

Privacy, CCTV, and School Surveillance in the Shadow of Imagined Law

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How do managers make decisions that affect human rights of other people? The article examines one such case: the decision-making process of Israeli school principals in installing Closed Circuit TV (CCTV) systems in schools. One unexpected source that principals relied on was that of imagined law: they wrongly assumed that there was a law that guided them in the matter. The deployment of CCTV systems in Israeli schools is relatively new and takes place at an accelerated pace. School principals are the ones that make the decision about introducing such systems into their schools. The study traced and explored this process. Based on semi-structured interviews, the findings portray a picture of partial isomorphism among schools. We frame the findings within institutional theory, which differentiates between exogenous and endogenous sources of decision-making. Most school principals relied on endogenous sources that were shaped by practical considerations and their own perceptions as to security, privacy, and education. Yet, the interviews indicate an additional and surprising source of organizational decision-making: imagined law. Some of the principals assumed the existence of specific legal rules. The principals did not search for professional guidance, and did not consult others. Instead, they filled the imagined law with endogenous sources, namely, their own perceptions.

“Privacy was not raised [in the decision-making process] because we followed the law.”

(P1, Principal of a secondary school)

“I have a law that instructs me to install cameras for security... We do not let parents participate in the discussion because it is a law!... The

We thank Oren Golan, Daphna Hacker, Tami Kricheli-Katz, Menachem Mautner, Avihu Shoshana, Neta Ziv, and the editors and anonymous reviewers of the *Law & Society Review* for helpful comments. We also thank our research assistants, Uri Ansenberg, Tal Spitzer, and Hallel Yeter for able assistance, the Cegla Center for Interdisciplinary Research at the Faculty of Law, Tel-Aviv University and the Israeli Science Foundation (Grant 448/15) for financial support, and the very busy interviewees, for devoting us their time.

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Parents Association will not oppose a law that is meant to protect their children.”

(M11, Municipal Chief Security Officer)

How do organizations apply ambiguous law? Scholars point to exogenous and endogenous resources to which organizations turn when the law is too vague, does not provide guidance, and requires elaboration or specification (Edelman 2004; Edelman and Suchman 1997; Edelman, Uggen and Erlanger 1999). But what do organizations do when there is *no* law? The current study provides a surprising answer: Some organizations wrongly assume that there is a law that applies to them. This is imagined law.

We explored the deployment of Closed Circuit TV systems (CCTVs) in Israeli schools, which is now proceeding at an accelerated pace, despite the absence of clear legal or administrative guidance. We documented the practice in its early stages, examined the sociolegal implications of the decision-making processes, and explored the justifications asserted to legitimize them.

We found that most of the school principals reached their decisions as to whether to install CCTVs by turning to endogenous resources—namely, they took into account their own considerations—rather than turning to exogenous sources, such as official guidelines, practices of other organizations, professional advice, or data analysis. The endogenous sources to which the principals turned were their own perceptions of security, privacy, and education, as well as practical considerations. However, the findings indicate yet another source of private ordering within organizations acting under circumstances of legal ambiguity, which we call *imagined law*. Some of the decision makers explained and legitimized their decisions by pointing to the law. However, they did not turn to the law itself. Instead, they *assumed* that there is a legal rule that regulates school CCTVs. They also assumed its content. Thus, the decision makers acted under the shadow of *imagined law*: They did not merely hold a mistaken impression of a law’s content. They were wrong about the law’s very existence.

Examining the interplay of the endogenous processes and the imagined law sheds light on the legal consciousness of agents who have positions of power to mobilize the rights of others. Our inquiry contributes to the sparse body of literature that has explored such agents and provides a unique contextual perspective that focuses on agents who have the obligation to educate for

Theoretical Framework

Institutional theory has examined organizational responses to ambiguous law, focusing on exogenous and endogenous organizational decision-making processes. Theories of legal consciousness have explored the perceptions and practices of people who are responsible for the mobilization of the rights of others. We draw on these theoretical frameworks, situate our findings within them, examine their interconnections, and offer new theoretical insights as to the role of imagined law in shaping decision-making processes within organizations.

Institutional Theory

Institutional theory is a field of organizational sociology, which focuses on cultural factors, such as values, beliefs, symbols, and rituals, in shaping organizational life (Suchman and Edelman 1996). It shows that organizations adopt many practices and structures not for efficiency reasons, but rather because the cultural environment constructs these practices and structures as being the proper, legitimate, or natural thing to do (Suchman and Edelman 1996: 919). Law and society scholars have turned to institutional theory to understand the role of law in shaping organizations' response to their institutional environments (see review in Edelman 2004).

Exogenous Sources

A major thread in institutional theory has focused on exogenous sources influencing separate organizations within a field to act in similar ways. This phenomenon, termed isomorphism (DiMaggio and Powell 1983), explained various organizational practices, including those instituted in educational organizations (e.g., Aurini 2006; LeTendre et al. 2001). DiMaggio and Powell (1983) famously pointed to coercive, mimetic, and normative mechanisms through which such institutional isomorphism occurs. *Coercive mechanisms* result from formal and informal pressures exerted on organizations by the government, parent organizations, or donors. *Mimetic mechanisms* occur when an organization models itself after similar organizations in their field that it perceives to be legitimate or successful. Imitation saves time and effort, and provides reassurance as to how things are done, eventually shaping industry practices. *Normative mechanisms* stem primarily from the professionalization of management, which is carried out in trade association workshops, in-service educational programs, consultant arrangements, school networks,

and professional magazines. These three processes are not a conclusive list. Grattet and Jenness (2005) added to this list of mechanisms *actuarial processes*, namely, policy based on data-driven analysis.

Coercive, mimetic, normative, and actuarial mechanisms influencing organizations produce standard templates, thus conferring legitimacy and improve survival chances by casting organizations as rational and appropriate (Meyer and Rowan 1977). Over time, these templates become powerful myths, which are taken for granted and adopted ceremonially (Meyer and Rowan 1977). However, there is a “loose coupling” (DiMaggio and Powell 1983: 155), namely, weak interconnections between the legitimated templates and internal organizational behavior. Scholars have pointed to the particular relevance of this mechanism in the field of education, where broad and vague organizational goals enable loosely coupled forms that separate the formal structures and the effects of the organizational activities (for a review, see Aurini 2006).

The process of decoupling structural symbols from substantive practice preserves managerial prerogatives and may marginalize the role of law in organizational life (see Edelman and Suchman 1997). Yet, as Edelman and Suchman pointed out, widespread ceremonialism may not be equivalent to outright illegality, as the former represents and thereby reifies the law’s cultural claims in a way that the latter does not (1997: 497).

Endogenous Sources

Another thread of institutional theory has turned to endogenous sources—within organizations—in order to understand how organizations respond to the law. In a series of studies, Edelman and her colleagues offered the *endogeneity of the law* as an analytical framework to analyze the process in which the law unfolds and policies are created (e.g., Edelman 2004; Edelman and Suchman 1997; Edelman, Uggen and Erlanger 1999). They argued that “organizations construct and configure legal regimes even as they respond to them” (Edelman and Suchman 1997: 484), and elsewhere that, “the meaning of law is constructed within the social (and economic) realms that it seeks to regulate” (Edelman 2004: 189; see also Kelly 2003).

Applying institutional theories to a context of legal ambiguity, scholars have studied how organizations create visible symbols of attention to law and legal principles (e.g., Edelman 1990, 1992; Edelman, Uggen, and Erlanger 1999). These studies focused on ambiguous civil rights laws, which set high-level requirements, but did not instruct how to implement them. Responding to the

ambiguous law, organizations developed internal procedures. Courts then considered these emerging practices to represent reasonable compliance with the law (Edelman, Uggen, and Erlanger 1999). The endogenous processes constructed the law from within, responding to the vague law from the outside, thus supplementing the exogenous mechanisms in the formation of organizational practices.

Legal Consciousness

Theories of legal consciousness contribute to a better understanding of endogenous processes that construct the law within organizations. Legal consciousness is “the ways people understand and use law” (Merry 1990: 5), the “cognitive activity through which legal understandings, expectations, aspirations, strategies, and choices are developed” (McCann 2006: xii), or “the forms of participation and interpretation through which actors construct, sustain, reproduce, or amend the circulating (contested or hegemonic) structures of meanings concerning law” (Silbey 2005: 334). Most studies about legal consciousness in social fields relating to human rights have focused on the consciousness of disempowered groups (e.g., Boittin 2013; Engel and Munger 2003; Gleeson 2009; Marshall 2005; Merry 2003). Other studies have explored the legal consciousness of human rights activists, or their efforts to mobilize rights by developing human rights consciousness (e.g., Kostiner 2003; McCann 1994; Merry et al. 2010; Newman 2013; Paris 2010).

Only few studies have focused on individuals who are in charge of rights of others. Edelman, Erlanger, and Lande (1993) interviewed “internal complaint handlers” who handle discrimination complaints, finding that they tended to subsume legal rights under managerial interests. While the organizations they studied operated in the shadow of the law, Edelman, Erlanger, and Lande observed that “it is a very light shadow with hazy edges” (1993: 530). By deflecting attention from legal rights and focusing instead on organizational problems, the complaint handlers’ conception of dispute resolution privatized and depoliticized the right to equal employment opportunity.

Munkres (2008) explored the legal consciousness of participants in organizational antiharassment and diversity training programs, intended to translate and interpret civil rights laws for supervisors responsible for implementing these laws in the workplace. The study showed that, as the trainees grappled with the information about their obligations, they began to speak like rights promoters; yet, they actively resisted these obligations. Their resistance, Munkres noted, diluted the content of rights.

Munkres pointed to the lack of research regarding the legal consciousness of “rights promoters,” who are obligated to apply the law (2008: 448, 451). The effectiveness of rights, she argued, “depends perhaps as much on the willingness of those with power to promote them as it does on the ability and willingness of the disenfranchised to claim them” (470). Similarly, McCann (2006: xxi-xxii) noted that while scholars of legal consciousness tended to focus on “ordinary people,” less attention was devoted to the legal consciousness of managers, employers, and owners of production.

Our study looks at the bottom-up formulation of schools’ organizational practices under general ambiguous human rights law—privacy, in our case. We studied the practices and perceptions of the rights promoters, namely school principals and municipal officials, who made decisions regarding the rights of the students.

Legal Setting: The Ambiguity of Israeli Privacy Law in Schools

Legal uncertainty can be the outcome of various factors. Suchman and Edelman (1996) mentioned three causes: ignorance, pluralism, and ambiguity. Whereas the first two grant “law’s existence as an objective reality” but dispute its penetration (Suchman and Edelman 1996: 932), ambiguity contests the determinacy of the law. This is the case with privacy in Israeli schools in general, and CCTVs in particular.

At the time we conducted the interviews, there was no law, regulation, or rule as to the installation and operation of school CCTVs—it was neither authorized nor prohibited. Privacy is a fundamental human right, enumerated in Israel’s *Basic Law: Human Dignity and Liberty* (1992). However, the Basic Law does not define privacy. It states, in a general manner, that “All persons have the right to privacy and to intimacy” [Art. 7(a)]. Privacy is subject to a constitutional formula that permits curbing it if several conditions are satisfied (Art. 8): that the violation is “by a law” that befits the values of the state of Israel, if enacted for a proper purpose, and to an extent no greater than required. Courts speak highly of the importance of privacy (e.g., *Gottesman Architecture Ltd. v. Vardi* 2013), yet in some cases, applying the constitutional framework, courts have approved governmental schemes violating privacy (e.g., *ACRI v. Israeli Bar Association* 2012). Applied to the context of school CCTVs, many questions arise: Do CCTVs violate privacy to begin with? Does it matter

how they are installed? If they do prima facie violate privacy, are the systems nevertheless permitted under Article 8?

The *Privacy Protection Act* (PPA) (1981) does little to diffuse this ambiguity. Chapter A defines privacy torts, including photographing a person in his or her private domain [s. 2(3)]. Applied to school CCTVs, the question becomes: What is one's *private domain*? Another complexity is that data subjects' informed consent obliterates the violation (ss. 1, 3). The question in the school context is about parental consent on behalf of the children. Moreover, the PPA contains some open-ended defenses, for example, when the infringer acts in good faith in order to perform a legal, moral, or social duty [s. 18(2)(b)]. Chapter B of the PPA regulates the collection of personal data kept in databases, and requires that the data collector informs the data subject that the controller will not be using the data for any other purpose, that it maintains data confidentiality and security, and that the subject has access to the data regarding her. These rules reflect Fair Information Practices, found in the *EU Directive* (1995) as well as in American law (Gellman 2014). Applying these rules to the school environment would highlight questions, such as: What qualifies as consent? Who is authorized to view the recordings? For how long can one retain the recordings? Can parents view footage of other children?

In 2012, the Israeli Law, Information and Technology Authority (ILITA), operating within the Ministry of Justice, issued guidelines about the use of CCTVs in public spaces. The guidelines do not specifically apply to schools. They contain instructions about procedures to be followed prior to taking a decision to install cameras, such as articulating the exact purposes, conducting a Privacy Impact Assessment, conducting public hearings, adopting principles of Privacy by Design as to the positioning and use of the cameras, notifying of the public, and specifying how the recordings should be retained. The guidelines refer to minors (s. 3.1.1.2.3), stating that, upon installing CCTV systems in places where minors gather, such as schools, extra care should be taken. However, the guidelines do not elaborate. Finally, we note that the guidelines are not binding (*IDI Insurance Ltd. v. Database Registrar* 2012).

Another privacy-related legislation is the prohibition of unauthorized interception of conversations, as defined by the *Wiretapping Act* (1979). The prohibition includes using a machine to listen-in to others' oral conversations, without their permission. This prohibition is straightforward and easier to apply.

When we collected data for this study, education laws were silent about the use of CCTVs. These laws have been characterized as vague, outdated, and full of internal contradictions

(Gibton 2011). The gaps are filled with an elaborate web of Ministerial Regulations, issued by the Director-General of the Ministry of Education (MoE). Some of these regulations address issues such as safety, security, and the schools' desired educational climate, but at the time of our field research, none of the regulations had addressed surveillance technologies. In May 2015, after we concluded the interviews, the MoE published specific regulations on CCTVs (Ministry of Education 2015). While the regulations were in the making, the issue was granted only scant media coverage, and in a way that did not disclose the then-forthcoming contents. Neither did the MoE circulate any drafts before their official publication.

Municipalities and the MoE have a joint responsibility for public schools (*Compulsory Schooling Act* 1949: s. 7). Municipalities are typically responsible for the physical infrastructures of the schools, whereas the MoE is responsible for the pedagogy (Gal-Arieli 2014). Security issues are handled by both institutions. Another dominant agent is the Ministry of Homeland Security, which manages the national project, City without Violence (CwV). CwV is a governmental flagship program that supports municipalities in applying various means to decrease levels of violence. Extensive use of CCTVs in public spaces is one of the project's main tools. More than 140 municipalities participate in CwV (City without Violence 2015).

Within this scheme, decentralization processes in the Israeli education system have afforded schools more administrative, financial, and pedagogical autonomy (Addi-Racah 2015; Gibton 2011). The schools' managerial autonomy is limited by various legal rules. However, the legal framework that regulated school CCTVs during our research was complex, partial, and equivocal. Had a school principal inquired as to "what is the law?" no clear answer would have been available, and no single agent who would have been able to provide an answer. Within this ambiguity, schools have been installing CCTVs at a growing pace.

Contextual Setting: School CCTVs

School CCTVs have become a common phenomenon around the world (e.g., Hope 2009; Taylor 2013; Warnick 2007). In the United Kingdom and in the United States, their use is often incorporated into other surveillance technologies, such as biometric fingerprint identification systems, radio frequency identification tags, metal detectors, and X-ray inspection of bags (Kupchik 2010; Monahan and Torres 2009; Taylor 2013). Such technologies have yet to be introduced into Israeli schools.

The main justification for installing CCTVs is to protect children, thus, giving rise to conflict between different kinds of rights. Privacy is a key element of children's civil liberties (*Convention on the Rights of the Child* 1989: Art. 16). But at the same time, certain derogation of the right to privacy may be inevitable in order to protect children from malicious strangers who might trespass onto the school grounds; from fellow violent and abusive students; or from the students' own destructive behaviors, such as alcohol and drug use. Additionally, while practices that protect children's privacy in school may also protect the privacy of educators, such practices may be in conflict with the educators' rights to protection from violence in the workplace, or from false allegations (Hope 2009). Another set of considerations involves school interests, such as discipline (Hirschfield and Celinska 2011; Hope 2009; Kupchik 2010), creating an educational climate based on trust and relationships (Warnick 2007), school reputation (Binkhorst and Kingma 2012), and financial considerations related to the cost of security measures (DeAngelis and Brent 2012). These conflicting rights and interests have been discussed in several studies examining the legality of school CCTVs in light of the applicable legal framework (e.g., Nance 2014; Taylor 2011).

Other studies exploring school CCTVs were conducted under the heading of the emerging field of surveillance studies, examining how those in power perform surveillance and how the surveillance objects experience it. Surveillance studies focusing on school CCTVs applied various methods to explore the usages of school CCTVs (e.g., Hope 2009; Taylor 2013), their educational implications (e.g., Warnick 2007), the processes of criminalization that they induce (e.g., Hirschfield and Celinska 2011; Kupchik 2010), and the ways that children perceive, normalize, or resist them (e.g., Bracy 2011; Hope 2010; Taylor 2010). These studies have demonstrated that school CCTVs become part of the pedagogy, transform relationships, and shape school practices. Monahan and Torres (2009) noted that there is insufficient research regarding the processes by which laws and policies pertaining to school surveillance are determined, applied, and resisted. In particular, they asserted, there is a need to examine how decisions about surveillance are made. Our study lies within this lacuna in the literature.

Research Design

Our study examined the development of organizational practices in Israeli schools regarding the use of CCTVs under the shadow of an ambiguous, indeterminate law. Our investigation addressed questions regarding who initiated the installation of

the systems, why, and how. We also inquired who was involved and who was excluded from this process. Additionally, we sought to explore the justifications asserted to legitimize this process and to identify tensions between legal narratives and organizational goals. These questions assisted us in identifying the sources that shape the schools' responses to the ambiguous law. Elsewhere, we will discuss the use of the CCTVs in daily practices.

We reviewed the literature for our broader research project in the fields of privacy, surveillance, school CCTVs, children's rights, and rights consciousness. The questions in our interview plan were grounded on these theories, as well as on administrative law, as we were particularly interested in the decision-making process. We did not decide in advance to use institutional theory in analyzing the findings.

To answer the research questions, we conducted semistructured interviews with 27 school principals, 11 municipal officials, and 3 managers of security companies. The sampling ensured diversity of positions. We used a MoE's public information repository to achieve diversity in school sector (elementary/secondary, public/private, secular/religious, Jewish/Arab/Druze), in the geographical spread, in the socioeconomic status of the municipality, and the CwV involvement (see Tables 1 and 2). The interviews were conducted between February and July 2014, following approval of our institutions' IRBs and the MoE's Chief Scientist, and prior to the publication of the 2015 MoE regulations.

We used the MoE's information repository and personal contacts to approach school principals. We did not know in advance which schools installed or considered installing CCTVs. After presenting ourselves and the research, we asked the principals whether there were CCTVs in the school, or whether the school had considered installing such systems. Interviews were scheduled with those principals who answered positively to either question. Twenty-two of the 27 schools in our sample had installed CCTVs; 18 principals were those who actually decided to install the systems, or served as principals when the decision to install the systems was made, while 4 principals inherited the systems from previous principals. Five principals either decided not to install the CCTVs, or decided to do so, but had not yet accomplished the task.

Of the municipal officials, five were Chief Security Officers or School Security Officers, two were employed as Heads of the Municipal Education Department, two managed the CwV Project within the municipality, one managed a municipal security center, and one worked as a dispatcher.

We searched online for private security companies. We contacted managers whose companies' web sites devoted a specific

Table 1. Principals

No.	Gender	Sector	Level	City without Violence	Municipality Size	Municipality SE	No. Students	No. Cameras	Cameras per 100 Children
1	Female	Jewish Secular	Secondary	Yes	Small	5	1000	15	1.5
2	Male	Jewish Secular	Secondary	Yes	Small	7	800	0	0
3	Female	Arab	Elementary	Yes	Mid-size	3	476	16	3.4
4	Male	Jewish Religious	Secondary	No	Large	8	340	2	0.6
5	Male	Jewish Religious	Secondary	Yes	Large	4	385	3	0.8
6	Female	Jewish Secular	Elementary	No	Mid-size	8	398	8	2
7	Female	Jewish Secular	Elementary	No	Large	7	640	9	1.4
8	Male	Jewish Secular	Secondary	Yes	Large	7	1500	60	4
9	Male	Arab	Elementary + Secondary	Yes	Small	3	142	13	9.2
10	Female	Jewish Secular	Elementary	No	Small	6	527	7	1.3
11	Male	Arab	Secondary	Yes	Large	7	600	30	5
12	Female	Jewish Secular	Elementary + Secondary	No	Mid-size	8	520	4	0.8
13	Female	Druze	Secondary	Yes	Small	3	128	10	7.8
14	Male	Jewish Secular	Secondary	Yes	Small	7	900	0	0
15	Female	Jewish Religious	Elementary	No	Small	7	101	1	1
16	Female	Jewish Secular	Secondary	Yes	Large	4	290	9	3.1
17	Male	Jewish Secular	Secondary	No	Small	8	1100	12	1.1
18	Male	Jewish Secular	Secondary	Yes	Mid-size	4	500	12	2.4
19	Female	Jewish Secular	Secondary	No	Large	8	1200	25	2.1
20	Male	Arab	Secondary	Yes	Small	2	1630	20	1.2
21	Female	Jewish Secular	Secondary	No	Large	8	93	12	12.9
22	Female	Jewish Secular	Secondary	Yes	Mid-size	4	375	11	2.9
23	Male	Jewish Secular	Elementary + Secondary	No	Mid-size	5	500	1	0.2
24	Male	Jewish Secular	Elementary + Secondary	No	Small	8	252	0	0
25	Male	Jewish Secular	Secondary	No	Large	8	2000	32	1.6
26	Female	Jewish Secular	Elementary	No	Large	8	306	0	0
27	Male	Jewish Religious	Secondary	No	Small	4	300	12	4



Table 2. Municipal Officials

No.	Gender	Role	City Without Violence	SE of Municipality
1	Female	Head, Education Department	Yes	7
2	Male	Schools' Security Officer	Yes	7
3	Female	CwV Manager	Yes	7
4	Male	Head, Education Department	Yes	7
5	Male	Chief Security Officer	No	8
6	Male	Chief Security Officer and CwV Manager	Yes	7
7	Male	Chief Security Officer	No	8
8	Male	Dispatcher	No	8
9	Male	CwV Manager	Yes	4
10	Male	Manager of City's Security systems	No	8
11	Female	Schools' Security Officer	Yes	3

section describing the company's expertise in school CCTVs. The managers of the security companies were less cooperative than other interviewees. Some of them did not want to participate in the research and the few who agreed were very terse.

Twenty-four of the interviews with the school principals and all interviews with municipal officials were conducted in person. Aside from one interview conducted in a principal's home, all interviews took place at the schools or at the municipality's offices. The majority of the principals showed us the split screen that displays the transmissions of the cameras, typically located in the principals' office; some showed us the locations of the cameras around the school. The in-person interviews lasted between 30 minutes and 1.5 hours.

We conducted telephone interviews, lasting 15–30 minutes, with two principals who considered installing cameras and decided not to do so, one school principal that did not want us to visit the school, and the three managers of security companies.

The interviews were recorded and transcribed within a few days after they took place. Thus, we were able to discuss coding while processing data, in line with a constructive grounded theory approach (Charmaz 2008). This initial open coding enabled us to identify common and significant themes. We compared the themes and conducted an extensive "theoretical sampling" in order to understand what we found (Charmaz 2008: 166–167). This theoretical sampling led us to institutional theory in general, and to the studies that focused on law and institutional theory in particular. Based on this theoretical framework, we differentiated between exogenous and endogenous sources and each of us had, individually, formulated broad theoretical categories to analyze the characteristics of the imagined law and classify the endogenous sources. We compared the categories and agreed on a detailed coding scheme. We analyzed the data using *Dedoose* software.

Interview extracts in this article are identified by numbers that correspond to Tables 1 and 2. To maintain the interviewees' anonymity, we removed details that might expose their identity.

Findings

School CCTVs: Diversity and Commonalities

The interviews yielded a picture of partial isomorphism. We found that each school is a unique ecosystem, with its own practices that reflect the students' background, the principal's character and technological orientation, the school's educational vision, its climate, and specific past experiences of violence or vandalism. Yet, there were also some commonalities among schools.

The number of cameras installed ranged from 1 camera to 60, with nine of the schools having up to 10 cameras each, eight schools with 10–20 cameras, and five schools with 20–60 cameras. While our study is qualitative rather than quantitative, it is clear that the size of the school is not necessarily a predictor of the number of cameras. For example, school 17 and school 21 in our sampling each had 12 cameras installed, but school 17 had 1,100 students, whereas school 21 had only 93 students. We thus calculated the number of cameras per 100 students. Eleven of the schools in our study had less than two cameras per 100 students; eight schools had 2–7 cameras per 100 students, and three schools had more than seven cameras per 100 students. In most cases, the school used its own budget in order to fund the CCTVs. In some cases, funding was provided by the municipality, the school's network, or other sources, such as the owner of a school cafeteria in one case.

All but one of the schools avoided installing cameras in regular classrooms. Schoolyards, corridors, and entrances are among the popular camera installation sites. Seventeen of the 22 schools that had installed CCTVs had cameras monitoring parts of the schoolyards; 16 had cameras in corridors; and 7 had cameras monitoring the gates or entrances. However, we should bear in mind that each school has a different physical layout. For example, some schools are concentrated in one building with one entrance and an internal yard, whereas other schools are spread over two or more buildings with larger grounds and more entrances.

Five schools installed cameras in special classrooms, such as a computer room, a gymnasium, a laboratory, or a photography studio. Only one school installed cameras in regular classrooms. Three schools installed cameras in other places, such as a library, a rooftop, and a synagogue located within one school. Two schools installed cameras in the teachers' room, and three schools

installed cameras in the principal's office. None of the schools installed cameras in restrooms, although some had cameras monitoring the entrance to the restrooms.

In two cases, the cameras malfunctioned and were not replaced with new ones. One of these two cases was a covert camera, located at the school's entrance. However, in both cases, the principals decided to leave the broken cameras in place. Some principals considered installing covert cameras, but have not yet done so. In one case, some of the cameras were stolen, but were not replaced. In only one case, the school intentionally installed dummy cameras.

While the quality of the CCTVs varied, all but two of the schools had static cameras that do not have zoom or remote control functions. None of the systems had a sound-recording function. Eschewing sound recording has an unambiguous legal source (*Wiretapping Act 1979*). We found one case in which the private security company was the vehicle for informing a principal that sound recording was prohibited.

Most principals made the decision to install the CCTVs on their own, sometimes in consultation with the team of teachers who participate in the school's management meetings. In only four cases, the parents participated in the decision-making processes: in two cases, the principals sent a letter to all parents; in two cases, they notified the Parents' Association; in two cases, they placed notice signs within the school; and in one case, the CCTVs were mentioned in the school's code of conduct. Only two principals discussed the installation of the CCTVs with the students and one of them ultimately did not install the system. Three other principals said that they inform the students about the systems at the beginning of each school year, and one principal uses a consent form, which all students are required to sign.

Thus, we found partial isomorphism, in some aspects of school CCTVs. To better understand the findings, we examine the principals' explanations along the exogenous/endogenous division discussed above, and add another intermediate explanation—that of imagined law.

Exogenous Sources

Coercive Mechanisms

We inquired as to whether there had been formal or informal pressures on schools that installed CCTVs, or considered to do so, during their decision-making processes. The main exogenous agents in the Israeli education field, whose policies might have produced coercive processes, are the MoE, municipalities, with or without the backing of the National CwV project, and

organizations that operate school networks. Overall, we found that these exogenous agents had relatively little influence on the principals' decision to introduce CCTVs into the schools.

MoE. The MoE has mostly remained outside the entire process, neither enforcing it, encouraging it, nor prohibiting it. Most principals said that they did not turn to the MoE, neither via the MoE's supervisors, nor by searching for MoE's regulations. Two principals were unsure whether they discussed the matter with the MoE's supervisor. Four others did have some contact with the supervisor, but two of them described the interaction as a post-facto notification. Only one principal said that the CCTVs were installed in coordination with the supervisor.

The vast majority of the principals disregarded the MoE and dismissed it as irrelevant, citing the school's autonomy and power to make its own decisions. P13 summarized this sentiment: "This is a school's consideration, not someone else's." There were also principals who expressed mistrust in the MoE and its regulations. P17 said:

No, there was no interaction with the Ministry... I always say, first we decide what we think is right and then we will read the [MoE's] Director-General's regulation, and see if it corresponds... Primarily, it is an internal matter ...we will make the considerations ourselves.

In other cases, principals cited precedents in other schools as a justification for not turning to the MoE. For example, P3 noted: "There was no inquiry with the [MoE]. I moved to a school with cameras, and I thought it was obvious." Only one principal expressed an explicit interest that the MoE be involved, to assist schools that lack sufficient financial resources. Thus, the central authority that has the legal power to require schools to follow its regulations remained silent, and as far as most of the principals considered, irrelevant.

Municipalities. Municipalities played a relatively minor role in the decision to install school CCTVs. In only five cases, principals reported that the municipality, with or without the backing of the CwV project, initiated the installation of CCTVs. In three of these cases, the municipality managed the installation; it held a tender to select the private company that would install the systems, and appointed a representative from the Security Department to supervise the contractor. In several other cases, the schools shared the costs of the CCTVs with the municipality but left the municipal officials outside the decision-making process.

The interviews with municipal officials confirmed the principals' statements regarding municipalities' minor role in the decision-making processes. A Municipal Chief Security Officer summarized: "The [school's] legal sovereign is the principal" (M5). Some of the officials indicated that when the municipalities initiated the installation of the cameras there was usually a dialogue with the schools. For example, a Head of the Education Department in a large city said: "It is kind of a tango. One process is that schools approach us, and the other is that we are aware of schools that have high levels of violence, and then we approach these schools" (M4).

When the municipalities were involved, those who made the decisions were the Chief Security Officers. In fact, the Heads of the Education Departments we interviewed did not know how many cameras were installed. This focus on security fits the formal division of power between the municipalities and the schools. The former are responsible for the infrastructure and the public spaces, and do not interfere within the schools' pedagogies. We noticed this division in terms of place and time. The municipalities installed cameras at the gates and schoolyards, citing external security threats, with only one municipality installing the cameras in the schools' corridors. For example, a Municipal CwV Manager said:

We do not go into the corridors and do not go into the schoolyard. Our responsibility is outside the school... You cannot allow an outsider to see what is going on inside the school. This is unethical and it does not look good (M9).

The criterion of the schools' physical contours is accompanied by a temporal dimension. Some schoolyards serve as public spaces after school hours. Accordingly, municipalities installed cameras monitoring these grounds, but said they do not watch the screens during school hours. A Chief Security Officer explained: the CCTVs "operate during classes, but we do not watch all the cameras; only in the morning... all the cameras are pointed to the gates, if God forbid, something happens" (M7).

School Network Management. Six of the principals we interviewed manage schools that are part of private national networks; yet, these schools are subject to public regulations. In such cases, the decision was made by the school, sometimes together with the network's central management, or subject to the network's financial approval. While the networks were involved, they were not the driving force behind the installation of CCTVs in their

schools and they did not provide any binding guidelines that regulate the process.

Mimetic Mechanisms

Did the decision makers imitate each other's actions? Did they share information about CCTVs? We asked the principals and the municipal officials whether they interacted with their colleagues before installing the CCTVs. Among the principals, the answers tended to be negative. P8, a principal of a school with over 60 cameras installed, said: "We did not discuss this with other schools. The schools are so different, in so many aspects, and we hardly have the chance to talk about such things."

Some of the principals referred to their colleagues' experience as a reference point, only to act differently. For example, P18 noted: "I am familiar [with the topic] from principals' discussions, but... each principal and his decision, [it is] an operative decision." P4 mentioned that other schools "are networked [by CCTVs] to the level of the restrooms," and added that "the principals [in the other schools] say that the presence of the cameras has brought down the level of the violence in a significant degree." However, he was quick to add that his school has not experienced any violence; hence, he saw no need for the cameras. The school does have two cameras at the school's entrance, installed following a burglary. P2 visited a "CCTVed school," and his impression was that it did not decrease the level of violence. He has not (yet) installed cameras in his own school. Another principal, of a small democratic (open) school whose educational vision and ideology focuses on children's autonomy, shared his impression from a visit to a school in another city, where "the principal has a huge wall with screens," but then he contrasted it with his own school, concluding that "I must trust [the students]" (P24). P5 cited a visit to schools in the United States, where he observed advanced security systems and security officers. He concluded that "We are not there [i.e. that's not us]."

Nevertheless, some of the principals mentioned what was happening in other schools as a source or as a justification for their decision. For example, P11, a principal of a school with a high number of cameras, said: "There are precedents, so we said we should also install [cameras]." Similarly, P12 referred to other schools' experience as a source for determining the positioning of the cameras: "As far as I know, more or less from other schools, there are no cameras in the classrooms; they are more in the yard and hallways." Two other principals who worked in schools that installed CCTVs referred to their own prior experience.

Thus, while there were no formal information exchange channels between schools discussing CCTVs, some principals

seem to have a general or anecdotal knowledge about what occurs in other schools. This tacit knowledge may have manifested itself in some sort of a mimetic process, but we do not have evidence that support or rule out this option. Most of the principals applied their anecdotal knowledge in a rather abstract way. In some cases, this knowledge was used as a legitimizing reference for their own acts, but the principals made their own decisions, occasionally resulting in not installing CCTVs. Hence, the mimetic mechanisms are weak and hardly play a role in the decision-making process.

Among the municipalities, we found some indications for informal mimetic processes, with some anecdotal international influences. A Chief Security Officer said: "You sit with colleagues, you see that they install [CCTVs], you see that it partially helps, so you say 'let's install'" (M7). Another Chief Security Officer referred to the meetings of security officers as well, but emphasized that he had made an independent decision: "There are meetings of security officers all the time... the officers share... but it is not that I discussed [CCTVs] specifically with any security officer; I addressed the matter on my own" (M5). In a city that was one of the first to introduce CCTVs in schools and in public spaces, the Chief Security Officer searched for other cities' experience, but found none. He explained that the mayor, a retired high-ranking army officer, was inspired by New York City's mayor, Rudolph Giuliani. The officer was quite proud to explain that the (Israeli) pioneering project then became a source of information and experience for other cities, citing several Israeli cities, as well as European and South American cities (M6). An international influence was also mentioned by M1, a Head of a Municipal Education Department. She shared her experience from a visit to a school in Detroit, where the school principal mapped "hot spots" of violence that did not have adequate adult supervision. Her conclusion was, "I accepted the importance of adult presence all the time and everywhere; but it is impossible to be everywhere, hence, I think that the cameras can be a managerial tool." Thus, as with the school principals, we found only weak mimetic mechanisms among municipalities.

Normative Mechanisms

We classified interviewees' references to seeking advice or consulting exogenous resources as a potential normative mechanism. While there are various professional fora at which principals meet, converse, and socialize, we have not identified any discussion of school CCTVs in conferences or workshops, or in professional literature of Israeli school principals. Only few principals made some inquiries: one asked a member of the staff to seek guidance in the

MoE's regulations—but to no avail. Another principal consulted unspecified professionals but no other source.

An additional form of a normative mechanism was more subtle, with nonbinding suggestions offered by the municipality, although without further involvement, guidance, or funding. A principal of a democratic school made the school grounds available to the local community after school hours. Break-ins and vandalism ensued. At the municipality's suggestion, the school installed one covert camera (P23). At another democratic school, the suggestion was implicit. The principal consulted the police and the municipality after a case of a stolen smartphone. The municipality noted the 2006 murder of Ta'ir Rada, a 13-year-old girl whose body was found in a restroom inside a school, and the principal concluded that there is “a general recommendation that permits installing cameras” (P24).

Actuarial Mechanisms

There was no trace of any systematic collection and analysis of relevant data among the principals. Most of the principals made their own decisions, without collecting data from their own or other schools; some based their decisions on their own anecdotal experience or on partial information. Neither did we find any systematic processes of gathering data at the municipal level.

Endogenous Sources

Thus, exogenous sources—coercive, mimetic, normative, or actuarial mechanisms—have only partially informed the decision makers. In initiating and implementing the installation of CCTVs, schools acted mostly on their own, basing their decisions on endogenous sources and imagined law. This section presents the endogenous sources that shaped the decision-making processes, and the next section describes the reliance on imagined law.

The principals referred to several kinds of endogenous justifications for their decisions to install or not to install CCTVs. These justifications were incorporated in the interviews as well as in the excerpts that we coded. We grouped them into several interrelated categories: security and control, privacy, education, and practical considerations.

Security and Control Justifications

Security justifications, referring to terror, violence, vandalism, and thefts, were prominent in the principals' explanations for their decisions to install CCTVs. In most cases, these justifications concerned both the school's students and external agents. P19

said that when “the issue is protection, even if you go from a light grey to a lighter grey it is worth the effort.” P22 explained that “when the year starts, I speak to [the students] about two rights: the right to learn and the right to get in and out of here safely.” A principal of a democratic school in which there are no cameras referred to the murder of Ta’ir Rada, noted earlier, and said that “it is the case that you say you are willing to set aside democracy. . . . If it prevents the next Ta’ir Rada, I will put in a camera” (P24). We should note, in this regard, that the vast majority of Israeli schools have security guards at the school’s gates, so the cameras are not the only measure that controls access to the school.

There were principals who used security justifications in order to explain the decision to install CCTVs in certain locations or their use. P18 stated that security considerations defined the “role of the cameras and the red line.” P3 said that “the goal of the cameras is not to police the people. It is to protect the school. . . . I do not need them on the head of [i.e. to closely monitor] the teachers and students in the classrooms.” Similarly, P19 explained that she does not need CCTVs in classrooms “where children sit behind a table and there is a teacher. . . and there is a small chance that someone will bump into someone else or something will happen.”

Many principals noted that the CCTVs provide them with a sense of control. P22 noted that “it is nice to be able to know what is going on in the school. . . it has a calming element. . . to glance at the camera and see that everything is quiet. . . it is calming.” The need for control was discernible in the interviews with principals of large schools, composed of several buildings. A principal whose teachers’ room is located far from most of the classrooms described how CCTVs provide him “with eyes to see what is going on inside and around the school” (P11). Another principal said that the layout of the school allows the students to “have sex, smoke, or hide a tank,” and the CCTV system provides him with one kind of solution, which he uses alongside other tools (P17). Yet, there was also a principal who lamented that CCTVs are installed because principals seek to reassert control (P10).

Several principals referred to the students’ sense of security. For example, P17 emphasized that:

One of the things that we feel here in this school is that the sense of security is very high. People can leave a laptop here for three hours, and in most cases it remains. I want to maintain this spirit.

No principal mentioned that CCTVs might make students feel insecure (compare Binkhorst and Kingma 2012). This is not

surprising, as Israeli citizens are used to security measures, including armed security guards and bag searches in entrances to public places.

Privacy Justifications

Privacy was a recurrent issue in all interviews. The principals all understand that the decision to install CCTV cameras has implications on both students' and teachers' privacy. The principals' way of explaining their decisions reveals their underlying understanding of privacy. They intuitively understand the panopticon effect of CCTV cameras, namely that people adapt their behavior when they believe they are subject to observation, even when no such scrutiny takes place. None of the principals used the term explicitly, aside from one principal, who referred to Foucault's (1984) analysis of the original concept, proposed by Bentham. A prevalent metaphor that came up was that of *Big Brother*, although some of the principals seem to have referred to the popular reality television show carrying this name, rather than to George Orwell's *1984* (only one principal referred to Orwell's book directly). A few principals referred to the normalizing effect of CCTVs in public spaces on the students' acceptance thereof, implying that their decision to install CCTVs was part of this trend, and hence, would not raise any particular concern. P2 said: "You are videotaped in the supermarket, in most shops, in the gas station, at many junctions. So what is the big deal?" Similarly, P11 noted: "Today, wherever you go, in every public and private place, and even in cars, there are cameras. It has become an integral part of our lives... we can get used to anything."

The answers echoed various theories of privacy (see Solove 2008), referring to the importance of intimacy in the classroom, to the need for a private space, and to a general liberty not to be under surveillance. The principals realize that there is a tension between security and safety on the one hand, and privacy on the other. The resolution of the tension takes two main forms: one is a deliberate choice of one factor over the other, that is, trading off one interest (usually privacy) for the benefit of security and safety. A second form of resolving the tension is by ad hoc balancing that plays out in the choice of locations as to where to install the cameras and where to eschew them, and in their actual use. These explanations are not necessarily incompatible. Here are some examples.

Trading-off Privacy for Security. The first form explicitly chose one side of the conflicting values, either downplaying the rival interest, or making a deliberate choice to trade off the one, so as to achieve the other. P8 noted that "there was an

understanding that the end justifies [the means].” P22 changed her predecessor’s policy not to install cameras: “My predecessor had an ideological issue with placing [cameras] and watching the students. . . I appreciate it as an ideology, but in my opinion, their security and safety have priority.” Conversely, P24, a principal of a democratic school, decided not to install cameras: “It relates to two issues: the protection of the individual and the need for privacy, against the issue of protecting the surroundings and preventing crime. It is obvious that the school locates itself on the side of the individuals’ rights.”

Protecting Privacy by Delineating Private/Public Boundaries. Another form of resolving the tension is by highlighting the decision regarding the location of the cameras. The principals distinguish between private and public areas within the school. The designation of a certain area as private or public is not uniform among the schools, with the exception of the attitudes toward the surveillance of restrooms, where no school installed cameras. We asked the principals about their reason for installing—or not installing—cameras in these locations.

The absence of cameras in restrooms was an obvious nonissue for the principals. For example, P6 considered installing dummy cameras at the entrance to the restrooms and telling the students that she watches them: “Eventually we did not do it because there is really an issue of the students’ feelings as to who enters the restrooms.”

Principals who avoided cameras in classrooms offered several privacy-related explanations. Some principals referred to the importance of intimacy between the students and the teacher during class. Others cited the students’ need not to be watched, often mentioning the Big Brother metaphor, either the Orwellian or the televised version. P26, who decided not to install cameras, said: “This is not Big Brother. I do not want to create a sense that I do not trust people.” There were also principals who mentioned teachers’ privacy. P8, a principal of a large school with 60 cameras in place (4 per 100 students) was frank: “As for the classroom, the problem is not so much the students; I wish we could watch them; who knows, they will probably shoot us. But you cannot place a camera on [i.e. to monitor] the teacher in the class; it can be perceived as threatening. It is as if a supervisor is always present in her class.”

Principals who justified CCTVs in schoolyards usually mentioned limited budget and technological features but some also provided privacy-related explanations, most commonly, referring to students’ need for a space where they are not being observed, and are free to behave as they wish. P17 explained: “Kids need a smoking corner, where we chase them and they hide; they need

a corner where it is prohibited to kiss, and they will kiss; there is a need for this cat and mouse.”

Educational Justifications

The principals alluded to several educational justifications, reflecting different approaches as to the role of CCTVs in the educational setting. Principals who mentioned educational considerations for decisions not to install CCTVs or to limit their use often focused on the negative impact of CCTVs on relationships and trust. For example, P5 explained that he did not install CCTV in the classrooms because “this is a school that nurtures dialogue, trust, and direct relationships between teachers and students,” and CCTVs “create incongruity between what you do and what you educate.” Other principals explained that CCTVs curtail significant educational processes. P4 said that he is “extremely afraid of a world in which educators will say that they can stop educating because they have screens.” Another principal of a democratic school, who considered installing cameras several years ago following a violent incident, noted that the “school parliament” decided to add more teachers to watch the children during breaks because people provide “emotional, human, and personal solutions,” while “cameras do not tell you to stop throwing sand on your friend” (P24).

Principals who cited educational considerations as a justification for installing CCTVs usually perceived it as a mechanism for deterrence among the school’s students. Interestingly, the vast majority of the principals who perceived CCTV as a deterrence tool did not mention even once the implications of CCTV on values, such as trust, relationships, or traditional educational processes.

There were also principals who focused on the role of CCTVs in the search for the “truth” during disciplinary processes. This kind of justification reflects the changing realm of school discipline in the surveillance society (see e.g., Hope 2009; Kupchik 2010; Monahan and Torres 2009; Taylor 2013).

Practical Considerations

The principals mentioned various practical considerations that informed their decisions, such as the cost of CCTVs and their effectiveness. Several principals who alluded to cost-related considerations said that they would have installed more cameras in more locations were they to have had more funding. Some of the principals also raised concerns as to the inequality that exists between schools that have the funds for CCTVs and schools that do not. There were also principals who noted that, while the

cameras are expensive, they are a worthy investment in the long-run, as they prevent costly damages. Other practical justifications related to the effectiveness of the CCTVs. For example, P16 justified her decision not to install CCTVs in the classrooms by noting that “if you will put a camera here, the child will do something there.” Similarly, P25 explained that dummy cameras “would not help” because “children are smarter than us,” and “they will fool you.” P2 explained that CCTVs were not considered because of the scattered physical layout of the school that contains “limitless hidden corners that cannot be covered,” but now the school is moving to a new building, so therefore CCTVs may be effective.

Thus, a mix of endogenous considerations informed the principals’ decisions: security, privacy, education, and practical factors. The weight accorded to each consideration varied among the principals and manifested itself in the number of cameras, their location, and use.

Imagined Law

At the outset of the interviews, the principals provided answers that could not be categorized as either exogenous or endogenous sources that informed the decisions. One of the questions in our interview guide was how did the *absence* of MoE’s regulations regarding school CCTVs affect the decision-making process within the schools. However, before we reached this question, some of the principals described how they conform to the “law.” Some of them insisted that they had read the MoE regulations on the matter of school CCTVs, although there were no such regulations at the time. We call this phenomenon *imagined law*. We account for the interactions between imagined law, normative processes, and the schools’ discussions regarding the installation of CCTVs. We note that, although we found explicit statements about imagined law with only one-third of the principals, this comprises a substantial segment of the principals, indicating that this perspective was not merely anecdotal. It was a surprising and novel phenomenon, deserving of careful attention.

“The [MoE’s] Director-General’s Regulation is the Bible” (M10)

The first signs of imagined law appeared in the introductory calls we made in order to schedule an interview with our first interviewee, P1, who said that her school does only “what it is authorized.” When we asked her during the face-to-face interview if the school’s management raised any considerations against the installation of CCTVs, she explained that “there were no considerations... we said in advance that we do what we are authorized

to do. We do not invade privacy.” Accordingly, she explained, “we do not have cameras in the classrooms, in the restrooms, or in the corridors. . . in all the private places, we do not have cameras.” When we asked directly about privacy-related considerations that were raised during the decision-making processes, she emphasized yet again, that “privacy was not raised [during the discussions] because we followed the laws.”

The next evidence of imagined law appeared in the interview with P6, who was convinced that there are binding regulations of the MoE that prohibit cameras in restrooms and corridors. She said that, in the wake of incidents of vandalism, she wanted to install dummy cameras at the entrance to the restroom, but ultimately decided not to do so, because she “looked at the [MoE] Director-General’s regulations” and did not want to “mess with these things.” For the same reason, she noted that she decided not to install cameras in the corridors. When we drew her attention to the fact that there were no such regulations, P6 insisted she had read and followed them. She was also determined to call the municipality, which was involved in the installation of the cameras, in order to decipher this issue. We realized that this aspect—the reference to a nonexistent legal source—deserved closer attention. Thereafter, we eliminated the reference to the lack of regulations from the interview guide and traced references to imagined law in the principals’ responses.

Indeed, several other principals believed that they had followed the law. P9, a principal of a special education school was confident, just like P6, that he had read MoE’s regulations, which ostensibly prohibited the installation of CCTVs within the classrooms: “We did not ever consider putting [cameras] inside the classrooms,” he noted, “because we know that it is impossible. . . The [MoE] Director-General’s regulations do not permit filming inside the classrooms, so we did not consider it.” He also mentioned that the municipality’s Chief Security Officer circulated the MoE’s regulations, and “each principal did [the process] by himself.”

Other principals referred to an imagined general law, which supposedly prohibits the installation of CCTVs in classrooms (P1, P8, P13, P20), in restrooms (P1, P8, P20, P21), in corridors (P1), or in offices (P8). “This is [the situation] in the meantime. . . maybe the law will improve,” P20 noted.

Imagined law emerged in several interviews with municipal officials as well. M11, the Chief Security Officer in charge of schools in a city that joined the CwV project, said that “there is a law of the [MoE], which obligates me, as a Security Department, to install cameras in schools. . . in all of the schools,” she emphasized. When the interviewer asked what this law is, she said that “It is in a [MoE] Director-General’s regulation. . . it is mandatory.”

M11 also described that, despite the “law,” the municipality does not have enough budget to fund the CCTVs in all the city’s schools, and that there are principals who remind her that “there is a law,” and that she is “obligated” to install cameras in their schools. When a principal “nags daily,” she said, “we have to install cameras.” Answering a question about the locations of the cameras, M11 reminded us again that she follows “the law.” “I have a law that instructs me to install cameras for security,” she said, and therefore “I am interested only in security: corridors, entrances, yard,” where “the primary purpose of the cameras is security and safety.”

Imagined law featured also in the interview of M4, the Head of a Municipal Education Department. M4 noted that he read the MoE’s regulations, which “as far as he remembers” determine where the cameras should and should not be installed, how the information should be stored, and similar “technical things.” The “dialogue” takes place with the Municipal Security Department and the MoE’s Security Department, M4 said, and added that the Municipal Education Department, which he directs, heard about the regulations but did not thoroughly examine them.

M10, who directs a citywide CCTV project, noted that every principal “who submits a request [for cameras] is obligated to [enable the parents to] participate” as there are “guidelines in a [MoE] Director-General’s regulation that obligate the school principal.” He added: “I trust the school principal that he follows the rules, regulations, and guidelines,” and that “the [MoE’s] Director-General’s regulation is the bible.”

Imagined Law and the Absence of Normative Processes

The phenomenon of imagined law corresponds to the absence of normative processes in decisionmaking, described above, as well as to the principals’ attitude toward the absence of the MoE in the process. Principals who acted under the shadow of an imagined law did not seek or receive any professional advice, and did not have a chance to find out that they were mistaken as to the existence of official binding guidelines. Some principals who described an imagined law did not bother inquiring whether there was a MoE regulation because they generally tend to disregard the MoE. P8’s comment is illustrative:

Beside the things that we know because of our age—that we cannot put [cameras] in the restroom, in the offices, and in the classrooms, which I am pretty sure that if we will look for a [MoE] Director-General’s regulation, that is what it would

say—We did not approach the [MoE]... and did not follow any Director-General's regulation.

Answering our question about the teachers' duty to supervise the children during school breaks, P8 made a disregarding gesture with his hand and said that "the [MoE] is not involved." Similarly, P17 said: "I know there is a recommendation not to place [cameras] in classes, and this seems [right] to me. But, I always say, first we decide what we think is right and then we will read the Ministry's regulation, and see if it fits." P13, who stated that she is not allowed to film within the classrooms but decided to do so anyway, noted that "this is the school's consideration, not anyone else's."

In other cases, the principals ignored the MoE, not because they thought it was irrelevant, but because they were sure that they knew what the law requires. P6 was honestly convinced that she read binding regulations of the MoE that prohibit cameras in restrooms and corridors. She even mentioned that she decided not to install cameras in certain locations because she wanted to follow the regulations and not to "mess with these things." P20 described a similar approach toward the binding nature of the "law," which he hoped would "improve" so as to authorize the installation of cameras in classrooms. P9, who believed that there is a law which prohibits the installation of CCTVs in classrooms, noted "When I came here, I had the experience," and therefore I did not have "to see more examples." P9 updated the MoE's supervisor and the Municipal Education Department about the installation, but did not ask for any guidelines, assuming that he knew what was right and what was wrong. He did not receive an approval, but there was also no objection. Similarly, P21, who installed cameras in the corridors and classrooms and believed that the law did not permit the installation of cameras in restrooms, mentioned several times that there were cameras in the school before, and, therefore she did not consult the MoE.

Imagined Law and Limited Discussions

Principals and municipal officials who shaped their decisions in the shadow of an imagined law, relied on solid positions regarding the legality of the surveillance practices, which, in most cases, shortened the discussions regarding the installation of CCTVs and limited the participants in these discussions. P1 said that there were no considerations against the installation of CCTVs because they did only what they were "authorized" according to the law. P6 noted that she "informed the teachers and the parents about the cameras. P21 did not notify the

parents about the new cameras and said that the parents “know it from last year.” M11 provided a more elaborated answer as to the role parents have in shaping practices that have a legal imprimatur. When asked about parental involvement in the discussions regarding the installation of CCTVs she asserted that they “do not let parents participate in the discussion because it is a law!” and “the discussion [regarding the CCTVs] is between the principal and the municipality... the Parents Association will not oppose a law that is meant to protect their children.”

Other municipal officials thought that the “law” requires the principals to consult parents and, therefore, it is not the municipality’s responsibility. M4 answered our question regarding notice to parents: “this is the school’s responsibility” and “everyone knows his role.” Similarly, M10 noted that consultation with parents is an “obligation of the schools’ principals,” according to the “[MoE] Director-General’s regulation... I do not deal with it,” he noted.

For the principals who acted under the shadow of imagined law, paradoxically, this nonexistent source provided clear answers as to what is right and what is wrong. Such answers eliminated the need to question the decision and limited the participants that were allowed to have a voice in the discussions.

Discussion

The deployment of CCTVs in Israeli schools transpired despite the absence of any binding or guiding regulation. Our findings portray a picture of partial isomorphism among schools. We found that although each school comprised a unique ecosystem, there were some commonalities in their practices. To explain the isomorphic structures and examine the decision-making processes under ambiguous law, we drew on the framework of institutional theory, thus differentiating between exogenous and endogenous sources of decisionmaking (DiMaggio and Powell 1983). Our study adds yet another source, that of imagined law, which we situate between the exogenous and endogenous sources.

Our findings indicated that only scant exogenous sources informed the decisionmaking. The initiative to install CCTVs was typically that of the principal, occasionally after consulting the school staff or parents, with almost no coercive, mimetic, normative, or actuarial mechanisms affecting this decision. The main exogenous agents in the Israeli education field whose policies could have produced coercive processes—the MoE, the municipalities, the CwV project, or school networks—had minor

influence on the principals' decision to introduce CCTVs into the schools. Only a few principals relied on general or anecdotal knowledge regarding relevant practices in other schools as a source for their decision, and some cited their colleagues' experience as a reference point to act differently. None of the principals based their decision on any systematic collection and analysis of relevant data.

The findings also show how the decision-making processes were shaped by endogenous sources. Security justifications, relating to terror, violence, vandalism, and theft, were prominent among the principals' explanations for their decisions to install CCTVs. Many principals noted that the CCTVs provided them with a sense of control. The principals all understood that the decision to install CCTVs constrained both students' and teachers' privacy, and their responses echoed various theories of privacy, referring to the importance of intimacy in the classroom, to the need for a private/personal space, and to a general freedom not to be subject to surveillance. The principals resolved the tensions between the right to privacy and the school's interests by trading-off privacy for security and safety, or by delineating boundaries between the private and public areas of the schools. The principals also alluded to several educational considerations, reflecting different approaches as to the role of CCTVs in the educational setting. One group of principals justified CCTVs as an educational tool to promote deterrence, while another group noted their negative impact on educational values and processes. There were also references to the role of CCTVs in disciplinary processes. The final group of endogenous sources informing the principals' decisions was composed of practical considerations, such as the systems' cost and effectiveness.

The interplay of these considerations sheds light on the legal consciousness of the principals, and contributes to the thin body of literature that has explored decisions made by agents who have positions of power to mobilize the rights of others. The silence of the exogenous agents signaled to the principals that, in effect, the installation of school CCTVs lies within their managerial autonomy. Thus, the principals merged managerial considerations with personal conceptions of human rights and education. These findings are congruent with studies demonstrating how managerial interests obscure and dilute rights (Edelman, Erlanger, and Lande 1993; Munkres 2008).

We introduced a new source for the decision-making processes: imagined law, which is neither exogenous nor endogenous. Some of our interviewees explained their decision-making process by referring to the law, either generally or to particular regulations, even though there was no such specific law and there

were no such regulations of school CCTVs. When decision makers within an organization base their decisions and actions on such shaky grounds, they do not operate under the “shadow of the law,” as Mnookin and Kornhauser (1979) described in the case of negotiations of divorcing couples. Rather, they operate under what we termed the shadow of an *imagined* law.

We did not find the concept of imagined law as a source for decisionmaking in the literature. The closest reference to imagined law is Wilf (2011), who wrote about the “legal history of the imagination,” and urged legal historians not to focus exclusively on official legal texts, commenting that “[l]aw might be made out of myth” (561). Wilf analyzed historical examples of legal myths, concluding that “imaginary law might be mimetic borrowing of official legal forms,” and “might be used to construct overarching narratives that might replace our traditional stories about legal origins” (2011: 562). Another reference to imagined law is Parsons (1998), who noted in his conceptual paper about law and justice that “[a]n imagined law and imagined justice are real to those who are willing to do the imagining” (176). This comment, however, referred to the power of social norms.

To better understand imagined law, we turn to several neighboring concepts. The first is, “ideologies of rationality,” proposed by Edelman, Uggen, and Erlanger, which refers to “the accounts, stories, and myths about how organizations should respond to the law—rather than the substantive law itself” (1999: 407). A second close concept is that of “legal legends” which are misconceptions about the contents of the law (Galanter 1998). Galanter compared legal legends to folklore: “they occur in multiple versions, there is no single authoritative text, they are formulaic, and they are conveyed in settings detached from any practices of active testing for veracity” (1998: 723). A third relevant concept is a mistake about the law. We all make mistakes about the law (see Segev 2006), lawyers included. For example, we might think that it is legal to copy a photograph we found online and use it in a commercial web site, mistakenly thinking that copyright law permits such a use. Sometimes we avoid parking a car in a certain place, believing it to be illegal, although we see no clear sign, whereas there may actually be no parking restrictions. Imagined law differs from these notions. It is a myth about the substantive law and its very existence, rather than a myth about how to respond to the law, a misconception of the law, or a mistake about the law’s contents.

Yet, another related concept is LoPucki’s (1996) notion about “law in lawyers’ heads.” He argued that the law is applied through the agency of the human mind, in what he termed, building on cognitive psychology, “mental models” (LoPucki

1996: 1500, 1541). This way of understanding and applying the law, LoPocki argued, is a “gross simplification of written law,” which is formed in communities (1996: 1504). In our study, imagined law was alluded to by nonlawyers who made decisions about others’ rights individually, rather than in a community. Recall that we did not find significant mimetic processes, namely, we did not find any indications of a shared mental model.

An immediate question arises: Why did our interviewees imagine a law? LoPocki’s consideration of cognitive psychology principles suggests a plausible avenue. The authority of the (imagined) law lent itself to the principals’ decisions, supposedly narrowing their discretion, but in fact allowing them much leeway. In this sense, imagined law is a hybrid of exogenous and endogenous sources for decisionmaking. It provided the principals an anchor for their decisions, which eliminated the need for mimetic processes or normative inquiries. It enabled both the satisfaction of abiding by the law and a sense of autonomy. Thus, the imagined law was a convenient cognitive solution.

Further research is needed to better understand the reasons for this cognitive mechanism. We speculate that this may be the result of multiple factors, including the pressing demands for security, the maturation and widespread use of CCTV technology, its decreasing cost, and cultural factors. Imagined law may also be linked to personality traits of the decision makers. In addition, we speculate that imagined law is more likely to be found in certain organizations characterized by having a role or commitment to public interests, an institutional responsibility for human rights, and a distributed structure, with on-ground decision makers who mobilize this responsibility. Thus, we anticipate imagined law operating in systems such as educational institutions, social services, or law enforcement agencies.

Another question concerns the sources that the principals used in order to fill the imagined law with content. We found that the principals, both those who referred to imagined law and those who ignored and marginalized the law, turned to their own personal intuitions and perceptions as to privacy, security, and education. We did not find unique attributes of the principals who imagined law. For all principals, the law was an amorphous, rather empty frame. Thus, the imagined law was produced by social and cultural schemas about what is right and what is wrong.

Mautner (2008) suggested the concept of “common sense” as a source of many judicial decisions. Importantly, this is not a deliberate or explicit statement of the decision maker to apply common sense. Rather, it is, per Mautner, an intangible and informal cultural category that contains our empirical and normative knowledge about the law. School principals are not judges,

but turning to imagined law as a legitimizing source and filling it with the principals' own legal consciousness and personal perceptions, resembles Mautner's idea of the common sense. When the principals projected their own common sense onto the law, the next step, of the imagined law, made perfect sense, as the imagined law resonated with their own beliefs. They managed to pull themselves up by their own bootstraps. Their common sense, along with their practices, produced myths that were taken for granted and adopted ceremoniously (Meyer and Rowan 1977); myths that no one doubts or questions their legitimacy.

Our findings, indicating that imagined law shortened the discussions regarding the installation of CCTVs and limited the participants' discretion, highlight some of the social functions of imagined law. It is not only the imagined authority of the law that hindered the dialogue. It was also the fact that there was no actual law, whose application could be discussed and debated. Future research may draw on interviews with additional agents in the field, such as teachers, parents, and school children, in order to explore the social functions of imagined law. It may also examine the tensions between imagined law and the decoupling of structural symbols from substantive organizational practices (Edelman and Suchman 1997). On one hand, imagined law seems to contradict such decoupling. For our interviewees, imagined law served a structural symbol as well as a source for their internal practices. On the other hand, both imagined law and decoupling are intertwined with the cultural power of law rather than with its actual content (see Edelman and Suchman 1997). In both cases, decision makers preserve managerial prerogatives to shape organizational practices according to their own, personal perceptions and interests. Another possible research avenue could explore the interface of the schools' practices and the new, 2015 MoE regulations. While Edelman, Uggen, and Erlanger (1999) showed how courts adopted the internal practices of organizations that responded to ambiguous law, the 2015 regulations reject many of the practices that we found.

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