

## Ethnic profiling as negotiating: traffic law enforcement in the Republic of Tatarstan (Russia)

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Complex and ambiguous relations between state officials and civilians in Russia in general, and in Tatarstan in particular, are best reflected by daily communications between traffic police officers and motorists and pedestrians. These short interactions bring up issues of violence and minority discrimination, bribing, and dominant political values. In this paper based on my field research, I explore the practice of ethnic profiling employed by police officers and analyze its effects. I focus on identity construction and its “quality measurement.” Unlike a standardized system of weights or “brute facts,” law enforcement involves the creation of identities, including selective and sanctioned usage of, and manipulation by, ethnic traits. I conclude that ethnic profiling exists in Tatarstan, but stems not from nationalist inspirations of the controlling agents, but rather as an effect of rational economic decision-making. I also argue that despite its haphazard nature, ethnic minorities in Tatarstan are able to interact with controlling agencies more effectively than the majority, partially due to their alleged ability to employ collective action and partially because of the specific ethnic policy of the Republic.

**Keywords:** Tatarstan; ethnic profiling; traffic police; social fact; law enforcement

### Introduction

Studying ethnic profiling in Tatarstan is intriguing because federal laws are implemented here against the backdrop of local practices that are religiously and culturally different from “all-Russian” ones. Elsewhere in Russia, media coverage of the Western Biriulevo district riots, for example, shows that both journalists and the public juxtapose “Russians” and “non-Russians.” Flourishing nationalistic discourse tends to blame “Non-Slavs” and specifically “Muslims” for many social problems, most notoriously increased crime rates, unemployment, and deterioration of Russian culture. One, for example, can look to the blog of Russian non-systemic opposition leader, Alexei Navalny, who, despite administrative pressure and purported manipulations, managed to get 27% of the votes during the Moscow mayoral elections in 2013, getting second place. It was hardly his nationalistic discourse that helped him to achieve that truly magnificent result, but still it is clear that his rhetoric is tolerated by many of those who voted for him.

In Tatarstan, where the “titular nation” Tatars are non-Slavs, such discourse would sound at least strange, if not scandalous. Despite claims about discrimination against

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Russians in Tatarstan (such assertions are often made, for example, by the so-called *Russian Culture Society of the Republic of Tatarstan*<sup>1</sup>), the republic has proven to be quite peaceful land where many ethnicities (more than 30) get along well and one can find a mosque and a Russian Orthodox church in close proximity. The Republic has also been an absolute leader in the whole Volga Federal region of Russia concerning the quota for foreigner work permits and invitations (in 2015 the quota system was canceled and replaced by so-called licenses, *patenty*).

In this paper I will examine one aspect of inter-ethnic relations in the republic, namely, the ethnic profiling which traffic police officers, both Russians and Tatars, practice towards ethnic migrants (further in the paper I will use “ethnic minorities” and “migrants” as synonyms). I will consider profiling not just as biased enforcement but as a two-fold, interactive action in which ethnic minorities take active part, in full accordance with Jon Elster’s description of structured forms of interaction: “Many outcomes occur through procedures of collective decision-making – arguing, voting, and bargaining – through which groups of individuals reach decisions that are binding on them all” (Elster 2007, 299). While not seeking to disprove that ethnic profiling takes place in Tatarstan, I intend to show that the ethnic minority status here serves rather as a useful heuristic for traffic police officers for making decisions based on economic profit, rather than discriminatory actions, and that ethnic minorities are well aware of this and can influence the outcomes reached.

### **Ethnic profiling: The USA and beyond**

Ethnic profiling is a popular, yet not clearly defined, term. Miller et al. (2008, 162–163) define it as “police use of racial or ethnic characteristics to decide whom to investigate for, as yet, unknown criminal offenses,” which results in disparate treatment of ethnic minorities. This definition implies that either race or ethnicity can be used by the police exclusively, as a sole or primary basis for taking action, or in combination with other criteria such as gender and age (Rojek, Rosenfeld, and Decker 2004).<sup>2</sup>

Early theoretical understanding of ethnic profiling was developed in 1966 by American psychologist Jerome Skolnick in his essay titled “A Sketch of the Policeman’s Working Personality.” He described how the paramilitary quality of police, combined with the need to be effective, causes policemen to be “especially attentive to signs indicating a potential for violence and lawbreaking” (Skolnick 2010, 16). He labels people who are more liable to behave this way as “symbolic assailants” and shows that police officers tend to be more suspicious of people who possess certain qualities, including ethnic traits which are easy to detect.

Ethnic profiling as a phenomenon was empirically “discovered” more recently, and the classic example here is John Lamberth’s seminal studies conducted in 1993, 1996, and 1997 in the USA (Lamberth 2010). Lamberth monitored traffic violators on two roads: the New Jersey Turnpike and interstate highways in Maryland. He found that although African-Americans made up a relatively small percentage of speeders (15% in New Jersey and 17.5% in Maryland), they still made up a much higher percentage of those stopped (35% and 28.8%, respectively), and most of those who were searched (71.3% in Maryland). This important finding formed the basis for public perceptions of “driving while Black” (variants: “driving while Brown,” “driving while Asian,” or “driving while Oriental”) (see, for example, Rice, Reitzel, and Piquero 2005, and the popular Internet source “Urban dictionary,” for definitions and examples). In addition, it placed roads in New Jersey, Maryland, and other states Lamberth researched at the center of debates about ethnic profiling, justice, the rule of law, and fair procedures, for many years.

Since Lamberth's studies, the research on ethnic profiling has been extensive. Researchers have been examining the reasons for profiling, public perceptions of profiling, its consequences, procedural aspects, and ways of dealing with it (see, for example, Ioimo et al. 2007; Liederbach et al. 2007; Gilliard-Matthews, Kowalski, and Lundman 2008; Barnum and Perfetti 2010; Tillyer, Klahm IV, and Engel 2011; Higgins, Vito, and Grossi 2011; Lundman 2012; Tillyer and Engel 2013). For the most part, research was conducted in the field of traffic safety, apparently because of the availability of data.

Until recently, research has largely been limited to the USA and Great Britain although several cases comprise continental European countries and the Commonwealth of Independent States, including Russia (Miller et al. 2008; Gladarev and Zinman 2010; Khodzhaeva 2010; Voronkov, Gladarev, and Sagitova 2011). Observational research in the Moscow metro in 2005 showed that non-Slavic minorities were 22 times more likely to be involved in police-initiated encounters than Slavic-looking people, while only comprising 5% of metro riders.<sup>3</sup>

Another significant contribution comes from Zhanna Zinman, Ekaterina Khodzhaeva, Liliia Sagitova, Olga Maximova, Viktor Voronkov, and Boris Gladarev's comparative research on interactions between police officers and ethnic migrants in two large Russian cities: Kazan and St. Petersburg (2006–2008). The main methods used in the research were observations and interviews. The goal, broadly stated, was to describe the everyday life of a regular police officer and typical migrants' tactics (Khodzhaeva 2010). The research-based papers described the relation of a police officer to a migrant as "instrumental racism:" a specific tool that allowed officers to ascribe moral traits to a suspect, based primarily on his or her appearance, in order to save time and effort. The authors point out that "instrumental racism" did not lead automatically to a negative relation, but in some cases meant sympathy and compassion. One of the general conclusions they draw is that migrants to Kazan do better than those in St. Petersburg, apparently because Tatarstan is an Islamic republic – like most of the home countries of the affected migrants. My own research both contributes to and updates the results of this previous investigation: My focus is on a very specific branch of the militia, the traffic police, a very isolated and powerful unit in the structure of the police, and probably the most closed off one.

The results of the studies on ethnic profiling are controversial. While some of them have "re-discovered" profiling and found additional evidence that proves its existence, other studies have tried to show that previous disparities between ethnic minorities and the majority population could be explained by other factors, most often flaws in the research design. For example, Kenneth Novak argues that the relationship between race and the decision to stop is very weak and explains that the data collected prior to his research are selective and incomplete (Novak 2004). Furthermore, he says, the analysis supportive of the existence of profiling often lacks important variables: a citizen's residency and the time they were stopped. While not arguing against the fact that ethnic minorities are over-represented in traffic stop data, he still says: "Residents were less likely to be cited than non-residents, and nonresidents were significantly more likely to be racial minorities. These results also give some indication that officers may be using residency as a cue for pretextual stops" (Novak 2004, 91). Thus, what looks like racial or ethnic profiling is rather an effect of being, or not being, a resident of a certain state.

Thus, researchers have come to different conclusions regarding the existence of ethnic profiling. This is not surprising: They use very different working definitions of what profiling is, as well as different methodologies. Furthermore, when researching as elusive a phenomenon as ethnic profiling, we inevitably face what could be called a methodological "denominator's dilemma" (Shafer et al. 2006): It is very difficult to define what we should

check our findings against, what are the wrong numbers, and what are the “ideal types” of encounters between a policeman and a citizen, since it would require capturing “the actions of the driver and the thought process of the officer” (Rojek, Rosenfeld, and Decker 2004, 128). Therefore, in this paper I use qualitative methodology in order to gather empirical data on stops: I study what is happening within a normally short but intensive course of communication between a police officer and the offender in question.

There is yet another problem inherent in research on ethnic profiling. Writing about profiling, criminal activities, and assailants, researchers often consider these as non-problematic subjects in no need of clarification. Alas, enforcement, legal rules, and criminals are not “natural phenomena” in the same way as snow or a mountain. They are social and cultural creatures. David Nelken in his public lecture, devoted to the basics of the sociology of law,<sup>4</sup> recites John Haley who treats “law as a window on Japan and Japan as a window on law,” in order “to show what happens in a society where the cultural ideal is to make legal enforcement depend to the maximum extent on existing social consensus” (Haley 1991, cited by Nelken).

Let me try to clarify this statement using some concepts from analytic philosophy. Bettina Lange, following Ludwig Wittgenstein’s line of reasoning, writes that legal rules are normally considered as having a direct relation to the “outside” social world, as if they reflect it and are capable of giving shape to it (Lange 2002). But, however precisely any rule is defined, agents are still able to interpret it in multiple ways, either intentionally or unwillingly; thus, even well-defined regulations cannot effectively manage the actions of social agents, leaving them with a good deal of deliberation and discretion. Agencies, which ensure that everyone treats those rules in the same manner, are law-enforcement agencies. They are responsible for differentiating between legal and illegal behavior and between lawful people and assailants (recalling Saul Kripke’s analogy, ensuring that the addition of 68 and 57 always equals 125, Kripke 1982). Alas, enforcing organizations are not external to the social world, and legal rules cannot determine their behavior as well.

What follows from this discussion is that law-abiding and law-breaking behaviors are not “brute” facts (for the distinction between brute facts and social facts, see, for example, Searle 1995a, Searle 1995b), but a combination of many different fragments, some of which are considered legal and legitimate and others are not.

A law-enforcement agency is not only regulating, but also productive. Legal rules are applicable because there are social facts to which they appeal and those social facts, at the same time, are not pre-given but construed. Prescribing and describing the social world go hand in hand. In other words, controlling agents classify identities and act depending upon what kind of person they are dealing with. We call it “profiling,” but insist that profiling is not just constraining, but also interactive and engendering.

### **Research design and methods**

My personal interest in relations between police officers and ethnic minorities traces back to 2003, when, among other things, I was researching contacts between members of the non-Slavic ethnic minorities and the police. Those interactions were normally characterized with rudeness and were on the verge of involving physical force. The latter did not happen though, because generous bribes were usually offered, and the matter was settled. It gave me a view of ethnic minorities as fully dependent upon the actions of the police officers, though not economically helpless.

This paper is partly based on my extended study conducted between 2002 and 2011 in two large cities of the Russian Federation – St. Petersburg and Kazan. It was an empirical

study of the everyday practices of traffic police officers and factors that influence their decisions.<sup>5</sup> I used two methods of data collection: semi-structured interviews with police officers on duty and nonparticipant observation of their activities. I interviewed 49 traffic police officers ranging from the head of the traffic police in the Republic of Tatarstan to ordinary officers working on the road. The length of an interview varied from 15 to 100 minutes. In addition, pieces of observational data were collected on 15 occasions, each of them lasting from two and four-and-a-half hours. Unfortunately, I was not allowed to use any kind of recorder during the observation, so everything was written in my field diary: in the course of observation and immediately afterwards. In this paper I will refer to those interviews using numbers (#3, #18, etc.).

The main source of empirical data for this paper was the research conducted in 2012–2013 in Kazan, the capital city of the Republic of Tatarstan. Its focus was on ethnic relations in Tatarstan – specifically, ethnic aspects of identity construction. In the course of the research, I gathered empirical data using semi-structured interviews. My respondents were members of several ethnic minority groups (Chechens, Azerbaijanis, Armenians, Tajiks, and Uzbeks) who are first-generation ethnic migrants. The respondents' age varied from 17 to 46, 22 of them were males and two were female. Seventeen had Russian citizenship, two were in the process of applying for citizenship, and five only had a temporary registration. Everyone possessed a driver's license and a car.

Interviews were also conducted with traffic police officers (of Tatar and Russian origin). Out of consideration for the safety of my respondents, I will not refer to them by names and positions. I should note here that access to two traffic police officers (a painful enterprise, as usual) was made possible by ethnic community members.

Overall, I conducted 24 semi-structured interviews with ethnic minorities, and 12 interviews with police officers.

In the course of the paper I will refer to the data of the second research, using pseudonyms instead of real names, and indicating ethnic belonging and professional qualification of my respondents (e.g., Ilnur, traffic police officer, Tatar; Muslim, student, Tajik).

### **Traffic police: The plan and the “cast of untouchables”**

Legal documents which are intended to regulate road traffic are almost identical for many jurisdictions, and many remain unchanged for years. Nevertheless, the social organization of traffic differs from one country to another, and even two territorial divisions within one country could demonstrate major differences. The main explanation for such diversity is the fact that the application of legal rules is a complicated process mediated by controlling organizations. Each organization has its own corporate culture and agenda, which allows it to process the large, often abundant corpus of rules, and to decide which rules to enforce, in what manner, under what circumstances, and toward what ends. Traffic rules do not regulate driver conduct simply by the fact of their existence; they are effective because they are enforced by the agents of the controlling organizations. The idea that inspired me throughout the research is the following: “Policy and the law itself are less important than the ways in which law, or policy in this case, is enacted by police in encounters with citizens” (Miller 2007, 252–253).

In contemporary Russia, the traffic police are probably the most visible and easily recognized state agency. It was founded in 1936 as a part of the “Workers and Peasants Militia” [*Raboche-krestianskaia militsiia*]. At first it had only 57 employees in seven departments, all with vast responsibilities and privileges. Nowadays, in Kazan alone, over 150 police officers monitor the roads each day. Until recently, the traffic police



[GIBDD, GAI] were part of the militia of public safety [*Militsiia obschestvennoi bezopasnosti*], a separate office, mainly responsible for monitoring traffic streams and sanctioning those who break the traffic laws. Since 2011, though, when the federal law “On the Police” was implemented, the traffic police ceased to be an independent branch of the police and became only functionally separate. Nevertheless, most traffic police departments have their own locations and administrative staff. Another important change took place a bit earlier, in 2008, when automated devices designed to perform photo and video surveillance of traffic offenses were introduced in order to replace police officers with neutral gadgets that do not accept bribes and are not willing to bargain. This allowed for increases in the amount of collected fines, but, to be accurate, did not resolve the problem of bribing and selective enforcement, since police officers and officials still perform some functions and handle the data received from the cameras themselves.

The structure of a typical traffic police department includes five main branches: a road patrol service which is responsible for detecting the traffic regulation offenders; a service for road inspection; a technical supervision and registration service; an examination service for issuing drivers’ licenses; and finally, a department responsible for searching for stolen cars. In this research, the main accent is placed on road patrols – officers who actually monitor and manage the traffic streams and detect offenders. In case of suspicion, they wave down the car and begin talking with the offender in question. Normally, the talk starts with the officer introducing himself and telling the driver or pedestrian what rule he or she broke. It is necessary to clarify here that officers have a right to stop a car only if they have at least some proof of the violation, otherwise, according to their own words, the costs of proving the offense are too high. There is an exception to this rule though: during special campaigns, like “Taxi,” “Buckle up,” “Interception,” and the like, police officers could stop any car at any place.

According to my respondents, the main organizational incentive for waving down a car is the so-called “*plan*.” In the case of the Russian traffic police, and the police in general, the statistics of offenses are created prior to actual offenses taking place. Traffic police officers should fulfill the requested number of citations; otherwise, they might have to work extra days and face a cut in salaries. “There is a fixed number of tickets per day. Three go, for example, for speeding, three for running a red light. [...] 25 per day, approximately, 10 per night” (Dima, traffic police officer, Russian). In some exceptional cases (e.g. right before the Universiade-2013 started – please see below for explanation), the numbers look quite different: “300 offenses per day for the crew of two officers and 10 cases of suspending a license” (Maxim, traffic police officer, Russian). The plan, as an organizational constraint, pursues two major goals. First, it is supposed to put a limit on the bribing aspirations of the officers, and second, it provides the controlling agency with a fixed amount of money. Henceforth, the traffic regulations are divided into “cheap” ones and “beneficial” ones; the example of the second case is “driving while intoxicated” which could bring up to 30,000 rubles per person detected (2014). The “plan” is, indeed, the only efficient constraint upon informal sanctioning, although it does not seem to function very well. In one of the “for internal use only” documents, a head of the regional department of the traffic police estimated that the number of offenses was equal to 0.07 per officer, per month (2004). Those numbers pose additional proof that officers clearly prefer the informal ways of sanctioning: bribing.

There is a certain group of citizens, though, who do not become the subject of either formal or informal sanctions. This is the second main organizational incentive, which, unlike the “plan,” is negative: It restricts the actions of the traffic police officers, making some motorists or pedestrians literally “above the law.” Traffic police officers, quite

controversially, name these people “the caste of untouchables.” This “caste” includes the officers of secret services, governors, mayors, and, unfortunately, often people connected to them (relatives, close friends, business partners). Stopping and fining these people is a hassle, a dangerous enterprise, and sometimes (in the case of Federal Security Bureau officers, for example) it is even illegal. The following excerpt from my field diary illustrates the latter point:

On the very first day of our “duty” we tried to chase an undercover agent of the Federal Security Bureau (FSB, former KGB – Federal’naia Sluzhba Bezopasnosti). He was driving a cherry red “Zhiguli” [an inexpensive brand of car – L.K.], breaking multiple traffic regulations – speeding and running a red light. The plate of the car, and the car itself, were perfectly usual. Alas, the driver refused to stop. The traffic police officer got angry, and we started chasing the car. In a little while, the car we were chasing turned on the special “light signals,” using the turn signals in sequence – first right, then left, then right again. The officer stopped chasing him and angrily told me that we had just tried catching an FSB officer. Technically speaking, the FSB officer could have stopped his car, but even in this case, the traffic police officer would not be able to apply any sanctions to him; he would not have been allowed even to check the car. The FSB officer could have prevented chasing by producing his special “hands-off” pink card (*neprover-iaika*), but he decided not to stop. The traffic police officer added that even in case we decided to try sanctioning the FSB officer, the administration of the traffic police would not have approved it – just the opposite, they would have tried sanctioning the traffic police officer who tried interrogating the FSB officer. He was very angry.

Thus, on the one hand, traffic police officers are responsible for traffic regulation enforcement and, on the other hand, they give structure to the social world, classifying citizens (and, sometimes, non-citizens), and applying laws dependent upon those classifications. Breaking a rule is a complex phenomenon, a social agreement that comes as a result of interactions of offenders in question and the controlling agent. In this paper, I will pay foremost attention to the interactions between officers and ethnic minorities.

### **Ethnic profiling in the Republic of Tatarstan**

Interaction starts prior to actual driving. Members of ethnic communities try to use their connections to help with obtaining licenses and registering car numbers in order to achieve the hoped for social status of a driver. In order to do this they normally try appealing to their acquaintances who work for the traffic police or related ministries. Albert (traffic police officer, Tatar) comments on this practice as follows: “Of course they do not come themselves; they use their connections in order to buy licenses or minimize the time of getting it.”

Ethnic migrants talk about their special efforts undertaken in order to become legal drivers quite willingly, similar to mundane activities:

All guys whom I know tried speeding up the process of obtaining drivers’ licenses. It is not very expensive, in fact, only 15,000 rubles or some gifts. I, personally, had seven trials to pass the exams and obtain a driver’s license. It was right before the “Universiade,”<sup>6</sup> so I was rejected every time. They told me it was because I got the Russian citizenship just a year or so ago. A Tajik friend from the traffic police advised me to buy five to six bottles of cognac and give it to the girl who was assessing us. I was in doubts, because I did not know how to bring all those bottles to the examination room, so I decided I would better try passing the exam myself and finally I succeeded – when the Universiade was over. (Muslim, student, Tajik)

Unfortunately, or maybe fortunately, we do not know what would have happened if the respondent tried offering “a few bottles” of liquor to the person in charge. I cite this excerpt from an interview as it gives a hint to the level of corruption among the traffic police.

Traffic police as well as the Russian police in general have taken leading positions in the list of the most corrupt public agencies for decades. The amount of the average bribe might be not so large (approximately 500 rubles (roughly \$10) for some regular offense, 100,000 rubles or more for inebriated driving, etc.), but since the agency is very large, the total sum in the end appears to be significant. The fact is well known, thus the agency has its own internal security service; there are also other measures (for example, substituting officers with objective cameras). Unfortunately, those measures are not very effective and part of the explanation is the fact that not only traffic police officers, but drivers and pedestrians tend to prefer smooth payment on the spot as opposed to bureaucratic procedures involving lots of paperwork.<sup>7</sup>

Later on, when the new status of a driver is acquired and in use, further transformations begin. A driver who violated a traffic regulation may be stopped by a police officer and his or her identity as a driver may, or may not, temporarily be transformed into an offender's or even a criminal's identity. This process implies three main practices developed by a traffic police officer in collaboration with a proposed offender. First of all, there is a practice of identification of a law-breaker. Secondly, there is a practice of bargaining between a police officer and an offender during which they discuss the quality of an offense, the possible cost of it, and the way to pay it. Last, there is a practice of sanctioning, which could be formal or informal (a bribe).<sup>8</sup>

### Identification

The first practice of dealing with motorists and pedestrians who apparently break a traffic regulation is the identification of a lawbreaker: Officers monitor the traffic streams in order to find those who, willingly or unwillingly, break the traffic rules. According to my respondents, this practice is driven mainly by the professional intuition of the officer, who is allegedly capable of finding a "few milligrams of cocaine in an enormous baggage-wagon" (#11) or can "immediately detect a drunk driver in a stream of several hundred cars" (#4). Whether or not this skill exists is an empirical question beyond the scope of the present article.

Some police officers I interviewed claim that they can easily detect those who arrived from Central Asia or Caucasian republics (mostly Uzbekistan, Tajikistan, Chechnya, Dagestan, and Azerbaijan). Rustem (traffic police officer, Tatar) says:

Of course I understand that those are ordinary people who are supposed to be under our protection but you agree, you, yourself do not take a Kchachic [a degrading name for someone with supposedly Caucasian origins – L.K.] or someone like that to be just like a Tatar, or Russian, or Jew. They are different. How they behave, how they speak, and look.

Some other officers claim that it is quite difficult to determine ethnic minorities among drivers and pedestrians. In Tatarstan, the titular nation, Tatars are not Slavic themselves, and sometimes have looks very close to those whose origins are different. Additionally, some Tatars do not speak Russian fluently, or have heavy accents. This makes the selection more complicated. Artur (builder, Armenian):

Often police officers take me for a Tatar, because I look like one. And even my accent, it is hard to say who I am. Only if they start checking my documents, they see that I am not. But it normally does not come to this stage.

In any case, the ethnic minorities are still "others" for the traffic police and the officers are prone to juxtaposing "them" to "us" (meaning both Russians and Tatars). It is also interesting to note that certain anthropological characteristics, like skin color, which play a major indicating role in ethnic profiling practices in the USA, work like symbolic features



here. Many people who have immigrated from north Caucasian republics have light skin, hair, and eyes, which does not prevent the traffic police officers from labeling them “black” (*chernye*). Nikolai (traffic police officer, Russian): “Look at the public transportation, look at the malls – they are all black there.”

The classic way of external construction of ethnic borders appears to be disrupted here: Instead of grouping people by primary visible characteristics such as skin color or color and structure of their hair, and only then ascribing certain moral qualities (Ahmed, Feliciano, and Emigh 2007), here we see that traffic police officers first indicate someone as “inferior” and only then label him or her as “black” (there is a more common but at the same time much more abusive definition which I will not use here).

The question remains: how, apart from documents, do traffic police officers detect “others?” Most of my respondents claim that it is language: “others” do not speak it or speak it with heavy accents (which obviously indicates that traffic police officers have to stop their vehicles in order to identify the driver as belonging to a minority group). It is interesting to note that the language which puts a line between “us” and “them” is not Tatar – it is Russian. Even for ethnic Tatars the best way of showing that they are “us,” or, as traffic police officers put it, “white people” (*belye liudi*), is an ability to speak clear Russian. All legal documentation and traffic regulations are in Russian, so I believe that this is a technicality rather than biased relation. I should also add here that ethnic profiling is not prohibited or allowed in Russia, since officially – just like torture – it does not exist.

Identifying someone as a possible offender can have three possible outcomes: an officer can decide that the case is a good reason for ticketing (to fulfill the “plan”), an officer can decide on a bribe instead of sanctioning him or her formally (according to all respondents and police officers, this is the prevalent tactic), or an officer may decide he or she is not worth having dealings with, because it can lead to problems later on or even immediately. An officer can reach this conclusion either from a proposed offender’s manner of talking, or some status symbols such as an expensive car. Which outcome is going to take place is decided in the second stage, which, following traffic police officers’ own words, I call “bargaining” (sometimes they also called it “trading” (*torg*)).

### **Bargaining**

Bargaining consists of discussing the quality of a given offense and its price. The officer and the person who the officer regards as a lawbreaker engage in a discussion of whether a certain driving regulation was violated, what regulation it was if any, and how much this costs. According to officers, the very important point during “bargaining” is proving to the violator the fact of his or her violation. As the following officer’s account illustrates, such proof may be elusive.

In the case of the speed limit, up to 50 kph, for example, it is easy to prove a violation. The limit is 50, and he was [at] 75, and that’s it. The violation is obvious. Of course, one might start arguing that he didn’t notice the road sign and so on, but he wouldn’t be able to disprove the fact of his violation, as such. The other example is restricted visibility. One considers the visibility to be normal; another considers it to be restricted. If you stop the car and tell that the visibility was restricted, the driver might start arguing that it was normal, and you would argue for 20 minutes, for half an hour, and so on. Generally, if possible, we try not to accuse the drivers of such violations. (#4)

The outcome of bargaining is by no means predetermined. Rather, it significantly depends on how the driver interacts with the officer.

According to the well-known essay by John Van Maanen, police officers in the United States typically split the population they deal with into three ideal types:

1. "Suspicious persons," whom the police believe may have committed serious crimes,
2. "Assholes," who are also suspicious, and whose view of reality is very different from that of the police; "assholes" do not accept the police's understanding of the situation,
3. "Know nothings," who do not belong to the first two categories, and at the same time are not police officers, so cannot have a full understanding of what the police is after (Van Maanen 1978).

The same classification is applicable for Russian police officers as well, albeit with some qualifications, to be discussed below.

"Know nothings" are obviously the favorite type of motorist for any Russian traffic police officer. Officers sincerely prefer dealing with people with minimal legal knowledge and are especially unhappy to interact with professional lawyers, who "... know the legal rules and their rights and ... the traffic regulations" (#4). "Suspicious persons" are also fine, since in this case the police officers may skip the disagreeable part of proving the fact of a violation and get directly to discussing the question of price. Finally, "assholes" are a common, yet unwelcome type; and the police officers have developed two strategies of dealing with them. The first one is "to punish hard," to promote "street justice." "If he [the motorist] is rude and makes an officer angry – then we are searching for any tiny violation, just to show the driver, that it is not right to behave this way" (#5). However, if the presumed "asshole" threatens the police officer for real, then the traffic police officer might decide that spending time engaging in risky behavior does not serve a point, and may simply let the offender go.

Given the similarities between reported perceptions of Russian and American police officers, I should nevertheless mention a major difference: Russian traffic police officers do not try to conceal that they make decisions based mostly on economic incentives: with less risk, more profit, and involving as little paperwork and action (like chasing) as possible. Being asked about the reasons for choosing the profession of a traffic police officer, they mostly talk about financial benefits and power. I am hesitant to say that Russian police officers do not care about the safety and well-being of people at all, but the interviews suggest that private benefit, either corporate or individual, comes before public good and in some cases – bribing and letting go an inebriated driver – replaces it.

To return to the citizens, both ethnic minorities and majorities employ three major tactics in order not to be fined. First, barter: The offender in question offers the officer some kind of service in exchange for his benevolence. Throughout the period of my research, I heard of only a few cases of bribery through bartering goods, with respect to ethnic majorities. For example, there was an anecdotal case of a person who decided to present to an officer a pack of cigarettes (he did not have anything valuable about him), in hopes of going unpunished. As for the ethnic minorities, they talk about bartering willingly. Levon (shop owner, Armenian): "I own a shop, you know, and sometimes when they want to charge me, I offer to get them drinks or food, for free. Once there was a wedding and I arranged it all, food, vodka, wine ..." Traffic police officers, on their side, complain that not all traffic police regulations are "expensive" enough to be offered large compensations for their good will.

Second, they could agree to pay an informal price on the spot, i.e. a bribe. This is a very popular way of buying legitimacy for Tatars, Russians, and ethnic minorities alike, but it

seems the reasons for its popularity might be different. The first is inevitably economic interest: Drivers admit that it is much less hassle simply to provide some (disputable) amount of money right away than to spend time on papers and bank transfers. The traffic police officers know about it too well; one traffic police officer I interviewed even explained his own willingness to accept bribes by wanting to make offenders' lives a little easier. "It's simply reasonable for both. The officer gets extra money and the driver just pays and goes, no need to spend time on the tickets, no quarreling" (#30).

Some of the ethnic minority members interviewed mentioned economic interest as well, but there is an additional reason for some of them not to be sanctioned officially: They do not want to become "official offenders," especially when it concerns some serious violations. Mohammad, a young Tajik man whom I interviewed, told me that any minor violation on his side "casts shade" on all of his diaspora, not only on him.

Third, both citizens and non-citizens can make threats of using physical force or appeal to powerful connections. Ethnic minority members can try exploiting their own connections in order to go unpunished. Inar (traffic police officer) comments on ethnic minorities:

Just ten years ago it was nonsense, and today you can see them driving very expensive cars all around the city. Threats, it happens. Some officers get very angry in this case and try to punish them more severely, because they have the power to, you see. Others get scared and let them go. I think most let go. Officers are people too, they have families, you see.

David (builder, Armenian): "Our diaspora head, he has good relations with the city attorney, I can say they are friends. We normally try to get by without appealing to him, but if something is very, very wrong, it is possible." Azer (retail worker, Azerbaijani): "We have good relations with traffic police."

The last strategy is not always the best unless the offense committed is really a serious one. Thus, this is saved for emergencies and not usually employed.

The obvious difference between the migrants' and everyone else's tactics of appealing to powerful connections is that majorities normally appeal to connections, defining them by their rank in a social-professional hierarchy (a mayor, a chief of traffic police, etc.) while ethnic minorities normally appeal to "ethnic connections." Even referring to public officials, migrants tend to specify how exactly they are related to them.

In general, according to all my respondents, in Tatarstan the interaction between the police officer and ethnic minorities goes smoothly and traffic police officers say ethnic minorities rarely make their way into statistics of criminal or administrative offenses. Leonid (traffic police officer, Russian): "I do not have a huge experience of dealing with other nationalities, but when I do they are mostly not offenders but victims. ... Maybe because they slip out easily."

Karim (traffic police officer, Tatar) has a slightly different experience of dealing with other ethnicities: "Sometimes they get into the statistics, because they are rational people, too, and understand that it does not really matter. Sums are small and it is easier simply to pay the fine and be calm." Everyone agrees upon the following: Ethnic minorities, when stopped and involved in bargaining, mostly demonstrate exactly the kind of behavior police officers prefer seeing in their counterparts: politeness, regretfulness, and readiness to compromise (obviously unlike "assholes").

Quite curiously, I should mention here that both minorities and police officers admit that acquiring Russian citizenship has a negative effect on interactions. Apparently, they consider a passport as an important symbolic asset which certifies their "quality" to employ strategies, not tactics, following Michel De Certeau's terms (De Certeau 1984). Rustem (student, Tajik):

Those who have Russian passports, they behave worse than those who do not. They would start telling, “I am a citizen, so you can make your conclusions about what I am. If you punish me, you will have to deal with my friends.” The most troublesome guys are, I think, Dagestani and Chechens because they think Russia is theirs. I mean, they think that they can do what they want. Like that shooting in Moscow, you have heard of it. Of course, there are bad guys among us, too, but mostly they don’t have citizenship and they behave.

Ilnur (traffic police officer, Tatar): “Funny, but getting citizenship makes them worse.” A female Chechen student whom I interviewed said, however, that Chechens are lawful and loyal citizens of Russia. This was partially disproved later when she started making hints that her powerful friends can try influencing my decision not to give her a passing grade.

### **Fining**

Finally, following trading, the last practice of “fining” comes into play. Here, the officer decides whether he should apply a formal sanction (e.g., a fine or suspension of license) or an informal sanction, a bribe. As is well known, traffic police officers in Russia use informal sanctioning on a regular basis. As one interviewee commented:

A person who is looking for this work, already, in advance, considers the additional income besides his official salary. People choose to become traffic officers for the following reasons ... they get power over people ... then there is an economic reason: there is a real possibility to improve the economic resources of the family (#11)

My ethnic minority respondents, as I mentioned above, prefer informal payments in most situations, especially in case of serious offenses, for example, traffic accidents. Besides economic benefits, there is another reason for that – the ethnic policy of the Republic of Tatarstan. The republic positions itself as a place where different ethnicities live in peace. The state program “Implementation of the State National Policy in the Republic of Tatarstan for the period of 2014–2016”<sup>9</sup> even foretells exact numbers of people who will assess the ethnic policy of the republic as successful. For example, in 2016 the percentage of people who think that inter-ethnic relations in the republic are improving should reach 78%. As for relations between Muslims and Orthodox Christians, as well as other believers, the target figure is less ambitious and amounts to 70%. It is not surprising, then, that, my respondents (both police officers and migrants) talk about cases of silencing or re-characterization of some presumably inter-ethnic conflicts. Aigul (business woman, Uzbek) evaluates the situation this way: “In case of conflict between different [ethnic groups], the police come and try to present this [conflict] as being not because of the different ethnic belonging, but as a simple theft, or, for example, a conflict about a girl or something.”

The ethnic policy of the Republic of Tatarstan, embedded in clear rules determining the interactions between agents of controlling organizations and motorists, is an immensely important organizational arrangement, proving that the production of administrative offenses in the republic is different from that in the rest of the Russian Federation.

As a result of passing through all these stages, a new identity has a chance to come to life: the identity of an offender. Otherwise, according to a popular Russian proverb, “If the thief is not caught – he is not a thief:” no new identities are created.

### **Conclusion**

In this paper, I studied the practice of ethnic profiling developed by traffic police officers in the city of Kazan, Republic of Tatarstan, Russia. Using qualitative methods, I singled out

and described three practices of creating the offender's identity out of motorists and pedestrians with different ethnic origins and showed that legal rules tend to change their meaning depending on which category of people they are being applied to.

Three general conclusions could be drawn, based on the data collected. First, Rogers Brubaker's famous notion of "groupism" is relevant not only to certain social scientists but also to traffic police officers. The latter tend to interpret ethnic minorities as neat groups with shared beliefs and aspirations, capable of collective action. Ethnic minorities, according to their answers, do not share this belief but, from time to time, tend to give police officers some evidence of their internal cohesion and mutual support – normally they talk about the "head of the diaspora" who allegedly has good relations with public prosecutors (Armenian case), Police Administration (Tajik case) etc., and can fix serious problems.

The first conclusion brings us to the second: there are a few categories of motorists and sometimes pedestrians whom police officers cannot stop and punish. The traffic police officers name these the "caste of untouchables." Some of the categories are described in legal rules (Federal Security Service, Public Prosecution Office employees), others are just implied (fellow traffic police officers). When ethnic minorities appeal to powerful connections, they basically appeal to the "caste of untouchables." "We are all people; we don't want to make risky decisions just to face physical force or get late-night calls from somehow powerful friends of this guy" (Misha, traffic police officer, Russian). I should note here that normally it is not hard to determine if an offender in question really has connections or just pretends to have them. Alas, since the risks of punishing the "wrong person" includes being fired (e.g., in the case of trying to stop an undercover FSB officer which is described above), and the selection of potential offenders is large enough, this information normally goes unchecked. This is why I am inclined to use the term "estate profiling" instead of "ethnic profiling:" drawing a dividing line between those who are literally above the law and those who are subject to it.

The third conclusion, though, has to do with ethnicity, or rather, constructed ethnicity. The ethnic policy of the Republic of Tatarstan embodies itself in unwritten but clear rules for the traffic police officers (as well as patrol police officers). The republic pushes its image as a land of "piece and plenty," where "East meets West" and mosques stand in close proximity to churches. One side effect of this orientation is that police tend *not to* consider any conflict as being along ethnic lines. Thus, the observations, "in Moscow migrants commit 48% of overall crimes" (Anatoly Yakunin, Moscow city police commissioner), or, "in Kazan migrants commit 0.9% of crimes" (Ildus Nafikov, the main prosecutor of the Republic of Tatarstan), tell us more about the ethnic policy adopted by the police administration, and less about the state of affairs.

All factors combined together create a unique situation: In the republic, non-citizens and non-natives tend to be on better terms with the traffic police than the majority of citizens. As a traffic police officer who refused to name himself, puts it,

They all help each other, they are like a family. One comes and he brings his relatives, friends, he helps them to accommodate, he shares his connections. And I can say I respect them for that, but this is not very good for us. They are like raiders. Look, there is advertising everywhere, new shopping malls, and all. Who you think controls it? Them. I wish we, I mean Russians, Tatars, could do it, too, but for some reason we can't.

This statement reflects not only long-lasting resentment toward "others," but also tells us about the condition of civil society in contemporary Russia, and about the functioning of the state. Instead of "the vertical of power", what we have is a bundle of organizations, each pursuing its own personal benefit and competing with others. Even different structural divisions within the traffic police compete rather than cooperate. Working temporarily as a



head of the Human Resource department at the Traffic Police Administration in Tatarstan, I once had to process a letter in which several employees of the Vehicle Weight Controlling Agency (a public agency within the traffic police) were complaining about discriminatory practices on the part of the road patrol officers. Apparently, the road patrol officers were raiding, from time to time, small departments of the Vehicle Weight Control, taking the money the latter collected (“demonstrating the guns and laying us face down on the floor,” the letter claimed). The Vehicle Weight Control officers were asking the head of the Traffic Police Administration to “do something” regarding these raids. The situations described sounded terrible – but were presented (and treated by my colleagues) as a banal working issue.

In a situation of weak institutional and interpersonal trust, the ethnic minority groups who possess at least a minimal level of internal cohesion constitute what could be called “uncivil civil society” (Malena and Heinrich 2007) which can quite effectively “make connections” and “solve issues” with controlling organizations. The ethnic policy of the republic facilitates this process further, which is nicely illustrated by a comment from one respondent: “We do not care which nationality a person belongs to; we only care about how much money he has in his purse” (Sasha, traffic police officer, Russian).

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### Notes

1. The official site is: <http://rus-rt.ru/>.
2. In its “exclusive” meaning “profiling” is often used as a legal term. The original State of Connecticut Public Act enacted in 1999 defined profiling as “the detention, interdiction, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual” (Public Act No. 99-198). In its “inclusive” meaning “profiling” often appears in research papers (Tillyer and Engel 2013; Hurwitz and Peffley 2010; Miller 2007, etc.). Similar terms include “racial profiling” (Liederbach et al. 2007; Huwitz and Peffley 2010; Novak 2004; Novak and Chamlin 2012; etc.) and, less often, “religious profiling” (De Schutter and Ringelheim 2008).
3. Open Society Institute report on discriminatory practices of the police in Russia. Available online: [http://www.opensocietyfoundations.org/sites/default/files/metro\\_20060613.pdf](http://www.opensocietyfoundations.org/sites/default/files/metro_20060613.pdf).
4. Can be found at: <https://lawandsocietyen.wordpress.com/2012/03/05/comparative-sociology-of-law/>.
5. I should mention here the problems I met trying to get access to the field. Getting a formal letter allowing me to talk with and observe policemen on duty was in fact quite easy. I obtained it within a month or so. It was stamped and signed by the head of the Traffic Police, Republic of Tatarstan. After getting it, I began approaching different traffic police departments, first in St. Petersburg, then in Kazan, showing them the letter and asking for permission to talk with officers. In the course of the first four months I was only collecting refusals. I collected approximately 20. The reasons were different, ranging from a request to provide a certificate of a completed doctoral degree (which I did not have for I had just graduated from a higher education institute) to the impossibility of granting access to (mostly male) officers because of my gender and “improper dress-code.” In the latter case I asked what I should choose as my attire to be able to approach the officers. The answer was ironic – a full uniform of a police traffic officer, including a gun and a striped wand with which they wave down cars. Finally, I was able to get access to one traffic police department in St. Petersburg, and, consequently, in Kazan. After becoming

- informally acquainted with a few officers, I got access to other police departments, so in the end my research encompassed two police departments in St. Petersburg and three in Kazan.
6. “Universiade” is an international sport event, in which university athletes take part. It is organized by the International University Sports Federation (FISU). The name comes from a combination of two words: “Olympiad” (Olympic games) and “University.” In 2013 Kazan served as the host city for Universiade; safety measures took to prevent criminal activities during the event included the decision to suspend as many drivers’ licenses as possible.
  7. A few years ago in Tatarstan an interesting social experiment took place: drivers were supposed to report on officers collecting bribes and get the whole sum of the bribe as an award – from the Administration of the Traffic Police. There were a few cases widely discussed in mass media, and then support for the initiative apparently shrank.
  8. There is another, very rare, form of interaction of a traffic police officer with a motorist or a pedestrian: the fabrication of an offense. It happens when the police officer is determined to impose an official sanction but for some reason cannot do it (for example, when the driver is innocent). In this case, according to my respondents, the police officer advises a motorist to officially pay a minimal bribe for some offense he or she did not commit. In an anecdotal story, the traffic police officers put an “overtaking prohibited” sign along the highway going through the large forest and used their own car to catch those who broke the requirements.
  9. Can be found at: <http://tatarstan.ru/rus/info.php?id=577559>.

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