WHILE IN ROME, DO AS ROMANS DO? PERSISTENCE OF LEGAL CULTURE: THE CASE OF IMMIGRANTS FROM THE FORMER SOVIET UNION TO ISRAEL

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ABSTRACT

While the concept of legal culture has been receiving a growing attention from scholars, this research often overemphasizes the similarity of the opinions held by different segments of population. Furthermore, the relationship of migration and the change of legal-cultural attitudes has not received particular attention. Drawing on 70 in-depth interviews with the immigrants of the early 90’s from the former Soviet Union to Israel and the secular Israeli Jews, this Article provides a comprehensive account of the various aspects of legal culture of these groups. The second important finding is the persistence of the legal-cultural attitudes and perceptions over time.
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Introduction

Legal culture of any given society—which is comprised of legal cultures of various groups that inhabit it—constitutes public knowledge of and behavior patterns with respect to the law and legal systems (Friedman 1990). In the legal sphere—as in other aspects of people’s everyday lives—individuals vary tremendously in their notions about the law and how legal institutions function in the society. And their behaviors—as part of their legal culture—illustrate this variety. For instance, why will one victim of a crime call the police, whereas another will seek revenge directly? Why one person meticulously follows the letter of the law, while another unabashedly cheats on her taxes? “Legal culture, like general culture, is a body of ideas, values, and attitudes. We can talk about the legal culture of a community; this does not mean, of course, that everybody shares the same ideas—what we refer to are patterns, tendencies, trends” (Friedman 1994: 119).

Knowledge of legal cultures becomes even more essential in the age of globalization, when societies are comprised of individuals from many different backgrounds. These individuals bring to the ‘melting pot’ their own ideology, history, culture. The fact that “within a single multicultural or multiethnic society, laws and legal institutions may have different meanings for different culture groups” (Bierbrauer 1994: 244) presents a difficulty, since such differences of perception can result in tensions between the existing legal system and the legal behavior of the various groups within any given society. Such conflicts might lead the legal system to become extraneous to certain groups, causing them to resort to other forms and venues of dispute
resolution. Therefore, exploration and analysis of the *legal sub-cultures* is crucial (Bierbrauer 1994; Gibson and Caldeira, 1996; Tyler 2000).

While the research that provided the basis for this paper focused on Israelis, the issues of multiculturalism and ethnic diversity—as well as the concerns that arise with respect thereto—are not particular or peculiar solely to the Israeli society. Many contemporary societies—Israel and the U.S. are among them—support sustaining the moral and cultural values of diverse groups, accommodating to their attitudes (Lieberson and Waters, 1987). As Tyler (2000) notes: “[e]thnic diversity is the projected future of the United States… [which] is becoming a mosaic society, in which distinct subgroups coexist within a common framework” (p. 986). He further notes that multiculturalism may even pose a threat to the viability of democratic institutions, since one of the most important Western political, legal, and social values is “…respect for law and legal authorities [underline added]” (Tyler 2000: 986). Thus, analysis of disparate *legal cultures* could offer models that deal with the challenges that are posed by them.

The cultural homogeneity of legal norms—even within one nation state—cannot be assumed. For instance, although the goal of their 1996 study was to analyze cross-national differences in legal values, Gibson and Caldeira discovered considerable variation in attitudes towards the rule of law within nations: “Germans are different from Greeks, but neither all Germans nor all Greeks are similar” (Gibson and Caldeira 1996: 70-71).

Focusing on the legal cultures of two segments of the Israeli population—the immigrants of the early 90’s from the former Soviet Union and the secular Israeli Jews—this Article is part of a larger research that explored the link between the change in individuals’ environment and
the transformations of their own legal cultures. An exceptional feature of Israeli society is the fact that a large proportion of its population consists of immigrants. In addition to their diverse cultural understandings and experiences, these individuals bring legal knowledge, notions and perceptions shaped in different legal environments and based upon the concepts and axioms of different legal systems.

In fact, the diversity of the Israeli society continues to fascinate scholars; some researchers consider Israel to be “an ideal setting for studying the dynamic relationship among immigration, multiculturalism, and ethnic conflict because it is a country that is heavily based on immigration and constantly preoccupied with the absorption of immigrants” (Majid Al-Haj 2004: 2; Rattner 1998: 383). This deep diversity within Israeli society along national, ethnic, religious, ideological and class lines makes Israel a very “pluralistic and multicultural” (Majid Al-Haj 2004: 681) society. Due to its heterogeneity, Israel constitutes an interesting case study to explore perceptions and attitudes towards social concepts within its diverse segments of populations (Majid Al-Haj 2004; Rattner 1998).

Migration may result in complex changes to legal culture; and research about these changes might help us understand the factors that lead to such changes. Both current scholarship and public policy-makers would benefit immensely from a more complete theory and better understanding of how individuals’ legal cultural attitudes and perceptions adapt to the changes in cultural environment. On the one hand, this research expands existing theoretical knowledge of the legal sub-cultures of different segments of populations. It offers nuanced data with respect to
the attitudes and concepts that constitute legal culture, and expands the knowledge and understanding of the elements underlying such notions.

In the practical realm of public policy, the project sheds light on the importance of the recognition of the legal cultures for policymakers, who would be able to increase the policies’ effectiveness by taking into account the disparities of the attitudes of different segments of population. This is true particularly in this day and age of globalization, when individuals of different cultural backgrounds come into continuous close contact with one another. As Tyler notes: “[A] key problem in trying to manage diverse societies is finding social policies that will be acceptable to all individuals and groups” (Tyler 2000: 983).

This Article is organized as follows. Part II is devoted to the review of the relevant literature. In addition to discussing the various theoretical definitions of the concept of legal culture and the elements that comprise it, I devote a specific discussion the concept of legal culture as it was used in the current study. In this Part, I also discuss some of the previous research that investigated legal cultures of various populations.

In Part III, I describe the methodology that was employed for this study, while Part IV is devoted to the findings of this research and their implications. I conclude with some comments about the persistence of the legal culture of the migrants in Part VI.
The Legal Culture

Legal Culture – Definition

For decades, the concept and properties of *legal culture*, which is an aspect of general culture (Silbey 2005), have influenced the discourse of scholars of law and sociology. After being coined by Friedman in 1969, the term *legal culture* took on a life of its own, encompassing a broad range of phenomena that deal with the different ways in which “features of law are themselves embedded in larger framework of social structure and culture” (Nelken 2001: 25).

However, just as the term *culture*—which has been accompanied by conceptual confusion (Sewell 1999)—despite its “long and honorable pedigree” (Friedman 1994: 119) and a place of honor within the socio-legal scholarship, different meanings continue to be attached to the term *legal culture*.\(^1\) As scholars pointed out, “the term ‘legal culture’ is not an easy concept to pin down” (Nelken 2001: 26); furthermore, the concept itself presents a certain challenge due to its obvious ambiguity (Cotterrell 2006: 83; Silbey 2010: 470). *Legal culture* is a general term that, like many other terms of social science, is hard to define or limit (Friedman 1997). And just as the term *culture*—the very utility of which has been doubted by scholars (Brightman 1995)—the debate with respect to *legal culture* among scholars of law and society is not solely as to its meaning; the usefulness of the concept itself has been questioned (Cotterrell 1997). Although the term has been criticized as vague and imprecise (Cotterrell 1997: 14-15), arguably it is a useful general term for certain socio-legal phenomena (Friedman 1997; Silbey 2010: 471).
Unfortunately, socio-legal discourse is plagued by disparate uses of the term *legal culture*; in fact, the latter has been applied by scholars to a wide variety of concepts and given different meanings (Friedman 1997). This research follows Friedman’s approach that focuses on social attitudes and the interaction between social actions and the law, and characterizes *legal culture* as a term that “refers to public knowledge of and attitudes and behavior patterns toward the legal system” (Friedman 1975: 193). Under this definition, *legal culture*, as a descriptive term, encompasses a variety of societal elements associated with a legal system, such as the perceived legitimacy of laws and legal institutions, individuals’ willingness to seek legal solutions to disputes and general knowledge about the laws and the legal system. *Legal culture* includes “… the ideas, values, attitudes, and opinions people in some society hold, with regard to law and the legal system” (Friedman 1990: 4). To the extent that it is possible to distinguish between different patterns of attitudes and perceptions between various segments of population, we may discern between disparate legal cultures (Friedman 1975: 194).

In the following pages, I will elaborate more extensively on the use of the term *legal culture* in this work, as well as on the particular measures that were employed in course of this research. However, given the confusion that accompanied—and still does—the evolution of this concept, as well as its applications, we should devote a few paragraphs to the discussion of its genesis and development.

The introduction of the term *legal culture* into social sciences induced much scholarly effort, which included both theoretical attempts to analytically define the concept and place it within the broader sociological agenda, and empirical endeavors to describe and measure
phenomena that fall within its scope. Some of the notable empirical work included research on such different topics as comparative analyses of legal cultures of different states and segments of population (Sanders and Hamilton 1992; Bierbrauer 1994; Gibson and Caldeira 1996; Barzilai 1997), practices of criminal courts (Eisenstein et al. 1988), litigation rates and institutional structure (Bierbrauer 1994) and other.

As to the theoretical conceptualization of legal culture, the socio-legal debates are somewhat reminiscent of the debates with respect to the concept of culture generally (Silbey 2010: 473). Moving away from its preoccupation with law that is “of interest to legal practitioners and theorists” (Friedman 1985: 29), the socio-legal scholarship embraced cultural analysis of the attitudes and ideas of the non-professional actors—i.e., ordinary citizens—which they hold towards law and legal institutions.

However, the term legal culture encompasses diverse conceptions and even greater diversity in the way these conceptions are used. For some scholars, legal culture is “a socially derived product encompassing such interrelated concepts as legitimacy and acceptance of authorities, preferences for and beliefs about dispute arrangements, and authorities’ use of discretionary power” (Bierbrauer 1994: 243). For others, legal culture is a multilayered concept that combines “the interrelationships on three levels: that of substantive law and procedural codes, that of institutions such as the courts and the legal profession, and finally the level of legal behavior and attitudes towards law”. Yet, Nelken suggests that legal culture refers to “relatively stable patterns of legally oriented social behavior and attitudes” (Nelken 2004: 1) and that its identifying elements span from institutional features, such as the number of lawyers or the
methods of judicial appointments, forms of behavior—e.g., litigation rates—and, finally, include ideas and values (Nelken 2004).

Moreover, as if the use of the term legal culture has not been plagued by abundant confusion, many related concepts emerged in course of the development of the socio-legal scholarship. One of the concepts closely related to that of legal culture and associated with the study thereof is the notion of legal consciousness, which developed within the socio-legal field in the 1980s and 1990s. This term too evoked much confusion. Some scholars, such as Silbey, view this stream of theoretical and empirical research as one that deals with the issues of legal hegemony—e.g., how the law sustains its power despite a persistent gap between the law on the books and the law in action; the scholarship of legal consciousness examines the ways in which law is experienced and interpreted by specific individuals (Silbey 2001: 8626). This empirical approach to the popular notions and experiences of law “reformulates some of the theoretical debates expressed in the study of legal culture” (Silbey 2001: 8626). Within the framework of cultural analyses of legal consciousness, the latter is understood as the function of processes in which individuals’ understandings are created and objectified, the manner in which law contributes to the “articulation of meanings and values in everyday life” (Silbey 2001: 8627), the ways in which particular actions accumulate into institutions (Ewick and Silbey 1998; Ewick and Silbey 1992).

Another characterization of legal consciousness views it as the “aspect of the consciousness of any society which explains and helps justify its legal institutions”; it is “…all the ideas about the nature, function, and operation of law held by anyone in society at a given
time” (Trubek 1984: 592). Merry views legal consciousness in “[T]he ways people understand and use law...”; “the way people conceive of the ‘natural’ and normal way of doing things, their habitual patterns of talk and action, and their commonsense understanding of the world” (Merry 1990: 5). Thus, as opposed to being merely “inert recipients of law’s external pressures” individuals “have imbibed law’s images and meanings so that they seem our own” (Sarat and Kearns 1993: 29). Empirical studies of various manifestations of legal consciousness focused such broad range of phenomena as poverty and welfare (Sarat 1990), families (Merry 1990; Yngvesson 1993), religious communities (Greenhouse 1986), the role of lawyers (Sarat and Felstiner 1989), and other.

Another term that is an aspect of and has been often confused with the concept of legal culture is legal ideology (Merry 1985: 60). This term too “… is and will remain a difficult, slippery, and ambiguous concept” (Hunt 1985: 31), and often has been used interchangeably with legal consciousness (Sarat 1990). In fact, Sarat’s use of the concepts of legal ideology and legal consciousness, instead of attitudes towards law, is based on the proposition that the latter suggests “a radical individuation, a picture of persons influenced by a variety of factors, thinking, choosing, deciding autonomously how and what to think;” on the other hand consciousness and ideology “embed the study of ideas in social structure and social relations” (Sarat 1990: 343-344; Harrington and Merry 1988).

In contrast to these definitions, following Friedman’s approach, this research focuses on legal culture as concept that refers to public attitudes and behavior patterns toward the legal system. However, it is important to mention that we must take into account the fact that “[L]aw
and legal systems are cultural products” (Bierbrauer 1994: 243) and just as any other form of culture, legal culture cannot be described in absolute terms. Detached from a certain group or community—unified by shared ethos, history or other elements—the term becomes meaningless. Every person has a legal culture, but together these ‘private’ legal cultures comprise the legal culture of the society (Friedman 1994: 117).

Any research on legal culture must start out with defining the relevant public, group or segment of population. However, not everyone hold the same opinions about the courts, or about seeking legal aid in an instance of a conflict; some would choose to take matters into their own hands, while others would tend to ‘forget’ about the matter. “Legal culture, like general culture, is a body of ideas, values, and attitudes. We can talk about the legal culture of a community; this does not mean, of course, that everybody shares the same ideas—what we refer to are patterns, tendencies, trends” (Friedman 1994: 120).

Undoubtedly, the volumes of theoretical discussions, as well as vast empirical research, that have been generated by the scholars of law and society on the subject of legal culture consistently point to its importance. Legal culture “influences not only how people act within the sphere of society that we call the legal system but also how they distinguish what is a legal issue from what is not and how they demarcate the realm of the legal from other potentially conflicting or overlapping realms of society…” (Ross 1993).

Friedman notes that in order to describe, compare and evaluate legal systems, one must identify two sets of influences; the forces of the society that have impact upon the law and the ways in which legal decrees get translated into actions and behavior (Friedman 1975; Friedman
“The concept of legal culture has a central place in regard to both of these tasks” (Friedman 1994: 118).

While legal and political institutions provide important information about the nature of law in a society and the means of its operation (Blankenburg 1997: 40), in order to understand how the law operates within a given society, one must look beyond institutions and examine cultural norms and values, notions and attitudes of the individuals about the law, or—as we call it—the legal culture (Capelletti et al. 1967: 165; Friedman 1975: 199). Legal culture characterizes each legal and political system and provides it with a context (Barzilai 2003: 21). Legal culture is the element that can explicate how law and politics function within any given society; cultural norms and values of the individuals can account for the operation of the legal systems.

Indeed legal culture holds the promise of providing more accurate characterization of legal systems (Van Hoecke and Warrington 1998); however, its implications go far beyond that. Legal culture is not merely a descriptive feature of legal system; rather, it is its foundation. “Legal culture is the source of law - its norms create the legal norms; and it is what determines the impact of legal norms on society” (Friedman 1994: 118; Friedman 1984) To explore legal culture is to explore “those social ideas and concepts that shape and underpin the law” (Friedman 1990).

In addition to characterizing legal systems, legal culture is “…the immediate source of legal change…” For instance, Friedman argues that “…it was the outside legal culture, and its
resultant behavior, that made the most difference to the law-more than books and writings of jurists, the arguments and doctrines of courts, the posturings of lawyers” (Friedman 1984: 35).

Furthermore, *legal culture* also has important implications for public policy (Nelken 2004). “A study of legal culture may turn up conditions under which legal change occurs—either spontaneous change, or imposed change; and, in the case of imposed change, the conditions which make it fail or succeed” (Friedman 1969: 35).

The values held by citizens on issues concerning the nature and operation of law are important “…because they structure more specific opinions and expectations toward legal institutions…” (Gibson and Caldeira 1996: 59). Legal values are significant in establishing and shaping the individuals’ behavior and the relationships among individuals, as well as between individuals and the state (e.g., *see* Yngvesson 1989: 1689).

Moreover, the interaction between law and culture becomes especially noteworthy in the era of globalization, especially to the extent that the boundaries between countries become porous, allowing movement of people, as well as of material and cultural commodities. The meaning of law and legal institutions may differ among representatives of different cultural groups; legal systems, particularly the institutions for dispute resolution, need to take demographic and ethnic facts into account, in order to retain their legitimacy and effectiveness (Bierbrauer 1994: 243).

Much research has challenged the uniformity to legal culture across communities (for instance, *see* Merry 1979; Merry and Silbey 1984; Engel 1984; Ellickson 1986; Greenhouse 1988; Harrington and Merry 1988; Yngvesson 1988). Legal culture affects such important
features of the society as voluntary compliance, support for human rights and for legal institutions (Gibson et al. 2003; Caldeira and Gibson 1992: 635; Caldeira and Gibson 1995) and the willingness to turn to legal institutions for the management of essentially private conflicts.\textsuperscript{x}

The findings of empirical research of legal culture attest to the significance of legal values held by citizens. The practical implications of legal values provide further justification for scholarly interest in legal culture, in addition to the purely theoretical perspective, which—I might add—is by itself quite fascinating.

So far, we have discussed the various definitions of the concept of legal culture and its significance at large. In the following section, I will discuss the specific facets of legal culture that have been explored by this study, as well as describe the participants selected for this study and the rationales behind this choice.

**Measuring Legal Culture**

In order to investigate the legal culture, the current study concentrated on four aspects thereof, namely: (1) support for the rule of law, (2) the subjective significance of individual liberty, and, (3) perceptions of the neutrality of law (Gibson and Caldeira 1996: 55). The fourth element of legal culture is (4) judgments of what is right and proper to do in instances of wrongdoing and conflict (Bierbrauer 1994: 243), and individuals’ readiness to pursue and defend their perceived rights.

**Cultural definition of the rule of law.** The fundamental significance of legal institutions to uphold and sustain the rule of law is undisputed; an honest legislature, impartial judiciary and
honest law enforcement have vital importance for a society that values the rule of law. However, as Krygier points out, these institutional arrangements do not predict, or explain, why a person obeys decisions she finds objectionable; rather, it is “something far vaguer but fundamentally more important: a widespread assumption within the society that law matters and should matter” (Krygiern1990: 646).

The concept of the rule of law is a crucial element of legal culture; that is, attitudes and opinions toward the rule of law are critical to the study and comprehension of the rule of law within a society (Gibson and Caldeira 1996: 55). The rule of law and the legal culture are interrelated; as Gibson suggests “…perhaps the most important manifestation of the rule of law is its representation in a nation’s culture—the beliefs, expectations, values, and attitudes held by the populace of a country” (Gibson 2007: 599).

Many people argue that the rule of law is fundamentally important to society and to the welfare of citizens, because it is necessary for the protection of human rights, and for economic development (Gibson 2004; Gibson 2004; Jensen and Heller 2003; Tamanaha 2004). However, like the concept of legal culture, the notion of the rule of law encompasses various meanings and interpretations.

A rich body of work on the rule of law emphasizes the fundamental role of universal obedience to and abidance by the law (Gibson and Caldeira 1996: 55; Gibson and Gouwls 1997; Gibson 2003; Gibson 2004; Gibson 2004: 5). Although law that brings about undesirable outcomes should be altered, this change must be achieved through lawful, non-arbitrary procedures (Gibson 2004: 181; Gibson 2004: 5; Gibson et al. 2005: 187). In contrast to
particularism—the perception that law should give way to such goals as efficiency or feeling of fairness—universalism demands that law be universally complied with (Gibson and Gouwls 1997; Gibson 2004; Gibson 2004: 5). “To the extent that people are willing to follow the law only if it satisfies some external criterion, the rule of law is compromised” (Gibson 2004: 181; Gibson et al. 2005: 190. Also see, Gibson 2007: 599).

A second feature of the rule of law is its applicability both to the state and to the citizens. Gibson asserts that “…the referent for the rule of law need not be limited to the state; instead, the concept refers to both the citizen and the state. Just as the authorities ought to be constrained by legality in a law-based regime, individual citizens must respect the rule of law in their own behavior” (Gibson 2004: 11). The rule of law is pertinent to the state—through its institutions and civil servants—and also its individual citizens.

**Individual liberty.** Attitudes towards the concept of individual liberty constitute an important feature of legal culture (Gibson and Caldeira 1996). In contemporary society, individual liberty is in tension with an interest of preserving social order; this conflict gives rise to the question of the degree of willingness to sacrifice liberty for social order and the extent to which disorder is tolerable in order to preserve individual liberty (Gibson et al. 1992; Gibson and Caldeira 1996: 55).

Legal systems are designed to promote a balance between protecting individual liberty and upholding social order by placing restraints on the liberty of individuals. Scholars suggest that these “…struggles over the extent of individual liberty constitute the very heart of most legal systems” (Gibson and Caldeira 1996: 61). Therefore, research on legal culture must take into
account individuals’ perceptions of the degree to which individual liberty may be sacrificed on the altar of social welfare.

**Neutrality of law.** Another component of legal cultures is individuals’ perception of neutrality of law. Perception of law as being neutral enhances an individual’s view of law as being applied equally and promoting social welfare. On the other hand, others may look at law, not as neutral, but as a repressive instrument, a means of social control. Rather than viewing law as impartial and not aligned with the interests of a specific group or segment of population, such individuals regard it as benefiting a specific group of individuals, rather than the whole society.

The perception of the neutrality of law can be represented by a scale ranging from the view of law as a highly neutral, equal instrument, to the perception of law as partial, promoting the interests of dominant socio-economic groups at the expense of the less fortunate or less powerful.

**Rights consciousness and modes of dispute resolution.** Scholars of law and society perceive individuals’ views of the appropriate ways to resolve disputes—e.g., formally or informally—as yet another facet of legal culture (Friedman 1985; Hamilton et al. 1988; Bierbrauer 1994). Hamilton and Sanders include in the scope of legal culture “…the informal resolution of wrongdoing in everyday life, including the decision (conscious or otherwise) that some matter is not one for formal legal handling” (Hamilton et al. 1988: 302). Similarly, in their 1992 article, Hamilton and Sanders mention: “citizens' attitudes, values, and judgments about whether it is appropriate to take disputes to law, how to conceptualize a dispute, and how
disputes are to be settled. Such values are part of a society's *legal culture*” (Sanders and Hamilton 1992: 120).

Societies differ in the willingness of individuals to pursue their rights in courts. Members of some societies are eager to pursue their rights, others are “shy about litigation” (Friedman 1975: 212) “Legal culture may also affect the rate of use, that is, attitudes towards whether it is right or wrong, useful or useless, to go to court…” (Friedman 1975: 16).

Perceptions of means or appropriate ways to resolve conflicts differ. Research demonstrated that this disparity can be attributed to various factors. For instance, Bierbrauer—who focused his research on individuals’ attitudes about behavior with regard to wrongdoing and conflict—found that these attitudes vary significantly between representatives of individualistic and collectivistic cultures (Bierbrauer 1994). Thus, investigations and analysis of legal cultures should include inquiry into the personal preferences for various modes of conflict resolution.

**Previous Research of the Israeli Legal Culture and the Need for the Current Study**

The current research is not the first attempt to explore Israeli legal culture. However, this study is the first to explore in-depth the legal cultures of particular segments of the population, and to gather detailed data with respect to motivations that underlie them.

In contrast to the current effort—with the notable exception of the 2005 research conducted by Yagil and Rattner—xii—the previous research of the Israeli legal culture focused on segments of population other than the immigrants from the former Soviet Union. Rather, the studies investigated legal cultures of such groups as members of the general Jewish population,
Israeli Arabs, Yeshiva (religious seminary) students, ultra-orthodox Jews, and settlers in the territories (Rattner 1994; Rattner 19989; Yagil and Rattner 2002; Yagil and Rattner 2004).

Furthermore, many socio-legal scholars suggest that large-sale survey research “flattens the way people understand and use law,” because “[I]t assumes that each individual has, rather than a series of interpretations of different facets of law, an overall stance toward law as a thing” (Merry 1990: 5). Unlike studies based on large-scale survey data, which “inevitably miss the complexity of particular situations” (Merry 1990: 6), this study explored in-depth the views and attitudes, focusing on small samples of two population groups. By doing so, it produced a more accurate and multifaceted picture of the respondents' attitudes, focusing on the key notions of legal culture. This project also sheds light upon the significance of the legal cultures for policymakers, who would be able to increase effectiveness by taking into account the disparities of the perceptions of different segments of the population (Tyler 2000: 983).

Moreover, notions of legal culture examined by this research—such as the attitudes towards liberties and the rule of law—constitute an important part of political culture as well. This facet is particularly significant for Israeli democracy, since Israeli society is a society of immigrants coming from disparate, not necessarily democratic, political cultures, and bringing with them a variety of values. Democratic political culture is vital for the stability of the democratic system, particularly in the case of Israeli democracy—which functions under many external and internal constraints; therefore, assessment of values is essential for preserving and advancing Israeli democracy and identifying aspects potentially harmful to its resilience (Arian et al. 2009).
Methodology

The central questions posed by this research are: how attitudes toward law vary among disparate populations; and what has been the impact of migration, on the attitudes towards law? This research attempts to answer these questions using the examples of two groups of Israelis: the immigrants from the former Soviet Union (FSU) to Israel between the years 1990 and 1994, and the Israeli secular Jews. The respondents were selected in a manner that allowed maximum similarity in the following characteristics: level of education, socio-economic status, area of residence and age. In addition, the respondents of this research are all secular individuals.

This research employed in-depth individual interviewing of a non-representative sample of the population. A number of reasons underpinned the selection of this approach. A method that uses such interviews can provide deeper insight and new perspective on the questions posed. This research aims to capture and describe the nuances of the individuals’ attitudes and socio-legal perceptions. These notions are multifaceted and rich in detail; in-depth interviews are particularly suited for such investigation.

The generalizability was sacrificed in order to gain access to multi-layered, detailed data, shedding light on issues previously overlooked by empirical research in the area, which focused on general notions, using survey data. This method generated broader and more extensive perspective of the views of the subjects of research than would be possible using a survey tool alone.
The current study analyzes the data gathered in the course of 70 in-depth interviews that were conducted in Israel between August 2009 and February 2010 with representatives of the two groups mentioned. In course of the study, I conducted 38 interviews with respondents of the FSU group and 32 interviews with respondents of the Israeli Jewish group. While, one can legitimately question the conclusions derived from this research; however, such design served to promote a number of important objectives. The interviews provided deep, detailed, and suggestive insights into attitudes, notions and motivations; and at the very least suggest hypotheses for further research on the legal culture of the groups studied.

Moreover, due to the fact that the samples are similar to each other along the observable dimensions—other than the migration status that is of interest—it is plausible that the differences that were discovered across the groups reflect the differences among these populations.

**Results and Discussion – The Two Legal Cultures**

This Section is devoted to the presentation and the analysis of the findings of this research. Two cautionary notes should be mentioned here. First, one must be mindful of the fact that while the results of this research shed light upon the legal culture of urban secular Jews in Israel, with high socio-economic status and high education, this is not necessarily representative of the general population of Israeli Jews. Many Israelis vary significantly from the respondents of this study; some of these disparities may influence their attitudes towards the law, legal system and legal authorities.
The second cautionary note is related to the group of the FSU immigrants. Detailed data on the attitudes the FSU immigrants held with regard to law and legal institutions, at the time they immigrated to Israel, is simply not available. Thus it is not possible to map out the process of legal socialization. Without a sound point of reference, determining whether, and to what extent, the legal culture of these individuals underwent transformation in their new environment is unfeasible. Nevertheless, we can speculate about the roots of the attitudes of this group. Moreover, although some of the prevailing perceptions, values and attitudes of the FSU immigrants are the result of their pre-Israeli experiences, it is plausible that they have been affected by the Israeli legal, political and cultural discourse and power-structures.

Furthermore, although in the following discussion of the data is separated into five subsections—namely, attitudes towards the rule of law, valuation of personal liberty, the notions of neutrality of the law, dispute resolution preferences and attitudes towards the courts—it is clear that these attitudes are closely interrelated and complementary to one another. For instance, Gibson and Caldeira, who investigated the legal culture of 14 European countries, found “a fairly strong correlation between the measures of attitudes toward rule of law and legal alienation” (Gibson and Caldeira 1996: 68). The authors concluded that attitudes towards the rule of law, the neutrality of the law and valuation of personal liberty “…are reasonably well integrated…” (Gibson and Caldeira 1996: 68).
Nevertheless, separating the questions into distinct topics serves an important purpose, as it simplifies the complex task of identifying, evaluating and comparing perceptions across the groups of interest. Furthermore, such organization of the data allows me to display the results of the research in a transparent and consistent manner.

**Attitudes Towards the Rule of Law**

Individuals are unlikely to object to the rule of law in principle; therefore, one need not ask a general question whether government or the citizens should be free to ignore the law (Gibson 2007). Therefore, this research counter-posed the rule of law with other cherished values, thus requiring the respondents to attach to the concept a relative value as part of a trade-off with some other important interest (Gibson and Caldeira 1996; Gibson 2007). The attitudes towards the rule of law were examined both with respect to individuals’ and the government’s obligation to abide by the law. In particular, this study explored the respondents’ perceptions of the extent to which individuals and the government are subject to and bound by the letter of the law.

**Israeli Jews.** At first glance it may appear that the Israeli Jewish group supported meticulous legal obedience by *individuals*, while demonstrating leniency for certain instances of legal disobedience by the *government*. However, as will be discussed and illustrated hereafter, this conclusion is misleading. In fact, a more accurate account of the findings is that the respondents of this group are quite lenient towards both types of disobediences—i.e., by individuals and by the government. Rather, it appears that perceived *social stigma*—attached to the idea of defiance of the rule of law—precludes these respondents from openly admitting their
position, causing them to demonstrate stronger support for the authority of the rule of law and its restrictions on the actions of individuals than on the government.

This conclusion is derived from the discrepancy in the responses with respect to individuals’ and government’ perceived obligation to abide by law. On the one hand, with respect to the government, the Israeli Jewish respondents demonstrated leniency towards legal noncompliance, when it was described as promoting some interest. These interviewees supported the right of the government to suspend law, when such actions were said to advance the resolution of “pressing social or political problems;” the support for such government’s right was even more pronounced when the hypothetical problem was depicted as “social emergency”.

On the other hand, the nature of the obligation to obey law on the part of individuals was asserted to be binding and all-inclusive. This is demonstrated by the fact that—with the sole exception of one interviewee, who perceived the traffic laws to be an exception to the rule that law must be obeyed irrespective of any factors—xxviii—not even the considerations of fairness were deemed to permit individuals to defy a law on their own accord. Even when the question described the law as being unjust, none of these respondents justified noncompliance by individuals.

However, these responses were inconsistent; although, at the outset of the interviews all of the respondents were united in their rejection of supporting any type of individual disobedience—stating that defying an unjust law is wrong and that citizens must use lawful tools to change the law—they accepted, and even supported, individual noncompliance when the questions depicted particular instances, rather than abstract values. Namely, while proclaiming
unswerving adherence to the rule of law regardless of the potential outcomes generated by it—
e.g., even when the law is perceived to be unjust—these respondents permitted circumventing or
defying the law when presented with particular instances. Interestingly, considerations that
were perceived to be sufficient to allow individual disobedience were not solely those of moral
values, notions of justice or the seeming fairness of the law; rather, matters of mere personal
convenience, or of perceived potential sanction sufficed. Therefore, it appears that the
issue at hand is of the perceived social desirability, rather than the actual attitudes and beliefs;
these respondents perceive universal obedience to law to be desirable, but they do not adhere to
this value themselves.

Furthermore, the perceptions of these interviewees were not homogeneous when they
were presented with a question that targeted their attitudes towards the permissibility of
stretching the boundaries of the law. While unequivocally rejecting defying a law even when it is
perceived to be unjust—thereby appearing to exhibit an unconditional support for the rule of
law—about half of the Israeli Jewish respondents stated that it is alright to get around the law as
long as you don’t actually break it.

Moreover, only half of the respondents of this group were prepared to modify their
behavior in order to comply with a law, affirming their commitment to legal obedience. The
other respondents used various reasons for lack of compliance, at least in the particular
circumstances described by the vignette. The rationales varied between those that focused on the
particular law—such law is unfair or wrong, or it is “...not important enough”—and
those that concentrated on the act itself: complying with the law would be “too much
trouble…,”xxxv or cannot be enforced. xxxvi Additional reason provided by one of the respondents was that instead of changing his actions in order to comply with the law, he would “…think what is the goal of the law and think of maybe another action that would fulfill it.”xxxvii

The ease of electing to defy laws is well exemplified by the statement of one of the interviewees, who maintained that “even though there is law, everything is relative.”xxxviii This notion of allowing individuals not to abide by the law, and the swiftness of the respondents’ stated decisions to circumvent the law were in direct conflict with their earlier unanimous unequivocal assertions that individuals must obey the law and that this obligation is unconditional.

To resolve this contradiction, I suggest that the interviewees may be influenced by what they believe to be the socially desirable response when presented with abstract questions about the obligation of individuals to abide by the rule of law. It appears that this population does not adhere to the idea of the rule of law in any absolute sentence; but they do generally disapprove of the idea of defiance of law. While unanimously proclaiming that individuals have the unconditional obligation to abide by the law, these respondents support circumventing or disregarding the law when it promotes their personal interests, even as a matter of a mere convenience. Proclaimed adherence to the rule of law seems based on pretense, that is, from the respondents’ desire to project a favorable self-image.

A few points of interest should be emphasized here. While some of the responses with respect to the rule of law are dictated by perceived social desirability, this is not to say that these interviewees were purposely misleading. Rather, it appears that these respondents were
unconsciously led to answers in that way, because they feel the rule of law is an important value, on the one hand, but bend their views—without perhaps realizing it—in some situations.

Second, as discussed in more detail elsewhere in this Section, the inter-group comparison discovered noteworthy differences in respondents’ perceptions of the rule of law and the obligations that it imposes on individuals. Respondents of all the groups were in accord with respect to the basis of individual compliance, stating that it is founded in considerations of morality and individual consciousness, rather than in the laws themselves. Only a few respondents, in the Israeli Jewish group, asserted their readiness to obey a particular law because it is a legal requirement or due to the fear of punishment. The overwhelming majority of these respondents attributed their expected compliance to considerations of morality and proper behavior, “…it [acting in accordance with a particular law] is fair.”

Third, a comment should be made with respect to the disparity in attitudes, between the perceived obligation to adhere to the rule of law by individuals and by the government. Israeli Jews felt compelled to proclaim their unyielding support to the rule of law—declaring the individuals must unconditionally obey the law—but agreed that government had a right to circumvent law, in order to promote various interests. These attitudes give rise to the question of the perceived difference between the individuals and the government in the eyes of the respondents. Why did the Israeli Jews profess strict commitment with respect to individuals’ adherence to the rule of law? Perhaps allowing individuals to defy the law according to their own perceptions and convictions poses the risk of anarchy, while allowing the government to circumvent law in order to promote important public goods may appear to be less alarming.
The attitudes toward noncompliance shown by Israeli Jewish respondents does not necessarily imply that they do not value the rule of law or are oblivious to its significance for the proper functioning of a democratic society. The fact that these respondents assert that law may sometimes be overridden by other more pressing interests, should not be treated as a general defiance of the rule of law. Rather, possibly, while appreciating the significance of the idea of the rule of law, in practice these respondents find it acceptable to ‘cut corners’ in order to promote other interests. The value that the Israel Jewish respondents place upon living in a stable and orderly society that adheres to the rule of law becomes evident from the following section.

**FSU immigrants.** Studies that explored Soviet rule and the Soviet legal system\[x\] describe it as one that has no history of respect for the rule of law comparable to the Western tradition (Orland 1989; Quigley, 1990); Hendley notes that “[B]y almost any definition, the "rule of law" has been mostly absent” (Hendley 2006: 351). Moreover, scholars noted that “[T]he rule of law had no place in the Soviet political system” (Kahn 2005: 380) and that “…the former soviet culture was the antithesis of a legal culture grounded in the rule of law” (Hendley 1995: 42). An understanding that law is an instrument designed to protect the interests of ordinary citizens from arbitrary actions by the state or other individuals was absent from the Soviet concept of law (Hendley 1997: 230-231). Rather, law under the Communist Rule focused on promoting the interests of the Soviet State and the Communist Party; it was used to protect them from the people (Orland 1989).\[xii]

Not surprisingly, this system has left its marks upon the attitudes of the FSU respondents, who—as a group—demonstrated weaker commitment to the rule of law than the respondents in
the other groups. As opposed to their Israeli counterparts who—at least nominally—asserted their unrestricted commitment to the rule of law, the FSU immigrants did not afford it unlimited support. Subjective notions of justice and morality—“I would obey [the law] only if it is just…if [I] can disobey, I will …” or logic—“…if [the law] is really illogical, then no [I would not obey]”—prevailed over the value of universal obedience to law; these reasons were provided by some of these respondents as such that may justify—or, even, warrant—disobedience to law.

Additionally, the majority of these interviewees demonstrated the willingness to ‘get around’ the law, when such actions were perceived to be serving their interests. In addition to the considerations of convenience, one of the interviewees explained his reply by stating that “…if it is possible to get around [the law], then should do so,” by stating that one needs “…to educate the system.”

Such directness with respect to their pragmatic, materialistic, and self-serving approach distinguishes the FSU respondents from the other interviewees. It seems that for some of these individuals circumventing the law is a natural and acceptable behavior; as one of the respondents stated, the Israeli laws are not restrictive because “…it is always possible to get around the law.” In a sense, these responses demonstrate the skill “to survive and to seek better conditions,” acquired during the Soviet regime (Philippov and Bystrov 2011: 273).

In addition, bypassing or circumventing the law was perceived as legitimate by a majority of the FSU respondents, who chose to interpret ambiguities to promote their own interests. Some of these interviewees went a step further, demonstrating clear disregard for law, as long as one is
‘smart’ enough about breaking it. As one of the interviewees asserted, “[Y]ou are not a thief if you haven’t been caught.”

Moreover, not many of the FSU respondents are willing to adjust their behavior in order to comply with a legal directive. The reasons for disobedience provided by the rest of this group fall into three main categories. One category questioned the law itself—the logic behind; for instance, one of these respondents maintained that one must think for himself and “…not obey the law blindly.” The second rational for defying the law was the inconvenience that would be caused to the respondents by abiding by the law; the interviewees stated that acting in accordance with some laws “… complicates life” and is time-consuming. Finally, some attributed the refusal to alter their behavior and obey the law to negative opinions about the police: “…the police are not interested in this type of thing.” Additionally, one respondent attributed his refusal to the prevailing cultural norms: “…this [acting in accordance with this law] is not the culture.”

However, while treating the authority of the rule of law over individuals with a certain degree of disregard or condescension, the FSU immigrants become its champions and fierce protectors when the subject of legal restriction is the government. With respect to the perceptions of the legitimate scope of governmental actions, the majority of the FSU immigrants imposed rigid constraints.

It appears that the fact that the law has been “traditionally seen as an instrument of Communist Party control, rather than as a device to restrain the arbitrary exercise of power by the state or the party” (Orland 1989: 238) left its marks upon the perceptions of the FSU
immigrants. Although the relevant questions focused on the Israeli government—whose practices do not amount to the pervasive nature of Communist Rule—the majority of these respondents demonstrated clear preference for limiting governments’ powers. These interviewees denied the government the right to bend law in order to solve pressing social or political problems. Even when faced with a question about social problems that amount to a national emergency, the pattern remained; these respondents were reluctant to grant the government the right to suspend law in order to urgently deal with such problems. Assessment of these data in light of the respondents’ notions of the responsibility of individuals to abide by the law indicates that members of this group are more likely to favor rule of law constraints on the government than to accept these constraints on the individuals.

Such rigidness with respect to the limits of the scope of governmental authority may represent the surfacing of the sentiments of mistrust and suspicion with respect to authorities that developed as part of the interviewees’ experience under the Soviet Rule, when law became “an instrument used by the Soviet political elite to further policy goals of the Communist Party, and to serve their personal needs” (Hendley 1995: 41; Barry 1992). It appears that these attitudes have shifted—to some extent—towards the Israeli government as well, inducing this group to demand fervent adherence to legal directives when they are constraining the authority of the government. These respondents were more willing to bear with severe social problems than to demonstrate flexibility by allowing the government to solve such problems by circumventing or bypassing the law.
One may legitimately argue that due to unavailability of historical data with respect to the attitudes of these respondents at the time of immigration to Israel, we cannot credibly determine whether these views are similar to the original perceptions of the FSU immigrants. Perhaps these individuals developed mistrust towards the Israeli government as part of their post-immigration experience.

However, the comparative component of our research design points toward the conclusion that wariness towards the authorities is rooted—at least to some extent—in the pre-immigration experiences and encounters of this group. This conclusion is based on the fact that Israeli Jews were willing to grant the government the right to suspend or circumvent the law, when the FSU immigrants refused to do so. Therefore, although the views of the FSU immigrants may have undergone some change as a result of experiences in Israel, the attitudes discovered by the current research—i.e., attitudes that these immigrants hold after almost two decades in Israel—still differ significantly from those held by the other respondents.

Moreover, studies of political culture of the FSU immigrants make an interesting suggestion with respect to the differentiation that Russian immigrants make between State law and the public arena, and their private world. According to these studies, this population prefers not to have much to do with the authorities and, therefore, if the law is unjust, individuals should find ways to cope with it, trying to improve their own condition (Philippov 2010). As a result of this situation, “…to the Russian mind, a politician who breaks the law is corrupt, while a regular citizen who does the same is acting in accordance with the traditional creativity of the Russian people” (Philippov and Bystrov 2011: 265).
Although less plausible, one possible explanation for disparities in attitudes towards the rule of law should be mentioned here. In general, the population of the FSU immigrants is considered to be—and perceives itself to be\(^{lv}\)—of a low socio-economic status (Remennick 2007; Arian et al. 2009; Philippov and Bystrov 2011). Previous research suggests that identification with low status groups is negatively correlated with support for legal authorities and the rule of law. For instance, Yagil and Rattner, who examined the views of Israelis, including FSU immigrants, found that members of low status groups showed less respect for state laws and demonstrated more willingness to take the law into one's own hands (Yagil and Rattner 2005).

Therefore, our respondents were chosen in a way that minimizes disparities in social status. The social status of the FSU respondents selected for this research—which may be unrepresentative of the general FSU population—is similar to the social status of the other respondents. Discrepancies in perceptions cannot, therefore, be attributed to socio-economic status.

Moreover, in the interviews, most FSU respondents did not demonstrate notions of perceived self-inferiority. For instance, the responses to the question about expected treatment of the interviewees by the courts—similar to, better or worse than the average citizen\(^{lvii}\)—demonstrate that the vast majority of these respondents expect the courts to treat them similar to, and a few expect to be treated better than, the average person.

Therefore, although social status may be relevant in other instances—such as in the aforementioned 2005 study by Yagil and Rattner—the potential of relying on it as the
explanation in the current research design is, if at all, limited. Rather, it appears that the legal socialization of the FSU immigrants under the Soviet regime continues to shape, at least to some degree, their perceptions of the Israeli system as well. Similar to the research that discovered that in Russia “…legal culture of distrust persists to some extent to the present day and has stymied efforts to reform the legal system” (Hendley 2006: 352), this study discovered that this legal culture persists—to certain extent—among the FSU immigrants in Israel.

This conclusion is further strengthened by research that discovered the apparent consistency of the immigrants’ political attitudes and behavior. Arian et al. found that, over the years, the immigrants’ attitudes were more stable than those of the general Jewish population (Arian et al. 2009: 106). It is plausible, therefore, that the group’s attitudes towards the rule of law have not undergone radical changes since their repatriation to Israel; and that the fact that during the Soviet times law was “a force imposed above by the state” (Hendley 1995: 42) and courts were “firmly under the thumb of the Communist Party” (Hendley 2006: 352) still affects these attitudes.

In light of the above, it appears that with respect to the perceptions of the legitimate scope of governmental actions, the two groups express disparate opinions. While the majority of the Israeli Jews demonstrated leniency towards governmental non-compliance with the law, the FSU respondents are more likely to favor rule of law constraints on the government than they are to accept these constraints on themselves. Although some of the other respondents were similarly reluctant to grant the government excessive power—"[T]he government must obey the law not less than I do"—as a group the Israeli Jews were more willing to allow the government
freedom in bending the laws when particular interests—such as pressing social problems or emergency—were juxtaposed with the duty of strict abiding by the letter of the law.

**Value Attached to Individual Liberty**\(^{lviii}\)

**Israeli Jews.** The Israeli Jewish respondents place high value on the notions of freedom and personal liberties. While demonstrating a preference to live in an orderly society, this group championed personal freedom and tolerance towards individuals with extremist ideas. In particular, the majority of the respondents of this group supported personal freedom by defending the right of individuals to express radical political ideas. These respondents further testified to their commitment to support and promote the individual freedom by asserting their readiness to suffer certain negative consequences when personal liberties are exercised by others. An example for such tolerance, provided by one of the respondents, was being physically inconvenienced by protesters who are blocking highways and intersections.\(^{lix}\)

However, the willingness of the respondents to tolerate disorder, even in the name of individual liberty, was not unlimited. While—as discussed above—the majority of this group supported individuals’ right to express extreme political idea, these respondents also expressed an aspiration to live in an orderly society. Even when they considered the fact that oftentimes adherence to order results in restricting some freedoms, these interviewees asserted that the interest of the orderly and stable society must be balanced against the aspiration for individual freedom.
The interviewees maintained that society should not be disrupted by individuals exercising excessive or unlimited freedom, “…freedom is very important, but there is a black line [i.e., limit].” However, while the respondents realized that freedom needs to have boundaries, defining the clear measures or indications for the latter proved to be a complex task.

While the exact boundaries of the ‘excessive freedom’ remain obscure, the vast majority of the respondents of this group provided some insights into their perceptions of the limits of the freedom of speech. These interviewees drew the line for supporting the freedom of speech at a discourse that can be considered as an incitement to violence, or against the existence of the State of Israel. They contended that such particular exercises of the freedom of speech must be prohibited.

These assertions of limits to individual freedom are not surprising; nor should these boundaries be interpreted as a weakness of support for personal liberties. Rather, they demonstrate the respondents’ awareness of the delicate balance between freedom and other important interests of the society, such as the balance between the freedom of speech and the incitement to violence or criminal activity.
**FSU immigrants.** Some individuals are willing to put up with more disorder for the sake of liberty than others; these attitudes constitute “an important part of a political or legal culture” (Gibson 2010: 286). Scholars have noted that “[O]ne of the enduring tensions in Russian political culture is that between order and liberty” (Gibson 2010: 271).

Some prior research has focused on valuation of personal liberty as part of immigrants’ political culture and attitudes (Arian et al. 2009; Philippov and Bystrov 2011: 258). This research found that, ”[T]he Post-Soviet man [sic] supports most individual liberties, but expresses quite a number of reservations” (Philippov and Bystrov 2011: 259).

Although the FSU respondents value freedom and appreciate its vital significance for a democratic society, they are less willing—compared to the other respondents—to accept negative consequences when it is exercised by others. These respondents revealed disparities in their valuation of freedom over order between the freedom of *actions*, and the freedom of *ideas*. With respect to the first, this group demonstrated a predominant preference for stability and order in society, over exercises of individual freedom that jeopardize this order. Only a small fraction of the respondents stated that individual freedom must be preferred even when it disrupts the stability of the society. Other respondents of this group demonstrated a strong preference for stability over freedom, with a few respondents supporting their position with statements such as, “…significant deviance must be punished.”

Furthermore, it should be noted that some of these respondents demonstrated only limited support for freedom of ideas. Particularly, these respondents displayed mixed notions, expressing tolerance for *some* ideas, but not others. The ideas that were mentioned that did not deserve
tolerance were those that denied the right of the State of Israel to exist, or propaganda that incites to violence.\textsuperscript{lxvii}

On the other hand, when the notions of freedom were represented by radical \textit{ideas}\textemdash rather than by \textit{physical} actions\textemdash the responses of the FSU immigrants were divided equally, with the proponents of liberty stating that society should exercise tolerance “as long as the opinions do not become reality or actions,”\textsuperscript{lxviii} and that society should “…not limit freedom of speech, but limit disturbing actions, like demonstrations and closing roads.”\textsuperscript{lxix}

As will be elaborated further, these attitudes may stem from the previous experiences of these individuals under the Soviet regime. However, before discussing the possible connection between their past and the findings of this research, I will recap the latter, highlighting the points of interest.

First, the FSU group displayed disparities in valuation of personal freedom over social order between the freedom of \textit{actions}, and the freedom of \textit{ideas}. The vast majority of these respondents were reluctant to support the right of citizens to exercise freedom when it resulted in an inconvenience or interruption of their daily routine. Actions that were perceived to be disruptive to the order and stability of society included, for instance, blocking the highways by the protesters.

Second, although freedom of ideas was perceived to be more acceptable and deserving of forbearance than freedom of actions, even with this respect only half of this group supported personal liberty to express oneself. Moreover, it appears that even among the interviewees who
endorse freedom of ideas, the extent of this support was narrower and less all-encompassing than that demonstrated by respondents of the other groups; while nominally supporting the freedom of ideas, many FSU immigrants restricted the essence of the ideas that should be tolerated. For instance, some of these respondents demonstrated no tolerance towards views denying the State of Israel its Jewish character, or those that delegitimize the existence of the State of Israel.

These findings—of disparities between the FSU immigrants and the Israeli respondents—are consistent with general research on the Israeli political culture. For instance, Arian et al. found “pronounced differences…between the political culture of the Jewish old-timers and that of the FSU immigrants, who have less liberal attitudes concerning rights” (Arian et al. 2009: 11). In the current study, the FSU interviewees—compared to the respondents of the other groups—demonstrated weaker attachment to personal freedom; these attitudes are exemplified by statements such as the following, “[Y]ou cannot allow too much freedom…there should be order in democracy.” These attitudes suggest the relatively higher value that the FSU immigrants attach to life in an orderly and stable society than the value they attach to personal liberties.

Interestingly, studies that examined the attitudes of the contemporary Russian population found individuals’ preference for order and stability over freedom and democracy. Although these current views are thought to be linked to the developments of the 1990s—when many middle-class Russians were sent back into poverty, thus causing them to associate ongoing difficulties with the demise of the empire (Rywkin 2008)—it appears similar notions were present before the collapse of the Soviet regime. It is plausible that the FSU immigrants retained these notions since their immigration to Israel.
The other side of the coin is the inherent disrespect or disbelief of the FSU immigrants of the personal liberties. This attitude can be attributed to the fact that born and educated in the years of Soviet regime, these individuals lack the same fundamental confidence in individual rights and respect for personal liberties that characterize Western democracies.

In a similar venue, Arian et al. propose that the FSU immigrants’ support for freedom of expression together with intolerance of expressions of harsh criticisms has its roots in their pre-immigration experiences (Arian et al. 2009). The authors suggest that while these respondents were politically socialized during the perestroika era—thus internalizing the values of freedom of expression (glasnost)—“public criticism of the establishment was not acceptable in that political culture and, particularly, at the time of a security threat” (Arian et al. 2009: 63).

A comment should be made concerning the political views of the respondents. As discussed in detail in the chapter on methodology, political attitudes of the respondents differed across the groups. As opposed to the respondents of the other groups, who expressed predominantly left or center views, the vast majority of the FSU respondents reported belonging to the right or center-right political parties. Scholars explain this mass support of the FSU immigrants for the Israeli right-wing parties by their “exceptional political outlook” which is “characterized by weak democratic values, authoritarian tendencies, and a low level of trust in political effectiveness” (Philippov 2007: 136). Plausibly, it is the disparity in political agenda that induces the FSU immigrants to be less tolerant towards certain acts that constitute exercise of personal freedom, e.g., opposition to the State of Israel being defined as a Jewish state.
It appears that, relatively to the respondents of the other groups, the FSU immigrants attach lower value to personal liberties. These attitudes can be interpreted in terms of relative high valuation of social order and stability, or low inherent commitment to freedom, as a result of which, the individuals from the FSU are unwilling to endure any inconvenience in the name of liberty.

Evidently, we should not underestimate the role of experiences, values and beliefs of the former Soviet citizens, in shaping their current attitudes; it appears that two decades of socialization in Israel were not enough to alter their attitudes towards notions of liberty and order. Even if some changes have occurred, they were not substantial enough, because these attitudes still considerably differ from the attitudes of their Israeli counterparts.

**Perceptions of the Neutrality if Law – Legal Alienation**

*Israeli Jews.* The extent of the legal alienation of the respondents was examined by investigating their opinions of Israeli laws, the interests these laws serve and the perceived degree of their restrictiveness. The majority of the Israeli Jews demonstrated solidarity with the laws. In particular, only a fraction of these respondents asserted that they found Israeli law to be overly restrictive and opposed to their interests, or perceived it to reflect the interests of some hegemonic groups, rather than their own interests.

It should be emphasized that disagreement with propositions about unjustifiably restrictiveness of law, or the objectives that the laws serve, does not necessarily imply overall approval or support for the laws. For instance, one interviewee, although not judging the laws to
be excessively restrictive or opposed to his personal interests, expressed his dissatisfaction with
the law: “[I]n Israel, there is no connection between laws and morality.”

But overall these respondents do not feel alienated from the laws. While this group did
not judge the laws to be perfect, they, nevertheless, did not appear to feel unduly oppressed or
restricted.

**FSU immigrants.** With respect to the perceived neutrality of law, the FSU interviewees
demonstrated attitudes comparable to those of the Israeli Jews. Similarly to the respondents of
this group, the majority of the FSU respondents demonstrated solidarity with the law, with only a
fraction agreeing that the Israeli laws are unduly restrictive. While slightly more FSU
respondents than the Israeli Jewish respondents agreed that the law typically reflects the views of
those who want to control them, this difference is not significant enough to be indicative about
their respective legal cultures.

It is apparent that although not necessarily content with all the Israeli laws, the FSU
respondents do not feel unduly burdened or restricted by them; nor do they feel controlled,
excessively restricted or manipulated. As one interviewee put it: “I do not feel like a
marionette.”

On the other hand, a small portion of the respondents demonstrated some degree of legal
alienation. These respondents justified their attitudes by claiming that the Israeli laws restrict
personal freedom, particularly in that they impede economic development, for instance by
imposing excessive taxation.
Although the majority of the FSU respondents supported the notion of the perceived neutrality of the Israeli law, one caveat must be offered. In discussing legal alienation, scholarly literature differentiates between those who view the law as consensual, neutral and promoting the interests of the “entire citizenry” (Gibson and Caldeira 1996: 60) and those who perceive it to be a restrictive tool that benefits a particular group or segment of population (Gibson and Caldeira 1996). Inherent to this distinction is the assumption that individuals are found on a continuum between these two positions, e.g., the more the law is perceived to be neutral, the less it is viewed as restrictive and *vice versa*.

However, this study found that the perception of some of the FSU respondents that the laws were not restrictive or against their interests was not because they thought law to be neutral. Rather, these interviewees viewed circumventing the law as a ‘way out’, stating that the laws are not restrictive or limiting because, “…it is always possible to get around the law.” Sentiments that laws are not restrictive thus do not necessarily imply perceptions of legal neutrality.

**Perception of Conflict and Dispute Resolution Preferences**

**Israeli Jews.** Israeli Jews expressed strong commitment to pursuing legal rights, whether through the court system or alternative modes of dispute resolution. These attitudes were expressed with respect to various potential disputes, such as unjustified traffic tickets; suing an employer for workplace discrimination; and filing claims with the ‘small claims’ courts.

Interestingly, the primary concern was not always pragmatic—such as the chance of positive outcomes of litigation and the strength of the evidence. Rather, the Israeli Jewish
respondents often asserted that certain instances—such as work-place discrimination—merit initiating legal proceedings as a matter of principle, even when the case is weak.\textsuperscript{lxxxv} These respondents stated that sometimes one must turn to court “to prove a point.”\textsuperscript{lxxxvi}

Similarly, some of the respondents of this group contended that there are instances when one must fight for the ‘greater good.’ These interviewees maintained that rather than acting according to practical and pragmatic considerations, they would fight—or expect others to do so—for just outcomes to prevent the issue from recurring: “so people will see and fear, so it will not happen the next time around.”\textsuperscript{lxxxvii}

In a similar venue, this group demonstrated a strong commitment to pursuing their rights when the opponent was described as a governmental agency, rather than an individual.\textsuperscript{lxxxviii} Except for one respondent who stated that the National Insurance Institute is "…not something I want to deal with,"\textsuperscript{lxxxix} all the interviewees of this group asserted their willingness to contest the decision of this organization if the decision was perceived to be unjust. Likewise, all of these interviewees asserted their readiness to engage in legal proceedings, opposing the Israeli Tax Authorities, if they believe the latter to be at fault. Some of the interviewees expressed strong negative sentiments against these agencies, such as: “[O]ne must fight them [the National Insurance Institute], they try to cheat” and “[T]hey [the Israeli Tax Authorities] are the biggest thieves.”\textsuperscript{xc} Similarly, another respondent stated: “I pay to bituah leumi [the National Insurance Institute] and [the Israeli Tax Authorities] over the years, so I have more incentive to sue when they screw me.”\textsuperscript{xci}
With respect to their perceptions of whether it is easier or more difficult to sue a governmental agency than an individual, the respondents of this group were almost equally divided. Some thought the courts preferred the weaker party, which increased their chance to win. Other interviewees, on the other hand, perceived it to be more difficult to challenge governmental agencies because these entities know the procedures better, employ good lawyers, or because the courts are biased in favor of governmental institutions.

Research also explored whether respondents believed in a system of retribution by the governmental agencies—whether if someone contests their decision, one is exposed to the risk of becoming a target. Only three respondents of this group thought governmental retribution was conceivable; one of these felt the scheme might exist only with respect to the Israeli Tax Authorities. However, interestingly, despite the fact that these respondents thought some type of a retribution system might exist, two of them stood by their initial position, asserting their readiness to challenge the decisions of governmental organizations in courts.

These attitudes—such as the readiness of the respondents of this group to engage in conflict resolution and to initiate legal actions despite pragmatic considerations—appear to demonstrate certain litigiousness on the part of Israeli Jews. It should be noted, however, that although this group showed willingness to press claims, and assert rights, these individuals do not seek quarrels or encourage disputes. Many of the respondents stated that they preferred to avoid disputes. The decision to proceed to protect their rights through dispute resolution mechanisms depends, among other factors, “…on the headache [i.e., the hassle caused by attempting to resolve the dispute through courts or other means].” These respondents
maintained that facing a dispute, sometimes one should walk away to preserve one’s peace of mind.

Therefore, although it is possible that in comparison with some other cultures, the Israelis are litigious people, strongly rights-conscious, individuals often choose “peace of mind” (Hirschl 1998: 434). They choose to walk away from disputes even in instances when pursuing claims right to be financially profitable or emotionally satisfying. This conclusion is further supported by the first-hand experience of the interviewees with the courts which—as discussed later—like that of the FSU respondents, has not been extensive.

Interestingly, it appears that, at least partially, the reluctance of Israeli Jews to get involved in disputes stems from their fear of retaliation. In contrast with the FSU respondents, who—as will be discussed further—demonstrated fear of repercussions on the part of governmental agencies, some of the Israeli Jewish interviewees were afraid of repercussions on the part of individuals. These respondents indicated their reluctance to become involved in disputes—even as an eye-witness of a car accident—stating that “[I]n Israel, there is no feeling of [personal] security…[I] do not want to get involved” and “[I]n Israel people are scary…even a small dispute can lead to stabbing.”

In a similar manner, some respondents asserted that willingness to get involved as a witness depends on how the perpetrator looks, “if he [the perpetrator] looks like someone that I do not want to get involved, then no.” Yet another respondent asserted that “the fear is of the criminals, not the enforcement.”
These notions of insecurity with respect to personal safety and wellbeing are not necessarily founded in incidents personally experienced by the respondents of this group. Rather, as described by some of the interviewees, there is a general sense of lack of personal security. It should be emphasized that although in Israel ‘security issues’ are usually associated with the problem of terrorism, in this case the respondents attributed their sense of lack of personal security to everyday crime or to instances of random violence.

These impressions of insecurity and fear of violence displayed by the interviewees are strengthened by their lack of trust in the ability of law-enforcement authorities to protect them adequately and assure their safety. Although this research did not specifically concentrate on exploring perceptions of the performance of the law-enforcement agencies—such as the police—these attitudes, nevertheless, surfaced in course of the interviews. For instance, correlation was found between the individuals’ fear of the perpetrators and their reluctance to involve police.

Similarly, lack of personal security may be attributed to the perceived performance of Israeli courts. Respondents maintained that the inadequacy of sanctions—routine in ‘light’ sentencing—prevents a decrease in crime. ‘Light’ sentencing was attributed to the perceived philosophy of punishment—that is, the system was oriented towards the rehabilitation of criminals instead of the protection of the citizens—or, to the partiality of the courts.

Such perceptions of the criminal justice system as too lenient and ‘soft’ on crime are neither novel, nor unique; much research has noted public perceptions of ‘softness’ on crime, fed by media reports, in various countries. The Israeli Jews interviewed are an example of
generally law-abiding citizens who imagine that crime could be contained, if only the sanctions were severe enough.

To sum up this section, it appears that while aware of their rights and of the means for protecting them, the Israeli Jews display caution. They do not seek disputes, oftentimes opting for suffering some certain financial loss—the amount of this varies—in order to preserve their ‘peace of mind.’

Another consideration is the fear of potential repercussions. However, in contrast to respondents of the FSU group—who, as discussed hereafter, demonstrated concern about repercussions from governmental agencies—the Israeli Jews were concerned with potential acts of violence by individuals. This fear of violence is, in turn, linked to perceptions of inefficiency of police and inadequate sanctioning by the courts.

Not surprisingly, additional elements that bear significance for the inclinations of the individuals to initiate adjudication proceedings are their perceptions of and attitudes towards the Israeli justice system. After all, if the judiciary is perceived to be partial or promoting foreign interests, it cannot function as a credible arbiter of individuals’ disputes.

**FSU immigrants.** The opinions of the FSU immigrants differed from those of the Israeli group. First, these respondents were often reluctant to challenge governmental agencies, partly for fear of repercussions. Some individuals are afraid that they could be placed on the ‘black list’, which—according to them—is maintained by the Israeli Social Security and Tax
 Authorities for purposes of retribution. These respondents were willing to suffer immediate financial loss rather than file a legitimate claim.

On the other hand, although some of the other respondents of this group were not afraid of retribution system, they expressed a sense of powerlessness in the face of governmental organizations, felt an inability to ‘fight the system’. For instance, one of the interviewees stated: “I do not believe that a private citizen stands a chance against governmental institution…,” while another asserted that “…a citizen has very little chance against the State.” These findings are supported by other research on the FSU population, which found similar reluctance to challenge governmental organizations and a perceived incapacity to influence policy, local politics, or the community (Arian et al. 2009).

As discussed above, in contrast with FSU immigrants—many of whom felt some kind of ‘black list’ existed—only three Israeli respondents concurred with this opinion. It is possible, as we have said, that feelings of powerlessness with respect to the government are the product of previous experiences under the Soviet regime by FSU immigrants.

It is remarkable that two decades after their immigration to Israel, respondents still felt powerlessness, and were unwilling to deal with governmental institutions. These feelings of inability ‘to beat the system’ and reluctance to try were voiced even when the respondents were deprived or disadvantaged due to a ‘mistake’ of authorities. As one of the interviewees stated, an individual “…has very little chance to beat the state.”
It is interesting to compare the findings of this study with the findings of the research that investigated the attitudes of Russian citizens in the post-Soviet era; it too found reluctance of individuals to confront authorities, concluding that “the idea that law could be used by ordinary citizens to protect themselves from arbitrary or illegal actions by the state…was viewed as unrealistic…” (Hendley 1999: 89).\textsuperscript{cxiii}

Other responses of this group were almost equally divided between those who viewed it as easier to sue a governmental organization than an individual, and that there is no difference between going to court against an individual or a governmental organization. These interviewees justified their opinions by statements such as: "I would be harder on them [governmental agency]\textsuperscript{cxiv} and "I think I pay enough [taxes]."\textsuperscript{cxv} Additionally, some respondents felt that judgments against the governmental organizations could be enforced, and that they would sue these organizations in order to “educate the system.”\textsuperscript{cxvi}

Additionally, two unexpected patterns emerged with respect to the differences between the attitudes of immigrants from the FSU and the other respondents. These patterns concern perceptions of reporting information about misconduct and perceptions about turning to courts as being dishonorable.

\textit{Reporting misbehavior: “I am not a snitch”}.\textsuperscript{cxvii} Some of the FSU immigrants expressed their aversion to reporting misconduct. Interestingly, these opinions concerned not solely informing the law-enforcement authorities of wrongdoing; rather, even providing the injured party with details about the third-party perpetrator was viewed by some of these interviewees as an act negatively labeled as ‘ratting’. Negative attitudes of some of the FSU immigrants towards
acts broadly labeled as whistleblowing—an exposure of wrongdoing, such as reporting misconduct—became apparent from the terms these respondents used to describe it: ‘ratting’, or being a ‘snitch’.

Moreover, their sentiments did not change even when presented with a hypothetical that legally required them to inform law-enforcement authorities about the incident. These respondents considered reporting of misconduct unethical or dishonorable. The respondents ascribed these negative attitudes towards acts of informancy to ethics and morality—“…you do not do something like that”—and to their upbringing: “[I]t’s our Russian upbringing; one does not snitch.”

Only members of the FSU group expressed this norm. Other respondents justified reporting as a way of helping the injured party to obtain compensation for damages. Some respondents were willing to supply evidence, to punish the perpetrator for not taking the responsibility for her actions. However, this incorporation of the concept of dishonorable, even reprehensible, conduct—‘ratting’—with respect to exposing the wrongdoing and reporting it even to a fellow citizen was found to be an angle proposed solely by the individuals belonging to the FSU immigrants’ group.

Throughout history, informancy has had a distinctively negative meaning for Russians (Martirossian 2004). This attitude has deep historic roots. After the Great October Socialist Revolution of 1917, the Communist Party wanted citizens to report others whose opinions could threaten the regime. The power of the Soviet totalitarian regime was further reinforced by making failure to inform—the ‘noninformancy’—illegal and severely sanctioned (Martirossian
In addition to legal measures, informancy was socially promoted through making it part of civic duty.\textsuperscript{cxii} But, informancy gained a very negative connotation in Russian culture and language.\textsuperscript{cxiii}

This entrenched disdain towards informancy sheds light upon the reaction of some of the FSU immigrants, who expressed a reluctance to report misconduct. Not only did these individuals oppose reporting wrongdoing to authorities—i.e., the police—they were reluctant to pass information to the injured party in order to assist her in obtaining adequate compensation. The language used by these interviewees to describe the act is significant. The Russian words that were used by these respondents—‘donostchik’ and ‘stukach’—are words of derogatory slang denoting the action of turning someone in.

Interestingly, this attitude of disdain towards whistleblowing was not correlated with age; it came from younger as well as older respondents. This fits into other findings about the political attitudes of the FSU immigrants. For instance, on the basis of a review of the political opinions of young ex-Soviet immigrants, Philippov concluded that “[T]o a certain degree, there is a sense that immigrants not only brought with them "Soviet" stances that they adapt to Israeli reality, but that they retained and apply these stances in the socialization of the new generation growing up in Israel” (Philippov 2010: 11).

Thus, FSU immigrants retained—to a certain extent—their aversion towards actions perceived as informancy. Since not a single one of the respondents of the other groups voiced similar opinions, those negative perceptions of informancy were unlikely to have been acquired in Israel.
Perceptions of turning to courts as dishonorable conduct. Another intriguing finding with respect to modes of dispute resolution of the group of the FSU immigrants involves a perception that seeking the courts’ assistance is—in certain instances—dishonorable. These respondents contended that rather than filing lawsuits and dragging the disputes to courts, a more ‘respectable’ mode of action is to abandon the matter and to “walk away” and “forget about the whole matter.” For instance, when presented with a hypothetical about a ‘friend’ who considers suing an employer for discrimination, one of the female FSU respondents stated: "I would not suggest her [friend] to get dirty." Another male respondent stated that he would not sue, because he is not the type of a person who “…gets money off of people, like millions from Coca Cola.”

It should be emphasized that these perceptions were not found to be absolute; same respondents who supported avoiding legal proceedings in certain instances, such as in case of work discrimination, were not reluctant to do so in other instances, e.g., filing a lawsuit for a monetary debt or contesting in court an unjustified traffic ticket.

These mixed notions suggest that the idea that turning to courts is dishonorable, is not unconditional, but depends on the circumstances, such as the type of case or the amount at stake. For instance, it is possible that condemning a discrimination suit as dishonorable is based on dislike of this cause of action, while a claim to recover a debt was not perceived to be problematic. Emotional or other considerations may also play an important role in a judgment about whether going to court is dishonorable.
These perceptions seem to be rooted in pre-immigration experiences. The idea that going to court is dishonorable—at least in discrimination cases—was not asserted by any respondents in other groups.

**Attitudes towards the Israeli Courts**

**Israeli Jews.** The ‘in court’ experience of the interviewees of this group has been minimal. These experiences were limited to minor issues, such as traffic, family, labor and small claims courts. The majority of this group reported that their opinions and perceptions of the judicial system were based primarily on media coverage, or—to a minor extent—upon stories told by colleagues, relatives or friends. This can explain why some of the respondents found it difficult to provide answers to some of the questions about the attitudes toward courts, or satisfaction with the courts’ performance.

However, considerably fewer Israeli Jewish respondents found it difficult to provide a response because of lack of knowledge and familiarity with the subject than other respondents. While this may be because Israeli Jews are more reluctant to admit ignorance than the FSU immigrants, an alternative explanation may be more plausible—that is, that these respondents actually have better knowledge of the system. This knowledge is not necessarily founded on the personal experience, which was similar among the individuals of both groups, but from their social networks, and their greater consumption of Israeli media.

While in general the experiences were not reported to be disappointing—either in terms of the outcome, or in terms of perceived judicial fairness—some respondents felt some bias on
the part of the judges. For instance, two of the Israeli Jewish respondents reported their
disappointment with the traffic court, because of perceived bias and favoritism towards the
police,\textsuperscript{cxxxii} in the words of one of these respondents, the hearing was “a game that has been
fixed.”\textsuperscript{cxxxiii} Another FSU respondent stated that “…in Israel, it is easier to pay [then to take legal
actions through courts].”\textsuperscript{cxxxiv}

While overall, the interviewees exhibited more or less moderate satisfaction with the
general performance of the courts, certain issues— such as bureaucracy and slow pace of
litigation\textsuperscript{cxxxv}—were identified as the most problematic and burdensome. Additional issues that
decreased satisfaction with the Israeli judiciary system were the perceived bias and partial
treatment on the part of individual judges or of the system,\textsuperscript{cxxxvi} outdated or irrelevant laws, light
punishments and Israel’s lack of a constitution.\textsuperscript{cxxxvii}

Only about half of the respondents of this group stated a belief that proceedings were
impartial. Those who saw bias were divided between those who attributed this to the personal
preferences and inclinations of the judges, and those who felt bias was systematic, with forces—
such as the government\textsuperscript{cxxxviii}—influencing the judges.\textsuperscript{cxxxix}

Although about half of this group doubted the impartiality of Israeli courts, most
predicted that individuals with personal characteristics similar to their—in age, ethnicity, sex and
income—would receive the same treatment by the courts as an average citizen. A small fraction
of the interviewees expected to receive some degree of preferential treatment—due to their high
education, the quality of representation that they would be able to get, and being respectable
citizens.\textsuperscript{cxl}
Interestingly, while none of the respondents in this group envisioned themselves as mistreated or discriminated against by courts, some of the interviewees reported that their perceptions of bias were based on personal experience. For instance, two of the interviewees expressed their disappointment with the traffic court, maintaining that the court showed bias and favoritism towards police officers. One of these asserted that his case was “…a game that has been fixed.” He further reported that he would refrain from pursuing his rights under similar circumstances, because it would be his word against the word of the police-officer and the courts tend to believe the police.

Other respondents mentioned a lack of justice and fairness of decisions. For instance, one of the interviewees stated that “they [the courts] look for an easy resolution, not for justice…the court uses settlements to try to prevent future cases.” Other respondents of this group maintained that “it [the court] calms the situation, and doesn’t solves problems,” and that due to the pressure by the courts, most of the cases are settled, which does not achieve justice.

Overall, the Israeli Jewish respondents showed favorable views of the Israeli judiciary; nevertheless, perceptions of fairness and impartiality were mixed. While attributing certain attitudes of partiality and bias, either to individual judges or to the system as a whole, these respondents did not expect themselves to be disadvantaged or discriminated against—in the light of the fact that these respondents are members of a high-status group, due to high education and socio-economic status. One might even have expected more interviewees to predict some degree of preferential treatment; the fact that only a small group of these respondents asserted such expectations may be because they do not like to admit such expectations.
**FSU immigrants.** The FSU interviewees exhibited moderate satisfaction with the overall performance of the courts; like the respondents in the group of Israeli Jews, they identified court bureaucracy and lengthy proceedings as issues that raise a particular concern. Although not very satisfied with the Courts’ work, the respondents showed moderate trust in the fairness of the decisions made by the courts, attributing to the courts slightly more justice in criminal than in civil matters. In comparison, Israeli Jews demonstrated higher degrees of satisfaction with the performance and fairness of the decisions of the courts.

Although there was no specific question about attitudes towards the Israeli High Court of Justice (HCJ), many FSU respondents showed a negative perception of this court. These respondents stated that the HCJ is biased and promotes an agenda. One respondent called it illegitimate. The reason for this attitude was the scope of the decisions of the HCJ: “…not everything should be under judicial review”\(^\text{cxlvi}\) (e.g., the work of the Israeli Defense Forces should be immune and “they [the HCJ] should not meddle in politics.”\(^\text{cxlvi}\)). Moreover, some interviewees mentioned the High Court of Justice as a body whose actions impair their overall satisfaction with the Israeli judiciary.\(^\text{cxlviii}\)

A few interesting points should be mentioned with respect to attitudes towards the HCJ. First, only FSU respondents brought up the issue of the HCJ;\(^\text{cxliv}\) none of the interviewees of the other group singled out HCJ from the general Israeli court system. The second noteworthy issue is the fact that respondents who mentioned the HCJ demonstrated negative attitudes towards it; no one singled out the HCJ for praise.
Finally, there is a widespread view that the HCJ is a politicized body, identified with a left-wing agenda; most FSU respondents are right-wing. Surprisingly, although the HCJ is also viewed by many as promoting the separation of Church and State—a view the FSU respondents share—their political views dominated, leading to negative judgments about the HCJ.

The majority of the FSU respondents expressed mistrust in judicial impartiality, with only a small fraction asserting their faith in the neutrality and objectivity of the judges. But interviewees differed with regard to the nature of the bias. About half of the respondents maintained that the bias was systematic, that the judges belong to a higher class and are partial toward individuals of similar status, police and persecution—“...he [the judge] would take the word of police-officer over mine”—or were prejudiced against Arabs and Russians. On the other hand, some respondents felt that the biases of the courts were based on individual preferences and inclinations of judges: “[A] judge is a human being.”

Interestingly, the higher degree of mistrust towards the courts expressed by the FSU immigrants, in comparison to the Israeli Jews, did not seem to preclude the former from potential use of litigation. Similarly Hendley, who—interviewing Russian managers—noted the “sense of resignation about the legal system,” but found that “this hopelessness did not correlate with litigation behavior” (Hendley 2001: 75). This finding led her to conclude that “apathy regarding law and high levels of litigation can coexist” (Hendley 2001: 75).

We can identify two potential roots for the mistrust in judiciary by FSU respondents. First, a historical cause: the suspicion of authorities entrenched in decades of repressions and ‘iron hand’ rule by the Communist Party. As a result of the Party’s influence over the judges...
(Ginsburg 1985; Quigley 1990; *see* Pomorski 1977, for a discussion of the mistrust of the Soviet citizens of *arbitrazh*), “people came to distrust courts, viewing them not as apolitical arbiters of disputes, but as tools of the Party” (Hendley 1995: 41). Plausibly, the Soviet-era legacy of citizens’ reluctance to mobilize law—which was “a product of dissatisfaction with laws that often contradicted one another and with the administrative acts…that complicated their implementation, not to mention abiding doubts about the courts' independence” (Hendley 1999:89)—still shapes the attitudes of the FSU immigrants, inducing their mistrust of legal authorities—and Israeli judiciary, among them.

Research of the attitudes in the post-Soviet Russia found considerable persistence of perceptions and attitudes (Hendley 1999; Hendley 2006). Hendley suggested that while from the outside, the post-Soviet system may look different, “to citizens, the bottom line is the same. The powerful are able to manipulate both the substance of law and the outcome of specific cases” (Hendley 1999: 90). Plausibly, the same perception is shared by the FSU immigrants in Israel.

Alternatively, it is possible that this group’s social position—as immigrants and minority—has shaped their current perceptions. The respondents were selected in a way that minimized certain disparities—such as socio-economic status. Yet, the FSU immigrants seem in many cases not to have absorbed the cultural ethos of Israel.

These two potential grounds for the immigrants’ attitudes are not necessarily contradicting. Immigrants’ inherited mistrust of authority may be reinforced by experiences as members of a minority in Israel.
Interestingly, the majority of the FSU respondents predicted that a person such as themselves—i.e., a person of similar age, ethnicity, sex and income—would not experience biased treatment on the part of the courts. Only two respondents predicted worse treatment (due to their Russian origins or due to lack of connections.) On the other hand, three interviewees expected a preferential treatment because of various factors, such as their chance to hire expensive and skilled legal representation. While these individuals—as part of the FSU segment of population—have attitudes of suspicion and mistrust towards authorities, individually they do not feel oppressed or persecuted.

**Conclusion**

It has been long argued that intellectually, culture is challenging to deal with; this difficulty stems from the "problems of definition and measurement and because cause-and-effect relationships between culture and other variables like policies, institutions, and economic development run in both directions" (Harrison 2000). This statement is also true about legal culture.

However, while the complexity of the challenge of measuring and describing legal cultures should not be underestimated, such research can provide fascinating descriptions and enlightening conclusions with respect to legal cultures of groups, segments of population and societies as a whole. Thus, in the following section we will respond to two remaining questions: what can we say about the legal cultures of the groups in this research and how do these findings fit in the broader picture of the Israeli legal culture?
First, except for the element of immigration, the two groups interviewed in this research did not differ significantly from one another. More specifically, the FSU immigrants who were interviewed in course of this study immigrated to Israel in the early 90’s, during ‘the great exodus’ of the Soviet Jews. By the time this research was conducted, these respondents constituted a more or less an integral part of the Israeli society for about two decades; they lived among Israelis, worked in Israeli companies and—although they never got rid of the accent—spoke fluent Hebrew. To what extent has their legal culture ceased being ‘Soviet Russian’ or ‘Soviet Russian Jewish’ one and became ‘Israeli’ legal culture? Have their legal attitudes been altered and to what extent do they resemble those of the legal culture of the Israeli Jewish majority?

Russian Jews come from a particularly complex background; although they spoke Russian and identified with the Russian culture (Gorlizki 1990), they remained a minority stigmatized and discriminated against. Effectively, they were “culturally Russians, but legally and socially Jews” (Gitelman 1972). Furthermore, as Horowitz wrote in 1996, the social and economic philosophy of the FSU immigrants is rooted “in their socialization under the Communist regime and their post-perestroika encounter with the Western world” (Horowitz 1996: 513). Can the same be assumed about their legal culture two decades after their repatriation to Israel?

Although coming from a significantly different environment, it was plausible to expect that after two decades of socialization in Israel, the legal culture of these respondents would be quite similar to that of the general Israeli population, represented in this research by the Israeli
Jewish group. This expectation was based on the assumption that while individuals’ native cultural and social patterns play very important roles, the culture of the host society—the immediate surroundings—is an equally important variable in structuring perceptions and attitudes (Cabassa 2003; Berry and Sam 1996). Therefore, while the FSU immigrants and the Israeli Jews come from different cultures—and, thus, possess certain disparities that are anchored in their distinct identities—it was plausible to expect that two decades of interaction and socialization in Israel made an impact upon the legal culture of the immigrants, making it resemble more to that of the Jewish majority with whom they are in contact.

The findings of this research suggest that ‘you can take the FSU immigrants out of the Soviet regime, but you cannot take the Soviet regime out of the FSU immigrants’. Even after decades spent in significantly different—more liberal and democratic—society, the environment into which these respondents were born and where they were educated and socialized has left its mark upon their notions and perceptions. As Hendley asserts, “[T]he role of law as handmaiden to politics during the Soviet era is well-documented and deeply engrained in the psyche of Russians.” These subjects displayed certain attitudinal patterns that can be attributed to years of perceptions shaped by Soviet ideological apparatuses and the life in the USSR.

With respect to the research on political attitudes of the FSU immigrants, studies insist on looking at the Soviet and post-Soviet cultural background (Philippov and Bystrov 2011: 262). Research on legal attitudes, perceptions and behavior—i.e., legal culture—would be incomplete if it did not consider the ‘Soviet’ element in their personal history. Research on political culture of FSU immigrants found that this population retained—to a certain extent—patterns of political
behavior characteristic of the Soviet regime. For instance, Philippov and Bystrov—who conducted a comparative study of citizens’ perceptions of their power to influence governmental decrees and directives—found that, “[E]ven 20 years after the beginning of mass immigration to Israel, we find significant differences in both political attitudes and behavior between the immigrants and the rest of Israelis in the sphere of citizens-and-state relations” (Philippov and Bystrov 2011: 266). The scholars conclude that the political culture of Israeli FSU immigrants is substantially “based on their native political outlook” (Philippov and Bystrov 2011: 259).

This research shows that the legal culture of the FSU immigrants differs from that of the Israeli Jewish group along a number of important parameters. This disparity may well be due—to a large extent—to the system of values and beliefs forged under Soviet Rule.

It should be mentioned that this study has not detected any correlation between different attitudes and other variables—such as age and gender—within the FSU group. The lack of a generational gap is particularly worthy of noting, since one could have expected that individuals who socialized and were educated—at least for several years—in Israel would display more “Israeli” attitudes, rather than reproducing the patterns of ideological orientations of their parents and parroting their beliefs. It is possible that this result is due to a small sample size; however, interestingly, the research on the immigrant’s political culture discovered a similar lack of correlation of their voting patterns with the differences in education, gender, age and the amount of time since their immigration to Israel (Philippov 2010).

Just as Soviet political culture affects the immigrants’ current voting patterns (Philippov 2010: 7), their Soviet past is relevant to their current legal culture. Similarly to the research of
the legal culture in the post-Soviet Russia that discovered that “[T]he Soviet past weighs heavily on Russian present” (Hendley 1995: 63), this study discovered that even after two decades in Israel the legacy of the Soviet past remains powerful, affecting the attitudes and perceptions of the FSU immigrants. Therefore, similar to an observation that in Russia “making sense of the role of law over the past requires some knowledge of what came before” (Hendley 2006:351-352), to make sense of the perceptions and attitudes of the former residents of Russia we must consider their Soviet past.

So what legacy has the Soviet rule left to the former Soviet citizens? These individuals are characterized by deeply rooted antipathy toward law (Hendley 1999: 89). It appears that “[D]ecades of watching law being used in a crudely instrumental fashion in order to serve the various ends of the Communist Party have taken their toll” (Hendley 1999: 89). The lack of autonomy of law, which is reflected in the Party’s ability to determine the substance of the law and to dictate results of judicial proceedings (Hendley 1997: 230) and the ability of the Communist elite to manipulate legal proceedings and to dictate courts’ rulings led Soviet citizens to conclude that “power trumps law, that "telephone law" is more potent than written legislation” (Hendley 1999: 89; Hendley 2009).

To a large extent, FSU immigrants retain the attitudes, values, and modes of thought that were widespread during their Soviet experience. Their certain disregard for law, perceived inability to fight the system and perception of judicial partiality are examples of the notions that were characteristic of the Soviet period and still, to a large extent, continue to characterize the
Russian citizens (see, for instance, Hendley 1997: 246, arguing that in Russia “[R]hetoric about the importance of law currently falls on deaf ears”; Hendley 1999).

It appears that, indeed, well-established patterns of behavior are hard to change. Moreover, the fact that no generational disparities were discovered within this group points to the conclusion that these individuals not only adapt their ‘Soviet’ outlook to Israeli reality, but that this attitude affected—to a certain extent—the socialization of the new generation growing up in Israel.

Analyzing the change of the attitudes of the citizens of post-Soviet Russia—and, in particular, of the Russian businessmen—Hendley argues that “merely rewriting the rules and reforming legal institutions, while necessary, is not sufficient to change behavior” (Hendley 1997: 246). Instead, she continues, the reliance on law will increase “only when embedded in the context of a state possessing political authority and an economy based on a functioning market” (Hendley 1997: 246). While, possibly, the trust of and the reliance on the law expressed by the FSU immigrants is higher than that of the Russian citizens, the period of two decades that these immigrants resided in Israel—a state that possesses ‘political authority and an economy based on a functioning market’—did not suffice in order to erase their previous attitudes and perceptions of a certain mistrust of and skepticism towards the law and legal authorities.

The legal-cultural attitudes and perceptions of the Israeli Jewish group—on the other hand—differ, often significantly, from the notions expressed by the interviewees who belong to the FSU group. These legal-cultural aspects of the attitudes of the Israeli Jews can be arguably
attributed to the fact that they have been shaped in a very different economic, social and political environment.

First, while rooted in the socialist ideology—the traces of which can be still found in various aspects of the Israeli reality (Simons and Ingram 1997; Ingram and Simons 2000)— the State of Israel has evolved into a modern liberal democracy. Socialization in such environment may promote certain aspects of legal culture, such as respect for the rule of law, or—at least—comprehension and appreciation of its importance. This can account for the undivided support for the idea of the rule of law that was expressed by all of the Israeli Jewish respondents.

On the other hand, we should mention the fascinating—even perplexing—dissonance in the perceptions of these interviewees; namely, a dissonance between the firm support for the rule of law as an abstract concept and the certain amount of disregard towards citizens’ duty to abide by the law in their everyday experiences. In particular, these attitudes point to a culture that while values the idea of the rule of law and appreciates its importance for a modern society, places a certain ‘barrier’ between the ideal rule of law and its practical operation; a culture that expresses a certain amount of tolerance towards individual disobedience, leaving the decision whether and when to abide by the law with the citizen. Whether the origins of this dissonance are embedded in the relatively young age of the Israeli democracy, in a relative dissatisfaction with the efforts of enforcement authorities, or in some other aspect of the Israeli environment, the result is quite perplexing.

Another aspect of the environment that plausibly affected the perceptions of the Israeli Jewish interviewees is the fact this group represents the Israeli majority. This is contrary to the
FSU immigrants who constituted an ethnic minority in the Soviet—and former-Soviet—Union and, as such, experienced different levels of anti-Semitism and ethnic persecution.\textsuperscript{clxi} As a majority, the Israeli Jews did not express the same level of mistrust of the authorities as their FSU peers and were also more prone to allow the government the freedom to act, which may well constitute an expression of confidence that their rights as citizens would not be impaired.

Finally, the Israeli Jews have enjoyed broader personal freedom and more economic opportunities than their FSU counterparts. The personal freedom under the Soviet Rule were severely limited; any economic initiative was relentlessly sanctioned. In fact, only in the 1988 the rule-of-law theme was introduced, when in his address to the Nineteenth Party Conference, M. S. Gorbachev—then the General Secretary of the Communist Party—stated that to achieve the “democratization of the life of the state and society,” the USSR must “move along the path of the creation of a socialist state under the rule of law” (cited in Quigley 1990: 205). As a result, only in the late 80’s the Soviet government commenced implementing ‘restructuring’ \textit{(perestroika)} (Quigley 1988; Quigley 1991).

On the other hand, the legal culture of the Israeli Jews was formed in an environment that is respectful—at least, more so than in the Soviet Union—of individuals’ rights. The findings of this research, among other, establish that while not looking for a conflict, this group does not shy away from taking an action—whether against individual citizens or the State—in the instances when they believe their rights have been violated. As discussed extensively in this manuscript, this culture—"culture of rights"—is very different from the one that has been prevalent under the Soviet regime.
We can speculate that these factors, among others, have been responsible for the different legal-cultural attitudes exhibited by the Israeli Jewish respondents. However, as discussed above, the Israeli Jewish majority has not succeeded to imprint these—and other—perceptions upon the psyche of the FSU immigrants. I leave for future research the investigation of the fascinating issue of the legal-cultural perceptions and attitudes of other segments of the Israeli population and mapping the complicated mosaics of the Israeli legal culture.

On a final note, we should mention that while this study focused on particular segments of the Israeli population, the implications of its findings reach beyond the somewhat narrow scope of the Israeli context. The Israeli society is one of many societies, such as the United States, that support multiculturalism and diversity, sustaining the moral and cultural values of diverse groups (Tyler 2000: 986). In such societies, the issues of effective policy-making—including, in the extreme cases, a threat to the viability of democratic institutions that may be posed by multiculturalism (Tyler 2000: 986)—become acute. For instance, Tyler asserts that “[a]s nature of American society changes toward a mosaic model, the question of whether and how democratic processes can be maintained becomes natural to discussion of public policy” (Tyler 2000: 1015). Such analysis could offer models that deal with the challenges posed by diverse legal cultures.

Different societies have disparate legal systems and contexts of legal culture that might affect the legal-cultural perceptions and attitudes of the newcomers. There is no doubt that future researches exploring the effect of the interaction with new societies on legal cultures of migrant groups in different contexts of migration may provide fascinating and significant findings.
References


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As Nelken points out, the confusion that arises out of the academic debates on *legal culture* stems not solely from the difference in perceptions of particular legal cultures, but from disparities in the definitions of the term itself (Nelken 2012).

As an analytic concept, *legal culture* relates to the role of various “actions that operated and or within the interactions of the legal system and its environment” (Silbey 2010: 472).

According to Friedman, *legal system* is: “[E]very body of laws, together with its supporting institutions, whether national or part of a federal or pluralistic system” (Friedman 1969: 31). In this context, “every body of laws” and its “supporting institutions” is an amalgam of three components: *structural*—the nature of the institutions; *substantive*—the laws themselves; and *cultural*—i.e., values and attitudes with respect to law and legal institutions. Any legal system is inseparable from the social surroundings in which it is embedded: “[W]hat gives life and reality to the legal system is the outside, social world” (Friedman 1975: 15). This influence originates in the social elements that create, amend and nourish the legal system; social forces, constantly interacting with each other, are the grease that keeps the wheels of legislature and the judiciary spinning. Among the forces that craft and shape legal systems is the *legal culture*; it is *legal culture* that is “an essential intervening variable in the process of producing legal stasis or change” (Friedman 1997: 34). Although the influence of *legal culture* extends to all levels of the legal system, its impact is especially important as the source of *demands* made on legal system: “[I]t is the legal culture, … which determines when and why and where people turn to law or government, or turn away” (Friedman 1969: 34). The importance of *legal culture* is in its being the power behind the veil that produces—or discourages—the use of legal rules and institutions: “…legal culture is the term we apply to those values and attitudes in society which determine
what structures are used and why; which rules work and which do not, and why.” (Friedman 1969: 35).

iv Blankenburg maintains that legal culture encompasses behavioral and institutional factors: it includes legal behavior—such as litigation or avoidance of lawyers and courts; its relation to patterns of legal consciousness; institutional features—such as the legal training, the composition of the legal profession, the organization of and access to courts; and the relation of these to scholarship and the patterns of legal discourse (Blankenburg 1997: 48). Cf. for critique of this approach see, for instance, Nelken (1997).

v Legal culture is not static; rather, it constantly undergoes changes, reacting and adjusting itself to the surrounding society (Friedman 2001: 93). “Even within a given society legal culture is a complex, contested and changing phenomenon” (Nelken 2001: 26). The notions of and attitudes towards the law and legal actors of individuals are subject to constant change and adaptation. Moreover, even within the same society at a specific point in time, the law and the notions that constitute legal culture differ from one situation to another: “[t]he relationship between law and culture varies between one society and another and one context and another” (Nelken 2001: 26).

vi As Friedman noted, “[T]here is no such thing as the public; to understand legal culture, one must carefully define a relevant public; for various issues, this will be a different group of people” (Friedman 1969). In any nation cultural homogeneity of legal culture cannot be assumed (Friedman 1985), “[N]ot that any particular country has a single unified legal culture.” For example, Friedman distinguishes “external legal culture,” the legal culture of general population; and the “internal legal culture,” the legal culture of “those members of society who perform specialized legal tasks” (Friedman 1975: 223). Similarly, Nelken argues that it would be
misleading to limit the inquiry of legal culture to a nation state. Rather, “[P]atterns of legal culture can and must be sought at both a more micro as well as at a more macro level than the nation state” (Nelken 2012: 315).

Friedman 1990 argues that “…legal culture (rather than legal tradition, or doctrine, or the lawyers themselves) acts as the immediate source of law, the impetus for legal stasis or change” (p. 534). The process of legal change operates as follows: the ideas and attitudes of individuals produce demands. “Legal culture is important, because attitudes help manufacture real demands on the legal system” (Friedman 1975: 209); in turn, these demands may lead to change. Demands are based on interests, however, for the legal process to be set in motion “[I]nterests must be converted into demands…” The change comes about when “…social forces, i.e., power, influence, presses upon the legal system and evokes legal acts, when legal culture converts interests into demands or permits this conversion” (Friedman 1975: 193).

Similarly, Sarat argues that “[I]nsofar as legal institutions are "reactive" they depend for the input of cases and problems on the willingness of private individuals and groups to make legal claims. The decision of an individual to invoke the legal system is influenced by his perception and evaluation of the law and his prior experience with it” (Sarat 1977: 430.) Also, see Black arguing that "[E]ach citizen determines for himself what within his private world is the law's business and what is not; each becomes a kind of legislator beneath the formal surface of legal life” (Black 1973: 142).

Sarat points out that voluntary compliance flows from agreement with the principles on which the legal system is based, and peoples’ satisfaction with legal institutions (Sarat 1993). "If one measure of law's effectiveness is its ability to regulate conduct with as little coercion as possible,
then the characteristics of the legal culture contribute to an explanation of why particular institutions or legal policies are or are not effective.” This is so due to the fact that “[P]eople who value the fundamental principles on which the legal system is founded, who express support for legal institutions, and who are satisfied with what those institutions do, should more readily comply with the law” (Sarat 1993: 430). Similarly, Tyler and Darley argue that in order to have a law-abiding society, “we must have a polity in which citizens have social values that lead them to feel responsible for following rules, irrespective of the likelihood of being caught and punished for rule breaking” (Tyler and Darley 2000: 708). Therefore, a thorough investigation of legal culture of a group would provide important insights into the degree to which its members would comply with legal decrees on a voluntary basis.

Litigation—or avoidance thereof—cannot be described, or explained, as a mere personal choice; rather, it is “a result of cultural patterns” (Blankenburg 1997: 42). It also reflects confidence or lack of confidence in institutions. And this may reflect reality—a corrupt system will, naturally, fail to win respect and usage. Hendley observed that “[G]iven that law is an inherently interactive process, attitudes towards the legal system have a decisive influence on the willingness to use it” (Hendley 1997: 240).

While unequivocally important for diverse societies, the preferences of dispute resolution modes vary; ethnic diversity is not a sole predictor of disparities in the attitudes. To exemplify this point, we can mention the scholars’ findings that individuals who define themselves as belonging to the same, informally interacting, social group often tend to avoid formal law (Ellickson 1986; Engel 1984). Studying litigation practices of Sander County residents, Engel found sanctioning ‘newcomers’ or ‘outsiders’ for bringing personal injury suits against established citizens, but
justifying the use of litigation when it was directed against newcomers). However, they resort to law when the system of various informal social control practices—such as gossip, self-help, and "lumping it"—breaks down, or when "outsiders" are involved in a local conflict. In another set of studies of the legal culture, which focused on working- and middle-class American neighborhoods, scholars discovered avoidance as a pattern of conflict management among neighbors and intimates (Merry and Silbey 1984; Greenhouse 1988). In these communities, court use was found to be incompatible with ‘virtue’ and associated with a fall from respectability.

Although the concept of legal culture is somewhat elusive, scholars have devoted a great deal of thought and effort to conceptualizing it. Legal culture in at least one sense is potentially measurable (see, for instance, Friedman 1994; Friedman 1997; Gibson and Caldeira 1996: 55; Nelken 2004). Legal culture can be measured directly—i.e., by asking people questions—or indirectly, by observing individuals’ behaviors (Friedman 1994: 119). It is not necessary to employ direct measurement to study legal culture; rather “[it] [legal culture - added] can be inferred – from other sorts of materials...“ (Friedman 1997).

Yagil and Rattner (2005) found that the FSU immigrants and Arabs who strongly identified with their own ethnic group (e.g., by voting for political parties that represent their group) attributed less procedural justice to the police and the courts than did weak identifiers, they “expressed a lower sense of obligation to comply with state laws, stronger belief in the supremacy of other laws, and stronger willingness to take the law into their own hands than did veteran Jews” (p. 11).
According to the Israeli Central Bureau of Statistics, during this period about 500,000 immigrants from the countries of the FSU arrived to Israel (http://www.cbs.gov.il/www/population/ussrp/diag2.pdf, last viewed on 5/19/2013).

Although the Israeli Jewish population encompasses individuals with different religious views, ranging from ultra-orthodox to anti-religious, this research concentrated on the secular Jewish population. This focus was made in order to pinpoint the disparities that stem from migration; as discussed below, the respondents were selected in a manner that allowed maximum similarity in other characteristics. This research excluded ‘religiosity’ because it might influence the legal culture of individuals, interfering with the comparison of legal cultures.

Legal culture is affected by many variables. For instance, see Macaulay, who asserts that “[W]e should not be surprised to discover that legal ideas differ as we consider class, gender, race, region, religion and the amount of direct experience people have with police officers, administrative agencies or courts” (Macaulay 1989: 1547). Similarly, research that investigated cultural change discovered that demographic factors, such as age, religion, and the socioeconomic status are possible sources of variation in this process (Berry and Sam1996).

Further discussion on the significance of ‘age’ variable in determining the development of concepts related to authority, rules, aggression and justice, see Tapp and Levine 1974: 18-19, and the accompanying footnotes (74-77).

All of the interviewees selected for this study hold an undergraduate degree or above.

In order to minimize the features that could be attributed to disparities in the socio-economic status, all of the interviewees are of high socio-economic status. It should be mentioned that this feature of the FSU respondents is not typical of the general FSU segment of the Israeli
population, who—as a group—constitute a low-status community (Yagil and Rattner 2005; Arian et al. 2009).

xviii All the respondents reported residing in the center of Israel (Jerusalem/Tel Aviv areas). This too makes the FSU respondents somewhat different from the rest of the FSU population, the majority of who reside in the Israeli periphery (Arian et al. 2009).

xix In order to eliminate potential implications of age on the attitudes of the respondents, the interviewees were selected in a way that minimizes their age differences. The mean age for the FSU immigrants was 40.42, with standard deviation of 7.51. For the group of the Israeli Jews, the mean age was 35.81 with standard deviation of 7.04.

xx One element that differed between the FSU group, on the one hand, and the respondents of the other groups was their political attitudes. The majority of the FSU respondents reported right or center-right views. These findings are somewhat representative of the general FSU population, who tends to vote for right-wing parties and candidates (see, for example, Goldstein and Gitelman 2003; Horowitz 2003). On the other hand, the Israeli Jewish respondents were almost equally divided between the right or center-right wing, the left or center-left wing and the center.

xxi Due to the unavailability of a comprehensive sampling framework, I employed a ‘convenience’ sampling technique to recruit participants for this research.

xxii On average, the interviews lasted 38 minutes. According to the choice of each respondent, the interviews were conducted in the Hebrew or Russian languages.

xxiii While one cannot unequivocally discard the possibility that the disparities are founded in some unobserved parameters, the design of this research makes this possibility less plausible. This is due to the fact that the respondents for this study were selected in a way that minimized
differences other than their origin—in the case of the FSU immigrants. As discussed previously, the only other difference that was discovered in course of this study—i.e., the respondents’ political outlooks—is representative of the general Israeli population; its implications are discussed in depth.

xxiv The populations in question comprise of individuals who share particular characteristics, such as high education, belonging to the middle to upper-middle class, non-religiosity; and (in Israel) living in urban centers. These characteristics, as well as the reasons that underlie the choice thereof, are extensively discussed hereafter.

xxv In order to examine the extent of the perceived duty of citizens to obey laws, the respondents were presented with statements pitting the rule of law against other values. The first such value was the perception of justice: “It is not necessary to obey a law you consider unjust.” Another question counter-posed the rule of law against expediency: “Sometimes it might be better to solve problems immediately rather than wait for a legal solution.” Lastly, I tested notions about ‘grey area’ in the law by asking the respondents whether “It’s alright to get around the law as long as you don’t actually break it.” These questions were replicated from the study on the European legal cultures by Gibson and Caldeira (1996). The attitudes towards individuals’ obligation to follow the letter of the law were further investigated by the ‘car accident’ vignette, which depicted a hypothetical scenario in which the respondent witnessed a car driving off without leaving a note for the owner—despite the legal requirement—after it hit a parked car. The respondents were presented with further scenarios, which investigated their potential behavior in various instances. Among others, this vignette examined the respondents’ propensity to modify their behavior in order to comply with law (in this scenario, the respondents were
asked whether they would report a particular accident to police; thereafter, respondents whose initial answer was negative were asked whether their answer would change if they were legally required to make such report.)

xxvi Individuals find it difficult to apply abstract norms to particular situations; various interests receive different relative values when individuals are required to make trade-offs (Davis and Silver 2004).

xxvii To test the perceptions of the law as unnecessarily rigid and confining and to investigate views about the scope of governmental actions, I posed two questions with respect to the government: “The government should have some ability to bend the law in order to solve pressing social or political problems” and “in times of emergency, the government ought to be able to suspend law in order to solve pressing social problems” (Gibson and Caldeira 1996).

xxviii Interviews with the Israeli Jews, interview # 25.

xxix For instance, although she affirmed the duty to obey the law even when it is unjust, one of these respondents stated that she would not obey a particular law, because it is ‘unfair’ (interviews with the Israeli Jews #5).

xxx E.g., interviews with the Israeli Jews, interview # 4.

xxxi E.g., interviews with the Israeli Jews, interview # 7.

xxii E.g., interviews with the Israeli Jews, interviews # 1, 27.

xxiii E.g., interviews with the Israeli Jews, interview # 4.

xxiv Interviews with the Israeli Jews, interview # 17.

xxv Interviews with the Israeli Jews, interview # 7.

xxvi E.g., interviews with the Israeli Jews, interview # 27.
While we start the discussion with the Soviet rule, it is interesting to note that even in the more distant past, the imperial Russia’s tradition of the rule of law was different than Europe’s; for instance, Finder noted that "[T]he most striking and important contrast between [pre-nineteenth century] Russia and the rest of Europe was that the country had no tradition of what we have called 'law-boundedness'." (Finer 1999: 1407).

In the USSR “the concept [of the rule of law] was viewed until recently as reflecting the false legality found in Western states. A 1956 Soviet legal dictionary defined *pravovoe gosudarstvo* [a state based on the rule of law] as "an unscientific concept depicting the bourgeois state as one in which there is supposedly no place for arbitrariness on the part of the executive authority and where, supposedly, the law and legality reign.' The concept, according to the dictionary, is used "in a demagogic way" by the bourgeoisie of many countries "in its class interests" in order "to inculcate harmful illusions in the masses, to mask the imperialist essence of the contemporary bourgeois state and its law. ‘ The concept as used in bourgeois states was "directed against the revolutionary movement of the working class, and from the time of the emergence of socialist states, against them" (Quigley 1990: 206).
Interviews with the FSU immigrants, interview # 11. It is interesting to note the resemblance between this and similar statements and Hendley’s observation of the legacy of the Soviet-era expectation “to get around (obyiti’) the rules” rather than to employ them (Hendley 2004: 61-62).

Interviews with the FSU immigrants, interview # 6.

Interviews with the FSU immigrants, interview # 22.

Interviews with the FSU immigrants, interview # 30.

Interviews with the FSU immigrants, interview # 26.

For instance, interviews with the FSU immigrants, interviews # 2, 3, 10.

Interviews with the FSU immigrants, interview # 16.

Although not asked about security emergencies, several respondents stated that this is the only instance when the government should be allowed to bend or suspend a law (interviews with the FSU immigrants, interviews # 3, 19, 27). Even when faced with a question about social problems that amount to a national emergency, only ½ of these respondents granted the government the right to suspend law in order to urgently deal with such problems.

As discussed above, approximately 1/3 of the FSU respondents agreed that one may disobey the laws she considers unjust, and over 2/3 of these respondents demonstrated willingness to circumvent the law.

This research did not address the question of whether there are particular aspects or characteristics of the Israeli government that led to these attitudes supporting limitations in the power of the government. It is possible that these notions and attitudes would remain towards any other government. On the other hand, it is also possible that some particular characteristics
of the Israeli government trigger these perceptions. For instance, one of the FSU respondents stated that although in general he supports the view that a government should be allowed to bend the law in order to solve pressing social problems, he disagrees with the statement in case of the Israeli government (interviews with the FSU immigrants, interview #21).

Subjective perceptions of class membership are comprised of economic success, as well as a general evaluation of the individual’s place in society (Arian et al. 2009).

Question asked “Do you feel that people like yourself, that is people of your age, ethnicity, sex and income, receive the same treatment from the courts as the average citizen, or are people like yourself treated better or worse than the average citizen?”

Interviews with the Israeli Jews, interview #15.

The tension between individuals’ aspirations for personal freedom and autonomy and the value of living in an orderly society is well-known in scholarly literature. For instance, Etzioni notes that “…there is a fundamental contradiction between the society's need for order and the individual's quests for autonomy [sic]” (Etzioni 1996: 3). In this research, the relative value that the respondents attach to personal liberty was examined through responses to the following statements: “Society shouldn't have to put up with those who have political ideas that are extremely different from the majority” and “It is better to live in an orderly society than to allow people so much freedom that they can become disruptive” (Gibson and Caldeira 1996: 55).

For instance, interviews with the Israeli Jews, interviews # 9.

Interviews with the Israeli Jews, interview # 25.

Plausibly, the example of the freedom of speech was disproportionately used by many of the respondents due to it being woven into the pattern of daily life, e.g., through media reports.
For instance, interviews with the Israeli Jews, interviews # 18, 21.

Interviews with the Israeli Jews, interview # 31.

These respondents stated that they oppose to acts of individual freedom that might inconvenience others, such as blocking of the highways by protesters.

Although one interviewee contended that ‘too much’ order is not desirable; the respondent gave the example of Germany and the U.S. as countries with “too much” order (interviews with the FSU immigrants, interview #16).

Interviews with the FSU immigrants, interview # 7.

For instance, while supporting the freedom of ideas, one of the respondents, stated that ideas that cause disruption must be punished (interviews with the FSU immigrants, interview # 7).

Interviews with the FSU immigrants, interview # 8.

Interviews with the FSU immigrants, interview # 9.

It should be mentioned that ‘Jewish nature’ was not used by these respondents in religious sense. Rather, they used the term to mean that the State of Israel is a homeland of the Jewish people.

Although the attitudes of the FSU immigrants in countries other than Israel are out of scope of the current study, it should be mentioned that research has found that the Russian-speaking community on the U.S. demonstrates similar attitudes (Remennick 2007: 197).

For instance, Philippov and Bystrov 2011 maintain that “[T]he undemocratic culture and tradition imported from the Soviet Union constitutes an important component in the immigrants’ political culture in Israel” (p. 259). Also, see Arian et al. (2009), who assert that “[A]s far as political integration is concerned, prominent gaps emerged between the political culture of FSU
immigrants and those of the public, in general. As a rule, the immigrants’ attitudes are less democratic” (p. 108).

Brown argues that “the relative absence of pluralist and democratic political structures during a historically long period should make it less than surprising that attachment to individual political liberties, and support for their institutionalization, remains weak” (Brown 1989, cited in Gibson et al. 1992: 333). Also see Zaslavskaya (1990), who argues: “[I]t is unfortunate that neither Russian prerevolutionary nor Soviet politics developed strong traditions of genuinely democratic relations. People have paid the price for centuries of serfdom and autocratic tyranny and decades of lawlessness under Stalin and Brezhnev. They either did not have the chance to acquire or have lost the culture of political and national tolerance, social dialogues conducted with mutual respect, collective attempts to find a compromise, and sensible agreements reached by striking a balance between conflicting interests. The low level of political culture has led to measures to extend democracy being perceived by certain groups as the right to fight for their interests by any methods including undemocratic ones” (p. 198, cited in Gibson et al. 1992: 333).

These attitudes depict fairly well the attitudes of the general FSU population (see Goldstein and Gitelman 2003; Horowitz 2003). Even the “Russian” media tends to be more right-wing than the Israeli one (Arian et al. 2009).

Individuals differ in the degree to which they perceive law as neutral—i.e., an instrument that promotes the general welfare, as opposed to interests and wellbeing of particular segments of the population. The term ‘legal alienation’ is the view that describes law as promoting the
specific values of some hegemonic group, rather than the values of the society as a whole (Gibson and Caldeira 1996). Legal alienation can reduce the level of the support that citizens grant to laws and legal authorities (Yagil and Rattner 2004).

In order to measure the extent of perceived legal impartiality, this study used the following statements: “[I]t is rare that law is on my side; usually, I find laws to be restrictive and against my interests”; “[M]y interests are rarely represented in the law; usually law reflects the views of those who want to control me”; and “[T]he ultimate basis of the law should be the values of the people, not the values of the dominant political, economic and social powers” (Gibson and Caldeira 1996: 55).

lxviii Interviews with the Israeli Jews, interview # 17.

lxix Interviews with the FSU immigrants, interview # 8.

lxx “[A]s a rule, the laws represent the population, but—in the end of the day—there are reservations in favor of the ruling powers” (interviews with the FSU immigrants, interview # 27).

lxxi Interviews with the FSU immigrants, interviews # 5, 23. Not surprisingly, many of the respondents identified Israeli tax laws as being limiting and oppressive. Israeli taxes are extremely high due to a vast defense budget and the fact that a small population of workers is supporting a large population of children and nonworking adults, to an extent unheard of in other developed countries. These taxes constitute a burden on the residents, primarily on educated individuals, who pay a disproportionate share of taxes (see Gould and Moav 2007: 18).

lxxii Interviews with the FSU immigrants, interview # 11.

lxxiii In order to discover individuals’ preferences and patterns of preferred modes of dispute resolution, the respondents were presented with two hypothetical vignettes. One of the vignettes
described a case of monetary damage that occurred as a result of a car accident; the other vignette presented an instance of illegal workplace discrimination. In addition to these vignettes, the respondents were asked whether they were likely to initiate legal actions in certain instances. Some scenarios concentrated on different type of claims or courts—such as contesting in court an unjustified traffic ticket and filing a claim for NIS 10,000 (According to the Israeli Central Bureau of Statistics, in 2009 the monthly average income for Israeli workers was NIS 8,108); other scenarios described various potential defendants—e.g., individual citizens or governmental organizations. (http://www1.cbs.gov.il/www/hodaot2010n/26_10_046e.pdf last viewed on 5/19/2013).

The amounts that would merit such a claim ranged from NIS1500 (~$450) to NIS2000 (~$600$), with a few respondents naming amounts as low as NIS700 ($200) and as high as NIS50000 ($14700).

For instance, interviews with the Israeli Jews, interviews # 22, 32.

Interview with the Israeli Jews, interview # 3.

Interview with the Israeli Jews, interview # 2.

These opinions were examined with respect to governmental agencies: National Insurance Institute and the Tax Authorities.

Interview with the Israeli Jews, interview # 29.

Interviews with the Israeli Jews, interview # 7.

Interviews with the Israeli Jews, interview # 22.

Interviews with the Israeli Jews, interview # 23.

Interviews with the Israeli Jews, interview #24.
Less than 1/3 of these respondents reported initiating court proceedings within 10 years prior to the interviews.

For instance, to illustrate these sentiments of insecurity due to violence, one of the interviewees mentioned an incident when a person was stabbed in course of a dispute about a parking spot (interviews with the Israeli Jews, interview # 24).

Namely, the interviewees who asserted fear of the perpetrator in response to the ‘car accident’ vignette were disinclined to report the accident to police, and were less likely to change their response even when faced with a hypothetical law that required them to do so.

In addition to investigating respondents’ general attitudes towards the courts and perceptions of the fairness and adequacy of their decisions, the interviews posed specific questions with respect to the respondents’ perceptions of the courts’ handling of criminal cases. The criminal justice system was rated considerably lower than the civil one. However, one should be mindful of the fact that more respondents were not able to rate the later—stating that they have no
knowledge of perceptions thereof—due to the fact that media coverage generally focuses on criminal, rather than on civil, cases.

cvii Interviews with the Israeli Jews, interview #14.

cviii For instance, one of the interviewees asserted that the courts show favoritism to the members of minorities (interviews with the Israeli Jews, interview #23).

cix Research asserts that often misinformed and erroneous perceptions of the lack of firm response to delinquent behavior on the part of the criminal justice system is based on the media who provide disproportionate coverage to stories about erratic or 'light' sentencing judgments (see, for instance, Hough and Roberts 1998; Gillespie et al. 2003).

cx Interviews with FSU immigrants, interview # 3.

cxi Interviews with FSU immigrants, interview # 26.

cxii Interviews with the FSU respondents, interview # 26.

cxiii Similarly, Gel'man maintains that “the 'legacy of the past' [i.e., the use of informal institutions against the arbitrary rule and repressive practices of the Russian state] has been indispensable and …the dominance of informal institutions is likely to continue indefinitely in Russia's political regime” (Gel'man 2004: 1023).

cxiv Interviews with the FSU respondents, interview # 24.

cxv Interviews with the FSU respondents, interview # 17.

cxvi Interviews with the FSU respondents, interview # 28.

cxvii Interviews with the FSU immigrants, interview #17.

cxviii Following scholarly literature, I use the word ‘informancy’ to define acts of supplying the authorities with information about citizens whose views and actions threatened the state.
Interviews with the FSU immigrants, interview #17.

Interviews with the FSU immigrants, interview #32; in the Russian language, the words that were used by these respondents—‘donostchik’ and ‘stukach’—are derogatory slang denoting the action of turning someone in.

For instance, Pavlic Morozov became a legend for turning in his father for hiding and storing food supplies, instead of turning them over to the State; his father was consequently executed.

Scholars have observed Russian words denoting informancy convey negative perception; this differs from a more neutral or positive connotation of a mere act of exposing wrongdoing (Martirossian 2004: 91).

Interviews with the FSU immigrants, interview # 29.

Interviews with the FSU immigrants, interview # 13.

Interviews with the FSU immigrants, interview # 21.

For instance, some of the interviewees questioned whether it was plausible to think that some people were discriminated against because of their ethnicity—that is, because they were Russian (interviews with the FSU immigrants, interview #7)—or any other reason (interviews with the FSU immigrants, interview #24).

Respondents were asked to rate various elements of the performance of courts—its role in dispute resolution, the fairness of the decisions and the fairness of the way the courts treat people and handle problems. They were also asked about their encounters with the legal system—including court proceedings and seeking the advice of legal counsel—within 10 years prior to the interviews.
In addition to the questions that investigated the general attitudes towards the courts, the respondents were presented with particular scenarios that examined their perceived willingness to use courts as a mechanism for dispute resolution. These scenarios involved the instances when courts’ involvement could be initiated by the respondents, as plaintiffs in different types of lawsuits; This as opposed to the cases when individuals must seek courts’ involvement—as in case of a divorce—or when her appearance is required by law, for instance, as a defendant.

cxxviii The Traffic Courts have jurisdiction in matters regarding the commission of traffic offences, and offences relating to vehicles, as specified in various laws.

cxxix The Family Courts have jurisdiction in matters of personal status, such as inheritance, child support, maintenance, guardianship, adoption and civil disputes between family members where the relationship is relevant to the dispute.

cxxx The Labor Courts have jurisdiction over numerous matters related to employment, such as disputes between workers and employers, protective labor laws, collective disputes, disputes between a union and its members or an employer and his association, pension matters, workplace equality, administrative matters relating to workers, etc.

cxxxi The Small Claims Courts have jurisdiction over civil claims filed by a plaintiff individual (no representation) for sums not exceeding a specified amount that is being amended from time to time (currently NIS50,000).

cxxii Interviews with the Israeli Jews, interview #17 and 20.

cxxiii Interviews with the Israeli Jews, interview #17.

cxxiv Interviews with FSU immigrants, interview # 1.

cxxv For instance, interviews with the Israeli Jews, interviews # 16, 18, 19, 2.
Interviews with the Israeli Jews, interviews # 9, 12, 16.

For instance, interviews with FSU immigrants, interviews # 4, 8, 9, 10, 14, 28.

Interviews with the Israeli Jews, interview # 23.

Interestingly, although numerous respondents mentioned ‘ethnicity’ as the reason for judicial bias, they were not unanimous in its effects: e.g., while some respondents maintained that Arabs are mistreated by the courts (interviews with the Israeli Jews, interview # 9), others claimed that they are treated better (interviews with the Israeli Jews, interview # 23).

Interviews with the Israeli Jews, interviews # 5, 12, 31.

Interviews with the Israeli Jews, interview #17 and 20.

Interviews with the Israeli Jews, interview #17.

Interviews with the Israeli Jews, interview # 20.

Interviews with the Israeli Jews, interview # 5.

Interviews with the Israeli Jews, interview # 10.

Interviews with FSU immigrants, interview # 5.

Interviews with FSU immigrants, interview # 34.

For instance, interviews with FSU immigrants, interviews # 4, 10, 22, 27.

These interviewees mentioned their views with respect to HCJ when asked the following question: “Overall, how good a job are the courts doing?”

Interviews with the FSU immigrants, interview # 30

Interviews with FSU immigrants #3.
This mistrust of law can be exemplified by a Russian proverb, still in use today: the law is like the shaft of a wagon; it goes wherever you turn it [zakon kak dyshlo - kuda povernul, tuda i vyshlo].

Interviews with FSU immigrants, interviews # 13 and 23 respectively.

Interviews with FSU immigrants, interview # 5.

The immigrations dates were between 1990 and 1994.

Naturally, I do not presume that ‘general Israeli population’ is homogeneous, nor do I imagine that this population shares identical views on different aspects of legal culture. Rather, I expected the FSU immigrants to demonstrate similar patterns to those of other Israelis of similar level of education, secular outlook and similar socio-economic status.

Also, see Arian et al. who—based on a survey of the general FSU population in Israel—assert that, “[O]n the twentieth anniversary of the beginning of immigration from the FSU, many immigrants express views that bring to mind the patterns of political behavior in the Soviet regime” (Arian et al. 2009: 88).

Krygier maintains that antipathy to law characterized not only the republics of the U.S.S. R., but was common throughout the Soviet bloc (Krygier 1990: 640-647). Hendley argues that these attitudes were induced by the highly instrumental use of law by Soviet style regimes (Hendley 1996).

Scholars have noted the persistence of legal culture and behavioral patterns, even when the law and institutions undergo expansive changes. For instance, Hendley—who examined attitudes towards dispute resolution among Russian businessmen after the collapse of the Communist Regime—asserts that they adjusted their old tactics of dispute resolution to the new reality,
continuing to avoid the formal legal instruments, such as invoking legal remedies against nonperformance (Hendley 1997: 246). Hendley notes that these attitudes persisted even though the institutional structure has been almost completely reformed (also, see Yakovlev 1996: 128). Because of its uniqueness, “[P]olitical scientists who compare political systems find difficulty in fitting Israel into their scheme“ (Arian 1985). However, while the scholars of political science still debate the precise classification of the Israeli democracy, “[N]otwithstanding the tendency to emphasize Israel's uniqueness, most students of the subject assume that Israel is a liberal democracy with certain consociational elements and some shortcomings” (Smooha 1997). Also, see Horowitz and Lissak 1990; Sheffer 1996; Smooha 2002.

See, for instance, Weinryb 1966; Korey 1972. On anti-Semitism in the era of perestroika, see Arzt 1990; also, see Romberg 1994: 25, who writes: “[A]lthough Gorbachev and his reforms held out the hope of changing the country for the better, the loosening of state controls in Soviet society also had the effect of unleashing rampant nationalism, and with it, the return of old voices of anti-Semitism, blaming the Jews for the ills of the country. The departure of state sanctioned anti-Semitism allowed the rise of grassroots expressions of hate and mistrust toward the Jewish population, manifested through threats and acts of physical violence. In this environment, many Jews held little hope for their future in the former USSR.”