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*To what extent did the Russian mafiya become a state within
a state after the fall of the USSR?*

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1. Introduction. The role played by organised crime groups and the mafiya in Russian society after the fall of the Soviet Union has been widely acknowledged, both in academia and the general media. Although the involvement of these criminal organisations in this chaotic period isn't in doubt the extent of their power and influence in relation to the State remains a contested issue. Some argue that the State was able to maintain some semblance of power despite the disorder and that organised crime groups did not hold a monopoly over the use of force (Volkov, 2002), whereas others argue that the mafiya's role in the nascent economy was so instrumental that it was able to supplant the State in the provision of protection, employment and public services (Shelley, 1995). Given these somewhat opposing viewpoints it is important to understand how this type of criminality evolved and the extent of the threat it posed to the Russian State during what was a period of momentous political and economic upheaval.

This paper will therefore review the role the mafiya played in the maintenance of law and order following the dissolution of the Soviet Union and assess the degree to which it held a monopoly over the use of violence. The amount of legitimate authority it obtained from the Russian public will also be examined, as will its infiltration of state institutions. It will be argued that the mafiya's disparate structure and the competing aims of the numerous groups inside that structure prevented it from becoming a state within a state. Instead it will be shown that the mafiya should be viewed as an intrinsic part of the State rather than separate from it. From this alternate perspective and using the Chameleon Syndrome model (Rawlinson, 1997) it will be argued that the mafiya reached a point known as 'active assimilative', where it was able to operate with relative impunity and pose a significant challenge to the authority of the State. However its entry into the latter stage of the model is rejected on the grounds that it never replaced the State as the dominant power-holder in Russian society and was only able to assume control over a few areas rather than vast swathes of the country.

Before proceeding it is necessary to define the terms 'mafiya' and 'state' in more detail. In relation to the former, distinguishing between legitimate and illicit activities in the Russian context is often problematic therefore it is important that an inclusive definition is used. Thus in the discussion that follows 'mafiya' should be interpreted as a "coalition of professional criminals, former members of the underground economy, members of the former party elite, and the security apparatus" (Shelley, 1995 cited in

Di Paola, 1996, p.149). 'State' is generally used in two ways: as a synonym for government or as a more wide-ranging term that incorporates civil society but excludes the executive body (Rutgers, 2008). In this instance the mafiya aren't a distinct group of people but a coalition of diverse actors that seek to "govern territories and markets" (Varese, 2012, p.235) therefore throughout this paper the first definition will be used.

2. Maintenance of law and order. This is arguably the primary function of any state, irrespective of the ideological system that underpins it. This view is supported by Rutgers who argues that the state's purpose "is to make an ordered society possible; the existence of a state or political order denotes the difference between a (civil) society and some haphazard gathering of people or anarchy" (Rutgers, 2008, p.350). During the Soviet-era the Communist Party and its institutions were able to carry out this task with relative ease and the threat of disorder never truly materialised. However the nature of this responsibility changed when Gorbachev's reforms began to take hold and the country transitioned from a command-based economy to a capitalist system. This is evidenced by Satter (2003, p.3), who asserts that "a market economy presupposes the rule of law... Without law, prices are dictated not by the market but by monopolization and the use of force." In a communist system there is little need for legislation or the rule of law; order is generally imposed upon the population by an oppressive state apparatus. Although the period known as perestroika brought about new legislation, the "plethora of often overlapping and conflicting laws" (Varese, 2001, p.204) that were introduced were largely ineffective. Therefore when free market reforms were introduced and the economic policy of shock therapy began to take effect there was no coherent legal framework to support the new system. As a result the country descended into chaos and Russian businesses were forced to operate in an environment that has been described as "anarcho-capitalism" (Sokolov, 2004, p.70).

Glenny (2008, p.73) claims that from 1991 to 1996 "the Russian state effectively absented itself from the policing of society" and has suggested, along with many others that the mafiya stepped in to fill this void, especially in the areas of protection and contract enforcement (Handelman, 1994; Shelley, 1995; Half, 1997; Galeotti, 2004). Although a general consensus has been reached in this respect there is still much disagreement regarding whether the mafiya's role in maintaining law and order should be viewed as a positive development in the evolution of an emergent capitalist economy

or as an aberration. This argument is beyond the scope of this paper and will not be discussed further. However in order to assess the mafiya as a state-like entity it is important to consider the extent of its control over the rule of law across the country as a whole.

It has been reported that an estimated 70-80 percent of Russian businesses pay for a *krysha*, or protection (Galeotti, 2004, p.57), that some 4000 to 5000 organised crime groups have operated in the country (Shelley, 1995, p.484) and that the number of these groups saw a 16-fold increase between 1991 and 2001 (Abramova, 2007, p.19). In addition, the judiciary was effectively given a vote of no confidence in 1994 when 60 percent of those polled voiced distrust in the legal system (Half, 1997, p.52). These statistics indicate that an environment conducive to organised crime was created in which the mafiya became the chief enforcers of law and order. However the use of crime statistics should always be treated with caution, especially those that originate from official Russian sources. Therefore it is necessary to look at some specific cases where the mafiya's control is well documented.

The Solntsevo Brotherhood and Chechen groups in Moscow, Tambovskaya group in St Petersburg, and Uralmash gang in Yekaterinburg were all reportedly "whole or partial monopoly controllers of specific goods and services" (Glenny, 2008, p.86). In the latter city in particular organised crime was everywhere, as evidenced by its sobriquet as the "gangster capital of Russia" (USA. Department of Justice, 2001, p.11). In 1997 the Uralmash group was said to have earned more in annual revenue than the city itself, which houses 1.5 million inhabitants (Satter, 2003, p.244). This provides some indication as to the influence and power the mafiya was able to exert in the main population centres. Handelman (1994, p.90) also warns of the danger that these groups posed outside the urban areas, claiming that "local crime lords and their government allies have filled the vacuum created by the departure of communist authority." All the aforementioned points seem to suggest that the maintenance of law and order across a sizeable proportion of the country was undertaken by the mafiya and not the state.

Some however subscribe to alternative viewpoints. Rawlinson (2010, p.102) argues that the mafiya threat was overhyped, especially in the Western media where "the alleged transformation of Russia from erstwhile superpower enemy to an out-of-control mafia state was an almost overnight affair." In support of her argument she points to the fact

that even “the UK’s National Criminal Intelligence Service admitted that the threat had been exaggerated” (Rawlinson, 2010, p.132). This perspective is also adopted by Volkov (2002) who urges caution when dealing with any narratives that render the state as insignificant. Furthermore these arguments raise another issue, namely that the interpretation of terms such as ‘mafia’ and ‘organised crime’ are often subject to historical, cultural or ideological biases.

Rawlinson (2010) asserts that the Western response to the emergence of the mafiya was in effect a defensive mechanism, designed to protect capitalism from criticisms that questioned its supposed superiority over communism. If this is indeed true then it is important to consider how the mafiya are perceived at the national and local level. Galeotti (1997, p.148) argues that in Russia:

Paying protection money is not seen purely as a negative phenomenon, satisfying a parasite or a predator. Instead, it often has a very positive connotation. After all, a ‘roof’ does not only protect you against racketeers. Your new criminal allies can help you navigate a chaotic, transitional bureaucracy.

Although the Communist Party dedicated a significant amount of resources to combating internal political threats, the Russian state has historically played a minor role in policing crime and its more organised forms (Galeotti, 1997). This might explain why in many cases the public were willing to engage with the mafiya and do business with them. However this implies that the maintenance of law and order may not be an entirely accurate barometer against which to measure its state-like qualities. Therefore in order to further this discussion it is necessary to examine another aspect of state hegemony.

3. Monopoly on violence. According to Weber (1918, cited in Munro, 2013), any “human community that successfully claims the monopoly of the legitimate use of physical force within a given territory” can be defined as a state. The issue of legitimacy will be dealt with later, however first it is important to review the level of violence employed by the mafiya in the post-Soviet period and the capacity of the State to counter it. Handelman (1994, p.87) argues that the ubiquitous nature of the mafiya’s power had a “devastating effect” and that “gangland murders, bomb explosions,

kidnappings and gun battles... [became] part of daily life in dozens of Russian cities.” This viewpoint is supported by Glenny (2008, p.69) who asserts that the State’s monopoly on violence was gradually conceded to the street gangs that were made up of “Afghan veterans, street toughs, martial-arts experts, [and] former KGB officers.”

The statistics seem to give credence to these views: in 1994 the country’s murder rate was 10 times that of the US (Trimble, 1994, p.39); in Moscow between 1992 and 1997 it is reported that 20000 people ‘sold’ their homes then simply ‘disappeared’, which was supposedly a common occurrence throughout Russia at the time (Satter, 2003, p.224); and in 1992 “three out of four Muscovites admitted they were afraid to walk the streets at night” (Handelman, 1994, p.91). This extraordinary level of violence seems to have been at the forefront of President Yeltsin’s mind when he said “we have become a mafia state on a world scale. Everyone thinks that political issues could lead to an explosion of crime but crime could easily blow us asunder” (Rush & Ryan, 1997, p.174). However as previously mentioned the use of statistics can be problematic, therefore it is necessary to again review a case study in order to examine mafiya violence in more detail.

Satter (2003, p.129) has described the city of Togliatti in the Samara region as “one of the most gang-ridden cities in Russia as well as one of the most violent.” In 1994 and 1997 there were approximately 41 and 200 murders in the city respectively, although for the most part these deaths seem to have resulted from internecine violence rather than anything else. However it is Satter’s reference to a particular case of arson that highlights how the mafiya were apparently able to monopolise violence in this part of Russia. In 1997 the State launched an operation against the Avtovaz car factory as it had been infiltrated by several organised crime groups who had exploited the company for their own benefit. The raid was a relative success as it uncovered evidence that led to the opening of nearly 100 criminal cases, including 65 murders. Yet all this evidence was destroyed when the Samara police headquarters ‘caught’ fire, resulting in the death of up to 77 individuals. Consequently the operation, which was reportedly the biggest of its kind during the Yeltsin-era (Satter, 2003), was ended and the mafiya figures who had been targeted managed to escape prosecution.

There are some indicators however that the State managed to retain their monopoly on violence during this period. For example, after the constitutional crisis in 1993 the

Government deployed the armed forces and police onto the streets of Moscow and imposed a curfew on the city's residents, which reportedly had a positive impact on the crime rate (Handelman, 1994). In addition the State was still able to launch military campaigns in Chechnya in 1994 and 1998 (Rawlinson, 2010), indicating that if it wanted to it could have targeted the mafiya instead if organised crime was considered a priority. Rawlinson (2010) also argues that the level of violence employed by some groups was often confused with their level of influence, implying that the mafiya's impact in this respect has been somewhat exaggerated. Moreover this perspective is supported by the previous assumption that a considerable amount of violence resulted from mafiya in-fighting. However the state's capacity to deploy violence against organised crime groups appears rather ineffectual when past cases are reviewed. The operation mentioned at the beginning of this paragraph, although successful from a criminal perspective required the use of Soviet-era oppressive tactics and arguably did untold damage to an already fragile economy. Additionally an operation carried out in 1995 against the Solntsevo Brotherhood by the Moscow-based Regional Directorate for the Struggle with Organised Crime only resulted in the arrest of 23 of the group's 2000 members, with just one of those detained being a "significant figure" (Satter, 2003, p.136). Therefore it could be argued that neither the State nor the mafiya had an outright monopoly on violence, rather that they both became part of an oligopoly.

It is clear then that the mafiya were able to employ a considerable amount of violence during the 1990s and thus presented a significant challenge to the authority of the State. However Weber does assert that any use of physical force must be legitimate, therefore it is now important to consider whether the mafiya were able to acquire any legitimacy and if so, where it came from.

4. Acquisition of legitimacy. In political philosophy those who subscribe to the idea of a social contract believe that in order to govern, legitimacy is essential and is derived from the consent of the governed. Although not a political organisation per se the mafiya do play a key role in governance and thus like a state must achieve some level of legitimacy in order to function. Satter (2003, p.224) argues that in the post-Soviet period the Russian mafiya were able to obtain legitimacy in 3 ways: by portraying themselves in a benevolent manner by adopting a 'Robin Hood' approach; by benefiting from the general perception that in terms of seriousness, its activities paled in

comparison to those ‘white-collar criminals’ that were able to amass vast fortunes by plundering the state; and by taking advantage of the “moral vacuum” that existed following the collapse of Communism, as the population struggled to differentiate between right and wrong. The situation that unfolded in the Urals partly supports this hypothesis. The inability of the state to provide public services meant that the mafiya stepped in to fill the void by “providing funds for the repair of schools and hospitals, sponsoring sports events and activities, and setting up charities” (USA. Department of Justice, 2001, p.24). This approach proved so effective that when a local mafiya boss was arrested for racketeering, a group of concerned citizens wrote to the authorities to highlight the good work he had done in the community and ask for his release (USA. Department of Justice, 2001). Rawlinson (2010, p.83) provides a further example, noting how one disabled stallholder from Leningrad “enthused about the level of service” he received from the mafiya, describing how they protected him from corrupt local authorities and only charged him half the going rate on account of his disability.

The inefficiencies of the judicial system also provided the mafiya with a means to increase their legitimacy. Rather than rely on the sluggish, corrupt and unpredictable court process many businesses instead chose to turn to the mafiya to resolve their disputes (USA. Department of Justice, 2001). Hendley et al (2000 cited in Gustafsson, 2013) argue otherwise, suggesting that the commercial courts were actually quite effective in the 1990s and were relied upon by a significant number of business actors. However Gustafsson (2013, p.101) has cast doubt on this claim by showing that those businesses which used the courts did so mainly because “the judicial outcome could be influenced with bribes.” That many in the business community chose to use protection rackets in place of the courts for reasons of fairness and efficiency suggests that from a Weberian perspective, the mafiya were able to obtain a certain degree of rational-legal legitimate authority.

Another way the mafiya attempted to acquire legitimacy was by actively taking part in the political process. In Yekaterinburg the Uralmash group formed a political movement, naming it the “Uralmash Social Political Union” (Satter, 2003, p.240). Its efforts proved so fruitful that along with the central group it even managed to have some of its members elected to public office (USA. Department of Justice, 2001). However its biggest political success was arguably achieved by their leader, Alexander Khabarov, who ran for a seat in the State Duma every year from 1997 to 1999. Despite

initially being unsuccessful he managed to obtain more votes than anyone else in his second year, although the election was declared invalid as less than 50 percent of people voted (Satter, 2003). Then in 1999 he lost to the city's head of police by only 1 percent but managed to draw "strong support from older people, who were convinced that the government did not care about them, and from young people, who viewed the Uralmash leaders as successful businessmen" (Satter, 2003, p.247). The support these leaders received from ordinary members of the public indicates that in some areas of the country at least the mafiya were viewed as a legitimate organisation.

The favourable preception that the mafiya were able to cultivate for themselves was also evident elsewhere. Rawlinson (2010) notes how foreign companies were encouraged to seek the services of protection rackets and Handelman (1997, p.80) argues that Western businesses provided "a cover of legitimacy to Russia's comrade criminals" by doing business with the mafiya. Satter (2003, p.132) points to cultural influences, noting how the gangsters' argot entered mainstream use and that in addition to the popularity of their songs, they became "the heroes of novels, films, and television series." And their role in the privatisation of state assets following the shift to capitalism brought them considerable economic and political power (USA. Department of Justice, 2001), which ultimately conferred a certain degree of legitimacy in itself.

Although the mafiya were able to obtain the backing of some of the population it is important to mention that this support wasn't widespread and is hard to quantify at the national level. This is acknowledged by Di Paola (1996, p.172), who notes that "the mafiya's presence in the former Soviet Union has created a great deal of public discontent because of the increase in crime, the corruption in government, and the collapse of the economy." In addition it is necessary to interrogate the motives of those who gave their support, as well as consider the environment and context in which this support was given. It could be argued that many were simply acting out of fear and were afraid that non-compliance could result in them being harassed, physically harmed or worse. Therefore a considerable proportion of the population might have given their tacit approval as they lacked the free will to do otherwise, much like those that live under the watchful gaze of authoritarian and totalitarian regimes. As a result it is difficult to assess the true extent of the mafiya's legitimacy and so any viewpoint that suggests it enjoyed extensive support should be treated with caution.

So far the mafiya's relationship with the State hasn't been discussed at great length. This could be interpreted as a glaring omission as an association with the state is arguably one of the most important sources from which legitimacy can be derived. It is therefore essential to examine the State-mafiya nexus in more detail as the intimate nature of this relationship means that these 2 entities cannot be treated in a mutually exclusive manner.

5. State influence and infiltration. Recent history has shown that collaboration between the mafiya and the State is not a new phenomenon. Before taking power the Bolsheviks formed an alliance with professional criminals in order to overthrow the czar (Finckenauer, 2004) and in Stalin's gulags the *vory v zakone* or 'thieves-in-law' collaborated with the authorities to subdue those prisoners deemed politically subversive (Rawlinson, 1997). Moreover the Communist Party's reliance on the underground economy grew to such an extent that it "became tacitly accepted by the State as a way of bypassing the bottlenecks of the official, planned economy and pacifying the hungry masses by providing limited access to scarce goods and services" (Galeotti, 2004, p.56). Therefore when considering the historical perspective it is easy to see why Finckenauer and Voronin (USA. Department of Justice, 2001, p.2) argue that "Russian organized crime is uniquely a descendant of the Soviet state."

In the post-Communist period the mafiya are purported to have infiltrated many areas of the State, including the police, armed forces, security services, Duma system, and most worryingly of all, the highest levels of government. This argument is supported by Handelman (1997, p.84), who claims that the mafiya were able to acquire the "support and encouragement of officials at every level" and that in 1992 over half of Russian organised crime groups were in some way connected to the Government. Di Paola (1996, p.166) provides a possible explanation as to why the mafiya felt this level of penetration was necessary, suggesting that as the State continued to pose a threat to its interests it embarked upon "a campaign to influence government decisionmaking" in order to protect its exalted position in the new Russia. Given the severity of the accusations it is important to corroborate these claims by reviewing those areas of the State which have been accused of collaborating with the mafiya.

Of all the institutions of the State it could be argued that those responsible for the maintenance of law and order and the defence of the country have been infiltrated the most. Galeotti (2006, p.472) argues that in the 1990s there was a “criminalisation of the Russian security forces”, a view also apparently shared by Shelley (1995 cited in Di Paola, 1996, p.149) who explicitly includes “the security apparatus” within her definition of the mafiya. For example, it is alleged that as well as being involved in drug smuggling and arms trafficking, elements of the armed forces permitted the mafiya to use military aircraft and facilities to aid their criminal operations (Galeotti, 2006). This corruption grew to such an extent that in 1997 the prosecutor general declared that the armed forces were the most corrupt institution of the State (Galeotti, 2006). Yet it could be argued that the police were just as bad as the military. Satter (2003) describes how bribes and blackmail were used to co-opt officers, with some of the more willing in the ranks acting as enforcers for their mafiya overlords. Furthermore it is reported that in 1997 a staggering 30 percent of police officers maintained some sort of protection racket (Webster et al, 1997 cited in Galeotti, 2006). And although the KGB and Ministry of Internal Affairs, or MVD weren’t as intimately connected to the mafiya as the police or military, many of its officers were employed by the oligarchs and both institutions effectively became “another competing private law-enforcement agency” (Glenny, 2008, p.84).

The mafiya’s connections to decisionmakers at various levels of the State is also well documented. Satter (2003, p.133) has described how one mafiya boss managed to establish ties “with members of Yeltsin’s entourage, with Moscow mayor Yuri Luzhkov, and with high-ranking officials in the Ministry of Internal Affairs and the FSB”, although in general it does seem that penetration of the executive body was rare. In contrast the Russian parliament appears to have suffered from a much higher degree of infiltration. It is alleged that in 1996 over 30 percent of those who sat in the State Duma had direct links to the mafiya (Di Paola, 1996) and that many of its elected politicians received campaign funds from organised crime groups (Shelley, 1995). Collaboration of this nature is also common at regional and local level, where the mafiya reportedly “support political candidates and programs that are viewed to be working in their best interests” (USA. Department of Justice, 2001, p.20). And Briquet and Favarel-Garrigues (2010, p.151) note that many dumas acted as “refuges for mafia members in search of immunity”, an arrangement which also provides legitimacy and access to politicians as well as a means of evading prosecution.

Considering the level of State-mafiya cooperation in the post-Soviet period it is evident that the interests of both parties were complexly intertwined and that “Russian organized crime [was] virtually an inalienable part of the state” (USA. Department of Justice, 2001, p.5). This makes any assessment of the mafiya’s validity as a state difficult as neither side can be treated in isolation. Therefore the Chameleon Syndrome model (Rawlinson, 1997) will be used in the analysis that follows as it provides a useful framework which incorporates both the mafiya and the State.

6. The Russian mafiya as a state. The Chameleon Syndrome model classifies the development of organised crime in relation to the state into 4 distinct phases: reactive, passive assimilative, active assimilative, and proactive (Rawlinson, 1997). As organised crime groups become more powerful and numerous they move along the scale, ultimately aiming to reach the proactive phase where they essentially replace the state as the dominant power-holder in society. Although close, it could be argued that the Russian mafiya never quite reached this stage. It never appeared to achieve a monopoly on violence and thus remained vulnerable to state action, as indicated by its campaign to infiltrate official institutions at all levels. While difficult to quantify it did manage to acquire some legitimacy, although for the most part it seems that this support was confined to localities and didn’t extend across the country as a whole. Its role as arbiters of law and order in several parts of the country provides the strongest argument that it managed to seize power from the State, however again this is debatable as it has been shown that its impact was overhyped by many commentators. Therefore it is more likely that its penetration of some State institutions and its ability to act with a certain amount of autonomy resulted in the mafiya reaching the active assimilative phase of the model rather than the proactive.

It is also important to note that the Russian mafiya consisted of many ethnically diverse groups and was largely a disparate organisation, or in the words of a Moscow police officer it was a like “not one single river, but many streams that flow independently on [sic] one another” (Paoli, 2002, p.33). It could therefore be argued that the mafiya’s fragmented structure meant it could never have become a unitary, state-like entity unless the majority of its groups united to form a bigger, hierarchical organisation much like a ‘traditional’ mafia, albeit on a much larger scale. Its inability to work in a synergistic manner resulted in it only being able to subvert the state in a few areas and thus prevented it from achieving total dominance or something close to it, thus the

premise that the mafiya were a state within a state is rejected. Instead it is more accurate to view the mafiya as an intrinsic part of the state rather than separate from it, given the vague boundaries that exist between the legitimate and illegitimate in Russian society.

7. Conclusion. Following the fall of the USSR it is clear that the mafiya played a key role in the maintenance of law and order through its use of protection rackets and provision of dispute resolution services. In addition it was able to employ violence with relative impunity as well as obtain support from a considerable proportion of the population, thus granting it a degree of legitimacy. And its ability to infiltrate and corrupt state institutions helped it to survive and maintain its newly-found position in the top echelons of Russian society. These points seem to suggest that the mafiya was able to successfully challenge the authority of the State and that it may even have become more powerful than the Government. However a number of factors have cast doubt on this argument. The threat posed by the mafiya was somewhat exaggerated, especially by the Western media, and the military campaigns in Chechnya indicates that the State retained its capacity to use force and could have targeted organised crime groups if they were considered a priority. Moreover the mafiya's legitimate authority wasn't widespread and its infiltration of the State was extensive, but not absolute. This suggests that rather than replacing the State as the dominant power-holder the mafiya instead became a very powerful rival.

It is clear then that the Russian mafiya were able to exert a great deal of power and influence in the post-Soviet period but its disparate structure meant that it never truly became a state within a state. Rather than work together synergistically many of its constituent groups pursued their own objectives, resulting in the mafiya's power being concentrated in towns and cities and not at the regional or national level. Considering its close ties with politicians, the security apparatus, and other institutions it is therefore much better to view the mafiya as being part of the State rather than separate from it. From this perspective the mafiya's position within the State can be assessed using the Chameleon Syndrome model as a framework. As outlined above, the mafiya wasn't able to take over the State but did present a significant challenge to its authority, by infiltrating and corrupting its institutions and operating with a considerable

degree of autonomy. As a result the mafiya can be said to have reached the active assimilative stage of the model and not the proactive.

Since Putin took office elements of the mafiya appear to have been subdued and incorporated into the State in order to further the aims and objectives of the Government (Naim, 2012). If it was as powerful as a state it might have been able to resist Putin's advances and continue to operate autonomously. However these developments support the aforementioned conclusions and suggest that the mafiya never truly became a state within a state.

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