticon, a “synoptic”, a disciplinary situation in a particular way of thinking, its supremacy in each perspective of our life and “normalization” of this existence. Of course, part of this problematic representation is not only the mass media or the dominant political discourse; it is also the corresponding criminological discourse. Tombs (2015) examined all scientific publications in our field over a

period of 5 years and found that the criminological and social-juridical literature, literally refuses to investigate the issue of financial crisis, its causes and its effects, and if it does it, it ends up not questioning whether the institutions of the state-corporate crime are primarily trusted, or whether that there is no alternative and that the state or the society is completely powerless to resist to liberalization of the economy. Thus, a question is raised urgently: *What can we do to combat an anomic universal situation, such as state-corporate crime and in a “synoptic” dimension? What can we do when we understand that nowadays we experience common ground with the fascist period of the first half of the 20th century, especially in its objective to deliberately marginalize populations from the dominant ideology (Rawlinson and Yadavendu, 2015: 21), when we see how the formal social control functions, modern socialization institutions and the scientific discourse are part of the problem, a problem that its perpetrators are the predominant structures of governance, production and civil society?*

Friedrichs refers to the creation of an international criminal court to deal with such crimes. Tombs and Whyte (2015a) state that the issue is not some “rotten fruits” in the large basket; it is rather that criminality is part of the DNA of the modern corporation. Therefore, in their opinion, the solution is to remove the legal and political privileges that allow them to act with impunity, whereas in another text (2015b) Tombs and Whyte emphasize that it is important for us to continue to dream of a world without these. Besides, the symbiosis of the state and businesses, although it is historically, legally, politically and ideologically supported, is a process that has not been resolved historically; it is a dynamic process and we should continue questioning every perspective of it and as a whole. As far as academia is concerned, let us overcome the orthodoxy of laziness, absence, self-referentiality, as Tombs calls it (2015), and let us actively oppose, with work that would reveal that naturalization of the market and neoliberalism are an ideology, that there is hegemony and conflict and, ultimately, that democracy continues to matter (Moran 2010).

Ultimately, state-corporate crime is the reality we are living in today’s era of Memoranda and a criminology that ought to take a position upon this, ought to highlight it so that there would be a broader social awareness and action for social change.

References

- Amnesty International, 2014. *Impunity, excessive force and links to extremist Golden Dawn blight Greek police*. Available at: <https://goo.gl/hzvrVo> [Accessed June 16, 2015].
- Arapoglou, V. and K. Gounis, 2014. *Final Report: Caring for the homeless and the poor in Greece: implications for the future of social protection and social inclusion*. Available at: <http://goo.gl/DGtcuj> [Accessed June 16, 2015].
- Bank of Greece, 2014. *The Chronicle of the Great Crisis, THE BANK OF GREECE 2008-2013*. Available at: <http://goo.gl/nXAHPO> [Accessed June 16, 2015].
- Chase-Dunne, C., Y. Kawano and B.D. Brewer, 2000. "Trade Globalization since 1795: Waves of Integration in the World System" *American Sociological Review*, 65, pp. 77-95.
- Council of Europe, 2013. *Resolution CM/ResChS(2013)3*. General Federation of employees of the National Electric Power Corporation (GENOP-DEI) and Confederation of Greek Civil Servants' Trade Unions (ADEDY) against Greece, Complaint No. 66/2011. Available at: <https://goo.gl/b4u63U> [Accessed June 15, 2015].
- Ekathimerini, 2013. "Schools in northern Greece close due to cold weather, no heating". *ekathimerini.com*. Available at: <http://goo.gl/bSjTkF> [Accessed June 16, 2015].
- European Committee of Social Rights, *Conclusions XX-2 (GREECE)*. Available at: <http://goo.gl/cP8LN1> [Accessed June 16, 2015].
- EUROSTAT, 2015a. "Severe Material Deprivation rate by age and sex", [ilc_mddd11]: Data extracted May 2015
- EUROSTAT, 2015b. "At-risk-of-poverty rate, by age group", %, Code: tsdsc230, Data extracted May 2015.
- Friedrichs, D.O. and J. Friedrichs, 2002. "The World Bank and Crimes of Globalization: A Case Study." *Social Justice* 29, 1-2, pp. 1-12.
- Georgoulas, S., 2017. "Leisure in the work of Durkheim", in *Handbook of leisure theory*, Karl Spracklen, et.al. (eds), Palgrave Mackmillan, (forthcoming).
- Georgoulas, S. and A. Voulvouli, 2015. "Greek debt and bailouts as a white collar crime (?)", *European Working Group on Organisational Crime- Newsletter*, Vol 5, No 2, August.

- Gibelman M., and S. Gelman, 2001. "Very public scandals: NGOs in trouble", *Voluntas*, Vol 12(1), pp. 49-66.
- Greek Federation of Secondary School Teachers, 2012. *Presentation of an ETUCE study within the context of action for the economic crisis*.
- Greek National Commission For Human Rights, 2011. *NCHR Recommendation: On the imperative need to reverse the sharp decline in civil liberties and social rights*. Available at: <http://goo.gl/q8o7ZG> [Accessed June 15, 2015].
- Greek Ombudsman, 2012. *Annual Report*, English Summary. Available at: <http://goo.gl/ZpKZdS> [Accessed June 15, 2015].
- Greek Ombudsman, 2014. *Annual Report 2013*. Available at: <http://goo.gl/rmI1z9> [Accessed June 16, 2015].
- Green, P., and T. Ward, 2004. *State Crime: Governments, Violence and Corruption*. London: Pluto Press.
- Greenlee, J., M. Fischer, T. Gordon, E. Keating, 2007. "An investigation of fraud in NGOs: occurrences and deterrents", *NonProfit and Voluntary Sector Quarterly*, 36, pp. 676-694.
- Gupta, A., 1995. "Blurred boundaries: the discourse of corruption, the culture of politics, and the imagined state", *American ethnologist*, Vol 22(2), pp. 375-402.
- Kauzlarich, J., and R. A. Mathews, 2006. "Taking stock of theory and research". In: R. J. Michalowski & R. C. Kramer (Eds), *State-corporate crime: Wrongdoing at the intersection of business and government*. New Brunswick, NJ: Rutgers University Press, pp. 239–242.
- Kazakos A., 2013. *Labour Law*, Athens: Sakkoulas (in Greek).
- Kramer, R., 1992. "The Space Shuttle Challenger Explosion: A Case Study of State-Corporate Crime", in K. Schlegel and D. Weisburd (eds.), *White Collar Crime Reconsidered*. Boston: Northeastern University Press, pp. 212-241.
- Labour Ministry, 2015. *Labour inspection Report* (in Greek), Ministry of Social Security and Social Solidarity, Artemis Action in Plan to combat informal and undeclared work, 15 Sept 2013-31 January 2015.
- Leventi, C. and M. Matsaganis, 2013. *Distributional implications of the crisis in Greece in 2009-2012*. EUROMOD Working Papers. Available at: <http://goo.gl/NISEDi> [Accessed June 16, 2015].
- Liederbach, J., 2010. "Pass the trash: The mortgage default crisis as state-corporate crime", in J. J. Chriss (ed.) *Social Control: Informal, Legal and Medical* (Sociology

of Crime, Law and Deviance, Volume 15) Emerald Group Publishing Limited, pp.17 – 41.

Lumina, C., 2013. *Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*. Report of Mission. Available at: <http://goo.gl/4YYCR2>.

Margaronis, M., 2012. “Greek anti-fascist protesters tortured by police after Golden Dawn clash”. *The Guardian*. Available at: <http://goo.gl/9mPpJE> [Accessed June 16, 2015].

Mazlish, B., 1999. “A Tour of Globalization”, *Indiana Journal of Global Legal Studies*, 7, pp. 5-16.

Michalowski, R. J., and R. C. Kramer, 2006a. *State-corporate crime: Wrongdoing at the intersection of business and government*. New Brunswick, NJ: Rutgers University Press.

Michalowski, R. J., and R. C. Kramer, 2006b. “The critique of power”. In: R. J. Michalowski & R. C. Kramer (Eds), *State-corporate crime: Wrongdoing at the intersection of business and government*. New Brunswick, NJ: Rutgers University Press, pp. 1–17.

Moran, M., 2010. “Regulation and the Financial Crisis”, *European Consortium for Political Research Standing Group on Regulatory Governance*, University College Dublin. Available at: <http://www.irisheconomy.ie/index.php/2010/06/23/regulation-and-the-financial-crisi/> (accessed 1 September 2013).

Policies, D.G.F.I. & Affairs, P.D.C.C.R.A.C., 2015. *The impact of the crisis on fundamental rights across Member States of the EU Country Report on Greece*. Available at: <http://goo.gl/9xz-KpW> [Accessed June 15, 2015].

Racist Violence Recording Network, 2015. *Annual Report 2014*. Available at: <http://goo.gl/ryZzWT> [Accessed June 16, 2015].

Rawlinson, P., and V. K. Yadavendu, 2015. “Foreign Bodies: The New Victims of Unethical Experimentation”, *The Howard Journal of Criminal Justice*, Vol. 54(1), February, pp. 8-24.

Reporters Without Borders, 2015. *2015 World Press Freedom Index*. Available at: <https://goo.gl/ZCLBNA> [Accessed June 16, 2015].

- Rothe, D., C.W. Mullins, and S. Muzzatti, 2006. "Crime on the High Seas: Crimes of Globalization and the Sinking of the Senegalese Ferry Le Joola." *Critical Criminology: An International Journal* 14(3).
- Simiti, M., 2014. "State and NGOs in the era of economic crisis, (in Greek), *Epitheorisi Politikis Epistimis*, vol. 42, July, pp. 36-61.
- Syllas, C., 2013. *Free speech takes a beating in Greece*. Available at: <https://goo.gl/zM8PzE> [Accessed June 16, 2015].
- Tombs, S and D. Whyte, 2015a. *The corporate criminal: why corporations must be abolished*, Abingdon:Routledge, Key ideas in criminological series.
- Tombs, S and D. Whyte, 2015b. "Counterblast: Challenging the Corporation/Challenging the State", *The Howard Journal* Vol 54(1). February, pp. 91-95.
- Tombs, S., 2015. "Crisis, What Crisis? Regulation and the Academic Orthodoxy", *The Howard Journal*, Vol 54(1). February, pp. 57-72.
- TVXS, 2015. "ELSTAT news release 4th June 2015". *TVXS.org*. Available at: <http://goo.gl/7Tnv1y> [Accessed June 16, 2015].