

# **Appropriating the Common Good by Personalizing Social Relationships – Acquaintances, Patronage, and Corruption in *Low Trust Societies***

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## **A. Introduction: the Anthropological Outlook**

For a reader who is not acquainted with anthropology, tackling a disagreeable subject such as corruption from an anthropological point of view could be uncomfortable or even repugnant. To avoid such unpleasant impressions we ought to illustrate some aspects of anthropology's methodological approach.

One of the main principles of this discipline is what could be defined as an *inversion*. This conscious intellectual process consists of *reversing one's horizon* and inviting the reader to do the same. The purpose of this methodological strategy is to uncover the occult social logic of collective representations and behaviours that might appear devoid of *logic* and contrary to *normality* or *legal order* but have a very specific *meaning* and *legitimacy* for the actors involved. We are certainly not trying to justify these actions but to understand them, as the old French adage says, *comprendre ce n'est pas tout pardonner*. This process of *inversion* leads to Max Weber's interpretative method popularized over the last thirty years by Clifford Geertz.<sup>1</sup> Therefore, the anthropologist deals with reconstructing the actors' social behaviour from the actor's point of view.

Our intention is to show that the utilization of friends and acquaintances, even outside the law, for material purposes, the mobilization of clientelistic networks for the personal appropriation of public resources and finally 'corrupting' or 'being corrupted', are normal practices in *low trust societies*. These methods are considered by the parties involved as rational strategies that have to be followed in order to survive in such communities. Therefore, we shall need to answer the following points:

- How do members of *low trust societies* build their *social knowledge*, i.e. their own system of collective representations?
- What are the basic elements of these societies' *social organization*?

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<sup>1</sup> M. Weber, *Wirtschaft und Gesellschaft* (1956); C. Geertz, *The Interpretation of Cultures* (1973).

- What kind of *historical circumstances* foster the rise of these societies, and why can *distrust* become a *legacy*, primarily in the public sphere, that is so difficult to eradicate?

At this point we should be aware that this approach can potentially lead to a voyeuristic perspective in which low trust societies are turned into an ethnographic *unicum* fit for a *cabinet des curiosités*. In order to avoid such a trivialisation of social phenomena, which could stigmatize some societies in specific cultural areas, we need to emphasise that a certain amount of public distrust can be found in all societies and that the existence of instrumental acquaintances and friendships, clientelistic systems and corruption, are universal phenomena. Thus, the representations and practices that are conspicuous in low trust societies are not peculiar or unique to them only but should be regarded as metaphors of each collectivity's processes and actions.

## B. *Low Trust Societies as Cultures of Concealment*

As sociologist Diego Gambetta aptly noted, mutual trust among members of a social body, particularly in the public sphere, is a major precondition of relationships of cooperation within a society.<sup>2</sup> Another sociologist, Niklas Luhmann, also notes that trust is a basic element of social order that anticipates the future avoidance of chaos, thus ultimately reducing social complexity.<sup>3</sup> It is not surprising then that many social science theorists deem that trust is a constituent and intrinsic element of a collectivity's *social capital*, be it either a *Gemeinschaft* or a *Gesellschaft* type.

However, notwithstanding this possibly too optimistic assumption, in this article we will deal with existing societies in which trust, especially in the public sphere, is a commodity in short supply and as such regarded as an alien and unattainable article. Wherever trust in the State and civil society is scarce or completely lacking, we can observe action strategies in which avoiding, neutralizing, impairing or in some cases even undermining public institutions, is perfectly legitimate. In such social systems of public distrust, the accepted understanding is that one cannot expect public actors, especially state institutions and civil society organizations, to provide specific services, such as maintenance of law and order or proper administration of the common good or protection and defense of citizens. These services are not provided because the representatives of the above-mentioned institutions pursue their own personal interests and consequently are not trustworthy. Similarly, politicians, state officials and leaders of civil society associations reckon that ordinary citizens have a penchant for deceit and therefore are hardly reliable. Thus, ordinary citizens are constantly suspected, watched over, checked, and ultimately looked upon like subordinates. In these situations (where there is reciprocal suspicion)

<sup>2</sup> D. Gambetta (Ed.), *Trust. Making and Breaking Cooperative Relations* (1988), at ix *et seq.*

<sup>3</sup> N. Luhmann, *Vertrauen. Ein Mechanismus der Reduktion von Komplexität* 23 *et seq.*, 40 (1973).

a permanent feeling of insecurity prevails since nobody can foresee how one will react to another's specific action. Not surprisingly, the widespread notion is to 'let sleeping dogs lie' and, therefore, choosing *underground*, i.e. undetectable or indeed even clandestine strategies, is expedient. Low trust societies are permeated by a deep-seated culture of concealment. In such a context, informal networks of social relationships and concealed organizations, which conjure up favouritism, nepotism and corruption for the occidental observer, take on an essential role. Members of low trust societies might consider these relationships or practices, together with related action strategies, as immoral, abhorrent, and illegal. However, such strategies are used as both socially and culturally legitimate because they represent the best way for the parties involved to protect themselves from the dangers and traps scattered over the entire public sphere.

Thus, it is easy to understand why informal alliances among friends and acquaintances, clientelistic cartels, associations based on corruption and extortion, and finally even Mafia networks, are the functional equivalent of trust in these societies and represent the necessary *social capital*<sup>4</sup> to survive in the public sphere's treacherous world.

### C. Opposition between Public and Private in Social Representations

Given what we mentioned in the previous sections, it is possible to detect a specific concept of public and private in low trust societies which, to some extent, clashes with specific ideals and ideologies of Occidental origin. In these societies, the relationship between the public and the private is clearly conceived of as a binary opposition. In fact, with reference to collective representations, there is an undeniable confrontation between the public and the private spheres. The well-known idea of sociologist Richard Sennett, according to which the public and the private sphere in the Occidental world have been characterized by a complementary set of social relationships or, more metaphorically, are considered "two atoms of the same molecule,"<sup>5</sup> meets no empirical evidence in low trust societies. Sennett deplores the fact that this 'molecule' has gradually broken up due to the industrialization and secularization processes undergone by the middle-class society from the 19<sup>th</sup> century onwards in the Occident's metropolitan centres. This development, however, does not apply to low trust societies generally located on the world's peripheries, since the public and private in these collectivities, for reasons we will explain later, are never acknowledged as two units of a single universe.

In low trust societies the clear separation between the public and private sphere as well as the supremacy of the former over the latter have never been

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<sup>4</sup> P. Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (1979).

<sup>5</sup> R. Sennett, *Verfall und Ende des öffentlichen Lebens. Die Tyrannei der Intimität* 20 (1983).

questioned. The consequent evaluation of such societies' members is clear-cut as the private sector is regarded as the social space of security, trustworthiness and solidarity while the public sector is perceived as a dangerous foreign body. For this reason, anthropologist Carlo Tullio-Altan, referring to Italy (a typical low trust society) pointed out that this country has a specific moral, which he called *albertiana*.<sup>6</sup> According to the *morale albertiana*, which is a more or less standard feature of low trust societies, any endeavor a person undertakes to achieve, guarantee, and even maximize the particular welfare and benefits of his own group is legitimate, given the private sphere's essentially positive features. According to this type of moral, these strategies can be activated even if this harms other members of society and even if it jeopardizes the public welfare.

The existence of a collective tendency based on the socially shared representation by which the private is the positive pendant of the public was empirically confirmed by political scientist, Edward Banfield, when he spoke about the *amoral familism* of the Italian *Mezzogiorno* populations.<sup>7</sup> At that time, this study gained popularity though it drew, and rightly so, thunderous and outraged criticisms.<sup>8</sup> The choice of a blatantly ethnocentric terminology and the insufficient awareness of historical reasons underlying such collective representations – and the corresponding forms of action – reveal glaring theoretic deficiencies, which cannot be underestimated or overlooked. However, these criticisms regarding the methodology do not lessen the relevance of specific facts that Banfield, despite his ill-advised style of reasoning, had perceptively observed. Nonetheless, we cannot deny that in Southern Italy's society, which can definitely be regarded as representative of all low trust societies in European and non-European peripheries, the imperative of maximizing one's family benefits, at the expense of the common good, is not merely present it is predominant. Using the term *amoral*, as Banfield did, is inaccurate and misleading since actions which forward one's private interests over public gains are tacitly accepted and shared by the actors themselves.

In parallel with the positive evaluation of private social spaces, the *morale albertiana* is averse to public social spaces. In fact, when the public universe is perceived as increasingly impersonal, objectified, anonymous and rationalized, then suspicion and distrust increases among the members of low trust societies. This is precisely one of the reasons why extralocal public institutions rekindle the feeling that their ultimate aim is to rob and harass people. Those who think that this is an undisputed truth can only have one reaction: develop action strategies based on the logic that *robbing your robber* is legitimate. Thus, the opposition between the private and the public turns out to be one of the

<sup>6</sup> C. Tullio-Altan, *La nostra Italia. Arretratezza socioculturale, clientelismo e ribellismo dall'Unità ad oggi* (1986). The expression 'morale albertiana' is an explicit reference to Leon Battista Alberti, one of the great intellectual personalities of the Italian Renaissance, who had theorized at length the supremacy of the private over the public in the renowned *Libri della Famiglia* (R. Romano & A. Tenenti, *Introduzione*, in A. L. Battista, *I libri della famiglia* (1972), at xxv).

<sup>7</sup> E. C. Banfield, *The Moral Basis of a Backward Society* (1958).

<sup>8</sup> Banfield, *supra* note 7; I.-M. Greverus *Kultur und Alltagswelt. Eine Einführung in Fragen der Kulturanthropologie 171 et seq.* (1978).

fundamental collective representations on which corrupt practices, political scandals, Mafia-like activities and mutual assistance between patrons and clients are established. However, this does not imply, and we stress this point, that such behaviour models are relevant only to low trust societies based on various versions of the *morale albertiana*.

## D. Personalizing Social Relationships

We have barely introduced the notion of the private sphere as it is understood by the members of low trust societies. From our observations we can already assume that private is associated only with very finite social spaces. Regarding social relationships, we can say that in these societies a person's private world coincides with family and kinship relationships. Still, we ought to clarify that solidarity and protection structures based on such elementary relationships take on a far broader range (which we cannot delve into in this article) than the ones linked to the nuclear family with two generations (parents and offspring). Yet, it is the nuclear family examples that would probably represent the most common case for a northwest European or a North American observer.

Despite significant structural differences, almost all experts on the subject agree on stressing the primordial importance of family and kinship as a solidarity group since, according to low trust societies' members, they represent the only types of community that can guarantee "cooperation without a hidden agenda."<sup>9</sup> Referring to Greece anthropologist Janet Du Boulay characterized this manner of imagining society and social relationships as follows:

outside the family, however, relationships within the community tend to be negative, contrasting radically with those within the family and differentiated from them chiefly by the fact that their basis is not mutual trust and interdependence, but suspicion and competition.<sup>10</sup>

Thus, social sciences researchers can detect trust only within the network of family and kinship structures.

At first sight low trust societies apparently fall into the category which anthropologists Rubel and Kupferer labeled as an *atomistic society*. Such a society's characteristics, as the renowned journalist Leo Longanesi stated about Italy, are to be solely and without exception defined as an *assemblage of families*.<sup>11</sup> Bearing this in mind, we must admit that *atomistic societies* are organized entirely around perpetually contentious and competing family as well as kinship cores. These cores are an abstraction not grounded in empirical reality since they tend to fragment further and thus dissolve or reestablish themselves following different structural models. As such, *atomistic societies*

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<sup>9</sup> M. R. Lepsius, *Immobilismus. Das System der sozialen Stagnation in Süditalien*, 177 (4) *Jahrbücher für Nationalökonomie und Statistik* 303-342, at 322 (1965).

<sup>10</sup> J. Du Boulay, *Portrait of a Greek Mountain Village* 142 (1979).

<sup>11</sup> Tullio-Altan, *supra* note 6, at 30.

are collectivities that could operate and last only for very brief spans – which definitely does not hold true for low trust societies.

Therefore, we must avoid repeating Banfield's blunder as he justified the term *familism* by claiming that the nuclear family was the only element that structured society in Italy's *Mezzogiorno*. We must not overemphasize the role of family and kinship in low trust societies, although it should be understood that trust is definitely a main feature of these interpersonal ties between blood relations and relatives. A closer look reveals that low trust society members believe in the need to extend their relationships of solidarity beyond family and kinship ties.

If we want to uncover which non-family structures ensure solidarity and protection, we should not expect to find them within *corporate groups* or formal institutions. This case in point was Banfield's fatal mistake, who, in accordance with his classical institutionalist approach, insisted on trying to locate formally established associations that could be the genuine representatives of *civil society* and *civic culture* American-style. In low trust societies, when we look beyond family and kinship structures, we ought to consider above all the importance of informal interaction networks that could be defined as a system of strongly personalized dyadic relationships. In the coming paragraphs we will analyze the various types of relationships that make up these informal structures of personalized ties.

## I. Ritual Kinship and Instrumental Friendship

From among the several types of personalized relationships developed in low trust societies to make the public sphere more trustworthy, one of the most important ones is undoubtedly the closest and most similar to family, i.e. ritual or symbolic kinship. This relationship in the specific Christian cultural context (European or non-European), in most cases is exemplified by the godparenthood institution. Both the ethnographic and historical sources clearly highlight the ties of protection and solidarity ensured by forms of ritual kinship, more specifically the godparenthood establishment. An anthropological analysis must proceed towards examining the structural and functional implications of this institution regarding the system of interactions.

This close net of kinship relationships of a symbolic nature, which are observable for example in the Euro-Mediterranean, Latin American or South Slavic world<sup>12</sup> involves an action strategy whose aim is to form a long-term alliances between various individuals or groups of blood-relations and kinsmen sharing a fairly equivalent social status.<sup>13</sup>

In Mediterranean and Latin American societies where the godparenthood institution is notably widespread, another far more common chance to extend

<sup>12</sup> It.: *comparaggio* Sp.: *compadrazgo*, s. Sl.: *kumstvo*.

<sup>13</sup> J. Davis, *People of the Mediterranean. An Essay in Comparative Social Anthropology* 223 (1977); F. Piselli, *Parentela ed emigrazione. Mutamenti e continuità in una comunità calabrese* 49 (1981).

protection and solidarity structures is to establish dyadic relationships of symbolic kinship with people of a higher status and social prestige or with better political and economic opportunities than one's own. Thus, coalitions based on these asymmetric relationships of ritual kinship involve individuals from different social classes. In these cases the poor, the inferior, and the powerless tend to choose their godfathers among rich and powerful people, who can provide the necessary assistance to secure personal interests within the public sphere.<sup>14</sup> In Calabria for example, the role of *compare* is still a quasi-monopoly of prominent party officials and chief representatives of state bureaucracy.<sup>15</sup>

Within the framework of this analysis we need to insist that ties of symbolic kinship always imply reciprocal rights and duties that guarantee the exchange of favours and counter-favours between socially superior and socially inferior actors. For example, the godfather, because of his actions in the public sphere, is expected to ensure his male or female protegees specific material benefits such as providing the necessary means to obtain a higher education or to find a job. The godfather's commitments are reciprocated by his partners in a display of respect, loyalty and devotion, both publicly and privately.

The second type of interpersonal relationship comprises the ties of friendship which should be regarded as an extension of the solidarity and protection structures existing among kinsmen and relatives within the private sphere out into the public sphere. Generally, the social institution of friendship is based upon symmetrical non-kinship and non-family relationships. Usually, friendships develop among people belonging to the same class or an equivalent or analogous social strata.<sup>16</sup>

However, the notion of symmetry leads to another feature of friendship relations, which is quite widespread in low trust societies, i.e. the transactional aspect of these dyadic relationships. Some anthropologists with an Anglo-Saxon background have repeatedly emphasized that friendship, as in Mediterranean and Latin American societies, includes unmistakably instrumental interactions.<sup>17</sup>

In the present-day Occidental world, which after all is still influenced by 19<sup>th</sup> century middle class ideology and Romanticism, friendship is imagined as a relationship characterized by a constant and active reciprocal affection born of a

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<sup>14</sup> J. Pitt-Rivers, *The Fate of Shechem or the Politics of Sex. Essays in the Anthropology of the Mediterranean* 54 (1977); E. Zimmermann, *Emigrationsland Süditalien. Eine kulturanthropologische und sozialpsychologische Analyse* 76 *et seq.* (1982); V. Vuidaskis, *Tradition and sozialer Wandel auf der Insel Kreta* 91 *et seq.* (1977); G.M. Foster, *Cofradia and Compadrazgo in Spain and Spanish America*, 9 (1) *Southwestern Journal of Anthropology* 1-28 (1953).

<sup>15</sup> Piselli, *supra* note 13, at 210 *et seq.*

<sup>16</sup> W. E. Mühlmann & R. J. Llaryora, *Klientschaft, Klientel und Klientelsystem in einer sizilianischen Agro-Stadt* 8 (1968); W. Schiffauer, *Die Gewalt der Ehre. Erklärungen zu einem türkisch-deutschen Sexualkonflikt* 124 (1983).

<sup>17</sup> J. Boissevain, *Patronage in Sicily*, 1 *Man*, New Series 18-33, at 23 (1966); E. R. Wolf, *Kinship, Friendship, and Patron-Client Relations in Complex Societies*, in M. Banton (Ed.), *The Social Anthropology of Complex Societies* 10 *et seq.* (1966); R. Reina, *Two Patterns of Friendship in a Guatemalan Community*, 61 *American Anthropologist* 44-50 (1959).

choice that takes into account a conformity of wills and characters. Due to this emotional trait, the instrumental aspect of comradeship is considered reproachable and, therefore, socially unacceptable, although even at our latitudes this trait might not be as rare as we are brought to believe. Instead, in low trust societies the instrumental aspect is intrinsic to friendship and the exchange of material benefits is openly performed. These transactions among friends are not stigmatized at all, though the affection aspect is not lacking and coexists smoothly with other types of favours and counter-favours in these societies.

In practical terms, we can add that an individual, say in Southern Italy or Bulgaria (typical examples of low trust societies) who needs to speedily solve a problem with the law or wants to obtain a permit, pension or a license that depends upon the decision of a remote and unfamiliar office in the capital, will not apply to the relevant authorities personally but will mobilize a close friend. The latter in turn will get in touch with acquaintances occupying important positions in the magistracy or civil service who will help to deal with the case. As already mentioned, instrumental relationships are based on transactions and this favour-performing is also reciprocal by nature. For example, if someone wins a case or is awarded a pension thanks to his/her friend's assistance the former will undertake to help the latter win, say, a construction tender by pressing his/her contacts in the construction world. Thus the symmetry of amity relationships takes shape in the light of reciprocated favours – in our case, the mediation of acquaintances with high-ranking people.

The term *friend* and the term *acquaintance* are often nearly synonymous, both from a semantic point of view and from the far more concrete one regarding expectations linked to their social roles. This linkage occurred in the long period of socialism and can still be found in post-socialist transition societies. In the Soviet Union and present-day Russia the term *blat* defines a specific type of instrumental relationship among friends and acquaintances to secure commodities (especially material ones) more easily in a shortage economy.<sup>18</sup> Consequently, *blat* implies the existence of a network of dyadic and polyadic social relationships based on transactional reciprocity, which is put to use to obtain what are regarded as vitally important personal benefits at the expense of the common good and public resources.<sup>19</sup> Being an *economy of favours*, especially during the Soviet era, *blat* was practically a universal system of informal networks, often in indirect competition among themselves, which enabled these coalitions of friends and acquaintances (which were sometimes only temporary) to appropriate material common goods, as well as symbolic State privileges via highly personalized channels. An interesting aspect is that every low trust society during socialism has experienced such phenomena. This is proven by the fact that terms identical or analogous to *blat* are found in almost every former communist bloc country (including China). Thus in Bulgaria and Serbia there is *vrážki* and *veze* respectively, the verb *znajomosći*

<sup>18</sup> A.V. Ledeneva, *Russia's Economy of Favours. Blat, Networking and Informal Favours* (1998).

<sup>19</sup> *Id.*, at 37.



and the noun *poznaństva* are used in Poland, while *guanxi* is the term used in China<sup>20</sup> to describe such friendship-based transactions. Finally, we ought to highlight the fact that money plays only a secondary role in *blat* relationships and thus this phenomenon, also widespread in the post-socialist transition, must be fully distinguished from corruption, in which, as we will see, the monetary aspect is very important.

## II. Patronage and Clientele System

A third type of interpersonal and dyadic relationship, which extends the ties of camaraderie and protection beyond the limited context of family and kinship into the public sphere, is unquestionably the relationship between patron and client. However, this alliance is not an exclusive feature of low trust societies. Actually, we can say that these relationships can easily be regarded as anthropological constants since practically no society lacks the patronage phenomenon. Even in those societies that presume to be outstanding for their widespread public trust, constitutional state and well-managed democracy, efficient bureaucracy and unceasingly active civil society, the relations between patron and client do not play solely a marginal role. If very little is known about this subject, it is not because there is no such phenomenon. Actually, the reason lies in the fact that such studies are deemed politically hot and, therefore, inappropriate. At the same time, there is a tendency among social science experts to take up theoretical models that, adhering to a subtly ethnocentric logic, are biased in favour of the institutional and formal aspects of politics and state organization. Hence such studies disregard informal aspects or features that do not conform to the perfect management ideal of one's society's political-administrative apparatus. Consequently, *patronage* is inaccurately regarded as a syndrome of underdeveloped societies and indicative of "moral inferiority", "social stagnation"<sup>21</sup> and "sociocultural backwardness."<sup>22</sup>

Nevertheless, we cannot deny that the institution of *patronage* and its related type of dyadic relationships take on an essential relevance in the planning and carrying out of action strategies within low trust societies, which, we firmly stress, are far from backward or stagnant from a sociocultural point of view. On the contrary, as we will see, low trust societies are collectivities with a complex centuries-old or even millenia of history that has moulded the social representations of distrust. Therefore, the latter may be regarded as a form of knowledge and probably of wisdom.

The relationship between patron and client, which represents the basic relationship on which all the various systems of patronage are grounded, can be defined as an interpersonal and dyadic tie regulated by rights and duties that are usually informally defined. However, this tie between patron and client gives

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<sup>20</sup> M. Benovska-Säbkova, *Politički prehod i vsekidnevna kultura* 165 *et seq.* (2001); E. Hertz, *The Trading Crowd. An Ethnography of the Shanghai Stock Market* (1998).

<sup>21</sup> Lepsius, *supra* note 9, at 321.

<sup>22</sup> Tullio-Altan, *supra* note 6, at 57 *et seq.*

rise to an asymmetrical/unbalanced type of reciprocal dependence, since the client depends more on the patron than vice versa. In other words, the client has more need for the patron than the other way around,<sup>23</sup> as the following excerpt exemplifies:

The patrons grant favours, protection and help in various circumstances, in return for small pieces of material assistance, services, loyalty, and political allegiance from the side of the client.<sup>24</sup>

As can be inferred by these definitions, the relationship between patron and client implies a marked social, political and economic inequality between the people involved. The patron has a higher social status, more power, and in some cases even better financial resources than his/her clients. Generally, in the patron/client relationship there is a class differentiation between the actors.

The institution of patronage, as an extension of solidarity and protection structures beyond the limited sphere of private trust embodied in family and kinship,<sup>25</sup> permeates all organizations and associations linked to wielding and controlling power in low trust societies. Consequently, with its implicit strategy of personalizing social relationships, the clientele system becomes the backbone of the management of the common good, which is privatized via extensive and multifold vertical links, featuring dyadic and often long-term ties between patrons and clients in crucial points.

By now, each low trust society is embedded in a modern bureaucratic order. Thus, there is a more or less centralized territorial State based on a standardized administration, (in principle) impartial and hierarchically structured. Moreover, regarding the strictly institutional aspect, the political system of many low trust societies, especially in the European context, is typical of a parliamentary democracy. Transactions between patrons and clients, in the shape of asymmetrical favours and counter-favours, are usually carried out in these contexts in which the administration of the common good is well known to be crucial. For example, we can point out that relationships between State power representatives (i.e. politicians and state officials) as well as managers of civil society organizations (e.g. NGOs, co-operative association, or trade union directors) and ordinary citizens do not comply with the principles of objectivity of common interest, as decreed by the abstract models of bureaucratic organization. Although in theory these relationships are not personalized, they invariably turn into ties of patronage, which, through the exchange of reciprocal advantages, pursue essentially narrowly defined interests. The tendency towards a clientelistic personalization of social relationships, therefore, automatically leads to partiality and bias. Whoever holds a public post of any kind will instrumentalize the structures and resources of the legislative, executive and judiciary power to aid specific people connected to his/her network. Thus, the accredited proper administration of the common good becomes less relevant.

<sup>23</sup> Mühlmann & Llaryora, *supra* note 16, at 3.

<sup>24</sup> V. Burkolter, *The Patronage System: Theoretical Remarks* 1 (1976).

<sup>25</sup> Mühlmann & Llaryora, *supra* note 16, at 6; L. Mair, *Clientship in East Africa*, 2 Cahiers d'Etudes Africaines 315-325 (1961).

Under this light, the institution of patronage represents the most appropriate way to satisfy the dictates of what we have termed *morale albertiana*, which emphasizes the pre-eminence of private over the public.

According to the political philosophy of Occidental societies, the impartial and impersonal administration of the common good is an inalienable guarantee against the arbitrary character of favour-granting. The personalization of political-bureaucratic structures and civil society's organizations, which are specific characteristics of clientelistic relationships, are in marked contrast with this school of thought in which the common good, administered in accord by State and citizens, is a value in itself. This explains why most experts, shaped by this tradition of the Occidental modernity, link clientelist practices to corruption, nepotism, and squandering of public resources. However, the perspective of the actors belonging to low trust societies is diametrically opposite, although clientelist relationships are concealed to the outside via a specific terminology that calls to mind the ties (non-stigmatized in official discourses) regarding family, kinship and friendship. In fact, terms like patron and client are not used in low trust society 'parlance'. Usually, terms such as friend, acquaintance or kin are used to keep patronage transactions away from general condemnation. For the actors themselves the relationships between patron and client represent the most efficient means to make the State's bureaucratic apparatus more transparent and less rigid. Paradoxically, the clientelistic system in low trust societies turns out to be a bridging mechanism between State and society that helps to make the citizen's relationship with the public administration less troublesome, as the case of Crete confirms.<sup>26</sup>

Although the people involved explicitly or implicitly in such transactions/alliances let on that certain practices linked to the institution of patronage are illegal, the tie between patron and client is far more than an essential aspect of low trust societies' social structure; above all, it is a cognitive method, i.e. a basic element of each individual's social knowledge, which he/she needs to navigate, both as client and as patron, in the treacherous tangle of hair-splitting juridical paragraphs and inefficient bureaucratic agencies. Consequently, in Mediterranean and postsocialist societies one would rather seek the help of a capable patron than apply directly to the appropriate public office that follows the unpredictable and intrinsically sluggish procedure of public service. This occurs even in the field of justice where the patron, as a mediator between the citizen and the judge, is more reliable than an attorney – with whom there is no personal tie and who tries to achieve the same outcome by using the mere instruments of law. In some countries, the preference for the help and protection offered to clients by the institution of patronage is such that the entire political-bureaucratic system is restructured in accordance with the rules in force in the transactions mentioned previously .

The clientelistic system in the Mediterranean area and Eastern Europe, is often interpreted as a legacy of archaic rural societies. Consequently, there is a mistaken assumption that such practices, looked upon as obsolete and socially

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<sup>26</sup> Vuidaskis, *supra* note 14, at 88.

harmful, will disappear or turn into a folkloristic curio thanks to modernization and democratization. The far-reaching social changes that have taken place in specific low trust societies in the Old Continent have certainly transformed their social fabric. Paradoxically, however, they have also brought about the clientelistic system's adaptation to the new situation. Ironically, we can observe that the classic institution of patronage updated itself, taking on more complex and certainly less archaic forms of organization. In Italy, especially in the Mezzogiorno, experts have witnessed the rise and development of a party-political clientelistic system or of a mass clientelistic system,<sup>27</sup> which in the end has replaced the old clientelistic system of the notables. In contrast to the clientelistic system of the notables, the new forms of patronage are based on obtaining large quantities of votes in exchange for favours through the shrewd control and instrumentalization of civil society's institutions, such as major co-operatives and other types of voluntary associations. Nowadays, after the reassessment of the political parties' relevance and the partial introduction of the majority system, the clientelistic system in Italy seems to be thriving as the new institutions introduced in the 1990s have further encouraged the personalization of relations between the professional politician and his/her electors. The case of Italy proves that the institution of patronage is far more flexible and durable than institutionalist approaches content with formal analysis and disregarding actual social practices.<sup>28</sup>

## E. Corruption Practices

*An Occidental observer will often associate low trust societies with the startling pervasiveness of corruption.* Firstly, we must point out that the term 'corruption' is characterized by a disconcerting polysemy and consequently a single definition from a sociological and anthropological viewpoint is difficult to find. At the first instance the concept of corruption brings to mind the idea of moral depravation and perversion. Therefore, being corrupt in this case means acting contrary to the universal principles of ethics. Now, this moralizing attitude seriously hinders the objective examination of such social behaviours. To eliminate this viewpoint, which simply condemns or censures corruption we ought to regard corruption as a system of social practices based on reciprocal transactions, voluntary and illegal (i.e. punishable by the State's justice), between two or more individual or collective actors.

Due to their similar net-like structures the clientelistic system and corruption are usually considered as identical phenomena. As we shall see, for social sciences this perspective is quite inaccurate and to some degree misleading. Yet,

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<sup>27</sup> L. Graziano (Ed.), *Clientelismo e mutamento politico* (1974); F. Belloni, M. Caciagli & L. Mattina, *The Mass Clientelism Party: The Christian Democratic Party in Catania and in Southern Italy*, 7 *European Journal of Political Research* 253-275 (1979); M. Morisi (Ed.), *Far politica in Sicilia. Deferenza, consenso e protesta* (1993).

<sup>28</sup> R. D. Putnam, *Making Democracy Work. Civic Traditions in Modern Italy* (1993).

we must point out that corrupt practices in low trust societies due to the voluntary aspect of transactions should not be confused with the various types of blackmail or with the violent and criminal forms of behaviour associated with Mafia organizations and extortion rackets. The term voluntary, however, should not be understood as an absolute. Corruption in many cases is not unaffected by pressure or other kinds of coercion. This is especially true in social systems where transactions of these kind are so widespread and thus normal that the actors have no other choice than to comply with the standards of the society they live in even though some of them would like to follow the lawful course of action. The scandal of *Tangentopoli* (Bribesville) in Italy in the early 1990s is a good example of this type of situation. In fact, several entrepreneurs caught in the cases of corruption brought to light by the *mani pulite* (clean hands) investigation team, declared at the hearings that they had had to pay *tangenti* (bribes) to the politicians in order to win very profitable public contracts for their companies. In other words, their allegation can be summarized as follows: given the generalized system of bribes, everyone had to conform to be able to work. Up front, this might appear like a defensive ploy. However, given the scandal's proportions, such a defense is definitely credible and most probably true, even though these grounds can hardly be extenuating circumstances, either legally or ethically.

Several experts express the opinion that corruption, as previously defined, involves only a serious and intentional lack of concern of one's duties as an actor in the public sector. Carefully analyzed, this close correlation between corruption and the public sphere appears to be too reductive. The definition by which corruption is merely the abuse of public office for private gain is hardly a marginal simplification as it restricts the display of such illicit behaviours to the public dimension, more specifically the political and bureaucratic ones. Instead, we cannot deny that corruption practices appear even in the private sector, for example within or between companies operating in a market economy. For example, the management of a chemical industry can secretly 'buy' the very innovative – and not yet made public – results of a research promoted by a rival business, by corrupting, i.e. by handsomely paying off under the counter some members of the latter's research centre. This example shows that corruption can very well be an economic affair not entailing the political-bureaucratic sector. Therefore, we can differentiate between public and political corruption on the one hand and the private and economic one on the other.<sup>29</sup> Obviously, this dichotomy is purely analytical, since de facto a clear-cut demarcation between the two forms in most cases is far less visible than we might suppose.

After these explanations, we can now attempt to define corruption from a sociological and anthropological point of view. Corruption is a reciprocal exchange of favours by which two or more persons, linked in an informal and temporary net-like coalition, obtain illicit benefits at the expense of other individuals, private groups, public collectivities and communities of citizens.

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<sup>29</sup> A. Heidenheimer, J. Arnold, M. Johnston & V. T. LeVine (Eds.), *Political Corruption. A Handbook* 6 *et seq.* (1989).

However, believing that corruption in the globalized modernity context is conceivable without the presence of the State, as some anthropologists do, would be misleading. In fact, corruption can be defined as such only within a legal system guaranteed by a single State or a transnational community of States that openly declare its illegality. After all, the rule of law would be inconceivable without the state's prerequisites that hold a monopoly over the use of force and whose task includes prosecuting corruption practices. Without the penal aspect defined by State laws, corruption would merely be another strategy to maximize profits. Though the State or its representatives might not be personally involved in corrupt practices the latter's penal characteristic requires the intervention of the judiciary. This fact is relevant not only juridically but also socioanthropologically. In fact, a State might tenaciously oppose corruption or, as in the case of low trust societies, it might be more lenient towards these phenomena for various reasons that we cannot delve into. Whether it likes it or not, the State has to confront corruption and then the politicians, public officials, corruptors and the corrupt are forced to interact within and among themselves, possibly only indirectly. These actors observe and control each other continuously, while the corrupter and the corrupted – in order to avoid being caught red-handed – need to determine and hinder the movements of State representatives in charge of opposing them. At the same time, police and justice, i.e. the State's conventional anticorruption instruments, are on the lookout to uncover and prosecute corruption practices.

Especially in low trust societies there is a paradoxical and necessary reciprocity between the State and its representatives and the actors directly involved in corruption relationships.<sup>30</sup> Therefore, State and corruption must not be regarded as two social forces in open conflict with each other. Instead, in line with Emile Durkheim's hypothesis concerning deviant behaviour, we can say that the State needs a certain amount of corruption in order to legitimize its role as a guarantor of legality in the public sphere. However, the actors involved in corruption usually justify their illicit conduct by highlighting the State's incompetence, unreliability, remoteness, and extraneousness.

From these general observations, we can establish the first significant difference between corruption and the clientelistic system. Though corruption practices, due to the intrinsic nature of the exchange, are criminally indictable illegal transactions, in most cases the relationship between patron and client, according to Occidental standards, includes behaviours that might be morally and politically reproachable but not admittedly illicit. The client who obtains votes by mobilizing his small network of relatives and friends via a widespread canvassing in exchange for certain favours from his/her patron is hardly infringing the criminal code. The difference between these two types of personalized transactions lies in the qualitative difference between the illegality of corruption and the non-legality of clientelist practices.

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<sup>30</sup> J. McC. Heyman & A. Smart, *States and Illegal Practices: an Overview*, in J. McC. Heyman (Ed.), *States and Illegal Practices* 11 *et seq.* (1999).

Secondly, corrupt practices in nearly all cases involve monetary issues. Through her data gathered in Russia, Alena Ledeneva has been able to prove that corruption affairs in this country always involve money, though the transaction between corrupter and corrupted does not necessarily have to be solely pecuniary.<sup>31</sup> Accordingly, in Italy terms like *tangente* or *mazzetta* (bribe), commonplace words by now, bring to mind substantial amounts of money circulating in these practices. For clarity's sake, we need to specify that in corruption, besides Ledeneva's pertinent analysis, the financial flow usually runs from the corrupter to the corrupt. This monetary aspect instead is an exception in clientelistic transactions where the exchange of favours covers a wider and less specific range and the favours' sociopolitical aspect definitely outweighs the economic one.

Thirdly, we ought to stress that in cases of corruption usually there is a single transaction, which in general is not repeated periodically as instead happens in clientelistic favours. Consequently, the latter take on far more incorporated aspects of reciprocity.

## F. Mafia Networks: Managing Protection in Low Trust Societies

A crucial question, especially for experts, concerns the persistence of the Mafia in Italy (mainly in Sicily, Calabria, and Apulia) and the spawning of similar, though not identical, phenomena in other countries, notably in the postsocialist transition ones. Thus, on the surface, the perseverance of Mafia structures, simplistically looked upon as archaic, seems puzzling and paradoxical. The difficulty in finding a plausible and acceptable reason for its continuity and the pervasiveness of specific Mafia *faire* and *savoir faire* can be ascribed firstly to the creation of ethnocentric myths and beliefs that bear upon the specialists themselves (police officials, magistrates, social sciences researchers, etc.). We will deal with two of these myths in particular: i.e. the *folkloristic* myth and the *bureaucratic* myth.

The folkloristic myth is based upon the representation of the Mafia as a secret society, closely resembling some old forms of Freemasonry, in which members seal their mutual solidarity through mysterious, sinister and often truculent and gruesome ceremonies and rituals.<sup>32</sup> A Mafia specificity that smacks of ethnographic curio is elaborated through the emphasis on dark and occult aspects. This folkloristic representation of the Mafia is probably the most ancient one and has characterized 19<sup>th</sup> century studies closely following its discovery. This was immediately after the formation of the Italian unitary State

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<sup>31</sup> Ledeneva, *supra* note 18, at 42.

<sup>32</sup> G. Alongi, *La mafia nei suoi fattori e nelle sue manifestazioni. Studio sulle classi pericolose della Sicilia 140 et seq.* (1887); A. Cutrera, *La mafia ed i mafiosi. Origine e manifestazioni. Studio di Sociologia Criminale 140 et seq.* (1900).

(1860), when the Piedmontese officials that landed in Sicily were confronted by unfamiliar associations whose purpose and rules of behaviour they could not comprehend.<sup>33</sup> Thus, the Mafia's folkloristic myth implicitly exposes the Italian State's bewilderment about a phenomenon whose structural traits and socio-psychological aspects are very hard to grasp, especially with a juridical and bureaucratic approach.

However, this myth helped build an artificial *Mafia otherness*, which afterwards would hardly surface in objective evidence. Despite the fact that the folkloristic representation of Mafia has suffered some loss of credibility, it still intrigues the common folk, the experts and those in charge of repressing the Mafia phenomenon. Under this aspect, the action brought against former Prime Minister Giulio Andreotti is emblematic. The prosecution had tried to prove the renowned Italian politician's affiliation to a Mafia organization, based on circumstantial evidence that mentioned an alleged ritual kiss exchanged with a powerful Mafia boss. It is common knowledge that Andreotti has been acquitted because the episode of the kiss could not be proven. However, the lack of evidence – in my opinion – was not so much due to lack of actual proof as to the senselessness of the incident, precisely because such a brotherhood and solidarity ritual refers to the typical paraphernalia of the Mafia's folkloristic representation. But an indication of the tenacity of the folkloristic myth is the fact that even the experts and worldly judiciary in Palermo, at the close of the 20<sup>th</sup> century, fell into the trap of a 19<sup>th</sup> century legend.

Generally, and rightly so, the Mafia has been viewed as a very efficient organization that can defy the State. This flaw of this viewpoint lies in having created a representation of Mafia in the likeness of bureaucratic institutions, deemed as holders of the administrative rationality. Therefore, the Mafia has been foreshadowed as a counter-state, i.e. as a mirror-like reproduction of the State itself. This is the crux of the bureaucratic myth. According to this perspective, the Mafia is a pyramid organization ruled by a strong centralism and a firm hierarchic order.<sup>34</sup> However such a representation of the Mafia, which originated mainly in public administration environments, is based upon an ethnocentric assumption, i.e. on the belief that an efficient organization has to be based upon institutions that are identical or at least similar to those of the State.

There are some important elements that we wish to outline and which further substantiate the bureaucratic myth's inconsistency.

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<sup>33</sup> W. E. Mühlmann, *Zur Sozialpsychologie der Mafia*, 21 (2) *Kölner Zeitschrift für Soziologie und Sozialpsychologie* 289-303 (1969); H. Hess, *Mafia. Zentrale Herrschaft und lokale Gegenmacht* 4 (1988); Ch. Giordano, *Die Betrogenen der Geschichte. Überlagerungsmentalität und Überlagerungsrationaltät in mediterranen Gesellschaften* (1992).

<sup>34</sup> G. Longo, *La nostra cara mafia*, III (4) *L'osservatore politico-lettererario* 48-62, at 51 (1957); R. Candida, *Questa mafia*, *Caltanissetta* 11 (1960); G. Fava, *I quattro cavalieri dell'Apocalisse mafiosa*, I I Sciliani 21-41, at 27 *et seq.* (1983).



- The Mafia would never have been able to infiltrate the state institution so efficiently, as it did in Italy and in post-socialism countries, if its bureaucratic structure had been as sluggish and unwieldy as the State's.
- The Mafia must operate via a far more flexible organization with leeway to elaborate action strategies that can foresee the state's actions and conceal illegal activities.
- If the Mafia actually were a close-knit bloc, the devastating conflicts that often turn into full-fledged wars (the so-called Mafia wars) would not flare up between the various factions.
- If the Mafia were truly in the likeness of the national bureaucratic State it would never have been able to turn into a global and transnational phenomenon so quickly as the most recent cases of ecology Mafia indicate.

Bearing in mind these points, especially the first, second and fourth one, we can reasonably argue that assuming the Mafia were organized like the State, the latter would have eradicated it or at least kept it in check more easily and maybe today it would merely be a bygone nightmare.

Ultimately, the bureaucratic myth has created a misleading and hardly realistic vision of the Mafia, which in turn for a long time made the fight against Mafia less effective. In fact, trying to prove in court that the defendants were members of an organization with state-like structures was nearly impossible. As known, a conspicuous number of rulings, aside from some trials held in the 1980s and 1990s, were acquittals for lack of evidence. After a relatively brief period of preventive detention, the mafiosi had to be released. From a sociological standing, this practice had a significant consequence since the rulings of acquittal (though only for lack of evidence) in Sicily were perceived as proof of the Mafia's true power, thus increasing its prestige and social status in the eyes of the people. Paradoxically, the bureaucratic myth in the end has strengthened the Mafia instead of weakening it.

Over the last ten years, the problem of Mafia structures has been reassessed due to the inconsistency of the two myths we have described. Yet, there is an awareness that the Mafia is a phenomenon featuring an amazing flexibility. One could almost make the challenge that the Mafia is always one step ahead of the State; i.e., it is able to modernize itself more quickly than the public structures. At this point, the rightful assumption is that the Mafia is neither a Freemason-like secret society nor a centralized organization, but rather a complex system of networks consisting essentially of interpersonal relations.<sup>35</sup> This does not imply that relations among mafiosi take place openly but that the rituals – if any – emphasized by the folkloristic myth represent a marginal reality and possibly a relic of the past.

Maintaining that bureaucratic-like organizational structures do not exist within the Mafia sphere would be unreasonable nowadays. However, one could claim they are not as pervasive as was believed in the past, though these structures are present in the shape of small formally established nuclei.<sup>36</sup> Thus,

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<sup>35</sup> Hess, *supra* note 33, at 119-133.

<sup>36</sup> L. Paoli, *Fratelli di Mafia*. Casa Nostra e 'Ndrangheta (2000).

we can take up the well-grounded hypothesis that one of these formally structured Mafia cores (for example, a *famiglia* or *cosca* with clear-cut roles, hierarchies and contract relationships among its members) is integrated in an extensive network system of informal and hardly permanent relations with unskilled criminals, with occasional or regular clients and, above all, with powerful politicians and distinguished entrepreneurs. In turn, the various nuclei join forces temporarily, forming more or less lasting yet rarely enduring alliances. The power of Mafia networks, which by virtue of their inherent flexibility and imperceptibility can easily avoid being ensnared by the law, lies in the markedly informal aspect of social relationships with the world beyond the nucleus. In fact, the law's action, based on its formal instruments, reveals critical shortcomings when it tries to identify and bring to justice undercover structures in general and Mafia ones in particular.

In order to explain the persistence and diffusion of the Mafia phenomenon we must start from the fact that in a given society there is no reciprocal relationship of trust between citizen and State. Obviously enough, in this case most of the community of citizens would rather join informal and highly personalized protection networks. However, this is also the fertile ground in which Mafia networks flourish because the term Mafia does not only stand for transnational organized crime. As regards to local society, above all Mafia stands for the management of public distrust through the industry of private protection, as sociologists Diego Gambetta and Federico Varese aptly highlighted in their respective work on Sicily and Russia.<sup>37</sup>

This formula indicates that in an environment of widespread distrust in the public sphere Mafia networks are organizations that can guarantee the proper running of public transactions among private individuals, either groups or single individuals. In such cases large sections of the economy have no intention to associate directly with the market but rather rely on Mafia control. Finally, we need to stress that the industry of private protection is not based solely on wholesale violence. Although violence is an essential characteristic of Mafia behaviour, it should actually be regarded as an *ultima ratio* i.e. used only in case of serious and repeated violation of agreed terms.

Mafia networks therefore, as an industry of private protection, arise and develop in societies in which the State has lost or has never been able to obtain the citizen's trust. This is the case both in Italy, where the acknowledgement of the State has always been shaky and in postsocialist countries where the downfall of communism has simply revealed a centuries-old deep crisis of the legitimacy of what the actors themselves perceive as the public sphere. The lack of trustworthy structures within the public sphere in the end drives the citizens to turn to protection networks (mainly Mafia-like) which, in turn, tend to appropriate the State or even take its place. Therefore, in low trust societies with a predominant private protection industry we cannot expect the Mafia to disappear just because of the enterprise of a few brave and worthy magistrates

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<sup>37</sup> D. Gambetta, *The Sicilian Mafia. The Business of Private Protection* (1993); F. Varese, *The Russian Mafia. Private Protection in a New Market Economy* (2001).

alone (such as Falcone and Borsellino in Sicily). Until public trust is established or re-established, the private protection industry will still flourish and Mafia networks will still be able to flaunt their present aura of immortality for a long time.

## **G. The Divide between State and Citizens in *Low Trust Societies***

As mentioned at the beginning of this article, social representations based on the opposition between ‘public’ and ‘private’, as well as their consequent action strategies based on instrumental relationships of kinship, friendship and clientelism (as well as on corruption practices and Mafia networks) aim at privatizing the public sphere by personalizing social relationships. These ways of imagining and building sociability, however, highlight the existence of a deep divide between citizens and the State which is most widespread in low trust societies. To understand the social logic underlying this separation between State and society we need to delve into the way citizens imagine and manage relationships with the state.

As indicated in the opening chapters, there is an everyday political philosophy by which the State is a mere instrument used by politicians, better yet by a corrupt political class, to reach their own personal aims without considering the ordinary people’s needs. This belief is expressed for example in the following sayings, quite popular in Italy particularly in the Southern part of the country:

The behind makes use of toilet paper just like power makes use of people  
If elections served a purpose, by now they would have been repealed.

At any rate, members of low trust societies are hardly inclined to believe in Montesquieu’s theory concerning the division of power. The three powers of the state, i.e. legislative, executive, and judiciary, are not separate institutions, which, by way of specific forms of reciprocal control, prevent arbitrariness and abuse of power and guarantee rights concerning citizenship and the proper administration of the common good. Parliament, government, and the law, i.e. the three pillars of every modern State, represent a specific form of power whose characteristic is to be “weak with the powerful and powerful with the weak.”

This anti-state attitude, however, cannot be wholly ascribed to an irrational aversion or to an indefinite frame of mind, since these representations actually embody a differentiated system of negative symbols and roles. There are three sets of negative symbols or roles that prove this point:

- Historical documents and ethnographical sources, as well as the field experiences of anthropologists and sociologists, stress the dreadful reputation of local government representatives and local public officials. The aversion towards the state in low trust societies above all implies a dislike of

local authorities. At a local level, the police represents the most deeply hated category of civil servants. For instance, the *guardia civil* in Spain, the *carabinieri* in Italy, and the *policija* (under socialism called *milicija*) in Bulgaria and in Russia are living symbols of the state and government seen as a distant and foreign mechanism of oppression. Feelings of contempt, distrust and deep disdain lead to the segregation and isolation of the police from the common man. The dislike of local authorities, therefore, implies their systematic marginalization by the population. State inquiries, reports of the police and anthropological studies confirm this state of affairs. The most impressive documents in this sense are the observations in the daily journal left by Carlo Alberto Dalla Chiesa, former general of the *carabinieri* and *Anti-Mafia* prefect shortly before his assassination in 1982, as well as the comments of Rocco Chinnici, who was in charge of this investigation. Both speak of the “loneliness of the civil servant” which appears to them as “proof of a deep distrust vis-à-vis the state’s power.”<sup>38</sup>

In years to come, many more police functionaries and righteous magistrates, especially those fighting the Mafia in Sicily in the 1990s, would confirm this feeling of loneliness and isolation of the local public authorities.

- The second basic set of negative symbols in low trust societies is represented by the judicial system. In most low trust societies citizens have established an extremely precarious relationship with justice. The deep distrust, the refusal, and the aversion towards State justice, is mainly a consequence of the idea that any verdict is intrinsically corrupt and, therefore, unjust. The members of low trust societies believe that there is always a gulf between the principle of justice, which gives everybody the same rights, and practical jurisdiction, which is always manipulated by the powerful. State justice in the sense of a judicial fiction is perceived as a diabolic force that must be neutralized via practices outside the legal system. The *judge* that wants the citizens to acknowledge him as just must act like an *avenger* who, emulating the 19<sup>th</sup> century social bandits of Mediterranean and Balkan Europe, plays the role of redresser, righting the wrongs suffered by the weak. Intentionally or not, this strategy has been used by the so-called *mani pulite* investigation team during the trials linked to the *tangentopoli* scandal. This clever show was the main reason underlying the success and widespread renown of Antonio Di Pietro, the most popular magistrate of the Milan investigation team, who brilliantly enacted the role of fearless blameless avenger. The charisma of this courthouse *Zorro* vanished in a haze, *sic transit gloria mundi*, the moment he went into politics, proving once more that in low trust societies a politician is regarded solely as a political wheeler-dealer pursuing only his own and his clients’ personal gains.<sup>39</sup>

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<sup>38</sup> La Repubblica, 1 October 1983.

<sup>39</sup> Ch. Giordano, *Regionalizing Identities. Ethnicity in Italy between Crisis and Loyalty to Tradition*, 29 (2) *Etnologia Europea* 117-132, at 121 (1999).

- The third set of negative symbols and roles that is linked with the government and the administration is that of central power. This historically deep-rooted bad reputation appears to have been further reinforced in the Mediterranean area and in Central East Europe (including the Balkans) with the formation of the national States, the introduction of compulsory military service and new practices concerning fiscal policy. Thus, chiefly in the opinion of the rural lower classes, the basic activity of government and bureaucracy is to cash in their earnings and savings as well as their childrens' with no scruples whatsoever. It should be kept in mind that during the 19<sup>th</sup> century the traditional banditry, as an anti-state resistance strategy (as the examples of Southern Spain *bandoleros* and the Italian *Mezzogiorno brigant* clearly show) used to recruit members among military service deserters and poor peasants ruined by the newly introduced fiscal systems. Today, the state fiscal system is still considered solely as an instrument aimed at enriching parasitic civil servants and politicians. This is one of the main reasons why the government and the bureaucracy in low trust societies as are seen as leeches of the people and are regarded more as a *kleptocracy*. Treating the central government and administration as a *kleptocracy* is not only characteristic of the lower classes' collective representations but also part of the educated strata's cultural traditions. It is significant that in Italy, a fine southern intellectual as Guido Dorso and a deliberately crude politician from the north as Umberto Bossi (though fifty years apart) have both chosen the term *kleptocracy*<sup>40</sup> to describe their feelings for the government administration of Italy. From two opposite yet paradoxically analogous standings, they have both publicly expressed their dissent and distrust towards the unitary State, further discredited by Bossi with the colorful metaphor *Roma ladrona* (Rome the robber).<sup>41</sup>

To explain this divide between State and citizens in low trust societies in sociological terms, we will resort to Max Weber's views concerning legality and legitimacy concepts.<sup>42</sup> In his famous analysis of the various forms of legitimate power Weber speaks essentially of three types: charismatic, traditional and legal. Legal power in order to be legitimate must be based on the society's acknowledgement of the validity of a system of rules correctly administrated by a team of politicians and bureaucrats.<sup>43</sup> While the former are elected by the citizens, the latter are appointed according to their specific qualifications. Weber saw the legal domination, based on the rule of law, as the most modern and most rational of the different forms of legitimate power. He could hardly imagine, probably because of his training as lawyer, the actual occurrence of conflict between legality and legitimacy. But despite Weber's firm ideas this fracture between legality and legitimacy is in fact much more widespread than one would believe and firmly characterizes low trust societies,

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<sup>40</sup> Giordano, *supra* note 33, at 415.

<sup>41</sup> Giordano, *supra* note 39, at 126 *et seq.*

<sup>42</sup> Weber, *supra* note 1, Vol.1, at 122-176.

<sup>43</sup> *Id.*, at 122 *et seq.*

especially those of peripheral Europe in the eastern and southern areas of the Old Continent. Here two overlapping systems of rules, norms, and institutions in direct competition with each other can be observed.

On the one hand there are State laws and regulations governed, as already mentioned, by an appropriate political and administrative apparatus, which at best in low trust societies can actually count only on a precarious recognition of both itself and the rules which it controls. On the other hand there are one or more social codes whose norms and institutions are considered legitimate by the communities and actors involved though, quite frequently, they lie on the outside of the norms of legality. The following scheme outlines the contraposition between legality and legitimacy:

<b>Judicial norms and dispositions</b>	<b>Social norms and institutions</b>
<i>Legal</i>	<i>Partially Illegal</i>
<i>Non-Legitimate</i>	<i>Legitimate</i>

This outline of the fissure between legality and legitimacy illustrates that citizens of low trust societies do not develop a sense of attachment, once again rephrasing a Weberian formula, to the State they belong to – let alone any of its institutions.<sup>44</sup> This attitude questions an essential point of the State's legal power, i.e. its monopoly on physical violence;<sup>45</sup> in other words, its exclusive rights to inflict punishment on offenders such as, restricting movement by forcing the condemned to prison. This representation of the legal State's continual abuse of power is the main rationale in low trust societies to (partially) legitimize illegal social practices such as those connected with clientele system, corruption, and Mafia.

## **H. Conclusion: Distrust as a Legacy**

In this part of the article we will reconstruct the 'meaning', i.e. the plausible reasons underlying the existence and persistence of the previously examined collective representations and action strategies. However, any attempt to interpret the lack of trust in the public sphere and the resulting mistrust towards the State and civil society organizations from a *culturalist* perspective would be a serious mistake. Ascribing these attitudes and behaviours to an alleged Balkan and Mediterranean asociality or to a fatalism of the Slavic soul, as some authors have done, would be misleading. The point at issue instead is whether the deep

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<sup>44</sup> *Id.*, Vol.1, at 122.

<sup>45</sup> *Id.*, Vol.2, at 832.

divide between *pays légal* and *pays réel* could be the outcome of a specific historical conscience that evolved in low trust societies.

Not being an historian, the anthropologist will reconstruct past events and will also try to uncover the extent of the collective memory, i.e. how the past is handed down, reinterpreted, reviewed, recast and in many cases distorted or even expunged. Therefore, he/she needs to study how a collectivity's past affects its members' present. The anthropologist who tries to reconstruct the logic and thus the social production of specific phenomena met in field research cannot avoid taking into account, history and its presence and efficiency.<sup>46</sup> History – and the past in general – represent a vast space of experience, which the actors draw upon to find their way about in the present and to plan their future.<sup>47</sup>

According to this interpretative outline we can reasonably assert that the social representations and action strategies found in low trust societies are the outcome of the prolonged failure of the State and civil society organizations and their respective institutions, to fulfill specific basic duties, i.e. fostering the development of what I have called the *social spaces of public trust*. Since the State and the public sphere in general ensure neither reliability nor security, the common citizen feels justified in using methods that neutralize the dangers they feel threatened by. The accepted dictum is “if the State has been cheating its citizens for so long, I have the right to pay it back in its own currency.”

The latter observation points out that the historical aspect should never be underestimated and that the lack of public trust must be examined through the *longue durée* perspective. The social production of public distrust is thus rooted in past negative experiences that are reconfirmed by current similar new experiences on the one hand, and reactivated by a group's collective memory mechanisms on the other. In such cases, history cannot be observed as a sequence of objective facts as it should be regarded but as something that is internalized and mobilized when needed. Consequently, the past is a social and cognitive capital needed to find one's way about in the present which thus becomes a key element of the actors' own “horizon of expectations.”<sup>48</sup>

However, provided this hypothesis is correct, we need to ask ourselves if the lack of public trust in the end is the outcome of a specific approach to the past corroborated by actual historic events deemed as negative experiences with the public sphere, its institutions and especially with the State and its powers. Finally, we can rhetorically wonder why, in the past and now, members of the societies we have dealt with in this article should trust the State and its representatives as well as civil society institutions when they have had to constantly face:

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<sup>46</sup> P. Ricoeur, *Temps et récit*, Vol. 3, at 314 (1985); A. Schaff, *Die Präsenz der Geschichte*, 43 SSIP-Bulletin 122-131 (1976).

<sup>47</sup> R. Koselleck, *Vergangene Zukunft. Zur Semantik geschichtlicher Zeiten* (1979).

<sup>48</sup> *Id.*, at 349 *et seq.*

- *distant* and *alien* ruling classes succeeding each other over long periods of time that have invariably spoiled the country, treating it like a vanquished territory (Italy and Southern Spain, colonized countries)
- the secular domination of empires with a feudal-patrimonialistic structure such as the Ottoman empire (the Balkans, the Middle East) and the Czarist empire (Russia, Ukraine, Central Asia)
- the presence for more or less long periods of time during the 20<sup>th</sup> century of authoritarian regimes (military as well) (Hungary, Poland, Greece), royal dictatorships (Yugoslavia, Albania, Rumania, Bulgaria), fascist totalitarianisms (Italy, Spain, Portugal, Croatia, Slovakia) and communist totalitarianisms (all of Central and Eastern Europe)
- parliamentary cliques of notables, oligarchs, politicians, bureaucrats and many other types of elite groups that have systematically favoured and still favour only their own personal interests along with those of their relatives, friends, and clients

In view of such negative historic experiences, which we have only roughly outlined above, it would be naive and ethnocentric to think that in the near future low trust society members could identify with Occidental models based on trust and thus shed their social capital, i.e. their social representations and well-tested action strategies.

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