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# Who Are the Legal Nihilists in Russia?

Kathryn Hendley<sup>1</sup>

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**Abstract:** The popular media, both Russian and Western, portray legal nihilism—as its core, a lack of respect for law—as a serious problem for Russia. This article uses data collected in 2004 and 2006 as part of the Russian Longitudinal Monitoring Study of the Higher School of Economics to examine the incidence of legal nihilism in Russia and to investigate who the legal nihilists are and what characteristics tend to be associated with legal nihilism. The effects of a number of characteristics, including political participation, political attitudes, the role of material and emotional well-being, and age, are analyzed.

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In his first major campaign speech of the 2008 presidential election, Dmitriy Medvedev commented on Russian legal culture, saying that “[w]ithout exaggeration, Russia is a country of legal nihilism. ... [N]o other European country can boast of such a level of disregard for law” (Medvedev, 2008). The conviction of Mikhail Khodorkovskiy at his second trial and the condemnation of the process by the presidential panel headed by former Constitutional Court justice Tamara G. Morshchakova has renewed the rhetoric within the Western and Russian press about the inevitability of legal nihilism in Russia (S. Bocharova for *gazeta.ru*, December 21, 2011, [http://m.gazeta.ru/politics/2011/12/21\\_a\\_3936578.shtml](http://m.gazeta.ru/politics/2011/12/21_a_3936578.shtml); Matthews, 2011; E. Paneyakh in *Vedomosti*, December 30, 2010, [http://www.vedomosti.ru/newspaper/article/252739/strah\\_pered\\_bumazhkoj](http://www.vedomosti.ru/newspaper/article/252739/strah_pered_bumazhkoj)).

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<sup>1</sup>William Voss-Bascom Professor of Law and Political Science at the University of Wisconsin–Madison. Thanks are due to Polina Kozyreva and Mikhail Kozalopov of the Institute of Sociology of the Russian Academy of Sciences, who allowed me to add a set of questions on law to two rounds of the Russian Longitudinal Monitoring Survey. Galina Belokurova provided invaluable assistance with data preparation. I am also grateful to Evgeny Finkel, Pilar Goñalos, and Susan Sawatske for research assistance. Help and guidance on the statistical methods was provided by Cindy Buckley, Bert Kritzer, and Donna Bahry. Cindy Buckley and Gene Huskey read drafts of the article and gave valuable comments. Responsibility for the choices made is mine alone.

This characterization of Russians as legal nihilists is nothing new. It is a common refrain dating back to the Soviet and tsarist periods (e.g., Fomina, 2009; Huskey, 1991; Solomon, 1992; Tumanov, 1989; Wortman, 1976). Indeed, Medvedev himself described legal nihilism as a phenomenon that “goes back to the dawn of time” in Russia (Medvedev, 2008). His repeated use of the term has caused it to enter the popular lexicon as never before.<sup>2</sup> His supporters are quick to note that its increased use is not merely a fad. In the words of Andrey Yatskin, the government’s representative in the upper house of the national legislature, “[i]t’s not just in vogue. It describes a real problem” (quoted by A. Smolchenko in *Moscow Times*, January 30, 2008).

Precisely what constitutes legal nihilism is less clear. Like other terms that have migrated from academia to popular parlance,<sup>3</sup> its definition has become increasingly fuzzy. At its core, however, legal nihilism refers to a lack of respect for law. Put more bluntly, legal nihilists obey the law when convenient, and otherwise ignore it.

Why are Russian policymakers preoccupied by legal nihilism? Why should social scientists be interested in the incidence of legal nihilism? Put simply, if a significant number of Russians are, in fact, readily prepared to disregard law, then progress towards a legal system that reflects the ideals of the “rule of law” is going to be stymied. At the heart of the “rule of law” concept is a commitment to universalistic law, under which everyone is subject to the same law, irrespective of his or her political views or economic influence.<sup>4</sup> Legal nihilism, by contrast, reflects a more particularistic view of law, under which citizens obey laws that strike them as fair and/or convenient. On both a practical and theoretical level, uncovering the extent to which Russia is dominated by such attitudes and who holds them is of critical importance.

The popular media, both Russian and Western, portray legal nihilism as a serious problem for Russia. Building on Gibson’s (2003) work, I challenge this common wisdom. Analyzing data collected in 2004 and 2006 as part of the Russian Longitudinal Monitoring Study of the Higher School of Economics (RLMS-HSE),<sup>5</sup> I found that a growing majority of Russians

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<sup>2</sup>A search of the database of the Russian media contained within the Emerging Markets database reveals over 1,000 articles that have used the phrase “legal nihilism” since January 2008. By contrast, a search covering the years 2000 to 2008 found only 450 articles. A search using Yandex uncovered more than 7,000 blog and internet forum postings since January 2008 that use the phrase.

<sup>3</sup>The “rule of law” is another example. Dani Rodrik asked, “Am I the only economist guilty of using the term [rule of law] without having a good fix on what it really means?” His response to this question: “Well, maybe the first one to confess it” (Order, 2008, p. 83).

<sup>4</sup>The “rule of law” is a multi-faceted and highly contested concept. There is little disagreement over the importance of universalistic law, but theorists disagree on other elements. On the basic concept, see Fuller (1969) and Tamanaha (2004). For reflections on the extent to which the “rule of law” is present in Russia, see Hendley (2009) and Kahn (2008).

<sup>5</sup>Background on the RLMS-HSE is available at <http://www.cpc.unc.edu/projects/rlms-hse>.

reject legal nihilism. Less than 30 percent of those surveyed exhibited a willingness to go around the law. Though less than what might be expected by the hysteria surrounding legal nihilism among policymakers and commentators, a lack of respect for law shared by a quarter of the populace is still troubling. Missing from the hand-wringing over the persistence of legal nihilism in Russia is any serious analysis of who the legal nihilists are and what motivates them. In this article, I begin an exploration of these questions. My goals are modest. I make no claim to have created a comprehensive predictive model. Rather, utilizing data collected as part of the RLMS-HSE, I identify the qualities associated with attitudes of legal nihilism. The results show that those who are at each end of the economic spectrum—both the wealthy and those struggling to get by—tend to be more nihilistic. Those who are skeptical of democratic ideals and distrustful of both government institutions and their fellow citizens are more likely to be nihilistic. More surprising are the findings on the effect of age. Common wisdom suggests that those who lived through the worst excesses of the Stalinism, during which courts and law more generally served as handmaidens to the elite of the Communist Party of the Soviet Union (CPSU), are most likely to be disdainful of law. Yet the analysis shows just the opposite. The oldest Russians are the least nihilistic. Age cohorts who were coming of age or in their prime during the tumultuous 1990s more readily embrace legal nihilism. This suggests that the post-Soviet experience may have been more disillusioning than the Stalinist repressions.

The article begins with a review of the methodology underlying the analysis. I then survey the literature on legal nihilism, exploring the different ways in which scholars and policymakers have understood this concept. Turning to the analysis of the survey data, I start by investigating the incidence of legal nihilism. The remainder of the article is devoted to an examination of what characteristics tend to be associated with legal nihilism.

## METHODOLOGY

The RLMS-HSE is a nationally representative, household-based panel survey of Russians that uses a stratified cluster sample. Since 1992, it has been fielded on a regular basis through a collaboration between the Institute of Sociology of the Russian Academy of Sciences, the Carolina Population Center at the University of North Carolina, and the Higher School of Economics. It includes a standard battery of questions designed to uncover the living standards and health of Russians. It also includes basic demographic questions, including age, sex, marital status, economic activity, educational level, and ethnicity. From time to time, the RLMS-HSE includes modules of questions on other topics. I included a set of questions dealing with attitudes and behavior *vis-à-vis* law in Rounds 13 (2004) and 15 (2006). Round 15 incorporated a series of questions on political participation and political attitudes that proved useful. The statistical

analysis made use of the survey commands in Stata 11, which are designed to take into account cluster sampling in the sample design.

My analysis centers on a question posed in both rounds. It was part of a group of four questions that asked respondents for their reactions on a five-point scale to a series of statements about law. Respondents were asked to agree or disagree on a five-point scale<sup>6</sup> with the following statement: “If a person considers the law unjust, he has the right to ‘go around it’ ” (*Yesli chelovek schitayet zakon nespravedlivym, on imeyet pravo ‘oboyti yego’*). The Russian verb used for “going around it” combines the prefix for circumvention (*ob*) with the basic verb of motion (*idti*). Russians use this verb—*oboyti*—when talking about avoiding life’s annoyances, including law. I used this question to test for adherence to legal nihilism. I coded those who agreed with the statement as legal nihilists, and compared them to those who gave responses that were either ambivalent or indicated opposition to this statement.<sup>7</sup> For Round 13, the sample size was 9,958. In Round 15, it increased to 11,613.<sup>8</sup>

The question is not a perfect proxy for legal nihilism. The messiness of the concept makes drafting a question that would capture every element of legal nihilism almost impossible. My question goes to its essence by asking whether respondents are open to “going around” laws they consider to be unjust. If they believe in the moral sanctity of law, then they would be unlikely to agree that doing so is legitimate. They would recognize that allowing people to pick and choose which laws they will obey could lead to societal chaos. On the other hand, those who lack fundamental respect for law would see no problem with substituting their own moral code for that of society. Such a view lies at the very heart of legal nihilism. Those who embrace it would be likely to agree with the proposition embedded in my dependent variable.

Though I lay out the results for this dependent variable for both rounds, the detailed analysis focuses primarily on Round 15. The reasons for this are practical. Given the passage of time and shifts in the population of respondents between the two rounds, the findings vary. Explaining these changes is beyond the scope of this article. Thus, I chose to limit myself to the later round.

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<sup>6</sup>The options were: agree completely, agree, not sure, disagree, disagree completely. Respondents were also allowed to opt out of answering, either by saying that it was too difficult for them to respond or by refusing to respond.

<sup>7</sup>In constructing the dependent variable, I explored the option of treating the three general responses (nihilistic, ambivalent, law abiding) as ordered, and looking at the differences between them. In analyzing the results of the regressions, I found that the results for ambivalent and law-abiding respondents did not vary significantly. For ease of presenting the findings, I have opted for a dichotomous dependent variable that isolates those who expressed nihilism.

<sup>8</sup>I excluded those who were unwilling to respond to the question or who found the question too difficult to respond to. In both rounds, this was less than 7 percent of the total sample.

## CONCEPTUALIZING LEGAL NIHILISM IN THE RUSSIAN CONTEXT

The lack of respect for law that underlies legal nihilism has long been portrayed as an essential element of Russian political culture. As the political philosopher Alexander Herzen wrote in the 19th century:

Legal insecurity that has hung over our people from time immemorial has been a kind of school for them. The scandalous injustice of one half of the law has taught them to hate the other half; they submit only to force. ... Whatever his station, the Russian evades or violates the law wherever he can do so with impunity; the government does exactly the same thing (quoted by Huskey, 1991, p. 68; quoted by Tumanov, 1989, p. 21).

This two-pronged argument as to the sources of legal nihilism enjoys considerable support. Few dispute that the state has repeatedly ignored the law when it proved nettlesome. Soviet scholars<sup>9</sup> were quick to attribute this to the tsarist legacy (Kudryavtsev and Lukasheva, 1988, p. 45). Lenin is typically portrayed as having come to realize the need to establish greater respect for legality in his later years.<sup>10</sup> His failure to follow through is attributed to his early death. Blame for the skirting of law by the Soviet state is placed squarely on Stalin (Tumanov, 1989, p. 22). While not disputing the role of Stalin in perpetuating the terror,<sup>11</sup> Western scholars proved more willing to critically examine the role of the Communist Party. Notwithstanding the inability to research this question openly, Western scholars successfully documented the practice by which party officials vetted whether to proceed with criminal prosecutions of fellow party members (Solomon, 1992; Sharlet, 1979). Even if rarely exercised, they argued, the option to spare party members from prosecution fueled public disdain for the law (Solomon, 1992; Sharlet, 1979).

Discussions of the reasons for legal nihilism in the post-Soviet Russian press continue to emphasize the role of the state in perpetuating the

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<sup>9</sup>Articles discussing legal nihilism did not begin to appear in the Soviet scholarly literature until the late 1980s, when Gorbachev's policies of *perestroika* and *glasnost'* opened the door to criticism of Soviet policy (Kudryavtsev and Lukasheva, 1988; Tumanov, 1989). These early articles were careful not to take on the Communist Party. Like Gorbachev, they acknowledged the need to combat the petty tutelage of the party, but they dared not envision a political future without the party. Indeed, Kudryavtsev and Lukasheva contend that party organs needed to play a leading role in overcoming legal nihilism (1988, p. 51).

<sup>10</sup>Lenin's legacy has been actively debated among Western scholars. While Huskey (1991, p. 61) and Schapiro (1971, p. 261) argue that the tone of disdain for law was set by Lenin, Burbank (1995) emphasizes the existence of two contradictory images of law within Lenin's writings.

<sup>11</sup>Huskey captured the sentiment of Western scholars when he wrote: "Stalinism ... draws on nihilism in its use of naked, arbitrary force as an instrument of rule and its disdain for legal norms and procedures" (1991, p. 57).

phenomenon. Put bluntly, commentators ask why ordinary citizens should be expected to obey the law when the state does not (*Rossiyskaya gazeta*, September 3, 2009, [http://www.gosuslugi.ru/ru/news/index.php?id\\_4=135&coid\\_4=75&ccoid\\_4=79](http://www.gosuslugi.ru/ru/news/index.php?id_4=135&coid_4=75&ccoid_4=79); O. Donskikh in *Vechernyy Novosibirsk*, December 10, 2009, <http://vn.ru/index.php?id=99879>). As the concept of legal nihilism entered the popular lexicon, it was sometimes used as a cudgel. For example, several critics of Yel'tsin's policies claimed that they were a result of legal nihilism (Smirnov, 2009; Plody, 1998). Over time, legal nihilism became a convenient charge to level at opponents (*RIA Novosti*, December 7, 2009, [http://www.rian.ru/general\\_jurisdiction/20091207/197579583.html](http://www.rian.ru/general_jurisdiction/20091207/197579583.html); D. Shevchenko in *NG Regiony*, February 17, 1998). As charges of legal nihilism became more commonplace, they grew ever more amorphous. Often legal nihilism was conflated with corruption (*Kuzbass*, December 14, 2009; A. Denisov in *Vremya novostey*, August 1, 2008, p. 1; Rostarchuk, 2009; *Rosbalt News*, October 30, 2009, <http://www.rosbalt.ru/2009/10/30/684805.html>).

The second prong of Herzen's definition focuses on society. One reason for Russians' willingness to evade the law has already been suggested, namely the poor example set by the state. Soviet scholars understandably downplayed this explanation. In an influential article in the party journal *Kommunist*, published in the wake of the 19th Party Conference in 1988, Kudryavtsev<sup>12</sup> and Lukasheva sidestepped the issue. In the spirit of *perestroika*, they did not absolve the state, but stopped well short of accusing the state of selective prosecution or active interference in ongoing cases. Instead, they blamed societal distrust on the poor quality of the laws on the books and the state's spotty enforcement record (Kudryavtsev and Lukasheva, 1988). In the 1988 speech in which he first embraced the rule-of-law state (*pravovoye gosudarstvo*), Gorbachev pointed to low legal literacy as a primary cause for the widespread disregard for law within Soviet society (Gorbachev, 1988, p. 67). This has become a popular refrain in the post-Soviet era, for both scholars and the mass media (Timerzyanov, 2009). Some have argued that there is a downward spiral effect in that Russians' lack of trust in law and legal institutions makes them unlikely to investigate their rights under the law (Pankratova and Gomonov, 2006, pp. 165–167).<sup>13</sup>

Underlying the legal instrumentalism of the Stalinist repressions was a belief that the ends justified the means (Tumanov, 1989, p. 23). This style of thinking was imposed on society in the early decades of the 20th

<sup>12</sup>At the time he wrote the article, Kudryavtsev was the director of the Institute of State and Law of the Academy of Sciences of the USSR.

<sup>13</sup>More specifically, Pankratova and Gomonov contend that "[t]he analysis of the criminal statistical reports shows that about half of all citizens who live in Russia and who have been the victim of criminal activity ... have not taken the matter to court or to the procurator or to the police because they don't believe in the possibility to be helped, protected or to have the guilty punished" (2006, p. 167).

century and has proven hard to eradicate. For example, when Gdlyan and Ivanov, the crusading prosecutors of the Gorbachev era who brought Brezhnev's son-in-law to justice, were revealed to have cut corners in their investigations, the public continued to support them. Indeed, when they became the target of a criminal investigation, Solomon notes, "the readers [of *Literaturnaya gazeta*] displayed not only emotion but also open rejection of the need to observe legality in cases of officials accused of corruption" (1992, p. 268). He concludes that the Soviet public's desire for legality was shallow at best.<sup>14</sup> Russians continue to be tolerant of the state's extra-legal actions in politicized cases. In a nationally representative survey regarding the prosecution of Khodorkovskiy in March 2010, 41 percent believed that pressure had been put on the court to obtain the conviction desired by the Kremlin.<sup>15</sup> A year earlier, when asked whether they had any sympathy for Khodorkovskiy, who was then languishing in a Siberian prison, only 3 percent said that they were fully sympathetic. An additional 15 percent were somewhat sympathetic.<sup>16</sup>

How to combat legal nihilism in Russia has been much debated. There is general agreement that the first step is changing attitudes. Interestingly, while Medvedev puts the onus primarily on society, Gorbachev took aim at both state and society. In 1988, Gorbachev argued that any democratization would require:

the establishment of a socialist rule-of-law state (*sotsialisticheskoye pravovoye gosudarstvo*). To put it briefly, the foremost salient feature of a state committed to rule of law is that it effectively ensures the primacy of law. Not a single government body, official, collective, party organization, public association or individual can be exempt from abiding by the law. Just as all citizens have obligations to our state of the whole people, the state has obligations to its citizens. Their rights must be firmly protected against any abuse by the authorities (Gorbachev, 1988, p. 65).

By contrast, in his first post-election interview in March 2008, Medvedev commented that "[w]e need to make sure that every citizen understands not only the necessity and desirability of observing the law,

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<sup>14</sup>Solomon points out that the lack of support for legality among readers of *Literaturnaya gazeta* is particularly telling. Its devotees tended to be drawn from the intelligentsia, not from the more conservative elements of Soviet society (1992, p. 268).

<sup>15</sup>The survey is available at <http://old.levada.ru/press/2010031001.html>. The Khodorkovskiy case is only the most prominent of the cases in which the Kremlin has used the courts to bring down a rival. Regional leaders have engaged in similar behavior. Prominent businessmen have allegedly bribed the prosecutors to bring cases against their competitors in order to gain an advantage (Firestone, 2010). Sixsmith (2010) and Sakwa (2009) provide a thorough analysis of the Khodorkovskiy affair. On the broader context for the Khodorkovskiy case, see Treisman (2010).

<sup>16</sup>The survey is available at <http://old.levada.ru/press/2009020204.html>.

**Table 1.** Russians' Responses to the Proposition: "It Is Not Necessary to Obey Law If You Consider It Unjust," 1992–2000 (percentages)<sup>a</sup>

Response	1992	1995	1996	1998	2000
Agree	29.8	24.1	21.6	20.6	21.1
Disagree	45.6	50.3	55.9	59.7	58.2
Total number	2,523	767	1,392	1,320	1,394

<sup>a</sup>Source: Gibson (2003, p. 88).

but also understands that without [this] there cannot be normal development of our state or society" (Barber, Buckley, and Belton, 2008). To be fair, in other speeches, Medvedev has been highly critical of corruption within state bureaucracies, including the courts. There seems little doubt that changes in attitudes and behavior on the part of both state and society in Russia will be needed in order to triumph over legal nihilism. A full analysis of the efforts that have been made to stem legal nihilism (including Medvedev's much-hyped campaign to combat corruption) is beyond the scope of this article. Instead, I now turn my attention to documenting the levels of legal nihilism in Russia and uncovering the characteristics of those who embrace legal nihilism.

## THE INCIDENCE OF LEGAL NIHILISM IN RUSSIA

Everyone from Medvedev to the taxi drivers I encounter in my field work in Russia is convinced that legal nihilism is endemic in Russia. Moreover, they are certain that this is an inescapable and unique part of Russian political culture. The available survey data undermine both elements of this common wisdom. In a series of surveys from the 1990s, Gibson (2003) documented an opposite trend. He asked respondents to agree or disagree with the statement: "It is not necessary to obey law if you consider it to be unjust" (*Sovsem ne obyazatel'no vypolnyat' zakon, kotoryy Vy schitayet nespravedlivym*). Table 1 shows that, between 1992 and 2000, a declining minority of Russians agreed with the statement.<sup>17</sup> Over the course of his surveys, the percentage of those who disagreed rose from 45.6 percent to 58.2 percent (Gibson, 2003, p. 88). As he points out, these results are particularly striking, given the pervasiveness of legal irregularities during the 1990s. Law was often an afterthought in the process of privatizing state enterprises, which enriched a very small stratum of Russian society, leaving the vast majority of citizens deeply disillusioned. More

<sup>17</sup> Respondents were asked to respond using the same type of five-point scale used in the RLMS-HSE. Gibson (2003, p. 88) reported only the percentages of those who agreed or disagreed. The percentages from his table do not add up to 100. The difference may represent those who expressed ambivalence, the middle category, or those who refused to respond.



**Table 2.** Russians' Responses to the Proposition: "If a Person Considers the Law Unjust, He Has the Right to 'Go Around It,' " 2004–2006 (percentages)<sup>a</sup>

Response	Round 13—2004	Round 15—2006
Strongly agree	5.13	6.44
Somewhat agree	23.8	18.07
Ambivalent	21.6	18.99
Somewhat disagree	38.86	34.17
Strongly disagree	10.6	22.34
Mean <sup>b</sup>	2.74	3.48
Standard deviation	1.09	1.2
Total N	9,958	11,613

<sup>a</sup>Source: RLMS-HSE (2004, 2006).

<sup>b</sup>In calculating the mean, responses were given scores from 1 to 5, ranging from 1 for "Strongly agree" to 5 for "Strongly disagree."

specifically, it seemed to show the hollowness of law. Those who gained economic power through the privatization—the so-called oligarchs—seemed to operate with impunity. The unstated assumption of most that this societal disgruntlement would be reflected in a lack of respect for law is logical. But the data suggest that the story was more complicated.

The RLMS-HSE results, set forth in Table 2, update and confirm Gibson's basic findings. The phrasing of the questions was slightly different, but they are sufficiently similar to allow comparison. Both questions used the same Russian word to capture the idea of an unjust or unfair law (*nespravedlivyy*). At first glance, it appears that there was a step-up in legal nihilism between 2000 and 2004. Gibson reports that about 21 percent of respondents surveyed in 2000 were open to disobeying laws they considered to be unjust. My results show that this number had grown to almost 29 percent by 2004. How to interpret this increase is unclear. The questions are not identical. Perhaps people were more willing to own up to "going around" (*oboyti*) the law than to disobeying (*ne vypolnit'*) it. The former is a more colloquial expression. According to my interviews, Russians do not always regard "going around" the law as a failure to obey the law. Gibson provides only two categories—agree or disagree. By contrast, my respondents were offered a middle road, which may have affected their responses. Both surveys endeavored to provide a representative sample of Russia, but the differences in the populations surveyed and the larger size of the RLMS-HSE may also help explain the disparity in results.<sup>18</sup>

<sup>18</sup>For detailed information about Gibson's survey, see Gibson (2003, p. 91).

At the descriptive level, the general trend towards a decrease in legal nihilism that Gibson observed during the 1990s has continued. Between 2004 and 2006, those adhering to nihilistic views decreased from 28.93 to 24.5 percent. Those exhibiting ambivalence also decreased. At the other end of the spectrum, the percentage of respondents who reported an unwillingness to “go around” the law increased from a smidgen less than half (49.47 percent) to a solid majority (56.51 percent). The more than doubling of the percentage of those who disagreed strongly with the proposition is particularly striking. It suggests that the respondents’ commitment to following the law grew stronger. If we include those who expressed ambivalence as non-nihilists, then the story becomes even more compelling. The percentage of these non-nihilists increased from 71.06 to 75.5 percent.<sup>19</sup>

In contrast to the widely held belief that legal nihilism has a stranglehold on Russian political culture, the data clearly show that a majority of Russians reject the proposition that law can be avoided if inconvenient or unjust. Why, then, does the myth of legal nihilism persist? A detailed analysis of this question is beyond the scope of the article, but a few possible explanations can be advanced. The media, both Russian and Western, keep up a steady drumbeat of stories about the horrors of the legal system (C. J. Levy in *The New York Times*, July 4, 2010; I. Mayboroda in *Zolotoye kol'tso*, August 4, 2010, [http://www.goldring.ru/index.php?option=com\\_content&task=view&id=95861&Itemid=1](http://www.goldring.ru/index.php?option=com_content&task=view&id=95861&Itemid=1); N. Ruzanova in *Rossiyskaya gazeta*, October 7, 2009, <http://www.rg.ru/2009/10/07/melnichenko.html>). They document the Kremlin’s ability to dictate the outcome of cases in which it has taken an interest. This narrative, in which so-called “telephone law” routinely holds sway over the law on the books, suggests that politics trumps law.<sup>20</sup> The dualistic nature of Russia’s legal system, in which the rich and powerful are often able to use the legal system to serve their narrow purposes, might lead one to conclude that law is not meaningful.<sup>21</sup> What is conveniently missing from the public image of the Russian legal system is the reality that the vast majority of cases proceed through the courts without any sort of outside interference (Hendley, 2009). This dualism is a relic from the tsarist and Soviet eras (Burbank, 2004; Feifer, 1964). That the media would be more attracted to the sensational stories of judicial manipulation is not surprising. The fact that those surveyed did not

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<sup>19</sup>These differences were statistically significant.

<sup>20</sup>See Ledeneva (2008) for background on “telephone law.” The coverage of the protests in the wake of the December 2011 elections routinely portrays the courts as lapdogs of the Kremlin (M. Gessen in *The Washington Post*, December 16, 2011; A. Kramer and D. Herszenhorn in *The New York Times*, December 12, 2011).

<sup>21</sup>Fraenkel (1969) introduced the idea of a dualistic state in his scholarship on Nazi Germany. Others have made use of the concept in more contemporary settings (Meierhenrich, 2008; Jayasuriya, 2001), including post-Soviet Russia (Sakwa, 2010). Sharlet (1977) first argued that Russia had a dualistic legal system in his analysis of the Stalinist system.

reflect this media-driven version of the futility of relying on law speaks to their ability to separate the wheat from the chaff.

How does Russia stack up against the rest of the world? The hyperbole of the media and the low ranking of Russia on the various indexes related to “rule of law” give rise to a sense that legal nihilism is a more serious problem in Russia than elsewhere.<sup>22</sup> Testing this thesis systematically would require that the RLMS-HSE or a survey analogous to it be fielded in a variety of countries, which has not happened. But surveys exist that ask somewhat similar questions. Comparing responses across surveys is always hazardous because the phrasing of the questions, the possible responses, and even their placement within the survey can affect the responses (Bahry, 1993, p. 521). With those caveats, however, a brief review of these data provides some sense of where Russia stands.

The United States is often held out as a model for transition countries in terms of the commitment of its citizens to the ideals of the “rule of law.” In the U. S. “Citizenship, Involvement, Democracy” Survey, fielded in 2005, a representative sample of 1,001 citizens were asked a battery of questions in face-to-face interviews (Howard, Gibson, and Stolle, 2005). Among them were questions about their attitudes towards law. As with the RLMS-HSE, respondents were given statements and asked to agree or disagree along a five-point scale. Two of these represent possible indicators of legal nihilism. The text of the first is identical to that used in Gibson’s earlier survey in Russia: “it is not necessary to obey a law that you consider unjust.” Sixteen percent of the surveyed Americans were in agreement, a noticeably lower percentage than Gibson found in his Russian research (see Table 1). The second statement—“sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution”—found acceptance among 24 percent of the Americans surveyed, which is more in line with the results from the 2006 round of the RLMS-HSE (see Table 2). As these results suggest, the correlation between these two groups of US respondents was less than complete.<sup>23</sup> The inconsistency confirms the findings of legal sociologists that Americans’ views of law are often contradictory (Ewick and Silbey, 1998).

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<sup>22</sup>For example, in the 2011 Transparency International Corruption Perception Index, Russia is tied for 143rd place (out of 176 countries) with, among others, Belarus and Nigeria. These data are available at <http://cpi.transparency.org/cpi2011/results/>. In an analysis of the 20 largest countries by population by the World Bank’s indicator for rule of law, Russia is ranked in the second-lowest quartile. Its score is indistinguishable from Bangladesh, Ethiopia, and Pakistan. These data are available at [http://info.worldbank.org/governance/wgi/mc\\_chart.asp.complete](http://info.worldbank.org/governance/wgi/mc_chart.asp.complete).

<sup>23</sup>More information on the U.S. “Citizenship, Involvement, Democracy” Survey is available at <http://www8.georgetown.edu/centers/cdacs/cid/>. The data are available through the Inter-University Consortium for Political and Social Research. They show a 33 percent correlation between these two variables. Only about a third of those who agreed with the first statement also agreed with the second, whereas about half of those who agreed with the second statement agreed with the first.

The Afrobarometer 3 survey, fielded across 18 countries in 2005–2006, included a question similar to the second statement from the US questionnaire, though it was set up slightly differently.<sup>24</sup> Respondents were given two contradictory statements and were asked which one better represented their views. The first: “It is better to find lawful solutions to problems even if it takes longer.” The second: “It is sometimes better to ignore the law and solve problems immediately using other means.” Those who adhered to the philosophy expressed in the second statement could fairly be regarded as legal nihilists. In Zimbabwe, almost a third of those surveyed fell into this group. In Namibia, nihilism was even stronger, with 36 percent of those surveyed willing to go around the law. Other African countries were more law abiding. In Kenya, for example, only 13 percent of those surveyed favored quicker extra-legal problem-solving methods. In South Africa, about 16 percent expressed such views.

Once again, these data are presented simply to put the Russian findings in a comparative perspective, to suggest that Russians are not bizarrely nihilistic.

## IDENTIFYING THE LEGAL NIHILISTS IN CONTEMPORARY RUSSIA

The essence of legal nihilism is condescension towards law. This suggests that those inclined toward legal nihilism are not likely to be positively disposed towards law. The RLMS-HSE data provide confirmation. Those who were prepared to “go around” the law were more inclined to believe that judges were venal and that living in contemporary Russia without violating the law was impossible. Looking past their attitude toward law, what characteristics tend to be associated with an adherence to legal nihilism? I begin the analysis by exploring a series of possible demographic explanations. I then turn to three theoretically-driven hypotheses. I begin here by studying the role of well-being—both material and emotional—on support for legal nihilism. The second hypothesis builds on the work of Tyler (2006) and others who have explored the relationship between willingness to obey the law and political attitudes. They have investigated the links between citizens’ belief in the legitimacy of law-making institutions and obedience. My approach is slightly different. I look at whether support for democratic principles or, alternatively, for the Putin regime affect support for legal nihilism. I conclude by testing a generational hypothesis that is driven by the common wisdom that Russians become more nihilistic as they grow older.

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<sup>24</sup>Information about the Afrobarometer 3 survey is available at <http://www.afrobarometer.org/>. The data are available through the Inter-University Consortium for Political and Social Research.

## Demographic Characteristics

We know very little about who the legal nihilists are in Russia. Our only hint comes from Gibson's analysis, though it is a bit of an afterthought in his article. He examined five demographic variables are generally considered to be good predictors of attitudes in Russia. These were gender, level of education, social class, urban residence, and age. He found that, taken together, "these five variables account[ed] for a paltry amount of variation in attitudes towards the value of the rule of law" (2003, p. 89).

I expanded my analysis beyond these five basic variables to include marital status and ethnicity.<sup>25</sup> The distributions among the different gradations of legal nihilism for the key demographic variables are set forth in Table 3. Basic descriptive statistics for these variables, as well as all those used in the regressions, are set forth in the Appendix. The results of the logistic regression are reported as Model 1 in Table 4.<sup>26</sup> My results were more mixed than Gibson's. Like him, I found that neither urban residence nor social class (as measured by income and employment status) was a significant predictor of legal nihilism.<sup>27</sup>

As to age, gender, and level of education, my findings diverge from Gibson's. All of these variables proved to be significantly associated with the dependent variable. In particular, as Table 3 shows, those with university degrees were more law abiding, as were women. This finding is not unique to Russia. Women are generally more law compliant than men (Tyler, 2006, p. 43; Yagil, 1998). As will become apparent, the significance of these relationships holds up as I test other substantive hypotheses using logistic regression analysis. Age is consistently significant, but appears to have limited explanatory value, given that the odds ratio is around one. Although incremental age differences tell us little, when the variable is reorganized into generational cohorts, the critical importance of age in identifying the nihilists will become apparent. This generational hypothesis is discussed below.

The strong relationship between increased levels of education and respect for law is not surprising. Both US-based and comparative research has shown that with additional years of education comes a more

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<sup>25</sup>A reluctance to go around the law might reasonably be associated with religious belief. Perhaps believers are more disciplined and less likely to adopt nihilistic attitudes. The data do not support this supposition, though the fact that almost 98 percent of respondents describe themselves as believers provides little variation.

<sup>26</sup>The lack of a linear relationship between my explanatory variables and my dependent variable made it necessary to use logistic regression rather than ordered probit. For this purpose, the dependent variable has been recoded as a dummy that isolates those who agreed that it was acceptable to "go around" the law.

<sup>27</sup>Due to the difficulties of capturing income levels of respondents, I used ownership of big-ticket consumer goods as a proxy for social class or income. I adopted the method pioneered by Bollen, Glanville, and Stecklov (2002) by constructing a scale based on ownership of televisions, computers, video cassette recorders, refrigerators, and cars. I then added one to the number of items owned and took the natural log of the score. Barrett and Buckley (2009) used this method to good effect when analyzing RLMS-HSE data.

**Table 3.** Demographic Characteristics of Russian Legal Nihilists: Responses to the Proposition: "If a Person Considers the Law Unjust, He Has a Right to 'Go Around It'"<sup>a</sup>

Response	Gender <sup>b</sup>		Educational level <sup>c</sup>		Marital status <sup>d</sup>		Residence <sup>e</sup>		Total population
	Women	Men	University degree	No university degree	Married	Not married	Urban	Rural	
Strongly nihilistic	5.30	7.93	5.66	6.63	6.37	6.52	6.13	7.11	21.16
Somewhat nihilistic	15.97	20.80	14.46	18.97	17.25	18.92	18.65	16.79	17.98
Ambivalent	19.61	18.51	17.29	19.40	18.96	19.04	19.33	18.24	19.84
Somewhat law abiding	31.38	36.31	34.19	34.17	35.56	32.80	32.76	37.24	35.3
Strongly law abiding	23.92	20.28	20.84	28.40	21.87	22.72	23.13	20.62	21.16
Total population	56.57	43.43	19.78	80.22	50.53	49.47	68.51	31.49	100

<sup>a</sup>Source: RIMS-HSE (2006).

<sup>b</sup>Pearson chi square = 106.43, d.f. = 4, p = 0.00.

<sup>c</sup>Pearson chi square = 74.82, d.f. = 4, p = 0.00.

<sup>d</sup>Pearson chi square = 12.00, d.f. = 4, p = .017.

<sup>e</sup>Pearson chi square = 31.93, d.f. = 4, p = 0.00.

**Table 4.** Logistic Regression Models—Odds Ratios for Adherence to Legal Nihilism<sup>a</sup>

	Model 1	Model 2	Model 3	Model 4
Women	0.673*** (0.0277)	0.674*** (0.278)	0.706*** (0.0297)	0.708*** (0.0298)
Age	0.998* (0.00128)	0.998 (0.00131)	0.996** (0.00133)	0.996* (0.00135)
Russian	0.992 (0.0764)	0.990 (0.0765)	0.980 (0.0752)	0.982 (0.0758)
Urban residents	1.092 (0.0630)	1.087 (0.0628)	1.071 (0.0625)	1.071 (0.0625)
Bottom quintile of income	0.951 (0.0614)	0.960 (0.0626)	0.926 (0.0595)	0.926 (0.0600)
Employed	1.014 (0.0499)	1.034 (0.0511)	0.997 (0.0489)	1.002 (0.0499)
Married	0.905* (0.0461)	0.899* (0.0458)	0.915 (0.0473)	0.910 (0.0470)
University graduate	0.764*** (0.0483)	0.763*** (0.0484)	0.739*** (0.0479)	0.736*** (0.0474)
Family economic situation worse in past year		1.374*** (0.0876)		1.250*** (0.0810)
Richest 12 percent (self-perception)		1.176* (0.0892)		1.264** (0.0966)
Possible to trust people		0.766*** (0.0525)		0.833** (0.0574)
Highly respected (self-perception)		0.918 (0.0550)		0.888* (0.0543)
Belief in progressive ideals—lowest quarter			1.214** (0.0742)	1.201** (0.0734)
Trust in government institutions— lowest quarter			2.126*** (0.115)	2.079*** (0.113)
Supporters of term limits for elected officials			1.229*** (0.0648)	1.237*** (0.0653)
Supporters of the appointment of regional governors			1.227*** (0.0648)	1.235*** (0.0655)
Use of courts in preceding five years			1.228** (0.797)	1.218** (0.0793)
Constant	0.470*** (0.0486)	0.454*** (0.0485)	0.305*** (0.0331)	0.293*** (0.0329)
Pseudo R <sup>2</sup>	0.0099	0.0141	0.0338	0.0365
Observations	11,578	11,578	11,578	11,578

<sup>a</sup>Source: RLMS-HSE (2006). \*\*\*p < 0.001, \*\*p < 0.01, \*p < 0.05

sophisticated appreciation of the political system, including the legal system (Tyler, 2006, p. 42; Torney-Purta, 1997). Russia appears to follow this general pattern.

The additional demographic variables help fill in the picture. Ethnicity is not a strong predictor of legal attitudes. The RLMS-HSE sample included representation from over 40 different ethnic groups. Given that 80 percent of the sample self-identified as Russian,<sup>28</sup> I divided the sample into Russians and non-Russians and found that Russians were no more or less nihilistic than non-Russians. By contrast, marital status is significant. Those who are married are less likely to be nihilistic than their single and divorced friends. Not surprisingly, having been through a divorce tended to leave respondents more cynical towards the legal system.<sup>29</sup>

## Well-Being Hypothesis

Logic suggests that those who have fared poorly economically and otherwise might grow to resent law, perhaps reasoning that the powerful have manipulated the rules of the game to favor them. This way of thinking is consistent with legal nihilism. The gap between rich and poor has been widening since the collapse of the Soviet Union. The shift to the market has proven difficult for many. Yet Gibson (2003) found economic well-being to be a poor predictor of adherence to the rule of law. My results were less definitive. As I noted above, the behavioral indicators of economic well-being, namely income and employment, were not significant. But as I dug into the attitudinal indicators of economic desperation, a different picture emerged. Respondents were asked whether their family's economic situation had worsened significantly during the prior year. The odds for nihilism among respondents struggling to provide for their families are over 33 percent higher than for those who enjoy economic stability. On the other hand, a variable constructed from a series of questions that asked about respondents' experiences during the turbulent 1990s showed no effect.<sup>30</sup> When included in the regression analysis, the

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<sup>28</sup>No other ethnic group made up more than 5 percent of the surveyed population.

<sup>29</sup>The survey asked about the respondent's current marital status. This snapshot approach failed to capture those who might be remarried after a divorce. The longitudinal character of the data allowed me to return to the earlier rounds to find all respondents who had admitted to a divorce at any time. This increased the population of those who had experienced divorce from 8.2 percent to 14.7 percent. Moreover, when I ran Model 1 substituting those who had been through divorce for those who were married, the results flip-flopped. The odds of being nihilistic were 19 percent higher for this divorced cohort than for their non-divorced compatriots. If the data had allowed me to fine-tune the analysis to identify those who have had difficulties with child-support payments following a divorce, the results would likely be even more striking. Divorce is never pleasant and the parties often prefer to lay the blame for the pain at the doorstep of the legal system rather than accepting personal responsibility.

<sup>30</sup>Respondents were asked four questions about their lives between 1991 to 2002: (1) had they lost their job because the enterprise where they worked closed or suddenly laid off workers; (2) had they been forced to take a job that did not correspond to their qualifications; (3) had



odds ratio hovered near one and it was not statistically significant. I therefore left it out of the model. These results indicate that recent economic difficulties have a more profound influence on Russians' attitudes toward law than do their experiences during the initial years of the transition, though these questions about dislocation during the reforms prove critical in explaining the variation among generational cohorts.

Interestingly, the variables measuring the more general sense of economic powerlessness tell a somewhat different story. Respondents were asked to place themselves on a nine-step ladder, with the lowest rung representing the poorest in society and the top rung representing the richest echelon. I constructed dummy variables to capture those who see themselves at the two ends of this spectrum.<sup>31</sup> Those who put themselves on the bottom two rungs constitute 15 percent of the sample, whereas those who put themselves on the top four rungs represent 12 percent of the sample. The regression analysis indicates that those who self-identify as richer tend to be more nihilistic. As Table 4 shows, the odds of being nihilistic are 20–30 percent greater for those who feel they have economic power. By contrast, a perceived lack of economic power turned out to be a poor predictor of legal nihilism.<sup>32</sup>

Taken together, these results show that those who perceive themselves to be at either the top or the bottom of the economic pyramid are more likely to exhibit attitudes of legal nihilism. This provides confirmation of two seemingly contradictory pieces of common wisdom about contemporary Russia. The nihilism of the rich supports the popular belief among Russians that the wealthy view law as an inconvenience rather than as a constraint on their behavior. Put more bluntly, they see themselves as above the law. Those who are struggling to provide for their families also tend to be nihilistic. This supports the sense that this group is reluctant to take personal responsibility for their problems, preferring to blame it on their perception that the system is somehow rigged against them. Desperation may also push some people who would otherwise be law abiding into disregarding the law and/or evidencing a willingness to do so in service of the survival of their families. In other words, the question may be capturing opportunistic legal nihilism rather than deeply seeded beliefs.

Well-being encompasses more than financial stability. Self-respect and confidence in those around you is also part of a sense of well-being. In

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they been forced to take on a second job that did not correspond to their qualifications; and (4) had their salary decreased suddenly.

<sup>31</sup>I also constructed a dummy variable to capture the midpoint on the spectrum in an effort to identify the middle class. The majority of respondents (50.32 percent) put themselves on rungs 4 and 5 of the ladder. When I included this variable in the regression, the results were inconclusive, probably because of the large size of this contingent.

<sup>32</sup>As this suggests, the overlap between those who saw themselves as bereft of economic power and those whose family situation had worsened dramatically over the year preceding the survey was small, constituting only about 5 percent of respondents. This is a result worthy of further investigation.

addition to asking respondents to place themselves on a nine-point ladder to measure economic power, the RLMS-HSE also asked them to assess the level of respect they enjoyed. I isolated those in the top quintile (Highly respected (self-perception)). As Table 4 shows, this group is marginally less likely to be nihilistic than those who were less secure. This variable is just on the edge of statistical significance in Model 2 ( $p < 0.155$ ), but grows more robust as additional variables are included in Model 3 ( $p < 0.060$ ). It is reasonable to assume that the sense of hopelessness that accompanies cynicism feeds legal nihilism (or perhaps vice-versa). A good proxy for cynicism is one's level of trust in others. Respondents were asked about this and were given three options: (1) most people can be trusted; (2) it depends on the person and the situation; (3) one always needs to be cautious in personal relationships. I created a dummy variable to include everyone who saw trust as an option (Possible to trust people). Using the category that urges caution as the reference category, I included the dummy in a logistic regression, represented by Model 2. My hypothesis that cynicism is associated with legal nihilism finds strong support. The odds of being nihilistic are about 20 percent less for those who believe it is possible to trust others.

Respondents were asked to assess their relative political power on a nine-point ladder. Many students of the Russian scene assume that the powerful routinely disregard law. Yet this variable turned out to be a poor predictor of legal nihilism. The odds ratio was close to one and was not statistically significant.<sup>33</sup> This undermines, though falls far short of disproving, the common wisdom that the politically powerful pay no attention to law; that they are nihilistic. After all, this thesis is most often advanced with respect to the very richest members of Russian society, who are unlikely to have been part of the RLMS-HSE. It does suggest that the presumed link between power and blatant legal obliviousness deserves more study.

## Democracy Hypothesis

Open-mindedness is sometimes thought to be associated with democracy. The existence of a relationship between one's general political beliefs and one's willingness to obey the law has been repeatedly documented (Tyler, 2006). Gibson (2003, p. 89) found that in Russia "positive attitudes to the rule of law [were] moderately related to positive attitudes toward democratic institutions." I am asking a slightly different question. I am exploring who is likely to embrace legal nihilism; I am not trying to identify the closet democrats. Moreover, my research is situated in a very different

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<sup>33</sup>Respondents were asked to place themselves on a nine-step ladder, where 1 represented a complete lack of rights and 9 represented having a lot of power. I explored the effect for the top third of the sample and for a more elite group comprising the top 10–15 percent. Regardless of how the variable was coded, no effect was observed.

context from either Tyler (US) or Gibson (Yel'tsin-era Russia). By 2006, though Russia maintained the artifice of democratic institutions, Putin's "power vertical" had largely drained them of democratic content (Lipman, 2011b; Kryshstanovskaya and White, 2009).

I explored the link between legal nihilism and political attitudes through two sets of questions posed in Round 15 of the RLMS-HSE. Respondents were asked a series of questions about how important it was to them personally that various democratic principles exist in Russia. The list encompassed free elections, law and order, freedom of speech, an independent press, political opposition, fair courts, and the protection of civil rights. I created a scale of their support for these progressive ideals, which can fairly be viewed as cornerstones of a democratic political system. I found that Russians who were in the bottom quartile according to this scale (Belief in progressive ideals—lowest quarter) were more likely to be nihilistic. Their odds of being nihilistic were about 20 percent greater than those who were more open to progressive principles. These results are reported in Table 4 as Model 3. They hold up when the indicators of economic well-being are added back into the analysis in Model 4. The robust positive association between lack of support for democratic principles and legal nihilism makes sense. Legal nihilism is grounded in a particularistic concept of law in which various aspects of a citizen's identity, such as political affiliations, economic power, or ethnicity, determine whether he or she is held to the law's strictures. Democracy, by contrast, assumes a universalistic approach to law, under which all are bound by the law, irrespective of who they are.

The second set of questions that I utilized asked about respondents' trust in various state institutions.<sup>34</sup> Though there is some danger that respondents personalized the institutions and that their responses go more to support for Putin's government (discussed below), the questions were framed in general terms. Reasoning that those who support democracy would have to trust the three branches of government and the army and police, I again created a scale of support.<sup>35</sup> The relationship between

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<sup>34</sup>Shlapentokh (2006) details Russians' lack of trust in social and political institutions, with the exception of the presidency and the church, though he also notes that this trend toward increased distrust is not unique to Russia, but is shared by citizens of both advanced industrialized nations and emerging economies. Tyler (1998) analyzes the implications of the low level of trust in courts in the US.

<sup>35</sup>Because having gone to court is included in Model 3 (see below), I debated whether to exclude support for the judicial branch in this variable. I decided to leave it in because there was no significant correlation between the support for institutions and going to court. Indeed, when I delved into the relationship between having used the courts and support for the courts, I found that only those that expressed either strong support or strong distaste for the courts diverged from the general results. While 13.2 percent of those surveyed had been to court in the preceding five years, among those who claimed to completely distrust the courts that percentage was 17.6. Yet 11.1 percent of those who expressed complete support had been to court. Elsewhere I have argued that attitudes towards the court are a less powerful predictor of actual use than need (Hendley, forthcoming).

a lack of trust in state institutions and legal nihilism was even stronger than for the rejection of democratic ideas. Model 3 shows that those in the bottom quarter of my trust scale had much higher odds of embracing nihilism (Trust in government institutions—lowest quarter). These results support the general thesis that legal nihilists have a skeptical attitude towards political institutions, both in theory and in practice.

When I flipped the analysis to explore those at the other end of the scale, I found only limited support for the link between support for rule of law and democracy suggested by Gibson. On the one hand, those who voiced strong trust in institutions were much more likely to be committed to abiding by the law.<sup>36</sup> On the other hand, when I looked at those in the top quartile of the scale for support of democratic principles, I did not find that they were noticeably more law abiding than the rest of the sample. The odds ratio is close to one and is not statistically significant. The link—or lack thereof—between attitudes toward law and support for democracy deserves deeper investigation.

The extent to which actual experience with the legal system affects the underlying respect for law deserves attention. US-based studies have also shown that the greater knowledge of the legal system that comes from having been to court generally translates into a more positive attitude towards law and the legal system (Kritzer and Voelker, 1998; Thibaut and Walker, 1975). The thesis that familiarity breeds sympathy finds little support in the Russian case. The RLMS-HSE data show just the opposite. Respondents who report having been to court within five years of the survey are more nihilistic than those without this experience. When this variable is included in the regression analysis, the results hold up. As Table 4 indicates, the odds of embracing legal nihilism are about 25 percent greater for courthouse veterans. Logic dictates that, unlike their American counterparts, the Russian litigants did not emerge from their experience with a greater appreciation for the challenges facing judges, but rather with a greater disrespect for the law generally. As a general rule, few litigants, even those who ostensibly win their cases, are satisfied with the process or their treatment. All too often, litigants feel they did not get an opportunity to air their grievances fully. This is especially likely to be true in Russia, where the combination of a crowded docket and unforgiving deadlines for resolving cases lead to courts acting as conveyor belts of justice.

Just as interesting is whether respondents' support for the Kremlin and its policies is related to nihilism. The schizophrenic nature of the Putin regime's policy makes predicting the nature of that relationship hazardous. On the level of rhetoric, Putin has been a tireless advocate of the "supremacy of law" (*gospodstvo zakona*). Under his tenure, the state funding for courts has been stabilized, thereby eliminating the need for court

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<sup>36</sup>For example, 28 percent of those in the top quartile strongly disagreed with the proposition that it was acceptable to "go around" the law, compared to only 22 percent for the sample as a whole.

officials to appeal to local or regional governments for funding, which created the appearance—and perhaps the reality—of judges rigging cases to favor these funders. Putin has championed the expansion of jury trials throughout Russia, though he was quick to limit the types of cases that juries could hear when their propensity for acquitting defendants began to touch on cases in which he took a personal interest.<sup>37</sup> He also pushed for the creation of justice-of-the-peace courts (*mirovyye sudy*), which not only have relieved the burden on district courts, but have also enhanced the accessibility of the legal system for ordinary Russians (Kryuchkov, 2010; Solomon, 2003).<sup>38</sup> These institutional initiatives were being advocated side by side with the Kremlin's Javert-like pursuit of Mikhail Khodorkovskiy and his colleagues at Yukos (S. Bocharova for *gazeta.ru*, December 21, 2011, [http://m.gazeta.ru/politics/2011/12/21\\_a\\_3936578.shtml](http://m.gazeta.ru/politics/2011/12/21_a_3936578.shtml); Sixsmith, 2010; Sakwa, 2009). This case is one of many examples of “telephone law” in action (Ledeneva, 2008). Not only has the Kremlin used the courts to go after its enemies, but it has looked the other way when regional leaders have done the same. The dualistic policy of the Putin regime makes it unclear whether those who support Putin would embrace or reject legal nihilism.

Like Russians more generally, those who participated in the RLMS-HSE were generally supportive of Putin. Of the 70 percent of the RLMS-HSE sample who regularly voted, about half voted for United Russia in the 2003 parliamentary elections and almost 84 percent voted for Putin in the 2004 presidential election. In fact, the data suggest that these voter-respondents were more supportive of Putin than was the general public. United Russia received 38 percent of the vote in 2003 and Putin received 71.3 percent in 2004 (Remington, 2006, pp. 179–183). In neither election did those who supported Putin deviate from the population at large in terms of adherence to legal nihilism. Interestingly, in the 2003 elections, respondents who did not vote for United Russia turned out to be slightly more nihilistic, but it is not statistically significant.<sup>39</sup>

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<sup>37</sup>For a discussion of the limited experiment with juries under Yel'tsin, see Reynolds (1997) and Thaman (1995). Solomon (2005, p. 336) documents the expansion of juries throughout Russia and lays out the political machinations behind keeping juries away from political cases.

<sup>38</sup>The success of the justice-of-the-peace courts has given rise to a new problem, namely that these judges are badly overburdened. In October 2011, Medvedev announced a plan to reduce their workload (RAPS: *Rossiyskoye Agentsvo Pravovoy i Sudebnoy Informatsii*, October 7, 2011, [http://rapsinews.ru/judicial\\_news/20111007/256104318.html](http://rapsinews.ru/judicial_news/20111007/256104318.html)).

<sup>39</sup>Less than 2 percent of respondents voted for Irina Khakhamada, the candidate most closely associated with Western-style democracy and the candidate who was most open in her criticism of Kremlin policy. The size of this group makes analysis problematic, but it is worth noting that this group exhibited more ambivalence about legal nihilism than the overall sample. Though a similar percentage of the RLMS respondents voted for the democratically-inclined parties (Yabloko and the Union of Right Forces) in the 2003 election, only about half of them were the same people. This handful of pro-democratic voters was noticeably less inclined towards legal nihilism.

The dearth of viable candidates opposing Putin in the 2004 presidential election makes that vote a rather weak test of loyalty. Fortunately, Round 15 of the RLMS-HSE included several questions that queried respondents about their support for his signature policies (Lemaître, 2006). The analysis of these variables is introduced in Model 3. The first of these variables focused on the introduction of term limits for elected officials (Supporters of term limits). The second asked about the decision to appoint governors in lieu of elections (Supporters of the appointment of regional governors). Both variables have a positive sign and are statistically significant. The link between legal nihilism and term limits is stronger than for the switch to appointed governors. The results show that those who are willing to sidestep the law when it proves inconvenient tend to be in Putin's camp.

Before turning to the analysis of the generational effect on legal nihilism, I brought the variables used in the well-being and political hypotheses together to test whether their significance held up. Model 4 includes all of the explanatory variables discussed thus far.<sup>40</sup> Odds ratios for several variables differ, but the basic relationships hold up. In particular, the negative association between belief in democratic ideals and legal nihilism proved robust.

## Generational Hypothesis

I included a control for age (Age) in the analysis of the other hypotheses in Table 4. Although statistically significant, this variable has little explanatory power on its own. It became interesting only when I recoded the data into generational cohorts. The role of generations in explaining political attitudes in Russia is well-accepted within the social science literature (Mishler and Rose, 2007; Kiewiet and Myagkov, 2002; Bahry, 1993; Finifter and Mickiewicz, 1992; Bahry, 1987). The existing studies focus primarily on age as an indicator of regime support. No one has yet empirically tested whether attitudes towards law vary by generation.

The more general social science literature has found that age is positively correlated with law compliance (Tyler, 2006, p. 43). In other words, people tend to become more law abiding as they grow older. Whether this general rule would hold in Russia, given its tortured legacy when it comes to law, was unclear. It seemed more likely that Russia would exhibit the opposite trend, namely that legal nihilism would increase with age. The reasoning harkens back to the highly instrumental use of law by the regime during the Soviet period. Surely those who had lived through the worst of the Soviet legal system would exhibit the greatest disrespect and cynicism toward law. The fact that this group was again victimized by the economic reforms of the 1990s only served to reinforce the expectation. Indeed, this became an unstated assumption of scholars

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<sup>40</sup>I dropped the "Poorest third (self-perception)" variable in favor of looking at those who saw themselves as most economically well-off (Richest 12 percent (self-perception)).

and policymakers alike. In explaining the seeming reluctance of Russians to buy into reforms of the legal system, they frequently commented on the difficulty of changing entrenched attitudes. The implicit argument was that younger generations would be more open to the idea that law could serve the interests of individuals and need not always serve as a handmaiden to those with power.

The empirical data are somewhat murky. Those who have analyzed the variation among generational cohorts have uniformly concluded that those who lived through the Soviet period are the most likely to voice support for USSR and all it represented (Colton and McFaul, 2002, p. 112; Rose and Carnaghan, 1995, p. 48; Bahry, 1993). From that, it follows that this oldest group is not supportive of the ideas associated with democracy and free markets. In particular, they are hostile to the expansion of civil and political rights, fearing that they would come at the expense of social order. These seemingly incongruous results are explained by pointing to the "totalitarian socialization" experienced by those who grew up in the Soviet Union. They were taught that the triumphs of the Soviet era, including rapid industrialization and the victory over fascism in World War II, were directly attributable to the system put into place by the Communist Party (Kiewiet and Myagkov, 2002, p. 40; Gibson, 1996, p. 397). The chaos that followed the collapse of this system reconfirmed their beliefs. Older Russians continued to support the newly reconstituted Communist Party in disproportionate numbers.<sup>41</sup> Indeed, Kiewiet and Myagkov (2002, pp. 47–48) found that Russian voters became more supportive of the Russian Communist Party as they aged.

The consistency of these results in multiple surveys renders them highly convincing. Less clear is what they portend as to support for legal nihilism. The universalistic concept of law as applying equally to all is a cornerstone of democratic theory and is essential to the operation of a market economy. Arguably it does not fit with the ideology of the Communist Party, which espoused a particularistic view of law under which party members were required to be purer than ordinary citizens. In theory, the crimes and misdemeanors of party members were judged by internal disciplinary committees to ensure they were treated more severely (Clark, 1993). We now know that the reality was quite different, but did the RLMS-HSE respondents? Though Western analysts routinely associate the practice of going around the law with the Soviet era, it is not part of the lore taught to generations of Soviet schoolchildren. They would have

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<sup>41</sup>The members of the Stalin generation fit this profile. About 11 percent of the total sample voted for the Russian Communist Party in the 2003 legislative elections, whereas 20 percent of the Stalin generation did so. Their enthusiasm for United Russia was more muted than that of the other generational cohorts. Likewise, they voted in significantly greater numbers for the candidate for president (Kharitonov) put forward by the Communist Party in 2004 than did the overall sample.

been subjected to civil instruction in which the constitution would have been heralded, and they would have been exhorted to obey the law.

Yet Gibson (2003, p. 89) found that older Russians were less supportive of the rule of law, which tends to confirm my initial prediction. Public opinion polling shows a similar trend. In a 2007 national survey of attitudes towards courts fielded by VTsIOM, older Russians were consistently less positive.<sup>42</sup> When asked whether they believed that courts were capable of rendering fair decisions in cases involving ordinary Russians, the split between positive and negative for the sample as a whole was 54 percent to 34 percent. By contrast, only 49 percent of those over 45 believed the courts capable of a fair result, whereas 39 percent expressed doubts. The younger generations were less skeptical. Fifty-nine percent of people from 18 to 24 years old were prepared to believe in the possibility of a fair outcome. Only 27 percent were unconvinced. Along similar lines, when asked in a 2003 survey by INDEM whether they would be prepared to go to court over unjust treatment by a governmental official, the results split along generational lines. Almost 60 percent of those 18 to 23 years old responded in the affirmative, while only 36 percent said they would not. By contrast, among those 50 to 59 years old, the results were a virtual mirror image, with only 38 percent expressing a willingness to appeal to court and almost 60 percent saying they would not consider it. Of course, these questions focus on the courts, which add another institutional layer. But it is not unreasonable to assume a high correlation between attitudes regarding courts and law more generally.

Turning now to the RLMS-HSE, I began the analysis by dividing my sample into six generational cohorts. I labeled them according to the leader in power when they came of age. Following the literature on generational effects in Russia, I hypothesize that this period in their lives is when their attitudes towards the state and the legal system were crystallized (Rose and Carnaghan, 1995, p. 34; Bahry, 1987, pp. 74–76). The data, as set forth in Table 5, tell an intriguing story. Young people are not more law abiding than their elders. The level of legal nihilism is approximately the same for all respondents born after 1940. Its level recedes only among the oldest cohort. Thus, rather than the Stalin generation being the most nihilistic, it is the least nihilistic. Of these aging respondents, 19.15 percent endorsed nihilism, while about a quarter of the surveyed population supported this view. The other generational cohorts were within several percentage points of this level. Almost two-thirds of the Stalin generation disagreed with the proposition that “going around” the law was acceptable, compared with about 56 percent for the sample as a whole. By contrast, those who did not experience Stalinism first-hand are more willing to sidestep the law. Middle-aged Russians, who were born between 1970 and 1987 and who came of age under Gorbachev, are the most nihilistic and the

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<sup>42</sup>The results are available at <http://wciom.ru/arkhiv/tematicheskii-arkhiv/item/single/9301.html>.



**Table 5.** Generational Characteristics of Russian Legal Nihilists: Responses to the Proposition: "If a Person Considers the Law Unjust, He Has the Right to 'Go Around It'" (in percentages)<sup>a</sup>

	Stalin-born (before 1940)	Khrushchev- born (1941–1950)	Brezhnev- born (1951–1969)	Gorbachev- born (1970–1976)	Yel'tsin- born (1977–1987)	Putin- born (after 1988)	Total population
Strongly nihilistic	4.67	7.41	6.82	7.97	6.08	5.46	6.44
Somewhat nihilistic	14.48	17.82	18.68	18.65	19.27	18.42	18.07
Ambivalent	14.83	15.99	18.7	20.66	21.4	22.38	18.99
Somewhat law abiding	36.24	36.64	33.62	34.33	32.85	32.66	34.17
Strongly law abiding	29.77	22.15	22.19	18.39	20.41	21.09	22.34
Total population	14.92	10.34	31.59	13.3	21.81	8.04	100

<sup>a</sup>Source: RLM5-HSE (2006). Pearson chi square = 136.38, d.f. = 20, p = 0.00

least law abiding. Though the commitment to nihilism declines gradually for each successive generational cohort, the level of active opposition remains constant. Rather than endorsing law, these younger Russians put themselves on the fence.

On the other hand, if we look at the trend for opposition to legal nihilism, Russia would seem to follow the story seen elsewhere. As they aged, the RLMS-HSE respondents grew more supportive of following the law. But closer examination reveals that this is not a result of a rethinking of nihilism. Instead, they become more definitive in their views as they age. Fewer adopt an ambivalent attitude. The beneficiary of this shift is the law-abiding category. Opposition to going around the law jumps significantly between the Gorbachev and Brezhnev generations. The Khrushchev generation is similarly law abiding. The trend continues with the Stalin generation.

The regression analysis brings the findings into stark relief. Table 6 lays out two models that utilize logistic regression. In Model 5, I explore the relationship between the generational variables and legal nihilism, using the variable for Stalin generation as my reference category. In Model 6, I add in a series of demographic control variables. This analysis demonstrates the outlier status of the Stalin generation. The odds of being nihilistic are over 40 percent higher for members of the Khrushchev generation than for the Stalin generation. Even more interesting, for those in the Brezhnev and Gorbachev generations, the odds of being nihilistic are even greater. In the full model, the odds for being nihilistic are revealed as being 60 and 76 percent higher, respectively. The odds ratio for the Yel'tsin generation reverts to the approximate level of the Khrushchev generation. For all these generations—which include respondents born between 1941 and 1987—the results are highly significant and remain robust even when the demographic variables are introduced to the model. Even the youngest cohort, the Putin generation, who not only avoided Stalinism, but also had no direct experience of the Soviet Union (except as infants), is more nihilistic than the Stalin generation. The statistical significance dissipates as I include the demographic control variables, but the positive sign remains.

My analysis shows that the assumptions that legal nihilism would be positively correlated with living under the Soviet system were not entirely accurate. It confirms that Russians do tend to get more nihilistic as they get older. But the relationship is not linear. The oldest cohort, which is arguably the group who saw the worst of the Soviet-era abuses of the legal system, turn out to be the least amenable to legal nihilism. And the youngest cohort, who has no direct experience of the Soviet Union, is just as prepared to embrace nihilism as their parents.

How are we to make sense of these results? Perhaps it speaks to the impact of the chaotic years after the collapse of the Soviet Union. Each generational cohort would have had a slightly different experience during those years. It is tempting to attribute the attractiveness of nihilism to the economic difficulties of transition. But as Table 7 documents, generational experiences varied greatly. With the exception of the Stalin generation, who was neither helped nor harmed according to these data, the respondents

**Table 6.** Logistic Regression Models—Odds Ratios for Adherence to Legal Nihilism<sup>a</sup>

VARIABLES	Model 5	Model 6
(Stalin generation is reference category)		
Khrushchev generation	1.424*** (0.133)	1.526*** (0.148)
Brezhnev generation	1.444*** (0.108)	1.610*** (0.138)
Gorbachev generation	1.531*** (0.135)	1.708*** (0.170)
Yel'tsin generation	1.433*** (0.116)	1.469*** (0.129)
Putin generation	1.324** (0.134)	1.086 (0.116)
Women		0.668*** (0.0276)
Russian		0.964 (0.0751)
Urban residents		1.118 (0.0647)
Bottom quintile of income		0.951 (0.0615)
Employed		0.864** (0.0491)
Married		0.837*** (0.0443)
University graduate		0.755*** (0.0477)
Constant	0.237*** (0.0155)	0.340*** (0.0376)
Pseudo R <sup>2</sup>	0.0027	0.0133
Observations	11,613	11,578

<sup>a</sup>Source: RLMS-HSE (2006). \*\*\*p < 0.001, \*\*p < 0.01, \*p < 0.05

were deeply affected. Yet irrespective of the actual impact, the reaction was to embrace legal nihilism in greater numbers than the Stalin generation. The older respondents in the Khrushchev and Brezhnev generations saw the downside of reform, with a disproportionate number being laid off or forced to take on additional work. The Brezhnev generation was particularly hard hit. They would have been in their prime work years and would have found it difficult to retrain for other professions. Almost a third of

**Table 7.** Experience with the Economic Reform Policies of the 1990s (in percentages)<sup>a</sup>

Between 1991 and 2006 did the following occur:						
	(1) Respondent lost a job because the enterprise where she had been working closed or suddenly laid off workers.					
	(2) Respondent had to change her place of work for another permanent job, which did not correspond to her qualifications and the respondent did not like it.					
	(3) Respondent had to agree to additional work that did not correspond to her qualifications and the respondent did not like it.					
	(4) Respondent's salary decreased substantially.					
	(5) Respondent found a job that came to give her much more money.					
	(6) Respondent decided to try her luck in a new economic sector that had appeared only in the period of reforms.					
Generation <sup>b</sup>	(1) <sup>c</sup>	(2) <sup>d</sup>	(3) <sup>e</sup>	(4) <sup>f</sup>	(5) <sup>g</sup>	(6) <sup>h</sup>
Stalin	16.04	8.60	4.87	17.96	4.30	2.48
Khrushchev	27.42	17.66	8.78	28.69	11.31	5.70
Brezhnev	32.51	25.53	11.95	32.67	26.76	11.34
Gorbachev	22.42	21.01	9.09	21.73	32.71	10.83
Yel'tsin	13.54	14.43	4.15	13.47	29.90	15.03
Full sample	26.81	20.57	9.63	27.23	22.11	9.09

<sup>a</sup>Source: RLMS-HSE (2006).

<sup>b</sup>The Putin generation is not included because they were not of work age in the 1990s.

<sup>c</sup>Pearson chi square = 165.24, d.f. = 4, p = 0.00

<sup>d</sup>Pearson chi square = 173.36, d.f. = 4, p = 0.00

<sup>e</sup>Pearson chi square = 62.87, d.f. = 4, p = 0.00

<sup>f</sup>Pearson chi square = 150.87, d.f. = 4, p = 0.00

<sup>g</sup>Pearson chi square = 458.06, d.f. = 4, p = 0.00

<sup>h</sup>Pearson chi square = 117.79, d.f. = 4, p = 0.00

the respondents from this cohort lost their jobs in the 1990s, as compared to about 27 percent for the surveyed population as a whole. This group was also the most likely to have been forced into a less appealing job and/or to have seen their salary decrease substantially. As this suggests, they reaped few of the benefits of the transition. Instead, it was the younger respondents, in the Gorbachev and Yel'tsin generations who were able to take advantage of the new opportunities that the reforms brought. These cohorts found better jobs and saw their salaries increase. About 22 percent of the sample received jobs with higher salaries, but among the Gorbachev and Yel'tsin generations, this percentage was 32.71 and 29.90, respectively.

What explains the appeal of legal nihilism to the winners and losers of the transition? The common quality in all these experiences was instability.

For these generations, who had been bred to expect stability from cradle to grave, the 1990s brought risk and uncertainty. Those who were younger were better able to take advantage of it, but this did not mean that they necessarily liked it. Perhaps they attributed their lot in life to the manipulability of the rules of the game. For those who benefitted from this, their positive attitude toward legal nihilism is understandable. Less clear is the motivation of the older cohorts. Their reaction was not to rail against this lack of predictability in the law, but rather to resign themselves to this perceived reality. They may blame the ability of more powerful actors to manipulate the system for their misfortune. The combination of hopelessness and cynicism that characterizes Russian political culture may play a role in this passive response to their predicament (Lipman, 2011a).

The Putin generation is not represented in Table 7 because they were not of work age during the 1990s. But they were not left unaffected. Their parents would have been part of the Khrushchev and Brezhnev generations, who bore the brunt of the downsizing. Seeing the impact on their parents undoubtedly took a toll on the psyche of these young people in their formative years. The lesson they seem to have taken is that law can and should be manipulated when needed. This does not augur well for the prospects for Russia moving toward the “rule of law.” It also contradicts the idea that young people are the best hope for a transition toward democracy (Frierson, 2007).

Table 7 suggests that the members of the Stalin generation were largely bystanders to the chaos of the 1990s. Many of them would already have been pensioners when the reforms began and so would not have been personally affected by the layoffs. But anecdotal accounts suggest that many pensioners had to return to the workforce as inflation ate away at the value of their pensions (Yu. Khomchenko in *Moskovskiy novosti*, December 21, 2011, <http://mn.ru/society/20111221/309030442.html>; Yu. Sergeyeva in *Vostochno-Sibirskaya pravda*, August 18, 2007, <http://www.vsp.ru/social/2007/08/18/415823>; T. Yefremenko in *Rossiyskaya gazeta*, September 28, 2005, <http://www.rg.ru/2005/09/28/pensionery-trud.html>), yet this is not reflected in the results. Indeed, the social science literature typically portrays pensioners as being unable to cope with the changes (Kiewiet and Myagkov, 2002). When asked whether they had to take on additional work, the response for this group is substantially less than for the sample as a whole. It may be that they interpreted the question to assume that the new work was supplemental to an existing full-time job.<sup>43</sup> Pensioners would have been reentering the workforce, which is different.

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<sup>43</sup>In the survey instrument, these questions were grouped together. The question that preceded the one about taking on additional work specifically asked whether the respondent had been transferred to another less desirable permanent job. Respondents may have assumed that when asked about additional (*dopolnitel'naya*) work, this was in addition to a preexisting permanent job.

Independent of whether this oldest group may have misinterpreted the questions, there is no way that they could have lived through the reform period unscathed. At a minimum, the dislocation felt by their children (whether positive or negative) would have redounded on them. And if middle-aged Russians were nonplused by increased personal risk required as market reforms were introduced, surely older Russians would have found them even more jarring. But what distinguishes this Stalin generation from their children and grandchildren is their long experience of change. The oldest member of this group was born in 1906, and about half were born before 1934. This means that they would have clear memories of World War II and its aftermath. Some might have experienced the loss of close family members through the purges. They then lived through the thaw and the stagnation of the Brezhnev era. Though there was a kind of stability that characterized this period in the sense that no one had to worry about unemployment or homelessness, there were many twists and turns in the road. They had been socialized to take whatever came with equanimity. Thus their lack of hysteria about the reforms and the accompanying dislocation of the 1990s is understandable.

What is more puzzling is the distaste of the Stalin generation for legal nihilism. Perhaps it can be explained by their interpretation of the phrase "going around the law." This may violate their internal moral code as inculcated during the Soviet period. During the Soviet era, going around the law was not a practice limited to the elite. Ordinary citizens routinely used *blat* to ensure access to a wide variety of consumer services, ranging from essentials like access to good medical care to luxuries like access to desirable vacation locations (Ledeneva, 1998). Enterprise managers resorted to *tolkachy* (pushers) to ensure a consistent supply of shortage goods (Berliner, 1957). From a technical point of view, these sorts of behavior amounted to going around the law. This is why I had expected this oldest cohort to be accepting of the practice. But whether the respondents saw the mundane exploitation of loopholes in the law, which was endemic during the decades of Soviet power, as the same as contemporary flouting of the law is unclear. This old-style method of going around the law was, after all, aimed at maintaining societal order and stability. Whether the Soviet Union could have survived without *blat* and the second economy is unclear. By contrast, there is a more selfish tinge to the practice of going around the law in contemporary Russia. The manipulation of the law by oligarchs and other elites has primarily served the goal of accumulating personal wealth and/or power that, in turn, has tended to have a destabilizing effect on the country.<sup>44</sup> The Stalin generation may view this more

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<sup>44</sup>Top CPSU leaders routinely used the law in a highly instrumental fashion to serve their own interests. Many were able to accumulate personal fortunes. Although these would certainly pale in comparison to the wealth of contemporary oligarchs, they were nonetheless large for their time. Yet these practices were largely hidden from public view, becoming visible only when exposed through carefully managed campaigns against corruption (Simis, 1982).

contemporary manifestation of going around the law as creating a risk of tipping the country into chaos. Their strong preference for order may have led them to their negative response to the idea of going around the law, when posed by the RLMS question.

Earlier I alluded to the possible role of the socialization under Stalinism and the dogma of the Communist Party in explaining attitudes toward obeying the law. The blatant legal instrumentalism exercised by top party officials throughout the Soviet era—the very essence of legal nihilism—might suggest that former CPSU members would reflect this nihilism. In reality, however, these former party members are actually less nihilistic than the overall sample, thereby supporting the thesis that the dogma of the party is more influential in explaining attitudes than the actual practices of the CPSU. While about 24 percent of those surveyed fell into the nihilistic camp, only 19.5 percent of former CPSU members did. This makes sense when the divergence between party leaders and rank-and-file members is taken into account. Party leaders may have been able to play fast and loose with the rules, but ordinary members were subject to party discipline. This discipline set party members apart from the rest of society (Clark, 1993; Sharlet, 1979). Over time, it became more of a myth than a reality, but in the early decades of Soviet power, when many of the members of the Stalin generation would have joined, it was meaningful. This explains why these older respondents were less accepting of legal nihilism than those who came of age under Khrushchev or Brezhnev. For these later generations, joining the CPSU became a path to career advancement rather than an ideological commitment. To that end, it is worth noting that the drop-off among former party members who rejected nihilism occurs with the Brezhnev generation. Within this generation, only 7.4 percent of the party members were non-nihilist, as compared to 13.8 percent for the Khrushchev generation and 15.4 percent for the Stalin generation. Those in the Brezhnev cohort would have been most likely to join out of careerist motivations.<sup>45</sup>

## PRELIMINARY CONCLUSIONS

Legal nihilism is an inescapable feature of Russian legal culture. But the analysis of the RLMS-HSE data suggests that its popularity is actually decreasing. In contrast to Medvedev's hyperbole, a minority of Russians are prepared to bypass the law when it proves inconvenient.

My investigation into who is more likely to be a nihilist confirms some stereotypes, while upending others. As in other countries, nihilism is negatively correlated with education. The popular perception within Russia that the very rich and the economically beleaguered adhere to

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<sup>45</sup>The same could be said for those in the Gorbachev generation. Of the 144 respondents in this cohort who were in the more law-abiding group, only one had been a CPSU member. Speculating on the basis of a single respondent is not possible.

legal nihilism finds support within the data. Likewise the adherence to nihilism of those who are hostile to democratic principles and distrustful of government institutions was expected, as was the strong correlation between support for core policies of the Putin “power vertical” and nihilism. The prevailing common wisdom within Russia would have predicted the greater likelihood of nihilism among those who had personal experience in the courts, though it contradicts the findings of socio-legal scholars elsewhere.

The analysis also yielded surprises, particularly as to the perplexing role of generations. Comparative research in both democratic and authoritarian regimes reveals a general rule that legal nihilism recedes as people age. Elsewhere, this has proven to be a linear relationship. Russia is different. About a quarter of those born after 1940 are prepared to go around the law. Only the oldest generational cohort is different. Even more puzzling, this would seem to be the group with the greatest reason for the cynicism that lies at the root of legal nihilism. They endured Stalinism, stagnation, *perestroika*, and privatization, and observed the manipulation of law that accompanied each policy. Arguably, they were victimized by each successive stage. Yet somehow they emerge from this with a bedrock belief in the importance of obeying the law, even when it might seem unfair.

In many ways, this article raises more questions than it answers. My goal is to open a dialogue and to encourage others to take the analysis further. Much more work needs to be done in terms of identifying who the legal nihilists are in Russia and exploring the implications of legal nihilism.

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**Appendix.** Descriptive Statistics for Variables Used in Regression Analysis<sup>a</sup>

Variable	Proportion
Marital status:	
Married	49.47
Unmarried	50.53
Ethnicity:	
Russian	87.42
Non-Russian	12.58
Educational background:	
No university degree	80.22
University degree	19.78
Residence:	
Urban	68.51
Rural	31.49
Gender:	
Male	43.43
Female	56.57
Generation:	
Stalin (born before 1940)	14.92
Khrushchev (born between 1941 and 1950)	10.34
Brezhnev (born between 1951 and 1969)	31.59
Gorbachev (born between 1970 and 1976)	13.30
Yel'tsin (born between 1977 and 1987)	21.81
Putin (born after 1988)	8.04
Employment status:	
Employed	55.66
Unemployed	44.34
Family situation over past year:	
Relatively stable	84.26
Worse	15.74
Attitude toward imposing term limits for elected officials:	
Supports term limits	58.56
Opposes term limits	41.44
Attitude toward executive appointment of governors:	
Supports executive appointment	40.40
Opposes executive appointment	59.60

*Table continues*

**Appendix.** *continued*

Variable	Proportion
Experience during 1990s:	
Experienced personal or work-related difficulties	52.32
Did not experience difficulties during the 1990s	47.68
Trust in state institutions:	
Low	24.98
High	75.02
Belief in civil and political rights:	
Low	21.58
High	78.42
Use of courts:	
Respondent has been to court	13.04
Respondent has not been to court	86.96
Self-perception of wealth:	
Wealthy	11.61
Not wealthy	88.39
Self-perception of respect:	
Highly respected	20.96
Not highly respected	79.04
Trust in others:	
Most people can be trusted	15.79
Skeptical of trusting others or not trustful	84.21

<sup>a</sup>Source: RLMS-HSE (2006).