

NIGAAR BASU

**SOCIAL AND CULTURAL  
COMPLEXITY OF  
INFORMAL PRACTICES  
VOLUME 4**



Social and Cultural  
Complexity of Informal  
Practices: Volume 4

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## Part IV

# Domination of Informal Power

*The motivational ambivalence: the blurring of the public and the private in the workings of informal power*

### Preface

**Alena Ledeneva**

Part IV aims to characterise the working of informal power and its motivational ambivalence. Informal power is often envisaged as parallel to, or hiding behind, the pyramid of formal power. However, as the entries in this part show, the complexity of informal practices in the domination mode does not fit the model of a shadow pyramid. Informal power is not merely about informal influence, associated with personal attributes such as family, class, capital, skills, patronage and connections not directly linked to one's formal position in the hierarchy. Rather, informal power resides in the grey zones between the public and the private domains. Most entries dwell on the blurring of the boundaries between the public and the private and thus present the case for the inadequacy of the public/private dichotomy for grasping symbiotic patterns and complex constellations in present-day societies (such as vertical crowdsourcing, use of semi-state agencies in cyberattacks, or publicising people's private lives on the Internet).

Informal power works through both incentives (carrots) and disincentives (sticks) that are not exercised exclusively top-down or bottom-up. Practices of co-optation, co-dependence and informal control are often diffuse. They may be exercised through provision of access to material resources (privileges, allowances or loans) or to more symbolic resources (such as access to decision makers). They may also be exercised by the application of pressure or uncertainty, the threat of suspended punishment, and the destabilisation of private lives (see *Zerzentung*, 8.9 in this volume). Informal power may also be applied by the direct misuse by the authorities of public institutions (such as psychiatric hospitals or



courts). In most cases, however, informal power is exercised in less violent and more nuanced forms of indirect pressure that result in compliance and even self-censorship. Peer pressure and informal checks and balances are the instruments of informal governance but are also examples of motivational ambivalence.

Similar to the order of entries in the other parts of this volume – from social to instrumental in redistribution, from us to them in solidarity, from need to greed in market behaviour – the entries in Part IV are arranged according to the incentives used for domination: from ‘more of a carrot’ to ‘more of a stick’. ‘Carrots’ (albeit with strings attached) are aimed at informal co-optation into the system of domination by satisfying someone’s needs whatever they might be: from a financial loan to a certain degree of impunity. ‘Sticks’ illustrate how the system can punish people informally by using formal institutions selectively, as ammunition (Russia’s *telefonnoe pravo* in courts and *kompromat* in the media are far from being exclusively Russian phenomena), or by using informal leverage in formal contexts. Motivational ambivalence is a central theme in this part: whatever the declared motivation in a legal case or an anti-corruption campaign, some hidden interests may also be served in the process. In most cases, it is impossible to establish with certainty whether the public motive takes precedence over the private, or the private over the public.

Chapter 7, ‘Co-optation: recruiting clients and patrons’, deals with the ways in which resources are allocated in order to create manageability and control. In his introduction, Paul Heywood provides a fascinating typology of the forms of co-optation into patron–client networks: top-down and bottom-up (reverse co-optation); parallel systems of recruitment and governance associated with criminal groups and their mergers with charities; and the role of political parties in organising resource allocation and maintaining informal networks. ‘Carrots’ are essential to co-opt those with the required skills or influence, to integrate weaker groups or individuals, and to neutralise potential opponents. The trade-off is: the loss of independence – for the gain of privileges (that may include immunity) on condition of loyalty and compliance with the party line. In conclusion, Elena Semenova questions the theoretical conceptualisation of patron–client relationships in historical perspective and discusses the ways in which the fundamental patterns of patron–client relations – reciprocity, hierarchy and repetition – adapt to the workings of complex societies. Semenova’s take on the themes of timing, symmetry and status in patron–client relationships in modern societies resonate with the ideas of the ambivalence of interested and disinterested giving discussed

in Florence Weber's conclusion to Chapter 2. However, political scientists, as Semenova points out, tend to emphasise the detrimental effects of patron–client relations for resource mobilisation, democratic accountability, party formation and institutional development.

Chapter 8, 'Control: instruments of informal governance', continues the theme of compliance and maintaining order by controlling people and getting them to follow the party line. In his introduction, 'Politics of fear', Vladimir Gelman explains domination as setting incentives in such a way so that actors will be encouraged to observe the existing rules and be deterred from violating them or, on the contrary, so that they can be persuaded to violate rules that are seen as contradicting the interests of the ruling groups. The 'politics of fear' centres on the state's use of oppressive instruments for the preservation of an authoritarian regime, but this does not necessarily involve direct violence. Most of the instruments described in this chapter involve selective use of the law, manipulative use of state institutions (courts, hospitals), and invasion of personal privacy (dirt books in the UK, *kompromat* in Russia, *songbun* in North Korea, *Zerzentung* in the German Democratic Republic). Just as the mechanisms of co-optation target individual independence, the control mechanisms described here aim to destabilise individuals, undermine their independence and, in the final analysis, create a 'personality' suited for totalitarianism (Arendt 1973). In conclusion, Scott Newton explores the conditions under which practices of circumventing the formal system become the rules, or 'hidden constitutions', according to which system operates. He argues that in Central Asian states formal institutions effectively serve and advance hidden interests, and emphasises the corrupt incentives that underpin the workings of 'hidden' institutions. Together, Gelman's focus on disincentives and Newton's focus on the institutionalisation of corrupt practices, highlight the conditions under which the dissent can be kept quiescent and speak to the themes of co-optation, accommodation, ambiguity and the 'weapon of the weak' discussed by Jan Kubik in Part II and Scott Radnitz in Part III. Just as the political implications of the weapon of the weak stem from the strategies of survival or gaming the system practices, political co-optation is a by-product of economic co-optation, both material and immaterial. Meanwhile, those excluded from economic and political co-optation are likely to engage in 'gaming the system' by camouflage, simulation, cynicism, cultural resistance and other informal patterns identified in this encyclopaedia, thereby enacting informal power.

## Co-optation of Patron– Client Relationships

### **Introduction: carrots versus sticks in patron–client networks**

Paul M. Heywood  
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Co-optation in many ways represents the very essence of the ambivalence that is so characteristic of informal practices. In a political context, the term properly refers to a standard practice of filling a vacancy on a committee or board via the votes of existing members, as reflected in its Latin origin, *cooptare* (to elect). Indeed, co-opted members of a body are often selected for their particular skills or attributes. At the same time, however, co-optation has a more negative connotation, seen as a process through which smaller or weaker groups and individuals are subsumed or acculturated by larger bodies, or else potential opponents are neutralised by being brought into the dominant group. That latter sense is very much in line with the idea developed by Philip Selznick (1949) in his classic study on the Tennessee Valley Authority, in which he described formal ‘coöptation’ (sic.) as a mechanism to manage opposition by incorporating potentially threatening outsiders into the organisation.

It is therefore unsurprising that some of the entries in this chapter share that same ambivalent nature. For instance, the name of the *padrino* system in the Philippines derives from the Spanish word for ‘patron’, one half of the patron–client dyad that underpins the kinds of informality that this chapter seeks to explore. *Padrino* in Spanish also means ‘godfather’ – in the positive ecclesiastical sense as well as the more sinister meaning of mafia overlord – and is also used to refer to the best man at

a wedding. A patron of the arts, familiar from English-language usage, is almost universally seen as a good thing, yet the verb 'to patronise' has both a positive meaning, in the sense of offering support, and a negative one, in the sense of treating someone as if they are inferior. This ambivalence is repeated in a number of the entries, such as *tazkia* (Kurdistan region of Iraq), *trafika* (Czech Republic and Slovakia) or *l'gota* (Russia), which have different meanings according to context and are not necessarily always seen as things that should be condemned.

In essence, most of the entries in this section deal with mechanisms for distributing and allocating resource, while protecting the privilege of those in positions of authority. It is striking how often the metaphor of food occurs in descriptions of informal practices: *kormlenie* (Russia) literally means feeding, *kula* (Tanzania) means eating, *uhljeb* (Croatia) derives from the pre-Slavic word for bread. These informal mechanisms are about providing as well as protecting. Ultimately, they describe systems designed to ensure that a given informal network maintains its position of privilege.

There are several dimensions to how a network might do this. At a basic level, a distinction can be drawn between incentives (carrots) and compliance (sticks). Alternatively, we could talk about horizontal versus top-down mechanisms. Thus, a classic example of a horizontal, incentives-based approach is the *Seilschaft* in Germany, meaning literally a 'rope-team' in reference to mountaineers tying themselves together for collective protection. In practice, *Seilschaft* refers to small cliques in companies, bureaucracies or political parties that work together to advance their collective interests. Similarly, the system known as *Parteibuchwirtschaft* in Austria refers to the party political distribution of opportunities and was originally designed to foster cohesion.

Top-down approaches, on the other hand, often have a sense of threat attached to them. Thus, famously, political machines in the USA were associated with strong party leaders, often known as bosses, who imposed discipline through force by working alongside organised criminal gangs. In line with the ambivalence that characterises such practices, while political machines were primarily concerned with keeping their own hold on power, arguably they were also responsible for restructuring city governments in ways that improved facilities, helped assimilate immigrant groups and supported economic growth (Ehrenhalt 2015). *Mafia Raj* or *Goonda Raj* in India refers more overtly to the link between criminal activity and politics, described graphically by Lucia Michelutti in this chapter as an example of 'muscular systems of economic and political governance'. So-called 'criminal politicians' in India have been accused not just of corruption, but also extreme violence, including murder. Like

US political machines, however, *Mafia Raj* in India operates as a system of governance alongside, rather than in opposition to, the legal state apparatus. Much the same could be said for the practice of *tamozhennyie l'goty* in post-Soviet Russia, where the federal government allowed 'privileged' charitable organisations to import products without paying excise duties, an advantage that unsurprisingly led to infiltration by *mafija* groups.

Given that co-optation depends on access to resources in order to be able to operate effectively, we need to explore where power lies if we are to understand the resilience of these informal networks. It is noteworthy that there has been a shift from the elite-dominated 'old corruption' that operated in the United Kingdom, or the *kormlenie* practice in pre-Soviet Russia that originated with the court elite, towards systems that are typically operated through political parties. So-called 'old corruption', like *kormlenie*, was designed to ensure that the aristocratic classes were able to secure an ongoing source of income, whether through sinecure appointments or by extracting 'tributes' from given territories. Over time, as political and administrative structures modernised, such practices were gradually legislated out of existence. In their place emerged new forms of rent extraction and distribution, often very closely linked to the political parties that became the bedrock of organised power in modern states, both democratic and non-democratic.

Perhaps the most emblematic form of such distribution is 'pork barreling', the practice in the USA of securing spending on projects and programmes to benefit specific party constituents. Similar distributive practices operate elsewhere in the democratic world, characterised by the desire to maintain electoral advantage for incumbents. Several of the entries in this chapter refer to the role of political parties in organising and maintaining informal networks, notably the *Parteibuchwirtschaft* system in Austria, or *tazkia* in Kurdistan and *uhljeb* in Croatia that allow members of ruling parties privileged access to public sector positions.

So long as political parties remain the principal mechanism of organising resource distribution in societies, we can expect the kinds of informal mechanisms described in this chapter to continue operating. However, changes in the nature and functioning of power in the contemporary world are likely to pose challenges not only to our traditional understanding of how nation-states function, but also how informal networks develop. Of particular note is how the disaggregation of power from its traditional locus of the nation-state has seen the rise of what some refer to as a 'network model' of governance, in which private enterprise takes on an increasingly important and influential role in public sector governance. Wedel (2010) has referred to the emergence of 'flexians',

who operate within new forms of social network and manoeuvre seamlessly between a range of different roles: government advisors, think tank employees, business consultants, media pundits and so forth. The growing opportunities for private actors to make governing and policy decisions that effectively bypass government involvement and monitoring will allow for the emergence of post-political party mechanisms of co-optation.

### 7.1 ***Kormlenie*** (Russia)

Sergei Bogatyrev

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*Kormlenie*, literally meaning ‘feeding’, comes from the old East Slavic word *kormiti* (to maintain, to feed) and refers to the practice in pre-modern Russia of maintaining local officials at the expense of those they governed. *Kormlenie* entitled members of the court elite to receive three types of revenue and benefits from the local community. First, it was maintenance (*korm*) consisting of a small annual assessment per household; labour service in the local official’s household; and holiday supply of food and fodder presented to the official on Christmas, Easter and St Peter’s Day (29 June). Second, the officials received fees for administering justice, the branding and registration of horses, the registration of visitors, tolls on shops, custom duties and marriage fees. Third, the local community gave the officials gratuities as tokens of respect.

*Kormlenie* originated from the ancient practice of the prince and his retinue going on tribute-gathering rounds. During these journeys the prince dispensed justice in local communities, but heavily relied on those communities’ supplies to sustain the itinerant royal court. The prince gradually delegated to prominent members of his court the privilege to administer justice, together with entitlement to associated fees and benefits, in some of his towns. The tenure of a particular office granted to a courtier on the basis of the *kormlenie* system varied depending on his rank and service record, as well as the wealth and prestige of the town given to him. Originally such tenures could last as long as 17 years. By the end of the fifteenth century a typical tenure had contracted to one year as the prince sought to reward as many servitors as possible with *kormlenie* (extensions to this period were possible as a token of royal favour). For the same reason the crown significantly reduced the size of territories distributed in accordance with the *kormlenie* practice.

The social status of *kormlenie* holders ranged from top-level boyars acting as vicegerents (*namestniki*, officials exercising delegated power on

behalf of the prince) in large prosperous cities like Novgorod, Kostroma and Vladimir to cavalrymen who were entitled to collect certain fees in small rural communities, which were often situated far away from the cavalrymen's home towns. In some instances the cost of visiting such remote territories was higher than the amount of due income, a situation that caused some cavalrymen to farm out their *kormlenie* revenues.

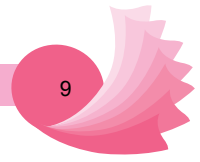
As for the general nature of *kormlenie*, Marxist scholars see it as a form of feudal rent (Enin 2000: 315). Revisionist studies treat *kormlenie* in the context of anthropological theories of generalised exchange in traditional societies like *kula* in Papua New Guinea (see *kula*, 7.2 in this volume) and *dan* in Northern India. These theories assume that gift presentation and exchange established solidarities and mutual obligations (Mauss 1966: 71–2). *Kormlenie* was therefore similar to assigning fiefs and fee benefices in pre-bureaucratic societies (Davies 1997: 39). *Kormlenie* was originally anything but a sinecure, since *kormlenie* holders were the only local agents of princely power charged with responsible



**Figure 7.1.1** *The Town Governor (Voevoda) Arrives to a Provincial Town*, by Sergei Vasilievich Ivanov (1864–1910).

Source: Wikimedia Commons. [https://commons.wikimedia.org/wiki/File:The\\_Voyevoda\\_Arrives\\_to\\_a\\_Provincial\\_Town\\_by\\_Sergei\\_Vasilievich\\_Ivanov.jpg](https://commons.wikimedia.org/wiki/File:The_Voyevoda_Arrives_to_a_Provincial_Town_by_Sergei_Vasilievich_Ivanov.jpg).





administrative, fiscal and military duties, but did not receive any salary for their work (Veselovskii 1947: 267).

The relationship among the central authorities, the *kormlenie* holders and the local community is a matter of scholarly debate. Traditional scholarship emphasised the abuse of power by the vicegerents who tended to extract excessive payments from the local population. According to this interpretation, by the middle of the sixteenth century the corruption of local officials became so intolerable that in 1555/6 the central authorities abolished *kormlenie* and replaced it with a fixed sum of money that the locals paid not to the vicegerent, but to central fiscal bodies (Nosov 1986: 37–8; Nosov and Paneiakh 1987: 27–35). However, *kormlenie* survived as an informal practice, which led to the corruption of local officials; hence anachronistic parallels between *kormlenie* and corruption in Imperial Russia (Pipes 1974: 282).

Revisionist studies argue that the central authorities did not attempt to abolish *kormlenie* in the sixteenth century. Rather, they adjusted the system with the aim of increasing the crown's revenues and systematising the military service of the court elite. In addition to the abuse of power by the vicegerents, there were other serious reasons for the revision of the *kormlenie* system in the mid-1550s. These included the growing dissatisfaction of *kormlenie* holders with the income assigned to them (apparently a response to the crown's increasing demand for their military service), the disobedience of local population and the fiscal inefficiency of smaller *kormlenie* allocations (Veselovskii 1947: 277; Vernadsky 1972: 141; Nosov and Paneiakh 1987: 31). This is why in 1555/6 the central authorities commuted maintenance to a tax payable directly to the central treasury. This reform was implemented not across the country, but only in those territories where it was fiscally and military expedient or where the local population was particularly restless and where the central authorities did not trust individual vicegerents (Davies 1997: 48). Instead of their *kormlenie* revenues, the vicegerents in affected territories now received cash payments from the central treasury. In practical terms the authorities abolished the inefficient smaller 'feedings' held by cavalrymen and a few of the large-scale 'feedings' of some magnates who had lost royal favour. In many other territories the vicegerent administration continued to function on the basis of the *kormlenie* system.

The practice of granting generous 'feedings' to influential courtiers received a new impulse during the reign of Fedor Ivanovich (1584–98). In the seventeenth century the authorities replaced the vicegerents with town governors (*gorodovye voevody*) who existed until 1775 (see Figure 7.1.1). The latter were under the close supervision of central



chancelleries, but still received no remuneration for their administrative duties, which might have significantly increased the officials' travel expenses and the maintenance of their staff and agents, who were often the governors' relatives (Enin 2000: 311–12). Town governors thus continued extracting *kormlenie* remuneration from the local communities, some of which were forced to pay the officials over a quarter of annual communal income. The early Romanovs were reluctant to formalise the *kormlenie* of town governors and never issued a comprehensive law regulating their maintenance by the local population, apparently fearing open resistance from the taxpayers (Davies 1997: 53). Sporadic attempts to ban or legalise unofficial extortions and bribes under the early Romanovs (1620, 1661, 1679), Peter I (1713, 1714, 1720) and his successors (1726) were abortive and inefficient.

The practice of *kormlenie* originally provided local communities with various means of safeguarding their interests. From the late fifteenth century the central authorities regulated *kormlenie* through ordinance charters (*ustavnye gramoty*) issued to particular communities, through revenue entitlement lists issued to the *kormlenie* holders and through the Law Codes of 1497 and 1551 (Davies 1997: 45). The ordinance charters specified the amount of maintenance in kind due to the vicegerent and his agents and allowed the locals to define the amount of unregulated offerings of gifts or service. Should the officials be displeased with the provided maintenance, they could substitute it with payments in cash, the amounts of which were also stipulated in the charters. As ordinance charters fixed the amount of cash payment without taking inflation into account, private and church landowners tended to commute maintenance in kind to cash payments. In return for maintaining the local administration, members of the community were entitled to participate in court hearings held by the vicegerent. The charters also protected the community from the local officials attending communal celebrations without invitation and from unpaid requisitions of provision by the prince's agents lodging with the locals (Vernadsky 1972: 132).

The dismantling of the legal basis of *kormlenie* in the 1550s left the taxpayers with very few formal instruments for protecting their interests. Local communities recorded their 'feeding' payments in expenditure books, which served as a documentary evidence for petitioning Moscow against the extraordinary extortions levied by individual town governors. Deprived of its legal foundations, *kormlenie* became a matter of private arrangement between the official and the locals based on traditions and customs. From an anthropological perspective, *kormlenie* removed from

the town governor his impersonal status of a bureaucrat and involved him in generalised exchange with the local community. Maintenance also performed an informal regulatory function by establishing prices for certain services rendered by the official for the community. For these reasons a community could even mutiny against a town governor who rejected communal maintenance and gratuities, as the locals saw such an attitude as reluctance to enter into informal reciprocal agreement (Davies 1997: 57).

*Kormlenie* was not corruption in our modern sense and should be distinguished from later practices of bribery. *Kormlenie* was a practice typical of the pre-modern administration that struggled with limited financial and logistic resources. The central authorities saved on payments to its local officials by involving taxpayer communities in maintaining local government through a combination of legal and informal mechanisms. In return for their *kormlenie* contributions, communities gained access to justice through local officials who acted as extensions of royal power. The withdrawal of the state from the legal regulation of *kormlenie* undermined the community's position in dealings with the local officials as they increasingly entered into reciprocal exchange with individuals or specific interest groups within the community (Enin 2000: 312). *Kormlenie* gradually gave way to recognisably modern forms of corruption, such as bribery, that have plagued Russian administration ever since.

## 7.2 *Kula* (Tanzania)

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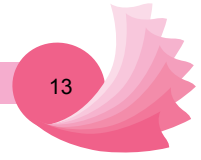
The literal meaning of the word *kula* in Kiswahili (also known as Swahili) is 'eating', that is, one of the basic requirements for human survival. This may include getting access not only to food but also to other such basic needs as shelter and clothing. However, *kula* may also be used figuratively to denote ways of gaining access to resources that allow people to satisfy other needs and aspirations, including the use of corrupt practices. Indeed, in Tanzania the word is commonly used in order to normalise or justify corruption.

The frequency with which the word *kula* is used in Tanzania reflects the extent to which corruption has permeated everyday life in the country. It also sheds light on how individuals and groups strive to accommodate corrupt practices regardless of ongoing anti-corruption initiatives at various levels in the country. Attempts to close loopholes for corruption

are seen as denying people the opportunity to eat (*kula*), in which case people complain about being hungry (*njaa*). This is especially true of those who benefit from corrupt practices, since their livelihood and efforts to realise their aspirations depend on such activity. But the term is also used by members of the elite not only to describe ways of satisfying their own desires, but also to justify distributing benefits to their clients and supporters.

The ways in which *kula* is used in everyday discourse in Tanzania can be divided into two broad categories. The first entails expressions that justify taking bribes or engaging in dubious deals in order to gain wealth or access to opportunities and resources. This first category includes but is not limited to the following:

- 1(a) *Kupata/kupewa ulaji* (to get or to be given the opportunity to eat). These expressions refer to gaining access to opportunities and resources pertinent to the fulfilment of one's aspirations and desires. They may, for example, be used when someone is appointed to a position in the public or private sector that allows easy access to resources. They may also denote securing a lucrative job, tender or business. In anti-corruption discourse, the expressions are used to describe people who use public office simply 'to eat' (*kula tu*), that is, to exploit public resources for their own personal interest. A similar practice, whereby those in power control appointments to posts at both central and local level, is known in Nigeria as 'stomach infrastructure' (Baez-Camargo and Ledeneva 2016), while Jean-François Bayart used a Cameroonian expression, 'the politics of the belly', in his classic study of the relationship between clientelism, corruption and power in African politics (Bayart 1993).
- 1(b) *Kula maisha* (to enjoy life). This is a powerful discourse that frames corruption as a means to enjoy life in the sense of allowing people to gain access to resources and wealth. 'Enjoying life' is often expressed in images of 'a better life' (*maisha mazuri*) that highlight material possessions and the culture of consumerism. The accumulation of wealth, regardless of its source, is portrayed as something to be admired and desired. This in turn justifies and normalises corruption.
- 1(c) *Tukale wapi/tutakula wapi/tutakula nini?* (where/what should we eat?). In this discourse, corruption is depicted as a means of eking out a living. In this case, eating is not limited to gaining access to food but includes a wide range of goods and services,



while corruption is presented as an essential mechanism for coping with life's challenges. This is consistent with literature on the causes of corruption that suggests that low and inadequate salaries paid to public servants exacerbate the practice of corruption (Mookherjee 1997; Chand and Moene 1999; Ferrinho et al. 2004; cited in Andvig et al. 2000). Proponents of this view acknowledge the fact that, when confronted with pressing needs, people resort to all possibilities in order to satisfy them.

The second category includes expressions that justify giving a bribe in order to gain access to certain services, resources or opportunities. These expressions emphasise a sense of reciprocity grounded in the idea that nothing is for free: if you need something, you should give something in return (*hakuna cha bure*). This second category of expressions includes but is not limited to the following:

- 2(a) *Kula uliwe* (in order to eat you should allow others to eat from you). This expression is frequently used to justify giving a bribe in exchange for a particular opportunity, favour or right. It is common when people are seeking to secure a tender, job or political position. Political corruption is taken for granted even by voters, who see state elections as 'eating times' or 'harvesting sessions' when aspirant politicians seek votes (*kura*) in order to obtain opportunities to eat (*kula*). While politicians bribe voters in order to get an opportunity to eat (*kupata ulaji*), voters take the opportunity to 'eat' from the politicians in return for their votes. Politicians will accordingly be allowed to 'eat' with impunity and guaranteed immunity from prosecution for corruption as long as they remain politically influential and continue to defend their voters.
- 2(b) *Wakale wapi/wanakula humohumo?* (this is where they eat/ where should they eat?). This reflects the third expression in the first category above, where officials in low-paid jobs ask, 'where and what should we eat?' It justifies giving a bribe on the grounds that the bribe enables the official to eke out a living.

As seen above, the notion of eating (*kula*) represents corruption as a means to realise multiple ends. Those who solicit bribes and those who give them justify their actions by reference to 'eating' in the sense of gaining access to basic, even essential needs. As a result, corrupt practices are depicted as justified and attempts to counter corruption by means of sanctions are undermined.

In their comparison of informal practices in Tanzania, Mexico and Russia, Baez-Camargo and Ledeneva explore patterns of informal governance that work effectively in all three countries, enabling members of the elite to maintain their grip on power while at the same time allowing ordinary citizens access to scarce services and resources. They argue that the resilience of corrupt behaviour across all three countries can be explained by the fact that informal governance norms are permeated with ambivalent meanings. In Tanzania, for example, they found that corrupt behaviour is both publicly condemned and privately tolerated since it provides effective alternative means of access to essential resources that are needed not only by the elite but also by the general population. Regimes with systemic corruption declare wars against corruption, they conclude, but in fact are also dependent on existing corrupt practices for the purpose of reproduction and legitimacy (Baez-Camargo and Ledeneva 2017: 49–72).

### 7.3 **Old corruption** (UK historical)

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‘Old corruption’ referred to the system of highly paid government offices, pensions, sinecure positions and income streams secured by members of the British aristocracy and upper classes during the eighteenth and early nineteenth centuries. The phenomenon was an all-pervasive feature of British upper class life in this period. The term was famously used by William Cobbett (1763–1835), the radical reformer and enemy of the British aristocracy (Rubinstein 1983; Harling 1995). Probably the most important characteristic of ‘old corruption’ was that it was a parasitical but entirely legal system. Despite its name, it was not comparable to what is traditionally regarded as ‘corruption’ today: illegal or at the very least unethical abuses of office such as bribery, embezzlement and fraud.

‘Old corruption’ consisted of the appointment of an aristocrat, his relatives, or a political ally to an official position with a high income attached. Normally the income attached to this position was extraordinarily high and manifestly in excess of what a legitimate, non-aristocratic holder of the position would be paid. Hundreds of examples of ‘old corruption’ in the early nineteenth century were collected in John Wade’s *Black Book, or Corruption Unmasked*, originally published in 1816 and in subsequent editions. For example, in 1832 Lord Bathurst, an aristocrat of the time, received £32,700 annually (over £3.5 million in today’s money,

at a time when there was no income tax) as the holder of the offices of Clerk of the Crown Court of Chancery, Secretary at War, Commissary of the Affairs of India, Teller of the Exchequer and from an office entitled Clerk of Dispensations and Faculties. Furthermore, according to Wade, two of Bathurst's relatives received £6,400 per year (over £700,000 today) from three other offices they held. If any of these posts actually required work to fulfil their duties, this was done by clerks who were paid a tiny fraction of what Lord Bathurst received. According to Cobbett, Wade and other critics of the British aristocracy of the time, there were literally hundreds of similar positions with similarly grandiose titles, enormous incomes and few duties that were held by aristocrats and fortunate placemen.

Many positions held under 'old corruption' were hereditary, being inherited upon the death of their holder by his chief heir. In addition, many positions were ludicrous and absurd in nature. The *Black Book*, for example, noted the case of Lord Auckland, who received £1,400 per year (over £150,000 today) as 'Vendue-Master at Demerara' (in British Guiana) 'where he had never been', and £1,900 per year (over £200,000 today) as 'Auditor at Greenwich Hospital', 'for doing nothing'. In 1830, when many of these offices had been abolished or reformed, it was found that Lord Henry Seymour received £1,251 per year (over £130,000 today) as 'Craner and Wharfinger of Dublin Harbour'. The Duke of St. Albans received £2,000 per year (over £200,000 today) as 'Hereditary Grand Falconer and Hereditary Registrar of the Court of Chancery' – offices that required no work on the part of the Duke, since the legitimate activities of the Court Registrar were done by poorly paid clerks.

Although 'old corruption' involved the granting of underserved high incomes to the aristocracy and its associates, it did not entail the granting of other modes of power or authority, or any legal privileges such as continental aristocrats often enjoyed at this time. The granting of special privileges not held by ordinary Englishmen would have been regarded as unconstitutional even by those who benefitted financially under 'old corruption'. Britain's aristocracy can be distinguished from continental aristocracies in having no legal privileges of any kind, apart from the right (in most but not all cases) to sit in the House of Lords. They obeyed the same laws as did labourers and shopkeepers and, in particular, were not exempted from the payment of any taxes – unlike, say, the pre-1789 French aristocracy. It should also be noted that there were few traces of the absurd features of 'old corruption' in the vital aspects of British national life. For instance, although it initially helped the career of a British naval officer to be related to an aristocrat or to have him

as a patron, promotion to the top was based on merit and seniority, and the British Admiralty sought out naval officers like Nelson who were extremely talented as well as being well connected. Britain could simply not tolerate incompetence in a sphere vital to its national existence.

The scope of 'old corruption' was gradually reduced and ultimately ended by successive reforming British governments, including Tory governments, from the late eighteenth century through the 'Age of Reform' in the 1830s and 1840s. Much of the pressure for reform came from middle-class activists and politicians who regarded the astronomical salaries of 'old corruption' as a colossal waste of the taxpayers' money. Aristocrats eventually acquiesced in the ending of 'old corruption', in part because it was increasingly indefensible and in part because, with the Industrial Revolution, they became wealthier through 'legitimate' sources of income: from their rent rolls, exploiting mineral deposits like coal on their land and from investments in railways and other businesses. By the 1850s 'old corruption' in its previous sense had ended, and was not replaced by any form of overt corruption. Indeed, late Victorian British politicians and, in particular, the British civil service were renowned for their honesty and probity, and, apparently, few if any financial scandals involving them have ever come to light.

'Old corruption' severely contradicted Max Weber's theories of modernity and bureaucracy, which saw modern bureaucracies as based on the accord of effort and duty, promotion through merit or seniority and the actual performance of significant and clearly stated duties by the holders of an office (Weber 1947). Weber's distinction between income, status and power as separate modes of social standing was also violated by 'old corruption', with status, income and power being often transmissible into one another. Aristocratic status, for instance, entitled one to hold an office with an undeservedly high income – just as, at the time, it was possible to 'buy' a seat in the unreformed House of Commons.

Analyses of corruption have traditionally focused on illegal abuses such as bribery and misuse of public funds. However, in recent years increasing academic attention has been paid to the notion of 'legal corruption', as developed by Kaufmann and Vicente (2011). Legal corruption involves the 'abuse of office for private gain' that is central to traditional notions of corruption, but where the 'abuse' is able to take place legally due to its perpetrators possessing political and legal control. While 'old corruption' was closely bound up with a titled aristocracy that no longer exists in modern European nations, in essence it may still be regarded as an early form of 'legal corruption'. It is thus interesting to note that conceptions of 'corruption' have come full circle, and that the concept of

'legal corruption' has roots in eighteenth- and nineteenth-century British political discourse.

#### 7.4 **Political machineries** (USA historical)

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Political machineries (from *machine* – device, engine, instrument) were informal practices for organising political parties in urban centres in the USA in the late nineteenth and early twentieth centuries (synonymous expressions: *machine politics*, *political machines*). The term 'machinery' refers to the perceived efficiency of this kind of political party organisation. This efficiency was attributed to strong party leaders (commonly known as 'bosses') who were able to impose 'measures of discipline on party members' and 'to maintain and use political power on a regular, predictable basis' (Mayer 2001: 11678).

Its discipline, efficiency and predictability notwithstanding, the term has largely negative connotations, since these features were enabled by gaining voter support by means of 'patronage jobs, government contracts, and special favors to individual voters' (Mayer 2001: 11678) as well as to voter groups, while excluding non-supporters. Thus, on the most general level, political machineries built their power on a form of organisation that traded specific material rewards to loyal segments of the electorate in return for political support. As a result, political machineries violated the norms of a universalist discharge of duties associated with public roles and substituted the ideological formation of political will for a system of smoothly interlocking economic exchanges: resources bought votes, votes bought offices, offices bought influence, influence bought resources and resources bought votes.

The rise of political machineries is explained by a combination of interrelated factors that were specific to urban American politics and bureaucracy towards the end of the nineteenth and the beginning of the twentieth centuries. First, the American political system of that time consisted of countless electoral offices with relatively short mandates. This practice was rooted in the radical democratic tradition of American politics that aimed to prevent the development of the centralised, hierarchical and often authoritarian bureaucracies commonly found at that time in Continental Europe (Lesoff 1994). However, an unintended side effect of democratic bureaucracy and elected offices was that their short-term character impeded the recruitment of professional bureaucrats and



attracted persons who regarded public offices as instruments for personal enrichment, sinecures and patronage (Welskopp 2010: 224).

Second, the large-scale buying of votes and trading of material inducements for political support were reinforced by a massive influx of immigrants who (a) were dependent on local networks for support and mutual help; (b) were given the right to vote comparatively quickly; and (c) were willing, since they lacked a supportive welfare state and experience of democratic processes, to trade their votes for more tangible benefits (food, housing and jobs).

Third, immigration encouraged the extremely fast growth of urban centres and the need for massive investment in urban infrastructure. American cities, however, were not able to coordinate such complex projects centrally, mainly because the democratic structure of local administrations imposed strong checks and balances between administrative units. The resultant deadlocks in decision-making had to be solved informally and on a personal level.

Fourth, the small and ineffective US public sector had to outsource most large-scale investments to the private sector, while leaving this relationship largely unregulated. For politicians and bureaucrats, this created an incentive for personal enrichment by means of insider trading and commissions, especially in the real estate and construction businesses, where 'political bosses' often acted as both buyers and sellers of services. This was the resource base for the supply of material rewards for loyal voters.

Fifth, in American cities electoral constituencies and administrative units mostly overlapped, so politicians and bureaucrats could trade benefits for political support locally, that is, with people they knew personally and who were directly dependent on their help (Welskopp 2010: 225).

Sixth, the often puritanical standards of the American legal system (especially regarding gambling, prostitution and alcohol consumption) created a market for 'protection' against police forces who, because of the ubiquity of deviant behaviour, often acted selectively and unpredictably. Politicians and bureaucrats often bribed police officers to look the other way in order to protect their clientele when they were engaged in semi-legal or criminal activities.

All these factors intertwined to create complex networks of informal relationships with 'political bosses' and the higher echelons of party organisations at their heart. Around them there emerged a tight web of loyal voters, corrupt administrators and law enforcers, businesspeople, criminals and racketeers. In popular culture, the structure of political machines, their connections to immigration and crime and the role of

'bosses' such as William Tweed ('boss' of Tammany Hall, the Democratic Party political machine in nineteenth-century New York) were graphically depicted in Martin Scorsese's 2002 film, *Gangs of New York*.

The longevity of political machineries in such cities as New York, Philadelphia or Chicago is usually explained by their latent functions. According to Robert Merton's (1968: 128 ff.) classic and widely accepted analysis, political machineries latently (that is, unintentionally) centralised power and authority that had previously been dispersed among many antagonistic administrative units. Also, as mentioned above, political machineries acted as a personalised and direct proto-welfare system for immigrants and other economically deprived groups and helped to integrate them into the political system. For disadvantaged groups, political machineries were vehicles for upward mobility at a time when there were few legitimate channels for such advancement. Through favouritism, moreover, political machineries created a protected and thereby predictable (that is, non-competitive) market for large and small businesses loyal to the machine.

These functions came at a high price, however. Political machineries primarily served the needs of the bosses and their cronies who not only centralised but in fact monopolised political power. While the political bosses' cooperation with the business world helped to build infrastructure, it did so at unreasonably high rates that drained city budgets and left cities heavily indebted for decades. Political machineries not only excluded non-supporters but actively terrorised them, often with the help of organised crime groups, while cash flows from the protection business turned political machineries into organised crime groups themselves (see Figure 7.4.1). Finally, political machineries, by having their power base in local immigrant populations, contributed to racial divisions in American cities – political support was traded for help for 'their' people only. This spurred racist and isolationist positions in American politics, as immigration came to be associated with political decay, organised crime and private vice.

Political machineries were a specifically American phenomenon of the industrial age. The practice had largely died out by the middle of the twentieth century, as local administrations became professionalised, as the US developed a universalist welfare state (President Roosevelt's New Deal) and as second- and third-generation immigrants were absorbed into a functioning labour market that made local, personal and mutual help largely obsolete (Mayer 2001: 11679 ff.). While the combination is historically specific, however, some aspects of political machineries can still be found today, largely in countries with democratic party systems



**Figure 7.4.1** *Why Our Cities Are Badly Governed* (1899). Political boss (the playing card and pistol in his pocket identifying him as a saloon owner and/or associating him with organised crime) dragging loyal businessman and bagger/immigrant to the voting place. Source: Beard, Frank (1899) *Fifty Great Cartoons*. Chicago: Ram's Horn Press.

but with otherwise dysfunctional welfare systems or labour markets. Tina Hilgers (2011: 580) argues that political machineries consisted of a complex combination of several informal and illegitimate practices and that 'clientelism' was among the most important. Party organisations

that today most clearly resemble political machineries are based on a clientelistic exchange of political support for direct and face-to-face forms of goods and services that are also characterised by a lack of ideological orientations of the parties themselves and of their voters. Classic examples are the Peronist Party in Argentina (Auyero 2000), the Institutional Revolutionary Party (PRI) in Mexico, or the traditional parties in modern Greece.

However, the roots and sources of durability of contemporary clientelistic parties around the world often differ from those of their American counterparts. In Latin America and Asia, for example, they are often rural rather than urban, while immigration plays a less decisive role than traditional ethnic, regional, religious, occupational and clan loyalties. Often, too, such parties monopolise the national political landscape more effectively than local machineries in the USA could do. A possible explanation is that strong countervailing powers (the Republican Party, independent mass media, established capitalists), the pronounced federalism of US politics and the concentration of immigrant populations in urban communities prevented the proliferation of political machineries on the national level.

### 7.5 *Seilschaft* (Germany)

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*Seilschaft* (plural *Seilschaften*) is a German term denoting an informal network. Literally, it means ‘rope-team’ – a small group of Alpine mountaineers who, when scaling a mountain, tie themselves together with a single rope in order to support and secure one another against falling off the rock-face. Used in its informal sense, however, the term carries highly negative connotations of cronyism, unfair advantage and undue influence, typically with the purpose of advancing the careers of the network members. While the term originated in Germany, it has spread to the English-language academic literature to denote corruption, patronage and the abuse of informal political networks.

The early, figurative use of the term can be observed in German scholarship, media and everyday language, primarily to describe small cliques in companies, bureaucracies or political parties whose members seek jointly to advance their careers, often by corrupt means. *Seilschaften* gained prominence in the wake of regime changes such as the defeat of the Nazi regime in 1945 and, from 1989, the collapse of the German

Democratic Republic. In both cases, the term was used to describe the tenacious persistence of old boy networks in public administration, politics and business and the efforts of such networks both to carry over some of their clout into the new regime, and to protect one another from being ousted or indicted as a result of the roles they had played under the old order (Häusserman 1998; Karsten and von Thiessen 2006; Asch 2007; Wikipedia.de 2016). In German academia, the concept has also found some traction in studies of post-Soviet transition countries, for example, in relation to Russia, Poland, Romania and Ukraine (Pleines 2005, 2006), and in some instances with regard to manifestations of machine politics in the USA (Welskopp 2010) or of corruption in China (Heberer 2013).

Use of the term remains common in the mass media in contemporary Germany. A popular Danish TV drama (*Borgen*), that documents the rise and political machinations of a Danish prime minister, is for example distributed in Germany with the subtitle *Gefährliche (dangerous) Seilschaften*. In real life, too, certain networks of highly ambitious German politicians have been dubbed the *Andenpakt* (Andean Pact) and the *Zugspitzkreis* (Zugspitz Circle). Both of these much discussed *Seilschaften* follow the mountaineering metaphor and are named after a particular mountain range or mountain. In both cases, too, it is noteworthy that the reference to a rope party is not only ascribed by the media, but is also promoted by the groups' own founders and members, perhaps to reflect some of the mythological aura of ambition and risk-taking of *Seilschaften* in a competitive political landscape.

Perhaps the most prominent German manifestation is the '*Similauner*', a select network of top German business managers who meet twice a year on mountain trips that serve as bonding events (*Manager Magazin* 2012). Outside German-speaking countries the notion of *Seilschaften* has also found some, albeit as yet limited, use in the political science literature, particularly with regard to the organisation of political and economic power in the former Soviet Union and Eastern Europe (McCauley and Carter 1986; Albrecht 2000: 225). The first use of the term in the English-speaking political science literature is commonly attributed to T. H. Rigby and his colleagues in their work on the organisation of political leadership and power in the former USSR (Rigby 1981, 1986; Józsa 1983: 135; Albrecht 2000: 225; Ledeneva 2013: 33).

Specific definitions in the literature on governance vary, but common attributes that are typically associated with *Seilschaften* (e.g. Emrich et al. 1996) and that also fit well with the mountaineering metaphor include:

- *Small*: unlike most informal networks, *Seilschaften* are typically small in size, as are the related mountaineering groups.
- *The aim is the way to the top*: climbing the mountain and climbing the career ladder.
- *Powerful leadership and trusting followers are key resources*: a charismatic leader abuses his official position to dish out special favours, protection and career promotions to network members in exchange for loyal following and support that validate his own power, much as a rope-leader takes responsibility for his climbing team.
- *Interdependent alliance of fate*: members are tied to one another since collusion in corrupt activities such as undeserved promotion makes everyone vulnerable to being called out and everyone a potentially dangerous traitor. So on the mountain: if a single member acts recklessly, he or she can drag down the entire party.
- *Conspiratorial, secretive character*: *Seilschaften* are typically shrouded in secrecy, their power and influence are rumoured to be considerable and at times imbued with legendary qualities, yet they operate behind the scenes, much as a small group of climbers whose heroic race to the summit takes place in the loneliness of the mountain far from public view.
- *More than an interest-based alliance*: *Seilschaften* are usually believed to be underpinned by a strong collective identity, bonding experience and friendship often based on a shared geographic origin (the same city or region) and/or a shared educational or professional background (same *alma mater*, business school or military training). These are reinforced by initiation rites and tests of courage just like those endured by a group of mountaineers whose risky, heroic ambitions and joint exposure to extreme mental and physical challenges forge a strong group identity and bonding experience.

From the perspective of practical governance, the term *Seilschaft* has a contemporary and important ring. Its metaphorical quality lies in its denotation of a set of corrupt practices that are much more subtle, reciprocal and multi-dimensional than the transactional bribery practices that have traditionally been the focus of most anti-corruption work. The concept of *Seilschaft* grants intuitive access to many elements in the bricolage of shared ideas and identities, interlocking social relations, conducive organisational dynamics, aligned political calculus and economic (inter)dependencies that combine to imbue small bands of economic and political elite networks with outsize influence on policy-making at both ideational and practical levels. As such, the notion of *Seilschaft* speaks

to issues of kleptocracy, policy and regulatory capture – structural and transformational corruption risks that are rapidly assuming a central focus in both practical and scholarly work on political and economic governance.

### 7.6 **Parteibuchwirtschaft** (Austria and Germany)

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The term *Parteibuchwirtschaft* is a compound word formed from *Parteibuch* ('party membership book') and *Wirtschaft*, which in this context translate as 'economy' or 'enterprise'. The Demokratiezentrum Wien (2015a) describes *Parteibuchwirtschaft* as a means of improving an individual's chances of access to employment, housing or career opportunities. Thus, this party political distribution of opportunities is designed to foster the cohesion of a political camp, but habitually neglects the principle of objectivity.

This practice has its origins in the early days of the Austrian Second Republic of the 1950s. At that time, identifying with a political party was not only an expression of a person's political standpoint, but often the only way to be granted access to employment in public administration or in the important sector of state enterprises (Sickinger 2011). Allegedly, the practice of *Parteibuchwirtschaft* was deemed so important that teachers were said to have routinely possessed not one, but two membership books – one for the conservative party (ÖVP) and one for the socialist party (SPÖ) (Parsons 2014). The practice of boosting one's chances of access to relatively cheap cooperative or council flats by becoming a member of a certain party was well established in Austria up until the 1980s. This informal practice was not only restricted to economic or administrative managerial positions (in which it still plays a vital role today), but also encompassed subordinated elements such as the distribution of housing space. Consequently, not being a member of or associated with one of the major Austrian parties resulted in severely diminished social prospects and limited career opportunities in the public sector and in state-owned companies. In the late 1980s *Parteibuchwirtschaft* attracted considerable public criticism and as a result was partly abandoned by the nationalised industries (Sickinger 2011).

*Parteibuchwirtschaft*, however, is not limited to Austria. Von Arnim (2008) points out that political parties in Germany not only make staffing decisions concerning parliament and the cabinet in this way, but also actively influence human resource considerations in both public



administration and the public service sectors in which party-affiliated persons are frequently placed. Von Arnim also identified other arenas in which membership of, or association with, a political party can open otherwise locked doors. Examples included state-owned enterprises such as electric power stations, savings banks and public transportation services. According to him all enterprises in Germany in public ownership, or operating in the public sphere, offer employment opportunities for party-affiliated persons (von Arnim 2008). Nevertheless, it should be noted that practices such as *Parteibuchwirtschaft* are still more pronounced in Austria than in Germany, even though the overall level of corruption appears to be similar in both countries (Sickinger 2006).

The economic consequences of practices such as *Parteibuchwirtschaft* have been much commented upon both by authors and journalists: Poosch (2010) questions whether these practices are ethically correct and economically optimal. Based on a critique by Transparency International, the German newspaper *Handelsblatt* (2009) reported that the Austrian government makes independent bank supervision exceedingly difficult. It drew attention to the fact that the two top positions of the Austrian Financial Market Authority (the body entrusted with bank supervision) are filled by persons affiliated to two major Austrian political parties.

The above-mentioned case is not the only incidence of *Parteibuchwirtschaft* reported in the Austrian media. In 2013, the Austrian newspaper *Der Standard* reported a disagreement between political parties about appointments within the local public sector, following the election of the government of Carinthia (the southernmost Austrian state) earlier that year. In Germany, the newspaper *Stuttgarter Nachrichten* (2012) reported a debate on similar lines in the newly formed state parliament of Baden-Württemberg after elections in the previous year. In general, debates among parties over the appointment of persons affiliated to a party in one way or another are a recurrent source of conflict, especially in Austria (Schmidt 2010). This explains why *Parteibuchwirtschaft* and similar practices are frequently discussed in both Austrian and German media.

The greatest problem in countering these practices is that they are difficult to quantify, even though there appears to be no general doubt that the ownership of a favourable party membership book plays an important role in human resource decisions (Röhl 2007). Ennser-Jedenastik (2012) attempted a quantitative analysis of the effects of changes in parliament by investigating top managerial positions in government-related



enterprises in Austria. He examined the political affiliation of top-level managers in these companies between 1995 and 2010, and examined possible correlations with the composition of the Austrian government coalitions during the same time period. Among other findings, the results of the study show that the composition of the government had a major influence on appointments to high-level vacancies in state-owned enterprises. The study shows that vacancies in larger companies were more likely to be filled by party-affiliated persons than vacancies in smaller companies. Furthermore, the study showed that positions on the boards of directors of companies were in greater demand by the party-affiliated applicants than executive positions (Ennser-Jedenastik 2012). Indications are that *Parteibuchwirtschaft* is not a thing of the past. On the contrary, it still plays a major role in today's publicly owned industries and in the public sector in general.

Previously observed and in part linked to *Parteibuchwirtschaft* was an increase of political apathy among all social groups and across all political camps in Austria. This was a contributing factor to the rise of Jörg Haider, leader of the FPÖ (Freedom Party of Austria) and later of the BZÖ (Alliance for the Future of Austria) in the years between 1986 and 2008. Jörg Haider became well known throughout Europe for his populist rhetoric and political programmes on which the fight against corruption, privilege, *Parteibuchwirtschaft* and similar practices was based (Neurrieser 2008).

The question of how *Parteibuchwirtschaft* has endured for such a long time is pertinent. It appears to be advantageous for political parties to employ a system in which they promote and place party-affiliated persons in important positions, rather than making human resource decisions based solely on the professional skills of candidates. Von Armin (1995) argues that parties often assign functions and awards to people who have some degree of influence over the public, thereby making them indebted to the political establishment. Consequently, it can be argued that *Parteibuchwirtschaft* is a tool for power and influence.

An analogous practice to *Parteibuchwirtschaft* is *Parteipatronage*, also referred to as *Ämterpatronage*. Both terms describe the preferential treatment of fellow party members or party-affiliated persons over others (*Rechtslexikon* 2014). Other practices such as *Vetternwirtschaft* have widely been used synonymously, even though this term refers to the nomination or promotion of people based on personal bonds such as kinship rather than party affiliation. Synonyms for *Vetternwirtschaft* are *Nepotismus* ('nepotism') (*Politik-Lexikon* 2008) and *Freunderlwirtschaft*, the latter being a colloquial term especially popular in Austria (Duden

2015). *Proporz* is another term often used synonymously, even though it has a slightly different meaning. *Proporz* is an abbreviation for ‘proportionality’. In politics this term refers to the proportional representation of parties in political bodies and public functions (Demokratiezentrum Wien 2015b), thus this term has a more official connotation than *Parteibuchwirtschaft*. Other expressions worthy of mention include *Klientelpolitik* or *Klientelismus* (‘clientelism’): although a number of definitions have been designated to this particular term, common usage of *Klientelpolitik* is not necessarily limited to persons associated with a particular party, but is generally used to imply a broader network (Muno 2013). All of the above terms are frequently used synonymously in the media as well as in public and private discussions, even though most of them have slightly different connotations. What these terms have in common, however, is the tendency to place interpersonal over performance criteria when it comes to human resource decisions and the granting of other benefits.

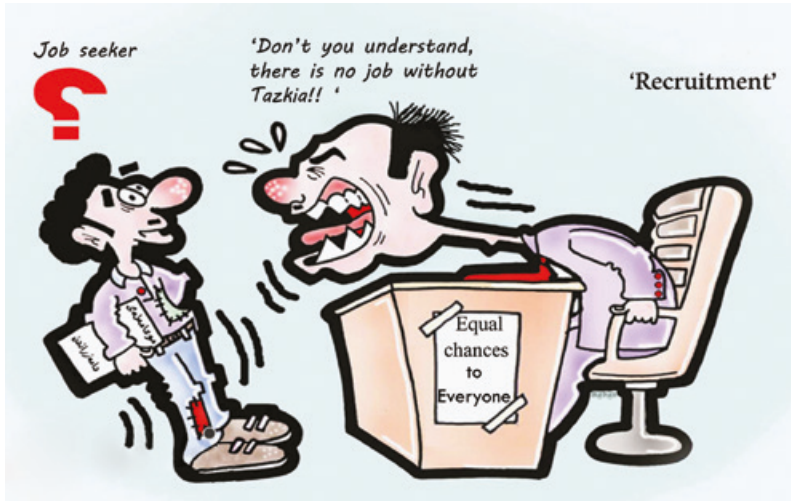
### 7.7 **Tazkia** (Iraqi Kurdistan)

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*Tazkia* is an Arabic word, which has a number of different meanings according to context. For instance, it can refer to a person who won an election without having any competitors, or to someone being confirmed as a successful candidate for a party position without any other contenders being considered (Omar 2008). In the context of the Kurdistan Region of Iraq (KRI), the term has a political nuance and refers to a letter of support issued to the membership of the two ruling parties in the KRI, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). This letter grants members exclusive access to positions within the public service sector. It represents an informal practice that has developed since the mid-1990s to selectively distribute public services among supporters of the KDP and PUK (Figure 7.7.1)

A general introduction to the KRI governance experience is necessary to understand how *tazkia* works in the public sector arena. The 1994–8 KDP and PUK civil war resulted in the division of the KRI institutions into two geographically divided administrations (Stansfield 2004). This had a noticeable impact on the KRI governance model. The KDP Zone became known as the Yellow Zone, after the colour of the KDP flag, and the PUK Zone was identified as the Green Zone, after the colour of the PUK flag. The administrative polarisation started in 1997 in



**Figure 7.7.1** Caricature depicting the application of *tazkia* by public office holders.

Source: <http://www.sbeiy.com/>. © Sbeiy website.

the aftermath of the civil war, and officially ended with the unification process of both partisan Kurdistan Regional Governments (KRG) in 2005 (Ala'Aldeen 2013). However, the repercussions of the civil war continue to influence events. Both ruling parties acted independently in the process of empowering their armed forces, building their security forces and in developing their bureaucracies in their respective zones on the basis of political affiliation (Knights and Metz 2014). This, in turn, provided fertile ground for *tazkia* to develop and expand within KRI public institutions.

Since the administrative division of 2005, the provision of most public services in the KRI institutions has taken place through these politicised procedures. Both parties have provided a wide range of opportunities for their members with regard to the way in which public institutions selectively reward them with services and positions. The KDP favoured its members with a *tazkia* letter, which enabled its members to enjoy a variety of public services in the Yellow Zone; the PUK acted similarly in assisting its own members in the Green Zone. Despite the unification process of 2005, the two parties maintained their own influence within their respective zones and domination of key areas, including security and the military, as well as public finance, which has remained almost unchanged (Mala Baxtyar 2015).

Since the mid-1990s the KDP and PUK have enjoyed nearly absolute control over the Yellow Zone and Green Zone respectively, and *tazkia* has continued to be the most common method used by both parties to strengthen their organisational bases in the KRI and to widen their circle of support among the people. In both zones officials have issued *tazkia* letters to their members to enable them to gain a variety of public services. Both parties have interfered in governmental institutions in order to provide public jobs, public positions, pensions and land to their supporters (Ameen 2009). The *tazkia* letter has been the key to providing access to these services. How does it work?

After unification, the key decision makers of both the former zones were the key leaders of the KRG's cabinets. They continued to generate informal procedures through which only people with *tazkia* could access a number of public services. Observers who investigated the example of public appointments noted that *tazkia* has been the only method by which people could gain access to the public sector to obtain any kind of public job. Although there is a lack of accurate data concerning the numbers of people who obtain public jobs through *tazkia*, it is reported that during the electoral campaign of 2009, the PUK alone provided public jobs to more than 20,000 people within its former Green Zone using this informal practice. Furthermore, in 2010, at the request of the KDP and PUK, more than 20,000 new employees were appointed to different government institutions on the basis of partisanship, family loyalty and localism (Ala'Aldeen 2013: 210).

The intervention of both ruling parties in public affairs through *tazkia* has caused a number of problems for the KRG. For instance, officials admitted that by the end of 1992, the KRG paid salaries to around 130,000 people; today, this figure has increased to approximately 1,344,000 (Rudaw 2015). According to this evaluation, the huge increase in the number of people in receipt of public salaries, together with the lack of institutionalised recruitment procedures, suggest that *tazkia* has contributed greatly to the high overstaffing levels within the KRG. Although the KRG established a system for appointments in 2011, the system proved to be unsustainable and was applied for a limited period only between 2011 and 2012. In 2013 the new KRG cabinet appointed more than 15,000 new employees, in direct contravention of the regulations of newly formed systems, and without advertising job vacancies (Sadiq 2014). The remarkable appointment procedure of 2013 showed that the domination of the KDP and PUK prevents KRG institutions from functioning impartially and from providing public services without political affiliation or bias.

The intervention of political parties in public institutions, which has been obvious and absolute, has damaged the KRI model of governance. People outside the KDP and PUK feel alienated by the privileged access to key public services given to *tazkia* holders. It is a serious challenge for the governance of the KRI, acknowledged even by the executive leaders of the KDP and PUK (*Kurdistani Nwe* 2008; KRP 2012). Although the current situation appears to have improved compared with the 2000s, the dominance of the KDP and PUK over public bodies is apparent and *tazkia* is still required for access to a large number of public institutions. Comprehensive political and administrative reform is required to institutionalise public bodies in the KRI and to pave the way for the application of universal norms, which may eventually reduce the power of *tazkia* as well as other forms of political intervention and informal practices in the KRI.

### 7.8 **Uhljeb** (Croatia)

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An *uhljeb* is a person who has become a public sector employee through a nepotistic relationship or political party affiliation, normally without the required skills or qualifications for that position. The verbal noun *uhljebljenje* refers to the general phenomenon of employing *uhljebes*. There is also a verbal form, *uhljebiti*, which means earning money from a state position (usually irrespective of competence), or from selling overpriced supplies to the state. The former usually refers to a job position (often lifelong) at a ministry, state agency, local administration body or state-owned company. The latter involves securing a contract with one of the aforementioned bodies that enables an entrepreneur to prosper by relying on his network and party memberships. According to linguists, the noun *uhljeb* and verb *uhljebiti* have roots in the pre-Slavic word for bread (*xlěbo*). In Russian there are terms with similar meanings that derive from this root: a job that feeds but does not require much work (*khlebnoe mesto*); someone who has to be ‘fed’ despite lack of real entitlement (*nakhlebnik*) (see *kormlenie*, 7.1 in this volume). In Bosnia-Herzegovina and Serbia the derivatives of *uhljeb* are also used but not as commonly as in Croatia.

*Uhljebljenje* is associated with the Croatian post-socialist ‘economy of favours’ and its crony capitalism, whereby it is common to place a client relative into a position of responsibility that ‘feeds’ his family while also benefitting the patron. Similar practices can be observed in other

transitional societies (see *trafika*, 7.9 in this volume). One notorious case of *uhljebljenje* concerns a member of the Social Democratic Party and former managing director of the National Park, who employed a relative of the Prime Minister (PM) who had been retired for 23 years prior to his questionable employment. Subsequently, the SDP member was promoted to an Assistant Minister position (*Forum* 2014). When considered against Ledeneva's four-part network-based typology of favours, *uhljebljenje* is best categorised as a 'favour as commodity': public resources provided to the recipient that result mostly (although not exclusively) in material gain (Ledeneva 2014: 5). Nevertheless, there may be ambivalence in the precise nature of the *uhljebljenje* 'favour' depending on the circumstances of the individual case and the subjective perceptions of the individuals concerned regarding motivations and expectations. The nature of the favour can become redefined with time and circumstances (say, if the appointee becomes an elected leader), but they are most certainly reserved for those who are 'one of us', be it family members, relatives, friends, acquaintances and/or fellow political party members. In the previous example the exchange of favours can be seen at several levels: a managing director position as a reward for party membership; returning the favour by employing the PM's relative; and finally, the job promotion as an additional in-group benefit. It also illustrates the way in which the circle of *uhljebs* reproduces itself and expands. The ambivalence of *uhljebljenje* is grounded in the elusive nature of favours but also in the façade of the application of formal procedures (Figure 7.8.1).

Croatian	English
<input type="checkbox"/> stručna sprema	<input type="checkbox"/> qualifications
<input type="checkbox"/> radno iskustvo	<input type="checkbox"/> work experience
<input checked="" type="checkbox"/> naš	<input checked="" type="checkbox"/> one of us

Copyright: [www.uhljeb.info](http://www.uhljeb.info)

**Figure 7.8.1** *Uhljeb* criteria.  
Source: © [www.uhljeb.info](http://www.uhljeb.info).

Technically, most *uhljebs* obtain their jobs by formally applying for an advertised position. But it is an open secret that many positions are 'reserved' for internal candidates. Such advertised vacancies used to be in the public administration or state-owned enterprises, where an *uhljeb* rather than the best qualified competitor would get the job. A novel trend is that a position can be specially created on request in order to employ a certain person. The ambiguous, if not non-existent, duties of an *uhljeb* are reflected in their job titles: a 'Senior associate for energy management in the division for systematic energy management in the department for supply and systematic energy management that belongs to the office for energetics, environment protection and sustainable development of the city of Zagreb' is but one example. There is a joke that an *uhljeb* needs to fold his business card three times if he wants to put it in his wallet (*Glas Slavonije* 2015), and that an *uhljeb* needs additional training to memorise his job title.

Not only new job positions, but also new divisions, subdivisions, departments and agencies are reportedly established in order to absorb requests for employment based on network affiliations, but for which there is no real need. There are many examples of public agencies, institutes and departments within ministries with overlapping duties that mainly serve as a mecca for *uhljebs*. This appears to be a transition-driven extension of Parkinson's Law on bureaucratisation, which states that bureaucracy naturally expands and perpetuates itself even when the tasks it is required to fulfil have not increased.

One policy response to the pervasiveness of *uhljebljenje* at a corporate level has been to legalise nepotism. Thus, Zagreb Public Transport Company's Trade Union and Management Board concluded an agreement on giving priority to their employees' close family members when recruiting. They have already started implementing this agreement and stand by the scheme, despite criticism (*Večernji list* 2015). Although the examples from the Croatian capital of Zagreb are the most visible (and are probably the most costly for public expenditure), similar practices are spread all over Croatia. The recruiting pool for potential *uhljebs* derives from: 128 mayors and 213 deputy mayors and their offices; 20 counties plus the City of Zagreb with their administrations; 428 municipalities with their offices. In addition, there are 1,420 companies that are either fully, predominantly or partly state-owned (831 of which are fully state-owned), plus 44 state agencies and numerous other state institutions (new ones appear to be emerging on an ongoing basis). There are ministries with their departments, sub-departments, associate and advisory positions and the like. Public



sector jobs in such areas as the education and health systems are also sometimes viewed as places for *uhljebs*. This apparently inexhaustible list of potential employers for *uhljebs* does not mean that all of them have an ethically and legally questionable employment policy, but does give a sense of the systemic nature of nepotistic practices and the culture of informal affiliation and influence.

The culture of double standards for insiders and outsiders is both the cause and the consequence of the overly bureaucratised system. It continues the legacy of ‘hidden unemployment’ inherited from the socialist era (when people were employed in needless positions in order to maintain the illusion of full employment), but also maintains social peace and sustains tolerance towards politicians who ensure, if not prioritise, gains for their families and friends in a Machiavellian way. Thus, the informal practices of *uhljebljenje* function to undermine but also to support the existing system. Although incidents of *uhljebljenje* are extensively covered in the media (see, for example, the popular Croatian tabloid *24 sata*’s list of ‘Top 10 *uhljebs*’ (*24 sata* 2015)), they are under-researched in the academic literature, which has not yet acknowledged the practice as a systemic phenomenon. Nevertheless, research exploring the contextual factors underlying *uhljebljenje* do support anecdotal claims that it is an omnipresent practice. State agencies, for instance, have been found to operate in a non-transparent way, with strategies and action plans that are mostly façades; they continually increase their number of employees and related costs; they do not present their results or financial reports in a satisfactory form (Bajo and Kolarec 2014).

In terms of material gain for the employee, state agency jobs are in great demand, as they offer better salaries and working conditions than the ministries. Public enterprises are another highly sought-after employer in the public sector as their average net salaries are about 40 per cent higher than in private enterprises, despite their productivity being approximately 30 per cent lower (Vizek 2015). It is estimated that in public enterprises alone, incumbent politicians through their influence employ approximately 20,000 people during one four-year term in office (Vizek 2015). When the public sector as a whole is considered, unofficial estimates (*Slobodna Dalmacija* 2015) suggest that 40,000 new public employees with appropriate political party/network affiliations are appointed in a four-year term. For the sake of comparison, at the time of writing there are about 390,000 public sector employees and only about 1 million private sector employees in Croatia. Regardless of the party in power, a common sentiment before every election is that it



does not make sense to change the incumbent as the taxpayer will then need to provide for a new wave of *uhljebs*. These numbers are additionally worrisome as an *uhljeb* is not usually associated with professionalism or competence. This lack of competence facilitates dependence on protection, group affiliation, contacts and ‘jobs for life’. *Uhljebs* are seen as a major reason for the inefficiency of the public sector and an obstacle to the prosperity of the Croatian economy. In effect, the best-placed *uhljebs* usually negotiate lucrative contracts with options equivalent to ‘golden parachutes’ in the private sector.

There are further, long-term consequences of every *uhljeb* being employed. An *uhljeb* at any position in the hierarchy repays the favour by his inclination and/or obligation to cooperate primarily with his in-groups. The reciprocity of the relationships proves an *uhljeb*’s loyalty, but also expands *uhljebljenje* as a practice with its accompanying material gains. Newly recruited *uhljebs* contribute to the systemic nature of *uhljebljenje* as well as the hypocrisy flourishing in Croatian society, dwelling on what Ledeneva describes as ‘attitudinal ambivalence on the part of both individuals and governments, relying on economies of favours, but also denying engagement, criticising economies of favours but also accepting them’ (2014: 5–6). One of the rare examples of expressed disapproval and *uhljeb*-related non-governmental organisation (NGO) activism is the website [www.uhljeb.info](http://www.uhljeb.info) dedicated to raising awareness about this issue by highlighting all the aspects of the problem and providing updates on *uhljeb* cases.

### 7.9 **Trafika** (Czech Republic)

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*Trafika* is a term used in the Czech Republic and Slovakia describing an office in the public sector – most often on boards of state-owned companies, embassies and consulates – assigned to a fellow politician in return for certain favours such as political support or covering up. A person benefitting from *trafika* is called a *trafikant*. Such a post typically requires no or very little work, but provides a significant salary. A *trafikant* can simultaneously be a member of many supervisory boards of state companies as well as running their own business. In this respect *trafika* differs from the other forms of party patronage, such as the contemporary spoils system in the United States. Here, offices are routinely handed over to supporters

of the winning party, but unlike *trafika* these handouts require actual work and a suitable skill set (McLean and McMillan 2009).

*Trafika* is one of the traditional forms of party patronage in which state resources are traded for political support (Hopkin 2006). Kopecký (2012) argues that this form of patronage, which he calls patronage as an electoral resource, has declined. It is being replaced by a practice of patronage as an organisational resource: using power to appoint people to certain positions, ensuring parties' survival and success by appointing ideologically friendly and loyal individuals.

The word *trafika* originates in Arabic and came to Czech and Slovak through the Italian *traffico* (to trade). Its original meaning in Czech and Slovak is a small kiosk selling tobacco, newspapers and other small goods. The second meaning, denoting a practice of handing out state jobs to politicians for their services, originates from a tradition under the Austro-Hungarian Empire, where the state granted licences to run *trafika* kiosks and sell tobacco to war veterans in recognition of their service. This tradition continued in newly established Czechoslovakia after the First World War.

Party patronage, of which *trafika* is a form, exists in many forms across the globe in both democratic and non-democratic regimes. What varies is the degree of acceptance of it in each society. While in the Czech Republic *trafika* is mostly accepted as part of the everyday give and take of political life, in other countries, such as Norway (Allern 2012) such a practice is considered a form of corruption. Some countries have restrictions on who may become a member of a supervisory board or to be appointed to a post in a state-owned company. In Finland, ministers, Members of Parliament (MPs) and senior public officers cannot be appointed to supervisory boards. In Austria, there is a restriction on how many boards one person can be a member of. In Poland, members of boards have to complete an exam held by the Ministry of Finance. In Greece, there is no salary provided for being a member of a supervisory board.

Czech politicians are aware of the potential impact of cases of *trafika* on their popularity, and some have presented proposals to curb the practice. One of the latest measures is the establishment of a nomination committee, which assesses candidates for the supervisory boards of state-owned companies. However, Czech anti-corruption campaigners have argued that the nomination committee has not made any real impact on the practice of *trafika*. *Trafika* cases are well covered by the media, but as traditional forms of party patronage are declining and patronage as an organisational resource is increasing, party patronage

is becoming less identifiable (Kopecký 2012). Elsewhere, Kopecký has argued that the spread of party patronage in Czech politics, and that of clientelism to a lesser degree, is overestimated in the media and public debate (Kopecký and Scherlis 2008).

How deeply *trafika* is embedded in Czech politics is well illustrated by the long drawn out passage of the law on the civil service, aimed at making handing out offices in this way more difficult. The Czech Republic pledged to adopt a package of legislation on civil service reform as part of its accession to the European Union (EU) in 2004. A Civil Service Act was passed in 2002, but Czech politicians from across the political spectrum repeatedly delayed the implementation of the law. A new, replacement law was only eventually implemented in 2015, 11 years after the Czech Republic had originally pledged to do so.

The most high-profile case of *trafika* in Czech politics is that of former Prime Minister Petr Nečas, who was accused of bribing three deputies of his own party to resign their parliamentary mandates and thus allow the legislation they opposed to pass, by promising them lucrative posts in state-owned companies. The three MPs involved also faced prosecution for accepting bribes. Although the scandal forced Mr Nečas to resign in 2013, it is revealing that he did not deny his actions as such, but denied any wrongdoing by claiming that such deals are part of standard political conduct. There was a fierce public debate in the media about whether or not this case of *trafika* should be regarded as corruption, with politicians fiercely divided on the issue. The case went to the court on the very question of whether an act of corruption had taken place. However, the court ruled that nothing illegal had taken place, despite the fact that society considered it immoral, and Nečas as well as the trio of MPs were acquitted.

Similar practices to *trafika* have existed in various political systems and at numerous points in history. Eighteenth- and early nineteenth-century British politics was characterised by the widespread practice of sinecures – official salaried positions that required little or no work – which were used to reward political loyalty and provided a substantial source of income for members of the political elite at public expense. Contemporary Radical critics branded the all-pervasive system of sinecures, patronage and influence ‘old corruption’ (Rubinstein 1983). In France, a practice of *emploi fictif* – fictitious employment of party activists or supporters, where a person is granted a position in exchange for support – still takes place. Such a person effectively does no work, but receives a salary (Wolfreys 2001: 442). In the Soviet Union the creation

of fictitious jobs that required little or no work was common, mostly to maintain the 0 per cent unemployment rate (Urban 1988: 3) or to provide professional sportsmen with a prestigious job title (often in the military) and enable them to retain their status of ‘amateur’ athletes (Riordan 1991: 4–5).

### 7.10 ***Padrino system/balimbing*** (Philippines)

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In the Christian Philippines, the Spanish word *padrino* literally means patron. The *padrino* system refers to the network of symbiotic relationships between a patron (godfather or godmother) and a client (godchild) within the context of Catholic values and interpersonal bonds. Although such relationships may be formalised by religious rituals such as wedding ceremonies and baptism in church, they may also be forged outside the religious realm, as an exchange relationship between a more powerful and resourceful patron and a recipient-client of the patron’s favours. While it is safe to say that the *padrino* system is a network of patron–client relations, its instrumental ‘interest-coordinating’ aspect is inseparable from its emotive-moral contents. In other words, social transactions are both constrained and enabled by such Filipino cultural codes as the ethics of ‘debt of gratitude’ (Filipino: *utang na loob*) and the psycho-social notion of ‘shame’ (Filipino: *hiya*). These cultural codes constitute the local knowledge system informing how insiders should interact with each other and manoeuvre social relations. Thus, the *padrino* system is a tacit knowledge system governing the self and others (Wong 2010).

The *padrino* system also encompasses the Filipino bilateral kinship system within which patron–client relations often take place. The *padrino* system highlights the importance of the Filipino idea of the ‘family’, especially in the making of political decisions. Within the radiating bilateral networks of kinsmen and ritual-kinsmen, an individual Filipino necessarily forges selective personal alliances to negotiate his or her way through the complexities of intra-familial and inter-familial politics. Reinforcing this social fluidity, actual kinship relations are often superseded by the influences of personal alliances and antipathies. In political terms, the Filipino conceptualisation of the ‘family’ does not simply mean household,

nor does it only mean blood-tie kinship. The political-economic role of 'family' is better understood as a combination of blood-tie kinship and ritual-kinship networks. A kinship network is a working coalition drawn from a larger group related by blood ties, marriage and ritual kinship as well as friendship. As elite families bring such flexible kinship ties into the political arena, elections often assume a kaleidoscopic complexity of coalition and conflict, making Filipino politics appear volatile (McCoy 2002).

In terms of etymology, the *padrino* system traces its roots to the Spanish colonisation (1521–1898) of the Philippine archipelago. Similar to its Malayo-Polynesian neighbours in maritime South East Asia (e.g. Brunei, Indonesia, Malaysia and Timor-Leste), the Philippine archipelago prior to Spanish colonisation was ruled by a constellation of competing tribal chieftains, who were generally known as the 'headman' (Filipino: *datu*). *Datu*-ship operated (and continues to operate to the present day at the political level) very much in line with the Polynesian 'big-man' system. The headman as big-man forges patron-client relationships with multiple small-men to form a local patrimonial polity (Sahlins 1963). Moreover, the pre-colonial business community was already dominated by the Chinese, who were ethnically Hokkien from Fujian province, China. The ethnic Chinese operated a compatible patron-client system called the ring-leader or boss (Hokkien: *towkay*). The Spanish relied on and therefore absorbed the native *datu*s and Chinese *towkays* into the colonial governance system as local political and economic elites. Gradually, the Spanish evangelised the Malayo-Polynesian natives and the Chinese merchants into Christians, and Filipino chieftainship and Chinese ring-leadership were absorbed into the Catholicised *padrino* system. In the post-colonial Philippines, the *padrino* system combines the essences of the Malayo-Polynesian *datu*-ship, Chinese ring-leadership and Spanish patronage, forming a hybridised practice in present-day Philippine politics and business (Wong 2011).

It is important to note that the *padrino* system has a two-faced characteristic. On the one hand, a *padrino* is expected to act benevolently to the protectorates/clients in order to win and sustain their loyalty. On the other hand, a *padrino* must act competitively and sometimes coercively to the rivals/enemies in order to protect one's own turf. As competitions often lead to versatile political dynamics, a *padrino* can easily turn him/herself into a turncoat (Filipino: *balimbing*), who may seek flexible tactical alliance with rivals and rivals' rivals according to strategic necessity at any given moment.

*Balimbing/belimbing* literally means the star-fruit in Malayo-Polynesian languages. The shape of a star-fruit signifies a person who possesses multiple faces/personalities and often flexibly changes allegiance. One may need to change face or assume another personality in order to suit the need of a different interactional context, changing political circumstance and interest-alliance. Apart from the Philippines, such Janus-faced performative versatility is also found in Indonesian political culture, much reflected by the Javanese practice of double-faced politics (Bahasa Indonesian: *mukadua*) (Wong 2014). In Thailand, the godfather-like local power-broker-cum-politician – boss (Thai: *jaopho*) is another regional variation that performs similar functions (Chantornvong 2000). Beyond South East Asia, the *padrino* has analogous practices in Europe such as patronage in Italy (Boissevain 1966), the *caciquismo* in Latin America (Kern 1973) and ‘warlord politics’ in Africa and Asia (Wong 2008, 2012). Methodologically, the *padrino* system and its associated practice of *balimbing* are best studied by qualitative research methods such as extended case studies, discourse analysis, ethnography and comparative historical sociology.

The *padrino* system has three major implications for the study of Philippine society, politics and foreign relations. First, the *padrino* system is key to explaining the rise and endurance of the Chinese *mestizo* oligarchs from the colonial to the post-colonial Philippines. For example, presidents Corazon Aquino (1986–92) and Benigno Aquino III (2010–16) are the mother and son respectively from a powerful Chinese *mestizo* oligarchy, the Cojuangco-Aquino clan of central Luzon. While other Chinese *mestizo* oligarchs such as the Osmeña family of Cebu have managed to occupy state offices from local to national levels across the Spanish, US and post-colonial regimes up to the present, the family patriarch, the former Philippine Commonwealth President Sergio Osmeña Sr (1878–1961) is already a showcase *padrino*. When Sergio changed his original Chinese surname ‘Go’ to his Spanish godfather’s family name ‘Osmeña’, he had already paved the solid path for his successors to practise the *padrino* system all the way up to state power. By conflating economic power (Chinese capital) with political power (political connections), one of the most enduring locally hailed oligarchies in the Philippines was forged (Wong 2009: 60–4).

Second, the *padrino* system serves as a key informal institution of reciprocal political brokerage in Philippine statecraft. On the one hand, local power holders are able to broker economic interests and political authority from the centralising state power as the representatives of frontier/local societies. On the other hand, through the *padrino* system, state sovereignty is brokered into the frontiers through local power holders in

the ways of counter-insurgency, the institutionalisation of the local government, electoral politics and the rule of law (Wong 2013).

Finally, the *balimbing* aspect of the *padrino* system is key to understanding the Philippines' approach to international relations. The Aquino III regime (2010–16) has boldly adopted a *balimbing*-style strategy to hedge its relations between the two competing patrons of the Philippines, China and the United States. While the Philippines intends to continue to enjoy flourishing economic and trade relations with China, Manila also successfully invited the US to re-open its military base in the Philippines as a strategy to deter China's growing assertiveness in the disputed South China Sea. As Manila continued to profit from its relations with both China and the US, the *balimbing*-style hedging strategy has served as an exemplar for how a small Asian power could thrive in the midst of global geopolitical competition between the great powers (Wong and Kieh 2014).

### 7.11 ***Mafia Raj/Goonda Raj*** (India/South Asia)

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*Mafia Raj* (or *Goonda Raj*) is a complex term. It is often employed to make moral assessments of the political and economic environments in which every day Indians live, to express frustrations concerning the paucity of jobs, the absence of meritocracy and the state's insufficient service delivery and accountability. It is also used to articulate systems of political and economic governance in which politics, money and crime have developed symbiotic relations. As the Hindi word *raj* (rule, reign, government) in *Mafia Raj* suggests, this is a system in which 'criminal-political' formations aspire to rule. As such *Mafia Raj* started to be used widely in the Northern states of Bihar and Uttar Pradesh in the late 1990s. Today the term may be applied to a political system as a whole or to sub-systems within it. It may apply to a particular area or to particular populations, and so we can have 'pockets' of *Mafia Raj*. Such systems of power whose modus operandi is so vividly described by fiction, press and social media remain mostly absent and abstract in academia. This entry relies on new material collected by a collaborative anthropological project on muscular systems of economic and political governance in South Asia (Michelutti et al. 2016: Introduction).

In India, 34 per cent of current elected Members of Parliament (MPs) are said to have criminal histories (see dataset ADR). Public concern with 'the criminalisation of politics' and 'the politicisation of criminals' in the region

transcend anxieties about endemic nepotism or the mismanagement of public funds. Many 'criminal politicians' are accused not just of embezzlement, but of burglary, kidnapping and murder; the observed political and economic landscapes emerge not only as a 'corrupt', but also as a highly violent, sphere. Referred to by the names 'goonda', 'dabang', 'badmash', 'mafia don' or 'godfather', these individuals are an integral part of everyday social, political and economic life in the region. Alongside the manipulation of later forms of capitalism, competitive electoral politics (and their rising costs) are the pillars of the construction of decentralised fiefdoms headed by *Mafia*-esque bosses (see, for example, Brass 1997; Hansen 2001; Jaffrelot 2002; Harriss-White 2003; Michelutti 2008; Vaishnav 2010; Berenschot 2011; Kumar 2014; Sanchez 2015). Thus *Mafia Raj* are hybrid systems where 'criminal organisations, politicians, police, and bureaucrats – are entangled in a relationship of collusion and divestment, sharing control over spaces and population' (Jaffe 2013; see also Bayart et al. 1999). Such systems, which use force to accelerate the path towards power and wealth, share similarities with the *Caciques* and *Caudillos* of Latin America (Arias and Goldstein 2010), the *Mafiosi* in Italy (Blok 1972; Schneider and Schneider 2011; Pine 2012), the *sistema* in Russia (Ledeneva 2013), urban political machines in the United States and today's gangster politicians in Indonesia, Jamaica, Thailand, Philippines, Bulgaria, Turkey and Brazil (see Sidel 1999; Jaffe 2013). India's *Mafia Raj* are, however, distinctively shaped by a local unique passion for 'the political' and have some of the highest rates of participation and contestation in the world (Michelutti 2008). Indisputably, 'South Asian *sistemas*' represent a unique amalgam. Cases of direct reconversion of violent entrepreneurs into political actors are reported as fairly rare in other parts of the globe (on this point, see Briquet and Faravel-Garrigues 2010). Beside the profit involved in adopting a political career path, and the impunity that such careers grant, there is also a particular 'aura' of prestige and status that goes hand in hand with political public posts in South Asia. Such an 'aura' is hardly comparable with other places such as Italy, Russia or Brazil. In South Asia, 'When you are an MP or City Mayor you are a *Raja* (a king), you are like a god and rich', (Karim, informant quote). Comparatively, Italian and Russian *Mafiosi* do not seem to have the same 'cultural' motivations to enter directly into politics, preferring instead to be 'king makers' rather than 'kings'.

*Mafia* has indeed become a South Asian term and a 'folk concept'. In South Asia the Italian words *mafia* or *mafioso* are increasingly used not only by the media but also in everyday vernacular conversations. As



such its meaning should not be separated from the socio-cultural contexts in which it is used and talked about in everyday life and in public discourse (including the discourse of the state). The South Asian term *mafia* is employed to refer to organised crime in general, and also to business enterprises that seek to monopolise particular trades through extra-legal and violent means ('alcohol *mafia*', 'water *mafia*', 'oil *mafia*', 'coal *mafia*' or the 'criminal *mafia*' or a variety of 'land-grabbing' practices known as 'land *mafia*'). Local expressions such as 'company', 'lobby', 'firm' or 'racket/cartel' (in Hindi English), '*parivar*' (family) or 'groups' or 'rings' can describe anything from a protection racket to a power syndicate, a violent lobby/interest group or handful of ambitious criminals working as part of a team. It should be noted that contrary to the Italian Sicilian '*mafia*', the local '*desi mafias*' are neither hierarchically institutionalised nor do they have long-running histories. These are often new entities that make strategic use of caste and community kinship connections and cultural idioms but are not necessarily structured by them. 'Companies' and 'groups' are not appendices to coherent and centralised criminal organisations; rather, they are part of broader systems of bossism, as explored by Michelutti et al. (2016). These are ultimately systems of governance, which are embedded simultaneously in predatory and democratic logics. Local bosses often present themselves as Robin Hoods without hiding their collusion with the state (or coexistence with the state). In fact, 'being part' of the state is what provides them with appeal and power; thus bosses are often not anti-status quo characters or part of 'parallel states' (Leeds 1996). They are not part of 'shadow networks' with distinctive forms of authority and politico-economic organisation (Nordstrom 2000: 36). They do not present themselves as alternatives to the state but as 'the state'.

### 7.12 **Pork barreling** (USA)

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In the United States, 'pork barreling' refers to a process whereby members of the legislative branch secure spending on projects and programmes, often called 'distributive spending', for their constituents. Pork barreling is practised at all levels of government. At the federal level, the pork barrel is comprised of thousands of projects and programmes, payments through which can be targeted to particular geographic areas, such as congressional districts. The term is likely derived from the large barrels

of salted pork from which rations were distributed to slaves on plantations (Rawson 2007) and its original use is meant to inspire the image of legislators rushing to secure as much spending as possible for their districts (Maxey 1919).

The concept of the pork barrel was born in the US Congress on 20 May 1826 with the passage of the first omnibus appropriations bill for the improvement of rivers and harbours (Maxey 1919). That first omnibus bill included all of the river and harbour appropriations desired by members. With nearly every member receiving an appropriation, majority support was guaranteed for passage of the bill. The practice lends itself to universalism in that it enables most, if not all, legislators to secure benefits for their districts. Universalism is thought to be easier to achieve in pork barreling because of the legislature's desire for sizable majority coalitions in these matters and the diffusion of the costs of individual programmes (Weingast et al. 1981). Despite the majoritarian nature of the US House of Representatives, universalism may also result from the majority party at least partially supporting the distributive desires of the minority party in order to avoid criticism from the minority (Balla et al. 2002).

In modern practice, Congress creates programmes that are then administrated by agencies of the executive branch. Once the programmes have been created, members of Congress and their staff help their constituents to secure benefits by advertising the existence of the programmes and assisting with various aspects of the selection process. In addition to these permanent programmes, Congress has routinely allowed the practice of 'earmarking', which permits a member to request funds for particular projects. These requests are typically added to the appropriations bills that collectively comprise the federal budget, but they can be added to any legislation. Earmarking has been banned in Congress since 2010, but this ban has had little effect on overall spending since earmarks comprise a small share of overall pork-barrel spending, and funding can continue through other established programmes (Harrington 2015).

While most academic research on the pork barrel has focused on the United States, the practice is found in several other countries. Theoretical work on distributive benefits suggests that legislators prefer these types of benefits in countries with first-past-the-post elections/single-member-plurality district representation; this is because of the diffuse costs and the possibility of targeting benefits geographically (Weingast et al. 1981). In Germany, for example, legislators elected under the first-past-the-post system are more likely to seek to sit on committees that afford

them better opportunities to address the needs of their geographic constituencies. Legislators elected through proportional representation are, by contrast, more likely to sit on committees that serve the constituencies of the broader party (Stratmann and Baur 2002).

Legislators' desires for pork stem from the electoral consequences of these benefits. Distributive benefits are assumed to be an important source of incumbency advantage in that they afford opportunities for credit claiming (Mayhew 1974). More spending, for example, tends to flow to districts represented by electorally vulnerable House incumbents (Lazarus and Steigerwalt 2009). Establishing a solid link between pork-barrel spending and election outcomes has, however, been difficult. Early studies of the relationship between the pork barrel and electoral outcomes tend to report null findings at the district level (Stein and Bickers 1994). These null aggregate effects are likely caused by the electoral effects of benefits being conditioned by other factors.

Much research has emphasised the conditioning effects of incumbent partisanship. These studies tend to report significant electoral benefits from traditional pork barreling, but only for Democratic incumbents (Alvarez and Saving 1997; Levitt and Snyder 1997). In explaining partisan differences, Bickers and Stein (2000) suggest that these differential partisan effects could result from the type of benefits being received by the district. They distinguish between 'Democratic pork', which includes what is traditionally thought of as the pork barrel, and 'Republican pork', which includes federal loan and insurance programmes.

Because of these electoral benefits, party leaders in Congress are thought to use pork-barrel spending to support the legislative process and encourage behaviour that is beneficial to the party. Evans (2004) finds that pork is frequently added to legislation by leaders to build majority coalitions. In an op-ed published in the *Los Angeles Times*, two former members of Congress argue that reinstating the practice of earmarking could help to reduce the recent gridlock in Congress (Frost and Davis 2015). Cann and Sidman (2011) show that increases in pork-barrel spending tend to flow to districts represented by members who have voted more often with their party leaders and who have donated to the campaigns of their co-partisans.

Given the research, one might expect partisan or ideological divisions in the public over support for the pork barrel. Sellers (1997), for example, finds that voters are less likely to vote for pork-barreling incumbents who are expected to be fiscally conservative. Sidman and Mak (2006) find that self-identified conservatives are less likely to vote for incumbents when there have been increases in pork-barrel

spending. Despite these ideological divisions, there seems to be agreement in the public regarding earmarking, which has tended to be the most visible aspect of the pork barrel, even though it was a minor part. A recent survey from the Economist Group/YouGov finds that a majority of Americans support the earmark ban (Egger 2016). Such gauges of public opinion with respect to the pork barrel are, unfortunately, rare. The pork barrel is rarely an issue that is salient enough to generate significant reaction from the electorate. It is more likely that the pork barrel contributes to public opinion on government spending generally. Given public support for many forms of government spending (Ellis and Stimson 2012), the incentives from the single-member plurality district system and the history of the pork barrel, it is a practice that will likely continue unabated.

### 7.13 *Tamozhennye l'goty* (Russia)

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*Tamozhennye l'goty* refers to a practice in 1990s post-Soviet Russia, whereby certain privileged charitable organisations were awarded the right by the federal government to import products – typically alcohol and tobacco – without paying excise duty. The practice can be seen as an instance of the ‘state capture’ that plagued Russian state institutions in the 1990s: the ability of private individuals and firms to extract preferential treatment from the state for little or nothing in return (Frye 2002). The word *l'goty* (singular form: *l'gota*) literally means ‘benefits’ or ‘privileges’, while *tamozhennye* is the plural adjectival form of the noun *tamozhnya* (customs). The term *l'gota* can be used in a wide range of contexts, for example *sotsial'naya l'gota* (‘social benefit’, such as veterans’ entitlement to free public transport), and *nalogoviye l'goty* (tax breaks). Often when the context of use is clear, the term *l'gota* is simply used, without an adjective.

The phenomenon of *tamozhennye l'goty* began with Presidential Decree No. 1973 of 22 November 1993, which granted the National Sports Federation (NSF) exemption from customs payments on goods imported for international sports tournaments. An executive order of 13 May 1994 then extended the exemption to all goods purchased by the Federation, including vodka, which was the preferred good imported by the NSF, mainly because of the super profits it generated (despite the fact that the NSF sold it substantially below the average market price in

Russia). Such privileges were later extended to other charitable organisations – including the Russian Orthodox Church (ROC) – all of which took advantage of the enormous profits to be made by importing excise-free vodka and cigarettes (Bailey 2018).

Inevitably, the super revenues that *tamozhennye l'goty* offered to the charitable foundations meant that the *mafija* was quick to infiltrate the practice. Some *mafija* groups posed as qualified charities and foundations, and they ultimately took control of the customs privileges owned by the genuine foundations too. *Mafija* groups have been described as 'functionally integrated' into the Russian market at this time (Volkov 2000), and they bought themselves well-connected 'roofs' (*kryshi*, meaning 'protection'), either through the law enforcement agencies or politicians and government officials (Galeotti 1998: 424). In short, the *mafija* effectively infiltrated both state and civil society organisations in this period (Ledeneva 2000: 4).

Infighting between *mafija* gangs competing to secure control of the wealth generated by *tamozhennye l'goty* led to a string of successful and attempted assassinations of prominent members of charitable foundations in the 1990s. The chairman of the Russian Foundation for Invalids of the War in Afghanistan (RFIVA), Mikhail Likhodey, was killed in 1994 by a bomb outside his apartment. In 1997 mourners were gathered at the Kotlyakovskoye cemetery on the anniversary of Likhodey's death for a memorial service when a bomb went off, claiming 14 victims including the RFIVA's new president, Sergey Trakhirov. This bombing was apparently connected to a struggle between warring *mafija* factions over control of the Foundation's vast fortune accumulated from *tamozhennye l'goty*, valued at \$200 million USD (Harper 1999: 232). Altogether the RFIVA suffered 34 killings and 62 woundings in such violent incidents. The president of the Russian Ice Hockey Federation, Valentin Sych, was shot dead, while the first deputy president of the NSF, Fedorov, narrowly escaped an assassination attempt. According to the Prosecutor General's Office, the murder of Sych was a result of an internal struggle in the Federation relating to control by organised crime groups over its finances (Fituni 2000: 18).

*Tamozhennye l'goty* represented just one manifestation of a general trend of 'state capture' in 1990s Russia (Frye 2002). There was, however, resistance from within the state to the 'capture' of *l'goty*: the Ministry of Finance (Minfin) soon proposed a decree annulling all such *l'goty*. Yet even Minfin was not strong enough to withstand the forces of state capture at this time. A succession of further decrees repeatedly postponed the

expiration of the *l'goty*, the bulk of which were only eventually brought to an end in 1996 (Nemtsov 2009: 102).

The use of *tamozhennye l'goty* led to the so-called 'Tobacco scandal' that engulfed the ROC. The ROC's benefits were introduced – apparently at the request of Patriarch Alexy II – in 1996, and were cancelled in November of the same year by presidential decree (No. 1363). The affair was exposed in 1997 by the journalist Sergei Bychkov in a series of articles published in the *Moskovsky Komsomolets* newspaper. The Church's import business was conducted through its Department of External Relations, dealing mainly in the import of duty-free cigarettes, but also vodka. The Department of External Relations was headed at this time by Metropolitan Kirill of Smolensk and Kaliningrad. Bychkov dubbed him the 'tobacco metropolitan' (a headline from one of his articles) – a nickname that stuck. Kirill went on to become Patriarch of the ROC in 2009, and while the 'Tobacco scandal' does not seem to have harmed his career, critics have not allowed the affair to be forgotten. The sociologist Mitrokhin estimated the profits the Church made from its *tamozhennye l'goty* operation at \$1.5 billion USD, while journalists suggested a much higher figure of \$4 billion USD (Ofitserov 2008).

Charitable foundations and *mafiya* groupings were not the only actors who benefitted from *tamozhennye l'goty*. The practice provided a means for broker companies involved in importing alcohol to avoid excise duty: they could simply pay a foundation or charity a fee to import the alcohol on their behalf, the fee being a fraction of the duty avoided. The scope for super profits was much less in the beer market than for hard spirits, due to higher production costs per gram of pure alcohol. Nevertheless, even some beer importers made use of charitable foundations' customs privileges to avoid excise duty. This was at a time when domestic beer production in Russia had not yet taken off, and the novelty of imported foreign beer provided a lucrative niche market, especially in Moscow (Harper 1999: 162–3). Thus, the impact of state capture in the form of customs privileges reached far beyond the official beneficiaries (the funds and charities). It transformed the entire structure of the alcohol market: even legally operating firms were forced to resort to informal grey practices just to remain competitive (Bailey 2018). It is difficult to estimate the total loss to the Russian budget of *tamozhennye l'goty* in the 1990s. One estimate puts the cost of lost excise revenues at 4 trillion roubles in 1994 alone (Nemtsov 2009: 101). According to the vice chairman of the Accounting Chamber, just to bring the practice to an end the government was forced to spend \$9

billion USD to buy off the remaining contracts the foundations had in place (Nemtsov 2009: 102).

The practice of *tamozhennye l'goty* illustrates the ambivalence of the concept of 'informal'. In what sense should the *l'goty* be considered an informal practice if they had a formal legal basis? On the one hand, the practice was instituted by government decrees and associated with formal organisations. On the other hand, this legislation was brought about through non-transparent processes at a time of widespread state capture. At best, the practice was camouflaged by the rhetoric of support for organisations such as war veterans; at worst, it was secretive and corrupt, in the sense that the formal state mechanisms of government and law were hijacked by individual private interests for personal gain. The practice had the aura of an open secret that was officially decreed, yet needed to be concealed, as evidenced by the fact that the exposure of the ROC's *l'goty* led to the 'Tobacco scandal'. Moreover, the practice effectively became a cover-up for *mafia* enrichment – an informal means of diverting revenues that were due to the state treasury into the hands of criminal structures. *Tamozhennye l'goty* therefore represented a somewhat paradoxical phenomenon: an informal practice being perfectly legal yet ethically dubious, using the formal instruments of the state yet serving private, if not criminal, elite interests, thus fitting the concept of legal corruption (Kaufmann and Vicente 2011).

#### 7.14 ***Kumoterstwo* and *Kolesiostwo*** (Poland)

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*Kumoterstwo* and *kolesiostwo* describe similar but not identical practices commonly found in Poland. *Kumoterstwo* derives from the old Polish noun *kum* that, while rarely heard today, was once commonly used to mean a close friend or neighbour. It describes an informal practice that is widely practised in many countries: that is, a mutual exchange of favours between relatives, friends or colleagues. In the English-speaking world it is known as cronyism, nepotism or favouritism, whereas in French-speaking countries it is called *copinage* or *favoritisme*. While such relations are usually enacted between partners on a horizontal basis, hierarchical relations are also possible, for example in patron–client relations between relatives, friends or colleagues.

*Kolesiostwo* also describes a non-market exchange of favours between friends and colleagues, but is restricted to the professional sphere

and is therefore more narrowly focused than *kumoterstwo*. Derived from the Polish noun *koleś* – an informal term meaning ‘colleague’ (*kolega* in more formal Polish) – the term came into use only after 1989. It is similar in meaning to the English term ‘old boys’ network’ (see 3.13 Volume 1) or to what in Spanish and Italian is known as *amiguismo* (see *amici*, *amigos*, 1.21 Volume 1). In Polish, however, it has a broader meaning than the English ‘old boy’. It also includes relations with neighbours and contacts established through public activities such as social movements, political parties or religious organisations.

Forms of non-market exchange have deep historical roots and were widely practised and accepted in pre-industrial societies. From the point of view of the modern world, however, governed as it is by the principles of the market economy, practices such as *kumoterstwo* and *kolesiostwo* are frowned upon since they lead to an unjust and inefficient allocation of material resources and social status. That is because benefits are distributed between the members of a closed social network on the basis not of an individual’s skills or achievements, but of his or her personal connections.

*Kumoterstwo*’s origins can be traced back to the Polish-Lithuanian Commonwealth in the sixteenth to eighteenth centuries. Favouritism and cronyism were key drivers of the political system of the time, known as Nobles’ Democracy. Under that system, the nobility enjoyed extensive legal rights and privileges; in particular, they controlled the legislature and elected the king of the Commonwealth (Mączak 2003). *Kumoterstwo* survived the successive partitions that divided Poland in the eighteenth and nineteenth centuries between Russia, Prussia and Habsburg Austria, and proved especially resilient in the Russian part of Poland (Chwalba 1995). Various forms of *kumoterstwo* remained common in the period between the two World Wars.

Following the Second World War, when Poland came under communist rule and a command economy was installed, *kumoterstwo* became even more widespread. Informal networks of friends, colleagues and family – known as *koterie*, *kliki* or *sitwy* (cliques) – played a vital role in helping people to survive in a non-market economy plagued by constant shortages. In such an environment, networks formed an essential component of social capital, mostly in its binding (as opposed to bridging) form (Tarkowski 1991; Tymiąński 2002; Kochanowski 2010).

The following example illustrates how small-scale cronyism worked in the 1960s. As leader of the trade union in a factory in Pruszków (a town near Warsaw), Jan J. built a network that included not only other



trade-union officials but also the leaders of the factory's branch of the ruling Polish United Workers' Party. Together, the clique exploited their positions to secure higher incomes for themselves, to control the factory's social funds, and to marginalise anyone who opposed them. When excursions were planned for the workers, Jan J. declared that, as a reward for their activities, members of the clique would travel for free. Thus the records state that, 'The following are not required to pay for the July 1966 trip to Gdansk, Gdynia and Malbork: Jan J. and his wife Stanisława; Krystyna, daughter of Comrade Mieczysław G. and her partner Zbigniew W'. Similarly, 'Trade-union treasurer Krystyna B. and her daughter Anna; Halina, daughter of Comrade Jan J.; Comrade Mieczysław G. and his wife Halina' were not required to pay for a trip to Kraków, Zakopane and Czechoslovakia (Tymiński 2005).

Poland's transition to the market in 1989 saw a gradual decline in the importance of *kumoterstwo* in the market sector of the economy. However, informal networks laid the groundwork for the rise of state and regulatory capture (Łoś and Zybortowicz 2000; Staniszkis 2001; Gadowska 2005; Zybortowicz and Sojak 2008). In the public sector as well as in many spheres where the public sector interacts with the market, informal networks remain important, as many analyses show (Jarosz 2004; Koryś and Tyimiński 2005; Rosicki 2012). They are important, for example, in the health care system. As one young medical doctor (quoted in Suchodolska 2015), reported,

I have colleagues who got residency in this specialisation (urology), and now they regret it. They were people 'off the street', lacking the support of well-connected friends or colleagues. So, in order to discourage them, they are not allowed to examine the patients or to participate in the surgeries. All they are allowed to do is fill out documents.

*Kumoterstwo* continued to play a role even after Poland's transition to democracy and the market was seen from *Rywingate*, a corruption scandal that erupted in 2002. Award-winning film producer Lew Rywin allegedly visited Adam Michnik, chief editor of the *Gazeta Wyborcza* newspaper, to solicit a bribe of US\$17.5 million. In return, Rywin offered to use his political connections to lobby for legislative changes that would allow the newspaper's parent company to enter the television business. Rywin claimed to be speaking on behalf of 'a group of people in power', by implication, an unidentified clique of senior politicians. Rywin subsequently denied the charges, saying he had been set up, but he was found

guilty and sentenced to prison. Numerous parliamentary investigations only added to the public impression of ‘an impenetrable network of social friendships, mutual obligations, business interests and plain old-fashioned nepotism’ (Repa 2003).

Similarly emblematic of *kumoterstwo* was an SMS sent in March 2003 by an official from the National Broadcasting Council (the body responsible for supervising Poland’s TV and radio stations) to the head of TVP, Poland’s public broadcasting corporation. In it, the official promoted a member of his old boys’ network for a highly paid position in public television: ‘Think about U. He is superb guy, loyal and hardworking, I like him. [...] Glory to us and our colleagues’ (Koryś and Tymiński 2004, 2005).

Cronyism remains widespread, even in developed market economies (Begley et al. 2006, 2010). Post-communist Poland is no exception, as the above examples illustrate. Such practices are generally disapproved of and legislated against, as Poland did in the late 1990s and early 2000s. Nevertheless, the practices continue.

### 7.15 *Quàn jiǔ* (China)

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In the Chinese tradition, *quàn jiǔ* is the practice of toasting during a banquet, using kind, praising and appreciative words to welcome guests (see *sadghregrdzelo*, 7.16 in this volume). A typical practice in *guanxi* networks (see 1.12 Volume 1), *quàn jiǔ* is usually performed on formal occasions. It facilitates social interaction by acting as a conversation starter between both strangers and old acquaintances.

*Quàn jiǔ* is a well-established practice with a long tradition, which has clear rules that distinguish it from other simple drinking practices. It does not only revolve around alcohol as a social lubricant, but brings together forms of social and symbolic capital (Bourdieu 1986), enabling the person invited to participate with prestige. Refusing to participate would be a form of irreverence, and would temporarily exclude the person from the sociability of the *guanxi* network. The etiquette of *quàn jiǔ* is an essential part of Chinese drinking culture, being taught in the family. Education involves teaching how to urge others to drink, what to say when toasting, and the appropriate techniques to make people drink more when attending official engagements.

The Chinese usually practise *quàn jiǔ* with *bai jiu*, a type of strong, transparent alcohol, saccharified and fermented from sorghum, wheat

and rice. To a non-trained, Western person, *bai jiu* might seem similar to vodka. In fact, there are fundamental differences. *Bai jiu* is stronger (it is typically between 40–60 per cent alcohol). A Chinese proverb metaphorically compares the two traditional liquors, saying that two shots of vodka are enough to see the devil, but a single shot of *bai jiu* is more than enough. While vodka is distilled from grain, *bai jiu* has a more complex manufacturing process, which makes it more ‘natural’ than the ‘chemical’ vodka. *Bai jiu*’s quality is essential; participants evaluate it according to various criteria ranging from strength, flavour and ‘natural-ness’. Failing to meet the standards on any account reflects badly on the host.

*Bai jiu* helps people to release their emotions. Confucianism, with its fairly conservative and remissive culture inhibits open discussion and displays of feelings, compelling the Chinese to find alternative forms of emotional expression. In this context, *bai jiu* is not merely an alcoholic beverage, but a cultural and poetic lubricant that can release melancholy or trigger happiness. Li Bai, a well-known poet in the Tang Dynasty (AD 618–907) said that, ‘releasing your melancholy through *bai jiu* may add more sadness to you’. Conversely, an old Chinese saying supports the exact opposite view – ‘a thousand cups of *bai jiu* are not enough when bosom friends gather together’.

The process of *quàn jiǔ* is divided into several steps. After serving the cold appetisers, the hosts are expected to make a toast, following certain etiquette. First, the hosts stand up; the guests follow their lead. Everyone raises their glass and keeps it at midair in front of their chest. Second, the host toasts the guest of honour followed by the other guests. The order of toasting is of great importance – it is in descending order according to the guests’ social status. The language of toasting involves praising that goes beyond the traditional Western ‘thank you’. For example, ‘your presence makes my house resplendent and magnificent’ is a commonly used phrase. Historically, the language of toasting was even more elaborate. Over a century ago, Empress Dowager Tzu-His gave a banquet to celebrate her sixtieth birthday, serving royal alcohol to her ministers. In turn they toasted her, saying: ‘may your fortune be as boundless as the East Sea and may you live a long and happy life’ (Chang 2013).

After the toasting, diners are likely to start drinking challenges that require them to perform *ganbei* (‘drying the cup/glass’). Glasses are filled with *bai jiu*, and the guests have to drink several shots in order to show their respect for the hosts. The toasting practice and the nature of *bai jiu* make inebriation a natural consequence of such events, with no social

stigma attached. For their part, diners need to toast everyone who might outrank them. This practice is called *jing jiu*, which literally translates as ‘respectfully proposing a drink to someone else’. The etiquette of *quàn jiǔ* dictates that the person who initiates the toast is in an inferior position and needs to show respect. This requires standing up, holding the glass with both hands and drinking up the *bai jiu* in one shot. The person who receives the toast may remain seated and drink only a little. Typically though, in order to show respect, the receiver of the toast would also empty their glass.

More generally, in the drinking process everyone is expected to slightly touch on each other’s glass. People hold their glasses according to their status; younger guests and those in subordinate positions are required to keep them lower than their elders or superiors. Accordingly, elders and superiors should be served first. After drinking, younger guests might tip their glasses towards the seniors, to show that no *bai jiu* is left. This is a form of politeness and respect.

The practice of *quàn jiǔ* is gendered. Women are not expected to drink as much. Nevertheless, northern regions of China such as the Liaoning Province, Xijiang Province and Inner Mongolia are well known for female heavy drinkers. The practice of *quàn jiǔ* involves ‘urging others to drink’. This can be interpreted as a challenge among equals with symbolic consequences for both competitors. Refusing to drink leads to a ‘loss of face’ for the person who proposed it, while accepting preserves or increases the reputation of the proponent. A generally accepted winning strategy during business banquets is that everybody should be drinking. Successful businesspeople are usually proficient drinking partners, as a lack of such skills could easily affect the company’s reputation.

*Quàn jiǔ* is a way to express trust and build social relationships. The language used in toasting is positive, praising and appreciative of the person or their work. Such language reduces the social distance, while alcohol gives people the chance to express their emotions casually, directly and fearlessly.

### 7.16 *Sadghegrdzel* (Georgia)

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I have a problem understanding someone whom I know really well when suddenly [at a banquet this person] begins to behave completely differently. And then this behaviour becomes so normal, it’s

like a ‘blurring of the borders’. ... The borders between the real me and this imagined me, which I want to play, become so blurred that you don’t know who you are. And the people with whom you interact are also lost.

The confusion expressed in the interview above by a young Georgian activist relates to the identity of her acquaintances and is provoked by a fundamental personal transformation that takes place in the process of proposing a toast (*sadghegrdzelo*) at a festive meal (*supra*) in Georgia (Tbilisi, 2004). A toast should come ‘from the heart’, which is why, sometimes, Georgians place their left hand on their heart while holding a glass of wine, vodka or cognac in their right hand. Underlying this display of emotional veracity is a rigid behavioural and linguistic code. A toast may be proposed only to shared values – dissent must be avoided at all cost – and should be phrased in a specific, grammatically complex manner. This mixture of authenticity and strictly formalised behaviour may cause confusion (as expressed in the quotation above). The borders between ‘me’ and ‘not me’ (or ‘real me’ and ‘imagined me’, as in the quotation) become so blurred that they are indistinguishable (Schechner 1983). It is this ambivalence that lies at the heart of toasting.

The term *sadghegrdzelo* is a compound of the words *dghe* (day) and *ghrdzeli* (long). In this form, *sadghegrdzelo* means ‘to a long life’, a wish that is expressed in the form of a toast. In the context of a festive meal presided over by a toastmaster (*tamada*), the toasts follow a generally uniform, yet not entirely fixed, structure. The *tamada* raises the first toast in each of the many rounds of toasting and introduces a topic that is then taken up and elaborated on by the other participants in the ritual. Certain topics are obligatory, such as toasts to the family and the deceased, and a certain pattern is prescribed, such as following a toast to the deceased by proposing a toast to life, often presented as a toast to children. In addition, toasts to attributed identity (such as family or gender) are commonly proposed before toasts to acquired identity (such as profession or hobbies) (Chatwin 1997).

Some toasts reinforce national values (especially the toast to the motherland, also more subtly expressed in toasts to culture, song and history); gender identity (particularly the obligatory toast to women); family values; and peer-group identity. The toasts should express honour to the addressee or the topic in question and should not contain any colloquial expressions, let alone swear words, gossip or criticism. Each toast ends with a ritual formula, often *gaumarjos* (‘cheers to ...’, literally ‘victory to ...’).

One should not, however, merely repeat formulas in a toast; that would be considered poor performance. The challenge is to improvise and propose toasts in an original, personalised way. Thus, the topics of the main toasts and the overall structure are given, but the transmitted factors, or 'tradition', must be acquired and integrated into personal, intentional behaviour in order to complete the performance and make it successful. Consequently, a 'correct' performance of the *supra* is based not on a faithful reproduction of an 'authentic' or 'true' procedure, but on the willingness and ability of the performer to adjust the formulas to their personality.

It is not possible at a Georgian banquet to drink alcohol without relating it to a toast. Merely sipping wine is a deadly sin. The ritual consumption of wine and its connection to food has obvious parallels in the Christian Holy Communion. But wine in the context of the Georgian banquet is not exclusively attributed to the blood of Christ. Since many Georgians believe Georgia to be the birthplace of wine, and since there are many traces in Georgian culture that indicate the primary importance of wine for Georgian identity, wine becomes a metaphor for Georgian blood, and those who share wine at a *supra* become virtual kinsmen.

The rules of etiquette at the *supra* are strict and serve as a formalised process for attributing honour. Everybody should be included in the process, but a hierarchy based on social structures must also be observed. Who is addressed by the toastmaster, when and how, who speaks after whom and for how long, who drinks when and how much – all these factors may be considered part of a performance of status. Boys show that they have become men when they stand during a toast to women or the deceased, while women and children remain seated. Men who have stopped actively participating in the process of drinking and toasting are most likely no longer considered the head of their family. Hence, toasting in the Georgian way encompasses both competition and solidarity (see *quàn jiǔ*, 7.15 in this volume).

The *supra* is a mainstream representation of Georgian tradition, said to be too old to be dated accurately. Historical sources suggest, however, that the *supra* in its current form is a product of the nineteenth century, and that it is closely related to the rise of bourgeois and aristocratic culture in Tbilisi as well as to the formation of a national movement. Western travelogues from the fifteenth to eighteenth centuries (von Busbeck 1589/1926; Lamberti 1654; Chardin 1686; Contarini 1837) describe the long and vivid history of ritualised drinking, but the Georgian words for toastmaster and toast cannot be found in these sources, nor can the description of cultural practices comparable to these

concepts. According to the travelogues, moreover, wine was frequently drunk without any ritual framing.

These observations are supported by Georgian literature and historiography. Feasts have been a common topic in Georgian sources ever since the 'Golden Age' of the eleventh to thirteenth centuries, but no mention of toasting or toastmastership can be found. As late as in the nineteenth century, the poet Akaki C'ereteli (1989 [1884]: 24–82, in particular p. 25), wrote that the 'ancestors' did not propose toasts at the table and would have been ashamed to have witnessed the present-day phenomenon. There is no mention of 'toast' or 'toastmaster' in the dictionary compiled in the early eighteenth century by Sulxan Saba Orbeliani (1991 [1716]), an omission that would be hard to explain had the Georgian banquet at that time been the same as today's.

The word *sadghegrdzelo* first appears in written form in 1827 in a cycle of poems by the Georgian aristocrat Grigol Orbeliani (1959), often considered one of the fathers of the national liberation movement (Ram 2014). The poems are written in the form of toasts and recall national heroes as well as their deeds. This genre quickly became popular at banquets. Remembering the past as a toast had become a form of national education following Tsarist Russia's annexation of Georgia in 1801 and the consequent suppression of national sovereignty. In this context, the verbal evocation of the past turns at the table into a patriotic mission. It also becomes a way of relocating national sovereignty from the realm of the official (from where it had disappeared following the Russian annexation) to the sphere of informality.

This sphere of informality proved of crucial importance during the twentieth century, when Georgia was part of the USSR. During the Soviet period, the *supra* provided space for informally addressing the shortages of the Soviet economy and the problems of making a living; it was here that networks were forged, information traded, deals made and scarce resources exchanged. In other words, it was here that *blat* (exchange of favours) blossomed (Ledeneva 1998). Occasionally, too, a *supra* would be used for undercover meetings of political dissidents. No wonder, then, that the *supra* aroused the suspicion of the authorities in the late Soviet period. On 15 November 1975, the Central Committee of the Georgian Communist Party issued a decree entitled 'Measures to increase the fight against harmful traditions and customs' (Gerber 1997: 261). This denounced large banquets associated with important events such as births, marriages or deaths as public displays of traditional attitudes, irrational lavishness and asocial accumulation of wealth.

In the chaotic, post-Soviet 1990s, when many Georgian citizens became impoverished, the *supra* remained a primary venue of dealing with (or compensating for) social and economic problems. Following the Rose Revolution of 2003 and the coming of power of Mikheil Saakashvili, however, the *supra* became associated with Soviet mentality and waste of time (Mühlfried 2014). Once again, toasts became associated with ‘harmful customs’. In today’s independent Georgia, the *supra* is a less common phenomenon than during the preceding decades, especially in the towns and cities. Even so, the *supra* remains for many people an essential means of dealing with social shortcomings (this time mostly emotional in nature), as it provides a counterpoint to the logics of neoliberal time-management, body politics and sociability (Curro 2017). In diasporic circles, the art of toasting and feasting in the Georgian way continues to act as a major signifier of belonging to the Georgian nation.

### 7.17 ***Goudui and Yingchou*** (China)

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The formal dictionary definition of *goudui* refers to the mixing of different types of wine or spirits to alter the taste of liquor (*ABC Chinese-English Dictionary* 2003). For most speakers of standard Mandarin Chinese this is what the word connotes. But in south-western dialects of Mandarin Chinese spoken in the provinces of Sichuan, Yunnan, Guizhou, Hubei and Chongqing, *goudui* refers to the practice of courting someone, often in a position of power, for an instrumental purpose. Instead of altering the taste or alcohol content of liquor, through *goudui* one seeks to alter a relationship with a distant or casual acquaintance into a ‘thicker’ bond held together with both sentiment and mutual interest. Once the relationship has been altered through *goudui* practices, asking for favours, solidifying partnerships or securing a deal or promotion are thought to be easier to achieve.

No simple English equivalent exists for *goudui*. Depending on the context, to ‘charm’, ‘court’ or ‘wine and dine’ could be substituted in its place. The term ‘condition’ used to describe the Sicilian mafia (Schneider and Schneider 2003) perhaps most accurately serves to explain *goudui* practices. As noted by Peter and Jane Schneider, the Sicilian mafia strove to create ‘many stranded relationships of intertwined interest and affect’ that ‘transcend quid pro quo exchanges’ (Schneider and Schneider 2003: 123). This nicely



captures the key element of *goudui*: one doesn't simply endeavour to create a relationship of indebtedness in the intended target of *goudui* but rather to render the relationship 'thick', durable and imbued with affect. Through *goudui* techniques, which include banqueting, drinking, gift-giving and various forms of entertaining, one seeks to transcend the transactional, interested nature of the relationship and embed it in social norms, reciprocity and morality. Even though the term *goudui* is limited to the south-west, *goudui* practices are found throughout China.

Since the introduction of economic reforms in China beginning in the late 1970s, *goudui* practices have been most prevalent in the context of business, where entrepreneurs deploy *goudui* to win the favour of clients, partners and important officials. Because of the power and influence government officials exert over many facets of the Chinese economy, *goudui* practices are most closely associated with the wining and dining of government officials with a purpose to obtain permits, contracts and insider access to state-controlled land and assets for businesses (Zhang 2001). In the 1990s and 2000s the most common *goudui* repertoire included dinner in an exclusive restaurant featuring extensive drinking, followed by a trip to a nightclub for karaoke singing, followed by more drinking in the company of paid female hostesses. Sometimes one of these hostesses would accompany the recipient of *goudui* for sex as well, or the group would collectively visit a brothel or sauna at the end of the evening (Zheng 2009). Because many businesses compete for the patronage of a few powerful officials, *goudui* practices have been subject to inflationary pressure over the past few decades, resulting in entertainment venues offering ever more expensive and elaborate services. In addition to these forms of entertaining, *goudui* practices also include gift-giving, forms of flattery and the strategic invocation of kinship terms. Supplicants sometimes refer to their *goudui* targets with fictive kin terms such as 'elder brother' (*dage*) or 'brother' (*xiongdi*), attempting to frame their relationship around mutual care and concern. While women can serve as both initiators and recipients of *goudui*, many of the practices (drinking and commercial sex) and spaces (nightclubs and saunas) associated with *goudui* are implicitly masculine, and women (other than staff or hostesses) are largely excluded. The importance of the informal networks established through masculinised *goudui* practices has thus served to help perpetuate the marginalisation of women in certain arenas of business and government in China (Osburg 2013).

*Goudui* is closely associated with two other more widespread Chinese terms: *guanxi* and *yingchou*. *Guanxi* (see 1.12 Volume 1) refers to the social connections through which people in China strive to

accomplish various tasks (Yang 1994; Gold et al. 2002). *Goudui* can be understood as the work and techniques one employs to establish a mutually beneficial *guanxi*-type relationship. When successfully employed, *goudui* techniques imbue a relationship with a modicum of affect and ethics, thus priming it for a reciprocal *guanxi* exchange. Without the work of *goudui*, the favour-seeker would be likely to appear too interested in a short-term benefit, and the relationship would run the risk of being reduced to a mere transaction. Outside of south-west China, where the term *goudui* is well established, Mandarin speakers would probably use the phrase '*gao guanxi*' ('to do or to establish *guanxi*') in its place.

The parallel practice of *yingchou* refers to the ritualised entertaining that is an integral component of workplace, business and bureaucratic relationships in China. Unlike *goudui*, the term *yingchou* is used throughout China. The forms of *yingchou* are largely analogous to those of *goudui* and involve banqueting, drinking, karaoke singing and occasionally commercial sex. *Yingchou* is often used to refer to any work or career-related social engagement and thus may include instances of *goudui*. What distinguishes *goudui* from *yingchou* is that *goudui* implies a narrow focus on deepening a particular relationship for an instrumental end, whereas evenings of *yingchou* may simply involve maintaining good relationships with one's colleagues, partners, clients or superiors without a specific person or favour in mind. Despite the appearance of leisure or fun to an outside observer, *yingchou* is considered an essential component of work. One entrepreneur memorably remarked (Author's interview) that, as a businessman, '*Yingchou is my job*' (*yingchou jiushi wode gongzuo*). Given the importance of *yingchou* to career advancement and business deals, entrepreneurs and government officials often have nightly *yingchou* obligations. Elanah Uretsky (2016) has documented the toll this constant drinking, eating, smoking and commercial sex has taken on elite men's health, resulting in a high incidence of chronic and sexually transmitted diseases among this group. In addition to the physical impact of *yingchou* and *goudui*, many businessmen (author interviews) in the early 2000s complained of feeling overburdened by nightly social obligations that kept them away from their families and left them devoid of leisure time (Osburg 2013).

While *goudui* practices undergird the majority of relationships and exchanges largely thought of as corruption in China, *goudui* should be distinguished from bribery. While a bribe is typically an impersonal transaction, *goudui* techniques are an attempt to transform a relationship into one imbued with affect and governed by the norms of friendship, if not kinship. In interviews conducted in the

early 2000s entrepreneurs stressed that engaging in *goudui* was often the precondition for offering a bribe: only when a relationship of trust and friendship was established through *goudui* could one frame a bribe in a tactful manner, as a ‘gift’ or a token of friendship (see Smart and Hsu 2007). While commodified forms of expenditure – dinners, bribes, gifts, etc. – are available to all, only those who can successfully marshal these objects in service of deepening ties have succeeded in *goudui*.

Shortly after assuming the presidency of China in 2012, Xi Jinping launched an extensive official austerity and anti-corruption campaign. This campaign targeted the very practices – banqueting, drinking, gift exchange – at the core of *goudui* and *yingchou*. Soon after the start of the campaign, many entrepreneurs complained (author interviews) that officials will no longer accept dinner invitations and have even returned gifts out of fear of being targeted in the crackdown. Thus, *goudui* and *yingchou* practices appear to be in decline (perhaps temporarily) in officialdom, but they continue to constitute a key means of forging and maintaining informal networks in business and other bureaucratic organisations throughout China.

## **Conclusion: do patron–client relationships affect complex societies?**

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The theoretical understanding of patron–client relations has changed over time. In early studies based on sociological and anthropological traditions, researchers highlighted three main features of the phenomenon: personal communication; the direct exchange of resources and a certain degree of loyalty; and inequality between patron and client (Eisenstadt and Roniger 1980: 42–3, 49–50). All three criteria were found in small communities and tribal settings (Fortes 1969/2004), in small groups (Katz and Lazarsfeld 1955), and in bureaucracies and political machines (Banfield and Wilson 1963). These early studies focused on patron–client relations in various geographical locations (Europe, Latin America and Africa) as well as in various social spheres such as economics and politics.

In the late 1950s and early 1960s, the modernisation approach became popular, according to which some types of patron–client relations – particularism (Huntington 1965) and parochialism (Shils

1960) – were seen as playing an integral role in traditional societies. Theorists argued that, since modernisation is based on the transition from particularism to universalism, modern societies would lack such types of relations (LaPalombara 1963).

In the late 1960s and early 1970s, however, researchers discovered that traditional forms of particularism based on caste, clan or ethnicity do not disappear in developing societies but rather adapt themselves to the new environment. In particular, societal changes (democratisation, economic development, bureaucratisation; Shefter 1977) challenged the idea that personal patron–client relations are to be found only in small or medium-to-large territorial contexts. What was, however, found to change was that direct personal communication between patron and client became less common. In order to provide more resources for their clients, patrons became reliant on intermediary agents (or brokers) such as ‘friends of friends’ (Weingrod 1968; Boissevain 1974; Roniger 1994: 12; Stokes et al. 2013). This form of patron–client relations is highly complex, with the exchange of resources, goods and obligations reaching from the national to the local level and involving many intermediary brokers and clients (Scott 1969: 1158). The role of broker is commonly played by someone possessing both power and prestige (Moerman 1969; Kitschelt and Wilkinson 2007) and embedded in the local context (government officials, heads of villages or entrepreneurs).

Current research on patron–client relations (Brun and Diamond 2014) suggests that, as a result of democratic, economic and societal developments in modern societies, some forms of patron–client relations (e.g. those based on primordial characteristics) will disappear, while the general form of these relations will adjust to new conditions.

### Reciprocity, hierarchy and repetitive character

Every definition of patron–client relations underlines the exchange of resources, services and goods between patron and client (Scott 1969). These goods and resources may be material, such as cash, food or clothing (Bratton 2008: 624). They may also be non-material, including jobs (Gilmore 1977: 453; Piattoni 2001), access to public services such as education or housing (Hicken 2011), physical protection (Flap 1990: 236; Challier 2010: 54) or bureaucratic or legal intervention (Chubb 1982: 211–9). Patron–client exchanges are not, however, restricted to goods and resources. First of all, they involve the exchange of promises and obligations. There may be an exchange of short-term promises, such

as when a politician promises goods to his supporters in exchange for their votes (Nichter 2008; Kopecký et al. 2012; Stokes et al. 2013). Other patron–client relations are based on long-term (sometimes, even lifetime) obligations, as for, example, when relations are based on religious or kinship values (Ledeneva 2008).

Second, patron–client relations are typically *hierarchical*, with the patron possessing more power, resources and reputation than the client. Essentially, therefore, they are based on a strong element of inequality (Eisenstadt and Roniger 1980). Most research indicates that it is the patron who decides on what terms goods and resources will be exchanged (Wolf 1966). The asymmetry of the relationship usually means that the costs will be higher for a client who wishes to end the relationship than for the patron (Roniger 1994). Democratisation and economic development have, however, increased the range of exit options for clients and strengthened their bargaining power vis-à-vis their patrons (Piattoni 2001: 7, 12). In a situation where a patron has many clients, the clients may even in some cases be able to organise together to punish the patron (Lyne 2007).

Some researchers argue that patron–client relations are also possible between groups such as political parties or trade unions (Weingrod 1968; Kitschelt and Wilkinson 2007), though there is disagreement over who in such cases is the patron and who the client. Stokes (2007) argues that, as patrons, political parties and politicians hold voters accountable, whereas Kitschelt and Wilkinson (2007: 7) argue that politicians are agents and that electoral constituencies are the patrons.

The third feature is the *repetitive* character of patron–client relations. The patron delivers (or promises to deliver) goods or services in exchange for a reciprocal exchange (or the promise thereof) of goods and services by the client. This aspect of promising something in exchange for goods or services highlights the crucial importance of monitoring and sanctioning (Lewis 2010; Kopecký et al. 2012). Both patron and client expect to interact in the future, which means that a high level of specific trust is required from both sides. These expectations about the repetitive character of patron–client interactions are based on – and reinforce – the norms of reciprocity (Lebra 1975). Moreover, the repetitive nature of patron–client relations allows both patron and client to anticipate the actions of the other. Kitschelt and Wilkinson (2007: 13) stress two possible expectations of the patron with respect to the client's behaviour. A politician needs to be confident that the client will deliver the service (vote) as promised. In order to increase this probability, the politician

must identify the constituencies with ‘strong effective “elasticity” in voters’ electoral conduct’ and concentrate resources (that is, promises of services and benefits) there in order to ensure the clients’ support. Through repetitive patron–client relations, politicians accumulate knowledge of their clients, which enables them better to target potential support groups and fine-tune the amount of promised benefits (Stokes 2007: 611).

With regard to the *bonds* underlying patron–client relations, it is necessary to distinguish between power and obligations, both of which may assume different forms depending on the specific context, type of the society and historical period under consideration. Power bonds may, for example, take two different forms. The first is *power as coercion*. According to this interpretation, patron–client relations are maintained by force or the threat of force employed by the patron against the client. Sicilian *mafia*, Russian *krysha* and Mexican *caciquismo* are examples of patron–client relations based on power as coercion, which is particularly strong when the client’s status is far below that of the patron. When client and patron have equal or comparable status, however, their relations are likely to be linked by *power as co-optation*. This type of bond has been commonly used in the political context, such as when Russia’s tsars co-opted the nobility of conquered territory by strategically relating them to the Russian nobility (Tsygankov 2014) or when the ruling elite co-opts oppositional politicians or members of underrepresented societal groups in order to appease protests or increase support (Snyder 1992; Ang 2016). The corrupt use of the law in order to reduce the elite’s accountability to the population is another example of power as a co-optation bond (Kaufmann and Vicente 2011).

Patron–client relations may also be underlined by two types of obligation bonds. The first emerges from kinship values and is maintained by value-based obligations (*uruuchuluk* in Kyrgyzstan), religious values (*guanxi* in China; *oyabun-kobun* in Japan) or a mixture of both (*compadrazgo* in Spanish America, *padrino* in the Philippines, *kumstvo* in Montenegro). Such bonds are hard to terminate, particularly in small communities. The second type of obligation bond is structurally based, an example being vassalage in medieval Europe (Bloch 1962/2014). This type of patron–client relationship is based on homage and/or fealty (Blok 1969: 367). Its emergence is directly related to the structure of feudal society, where central authority is weak. Structurally based obligations may also be found in societies where the economy is underdeveloped, when the client needs the patron in order to access material resources and goods (*aqashka* in Kazakhstan and *blat* in the Soviet Union). However, this proposed typology simplifies the variety of bonds that may exist

between patron and client. For example, Roniger (1983: 83) described traditional patron–client relations in ancient Rome as coercive. However, the coercive character of traditional patron–client relations was constrained by specific norms, according to which the patron was expected to take care of the client. As Piattoni (2001: 12) points out, ‘a sense of obligation and even affection could colour patron–client relations’.

### Timing in patron–client relations

In the 1950s and 1960s, studies of developing societies found that, as a result of the modernisation of traditional societies, fresh conflicts emerged between and within social groups. These conflicts, many of which were based on kinship or ethnicity, led in turn to the emergence of brokers. Interestingly, conflicts tended to continue in societies where brokerage was established. This seemed to be because the resolution of conflicts eliminated the need for brokers, meaning in turn that brokers had an interest in maintaining tensions (Weingrod 1968; Blok 1969). In the 1970s and 1980s, research highlighted the importance of institutional arrangements for establishing patron–client relations. Shefter (1977) stresses the importance of two major institutional arrangements on the development of party patronage: the existence of a bureaucratised state and the introduction of (male) suffrage. In the United States, for example, patronage was democratised prior to the development of a bureaucratic state; parties therefore use patronage strategies to attract voters. In Canada, by contrast, where the bureaucratic state was professionalised early on (Roniger 1994: 14), the patronage potential of political parties was low, and decreased further with the introduction of suffrage.

Shefter’s ideas were developed by Piattoni in a range of studies of political clientelism in Europe in historical and comparative perspective. Piattoni argues, however, that the development of patron–client relations ‘is connected with, yet not determined by’ the emergence of specific institutional arrangements. Piattoni’s major argument is that patronage and clientelism may alter the social environment, thereby allowing the development of patron–client relations (2001). The major challenge is therefore to explain the resilience of patronage practices as they adapt to new institutional environments.

Taking into account the major features of patron–client relations described above, we may distinguish between these relations and other forms of particularistic practices (Hicken 2011: 296). The feature of contingent reciprocity for patron–client relations distinguishes these relations from non-contingent particularism (such as corruption and bribes) and

organised crime (Piattoni 2001: 8). The repetitive and contingent nature of patron–client relations also sets them apart from other forms of particularism such as pork politics (Kitschelt and Wilkinson 2007: 13). Finally, patron–client relations describe a wider variety of societal interactions than the term ‘patronage’. The latter is often used to describe the exchange of electoral support for positions in the public system (Kopecký et al. 2012).

### Societal consequences of patron–client relations

Eisenstadt and Roniger (1980: 70) highlight the fact that patron–client relations have negative societal consequences. One result is a low level of social trust, given the small number of those who are part of the patron–client relationship. Patron–client relations also generate a high degree of competition among all groups, particularly among patrons. This competition for resources is particularly strong when a society is undergoing modernisation because, in the new situation, all resources potentially become available to many groups (Wolf 1966; Blok 1969). Moreover, widespread patron–client relations distort the system of democratic accountability (Stokes et al. 2013) and impede the professionalisation of bureaucracy (Shefter 1977; Cruz and Keefer 2015). In clientelistic countries, programmatic political parties are rare, while electoral volatility and party-system fragmentation are high (Kitschelt and Wilkinson 2007). Clientelism is associated with the growth of public sector and larger public deficits (Grzymala-Busse 2007). Appointments to leadership positions thanks to patron–client relations may also result in lower efficacy of public agencies (Lewis 2010).

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## Conclusion: do patron–client relationships affect complex societies?

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## The Politics of Fear: Strategies to Ensure Political Control

### **Introduction: *politics of fear***

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'The politics of fear' refers to a set of strategies used to ensure political control by authoritarian regimes. Unlike bloody dictatorships, which use mass repression of societies at large and/or major social groups (such as those in the Soviet Union under Stalin, Nazi Germany or Cambodia under the Khmer Rouge regime), authoritarian regimes rely upon selective repression against those who dare to raise their voice against the regime or those capable of doing so at the earliest opportunity. Selective repression is often demonstrative. Examples include politically driven criminal cases, arrests, forced emigration and exile, torture, the disappearance of people and political assassinations. The repression is used illicitly in the surveillance both of persons and of private correspondence, use of provocateurs, public discrediting and isolation (see *Zersetzung*, 8.9 in this volume). Such strategies are not intended primarily to punish the regime's enemies (although this motivation is also present), but to prevent the spread of oppositional activism beyond the relatively narrow and controllable circle of the regime's staunch opponents. 'The politics of fear' performs the political function of preventive signalling: it demonstrates to the elite and ordinary citizens that manifestations of disloyalty may result in tears, loss and harm. This approach is more cost efficient for the preservation of authoritarian regimes than mass repression, but it requires the skilful application of a variety of tools of political control.

The degree, frequency and extent to which authoritarian regimes use ‘the politics of fear’ depend on specific context. Although commonly ‘the authoritarian equilibrium rests on lies, fear, or economic prosperity’ (Przeworski, 1991: 58–9); the specific configuration is determined by circumstance. The weakening of one of these three political pillars prompts autocrats to shift their centre of gravity to the two others. The degree of repression in modern authoritarian regimes is reversely correlated with economic growth. When economic growth is rapid and sustainable, the preference of autocrats is to rely upon co-optation of their real or potential challengers, and to buy the loyalty of elites and fellow citizens. Under such circumstances there may be room for contentious politics on certain issues, but there is no leeway for open displays of discontent towards leaders or regimes as such. However, in circumstances of economic decline, stagnation or recession, autocrats have to replace carrots with sticks and rely upon the weapons of large-scale propaganda (lies) alongside those of selective repression (fear). The choice of strategies of repression is driven by autocrats’ perceptions of threats to their regimes. Threats can be defined both by the overall level of discontent and also by their unpredictability. Moreover, threats are perceived more seriously if they arise from multiple sources, if the opposition presents a number of diverse strategies and includes a variety of forms of protest (especially if the protest involves both peaceful and violent means). However, the most important factor affecting the choice of strategies of repression in authoritarian regimes is the previous successful outcomes of those repressive policies. If in the past repressive measures served as an efficient tool for diminishing threats to the regime’s survival, then the probability of their use in the future increases, as does their scope and intensity.

After Stalin’s death in 1953, the communist regime ceased to employ a policy of mass repression in the Soviet Union. As a result, it suffered not only the emergence of a dissident movement, but also numerous instances of mass riots, occurring spontaneously in different parts of the country. The extensive use of force for the oppression of the latter (the most well-known case was the Novochoerkassk massacre of 1962) was risky for the Soviet political leadership. Consequently, repressive policies underwent certain adjustment and transformed into a model, based upon ‘preventive work’ (*profilakticheskaya rabota*), designed to prevent the spread of protest movements. The Soviet coercive apparatus established an efficient mechanism of monitoring and intimidation of disloyal citizens. The arsenal of the coercive apparatus included not only the threat of repression and/or career difficulties, but also strategies of

co-optation, which included promises of career advancement, material benefits and other rewards for loyalty to the regime.

Soviet citizens perceived the risk of punishment for open anti-regime activism to be high and even those who were critical of the regime preferred to avoid direct confrontation with the authorities. In addition, the Soviet regime used a wide range of 'active measures' (*aktivnye meropriyatiya*) to punish its loudest and most dangerous critics, ranging from expulsion from jobs and de facto bans on professional activity, to the political abuse of psychiatry and forced emigration. Even though the number of political prisoners in the late-Soviet period was relatively low, selective repression and other coercive techniques became pervasive. Thus, Soviet citizens received clear signals that being involved in organised dissent would lead to trouble. Despite a large number of potential sympathisers and the rising disillusionment with the regime among both the Soviet establishment and society at large, the narrow circle of committed dissidents found it hard to broaden their ranks. Dissident tendencies did not lead to a rise in mass protest activism thanks to 'the politics of fear', which was reinforced by the memory of the previous Soviet experience of purges and mass repressions. Dissatisfaction with the late Soviet system was expressed in forms other than organised protests, and did not present any major challenge to the communist regime until the late 1980s. During this period, 'the politics of fear' enabled rulers to postpone the risk of mass discontent and to bequeath the emerging problem to their successors.

In post-Soviet Belarus, 'the politics of fear' pursued by the coercive apparatus of the state is demonstrated foremost in its continuity under the presidency of Lukashenko (1994–present). Belarusian opposition figures disappeared without a trace, civil activists came under attack by the state; foreign donors and initiatives aiming to promote democracy and civil society were pushed out of the country; control over business prevented it from financing opposition; and restrictive legislation forced non-governmental organisations (NGOs) into closure or self-censorship. The independent European Humanities University was forced to relocate from Minsk to Vilnius in Lithuania. The regime used an array of tools against its rivals, ranging from the prohibition of anonymous access to the Internet, to threats of job losses for displays of political disloyalty. Recent criminalisation of 'social parasitism' in Belarus is the logical extension of these tactics – Social parasitism has its roots in a Soviet-era legal concept of *tuneyadstvo*, which was active between 1936 and 1991. It was based on the socialist doctrine that every able-bodied person had an obligation to work, therefore unemployment was seen as a crime against the state.

A further example of the use of the strategy of 'the politics of fear' can be found in the use of provocateurs in opposition rallies in which subsequent arrests have borne fruit for the regime. Unlike post-Soviet states where mass protests were an issue, Belarus remains an island of authoritarian stability, while the opposition is discredited, disintegrated and disabled. The lack of viable alternatives strengthened Lukashenko's position and has helped preserve his power.

In the early 2000s the Russian authoritarian regime demonstrated low levels of repression. Annual economic growth contributed to the overall rise in a feeling of well-being and consequently led to a major increase in loyalty towards the leadership. The Kremlin was able to diminish manifestations of public discontent and co-opt elites. Until 2011, the scope of mass political and social protests in Russia remained relatively low and was not perceived as dangerous. Repression was targeted and included personal harassment of a small number of participants in protest actions. Dissenting representatives of Russia's establishment were not persecuted but rather discredited and isolated; independent media, NGOs and activists were contained and had little opportunity to inflict damage to the regime. After the global economic crisis of 2008–9, resources for rapid economic growth in Russia were exhausted and the prosperity-based regime's equilibrium was shaken. The rigged outcome of the 2011 parliamentary elections triggered a wave of mass protests, which the Kremlin did not anticipate. Although the scale of protests was insufficient to challenge the regime's survival, its demonstrative effects were alarming for Russia's rulers. Vladimir Putin's 'tightening of the screws' after his re-election in 2012 was a reaction by the Kremlin to this new threat. In May 2012, a protest rally in Moscow culminated in violent clashes between participants and the police. Arrests, imprisonments, public discrediting and systemic pressure on leaders of the opposition followed (for example, Alexey Navalny, Vladimir Ashurkov, Sergei Guriev, Lev Shlosberg). In February 2015, Boris Nemtsov, one of the leaders of the Russian political opposition, was shot dead near the Kremlin. His assassination occurred two days before an opposition rally, which was planned to launch a series of new protests against the regime; instead it became a march of commemoration. During the third term of Putin's presidency, 'the politics of fear' has become a major instrument for maintaining authoritarian equilibrium.

Newly adopted repressive legislation has established harsher punishment for the violation of the new restrictions and increased the already wide-ranging powers of the law enforcement agencies, as well as the scope of sanctions. These moves by the Kremlin are oriented towards

preventing the further spread of undesirable information, draining the funding of opposition activities and imposing tight constraints on independent activism. The new law demands that NGOs receiving foreign funding should register as ‘foreign agents’. In common with other NGOs, the Dynasty Foundation, a major private sponsor of science-related research and education programmes, was labelled a ‘foreign agent’ and ultimately closed. The new law on ‘undesirable’ NGOs imposes criminal punishment on Russian individuals and organisations found to be collaborating with blacklisted foreign NGOs; after its adoption, several international donor organisations were forced to end their activities in Russia.

Not only does the Kremlin not prevent the emigration of its opponents, it assists in part in the process, rightly considering this to be an effective means of neutralising its opponents. As a consequence, the number of political prisoners in Russia remains rather low in comparison to many authoritarian regimes: the most comprehensive list, compiled in June 2015, cites no more than 50 names. It is to be expected that the Kremlin will further prioritise repression, that its scope and intensity will increase and that new targets will be hit by ‘the politics of fear’. The use of ‘politics of fear’ has most recently become widespread among authoritarian and semi-authoritarian regimes in Azerbaijan, Venezuela and Turkey, although its effect on isolating the regimes from threats are rather mixed. In essence, ‘the politics of fear’ becomes a vicious circle: small-scale state repression encourages further application of these tools, and authoritarian regimes have a tendency to use them repeatedly, even if the risk of the regime being subverted is actually not very high.

### 8.1 ***Brodiazhnichestvo*** (Russia)

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The Russian term *brodiazhnichestvo*, meaning vagrancy, had its origins in the legal framework of Imperial Russia, and was a pejorative term used to describe tramps and other destitute members of society. However, in the Soviet Union during the Khrushchev era, *brodiazhnichestvo* was commonly used to refer to persons engaging in ‘forbidden’ trades, private entrepreneurial activity, or speculation, the so-called ‘second economy’, which flourished from the late 1950s onwards. From 1957 to 1961 a



Central Committee Commission led by Polianskii investigated the many facets of 'anti-social' 'parasitical' behaviour in contemporary Soviet life. This investigation revealed an uncomfortable picture of a society employing a range of informal practices to make up for the shortcomings of the state. The commission understood its task as the investigation of the many extra-systemic ways that Soviet citizens found to supplement or substitute regular wages and salaries and to find legislative ways of closing the loopholes that made them possible.

The law of 1961's implicit reach was broad: it defined the 'parasite' as having many faces and noted it may be an embezzler (*kaznokrad*) plundering socialist property, a bribe-taker, a swindler (*zhulik*), a speculator; or a young idler, [or] a flea-market trader (*barakhol'shchik*). Begging was mentioned once in the middle of a long list of parasitical second-economy activities, but neither vagrancy nor prostitution even rated a mention. What mattered was identifying all the processes whereby Soviet citizens were getting 'unearned income' instead of, or in addition to, their regular wages and salaries.

Polianskii's commission investigated forbidden trades, speculation, private entrepreneurial activity and in addition appointed working groups on such topics as currency forging, bribery, contraband, cheating customers in stores and illegal transactions involving land and housing space, as well as demanding investigation into a wide range of illegal trades that included moonshine (*samogon*-making (*samogonovarenie*), see 5.29 in this volume), folk medicine, fortune-telling, running brothels, and producing and selling pornography. The enquiry amounted to a wholesale investigation of the areas involving private ownership and entrepreneurship and the circumstances that were making it possible.

In towns there was a great variety of second-economy activity. People were using private cars to provide taxi and removal services, renting out rooms or 'corners' of their apartments or houses, renting out individually owned dachas, and using garden or dacha plots to grow produce for sale; truck drivers and railway employees were moving goods around the country for 'grey market' sale. Workers at electrical and radio factories regularly stole their products and sold them outside the plant. Enterprising people set up 'clandestine miniature factories that turn out the notorious phonograph records made from X-ray film' (*Literaturnaia Gazeta* 1960).

Similarly, all sorts of 'parasitical' entrepreneurial activity went on in the countryside, especially around the collective and state farms. Some farms established unregistered shops on their premises to produce goods that 'have no relation to their production profile, for example,

electrical fuses, spare parts for textile machines, glass for wrist watches, polyethylene items', using workers from collective farms (*kolkhozniki*) and 'persons without fixed occupation' as workforce (RGANI files in Fitzpatrick 2006). *Kolkhozy* also used middlemen to acquire needed spare parts and building materials, and to distribute agricultural produce. They and other enterprises, rural and urban, regularly hired moonlighters (so-called '*shabashnik*' brigades) to do construction and repair work on contract. All this was, of course, in addition to the pettier forms of rural 'parasitism' (living off bee-keeping, carting, selling craft items or produce from the private plot.)

Artisans and craftsmen (outside cooperatives) were always an object of suspicion: these were difficult categories for Soviet authorities, who tended to regard non-factory production as both outmoded and potentially capitalist. Even when the trades were in themselves legal, there was the question of the way they got raw materials (often on the black market), together with the fact that they sold their produce, possibly 'parasitically' for profit. There were also illegal trades, artisan and craft activities that were explicitly forbidden by law by the Criminal Code or in special statutes. Brewing *samogon* (see 5.29 in this volume), making religious objects, cutting gramophone records and developing photographs were among the illegal trades, but the list in law and practice was probably much longer, including preparation of any goods from precious metals or precious stones, betting and organising games of chance (Kondrashkov 1989).

The anti-parasite law was not intended to target people who were unemployed because they were invalids, old-age pensioners, pregnant women or housewives with young children. However, provision was still inadequate and some people on retirement and disability pensions supplemented them by begging or petty trading.

The 'shadow economy' parasitism that was the central target of the law evoked a mixed response from the public. *Kolkhozniki* who did not volunteer to work on other projects on 'labour days', as well as '*shabashniki*' working as contract labourers on *kolkhozy* and elsewhere (often these same 'non-working' *kolkhozniki*), were damned as parasites (GARF files in Fitzpatrick 2006) and resentment was also expressed against people who rented out their dachas and other housing space for a high price. But others who participated in the public discussion were worried about labelling such common activities as dacha-renting parasitical – after all, many of 'the public' engaged in such activities themselves. It was not unusual for activities that were condemned in others to find justification in the personal sphere.

It is not clear how often people were actually sent into exile as ‘parasites’ as a result of ‘unearned income’ from second-economy activities. Despite the draft law’s emphasis on ‘second-economy’ offences, police and other local authorities continued to understand the category of ‘parasites’ in more traditional terms: beggars, tramps, prostitutes and drunks making a disturbance on the street. The Ministry of Interior (MVD) reported that among those exiled as parasites there were ‘not a few’ carpenters, joiners, painters, stonemasons, tailors, shoemakers, coopers and other tradesmen working privately (RGANI files in Fitzpatrick 2006). Sewing women and tailors were likewise liable: there are reports of parasitism charges against women – ‘getting rich at the expense of the toilers’ state’, to quote the standard anti-parasite rhetoric – who sewed dresses or made bras, paper flowers and homemade mirrors for sale at the *kolkhoz* markets (GARF files in Fitzpatrick 2006). In practice, of course, such small-scale private enterprise was often tolerated.

The 1961 law is interesting not so much for its direct results as for the way in which it exposed various fault lines in the society and confusion in the minds of the leaders about where the society was going. The party ideologists claimed that the society was moving inexorably towards communism, that is, ever further away from capitalism and the remnants of capitalist consciousness and habits that were the soil in which parasitism grew. Yet to an outside observer, it might have appeared that its trajectory was exactly the opposite – not away from ‘capitalism’ (that is, a situation allowing scope for individual economic initiatives and acquisition and use of goods) but towards it. It was very striking, too, just how many kinds of parasites there were when one looked closely: it was as if a ‘second society’ of parasites coexisted with the ‘first’ society of toilers (or, even worse, that every toiler was a potential parasite). The discussions surrounding the anti-parasite law gave a vivid and informative picture of the great variety of stratagems and social niches developed by individual citizens; everything that mattered went on not in the formal structures of the society but in the interstices between (Starr 2003). The work of Polianskii’s Commission showed a considerable understanding of how the Soviet economy actually, as opposed to formally, worked.

The Soviet Union was not alone in using the vagrancy law to deal with ‘undesirable elements’ of society or using the law as a ‘catch all’ solution. In the United Kingdom, the Vagrancy Act of 1824 banning vagrancy and begging continues to be enforced to this day and it is claimed that it has been ‘repurposed over the last decade as a truly modern tool to police poor, vulnerable and “suspicious” people in public spaces’ (Hermer

2014). In 1971 and 1972 vagrancy laws in the USA were challenged as being unconstitutional, however, until this time the law provided ‘an escape hatch from the Fourth Amendment’s protections against arrest without probable cause’ (Goluboff 2016). In Canada vagrancy continues to be a criminal act, being defined as ‘Every one commits vagrancy who ... supports himself in whole or in part by gaming or crime and has no lawful profession or calling by which to maintain himself’ (Criminal Code of Canada 1985). Western governments have also found ‘vagrancy’ a useful tool for exercising control.

## 8.2 *Songbun* (North Korea)

James Pearson and Daniel Tudor

Authors of *North Korea Confidential*

*Songbun* is a socio-political classification system in North Korea, according to which every citizen is assigned a class status on the basis of their perceived loyalty to the regime. *Songbun* classification has traditionally had a significant influence on the major life opportunities that are available to an individual, notably further education and career. However, since the turn of the century the growing importance of money in North Korean society means that in many cases the benefits of good *songbun* can be bought, and thus *songbun* classification has declined in importance for some sections of society.

The Korean word *songbun* comes from *chulshin-songbun*, a North Korean phrase meaning ‘family background’. Every citizen is assigned a class status on the basis of the socio-economic background of one’s family, including parents and grandparents, siblings, aunts, uncles and cousins. A second element is *sahoe songbun*, which is one’s individual socio-political behaviour. All North Koreans are classified into one of three classes: the ‘core’ (*haeksim*) or loyal class, the ‘wavering’ (*dongyo*) class and the ‘hostile’ (*choktae*) class. Importantly, however, most North Koreans are unaware of what their *songbun* status is, and it is therefore something of an invisible force.

The *songbun* system originated from a resolution of The Workers’ Party Politburo of 30 May 1957, which introduced the concept of dividing North Korean society into loyal, neutral and hostile groups. Broadly, loyalists were to be drawn from among those who fought alongside Kim Il Sung or from forces that pledged allegiance to him; socialist intellectuals and revolutionaries; and those who fought for the DPRK during the Korean War. Hostile persons were those who had been landowners and capitalists; those who had relatives and/or strong connections with

South Korea; religious groups (including Christians and shamanists); and collaborators with the old Japanese colonial regime. Neutrals were those who fell between the two. A series of lengthy investigations into the colonial era and military activities of every North Korean's male relatives (the DPRK is patrilinealist, as well as having a feudal mindset) was conducted. This was the effective starting point of the *songbun* system of social classification that exists to this day.

The most common and long-standing figures state that 28 per cent of North Koreans are in the loyal class, 45 per cent in the neutral class and 27 per cent in the hostile class (Tudor and Pearson 2015: 163). It is far easier to have one's *songbun* downgraded than upgraded: one simple political mistake could bring one's whole family into a lower class. For that reason, the hostile group estimate may well be on the low side: 40 per cent may be more realistic (Tudor and Pearson 2015: 163). The *songbun* system has both formal and informal aspects that render it a strange hybrid of official state practice and informal governance. With regards to the formal elements, *songbun* is a highly entrenched system that is constantly monitored and enforced by the state. Every individual's status appears on their government file, and is taken into account whenever someone requests a promotion, applies to a university, or is arrested. *Songbun* investigations are very thorough and involve many layers of bureaucracy: local police chiefs, residency registration officials and section chiefs of the Ministry of People's Security all have to agree on a classification, and the higher up the social ladder one goes, the greater the involvement of the State Security Department as well. Better *songbun* is just about the only thing that cannot be bought in today's North Korea: the number of people one would need to bribe to significantly alter one's *songbun* would render the whole venture impossible.

However, the *songbun* system may also be regarded as informal in several respects. The DPRK regime publicly denies that such a system even exists, despite the fact that the vast majority of its citizens appear to be aware of it (Collins 2012: 3–4). *Songbun* thus represents a society-wide open secret: universally known, but conspicuously absent from official discourse (Ledeneva 2011: 724–5). Significantly, the government does not inform citizens of their *songbun* status, and indeed many people are not aware what their precise *songbun* status is. In these respects, the *songbun* system is comparable to other informal systems of governance used by totalitarian regimes to control their citizenry, such as *Zersetzung* in the German Democratic Republic (GDR) (see 8.9 in this volume).

Bad *songbun* can adversely affect a person's life in a very diverse range of ways. The military does not allow those of the very lowest *songbun* to serve. Poor *songbun* has also prevented athletes from being selected for national sports teams. There are many reports from defectors of being passed over for jobs in favour of lesser-qualified, but better-born competitors. Similarly, a person of good *songbun* who commits a crime may find leniency from a judge, where one with bad *songbun* would not.

Due to the effect of socialisation over the course of two or three generations, *songbun* has outgrown its political origins and evolved into a class system in its own right. An individual who possesses good *songbun* will almost inevitably study and work mainly with others of good *songbun*, in superior schools and workplaces. They will probably live in a relatively decent apartment building, alongside others with good *songbun*. Moreover, individuals with good *songbun* almost always marry someone who has comparable *songbun*. If someone happens to fall in love with someone with bad *songbun*, that person will probably be poorer and of lower social status, prompting opposition from the higher *songbun* parents. In Korean culture, parental opposition is an almost insurmountable obstacle to a match; indeed, this is still just about true even in South Korea, where most survey recipients say they would not defy their parents by marrying someone they did not approve of. In any case, given that people only tend to mix with those of similar *songbun* status, the chances of meeting and falling in love with a person of different *songbun* are in practice quite low.

The influence of *songbun* has been somewhat eroded in the post-famine era (around 2000 onwards). Other than fear of punishment, money is the prime motivating force in today's North Korea (see *jangmadang*, 5.38 in this volume). Although one cannot buy better *songbun* itself, one can buy the effects of better *songbun* – university places, coveted jobs, high-quality apartments, medical care, greater freedom of movement, and immunity from prosecution or harsh punishment, in most cases. This is a phenomenon that has been observed in many countries making the change from a feudal to a market-based system. Many of the growing entrepreneurial class have poor *songbun*, but it scarcely makes a difference in their lives. The practice of bribing to gain better jobs is now very common in North Korea, although there are limits as to how high one can reach. Officialdom is full of lower-level people bribing those that are higher up, in the hope of moving up the hierarchy. Under a 'normal' government, money is collected by the top levels and distributed downwards; under the post-famine DPRK government, it travels the other way.

Nevertheless, *songbun* has not been completely circumvented. While corruption and capitalism are providing the sharp operator and the talented outlier with opportunities to rise that they would never have had under Kim Il Sung, *songbun* still gives great advantages to some, while holding others back. *Songbun* is no longer the sole deciding factor, but it is a gigantic head start. Ambitious and hard-working officials, who owe their position to high *songbun*, are the ones who are best placed to take advantage of major business opportunities (see *jangmadang*, 5.38 in this volume). Those barred from such opportunities are becoming increasingly disgruntled, according to a number of sources. When defections from North Korea became commonplace in the wake of the famine of 1994–8, the driving force behind the trend was the simple need to eat. Today, though, more and more defectors were actually able to live relatively well in North Korea, but simply feel aggrieved that they have hit a ceiling due to their social status. ‘I couldn’t develop myself [in North Korea]’, ‘*Baljeon mothaettda*’ is now one of the reasons being cited for defection (Tudor and Pearson 2015: 168).

Ultimately, *songbun* acts as an anti-meritocratic force, giving unearned advantages and disadvantages to people based on an accident of birth. The fact that state officials virtually inherit their position due to good *songbun* and family ties likely incentivises them to be lazy; their main activity is the collection of bribes. In this respect, *songbun* is arguably little different from class, caste or patronage systems found elsewhere in the world. The difference is that, rather than gradually evolving as a spontaneous social order, *songbun* was artificially designed and implemented by a revolutionary regime to cement its political power, thus ensuring that class distinctions entrenched themselves very quickly following the almost total levelling of the social hierarchy caused by the Korean War of 1950–3.

### 8.3 ***Dirt book*** (UK)

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A ‘dirt book’, sometimes also called a ‘black book’, was an informal record of private or compromising information on individual Members of Parliament (MPs) kept by government whips in the United Kingdom parliament. The term is derived from the figurative use of the word ‘dirt’ as ‘scurrilous information or gossip; scandal’ (*Oxford English Dictionary* 2016). While dating the practice is difficult due to both the secrecy

surrounding it and the contested meaning of the term, it appears to have emerged in the late 1950s/early 1960s. For the same reasons, it is hard to assess to what extent it is still practised.

It is important to note that the phrase ‘dirt book’ is not used by whips themselves or indeed parliamentarians in general (Brandreth 2016). Rather, the phrase was coined by the British media. Indeed, it can be argued that the very concept of a dirt book is something of a misnomer and a media construct. This is because while whips do indeed gather and record information on their party’s MPs, only a very small proportion of it could be considered ‘dirt’ (Brandreth 2016). Brandreth suggests that a more accurate term would be ‘whips’ notes’, comparing their actual function to the kind of records a human resources (HR) department might keep on its employees, but more informal and subjective in nature. Any background information that might help the whips to understand and influence an MP’s behaviour would be recorded, such as off-the-cuff expressions of opinion; their hopes and ambitions; or any personal problems such as marital difficulties or alcohol abuse (Brandreth 2016).

To appreciate how the dirt book operated it is important to understand the role of whips in the UK parliament. Whips are members of parliament responsible for organising their party’s parliamentary business, in particular ensuring that their members vote according to the party line. The term ‘whip’ is a shortened form of ‘whipper-in’, a hunting term that refers to the huntsman who keeps the hounds hunting as a pack and rounds up any strays (Cockerell 1995). Despite not formally being a member of the Cabinet, the government’s chief whip attends Cabinet meetings and meets frequently with the prime minister, both officially and unofficially. The Whips’ Office thus acts as ‘a two-way conduit between the leadership and the backbenchers’ (Cockerell 1995).

The whips’ role became increasingly professionalised in the late 1950s and early 1960s, partly due to the leadership of Edward Heath who served as chief whip 1956–9. Heath ‘systematically gathered information about every member of the party, and developed the art of using this to maximum advantage’ (Shell 1995). It is at this time that the practice of the dirt book is said to have emerged, although whether such a book actually existed is unclear. When the Labour Party came to power in 1964 after 13 years of Conservative rule, the new Labour chief whip Edward Short found that it ‘had been the practice to keep a “dirt book” in which unsavoury personal items about members were recorded’, a practice he immediately ordered to be discontinued (Shell 1995). However, Shell suggests that this may not be sufficient evidence for the actual existence of a dirt book, stating that, ‘it is probable that such stories arose



simply out of the thoroughness with which Heath and his successors had gathered information' (Shell 1995).

Between the 1960s and the 1990s, physical books were certainly in existence, as numerous ex-whips have given quite specific details about them (Baker et al. 1993: 153; BBC 1995; Cockerell 1995; Gibbon 2014; Brandreth 2016). Lord Whitelaw (Conservative Party Chief Whip 1964–70) described them as, 'just a little book where you wrote down various things you knew or heard about people' (BBC 1995). Under the successive Conservative administrations of 1979–97, it is said that the dirt books were A5 hardback exercise books that were bought in bulk, with the Whips' Office consuming on average a book a week. They were kept in a metal safe in the Whips' Office (Gibbon 2014; Brandreth 2016). Recording information in the books was a collaborative exercise: a whip would briefly take the book from the safe to write down any information they had gathered so that it could be shared by the whole whips' team. Once a week the top sheet of the carbon copy was torn off and passed to the chief whip, who would pass any information he deemed relevant to the prime minister (Brandreth 2016).

A related practice was the fabled 'shits' list'. Non-compliant and rebellious MPs are colloquially referred to by whips as 'shits'. According to Rupert Allason (Conservative MP 1987–97), the shits' list was written on a blackboard with a curtain across it in the Whips' Office. Allason stated that a whip revealed the shits' list to him in order to demonstrate that he had not yet been placed on it (Cockerell 1995).

It is unclear to what extent information gathered by whips has been used to blackmail MPs into voting a particular way. Indeed, this may vary over time depending on the government's situation and the personalities of the individual whips holding office. Tim Fortescue, for example, implied that veiled threats to release compromising information were made: 'When you are trying to persuade a member that he should vote the way he didn't want to vote on a controversial issue – which is part of your job – it is possible to suggest that perhaps it would not be in his interest if people knew "something-or-other" – very mildly' (BBC 1995). But another former whip stated that, 'the blackmail tactic is rarely used. Possible targets might be near retirement, or have no further prospects of advancement' (Baker et al. 1993: 153). Stephen Dorrell (Conservative Party whip 1987–90) suggested that the use of 'dirt' was to a large extent a bluff or 'confidence trick', since 'most whips know rather less about their colleagues' lives than their colleagues might think' (BBC 1995).

Contemporary and even historical study of dirt books is difficult due to the secrecy surrounding the workings of the Whips' Office and

the whips' code of honour. Tristan Garel-Jones (Conservative Party whip 1982–90) boasted that the Whips' Office was 'the last safe house in Europe – more secure than MI5'. His justification was that if what the whips actually did was exposed, the system would no longer work (Cockerell 1995). While some former whips have contributed to studies of the Whips' Office, others have refused to discuss their role with researchers, even under conditions of anonymity. For example, one ex-whip told the documentary filmmaker Michael Cockerell, 'I cannot discuss with an outsider what whips do; it would break our code of honour and confidentiality' (Cockerell 1995). When Gyles Brandreth (Conservative Party whip 1995–7) published his parliamentary diaries in 1999 he entitled them *Breaking the Code*, since by publishing details of his work as a whip he was breaking the whips' code. On the day of the book's publication, Brandreth received an envelope containing nothing but a sheet of white paper with a large black spot, which he took to be a symbolic 'mark of shame' from the Whips' Office; he was subsequently ostracised by his fellow former whips (Brandreth 2015: xi).

The practice of the dirt book came to renewed public attention in 2014, amid allegations that historic cases of child sex abuse by senior politicians had been covered up. Attention focused on comments made by former whip Tim Fortescue on the BBC's 1995 documentary film *Westminster's Secret Service: The Whips' Office*. Fortescue implied that the whips might help MPs to cover up allegations of child sex abuse (BBC 1995):

Anyone with any sense who was in trouble would come to the whips and tell them the truth, and say, 'I'm in a jam, can you help?'. It might be debt, it might be a scandal involving small boys, or any kind of scandal ... They'd come and ask if we could help and if we could, we did.

Fortescue added that, 'We would do everything we can, because ... if we could get a chap out of trouble then he'll do as we ask for evermore' (BBC 1995). Prime Minister David Cameron publicly stated that any whips' records held by the Conservative Whips' Office would be turned over to the Home Office's enquiry into historic child sex abuse (Hope and Riley-Smith 2015), although whether any of the books (or carbon copies from them) have survived is unclear.

As the work of the Whips' Office continues to be shrouded in secrecy, it is difficult to know what form whips' notes take today, and in what (if any) respects they could be regarded as a dirt book. Claims to have ended

the practice of the dirt book should be treated critically. For example, Labour's first chief whip under Tony Blair, Nick Brown, told Labour MPs following the 1997 general election that they need not worry about him operating any kind of 'black book' (Gibbon 2014). However, given the subjectivity of what could be considered a dirt book (and the loaded nature of the term), it is not clear what exactly a claim *not* to operate such a system would include and exclude. It is improbable that whips no longer keep records on their party members, as this would compromise their ability to do their job effectively (Brandreth 2016). Most importantly, the point at which 'information' can become 'dirt' is often a matter of perspective.

#### 8.4 **Kompromat** (Russia)

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*Kompromat* is a Russian compound noun formed by shortening and blending the words '*komprometiruyushy*' and 'material' or compromising material. While there is no direct English equivalent, *kompromat* refers to, 'discrediting information that can be collected, stored, traded, or used strategically across all domains: political, electoral, legal, professional, judicial, media, or business' (Ledeneva 2006: 58).

*Kompromat* belongs to the general family of practices known as 'character assassination' (see character assassination, 8.6 in this volume). As with black public relations (PR) campaigns (known as *chorny piar* in Russia – see *chernukha*, 8.5 in this volume), the purpose of *kompromat* is to discredit opponents. However, unlike black PR, *kompromat* can also be used to blackmail competitors and does not necessarily need to be published in the public domain to be effective. Gathering, disseminating and manipulating *kompromat* is still practised in countries of the former Soviet Union and remains an important device to eliminate competitors or protect the interests of government officials, state agencies or entrepreneurs.

The practice of gathering *kompromat* originated during the early years of the Soviet Union when security services collected condemning material on Communist Party members that could be traded or used to either punish or blackmail rivals. Following the collapse of the Soviet Union, many government officials associated with the state or internal security services were left unemployed. Following the collapse of the USSR, political and commercial transformations within the former

Soviet Union allowed many of these individuals to adapt their former tradecraft (i.e. surveillance and intelligence gathering) in a commercial context. Former secret services employees, for example, established security firms, which provided these services to the private sector. Nascent private security companies also maintained close connections with colleagues still working in state security agencies, which provided opportunities to acquire (for a price) previously undisclosed *kompromat* on private businesspersons and government officials; this led to the 'semi-privatisation' of *kompromat*.

Despite the de facto privatisation of *kompromat*, government agencies in many former Soviet countries still gather *kompromat*, and in the case of Russia the secret branches of law enforcement, such as the FSB or Interior Ministry, monopolise these means at the expense of the oligarchs. Under President Putin, the capacity of non-state actors to gather and use *kompromat* is perceived as a threat that undermines the regime's dominance over the means of information gathering. Nevertheless, the Russian state does not have a complete monopoly – government officials continue to gather or fabricate *kompromat* for personal political interests. For instance, Fyodor Andreyev, Chief Executive of Russian diamond mining company Alrosa, stepped down in September 2014 for health reasons. Reportedly, Deputy Prime Minister Yuri Trutnev – in charge of supervising Alrosa – had played a role in Andreyev's resignation. Apparently in response, *kompromat* questioning Trutnev's record was printed on *wek.ru*, a site commonly used to publish compromising material on political figures and oligarchs.

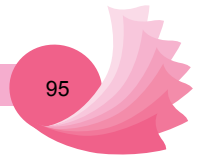
While the precise forms and use of *kompromat* by post-Soviet regimes may vary, the overall motivation remains the same – to discredit political opponents and ensure loyalty to the ruling regimes. For instance, 'frozen files' are held by central and regional tax and law enforcement agencies to be used against government officials and private businesspersons if and when necessary. These files can be overlooked so long as loyalty is maintained, but revived and a criminal case opened if the individual pursues competing political or commercial interests. For example, Ukrainian President Leonid Kuchma actively encouraged corruption, which could then be used to gather *kompromat* as a means of control (Darden 2001); a tactic that continues to be employed by Belarusian President Alexander Lukashenko (Hale 2014). The Kremlin engages in similar tactics against leading oligarchs and potential political rivals. For instance, Mikhail Gutseriev, owner of Russian oil company Russneft, came under attack in 2007 when members of the elite sought to take control of his oil assets. The charges,

which were related to abuse of office and inflicting damage to the state, dated back to 2002; however, the documentation was held 'on file' by the security services to be used at a time when the ruling elite felt they needed to exert pressure.

*Kompromat* may also be used within the regime itself, either to guarantee the continued loyalty of potential rivals, or as a result of political infighting. For example, Ukrainian Member of Parliament (MP) and 1999 presidential hopeful, Yevhen Marchuk, used President Kuchma's bodyguard, Mykola Melnychenko, to gather *kompromat* on the President, which was used against him in the 1999 presidential election (Kuzio 2014). A more recent example is the case of Rakhat Aliev, the former son-in-law of Kazakhstani President Nursultan Nazarbayev. As head of Kazakhstan's secret service (KNB), in 2005 Aliev allegedly wiretapped the offices of government officials and the president to gather *kompromat* on both his enemies and his allies.

*Kompromat* can either be genuine, fabricated, exaggerated or some combination of the three. The dubious legality of many business practices in Russia in the 1990s means that *kompromat* could be found on almost any individual who was active in business or politics during those years. The combination of underdeveloped political institutions and lack of an adequate legal framework created an environment where corruption and bribery could facilitate dubious business transactions, and were arguably unavoidable for a business to remain competitive in an economy where such practices were the norm. For instance, the chaotic privatisation process that took place in the early 1990s was often facilitated through questionable and sometimes illegal business practices. Unofficial elements, such as ties to illicit networks or organised crime, were a common feature during the privatisation of state resources, especially in certain sectors of the economy such as extractives. Criminal influence during the 1990s meant that many businesses either employed criminal groups as a *krysha* ('roof', see 6.23 in this volume), or utilised criminal tactics for political or commercial gain.

Importantly, the veracity of *kompromat* is not necessarily important; rather its utility is in how effective it can be as leverage against political or commercial opponents (Gambetta 2009). Unlike in many Western states where media outlets may act as watchdogs for political and commercial malfeasance, the publication of *kompromat* is less concerned with exposing corrupt or illicit activity and more with finding a pliant agency or journalist that will publish (for a price) the allegations. Once the allegations are published in one source, other news agencies may pick up the story. In some cases, the allegations may lead to formal



investigations, the result of which varies from criminal persecution, resignation from public office or commercial entity, to reputational risks that could affect domestic and international standing.

Finally, while there is ample evidence of *kompromat* being published in the public domain, the mechanism's real value rests in those that are unpublished. In some cases, the *threat* of publication is just as valuable (and sometimes more) than publishing the material. This may similarly be used against business opponents to pressure them into a range of things such as selling valuable assets at below market value, withdrawing bids from government tenders, or discrediting business rivals.

### 8.5 **Chernukha** (Russia)

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In Russia, the term *chernukha* refers to the creation and distribution of information as a means of undermining the reputation of a particular political or business figure. The term derives from the adjective *chernyi* ('black' in Russian) and the pejorative noun-making suffix *-ukha*. In late Soviet newspeak, it denoted a mode of criticising, or blackening, Soviet reality; later it shifted to depicting the grim reality of a decaying Soviet society ridden with alcoholism, sexual abuse and crime (Graham 2013). In the post-Soviet period, the term became associated with the emergence in Russia of 'political technologists' and their attempts to smear the reputations of their patrons' political rivals. Today, however, the term is used far beyond the professional community of political advisors, technologists and spin-doctors. Related phrases include *zapuskat' chernukhu* (launching *chernukha*), *rasprostranyat' chernukhu* (disseminating *chernukha*) and *chernyi piar* (black public relations, or black PR) (Ledeneva 2006: 32–3).

The types of *chernukha* are defined by two variables: the legality or illegality of the method used, and the degree of transgression of moral/ethical values. Means used may include defamation, libel, slander or *kompromat* (compromising material, see 8.4 in this volume) (Szilagyi 2002; Wilson 2005; Ledeneva 2006: 58–9), as well as the spread of any sort of unverified/unproven information that may potentially damage

the reputation of a person or a business. The financial sources of *chernukha* are rarely disclosed but often involve dirty money.

The use of *chernukha* is common in the worlds of advertising, business and political communication, but peaks in electoral technologies. During electoral campaigns, political technologists aim not merely to improve the chances of their particular candidate, but also to use all available legal and illegal means to ruin the prospects of his or her rival. Andrew Wilson notes that the difference between legal PR campaigns and *chernyi* PR is that 'the latter's intent or true message is hidden, possibly even contrary to the superficial message' (Wilson 2005: 70). For instance, a random individual might be quoted in social media as saying something along the lines of, 'I am interested only in an effective outcome, not in whether or not a mayoral candidate takes drugs; that is his or her business'. While such a statement is not illegal, it may well create a negative image of the candidate with voters, thereby undermining the candidate's electoral prospects.

Another example illustrates how *chernukha* may be used in business. At the height of the financial crisis of November/December 2014, when the value of the rouble plummeted relative to other world currencies, many Russians withdrew roubles from their bank accounts and changed them into foreign currency. As a result, Russian banks suffered a shortage of cash. In mid-December, the Russian press and social media spread rumours that, as of 18 December, Russia's biggest bank, Sberbank, would limit cash withdrawals made at automated cash points (BBC Russian Service 2014). Sberbank promptly denied the reports, calling them a provocation. At the same time, however, unidentified men were seen sticking notices on Sberbank ATMs asking clients to 'withdraw less cash so that there will be enough for other customers, in light of the restrictions soon to be imposed by Sberbank'. An investigation by Sberbank discovered that the rumours were being spread by a financial pyramid scheme. According to Sberbank, the scheme's organisers had posted on their social media sites statements such as: 'The banks will cheat you! Come to us, we are honest!' (Zakharets 2014).

*Chernukha* involves negative campaigning that, scholarly research suggests, may play an essential role in democratic governance (Mark 2009; Schweitzer 2010; Sullivan and Sapir 2012; Walter 2014). What distinguishes Russian negative campaigning from its Western counterparts, however, is the ability of Russian political technologists to manipulate the law, treating it as an obstacle to be overcome and as a tool to be used on the path to victory. In addition, the weakness of Russian civil society, the absence of party politics, the underdeveloped culture of democracy

and the volatile reputations of politicians all contribute to the effectiveness of *chernukha* as an electoral technology (Ledeneva 2006: 45–6).

When publishing leaflets vilifying their opponents during electoral campaigns, PR agencies are legally bound to disclose information both about themselves and about the client who placed the order. Without that, there is little chance of a printer taking on the work. Therefore, PR agencies often use a candidate as a front, or pay someone to put their name to the *chernukha* content and thus accept liability. They may set up a shell organisation with an impressive-sounding title ('The Honest City', 'The Leninskiy District Council') on whose behalf the leaflets will be published. Given that people rarely pay attention to the piles of electoral flyers that come through their letterboxes, and even less to the details of who placed the order, the main message of *chernukha* is delivered in the title. For example, the title at the top of a leaflet distributed in Tomsk in 2009 reads, 'A criminal case against Aleksandr Deyev', thereby appearing to incriminate the individual named (*Dezhurniy po gorodu*). The subtitle at the bottom of the page reads, 'Was there or wasn't there [such a case]?' While this means that no direct accusation has been made, the damage has already been done to the individual's reputation.

It is difficult to establish how widespread the practice of *chernukha* is, but it is hard to think of an electoral campaign in Russia of the 1990s in which dirty tricks were not used by various candidates against their opponents (Hutcheson 2006: 60). Suggestions about how to deploy *chernukha* in political and business relations are commonplace in Russian popular literature (Markov 2005; Gusev et al. 2006). However, the gradual development of electoral authoritarianism following President Vladimir Putin's rise to power has had a direct impact on competitive politics (Gel'man 2015: 77–8, 81–93). *Chernukha* and other PR technologies have been replaced by a set of cruder practices associated with the use by the authorities of the so-called administrative resource (Wilson 2005: 270–2).

At the same time, if *chernukha* were employed as a means of administrative control, it would turn into a powerful political instrument of popular mobilisation. One example of this might be the media campaign that began after President Putin's return to the Kremlin in Spring 2012, and accelerated following the annexation of Crimea in March 2014. Russian media experts have pointed out that the campaign of popular mobilisation launched by the Kremlin to boost public support for its policies made heavy use of propaganda methods. These included undermining the reputations of the Kremlin's political opponents by disseminating through the media fabricated stories aimed at creating a uniformly negative



image both of the West and of the Russian opposition (Gatov 2015: 12–4; Yakovlev 2015).

It is not easy to analyse *chernukha* merely by tracing the sources of negative campaigning. Since its production usually breaches some legislative norms and violates others, the producers of *chernukha* will in most instances either deny their authorship of it or claim that they were framed. Even so, it is possible to research *chernukha* by means of in-depth interviews with experts and political technologists. In addition, opinion polls held before and after a defamation campaign make it possible to assess what impact *chernukha* has had on the general public. Opinion polls with specifically tailored questions may help to identify the key stereotypes used in the production of *chernukha* and how they have changed over time.

*Chernukha* is closely intertwined with a number of informal practices such as *krugovaia poruka* (joint responsibility, see 3.10 Volume 1) and the use of *kompromat*, both of which are integral to the workings of informal networks in contemporary Russia. In competitive elections, negative campaigning has the potential to affect the balance between parties and candidates. In societies with the rule of law and independent media, it may be helpful for voters to learn in detail about the political agenda of a vilified candidate (Fernandes 2013: 286). In the context of the abuse of law and media manipulation, however, *chernukha* practices are more likely to create popular distrust in the media, public institutions and the electoral process and to lead to a state of cynicism that will make it increasingly hard for public figures to win the trust of the electorate or to persuade voters to take an active interest in politics (Ansolabehere and Iyenger 1996).

## 8.6 **Character assassination** (general)

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‘Character assassination’ is a practice in which a deliberate and sustained effort is made to damage the reputation or credibility of an individual. Social groups or institutions can also be the target (Icks and Shiraev 2014). Character assassination refers to both the process (e.g. a smear

campaign), and to the outcome of this process (e.g. a damaged reputation). It may involve various kinds of defamatory attacks, which are similar to the abusive and circumstantial attacks (*argumentum ad hominem*) used in adversarial contexts to steer attention away from the debated issue to the opponent's personal traits or reputation (Walton 1998). However, unlike *ad hominem* attacks, character assassination does not have to take place in the context of a debate. It consists of a variety of possible attacks in the form of verbal and non-verbal assaults including spoken insults, rumours, campaign ads, pamphlets, cartoons and tweets. As a result of such campaigns, individuals may be rejected by their professional community, or by members of their social or cultural environment. Damage sustained in the process of character assassination can last a lifetime and has been likened to annihilation.

Character assassination is a cross-cultural phenomenon that reveals itself in a variety of forms and methods in every political and social environment. The issues of character assassination have been addressed in psychology, political science, history and communication studies (Icks, Keohane, Samoilenko, and Shiraev 2017). As a field of scholarly inquiry, it is often explained by the organising concepts of rationality and intentionality, source credibility, political and societal image, public opinion, social norms and cultural values. The phenomenon of character assassination should be addressed from four different perspectives: the attacker, the victim, the media and the public. Character assassination should also be addressed in relation to studies of public opinion, reputation management and image restoration.

In 2014 Icks and Shiraev introduced a classification of seven character assassination methods, which they defined as 'anonymous lies', 'misquoting', 'silencing', 'acts of vandalism', 'name-calling', 'mental illness' and 'sexual deviance'. The authors identified the website of Wikipedia as a common context for 'anonymous lies'. Examples of 'contributions' found here include falsifications of a person's early biography, suggestions of inappropriate sexual behaviour or sexual deviance and forged evidence about an individual's inappropriate social ties or political associations. The second method, which the authors defined as 'misquoting', is an amalgam of two practices: omitting significant details from a quote and/or quoting out of context. This method can also refer to manipulatively selecting unfortunate or poor photographs taken in awkward situations, which then promulgate ridicule. A common aim for journalists or bloggers is to show a politician in a poor light: for example, a politician holding a crying baby is a deliberate use of an inopportune photograph.

‘Silencing’ is a further long-term method of character assassination, which often occurs post-mortem. The distortion of history is an example of silencing. ‘Memory erasing’ also refers to the practice of avoiding any reference to an individual and their work by the attacker, in an attempt to erase their public record from collective memory. Even in antiquity, the Egyptians, the Romans, and other cultures applied memory sanctions against disgraced rulers and public figures, such as Pharaoh Akhenaten and the Roman Emperors Caligula and Nero. Their images were destroyed and their names erased from public consciousness. However, the art of memory erasure and the distortion of history were taken to a new level in totalitarian regimes of the twentieth century. Some of the most notorious examples of symbolic ‘vandalism’ were in Stalin’s Russia, where Trotsky, Yezhov and other prominent political and military figures were removed from pictures and history books. The concept of ‘memory hole’ was introduced by George Orwell’s dystopian novel *1984*, where the Party’s Ministry of Truth systematically re-created all potential historical documents, and in effect, re-wrote history to match the often-changing state propaganda.

The character assassination method of ‘name-calling’ usually appears in a form of a quick, short insult, ridicule or in the application of specific, demonising labels. In politics, ideological labels such as ‘communist’, ‘fascist’, ‘Nazi’, ‘capitalist’, ‘imperialist’ or ‘terrorist’ are quickly attached to political leaders and officials. Ridicule is a purposeful and contemptuous exaggeration or distortion in a comical context. Its humorous nature helps attackers portray their victims as weak, stupid, unbalanced, irrational or hypocritical. If successful, it puts a negative slant on a candidate and his/her policies so they appear less meaningful or important than they actually are. Incompetence and ignorance are favourite themes of ridiculing.

Allegations of an individual experiencing a mental illness in the past or currently experiencing mental illness is a common character assassination ploy that is successful because of the strong social stigma attached to psychological disorders. This label associates the individual by implication with other negative notions such as lack of rationality and instability. In 2014, for example, during the tensions between Russia and Ukraine following the annexation of Crimea, a number of articles appeared in the press claiming that President Putin was erratic and unstable. Authors based their reports on rumours that ‘Putin has become increasingly withdrawn and isolated’ and ‘is appearing live on television less frequently’ (Hahn 2015).

Finally, with the growing influence of public opinion, moral behaviour has emerged as a desirable standard; any deviation, especially with

regard to sexual conduct, leaves an individual open to character attacks. Short-term character assassination attempts are frequently based on alleged inappropriate acts, such as having an extramarital affair. Long-term character attacks require allegations about a person's persistent pattern of 'deviant' behaviour.

Character assassination can be applied in a number of contexts. In politics, character assassination is usually a part of a political 'smear campaign' that involves intentional, premeditated efforts to undermine an individual or group's reputation and credibility. 'Negative campaigning', also known more colloquially as 'mudslinging', is the process of trying to gain advantage by referring to negative aspects of an opponent or of a policy rather than emphasising one's own positive attributes or preferred policies. In US presidential politics a variety of strategies are employed including 'cheap shots', 'falsification' and 'smears'. 'Cheap shots' typically allude to a victim's individual features, including, but not limited to, his or her credibility, competence and honesty; 'falsifications' are lies, which by the time they are used in an attack are often difficult to distinguish from facts. Direct attacks involve strong accusations about a person's character flaws and tend to be based on facts.

'Smears' often consist of *ad hominem* attacks in the form of distortions, half-truths or even outright lies. The attackers may involve double-speak, raising false accusations, spreading innuendo or deliberately misinforming others about the opponent's morals, integrity or public image. It may also involve manipulating and spinning technically true information, but presenting it in a misleading manner, devoid of necessary context. Even when the facts behind a 'smear' campaign have been demonstrated to lack proper foundation, the tactic is often effective because the target's reputation remains tarnished regardless of the truth. 'Smears' are also effective in diverting attention away from the matter in question. Rather than responding to the original issue, the target of the smear has to correct the false information.

'Political rumouring' is not innocuous chatter, but rather a phenomenon with important electoral consequences. It may include painting an opponent as soft on criminals, dishonest, corrupt or as a danger to the nation. In modern election campaigns, individuals are more willing to believe the negative rumours about an opposition candidate than negative rumours about their own party candidates.

In the mid-1990s, political marketing specialists in Russia introduced a practice known as 'black PR' (public relations), which was used as a potent smear campaign tool. Unlike 'negative advertising' used in

Western politics, 'black PR' is best known for using compromising materials (see *kompromat*, 8.4 in this volume) about politicians and other public figures. These 'black PR' techniques were used in 2014 during regional elections in Russia. Examples included compromising material about the alleged criminal connections or past conviction of candidates, as well as information about their wealth, property and income. Such materials were used for a variety of purposes, including creating negative publicity, blackmailing and ensuring loyalty. The wave of *kompromat* was generated not only by the demands of the media owners, but also by the journalists themselves. Credible falsehoods, transcripts of taped telephone conversations and pseudo-events were thrown to the press in the guise of 'news'. This questionable practice was able to flourish under Russian law, as journalists were not obliged to reveal their sources, except when ordered to do so by a court. Russian news reports showed compromising materials in a biased or incomplete way. The aim was not only to report negative news about an individual or an organisation, but the intent was also to obfuscate and confuse the viewer.

Fundamentally, an attack on one's image, reputation or brand is dependent on audience perception. Studies in the field of motivated reasoning (Icks and Shiraev 2014) show that consumers are highly selective regarding what they deem is 'credible' information, preferring to accept what is most congruent with existing attitudes, expectations or actions. Five strategies of 'image restoration' for victims have been identified. Suggested responses include 'denial', 'evading responsibility', 'reducing offensiveness', 'corrective action', and 'mortification' (Benoit 1995). This image restoration theory is used to mitigate image damage following a threat to a reputation. As well as the strategies mentioned above, other tactics might also include attacks on the accuser.

Situational crisis communication theory (Coombs 2007) suggests that the level of reputation threat is determined by whether the public believes the organisation caused the crisis, is dependent on the organisation's crisis history and the organisation's prior relational reputation with the public. Unfortunately for the victim, crises serve as an excellent source of news material. Dramatic events often draw the attention of the media industry whose sole purpose is to shock their audience and to sensationalise events by showing them in a tragic or politicised context. It is evident that character assassination techniques are increasingly employed in the news media along with 'hate speech' and other methods of psychological warfare. The surge of hype, hysteria and sensationalism in the media is particularly evident when events are positioned as major threats to national security, political stability or foreign policy. The rise of

character assassination techniques in the twenty-first century proves to be consistent with many observations that focus on the negative effects of the media on politics and society, such as simplification, and the negative representation of politics, which favours conflict and personalisation.

### 8.7 *Psikhushka* (USSR)

Robert van Voren

Human Rights in Mental Health-FGIP, The Netherlands

In most Western European countries, destigmatisation campaigns have slowly changed the perception of psychiatry. Several decades ago psychiatric institutions were generally seen as places of horror, and either euphemistically referred to with their location ('Santpoort' in Amsterdam, or 'Vasaros 5' in Vilnius) or with names that confirmed the general perception: madhouse, nuthouse or, in Russian equivalent, *durdom*. *Psikhushka* is a much more benign name and in fact the abbreviation of the Russian term for psychiatric hospital, *psikhiatricheskaya bolnitsa*. Yet in Soviet times it also acquired a much more ominous meaning because of the many dissidents who wound up in the *psikhushka* for political reasons. Among the well-known victims were poetess Natalya Gorbanevskaya, biologist Zhores Medvedev, General Pyotr Grigorenko and the Ukrainian cyberneticist Leonid Plyushch (see Figure 8.7.1).

Political abuse of psychiatry in the Soviet Union was widespread. There were individual cases in the early Soviet period, but during Stalinist times the *psikhushka* was mainly used to save people from the Gulag, and basically to hide individuals from Stalin's executioners. Life in psychiatric hospitals was considered better than in the concentration camps of the Gulag, and thus the chances of survival were higher. The same happened later in Poland after martial law was declared in 1981 and some Solidarność leaders were hidden in psychiatric institutions to avoid arrest. Similarly during the last years of the Soviet Union a number of young men had themselves hospitalised in a *psikhushka* in order to avoid being drafted into the army with the risk of being sent to the war in Afghanistan.

The practice of using psychiatry to hide people from the repressive regime changed in the late 1940s, and even more so after Stalin's death when Khrushchev claimed that he had released all political prisoners and had to explain why people were still arrested for political reasons. 'They are mad', he claimed, explaining that there was no objective reason for people to go against the communist system and that thus the only logical explanation was that they were mentally ill



**Figure 8.7.1** The Chernyakhovsk Special Psychiatric Hospital, where General Grigorenko was interned. The photo is from 2006, but everything looks exactly as in Soviet times.  
Source: Author. © Robert van Voren, 2006.

(Bloch and Reddaway 1977). The political abuse of psychiatry became systemic under Yuri Andropov, who became Chairman of the KGB in 1967 and set himself the task to fight the internal enemy, the dissident movement that was in his view a perfidious creation of Western intelligence agencies designed to undermine the Soviet state. As we now know, he convinced the Politburo that there were many thousands of especially dangerous criminals in the USSR who were mentally ill, and based his proposal to the Politburo on a report by one of his subordinates who maintained that only a quarter of the necessary psychiatric beds were available and that many more were needed. The report also cited ‘especially dangerous crimes’ – these included trying to meet with foreigners, trying to flee the Soviet Union, disseminating leaflets and – the worst – calling for control mechanisms over the Communist Party (Van Voren 2010a).

Andropov’s plans prevailed and in the mid-1970s many hospitals were enlarged or newly built. About one-third of the political prisoners wound up in psychiatric hospitals, where they were subjected to



'treatment' with neuroleptic drugs or tortured with other concoctions, such as being wrapped in wet linen, which would shrink when drying causing horrible pain. Other treatments included the use of outlandish 'drugs' like sulphozine – a mixture of peach extract and sulphur – which when injected caused high fevers often leading to comatose conditions. The suggestion was that the fever 'burned out the poison of mental illness'.

The diagnosis usually used to incarcerate people was that of 'sluggish schizophrenia', a slowly developing schizophrenia that was hard to detect by the patient or his environment, but held to be extremely dangerous with alleged symptoms presenting as a struggle for the truth, perseverance, reform ideas or religious delusions. The theories on which the concept of 'sluggish schizophrenia' were based had been developed by Academician Andrei Snezhnevsky, who with his Moscow School of Psychiatry achieved an almost complete monopoly over psychiatry in 1950. Other views were not allowed and that remained the case until the Soviet Union disintegrated in the years 1989–91.

During the 1960s–1980s thousands of completely sane individuals found their way to the *psikhushka* for political reasons, and many more people were incarcerated on the basis of faulty diagnoses, often people who in a normal environment would have benefitted from psychotherapeutic help and would have subsequently continued their lives without issue. By 1988 some 10 million Soviet citizens were on a psychiatric register, marked as having a mental illness and required to report regularly to a psychiatric outpatient clinic (Van Voren 2012).

The political abuse of psychiatry in the Soviet Union came to an end during the last years of the country's existence, yet for many people the *psikhushka* remained a terrifying institution, which they took measures to avoid at all costs. In some of the former Soviet republics this perception is slowly changing, but it will take decades to undo the damage caused by the Soviet regime. At the present time in Russia and other former Soviet republics like Belarus and Kazakhstan there is yet again concern that political opponents are being sent to the *psikhushka* or being given a psychiatric diagnosis. Recent cases in Russia include the prosecution case against members of the feminist protest band Pussy Riot in 2012, who were put on trial for 'blasphemy' and in the course of the investigation psychiatrically examined. The psychiatrists claimed they suffered from 'personality disorders', with symptoms almost identical to the Soviet diagnosis of 'sluggish schizophrenia'. Also the arrest and subsequent psychiatric diagnosis of paranoid schizophrenia in the case of anti-government protestor Mikhail Kosenko attracted much



international attention. He was eventually released from hospital but still put on compulsory out-patient treatment. Regrettably, in many former Soviet republics attempts to humanise psychiatry have stalled altogether or failed and progress made since the early 1990s is gradually being undone (Van Voren 2016).

## 8.8 *Psikhushka* (Russia)

Madeline Roache

UCL, UK

In the late Soviet years, and particularly under Yuri Andropov's time as Chairman of the KGB, *psikhushka* involved the frequent, systemic confinement of political and religious dissidents in psychiatric hospitals (Van Voren 2010). This practice was abandoned during Mikhail Gorbachev's regime (1985–91). However, under Vladimir Putin various cases of the psychiatric confinement of political opponents have emerged, suggesting that *psikhushka* has returned. 'The difference is that 25 years ago the people they sent to psychiatric prison were anti-Soviet .... Now the people they send are those who oppose Putin' (Vlassov 2012).

After the collapse of the Soviet Union, legal and ethical policies were introduced in Russian psychiatry in order to establish real independence from the state and to prevent its use for non-medical ends. However, in reality the abuse still exists. The problem lies 'not in the law itself, but in its implementation' (Van Voren 2013: 8). Psychiatry is used in 'fraudulent' criminal trials to influence legal outcomes. This occurs because many of the conditions that facilitated this practice in the Soviet times have not been fully reformed. The most significant condition is the 'unresolved problem of the dependence/independence of the Russian judiciary as a whole' (Gushansky 2009).

The case of Yulia Privedennaya in May 2008 highlights the issues. Privedennaya, leader of a charitable youth organisation and an anti-Putin activist, was arrested on suspicion of planning an illegal armed coup, of illegal deprivation of freedom and of torture of minors who were members of the youth organisation. Three months into her trial, she was forced to attend an outpatient examination at the Serbskii Centre, a psychiatric hospital notorious for its role in the confinement of political dissidents during Soviet times. This resulted in her month-long involuntary hospitalisation in the centre.

Reportedly, the prosecutor's evidence could not prove Privedennaya's guilt and for over two years the court failed to produce even one of the 43 witnesses listed to testify against her. According to

Mikhail Trepashkin, Privedennaya's defence lawyer, 'it is clear that the psychiatrists were asked to come up with some kind of psychological disorder' in order to confine Privedennaya (*Politzky* 2010). It is suggested that prosecutors used the 'psychiatric' option to prolong Privedennaya's trial when it had hit a 'deadlock' (*Prava Cheloveka v Rossii* 2008). Following her release from the hospital, the trial continued and she was sentenced to four and a half years in prison.

The use of psychiatry in Privedennaya's trial is inextricably linked to non-accountability in the Russian judiciary. In this instance prolonging the case appears to have given the prosecutors and the judge time to find new incriminating 'evidence'. Thus the use of psychiatry in this case provided the prosecution with greater scope both to circumvent procedural norms and to evade responsibility for proceeding with a false case. As Privedennaya states, psychiatry was used in order not to 'shame the investigation' (Elder 2010).

According to Yuri Savenko, psychiatrist and head of the Independent Psychiatric Association in Russia (IPA), psychiatry is now used as 'part of a frequent procedure [in criminal trials] where there are no concrete justifications, it is more economical in terms of effort and time to acquire a psychiatric evaluation' (Savenko 2010). In contrast to the Soviet era, *psikhushka* is no longer employed solely for the indefinite incarceration of a person, but is now used in a more subtle way to achieve 'flexibility' in a trial. Problematically, this practice is also more difficult to identify than that which existed in the Soviet period.

The lack of independence in forensic psychiatry is a major factor in facilitating *psikhushka*. There is said to be an 'unwritten rule in court' that assumes that 'experts from the Serbskii Centre are always correct and independent experts do not have the right to evaluate and criticize them' (Savenko 2013). The opinion of experts from the Serbskii Centre has therefore become irrefutable evidence in a trial, as exhibited in Privedennaya's trial when challenges to the psychiatric diagnosis and requests for independent examination were ignored by the judge, despite the many testimonies asserting her sanity. Similarly, in the Soviet times, the Serbskii Centre's opinion was 'almost always accepted by the court and viewed as more authoritative than other commissions' (Bloch and Reddaway 1977: 100).

Unlike the Soviet era, the use of psychiatry specifically against political opponents is not frequent or systematic in contemporary Russia. It is thought to occur selectively in order to influence public opinion and behaviour, with the wider aim of strengthening support for President Putin. Privedennaya's case is said to be 'part of a long-standing effort by

authorities to enforce political conformity' (Leonard 2010). In another example, Professor Gerhard Mangott considers the 2012 case of activist Kosenko's hospitalisation following his arrest for his part in the Bolotnaya protests and subsequent diagnosis of 'paranoid schizophrenia' as a 'signal to politically active citizens of Russia – not to participate in demonstrations against the authorities' (quoted in Sergeev 2013).

This can be understood as a strategy of 'selective repression' described by Vladimir Gel'man in 'The Politics of Fear' (2015 and introduction to chapter 8 in this volume). Its main function is not so much to punish opponents as to prevent the spread of opposition in society. Psychiatry achieves this in two ways. First, it displays the risks of vocal and public opposition to the rest of the population, thereby creating a fear of protesting. Second, it discredits the opposition, which serves to reinforce the view of Putin as the only source of political legitimacy. In this way, the opposition is controlled either through fear or by genuine support for Putin.

Other instances in Russia where the use of psychiatry has been used to repress political opponents include the 2007 cases of Larissa Arap and Artyom Basyrov, both activists from 'Other Russia' (Garry Kasparov's anti-Putin coalition), who were diagnosed with schizophrenia and forcefully hospitalised for six weeks and one month respectively, resulting from their protest actions. It is believed that Arap's hospitalisation was directly connected to her anti-Putin views and her critical articles about the hospital in Murmansk in which she was confined. Basyrov's hospitalisation in Bashkortostan is similarly thought to have been related to his political activism as it occurred on the eve of a 'demonstration of dissent', which he helped to organise. Arap and Basyrov were separately examined by the IPA, which concluded that there was no basis for their hospitalisation. In 2012, psychiatry was also used against the feminist rock group 'Pussy Riot' following their anti-Putin protest in Moscow's Christ the Saviour Church. Psychiatrists at Kashchenko hospital diagnosed them with a 'personality disorder' and recommended their isolation from society (Van Voren 2013).

In contrast to the late Soviet years, the main political function of *psikhushka* in today's Russia lies not in the systematic confinement of political opponents, but in the psychological effects that selective hospitalisation and the diagnosis of opponents has on the general population. In contemporary Russia *psikhushka* is differently connoted. The practice may now be used in a more subtle way to support the 'right' verdict in fraudulent criminal trials. This, of course, has serious implications for upholding accountability in the Russian judiciary. The psychiatric confinement of political opponents is not systematic and the term of an

opponent's hospitalisation is not indefinite as it was in the Soviet era. Rather, it is used selectively against the most politically active citizens in order to influence public opinion. However, its purpose of controlling the opposition remains.

### 8.9 *Zersetzung* (GDR)

Udo Grashoff

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*Zersetzung* was a technique used in the German Democratic Republic (GDR) by the secret police (Ministry for State Security, *Ministerium für Staatssicherheit*, commonly known as the Stasi). Its goal was to deter individuals from political activity and to disrupt opposition movements by creating existential uncertainty. Originally a scientific term, *Zersetzung* may be translated as 'decomposition'. Its political use has a long history. Already in the nineteenth century, it carried negative connotations, warning of the dangers of social disintegration. Right-wing nationalists and anti-Semites used the term to denounce workers' movements, women's movements and Jews. After the First World War, the term came to be used to denote a 'stab in the back'. The Nazis continued this practice, warning of alleged enemies who would weaken society and its sense of community. In the run-up to the Second World War, 'undermining military force' (*Wehrkraftzersetzung*) was declared a criminal offence. Under Germany's Wartime Special Penal Code (*Kriegssonderstrafrechtsverordnung*) of 1938, as many as 30,000 soldiers and civilians were tried and convicted, and many of them were sentenced to death. Besides that, however, *Zersetzung* could have a more positive meaning. Under the Weimar Republic (1919–33), various political actors saw it as a way to weaken political rivals and infiltrate state institutions. For example, the secret service of the Communist Party of Germany (KPD) disseminated subversive propaganda within the military, the Social Democratic Party and the Stormtroopers.

The GDR (1949–90) set up the Ministry for State Security (Stasi) in 1950. The Stasi presented itself as the successor of the KPD's secret service. But, unlike the former communist practice of *Zersetzung*, the task of East Germany's secret police was not to undermine authority but to protect the communist dictatorship. Its main goal was accordingly to deter individuals and groups from activities considered dangerous to the state. The methods the Stasi used were also different. Rather than distributing propaganda in an effort to persuade people to change sides or to

collaborate, the Stasi used *Zersetzung* to create psychological unease and undermine trust among friends and like-minded persons. *Zersetzung* was deployed against dissidents and artists who criticised the state, church-based opposition groups, peace campaigners, applicants for emigration and nonconformist youth. In contrast to other repressive methods below the level of the criminal law, *Zersetzung* was generally successful as long as its sources were not detected.

*Zersetzung* was increasingly practised in the GDR after 1976 in reaction to increasing numbers of applications for emigration. In the 1980s, as the authorities switched their focus from repressive to preventive measures, *Zersetzung* began to be used systematically. Implementation of preventive measures required more staff, which is one reason why the number of official members of the secret police doubled between 1971 and 1989, along with an increase in the number of unofficial collaborators. Stasi staff received special training at the Legal Academy (*Juristische Hochschule*) in Potsdam where ‘operative psychology’ was among the subjects taught.

However, *Zersetzung* was anything but a uniform practice. Each action was tailored to fit the individual character of the target(s). Human weaknesses were identified in order to exploit them. Be it family problems, mental health issues, homosexuality, alcohol addiction, professional ambition, fear of losing one’s children – the Stasi targeted each individual’s most vulnerable point. Rumours and manipulated photographs were spread in order to create mistrust and confusion. Dissidents were confronted with threatening situations such as arbitrary interrogations or damage to their personal belongings. Career advancement was blocked, family and other relationships were destroyed, travel bans were imposed. The Stasi might also try to criminalise or defame its victims as informants. In a number of cases, after many years of *Zersetzung*, individuals were forced to emigrate.

Wrecking people’s careers was a common method of *Zersetzung*. Among hundreds of victims were prominent dissidents such as Rudolf Bahro, Jürgen Fuchs and Robert Havemann. The treatment meted out to Wolfgang Templin, a philosopher and leading member of several peace and human rights groups, typified the Stasi’s techniques. Templin was sacked from his job, prevented from receiving his doctorate, and forced to earn a living with odd jobs such as librarian, fireman and forestry worker. Behind the scenes, the Stasi blocked all his job applications.

In Templin’s case, however, the Stasi failed to force him to abandon political activity. In December 1985 he became co-founder of one of the GDR’s most important opposition groups, the Initiative for Peace and

Human Rights (*Initiative für Frieden und Menschenrechte*). Thereupon the Stasi published a string of fake advertisements in newspapers and sent bogus letters signed with Templin's name. The result was a year of psychological terror for his entire family, with strangers banging on their door on an almost daily basis. The Stasi also circulated malicious gossip in the neighbourhood. Most threatening of all were the Stasi's instructions to the youth welfare service to take Templin's children into custody.

Meanwhile, the family was provided with a large flat. The aim of this apparent privilege was to create suspicions that Templin was a Stasi informant. (In fact he had, when a student and as a member of the Socialist Unity Party of Germany (SED), collaborated with the Stasi, but he had openly and deliberately unmasked himself in 1975, and he left the SED in 1983.) To discredit him further, the Stasi arranged for the publication of fake interviews in the Western media complaining that Templin was trying to dominate the opposition movement. After Templin took part in a political protest demonstration in January 1988, he and his wife were forced temporarily to leave the GDR for West Germany. While he was there, the Stasi continued its *Zersetzung*, with the apparent aim of forcing Templin into permanent exile.

The Stasi deployed a number of different methods against peace, human rights and environmental groups that met in the protected space of churches. Informants were planted in such groups in order to obstruct and delay decisions by circulating rumours and creating splits between the leaders and the rest of the group. The secret police organised thefts and fostered mistrust by arbitrary arrests of group members with the aim of discrediting all the members of the group. In the case of the independent Pankow Peace Circle (*Friedenskreis Pankow*, founded in 1981), dozens of SED members and functionaries of mass organisations were sent to the group's meetings to disrupt discussions. As a result, the Peace Circle sank into insignificance.

All in all, several thousand members of various environmental, human rights and peace groups were subjected to *Zersetzung*. Even so, many groups remained in existence for years, and many dissidents continued their activities regardless of the clandestine attacks.

*Zersetzung* can be researched by combining critical analysis of Stasi files and oral history. For a number of reasons, however, this is not an easy task. The Stasi files are not complete. In some cases, the application of *Zersetzung* is only vaguely indicated. But there is also a danger of overestimating the Stasi's criminal energy. Often, detailed plans were drafted but only partially realised. This also applies to scattered hints of murderous intentions. Generally, the goal of *Zersetzung*

was to ensure that dissidents were preoccupied with their personal problems, and that groups were eroded from within. The goal was not, as a rule, to kill people. For example, in 2000 a research group (*Projektgruppe Strahlen*) refuted allegations that dissidents had been deliberately targeted with X-rays.

The Stasi used vast and detailed knowledge to construct legends. Mistrust and disinformation can often have long-lasting effects. In many cases, victims did not recognise the perfidious activities of the secret police. Many who voiced concerns were not believed. After the Stasi files were made accessible, dissidents such as Fuchs and Templin could document how insidiously they had been attacked, and prove that they were not paranoid. However, there are still dubious cases that leave a sense of unease. Some 5,000 people are estimated to have suffered psychological damage. Since 1993, victims of *Zersetzung* can apply for rehabilitation when they provide evidence. But, since laws may not be retrospectively enforced, and since the activities of the Stasi were not illegal during the years of the GDR's existence, the Stasi perpetrators were not prosecuted.

### 8.10 *Smotryashchie, kuratory* (Russia, Ukraine)

Andrew Wilson  
UCL, UK

Post-Soviet politics has always been notable for its unique terminology, reflecting the uniqueness of local political practices. The term *smotryashchie*, which literally means 'watchers' or 'overseers', originates from criminal circles, when the 'criminal authorities' (*avtoritety*) would designate trusted individuals 'to maintain order, resolve conflicts in prison, control the common fund of a criminal community, etc.' (Vasylyev 2016). *Smotryashchie* had informal authority because of the bosses behind them and because their decisions were 'guided by the laws of the criminal community' (Vasylyev 2016).

It is symptomatic of the inter-penetration of organised crime and politics in countries such as Ukraine and Russia that the term is now widely used outside prison. *Smotryashchie* may represent organised crime in politics, but the term is also used for those who look after the interests of oligarchs and regional clans, so that the latter can keep a safe and deniable distance from corruption at the heart of government. They control the money flows and keep an eye on decisions that are supposed to favour their sponsors.

In Ukraine the term has a long history, but it came into wider use after 2014, when the centralised pyramid of corruption dating from the

era of President Viktor Yanukovich (in office from 2010 until his ouster in 2014) was no longer around. The slogan of ‘de-oligarchisation’ was largely meaningless, but leading oligarchs took a step back from the more visible schemes of the old era. Yanukovich’s successor, President Petro Poroshenko, was not as crooked, but grew his business empire while he could. For all these reasons, *smotryashchie* were increasingly useful (Wilson 2016; Yaffa 2016).

Another term that became more noticeable during and after Russia’s aggression against Ukraine in 2014 was *kurator* (‘curator’). *Smotryashchie* come from the informal arena. *Kuratory* (‘curators’), on the other hand, exist because the normal authorities, who were themselves steeped in informal culture, chose to shift certain functions even further into the informal arena. According to one Ukrainian analyst, *smotryashchie* are similar to *kuratory*, but a *kurator* is ‘a non-official representative of a real authority’, whereas *smotryashchie* are official representatives of informal actors (Vasylyev 2016). *Smotryashchie* are also more like delegates than representatives, and are more closely tied to their sponsors and to a certain set of rules, whereas *kuratory* are deliberately given a level of operational freedom.

According to Gleb Pavlovsky – one of the leading architects of the original political system built under Russian President Vladimir Putin – *kuratory* exist today because the Kremlin has always relied on informal practices. However, *kuratory* became increasingly prominent following Putin’s return to the Kremlin for his third presidential term in 2012, reflecting the development of a ‘new governance style’ that ‘relies on indirection and interpretation rather than command and control’. In this system, ‘curators’ are ‘semi-official figures through whom state governance flows. A curator is a political bureaucrat, a project manager authorised by the Kremlin to operate through personal agents’ (Pavlovsky 2016).

From 2014, with Russia’s aggression against Ukraine taking the form of so-called hybrid war, *kuratory* were perfect agents for disguise and deniability. According to Pavlovsky again, *kuratory* do not leave much of a paper trail: ‘Approval for any particular proposal takes the form of *otmashka*, which can be translated as “go-ahead”, implying not so much an order as a license to act in a desired direction’ (Pavlovsky 2016). *Kuratory* were behind the operations in Crimea and the Donbas. However, as Pavlovsky (2016) stresses, ‘The trouble with curators is that it’s far easier to set them loose than to rein them back in’.

Russian Defence Minister Sergey Shoigu was at the top of the pyramid. His main curator in Crimea was Oleg Belaventsev, an alleged former spy expelled from the UK in 1985 (Zygar’ 2016: 338). Belaventsev



oversaw the ‘choice’ of leaders for the coup d’état in February 2014 and, unusually perhaps, emerged from the shadows to be appointed Putin’s envoy to Crimea after the annexation. Another Shoigu protégé was Frants Klintsevich, head of the Union of Veterans of Afghanistan, who organised the flight of ‘170 former soldiers, veterans of Afghanistan and Chechnya, sportsmen, bikers and participants of patriotic clubs’ to Sevastopol on 28 February 2014. ‘They were portrayed as demonstrators, flurried Crimeans, who demanded the joining of Crimea to Russia. This was an improvised Maidan, just as earnest as the Kiev one. With the only difference that the majority of participants were Russian, that is, at that moment citizens of another state’ (Zygar’ 2016: 341; Kanev 2014). Putin’s aide Vladislav Surkov represented another line of influence. Two Ukrainian sources paint a different picture: one implies Belaventsev was just a stooge for Surkov (Koshkina 2015); another stresses demand as well as supply, with the chair of the Crimean assembly Vladimir Konstantinov making key trips to Moscow in December 2013 to ask for support (Berezovets 2015: 65–9; Zygar’ 2016: 337).

For the attempted uprising in eastern and southern Ukraine, however, there were a number of rival *kuratory*. ‘The main supporter of Russia’s active measures in the east of Ukraine was Putin’s adviser, the economist Sergey Glazyev’, who is originally from Zaporizhia in south-eastern Ukraine. But ‘from the start no one led the operation in the Donbas, there was no single centre for taking decisions. Putin did not want to undertake decisive actions. Every time he said to Glazyev: let the inhabitants of East Ukraine take the first step, then Moscow will support them further’ (Zygar’ 2016: 347, 346). The attempts of *kuratory* such as Glazyev to foment rebellion everywhere in eastern and southern Ukraine were not always successful (Melkozerova 2016). But, as the Donetsk and Luhansk ‘People’s Republics’ became regularised, the *kuratory* established a regular presence there too (Peshkov 2016).

### 8.11 *Telefonnoe pravo* (Russia)

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*Telefonnoe pravo* (lit. ‘telephone justice’ or ‘telephone law’) may be defined as ‘informal influence or pressure exerted on the judiciary’ (Ledeneva 2008) standing for the dependence of the Russian legal

system on political orders. *Telefonnoe pravo* implies that the rule of law is overridden by the executive power, a power that acts as 'law' or 'justice' itself. This practice could therefore be translated as 'telephone command' or 'telephone overrule', though this would lose the irony of the reference to the law, which points to the gap that exists between formal law and actual practice, a gap normally bridged by political intervention and oral commands (Ledeneva 2008).

Data from two opinion surveys reveal that the Russian public is generally aware of telephone justice – exercised both through oral commands and informal signals. Those with direct experience of the judicial system are more likely to believe in its existence. Low expectations about state institutions in politics and business lead over time to the proliferation of such practices (Ledeneva 2006). National surveys indicate low levels of trust in the Russian courts, particularly with regard to the system of judicial appointments and disciplinary procedures (Solomon 2002; Hendley 2007; Mishina et al. 2007). This situation persists in spite of Russian President Vladimir Putin's early statements about the importance of the rule of law and the impressive financial back-up of judicial reforms, including a 40 per cent pay raise for judges and material support of the courts, aimed at allowing judges to render justice fully and independently.

The legacy of informal practices operating in Soviet times has carried over into the post-Soviet order. The gap between the written rules and the actual order of things under the Soviet regime was observable in all spheres: economic, political, social and legal. There is little controversy about the existence of such a gap in the Soviet economic sphere (Berliner 1957; Fainsod 1963; Nove 1977). The scale and pervasiveness of reciprocal services has led some scholars to speak about a 'second economy', of which these transactions constitute the major component (Rigby 1981: 4–5). Rigby also suggested a link between a 'second economy' and a 'second polity'. Similarly, one can speak of a 'second justice' – that is, a set of informal practices widespread in the legal sphere. These practices emerged because there was no real separation of powers in the Soviet regime and because the judiciary was dependent on the executive. The second justice served the political purposes of the ruling class and the private interests of select individuals. Studies that managed to penetrate the workings of the Soviet political elites illustrate how the Communist Party intervened within the judiciary. It was the leading role of the Party, its status above the law, and its protection vis-à-vis the law that undermined the independence of legal institutions and created this legacy.

Judges' independence and subordination to law were a convenient fiction until the end of the 1980s (Huskey 1992: 223). The 'party cells at the workplace' were the channels of both formal and informal influence in legal institutions. Virtually all Soviet judges were members of these party cells and were expected to implement the directives that the party apparatus communicated at party meetings (Huskey 1992: 223). Such briefings pushed judges to place party loyalty (*partiynost'*) above concerns for legality (*zakonnost'*).

Even so, the prevalence of informal influence is difficult to document. Pressures on judges 'were hardly ever committed to paper. Instead, party officials avoided undue risks by confining themselves to oral instructions, either directly or on the telephone' (Gorlizki 1997: 257). Oral and personal commands were seen as more important and were followed more closely than written decrees (*ukazy*) and instructions (*rasporiazheniya*) (Baturin et al. 2001: 424; Colton 2007: 325).

During the final years of the Soviet regime, the phenomenon of *telefonnoe pravo* was increasingly targeted in reforms of the judicial sphere. New legislation on the selection of judges was designed to protect the courts' autonomy. Additional legislation outlawed interference in judicial decision-making and was reinforced by the party's own campaign of self-restraint in legal affairs. By the late 1980s, except in some conservative provincial areas, party officials reportedly abandoned the practice of instructing judges how to decide cases (Huskey 1992: 224). Yet the practices of *telefonnoe pravo* have proven resilient in post-Soviet Russia. On a tip-off from above, criminal cases can be opened or closed, tax-evasion charges can be pursued or conveniently forgotten and law enforcement officers can continue an investigation or abandon it (Pastukhov 2002; Allina-Pisano 2005). A paradigmatic example of *telefonnoe pravo* was the Yukos case, in which international media and observers overwhelmingly pointed out that the judges who convicted oligarch Mikhail Khodorkovsky were following orders from above (see, for example, Kulikov 2005).

The difference between the formal flow of signed documents and informal (oral) commands illustrates the degree of discretion and non-transparency in post-Soviet Russia. The governance patterns rest upon, and help reproduce, concentric circles of 'unwritten rules' that are fluid, resistant to articulation and elusive. Such unwritten rules preserve discretion and achieve additional control on the basis of informal leverage in order to pursue declared goals. Their latent function, however, is to distinguish between insiders and outsiders and to benefit the insiders according to the principle that, 'For our friends we have everything, for



our enemies we have the law'. The consequence is not only the selective use of the law, but also the use of the law for extra-legal purposes.

'Telephone justice' has increasingly been recognised as a problem to be tackled in an open way by representatives of Russia's judicial and political institutions. For example, in 2005, the code of administrative court proceedings was drafted with instructions to judges and citizens on how to proceed in case of bureaucratic abuse or arbitrariness, and in 2006 the Presidium of the Council of Judges of the Russian Federation recommended the document 'On reaction to inquiries by citizens and civil servants about cases in court proceedings' for practical use (Ledeneva 2008). Similarly, tackling corruption in the legal sphere has been defined by leading politicians – including former President Dmitry Medvedev and former Deputy Prime Minister German Gref – as a key aspect of the development of the Russian legal system (Ledeneva 2008; Medvedev 2008). However, the effectiveness of the measures undertaken so far is debatable in a country in which *telefonnoe pravo* is believed still to prevail is diminished by the dependence of Putin's political system – *sistema* – on the weakness of property right of its key economic subjects (Ledeneva 2013).

#### 8.12 ***Tsartsaani nüüdel*** (Mongolia)

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*Tsartsaani nüüdel* refers to a distinctly Mongolian type of population movement that is arranged to influence the outcome of an election. The term most commonly refers to the practice of registering people to vote in a constituency where they are not in fact residents, in order to boost the votes for a specific candidate. The newly registered voters are usually provided with transportation on the day of the election and instructed to cast their votes for a particular candidate; they are then transported back to their home district, where their paperwork is re-registered to reflect their actual place of residence. Literally translated as 'locust migration', *tsartsaani nüüdel* consists of two Mongolian words, *tsartsaa* meaning locust or grasshopper and *nüüdel* meaning migration or movement (Starosin et al. 2003). In its formal meaning, *tsartsaani nüüdel* denotes a swarm of locusts that descends onto the land and devours all the good grass before moving on to new pastures.

While there is practically no documentation regarding the history of the term, the metaphorical allegory it evokes is clear: a sudden 'swarm' of

voters is brought in from outside in order to influence an election through their numbers, 'swallowing' up the votes of genuine local residents. The metaphor of 'eating' (*ideh* means to eat) is widely used in Mongolia to refer to the misappropriation of funds and resources. However, a significant difference between a swarm of locusts and an invasion of voters is that, while locusts do not have a 'boss', significant planning and organisation go into fixing voters' paperwork and arranging their transportation. In other words, *tsartsaani nüüdel* is not a 'spontaneous' or 'everyday' practice. It is a top-down-directed strategy deliberately organised by elites in positions of power to influence elections in ways that will benefit themselves and/or their business or personal networks.

*Tsartsaani nüüdel* is found in both the private and the public spheres. For example, in the capital of Mongolia, Ulaanbaatar, workers in a local government office (*horoo*) may be instructed to re-register themselves in a neighbouring administrative district. Since the *horoo* is in charge of registering citizens' residency papers, it is not difficult to organise this kind of *tsartsaani nüüdel*. *Horoo* leaders may engage (or be engaged) in *tsartsaani nüüdel* given that they have connections to political parties – unlike their workers who, as civil servants, are officially apolitical. *Tsartsaani nüüdel* is, however, most common in the private sector and can be remarkably ostentatious. It is not unheard of for the entire staff of a large company based in Ulaanbaatar to be temporarily 'migrated' to a remote countryside district hundreds of kilometres from the city centre. Company employees are housed for a few nights in the countryside and then returned from their 'locust' holiday migration. The bosses of such companies are generally well integrated into both the political and the business networks needed to facilitate these schemes.

Those who coordinate *tsartsaani nüüdel* clearly act because they believe they have something to gain from it, as do all those engaged in other election-related informal activities. Mongolia's population of 3 million people is small, which means that the movement of even a relatively small group can potentially have an impact on an election. Nevertheless, one must ask why *tsartsaani nüüdel* specifically is practised in Mongolia. The answer to this question may be illuminated through a comparison with the informal and/or institutionalised practices known as gerrymandering and redrawing of constituency boundaries.

The overuse of the term 'nomad' and its associated concepts in the scholarship of Mongolia has been convincingly criticised by scholars such as Humphrey and Sneath (1999). Even so, mobility remains a key feature of Mongolian society in both rural and urban contexts and the country has seen significant waves of urban–rural migration in recent years

(Bruun 2006; Murphy 2015). As such, the state has experience of a population on the move and *horoos* in Mongolia daily serve large numbers of people seeking to register their migration between the city and countryside on temporary or semi-permanent bases. In this context, being able to identify *tsartsaani nüüdel* in the large volume of ‘formal’ movement may be difficult. In more sedentary societies, shifting votes from one constituency to another is not usually done through the movement of people. Instead, political parties seek to redraw boundaries in ways that provide them with demographic advantages (Norris 2016: 2). Gerrymandering and/or malapportionment are thus analogous to *tsartsaani nüüdel*, even though they work through an opposite mechanism: namely, stable constituents, mobile constituencies. Until just a few months before Mongolia’s parliamentary election of 2016, gerrymandering could not take place because of a 2006 electoral reform law (Lindberg and Naran 2016; OSCE 2016). Thus, to create advantageous demographic conditions, the people themselves had to be moved.

The implications of *tsartsaani nüüdel* are hard to pin down since there have so far been no academic studies of the specific practice. It is, however, widely discussed in the Mongolian language media and on online social networks. In June 2016, on the eve of the parliamentary election, statistics were released detailing a few *tsartsaani nüüdel* cases and identifying which districts were the ‘worst offenders’ (Jargal 2016). While *tsartsaani inüüdel* remains a popular topic for discussion and is often used as a political weapon between rivals, by some accounts *tsartsaani nüüdel* activity peaked in 2008 and has been declining since. If its use has indeed been declining, this may be due to various electoral and bureaucratic reforms, such as the replacement in 2008 of registration papers by plastic passport cards. While the transition period between the two forms of identification may have been rocky – some citizens ended up with both the old and the new ID and were allegedly able to vote twice – the contemporary card that is linked to a countrywide electronic database goes some way to regularising population movements. Another reform has involved restricting the registration of migration around the time of an election.

It could be argued that the primary effect of *tsartsaani nüüdel* is not so much its concrete effect on elections. There are, of course, multiple formal and informal means by which elections are influenced in ‘functioning’ democracies, including Mongolia (Fritz 2007; Fox 2016; Norris 2016). Rather, *tsartsaani nüüdel* may be seen as having subtle but far-reaching effects. On the one hand, widespread discussion in the popular media means that most citizens are aware of *tsartsaani*

*nüüdel* and many even take it for granted. Those involved in *tsartsaani nüüdel* schemes by their bosses rarely complain or resist. This is often due to the instability of the job market in Mongolia: employees rarely take action that might put them at risk of losing their jobs. It may also reveal deep-rooted concepts of hierarchy that infuse many spheres of Mongolian society. In a darker sense, taking *tsartsaani nüüdel* for granted and feeling unwilling or unable to extricate oneself from such schemes may point to a generalised apathy towards the democratic process and even the rule of law in Mongolia (Sneath 2006; Reeves 2011: 177–9). In a context of economic stagnation and of stark and rapidly growing socio-economic inequality (Rossabi 2005: 248; Højer 2007), *tsartsaani nüüdel* is often spoken about in the disappointed tones of those who feel left out of the benefits of moving ‘locusts’ from one place to another. Likewise, being involved as a ‘locust’ in such schemes may lead to confusion and insecurity regarding a central tenet of the democratic process: the secret ballot. Many who are instructed to vote for a particular candidate by their superiors feel that they cannot be sure of the privacy of their vote. Just as they do not resist being moved from place to place for fear of losing a precious job, likewise voters may not take the risk of voting for any other than the ‘suggested’ candidate in case they are found out.

In some cases, *tsartsaani nüüdel* may also be used to refer to the movement of candidates. If, for example, a political party feels that a member of parliament’s success has reached ‘saturation point’ in a particular district, s/he may be moved to ‘fresh pastures’ in another constituency. The assigning of candidates to constituencies is a complex process tightly controlled by political parties and rife with intense internal politicking. Both forms of *tsartsaani nüüdel* may provoke feelings of marginalisation among those who find themselves cast as locust pawns in the migratory games of the rich and powerful.

### 8.13 **Vertical crowdsourcing** (Russia)

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‘Vertical crowdsourcing’ refers to the ways in which digital technologies can be harnessed by state institutions to create a semblance of openness and participation, while in practice neutralising citizens’ activity and exerting control over them. ‘Crowdsourcing’ in its regular sense refers to ‘the practice of obtaining information or services by soliciting input from a large number of people, typically via the Internet and often without

offering compensation' (*Oxford English Dictionary* 2016). In 'vertical crowdsourcing', state authorities solicit such participation in order to fake and/or control it.

Social media, social networking sites and crowdsourcing platforms can contribute to the empowerment of individual users, including new forms of civic participation (Amichai-Hamburger et al. 2008; Shirky 2008). They can also increase transparency and accountability of state activity. Yet those same technologies can also be used by institutional actors to exert surveillance and control over individual users (Morozov 2011; Gunitsky 2015). The ambivalence at the heart of 'vertical crowdsourcing' relies on the capacity of digital platforms to simultaneously replicate two layers of the relationship between institutions and citizens. The first layer approaches citizens as subjects for partnership, while the second layer approaches them as objects of governance (Foucault 1982). While such practices can be found worldwide, this entry focuses on the Russian-language Internet (colloquially known as 'Runet') as a case study of the various forms of vertical crowdsourcing.

In analysing vertical crowdsourcing, it is helpful to view digital users as occupying two simultaneous roles: subjects taking part in activity directed at specific goals alongside institutional actors; and objects of institutional actors' activity that seeks to control and govern the users. It is the capacity of information technologies to produce symbolic (i.e. fake) constructions of transparency, accountability and user empowerment that enables their users to be constituted as subjects and objects at the same time: the digital user is a subject in the symbolic dimension, but an object of digital governance in the actual dimension. For instance, while on a symbolic level a given technology may propose an increase in transparency or new opportunities for engagement, on the actual level the user is either prevented from taking part in the activity and/or addressed as an object of control.

There are different types of digital tools that deal with transparency and accountability. One group of tools presents open data about the activities of specific organisations. While open databases can promote crowdsourcing of independent analysis and holding an organisation to account, in some cases they provide only limited information, or the data is not provided in a useable format. Accordingly, while in general open data contributes to transparency, providing such data can also be a symbolic act that portrays an organisation as transparent, while in reality contributing little to transparency. A second set of tools dealing with transparency and accountability is crowdsourcing platforms that aggregate information about problems and promise to resolve the



issues reported. In 2011 as a part of an initiative by President Dmitry Medvedev, the Russian government launched an online platform 'Russia without fools' (*Rossiya bez durakov*). Medvedev claimed that the purpose of the website was, 'to find the most nonsensical and harmful bureaucratic practices in Russia'. He stated that procedures would be changed and some officials might even lose their jobs on the basis of information crowdsourced from the website. However, the website was closed two years later (Zykov 2014).

Vertical crowdsourcing is often marked by so-called 'Photoshop governance': state authorities using digital technologies to substitute an actual solution in real life with a fake 'solution' in digital space (Asmolov 2013). For example, local authorities in many countries use websites in order to allow citizens to submit reports about various type of problems e.g. potholes and other infrastructural issues. In principle, the submission of a report to the website should lead to action taken by the authorities to resolve the problem. However, such websites can serve as tools that satisfy citizens' need to complain easily, but with no consequent action taken by the authorities – or even worse, the faking of action taken. For example, following the submission of a photo of a courtyard blocked by snow to a website run by the Moscow Mayor's Office, a local official reported that the problem was solved by posting a photo showing the yard free of snow. A local blogger reported that the snow was digitally removed with Photoshop, while no actual action was taken on the ground.

The Russian presidential elections of 2012 provided a case of the symbolic construction of electoral transparency. The Russian government rolled out a system of webcams that broadcasted live video streams from 95,000 polling stations in Russia to a dedicated platform ([Webvybory2012.ru](http://Webvybory2012.ru)), where any citizen could follow the voting in every part of Russia. The Russian authorities used the project to respond to allegations of electoral fraud by claiming that the presidential elections were among the most transparent in international practice. The project thus enabled the government to create a symbolic construction of transparency that supported the legitimacy of the elections (Asmolov 2013). While in theory the webcams enabled public scrutiny of electoral conduct to be crowdsourced, in practice they obstructed it. Crucially, the platform did not allow any action to be taken once a fraud was detected. It was difficult to retrieve data from the video archive, and the courts that considered cases of election fraud did not have a legal foundation to incorporate the webcam recordings as legitimate evidence.

Another set of digital tools portrays citizens' participation as a horizontal, bottom-up action (i.e. regular crowdsourcing), whereas in reality they are controlled and directed from above (i.e. vertical crowdsourcing). In 2014 the Moscow Mayor's Office introduced a website called 'Active Citizen' (<http://ag.mos.ru>) with the ostensible purpose of allowing Moscow residents greater participation in decision-making. But independent experts questioned if the website contributes to participation, with some (Babitzky, 2015) arguing that through online votes the website produces a semblance of participation in decision-making and creates the legitimisation of decisions already made by local authorities, while the actual mechanism of participation including online voting is not transparent and is open to manipulation. An online media investigation exposed falsification of online decisions, while an opposition local council member claimed that, 'Active Citizen is used by the mayor's office for imitation of citizens' participation in decision-making by authorities' (Mazhay and Chesnokov 2015).

Following the extensive wildfire in Russia in the summer of 2010, and the 2012 severe flooding in Krymsk, South Russia, a number of independent projects proposed crowdsourcing mechanisms to facilitate horizontal, citizen-based responses to national emergencies. In 2012, a state-affiliated organisation of emergency responders, RosSoyuzSpas, developed a website ([Dobrovoletz.rf](http://Dobrovoletz.rf)) as a platform to facilitate emergency response volunteering. Any citizen interested in volunteering in emergency response could register with the website. But unlike citizen-based projects, this 'vertical crowdsourcing' platform did not provide data about the specific purposes of activity, and did not allow the users to select their form of participation. What it actually created was a registry of potential volunteers that was controlled by the owners of the platform. Accordingly, while the official purpose of the platform was supporting citizen engagement in emergency response, its actual purpose was controlling the potential independent volunteers through the development of a digital top-down structure (Asmolov 2015).

State-sponsored platforms can be utilised for astroturfing: the construction of a façade of bottom-up participation which is actually concealed activity by a traditional top-down administration, and often has a paid nature (see astroturfing, 6.31 in this volume). Examples include state-sponsored trolling (Lawrence 2015) and state-sponsored vigilantism. For instance, the MediaGvardia website presents itself as an opportunity to participate in civic Internet regulation by finding content that is prohibited according to Russian law (for instance, uncovering so-called

‘gay propaganda’ such as support groups for Russian LGBT teenagers). However, the website relies mostly on members of state-sponsored youth movements. It thus presents a façade of ‘public demand’ for the restriction of Internet freedoms while in reality the ‘activists’ are vertically crowdsourced through state support. Digital platforms and conventional crowdsourcing are typically considered as tools that contribute to transparency and accountability, as well to the participation of users as subjects. But when these tools are used by the state as forms of vertical crowdsourcing, transparency, accountability and participation become merely symbolic. Indeed, the same tools can position users as object of control, contributing to decreasing transparency and accountability and preventing genuine civic participation.

#### 8.14 **Cyberattacks by semi-state actors** (general)

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Cyberattacks deliberately exploit computer systems, technology-dependent enterprises and networks using a malicious code resulting in disruptive consequences that can compromise data (Kim et al. 2014). Malware and Distributed Denial of Service (DDOS) attacks are arguably the most prevalent forms of cyberattacks globally (Verizon 2016). Malware is code or software that is designed to disrupt data, hosts or networks. Damage from malware varies from minor irritation to entirely disabling systems and networks (Cisco 2016). DDOS attacks attempt to make a machine or network resource unavailable to its intended users and are often driven by political motivations (Nazario 2009). The inherent legal characteristics associated with cyberspace and the use of semi-state actors by governments to target political opponents arguably enables this practice to be categorised as informal.

Traditional forms of political targeting include physical violence, which breaks clearly defined laws that have been constructed to penalise such illegal activity (Zimmermann 2013). Thus for example, a non-fatal physical attack on a political dissident within the UK constitutes a crime under the Offences against the Person Act 1861 and if convicted, the offender (assuming they did not hold diplomatic immunity), could be sentenced to life in prison (CPS 2016). Empirical studies suggest that countries tend to observe almost all principles of international law (Pawlak and Petkova 2015), thus while countries tend to avoid overtly breaking international law, they may rely on legal technicalities or seek to exploit the grey area between legal and illegal practices, thereby using

informal practices that are neither legal nor illegal to achieve their ends (Craig 2013).

In contrast to the substantial legal landscape covering physical crimes traditionally used to target political opponents, the cyberattack legal landscape is underdeveloped (despite vast legal issues surrounding cyberattacks), which, in conjunction with the use of semi-state actors, gives rise to the informal nature of this practice (Egloff 2015). International law has been slow to adapt to the increasing prevalence of cyberattacks as shown by United Nations (UN) Charter Article 2(4), which states that if actions do not include violence or the threat of violence, such actions do not constitute a cyberattack (UN 2016). Therefore, cyberattacks using malware or DDOS can be a powerful weapon with which governments can target political opponents internationally without resorting to conventional attacks (such as war), which make a government subject to international law and have the potential to leave it exposed to economic and political repercussions. Furthermore, it is significantly more cost effective to launch cyberattacks than conventional attacks and the effect of cyberattacks can nevertheless be great because industrialised states tend to be dependent upon computer networks (Hathaway and Crootof 2012).

Due to the current lack of international law regulating cyberattacks, governments are able to exploit the situation; therefore many nation-states have a vested interest in ensuring that existing laws, such as the UN Article 2(4), are not revised to make them applicable to cyberattacks. However, Sigholm (2013) hypothesises that should such laws be introduced, covertly outsourcing cyberattacks to semi-state actors could be a viable method to circumvent these new laws. Thus, many nations are keen to continue to exploit the grey area that exists currently within the legal landscape. National security is a concept through which a government protects the state and its citizens against aggression from domestic and external actors. Cyberattacks are arguably one of the greatest threats and infringements to a nation's national security. The alleged use of semi-state actors by a nation-state in cyberattacks, and the challenge of measuring the attack's origin, enables a state to circumvent the aforementioned informal constraints by obtaining a 'plausible deniability' because the attacker's true identity is concealed (Nazario 2009).

Egloff (2015) identifies three distinct categories of actors operating within cyberspace. First, he identifies state actors who comprise of cyber units of militaries, intelligence agencies and police forces. Second, he identifies semi-state actors who comprise of actors working in the

political and economic interest of a specific country. The last category he identifies is that of the criminal actors – the so-called cybercriminals. While criminals consciously break formal rules such as laws, state actors such as militaries work in accordance with the law, therefore the actions of semi-state actors can be seen to occupy the grey area between the legal and illegal (Egloff 2015).

There has been an increasing prevalence in the recruitment of semi-state actors by governments, resulting from their desire to benefit from the semi-state actor's experience and leverage their cyber knowledge (Sigholm 2013; Lennon 2015). Semi-state actors are motivated to work with governments for a variety of reasons including curiosity, economic gain, political agendas, attraction to technical challenges or purely out of boredom (Sigholm 2013). However, in recent years there is an increasing trend for governments to recruit semi-state actors with nationalistic tendencies to conduct cyberattacks (Egloff 2015).

The use of semi-state actors recruited through informal channels to conduct cyberattacks enables the instigating nation-state to achieve its strategic objectives while escaping recrimination (Sigholm 2013) since this practice provides a country with a plausible deniability (Nazario 2009) due to the difficulty in establishing the origin of cyberattacks (Egloff 2015). First, the association between an attack and a specific hacker group needs to be established; this is sometimes determined on the basis of inference according to the specific targets selected, mistakes made or the techniques, tactics and procedures used. A frequent problem for researchers, however, is that attacks may be staged by a group deliberately using the known techniques, tactics and procedures of a different group in order to conceal the attacker's true identity. Second, an association between a specific hacker group and a specific government needs to be established, which is extremely difficult to prove (Egloff 2015). Thus, when a specific government is attributed to a specific cyberattack, the political attribution is typically based on a researcher's interpretation based on internal information such as the identity of the victim and type of attacks seen. Furthermore, external sources such as news reports may be used to validate the findings (Nazario 2009).

Plausible deniability is essential because should cyberattacks be linked back to the initiating nation-state, repercussions could be politically damaging with the revelation of culpability having the potential to lead to escalating tension between two nations, which could ultimately lead to conventional warfare (Lewis 2011). Due to this potential for political or military recrimination, nation-states have little incentive to openly

admit their involvement in initiating cyberattacks (Sigholm 2013). Since 2007, Estonia, Lithuania, Georgia and Ukraine have all suffered high profile cyberattacks allegedly originating from Russia. While there is arguably little beyond circumstantial evidence of the Russian government's involvement in attacks targeted at governments, organisations or individuals critical of the state, the existing evidence suggests that when organisations, individuals or countries oppose the Russian state, there is an increased likelihood of being the target of such an attack. These attacks are designed to counter opposition and 'persuade' or influence the country, organisation or individual to change their policy or stance (Ashmore 2009).

The informal practice of cyberattack has numerous economic effects on its target. As of 2014, the cost of cyberattacks on the global economy was in excess of \$400 billion per annum, with the regions of North America, Europe and Asia experiencing the greatest losses while Africa suffered the least. This finding is attributed to differences in the income levels of these territories, with highly developed economies losing the most and countries with emerging economies losing the least (CSIS 2014). However, these figures are not necessarily representative of the true costs of cyberattacks on the global economy. In the first instance the economic cost is difficult to measure due to a lack of consensus about what constitutes a cyberattack, resulting in an inconsistent approach to data collection (UNCTD 2005). Second, the financial losses resulting from cyberattacks are underreported (Pawlak and Petkova 2015). Finally, such figures fail to account for the intangible costs of the attacks such as the loss of business intelligence, intellectual property and damage to reputation (Ernst and Young 2014).

#### 8.15 *Khokkeynaya diplomatiya* (Russia)

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*Khokkeynaya diplomatiya* refers to the informal practice of utilising amateur ice hockey for the development of personal, business and governmental relationships in Russia. The term is widely used by the Russian media, as evidenced by millions of online results for the term on Yandex's Russian-language search engine. The equivalent English-language term

'hockey diplomacy' can be found in the West in countries where ice hockey is a major sport, notably Canada and the USA.

Hockey diplomacy has its origins in 1960s America, with an initiative taken by the CBS Television network to televise the Winter Olympic Games at Squaw Valley, California, in defiance of the prevailing political will. The coverage of ice hockey matches proved to be particularly popular with television viewers, and saw America defeat the USSR to win the Gold medal. However, rather than being portrayed simply as adversaries in a capitalist versus communist contest, the Soviet players came to be much admired worldwide, paving the way for a softening of attitudes between the West and the USSR. It was hailed as a triumph in 'soft diplomacy' for both sides (Ehrmann 2014).

The successful introduction of Soviet ice hockey players to a worldwide audience saw a continuation of hockey diplomacy. This culminated in the famous 1972 Summit Series which saw the best Canadian professional players of the National Hockey League challenge the Soviet national team, the best 'amateur' players in the world (Soviet teams were not commercial organisations; their players were technically employees of the army, police and trade unions who played hockey in their spare time, although in practice they trained as professional players). Although the Canadians expected to defeat the Soviets easily, it was a closely fought contest and the experience left both sides transformed (Wilson 2004): the so-called 'Red Machine' of the Soviet Union emerged with its reputation further enhanced (Kolesnikov 2012); and the Canadians learnt a valuable lesson about hubris; their eventual triumph following adversity was noted as a key element in the development of post-war national identity (Kennedy 2009).

A revival of *khokkeynaya diplomatiya* has taken place in twenty-first-century Russia, led by the initiatives of Alexander Medvedev, currently the Deputy Chairman of Russian energy company Gazprom and former Director-General of Gazprom Export (2006–14), whose responsibilities include finding new export markets for Russian natural gas. Medvedev, a former hockey player at Leningrad State University, conceived the idea of organising informal hockey matches and tournaments in new and emerging gas markets. Gazprom executives were invited to take part in the games, which were intended to provide a relaxed environment in which to engage with potential clients and partners.

In 2006, Medvedev and Gazprom executives developed the initiative further. They held an energy symposium at Harvard University in Cambridge, Massachusetts and during the same visit arranged hockey matches for the Gazprom officials in Boston. Scott MacPherson, an

American hockey executive working in sports media, publicised the efforts of Gazprom, which served as a way of attracting former Soviet hockey stars now living in the United States. The event brought Exxon, Chevron, PetroCanada, Alcoa, General Motors and other energy sector representatives together to participate in both the symposium and hockey matches, and successfully demonstrated that *khokkeynaya diplomatiya* could be a contemporary successor to 1970s-era diplomacy between Canada and the Soviet Union. Moreover, there was an expectation that if this *khokkeynaya diplomatiya* continued to develop it might emulate the success of the so-called 1970s 'ping-pong diplomacy'. This initiative saw the United States and People's Republic of China engage in a series of table tennis (ping-pong) exhibition matches that signalled a thaw in Sino-American relations, and more importantly paved the way for President Nixon's visit to Beijing. Chinese Premier Chou En-lai later said, 'Never before in history has a sport been used so effectively as a tool of international diplomacy' (Bjola and Kornprobst 2013). It was hoped that Russia's *khokkeynaya diplomatiya* would be similarly successful in terms of bridging the differences between Russia and the Western business community.

In February 2006 an event was held in Russia in which Igor Larionov, a serial winner of the Olympics, World Championships, Stanley Cup, and the Soviet League was invited to play. The Gazprom Export Hockey Team, comprising of Gazprom employees, played alongside Russian hockey legends against other corporate teams featuring other former professionals. Subsequently, Medvedev and MacPherson organised matches for the Gazprom Export Hockey Team in regions where Gazprom was already doing business or wanted to do business. Territories visited by the team included the United States, Canada, England, Germany, Sweden, Finland, Kazakhstan, Slovakia, the Czech Republic and Slovenia.

The direct consequences of *khokkeynaya diplomatiya* are difficult to assess, because the main benefit is in relationship building, and it is often difficult to judge the precise contribution it makes to business deals in terms of personal introductions and relationships, relative to other factors. However, one might draw inferences based on observations of hockey interactions and subsequent deals. A prominent example of this might be the agreements from 2012 between Cisco Systems and the Skolkovo Foundation, which were worth \$1 billion USD; in this case, a top Cisco executive and Arkady Dvorkovich, the deputy prime minister instrumental in representing Russia state interests in relation to the Western business community, were known to play hockey together (Cisco 2012; Telecompaper 2014).



Medvedev and MacPherson's overseas initiatives also led to a revival of hockey as a popular domestic sport in Russia, and successfully built upon the nostalgia for past Soviet successes. In a rare instance of civil society leading the government, the Russian state gave its imprimatur and poured considerable resources into making hockey a leading participatory and spectator sport. The success and prominence of the Gazprom Export Hockey Team abroad brought greater attention to the small-scale recreational hockey league they officially played in, the Night Hockey League (NHL – a deliberate play on words referencing the elite US-Canadian league with the same acronym). From 2006 onwards, under the leadership of Alexander Yakushev, the hero of the 1972 Summit Series (and organised by the Russian Ice Hockey Federation under the leadership of Vladislav Tretiak, another hero of the Series), the NHL grew to a membership of over 2,000 teams comprising over 10,000 players in nearly 70 regions of Russia, with additional leagues in Kazakhstan, Uzbekistan and Serbia. The NHL league has in effect created an informal business network that forms one of the largest civil society organisations in the country.

President Putin has differentiated himself from his predecessors by identifying himself with sporting prowess – a symbol of strength. Although a latecomer to hockey, he has adopted the sport with relish and regularly plays with friends and colleagues such as the Minister of Defence Sergei Shoigu, other high-level politicians including Rashid Nurgaliyev, former Interior minister and current Deputy Secretary of the Presidential Security Council, Andrei Vorobyov, Moscow oblast governor, and Deputy Prime Minister Arkady Dvorkovich, as well as oligarchs like Vladimir Potanin, leading cultural figures such as saxophonist Igor Butman and a number of famous former ice hockey professionals. Other important participants are long-time personal friends of President Putin who have accumulated major shares in Russia's strategic industries since he came to power; they include the Rotenberg brothers and Gennady Timchenko. Such individuals play an important role in *sistema*, the informal system of governance that has evolved under Putin (Ledeneva 2013: 74–6). Regular sporting gatherings, such as the late-evening ice hockey games, as well as the activities of the Yawara-Neva Judo Club (Putin's favourite sport) thus provide key settings for the meeting of Putin's informal inner circle (Bailey 2018).

The business-friendly approach, coupled with evident support at the highest level, led to success in attracting both expatriate and domestic business executives to participate. They enjoy not only the exercise, but are privileged to have the opportunity of meeting leading figures

from both business and government, as well as former sports legends. These matches attract not only legendary Russian players, but also North American greats like Phil Esposito and Mark Messier. The annual NHL season culminates in a countrywide open-entry hockey cup competition. The ultimate prize is winning an opportunity to play an exhibition match against President Putin's team. It has been suggested that *Khokkeynaya diplomatiya* plays a part in actual diplomatic relations between Russia and the United States, as both John Kerry and Sergey Lavrov have spoken publicly of their mutual love of hockey. Indeed, John Kerry noted in 2013 that 'Sergei Lavrov and I are old hockey players and we both know that diplomacy, like hockey, can sometimes result in the occasional collision' (Hughes 2013).

In recent developments, a revival of organised hockey at university level in Russia is being encouraged, with an eye towards developing future *khokkeynaya diplomatiya*. MacPherson is inviting top university teams such as the Harvard Crimson to Moscow, and is planning to send Russian university teams to play their counterparts abroad. The Gubkin Russian State University of Oil and Gas, which continues to serve as an important hub for higher education in the energy business at both the undergraduate and graduate level in Russia, has an ice hockey team, nicknamed the Oilers. The Gubkin Oilers, supported by MacPherson, are in turn serving as an organisational model for universities across Russia and the former Soviet Union. This university-based initiative provides another way for future members of the Russian energy industry to continue the informal practice of playing hockey with business counterparts at home and abroad.

### **Conclusion: when do informal practices turn into informal institutions? Informal constitutions and informal 'meta-rules'**

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Informal and formal systems are mutually conditioning, implicative and interpenetrating; they do not simply form a neat inside and outside. Formal rules systems are never strictly formal in their interpretation/application or entirely structured – they always require a significant zone of discretion. By the same token, informal systems are never strictly informal or unstructured – they often possess some degree of standardisation or specification, which may amount (depending on the degree of

elaboration or comprehensiveness) to a kind of ‘informal constitution’. Unwritten rules are rules, nonetheless. Indeed, they may not even be unwritten in a strict sense – just unpublished. Finally, the discretionary zone in the interpretation and application of formal rules may itself be governed by a set of informal ‘meta-rules’ that tell civil servants when they can relax, suspend or modify rules, in respect of which persons, and in which circumstances. Those meta-rules can also be considered part of the informal constitution.

In Central Asia, the informal ‘meta-rules’ for the formal system and the ‘informal constitution’ both play significant roles. In the case of the informal constitution, the degree of structure varies. At one extreme stand examples such as *vory-v-zakone*, ‘thieves-in-law’ (see *kanonieri qurdebi*, 3.21 Volume 1) – the prison-based organised-crime network that developed within the Soviet prison system and is found today across the post-Soviet space as a kind of surviving ‘black USSR’. The *vory-v-zakone*, who played a significant role in high Kyrgyz politics in the 2000s, have an extensive code of conduct, of which all initiates are made aware and that regulates hierarchy and organisation, ethics and behaviour, obligations and enforcement. Less elaborate examples of rule-structured informal practices are the price list or fee schedule (*preiskurant*) for judicial bribery (as well as for the purchase of judicial and other official posts), said to exist in Kazakhstan and Kyrgyzstan (and likely elsewhere), subject to some degree of regularisation in respect of types of cases, levels of court (trial courts, appeal courts, Supreme Court) and sums in dispute, but fluctuating and far from codified. Thus, for instance, a Kyrgyz Supreme Court decision in 2005 that upheld the judicial ‘laundering’ of the Bitel mobile phone company’s ownership in the name of interests allied to the then President’s son, was reputed to have been secured by a bribe of \$3 million – \$1 million for each member of the three-judge panel. A Kazakh deputy-ministerial post awarded to a Kazakhstani Korean was reputed to have cost the Korean community \$50,000 in the mid-1990s.

Relatively rigorous and specified components of the informal constitutions shade off into all manner of other customary or tacit rules, standards and guidelines for the ‘economy of favours’: how much, what and when to offer (reciprocity of favours or equivalence of value, monetary or in-kind, present or future), to which bureaucrat at what level in a hierarchy, in what manner (directly, via an intermediary, with what precautions), at what stage of a decision-making process, with what degree of assurance or risk and so on. A law student’s ensuring a pass mark in an examination or degree course and a prominent figure’s retaining the

patronage of the highest political authorities are both and to the same degree generically regulated informal practices rather than ad hoc terms for one-off deals. Highly complex and rule-bound arrangements govern even simple and straightforward informal transactions; they need not even be capable of being articulated by actors, much less memorialised, to count as elements of the informal constitution. All that matters is that they exhibit a basic degree of systematicity and stability such that they can be learnt and internalised.

The informal meta-rules likewise vary in their degree of fixity, formality and elaboration. On the one hand, they govern the enforcement of prohibitory and compulsory legislation (e.g. rules imposing liability, criminal, civil or administrative, for prohibited acts or failure to comply with statutory and regulatory requirements, from embezzlement of bank funds to failure to comply with tax code provisions). On the other, they govern the non-enforcement of enabling legislation (rules enabling issuances of licences or permits, for everything from registration of companies or political parties to uranium export licences).

Regarding selective enforcement, civil as well as criminal court cases involving well-known figures (such as the Bitel case mentioned above), in all phases, from initial complaint or investigation, through subsequent procedural phases, trial and post-trial, are worth close reading because they demonstrate the results-orientated application of the formal rules from which the informal meta-rules can be inferred. For example, Mukhtar Ablyazov, chair and majority shareholder of a major Kazakh bank, was pursued in 2013 by the Kazakh authorities in the English courts for the alleged embezzlement of \$4 billion. He owed his post in the first place to his political connections. The complex scheme of bad loans made to companies he controlled was well known to the Kazakh authorities and tolerated until he ran afoul of his political patrons, at which point charges were brought against him. The meta-rules determining enforcement of criminal embezzlement were in this case apparently triggered by Ablyazov's violation of the 'informal constitution' authorising his unusual banking activities but conditioning them on reciprocal support (as defined by the relevant informal rules) for his patrons. Needless to say, anti-corruption legislation of all sorts is subject to precisely this sort of selective enforcement.

Regarding selective non-enforcement, the practical (political) impossibility of registration as an opposition candidate or party in Kazakhstan (where at least the attempt has been made, unlike

Uzbekistan or Turkmenistan) is a function of the deliberate, meta-rule governed refusal of the authorities to permit an officially disfavoured actor to do what the published rules authorise in the first place. Registration applications can be rejected on trivial grounds that might not otherwise (in respect of approved candidates) ever be invoked: invalidation of petition signatures or a candidate's prior traffic violations. The discretionary residuum in any system of formal rules always makes it possible to adduce prima facie plausible grounds for a decision disallowing in a particular case what is allowed in general. But the exercise of discretion by an Electoral Commission (or a Ministry of Justice company registry department) can be subject to strict regulation by the informal meta-rules rather than by general standards of reasonableness or fairness.

The informal constitution is often parasitic on the formal constitution (and the entire formal rule system), since the transactions and exchanges it builds and regulates typically serve to ensure, modify or prevent a formal or official decision. The informal meta-rules do not operate as a way of circumventing the formal system (as in the case of informal practices), but rather of programming it, diverting it to undeclared agendas and sabotaging its decision-making processes.

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Alistair Faulkner

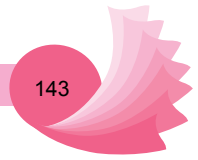
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## **Conclusion: when do informal practices turn into informal institutions? Informal constitutions and informal 'meta-rules'**

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