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## **Discussing legal adaptations**

Perspectives on studying migrants'  
relationship with law in the host country

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## Abstract

With immigration becoming a structural feature of nearly all industrialized countries, the twentieth century saw a development of a set of theoretical approaches to study the relationship between immigrants and the legal system of the host country. These frameworks – legal assimilation, legal transnationalism, legal pluralism, legal culture – legal consciousness – have developed largely in isolation from one another, sometimes but not always distinguished by disciplinary boundaries – law, anthropology, sociology, politics, international relations. The aim of this paper is to review and organize the scarce yet fragmented scholarship explaining the migration and law nexus in the context of migrants' legal adaptations to the new legal environment.

**Keywords:** immigration law, legal pluralism, legal culture, migrants' agency, legal transnationalism

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## Introduction

The aim of this paper is to review and organize the scarce yet fragmented scholarship on the relationship between immigrants and the legal system of the host country.<sup>1</sup> With immigration becoming a structural feature of nearly all industrialized countries, the twentieth century saw a development of a set of theoretical approaches to explain and to study the migration and law nexus. These frameworks, nonetheless, have developed largely in isolation from one another, sometimes but not always distinguished by disciplinary boundaries – law, anthropology, sociology, politics, international relations.<sup>2</sup>

The law is an integral part of every social order. According to the proponents of the jurisprudence perspective and more formalistic studies of the law itself, law arises as the outcome of the command of a sovereign lawgiver, thereby imposing an obligation on the citizen, and is underpinned by the threat of sanctions in the event of disobedience (Austin 1880). As a result, this tradition finds it impossible to reconcile the demands for the recognition of change, as instigated by immigrants coming from different legal traditions (with different legal orders), within the established jurisdictional limits. These philosophical and normative premises of how law operates were adopted by many scholars interested in the role and impact of a host country's state laws on the lives of immigrants crossing the national borders (Schuck 2007; Hein and Berger 2001), especially when the law itself precludes many from doing so freely, and confines them to the illicit means of border-crossing and 'spaces of non-existence' upon arrival in the host country (Abrego 2008; Coutin 2000; Hagan 1994). However, while the power relations between the state law and the immigrants remain uneven (the famous 'law is all over', Sarat 1990), this theoretical tradition does not devoid migrants of their agency *vis-à-vis* the host country's state law.

A cultural perspective on law, as another distinctive theoretical tradition setting the premises for investigating immigrants' relationship with law, makes no assumption that the law must be laid down and enforced by the state; hence what the lawyers might interpret as mere 'custom', anthropologists accord the same status as constituted law. They routinely assume that players operate within networks of social relationships, within the context of a self-governing community (Ballard 2010). As a result, dispute settlement is more a matter of mending relationships than of deciding which of the two competing parties is wrong (*ibid.*).

The cultural perspective, if applied without nuances and qualifications, is however prone to abuse: it is usually the behaviour of 'they', the others (the immigrants or members of minority groups) which tends to be regarded as culturally conditioned, while the behaviour of the dominant majority is 'just normal' – 'culture' might be envisaged as the antithesis of normality (Ballard 2010). For legal pluralists therefore, for the 'law' to be recognized as legitimate, the link with the state as the sovereign and enforcer of law is not a necessary condition. This theoretical tradition produced interesting and enriching accounts

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<sup>1</sup> I would like to thank Darshan Vigneswaran for his helpful comments and suggestions on an earlier version of this paper.

<sup>2</sup> While this paper focuses on the intricacies of international migrants' responses to the legal system of the host country, many of the dynamics referred to here apply equally to internal migrants who move between different legal cultures or forms of social ordering within the borders of one country. For an excellent piece on how internal Chinese migrant workers – entrepreneurs – build their relationship with licensing laws in Beijing see He, Xin (2005).

of how immigrants or members of ethnic minority groups organize themselves upon arrival in the host country, and negotiate recognition of their legal order. Law as a context-specific phenomenon is therefore perceived as no more static than the social arena in which it is utilized, or than the interpersonal relations articulated on the basis of its premises (Ballard 2010).

However, by distancing itself so strongly from the state law, this tradition lacks insights into more nuanced forms of adaptations. While the accounts of how immigrants rebuilt their community life 'on their own terms' (Ballard and Banks 1994), including the order, legal hierarchies, and means of dispute resolution, provide rich insights into the means of legal adaptation, the main focus remains inward-looking, on the community itself. The relationship between the immigrants and the host country's state law is usually intermediated via communities' distinctive 'rules of the game', and tells us little about their members' values or attitudes to the host country's state law – how immigrants perceive the host state, its institutions, and enforcement agencies, and whether these views, values and attitudes undergo a change. The communities are not homogenous, but complicated by those characteristics of their members other than 'cultural' ones (class, education levels, socio-economic positions, to name but a few). Moreover, the immigrants do not exist in a uniform and homogenous socio-legal environment. Therefore the theoretical tradition of looking at nuances in peoples' understandings, attitudes, values and behaviour towards the law – recognized in the legal culture/ legal consciousness literature –also proves helpful in situating and subsequently addressing the question of how immigrants relate themselves to the law in the host country.

This paper therefore articulates different ways of explaining the connection between migration and law in the context of migrants' legal adaptations to the new legal environment. To clarify the fragmented debates I organize the approaches around the relative importance attributed to the main analytical concepts: Law (Legal Assimilation), Migrants' Agency (Legal Transnationalism) and Culture (Legal Pluralism, Legal Culture - Legal Consciousness) in the context of international migration.<sup>3</sup> Some studies fit this typology better than others, and some researchers balance at the verges of both, therefore this review should be viewed as a heuristic device or a general tool used to make sense of the arguments being advanced. Although my treatment of the literature is neither exhaustive nor representative, it brings together theoretical positions and their empirical explications.

## **1 Legal assimilation**

In the body of literature on assimilation, acculturation and integration, the law of the host country and its legal environment, especially immigration rules, have, so far, been considered as the minimum migrants should comply with on arrival in the new country. Many scholars of migrant adaptation portray migrants' learning and complying with the host state's legal system as 'a habit change'; a change of behaviour resulting from migrants' experiences within the public sector (Cronin 1970:17).

The legal environment, immigration laws and institutions of the host society have been widely recognized in the current normative legal literature, where they figure most

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<sup>3</sup> For an excellent review of the relationship between law and culture in socio-legal studies, see Saguy and Stuart (2008).

prominently as factors responsible for the quality and timescale of the legal integration of immigrants. Studies of migration policies 'in the making', and of their administrative actors, have focused on the trajectories and practices of those actors and highlighted the fundamental role they play at various levels (cf. Guiraudon 2003; Joppke 1999). From decision to implementation, they are the ones carrying out immigration policies, fashioning and shaping their evolution. Moreover, several authors have focused on the genesis and development of these policies at national and supranational (e.g. European) level (cf. Lahav and Guiraudon 2000; Boswell 2008).

Schuck (2007) in his chapter 'Law and the study of migration' provides insights into how legal rules, institutions, processes, and decisions affect the movement of people across national borders. He sees law as the paramount that both shapes the incentives that drive the decisions of potential migrants, as well as constrains them, both in their countries of origin and destination:

*law defines individuals' rights to property and economic activity, political participation, physical security, religious and cultural identity (sic!), and family relationships... the content and configuration of these extra-immigration rights help to structure the set of opportunities that people can exploit (Schuck 2007: 241)*

Schuck sees legal rules as responsible for the complex array of incentives that individuals and groups take into account in deciding whether, when, how and where to migrate (Schuck 2007: 253).

The impact of law and state institutions on the quality and character of migrants' legal integration has also been stressed by researchers grouped around the Migration Policy Index (MIPEX) project. MIPEX is a biannual survey on a widening range of policy areas, which are considered critical to legal integration. It aims to compare national laws and policies according to the normative framework of equality of opportunity (expressed in rights and responsibilities located in EC Directives), which EU Member States are obligated to transpose into their national laws (Huddleston 2008). Huddleston, co-author of the second edition of MIPEX, defined legal integration purely with reference to hard, institutional factors in the competence of the state, as: 'migrants' legal status, residence rights, citizenship, and access to rights, goods, services, and resources' (Huddleston 2008).

Similarly Hofinger (1997), in constructing an index of legal integration that well preceded the establishment of MIPEX, saw the destinies of migration as widely determined by national legal systems. He also saw legal integration as a necessary condition for social integration, as the systematic prolongation of legal differences between the citizens of the state and immigrants reinforced social discrimination against the latter (Hofinger 1997:29).

One cannot help but notice that in Schuck's analysis, migrants are presented as passive recipients of the opportunity structures consisting of immigration laws and state policies as expressed in the works of legal institutions. In the case of 'illegal' migrants it is the 'procedural delays and release pending removal (that) enable them to gain most of what they migrated for in the first place' (Schuck 2007: 248). Any indications of migrants as active and responsive agents are limited to those 'few who do manage to beat the system and elicit criticism of the immigration agency' and therefore weaken enforcement incentives in future cases (Schuck 2007: 248) – immigrants as villains or victims.

The comparative review of early immigration policies emphasized the demands from the state for conformity at certain levels. These were usually associated with legal and civic matters:

*whatever the ultimate extent of the voluntary acculturation that immigration today demands – and quite clearly will demand in the foreseeable future – it is the conformity in civic and legal matters from the time of first contact. This is the minimum, which will inevitably be required by any national government (Borrie 1959: 94).*

The classic studies on migrants' assimilation and acculturation regarded compliance with the legal sphere – including the body of immigration laws – as the common denominator; the immigrant had to conform to the political and legal framework of the land; and, after a period of apprenticeship during which s/he showed s/he was prepared to obey the rules of the game, s/he could generally, if s/he wished, become a full participating member at these levels through the act of naturalization (Borrie 1959; Cronin 1970; Castles 2000; Kallin 2003).

Other scholars of migration and migrants' assimilation included the sphere of law in those broad areas of life which fall into the public sector (as opposed to those areas of life which fall into the private sector – family patterns, friendships, membership of associations, home language, etc.), and were therefore controlled to some extent by the legal and moral sanctions of the country. Immigrants' behaviour with regard to these rules, and to the whole body of law in the new country, was considered to be affected quickly and easily by conditions of change (Cronin 1970: 13).

The public sector included all those activities in which the immigrant was coerced to conform to societal rules and regulations and in which deviancy was punished. Thus, adherence to the laws of the new country was considered to be one of the public sector variables:

*In the workplace, he (the immigrant) must obey the rules of the company in his tasks and the rules of the society in his interaction with fellow workers. If he...turns to a life of crime, then he has transgressed several societal and legal norms and will be imprisoned (Cronin 1970: 14).*

Empirically, migrants' legal assimilation – as the behavioural response to the legal environment of the host country – was studied by Jeremy Hein and Randall R. Berger (2001). Their main question focused on how international migrants litigate civil matters and therefore use the host society's legal system to seek redress for grievances during the resettlement process. Legal adaptation was defined as the process of change (adjustment) which enabled international migrants to participate proactively in the host society's legal system. The core component, and indicator of legal adaptation, was the increasing number of immigrant plaintiffs in civil litigation.

According to Hein and Berger, immigrant plaintiffs provided the most direct indicator of legal adaptation, because civil litigation occurs on terms entirely dictated by the host society. Hence migrants, in order to become plaintiffs, had to acquire legal competence – knowledge, social contacts, and material resources – to participate effectively in American institutions, and complete what legal scholars term 'the dispute process': the complex, often incomplete chain of events leading from a grievance to a claim, from a claim to a dispute, and from a dispute to litigation (Hein and Berger 2001: 420).

In the research, a sample (N=137) of state and federal civil cases with at least one Vietnamese litigant was used to analyse the temporal patterns in legal adaptation among Vietnamese refugees from 1975 to 1994. Hein and Berger identified the changes that occurred among Vietnamese refugees in terms of rapid legal adaptation (Hein and Berger 2001: 420): civil suits with a Vietnamese plaintiff and a native defendant tended to occur earlier than civil suits with a native plaintiff and a Vietnamese defendant. In conclusion, Hein and Berger stress 'rapid and profound changes' in immigrants' legal behaviour, and smooth legal assimilation is attributed mainly to the role of legal organization in the host country (Hein and Berger 2001).

## 2 Legal transnationalism

The law's impact on international immigrants has recently been claimed to be more visible than ever. With the change in character of contemporary migration movements came the changes in legislation – exclusionary practices aimed at securing the borders of nation-states – especially in regard to the national labour markets. Since the mid 1970s there has been an observable turn in almost all states' policies 'to limit immigration and to enforce those limitations through legal and extra-legal techniques' (Schuck 2007: 241).

Transnationalism as a framework for looking at migrants' relationship with law in the host country brought to the forefront of the analysis the changing, more exclusionary nature of immigration laws, placing migrants in a limbo between the host country and the country of origin. As Bill Jordan and Franck Düvell observed in their study of incorporation of irregular migrants:

*irregular migration occurs because states make rules about who can legally cross their borders. Under conditions of globalization, these rules promote transnational economic activity, but limit who can work and stay (Jordan and Düvell 2002b: 235).*

It is the law that determines the formal status that migrants might enjoy and entitlements they could claim; the law contributes to the normative and cultural settings that migrants find themselves in on arrival. It is the law that designs, disciplines and legitimizes the political institutions and legal procedures of immigration that migrants must pass through (Schuck 2007: 254).

Although the restrictions on migratory inflows imposed by governments on the basis of race, national or labour market criteria could be traced back as early as the 1880s (Castles and Miller 1998: 91), the official views on illegal immigration changed dramatically as economic conditions worsened, unemployment increased, and anti-immigrant political movements began to attract support in the 1970s and 1980s. The growing apprehension about numbers of immigrants, and subsequent regulatory measures to tighten up controls, confirmed the power of the state to distinguish between its own citizens and 'aliens', in step with the extension of its welfare functions at the national level. The state re-established its position not only in deciding who is admitted, but also who is treated as a full citizen.

In the UK, the changes in immigration policy and legislation were revealed in the Commonwealth Immigrants Act 1962 & 1968, Immigration Act 1971 (the cornerstone of UK immigration law), followed by the British Nationality Act 1981, Immigration Act 1987 and 1988, Asylum and Immigration Appeals Act 1993, Asylum and Immigration Act 1996,

Immigration and Asylum Act 1999, Nationality, Immigration and Asylum Act 2002 \& 2004, the Immigration (European Economic Area) Regulations 2004 \& 2006 (revised), Immigration and Nationality Act 2006, UK Borders Act 2007, and the most recent Criminal Justice and Immigration Bill 2008, or Borders, Citizenship and Immigration Bill 2008. In the USA they took the shape of a large-scale ‘amnesty’ programme under the Immigration Reform and Control Act of 1986, only to be followed by the tightening of immigration control in the National Immigration Act in 1990, Personal Responsibility and Work Opportunity Reconciliation Act 1996, Illegal Immigration Reform and Immigrant Responsibility Act 1996, and American Competitiveness and Workforce Improvement Act 1998.<sup>4</sup>

Although these laws were passed as an effort to curb immigration by restricting access to citizenship and restricting labour markets to legal citizens, legal permanent residents and other authorized workers (highly skilled migrant workers in particular), they also transformed legal status into an elitist and exclusive concept, practically unattainable for many contemporary economic migrants. As a result of these legal changes, immigrants’ ‘otherness’ has become legally constructed through the reproduction of contingent illegality (Calavita 2005: 72). Calavita, in *Immigrants at the Margins* (2005), looking at the receiving countries of Spain and Italy, argued that the genuine integration (and assimilation) framework became exhausted and this failure was linked to the immigrants’ economic marginality that the law reproduced (Calavita 2005).

De Genova’s research provided empirical support to the theoretical claims made by Calavita (2005). In his article on the ‘Legal Production of Mexican/Migrant “Illegality” in the United States’, de Genova observed that while no other country has contributed to the US economy as much as Mexico in terms of supplying labour force, the changes in US immigration law since 1965 have created ever more severe restrictions on ‘legal’ migration from Mexico (de Genova 2004: 16).

The restrictive laws and hardening of immigration policy have curtailed the rights of both legal and illegal immigrants, shifted the orientation of immigration law from serving to policing functions, and most importantly linked immigrants’ work contracts more closely to their legal status (Calavita 2005: 41–5). The law has become critical to immigrants’ strategies, in that legal status is increasingly a pre-requisite for rights and services, and immigration law is now embedded in other institutions and relationships (Coutin 1998: 901). Therefore the framework of transnationalism in socio-legal research on migrants helped to understand why their responses towards the legal environment of the host country became more complex and less straightforward than anticipated by the earlier research.

The nature of the changes in immigration legislation transformed the legal status in the host country from being considered as a required minimum, which migrants, via the initial period of ‘apprenticeship’, should (and actually would) obtain relatively easily by ‘mastering the rules of the game’ (Borrie 1959: 90–1), into a ‘good’ which migrants should now struggle for. As a result, migrants lead transnational lives between two locations (their home and receiving country), not only because they choose to, but mainly due to the exclusionary character of the laws of the host country, which do not allow them to settle.

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<sup>4</sup> Analogous acts and changes in legislation aimed at securing nation-state borders were passed in other traditionally receiving countries: Canada, Australia, Germany, and France. The detailed presentation of data for the UK is justified by the fact that the UK is the main focus of this analysis. The USA was selected for comparison purposes.

The level of requirements migrants have to adhere to in order to comply with the law of the host country was transformed into complicated and time-consuming immigration regulations. For those who entered their respective host countries via other (than clearly specified) routes, conforming to the political and legal framework of the land now means engaging in legalization strategies (Mahler 1995; Hagan 1994; Coutin 2000). Not surprisingly therefore, many of the migrants, having faced a complicated bureaucracy of application requirements and renewal deadlines, frequently fall into illegality (sometimes despite their best efforts (Calavita 2005; Menjivar 2006).

## **2.1 Behavioural responses to law: legalization strategies**

Relatively few studies have so far focused on the intricacies of (especially undocumented) immigrants' behavioural responses to the legal environment of the host country via the the legalization strategies they devise to deal with the body of law. These legalization strategies could be understood as migrants' efforts to follow and/or to challenge immigration law in the struggle for the change of their legal status from illegal immigrants to residents.

Susan Bibler Coutin, in her book with the very telling title *Legalizing Moves* (2000), looked at the battle fought by Salvadoran immigrants for two decades to win legal permanent residency in the USA. Drawing on interviews with Salvadoran asylum applicants, observations from deportation hearings, and fieldwork within the Salvadoran community in Los Angeles, Coutin illustrated not only the profound effects of increasingly restrictive immigration laws on the lives of undocumented immigrants in the USA, but mainly how immigrants in their 'legalizing moves' wrangled with the system that classified them, structured, and, in some cases, re-structured the law. Migrants, by active engagement in the campaigns to influence the changes in the legislation with regard to the undocumented immigrants from Salvador and Guatemala, also sought to change US refugee policies and Central American policies derived from US immigration law itself.

Activists and immigrants themselves challenged and stretched the law in order to define and sometimes re-define themselves in legal categories (Coutin 1998: 907). By shifting the focus from the law's ability to control entry, to immigrants' attempts to negotiate their legal status in the USA, Coutin suggested that migrants are far from being powerless, but actively respond to authorities' political manoeuvrings (Coutin 2000).

Similar conclusions could be drawn from Hagan's research on the responses of the Maya Community in Houston, USA towards the Immigration Reform and Control Act of 1986 (IRCA 1986). She portrayed the Mayan immigrants as active and empowered decision-makers, as they subverted the legalization process in ways that challenged the policy makers' assumptions. Hagan's approach, revealing migrants' wide variety of responses towards the law, is particularly apparent in the title of her book: *Deciding to be Legal* (1994). Initially, most of the immigrants assumed that they could not become legalized because they were ineligible, but as time passed they discovered that the Immigration and Naturalization Service (INS) office was interpreting the documentation requirements of the legalization programme fairly loosely. As a result, immigrants who were technically ineligible began to apply, securing the necessary documentation through their social networks. Though their goal at the time of applying was merely to obtain work authorization while their applications were pending, most were granted legal status. Despite obtaining legal status, many of these immigrants maintained that they might eventually return to

Guatemala, thus countering the popular notion that US citizenship was every immigrant's dream.

Contradictions of adaptation, settlement, and legalization, for women as well as men, underscore the importance of moving from a simplistic, uni-linear continuum whose end points are marked by supposedly mutual exclusive categories such as 'sojourner' and 'settler' to more multi-dimensional perspectives that recognize that many migrants live for long periods of time in a transnational context where categories may overlap and community boundaries may be fluid in time and space.

Hagan analysed migrants' legalization strategies integrating human agency and structural constraint by showing how individual understandings and social interactions aggregate to partly shape institutions, while institutions and larger social structures provide the foundations for and constraints on individual understanding and social interaction. Her research demonstrates that 'the Maya were far more than passive recipients of immigration policy: they perceived, interpreted, and ultimately acted upon the program' (Hagan 1994: 91).

A similar argument was made by Mahler (1995) who documented various activities of Salvadoran and Guatemalan immigrants in the USA centred around the struggle for the change of their illegal status in response to the Immigration Reform and Control Act of 1986 (IRCA). The desire for legalization was however often achieved by the employment of illicit and illegal means.

Mahler bitterly assesses the impact of IRCA 1986 as straining the relations between employers and employees and making many people feel illegitimate (Mahler 1995: 165). As a result, many undocumented migrants excluded by the legalization programmes were enticed into fraud by the hope of securing legal papers. Mahler paints a portrait of a community fraught with internal tensions and ample opportunities for migrants to exploit each other. Her ethnography brings evidence of a pseudo-legal industry of offices and assistants that materialized quickly after IRCA's passage and undertook, on a large scale, the forging of documents, producing bogus green cards, and filling in invalid asylum application forms on behalf of immigrants who believed that they had merely applied for work authorization (Mahler 1995: 164). These pseudo-legal practices found a good market for their illicit business among many of those immigrants who could not avail themselves of the legalization programme, or could find no other means to obtain legal status, but to buy fake documents and present them to their employers (Mahler 1995: 167).

These studies of migrants' responses to law, which are concerned with the behavioural changes migrants either chose or were coerced to undergo in order to adapt to the legal system of the host country, revealed migrants' agency *vis-à-vis* the law and the legal system of the host country. Migrants were not merely passive recipients of the institutional and legal structures designed by the host country (very often prior to their arrival), but actively engaged themselves with the law in pursuit of their goal: change of their legal status. They re-defined themselves in legal categories (Coutin 1998), very often challenging top-down divisions and strict legal definitions (Coutin 2000). Others exercised their agency by acting on the legal system (interpreting, challenging or manoeuvring the existing rules and regulations) and legalization programmes with the purpose of making more or less informed decisions whether or not to legalize their status (Hagan 1994).

These studies revealed the complex dynamics in migrants' behavioural strategies towards the law of the host country, and prompted the observation that not all of the migrants were oriented towards a change in their legal status. Yet, as documented by Mahler (1995), migrants' agency and engagement with the immigration laws of the host country was not benign in its consequences; it resulted in the establishment of pseudo-legal business links among the migrants, with an army of 'legal assistants' recruited from within the immigrant networks, whose inadequate interpretation of the immigration regulations left many fellow applicants in direct danger of deportation. The failed applications, compromising their identity, in turn trapped many migrants in the state of 'liminal legality' (Menjivar 2006).

The above research on recent migrants' legalization strategies, and the intricacies of their responses to law when compared and contrasted with the earlier research on the relatively smooth and rapid legal assimilation of Vietnamese immigrants in the USA (Hein and Berger 2001) or Sicilian immigrants in Australia (Cronin 1970), points to the following conclusion: there is a shift in the analytical perspective required to study new groups of immigrants in a changing and globalizing world, and to study the different outcomes of legal integration between these groups.

Under the framework of legal assimilation, Sicilian and Vietnamese immigrants (Cronin 1970; Hein and Berger 2001) were presented as fairly homogeneous and without major sub-distinctions within their national groups (as the main unit of analysis). Their initial socio-legal assimilation was considered in terms of 'rapid and profound' changes, and no major distortions from this trend were ever noticed (Hein and Berger 2001).

Legal transnationalism instead enables one to see the migrants not necessarily as passive recipients of the legal environment and hence owing their status to their lack of knowledge and understanding of immigration regulations. The research by Coutin (1998) and Hagan (1994) reveals the behavioural choices of migrants from the perspective of their agency. It portrays the migrants as active agents, engaged with the legal system or often challenging it, deciding to be legal (or not), as well as – by the sheer volume of the semi-legality phenomenon – de-legitimizing the black-and-white legal divisions of the host country's immigration law. Mahler (1995) shows that those semi-legal migrants are not necessarily bad-natured, but rather – taking the legal environment as the framework of their choice – determined to ensure that they themselves benefit more, even though their choices remain legally questionable and – for many observers – against their own interest. Mahler questions the benign view of social networks solely from the perspective of social capital in favour of economic individualism and competitiveness (cf. Jordan and Düvell 2002b).

## **2.2 Attitudes towards law**

Migrants' cognitive responses towards the legal environment of the host country, in terms of attitudes, values, images and interpretations of law, have been given considerably less attention in the literature than their behavioural strategies toward the law.

In the area of law enforcement, John Huey-Long Song (1992) analysed qualitatively and quantitatively the attitudes of Chinese immigrants and Vietnamese refugees towards the law in the USA. The application, enforcement and interpretation of legal rules tend to be more mechanical in the USA than in China and Vietnam, where the ideas of rule and law are

more flexible and more situational (Song 1992). As a result, many Asians maintained a deep distrust of formal institutions such as the police and the courts, which addressed situations that they believed should be handled privately, and exposed them to public scrutiny and public decision-making.

A similar argument concerning the way in which distrust towards the official law and its institutions can characterize migrants' attitudinal responses to the legal environment of the host country is found in Coutin's *Legalizing Moves* (2000). Migrants' attitudes to and understandings of law often clash with real consequences, as in the case of the immigrant who thought she had applied for a work permit, but had actually signed an application for political asylum (Coutin 2000; Mahler 1995). This is because migrants' understandings and interpretations of law arise largely informally through contacts with other immigrants, and focus primarily on obtaining the correct papers that will permit them to live as they wish without fear of the Immigration and Naturalization Service (INS). Migrants' attitudes to law are very much related to the ways in which law affects their day-to-day lives – changing jobs, applying to college, opening bank accounts, getting driving licences, or coming across immigration authorities when travelling (Coutin 2000).

Migrants' values and attitudes to law in relation to their everyday life experiences also seem central when explaining the effects of the California Assembly Bill 540. The bill granted undocumented immigrant students an exemption from out-of-state tuition, thereby making some forms of higher education more accessible (Abrego 2008). Immigrant students, actively engaged in the campaign for changes in the law, used the language of 'justice' to claim legitimate spaces for themselves in higher education. Abrego sees their actions as informed by their attitudes and values to law. Unlike their adult counterparts who were socialized in their home countries, an undocumented youth's interpretations of law were largely informed by American social values that venerate education and individual merit. Abrego asserts that academically high-achieving students strongly shaped by these beliefs declared themselves worthy and legitimate members of society, even though they were legally immigration outlaws (Abrego 2008: 730).

The research on migrants' attitudinal responses to the law and legal system of the host country, their images, understandings and interpretations of the law is important, as it shows that while courts and other state actors play important roles in the production of law, ordinary citizens and subjects also contribute greatly to the meaning and outcomes of law. Although marginalized groups like undocumented or semi-legal migrants have been known to stand against the law (Ewick and Silbey 1998), the research focusing on how migrants cognitively relate themselves to law also opens up the potential for innovative actions to exploit the law's possibilities and invoke its power and protection (Abrego 2008: 731).

While reviewing the literature on immigrants' responses to the law of the host country, it nonetheless becomes apparent that all the studies focused exclusively either on immigrants' behaviour towards the law (legalization strategies) or their attitudes, values and understandings of it (Abrego 2008; Song 1992). With the exception of Coutin (2000), no other study proposed a combined approach to behavioural and cognitive spheres in addressing the issue of migrants' relationship with law and the legal system of the host country.

Moreover, in the above literature little has been said about migrants' understandings, interpretations, values and attitudes to law prior to their civic engagement in legalization

strategies. The research casts little or no light on migrants' prior values and attitudes to law, or their legal behaviour prior to their arrival in the USA. We do not know how migrants' past experiences of law, their cultural repertoire of 'toolkits' and habits might have influenced their behaviour (coping strategies) and attitudes to law on arrival – well before their decisions on engagement in the legalization process, and their organization as a civic movement.

### **3 Culture mediating migrants' responses to law**

This brings the review to the concept of culture. The cultural lens has been widely accepted in the research on migrants' responses to the new environment of the host country. Several studies have pointed out ways in which pre-migration cultural conceptions and social practices continued to have a force in the country of immigrant destination (Wakil et al. 1981; Yanagisako 1985; Kibria 1993; Hondagneu-Sotelo 1994; Foner 1996; Read 2004; Lim and Wieling 2004; van Niekerk 2004; Bhattacharya 2008). The empirical research demonstrates that the cultural 'baggage' provides some sort of a lens or an algorithm with which to interpret the 'unfamiliar' and to make sense of new experiences. Certain cultural meanings became imprinted on the understanding of the new environment. Although migrants do not exactly reproduce the cultural understandings, meanings, and symbols brought with them from their home, their choices of lines of action continue to be influenced by values and norms, as well as by actual patterns of behaviour that they had internalized at home.

Surely culture must also play a role in how migrants relate themselves to the legal system of the host country. Legal culture, as part of general culture, relates to those parts of general culture – customs, opinion, and ways of doing and thinking – that bend social forces towards or away from the law in particular ways (Friedman 1975: 15).

Culture presents a useful way of lining up a range of phenomena into one very general category, where behaviours, attitudes (as well as institutions and processes) could be intelligibly – that is thickly – described (Geertz 1975: 3). With no doubt, however, legal culture is a much more multifaceted concept than that.<sup>5</sup>

#### **3.1 Cultural defence**

The culturally mediated expectations of the law found application in research on how immigrants follow, contest and resist the law with particular application to civil and criminal court cases involving migrants. The use of culture as a defence in civil litigation in American courts has been introduced by established religious minorities (Amish) or newer groups (Sikh) (Sellin 1938: 39), and used as a part of legal strategy. Although not formally, culture has practically been recognized in courts, usually at sentencing.

Thorsten Sellin, as early as 1938, looked at the various forms of cultural defence that immigrants (or their representatives) employed during the litigation process in American courts (Sellin 1938). He first identified the potential conflict between the conduct norms of immigrants coming from different ethnic and cultural groups, and the legal, codified norms

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<sup>5</sup> For discussions on legal culture, its unit(s), theory and analytical usefulness cf. Friedman (1975; 1990; 2001), Kurkchyan (2003), Nelken (1995; 1997; 2001), Nelken and Feest (2004).

of the US legal system at a time when most foreign-born residents were from southern and eastern Europe (Sellin 1938).

Culture, as a factor mediating migrants' responses to the legal system of the USA, has been considered with regard to a wide variety of immigrant groups: Asian-born (Ma 1995), Albanian (Brelvi 1997), Russian (Ojito 1997; Korkeakivi 1999), Chinese (Potter 1999), Middle Eastern (Hamed and Moore 1999), and Vietnamese (Ta 1999). Bauer (1999) reviewed how prior legal experiences (e.g. fear and aversion towards the legal system) influenced a Ukrainian immigrant to refuse to accept a court-appointed lawyer to help defend himself against charges of bear trapping, implying that a court-appointed attorney was part of the KGB (Bauer 1999: 25). In the European context Banakar (2008) showed how cultural background provided a mitigating circumstance in the criminal lawsuit against a Kurdish immigrant before a Swedish (Sandviken) Lower Court (Banakar 2008: 41).

A similar argument concerning the presence of immigrants' culture in American courts has been made by Hein and Berger (2001) in *Immigrants, Culture, and American Courts: A Typology of Legal Strategies and Issues in Cases Involving Vietnamese and Hmong Litigants*. They introduced a unique typology of cases, when culture became employed by Vietnamese and Hmong immigrants in US courts. Their typology reveals, however, a more complex pattern of interactions between American courts and contemporary immigrants than those reported in the literature on cultural defence.

Their research concluded that invocations of culture in litigation cases involving immigrants were far more multi-dimensional: they encompassed a variety of legal actors (not only defendants), involved far more issues than just conduct norms, and consisted of diverse legal strategies. Hein and Berger's research illustrated not only defensive employment of culture (Hein and Berger 2001: 49), but also offensive, proactive use of culture, when immigrants' culture was used by the prosecution against an immigrant defendant (Hein and Berger 2001: 54). The authors also revealed discretionary uses of culture by judges at sentencing, where culture became employed as a proxy for deeply ingrained distrust of government and legal authorities (Hein and Berger 2001: 55).

Although the influence of culture on migrants' responses to the host country's laws and institutions figures prominently in the legal literature, in these studies, culture exists as a given sets of values and attitudes somewhat 'incompatible' with the host country's laws and norms. The research review on migrants who employed and invoked their culture in courts (cf. cultural defence literature) suggests that culture has so far been discussed and debated as a 'problem'; an 'issue' in a given context of civil or criminal litigation, pointing to its static yet determining role in shaping one's behaviour.

Suffice to say that this approach resulted in the portrayal of migrants as passive carriers of their cultural values, leaving no space for recognizing their agency in the process of legal adaptation. Such a simplistic approach to culture runs the risk of trapping any research as 'culturally deterministic' and is therefore prone to political abuse (cf. contentious issues of 'incompatibility of cultures').

However, recent conceptualizations have enabled more flexible interpretations of culture (Swidler 1986). Culture is not a unified system that pushes action in a consistent direction. Culture is employed as it shapes the web of cognitive, affective, and bodily schemas through which actors come to know how to act in particular social worlds (Emirbayer and Mische 1998: 981). Not a determinist or instrumentalist force, culture is

more like a 'toolkit' or repertoire (Hannerz 1969: 186–8) from which actors select differing pieces for constructing 'strategies of action' (Swidler 1986). Culture is also not static; it is dynamic and it is changing, and influences migrants' responses to law but not as a determinant force. An approach to culture that recognizes human agency enables one to see culture as not only shaping migrants' actions but also being shaped by them.

### **3.2 Legal pluralism**

This flexible, indeterministic and non-essentialist approach to culture has been at the core of legal pluralists' writings. Within legal pluralism there are two distinguishable lines of enquiry which investigated the relationship between migrants and law in the British context. One looked at how migrants retained their legal practices and principles, including values and attitudes to law, not in an unchangeable fashion but devising all manner of adaptive responses to their new environment Ballard 2007; Menski 1993; Menski 2007; Shah 2008). The second strand of scholarship demonstrated how English state law adapted to accommodate migrants' legal traditions and practices (Poulter 1986; Poulter 1998; Shah 2008; Davies 2005; Menski 2007).

Ballard and Banks' (1994) in-depth enquiry into South Asians in Britain over the last thirty years concluded that they were continuing to deploy their own distinctive values, conventions and expectations to order their personal and domestic lives. It is the legal principle of *riwaj* – 'a convenient means of maintaining order' within the community – that the elders would routinely turn to in their efforts to achieve dispute resolution in the UK – just as they did back home in South Asia (Ballard 2006: 51).

Nonetheless, these customary legal principles have not remained unchanged but were re-articulated and re-negotiated by users in the British context in response to various social, cultural, linguistic, moral and legal pressures stemming from the new surroundings. As a result of migrants reconstructing their lives in the UK on their *own preferred terms* along the lines articulated by (Ballard and Banks 1994), a 'new', *own-adapted* form of *riwaj* emerged. It could best be described as a form of unofficial law (Chiba 1998) suited for the conditions Asians encountered in the UK (Ballard 2006: 51). In a similar vein Menski concluded that the transformations and adaptations of *shariat* among the Muslim and *dharma* among the Hindu immigrants (and second generation) in the UK rather resemble *angrezi shariat* (British Shariat) or *angrezi dharma* (British Dharma), respectively – law adapted to conditions encountered in the host environment (Menski 2008).

On the other side of this relationship we have English state law and impressive research into its adaptation to accommodate migrants' legal customs and practices. Poulter pioneered the enquiry examining the approach adopted by English judges towards the recognition of African (Poulter 1988), Asian, Chinese and Muslim customs (Poulter 1986), either through the operation of conflicts of law principles, or invoking the notions of 'public policy', 'reasonable tolerance', avoiding the charges of ethnocentricity, or via the application of human-rights principles (Poulter 1988: 216–19; Shah 2008: 7).

Critical of Poulter's approach – seeing it as too formal and completely overlooking the viewpoint 'from within' the ethnic minorities – Menski turned to how new *British-based* forms of ethnic customary laws have been juxtaposed with English law (Menski 2007). His analyses revealed how judges, in delivering their judgements, balance between strong notions of justice and fairness (principle of equity) and protecting English law from the

unrelenting pressure to accept personal laws, such as that of the Muslims, as part of the new British legal framework (Menski 2007). It led Menski to propose this normative statement:

*Unless Northern legal systems learn to restructure their rule systems in such a way that they can formally and more fully incorporate what migrants from the South and their descendants claim to be 'their' law (emphasis – A.K), we will not achieve satisfactory integration at the legal level nor a sustainable balance of official and unofficial law (Menski 2006: 28).*

It is primarily the South Asian immigrant communities (Bangladeshis, Sikhs, Gujaratis, Pakistanis) arriving in the UK since the 1940s–1950s which have constituted the main focus of the legal pluralists' analysis. Ballard nevertheless goes a step further and concludes that:

*Unless our courts of law – no less and no more than all our other major public institutions – begin to be able to take more adequate cognizance of the plural character of our society, there is a grave danger that they will all too frequently find themselves delivering injustice rather than justice when New European litigants appear before them. There is certainly my own conclusion, on the basis of my observations of the outcome of all too many of the cases in which I have found myself involved (Ballard 2007: 13).*

While immigrants from countries with plural legal traditions (combining religious laws with strong customary or personal law orders), or legal systems significantly different from that of state law dominance, have been at the core of the above analysis, it is not justified to say that legal pluralism provides 'the lens' to observe immigrants' relationship with law in the host country. Since the early 1990s the UK has experienced a new immigration flow that – contrary to that of the post-war years – is mostly from non-Commonwealth countries. Vertovec (2006) observed that the UK is increasingly characterized by: a sizeable migrant population from developing countries with no direct colonial link to the UK; a greater linguistic diversity (over 300 languages spoken in London); a proliferation of 'new' immigrant groups (e.g. Brazilians, Colombians, Eastern Europeans, etc.) alongside large and long-standing 'ethnic communities'; a more fluid duration and greater variety of legal statuses; and the sustenance of greater transnational connections (social, religious, political etc.) on the part of migrants.

Given this super-diversity of contemporary migrants it is rather naïve to assume that one analytical lens will do justice to their various characteristics and relationships with law. Not all migrants arriving in the host country will carry their own 'legal baggage' in the form of alternative (to the state law) unofficial laws (Chiba 1998) or customary practices of social ordering based on indigenous law (Chiba 1998). While the plurality of laws, legal orders and legal traditions was an inseparable part of many states' histories, it is not safe to assume that the past determines the present. This said, equally not all cultures developed strong legal-normative orders that would 'survive' migration as the 'distance experience' (Mead 1964).

Furthermore, what about immigrants who come from countries where it is the state law that is constitutionally sanctioned by the legitimate authority of the government to have overall jurisdiction? The dominance of state law does not mean however that migrants arrive in the host country without any 'baggage'. On the contrary – the baggage is just of a different character. It comprises different values, different attitudes to state law, and

different patterns of legal behaviour towards state law and its institutions, which could be best interpreted as legal culture. These values and attitudes to law continue to be employed by migrants on arrival in the host country as signposts and a compass for behaviour in their following, avoiding and manoeuvring through the unfamiliar legal reality. The values reveal themselves in migrants' dealings with immigration services (Home Office), the Inland Revenue, and Welfare Offices, but also with the labour market, where contemporary economic migrants are most visible (relationship between employer–employee, tax matters, health and safety provisions, etc.). Yet – as with the adaptations of South Asians documented by Ballard (1994) – the values are not static and essentialist but dynamic and changing. New ideas emerge from their antecedents; migrants as active agents engage with state legal frameworks which result in the internal dynamics of their values, attitudes to law, and patterns of accustomed behaviour. Paraphrasing Strathern: it is their legal culture that changes – 'indeed it is all it can' (Strathern 1992).

Therefore, with no strong premises for the adoption of the legal pluralism lens, one could turn to legal culture, denoting and best capturing the subtleties and nuances of migrants' values, attitudes to law, and patterns of behaviour towards state and legal institutions. To put it differently, Menski observed that:

*it came as a shock to 'Asians' to discover, in the early 1970s, that their customary marriage rituals did not create legally valid marriages in the UK; the result was a speedy process of 'learning the law', to the extent that all 'Asians' will now register their marriages (Menski 1988: 219)*

An immediate question arises: was this behavioural turn to law (while initially probably inspired by instrumental considerations) accompanied by any changes in values and attitudes to state law?

### **3.3 Legal culture, legal consciousness**

When investigating migrants' responses to the new socio-legal environment, the approach to culture as adopted in the *legal culture* research proves more fruitful and opens new avenues of research. The knowledge accumulated in this research encapsulates both behavioural and cognitive aspects of culture and how it is used by people in fashioning their responses towards the legal environment. This research draws on the extensive scholarship of legal culture, focused on values, attitudes and behaviour towards law, which, as part of a wider cultural context, reveals that culture is not static and ascribed, but dynamic, depending on the cultural scripts, tools, and schemas which people choose in designing their strategies for action. Yet, legal culture has surprisingly not been given enough attention in the context of researching migrants in the receiving society.

Legal culture, and its aspect, legal consciousness, have been successfully employed to understand how people interpret and relate themselves to law.<sup>6</sup> The foundational studies in

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<sup>6</sup> The distinctions between the concepts of legal culture and legal consciousness have been heavily debated in socio-legal studies. I understand legal culture as comprising both behavioural *and* cognitive spheres of people's relationship with law. It encompasses: values, attitudes to law, as well as legal behaviour. Legal consciousness is therefore treated here as an aspect of legal culture – a theoretical concept relating to the cognitive sphere of people's relationship with law, their values, attitudes to law, but also images, myths, and understandings of it. This analytical distinction is not however reflected by much of the empirical research reviewed here, where on various occasions the terms of legal culture and legal consciousness have been used interchangeably. It is

the field – under the auspices of legal consciousness discourse – focused on ordinary people and their attitudes and behaviour towards the law in formal institutional settings. The research examined ordinary people who brought their problems to small claims courts (Merry 1990; Yngvesson 1993), and their interactions with the welfare bureaucracy (Sarat 1990). The early empirical studies looked into people’s attitudes to legal institutions (Sarat 1977), when they were filing cases seeking divorce (Sarat and Felstiner 1995), or when they were subjects of sex and race discrimination (Bumiller 1988).

This strand of empirical research concerning legal consciousness/legal culture is helpful in understanding and subsequently researching the similar mechanisms that many international migrants are faced with in the context of their beginnings in the host country. On arrival they have to attend to immigration matters (or not) and register with the police or local authorities. If migrants want to start working they need to arrange for an appointment to get a National Insurance Number (or its equivalent) and attend the interview. Their employers’ human resources office will liaise with them with respect to tax contributions, or put them in touch with the local equivalent of HM Revenue and Customs. Migrants also contact local authorities with regard to council tax contributions or when applying for benefits. Careful examination of these situations enables one to see the meanings and interpretations that migrants attach to their ‘formal’ experiences of law in the host country – from immigration offices, via courts, welfare bureaux, to the DVLA (Driver and Vehicle Licensing Agency).

With reference to immigrants, their formal experiences of law have been examined by Gunter Bierbrauer (1992, 1994) in his study of comparative legal cultures between Germans and – recent immigrants in Germany – Kurds and Lebanese. In the context of criminal justice, his study looked at the different responses from individuals from three different legal cultural groups following the violation of legal, religious or traditional norms. Bierbrauer found that Kurds and Lebanese showed a greater willingness to keep to the norms of religion and tradition, and less willingness to allow the host country’s state laws and legal system to intervene in family and in-group disputes (Bierbrauer 1992). In his endeavour towards greater understanding of the variations between individualism and collectivism, Bierbrauer (1994) suggested that legal culture, as part of the general ‘baggage’ that migrants bring with them from home (at least in the initial stage of their stay in the host country), continues to influence their relationship with law and legal system of the host country, resulting in diverse conceptions of law, legal expectations, and views on legitimacy (Bierbrauer 1994). His research demonstrates that certain values and attitudes continue to influence people’s relationship with law even in a changing legal environment.

A substantial shift in the studies on legal consciousness was initiated by Patricia Ewick and Susan Silbey (1998). *The Common Place of Law* looked at how ordinary people interpret and relate themselves to the law outside the legal and welfare offices, courtrooms, and other formal or laboratory settings, and focused on everyday life in commonplace locations like workplaces, schools, and neighbourhoods. Theoretically, Ewick and Sibley’s account offered an interesting conceptual fusion between legal consciousness and the understanding of legality. The authors contended that legality, understood as ‘the

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beyond the scope of this research to engage in the division between the subjects studied under the legal culture and legal consciousness discourses, respectively, as the overlap of issues is quite extensive, and the same – or similar – topics were successfully studied under both approaches.

meanings, sources of authority, and cultural practices that are commonly recognized as legal, regardless of who employs them for what ends' (Ewick and Silbey 1998: 22), manifests itself in various forms of citizen 'consciousness'. Consciousness, in this sense, refers to modes of cultural practice, to practical participation in the structures of social life – conceptualized in this manner it also encompasses legal behaviour. Thus consciousness is not separate from, or an effect of social structure, but rather 'is an integral part of it' (Ewick and Silbey 1998: 224).

The shift in the studies of legal consciousness begun by Ewick and Silbey in moving the law to the common place has found many followers, including Hull's (2003) research on the cultural enactment of legality in the case of same-sex marriages; Marshall's (2003) insights into the frames that women use to understand their experiences of sexual harassment; and Hoffmann's (2003) examination of how workers perceive the laws and rules that regulate their workplaces.

The socio-legal perspective of *moving the law into the common place* offers a useful reference for investigating migrants' understandings, interpretations and invocations of law and legality: their experiences of law at work (registering with employment agencies and businesses, making use of their National Insurance numbers (or not)); using public services (opening bank accounts, sending money home, registering with a GP, looking for a flat with an agency or joining the queue for a council flat); or within their community (relationships with flatmates, neighbours, informal codes of conduct, borrowing money, etiquettes).

This lens has been empirically explored by Kubal (2009) in her study of Polish, post-2004 EU Enlargement migrants' legal adaptations in the UK. She looked at the responses of Polish post-2004 EU Enlargement economic migrants towards British rules and regulations, which determine the character of their work and residence in the UK. The focus of the empirical part of the research was on attitudes and values, namely shared cultural meanings, and how they were behaviourally expressed with respect to law and legal institutions in both formal (immigration laws) and informal settings (workplace). Her paper focused on the intricacies of immigrants' choice of 'semi-legal' over legal status, subsequent legalization strategies, and the interpretations of legality in which these practices resulted. What role in this process is played by the legal culture, the experience of law which migrants brought with them from Poland? Kubal concluded that legal culture is not only an important explanation of Polish migrants' initial semi-legality, but as an intervening variable in migrants' socio-legal integration, it is not rigid and constant but rather adaptable and changing.

## **Conclusion: integrated approach**

This paper has articulated and mapped the principal approaches to understanding the relationship between migrants and the legal system of the host country – Legal Assimilation, Legal Transnationalism and Legal Pluralism, Legal Culture – as well as the evolution of the analytical tools adopted by these distinctive scholarships. The sole focus on the *structure of laws* of the host country was discarded due to its not paying enough attention to the *agency of migrants* in addressing these laws. Migrants' responses should in turn be viewed not as developed in a vacuum but influenced by the values, attitudes and accustomed patterns of legal behaviour they 'brought' with them from home – their *legal culture*.

Indeed, it has to be stressed that migrants, in fashioning their responses to civic and legal matters, have been largely influenced by the structural factors of the host country's laws and immigration policies, but, at the same time, this did not happen solely with reference to these factors (Coutin 2000; Hagan 1994). Very often, different groups of migrants faced with the same (or very similar) host-country laws would demonstrate different ways of responding to them, from distinctive relationships with law, with some of the groups following the laws more closely than others, avoiding different laws, and more importantly presenting a variety of nuanced interpretations and understandings of law and legality.<sup>7</sup>

A distinctive semi-legal (or semi-compliant) group of Polish migrants within the larger population of Poles that appeared in the UK after the 2004 EU Enlargement may serve as an example of this thesis (cf. Kubal 2009). Therefore, this review points to a conclusion that the different outcomes of socio-legal integration between various groups of migrants cannot be explained solely with regard to the institutional and legal structures available to immigrants in the host country on arrival. This paper demonstrates that the socio-legal integration of migrants is worth considering also from the perspective of migrants' legal culture, researching their values, attitudes to law and legal behaviour.

The Legal Pluralism, Legal Culture research therefore makes the claim for the *proper* recognition of the cultural background of immigrants, taking into account the cultural patterns of values, attitudes to law, and means of dispute resolution stemming from the different legal cultures that migrants were socialized to prior to their arrival and residence in the host country. This strand of the literature redefines culture from stagnant, homogeneous, deterministic sets of values and attitudes influencing behaviour, to more flexible repertoires of habits and toolkits (Swidler 1986), allowing people to exercise their choice and agency, while designing their strategies for legal adaptation. This research acknowledges legal culture as a significant factor in empirical research, accounting for nuances and bringing out the subtle differences and therefore revealing the bigger, richer picture of immigrant socio-legal integration, rather than one solely relying on the structural factors and government policies of immigrant incorporation. The approach to culture adopted in this research acknowledges the diversity of sub-cultures and sub-groups within it, at the same time stressing a general, distinguishable and largely shared pattern of accustomed behaviour, thinking and experiences of law.

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<sup>7</sup> Cf. the research on applicability of Sharia law in the UK in the wider context of Muslim integration in legal and civic matters (Shah 2007; Grillo 2009), and the research on the relatively smooth and rapid legal assimilation of Vietnamese immigrants in the USA (Hein and Berger 2001).

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