

Kleptocracy in Russia: Its Past and Future

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The capture of the state and its financial reserves by the cronies around Putin has been a distinguishing feature of his entire rule.¹ In this kleptocracy, the rule became that the state nationalizes the risk, but privatizes the reward. Access to this closed group required loyalty, discipline, and silence. Once within the group, officials could maraud through the economy with impunity. Key to its successful functioning over time has been the unity of the key officials and their willingness to allow Putin to be the ultimate arbiter of any disputes, without using (and indeed undermining) the written law.²

This kleptocracy has gone through several phases, although its aims have remained consistent. The first was the phase of primitive accumulation as the group emerged out of its St. Petersburg roots, moved into positions of power in the Moscow bureaucracy, and removed or tamed the Yel'tsin oligarchs. In this

1 The vast literature on captured states, where private firms pay public officials and politicians for preferential market entry, legal protection, and economic performance, is best reviewed in Joel S. Hellman, Geraint Jones and Daniel Kaufmann, "Seize the State, Seize the Day: State Capture and Influence in Transition Economies," *Journal of Comparative Economics* 31, no. 4 (2003): 751–73.

2 For further details and evidence about the nature of this regime, see Karen Dawisha, *Putin's Kleptocracy: Who Owns Russia?* (New York: Simon & Schuster, 2014).

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first phase, Putin gathered around him a coterie of overlapping directories of officials, some from his KGB days in Dresden, some from the KGB in Leningrad, some who worked with him in the mayor's office in St. Petersburg, and some private businessmen and longtime friends with whom he established the Ozero dacha cooperative on the shores of a lake north of St. Petersburg. These directories have risen to take over the commanding heights of the state and the economy, and many of them have become billionaires.³

The second phase came after the takeover of Khodorkovskiy's company, Yukos, in 2003, when the company was seized and torn apart, with its key assets reemerging as a new company, Rosneft, with Igor Sechin, the deputy head of Putin's administration, chairing its board of directors. In this phase, which lasted until 2011, beyond Dmitry Medvedev's election in 2008 as president (with Putin moving over to become Prime Minister while retaining full actual powers), Putin allies within the government took up positions on the board of state-owned companies over which they simultaneously had supervisory powers. This extraordinary situation was as if the United Kingdom (UK) Minister of Culture, Media and Sport worked in her government office in the morning and made money as a BBC Trustee in the afternoon. Another difference is that in 2012, BBC trustees received on average \$53,000 per year before taxes, after taking a cut from the previous year.⁴ Gazprom members of the board received in 2012 a stated annual compensation in excess of \$2 million each, after tax.⁵

This system provided enormous personal benefits to core elites: first, sitting as they did

3 Ibid., ch. 3 and 4.
4 "Suzanna Taverne Appointed As New BBC Trustee." *BBC Trust* (December 15, 2011), accessed May 8, 2014, <www.bbc.co.uk/bbctrust/news/press_releases/2011/suzanna_taverne.html>.

5 "Compensation and Liability Insurance of Members of the Board of Directors, Members of the Management Committee and Chairman of the Management Committee of OAO Gazprom." *Gazprom.com* (2012).

When the economy almost collapsed in 2008, the Russian government bailed out state-supported banks to the tune of 5 trillion rubles...

both on private boards of directors and in public office, they were able to steer state funds into their companies. When the economy almost collapsed in 2008, the Russian government bailed out state-supported banks first, to the tune of 5 trillion rubles,⁶ in a move in which government ministers

who sat on their boards simply helped themselves to their own private 'stimulus package'. But instead of using the money to stabilize the Russian ruble (which plummeted from 23RR/US\$ to 36RR/US\$) or the

stock market (which lost 80 percent of its value), it only stimulated capital flight. Kudrin estimated that between October 2008 and January 2009, US\$200 billion was taken out of the country.⁷

In addition, the interlocking system of public office holders with private interests allowed these place-holders to always act with impunity. Russia's long tradition of seeing the state itself as the source of law, based on the German idea of *rechtsstaat* and its Russian equivalent of *pravovoe gosudarstvo*, gives great advantage to any firm or official enjoying state protection. In Russia historically, acts by state office-holders are typically not challenged in the politically compromised court system, while acts against or outside the state are vigorously prosecuted.⁸

This is not only a theoretical proposition, since the law provides immunity from prosecution for Senators and Duma members and special consideration for those with state awards. All of Putin's

6 Putin's own figures, as presented at the United Russia Interregional Conference on the Development Strategy for Central Russia through 2020, March 4, 2011, <<http://premier.gov.ru>>. He referenced the fact that the state expects to be paid back with interest, but had only received 200 billion rubles to date.

7 "Capital Flight from Russia Reaches \$40 Billion in January – Minister." *RIA-Novosti* (February 26, 2009), accessed September 8, 2012, <<http://en.rian.ru/russia/20090226/120317628.html>>.

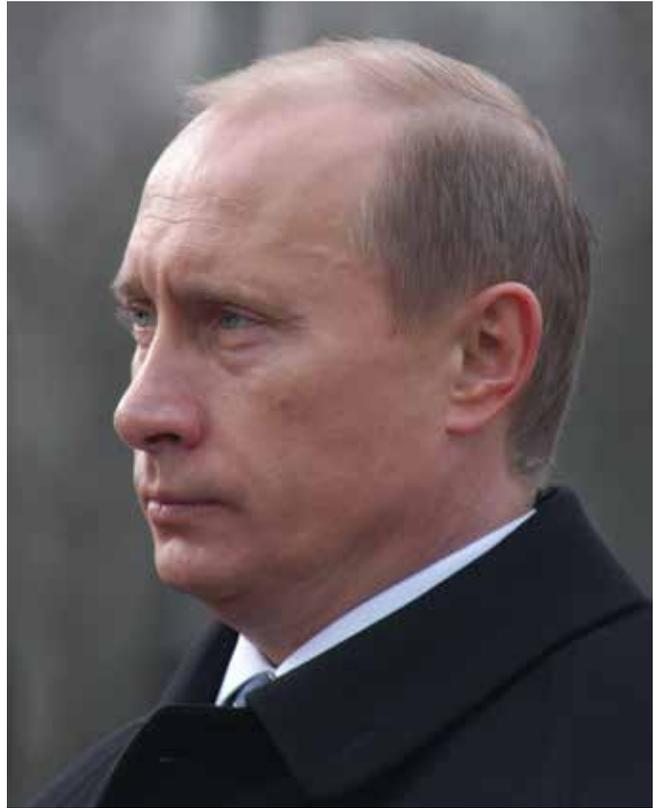
8 Kathryn Hendley, "Varieties of Legal Dualism: Making Sense of the Role of Law in Contemporary Russia." *Wisconsin Journal of International Law*, 29, no. 2 (2011): 233–363.

cronies have received dozens of state awards - Russian Railways chief Vladimir Yakunin has at least 28. In these ways, their positions close to Putin provide them with the ability to act with impunity, and their official positions provide them with immunity from effective prosecution. Andrei Piontkovsky, a lead researcher at the Institute for Systems Studies of the Russian Academy of Sciences, provided the following apt definition of this phenomenon:

The right to property in Russia is entirely conditional upon the property owner's loyalty to the Russian government. The system is tending to evolve not in the direction of freedom and a postindustrial society, but rather back toward feudalism, when the sovereign distributed privileges and lands to his vassals and could take them away at any moment. The only difference is that, in today's Russia, the things that Putin is distributing and taking away are not parcels of land, but gas and oil companies. Over the last decade, a mutant has evolved that is neither socialism nor capitalism, but some hitherto unknown creature. Its defining characteristics are the merging of money and political power; the institutionalization of corruption; and the domination of the economy by major corporations, chiefly trading in commodities, which flourish thanks to public resources.⁹

During this second phase, Putin appointed his core supporters into positions both in the government and on the boards of key state-controlled companies. But in 2011, President Medvedev decreed that government ministers holding supervisory roles in the government had to quit their board positions. This was welcomed by opposition activists and the international community, which had begun to loudly protest this flagrant violation of the basic principles of both corporate governance and good government. Medvedev spoke against this system and signaled his desire to move Russia beyond such a state. But ministers immedi-

⁹ Andrei Piontkovsky, "The Dying Mutant." *Journal of Democracy* 20, no. 2 (April 2009): 52–55.



Vladimir Putin.

ately moved to shape the choice of their replacements on these boards, with Rosneft's CEO even reassuring jittery Russian markets that "Sechin will keep control and ... will even strengthen it".¹⁰

Medvedev went after Sechin in particular, judged by most at that time to be the person closest to Putin.¹¹ Medvedev won no awards for his actions from Putin, and soon afterwards, Putin announced in a way designed to humiliate Medvedev that he, Putin, would be running for a third term, eliminating Medvedev's chances of a second term. Out went Medvedev's calls for modernization, and in came the redistribution of board memberships and state contracts straight to his cronies from

¹⁰ John Helmer, "Medvedev Reelection Fight Leads to Punchup on Russian Shipbuilder Board," *Business Insider* (May 13, 2011), <www.businessinsider.com/medvedev-reelection-fight-leads-to-punchup-on-russian-shipbuilder-board-2011-5?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+businessinsider+%28Business+Insider%29>.

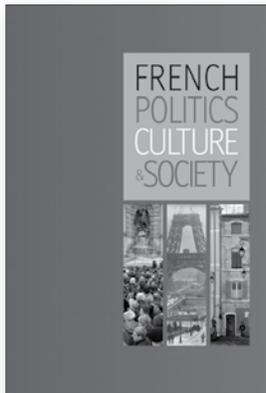
¹¹ Aleh Tsyvinski and Sergei Guriev, "The Purge of the Kremlin Chairmen," *The Moscow Times*. April 13, 2011, accessed January 3, 2014, <www.themoscowtimes.com/opinion/article/the-purge-of-the-kremlin-chairmen/434935.html>.

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he had weathered the storm of protests against election fraud in both the 2011 Duma and 2012 presidential elections, Putin moved robustly to implement his third phase – direct control of the economy by his cronies. Of course, they had been getting rich throughout the 2000s, but now they were given public and visible positions controlling the state and the economy.

When Putin's allies and cronies were sanctioned by the United States (US) and the European Union (EU) following Russia's annexation of Crimea in the spring of 2014, Putin expressed first amusement, and then shock, as the implications of what had just happened emerged. Banks that were subject to asset seizures, like Bank Rossiya, or owned even partially by those sanctioned could no longer conduct business in dollars. All of the assets of sanctioned individuals would be seized if they could not get them back to the Russian safe haven in time, so foreign assets were liquidated or buried deeper. Putin expressed his loyalty to his friends when speaking at the St.

Dresden, where he had served as a KGB officer, and St. Petersburg. Once he was elected, and once

Petersburg Economic Forum in May 2014: "All the sanctions target my friends, people who are close

to me personally. These sanctions are designed to bust them, as our intellectuals say, to punish them for God knows what. If I were in such a position I would have taken the matter to court a long time ago because they have nothing to do with the events in Ukraine or Crimea. And whom have they selected? Two Jews and one Ukrainian, can you imagine?"¹²

In his remarks Putin made the interesting point that if he were in the position of those sanctioned he would have "taken the matter to court a long time ago." One assumes he is referring to the European courts, where there are real judges and real adjudication. This brings up an important point: There has been a partner in this Kleptocracy, and that partner is the West. Western banks, beginning with Yel'tsin, kept their vaults open for money launderers and scammers from Russia. The reluctance of these banks to bring Russia to account is fueled by the search for bonuses, commissions, bribes, and directorships. And Putin, as a former KGB officer, certainly knows the West's weak spots. Russian venality has a worthy partner in the West.¹³

Since Gorbachev came to power, the Russians have had 30 years' experience, and even more, at burying money in the West, at using the West's institutions to their own advantage. This has if nothing else allowed Russia to delay needed reform at home. Russia depends on the public goods¹⁴ produced in the West, including a network of legal obligations and alliances that promote Rus-

12 V. V. Putin, "St. Petersburg International Economic Forum," *Kremlin.ru* (May 23, 2014), accessed May 24, 2014, <<http://eng.kremlin.ru/news/7230>>.

13 Karen Dawisha, *Putin's Kleptocracy*, ch. 8.

14 Public goods are services that a state is able to provide to citizens through taxation and regulation, which are available to all, like national defense, a functioning legal system, parks, free education, etc., such that the provision to some does not reduce the amount available to others. Public goods were first theorized by Paul Samuelson (1954). Since then, economists, and particularly Mancur Olson in *The Logic of Collective Action* (1965) have long written about the free-rider problem inherent in the provision of public services, in which some portion of a country's residents benefits from these services without contributing to their provision. Foreign residents of a country who live there without paying taxes are one such example of free riding.

sia's state interests and sustain its reputation and authority as a sovereign entity in international affairs. In Europe, for example, signing and appearing to live up to its obligations under the Council of Europe accredited Russia's status as a legitimate and democratizing state long after the regime had taken the country in another direction. Its membership in the Parliamentary Assembly of the Council of Europe bought the regime time to continue its tightening of regulations against civil society and political opposition at home, at least until it annexed Crimea. Russian elites have long benefited from the rule of law, civil society, economic stability, and property rights in Europe while undermining their development in Russia.

Such free-riding behavior indirectly legitimates the development of Russia's kleptocracy, since European institutions are subjected to behavior designed to extend Russians' private gains into geographic areas in Europe strongly governed by the production of public goods. And the behavior of Russia's foreign policy establishment abroad – whether in 'competing' to get the International Olympic Committee or FIFA to award Russia the Olympics or the World Cup, in contracting with BP in a deal that undermined BP's other contractual obligations in Russia, or placing Russian representatives in international organizations – like the European Bank for Reconstruction and Development – which engage in fraudulent activity¹⁵ – often shows that the Russian elite is in the business of maximizing short-term private gain, even if it corrupts not only Russian institutions but also long-standing international institutions. The 300,000 Russians who now reside in London, and the many who own property there, depend on the surety that this property, along with the wives and children of the Putin elite who live there, will be safeguarded while they continue to maraud through their home country. In this social order, predatory elites rely on

15 Louise Armitstead, "UK Police Investigate Russian Fraud at European Bank for Reconstruction and Development," *The Telegraph* (January 19, 2011), accessed January 23, 2013, <www.telegraph.co.uk/finance/newsbysector/banksandfinance/8267716/UK-police-investigate-Russian-fraud-at-European-Bank-for-Reconstruction-and-Development.html>.

stable Western countries as a space that facilitates their own emergence into what Venelin Ganev has termed “a globally mobile, ‘capital-flight’ caste whose ultimate objective is to consume extracted resources in some of the nicer neighborhoods of the global village.”¹⁶

The EU has worked hard to staunch the tide of corrupt behavior from Russia that is finding its way into the very heart of Europe and its institutions, but there are obviously politicians and public officials who are willing to partner Russia in these transactions.¹⁷ Under its obligation as a member of the Council of Europe, Russia agreed both to allow its citizens to appeal to the European Court in Strasbourg and to accept and implement the Court’s judgments. As Russian courts have become even more politically controlled, and with activists from human rights and non-governmental organizations increasingly subject to arbitrary arrest and detention, appeals from Russian citizens to Strasbourg have increased. By 2006, one in every five complaints to the Court was made against Russian court decisions.¹⁸

This pattern of verbal support for democracy, combined with substantive resistance to it, is repeated by Russia in many other European institutions. In 2005, the Parliamentary Assembly for the Council of Europe called for an investigation of the “obstacles encountered by the Russian authorities with regard to the ratification of Council of Europe conventions as, since accession 9 years ago, out of 200 conventions, the Russian Federation has ratified only 46 conventions and signed 15.”¹⁹

16 Venelin I. Ganev, “Post-Communism As an Episode of State Building: A Reversed Tillyan Perspective,” *Communist and Post-Communist Studies* 48, no. 4 (2005): 441.

17 Karen Dawisha, *Putin’s Kleptocracy*, ch. 8.

18 Karen Dawisha, “Is Russia’s Foreign Policy That of a Corporatist-Kleptocratic Regime?” *Post-Soviet Affairs* (2011): 331–65.

19 Parliamentary Assembly of the Council of Europe, “Recommendation 1710: Honoring of Obligations and Commitments by the Russian Federation,” *Parliamentary Assembly of the Council of Europe* (2005), accessed December 8, 2011,

In 2007–2008, the Parliamentary Assembly of the Council of Europe (PACE) announced that because Russia had not provided conditions that would allow successful election monitoring, PACE could not send an observer team, and that Russia’s decision to hold elections without European observers was in violation of its terms of membership. A group of states in the Council of Europe, led by Sweden, sought Russian expulsion after the 2008 invasion of Georgia. At the same time, the EU also created the Eastern Partnership of Ukraine, Moldova, Belarus, Azerbaijan, Armenia and Georgia to shape civil society and parliamentary cooperation, with the goal of creating a visa-free regime that would extend the Schengen visa area (allowing free movement among the 25 European countries that signed the Schengen agreement, but restricting access to outsiders) to these countries, but pointedly not to Russia.²⁰

Russia’s problems mounted in December 2010, when the Council of Europe’s Group of States against Corruption (GRECO) issued a report saying that Russia failed to implement almost two thirds of the group’s 26 recommendations. Specifically, the report stated that Russia had made no progress in taking action to criminalize corruption or create punishments for offenders. The head of the Duma’s commission to draft anti-corruption legislation avoided the issue of the impact of this non-compliance both on democracy and on Russia’s image by saying that it remained to be seen how proposed measures would work in Russia “taking into account our culture and traditions.”²¹ Two

<<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta05/EREC1710.htm>>.

20 American Embassy Stockholm to US Secretary of State, “Sweden on the EU Eastern Partnership and Nordstream,” *Wikileaks* (November 28, 2008), accessed September 20, 2011, <<http://wikileaks.ch/cable/2008/11/08STOCKHOLM792.html>>.

21 Irina Filatova and Khristina Narizhnaya, “Russia Faces Pressure after Report on Graft,” *The Moscow Times* (January 12, 2011), accessed January 13, 2011, <www.cdi.org/russia/johnson/russia-corruption-europe-greco-report-jan-153.cfm>.

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years later, the follow-up compliance report noted that while it was encouraging that the Russians had carried out sociological and other research into the sources and nature of corruption, “GRECO remains concerned that a large number of Russian officials continue to enjoy immunity from prosecution, including for corruption crimes. Furthermore, the strengthening of judicial independence – not only in law but also in practice – and of the operational independence of law enforcement agents remains an on-going challenge.”²²

Beginning in Putin’s second term, energy wars were increasingly used by Russia as a way of taming ungrateful and uncooperative neighbors whenever they seek independence from any line espoused in Moscow. However, quarrels with these states are also spawned by the personal interests of individuals who may hold a state position, but who seek private advantage. Ukraine, Moldova, Georgia, and Belarus have all been subjected to the withdrawal, or threat of withdrawal, of energy deliveries at previously agreed (albeit lower than global levels) prices. There are two factors that operate: one is the state’s interest in maximizing its influence over the domestic and foreign policy orientation of its neighbors – they are buying this influence for the state with subsidized energy. Another is the interest of elites in Gazprom or Rosneft, or deputy ministers in foreign trade ministries (sometimes these could be the same people), who are willing to negotiate these subsidized oil and gas deals but only in return for huge personal kickbacks through intermediary companies, as was revealed by classified US diplomatic cables released through *Wikileaks*.²³

The interests of the Putin elite extend into Ukraine and are at odds with the interests of those within the Ukrainian leadership wishing for a closer relationship with Europe. Russia has real and deep

22 GRECO Secretariat, “Addendum to the Compliance Report on the Russian Federation,” *Council of Europe* (December 3, 2012), accessed March 8, 2014, <[www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC1&2\(2010\)2_Add_RussianFederation_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round2/GrecoRC1&2(2010)2_Add_RussianFederation_EN.pdf)>.

23 American Embassy Kyiv to US Secretary of State, “Ukraine: Too Early to Write Off RosUkrEnergo in 2009,” *Wikileaks* (October 30, 2008), accessed November 23, 2011, <<http://wikileaks.ch/cable/2008/10/08KYIV2173.html>>.

interests in this region that will not be compatible with a closer relationship between Ukraine and the EU. These interests include a long history of national collaboration as well as the personal interests of key Russian leaders. As Lev Gudkov, the director of the Levada Center, writes: “Putinism is a system of decentralized use of the institutional instruments of coercion ... hijacked by the powers that be for the fulfillment of their private, clan-group interests.”²⁴ The Russian leadership’s attitude toward Ukraine is deeply affected by these interests.

Whether and how the Russian government, or any government, so completely captured by these motivations can overcome them is a subject of significant importance. It is logical that as the Russian population at large begins to understand that the ‘public goods’ produced by the state are not for public, but rather private, consumption, increasing amounts of coercion will be required to maintain the system. Additionally, reliance on Putin as an arbiter can only be maintained to the extent that he will be interested in the increasing effort and risk required to play this role over time, and the US embassy was only one of many who observed that Putin’s interest in putting in a full day’s work had definitely declined.²⁵ As predation’s rewards fall, the risks will become less attractive.

And there is an increasing risk that the country will be driven into a renewed hard authoritarian regime. In Putin’s earliest career in St. Petersburg, he had stated that “however sad and frightening it may sound ... I think that in our country a return to a totalitarian past is possible. The danger is not from the organs of state power like the KGB, MVD, or even the army. It is a danger in the mentality of our people, our nation, our own particular mentality. We all think in this way ... and I also sometimes think in this way that if only there was a firm hand to provide order we would all live better, more comfortably and in security.” He had

24 Anatoliy Karlin, “The Kremlinologist Catechism,” *Sublime Oblivion* (August 27, 2010), accessed February 15, 2012, <www.sublimeoblivion.com>.

25 American Embassy Moscow to US Secretary of State, “Questioning Putin’s Work Ethic,” *Wikileaks* (March 4, 2009), accessed June 3, 2011, <<http://wikileaks.ch/cable/2009/03/09MOSCOW532.html>> (accessed June 8, 2011).

gone on at that time to say that any such illusions would be “short-lived, because a firm hand will be tight and very quickly strangle us.”²⁶ The filmmaker Igor Shadkhan, who had recorded Putin’s statement that totalitarianism is “embedded in our own people’s mentality,” subsequently in 2013 said he would like to ask Putin who is to “blame for the resurrection of the authoritarian regime – the people?”²⁷

With a decline in both the economy and Putin’s personal stature among the Russian middle class, maintaining control will more and more depend on coercion. Putin will not go easy into the night. He shows himself to be less flexible and more bombastic in his public appearances and those in his inner circle suggest that after the 2011–2012 demonstrations there is also fear.²⁸ Gleb Pavlovskiy, who was his public relations guru for more than a decade, believes that Putin will never leave power and, indeed, is hampered by the idea that Russians will always decide matters by violence. Pavlovskiy says that he heard Putin say “we know ourselves ... we know that as soon as we move aside, you will destroy us. He said that directly, you’ll put us to the wall and execute us. And we don’t want to go to

the wall....”²⁹

While Russia can be seen as an authoritarian regime, that regime is still in formation. As the events around the ‘Arab Spring’ showed, many regimes can be viewed as authoritarian, but they all have their own particular inner logic – with varying rules, formal and informal mechanisms, and strengths and weaknesses. Russia is no different: violence is present, both in its use and in its threat, but it is still very targeted. The media and especially television are highly controlled; print media exercises increasing self-censorship as a result of escalating violence against journalists; and the judicial branch is co-opted for political use. But when the economy starts to slow, and the rewards that have been available to the elites breed greater competition, it remains to be seen whether the loyalty and cohesion that have been features of Putin’s kleptocracy can be maintained. The state still has enormous capacity to move in a hard authoritarian direction if Putin and his cronies decide this is the only way to stay in power.

26 Vladimir Putin, Interview on *Lenta TV* (1996), accessed June 6, 2013, <www.youtube.com/watch?feature=player_embedded&v=DvAYV6-ZN0I>.

27 Evgenia Pismennaya and Irina Reznik, “Putin Filmmaker Says Lonely Leader Scared to Loosen Grip,” *Bloomberg* (August 27, 2013), accessed August 15, 2013, <www.bloomberg.com/news/2013-08-27/putin-filmmaker-says-lonely-leader-scared-to-loosen-grip.html>.

28 Yelena Masyuk, “Gleb Pavlovskiy: ‘What Putin is Most Afraid of Is to be Left Out,’” *Novaya gazeta* (November 6, 2012), accessed January 8, 2013, <<http://en.novayagazeta.ru/politics/55288.html?print=1>>.

29 Guardian interview with Gleb Pavlovskiy (January 2012), in *Mr. Putin: Operative in the Kremlin*, by Fiona Hill and Clifford G. Gaddy (Washington, D.C.: Brookings Institution Press, 2013): 20.