

Chapter 2. Legal Anthropology: Dilemmas of Law and Order in Immigrants' Life

Interdisciplinary ties between law and anthropology were established over a century ago. Social scientists working at the interface of these disciplines have investigated the relationship of law and society, in particular, the way in which legal categories shape, reflect, or transcend the categories of society at large. Yet as Riles remarks, legal scholarship still almost universally operates in the realm of generalized assumptions without precise consideration of how ideas or fragments of ideas migrate across the boundary that distinguishes law from everyday life. Therefore, a critical ethnographic consideration of the cross-fertilization between law and anthropology reveals some surprising insights about the way in which ideas move among disciplines and, in particular, about how social categories come to be translated into the language of law (Riles 1994: 600–601). This task lies within the domain of legal anthropology.

Definitions of legal anthropology differ, but as Nixon remarks, everybody agrees that it seeks to illuminate the ordering of human society (Nixon 1998). This discipline investigates the ways law, including custom law, operates in various cultures and analyzes concepts of justice as related to politics, religion, social life, economics and ethics. It studies how law influences society, and how society in its turn influences law. In the 1990s, experts in legal anthropology called for greater attention to interdisciplinary scholarship that would take into account advances in linguistics, narratology, and studies of transnationalism. Our investigation follows the latter trend as it is at the crossroads of legal anthropology, folklore, and immigration studies.

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 (2012), legal anthropology views the human as a social being and focuses on legal 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.¹ 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 & Pedahzur 2001).

The question of whether the law is just and fair sparked philosophical debates already in ancient times and is reflected in Hellenist literature, for instance, in Sophocles’ portrayal of Antigone and Plato’s of Socrates (Harris 1996: 1–2). 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 just². The discrepancy between what is legal and what is deemed moral is rooted in the peculiarities of the human psyche. The American psychologist Berne introduces the notion of “legal thinking”

evolving in childhood as an attempt to transgress without breaking a parental prohibition. Adaptive and non-adaptive behaviors often come into conflict, making a youth calculate the boundaries of the permissible. This type of thinking is particularly common in personal sexual ethics. For example, a boy who is told “not to mess around with women” may take this as permission “to mess around with other boys”. In terms of legal thinking he is in the clear because he is not doing anything his parents explicitly forbid (Berne 1972: 104–106). 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. As Ewick and Silbey have shown, belief in witches in the Renaissance Europe influenced how people saw one another, interpreted other people’s and their own behavior and how they responded to conflicts. What is illusory for our contemporaries was very real then (Ewick & 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 since we have no professional background in law we are also bearers of external legal culture. The perspective, known as estrangement (Shklovskii 1983: 15), enables researchers from non-legal fields to reveal com-

mon (customary) legal consciousness. Propositions postulated from the perspective of other fields may be incompatible with conceptions of law as an academic discipline. This dissonance, however, is useful because it reflects the reality of legal regulations in various spheres (Zabbarov 1999).

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 & Kovath 2004; Yagil & Rattner 2005). A significant feature of minority groups is that they have fewer opportunities and less power than dominant groups³. 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 & George 2005: 12).

The purpose of this chapter is to analyze attitudes to law as they emerge in personal narratives about court cases and trickster stories told by immigrants from the FSU to Israel. Material for the study was drawn from in-depth 36 interviews 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. Thirteen subjects told stories of court cases; five of them

spoke at length about their various encounters with the law, the rest told us about just one. Some 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). Accepting Roberts’s warning that the range and kind of information obtained is circumscribed by the questions asked by the investigator and that these questions must be determined by his preconceptions as to what the legal system he is investigating is like (Roberts 1995: 332–333), we admit that we are full participants in the investigated group with all advantages and limitations presupposed by this role. Like White, who emphasized the role of fiction in the education of jurists, seeing it as a way of looking at the law from the outside (White 1973: XX), we think that a similar goal can be achieved by focusing on lay people’s narratives. Although most of them lack merits of good fiction, they also serve to give the jurist a common sense of what legal literature leaves out, and define a context from which judgments can be drawn and against which they can be tested.

Russian-speaking Israelis can be regarded as a community with its own subculture. Like any other subculture, it is on the periphery of society and is largely closed to outsiders. As mentioned in the previous chapter, immigrants from the FSU are distinguished by strong conviction that high educational level and affinity with Russian culture, considered to be an integral part of European culture, entitles them to a much higher social status than what they have attained to date. The vast majority of the group’s members are determined to preserve the language and culture of their country of origin and to reproduce a familiar way of life, including leisure activities, cuisine, holidays (see the next chapter), and so on.⁴ In addition, ex-Soviets have a distinctive attitude to law formed back in the USSR.

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 community is reflected in the language. Ethnographic data testifies that there is an enduring and rigid opposition of 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* acquired religious connotations and came 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 with "justice" and "what is moral and fair" (see, e.g., Lebedeva 1999: 128–138; Lurie 1997; Stepanov 2001: 571–600; Volodina 2010; Znakov 1997). Unlike formal legality (*zakonnost'*), justice appeals to the inner sense (Levontina & Shmelev 2000: 282) and constitutes one of the most important ethical values in Russian culture. A typical Russian question is: "How should one rule: according to law or according to justice?" And it is difficult to translate it adequately into European languages (Shmelev 1999: 227).

In an article first published in 1981, Lotman investigated historical antecedents of Russian legal culture and juxtaposed a magic and a religious socio-cultural model. The magic system of relations is distinguished by reciprocity, coercion, equivalence, and agreement. The religious model is not based on exchange but on unconditional submission to power. Relations of this type are distinguished by one-sidedness (the party that submits to a person/institution of power expects protection, but lack of reward cannot justify breaking the relationship) and absence of coercion (one party gives everything, while the other is free to give nothing in return), and they are not equal. So relations built according to the religious model are not based on agreement but on unreserved commitment. Russia's transition from paganism, apparently rooted in magic, to Christianity resulted in coexistence of and constant tension between the two models (Lotman 1993: 345–346). Following Lotman's work, Živov postulated duality of the Russian legal system. He analyzed medieval legal texts in Russian and Church Slavonic, and

showed that the former were based on Russian custom law traced to paganism while the latter were linked to Byzantine, that is Christian, legal norms. A clear division between the Russian and Church Slavonic forms of law was that the latter enjoyed high social status but was not applied. Translation of legal sources from Church Slavonic into Russian began during the rule of the czar Alexey Mikhailovich (17th century). This boosted the status of Russian legal culture, but its effectiveness dropped. Some of the laws were never used, and none was obligatory (Živov 1988). Živov convincingly shows that legislation was turned into a weapon used by the Romanovs in their struggle to tame the unruly population. In that war society split into antagonistic groups, each evolving its own culture, morals and patterns of behavior. Legal consciousness was also divided: the law stopped being an institution regulating conflicts of interests; therefore the common basis of the legal consciousness of different groups disappeared. What was considered by one group adherence to the customs and rules imposed by society was perceived by another as violation of the law. Under such conditions the notion of “crime” varied from group to group. The common denominator for all was the conviction that any action against one’s own group was criminal, while actions against other groups were not subject to legal judgment (Živov 1988: 82).

Legal duality and the split between the state and peasant communities were inherited by the urban culture (Lurie 1997). This ambivalence, as well as skepticism about the good intentions of government administration and courts, is reflected in Russian folklore. Most vividly folk attitudes to law and justice emerge in proverbs, which can be viewed as products of selection of social practices, and serve to reproduce national legal phenomena. The most authoritative collection of Russian proverbs, by Vladimir Dal’, has several sections dealing with law, truth, justice, and courts. Among them we find maxims formulating relations between the state and its citizens, community and individuals, landowners and serfs, and so on (Dal’ 1957: 169–175, 245–246). Many proverbs evaluate the Russian legal system, and although some show respect for law and praise law-abiding citizens, the overwhelming majority expresses acute distrust of the law, and especially of judges. The latter are suspected of bribe-taking, pettifogging, and bending the law as they please. These proverbs reflect the pessimism of a simple man, convinced that without connections or money he will not find justice in court (Tsikhotskaia 1999: 43; Tsikhotskii 2002: 127–28). Here are some examples of proverbs illustrating these points:

Zakon kak pautina – shershen'proskochet, a mukha uviaznet.
(Laws catch flies but let hornets go free).

Zakon, chto dyshlo – kuda povernesh, tuda i vyshlo.
(The law is like a shaft – whichever way you turn it, you are shafted).

Sudeiskie vorota bez serebra ne otkryvaiutsia.
(A judge's doors open only to silver).

Sudiam to i polezno, chto im v karman polezlo.
(What's good for the judge is what's good for his pocket).

(see English equivalents in Mertvago 1995)

Another folklore genre dwelling on legal issues is swindler novellas presenting a wide repertoire of cheating, from forgery to false evidence, from deliberate use of ambiguity in speech to making incredible sound plausible. The law, legal relations, and trials in a class society are presented as logically faulty, overly rigid, and detrimental to individuals. The law is not restricted to written laws, but also includes unofficial customary law. Novellas and animal tales invariably undermine, condemn, and turn the logic of the law inside out (Iudin 1998: 177–178, 182).

One of the favorite folk games of the past dealt with legal issues. Mock-trials were an indispensable part of Christmas-tide entertainment in villages. The key character of such performances was a “prosecutor”, while a “council for defense” was never present. The procedural details of the trial remained on the periphery, because they were needed just to present the “truth” about the wrongdoings of the “accused” to the audience. The ritual ignored the dichotomy of guilty - not guilty, sentenced - acquitted. Whatever the developments of the plot, it inevitably ended in the victory of the prosecution. Other outcomes were ruled out (Lurie 1995; Lurie 1999: 176).

Of special interest is an anonymous *Povest' o Shemiakinom sude* (Shemiaka's Judgment) written in the second half of the 17th century. It tells a story of absurd decisions made by judge Shemiaka in favor of a poor defendant guided by false expectations of a bribe. As Shemiaka learned later a bundle in the defendant's hand did not contain money but a stone to kill the judge in case of an unfavorable ruling (No author 1977). Lapitskii convincingly criticized the academic approach popular

in his time which had traced the plot of this story to foreign sources, either Oriental or Polish. Through meticulous comparisons of the plot and terminology used in the text with legal practices of the city courts of the low level, typical of that historical period, the researcher showed the Russian origin of the tale. He also stated that the proverbial saying “*Shemiakin sud*” (Shemiaka’s Judgment) did not have actual court practices as its antecedents but was drawn from the text, and so the tale is older than the saying (Lapitskii 1948: 99). The popularity of this saying is not limited to Russia, but is still popular among ex-Soviets now living abroad. In one of the Russian-language Israeli blogs, for example, we came across a proverbial saying “*Shemiakin Bagatz*”, a bilingual coinage adapting the familiar “Shemiaka’s Judgment” to Israeli realities. A user with a nickname *akrav* [Hebrew, for a scorpion] discussed a possibility of suing the then Israeli Prime Minister Ariel Sharon for the policy of Demarcation alleged to be a violation of the “contract” with his voters. The blogger pessimistically concluded that “our Shemiaka’s *Bagatz* [a Hebrew acronym for The High Court of Justice] will surely acquit *sharoshka*’s office”.⁵

Trickster stories and the theme of cheating are well-represented in Russian folklore-like novellas that became popular in the 17th century. They admired the boldness and wit of the smart swindler who cannot hope to achieve a worthy position in society by honest means, so he plunges into shameless adventures. In the 18th century the strengthening of Christianity and the development of culture constrained amoral and mischievous behavior and its poeticized description (Egorov 2002). From the early 19th century to the present day legal themes in Russian literature can be roughly divided into three categories: unjust trials manipulated by people with access to institutions of power or capable of bribery; corruption of state officials; poetization of individuals rebelling against the system. Analyses of these issues can be found in the work of literary critics (Kariakin 1971; Murav 2001; Rogachevskii 2000) and jurists (see, e.g., Rivlin 1957).

Distrustful attitudes to law intensified in the Soviet period as a result of Stalin’s massive purges when millions of people disappeared in the camps without public trials. Contemporary Russian folklore related to legal culture was enriched by the Gulag folk tradition. The penetration of the Gulag folklore into the speech of different social groups is demonstrated in Novikov’s analysis of student song culture. Gulag songs were performed in the late 1950s and 1960s at parties and on trips to the country. Besides genuine criminal cant that be-

came popular outside camps in that period, the students' repertoire included stylized pieces of their own authorship (Novikov 1994). With the loosening of censorship in the late 1980s, the most popular of these songs came to be performed publicly on stage and were included in anthologies of songs. This confirms that the boundaries between oral and written folklore forms are blurred; neither are there clear-cut boundaries between folklore and literature.

Gulag folklore influenced bards' songs.⁶ Thus, in 1968 after the trial of demonstrators, who dared to come to the Red Square to raise their voices against the Soviet pogrom of Prague Spring, Iulii Kim wrote his "Advocates' Waltz". It was devoted to lawyers Boris Zolotukhin, Dina Kaminskaia, Iurii Pozdeev and Sofia Kallistratova, who challenged attorneys' status subordinate to the state prosecutor in Soviet political trials and risked their personal well-being to defend their dissident clients.

Konechno, usilia tshchetny All the efforts are certainly pointless.
I im ne vdolbit' nichego: You'll never drum anything into their heads,

Predmety dlia nikh If matter is immaterial for them,

bespredmetny,

A beloe prosto cherno. And white is nothing but black.

Sudie zaodno s prokurorom The judge and the prosecutor act in concert,

Plevat' na detal'nyi razbor, Why bother scrutinizing the facts

Im lish' by prikryt' When the only matter that concerns them

razgovorom

Gotovy uzhe prigovor. Is to hide behind talking and chatting that the verdict is ready to go.

(...)

Ved' pravda moia My innocence is as clear as day light,

ochevidna,

Ved' belye nitki vidat'! Just look and see how transparent it is!

Ved' liudiam dolzhno zhe These people should be ashamed of their ways,

byt' stydno

Takikh zhe liudei ne But are they? I bet one can hardly take it in!⁷

poniat'!

While according to Kim, in view of Khodorkovskii's and Lebedev's trials this song remains up-to-date in Russia (Galperovich 2012), we think that at least several stanzas go beyond local significance. They put in a nutshell deep-rooted pessimism about justice in courts typical of ex-Soviets in different countries.

According to post-Soviet 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 quagmire 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 and they were 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.

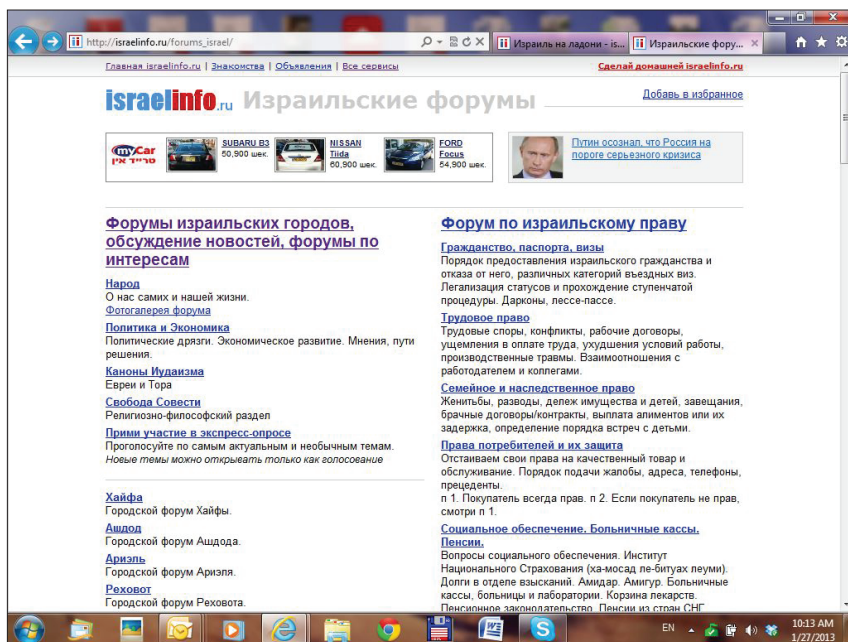


Figure 5. A discussion forum “Israeli law” on the website of a popular portal Israelinfo.ru conducts discussions about issues important for newcomers (citizenship, passports and visas) as well as for old-timers (labor law, family law and social security), <http://israelinfo.ru/forums-israel/>, last accessed on 28 Jan 2013.

On the whole, skepticism regarding the legal system still prevails after the disintegration of the Soviet Union. According to a one survey, 40 per cent 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 per cent preferred to defend their own interests. Only 4.5 per cent 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 & 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 Saga⁸

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 the narrators were satisfied with the court decisions, most of them were legally correct (Kirill K.’s case discussed further does not provide us with enough information to evaluate its outcome).

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

Angela, 41⁹

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 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. (...) And so I decided to contact them. I sent a letter which read something like this: "Your sofa is falling apart when you merely touch it." Well, I wrote in Russian. No response. I sent another letter. No response. I sent a letter in Hebrew. No response. And then I began to inquire who I should send this letter to. It turned out that "N" was a funny firm. That is "N" is, indeed, "N", but above it there are some funny guys. 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. The cat did it. 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 and paid 700 shekels. 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 shekels a clerk there 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, yeah and said, 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, this very store "N" 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 (meaning the leather sofa) 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, well, you know... (...) 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 defended!"¹⁰ 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 hearing¹¹. 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 prepare¹². 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 discourse of testimony differs considerably from everyday speech conventions (O'Barr & 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 & 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 & Yelenevskaya 2007: 96–120, 129–153). While writing this chapter 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". Note the metaphor used to characterize people who will sweep away any obstacle in their way. Although Angela consciously avoids code mixing in her speech, she uses "bulldozer", a calque from Hebrew, instead of its Russian counterpart "tank". In describing the court clerk, we observe a complex allusion to Gogol's "Overcoat". The image of Akakii Akakievich blends with the image of the "Significant Person". 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 iesz ksharim, lo tsrikhim protektsia* (Hebrew, “There is no need to pull the strings if you have connections”) has struck the right chord in the soul of 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 several times more 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 on top of it 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, one of the owners, shouted, “Get out of here! Get lost and stay there!” And more in the same vein. And at that point I realized that he... 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, and all that. 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. Although the procedure is very simple, it was necessary to know how to do it and what to do. (...) 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, and I was unaware of how to go about this whole 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. And it really took me months and years. (...) 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. Well, several times the employees who have to deal with such cases had to show up at that comrade's place – I mean the guy who owed me money – and ask him to pay his debt. They 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. And it turned out... 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 stopped thinking about it, as if I had put it aside, although now I would have more opportunity to deal with it. 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).¹³ 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"¹⁴. 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 & 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 ladder¹⁵.

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 as we were... They didn't pay rent for about three or four or even five months and (pause) and because they failed to pay and all that, 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"), a very big office. And a very decent Druze works for him and a woman who deals with inheritance issues. (...) 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 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. And at that time she also had "court relations" with him. (...) 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 the militia, 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. I acted like Luther, you know. And then we took a picture (of the letter on the door). (...) All this stuff is explained in the books about litigation in *beit mishpat le-tviet ktanot* (Hebrew for "small claims court"). Since my claim was not too large, something totaling about 3.500 altogether, I fulfilled 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 since they were pensioners this account was in his mother's possession and it was blocked. His father had shared the apartment with him. 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 REVOLUTIONARY 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 & 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.

Let us comment on the method Liudmila used to trace her ex-tenant. The lawyers we consulted differ as to the legitimacy of the actions of the policeman who gave Liudmila a new address of the defaulter. On the one hand, there is a law protecting citizens' privacy, and the policeman violated it to some extent because he could not foresee how Liudmila would use the information. On the other hand, he gave Liudmila the address only after he spoke to the litigant and apparently came to the conclusion that her request was reasonable.

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 option 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 practice¹⁶.

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"¹⁷. She would like the civil court to resemble criminal court. The situation in which a person who is not a "true revolutionary" can exert no real effect on a delinquent makes her pessimistic. The same motif reappears but in a more pronounced 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".

The four stories that follow address labor courts and the outcomes of litigation processes. Three stories are told from the point of view of litigants and one from the point of view of a defendant. 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 not a realist, he was really nuts. The strange thing is that he wore a *kippa* (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 terrible 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 "employment

agency”) 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 receiver 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 (“terrible 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 & 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 conflict¹⁸. 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 il-

lusory, considering that she was more interested in getting the money than in moral compensation. Taking into account Elena's lack of legal competence and liberal 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 next excerpt we are quoting is from a long interview of a retired employee of the Zionist Forum¹⁹ that mostly dealt with 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 fraudulent operation were left with obligations to the bank in unfinished apartments and lost the trial. The excerpt we are quoting is not directly 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. Her daughter worked for a *kablan* (Hebrew for "contractor") and he didn't pay her salary for several months, and something else, *pitsuim* (Hebrew for "severance pay"), 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, I can't recall the exact sum now. (...) 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 out a check at once, write it out already then. 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, I don't remember how many, but 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. So a woman called. She reminded me of that story and said she had got the money from the *kablan*. Generally, when people sued *kablans* for non-payment of salaries or *pitsuim*, they always won in court, at least when we supervised their cases. But even if you win in court does not mean you will 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 and for everyone. 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 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 perseverance 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 all the sum; 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 practical 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 compensation²⁰. Our observations show that financial costs, considerable investment of time and effort and vague hopes for success often make immigrants reluctant to go to court.

Ada's reflections are echoed in the next story, told by a retired researcher who holds a Ph.D. degree in engineering.

Leonid B., 66

Leonid: As I see it now, my story is quite trivial. I got a Shapiro grant²¹. According to the rules, the salary is paid by an employer, but my employer kept forgetting to pay me. Well, I worked for him for a year...

Interviewer: And where was it?

Leonid: He is from Ashkelon, but I worked here [in Haifa]. With computer technologies space is not a problem. Well, you know, an alcoholic is wily, and so is a swindler. Finally, my patience was exhausted. After all, I had his checks, and naturally, I went to consult a lawyer. And I was told that it's a trifling matter, and that it's quickly settled in the labor court. But the whole affair dragged on for two years, just as my employer had warned me. He said, "You won't live long enough to see law administered in Israel." These were his words. And so quite naturally, I decided to consult a lawyer. It was interesting for me to see how things are done. I was a novice in this country and I had poor understanding of the procedures. Yeah. So it was a commonplace suit, with documents and copies of the checks submitted. The checks were given to the officer of the court, and the model... The procedure is really very simple. A year passed and the first hearing was held. Then another year passed, and the second hearing occurred. I understood that, indeed, I wouldn't live long enough... Well, then my lawyer says, "We have an excellent mechanism that can be used. It's an agreement (pause) between parties". Now I understand that this procedure borrowed from the American legal system poses danger for justice. In fact, it has nothing to do with justice. I don't mean what is related to my specific case – that was really a trifle. But when a bargain is struck with justice itself, it's absurd. Either justice works or it DOESN'T. Bargains make sense to me in the market. Bargains make sense to me in business. In justice bargains DON'T make sense to me. Finally, two years passed and we signed (the agreement). I got almost everything he owed me. He paid me what the state had given me. That is, the procedure itself is a one-and-a-half-minute-long story. But first and foremost, as I have already underscored I learned from this experience that bargains with justice were incomprehensible to me. I can understand that it may save judges' time. This would be true if judges really investigated cases thoroughly. As far as I understand a judge reads materials of the case right there, during the hearing. He doesn't study the documents (prior to the hearing). So what looks like simplification of the procedure, in reality encourages inertia. When everything is there: the public prosecutor's office, police, court – everything except justice.

(...)

But a judge is not an investigator, and he is not in the position of an investigator. He has to be familiar with the case; otherwise, if he just gets to know things while listening, all he does is waiting. When an hour allocated for the case passes, he says, "This party has to bring me these documents in addition, and that party has to bring me those documents". And the case is postponed again.

(...)

If a judge were familiar with the case, he would notify the parties well in advance: “You have to bring these, these and those documents.” He has to hear parties while he is studying documents, but not wait for the court hearing. The court hearing should take place when things are drawing to a close. Maybe someone will say something new, or some new circumstances have been discovered. The way things are... I think this is one of the sore points.

Interviewer: Tell me, how did you feel in court? I mean the atmosphere of the court.

Leonid: Like a total idiot. First, you don’t really understand what’s happening. Rather, you understand it as a performance, but all the exchange between the parties, what is actually happening remains in the dark. Afterwards, when the judge addresses you, even though the interpreter translates for you, you (laughs), you lose all the dialogues, everything. You don’t know.

Interviewer: Did you have an interpreter?

Leonid: It was the lawyer himself. But amid all that skirmish he would forget to translate. He kept saying, “You don’t need it. Sit quietly and that’s all. Stay calm and quiet”. This was my lawyer’s advice.

Note that in Elena’s, Ada’s, and Leonid’s stories, as well as in Kirill’s narrative that follows, we don’t only hear the facts, but voices of different people (“the folks” in the executor’s office, Ada’s own as a representative of the Zionist Forum, Leonid’s employer and his lawyer etc.) who influence litigants’ decisions or at least their attitudes to courts. Unlike Ada’s client, Leonid accepted the lawyer’s advice to exit an endless litigation process by signing the agreement and got a considerable part of his money. Yet his own decision to participate and submit to the unfamiliar and poorly understood process left him with great skepticism about Israeli legal system. For him, as for many Russian speakers, the word “bargain” (*sdelka* in Russian) is directly connected to trade, which in Russian culture is traditionally equated with cheating and disorder (Dreizin 1990: 5; Fialkova & Yelenevskaya 2007: 202). The word “bargain” in this context is perceived as the antonym of justice.

The last excerpt we will cite in this section is about a lawsuit of *Bituah Leumi* (Hebrew for “National Insurance Institute of Israel” or NII) against an immigrant who allegedly claimed benefits to which he wasn’t entitled. It is drawn from an interview with Kirill K., now a

retired captain of an ocean-going vessel. As the interview is very long and not coherent enough, the excerpt needs a short introduction. Before the lawsuit of the National Insurance of Israel against Kirill was filed he had had a conflict with one of its clerks, a former immigrant from the former USSR herself. As we have already mentioned commenting on Alexandra's story, immigrants tend to rely on co-ethnics when they have to solve problems. In Kirill's case the clerk did not only refuse to give him explanations in Russian but also mocked him in her conversation with a colleague. Kirill, who is rather hot-tempered, reacted rudely. Taking into account that a clerk is not obliged to use Russian with clients and that she was insulted while doing her job, she could sue him for abusing a public servant. Although she did not, Kirill attributes the NII's lawsuit against him to her revenge.

Kirill K., 69

Kirill: Yes, it happened before I left (to work in Cyprus). I was registered as [unemployed] and I received a summons (pause) to the police. I came to the police office, and they say, "There is a letter from *Bituah Leumi* that you were collecting (unemployment benefits) and working, sailing on board a ship at the same time." I say, "After I left N. (name of a company) I didn't work anywhere on shore, I only worked at sea. There was no way I could report to the office (of National Insurance Institute) when I was at sea. If I did report, and was employed only after that, then I received money for two or three days. Moreover, I may not have known about it at all." (...) Some time passed, and I am summoned to the police (again). And I come to this (officer), I show him that I couldn't, I physically couldn't (report), because I was on a boat, on a different boat, and so I couldn't have received that, what I wasn't entitled to. And he saw it, because the accusation was too obviously fake. Yet I left. Why should I complain about her, although he said, "Now you can file (a complaint). Then I had this job offer and I left for Cyprus. I was in Cyprus for 11 months. I worked and did things. Then I came back home. I returned home and there is a summons for me to come (pause) to the public prosecutor's office. I go to the prosecutor's office, and they say: "Trial." That is, the case has passed through all these (stages), militia, prosecutor's office, all over again. (Reliving the moments of anger and anxiety, Kirill used the word "militia" which denoted "police" in the USSR.)

Interviewer: But you explained it all then, didn't you?

Kirill: Yes, I explained it, but she (the official of the National Insurance Institute in charge of Kirill's file) started it all over again. I wasn't there then, so I don't know. Court hearing. There was one hearing, then another one and the third one. I explain the situation. But what am I? For them, for the judges, if this beast accuses me on behalf of a state institution... When it became clear to her, to the judge, who she was dealing with and what it was all about...but she couldn't change anything then because... Well, if she had really wanted, she might have been able to (do something), but only for the last hearing did she summon that woman (the official of the National Insurance Institute). She says, "It's the third time that I'm summoning her", one of those from..."but they don't show up." I say, "You summon me and I am obliged to come, but aren't they obliged to come when you summon them to appear? After all you are a judge! You have the right and you have the power. You can bring her here with the help of police."

Interviewer: Handcuffed.

Kirill: And again a Russian policeman was called in, another one. And he says to me, "Listen, why are you arguing with them? Just say: I'm guilty, and that's it" (imitates the policeman's tone ironically). I say, "Are you nuts?"

"Well, I'm just giving you advice", he says, "I, sort of know better how things are." I say, "You know what, it's because of advisers like you that we are here in the position of slaves. You serve in the police, so go on serve there, if you cannot (earn a living) in a more honest way. But don't teach me to do what I will never do. Why should I admit to what I haven't (done), why?" And then she rules: "Pay back."

Interviewer: That you should pay the money back?

Kirill: Yes! Sure! "They paid you 2,700 extra."

Interviewer: In what court was it?

Kirill: It was here.

Interviewer: Was it a district court, a labor court or what?

Kirill: No, just an ordinary court. You know, it's where...

Interviewer: Was it in the city court?

Kirill: Yes, in the city court. I came home then. I was with my wife. I cannot cope without an interpreter, and she knows (Hebrew). And I asked my mother, my late mother. And she says, "Why are you so

uptight about it? Here, take it.” She gave me the money, 2,700. So we paid. But you know, after we paid it, I felt as if I had been shredded.

Interviewer: I understand.

Kirill: It was as if I had been raped. I couldn’t do anything. But the most interesting thing is that two days later the money came back to my account.

Interviewer: How come?

Kirill: I wanted to go to the judge, to go and talk to the judge. I say, “I’ll go”. But my wife didn’t let me. (I wanted) to show what justice is worth in Israel (enunciates each word carefully). And that the development of events.... There was no place to... I transferred the money, a check, to this, to their (account), and it bounced back. There was no place to hitch it to (pause). There was no place to hitch it to, and so it came back to my account. You know, I would have felt myself a winner (...) if afterwards I had gone to see the judge and resolved the issue, if I had shown her (pause) that she (pause) had resolved, how she had resolved and what her (...) resolution was worth. It wasn’t me who was abused. It was she who was abused, Israeli justice was abused as she couldn’t or didn’t want to figure out the case that wasn’t ...

Interviewer: So complicated

Kirill: So complicated. That’s all.

Kirill’s story shows an enormous disparity between his self-perception of a strong and competent man confirmed by his previous life and his dependent role in court. First, he does not even know that his case is to be resolved in the labor court and this fact shows his absolute ignorance in the legal issues. Second, he is entirely dependent on linguistic skills of his wife who has to escort him to the hearings. Third, he is financially dependent on his elderly mother, who gave him money to to implement the court ruling. And finally, he had to obey his young wife and his old mother and refrain from trying to talk to the judge after getting the money back. In this chapter we have already come across gender issues. Alexandra was indignant about abusive sexual hints on the part of a salesman and needed a trial in order to defend her human dignity. Elena lamented her vulnerability as a female employee against a male shop owner. In Kirill’s story, however, we clearly see gender roles reversed. He is surrounded by women – a clerk and a judge in formal settings, and his wife and mother in fam-

ily settings. All these women appear to be much more competent and confident than he is. As a result, he undergoes a process of psychological feminization clearly manifested in the metaphor of “rape”. Although we don’t have enough information to determine whether the judge’s decision was legally correct or not, we would like to emphasize that NII is notorious for the number of citizens’ complaints. In 2010 the Office of Citizens’ Complaints got 13,976 appeals, 28 per cent of which were accepted as justified.²² While we were writing this chapter the Russian-language newspaper *Vesti* published an interview with the parliamentarian Yulia Shamalova-Berkovich who has investigated the activities of the NII and considers that the law regulating activities of this institution have to undergo a fundamental reform because “this organization has turned into a state within the state: it creates its own laws and implements them. (...) A person who applies to *Bituah Leumi* for the first time first has to prove that he is an honest, decent and a law-abiding citizen. He is viewed as a potential swindler and he has to prove his innocence in order to get benefits he is entitled to according to the law” (Goren 2012: 12). Even our small sample contains one other story about an immigrant mistakenly sued by this organization. For six months our interviewee Leonid B. was deprived of his Social Security benefits because he allegedly failed to report that his wife, who had stayed behind, joined him in Israel. Actually, he claims that he did report her arrival, but his letter was lost. Left without any means of support, he survived thanks to financial help of his relatives. In his case the problem was gradually solved through a bureaucratic process without litigation. Numerous stories of NII’s false accusations can be found in Internet forums²³. NII was also implicated in a tragedy that took place on the 14th of July 2012 when an Israeli citizen, Moshe Silman, set himself aflame at the demonstration for social justice in Tel Aviv. In the letter distributed before this act of despair he blamed the National Insurance Institute of Israel for ruining his life.²⁴

How to Outsmart the System: Immigrants’ Trickster Stories

In traditional folklore the figure of the trickster appears in three main genres: trickster myths, swindler and fool’s novellas, and animal novellas (see, Aarne and Thompson 1964: AT 1675, AT 1526; AT 1-299; Jason 1975: 42, 48). The most ancient of the three is the trickster

myth, found in North and South American, African, Greek, Slavic, and Norse folktales.

“Trickster is at one and the same time creator and destroyer, giver and negator, he who dupes others and who is always duped himself” (Radin 1969: ix). A trickster’s figure is polymorphic. According to Jung “He is a forerunner of the savior, and, like him, God, man, and animal at once. He is both subhuman and superhuman, a bestial and divine being (...)” (Jung 1969: 203). Although a trickster figure can appear as different characters, ranging from Hermes to Hare or Raven, from an old soldier to a village fool he always “operates outside the fixed bounds of custom and law” (Kerényi 1969: 185).

Meletinsky points out that jocular and novella-type folktales have evolved from archaic mythological tales about forefathers – culture heroes and their demonic-comic doubles, mythological tricksters. He emphasizes that along with “active” stupidity, jocular folktales portray “passive” stupidity; that is, simpletons are easy to con and cheat. They are credulous of tall stories told by any trickster or swindler.

Many jocular folktales glorify tricksters and jeer at the gullible. An asymmetry, however, is evident and is closely associated with particular social connotations. In most cases smart thieves and mischievous pranksters enjoy positive evaluation, particularly, when their marks are landowners, serf owners, and priests. Notably, these tales express admiration of the trickster’s smartness, creativity, and inventiveness. The comic effect of the situation is essential, but the social status of the victim is important (Meletinsky [no year]). Social aspects of trickster tales can be found as early as ancient mythology. The hero, a human or an animal, is praised when he steals for the sake of the tribe but not when he violates rules of his own collective, attacks its members, or achieves profit at their expense (Meletinsky 2000: 223).

In the Russian swindler novella, the hero invariably belongs to underprivileged classes. The social orientation of the Russian version of the swindler tale is evident when compared with similar plots in other cultures. In the Russian tale the social motifs are in the foreground while in versions known in other languages they are subdued. The hero of the Russian tale is a soldier who has served 25 years in the army, a peasant boy, a priest’s servant, and other characters juxtaposed to the tsar, the nobility, and the clergy. They are socially inferior to the “masters” but surpass them in wit. Whatever turn the plot might take, the social roles remain stable (Moldavskii 1979: 6).

Material for this section was drawn from two sets of interviews: 27 narratives were taken from 17 interviews, which were conducted in 1999–2003 and dedicated to various issues of migration. In 2005 we supplemented this sample with six focused interviews that yielded 17 more stories. In all we analyzed 44 narratives recorded from 23 subjects. Four plots appear twice, since we interviewed pairs of participants of the same events. Each interview was recorded separately to prevent the narrators from influencing each other's versions.

Besides interviews, we analyzed material from the Russian-language conventional and electronic press in Israel. Immigrants' newspapers regularly publish readers' letters seeking legal advice and lawyers' answers to these queries. Quite often papers publish stories about cheating; in some of them immigrants feature as perpetrators, in others as victims. In addition, advertising supplements occasionally post ads which offer illegal or semi-legal services, such as signing guarantees for bank loans, helping to obtain an American "green card" or re-emigrate to Canada by circumventing legal channels, and so on. Our third source of data was the Russian-Israeli Internet site called "*Klub fraerov*" (patsies' club) created by an immigrant for fellow-immigrants to share experiences and avoid becoming victims of swindling (<http://frayerclub.narod.ru/index.htm>, 27 May 2005). The materials of this site have a folkloric nature: anonymous contributions are welcome, and no documentary proof of the posted stories is required.

The stories that we recorded are related to the pre-emigration experience in the FSU and life after immigration. Our sample includes 12 stories about violation of customs regulations on the part of both emigrants and customs officials of the FSU; three narratives tell of forging documents to conceal ethnicity, four give accounts of false testimony, and two are about obtaining permission to emigrate without the consent of close relatives, which was a violation of the Soviet law. Out of six stories about bribes four are related to customs control, and one to the bribing of a municipal official in order to accelerate marriage registration in the Soviet period. One narrative tells us about bribing instructors of an Israeli program for immigrant youth for non-reporting that a participant found a part-time job which violated the rules. Five immigrants told us how they had become victims of swindling in Israel. Three informants reported that in the FSU they had applied for emigration using invitations from non-existent Israeli relatives, and nine plots do not fall under the categories we have mentioned.

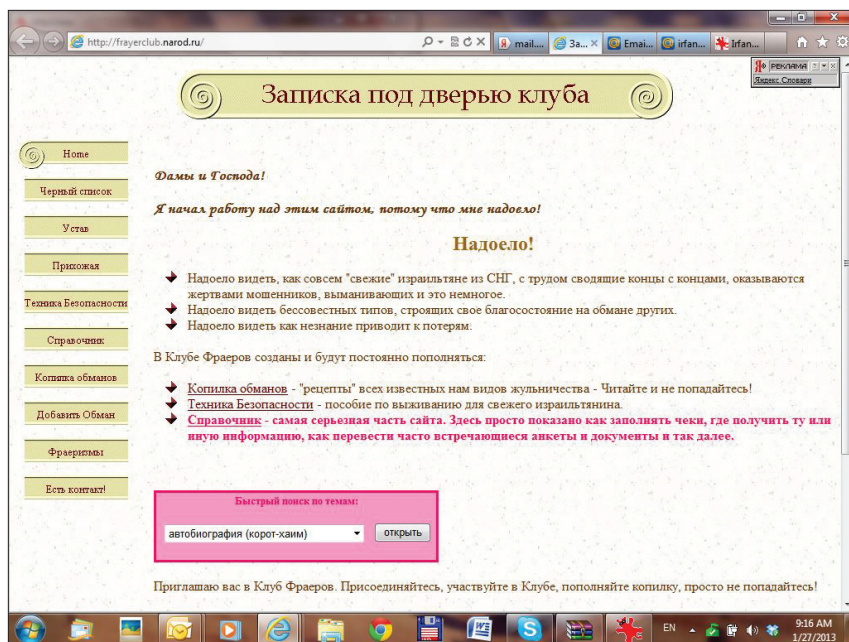


Figure 6. The “note under the door” on the home page of the patsies club tells visitors that its creator decided to launch the site because he was fed up seeing how inexperienced immigrants from the FSU were cheated by shameless swindlers. He was fed up with people who were building their prosperity at the expense of others. He was fed up with naivety and legal ignorance of the immigrants. The menu of the site includes the black list of dishonest businesses, a bank of stories about cheating, and other rubrics”, <http://frayerclub.narod.ru/index.htm>, last accessed on 28 Jan 2013.

The list of plots we have already enumerated shows that we are concerned with sensitive issues. How can researchers obtain such stories? Obviously, a great deal of trust on the part of the subjects is needed. Since we are members of the same reference group as our informants, most of the interviewees were convinced that we could understand the circumstances and motives that made them violate the law. They probably would not have opened up had they not been sure we identified with their motives for deviant behavior. The second reason is that among ex-Soviets irrespective of whether they reside in the FSU,

Israel, Germany, the U.S. or elsewhere, trickster stories are of high tellability²⁵. If the audience is trusted, they are told with a lot of spicy and mischievous details.

Old Attitudes in the New Surroundings

Analyzing immigrants' trickster stories we should bear in mind that different groups may resort to different types of tricks depending on the circumstances characterizing the group's situation. Thus Sharon Halevi, who studied trickster stories in the American colonial South, distinguished three categories into which the narratives fell: didactic tricks, humiliating tricks, and perpetrating tricks. The latter became a means of self-preservation and protecting property (Halevi 2004). In terms of this taxonomy, all narratives in our sample belong to the perpetrator type and can be divided into the following subcategories: preservation of the self and family (forging ethnicity, emigrating without close relatives' permission); preservation of the other (giving false evidence in court); preservation of family property and property of the other (violating the law of customs and cheating on taxes).

Working on this project we did not analyze such issues as tax evasion and illegal working by welfare recipients (see Fialkova 2005). Nor did we deal with the mass violation of the precepts of Judaism prohibiting Jews to work on Sabbath and religious festivals or eating non-kosher food. All these phenomena existed in Israel before the big wave of immigration of the 1990s, but then non-kosher stores and restaurants were mostly in the Arab sector. Today, Russian non-kosher businesses successfully compete with their Arab counterparts, and in some sense challenge the Jewish nature of the state (see Fialkova & Yelenevskaya 2007: 118–121).

Immigrants' attitude to various types of law violations is different. When they recall how they cheated the customs our informants were convinced they were right and saw their own behavior as the only means available to them to protect family property from inhuman Soviet laws, and maliciousness and greed of the officials. Confessing to tax evasion and attempts to forge documents, particularly those proving ethnicity and thus entitling Soviet Jews to emigration, perpetrators are aware of wrongdoing. Yet, they justify their behavior on the grounds of intolerable financial circumstances or attempts to improve their children's lot. Finally, secular immigrants' attitude to

violations of the religious law is nonchalant, since this type of law is completely rejected by many ex-Soviets brought up as militant atheists. Our narrators had no qualms describing how they managed to circumvent rules and laws, and they perceived any successes in these violations as little triumphs over the subversive system rather than deviant behavior.

In the literature on attitudes to law no behavior is considered *per se* and universally deviant (Cohen 1959: 463). The term refers to conduct that departs significantly from norms. "It cannot be described in abstract terms but must be related to the norms that are socially defined as appropriate and morally binding for people occupying various statuses" (Merton 1961: 723–724 cited from Jessor et al. 1968: 23). The common element of various definitions of deviant behavior is that deviance is not something intrinsic to the behavior itself. The socially defined criterion of evaluation is shared expectations about what behavior is appropriate and what behavior does not accord with social norms in each particular situation. (Jessor et al. 1968: 24)

Even after moving to another country immigrants often perceive the law as an instrument of oppression, and its violation as a right and moral action (Markowitz 1993: 202–210). Israeli sociologists have noticed that immigrants from the FSU are more tolerant of "white collar" crimes than veteran Israelis. However, when answering structured questions or participating in sociological surveys which include questions about the subjects' readiness to report violations of that sort, they made general statements without referring to their own experience and practices (see Al-Haj & Leshem 2000: 51–53). According to Rothman, even if respondents to structured questionnaires were asked what they would do in a hypothetical situation, one would not necessarily know what they would do if actually confronted with such situations. Choices made in hypothetical dilemmas may tell us little about respondents' actual behavior (Rothman 1980: 107). In the interviews that we recorded, people disclosed facts of their own life, thus becoming vulnerable. As we have mentioned, such stories are usually shared with members of one's own group, who are expected to understand that evading the law is a means of survival or a compensation for being an outcast (Tice et al. 2002: 175–187). Like the so-called "pardon tales" they turn the crime (or rather violation of the law) into a story (Davis 1987: 1–6), yet in the narratives we recorded the aim is not to plead for forgiveness but to entertain the audience.

Personal narrative research always deals with the exposure of the sensitive aspects of the self. The researcher becomes responsible to the subjects for not violating trust. This responsibility increases exponentially when interviewees talk about the violation of the law and the moral norms prevailing in society (Miller 2000: 83). Luckily for us, the sample we collected contains no stories about crime or behavior threatening people's lives. Had it been otherwise we would have faced a serious moral dilemma. Another ethical problem that emerged during the fieldwork was that many informants were convinced that we shared their views and sentiments entirely, including their attitude to the law. Like other immigrant researchers investigating their own group, we found ourselves in limbo between the Israeli establishment and the immigrant community. Trust and solidarity were poised ready to evaporate the moment our interviewees suspected we were serving *them*, the state. This suspiciousness was particularly strong among members of the older generation.

Some of the narratives we analyze concern the abuse of power. But although they cannot be classified as trickster stories, they are important for us because they show how the mechanism of power works and what triggers people to cheat the system.

Single-Narrator Stories

Here is a typical story about émigrés' cheating the Soviet customs.

Elena, 25

We had to run around a lot to obtain a permission to take out our musical instruments, and as a result we got none. Somehow we were unlucky. They (a special expert committee) didn't allow us to take our violin and both of the pianos were also banned. We had a Czech "Petrov", and my grandma had another make, some "Reinbach". And so we had to arrange for an exchange of pianos. It was necessary to find somebody with a more or less good piano. Finally we exchanged gran's piano for a Soviet one, and we left ours to our neighbor as a gift. She was the widow of a very good artist and we used to be very friendly. She gave us some of his pictures as a gift. We simply smuggled them. I packed them myself. And I did it in a very sophisticated manner. They were wrapped around an oil heater. We carried two oil heaters as hand luggage. The pictures were put inside the wrapping and from outside

they were covered with cardboard glued to them. So it was sort of a box with a double bottom. Nobody could suspect anything. As a result we went through the customs successfully, although we did violate some rules. When we were sending our luggage, everything was thoroughly searched. We had a lot of books. They looked at everything, short of opening boxes with washing powder.

It is important to note that at the beginning of the emigration process Elena's family tried to use legal ways for taking their property with them. The failure to obtain legal permissions prompted the family to resort to illegal but much more productive ways of achieving their ends. At the beginning of the 1990s when Elena was about to emigrate, the amount of currency, which a person was allowed to take abroad was limited to one hundred fifty dollars. As regards the luggage allowed to be sent abroad, the rules differed in various parts of the USSR. Moreover, the size and weight depended on the means of transportation used. But whether the luggage was sent by bus, by train, or by air, there were limitations. In other words, the property which had been accumulated by several generations of émigré families had to be abandoned. The emigrants perceived this situation as a wide disparity between law and justice. After the failure with the musical instruments Elena's family did not even try to use legal methods of sending the pictures. Like other objects of art, pictures were to be presented to an expert committee, and if they were not deemed to be so valuable as to be proclaimed "national property" permission for sending them abroad could be obtained after paying tax. Note that the narrator was actively involved in the process of smuggling, although in 1991, when the family emigrated, she was only sixteen years old. In our sample it is not the only example of the children's and adolescents' involvement in cheating the state. However the parents' attitudes were different. Elena's parents did not only inform her about their plans to violate the rules but even accepted her help in disguising the pictures as wrapping paper. Quite different was the reaction of another informant who realized that her six-year-old son had already acquired the adults' nonchalant attitude to breaking rules and outsmarting the system. When she witnessed his naïve ploys to get extra change from food coupons used in Odessa shops she thought time had come to emigrate: "On my way home I was thinking about this incident again and again. And (pause) I was shocked. If my six year-old kid is already looking for a way to deceive the state, it means that this state is not the right place for him to live in."

Among the many recorded stories about manipulations with the name, one narrative deals with getting an invitation to immigrate to Israel. In order to obtain an exit visa to emigrate to Israel, Soviet Jews had to present an official invitation from a family member, an Israeli citizen. Since few people dared maintain contacts “with relatives abroad” or simply didn’t have any, many of such invitations were signed by acquaintances or mere strangers who had never seen their “relatives” wishing to leave the USSR. Our interviewee told us that although her family knew that at least two such letters had been mailed to her family, none was received. Finally the family council decided that the reason could be the Ukrainian family name of the head of the family. Only after they asked to address the invitation to the Jewish maiden name of the narrator’s mother-in-law, did the letter arrive. Yet, upon arrival in Israel they were confronted with a new dilemma.

Liudmila, 54

We had a problem with our visa (here: invitation to Israel). Sveta, the one who lives in Jerusalem, she sent it to us twice, but neither of them arrived because of the family name Petrenko (Names ending in “ko” are recognized by Russian speakers as Ukrainian). I don’t know whether it was *rabbanut* (rabbinate) that created obstacles or someone else, but anyway it didn’t work out.

Interviewer: They couldn’t figure you out.

Liudmila: Finally, it (the invitation) was sent to Kagan and that time it arrived alright. And when we landed (in Israel’s airport) there was a huge crowd. Everybody looked insane, and I was running around trying to find out: “What family name should we give? What is correct to say?” I was collecting all the information available. How shall we camouflage ourselves? Is it necessary to camouflage at all? And we decided not to. Let them register us as they wish.

Interviewer: And what information did you get? Were you recommended to “camouflage” or not?

Liudmila: I don’t remember this. I remember that I was registered as Russian. And all the rest were Jews, I mean Sasha and Rosalia Abramovna. And concerning the kids, at that time, I think, we still didn’t know that the kids are registered according to their mother’s (ethnicity). But we got all these (documents).

This excerpt clearly shows typical ignorance of a layperson in legal issues. In the beginning of the 1990s even after deciding to emigrate, the majority of Russian Jews knew next to nothing about their rights in Israel. Although Israeli policy targets preservation of the religious homogeneity of the society, non-Jewish family members of Jews are entitled to citizenship immediately after the family immigrates. In this respect Israel's immigration law is similar to those which are implemented in the USA, Canada and West-European countries. However, if a non-Jew, a citizen of another country marries an Israeli citizen, problems may arise (Coleman & Harding 1995: 22–23). The habit “to camouflage”, whether manifested in hiding political views or actions incompatible with the official ideology, concealing details of one's own or the family past, was part of the Soviet behavioral code. Importantly, Liudmila consulted her fellow travelers, complete strangers, whether to deceive the authorities by giving false information or not. Her absence of fear that somebody would report her to the authorities was based on the interviewee's certainty that the others shared her tolerance of “white lies” in relations between the individual and the state.

While Elena's and Liudmila's stories were related to first-hand experiences, the next narrative recounts what happened to the interviewee's father. Naturally, this prevented us from asking clarifying questions. It is also clear that whether consciously or unconsciously, our informant, Dana, could change something in the story, for example, include her own evaluations. Yet we assume that Dana's father told the story of his adventure to entertain his family, as the humorous touch is evident in Dana's version.

Dana, 27

So he [Dana's father] went to Uman²⁶ to visit his mom, who remained there. And he was on his way back from (pause), he was on his way back to Israel. And at the customs a woman asked him to take her huge bag full of cigarettes and sausages. She asked him to bring all of it here (to Israel). So in order to avoid overweight he asked Hassids (pause) to take his suitcase. They travel with string bags. They come only for two days to pray and then they go back.

And he (the father) came to the customs. He knows Ukrainian. He spoke with them Russian and he spoke Ukrainian. Then he saw a group of Hassids. He had been away from Israel for about a fortnight. And at that time, there were the usual, you know, like always here, there were some terrorist attacks, and something was blown up. And he was

very happy to see them, to speak Hebrew with them. So he is standing there and talking to them, and the people around him stare: it was clear dad was not a Hassid. How come he is with the Hassids? And then this woman (a customs officer) started frisking him (Dana uses a slang word, an old borrowing from Yiddish, “shmonat”). Ah, yes (pause), he was also asked to smuggle antique books for my grandmother, dictionaries for my grandfather – the books that were prohibited to take out (...). And they started to search his luggage like mad. First, they (customs officers) opened his own suitcase and saw ten packs of cigarettes (pause).

- Why do you need so many cigarettes?

He said:

- They are not mine. They belong to my Hassid friends.

- They say:

- What? Are they allowed to smoke?

He says:

- Sure. Look how many children they have. They are allowed to do anything (laughs).

Then they found the sausage he was carrying for somebody else.

- Why do you have so much sausage?

- Why would you say such a thing? Would you like me to give all of it away now? (pause) In fact, I can't, because the sausage is not kosher, and I can't distribute it here.

And while he is saying this he is very anxious because there are these old dictionaries at the very bottom of the suitcase. Then she (the customs officer) got to a package of magazines on movies. The woman who was searching him, she was really (pause), she was simply perplexed.

- Why do you need so many magazines? Why do you need such a quantity?

He says:

- It's my profession.

That was all. She gave up on him, and she didn't get to those dictionaries. And he got through together with the Hassids. People give them things (to carry across the border). It's very convenient. People give them all sorts of things. I don't know whether Nachman helped or whether it wasn't Nachman. So this is the story.

The events described in this story point to several law violations. First, Dana's father violated Israeli security rules by reporting somebody else's luggage as his own. If Dana's father had taken the stranger's bag before the security check, it could have endangered the flight. As this was done at the customs, i.e. after security control, his actions may seem less problematic. Yet, he definitely didn't know what was inside the cigarettes. More than that, while taking the traveler's luggage he had to give one of his own suitcases to a Hassid, which was

another violation of the regulations. We do not know whether the Hassid checked the contents of the suitcase, but we suspect he didn't if it is already known to travelers that Hassids are willing to carry other people's luggage as their own. The claim that the cigarettes belonged to the Hassid was another problematic act, since it made the latter responsible for somebody else's non-compliance with the rules. The question arises: why were the magazines and the dictionaries hidden under the sausage in a stranger's bag? Did not this person carry her own suitcase? We assume that here Dana may have confused some details, although we cannot say it for sure. Still another problem was that Dana's father sought help of an ultraorthodox Jew while having non-kosher sausage in his luggage – a sign of disrespect for Jewish dietary laws. Finally, carrying books published before 1945 violated the Ukrainian law prohibiting to take them across the border. Today, even Ukrainian customs officials feel that this law, a Soviet legacy, is problematic as criteria used to determine antiquity are too formal, as a result the law prevents people from keeping their own books, even when their value is personal rather than historical (Safonov 2009). We conducted two interviews with Dana and in both of them she referred to *Tsaddik* from Uman'. In the second interview Dana identified him as rabbi Nachman. The first narrative in which he features was quoted in (Fialkova & Yelenevskaya 2007: 296); the one above was just mentioned there. Neither one sounded as a traditional Jewish legend. The only "miracle" Dana attributed to the rabbi's help is the smuggling of old dictionaries under non-kosher sausage. Thus in her narration the trickster story acquires traits of the oxymoron, a blasphemy-based legend. Dana's belief in supernatural, be it *domovoi*, *shaman* or *Tsaddik* – is mixed with skepticism and self-irony, which is characteristic of our informants. Rejecting the essence of a religious worldview they are always ready to do something that they hope will coax Destiny into being favorable to them.

Twin Stories

As noted, our sample includes four plots told by different participants in the same events which we will quote and analyze in this section. We chose these narratives because they show selectivity of narrators' memory and the first phase of the folklorization process.

Valeria, 70

I remember how we... In N. we had a collection of medals and we were anxious to take it out when we decided to emigrate. We could not take the medals as a whole collection. And so we sent them in postal parcels to different addresses in Israel. A kilo each, and that's how we sent them. We had a medal dedicated to Pushkin, a medal by sculptor Skudnov, included in catalogs... Well, he is quite famous. We weren't allowed to take that medal because it was issued to celebrate Pushkin's centenary. But we were so eager to keep it. And so I thought, "Too bad if this medal gets lost, but the hell with it. Nothing ventured, nothing gained." So I put it into a regular postal parcel and wrote in the accompanying letter: A medal: "Pushkin". And that's how it reached us.

Raia, 48

My second story is about taking medals out of the country. These were old medals. We had a collection. And, in fact, it is allowed to take out medals as individual pieces. But it is prohibited to take out collections. My parents sent them as if they were gifts in postal parcels; there were about 30–40 parcels, not heavier than one kilo each. They were addressed to three friends in Israel. One address was in Jerusalem, another in Tel Aviv, and the last one was in Haifa. And when we came (to Israel), we picked them up, and then it turned out that all the parcels sent to Tel Aviv and Haifa reached the addressees while hardly any of those sent to Jerusalem arrived. Then we searched for them and some were tracked somewhere near Munich. But some others were lost. Some of the medals, rare ones, were issued in the 19th century and it was forbidden to send them abroad. And so I took them out when I came to N. as a guest. I put them into a small children's backpack carried by my daughter. I had an answer ready in case they were discovered (by the customs). I would say that I'd bought them in the market on Andreevskii descent (a street in the narrator's home-town) and had no idea whether they were valuable or forbidden for sending abroad. This is my second story.

Even in these short narratives a mother and a daughter emphasize various aspects of the events. Valeria reads numismatic catalogs and knows every piece of her family collection. She remembers the dates when each medal was issued, she knows in whose honor the medals were produced and to which memorable events they were dedicated. She singles out one of the most valuable pieces of the collection and tells the interviewer how she pretended ignorance. When filling out a

postal form she did not lie in describing the medal, because, indeed, it was dedicated to Pushkin. She did not falsify the date when it was issued; she merely omitted it. Thus a medal that had the status of an antique piece was sent as a contemporary piece. We can infer that for Valeria it was a daring act, and she drew strength by referring to folk wisdom. She invented a way to downplay the significance of the “gift” and displays satisfaction that the trick worked. The safe arrival of this particular medal seems more important to her than the loss of some others, which she does not even mention.

Raia, on the other hand, does not evince familiarity with individual pieces of the family collection. Like her mother she does not doubt the wisdom of sending the collection. Her short narrative is divided into two parts: the first is told in the third person and focuses on the technicalities. She reveals how and where the medals were sent. She indicates which parcels arrived safely and which were lost and where they were found. But her real involvement in transporting the medals emerges in the second part of the story, when it was her turn to bend the law. Her strategy was similar to her mother’s: pretending ignorance. She risked more though, because having items forbidden for taking outside the country in her luggage she could betray herself by fear, and in case of failure would have faced an unpleasant scene at the customs. Note that Raia’s narrative is part of a longer interview. We recorded four of her stories, three of which dealt with customs, and one with court evidence in Israel. Raia structured each narrative as a separate story with a number in the introduction and a concluding sentence (e.g., “This is how I became a smuggler”).

Natalia, 57

It was in November 1990. Quite a few friends and relatives are leaving for America and Israel. I didn’t see off as many friends as some other people I know, but still many acquaintances from Ukraine and Georgia came to Moscow to register their (emigration) papers. And my mom and I witnessed all the dramas, and anxieties, and hurt feelings (pause). We saw all these heart attacks and tears, and a general mess. And most of the émigrés were reasonably well-to-do. I never saw off very wealthy or really rich people, but neither were the people I saw off poor. All of them had something they wanted to take out (illegally), and so they tried to cheat and sometimes they succeeded and sometimes they failed. And only twice in my life did I see off my friends...One was going to Italy. She had no property at all. She was going to join her fiancé and was

eight months pregnant, and they (the customs) had taken her wedding band, no, not the wedding band, but the engagement ring given by her fiancé. It was a terrible tragedy, and still today I cannot make sense of it. I couldn't do anything then. I managed to send her that ring many years later... Oh, and one other friend, my very best, my closest friend ... she didn't have anything either. On her last day (before emigration) she bought a splendid leather jacket, the first one in her life. We carefully examined it, we checked many times whether it looked real smart, and we bought a couple of other garments too. And besides this, she had nothing else except bitter, piercing, sad and happy memories of N. and of everyone she'd left there. And finally we come for the customs examination. You know, when I saw off my relatives I knew that they had something, something that was in excess (of what was allowed by customs regulations), and something hidden, and something had probably been already sent (with other emigrants). I would be worried how they would pass (customs control), but in this particular case there was nothing to be worried about. Because she really had NOTHING. The only anxieties were related to parting. And all of a sudden a petty man, in his petty position decided to show how much power he had been given at the expense of my friend. And probably he had previously done that at the expense of many other people. And how did he search this poor girl! Inside and out, from top to bottom, over and over again. And it wouldn't be such a big deal if it hadn't been for the fact that the only thing that he did find was her father's watch. Katia's father had passed away a long time ago. He was very dear to her. As far as I remember the watch didn't even work but the memory was powerful, not fake, and very important for the heart. The watch was confiscated. No, it wasn't confiscated, but Katia was told to leave it behind, the watch and some other trifles. And (pause), Katia went back and gave these things to me. And there was something else, I don't remember now, but it was really something completely unimportant, something like a sandwich or something else that couldn't be taken across the border. And the paradox of the situation was that not a single customs officer, including this particular one, none of them was on guard to defend interests of the country. And he was not alert to prevent valuables being taken out. He was simply a petty man who felt he was big and significant carrying out his terrible mission. As soon as he did carry it out, the interests of the country no longer bothered him, and the paradox of the situation was that we were allowed to come close to each other again and say goodbye once more. We couldn't even dream this would be possible. And when after all this horror, humiliation and pain Kat'ka realized she could come and kiss me once more, neither she nor I knew what would happen. But anger, I am not frequently possessed with anger but then it simply boiled over in me. I know there are moments in my life when

I am capable of anything! Just at that very moment, all of a sudden I remembered that I had the watch! It wasn't important just to give it back to her but to prove something to them! And taking her hand in mine, I shoved the watch up her sleeve and whispered... I remember the first thing I said clearly, but don't remember at all what else I said then. I said, "Hold it, Kat'ka!" And then I said something else, something angry and revengeful. Something of the sort: "Damn them all!" Something of the sort, you know, slogan-type, and revengeful. And I felt relieved. And I had the feeling that it was some kind of a plot, and there was a belief that whatever you say, they couldn't take us with bare hands.

Ekaterina, 53

Naturally, when we decided to leave we were thinking of how to take out valuables. Well, we didn't have real valuables, but those were objects that were dear as memories about the family and the people who had passed away. Well, besides, it was very difficult to take out old books because books published before 1945 were simply prohibited for sending them abroad. We had a big collection of books from the Academia publishers that had come out before 1945. And I remember how I gave them away to acquaintances, and I didn't know whether I would ever be able to come (to Russia) again. And so I had to leave many of my favorite books. I remember a scene in the Public Library, where we had to bring books and photographs for inspection and a permit for taking them out. There was a woman there who was terribly upset because she wasn't allowed to take out a photograph of her son wearing a school uniform. The old (Soviet) school uniform looked like the pre-revolutionary Russian school uniform. And the inspector, a young woman, became stubborn. She didn't know that such a uniform had existed (in Soviet times), and refused point blank to give a permit. The most... the most honest people, who had never even dreamt of cheating, indulged in it before departure. I know someone, a person of advanced age, a Ph.D. and a professor. She took apart her pearl necklace, interspersed real pearls with fake ones and decorated her cardigan with this mixture. It was fashionable then, you know, woolen cardigans decorated with pearls were all the rage (pause). And this is what happened to me when I was crossing the border. I had gold earrings, a pendant and a gold watch. These were not antiques, but Soviet-made objects. But apparently their total value was higher than what it was allowed to take out. And the customs officer, a woman, said, "Well, you'll have to leave something behind. Choose what". I wanted to leave the earrings, but she said, "No-no-no! Leave the watch." Fortunately, my friend was there to see me off. So I went back and gave it to her over the barrier, I mean the

watch. Then it turned out that my luggage was overweight, so I had to take out some things out of the bag. I took out a blanket, a hair-dryer, and again handed it to her over the barrier. And when I gave these things to her, she took hold of my hand and put the watch into it. And so I crossed (the border) holding this watch and violating customs rules. I experienced the exhilaration of real triumph: I managed to outsmart the system at least in something.

Natalia is the only narrator in our sample who is not an emigrant and lives in Moscow. While immigrants recall the episodes of departure, her repertoire of stories linked to emigration focuses on seeing her friends and relatives off. Natalia combined two stories in her narrative, and although the first one does not have a double, we could not separate the two because structurally they form one whole united by an introduction. Furthermore, they are related to the same conflict between Soviet authorities and the individual and form a unit in the composition. Natalia juxtaposes her two friends and all the other emigrants who tried to violate customs rules. She emphasizes that both her friends were very poor and had nothing to hide from the customs. This is important for her because she wants to show how unfair it was that out of all the others it was these two who were “caught” with the one and only one valuable object each of them possessed. In both cases the value was more symbolic than monetary. This is why Natalia mentions that the watch did not work. The narrator does not conceal her acute dislike of the system. Note that she opposes herself and her friends to the invisible but malicious “them”. She is convinced that customs officers’ vigilance has nothing to do with conscientiousness but only with conceit and petty pride in their own power. Although both episodes are reminiscences of the events that took place over a decade before, Natalia is full of emotions recalling the two events which she still perceives as a “tragedy” that triggered “horror”, “pain”, “humiliation” and anger that “boils over”. In both cases she was to be the caretaker of the returned valuables and is proud to have passed them back to the owners.

Ekaterina’s narrative also includes three story lines: providing books and photographs for inspection, hiding real pearls among the fake beads, and finally, the twinned story about the watch. Like Natalia, she claims that virtually no emigrant left the USSR without breaking customs rules, and emphasizes that people were particularly eager to take out objects having symbolic value. Like Natalia, Ekaterina dwells on the lack of professionalism in the actions of the officials. Her memo-

ries of the episode with the watch, however, deviate significantly from Natalia's. First, it is the gender of the customs officer; secondly it is the reason why the two friends could come closely into contact again, and finally, it is the details of how the watch was secretly handed back to her. More importantly, Ekaterina's perception of the events is much less emotional than Natalia's. She doesn't mention humiliation or anger. Nor does she confirm that her luggage was thoroughly searched. Nothing in her narrative indicates that, indeed, she was extremely poor at the time of emigration. Above all, she does not even hint that the watch belonged to her father or was a family heirloom. But both narrators are united in the feeling of triumph and revenge that they experienced when they managed to "outsmart the system"²⁷.

Roman, 75

This is about an incident which I always recall with a smile. Someone very close to me asked to do something that seemed very simple. It was necessary to testify in the rabbinate that her friend, a Jew, was to get married to someone who was also Jewish. And I had to testify that I had been acquainted with that woman in the town where she had lived before emigration and that I knew the young man and that he had also lived in the same town. I also had to say that I knew that their parents were indeed Jewish. I went to the rabbinate and received a hearty welcome. They started talking to me, and what is interesting is that they started speaking Yiddish. And I replied in Yiddish. The rabbi obviously respected me for this, and further, well, it was simply a conversation between two men who could understand each other. That's it.

Raia, 48

This is a story of false evidence, or to be more precise, a story of how I persuaded my own father to give false evidence. It was like this. A friend of mine from N. had to prove that she was Jewish. And Jewish she was. I knew her still in N., and I knew her rather well too. In fact, it was enough to look at her to realize she was Jewish (laughs). You would never find a more typical Jew. But something in her mother's papers, well, her nationality wasn't indicated. There was a period in the Soviet Union when there was no entry for nationality on the birth certificate. And she asked me to go to the rabbinate together with her to testify that she's Jewish. I promised I would, but when the day to do it approached, she called me, confused and frustrated, and said I wasn't right for the

task, because only men can testify. She was extremely upset, and all of a sudden an idea occurred to me: "Wait, I'll ask my dad." My dad had never met her. I went up to him and said, "Look, my friend Marina is begging to go to the rabbinate with her and testify she's Jewish, but my testimony is no good, because they don't allow women's testimony. Can you do it?" And he said, "Sure". Marina came to pick him up. He saw her for the first time in his life then. He came to the rabbinate with her and testified with a lot of confidence that she's Jewish. Well, after all it was no lie. She **IS** Jewish.

We asked Roman for an interview because we had heard him tell this story on various occasions among friends. Roman is a good storyteller and he relished telling of his mischief. He agreed to the interview albeit not enthusiastically. To our regret, the recorded version was stripped of juicy details and proved to be much drier and poorer in details than those we had heard before. Moreover, Roman did his best to disguise the fact of false evidence, although he hadn't been at all ashamed of saying it at all in the absence of the tape recorder. Unlike him, the second narrator, his daughter, was frank and revealed a couple of details missing from Roman's narrative. First, Roman failed to mention that he had become involved in problematic activities through his daughter, and our pledge of anonymity did little to reduce his vigilance. Apparently, he was not at all worried about himself but he wanted to protect his daughter from whatever trouble might arise and so disguised her as "someone very close to me". Secondly, he "forgot" to mention that he had first met the girl for whom he was going to testify only on the way to the rabbinate. Thirdly, Roman's daughter Raia, who knew the couple well, had no recollection of the necessity to testify for the girl's fiancé. Neither could she recall that the young man had come from the same town. And finally, Roman didn't mention that the reason for his daughter's request was related to gender issues, namely women's inequality in the religious court.

Note that Raia says that her friend looked like a typical Jew, which is a decisive factor for her to prove the woman's ethnicity. This is not a chance remark but a widespread stereotype that still prevails among former Soviets. Even after years spent in Israel and exposure to the Jewish tradition, the knowledge that it is not the phenotype that makes a person Jewish remains on the periphery of consciousness, and in spontaneous narration habitual attitudes dominate.

Another interesting detail emerging from Roman's story is that according to him, his credentials as a witness in the rabbinate were

proven by his ability to speak Yiddish. Since many elderly immigrants from the FSU have not managed to master Hebrew, Yiddish remains the only language in which they can communicate with members of the receiving society. We don't know whether the rabbi chose Yiddish as the most likely means of communication or whether, indeed, it was an additional means of verifying Roman's own Jewishness, and in effect the validity of his testimony.

The second incident of false evidence is also related to ethnic issues.

Ekaterina, 53

This happened a year after I immigrated. My husband and I "acquired" a foster son. This was the son of a fellow-student of mine, we were at school together. He (the foster son) came to Israel alone. He had fallen in love with a girl and (pause) followed her when she emigrated. And we tried to help him in whatever we could, and so did the girl's mother. He often stayed overnight at her place and sometimes at ours. His father is Jewish, but his mother is Russian. And he was afraid that he would have problems because it wasn't clear what they would write in his *teudat zeut* (Hebrew for ID). One day, the girl's mother called and said, "You know, Katia, Serezha wants to be circumcised but first he must, first someone has to confirm he is Jewish". I said, "I will", and we went to see the Rabbi. We told him enthusiastically that we knew Serezha's family and that it was an excellent family! This is what we emphasized: the family was good. He (the rabbi) was watching us with curiosity, that is, how we displayed all our emotions and passions. He asked questions about the boy's mother but we said we were not very well acquainted with the mother although knew the father very well. Some time later Serezha was circumcised and he stayed at our place after the procedure. Later, when he went to pick up his *teudat zeut* it turned out he was registered – after all, he was not registered as Jewish. Well, my husband said, "Do you realize that you have become a false witness? Besides, your evidence was not worth anything since you are women." But we were convinced we were doing the right thing. The young fellow came here all alone, and things are hard for him, and one has to see to all the necessary conditions... at least there shouldn't be any obstacles preventing him from starting a new life in Israel.

Valentina, 59

Valentina: By that time Serezha had already been circumcised, but still, he sort of wasn't Jewish because his mother is Russian. And we

thought there would be complications for him because of this, although now it is clear that people live very well without it and have no complications. But then we were really scared and wanted to help him. We decided that we would testify that I, er, knew his relatives back in Leningrad, and ... my mother knew... (inaudible). I remember we had invented a whole story to prove that his mother's Jewish. And we were concerned only about one thing: we wanted it to go smoothly. Naturally, we had no qualms of consciousness because we were FURIOUS that a person was turned into an outcast, we were really furious. (inaudible) I remember that we were going to the synagogue in the state of elation, we were (inaudible) we were in a very good mood. I don't remember at all who I spoke to, to some rabbi I guess.

Interviewer: Do you remember where it was?

Valentina: Well, it was in that big synagogue in Haifa in a beautiful place (we omit the name of the area to preserve anonymity), I liked the place very much. Well, they treated us very nicely, everything was fine, we... As far as I remember I said that the kid had come to Israel alone, that he's such a... that it is necessary to help him because he is completely alone here (inaudible), and that I know his parents although he is not my relative, that is it's as if ...Well, it is essential that he should get help and settle down properly.

Interviewer: And what was the end of this whole story? For him, I mean.

Valentina: Well, as far as I remember it ended well. (pause) You know what... I don't really remember. I think his Jewishness was confirmed. (Looks at the interviewer with a question in her eyes, but the interviewer shakes her head.) No? It wasn't!? Oh, really? I thought it had been confirmed. (...) Could they have really failed to confirm Serezhka's Jewishness? You know what, yes, I remember now, yes, he (the rabbi), said that he (Sergei) should be circumcised and then everything would be fine. Sure, you are Jewish, and that's it! And it was sort of a confirmation that he's Jewish. (...) But I must say it didn't really do any harm. (...)

Interviewer: No, it didn't.

Valentina: And he lives a normal life here and feels o.k.... I want to add something on the subject of law. Our *amuta* (Hebrew, voluntary organization) is the only island in the whole world of injustice. We sometimes try to..., we try to adhere to law and we try to act. Well, say, when they catch, sales people, that is, we try to catch salespeople in the act and make them do things according to the law; on the other hand on some occasions we try to bypass the law, because the law is so

idiotic, so cruel, so absurd... Even Israelis, you know, and we together with them try to circumvent the law in order to help people. (...) And there are cases, very complex cases when a person finds herself in a terrible situation, absolutely terrible and all because of the stupid law. Well, you know what I mean...

Like in the previous pair of stories, here we have two versions differing in some relevant details. First, the two stories deviate in the sequence of events. Ekaterina indicates that false testimony was indispensable for circumcision, while Valentina starts her story by saying that it had happened after the circumcision. Since the career of the young man for whom our subjects gave false evidence proved to be very successful, Valentina forgot that the testimony had proven useless. When the interviewer, who had heard Ekaterina's story first, betrayed herself by showing that Valentina's memory might be failing her, she reconstructed the events more accurately. Valentina is open in admitting to giving false testimony. She elaborates on how the story of the relationship was invented. Ekaterina, on the other hand, does not openly divulge the fact of lying. She emphasizes her friendship with the young man's father as if this were the proof of his wife's Jewishness. After the two interviews we met Ekaterina again and asked without a tape recorder whether she had done it deliberately or unconsciously. She tried to analyze her own motives and admitted that she wasn't sure. This leads us to believe that it was done semi-consciously, out of habit to conform to the norm. Contrary to three episodes in the six narratives quoted earlier, in the last one the trick failed. False evidence proved useless. But since none of the participants was punished, and since the young man's integration was not affected, Valentina's and Ekaterina's narratives radiate cheerfulness and optimism.

The motif that is common to the four stories about false evidence is the narrators' conviction that their behavior was moral. They were expressing solidarity with a "friend in need", thus proving once more that in Russian culture fairness is more important than the truth. In the first case, the participants thought that it was unfair that women's testimony was not accepted. In the second, the subjects thought it unfair that a young man who had the courage to start a new life in Israel all alone without family support should suffer discrimination. We are not sure that these stories would meet with sympathy from veteran Israelis. Fake Jewishness of immigrants from the FSU is a sensitive issue in the formal and informal Israeli discourse. Israeli society welcomes potential immigrants but finds it hard to tolerate the

actual ones, especially when the latter do not meet Halachic criteria, or societal expectations, such as willingness to assimilate and readiness to mount the social ladder slowly instead of competing vigorously against veterans. For many immigrants ethnicity is a sensitive issue, because people feel they suffered discrimination in the USSR, irrespective of their being Halachically Jewish.

As mentioned earlier, immigrants from the FSU are primarily secular and do not perceive religious law as real law. Rather they see the parallel between religious law and Soviet bureaucracy. Readiness to make concessions works for “good” people. If documents are forged by thieves, prostitutes, or people known to be dishonest in other ways, most immigrants are unlikely to show sympathy. So the law is not perceived as an abstract category but is highly personalized. The specific feature of immigrant groups is that they find themselves at the intersection of rules and laws: people’s mentality is dominated by the situation in the country of origin while the consequences of behavior are affected by the laws and practices of the receiving society.

All the narratives quoted in this section, with the exception of Roman’s, preserve the spirit of traditional trickster stories. They are novella-like personal narratives in which narrators act as heroes showing off their mischievous experiences and daring exploits. None of them cheated individuals but all were duping the system. The analysis of “twin” stories confirms that recollections of past events are not static or fixed. As the Russian semiotician Viacheslav Ivanov points out, the real gift of human memory is not in passive memorizing but in creative reproduction (Ivanov 1999: 571). Remembering is selective, it depends on the narrator’s agenda, and on his/her role in the events. Sometimes the significance of this role is inflated, but sometimes an attempt is made to downplay it. In addition, expectations of the audience always affect the storyteller. Contemporary personal narratives with elements of trickster stories are rooted in the tradition and enrich it. The types of tricks change, but the social aspects, and the key features of the plots, remain the same.

Conclusions

Among new phenomena that FSU immigrants in Israel encounter, the realities 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 or labor courts.

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 time 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). Many interviews reveal that immigrants do not trust the state's capacity and willingness to protect an individual. The skepticism and pessimism regarding law and justice that evolved in the USSR persist after immigration. In our sample this distrust was manifested acutely when we had to remove one recorded story about a failed litigation in a small claims court. The unfavorable ruling was made despite the proof provided, which was sufficient at least on the level of common sense. The narrator, a successful immigrant, fully integrated professionally was afraid of persecution on the part of the state, if it perceived this chapter as an insult to the legal system of the state of Israel and would initiate a lawsuit against this person. Our promise of anonymity of the subjects and readiness to eliminate any detail that might make the storyteller recognizable were not accepted as reliable safeguards. The traumatic experience of failed litigation, stories heard from friends, as well as newspaper publications about different legal outcomes for people from different social groups and having different social weight (see e.g., Naiman 2012; Shaus 2012; Vilenskii 2012), are engraved in this person's mind giving rise to the feelings of vulnerability and exposure to aggression on the part of the legal system in Israel.

Immigration has not changed the attitude to the state that has evolved in Russian culture: our interviewees still feel it is a relationship of confrontation requiring defense on their part. As is typical of Russian folk tradition, contemporary tricksters justify their duplicitous behavior by the weakness of their own social position or of the people on whose behalf they act. Stories of this type do not trigger criticism from in-group audiences; just the opposite – listeners usually express solidarity and start telling similar stories to enjoy the status of the hero themselves. The court sagas and the tricksters' stories are inter-related: the disenchantment with the legal system repels immigrants from conflict resolutions offered by the state and reinforces alternative survival strategies.

Notes

- ¹ See <http://ethnography.omskreg.ru/page.php?id=439>, last accessed on 13 Jan 2013.
- ² <http://www.wku.edu/~jan.garrett/320/320lawmo.htm>, last accessed on 13 Feb 2006.
- ³ <http://www.thefreedictionary.com/minority>, <http://www.m-w.com/dictionary/minority>, <http://academic.udayton.edu/race/01race/minor01.htm>, last accessed on 13 Jan 2013.
- ⁴ Like any big immigrant group, ex-Soviets did not choose identical integration strategies. There are some families that consciously chose to distance themselves from the Russian roots and become indistinguishable from the majority, although in the first generation this rarely becomes a success.
- ⁵ “*nash shemiakin Bagatz zavedomo opravdaet sharoshkinu kontoru*”. “Sharoshkina kontora” is a jocular paraphrase of “sharashkina” or “sharazhkina kontora” – a slang name of KGB research and technical units staffed by imprisoned scientists and engineers during Stalin’s purges. Later this saying came to denote any ineffective and inefficient organization. See <http://akrav.livejournal.com/2685.html>, last accessed on 13 Jan 2013.
- ⁶ Bards’ songs is one of the most popular genres of contemporary Russian urban culture. They are performed on stage, in clubs and pubs and during informal gatherings of friends.
- ⁷ We are grateful to Iulii Kim for his permission to quote his song in our book.

- ⁸ We are grateful to the lawyers Tamar Berliner, Marat Dorfman and Ella Elgart for reading the draft and making valuable comments.
- ⁹ 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.
- ¹⁰ Ironically, in Middle Ages animals were, indeed, tried in courts and punished. These trials were held in Europe before royal, urban, seigneurial and ecclesiastical courts. When an animal was sentenced to capital punishment it was executed by a professional hangman (Cohen 1986: 10–11).
- ¹¹ 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."
- ¹² **Tatiana, 33** also expressed disappointment that the "judge had read the file very superficially" and the entire "hearing lasted no more than ten minutes".
- ¹³ Today many immigrants discuss similar problems with the furniture shops and annulled checks in the Russian-language Internet forums devoted to legal issues. Sharing experience they try to help one another. See e.g., a discussion thread from September 2011: <http://forumpravo.israelinfo.ru/viewtopic.php?t=16300>, last accessed on 13 Jan 2013.
- ¹⁴ 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".
- ¹⁵ 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 these decisions which she interprets today as weakness.
- ¹⁶ 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.

- ¹⁷ This motif emerges in two other interviews. **Tatiana's** tenant had numerous debts and had been known to the court system for habitual non-payment. See the story of the other informant, **Elena**, further in the text.
- ¹⁸ Two other informants whose stories are not cited in this chapter 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 rent. 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". When her irresponsible tenants finally moved out, they still owed Svetlana about 20,000 shekels. This incident was so traumatic that Svetlana decided to sell her apartment. She prefers living in a rented apartment in a better neighborhood where she cannot afford to buy property. She is convinced that letting apartments is too risky a business for people with limited financial means.
- ¹⁹ The Zionist Forum is an NGO founded in 1988 by Russian-speaking Israelis as an umbrella organization for various immigrants' associations. Its first leader was a politician and a well-known public figure Natan Scharansky.
- ²⁰ Two other interviewees told us about lawsuits against employers who had cheated them on severance payment. As a result of a four-year long joint suit, **Semion, 70**, and his ex-colleagues received 85 per cent compensation. **Valentina, 58** was in litigation with her ex-employer for over two years and at the time of the interview the case had not been resolved.
- ²¹ "Shapiro grants" were given to the new immigrants, researchers and engineers, authors of academic publications for a maximum of three years during the first years in Israel. The goal of the program was to facilitate professional integration of academics. Although for some immigrant researchers this was a beginning of long-term employment, the majority of the recipients of the Shapiro grants were fired when financial support of the state expired and academic and R&D institutions had to start paying immigrant researchers' salaries from their own budgets (Yelenevskaya & Fialkova 2009: 624).
- ²² See the official site of National Insurance Institute of Israel in Russian <https://sites.google.com/site/betuahleumi/home/zaloby-na-bl>, 13 Jun 2011, last accessed on 13 Jan 2013.

- ²³ See e.g., Lapshin Alexandr 2003. *Izrail. Subiektivnye zametki* [Israel. Subjective Notes]. <http://reports.travel.ru/letters/45473.html?cc=il>, last accessed on 13 Jan 2013.
- ²⁴ Larsson, Milene 2012. *I Saw a Man Burning Alive in the Streets of Tel Aviv*. http://www.vice.com/en_uk/read/moshe-silman-israel-set-himself-on-fire-protests-j14-tel-aviv-video, last accessed on 13 Jan 2013.
- ²⁵ In the course of fieldwork we also recorded narratives by ex-Soviets who immigrated to Germany and the U.S.A. The motifs and attitudes in these stories are similar to those analyzed in this chapter.
- ²⁶ Uman' is a city in Cherkasy region in central Ukraine. It is a place of mass pilgrimages of Hassids from all over the world to the burial place of Rabbi Nachman of Breslov.
- ²⁷ In a mischievous mood similar to that which permeates the narratives we quote, an Israeli Russian-language journalist Bella Kerdman, an émigré from Odessa, published a story of how she had smuggled out an antique plate from her personal collection. The fact that she was not embarrassed of this dubious fact in her biography makes it clear that she was proud of her trick (Kerdman 2012: 42).

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