

The third sector and the state in Russia: halfway from opposition to partnership

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1. Introduction

An issue of a relationship between the state and NPOs is a common subject of interest for third sector researchers. Initially I was planning to structure this paper as a case study of this relationship in the context of the Russian Public Chamber that was established as an official civil society instrument in today's Russia. However, as I worked on the document, I realized the need to clarify some important contexts. Taking one perspective over another determines to a great extent how the current situation in Russia would be interpreted and what aspects of it would be seen as significant or clearly established.

The content of the paper can be summarized as follows:

- Third sector institutions and resources “imported” to Russia in the 1990s are now being replaced by the ones of a local origin. An outcome of this process is rather controversial.
- Russian society is largely indifferent and the state is considerably apprehensive towards NPOs that promote emancipation of a civil society from the state. These are in most cases foreign-funded NPOs. At the same time the society began to establish the third sector as a provider of goods and services. And in that capacity the third sector in Russia has fairly good chances of successful cooperation with the state.
- The situation in Russia provides a valuable material for discussion of the topic of mutual relations between the concepts of the third sector and the civil society. The European definition of the third sector proves to be productive for recognition of the sector's outlook in that context.

Section 2 of the paper presents a brief overview of the situation in Russia. Section 3 is dedicated to a discussion of applicability of certain concepts of the civil society and the third sector to the Russian context. Section 4 offers some hypothesis concerning the future.

2. The situation

Prior to the 1990s any attempts of free self-organization by Russian citizens were firmly blocked by the Soviet regime. About 15 years ago these blocks were lifted. Laws regulating non-profit and charitable organizations were proclaimed. As a first-hand participant of the legislation drafting process I can attest that deliberate efforts were made to minimize regulatory burden on the third sector. The state at that time was acting as it was trying to encourage its citizens to explore the new world of third sector.

An outcome of this process was rather controversial. On the one hand NPOs (especially various funds) emerged in great numbers. But on the other hand, some of the new organizations were created with the sole purpose of functioning as a means of tax evasion for private businesses. Moreover, some NPOs were used by organized crime for money laundering or for illegal funds trafficking. It goes without saying that not all NPOs were involved in such activities; a significant number of truly charitable events and voluntary initiatives by Russian citizens also took place at that time. However, because of a hostile social-economic environment of that period these initiatives did not produce lasting or significant impacts.

The early 90s were characterized by a sharp decline (approximately by 40%) in GDP and disposable incomes. At the same time income distribution became significantly less equitable: the Gini coefficient went from 0.23 to 0.41 (Gaidar et al., 1998, pp. 768, 769, 907). Conditions in which most of Russian families lived at that time as well as traditionally weak culture of self-organization could hardly contribute to establishing strong third sector. The private sector was also not too helpful, since the individuals who had made their fortunes by running successful business enterprises in an environment that in most cases was not rewarding respect for the law or tax compliance, did not have any interest in philanthropy. Despite such adverse climate, genuine NPOs began to emerge at that time, developing a noticeable albeit somewhat frail trend.

At that time foreign nongovernmental foundations and government agencies, e.g. Soros Foundation (Open Society) and USAID provided considerable assistance to the emerging third sector in Russia. Since the time of Perestoyka up to this date support for civil society has been one of the top priorities for these organizations operating in Russia. As a result of a foreign sponsor aid modern civil society institutions as well as money to fund them were imported. George Soros alone has spent about \$500 million on charity events in Russia in the past decade.

During the mid and late 90s a shape of the third sector in Russia was largely influenced by organizations at least somewhat affiliated with foreign donors. Many of these NPOs were quite effective in delivering on their mission - they could afford to focus on core business without having to worry about fundraising since funding was provided externally. Content-wise the work of these NPOs was very much focused on promoting of liberal values. This work can be seen as a kind of a missionary activity in an environment where the local population had (and still has) rather a small commitment to such values (see e. g. Tikhonova, 2005).

Discussions about a leading role played by foreign-funded organizations during the 90s take a noticeable place in foreign studies on transition in Russia (e. g. Carothers, 1999). In most cases authors do give credit to these institutions but at the same time highlight their weak responsiveness to impulses that originated from within Russian society at that time (e.g. Henderson, 2002; Henderson, 2003). Notwithstanding these critical observations I am of an opinion that positive outcomes of “importing” the third-sector during the 90s greatly outweigh any negative ones. At the end of the decade, local organizations (e.g. charities) established with support of large Russian businesses started to emerge, following the model of the imported NPOs. The most significant organization among that group was the Open Russia Foundation created by Mikhail Khodorkovskiy who was the wealthiest Russian at that time.

Until recently all such organizations managed to co-exist with Russian authorities in a peaceful manner. Furthermore, in some cases (i.e. educational, research and culture projects) the two sides successfully worked together on a partnership basis. That was the lay of the land in the early years of Mr. Putin’s presidency, even despite a noticeable crackdown on political opposition launched by the new administration almost immediately after taking power. Proponents of Putin’s administration often use the term “managed democracy” to describe its policy (Tretyakov, 2005, pp. 12-13). One of the most well connected to Kremlin experts emphasizes the need to “filter opposition” in order to “control conditions and boundaries of political stability” (Pavlovsky, 2005, pp. 25, 79).

By no means advocating for such filtering, I would like to point out that it is something more complex than just harassment of “good guys” by “bad guys”. One should not forget about a rather nasty struggle for political power of 1999-2000. The best way to illustrate this point is to recall the developments around major Russian TV channels during that time. Today all major Russian TV

channels provide unequivocal and uniform support to the federal administration. This was not always like that, but even before the “filtering” took place TV channels had been operating in a manner very remote from objective and unbiased journalism. As early as in 1996 during the presidential election campaign major TV channels took a role of a means of political propaganda (Shevtsova, 2005, pp. 40-41). Later, TV channels controlled by competing business owners were bluntly used to move forward political and business agendas. During the election campaign of 2000 TV channels were competing in insults and lies. Soon after becoming a president Mr. Putin established control (either direct or indirect) on television. Owners of the two most influential TV channels were expelled from the country (one of them provided support to Putin’s political foes, the other one supported Putin during the campaign but after the victory began making claims for political influence). As a result of Kremlin establishing control over Russian TV, political coverage that the media provides today is clearly single-sided. But that should not be seen as a drift from objective provision of information to government propaganda, but rather as a transition from an oligopolistic to a monopolistic market of TV propaganda.

Up until 2004 the victims of the “filtering” were exclusively powers that could in fact represent a threat to the president and his policy. Virtually no major NPOs were associated with such powers. Things changed drastically after the “colour” revolutions in Georgia and Ukraine. There is a common opinion that politically active NPOs played an important role in orchestrating these events. Subsequently, the president administration became suspicious of similar NPOs in Russia.

The situation deteriorated as a result of the arrest, trial and sentencing of Mikhail Khodorkovskiy. Charges against him included fraud and tax evasion. However both proponents and critics of Putin’s administration share a view that the main purpose of the criminal investigation and subsequent court trial was forcing large businesses out of big politics (Shevtsova, 2005, p. 347; Yuryev, 2005, pp. 136-137). After Khodorkovskiy’s trial businesses continue to “hire for a service fee” government officials and members of parliament to help with individual private issues, but shy away from funding political opposition to Kremlin. That trend negatively impacted several NPOs, even though they never played any important role in lobbying of interests of private business.

Some leading NPOs are being weakened further as a result of a gradual withdrawal of foreign donors from Russia. This process had begun even before deterioration of relationships between the state and NPOs happened. Improvements of economic conditions in Russia were cited as a reason for that withdrawal. For example George Soros closed the Russian branch of his foundation in 2002. Several major foreign foundations and government agencies have either followed the suit or are currently getting ready to do so. The conflict between some of NPOs and the state delayed the process of foreign donors’ withdrawal but at any rate their activities are declining.

As a result of the factors described above those of Russian NPOs that until recently played leading roles in the Russian third sector are now facing significant difficulties.

As far as the state policy on the third sector is concerned, in 2004 two major decisions were made.

The first one was establishing the Public Chamber as an official body representing civil society in Russia. One third of the Chamber members were appointed by the President who selected intellectuals, artists, athletes and other individuals, well known to the general public and generally loyal to the administration. These members selected another one-third of the Chamber, picking from the nominees of federal-level associations. Finally, the two thirds of the Chamber selected the remaining members from the candidates nominated by various local associations. In accordance

with a law, the Public Chamber reviews legislative proposals, conducts public hearings on issues pertaining to civil society matters, makes inquiries on such matters to the President and government, publishes an annual report on a status of civil society in Russia etc.

Many experts criticized the Public Chamber, pointing out the fact that its members were appointed by the state, and arguing that the Chamber is nothing but an instrument of support of the state power (Petrov, 2006). In reality, however, the Chamber plays quite a different role. Many members of the Chamber are financially independent individuals who care a lot about own reputation and do not have aspirations for career in politics. As a result, these members of the Chamber are reluctant to play a submissive role in dealings with the state. Having said that, the Chamber is definitely far from being in opposition to the administration. Chamber members prefer to focus on specific social issues; in some cases they help ordinary citizens to deal with government bureaucracy.

Another important policy decision of 2004 was making changes to the state legislation on NPO. As I already mentioned the original legislation on third sector used to be fairly liberal and non-intrusive. As far as one can tell, initially proposed legislative changes were aimed at preventing a Russian version of the “colour” revolution. Among the proposed changes was a requirement for branches of foreign NPOs to re-register as Russian organizations. The changes also envisioned an easier process for government regulators to close NPOs. Leaders of the third sector in Russia harshly objected these and some other new legislative requirements. This position was supported from abroad as well as by members of the Public Chamber, recently appointed by the President (the remaining members of the Chamber had not been yet appointed by that time). As a result, changes that were criticized the most did not receive a final approval. Nevertheless, a significant number of new provisions were approved by the Parliament, despite the fact that many in Russia’s third sector consider these provisions unacceptable (e. g. Ausan, 2006).

Some of the new provisions introduced in 2004 are very typical for the Western context of NPO regulation. That includes e. g. provisions for NPO liquidation as a result of a court (rather than government’s) decision as well as requirements for disclosure of sources of funding and use of funds. Politically active NPOs argue that Russian courts do not act independently and legal provisions for forced liquidation can be interpreted very broadly. As far as financial reporting is concerned, such NPOs would be reluctant to admit their dependence on foreign funds by providing financial statements; in addition receiving funding from Russian businesses is often contingent on requirements of non-disclosure and confidentiality. At the same time the state is encouraging private sector funding of NPOs that act in the interest of the government organizations or *United Russia*, the party in power. In 2006 there were several examples of providing budget funds to NPOs associated with the party (e. g. Nagornykh et al., 2006).

Till present days the further politization of a part of the third sector “old core” was a typical trend. This became especially apparent in connection with the conference “Other Russia” that took place in July 2006. Being positioned at first as a civil society forum, it resulted in a unifying congress of a strong opposition to President Putin.

As a result, the Russian civil society is sometimes treated as a bellicose extraparliamentary opposition. This treatment can be found in quite many publications. For example, in (Green, 2006) Russian civil society is seen only as a direct successor to activities of anticommunist dissidents of

the Soviet period, and only membership in parties and remedial groups, participation in boycotts, etc. are considered as indicators of its development.

Meanwhile, sociological surveys show that most Russians do not want the power to be changed. Rate of trust in President Putin is 3,5 times higher than the level of the most trusted politician in opposition. The latter is radical nationalist Vladimir Zhirinovskiy whose level of trust is three times higher than rate of the most trusted politician of liberal orientation (Levada-center, 2006). At the same time, Russians are not ready to relinquish those elements of democracy that became usual for the last 15 years, though not everybody experiences a positive attitude towards them. In general, 61% of the population is in favor of alternative elections, 57% – of multi-party system; yet, overwhelming majority of the population would prefer stability, rather than a new cycle of large-scale political reforms (Byzov, 2006).

Evidently, it is determined by the improvement of economic situation to a great extent. Decrease of GDP changed into its increase by 6 percent on average per year in real terms. At the same time, real personal income rises 1,5 times faster than GDP, and an average salary rises even faster (Rosstat, 2006). Though income increase is distributed quite unequally, many groups of the population gained a certain profit. During the Presidency of Vladimir Putin number of citizens with income less than the subsistence wage declined almost twice. Millions of people reached the living standard of the European middle class. This is especially important as a matter of development of the third sector.

Improvements are determined by external economic state of affairs to a great extent, in particular by the rapid rise in oil prices. Anyway, the population definitely wants to have a rest from politics. Yet, Russians rather willingly take part in collective activities, characterized by the following features: firstly, a non-political character; secondly, an obvious result that depends on participants themselves. In particular, during a year 15% of respondents were involved in collective development of areas, surrounding their houses, and 9% – in collecting funds and clothes for people in difficult situations (WCIOM, 2004).

Russian business demonstrates quite high level of charity. As all economic characteristics of the Russian third sector, this level can be judged only from selected data and experts' evaluations, unfortunately. According to available data more than 80% of all Russian companies are involved in charity activities; large companies usually spend 15-20% of their profit for such purposes; donations of only 30 largest companies amount to 1,5 billion USD a year (Krestnikova, Levshina, 2002).

However, it should be noted that the most part of all donations goes not to the third sector but to the public one (Ibid.). On the one hand, the latter is now the leading sector in education, public health, housing, communal services, etc. On the other hand, sometimes donations act as a forced demonstration of loyalty by companies to regional and local authorities (Polischuck, 2006).

As the contribution of the third sector to welfare mix is concerned, a survey conducted by the Russian Urban Institute is of a special interest. The survey was concentrated on NPOs delivering goods and services to households (we will further call them as welfare-oriented). According to the survey results, these NPOs' annual production is 1,2% of GDP, i.e. more than 5 billion USD (Rol, 2005). Taking into account purchasing-power parity, these are goods and services that would cost nearly 15 billion USD in the USA.

The main part of the output of welfare-oriented NPOs is delivered to households for free. Sale proceeds constitute 36% of their financing. The rest are gratuitous receipts, 74% of which fall at Russian organizations, 16% – at Russian citizens, and nearly 10% are foreign funds (Ibid.). If we would speak not of welfare-oriented NPOs but of advocacy organizations or think tanks, for

example, a share of foreign donations would be larger. Consumer-oriented organizations receive only 1,2% of financing from the state budget. This can be seen as a state's indifference to them.

Let me also adduce data from the WCIOM poll conducted in late 2005 (WCIOM, 2005). Like other polls, this has shown that the overwhelming majority of Russian population has only vague idea of what the third sector really is. 43% of the respondents heard a notion "nonprofit organization" from the interviewers for the first time (it should be noted, that this term has been already used in Russian legislation and practice for 15 years). 3% of the respondents were personally involved in cooperation with NPOs, 9% definitely knew about NPOs activities, 32% heard something about it. Taking into account such a level of awareness, this is no surprise that 40% of respondents supposed that NPOs "neither blight, nor are of use". Both statements "NPOs contribute to solving social problems and development of social sphere" and "NPOs protect the citizens' rights, promote demonstration of social initiatives" got 38% each. As far as this data can be interpreted, the population perceives a welfare-oriented part of the third sector at least on equal terms with politically-oriented part.

Let us now turn to visions of future development of the situation. In this case respondents of the same poll see a welfare-oriented part as an absolute priority. Respondents could choose one of three possible answers to the question about what NPOs should do in Russia. The most popular answers were: maternity and children protection, orphans and waifs care, improvement of habitation and adjacent territory, education, health care and aid to the poor. These options were selected by 29-47% of the respondents.

Such options as environmental protection, sport, culture, and science were chosen by 10-15% of the respondents. Politically-oriented part of the third sector was of no interest. 8% of the respondents selected as a priority protection of public interest and civil rights, only 2% – development of independent media. Such low evaluation arose regret but should be taken into account.

Finally, answers to the questions about cooperation of NPOs with authorities, and proper sources of their financing are of great interest. 66% of the respondents considered such kind of cooperation as a normal practice and only 18% were against it (the rest part of respondents gave no answer). 46% of the respondents advocated financing of NPOs from Russian authorities, and 37% – from Russian business. At the same time, only 8% of the respondents considered financing from foreign foundations as appropriate, and only 4% – from foreign governments. In Moscow and St. Petersburg, where the third sector and especially its "old core" is presented most widely, 51% and 53% of the respondents supported financing of NPOs from the Russian authorities and business, correspondingly; 6% and 2% spoke for bringing in resources from foreign foundations and governments, correspondingly.

In general, Russians trust NPOs, those who are familiar with them to some extent. In a country where corruption is widely spread NPOs are seen as rather not bribable institution. According to the last survey Transparency International, level of NPOs' corruption is 2,7. Only church is in a more favorable position (2,2). At the same time, for example, health care and army received from the population corruption level of 3,5; courts and parliament – 3,9; political parties – 4,0; police – 4,2 (Pismennaya, Raskin, 2006).

3. An attempt of conceptualization

In contemporary literature various treatments of the civil society notion can be found (e.g. Chambers, Kymlicka, 2002; Hall, Trentman, 2005; Pestoff, 1998; Salamon, Anheier, 1998). Discussions on the matter are highly politicized. Meanwhile, we need a pragmatic approach in order

to analyse the Russian situation. We need instruments that will allow to fix correlations of practical significance, on the one hand, and, on the other hand, to distinguish those aspects that have different potentials for development.

It is surely important not only for Russia, but also for most countries where the bundle “NPOs – civil society – liberalism – mature democracy – containment of state” does not go without saying. However, Russian example is especially significant. Both the idea and practice of the third sector were initially involved in the bundle mentioned above, but the ongoing process of “import-replacement” destroys it.

Conceptions in which the bundle is seen in absolute terms are the least suitable for analysis of the current situation. Still, just such conceptions are most widely presented in publications translated into Russian (e. g. Gellner, 1994). As a reaction to such kind of publications, quite extravagant concepts of civil society in Russia appeared among others. For example, a well-known Russian sociologist sees corruption networks as key elements of Russian civil society (Kordonskiy, 2005). Unfortunately, self-organization of the Russian population becomes much more apparent in such networks than in “imported” NPOs. However, such conceptions also can not be considered as productive.

The reason is not only in the fact, that according to tradition proceeding from Kant and Hegel, civil society is expected “to administer justice”, whatever the latter means (see Hall, Trentman, 2005, pp. 93, 131). Of no less importance is the point, that too encompassing treatments are rather misleading while we need a differentiated approach. By the same reason, approach used in the Johns Hopkins project is not fully acceptable in our case. The project’s tradition tends to bring together, rather than distinguish, the notions of the “civil society”, the “third sector”, the “social economy”, the “voluntary sector”, etc. (e.g. Salamon, Sokolowski at al., 2004). Such bringing together has proved its usefulness for international comparative studies and aggregations. But with reference to the situation described in the previous section, the “European” approaches could be more useful. They, “while not discarding the synthetic dimension, have taken a more analytical perspective, focusing on generating non-profit association typologies that highlight different modes of action and the changes in them over time” (Evers, Laville, eds., 2004, p. 12).

Just the different modes of action as well as their origins and implications are crucially important for the discussion about replacement of “import of institutions” and interaction between the third sector and the state. Stereoscopic vision of the modes of action appears, when the sector is seen not as a merely infrastructure of political life, but in a larger context as the welfare mix. In this case it proves itself in a space between households, market and state in different ways (Pestoff, 1992). This exact space is the most appropriate for a personal self-actualization. According to an exact remark of a Russian scholar, “the main incentive for individuals to participate in the civil society can be seen in their attempts to overcome socially and institutionally imposed roles, to be themselves and to organize institutional environment in a way “more comfortable” for living” (Oleynik, 2005).

Under the totalitarian regime overcoming imposed roles was possible only in struggling for a change of the regime. But taking into account importance of further democratization, private life space is quite large in Russia today. Its organization on the basis of cooperation and solidarity is an important task. And it is directly connected with quality of the welfare mix.

In present-day Russia (and, evidently, not only in Russia) we can clearly observe the tension between two roles of the third sector – the role of a mediator of relationships between government and citizens, and of a specific goods and services provider. There is no country in which these roles merge completely, but in western countries they are more or less harmonized. At the same time, it

should be useful for such countries like Russia to distinguish between the third sector of the national economy and a set of civil society groups.

Let us indicate conventionally three types of the third sector treatments as a specific component of economy. The first treatment – the broad one (B), encompassing various forms of voluntary self-organization. It concerns, among others, mass movements and corruption networks. The second treatment – the “legal” one (L), concerning only formal organizations and focused on legal criteria. With certain reservations, the treatment used in Johns Hopkins project belongs to this type. The third type– the “economic” one (E), pointing out mainly features of the incentives and modes of action. It concerns mainly formal organizations, but not necessarily only them.

Let us indicate also three types of the civil society treatments with relation to its attitude to the state. The first type – opposing and constraining (O). The second one – autonomous (A), which is alternative to the state, and exists as being in a different plane from the state. The third type – the partnership type (P), cooperating and complementing the state in building the welfare mix.

The “American” approach shows the best correlation with combinations LP, LA, and LO. For the “European” ones combinations EP and less EA are the most appropriate. Combinations BA, BO, and EA are more useful while speaking about the Third world countries, though sometimes combinations including L and P are also suitable. Combinations BP, BA, and OE do not evidently make much practical sense.

The “old core” of Russia’s civil society can be described mainly with combinations BO and LO, to a lesser degree, BA and LA. At first glance, it is a paradox since the “old core” is consciously oriented towards western, often American patterns. This is not true for emerging «welfare part» of Russian third sector. However, just this part spontaneously tends to approach combinations typical for the West, mainly for Europe. The most typical combination is EA.

So, Russia is currently characterized by existence of two different, though overlapping, third sectors. Both of them embody self-organization of citizens but are different in origins, incentives and tendencies. The first one can be called the bellicose civil society (BCS), the second one – the infant social economy (ISE). If using only encompassing notions, one of them will inevitably remain in shadow. For example, if we follow some of civil society treatments, ISE would look as a merely marginal appendix of BCS. Another treatment, according to which the latter can be seen as no more than a special case of the former one, is also misleading.

In some countries notions “civil society” and “social economy” correspond to the same set of objects. These are mainly formal organizations complying with legal criteria of NPOs. However, legal criteria do not express the essence neither of the first, nor of the second notion. If we consider the essence, then we can not theoretically exclude even possibilities of a civil society consisting only of informal structures, and of a social economy consisting only of co-operatives. It is especially important to realize the narrowness of legal criteria in connection with the states like Russia, where both the legislation and its enforcement are far from being perfect.

The importance of distinguishing BCS and ISE does not evidently mean the absence of common features and elements. Many organizations belonging to BCS provide legal and other services for people, whose rights are being violated. For example, the “Mothers of soldiers” organization is well known in Russia. It helps soldiers, who suffer from humiliation and harassment in their units, and at the same time advocates reform of the army.

4. An attempt to forecast

Taking into consideration everything said above, forecasting of the third sector development in Russia and its relations with the state should be build up as a sum of two different forecasts. One of them concerns BCS, the second one concerns ISE.

BCS is not strongly supported in the country. However, there are no reasons to expect its disappearance. Authorities aim at constraining its influence, but are not interested in its full disappearance. At the same time, there are quite many enthusiasts among BCS activists. Rather moderate financial support will evidently be continued, including foreign one. Apparently, BCS will exist as a kind of a “food vitamin”. It has a small volume, but is necessary for health.

There is another perspective for ISE. It could be relevant, productive and possible for it to establish cooperation with the state in building the welfare mix. On the one hand, elements of social economy in Russia get over infancy. They still lack resources and especially qualified management. On the other hand, the state needs to get more and more involved in resolving social issues, meeting here considerable difficulties (see e.g. Jakobson, 2006). The social economy is able to make an important contribution to solving this problems, also taking into account less corruptibility of its organizations, in comparison with the public sector.

The future of the third sector in Russia could be significantly different, if economic and political shocks take place. In particular, slump in oil and gas prices could affect Russian economy very negatively. In this case, maturation of the social economy could be significantly slowed down. Simultaneously, economic crisis could reinforce BCS’s activity and its opposition to authorities. As far as I can judge, authorities would have enough strength for keeping control, but their policy with regard to self-organization as a whole would be stricter.

Relatively optimistic scenario for Russia looks like the following one. In conditions of relatively stable economic and political situation, the social economy would be able to take roots in the country. In this case the role of the third sector in ensuring the welfare mix and its relations with the state would be more like in the West. On this ground, the third sector would gradually produce advocacy and political activism, having more solid basis than BCS nowadays. Probably, the civil society would be relatively peaceful, but ultimately exactly this civil society would form a reliable basis for further democratization of political system in the country.

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