

GENESIS OF RUSSIAN CORRUPTION: HISTORIC BEHAVIORAL PATTERNS OF CORRUPTION CRIMINALS

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Abstract

Corruption in the public sector, as well as private greed, is still a universal problem. Corruption in all its various manifestations over the centuries and cultures has shaped social relations and state structures. Corruption exists in any legal system, but the degree of corruption in a particular jurisdiction depends on specific features of the social and legal system of the country concerned. Many researchers suggest that the phenomenon of corruption cannot be studied without taking into account the country's social environment, its culture and traditions, and its history.

All these factors profoundly affect the mentality of people and make a significant contribution to the development of corruption patterns in human behaviour. Some studies show that collectivist societies and societies with an agrarian mentality are much more susceptible to corruption than societies with a nomadic mentality, where individualism prevails. Also, the results of some studies indicate that common law countries are less corrupt than civil law countries. In Russia, the fight against corruption dates back to the Middle Ages, but it still exists and is quite resilient.

In order to better understand how the corruption mentality developed in Russia and how to solve this problem, it is necessary to study the genesis of corruption in the country and the most important factors influencing its development. In this article, the authors aim to explore how the corruption mentality of the Russians has developed over the centuries, what historical and cultural factors influenced their current "legal nihilism", and which historical periods in the development of the country to a greater extent contributed to the creation of patronizing networks that still look strong. The authors also make recommendations on scientific approaches to the study of behavioural patterns of corrupt officials based on international experience.

The objective of this study will be achieved by performing the following tasks:

- To study the evolution of social and moral traditions in Russian society that contributed to the development of a corrupt mentality;
- The study of international experience in the analysis of patterns of corrupt behaviour and the impact of social and legal systems of countries on their development;
- Apply the results of international studies to modern patterns of corrupt behaviour of Russian citizens and identify objective and subjective factors that influenced such behaviour;
- Develop recommendations for combating corruption in Russia by eliminating specific social and moral dilemmas.

The methodological basis of the study consists of such general scientific methods as dialectic and systemic research methods, analysis, synthesis, induction, deduction, analogy, and others, and such specific scientific methods such as historical and legal research, comparative legal research, formal law, structural-functional and statistical methods. The study is based on the results of research conducted by Russian and foreign lawyers and sociologists, as well as economists and political scientists of the relevant research topic.

The results of the study can be used to determine the optimal objectives and tasks of combating corrupt behaviour in the Russian society, law enforcement and scientific activities, as well as for educational purposes, in particular for lectures and seminars on Russian criminal law and criminology and criminal law and criminology in foreign countries.

Keywords: criminal law, criminology, identity of corrupt criminal, behavioural patterns of corrupt criminal, social environment, traditions, morality, law.

1 INTRODUCTION

Corruption in the public sector, as well as private greed, continues to be a universal problem. Corruption in all its diverse manifestations shapes social relations and government structures through centuries and cultures. As Judith Shklar, a professor of political science at Harvard University, noted, wherever an elite appears, concerned only about their interests, there is a need to "guard the guardians" against this form of original sin.[1] Benjamin Franklin shrewdly observed that "[t]here is no kind of dishonesty into which otherwise good people more easily and frequently fall than that of defrauding the government." [2] Since the hierarchy of the ruler and the ruled began to form in society, the practice of weakening the moral standards and virtues existing in such a society began to form and grow. While the negative impact of corruption on the economic growth and development of states is universally recognised, it remains unclear why some states are corrupt, while others are law-abiding. Many studies put forward cultural norms in society as an explanation. As the former Polish Foreign Minister Radoslaw Sikorski noted: "The influence of religion and traditions should not be underestimated. Many believe that it is only needed to create the necessary institutions [for the successful development of democracy], but the institutions will work only when they are managed by ethical people." [3]

Corruption exists in any legal system, but the degree of corruption in a particular jurisdiction depends on certain features of the social and legal system of the country concerned. Indeed, corruption as a phenomenon cannot be considered in isolation from public consciousness, from its formation under certain social conditions and dynamics of change. M. Reshetnikov writes that "without psychologically sound approaches here [in the field of combating corruption] hardly anything can be done because corruption is a legal and economic problem only in its consequences, but originally it is purely psychological and universal." Reproduction of corruption is due to both objective and subjective reasons. Subjective reasons include the traditions of corruption relations that have developed in society, which have penetrated deeply and have already become part of the cultural code, when society, formally condemning corruption, reproduces obvious corruption behaviour on a personal level. "Social connections in corrupt systems are realised as private interactions, friendly or kindred circle." In this regard, the study of the environment in which the identity of a corrupt person is shaped is of particular importance. In order to better understand how to develop the mentality of corruption in Russia and how to solve this problem, it is necessary to examine the genesis of corruption in the country and the most important factors influencing its development.

2 METHODOLOGY

Many researchers suggest that the phenomenon of corruption cannot be studied without taking into account the country's social environment, its culture and traditions, and its history. All these factors profoundly influence the mentality of people and make a significant contribution to the development of corruption patterns in human behaviour. Some studies show that collectivist societies and societies with an agrarian mentality are much more susceptible to corruption than societies with a nomadic mentality, where individualism prevails. Also, the results of some studies indicate that common law countries are less corrupt than civil law countries. The author's task was to analyse these studies and apply the identified patterns to the history of the development of corruption in Russia through the past centuries. Methodological basis of the research comprises such general scientific methods as dialectic and systemic research methods, analysis, synthesis, induction, deduction, analogy and others and such specific scientific methods as historic legal studies, comparative legal studies, and formal legal, structural, functional and statistical methods. The research is based on the results of the studies conducted by Russian and foreign legal and social science scholars, as well as economists and political analysts relevant to the research subject. Use as many sections and subsections as you need (e.g. Introduction, Methodology, Results, Conclusions, etc.) and end the paper with the list of references.

3 RESULTS

3.1 Characteristics of the Legal System, Social Environment and Mentality of the Population, Influencing the Development of Corruption According to Foreign Studies

The corruption consciousness is firmly entrenched in the mentality of many nations. This type of deformation is understood as the tolerance of society towards corruption, the readiness to become a party to corruption relations in such a situation, on the part of a corrupt person. The appropriate readiness of a public authority to enter into corrupt relations corresponds to them and is assessed and perceived by potential participants in a "bilateral" transaction as the norm of relationships, a natural and reasonable rule of conduct. The presence of such distortions, above all, is a socio-psychological determinant of corrupt relations.[4] Professor of Political Science at the University of Maryland, Eric Uslaner, argued that corruption is caused not so much by "bad leaders and weak institutions", but rather by "the culture of society and the distribution of resources". [5] In general, it can be said that a person's public behaviour is determined by laws, morals and traditions. Unwritten norms of behaviour, such as ethics, morality, traditions and regulatory mentality, serve as the basis for the formation of social relations. So far, there are ongoing scholarly debates about the most complete and comprehensive definition of corruption, and one of these discussions is about the choice between a legal definition and a definition based on public opinion. [6] A definition based on public opinion emphasises the fact that corruption should be viewed through the lens of public opinion and standards of conduct, and what is recognised as corrupt behaviour in one society will not always be considered as such in another. Informal rules, namely traditional social norms and deep moral self-awareness, characterising a particular country, can contribute to the emergence of problems.

The degree of admissibility of corruption in different societies varies; it depends on the socio-cultural characteristics of a particular type of society. The difference in the level of corruption is related to the culture, mentality and traditions of a particular country. One of the main causes of corruption is the cultural predisposition of society. Japanese researcher Yoshiyuki Noda divided the way of thinking (mentality) of a person into three types: nomadic, agrarian and third type joins the two previous ones. When characterising the agrarian way of thinking, he explained that when the population is predominantly agrarian, society is formed spontaneously, just as crops naturally grow. It becomes possible and even desirable, to lead a natural life, and to allow all aspects of such a life to develop naturally. In such a society, social norms are not required and, as a result, normative consciousness is not formed. Since its inception, a society of this type is peaceful and orderly, and any conflicts in it are denied because they undermine peace and order. Such conflicts can be suppressed even with the use of force. In such a society, criminal law plays a central role, although situations in which criminal law is not even required appear to be healthier. Noda bases his theory on an obvious comparison of Western legal culture, both of typical nomadic type, and East Asian legal culture (including Japanese and Chinese), of typical agrarian type. [7]

Indeed, the sensitivity of society to cases of corruption or the justification of such cases is associated with the use of a cultural code specific to each society. [8] An increasing amount of research is devoted to attempts to verify and confirm the importance of cultural factors or "values" for the development of corruption empirically. Such studies of the moral or cultural components of society and their connection with corruption are based on earlier publications of economic theory researchers, that corruption is based on motivations, optimising behaviour, values and preferences.[9] Canadian economists of Somali origin Abduvali Ali and Khodan Isse in 2003 investigated the role of ethnicity in the development of corruption and concluded that heavily fragmented society, including those of ethnic fragmentation, are more prone to corruption than homogeneous.[10] Professor at Boston University Nina Mazar and Professor at the University of Toronto Pankaj Aggarwal found a significant impact of the degree of collectivism or individualism inherent in a particular culture on the likelihood of offering bribes to foreign business partners. Moreover, this effect could be mitigated by an individual sense of responsibility for one's actions. Taken together, the results of the above studies suggest that in collectivist societies bribery is maintained due to the low sensitivity of individual responsibility for people's actions.

Studies conducted in African and Latin American countries showed that while in the western capitalist societies persons are usually regarded as separate individuals, led by their interests, in many eastern and southern cultures a person is the totality of social relations and is closely linked with others by the community. These links manifest themselves in such social institutions as the exchange of gifts, the payment of offerings/tributes, and the general need for the redistribution of benefits, which reinforce the broader social obligation of mutual assistance and the imperative requirement of reciprocity. A person cannot refuse a favour, benefit or execution of a request to a member of his family, a neighbour, or a person who has come

from them. [11]

These results were further confirmed by studies conducted in Europe, where anthropologists Anne Pisor and Michael Gurven [12] revealed a negative correlation between how a person identifies himself from a geographic point of view and how much he accepts corrupt behavior while controlling variables such as gender, age, education, family dependence, and faith in God. The stronger the geographical identity of a person (that is, the correlation of oneself with the country as a whole against a particular locality), the less likely it became that he could be subject to corrupt behaviour. It was suggested that participants in corrupt relations take into account how many people (family members, government officials, members of their closest associates) will be affected by their actions. Pisor and Gurven substantiated their findings using evolutionary psychology, according to which the history of natural selection formed in humans the ability to predict the emotions of other people who share their national identity with them.

Religion, as part of the culture, can also form the prerequisites for the development of corruption in society. The norms of morality, which in the history of human civilisation were based on religious teachings, can play a very significant role in the formation of personality. One's position in relation to corruption depends on the conscious observance of moral principles by a person. Each of the major world religions contains the same standards of behaviour, norms of morality and ethics, the perception of good and evil. These moral attitudes deny corruption interactions; consider them a manifestation of evil, sometimes equated with theft. Accordingly, theoretically, a profoundly religious person has a minimal susceptibility to corruption, since he perceives it as a sin. However, research by Transparency and the World Bank have shown that with the close intertwining of church and state power, the most favourable conditions are created for corruption actions on both sides. This situation is typical mainly for the Catholic and Muslim worlds. The impact of corruption on Protestantism and Buddhism is less significant. [13]

In any case, religion has a severe impact on the legal system of the state, an example of which is Islamic law. It is on the basis of religious adherence that societal types are formed in which initially either tradition of unquestioning obedience to the law or traditions or its possible ignoring are present. Culture, religion, mentality (mindset), and morality of society in the aggregate affect the susceptibility of the inhabitants of a state to corrupt behaviour. In the literature, it is customary to single out four of the brightest models of the perception of corruption, each of which is based on the shared experiences of the system of features characteristic of the respective groups of organisations. These models include Asian, African, Latin American and European. [14]

Professor of the University of Seattle Marinilka Barros Kimbro [15] drew a table of correlation between the level of corruption, the legal system of the state and the dominant religion, which shows that the lower level of corruption is characteristic to the countries of the Anglo-Saxon legal system, where the Protestant tradition prevails. Legal systems operating in traditional societies, primarily Islamic, Hindu and Buddhist, which, based on the size of the population they cover, are most prevalent in the modern world, are characterized by the priority of traditions, presented in the form of a particular set of ideas, customs, habits and skilled practical activities handed down from generation to generation. This complex of religion-based value-normative and cultural-institutional patterns and traditions is always determining in specific law-enforcement practice. The same could be said about corruption acts, being committed in business or at the household level, they are, as a rule, integrated into the culture and are not considered reprehensible, are not perceived as a problem. [16]

3.2 The History of Corruption in the Russian Federation

Russia is characterised by perennial bureaucratic traditions, in which bureaucrats served not the people, but the one who was in power, and lived at the expense of offerings, often coercive, from the local population. [17] In pre-revolutionary Russia, corruption was viewed by many, including high-ranking officials, as a necessary way to get means of survival in addition to a very modest official salary. [18] Those Russian tsars, who considered themselves reformers, often tried to stop this practice, but those who spoke in support of stability silently allowed it. The most famous attempts to abolish this system were the reforms of Ivan the Terrible and Peter I, but the practice of mixing public and private interests lasted quite a long time and became one of the most enduring Russian traditions. [19] As American professor David Houston noted, these historical backgrounds led to the formation of a bureaucratic culture "alien to the moral ideals of public service" and the creation of public service "which functioned not to serve the people, but to control and rob them." [20]

In medieval Kievan Rus, the offering of bribes by the population existed only in court, where princely governors, or the princes themselves in the central lands, sat as judges. At the same time, the official

practice was considered to be polyudie (literally – collecting from people) — a detour by the ruler himself or his deputies of the territory under his control in order to collect tribute. A kind of collection code of this kind of tribute, called “Pokon Virny”, was even included in the first set of laws of ancient Russia “Russkaya Pravda” (Russian Truth), which was allegedly composed by Prince Yaroslav the Wise, who ruled in 1015-1054 (Pokon was included in the *Kratkaya Pravda* (Concise Truth), the initial set of rules).

In addition, in the times of Kievan Rus, there was such a form of voluntary offering, designed to express respect for the public servant, as “pochest’ (honour)”. “Pochesti” (offerings from applicants received before the commencement of the case, including for its acceleration) and “pominki (wakes)” (received after its completion) were considered legal. Another category of offerings was associated with the costs of self-management and execution of cases. The custom was also respected to invite officials to drink a glass of wine. It should be noted that all these incomes of officials were taken into account by the authorities in determining the amount of salary: if the official had many cases from which it was possible to “feed”, then he was paid less salary from the treasury, and vice versa. Thus, the practice of “kormleniye ot del” (feeding on cases) has become an integral part of the state management system. Even in the 17th century, for most of the servicemen, the primary source of livelihood was the proceeds from affairs, since their monetary salary was tiny. [21]

The Mongol-Tatar yoke had a significant influence on the formation of a corrupt culture in Ancient Russia. In 1240, long before the formation of a centralised state in Russia, the country was captured by the Mongol-Tatars and became controlled by the Golden Horde (1240 - 1480). The invasion of the Mongol-Tatars, and then the establishment of their yoke over the northeastern and northwestern lands, led to a radical change in the historical path of development of Russia. Democratic veche traditions became the culture of the past, and now the Russian princes had to reckon not with the opinion of the national assembly (veche), but with the opinion of the Golden Horde khans and their governors in the Russian lands - the Baskaks. It depended on their goodwill whether the Russian prince would receive a label (certificate) for his reign or not. For the label prince had to go to Sarai, the capital of the Golden Horde, where it was impossible to go without gifts to the Khan, his relatives and officials. In fact, such gifts were bribes, and this practice was the norm.

The new rulers demanded tribute from the lands under their control and established a two-tier rule, under which the grand princes pledged to collect tribute for the Golden Horde, and for this, they were allowed to keep for themselves an appropriate share. [22] Such a system was sufficiently profitable for the great princes since they could use their position to collect funds from the population for their own needs. This practice was indifferent to the Mongols as long as they received their share of tribute, and the grand princes endowed with their authority demonstrated their loyalty. At the same time, there were no guarantees that the right to collect tribute would remain in the hands of the same grand princes, since the Horde rulers pursued a policy of “divide and rule” and prevented the strengthening of any of the principalities to such an extent that it could enter struggle for political power. [23] The policy pursued by the Mongols created a situation in which the local elite turned out to be accountable only to the higher Horde government, and the population under its control turned out to be the object of exploitation and compulsory taxation from both levels of administration.

Direct purchase of posts and further gains from the tribute levied on the population have been characteristic of the Russian state for two and a half centuries, and could not but affect the perception of a public position as a source of enrichment and the object of sale and the lack of accountability among the ruling circles, who no longer considered themselves accountable to the population they controlled, but submitted only to the Horde khans, with whom it was always possible to “come to an agreement”.

With the consolidation of Moscow's power, which began at the end of the XIII century, a centralised state began to form, which, in turn, required the strengthening and protection of border towns, often attacked by Mongol-Tatar troops. However, due to the vastness of the territories controlled by the prince, alone, he was not able to protect and control them, in connection with which in the XIII - the beginning of the XIV century, the Grand Prince of Moscow began to send his representatives - governors to control the remote areas. Princely governors did not receive any remuneration for their activities, and the local population was obliged to provide them with products and other goods. This practice was borrowed in Byzantium and received the official name “kormlenie” (feeding).

The emergence of kormlenie practices was due to both geographical and economic factors - the vast distances separating the regions from the centre, and the lack of money, which were mainly used for foreign trade. Even if the salaries of the governors were paid, because of the length of the territory, it would never have arrived on time, and sometimes it might not have come at all, as the couriers were often attacked by highwaymen.

This tradition prepared the ground not only for the development of corruption but also for changing the mentality of the Russian people since it rooted the perception of the practice of accepting products and goods by government officials as an integral feature of the Russian government system. During this period, many patrimonial officials of Moscow Russia, sent to various remote lands, turned out to be utterly dependent on *kormlenie*, as the only means of survival.

One of the “corruption” phenomena related mainly to the judicial sphere was the concept of “*posul*” (promise), a term that until the XVI century meant the defendant's fee to the judge; subsequently the *posul* - “presents, extortions, bribes, offerings, bringings”. [24] *Posul* as a perfectly legitimate payment for court costs is mentioned in the *Dvinskaya ustavnaya gramota* (*Dvina Charter*) of 1397-1398.

However, by the XV century, corruption in Russia had become a system. If an official performed some kind of action for an offering, it was called “*mzdoimstvo* (rent-seeking)” and was perceived as a norm, but with the condition that the official should not violate the law. If, however, he was bribed to commit something illegal through his position, this was already related to the “*likhoimstvo* (extortion)” that was ordered to fight.

It should be noted that double standards flourished not only among government officials but also in business circles, for example, among merchants. American historian Thomas Owen [25] describes Moscow merchants and their business ethics in the first half of the XIX century as follows. First, the deception of others was not considered an unethical act. “The deception of strangers < ... > was practically not censured among the traditional merchants.” Moscow merchants “perfected some means of survival and prosperity in trade. ... The official report of 1846 mentions the following illegal methods inherent in all types of commerce in Moscow: deception, fake, false measure and underweight”. [25] However, “there is a significant amount of evidence that, concerning their wholesale suppliers, friends, and fellow believers (for example, the Old Believers), merchants strictly observed the eighth commandment” [25]. Thus, the attitude of Moscow merchants to a particular person depended on whether he belonged to the same community as the merchant himself. In other words, different ethics were used outside the community and within it. “In traditional merchant culture ... the grip of paternalistic domination and religious obscurantism remained firm.”[25] The merchants demonstrated complete loyalty to the king, however, on the other hand, showed deep hostility towards the official state bodies, who oppressively exploited them, using the law as an administrative weapon.

In 1917, the October Revolution gave many hopes for progressive changes. Both the architects of the revolution and many others who accepted it with enthusiasm, believed that the old, “corrupt” policy would go back and a new bright future would come, based on communist ideals, institutions and legislation. In fact, the period from October 1917 to the mid-1930s became the “era of legal nihilism.” It was during this period that the theory of denial of law triumphed in the scientific community, according to which law had to “die off” at the stage of communism.

At the late Soviet period, the so-called “era of stagnation”, clientelism was finally formed in the country, which in the Soviet context meant the abuse of social ties or cronyism (“*blat*”). *Blat* has become a unique Soviet phenomenon, denoting the informal use of influence and favours in order to obtain services, goods or appointments to bypass bureaucratic procedures. [26] It was precisely the Soviet Union that became a formative concept, which continues to influence modern patronage networks in the post-Soviet states. The word “*blat*” was borrowed from the Polish language, where it meant “someone providing an umbrella, shelter” [26], and later became the general term for petty crimes, such as shoplifting.[27] (According to another version the word “*blat*” came from German “*Blatt*” meaning a piece of paper, as people were directed to the necessary person by other person’s paper). In the USSR, to receive something “through cronyism” meant to receive something through illegal channels. Thus, it is possible to clarify this term as “the use of personal influence in order to obtain certain benefits (favours)”. [28]

In general, various ways of circumventing the sluggish Soviet economic system led to the formation of a parallel informal economy, which was not officially recognised, but was accepted by almost everyone. It was precisely the “grey” economy, which allowed the USSR to survive and smoothed out widespread discontent and disagreement among the Soviet citizens. The underground economy has spread so widely that, according to some estimates, about 20 million Soviet citizens were fully or partially taking part in it by the early 1980s.[29] The state turned a blind eye to the development of intimate relations and deals in order to fill the market with goods that could not be provided by the dying out the socialist system. The ability of informal ties and exchanges to maintain and stabilise the society seemed to the leadership of the Soviet country more important than following the letter of the law. With such a system, the shadow economy met consumer requirements, which the state could not guarantee.

Some foreign scholars believe that Soviet political realities combined with popular educational patterns have

given Soviet people psychological severe problems associated with control/dependence, as well as a mental split between the private and the public. Ideally, such a split should be eliminated through full identification of the individual with the state or society. According to the well-known psychologist Jeffrey Klugman, the imperfection of such identification and the excessive guarantee of employment, beginning with the Brezhnev rule, led to the spread of corruption, reduced discipline, and resistance to reform. The Soviet system was supported and maintained driven by the conformist public behaviour of its citizens. It can even be said that public behaviour constituted this system, while behaviour in private life did not weight it.

4 FINDINGS

This brief review allows us to conclude that the critical feature of corruption in Russia in the early period was the absence of a negative attitude towards offerings and bribes. In pre-revolutionary Russia, the peculiarity of the “Russian bribe” was that it was no longer ashamed of, and if anyone was indignant, then he was considered an incorrigible “idealist”. Over the long history of Russia, the need to simultaneously resist external enemies and its rulers, to survive, relying only on family, close friends and neighbours, has developed and strengthened patronage relations.

From century to century, various forms of corruption continue to pervade all aspects of Russian public life, despite any sincere or not quite sincere attempts to overcome it. Honest and ethical public administration employees are considered by the majority of the population as at least naive and sometimes stupid, not “giving support to themselves”. However, sincere the public servant will be just when he stops supporting his close circle. Although there may be opponents of bribery in Russia, strong family and social structures ensure the development of patronage networks. Based on the morally justified idea of supporting members of a “family” or a close social group, such a deeply rooted system of trade of influence leads to the fact that its members do not understand or even realise the situation of conflict of interests.

As noted earlier, informal social ties or cronyism have become the cultural factors of Russian corruption. The predominance of closed social networks, which allowed the life in the system of a planned economy to be somewhat more diverse, contributed to the formation of a kleptocracy and a corrupt bureaucracy. The use of social connections, having emerged as a method of achieving goals, effective within the framework of the communist economy, in the new conditions, with the presence of more “modern” ways of obtaining the desired, turned out to be very tenacious.

Moreover, finally, systemic corruption is barren ground for the development of legal culture. The existence of corruption under the Soviet regime gave rise to what Konstantin Simis, former Soviet lawyer, who later immigrated to the US, called “two separate moral systems”. On the one hand, Soviet citizens trusted their relatives and friends and usually refrained from stealing from them or betraying them.

On the other hand, these same citizens gave bribes to state officials without any moral doubts, although they treated these officials with great distrust. In general, mutual distrust was the dominant factor in these relations - the state did not trust its citizens, and the population did not trust the corrupt state. Thus, it cannot be said that citizens have always been voluntary accomplices in corrupt relations: in fact, Soviet citizens simply had no choice. So if this kind of corrupt system remains in place, it is unlikely that post-Soviet citizens will be more interested in the perception of the norms and values of the rule of law. Civil servants are even less willing to accept a new legal culture since a corrupt system feeds such employees who would otherwise have to live on one salary, which is at a much lower level.

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