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**THE CRIMINAL  
VICTIMIZATION  
OF IMMIGRANTS**

**William F. McDonald**



# Palgrave Studies in Victims and Victimology

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In recent decades, a growing emphasis on meeting the needs and rights of victims of crime in criminal justice policy and practice has fuelled the development of research, theory, policy and practice outcomes stretching across the globe. This growth of interest in the victim of crime has seen victimology move from being a distinct subset of criminology in academia to a specialist area of study and research in its own right. Palgrave Studies in Victims and Victimology showcases the work of contemporary scholars of victimological research and publishes some of the highest-quality research in the field. The series reflects the range and depth of research and scholarship in this burgeoning area, combining contributions from both established scholars who have helped to shape the field and more recent entrants. It also reflects both the global nature of many of the issues surrounding justice for victims of crime and social harm and the international span of scholarship researching and writing about them. Editorial Board:- Antony Pemberton, Tilburg University, Netherlands; Jo-Anne Wemmers, Montreal University, Canada; Joanna Shapland, Sheffield University, UK; Jonathan Doak, Durham University, UK.

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William F. McDonald

# The Criminal Victimization of Immigrants

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*To Irene,  
for her love and support*

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## The Immigrant as Victim: The Minimal Research

**Abstract** Despite the common observation that immigrants are frequently victims of crimes, research on the topic has been limited in part due to the lack of good data and in part because claims makers have constructed the problem in other, more socially and politically compelling terms: “modern slaves;” trafficking victims; domestic violence; hate crime; child abuse and elder abuse. Another aspect of the problem is that the concept “immigrant” over-aggregates, lumping into one category people with widely differing characteristics. Victimologists have approached the subject from distinct traditions: the humanistic/human rights vs. the positivist or “conservative.”

**Keywords** Social construction • Over-aggregate • Humanism • Positivism  
• Claims makers • Hans von Hentig

Criminological research on immigrants has been primarily concerned with the criminality of immigrants. Less concern has been paid to immigrants as victims of crime. In his review of the literature, for instance, Satyanshu Mukherjee of the Australian Institute of Criminology concluded that “apart from hate crime, there has been little concern in criminal victimization of immigrants.”<sup>1</sup> This comes as no surprise given that in 1967 the President’s Commission on Law Enforcement and Administration of Justice declared that “one of the most neglected subjects in the study of crime is its victims.”<sup>2</sup>

Although the pioneer victimologist Hans von Hentig, himself an immigrant, devoted substantial attention to the depredations inflicted upon immigrants by criminal and unscrupulous predators,<sup>3</sup> until recently victimologists have not pursued that topic.<sup>4</sup> Virtually nothing more was done until the Fifth International Symposium on Victimology in 1985. Even then there was not much about immigrant victims.<sup>5</sup>

The lack of interest in the topic is surprising given what was known about immigrants and foreigners. For example, von Hentig observed that “[t]here is a tendency all over the world to make the foreigner bear blame for others. Their different appearance, their poverty, the life in the slums, all render them suspect.”<sup>6</sup> And Stephan Schafer, another early victimologist, explained that immigrants are like “ethnic minorities, and others who are in a socially weak position [and so] are often exploited by the criminal element.”<sup>7</sup> By the time Biko Agozino of the School of Science, Liverpool, began writing about the subject, the immigrant was seen in a more complex way. He wrote,

[T]he immigrant is not the typical criminal but the typical criminalised person, not the typical example of the individual offender being punished but the model of the innocent being victimized as a member of a demonised category.<sup>8</sup>

These days stories about the criminal victimization of immigrants are daily fare in the media. A Maryland legislator tells the press, “[i]t bothers me to see how our (immigrant) community is victimized by so many fraudulent scams.”<sup>9</sup> Similarly, a former German police officer says, “You don’t find foreigners on the streets in eastern Germany past 6 or 8 p.m. In the villages, it’s difficult for the police because often their own sons are involved in the violence... And the rightists have some sympathizers among the police. I’ve heard police say, ‘All foreigners are criminals, and the young people help us keep the countryside clean.’”<sup>10</sup>

An article from a New York City paper reports that “assaults in which perpetrators are people of color have become more common—and victims tend to be immigrants from every imaginable origin. The change is a matter of sheer demographics.”<sup>11</sup> An article from the Head of the Forced Migration Studies Program at Witswatersrand University, South Africa reads: “Xenophobia is turning immigrants into ‘mobile ATMs’ for police and criminals who see them as a source of instant cash.”<sup>12</sup> A news service story about illegal immigrants traveling from Central America through Mexico

to the USA describes the trip as like the running of a brutal gauntlet in which everyone—good, bad, or indifferent—takes the opportunity to victimize the immigrants.

The journey is extremely dangerous. The stories these seven men tell highlight the perils faced by the hundreds of Guatemalans, Hondurans, Salvadorans and others who begin the trip every day. The men in the shanty say that since they entered Mexico at the southern state of Chiapas a few days earlier, they have seen or experienced just about everything: Some have been beaten, forced to pay bribes, robbed by law enforcement officers, ripped off by shopkeepers and bus drivers, cheated by smugglers, ambushed and mugged by gun-toting bandits.<sup>13</sup>

Nowhere is free from the abuse of immigrants, even in a nation of immigrants. In 1957, for example, the Australian Commonwealth Immigration Advisory Council wrote the following:

A not unimportant matter that was mentioned by a number of Police Officers in each of the States was that, whilst undue publicity was given to the offenses alleged to have been committed by migrants, little or nothing was said of the many instances when European migrants had been assaulted or robbed or otherwise ill-treated by the undesirable sections of our own native-born populations.<sup>14</sup>

The minimal research on the victimization of immigrants is undoubtedly related in part to the difficulty of obtaining valid data on the immigration status of crime victims. Information about crimes against immigrants is mostly anecdotal coming from media reports or the experiences of immigrant service providers. There are virtually no official crime statistics on this matter of the criminal victimization of immigrants in the USA<sup>15</sup> or Australia.<sup>16</sup> Such data are available in several European countries. However, their validity and reliability are open to question.<sup>17</sup>

Another reason for the lack of a focus on immigrants qua 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”<sup>18</sup> 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,<sup>19</sup> hate crime,<sup>20</sup> child abuse,<sup>21</sup> domestic abuse,<sup>22</sup> and crime against the elderly.<sup>23</sup> The fact that they have not cast “immigrants” in the role of “star victim”<sup>24</sup> 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, domestic violence and human trafficking.<sup>25</sup>

Indeed, one of the most successful claims-making campaigns on behalf of victims of crime ever mounted is about an “immigration” issue. However, it has been packaged under the far more politically potent rubric of “the trafficking of human beings.” The star role in this campaign has been a classic example of what Nils Christie called the “ideal victim,” i.e., “a person or category of individuals who—when hit by crime—most readily are given the complete and legitimate status of being a victim.”<sup>26</sup> Like Hiram Powers’ famous sculpture, *The Greek Slave*,<sup>27</sup> the image of the innocent girl abducted to a foreign land and forced into sexual slavery by depraved and lustful men became a household icon, the image of the innocent girl being trafficked off to a foreign land to be debauched has been used to successfully galvanize support for the anti-trafficking cause.<sup>28</sup>

Related to this second reason for the lack of research on immigrants as victims of crime is the fact that the concept “immigrant” over-aggregates matters. Unlike traditional demographic variables such as gender, age, race/ethnicity, social class, and urban vs. rural residence, the status of being an immigrant does not represent a singular dimension of social status or experience. Any review of what is known about the victimization of immigrants by necessity must expect to find the literature subdivided into more specialized categories such as hate crime, domestic violence and trafficking of humans.

It must also be recognized that since the 1960s much research related to immigrants no longer focuses upon immigrant status as it did in the early twentieth century in the United States. These days the terms, race, ethnicity, and immigrant are used virtually interchangeably. 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 for crimes against immigrants—even though the victims may be second or third generation. 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 that of refugee or asylum seeker.

When victimologists/criminologists have focused on immigrants as victims of crime, they have sometimes followed the humanistic/human rights (as opposed to the positivist or so-called “conservative”) tradition in victimology.<sup>29</sup> They have not limited their analyses solely to victimizations involving crimes in the technical, legal sense.<sup>30</sup> Rather they define

“victimization” broadly to include civil matters, such as unfair business or labor practices<sup>31</sup>; discriminatory behavior by the police and the criminal justice system<sup>32</sup>; discriminatory labor standards and laws that put farm workers and illegal immigrants at high risk of physical injuries or loss of wages<sup>33</sup>; harsh and stingy asylum and refugee policies<sup>34</sup>; and “the criminalization of immigration controls.”<sup>35</sup>

It should be noted that the American lack of research on immigrants as victims of crime is unlikely to be reversed by the Donald Trump administration. Actually at his first address to Congress, President Trump promised to have immigrants studied as the cause of crime.<sup>36</sup> In addition to describing the development of victimology and its reasons for not focusing much on immigrants, this chapter describes the endless types of crimes and injuries which immigrants suffer. It also reviews theories of victimization at both the macro and micro levels, showing that they fit the patterns in the data rather well. However, it also highlights an inconsistency between the macro-level explanation which emphasizes heterogeneity (ethnic differences among groups as a cause of conflict) and the micro-level explanations that stress homogeneity (the lifestyles shared in common and the fact that immigrants are usually victimized by their own kind).

These two perspectives and the data behind them seem to both support and challenge at the same time the popular idea that ethnic enclaves protect immigrants from victimization. Yes, enclaves do seem to protect immigrants from victimization by outsiders but not by insiders. That is, enclaves reduce heterogeneity within them and thereby reduce the chance of so-called “hate crime” (victimization motivated by differences in culture, religion, nationality, ethnicity). But enclaves also increase homogeneity which means that immigrants are living together with other immigrants and co-ethnics. That situation increases the risk of being victimized by fellow immigrants and co-ethnics, which is precisely what the data show happening and what the opportunity theories predict. This conclusion is supported below.

## NOTES

1. Mukherjee (1999).
2. President’s Commission on Law Enforcement and Administration of Justice (1967: 38).
3. Von Hentig (1945).
4. None of the following major books on victims of crime address “immigrants” as victims—although some do address racial minorities (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 various numbers of the *International Review of Victimology*.
5. Of the 43 presenters only three addressed the victimization of “the foreign born and minorities.” In summarizing those presentations the *rapporteurs* wrote: “Alien persons in a society often suffer extraordinary degrees of victimization” (Geis et al. 1988: 199). The evidence presented amounted to nothing more than examples of misunderstanding and mistreatment of minorities; labor market exploitation; and the failure to translate legal concepts into the languages familiar to certain minorities.
  6. Von Hentig (1948: 414).
  7. Schafer (1981: 23).
  8. Agozino (1996: 103).
  9. Williams (2005).
  10. Moseley (1998).
  11. City Limits (2004).
  12. Templeton and Maphumulo (2005).
  13. Graglia (2006).
  14. Quoted in Mukherjee (1999: 23).
  15. Hagan and Palloni (1998: 382). One important exception is homicide data for immigrants available from death certificates (Sorenson and Shen 1996).
  16. Mukherjee (1999).
  17. A survey of the Member States of the European Union asked whether when registering racist crimes the police recorded the ethnicity and/or nationality (citizenship) of victims and/or offenders. Twenty-two countries (Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, and Sweden) indicated that “nationality” was recorded. In some cases, this was only for the victim, in others only for the offender. In most cases it seems that “nationality” meant “citizenship status.” In a few countries the classification actually used was simply “citizen” or “foreigner” (Oakley 2005: 19). See also, for Germany (Albrecht 1987, 1997); Italy (Barbagli 1998; Barbagli and Colombo 2009); Netherlands (Junger-Tas 1994); Sweden (Martens 1997); and Switzerland (Killias 1997: 21).
  18. Spector and Kitsuse (1977).
  19. Baumann (1989).
  20. Czajkoski (1992).
  21. Best (1987).
  22. Loseke (1991).
  23. Cooke and Skogan (1990).
  24. Elias (1993).
  25. See, e.g., Abraham (2000), Raj et al. (2002).

26. Christie (1986: 18). For example, the ideal victim would be weak (sick, old, very young); carrying out a respectable activity where she could not be blamed for being (e.g., in a public sidewalk in daylight); and the offender is big, bad, and in no personal relationship to the victim.
27. Powers (1844).
28. McDonald (2004).
29. Mawby and Walklate (1994).
30. 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 notes that this renders the field unmanageable and unscientific, albeit responsive to humanitarian and justice concerns (Cressey 1988).
31. Claghorn (1917).
32. Holdaway (2003), Mukherjee (1999: 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: 417).
33. Jenks and Jenks (2004).
34. Jupp (2003).
35. Palidda (1996), Agozino (1996).
36. Hagen, Lisa. 2017. Democrats Groan as Trump Promotes New Immigration Crime Office. *The Hill*, February 28. <http://thehill.com/homenews/administration/321717-democrats-groan-as-trump-promotes-new-immigration-crime-office>. Accessed 6 Apr 2017.

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## Theories of Criminal Victimization

**Abstract** There are two kinds of theories of criminal victimization: individual (micro) and aggregate/structural (macro) correlates. Victimologists have focused upon the characteristics of victims and victim-precipitated crime. Findings that young, unmarried males had higher rates of victimization than their demographic counterparts led to theories about lifestyles/routine activities. The association between social structures and aggregate victimization rates supported the theory of collective efficacy and clarified the social disorganization theory advanced by Shaw and McKay. Opportunity theory and Blau's theory of heterogeneity help explain the effects of heterogeneity and residential segregation.

**Keywords** Heterogeneity • Victim-precipitated crime • Micro • Macro • Theory • Opportunity • Lifestyles • Routine activities • Collective efficacy • Social disorganization

### MICRO AND MACRO APPROACHES

Victimology—the systematic study of victims—began in the 1940s with the work of Hans von Hentig<sup>1</sup> and Benjamin Mendelsohn<sup>2</sup>; got a major boost in the 1960s from the development of criminal victimization surveys<sup>3</sup>; and has been a dynamic source of theorizing, research, and policy

initiatives ever since.<sup>4</sup> Theories of criminal victimization developed along two distinct lines which emphasized either individual or aggregate/structural correlates of criminal victimization.<sup>5</sup> Early theorizing by the pioneer “victimologists” focused upon characteristics of individuals who became victims—and particularly upon the interaction between victims and their victimizers. With the advent of the large-scale victim surveys differences in the risk of victimization across types of individuals and households were established quantitatively. The individual approach moved beyond the anecdotal ruminations of the early thinkers.

The consistent finding of the surveys that males, young people, and unmarried people had higher rates of victimization than their demographic counterparts led to theories about lifestyles and routine activities as explanations for victimization.<sup>6</sup> The consistent finding that criminals generally resided in the same areas as their victims and shared many of the same demographic characteristics suggested that the same factors that are conducive to crime are conducive to victimization.<sup>7</sup> Thus, it was recognized that existing criminological research and theorizing could be usefully integrated with the emerging victimological work. The possibility of linking micro and macro explanations of crime and victimization was particularly attractive for theorists seeking more robust explanations of the two interrelated phenomena.<sup>8</sup>

The link between the risk of victimization for individuals (micro-level) and the characteristics of neighborhoods (macro-level) provides a bridge to the second line of victimological theorizing; namely, explanations based upon social structures such as neighborhoods, communities, Standard Metropolitan Statistical Areas, and cities. These explanations focus upon the association between certain characteristics of these social structures and their aggregate rates of criminal victimization. They represent a continuation and refinement of the long tradition of research and theory on the social ecology of crime identified with the classic work of Shaw and McKay and the “Chicago School” of sociology.<sup>9</sup>

By coincidence, immigrants happened to play an important role as causal forces in ecological research and theorizing. Two of the three structural factors which Shaw and McKay identified as keys to the disruption of social organization of a community, which in turn was responsible for variations among communities in their crime (and victimization) rates, were directly related to immigrants. The third was indirectly related. Crime rates were associated with ethnic and racial heterogeneity, residential mobility, and low community economic status. Immigrants would

“invade” low-rent neighborhoods where they could afford to live, adding to the ethnic and racial heterogeneity of the community. As their economic situations improved, they moved on to higher social status neighborhoods. Their aggregate crime rates were high while living in “socially disorganized” neighborhoods, but decreased as they moved to better neighborhoods. Thus, criminality was associated with neighborhoods, not individuals. By the same token, criminal victimization was associated with neighborhoods.

Conceptualizing “social disorganization” and obtaining measures of it have been a continuing challenge. The problem has been to specify the intervening variables that mediate between the macro-structural characteristics of the community and the inability of neighborhood residents to achieve their values and to maintain effective crime control at the micro-individual level.<sup>10</sup> While not attempting to define “social disorganization,” one early study captured one of its most important aspects, which has since been elaborated upon by others—namely, the nature of the social ties among residents. At the same time, it identified a condition which has become recognized as an important potential buffer against criminal victimization—namely, residential segregation. Focusing upon Hungarian immigrants in Detroit, Benyon noted that crime rates tended to be lower among immigrant communities which maintained themselves in “colonies” or “enclaves” that were comparatively isolated from the surrounding, larger community. By contrast, the rates were higher in communities in which people did not gather together in tight-knit groups.<sup>11</sup>

The meaning of social disorganization has been much misunderstood partly because—as Kornhauser<sup>12</sup> explains—Shaw and McKay never operationalized it. Currently, social disorganization research is based on the idea that strong local networks reduce crime. This conceptualization is grounded in the “systemic” model of community organization which views the local community as “an ongoing system of social networks into which new generations and new residents are assimilated, while the community itself passes through its own life-cycle.”<sup>13</sup> The general hypothesis is that formal and informal networks and associational ties are the intervening variables between community social structure and crime/victimization. A growing body of research suggests that the “collective efficacy” of neighborhoods, “defined as social cohesion among neighbors combined with their willingness to intervene on behalf of the common good,”<sup>14</sup> seems to be the key to lower rates of violence in some neighborhoods.

Immigrants remain a major focal point in the development and testing of theories of criminal victimization. The ethnic heterogeneity of neighborhoods—to which they contribute—continues to be a key structural variable with predictive power.<sup>15</sup> Residential segregation—particularly in the form of ethnic enclaves—fits well not only with the data but also with important theoretical developments. Both opportunity theory and Peter Blau’s classic *Inequality and Heterogeneity*—described as “one of the most important works ever written in sociology”<sup>16</sup>—take into account these macrosociological factors: heterogeneity and residential segregation. We shall return to them after describing in fuller detail the development of the micro-level theorizing.

### PIONEER THEORIZING

From the beginning, victimologists theorized about the causes of criminal victimization. The micro-level perspectives that developed can be broadly grouped into three major categories: those concerned with the concept of “victim proneness/vulnerability;” those concerned with the concept of “victim-offender interactions;” and those that are concerned with the concept of “opportunity.” The theorizing has assumed that traditional offender-centered explanations of crime were inadequate precisely because they omitted consideration of the victim, as had been stressed by Von Hentig in 1940 when he wrote:

It is true, there are many criminal deeds with little or no contribution on the part of the injured individual... On the other hand we can frequently observe a real mutuality in the connection of perpetrator and victim, killer and killed, dupe and dupe. Although this reciprocal operation is one of the most curious phenomena of criminal life it has escaped the attention of socio-pathology.<sup>17</sup>

Von Hentig notes that the legal distinctions between offender and victim artificially simplify the complex interacting forces that precede many crimes. They ignore the fact that oftentimes “the victim is one of the causative elements” of the crime.<sup>18</sup> Both von Hentig and Mendelsohn were concerned with identifying attributes of victims that made them prone to or vulnerable to victimization. Both created typologies to distinguish among victims. Mendelsohn’s interest was not just that of the scientist seeking to understand victimization but also that of the lawyer

seeking to assign culpability. His typology classifies victims in accordance with the degree of blameworthiness.<sup>19</sup>

Von Hentig's typology uses biological, psychological, and social factors. His has thirteen categories: the young, the female, the old, etc. One of his types was "the immigrant," a status which he, himself, once occupied. Immigrants, he says, are vulnerable because of the difficulties of adjusting to the new culture. He poignantly describes the experience of being an immigrant as not simply an adjustment to a new country but also "a temporary reduction to an extreme degree of helplessness in vital human relations."<sup>20</sup> In addition to the challenges of language and culture, the immigrant often suffers from poverty, hostility from the native born, and emotional distress. Von Hentig says it takes many painful years to adjust to a new lifestyle and only then is it possible to escape victimization. He also notes that the plight of the immigrant is obvious to people with criminal and exploitative inclinations; and they frequently take advantage of it.<sup>21</sup>

While the development of typologies did not lead directly to theories, some of their ideas showed up later in theoretically more refined and empirically grounded statements—thanks in part to the advent of victimization surveys. The concepts of victim—offender interactions, of situational explanations, of vulnerabilities or risk factors—concepts which subsequently became central to more formal theorizing—are all to be found in the typologies scattered among an assortment of less useful ideas such as the "born victim."

### VICTIM—OFFENDER INTERACTIONS

One fruitful, but controversial line of theorizing focused upon the social interaction between victim and offender. The most renowned and controversial line of this work explored the belief that victims sometimes precipitate their own victimization. This idea is found in Marvin Wolfgang's classic study, *Patterns of Criminal Homicide* (1968), in which he subjected von Hentig's and Mendelsohn's speculations to systematic, empirical testing. Wolfgang defined victim-precipitated offenses as those "in which the victim is a direct, positive precipitator in the crime."<sup>22</sup> Based upon an analysis of the police records of 588 homicides in Philadelphia from 1948 to 1952, he calculated that in 26 percent of homicides the victim was the first person to resort to violence.



Wolfgang's analysis validated three of the victimologists' essential points. Some crimes cannot be understood simply as the product of the intent of the criminal. A full understanding requires that the situational dynamic between the victim and the offender must be taken into account<sup>23</sup>; and sometimes victims do indeed precipitate their own victimization.

Subsequently, the victim-precipitation logic was applied to other crimes.<sup>24</sup> Its most controversial application was that conducted by Menachem Amir in a study of forcible rape. He analyzed police records regarding 646 forcible rapes in Philadelphia and concluded that 14 percent of them were victim-precipitated.<sup>25</sup> His definition of "precipitation," however, was so vague and ambiguous it invited criticism. It included all cases in which "the victim actually—or so it was interpreted by the offender—agreed to sexual relations but retracted... or did not resist strongly enough when the suggestion was made by the offender. The term also [applied] to cases in which the victim enters vulnerable situations charged sexually."<sup>26</sup>

Amir's study provoked controversy not primarily for its methodological limitations<sup>27</sup> but for its ideological implications. The newly emergent second feminist movement tarred it as an example of "blaming the victim."<sup>28</sup> The hypothesis of victim-precipitation has been suspect ever since—despite efforts to defend it.<sup>29</sup> Fattah, for instance, argues that the criticism involves a misunderstanding of the concept. He distinguishes between treating victim precipitation as a moral blaming exercise as opposed to an analytic framework for understanding the victim's contribution to the situational dynamic which precedes a criminal event.<sup>30</sup> Nevertheless, others remain skeptical of the value of the concept or, at least, regard it as too potentially misleading for use in connection with understanding rape.<sup>31</sup>

### OPPORTUNITY THEORIES: LIFESTYLE-EXPOSURE AND ROUTINE ACTIVITIES

In 1968 LeRoy Lamborn reviewed the victimology literature and drew some conclusions. A decade later, several of his observations—stated in somewhat more formal terms—became keys to the two closely related versions of opportunity theory that are now regarded as important theoretical innovations—namely, "lifestyle exposure theory" published in 1978 by Michael Hindelang, Michael Gottfredson and James Garofalo<sup>32</sup> and "routine activities theory" originally formulated by Lawrence Cohen and Marcus Felson in 1979.<sup>33</sup> Lamborn even anticipated "rational choice

theory” which has been formally stated in the 1980s and 1990s by Derek Cornish, Ronald Clarke, and Marcus Felson.<sup>34</sup>

Lamborn concluded that it was possible to construct a vulnerability index that would indicate the relative probability of an individual’s becoming the victim of crime. Additionally, he made several points which have since become standard in opportunity theory and in the findings of victim surveys. He wrote:

Although not all criminals act rationally, certainly the reasonable criminal, upon contemplation, chooses the weaker of the otherwise two equal victims. However, the ease of access to the potential victim is important in the evaluation of the desirability of attacking him rather than another person. The probability of two persons entering into a victim-criminal relationship is a function of those factors that tend to bring persons into contact or to separate them... The opportunity for a crime... must be sufficiently obvious as to come to the attention of the criminal and to facilitate his taking advantage of it. Because criminals generally reside in the same area as their victims, the same factors that are conducive to crime are conducive to victimization.<sup>35</sup>

Opportunity theorists argue that there is more to crime than the offender’s criminal tendencies. There must also be opportunities to commit crime. These opportunities are not randomly distributed. They are structured and patterned in ways which are related to the probability of victimization. Thus, victim behavior contributes to the supply of opportunities presented to potential offenders. The two theories differ regarding how they conceptualize this contribution.

The “life-style-exposure theory” of Hindelang, Gottfredson, and Garofalo is a “grounded theory”<sup>36</sup> that emerged from attempts to explain the patterns they found in victimization survey data.<sup>37</sup> They sought to explain the patterns that indicated a relationship between people’s social and demographic characteristics and their risks of victimization. Why were males, young adults and minorities consistently more likely to be victimized than others? Their answer is “lifestyle.”

They defined lifestyle in terms of the routine leisure and occupational activities (work, home-making, school, etc.) which structure the time and the energies of people. Lifestyles differ in terms of the degree to which they put people at risk of criminal victimization. To the extent that they bring people into contact with individuals with a high likelihood of offending (e.g., young males) or puts them in places where crimes are likely to occur (e.g., on the street), they increase the risk of victimization.

Thus, young, black males have higher rates of victimization than elderly, white females because their lifestyles are far riskier. Hindelang, Gottfredson, and Garofalo did not address immigration issues but some of their eight propositions about victimization that summarize the links between lifestyle and certain demographic variables (e.g., age, sex, marital status, race) could easily be adapted to fit common aspects of immigrant lifestyles.

The “routine activities theory” of Cohen and Felson also addresses how people routinely live their lives and the associated victimization risks. They theorize that for a crime to occur (involving direct predatory behavior such as most violent crime and certain property crime) three elements must come together in time and space. There must be: a motivated offender; a suitable target; and an absence of capable guardianship. Cohen and Felson developed the theory to explain the anomaly of rising crime rates in the 1960s—a time when social conditions believed to cause crime (e.g., unemployment, poverty) were ameliorating. They argued that this could be explained in terms of social changes that increased the supply of criminal opportunities. Such changes involved a decrease in capable guardianship and an increase in suitable targets. These changes were the result of shifts in the pattern of routine activities since the end of World War II. The concept of “routine activities” is similar to that of lifestyles. They define it as “any recurrent and prevalent activities that provide for basic population and individual needs, whatever their biological or cultural origin.”<sup>38</sup>

According to Cohen and Felson, since the end of World War II there has been a dramatic shift in routine activities. People spent much more time away from the home: women in the labor force; families eating out; traveling; vacationing longer. At the same time there was a major increase in the number of durable goods in circulation and they were easier than ever to steal: cars, televisions, radios. These changes in routine activities in the 1950s and 1960s increased the likelihood that motivated offenders would come together with suitable targets that were not under capable guardianship. Even if the pool of motivated offenders remained constant, the pool of opportunities for crime had increased.

### A STRUCTURAL-CHOICE MODEL: INTEGRATING OFFENDER, VICTIM, AND SOCIAL CONTEXT

Lifestyle-exposure and routine activity theories are the most frequently used perspectives for explaining individuals’ risks as well as aggregate rates of criminal victimization. Yet they have both limitations and unstated

assumptions.<sup>39</sup> They do not address contextual effects, offender motivation, or target selection. The theories explain that the risks of victimization vary for different demographic groups (e.g., males, young people, non-whites, low income) due to differences in lifestyles and routine activities that determine exposure to risky times, places, and possible offenders. However, they do not explicitly link these macro-level patterns to micro-level explanations that account for the selection of specific crime targets within particular sociotemporal-spatial contexts.

Miethe and Meier attempt to overcome these inadequacies by integrating the two theories into a “structural-choice” theory of victimization. Under their model, proximity to motivated offenders and exposure to high-risk environments are considered “structural” features (which pattern the social interaction and predispose individuals to high-risk situations) while attractiveness (“expected utility of one target over another”<sup>40</sup>) and guardianship (“the ability of persons or objects to prevent the occurrence of a crime”<sup>41</sup>) constitute the “choice” component (the selection of the target within a particular context). Criminals are assumed to make rational choices.<sup>42</sup> They select “victims who offer high payoff with little effort or risk of detection.”<sup>43</sup> Victims/targets are therefore attractive to offenders for their symbolic or economic value but also because of their portability and inability to resist attack or removal.

In short, Miethe and Meier argue that a full understanding of a criminal event requires an integrated understanding of three crucial components<sup>44</sup>: the offender’s motivation (economic disadvantage, weak social bonds, pro-crime values, psychological or biological attributes, generalized needs such as money, sex, or excitement); the characteristics of victims that provide criminal opportunities (proximity, exposure, attractiveness, guardianship); and the social context (physical location, interpersonal relationship, and behavioral setting). The convergence of these three components dramatically increases the likelihood of crime. Yet their theoretical model also allows that under some circumstances criminal events might occur even when the nexus of motivated offender, suitable victim, and facilitating social context is not optimal.

The widespread defrauding and exploitation of immigrants with anticipated impunity can be understood as the result of a convergence of facilitating social contexts together with victims who are attractive, accessible, and so thoroughly unprotected as to be too good to pass up even by people who have no prior criminal motivations. These are the kinds of situations which von Hentig had in mind when he expressed astonishment

at the ready willingness of many ordinary people to take advantage of the vulnerabilities of immigrants.

Miethe and Meier's refinements still leave the concept of the "motivated offender" underdeveloped. Why do some people turn into motivated offenders when they encounter "attractive," vulnerable, gratifying, and/or antagonistic targets while others do not? What is it about immigrants that make it so easy for people to harm them? Many people find themselves in situations where from a strictly rational point of view (high payoff, low risk) it would make sense to commit a crime; yet, they do not. They are constrained by values, self-concepts, and social norms.

Here, Sykes and Matza's theory of techniques of neutralization is helpful. It describes how offenders use various rationalizing techniques in order to neutralize the constraints of internalized norms before they can engage in criminal behavior.<sup>45</sup> These techniques are forms of justification for crime that serve as rationalizations that precede the criminal/deviant act and make it possible. The potential offender overcomes internal normative controls by convincing himself that under the present circumstances the injury is not wrong or is not a real injury or may even be seen as a form of rightful retaliation or punishment. The techniques described as "denial of the victim" and "denial of injury" are particularly relevant to the victimization of immigrants.

The denial of injury is a form of neutralization that extrapolates from the distinction made by many people between "real" crime wherein someone is clearly hurt and minor matters that are just technically illegal. Joy riding may be viewed as merely "borrowing" a car, for example. Both techniques of neutralization can easily erase compunctions about exploiting immigrants. It is easy to think of foreigners as transgressors who deserve what they get—especially if they are illegally in the country.

Miethe and Meier's model is like a Lego toy. It allows us to understand each of its three main components by plugging in relevant theories of human social behavior. In attempting to understand why offenders might be motivated to victimize immigrants, there are several individual and group-level theories that are relevant. Most promising is the general theory of social or minority threat of which there are many renditions—from Dollard and Miller's frustration-aggression hypothesis to Blalock's theory of minority group relations and the many refinements of those formulations.<sup>46</sup>

The theories in this line of thinking differ in important respects. Some focus on individuals, others on groups. The types of outcome explained

vary from lynchings,<sup>47</sup> to racially motivated crime,<sup>48</sup> to incarceration rates,<sup>49</sup> to police aggressiveness,<sup>50</sup> to fear of crime,<sup>51</sup> to prejudice.<sup>52</sup> But they all share a common logic, namely that when minorities such as immigrants become a threat—in any of several possible ways such as by competition for jobs or just their relative size in the community—threatened majorities/natives respond in more or less negative ways. They fear them; become more biased against them; seek greater social control over them; and, in some cases, take matters into their own hands and criminally victimize them.

This long line of social science research has empirically validated what some people regard as simple common sense, as illustrated by the remarks of Dr. Gerald Lamont Thomas, pastor of a local black church in Plainfield, NJ. When interviewed in connection with a story about black robberies and attacks against local Hispanic immigrants, he said: “We [Blacks] see them [Hispanic immigrants] and we don’t know much about them. There’s a sense of being threatened by their presence. And any time there’s the sense of a threat, bad things happen.”<sup>53</sup>

## POPULATION HETEROGENEITY AND RESIDENTIAL SEGREGATION

In contrast to Miethe and Meier’s model, which can hook up with any theory that provides variables that mediate between macro and micro processes resulting in criminal victimization, Peter Blau’s macrosociological theory has the virtue of simplicity. It is all about the numbers. Population heterogeneity has wide-ranging implications for many aspects of social life, including the risks of crime and victimization. For any given unit of analysis (such as neighborhood, census tract, and area of the city or country) heterogeneity serves as a measure of the exposure to criminality in the form of hostile inter-group relations.<sup>54</sup>

The greater the heterogeneity—meaning the probability that any two people chosen at random would belong to two different race/ethnic or nationality groups is high—the greater the rate of inter-group encounters (e.g., between immigrants and natives) is to be expected. This can be illustrated with a thought experiment. Assume there are only two race/ethnic groups in a society and that 3% of the population is from one group and 97% is from the other. Then the chances of a random encounter (an unrealistic assumption used for illustration purposes only) between a member from each of the groups is quite low 2.91% (3% of 97%). If, however, the population is heterogeneous with one group making up

49% of the population and the other 51%, the probability of an inter-group encounter is increased by almost nine times (24.99%).<sup>55</sup>

Now for the key to the theory. The greater the number of inter-group encounters, the greater the likelihood of inter-group criminal victimizations. This will happen because, as Peter Blau explains,

conditions that increase the probability of social contacts increase the likelihood of overt interpersonal conflict as well as that of harmonious social associations, since both depend on opportunities for social contacts. Strangely, therefore, the very conditions that foster the social integration of various groups and strata into a coherent social structure simultaneously precipitate frequent interpersonal conflicts among their members.<sup>56</sup>

According to Blau's theory, no further cultural or social psychological variables are needed—not racism, nor economic deprivation, nor xenophobia, nor hatred. Theories which rely upon these variables can be regarded as either rival hypotheses or as possible mediating variables. In comparison to each, Blau's theory rests upon a simpler premise and thus has the scientific merit of being more parsimonious.

It is important to note that the concept of heterogeneity has two components: the number of different ethnic groups and the proportion of the total population divided among these groups. As Blau explains, “the larger the number of [ethnic] groups and the more evenly the population is divided among them, the greater is the heterogeneity... [B]ut, if nine-tenths of the population belong to the same ethnic group and merely one-tenth to others, ethnic heterogeneity is less than if the population is more evenly distributed among ethnic groups.”<sup>57</sup>

There is one additional variable that Blau's theory requires be taken into account—namely, residential and—more generally—lifestyle segregation. Such segregation explains why we cannot assume that encounters between members of two different race/ethnic/nationality groups are likely to happen randomly. To the extent that different race/ethnic groups live their lives apart, they will not encounter each other during their daily lives either for better or for worse. Thus, a country can be experiencing high rates of immigration and yet have low rates of inter-group victimization of the immigrants if the immigrants settle in ethnic enclaves insulated from the larger community.

Residential and lifestyle segregation can mitigate the criminogenic effect of increased overall heterogeneity due to immigration.<sup>58</sup> But, while

inter-group victimization of immigrants may be lower in ethnic enclaves, immigrants are not necessarily safe from intra-group crime there. On the contrary, they are more susceptible to crime because most of their victimization is done by fellow immigrants (see Chap. 3).

## NOTES

1. Von Hentig (1940/1941), (1948).
2. McDonald (1970).
3. Criminal victimization surveys were pioneered by President Lyndon Johnson's Crime Commission. See Ennis (1967).
4. See e.g., Doerner and Lab (2005), Shichor and Tibbetts (2002), Goodey (2005), and Kennedy and Sacco (1998).
5. Smith and Jarjoura (1989).
6. Hindelang (1976), Hindelang et al. (1978), Cohen et al. (1980), (1981).
7. Ennis (1967), Hindelang (1976).
8. Cohen and Cantor (1981), Sampson (1987), Smith and Jarjoura (1989), Miethe and Meier (1994).
9. Shaw et al. (1929), Shaw and McKay (1942), Lander (1954), Bordua (1958), Chilton (1964), Shaw and McKay (1969).
10. Simcha-Fagan and Schwartz (1986), Sampson and Groves (1989), Bursik and Grasmick (1995), Sampson et al. (1997), Bellair (1997), Lauritsen (2001).
11. Benyon (1935).
12. Kornhauser (1978: 119).
13. Kasarda and Janowitz (1974: 330).
14. Morenoff et al. (2001), Sampson et al. (1997).
15. Sampson and Groves (1989), Lauritsen (2001). In attempting to explain racial and ethnic disparities in violence, Sampson et al. (2005) found that "for individuals living in neighborhoods that are 40% immigrant, the relative odds of their perpetrating violence were about four fifths lower (odds ratio [OR] = 0.81; 95% CI = 0.72, 0.91) than for otherwise similar individuals living in neighborhoods with no immigrants" (Sampson et al. 2005: 230).
16. Turner (1978: 704).
17. Von Hentig (1940/1941: 303).
18. Von Hentig (1948).
19. Mendelsohn (1956).
20. Von Hentig (1948: 415).
21. Von Hentig (1948: 404–438).
22. Wolfgang (1958).



23. Birkbeck and LaFree (1993).
24. Curtis (1975).
25. Amir (1971).
26. Amir (1971: 262).
27. For criticisms of his methodology see Temkin (1987).
28. Zedner (1997: 579).
29. Morris (1987), Walklate (1989), Zedner (1997).
30. Fattah (2002).
31. Kennedy and Sacco (1998: 104).
32. Hindelang et al. (1978).
33. Cohen and Felson (1979).
34. Cornish and Clarke (1986), Clarke and Felson (1993).
35. Lamborn (1981: 118). Originally published in 1968.
36. Glaser and Strauss (1967).
37. Hindelang et al. (1978).
38. Cohen and Felson (1979: 593).
39. Miethe and Meier (1994).
40. Miethe and Meier (1990: 245).
41. Miethe and Meier (1994: 51).
42. Cornish and Clarke (1986).
43. Miethe and Meier (1994: 41).
44. Miethe and Meier note that crime is possible—albeit less likely—even when only one of these components is present (p. 64).
45. Sykes and Matza (1957).
46. Dollard et al. (1939), Blalock (1967).
47. Tolnay and Beck (1992).
48. Green et al. (1998).
49. Wacquant (1999).
50. Brown and Warner (1995).
51. Chiricos et al. (1997).
52. Blumer (1958), Quillian (1995).
53. Cave (2004).
54. American researchers commonly measure it as ethnic heterogeneity, for example, the percent black and non-black in a census tract.
55. Howard and associates (Howard et al. 2002) have argued that Blau's concept of population diversity is even more complex than Blau allowed. They identify four types of population diversity and two underlying dimensions, the complexity of diversity and the integration of diversity. In their cross-national study, they found that the complexity of diversity served as a precipitator of violence while the integration of diversity operated as a buffer against violent crime.
56. Blau (1977: 113).

57. Blau (1977: 9).
58. This proposition is consistent with Benyon's (1935) observation that immigrant enclaves that were isolated from the larger community had lower crime rates.

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## The Criminal Victimization of Immigrants: A Meta Survey

**Abstract** Data from international and historical sources show that immigrants: are at greater risk of criminal and civil victimization than native-born people; are usually victimized by fellow immigrants; are often the victims of hate crime; and are vulnerable to victimization by virtue of lacking knowledge of the culture and resources needed to cope.

**Keywords** Risk of victimization • Hate crime • Intra-group • Native • Ethnicity

It is impossible to organize a review of the literature on the criminal victimization of immigrants into a simple set of logical categories that are mutually exclusive and exhaustive. The subject matter is fragmented and overlapping. The available knowledge base consists of journalistic accounts, victimization and other surveys, government statistics, and a few structured studies. The information comes from different countries at different times using different definitions. Nevertheless, one can see that the status of being an “immigrant” (in the sense of a foreigner in a foreign land) frequently increases one’s attractiveness as a target for criminal and civil exploitation and renders immigrants vulnerable to all kinds of ugliness.

What follows is a review of that literature organized necessarily in a motlied way. The review supports three overall main conclusions:

- immigrants are at greater risk of criminal and civil victimization than native-born people, although this varies by type of crime, city, race, country of destination and country of origin;
- immigrants are usually victimized by fellow immigrants<sup>1</sup>;
- immigrants are often the victims of hate crime;
- immigrants are vulnerable to victimization by virtue of being immigrants and thus lacking knowledge of the culture and resources to needed to cope.

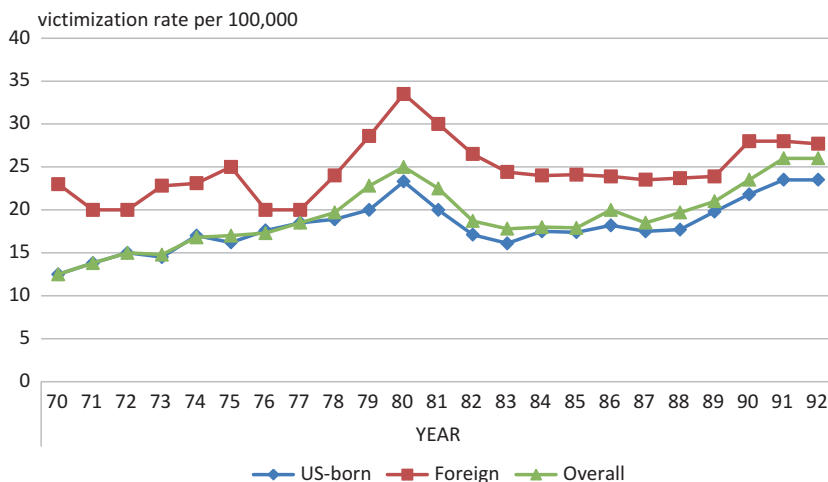
### CRIMINAL VICTIMIZATION OF IMMIGRANTS VERSUS THE NATIVE-BORN

Many studies indicate that immigrants/foreign-born people experience higher rates of criminal victimization than natives. This general pattern, however, varies by type of crime, country of origin, neighborhood, age, race/ethnicity/nationality, sex and other variables, including whether the immigrants are second-generation. Typically, the gross differences in victimization rates between immigrants and natives are substantially reduced, albeit not always eliminated, if these variables are held constant. In a few cases, immigrants of certain race/ethnic/nationality groups have lower victimization rates than their co-ethnics or native-born persons in the country of destination.

It also bears noting that except for so-called “hate crime”—and certain conventional crime—immigrants everywhere are usually victimized primarily by their own kind, co-ethnics and immigrants themselves who speak their language, live in the same urban areas and share similar socio-economic circumstances.<sup>2</sup> This is not surprising given what is known about the general patterns of criminal victimization. Crime victims tend to be from the same demographic backgrounds and live in the same residential areas as their victimizers.

#### *California*

According to the death certificates of the 65,510 California residents who died of homicide from 1970 through 1992, foreign-born persons were overrepresented among homicide victims in each one of those 23 years (Fig. 3.1). Focusing on homicides of 15-to-34-year-olds ( $N = 38,774$ ), who account for a majority of all homicide victims, Sorenson and Shen found that the difference in homicide risk between immigrants and the native-born varies by ethnicity and across time. During the study period,



**Fig. 3.1** Homicide rates of 15-to-34-year-old Californians, 1970 through 1992, overall and by immigrant status

Source: Figure 1 from Susan B. Sorensen and Haikang Shen, “Homicide Victim Rates of 15-to-34-Year-Old-Californians, 1970 through 1992. Overall and by Immigrant Status,” in “Homicide Risk among Immigrants in California, 1970 through 1992,” in 1996. *American Journal of Public Health*, Vol. 86, No. 1, page 98. Copyright © 1996 American Public Health Association, Washington, DC

foreign-born Whites, Hispanics, and Asians and others were at significantly higher risk while foreign-born Blacks were at a lower risk of homicide than their US-born counterparts (risk ratio = 2.12, 1.24, 1.72, and 0.60, respectively). The risk ratios varied by time period. The means used for the killings by immigrants and natives were similar: firearms (71.6% for immigrants vs. 68.4% for US-born persons), stabbing (20.5% immigrants vs. 19.6% for US-born persons), and other means.<sup>3</sup>

In a subsequent study based on an analysis of 9,442 homicides in Los Angeles County (CA) during 1990–1994 and controlling for age, gender, and ethnicity, Sorensen and Lew determined that immigrants had a slightly higher risk of being victims of homicide than did native-born persons and that the nature of the homicides of immigrants were, with a few exceptions, substantially similar to the homicides of natives.<sup>4</sup>

### *New York*

A study of victims of homicide between 1988 and 1992 in New York City found that foreign-born black females had substantially lower death rates



**Table 3.1** Crude death rates per 100,000 population per year for homicide by race, birthplace, sex, and age: New York City, 1988–1992

Sex	Age	Non-Hispanic Whites		Non-Hispanic Blacks	
		US-Born	Foreign-Born	US-Born	Foreign-Born
Male	<25 years	12.6	25.6	93.3	116.9
	25–64 years	14.2	24.6	111.6	102.8
	>64 years	7.2	4.7	25.1	16.7
Female	<25 years	1.9	3.8	14.0	8.0
	25–64 years	2.8	3.5	17.8	7.0
	>64 years	2.8	2.5	10.8	6.9

Fang et al. (1997): T.2

Source: Table 2 from “Nativity, Race, and Mortality: Favorable Impact of Birth Outside the United States,” by Alderman et al. in *Human Biology: The International Journal of Population Genetics and Anthropology*, Vol. 69, No. 5. Copyright © 1997 Wayne State University Press

than native white females, for all age groups. Foreign-born black males also had noticeably lower rates for older males, but not for under-25 age group. In contrast, foreign-born whites had higher death rates than natives in all age groups (Table 3.1).

### *Nineteenth-Century New York*

An analysis of homicides (1750–1874) in New York City by Monkkonen is not primarily about immigrants. During that period, however, there was a flood of immigrants to the city. The percentage of the population that was foreign-born went from 20% in the 1820s to 50% by 1860. For our purposes what is noteworthy about the study is the striking degree to which the homicides were intra-ethnic (which probably means immigrant against immigrant) (see Table 3.2).<sup>5</sup>

### OTHER REPORTS OF INTRA-GROUP VICTIMIZATION AMONG IMMIGRANTS

In Basle, Switzerland in the 1990s there was a high ratio of victimization of Turkish migrants by Turkish offenders.<sup>6</sup>

Vietnamese refugees and Chinese immigrants to the United States in the early 1990s were more like to be victims of a crime committed by members of their own communities.<sup>7</sup>

**Table 3.2** Race and ethnicity of killers and victims: New York City, 1750–1874

<i>Victim's ethnicity</i>	<i>Killer's ethnicity (in percentages)</i>					
	<i>Black</i>	<i>US White</i>	<i>Irish</i>	<i>German</i>	<i>Italian</i>	<i>Other</i>
Black	61	9	1	1	5	0
US White	14	35	6	4	14	10
Irish	16	26	83	26	33	30
German	2	13	3	56	0	0
Italian	0	0	1	0	43	0
Other	7	17	6	13	5	60
Total (%)	100	100	100	100	100	100
	[N = 44]	[N = 23]	[N = 114]	[N = 70]	[N = 21]	[N = 10]

Pearson  $\chi^2$  25 = 402.2995, Monkkonen (1995): T 5.2

Source: Table 5.2 from Eric Monkkonen, "Racial Factors in New York City Homicides, 1800–1874" in *Ethnicity, Race, and Crime*, S.F. Hawkins (Ed.), Copyright © 1995, State University of New York Press, Albany, New York

$p = 0.000$

### *Italy*

With the aid of a rare data source that contains information about the immigration status of both victims and offenders in Italy (1992–2001), Marzio Barbagli provides unique insight into the victimization of immigrants.<sup>8</sup> He distinguishes between the foreigners from developed (wealthier) countries and those from developing (poorer) countries, a distinction which makes an enormous difference in the types of victimizations experienced (Table 3.3).

Foreigners from poorer countries are far more likely than Italians and foreigners from wealthier countries to be robbed, intentionally injured, sexually violated, and murdered. Foreigners from developing countries are more likely than Italians to be the victims of all crimes listed, except for auto theft and shoplifting, the two crimes for which you must have some wealth in order to be victimized. Particularly striking in the likelihood of victimization are the differences between Italians and foreigners from the poorer countries.

Foreigners from the poorer countries are 5.7 times as likely as Italians to be robbed; 3.8 times to be the victim of sexual violence; 3.3 times as likely to be killed; 5.4 times as likely to have their pockets picked. In contrast, the foreigners from the richer countries are less likely than Italians to be the victim of any of the crimes except pick-pocketing.

Also remarkable is Barbagli's analysis of the extent to which immigrants were victimized by other immigrants as opposed to native Italians. The

**Table 3.3** Risk of victimization relative to Italians by foreign status and type of crime: Italy, 1999 [Italians = 1]

<i>Crime</i>	<i>Foreigner status</i>		
	<i>Italian</i>	<i>Foreigner from developed country</i>	<i>Foreigner from developing country</i>
Auto theft	1	0.261	0.577
Burglary/household theft	1	0.255	1.004
Shoplifting	1	0.244	0.186
Pick-pocketing	1	9.566	5.395
Bag snatching	1	1.001	2.309
Robbery	1	0.824	5.663
Intentional injury	1	0.165	3.788
Sexual violence	1	0.932	3.6
Homicide	1	0.322	3.32

Barbagli (2008): T6.1

Source: Table 6.1 from Marzio Barbagli, *Immigrazine e Sicurezza in Italia*, Copyright © 2008, Società editrice Il Mulino Spa, Bologna

data are broken out by type of crime. In virtually every type of crime, the pattern was immigrant against immigrant although the percentage of cases of a given type of crime varied from very small (for auto theft, burglary and shoplifting) to quite substantial (for violent and sexual crimes). Immigrants were more than three times more likely to have their pockets picked by another immigrant than by an Italian; six times more likely to have their purses snatched; fourteen times as likely to have been robbed; fourteen times as likely to have been maliciously wounded; and fourteen times as likely to have been the victim of sexual violence (Table 3.4).

Continuing with his investigation of the extent to which the high rate of victimization of immigrants in Italy is due to *intra*-group attacks, Barbagli cites a simulation which estimated that if foreigners were only 3% of those charged with homicide, the rate of victimization of immigrants would be reduced by 50.8% while that of Italians would fall by only 2.3%.<sup>9</sup>

### *Miami: Mixed Findings*

Two studies using substantially different methodologies address two distinct aspects of immigrant victimization. The first (by Biafora and Warheit) deals with the question of whether immigrants were more likely to be victimized than natives. The second (by Martinez) deals with whether they

**Table 3.4** Immigrant status of victim and offender by type of crime: Italy, 1999

Victim	Auto Theft		Burglary	
	Offender		Offender	
	Italian	Immigrant	Italian	Immigrant
Italian	99	97	98	97
Immigrant	1	3	2	3
Total	100	100	100	100
N	(1511)	(491)	(1747)	(1742)
Victim	Shoplifting		Pick-Pocketing	
	Offender		Offender	
	Italian	Immigrant	Italian	Immigrant
Italian	100	99	95	82
Immigrant	0	1	5	18
Total	100	100	100	100
N	(4052)	(2931)	(274)	(704)
Victim	Purse Snatching		Robbery	
	Offender		Offender	
	Italian	Immigrant	Italian	Immigrant
Italian	95	70	98	67
Immigrant	5	30	2	33
Total	100	100	100	100
N	(345)	(30)	(2075)	(782)
Victim	Aggravated Assault		Sexual Assault	
	Offender		Offender	
	Italian	Immigrant	Italian	Immigrant
Italian	96	44	97	56
Immigrant	4	56	3	44
Total	100	100	100	100
N	(6405)	(871)	(628)	(118)

Barbagli (2008): T6.3. Only immigrants from developing countries are included

Source: Table 6.3 from Marzio Barbagli, *Immigrazione e Sicurezza in Italia*, Copyright © 2008, Società editrice Il Mulino Spa, Bologna

are more likely to be victimized by their own kind. Based on a panel study of immigrants and natives in Miami in 1990 and 2000, Biafora and Warheit concluded that immigrants in Miami did not have higher rates of victimization than non-immigrant residents. They also found that foreign-born Cubans and foreign-born Nicaraguans did not have higher rates of victimization than native-born Cubans or native-born non-Hispanic whites.<sup>10</sup>

Biafora and Warheit operationalized victimization as exposure to violence at any point in the victims' lifetimes in any of three ways: (1) witnessed/vicarious violence occurring to someone else; (2) personal experiences of non-sexual violence; and (3) personal lifetime sexual victimization. Regarding vicarious victimization, respondents were asked if they had ever personally observed one of four acts: (1) saw someone chased but not caught or threatened with serious harm; (2) saw someone get shot at or attacked with another weapon; (3) saw someone seriously injured by gunshot or someone other weapon; and (4) saw someone be killed by being shot, stabbed or beaten.

With respect to their personal victimization, respondents were asked if they had ever been: (1) shot at with a gun or threatened with another weapon but not injured; (2) shot with a gun or badly injured with another weapon; (3) chased but not caught when respondent could have been badly hurt; (4) physically assaulted or mugged. With respect to sexual victimization, two questions were asked: (1) have you ever had sexual intercourse when you didn't want it because someone forced you or threatened to harm you if you did not?; and (2) have you ever been touched or made to touch someone else in a sexual way because they forced you in some way, or threatened to harm you if you did not?

Biafora and Warheit recognize that their findings are at odds with the work of the Chicago School forty years earlier. But they caution that it would be wrong to conclude that either their findings or those of the earlier Chicago School researchers are in error. Rather, they believe that their findings "can be attributed in large measure to the unique social environment awaiting Hispanic immigrants arriving in Miami-Dade county"<sup>11</sup> compared to the one facing immigrants arriving in Cook County at the turn of the twentieth century. They conclude that "[t]he emergence of a very large and powerful Hispanic (principally Cuban) enclave in Miami-Dade county has provided a supportive environment for Hispanics migrating there from all over the world."<sup>12</sup> They regard their most important achievement with the study is to "call into question... [the] assumption that immigrants are always at a disadvantage and more vulnerable than non-immigrants."<sup>13</sup>

**Table 3.5** Ethnicity and Mariel status of homicide victims by ethnicity of offenders: Miami, 1980–1990

<i>In percentages</i>				
<i>Victim</i>	<i>Offender</i>			
	<i>Anglo</i>	<i>Black</i>	<i>Cuban</i>	<i>Unknown</i>
Cuban	77.2	84.2	64.1	67.3
Mariel <sup>a</sup>	22.8	15.8	35.9	32.7
Column Total	100.0	100.0	100.0	100.0
Column N	22	76	499	153

Martinez Jr. (1997): T.2

Source: Table 2 from Martinez, Jr., Ramiro. *Hispanic Journal of Behavioral Sciences*. 19(2, May):107–123. Copyright © 1997. Reprinted by Permission of SAGE Publications, Inc

<sup>a</sup>One Mariel victim was killed by an Asian offender but is not listed in this row

In his study, Martinez analyzed data from homicide logs at the Miami Police Department (MPD).<sup>14</sup> The logs were started in 1978. In 1980 attention was paid to homicide victim/offender ethnicity. Homicide detectives began noting whether the victims or offenders were White (non-Latin Anglo), Black (non-Latin black) or Latin (in Miami almost exclusively Cuban). Based upon Immigration and Naturalization Service identification card as well as information from family and friends and other sources, they recorded whether the victim or offender was a Mariel refugee (i.e., Cuban).

Martinez makes analytic distinctions between the Cubans and the Mariels who are also Cubans and refugees. For our purposes the most striking fact in the analysis (Table 3.5) is that a greater number (by far) of Cubans (499) are killed by Cubans than by Anglos, Blacks, or Others. This illustrates quite clearly that among immigrants it is intra-group conflict that accounts for the greatest number of homicides.

This adds yet another piece of evidence to the literature summarized by Georgios A. Antonopoulos, who wrote:

Research has shown that in industrialised, developed societies in general, ethnic minorities and migrants are being victimised to a larger extent than the general population, and that a large part of this victimisation is a result of crimes committed by offenders of the same (minority or migrant) group.<sup>15</sup>

### *The Netherlands*

About 10% of the Dutch population were foreign-born or of foreign descent as of the 1990s; and about 6% of the general population were considered ethnic minorities. About one-third of them were second-generation immigrants. A 1990 victimization survey found that ethnic minorities were more likely to be victims of property crime (one and a half times) and violent crime than the total population. There was hardly any difference in victimization rates among the three main ethnic minorities.

A 1994 study that held constant the possible influence of the neighborhood on variations in victimization, however, found a different story. Comparing the responses of Turks and Moroccans to those of a “matched” group of native-born Dutch persons who lived in the same neighborhoods, it found that the Turks and Moroccans appeared to be victims of violent and property crimes less often. Then comparing Surinamese and Antilleans with similarly matched Dutch people from the same neighborhoods, it found no significant differences in general victimization rates of the ethnics and the Dutch living in the same neighborhoods.<sup>16</sup> Thus, it appears that the higher rates of victimization for immigrants were related to the neighborhoods in which they resided.

### *Sweden*

A few studies in Sweden have addressed the comparative risk of criminal victimization of immigrants and native Swedes for violence, threat of violence, and property offenses (theft and property damage). Most showed that immigrants had higher rates of victimization than natives. This seems to have been due largely to the differences in age structure and related lifestyles. A study covering the period 1978–1993 found that immigrants and “people with an immigrant background” are more exposed to violence or threats of violence than are native-born Swedes.

Second-generation immigrants are the most exposed to violence. Eleven percent of second-generation immigrants compared to only 6 percent of native Swedes experienced violence or the threat of violence. But this group is considerably younger than the general population (37 percent in the 16-to-24-year-old cohort compared to 16 percent for the whole population). Once age is controlled for, the difference is reduced (to 19 percent for second-generation immigrants vs. 16 percent for natives).<sup>17</sup> The second generation had a 30 percent greater risk of experiencing violence than natives Swedes which was attributed to their greater likelihood of being victimized on the streets or in public places. An indirect measure of

domestic violence found that women with foreign backgrounds had an 80 percent greater likelihood of being “victims of violence indoors.”<sup>18</sup>

In a study based on interviews with adults, the Stockholm Project found that in 1989 3.7 percent of persons born abroad experienced violence that required medical attention in the previous year compared to only 0.6 percent of native Swedes. Yet a survey by the Swedish Center for Social Research (CEIFO) found the opposite. In 1992, a larger percentage of native Swedes (2.3 percent) reported exposure to injury-causing violence than Finns (1.8 percent), Chileans (2.2 percent) and Poles and Iranians (2.1 percent).<sup>19</sup>

The CEIFO survey also asked if respondents had been threatened with violence during 1992. The ethnic groups differed significantly in their prevalence rates. Non-European immigrants (Chile and Iran) were more likely than native Swedes to experience threats while European immigrants were less likely. The prevalence rates were: Iranians, 19 percent; Chileans, 16 percent; Swedes, 14 percent; Finns, 10 percent; Poles, 9 percent.<sup>20</sup>

During the period 1980–1991, the risk of being the victim of violence causing death was three times greater for the foreign born (4.7 per 100,000) than for native Swedes (1.6 per 100,000). Among the foreign-born the rates per 100,000 varied substantially (Finnish background, 9.4; African, 5.4; and Latin American, 2.7). In contrast, three studies found no significant differences between native Swedes and foreign-born persons regarding the prevalence of victimization for theft or property damage once demographic characteristics were controlled.<sup>21</sup>

### *United Kingdom*

McClintock’s study of crimes of violence in London in the 1950s included information about gender, age, occupation, and residential location of the victims and offenders as well as the location of the criminal incident.<sup>22</sup> Four categories of crimes were described: sexual offenses; domestic assaults; fights in public houses, etc.; and attacks in the streets. While the victim’s immigration status was not directly measured, it could be inferred that many of the victims involved in all crimes—except the sexual offenses which were not concentrated ecologically—were immigrants and that they were frequently victimized by other immigrants.

This speculation is supported by the ecological distribution of the crime. The study showed that most of the offenders and their victims lived in areas with a high incidence of violent crime and most victims in the street and public house fights were unskilled male laborers. Immigrants accounted for 18% of the convictions for violent crime in 1950 and 28.5% by 1960.<sup>23</sup>



Immigration research in Britain has since become the study of the visible minority groups who migrated during the 1950s, 1960s, and 1970s from the countries of the former British Empire (excluding Ireland). When comparing these groups it is important to note that the timing of the primary immigration and the subsequent family reunification immigration occurred at different times for different groups. Consequently, some groups (the Afro-Caribbeans) are well established and are into their third generation whereas others are still in the family reunification stage (e.g., the Bangladeshis).

Meanwhile, immigration research in Britain has become the study of the visible minority groups who migrated during the 1950s, 1960s, and 1970s from the countries of the former British Empire (excluding Ireland). When comparing these groups it is important to note that the timing of the primary immigration and the subsequent family reunification immigration occurred at different times for different groups. Consequently, some groups (the Afro-Caribbeans) are well established and into their third generation while others are still in the family reunification stage (the Bangladeshis).

The significance of this is that the groups differ in their age structures and in the proportion who are foreign born. On average, all groups are younger than the white population, some groups more so than others (Pakistanis, Bangladeshis, “Black Others,” and “Others” are notably younger). The groups also vary regarding their socioeconomic resources and their settlement patterns. The Indians are similar to whites in economic status, while Afro-Caribbeans, Pakistanis and Bangladeshis are worse off. They have high unemployment, low income and poor housing. With the exception of the Pakistanis, most immigrants settled in London but in an uneven pattern of distribution across urban areas.<sup>24</sup> With all of these demographic and residential differences, one would expect to find differences in victimization rates among the ethnic groups; and, indeed, that is the case.

Combining data from the British Crime Surveys of 1992 and 1994, FitzGerald shows that rates of victimization are significantly higher among Afro-Caribbeans, Asians, Indians, and Pakistanis than among white people for both personal crimes and household crimes<sup>25</sup> (Table 3.6). However, differences among the ethnic groups and the size of the gaps between them and the whites varies by type of offense. Pakistanis are the most likely to be victimized both for household and personal offenses. Afro-Caribbeans are most likely to be the victims of burglary, attempted burglary, bicycle theft, assault, robbery, and other personal thefts.

**Table 3.6** Differential ethnic risk of victimization by ethnic group

<i>Percentage victimized once or more: 1988 &amp; 1992 British Crime Statistics combined</i>					
	<i>White</i>	<i>Afro/Caribbean</i>	<i>Asian</i>	<i>Indian</i>	<i>Pakistani</i>
Household vandalism	4.3	3.5	6.2 <sup>a</sup>	5.6 <sup>b</sup>	7.1 <sup>a</sup>
Burglary					
Attempts	5.8	11.1 <sup>a</sup>	7.8 <sup>a</sup>	8.1 <sup>a</sup>	7.5
No loss	3.1	5.4 <sup>a</sup>	3.6	3.5	4.2
With loss	3	6.7 <sup>a</sup>	4.6 <sup>a</sup>	5.2 <sup>a</sup>	3.9
Vehicle crime					
Vandalism	9.1	10	11.5 <sup>a</sup>	10.4	15.3 <sup>a</sup>
All thefts	19.12	7.3 <sup>a</sup>	21	20.8	22.6
Bicycle thefts (owners)	5	9.1 <sup>a</sup>	4.7	3.5	7.8
Other household theft	6.8	5.7	5.8	5.7	6.7
All household offenses	30.8	34.8 <sup>a</sup>	36.2 <sup>a</sup>	35.9 <sup>a</sup>	39.5 <sup>a</sup>
Assault	3.3	5.9 <sup>a</sup>	4	3.3	5.1
Threats	2.5	3.3 <sup>a</sup>	4.5 <sup>a</sup>	3.7	6.2 <sup>a</sup>
Robbery/theft from person	1.2	3.2 <sup>a</sup>	3 <sup>a</sup>	2.9 <sup>b</sup>	2.1
Other personal theft	3.9	4.5	3.1	3	3.5
All personal offenses	9.6	13.8 <sup>a</sup>	13 <sup>a</sup>	11.8 <sup>b</sup>	14.7 <sup>a</sup>
Unweighted N	19,294	1776	1976	1236	596

FitzGerald and Hale (1997): T. 2.5

Source: Table 2.5 "Differential Ethnic Risk of Victimization," from FitzGerald, Marian; Hale, Chris, "Minorities, Crime and Criminal Justice in Britain," in *Minorities, Migrants, and Crime: Diversity and Similarity Across Europe and the United States*, Marshall, Ineke Haen (Ed.), Copyright © 1997 Sage Publications distributed by Halsted Press: Thousand Oaks, CA. Page 50

<sup>a</sup>Significant at the 5% level

<sup>b</sup>Significant at the 10% level

With all of these demographic and residential differences one would expect to find differences in victimization rates among the ethnic groups; and, indeed, that was the case. Combining data from the British Crime Surveys of 1992 and 1994, FitzGerald shows that rates of victimization are significantly higher among Afro-Caribbeans, Asians, Indians, and Pakistanis than among white people for both personal crimes and household crimes.<sup>26</sup>

However, differences among the ethnic groups, as well as the size of the gap between them and whites, varies by type of offense. Pakistanis are the most likely to be victimized both for household and personal offenses. Afro-Caribbeans are most likely to be the victims of burglary, attempted burglary, bicycle theft, assault, robbery, and other personal thefts.

These differences must be interpreted carefully. Analysts have concluded that they are not due to primarily to ethnicity.<sup>27</sup> FitzGerald stresses this point:

[H]igher ethnic minority victimisation is often accounted for by the extent to which the minorities' age profiles, socioeconomic status, and geographic distributions differ from those of whites (and from each other). That is, ethnicity as such is not always a significant factor when all else is taken into account; where it is indicated as significant, it is rarely, if ever, the most important explanation for what are apparently ethnic differences at the overall level.<sup>28</sup>

[E]thnicity per se rarely explains patterns of victimisation... its relationship to victimisation is twofold. It is indirectly associated with victimisation because of the socioeconomic and demographic factors that are directly correlated and that disproportionately characterise certain minorities. It is directly associated with victimisation in interactions with these factors.<sup>29</sup>

Among the direct ways in which ethnicity accounts for the higher rates of victimization is the high rate of *intra*-group criminality. Some ethnic groups have high rates of criminality. Most criminality happens near where the offender lives and often involves people whom the offender either knows or is in similar socioeconomic and ethnic circumstances. Thus, for example, in Britain blacks account for a substantial proportion of black victimization.<sup>30</sup>

### *Australia: Another Exception to the Rule*

Surprisingly, in contrast to what has been found in other countries, in Australia those born overseas experienced lower-average number of victimizations than the Australian-born. Also notably, for all three personal offenses of robbery, assault, and sexual assault, the prevalence rates were lower than those of the Australian-born.<sup>31</sup>

These findings were presented by Satyanshu Mukherjee, in a chapter entitled "Immigrants As Victims of Crime and Hate Crime" in his report to the Australian Department of Immigration and Multicultural Affairs. In the report, he never defines "immigrant;" and he avoids using the term "foreigner" because a large part of the foreign population had already become Australian citizens. Instead, he uses "ethnicity" to refer "to people born outside of Australia and resident in Australia."<sup>32</sup>

Ten years later, Makkai and Taylor published an article generally confirming Mukherjee's findings regarding the comparatively lower rate of victimization of immigrants to Australia. The article is based on findings from six different surveys conducted between 2003 and 2008, including the General Social Science survey, the Crime and Safety Survey, the International Crime Victimization Survey, the International Violence against Women Survey, and a survey of small businesses in two ethnically concentrated communities.<sup>33</sup>

For 2005, immigrants were no more or less likely than Australians to report having been the victim of physical abuse before the age 15. In 2005 Australians aged 15 years or older and born overseas were less likely to report being victims of either robbery or assault during the 12 months prior to the survey. In 2006, they were also less likely to report being the victim of an actual or attempted break-in or an act of physical or threatened violence in the last 12 months.<sup>34</sup>

## NOTES

1. Georgios Antonopoulos (2002) summarized the related literature this way:  
 Research has shown that in industrialised, developed societies in general, ethnic minorities and migrants are being victimised to a larger extent than the general population, and that a large part of this victimisation is a result of crimes committed by offenders of the same (minority or migrant) group.
2. Pogrebin and Poole (1990). "In many ways, the Jackson Heights [New York] and Logan [Philadelphia] samples were similar. For example, the majority of incidents in both samples involved perpetrators from the same ethnic group as the victims. This finding is consistent with other studies that suggest immigrants often prey on each other rather than on outsiders" (Davis and Erez 1998).
3. Sorenson and Shen (1996).
4. Sorenson and Lew (2000).
5. Monkkonen (1995).
6. Killias (1997: 21).
7. Song (1992).
8. Barbagli (2008: Chap. 6).
9. Barbagli (2008: fn. 17).
10. Biafora and Warheit (2007).
11. Biafora and Warheit (2007: 45).
12. Biafora and Warheit (2007: 46).
13. Biafora and Warheit (2007: 51).

14. Martinez Jr. (1997).
15. Antonopoulos (2002).
16. de Haan (1997: 209).
17. Martens (1997: 236).
18. Martens (1997: 236).
19. Martens (1997: 237).
20. Martens (1997: 237).
21. Martens (1997: 238).
22. McClintock (1963).
23. McClintock (1963).
24. FitzGerald and Hale (1997).
25. Surveys conducted in London in 1981 and 1985 showed a somewhat different pattern of victimization by ethnic groups. See Smith (1997: 1104).
26. Surveys conducted in London in 1981 and 1985 showed a somewhat different pattern of victimization by ethnic groups. See Smith (1997: 1104).
27. Smith (1997).
28. FitzGerald and Hale (1997: 49). See also FitzGerald and Hale (1996).
29. FitzGerald and Hale (1997: 56).
30. Smith (1997: 1102).
31. Mukherjee (1999: 110).
32. Mukherjee (1999: 2).
33. Makkai and Taylor (2009).
34. Makkai and Taylor (2009: 100-ff).

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## Exploiting Immigrant Vulnerability

**Abstract** Immigrants are vulnerable to exploitation for numerous reasons: their lack of knowledge of the language, culture, resources (financial and family); their need for employment; their necessary reliance upon the representations of numerous officials, salesmen, employers, landlords, employment agents, lawyers, notaries; their distrust of the police and government officials; and their dependence upon their own people and their own banks.

**Keywords** Intra-group victimization • Theft of wages • Scams • Illegal housing • Fraud • Involuntary servitude

Immigrants are especially vulnerable to a range of harms by virtue of their lack of knowledge of the language, the laws, and the culture of the host society. Immigrants who are poor and uneducated are even less able to protect themselves from the many predators who exploit these cultural disadvantages. Such immigrants are easily defrauded.

## COMING TO AMERICA

Robust accounts of immigrant victimization can be found in the literature on the American experience of the early twentieth century and elsewhere. Kate Claghorn describes the fleecing of the immigrant to the United State in the early twentieth century from the time he buys the steamship ticket through the perils of the journey to the swindles, frauds, and thefts that happen upon landing; to the deception and abuse in dealing with employment agents; and then on to the tricks and fees imposed by the employers and the landlords; to the difficulties of seeking compensation for industrial accidents; the risks of reliance upon “the immigrant bank” rather than a legitimate bank for savings and loans; the swindling by various notaries, real estate agents, salesmen, confidence men, and co-national lawyers.<sup>1</sup>

### INTRA-GROUP VICTIMIZATION: THE NORM

Once again we find that the perpetrators are usually of the same ethnicity as the victims. A New York legislative committee in 1848 reported on the “frauds upon emigrant passengers.”

Your committee has been shocked to find that a large portion of the frauds committed upon these innocent and, in many cases, ignorant foreigners are committed by their own countrymen who have come here before them; for we find the German preying upon the German—the Irish upon the Irish—the English upon the English, etc. but at the same time we cannot hold our own countrymen entirely guiltless, for many of them it is to be regretted are engaged in the nefarious business.<sup>2</sup>

### CITIZENSHIP/WORK PAPER SCAMS

The desperate hope of obtaining citizenship or work papers, the presumption that corruption exists and that these benefits can be had for a price, plus the inability to complain to authorities if swindled, makes illegal immigrants especially easy targets for all kinds of scams. There is no shortage of otherwise respectable people who are willing to exploit these vulnerabilities. A couple of examples (also of intra-group victimization) should suffice.

In 1995, Pablo Ayala and Mayra Liz, a husband-and-wife team, were convicted for running a fraudulent enterprise, Liz International Immigrants Foundation, Inc. The pair had bilked more than \$800,000 from clients who sought citizenship or work papers.<sup>3</sup>



In 1998, Noemi Farraro was sentenced for swindling 238 Hispanic immigrants out of at least \$170,000. She was a fraudster with business cards with the Department of Justice seal on it. She promised to get green cards or citizenship papers for immigrants. None of Farraro's victims were on hand to watch the sentencing. They feared entering the courthouse. The probation office had tried to contact the 238 victims, but only 6 responded.<sup>4</sup>

### EMPLOYMENT SCAMS

Defrauding foreigners is so easy it is hard for some people and organizations to resist unless the government steps in to control the practices. A common scam of some employment agencies that go abroad to recruit workers is to promise foreigners a job and good working conditions which later fail to materialize. The workers are charged for transportation and poor living conditions and get much less than they are promised.<sup>5</sup>

### THEFT OF WAGES

Assuming that illegal immigrants will not go to the authorities if they are not paid for work they have been hired to do, employers everywhere either refuse to pay them or pay them less than what was agreed upon.<sup>6</sup> It is done by homeowners as much as by companies. This kind of victimization has been documented by news stories and special studies.

One study found that 6000 to 8000 day laborers worked in the New York metropolitan area earning well above minimum wage. However, 50 percent of them said they were not paid for their work on one or more occasion, and 60 percent said that sometimes they had been paid less than the agreed-upon wages.<sup>7</sup>

In the Washington, D.C. region, 58 percent of all day laborers experienced at least one instance of non-payment by an employer; 33 percent had been abandoned at work sites and 23 percent had experienced violence by their employers.<sup>8</sup>

A survey of 160 undocumented migrant day laborers workers in Palisades Park, New Jersey, found extensive wage theft. There were 728 incidents of theft perpetrated, amounting to \$238,112 in back wages owed to 112 victims over a period of 12 months.<sup>9</sup>

The first nationwide study of day laborers, based on interviews with 2,660 workers at 264 hiring sites in 20 states and the District of Columbia,

was released in 2006. Three-fourths of the laborers were illegal immigrants. The researchers expressed concern that the occupation was so treacherous. Violation of wage agreements was “incredibly high” and dangerous job conditions were rampant. “More than half of the workers said they had been cheated out of wages in the precious two months, and 60 percent said they had lost a week or more of work because of injuries. [Particularly disturbing], more laborers had been hired by homeowners than by contractors—49 percent to 43 percent.”<sup>10</sup>

In some jurisdictions, legal authorities have cracked down on employers who do not pay their workers. But critics have complained that such actions encourage illegal immigration.<sup>11</sup>

### ILLEGAL HOUSING

Another source of easy profit from (usually illegal) immigrants is the cost of housing. Here it is the homeowner, rather than the immigrant who is in violation of law. The harm done in this situation is less tangible. It involves overcrowding, renting space in houses to more people than allowed by law, putting people at risk in an unsafe and unhealthy environment.

In Brookhaven, NY, where in 2005 town officials were shutting down overcrowded houses, one home had between 14 and 42 people living there, each paying \$50/week. The house had various code violations, including exposed electrical wires, blocked doors, litter, and no smoke detectors. A total of 450 houses were under investigation. In the course of a little more than one month, seven houses that were targeted by officials had as many as 240 tenants.<sup>12</sup> Regarding one house, a town official said, “No human being, no animal should ever live in that house. It’s a death trap waiting to happen.”<sup>13</sup>

### ILLEGAL IMMIGRANTS AND COERCIVE LABOR

Immigrants need protection not only from hate but also from predators seeking to exploit their vulnerabilities. There are frequent reports in the press about immigrants being victimized in every imaginable way. They are exploited and abused by smugglers, employers, bandits, officials, and other predators. Illegal immigration has revitalized involuntary servitude.<sup>14</sup>

In July 1997, New York police discovered 50 adults and 12 children who were illegal Mexican aliens, most of them deaf, living in squalid conditions and being forced to work as slave labor selling \$1 trinkets on

the New York subways. They faced being beaten if they failed to make the \$100-a-day sales quota. A ring of 16 Mexicans smuggled them into the country and enslaved them. The ring leaders were ordered to pay \$1.5 million in restitution to the victims. The money was to come from an estimated \$3 million in bank accounts raised by operation.<sup>15</sup>

In February 1998, the FBI broke up an alien smuggling/prostitution ring that brought 20 girls, some as young as 13, from Mexico to Florida, enslaved them for two years and forced them into prostitution to work off the \$2000 smuggling fee.<sup>16</sup> A family of six illegal immigrants from Mexico operated the sex/slavery ring in Florida, Texas, and South Carolina. They are accused of beating the women, raping some, and forcing two to have abortions.<sup>17</sup>

Even legal immigrants are vulnerable to the extent that they do not trust—and cannot communicate with—law enforcement authorities. Immigrant enclaves become societies within societies where the local law enforcement cannot easily penetrate and are thus unable to obtain either intelligence or cooperative witnesses. Thus, the cultural barriers are obstacles to providing safety for both the immigrant community or the host community. Immigrant communities become the recruiting ground for organized criminal enterprises, particularly with international connections. Members of the same ethnic group form extortionate and violent enterprises that prey only on their own kind.<sup>18</sup>

## NOTES

1. Claghorn (1971/1923: 1–65, 121–142). See also (Abbott 1969/1926: 130). Some of the harms inflicted upon immigrants may not amount to violations of criminal law. They involve only violations of labor, housing, health, or financial regulations; or they may represent practices that border on fraud.
2. Abbott (1924: 132).
3. Chivers (1998).
4. Chivers (1998).
5. Miles (2006).
6. Sheridan (2005).
7. Greenhouse (2003).
8. Valenzuela Jr et al. (2005).
9. Sung et al. (2013).
10. Westchester Weekly Desk (2006).
11. Constable (1995), Castaneda (2005), Associated Press (2006), Jones (2002).

12. Jones (2005a).
13. Jones (2005b).
14. Blake (1984), Rawls Jr. (1981), Reuter (1995), Stevens (1980), Wysoki (1981), Alexander (1981), Swoboda and Webb Pressler (1995), North Carolina Legislative Research Committee (1983), Asher (1994), Whitaker (1982), Rojas (1996), Federation for American Immigration Reform (1992), Oliver (1996), Branigin (1997), Associated Press (1998).
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## Anti-Immigrant Hate Crime

**Abstract** The FBI does not provide statistics on hate crimes against immigrants. Media and anecdotal reports indicate that immigrants are frequent victims of hate crime. These crimes range from verbal threats and harassment to lynchings and massacres to beheading and burying aliens (claimed). Hate crime statistics in Great Britain are divided into five categories, in which one or more hate crime strands are deemed to be a motivating factor (race, sexual, religious, disability, transgender). Crimes motivated by the victim being an immigrant or foreigner might be counted in any of the five categories. In recent years, there has been a steady increase in hate crime in England and Wales. The increase cannot be attributed to anti-immigrant sentiments. Media items in the wake of an attack by Muslim extremists document the hateful reactions.

**Keywords** Heterogeneity • London • New York City • Terrorist • Muslim • Brexit • Hate crime

### UNITED STATES

Pursuant to the Hate Crime Statistics Act, the Federal Bureau of Investigation (FBI) has annually collected and reported statistics on the number of bias-related criminal incidents reported by local and state law

enforcement officials. For 2014, the FBI reported a total of 5,479 hate crime incidents involving 6,418 offenses.<sup>1</sup> Unfortunately, the FBI Hate Crime statistics do not include hate crimes against immigrants.

In the absence of national data, one must rely upon anecdotal and media reports to get a sense of the extent and experience of hate crime against immigrants, as done below.

- Historically in the United States, Italians were stereotyped as blood-thirsty criminals. The stereotype linked them to the Mafia, the stiletto and the vendetta., and provided a justification for hate crime. The Baltimore *News* once wrote of Italians, “The disposition to assassinate in revenge for a fancied wrong is a marked trait in the character of this impulsive and inexorable race.”<sup>2</sup> Italians were often lynched when connected, however remotely, with murder charges, as reflected in a number of incidents: In 1895, during a period of labor strife in Colorado, a group of miners massacred six Italians implicated in the death of a saloon-keeper; in 1896, a mob in Louisiana dragged three Italians from a jail and hanged them; and in New Orleans in 1891, a mob lynched eleven Italian suspects after a jury refused to convict them.
- In Fresno, California, which was home to the majority of the state’s 70,000 Hmong refugees from the Viet Nam war, thousands of Hmong departed for kinder, gentler parts of the United States. They fled the criminal violence in their neighborhoods and the personal invectives of the mean-spirited, such as the anonymous letter received by Serge Lee, a Hmong immigrant who is a Professor of Social Work at California State University at Fresno. It read: “Take your shacks, trash and Asian gangs, and leave America!!”<sup>3</sup>
- In 1996, in Sacramento, California, Jeff Katz, a radio talk show host, suggested on the air that motorists near the Mexican border should run down illegal immigrants and that for every one hit the driver be awarded a sombrero-shaped bumper sticker. For every ten sombrero bumper stickers, the motorist should get a free meal at Taco Bell.<sup>4</sup>
- Turner, Maine, is a rural township of 5000 people. Maine is the second-whitest state in the nation, behind only its neighbor Vermont. In the 1980s Mexicans began to arrive. Today, hundreds live there. Many work for the world’s largest producer of brown eggs. The company pays only minimum wage and the



work conditions were so bad that it was fined nearly \$2 million in federal penalties for health and safety code violations. Nevertheless, the Latinos see it as a great opportunity and sometimes work up to 100 hours a week. Latinos constitute less than 1% of Maine's population, but signs of the Mexican presence have mushroomed. Roadside lobster stands now also serve salsa and chilies. In 1995, two white men shouted "Go back to Mexico!" to a group of Latino poultry workers at a convenience store north of Turner. They then pursued the fleeing Latinos at high-speed, firing shots at their vehicle and injuring one of them.<sup>5</sup>

- In Texas in early 1998, during the execution of Karla Faye Tucker, a mob quickly turned against Hispanic death penalty protesters, all mostly immigrants. They yelled slogans such as "This is our state, go back to where you came from"; "Mexicans just come in to trash our country", and "They should all be killed."<sup>6</sup>
- In the 1980s newspapers reported that Ku Klux Klan members in San Diego county were boasting of "beheading and burying undocumented aliens."<sup>7</sup> In March 1998, San Bernardino County District Attorney's Office acting on information supplied by the Los Angeles Police Department's Anti-Terrorist Division alleged that four men belonging to a militia group were plotting to massacre illegal aliens as they entered the country. The group's leader, Glenn Yee, a reserve officer with the Irwindale Police Department, said he knew nothing of the border plot and that the Los Angeles Police Department (LAPD) had fabricated evidence to frame his multiracial group to which some LAPD officers belong.<sup>8</sup>
- There have been several occasions of vigilantism along the border in Arizona and California, including shootings, beatings and kidnaps of immigrants. During the early 1990s there were several confrontations between neo-Nazi skinheads and immigrants' rights advocates on the border with the San Diego Police Department between them. Militia groups, including the Metl militia, a group of uniformed high school students, practice shooting at immigrants crossing the border.<sup>9</sup> One human rights activist in San Diego who has been critical of law enforcement practices related to immigrants has received many death threats some of which he believes are from law enforcement officers.<sup>10</sup>
- In January 1990, in Carlsbad, California, Cándido Galoso, a 26-year-old day laborer from Mexico, was kidnapped and beaten

from outside a market where migrants wait for curbside hiring. The store's owner and his brother bound the migrant worker's arms and legs with duct tape and put a bag over his head with a sign saying, "No Más Acqui" (No more here). In October 1992 in East San Diego County José Luis López, a mechanic from Mexicali with permission to work in the USA, was attacked by two white men with baseball bats. They accused him and two illegal immigrants of raping a local white woman. The three lived in a creek-bed encampment in Alpine, an affluent, unincorporated community, where they worked as day laborers.<sup>11</sup>

- Tensions over the migrants' presence had been brewing for some time. Shoplifting in a store across the street from the camp had prompted the employees to keep a log, the "Mexican Incident Book." A controversial 1992 San Diego County Grand Jury report linked migrants living in the creek bed to various crimes. Anti-immigrant activity had been happening, including racial slurs, bottle throwing and beatings of migrants. In a separate matter three weeks after the incident, patrons at a local tavern reported to the Sheriff's Department that three Mexicans had raped a woman. Although when interviewed the victim said her attacker was an Anglo, Sheriff's deputies searched the camp. According to the bartender, when the rape call was made to law enforcement there was talk in the tavern about "going out there and playing vigilante."<sup>12</sup>

## GREAT BRITAIN

Hate crime statistics in the Great Britain are divided into five categories in which one or more hate crime strands are deemed to be a motivating factor (race, sexual, religious, disability, transgender). Crimes motivated by the victim being an immigrant or foreigner could be counted in any of the five categories. There has been a steady increase in rate of hate crime in England and Wales from 42,255 in 2012/13 to 62,518 in 2015/16.<sup>13</sup> However, the increase cannot be attributed to anti-immigrant sentiments for two reasons. None of the five categories aligns directly with being an immigrant or foreigner; and the increase is undoubtedly an artefact of the increase in public awareness of the law and changes in the law, making it possible for almost anything to be recorded as a hate crime.<sup>14</sup> However, there are times when spikes in the hate crime rate are interpreted as reactions primarily to events related to issues of immigration. The Brexit vote

was a strongly anti-immigrant event. Thousands of immigrants from Central and Eastern Europe had arrived putting a strain on housing, jobs, policing, hospitals, and schools; and in some sleepy communities produced a sharp increase in the number of murders involving foreigners. Within days of the Brexit vote, immigrants were under attack. Across Britain, hundreds of cases of racial abuse and hate crimes were reported. And it was not just the immigrants from the European Union states but also Blacks, Muslims and Asians from other places who were subjected to abuse.<sup>15</sup>

*Hate Crime in Wake of Two Terrorist Attacks by Muslim  
Extremists In the United Kingdom*

In the summer of 2005, Londoners were rocked by two separate terrorist attacks. The first occurred on July 7 during the morning rush hour. Four bombs were detonated by suicide terrorists on the public transportation system (three in the underground, one on a bus), killing at least 56 people and injuring hundreds more. The second happened on July 21. It appears to have been intended to be another suicide attack on the public transportation system. However, the bombs failed to fully ignite and there was only minor damage on this occasion.<sup>16</sup>

A connection between the attacks and Muslim immigrants was assumed by many from the start and was quickly (within five days) confirmed by the police. They announced that the attacks appeared to be the work of four young British citizens of Pakistani origin. Within three days of the second attack, the police announced evidence which suggested that Muslims were also responsible for it.

Just hours after the first bombings in London, the backlash against foreigners began. Innocent people and their property were targeted in what appeared to be anti-foreigner bias crimes. The attacks have been reported in the press and compiled chronologically by the Institute of Race Relations (United Kingdom) as follows<sup>17</sup>:

- 7 July 2005:
  - Two bottles containing an accelerant are thrown through the windows of a Sikh temple in Belvedere, Kent. The bottles did not ignite. Two days after the attack police arrest five men in the Bexleyheath area.

- An Asian woman from Hayes, Middlesex, reports an attempted arson attack after she finds petrol has been poured through her door.
- An Asian family from Southall report an attempted arson attack.
- Sha Jalal mosque and the Pakistan Community and Cultural Centre in Edinburgh are daubed in racist graffiti.
- A shopkeeper on the Fulham Road, west London, Aman Moradi, 45, is racially abused by David Parritt, a postman, who pushes her in the face before calling her a “f\*\*\*ing Muslim’.” (On August 4 he is sentenced to 200 hours’ community service with £70 compensation and £85 costs after pleading guilty to racially aggravated common assault and racially aggravated criminal damage.)
- A mixed-race postman, working in Airdrie, is racially abused and has cans of lager thrown at him, just hours after the London bombings. A gang of thugs call him a “suicide postman.”
- The Islamic Human Rights Commission reports that the garage at the home of a Muslim woman is destroyed in a suspected arson attack.
- Paul Bennett, 42, racially abuses staff at a kebab shop in Bangor, Wales. (He later pleads guilty to racially aggravated threatening behavior.)
- Asian-owned businesses are targeted in the Cheshunt area of Hertfordshire. £26,000 worth of damage is caused after vehicles are driven through the front of five businesses, two Indian restaurants and three shops.
- Pork is dumped outside the Dulwich Islamic Centre in South-east London.
- 8 July 2005:
  - Al Madina Jamia mosque in Leeds is petrol bombed at 2 a.m.; it causes minor damage and no one is hurt.
  - Stones are thrown at a mosque in Totterdown, Bristol. No damage is caused and no one is hurt.
  - A man threatens to bomb Hendon Islamic Centre and Mosque in London.
- 9 July 2005:
  - A fire at a Sikh temple in Armley, Leeds, is being treated as suspicious; Kent police are investigating two assaults on Muslim men in Dartford.

- David Lane, 24, shouts racist abuse about the London bombings in Halifax town centre and is arrested by police officers patrolling the town centre. A week later, he is fined £250 and ordered to pay £43 costs.
- Six windows are broken at a mosque in Easton, Bristol.
- Abdul Munim is rescued by firefighters from the Shajala mosque in Birkenhead, Liverpool, after two White men pour petrol through its letter box and set it alight at 12.35 a.m. The mosque is badly damaged. A 27-year-old man is arrested.
- The windows at Mazhirul Uloom Educational and Cultural Institution, east London, are smashed.
- 10 July 2005:
  - 48-year-old Kamal Raza Butt, a Pakistani man who is visiting friends and family in Nottingham, is set upon by a gang of White youths. He is allegedly called “Taliban” and then punched to the ground and dies later in hospital. Two 16-year-old youths are charged with his manslaughter, while seven others are bailed pending further inquiries.
  - The Islamic Centre in Rose Lane, Norwich, is vandalized in a racist attack; four windows are damaged. Police arrest two women at the scene, aged 23 and 26, who are later released on bail.
  - A 20-year-old Muslim student from the United Arab Emirates is racially abused, chased, and threatened with a knife by three men in the Charminster area of Bournemouth.
  - Racist graffiti is daubed on the pavement outside Park Primary School, Stratford, and on the wall of a home belonging to a Pakistani family nearby. Together, local residents paint over the graffiti.
- 11 July 2005:
  - The home of a Muslim family is torched in a suspected arson attack in Torquay. The family are not at home when the fire is started.
- 12 July 2005:
  - A 16-year-old Asian boy suffers head and facial injuries after an unprovoked attack by a white man. The young boy was walking with an 11-year-old friend on Leith Walk in Edinburgh when they were racially abused and then attacked by the white man.
  - There have been acts of arson and criminal damage in mosques in Leeds and Telford.

- The BNP produced a leaflet for a by-election in Barking, east London, with images from the London bombings and the words “maybe now it’s time to start listening to the BNP.”
- The door of the Pakistan consulate in Bradford was damaged after an arson attack; a 27-year-old man was later arrested.
- Bournemouth Islamic centre has received three death threats since the London bombings.
- The Islamic Human Rights Commission reports that a burning object is left outside the home of an Asian family in Hayes, west London.
- 13 July 2005:
  - A schoolboy has been attacked in the West Country.
  - The Islamic Human Rights Commission reports that a group of men attempt to rip the hijabs off the heads of a group of Muslim girls in Newcastle.
- 14 July:
  - Independent reports that eight people are arrested for public order offences at the Broadway pub in Beeston, Leeds, which is half a mile away from the home of one of the suspected London bombers. Police arrest members of the Leeds Services Crew, a football hooligan group, at the pub.
  - A 20-year-old University of Plymouth student, of Pakistani origin, suffers severe facial injuries and bruising to his arms and legs after three racist thugs verbally abuse him, stamp on him, and smash a bottle over his head in a park in Plymouth.
- 16 July:
  - A man is seen defacing a sign at a Bangladeshi mosque in Swindon. A person who intervened is subjected to religious verbal abuse.
  - A mosque in Cardiff receives racist hate mail followed by a break-in, in which animal parts are left at the mosque.
- 17 July:
  - Muhammed Haq, 27, an Imam at Dulwich Islamic Centre, is followed by the driver of a white van as he is cycling to prayers and then repeatedly punched to the ground by the man. He suffers a shattered cheekbone in the attack. A 20-year-old man is questioned on suspicion of racist assault.
- 20 July:
  - Anti-Muslim slogans are daubed on a bridge over the A46 Lincoln bypass near Burton village in Lincolnshire.

- 23 July:
  - The Islamic Human Rights Commission reports that a gang of NF members racially abuses a Muslim woman during a march in central London.
  - The BNP delivers leaflets to homes near Baitul Futuh mosque, in St Helier, south London with a picture of the bombed bus in Tavistock Square with the heading “Islamic Terror.”
- 24 July:
  - Police in Bletchley report that they are investigating an incident of racist abuse linked to the London bombings.
- 26 July:
  - A family of three are rescued from a flat next to an Indian restaurant in Hucknall; the fire is the second at the restaurant in a week. There is speculation that the arson attacks are racially motivated.
  - The Islamic Human Rights Commission reports that a man with a baseball bat attacks a car of Muslim women wearing Islamic dress in central London.
- 29 July:
  - A group of four Bangladeshi men walking along the street in Horley are racially abused by a gang of about ten men who kick and punch one man unconscious. The 39-year-old victim suffers cuts and bruises.
  - Two Asian men sitting in a car in Edinburgh are racially abused and taunted about the London bombings by a gang who kick their car and throw a hammer, smashing a window, which hits the passenger on the shoulder. The men escape further serious injury by driving away.
  - Wales police report a significant increase in racial incidents since the London bombings. North Wales police report the largest increase of 64 incidents in the period 7–28 July compared to 20 in the same period the previous year; Gwent police report 49 incidents compared to 30 in the same period last year; Dyfed-Powys police report 17 incidents compared to 12 in the same period last year; Wrexham police report 12 racially motivated incidents in one week.
  - The *Hounslow Guardian* reports that three racist attacks linked to the London bombings have been reported to the police; two assaults and an incident of verbal abuse.

- 20-year-old William Gregory is to appear before magistrates charged with religiously motivated GBH on 27-year-old Muhammed Haq, an Imam from the Dulwich mosque.
- Racists daub graffiti, swastikas and Ku Klux Klan symbols over shops and along a road in Totnes.
- 30 July:
  - An 18-year-old Iraqi has his throat slit in a suspected racist assault in Portsmouth. The young man is with a friend who escapes serious injury when a black man attacks them. Police are treating the attack as racially motivated and a 23-year-old local man is arrested and later bailed.
  - Three Indian people, two men and a pregnant woman, are abused and spat at on a bus in Torquay by a white man who makes “insinuations” about them carrying a rucksack and tells them to speak “English in England.”
- 1 August:
  - Police in Yorkshire report a rise in racist attacks reported between March and July; 306 incidents have been reported to police, compared to 153 in the same period last year.
  - Police in Plymouth report a small increase in racist incidents following the London bombings.
  - The Mayor’s Office, the Metropolitan Police Association and the Metropolitan Police set up a “Communities Together” phone line for BME groups, to offer advice and information following the London bombings.
- 2 August:
  - A Portuguese man has his ankle broken in a racially motivated assault in Ipswich. Three men approach the man in the early hours of the morning, racially abusing him before punching and kicking him to the ground.
- 4 August:
  - A month after the London bombings, police forces across the country are reporting rising levels of racial incidents.
  - Police in Scotland report a rise in racial incidents by nearly a third; Tayside police report the largest increase of 70 percent.
  - The Metropolitan Police announce that religious hate crimes have risen sixfold since the London bombings. The Met has recorded 269 crimes in the three weeks after the bombs, compared to 40 in the same period last year.



RACIAL VIOLENCE AFTER 7 JULY—WEEK 11,  
BY IRR NEWS TEAM

Incidents of racial violence and harassment in this, the eleventh week since the London bombings.

- 21 September 2005: 31-year-old Gareth Lukey admits racially aggravated disorderly conduct after forcing an Asian businessman staying at the same hotel as Lukey to empty out his luggage, while accusing him of hiding a bomb, just days after the London bombings. He is fined £250 and ordered to pay £55 costs. (*Wales Daily Post* 22.9.05)
- 21 September 2005: *Runcorn World* reports that after six incidents of racist graffiti and criminal damage in the Heath and Mersey areas of Liverpool in one week, police will be taking steps to tackle the problem. (*Runcorn World* 21.9.05)
- 20 September 2005: *Barking & Dagenham Recorder* reports that a man wearing a baseball cap racially abuses security staff at a Tesco's supermarket in Barking. He threatens staff and punches one man in the head. (*Barking & Dagenham Recorder* 20.9.05)
- 19 September 2005: An Asian mother, her two sons and a daughter are attacked at their Redditch home. Police are treating the attack as racially motivated and have arrested three men. (*Redditch Advertiser* 22.9.05)
- 19 September 2005: In the early hours of the morning, arsonists attack a mosque in Chester; the lawn at the front of the building is set alight damaging the front door. (BBC News 19.9.05)
- 16 September 2005: *Liverpool Echo* reports that a woman, whose husband is “half Asian,” has the windows of her home in Speke, Liverpool, smashed, and her family has also been racially abused. (*Liverpool Echo* 16.9.05)
- 16 September 2005: *This is Somerset* reports that a mother and her two mixed-race toddlers are racially abused by a group of teenagers in a children's playground in Glastonbury. (*This is Somerset* 16.9.05)
- 15 September 2005: The *Western Gazette* reports that the BNP is planning a leafleting campaign in Yeovil against plans by Yeovil Islamic Society to build a mosque. (*Western Gazette* 15.9.05)
- 11 September 2005: *Newcastle Sunday Sun* reports that Northumbria police have recorded an increase in racially motivated attacks since

- the London bombings. 130 crimes were recorded following the bombings and 106 in the previous month. (*Newcastle Sunday Sun* 11.9.05)
- 9 September 2005: A 23-year-old Iranian asylum seeker suffers a punctured lung after being stabbed in the chest and back by three Black men in Camden, London. (*Hampstead & Highgate Express* 16.9.05)
  - 9 September 2005: A Worksop shop owned by a Sri Lankan family is vandalized; paint is daubed over a newly renovated fascia. The incident is the latest in a series of attacks on the shop, ranging from racist abuse and racist graffiti to criminal damage. (*Worksop Guardian* 16.9.05)
  - 8 September 2005: Two men aged 28 and a 26-year-old woman are pushed and racially abused as they stand talking on street in Chertsey, Surrey. They escape into a house and are followed by the white man who kicks the door. (BBC News 17.9.05)
  - 25 August 2005: A gang of 15 white men attack a Spanish student at McDonalds in Worthing. The suspect who punches the student is described as a skinhead. (*Worthing Herald* 30.8.05)
  - 23 August 2005: *Medway Messenger* reports that a 37-year-old Chinese doctor is racially abused and punched and kicked to the ground by a gang of three men and two women. (*Medway Messenger* 20.9.05)
  - 10 August 2005: A 30-year-old Asian man is stabbed four times and his friend is kicked in the face in a racist attack in Lloyd Park, Walthamstow. The men are playing tennis in the park when they are approached by a gang of 13 white people who surround them and racially abuse them. The 30-year-old man suffers two stab wounds to his back, one in his hand and one in his left shoulder, his friend suffers a broken or dislocated jaw. Three teenagers, two 16-year-olds and an 18-year-old are later arrested for racially aggravated GBH. (*Chingford Guardian* 15.8.05)
  - 23 July 2005: Rev. Barry Rathbone has his car vandalized, a wing mirror broken and the car scratched; the words “Be warned, you’re next Muslim lover” are also painted on the car. The Boscombe vicar had previously given a TV interview where he expressed concerns about making ordinary Muslims scapegoats for the London bombings. (*Dorset Echo* 26.7.05)

## HETEROGENEITY AND THE POLITICS OF HATE CRIME

By its very nature, hate crime involves heterogeneity, differences between victim and offender regarding some criteria: race, sexual orientation; religion; national origins; and other matters. Thus, Blau's theory of heterogeneity fits well the circumstances surrounding hate crimes. As a practical matter this means that regions, which are rapidly becoming more ethnically diverse should expect to see an increase in inter-group crime. It can also be expected that there will be efforts to define this inter-group crime as "hate crime."<sup>18</sup> But whether it should be classified as such or as just "normal" street crime between individuals from different ethnic groups who happen to have ethnic animosities is problematic and ultimately a political decision.

Advocates of hate crime legislation and its enforcement as a means of protecting ethnic groups from acts motivated by bias and intolerance<sup>19</sup> might want to rethink the issue. The race/ethnic composition of the offender-victim duet is changing from majority group member against minority group member to minority group member against other minority group member—the pattern that is becoming increasingly common in countries with high immigration rates such as the USA—or minority against majority individuals—which is often seen as a form of protest against bias and social injustice.

In the United States, the "ideal offender—victim relationship"<sup>20</sup> which the advocates of hate crime laws seem to have had in mind was white against black.<sup>21</sup> Crimes involving blacks against whites were not regarded as racist in themselves, but rather are conceptualized as reactions to racism or vendettas for racial or class oppression. Blacks were believed to be seeking out white victims as a kind of revenge against racism. Crimes involving blacks and other minorities were largely ignored.<sup>22</sup> It is precisely these latter combinations, however, that are becoming more frequent in communities that are increasingly ethnically diverse. And it is black crime against other minorities (usually white immigrants) that black leaders are now trying to say is not hate crime—even though it is done under circumstances of well-known racial tension.

Such incidents expose the problematic wisdom of the concept of "hate crime." If a perpetrator utters a racial epithet during the course of a "normal" street mugging, he becomes eligible for a harsher sentence than he would have gotten for just robbing and beating victim without calling him a name. Supporters of the hate crime concept justify it on the grounds that

“hate crimes are offenses against society. They target not only a primary victim but everyone in the victim’s group—in fact, everyone perceived as different ... [H]ate crime laws say loud and clear that Americans reject hate mongering in all of its forms and that they will no longer tolerate bigotry.”<sup>23</sup>

Critics argue that hate crime punishes free speech and is an unnecessary redundancy. All crimes are offenses against society. The hate crime concept violates the principles underlying the criminal law of liberal societies. It punishes thought and motive rather than act. The possibility that a crime might be designated as a hate crime invites politically motivated decisions and improper outside influences on the decision-making of police and prosecution officials.<sup>24</sup> And the attention to hate crime unwittingly increases ethnic tensions in the community inflames ethnic hatreds.<sup>25</sup>

These complexities are already evident in places like New York City and Plainfield, NJ where increasing racial diversity has been associated with an increase in inter-group violent crimes and where the question of whether these acts are “hate crimes” has become a growing political issue. Heterogeneity in New York City is high.<sup>26</sup> Nearly two-thirds of New Yorkers are Black, Latino, or Asian. Among young people the proportions are even greater.<sup>27</sup> In Plainfield, NJ between 1990 and 2000 the Hispanic population increased by 72% to about 12,000, not counting the many illegal immigrants who undoubtedly live there. By 2000, blacks numbered about 29,500; whites about 10,000.<sup>28</sup>

Muslim, Russian, Bangladeshi, Eastern European, and Hispanic immigrants have increasingly become subjects of crimes and vilifications, often by blacks and other minorities. The immigrants believe these acts are crimes motivated by bias. In some cases, they might be right; in others, they may simply misunderstand the law. For example, at a community meeting in Brooklyn called by leaders of the Pakistani community in response to a wave of crimes against Pakistanis, the police had to explain that the First Amendment protects free speech, and hence allows people to call them “terrorists,” “towel heads,” or “Osama.” A racist taunt is not crime unless accompanied by a conventional crime like a beating or damaging property. Picking an immigrant to rob because immigrants are known to be easy marks is merely a “crime of opportunity,” not of hate.<sup>29</sup>

In Plainfield, NJ a series of attacks by blacks against Hispanics over the course of a few months led to a special police investigation. At least seventeen Hispanic males had been severely beaten. One was hit so fiercely with a baseball bat that his arm was left paralyzed. Another was found dead

with a gash in his head. The police arrested six people, only one of them was charged with a hate crime. How many more should have been charged with bias crimes is an open question. The one who was so charged had been linked by witnesses to a group of young black men who often bragged about attacking “Ricans.”<sup>30</sup>

There have been long-standing tensions between the local Hispanic immigrants and the black community. African Americans often grumble that the Hispanics were taking over; that they speak in Spanish; and that stay to themselves and refuse to hire Blacks. Immigrants believe that Blacks are jealous of their economic success and are singling them out for attack. The immigrant victim whose arm had been paralyzed was sure his attack was racially motivated.

The chief of police of Plainfield and prominent Black leaders disagree, however. They say the attacks were not racially motivated. They were just a matter of greed. But the chief of police in neighboring town of North Plainfield did not see it that way. He thought that the violence was too extreme for a mugging. “To hit someone with a baseball bat, you have to hate someone,” he said. “To beat a guy for a few dollars never made a lot of sense to me. It looked to me like a bias incident.”<sup>31</sup>

## NOTES

1. US Federal Bureau of Investigation (2015).
2. Quoted in Higham (1955: 91).
3. Knight-Ridder (1996).
4. He was fired for doing so but KPIX FM 95.7 in San Francisco auditioned him when its ratings plunged after ending its live coverage of the O.J. Simpson trial (Staff 1996).
5. The assailants were subsequently convicted of federal civil rights violations (McDonnell 1998).
6. Villafranca (1998).
7. Eisenstadt and Thorup (1994: 50).
8. Lait (1998).
9. Personal interview with Roberto Martinez, Director, American Friends Service Committee, San Diego, 6/22/98.
10. Personal interview with Roberto Martinez, Director, American Friends Service Committee, San Diego, 6/22/98.
11. Eisenstadt and Thorup (1994: 47ff).
12. Eisenstadt and Thorup (1994: 48).
13. Corcoran and Smith (2016: T2).

14. De Freytas-Tamura (2016b).
15. De Freytas-Tamura (2016a).
16. Frankel (2005a, b, c).
17. This list is compiled from those published by the Institute of Race Relations and is reprinted with permission (IRR News Team 2005a, b, c).
18. Normally representatives of ethnic communities and their activist allies can be expected to push for the definition of these acts as “hate crimes” and for the enforcement of the related laws. (See, e.g., Hernandez 2001). But not all communities will seek this special treatment. Communities with substantial number of illegal immigrant members—such as the Hispanic community in Plainfield, NJ) and immigrant communities from countries where political action was all controlled by the state (such as the Russian immigrants in Brighton Beach, New York City) are willing to suffer in silence rather than rally attention to their plight.

When a group of five Russian men were brutally attacked with bricks and knives and one of them killed by a group of seven Puerto Rican adults and teenagers shouting ethnic slurs, the Russian community remained silent and declined to take political action. The incident happened outside a bodega where the Russians went for a drink after work. The Puerto Ricans mistook them for Poles and began shouting “f--ing Polacks.” A fight ensued.

The police charged the case as a hate crime. However, prominent members of the Russian community were unwilling to see it as motivated by ethnic hatred. Anatoly Eyzenberg, owner of Brighton King Meats and a member of a Russian-American political organization called Pravo, called it an unfortunate incident limited to a particular group of troublemakers. He would not call it hate crime because he said, “I don’t want to inflame ethnic hatred” with speeches. “I’m categorically against that.” Other Russian immigrants were unmoved because of their old philosophy that political actions are a waste of time (Tavernise 2004; City Limits 2004).

In Plainfield, NJ, Hispanic immigrants do not bother to report their muggings to the police partly because of fear of deportation but also because of the language difficulties. The Plainfield Police Department has 16 bilingual officers and offers a translation service for 911 callers, but it has no Spanish-speaking dispatchers. Immigrants like Federico Manzilla Pineda—a 62-year-old laborer—has been victimized three times in two years since arriving in Plainfield: once at gunpoint; once when thieves took \$2500 in cash; and also on a third occasion. He did not report any of the incidents to the police because, he said, the police do not adequately comprehend Spanish. When the police investigated a series of six assaults against Hispanics, they uncovered at least eight other incidents that had gone unreported (Cave 2004).

19. See, e.g., the demand for a crackdown on alleged hate crime in Anne Arundel County, Maryland (Hernandez 2001).
20. An expansion of Christie's concept of the ideal victim (Christie 1986).
21. Anti-Semite against Jew and straight against gay were also among the patterns targeted by advocates of hate crime laws.
22. Cleaver (1969), Poussaint (1972), LaFree (1982), Willbanks (1985), South and Felson (1990), O'Brien (1987), City Limits (2004).
23. Levin and McDevitt (2002: 6).
24. Boyd et al. (1996).
25. Cohn (2005), Jacobs (1993), Levin (1999).
26. Hum (2004).
27. City Limits (2004).
28. Cave (2004).
29. City Limits (2004).
30. Cave (2004).
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## Domestic Violence/Intimate Partner Violence/Wife Battering

**Abstract** Violence between intimate partners is a universal phenomenon. It reflects patriarchal social orders that exist everywhere, but are stronger in developing countries. Feminists and women's rights advocates have received global support for their attempts to eliminate violence against women. But anti-woman cultural practices flourish in many countries and immigrant women from those cultures are especially vulnerable. Even immigration law puts them at a disadvantage. Mail order brides are at high risk of violence and death.

**Keywords** Religion • Culture • Patriarchy • Feminists • Mail order brides • United Nations

### ESTIMATES AND EXPLANATIONS

Violence between intimate partners is a universal phenomenon which has happened throughout history. Most of it is directed at women and girls, reflecting patriarchal social orders that exist everywhere. To some extent, all societies proscribe such violence, but they differ enormously in terms of the form and degree of violence against women that are tolerated and even promoted. The variation around the globe ranges from the honor killings of sisters, daughters and wives for shaming the family, to

beating one's wife with a stick not thicker than one's thumb (the "rule of thumb"),<sup>1</sup> to zero tolerance for any violence.

In 2013, the World Health Organization reported the first global estimates of violence against women, including the prevalence of intimate partner violence and non-partner sexual violence. On a global basis, some 35% of all women experience either intimate partner or non-partner violence. The study found that intimate partner violence is the most common type of violence against women, affecting 30% of women worldwide. Globally, as many as 38% of murders of women are committed by a male intimate partner.<sup>2</sup>

Since the 1970s feminist advocates and woman's organizations have been chipping away at patriarchy. They have put the issue of violence against women on local, national, and international agendas. In 1979 the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations. In 1992 CEDAW was amended to recommend that states take all actions necessary to protect women against all kinds of violence.<sup>3</sup> In 1995, at the Fourth World Conference of Women, violence against women was recognized as a violation of human rights, as set forth by the Declaration on the Elimination of Violence against Women.<sup>4</sup> The feminists have made the world a little safer for women but their progress has happened primarily in countries where social norms have begun to change and the old misogynistic practices no longer enjoy free rein, i.e., mostly Western countries.

In some countries violence against women has deep cultural roots. In certain parts of the world, twenty years after CEDAW was amended to protect women from all kinds of violence, reports of violence against women appeared in the press on an almost daily basis. One day in 2008 in south-western Nepal, for example, there was a report that four women were killed by their husbands or family members in the space of just one week. Three of the women were killed after dowry-related disputes; the fourth was killed by her husband after a bitter domestic fight.<sup>5</sup>

While a distressing amount of domestic violence still occurs in the West,<sup>6</sup> at least these days it is defined as a crime about which society is taking some action. Pioneering social research has even been done to determine what the best public policy is regarding the police handling of calls involving domestic assaults.<sup>7</sup> The traditional belief that violence within the family is a private matter better left to the man of the family to resolve is slowly becoming outdated.<sup>8</sup> The modern ideal is that gendered violence is unacceptable, regardless of where it happens or who does it to whom.

In contrast, traditional patriarchal beliefs and practices continue to flourish in many countries.<sup>9</sup> For example, as of 2003 domestic violence was not considered a major concern in Arab and Islamic countries.<sup>10</sup> Douki and associates report that surveys in Egypt, Palestine, Israel, and Tunisia showed that at least one in every three women had been beaten by her husband. Domestic violence was still considered a private matter and was justified by selective excerpts from the Koran indicating that men who beat their wives were following God's commandments. Protection of the family's honor led to a conspiracy of silence among victims, their abusers, the police, and health care professionals.<sup>11</sup>

When it comes to immigrants, the problem of domestic violence assumes additional complexity. Whether immigrant women in industrialized or Western countries suffer a higher rate of spouse abuse than natives is open to dispute. In a 2002 assessment of the limited literature on domestic violence among immigrant women in major receiving countries, Menjivar and Salcido concluded that the incidence of domestic violence among the immigrant woman was no higher than it was among natives.<sup>12</sup> However, a 2014 survey that examined representative samples from all 28 member states of the European Union found that one in three women had experienced physical and/or sexual violence since the age of 15 and that immigrant women reported higher rates of those forms of violence than native women.<sup>13</sup> Several other studies support the conclusion that immigrant women are more vulnerable than native women to domestic violence.<sup>14</sup>

The experiences of immigrant women who are abused are often exacerbated by several factors. Immigrant women who lack host-language skills are disadvantaged in several ways. They are unable to get jobs or are forced to accept low-end occupations. They are unable to communicate their situation to community service providers or the police. Unless they live in enclaves with co-ethnics, they are socially isolated which makes them even more dependent on their partners.

Social isolation itself can have fatal results. One study reported the case of Tamil women in Canada who jumped from their apartment buildings to their deaths because of their isolation and sense of powerlessness. An informant explained,

Yes, because they have no other way, they have nowhere to go. All they know is they [can jump] off their balcony. And it's very hard to get to them because they don't come out, they don't meet anybody and we don't know that they people exist until these commit suicide.<sup>15</sup>

On the other hand, living with one's family and community is no guarantee of personal safety. Orthodox views of gender relationships and family are likely to govern and in some cases they encourage the belief that domestic violence is acceptable behavior while divorce is not.

Studies conducted in Arab and Islamic communities, for example, have reported substantial percentages (41%--60%) of various samples who justified wife-battering under certain circumstances.<sup>16</sup> A study of Tunisian women found that 77.6% of them regarded wife abuse as "acceptable" or "sometimes acceptable."<sup>17</sup> The study concluded that the acceptance of violence was related to three factors: religious belief; the economic dependence of women; and traditional patterns of marriage. The study cites passages from the Koran that seem to justify violence against women, including a famous verse (IV, 34):

Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah had guarded; as for the women who show rebellion, you shall first enlighten them, then desert them in beds, and you may beat them as a last resort.<sup>18</sup>

On the other hand, the study also cites Koranic passages that tell men to be good to their wives and that the Prophet Mohammed never resorted to wife beating regardless of the circumstances. Thus, in conclusion, the study declines to attribute violence against women exclusively to religion but to patriarchal ideologies as well.<sup>19</sup>

A study of South Asian women living in the United States reports that the patriarchal nature of South Asian culture influences woman's perception of domestic abuse. More than half of a small sample (N = 47) of women who were shown a vignette in which domestic abuse was clearly indicated though the woman in the vignette was not a domestic assault victim.<sup>20</sup>

A study of mostly Mexican female immigrants to the United States who faced domestic violence concludes that several barriers shaped their experiences. The value placed on maintaining the family often kept battered women from leaving (their children) or even seeking help. Some traditional families support the abuser and condemn the victim. The lack of English-language skills left the man in control of situations, including where the police were called. Patriarchy is supported by the cultural belief that men are the king of the castle and rule the family. While men are expected to display "machismo" (toughness and aggression), women are supposed to model their behavior after the example of the Virgin Mary.

Women are expected to conform to an ideal motherhood role in which she sacrifices her life for her children. These expectations shape their perception of domestic assault. Often they accept that it is the husband's right to hit them.<sup>21</sup>

Another factor disadvantaging immigrant women is immigration law itself. In an effort to prevent sham marriages entered solely for the purpose of obtaining legal immigrant status for the woman (usually), immigration laws in the USA, Europe and other receiving countries often require that couples remain married for a certain number of years in order for the union to be legally valid.<sup>22</sup> This and other requirements often serve as obstacles to immigrant women seeking to get out of domestic violence situations. If they leave their husbands before obtaining legal status, they may never obtain it. Studies have documented the various ways in which immigrant women are vulnerable to abuse by virtue of their immigration status. Spouses use threats of deportation or of not filing or withdrawing immigration papers to as control tactics in abusive relationships.<sup>23</sup>

### MAIL ORDER BRIDES

One form of female migration that is a source of high risk of violence and death is the migration of "mail order brides." These women come from poor countries and typically have very limited or no information about the men they are going to marry. With the advent of the internet, the business of arranging mail order brides has prospered. The marriages are arranged by marriage brokers whose websites display pictures of available women and who even offer tours in which men can meet prospective spouses.

Many women from the Philippines have used this method trying to escape to a better life and have wound up brutalized and dead. According to the Philippine government, close to 150,000 Filipino women left the country between 1989 and 1998 as fiancées or spouses of foreigners. The top destinations of these women were the USA, Australia, and Western Europe.<sup>24</sup> According to the 1991 Australian census, more than 47,000 Filipino women were living there. Researchers found that approximately 70% of them had come to Australia as spouses or fiancées of Australians.<sup>25</sup>

A study of violence against Filipino women in Australia suggests that these women are at an exceptionally high risk for extreme violence through domestic assault and murder. The study documented all of the known deaths or disappearances of Filipino women and their children throughout Australia between 1980 and 1995. The 27 cases found were believed to

undercount the total number of deaths of Filipino women. The patterns in the data are chilling:<sup>26</sup>

- Filipino women are almost six times overrepresented as victims of homicide compared to other women.
- Filipino women have higher rate of homicide than Filipino men (a pattern contrary to that found in virtually all other immigrant groups).
- In all but one case, the offender was married to or in an intimate relationship with the victim.
- None of the men were Filipino (vs. typical domestic spousal homicide between co-nationals).
- Average age difference between partners was 13 years.
- In a third of the cases, the age difference was 20 years or greater.
- In a third of the cases for which information was available, the couples had met in the Philippines through the help of agencies promoting marriage.
- Many of the men had previously married. Two had previously married Filipino partners. One man had just put in an order for another Filipino bride with a marriage broker agency a couple of days before he killed his current Filipino wife.
- In 11 of 18 cases for which information was available, there evidence of previous domestic violence directed at the woman victim by her partner.
- In several cases, the women had either separated from their partner or were in the process of doing so at the time of their deaths. A powerful bias against these women was shown in the news media coverage of the criminal trials. They were portrayed as licentious and immoral. They were represented as the “morally” abusive partner because they had left the relationship.

There was no evidence in the Australian study of any of the men using the Internet to locate Filipino partners. That is probably because the study only went up to 1995. These days there are an abundance of websites advertising mail order brides. In the present day, the business of arranging introductions and marriages is easier than ever before. In recent years, between 20,000 and 30,000 women have entered the United States using the services of an international marriage broker.<sup>27</sup>

So far, no research has determined whether mail order bride marriages are more prone to domestic violence than other marriages. But some women's advocacy groups report increased rates of domestic abuse among mail order marriages.<sup>28</sup> After three high-profile cases of mail order brides—including one from the Philippines—being murdered by their husbands, the United States Congress began to regulate the industry. The International Marriage Broker Regulation Act of 2006 requires men who use for-profit brokers to complete a questionnaire about their criminal and marital background and requires the broker to determine if the man is a registered sex offender.

Marriage brokers argue that the law goes too far, that it punishes many people just because of a few cases of abuse. They see themselves as providing men with valuable options, women who are subservient and “good wives.” For example, Sam Smith, a former salesman of insurance and mutual funds, who founded *I Love Latinas*, has a pitch that some American men find compelling. He says: “Guys are sick and tired of the North American me, me, me attitude.”<sup>29</sup>

## NOTES

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2. World Health Organization (2016).
3. Carr Center for Human Rights Policy (1992).
4. Menjivar and Salcido (2002).
5. Dhakal (2008).
6. Truman and Morgan (2014), FRA (2014), National Coalition Against Domestic Violence (2015).
7. Sherman and Berk (1984).
8. Since 1864 (*Bradley v. State*) and as recently as 1962 (*Joyner v. Joyner*), American courts have recognized the husband's right to use the degree of force necessary to compel the wife to “behave” and “know her place.” Cited in (Erez 2002).
9. Hodgson (1995), Kelly et al. (1999), Haj-Yahia (2009), Kim and Sung (2014), Douki et al. (2003), Robinson (2003), Alhabib et al. (2010), Esquivel-Santoveña et al. (2013).
10. Douki et al. (2003).
11. Douki et al. (2003). Douki and associates argue that “a fair reading of the Koran shows that wife abuse, like genital mutilation and honour killings are a result of culture rather than religion.”
12. Menjivar and Salcido (2002).



13. FRA (2014). See also Mahapatra and DiNitto (2013).
14. Hass et al. (2006).
15. Morrison et al. (1999: 156). Cited in Menjivar and Salcido (2002: 904).
16. Douki et al. (2003).
17. Douki et al. (2003).
18. Douki et al. (2003).
19. Douki et al. (2003).
20. Mahapatra (2012). See also Niaz (2003).
21. Vidales (2010).
22. Menjivar and Salcido (2002: 908).
23. Hass et al. (2006), Raj et al. (2005), Erez and Ammar (2003).
24. Diocson (2001).
25. Cunneen and Stubbs (2002: 161).
26. Cunneen and Stubbs (2002).
27. Ferry (2006).
28. Ferry (2006), Porter (2006).
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## The Global Prohibition Regime Against Trafficking in Persons: Understanding the Limited Results

**Abstract** Campaigns to suppress human trafficking began in the nineteenth century with Josephine Butler’s effort to stop “white slavery” and the traffic in women and girls for prostitution. Today’s campaign was launched in the 1990s by the UN and heavily supported by the US Department of State. The target of the campaign has broadened to include males and victims of labor exploitation. This campaign is an example of an attempt to establish a global prohibition regime. Such regimes have successfully prohibited certain international crimes but they are notably ineffective at suppressing activities with the characteristics that mark human trafficking. Thus the modest numbers of convictions for trafficking are not surprising. Suppressing the trafficking for prostitution is the most problematic aspect of the campaign. Many states permit prostitution and refuse to try to abolish it. The existence of legal prostitution is believed by some to encourage trafficking for prostitution. Others disagree. The matter is hotly debated. The success of the anti-human trafficking campaign is likely to continue to be modest for the foreseeable future.

**Keywords** Human trafficking • Prostitution • White slavery • Modern slavery • TVPA • Global prohibition regime • Josephine Butler • CATW • Human Rights Caucus • UN Protocol

## MODERN SLAVERY

The criminal victimization of immigrants described in earlier chapters refers to immigrants who migrate voluntarily. Their reasons for migrating vary from reuniting with family, to seeking opportunities for a better life, to escaping wars, persecution, natural disasters, or poverty. For them, migration is a choice. Even if they hire smugglers to guide them, the decision to migrate is theirs, although this can change along the way if the smugglers decide to exploit them.<sup>1</sup>

There is another kind of migrant of which there are many, namely involuntary migrants. Historically, they were just called “slaves,” but in today’s world they are referred to as victims of human trafficking, a phenomenon which is often referred to as the “modern form of slavery.” It differs from its ancient form (chattel slavery) solely because the victims are not legally owned by the trafficker; there are no socially recognized legal institutions that will uphold those property rights if challenged. Although the victims of human trafficking today are no longer legally owned, traffickers still buy and sell them in black markets around the world.<sup>2</sup>

Because ownership was the key to traditional (“chattel”) slavery, the institution was comparatively “easy” to eliminate. It “just” required changing the law that recognized the owner’s right to own or trade the slave. But, of course, getting a society to change that law took a major effort. Powerful economic interests were at stake. In the USA, it took a bloody civil war; but this was not the case in England where legal slavery was abolished by an act of Parliament in 1833.

Slavery and slave trading had been legal and commonplace in societies throughout the world. In the seventeenth and eighteenth centuries European governments developed an interest in the transatlantic slave trade between black Africa and the plantations and mines in the Americas. British slavers emerged as leaders in this highly lucrative trade.

With such a strong economic interest at stake, it is remarkable that Britain led the way to the abolition of slave trading (1807) and slavery (1833) at home and eventually around the globe. In so doing, the British successfully established what Ethan Nadelmann calls a “global prohibition regime.”<sup>3</sup> Such regimes consist of substantive norms and processes by which they are enforced being institutionalized into global regimes.<sup>4</sup> These are norms which prohibit in international law and in the domestic criminal laws of states the involvement of state and non-state actors in certain activities.

Nadelmann stresses that global prohibition regimes are not primarily the result of government initiatives intended to advance political or economic interests. Rather,

moral and emotional factors related to neither political nor economic advantage but instead involving religious beliefs, humanitarian sentiments ... and the compulsion to proselytize play an important role in the creation and evolution of international regimes. This is particularly so of global prohibition regimes ...<sup>5</sup>

The abolition of slavery by the British illustrates the point. Although Adam Smith had argued that slavery was a highly inefficient economic system, there was strong evidence in support of the contrary. The main argument in favor of suppressing slavery was a moral one that derived largely from religious and humanitarian principles as well as those of the Enlightenment.

### THE UN PROTOCOL AND THE US TVPA

Since the 1990s the international community has been trying once again to suppress human trafficking (and related abuses) around the globe. This time the campaign is being driven by the United Nations with its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Protocol) which supplements the United Nations Convention Against Organized Crime that opened for signing in December 2000.<sup>6</sup> The campaign has been bolstered by the enactment in the same year of the US Trafficking Victims Protection Act (TVPA).<sup>7</sup>

As an example of international cooperation, the UN Protocol has been remarkably successful, at least at the level of international law making. As of 8 June 2017, 170 UN member states had ratified the UN Protocol.<sup>8</sup> However, at the level of practical results, after sixteen years in operation; hundreds of millions of dollars spent to achieve the program's three-P's (prosecute traffickers, prevent trafficking and protect victims); numerous studies conducted; a new journal founded<sup>9</sup>; the definition of human trafficking broadened; the requirement that the victim be transported across national borders dropped,<sup>10</sup> and the use of US diplomatic pressure to shame foreign states into acting, the impact has been minimal at best.

According to the 2015 Trafficking in Persons Report (TIP Report) of the US State Department based on data from all states that are parties to the UN Protocol, in 2015 there were 18,930 (857) prosecutions, 6609

(456) convictions, and 77,823 (14,262) identified victims.<sup>11</sup> In its 2009 Global Report on Trafficking in Persons, the United Nations Office on Drugs and Crime (UNODC) gave a report based on criminal justice and victim assistance data from 155 countries. On the positive side, the report says that in recent years the number of states that had taken steps to enact the UN Protocol had doubled.

The bad news is that there were still many countries, particularly in Africa, that lacked the necessary legal instruments; that the number of convictions were increasing, but probably not proportionately to the growing size of the problem; that most convictions were happening in only a few countries; and, most discouraging, that as of 2007/08 two out of every five countries covered by the report had not recorded a single conviction. In these figures, sexual exploitation was the most commonly identified form of human trafficking (79%), followed by forced labor (18%).<sup>12</sup> As of June 2016, 21 countries had still not ratified the Protocol.<sup>13</sup>

The statistics regarding the impact of the new global effort to suppress trafficking in persons suggest that undoubtedly some good work has been done. Yet, when looked at from the point of view of the size of the achievements relative to the size of the problem, the conclusion is disappointing. A staggering 21 million people are trafficked at any point in time (4.5 million for sexual exploitation), generating \$150 billion in profits for organized crime, according to estimates from the International Labour Organization (ILO).<sup>14</sup> It is unlikely (although unmeasurable) that any traffickers have been deterred or that many potential victims have heeded the public information warnings about the dangers for girls of traveling abroad or accepting certain kinds of jobs.

If it is not for the lack of effort and resources, what does explain the limited success of the current campaign against human trafficking? We address that question below.

### GLOBAL PROHIBITION REGIMES: WHITE SLAVERY AND OTHER CAMPAIGNS

Today's campaign against trafficking in persons can usefully be examined as an instance of a "global prohibition regime."<sup>15</sup> Among the acts that have been successfully prohibited by such regimes are: piracy, traditional slavery, the counterfeiting of national currencies, trafficking in controlled psychoactive substances, and the hijacking of aircraft. Today's effort against human trafficking is the latest in a long-running series of such attempts

which began in the late nineteenth century. Those efforts also failed. The analysis that follows shows why this latest campaign to “end trafficking” will never succeed to the extent that other global prohibition regimes have done, even though it has finally developed a definition of trafficking that resolves the problem of compatibility among legal systems.

In his analysis of global prohibition regimes, Nadelmann explains.

Criminal laws and international prohibition regimes are particularly ineffective in suppressing those activities which require limited and readily available resources and no particular expertise to commit, those which are easily concealed, those which are unlikely to be reported to the authorities, and those for which the consumer demand is substantial, resilient, and not readily substituted for by alternative activities or products.<sup>16</sup>

The two activities with which human trafficking is involved, namely coerced labor and sexual services—usually in the form of coerced prostitution, readily meet these criteria. Coerced labor (excluding sexual exploitation) comes in various forms: debt bondage, peonage, domestic servitude, slavery and similar practices (e.g., sweatshop slave labor<sup>17</sup>), and the removal of organs. There is a strong demand for these activities all of which require no special expertise to commit; are sometimes visible to the public while not seen by the authorities—sometimes by choice<sup>18</sup>; are typically hidden in plain sight, i.e., visible but not recognized as violations of law<sup>19</sup>; and are unlikely to be reported to the authorities.<sup>20</sup> Occasionally, someone does intervene in a situation that turns out to involve trafficking.<sup>21</sup> This happens so infrequently, however, it gets media attention. While a godsend for the victim and a commendable act for the good Samaritan, such interventions do not amount to a substantial anti-trafficking strategy.

Sexual exploitation primarily in the form of prostitution is the other activity at which the anti-human trafficking efforts have been directed. Indeed, the concept of “human trafficking” emerged out of the nineteenth-century international movement to combat the traffic in women for prostitution. At one time it was known as “white slavery.” The movement was led by Mrs. Josephine Butler, an evangelical British feminist whose father had been a leader in the campaign to abolish (black) slavery, reformers sought to abolish “white slavery.” By the end of the nineteenth century, “white slavery” was synonymous with the image of innocent women and girls being abducted or deceived, carried off across international borders and forced into sexual exploitation.<sup>22</sup>



Beginning in the early nineteenth century, Britain and other states around the world adopted the “regulationist” system for the control of prostitution.<sup>23</sup> Brothels were licensed or tolerated; women were required to register and submit to regular inspections for venereal disease and to enforced treatment in confinement (“lock hospitals”). This policy was intended to protect the health of the military. The policy was regarded as the answer to the problem of the distorted sex ratio in the colonies. There men greatly outnumbered women. On the assumption that the colonial men could not do without sex, state authorized prostitutes were seen as a better answer than the alternatives: homosexuality, masturbation, and concubinage. The system institutionalized the sexual double standard by which women were punished for their sexual behavior but men avoided censure.<sup>24</sup>

In Britain, the regulationist system was established by four acts known as the Contagious Diseases Acts passed by the British Parliament between 1864 and 1886. These acts applied to certain military areas and seaport towns authorized any police officer to arrest any woman found in those areas who he believed to be a prostitute. She would be brought before a magistrate who could order her to register and submit to a medical examination. If found to have venereal disease she would be sent to a hospital where she could be detained for three months or more. If she refused the examination, she could be imprisoned.<sup>25</sup>

Mrs. Butler played a key role in getting Parliament to repeal the Contagious Diseases Prevention Acts. Her concern was not about prostitution *per se*, but about the treatment of prostitutes (as women) who were being arrested and humiliated by ununiformed police.<sup>26</sup> She pushed for the abolition of the government scheme of regulating prostitution. When a campaign to institute the regulation scheme went international, she became the leader of an international movement to oppose it.

In 1867 the International Medical Congress had established a commission to develop plans for the international control of venereal disease through police measures, i.e., the regulation system. In 1874 at the Congress’ meeting in Vienna, there were demands to enact international laws to regulate prostitution. Protesting that possibility, Butler sent letters to repeal associations abroad and traveled to the continent. As a result of this visit, Butler founded the British and Continental Federation for the Abolition of Government Regulation of Prostitution, which subsequently became the International Abolitionist Federation. Remember, her goal was not to abolish prostitution but the regulation system which allowed prostitution to occur under police regulation.

Shortly, the International Abolitionist Federation had active branches in most of the European nations. Encouraged by the results, Butler convened an international congress. In 1877, over 500 delegates representing most of the European states and the United States gathered in Geneva.<sup>27</sup> The delegates immediately split into two camps: those who advocated abolishing prostitution by making it a crime; and those who favored abolishing the system of government regulated prostitution with its police enforcement of the rules, the reglementation system.<sup>28</sup>

This division has continued to plague anti-trafficking efforts ever since. Most recently, when the UN began deliberating over the terms of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children a bitter debate broke out over whether the treaty should outlaw the “trafficking” of people across borders for “forced prostitution.” The feminist and religious critics argued that the wording implied there are legitimate forms of prostitution.<sup>29</sup>

Historically, as we have seen, many governments, even ones with strong civil rights records, have treated prostitution as a legitimate, even socially beneficial activity.<sup>30</sup> Today certain civil rights activists (Human Rights Caucus) regard prostitution as a legitimate form of labor. They refer to it as “sex work” and argue that it should be treated on equal terms with any other form of legitimate labor. Women who freely choose to do sex work should not have their choice denied by the state.<sup>31</sup>

On the other hand, there are religious and social purity groups as well as certain contemporary feminist organizations (e.g., the Coalition Against Trafficking in Women—CATW) that have sought to abolish prostitution. In negotiations leading up to the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons (2000), the difference between these opposing views was fought out over the definition of trafficking with a focus on the notion of consent.

CATW believes that prostitution is immoral and inherently a civil rights violation. CATW argued that prostitution is never voluntary because no woman would ever freely and rationally choose such a career. They favored a broad definition of trafficking which does not limit its scope to cases in which force or deception are involved.

In contrast, the Human Rights Caucus supported the view of prostitution should be treated as legitimate work. They argued:

Obviously, by definition, no one consents to abduction or forced labor, but an adult woman is able to consent to engage in an illicit activity (such as prostitution). If no one is forcing her to engage in such activity, then trafficking does not exist.<sup>32</sup>

In the end, the signatories of the UN Protocol rejected the broad definition on the grounds that it would impede the capacity of the international community to achieve consensus and act against traffickers.<sup>33</sup> Consequently, the Protocol defines trafficking in persons as:

... the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

In addition, the Protocol states that:

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

According to Hyland, the importance of achieving consensus on a definition of trafficking cannot be overstated.<sup>34</sup> There had been five predecessor trafficking agreements: the International Agreement for the Suppression of White Slave Traffic; the International Convention for the Suppression of White Slave Traffic; the Convention on the Suppression of Traffic in Women and Children; the International Convention of the Suppression of the Traffic in Women of Full Age; and the Convention of the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. None of them ever defined trafficking.

The UN Protocol's definition of trafficking represented the first international consensus on the meaning of the term, a necessary step toward a concerted international effort to combat trafficking. The Protocol also expanded the scope of activities encompassed within the definition. "Trafficking" includes not only acts linked to sexual exploitation such as prostitution, but also forced labor in a broad range of contexts, including agriculture, domestic servitude, maid service, sweatshops, begging, and marriage. Furthermore, a victim can be a man, woman, or child; and transportation is no longer an essential element of the crime.

A century before the UN Protocol was opened for signing, groups of non-governmental, transnational moral entrepreneurs<sup>35</sup> launched the first international campaign against the trafficking of women for sexual exploitation by convening the First International Congress for the Suppression

of the White Slave Traffic in 1899, which was attended by 120 delegates from 11 nations.<sup>36</sup> From this, the Congress emerged as an international federation of groups working toward the abolition of trafficking known as the International Bureau for Suppression of Traffic in Women and Children (hereinafter, the International Bureau) that promoted more action.

In 1902 delegates from 16 European countries gathered in Paris and drafted an instrument which in 1904 became the first anti-trafficking convention, the International Agreement for the Suppression of the White Slave Trade.<sup>37</sup> The Agreement aimed at protecting deceived or coerced adults and underage females from “white slavery”; but it did not define trafficking or require states to criminalize it.<sup>38</sup> The Second International Convention for the Suppression of the White Slave Traffic in 1910 bound its 13 signatories to punish “Whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a woman or girl under age, for immoral purposes ...” It also prohibited the use of fraud, violence, threats, or abuse of authority to compel a woman or girl into “immoral acts.”<sup>39</sup>

For the next 18 years non-governmental activists organized as the International Bureau directed the global campaign. In 1921, after the world war, the League of Nations assumed responsibility for this moral terrain and quickly drafted the 1921 International Convention for the Suppression of the Traffic in Women and Children.<sup>40</sup>

Until 1934 the advisory committees were perennially divided over whether prostitution should be regulated or abolished. Even countries that were supportive of the campaign had objected to a condemnation of prostitution. Dame Crowdy of the Bureau recalled:

I remember one of the countries, which had played a very great part in the beginning of the fight against this traffic, told us that she would be obliged, if the Advisory Committee discussed for a single moment the question of licensed houses, a national not an international problem in her opinion—to withdraw her delegates once and for all from the Advisory Committee.<sup>41</sup>

In the fight to stop human trafficking the central question regularly debated was about the effect of the existence of legal prostitution on the effort to suppress trafficking. Could trafficking be suppressed if prostitution were allowed to operate legally? By 1934, all participants in the policy debate were in agreement that prostitution should be condemned. This consensus seemed to have been influenced by results of two major studies by the Special Body of Experts.

The first was based on data gathered from 28 in Europe and America. It concluded that

the existence of licensed houses is undoubtedly an incentive to traffic in women and children both national and international' and 'the difficulty of eliminating the third party element becomes greater in countries where the keeping of brothels is legal, where licensed houses exist, and where the system of registering prostitution is maintained.<sup>42</sup>

A second study commissioned by the Advisory Committee examined Asian countries. A second body of experts conducted the study. Their report reached the same conclusion:

The principal fact in the promotion of the international traffic of women in the East is the brothel ... The most effective remedy against the evil, therefore, is the abolition of licensed or recognized brothels in the countries concerned.<sup>43</sup>

Finally, in 1934 the Advisory Committee reviewed the reports and unanimously agreed that the League of Nations should promote the abolition of prostitution.<sup>44</sup> Accordingly, an international convention calling upon all states to abolish licensed prostitution was drafted; but as a result of World War II, it was not enacted until the General Assembly of the United Nations adopted the Convention for the Suppression of the Traffic in Persons for the Exploitation of the Prostitution of Others (which entered into force in 1950).<sup>45</sup>

The Convention has not been ratified by many countries in part because the presence of the term "even with the consent of that person" in Article I means that the Convention applies to voluntary prostitution.<sup>46</sup> It criminalizes prostitution that is not coerced. This is a problem for countries such as Germany,<sup>47</sup> the Netherlands,<sup>48</sup> New Zealand,<sup>49</sup> Australia,<sup>50</sup> Greece,<sup>51</sup> and other countries where voluntary prostitution is legal and regulated as an occupation.

By the 1990s the movement to save women and children from being trafficked for sexual exploitation was being reframed and revitalized by the second wave of the international women's movement. The Platform for Action adopted by the Fourth World Conference on Women in Beijing in 1995 put the issue back on the international agenda. It called for the effective suppression of trafficking in women and girls for the sex trade.<sup>52</sup>

As a new United Nations anti-human trafficking convention was drafted in the late 1990s, the topic was seen as something larger than it had been. The focus of the new convention was broadened from trafficking in women to trafficking in persons, and from trafficking for sex to trafficking for labor as well. In the USA, trafficking started to be termed “modern-day slavery.” The draft Trafficking Victims Protection Act (TVPA) became an anti-slavery law. That meant that force, fraud, or coercion had to be involved to compel forced labor or a commercial sex act. Any voluntary, consensual acts between adults were excluded from the law. The distinction between “free” and “forced” prostitution was made law. The notion of “white slavery” was deleted in recognition of the fact that the traffic is a global problem not limited to a particular race.<sup>53</sup>

In the most recent attempts to create an effective global prohibition regime against the trafficking of persons for labor and sexual exploitation, the policy recommended by the League of Nations was abandoned. A compromise that is critical to the full success of the regime was made. Voluntary prostitution was not prohibited. Many countries have some form of legal prostitution and, as in the past, their representatives and other interests did not agree that prostitution should be outlawed.<sup>54</sup>

The significance of legal prostitution for the success or failure of the global prohibition regime against trafficking for sexual exploitation had long been debated. The studies done for the League of Nations had supported the conclusion that allowing states to legalize prostitution would compromise the global regime. Those countries would constitute safe havens for prostitution and would become destination sites for human traffickers. Just as was the case with the efforts to suppress chattel slavery, piracy, privateering, airplane hijacking, safe havens had to be suppressed if the global prohibition regimes were to succeed.<sup>55</sup>

The United States Department of State has taken this position in its annual report on human trafficking. It says that “[s]ex trafficking would not exist without the demand for commercial sex flourishing around the world.”<sup>56</sup>

The debate about whether legal prostitution leads to human trafficking even has a website entirely devoted to the matter (ProCon.Org.) It contains debates on the issue:

Does Legal Prostitution Lead to Human Trafficking and Slavery?<sup>57</sup>

PRO (yes)

Rachel Lloyd, MA, Founder and Chief Executive Officer of Girls Educational and Mentoring Services (GEMS) in New York, NY, stated in her Apr. 19, 2012 [NYTimes.com](#) article titled “Legality Leads to More Trafficking”:

“The presence of an adult sex industry increases both the rates of child sexual exploitation and trafficking. It may be true that some women in commercial sex exercised some level of informed choice, had other options to entering and have no histories of familial trauma, neglect or sexual abuse. But, these women are the minority and don’t represent the overwhelming majority of women, girls, boys and transgender youth, for whom the sex industry isn’t about choice but lack of choice.

The argument that legalizing prostitution makes it safer for women just hasn’t been borne out in countries implementing full legalization. In fact, legalization has spurred traffickers to recruit children and marginalized women to meet demand. Amsterdam, long touted as the model, recently started recognizing rates of trafficking into the country have increased and is beginning to address the enormous hub of trafficking and exploitation that it’s created.”

Apr. 19, 2012—Rachel Lloyd, MA

CON (No)

The Bureau of the Dutch National Rapporteur on Trafficking in Human Beings, in its Mar. 2005 report “Trafficking in Human Beings—Third Report of the Dutch National Rapporteur,” stated:

“The fight against THB [trafficking in human beings] for sexual exploitation is often confused with the battle that some people wage against prostitution ... [T]here are disadvantages associated with a repressive approach, since such an approach does not distinguish between victims and independent sex workers, and clients will not play a role as a potential source of information on trafficking practices ...

It is often said in the media that the lifting of the general ban on brothels has led to more THB. This is not a correct conclusion. Before the lifting of the general ban on brothels, THB and other (criminal) abuses were taking place in all sectors of prostitution. Some of these sectors are now under control and can be assumed to have rid themselves of their former criminal excesses, or are doing so ... It is possible that THB is increasing in the illegal, non-regulated or non-controlled sectors. If this were to be the case, it still cannot be assumed that the extent of THB is now at the same or even above the ‘old’ level it was at before the ban on brothels was lifted. It is in fact likely that this is not the case, merely because not every client is keen to get involved in the ‘secret’ prostitution sector.”

Mar. 2005—Bureau of the Dutch National Rapporteur on Trafficking in Beings (BNRM) Trafficking in Human Beings—Third Report of the Dutch National Rapporteur

Recently, a quantitative study using a data set provided by the European Union found that there generally appeared to be a negative relationship between a country’s legislative efforts to reduce prostitution and the

prevalence of trafficking. The greater the legislative effort to reduce prostitution, the lower the levels of sex trafficking.<sup>58</sup>

Given the intense religious, moral, and ideological motives that lie behind the arguments in this debate as well as the complex forces of globalization in the world today, it is unlikely that this debate will be resolved any time soon. One important conclusion, however, can be made. Human trafficking might be reduced to some small extent. But it is not going to be stopped.

## NOTES

1. Associated Press (1999b).
2. Should the trafficker need to do so, his effective “ownership” can be legitimized by having the victim sign a labor contract, something the courts will uphold. “For laws against slavery to work, there must be clear violations that can be prosecuted”; Bales (1999: 32).
3. Nadelmann (1990).
4. Krasner (1983), Haggard and Simmons (1987).
5. Nadelmann (1990: 480).
6. Against the background of the Fourth World Conference for Women in 1995 which called upon governments to suppress trafficking in persons for purposes of prostitution and all forms of trafficking (Siron and Baevoghem 1999: 8), the Clinton Administration with its first female Attorney General, its female Secretary of State and its influential First Lady (McDonald 2004: 163) introduced a resolution on trafficking of women and children at the April 1998 session of the UN Commission for Crime Prevention and Criminal Justice.  
The proposed resolution called for the development of a protocol on trafficking in women and children under the proposed UN Convention against Transnational Organized Crime. The resolution was subsequently adopted, and the USA and Argentina introduced a draft protocol at the first negotiation session of the Convention in January 1999. The resulting Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Protocol) is the first comprehensive international anti-trafficking agreement with substantial law enforcement provisions and victim protections (Hyland 2001).
7. Trafficking Victims Protection Act of 2000, Div. A of Pub. L. No. 106–386, § 108, as amended.
8. United Nations (2017).
9. The Journal of Human Trafficking.
10. Article 3 of the UN Protocol.  
For the purposes of this Protocol:



1. “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
  2. The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
  3. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
  4. “Child” shall mean any person under eighteen years of age.
11. US State Department (2016). The numbers represent cases of sexual exploitation. Those in the parentheses represent forced labor cases. “Victims identified” is not explained.
  12. United Nations Office of Drugs and Crime (2009).
  13. US State Department (2016: 19).
  14. International Labour Organization (2012).
  15. Nadelmann (1990).
  16. Nadelmann (1990: 486).
  17. See, e.g., Swoboda and Webb Pressler (1995), Associated Press (1999a).
  18. Although it is within the jurisdiction of certain government agencies, the abuse of workers within certain occupations is often not “seen” due to the policies or preferences of the agencies. For example, a North Carolina legislative investigation into the treatment of migrant workers found that violence played “an inherent and deliberate role—that of coercing workers into working and living in conditions that are hard to imagine. In some instances, there seems to be an accepting indifference of the local law enforcement agencies” (North Carolina Legislative Research Committee 1983: 32). See also Blake (1984).

Domestic servitude cases are also typically hidden from view. Carol Pier, a research fellow at Human Rights Watch investigating abuses of domestic workers in the United States, explains why. These workers are not protected by labor laws because living in a private home makes it more difficult to take advantage of being protected by laws that are generally intended for workers in the public sphere. Federal and state labor officials state that it is difficult to

target domestic worker exploitation because, unlike the situation in garment factories, there is no readily identifiable employer (Human Rights Watch 2001a, b).

19. A major obstacle in the fight against human trafficking is that the crime is invisible even to the authorities. The US Department of Homeland Security has devoted an entire section of its training manual for police to identifying possible trafficking victims (Federal Law Enforcement Training Centers 2017). It also has a campaign to raise awareness. It says, “Human trafficking is a hidden crime, and the first step to combating it is to identify victims so they can be rescued and help bring their perpetrators to justice.”  
The need for special training is evident when one considers that dozens of trafficking victims can walk around in public seemingly acting on their free will and yet not be recognized as trafficking victims by anyone, including the police. For example, there is the case of the 100 deaf and mute Mexicans who were illegally brought into the United States and forced to sell trinkets and turn over the proceeds to the woman heading the operation. To keep them in line, she would shoot them with a stun gun and chain them to beds. The deaf and mute Mexicans worked out in public on the streets of New York and elsewhere. They were not identified as victims of trafficking until one of them was befriended by a customer at Newark Airport. When the worker communicated what was going on, the customer drove him to the police in Queens and within minutes the police had arrested the traffickers (Anon 1997).
20. Many victims have strong incentives to not report their situation to the authorities. They fear being deported; do not trust the police; cannot speak the language; or fear dishonoring their families or communities (Wachholz and Miedema 2000).
21. An Alaska Airlines flight attendant noticed a teenage girl of about 14 years of age with greasy blonde hair sitting in the window seat next to a notably well-dressed older man. The stark contrast between them struck the attendant as odd. When the attendant tried to talk to the girl, the man became defensive. So the attendant left a note in one of the bathrooms and the girl wrote on it, “I need help.” The attendant notified the pilot and the man was arrested when the plane landed (Harper 2017).
22. The phrase, “white slavery,” originally had two meanings. In the 1830s it was used both by reformers railing against vice and factory reformers who condemned industrial capitalism (Bristow 1983: 35 ff; Cogden 1854; Anon 1884; Banks 1891). Eventually, the phrase became the moniker of the early anti-human-trafficking movement. According to Mrs. Butler, Victor Hugo was responsible for that. In 1870 he wrote to her to encourage her campaign. He wrote: “The slavery of black women is abolished in America; but the slavery of white women continues in Europe” (New York Commission for the Investigation of the White Slave Traffic 1976: 196).

- The popularity of the phrase, “white slavery,” increased following the publication of a book that had been written by Pastor Thomas Borel of Geneva, who spent much of his ministry trying to save juveniles from prostitution. It was translated into English by Joseph Edmondson with the title *The White Slavery of Europe* (1876). The term “white slave” was used in treaties among countries and in various federal and state laws. It referred to the procuring and the transferring of women and girls for prostitution (Bullough and Bullough 1987: 265).
23. In the interest of protecting the health of his soldiers, Napoleon is credited with initiating state regulation of prostitution in Paris in 1802. By the end of the century, 23 states had established the regulation system. Twenty of those states abolished their systems by 1956, several much earlier (Limoncelli 2010: T2.1).
  24. Limoncelli (2010).
  25. Hamilton (1978).
  26. Bristow (1977: 82–83).
  27. At the conference, reformers revealed how carloads of young women were being transported across Europe for the purpose of prostitution; Rosen (1982: 116).
  28. Bullough and Bullough (1987: 263).
  29. Rosin and Mufson (2000).
  30. Miko (2004).
  31. Gozdziaik and Collett (2005: 103).
  32. Gozdziaik and Collett (2005: 103).
  33. Miko (2004).
  34. Hyland (2001).
  35. Becker (1963), Nadelmann (1990).
  36. Bristow (1977: 171).
  37. Nadelmann (1990: 515).
  38. Siron and Baevghem (1999: 6), Bristow (1977: 182).
  39. Hughes (2013).
  40. International Bureau for the Suppression of Traffic in Women and Children (1949: 6). The Convention required that signatory states ratify the Agreement of 1904 as well as the Convention of 1910; raised the age of protection from 20 to 21; extended the protection against prostitution to minor boys; and required that states submit annual reports of their activities in this field.
  41. International Bureau for the Suppression of Traffic in Women and Children (1949: 19).
  42. International Bureau for the Suppression of Traffic in Women and Children (1949).
  43. International Bureau for the Suppression of Traffic in Women and Children (1949: 10).

44. International Bureau for the Suppression of Traffic in Women and Children (1949: 10).
45. Siron and Baeveghem (1999: 7).
46. Bantekas and Nash (2003: 6).
47. Reed (2014).
48. Anon (2008).
49. Anon (2009).
50. US Department of State (2004).
51. Prostitution in Greece is legal at the age of 18. Prostitutes must register and carry a medical card that is updated every two weeks. It was estimated that fewer than 1000 prostitutes were ethnic Greeks, and approximately 20,000 were of foreign origin—most in the country illegally (U.S. Department of State 2004)
52. Siron and Baeveghem (1999).
53. Hughes (2013).
54. <http://chartsbin.com/view/snb> (2000), Meltzer (2014).
55. Nadelmann (1990).
56. US Department of State (2007: 27).
57. Various (2013). See also (Hedlin 2016).
58. Hedlin (2016).

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## Conclusions

**Abstract** The literature on the criminal victimization of immigrants is less voluminous than that about immigrants as criminals; yet, it leaves no doubt that immigrants everywhere suffer a broad array of physical, financial and psychological injuries. Immigrants are victims of every kind of crime: murder, rape, robbery, assault, theft, fraud, and scams. They suffer at a higher rate of victimization than natives for major crimes. Their victimizers are usually other immigrants, co-ethnics who live similar life styles in the same communities. Several theories of criminal victimization fit well with these facts. Both routine activities theory and life-style theory explain the pattern of immigrants victimizing other immigrants. Immigrant enclaves may protect them from inter-group victimization (often hate crime) but not so much from intra-group victimization (the dominant pattern). The campaign to establish a global prohibition regime against human trafficking is not having substantial success because of the nature of the problem it is addressing. A fundamental problem with regard to the anti-sex-trafficking part of the campaign is that many countries permit legal prostitution.

**Keywords** Opportunity theories • Human trafficking • Enclaves



The literature on the criminal victimization of immigrants is less voluminous than that about immigrants as criminals; yet it leaves no doubt that immigrants everywhere suffer a broad array of physical, financial and psychological injuries. Immigrants are victims of every kind of crime: murder, rape, robbery, assault, theft, fraud, and scams. They suffer at a higher rate of victimization than natives for major crimes. In addition to the usual criminal element, their victimizers are people who normally are regarded as “good,” law-abiding people. But when facing the opportunity, these good people do not resist exploiting the many vulnerabilities of immigrants.

Immigrants are often unable to defend themselves. Many do not speak the language well, if at all; do not understand the social and political systems available and willing to provide help; do not trust legal authorities; are isolated from family and friends; are at the mercy of spouses for their legal immigrant status; or may be in an illegal immigrant status and fear being deported.

Theorizing about immigrant victimization can be done at both the macro and the micro levels. At the structural level, Blau’s theory of heterogeneity fits logically with the situation behind hate crime. Immigrants coming from different cultural backgrounds, speaking different languages, praying to different gods, eating different food and wearing different clothes are indeed the quintessential “other.” They increase the heterogeneity of the social system, which, according to Blau, of itself promotes conflict between natives and foreigners. Otherness often sparks hatred—from the Jets and the Sharks in *West Side Story* to racism, anti-Semitism, and Islamophobia of the white supremists. Accordingly, if migration results in greater heterogeneity in the general population, then one can expect increases in hate crime.

However, if the migration results in the development of enclaves where migrants live among their own kind isolated from the general population, there will be less contact between native and foreigner and hence no coincidental rise in hate crime, even though the country becomes more heterogeneous in general. But that does not mean the immigrants will be safe from all crime. Indeed, the micro-level theories of victimization are based exactly on the idea of victims sharing the same space, living similar life-styles and being exposed to the same routine activities as their victimizers becoming victims of those very same people. As we have seen, there is an abundance of empirical evidence showing that for many types of crimes, the victimizers of immigrants are usually other immigrants—thus

confirming what the micro-level theories predict. Female immigrants suffer criminal victimization in special ways. Female immigrants from strongly patriarchal cultures are victimized by spouses and family.

The campaign to establish an effective global prohibition regime against human trafficking will rescue some men, women, and children from sexual abuse. But it is compromised by the existence of legal prostitution allowed in many countries. The evidence that prostitution causes trafficking is almost entirely anecdotal and clinical except for one quantitative study. The effectiveness of the anti-trafficking campaign is greatly hindered by the fact that trafficking victims are hidden in plain sight. Public information campaigns to warn women and girls about the dangers of trafficking and to alert the public to recognize victims have had some valuable results; but they are only one piece of a larger strategy. The efforts to prosecute and convict traffickers have had limited success. The global record on this score suggests that the campaign is at best only a modest success. Given the size of the problem, the limited number of successes suggests there is a long way to go.

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