

States and Illegal Practices

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Russian Protection Rackets and the Appropriation of Law and Order

Caroline Humphrey

In Russia, perhaps more than in other countries, people who engage in activities defined by the state as illegal do not necessarily define themselves as criminals. Stalin's harsh legal policies, which defined actions such as tardiness at work, aiding abortions, or accidental loss of secret documents as crimes (Solomon 1996), reinforced the long-standing Russian attitude that divorced community from state notions of law (*zakon*). On the other hand, there were people who joined self-defined bandit gangs. These groups existed, and still exist, both in prisons and camps and in ordinary 'free' life, not accused of any crime. In this chapter I shall attempt an anthropological study of the political-economic logic obtaining in these groups, in particular their discourse and practice of their own 'law' (*zakon*) and the emergence of the protection racket (*reket*) as their central activity.¹

It will be shown that practices of 'law' within the bandit bands differed significantly from those employed by the Soviet state in the Stalinist period, thus producing a social understanding that there were two worlds. Increasingly, from the 'period of stagnation' of the 1970s to the mid-1980s onwards, the mainstay of the politico-economic practice of the gangs came to be racketeering. What is the protection racket? In simple terms, it is the extortion of regularly paid dues from enterprises in return for 'protection' controlled by a person or group known in Russian slang as the roof (*krysha*). The racket, it will be suggested, was a practice that bridged the two worlds of the criminal gangs and public life. In the current post-Soviet period racketeering has burst the boundaries of the criminal groups, with a variety of 'roofs' found among the police, politicians and private security firms, as well as among the traditional criminal bosses. This is not a situation arising merely by function, but is driven by post-Soviet *anomie* and cultural attitudes to the state. The practices of the racket are dynamic and unstable. They are at once expansive and implosive. At the same time, volatile violence from young street bandits, called 'thawed-

outs' in Russian slang, attacks the racket structures but also serves to reproduce them. As with the rackets themselves, the actions here can be seen as the product of particular kinds of persons constructed by the post-Soviet social-cultural environment.

From a theoretical point of view the Russian case is interesting in regard to several questions raised by Smart (1988: 91). In particular, Smart asks how illegal economic activities persist in a situation of regulatory vacuum, that is, without state support for property ownership and the sanctity of contracts. What substitutes for the state? Varese (1994) addresses these questions as regards contemporary Russia. He argues that the post-Soviet spread of property has not been matched by clear property rights legislation, and that the state authorities are ill-equipped to enforce what rules do exist. This situation reduces trust in the state and fosters a demand for protection. Although in principle such a demand might not find a supply, in the Russian case there is a ready flow of individuals trained in the use of arms and without other employment, such as disbanded army soldiers, and former police and KGB officers. This is an argument based on the 'rational choice' of the users of protection and it suggests that protection rackets only emerged after *perestroika* when such a need was established.

Now there is another version of rational choice theory which moves from an economic argument to a more political one. Volkov (1998) argues that if the key to state-formation is the monopolistic control over organized violence and taxation, then the degree of disintegration of the state correlates with the extent to which it relinquishes control over these two monopolies. In Russia, non-state enforcers of rules (such as rackets and mafias) have to a considerable extent displaced the state in the process of post-communist transformation because they have been doing a better job than the state in reducing the transaction costs of exchange and production. Pejovich (1997) suggests that the arbitrary nature of the Russian state is an important reason for its inefficiency: it promotes policies for its own purposes that do not accord with the informal, endogenous heritage of popular rules; such policies are difficult to enforce, and this raises their transaction costs. Non-governmental rule enforcers, on the other hand, are more efficient than the state because they are less arbitrary, closer to ordinary peoples' lives, and, significantly, have incentives (their own profit) to relate the costs of their own activities to the benefits of those to whom the rules are related. Agreeing with this view, Volkov writes that the result is what he calls the 'diffusion' of Russian state functions, including taxation (which people now often chose to pay to the mafias) and rule enforcement. By the late 1990s, the struggle for the control of

violence has been largely settled into dispersed spheres of power. Although in principle the state might regain full control, the radical outcome may well be that while the state continues to display its integrity on the international scene and still manages to maintain its symbolic façade, it ceases to dominate in terms of its key domestic functions: protection, taxation, and rule enforcement. Instead, a number of actors will perform these functions, the state being only one of them.

These are valuable contributions with which this chapter concurs; but here I would like to take a slightly different tack. The protection racket is found throughout the world and may well best be seen as an activity with its own independent and systemic characteristics, not a cultural category emerging in each case from a combination of local features. However, to see the problem as only a functional one (the securing of contract and property rights, rule enforcement, etc.) is to neglect the specifically Russian history of criminal culture/society. In other words, it is possible analytically to distinguish the structure of the racket from the values, symbolism and legitimacy attributed to it and from the social production of the kinds of persons who engage in it. Thus rather than seeing racketeers only as agents who happen to have appeared on the scene, this chapter examines the historical dynamic of a criminal culture that has its own momentum and attracts certain people to take part in it. The protection business today includes people from many backgrounds, including the army and the police; but there is evidence that they too are drawn into the ways of thinking, the language and the practices of the gangs that form its backbone.²

This culture is the subject of the most diverse imaginings among ordinary people and has given rise to popular genres of thriller (see for example, Berkutov 1996; Koretskii 1996) and cinema, as well as massive newspaper coverage. Clearly we should not confuse what Verdery (1996: 219) calls 'the conceptual mafia' with the 'real thing'. Analysis of the agendas lying behind representations of the Russian mafia would have to be the subject of a different chapter (cf. Pilkington 1994; Ries 1998); and here, acknowledging the diversity of opinions, I have attempted to use a variety of sources to support an argument. This is that the rackets are not only private suppliers of protection, nor simply *ad hoc* usurpers of state functions, but culturally distinctive groupings that use what we might call techniques of predation and patronage evolved from historically earlier Soviet contexts.

When he was asked recently how Russian organized crime differs from other foreign mafias, Konstantinov, Russia's most experienced crime journalist, replied, 'It differs by its strong historical traditions, whose roots

go back to the 17th century, by its ideologised character, and further by its intellect and quick-wittedness.¹³ Konstantinov's view of Russian mafias as historically specific, fluid and changing groups that have recently integrated remarkably fast and thoroughly with state structures is similar to Rawlinson's (1997). Both authors point out how racketeering pre-dates *perestroika* and commercialization, while Shelley (1997) draws a parallel between the structures of control of contemporary organized crime and those of the Soviet state. Here I attempt to draw these threads together, focusing in particular on the equivocal legitimacy and dynamics of bandit traditions in the wider context of law in Russia.

That I am not simply making up this idea that we are faced here with different criminal traditions and not just functional solutions to transactional problems can be seen from the following newspaper report. On 11 July 1996 seven people sitting in a cafe in Irkutsk were shot and four of them killed. This was a gangland 'sorting-out' (*razborka*). I quote the report at some length, since it introduces a series of categories to be discussed further.

The war between these groups started in Spring 1995, when two 'thieves in the law' from Irkutsk were 'crowned' in Moscow. According to police information, one of the main reasons for the coronation of the criminal leaders from Irkutsk was to strengthen the position of the Japonchiks grouping, which was trying to counteract the growing influence of the Georgian criminal clan. The losses in this war were born by only one side: Soloma ('Straw'), Paata and Bakurin, all Georgian 'thieves in the law', were shot.

In the opinion of officials of the Ulan-Ude UOP,¹⁴ the war between the two criminal groupings should not be seen as a conflict along ethnic grounds, since criminal society in general has an international character. The Georgian group includes people of various nationalities, Georgians, Russians, Buryats and Jews. It is two different criminal concepts that are in conflict here, varying perspectives on criminal traditions, and different attitudes to business.

Thus, for example, the Irkutsk 'thief in the law' called Tyurik is the owner of a large packet of shares in the Bratsk aluminium factory and he lives in Spain. On the other hand, the Georgian criminal leaders try not to have close contacts with business and they propound a 'purer' thieffy ideal ('Razborki' 1996).

The Thieves' 'Law'

The internal 'law' of Soviet criminals seems to have been based on much earlier peasant and bandit conventions (Chalidze 1977: 8–9; Rawlinson 1997: 33), a subject which unfortunately cannot be pursued further here.

However, the specific institution of *Vory v Zakone* (literally 'thieves-within-the-law') is known from the late 1920s (Handelman 1994: 26) or early 1930s (Rawlinson 1997: 37; Konstantinov 1996: 85). The situation calls into question several of the dominant stereotypes about the relation between the state and illegal networks. Commonly it is assumed that the state is identified with the law, and illegal networks consist of those people who are beyond either the state or the law. However, such a picture rests on assumptions about the nature of 'the state', as if such a body is to be defined solely within the Western tradition.

In the revolutionary Russia of the 1920s, however, there were two ideological tendencies with regard to the state that reveal its radical difference from Western models. To simplify drastically, these can be noted as follows. First, there was an influential concept of the state whereby it was not conceived as a bounded entity within society, but as ideally coextensive with the whole of the people (*narod*). Although the state in the narrow sense of the organs of government was to be ruled by the dictatorship of the proletariat, nevertheless the concept of the revolutionary state was that it should be inclusive, excluding only the 'enemies of the people', a political rather than a criminal category. In other words, what we are here calling 'illegal networks' were conceived initially not as outside, but as inside the purview of the state. Early revolutionaries borrowed ideas and practices from bandits (folk Russian views of brigands as liberators, traditions of secrecy and nicknames, etc.) and the revolutionary practice of expropriation was recognized at the time to be a version of banditry seen in the rosy light of taking from the rich to give to the poor (Chalidze 1977: 20–3; Rawlinson 1997: 37).⁵

Second, and more remarkable, is the tendency of the Bolsheviks to reject the whole idea of law. Law (*zakon*), in the sense of universally applicable rules and regulations, was seen as a bourgeois invention, devised to protect the alien institution of property rights, and it had no place in socialist society. Instead, misdemeanours were to be judged by tribunals and people's courts in which there would be no professional legal officials but rather judgements according to revolutionary consciousness (Solomon 1996: 21–4).

In fact, private property was never entirely abolished and Lenin almost immediately realised that law was needed in order to accomplish the functions of the new Soviet state. Nevertheless, at the beginning of the 1920s there was fierce debate about the need for a code defining specific crimes and punishments – law, like the state, was destined to atrophy, so why not start getting rid of it now? – and anti-law voices were heard even well into the 1930s (Solomon 1996: 186). We now know that

neither the state itself nor the state's law would wither away in the Soviet Union; indeed, to the contrary. But it must be significant that at more or less the same time that the new Soviet rulers were questioning the value of law and setting up their brutal revolutionary variant, at the start of the 1920s, the criminals were systematizing their own conventions and rules, and that they did this in the idiom of 'law'. The links between the Party and the bandits barely survived the revolution. The bandits' 'law' came to be utterly and strictly hostile to the state.⁶ Yet it had a solid internal legitimacy. It was an unwritten law that emerged from inside the society of its own subjects.

The bandits' law applied within the *vorovskoi mir* (the thieves' world),⁷ and it is apparent that the term we have been using, 'illegal networks', is not a good description of the organization of this society. Conceived as a separate 'world', its parts also were distinct groups rather than networks. Chalidze's term, *artel*, highlights the importance given to the idea of the collective (1977: 46–7). The bandits themselves came to use the term *bratva* (fraternity). The relations between such base-line groups might be conflictual or alternatively might constitute a patrimonial hierarchy, but in neither case does the idea of a network seem apt.

The criminal *artel* or fraternity had an egalitarian ethos, and it was headed by a chief who was chosen by peers for his leadership qualities. The senior among these achieved the status of *vor v zakone* (thief in the law) and they were crowned (*koronovat*) at a ritual attended by a large gathering. At least two recommendations were required from other thieves in the law (Handelman 1994: 29). The basic group consisted essentially of the chief's followers, who had sworn to obey 'the law' (*zakon*). Each member had a nickname that superseded his civil name. In other words, a man acquired a new identity on entering and a new way of life. Even today, gangsters meeting one another for the first time ask, 'Are you a *zakonnik*?', are you someone who is subject to the law? These days a common term for the thieves' law is *ponyatiye* (understandings). The idea is that these will govern a person's life, so bandits talk about 'living according to the understandings' (*zhit' po ponyatiem*), and they contrast this with the lives of other criminals, who do not live according to the understandings.

One of the most important of the laws was the injunction not to compromise with the state or the Party. It was forbidden to work for any state organization, to serve in the army, or to have a *propiska* (registration document), and even having worn a Pioneer scarf or a badge of Lenin as a child was enough to disqualify a man from reaching the highest rank and becoming a Thief in the Law. Attachments to the ordinary world in

general were not allowed. A thief therefore should not marry. In this highly gendered world, liaisons with women from inside the Thieves' World were common, and women could be members of the bands, but they were held in low esteem and usually badly treated. Forcing a man to take the 'female' role in homosexual acts was an established punishment, or downgrading of status, in the camps. Someone who it was discovered had compromised with the state authorities was punished violently and called a bitch (*suka*).

In general, this was a world that combined in a peculiarly Russian way the egalitarian notion of community (*obshchina*) with a highly authoritarian practice in which the younger *vory* (thieves) had to be subordinate to the older men for years, until they gained their own power. It was expected and virtually required that a thief should be sentenced several times. The 'zone' was a hardening experience, and a well-shouldered sentence was one way to acquire authority. During their time in jail and camps, men accumulated elaborate tattoos that were allegorical signs of their status, hopes, and memories (Baldaev 1989). The tattoos were also proofs of the necessary toughening experience. Thus, when a *vor v zakone* was interviewing his potential successor he might ask him to undress to reveal visual evidence of his suitability for the post (Koretskii 1996: 179).

From the economic point of view, the central institution of the fraternity was the common treasury (*obshchak*). Note the linguistic link with *obshchina*, community. By 'law', the gains from theft, etc. were to be put into the *obshchak*, which was managed by the leader of the gang. The *obshchak* was used to give pensions to widows and families of members, support those in the camps, and set up funds to be used on their release. The members of the fraternity, including the leader, were paid enough to live on from the common treasury, and the *vory v zakone* in particular were expected to lead sober lives, almost like those of bureaucrats, maintaining order, judging violators of the code and administering the *obshchak* (Handelman 1994: 26). They might order a robbery, but privately they had to be examples to the rest, incorruptible, disinterested, and without desire for personal wealth. Likewise, the rank and file thieves could cheat any lay person, but they had to be honest with one another. There were many other quirky rules in the 'law', and these probably varied from place to place, but the main idea was clear. As a contemporary Russian writer has put it, using thieves' jargon which I hope readers are already beginning to understand: 'According to the understandings (*po ponyatiyam*), if you pay (undo, *otstegivat'*) money into the *obshchak* and you are not stuck with any bad deeds that sully your honest name, then you are a "person"'"⁸ (Berkutov 1996: 141).

The War of the Bitches

I have relatively little information about criminal fraternities in the 1920s and 1930s, and so must fast forward to the period just after the Second World War when the Bitches' War took place inside the camps. This episode is quite well known from the literature (Handelman 1994: 30–1; Rawlinson 1997: 41), so I will mention it only briefly here. The War of the Bitches was a turning-point in the relation between the Thieves' World and the state. After the German invasion of Russia thousands of prisoners answered the call to join the army or munitions factories. Patriotism outweighed the rule against association with the state. The *vory v zakone* were aghast and angered, and when these soldiers returned from the war they were not forgiven. As soon as they found themselves again behind bars, they were set upon as 'bitches' (scabs). Handelman (1994: 30–1) reports that during the 1950s hundreds, perhaps thousands, of convicts were beaten or killed in a battle that engulfed the entire Gulag. The 'bitches' who lived long enough to leave the camps cut off their links with the old crime chiefs. Having violated one part of the law, they had little compunction about abandoning the rest of it, especially the prohibitions against going into business and the personal accumulation of wealth. The scene was now set for a close association between the *suchenniye* ('bitchified') groups and state officials and production managers.

This episode shows that for many criminals the thieves' 'law' was not a supreme value, and there were differences of opinion within the thieves' world. Kabo (1993:60) for example, describes how when he was in the camps in the 1950s a period of chaotic violence when the 'bitches' were in power was succeeded by a time of order with the advent of a group of *vory v zakone*. The leaders of the 'bitches' were knifed to death and the next day, Kabo writes, 'the reign of law had dawned. The thieves established a strict and – according to their conceptual system – just order in the zone.' Samoilov (1993: 36), on the other hand, writing of his time in the camps in the 1980s, saw the thieves' law as imposed:

The *vory* are the enforcers of the 'thieves' law' – that is, the criminal morality that they inculcate and impose on everybody. In that morality, it is not labour but rather thievery, robbery, and pillage that are matters of honour and valour; every murder is a heroic act, drunkenness and debauchery are the supreme pleasures, and a real *kaif* (high) is the subject of fond reminiscences, boasting and envy.

Although it is evident that for Samoilov and many other prisoners the thieves' law was despicable and contrary to general social values,

nevertheless he describes it as a morality and indicates that it included a primitive notion of universal justice. For instance, *vory* had the privilege of taking away any packages belonging to lower-status prisoners, except for the bread ration, which was the blood-sustaining *polozhniak* (vital substance) and could not be taken. Any violation of this rule was instantly punished (Samoilov 1993: 36). In this particular aspect, the faint gleam of the notion of justice for all, the thieves' law differed from the principle of the Soviet state law.

The Law of the Soviet State

While it is of course impossible to treat this subject in any depth here, one aspect of Soviet law is particularly relevant to our topic: its instrumentality. Soviet law arose after the revolution as a means of government, in particular for the regulation of the economy. The law explicitly applied differently to different classes of people (Solomon 1996: 33). Although the idea of a separate criminal law was established in the 1920s, largely in order to regulate the New Economic Policy, the law as it developed under Stalin was 'distorted' in several ways according to Solomon (1996: 404) – presumably he is referring to distortions of the law considered as a set of procedures implementing justice. Solomon is not here referring to the Terror, and he argues convincingly that Stalin used two distinct forms, terror and the law, as means of rule. However, even within the sphere of criminal law, instrumentality was primary, tempered only faintly by the scruples of officials administering it.

Soviet law was developed by Stalin in order to strengthen the state's ability to govern, and this characteristic persisted well into the 1980s and still has its reverberations today (see Shelley 1996, 1997). Used as a political resource, new laws required neither the consent of the public nor that of implementing officials. Regulations and edicts issued by specific leaders or branches of government were frequently used to supplement and supersede existing laws, a practice that continued Tsarist traditions of ruling by decree. There was a constant refashioning of law to suit the leaders' immediate needs, with the result that even legal officials often did not know what the law was (Solomon 1996: 415). Furthermore, many decrees were kept secret. The aim here seems to have been to hide regulations whose very existence would have revealed the dictatorial and cruel nature of Soviet rule to the world (e.g. edicts concerning women and children in prison camps, or definitions of 'shirking' as a crime, Solomon 1996: 419). The repeal of laws on shirking, because case-loads were too heavy to be managed by the courts, was also made secret. This

time, Solomon argues, Stalin may have been motivated to hide from workers the fact that shirking was no longer a crime (1996: 424–5). In any event, the secrecy of large parts of the law, and its constantly changing content imposed purely by fiat from above, is evidence that it was the embodiment of a general social morality only in a secondary, refracted sense, i.e. a morality that gave precedence to the state as the arbiter of what was lawful.

The Soviet law (*zakon*) was the context within which the bandits' law (*zakon*) evolved. Though some Russian writers have declared that the Soviet Union was a bandit state, or that the zone was a mirror-image of the USSR (Kabo 1993: 63), a closer consideration of the thieves' law indicates that, although there were parallels,⁹ it held itself apart from the state's law and preserved some different principles. For a start, one could point to a direct symbolic confrontation of discursive values: gangsters of all types self-identified themselves as thieves (*vor*) at a time when production was the overwhelming Soviet value and theft of state property was an obsession, resulting in constantly changing laws of elaborate cruelty on theft (Solomon 1996: 222–3). Again, the bandits' 'laws' were never edicts or regulations emanating from particular bodies or individuals, however powerful. On the contrary, the bosses, the Thieves in the Law, were expected to follow rather than initiate 'law'. They were supposed to behave in such a way as to deny the merest suspicion that they were bending the 'law' to their own advantage. Of course it is true that the thieves' 'law' was already set up greatly to the benefit of the chiefs; but the point is that individuals could not suddenly change it. Furthermore, the thieves' 'law' was not secret, at least within the *Vorovskoi Mir*. On the contrary, it was open. The 'laws' consisted quite largely of pointless etiquette and taboos that demonstrated, by their observance, a general subordination to the law. It was part of the 'law' that changes to the 'law' could only take place at general assemblies (*skhodnyak*) with the approval of the collectivity (*obshchina*). Finally, the concept of 'the understandings' suggests that the underlying idea of the 'law' was one of legitimacy assured by generalized psychological internalization of the given values. Soviet law, by contrast, being conceived instrumentally rather than normatively, was also responded to by the population instrumentally (this is a simplification that begs many questions, but on the whole is a valid point in this context).

Nevertheless, the ideological status of the thieves' law, which was that it was handed down untouched from previous generations, meant that it came fairly frequently into conflict with practical solutions to problems.¹⁰ Its quirky rules of etiquette and obedience were more easily maintained

in the restricted life of the 'zone' than outside. Indeed, one senses in all this that the thieves' 'law' in the outside world was as much a powerful ideological myth as anything else. So far, I have tried to explain that this myth was active in a cultural world that set itself apart from the surrounding context of state-dominated Soviet life. Nevertheless, there were some fundamental similarities in the construction of the politico-economic person in these two spheres. In both cases persons were assigned to ranked categories of power/status. The vast majority of material objects, especially land and buildings, were not owned (products had only a very limited 'social life' as private property: Appadurai 1986), but managed and controlled by corporations at various ranks. The economic person was predominantly one whose initial relation with goods (by theft in the case of the bandits, by production in the case of ordinary people) was that of a temporary holder, for the goods themselves were properly at the disposal of a higher social unity, the *obshchina* (community) and the state respectively. I would now like to look more closely the protection racket, which emerged as a criminal practice from a bridging between these two worlds.

The Principle of the Racket

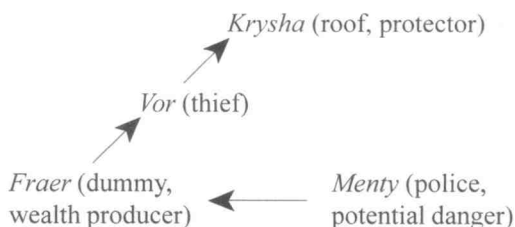
Chalidze (1977: 33) is of the opinion that there were no organized protection rackets in Soviet Russia, but Varese (1994: 257) points out that the payment of protection money was widespread in the last years of the Soviet regime, when cooperatives were legalized. Estimates suggest that 75 per cent of Moscow's cooperatives and 90 per cent of Leningrad's cooperatives made such payments. Vaksberg (1991), however, sees the origin of the protection racket in much earlier Soviet illegal practices, and it seems to me that with regard to 'techniques of predation' he is right.

The essence of the racket was the payment of a roof (*krysha*) for his political protection of one's source of livelihood. The illegality lay in the acquisition of the payment as private property, removing it from the sphere of state distribution. One of the main functions of the roof was to appear legitimate, to be the public skin over the operation. In this sense, the well-known scandal of Medunov, the Brezhnev-era Party boss of Krasnodar, who stashed away vast amounts of illicit wealth in return for his political patronage, was an example of the protection racket. Medunov's enemies (probably the non-suppliers) had obstacles placed to their careers, while his supporters were promoted. Possible revealers of the scam, like the journalist Vaksberg himself, were threatened with violence. As Vaksberg puts it:

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Economic freedom is the first step towards freedom in general. And that is something a totalitarian government cannot allow. The embezzlement of state property was fine in itself, as was stealing from your neighbour. Neither caused the authorities so much as a blink. There was one indispensable condition, however: that the embezzler should co-opt into his band of accomplices and protectors one or preferably more – and ideally more senior – persons amongst those in power. ‘Cut them in’, in the language of the underworld (1991: 24).

For this to be understood as a protection racket one only has to make the conceptual shift of seeing career competitors as the potential danger against which protection is required by those paying up. Once the racket was in place, the danger also included the ordinary police. But the technique of predation rested on a prior and more immediate threat from the roof himself, ‘Cut me in, or it will be the worse for you.’ Such a racket could of course occur without any self-avowed criminals taking part; but if they did, they would take the roles of the embezzler or the protector. In bandit language we have the following scenario:



What has made this model so fundamental to current bandit practice is that it has come to apply first and foremost inside the *vorovskoi mir* among the gangsters themselves. A bandit group needs a roof with authority among other criminals to be able to operate regularly, without its source of supplies being attacked by other gangs. Berkutov's novel (1996)¹¹ of bandit life in St Petersburg in the 1990s is devoted to this theme: it starts with two recently formed bands waiting outside the gates of a distant camp for the emergence of a famous Thief in the Law, each of them eager to engage his protection services as their roof. One of the gangs had for months been feeding him parcels of luxuries paid for from their *obshchak*. By rights they should be the ones he signs up for, but to whom will he in fact offer his patronage?

By the Brezhnev era gangsters realized that the minor rackets they had been engaged in (prostitutes, gambling) could be massively enhanced

by moving into the patronage structures of the main shadow economy. A crucial change now took place. Some bosses abandoned the thieves' law to the extent of accepting payments as personal wealth. A leader could still respect the inviolability of the *obshchak*, but accumulate other income on the side.¹² Perhaps, despite the bandit ideology, it was always thus to some extent. Whether this was the case or not in Stalinist times is difficult to tell, but in the period of stagnation, when bureaucrats and managers in the external society became increasingly interested in personal gain, the shift away from the 'modest' *pakhan* (old man) was also certainly taking place (Vaksberg 1991: 27). In other words, racket systems inside the *vorovskoi mir* came to parallel those existing outside, and simultaneously certain of the criminals moved to bridge the gap between the two.

Handelman (1994: 31–2) argues that the important players in this change were the leaders (*avtoritety*) of the groups that had repudiated the hierarchy of the Thieves in the Law, in other words the gangsters known as 'bitches' who had flouted the prohibition on contacts with the state. Once linked into rackets, bureaucrats, factory managers, and the like could themselves become *avtoritety*. By the *perestroika* era in the 1980s the racketeering in the officially protected shadow economy was so lucrative that many younger bandits were attracted to these groups and the authority of the Thieves in the Law diminished. 'In St. Petersburg, when the gangster Authorities sit down to talk with the Thieves-in-Law,' a police colonel told Handelman, 'they are on equal terms. It's like two generals. And the one who wins is the one who is more intelligent, shrewder. And richer' (Handelman 1994: 31–2).

Today, at the street-level the racket works in classic form as follows. A given market-place, let us say, is 'held' by gang X. This means that a rank-and-file member of the gang (a bull, *byk*) is assigned the task of guarding the market stalls at nights from drunks, petty thieves, and so on and charged with extracting a fixed sum from the traders each month. The 'bull's' benefit, apart from the salary he receives, is the opportunity to graze at will on the beers, cigarettes and prostitutes of the market he guards. The gathered money is handed over the chief of the gang, who passes it upwards to the leader who manages the *obshchak*. The 'roof' is paid a generous share.

Although most gangs today also obtain money from other sources (from straight extortion, theft, and so forth at the bottom, through smuggling, the drug trade and financial swindles to investment in casinos, banks, and the like at the highest level) the street protection racket is still the most stable source of income. The ability of subordinate brigades to 'draw up' (*podnimat'*) racket dues is still the source of the bandit leader's authority

(Pogonchenkov 1996). In 1993 in St Petersburg a stable of 60 subject firms was sufficient to support a gang of around 100 members with a little extra income from prostitution.¹³ Racketeering determines to a great extent the social organization of the criminal operation. Thus it is the basis for the *geographical organization* of gangs, since it defines the area or the 'points' from which dues are taken (in cities like Moscow these form relatively coherent territories). The protection principle of the racket also implies a *verticalized structure*. The requirement for internal trust generates strictly defined *boundaries* and *entrance requirements*.

It is certainly true that most contemporary gangs have appeared relatively recently, and probably none have a direct history as organizations going back to postwar times. However, their culture and techniques were transmitted, mostly in the camps, through 'generations' of gangsters. Now, there are also new practices and accompanying jargon. The totality becomes almost like a theatrical repertoire of 'acts', which the bandits use both to differentiate amongst themselves and to relate to people in ordinary life. I suggest below that what these acts reveal is that gangs are fundamentally appropriative institutions, rather than firms selling a service of protection. It is in the bandits' interests, however, to purvey the latter impression.

Predation and Selling 'Law'

Quoting the owner of a café who said, 'A roof is when I have bandits to whom I make payments so that other bandits don't disturb me,' Konstantinov (1996: 174) points out that the café owner thereby expressed three misapprehensions: first, a businessman does not have bandits, but bandits have businessmen; second, he does not pay them, but they take money off him; and third, what the bandits offer is not a 'real *krysha*', but the most primitive form of unofficial policing. If Konstantinov is right, the techniques of threat/protection derived from Soviet contexts have evolved towards violence. Protection is no longer a matter of safeguarding of careers but a physical intervention in conflicts over property.

In setting up the arrangement with a businessman, racketeers differentiate between a *probiivka* (lit. piercing), which is a polite enquiry ('Are you paying anyone else? If not, you must pay us') and a *nayezd* (raid), which threatens the businessman physically or psychologically. In either case, they 'load' (*zagruzit*) him with a certain percentage of his monthly profit. The language reveals the predatory orientation. The protection offered is usually no more than a mobile phone number, but may extend to stationing a couple of heavies (who have to be paid for separately from

the monthly dues of 20 per cent of the profits, Konstantinov 1996: 174).¹⁴ That contemporary rackets may virtually dispense with protection can be seen from Hohnen's study of the huge Gariunai market in Estonia in 1994. Hohnen (1997: 114–16) found that stall-holders paid the racket large sums two months in advance for tickets for trading-sites, while protection was given only to some traders separately at a much lesser rate.

A 'real roof' is different. In this case, the racketeers become involved in the business, controlling inputs and agreements, recalling debts, obtaining credits, finding orders, sometimes even investing in the business themselves (Konstantinov 1996: 175–6). Such a *krysha* costs from 50 to 70 per cent of the profits each month. This 'full roof' often does not lessen but increases the risks for the businessman. It may draw the firm into illegal activities or 'wars between roofs' that have nothing to do with the business itself and everything to do with bandit rivalries. Firms are sometimes elaborately deceived, for example by being attacked by fearsome thugs hired by the 'protecting' bandits themselves to convince them to pay up. There is also the practice of 'fattening the piglet' (*vyrashivaniya kabanchika*): the firm is cosseted and given full protection over years, while a bank account is opened in its name abroad. When it is judged that no more can be squeezed out, and full protection allows access to the account, the businessman is murdered (Konstantinov 1996: 233).

Konstantinov perhaps gives a too purely predatory description. Rackets must take care to keep the income flowing, though they differ in their tactics in this respect. It is certainly the case that firms and individuals look for roofs as much as having them imposed (Ries 1998). When two firms each have roofs and there is some disagreement, it is the roofs that do the negotiation. What the rackets sell is law, or more correctly, the idea that they are the kind of people who *have law*. I have already described the historical environment of popular Russian ideas of law, and it is worth repeating that in all its variants law is closely identified with control. Hence the mafias' rhetorical cultivation of harsh discipline, which is quite largely directed at the outside world: 'This is what you'll get as our clients,' is the message, 'and this is what we'll mete out to the enemies too.' Thus, curiously, selling legal services is not at odds with predation, since the harsh terms are part of the package of the racketeers' roof. The powerful are expected to dictate their terms and to be jealous and punitive too. Nevertheless, it remains the case that if the firms unwillingly buy into such qualities, the environment allows certain gangs to indulge in predation to an *irrational* extent. This can be seen in what one might call 'over-predation' on the sources of income,¹⁵ not to speak of the internecine beatings and killings.

The 'Thawed-out' Gangsters and Dynamical Systems

Among the many sad facts that have had impact on racketeering is the demoralization of the police and the non-emergence of an independent and incorruptible judiciary. Varese (1994) shows how, taken together, these have created a vast demand for protection from firms, which as an alternative to mafias may create their own strong-arm branches or employ one of the numerous private security firms that have appeared in recent years.¹⁶ However, another dynamic element in these developments is the appearance on the streets of something new, thugs called 'thawed-outs' (*otmorozhenniye* or *otmorozki*).¹⁷

The idea here is that the Soviet regime froze its people, but now young men have unfrozen, becoming somehow inhuman in the process. *Otmorozhenniye* is slang for people who are cruel, immoral and volatile, unwise and avaricious. The term marks the sense that certain people have appeared who are not simply out-of-work and looking for a way of earning a living, but are caught up in the culture of predation, attracted to it, and prepared to take it beyond its limits. Even other bandits see them as *bespredelnyye*, literally 'limitless', 'out of order'. Crucially, thawed-outs do not live 'according to the understandings', though they may be employed as hit-men and so forth by the *bratva* fraternities. Inside the bandit economy they are contrasted not just with the protection racketeers of longer standing but also with the armed security guards, both of whom are called *profi* (professionals). The distinction is expressed as follows, according to one gangster:

The amateurs steal from the state. They are not interested in one another's existence and do not think about tomorrow. This is the very lowest racket, when a man is seized by the throat and money is demanded 'from your black eye'. They operate carelessly, beat their victims, attack with knives and pistols, and threaten with words like, 'Shit, give the money or I'll kill you!' In such a situation, the victim should reply, 'Good, I'll get the money tomorrow' and then turn to the police. The *profi*, on the other hand, are far-sighted both in their expressions and their actions. They'll show you your bank account and praise the abilities of your young son. They will on no account ask you for more money than you can afford, in case, as they themselves say, 'the nonsensical idea entered your head of addressing the police' (quoted in Marzeeva 1996).¹⁸

In other words, 'thawed-outs' underlie the protection racket structure with a different type of activity, a dualistic confrontation of direct, violent extraction. I shall return to the relations between the bandit groups, the

security firms and the police; but first I address the question of the nature of gangster power relations and the place of 'thawed-outs' in them. It will be suggested that the emergence of 'thawed-outs' is a vital element in the persistence of racketeering and its dynamics.

Some authors have described a hierarchy, variable in its components, for particular cities. For example, Konstantinov (1996: 206) writes that in St Petersburg in 1993–4 there were several powerful, well-organized groups with the following highly vertical structure: brigades (5–10 people), teams (2–5 brigades), groups (2–5 teams), groupings (2–4 groups), and associations (around 5 groupings). The protection racket base seems to construct a stepped series of groups through which resources can move upwards.¹⁹ The most evolved groupings have special sections for banking, counter-intelligence, economic planning, arbitrage and law, and they often also include specialized services, such as counterfeiting workshops. At the beginning of 1994 the main groupings of this type in St Petersburg were the Tambov–Vorkutin, the Azerbaijan, the Chechen, and the Malyshev. At the top of this structure, the criminals may invite the directors of the largest state firms to join in, or they may back pliant politicians for election to office. At the bottom, the lawless 'thawed-outs' are not even counted full members. At all levels, some of the recognized players are in prison or the camps.²⁰ Dunn (1997: 64) and Pogonchenkov (1996) do not use a hierarchical model, and depict a shifting mass of gangs, of varying sizes and power, operative at the time of their studies (mid-1990s).²¹ Dunn (1997: 64) points out that it is essentially meaningless to count the number of gangs, since splits and amalgamations occur.²² Though there are regional meetings of top leaders, there is no likelihood that one unified structure will appear in Russia.²³

This is partly because of the persistence of the traditions mentioned at the beginning of this chapter. The *vor* ('thief') tradition is strong in Moscow, while that of sundry *bandity* ('bandits') dominates in St Petersburg. The main distinctions seem to rest on the willingness to enter legitimate business and on treatment of the *obshchak*. In the 'thief' custom, all revenues are paid into the *obshchak* and the gangsters receive shares, while in the 'bandit' tradition only a percentage of the profits are paid into it (Konstantinov 1996: 148). The 'bandits', often known as *sportsmeny*, have a cult of athleticism and physical strength, involving demonstrative abstinence from drink and drugs. The 'thieves' keep stronger ties with bosses in the prisons and camps (where this tradition's authority is still paramount) together with the culture of tattooing, written edicts, observance of 'the law', and so forth. So, although he points out that 'all rules exist to be broken,' Konstantinov (1996: 294) is able to

chart significant markers whereby gangs distinguish themselves. For example, he writes that the Kazantsy, even though they operate in bandit-dominated St Petersburg, are oriented to the *vor* tradition, and this can be seen from their use of drink and drugs, their cruelty, and their communitarian treatment of their *obshchak*.

As regards the dynamics of mafiadom, even a well-known grouping such as the Solntsevo gang in Moscow, which has lasted over several 'generations' of leaders (i.e. for about fifteen years) has had changing sources of income over time.²⁴ The top gangsters are increasingly moving into large-scale financial crime and also into major industries (Pogonchenkov 1996; Investitsionnye 1996: 34; Dunn 1997: 64). The eventual effect on the structure of major gangs of such activities and investments, especially the removal of capital abroad and the acquiring of foreign citizenship by *avtoritety*, is not easy to predict. If we limit ourselves here to the Russian-based gangs operating with a protection racket foundation, it can be seen that the leaders prefer to resolve disputes by peaceful negotiations (*terki*) and to have their subordinate brigades observe territorial boundaries. Nevertheless, the constant advent on to the streets of lawless 'thawed-outs' injects violence from the bottom that can move up through the layers. A brigade is pushed out of one income source, and moves into the territory of another brigade, which is defended by a higher level group, and so on. The more important point is that this direct street violence establishes the need for protection of the businesses on the street, and thereby sets up the conditions of reproduction of the racket.

The predatory logic of the racket entails both intensive and extensive methods: more income from each 'income-spot' (*tochka*) and extension to new 'spots' (Konstantinov 1996: 170). This implies that the metropolitan honey-pots will be constantly at risk of outside attack. Thus gangs from the Caucasus (Azerbaijanis, Georgians, Chechens, Ingushes and Daghestanis), known collectively as the 'wild animals' (*zveri*) by the resident Slav gangs (*slavyanye*), have moved to Moscow, as well as bandits from provincial cities. The outside gangs get a foothold when an established gang is weakened by the death of a leader. If such gang then splits into its lower-level groupings, it may be unable to protect its 'spots', and gangland wars result. In 1996 the external gangs had not succeeded in carving out their own territories in Moscow, but instead preyed in double or even triple rackets on the unfortunate business *tochki*. The Kiev market in Moscow, for example, was controlled by the local Russian Tagan group and also by the Chechen and Azerbaijani gangs (Pogonchenkov 1996).

Two dynamical processes thus occur. When there is over-saturation of an area with protection gangs, the result is what I call *implosion*, the competitive homing in on a single wealth-producing spot by several bands. Berkutov's novel *Krysha* (1996) dramatizes this situation. A successful car-parts dealer is the target for three or four gangs. Each hopes to acquire the horrific video-tape (of the businessman's daughter being raped) that would give them the hold over him to force him to pay up and enter under their 'roof'. The novel ends with all the bandits bar one dead or maimed. Similar real-life cases are documented from Moscow in recent times.²⁵ This centripetal process co-exists with the process of *expansion*, which is the result of a gang perceiving a wealth-opportunity that seems insufficiently protected. This depends on intelligence, and some gangs are better prepared for lateral extensions of operations than others; but in principle a protection racket structure will expand when there are differences in violence-backed power between groups. However, there seems to be a closure to this process; this occurs when the racket reaches unpropitious ground, either where there is insufficient wealth to be hoovered up²⁶ or when the ground is effectively dominated by other controllers, such as private protection agencies or the police (see also Note 21).

Recent additions to the 'understandings' thus concern inter-gang conflicts, such as priority given to the band who found the 'spot' first, holding-off while rivals are in prison, prohibition of turning rivals over to the police, compensation for thefts between gangs, and conventions for announcing war. In 'law', unresolved matters should be raised openly at inter-group gatherings, where they are called *pred'yavy* (claims), before battle is engaged (Konstantinov 1996: 168). Of course, unannounced violence in fact occurs at the top as well as at the street level,²⁷ and gang leaders often ignore the understandings. It is interesting that what certain bosses says about the rules ('We have them just to keep the young ones in order', Konstantinov 1996: 169) accords with the idea that the unwritten ethical code may act as a means of governance.²⁸ Be this as it may, even if the rules are often ignored, it is certainly wise to know what they are.

A notable feature of the all-Russia pattern is the provincial town or national republic base of many gangs that operate in the metropolitan cities. This centripetal pattern can perhaps be explained by the close relations of trust inside gangs, which contrast with the more predatory relations between them and their clients. The Tambov group, for example, which operated in St Petersburg in the late 1980s to the early 1990s, was started by Vladimir Kumarin, who grew up in the city of Tambov, whence he recruited childhood friends, kin, and other *zemlyaki* (fellow-countrymen). Like several other bandit bosses, Kumarin ostensibly worked

as a barman, using the hotel bar as the gang's intimate place. The grouping grew to include hundreds of associates, not all from Tambov; but it is interesting that the home town is not where the band operated. The parents of one of the Tambov bosses in fact worked as respectable officials in that city (Konstantinov 1996: 147-55). All this suggests that many gangs see themselves as raiders on an outside world, avoiding the complications of predation on home ground. The rather closed social worlds of the bosses tend to be short-lived.²⁹ Nevertheless, they have a certain glamour for those excluded from them.

The Gang Seen in a Shifting Light

The serious criminal groups are hidden from the street. However, the language, dress, and mannerisms of an imagined mafiadom are fascinating for the kids on the block – and this can mean children as young as 10–11. In some cities, certain schools are saturated with rackets (Omel'chenko 1996). If sheer income, as well as outlaw styles, are attractive to youth, nevertheless it is also the case that professional criminalization forces itself downwards and engulfs children who would otherwise have had nothing to do with gangs (Pilkington 1994: 149–54). Street gangs of youths produce 'thawed-outs', who emerge by virtue of their harsh personalities and fighting qualities.³⁰ Such bands are not normally 'under' (*pod*) regular gangs, but maraud independently. However, individuals may transfer from one status to another. Films and thrillers celebrate this moment: the big move in a young bandit's life is shown when he is accepted into a regular gang 'following the understandings'. Proving oneself in the gang can involve hazing (such as being beaten up for men, and having sex with all the gang members for women), or rites such as the kissing of a dagger.³¹ It is difficult to know whether such initiations really happen; but what I would like to touch upon here is the intense swirl of popular suppositions around 'the Mafia', which objectify it in various different guises. One picture is that the bandit has a regular, well-paid occupation.

In a characteristically post-Soviet double vision, the new bandit's occupation may be viewed in the old socialist categories. In Koretskii's *Anti-Killer* (1996), the young bandit's mother is delighted when she hears her son has been taken into a *brigada*, because despite her twenty years of thankless labour,

... contrary to her own experience she thought that the brigade was a second family, her native home. That was how working collectives were depicted in numerous films, books and songs. And the fact that she herself had been

unlucky – they were drinking all around, swearing, and pressing her to have sex after the shift – did not alter the general impression. . . . Everything depends on the leader.

‘Is your brigadier a good man?’ she asked her son.

‘OK,’ he stuttered. ‘We’ll see. The work will show’ (Koretskii 1996: 6).

In this mode, the boy himself (not just his mother) is depicted as understanding his activities as ‘work’ that takes place in ‘shifts’, and it may even be seen, in bizarrely Soviet terms, as creative (*tvorcheskii*). Here protection is a good, produced like other goods.

However, the post-Soviet perspective in which the *byky* (bulls) can be seen as regular workers can change in an instant to the militia-like frame of the ‘profi’, where trained and efficient violence is the predominant ideological value. In this case, the *obshchak* no longer has the aura of a beneficial communitarian fund. Instead, paying into it becomes a mark of discipline. As for those who should benefit, equality has long gone: low-ranking thugs are forgotten when they disappear into the camps. The *obshchak* is for the deserving elite. The brigadier’s orders are called *razvod*, an army term for the allocation of duties. The social person of the racketeer depicted in this perspective is a hardened, obedient fighter, vigilantly guarding the ‘income spots’ from raids (*nayezdy*).

This might seem not so very far from seeing the *obshchak* as an army chest and the gang as a patriotic military unit. However, the Chechens are the only ones who may have openly confronted the state in this manner. All three Moscow Chechen gangs pool a common *obshchak*, thought to containing billions of roubles at any one time (Dunn 1997: 66). While Dunn cites traditional uses for the Chechen *obshchak*,³² Pogonchenko (1996) states that it was used to finance the war against Russia and fill the coffers of the Republic of Ichkeria. If this indeed happened it was unusual: the mafias in general depict themselves as loyal to Russia (if not to the particular government of the day). Some even see a strong state as necessary to their own strength, like two sides honed in war against one another.³³

Racketeers are often described as providing more than protection, notably practical governance of street business neglected by government officials. For instance, in Koretskii (1996: 250) the brigadier controlling a market turns up and says to his guards:

‘Four lorries are at the eastern gate with potatoes and they are not being let in.’

‘They have pesticide contamination above the norm,’ explained the head guard and drank a gulp of vodka.

‘What? Have you become a sanitary official?’

‘No. But there must be order (*poryadok*). They want to sell poisoned goods for the samê [racket] dues as all the others. I say: let them give 10% for the condition of the potatoes and 30% for their own dues. And even better if they take their shit to the rubbish-dump and don’t dirty our market.’

The prevailing relation between racketeer and trader is not threat/resentment, but rather shown as lordly condescension and deferential gratitude. The reason for this is that the trader is usually depicted as engaged in some illicit dealing, which places him in a vulnerable position. When the brigadier mentioned above went to collect dues from an Azerbaijani flower-seller, actually a drug dealer, and found himself initially stopped by the dealers’ bouncers, the Azerbaijani soon rushed out, saying:

‘I am so sorry, my dear friend, they are new people and don’t know you yet,’ and Hussein met the brigadier with a smile which could have been designed for a beloved brother who had been absent for many years, or for the senior in the clan. ‘Now they recognise you, they’ll love you like a true friend.’ And turning aside to a hovering servant, ‘Tea, coffee, fruits, and cognac for my friend! – and make up a bed next-door. If the guest wants, you’ll lie with him’ (Koretskii 1996: 251).

A slight edginess between the two men never disappears, but the ‘guest’ avails himself of the cognac and the girl, and then wonders aloud why he has not been offered the *de luxe* room upstairs. Hussein has a secret in this room, as both men know, and preserving it intact is to maintain a boundary, always fragile, between the boss and the client. In such scenarios, ‘protection’ becomes a most equivocal thing, almost an invention, agreed by both sides to preserve the decencies – for of course the main threat to the Azerbaijani flower/drug-seller is that the brigadier himself will ring up the police and betray him. The underlying message in such novels, it seems to me, is about power, which includes the ability of the gangster to withhold violence – to behave decently, in a civilized manner.

The preoccupation with civilization runs through many accounts. A bandit, for example said to Konstantinov: ‘Yes and generally – we are no longer bandits (*bandity*). Perhaps we could be called gangsters (*gangstery*). We are civilized people. We see nothing wrong with the police grabbing various thugs (‘untieds’, *otvyazannyikh*) and ‘thawed-outs’, who go round with automatic guns and frighten everyone with their terrible hair-cuts’ (1996: 216). In such statements, violence is relegated to a stage in history now left behind, and to the kids on the street who do not know better.

'Roofs' in the Landscape

I move now from discussing the *mores* of gangland to its situation in the wider political economy. Businesses now widely employ their own private security firms as an alternative to, or as well as, paying into the protection rackets (Varese 1994). Some private security firms are former gangs, now legalized by acquiring a license, but most are composed of former policemen and soldiers. However, in Russia these firms cannot be completely separate from the criminal structures. As one director put it: we have to work in 'bandit' territories, the system of the 'roof' is our economic reality, so like it or not we have to deal with the *bratva*. Officially we should have no contacts with the criminal world. But it is not our fault that the criminal organizations have become so powerful (Ivanov 1996). The mayor of St Petersburg, Sobchak, at one point tried to close most of the firms, but he did not succeed (Krom 1996). The situation seems to be that the security firms are like a buffer between the police and the criminal gangs. But they are closer to the latter, both in their rationale, which is frankly commercial in both cases, and in their techniques – indeed they sneer at their former police recruits, who 'hardly know how to hold a gun' (Krom 1996). Nothing is easier than to slip over from the bodyguard to the bandit role in relation to a business you work for each day. 'Frighten them, Vasya, you'll get some money,' as Ivanov (1996) put it.

Meanwhile, according to a recent survey of the Moscow criminal scene:

The police at some point understood that along with guarding of an abstract public kind, for a very nice money reward they could also guard concrete personalities or commercial structures. Thus the term 'police roof' came into play. In view of the corruption of state powers it is now difficult to say where a given man with epaulettes is 'kept' by the *bratva* or the converse – the 'bandit' is working for the 'patron'. The methods of the guardians of law and order are just the same as those of the bandits (Pogonchenkov 1996).

Hohnen's study of the Gariunai market (1997: 112–17) describes a landscape dominated by a combination of rackets, market managers and police. As mentioned above, their main income is derived from charging large sums for tickets for trading-sites, a task meant to be carried out by the market managers alone. What actually happened was that the managers were left with only a few tickets on the outskirts, which few people wanted to buy, while the rackets commandeered the valuable central places. Soon it appeared that some of these places were also controlled by the police. While some traders said that the police extracted these places as their

price for turning a blind eye to the rackets, others maintained that the police had entered the racket themselves and that a 'privatization' had taken place in one of their sections. In fact, all of this divvying up was shrouded in mystery. Though the transaction was in a sense 'legal', since traders were ostensibly paying for places rather than for protection, the owners of the tickets moved into the shadows. Other traders collected the money, and most traders no longer knew to whom they were paying. It was part of the traders' ethics not to enquire, to look away when a neighbouring stall was paid a visit, to communicate in 'half-words' and shared silences (Hohnen 1997: 124).

Such a situation is part of a destructive cycle that has reinforced distrust of the state, and indeed, for vast numbers of people, induced complete alienation from it. One businessman explained how the moment of truth hit him: he started a firm importing computers, and at the end of the first year he paid his tax. A day later, a *brigada* paid a visit. They made it clear that they knew exactly how much tax he had paid, and insisted that an extra 5 per cent of his income was due to them. The businessman was very shaken. He knew that whatever other protection he engaged he would not be able to rid himself of the gang. What was he to do? The only solution, he said, was to count the protection dues against taxes. In fact, why pay taxes at all?

Such calculations – weighing state tax against protection dues as if they were equivalent – is reinforced by prevailing public attitudes, however unjust they may be to those state offices and police departments that work honestly. A journalist writes in the influential paper *Izvestiya*, 'We have no state, only a conglomerate of Mafias. If the police saves me from the bandits, then who will save me from the state?' She continues in a post-Soviet vein dominated by the underlying expectation that the state should be a provider (but no longer is):

The state quietly takes the lion's share of our salaries, deducting taxes and percentages from our wages, and we also have to pay for light, gas, our apartments and telephones. And we have to pay for so-called communal services. And we have to get that bottle for the plumber, and a box of chocolates for the gynaecologist. And we have to pay 400,000 a month to the English teacher for our child, even though education should be free. No-one puts a knife to our throat taking this money. So this is not called the racket (Marzeeva 1996).

The journalist, who may echo the sentiments of many Russians, continues that she personally would never call providing protection a criminal

activity. It is dangerous work, paid at the rate objectively necessary, and 'in any case we have never had much understanding of the people they protect' [i.e. businessmen].

This last point is important, for it hints at the real gap that the gangs first rushed to fill. It does seem to be the case that in the 1980s no one took very seriously the security of the early traders and cooperatives, who were still generally thought of as speculators. The police saw it as fairly unimportant that racketeers were taking money from such people, and this turning a blind eye of course allowed the rackets to grow rich. We may therefore question the idea that it is necessarily a weak state that allows mafias to proliferate (cf. the arguments in Volkov 1998). Rather, it seems that certain actions undertaken by the state, such as prohibition in America in the 1930s or the legalization of cooperatives in Russia, create niches that rackets can exploit. In Russia the government has subsequently hastened to declare war on the mafias, while leaving such niches untouched (for example, the inviolability of deputies has resulted in a new 'deputies' roof' for crime).

The police, for the most part, do battle against crime. But they are involved in many situations, like the market traders' tickets, in which it is difficult to tell what is allowable and what counts as corruption. So they fight identifiable enemies, the bandits who appear on the streets. In the absence of popularly legitimized state law, they may see this battle as a question of each individual officer's calling, or in more abstract terms as a fight of Good against Evil.³⁴ They are disheartened when their best efforts are undermined by 'bought' or frightened procurators, and even more when the government's laws are unclear or suddenly changed. Konstantinov (1996: 255) cites one policeman's view of the future as follows:

The question goes back to property (*sobsvennost'*). While the property-owners are still undefined, strictly speaking we police are needed neither by the mafia nor by the state. What is going on is grabbing and division of everything that belongs to no-one. Law will only be needed when the property-owners have sucked it all dry and say: 'Enough!' Then we'll play by the rules.

Gangsters therefore may even have some general sympathy, even among the police, for their own sentiments about the racket, such as:

I consider that people will require my services a hundred years from now; and a hundred years ago they needed them too. I'll have work and money independent of what political regime is in power. It may be necessary to break some law or other – that is in the blood. But it can be done either on the

industrial plane (*na plane promyshlennosti*) or on the criminal one. Yes, I receive money from Petya, but Petya will never tell anyone and the police do not know. So on the criminal plane my activities do not exist (Marzeeva 1996).

What is interesting about this is the matter-of-fact slippage from one plane to another, from the criminal to the curiously-expressed idea that the racket is industrial (or productive of a living). This is similar to the switching between discursive planes noted earlier, when the criminal brigade conceptualized in terms of humdrum Soviet labour is alternatively seen as a force of trained and rapacious violence. These planes refer to the variability of attitudes, which is part of the floating cynicism that enables protection to appear as a choice between various equivalent roofs. In fact, the roof itself is a concept that, by its applicability to one and another context, constructs the mental 'stacking up' of homologous socio-political categories. It is not that the security firms, the criminal groups, and the police sections are in fact identical, though they may fulfill some of the same functions; but the wider socio-cultural attitudes to the state, and particular enveloping concepts such as the roof, encourage the view that they are; and this of course promotes their actual likeness.

Conclusion

When a state establishes, or transforms, itself primarily in terms of an economic rationale, before a constitutional or a legal one, it may happen that the law becomes something that is up for definition and appropriation. In this situation, the 'law' of the bandits enters the arena alongside that of the state, and it acquires a greater significance than the familiar notion of 'honour among thieves'. On the one hand, it becomes a technique or an instrument. On the other, it is socially objectified, so it comes to stand for a way of life and an ethical stance; it becomes a 'culture' to which others may be attracted or repelled. As a result, the mafias have something to sell. They sell not only their techniques of order and negotiation, as the rational choice theorists have argued, but also the whole social notion of themselves as the kind of people who are disciplined, orderly and subject to law.

However, given that everyone knows that the bandits' 'law' is not *the* law, why does it nevertheless have such a wide sphere of operation in Russia? Why is the enormous security industry closer in its practices to the gangsters than it is to the police? After all, in America there has also been a huge growth of private police in recent years, but practically all of them operate as approved complements to the police. In this comparison

we can perhaps see what an answer for Russia might look like. In the USA arguably the rise of private policing is not the result of rising crime and the failure of the federal police, but of wider changes in society and the growth of 'mass private property', such as shopping malls or gated communities. The state police remain responsible for public space and 'keeping the peace', but private policing has grown to provide crime deterrence for the new mass private properties.³⁵ In Russia, the legal equivalent of mass private property is much wider. Many people think it amounts to all commercial property, and furthermore that commerce as such is clouded by illegitimacy ('The police should not guard private business! Do tax-payers pay the police so they should guard some stall or other?': Krom 1996). Thus Russian businessmen are placed by the popular imagination in a position resembling less that of the American mall-owner than that of a casino-owner or bookmaker, potentially vulnerable to police raids and hence also to bandit threats and extortions. Recall the Azerbaijani flower-seller: it was because he was also a drug-dealer that the bandit brigadier had such a hold over him. My argument here is in part a historical one. It is because Russian gangsters took hold of 'dubious' activities long ago, because they honed their techniques in the late Soviet ambience of patronage of the illegal shadow-economy, and because ordinary business is still popularly regarded with suspicion, that the private security firms emerging later were forced to compromise in a landscape that was mostly already carved up.

Pejovich (1997: 22–3) is right to see that the security firms and the mafias are essentially similar, in that they are both profit-seekers who have incentives to enforce rules that encourage the production of goods that people want (while the police must make do with enforcing state laws that strengthen the government's political power). However, as I have shown, the mafias paradoxically also have a punitive, predatory aspect to their 'law', deriving from their historical traditions as thieves as well as from requirements of internal control and external conflict. This predation can extend to 'irrationally' denying growth to firms. Gangs differ in this respect, just as they differ in the extent to which they adhere to the old thieves' 'understandings' or whether they have worked out new conventions for themselves. In either case *mafiosi* may (and do) infiltrate the state and elected institutions. But if they are to take part in what Volkov (1998) calls the reconstruction of the state, the regaining by the state of full control over the means of violence, they must acquire a new sense of law. For the bandits' 'law' is really aimed at regulating themselves, and fails utterly in imagination when faced with tasks such as general taxation and state services.³⁶ When people swear to adhere to the 'understandings'

they are swearing to something that is quite limited ethically, but that nevertheless affects their whole life. This is why the gangsters themselves can never be simply vendors of protection. As Marzeeva observes (1996), the bandit ethos taken out into the ordinary world seems in the end to be built on fear, fear that others will treat you as you treat them, that your friends will betray you, women deceive you, your money be stolen. Such fear is very catching. What is so regrettable is that so many people now hold what started as the outlaws' view of life:

'I do not want my children to live in a *bespredel'noi* (without order, lawless) country. I myself do not like to break the law. But today in Russia you have to choose: if you try to make some money, you either have to defend yourself or you have to ask someone to protect you. If you are sure you are protected, you can be happy, – but if not, then your life is on borrowed time. Each new day may be your last . . .' (Konstantinov 1996: 282).

Notes

1. Inverted commas have been placed round 'law' when referring to the gangster's *zakon* partly to make the text clear for readers, and partly because the bandits' law did not have the paraphernalia of law as defined by professional lawyers (courts, prosecutors, established procedures, etc.). However, in an anthropological comparative sense this was as much law as any other kind.
2. Thus Konstantinov (1996: 250) writes of what he calls the 'cop's syndrome'. According to one officer, this has two phases, the first when the cop sees any person as a potential criminal, and the second when bandits and thieves become more understandable, close and intimate than ordinary law-abiding people. In this second phase the cop begins to feel at home in the world of thieves. And where you feel at home it is easy to change roles, or to take on another role . . .
3. *Komsomol'skaya Pravda*, 9 Dec. 1997, p. 4.
4. UOP (*Upravleniye po bor'be s Organizovannoi Prestupnost'yu*) is the Directorate for fighting Organized Crime.
5. Handelman (1994: 25) notes that the early Bolsheviks made a point of recruiting criminals to their cause, and that the harsh discipline, secrecy and defiance of conventional society of the gangs also characterized the Bolshevik cells and eventually the Communist Party itself.
6. This opposition was strengthened by the waves of anti-revolutionaries, dispossessed factory owners and White sympathizers who joined the bandit ranks after 1919 (Rawlinson 1997: 37).

7. The term 'thief' (*vor*) was used metonymically to refer to all types of self-defined criminals.
8. A 'person' (*chelovek*, pl. 'people' *lyudy*) in criminal slang meant someone who had achieved the highest status category in the camps, namely that of *vor* (thief). Below this status was that of the *muzhiki* (peasants) and below them were the *chushki* (piglets) or *obizhenniye* (the hurt ones). Samoilov notes that within each of the three 'castes' the same triple ranking would occur, so that the *chushki* had their own 'thieves', 'peasants' and 'piglets' (Samoilov 1993: 35–7). Kabo (1993) also notes a triple ranking, though with different names.
9. Kabo (1993: 63–4) points to the tightly knit, disciplined and hierarchical nature of bandit society (similar to that of the Communist Party), the parallel between proceedings against 'bitches' and those against 'enemies of the people', and the fact that low-ranking bandits were expected to labor honestly and pay an income tax.
10. For example, Koretskii (1996: 182) recounts how a Thief in the Law was planning to hand over his ruling position in a camp, but was unable to pass it to the most suitable man, as the latter was disqualified by common knowledge that he had infringed the 'law' in the distant past.
11. The crime novel genre of course has its conventions, and realism is one of them. The wider Russian literary tradition of panoramic inclusiveness and huge casts of characters illustrating every social type is also evident here. Plot structures, hero and villain characteristics, etc. would be an interesting subject for research.
12. In Koretskii's novel *Anti-Killer* (1996: 156) a Thief in Law is attacked by a more traditional bandit for not respecting the law, and he replies, 'I have not broken the law, I have not appropriated the treasury, everyone knows that.'
13. Konstantinov (1996: 278). In some cases the gang may take over the running of the income-source (garages, casinos, prostitutes, etc.) entirely, thus becoming a producer and providing 'protection' to its own sub-section.
14. The cost of such protection with guards in 1993–4 was 20–30 per cent of the profits, and particularly greedy racketeers would demand 40 per cent. The guards are not held responsible in cases of car theft, burglary, or physical attacks, and Konstantinov comments that they really only provide protection against drunks and street hooligans (1996: 175).
15. For example, the St Petersburg Kazantsy were known for their inexplicable cruelty to the businessmen they gave a roof. This

surprised the Tambov gangsters, who said, 'They are completely "thawed-out"; they squeeze their own clients dry and won't let them expand.' But Konstantinov points out (1997: 296–7) that despite all their apparent over-violence, it would be wrong to judge the Kazantsy as lacking in all far-sightedness. It was they of all the gangs who had the strongest position among the law-protection organs of the city.

16. In 1996 in St Petersburg alone there were 468 security organizations and 191 bodyguard services officially registered. These firms employed 11,444 licensed agents, with an additional 1,500 other employees (Ivanov 1996).
17. The 'thawed-outs' have their linguistic place alongside 'cool ones', 'laid-back ones' (*zamorozhennyye*).
18. Varese also points out rightly that estimating a 'sensible', as opposed to a 'predatory' level of appropriation enables the supply of funds to continue regularly (1994: 257).
19. The New York State Organized Crime Force report (1997: 200) makes the interesting observation that Russian *émigré* crime organization in America is different, consisting of 'floating structures on an as-needed basis to enable them to carry out particular crimes'. The difference may well be explainable by the fact that the American Russians do not base their operations on protection rackets, but on crimes of deception, counterfeiting, confidence schemes and insurance fraud (1997: 185–9).
20. In this case, it is forbidden by the thieves' law for other gangs to take over their 'spots', although in practice this does happen, as can be understood from the rash of killings when famous bandits are released (Konstantinov 1996: 152).
21. At the present time (1996) the whole of Moscow and its surroundings is 'under' some fourteen gangs, and practically all businesses pay money to racketeers from the gangs (Pogonchenkov 1996, based on police sources).
22. Dunn (1997: 65) thus provides a different picture of Moscow from Pogonchenkov: there are around 150 gangs, of which 20 are relatively large and well-armed and 6 wield real power. The difference arises mainly from the criteria by which 'a gang' is defined, e.g. Pogonchenkov counts 'the Chechens' as one, while Dunn counts them as three gangs.
23. Handelman (1994: 29) writes that in the early 1990s there were around six hundred city-level bosses in Russia. Formally, these were equal, but some thirty senior leaders set general policy for the country's

entire criminal class at private councils. Within this group, in the late 1980s and early 1990s there was an even smaller core, the *Bratskii Krug* (Circle of Brothers) consisting of around seven leading Thieves in the Law. This seems an overly tidy account, given the evidence of turbulence from other sources. Konstantinov declared at the end of 1997 that although organized crime has grown during the 1990s it is in a state of 'feudal fragmentation', does not have a pyramidal structure for the country as a whole, and is not in fact as 'organized' as is imagined (*Komsomol'skaya Pravda*, 9 Dec. 1997, p. 4).

24. Even some of the currently largest gangs started in late Soviet times with 'protection' of gambling and deceitful games of luck, and moved through prostitution and the cooperatives and supply depots of the Gorbachev era, to commercial businesses in the present ('Investitsionnye' 1996: 34).
25. For example, a similar battle took place in Moscow in 1994 over the Allianz car showroom between a Slav gang and a Chechen gang (Dunn 1997: 68).
26. This can be seen from Hohnen's analysis (1997: 116–17) of the huge Gariunai market. Here only central trading places were judged worth paying for by traders. The racket took from \$400 to \$2,000 per place, according to the site, but did not bother with distant trading rows where traders made only minuscule profits.
27. The massive Togliatti factory is an example. Bandits have not succeeded in getting places on the board, but they take their toll from all purchasers (one car from each twenty ordered). One man attempted to defy them, the head of the Togliatti finance department, whose father was highly placed in the local procuracy. The bandits left this man alone, but attacked his *krysha* ('roof'): the procurator's car was machine-gunned in the main street of the city, and since then payment of the toll has been universal ('Investitsionnye' 1996: 36).
28. This possibility is discussed by Sacco (1995: 111–12), who suggests that mafia codes of honour have this function because members of gangs are hired on the basis of 'incomplete contracts', i.e. they are people chosen for idiosyncratic abilities to perform unforeseeable tasks for uncertain remuneration.
29. In 1990 Kumarin and around 70 of his confederates were arrested, and in 1993 many of the Tambovtsy still free were murdered when it was rumoured that Kumarin would shortly be set free (Konstantinov 1996: 152–3).
30. These bands may not have defined territories, but they have some notion of common economic resources: for example, it is necessary

- to pay a redemption-fee, *vykup*, in order to leave the group (Koretskii 1996: 8–10).
31. Handelman (1994: 22–3) describes several ritualized initiations, for example swearing allegiance before a portrait of the boss in Stavropol, or the respectful visiting of the graves of the elders in Yekaterinburg in 1992.
 32. It is used to pay lawyers' fees, bribe officials, and support Chechens serving sentences: Dunn 1997: 66.
 33. The bandit 'Gorbatyi' said on his deathbed to Konstantinov, 'A strong criminal world, with harsh discipline and internal laws, is only possible in a strong country. But no-one wants a strong Russia these days . . .' (Konstantinov 1996: 87).
 34. Commenting that 'bad and incomplete' law arouses nihilism and the wish to step beyond it, Konstantinov (1996: 272–4) cites a policeman who said that the meaning of his work was the same as the meaning of life. 'And that is the struggle of Good and Evil. This struggle goes on everywhere, including in the soul of each person. I believe in the Good. Evil cannot eternally triumph – life will stop it. In our country much Evil has accumulated. It is difficult to overcome. Difficult, but possible. We must not give in.'
 35. *The Economist* 19 April 1997, pp. 25–6.
 36. 'Why should I pay all these taxes for pensions?' said one bandit. 'Just give me three *babushki* (old women). I'll look after them. Then let me get on with my own life.'

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