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

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Abstract:

The article presents findings from a qualitative study of how Russians deal with neighbors who have leaked water onto them. In the Russian context, this is neither an uncommon nor a small problem. Building on US-based studies of neighborhood relations, it lays out three alternative strategies: avoidance, self-help, and third-party intervention. The Russian participants lived in close proximity to one another and had little opportunity for exit. The study documents a strong preference for self-help, confirming the potency of the relational distance hypothesis for Russia. In contrast to their US counterparts, the lack of exit did not give rise to more intense and prolonged disputes among the Russian participants. The findings suggest that there is a strong informal norm in favor of neighbors’ resolving disputes among themselves, and that the residents who share common entryways (pod’ezdy) work out the parameters of acceptable behavior over time. These informal norms shape Russians’ legal consciousness.

INTRODUCTION

Life in post-Soviet Russia has been a bit of a roller-coaster for average citizens. The stability (zastoi) of the Brezhnev era gave way to a seemingly never-ending series of crises that saw the jobs and savings of many Russians dissipate. Though there have been many studies of the impact of this pervasive instability (Barnes 2006; Ledeneva 2006; Politkovskaya 2004), the question of how it has affected relations among Russians in their everyday lives has not been much explored. I pursue this question by examining how Russians interact with those who are physically closest to them, namely those who live in the same apartment building and who share the same entryway (pod’ezd). Reasoning that the essence of relationships emerge through conflict, I focus on the problem-solving strategies employed when water leaks from one person’s apartment into a neighbor’s apartment. Such water leaks are remarkably commonplace in Russia. Listening to Russians in focus groups and follow-up interviews revealed three basic strategies: avoidance, self-help, and third-party intervention. Many employed a combination of strategies, especially those who resorted to third parties for assistance.

At first glance, law would seem to have little to do with how problems among neighbors are resolved in Russia. Russians are slow to invoke formal law. Litigation or even threats of litigation are the exception, not the rule. Some argue that this reticence is due to fears of corruption within the courts (Ledeneva 2008). My research suggests that, like potential litigants elsewhere, Russians who contemplate litigation with others like them are more troubled by the time, expense, and emotional energy required for litigation than by a fear of corrupt or politicized justice (Hendley forthcoming). Black’s (1984, 3) observation, “[t]he more we study law ..., the more we realize how little people actually use it to handle their conflicts,” reminds us that a distaste for resorting to formal law is not unique to Russians. Writing about a personal injury claims between residents in a small Midwestern town in the US, Engel (1994, 27) argued, “there are times when the invocation of formal law is viewed as an antisocial act and as a
contravention of established cultural norms.” As this suggests, what is usually thought of as “law,” namely the statutes and regulations that emanate from the state, is only one source of legal consciousness. Unwritten norms or customs can be equally important, especially in a country like Russia where the legitimacy of the formal legal system has long been questionable.

Focusing on this small corner of everyday life and practice provides a window into Russian legal consciousness. One of the constant refrains in the focus groups and the interviews was the expectation that, when dealing with neighbors, one would conduct oneself in a civilized manner. Different phrases were used in Russian to convey this, such as *po-chelovecheski* (civilized) or *po-sosedski* (neighborly) or *poriadochnyi* (upstanding). Although each has a slightly different meaning, they were used interchangeably by my respondents. At their essence, they share a commitment to fairness. This appears to contradict the common wisdom that Russians are legal nihilists. But perhaps the two images can be reconciled. We may have paid too much attention to the superficial indicators of Russians’ attitude to law. Uncovering the informal norms of the *pod’ezd* represents an effort to understand Russians’ internal metric of what is right and wrong, which is a critical element of legal consciousness (Ewick and Silbey 1998).

**RESEARCH ON PROBLEM SOLVING AMONG NEIGHBORS**

**U.S. Research**

Interactions between neighbors has proven revelatory of deeper legal consciousness in a number of US-based studies (Merry 1990; Yngvesson 1994; Ewick and Silbey 1998; Engel 1994). Building on the well-accepted precept that the propensity to litigate is inversely correlated to relational distance (Engel 1994; Black 1984), the studies have generally shown that neighbors who have a friendship or other valued relationship are unlikely to appeal to third parties (including the courts) for assistance. Merry’s (1990, 39) study of an urban New England neighborhood showed that those whose problems degenerated into fights tended to involve “neighbors who knew each other by name and were superficially sociable, but rarely had a deep and personal friendship or a great deal of interest in reconciliation or restoration of a preexisting relationship.” As she compares this urban neighborhood to a more affluent suburb, the importance of physical space becomes apparent. Unlike suburbanites, whose lawns and fences allow them to avoid troublesome neighbors, urban apartment dwellers have more difficult hiding from such neighbors. The economic realities of life for these two groups also played a role in shaping behavior. Her suburban respondents were more likely to have the necessary financial flexibility to move away if their problems with their neighbors grew unbearable. This was not a luxury shared by many of her urban respondents (Merry 1990, 39). Her work highlights how the inability to “exit” can exacerbate problems (Hirschman 1970). When unable to exit, her respondents exercised “voice” vociferously, both in their inter-personal relations and by dragging their neighbors through the courts. Hirschman’s cautionary note that, “the effectiveness of the voice mechanism is strengthened by the possibility of exit” provides some insight into the frustration of Merry’s subjects (Hirschman 1970, 83).

Implicit in Merry’s analysis is a familiar assumption that litigation constitutes a death knell for any relationship. Yngvesson disagrees. Her work shows that litigation can be used strategically by family members or neighbors to reframe their relationships (Yngvesson 1985).
In her words: “In contrast to Black’s well-known hypothesis, law is not only ‘active’ among intimates but shapes the terms in which intimate relations are played out. Beyond this, intimates repeatedly use law to continue or realign their relationship” (Ibid., 641) She challenges researchers to extend their time frame for studying relationships, arguing that the twists and turns of relationships cannot be fully appreciated in studies that limit themselves to a short period of time. Her research focusing on a lower class Massachusetts neighborhood is illustrative. She documents the role of the courts in molding relations among families and neighbors. Drawing on conflicts between neighbors, she shows how criminalizing their complaints about each other and bringing in the courts served to reshape the rights of the parties to engage in various activities.

The result was not always a fissure between the parties. Sometimes their experiences with the legal system led to new alliances among neighbors. Her findings were analogous with respect to problems among family members. In her work, the courts are not merely a forum for dispute resolution, but become an active participant through their policies on what sorts of complaints to hear (Ibid.; Yngvesson 1994).

Engel’s study of a Midwestern community’s reaction to litigation reminds us of the importance of context. His respondents resented those who pursued personal injury claims, viewing them as taking advantage of an unfortunate situation. The insular nature of the community, i.e., fact that the parties to any lawsuit were likely to know one another and to have to interact in the future, tended to dampen litigation. Indeed, those who brought personal injury claims were more likely to be outsiders. By contrast, far fewer reservations were voiced about contractual claims. Such claims were brought routinely by entrenched businesses against long-time residents. Engel (1994, 50) explains:

the philosophy of individualism worked itself out quite differently in the areas of tort and contract. If personal injuries evoked values emphasizing self-sufficiency, contractual breaches evoked values emphasizing rights and remedies. Duties generated by contractual agreement were seen as sacrosanct and vital to the maintenance of the social order. Duties generated by socially imposed obligations to guard against injuring other people were seen as intrusions on existing relationships, as pretexts for forced exchanges, as inappropriate attempts to redistribute wealth, and as limitations on individual freedom.

This research clarifies that the extent to which the underlying relationship will be affected by litigation depends in part on the nature of the claim and how it is understood within the broader community.

Neighbors and Their Problems in Russia

My work represents the first effort to integrate the Russian experience into the literature on how neighbors resolve problems. My respondents consistently spoke of their neighborhood in terms of their pod”ezd, rather than the building or the region in which they lived. Leaks of water from one apartment to another through the ceiling constitute a good prism through which to explore the norms governing neighbors’ relations in Russia and how they play out through problem-solving strategies. The aging nature of the housing infrastructure makes them a relatively frequent occurrence (Prevost and Suchkina 1999, 52, 56). Even in buildings where the
plumbing is in good repair, the local authorities’ practice of cutting off the water supply periodically to buildings and even to entire municipal sectors (Osadchuk 2008), both for planned maintenance and for unexpected problems, provides fertile ground for accidents. Not infrequently, a resident will turn on the taps to no avail and will leave them open on the off chance that the water will be turned back on. Forgetting they have done so, they leave to run errands or for a business trip, only to find a sodden disaster in their apartment and annoyed neighbors upon their return. Such carelessness can also occur when the water supply has not been compromised.

The lack of any state-mandated procedure for resolving problems that arise from ceiling leaks adds to its appeal as a focus for research. In contrast to disputes between neighbors over property claims, which require the imprimatur of the court in Russia, neighbors have complete freedom in deciding how to proceed after a ceiling leak. Neighbors can resolve the problem on their own or can call on the state for assistance. Thus, in contrast to the neighborhood-based studies of Merry, Engel, and Yngvesson, which are focused on explaining litigation behavior, I am more interested in understanding how Russian neighbors resolve problems. Emerson’s (2008) study of how college roommates in the US respond to problems, with its emphasis on informal mechanisms of social control is helpful. Like Emerson’s college students, I found that my respondents preferred to resolve their problems with neighbors without outside interference. Understandably, given their extraordinarily close quarters, his undergraduates placed a greater premium on modifying behavior than did the Russian apartment dwellers I studied.

Though the ceiling leaks that plague Russians are less of an issue in the US context, where problems tend to center on dogs, children, and parking spaces, the essence is the same. In both settings, neighbors have to figure out how to live in close proximity during and conflicts. Like the New Englanders Merry and Yngvesson studied, Russians’ living quarters tend to be quite cramped. In addition, like these New Englanders, few Russians are able to move. During the Soviet period, most housing was allocated through the state or its proxies (Alexeev 1988). Getting a different apartment was a tortuous process, requiring either boundless patience (if you were awarded an apartment after waiting for years) or extraordinary craftiness (if you found a way to jump the queue or managed to arrange an exchange of apartments). The privatization of housing in the 1990s gave rise to a real estate market in Russia for the first time in decades (Starodubrovskaya 2001). But participating in this market requires a financial wherewithal that has eluded the average Russian, as is documented by a national survey conducted in 2007 by the Foundation for Public Opinion in which fifty-seven percent of respondents had been living in the same place for at least sixteen years. Indeed, more than a quarter of those surveyed had lived in the same place for their entire lives (Vasil’eva 2007). Thus, notwithstanding the existence of a housing market, most Russians are not terribly mobile. A minority of Russians have been able to take advantage of the market. In the 2007 survey, twenty-one percent of respondents had changed their residence within the past five years (Ibid.). This means that the population within pod”ezdy is not as stable as during the Soviet era. Whether these new residents buy into the existing behavioral norms of the pod”ezd and whether the existing residents treat their new neighbors differently remains to be seen.

Integrating my study into the existing literature requires a brief reflection on the nature of the relationship among neighbors in Russia. In some ways, determining the place of the typical
relationship with neighbors on the spectrum from stranger to acquaintance to friend is more important in Russia than in the US (where the bulk of these studies are based). Most Americans could distinguish between their friends and acquaintances if pressed, but the dividing line would be somewhat murky. For Russians, the difference between an acquaintance (priiatel’ or znakomyi) and a friend (drug) is profound. With friendship comes an almost bottomless trust that stands in contrast to the guardedness exhibited with acquaintances (Shlapentokh 1989, 174-176). In the worst days of the Stalinist terror, people were understandably wary of entering into friendships. The memoirs of the period provide untold examples of neighbors betraying neighbors, often with an eye to expanding their living space (Figes 2007). Under Brezhnev, people let down their guard a bit, but the danger that putative friends would betray your confidences to the state persisted. Even so, friendship circles expanded and brought an expectation that your life would be intertwined with that of your friends. Few considered their neighbors to be friends. Rather, friends tended to be drawn from among one’s schoolmates and relatives (Trifonov 1983, 83; Raleigh 2006, 28, 225; Shlapentokh 1989, 178-180). In the post-Soviet era, as Russians have had to spend more time at work, the mark of friendship has become a willingness to devote time to one another and to share personal problems. A 2006 public opinion survey indicates that few Russians have brought their neighbors within this charmed circle of trust. When asked whether they share their problems with their neighbors, two-thirds of urban residents said they preferred not to. Rural residents were a bit more open to their neighbors; slightly less than half indicated they would do so (Shmerpina 2006). At the same time, most were acquainted with their neighbors and reported relatively few contentious incidents. All in all, this suggests that relations among neighbors in Russia typically fall into the “acquaintance” category. Whether this is due to the social alienation that is endemic to post-industrial societies or whether it is a remnant of the Soviet predilection for secrecy deserves further investigation.

CONCEPTUAL FRAMEWORK

When problems arose with their neighbors, including ceiling leaks, my respondents generally felt an obligation to behave po-chelovecheski. Exactly what this meant in practice varied, depending not only on the underlying relationship with the neighbor in question and the willingness to risk undermining it, but also on factors such as circumstances surrounding the incident, the damage caused, the familiarity of those victimized with their options (including their prior experience with the formal legal system), and the personalities of key players. As I worked through the many examples of ceiling leaks provided by my respondents, three overarching categories emerged. Some adopted an avoidance strategy, preferring to refrain from, or limit, any direct confrontation, even if this meant that they had to absorb the cost of damages themselves. Though the socio-legal literature tends to equate avoidance with conciliatory motives (Felstiner 1975, 695-698), my respondents’ use of an avoidance strategy was laced with considerable resentment. Their anger over the denouement of their ceiling leaks was more palpable than those who had found themselves in extended litigation. A second strategy employed by my respondents was self-help. Like avoidance, self-help eschews the state. But in contrast to avoidance, self-help assumes the active involvement of the two parties to the ceiling leak in seeking a resolution (Emerson 2008). The bilateral negotiations can give rise to a variety of outcomes, ranging from simple forgiveness to having the party who caused the leak undertake the repairs personally or pay others to make the necessary repairs. But they tend to
leave both sides relatively satisfied. The third strategy in evidence among my respondents was third-party intervention. As to ceiling leaks, the key third parties are the housing authorities and the courts. I use the word “intervention” rather than “enforcement” deliberately because often the involvement of the third party was simply to provide a neutral assessment of damages that would allow the parties to resolve the problem themselves. But the category does encompass litigation, which brings with it the power of the state to enforce the court’s decision. It is tempting to impute a linear directionality to these three categories. Though it is possible that as one’s frustration grows, avoidance will lead to self-help which, in turn, will lead to third-party intervention, there is no inexorable logic to the process (Emerson 2008). As will become apparent, many respondents’ needs were satisfied by a single strategy.

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

METHODOLOGY

This study of how Russians deal with problems arising from ceiling leaks is part of a larger project aimed at understanding the role of law in contemporary Russian society. The larger project grew out of a data-driven puzzle. Though the public opinion polls consistently report low levels of societal trust in the courts, the caseload data show a steady increase in the use of the courts. This discrepancy suggested to me that the opinion polls were not fully capturing Russians’ attitudes toward law and legal institutions.
<table>
<thead>
<tr>
<th></th>
<th>Population</th>
<th>Average Monthly Wage (2)</th>
<th>Unemployment Rate</th>
<th>Average Annual Direct Foreign Investment: 2005-7(3)</th>
<th>Average Square Meters / Square Feet Available Per Person</th>
<th>Population Density (people per square kilometer / per square mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moscow</td>
<td>10,470,300</td>
<td>23,623 rubles</td>
<td>0.8%</td>
<td>$7.4 billion</td>
<td>19.9 / 214.2</td>
<td>9,597 / 24,855</td>
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<td>Saratov (Saratov oblast’)</td>
<td>836,100 (2,583,800)</td>
<td>10,601 rubles (9,103 rubles)</td>
<td>1.17% (8%)</td>
<td>($25 million)</td>
<td>23.9 / 257.26 (23.7 / 255.1)</td>
<td>2,090 / 5,413 (25.5 / 66)</td>
</tr>
<tr>
<td>Tomsk (Tomsk oblast’)</td>
<td>496,500 (1,035,000)</td>
<td>16,091 rubles (14,429 rubles)</td>
<td>0.66% (6.9%)</td>
<td>($219 million)</td>
<td>19.6 / 210.97 (20.3 / 218.51)</td>
<td>1,736 / 670 (3.3 / 8.5)</td>
</tr>
<tr>
<td>Shumerlia (Republic of Chuvashia)</td>
<td>34,100 (1,282,600)</td>
<td>(8,703 rubles)</td>
<td>(6.5%)</td>
<td>($30 million)</td>
<td>(21.5 / 231.42)</td>
<td>(69.6 / 180)</td>
</tr>
<tr>
<td>Kushchevskaiia (Krasnodarskii krai)</td>
<td>(5,121,800)</td>
<td>(10,260 rubles)</td>
<td>(8.8%)</td>
<td>($251 million)</td>
<td>(21.4 / 230.35)</td>
<td>(67.9 / 176)</td>
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In order to get a deeper sense of Russian legal consciousness, I wanted to listen to how they talk about law when able to express themselves more freely than in closed-end survey questions. More importantly, I wanted to learn more about their problem-solving strategies and the extent to which they see law as relevant. To that end, I convened a series of twenty-nine focus groups during the summers of 2007 (Moscow and Saratov) and 2008 (Tomsk, Shumerlia, and Kushchevskaya). The selection of these locations for the research was designed to provide a contrast, as Table 1 documents. Each focus group included six to twelve individuals. I worked with Polina Kozyreva and Mikhail Kosolapov of the Institute of Sociology in Moscow, which is part of the Russian Academy of Sciences, on the logistical side of the project. Since 1992, they have coordinated the Russian Longitudinal Monitoring Survey, a series of nationally representative surveys designed to monitor the effects of Russian reforms on the health and economic welfare of households and individuals in the Russia. Thanks to this work, Kozyreva and Kosolapov have developed a strong network of social scientists throughout Russia. We worked with their colleagues in each of the focus group sites to recruit participants.

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

The twenty-nine focus groups and seventy-nine interviews serve as the source material for this article. (See Table 2 for background information on the respondents referenced in the article.) In organizing both the focus groups and the interviews, the goal was to include a diverse set of Russians. We sought variation in terms of age, gender, educational background, and work experience. Participants were given modest honoraria to compensate them for their time. The combination of focus groups and interviews permitted my respondents to speak at length on a variety of law-related topics (Morgan and Krueger 1993). Though these qualitative methods sacrifice the breadth of topics that a survey can cover, they allow for a depth that is not possible in a survey (Emerson 2008). More to the point, they facilitate greater spontaneity and flexibility in that the questioner can pursue topics that the respondent raises but were initially unanticipated by the questioner. Ceiling leaks was precisely such a topic. When it came up during the first round of focus groups and interviews in Moscow, I realized that it had the potential to elucidate fundamental norms of neighborhood relations, and so I raised it with subsequent respondents. While I make no claims to have created a random sample, the insights and the larger themes that emerge from these conversations give rise to a number of hypotheses that deserve more systematic exploration.

DEALING WITH CEILING LEAKS

Over the course of the interviews and focus groups, I gathered details of seventy cases of ceiling leaks in which neighbors were seen as culpable, spread across the five locations. Of these, fifty-seven were actual events, of which forty-six were reports of events in which the respondent had been involved, either as the perpetrator of the leak (thirteen or twenty-eight percent) or as the victim (thirty-three or seventy-two percent). The remaining eleven events
had happened to a close friend or relative of the respondent. Among the respondents who had had no personal or second-hand experience as victims of ceiling leaks, thirteen talked about what they would do if water leaked into their apartments from their upstairs neighbors.

**Uncovering the Informal Norms that Govern Behavior**

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

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

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

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

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

Avoidance

Embracing this norm sometimes led the respondents to employ an avoidance strategy. Felstiner (1975, 695) elaborates on its conceptual underpinnings:

The notion of avoidance is that a party may change his behavior on account of the dispute in such a way that his relationship with the other disputant is, at least temporarily, shrunk or terminated. The dispute, although not settled, is thus no longer a matter which the disputant believes he ought to do something about.

At its heart, avoidance is a non-outcome. The victim takes no overt action. This makes it difficult to study. Much of the scholarship on avoidance is theoretical. Emerson’s (2008) study of problem-solving between college roommates in the US is an exception. 23 He shows that when the relationship is ongoing and immediate exit is not feasible, limiting contact with the other person can make life more tolerable. Though Emerson’s respondents had the opportunity to shed their roommates at the end of the academic year, my respondents, like most Russians, were stuck in their apartments for the foreseeable future due to financial considerations. My methodological approach of focus groups and in-depth interviews allowed me to probe not only into why Russians took action, but why they did nothing. For some, avoidance became a second-best alternative to exit (Emerson 2008).

The costs associated with avoidance vary depending on the circumstances under which it arises. In the handful of cases where the victim of the ceiling leak was stymied from taking any action whatsoever, the costs – both material and emotional – were high. Several respondents were unable to locate their upstairs neighbor and, therefore, were left on their own. For Karina, a Saratov doctor, the leak happened at the worst possible time, namely during the New Year’s holidays. Her neighbors had gone away, but forgot to turn off their taps before leaving. She was unable to get into the empty apartment because her neighbors had installed an iron door for security. The easiest solution would have been to have the authorities turn off the water to the entire building, but she was unwilling to inconvenience her other neighbors. Eventually she was able to get the water turned off for the floor where the leak originated. When we spoke, three years had passed, but Karina was still seething over the fact that no one had ever apologized to her or even acknowledged their culpability. She felt she had no choice but to do the repairs
herself, which involved replacing the wallpaper and repairing the ceiling. She said, in a facetious tone, “So what could I do? Go to court?” For her, the very idea of going to court was patently absurd. Interestingly, she contrasted her recent experience with a ceiling leak that occurred more than twenty years earlier when she was still in school.

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

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

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

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

Emerson’s observation, made in the context of his study of US college roommates, that “avoidance practices reflected a conviction that any relationship with the other, beyond incidental and perfunctory contact, was hopeless and impossible” applies equally to my respondents (Emerson 2008, 503). In all its forms, avoidance had the effect of reducing the salience of the dispute (Felstiner 1974-1975). It cannot be said that my respondents embraced
avoidance; they would have preferred to work the problem out with their neighbors. Hence the mix of anger and frustration that stuck with them resulted more from the emotional costs than from the actual financial outlays for repairs. But, as is characteristic for Russians, they made the best of a bad situation. They were living out Viktor Chernomyrdin’s old saw, namely, “we hoped for things to get better, but they turned out the same as always.”

**Self-Help**

In contrast to avoidance where victims of ceiling leaks are left on their own to cope, neighbors working together to solve the problem in a mutually satisfactory fashion is the hallmark of self-help. What some have described as the “radically decentralized” nature of self-help leads to wide variation in outcomes (Black and Baumgartner 1980, 206). The lack of procedural rigamarole allows for relatively speedy resolution. People figure out their own solutions, independent of state-sponsored rules and regulations, and their needs are far from uniform. Some have no interest in material assistance; they simply want an apology. Others are keen for help, whether financial or hands-on, in repairing their apartments. As this suggests the goal is typically compensatory. The parties work to manage the problem and to avoid recurrences. Occasionally it can even be therapeutic or conciliatory, but rarely is it punitive or vengeful (Black 1984; Emerson 2008). Anger or resentment rarely follows in the wake of self-help.

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

Within this first category, there were a handful of cases in which the victims simply forgave their upstairs neighbors. For example, upon learning that the leak had been caused when Gloria’s three children left their handkerchiefs in the sink after washing up, her downstairs neighbors told Gloria (a Tomsk tutor) that they would do the repairs themselves. No doubt the fact that the families had a longstanding good relationship facilitated this outcome. The almost-universal social norm of looking the other way when children’s play leads to damage (assuming it is not too serious and does not recur too often) made the victims reluctant to press their claim. Likewise, the grandparents of Arkadii (a psychologist from Kushchevskaia) declined to press their claim when their upstairs neighbors, who were mentally challenged, flooded them. In such cases, behaving po-chelovecheski required stepping back. Other times, those victimized by ceiling leaks chose to look the other way when the damage was minimal and the relations among those in the pod’ezdy were friendly. The fact that the victims of these leaks chose to “lump it” rather than pursue damages might appear to constitute avoidance. But because the parties worked together to come to this resolution, it fits better into self-help, though it does illustrate
that the dividing line between the two is rather porous.

A few of my respondents had to deal with repeated instances of water leaks from their upstairs neighbors due to their carelessness. Such negligence was typically the product of either old age or alcoholism. Tolerance tended to be greater for babushki than for alcoholics. Susanna, a Tomsk accountant, has been the victim of multiple leaks at the hands of her elderly upstairs neighbor. Each time, she went to see her and asked “how many times are you going to flood us?” She explained that getting angry or yelling was pointless due to her neighbor’s advanced age. In her view, it was better to handle the problem “po-chelovecheski.”29 Several others had similar experiences with elderly neighbors. At least one of them took money if offered, but did not demand it. This buttresses what I learned during the conversations about hypothetical ceiling leaks, namely that pressing someone who was down on their luck, especially when such a person was a pensioner, was unacceptable. Susanna and the others who were repeatedly victimized by negligent babushki were loath to violate this norm.

When the problem arose due to the repeated carelessness of alcoholic neighbors, however, my respondents were less forgiving. The experiences of two Shumerlia respondents allow for an interesting comparison. Marfa, a factory worker, grumbled about having been flooded more than 100 times over the 24 years that her neighbor lived above her. Though now deceased, she and Marfa had had a stormy relationship. She was only two years older than Marfa, so could not assert age as a mitigating factor. Her carelessness was a direct result of excessive drinking. After every incident, Marfa went upstairs. She never asked for money, but concentrated on changing her neighbor’s behavior. The neighbor would always promise to do better, but never did. Marfa would have liked to pursue the matter to court, but her husband was adamantly opposed. In her words, “my husband never wants to have any sort of connection to the court, not for any reason.”30 As a result, the two of them got used to the periodic leaks. Klavdia likewise had an upstairs neighbor who drank too much and frequently forgot to turn off the water before going to bed when inebriated. Like Marfa, Klavdia went upstairs and tried to reason with her neighbor each time, but to no avail. At her wit’s end, she sued her neighbor. As Klavdia rationalized her decision to me, “she was such an unpleasant old biddy (babul’ka)... It was pointless to try to negotiate with her. Court was the only option.” The others who lived in the pod”ezd applauded her decision. This alcoholic neighbor had caused trouble for everyone. Not surprisingly, the court decided in Klavdia’s favor. Klavdia characterized the damages as mere “kopecks,” but felt it was worth the effort because it caused her neighbor to change her behavior. “She finally learned that she needed to be civil (dobrosovestno). At first, she was nonchalant about flooding me. It was no big deal to her. But then [after the lawsuit], she began to behave more decently toward me. ... I didn’t have any further problems with her.” Neither Marfa nor Klavdia was willing to forgive her drunk neighbor. Marfa’s desire for family harmony trumped her desire to teach her neighbor a lesson, so she did not sue her.

More often than not, however, the negotiations between neighbors that lie at the heart of the self-help strategy resulted in the perpetrator of the ceiling leak offering concrete assistance to his or her victim. This was the outcome in two-thirds (twenty of thirty) of the cases in which my respondents reported using self-help. Thirteen of these (sixty-five percent) involved financial assistance. In the remainder, the neighbor at fault pitched in to fix the damage caused. In all cases, the parties emerged from the self-help process relatively satisfied.
Acknowledging responsibility and offering help is the essence of the informal norm underlying the desire to behave po-chelovecheski. As Veronika, who worked in the Shumerlia train station, reminded me, these same expectations were present during the Soviet era. She recalled a leak that occurred in those days, and recalled that the party at fault paid for the repairs. The idea of bringing in third parties was unacceptable (nepriniato) among the families in her pod’ezd, where they all worked at the same place and raised their children together. She voiced a common refrain when she said “this could happen to any of us … today you are flooded, but maybe tomorrow you flood someone else. Life offers no guarantees to anyone.” She conceded that her view of the past might be laced with nostalgia, and wondered out loud whether the dramatic increase in the cost of repairs in the post-Soviet era might make neighbors less willing to behave in a similar fashion. My respondents belie her doubts.

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

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

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

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

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

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

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

**Third-Party Intervention**

In Russia as elsewhere self-help does not always work. It requires both parties to be invested in solving the problem and, to that end, to be willing to contemplate compromise. If either side is obstreperous, then self-help is likely doomed. Self-help also requires a modicum of trust between the parties. If either side is suspected of concocting a false claim, then self-help is futile. Indeed, as Elena’s case illustrates, the strategy works best when the parties have an ongoing relationship that they are eager to preserve. In other words, they are most likely to look to third parties for assistance when they do not know each other. This would seem to confirm the relational distance thesis (Merry 1990; Engel 1994; Black 1984).
The motivations for bringing in a third party vary. Sometimes the goal is simply to get a fresh pair of impartial eyes on the problem. While such cases reflect a low level of trust between the parties, they can be seen as an extension of the self-help process. The goal remains compensatory. As the process ratchets up, however, less salutary motives can creep in. In its basest form, third-party intervention evokes images of thugs imposing their will on others. Even when limited to state-sponsored third-party intervention, the desire for vengeance often spurs the process. It is rarely the sole motivating factor. Typically it is woven together with more socially acceptable goals, such as compensation.

Whether third-party intervention represents a failure of the informal norm favoring self-help depends on what form the third-party intervention takes. When resolving problems arising from ceiling leaks in Russia, there are two key third-party interveners: the housing authorities or ZhKU and the courts. Residents turn to the ZhKU to get a neutral assessment of who was responsible for the leak and an estimate of the cost of repairs. Sometimes this serves as the basis for renewed negotiations between the parties leading to a settlement. In such cases, the housing authority acts to buttress and facilitate self-help. On the other hand, appeals to the ZhKU can sometimes serve as a precursor to litigation. This does not necessarily imply that the parties have given up on self-help. As Galanter reminds us, “[i]nvoking a court is not an abandonment of negotiation, but a shift in bargaining formats” (Galanter 1985, 653). Filing a lawsuit or threatening to do so often has the effect of reframing the discussion. Fear of the time, money, and emotional energy required to see a lawsuit through can jump start negotiations. For those seeking retribution, the courts serve a different function. Through their enforcement powers (which the ZhKU lack), punishing damages can be imposed on their neighbors.

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

In only one of the post-Soviet cases was this akt dispositive on its own. This is a reflection both of the low esteem that most Russians have for their local housing authorities and of their recognition that the akt cannot be directly enforced. Grumbling about ZhKU was a theme throughout the focus groups and the interviews. The well-known tendency of housing authorities to play fast and loose with the facts whenever their workmen were implicated only further undermined their reputation. A few respondents decided not to pursue their claim when their neighbors continued to balk at compensating them even after receiving the report from the housing authority. Faced with the prospect of a lengthy and messy fight, they opted for an avoidance strategy.

The akt was most effective when accompanied by a credible threat to file a lawsuit. The experience of Svetlana, a Saratov physician, captures this behavioral pattern well. She described what happened:
It was an unpleasant situation. I was sleeping and had a clear feeling like in childhood when the rain was drumming. I opened my eyes and was in shock because... throughout the three rooms of my apartment, rain was falling from the ceiling. ... Emergency services stopped the flow of water.

She knew her upstairs neighbors by sight, but had no relationship with them. She began with a self-help approach, trying to reach an accord with them, but found it to be impossible. Her comment about the reason why revealed her cynicism about human nature: “[a]s a rule, people want to escape from responsibility.” She turned to her housing authority. Armed with its *akt* and an estimate of the cost of repairs from a local construction company, she reopened the negotiations with her neighbors. She told them that if they continued to refuse to pay, she would file a lawsuit. Her neighbors understood that, between the *akt* and the estimate, Svetlana would have had the upper hand in court. They were sufficiently frightened by the prospect of litigation that they paid. She explained this change of heart by noting that Russians generally do not like to participate in judicial proceedings. More specifically, she believed that she benefitted from her neighbors’ poor character (*ne poriodochnost’*) and their reluctance to expose themselves to scrutiny. Svetlana was satisfied with the outcome. She had not been keen to initiate litigation, fearing that it would have taken too much of her time. Her consultations with a lawyer (*iurist*) friend left her with little confidence that the court would have awarded her as much as she ultimately got from her neighbors. Indeed, the lawyer warned her that the court would have denied her planned claim for punitive damages (*moral’nyi ushcherb*), and would have cut the amount claimed for her actual damages by as much as two-thirds. In her view, to get what she deserved, she would have had to pursue the matter through multiple appeals.

Svetlana’s passing acquaintance with her neighbor was typical for those who turned to their *ZhKU*. Those who knew each other well found it easier to resolve problems on their own. Prior litigation experience turned out to be a good predictor of how they purposed the *akt*. Those with such experience were more likely to threaten and/or file lawsuits against their neighbors, whereas neophytes tended to walk away.\(^{37}\)

Filing a lawsuit against a neighbor would seem to contradict the informal norm in favor of behaving *po-chelovecheski*. Yet lawsuits were more common than I had expected, arising in nine (sixteen percent) of the fifty-seven ceiling leaks.\(^{38}\) Of these, only one was a clear violation of the norm. Most of the others involved neighbors who were new to the *pod”ezd* or neighbors who barely knew one another. For example, Kira, a Tomsk accountant, told of how her new neighbors refused to compensate their downstairs neighbors after flooding them. She was surprised that the case ended up in court, particularly given that the victim of the leak was a pensioner. She chalked it up to the fact that the perpetrator was new to the *pod”ezd* and felt no sense of community with them. Following the prediction of the socio-legal literature, Russians proved more willing to file lawsuits against strangers than against friends. Lawsuits that did not involve strangers often were brought against other kinds of outsiders, such as alcoholics, or involved genuine disagreements over who was to blame.\(^{39}\)

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

The case appears to reveal fissures in the informal norm. Ruminating on why her ostensible friend had pursued litigation, Berta said, “[e]very person treats others according to their own standards. When I was young, we didn’t bother with contracts. I was raised at a time when it was possible to rely on someone’s word, on their upstanding character. ... But she took it to court. As a result, we had to have it out.” Thus, Berta attributes her friend’s behavior to her poor character, comparing her with the other neighbors who had also been flooded, who were more forgiving. Indeed, the person who lived on the first floor helped clean up the mess in Berta’s apartment. Digging deeper, Berta’s litigious neighbor can be seen as opting out of the societal norm in an effort to maximize her own interests. The contrast with the other neighbors is instructive. It suggests that there was a genuine community within the pod’ezd and that the advokat cared little about being ostracized from it. Perhaps this is because she had never fully integrated herself into it. More puzzling is her willingness to forsake her burgeoning friendship with Berta. It may have been that the friendship was more important to Berta than to her downstairs neighbor. Though Berta characterized her as a “friend” (podruga), her neighbor may have viewed Berta as a mere acquaintance. It is also possible that Berta’s version of what happened glossed over some facts that would shed light on her neighbor’s behavior. She may have said or done something to antagonize her neighbor. Or the damage may have been as extensive as the neighbor claimed.

EXPLAINING RUSSIANS’ RESPONSES TO PROBLEMS WITH NEIGHBORS

Relationships

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

The hypothesis that people are more likely turn to the courts or other third parties when problems arise with strangers than with intimates held true for the Russians I studied. Echoing Engel’s (1994) finding from his study of attitudes toward personal injury lawsuits in a small Midwestern towns, my respondents regarded litigation as being beyond the pale. While conceding that it is sometimes unavoidable, the consensus was that it should be pursued only when no other alternatives remained. The strategic use of litigation reported by Yngvesson in her study of a Massachusetts urban neighborhood\textsuperscript{41} was infrequent among my respondents. I found a slight hint of this sort of multilayered intent only in the lawsuits against alcoholics. Those who brought them were less interested in being compensated for the damages suffered than in changing the behavior of their alcoholic neighbors. Their goal was to deliver a wake-up call that would curb their carelessness. As the experiences of Marfa and Klavdia showed, the results were mixed. But the bulk of my respondents who sued or threatened to sue had no agenda beyond paying for the repairs needed after the ceiling leak.

**Institutional Infrastructure**

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

\[w\]hen simple issues of shared space escalate into fights, there is usually something else involved. ... most of the parties were tied together only by proximity, by the fact that they could not easily avoid one another. The more they felt trapped together, the more intense and prolonged the battle. When avoidance was impossible or very costly – when there was no room to build a fence, for example, or when the victim of abuse could not afford to sell his house and move away – fights became more intense (1990, 39).

Unlike Merry, I heard no stories of drawn out feuds. The non-representative nature of my sample limits my ability to provide a definitive explanation, but I can suggest several possible reasons. It may be that ceiling leaks are not the sort of problem likely to give rise to simmering resentments. Unlike barking dogs or noisy children, a ceiling leak is a discrete problem that can be solved. On the other hand, Merry persuasively argues that the cause cited for instigating a feud is usually a pretext, standing in for a series of lingering slights. A ceiling leak would seem capable of serving this function. Digging deeper, the differences between the two judicial
systems may account for the variation in outcomes. Arguably, the US judicial system eggs on feuds by treating the parties as adversaries and requiring them to battle it out, whereas the inquisitorial model found in Russia provides more fertile ground for compromise. These differences are, however, greater in theory than in practice (Kagan 2001). In both systems, engaging the legal process is seen as a hardship that most try desperately to avoid. This leaves us with cultural explanations. Though the stereotypes of Russians as resigned to their fate (Ries 1997, 83-102; Chekhov 1991) and Americans as combative (Kagan 2001) seem helpful, they are too superficial to serve as a convincing explanation. Indeed, my study provides little evidence to support the stereotype of Russians as passive. The informal norm militated in favor of activist problem-solving, not grim suffering. As a rule, my respondents embraced this norm. Those who appeared to depart from it by avoiding the problem did so grudgingly and, long after the fact, remained angry about their inability to address the problem directly.

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

**Generational Effect**

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

**Personal Beliefs**

The obvious overlap between the commitment to fairness embedded in the norm favoring behaving po-chelovecheski and the basic tenets of most organized religions led me to explore
whether those who broke with the norm by invoking litigation were more likely to be nonbelievers. I found no such correlation. Among the eight respondents who had threatened to, or filed, a lawsuit, there were no non-believers and only two agnostics. The remainder self-identified as believers. This proportion of believers is roughly equivalent to that for the larger sample. As I noted above, a number of respondents expressed sentiments akin to the Golden Rule, but only Fatima, a twenty-five year old Moscow student who had recently converted from Islam to Christianity, openly invoked religion, telling me that she was prepared to submit herself to God’s will in all matters.

**Nature of Damages**

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

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

By the same token, minimal damages gave rise to a variety of responses. After being flooded multiple times, Klavdia sued her alcoholic neighbor, even though the cumulative damage was not serious. Her purpose was not to recover damages, but to shame her neighbor into better behavior. At the other end of the spectrum, recall that Gloria was able to work things out with her neighbors after her children’s carelessness led to a ceiling leak. Their response was prompted not just by an unwillingness to take advantage of an accident caused by children’s play, but also by the minimal damage caused.

**Attitudes Toward Courts**

At first glance, my respondents’ distaste for litigation might seem to buttress the polling data that ostensibly documents Russians’ lack of trust in the formal legal system. But the conversations told a different story. Though dissatisfaction with the courts was a recurring theme, being railroaded by a corrupt system was not the respondents’ principle fear (cf. Ledeneva 2008). When pressed, most conceded that Russian courts can be “bought,” but they felt themselves to be far removed from the high stakes cases in which outcomes are settled by money-filled envelopes or by telephone calls from on high. Thus this sad reality about the
Russian judicial system did not determine their attitudes about suing neighbors over ceiling leaks. Instead, my respondents’ complaints about the courts were dominated by more prosaic concerns, such as the cost, time, and energy required (Hendley 2009). Vadim, a Saratov entrepreneur whose family, despite being flooded three times, chose not to pursue a claim against their poverty-stricken upstairs neighbors, reflected the views of many when he said: “Courts aren’t necessarily good or bad. It’s better not to have any connection with courts – it’s a question of time, nerves, and money. Usually we try to resolve such problems in a friendlier way.” These sentiments are not unique to Russians. Going to court can be a daunting prospect, even in societies considered to be litigious, like the US (Merry 1990). Those who lack experience can come away feeling disadvantaged (Galanter 1974).

Prior experience with the courts seemed to embolden my respondents to go down that road again. All of the respondents who initiated lawsuits had been to court in the past. But this did not make them eager to return. Most saw litigation as a last resort, to be employed when self-help fell flat. Table 2, which shows that many of those who used avoidance and self-help strategies were court veterans, provides persuasive evidence that filing a lawsuit was not an automatic response to problems for anyone. Yet it suggests that Russians may be like Americans who tend to be more favorably inclined toward courts after using them (Aistrup and Bannister 1999; Rottman 1998; Kritzer and Voelker 1998). The fact that those without court experience did not opt for litigation is telling. No doubt the media drumbeat about difficulties of using the courts in Russia has taken its toll.

CONCLUSIONS

Contributions to the Literature on Disputing Among Neighbors

What does this Russia-based study add to our understanding of the role of law in disputes among neighbors? It confirms Engel’s (1994) findings that members of relatively insular communities are less likely to sue one another. Much like his Midwestern small-town residents, my Russian respondents recoiled from the prospect of suing one another. Though the details differ, they shared a sense that going to court represented an abrogation of personal responsibility. Engel’s respondents’ distaste for litigation was driven by their sense that those who sued were trying to cash in on their misfortune. It never occurred to my respondents that they could recover anything more than compensatory damages. Even so, they viewed litigation as a personal failure, believing that neighbors ought to be able to resolve their problems on their own. Going to court ran the risk of social ostracism both for the Midwesterners whom Engel studied and the Russians I studied.

As the social distance hypothesis that has been developed in the US context by Black (1984), Engel (1994), Merry (1990), Yngvesson (1985, 1994), and others would predict, the willingness of my Russian respondents to pursue self-help solutions was strongly correlated with the potency of their relationships with their neighbors. Indeed, this hypothesis seems more robust in the Russian setting than in the US. Merry’s finding that neighbors who live in close proximity and lack exit opportunities are more likely to engage in bitter and lengthy battles is not born out by my study. Nor were my respondents open to engaging in the sort of strategic litigation that the Massachusetts residents studied by Yngvesson pursued. Instead, the Russians
were more deeply committed to finding a solution through self-help. If that failed, then my respondents either avoided confrontation or escalated the dispute by turning to third parties for help. Interestingly, those who opted for avoidance were more likely to harbor resentment. This stands in contrast to the equanimity predicted by the literature (Felstiner 1975). In the Russian case, however, avoidance is often equated with the unwillingness of the culpable neighbor to live up to the norms of the pod”ezd.

My study departs from these classic studies in that I am not principally trying to explain litigation behavior. Much like Emerson’s (2008) study of college roommates, my goal is to map the choices open to Russian neighbors who experience difficulties with their neighbors. Of course, the relative mobility of the two groups is different. The roommates are stuck for the academic year, whereas many of my respondents have been stuck in their pod”ezd for life. Yet the choices made during that year by the college students whom Emerson studied were remarkably similar to those of my respondents. Neither group was eager to rock the boat.

**Preliminary Insights on Russian Legal Consciousness**

In contrast to most research on Russian law, my study focuses on a problem that Russians confront in their daily lives with the goal of understanding how Russians think about law¹ rather than exploring how Russians use (or avoid) particular laws (Kewinbuk 2009) or legal institutions (Kurkchiyan 2009). The non-representative nature of the sample makes definitive conclusions impossible, but certain patterns have emerged that deserve more systematic exploration. My respondents’ strong commitment to the informal norm favoring self-help suggests that the communitarian ideals that successive Soviet regimes tried to inculcate took hold and continue to hold sway. But the tenacity of this norm has little to do with an attachment to Soviet ideals more generally. My respondents’ continued adherence to it reflected its practical value in their lives. Having been thrown together with the neighbors in their pod”ezd, they recognized the need to get along. Hence, the general norm was adapted to create a quasi law of the pod”ezd, which residents violated at their peril. Though the shadow of the law hangs over all of the reported incidents, the formal legal system was mostly an afterthought for my respondents. Their behavior was dictated more by their internal moral code and the code of the pod”ezd than by state-promulgated statutes or regulations. This reality reminds us that law flourishes best when it is in harmony with such codes.

My research suggests that the solidity of the informal norm is beginning to crack. No longer do the populations within pod”ezdy remain unchanged from one generation to the other. The privatization of the housing stock and the consequent emergence of a real estate market has brought with it the possibility for relatively rapid turnover. Few of my respondents had the financial flexibility to participate in this new reality, but they were impacted as those around them did so. It is surely no accident that the likelihood of third-party intervention increased dramatically when the neighbor was a newcomer. The informal norm to behave po-

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¹The work of Ewick and Silbey (1998) and Sarat and Kearns (1993) speaks to the value of this approach.
chelovecheski is grounded in inter-personal relationships. When neighbors did not know each other, they felt less of an obligation to live up to its ideals.
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(1) Data are generally available for the regional sub-units of Russia. These have various names, e.g., oblast’, republic, or krai, but all are equal members of the Russian Federation. Where possible, I have provided data for both the city and the surrounding region. Saratov and Tomsk are the capitals of their respective regions and, therefore, more information was available.

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

(3) Because the amounts of investment can fluctuate wildly from year to year, I have taken the average of three years in an effort to provide a more accurate picture.

Sources: *Sem’ia* (2008); *Regiony* (2008a); *Regiony* (2008b); *Regiony* (2008c).
REFERENCES


Regardless of their size, Russian apartment buildings do not have a single entrance and long corridors as in the US. Instead, each stairwell has its own entrance (pod”ezd), thereby creating a relatively small community of people who have to interact on a variety of household issues.

To date, there have been few studies of ordinary Russians’ litigation behavior. More attention has been focused on the business community. Some have argued that the specter of corruption has discouraged litigation (Ledeneva 2006, 182-186; Humphrey 2002, 107-114), while others have argued that business litigation in Russia has proven remarkably robust, notwithstanding the persistent rumors of corruption (Hendley 2001).

The definition of legal consciousness is highly contentious. For guidance, see Ewick and Silbey 1998; Sarat and Kearns 1993.

Gaps between unwritten customs and written rules exist everywhere. “The distinction of Soviet-type systems, perhaps, was that the former were followed, in fact, with fewer exemptions than were formal rules” (Ledeneva 1998, 160).

During his 2008 presidential campaign, Dmitrii Medvedev commented that “Russia is a country of legal nihilism” at a level “no European country can boast of” (Finn 2008, A10). Though this stereotype of Russian legal consciousness has generally been accepted by social scientists (McFaul 2001, 326), Gibson’s (2003) survey-based research in the late 1990s suggests that it is not so simple. The parameters of legal nihilism deserve more systematic analysis.

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

A study of US college roommates showed that when exit is possible at a fixed point in the future, the likelihood of litigation dissipated (Emerson 2008).

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

According to Goskomstat data, the allocation of living space per person in Russia in 2007 was 21.5 square meters (231.42 square feet). This represents a substantial increase over the 16.5 square meters (177.6 square feet) allocated per person in 1991 when the Soviet Union collapsed (Sem’ia 2008, table 3.38; Sem’ia 1996, table VII-2).

For an account of the machinations, both familial and political, required to organize a housing exchange in the Soviet period, see Trifonov 2002, 17-70; Voinovich 1976.

The memoirs of foreigners who have spent time in Russia often comment on this distinction (Smith 1977, 137-142). Likewise in rendering relationships in Soviet-era literary fiction, a distinction is typically drawn between friends and acquaintances (Trifonov 1983).

One of Smith’s (1977, 142) respondents told him, “You know, we have lived next door to another couple all our lives practically. I have known the wife since childhood and yet I have never told her the honest truth. We have always been friendly. We have known them well. They have come to our apartment and we have been to theirs. But they are different people from us. We could sense that.”

These findings were echoed in several interviews. In Shumerlia, Simon said, “in the countryside it is easier to rub shoulders with your neighbors. In the city, neighbors don’t know each other.” The names of the respondents have been changed to protect their anonymity. All translations are by the author.
Within the “pyramid of disputing” framework, almost all of those flooded would be claiming (Felstiner, Abel, and Sarat 1980-1981). A handful of the “avoiders” made no claim on their neighbors, but these were the exceptions. For an application of this framework to disputes arising from home repair projects in Moscow and Saratov, see Hendley forthcoming.

These authorities go by a number of different names depending on the ownership structure of the building. They are most commonly referred to as the ZhKU (Zhilishchno-Kommunal’nye Uslugi or Housing-Communal Services). They are a vestige of the Soviet past when almost all housing was owned by the state. Although much of the Russian housing stock has now been privatized, these ZhKU persist. Whether they act in the name of the state again depends on whether the building has been privatized. They are expected to maintain the buildings and to ensure a steady supply of energy and water. They are often viewed as remote and uninterested in residents’ problems.

Home insurance is relatively rare in Russia. A 2006 survey revealed that only 13 percent of the respondents had opted for homeowners insurance (Rossiiane 2006). It is not regarded as essential.

According to national surveys fielded by the Levada Center from 2001-2007, only about thirteen to seventeen percent of Russians fully trusted the courts (Doveria 2009).

Between 2001 and 2007, the number of civil cases decided by the Russian courts of general jurisdiction increased by eighty percent (Rassmotrenie 2008).

To accommodate the work schedules of the participants, the discussions took place on weekday evenings and weekends and lasted about two hours. They were recorded and were moderated by Elena K. Zobina, a research fellow at the Institute of Sociology, who is experienced in leading focus groups.

Of the seventy incidents, fourteen took place in Moscow, eighteen in Saratov, ten in Shumerlia, twenty-four in Tomsk, and four in Kushchevskaia.

When conveying the percentage of respondents who fit into various categories throughout the paper, the intent is to provide information about my sample, not to imply that these percentages are representative of the Russian population.

The literal translation of babushka is grandmother. The word is often used to refer to older women more generally. That is how I am using it.

Baumgartner’s (1988) research into a New York suburb provides a wealth of examples of avoidance. Unfortunately the chasm between the lifestyles of New York suburbanites and urban Russians is too wide to permit useful comparisons.

As I conceptualize it, self-help is analogous to Emerson’s (2008) dyadic complaint process. In addition, the bulk of the cases involving third-party intervention began with an effort to resolve them through self-help.

The use of the male pronoun here is deliberate. I encountered no instance where the offer of hands-on help involved women doing the repairs.

This mirrors what Engel (1994) found in his US-based study, where community members tended to be inhibited from taking action that would contradict informal community norms.

For example, Feona, an accountant from Shumerlia, inadvertently flooded her neighbors when she took out some frozen fish, putting it in the sink with the water running. Forgetting she had done this, she went out. She discovered her mistake upon her return. She was mortified. She immediately ran downstairs and apologized profusely. She saw that her neighbors’ wallpaper
was soaked and offered to replace it. They told her, “Oh Feona, don’t worry yourself. Everything will be fine. It will dry out.”

In addition to her age, the fact that Susanna’s neighbor had gotten her current apartment from the city after fire had destroyed her previous apartment left Susanna unwilling to ask for money to cover the damage caused by these leaks.

Marfa’s husband had no actual experience in the Russian courts. She explained that his distaste for litigation stemmed from his “non-conflictual” personality.

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

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

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

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

For more detail on attitudes toward *ZhKU*, see Hendley forthcoming.

For example, Emilia flooded her neighbors in Tomsk. She agreed to pay for new wallpaper, but when the mother of her downstairs neighbor learned of this arrangement, she convinced her daughter to demand more. Emilia then brought in *ZhKU* to evaluate the situation, which was complicated by the fact that *ZhKU* had repaired the pipe that burst on the eve of the accident. Fearing that it would be held responsible, *ZhKU* convinced Emilia to keep silent about the botched repair. As a result, the leak appeared to be a simple accident that was no one’s fault. Emilia’s neighbor agreed to return to their original deal, notwithstanding her mother’s dissatisfaction.

Of the fourteen respondents who invoked litigation or ended up in court, thirteen had prior experience. Of the seven who walked away or accepted the *akt*, only two had prior experience.

The non-representative nature of my sample makes it difficult to know whether the penchant for litigating is shared more broadly in Russian society. I am skeptical that it is. Earlier work on the role of law in Russian business revealed that of every 100 transactions, 24 experience potential disputes. Of these, 16 are resolved through informal complaints, 7 are resolved through
threats of litigation and/or penalties, and 1 is litigated (Hendley, Murrell, and Ryterman 2000, 633, n. 52). A US-based study of disputing behavior found that “71.8% of individuals with grievances complained to the offending party, and that a dispute arose in 63% of those situations. Of these disputes, 11.2% resulted in a court filing.” They concluded that “it is clear that litigation . . . is by no means the most common response to disputes” (Trubek, Felstiner, Kritzer, and Grossman 1983, 86-87).

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

Often the advantages of those with extensive litigation experience can be blunted by hiring one’s own lawyer. Berta tried to find a lawyer to help her, but ended up hiring someone who was not licensed to practice law. The judge unmasked him in open court, buttressing Berta’s feelings that she was in over her head. This aspect of her story raises important questions about Russians’ access to legal assistance that are beyond the scope of this paper. Galanter (1974) provides a theoretical analysis of the effect of prior court experience.

Yngvesson’s (1985) research also documented the potent role of the courts. The decisions of the court clerks to accept claims empowered the affected group and vice versa. My study did not extend to the courthouse, but the more pedestrian nature of the claims being made by my respondents make it doubtful that Russian court clerks are playing a similarly influential role.

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

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

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

A systematic review of those who opted for avoidance and self-help shows that they were fairly evenly divided between those who had prior court experience and those who did not.