Article

Myths and Realities About Corruption in Public Administration and its Discourse in Greece

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Abstract

It is well known that the public administration in Greece receives the strongest criticism from the media, NGOs, economic and international organisations for being too big, too inefficient and too expensive for what it has to offer. It is criticised above all for being the main impediment to transparency and hence the development of the country, while the private economy usually presents itself as the main 'victim' of bureaucracy and 'corruption'.[1] This article attempts to challenge some myths and dispute everyday theories about public service in the country that have been increasingly reproduced and expanded upon over the last few years, both inside and outside of Greece, due to the economic crisis. The analysis will include the impact of the dominant concept of corruption in countries in the semi-periphery like Greece, as expressed by international organisations.

Introduction

From January 2006 until December 2008, Panteion University, in cooperation with the National School of Public Administration, participated in an EU research study led by the University of Konstanz (Germany) concerning the construction of corruption in certain European countries.[2] Public administration was among the groups examined in the national research due to its special interest.[3] The main findings of the qualitative research will only be briefly outlined here (Part III).

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[1] ALPHA Bank, *Newsletter 96*, Athens, December 2005, pp.3-4.
[2] Specific Targeted Research Project: Crime and Culture. The relevance of perceptions of corruption to crime prevention. A comparative cultural study in the EU-accession states Bulgaria and Romania, the EU-candidate states Turkey and Croatia and the EU-states Germany, Greece and United Kingdom. Priority 7-FP6 EUROPEAN COMMISSION-2004 -Citizens-5, at: http://www.uni-konstanz.de/crimeandculture/crimeandculture.html (accessed on 10 July 2012).
[3] The research was carried out in close collaboration with my Greek colleagues (at varying times and on varying subjects): S. Ageli (MA), E. Bakali (MA, Ministry of Interior and Public Administration), N. Papamanolis (MA, Ministry of Interior and Public Administration), E. Bakirli (MA), Dr. Iosifides (Assistant Prof., Univ. of Aegean), Dr. Garyfallia Massouri and P. Salihos (MA). The text-analysis of the Target

Before that, the article aims to give a general overview of social and historical facts concerning the development of the administrative organisation in Greece, in order for the context of the discourse for this group to be better understood (Part II.1), while II.2 describes causes of public concern about corruption, along with various legal and institutional changes which have been introduced in Greece to promote transparency.

In addition, apart from the material of the original research, the present article uses recent reports by national audit bodies and services, as well as by international organisations (2009-11), while some hard data have been also analysed.

This article attempts to challenge some myths and dispute everyday theories that have been increasingly reproduced and expanded upon during the last few years, both inside and outside Greece, due to the economic crisis. I will outline the self-representation of the Public Administration group in the official reports of its numerous control units and in relation to the issue in question. Furthermore, I will discuss other people's views about public servants, as mentioned in the reports by T.I. Hellas, the national Ombudsman, and in press publications. In the context of grounded theory, the research was conducted using text analysis and interview analysis.

The article considers the dominant contemporary concept of the phenomenon of corruption as expressed by international organisations that is strongly affected by a certain model of political, social and economic organisation. This model has a tremendous impact on the views of bureaucrats, experts, politicians, entrepreneurs and the common people. The usual argument is to justify corruption as being rooted in national tradition, culture, geographic area, transition in market economy, and so forth. These justifications are rejected in this article since they seem oversimplified, maybe even stereotypical, and serve no purpose in the end - as is demonstrated by the numerous 'inefficient' measures carried out by the Greek state and law enforcement authorities. Several native specialists (sociologists, political and media scientists) have greatly contributed to these justifications. The point of their analysis was the differences between the Greek social system and that of other developed countries in Western Europe (instead of the similarities). This starting viewpoint gives meaning to the issues under examination. We can come to a different understanding when we examine, for example, deviance as one of the products of change in power relations, rather than when we consider the issue as a value crisis. Corruption is neither an issue of morals nor of embedded attitudes; it is the result of serious social or organisational problems. It is unlikely that such problems can be 'solved' without social changes (public participation, a fair and stable taxation system and law enforcement, etc.). Otherwise any suggestions will be nothing more than attempts to reduce the impact of the problem.

I. The Contextual Background of the Empirical Research and Public Administration's Discourse

I.1 Between Tradition and Modernisation: The Development of the Administrative Organisation in Greece

The machinery of the New Greek state during the beginning of the 19th century followed the Napoleontian administration model and European civil law, which constituted the most successful *modus operandi* of European state administration systems.

The administrative system was defined by some distinctive characteristics, such as the concentration of power, hierarchy, and the liberal principle of equality before the law.[4] These typical administrative principles of the Greek public administration are no different from the set-up in other Western European countries, at least with regard to their external characteristics.

During the 19th century, the newly-established states of the European South (Italy) and in the Balkans (Bulgaria) followed similar processes in introducing the then-modern models of state organisation, with the bourgeoisie as the leading actor. However, the similarities between the 'old' states of northern and western Europe and the 'new' states of southern Europe and the Balkans in terms of public administration could not compensate for some informal characteristics of the political life and its organisation in the latter states[5]. A gap grew between the new state structures and the assimilation of the political mechanisms by these structures - not only in Greece, but also in the rest of southern Europe. Several Greek analysts ascribe this phenomenon to the imposition of modern political and administrative institutions on pre-modern societies.[6]

The attempts to reform the state's organisation culminated in the movement of 1904. This brought new political powers (mainly the liberal party under the leadership of Eleftherios Venizelos) to the fore that afterwards tried to reorganise and introduce innovations in public administration.[7]

These efforts were only partially successful, firstly because of several coinciding events at the time, which resulted in the reforms continuously being interrupted, and secondly due to strong resistance by certain political and professional powers, which we can also see nowadays. Over the years, and more specifically after the Second World War and the Greek Civil War (1946-49) which followed, the basic concern of the state was the exclusion of the Leftists and their supporters, real or supposed, from power and the maintenance of the dominant conservative ideology. Government focused on this rather than on the establishment of a 'professional' state machine. Thus, a large part of society was considered an 'enemy' of the state and was therefore excluded from state bureaucracy.

The turning point in the Greek public administration system was the beginning of the 1980s, when the centre-right Party (PASOK) came into power (October 1981). It was then that the size and structure of public administration were reformed. During that period democratic governance was consolidated and the main state organisations were democratised (i.e. the police and the military). But at the same time, the public sector began to increase in size. People previously excluded as Leftists or sympathisers, who now supported the new government(s), entered public administration. In addition, because of the absence of any kind of strong industry and a reliable private sector in Greece to safeguard employment, the state began exercising a social policy for lower and middle-lower class people (and who voted for the party) to find employment in the public sector (e.g. employment for children of large families who certainly have either a certificate of secondary education or a university

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[4] K. Tsoukalas, *Social Development and the State. The Formation of the Public Space in Greece*, Athens: Themelio 1981.

[5] D. Sotiropoulos, 'Southern European public bureaucracies in comparative perspective', *West European Politics* 2004-3, pp. 405-22.

[6] N.P. Mouzelis, *Politics in the Semi-Periphery: Early Parliamentarism and Late Industrialization in the Balkans and Latin America*, Athens: Themelio 1987 [in Greek from the original in English, New York: St. Martin's Press 1986]; K. Tsoukalas, *State, Society, Labour in Post-War Greece*, Athens: Themelio 1987; G. Mavrogordatos, *Between Pityokamptes and Prokroustes: Corporate Interests in Contemporary Greece*, Athens: Odysseas 1988.

[7] G. Mavrogordatos, 'Venizelismos and civil modernization', in G. Mavrogordatos & Ch. Hatziiosif (eds.), *Venizelismos and Civil Modernization,* Heraklion: Cretan University Press 1992, pp. 9-21.

diploma). This 'convenient' but catastrophic practice was more or less followed by the next governments. In tandem, PASOK government(s) following its populist policy also introduced the state support of unionism and parties' intervention. Thus, the employees' unions strengthened their power and proved significant factors in reforming (or rather, not reforming) public administration. In the course of time certain interests were consolidated around unions and it is known from the research in sociology of organisations that the lower levels of organisations regard whatever reform - apart from subsidies, allowances and benefits - with suspicion, reserve and reluctance.[8] In that same period, another major trend was decentralisation. Powers and competences of the central state were delegated to the regions and local administration.[9]

Decentralisation continued for more than fifteen years, while in the nineties the privatisation of such bodies as public utilities and the liberalisation of banking began. These changes in the public sector resulted from fiscal problems, as well as from the prevailing neoliberal perception of the size of the state. The neoliberal view became more and more fashionable and intensified by the economic and social convergence process of the EU member states.

Two groups of factors had a strong impact on the efforts of the Greek economic and administrative system to converge with those in other member states (mainly in northern and western Europe). The first were external factors, such as several programmes which worked in favour of the economic and political convergence among the EU member states, while the second was Greek society's internal demand for modernisation, especially after the mid-nineties.

Although reforms were implemented in the economy, public administration, political parties and the media, there was still no clear nation-wide strategy for development, and modernisation restricted by the governments to specific and time-defined targets (i.e. EMU, Olympic Games),[10]

During the 90's – mainly after PASOK's return to power – the concept of administrative reform climaxed as ministers stayed in their positions for longer periods of time and regulations concerning administrative reforms diminished.[11] Furthermore, important steps towards a more transparent public administration were carried out during this period. A concrete regulatory framework for joining the civil service was established, internal administrative procedures were determined (i.e. the code of administrative procedure), a law on collective bargaining was issued, and certain measures towards serving the citizen more efficiently were taken. Moreover, some other measures entailed targeted training of

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[8] See e.g. the classic works of D. Mechanic, 'The power to resist change among lower-ranking-personnel', *Personell Administration* 1963-3, pp. 5-11; M. Crozier, 'Der bürokratische Circulus Vitiosus und das Problem des Wandels", in R. Mayntz (ed.), *Bürokratische Organization,* Köln: Kiepenhauer & Witsch 1968, pp. 277-288.

[9] G. Voulgaris, *Greece after the Political Transformation, 1974-1990: Stable Democracy Scarred from the After-War History*, Athens: Themelio 2001.

[10] S. Sakellaropoulos & P. Sotiris, *Restructuring and Modernization. Social and Political Changes in Greece in the '90s*, Athens: Papazissis 2004, pp. 61-94.

An example of the efforts for modernisation in politics is the establishment of the 'Group for the Modernisation of our Society' (OPEK) in 1991. Among its founding members was the future Prime Minister, Konstantinos Simitis. For a detailed overview of the works of OPEK and its foundation chronicle, see D. Papoulias, *The Golden Public Sector: Reforms' Rhetoric and Reality*, Athens: Estia 2007. See also OPEK, *Against corruption*, by V. Tsouderou 2006, (no longer available at: http://www.opek.gr/opek/).

[11] The frequent change of ministers hastens the legislation (ministerial decrees), because each minister more or less has a personal agenda.

civil servants and the introduction of 'e-government'. Although these measures were introduced during the middle of the 90's, their implementation was intensified after 2000.

I.2 Crime and Punishment

It was in the early 1990s that citizens' trust in politics and justice was poisoned, first by the commitment to trial of the then-Prime Minister Andreas Papandreou and ministers of his government. He was connected with a US$132-200 million embezzlement scandal[12] of a private bank, and accused of facilitating the embezzlement by ordering state corporations to transfer their holdings to this bank, where the interest was allegedly skimmed off to benefit his government party. Secondly, and in relation to the case, by the repeated statements of political leaders about legal issues of the case(s) long before the decision of the *ad hoc* Special Court (Article 86 of the Constitution), ordered by the Greek parliament, with the support of New Democracy, the centre-right party, and the Left's Coalition. These attitudes created the impression of a justice system that lacked independence and impartiality.[13] In Parliament, Prime Minister Papandreou accepted the political responsibility for the case and the consequences for the bank but not the criminal charges. The process started on 11 March 1991 and finished on 16 January 1992. The Prime Minister was acquitted of all charges after a 7-6 vote at the trial. What is more, in the course of time it became clear that the supposed involvement and accusation of the Prime Minister for passive bribery was orchestrated by the leader of the main opposition party for party-political reasons.

After this event, corruption increasingly attracted the attention of the media and became an issue of public concern, which resulted in political intervention and the creation of new legislation in Greece. These national developments were also accelerated by a global movement involving major international organisations, which has affected countries all around the world. The developments found their justification in the new priorities in global politics such as the expansion of international trade and the assumed negative consequences of corruption for development. Hence the issue became a central aspect of good governance initiatives (Transparency International, for example). Until then, 'corruption' was not an issue of much discussion in Greece.

Several institutional changes have gradually been introduced to promote transparency in Greece, such as the Police Service of Internal Affairs (DEY),[14] the General Inspector of Public Administration (GIPA),[15] an extension of the Ombudsman's responsibilities,[16] and many others. Yet, the more the country improved its normative and administrative instruments to prevent corruption, the lower its score on the Corruption Perceptions Index (CPI). In particular, Greece's score on the CPI went down from 5.05 to 5.01 in the period from 1988-1996 and plummeted further to 4.3, where it remained between 2003 and 2005,

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[12] In November 1988, a shortfall of US$132 million was discovered in the Bank of Crete, some months after bank chairman G. Koskotas, a Greek-American millionaire entrepreneur under investigation for large-scale financial crime (forgery and embezzlement), had fled the country. Koskotas had bought a national Bank, the Bank of Crete, in 1984. Greek officials charged the banker with the possession of forged documents belonging to Merrill Lynch & Company and the Irving Trust Company. These were used to buy control of the Bank of Crete and he then stole at least $135 million from depositors. A large amount of money was found in his American assets.

[13] I. Manoledakis, 'The judicial dependence on executive', in: The Society of Greek Judges for Democracy and Freedoms (eds.), *Patterns of Justice Dependence on the Executive Power*, Thessaloniki: Sakkoulas 1992, pp. 12-29.

[14] In September 1999.

[15] In November 2002.

[16] In January 2003.

slightly increasing after 2006. In 2009, the score fell dramatically to 3.8, giving Greece the seventy-first position out of 180 countries, and in 2011 even deeper to 3.4 and the eightieth position out of 183 countries.[17]

The often-used explanation for these low scores concerns the 'non-enforcement' and/or the 'inefficient' implementation of measures and improvements. This popular common theory, however, is not based on any data research or proof. Furthermore, Justice Statistics show that the number of relevant offences has been very low and for this reason they were registered in the Statistics until 1988 without further details, under the title of the specific chapter of criminal law: "crimes against duties and service".[18] The term 'corruption' in Greek legal texts can occasionally be found in the disciplinary law of authorities responsible for crime control, for example in 'Disciplinary Law of Police Personnel' where activities indicating *corruption of character, ruined character* and *quality as persons*[19] and penal offences relating to the fulfilment of police duties result in their dismissal from the agency.[20] This definition of corruption is the reason why the term was not used in court decisions and findings of the investigations of public prosecutors until recently.[21] 'Corruption' is considered to be loaded with moral(istic) elements that do not help the justice system enforce the law, unlike the offences concerning duties and service included in criminal law and other special criminal, administrative and disciplinary legislation. Greece is a civil law country and any law must be phrased factually, in such a way that it makes it clear which exact things it covers, and which it does not. Law implementation cannot be based on a general ethical, emotional, political or cultural understanding. All of these things are taken into account when the law is being made, but not in law enforcement.

Since 1988 the offences in the Justice Statistics have been divided into three categories: *bribery of judges*, *violation of home/shelter asylum (by the Police),* and *other*.[22] The first two categories range from 0 to 4 in absolute numbers, with one exception in 1998, when 20 convictions of justice personnel are recorded, representing 30.3% of the total number of offences against duties and service that year (66).

The term 'corruption' was first used in Greek law with the ratification of international conventions against corruption, and in particular the Civil Law Convention on Corruption (8 June 2000),[23] where it adopted the Convention's definition:[24]

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[17] TI/Transparency International, CPI/*Corruption Perceptions Indices 1996-1998,* at:
http://archive.transparency.org/policy_research/surveys_indices/cpi/previous_cpi (accessed on 10 July 2012); see also TI, Country report – Greece 2009, in TI - Global Corruption Report 2009, *Corruption and the private sector*. Cambridge, New York: Cambridge University Press, pp. 338-42, at:
http://www.cgu.gov.br/conferenciabrocde/arquivos/English-Global-Corruption-Report-2009.pdf
(accessed on 10 July 2012); TI CPI 2003-2011, at: http://www.transparency.org/research/cpi/overview
(accessed on 10 July 2012).
[18] National Statistical Service of Greece/NSSG, *Justice Statistics 1980-1987*, Athens: National Printing Office, Table B4.
[19] Presidential Decree 22/1996, Art. 9[1i], Government's Gazette 15-A, 18.01.1996.
[20] Idem, Art. 9 [1f, g]
[21] Court of Cassation, Decision Nr. 606/1987, *Poinika Chronica* 1987 (37): 540-541; Athens Court of Appeals, Decision Nr. 519-520/1995, *Poinika Chronica* 1995 (45): 89-92; Court of Cassation, Decision Nr. 489/1996, *Poinika Chronica* 1997 (47): 635-9; Court of Cassation, Decision Nr. 998/2004, *Poinika Chronica* 2005 (55): 433-4; Court of Cassation, Decision Nr. 196/2005, *Poinika Chronica* 2005 (55): 922-5; Council of State, Dpt. C-Decision Nr. 985/2005, *Nomiko Vima* 2005 (53): 1686-1689.
[22] NSSG, *Justice Statistics 1988*, Athens: National Printing Office, Table B4.
[23] CoE/Council of Europe, *Civil Law Convention on Corruption*. European Treaty Series, No. 174, 4 November   1999,   at:
http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=174&CL=ENG (accessed on 3 July 2012).

> 'Corruption' means requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof.

Thereafter, the Law 3251/2004 imported the Council's Framework Decision 2002/584/JHA on the European arrest warrant.[25] The Framework Decision removed the verification of *double criminality* for certain offences, corruption included. "Double criminality" is a requirement in the extradition law of many countries. It means that the act is a criminal offense in the country issuing the warrant as well as in the country of surrender. A suspect can be extradited from one country to stand trial for breaking a second country's law, only when a similar law exists in the extraditing country. Consequently, the Greek ratification Law accepted the removal of *double criminality*[26] not only in terrorism, human trafficking, participation in a criminal organisation, fraud etc., but also in case of "crimes of corruption and bribery",[27] contrary to the principle of legality.[28] According to this principle, legislation must define clearly offences and the penalties which they attract, as already mentioned. The abolishment of double criminality in combination with the insertion of vague terms, such as 'corruption', into the Greek legal system, raised serious objections.[29] After all, it is obvious that the legal instruments for fighting corruption in Greece became more and more robust.

What is more, in December of 2003 a law[30] gave the Police Service of Internal Affairs the authority to investigate charges of bribery and extortion of civil servants.[31] In other words, DEY apart from the investigation of disciplinary and criminal charges in which are (also) involved police officers, was authorised to investigate charges against civil servants . In January 2003, another law[32] extended the Ombudsman's authority to investigate corruption allegations in public service departments. In October 2006 the responsibilities of GIPA's Office were expanded as well, empowering it with interrogatory authority.

For an overview of the cases in terms of numbers you have to take into account the following:
The powers of GIPA's Office refer exclusively to disciplinary sentences, which are presented per case and are confidential, because they include personal data and many are either under adjudication or an appeal is pending. Thus, no case numbers were available.

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[24] Idem, Law 2957/2001, Art. 2.

[25] CoE, *Framework Decision 2002/584/JHA on the European Arrest Warrant and the Surrender Procedures between Member States*, 13 June 2002 (OJL 190 of 18 July 2002), at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002F0584:en:HTML (accessed on 3 July 2012).

[26] Idem, Art. 10 [2].

[27] Idem, Art. 10 [2g].

[28] E. Fytrakis, *The Control Bodies of Public administration. Theory, Legislation, Case Law*. Athens: Nomiki Vivliothiki 2007, pp. 1-2.

[29] Report/Parliament, Report of the Scientific Board of the Greek Parliament on the Bill 'European arrest warrant and the surrender procedures: change of the Law 2928/2001 about criminal organizations and other regulations', 20 June 2004, adviser Chr. Mylonopoulos, pp. 4-5.

[30] 3213/2003.

[31] Arts. 235, 236, 385, Greek Penal Code.

[32] 3094/2003.

According to DEY's Reports[33] from 25 October 1999 through 31 December 2010 the Service dealt with 6 613 cases[34] of which 5 775 (87.7%) referred to police personnel, 436 (6.6%) to public servants, 222 (3.3%) to both groups for aiding and abetting, and 180 (2.7%) to private individuals. The Service examined the last group of cases, as charges were initially against either the police personnel or civil servants, but the inquiry had different findings. The cases collected by the police are probably included in Justice Statistics, although nothing relevant is referred to. This is because DEY is not responsible for keeping data on those convicted, but only on those cases referred to it; it accepts complaints and conducts investigations in order to clear the case and forward it to the prosecutor. The prosecutor can either bring a charge if the case is clear and preliminary investigation is not needed, or shelve the case due to lack of evidence. More information about the offenders (e.g. socio-economic profile) is not presented separately in Justice Statistics because of the low numbers of convictions for these crimes.

DEY brought charges in 30.3% (2 007) of the 6 613 cases; 8.4% (169) of them were charges against civil servants. In 8.6% (569) of the total number of the cases (6 613) the accused were caught red-handed, of which 12.4% (71) were civil servants. As far as it is known from the development of the charges, because not all cases have been adjudicated and closed after revocation in the court of appeal, 438 (21.8%) of the prosecuted persons (2 007) have been acquitted and 546 (27.2%) have been convicted. 37.2% (163) of those acquitted and 12.8 % (70) of those convicted were public servants. During the period from 1999 to 2010, 67 of the convicted public servants were sentenced to up to five years of imprisonment and three to over five years.

The reports of the DEY do not and cannot include any further information about the disciplinary development of the civil servants' cases. The internal disciplinary councils along with the GIPA and Inspectors-Controllers, which is the Internal Audit Service of Public Administration, have authority when it comes to the public services. Nevertheless, it appears from the data after 2003, when DEY's authorities extended to public services, only a small part of prosecutions represent 'corruption': first in this group of crimes comes bribery, followed by breach of duty, i.e. in either the offender's or others' illegal advantage.[35]

The Ombudsman's Office is organised into various branches, one of them being the "branch of relations between state and citizens". It accepts and investigates claims and complaints from citizens regarding the services of local and state government. Usually half of the total number of reports accepted per year is confirmed. In the Ombudsman's annual reports, the analysis is categorised per branch; it is registered whether the cases have been resolved or not. If resolved, the office records whether this happened with the Ombudsman's mediation or without his/her support, and whether it succeeded through cooperation of the public service and the interested citizen. If it was not resolved, it is explained why in general terms: e.g. no special legal provision, organisational drawbacks or malfunctions. The annual report for 2010[36] is the only one with a general reference to corruption and this is made in relation to maladministration stating "neglect, service conditions, wasting time and resources".

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[33] DEY/Police Division of Internal Affairs, *Annual Report 2006*, pp. 36-44; DEY, *Annual Report 2010*, pp. 35-38, all reports at:
http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=49&Itemid=40&lang= (accessed on 3 July 2012).

[34] Annual average 551 cases.

[35] DEY, *Annual Report 2004*, Fig. 2, p. 26; DEY *2010*, supra note 33, Table 7, pp. 29-30, Table 8, p. 31.

[36] Ombudsman, *Annual Report 2010*, Athens: National Printing Office, March 2011, p. 91, all reports at:
http://www.synigoros.gr/?i=stp.el.annreports (accessed on 7 July 2012).

In the main, the Report notes that the smooth daily running of the public service system is hindered by understaffing or lack of qualified staff, inadequate infrastructure, lack of information and staff training, ineffective and sometimes weak 'communication' between the authorised agencies, overregulation and complexity of existing legislation.[37]

Moreover, the Ombudsman's report underlines that the institutional reforms launched in 2010 broadened the scope of responsibilities of local government, without creating a safe operating framework. The weaknesses in and inadequacies of the system made the problem even more complicated. Under such circumstances the services suffocate, are unable to cope with their tasks and in many cases are stalled, resulting in a misty landscape producing corruption and opacity.[38]

The Inspector-Controller Body for Public Administration (SEEDD) is authorised to inspect, control and investigate all public services, as well as review assets of public officials, while the Special Secretary of SEEDD is responsible for ordering the opening of bank accounts, and accessing tax data and records of stock market transactions.[39] After 2004 the citizen complaints show an annual increase ranging from 15 to 243.2 percent and the inspections increased by 422% compared to the previous years, thanks to state support with increased personnel and resources; in addition, internal organisational reforms contributed to the acceleration of audit work and investigations of the large number of complaints addressed to SEEDD.[40]

However, the agency does not refer to corruption cases per se, since the complaints include a wide range of maladministration cases. The cases are categorised and outlined per subject (e.g. urban planning; health-care, security and employment; local government), in total numbers and rates. The average rate of illegal behaviour for the period 2006 through 2009 is 15.13, meaning that approximately 15 of 100 cases examined annually by SEEDD were found to in fact refer to officials or governing bodies participating in illegal activities, justifying SEEDD's proposal for disciplinary (335 audits) and/or criminal prosecution (120 audits). In the rest of the cases, the audit trace revealed malfunctions in the administration system such as complex procedures, delays and inefficiencies. Complaints against regional (29.41%) and local government (25%) constitute the lion's share of the work.[41] In 2010, 869 inspections were carried out by the Inspector-Controllers; 159 (18.38%) illegal activities by officials or governing bodies were discovered, justifying a proposal for disciplinary and/or criminal prosecution. The greater number of complaints regards, as previously mentioned, regional (25%) and local government (19.32%). [42] From the institution of the body in 1998 up until 2005, 702 inspections were carried out. Disciplinary action was suggested for 143 (20.37%) of them and criminal prosecution for 92 (13.1%).[43] All in all, it is worth mentioning that there was an interesting mobilisation of audit bodies with increasing support for citizens, while the conception of 'corrupt' or 'intransparent' public administration is not justified.

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[37] Ibid.

[38] Ibid.

[39] Law 3213/2003, as amended by Law 3613/2007.

[40] SEEDD/Inspectors-Controllers Body for Public Administration, *Report 2010*, National Printing Office: Athens, July 2011, p. 27, all reports at: http://www.seedd.gr/ (accessed on 3 July 2012).

[41] Report 2006-2009: 12-13.

[42] SEEDD 2010, supra note 40, pp. 22-3.

[43] SEEDD, *Summary Report 1998-2005*, pp. 4, 8; see also a summary power point presentation of SEEDD activities in English at:
http://rns.seedd.gr/Portalui/SeeddPortal/PPT/SeeddPresentation.files/frame.htm (accessed on 10 July 2012).

According to the results of a 2005 survey on Crime and Safety in Europe,[44] particularly on non-conventional crimes such as petty corruption among citizens over 16 years of age, Greece has the highest rating - 13% versus a 2% EU average among the 18 countries participating in the research.[45] However, in the European Values Survey of 1999/2000,[46] 97.7% of Greeks considered 'corruption-bribery' to belong in a group of highly disapproved behaviour.[47] Furthermore, 83.3% confirmed that citizens must *always* abide by the law, causing Greece to rise to the first place, followed by the UK (76.5%), Portugal (65.5%), Spain (62.1%) and The Netherlands (55.4%).[48]

Greece's very low score on the CPI index, despite its attempts to facilitate transparency, numerous control bodies, the high disapproval rate of citizens when it comes to crime, and endless criticism from the media[49] is not easy to explain. Some studies note that moral disapproval of corruption does not necessarily associate with willingness to make a complaint about it,[50] and that the followed behaviour does not necessarily coincide with the legitimisation of corruption.[51] Therefore, the question is: are the CPI indicators influenced by certain much more complicated factors? Why don't the control bodies have any impact on the country's profile?

II. The Research

II.1 Methodology, Methods and Analysis

In the first phase of the study, texts referring to corruption and 'scandals' and to the two case studies we were investigating were analysed. These were: prosecutors' findings, reports of the Parliamentary Committee on Institutional Issues and Transparency, newspaper articles, NGO reports, and political parties' electoral programmes (primary documents).

In the second phase, the analysis concentrated on the discourse of the target groups interviewed by using the interviews' transcriptions (primary documents). For the interviews the research group used an open questionnaire, including the outlines of the planned discussion and the main topics and questions. 24 interviews with a total of 27 persons were arranged and 22 interviews with 25 persons were analysed.

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[44] EU ICS, *The Burden of Crime in the EU: A Comparative Analysis of the European Survey of Crime and Safety* 2005, sine loco: Gallup-Europe et al., at:
http://www.europeansafetyobservatory.eu/downloads/EUICS%20-
%20The%20Burden%20of%20Crime%20in%20the%20EU.pdf (accessed on 1 July 2012).
[45] Idem, p. 14.
[46] L. Halman, *The European Values Study: A Third Wave. Sourcebook of the 1999/2000 European Values Study Surveys,* EVS, WORC, Tilburg University: Tilburg 2001, Table 65_G, p. 222, at:
http://spitswww.uvt.nl/web/fsw/evs/documents/Publications/Sourcebook/EVS_SourceBook.pdf (accessed on 10 July 2012).
[47] See also WVS/World Values Survey, *Online Data Analysis,* 1999-2004, Greece 1999/WVS 2000, F117, cf. F116, F146, at: http://www.wvsevsdb.com/wvs/WVSAnalizeIndex.jsp (accessed on 13 July 2012).
[48] EKKE/NCSR (National Centre for Social Research), *Greece-Europe: Society, Politics, Values* 2003, pp. 29, 57, European Social Survey, at: http://www.ekke.gr/ess/ess_results.doc (accessed on 13 July 2012).
[49] E.g. K. Moschonas, 'Greece: European champion in corruption and bag-snatching', *Eleftherotypia,* 7 February 2007, for the EU ICS 2005 results (no longer available online).
[50] M. Killias, 'Korruption: Vive la Repression! – Oder was sonst? Zur Blindheit der Kriminalpolitik für Ursachen und Nuancen', in H.D. Schwind, E. Kube & H.H. Kühne (eds.), *Festschrift für Hans Joachim Schneider zum 70. Geburtstag*, Berlin and New York: de Gruyter 1998, pp. 239-54.
[51] S. Karstedt, 'Macht, Ungleichheit und Korruption: Strukturelle und kulturelle Determinanten im internationalen Vergleich' in D. Oberwittler & S. Karstedt (eds.), *KZfSS*, Sonderheft 43: *Soziologie der Kriminalität*, Wiesbaden: VS 2003, pp. 384-412.

We focused in particular on each target group's discourse on itself and on corruption in general. Corruption in general includes definitions of corruption, perceptions of the causes, the significance and extension of the problem, identification of the victims and the 'usual' actors, perceptions of the EU and Greek anti-corruption legislation. These focuses were applied during both phases and their discourse was compared with the existing specialist approaches in the bibliography, namely the views on certain issues relating to corruption in a socio-political and (whenever necessary) historical context. Thus, we could cross-check the issues referred to by the target groups. The remaining sources were Greek and foreign literature in the research areas and the respective target groups.

In the third phase, we attempted to integrate the two periods' findings into a theoretical context.

The structure of the research and the data generation was common to all countries; however, as previously underlined, public administration was only analysed by the Greek group. Texts and interviews were analysed using the Atlas-ti.5 software.

In particular, evaluation units (primary documents) for public administration were Ombudsman reports and Inspector-Controller Body of Public Administration reports all dating from 1998-2008, the proceedings of the Inspector-Controller Continuous Training Workshop with the European Anti-Fraud Office (OLAF), and National School of Public Administration (19-21 October 2005); Union of Public Servants (ADEDY) research from September 2005; two reports of Transparency International Hellas from 2000 and 2004; and some articles of three high-circulation daily newspapers[52]. General documents that were additionally analysed include the annual reports of the Financial Economic Crime Office (SDOE-Economy) from 1999-2002 and 2004, and one OPEK booklet (2006).

II.2 Findings

II.2.1 Overview of the Discourse

When it comes to views and discourse concerning several issues, such as social problems, a distinction should be made between those expressed in official documents and public rhetoric, and the ones expressed in personal or private discourse. In our research the views of the representatives from the Greek public administration on 'corruption' – definitions, efforts to find the causes and suggested methods to fight the problem – show many similarities between the two phases, although differences remain. In order to explain the differences the kind of material analysed during each period must be taken into account: texts, presentations, conference documents and annual reports during the first period, interviews during the second.

The most important distinction between the two phases of the project is in the interpretation of corruption. During the first phase, the texts identify corruption with the public sector's maladministration. Moreover, in this phase the whole issue of corruption is seen from a more procedural and administrative point of view rather than on the basis of its moral nature, the specific characteristics – if they exist – and its function in Greek public administration. In other words, corruption is generally related to bureaucracy as well as to regulatory inflation, which frequently results in inconsistency of law, in turn facilitating selective, arbitrary, partial or inadequate law enforcement.

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[52] *TA NEA, KATHIMERINI, ELEFTHEROTYPIA*, 2003-2005.

Only one representative of the public administration agreed to speak with us. As mentioned in the introduction, public administration was not included in the target groups of the research. The Greek team decided to analyse it additionally, integrating it into the target group 'politics', because of the special significance it has for Greece.

During the second phase, the only representative of the public administration who agreed to speak with us attempted a more thorough approach of the phenomenon. In any case, it should be taken into consideration that the interviewee is not a member of the administration to which he refers, but its supervising authority - even if he himself was a high-ranking judge at the Court of Appeals. Not being a member of the administration justifies the General Inspector's willingness to contribute to the discussion and criticism. Civil servants are not allowed to be interviewed by outsiders unless they have the permission of their superiors, which is very rare. In extraordinary cases, when they have the permission, it is likely that their interview is strictly formal. Irrespective of whether they have permission, they are generally unwilling to participate in whatever research from outside. Qualitative research can only be conducted internally. Unionists of the public service were neither available for the research nor willing to participate in it.

It is interesting that although the General Inspector adapts to common views and arguments on the role of the historical, cultural and socio-economical conditions which influenced the political system and state development to explain corruption, at the same time, the given definitions and the suggested means of confronting the problem are identical with the international organisations. His legal education and experience don't seem to play any role in reflecting on the issue, unlike the judges and politicians who have been interviewed. On the one hand he accepts the World Bank's definition of corruption, while on the other he contests methods and procedure followed by the international organisations (OECD, World Bank, TI) to measure it, yet without rejecting them.[53]

This is a general finding shown for most target groups when comparing the results of the first and the second research period. One reason is the role and the value attributed to the reports of such organisations by governments, parties, NGOs, media, as well as the European Community. This strongly affects the views of the citizens, and what is more, of educated population and specialists as well.

Another explanation for the ambiguous attitude of the General Inspector and the reservations expressed by civil servants in the documents is the peculiar role public officials have to perform, and in particular the role of high-ranking officials in the public administration. They operate as the 'vehicle', transferring the messages and experiences from the international environment to the local administration, as well as conveying the convergence of the public administration systems among the European Union's member states. Moreover, the interest in and orientation of the convergence is apparent from the public administration texts analysed during the first phase of the project.

II.2.2 Ranking of Greece in International Surveys on Corruption

Public administration's official documents show scepticism regarding the view that corruption that corruption is extensive in the Greek public administration. Mostly, they neither accept nor deny it. Yet the General Inspector localised corruption to certain areas

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[53] E. Lambropoulou, *Second Research Report Greece: Perceptions of Corruption in Greece. A Content Analysis of Interviews from Politics, Judiciary, Police, Media, Civil Society and Economy*, October 2007b, pp. 16, 19, at: http://www.uni-konstanz.de/crimeandculture/crimeandculture.html (accessed on 10 July 2012).

"where big money flows". Thus, he specified a source of the problem, expressing his doubt that it is as widespread as people think and media tend to say. Furthermore, he questioned Greece's high CPI scores rankings in terms of corruption. However, this does not mean that he has a clear concept of the issue and its characteristics in the country.

The discussion on corruption in public administration in Greece is general and simplistic, even though it uses the internationally prevailing definition and reports by international organisations. The media voice endless criticism, using the corruption rhetoric as a means to dispute the power and prestige of politics, but mainly to affect the public prestige of state institutions and services. In this context, the influence of international organisations' measurements of and publications on corruption strongly contributes to a nihilistic view among the citizens about the state and society in general. Greek scholars contribute to this by restricting themselves to a rather ideological criticism of a simulacrum, while reliable research material is blatantly non-existent. Therefore, the findings and remarks of the international reports cannot be considered the starting point for further discussion, but rather a means to exercise pressure or encourage powerful economic and political groups to promote their decisions towards consolidated situations, and establish their views and evaluations.

The results of TI surveys, based on views and opinions, generalisations and constructions of a small sample of the business world and law companies (6-7 questionnaires) and not on facts, convictions, systematic observation and experience, are the only source of information. In national publications (TI Hellas), low rates are counted for or estimated in relation to the general population and households in order to highlight the costs of corruption and cause sensation.[54] Even so, the population accepts and internalises this non-reflective view. [55]

The clear distinction between 'grand' and 'petty' corruption is another finding the research group came upon during the second phase of the programme. 'Petty' corruption concerns citizen transactions, particularly economic transactions with public services.[56] Some analysts locate it at the lower levels of the public administration hierarchy.[57] According to the Inspector, corruption in general and 'petty' in particular can be better outlined on the basis of recorded illegal behaviours than on the basis of concepts about corruption, such as the ones international studies use. The former are based on facts - administrative and penal court decisions and disciplinary board decisions for example - [58] and not on concepts that are influenced by personal experience, rumours and stereotypes, affected by the media's discourse, which all the interviewees except the columnists characterised as "vague" and "destructive".

Not only the demand side (the public sector), but also the supply side (private economy) is responsible for corruption. The private sector bribes public services, and private

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[54] In TI Hellas research 75-79% of the samples (n= 6,027-12,020 persons) between 2007-2011 did not refer any cases of corruption; 1.9-5.7% gave vague answers or they were not sure. However, the emphasis of TI was on the rates referred to a case (7.16-9.5%). TI Hellas/Public Issue, *National Research about Corruption in Greece*, Athens 2011, all Reports after 2005 at: http://www.transparency.gr/Content.aspx?page=11 (accessed on 3 July 2012).
[55] See also TI Hellas/Public Issue, *National Research about Corruption in Greece 2008*, 17 February 2009; TI Hellas/Public Issue, *National Research about Corruption in Greece 2008, Scales for Measuring Attitudes and Perceptions about Corruption in Greece*, January 2009 (accessed on 3 July 2012).
[56] Lambropoulou 2007b, supra note 53, pp. 17, 22.
[57] R.S. Katz & P. Mair, 'Changing models of party organization and party democracy: The emergence of the cartel party', *Party Politics* 1995-1, pp. 5-28.
[58] The General Inspector of Public Administration agrees that the use of administrative and penal court decisions is the most reliable method when measuring corruption.

organisations are accomplices when it comes to corruption.[59] When the economy representatives in our research urge for 'less state' or 'no state', they mean they would like to see a state in which they have more control. Although the Greek state appears extremely large, it is neither powerful nor effective.[60] It is held captive by party politics and collusive practices between party and economic elites.

In short, what emerges from the discussion is that the TI and international organisations' rankings reflect the views and (negative) attitudes of the private sector towards public services. Yet whenever the exchange favours the private sector, there is hardly any reference to corruption.

II.2.3 Causes of Corruption in the Discourse of Public Administration

a)   'Inefficient' Administration

In both research phases the researchers commented on the low efficiency of public administration; in the first phase it was related to maladministration,[61] while in the second it was related to corruption.[62]

Administrative inefficiency is a result not only of heavy bureaucracy and overregulation but also of politicisation of public administration. We are reminded here of the results of the Union of Civil Servants' (ADEDY) research conducted in September 2005.[63] 89.6 % of the respondents (sample: 1 200) regard corruption as a 'general social phenomenon', explaining it as a consequence of the attitudes and opinions of other people. Only 8.9 % associate it with public administration.[64] Furthermore, 62.2 % attributed corruption to political leadership and party loyalties in public administration, 20.5 % to entrepreneurial-commercial factors (interests of the private economy) and only 13.6 % to civil servants.[65]

The argument of administrative insufficiency operates to a great extent as a consistent stereotype that describes an organised and efficient 'North' and an ineffective and oversized 'South'.[66] Even if according to the Sustainable Governance Index by Bertelsmann Stiftung (2011)[67] Southern countries (Portugal, Italy, as well as France) are in low positions, with Greece at the very bottom (score 4.54), this is not only an issue of public administration. The Index contains a range of indicators of executive capacity (as measured by steering capacity, policy implementation and institutional learning) and executive accountability, in order to show which countries have the best governance performance and which countries

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[59] K. Vlachos-Dengler, *The Greek Civil Society and the Impact of Globalization*. Paper presented at the 3rd Annual Kokkalis Graduate Student-Workshop, Harvard University, 9-10 February 2000, unpublished.

[60] C. Spanou, 'On the regulatory capacity of the Hellenic state: A tentative approach based on a case study', *International Review of Administrative Sciences* 1996-2, pp. 219-37; D.A. Sotiropoulos, 'A Collossus with feet of clay: The state in post-authoritarian Greece', in V. Coufoudakis, H.J. Psomiades & A. Gerolymatos (eds.), *Greece and the New Balkans*, New York: Pella 1999, pp. 43-56.

[61] E. Lambropoulou, *Greece: State of the Art Report, Perceptions of Corruption in Greece. A Content Analysis of Documents from Politics, Judiciary, Police, Media, Civil Society and Economy* (Rev 1, unpublished), January 2007a, pp. 24-5.

[62] Lambropoulou 2007b, supra note 53, p. 16.

[63] In its text only the results of the study are presented.

[64] E. Lambropoulou, S. Ageli, N. Papamanolis & E. Bakali, *The Construction of Corruption in Greece. A Normative or Cultural Issue?* Discussion Paper Series No 6, 2007, p. 10.

[65] Ibid.

[66] Lambropoulou 2007b, supra note 53, p. 30.

[67] Bertelsmann Stiftung, *Policy Performance and Governance Capacities in the OECD. Sustainable Governance Indicators 2011*, Gütersloh: Bertelsmann Stiftung 2011, at: http://www.sgi-network.org.

show deficiencies.[68] According to the Index commentary on Greece, "The government's strategic planning capacity is relatively low because the Prime Minister's Office lacks the resources to live up to this task. Envisaged reforms are often not implemented, falling victim to resistance on the part of ministries or local governments. Recent governments have tried to introduce reforms that would facilitate the domestic application of international norms, but with little impact. Government accountability toward citizens, the legislature and intermediary organizations is lacking." [69]

Another point of criticism is the size of public administration. However, a comparison with public service employment in Southern, Western and Northern Europe in absolute numbers, as well as in proportion to the total labour force, challenges this idea of a supposedly oversized public administration. On the one hand the number of civil servants corresponding to the total economically active population is normal; on the other hand the rate of reduction in public employment does not significantly differ from that of Western and Northern European states.[70]

Up to 1986 the number of public servants *stricto sensu* (of the central government) rose to 200-260 thousand; in 1986 this number also included employees of public enterprises (electricity/energy, water supply, etc.). Until then they worked with contracts and had no tenure. Teachers from all levels of education were also included, as were priests, judges, police personnel etc. Thus, the number of employees in the public sector *lato sensu* rose to 600 thousand. In the late nineties, regional civil servants were also included, so that the total number rose further to 768 thousand in 2010, corresponding with 13.6% (5 268 509)[71] – 15.2% (5 050 000)[72] of the labour force. After 2010 public sector employee numbers fell to around 668 000, mainly due to early retirement in order to benefit state savings.[73] All in all,

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[68] R. Boyle, *Public Sector Trends 2011*, Research Paper N°6, State of the Public Service Series, Institute of Public Administration Ireland, November 2011, at: http://www.ipa.ie/pdf/Public_Sector_Trends_2011.pdf (accessed on 3 July 2012).

[69] Bertelsmann Stiftung, *Sustainable Governance Indicators 2011,* online Key findings Greece, Management 2011a, at: http://www.sgi-network.org/index.php?page=countries_keyfindings&country=GRC (accessed on 3 July 2012).

See also Bertelsmann Stiftung, *Policy Performance and Governance Capacities in the EOCD* 2011, Gütersloh 2011b, at: http://www.sgi-network.org/pdf/SGI11_Brochure_EN.pdf, pp. 21-23 (accessed on 3 July 2012); D.A. Sitoropoulos, K. Featherstone & C. Colino, *Sustainable Governance Indicators 2011, Greece Report*, at: http://www.sgi-network.org/pdf/SGI11_Greece.pdf (accessed on 3 July 2012).

According to the World Economic Forum/WEF, from a list of 15 factors, business executives were asked to select the five most problematic for doing business in their country and to rank them between 1 (most problematic) and 5. For Greek respondents the first three were 'inefficient government-bureaucracy': 22.1; 'access to financing': 13.8; 'corruption': 13; WEF, K. Schwab (ed.), *The Global Competitiveness Report 2011-2012*, Geneva, Switzerland: WEF 2011, pp. 188-189, at: http://www.weforum.org/reports/global-competitiveness-report-2011-2012 (accessed on 3 July 2012).

[70] Exclusively for public administration, see Presidencia Española de la Unión Europea, Ministry of the Presidency, *Public employment in European Union Member States*, State Secretariat for the Public Service, Directorate-General of the Public Service, Madrid 2010, pp. 7-9, at: http://www.dgaep.gov.pt/upload/RI_estudos%20Presid%C3%AAncias/Public_Employment_EUMS.pdf (accessed all on 5 July 2012).

[71] Index Mundi 2010, Labor force, total, at: http://www.indexmundi.com/facts/indicators/SL.TLF.TOTL.IN (accessed on 12 July 2012).

[72] Index Mundi 2010, Labor Force Comparative Map, at: http://www.indexmundi.com/greece/labor_force.html; more at: http://www.indexmundi.com/map/?v=72) (accessed all on 12 July 2012).

[73] See also: Ministry of Administrative Reform and E-Government Tables, at: http://www.tovima.gr/files/1/2012/21/ek8esh24.pdf; also NSSG 2012, *Statistical themes, Employment-Unemployment, Labour force 1ˢᵗ quarter 2012*, *Table 5*: Persons of 15 years and over employed by one-digit categories of economic activities, occupational status and sex, 1st quarter 2012, Public administration and

the absolute number of public servants in the stricter sense fluctuated between 260 and 300 thousand after 1986, which means that it has increased by about 40 thousand during the past 20 years. Now the employees of public enterprises are again excluded from the public sector, since a large portion of these companies have been privatised.

Furthermore, the contemporary comparison between the Greek public services and those in the Northern European countries, using indicators such as state expenses and revenues, degree of politicisation of high-ranking executives and the size of bureaucratic structures, illustrates similarities and not differences.[74] Consequently, during the last few years many politicians, academics and journalists have become more reserved when it comes to the overused argument of the weak public administration.

b) Clientelism and Rent-seeking

Overall, our primary documents and the various interviews with other target groups demonstrate that the main reason for corruption in Greece in general and in public administration in particular is in fact clientelism. Clientelism is defined as the non-institutionalised communication between the political powers that be and the citizens, or 'clients', through rent-seeking. Clientelism justifies public administration's failure to reform as well as the inertia of the state mechanisms with the excuse of 'political cost'.

There are two approaches to clientelism in Greece. The first – the traditional approach – regards the issue as an "instrumental relationship between patron(s) and client(s)", operating in favour of both sides "as contractually founded".[75] The second one considers it a "way of political participation of the masses",[76] which are otherwise excluded. In the first approach clientelism has a negative meaning, but in the second it is seen as "a 'vertical' political participation of the citizens".[77] It is an institutionalised form of social organisation and behaviour which is 'indirectly legitimised'. It also operates as a redistribution mechanism ("concrete way of creating and distributing revenue") for the general population.[78]

In other words, clientelism is not an inherent characteristic in the sense of value or culture but the product of historical events and political organisation and functions of the state mechanism during its development, in which a rational and general redistribution mechanism of social wealth, welfare benefits and social protection was missing.[79]

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defence, n= 677 800, at: http://www.statistics.gr/portal/page/portal/ESYE/PAGE-themes?p_param=A0101 (accessed on 11 July 2012).

[74] D.A. Sotiropoulos, *State and Reform in Modern Southern Europe: Greece-Spain-Italy-Portugal*, Athens: Potamos 2007, pp. 48-56.

[75] Mavrogordatos 1988, supra note 6, p. 5.

[76] C. Lyrintzis, 'Political parties in post-junta Greece: A case of bureaucratic clientelism?', *West European Politics* 1984-2, pp. 99-118.

[77] Mouzelis 1987, supra note 6. The author distinguishes between the 'horizontal' and 'vertical' type of relationship between the citizens and the state. 'Horizontal' is the political participation which is based on collective forms of social accession (e.g. professional unions, political parties). 'Vertical' is the form of political participation which is based on certain personal or family bonds with members of local and/or national elite; thus the citizen is connected to the political system and the power system in general.

[78] M. Petmesidou, 'Social protection in southern Europe: Trends and prospects', *Journal of Area Studies* 1996-1, pp. 95-125, cited by Sotiropoulos 2007, supra note 74, p. 100.

[79] D.A. Sotiropoulos, *Bureaucracy and Political Power: Sociological Analysis of the Relations between Public Administration and Politics in Greece during the '80s,* Athens and Komotini: A.N. Sakkoulas 1996, pp. 60-62; C. Lyrintzis, 'The changing party system: Stable democracy, contested 'modernization'', *West European Politics* 2005-2, pp. 242-59.

According to the authors, the 'traditional' clientelism, the interpersonal relationship of the voter (or his family) with the politician (patron) has transformed in the course of time. Now the political parties and

Under this presumption, clientelism can provide an explanation for resisting corruption. It operates as a mechanism that absorbs social inequalities that produce conflict and strain; moreover, it balances the state of confusion and uncertainty. Arguing that clientelism has developed from a mechanism of balancing social inequalities to an established mentality that produces corruption (usually 'petty' corruption) is deterministic and antirational. The previous does not mean that clientelism does not exist or that it is justified; I am trying to put a complicated issue into a clear context. Even so, a clientelistic political culture and strong sectoral interests often make reform attempts fall victim to political pressures. However, the debt crisis has started a shift in public attitudes, with increasing calls for a break with the past.[80]

Clientelism and rent-seeking are usually attributed to the countries of the South, contrasting them with those of the North, though clientelistic relationships exist to some degree and in various forms in all modern societies.[81] In Western countries, large-scale patronage systems steadily declined during the twentieth century. The assassination of US President James Garfield in 1881 by a disgruntled office seeker who did not receive a political appointment spurred Congress to pass the Civil Service Act, or Pendleton Act, of 1883.[82] The Act, which only applied to 10 % of the federal workforce at the time, created a Civil Service Commission and advocated a merit system for the selection of government employees. By 1980, 90 % of federal positions had become part of the civil service system.

However, US Congress took another look at patronage issues in the Civil Service Reform Act of 1978[83]. Concerned that federal bureaucrats were too independent and unresponsive to elect officials, the Act of 1978 replaced the Civil Service Commission with the Office of Personnel Management, which was under closer control of the President. The Act also created the Senior Executive Service, which gives the President greater discretion in assigning top officials to departments and agencies.

In some democracies high-level appointments are reviewed or approved by the legislature (like the advice and consent of the US Senate); such overt political patronage is seen as a tool for rewarding and enforcing loyalty. Loyalty is the criterion for selecting a person rather than merit. The selection process may be seen as questionable.[84] The patronage office still exists in the British Civil Service; its role is to check that political honours are not given to inappropriate people, like in the period from 1916 to 1922, when Lloyd George sold them.[85]

c) Overregulation as a Cause of Corruption

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their bureaucracy play the role of the patron. In Greece this development took place in the 80's along with the re-organisation of political parties (increase in the members of the parliamentary parties, collective procedures, local, prefectural and central parties' executives, party trade unions in public sector, etc.).

[80] Bertelsmann Stiftung 2011, *Greece Status index,* online at: http://www.sgi-network.org/index.php?page=countries_keyfindings&country=GRC (accessed on 3 July 2012).

[81] K.R. Legg, *Patrons, Clients and Politicians: New Perspectives on Clientelism,* Working Papers on Development 3, Berkeley, CA: Institute of International Studies 1975; S. Xenakis, 'Pride and prejudice: Comparative corruption research and the British case', *Crime, Law and Social Change* 2010-1, pp. 39–61.

[82] 5 U.S.C.A. § 1101 et seq.

[83] 92 Stat. 1121-1131, 5 U.S.C.A. 1201-1209.

[84] West's Encyclopedia of American Law, *Patronage, at:* (http://www.answers.com/library/Law%20Encyclopedia-cid-59993, (accessed on 13 July 2012).

[85] Oxford Dictionary of Politics, *Patronage*, at: http://www.answers.com/library/Political%20Dictionary-cid-59993, (accessed on 13 July 2012); see also Xenakis 2010, supra note 81, p. 51.

According to the General Inspector three main factors produce corruption in public administration. The first is administration's reliance on governments and party politics,[86] the second is money transactions between citizens and public services,[87] and the third is overregulation, complex legislation, as well as ambiguities in legislation and contradiction in content of legislation ('grey zone'), offering public administration a high degree of discretionary power.[88]

Regulatory inflation is not only the product of numerous demands of modern society, but also the product of a prevailing legalistic culture in the country. It is a common reaction to issue new laws or amend existing ones whenever a problem (social, economic or political) arises. Justice and, surprisingly, all law enforcement authorities react similarly. Overregulation widens the gap between the spirit of the law and law enforcement. In any case, the increased production of new regulations and frequent amendments of the existing ones cannot justify corruption alone. According to the General Inspector, the complicated normative environment implies ad hoc favours either to individuals or to certain social groups in order to gain their political support.[89]

Furthermore, the 'lack of moral standards'[90] for serving citizens' interests in local communities is a unique development of the last decades. Firstly, local authorities' reliance on communities and, secondly, clientelism are the main reasons for corrupt practices and exchanges in local administration, according to the Inspector.[91] This point of view contradicts the one mentioned in the beginning of the interview on the definition of corruption, because it unintentionally expresses the General Inspector's own anticorruption discourse moralism. It is also interesting that the Inspector reckons corruption is a problem that springs from unequal access to goods and services and from discretionary treatment. His view is based on a sense of 'true' justice, as he said, rather than one of law-abiding behaviour. Thus, he verifies another previously mentioned remark about the function of corruption as a redistribution mechanism of social wealth and social protection.

Evaluation, Conclusions, Suggestions

The main questions examined hitherto were a) public administration's views on the reasons for corruption in Greece, b) if the reasons are related, according to the interviewees, to the historical process of state formation and especially to the way state and society interact, and c) what the forms of 'corruption' are.

According to analysts, the politicisation of public administration, corporatism, legalism and the economy's reliance on the state produce corruption in Greece. However, so far I have tried to show that certain characteristics of power relations in Greece and in particular in public administration are not so different from those in other contemporary administrative systems (that is, systems based on the principles of democracy, rule of law and liberal economy), and rather resemble characteristics of neighbouring countries with similar experiences in their social and political development. I have already referred to the similarities in the majority of modern administrative systems such as their size and 'low efficiency'. Similarities of this kind are also observed in most Western countries where the

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[86] Lambropoulou 2007b, supra note 53, p. 17.
[87] Ibid.
[88] Lambropoulou 2007a, supra note 61, p. 25; 2007b supra note 53, p. 22.
[89] Lambropoulou 2007b, p. 20.
[90] Idem, p. 17.
[91] Ibid.

economy meets the political system, where 'grand' corruption is generated, for example through undeclared party financing or bribery of trade unionists by employees in large companies in order to support their decisions and ensure the consensus of the employees.[92]

Nonetheless there are forms of 'petty' corruption which are particularly maintained over time and in certain geographical areas. One of those is the European South. It can be used as a distinct analytical category to a certain extent because of the common characteristics which have influenced the formation of the Southern European states throughout their history. The category does not ignore the particular conditions and the different characteristics of each state. But contemporary social research has shown that the four features (overregulation, inefficiency, clientelism, rent-seeking) of the Greek public administration referred to previously are not typically 'Greek'.[93] They are components of all states of the European South and qualify the power relations between the state and the citizens. Therefore, research on corruption in Greece should not be restricted to the national context but the context of the countries of Southern Europe. Similarly the problem must be examined among the administrative systems of Southern Europe, as well as their policies against corruption. In a period where efforts for administrative convergence are carried out, this must be taken into account. Corruption develops in close relation with society itself. It is rooted in the authoritative relation between the state and its citizens. These conclusions are drawn not only by comparing corruption in different countries, but also in the same country. Different forms of imposed power are reflected in different practices (i.e. Southern and Northern Italy).

Nevertheless, the hegemony of thought, definition, practice and evaluation is an issue of the North. As a rule, the North defines the quality of the South, not the other way around. The South wants to resemble the North, while the South is corrupt and poor by definition, whether poor because it is corrupt, or corrupt because it is poor, everything fits. Yet how could cases such as Agusta-Dassault, the Belgian corruption scandal (1991, 1998), 'Santer-Gate' (1999) and the recent Galvin Report, both EU scandals (2006/2008), the Elf Aquitaine – Leuna (1993-1998), the French-German scandal, the Iran-Contra scandal (1981-88) be explained as isolated phenomena? All of the above might show that new analytical tools for their study are absolutely necessary. The North is 'clean' because the South is 'corrupt'. Wealth only exists in relation to poverty and only because of poverty.[94]

Policies against corruption should be carried out in groups of states which have some common characteristics and experiences. Although each state is unique, it cannot be an argument for doing nothing. On the contrary, its 'uniqueness' should shape each country's strategic planning. After all, customisation of reform is a key component of success.

Consequently, strengthening the existing repressive or control mechanisms against corruption or creating new ones will not be effective. Targeted small changes in public administration would be more effective against corruption under the condition that social consensus exists. Another prerequisite for the success of public administration reform programmes is a network of flexible alliances between the major actor – the state – and the other stakeholders. It is still important to build support from social groups outside public administration.

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[92] See more in G. Kaiser, 'Confronting corruption', *Science and Society* 2005-15, pp. 19-43.

[93] T. Bruneau, N. Diamandouros, R. Gunther, A. Lijphart, L. Morlino & R.A. Brooks, 'Democracy, Southern European Style?', in: N. Diamandouros & R. Gunther (eds.), *Parties, Politics, and Democracy in the New Southern Europe*, Baltimore: John Hopkins University Press 2001, pp. 16-82; also Diamandouros & Gunther (eds.) 2001.

[94] Cf. N. Luhmann, *Rechtssoziologie*, Opladen: Westdeutscher Verlag 1983, pp. 116-31.

Some more suggestions are the following:

> 1) The codification and recasting of regulations in order to eliminate legal ambiguity.
> 2) Adequate support and staffing of the control bodies, especially of the General Inspector of Public Administration's Office. The co-operation of control bodies with the administration should be improved as well.
> 3) The expansion of e-government infrastructure will reduce the citizens' physical contact with the administration.
> 4) The reinforcement of international co-operation for confronting corruption through the transfer of know-how and the use of 'good practices' adequate for Greece.

Strategic planning against corruption above party politics is necessary to promote the referred suggestions. As the General Inspector said, "Corruption cannot be dealt with using party-political logic."

The synoptic overview above shows that the dominant contemporary concept of the phenomenon, as expressed by international organisations such as the World Bank, is strongly affected by a certain model of political, social and economic organisation, notably that of the free market and its neoliberal ideology.[95] Therefore, the corruption rhetoric is used to further enhance neoliberal socio-economic restructuring in countries of the developing world or of the semi-periphery and it does not question or bother with the social impact of replacing 'corrupt' practices with 'clean' ones as long as the former serve the process of further marketisation and commodification. With this, I do not support the idea that certain practices such as bribery or political patron-client exchange are social constructs made by dominant interests and rhetoric. Instead it is noted that the characterisation and labelling of some acts as corrupt – irrespective of their previous longstanding criminalisation – serves a clear political goal: the expansion and domination of market relations, independent of social costs and without examining alternative trajectories to empower the lower strata of societies, or countries which do not exactly fit the format of the advanced developed societies. When this happens, a total contestation of the values system of the countries in the semi-periphery takes place, resulting in disapproval of their behaviour system and eventual castigation, in support of significant political and economic decisions.[96]

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[95] See also D.L. Rothe, 'Facilitating corruption and human rights violations: the role of international financial institutions', *Crime, Law and Social Change* 2010-53, pp. 457-76.
[96] Kaiser 2005, supra note 92, p. 23.