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# How to Outsmart the System: Immigrants' Trickster Stories

Larisa Fialkova and Maria N. Yelenevskaya\*

*This essay investigates attitudes to the law on the part of immigrants from the former Soviet Union to Israel and concerns the problems at the crossroads of legal anthropology, folklore, and immigration studies. Brought up in a totalitarian state, Soviet citizens were not law-abiding. The law was seen as an instrument of suppression used by the state against an individual. Circumventing it was considered to be both moral and justified. Immigration has not led to a change in legal consciousness or behavioral strategies. Trickster stories in which narrators bending the law are presented as heroes are of high tellability and form a distinctive genre of immigrants' folklore. The essay is based on face-to-face interviews conducted by the authors and analyzes historical, folkloric and literary roots of the immigrants' nonchalant attitude to the law. Focusing on twin stories narrated by participants of the same events we show selectivity of memory and the first stages of folklorization of personal narratives.*

## Introduction

This essay focuses on legal consciousness and custom law as they are reflected in the personal narratives which we collected from immigrants from the countries of the former Soviet Union (FSU) in Israel. Russian-speaking Israelis can be regarded as a community with its own subculture. Like any other subculture it is on the periphery of society and is largely closed to outsiders. Immigrants from the FSU are distinguished by strong conviction that high educational level and affinity with Russian culture, considered to be an integral part of European culture, entitles them to a much higher social status than what they have attained to date. The vast majority of the group's members are determined to preserve the language and culture of their country of origin and to reproduce a familiar way of life, including leisure activities, cuisine, holidays, and so on. In addition, ex-Soviets have a distinctive attitude to law formed back in the USSR.

Interdisciplinary ties between law and anthropology were established over a century ago. Social scientists working at the interface of these disciplines have investigated the relationship of law and society, in particular, the way in which legal categories shape, reflect, or transcend the categories of society at large. Yet as Riles remarks, legal scholarship still almost universally operates in the realm of generalized assumptions without precise consideration of how ideas or fragments of ideas migrate across the boundary that distinguishes law from everyday life. Therefore, a critical ethnographic consideration

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of the cross-fertilization between law and anthropology reveals some surprising insights about the way in which ideas move among disciplines and, in particular, about how social categories come to be translated into the language of law (Riles 1994: 600-601). This task lies within the domain of legal anthropology.

Definitions of legal anthropology differ, but as Nixon remarks, everybody agrees that it seeks to illuminate the ordering of human society (<http://www.indiana.edu/~wanthro/legal.htm>, 10 June 2005). This discipline investigates the ways law, including custom law, operates in various cultures and analyzes concepts of justice as related to politics, religion, social life, economics and ethics. It studies how law influences society, and how society in its turn influences law. In the 1990s, experts in legal anthropology called for greater attention to interdisciplinary scholarship that would take into account advances in linguistics, narratology, and studies of transnationalism. Our investigation follows the latter trend as it is at the crossroads of legal anthropology, folklore, and immigration studies.

The Russian researcher V. Bocharov points out that ethnographic investigations form the first stage in studying the custom law of subcultures in modern society. They begin with the study of customs, myths, symbols, and rituals of the group (Bocharov 1999:13). It is important to note that in our material custom law emerges not as a custom sanctioned and approved by the state, but as a combination of mental and behavioral models aiming at resisting the state's pressure and preserving the group's integrity.

### **Material**

Material for this essay was drawn from two sets of interviews: 27 narratives were taken from 17 interviews, which were conducted in 1999-2003 and dedicated to various issues of migration. In 2005 we supplemented this sample with six focused interviews that yielded 10 more stories. In all we analyzed 38 narratives recorded from 23 subjects. Four plots appear twice, since we interviewed pairs of participants on the same events. Each interview was recorded separately to prevent the narrators from influencing each other's versions.

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

The stories that we recorded are related to the pre-emigration experience in the FSU and life after immigration. Our sample includes 12 stories about violation of customs regulations on the part of both emigrants and customs officials of the FSU; three narratives tell of forging documents to conceal ethnicity, four give accounts of false testimony, and two are about obtaining permission to emigrate without the consent of close relatives, which was a violation of the Soviet law. Out of six stories about bribes four are related to

customs control, and one to the bribing of a municipal official in order to accelerate marriage registration in the Soviet period. One narrative tells us about bribing instructors of an Israeli program for immigrant youth for non-reporting that a participant found a part-time job which violated the rules. Five immigrants told us how they had become victims of swindling in Israel. Three informants reported that in the FSU they had applied for emigration using invitations from non-existent Israeli relatives, and nine plots do not fall under the categories we have mentioned.

The list of plots we have already enumerated shows that we are concerned with sensitive issues. How can researchers obtain such stories? Obviously, a great deal of trust on the part of the subjects is needed. Since we are members of the same reference group as our informants, most of the interviewees were convinced that we could understand the circumstances and motives that made them violate the law. They probably would not have opened up had they not been sure we identified with their motives for deviant behavior. The second reason is that among ex-Soviets irrespective of whether they reside in the FSU, Israel, Germany, or the U.S., trickster stories are of high tellability<sup>1</sup>. If the audience is trusted, they are told with a lot of spicy and mischievous details.

### **Law and Swindling in Traditional Folklore and Russian Literature**

In traditional folklore the figure of the trickster appears in three main genres: trickster myths, swindler and fool's novellas, and animal novellas (see, Aarne and Thompson 1964: AT 1675, AT 1526; AT 1-299; Jason 1975: 42, 48). The most ancient of the three is the trickster myth, found in North and South American, African, Greek, Slavic, and Norse folktales. A trickster is defined as a god, goddess, spirit, human hero, or anthropomorphic animal who breaks the rules of the gods or nature, sometimes maliciously, (for example, Loki) but usually with ultimately positive effects. Often, the rule-breaking takes the form of tricks (e.g., Eris) or thievery. Tricksters can be cunning or foolish or both; they are often very funny even when considered sacred or performing important cultural tasks (<http://en.wikipedia.org/wiki/Trickster>, 14 November 2005).

An important feature of trickster tales is that they are ironic arenas in which corporeality and transcendence, the individual and society, meaning and the absurd, are mediated and celebrated <http://www.infoplease.com/ce6/ent/A0849406.html>, 14 Nov. 2005. There is no clear-cut distinction between fool narratives and hero-tales of 'native cunning' elevated to levels of 'Creator's helper' or 'messenger', and between the trickster and the culture hero (see, e.g., <http://en.wikipedia.org/wiki/Trickster>, 14 Nov. 2005; <http://www.pantheon.org/areas/folklore/folklore/articles.html>, 14 Nov. 2005). Meletinskii points out that jocular and novella-type folktales have evolved from archaic mythological tales about forefathers—culture heroes and their demonic-comic doubles, mythological tricksters. He emphasizes that along with "active" stupidity, jocular folktales portray "passive" stupidity; that is, simpletons' are easy to con and cheat. They are credulous of tall stories told by any trickster or swindler.

Many jocular folktales glorify tricksters and jeer at the gullible. An asymmetry, however, is evident and is closely associated with particular social connotations. In most cases

<sup>1</sup> In the course of fieldwork we also recorded narratives by ex-Soviets who immigrated to Germany and the USA. The motifs and attitudes in these stories are similar to those analyzed in this article.

smart thieves and mischievous pranksters enjoy positive evaluation, particularly, when their marks are landowners, serf owners, and priests. Notably, these tales express admiration of the trickster's smartness, creativity, and inventiveness. The comic effect of the situation is essential, but the social status of the victim is important (E. M. Meletinskii <http://www.ruthenia.ru/folklore/meletinsky14.htm>, 14 Nov. 2005). Social aspects of trickster tales can be found as early as ancient mythology. The hero, a human or an animal, is praised when he steals for the sake of the tribe but not when he violates rules of his own collective, attacks its members, or achieves profit at their expense (see Meletinskii 1979: 144-178).

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

Trickster stories and the theme of cheating are well-represented in Russian folklore-like novellas that became popular in the 17<sup>th</sup> century. They described in admiration the boldness and wit of the smart swindler who cannot hope to achieve a worthy position in the society by honest means and so will plunge into shameless adventures. In the 18<sup>th</sup> century the strengthening of Christianity and the development of culture constrained amoral and mischievous behavior and its poeticized description. The emergence of romanticism later that century relaxed moral limitations, but in the 19<sup>th</sup> century admiration of mischievous characters remained on the periphery, and writers refrained from praising swindling (Egorov 2002).

Folk attitudes to law and justice are reflected in proverbs. The most authoritative collection of Russian proverbs by Vladimir Dal' has several sections which deal with law, truth, justice, and courts. Some of them are maxims that served to regulate relations between the state and its citizens, community and individuals, landowners and serfs, and so on. But many evaluate the legal system ruling in tsarist Russia. These proverbs cluster in different compartments, such as "Law", "Departmental Court", "Court—Truth", "Court-Extortion", and others (Dal' 1957: 169-175; 245-246). Although some show respect for law and praise law abiding citizens, the overwhelming majority expresses acute distrust of law, and especially of judges. They are suspected of bribe-taking, pettifogging, and bending the law as they please. These proverbs reflect pessimism of a simple man convinced that without connections or money he would not find justice in court. Here are some examples of proverbs illustrating these points:

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

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

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

*Sudiam to i polezno, chto im v karman polezlo.*

(What's good for the judge is what's good for his pocket).

(see English equivalents in Mertvago 1995)

Distrustful attitudes to law intensified in the Soviet period as a result of Stalin's massive purges when millions of people disappeared in the camps without public trials. In post-Stalin's era the court was still viewed not as the place to seek for justice and settle disagreements but as the state's tool of suppression and an institution corroded by corruption.

### Old Attitudes in the New Surroundings

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

Working on this project we did not analyze such issues as tax evasion and illegal working by welfare recipients (see Fialkova 2005). Nor did we deal with the mass violation of the precepts of Judaism prohibiting Jews to work on Sabbath and religious festivals or eating non-kosher food. All these phenomena existed in Israel before the big wave of immigration of the 1990s, but then non-kosher stores and restaurants were mostly in the Arab sector. Today, Russian non-kosher businesses successfully compete with their Arab counterparts, and in some sense challenge the Jewish nature of the state (see Yelenevskaya and Fialkova 2005: 163-168).

Immigrants' attitude to various types of law violations is different. When they recall how they cheated the customs our informants were convinced they were right and saw their own behavior as the only means available to them to protect family property from inhuman Soviet laws, and maliciousness and greed of the officials. Confessing to tax evasion and attempts to forge documents, particularly those proving ethnicity and thus entitling Soviet Jews to emigration, perpetrators are aware of wrongdoing. Yet, they justify their behavior on the grounds of intolerable financial circumstances or attempts to improve their children's lot. Finally, secular immigrants' attitude to violations of the religious law is nonchalant, since this type of law is completely rejected by many ex-Soviets brought up as militant atheists. Our narrators had no qualms describing how they managed to circumvent rules and laws, and they perceived any successes in these violations as little triumphs over the subversive system rather than deviant behavior.

In the literature on attitudes to law no behavior is considered *per se* and universally deviant (Cohen 1959: 463). The term refers to conduct that departs significantly from norms. "It cannot be described in abstract terms but must be related to the norms that are socially defined as appropriate and morally binding for people occupying various statuses"

(Merton 1961: 723-724 cited from Jessor et al. 1968: 23). The common element of various definitions of deviant behavior is that deviance is not something intrinsic to the behavior itself. The socially defined criterion of evaluation is shared expectations about what behavior is appropriate and what behavior does not accord with social norms in each particular situation. (Jessor et al. 1968: 24)

As we showed in the previous section, the folk attitude to law in Russia demonstrates lack of trust. This is rooted in history, and its core is the balance of power between the state and the peasant community, and later society as a whole. The Russian ethnologist Svetlana Lurie observes that in pre-revolutionary Russia there were no regular or consistent relations between the state and members of society. The state in reality differed significantly from what it purported to be. It ignored the community, and the community, in turn, ignored the state by organizing its own life according to the laws that it had created. The community often confronted representatives of power when conflicts arose (Lurie 1997, downloaded in December 2005).

This lack of coherence might be one explanation of why the notions of law and morals are disconnected in Russian culture; moreover, justice is considered to be more important than truth (see, e.g., Lebedeva 1999; Lurie 1997; Stepanov 2001; Znakov 1997). Our informants had learned not to trust law or the state. And as Guboglo put it, a lack of trust is critical in the attitude to law since it leads to the supremacy of power over it. Ethical norms erode or are destroyed completely, while agreements and mutual obligations become valueless (Guboglo 2003: 215). Even after moving to another country immigrants often perceive the law as an instrument of oppression, and its violation as a right and moral action (Markowitz 1993: 202-210). Israeli sociologists have noticed that immigrants from the FSU are more tolerant of "white collar" crimes than veteran Israelis. However, when answering structured questions or participating in sociological surveys which include questions about the subjects' readiness to report violations of that sort, they made general statements without referring to their own experience and practices (see Al-Haj and Leshem 2000: 51-53). According to Rothman, even if respondents to structured questionnaires were asked what they would do in a hypothetical situation, one would not necessarily know what they would do if actually confronted with such situations. Choices made in hypothetical dilemmas may tell us little about respondents' actual behavior (Rothman 1980: 107). In the interviews that we recorded, people disclosed facts of their own life, thus becoming vulnerable. As we have mentioned, such stories are usually shared with members of one's own group, who are expected to understand that evading the law is a means of survival or a compensation for being an outcast (Tice et al. 2002: 175-187). Like the so-called "pardon tales" they turn the crime (or rather violation of the law) into a story (Davis, 1987: 1-6), yet in our case the aim is not to plead for forgiveness but to entertain the audience.

Personal narrative research always deals with the exposure of the sensitive aspects of the self. The researcher becomes responsible to the subjects for not violating trust. This responsibility increases exponentially when interviewees talk about the violation of the law and the moral norms prevailing in society (Miller 2000: 83). Luckily for us, the sample we collected contains no stories about crime or behavior threatening people's lives. Had it been otherwise we would have faced a serious moral dilemma. Another ethical problem that emerged during the fieldwork was that many informants were convinced that we shared their views and sentiments entirely, including their attitude to the law. Like other

immigrant researchers investigating their own group, we found ourselves in limbo between the Israeli establishment and the immigrant community. Trust and solidarity were poised ready to evaporate the moment our interviewees suspected we were serving *them*, the state. This suspiciousness was particularly strong among members of the older generation.

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

### **How to justify bending the law**

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

#### **Valeria, 70**

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

#### **Raia, 48**

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

Even in these short narratives a mother and a daughter emphasize various aspects of the events. Valeria reads numismatic catalogs and knows every piece of her family collection. She remembers the dates when each medal was issued, she knows in whose honor



the medals were produced and to which memorable events they were dedicated. She singles out one of the most valuable pieces of the collection and tells the interviewer how she pretended ignorance. When filling out a postal form she did not lie in describing the medal, because, indeed, it was dedicated to Pushkin. She did not falsify the date when it was issued; she merely omitted it. Thus a medal that had the status of an antique piece was sent as a contemporary piece. We can infer that for Valeria it was a daring act, and she drew strength by referring to folk wisdom. She invented a way to downplay the significance of the "gift" and displays satisfaction that the trick worked. The safe arrival of this particular medal seems more important to her than the loss of some others, which she does not even mention.

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

### **Natalia, 57**

*It was in November 1990. Quite a few friends and relatives are leaving for America and Israel. I didn't see off as many friends as some other people I know, but still many acquaintances from Ukraine and Georgia came to Moscow to register their [emigration] papers. And my mom and I witnessed all the dramas, and anxieties, and hurt feelings (pause). We saw all these heart attacks and tears, and a general mess. And most of the émigrés were reasonably well-to-do. I never saw off very wealthy or really rich people, but neither were the people I saw off poor. All of them had something they wanted to take out [illegally], and so they tried to cheat and sometimes they succeeded and sometimes they failed. And only twice in my life did I see off my friends... One was going to Italy. She had no property at all. She was going to join her fiancé and was eight months pregnant, and they [the customs] had taken her wedding band, no, not the wedding band, but the engagement ring given by her fiancé. It was a terrible tragedy, and still today I cannot make sense of it. I couldn't do anything then. I managed to send her that ring many years later... Oh, and one other friend, my very best, my closest friend ... she didn't have anything either. On her last day [before emigration] she bought a splendid leather jacket, the first one in her life. We carefully examined it, we checked many times whether it looked real smart, and we bought a couple of other garments too. And besides this, she had nothing else except bitter, piercing, sad and happy memories of N. and of everyone she'd left there. And finally we come for the customs examination. You know, when I saw off my relatives I knew that they had something, something that was in excess [of what was allowed by customs regulations], and something hidden, and something had probably*

been already sent [with other emigrants]. I would be worried how they would pass [customs control], but in this particular case there was nothing to be worried about. Because she really had NOTHING. The only anxieties were related to parting. And all of a sudden a petty man, in his petty position decided to show how much power he had been given at the expense of my friend. And probably he had previously done that at the expense of many other people. And how did he search this poor girl! Inside and out, from top to bottom, over and over again. And it wouldn't be such a big deal if it hadn't been for the fact that the only thing that he did find was her father's watch. Katia's father had passed away a long time ago. He was very dear to her. As far as I remember the watch didn't even work but the memory was powerful, not fake, and very important for the heart. The watch was confiscated. No, it wasn't confiscated, but Katia was told to leave it behind, the watch and some other trifles. And (pause), Katia went back and gave these things to me. And there was something else, I don't remember now, but it was really something completely unimportant, something like a sandwich or something else that couldn't be taken across the border. And the paradox of the situation was that not a single customs officer, including this particular one, none of them was on guard to defend interests of the country. And he was not alert to prevent valuables being taken out. He was simply a petty man who felt he was big and significant carrying out his terrible mission. As soon as he did carry it out, the interests of the country no longer bothered him, and the paradox of the situation was that we were allowed to come close to each other again and say goodbye once more. We couldn't even dream this would be possible. And when after all this horror, humiliation and pain Kat'ka realized she could come and kiss me once more, neither she nor I knew what would happen. But anger, I am not frequently possessed with anger but then it simply boiled over in me. I know there are moments in my life when I am capable of anything! Just at that very moment, all of a sudden I remembered that I had the watch! It wasn't important just to give it back to her but to prove something to them! And taking her hand in mine, I shoved the watch up her sleeve and whispered... I remember the first thing I said clearly, but don't remember at all what else I said then. I said, "Hold it, Kat'ka!" And then I said something else, something angry and revengeful. Something of the sort: "Damn them all!" Something of the sort, you know, slogan-type, and revengeful. And I felt relieved. And I had the feeling that it was some kind of a plot, and there was a belief that whatever you say, they couldn't take us with bare hands.

### **Ekaterina, 53**

Naturally, when we decided to leave we were thinking of how to take out valuables. Well, we didn't have real valuables, but those were objects that were dear as memories about the family and the people who had passed away. Well, besides, it was very difficult to take out old books because books published before 1945 were simply prohibited for sending them abroad. We had a big collection of books from the Academia publishers that had come out before 1945. And I remember how I gave them away to acquaintances, and I didn't know whether I would ever be able to come [to Russia] again. And so I had to leave many of my favorite books. I remember a scene in the Public Library, where we had to bring books and photographs for inspection and a permit for taking them out. There was a woman there who was terribly upset because she wasn't allowed to take out a photograph of her son wearing a school uniform. The old [Soviet] school uniform looked like the pre-revolutionary Russian school uniform. And the inspector, a young woman, became stubborn. She didn't know that such a uniform had existed [in Soviet times], and refused point blank to give a permit. The

*most... the most honest people, who had never even dreamt of cheating, indulged in it before departure. I know someone, a person of advanced age, a Ph.D. and a professor. She took apart her pearl necklace, interspersed real pearls with fake ones and decorated her cardigan with this mixture. It was fashionable then, you know, woolen cardigans decorated with pearls were all the rage (pause). And this is what happened to me when I was crossing the border. I had gold earrings, a pendant and a gold watch. These were not antiques, but Soviet-made objects. But apparently their total value was higher than what it was allowed to take out. And the customs officer, a woman, said, "Well, you'll have to leave something behind. Choose what". I wanted to leave the earrings, but she said, "No-no-no! Leave the watch". Fortunately, my friend was there to see me off. So I went back and gave it to her over the barrier, I mean the watch. Then it turned out that my luggage was overweight, so I had to take out some things out of the bag. I took out a blanket, a hair-dryer, and again handed it to her over the barrier. And when I gave these things to her, she took hold of my hand and put the watch into it. And so I crossed [the border] holding this watch and violating customs rules. I experienced the exhilaration of real triumph: I managed to outsmart the system at least in something.*

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

Ekaterina's narrative also includes three story lines: providing books and photographs for inspection, hiding real pearls among the fake beads, and finally, the twinned story about the watch. Like Natalia, she claims that virtually no emigrant left the USSR without breaking customs rules, and emphasizes that people were particularly eager to take out objects having symbolic value. Like Natalia, Ekaterina dwells on the lack of professionalism in the actions of the officials. Her memories of the episode with the watch, however, deviate significantly from Natalia's. First, it is the gender of the customs officer; secondly it is the reason why the two friends could come closely into contact again, and finally, it is the details of how the watch was secretly handed back to her. More importantly, Ekaterina's perception of the events is much less emotional than Natalia's. She doesn't

mention humiliation or anger. Nor does she confirm that her luggage was thoroughly searched. Nothing in her narrative indicates that, indeed, she was extremely poor at the time of emigration. Above all, she does not even hint that the watch belonged to her father or was a family heirloom. But both narrators are united in the feeling of triumph and revenge that they experienced when they managed to “outsmart the system”.

**Roman, 75**

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

**Raia, 48**

*This is a story of false evidence, or to be more precise, a story of how I persuaded my own father to give false evidence. It was like this. A friend of mine from N. had to prove that she was Jewish. And Jewish she was. I knew her still in N., and I knew her rather well too. In fact, it was enough to look at her to realize she was Jewish [laughs]. You would never find a more typical Jew. But something in her mother's papers, well, her nationality wasn't indicated. There was a period in the Soviet Union when there was no entry for nationality on the birth certificate. And she asked me to go to the rabbinate together with her to testify that she's Jewish. I promised I would, but when the day to do it approached, she called me, confused and frustrated, and said I wasn't right for the task, because only men can testify. She was extremely upset, and all of a sudden an idea occurred to me: "Wait, I'll ask my dad." My dad had never met her. I went up to him and said, "Look, my friend Marina is begging to go to the rabbinate with her and testify she's Jewish, but my testimony is no good, because they don't allow women's testimony. Can you do it?" And he said, "Sure." Marina came to pick him up. He saw her for the first time in his life then. He came to the rabbinate with her and testified with a lot of confidence that she's Jewish. Well, after all it was no lie. She **IS** Jewish.*

We asked Roman for an interview because we had heard him tell this story on various occasions among friends. Roman is a good storyteller and he relished telling of his mischief. He agreed to the interview albeit not enthusiastically. To our regret, the recorded version was stripped of juicy details and proved to be much drier and poorer in details than those we had heard before. Moreover, Roman did his best to disguise the fact of false evidence, although he hadn't been at all ashamed of saying it at all in the absence of the tape recorder. Unlike him, the second narrator, his daughter, was frank and revealed a couple of details missing from Roman's narrative. First, Roman failed to mention that he had become involved in problematic activities through his daughter, and our pledge of anonymity did little to reduce his vigilance. Apparently, he was not at all worried about himself but he wanted to protect his daughter from whatever trouble might arise and so

disguised her as “someone very close to me.” Secondly, he “forgot” to mention that he had first met the girl for whom he was going to testify only on the way to the rabbinate. Thirdly, Roman’s daughter Raia, who knew the couple well, had no recollection of the necessity to testify for the girl’s fiancé. Neither could she recall that the young man had come from the same town. And finally, Roman didn’t mention that the reason for his daughter’s request was related to gender issues, namely women’s inequality in the religious court.

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

Another interesting detail emerging from Roman’s story is that according to him, his credentials as a witness in the rabbinate were proven by his ability to speak Yiddish. Since many elderly immigrants from the FSU have not managed to master Hebrew, Yiddish remains the only language in which they can communicate with members of the receiving society. We don’t know whether the rabbi chose Yiddish as the most likely means of communication or whether, indeed, it was an additional means of verifying Roman’s own Jewishness, and in effect the validity of his testimony.

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

#### **Ekaterina, 53**

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

#### **Valentina, 59**

*Valentina: By that time Serezha had already been circumcised, but still, he sort of wasn’t Jewish because his mother is Russian. And we thought there would be complications*

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

Interviewer: Do you remember where it was?

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

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

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

Interviewer: No, it didn't.

Valentina: And he lives a normal life here and feels o.k.... I want to add something on the subject of law. Our amuta (Hebrew, voluntary organization) is the only island in the whole world of injustice. We sometimes try to..., we try to adhere to law and we try to act. Well, say, when they catch, sales people, that is, we try to catch salespeople in the act and make them do things according to the law; on the other hand on some occasions we try to bypass the law, because the law is so idiotic, so cruel, so absurd... Even Israelis, you know, and we together with them try to circumvent the law in order to help people. (...) And there are cases, very complex cases when a person finds herself in a terrible situation, absolutely terrible and all because of the stupid law. Well, you know what I mean.

Like in the previous pair of stories, here we have two versions differing in some relevant details. First, the two stories deviate in the sequence of events. Ekaterina indicates that false testimony was indispensable for circumcision, while Valentina starts her story by saying that it had happened after the circumcision. Since the career of the young man for whom our subjects gave false evidence proved to be very successful, Valentina forgot that the testimony had proven useless. When the interviewer, who had heard Ekaterina's story first, betrayed herself by showing that Valentina's memory might be failing her, she reconstructed the events more accurately. Valentina is open in admitting to giving false testimony. She elaborates on how the story of the relationship was invented. Ekaterina, on the other hand, does not openly divulge the fact of lying. She emphasizes her friendship with the young man's father as if this were the proof of his wife's Jewishness. After the two

interviews we met Ekaterina again and asked without a tape recorder whether she had done it deliberately or unconsciously. She tried to analyze her own motives and admitted that she wasn't sure. This leads us to believe that it was done semi-consciously, out of habit to conform to the norm. Contrary to three episodes in the six narratives quoted earlier, in the last one the trick failed. False evidence proved useless. But since none of the participants was punished, and since the young man's integration was not affected, Valentina's and Ekaterina's narratives radiate cheerfulness and optimism.

The motif that is common to the four stories about false evidence is the narrators' conviction that their behavior was moral. They were expressing solidarity with a "friend in need", thus proving once more that in Russian culture fairness is more important than the truth. In the first case, the participants thought that it was unfair that women's testimony was not accepted. In the second, the subjects thought it unfair that a young man who had the courage to start a new life in Israel all alone without family support should suffer discrimination. We are not sure that these stories would meet with sympathy from veteran Israelis. Fake Jewishness of immigrants from the FSU is a sensitive issue in the formal and informal Israeli discourse. Israeli society welcomes potential immigrants but finds it hard to tolerate the actual ones, especially when the latter do not meet Halachic criteria, or societal expectations, such as willingness to assimilate and readiness to mount the social ladder slowly instead of competing vigorously against veterans. For many immigrants ethnicity is a sensitive issue, because people feel they suffered discrimination in the USSR, irrespective of their being Halachically Jewish.

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

### **Conclusions**

All the narratives quoted in this essay, with the exception of Roman's, preserve the spirit of traditional trickster stories. They are novella-like personal narratives in which narrators act as heroes showing off their mischievous experiences and daring exploits. None of them cheated individuals but all were duping the system. Immigration has not changed the attitude to the state that has evolved in Russian culture: they still feel it is a relationship of confrontation requiring defense on their part. As is typical of Russian folk tradition, contemporary tricksters justify their duplicitous behavior by the weakness of their own social position or of the people on whose behalf they act. Stories of this type do not trigger criticism from in-group audiences; just the opposite—listeners usually express solidarity and start telling similar stories to enjoy the status of the hero themselves.

The analysis of "twin" stories confirms that recollections of past events are not static or fixed. As the Russian semiotician Viacheslav Ivanov points out, the real gift of human memory is not in passive memorizing but in creative reproduction (Ivanov 1998: 571).

Remembering is selective, it depends on the narrator's agenda, and on his/her role in the events. Sometimes the significance of this role is inflated, but sometimes an attempt is made to downplay it. In addition, audience expectations always affect the storyteller. Contemporary personal narratives with elements of trickster stories are rooted in the tradition and enrich it. The types of tricks change, but the social aspects, and the key features of the plots, remain the same.

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## Wie man das System austrickst: Immigranten erzählen

Larisa Fialkova and Maria N. Yelenevskaya

Dieser Aufsatz beschäftigt sich mit dem legalen Bewusstsein und dem gebräuchlichen Recht, wie es sich in den persönlichen Erzählungen von Immigranten aus der vormaligen Sowjetunion (FSU) widerspiegelt, die wir in Israel gesammelt haben. Die russischsprechenden Israelis bilden eine eigene Gemeinschaft mit der ihr eigenen Subkultur, und sind entschlossen ihre Sprache und Lebensgewohnheiten, die sie aus ihren Ursprungsländern mitgebracht haben, zu erhalten und so die gewohnten Lebensformen zu reproduzieren. Unter den verschiedenen Denk- und Gesinnungsmustern, die in der FSU geformt wurden, befindet sich auch ihre Einstellung zu Recht und Gesetz.

Sovietische Bürger sind in einem totalitären System aufgewachsen, und gerade deswegen fühlten sie sich an die Gesetze nicht besonders gebunden. Gesetze wurden als Mittel der Repression des Staates gegenüber den Individuen verstanden. Gesetze zu umgehen wurde da als moralisch richtig und berechtigt betrachtet. Die Immigration in andere Länder hat nicht zur Veränderung des legalen Bewusstseins oder der Verhaltensstrategien geführt. Geschichten von Schelmereien, in welchen der rechtsbeugende Erzähler als Held dargestellt wird, haben grossen erzählwert und bilden ein charakteristisches Genre der Immigranten folklore.

Dieser Aufsatz gründet sich auf direkten Befragungen, welche wir selber durchgeführt haben, und die sich auf die persönlichen Erfahrungen der Befragten unmittelbar vor der Emigration aus der FSU, und unmittelbar nach der Immigration nach Israel bezogen. Wir untersuchen die historischen, volkskundlichen und literarischen Wurzeln der non-chalanten Einstellung der Immigranten zu Recht und Gesetz. Die soziale Ausrichtung der russischen Varianten von Schelmengeschichten und Sprichwörtern zum Thema Recht und Gesetz spiegeln den Konflikt zwischen Staat und Gemeinschaft wieder. Soziale Motive stehen hier stark im Vordergrund. Alle Erzählmuster in den von uns analysierten Interviews erzählen von Gesetzesbrechern und können in folgende drei Unterkategorien eingeteilt werden: Schutz und Erhaltung des Selbst und der Familie; Schutz und Erhaltung des Anderen; Schutz und Erhaltung von Familieneigentum oder Eigentum von anderen. Die Erzählungen der Immigranten, die wir in diesem Aufsatz zitieren, erhalten den Geist von althergebrachten Schelmen- und Betrügergeschichten. Es handelt sich um romanhafte persönliche Erzählformen, in welchen der Erzähler als Held agiert, der seine Schelmenerfahrungen und wagemutigen Erfolge hervorhebt. Keiner hat seine Mitmenschen betrogen, aber alle haben das System dupiert. Die Immigration hat ihre Einstellung zum Staat, wie sie in der russischen Kultur entwickelt wurde, nicht verändert: sie fühlen sich noch immer mit dem Staat im Konfrontationszustand, der von ihnen Verteidigungsmassnahmen erfordert.

Auch die zeitgenössischen Schelmen rechtfertigen ihr zweideutiges Verhalten durch die Schwäche ihrer eigenen sozialen Stellung oder der Stellung der Personen, für die sie etwas unternehmen, genau wie dies auch typisch für die russischen Volkshelden ist. Geschichten dieser Art erwecken keine Kritik von seiten der Zuhörer, ganz im Gegenteil, die Zuhörer zeigen Solidarität und beginnen von selbst ähnliche Geschichten zu erzählen, damit auch sie in den Genuss des Heldseins kommen. Die spezielle Situation der Immigranten zeichnet sich dadurch aus, dass sie sich am Kreuzungspunkt

von Regeln und Gesetz befinden: Die Mentalität dieser Menschen wird durch ihre Situation im Ursprungsland immer noch beherrscht, während die Konsequenzen ihres Verhaltens von Gesetz und Praxis des Aufnahmelandes bestimmt werden. Indem wir uns auf Parallelerzählungen, welche von verschiedenen Teilnehmern der selben Ereignisse erzählt werden, konzentrieren, können wir die Selektivität der Erinnerung aufzeigen, und die ersten Stadien des Übergangs von persönlicher Erzählung in Folklore festmachen.