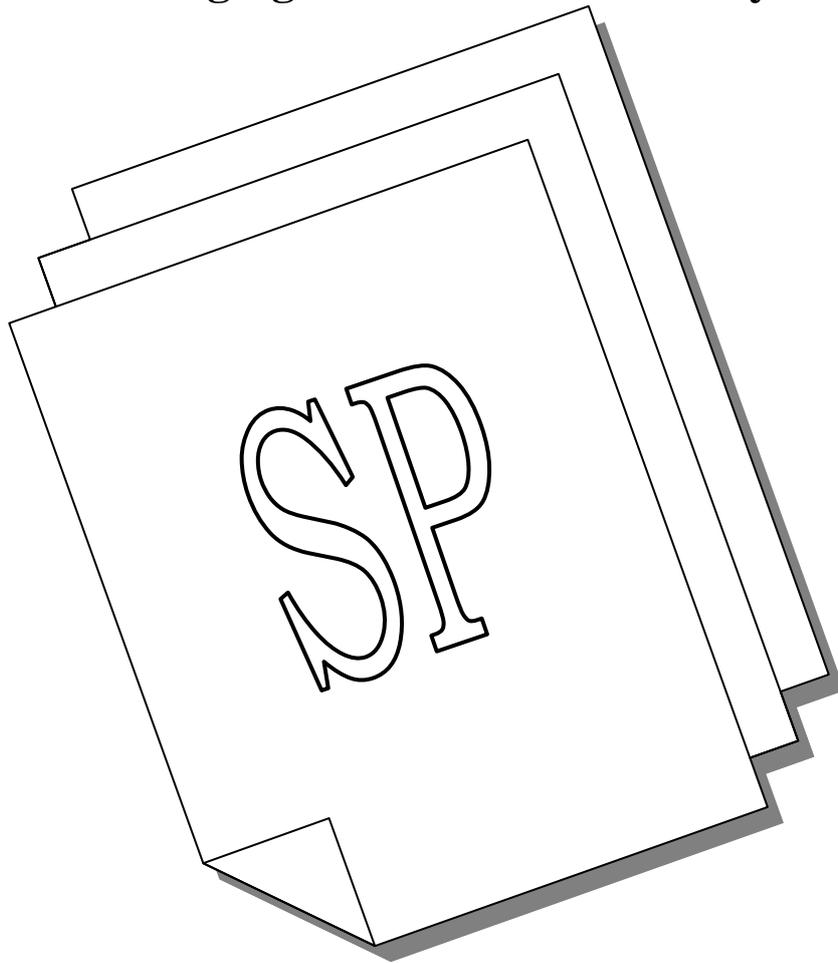


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# Encounters with Law: Russian-Speaking Israelis in Court<sup>1</sup>

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## **Abstract**

This essay is part of a project in legal anthropology investigating external legal culture—the perceptions of the law by members of the lay public. Material is drawn from in-depth focused interviews with FSU immigrants of the 1990s in which the subjects relate their courtroom experiences in Israel. On the whole, ex-Soviets are reluctant to bring their problems to court. This paper attempts to show that partially this attitude stems from deep distrust of the law and authorities bred in pre-emigration life and reinforced by experience in Israel. It also reflects legal incompetence: immigrants have to adjust to the legal system markedly different from the one in their origin country. Stories about various legal offences, morality, rights, and civil responsibilities, as well as cheating and swindling, are a common item in the immigrants' narratives. Our goal is to reveal mental structures related to the concepts of “law”, “justice”, “rights”, etc., and analyze how they contribute to the feelings of social integration or alienation.

## **Introduction**

This essay is part of a project in legal anthropology. Although interdisciplinary ties between law and anthropology were established over a century ago, until recently legal anthropology remained on the periphery of the social sciences and humanities. Today it increasingly interests jurists, as well as sociologists, psychologists, sociolinguists, scholars of migration, folklore and literature. As the interdisciplinary methodology finds more proponents among social scientists, specific features of language use and construction of narratives in legal practices are moving to the foreground. According to N. Novikova, legal anthropology focuses on legal

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<sup>1</sup> An earlier version of this article has been published in Russian:

Еленевская Мария и Лариса Фиалкова. (2007). Встречи с Фемидой: рассказы русскоязычных иммигрантов о судебном опыте в Израиле. Стр. 251-277 в сборнике: Кенигштейн Моше (Составитель и редактор). Русское Лицо Израиля: Черты Социального Портрета. Москва, Иерусалим: Гешарим. Мосты культуры.

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dimensions and characteristics of social life from antiquity to the present day. The problems of interest to legal anthropologists include the right of the other to be different; the study of oral forms of law, such as regulations, norms, myths, legends, proverbs, sayings and other folklore genres; research into activities of institutions and sanctions facilitating conflict avoidance and prevention<sup>2</sup>. In addition, legal anthropology investigates attitudes to law and its violations, and analyzes how various groups in society evaluate the effectiveness of the judicial system.

There is no single definition of law because in different societies and cultures it has different manifestations. “Law” emerged and evolved as a Western term and concept, and attempts to include varieties of institutions and processes in non-Western societies that are the counterparts of Western legal institutions have led to a gradual widening and even dilution of the notion (Gulliver 1969: 12). In many countries several legal systems, such as civil, custom, and religious laws, function in parallel: in Israel, for example, besides civil courts there are rabbinical and shariah courts. The concepts of the norm and its violation in these systems may differ and sometimes even contradict each other (see Barzilai 2003; Gulliver 1969; Rattner, Yagil, and Pedahzur 2001).

The question of whether the law is just sparked philosophical debates already in ancient times and is reflected in Hellenist literature. The conflict of the law and moral imperative is also the subject of medieval Jewish literature of the sages, *Hazal* in Hebrew (see, e.g., Kosman 2002.) Debates about the law, when they are not merely debates about how legal precedent mechanically applies in a particular situation, are also ethical debates because there is a difference between what is legally right and what we consider really right or just<sup>3</sup>. The American psychologist Berne introduces the notion of “legal thinking” evolving in childhood as an attempt to transgress without breaking a parental prohibition. Just like children, adults are often confronted with a dilemma: how can one have one’s way without breaking regulations. In such cases legal thinking acquired in childhood may persist into adulthood. While legal thinking, according to Berne, is an attribute of an individual’s psyche, legal consciousness is an element of group consciousness. People may share legal consciousness if they have undergone similar experiences; this can apply, for example, to members of the same social class or to members of the same minority group. Anthropologists investigating legal consciousness focus on legal aptitude or competence or on perceptions and images of the law among members of the group being studied. The former conceptualize law primarily in terms of its substantive rules and procedures, and view legal consciousness as knowledge and facility in using them. Researchers who focus on communities of meaning, and we are among them, conceptualize “law” primarily in terms of its symbolic power, and focus on the ideas people have about legal rules and institutions (Engel 1998: 113, 139). The interpretation of the social world, including the law is no less real than that world itself. Thus the constructed world cannot and should not be ignored irrespective of whether certain concepts and schemas are real or not (Ewick and Silbey 1998: 23, 42).

Legal anthropology distinguishes the notions of “internal legal culture” held by legal professionals and academics from the “external legal culture” representing the opinions and pressures of the lay public and brought to bear by various social groups (Nelken 2004: 116). Our study lies within the domain of external legal culture, and

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<sup>2</sup> See <http://ethnography.omskreg.ru/page.php?id=439>, 13 Feb. 2006. Here and further dates following web addresses indicate when the sites were accessed.

<sup>3</sup> <http://www.wku.edu/~jan.garrett/320/320lawmo.htm>, 13 Feb. 2006.

since we have no professional background in law we are also bearers of external legal culture. Legal anthropologists often focus on processes of dispute settlement. A case history should include three main stages: the prehistory of the dispute, the dispute itself, and the social consequences that follow settlement. Careful documentation reveals the prehistory of the conflict and discloses its genesis before it becomes a dispute, hence before evidence, inferences, and attitudes are modified or stereotyped (Gulliver 1969: 13-15). Since our expertise is studies of the narrative we don't focus on the conflict itself but on its presentation and interpretation in the narrative.

The processes of globalization and the ever increasing scope of migration call for new thinking in regard to law and migrants, who are influenced by at least two cultures and have to build their relations with the receiving society in the framework of a legal system that may differ from that in their country of origin. We agree with Harris that anthropology often focuses on individuals and groups that are at the frontiers of legality and whose relationship with the law is at best ambivalent (Harris 1996: 3). Immigrants belong to minorities, and various researchers have shown that minorities tend to distrust the law and legal institutions (see, e.g., He, 2005; Seron, Pereira, and Kovath 2004; Yagil and Rattner 2005). A significant feature of minority groups is that they have fewer opportunities and less power than dominant groups<sup>4</sup>. Immigrants' legal consciousness and attitudes to law are of particular interest, because on the one hand they may be unaware of the adversarial nature of legal proceedings; on the other hand, fear of courts, or disappointment resulting from the realization that the rules are not golden, will contribute to more emotional distress in the already inherently stressful situation of immigration (Barrett and George 2005: 12).

The purpose of this essay is to analyze attitudes to law as they emerge in personal narratives about court cases told by immigrants from the former Soviet Union (FSU) to Israel. Material for the study was drawn from in-depth interviews with ten subjects, which were tape-recorded with the interviewees' consent. The interviews were conducted in informal settings in Russian, the mother tongue of the interviewees and interviewers. Four informants spoke at length about their various encounters with the law, the rest told us about just one. Two interviewees gave an account of stories that they had heard from their acquaintances adding them to their personal narratives. To interpret fieldwork material we apply content and discourse analyses and rely on our own experience as participant observers. We can define our approach as "ethnography of living voices" (Tishkov 2003: 36).

In their stories narrators emerge in various roles: as perpetrators or victims of cheating and swindling and as interpreters of other people's experiences. Some try to achieve justice by going to court; others refuse to try to defend themselves with the help of the legal system having no trust in it. Our task is to show mental structures linked to the notions of "law", "justice" and "court" and analyze their relation to integration processes. Do immigrants perceive the law as protection by the state or alienation from it?

### **Ex-soviets and legal consciousness**

Legal consciousness of a cultural and language community is reflected in the language. Ethnographic data testifies that there is an enduring and rigid opposition of

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<sup>4</sup> <http://www.thefreedictionary.com/minority>, <http://www.m-w.com/dictionary/minority>, <http://academic.udayton.edu/race/01race/minor01.htm>, 28 May 2007.

law and justice in Russian traditional culture, and the notion of justice is superior to the notion of law. In Church Slavonic and in early Russian the notions of *pravda* (truth) and *zakon* (law) were closely linked semantically. Gradually, however, this connection disappeared. *Pravda* acquires religious connotations and comes to be perceived as earthly reflections of heavenly truth. *Zakon* lost associations with *pravda* but remained ideological and acquired negative connotations that were reinforced by social practices (Chumakova 2006). The Russian concept of *spravedlivost'*, a semantic combination of the English “justice” and “fairness” is one of the most important values in Russian culture and is reflected in the lexis. Notably “law” and “legality” are often juxtaposed to “justice” and “what is moral and fair” (see, e.g., Lebedeva 1999: 128-138; Lurie 1997; Shmelev 1999: 227; Stepanov 2001: 571-600; Znakov 1997). Such perceptions bred by century long tradition have survived and pervaded in the Soviet period. Moreover, the law is often seen as a violation of commonsense. According to recent surveys, the majority of Russians think that when the law collides with commonsense, priority must be given to the latter (see results of public opinion monitoring quoted by Oleinik 2003: 156). We tend to believe that in this case the notions of justice and commonsense converge. As a result the attitude to law in present-day Russia demonstrates lack of trust. As Guboglo put it, a lack of trust is critical in the attitude to law since it leads to the supremacy of power over it. Ethical norms erode or are destroyed completely, while agreements and mutual obligations become valueless (Guboglo 2003: 215).

Soviet social life was overburdened with numerous rules and limitations which were often impossible to comply with. To cope with this Soviet people had to rely on informal networks of mutual support and favors, *blat*, and often resorted to bribes. These were survival strategies crucial in the face of constant scarcity used by all groups and in all domains. When people engaged in these activities were caught, they had to face punitive damages or even a prison term. In the official discourse *blat* and bribes were castigated as “shameful relics of the capitalist past” and were a frequent topic in the media. Yet lay people were tolerant of these phenomena, in particular *blat*. A well-connected person was seen as an example for emulation; moreover the power of connections and favors was often used not only for one’s own advantage, but as help to others and was seen as a type of altruism. Even bribes were often perceived as a form of gratitude for services impossible to receive using official channels, the attitude that can be traced to pre-revolutionary Russia (Heinzen 2007; Ledeneva 1998; Zorina 2006).

Despite various methods that the Soviets developed in order to bypass the rules and restrictions imposed by the state, the individual often felt powerless in the face of the law. The average Soviet citizen would do his or her best to avoid any encounters with the legal system and going to court was an extraordinary event. When conflicts arose some people preferred to use public, trade union or party organizations as mediators. Others chose to take matters into their own hands, while still others would swallow what seemed to them wrong or unjust and silently endure offense in order not to get into more serious trouble. On the whole, skepticism regarding the legal system still prevails after the disintegration of the Soviet Union. According to a recent survey, 40% of the victims of various types of criminal offense did not turn for help to police. Thirty-nine percent of those explained that they did not believe state institutions were capable of protecting their rights, and 45% preferred to defend their own interests. Only 4.5% of Russian citizens filed legal suits seeking to defend their rights. On the basis of these statistics one can conclude that a post-Soviet individual does not

consider himself or herself subject to law (Oleinik 2003: 162). This observation is confirmed by investigations of the practices of Russian businessmen who demonstrate distrust in and contempt for the legal system, which seems to be part of the Soviet legacy (Hendley 2004: 338). Moreover, researchers investigating patterns of behavior and integration strategies of ex-Soviets émigrés in different countries (England, Finland, Germany, Holland, Israel, Poland, and the U.S.A.), observe the perpetuation of the habits and attitudes to law developed in the “old country”, particularly in the first stages of their immigrant life. These are distrust and manipulation of the law, avoidance of formal organizations in favor of personal networking, attempts to express gratitude by bribing officials, and so on (Kopnina 2005: 10-11, 42-43, 65-66, 131-157; Morawska 1999; Protassova 2004: 150, 162, 184; Remennick 2007: 30, 58, 61; Fialkova and Yelenevskaya 2006). The theme of attitudes to law, as well as stories about cheating and swindling, are widespread among immigrants. They regularly appear in the immigrants’ press and Internet forums.

### **The court saga**

Ex-Soviets are not exceptional in their reluctance to deal with courts. In Western societies too, some social groups tend to avoid going to court when conflicts arise. Merry, who investigated legal consciousness among working-class Americans in New England, noticed an interesting feature: the poorest first-generation immigrants, be they Hispanic, Italian, French or Polish, do not bring their problems to court, not feeling entitled to use the court; but their American-born children and grandchildren overcome this complex (Merry 1990: 26-27).

In Israel it does not take immigrants long to realize that it is common practice to go to court to settle conflicts with employers, neighbors, building companies and various agencies. This is an entirely new chapter in the life of ex-Soviets because the system of civil law was almost non-existent in the USSR (Procaccia 2007: 144). In the absence of familiar alternative institutions it requires a good deal of courage and persistence to entrust the legal system with conflict settlement. Besides, people fear that the cost of lawsuits will be beyond their means and nullify possible gains. The narrators quoted below are among those who dared break the Soviet stereotype. Although not all of them were satisfied with the court decisions, these were legally correct.

Our first narrator bought a leather sofa at a discount and paid half of its initial price of 12,000 N.I.S. First she was very pleased with her purchase, but then problems began.

#### **Angela, 41<sup>5</sup>**

*“Five months later (pause) the seat of the sofa showed cracks. (...) The leather became soft and sort of flabby. It felt as if it was disintegrating to the touch. Our cat also did its bit (...) and tore the armrests. But we managed to solve this problem. Cats don’t like sharp smells, so I sprinkled the sofa with Armani perfume, and the cat stopped tearing it. Wonderful! Well, there were those funny cracks, small, disgusting and flabby, sort of unpleasant to touch. The leather began to peel, as if it were covered with disgusting scales. Yeah. So I called the store. I called the store, but they*

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<sup>5</sup> To preserve anonymity we have changed the names of the storytellers and have abbreviated the names of the agencies and stores involved in the conflicts. Hebrew insertions in the interviewees’ speech are given in italics and words emphasized by intonation are capitalized.

*didn't react. Then I began to write letters in both languages (Hebrew and Russian). I sent electronic letters because "N" (the name of the store) has an internet site. (...)No response. I sent another letter. No response... But I still sent letters there, this time in Hebrew. Well, I get a letter, I get a letter in which it says that the fault is all ours. But I didn't accept that. I went on pestering them. Then they said they would send an appraiser. And the appraiser employed by the store, indeed, paid us a visit. It was a wonderful young man with a shaven head. By the look of him he was a mover rather than an appraiser. He examined it (the sofa). By that time there had already been... half a year had passed, and the correspondence lasted for about two months. So there was already a hole there big enough to put your finger through it. And fibers of the leather were sticking out. He examined the hole and announced that the upholstery had been torn by the cats. I say, "No, the cat couldn't have done it. The cat couldn't have LICKED this whole piece through to the point that upholstery is beginning to disintegrate at a mere touch. A scratch looks quite different. Would you like to see a scratch? Here is one. Look over there you can see a scratch left by the cat's claws on the armrest. I mean, I am not asking you to replace the armrest, because it was damaged by the cat. And I am quite honest about it. (...) Then I recalled that there is a consumer protection society and perhaps I should use some legal way. I know that I'm right, but I have to find a way to prove this and to show these people that they are wrong, and the cats have nothing to do with it."*

Angela contacted the Standards Institution of Israel, paid 700 N.I.S. for an expert opinion. The employee of this organization photographed defective sections and sent a letter stating that the leather was of bad quality and considerably different from the rest of the upholstery. After that Angela turned to a legal advice office and for 300 N.I.S. their clerk compiled a letter of complaint in Hebrew to be submitted to the small claims court. Angela filed a lawsuit and a month later she received a letter that advised her to settle the disagreement amicably. She consulted her lawyer who recommended her to go to court.

*"Wonderful. So we came to the hearing. I was so nervous because of this whole business, simply hysterical. I had a feeling I was close to a heart attack. I felt terribly insulted and my heart was racing. So we went into the courtroom. And there was this judge there (pause). One can hardly consider me a racist, you know, but the judge, the judge was an Arab. I don't know whether he was Christian or a Muslim, it doesn't really matter. Yet I didn't feel comfortable about what was going on. To cut it short, it looked like this. The lady representing the store was sitting here (points with her hand), and we were sitting across. And, naturally, the judge, he sort of had a brief glimpse at our file, and asked the lady what she could say in reply (to the claim). As one could expect, the lady said that the cats were responsible for everything. The judge agreed, yes, sure enough, the cats are responsible for everything. But, apparently, trying to demonstrate some goodwill in relation to the people who had bought that sofa he said, "OK, this store where you bought this sofa of poor quality, the sofa damaged by the cats, well the store will give you a check for the sum equal to your expenses." So as a result we got a check for about a thousand, say, 1,350 shekels, and on top of it we could spend that money*

*only in that store. Nowhere else. (...) The funny thing is that a girl working for that store "N" said that they had had a WHOLE LOT of those sofas (the same make as Angela's ) and when customers complained they were replaced. It seems we got to the store half a year after they had received the lot, I mean, it was already end of the line, the whole lot had been already sold out. That is, I was just damned lucky, (...) At the end of the hearing, when the judge said again that cats are known to tear upholstery, I became so furious that I simply STOOD UP and said, we were at the point of leaving the courtroom then, but I stood up and said, "Excuse me, but you have an expert opinion here in front of you that states that the leather of the damaged section is substandard, it's of poor quality. And I insist that you admit right now that the cats have nothing to do with it. I have no objections to your decision. That is, you ruled that we should get 1,350 shekels, fine with me. But admit that the cats are not to blame, otherwise it's simply unfair." Tears were streaming down my face, but, naturally, nobody admitted that I was right. Now, wise after the event, I understand that it was damned stupid to say such a thing in the courtroom. It's like you stand up and say, "I demand that the cats which are not guilty should be acquitted!" On the other hand, at that time I thought that the whole thing was outrageous and I was simply in despair. And now comes something even MORE interesting. Serezha (her son) has a classmate whose father works at court, at the small claims court. His job is to bring those stupid judges all those files and folders. So this kid (...). His mother is that sort of a person; she managed to wring a transfer to a specialized science-oriented class for her son. You know the type, powerful, a real go-getter, a bulldozer. And so this kid said, "How come your parents didn't call my dad? My dad would have fixed it in the best possible way for you." This is what this wonderful little boy said. When I heard this I became even more furious. It sparked again the feeling that it's outrageous, that it's lawless, that there is no justice. I can't understand how come the court ruling can depend on some little man sorting out and delivering folders! So here you are, this is my wonderful story about buying a sofa."*

Events described in Angela's narratives occurred five years before the interview, but they keep bothering her, and she often brings them up in conversation. The story has a clear-cut structure and time sequence. It is charged with emotions and abounds in words expressing value judgments. Angela uses direct speech rendering her dialogues with various people and parodies their intonation and mannerism—a feature typical of the performative nature of folklore narratives. Of special interest is the dynamics of the narrator's emotional state. Throughout the story she reiterates the word "wonderful", which connotes different, sometimes conflicting meanings. First it expresses her satisfaction with an allegedly good buy, but then she uses it when describing substandard goods and people who made her angry, adding a sarcastic touch to the story.

Another key word in the narrative is the adjective "legal". Angela tries to cope with an unfamiliar and unpleasant situation by learning "rules of the game". She tried all the means available to her as a customer to convince the store that her complaint was justified: She persistently called the store and studied its Internet site, she repeatedly wrote letters to the management both in Russian and in Hebrew, and finally got the

store send an appraiser. Only after it became clear that all her efforts were futile did she decide to go to court. Note that even then she did not trust her own judgment and summoned help of the legal advice office and the Standards Institution. She seeks an expert decision as to who is responsible for the damaged sofa, the customer (herself) or the producer, and consequently his agent, namely the seller. Importantly, she did not try to amend the situation by concealing her cat's mischief, and did not ask for a compensation for the scratched upholstery of the armrests.

Going to court was an unfamiliar experience for Angela, and although the result of the hearing would not have had any palpable effect on her wellbeing, on the day of the hearing she was apprehensive of the procedure, almost on the verge of a nervous breakdown. Three other interviewees spoke at length about anxiety on the eve and during the hearing<sup>6</sup>. In general Angela is very eloquent in expressing her opinions and defending her position but during the hearing she kept silent until the judgment was read. When the recording of her story was over Angela explained that she had been confident that her case was well documented and that the papers "spoke for themselves". She was convinced that the justice of her demand was irrefutable. The judge, however, betrayed her expectations by taking no more than "a brief glimpse" at the file she had been so careful to prepare<sup>7</sup>. Litigants' irritation with judges' behavior is quite common. Tyler observes that people's concerns about the decision-making process are not merely instrumental. They consider evidence about representation, neutrality, bias, honesty and consistency. They value being treated politely and having respect shown for their rights; when their experience does not affirm that they are valued, it raises doubts about willingness of the authorities to protect them when necessary (Tyler 1990: 175).

Going back to Angela's story, note that the second party, the store's representative, was well versed in legal discourse and formulated her position in terms of accusations and responsibility for damage speaking in the standard idiom of the courtroom. Angela, on the other hand, missed her opportunity to participate in the discussion, and when she finally did speak she brought up the quality of the sofa and flouted justice. If she re-analyzed her utterance in court correctly, she would see that she did not place blame for the damage directly on the store; but legal discourse is predicated on the formulation of a hypothesis concerning guilt and responsibility for it. A deductive method of proving a hypothesis is the conventional pattern of court rhetoric, and a litigant unable to structure his/her case in this manner may be at a serious disadvantage. Angela's silence and failure to dispute the sum of compensation implicitly attested to her concurrence with the judgment. O'Barr and Conley show that lay persons often choose an inductive model in presenting their case, while lawyers always stick to deduction. Therefore, a mismatch of narrative models frequently occurs in small claims courts when litigants represent themselves, and this partially accounts for the failure of inexperienced witnesses and litigants. The

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<sup>6</sup> Thus, **Tatiana, 33**, who sued her tenant for non-payment said: «Since it was the first time we had to go to court, we (she and her husband) did not sleep the night before the hearing. We were very anxious.» **Ekaterina, 53**, who had to go to court after a traffic accident reported crying bitterly after losing the case which she had had little hope to win not because she was disappointed with the outcome but because of the tension. **Raia, 48**, who was sued by a neighbor recalled, "I must say that although the hearing was relatively smooth, nobody interrogated me, nobody accused me of anything and although I sort of won, or at least was not proven guilty of any "sins", I left the courtroom shaken and with a heartache."

<sup>7</sup> **Tatiana, 33** also expressed disappointment that the "judge had read the file very superficially" and the entire "hearing lasted no more than ten minutes".

discourse of testimony differs considerably from everyday speech conventions (O'Barr and Conley 1985). People who often have to testify in courts, for example, store representatives, learn the conventions of the legal discourse and tend to present their companies' interests more favorably than lay persons do theirs (Edelman and Cahill 1998: 32). Moreover, people who appear in court regularly are familiar with the procedure, can anticipate how the case will develop and don't get nervous, which also gives them better hold on the situation. We do not know whether the store representative was a professional lawyer. The law does not allow lawyers to represent their client in small claims courts, with some exceptions that shall be stated by the judge. But jurists are aware that some stores employ lawyers and send them as their representatives to court hearings bypassing the law (Elbashan 2003: 525-526).

An interesting feature of Angela's narrative is description of the actors. "Good characters", whose help Angela elicited to strengthen her position in court (the independent expert and the legal advisor), are mentioned only briefly. But the appraiser sent by the store and whose inspection of the sofa disappointed Angela is portrayed as a "wonderful young man with a shaven head", a description that for Russian speakers is traditionally associated with the criminal underworld. The judge is labeled in terms of ethnicity. Although Angela claims that she does not suffer from xenophobia, the fact that he is an Arab immediately puts her on the alert. Even before the hearing starts she fears a biased attitude that may influence the ruling unfavorably for her. Ethnicity is a common subject of informal Israeli discourse, and Russian speakers are no exception, particularly in case of conflicts. As our previous research has shown, various "others", Arabs in particular, are suspected of hostile attitudes even when there are no grounds for such suspicions (Fialkova and Yelenevskaya 2007: 96-120, 129-153.) While writing this essay we shared our deliberations about the difference of discursive strategies in court and their influence on the outcome of her case with Angela. A professional philologist, Angela only partially agreed with such an explanation of her failure. In her opinion the main reason was the "resentment that the Arab judge felt toward new immigrants who could afford to buy such an expensive sofa". Jurists admit that two types of narratives meet in the courtroom. The "external" narrative is the account of events and testimony; the "inner narrative" is the pool of stories forming the socio-cultural background of each participant. Studying documentation and testimony, judges select and categorize data comparing them with their own inner narrative. This may be unconscious but it affects the formulation and reformulation of the court narrative in the judgment (Almog 2000: 59-60.) We do not know what inner narrative formed this judge's background. Note that judges belonging to the same gender, ethnicity, or religion may have different outlooks and inner narratives corresponding to their personal experience. The bias of Angela's inner narrative demonstrating distrust of Arab citizens is implied in her remarks. Her defeat in a court presided over by an Arab judge reinforces her belief that group agenda or personal feelings can outweigh judges' commitment to be impartial in treating conflicts.

The motif of distrust dominates the last part of the interview, telling of the missed opportunity to use connections to achieve a favorable outcome. Angela juxtaposes two contrasting but complementary characters, the parents of her son's friend. He is scornfully referred to as "some little man sorting out and delivering folders" while she is "powerful, a real go-getter, a bulldozer." We can only guess whether the clerk would have been willing to try "pushing the case" and if he had, whether he would have succeeded. What matters is that Angela is ready to believe such a scenario

possible. Moreover, the young son of the “influential” couple is already infected by the same system of beliefs. According to Bainiazov, Russians (and we may add immigrants brought up in the USSR) tend to identify authority and actual power with individuals (Bainiazov 1998). Such an attitude to institutions of power also occurs in the West among the poor and the underprivileged, for example, among welfare recipients, but not among members of the middle class to which Angela belongs (Sarat 1990: 356). Angela is not so much concerned with procedural justice as with the persons responsible for putting it into effect.

FSU immigrants are often convinced that in Israel nothing can be achieved without connections in a relevant domain, be it favorable settlement in court, getting a desired job, or being promoted. In such cases people rely on their pre-immigration experience with *blat* which is reinforced with what they observe in Israel, where the belief in the power of connections is a popular theme of informal discourse. The popular wisdom *kshe iesh ksharim, le tsrikhim proteksia* (There is no need to pull the strings if you have connections) has struck the right chord in the soul of the homo soveticus. Angela was annoyed that the practice she despised in the old country was imposed on her in the new one.

The next narrator was more successful in her court experience than Angela, but although the judgment was in her favor, she could hardly consider the compensation for her losses satisfactory. About a year after Alexandra immigrated to Israel, she decided to buy furniture and looked for the cheapest options and special offers. Finally, she found a store in a suburb of Haifa far away from her house but with a Russian-speaking sales clerk.

### **Alexandra, 48**

*“He pretended to be very competent, much more knowledgeable than I, for example, having arrived here only a year before. And he told me confidently: “Don’t worry. Write several checks, so that if you don’t like it (the furniture) you can cancel all of them later.”*

The furniture was delivered with a delay and some of the minor pieces were missing. Her repeated calls to the store had no effect.

*“Then they flung this phrase at me: “You should be thankful you got your furniture at all. You could have paid for it but never got it”. After that I called again demanding they deliver the missing pieces. I even went there, which was a real problem for me then. A bus trip to Krayot was an additional expense, and I had to drag my son along and pay his fare too. It was a big problem for me. Well, once when I went there again, it must have been already my second or third visit, one of the salesmen shouted, “Get out of here! Get lost and stay there!” And more in the same vein. Yeah, and his assistant, the Russian-speaking employee also said to me: “Calm down, go home and be thankful everything has been delivered”. Then he declared that if I went to have a cup of coffee with him—well, everyone in Israel knows what this implies—then I might still get the missing pieces (pause). That was the end of it. I realized that all of it had something to do with how they saw me. And I realized that they viewed me as a dumb, ignorant and absolutely helpless immigrant (laughs) who could say, do and ask whatever she wanted but they were already sick of me and they could simply kick me out and forget about me. And then I got*

*very angry (pause). In fact, I could live happily with that furniture for a long time, and later someone helped me and brought the missing rod for hangers.. On the whole the problem with the furniture was settled. But what wasn't settled was the way they treated me. How DARE they treat me like that? They dared shout at me, they dared suggest things I wouldn't even think of doing. So I went to court. It was a very long process. First, I had to find out how to go about it. (...) It was like having an extra job for me. (...) But I couldn't help myself. I simply had to do it. And I went to a lot of trouble not to prove something to THEM but for my own sake, because I wanted to remain a human being and also feel like one. (...) Sure enough, my command of Hebrew was inadequate for this sort of thing. I had to ask for help, and several times I had to pay a lawyer or professionals who knew how to compose (letters). Some others helped for free as a gesture of goodwill. Well, I was engaged in this affair for quite a few years. In the end I succeeded in filing, filing... a suit. In the end, I won... the judgment was in my favor, but nothing moved ahead. (...) Once again I had a feeling that I was being cheated. I did the whole job, I spent money but they only told me, "Yeah, you are right!" So what? "*

Alexandra turned to the execution office, although her friends and voluntary advisors discouraged her from it.

*"And again, I had an inner feeling that no matter how hard it is for me I simply must do it. They (executioners) paid him several visits and each time left (without achieving anything) on ridiculous excuses. Once he wasn't home, another time he claimed the house wasn't his. This whole machine (legal system) was running at idling speed. (...) Then I found a private detective and he did part of the job for me. I paid him a lot of money, about 500 shekels, which was a lot then. I asked him to find, to prove and to summarize everything in a document the court would accept. (...) The detective acted professionally and provided me with a recording of the guy's telephone conversation with his family and its transcript. So I could prove that he did live in his apartment and that he did use everything in it and had to pay. At the end of this whole epic my name appeared at the very bottom of the list of his creditors; that is, at the bottom of the list of those he owed money to. Only towards the end of my activities I found out that there had been plenty of lawsuits filed against him. So I was told that yes, I would get the money but after everybody else. He owed 200,000 to one, 20,000 to another one. According to their computations, he owed me 9,000. My name came last after all those companies, so he was to pay in installments as much as he COULD. He provided all sorts of papers after which he was obliged to pay me four shekels per month. Well, and again I perceived it as a victory, because, in fact, it was not so much a question of money. It was important that I didn't allow them to talk to me or treat me the way they wanted. I had gone to that store as an ordinary customer, no different from any other, and I don't want to let anybody label me ("label" was said in English) and determine my place on the (hierarchical) ladder as THEY pleased. I don't mean to say their attitude to me matters at all, because it doesn't. But one shouldn't fall below certain standards. That's why I was engaged in this business for several years and spent a lot of money. My sister is still*

*convinced that it was all a waste, while I'm still convinced that I wouldn't have been able to live here had I not done what I did. In the end I didn't even get the four shekels. (...) I've probably achieved what was most important to me. It wasn't the money, and even not so much a search for justice that drove me. It was an attempt to achieve... I wanted a formal, LEGAL expression of how things should have been in that situation many years ago. "*

The first time the interviewer heard Alexandra's story in a private conversation about difficulties confronting immigrants in making a career in the new country. The two interlocutors agreed that it required perseverance and was hardly possible unless one was a real fighter. And as an illustration of her ability to stand up for her rights Alexandra told the story of her early encounter with the legal system. When later asked to record it she agreed without hesitation, although she feared she would not be able to reconstruct the details. The recording took place a month later.

Despite continuing difficulties in obtaining an academic position that she would consider adequate for her academic accomplishments, Alexandra has achieved recognition among her colleagues in the West. A single mother, she is financially independent and does not have to fall back on state support. Her speech and behavior reflect pride in these achievements, and it is this victorious spirit that was salient in the spontaneous story she told about the court experience. The recorded version, however, betrays a shift in mood: the narrator emphasizes the social weakness of a new immigrant and a single mother having to start her life from scratch without any supportive network. The victory in court is shown as the watershed that helped her overcome the feeling of inferiority. Note that talking about language difficulties of the first period after immigration she focused on her lack of proficiency in Hebrew and did not mention her excellent command of English, which gave her an important advantage over the majority of her co-ethnics who were monolinguals then.

Just like Angela, Alexandra often mentions money in her narrative. On the one hand, Alexandra was obviously hard up at the time of the described events and did her best to economize. Even bus tickets were a substantial burden on her budget. On the other hand, financial difficulties did not prevent her from paying incomparably larger sums as court expenses. She sued the owner of the furniture store for damages but it was not money that was at stake. The missing piece of the closet was neither expensive nor difficult to obtain. Alexandra's real motive for going to court was to win punitive damages for an offense to her dignity. It is typical of the immigrants, particularly in the first stages of their life in Israel, to turn to Russian-speaking employees in stores and offices, because of the common language and also because co-ethnics tend to inspire trust. Our material shows that negligent and dishonest salespeople exploit this trust and often take advantage of it. In Alexandra's case the shop assistant deliberately gave her misleading information that checks could easily be canceled (two other interviewees followed this advice, ran into trouble with the bank, and lost money.) Afterwards, when the money was paid, he changed his tone to one of contempt for the customer and of sexual innuendo. Like Angela, Alexandra tried to reach an amicable settlement, but was similarly unsuccessful. Despite her lack of experience in Israel and lack of competence in legal issues she did not surrender and opted for a time-consuming and relatively expensive lawsuit.

The court procedure itself is omitted in the narrative, while the ordeal preceding and succeeding it is described in detail. As a rule, narrators tend to focus on complications

and leave out of their account of events those which did not cause them trouble. Like our other informants, Alexandra does not conceal her irritation at the work of the small claims court and the bureaucratic procedures involved in lawsuits: “This whole clumsy machine ran at idling speed”<sup>8</sup>. According to O’Barr and Conley, although a lay person understands the distinction between civil and criminal law and their functions, overestimation of the power and initiative of the civil court is a recurrent theme. Besides, gathering necessary information and preparing a file seems to be too much of a burden for many litigants. Driven by a vague faith in the power of the court to go beyond its procedural limitations and to do what justice requires, litigants are often disappointed by the negligible outcome of their efforts (O’Barr and Conley 1988: 158-159). Alexandra cannot be reconciled to knowing that a person owing hundreds of thousands shekels to other people continues to live in his apartment and can ignore the court decision without being punished.

Comparing Alexandra’s and Angela’s narratives we point out the difference in conclusions. Although Angela lost her case she received compensation for the court costs, but sees this as nothing but a sop. Alexandra, who won her case, has lost all hopes of recovering the money due to her yet she is triumphant. The feeling that justice was done proved much more relevant than financial considerations. She managed to show the offender that even the most inexperienced and helpless customer cannot be “just thrown out”. This moral victory gave a boost to her self-confidence and helped her ascend the social ladder<sup>9</sup>.

Our next interviewee decided to go to court at a time when she had considerable experience in Israel. Unlike Alexandra, she had no problems with Hebrew; moreover, her job gives her easy access to literature on law. As an intellectually curious person she often browses through it. The narrative quoted below is an excerpt from a two-hour focus interview, which includes several stories about her own and her friends’ experience in court, as well as reflections about law and justice in Israel.

### **Liudmila, 50**

*“We bought that apartment in good condition and it was very pretty. We let it to a very nice young Russian family, a mother, a father and a small child. But it turned out they were awful people... (...) Sure enough, their Jewishness was problematic. Well, the guy’s mother, his family name was P, she was Jewish. And all the rest were not. His parents were divorced and all this came to light later ... They didn’t pay rent for about five months and (pause) and because they failed to pay I asked them to move out. We sent them a letter, a notice which we wrote with the help of the same lawyer who’d helped us buy the apartment. He is very good, a very decent lawyer. (...) He has a big misrad (Hebrew for “office”). (...) Well, so we handed the letter to him, we did everything properly. Meanwhile I was conducting my own investigation trying to figure out how I’d got into*

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<sup>8</sup> Summarizing her experience with the court system that failed to enforce the judge’s decision to make the tenant pay, **Tatiana, 33**, remarked, “*Beit mishpat* (Hebrew for “court”) and this whole *maarekhet* (Hebrew for “system”), they don’t do anything at all.

<sup>9</sup> Some stories in the sample are about informants’ decision not to go to court although they suffered financial damages and were morally hurt. **Raya, 48**, had two experiences of this sort, and after many years she is still angry with herself for what she sees today as defeatist behavior and a sign of weakness.

*all that mess, and who that wretched P. was and where he'd been and what he'd been doing. And that's how I got to know his previous landlady, Inna. (...) Inna cooperated with me and it was she who told me what a mess I'd got myself into. Well, she had "court relations" with him and she had no idea how to find him. And I, can you imagine that I had to (find him). That was also a story in itself (laughs). (...) Well, I went to our police station, and filed a complaint describing what he had done. And it turned out that there was yet another complaint against him. (...) So they (the police) looked for him and found him, and then they gave me his address. The policeman, in fact, he was not supposed to give me his (P's) address, but he did. And then, in full compliance with the rules, I stuck a summons for him to appear in court to his door.. And then we took a picture (of the letter on the door). (...) All this stuff is explained in the books about litigation (...). Since my claim was not too large, something totaling about 3.500 altogether, I met all the requirements. By that time Inna had already won her court case against him. He didn't attend the hearing. The hearing of my case took place several months later. He didn't show up either, but my file was very orderly and everything was done correctly, and it was sort of clear from my papers that I stood to gain and all my claims would be satisfied. So I submitted the judgment to hotsa'a le-fo'al (Hebrew for "execution office") and they acted on it, because my file was prepared correctly. In Inna's case things weren't done properly. She ended up with something like a theoretical ruling, while mine was practical. They (pause) tracked his parents' bank account. His parents seemed to have divorced; but (...) this account was in his mother's possession. So the account was blocked and from that very account within half a year they paid all the money due to me. (...) The trouble is that you have no means to affect events unless you are a TRUE FIGHTER ready to come out into the open. Who is strong enough to do that? (...) I took pictures documenting what they had done with the apartment. It turned out they had also stolen something. And he (the neighbor) came (to the police) and he had to testify. And thus I got his (P.'s) new address, his hiding place. It was simply a chain of (lucky) coincidences. Inna hasn't managed to get anything out of him and never will."*

A good storyteller often plays with contrasting details and moods. Angela's story about a defective sofa began with an elaborate description of its elegance and comfort. Ludmila, who had let her apartment to a swindler, mentions her first positive impression of her new tenants ("a very nice young Russian family"). In this context "Russian" does not identify ethnicity but marks belonging to the same group as the narrator. Ethnicity, per se ("their Jewishness was problematic"), emerges in connection with the conflict. Liudmila knows the Halachic definition of Jewishness, which does not prevent her from referring to her tenant, whose mother was Jewish, as a non-Jew". Apparently, she expels him from her own reference group due to immoral behavior.

While in the first years immigrants often complained about landlords, today, when many own apartments themselves and let them to others while living elsewhere, stories about bad tenants have also become a frequent theme of the discourse. Liudmila had used services of a lawyer prior to the events described in her narrative.

Like other Israelis, immigrants feel more secure when they can turn for help to a reliable lawyer, but not every newcomer can afford this. As in the two previous cases, the preparatory work before filing a lawsuit was not simple. Liudmila defines it as “my own investigation”. The key words of her narrative are “properly” and “as required”, which imply that she acted in compliance with regulations she had studied before going to court. Liudmila is the most competent person in legal issues among our informants. Legal competence presupposes that all people have certain rights, but that some people are more cognizant of their rights than others. “Competence” entails both awareness that one possesses these rights and readiness to invoke them in the appropriate circumstances (Engel 1998: 122). Like Angela and Alexandra, Liudmila sends letters that are written by professionals. She collects all the necessary papers meticulously and turns herself into a detective tracing her ex-tenant. When she finally gets hold of his address she photographs the letter with the summons, suspecting that he will not appear in court and proactively preparing evidence to prove that notice had been served. Liudmila emphasizes that there was a sequence of coincidences that helped her track down the perpetrator. She attributes the success of her case to these lucky chances as much as she does to her competence and diligence. Our previous research gives evidence that trust in the power of the fortunate coincidence is deeply rooted in the Russian and Soviet culture and retains its influence on the immigrants’ outlook (Fialkova and Yelenevskaya 2007: 213-237.) Both Liudmila and the interviewer find it unfair that the penalty was imposed not on the persons responsible but on the tenant’s mother, who had never lived in the apartment. The reason might be that the couple separated but did not divorce. Sometimes immigrants continue sharing bank accounts, in particular, if they are recipients of welfare benefits, which was the case with P’s parents.

According to regulations, the litigant has to produce proof that summons to appear in court were delivered. This could be a delivery confirmation form for a registered letter or for a letter sent with a messenger. Liudmila’s choice was legitimate too, and was not unreasonable since she had tried to get in touch with her ex-tenant but he neither answered her letters and telephone calls, nor opened the door when she rang the bell. Suspecting he would use the same strategy with a messenger, she turned to what seemed to be the last resort. Note that although Liudmila is quite competent in legal issues she coins the terms “theoretical” and “practical” ruling which are not used in legal practice<sup>10</sup>. Inna, the protagonist of the second plot of the story and P’s previous landlady, was less successful than Liudmila in getting financial compensation. Since we did not interview her or studied her file we cannot explain the reason for that. What matters is that for lay persons the practical outcome of two similar cases is different, and this breeds suspicions as to effectiveness of the system.

Like Alexandra, Liudmila wonders why a person known to the law enforcement agencies as a defaulter and a defendant in several court cases manages to escape “punishment”<sup>11</sup>. She would like the civil court to resemble criminal court. The situation in which a person who is not a “true fighter” can exert no real effect on a delinquent makes her pessimistic. The same motif reappears but in a more pronounced

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<sup>10</sup> We note two tendencies in the interviews: some informants juggle with legal terms without being sure they use them correctly, others hesitate when they have to use a legal term even in their mother tongue. Both tendencies betray legal incompetence.

<sup>11</sup> This motif emerges in two other interviews. **Tatiana’s** tenant had numerous debts and had been known to the court system as a recurrent defaulter. A similar situation is described by **Elena**, further in the text.

way when Liudmila reflects on police inactivity in a criminal case when she was the victim of a burglary. She said, “You have either to arm yourself and fight on your own, or just give up”.

Unlike the foregoing interviewees, our next narrator, Elena, went to court not through her own decision but under her parents’ pressure. The described events occurred in the first year of Elena’s life in Israel, when she was 18. Deliberations about the reasons for the lawsuit and its consequences are of particular importance because they triggered her alienation from the new country.

### **Elena, 25**

*“You know, I went to court here. And this is when my euphoria collapsed completely. I won the case, but to all intents and purposes I lost it. I sued my employer. (...) His wretched little store was called “supermarket”. (...) You could buy old trash there. The foodstuffs on sale there were long overdue, thoroughly rotted, and horribly dirty. And the owner was simply insane, he was really nuts. The strange thing is that he wore a kipa (Hebrew for “skull-cap”). He was a god-damn bastard. Everyone disliked him. It was a typical Moroccan family: the husband was a tyrant, a despot, an autocrat and on top of it a halfwit who kept mumbling “smokh alai, smokh alai” (Hebrew for “Trust me”). (...) So I decided to quit. I got sick of this disgusting character. I quit, but he didn’t pay my wages. He kept saying, “Come tomorrow, come back tomorrow.” And so I keep coming for a month and he doesn’t pay, and another month and he doesn’t pay. Meanwhile my parents pressure me: “You are just a milksop. Can’t you stand up for yourself?” But what can I do alone against this guy? Then my dad and a friend of his, a real bandit, paid him a visit. They squeezed him a bit, almost broke his head with some jar, and he promised to pay. Then I go over there again and he calls the police. I quarreled with him a bit, waited for about five minutes and then I got sick of waiting and left. That was my last visit to his emporium. I filed suit against him in Haifa. He didn’t show up for the hearing so I won automatically, and for a certain fee the case was transferred to another echelon. Then they suggested I should pay an even heftier fee so that it would be transferred to the third echelon. I started asking the folks who were hanging around, “What brought you here?” The people there had come to file various appeals: “First I paid 45 (shekels) then 90, afterwards another 200, and now they are demanding more money”. And another guy told me a similar story, the same patter, you know. And so I think, “Damn it, the sum I’ll pay may not cover the compensation I’ll get”. So I decided to give up on it before they stripped me of more money. And I left the place. That’s how the case ended. Later it turned out he had been a total bankrupt, already for several years. He didn’t pay his employees, and a lot of people sued him. And the clerks in lishkat hata’asuka (Hebrew for “labor office”) knew that perfectly well and sent me to him just to get rid of me. They are real scummy guys there.”*

Elena’s narrative abounds in inaccuracies. Apparently, she filed a suit in the labor court, so if her ex-employer was legally bankrupt, there would have been a legal caretaker (*cones nehasim*) and Elena would have had to file her complaint with him, which is free of charge. She uses the noun “bankrupt” not as a legal term but as a

language metaphor and as a strong value judgment (“total bankrupt”). The lack of legal competence is typical of the socio-economically weak. This often leads to failure of these people in courts and aggravates their distrust of the legal system. As a result they may choose to try to solve conflicts resorting to force or using illegal methods (Elbashan 2003: 516-520, 533; Rattner et al. 2003: 552).

Like the previous narrators, Elena marks her offender’s ethnicity. The notion of “political correctness” is unpopular among Russian-speaking Israelis and has little effect on immigrants’ public and informal discourse. “Moroccans” usually have bad press and their collective image is bad and abounds in caricature features (Fialkova and Yelenevskaya 2007: 102-103, 109.) In this respect the description of the employee, a Jew from Morocco, is stereotypical, and so is Elena’s surprise that a religious person could be dishonest. Despite a negative attitude to the religious sector of the society, many immigrants expect religious Jews to be highly moral and are astonished by the examples of the opposite.

Like Alexandra and Liudmila, Elena does not describe the hearing itself, but hints that there were no complications. The emphasis in the narrative is on the failed attempts to settle the conflict amicably prior to the lawsuit and on equally unsuccessful attempts to receive compensation assigned in the judgment. As if following Liudmila’s appeal “to arm oneself and fight”, the girl’s father confronted the offender, but the use of force did not help settle the conflict<sup>12</sup>. Note that Elena’s employer did not call the police when he was threatened and abused by the two men, but did so when the girl came to the store alone. In the early 1990s fear of the “Russian mafia” fanned by the media stories was strong, and the shopkeeper might have been afraid to become its victim. Like Alexandra, Elena is not shy or timid, yet both of them reveal the feeling of female helplessness when confronted by a male offender. This demonstrates gender-related aspects of the interviewees’ outlook. The success of Elena’s lawsuit proved to be illusory, considering that she was more interested in getting the money than in moral compensation. Taking into account Elena’s lack of legal competence and sloppy use of terminology, we do not know why the litigant handled the appeal on her own instead of seeking the help of a law enforcement officer.

An exchange of stories about vicissitudes of court experiences with other “successful” litigants reinforces Elena’s skepticism regarding the legal system. Here, as in the two previous narratives, the immigrant encounters a persistent defaulter let off by the authorities. Moreover, she suspects collusion between the employment exchange clerks and her employer, although she is more likely to have fallen victim to poor information exchange rather than intentional malice.

The last excerpt we are quoting is from a long interview of a retired employee of the Zionist Forum (an NGO and a lobbyist for new immigrant rights during the 1990s) - an account of her own eight-year long litigation in which a group of immigrants sued a bank that paid the whole sum of mortgages to a contractor before a housing project was completed. The victims of this fraud were left with obligations to the bank in unfinished apartments and lost the trial. The excerpt we are quoting is not directly

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<sup>12</sup> Two other informants, whose stories are not cited in this article, see the use of force as the only effective way of dealing with offenders. **Tatiana, 33**, is planning to get help from a private company that specializes in “knocking money out” of debtors. **Svetlana, 50**, tried to get rid of problematic tenants for five years. Like Tatiana she was aware that there is a law protecting families with small children from being forced to move out if they do not have financial means to pay the rest. She thought it made no sense to try to go to court and shame prevented her from “paying some Arabs for solving my problem in ten minutes by force”.

related to that story but served as a rare example of the effective work of the court system.

### **Ada, 68**

*“It was a very simple case. That woman worked for a kablan (Hebrew for “contractor”) and he didn’t pay her salary for several months, and something else, compensation for a leave, something. I worked for the Zionist Forum then and they turned to us for help. I asked the kablan to come to our office, and he showed up, although not everyone does when invited to such meetings. And he agreed to pay her five or six thousand. (...) But then it sounded like a considerable sum to me. I was very pleased that we’d come across a person we could negotiate with and I advised that woman she should agree to accept that sum. He was ready to write a check right away. As I know that one can win in court yet get no money at all, I wanted her very much to take that money. Well she was there with her mother, although she was an adult and had a child herself. And the mother said, “No, he’ll return the whole sum, to the last penny.” To tell you the truth, I felt very sorry for that woman, because I had had my own experience in court and knew other people’s stories. Well, with all that knowledge... but the decision was theirs, I warned them, and (pause) we parted as friends. I only asked them to inform me about the result. Several years passed, long enough for me to forget all about that story. When you work in an office like that, you know, you hear a lot of stories of all sorts. And then that woman called. She reminded me of her story and said she had got the money from the kablan. Generally, when people sued kablans for non-payment of salaries or pitsuim (severance pay), they always won in court, at least when we supervised their cases. But even winning in court does not mean you’ll get the money. And so I felt very sorry for that young lady, well, because five or six thousand was HUGE money for us, for her, for everyone then. Yet, the mother said, “No, he’ll return the whole sum, to the last penny.” Years passed and she called, and I have NO DOUBT that it was true. (...) She was very pleased with herself and I was so happy that I had been proven wrong. Unfortunately, in the eight or nine years I worked for the Forum, it was the only case that ended in such a way. I think it was thanks to the persistence of that woman and also because she was lucky that the kablan was not the worst cheat. All of them like to delay payment, or not to pay the whole sum due; but he, when the court ruled he should pay, he did. Yes, apparently he wasn’t the worst cheat of them all. “*

Unlike other informants, Ada has rich experience with the legal system in action and it taught her to be pessimistic as to the actual outcome of court decisions favorable for the socio-economically weak individuals. Her attempts to discourage her clients from lawsuits are typical of the immigrants’ discourse. Litigants’ failures are taken as proof of the rule, while their success is interpreted as an exception confirming the general tendency and attributed to a piece of good luck or extraordinary personality traits of participants. Note that it took Ada’s client several years to get full compensation.<sup>13</sup>

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<sup>13</sup> Two other interviewees told us about lawsuits against employers who had cheated them on severance payment. As a result of a four-year long class action **Semion, 70**, and his ex-colleagues received 85 per

Our observations show that financial expenses, considerable investment of time and effort and vague hopes for success often make immigrants reluctant to go to court.

## Conclusion

Among new phenomena that FSU immigrants in Israel encounter, the workings of civil society, including relations with law-enforcement authorities, play an important part in their acculturation processes. For the first time in their lives many newcomers must grasp the importance of legal competence, the lack of which may lead to financial losses and moral harm. In the absence of familiar alternative means of settling conflicts newcomers have to go to court, in most cases to the small claims court.

Perceptions of justice, autonomy, self-reliance and tolerance often differ in diverse cultures, and immigrants have to adapt theirs to those that prevail in the host society. Jurists and laypersons give different interpretation to what is just, fair and moral. Our informants express disappointment with what they see as ineffectiveness of civil courts, particularly in view of the efforts required of the litigants at all stages of the lawsuit. Many blame the legal system for being more protective of the perpetrator than of the victim. Our observations confirm Merry's conclusions that the idea of seeking justice in court attracts and at the same repels laypeople. Drawing on the symbolic power of the law to afford strength in conflicts, when they go to court they become vulnerable to the intervention of the rules and practices of the legal system and to the groups that generate them. People turn to the courts to win better control of their lives, but in fact often lose control of the situation by having to surrender to traditions of social relationships and to the courthouse discourse (Merry 1990: 181). Our interviews also reveal that immigrants do not trust the state's capacity and willingness to protect an individual. As many immigrants suspect that the "informal mechanisms" in legal decision-making based on personal connections (*blat*) are rather common in Israel, the skepticism and pessimism regarding law and justice that they felt in the USSR often persist after resettlement.

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