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# **Controlled negative reciprocity between the state and civil society: the Greek case**

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## ABSTRACT

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Rarely do discussions on state-society relationship meet with discussions on street-level encounters between members of civil society and state agents. This article intends to bridge this gap by discussing state-society relationships in Greece as they can be understood from a pattern of minor illegalities from the part of both state agents and members civil society, and non-enforcement. The approach consists in building from that pattern an ideal-type of mutual hostility and controlled negative reciprocity between state and society. Albeit produced through a multitude of unconnected and uncoordinated interactions between members of civil society and public rules/public agents, a relationship of controlled negative reciprocity holds as a coherent pattern, already discussed in previous works by Simmel, Campbell, Clastres and Gouldner. This 'ideal-type' contributes both the literature on state society relationships and the literature on regulatory encounters, and it sheds new light on contemporary Greece before and during the crisis.

Keywords: minor illegalities, non-enforcement, negative reciprocity, state-society relationship, contemporary Greece.

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# Controlled negative reciprocity between the state and civil society: the Greek case

## 1. Introduction

When scholars write about state-society relationships, they often write about the various patterns of policy-making that might involve or not involve societal actors. In other words, they tend to write about 'governance', and about the intermediary organisations – political parties, associations, or unions – that exist at the intersection between the state and civil society to coordinate action (e.g. Yee 2004; see review in Sellers 2010). Rarely do they write about the multiple occurrences where state demands for particular behaviours – whether in the form of legal obligations, non-legal authoritative requests (Pyrzcz 1981) or gentler nudges – are met positively or negatively by individuals or organizations. They also tend to ignore how the state itself responds to individual expectations, whether in terms of law enforcement, benefits, or other services. Yet, these micro-level occurrences abound, and they are unquestionably instances of routine and non-routine interactions between the state and society.

The literature that has focused on the micro-level of street-level encounters between regulator and regulatee has also generally failed to build a link with the higher order and macro-level of state-society relationships. Thus, regulation studies have looked at regulatory encounters often from a limited (and, one might add, sometimes partial)

point of view, either taking the perspective of the state as a regulator developing strategies and using policy tools to modify behaviours (e.g. Ayres and Braithwaite 1992; Hawkins 2002), or the perspective of the individual person or firm as a decision-maker within a more or less complex environment (e.g. Bednar 2006; He 2005). Only very few scholars in that stream of research have strived to conceptualise the relationship between discrete compliance or non-compliance as inscribed within a broader relationship or 'contract' with the state (but see Feld and Frey 2007; Scholz 2003; Tyler 1990). In sum, there still is very little link between the macro-level analysis of 'state-society relationships' and micro-level dynamics of encounters between members of civil society and the state.

This article aims to provide the beginning of an answer to the call for covering this gap (Sellers 2010). In other words, the goal here is to improve our understanding of state-society relationships by drawing inferences from empirical elements on compliance as well as enforcement. The argumentative strategy adopted in the paper consists in exploring one particular case and on that basis building inductively an ideal-type: a logical caricature of an otherwise messy reality. To further strengthen that ideal type, the paper also draws on the existing literature, particularly in theoretical sociology and anthropology.

This can only be a first step in the development of a testable theory on the relation between the micro-level of compliance behaviour and the macro-level of state-society relationships, and it certainly implies a trade-off between descriptive accuracy and parsimony. However, it is a

worthy step to take, notably in order to go beyond 'universal' models, particularly in regulation studies.

Indeed, for the most part and until recently, theories in that field have conceptualised relationships between members of civil society on the one hand and the law and enforcement authorities on the other hand on the basis of empirical material drawn from a limited number of cases: chiefly from North America, Western Europe, Australia and Japan (e.g. Ayres and Braithwaite 1992; Hawkins 2002; Kagan and Axelrad 2000). Hence, much of the debate on compliance/non-compliance and regulator-regulatee relationships has developed in relation to developed countries sharing common characteristics such as a mature state with strong institutions, the rule of law, and an individualised society with relatively weak social networks. As a result, theories developed in these contexts, although they were drawn in universalistic terms, have had difficulties accounting for the reality of responses to law and state-society relationships in countries that do not share these characteristics (e.g. Gezelius and Hauck 2011; He 2005).

As an alternative strategy, ideal-types of interactions between the state and civil society can contribute to dealing with the problem of insufficient empirical variation, which has plagued research in regulation studies. Indeed, ideal-types offer the possibility of beginning to theorise diversity between groups of cases in a parsimonious way. Hence, one can make sense of the fact that in certain state-society contexts, particular (non)compliance and (non)enforcement behaviours will be considered normal and not trigger negative reactions, while in others

these same patterns will be seen as abnormal/deviant and will be condemned (Etienne 2013).

The case studied in this paper is Greece. In particular, the paper explores the combined patterns of multiple and widespread occurrences of minor illegality from the part of both members of civil society and public administration, and the non-enforcement of many of these illegalities. It is proposed to interpret these patterns as a form of state-society relationship. The Greek case is particularly well suited to discuss the link between state-society relationships and micro-level encounters between members of civil society and state demands. Indeed, the crisis that has engulfed Greece and the Eurozone after 2010 has been an occasion for many commentators, journalists and public officials to argue that there was indeed a link between failure at the macro-level – the uncontrollable debt of the state and its incapacity to steer society towards reform – and a multitude of small illegalities from the part of a large proportion of the Greek population, in particular in relation to tax. In other words, these individually unremarkable behaviours of tax evasion have been linked to the very remarkable quasi-bankruptcy and ineffectiveness of the state. This jump from the aggregate micro-level behaviours and the macro-level has been, however, often discussed in moral terms (as in a name and shame process).

Alternatively, I will propose in this paper to describe and make sense of the relationship between state and society for a large proportion of Greeks in the terms of mutual hostility and controlled negative reciprocity. A relationship of hostility between state and society is one where regular, repeated interactions are characterised by non-

cooperation, non-enforcement, and non-violence. Social theory provides additional hints as to why such a relationship might make state and society coexist and hold together. The idea of a relationship of hostility between state and society is also intended to contribute mapping a research agenda for scholars interested in policy failure and regulatory non-compliance in Greece and elsewhere. Hopefully, it should also contribute to enlightening the public debate on the Greek crisis.

### Method and data

The elaboration of an ideal-type of state-society relationships in Greece on the basis of evidence of compliance and enforcement behaviours is an inductive process, which regroups salient empirical elements together. As such it works also by excluding empirical elements that do not 'fit' together, and may be used in turn to constitute other types (Schnapper 1999). Although the core of the article focuses on one particular type, I will discuss briefly in the discussion section other types that might also be identified or have been identified in the Greek context.

There is little systematic data on the extent of non-compliance and non-enforcement in Greece. So far, the published scholarly literature on street-level encounters between members of civil society and public rules or state agents have been mostly impressionistic and based on little empirical data (but see Spanou 1996 as a rare exception that focuses on the case of environmental regulation). However, one can also find multiple small pieces of evidence in journal articles, the published

literature, and the Greek Ombudsman's annual reports, which together contribute to drawing an impressionistic picture of the case.

As for journalistic sources, I have consulted the archives of the periodical *Kathimerini*. *Kathimerini* is a centre-right daily whose editorialists and journalists have been regularly reporting on common, street-level 'lawlessness' and on the lack of enforcement from the part of the state. Another periodical could also have been consulted for that purpose, and the main reason for looking at *Kathimerini* was convenience: the archives of the journal are freely accessible online.<sup>1</sup> To identify examples of non-compliance (and non-enforcement), a thematic search in the journal's news articles<sup>2</sup> from the early 2000s was done, which provided a variety of examples. Articles that were published between 2000 and 2010 were consulted preferably, in order to provide descriptive evidence that was recent yet not tainted by the context of the crisis.

In parallel, I have also consulted the annual reports of the Greek Ombudsman (Synigoros tou Politi) between 2000 and 2010. The Greek Ombudsman is an independent authority in charge of investigating 'individual administrative actions or omissions or material actions taken by government departments or public services that infringe upon the personal rights or violate the legal interests of individuals or legal entities.' (Greek Ombudsman website) As such, its annual reports provide a glimpse of a range of behaviours observable in encounters between members of civil society and the state.

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<sup>1</sup> <http://www.kathimerini.gr/editions>

<sup>2</sup> Using the keyword 'lawlessness' / 'paranoia.'

Additional sources included the published anthropological literature on contemporary Greece (particularly the work of Mike Herzfeld and Renée Hirschon) and a variety of articles and working papers on minor illegalities, particularly tax avoidance (e.g. Artavanis et al. 2012; Mistopoulos and Pelagidis 2012; Skouras and Christodoulakis 2011). The theoretical references consulted to make sense of the patterns described in that literature as well as in the press include Georg Simmel's theoretical sociology (1955), the ethnographic work of the anthropologist John K. Campbell (1964), the anthropology of Pierre Clastres (1987) and the organizational sociology of Alvin Gouldner (1954).

The paper is organised as follows. The next section presents the pattern of behaviours that has been identified to build the ideal-type. Then, theoretical flesh is added on empirical bones to make sense of that pattern as a particular type of state-society relationship. The final section is for discussion and conclusions.

## **2. Identifying the pattern**

From a bottom-up point of view that looks at encounters between agents of the state and members of civil society (individuals or firms) in Greece, this tentative first approach to the question of state-society relationships in that country has identified four striking facts: (1) the extent of non-compliance with a variety of public rules from the part of members of civil society; (2) the extent of acts performed by state agents that are illegal or harmful for the public; (3) the minor nature of

the more widespread illegalities; (4) the pattern of non or weak enforcement in response to minor illegalities.

### 2.1 Illegalities from the part of members of civil society

There have been a few areas where public regulations have been flouted in remarkable ways, either because non-compliers have been a great many, or because non-compliance has been highly visible and easy to detect. Among them, tax and benefit fraud are the best known and also the best documented types of widespread non-compliance. Evasion of income tax and value added tax has been widespread among the self-employed (doctors, engineers, private tutors, accountants, financial service agents, lawyers), hotels, bars and restaurants (Kathimerini, 19/02/2006; Artavanis et al. 2012). Conservative estimates put unpaid taxes to an average 20 billion Euros per year.

Non-compliance has also been extensive in building construction: it was estimated in 2006 that 1.75m houses (out of an estimated total of 6.9m) had been built illegally by various individuals or organisations, and notably property developers and the Orthodox Church (Kathimerini, 12/02/2006; Kathimerini, 05/08/2006; Kathimerini, 25/07/2002).

Businesses have been illegally operated on a large scale and frequently in very visible ways too. For instance, an open quarry has operated for 30 years in the outskirts of Athens without a license, in spite of judicial orders to close it down (Kathimerini English edition, 19/07/2007). Glyfada, a wealthy suburb of Athens benefiting from a long coastline, has also seen the illegal construction of several nightclubs and bars in the mid-1990s. These nightclubs were not only constructed on non-

constructible land, but they have also operated for years without any license. Similar observations can be made in the Psyri Area in Athens, a part of the city centre with a thriving nightlife (Kathimerini, 02/02/2006).

Another illustration concerns legislation applicable from the early 2000s that has made it compulsory for car owners to replace old exhaust pipes with catalytic ones. As of 2001 a very large proportion of drivers in Athens (an estimation of 50% of them) had not complied with that legislation. Drivers had to bring their car to dedicated bureaus to complete and annual technical control, yet this too had failed to tackle the problem, either because drivers had skipped the annual visit, or had found a way to obtain a bill of health in spite of not having replaced the exhaust pipe on their cars.

## 2.2 Illegal or harmful acts from the part of state agents

In parallel to extensive non-compliance in a number of areas, bureaucratic caprice and the state's circumvention of its own rules have been a salient characteristic of street-level state-society interactions in Greece (Herzfeld 1992: 139s), as revealed by a reading of the annual reports of the Greek Ombudsman. For instance, in the 2008 Greek Ombudsman annual report, it is noted that 'in some cases, the administration circumvents legal requirements in order to advance its own interests (e.g. collection of debts, non-disbursement of sums) promptly; it thus disregards the adverse consequences to citizens.' (Greek Ombudsman 2008: 47).

Among various types of illegal behaviours, a notable one is the habit for the state or municipalities not to pay suppliers in time. This habit of

delaying payments was observable even before the crisis and the shortage of public funds that has accompanied it, and thus cannot be explained only as a result of financial constraints on public finances (Greek Ombudsman 2010: 33). For instance, it was a key theme of the Greek Ombudsman's annual report in 2005. Payment delays were legalized by various legal reforms in the early 2000s (e.g. Kathimerini, 09/11/2005).<sup>3</sup> Other cases have included uncompensated expropriation (e.g. Kathimerini, 04/03/2005; Greek Ombudsman, 2005: 41).

Besides, it has been frequent for citizens to be asked for payments in cash at public service counters in order to access or speed up access to public services. The system of the fakelaki (the 'small envelope' containing the required sum) is a correlate of the queue system created by many administrations to delay access to services (pensions, permits, etc.). Particularly developed in the public health sector, it can be experienced as extortion, such as in situations of need.<sup>4</sup> Extortion has been rife in the tax domain as well. Thus, it has not been uncommon for tax collectors to request a direct payment to themselves from taxpayers in exchange for a very substantial reduction of the latter's liability to the state (e.g. Artavanis et al. 2012).

In other words, it is not only members of civil society who have been breaking the rules on a routine basis. The state and its representatives

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<sup>3</sup> 'The state, in other words, is privileged compared to what applies to all other parties. It can well owe millions to a company and instead of paying back, 'go after' that company because it has not paid the VAT corresponding to the above amount!' (Kathimerini, 09/11/2005; my translation)

<sup>4</sup> Two crowd-sourcing websites have started collecting evidence of the fakelaki system in Greece, and provide indications of the circumstances of requests for cash and amounts requested from citizens at public service counters. <http://www.edosafakelaki.org/> ; <http://www.teleiakaipavla.gr/>

have also done so actively by taking steps that have had a negative impact on members of society. This has arguably nurtured a general feeling of mutual distrust between members of civil society and the public administration.<sup>5</sup> As Nikiforos Diamandouros, then the outgoing Greek Ombudsman, noted in 2003: ‘The citizen does not trust the state and the state does not trust the citizen.’ (Kathimerini, 09/02/2003, my translation).

### 2.3 Self-restraint in non-compliance

Although there has been much defiance of public rules and public authorities, most members of civil society have also exercised a measure of self-restraint in their defiance. Thus, state agents would generally not be harmed physically (prosecution and punishment would generally ensue when state agents are physically attacked, as for instance after a memorable episode in the Cretan village of Zoniana in 2007.)<sup>6</sup> More generally, laws forbidding crimes against persons or property would generally be complied with. Thus, crime statistics for Greece compared with those of other EU countries are not suggesting that Greece has generally been doing much worse than others with regard to violent crimes such as homicide, rape, or robbery, although the picture has tended to darken in the late 2000s.<sup>7</sup> This might be interpreted as the effect of deep-seated and informally sanctioned social norms, which command behaviour that is also required by law (such as the

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<sup>5</sup> Public institutions have been suffering from comparatively lower levels of trust in Greece than in other European states (e.g. Jones et al. 2008).

<sup>6</sup> [http://www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsite1\\_1\\_21/08/2011\\_403030](http://www.ekathimerini.com/4dcgi/_w_articles_wsite1_1_21/08/2011_403030); accessed 19 November 2012.

<sup>7</sup> [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Crime\\_trends\\_in\\_detail](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Crime_trends_in_detail); accessed 19 November 2012.

condemnation of rape, murder, etc.) but exist in parallel to the law (e.g. Ellickson 1991; Gezelius 2003).<sup>8</sup> Rather, the common man's (if there is such a thing) illegalities have been generally limited to domains and activities that may harm state coffers or generally defeat the production of public goods (e.g. universal health care, sustainable pensions, sustainable public transportation, low pollution, urban planning, etc.), but would not harm other members of civil society, or at least not directly or visibly.<sup>9</sup>

#### 2.4 Self-restraint in enforcement

The state has also exercised self-restraint in the sense that enforcement agents have been used not to sanction minor illegalities, including not enforcing judicial decisions condemning violators. As noted in a commentary on the Greek Ombudsman's 2003 report, there is a distinct pattern of state inaction when it comes to small illegalities: 'For illegalities at the bottom of the scale, the government does not give the impression it wants to consolidate the rule of law.' (Kathimerini, 09/02/2003, my translation)<sup>10</sup>

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<sup>8</sup> This is what Gezelius calls the 'pseudo legitimacy' of the law (Gezelius 2003).

<sup>9</sup> One's own perception of how much 'harm' one is causing to third parties by violating public rules might be, of course, short-sighted and therefore underestimated. Perhaps remarkable in that respect is the following extract from a piece published in Kathimerini, differentiating theft from the public administration from theft 'on the road', less legitimate because it actually risks the physical well-being of others:

'When cheating (otan kleveis) the taxman, the Public Electricity Company or the Public Water Company (...), you eventually steal something trivial, whether you measure it in drachmas or in euros. But when you steal on the road (kleveis sto dromo), you may steal from people that were to blame for nothing.' (Kathimerini, 03/10/2004, my translation).

<sup>10</sup> [http://news.kathimerini.gr/4dcgi/w\\_articles\\_ell\\_2\\_09/02/2003\\_53087](http://news.kathimerini.gr/4dcgi/w_articles_ell_2_09/02/2003_53087); accessed 22 November 2012.

In the case of catalytic exhaust pipes already discussed earlier, although the inspection services of the Secretariat for Transport have been historically under-resourced to enforce the legislation in the streets, this has not been the case of the police, which has been provided a fleet of specially equipped vehicles to detect excessive pollution, yet has not used them to enforce the law (Kathimerini, 14/10/2001). In its 2005 annual report, the Greek Ombudsman also noted the non-revocation of a great many driving licences that were either forged or delivered on the basis of irregular supporting documents, although the competent authority to revoke these titles could easily do so (Greek Ombudsman, 2005: 40).

Illegal constructions have not led to much in terms of enforcement either: illegally built houses have been left standing and new constructions have been periodically legalized. For instance, in 2006 property titles were passed on to 70,000 'squatters' who had built illegally on publicly owned land (Kathimerini, 19/07/2006). Access to electricity supply has also been facilitated for several thousands of illegally built houses (Kathimerini, 27/07/2005). Enforcement against illegal businesses has been also weak and ineffective in spite of the fact that many of them are easily identified, such as those on Glyfada's coastline, possibly the busiest coastline in the country (Kathimerini 29/06/2002). Similar observations can be made with regard to benefit fraud and tax evasion.

One might also consider the fact that new infrastructures were also designed in ways that facilitate non-compliance (or at least do not discourage it). For example, the metro stations in Athens, albeit very

modern and designed appropriately for large crowds of passengers (unlike the London tube, for example), do not include a gated system, unlike in many other countries. The recently completed Acropolis museum in Athens also offers visitors the option of skipping payment of an entrance ticket if they claim to wish only to visit the museum's café.<sup>11</sup>

There is inconclusive but suggestive evidence that strategic low or in-existent enforcement of small illegalities may be linked with the electoral cycle and the satisfaction of special interests in exchange of political support (Artavanis et al. 2012; Skouras and Christodoulakis 2011; Spanou 1996). In addition to that possibility, some of the examples presented earlier suggest that non-enforcement cannot always be explained away as a clearly identified transaction between politicians and particular groups. Rather, state inaction appears to often benefit the population at large without distinction between groups and their political affiliations to clearly identifiable patrons. This translates into expectations of non-enforcement or leniency from the part of state agents and for a number of offences. As Herzfeld remarks on Cretan artisans, openness about their defiance of the law combines with 'evident confiden[ce] about the authorities' pragmatic acquiescence' (Herzfeld 2004: 16; for additional evidence, from general everyday policing to environmental regulation, see Hirschon 2008 and Spanou 1996). There are additional hints of such expectations in the public's reactions to sanctioning: for example, there were violent collective reactions on the island of Hydra in August 2012 after an agent from the

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<sup>11</sup> This has not been the case for all new infrastructures, however.

tax administration carried out an assessment of the extent of tax evasion and sanctioned a fraudster (Kathimerini, 20/08/2012).<sup>12</sup>

These elements combined together constitute a pattern that could be summarized as ‘controlled negative reciprocity’ between members of civil society and the state. It is negative in the sense that many of the behaviours reviewed are harmful to the other ‘party’, yet it is controlled in the sense that mutually harmful conduct has been generally non-violent and not severe in its intended consequences. The inner motives for these behaviours are probably a complicated mix of things, as it is usually the case with behaviours in every-day regulatory encounters (e.g. Etienne 2011; May 2005; Nielsen and Parker 2012), and certainly combine material and symbolic dimensions. In other words, opportunism would likely be a determinant motivation behind non-compliance and non-enforcement, but also anti-authoritarian values that can be identified from the widespread tendencies to blame the state, mock compliers, and praise cunning evaders (Herzfeld 2005).<sup>13</sup> Additionally, one can hypothesize that unwritten social norms would be playing a role by controlling harmful behaviours and henceforth limiting the extent of negative reciprocity between members of civil society and state agents.

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<sup>12</sup> [http://www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsite1\\_1\\_20/08/2012\\_457422](http://www.ekathimerini.com/4dcgi/_w_articles_wsite1_1_20/08/2012_457422)

<sup>13</sup> Resentment at the state is certainly not a typically Greek thing. It can be seen in more general terms as an acknowledgment of the threat to one’s autonomy posed by almost any regulation in any country (e.g. Braithwaite 2009). Hence, without the compensation of legitimacy, regulatory demands might trigger negative reactions (e.g. Waller 2007) and possibly non-compliance. However, one could also see in the negative perception of the state one of the expressions of the Greek value of self-regard, which motivates and justifies challenging others’ claim to authority (e.g. Hirschon 2008).

I would like to argue that, far from being the product of chance – such as a combination of deeply ingrained opportunism and a weak state (e.g. Doxiadis 2011; Tsoukalas 1995) – this pattern is a coherent form. Thus, in the remaining of this article I will argue that these combined observations can be theorized as a particular type of state-society relationship, although this form of interpretation can appear at first sight as incompatible with what is commonly understood as a ‘relationship’.

### **3. From controlled negative reciprocity to relationships of hostility**

To both scholars and non-scholars the idea that controlled negative reciprocity would be a form of state-society relationship might at first sound like a contradiction in terms. In socio-legal and regulation studies, which have given considerable attention to the micro-level interactions between members of civil society and the state, ‘relationships’ between ‘regulator’ and ‘regulated’ tend to be ‘cooperative’ or at least to hold the promise of cooperation, possibly even trust. Since a ‘relational’ approach to enforcement in repeated encounters is implicitly cooperative, it is sometimes advocated normatively as a way of building trust and achieving cooperation between members of civil society and state agents (e.g. Ayres and Braithwaite 1992; Hawkins 2002; Silbey 2011; Tyler 1997). Conversely, hostility and non-compliance are implicitly deemed irregularities destructive of relationships, and therefore short-lived.<sup>14</sup> It is assumed so generally because the state would eventually

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<sup>14</sup> Coglianese (1996) constitutes a very rare case in the socio-legal / regulation literature that explores an empirical case of a durable relationship between a regulator and a regulatee that is marred by regular occurrences of mutually hostile behaviour (in the form of litigation).

coerce the defiant into compliance; or it would educate and convince the regulated that they should comply; or the state would understand resistance from civil society as an indication that it has gone too far, and would adapt by renouncing to contested requests, thus restoring a cooperative 'relationship'. In other words, hostility in the form of negative reciprocity – tit for tat without evolution towards cooperation – would characterize interactions where state agents show no 'relational consideration' and make an insensitive application of the rules (e.g. Bardach and Kagan [1982] 2002; Ayres and Braithwaite 1992). It might also be characteristic of one-off interactions where the parties do not have the time to build a relationship (Etienne 2013; e.g. Waller 2007).

There is, however, ground to argue that seeing hostility as an irregularity or a threat to relationships may be culture-bound and anchored in a normative ideal that is not shared across all socio-political contexts (Broome 1990). Rather, antagonism might be a constitutive element of a relationship rather than a threat to that relationship's existence. It might even constitute a form of equilibrium and as such be durable, although how that may be the case requires further theoretical enquiry. In order to bring theoretical substance to this idea, which may help to make sense of the Greek case as well as possible other contexts of state-society interactions, I borrow from and combine in the following paragraphs the insights of four social scientists: Georg Simmel, John K. Campbell, Alvin Gouldner and Pierre Clastres.<sup>15</sup>

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<sup>15</sup> In spite of appearances, this is not an internally inconsistent bunch of references. Campbell explicitly refers to Simmel's sociology of conflict and antagonism (Simmel 1955) in the writings I borrow from (Campbell 1964), and Clastres presents ideas of antagonism between society and the (possibility of a) state in his opus *Society Against the State* (Clastres 1987) that can also be accommodated with Simmelian sociology. Finally, in *Patterns of*

### 3.1 Simmel

The argument in its simplest form was proposed by Georg Simmel (1955), a theoretical sociologist. He writes: 'while antagonism by itself does not produce sociation, it is a sociological element almost never absent in it' (p. 25). Indeed, the almost universal existence of a socializing factor alongside antagonism is revealed by restraint in the expression of hostility. Thus, the fact that acts of mutual hostility are controlled in one way or another (for example by the 'laws of war' in military conflict) implies an element of commonness. Thanks to the latter, it is imaginable that, even in repeated interactions marred by violence, there is the potential for future non-violent interactions, 'even though this new relation may contain a completely undiminished sum of animosity between the two parties.' (p. 26). Most importantly, Simmel insists that the presence of hostility in human interactions is such a general aspect (with wide variations in intensity) that it does not make sense to consider it in any other way than as a constitutive element of relationships, for instance in marriages marred by a certain amount of conflict.

### 3.2 Campbell

The anthropologist J.K. Campbell has further developed this line of thought and has added some empirical and theoretical flesh to it. Campbell's analysis bears on Greece, but at a different level of analysis than the relationship between state and society. In his landmark study of the Sarakatsani (Campbell 1964), a community of (then nomad)

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*Industrial Bureaucracy*, Gouldner (1954) develops an analysis of antagonism between authority internal and external to organisations that fits also the Simmelian approach (as argued by Katz 1977).

shepherds from Northern Greece, Campbell discusses at length distrust and competitive hostility between unrelated families inside the community. Among the Sarakatsani, hostility manifested itself in various forms, yet it rarely turned to physical violence. One of the most vivid and yet non-violent expressions of hostility was mutual animal theft (ζωοκλοπή<sup>16</sup>) and mutual grass theft. Mutual theft was a dynamic element that touched all members of the community: as one shepherd would steal from another, the latter would generally commit theft in turn, to recover his losses and save his honour (which would imply committing a bigger theft than the one suffered). Yet, since the wronged shepherd would not generally know who stole from him, he would likely steal from a third shepherd, who would then retaliate, and so on and so forth. In other words, negative reciprocity would not only be dyadic tit for tat, it could be also diffuse within a bigger group.

Observing that a combination of negative mutual expectations (distrust) and reciprocated mutually harmful acts – of which mutual theft was only the most institutionalized form – was a normal dimension of social interactions in that community, Campbell followed Simmel's insights and proposed to consider hostility as constitutive rather than destructive of what were otherwise stable and highly homogeneous social groups. Alluding to Marcel Mauss' idea of gift and counter-gift as constitutive of another kind of relationship (Mauss 1954), he defined hostility relationships as produced and reproduced by theft and counter-theft.

'Hostility is a kind of relationship, and providing it is limited in such a way that it cannot succeed in its ultimate aim, that is the

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<sup>16</sup> Animal theft has been widespread in other rural areas of Greece. See for instance Herzfeld (1985) for an extensive discussion of animal theft in Crete.

annihilation of the adversary, it may represent an important element in the pattern of social relations of a community. This is the case among the Sarakatsani (...). Obviously the ability of one man to get at another is always an important factor in a relationship of hostility. But these behaviours are also controlled, partially at any rate, in the competitive forms through which they are acted out. And it is perhaps not unprofitable to consider theft in the general context of competitive gift exchange. The victim, both from honour and self-interest, is obliged to commit a counter-theft. Like the return gift in other societies, the return theft amongst the Sarakatsani should ideally be greater than the original theft. Like series of prestations and counter-prestations, in theory a series of thefts never ends, for after each reciprocal act an amount of debt remains.' (Campbell 1964: 211)

Like Simmel, Campbell insisted that behaviours signalling hostility were controlled, so that they would not trigger a truly destructive spiral. In other words, the Sarakastani would use self-restraint in the way they would harm one another, and they would use physical violence (and murder) only in last resort. There was no 'measure of co-operation' in such restraint, however: only 'a structural imperative' to avoid mutual destruction (ibid.), informed by norms shared between all shepherds on what was utterly unacceptable behaviour (rape, murder) and would call for the ultimate act of reciprocity to clear the honour of the family (murder of the offender or of one of his kin).<sup>17</sup> Campbell thus further

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<sup>17</sup> Herzfeld (2005) discusses also how the dangers of negative reciprocity between Cretan shepherds are controlled, for instance by holding 'peace-making' oath ceremonials, where debts and animosity accumulated between two individuals as a result of multiple acts of negative reciprocity may be cancelled.

details Simmel's insights by characterizing relationships of hostility as constituted and perpetuated by acts of negative reciprocity limited by considerations of self-interest and social norms (of honour and decency). As such, it echoes some of the observations made earlier on the basis of more scattered and yet suggestive evidence on interactions between members of civil society and state agents in Greece.

That being said, acts of controlled negative reciprocity in Campbell's analysis were taking place between equals. Controlled negative reciprocity is likely to look differently when taking place between members of civil society and the state, that is, between inferior and superior. It is not that theft and counter-theft are unthinkable in that kind of relationship, in symbolic or legal terms. In the Greek context, non-payments of bills by the state or requests for cash from the part of public agents on the one hand, and cases of non-compliance from the part of members of civil society on the other hand, can be seen (and are often seen<sup>18</sup>) as theft and counter-theft. However, capacities of nuisance against the other party are certainly much greater for the state than for the individual citizen. It is notably that advantage that the state sometimes would use to circumvent rules. In fact, the apportionment of forces tends to be so asymmetrical in the state's favour that it would be rational for the state to threaten to use that power, so as to push individuals or firms into compliance. That would be what most rational choice scholars in political science and regulation theory would expect.<sup>19</sup> Therefore, self-restraint from the part of the state when facing

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<sup>18</sup> 'Theft' is quite literally a word used to speak about non-compliance in Greece, even when no physical object or amount of money are effectively stolen. See note 9.

<sup>19</sup> That is the 'shadow of hierarchy' argument in political science (e.g. Heritier and Lehmkuhl 2008), and the 'benign big gun' argument in regulation studies (Ayres and Braithwaite 1992).

widespread non-compliance might be a priori a puzzle, something seemingly irrational. To make sense of that puzzle, one might borrow from two other authors who have discussed interactions within contested hierarchies in a proto-Simmelian fashion: Alvin Gouldner and Pierre Clastres.

### 3.3 Gouldner

An organizational sociologist, Alvin Gouldner has described relations between managers and workers in an industrial organization in the U.S. (Gouldner 1954). It is certainly not a state-society context, yet it is clearly a hierarchical and asymmetric relationship. In his ethnographic work, Gouldner found that certain rules were neither enforced by managers nor obeyed by workers. Gouldner called that pattern 'mock bureaucracy.' Such 'winking at the rules' (Hodson et al. 2012) from the part of those supposed to enforce them, he found, nurtured a sense of solidarity between management and the workforce, in spite of a background of mutual antagonism. It gave the impression that superordinates, like subordinates, did not consider these rules to be legitimate or authoritative (as noted also, in the Greek context, by Spanou 1996).

In effect, such strategic non-enforcement<sup>20</sup> contributed to keeping the peace. It also opened venues for cooperative arrangements in other domains: because they tolerated non-compliance with certain rules, superordinates could also obtain subordinates' cooperation and

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<sup>20</sup> Non-enforcement might be seen as evidence of 'capture', however capture as it is generally understood in regulation studies occurs 'at the prodding of outside interests.' Strategic non-enforcement in relationships of hostility would rather qualify as 'self-inflicted capture', that is capture 'as a conscious choice of the regulators involved' (Litz 1995: 420).

compliance with other rules than those that were not enforced. In other words, Gouldner found that there was a transactional element in the non-enforcement of certain rules by the powerful party. Yet that was a diffuse transaction, in the sense that non-enforcement was not traded in exchange for a specific counter-performance, but rather as a means to maintain a certain amount of willingness to cooperate from the part of subordinates. What Gouldner hinted at in his own work was not only the strategic non-enforcement of rules by superordinates, but also the anti-authoritarian dispositions of subordinates. These dispositions made non-enforcement a useful counter-measure for managers. To a certain point, they could also make non-enforcement a necessity, and that is the limit case that the work of Clastres has looked into.

### 3.4 Clastres

The anthropologist Pierre Clastres has studied Amerindian societies. The chief in these societies is a powerless figure, or rather a figure whose power 'depends on the good will of the group': 'a planner of the group's economic and ceremonial activities, the leader possesses no decision-making power; he is never certain that his "orders" will be carried out' (Clastres 1987: 37), '*for the chief's word carries no force of law*' (p. 206; emphasis in original). In other words, the group is inherently hostile to any attempt of the chief to demand obedience unless it sees some utility or necessity in the chief's projects. There is thus opportunism in the group's compliance or non-compliance with the chief's orders. Yet there is also a deep distrust of the superordinate figure that transpires in all encounters between the chief and the group, and translates into

dispositions to resist the chief's orders when these seem to exceed particular limits.

Because there is so much distrust in the overarching figure in these societies, the chief's main role and main goal is to keep the peace. Indeed, he would generally be careful not to try to enforce anything new or push society into crisis for this would likely fail. Indeed: 'the outbreak of a crisis that would destroy internal harmony calls for the intervention of power, but simultaneously gives rise to that *intention* to contest which the chief has not the means to overcome.' (Clastres 1987: 37)

Clastres' argument is about societies that have no state. However, even in societies with a state, and beyond the apparatus of bureaucracy, one might recognize an acknowledgement that the state should not enforce rules that members of civil society are able and likely to oppose, as this would possibly undermine the peaceful coexistence between state and civil society. This has illustrations in Greece that range from the mundane to the dramatic. Among the first ones, there is the refusal from many motorcyclists to wear protective helmets on their heads. There is also the notorious episode of defiance of a law that imposed early closure on nightclubs (2.30am or 3.30am instead of 5.30am) in 1994. That law was openly challenged: a giant open air nightclub was set up on Syntagma Square (right in front of the Parliament), where parties would take place until well later than the legal limit hour. More dramatically, as the sovereign debt crisis unfolded and painful austerity measures were taken, already active dispositions within civil society to counteract the state with reciprocal negative behaviours have flared up, leading to frequent and widespread demonstrations and riots. These recent

evolutions point also to the nature of the equilibrium in hostile state-society relationships.

In sum, the insights of Simmel, Campbell, Gouldner and Clastres may be combined together to draw the ideal type of a relationship of hostility between inferior and superior, as it might exist in state-society interactions. Such a relationship is characterised by non-cooperative acts of negative reciprocity, which recurrently harm the other party. These acts are, however, controlled in at least three ways: firstly, by considerations of self-interest; secondly, by shared social norms specifying which acts of negative reciprocity are acceptable and which are not; and thirdly, by the necessity to maintain peace overall.<sup>21</sup> These elements interactively shape expectations of both superiors and inferiors: the state is expected (and thought) to be a negative element in people's lives, and individual members of civil society are expected to retaliate against the state. However, both types of negative acts are also expected to be limited in their severity. These elements have empirical illustrations in the Greek context, even though Greece undoubtedly has idiosyncrasies that are not included in this ideal-type of state-society relationship.

#### **4. Discussion/Conclusions**

The ideal-type of controlled negative reciprocity between state and society can be distinguished from other types of state-society relationships. Logically, one could imagine a relationship where negative

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<sup>21</sup> The first consideration exists purely at the individual level. The other two rather correspond to system-level goals that protect collective interests.

reciprocity would be uncontrolled, although that would certainly be a limit-case applying to marginal groups.

There may be also different types of relationships characterized by positive reciprocity. Among these, an important type for Western scholars is that which corresponds best to the theory of the social contract: members of civil society would comply in exchange for public goods. That basic idea of reciprocal exchange can be detailed further by adding that the relationship would depend also on respecting principles of justice in state-society interactions and enforcing non-compliance by others<sup>22</sup> (e.g. Feld and Frey 2007; Scholz 2003). It is within that ideal-type that the notion of civil disobedience is the more meaningful, since it implies that informed and active citizens would carefully scrutinize the extent of their obligations to the state with reference to a set of principles. In other words, they would 'divest' authority by refuse to comply when they disagree with the acts or the demands of the state (Coleman 1980).<sup>23</sup>

Another type of state-society relationship also defined by positive reciprocity can be found in the exchanges of gifts and counter-gifts in encounters between state agents and members of civil society. For example, a police officer may circumvent procedures in order to speed up the process of delivering an authorization for a civilian, who in return provides to the officer a service (health care, gardening, etc.) without charge. Such positive reciprocity is embedded in other structures of interpersonal relationships than in mutual hostility (Granovetter, 2007).

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<sup>22</sup> This is Levi's idea of 'contingent compliance' (Levi 1997).

<sup>23</sup> This corresponds to the American tradition of compliance as consent (Arendt 1972; Coleman 1980; Pyrcz 1981).

Ultimately, one may also consider the possibility of non-reciprocal state-society relationships. Thus, an authority relationship is a purely vertical one between superior and inferior, in which the orders from the state must be obeyed by subordinates (e.g. Arendt 1958). Free riding would be another non-reciprocal relationship, whereby some members of civil society take advantage of public goods provided by the state while shirking the costs of these goods.

<b>Negative reciprocity</b>	<b>Positive reciprocity</b>	<b>No reciprocity</b>
controlled hostility	social contract	free riding
uncontrolled hostility	gift and counter-gift	authority

The published literature on Greece has given varied credence to these various ideal-types. There is little support for the idea that state-society relationships in Greece resemble the social contract picture of positive reciprocity. There is, however, evidence of episodic civil disobedience, particularly during the crisis, suggesting that a social contract has been in place, and has been put under increasing strain by the crisis. The ‘I don’t pay’ movement that emerged in that period (Financial Times, 09/03/2011), or the almost systematic non-compliance of universities with a reform voted in 2011 that weakens professorial and student union control over university governance (Abbott 2012) might be considered examples of civil disobedience. There is also evidence of a social contract type of relationship in popular frustration towards the state because of the non-enforcement of a number of ‘borderline’ illegal activities, such as drug trafficking, squatting, arson, or looting. Expectations of public order enforcement have become far stronger

than they were before. The far right has flourished politically as a result of such growing demands for security.

By contrast, the more personalised gift and counter-gift kind of relationship can be observed extensively in Greece, and notably within kinship or friendship networks, or under the umbrella of a patron-client relationship (e.g. Herzfeld, 1992). Thus, as noted by Spanou, state-society relationships in Greece can also be 'a feature of the *person-to-person* tradition of relationships with decision-making centres, whereby those involved can procure certain advantages by short-circuiting the obligations and legal constraints' (Spanou, 1996: 228; for similar observations in other countries, see: Lonnitz, 1988; Pakulski, 1986).

Recently, Doxiadis (2011) has also argued that the behaviours of Greeks in relation to their state was best described as that of free riders. He writes: 'Greek opportunism, I believe, is the normal behaviour of the homo economicus, the 'rational egoist'; the opportunist defects in the absence of strong enforcement of rules.' Tsoukalas has argued that pro-social values and norms lost their force in the second half of the 20<sup>th</sup> Century, which would include what Pollis in the 1960s saw as 'the population's submissive attitudes towards authority' (Pollis, 1965: 41). At the same time, encouragements to be egoistic and materialistic, which accompanied the transition towards a consumerist society, have been particularly successful, transforming Greece into a nation a 'free riders' (Tsoukalas, 1995).

There is little support in the literature on contemporary Greece (after Pollis, 1965) for a view of state-society relationships in Greece are characterised by deference to authority. Rather, the anthropological

literature (e.g. Hirschon, 2008, 2012) as well as more recent commentary by academics on social tensions in Greece (e.g. Andronikidou and Kovras, 2012; Kalyvas, 2008; Tsakiridou, 2008) suggests that there are strong anti-authoritarian dispositions among the Greek population, linked both to notions of self-regard as well as to a more recent political culture that has developed after the fall of the dictatorship in the 1970s. Hirschon (2012) has also proposed to apply to the Greek case the notion of 'cultural resistance' developed by James Scott (1985) in order to make sense of forms of resistance to power and authority by relatively powerless and poor peasants in Malaysia.

It is important to note that different groups within Greek society would likely have different relationships with the state, therefore these various perspectives might each hold a portion of the truth of state-society relationships in Greece. In this paper I have argued that 'controlled negative reciprocity' constitutes another type of state-society relationship unaccounted for by the current literature and that it is relevant in the Greek case as well.

This relationship is characterized by mutual negative expectations: the state is expected to be a pain for the citizen, and the citizen is expected to make the state pay for it. In other words, there is generalized mutual distrust. Yet that distrust does not imply mutual alienation: there is also an element of commonness that has ruled expressions of distrust. This is revealed in the way negative reciprocity is controlled. Widespread social norms condemning a range of harmful behaviours play a role in this control. The strategic non-enforcement of a number of public rules applicable in the realm where most illegal behaviour happens is another

aspect of the control over negative reciprocity. Hence, rather than a principle-agent problem of citizens being insufficiently monitored and sanctioned by the state, the issue of extensive minor illegalities in Greece can also be understood as a collective action problem (Persson et al. 2012), as both state authorities and civil society share expectations of negative reciprocity *and* self-restraint.

The argument in this paper has implications for the way at least two other elements of the state-society relationship in Greece in crisis are understood. Firstly, many of the decisions that were taken by the state under the lenders' pressure have not so much constituted a novelty, but on the contrary have fitted and worsened an enduring pattern of behaviour harmful (or perceived to be so) for members of civil society, combined with a good measure of non-enforcement for minor illegalities. As the costs imposed on members of civil society have increased (in the form of more unpaid suppliers, further delayed and reduced benefits in public service counters), already active dispositions within civil society to counteract the state with reciprocal negative behaviours have flared up. Secondly, the growing international pressure on the state to enforce minor illegalities, which it has begun to exercise with great difficulty, has started to put a much greater strain than before on the relationship between the state and civil society precisely because it implies giving away an essential component of that relationship: the strategic non-enforcement of multiple public rules.

Beyond the Greek case, the ideal-type of controlled negative reciprocity in state-society relationships may also hold for other country cases. Indeed, there are hints in the published literature that for certain

sections of society in various countries, the interaction with the state is also characterized by mutually harmful behaviour and an element of self-restraint. For instance, in Russia, the habit of the state not to pay suppliers on time has been a correlate of tax evasion by those same suppliers (Aitken 2001). In China, He has identified a pattern of non-compliance among rural immigrants coming to work in cities, who collude with locals to evade a discriminatory legal treatment. This 'legal collusion' is tolerated by enforcement authorities, which tend to exercise self-restraint (He 2005).

More generally, expressions of dissent involving both active resistance and more mundane but nevertheless consequential disengagement from the state have increased in Europe and North America. In the U.S. the Tea Party has become a major influence on the Republican Party; the mix of anti-statism and patriotism that it embodies can also be encountered frequently in Greece. Elsewhere, Habermas has discussed how various elements in current day Germany – indicated by such events as the rise of the *Wutbürger* in Stuttgart in 2009 – suggest a growing hostility towards the state from previously less vocal parts of civil society (e.g. Habermas 2010). I would suggest that these might be the more visible elements of an otherwise mostly invisible set of attitudes and behaviours towards the state that might be described in terms of their relative proximity with the ideal type of a hostile state-society relationship characterised by controlled negative reciprocity.

This should be of particular relevance for any analysis of the changing state-society relationship in an era of austerity, which implies that the state would provide less and impose more, especially in terms of tax and

restrictions on individual liberties. In such context, negative reciprocity might become the perceived experience of interactions with the state for an increasingly large proportion of the population in North America and Europe, as it has been for a swath of developing countries subject to IMF programmes in the past decades.

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