

A decorative graphic consisting of a grid of grey dots of varying sizes, with several dots highlighted in red. The dots are arranged in a pattern that roughly follows the shape of the Greek map.

# Reform Dynamics in Greek Democracy Today

Stagnation and Reform in Rule of Law, Mass Media and Social Inclusion

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- After the onset of the economic crisis in Greece, many reforms were dictated by the Memoranda of Understanding (MoUs) signed between Greece and its creditors, but there were few, if any, reform guidelines concerning the rule of law, the mass media and social inclusion.
- In these three areas, which are vital for the functioning of a contemporary democracy, long-term path dependencies since Greece's transition to democracy (1974) and coalitions of strong interests have impeded reforms.
- Incomplete or aborted reforms concerning the rule of law, the mass media and social inclusion have negatively affected the quality of democracy.
- Future reforms in Greece can no longer depend on external pressures, but require domestic consensus and mobilization for a more accountable, transparent and socially inclusive democracy.



## Foreword

Greece's ability to reform has been one of the main question marks in Europe in the past seven years. Since the beginning of the European financial crisis in 2010 the weaknesses and idiosyncrasies of the Greek state – not only in fiscal matters – have been discussed widely between international and European institutions. The situation of its citizens and the functioning of Greek democracy have been largely overlooked, if not actively worsened.


The three subsequent Memoranda of Understanding between Greece and its creditors are, at their core, very ambitious reform agendas, starting with the fiscal and economic sectors, but increasingly extending to other areas of governance, such as the judicial system, welfare policies and the reorganization of the public sector. The outcome of these reforms needs to be assessed separately. In fiscal terms Greece has made huge progress, managing one of the biggest adjustments in the OECD in just a few years. The size of the public administration has been shrunk considerably, although the quality of public services has improved only in a few sectors. The welfare system has been transformed; the pension system in particular has been subjected to dramatic alterations, particularly for low-income pensioners. These policies have produced new inequalities, stranding the unemployed and young families at the margins of society.

The aforementioned sectors share a common characteristic: they were included in the MoUs, enabling creditors to impose external pressure on the Greek government to pursue reforms. This has led to impressive results in some areas, but the questions of sustainability and ownership remain unanswered. In fact, we have witnessed various models applied by the creditors to incentivize Greece to implement reforms:

- The sheer application of pressure, threatening to let the country go bankrupt if no credible reform steps are taken.
- The establishment of the »Task Force for Greece«, a European Commission expert group tasked with supporting the Greek government in its reform course. The Task Force is a small group of experts in key policy areas, also conversant with the Greek language and administrative culture.
- The involvement of other international organizations, such as the OECD, the World Bank and the ILO, enabling them to contribute their expertise and support Greece in its reform progress with model projects, tool boxes or best practices from other countries.

All of these methods have produced results, although given the sheer volume of reforms and the lack of time, Greece seems to be trapped in the situation of Tantalus: always falling short of its aims, never really achieving anything while tiring itself out in the effort.

Both in Greece and elsewhere the debate on Greece's ability to reform has sometimes turned nasty in response to the perceived lack of progress. There has even been mention of a European »failed state« or a putative »non-reformability«, in the sense of an inability on the part of the local administration to manage change at all. Most verdicts of this kind are based on little knowledge of the country itself and on a very narrow view of parameters such as growth or the size of the public sector. What has mainly been mostly missing from European debates on



Greece and reform is an understanding of how the Greek governance system, indeed Greek democracy, works. The fact that Greece's contemporary democratic system emerged only 36 years ago in the wake of a military dictatorship has been mostly overlooked, not to mention the years of distorted democracy and the civil war. The institutional setting in Greece, the involvement of vested interests in politics and the functioning of political parties follow a distinctive model, making it especially difficult to form majorities for reforms in the first place and to implement them in the second place, not even mentioning the need to sustain them intact, in the third place.

The present report by Professor Sotiropoulos fills this gap, explaining, on the examples of the rule of law, the mass media and social inclusion, how Greek reforms have been pursued and what the major obstacles have been. Focusing on these three topics, fundamental to a functioning democracy and only partly included in the MoUs, he is able to carve out the main path dependencies of reforms in Greece and the distortive power of the Greek political and societal set-up. His analysis and policy proposals thus provide a necessary basis not only for the international debate about Greece and its reform processes, but also for the internal Greek dispute concerning whether to maintain the current democratic system with all its flaws and dysfunctionalities or to attempt to proceed towards a different, more transparent and probably fairer model.

Greece has a proud claim to be the cradle of democracy. For many Greek citizens, who have been living for decades now with a complicated and slow judicial system, a shrill and unbalanced media with a clear political bias and the unfair Greek welfare state, this claim seems shallow. At best it is perceived as a nice historical heritage; at worst it seems phony. The present report provides deep insights and concrete proposals on how the current system can be shaped in a manner more befitting its historical ideal.

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## 1. Introduction

Most of the public attention that Greece has attracted since the onset of its financial and economic crisis in 2010 has justifiably concerned the Greek economy's near-default and reforms pertaining to fiscal consolidation, the public sector, the labour market and the goods market. This was expected, as an advanced economy does not often find itself on the brink of collapse. A series of economic adjustment programmes signed between Greece and its creditors in 2010, 2012, 2015 and updated in 2016 have prevented such a collapse. Very detailed Memoranda of Understanding (MoUs) signed between Greece, on one hand, and the European Commission, the European Central Bank and the International Monetary Fund (the so-called Troika), on the other, have set out economic reforms in the aforementioned sectors. Under external pressure and guidance from these international actors, Greece has effected such reforms to a greater or lesser extent.

However, in order to understand reform dynamics in Greece, it would be better to choose policy sectors in which Greek governments were not pressed by external constraints to effect changes and also to frame the reforms in the historical perspective of Greek democracy since the fall of the Colonels' regime (1974).

The question then is whether, how and why reform occurs in today's Greece in areas in which there is no external pressure for it? Three areas that are not covered explicitly and systematically by the MoUs are the rule of law, the mass media and social inclusion.

Already just after the start of the crisis it was noted that unfortunately the reorganization of the economy did not include »reforming the anachronistic and inefficient legal system« (Papaioannou 2011: 2). The second MoU, signed in 2012, included reform guidelines regarding the organizational structure of Greece's justice system and delays in the administration of justice by courts. However, the reform of rule of law is a larger issue involving additional complex aspects, as it will be discussed below.

While the rule of law and mass media sectors were not included in Greece's palette of required reforms, social inclusion was part of the first MoU and took the form of a promise to introduce a Minimum Income Guarantee

(MIG) scheme for the poor. However, the scheme was initially neglected, then only partially attempted in pilot form in 2013–2014, abolished in 2015 and resumed in 2017 under a different name and logic.

It is worth asking how reforms have evolved, if at all, in areas not monitored by Greece's international interlocutors, not only because one can discern domestic reform dynamics more clearly, but also because reforms in the three aforementioned areas are crucial for the well-being of a contemporary democracy, in other words, for the quality of democracy.

## 2. The quality of democracy, citizens' rights and policy reforms

Democracy is commonly defined as a political regime that provides for the turnover of governing elites through periodic, open, fair and free elections, in which more than one political party participates, information flows freely, universal adult suffrage is instituted and no extra-institutional veto power (for example, the army, the security forces) can shape the policies of elected governments (Linz and Stepan 1996).

This definition reflects the Schumpeterian minimal, procedural concept of democracy and Dahl's polyarchy, but has been criticised for not taking into account the substantive functioning of democratic institutions. The minimal concept leaves a lot to be desired. Indeed, in view of the very uneven performance of post-1989 East European and Balkan democracies, analysts have proposed a distinction between illiberal and liberal democracy (Zakaria 1997), formal and substantive democracy (Kaldor and Vejvoda 1999) and defective and embedded democracies (Merkel 2004 and 2008); they have also tried to overcome the limits of the minimal, procedural definition of democracy by constructing a measurable concept of quality of democracy.

Indeed, in the 2000s the literature on democratisation moved towards a research agenda that focuses on the quality of new democracies (O' Donnell, Cullell and Iazzetta 2004; Diamond and Morlino 2005; Mangen and Morlino 2009). This research agenda allows for an evaluation of consolidated democracies and reminds

us that even well consolidated regimes continue to evolve and may experience high and low points in terms of quality of democracy.

The assessment of 'quality of democracy' is highly debatable, as the concept itself is elusive. Experts usually measure it on the basis of periodic estimations of specific indicators, such as the extent of human rights protection or the fairness of elections in a certain country. In this report we use quantitative measures, such as the World Bank's (WB) governance indicators and the World Justice Project indicators, as well as qualitative data (see below, Tables 1 and 2). Clearly, all indicators should be used with caution, because they are rough approximations of very complex political and social realities.

To the extent that democracy today is not simply understood in a formal way, that is, as a procedure for the periodic election of decision-makers, but in a more substantive way, as a political regime facilitating and requiring enlarged political participation, then democracy is about citizens' rights and responsibilities. Equally, the concept of quality of democracy should be understood as a more substantive notion than a mere assortment of measurable indicators whose levels differ by country, depending on how countries perform along certain dimensions, such as the rule of law or control of corruption. Such an enriched conceptualisation of the quality of democracy may include an analysis of the extent to which citizens' rights are not only formally provided for by a country's constitution, but are actually guaranteed by existing public policies. The latter, in turn, invoke a more inclusive understanding of citizens' rights.

Based on the ideas of T.H. Marshall (1950), we may argue that citizenship is a prerequisite for democratic participation, as well as a concept associated with human rights. The content of citizenship was enriched through the eighteenth, nineteenth and twentieth centuries: originally conceived as a set of basic civil rights, citizenship developed first to encompass political rights during the nineteenth century and then also social rights in the course of the twentieth.

Owing to Marshall, we associate social rights with access to social welfare, provided to individuals

by the state, not on the basis of their needs, but merely because they are citizens of a certain state. The inclusion of social rights in the concept of citizenship has consolidated a theoretical link between democracy and social welfare. Although the concept of democracy per se does not entail the abolition of social classes nor preclude economic and social inequalities dividing citizens, today we assess the quality of democracy not only in terms of individual and collective political freedoms, but also in terms of inequality, namely the extent or gravity of discrepancies of income and wealth.

### 3. The quality of democracy in Greece

The quality of democracy in Greece is generally deemed to be low. According to the most recent assessment of the Sustainable Governance Indicators, compared with other OECD countries Greece is ranked very low with regard to quality of democracy (Bertelsmann - Stiftung 2015). Greece's poor performance is related to the lack of transparency regarding party financing and the inadequate control of corruption; the absence of legal certainty, efficient judicial review and, more generally, implementation of the rule of law; and the general public's lack of impact on actual decision-making in a crisis environment in which decisions are taken within the framework of high-level negotiations between the government of Greece and representatives of the country's creditors.

This bleak picture is corroborated by the academic literature on Greek democracy. Compared with other European democracies, the quality of democracy in contemporary Greece is found to be low (Fukuyama 2013: 6 and 8–10; Sotiropoulos 2012a). In particular, democratic accountability has been found to be wanting in all possible dimensions (Danopoulos 2015 and 2017). Such condemnatory evaluations of democracy are of course related to the near financial collapse of Greece in 2010 and to its political and social consequences, such as the breakdown of the traditional two-party system and the expansion of poverty and social exclusion. Negative evaluations of the Greek democracy also refer to historical antecedents of the crisis, such as the chronic inability or reluctance to effect reforms in Greece.

## The post-authoritarian conceptualisation of democracy in Greece

This political, economic and historical context of the crisis notwithstanding, one of the major causes of the crisis in Greece has been neither economic nor political but conceptual and pertains to the prevalent understanding of democracy since 1974, when the Colonels' regime (1967–1974) fell.

During the monitored or disciplined democracy of the post-war period (Mouzelis 1978), the triumvirate of the army, the palace and right-wing governments excluded left-wing voters from political participation (communists and their allies were arrested or kept under close surveillance, although a left-wing party, EDA, was allowed to compete in elections with parties of the Centre and the Right). Moreover, this post-war regime, formally a crown democracy, often discriminated against voters of the Centre in 1949–1967. Thus the experience with the Colonels' regime, when this monitored democracy broke down in 1967, was even more disturbing for citizens who had long aspired to enjoy an open, democratic life.

Under these historical circumstances, the opposite of dictatorship, namely democracy, was conceived as a political regime that imposed no limits on the will of the citizens or groups of citizens. Democracy was not conceived as a regime in which, as in the more mature democracies of the world, popular sovereignty would be balanced by the rule of law, checks and balances on elected governments and a range of responsibilities (for example, to pay taxes, to protect public property) corresponding to citizens' rights. Pervasive tax evasion, private seizure of public property in Greece's rural areas and deliberate damage and occupation of public buildings in urban centres, phenomena known at least since 1974, speak volumes about this tendency to understand democracy in a particular way, which is analysed below.

After a long period of political oppression, which ended in 1974, it was to an extent justifiable that the prevalent conceptualisation of democracy rely on political participation and the exercise of individual and collective rights. After a seven-year dictatorial rule, the priority was to provide citizens with political opportunities to influence policy formulation, making

demands on the state and expecting to be listened to by the state authorities. After all, democratic life is by definition inclusionary rather than exclusionary.

However, the range of social strata and categories of the population which benefited from the post-authoritarian opening of channels of political participation and exercise of political and social rights was narrower than one would have thought. There was a mixed group of labour market outsiders, poor people and members of small minorities (for example, the Roma and the Muslims) who were socially excluded. Social exclusion resulted also from a welfare regime characterised by a multitude of occupational social security schemes. Welfare benefits were awarded to insurance contributors rather than to all citizens. Benefits varied a lot on the grounds of each occupational group's capacity to extract state subsidies and to influence the adoption of favourable, tailor-made pension, health care and social assistance regulations from successive governments.

A polarised two-party system, shaped by a long, post-war ideological conflict between the Right and the Left, and oiled by a winner-takes-all electoral system, accentuated tendencies towards the exchange of votes for custom-made rather than citizen-based social rights. In 1974–2011 two large political parties – the centre-right New Democracy (ND) and the centre-left Panhellenic Socialist Movement (Pasok) – alternated in power, forming single majority governments, with a very brief interval of government coalitions in 1989–1990.

Strong interest groups, such as the liberal professions, which were overrepresented in parliament regardless of the party in government, and public sector unions, which had established strong party-interest group linkages early on in the transition to democracy, were the primary beneficiaries of the post-1974 opportunities for enhanced political participation. Other interest groups enjoyed less access to policy making, depending on their veto-raising and mobilisation capacities. In other words, after 1974 democratic participation was understood as a set of ever expanding possibilities without constraints, as long as the government could borrow funds on the domestic and international markets to service the spiralling public debt (which had already reached 100 per cent of GDP in 1990 and stood at 129 per cent at the beginning of the crisis in 2009; Eurostat data).



In other words, Greek democracy after 1974 relied on a particularistic conceptualisation of democracy, essentially building on similar earlier trends from the inter-war and post-war periods. Citizens belonging to different occupational groups and population categories did not enjoy equal access to the public sphere, including channels of interest representation and the welfare state. Universal application of social rights in particular, which was a characteristic of major European democracies in the twentieth century, was absent. In that respect, the quality of democracy was already low from the beginning of Greece's post-authoritarian period. Since the 1974 transition to democracy no reforms have succeeded in altering this situation. Sparse reform attempts have remained mostly on paper; in other words, formally adopted but never really implemented. Thus, over time there has been little, if any, improvement in the quality of democracy in Greece.

Abstract, quantitative assessments of the quality of democracy offer a good point of departure but may be complemented by more focused analysis showing how the lack of reform has negatively affected the quality of democracy.

One has to interpret problems of reform in particular policy areas, which are vital for the satisfactory functioning of democracy today. As already noted (section 1), among many different policy areas are the three discussed below: (i) the rule of law and the administration of justice, (ii) the regulation of the mass media and (iii) the fight against social exclusion.

## 4. Rule of law and the judicial system

### 4.1 Overview of the rule of law in Greece in comparative perspective

International organisations have devised indicators to measure the performance of justice systems across the world. Examples are the World Justice System and World Bank indicators. Although the assessment of a country's performance is partly based on perceptions of the country's justice system, rather than harder data that are difficult to collect, one suspects that not all respondents can be wrong about their perceptions of justice systems all the time. It is often useful to look at international assessments as a point of departure for further analysis.

The following tables (Tables 1 and 2) give a snapshot of the relative performance of Greece's justice system.

Table 1 shows the relative decline of the quality of regulation and implementation of the rule of law in Greece over time.

Table 1. World Bank Governance Indicators (2005–2015): Greece's relative ranking on regulatory quality and rule of law

Regulatory quality	Year	Rank (percentile)
	2005	76
	2010	73
	2015	66
Rule of law	2005	73
	2010	67
	2015	63

As Table 2 shows, Greece is ranked comparatively low on all five indicators. A brief look at all data in the source of this table reveals that with regard to civil justice, Greece is ranked roughly on a par with Trinidad and Tobago, South Africa and Bulgaria. With regard to criminal justice, Greece is ranked almost on a par with Belarus, Vietnam and Sri Lanka.

Table 2. World Justice Project (2016): Greece's relative ranking on five dimensions of justice system and rule of law

Indicator	Ranking of Greece in the developed world (24 countries)	Ranking of Greece in the world (all 113 countries)
<b>Fundamental Rights</b>	22/24	41/113
<b>Order and Security</b>	21/24	43/113
<b>Regulatory Enforcement</b>	21/24	40/113
<b>Civil Justice</b>	20/24	44/113
<b>Criminal Justice</b>	23/24	50/113

Source: [https://worldjusticeproject.org/sites/default/files/documents/RoLI\\_Final-Digital\\_0.pdf](https://worldjusticeproject.org/sites/default/files/documents/RoLI_Final-Digital_0.pdf), accessed on 08.05.2016

1. The percentile indicates the percentage share of countries compared with which Greece is assessed as performing better, regarding regulatory quality and rule of law. 0–100, where 0 is the lowest rank and 100 the highest. Source: <http://info.worldbank.org/governance/wgi/#home>, last accessed on 08.05.2017

Greece's performance projected by these comparative assessments is somewhat distorted. Greece has a fully developed constitutional and legal framework protecting civil and political rights. It also has the usual arrangements of the judicial system found in EU member states. For instance, judges are tenured and cannot be removed nor transferred by incoming governments. Courts guarantee the protection of life, freedom and property and protect all individuals against illegitimate arrest, exile, terror, torture or unjustifiable intervention into personal life.

It is important to stress that in Greece there is a high formal standard of the rule of law. All relevant institutions – namely the judicial and prosecutorial authorities, independent authorities such as the Ombudsman, the Personal Data Protection Authority, the General Inspector of Public Administration, the Labour Inspectorate and the like – are in place. Greece has signed and ratified all relevant international human rights conventions and has been under the careful gaze of the Council of Europe regarding policy areas in which it still lags behind other EU member states (for example, anti-corruption).

There are of course remaining problems, to do with the gap between policy formulation and policy implementation, including the substantive protection of human rights in some cases.

For instance, problems with some rights of religious freedom of Greek citizens and the human rights of migrants and refugees notwithstanding (see below in this section), in Greece civil rights are constitutionally protected. The Greek constitution was passed in 1975 after the fall of the Colonels' regime and was amended in 1986, 2001 and 2008.

Political rights are also protected by the constitution and include the right to vote, to express oneself freely, to assemble and demonstrate, to organise in unions and associations and to submit petitions to competent authorities. The response time of the latter is usually very slow and that indeed is a problem, because it reveals the limits of the responsiveness of democracy's institutions and indicates a low level of quality of democracy.

Notably, however, despite intense political conflict

since the start of the economic crisis (2010), Greek democracy has continued to function. As is well known, since 2010 Greeks have gone to the polls four times (twice in 2012 and twice in 2015) and have participated in one national referendum (in 2015), while in between anti-government protesters have frequently gone on strike and have participated in massive anti-austerity rallies. Furthermore, professional associations and trade unions have filed lawsuits against the government in civil and administrative courts in order to overturn austerity measures voted by parliament.

For example, court decisions that have judged the dismissal of civil servants to be unlawful have obliged the government to rehire them. In March 2014, in compliance with a court decision, the Ministry of Administrative Reform rehired 482 public employees who, after the financial and economic crisis broke out and fiscal consolidation was attempted, had been 'put on reserve'.<sup>2</sup> These employees were on their way out of the public administration after the implementation of Law 4024/2011 (one of the laws enforcing austerity measures after the near-default of the Greek state in 2010).

In other areas – the right to worship, for example – liberties are affected by the constitutionally imposed impediments on proselytism and the establishment of places of worship. For example, the Muslim community of Athens still does not have an officially recognised place of worship (that is, a state recognised mosque), but at last in autumn 2016 the Greek government made land available for the construction of such a mosque.

This is a telling incident in a more general pattern of discrepancy between formal adherence to the rule of law and substantive, real-life circumventing of the law. Official standards of law are high, but practical implementation of legal provisions is often completely unsatisfactory.

In the same vein, Greece's record of actual guarantees of human rights is far from good. Between 2001 and 2014 Greece was condemned by the European Court of Human Rights on 53 separate occasions for human rights violations. In 2015 alone it was condemned 43

2. <http://www.tanea.gr/news/greece/article/5095869/epistrefoyn-sto-dh-mosio-ypallhloi-poy-eixan-bgei-se-diathesimothta/>

times and in 2016 41 times (Avlonitis 2017). Greece belongs to the group of frequent offenders of human rights, along with far worse offenders, such as Turkey and Russia.<sup>3</sup>

A common violation of human rights, which concerns a major problem of the rule of law in Greece, is the extremely long time that the justice system takes to administer justice. Today, if a resident of Athens resorts to the administrative courts to file, for example, a complaint against a state authority, they have to wait approximately five years for the case to be introduced to a first-instance administrative court. It is also telling that 62 per cent (511 times) of the 828 reprimands Greece received from the European Court of Human Rights in 1959–2016 concerned undue delays in the administration of justice (Avlonitis 2017).

#### 4.2 Rule of law and legal certainty

What the above discussion indicates is that, while Greece belongs to the core of European democracies, the rule of law is not necessarily implemented at an optimum level, while the performance of the judicial system has been assessed internationally as sub-standard. The inferior implementation of the rule of law in Greece should be seen in light of two long-term patterns that characterise the Greek legal system. The first is a culture of legal formalism (Mouzelis 1978) that seeks to resolve many policy problems by passing new legislation.

This pattern is manifested in the overproduction of laws, decrees and other types of legislative act (Sotiropoulos and Christopoulos 2016). The plethora of regulations, many of which are concerned with matters of procedure, almost unavoidably gives rise to contradictions between rules. Also there are many rules that are densely overlapping. Moreover, in terms of management efficiency, it is not unusual for such a surfeit of regulations to create uncertainties about who is in charge and who should be held responsible for rule implementation.

In other words, in Greece, there is a procedure-oriented rather than a results-oriented culture. Thus, the emphasis is on producing rules and regulations rather than finding out the most suitable and applicable policy measure and

establishing the conditions under which it should be applied.

The second pattern is the fragmentation of the Greek labour market and welfare system, which have been built in a piecemeal fashion and are organised around occupational lines rather than universal access criteria. Strong interest groups have in effect captured policy sectors, including taxation and pensions (Iordanoglou 2013; see also the section on social exclusion below).

The long-standing, historically consolidated mentality of the political class, which is prone to distribute resources on whimsical, less-than-transparent or biased criteria, corresponds to a myriad of particularistic pressures from below, namely, powerful social interests, large and small, seeking to build their own, occupation-based taxation and pension regimes, as well as employment-related and income regimes.

In this context, almost unavoidably, many laws have been voted, while legal exemptions have frequently also been adopted in the form of last-minute, tailor-made extraneous regulations included in draft legislation. In 2001–2015, on average, 50 laws were voted each year, while regulations irrelevant to the purpose were added to most bills. Each law was followed by numerous presidential decrees. A total of 3,452 presidential decrees were issued in the aforementioned 15-year period, during which the number of administrative acts totalled 38,677 (Sotiropoulos and Christopoulos 2016: 6).

The plethora of laws and regulations has created an institutional environment that is incompatible with the rule of law. Indeed, the impact of the aforementioned two patterns on legal certainty and the rule of law is obviously negative. As noted above, the Greek public administration functions under conditions of legal formalism and a regulatory framework that is both extensive and contradictory. Since 2010, owing to the financial and economic crisis, legal certainty and the rule of law have deteriorated further. The pressing need to achieve fiscal consolidation in order to avoid sovereign default, the lack of even a minimum consensus between government and opposition and defections by MPs from the governing coalition, which may have jeopardised government stability, led to the increasing resort to governing by decree rather than proper parliamentary debate and votes.

3. A list of court decisions against Greece is available from the Athens-based Marangopoulos Foundation for Human Rights at <http://www.mfhr.gr/nomologia/33-edda/34-apofaseis%20edda%20kata%20elladas.html>

This tendency was reproduced regardless of which government was in power in 2010–2017. Governing by decree instead of the normal parliamentary procedure meant that legislative competences were transferred from the legislature to the executive and that the risk of unsatisfactory implementation of the rule of law increased. The rule of law is potentially hemmed in also by political control exerted by the executive over the judiciary. In Greece, the selection of the highest-ranking judges, namely the supreme civil law and criminal law court (Areios Pagos) and the supreme administrative law court (Symvoulío tis Epikrateias) is made by the cabinet from among candidates who already are high judges of the supreme courts. While legislation exists (Law 2841/2010) that allows a high-ranking parliamentary committee to offer its opinion before the selection of high judges takes place, the opinion is non-binding. Inspecting the list of candidates, few, if any, Greek governments have refrained from selecting government supporters for the posts of president and vice-president of these courts. The same has occurred in the selection of judges heading the prosecutorial authorities. However, fortunately as the case of annulment of the government's attempt in 2016–2017 to restrict media pluralism showed (see section on mass media below), full submission of judges to the government of the day is not given.

Rule of law implementation is also dependent on the autonomy of the bureaucracy. The rule of law may be bent if administrative officials apply or refrain from applying the law on political criteria, when they discriminate among citizens or organisations with whom they interact. As is well known, Greece's central public administration is not autonomous from the government, but heavily politicised (Makrydemetres 2013; Spanou 1996 and 2008; Spanou and Sotiropoulos 2011).

#### 4.3 Rule of law implementation with regard to migrants and refugees

Implementation of the rule of law towards migrants and refugees reiterates the point about formally appropriate laws that are implemented in a very particularistic manner. The human rights of migrants and refugees, which are formally guaranteed by international law, including the European Convention of Human Rights (ECHR), have clearly been violated during their passage through Greece over the past

few years. In 2015–2016 approximately 1 million migrants and refugees travelled on foot (or even swam when necessary) from South Asia and the Middle East through the Aegean Sea and the easternmost Greek islands to the Balkan peninsula and on to central and western Europe (Dimitriadi 2016).

The rights of migrants and refugees have been violated in myriad ways and not only since 2014, when particularly large inflows of Syrians, Afghans, Iraqis and Pakistanis reached Greek shores. The Greek authorities were never very sensitive to the rights of such people in the 1990s and 2000s. Nevertheless, particularly after the war in Syria deteriorated, the Greek state was clearly caught unprepared to manage such a huge inflow of people and did not quickly receive support from the European Union either. The Greek authorities took a long time to grasp the scale of the problem and to organise reception centres for the incoming masses. Hygiene and safety conditions in most such centres were deplorable.

Regarding refugees, while Greece's central government was mostly absent from the field, local government reactions in Greek villages and towns alternated outbursts of hospitality with instances of racism and exploitation. Later on, there were rare cases of officials failing to uphold the law, as far as human rights protection is concerned. Such cases, which occurred in detention centres for migrants and in prisons, acquired wide publicity and took a long time to be processed by the court system.

Prosecuting authorities have also become more sensitive to these issues, as attested by the wide-ranging investigations against party cadres of the neo-Nazi Golden Dawn. However, it took the loss of (a Greek) human life for Greek authorities to tackle Golden Dawn. The party, which had succeeded getting a number of MPs elected in 2012, displayed aggression in 2012–2013, mostly against migrants and other foreigners. But it was only after the murder of a Greek left-wing rap singer by a Golden Dawn militant party member in September 2013 that prosecuting authorities launched criminal investigations against the party's leadership and party cadres. And it was only in November 2015 that the long-awaited criminal trial against the person charged for this murder finally started. The trial was still under way in the late summer of 2017, as the Greek justice system took an unacceptably long time to effect court proceedings.

Refugees who have recently arrived were not the only victims of malpractice regarding the rule of law. The country has a history of mistreating foreigners. The absence of the Greek authorities, which should have implemented the rule of law, was even more disturbing in the case of migrants who had settled down in the 1990s and tried to become integrated into Greek society and labour market. Greek employers systematically exploited migrants. In spring 2013, in the case of Bangladeshi agricultural workers at Manolada in the Peloponnese, the authorities turned a blind eye to the conditions of forced labour, if not quasi-slavery, under which such foreigners worked in the strawberry fields. It is not uncommon for the rights of Greek workers in the private sector (small factories, small businesses in the service sector) to be violated, too. Generally, there is a need to reform not so much labour law itself, but labour inspection mechanisms. This would be a reform with tangible outcomes, showing working people that democracy is not luxury, but a necessity associated with human rights protection at a higher level than at present.

Regarding the treatment of migrants, international organisations have reacted to the implementation gap with regard to the rule of law in Greece. In February 2013, Nils Muiznieks, Council of Europe Commissioner for Human Rights, stated that »between October 2011 and December 2012 more than 200 racist attacks were recorded in Greece by the Racist Violence Recording Network headed by UNHCR and the National Commission for Human Rights« (Council of Europe 2013).

As for the aforementioned Manolada case, in April 2017 the European Court of Human Rights condemned Greece for violating Article 4 of the ECHR. This was a blow to the Greek judicial system because in 2013 the second-instance Court of Patras had acquitted the aforementioned strawberry farm owners of Manolada of the relevant charges (Anagnostou 2017).

#### 4.4 Rule of law and the fight against corruption (anti-corruption)

Nowhere is the pattern of undue delays in the administration of justice more visible than in controlling corruption. It takes a very long time for corruption cases to be cleared by the courts. It is telling that Akis Tsochatzopoulos, Pasok's former Minister of Defence, was sent to prison in 2013 on charges of corruption for

the period 1997–2001, and Vassilis Papageorgopoulos, former MP of the New Democracy Party and Mayor of Thessaloniki, was sent to prison in 2013 on charges of corruption for the period 1999–2008.

Such delays are all the more important given the perceived extent of corruption in Greece. In 2011, Greece's Corruption Perception Index (CPI) score was far worse than those of all other EU member states, except for Bulgaria. In 2012, Greece's score even fell below Bulgaria's, but in 2014 the two were level pegging again, ranked 69th among 175 countries. In 2016 Greece was again placed at 69th among 176 countries, better than Bulgaria but worse than Romania.<sup>4</sup>

Despite such a disappointing performance, it should be underlined that the onset of the economic crisis in 2010 functioned as a catalyst for anti-corruption efforts. Greek public opinion attributed part of the country's fiscal derailment to mismanagement and corruption on the part of successive governing elites in the period prior to 2010. In this case the crisis effected an internal reform impulse, but it was also propelled by international actors, such as the country's creditors and international organisations (the European Commission, the Council of Europe).

Necessary reforms to enhance transparency and thus improve the quality of democracy took off from that point onwards. Thus, after that turning point, new anti-corruption institutions, such as the Special Anti-Corruption Prosecutor, were established. Existing institutions, such as the Financial Intelligence Unit (FIU), were largely reformed. Under pressure from Greece's creditors and the Council of Europe, large-scale, new anti-corruption legislation was passed. For example, Law 4254/2014, passed in April 2014, included harsh sanctions for public officials receiving bribes and also protected whistle-blowers willing to help prosecuting authorities to fight corruption in the public sector. In the same year Disciplinary Councils in public services at last tried long pending cases of corruption on the part of civil servants. Law 4320/2015, passed in March 2015, reorganised the anti-corruption authorities by assigning the relevant tasks to a new General Secretariat and an anti-corruption minister.

4. [http://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016](http://www.transparency.org/news/feature/corruption_perceptions_index_2016)

This set of legislative and organisational reforms to fight corruption have not yet borne visible fruit, as they partly fell victim to a tug-of-war between government and opposition. While in 2010–2014 the New Democracy/Pasok coalition governments made timid steps towards fighting corruption by establishing the aforementioned new anti-corruption laws and authorities, there was yet another reorganisation effort after the change of government in January 2015, when the Syriza party won the parliamentary elections.

The new Syriza/Anel coalition government had its own anti-corruption priorities. The new coalition government put anti-corruption in the public services on hold and preferred to proceed with anti-corruption against former government officials. Moreover, the new government found fault with the existing organisational scheme for anti-corruption efforts. In January 2015, a new post of minister for anti-corruption was established by the Syriza/Anel government, but in September of the same year the post was abolished. A post of deputy minister for anti-corruption was created and put under the supervision of the Minister of Justice.

Also in 2015 the Syriza/Anel government cooperated with the European Commission in updating an earlier Road Map on Anti-Corruption, whose implementation was entrusted to the Minister of Justice, while prosecuting and judicial authorities resumed relevant investigations and trials. For instance, in June 2016 in Thessaloniki prosecutors started investigating cases of fraud by civil servants, whereas in October 2016 a court in the city of Xanthi condemned a former general manager of a Xanthi municipal company to life imprisonment for having embezzled a total of 1.4 million euros.

#### 4.5 Reform progress and failure in rule of law and anti-corruption in Greece

Eventually, anti-corruption made some progress. Before the crisis, reforms in the anti-corruption policy sector had often been ad hoc and piecemeal and had suffered from the vagaries of political party competition. Despite the aforementioned progress, the shifts and turns in the evolution of the Greek political party system have naturally affected implementation of the rule of law regarding corruption. Moreover, judges have claimed

that they are unable to handle the constant overflow of cases. Lack of digital infrastructure and modern management methods aggravate the situation. In a nutshell, the progress has been marred by a stop/go pattern of reforms. All this has once more reflected the aforementioned pattern, namely that although Greece is an advanced democracy as far as the adoption of formal rules is concerned, it is simultaneously a laggard with regard to rule implementation.

To sum up, while the Greek state formally and officially protects political and civil rights, in practice organisational and infrastructural obstacles stand in the way of comprehensive protection. Insufficient protection of human rights disproportionately harms religious and ethnic minorities and asylum seekers. Moreover, reforms in the field of anti-corruption have taken place but have also been delayed owing to the politicisation of anti-corruption efforts. Technical and financial constraints, following from the financial and economic crisis, have of course also impeded implementation of the rule of law.

Depending on their identity, individuals (citizens, minority members, migrants, refugees) have a very varied experience of rule of law implementation. The ways in which the institutions of Greek democracy treat them may be so discriminatory that they become alienated from democracy as such. Needless to say, the comparatively disappointing implementation of the rule of law is another symptom of a low quality of democracy.

## 5. The Mass Media

### 5.1 Overview of the mass media in post-authoritarian Greece

At first sight, as far as its democratic quality is concerned, the Greek media looks highly problematic. Journalists face grave risks, while media ownership is extremely concentrated.

The organisation »Reporters without Borders« presents annual assessments of freedom of the press. As Table 3 shows, the assessment of press freedom in Greece is not encouraging.



Table 3. World Press Freedom Index: Greece's relative position in the world

Year	Greece's ranking (Greece/total number of countries assessed)
2015	91/179
2016	89/180
2017	88/170

Source: <https://rsf.org/en/ranking/2017>, last accessed on 09.05.2017

A look at the source of Table 3 reveals that in 2016 Greece was ranked roughly on par with Mozambique, Togo and Kosovo. In 2017 it was ranked roughly on a par with Togo, Seychelles and Kyrgyzstan.

With regard to media ownership, the work of Yannis Tsirbas (2015: 160) shows that there is high concentration of ownership, particularly as far as newspapers are concerned, as well as considerable concentration of TV media.

As Nikos Leandros (2010: 893) writes, in the newspaper sector »four leading publishing houses controlled 69.7% of the market in 2008 compared to 57.3% in 2000, 62.9% in 1995 and 59% in 1990«. These were Lambrakis Press S.A., Kathimerini Publishing S.A., Pegasus Publishing S.A. and Ch. K. Tegopoulos Editions S.A. The latter did not survive the ongoing economic crisis in Greece, while Lambarkis Press S.A. has become highly indebted and in 2017 was taken over by Greek banks, which found a new owner for this ailing media enterprise.

Nowadays, most Greeks obtain information through TV programmes or news websites, although newspapers are still able to influence the public agenda, for example, through targeting a government policy or a minister. Since the launch of private TV and radio programmes in the late 1980s, popular TV and radio channels have been privately owned by Greek businessmen, who are also active in other sectors, including public works, shipping and oil refineries. Thus, the economic interests of private media owners are affected by government decisions to award public contracts, for example, in road construction, or decisions of state-

controlled banks to grant loans to media enterprises. Media owners often change sides, oscillating between government and opposition.

## 5.2 The mass media in post-authoritarian Greece, 1974–2010

The above evidence notwithstanding, Greek democracy is characterised by a high degree of pluralism regarding freedom of expression. There is a high level of tolerance as far as the expression of political opinions is concerned. In the Greek media, including print and electronic media, there is a tradition of freedom of expression of even extreme political opinions, ranging from Neo-Nazis on the Right to Stalinists and anarchists on the Left.

This tradition is a historical legacy of the first post-authoritarian period, when after the end of seven years of censorship under the Colonels' regime (1967–1974), the media became free again. Starting in 1974, the Communist Party of Greece (KKE), which had been outlawed since the Civil War of 1946–1949, became legal again. After 1974 the plethora of left-wing resistance groups, which had challenged dictatorial rule during 1967–1974, became vehicles of political participation that were popular in the post-authoritarian period and published their own newspapers and books.

Meanwhile, in the same period, the Far Right was also visible and in fact three years after the fall of the Colonels' regime, in the parliamentary elections of 1977, the Far Right (then bearing the party name »National Faction«) obtained 7 per cent of the total vote. Far right voters and politicians were later on integrated in the large centre-right party of New Democracy, only to re-emerge in the late 2000s either on the shoulders of the nationalist populist Laos party (=People's Party) or in the early 2010s in the Neo-Nazi Golden Dawn party.

It is useful in an analysis of mass media and the quality of democracy in Greece to remember that the Neo-Nazi party, which has now firmly established itself as the third largest political party in Greece, started out as a group of Neo-Nazis, under its current leader, who in the early 1980s launched a weekly newspaper under the same title (»Golden Dawn«). The reaction of democratic institutions was non-existent at the time and, as already noted (section 4.3), remained so until September 2013,

when a Golden Dawn cadre assassinated a left-wing rap singer (Pavlos Fyssas). Again, this should be interpreted in the context of conceptualising democracy in the particular post-1974 Greek manner. We refer again to a type of democracy in which there are no limits whatsoever, not only regarding freedom of expression, which admittedly is vital for democratic life, but also with regard to freedom of organisation and political action against democracy itself.

Of course there is nothing to celebrate about the periodic re-emergence of extreme right political forces. But since 1974 the Greek authorities overall have preferred not to curb freedom of expression, even if that meant allowing the expression of support for left-wing terrorist groups (for example, the »17 November« organisation) or racist or anti-Semitic ideas.

As expected, however, freedom of expression has not been evenly tolerated on all sides. For example, state authorities have intervened when Christian Orthodox religious authorities felt offended by the showing of any film which they considered sacrilegious or the staging of any art exhibition of similar character. Also from time to time journalists have felt pressure from the state authorities, particularly if they worked for the governing party-controlled public TV in the period 1974–1989, when private TV channels were completely prohibited and only a government-controlled public broadcaster, ERT, was available.

Full state control of all TV outlets is a symptom of low quality democracy. The sudden and poorly thought out granting of permission to establish private TV channels in 1989 expanded pluralism in the Greek media, but it also contributed to the emergence of a completely unregulated private media sector. Even today there is no officially approved distribution of TV licenses and the structure of private ownership of Greek media remains opaque.

Needless to say, the long-term preservation of an unregulated, almost »wild« environment in the Greek media sector has proved to be convenient not only for political decision-makers, who wanted to please everyone, but also for media oligarchs who could thus exert more political influence than they would have been able to do in an institutionalised, regulated media environment.

Moreover, the wage levels, social insurance rights and working conditions of journalists and other employees of printed and electronic media were (and still are) quite problematic. Media owners, who forged temporary alliances with political parties, party leaders and MPs, only to break them at will, had understood the power of media in shaping public opinion. Private media played a very visible political role and openly promoted – or, if they disliked them, openly undermined – political leaders, political parties and policy programmes. Until the economic crisis contributed to the de-legitimation of all political institutions, including the media, and dramatically downsized their economic resources and borrowing opportunities, media owners used their power excessively and uninhibitedly.

The combination of concentration of ownership in the private media (newspapers and TV channels), accumulation of political influence in the hands of media oligarchs and the state's 20 year-long toleration of TV channels functioning without any prior process of dissemination of TV licences speaks volumes for the low quality of democracy in Greece in 1974–2010. In short, the country's public sphere, a vital aspect of any democracy, resembled a wilderness.

After the economic crisis erupted in 2010 and successive centre-right/centre-left governments adopted austerity measures in order to finance Greece's soaring public debt, most media maintained an anti-austerity stance in 2010–2014. However, when the financial and economic crisis broke out (spring of 2010), the Left and also the New Democracy party and journalists under its influence rejected the austerity measures. The leadership of New Democracy promised the Greek people, in what proved to be a short-lived party strategy, that it would change the mix of austerity measures that had been adopted by the then governing Pasok party. After the New Democracy party entered a coalition government with Pasok in the autumn of 2011, however, it discarded its anti-austerity rhetoric. Then, it was Syriza's party newspaper and Syriza-associated journalists who led the attack against austerity and prepared the ground for Syriza's meteoric rise to government in January 2015. They diffused an anti-establishment and anti-corruption rhetoric, underlining the close relations between media moguls, banks and the government.



The onset of the financial and economic crisis in 2009–2010 became a catalyst for changes in the media sector. Two historic moments in the evolution of Greek mass media, which made front-page news EU-wide, occurred in 2013 and 2016. As we shall argue, these instances were indicative of the long-term patterns of relations in Greece between the mass media, democracy and the state.

### 5.3 Government encroachment on the state media during the financial and economic crisis

The first instance was the abrupt closure of the Greek public broadcaster, ERT, by the New Democracy/Pasok coalition government in June 2013. The second was the attempt by the Syriza/Anel coalition government to reduce the number of national private TV channels to only four in September 2016. It is telling that these developments were sparked by initiatives of two different governments: one pro-austerity centre right/centre-left coalition government formed by two traditional political parties – and therefore susceptible to accusations of being the establishment and nourishing corruption (in 2013) – and, second, an anti-austerity radical left/far right coalition government, which claims to be anti-systemic and a champion of transparency in the media sector (in 2016).

The first development destabilised the tripartite New Democracy/Pasok/Dimar government. More specifically, this government was pressed by the Troika to fully implement Greece's Economic Adjustment Programme. However, the government could not or was reluctant to meet the target for public sector redundancies.

Since the start of the crisis (2010), ERT journalists and the ERT employees' union had gradually distanced themselves from the government and openly took an anti-austerity stance, to the point of mocking New Democracy government ministers on air.

Thus, the government tried to kill two birds with one stone, namely silencing an opposition voice and meeting the Troika conditions for public sector redundancies by dismissing the entire workforce of a state agency, ERT. On 11 June 2013, ERT was closed down overnight by a Cabinet act, a rare legislative instrument that lacks the legitimacy of either a law

voted in parliament or a presidential decree issued under the authorisation of an existing law. Meanwhile, Dimar abandoned the coalition government in protest, thus leaving only New Democracy/Pasok as coalition partners and a slim majority of 153 out of 300 parliamentary seats. The case of ERT indicates that in Greece not only private but also public media negatively affected the quality of democracy.

It is undeniable that ERT used to be (and still is) a typical example of the kind of intransparent and patronage-infested public organisation that has contributed to Greece's fiscal derailment. (In 2012 ERT had 2,656 employees and was one of the largest single employers in Greece.)

Most, if not all, employees were recruited through personal, family and political party connections over the past 40 years or so. During the years in question (1974–2012) scores of MPs and ministers of Pasok and New Democracy and political appointees of the two parties at the helm of ERT had helped overstaff Greece's public broadcaster through political patronage. Those already recruited to ERT sooner or later arranged for their family members to also be put on the broadcaster's payroll (personal interview with journalist, former top official of ERT's news programme, summer 2016, Athens).

At the time of its abrupt closure ERT comprised five TV channels, seven radio channels based in Athens, another three based in Thessaloniki and 19 regional radio channels. The latter only rebroadcast radio programmes already broadcast from Athens, without adding new content. ERT also had three orchestras and published a weekly TV printed guide enjoying minimal circulation, as TV viewers generally checked what's on TV by looking in the newspaper or on the internet. In the midst of the financial and economic crisis, when many state agencies were forced to retrench, the broadcaster retained its sprawling organisational structure and expensive operations. However, ERT was not even popular; usually only 4–7 per cent of TV viewers watched it.

The public broadcaster was financed through a special fee of 4 euros per month, which was included in all electricity bills. Such bills are paid monthly by all residents of Greece, regardless of whether they ever switch over to ERT. The public broadcaster's budget for

2013 was 205 million euros and in 2012 the average annual salary of an ERT employee before taxes was 34,000 euros: this was double the Greek per capita income (17,300 euros in 2012, Eurostat data).

The above remarks of course should not be taken to imply approval of the government's handling of ERT in 2013. The reform of state TV media attempted by the New Democracy/Pasok government was ill-conceived and awkwardly managed. It is telling that it took many months before the government was able to establish a new public broadcaster (called NERIT) in place of ERT. NERIT led a very short life, however, as it was abolished as soon as Syriza/Anel came to power in 2015.

Clearly, then Prime Minister Antonis Samaras's – leader of New Democracy – handling of ERT in 2013 in fact created more problems than it resolved and provoked a wave of support for a clearly problematic state agency. Indeed, ERT had never been an impartial broadcaster. It used to offer biased information and commentary either in favour of the government or – after a point in the economic crisis – against the government after ERT's employees sided with the opposition. ERT never offered pluralist political expression, but suddenly in mid-2013 became a symbol of democratic opposition against Samaras's awkward and anti-democratic intervention in the public media sector.

#### 5.4 Syriza's encroachment on the private media during the financial and economic crisis

The second instance of a Greek government awkwardly intervening in the mass media sector occurred in 2016. While in opposition, Syriza had chosen the media sector as one of its preferred political battlefields and in particular had focused on the public broadcaster. Upon coming to power in early 2015, Syriza reinstated ERT and rehired all laid-off ERT employees, who naturally had been Syriza voters in the 2015 elections. Soon the new ERT became a Syriza-controlled media outlet to the point that today its news programmes clearly have a pro-government bias, which is being continued, if not intensified, as Syriza keeps slipping far behind its main competitor, the New Democracy party, in opinion poll after opinion poll.

As is well known, in July 2015 the Syriza/Anel government called a national referendum on the

austerity package on which it had been negotiating with Greece's creditors. The vast majority of private media supported the »yes« vote in support of the package, while the government supported the »no« vote. Since that time, the Syriza/Anel coalition government has targeted private media which did not support the »no« vote. Syriza's political reasoning was probably that it could not trust any of the media outlets that had backed the »yes« vote, considering them part of the pre-2015 »establishment«.

At a large Syriza rally staged in January 2016 to celebrate the party's first year in government (2015–2016), the rally's organisers screened a video denouncing journalists working for private media who had supported the »yes« vote in the referendum. Meanwhile, Panos Kamenos, leader of the Far-Right Anel party (Syriza's coalition partner), who also serves as Minister of Defence, sued journalists who had criticised him. This happened more than once and the relevant legal disputes took a long time to be resolved. The undue delays in the administration of justice, discussed in the relevant section of this report, explain why the relevant court decisions are still pending.

Most importantly, in September 2016 the Syriza/Anel government put forward a plan to award private TV licenses, a process which admittedly should have started a quarter of a century ago, when the state monopoly of ERT in the TV sector was abolished. However, the government turned this justifiable policy shift into an effort to gain control of the media. The government announced that the number of national private TV licenses would be only four and the other channels would simply go out of business by government fiat. The government justified this decision by arguing that the advertising market in Greece was small and had room for only four TV channels. TV licenses would go to the four highest bidders, needless to say, all wealthy businessmen.

Meanwhile, the Syriza/Anel government had passed a law that transferred the competences of the independent broadcasting regulator (ESR) to a government minister, Nikos Pappas. According to the government it had no other option because there was no agreement with the parliamentary opposition (New Democracy, Pasok and the other parties) on selecting the members of the ESR board.

When the bidding took place, in September 2016, a cohort of new and prospective media oligarchs participated. Out of the four licences, one went to the owner of SKAI TV and Kathimerini newspaper, a ship-owner who traditionally belonged to the centre-right/liberal camp, while the rest of the TV licences were handed out to the highest bidders, whose purported assets, it must be said, were highly debatable, including agricultural property on remote islands and funds from football business deals. It seemed that, with the assistance of a radical left/far right coalition government, one oligarch elite was about to be replaced by a new one. In other words, even if the Syriza/ANEL government really aimed at establishing a level-playing field in the mass media, it had clearly failed to attract reliable investors.

Eventually, in December 2016 Greece's highest administrative court (Symvoulío tis Epikrateias) ruled the relevant law unconstitutional because of the inappropriate transfer of competences from an independent authority (the ESR) to a government minister (Pappas). In early 2017, the ESR board was finally selected and ruled that it was not necessary to limit the number of private TV licenses to four, but in mid-2017 the ESR was still trying to overcome technical and legal obstacles in order to launch the TV license-awarding tender.

### 5.5 Reform failure in the media sector in Greece

In sum, New Democracy/Pasok's earlier efforts to control the state media and the Syriza/ANEL government's more recent efforts to control the private media, even though unsuccessful, underline the pattern of chronic lack of autonomy on the part of the Greek media, which has long been dependent on bank loans and tax breaks.

A mass media reform that might enhance the quality of democracy is clearly not yet in sight. Institutional inertia and government-inspired encroachments on the public and private media may have not hampered pluralism in the media, but they have clearly dampened the quality of democracy in Greece, putting the public sphere in a constant state of flux.

## 6. Social inclusion and social policy

### 6.1 Overview of social inclusion in Greece in comparative perspective

As Table 4 shows, the dire social situation in Greece has been exacerbated over time and social exclusion has become extremely visible.

Table 4. Basic social indicators for Greece before and during the crisis, 2008 and 2015

	2008	2015
<b>Unemployment rate</b>	8%	24%
<b>Youth unemployment rate</b> (13–24 age group)	22%	50%
<b>Percentage share of people under risk of poverty or social exclusion</b>	28%	36%
<b>Percentage share of people not in employment, education or training (NEET)</b>	11%	17%

Source: Eurostat, <http://ec.europa.eu/eurostat/data/database>

Social protection in Greece is based not on universalistic principles, covering all citizens on an equal and transparent basis, but on various occupational social insurance schemes (Matsaganis 1999; Mossialos and Petmesidou 2006; Petmesidou and Papatheodorou 2004; Venieris and Papatheodorou 2003; Tinios 2010; Giannitsis 2016). The Greek system is formally and superficially reminiscent of the corporatist welfare systems of central and northern Europe. However, as a typical example of the South European model of the welfare state (Ferrera 1996), the Greek system suffers from distortions produced by the age-old patronage-based treatment that strong interest groups have secured for their members from the Greek state. Relatively privileged protection for powerful groups of insured people stands alongside meagre social protection for other socially insured people and the socially excluded.

Moreover, Greece's social protection system is characterised by centralised decision-making as well as fragmentation and inequality of outcomes at the level of welfare provision, a pattern found in pensions, health care and social protection (Sotiropoulos 2004; Tinios 2012; Matsaganis 2012).

More concretely, even before the economic crisis erupted, Greece's social protection system did not protect those who were most in need, namely the unemployed, the poor and the socially excluded. It protected primarily labour market insiders, such as members of the liberal professions and employees of banks and state-owned enterprises. Such powerful interest groups had carved relatively privileged social insurance schemes out of the welfare system.

Compared with the poorly protected categories of the population, members of the aforementioned strong interest groups enjoyed higher social benefits, separate health care systems, earlier retirement opportunities and higher replacement rates for their pensions, while their pension funds were subsidised by the state.

Social policy reforms attempted in 1974–2010 did not alter the basic pattern of relative overprotection of labour market insiders and relative underprotection of outsiders, let alone the meagre social assistance and social integration measures for the socially excluded.

Moreover, a generation gap in social protection existed before the economic crisis broke out, as the Greek state systematically preferred to protect middle-aged workers and old-age pensioners, leaving the social protection of young people to their families. In this context, Greece presents a disappointing picture in terms of the social exclusion of its younger generation. The rate of youth unemployment remains more than twice the national unemployment rate (Table 4). No social policy reform has even dented this problematic state of affairs.

## 6.2 Social inclusion during the crisis

Since 2010, deep social spending cuts have been made, followed by efforts to rationalise the pension and health care systems, leaving the socially excluded once more left out of any kind of systematic coverage. A typical example of the usual neglect shown towards the poor and the socially excluded is the practice of one-off welfare benefits channelled towards them. Before the crisis, this was a common practice of governments, which used to cater for the socially excluded only after having spent most of the welfare budget on pensions and public health care. Appeasing the large numbers of pensioners, supporting the welfare schemes of the most powerful social groups (the liberal professions and

employees of state-owned enterprises) and also feeding Greece's vast and inefficient public hospital system were the usual top social policy priorities.

The same pattern continued during the crisis. In 2014, the New Democracy/Pasok coalition government also arranged for an one-off social assistance benefit to be distributed to the poor. The pilot programme for a Minimum Income Guarantee scheme, implemented gradually in 2013–2014 in 13 Greek cities, was interrupted in early 2015, after the Syriza/Anel government was formed. The new coalition government took a long time to prepare its own social inclusion plan involving welfare benefits, dubbed the »social solidarity allowance«, which it finally launched in January 2017.

However, as with previous governments, the Syriza/Anel government's social policy priorities did not change. For obvious patronage-related reasons, the Syriza/Anel government first and foremost catered to the interests of those already covered by social protection. In March 2015 the first relevant move of the freshly elected Syriza/Anel government was to give an additional monthly allowance specifically to the employees of Greece's state-owned Public Power Corporation (DEI). It is probably not a coincidence that the powerful trade union of the DEI corporation (the union GENOP-DEI) was one of Syriza's most visible allies in the period before 2015. Syriza now rewarded that support.

In December 2016, upon finding out that there would be a budget surplus at the end of the year, Prime Minister Tsipras offered a one-off additional monthly pension to all pensioners who received a pension lower than 800 euros per month, regardless of the beneficiary's general economic situation and therefore need for such a benefit. Thus, pensioners living in households with other financially independent members or pensioners with other sources of income, also received the additional one-off pension. The implementation of this measure across the board ended up benefiting also some MPs who happened to be pensioners.

## 6.3 Reform failure in social inclusion policy in Greece

What all this amounts to is a pattern of inchoate social inclusion policy. Reforms in this sector have entailed the distribution of ad hoc social assistance benefits to

selected categories of the population or the hiring of the poor and/or the unemployed in the public sector on short, usually five-month contracts. Reforms – or rather the lack of them – have assumed that the socially excluded can always fall back on their families. More specifically, older family members, particularly if they are already retired, are expected to live on their pensions or other sources of income and also to provide socially excluded relatives with money, food or shelter. In brief, successive Greek governments have never had a comprehensive, evidence-based plan to fight poverty and social exclusion, but from time to time have made temporary efforts to prevent the deterioration of acute social exclusion.

Clearly, if one studies the case of Greece, one understands social exclusion not so much as a general outcome of the capitalist system or as a direct outcome of the dominance of neoliberalism, but rather as a specific product of socio-political circumstances. Social inclusion in Greece has failed because of the interplay of social interests and the historical trajectory of state–society relations, which have negatively affected the quality of the Greek democracy, too. Obviously, the economic crisis in Greece has cast its shadow on what was already a problematic situation with regard to social exclusion even before the crisis.

At least since 1974 in Greece there has been a deep divide between labor market insiders and outsiders. The latter form the core of the socially excluded, while the former, working in the public sector, banks and other large businesses, have been protected by a much more rigid framework of labour relations. Outsiders worked in Greece’s vast small business sector, on part-time contracts or in other precarious jobs.

Moreover, there is a large shadow economy, estimated to be as large as 22 per cent of the official economy (Schneider 2015: 4). In the shadow economy workers’ rights are not respected at all, as any migrant or young Greek worker could confirm. Indeed, even before the crisis a large share of migrant or young workers could not really claim their rights as they were labour market outsiders, while trade unions primarily, if not exclusively, defended the rights of insiders. In other words, as is probably the case with other contemporary democracies, the socially excluded enjoy minimal, if any political representation.

After 2010, when Greece found itself on the brink of sovereign default, wages went into freefall and »flexibility« was imposed on labour relations. In an effort to boost the Greek economy’s competitiveness, one of the major dimensions in which Greece lags behind most other European economies, the minimum wage was reduced, dismissals were facilitated and collective agreements between employers and employees were replaced by company-level and individual labour contracts. All this has tended to increase social exclusion over time (Table 4). Part-time work, project-based work and other forms of flexible work, which have helped to push down labour costs, have become very common. Under these adverse conditions, social exclusion has worsened.

## 7. Conclusions

At the beginning of this report we argued that democracies should not be conceived of as simple procedures for electing and legitimising successive governments to power, but as regimes associated with more substantive political participation.

On most international assessments Greece’s democracy today seems to be performing disappointingly, but without explaining the underlying reasons and mechanisms. In this report we have argued that the rather low quality of Greek democracy should not be associated exclusively with the ongoing financial and economic crisis, but also with the legacies of the post-authoritarian period and the evolution of state–society relations since then. One cannot explain the low performance of Greece’s democracy unless one looks more closely at policy sectors in which reform has failed or in which there has been a mixture of progress and failure over time.

Our discussion of reform failure has concentrated on three sectors, the rule of law, the mass media and social inclusion because they provide a litmus test for the quality of democracy. Without substantive rule of law, citizens of democratic regimes may feel that they are subjected to the same arbitrariness from which citizens of authoritarian regimes suffer. Unless the mass media has a minimum level of pluralism and freedom of expression, citizens have difficulty telling the difference between dictatorship and democracy. And without a safety net, provided by a decent social protection system, the socially excluded would

have no opportunity or motivation to participate in democratic life.

Naturally, democracies are characterised by gradations of success in reforming and improving upon their rule of law, mass media and social inclusion systems. In this report we have argued that, for a variety of reasons, democracy in Greece leaves a lot to be desired with regard to these three sectors.

The causes of Greece's under-performance may differ from one sector to the other and they may be historical, organisational or political in nature. But in all three sectors there are four common causes of reform failure that constitute a subset of a larger set of reform failures (Sotiropoulos 2012b). The common causes may be summarised as follows:

- Frequent government change at unpredictable time intervals, as well as frequent cabinet reshuffling or management turnover at the helm of institutions entrusted with reform implementation within the term of an elected government.
- Administrative incapacity and in particular a lack of skilled personnel, as well as administrative negligence of policy failures owing to successive governments' lack of commitment to reform.
- Before the onset of the economic crisis, underfunding or depletion of funds which have been channelled to priority targets selected not on evidence-based criteria but on purely patronage-based criteria.
- Resistance to reform by a strong coalition of popular social interests which benefit either from the status quo (for example, highly protected labour market insiders with regard to pensions and other welfare benefits) or from policy inertia (for example, mass media moguls with regard to TV licenses).

None of the above four causes of reform failure are insurmountable, but all are detrimental to the quality of democracy. Without the rule of law, pluralistic mass media and a decent level of social inclusion democratic citizens cannot enjoy political equality and/or equality before the law, which obviously are pillars of democracy. Nor can citizens under such inadequate conditions live with dignity, let alone feel safe in the


exercise of their civil, political and social rights (Diamond and Morlino 2005). Needless to add, all these factors dampen political participation in decision-making, which is a hallmark of democracy in contrast to all other political regimes. The decline of voter turnout in Greece from approximately 77 per cent in the elections of 2004 to 56 per cent in the elections of September 2015 (Ministry of Interior data) is a telling example of declining political participation.

If implementation of the rule of law is erratic or subject to undue delays; if mass media are kept at an arm's length; and if social exclusion is experienced by an expanding circle of citizens as time passes, then democratic life degenerates into a frustrated life in a regime that bears only a faint resemblance to the idea of democracy.

In order to manage some of these problems, several policy recommendations may be put forward, couched in general terms as they apply to all three sectors discussed in this report:

- Strengthening of the existing independent regulatory and administrative authorities in various policy sectors, including the mass media, in order to balance the traditional clientelistic intrusions of political parties into public service delivery and patronage-ridden influences in the process of public policy formation.
- Detailed mapping of implementation gaps and the causes of such gaps on a sector by sector basis and introduction of remedies to close the observed gaps.
- Planning and implementation of the compulsory horizontal mobility of public employees who will also be encouraged to move from public services where they are redundant to services where there are labor shortages, including courts, police stations, public hospitals, centres for employment promotion and social care and social assistance services.
- Digitalisation of services offered to citizens, with particular emphasis on services offered by the judicial system and social inclusion services.
- Opening of new channels of communication and deliberation between citizens, the government and public administration, in order to relegitimise the political and administrative institutions shaken by the





gravity and prolongation of the economic crisis and its mismanagement by national and international elites.

These and other possible policy recommendations may steer Greek democracy towards safer waters, as in the years to come, in addition to the problems discussed in this report, there will be additional challenges to be faced. These will include overcoming the negative social effects which will be left over even after Greece overcomes its ongoing economic crisis, as poverty and inequality are usually addressed with a time lapse after economic growth picks up; periodic outbursts of radical political action, including racist violence and anti-parliamentary political mobilisation by radicalised and organised groups of citizens who increasingly feel that, after nearly a decade (2009–2017) has passed with no improvement in their living standards or future prospects, they have nothing to lose by engaging in violence; demographic pressures on the pension and health care systems, because of the ageing of Greek society and the currently ongoing flight of skilled human capital from the country; an unstable balance between liberty and security, as periodic inflows of refugees and migrants keep arriving at Greece's shores; and deepening degradation of Greece's natural environment, which during the crisis has been completely neglected as successive governments have tended to more pressing needs.

In other words, lack of reform in the three sectors discussed in this report, as well as lack of foresight regarding the aforementioned challenges, which continue to set Greece apart from other advanced democracies, jeopardise the quality of democracy in the country in which democracy was invented.

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