

The Threat of the Thief: Who Has Normative Influence in Georgian Society?

Introduction

The current Georgian government has declared war on an old enemy – the institution of ‘thieves-in-law’¹ within Georgian society. Behind the ‘zero-tolerance,’ ‘war on crime’ and ‘no talks with bandits’ slogans, what sort of threat do thieves-in-law really pose to the creation of a law-governed society?

A Brief History of Thievery

Thieves-in-law go back to the mass repressions of the Soviet Union in the 1930s. A set of behavioural rules had come into force in the prison camps of the period making a semblance of hierarchy identifiable, at the top of which was the thief. In the USSR a thief was not a petty criminal; the term had the ideological weight of someone who opposed the state: the ‘thief of socialist property’ could expect the harshest punishments. The code that the thieves lived by included, among other things: the forbiddance of any collusion with the state and of working whatsoever; honesty in relations with other thieves; the disowning of their families but respect for their mothers; the obligations of keeping order in the penitentiary system, nurturing and initiating potential future thieves in the code (known as the ‘understandings,’ *ponyatiya*); being fluent in playing cards and the jargon of the Thieves World (*vorovski mir*). On top of having its own language (including nicknaming) the Thieves World had its own visual culture in the form of tattooing that could help distinguish criminal ranking and the criminal’s values.

With the prison population swelling and the emergence of the GULAG, the institution of thieves-in-law was left untouched by the authorities. A status quo had formed in which the thieves were a vital part of maintaining order and efficiency in the running of the prison camps. Following WWII, in these camps the so-called ‘Bitches’ War’

¹ Most commonly known by their name in Russian *vory-v-zakone*, in Georgian this is rendered *ramkiani qurdebi*. The literal translation into English as ‘thieves-in-law’ is quite confusing to the uninitiated reader. ‘Law’ here refers to a code followed, as opposed to some legalistic meaning of the word. A better phrase might be ‘thieves-professing-the-code’

(*suchya voyna*) ensued, pitting those thieves (known as ‘bitches’ due to their perceived collusion with the state) who had gone to the front to fight the Nazis against the loyal thieves who had stayed behind and remained true to the thieves’ code.

The implications of the Bitches’ War should not be underestimated, for it was the ‘bitches’ that won and a *détente* in relations with the authorities followed. In Georgia this developed from *détente* to an explicit mixing of politics with the criminal world. By 1982, a thieves’ meeting (*skhodka*) was held in Tbilisi in which prominent Georgian thieves argued over to what extent they should try to infiltrate the state and business. A key advocate of infiltration into the state was one Djaba Ioseliani, who as deputy chair of the Military Council in 1992, was to eventually invite Eduard Shevardnadze to head a new government. There was a crackdown on thieves-in-law by the Georgian Soviet in the late 1980s, but with the emergence of new forms of private business to prey on during perestroika, the collapsing structures of the Soviet Union witnessed a surge of criminal activity. In Georgia there was political meltdown toward the end of 1991 with a massive jailbreak in December and the return of some of the most dangerous recidivists from Russia. This meant that as Georgia moved toward civil war the ‘critical mass of criminals in freedom sharply increased...the Georgian criminal clans of that period became so influential that they actually replaced government structures and practically controlled the entire economy of the republic.’²

As any Mafia, criminal groups in Georgia found lifeblood in the conflicts, confusion and uncertainties of the early 1990s. Instability is in the interests of crime. Criminal groups were able to replace the state in its essential functions, (protection provision, arbitration, money lending) as they penetrated political parties, trade unions, businesses, societies, and brotherhoods from where they could control their activities. The rise of the thieves led to their accommodation within state structures and a status quo between criminals and the authorities once again formed, with prisons serving as recruiting centres and universities of crime for new generations of thieves-in-law.

² Glonti G. and G. Lobjanidze, *Professional’naya Prestupnost’ v Gruzii. Vory-V-Zakone*. [Professional Crime in Georgia. Thieves-in-Law] (American University and TraCCC) Tbilisi: 2004, pg. 41

The Securitization of the Threat of the Thief

With the March 27 riot at Tbilisi's Prison No. 5, new President Saakashvili has drawn parallels with the 1991 jailbreak from the same prison. According to Saakashvili the intentions were the same: just as the criminals helped overthrow Zviad Gamsakhurdia, the recent prison riot aimed at a breakout that would have resulted in destabilising the new government and a renewed replacement of government structures by criminal forces.

Opposition parties have been implicated in this potential new criminal revolution. Calls for an independent inquiry into the March 27 riot were met with statements such as the following from Chairman of the Parliamentary Juridical Issues Committee, Levan Bezhashvili:

'The opposition has identified its role as one supplying political support connected with the processes that are in progress in prison.'

What exactly are these processes? According to the government these would be nothing less than the destabilisation of the entire country, supported by some sort of oligarchic conspiracy. Russia is never far from these allegations. The biggest names from the Georgian thieves' community are currently based in Moscow. In a recent interview Alexandre Kukhianidze, Director of the Transnational Crime and Corruption Center, expressed his suspicion at the fact that the most reputable Georgian thief-in-law, Tariel Oniani, had returned to Moscow from exile in Spain without any attempt at apprehension on the Russian side and that in the aftermath of the prison riot mobile phones of inmates showed calls had been made to Western Europe, Russia and Ukraine.³ Indeed, Tariel Potskhveria, a Georgian thief-in-law, has recently been arrested in Ukraine for his role in the prison uprising.

These curious aspects of the prison riot suggest to some that an international thieves' conspiracy with the connivance of foreign governments is at hand. The suspicion has emerged that Russia is using thieves-in-law as a tool to foment trouble in Georgia, the goal of which would be, at the very least, to make life as difficult as possible for the

³ Interview with Alexandre Kukhianidze, Director of the Transnational Crime and Corruption Center, 07.04.06

new western-oriented and sometimes vehemently anti-Russian government, and at most, regime change.

So far this is only pure speculation. There are more likely explanations for the prison riots. With terrible conditions in the prisons, the inmates get benefits from their connections with the thieves-in-law, who in turn have been able to buy privileges from their mutually beneficial relationship with prison officials. Thieves-in-law ensure order and in return they get such home comforts as phones, TVs, and access to prostitutes. Legal expert Giorgi Glonti likened thieves-in-law to heads of a large criminal trade union. The prisoners trust and follow the thieves. When they become unhappy with conditions, thieves-in-law can bring about collective action against the prison authorities.⁴ Respect is an important factor here. The old corrupt administrative personnel has recently been removed, replaced with young recruits who have made no contact with the thieves and have aimed at destroying the prison networks of trust. This goal is to be furthered by moving prisoners to new compounds in which prisoner hierarchies would be broken up and thieves-in-law separated from the bulk of inmates. It was no coincidence that riots broke out at the new facility in Kutaisi as soon as it opened in December 2005 and that the prisoners at Prison No. 5 were due to be moved to a new complex in Rustavi within a few weeks of the March 27 riot. The riots therefore, may boil down to the simple fact that the thieves-in-law are banned under their own code from working whatsoever and then, with the new reforms, ‘who would clean their toilet?’⁵

With the speculation involving Russia, what is clear is that the threat of the thieves-in-law has been securitized. Saakashvili recently said: ‘Criminals still have some support from the media and in parliament....They aim to threaten the government.’ The problem is now one of national interest and the problem passes from the realm of politics to that of security in which extreme measures may be legitimised. Nothing portrays this better than the lethal use of Special Forces to storm the building to put down the March 27 riot. Claiming that the security of the country was on the line, the government took a hard-line stance, Defence Minister Irakli Okruashvili saying:

⁴ Interview with Giorgi Glonti, Dean of the Law Faculty, Tbilisi Technical University, 10.04.06

⁵ Interview, Kukhianidze, 07.04.06

‘I do not advise anyone, I mean these criminal bosses and bandits to force the police to need the army’s help, because in this case we will not go there [to the prison] with shields and automatic rifles like the police do.’

Once an issue is securitised it moves beyond the established rules of the game; much more can be justified and tolerated in the name of national security. The murder of banker Sandro Girgvliani, beaten to death allegedly by officials in the Interior Ministry and then seemingly covered up, led to mass calls for the resignation of Interior Minister Vano Merabishvili. These calls were dismissed by President Mikhail Saakashvili thus:

‘I know very well the real reason, [for the calls for Merabishvili’s resignation] we have touched very well-organised oligarchic capital, including Russian oligarchic capital as well as very serious local Mafia interests. Those people who are now shouting loudly are the people who do not like the fact that the confiscation of the property of ‘thieves-in-law’ has been launched.’

Securitization is an act of politics based on political motivations and grounded by political goals. These political motivations must be uncovered, so the question now becomes: why securitize the issue of thieves-in-law in Georgia?

Is Georgia Threatened by a New Criminal Revolution?

Most of the big thieves-in-law have left Georgia for Russia, not due to government crackdowns, such as in the mid 1990s and early 2000s, but simply because there are more gains to be made in the megalopolis of Moscow, the oilfields of Siberia, and the drug routes of the Russian Far East.⁶ According to Alexandre Kukhianidze, there are currently 30 thieves-in-law in prison,⁷ though these modern Georgian thieves-in-law are no longer the ‘classic thieves’ of the Soviet Union, in which the length of time served in prison correlated to the status and respect accrued to the criminal. Giorgi Glonti told me that only the Russians now stick to the notion of the ‘classic thief’ whereas Georgians and Armenians can buy the status of ‘thief’. Traditionally, two recommendations were required from acknowledged thieves for a new thief to be ‘crowned.’ However, according to Glonti an established thief will now sell his recommendation for 50,000-150,000 USD even to some pretenders as young as 20

⁶ Interview Kukhianidze, 07.04.06

⁷ Ibid

years old.⁸ This indicates other changes especially true for Georgia that the Russians, since the 1980s, have distanced themselves from: new thieves now acquire personal wealth and property, prefer to stay out of prison, and are happy to have families and form criminal groups based on family; all this had been forbidden by the thieves' code. This shows a quite seismic shift in the values of the criminal underworld and a significant dilution of the criminal qualities possessed by a thief-in-law.

However, this endogenous weakening of the institution of thieves-in-law is paralleled by other developments concerning the crystallisation of economic relations within Georgia. According to the Georgian police, thieves-in-law are integrated in many economic spheres. For example, it is estimated that thieves-in-law control 30 percent of the market for financial services, 40 percent of the service sector, 40 percent of the construction industry, and 60 percent of gambling outlets. Only 15 percent of this control is direct, but control may be exerted through loans or shares in businesses, the offering of private protection services (a *krisha* or 'roof'), or straight extortion.⁹

The problem is that just as the nature of the thieves themselves is not immune to change, so too their activities have become legitimate and legal. The thieves'-in-law mutual fund (*obshchak*) swelled with the huge amounts of dirty money acquired from preying on the new unprotected private property in the late 1980s and 1990s, corrupt privatisation deals, fraud, theft, drug smuggling, contract killings and muggings. This money found its way into the legal economy and thieves-in-law became genuine money-lenders and owners of production companies, that is, fully registered and regulated participants in the economic life of Georgia.

This mirrors developments in other countries in the former Soviet Union. The initial breakdown of law and order leads to the emergence of a multitude of criminal groups, turf-wars follow and a few groups, heavily invested in the protection market, move towards monopoly. Monopolisation creates huge profits from which political influence is bought and finally business operations are legalised. This legalisation is perfectly rational. The winners of the tumultuous 1990s seek to secure their gains against possible legal actions or renewed criminal challenges. As Russian Newsweek

⁸ Interview with Georgi Glonti, Dean of the Law Faculty, Tbilisi Technical University, 10.04.06

⁹ Glonti, G. & G. Lobjanidze, 2004, pg. 65

reported last month, ‘in Russia, the path taken by the Italians [the Sicilian Mafia in America] in the course of a whole century, was completed within 10 years.’¹⁰ This can easily be applied to Georgia. Thieves-in-law are now more likely to be economic players who also support the status quo.

In conclusion, Georgian thieves-in-law are either: pursuing big business in Russia; in prison with criminals that may be termed ‘bay leaves’ (*lavrushniki*) and ‘oranges’ (*apel’sini*) – thieves that have bought their status – or ‘leaders’ (*lideri*) and ‘authorities’ (*avtoriteti*) – criminals not on the level of the thief but who have a lot of respect; or standing, untouchable, behind legitimate businesses in the Georgian economy.

The Politics of Law in Georgia

It seems that we have still not answered the question – why securitize the issue of thieves-in-law? It seems unlikely that Georgia is really threatened by a new criminal revolution and even the prison riots might be put down to more mundane factors than international conspiracies. Yet, new and unique legislation has been passed in Georgia outlawing the mere fact of being a thief-in-law. Saakashvili is unequivocal about the influence of thieves-in-law:

‘We have declared a merciless fight on organised crime....against the institution of the thief....In the past 15 years, prisons, as well as all of Georgia, was not ruled by Shevardnadze, but by thieves-in-law...Thieves were controlling the economy, the energy system, movement of people, our streets and backyards.’

I suggest that the political problematisation of the Thieves’ World (*vorovskoi mir*) is in fact merely a move in the game of legitimation in which the government must stamp out subverting influences within society in order to establish itself as the sole generator of law and justice. Law, as a dry set of rules and statutes, must be imbued with meaning for it to become recognisable to the general population as something with any significance that can be understood in terms of pre-existing moral principles that are developed from an early age in the family. As legal philosopher Robert Cover says: ‘for every constitution there is an Epic, for every Decalogue a scripture;’¹¹

¹⁰ *Russkii Newsweek*, 9/87 6-12.03.06, article ‘*Chistie Konkretnie*’ [Clean, Concrete]

¹¹ Cover, R. ‘The Folktales of Jurisdiction,’ in M. Minow, M. Ryan and A. Sarat (eds) *Narrative, Violence and the Law. The Essays of Robert Cover* (Uni. Of Michigan: 1993) p. 175

thieves-in-law adequately play the role of the 'bad guys' in constructing a narrative that separates the legal from the illegal and embosses the law with social significance for Georgian society. This leads to the conclusion that the threat of thieves-in-law in Georgia is not necessarily one which threatens national security or the stability of the country; the problem is instead one of social-psychology. The Thieves World, even as it exists now, represents a different normative realm which is fundamentally in competition with the state; in the arena of law and order the state must exert an absolute hegemony if it is to stay intact.

Although the thieves 'law' may not have instrumental value for the majority of the population, it still represents a certain ethical stance and an alternative culture that can prove attractive in a country suffering from an acute problem of 'alienated statehood' in which people feel no affinity or allegiance to the state. The ethos of the bandit can manifest itself in very negative ways all through society, spreading a climate of fear and distrust throughout social relations. It can grip Georgia's youth and encourage gangster-style behaviour. It can be popularised through film and media channels that can at times seem to be in love with the danger and sexiness of the Mafia. It has been claimed that 'thieves-in-law...still control vast numbers of juveniles across the former Soviet Union.'¹² This control might be indirect; the image of the thief (some of whom are now extremely rich) may simply come across as appealing in a country ravaged by economic disaster and war. Georgia is particularly vulnerable to this given that a third of all thieves-in-law of the former Soviet Union were from this tiny former Soviet Republic. According to one source, some Russian police use and understand the term 'thief-in-law' exclusively as referring to Georgians.¹³ To highlight the issue: 25 percent of schoolchildren interviewed in Georgia in 1993, said they wanted to be a thief-in-law when they grew up.¹⁴

Now the government is reclaiming the monopoly of violence for the state and legitimacy for the exercise of coercion. The campaign against the thieves-in-law aims at showing that crime really is evil and that the law must be followed. These are not

¹² Serio, J.D & V. Razinkin, 1994, 'Thieves Professing the Code: The Traditional Role of Vory-V-Zakone in Russia's Criminal World and Adaptations to a New Social Reality' in Galeotti, M. ed. 2002, *Russian and Post-Soviet Organised Crime* (Burlington: Ashgate) pg. 79

¹³ Backman, J., 2000, 'The Hyperbola of Russian Crime and the Police Culture' in Ledeneva, A. ed. 2000, *Economic Crime in Russia*, (The Hague: Kluwer Law International) pg. 265

¹⁴ Serio, J.D & V. Razinkin, 1994, pg. 76

necessarily established facts in Georgia. During the Soviet Union the idea of law as something over and above the state was disparaged as class domination. Courts operated on the principles of Lenin's Revolutionary Popular Courts acting in accordance with the conscience of the proletariat. Then, with the advent of glasnost, intellectual fashion changed to justifying any criminal activity as rational action directed against the state.¹⁵ With the state's diminishing legitimacy, the Soviet regime was itself considered criminal thus legitimating any crime by framing it in the discourse of rebellion. However, the post-Soviet criminal phenomenon turned liberation from the state into alienation as the blurring of politics and crime became almost total under Shevardnadze.

Conclusion

The securitization of the issue of thieves-in-law must be seen in this context of the politics-crime nexus. When a state is weak and struggles to provide basic public goods for its citizens then the rationale of the existence of that state can be called into question and challenged by other groups within society. In such cases a state, to stay intact, must win the battle for the hearts and minds of its citizens. The recent 2003 Rose Revolution offers a window of opportunity to do this. However, in Georgia this battle must be made against the historical backdrop of revolution, war, rampant criminality and the alienation of the citizenry from their state. Thieves-in-law may not represent an existential threat to Georgia, but they could well have a hold over a consciousness that has become criminalized.