

# Putin's Crackdown on Mortality

## Rethinking Legal Nihilism and State Capacity in Light of Russia's Surprising Public Health Campaigns

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Facing a demographic crisis, the Russian government recently introduced public health measures to reduce alcohol consumption, traffic fatalities, and tobacco use. The relative success of these measures challenges common assumptions about Russia's culture of "legal nihilism" and lack of state capacity. Drawing on two original surveys of smokers at Russian universities, we provide evidence that low legal compliance results from expectations about low enforcement, not from a unique legal culture. To account for unexpectedly stringent enforcement of public health laws, we offer a theory of *selective state capacity*. In contemporary Russia, the top leadership's personal endorsements of policy initiatives make clear to lower-level officials which rules must be enforced.

Following the collapse of the Soviet Union, a demographic crisis of catastrophic proportions engulfed Russia. With approximately three deaths to every two births, the Russian population fell by almost 7 million between 1992 and 2009. This decline would have been even more devastating if not for inward migration from other former Soviet republics. Despite improving health trends in recent years, Russia still ranked 124th in the world in terms of overall life expectancy at birth and 143rd in terms of male life expectancy in 2012.<sup>1</sup>

The causes of Russia's demographic crisis are multifaceted and complex, but there is widespread consensus that a major contributor to Russia's population decline is the prevalence of harmful habits, most notably excessive alcohol consumption and tobacco use. One in every five male deaths in Russia can be traced to alcohol, by far the highest proportion of alcohol-attributable mortality in the world (WHO 2011, 27). Meanwhile, smoking rates are higher in Russia than anywhere else in Europe, with 55 percent of men and 16 percent of women smoking on a daily basis (GATS 2009, 29).

Russia's top leadership—and President Vladimir Putin in particular—has placed priority on addressing the country's alarming demographic trends, linking the demographic crisis to national security issues such as Russia's military might, economic success, and geopolitical influence. Since the mid-2000s, Putin's government has introduced a series of public health measures aimed at reducing mortality rates.<sup>2</sup> These measures include tightened regulation of the production and sale of alcohol, efforts to reduce traffic fatalities through stricter seatbelt and drunk driving laws, and, most recently, the implementation of a comprehensive public smoking ban.

These policies have received minimal attention in the West, where the dominant narrative on Russia depicts a state without the capacity to enforce its laws and a population of "legal nihilists" who ignore or circumvent even well-intentioned government policies. Such dismissiveness is misguided. Public health scholars have begun to document positive effects that have directly resulted from Putin's health campaign, such as an annual decline of over 14,000 alcohol-related deaths from 2006 to 2010.<sup>3</sup> In this article, we present evidence, drawing in part on two original surveys of Russian university students conducted in 2013, that the smoking ban may also prove more successful than skeptics imagine.

Russia's demographic crisis is far from over, and we will refrain from making predictions about whether Putin's policies can reverse Russia's disturbing demographic trends.<sup>4</sup> But from a social science perspective, the relative success of

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Russia's recent public health policies suggests the need to rethink common assumptions about Russia's state capacity and Russians' propensity to comply with law. Our research complements the findings of other scholars who have questioned the extent of legal nihilism in Russia (Gibson 2003; Hendley 2012), but whereas these scholars focus on Russian citizens' attitudes toward law, we draw attention to the role of state enforcement in inducing legal compliance among Russians. Specifically, we exploit a unique feature of the smoking ban's implementation: The first provisions of the ban, including restrictions on university campuses, came into effect with great publicity in June 2013. However, due to political peculiarities discussed in greater detail below, no enforcement mechanisms were implemented until November 2013. Our two rounds of surveys, conducted in September and December, isolate the effects of adding enforcement mechanisms to the existing ban. We find that not only did significantly more students report intentions to smoke less or smoke outside of restricted areas in December than in September, but also that intent to modify habits was heavily concentrated among students who had knowledge of specific instances of enforcement. Of respondents who reported knowledge of sanctions, more than 75 percent indicated that they would change or might change their smoking habits; of those who did not, only approximately 23 percent indicated a propensity to alter their habits.<sup>5</sup> In short, regardless of whether or not Russians exhibit unique cultural attitudes regarding legal compliance, the recent smoking ban provides evidence that they respond to the credible threat of sanctions against legal violations.

Even if the impact of legal nihilism in Russia has been overestimated, some degree of effective enforcement is nonetheless a prerequisite to successful public policy—and enforcement requires state capacity, which the Russian state ostensibly lacks. To this end, we offer a preliminary theory of *selective state capacity*. We contend that, although many laws do go unenforced in Russia—as is true in all societies—unwritten rules make clear which rules “matter” and which do not. Most importantly, in contemporary Russia the top leadership's personal endorsements of policy initiatives make clear to lower-level officials which laws must be enforced (Partlett 2013). By tracing Putin's engagement with Russia's mortality crisis, we demonstrate the links between his national security concerns, the public health campaign, and enforcement of policies such as the smoking ban. Although further research is needed to confirm the importance of Putin's personal engagement in policy initiatives, the theory has significant implications for understanding both state capacity and legal compliance in Russia. In particular, selective enforcement may contribute to the *perception* of legal nihilism among Russians, whereas in actuality Russians as a whole rationally follow rules that are enforced and ignore those that are not.

The following section offers an overview of Russia's public health initiatives in the Putin era. The second section, “The Dominant Narrative: State (In)capacity and Legal Nihilism,” contrasts the relative success of these initiatives with the widespread perception of Russia's state weakness and Russians' propensity to ignore law. The third section, “Rethinking Legal Nihilism,” then reexamines the issue of legal nihilism in light of Russia's public health campaign, while the fourth section, “Rethinking State Capacity,” introduces a theory of selective state capacity and calls for a more nuanced understanding of the Russian state's capabilities.

## RUSSIA'S PUBLIC HEALTH INITIATIVES

The scale of Russia's demographic crisis has been so extraordinary that the demographer Nicholas Eberstadt (2009) has referred to the crisis as “ethnic self-cleansing” (p. 51) and “akin to what might be expected from a devastating war” (p. 57). In 1994 male life expectancy at birth dropped to the shocking level of less than 58 years. After a temporary rebound, it hovered around just 59 years throughout the early 2000s (see Figure 1A). The demographic crisis threatens to dash Russia's aspirations to reacquire the status of a geopolitical superpower. As pithily captured in the title of Ilan Berman's recent book, *Implosion* (2013), a shrinking population implies a smaller economy, fewer future soldiers, and, ultimately, the specter of state weakness. Putin is well aware of these connections. In his 2006 Annual Address to the Federal Assembly, he declared Russia's demographic crisis the “most acute problem facing our country today.”<sup>6</sup>

As seen in Figure 1B, a declining fertility rate has played a significant role in Russia's demographic crisis, but no less important has been alarmingly high mortality. While not the sole cause of these mortality trends, poor health habits, particularly excessive consumption of alcohol and cigarettes, have played a significant role.<sup>7</sup> Russians consume alcohol at some of the highest rates in the world, but what sets Russia apart from other European countries is high-volume binge drinking (Neufeld and Rehm 2013, 227). One widely cited study suggests that hazardous drinking accounts for 43 percent of premature mortality among working-age Russian males (Leon et al. 2007), and scholars such as William Pridemore have labeled hazardous drinking “the underlying cause of wide swings in Russian mortality since the early 1990s” (Pridemore et al. 2013b, 2113).<sup>8</sup> Alcohol is also tightly linked to Russia's high homicide and suicide rates (Pridemore and Chamlin 2006; Pridemore et al. 2013a), as well as Russia's high rate of traffic fatalities, which is twice the European Union average (Pridemore et al. 2013b, 2112). Meanwhile, with a rapidly growing number of female smokers in addition to the 55 percent of the male population that already smokes, Russia exhibits the highest smoking rates in Europe (GATS 2009, 29). Recent

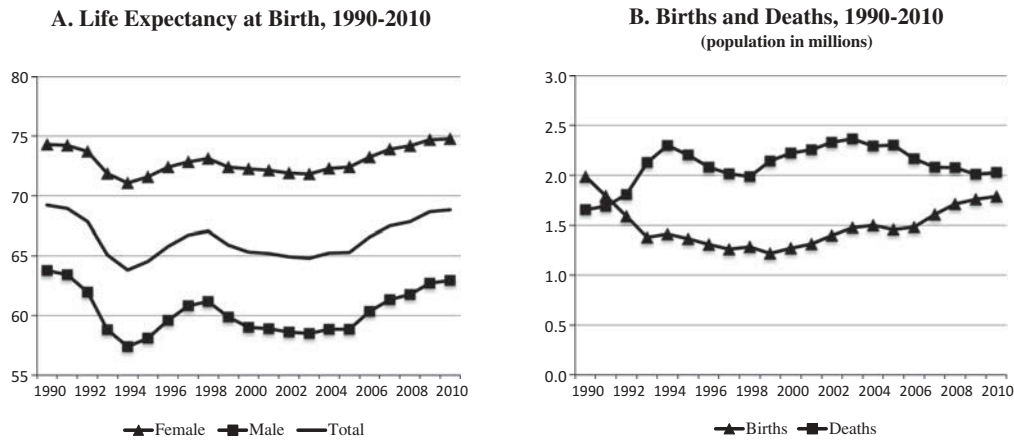


FIGURE 1 Demographic trends in post-Soviet Russia.

Source: The Human Mortality Database (<http://www.mortality.org/>). Accessed July 26, 2014.

estimates suggest that in 2009, smoking accounted for 14 percent of all deaths in Russia (Maslennikova and Oganov 2011).

Since the mid-2000s, the Russian government has made a concerted effort to improve public health, beginning with an initiative to mitigate the effects of hazardous drinking. (See Table 1 for an overview.) The new regulations, signed into law in 2005 and entering into force at the beginning of 2006, targeted both the production and retailing of alcohol (see Levintova 2007; Neufeld and Rehm 2013, 223; Pridemore et al. 2013b, 2113). With respect to production, the regulations tightened licensing requirements and raised licensing costs, required alcohol producers to purchase equipment for recording the amounts of ethyl alcohol used and produced, created a centralized government information system (EGAIS) for tracking alcohol production, and implemented a new distribution system for excise stamps for all alcohol products. Shortly thereafter, the government introduced new rules requiring the inclusion of denaturizing additives in non-beverage ethanol with the goal of squeezing out the production of homemade and unregulated surrogate alcohol that had plagued Russia throughout the post-Soviet period. On the retail side, the new alcohol policies banned sales at educational and athletic facilities, on public transport, near train and metro stations, and in open-air markets and kiosks.

Efforts to combat alcohol-related health problems continued in the latter half of the 2000s. In 2008 a new regulatory agency, the Federal Service for Alcohol Market Regulation (*Rosalkogolregularivanie*), was created and soon began setting minimum price levels for vodka. In 2009 the government boldly announced its intentions to reduce per capita alcohol consumption by more than half by the year 2020 when it published the Concept of the State Policy for Reducing the Scale of Alcohol Abuse and

Prevention of Alcoholism (Neufeld and Rehm 2013, 223). Meanwhile, changes to the Tax Code laid the foundations for a series of tax increases on alcohol. After several years of annual increases at a rate of 10 percent, the government sharply raised excise taxes in 2013 by over 30 percent (USDA 2014). Two other important initiatives also came into effect in 2013. The first of these entailed a general ban on alcohol advertisements, encompassing television, radio, Internet, public transport, and billboards (Korotun 2014). The second pertained to new laws, passed originally in 2011, that reclassified beer as an alcoholic beverage (previously, beer had been considered a food product), banned the sale of beer in kiosks, and prohibited the sale of beer—along with other forms of alcohol—between 11 PM and 8 AM (Herszenhorn 2013).

According to public health scholars, these initiatives had a significant effect. During this period, consumption of alcohol declined significantly, a decline that began prior to the new legislation but accelerated rapidly following the new regulations (see Figure 2). Consumption of alcohol fell by approximately 18 percent between 2005 and 2010 (Neufeld and Rehm 2013, 224–25). Notably, Russians during this period reduced consumption of homemade alcohol (labeled as “unrecorded” consumption in Figure 2) and increasingly substituted beer for beverages with higher alcohol content, two trends known to mitigate health hazards associated with alcohol consumption. Even more strikingly, mortality fell and life expectancy rose throughout the second half of the 2000s, as can be seen in Figures 1A and 1B. Of course, both reduced consumption of alcohol and Russia’s overall mortality decline resulted from a wide variety of factors, including rising incomes, falling unemployment, and improved health care.<sup>9</sup> But at least three teams of public health researchers have provided evidence of the important role that the alcohol policies introduced in 2006 played in Russia’s mortality decline, both in terms of

TABLE 1  
Overview of Russian Public Health Initiatives

<i>ALCOHOL POLICY</i>	
Amendments to Law “On Regulation of Ethyl Alcohol” (No. 102-FZ) pass: <ul style="list-style-type: none"> <li>• create new registration and licensing rules for producers and distributors</li> <li>• ban sale of alcoholic beverages at large public gatherings, airports, train and metro stations, athletic facilities, and other sites</li> <li>• mandate new system of excise stamps</li> <li>• create centralized information system for data on alcohol production (EGAIS)</li> </ul>	July 2005
Amendments to Tax Code set schedule for annual increase in excise duties on alcohol	July 2008
The Federal Service for Alcohol Market Regulations ( <i>Rosalkogolregularivanie</i> ) is created	December 2008
<i>Rosalkogolregularivanie</i> introduces minimum price for the retail of vodka	January 2010
Amendments to Law “On Regulation of Ethyl Alcohol” and related legislation (No. 218-FZ) pass: <ul style="list-style-type: none"> <li>• officially recognize beer as alcoholic beverage (as of January 2013)</li> <li>• ban sale of alcohol between 11:00PM and 8:00AM (as of January 2013)</li> </ul>	July 2011
Comprehensive ban on alcohol advertising (No. 119-FZ) passes	June 2012
<i>ROAD SAFETY POLICY</i>	
Amendments to Administrative Offenses Code (No. 210-FZ) pass: <ul style="list-style-type: none"> <li>• raise penalties for traffic violations, not wearing a seatbelt, drunk driving</li> <li>• introduce lower maximum breath and blood alcohol content levels</li> </ul>	July 2007
Zero tolerance policy for drinking and driving (No. 169-FZ) passes	July 2010
Amendments to Law “On Road Safety” and Administrative Offenses Code (No. 196-FZ) pass: <ul style="list-style-type: none"> <li>• raise penalties for traffic violations, not wearing a seatbelt, drunk driving</li> <li>• abolish zero tolerance and reintroduce maximum breath and blood alcohol content levels</li> </ul>	July 2013
<i>TOBACCO POLICY</i>	
Russia ratifies the WHO Framework Convention on Tobacco Control (FCTC)	March 2008
Law on “Technical Regulations on Tobacco Products” (No. 268-FZ) passes: <ul style="list-style-type: none"> <li>• regulates ingredients in tobacco products</li> <li>• defines tobacco companies’ responsibilities to inform consumers</li> </ul>	December 2008
Law “On the Protection of Public Health from Exposure to Environmental Tobacco Smoke and the Effects of Tobacco Consumption” (No. 15-FZ) passes: <ul style="list-style-type: none"> <li>• bans smoking in educational institutions, government facilities, office buildings, on playgrounds, and in vicinity of railways and trains (as of June 2013)</li> <li>• bans smoking in bars, cafes, restaurants, hotels, shopping centers (as of June 2014)</li> <li>• introduces comprehensive ban on tobacco advertising</li> <li>• mandates graphic health warnings on tobacco products</li> <li>• restricts locations at which tobacco products can be sold</li> </ul>	February 2013
Amendments to Law “On Protection of Public Health” and related legislation (No. 274-FZ) introduce penalties for violating smoking ban (as of November 15, 2013)	October 2013

*Sources:* Consultant.ru, Garant.ru, and Neufeld and Rehm (2013, 223). Dates refer to month and year in which legislation was passed.

these policies’ direct effects on alcohol poisoning and alcoholic liver cirrhosis, as well as their indirect effects on suicides and traffic fatalities (Neufeld and Rehm 2013; Pridemore et al. 2013a; Pridemore et al. 2013b; Shkolnikov et al. 2013; Pridemore et al. 2014). Combining direct and indirect effects, the alcohol policies may have saved more than 14,000 lives annually.<sup>10</sup>

Russia’s alcohol policies have overlapped with a significant effort to reduce road traffic fatalities, which have far exceeded European levels throughout the post-Soviet period due to drunk driving, poor road conditions, an outdated vehicle fleet, low rates of seatbelt use, and lax sanctions for traffic infractions (WHO 2007). In 2005 Russia approved a Federal Targeted Program for Ensuring Road

Traffic Safety, which proposed the goal of reducing road fatalities by 33 percent by 2012. In 2007 the government introduced significantly higher fines for traffic violations. The penalty for running a red light rose sevenfold to 700 rubles, the penalty for not wearing a seatbelt increased tenfold to 500 rubles, and the penalty for excessive speeding jumped fivefold to 2500 rubles—at a time when the average monthly wage in Russia was around 13,500 rubles (Kolesnichenko 2008; Marquez and Bliss 2010, 2).<sup>11</sup> The penalty for drunk driving also rose to 5000 rubles, and a one-and-a-half to two-year license suspension was introduced. In 2013 the government again raised penalties for driving under the influence, this time increasing the fine to 30,000 rubles (approximately 967 US dollars at 2013

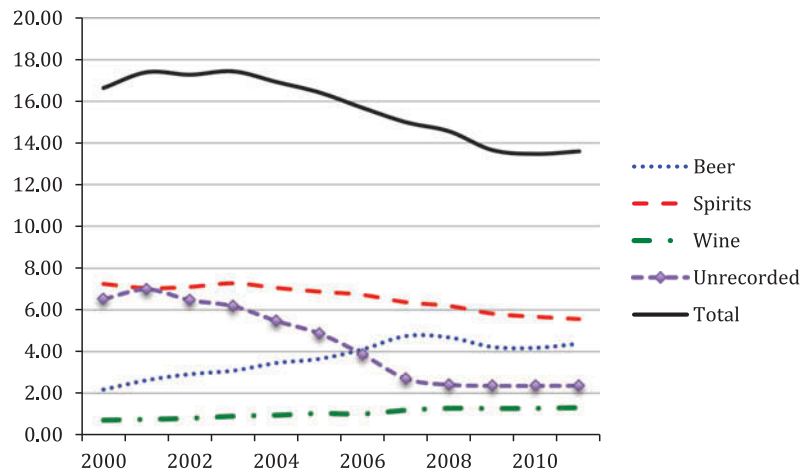


FIGURE 2 Per capita alcohol consumption estimates by type of beverage.

Sources: Estimates for unrecorded alcohol are by A.V. Nemtsov, as reported in Neufeld and Rehm (2013, 224). We thank Jürgen Rehm for sharing these data. Other data are from the WHO Global Information System on Alcohol and Health (GISAH), available at [www.who.int/substance\\_abuse/activities/gisah/en/](http://www.who.int/substance_abuse/activities/gisah/en/). Accessed March 2, 2015.

exchange rates), while the penalty for not wearing a seatbelt rose to 1,000 rubles (about 32 USD).<sup>12</sup>

Of course, fines mean little if they are not enforced, and enforcement is a significant concern in a society where the traffic police are notoriously corrupt. Yet the level of enforcement has surprised, among others, well-seasoned Russia watchers. James Brooke (2013), the Voice of America (VOA) Moscow Bureau Chief, recently noted that the Moscow police are “enforcing a radical crackdown on drunken driving.” The journalist Julia Barton (2014) expressed surprise upon a recent return to Russia, noting a taxi driver’s insistence that the “Russian police now heavily enforce traffic laws ... for everything from not buckling up to carrying a young child without a car seat.” Indeed, Russia has earned praise from the International Transport Forum of the Organization for Economic Co-operation and Development (ITF 2010) and even been referred to by Western non-governmental organizations dedicated to road safety issues as a “leading country, both domestically—showing what can be done—and internationally, to try and get more international support for this issue” (Barton 2014).

Public health scholars have not devoted as much attention to Russian traffic fatalities as to alcohol-related mortality, and we are not aware of any studies causally linking road safety trends to government initiatives. The raw data nevertheless provide some cause for optimism. Following the penalty increases in 2007, the number of traffic accidents fell by 11 percent and the number of accidents involving a drunk driver fell by 20 percent during the first three months of 2008 relative to the first quarter of the preceding year (Kolesnichenko 2008). Overall, between 2005 and 2010 the number of traffic fatalities fell by 18.5 percent despite a more than 33 percent increase in the number of vehicles on the road (Luoma and Sivak 2012, 12–13).

A third pillar of the Putin-era public health initiatives concerns the fight against tobacco use. Until recently, anti-tobacco legislation was all but nonexistent. In the 1990s it was estimated that half of all billboards in Moscow displayed tobacco advertisements, and a powerful tobacco lobby shut down successive attempts to implement a regulatory regime. Legislation in 2001 introduced regulations on advertising, sales to minors, health warnings, and tar and nicotine levels. The legislation also imposed restrictions on smoking in health, cultural, and governmental facilities. But the legislation was largely toothless. Following the tobacco lobby’s efforts to emasculate the law, only a single sanction remained—a laughable fine of ten percent of the minimum wage for smoking on public transportation (Twigg 2008, 2–3).

Russia first exhibited signs of seriousness in addressing its tobacco problem when it ratified the World Health Organization’s Framework Convention on Tobacco Control (FCTC) in 2008, which soon led to the publication of the Concept on Implementing State Policy on Combating Tobacco for 2010–2015. In February 2013 the Russian government passed the cornerstone of its anti-smoking initiative, the Law on the Protection of Public Health from Exposure to Environmental Tobacco Smoke and the Effects of Tobacco Consumption, which implemented many of Russia’s obligations under the FCTC agreement. As of June 1, 2013, the law eliminated cigarette sales in kiosks, placed regulations on cigarette display cases in stores, and required labeling of tobacco products with graphic health warnings. Most notably, the new law banned smoking in educational institutions, government facilities, office buildings, on playgrounds, and in the vicinity of railways and trains. As of June 1, 2014, the smoking ban was extended to restaurants, bars, hotels, shopping centers, and long-distance trains.<sup>13</sup> Additionally, in

November 2013 a total ban on advertising tobacco products on radio, TV, billboards, public transport, and in print came into effect (“Tobacco Advertising Ban Begins,” 2013), while in 2014 Russia significantly raised excise taxes on tobacco products, with rates set to climb further over the next several years (Quirnbach 2014).

The newest anti-smoking laws met with fierce lobbying from the tobacco industry (Meyer and Kravchenko 2013), but survived fairly intact despite these political challenges. Nevertheless, one peculiarity of the law’s implementation was that the smoking ban initially came into effect in the absence of administrative sanctions, which were introduced only after amendments to the law passed in October 2013, in part due to lobbying by the tobacco industry over the appropriate scope and scale of enforcement mechanisms.<sup>14</sup> Since November 15, 2013, violators caught smoking in prohibited areas are subject to a fine ranging from 500 to 1500 rubles (about 16 to 48 USD at 2013 exchange rates). Fines for smoking near playgrounds can be as high as 3000 rubles (97 USD), while institutions and businesses can be fined up to 90,000 (2,903 USD) for allowing smoking on their premises.<sup>15</sup>

It is too early to evaluate the effectiveness of the anti-smoking legislation. And given the lack of enforcement of a 2006 ban on drinking in public, which has been largely ignored (Khaltourina and Korotayev 2008, 278), skeptics have grounds to question the extent to which laws on the books will affect everyday practices. Yet a series of more than 400 surprise audits organized in the fall of 2014 by the Russian Confederation of Consumer Societies found that nearly 94 percent of restaurants and cafes were complying with the new regulations (Milovanova 2014). Meanwhile, following a period of warnings in lieu of sanctions, the police have begun writing fines for smoking in illegal places. Between November 2013 and March 2014, the Moscow police issued nearly 10,000 fines (Kiselev 2014), and reports of fines in regional cities abound in the local press.<sup>16</sup> Later in this article we offer evidence that Russian citizens are well aware of the smoking ban and are beginning to adapt their behavior accordingly. As evidence of this fact, the new regulations appear to have had a visible impact on tobacco sales. Philip Morris International’s sales volume in the Russian market, for instance, declined by 5 percent year-on-year during the second quarter of 2014 (Trefis 2014).

We do not wish to overstate the success of Russia’s public health initiatives. They are still in relatively early stages of development, and Russia is infamous for intense but short-lived political campaigns that produce temporary results. Indeed, following the impressive 18.5 percent decline in traffic fatalities between 2005 and 2010, the annual rate then leveled off and began to tick upward, although the percent of accidents related to drunk driving remained below 7 percent in 2013, compared with more than 10 percent in 2004.<sup>17</sup> The fight against alcohol consumption faces other challenges. For example, recent

increases in excise taxes raise concerns about whether Russians will again turn to illegally produced surrogate alcohols. Moreover, even if Russia successfully addresses its mortality crisis, its long-term demographic outlook will remain bleak if it cannot improve fertility rates. This will prove challenging given the small cohort of Russians approaching reproductive age, a legacy of the low birthrates following the collapse of the Soviet Union (Frejka and Zakharov 2013). Nevertheless, a healthy skepticism does not negate the fact that for the first time in the post-Soviet era, Russia’s birthrate in 2012 exceeded its death rate, leading Russia’s Minister of Health to declare that the country’s population decline has “stopped” (RFE/RL 2013).

At minimum, the relative successes of Russia’s public health initiatives warrant much greater attention than they have received among Western observers. They also call into question common assumptions about Russia’s state capacity and legal culture, an issue to which we turn in the following section.

#### THE DOMINANT NARRATIVE: STATE (IN)CAPACITY AND LEGAL NIHILISM

The relative success of Russia’s public health policies flies in the face of the prominent narrative of Russia as a weak state plagued by legal nihilism—in short, a state that cannot enforce its laws and a political culture that is particularly incompatible with legal compliance.

The extent of Russia’s state weakness in the 1990s has been well documented. In the wake of the Soviet Union’s dissolution, the Russian state’s finances collapsed. Tax revenues to the federal government dropped from just under 18 percent of GDP in 1992 to around 10 percent of GDP at their nadir in 1998 (Treisman 1999, 148), even as GDP during this period plummeted. Starved for resources, law enforcement agencies and the government bureaucracy struggled to act effectively. Crime rose dramatically.

Upon coming to power, Putin sought to recentralize power and restore state capacity. Economic growth, driven in part by rising oil prices, averaged nearly 7 percent during Putin’s first two presidential terms (2000 to 2008), and tax reforms ensured that this growth replenished the state’s coffers. Law enforcement agencies in particular prospered, as the federal budget for national security and law enforcement more than tripled (Taylor 2011, 54). Yet many accounts have shown the strength of Russia’s state to be an illusion. Despite increased law enforcement funding, Russia’s murder rate in the early 2000s actually increased relative to the late 1990s. More broadly, the state apparatus, while growing in size, became more ineffective and corrupt, leading Russia to fall in international rankings for economic competitiveness and corruption (McFaul and Stoner-Weiss 2008, 73–77). Many scholars agree with Stephen Hanson’s assessment that Russia remains “a highly corrupt state that still cannot fully control its borders,

monopolize the legal means of violence, or clearly articulate its role in the contemporary world” (Hanson 2007, 67).

Particularly troublesome from the perspective of enforcing laws is the corruption of law enforcement personnel. Among other corrupt activities, Russian police regularly engage in shakedowns, private provision of protection to firms, and the illicit sale of information and official documents. Some studies find that Russian police receive more income from second jobs—about 40 percent of which involve illegal activity—than from their official salaries. Clear majorities of the Russian population believe that systemic corruption plagues the police force and that the police officers’ “main direction of activity” is their “own personal interests,” rather than the “security of the population” (Taylor 2011, 169–172, 179–180; see also Gerber and Mendelson 2008).

If observers question the ability of the Russian state to enforce laws, they are no more sanguine about Russians’ propensity to comply with laws. As James Gibson (2003, 77) notes, “It is often asserted that one of the defining characteristics of Russian political culture is its abiding disrespect for the rule of law. Russians are commonly depicted as being willing to ignore or manipulate law to achieve their individual goals (be they legal or illegal). This ‘legal nihilism’ is sometimes described as an enduring attribute of Russian culture, dating back hundreds of years.” Concerns about Russian legal nihilism received a renewed burst of attention in 2008 when then presidential candidate Dmitry Medvedev addressed Russia’s legal culture in a campaign speech, proclaiming, “Without exaggeration, Russia is a country of legal nihilism.... No other European country can boast of such a level of disregard for law” (cited in Hendley 2012, 149). Russia’s persistent ranking in the bottom quartile of the world’s nations with respect to the rule of law by organizations such as the World Bank further contributes to the widespread image of Russians as a lawless people.<sup>18</sup>

Legal nihilism is an issue that potentially affects nearly all aspects of life in Russia. But state officials have been quick to link it directly to the public health crisis discussed above. For instance, Vladimir Kuzin, deputy chief of Russia’s traffic police, has claimed that “The primary cause of high mortality on the roads [is] drivers’ lack of respect for the law, a nihilism about the rules of the road. Drivers don’t maintain speed limits, don’t yield to pedestrians on crosswalks, and don’t wear their seat belts” (cited in Kolesnichenko 2008, 2). Thus, in the eyes of many observers, not only is the Russian state incapable of enforcing laws and implementing initiatives such as the public health campaign, but the state also faces the challenge of overcoming pervasive problems with legal compliance among the population at large. Under such circumstances, the logical conclusion would be that Russia’s ongoing public health campaign is bound to fail.

## RETHINKING LEGAL NIHILISM

How can the relative success of Russia’s public health programs be reconciled with the image of Russia as a weak state and the Russian people as lawless? We present two arguments. First, we follow other scholars who have questioned the extent of Russian nihilism and distinctiveness of Russia’s legal culture. We show, drawing on an original survey of Russian students, how public health initiatives such as the smoking ban demonstrate that concerns about Russian nihilism are exaggerated. In short, when Russians expect rules to be enforced, they do not display a distinctively high propensity to evade law. Second, we offer a theory about when enforcement can be expected, emphasizing that in a system with numerous unenforced laws, law enforcers rely on the signal of commitment from the top leadership.

Although much of the literature on legal nihilism suggests that Russians are uniquely disinclined to respect the law, the handful of existing empirical studies finds little support for this proposition. Examining surveys of Russians conducted in the late 1990s, Gibson (2003, 83–84) unearthed “no evidence that ‘legal nihilism’ is widespread.” Moreover, when placed in a cross-national perspective, Gibson concluded that while Russians might not agree with the obligatory nature of law to the same extent as Americans, their legal values “do not stand out as unusual” compared to their European counterparts.<sup>19</sup> Analyzing survey data from the mid-2000s, Kathryn Hendley (2012) similarly found that only a small minority of Russians can properly be labeled “legal nihilists,” ready to disobey the law whenever expedient. Moreover, preliminary evidence suggests that legal nihilism in Russia is declining over time (Hendley 2012, 157–58).

The aforementioned studies indicate that to the extent lawlessness persists in Russia, the source of such lawlessness must lie in something other than an unusually nihilistic legal culture. Our survey of Moscow university students’ smoking habits indicates that Russians are not distinctively prone to law avoidance, but rather respond in predictable ways to a system in which many laws remain mere words on parchment. Just as Americans ignore certain laws, such as jaywalking, unless there is an expectation they will be enforced, Russians are beginning to react to the recent smoking ban as enforcement mechanisms have been put in place.

As discussed in the introductory section above, the smoking ban’s rollout offered a unique opportunity to isolate the effects of enforcement due to the law’s initial implementation in June 2013 absent enforcement mechanisms. The survey we conducted consisted of two rounds, the first in September 2013 after the ban had been implemented but before enforcement mechanisms were in place, and the second in December 2013 after enforcement mechanisms had come into effect. It is important to note that while

increased price mechanisms may play a significant role in Russia's future anti-smoking efforts, Russian cigarette prices remain among the lowest in Europe and no changes in excise taxes were enacted between September and December 2013.

We focus on university students for several reasons. Universities were among the first places affected by the smoking ban, and they allow for relatively easy access to survey respondents. Moreover, 50 percent of Russians ages 19 to 24 smoke (62 percent of men and 38 percent of women), making the student demographic particularly worthy of study (GATS 2009, 21). Perhaps more importantly, students—a risk-acceptant group—would seem the least likely to comply with the law, providing a hard test. (Figure 3.) If students show behavioral changes, we might expect changes more broadly.

The surveys were conducted via face-to-face interviews at three of Moscow's major universities: Moscow State University, the Russian State University for the Humanities, and the People's Friendship University of Russia.<sup>20</sup> For both surveys we specifically targeted smokers by polling students at locations where students regularly gathered to smoke. Given that the survey did not employ probability sampling, findings reveal substantial insights about survey respondents but do not necessarily apply to the broader population of Moscow students.

The September survey polled 310 students, the December survey 238 students. Demographically, the two surveys were similar. Fifty-seven percent of respondents in the September survey were male compared with 55 percent in the December survey; the average age of September respondents was 20.0 compared with 20.3 among the December respondents. Approximately 80 percent of respondents in the September survey were smokers, defined



FIGURE 3 Legal nihilism? Russian students at People's Friendship University smoking next to a no-smoking sign.

*Note:* The photo was taken by Henry Brooke on September 3, 2013, after the smoking ban had come into effect but before enforcement mechanisms were introduced.

as a respondent who reported smoking in the last thirty days, whereas smokers comprised around 90 percent of the December sample. (This increase in smokers included in the survey is not indicative of an increase in student smoking between September and December. Rather, much of the survey was conducted in outside smoking areas. Non-smoking students who gather in warmer seasons to socialize at these locations are less likely to be present during the winter. For a comparison of the September and December surveys that excludes non-smokers, see Table A1 in the Appendix.)

The survey allows us to examine the effects of information about enforcement on students' reported smoking habits. We first sought to gauge the general awareness of the ban by asking students whether they had heard of the new smoking law. As seen in Table 2, 95 percent of respondents in the September survey already knew about the law, indicating a broad general awareness among the student population and speaking to the government's success in publicizing the law. Moreover, 55 percent of student respondents reported that they agreed with the law.<sup>21</sup> We also inquired about whether respondents believed that sanctions for violating the law were in place. In September, even though no enforcement provisions existed, 44 percent of respondents nonetheless assumed that one could be sanctioned for violating the law. Yet when asked whether they thought the new smoking law would change their smoking habits, only one respondent replied in the positive.

There were substantial changes in responses between September and December. Approximately the same percentage of respondents had heard of the law, and there was no statistically significant change in the percent of respondents expressing support for the law.<sup>22</sup> But the percentage of those who believed sanctions exist had risen to 77 percent from 44 percent, and the percentage of those who reported personally hearing about enforcement of the law had climbed to 22 percent from 0.3 percent.<sup>23</sup> Even more notably, the percentage of student smokers reporting that the ban either will change or might change their smoking habits had risen by more than 30 percentage points. To those who said they would change their habits, we inquired further whether they would quit smoking, smoke less, and/or smoke in different places. Of these, approximately 50 percent indicated they would smoke less and around 60 percent reported that they would smoke in a different location (the two options were not mutually exclusive).<sup>24</sup> No student, however, indicated that he or she would quit smoking entirely.

In short, between September and December more students came to believe that penalties for violating the law exist and many respondents had now heard of actual instances of enforcement. Correspondingly, the percentage of students reporting that the law would affect their smoking habits increased substantially, supporting the notion that credible threats of enforcement influence legal compliance. However, although the two surveys were



TABLE 2  
Comparison of September and December 2013 Surveys

	September (n = 310)	December (n = 238)	Change
<b>Demographics</b>			
Male	56.8%	55.0%	-1.8
Avg. age	20.0	20.3	0.3
<b>Smoking habits</b>			
Smoked in the last 30 days	79.0%	89.9%	10.9***
Smokes every day	63.6%	77.3%	13.8***
<b>Knowledge of smoking ban</b>			
Had heard about the ban	95.2%	95.8%	0.6
Agrees with ban			
Yes	55.1%	55.5%	0.4
No	37.1%	23.1%	-14.0***
No opinion	7.7%	21.4%	13.7***
Believed sanctions exist			
Yes	43.9%	77.3%	33.4***
No	32.3%	8.0%	-24.3***
Don't know	23.9%	14.7%	-9.2**
Had heard of ban being enforced	0.3%	22.2%	21.9***
<b>Effect of ban (on smokers)</b>			
Will affect smoking habits	0.4%	17.3%	16.9***
Might affect smoking habits	0%	16.8%	16.8***
Of those expecting to change habits:			
Will quit smoking	0%	0%	0
Will smoke less	0%	50.7%	50.7***
Will smoke in different places	0%	61.6%	61.6***

Notes: "Smokers" are defined as those who had smoked in the last 30 days. Statistical significance in the right-hand column refers to difference of means tests comparing September and December results. \* = significant at  $p < .05$ ; \*\* at  $p < .01$ ; \*\*\* at  $p < .001$ .

conducted at precisely the same smoking locations at precisely the same three universities, these findings comparing across the three-month duration must be interpreted with caution because the survey did not employ probability sampling.

To examine the role of enforcement further, we therefore compared the December responses of smokers who had heard personally of cases of enforcement with those who had not. The discrepancy is striking. As Table 3 shows, only about 23 percent of students who had not heard of the law being enforced said their habits would change or might change, where a change in habits refers to smoking less or smoking in a different location.<sup>25</sup> By contrast, among those who had heard of the law being enforced, more than 75 percent indicated their habits would change or might change.<sup>26</sup> In short, access to information about concrete instances of enforcement is strongly correlated with smokers' responsiveness to the new law.

Of those who reported that they might or will change their smoking habits, we further inquired about their underlying motivations. Their responses again indicate the importance of enforcement. As seen in Table 4, nearly half of these respondents cited the risk of fines (ranging

TABLE 3  
Effects of Knowledge of Enforcement on Smoking Habits

	Respondent reports that smoking habits:		
	Will not change	Might change	Will change
Has not heard of law being enforced	76.9%	14.8%	8.3%
Has heard of law being enforced	24.4%	24.4%	51.1%

Note: A chi-square test provides strong grounds to reject the null hypothesis that hearing about enforcement is unassociated with intentions to change smoking habits,  $X^2(2, n = 214) = 54.52, p < .001$ .

TABLE 4  
Reason for Changing Smoking Habits

	% of respondents* stating as reason
Fines	46.7%
Wanted to quit anyways	4.1%
Law makes more difficult to smoke	46.7%
Respect the law	4.1%

\*Of those who might change or will change smoking habits.

from 500 to 3000 rubles) as their reason for adapting their smoking habits, and an identical percentage cited the fact that the law makes it more difficult to smoke where and when they want. (Although these two responses were not mutually exclusive, all but one respondent cited one or the other.) Significantly fewer respondents cited a motivation unrelated to enforcement, such as wanting to quit anyways or respect for the law, as their reason for seeking to change their smoking habits. It is additionally worth noting that of the respondents who had heard of enforcement, none had been personally subject to a penalty and only 15 percent personally had seen others get warned or fined. Meanwhile, 68 percent had read about or learned about penalties on television, and another 17 percent had heard of penalties secondhand, suggesting that a broad information campaign may be sufficient to signal to citizens that a given law "matters," even when actual enforcement levels are relatively low.

In summary, while we agree with other scholars who have questioned the uniqueness of Russian legal culture, we additionally emphasize that regardless of attitudes toward the law, there is no evidence that Russians are particularly disinclined to legal compliance as long as they expect a given law to be enforced. Even among students—a generally risk-acceptant and often rebellious population—compliance boils down to expectations about the prevalence of enforcement. This, of course, raises the question of why the Russian state, often perceived as incapable of implementing effective policies, has demonstrated a reasonable level of capacity with respect to recent public health initiatives.

## RETHINKING STATE CAPACITY

In this final section, we offer a preliminary theory of *selective state capacity* in post-communist Russia.<sup>27</sup> This theory illuminates the relative success of Russia's recent public health initiatives. The theory builds on analyses of Russia's informal system of governance—what has become widely known as the *Sistema* (Hill and Gaddy 2013, ch. 9; Ledeneva 2013)—and emphasizes two key characteristics of this system. First, this informal system of governance has undermined efforts to build a strong and consistently capable state apparatus. Second, the informal system has concentrated control in a personalized manner around Putin and his surrogates, meaning that emphasis from the top leadership has a particularly significant impact on the likelihood of a specific directive's implementation and enforcement. This combination of the state's inconsistent capabilities with the top leadership's oversized influence provides the context in which a supposedly weak state can act quite effectively in certain policy spheres.

Putin's efforts to build a “vertical of power” have been analyzed extensively, and numerous scholars now contend that Putin's institutional reforms in many respects failed to revive state capacity. Key components of these reforms included bringing regional laws into line with the Constitution, creating a new system of Federal Administrative Districts to monitor regional leaders, reforming the Federation Council in order to weaken regional executives, and reshuffling the top leadership in many ministries to ensure loyalty to the Kremlin (see, e.g., Petrov and Slider 2010; Remington 2010; Partlett 2013). The aim of Putin's reforms was to restore order within the state hierarchy. As Fiona Hill and Clifford Gaddy (2013, 211), drawing on Putin's own metaphor, explain, “In Putin's idealized version, [the state apparatus] is the sphere of governance that is supposed to function like a ‘Swiss watch.’” But Putin's goal to create a clocklike apparatus has clashed with the informal system of governance that has formed as a result of his leadership style, a style born of KGB training and based on personalized, informal relationships. While this system was arguably effective for consolidating power against the oligarchs and regional leaders in the early 2000s, the system is ineffective on a broader scale due to the lack of clear lines of authority, high levels of distrust, and over-reliance on Putin himself (Hill and Gaddy 2013, 234–40).

If one key aspect of the *Sistema* is inconsistent levels of state capacity, then the other key aspect is that Putin and those closest to him play a direct role in determining which policy areas will be taken seriously by the Russian bureaucracy. In this hyper-personalized system, with Putin at its center, state officials recognize that “Some people are more powerful than others by virtue of who they are and their connections rather than their positions—especially if

they have close personal ties to Putin” (Hill and Gaddy 2013, 240–41). Within the system, rules about which policies must be taken seriously may be unwritten, but they are clear to those who decide whether to implement or impede a given policy. Indeed, Putin's system of governance builds on long-established informal routines of communicating the importance (or unimportance) of specific policies within the Russian bureaucracy (Partlett 2013). For example, Yevgenia Albats (2004, 232–36), drawing on remarkable interviews with top-level Russian bureaucrats, documents how seemingly minor cues indicate to subordinates whether they should act immediately, act eventually, or not act at all. Examples of such cues include whether a resolution is signed by hand or type-written, requires or does not require coordination with other agencies, or begins with the phrase “I ask you to resolve” or the phrase “I ask you to consider.”

In short, Putin's informal system of governance impedes the uniform and consistent application of state capacity, but it does not diminish the state's capacity to act on its priorities and enforce laws when Putin and his inner circle send a clear and credible signal that a specific policy deserves attention. We contend that Russia's recent public health initiatives exhibit success precisely because of Putin's emphasis on their importance—an emphasis with particular impact given Putin's linking of the demographic crisis to the revival of Russia as a geopolitical power. Beginning in his Millennium Message of 1999 and continuing in nearly every major speech since, Putin has emphasized the existential threat that weakness poses to Russia, memorably referring during his 2005 Annual Address to the Federal Assembly to the collapse of the Soviet Union's superpower status as the “major geopolitical disaster of the [twentieth] century.”<sup>28</sup>

Recognizing that a large, healthy population is essential for economic growth and a sizeable military, and thus essential for Russia's great power aspirations, Putin has consistently tied the demographic trends to national security. As noted earlier, Putin in 2006 referred to the demographic crisis as the “most acute problem” facing Russia. In one of several articles authored by Putin and published in the Russian press prior to his return to the presidency in 2012, Putin continued to link population trends and geopolitics, boldly stating that, “unless Russia implements a long-term comprehensive agenda for demographic development to build up its human potential and develop its territories, it risks turning into a geopolitical ‘void,’ whose fate would be decided by other powers.... The historic cost at stake in choosing between action and inertia is therefore some 50 million lives within the next 40 years.”<sup>29</sup>

Putin has not only emphasized the demographic crisis in general terms, but has also recurrently signaled the

dangers of alcohol and the importance of a healthy lifestyle, both through personal example and in public declarations. In his 2005 Annual Address to the Federal Assembly, for example, Putin emphasized that “I particularly want to stress another, more complex issue for our society—the consequences of alcoholism and drug addiction. Around 40,000 people a year die from alcohol poisoning in Russia.... Our work should be focused on encouraging the young generation to make a conscious choice in favour of a healthy way of life, encourage them to get involved in sports and physical culture.”<sup>30</sup> Putin’s protégé, Dmitry Medvedev, used stronger language in a 2009 interview, declaring alcoholism in Russia a “national disaster.”<sup>31</sup>

Road safety has similarly attracted prominent attention at the top levels of Russian politics, receiving mention in Putin’s 2006 Annual Address to the Federal Assembly and serving as the centerpiece of a national speech by Medvedev in August 2009.<sup>32</sup> Likewise, in more recent years, both Putin and Medvedev have repeatedly issued statements regarding the dangers of smoking. Indeed, in 2010 Putin publicly urged Russia’s top officials to give up smoking and set an example for Russia’s citizens, while in 2011 Putin, speaking to schoolchildren in Podolsk, called for “a set of measures to reduce tobacco consumption” and reiterated that tobacco use “is a serious problem for the country.”<sup>33</sup> In a 2012 video blog posted to his website, Medvedev was far more blunt in expressing his concerns about smoking: “It works out that each year an entire large city disappears from the earth due to tobacco.... Our children should not breathe in cigarette smoke and see smoking on their playgrounds, in schools, universities, clinics and in cafes as something normal, routine” (Roth 2012).

The preceding citations provide evidence of a clear chain of signals consistently broadcast by Putin and his close associates: Public health issues such as alcohol consumption, road safety, and smoking are contributing to Russia’s dangerous demographic trends; these demographic trends are a direct threat to national security; and, consequently, policy related to public health campaigns should be given top priority. In a political system exhibiting selective state capacity, such signals are essential for understanding which types of policies will and will not be subject to effective enforcement measures.

## DISCUSSION

The collapse of the Soviet Union triggered a demographic crisis of proportions rarely encountered in peacetime. In no small part, the crisis has resulted from the prevalence of harmful habits, such as excessive alcohol consumption and

tobacco use. Recognizing the national security implications of depopulation, Putin has introduced a series of public health measures since the mid-2000s, seeking to reduce mortality from alcohol-related factors, road fatalities, and smoking.

It will be some time before proper evaluation of these initiatives’ effectiveness can be undertaken. Yet, the existing evidence suggests that Putin’s public health measures deserve more attention among Western scholars than they have received. In particular, the relative success of these initiatives challenges social scientists’ understanding of Russia’s state capacity and legal culture. This article seeks to reopen debates about Russians’ willingness to comply with formal rules and about the Russian state’s ability to implement and enforce policies.

Russians respond to sanctions in predictable ways, rather than exhibiting signs of a unique legal culture. However, given the Russian government’s selective enforcement of laws, it is perhaps understandable that the *perception* of Russians as uniquely adverse to legal compliance persists. To account for this selective enforcement, we offer a preliminary theory of selective state capacity. Putin’s informal system of governance has two important consequences. First, it undermines the ability of the state to consistently and uniformly implement and enforce its directives. And, second, it amplifies the effect of the top leadership’s personal backing of specific policies.

Future research that systematically compares enforcement in policy spheres in which Putin is and is not personally engaged will be required to more comprehensively evaluate this theory of selective state capacity. Moreover, certain scope conditions remain to be explored. For example, it is likely that policy issues that threaten the survival of powerfully vested groups—such as anti-corruption campaigns—are unlikely to succeed regardless of support from the top leadership. An additional question that remains unanswered is whether Putin’s informal system of governance would fully crumble should he leave office or be replaced, or whether the mechanisms of selective state capacity could persist with a new leader at the helm. But based on existing evidence, we believe that Russia’s recent public health initiatives are a prime example of selective state capacity in action. By linking the demographic crisis to national security concerns and repeatedly emphasizing their personal support, Russia’s top leaders have made clear to subordinates that legislation in this sphere should be taken seriously.

A better understanding of both Russia’s demographic crisis and Russia’s state capacity has important policy implications. With Russia seemingly resurgent on the international stage, including the annexation of Crimea from Ukraine in 2014, some in the West perceive a growing threat. Yet other scholars suggest that Russia remains

much weaker than its recently aggressive foreign policy might suggest, and that the ongoing demographic crisis will weaken Russia still further (see, e.g., Eberstadt 2009; Berman 2013). Our analysis suggests that in policy spheres in which Putin is personally invested, and particularly when policy issues are related to national security, analysts underestimate Russia's state capacity at their own peril. More generally, it is essential to recognize that the Russian state is neither uniformly weak nor strong, but rather selectively capable. Identifying the spheres in which state capacity exists therefore must be a priority for those seeking to understand Putin's regime.

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### NOTES

- Life expectancy data are from the World Health Organization (WHO) Global Health Observatory (<http://apps.who.int/gho/data/node.main>). Data on births and deaths are from The Human Mortality Database (<http://www.mortality.org/>). Data on population are from the World Bank's World Development Indicators (<http://data.worldbank.org/>). All databases accessed on July 26, 2014.
- Although we focus on policies aimed at reducing mortality, the Russian government also has introduced a series of policies aimed at increasing fertility rates, including subsidies to mothers with more than one child (see Zakharov 2008, 930; Frejka and Zakharov 2013, 638).
- This figure refers to direct effects of the alcohol policy, such as reduced alcohol poisonings and alcoholic liver cirrhosis, as well as indirect effects, such as reduced suicides and traffic fatalities. See Shkolnikov et al. (2013), Pridemore et al. (2013a), Pridemore et al. (2013b), and Pridemore et al. (2014).
- For demographers' and public health scholars' views on whether Russia's demographic crisis can be mitigated, see, e.g., Eberstadt (2009) and Grigoriev et al. (2014).
- The 75 percent and 23 percent figures refer to the sums of the second two columns—"might change" and "will change"—in Table 3.
- See [http://archive.kremlin.ru/eng/speeches/2006/05/10/1823\\_type70029type82912\\_105566.shtml](http://archive.kremlin.ru/eng/speeches/2006/05/10/1823_type70029type82912_105566.shtml). Accessed August 20, 2014.
- Other factors contributing to Russia's mortality crisis have included high levels of mortality from circulatory diseases, high levels of homicide and suicide, and failures of the Russian health system (Shkolnikov et al. 2004; Shkolnikov et al. 2013).
- As Leon et al. (2009, 1631) explain, mortality rates in infancy and childhood as well as in old age have remained relatively stable in the post-Soviet period. The overall rise in mortality rates has been driven largely by fluctuations among working-age males, and these fluctuations correspond with trends in alcohol consumption. In addition to alcohol, they attribute low life expectancy in Russia to smoking and the low quality of medical care.
- It is worth noting that in 2006 Russia launched the national priority project "Health," which significantly increased funding for the Russian healthcare system and focused, among other goals, on improving the infrastructure for primary and emergency care (Shkolnikov et al. 2013, 936, 937; Grigoriev et al. 2014, 125).
- The 14,000 lives saved annually figure refers to an estimated 4,000 male lives that otherwise would have been lost to suicide (Pridemore et al. 2013a), 2,400 male lives that otherwise would have been lost to traffic fatalities (Pridemore et al. 2013b), 6,700 male lives that otherwise would have been lost to alcohol poisoning, and 760 male and 770 female lives that otherwise would have been lost to alcoholic liver cirrhosis (Pridemore et al. 2014).
- The average exchange rate for 2007 was 25 rubles to 1 US dollar.
- For penalty rates, see Chapter 12 of the Code of the Russian Federation on Administrative Offenses, available online in both current and previous versions at [www.consultant.ru/popular/koap](http://www.consultant.ru/popular/koap) (accessed November 3, 2014). Where secondary sources provide information regarding the size of fines that differs from the official code, we defer to the official rates. In addition to increased fines, in 2010 the government reinstated a zero-tolerance policy making any trace of alcohol in a driver's blood a punishable offense, a return to the pre-2007 regime during which Soviet-era laws had frequently led to drunk driving arrests for even minimal traces of alcohol. The zero-tolerance policy proved unworkable when drinks such as kefir and kvass led to drunk driving indictments, necessitating the reinstatement of a low legal minimum blood and breath alcohol content level in 2013 (Mogilevskaya 2013).
- See Federal Law No. 15-FZ "On the Protection of Public Health from Exposure to Environmental Tobacco Smoke and the Effects of Tobacco Consumption," available online at <http://base.garant.ru/70321478>. Accessed November 3, 2014.
- Author interview with Dmitriy Yanin, Chairman of the Russian Confederation of Consumer Societies, on August 21, 2013. Yanin was personally engaged in lobbying for the smoking ban legislation.
- See Articles 6.24 and 6.25 of the Code of the Russian Federation on Administrative Offenses, available online at <http://www.consultant.ru/popular/koap>. Accessed November 3, 2014.
- See, e.g., Tartarstan MVD press release, "Za nedelyu za kurenie v obshchestvennom meste sostavleno 80 administrativnykh protokolov" [In the last week 80 fines have been imposed for smoking in a public place], <http://16.mvd.ru>, November 22, 2013; Pervii yaroslavskii oblastnoy telekanal, "Nakazana shtrafom za kurenie v podezde" [Fined for smoking in the stairwell], [www.lyar.tv](http://www.lyar.tv), January 21, 2014; Krasnoyarsk Kray MVD press release, "Politseiskii podveli itogi borby s kurilshchikami – narushitelyami za yanvar 2014 goda" [The police tally results of the fight against illegal smokers for

- January 2014], <http://muvd.achim.ru/>, February 18, 2014; Elena Chekhovskaya, "Okolo 6000 protokolov sostavleno na kurilshchikov v Smolenskoj oblasti" [Around 6000 fines imposed on smokers in the Smolensk Oblast], Gorodnews.ru, June 1, 2014. All online sources accessed September 5, 2014.
17. Data are from the monthly reports (*svedeniia*) of the Russian traffic police, available online at [www.gibdd.ru/stat](http://www.gibdd.ru/stat). Accessed July 17, 2014.
  18. These rankings refer to the World Bank's Rule of Law Indicator. See <http://info.worldbank.org/governance/wgi/index.asp>. Accessed July 26, 2014.
  19. Gibson (2003, 85) provides comparative survey data for Bulgaria, France, Hungary, Poland, and Spain.
  20. Both surveys were conducted in person by Henry Brooke.
  21. Among the general population, surveys conducted in November 2013 showed that 48 percent fully supported the ban and an additional 32 percent supported the ban but also considered it too extreme (Levada Center 2013).
  22. It is worth noting, however, that while the percentage of respondents agreeing with the law remain unchanged, the percentage of those disagreeing with the law fell from 37 to 23 percent, while the percentage of respondents indicating no opinion rose from around 8 to 21 percent.
  23. One respondent in the September survey reported having heard of the ban being enforced, although how he heard of such enforcement is a mystery, given that enforcement provisions did not yet exist. Notably, this same person was the sole respondent in September to report that the smoking law would change his smoking habits.
  24. As can be seen in Table 2, all of the differences mentioned above are statistically significant at the 99.9% level of confidence.
  25. If the focus is shifted to just smoking less, rather than on "changing smoking habits" (a broader category that includes smoking less or smoking in a different location), then the results are even more dramatic. Among those who had not heard of the law being enforced, 79.7 percent reported that they would not smoke less, 15.8 percent reported that they might smoke less, and 4.5 percent reported that they would smoke less. Among those who had heard of cases of enforcement, 0 percent reported that they would not smoke less, 21.6 percent reported that they might smoke less, and 78.4 percent reported that they would smoke less.
  26. To assess the robustness of these results, we conducted multiple regression analyses. With both a trichotomous dependent variable (i.e., will not change smoking habits, might change habits, will change habits) and a dichotomous dependent variable (i.e., will not change habits, might change or will change habits), the coefficient on the indicator variable for whether or not a student has heard of enforcement of the ban is statistically significant from zero at the 99.9% level of confidence, even controlling for factors such as age, gender, and whether or not the respondent agrees with the smoking ban.
  27. The concept of *selective state capacity* developed here differs from the theories of *selective enforcement* put forth by scholars such as Ledeneva (2006) and Volkov (2002, 2004), despite the similar terminology. These scholars focus on the selective enforcement against targeted groups or individuals who raise the ire of the state, combined with intentional non-enforcement against groups or individuals with ties to state officials. A key element of this system is the intentional creation and maintenance of convoluted regulations that force nearly all individuals to violate laws, leaving them vulnerable to selective punishment.
  28. See [http://archive.kremlin.ru/eng/speeches/2005/04/25/2031\\_type70029type82912\\_87086.shtml](http://archive.kremlin.ru/eng/speeches/2005/04/25/2031_type70029type82912_87086.shtml). Accessed August 20, 2014.
  29. The English translation of this article, originally published in *Komsomolskaia Pravda* on February 13, 2012, can be found at: <http://rt.com/politics/official-word/putin-building-justice-russia-133>. Accessed August 20, 2014.
  30. See [http://archive.kremlin.ru/eng/speeches/2005/04/25/2031\\_type70029type82912\\_87086.shtml](http://archive.kremlin.ru/eng/speeches/2005/04/25/2031_type70029type82912_87086.shtml). Accessed August 20, 2014.
  31. "Fighting Alcoholism in Russia Absolutely Impossible, Medvedev Says," *Pravda.ru*, August 18, 2009. Accessed August 20, 2014.
  32. See [http://archive.kremlin.ru/eng/speeches/2006/05/10/1823\\_type70029type82912\\_105566.shtml](http://archive.kremlin.ru/eng/speeches/2006/05/10/1823_type70029type82912_105566.shtml) and [http://archive.kremlin.ru/eng/speeches/2009/08/06/2223\\_type82913\\_220618.shtml](http://archive.kremlin.ru/eng/speeches/2009/08/06/2223_type82913_220618.shtml). Accessed August 20, 2014.
  33. See "Putin poprosil ministrov brosit kurit radi zdorovya rossiian" (Putin has asked ministers to quit smoking for the sake of Russians' health), *lenta.ru*, October 5, 2010; "Putin vykazalsia o metodakh borby s kureniiem" (Putin speaks out about methods of the fight against smoking), <http://netsigaret.ru/271/>, September 12, 2011. Accessed August 20, 2014.

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## APPENDIX

TABLE A1  
Comparison of September and December 2013 Surveys  
(Smokers Only)

	September (n = 245)	December (n = 214)	Change
<b>Demographics</b>			
<i>Male</i>	56.3%	52.8%	-3.5
<i>Avg. Age</i>	20.0	20.2	0.2
<b>Smoking Habits</b>			
<i>Heavy smoker (i.e., smokes daily)</i>	80.4%	86.0%	5.6
<b>Knowledge of Smoking Ban</b>			
<i>Had heard about the ban</i>	96.3%	97.2%	0.9
<i>Agrees with ban</i>			
<i>Yes</i>	48.6%	53.3%	4.7
<i>No</i>	44.9%	25.2%	-19.7***
<i>No opinion</i>	6.5%	21.5%	15.0***
<i>Believed sanctions exist</i>			
<i>Yes</i>	40.4%	77.6%	37.5***
<i>No</i>	37.6%	8.4%	-29.2***
<i>Don't know</i>	22.0%	14.0%	-8.0*
<i>Had heard of ban being enforced</i>	0.4%	21.0%	21.0***

Note: Statistical significance in the right-hand column refers to difference of means tests comparing September and December results. \* = significant at  $p < .05$ ; \*\* at  $p < .01$ ; \*\*\* at  $p < .001$ .