

IMMIGRANTS AS VICTIMS: A FRAMEWORK

WILLIAM F. McDONALD^{*†} and EDNA EREZ[#]

[†] *Georgetown University, USA*

[#] *University of Illinois at Chicago, USA*

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Criminological research on immigrants has focused on the criminality of immigrants (for review see Martinez and Lee, 2000). Concern for immigrants as victims of crime or immigrant victims' access to justice has been scarce (for exceptions see Davis and Erez, 1998; Davis *et al.*, 2001).¹ This is remarkable given that (a) we are living in an age of migration (Castles and Miller, 1998) and that (b) pioneer victimologist, Hans von Hentig, an immigrant himself, listed 'the immigrant' as one of the thirteen categories in his typology of victims. Von Hentig noted that it takes many painful years to adjust to a new lifestyle and only then is it possible to escape victimization. He pointed out that the vulnerability of the immigrant is often apparent to otherwise respectable people who seem to be unable to resist exploiting immigrants (Von Hentig, 1948: p. 404–438).

The lack of research on the victimization of immigrants is undoubtedly related to the difficulty of obtaining valid data on the immigration status of crime victims (Hagan and Palloni, 1998: p. 382).² Information about crimes against immigrants is mostly anecdotal coming from either news reports or the experiences of immigrant service providers. There are no official crime statistics on this matter in the United States³ or Australia (Mukherjee, 1999). Such data are available, however, in some European countries but not uniformly (Barbagli, 2002; Goodey, 2000; Oakley, 2005: p. 19ff).

Another reason for the lack of research on immigrants as victims is what researchers working within the social constructionist tradition would describe as the process of defining victim categories and of 'making claims' (Spector and Kitsuse, 1977) on behalf of those categories. Victim-activists have been remarkably successful at placing a variety of victim categories and victim issues on the public agenda including elder abuse (Baumann, 1989), hate crime (Jacobs, 1998; Jacobs and Henry, 2000), child abuse (Best, 1987), intimate

* William McDonald is Professor, Department of Sociology and Anthropology and Co-Director, Institute of Criminal Law and Procedure, Georgetown University, Washington D.C. 20057-1037, USA. Edna Erez is Professor and Head of the Department of Criminal Justice at the University of Illinois at Chicago.

partner violence (Loseke, 1991), and crime against the elderly (Cooke and Skogan, 1990). The fact that they have not cast 'immigrants' in the role of 'star victim' (Elias, 1993) does not necessarily mean that concern about immigrant victimization does not exist at all. Rather, it is because certain immigrant troubles have been subsumed under politically hotter topics, such as 'hate crime' and 'domestic violence' (Abraham, 2000; Erez, 2000; Raj and Silverman, 2002).

Additionally, it must be recognized that since the 1960s much research related to immigrants no longer focuses upon 'immigrants' in the technical sense — as was done in the early twentieth century in the United States. Rather, the terms, race, ethnicity and immigrant are often being used virtually synonymously by scholars.⁴ Thus, in Europe and Australia official data on hate crime and crime victimization surveys that ask about race and ethnic information are presumed to be proxy measures of crimes against immigrants — even though the victims may be second or third generation immigrants. It also bears mentioning that since the war in Yugoslavia and the collapse of Soviet communism, the term 'immigrant' (especially in Europe) is often used synonymously with refugee or asylum seeker. Indeed, the term, 'immigrant', in most of today's literature is not used in its technical, legal sense found in immigration laws but in the general sense of a social category imprecisely connoting 'foreigner' or, more generally, 'the other'.

When victimologists/criminologists have focused on immigrants as victims of crime, they have sometimes followed in the humanistic/human rights (as opposed to the positivist or so-called 'conservative') tradition in victimology (Mawby and Walklate, 1994). They have not limited their analyses solely to victimizations involving crimes in the technical legal sense.⁵ Rather they define victimization more or less broadly to include civil matters such as unfair business or labor practices (Claghorn, 1917); discriminatory behavior toward them by the police and the criminal justice system,⁶ discriminatory labor standards and laws that put farm workers and illegal immigrants at high risk of physical injuries or loss of wages (Jenks and Jenks, 2004); harsh and stingy asylum and refugee policies (Jupp, 2003); and 'the criminalization of immigration controls' (Palidda, 1996; Agozino, 1996).

This interest in documenting broader non-criminal but unethical and quasi-illegal exploitation did not begin with victimologists. Robust accounts of this kind of victimization of immigrants qua immigrants can be found in the literature on the American experience of the early 20th century. Kate Claghorn describes in great detail the fleecing of the immigrant from the time he buys a steamship ticket through the perils of the journey to the swindles, frauds, and thefts that happen upon landing and then others including deception and abuse in dealing with employment agents; tricks and fees imposed by employers and landlords; difficulties in seeking compensation for industrial accidents; risks of reliance upon 'the immigrant bank' rather than a legitimate bank for savings and loans; and swindling by various notaries, real estate agents, salesmen, con-

fidence men, labor recruiters and co-national lawyers (Claghorn, 1971 [1923]: pp. 1–65, 121–142).

Similarly, the documents compiled by Edith Abbott provide an archive of vivid accounts of the exploitation and victimization of immigrants. For example, in 1846 the secretary of a protective society testified before a committee of the New York State Assembly which was investigating frauds upon emigrant passengers as follows:

Persons are allowed to go on shipboard ... who make representations which prove to be false; lead the immigrant into houses in the city unfit for man to live in and they require exorbitant pay; or take money for the transporting of the immigrant west, and give worthless tickets for a passage, or charge a much larger price than the actual charge by respectable and responsible lines of steam or canal boats. Cases, which come under the evils above enumerated, are very frequent and very grievous ... (Abbott, 1924: p. 131).

The abuses were so great that societies for the protection of immigrants were founded by members of the same ethnic groups and later extended to include other ethnic immigrants.

The articles included in this issue of the *International Review of Victimology* reflect the fragmented and thin state of our knowledge about immigrants as victims of crime. It was not easy to locate people working on this topic. They were not all found at some conference on victimology, criminology or immigration.⁷ On the contrary, it took some luck and some searching in disparate places. In the end, however, we believe that each of the articles makes a valuable contribution to our understanding of the various dimensions of this increasingly significant problem. Almost 50 years since Hans von Hentig's insightful observation about the vulnerability of immigrants to victimization a collection of papers describing various facets of this victimization has been produced and is offered in this special issue.

Our first article is in the humanistic tradition of victimology. Linda Miller follows in the paths of Kate Claghorn and Edith Abbott in documenting the unscrupulous and borderline criminal behavior engaged in by people exploiting the powerlessness and cultural illiteracy of immigrants. Perhaps it is a bit cynical to say that even in our era of wealth, comfort and security it is not surprising to read accounts of people taking advantage of foreigners who do not know the rules of the game. But it is surprising to read Miller's conclusion that victimization gets worse as immigrants become *more* acculturated. That certainly is a warning that is contrary to what one might expect. Immigrants pay a price for acculturating.

On the other hand, the analysis by Frank Biafora and George Warheit presents a more positive story both substantively and methodologically. Building upon recent macro-level studies which suggest that some immigrants in some locations are *not* more likely than non-immigrants to be the victims of vio-

lence, they confirm and specify this finding using individual-level data from a victimization survey conducted in Miami. Theirs is one of the rare studies available which directly measures the immigrant status of victims of crime. Biafora and Warheit also provide a rare disaggregation of the 'Latino' or 'Hispanic' cases into specific groups (Cubans and Nicaraguans). Moreover, they provide an interesting theoretical insight into the possible crime-protective function of immigrant enclaves which suggests that traditional structural models of crime and victimization need some fine-tuning.

Jock Collins' discussion of immigrant victimization in Australia, particularly in the cosmopolitan city of Sydney, is another valuable contribution notable both for its methodological as well as its substantive nature. Collins stitches together primary data from a victimization survey and from calls to telephone hot-lines for anti-Arab hate crime victims with findings from discourse analysis and the literature. He addresses several distinct but related aspects of immigrant victimization in Australia. These include: immigrants as victims of crime; immigrants as the victims of the fear of crime; immigrants as the victims of hate crime in the aftermath of the 9/11 attacks on the World Trade Center; and immigrants as victims of media discourses about 'ethnic crime.' Remarkably, a victimization survey in Australia which he cites also found (as Biafora and Warheit did) that 'immigrants' (in this case defined as respondents who speak a language other than English at home) were not more likely to be victims of crime than 'non-immigrants' when crime in general is considered. What is more, it found that immigrants were less likely than non-immigrants to be victims of assault or threats, but were more likely to fear crime (Johnson, 2005: p. 18).

Collins' own survey of a sample of mostly (80%) immigrants in Sydney is not designed to address differential victimization rates for immigrants and non-immigrants. It focuses upon immigrant experiences with and perceptions of crime. Analyzing those experiences by age, he finds interesting similarities and differences. Youthful immigrants have patterns of victimization similar to older immigrants. Younger immigrants, however, perceive the threat of crime differently than older immigrants. Differences by gender are consistent with similar findings in other studies. His data from the post-9/11 hotlines provide a striking look at the power of such events to trigger hate-responses. His discourse analysis provides an unusual take on the way the media shapes public stereotypes by emphasizing race/ethnicity/immigrant status of criminals but not of victims of crime.

Robert C. Davis and Nicole Hendricks' comparison of immigrants and non-immigrants regarding their opinions of and experience with the American police is another one of those scarce studies that have quantitative data on 'real' immigrants. Their definition of an 'immigrant' is a person who is 'foreign born.' No second or third generation immigrants are included — which, as they theorize, may help to account for Davis and Hendricks' finding that immigrants

have more favorable attitudes toward and experiences with the police than native-born people.

While this finding seems positive, it comes with a worrisome correlate. It also raises questions about the relationship between the police and immigrants over time — as for example when the second generation begins to interact with the police. The troubling correlate is that despite a favorable opinion of the police, immigrants still prefer to avoid contact with them, including not reporting crimes. Also troubling is the question why other research which has included second generation immigrants found immigrants to hold fewer favorable opinions of the police. Answering this question is beyond the scope of Davis and Hendricks' study. But clearly with the increasing number of immigrants living in local communities, the police need to win their trust and cooperation. The Davis and Hendricks findings shed new and important light on critical dimensions of the police-immigrant nexus.

The report of the Vera Institute of Justice research team of Nicole Hendricks, Christopher Ortiz, Naomi Sugie, and Joel Miller on the victimization of the Arab American immigrant community after the September 11, 2001 attacks on the World Trade Center and the Pentagon should be read together with Jock Collins' report on the victimization of middle-eastern-appearing people in Australia during the same time period. They are from different countries and are based on different methods. Together they provide a kind of triangulation of measures of the notoriously difficult to measure phenomenon of hate crime.

Both reports provide some measures of the extent to which those attacks prompted retaliatory acts of racial/ethnic hatred against symbolic representatives of the terrorist attack. Both read as warnings about the power of stereotypes together with that of the fear of and anger at foreigners to trump logic, especially under conditions of social threat. Attacking Peter to take revenge on Paul when the only link between them is a similarity in physical appearance underscores the irrationality of this kind of retributive/vengeful acts of hate and vilification. Of special note in the Hendricks, Ortiz, Sugie and Miller article is the discussion of the possible explanations for the differences between law enforcement agencies and immigrant leaders in their perceptions of the prevalence of these attacks, as well as the discussion of the possible policy responses by the police. Their conclusion supports that of other scholars on policing, who continue to believe that community policing is the way to go in our increasingly diverse society.

Domestic violence is a critical social problem that has received extensive research attention over the past several decades. More recently researchers have begun to focus upon domestic violence within immigrant ethnic communities (Erez, 2000; 2002). We have included in this issue studies of domestic abuse in two immigrant communities: the first, among Sudanese immigrants conducted by Elizabeth M. Keller and Pauline K. Brennan and the second, by Anita Raj and Jay Silverman addressing South Asian immigrants.

As is the case with other forms of deviant behavior that occur in private, it is difficult to obtain information about domestic abuse. It is all the more difficult when immigrants are involved due to language and cultural barriers. Consequently, it is useful to have multiple views on the same phenomenon using different methods. Keller and Brennan obtained their information about Sudanese women and Sudanese cultural norms with respect to matters related to domestic violence indirectly. They relied upon the knowledge of service providers and law enforcement officials who had contact with abused Sudanese women. Anita Raj and Jay Silverman surveyed and interviewed South-Asian immigrant women directly but had to rely upon modest-size samples. Nevertheless, it is by the accumulation of studies such as these that the larger picture of the problem has begun to emerge.

The two studies should be read together in order to notice the striking similarities of cultural norms regarding such matters as the importance of privacy, face-saving, female deference to male domination and aggression, reluctance to involve the police, and the relative importance of ethnic support networks as a resource for women. These studies highlight the interaction of structural forces with cultural ones in shaping the vulnerability and experience of immigrant women with respect to domestic abuse. The power differentials that exist between men and women in whatever culture of origin appear to be amplified under the condition of being an immigrant. Language barriers in particular but also all the usual barriers arising from being an immigrant add greatly to the vulnerability to abuse of the immigrant female spouse.

Taken together, it is our hope that these articles will rekindle interest in studying immigrants as victims of crime. The condition of being an immigrant in the sense of being a person in a foreign land carries with it a special set of vulnerabilities and disadvantages that add to and interact with the other social statuses people occupy. Even individuals who are relatively privileged (e.g., educated, with ample resources) are usually forced to the back of the social line when they become foreigners. Some of this experience is similar to what racial and ethnic minorities encounter in their host society. But there is more to being a foreigner than being a member of a racial or ethnic minority. Indeed, some foreigners belong to the race/ethnic group which is the majority in the host society. Yet, as Von Hentig personally illustrated, they become targets for criminals and other predators. In focusing on this special group of victims the IRV is following in the footsteps of victimology's major pioneer.

NOTES

1. None of the following books on victims of crime address 'immigrants' as victims — although some do address racial minorities: McDonald (1976); Karmen (1990); Fattah (1991); Elias (1993); Sgarzi and McDevitt (2003); Kennedy and Sacco (1998); Shichor and Tibbetts (2002); Goodey (2005); but see Coston (2004). The problems of immigrants as victims have been featured in the *International Review of Victimology* (see e.g. Volume 11, No. 1, 2004).
2. But see Sorenson and Shen (1996).

3. One notable exception is the fact that immigration status can be found on death certificates in the US (Toussaint and Hummer, 1999).
4. Balibar and Wallerstein (1991: p. 222) write:

[I]mmigration has become, par excellence, the name of race, a new name, but one that is functionally equivalent to the old appellation, just as the term 'immigrant' is the chief characteristic which enables individuals to be classified in a racist typology.

See also Agozino (1996: pp. 101); Mukherjee (1999); Tonry (1997). Notwithstanding this trend towards conflating race/ethnicity studies with migration studies, it is worth noting that the International Sociological Association still treats these topics as separate matters as far as its research committee structure is concerned. It has one committee for 'ethnic, race and minority relations' and another for the 'sociology of migration' (*International Sociological Association*, 2006).

5. Victimology has a long tradition of defining the scope of its field well beyond violations of criminal law (Geis *et al.*, 1988; Mendelsohn, 1963; Fattah, 1991). Cressey (1988) notes that this renders the field unmanageable and unscientific, albeit responsive to humanitarian and justice concerns.
6. See Holdaway (2003); Mukherjee (1999: p. 112). Von Hentig would agree with Holdaway and Mukherjee that immigrants who have been the object of police prejudice are properly thought of as 'victims.' He wrote: 'One is not allowed to speak of delinquents as "victims" of criminal justice, with one exception. If the treatment of many law-enforcing agencies is grossly discriminatory, concept and term are justified' (Von Hentig, 1948: p. 417).
7. Two topics related to the victimization of immigrants which have attracted some research effort include trafficking in human beings (particularly for sexual exploitation) and the domestic abuse of immigrant women within various ethnic immigrant groups. We have already edited one special issue devoted to human trafficking for the *International Review of Victimology* (2003) and we include two articles on domestic abuse among immigrants in the current special issue.

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