

TACKLING CORRUPTION IN WESTERN AND RUSSIAN LEGAL CULTURES

Jüri Saar

University of Tartu

Abstract. The aim of this article is to compare the values and attitudes relating to corruption as a kind of white-collar crime and its control in the Russian and Western legal cultures. The analysis is focusing on the definitions of corruption, corruptive practices and corruption control in order to answer the question whether or not the corruption as crime coincides in the Western and Russian cultural background, and whether or not it can be assessed with the same yardstick. The hypothesis proposed and corroborated is as follows: the meaning of corruption and the attitudes to corruption in those two legal traditions are strikingly different. It thence follows that the corruption as a phenomenon in the Russian governing tradition is tackled differently from that in the Western world.

Keywords: white-collar crime, interpretative approach in criminology, corruption practices, spread of corruption in society, Russian and Western legal cultures

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1. Introduction

Corruption as a type of criminal activity exercised by power-yielding persons has been a topic in criminology since the mid-twentieth century and dubbed white-collar crime (Sutherland 1940, 1949). Over time, the intertwining of political and economic power and crime has attracted ever more attention and has gained even notoriety, but it was only at the end of the 20th century, seconded by growing problems in legitimacy of nation-states and intensive globalising, that the focusing on corruption reached its apex. That phenomenon became more relevant than just one type of crime amongst many. The extent of corruption in the society was assigned the role of an applicable indicator of human development, and by now a general attitude is being formed *à la* “Tell me how you take a stand to corruption and I’ll tell you who you are”.

A symptomatic step was the founding of the international NGO Transparency International, where transparency of operation of power mechanisms has been set on top of the value scale (Transparency International 2019b). Upon the initiative of that organisation, in 1995 the Corruption Perception Index was created as a composite indicator for the rating of states. The main idea for use of CPI was the assumption that estimating the real level of corruption on the basis of criminal statistics merely yields a biased picture of the actual spread of corruption. For instance, under official statistics of totalitarian states, corruption as crime may be altogether non-existent, while in the countries seriously engaged in handling the cases of corruption the number of such crimes may soar to heights, although the actual level of corruption may be lower.

To overcome that problem an instrument was developed, whereby each year countries are scored on how corrupt their public sectors are seen to be, assessing how perceptible corruptive conduct is in different countries, independent of how rarely or how frequently punishment is levelled for corruption crime in a given country. The CPI captures the informed views of analysts, business people and independent experts.

But some important questions linked to the corruption as a phenomenon, primarily those related to inter-societal and intercultural differences in corruptive practices, are still begging an answer. The reason is variation of value backgrounds of tackling corruption in different legal cultures, so much so that the behavioural pattern, appreciated in one legal culture as a regular, recommended and even noble conduct is qualified in another legal culture as the most blatant abuse of power. Therefore, it is evident in the increasingly globalising world, that the surveys must appreciate and highlight those cultural differences and value backgrounds, related to recognition, estimation and control of corruption in various cultural environments.

In this article we tried to scrutinize, how the use of political power is revealed as a social norm and (or) pathology in two different legal cultures – Western and Russian. Viewed from the most general aspect, legal culture describes ideas, values, expectations and mentalities related to legal sphere. The question, why some codes of conduct, which have been defined as corruptive and are discouraged in the Western world, are not defined as such in the Russian tradition, is still outstanding and needs a sensible answer. It is important especially in view of the striking decline of global effect of Western values and those stemming from it, in recent decades, and transformation of the world from singular polarity or bipolarity growingly into multi-polarity. It means that we will be increasingly faced with phenomena, which are appraised differently in different (legal) cultures, with corruption as the use and (or) abuse of power being one of the most central among them.

2. Is it possible to find a 'suitable amount' of corruption?

According to the traditional view the crime resembles 'social junk', a societal pathology that can be treated by means of active measures. If crime is really an

undesirable by-product of social life the main rule is simple – the less crime and the fewer criminals the better. If in fact crime is a sickness, punishment is the cure for it and cannot be conceived of otherwise; thus all discussion revolves around knowing what the punishment should be to fulfil its role as a remedy. There is no such thing as suitable amount of crime in principle and consequently, the same is valid in connection with the proper level or amount of corruption.

The paradigm established by Emile Durkheim was opposing the above-named view. In his studies, Durkheim posited, social science would be able to determine whether a given society is ‘healthy’ or ‘pathological’, and seek social reform to negate organic breakdown or ‘social *anomie*’. All behavioural acts (e.g. suicide, criminal offence) committed at individual level randomly (*via* ‘free will’) are at the level of society social facts *sui generis* characterising the state of social organism in indicative way (Durkheim 2013: 186–187). He believed that, “A social fact is normal for a given social type, viewed at a given phase of its development, when it occurs in the average society of that species, considered at the corresponding phase of its evolution” (Durkheim 1982: 97).

Durkheim proposed a novel theoretical view to the precise amount of crime and other social deviations at the optimal level, which should be a normal phenomenon. A lower level of crime indicates the stage of stagnation in the society, and a higher level belongs to the state of social disorganisation. Durkheim developed a new and totally different view to the criminal too “the criminal no longer appears as an utterly unsociable creature, a sort of parasitic element, a foreign, unassimilable body introduced into the bosom of society. He plays a normal and important role in social life” (Durkheim 1982: 102).

According to a proposed approach, crime including corruption can be treated as inherent in cultural phenomena (Saar 2017). We believe that different legal cultures produce different definitions of acceptable and meretricious behaviour. Through law enforcement a certain social reality is formed, because controlling crime not only secures public order, but creates a certain socio-cultural environment on a day-to-day basis. Therefore, crime control is a crucial issue as seen from the nation-building and political-technology aspects, because the criminal justice system is related to cultural self-assertion. In principle, it is possible to draw a criminal law proceeding from which crime level and specificity by type is preferable and how many members of society one ‘wishes’ to treat as criminals.

What the criminal justice system and its parts (e.g. police, courts, prisons) of a given state look like, and how they function is established by the legal culture, proceeding from dominating conceptions, respected in that society and considered normal and equitable. The unbroken chain of crime and punishment is a steady process. The study of the mechanism of such collision between legal principles and people’s behaviour, whether overt or covert, is extremely instructive and it reveals to us the very nature of the *social fabric* in a concrete society. The main task of the interpretative approach in criminology is finding out how the social order manifests itself through construction of crime and crime control.

The interpretative approach here owes a lot to Leo Frobenius and Adda

Bozeman's ideas about the importance "to identify the configuration of each active culture and political system as authentically as possible" (Bozeman 1971: 33). Leo Frobenius named this entity *paideuma* and tried to create a method to see its paideumic structure through the so-called debris of a civilization (Frobenius 1928). He assumed that every human culture is a kind of organism, and that this means that a culture is not a mere accumulation of phenomena, but the manifestation of one of its environment and its education and coined feelings of life. Therefore, each culture has a unique style characterized by a certain mentality. Frobenius wanted to describe a Gestalt, a manner of creating meaning (*Sinnstiftung*), that was typical of certain culture (Frobenius 1921).

Identification of behaviour as crime and the rules of handling the incidents in respective way are in concord with historical, social and cultural conditions. In one country the wife having deceived her husband is stoned to death, in another country the spouse of the fornicating or adulterous wife is awarded the title of 'cuckold'. By reference to such drastic difference in manners of reaction, diametrically different cultural backgrounds of two countries can be inferred, manifested by different values ascribed to people of different gender, to difference in family patterns, to defining of the crimes, to divergence of practice of penalising etc. Moreover, 'faithfulness and faithlessness' carry different implications in different cultural environments.

As the theoretical basis for the tackling of corruption as a cultural phenomenon, the meaning of which varies by legal cultures, can be used the systems theory proposed by Niklas Luhmann. According to the systems theory the societies belong among autopoietic¹ systems and they can be considered as complex entities, able to adapt, using internal feedback processes, to change their internal structures, to better survive and reproduce themselves in a turbulent and changing environment. It means that every society is an operationally closed integral entity, self-referring and continually self-reproducing.

A society confines itself from the external environment, for one society the other societies being external environments. From the point of view of maintaining every system the pivotal procedure is reducing complexity, the involuted character of the environment. Law as the societal subsystem selects from the infinite number of behavioural acts those, which will thereafter be reacted upon in a certain manner (Luhmann 2004). Behavioural acts and reacting thereon will form a circular chain, after which the systems structured in a certain manner are more present than before reacting (Teubner 1993: 554–556). According to this principle the crime control system in every state is functioning, starting from defining certain behavioural manners in penal law as criminal acts and terminating with punishment as the reaction thereon. It is assumed hereby that the law is a specific communication system, which reproduces itself in self-referential processes. Legal communications, such as legal norms, legal decisions, or legal doctrine, are central to the autopoiesis of the acting legal system (Luhmann 1985).

¹ Concept 'autopoiesis' is derived from Greek- auto (αυτο) i.e. self and poiesis (ποίησις) i.e. poetics, creation.

The societal process opposite to autopoiesis is schismogenesis², defined as a change of the earlier integral, stable community, social system, institution, its reorganisation into something new (Bateson 1935). In case of schismogenesis the system functions in the manner, which brings along continual loss of concord and may be potentially extremely destructive. It may progress even as far as giving rise to assertion of exploding norms, destroying traditions, violating taboos, practising certain strategies, attacking the existing institutions.

Collapses occurring under the impact of schismogenesis as an internal factor, are asymmetrical, i.e. they take place unexpectedly, with no self-evident focussed external agent. Gregory Bateson defined schismogenesis as progressive differentiation between social groups or individuals, brought about by “the reaction of individuals to the reactions of other individuals” (Bateson 1958: 175). Bateson differentiated between reciprocally complementary and symmetrical forms of schismogenesis. In case of the first there are two contradictory types of behaviour which reinforce one another, for instance assertive and submissive pattern of behaviour on the level of individuals or groups, when more intensive assertion of one party brings about the ever deeper submission of the other party. In case of the second, the repetition of the same behaviour causes an escalation of tension. Take for instance boasting, when cultural form of one’s behaviour causes ever larger boasting of the competing group. In case of symmetrical schismogenesis the parties are equal, equipollent. However, they compete like in sports and are engaged in warfare (also in arms race of the states). The complementary relations are characterised by inequality of parties (senior-child; speaker-audience) (Bateson 1958: 176-177). In case of activating both forms of schismogenesis, the intra-system conflict will aggravate and the possibility of unexpected disintegration of system (community, institution) increases substantially.

3. Corruption in Western and Russian legal cultures

The notion of corruption is inextricably linked to legal culture, whereby relatively stable legally oriented patterns of behavioural manners and attitudes are determined. Legal culture is to be discerned in narrow (professionals) and broad meaning (population). Elements, identifying legal culture range from legal texts (e.g. criminal codes), facts, describing institutions (e.g. rules of appointing judges and of acting of judges, legal infrastructure, build-up and functioning of criminal justice system) to formally non-codified specificities of activity (e.g. unwritten laws, police morals, scope of discretionary right of officers in criminal justice system) and to punitive stances (e.g. attitude to severity of punishments). “Like culture itself, legal culture is about who we are not just what we do” (Nelken 2004: 1).

By the internationally accepted definition corruption means misconduct, violation of norms, when one uses his or her power position for getting personal gain on account of public benefit (Transparency International 2019b). The major problem

² Concept ‘schismogenesis’ is derived from Greek (σχίσμα *skhisma*, schism, distribution into opposing factions and (γένεσις *genesis*) be born or produced, creation, a coming into being).

in the Western political culture is related to the abuse of power in self-interest and devastating impact of this in different fields. The dominating attitude in the Western world and legal culture is considering corruption as a collateral negative phenomenon of power malpractice, impeding human development and factor derogating the legitimacy of governing. The higher levels of corruption reduce GNP growth rates and produce income inequality on a large scale (Lipset and Lenz 2000: 114–115).

Misuse of power is a danger to state security, causing unequal treatment of people, damaging competition and blocking economic development (Treisman 2000: 431–432). Corruption erodes democracy, diminishing people's equal opportunities to affect the collective decision-making in common interest, their equality before public institutions and efficiency of public activity. Residents lose trust whether the decision-making taking place in the state is justified and related to public interest. Corruption decreases the legitimacy of political and institutional system and erodes a mechanism of checks and balances.

Corruption, i.e. abusing power for self-interest is a grave and despicable transgression according to Western understandings, which is combated tooth and nail, not only seemingly. Robert Klitgaard has claimed that corruption relies on the monopolist right of making decisions, on unlimited discretionary power and absence of accountability of decision-makers (monopoly + discretion – accountability) (Klitgaard 1988: 75). This (universal) formula provides clear guidelines to minimize and control corruption: monopoly must be restricted together with discretion of the decision-makers, whose accountability must be enhanced. For the best governing practice the maximum transparency of power mechanisms operating in the society (state) must be introduced.

Monopoly means in the Russian context a large power distance in the conditions of rigid power vertical, as opposed to Western small power distance and principle of division of power (Hofstede 2001). Western contemporary power practice is characterised by institutional loyalty, which means shared loyalty from top manager to a simple member. Loyalty to institution is there significantly more important than personal loyalty (Souryal 2011: 301–322). The Russian loyalty type finds expression in subjects' personal loyalty to superiors. Such a model of personal loyalty was and has spread in hierarchies of Russian everyday life from the highest to the lowest levels. Similar order reigned also in traditional village community, where every member of family had his or her fixed position.

The will of the head of the family was decisive and the base structure of authoritarian attitudes related thereto forced all family members into certain rigid frames, impeding the development of individuality through strict role expectations.

Discretion means in the Russian context free decision-making higher up, for superiors and obligation of subservience below, for subjects. The relations are always depending on somebody's position in hierarchy and are not on parity. Dependants make favours to superiors, servants to masters, stooges to bosses, showing thereby their loyalty and getting in exchange the care, protection i.e. 'the roof' (*крыша* – *kryša*). Like a house without the roof, nobody can manage without protection proceeding from above. The protection in the supreme meaning extends through

belief ‘in the good ruler’, ‘to celestial powers’, wherefore the subservient person would always receive more than he or she could never give in return to above.

Visible and invisible as two operating poles appear jointly in the Russian world view and law enforcement. This is so both in the abstract meaning, under which man cannot understand God’s acts and thoughts, as well as in direct concealment of control mechanism. We are dealing here with the principle of religious background, where the information of subjects and rulers about things of the world is constantly quite different to the disfavour of the first. Accountability means in the Russian context the unilateral obligation of subjects to be understandable and predictable in front of superiors by behaviour. The power is for the subjects, in particular its top, figuratively speaking as the sun, where you must not look for fear of blindness. The order of the ruler is like the lightning, which always strikes the subjects unexpectedly, sometimes painfully but always rightfully.

Lack of transparency is traditionally in Russia the power enforcement mechanism, under which the power wielding potentate reads the minds of subordinates while never letting them read his or her mind (Canetti 1980: 343–350). Information is collected and used for human beings as a certain skill of ruling. This is a main principle that directly opposes the maximizing of transparency of Western power mechanism. The absence of transparency of ruling adds to power mystery, secrecy is specifically applied in the name of efficiency. The fact that all doings are constantly supervised by the ruler’s secret eye and listened to by secret ear belongs in the clientelist meaning among obligations of a strong state and good ruler.

The potentate always wants to see as precisely and in as great detail as possible what his subjects are doing, among others the local superiors authorised by him. Stalin has been credited for saying: “Trust, but check out” (Доверяй, но проверяй – *Doverjaj, no proverjaj*), well reflecting that attitude. The concealed control over the whole society was exercised in the Soviet Union in the first place through special services, whose networks reached everywhere. Sycophancy and slander can happen everywhere, but it has been considered only in some cultural traditions as virtue and a usable ruling method. Informing on others was presented as the true example of loyalty, because the power had trusted him or her the secrets of operation.

4. Contractual relations and political clientelism

The Western social basic relationship is characterised by an ever deepening belief, evolved during long history, in legal agreements and contracts as an efficient mechanism of establishing social evolution and dispute-resolution. According to the rule of law principle, general valid legal rules are formulated, which are precisely fixed and public and obligatory for all community members, independent of the position, up to the highest dignitaries of power. The prerequisite of such relations is equality of parties and volunteered obligations. Legal norms are treated in that tradition as concrete agreements made between different people (private law) or agreements between the state and citizens (public law) or between states (international law), the

obligations assumed are thereby binding. Parties to agreement are equal partners, complying with assumed obligations to the precisely defined extent – no less and no more.

The alternative base model of relationships is named (political) clientelism, which is contrasted to contractual relations and a marketbased exchange model (Piattoni 2001, Hopkin 2006, Kitscheit and Wilkinson 2007). In case of clientelism there is no exchange of values and goods regulated legally like in supermarket; relationships are created by asserting reciprocal standing loyalty (Durkheim and Mauss 1971). In that relationship one party submits itself fully under the other's subservience, making gifts to achieve a favour as a counter-gift. Making gifts, acceptance, essentially confirm reliable connections, and loss of confidence erodes them or terminates them (Mauss 2000). In case of clientelist relationships its essence is not changed by the external contractual form, where one's perpetual subjugation is confirmed. The contractual relation is not such, because the unequal contracts, among others those made under duress, where reciprocally assumed obligations and rights are not in balance, are invalid in Western understanding.

Political clientelism is strongly related to collectiveness, with the background of discriminating social relations, such as heritage, ethnic origin etc. Intra-group relations, i.e. 'us relations' are significantly more appreciated than extra-group, i.e. 'us-they' relations. All people who have the common basis of religion, belong to the world community, to the ecumenic umma, affiliation to which differentiated "the owns from strange ones" (Gellner 1994). The Russian world community can be named *соборность* – *sobornost'* or the *русский мир* – *ruskij mir*³ (Pipes 1993: 17). *Sobornost* means unity of people, bondage due to common (orthodox) belief, cultural background, mission, goal (Saizew 1998: 44–47).

In case of paternalist type of society (state), for instance in Russia, their 'own people' are always stratified into masters, bosses and subjects, subordinates regardless of official ideology and rhetoric always stressing equality (before God). Clientelist relations are unequal, power deriving from a tribal leader, clan chief, ruler of the state, situated outside norms and laws established for human beings. Russian tsars have over centuries enjoyed absolute power; the subjects, seeing in tsars the instrument of performance of God's will, fulfilled their orders willingly; tsars used, commanded the Russian population and the state's wealth as private property. The ruler of this type could "start implementing in the morning whatever he dreamed about at night" (Walker 1968: 80). Descending stage-wise lower in the power hierarchy, the godly share of subjects decreases, and their obligations as human beings increase.

Clientelism as the originally ancient universal base relation is underpinned by religious metaphors and analogies, by the principle of 'self-sacrifice', which could be better worded by the expression 'subjugate oneself to someone' and 'take someone in subjugation'. The respective type of state is the paternalist service state, when everybody is serving the tsar.

³ *Mir* (*мир*) was organisation of Russian traditional village communal life, but it also means in Russian the world and the state of peace.

For instance, entering the service of the Russian tsar did not mean making an agreement of employment with him, but instead one belonged thereafter fully to that ruler. One transferred to the ruler the religious feelings, service (*служба* – *služba*) to the tsar became serving God (*служение Богу* – *služenie Bogu*). Because the tsar was a ‘close relative to God’, one found oneself also in good relations with all celestial powers.

In case of clientelist relations, one should not dismiss the relatively modest role of legal norms as compared to contractual relations. Legal norms are among many other frame conditions restricting behaviour by clientelism, of which more important are unwritten, non-formal rules, rules of obligations (*понятия* – *poņtatija*), operating together with a fixed position of the individual in the community. For instance, in Russian traditional village communities there was lynch law (*самосуд* – *samosud*) used on evil-doers (*злодей* – *złodej*), for instance a horse-thief, which had its brutal logic and principles. Lynch law carried out by community members was supposed to guarantee the sustainability of community and the social organisation in the given form (Frierson 1987).

In the Russian business tradition, unlike in Western tradition, there is no concept of a corporate person, who would be fully independent in his decisions within the limits of his competence and liable for his operations as only a corporate person. If there is no independence of private property, there cannot be real corporate persons, because all belongs to God, represented by the ruler and the state. Corporate persons are a fiction in contemporary Russia too, because the individuals having formed them ‘belong’ to the ruler and are as natural persons continually subject to him. So their property is not fully separated from the state property, the right of disposition and use is the privilege of the ruler. Formal representation of corporate persons, its actual absence also causes the fact that Russian private owners are not owners in the Western sense. In today’s Russia there is a widespread bitter joke, according to which the local large businessmen (oligarchs) are not billionaires, they just hold the office, i.e. they are in service as billionaires (Zygar’ 2016: 399).

5. Corruptive practices in Russia

For better understanding of the cultural essence of corruption, that phenomenon needs to be considered within the context of basic societal relations. For instance, the situation when one uses his or her power position for getting personal gain at the expense of public benefit may mean in a legal culture of one type, that personal gain, helping consolidate one’s power position, is somehow a fair and inescapable precondition for securing social stability and organisation. It is the stability and preservation of the status quo that used to be the highly valued arguments in traditional (agrarian) societies, not the economic and social progress, which gained priority in the Western industrial societies (Gellner 2008: 19–37). The fundamental change of such scope presupposed the existence of quite different value frameworks in all societal relations.

Petty, lower-level corruption⁴ is traditionally widespread in the Russian power discourse and governing practice. The Russian state has over centuries complemented the highly centralised ruling and rigid power vertical with so-called foodstuffs system (*кормление – kormlenie*). Under this system every local superior was expected to be sustained from local resources, by exploiting his subject human beings, so that he would not need the sustenance from ruler or state. As late as in the 19th century it was still expected of Russian officials not to live off their meagre wages, but they had to provide additional income by accessory activities and taking bribes, although such practice was officially illegal (Lovell et al. 2000). The use of official position by superiors in their private interest had to be kept within confines, not specified by law, but by ‘good manners’.

The fundamental base for this kind of corruption as a phenomenon is that getting personal benefits through the use of one’s official position has always been considered as a normal everyday practice in Russia. Ever since the days of the Golden Horde, there has been the tradition, which gave some Russian princes an authorization letter, the warrant (*jarlyk*) to collect tribute (*jasak*⁵) in the name of the Mongol khan. The prominence of Moscow Principality (Muscovy) among all other principalities is related to the monopoly to collect taxes granted by the Golden Horde rulers (Vernadsky 1970: 344–358). By collecting taxes for the central power, one also obtained the right to exploit the subjects for their own benefit.

In the present day the afore-described power tradition is understandably revealed in novel forms, but it is still discernible. The exorbitant self-profit or exceeding so-called allowable level when taking a bribe is the imaginary line, when such kind of self-profit becomes a negatively assessed phenomenon. If the clientelist legal culture knows corrupt persons, they are defined as ‘persons, who went beyond the limits or reached a hand into a wrong pocket’ or erred against the rule, under which ‘do not bite the feeding hand’. That phenomenon is not unequivocally negatively judged by superiors, and frowned upon are those who do not know the limit; however, reasonable ‘skimming of the milk’ is not a sin and is a routine. Abuse of power (corruption) as a crime finds therefore in the Russian tradition the consideration in the first place in a specific meaning – corruption means causing direct damage to the state by decisions or irresponsible embezzlement of public funds, if that was done without coordination with one’s superiors.

In current Russia the domestic and especially foreign entrepreneurs are faced with not only extortion of criminals (racketeering) (Galeotti 2018: 163), but also with systematic abuse of power by officials. The regular bribes are often needed in any business. Taxation of foreign companies by officials is reminiscent of the understanding of Muslims about the so-called poll tax (capitation), which other religionists pay to the Muslims for the right to practice their creed. Businessmen, who are scornfully called traders (*купцы – купцы*) are seen as robbers of Mother Russia and the bribe is like a sort of non-formal measure, directed against those, who

⁴ For classifying the forms of corruption we use the post-communist corruption typology presented by Rasma Karklins (Karklins 2002, 2005).

⁵ The mongol word *yasa* (*yasak, jasak*) means ‘order’ or ‘decree’.

exploit the wealth belonging to all for self-profit. Corruption unites continually their 'own people', operating as the mechanism of alternative and just redistribution of wealth after the principle 'you have now already got your fill'.

In the economic competition one can rely on the so-called administrative resources (Wilson 2005: 73–88), which means that some entrepreneurs can use to bolster his or her income, the state apparatus, the court and law enforcement institutions. Some entrepreneurs are attracted by benefits (for instance the state procurements), the others are persecuted by law enforcement institutions (*компетентные органы* – *kompetentnye organy*). In Russia, it is still the most productive business idea to connect its economic activity with budgetary cash flows. But it needs good connections on the higher level, the larger the scale of business one is dealing with, up to the highest approval (*добро* – *dobro*). The bonus is expressed in huge wealth, which (Kremlin's) loyalists acquire. The side of sanctions due to lack of roof will be realised through the harsh and violent activity of law enforcement bodies.

The main subjects performing the power in Russia are the groups standing behind persons, who represent the so-called institutionalized corruption. As in all collectivist countries, the state power is accompanied by the right, written and unwritten, concomitant benefits, distributed with relatives and clan companions. Thus the criminal subculture and the broad society blend together, the clear normative boundaries between them get obfuscated, even lost (Galeotti 2018: 246–264). In the Western meaning the corruptive behaviour guarantees a position in the society's informal structure and without that it is not possible to own and keep the public power. *Блат* – *blat* meant originally in Russian criminal subculture the distribution of non-formal benefits, privileges among 'one's own'. Thence the term *блатной* – *blatnoj*, thug, a professional criminal, related to common cash collected by organised criminals (*общак* – *obščjak*). By today that concept has permeated the whole Russian society, and therefore it is very difficult to determine in such cultural context what institutionalized corruption could mean as a phenomenon.

It is evident that corruption feeds on the same value source, special family relations, the so-called amoral familism according to a simple rule: maximize the material, short-run advantage of the family; assume that all others will do likewise (Banfield 1958: 85–104). Amoral familism opposes the general rules of market regulation and public interests in the democratic society. Besides that, the corruptive network, extending from border guard, customs officer to the highest dignitary forms an integral functioning social power and 'food chain'. The external and internal similarity of Russian corruptive networks in the manner of operation of Eastern clans is significant; the institutionalized corruption cements the power relationships. Hence there are preserved in Russia the society's organisation and traditions, through institutionalized corruption, which is an unequivocally negative occurrence after the Western understanding.

We are dealing here with clan-based organization, patronage networks, operating under rules formally unregulated or regulated by secret laws, for which there is a long-standing tradition in Russia. The Russian political system has always been a clan-based oligarchy with a figure-head tsar (party chairman) (Keenan 1986).

Established as a historical tradition in Russia is the power structure, consolidating the functions of police, military and security service, which carries additionally a strong identity of cohesive religious community. Tsar Ivan the Terrible had in the Middle Ages linked vows, rules and dress of a monastic order (Billington 1970: 69). Their main task for a newly established power structure (*опричнина – opričnina*) was to be a personally loyal bodyguard to the tsar and to execute strong punishments for all his enemies.

Conspicuously outstanding in Russia is consistency in special services through several generations, independent of what name the said power structures or bodies are currently bearing. The intra-clan relations in traditional societies adjust themselves in the same models. All belonging to the inner circle are bound by *omertà*, a code of silence and secrecy that forbids members from betraying their 'brothers' to authorities or rival gangs. That institutions could be, from the very beginning and upon necessity, awe-inspiring, violent, and unsparing – but in its deepest essence – on opinion of the lot of people – 'standing up for what is just'.

The World Bank scholars have coined the term 'state capture' which is defined as "the illicit provision of private gains to public officials via informal, non-transparent, and highly preferential channels of access ... In all its forms, state capture tends to subvert, or even replace, legitimate and transparent channels of political influence and interest intermediation, reducing the access of competing groups and interests to state officials" (World Bank 2000: 3). Capturing the state by corruptive networks tends to happen in Russia by and large due to the weakness of the rule of law in that country, due to underestimation of law as a thing having its own proper value.

That can aptly be described by the term of legal nihilism (*правовой нигилизм – pravovoj nigilizm*) (Mälksoo 2015: 316-317). In the frame of the rule of law, the individual must be protected not only against the overbearing attitude of communities, but also against arbitrariness of the ruler (state). The state of Russia does not do that, with the so-called dictatorship of laws (*диктатура законов – diktatura zakonov*) prevailing that is not the same as the rule of law. The formal norms officially written into laws may be so strict that they cannot be fulfilled in their entirety, and the punishments so harsh that one cannot ever recover from them. But the laws may not be abided by all people in the same way, because they can be construed widely differently. When there is a clause in the law, allowing the official to make exceptions in concrete cases, the main activity focuses on giving exceptions. When all violate the law, but people are punished optionally, a practice of selective justice, actually injustice, emerges.

President Putin, speaking when prime minister to his former KGB colleagues said: "The group of FSB operatives, who were sent undercover to work in Russian Federation government, is successfully fulfilling their task" (via Lucas 2008: 32). In fact, such public statement may bring to Putin in the future the accusation in nepotism or even a conspiracy, because according to the Western legal understanding it is the matter of plot in the given case. The people, who know little about the governing tradition and its peculiarities in Russia, may have considered that saying just a platitude or empty boasting. This is not the case and today we see that the

task of taking over of the state structures is fulfilled and special services (*силовые структуры* – *silovye struktury*) have by now become true masters of Russian society, who have been also called ‘new nobility’ (Soldatov and Borogan 2011).

6. Conclusions

In manifestation and evaluation of corruptive practices there must be an indicator, which demonstrates the society’s position on value axis. Many behavioural manners, defined in the Western understanding as corruption, belong integrally to Russian power tradition and manner of ruling. Corruption is estimated not as an unequivocally damaging and illegal manner of conduct, but proceeding from quite other criteria. Implementation of political power and corruptive behaviour become at some moment indistinguishable, as seen from the Western viewpoint. It is the matter of specificities of power relations and ruling, which belong inextricably to traditional concepts of that country and those specificities seem illegal (as corruption) only for the Western world.

There is no society totally lacking corruption. Corruptive conduct and reacting to it also fixes the forms and levels of corruption as a type of crime, considered optimal, falling below optimal or shooting over optimal, from one cultural environment to the other. Through corruption one can see how the process of creation and recreation of social-cultural orderliness in various societies take place. Corruptive practice in the Western world is evidently more of schismogenetic potential, while corruption in Russia has obviously autopoietic potential too.

Combating corruption means fighting for basic Western value principles, for Western ideal model of state governing. With political clientelism as in Russia’s case, the potential corrupt person will himself determine what should be understood under corruption. This is a vicious circle (*circulus vitiosus*), when the measures of fighting corruption, which would decrease power monopoly, would limit the discretion of rulers, superiors and would increase transparency of power mechanism, mean in Russian conditions the attempt to drastically remake the chart of performing power, i.e. to make it as is usual in the West.

To sum, up we assert that corruption cannot be treated abstractly or simply as one type of crime, where the cultural specificities are irrelevant and can be ignored. When comparing the frequency of corruption in Russia and the states belonging to the Western world, enormous differences are evident. Viewed from the Western side, the Russian everyday life is permeated with corruption, accepted as a regular aspect of life. We arrive at the same result, using the methods elaborated by Transparency International, where Russia’s position under CPI is at the end part of the ranking. In 2018 Russia held the 138th place among 180 countries. The top of the ranking consists almost exclusively of countries of the Western world (Transparency International 2019a).

Actually, such ranking shows just the fact that the value bases operating in Russia are substantially different from the Western ones. The international criteria

of assessment of corruption have been put in place by the West and they reflect directly the Western base values. The hope to reach a situation where corruption is not perceptible can be realised only in the countries embarked on the Western way of development. For the other countries, improvement of the position would call for cardinal changes in general value attitudes and social norms. Russia is just different from the Western world and that's the end of it, and the desire to bring corruption in Russia to the same low level as in the Western states is not realistic. That would only be possible if the Russian rulers and people would be willing to effect the real 'Westernisation' of Russia.

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Address:

Jüri Saar

Institute of Criminal Law

Faculty of Law

University of Tartu

Sõpruse pst 222-15

13412 Tallinn, Estonia

E-mail: juri.saar@ut.ee

Tel.: +372 5277673

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