Resolving Problems Among Neighbors in Post-Soviet Russia: Uncovering the Law of the Pod’ezd

by Kathryn Hendley

Life in post-Soviet Russia has been a bit of a roller-coaster for average citizens. The stability (zastoi) of the Brezhnev era gave way to a seemingly never-ending series of crises that saw the jobs and savings of many Russians dissipate. Though there have been many studies of the impact of this pervasive instability, the question of how it has affected relations among Russians in their everyday lives has not been fully explored. I pursue this question by examining how Russians interact with those who are physically closest to them, namely those who live in the same apartment building and who share the same entryway (pod’ezd). Reasoning that the essence of relationships emerge through conflict, I focus on the problem-solving strategies employed when one neighbor leaks water into another neighbor’s apartment. By listening to Russians in focus groups and follow-up interviews, three basic strategies emerged: avoidance, self-help, and third-party intervention. Many employed a combination of strategies, especially those who resorted to third parties for assistance.

At first glance, law would seem to have little to do with how problems among neighbors are resolved in Russia. Russians are slow to invoke formal law. Litigation or even threats of litigation are the exception, not the rule. This is hardly unique to Russia. As Black observed in 1984, “[t]he more we study law ..., the more we realize how little people actually use it to handle...
their conflicts.” Other studies have confirmed his thesis. Writing about a personal injury claims between residents in a small Midwestern town in the U.S., Engel argued, “there are times when the invocation of formal law is viewed as an antisocial act and as a contravention of established cultural norms.” As this suggests, what is usually thought of as “law,” namely the statutes and regulations that emanate from the state, is only one source of legal consciousness. Unwritten norms or customs can be equally important, especially in a country like Russia where the legitimacy of the formal legal system has long been questionable.

By focusing on this small corner of everyday life and practice, Russians’ commitment to fundamental fairness in their interactions with neighbors becomes apparent. One of the constant refrains in the focus groups and the interviews was the expectation that, when dealing with neighbors, one would conduct oneself in a civilized manner. Different phrases were used in Russian to convey this, such as po-chelovecheski (civilized) or po-sosedski (neighborly) or poriadoschnyi (upstanding). Although each has a slightly different meaning, they share a commitment to fairness. This appears to contradict the common wisdom that Russians are legal nihilists. But perhaps the two images can be reconciled. Perhaps we have paid too much attention to the superficial indicators of Russians’ attitude to law and have failed to get at deeper legal consciousness. Uncovering the law of the pod’ezd represents an effort to understand Russians’ internal metric of what is right and wrong, which is unquestionably a critical element.

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3 The definition of legal consciousness is highly contentious. For guidance, see Patricia Ewick and Susan Silbey, The Common Place of Law: Stories from Everyday Life (Chicago, 1998), 34-39; Austin Sarat and Thomas R. Kearns, “Beyond the Great Divide: Forms of Legal Scholarship and Everyday Life,” in Austin Sarat and Thomas R. Kearns, eds., Law in Everyday Life (Ann Arbor, 1993), 55-61

4 In all societies, there are, of course, gaps between unwritten customs and written rules. “The distinction of Soviet-type systems, perhaps, was that the former were followed, in fact, with fewer exemptions than were formal rules.” Alena V. Ledeneva, Russia’s Economy of Favours: Blat, Networking and Informal Exchange (Cambridge, 1998), 160.


Interactions between neighbors has proven revelatory of deeper legal consciousness in a number of U.S.-based studies. Building on the well-accepted precept that the propensity to litigation is inversely correlated to relational distance, the studies have generally shown that neighbors who have a friendship or other valued relationship are unlikely to appeal to third parties (including the courts) for assistance. Merry’s study of an urban New England neighborhood showed that those whose problems degenerated into fights tended to involve “neighbors who knew each other by name and were superficially sociable, but rarely had a deep and personal friendship or a great deal of interest in reconciliation or restoration of a preexisting relationship.” As she compares this urban neighborhood to a more affluent suburb, the importance of physical space becomes apparent. Unlike suburbanites, whose lawns and fences can allow them to avoid confronting troublesome neighbors, urban apartment dwellers have more difficult hiding from such neighbors. The economic realities of life for these two groups also played a role in shaping behavior. Her suburban respondents were more likely to have the necessary financial flexibility to move away if their problems with their neighbors grew unbearable. This was not a luxury shared by many of her urban respondents. Her work highlights how the inability to “exit” can exacerbate problems. When unable to exit, her respondents exercised “voice” vociferously, both in their interpersonal relations and by dragging

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11 Ewick and Silbey, *The Common Place of Law*, 204.


13 Engel, “The Oven Bird’s Song,” 40-44; Black, “Social Distance,” 20.

14 Merry, *Getting Justice*, 39.

15 Baumgartner’s ethnography of an affluent New York suburb confirms the tendency of suburbanites to shy away from direct confrontations with neighbors. Her work shows that the spaciousness of the houses facilitates avoidance for family problems as well. She contends that “[i]t is even possible to speak of the suburb as a culture of avoidance.” M.P. Baumgartner, *The Moral Order of a Suburb* (Oxford, 1988), 11.

16 Merry, *Getting Justice*, 39.

their neighbors through the courts. Hirschman’s cautionary note that, “the *effectiveness* of the voice mechanism is strengthened by the possibility of exit” provides some insight into the frustration of Merry’s subjects.

Implicit in Merry’s analysis is a familiar assumption that litigation constitutes a death knell for any relationship. Yngvesson disagrees. Her work shows that litigation can be used strategically by family members or neighbors to reframe their relationships. In her words: “In contrast to Black’s well-known hypothesis, law is not only ‘active’ among intimates but shapes the terms in which intimate relations are played out. Beyond this, intimates repeatedly use law to continue or realign their relationship.” She challenges researchers to extend their time frame for studying relationships, arguing that the twists and turns of relationships cannot be fully appreciated in studies that limit themselves to a short period of time. Her research focusing on a lower class Massachusetts neighborhood is illustrative. She documents the role of the courts in molding relations among families and neighbors. Drawing on conflicts between neighbors, she shows how criminalizing their complaints about each other and bringing in the courts served to reshape the rights of the parties to engage in various activities. The result was not always a fissure between the parties. Sometimes their experiences with the legal system led to new alliances among neighbors. Her finding were analogous with respect to problems among family members. In her work, the courts are not merely a forum for dispute resolution, but become an active participant through their policies on what sorts of complaints to hear.

Engel’s study of a Midwestern community’s reaction to litigation reminds us of the importance of the context. His respondents resented those who pursued personal injury claims, viewing them as taking advantage of an unfortunate situation. The insular nature of the community, i.e., fact that the parties to any lawsuit were likely to know one another and to have to interact in the future, tended to dampen litigation. Indeed, those who brought personal injury claims were more likely to be outsiders. By contrast, far fewer reservations were voiced about

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18 By contrast, a study of U.S. college roommates showed that when exit is possible at a fixed point in the future, the likelihood of litigation dissipated. Robert M. Emerson, “Responding to Roommate Troubles: Reconsidering Informal Dyadic Control,” *Law & Society Review* 42, no. 3 (2008): 483-512.


21 Ibid., 641.

22 Yngvesson found that domestic abuse complaints were not brought with the goal of terminating spousal relationships, but rather to reset the terms of these relationships. Ibid.

23 Ibid., 640-644; Yngvesson, “Making Law at the Doorway.”
contractual claims. Such claims were brought routinely by entrenched businesses against long-time residents. Engels explains:

the philosophy of individualism worked itself out quite differently in the areas of tort and contract. If personal injuries evoked values emphasizing self-sufficiency, contractual breaches evoked values emphasizing rights and remedies. Duties generated by contractual agreement were seen as sacrosanct and vital to the maintenance of the social order. Duties generated by socially imposed obligations to guard against injuring other people were seen as intrusions on existing relationships, as pretexts for forced exchanges, as inappropriate attempts to redistribute wealth, and as limitations on individual freedom. This research clarifies that the extent to which the underlying relationship will be affected by litigation depends in part on the nature of the claim and how it is understood within the broader community.

My work represents the first effort to integrate the Russian experience into the literature on how neighbors resolve problems. Leaks of water from one apartment to another through the ceiling constitute a good prism through which to explore the norms governing neighbors’ relations in Russia and how they play out through problem-solving strategies. The aging nature of the housing infrastructure makes them a relatively frequent occurrence, even when residents are on their best behavior. Even in buildings where the plumbing is in good repair, the local authorities’ practice of cutting off the water supply periodically to buildings and even to entire municipal sectors, both for planned maintenance and for unexpected problems, provides fertile ground for accidents. Not infrequently, a resident will turn on the taps to no avail and will leave them open on the off chance that the water will be turned back on. Forgetting they have done so, they leave to run errands or for a business trip, only to find a sodden disaster in their apartment and annoyed neighbors upon their return. Such carelessness can also occur when the water supply has not been compromised.

The lack of any state-mandated procedure for resolving problems that arise from ceiling leaks adds to its appeal as a focus for research. In contrast to disputes between neighbors over property claims, which require the imprimatur of the court in Russia, neighbors have complete freedom in deciding how to proceed after a ceiling leak. Neighbors can resolve the problem on their own or can call on the state for assistance. Thus, in contrast to the neighborhood-based studies of Merry, Engel, and Yngvesson, which are focused on explaining litigation behavior, I am more interested in understanding how Russian neighbors resolve problems. Emerson’s study of how college roommates in the U.S. respond to problems, with its emphasis on informal

24Engel, “The Oven Bird’s Song,” 50.

25Dyranda Prevost and Natalia Dushkina, Living Places in Russia (Melbourne, 1999), 52, 56.

26For a discussion of this practice in Moscow, see Svetlana Osadchuk, “The Season Of Cold Showers,” Moscow Times, 13 May 2008, 15.
mechanisms of social control is helpful. Like Emerson’s college students, I found that my respondents preferred to resolve their problems with neighbors without outside interference. Understandably, given their extraordinarily close quarters, his undergraduates placed a greater premium on modifying behavior than did the Russian apartment dwellers I studied.

Though the ceiling leaks that plague Russians are less of an issue in the U.S. context, where problems tend to center on dogs, children, and parking spaces, the essence is the same. In both settings, neighbors have to figure out how to live in close proximity during and conflicts. Like the New Englanders Merry and Yngvesson studied, Russians’ living quarters tend to be quite cramped. In addition, like these New Yorkers, few Russians are able to move. During the Soviet period, most housing was allocated through the state or its proxies. Getting a different apartment was a torturous process, requiring either boundless patience (if you were awarded an apartment after waiting for years) or extraordinary craftiness (if you found a way to jump the queue or managed to arrange an exchange of apartments). The privatization of housing in the 1990s gave rise to a real estate market in Russia for the first time in decades. But participating in this markets assumes a financial wherewithal that has eluded the average Russian, as is documented by a national survey conducted in 2007 by the Foundation for Public Opinion in which 57 percent of respondents had been living in the same place for at least 16 years. Indeed, more than a quarter of those surveyed had lived in the same place for their entire lives. Thus, notwithstanding the existence of a housing market, most Russians are not terribly mobile. A minority of Russians have been able to take advantage of the market. In the 2007 survey, 21 percent of respondents had changed their residence within the past five years. 

27 Emerson, “Roommate Troubles.”

28 According to Goskomstat data, the allocation of living space per person in Russia in 2007 was 21.5 square meters. This represents a substantial increase over the 16.5 square meters allocated per person in 1991 when the Soviet Union collapsed. Sem`ia v Rossii 2008 (Moscow, 2008), table 3.38; Sem`ia v Rossii 1996 (Moscow, 1996), table VII-2.


33 Ibid.
means that the population within pod”ezdy is not as stable as during the Soviet era. Whether these new residents buy into the existing behavioral norms of the pod”ezd and whether the existing residents treat their new neighbors differently remains to be seen.

Integrating my study into the existing literature requires a brief reflection on the nature of the relationship among neighbors in Russia. In some ways, determining the place of the typical relationship with neighbors on the spectrum from stranger to acquaintance to friend is more important in Russia than in the U.S. (where the bulk of these studies are based). Most Americans could distinguish between their friends and acquaintances if pressed, but the dividing line would be somewhat murky. For Russians, the difference between an acquaintance (priiatel’ or znakomyi) and a friend (drug) is profound. With friendship comes an almost bottomless trust that stands in contrast to the guardedness exhibited with acquaintances. In the worst days of the Stalinist terror, people were understandably wary of entering into friendships. The memoirs of the period provide untold examples of neighbors betraying neighbors, often with an eye to expanding their living space. Under Brezhnev, friendship circles expanded and brought an expectation that your life would be intertwined with that of your friends. Few considered their neighbors to be friends. Rather, friends tended to be drawn from among one’s schoolmates and relatives. In the post-Soviet era, as Russians have had to spend more time at work, the mark of friendship has become a willingness to devote time to one another and to share personal problems. A 2006 public opinion survey indicates that few Russians have brought their neighbors within this charmed circle of friendship. When asked whether they share their problems with their neighbors, two-thirds of urban residents said they preferred not to. Rural residents were a bit more open to their neighbors; slightly less than half indicated they would do


35The memoir literature, augmented by archival discoveries, has been beautifully synthesized in Orlando Figes, *The Whisperers: Private Life in Stalin’s Russia* (New York, 2007).

36One of Smith’s respondents told him, “You know, we have lived next door to another couple all our lives practically. I have known the wife since childhood and yet I have never told her the honest truth. We have always been friendly. We have known them well. They have come to our apartment and we have been to theirs. But they are different people from us. We could sense that.” *The Russians*, 142.

At the same time, most were acquainted with their neighbors and reported relatively few contentious incidents. All in all, this suggests that relations among neighbors in Russia typically fall into the “acquaintance” category.

When problems arose with their neighbors, including ceiling leaks, my respondents generally felt an obligation to behave *po-chelovecheski*. Exactly what this meant in practice varied, depending not only on the underlying relationship with the neighbor in question and the willingness to risk undermining it, but also on factors such as circumstances surrounding the incident, the damage caused, the familiarity of those victimized with their options (including their prior experience with the formal legal system), and the personalities of key players. As I worked through the many examples of ceiling leaks provided by my respondents, three overarching categories emerged. Some adopted an *avoidance* strategy, preferring to refrain from, or limit, any direct confrontation, even if this meant that they had to absorb the cost of damages themselves. Though the socio-legal literature tends to equate avoidance with conciliatory motives, my respondents use of an avoidance strategy was laced with considerable resentment. Their anger over the denouement of their ceiling leaks was more palpable than those who had found themselves in extended litigation. A second strategy employed by my respondents was *self-help*. Like avoidance, self-help eschews the state. But in contrast to avoidance, self-help assumes the active involvement of the two parties to the ceiling leak in seeking a resolution. The bilateral negotiations can give rise to a variety of outcomes, ranging from simple forgiveness to having the party who caused the leak undertake the repairs personally or pay others to make the necessary repairs. But they tend to leave both sides relatively satisfied. The third strategy in evidence among my respondents was *third-party intervention*. As to ceiling leaks, the key third parties are the housing authorities and the courts. I use the word

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38Irina Shmerpina, “Sosedi po domu,” 18 May 18 2006, available at [http://bd.fom.ru/report/map/projects/dominant/dom0619/dd061925](http://bd.fom.ru/report/map/projects/dominant/dom0619/dd061925) (last consulted 15 September 2009). These findings were echoed in several interviews. In Shumerlia, Simon said, “In the countryside it is easier to rub shoulders with your neighbors. In the city, neighbors don’t know each other.” The names of the respondents have been changed to protect their anonymity. All translations are by the author.


42These authorities go by a number of different names depending on the ownership structure of the building. They are most commonly referred to as the ZhKU (Zhilishchno-Kommunal’yne Uslugi or
“intervention” rather than “enforcement” deliberately because often the involvement of the third party was simply to provide a neutral assessment of damages that would allow the parties to resolve the problem themselves. But the category does encompass litigation, which brings with it the power of the state to enforce the court’s decision. It is tempting to impute a linear directionality to these three categories. Though it is possible that as one’s frustration grows, avoidance will lead to self-help which, in turn, will lead to third party intervention, there is no inexorable logic to the process. As will become apparent, many respondents’ needs were satisfied by a single strategy.

Before delving into a more detailed discussion of these three strategies and the motivation for employing them, I provide some background on the research methodology and the respondents. I then lay out the informal norms that underlie the respondents’ behavior, i.e., what it means to behave po-chelovecheski. The discussion of the three strategies is followed by a reflection on what this case study of ceiling leaks reveals about contemporary Russian legal consciousness.

Methodology

This study of how Russians deal with problems arising from ceiling leaks is part of a larger project aimed at understanding the role of law in contemporary Russian society. The larger project grew out of a data-driven puzzle. Though the public opinion polls consistently

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Housing-Communal Services). They are a vestige of the Soviet past when almost all housing was owned by the state. Although much of the Russian housing stock has now been privatized, these ZhKU persist. Whether they act in the name of the state again depends on whether the building has been privatized. They are expected to maintain the buildings and to ensure a steady supply of energy and water. They are often viewed as remote and uninterested in residents’ problems.

Home insurance is relatively rare in Russia. A 2006 survey revealed that only 13 percent of the respondents had opted for homeowners insurance. It is not regarded as essential. To that end, the possibility of drawing in an insurance company when flooded was mentioned only by Fedor, a 61-year old Muscovite who had been displaced as the general director of the factory where he had worked for decades. He had never been flooded, but insisted that if he were, he would not confront his neighbor, but would leave the problem to his insurance company. Despite his general grumpiness about how life had treated him, he was sure that the insurance company would treat him fairly. For the survey results, see “Rossiiane na rynke uslug strakhovaniia,” available at http://bd.fom.ru/report/map/dd062526 (last consulted 19 September 2009).

Most of the literature analyzing problem-solving among neighbors is focused on understanding and predicting litigation. E.g., Merry, Getting Justice; Engel, “The Oven Bird’s Song;” Yngvesson, “Making Law at the Doorway,” 54-90. My study takes a broader approach.

See Emerson, “Roommate Troubles,” 508.
According to national surveys fielded by the Levada Center from 2001 through 2007, only about 13-17 percent of Russians fully trusted the courts. This discrepancy suggested to me that the opinion polls were not fully capturing Russians’ attitudes toward law and legal institutions. In order to get a deeper sense of Russian legal consciousness, I wanted to listen to how they talk about law when able to express themselves more freely than in closed-end survey questions. More importantly, I wanted to learn more about their problem-solving strategies and the extent to which they see law as relevant. To that end, I convened a series of 29 focus groups during the summers of 2007 (Moscow and Saratov) and 2008 (Tomsk, Shumerlia, and Kushchevskaya). The selection of these locations for the research was designed to provide a contrast, as Table 1 documents. Each focus group included 6 to 12 individuals. The focus groups were primarily devoted to discussions of either home repair projects or accidents. Both topics were broad enough to encompass ceiling leaks, though this problem was not central to the discussions.

In addition, I carried out follow-up interviews with 79 of the focus group participants with the goal of probing more deeply into their attitudes towards law and their motivations for using and/or avoiding the legal system. The conversations ranged from one to two hours and were recorded. It was during these interviews that I was able to pursue the theme of dealing with ceiling leaks more systematically.

The 29 focus groups and 79 interviews serve as the source material for this article. (See Table 2 for background information on the respondents referenced in the article.) In organizing

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46 According to national surveys fielded by the Levada Center from 2001 through 2007, only about 13-17 percent of Russians fully trusted the courts. Available at http://www.levada.ru/press/2007040901.html (last consulted 16 September 2009).

47 Between 2001 and 2007, the number of civil (non-criminal) cases decided by the Russian courts of general jurisdiction increased by 80 percent. See “Rassmotrenie del sudami obshei iurisdiktsii po 1 instantsii za 1996-2007 g.g.” Available at http://www.cdep.ru/statistics.asp?search_frm_auto=1&dept_id=8 (last consulted 16 September 2009).

48 I worked with Polina Kozyreva and Mikhail Kosolapov of the Institute of Sociology in Moscow, which is part of the Russian Academy of Sciences, on the logistical side of the project. Since 1992, they have coordinated the Russian Longitudinal Monitoring Survey (RLMS), a series of nationally representative surveys designed to monitor the effects of Russian reforms on the health and economic welfare of households and individuals in the Russia (http://www.cpc.unc.edu/rlms/). Thanks to this work, Kozyreva and Kosolapov have developed a strong network of social scientists throughout Russia. We worked with their colleagues in each of the focus group sites to organize the focus groups. These local contacts recruited the participants based on the agreed-upon criteria.

49 To accommodate the work schedules of the participants, the discussions took place on weekday evenings and weekends and lasted about 2 hours. They were recorded. It was felt that having an American lead the groups would be unsettling for many and, due to the prevailing anti-Americanism in Russia, could skew the discussion. Thus, the groups were moderated by Elena K. Zobina, a research fellow at the Institute of Sociology, who is experienced in leading focus groups.
both the focus groups and the interviews, the goal was to include a diverse set of Russians. We sought variation in terms of age, gender, educational background, and work experience. Participants were given modest honoraria to compensate them for their time. The fact that these honoraria provided sufficient incentive for them to devote their all-too-rare free time to my research indicated that they were not entirely secure financially. From a practical point of view, it meant that they were unlikely to have the flexibility to move. The combination of focus groups and interviews permitted my respondents to speak at length on a variety of law-related topics. Though these qualitative methods sacrifice the breadth of topics that a survey can cover, they allow for a depth that is not possible in a survey. More to the point, they facilitate greater spontaneity and flexibility in that the questioner can pursue topics that the respondent raises but were initially unanticipated by the questioner. Ceiling leaks was precisely such a topic. When it came up during the first round of focus groups and interviews in Moscow, I realized that it had the potential to elucidate fundamental norms of neighborhood relations, and so I raised it with subsequent respondents. While I make no claims to have created a random sample, the insights and the larger themes that emerge from these conversations give rise to a number of hypotheses that deserve more systematic exploration.

### Dealing With Ceiling Leaks

Over the course of the interviews and focus groups, I gathered details of 70 cases of ceiling leaks in which neighbors were seen as culpable, spread across the 5 locations. Of these, 57 were actual events, of which 46 were reports of events in which the respondent had been involved, either as the perpetrator of the leak (13 or 28 percent) or as the victim (33 or 72 percent). The remaining 11 events had happened to a close friend or relative of the respondent. Among the respondents who had had no personal or second-hand experience as victims of ceiling leaks, 13 talked about what they would do if water leaked into their apartments from their upstairs neighbors.

**Uncovering the Informal Norms that Govern Behavior.** The discussions with the 13 respondents who had had no direct experience of flooding, but who were willing to talk about hypothetical situations provided the purest evidence of the informal norms among neighbors. When talking about how they would have behaved, the respondents had no need to defend their actual behavior. They were, instead, free to expound on the expectations that neighbors had for one another. The consistency of their responses lends credence to the norm’s validity as a societal benchmark.

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50See generally Emerson, “Roommate Troubles,” 488.

51Of the 70 incidents, 14 took place in Moscow, 18 in Saratov, 10 in Shumerlia, 24 in Tomsk, and 4 in Kushchevskaia.

52When conveying the percentage of respondents who fit into various categories throughout the paper, the intent is to provide information about my sample, not to imply that these percentages are representative of the Russian population more generally.
Boris, a security guard from Saratov, captured the sense of the group well, saying: “What should you do? Simply approach [the other person] in a neighborly fashion (po-sosedski) and talk about what happened…” Everyone agreed that talking to one’s upstairs neighbor to find out what happened was the appropriate first step. If it turned out that the neighbor was at fault, the consensus was that the neighbor ought to take responsibility. More specifically, as Rimma, a Tomsk factory worker who, like Boris, lived with her parents on the top floor of her building and so could not be a victim of this sort of leak, put it, “if I were flooded, I would say, excuse me, but you need to pay for the repairs.” This shows that the norm of conciliation is laced with a strong dose of personal responsibility. At the same time, all saw the pursuit of elderly, poor, or incompetent neighbors as wrong. Some characterized such efforts as pointless due to their lack of resources; others felt doing so would be morally wrong. No one was eager to come to blows with the babushki in their buildings.

Emerging from these conversations centering on hypothetical ceiling leaks was an overwhelming preference for the self-help strategy. Irrespective of where they were from, the majority of respondents believed that any problem arising from a ceiling leak could be settled between neighbors, without the need to appeal to outsiders for help. Driving their optimism was their characterization of relations among the neighbors in their pod”ezd as generally friendly (druzhnoe). Most believed that these preexisting good relations would facilitate quick and easy resolutions. As Angelina, a hospital attendant from Shumerlia, told me, “I think it is possible to resolve things po-chelovecheski. Of course, this depends on what sort of neighbors you have. In our building, for example, the neighbors are friendly and so everything would be handled quietly and peacefully.”

But even optimists like Angelina were willing to concede that there might be a few bad apples in any building. If a neighbor who was to blame for a ceiling leak refused to step up, she was prepared to take the matter to the housing authority to establish fault definitively. But she, like the others who were open to bringing in the housing authorities, drew the line at going to court. If the determination of the housing authority failed to spur the neighbor into action, then she would not press her case further. Marina, a Moscow economist, spoke for many when she characterized suing a neighbor as “unacceptable” (nepriniato). Among the 13 respondents who shared their views on hypothetical ceiling leaks, only one was open to litigation in the face of a recalcitrant neighbor. Viktor, a Saratov doctor, was resolute that going to court was “obligatory” if the neighbor refused to pay. He told me that this was a question “not of money, but of principle,” but said that he would drop the claim if he learned that the neighbor was penniless.

Thanks to the respondents’ reflections on how they would respond to a ceiling leak, the contours of what it means to behave po-chelovecheski came into focus. In such circumstances, the victim ought to approach the apparent culprit to find out what happened. Ideally, the two neighbors ought to be able to work out the problem on their own. If that proves impossible, then turning to the housing authority for help in establishing what really happened is acceptable, but going to court is not. The expectation that neighbors ought to compensate one another when damages result from a ceiling leak is tempered by a distaste for pressing neighbors who are down
on their luck. The dedication to fairness is perhaps grounded in the recognition that a person who is the victim of a ceiling leak could easily be a perpetrator at some point in the future.

Avoidance. Embracing this norm sometimes led the respondents to employ an avoidance strategy. Felstiner elaborates on its conceptual underpinnings:

The notion of avoidance is that a party may change his behavior on account of the dispute in such a way that his relationship with the other disputant is, at least temporarily, shrunk or terminated. The dispute, although not settled, is thus no longer a matter which the disputant believes he ought to do something about.\(^{53}\) At its heart, avoidance is non-outcome. The victim takes no overt action. This makes it difficult to study. Much of the scholarship on avoidance is theoretical. Emerson’s study of problem-solving between college roommates in the U.S. is an exception.\(^{54}\) He shows that when the relationship is ongoing and immediate exit is not feasible, limiting contact with the other person can make life more tolerable. Though Emerson’s respondents had the opportunity to shed their roommates at the end of the academic year, my respondents, like most Russians, were stuck in their apartments for the foreseeable future due to financial considerations. My methodological approach of focus groups and in-depth interviews allowed me to probe not only into why Russians took action, but why they did nothing. For some, avoidance became a second-best alternative to exit.\(^{55}\)

The costs associated with avoidance vary depending on the circumstances under which it arises. In the handful of cases where the victim of the ceiling leak was stymied from taking any action whatsoever, the costs – both material and emotional – were high. Several respondents were unable to locate their upstairs neighbor and, therefore, were left on their own. For Karina, a Saratov doctor, the leak happened at the worst possible time, namely during the New Year’s holidays. Her neighbors had gone away, but forgot to turn off their taps before leaving. She was unable to get into the empty apartment because her neighbors had installed an iron door.\(^{56}\) The easiest solution would have been to have the authorities turn off the water to the entire building, but she was unwilling to inconvenience her other neighbors. Eventually she was able to get the water turned off for the floor where the leak originated. When we spoke, three years had passed, but Karina was still seething over the fact that no one had ever apologized to her or even

\(^{53}\)Felstiner, “Avoidance as Dispute Processing,” 695.

\(^{54}\)Emerson, “Roommate Troubles,” 503. Baumgartner’s research into a New York suburb provides a wealth of examples of avoidance. Unfortunately the chasm between the lifestyles of New York suburbanites and urban Russians is too wide to permit useful comparisons. The Moral Order of a Suburb.


\(^{56}\)On the craze for iron doors in the post-Soviet period, see Olga Shevchenko, Crisis and the Everyday in Postsocialist Moscow (Bloomington, 2009), 113.
acknowledged their culpability. She felt she had no choice but to do the repairs herself, which involved replacing the wallpaper and repairing the ceiling. She said, in a facetious tone, “So what could I do? Go to court?” For her, the very idea of going to court was patently absurd. Interestingly, she contrasted her recent experience with a ceiling leak that occurred more than 20 years ago when she was still in school.

We forgot to turn off our tap – I don’t remember the details – but in any event we flooded our neighbors – we were at fault. We went to see the neighbors and said, ‘Anna Mikhailovna, what can we do to make it right? Whatever you want.’ My father was a skilled workman. We offered that he would do the repairs himself – the wallpapering and whitewashing of the ceiling – whatever was needed. She agreed.

She later told me that what happened to her recently never would have occurred during the Soviet era. Her anger was driven more by the failure of her neighbors to live up to the informal norm than by the cost of the repairs.

A common thread among those who did nothing was the absence of any sort of meaningful relationship with the culpable neighbor. In Karina’s case, she could recognize her upstairs neighbors by sight, but had never talked to them. In the other cases, the neighbor at fault was not a long-term resident, but had moved in recently. Their ability to relocate indicated a financial flexibility that was absent among most of my respondents. But the fact that the respondents lacked even a nodding acquaintance with their new neighbors suggests that these new residents had made little effort to learn about the informal norms. My sense was that they tended to hold themselves apart from the community. The best example of this was Vladimir, a Moscow mechanic, who was warned off trying to contact his upstairs neighbors after being flooded by others in the building because they were believed to be tied into the mafia. Like Karina, he felt his hands to be tied, but remained angry about how the situation had played out.

Those who were rebuffed by their neighbors constituted a second variant of avoidance. Rather than the palpable anger that united those who had been unable to do anything, this group exhibited a sense of resignation. Zina, a Kushchevskia doctor, shared the story of a friend. Her friend’s upstairs neighbors had repaired some pipes, leaving a hole through which water flowed. When her friend asked the neighbors to fix this problem, they cursed at her. Zina’s told her friend, “forget about it, just get your husband off the sofa. It’s a half an hour of work; three bricks and that’s it.” Zina’s friend tried to follow the norm and come to an accommodation with her neighbor, but her neighbors were having none of it. As Zina put it, “such neighbors, besides filthy language, you will get nothing from them.” Her friend followed Zina’s advice. A number of other respondents told me of analogous incidents. Fixing the problem themselves was easier than pushing their neighbor to behave po-chelovecheski. Indeed, the very notion of forcing someone to behave po-chelovecheski runs counter to the norm.

Emerson’s observation, made in the context of his study of U.S. college roommates, that “avoidance practices reflected a conviction that any relationship with the other, beyond incidental
and perfunctory contact, was hopeless and impossible” applies equally to my respondents. In all its forms, avoidance had the effect of reducing the salience of the dispute. It cannot be said that my respondents embraced avoidance; they would have preferred to work the problem out with their neighbors. Hence the mix of anger and frustration that stuck with them resulted more from the emotional costs than from the actual financial outlays for repairs. But, as is characteristic for Russians, they made the best of a bad situation. They were living out Viktor Chernomyrdin’s old saw, namely, “we hoped for things to get better, but they turned out the same as always” (knochetsia po-luche, no poluchaetsia kak vsegda).

Self-help. In contrast to avoidance where victims of ceiling leaks are left on their own to cope, neighbors working together to solve the problem in a mutually satisfactory fashion is the hallmark of self-help. What some have described as the “radically decentralized” nature of self-help leads to wide variation in outcomes. The lack of procedural rigamarole allows for relatively speedy resolution. People figure out their own solutions, independent of state-sponsored rules and regulations, and their needs are far from uniform. Some have no interest in material assistance; they simply want an apology. Others are keen for help, whether financial or hands-on, in repairing their apartments. As this suggests the goal is typically compensatory. The parties work to manage the problem and to avoid recurrences. Occasionally it can even be therapeutic or conciliatory, but rarely is it punitive or vengeful. Anger or resentment rarely follows in the wake of self-help.

Self-help is the strategy that hews most closely to the informal norms governing relations among Russian neighbors. Not surprisingly, it was the most commonly used approach among my respondents. It was the primary strategy used in 30 (53 percent) of the 57 reported ceiling leaks. In all of these cases the perpetrator of the leak acknowledged responsibility. Failure to do so led either to avoidance (if the victim decided not to pursue the problem) or to third-party intervention. These instances where the perpetrator conceded responsibility can be divided into two categories. In the first, the victim did not ask for any assistance. In the second, the parties agreed that the perpetrator would aid in repairing the damage caused by the leak, either through

57 Emerson, “Roommate Troubles,” 503.
58 See Felstiner, “Influences of Social Organizations,” 76.
59 As I conceptualize it, self help is analogous to Emerson’s dyadic complaint process. “Roommate Troubles,” 498-502.
62 In addition, the bulk of the cases involving third-party intervention began with an effort to resolve them through self-help.
monetary relief or by renovating the apartment himself.\footnote{63}{The use of the male pronoun here is deliberate. I encountered no instance where the offer of hands-on help involved women doing the repairs.}

Within this first category, there were a handful of cases in which the victims simply forgave their upstairs neighbors. For example, upon learning that the leak had been caused when Gloria’s three children left their handkerchiefs in the sink after washing up, her downstairs neighbor told Gloria (a Tomsk tutor) that they would do the repairs themselves. No doubt the fact that the families had a longstanding good relationship facilitated this outcome. The almost-universal social norm of looking the other way when children’s play leads to damage (assuming it is not too serious and does not recur too often) made the victims reluctant to press their claim.\footnote{64}{On the tendency of community members to be inhibited from taking action that would contradict informal community norms, see Engel, “The Oven Bird’s Song,” 35.}

Likewise, the grandparents of Arkadii (a psychologist from Kushchevskaya) declined to press their claim when their upstairs neighbors, who were mentally challenged, flooded them. In such cases, behaving \textit{po-chelovecheski} required stepping back. Other times, those victimized by ceiling leaks chose to look the other way when the damage was minimal and the relations among those in the \textit{pod’ezdy} were friendly.\footnote{65}{For example, Feona, an accountant from Shumerlia, inadvertently flooded her neighbors when she took out some frozen fish, putting it in the sink with the water running. Forgetting she had done this, she went out. She discovered her mistake upon her return. She was mortified. She immediately ran downstairs and apologized profusely. She saw that her neighbors’ wallpaper was soaked and offered to replace it. They told her, “Oh Feona, don’t worry yourself. Everything will be fine. It will dry out.”}

The fact that the victims of these leaks chose to “lump it” rather than pursue damages might appear to constitute avoidance. But because the parties worked together to come to this resolution, it fits better into self-help, though it does illustrate that the dividing line between the two is rather porous.

A few of my respondents had to deal with repeated instances of water leaks from their upstairs neighbors due to their carelessness. Such negligence was typically the product of either old age or alcoholism. Tolerance tended to be greater for \textit{babushki} than for alcoholics. Susanna, a Tomsk accountant, has been the victim of multiple leaks at the hands of her elderly upstairs neighbor. Each time, she goes to see her and asks “how many times are you going to flood us?” She explained that getting angry or yelling was pointless due to her advanced age. In her view, it was better to handle the problem “\textit{po-chelovecheski}.”\footnote{66}{Several others had similar experiences with elderly neighbors. At least one of them took money if offered, but did not demand it. This buttresses what I learned during the conversations about hypothetical ceiling leaks, namely that pressing someone who was down on their luck, especially when such a person was a pensioner,}

in addition to her age, the fact that Susanna’s neighbor had gotten her current apartment from the city after fire had destroyed her previous apartment left Susanna unwilling to ask for money to cover the damage caused by these leaks.
was unacceptable. Susanna and the others who were repeatedly victimized by negligent babushki were loathe to violate this norm.

When the problem arose due to the repeated carelessness of alcoholic neighbors, however, my respondents were less forgiving. The experiences of two Shumerlia respondents allow for an interesting comparison. Marfa, a factory worker, grumbled about having been flooded more than 100 times over the 24 years that her neighbor lived above her. Though now deceased, she and Marfa had had a stormy relationship. She was only two years older than Marfa, so could not assert age as an mitigating factor. Her carelessness was a direct result of excessive drinking. After every incident, Marfa went upstairs. She never asked for money; she concentrated on changing her neighbor’s behavior. The neighbor would always promise to do better, but never did. Marfa would have liked to pursue the matter to court, but her husband was adamantly opposed. In her words, “my husband never wants to have any sort of connection to the court, not for any reason.” As a result, the two of them got used to the periodic leaks.

Klavdia likewise had an upstairs neighbor who drank too much and frequently forgot to turn off the water before going to bed when inebriated. Like Marfa, Klavdia went upstairs and tried to reason with her neighbor each time, but to no avail. At her wit’s end, she sued her neighbor. As Klavdia rationalized her decision to me, “she was such an unpleasant old biddy (babul’ka)... It was pointless to try to negotiate with her. Court was the only option.” The others who lived in the pod’ezd applauded her decision. This alcoholic neighbor had caused trouble for everyone. Not surprisingly, the court decided in Klavdia’s favor. Klavdia characterized the damages as mere “kopecks,” but felt it was worth the effort because it caused her neighbor to change her behavior. “She finally learned that she needed to be civil (dobrosovestno). At first, she was nonchalant about flooding me. It was no big deal to her. But then [after the lawsuit], she began to behave more decently toward me. ... I didn’t have any further problems with her.” Klavdia’s story foreshadows the discussion of third party intervention below, but deserves discussion here so that the contrast can be drawn. Neither Marfa nor Klavdia were willing to forgive their drunk neighbor. Marfa’s desire for family harmony trumped her desire to teach her neighbor a lesson, so she did not sue her.

More often than not, however, the negotiations between neighbors that lie at the heart of the self-help strategy resulted in the perpetrator of the ceiling leak offering concrete assistance to his or her victim. This was the outcome in two-thirds (20 of 30) cases in which my respondents reported using self-help. Thirteen of these (65 percent) involved financial assistance. In the remainder, the neighbor at fault pitched in to fix the damage caused. In all cases, the parties emerged from the self-help process relatively satisfied.

Acknowledging responsibility and offering help is the essence of the informal norm underlying the desire to behave po-chelovecheski. As Veronika, who worked in the Shumerlia train station, reminded me, these same expectations were present during the Soviet era. She

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67Marfa’s husband had no actual experience in the Russian courts. She explained that his distaste for litigation stemmed from his “non-conflictual” personality.
recalled a leak that occurred in those days, and recalled that the party at fault paid for the repairs. The idea of bringing in third parties was unacceptable (не приятию) among the families in her подъезд, where they all worked at the same place and raised their children together. She voiced a common refrain when she said “this could happen to any of us ... today you are flooded, but maybe tomorrow you flood someone else. Life offers no guarantees to anyone.” She conceded that her view of the past might be laced with nostalgia, and wondered out loud whether the dramatic increase in the cost of repairs in the post-Soviet era might make neighbors less willing to behave in a similar fashion. My respondents belie her doubts.

Over and over again, I was told that those responsible for ceiling leaks covered the cost of repairs. I heard this from respondents who were responsible for such leaks and from those who were their victims. For example, Sara, who is otherwise quite competent as the manager of a Saratov crisis center, sheepishly confessed that she has a bad habit of turning on the water and then getting distracted. As a result, she has repeatedly flooded her neighbors. Without fail, they have adopted a self-help strategy. In her words:

> We have never turned to the court for help in resolving such questions. I’ve always been able to come to an agreement with my neighbors about compensation for their damages ... simply an oral contract. If the neighbor is capable of doing the repairs himself, then I need to provide money for materials. But if the person is not capable – if it is a бабушка who cannot do the work – then I need to hire the workers to get it done.

When the tables were turned, the basic story remained much the same. In all locations, respondents told of how their neighbors had compensated them for the damages caused by the ceiling leak. Their matter-of-fact recitations of what had happened convinced me of the power of the informal norm in favor of self-help when problems arose with neighbors.

Not all offers were accepted. Oleg, an entrepreneur from Tomsk, had to endure repeated ceiling leaks. His upstairs neighbor was an absent-minded бабушка, who frequently turned on the taps and then went out. Each time, she would come to his door and implore him to resolve the problem по-соседски. At first, she tried to give him her entire salary to pay for repairs, but he felt that taking it would not be decent (не прилично). When a new young family moved in below him, he took it upon himself to warn them of his upstairs neighbor’s proclivities and to explain that there was little to be done other than reminding her to shut off the water before leaving the apartment.

Some respondents were less charitable. Khrustina and her parents were livid when their newly renovated Tomsk kitchen was flooded with scalding water. When the water had been turned off centrally for maintenance, their upstairs neighbors had left their taps on. When the water supply was restored, no one in this family was home and the water flowed freely into the apartment below. The wallpaper and linoleum that Khrustina’s mother had recently installed herself was destroyed. Their immediate reaction was to run upstairs and scream at their neighbors. These neighbors offered them 5000 rubles, which was less than a third of the cost of the repairs. Ultimately, Khrustina and her mother decided that pressing their claim further would
be counter-productive. They were less affected by the poverty of their neighbors\textsuperscript{68} than by the fear that they would be shunned within the pod”ezd if they took a hard line. They had lived in the pod”ezd, which she described as friendly (duzhnyi), for over eight years.\textsuperscript{69} In her words, “if you litigate it is as if you are going against your own. ... It is not acceptable. All of your neighbors will be vexed with you. Situations vary, but resolving quietly and peacefully is better. Don’t immediately run to the court or complain to the police.” Not surprisingly, among those who used self-help, Khristina was one of the few who harbored some resentment long after the incident.

When those responsible for a ceiling leak have the necessary skills to make repairs, they often offered to do so. The older respondents indicated that this was more common in the Soviet era, probably because work-related demands on time were less. Arkadii\textsuperscript{70} confessed to having flooded his neighbors several times recently, but said that he always pitched in to help repair the damage. Sometimes the perpetrator offered either services or money. When Anastasia, a Saratov professor, and her downstairs neighbor were both flooded, her upstairs neighbor offered the services of her brother-in-law, who was a contractor. He showed up within an hour of the accident and sized up the damages. Anastasia accepted the offer of services and was pleased with the results. Her downstairs neighbor opted for a cash settlement.

Having the culpable neighbor do the repairs is most likely when the two families are close. The experience of Elena, a Moscow administrator, is instructive. Her family had a longstanding relationship with the pensioners who lived above them. They held spare keys to each others’ apartments. Whenever one of them went to the dacha, they always brought something back for the other. When a ceiling leak developed in the wee hours, Elena called them. The neighbors found the problem, but not before enough water had accumulated to cause serious damage. They insisted on repairing the damage themselves. When Elena and her family were away for a few days, the neighbors came in and took care of the problem. As Elena said, “we returned and the apartment was already clean. They apologized one hundred times. They gave us a box of candy. ... If neighbors are normal, this is how they behave.” With her words, she captured the expectations embodied in the informal norm. Neighbors ought to work with each other and those responsible ought to offer either to do the repairs or to pay for the repairs. Both outcomes are clearly within the purview of the self-help strategy.

Third-Party Intervention. In Russia as elsewhere self-help does not always work. It

\textsuperscript{68}Khristina characterized the family as poor (malobespechnaia) and told of how the younger daughter had gone through three operations to improve her sight. The family included a son who had been a classmate of Khristina’s. When they were younger, they had hung out in the same crowd.

\textsuperscript{69}Confirming the close relations within the pod”ezd, Aleksandra related how all the residents had turned out for the funeral of a babushka who had lived in the pod”ezd.

\textsuperscript{70}Arkadii shared two incidents. Earlier, he told of his grandparents’ unwillingness to make demands on their neighbors after a ceiling leak because these neighbors were mentally challenges.
requires both parties to be invested in solving the problem and, to that end, to be willing to contemplate compromise. If either side is obstreperous, then self-help is likely doomed. Self-help also requires a modicum of trust between the parties. If either side is suspected of concocting a false claim, then self-help is futile. Indeed, as Elena’s case illustrates, the strategy works best when the parties have an ongoing relationship that they are eager to preserve. In other words, they are most likely to look to third parties for assistance when they do not know each other. This would seem to confirm the relational distance thesis.

The motivations for bringing in a third party vary. Sometimes the goal is simply to get a fresh pair of impartial eyes on the problem. While such cases reflect a low level of trust between the parties, they can be seen as an extension of the self-help process. The goal remains compensatory. As the process ratchets up, however, less salutary motives can creep in. In its basest form, third-party intervention evokes images of thugs imposing their will on others. Even when limited to state-sponsored third-party intervention, the desire for vengeance often spurs the process. It is rarely the sole motivating factor. Typically it is woven together with more socially acceptable goals, such as compensation.

Whether third-party intervention represents a failure of the informal norm favoring self-help depends on what form the third-party intervention takes. When resolving problems arising from ceiling leaks in Russia, there are two key third-party interveners: the housing authorities or ZhKU and the courts. Residents turn to the ZhKU to get a neutral assessment of who was responsible for the leak and an estimate of the cost of repairs. Sometimes this serves as the basis for renewed negotiations between the parties leading to a settlement. In such cases, the housing authority acts to buttress and facilitate self-help. On the other hand, sometimes appeals to the ZhKU serve as a precursor to litigation. This does not necessarily imply that the parties have given up on self-help. As Galanter reminds us, “[i]nvoking a court is not an abandonment of negotiation, but a shift in bargaining formats.” Filing a lawsuit or threatening to do so often has the effect of reframing the discussion. Fear of the time, money, and emotional energy required to see a lawsuit through can jump start negotiations. For those seeking retribution, the courts serve a different function. Through their enforcement powers (which the ZhKU lack), punishing damages can be imposed on their neighbors.

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71When the people who lived diagonally below Katia (a Saratov student) claimed she was responsible for flooding them, she resisted all efforts at negotiation. She told them: “the laws of physics haven’t changed – water doesn’t flow that way.” Not being directly below Katia, the accusers were from a different pod’ezd. She stood firm, insisting that she would pay only if ordered to do so by the court. Yet when talking about what would happen if her upstairs neighbors flooded her, she was confident that the problem could be resolved through self-help, though she noted that she has a close friendship with these neighbors.

72Merry, Getting Justice, 41; Engel, “The Oven Bird’s Song,” 40-42; Black, “Social Control,” 20.

Among my respondents, one-third (19 of 57) of those who had been involved with ceiling leaks sought help from their ZhKU. The ZhKU structure and the practice of using the ZhKU to establish what happened in cases of ceiling leaks is a vestige of the Soviet past. Both then and now, the report (or akt) produced by the housing authorities can be used by the parties to set a limit on the amount of damages or it can serve as a first step towards litigation.

In only one of the post-Soviet cases was this akt dispositive on its own. Oddly enough, the damage resulting from this ceiling leak was among the most serious reported to me. Aleksandra returned home from work to find several inches of standing water throughout her Tomsk apartment. She was without electricity for over three months. Not only was this a hardship for a family with two teenage children, but it was especially difficult for her son, who was dedicated to computer games. Aleksandra downplayed the family’s difficulties. Even before talking to her upstairs neighbor, with whom she had only a nodding acquaintance, she contacted ZhKU and got them to prepare an akt. With that in hand, she went to her neighbor, who told her to go ahead with the repairs. Reluctant to appear as if she were taking advantage of the situation, Aleksandra took a minimalist approach to the repairs. The neighbor still balked at paying her, but eventually did so.

The akt was most effective when accompanied by a credible threat to file a lawsuit. The experience of Svetlana, a Saratov physician, captures this behavioral pattern well. She described what happened:

It was an unpleasant situation. I was sleeping and had a clear feeling like in childhood when the rain was drumming. I opened my eyes and was in shock because ... throughout the three rooms of my apartment, rain was falling from the ceiling. ... Emergency services stopped the flow of water. She knew her upstairs neighbors by sight, but had no relationship with them. She began with a

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For more detail on attitudes toward ZhKU, see Hendley, “Mobilizing Law in Contemporary Russia.”

For example, Emilia flooded her neighbors in Tomsk. She agreed to pay for new wallpaper, but when the mother of her downstairs neighbor learned of this arrangement, she convinced her daughter to demand more. Emilia then brought in ZhKU to evaluate the situation, which was complicated by the fact that ZhKU had repaired the pipe that burst on the eve of the accident. Fearing that it would be held responsible, ZhKU convinced Emilia to keep silent about the botched repair. As a result, the leak appeared to be a simple accident that was no one’s fault. Emilia’s neighbor agreed to return to their original deal, notwithstanding her mother’s dissatisfaction.
self-help approach, trying to reach an accord with them, but found it to be impossible. Her comment about the reason why revealed her cynicism about human nature: “[a]s a rule, people want to escape from responsibility.” She turned to her housing authority. Armed with its akt and an estimate of the cost of repairs from a local construction company, she reopened the negotiations with her neighbors. She told them that if they continued to refuse to pay, she would file a lawsuit. Her neighbors understood that, between the akt and the estimate, Svetlana would have had the upper hand in court. They were sufficiently frightened by the prospect of litigation that they paid. She explained this change of heart by noting that Russians generally do not like to participate in judicial proceedings. More specifically, she believed that she benefitted from her neighbors’ poor character (ne poriadochnost’) and their reluctance to expose themselves to scrutiny. Svetlana was satisfied with the outcome. She had not been keen to initiate litigation, fearing that it would have taken too much of her time. Her consultations with a lawyer (iurist) friend left her with little confidence that the court would have awarded her as much as she ultimately got from her neighbors. Indeed, the lawyer warned her that the court would have denied her planned claim for punitive damages (moral’nyi ushcherb), and would have cut the amount claimed for her actual damages by as much as two-thirds. In her view, to get what she deserved, she would have had to pursue the matter through multiple appeals.

Svetlana’s passing acquaintance with her neighbor was typical for those who turned to their ZhKU. Those who knew each other well found it easier to resolve problems on their own. Prior litigation experience turned out to be a good predictor of how they purposed the akt. Those with such experience were more likely to threaten and/or file lawsuits against their neighbors, whereas neophytes tended to walk away.  

Filing a lawsuit against a neighbor would seem to contradict the informal norm in favor of behaving po-chelovecheski. Yet lawsuits were more common than I had expected, arising in 9 (16 percent) of the 57 ceiling leaks. Of these, only one was a clear violation of the norm. Most of the others involved neighbors who were new to the pod”ezd or neighbors who barely knew
one another. For example, Kira, a Tomsk accountant, told of how her new neighbors refused to compensate their downstairs neighbors after flooding them. She was surprised that the case ended up in court, particularly given that the victim of the leak was a pensioner. She chalked it up to the fact that the perpetrator was new to the pod”ezd and felt no sense of community with them. Following the prediction of the socio-legal literature, Russians proved more willing to file lawsuits against strangers than against friends. Lawsuits that did not involve strangers often were brought against other kinds of outsiders, such as alcoholics, or involved genuine disagreements over who was to blame.79

The norm-busting lawsuit arose after Berta, another Tomsk accountant, flooded her downstairs neighbors when one of the hoses leading to her washing machine broke while she was at work. The water flowed uninterrupted for hours, damaging the apartments on the three floors below her. Her first instinct was to apologize to her neighbors and to offer to pay for the damages. She was able to reach an accord with those on the first and second floor. The woman who lived immediately below her was less accommodating. She was a lawyer (advokat) and was uninterested in a settlement from the outset. Though she was relatively new to the pod”ezd, she and Berta had become friends, sharing their problems with one another. Berta believed that the hose had exploded due to a sudden surge in water pressure, which meant that fault lay with the housing authority and not with her. Not surprisingly, her ZhKU was not interested in helping her prove this theory, preferring to point the finger of blame at her. Her downstairs neighbor took the easy way out by blaming her as well. She presented Berta with an estimate for repairs for 110,000 rubles, which Berta believed had been inflated by at least 70 percent. When their negotiations broke down, the neighbor filed a lawsuit. Having no prior experience with the formal legal system, Berta felt herself to be at a severe disadvantage.80 She was cowed by the process, saying “I was afraid to speak candidly, because any lawyer can take normal words and twist them against me. I remained quiet.” She believed that the judge was biased in favor of her neighbor, due to their preexisting relationship. Lacking faith in the even-handedness of the judge, she settled the case for 40,000 rubles.

The case appears to reveal fissures in the informal norm. Pinpointing the motives of Berta’s neighbor is complicated by my lack of access to her. Ruminating on this question, Berta said, “[e]very person treats others according to their own standards. When I was young, we

79For example, several respondents were involved in cases where the perpetrators of the leaks alleged that ZhKU bore some responsibility for what happened. Unwilling to shoulder the damages on their own, they left it to the court.

80Often the advantages of those with extensive litigation experience can be blunted by hiring one’s own lawyer. Berta tried to find a lawyer to help her, but ended up hiring someone who was not licensed to practice law. The judge unmasked him in open court, buttressing Berta’s feelings that she was in over her head. This aspect of her story raises important questions about Russians’ access to legal assistance that are beyond the scope of this paper. For a theoretical analysis of the effect of prior court experience, see Marc Galanter, “Why the ‘Haves’ Come Out Ahead: Speculations on the Limits of Legal Change,” Law & Society Review 9, no. 1 (1974): 114-119.
didn’t bother with contracts. I was raised at a time when it was possible to rely on someone’s word, on their upstanding character. ... But she took it to court. As a result, we had to have it out.” Thus, Berta attributes her neighbor’s behavior to her poor character, comparing her with the other neighbors who had also been flooded, who were more forgiving. Indeed, the person who lived on the first floor helped clean up the mess in Berta’s apartment. Digging deeper, Berta’s litigious neighbor can be seen as opting out of the societal norm in an effort to maximize her own interests. The contrast with the other neighbors is instructive. It suggests that there was a genuine community within the pod’ezd and that the advokat cared little about being ostracized from it. Perhaps this is because she had never fully integrated herself into it. More puzzling is her willingness to forsake her burgeoning friendship with Berta. It may have been that the friendship was more important to Berta than to her downstairs neighbor. Though Berta characterized her as a “friend” (podruga), her neighbor may have viewed Berta as a mere acquaintance. It is also possible that Berta’s version of what happened glossed over some facts that would shed light on her neighbor’s behavior. She may have said or done something to antagonize her neighbor. Or the damage may have been as extensive as the neighbor claimed.

Explaining Russians’ Responses to Problems with Neighbors

*Relationships.* Though reading too much into any single case is perilous, Berta’s case reminds us of the nested quality of informal norms. Between the focus groups and the interviews, I found no one who did not support the norm favoring self-help when problems arose between neighbors. Just the opposite: the respondents repeatedly emphasized that such problems should be worked out po-chelovecheski, i.e., on an interpersonal level and without involving outsiders. In fact, the consensus seemed to be that suing a neighbor could be grounds for ostracism. But it is possible for a person to adhere to such a norm as a general principle while, at the same time, viewing his or her situation as somehow exceptional. The review of the cases involving third-party intervention, especially those that gave rise to litigation, identify the tension points in the informal norm. As a rule, the respondents found it easier to sue someone they saw as an outsider. Using this rationalization, lawsuits were initiated against alcoholics and new residents (which sometimes slipped into a willingness to sue acquaintances).

The hypothesis that people are more likely turn to the courts or other third-parties when problems arise with strangers than with intimates held true for the Russians I studied. Echoing Engel’s finding from his study of attitudes toward personal injury lawsuits in a small Midwestern towns, my respondents regarded litigation as being beyond the pale. While conceding that it is sometimes unavoidable, the consensus was that it should be pursued only when no other alternatives remained. The strategic use of litigation reported by Yngvesson in her study of a Massachusetts urban neighborhood was infrequent among my respondents. I found a slight hint

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81Engel, “The Oven Bird’s Song.”

82Yngvesson’s research also documented the potent role of the courts. The decisions of the court clerks to accept claims empowered the affected group and vice versa. My study did not extend to the
of this sort of multilayered intent only in the lawsuits against alcoholics. Those who brought them were less interested in being compensated for the damages suffered than in changing the behavior of their alcoholic neighbors. Their goal was to deliver a wake-up call that would curb their carelessness. As the experiences of Marfa and Klavdia showed, the results were mixed.\textsuperscript{83} But the bulk of my respondents who sued or threatened to sue had no agenda beyond paying for the repairs needed after the ceiling leak.

\textit{Institutional Infrastructure.} Perhaps the claims did not give rise to recriminations because they were so straightforward. Among my respondents, lingering anger was typical only for those who avoided the problem. Those who engaged in self-help, even when it escalated into third-party intervention, were able to put the problem behind them once it had been resolved. This was not what those who studied U.S. neighbors found. In her study of New England neighbors who, like my respondents, shared close quarters and whose economic situation left them with little opportunity for exit, Merry found that,

\begin{quote}
[w]hen simple issues of shared space escalate into fights, there is usually something else involved. ... most of the parties were tied together only by proximity, by the fact that they could not easily avoid one another. The more they felt trapped together, the more intense and prolonged the battle. When avoidance was impossible or very costly – when there was no room to build a fence, for example, or when the victim of abuse could not afford to sell his house and move away – fights became more intense.\textsuperscript{84}
\end{quote}

Unlike Merry, I heard no stories of drawn out feuds. The non-representative nature of my sample limits my ability to provide a definitive explanation, but I can suggest several possible reasons. It may be that ceiling leaks are not the sort of problem likely to give rise to simmering resentments. Unlike barking dogs or noisy children, a ceiling leak is a discrete problem that can be solved. On the other hand, Merry persuasively argues that the cause cited for instigating a feud is usually a pretext, standing in for a series of lingering slights. A ceiling leak would seem capable of serving this function. Digging deeper, the differences between the two judicial systems may account for the variation in outcomes. Arguably, the U.S. judicial system eggs on feuds by treating the parties as adversaries and requiring them to battle it out, whereas the inquisitorial model found in Russia provides more fertile ground for compromise. These differences are, however, greater in theory than in practice.\textsuperscript{85} In both systems, engaging the legal process is seen as a hardship that most try desperately to avoid. This leaves us with cultural explanations. Though the stereotypes of Russians as endlessly patient and Americans as combative seem 

\footnotesize{\textsuperscript{83}Their experiences were discussed earlier under self-help.}

\footnotesize{\textsuperscript{84}Merry, \textit{Getting Justice}, 39.}

Although the dataset includes nine incidents that culminated in lawsuits, only three of these were filed by my respondents. In the others, the respondent telling me the story was either the defendant (as in Berta’s case) or was relating what had happened to friends or family.

The commitment to self-help as way to solve ceiling leaks may have a more mundane source. The aging nature of the plumbing infrastructure in the Russian housing stock, much of which has never undergone capital repairs of any sort, contributed to the equanimity with which most of my respondents dealt with ceiling leaks. Many had been both the victim and the perpetrator of such leaks. Yet it is important to remember that none of the 57 instances of ceiling leaks on which this paper focuses were the direct result of shoddy building maintenance. Such problems would be laid at the door of the housing authorities. Rather, my study is limited to leaks attributable to the negligence of neighbors and for which these neighbors are culpable. Both in the discussions of what they would do if flooded and what they actually did, many respondents commented on how the fact that tables could easily be turned had a calming effect on them.

**Generational Effect.** Those respondents who came of age in the Soviet system when moving was almost impossible learned the importance of establishing cordial relations with their neighbors in the pod’ezd. Realizing they were stuck together for the foreseeable future, they developed informal norms that minimized tensions. Encouraging self-help when faced with ceiling leaks made sense in that institutional context. Yet my conversations reveal that it is not entirely a vestige of the past, though it is beginning to show signs of wear and tear. When teasing out the norm by analyzing the “what if” conversations, I rely on respondents at both ends of the age spectrum. That those over thirty like Viktor (33) and Marina (58) would adhere to the norm is not surprising. But the others – Boris, Rimma, and Angelina – were all in their twenties. They had no memory of life under state socialism. They grew up in a world where the existence of a viable real estate market made “exit” possible. For them, however, moving elsewhere to escape annoying neighbors was not realistic. Like the rest of my respondents, they lacked the financial resources needed to buy a different apartment. As Hirschman predicted, they reacted by utilizing “voice” through self-help.

**Personal Beliefs.** The obvious overlap between the commitment to fairness embedded in the norm favoring behaving po-chelovecheski and the basic tenets of most organized religions led me to explore whether those who broke with the norm by invoking litigation were more likely to be non-believers. I found no such correlation. Among the eight respondents who had threatened to, or filed, a lawsuit, there were no non-believers and only two agnostics. The remainder self-identified as believers. This proportion of believers is roughly equivalent to that for the larger

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86 Although the dataset includes nine incidents that culminated in lawsuits, only three of these were filed by my respondents. In the others, the respondent telling me the story was either the defendant (as in Berta’s case) or was relating what had happened to friends or family.
sample. As I noted above, a number of respondents expressed sentiments akin to the Golden Rule, but only Fatima, a 25-year old Moscow student who had recent converted from Islam to Christianity, openly invoked religion, telling me that she was prepared to submit herself to God’s will in all matters.

Nature of Damage. Common sense pushed me to explore whether there was a link between the response to ceiling leaks and the damage caused. It is true that most of those who resorted to third-party intervention sustained serious damage. But the vast majority of the incidents reported involved serious damage, so the same could be said for those who opted for self-help and/or avoidance. Thus, the extent of the damages was not the critical determinant of behavior. Instead, the key was the underlying relationship. More specifically, it was a combination of the attitude of the neighbor who caused the damage and the victim’s perception of their circumstances. Almost without exception, being rebuffed by their upstairs neighbor after a ceiling leak caused my respondents to see red. Some ended up lumping it either because they realized their neighbor had no resources and/or because they decided going after them would be too much trouble. Others pursued their neighbors through the formal legal system. Yet a number of my respondents, who sustained devastating damage, including Sara and Elena, managed to work things out with their neighbors.

When both neighbors were invested in a self-help strategy, they might seek third-party intervention in the form of seeking a neutral estimate of damages from the ZhKU. Irrespective of the seriousness of the damages, none of these incidents devolved into litigation.

By the same token, minimal damages gave rise to a variety of responses. After being flooded multiple times, Klavdia sued her alcoholic neighbor, even though the cumulative damage was not serious. Her purpose was not to recover damages, but to shame her neighbor into better

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87 The experiences of Susanna and Vadim related on pages 16-17 and 28, respectively, are illustrative.

88 For example, when Galina, a 56-year old who teaches accounting at a Moscow college, was flooded by her upstairs neighbor, the damage sustained was the equivalent of three months of salary for her. Her neighbors pleaded poverty, but Galina was not convinced. Ultimately, however, she decided that pursuing them through the courts was not worth the emotional energy it would cost her.

89 When Rimma’s in-laws in Vladivostok were flooded soon after completing an extensive renovation of their apartment, they ended up suing their neighbors. They sued as a matter of principle after their neighbors refused to acknowledge their fault. The seriousness of the damage, especially coming on the heels of their renovations, was relevant but not critical to their decision. Rimma herself expressed a strong commitment to behaving po-chelovecheski. See her remarks on page 12.

90 The experiences of Sara and Elena, related as part of the discussion of self-help are illustrative.

91 Aleksandra, whose incident was discussed in note 74, is a good example.
behavior. At the other end of the spectrum, recall that Gloria was able to work things out with her neighbors after her children’s carelessness led to a ceiling leak. Their response was prompted not just by an unwillingness to take advantage of an accident caused by children’s play, but also by the minimal damage caused.

*Attitudes Towards Courts.* At first glance, my respondents’ distaste for litigation might seem to buttress the polling data that ostensibly documents Russians’ lack of trust in the formal legal system. But the conversations told a different story. Though dissatisfaction with the courts was a recurring theme, being railroaded by a corrupt system was not the respondents’ principle fear.\(^92\) When pressed, most conceded that Russian courts can be “bought,” but they felt themselves to be far removed from the high stakes cases in which outcomes are settled by an money-filled envelopes or by a telephone calls from on high. Thus this sad reality about the Russian judicial system did not determine their attitudes about suing neighbors over ceiling leaks. Instead, my respondents’ complaints about the courts were dominated by more prosaic concerns, such as the cost, time, and energy required.\(^93\) Vadim, a Saratov entrepreneur whose family, despite being flooded three times, chose not to pursue a claim against their poverty-stricken upstairs neighbors, reflected the views of many when he said: “Courts aren’t necessarily good or bad. It’s better not to have any connection with courts – it’s a question of time, nerves, and money. Usually we try to resolve such problems in a friendlier way.” These sentiments are not unique to Russians. Going to court can be a daunting prospect, even in societies considered to be litigious, like the U.S.\(^94\) Those who lack experience can come away feeling like their outsider status disadvantaged them.\(^95\)

Prior experience with the courts seemed to embolden my respondents to go down that road again. All of the respondents who initiated lawsuits had been to court in the past. But this did not make them eager to return. Most saw litigation as a last resort, to be employed when self-help fell flat. Table 2, which shows that many of those who used avoidance and self-help strategies were court veterans, provides persuasive evidence that filing a lawsuit was not an automatic response to problems for anyone.\(^96\) Yet it suggests that Russians may be like


\(^{94}\)Merry, *Getting Justice*, 134-135.


\(^{96}\)A systematic review of those who opted for avoidance and self-help shows that they were fairly evenly divided between those who had prior court experience and those who did not.
Americans who tend to be more favorably inclined towards courts after using them. The fact that those without court experience did not opt for litigation is telling. No doubt the media drumbeat about difficulties of using the courts in Russia has taken its toll.

**Preliminary Insights on Russian Legal Consciousness**

My study differs from most research on Russian law. Rather than exploring how Russians use (or avoid) particular laws, I focused on a problem that Russians confront in their daily lives with the goal of understanding how Russians think about law. The non-representative nature of the sample makes definitive conclusions impossible, but certain patterns have emerged that deserve more systematic exploration. My respondents’ strong commitment to the informal norm favoring self-help suggests that the communitarian ideals that successive Soviet regimes tried to inculcate took hold and continue to hold sway. But the tenacity of this norm has little to do with an attachment to Soviet ideals more generally. My respondents’ continued adherence to it reflected its practical value in their lives. Having been thrown together with the neighbors in their pod’ezd, they recognized the need to get along. Hence, the general norm was adapted to create a quasi law of the pod’ezd, which residents violated at their peril. Though the shadow of the law hangs over all of the reported incidents, the formal legal system was mostly an afterthought for my respondents. Their behavior was dictated more by their internal moral code and the code of the pod’ezd than by state-promulgated statutes or regulations. This reality reminds us that law flourishes best when it is in harmony with such codes.

My research suggests that the solidity of the informal norm is beginning to crack. No longer do the populations within pod’ezdy remain unchanged from one generation to the other. The privatization of the housing stock and the consequent emergence of a real estate market has brought with it the possibility for relatively rapid turnover. Few of my respondents had the financial flexibility to participate in this new reality, but they were impacted as those around them did so. It is surely no accident that the likelihood of third-party intervention increased dramatically when the neighbor was a newcomer. The informal norm to behave pochelovecheski is grounded in inter-personal relationships. When neighbors did not know each other, they felt less of an obligation to live up to its ideals.

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98On the value of this approach, see generally Ewick and Silbey, *The Common Place of Law*, 204-206; Sarat and Kearns, “Beyond the Great Divide,” 55-60.
Table 1: Background Information on Research Sites as of the End of 2007(1)

<table>
<thead>
<tr>
<th></th>
<th>Population</th>
<th>Average Monthly Wage (2)</th>
<th>Unemployment Rate</th>
<th>Direct Foreign Investment</th>
<th>Average Square Meters Available Per Person</th>
<th>Population Density (people per square kilometer)</th>
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<tr>
<td>Moscow</td>
<td>10,470,300</td>
<td>23,623 rubles</td>
<td>0.8%</td>
<td>$15 trillion</td>
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<td>9597</td>
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<td>Saratov (Saratov oblast’)</td>
<td>836,100</td>
<td>10,601 rubles (9,103 rubles)</td>
<td>1.17% (8%)</td>
<td>($58 million)</td>
<td>23.9 (23.7)</td>
<td>2090 (25.5)</td>
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<td>Tomsk (Tomsk oblast’)</td>
<td>496,500</td>
<td>16,091 rubles (14,429 rubles)</td>
<td>0.66% (6.9%)</td>
<td>($429 million)</td>
<td>19.6 (20.3)</td>
<td>1736.4 (3.3)</td>
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<td>Shumerlia (Republic of Chuvashia)</td>
<td>34,100</td>
<td>(8,703 rubles) (6.5%)</td>
<td>(6.5%) (6.9%)</td>
<td>($64 million)</td>
<td>(21.5)</td>
<td>(69.6)</td>
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<td>Kushchevskaya (Krasnodarskii krai)</td>
<td>(5,121,800)</td>
<td>(10,260 rubles) (8.8%)</td>
<td>(8.8%) (7.9%)</td>
<td>($171 million)</td>
<td>(21.4)</td>
<td>(67.9)</td>
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(1) Data are generally available for the regional sub-units of Russia. These have various names, e.g., oblast’, republic, or krai, but all are equal members of the Russian Federation. Where possible, I have provided data for both the city and the surrounding region. Saratov and Tomsk are the capitals of their respective regions and, therefore, more information was available.

(2) The exchange rate at the close of 2007 was 24.55 rubles to the U.S. dollar, according to the Central Bank of Russia.

Sources: Sem’ia v Rossii 2008 (Moscow 2008); Regiony Rossii. Osnovnye kharakteristiki sub”ektov Rossiiskoi Federatsii 2008 (Moscow 2008); Regiony Rossii. Sotsial’no-ekonomicheskie pokazateli (Moscow 2008); Regiony Rossii. Osnovnye sotsial’no-ekonomicheskie pokazateli gorodov (Moscow 2008).
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<th>Education</th>
<th>Occupation</th>
<th>Court Experience?</th>
<th>Strategy employed</th>
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