“I’d Rather Pay”: Bribery and Informal Practices in Ukrainian Bureaucracy

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Abstract
In the last two decades, bribery has been a salient issue in social science research in general and anthropology in particular. The subject poses considerable challenges to ethnographic research, and therefore many aspects remain understudied. My article addresses one of them, namely, the relationship between bribery, networking, ‘petty’ informality, and everyday social relations within the bureaucratic domain. I argue that bribery becomes possible because of informal practices that allow both officials and citizens to manipulate formal rules and processes. I also argue that mundane formal procedures that form the basis of bureaucracy become channels for informal practices. In order to research these aspects of bribery, which usually remain undisclosed and inaccessible through traditional methods of participant observation and interviews, I use legal case documents of bribery in the real estate domain in the Kiliya district of the Odesa region. I rely on an official anti-corruption court record and explore methodological challenges pertinent to the analysis of court records as an alternative to ethnography in research on corruption. My article contributes to the study of bribery as an embedded and situated practice, linking it to ways people engage with, manipulate, and apply bureaucratic norms by enforcing informal modes of sociality in formal contexts.

Keywords: Bribery, informal practices, Ukraine

“I’d rather pay. Yes, I’d rather pay in this particular case than spend two or three months running around town from one committee or public service to another.”

“In my view, the mentality of many people is that it is much easier and faster to give some civil servant a bribe, rather than trying to get things done on their own and legally” (Anonymous respondents, “Corruption in Ukraine” – UNITER1 project, KIIS 2011).

Introduction: A Bribe is Not Just About Money
Bureaucratic bribery appears to be simple: money changes hands, the documents are signed and stamped, and the deal is done. Bribery is imagined to be a transaction by Ukrainian anti-corruption legislation and scholars alike. In contrast, I argue that there is much more to bribery, namely, that a bribe is a social practice embedded in everyday dynamics of formal procedures and informal organizing in the domain of the state. Transactions are visible and observable, while much of organizing and paperwork that assure the bribe’s outcome are obscured within complex bureaucracies.

1 UNITER (The Ukraine National Initiatives to Enhance Reforms) is a USAID-funded project of democracy promotion in Ukraine.
In this article I set out to explore how bribery squares with everyday formal and informal relations and practices that underlie state processes in Ukraine. I study one bribe, the people it linked together, and the social practices it relied on across institutions and hierarchies at the local level of the state in Kiliya, a small city and the administrative center of the Kiliya district in the Odesa region.

My research differs from the existing anthropologies of corruption in two ways. First, most ethnographers have studied local meanings and representations of bribery (Humphrey 2002; Rivkin-Fish 2005), explored it as a domain of cultural production of the state (Gupta 2012) or investigated it as a coping strategy (Polese 2008). At the same time, few focus on how bribery happens and is organized within and across bureaucratic boundaries (e.g. Nuijten 2003). I focus on practices that facilitate officials to obtain the bureaucratic outcome “purchased” with a bribe. Second, unlike most anthropologies of the state, I use documentary sources, namely court proceedings. I rely on an anti-bribery court record to construct a case and thus contribute to the body of methods researchers use to gather data on corruption.

My argument is that informal practices and personal relationships that permeate bureaucracies form the organizational context for bribery. I also explore how a focus on bribes as embedded in mundane social relations within bureaucracies can illuminate the role of the state as a resource. To explore these problems, I inquire into how bribe transactions relate to formal and informal practices in the bureaucracies of contemporary Ukraine. By formal practices, I mean social practices abiding to, and structured by, bureaucratic rules and norms. Informal practices, therefore, are practices that diverge from, interpret, or defy bureaucratic forms and help people manipulate and selectively enforce them. Conceptualizing informal practices as a way to organize human activity in formal contexts, I identify networking and petty informality as two main kinds of such practices. My point of departure is the understanding of the bureaucratic form as a mode of social organization based on abstract universal norms, rules, and classifications. Subsequently, I ask, how these practices/relationships enable bribery. What are the likely impacts of bribes on mundane encounters and experiences of the state?

In the following three sections, I explain the methodological choices guiding my research and review scholarship and concepts on which I build to interpret the data. In the subsequent section I describe the case and proceed to analyze it and draw conclusions in the last two sections.

Methods

This research focuses on a single case of bribery in the domain of real estate that took place in the Kiliya district of the Odessa region in 2007. The case was reported to the police and later heard in a court. I analyze the official record of the court hearing, accessible through the State Registry of Court Decisions (SRCD). The registry is a state-managed open-access repository that has collected digital copies of decisions of all Ukrainian courts since 2006, making them public and searchable via an on-line database.

According to the evaluations of a recent activist study (Teksty.org.ua 2012), the registry contains more than 8,000 anti-corruption court records, the majority of them concerning

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2 See [http://reyestr.court.gov.ua](http://reyestr.court.gov.ua)
bribery in real estate operations. With a purpose to study bribery in real estate transactions at the district level of Ukrainian state bureaucracies, I searched in the registry database, combining keywords such as “bribe,” “land lease,” “land resources,” and “district state administration.” The search resulted in a dozen records strictly fitting the search criteria. After reviewing them, I chose one record and proceeded to construct a case to study.

The record concerns a penal court hearing on a bribe arranged between an Odessa-based businesswoman and two principal officials at the Kiliya District State Administration (DSA) and the Kiliya Department of Land Resources (DLR), with the involvement of a middleman and the mayor of the Prymors’ke village council in the Kiliya district. This court case is typical among others I obtained from the registry in terms of the form of bribery investigated, the general dynamics of the bribe transaction, the bureaucratic procedures, and state agencies involved. At the same time, it covers some aspects of informal practices and bribery in more details than other records, and unlike other cases, the selected case more straightforwardly addresses the role of networking and mundane bureaucratic practices that form the organizational context of the bribe. This particular record allows me to map in a single case study such practices as bribery, networking, mediation and informal interpretation of bureaucratic rules. It also allows me to trace how these practices relate to each other, to formal

Figure 1: The Kiliya case record in the SRCD on-line repository (a fragment).

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procedures, and to paperwork in various state institutions and at different hierarchical levels of the state.

My choice to study court records stems from the limits of ethnography and other methods to study corruption. With rare exceptions, most anthropologies of the state build on ethnographic research. Bribery, however, is a challenging object for ethnography; researching it means disclosing it. Illegal and usually immoral, bribery is a socially invisible practice. As anthropologists we can hardly observe it directly except when engaging in bribe–giving ourselves or becoming members of the organizations we study. But even in this case, what can be observed is the petty graft in the street-level bureaucracy (Blundo 2007: 36-40). The higher up the bureaucratic hierarchy, the more concealed and complex corruption becomes.

Ethnographers' ability to gather information about bribery is mostly limited to second–order data, that is to what people say about corruption (Haller and Shore 2005:14). Emic descriptions of bribery, as Giorgio Blundo (2007:41) observes, can give insights into very different aspects of the phenomenon depending on the social standing and experience of research participants. Interviewees are likely to expose the payment and the ritual through which the bribe changes hands. It is less likely, however, that interviewees will offer insights on the bureaucratic backstage where officials make decisions and exchange favors or how files traffic between offices and the ‘fixers,’ and intermediaries who negotiate for their clients. Such organizational aspects remain invisible to bribe givers, being better known to those who take bribes, but securing interviews with the latter as a rule proves impossible.

To overcome these methodological challenges, Blundo (2007:35-36) argues, it is necessary to combine multiple sources of data and triangulate between different perspectives. Blundo suggests that researchers explore archival sources, newspapers and judicial documents, and possibly combine them with interviews and participant observation in order to triangulate between different ways in which the data are disclosed.

Using court records alone as the only source does not help overcome the challenges of the social invisibility of corruption (Blundo 2007:34). Only a small portion of bribes are reported to the police, and even fewer make it through preliminary investigation to courts. Therefore, the real extent and variety of corrupt practices remain unknown. More importantly, legal knowledge production that forms the basis of the judicial anti-corruption process focuses on specific elements of bribery such as the preparation/accomplishment of the bribe arrangement, bureaucratic nuances of public office and paperwork in question, responsibilities and actions of all parties involved, and the precise time and place of transaction. Judges and public prosecutors mobilize this information as evidence to construct legal culpability as defined in

4 Such as works by Donatella Della Porta and Alberto Vannucci (1999), and Andrew MacNaughton and Kam Bill Wong (2007), who make use of judicial proceedings and case materials to research various aspects of political corruption and bribery in Italy and Japan.

5 As Médard (2001:65) explains, knowledge on corruption accessible through court records depends “upon social and political conditions of its revelation” (Blundo 2007:34). This consideration stresses the need of a thorough inquiry into the complex of anti-corruption practices and discourses, but this task lies beyond the scope of this paper.
the penal code. Finally, document writing procedures through which court clerks compose the records summarize and formalize original evidence collected at the stage of police investigation, and structure it into a coherent legal narrative of which the court’s judgment seems but a logical culmination.

This distinctly functional character of judicial documents is what makes them a source of otherwise inaccessible information about bribery in Ukraine. Since the investigation in anti–bribery cases seeks to establish what happened, how it happened, and who participated in it, courts often deal with the mundane bureaucratic paperwork and social relations within organizations. Thus, the records offer rich insights into the “black box of bureaucracy” (Thomson 2012), making explicit the dynamics of power and informal practices that happen behind the closed doors of offices and the components of bribery that often elude scrutiny of bribe-givers and researchers alike. In addition, judicial documents place bribe transactions in the context of official procedures they concern, which testifies to the ways in which bribery relates to the everyday bureaucratic work. Lastly, this source opens up the opportunity to study corruption not only in street-level bureaucracies, or in one bureaucratic organization, but also higher up the organizational hierarchy and between different institutions, as I do in the case study.

I construct the case study on the basis of materials and information I obtain from the court record. The specific record I use for this purpose is an official document that follows a template for all penal records. It outlines the criminal case, summarizes the case evidence, and interprets it in legal terms, constructing a narrative to support the court’s verdict. The document is structured as follows. It begins with naming the type of the court decision recorded (verdict), and then lists judges, prosecutors, attorneys and defendants present at the hearing. It further proceeds with personal information on defendants and describes legal regulations of the public offices in question and laws/codes underlying the judgment. The record then provides a summary of information on the circumstances of the bribe that the court evaluates and classifies as legal facts, and summaries of interrogations of defendants.

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6 Ukrainian anti-corruption legislation defines a bribe as an illicit payment for the use of public office, which excludes many practices popularly conceived as bribes/corruption (e.g. informal influence) from the legal category of corruption. In consequence, at least as far as the cases I reviewed suggest, courts and prosecutors do not dig into the evidence of informal networking, collusion and favoritism between different officials who seek to organize bribes, unless there is direct evidence of these officials abusing statutory powers of their offices. This evidence, nevertheless, is brought to court and included in many court records.

7 The records available through SRCD are summaries of court hearings and thus usually do not include case materials.

8 In the SRCD, court records are anonymous and do not include any information that could lead to the identification of defendants, witnesses and their attorneys.

9 I.e., what are the officials’ positions and duties in the typology of bureaucratic offices?

10 In the pursuit of legal objectivity, the documents amalgamates different kinds of knowledge – the common knowledge of corruption, scientific expertise such as the analysis of chemicals to mark the bribe cash, or scrutiny of undercover audio recordings, as well as witness statements and accounts of interrogations (cf. Valverde 2003).
and witnesses (reported only in the parts that concern the act on trial, and considerably altered). The record then lists evidence obtained by police observations, searches, scientific or other investigative methods, concluding with a summative judgment of the facts, and the verdict.

I study the record as both a document, an outcome of the legal process and knowledge production, and as a text situated within the framework of Ukrainian legal anti-corruption discourse. The record is best understood in the context of legal processes that bring together police, attorneys, plaintiffs and defendants, judges and court staff, in the enterprise of negotiation of what is “true” as a legal fact, and what is not. It is also important to link the record to codes and laws that it operates through, implicitly or explicitly. The data drawn from the records require a source–critical and context–aware reading, as they are shaped by specific practices of state writing and representation.

I analyze the records for the matter of representations of bribes, their place in bureaucratic itineraries, and the informal practices of power and organization that accompany them. Importantly, I assume that practices represented in the record took place in reality, and their relation to each other was as reported in the document. The record does not contain a complete description of what happened, nor does it include case materials. Accounts of defendants and witnesses are the most valuable part of the record with regard to information about practical aspects of bribery. They provide data about informal practices and help understand and triangulate conflicting versions of events, thus assuring validity of representations and throwing light on different strategies people choose vis-à-vis the court. In addition, it is here that evaluations, moral statements, and popular beliefs about the public office are found.

In the end, however, what one gets from the record are representations structured by power and legal practices (Robertson 2005). To make sense of how these representations relate to the social reality, it is necessary to read the document “against the grain,” that is, looking beyond its initial purpose (construction of legal knowledge) into the areas of contestation, navigating between different accounts of the acts and seeking to make sense of apparent lacunae, omissions, and conflicts in judicial interpretations of evidence. To conclude, the inquiry into the record must be informed by the understanding of legal procedures that gave rise to the particular kinds of knowledge constituting the document.

The Bribe: Approaches in Anthropology and Beyond

Corruption is often described as (ab)use of public office for private gain. The bribe, then, is a payment unduly offered or taken for the exercise of public office to favor one’s interests. This definition has been criticized perhaps as extensively as it has been used – for its normative character, emphasis on the private gain, and the disregard of practical and semantic variety of corruption (Haller and Shore 2005; Nuijten and Anders 2007). In this article, I focus on one aspect that has not been given much scholarly attention: the fact that it is not always the public office that is abused for gain. In other words, I argue that in order to obtain the

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11 Although these summaries are the product of the work of court secretaries, and thus are not what people actually said when interrogated, on many occasions, however, it is possible to identify intrusions of plain speech into the legalistic lingo of the record, which mark sentences and phrases uttered by defendants/witnesses and probably reported without major changes.
bureaucratic outcome purchased with a bribe, bureaucrats rely on power, organizational arrangements, and practices that cannot be narrowed down to the formal authority and duties of their public offices. Rather, state functionaries rely on informal practices and relationships that allow them to bend bureaucratic rules and manipulate the process of formal government. In this section, I shortly review two ways to understand bribery: first, as a transaction (an exchange of bureaucratic performance for a payment); and second, as a temporal process embedded in complex bureaucratic procedures, in which the actual transaction is only one of the many stages.

To develop these arguments, I investigate the role of the bribe as a way to go about – or around – official norms and regulations. As an exchange of material benefit for the exercise of power, the bribe is an instrument to various ends. The economist William M. Reisman (1979) outlines three different ways in which bribes appear in citizen–official relationships. Reisman distinguishes between transactional bribes (payments to secure/expedite performance the official is expected to deliver anyway), variance bribes (payments to secure non–application of sanctions or suspension of a norm), and outright purchase (“acquisition” of an official who, continuing to stay in the office, serves the interest of the briber) (Humphrey 2002:129–30). The type of transactional bribes comes closely to describing the case of bribery I study. Reisman’s typology accounts for the reciprocity of interests of the briber and the bribed, interpreting the role of the bribe in almost structural functionalist terms.12 Crucially for my analysis, Reisman describes the economic function of the bribe in terms of securing the outcome of a citizen–official encounter.13

Thinking in terms of outcomes, transactions, and exchanges, however, brings about the risk of disarticulating the bribe from its context in local social arrangements and bureaucratic procedures, something in which many anthropologists have been complicit. Indisputably, studying the bribe qua transaction, anthropologists have explored important facts about how the payment relates to the broader social context. For example, Akhil Gupta (1995, 2012) argues that a successful bribe requires performative competence (knowing whom to approach and what (not) to say) acquired through socialization. The etiquette of bribery, Caroline Humphrey suggests in her ethnography of post-Soviet Russia, has to do with the fact the bribe “creates a particular, usually short-lived, ‘negative’ social relation between the giver and the taker” (2002:128).

This etiquette and the performance of bribery more generally are deeply shaped by moral ideas about appropriate forms of social exchange. Morality informs how people stage bribe–giving, how they conceal it, and how they speak about it in ways that elude or euphemize negative moral connotations. Ethnographers have been particularly interested in

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12Needless to say, the typology neglects the issues that surface from power inequalities, violence, and marginalization that are often pertinent to the bribe.

13Reisman’s conceptualization of graft as a payment that secures official’s performance underlines the inherent indeterminacy and ambivalence of bureaucratic power that people aim to reduce with bribes (Auyero 2012). We should look at illicit payments in their context of unequal power relations in prospective and unpredictable bureaucratic encounters (Hoag 2011): exchange of money for bureaucratic performance on many occasions conceals a response to uncertainty, waiting, and violence people experience on their journeys through state offices and bureaus (Graeber 2012).
how bribes as transactions square with local morality and culture. At the same time, they have paid less attention to how these transactions happen in practice. Yet, even those anthropologists who study practical aspects of bureaucratic bribery (e.g. Blundo and Olivier de Sardan 2006) relying on emic accounts, usually “enter” the crime scene too late: when everything is already arranged and fixed, and only the cash must change pockets. In this way, ethnographers of bribery subscribe to the entrenched social sciences view of organizations as static products or outcomes. Monique Nuijten (2003:10-12) offers a fruitful alternative to this perspective, proposing to study bureaucratic organizations as processes. Nuijten builds upon Eric Wolf’s (2001:384) insight into organization as one of the expressions of power to suggest that anthropologists study the state and the ways in which people engage with it as organizing processes. Following Nuijten, I approach bribery as an organizing practice through which both bureaucrats and citizens pursue their goals within the Ukrainian state apparatus.

Such a processual approach also contributes to linking the issue of corruption with the broader theoretical framework in anthropology that understands “the state” as both idea and practice (Abrams 1988; Gupta 2012; Mitchell 1999; Navaro-Yashin 2002). The state is not a coherent and unitary entity (although is perceived as such): people engage with bureaucracies, rely on or cheat them, and mobilize official authority in innovative ways precisely because the state is so pervasive a presence in their lives. Studying how this happens from within the state offices allows researchers to shift the analytical focus “from the moment of action to the moment before [or after] action” (Hoag 2011:86), and map how different social arrangements and modes of sociality within and without bureaucracies make bribe transactions possible.

Taking the “before and after” of the bribe into account, as my case study indicates, is all the more important because the bribe is not an atemporal transaction, but “a complex process unfolding in time in which, most of the time, the transaction is indirect (that is to say, implying the intervention of intermediaries) and occupies only one step in the series of events that precede or follow it” (Blundo 2007:33). Indeed, even though handing a pack of bills to an official lasts seconds, arranging the transactions can take days or months. Blundo maintains that an appropriate way to write about the bribe as process is to study “bureaucratic itineraries” – trajectories people and files follow as they pilgrim from one office to the other (2007:47). In Ukraine people “pay” officials so that they go through bureaucratic itineraries to collect the documents (“gather papers,” as a popular expression has it) themselves, and the case I study is just one example of many possible. In this article, I analyze the kind of organizing practices needed for two principal officials to obtain a bribe for “gathering papers” and negotiating with their colleagues in other offices. In summary, bribery is an embedded social practice that works through social relationships, networks and processes that also form the backbone of mundane state processes.


I am grateful to the anonymous reviewer who suggested this way of phrasing my argument.
Formal and Informal Practices: Social Practices and Relations in Bureaucracies

In the previous section, I explored how bribes can be understood as a way to engage with the state. However, bribery is but one of the many ways to get around bureaucratic rules. In this section I concentrate on how the concept of informal practices can explain the ways in which civil servants and citizens navigate the bureaucratic world. My main point is that bribery depends on various forms of informality that enable state functionaries to coordinate formal procedures, decision-making, and paperwork without which it is often impossible to achieve the bribe’s outcomes. In this sense, bribes depend on informal organizing as much as it does on formal bureaucratic organization.

The notion of informality lies at heart of the expanding field of scholarship that demonstrates how practices and institutions labeled as corrupt are intrinsic to the state and governance in Russia and Ukraine. Authors such as Keith Darden (2008), Vadim Kononenko and Arkady Moshes (2011), and Alena Ledeneva (2013) argue that the state in these countries is not necessarily a “formal, law-based institution” (Darden 2008:38), but often functions through informal institutions such as networks and stable unwritten rules. They suggest viewing Russian and Ukrainian state bureaucracies as organizations combining formal rules and rational legal principles with informal institutions of the application of formal rules (Paneyakh 2002:157), networking, favoritism, and illicit payments.

There is little agreement among these scholars about what informality actually means, but the bottom line is clear: the informal is the opposite of the formal. Thus informality is better understood in its relation to the bureaucratic form, that is, to official norms and rules that regulate social action within the state and society. Trying to conceptualize bureaucratic forms, the economic anthropologist Keith Hart writes that the form in general “is the rule, an idea of what ought to be universal in social life.” Hart continues: “Forms are necessarily abstract and a lot of social life is left out as a result. This can lead to an attempt to reduce the gap by creating new abstractions that incorporate the informal practices of people into the formal model. Naming these practices as an ‘informal sector’ is one such devise” (Hart 2005:1). In the bureaucratic context, by Hart’s understanding, informality means nothing more than practices and relations “largely invisible to the bureaucratic gaze” (2005:1), marked by the absence of the bureaucratic form that would define and shape them. He distinguishes the following four ways in which these informal practices and relations square with the bureaucratic form: as division, as residue, as negation, and as content (2005:11). The last two are pertinent to informality in the bureaucratic domain in Ukraine. Informality as the negation of the bureaucratic form (e.g. a bribe) is a rule-breaking activity, and thus can be illegal. It is in this sense that a bribe is a negation of, and deviation from, formal principles and rules of public servants’ behavior that underlie modern bureaucracies. Informality as the “unspecified content” of the bureaucratic form, according to Hart, means that people interpret and translate abstract bureaucratic forms into particular actions. Thus, when individuals interpret rules, or use them in ways not directly prescribed by the rules themselves, they act informally.

The informal and the formal are connected not only conceptually, but also practically. The Russian sociologist Ella Paneyakh (2002) makes a strong case demonstrating how

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16As it is, the notion of informality comprises more or less every human practice which is not formally regulated. However, it makes sense to restrict it to economic activities, as it has been used in the scholarship on Ukraine and neighboring countries.
bureaucratic regulations and legal forms become an infrastructure for informal practices that permeate and stretch beyond official structures. Paneyakh studied how petty entrepreneurs in Russia interact with controlling state bodies like tax inspection. She found that people seek to build up a facade of formal economic activity by performing legality through documents and privately negotiating with state officials about the application of bureaucratic rules. Paneyakh stressed that the selectivity of the application of these rules is the key aspect of informal practices which evolve around the formal ones. A similar argument forms the core of Alena Ledeneva’s (2008:119) definition of informal practices as: “people’s regular strategies to manipulate or exploit formal rules by enforcing informal norms and personal obligations in formal contexts. Such strategies involve bending both formal rules and informal norms, or navigating between these constraints by following some and breaking others.” The definition grasps what is distinct about informal practices as Ledeneva and Peneyakh conceptualize them: informality in the domain of the state allows people to manage and get things done outside of official structures constraining and shaping their actions. At the same time, informality stands for how people interpret and use opportunities opened up by these official structures in ways that are not formally sanctioned and regulated.

But what are the concrete ways in which people act informally in the Ukrainian bureaucracy? Discussing favors and favoritism in Russia, Caroline Humphrey (2012) criticizes sociological literature (e.g. Kononenko and Moshes 2011; Ledeneva 1998) for assuming that bribery, cronyism, networking and other informal economic activities are done through “personal connections,” while not specifying in what these connections consist. “Generally it is regarded as enough to describe them as ‘kinship and friendship’ and leave it at that” (Humphrey 2012:23). As my case study and review of other court records suggest, the “content” of connections can be very different – from an everyday professional contact in a bureau, to friendship or more distant personal relationships, to occasional acquaintance. The character of exchange in informal relations as well as the emic morality evaluating informal exchanges depend on how people are connected to each other as well as on what is exchanged. Favors are one of the currencies in the world of bureaucratic informality; money is another one. Authority, informal power or coercion are yet another. But they come in a mix, exact proportions probably depending on status inequalities and relations of power between the parties participating in the relationship.

From this standpoint, informality in the bureaucracy relies on everyday social relations that allow individuals to organize or influence other individuals to do something (turn a blind eye on a rule, expediently produce a document, etc.) for them. Exchange is at heart of informal practices, but the character of this exchange – whether it is a pure “business relationship” presupposing payments, a moral relationship of gratitude and reciprocity, or a coercive command – depends on how individuals relate to each other socially and personally. Because bureaucratic institutions are based on a complex division of labor and power, one functionary’s work is contingent on the others’. Moreover, bureaucratic itineraries of document production extend through many offices. When an official takes a bribe for a service or - let’s call it so - a favor, their capacity to deliver it often depends on the willingness of state functionaries in other institutions to bend rules, unduly provide confidential information, produce documents, or fasten necessary procedures. As my case study demonstrates, bureaucrats take bribes not only for doing what is in the limits of the office they hold, but also for negotiating with other officials, which is a matter of informal relations. Networking is the main informal practice
through which officials solve the practical problem of limited authority within official bureaucratic structures. It allows state functionaries to manipulate formal rules and procedures through power negotiation extending beyond the limits of their individual offices. This reliance on informality in formal contexts considerably changes the agency of both citizens and officials in engaging with the state. In the following two sections I explore the issues of bribery and informal practices empirically, building on a case study of a bribe in the real estate domain in the Kiliya district.

Case Study: The Lords of the Land

In June 2007 Maria, the director of an Odessa-based property developing company, told her acquaintance Anton that she would like to buy or rent a plot on the seaside somewhere in the region to construct a resort. She said she would pay $150,000 per hectare. Anton put Maria in contact with Misha—a middle-age man from Odessa. Misha offered Maria a 2.7-hectare plot in Prymors'ke, a village in the Kiliya district of the Odesa region, and promised, as Maria's statement in the record puts it, “to introduce her to people who decide (vyrishuyut’) everything in the district.”

Very soon, on July 25, Misha and Maria went to Prymors'ke, but instead of showing Maria the plot he had told her about, Misha showed her a different, larger one. There, they met with Ivan, who was the Chief Architect and Head of the Department of Architecture, Planning and City Building of the Kiliya District State Administration (DSA), and Valentin, who at that time directed the Kiliya Department of a private company charged with the valuation of land and land use management, but who would soon take over the direction of the Kiliya District Department of Land Resources. Ivan and Valentin were the “people who decided everything.”


18 All names are pseudonyms; they substitute generic labels (“Person 1”, “Person 2” etc.) used in the record.

19 The record does not specify what exact kind of relationship Maria had with Anton - but the word znayomyi (acquaintance) used in the document suggests it was not a professional connection, and definitely not a close personal relationship (then, they would have been druzi – “friends”).

20 At the hearing, Anton witnessed that, to his knowledge, Misha was selling his plot near the Danube, in the village of Prymors’ke. On Misha’s request, he showed Maria to the village. This, however, goes unmentioned both in Maria’s and Misha’s accounts in the court record. Misha only mentioned he was intent to share part of the money he received from Maria with Anton - “for the work [Anton] had done for Maria.”

21 The DSA is the district-level administrative territorial institution of the executive branch of the state in Ukraine, subordinate to the Odesa Regional State Administration.

22 Companies of the sort deal with preparing projects of technical documentation for real estate used in official applications to state offices, or on the market.

23 This organization is a district office of the National Bureau of Land Resources (NBLR), and is not subordinate to the DSA.
Ivan had brought along a file of lease documents for the lot. As Maria discovered going through the papers, the land had already been contracted to a man called Andrey, but in Ivan’s opinion it would not take much effort to pass the contract from Andrey to Maria. On the same day they all went to Valentin’s company office to copy the files, and there Misha uttered “the price of the plot:” 150,000 USD per each hectare of the 3.0-hectare plot, totaling USD 450,000 paid in cash with a prepayment of 200,000 USD. As Maria’s witness statement in the record has it, the prepayment was needed “to pay off the [village council] deputies and the village mayor, have everybody vote in favor of the lease, pay for the technical documentation, pay an architect and the land resources department.” In the end Maria would receive a lease contract and official documents generally needed to start a construction project.24

On July 26, the next day after the visit to Primors’ke Misha and Maria talked again. Misha revealed he was a trusted representative of Ivan and Valentin, and he boasted it was a usual matter for him to “mediate between citizens and the officials in real estate matters.” Misha stressed he had known Ivan and Valentin for a long time and had “fixed problems” together with them on many occasions. He insisted that the two bureaucrats were “the lords of the land” and unofficial organizers of land sales in the district. According to Misha, it was their job to accord and supervise land-related procedures. Maria witnessed in court that Misha had also told her that “they [Ivan and Valentin] sign on all documents related to land allotment, registration and use [in the district], and without their signatures no decision on the land will be made; all other people [state officials] play just a formal role.” Moreover, Maria recounted from Misha’s words, Ivan and Valentin “paid for their offices and now are trying to kick the money back, so they understand very well what the land means; nobody does anything for free here.” The following day Misha and Maria met in Kiliya to visit Ivan. Misha assured Maria everything would work well, for the “scheme had already been worked out.” Ivan, who received them in his cabinet, offered Maria to compile the application for the land lease, and explained he “would help to fix all issues (vyrishyty vsi pytannia) related to the lease contract,” such as attribution of the cadastre number to the plot, organization of the Prymors’ke village council session (at which village deputies would decide in favor of leasing the land) etc., although he had no official authority to do this.

Maria was uneasy with this arrangement. First of all, she demanded that Misha and Ivan reduce the sum of prepayment – it was just too much cash to be instantly collected. In response, Misha refused and pressed her: there were other people willing to get the contract, and, he said, “nobody would ever give [her] the plot without the money.” Moreover, Maria wanted to meet Andrey and the village mayor: the sum at stake was large, and Maria wanted to

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24Now, it must be explained that according to Ukrainian legislation, citizens have a right to freely rent or obtain gratis a vacant municipality–owned plot by filing a lease/allotment application which then must be voted on by a majority of the municipal (village) council. Likewise, to pass the lease contract over from one person to another, the current lessee must break the contract with the municipality, after which a new lease application for the same lot can be filed. In case the council approves the application, the future lessee embarks on long voyage through the sea of documents, projects, and permits that geographically locate the plot, technically explicate the lease purpose, approve the land use project, create a record in the cadastre etc. Only after having a complete file in her hands can the person come back to the village council to have the final project voted and contract signed (the journey continues with the contract being registered in the District Department of Land Resources). All these procedures, except when there are official fees, citizens get for free.
be sure it was not a fraud. She wanted to know Andrey was really intent on giving up the lease. Ivan rebuked Maria’s demand. Andrey and the village mayor were to be dealt without her.

“They do not decide (vyrishuyut’) anything” anyway, Ivan said. Even more than that, Maria did not have to bother herself with any documents; Ivan and Valentin would take care of every single document that Maria would have otherwise had to get personally. As Misha put it, “people are sitting in their places [offices] to make money, so there will be no problem with oформлenna [formalizing the agreement through documents]”. Yet, Ivan allowed for a two-week delay in prepayment and offered to “talk to the people” so that they waited; Maria claimed she was in a “difficult financial situation.”

While Maria occasionally met with the village mayor, she never knew who Andrey was. In fact, Andrey had obtained the lease contract for the plot just a month before Maria showed up. He was a nominal lessee, while his father Boris, an entrepreneur with a business in the Kiliya Danube port, had taken charge of obtaining and registering the documents. Obtaining the contract had cost them almost a year in document collection and registration and a BMW car plus 12,000 USD as a bribe to Ivan. Boris had planned to construct a resort in Prymors’ke, but then, he explained to the court, understood it was beyond his financial capacities. Indeed, even the bribe he paid to Ivan was divided in many small installments paid over the time span of almost a year. At some moment, Boris ran out of money and made an agreement with Ivan: the official would find a new “buyer” for the plot and remunerate Boris with 150,000 USD so that Andrey renounced his lease rights. In exchange, Boris would pay off the remaining bribe debt, and give Ivan a kickback of 25,000 USD. So when at the end of July Misha found a potential client - Maria - Boris agreed to settle the deal.

On August 16, Maria paid a visit to Ivan; Valentin was also present. The bureaucrats asked whether Maria was ready to finally “fix the problem.” The village council session was to be convened in September, and in order to obtain the land lease, they said, “people who voted on it needed to be paid, for they would not vote prosto tak’ [for free; literally: simply like that]. Maria had to provide the money before the session; she agreed. Misha shadowed her every move. He accompanied the entrepreneur on her visits to Ivan’s and Valentin’s offices, made calls and announced the information that Ivan and Valentin preferred not to utter in the premises of their bureaus. The officials were cautious not to say anything that - in case the offices were bugged or Maria used a recorder - could suggest they extorted a bribe. Therefore, Misha was the one in charge of talking about and receiving the money. Although the record does not mention meetings between Ivan, Valentin, and the village mayor, they kept in contact so that by the time Ivan and Valentin brought Maria’s application to the village council secretariat, the council employees had been informed about the lease and the need to duly do the paperwork.

On September 3, after the session of the village council had been finally scheduled for the third week of September, and when Maria was about to file her definite application for the 49-years lease contract, she reported Ivan and Valentin to the police for bribe extortion. The police equipped her with a voice recorder and planned a sting operation. About the same time, at the beginning of September, Maria finally managed to negotiate reducing and dividing the first part of the bribe into two installments. Having collected $50,000 and later the other $100,000, she handed them over to Misha in mid-September. In both cases, they met in Odessa. Joining Misha in his car, Maria would give him a polyethylene bag full of US dollar bills
in packages of 10,000. As a precaution, Maria insisted on Misha writing a voucher that stated the money was a loan. Each time, before the meeting Maria would go to police to have the numbers of bills painstakingly recorded so as to be used later as potential bribe evidence. After taking the money, Misha would retain 20% of the sum for himself, and give the rest to Ivan when they met somewhere at a gas station on the highway from Odessa to Kiliya. Upon receiving the cash, Ivan would further divide the packs; part would go to Boris to settle the remaining debts, and the rest would be divided with Valentin. Probably, he also turned a part of the payment over to the mayor of Prymors’ke and to the deputies. At a hearing, however, the mayor confessed he had received only 1,000 USD, while the deputies denied any charges.

During September, Ivan and Valentin were busy arranging and supervising document preparation. Valentin signed on four documents related to Maria’s lease, while Ivan dealt with three. Moreover, Valentin ordered his subordinates to prepare a project document for Maria, which despite the official fee, was never paid for. Besides the Department of Land Resources and the Department of Architecture, at least four other state institutions supervised the lease authorization, and each of them was responsible for more documents and permits. Ivan and Valentin did their best to have Maria’s lease file prepared in time for the final meeting of the village council in early October. As they had promised, Maria never had to go to state offices or worry about anything else except signing several papers. The record is very sparing in any evidence that could demonstrate how exactly Ivan and Valentin were involved in informal negotiation with officials in other state agencies.

Ivan and Valentin personally brought Maria’s application for the plot to the village council. They sat in during the council’s voting sessions. Valentin, the record states, “used his personal connections” with the employees of the company where he had worked to arrange that an engineer of the company prepare the technical project for the lease; there was never payment for the work done. When the contract was ready, Valentin accompanied Maria to the office of the State Land Cadastre to have the contract registered and had a clerk he knew personally accomplish the procedure despite some irregularities in the documents. More importantly, it can be deduced that the two officials used their connections to obtain the necessary formal permits from a chain of state agencies in a very short time. Having a technical project for the lease and other documents pass through four different organizations could have taken much longer than it actually took for Ivan and Valentin without the “willingness” of employees of these organizations to work very quickly, most definitely bypassing the queue of papers with which they normally dealt. Given that Maria never went to any of these institutions as she was supposed to by law, I assume that Ivan and Valentin did it personally. They mediated with the agencies involved, which surely was not a mandate of their offices, so that even the deputies and the secretary of Prymors’ke village council witnessed that they “had never seen such an accompaniment” of citizens’ applications.

It took two sessions of the village council to annul Andrey’s contract and authorize Maria’s lease. At the beginning of October everything was ready for the final step. Maria had to pay the remaining 300,000 USD and obtain the contract and technical documents for the lot. The police chose this moment to act. On October 3, Maria took 300,000 USD (in hryvni, the

25 At the same time, it is unclear how the two officials divided their roles in “pulling the strings” of informal connections and in coordinating the paperwork that was done formally in institutions they did not control.
local currency) from the police; the cash was marked with a special chemical substance to facilitate bribe detection and an eventual building up of the criminal case. She met Valentin, who gave her the documentation, and Maria signed the lease contract in his office. She went out of the building to see Misha, who waited in the car, and handed him the money. After that, a police raid arrested Misha and Valentin, reaching Ivan and the village mayor later that day.

In summary, in almost two and a half months - from July 25 to October 3 - Maria managed to obtain a valid 49-year lease contract for a lot near the Black Sea and the complete file of documents she needed to start constructing a resort. In contrast, it took Boris and Andrey almost a year to prepare the documents and get the contract. Maria voluntarily gave a bribe to have this process completed for her. Maria preferred this option instead of attempting to buy the land legally or trying to apply for the lease and going through the entire bureaucratic process on her own, which would have taken a long time and could possibly have required bribes to other officials. However, having paid the bribe of 150,000 USD, she obtained a valuable land lot that had cost her 500 USD per 0.01 hectare plus rent - a sum far below the market price for construction lots in Prymors'ke. What happened on the opposite end of the bribe transaction? Ivan and Valentin, with help of Misha who mediated their interactions with Maria, managed to have the lease contract prepared, the technical documentation included, in less than a month. To do this, they both abused the authority of their offices and effectively leveraged informal connections to obtain documents and permits quickly, bypassing legal ways to access official procedures. They shared the 150,000 USD Maria paid and used part of the money immediately for their needs (so that it became impossible to sequester a part of the bribe in the course of police investigation). Finally, in April 2011, Ivan, Valentin, and Misha were sentenced to several years of prison each, while the village mayor was released on parole.

People Who Decide, People Who Fix Problems

“Deciding” and “Fixing”

In the previous section, I have reconstructed what the actors involved in a complicated bribe deal did to negotiate the payment and manage formal aspects of the arrangement. How should we make sense of their actions? What is it exactly that Ivan and Valentin do to assure all bureaucratic transactions adding up to a valid lease contract are successful despite many irregularities? And what kind of relationships with other people within and without the Kiliya district bureaucracies allow them to stage the bribe? A good starting point is to see how the officials themselves explain their actions.

On various occasions, Ivan, Valentin and Misha characterize their corrupt arrangement as a way to vyrishyty pytannya: ‘to decide on an issue/fix a problem,’ of Maria’s lease. Because the phrase puts an emphasis on the outcome (solving a problem) rather than the process, it is invariably used to refer to the entire process in which the officials mobilize formal and informal channels to guarantee Maria obtains the lease. “Vrishyty pytannya” is kin to other

26 As of today, real estate announcements on the Internet value 0.01 hectare in the resort area of Prymors'ke at around 800-1,200 USD. A 3-hectare lot would cost approximately 300,000 USD. Add to that 1% of the state tax in case the land is bought (not leased), and numerous fees associated with document production in state and private bureaus, not to speak about bribes officials might demand in all those offices and opportunity costs of the time spent in following lengthy bureaucratic procedures.

27 As reported in their interrogation accounts and Maria’s witness statements.
expressions circulating in the popular corruption discourse: just like “to undergrease,” “to give (to the paw),” “to demonstrate interest,” “vyrishuvaty” euphemizes the bribe and eliminates its negative connotations. At the same time, like passive grammatical constructions and other ways to depersonalize the corruption talk, it helps to hide or elude the agency of people involved in bribe exchanges: “who’s doing what?” is never a question in conversations on the sensitive subject of corruption. “It is done so that charges against me are lifted,” “The money is given in return,” and “The problems are fixed,” people say, contributing to the image of bureaucratic impersonality, undermined by awkward intimacy of corrupt encounters.

But vyrishuvaty pytannya is not merely an euphemism for the bribe. “The issues are fixed” only because someone in the position of authority takes action. Vyrishyty in Ukrainian means both “decide,” and “solve/fix”: the ambiguity of the verb highlights the character of informal governance through which officials arrange bribes and bureaucratic outcomes. Namely, in order to “fix” the issue of Maria’s lease and take a bribe, Ivan and Valentin make authoritative official decisions (they order their subordinates to prepare documents and sign on the papers), but also engage in informal practices, leveraging their connections and authority to informally influence employees at other institutions so that they compose and register documents quickly, despite irregularities and without further bribes. In other words, Ivan and Valentin manipulate both formal and informal relations to the end of obtaining illicit gain; they coordinate their subordinates and organize people across institutional boundaries (the village mayor, his secretary, employees of state bodies that issued permits on the lease project), or even beyond the boundary of the state (Misha, Boris) to assure they achieve the bureaucratic outcome secured with the bribe. Vyrishuvaty pytannya thus maps the “blurred boundaries” (cf. Gupta 1995) between the authority of the office and informal power, state and informal governance, the public and the private.28

Networking

Networking is the core practice of “fixing.” Through connections with people in different institutions and beyond bureaucracies, Ivan and Valentin harness the formal procedure of land lease authorization to their corrupt ends. Importantly, networking with Misha, the village mayor, and other people who are “invisible” in the record, the two officials exercise power irreducible to the formal authority of their offices. The network they manage is large and loose. Its structure partly reflects how Ivan and Valentin connect to people in bureaucratic institutions at various hierarchical levels: in order to be “lords of the land,” they need the bureaucrats who they network with to carry out formal paperwork and make the “right” kinds of decisions that in the end result in a valid lease contract. For example, the majority vote of the village council to approve the lease is achieved with the mediation of the village mayor. Ivan, explaining to Maria what the bribe was for, claimed he had to buy off the village council deputies. At the hearing,

28Curiously, it is not only those involved in corrupt arrangements who use the expression “vyrishyty pytannya” to refer to informality. Apparently, this is a conventional mode of reference to what corruption does: most court records I have reviewed consistently use the phrase in the sections that summarize legal facts of the bribe and state court’s opinion on it. This means that those who compose the record consider the expression appropriate to describe the content of bribe arrangements in the judicial context. “Vyrishuvaty” thus marks the common knowledge of corruption and informality mobilized in the judicial arena (cf. Valverde 2003).
however, the deputies and the council secretary rebuke this statement. They say the deputies have always been “very independent,” but there was little cure against the authoritarian decisions of the mayor, who used to disregard the voting results on land matters.

Be that as it may, negotiating power with other officials, Ivan and Valentin manage to shape official procedures governing the authorization of the land lease to fit their personal interest. Their formal role in the official process of lease authorization is restricted to signing on technical documents that are brought to them. Neither Ivan nor Valentin have any formal control over who will obtain the lease. Citizens apply for the allocation of land to the village council and only after going through several stages of document production in the bureaucratic itinerary, reach the desks of Ivan and Valentin. The two officials, then, must merely control whether the technical documents and permits that applicants have collected are correct. However, Ivan and Valentin leverage their network stretching to other organizations in order to overturn the described process of governance. While formally there is no single center of decision-making on the lease authorization (after the village council approves the preparation of a technical project for the lease, the process is purely “technical” and a matter of paperwork), the court record makes it clear that Ivan and Valentin informally monopolize the decisions and “fix” everything. And, to recapitulate, they receive the bribe not only because they abuse the limited authority they have, but first and foremost because they skillfully go around official constraints on their power.29 The public office, however, is the main instrument Ivan and Valentin use to exert informal power. There is not much empirical evidence to this, but I would suggest that Ivan’s and Valentin’s high official status probably gives them the access to high-level political networks and connections at the district and regional levels. At the same time, it allows them to engage in informal relations with their direct subordinates and bureaucrats at lower levels in other district state institutions by way of favors or requests.

While one part of the network Ivan and Valentin rely on is within the bureaucracy, another one lies outside of the state. Misha’s role in the bribe arrangement is that of negotiating and carrying out certain parts of the bribe arrangement that are too risky for a state employee. Namely, Misha is the one who “recruits” Maria, explains to her that she needs to pay a bribe, and takes care of how this happens. Misha meets with Maria in person to communicate information that, if uttered by Ivan or Valentin and recorded, could constitute dangerous evidence of the bribe plot. This kind of network arrangement, in which an official manages bribe-taking with help of a mediator is typical among the bribe cases I have reviewed. Its purpose is to protect officials from corruption charges in case of a sting operation. Although it did not work out in the case I study, it did in others. It is difficult for the police to collect factual evidence that could affirm that a mediator, with whom the client communicates all the time, is connected by some kind of agreement to an official.

Ivan and Valentin demanded the payment not for what would be the duties of their offices (signing several lease documents that Maria would bring them after having gone through the entire bureaucratic itinerary passing from the village council and project organization to the State Ecological, Fire, and Sanitary Inspections, State Land Cadastre, Departments of Architecture and Planning, Land Resource Department, and back to the village council), but for using their informal power to arrange all these formal processes without Maria’s participation. Nevertheless, the prosecution in their court case focused on the instances in which the officials did abuse their office signing on the lease project and other documents. Legal culpability for bribery, according to the Ukrainian Penal Code, can be constructed only around the fact of the abuse of public office.
In summary, the main decisions about how to go about the corrupt arrangement were made among Ivan, Valentin, Misha, and the village mayor. The informal relations between these key actors, based on their mutual trust and strong interest in material gain, became the framework for power negotiations, decision making, and “fixing.” Networking allowed the officials to coordinate each other’s actions within the limits of their public offices, exercise informal power, and overcome constraints on their authority. All this was indispensable to control the lease document preparation and obtain the bribe.

*Petty informality*

The specter of informality in which Ivan and Valentin engage is not confined to networking alone. A great part of organizing happens in the context of occasional encounters between the two officials and other, lower-rank bureaucrats responsible for specific elements of the document preparation process. Consider the example of the lease application. By law, Maria had to apply for the lease personally, so when Ivan and Valentin came to Prymors’ke village council bringing Maria’s signed application, they impaired the legality of all consequent procedures. But they did not care about this; as long as the secretary registered the application, and the deputies voted in favor of allowing Maria to proceed with preparing technical documentation, the procedure remained formally legal. All of this depended on how the village secretary responded to Ivan and Valentin’s request to register the application. Unsurprisingly, the secretary formalized the application despite the applicant’s absence. What underlies the encounter between the two officials and the secretary is not the relation of personal trust, friendship, clientelism or what I have defined before as networking. It is, for the lack of a better term, “petty informality.” The secretary carries out a formally legal procedure, but she interprets how the procedure should be performed. This interpretation breaks regulations of her office, but as long as it is not registered (and it is not), the “facade” of legality stands firm. Yet, petty informality is not necessarily confined to the domain of corruption; it also allows state employees to overcome the formality of the bureaucratic world. People engaging in this kind of informal practice might interpret it as a favor, but it is unlikely they will deem it unusual, for it constitutes a way they habitually navigate the domain of formality.

The following example will clarify my argument. A clerk at the Kiliya Department of the State Land Cadastre Bureau witnessed at the hearing that on October 3 (the day before the arrest) Valentin and Maria brought three copies of the land lease contract. The copies were signed, but two of them lacked the stamp of the Prymors’ke village council. Valentin asked to register the contract anyway, for he would “personally take care of everything,” and assured

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30Yet, there was a strong inequality in the network, reflected by how renumeration for the participation in the bribe arrangement was divided: Ivan and Valentin, who claimed the largest share of the pie, were the “chiefs” of the arrangement, which brings us back to the question of how one’s position in a formal hierarchy influences their capacity to exert informal power. As of the moment, however, it remains an open question.

31She witnessed at the hearing that “it was for the first time that there was such an accompaniment (suprovid) of one’s application.”

32It includes the selective application and interpretation of formal rules, abuse of the status and authority of the office, and is apparently backed by a bureaucratic ethos that substitutes authority of the office for individual authority and power.
that Maria would receive her two stamped copies later. The clerk, who had known Valentin
from the times when he worked in the private land valuation company and “often brought
documents for registration,” agreed to register the contracts, but stressed that she “would
have denied it to Maria alone.” In a case that took place in Ternopil’ in 2010, a secretary at the
District Department of the State Land Cadastre Bureau justified giving away a citizen’s file to an
employee of a different state agency not entitled to receive the file by saying that she knew
where the official worked and therefore “had no reasons not to trust him.” 33 These examples
demonstrate how networking and petty informality underlie the organizational dynamics of the
bribe arrangement. On the one hand, informal practices I have explored build on mundane
private or professional relationships between people in state bureaucracies or beyond them.
On the other, they happen on the basis of official institutional structures and practice that also
form the backbone of formal state processes.

This brings me to my last observation: informal practices allow people to engage with
the state and mobilize “it” to their personal ends. Paradoxically, the anti-corruption law
enforcement presents an opportunity for Maria to play a double game: both obtain the lease
quickly through a corrupt arrangement, and reduce the cost of this arrangement. By reporting
Ivan and Valentin to the police and initiating a sting operation, Maria brings down the bribe to
150,000 USD. Thus, in the end, she gains a 49-years lease contract at 1/2 or 1/3 the market
cost of the land. 34 What is striking is that this way of getting things done appears common
among the real estate bribery cases I have reviewed. Citizens first arrange bribes (or are forced
to pay them), and afterward report on officials to the police or State Security Service in order
to obtain money for the police-supervised payment. The officials get arrested and the citizens
obtain the bureaucratic outcome they need while not spending their own money for the bribe.
What might look like an act of civic consciousness turns out to be a yet another way to
instrumentalize the state.

Conclusions

In this article I have examined how bribery relates to formal and informal practices in
administrative bureaucracy in Ukraine. Focusing on a detailed case study, I have advanced two
main arguments. My first argument is that the bribe takes place in the organizational context of
formal bureaucratic procedures and informal practices. Therefore, bribes are understood as a
process rather than a transaction. In order to understand how a bribe becomes possible, I
suggest studying formal procedures that generate bureaucratic outcomes purchased with the
bribe. My research supports the argument that bribery results from the abuse of the public
office. At the same time, I demonstrate how in order to produce the mentioned bureaucratic
outcome, corrupt officials may rely also on informal relations and practices that allow them to
overcome the limits on their authority and engage in informal power relations.

This introduces my second argument: informal practices are what allow officials to
organize, coordinate, and manipulate formal state processes that are indispensable to secure

33 Yedyny Derzhavnyi Reyestr Sudovykh Rishen’: Ternopil’s’kyi Mis’krayonnyi Sud Ternopil’s’koi
Oblasti; Record 15835225, Case 1-175/11, April 29, 2011. Retrieved January 12, 2013 (http://
www.reyestr.court.gov.ua/Review/15835225)

34 Of course, she still had to pay the rent, but rent costs were negligent in comparison with what she
would otherwise have to pay on the market.
the bureaucratic outcome of the bribe transaction. Informal practices (what I refer to as networking and petty informality, use of personal connections and formal authority, and interpretation of rules) are chief practices that open opportunities for “deciding” and “fixing.” They allow people to engage with, manipulate, and apply formal norms by enforcing informal modes of sociality in formal contexts. Informal practices provide officials leverage by which to turn formal processes of government to their needs and change how power is shared in formal institutional arrangements. At the same time, informality is a way for citizens and civil servants to mobilize official state structures and processes as means to their personal ends.

My arguments contribute to the anthropological understanding of how people engage with the state in their quotidian life in various, often creative ways. I suggest that bribery and informality rely on the same processes and practices that form the bedrock of formal state processes. At the same time, my research demonstrates that bureaucracies are sets of mundane relations between people, shaped by formal institutional arrangements, and giving way to informal ways to go about official rules.35

My study points at a number of problems to be explored. Firstly, although the use of court records as a source can open new perspectives on bribery and informal practices in bureaucracies, court proceedings provide very limited insights into the bureaucratic world. There are two ways in which my research has reached the limits of court records as a source of data on bribery and informality; both have to do with documents as a form of knowledge inscription and communication. On the one hand, documents are the keystone of bureaucratic formality. The boundary between the formal and the informal often coincides with the limits of what is documentable. Anti-corruption court hearings acutely grasp this problem. In many records that I have reviewed, the fact of an informal arrangement between bribe mediators and officials who “decided” and “fixed” was impossible to prove because the court possessed no “objective” (that is, documented) knowledge about undocumented corrupt practices and connections.36 This argument demonstrates how bureaucracies and formal procedures function as “objectivity machines” (Hoag 2011). Similarly, Ella Paneyakh (2002) argues that people hide informal practices “behind” formal documents by inscribing false knowledge about social reality that documents supposedly describe and appositely producing official ignorance (Mathews 2011). Official documents, by virtue of their formality, are detached and disembedded from the contexts of their production, and they bear no traces of practices through which people create them. Therefore informality that stands behind the practices of knowledge production and inscription cannot be revealed through documents. It is for this reason that although it is known that Ivan and Valentin managed to obtain all necessary documents for Maria’s lease by way of informal practices, the court never investigates into this; lease documents can tell nothing about the informal ways in which document preparation was arranged.

On the other hand, court records present the same problems as other documents do. Not studying them ethnographically, that is, in the context of knowledge production and inscription practices in the judicial arena, it is impossible to know just how much information is

35I am indebted to the anonymous reviewer who suggested that I re-formulate my argument in this way.

36In these cases, bribe mediators were accused of fraud, while any charges of corruption against officials were lifted.
left out in the formalization of evidence, witness statements, and interrogation accounts. To what extent is the court record “true” (true to the facts it presents)? Finally, there is no guarantee a court hearing in which a record is produced is not corrupt itself; the study of court documents has no methodological remedy for this ultimate informality.

Another problem is that of individual agency in bureaucracies. To what extent can individuals (officials and their clients) act freely within an institutional framework of a bureaucracy? How does informality frame individual agency vis-à-vis the state? So far, my research suggests that bribery, networking and petty informality open up opportunities for officials and citizens to overcome formal constraints on their actions. When Maria manipulates both the bribe arrangement and the police sting operation to her ends, she plays one state institution against another, which demonstrates how citizens can creatively engage with the state. However, bribery can, and in most cases does, deny individual agency to those who cannot afford illicit payments. It thus contributes to the experience of powerlessness in front of the arbitrary and violent state.

There is another problem pertinent to the issue of agency. What are the kinds of power dynamics and cultural expectations that incite citizens to give bribes? While the particular case of Maria suggests it might be rationality that guides people’s choices to (voluntarily) give bribes, my personal experience, and the variety of ways in which bribery can be exclusive, suggest there is often no choice for people at all. From one point of view, entrenched expectations about bureaucratic performance inform what people see as a rational way to approach state officials. From another point of view, encounters with the state generate indeterminacy, ignorance (Graeber 2012; Mathews 2011), and powerlessness, which all might stand behind people’s choices to pay bribes.

Finally, these considerations bring me to the last problem: what is the link between bribery and other corrupt practices at various hierarchical levels of the state? My research supports Akhil Gupta’s (2012) thesis that corruption at different levels of the state is functionally linked. That is to say, my findings demonstrate how corruption among officials higher up the hierarchy is based on informality among lower-level bureaucrats. Thus, Ivan and Valentin rely on lower-level officials in “fixing” the problem of Maria’s lease documents preparation. Although Misha alludes to the fact that Ivan and Valentin take bribes to work back the money they paid for their offices (probably, to their direct superiors), it remains unclear how the corrupt arrangement I study relates to corruption at higher levels of the bureaucracy, or in political institutions. These issues are potential new areas that call for a deeper, ethnographically informed research.

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