CRIMINALITY CHAPTER

Immigrant Voices Speaking Back: Criminality, Security and State Processes

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Introduction

The aim of this chapter is to interpret sociologically, by using a mixed methodology and primarily drawing on critical discourse analysis and frame analysis of what is referred to as 'immigrant voices'. The idea is to take the discourses of migrants / ethnic groups that took part in focus groups and interviews in the eight countries under investigation and provide a mode of analysis, interpretation and theorisation, concentrating on the issue of criminalization, 'security' and their perception about host state institutions. The methods employed are primarily those provided by *critical* discourse analysis as well as an analysis of incidents recorded in the migrant discourses during the focus groups and the interviews conducted across the eight countries that participated in this study. The chapter attempts to locate and analyse different ways by which the *structural* and *institutional* arrangements manifest xenophobic and racist practices, policies and discourses against immigrants in the discourses of migrants (and ethnic minorities) themselves in response to the issue of *criminality*. Using the 'immigrants' voices' as *an object of enquiry* and as a *prism* via which society will be filtered and actively viewed society, the chapter will use these insight as a *compass* for mapping racial discriminatory processes that criminalize migrants (and ethnic minorities), in other words look at the processes of *racialised criminalization across European societies[1]*.

Methodology and Theoretical Foundations

The methodology employed in this chapter draws from critical discourse analysis and utilises a number of perspectives, disciplines, cultures and directions on research it attempts to be both 'diverse and multidisciplinary' (see Wodak 2001; van Dijk 2001) in a comparative framework, so that migrant (and minority) voices are heard and appreciated and the issues emerge from the discourses. Therefore we use a mixed method consisting of descriptive statistical analysis of the 'incidents' of discriminatory references, as well as draw upon critical discourse analysis, institutional and contextual sociological analysis to reflect and interpret the 'immigrant voices'.

Drawing the works of Foucault (1972: 49) discourses are "practices that systematically form objects of which we speak". They can be seen as "the flow of knowledge – and/or all society knowledge stored – throughout all time" (Jager 1993, 1999). For Jager "discourses can be understood as material realities sui genesis" (Jager 2001: 34) and we are interested in analysing the subaltern discourses of migrants, so as to appreciate the material realities of the world(s) of migrants across the eight countries under investigation. According to Link (1983: 60) discourse is "an institutionally consolidated concept of speech in as much as it determines and consolidates actions and thus exercises power". The question of *subaltern* discourse brings out the discursive praxis of both accommodating as well as contesting the dominant discourse in a fluid environment that constantly deconstructs and reconstructs all material realities, generating and regenerating social discourses, structures and ideologies, including power relations such as racism. Discourses are linked by collective symbolism: Collective symbols are 'cultural stereotypes', also called "topoi" which are handed down and used collectively (Jager 2001: 35).

In order to properly appreciate the 'voices of the migrants' we ought to be aware of the structures and contexts within which such discourses are produced; the very notion of 'migrant voices' is an analysis of a discourse produced by a kind, a specific type of subalternity, that emerges from their marginal position in societies as structured by politico-legal, social and economic factors. Therefore, we ought to be acutely aware of the fact that these discourses are 'structured by dominance', by a *specific dominance* that it is historically produced within a *specific time-space matrix*; and that such *subaltern views* are best seen in the light of their interaction, an accommodation-contest dialectic with dominant structures which are "legitimated by ideologies of powerful groups" (Wodak 2001: 3). If ideology produces meaning "constructed and conveyed in symbolic forms" (Thompson 1990) construed as *the way things are* and thus *ought to be*, the 'order of things' in a material world of 'normality' then we are essentially interested in "demystifying discourses by deciphering ideologies" (Wodak 2001: 10). Therefore,

> (d)escribing discourse as social practice implies a dialectical relationship between a particular discursive event and the situation (s), institution (s) and the social structure (s) which frame it: the discursive event is shaped by them, but it also shapes them" (Fairclough and Wodak, 1997: 258)

For the purposes of this chapter, the migrant discourses are the object of study, as they are a valuable source of *situated knowledge* on to the state of affairs, as regards racism in society, within institutions, ideologies, discourses and practices *within* each country and *across* the European countries examined. The aim is to achieve an understanding of *how* the status quo is reproduced and how to potentially transform 'it'; 'It' being the general social environment that (re)produces racially discriminatory behaviours and actions. Such a perspective is not only able to appreciate and locate empirically a Foucaultian-inspired 'knowledge-power' and simultaneously would be in position to appreciate the *wider hegemonic processes*[2] that relate to ideological formulations:

> Discursive practices may have major ideological effects – that is, they can help produce and reproduce unequal power relations between (for instance) social classes, women and men, and ethnic/cultural majorities and minorities through the ways in which they represent things and position people (Fairclough and Wodak, 1997: 258).

It is within this framework that this chapter proceeds to unpack the racialised criminalization via a *critical* analysis that does not take up without enquiry the discourses by firmly rooting discourses in the social processes and social forces and placing them within a framework of hegemonic order the entails *competing discourses* which interact in society. Furthermore, by drawing out on the insights of migrants' discourses we would be able to project the escape routes from racialised criminalization. Besides,

> (…) the starting point of a discourse-analytical approach to the complex phenomenon of racism is to realise that racism, as a social practice, and as an ideology, manifests itself discursively. On the one hand, racist opinions and beliefs are produced and reproduced by means of discourse; on the other hand, through discourse, discriminatory exclusionary practices are prepared, promulgated, and legitimised. [Reisigl and Wodak, 2001]

The discourses of race or racisms are part of what Miles (1989: 40) called "representation of the Other... involving means of representational inclusion and exclusion" and they are about "modes of exclusion, inferiorization, subordination that present specific and different characters in different social and historical projects" (Anthias and Yuval-Davis 1992: 2). Whether we are contend with the 'conceptual inflation' of the term racism and whether we insist of understanding the phenomenon exclusively as *an ideology* and as "an integral component of a wider, historical process of racialisation which is inter-linked with exclusionary practice and other forms of exclusionary ideology" (Miles 1989: 41), the issue remains that unless we are able to connect such ideologies to everyday discursive activities, with references to *wider phenomena* such as policies, institutions, practices, discourses, cognitive behaviours, it would be quite difficult to pin down and locate the core problem and therefore begin the process of combating racism. Racism manifests itself in different forms and is expressed as "*inter-subjective; ideological and systemic*" (Anthias and Yuval-Davis 1992: 16). For Reisigl and Wodak (2001) all categories of prejudice are connected:

> 'Racism', the stigmatising headword and political 'fighting word', is on almost everyone's lips today, probably because its meaning has become extraordinarily expanded and evasive. There is talk of a 'genetic', 'biological', 'cultural', 'ethnopluralist', 'institutional' and 'everyday racism', of a 'racism at the top', of an 'elite racism', of a 'racism in the midst', of an 'old' and a 'new' or 'neo-racism', of a 'positive racism', and of an 'inegalitarian' and a 'differentialist racism'.

Racism and discrimination as manifested in discourses ought to be located in the *everyday* issues, where the 'everyday' is defined as "socialised meanings making practices immediately definable and uncontested" and as such "can be managed according to (sub) cultural norms and expectations" that are so "familiar and routinely

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or repetitively practiced" that are not questioned (Essed 1991: 48-9). Building on this definition, *everyday* racism can be characterised as the integration of racism into daily situations through practices (cognitive and behavioural) that activate underlying power relations. In other words:

> […] everyday racism can be defined as a process in which (a) socialised racist notions are integrated into meanings that make practices immediately definable and manageable, (b) practices with racist implications become in themselves familiar and repetitive, and (c) underlying racial and ethnic relations are actualised and reinforced through these routine or familiar practices in everyday situations (Essed 1991: 52).

Everyday racism combined with stereotypes and myths create a lethal combination; they operate powerfully through discourses, which can be seen as containers of racial and other prejudicial ideologies (sexism, ageism etc). Stereotypes are

> "the verbal expression of a certain conviction of belief directed towards a social group or an individual as a member of that social group. The stereotype is typically an element of common knowledge, shared to a high degree in a particular culture (Quasthoff 1987: 786 quoted in Reisigl and Wodak 2001)

Van Dijk is concerned with the 'rationalisation and justification of discriminatory acts against minority groups' in more detail (van Dijk 1984: 13) and designates the categories used to rationalise prejudice against minority groups as 'the 7D's of Discrimination': 'dominance differentiation, distance, diffusion, diversion, depersonalisation or destruction, and daily discrimination'.

A methodological difficulty in conducting a comparative study based on mediations may have a distorting effect on the actual meaning and precision of the discourses analysed. Nonetheless, this is not so important here as the translations were good and the use of English across Europe greatly assists matters. Another methodological difficulty is the fact that this study is a comparison between discourses within distinct national settings, particularly when it comes to legal cultures, judicial and juridical institutions, methods of policing, different media, public debates and social arrangements. Nevertheless, the processes of Europeanization, both via the official harmonisation program and the civil society processes of bringing closer together

various societies via communications, media and travelling, there is a convergence. Another methodological difficulty relates to the different types and sizes of the cities which the studies were made.

Reflections on Crime, Security and the State: Criminalization- a Tale of Racist Culture or Racist State

There is a deeply-rooted historical underpinning to the connection between *subaltern groups* such as 'race', ethnic minorities, migrants, working class persons and *crime*. The 'master races' saw it as their moral duty to 'bring lesser breeds into the law'[3] in the empires they ruled; at home the duty to protect the law and order by the deviants, colonial subjects and other 'lesser breeds' became all the more vital. 'Racism by other means' came to be legitimated by "seemingly acceptable socioscientific discourses like socio-biology or genetic differences in dispositions to crime or capacity to intelligence" (Goldberg 1993: 6) as well as other forms of *racialised knowledge* such as scientific discourses like "witness phrenology, the measurement and weighing of skulls, IQ testing and crime statistics (Goldberg 1993: 152), social pathologies, "black pathologies" (Lawrence 1982) and myths about "black criminality" (Gilroy 1987) and general 'migrant deviance'. Such ideas go back many years and are by no means over:

> Nativists and racists have always viewed the connection among criminality, migrant, and minorities as simple and straightforward: They spell trouble, trouble and more troubles. That was popular relies 100 years ago in the United States, and it continues to be the conviction of many Europeans and Americans today (Marshall 1997: 239)

In a collective comparative study across Europe and the USA, Marshall et al (1997) illustrate the significance variations in both the amount and sophistications of research as to the topic minorities, migrants and crime in the countries examined (Britain, the Netherlands, Germany, Spain, Belgium and the USA). Nevertheless, the use and abuse of statistical data to suit specific ends:

> All make free use of "facts" and figures to lend credibility to their arguments. Statistics reflect the activities f social control agencies rather than the criminal involvement or individuals…

Marshall et. al (1997) show the kind of issues that are common to the countries examined and found that the debates linking criminality to minorities/ migrants were highly politicised, sensitive and emotionally charged. More worrying was the fact it was enthusiastically embraced by extreme right-wingers. A number of methodological problems and inaccuracies were located; official statistics and sentencing data were affected by the tense relations between the Police and minorities. Important generational differences were found: first generation immigrants have particularly low crime rates (despite the fact that discrimination bites them too). As for second and third generation migrants (i.e. children of migrants) there seems to be a disproportionate criminal involvement, however this was explained by discrimination and deprivation/ structural inequality (i.e. social position). However, these are some generalisations that if taken dogmatically and outside the specific social context can be misleading and create *new* stereotypes. Therefore, caution is advised before drawing conclusions accompanied by thorough examination of the specific contexts, with a sound scientific social analysis, empirically and theoretically.

Nevertheless, references to "anecdotal data", journalistic writing and street wisdom on the favourite subject of the "connection" between migrants/minorities and crime are in abundance. These discourses are not merely some marginal street-wise logic that floats loosely in society but rather are codes strongly intertwined with policy-making at the highest political level of 'high politics': the shift of state policy, including EU policy, towards a greater focus on 'control', or even worse populist calls for 'war on crime', 'cross-border crime', 'organised crime', 'international criminal network', immigration 'smuggling', 'illegal immigration' are evidence of this. Local ethnic minority and migrant population are targeted as potential suspects for such or even as a 'threat' to the nation-state'[4]. What emerged from numerous studies is a pattern of criminal victimization, which is higher for immigrants and minorities, particularly for violent crime and the same, applies for blacks and Hispanics in the USA (Marshall 1997: 228). It is therefore essential to consider seriously the powerful social

mechanisms and forces at play that *reverse* the social reality whereby migrants and minorities are *more likely to be victims of crime* to subject them to racially-motivated crimes or other hate crimes to be perceived in *dominant* popular discourses as *the most likely perpetrators or crime*.

What is more or less a starting point for criminologists and sociologists of crime that crime is a *social construct* and as such it needs to be properly anchored in the society that generates it, rather than make assumptions that the crime rate for example describes something natural and given (Heidensohn 1989; Hester and Eglin 1992), still causes surprise if uttered to lay audiences. It is therefore not surprising how rather less sophisticated 'earlier', even quite 'primitive' or 'reactionary' opinions about 'race and crime' are articulated and are still quite popular. This paper only notes the importance of various institutions and agencies in shaping and literally *producing* and *reproducing* the criminal subject in a stereotypical manner: a means of *racialisation* to use Miles' concept (1989) of migrants (and ethnic minorities) via their *criminalisation*[5]. The study of Hall et al. (1978), what has now become a celebrated classic text, shows the crucial role of the media in orchestrating 'moral panics' via *"media amplification"*, being so active as to even coin terms such as 'mugging', even it merely recycles the well-known offence of robbery in the streets. A process then proceeds with the 'connecting' part which linked *mugging* to *black* people, as if it is somehow a 'natural' connection.

The migrant discourses and perceptions about the host state are a highly relevant issue as it is a reflection on already problematic relationship between the host state and migrants; it becomes even more problematic, particularly when discussing the processes of criminalisation. The connection is quite apparent: at the end of the day it is the host state which has the authority to determine *who* is 'deviant' or criminal, even if the processes of criminalisation are much more complex, interwoven and fluidly-shed within power and social relations throughout society. The state as the 'sole legitimate user of violence', to use Weber's celebrated phrase, is called up on to *legislate*, or in any case to *activate* legal-juridical processes that shall *determine who* is the 'criminal', either *by taking on board* and *reflecting* social attitudes or by

rejecting and *halting* them. However, the role of the state is not merely a 'night watchman' or a 'final arbitrator' in a legal process. On the contrary, it is an active participant involved from the very beginning in the shaping of the process of criminalisation: The legal status of the migrant, the wider policies towards migrant workers, the regulation of their economic labour and civil status is a state affair from the moment of entry. It becomes major issue when politicians, officials even other officials of the state get involved in "campaigns" for internal consumption to "crack down crime", to tackle illegal immigrants etc.

'Victimization' of immigrants is a process that is generated by the relationship of the state with its subjects, as opposed to citizens, a relationship that is also an ideology of *fluid statism*, in other words a project that freezes the supremacy of the State –and of its' privileged agents- by 'allowing' (from tacitly tolerating to encouragement to even enforcing) dynamic expressions of racist and nationalistic actions. The criminalization of immigrants becomes therefore a political code and a course of action encompassing State discrimination under the disguise of a *new form of political correctness* that distorts the reality by creating victimizers (e.g. the police, super-patriotic citizens) and victims – in this case the so called illegal immigrants: Hence, it is essential to treat 'deviance' as poly-directional in range and depth; a margin of discretionary power allocated in a fragmented fashion and unevenly among 'social molecules' that contributes to a distorted version of modern democracy and society.

When we talk about criminality, in this specific context, we refer to the practices, actions, attitudes, and ideologies that generate a web of mechanisms that reproduce and intensify racism and xenophobia not as a mere *behavior*, but primarily as a *culture*. Criminalization of immigrants is not just action but rather an ideology within ideologies; and "these ideologies are not independent and autonomous forces but are generated and reproduced within a complex interplay of historically constituted economic and political relations" (Miles, 1989). There is a reflexive relationship between racism and criminality in that there is interdependency and inflammatory effect. After all, racism is never static but a procedure that contracts and expands as it is filtered and mediated through a complex system of institutional arrangements,

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socio-cultural relationships, and manufactured psychological internalizations. Hence, there is no pre-disposition toward racism. Racism is a symptom and a metaphor within the State and Civil society as the processes of political hegemony are never 'complete' ideologically contradictions are in abounds in society. The state is a central locus of power in society but power is also shed in society and by unequal relations. Moreover power departs from the institutional level to the individual where actors become occupants of fields of power. The objective mapping of that power position is determined by the ability to dominate (victimize), being subordinated, resist to subordination, or negotiate the site of power (Swartz, 1997). Thus, racism is a signifier of fields of struggle as well as of domination, and simultaneously an outcome that sustains and accumulates the State/Civil Society as a process and ideology, and consequently maps the power position of the State in relation to economic and peripheral structures.

On a cultural basis, criminalization of immigrants is the bi-product of the functions of racism: the legitimacy of a supreme class, the fragmentation of the unprivileged class, and the creation of a 'scapegoat' or 'blame the victim' culture (Castles, 1973). Hence treating or perceiving immigrants as criminals stimulates moral panics into the host society, a sense of threat to the established societal values, and a persistent collective memory that sustains and reproduces racism (Cohen, 1980). Furthermore, racism becomes a 'habit of thought', which institutionalizes the superiority of one group and attempts to internalize feelings of inferiority to the other group (the immigrants); in other words drive the victims into a state of 'collective catharsis' and acceptance of the unprivileged position. The habitual acceptance of criminalization by the immigrants is a trajectory of systematic and subtle coercion directed to an end of active transformation; the silencing of a minority for the 'benefit' of a general consensus: "one person's consensus is often another's hegemony," (Shapiro, 1996). Thus the interaction between the 'We' versus the 'Other' creates a micro-level playground of disciplinary power where the 'We' can gaze on immigrants as a measure of control and of psychological violence, in some instances normalize judgments (prejudiced based violence), and finally use these judgments for punishment (e.g. physical violence). Simultaneously the 'Other' may resist by actually

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confronting and battling victimization or by producing justifications towards criminalization and adjust in a self-policing state (Ritzer, 2000). Complexity of the issue per se builds up a network of control and coercion, a frame upon which lived experiences and perceptions of the world are framed by, and constitute to, the persistence of the dominant political and ideological dimensions that embody the nation-State not only as government structure but also as a society in general. The State sets the parameters of social life and the subjective experiences of that life reproduce the State (Lee, 1998). Criminalizing immigrants is in itself a generalization that eradicates the potentiality of progressive solutions against racism and sets societal foundations upon which the hegemony is defined in terms of 'we' versus the 'other' and further more the moral standard of ' we the good' versus ' the bad and ugly other' (McRobbie, 1994). These relationships disorient the individual since both the perpetrators of racism and the victims submit their independence to the authority allowed by the State.

Consequently, our effort in this chapter is not to follow a barren descriptive approach but rather uncover the complexity of xenophobic/racist behaviour and how it perpetuates itself in the issue of criminalization. It is 'criminality' as a broad concept that provides justification to the levels and the intensity of discrimination, and reinforces institutional structures that act in a prejudiced way by the consent of the privileged community segment (consensus policing) (Lea, 1984) and for the functional benefit of the State system. Thus we are hypothesizing that the public is an actor to the criminalizing process; the 'we' consents to the discriminatory policing and the 'other' internalizes the specific mode of policing as a de-facto part of social life and relationship with the host country and this relationship is then incorporated by the State as a political action and ideological projection toward the macro and micro world. Furthermore, the expressions of criminalization against immigrants correlated with dimensions of socio-economic status, age, and gender reveal a complex system of multiple fragmentation which aims to the weakening of the sense of coherence within the unprivileged group, in other words, it provides the means for differentiated forms of exploitation (Hall, 1986) which adds up to the strain of being an 'immigrant' and complicates the procedure by which one can identify, analyze, and attack racism

to its roots. Criminalization is a cause and effect, a duality that compliments one the other and reifies racism as being a moral norm, an unavoidable and natural set of values upon which life of the immigrant 'underclass' is lived.

With the above issues in mind, the study of the discourses of migrants and minorities themselves, the way they nationalise, understand and articulate the criminalisation processes is all the most interesting and important. In a way the challenge to the hegemonic discourses is best achieved by giving voice and analytical rigour to alternative discourses of the migrant and ethnic minority subalternity.

Similarities and Differences in Discourses within the Eight National Contexts: National or Pan-European Debate on Criminalisation?

The responses to the questions around criminalisation and deviance appear as responses, reflections, rationalisations and articulations certainly shaped within the specific contexts they take place, whilst at the same time interesting linkages and commonalities appear across the eight countries under examination. The fact that the questions were open-ended and the terms, concepts and general language employed in the questions during the focus groups and interviews allowed greater scope for the migrants themselves to participate in the definiting of the terms and in interpreting the questions asked. When asked about violence by extremist groups a significant number of migrants immediately started talking about police violence, mishandling and abuse; or when the reference was made to criminalisation, they either thought of the media, politicians, the state (for denying them papers for example) or the police. Such responses are quite telling of what migrants face in their daily lives and how they rationalise them; moreover they contain within them way of viewing matters from another perspective, from the vantage point of those at the receiving end and therefore invaluable for informed policy-making. The processes of racialised criminalisation takes multiple forms and shapes, from more overt and direct racial abuses as stereotypes, to more hidden, sophisticated, less apparent at first sight, but indirect and subtle ways: the results however are the same and migrants see right through them.

Next, this chapter charts out the key issues that emerge from the discourses at each national context; then it links them up to locate the relations across national borders, even if there appear specificities borne out the context, which take primarily the form of a different degree or a differing priority or urgency. Of course, there are other variables at play such as the social, ethnic, educational, age, background of the migrants interviewed, and other factors variables that are taken into account in our analysis. The relevant responses by the migrants in the research were drawn from all the responses to different questions; of particular relevance were responses to the questions on 'experience of discrimination in general', 'experiences with the extreme Right', 'possibilities for emancipation and success' and 'multiculturalism and social values'. Of course it is possible to draw out the issues as regards the processes of criminalisation, much easier when there is a *direct reference* to the processes, but it is a little more complex, nonetheless equally important to locate the subtler references which take the form of *indirect references*, or even the *silent reference*s, which can be drawn from a rigorous reading of the context, the discursive flow and the thematic links provided in the discourses. For example, in response to the question of violence by the extreme Right, the inference relates to the state as the state has a legal obligation and a moral duty to protect the population and to provide security. Failure, inertia, inability or unwillingness to provide proper security constitutes a breach of this duty, allowing migrants and ethnic, religious and other minorities to become victims of racial violence. This duty derives not only from the inherent duties of states in the philosophy of 'social contract', but is enshrined in fundamental legal and constitutional principles and treaties.

The various national contexts portray interesting patterns that contain both similarities and differences that are worth looking into before proceeding into a comparative analysis along thematic lines. The situation in Germany as regards incidents and processes of criminalization of migrants appears to be shaped on the following concerns: (1) Migrants mention *the role of state agencies and public agencies* treat migrants with suspicion and this creates a climate of general public mistrust, in situations where state agencies actively treat migrants differently[6], populist politicians make derogatory remarks about migrants[7] and the media stirs up *moral panics*

whenever a migrant youth is involved in a crime public bureaus. At another level, migrants are racialised via the immigration law which determines their duties and rights, the general regime that governs their stay, as well as the criminal provisions that criminalize 'overstay', illegal entry', 'working without a permit' etc; hence there is an important role of the state. (2) Stereotypical public images, connected to both deep-rooted prejudices combined with media amplification, such as (a) *the terrorist foreigner* (particularly against Muslims and Arabs), (b) *the thieving stranger* (applies to Pole, Turks, Arabs etc) and (c) *the enriched crooked foreigner,* typically as *the foreign drug Baron* (usually applies to Turks, but has wider application)[8]. (3) There are social issues and concerns related to attitudes and practices of some youths from a foreign descent, who appear aggressive and loud, located in poorer parts of the cities, even against older generation migrants. Nevertheless, at the same time migrants are victims of neo-Nazi *Glatzen*[9] youths racism and as such there is a wider issue of violence and some more militant sections migrant youths may react more aggressively at social intimidation, violence and discrimination against their communities.

In France the migrant discourse pivoted around the issue of criminalization of migrants who were simply *undocumented*, but are treated as if they were criminals. The migrants saw the state itself as responsible for their plight, as they feel deprived from legal work by withholding from giving them papers[10]. In fact, undocumented migrants are simply victimized[11]. State agencies such as the police simply assume that migrants are criminals, whilst younger migrants, apart from the state, banks and employers, refer to *the system* in using them. The way undocumented migrants are treated, when they are simply arrested imprisoned and then deported causes humiliation to migrants as they are sent back to their country of origin and there it is assumed that they were imprisoned for drugs or some other crime, when in fact all they did was that they simply had no papers.

In Italy matters are less subtle; the racialised criminalization occurs in more direct manner as political correctness is less valued there. Public attitudes are more overtly recorded and at times implied. In fact even innocent appearing comments can hide widely held sentiments about migrants, particularly darker migrants:

> ...In my opinion there is always this prejudice, when one gets on the bus or metro …. They say "I like black children when they are little, they're beautiful when they are little." There are certain attitudes, even among young people.'

Migrants believe that Italians,

> In their heads, the idea is fixed, more or less, that one day you will do something bad, and even if today you are good, one day this black person will cheat you. There are some people that are unable to shake off this idea.

On the question of criminality/ deviance etc migrants in Italy refer to police harassment, ill treatment and stereotyping. As regards the role the state and the law, Italy is an archetype of a particularity, most probably apparent in other southern European countries[12], where there are stringent rules and regulations but the actual implementation is loose and very much dependent on the locality, context and discretion of the police authorities. Therefore, the practices of 'turning a blind eye' as regards undocumented papers, which are routine in Italy, as confirmed by the migrant focus groups[13], is simultaneously ridden with incidents of severe controls, Police brutality and selective enforcement[14], all of which are prone to racism and racial violence by the police itself[15]. It is no coincidence that the section is titled *Coping with the Police and Immigration Law*.

In the UK the issue of *criminalization* has been a hot political issue of *racism* as regards the Black communities, particularly Black and Asian youths, and until recently Irish communities, due to the role of the IRA in the UK. A Ghanaian male put it quite nicely: "…when crime is done we 're all categorized: 'BLACK GUN CRIME', it's no longer black Caribbean people who are involved in the shooting, it's all black people". One migrant account was particularly vocal in spelling out that racism is deeply rooted in "the system itself" and went on to blame the political leadership of the country (see workpackage 2, page 496). Strongly featured a religious based discrimination and violence by extreme, with apparent failure of the Police to protect and capture the perpetrators. Important to note in the context of the Britain is the history of 'islamophobia' after the Salman Rushie affair and the MacPherson Report, which ruled that there was 'institutional racism' in the Metropolitan Police.

In Sweden the incidents of criminalization, as they are voiced out by the immigrants, describe patterns of discrimination that vary in intensity. The immigrants discourses express a *general feeling of discontent* that is produced by *subtle* discrimination in the form of *gaze* and *stare*, which is then accompanied by actions of *social exclusion*. Migrants connected stigmatization and stereotyping to religious prejudice against Islam. Many of them referred to crime statistics in order to formulate an indirect critique against the Swedish legal system, which is perceived to operate by discriminatory double standards. Furthermore, it has been quite obvious that while many of the migrants have experienced violent confrontations with ordinary citizens and they were actually provoked into fights, in the resolution of such issues the police enforced *selective procedures of 'blaming the victim'* and *used excessive force* in punishing the migrant. Migrants perceive police abuse of power as being loaded with discriminatory 'ethnic' undertones; in other words that the police actions are based on prejudiced judgments which then manifest and produce violence against immigrants.

The Austrian experience on criminalization connects the inertia of the law system as being part of a generalized collective memory embedded in the Austrian society as a former Empire. Furthermore, stereotypes of the *migrant criminal* have been attributed to the politics of the extreme-right. From the experiences reported there seems to be a connection with the fact that immigrants, in particular Turkish immigrants, are concentrated in specific poorer districts. Inside these symbolic borders migrants feel 'protected' from actions pursued by skinheads, however they feel unprotected by the state once outside the district 'sanctuary', where migrants are stalked and feel threatened[16].

As far as the two EU acceding countries, the contexts are quite distinct but have similarities with other European countries. In the Polish case, immigrant discourses report incidents of physical violence and feelings of fear[17]. Interestingly, such fear is expressed solely by Non-Europeans, who are highly educated. Immigrants pointed out in many occasions even Poles fall victims of violence, but the police appear indifferent in enforcing the law against potential physical aggression; on occasions,

police members are actively involved in violent acts against migrants, going as far as murder[18]. There is a strong sense of dissatisfaction with the abuse of power by police, which takes multiple forms and intensity, ranging from unjustified checks of documents to bribery. In addition, the police actions are selective. Many times they are based on racist factors and on stereotypes about the wealth of the immigrant's country of origin order to force them to extract bribes. In the context of corruption and bribery the migrants, mainly from the East, point to the examples of public transport ticket controllers, who exhibit strong discriminatory behaviour, involving not only bribery, but worse threats and actual use of physical violence. Generally migrants in Poland refer to discriminatory practices as *normality*, fully integrated within a corrupt and inefficient law-enforcement agencies which fail to promote security and simultaneously either become perpetrators themselves, or at least offers roof protection to corrupt members, in a system that criminalize immigrants but also poorer section of the indigenous population.

In the micro-state of Cyprus, criminalization of immigrants occurs in an overt fashion. Prejudice and stigmatization are rooted and expressed in media perceptions that label the immigrant as *deviant* on the basis of ethnic/cultural, colour and religious origin. Immigrants with darker skin colour (e.g. Africans) are generally treated as incompetent and by nature inferior, while religious/ethnic discrimination has, at least in part, its foundations to the history of conflict between Greek-Cypriot Christians and Turkish-Cypriot Muslims. The Greek-Pontians are a unique case since they are not considered to be third country immigrants, as they are Greek, yet they experience the social stigma of being the foreigners bearing the characteristic of either being in Cyprus on forged papers, and therefore an illegal immigrant or in any case person with propensity to criminal. Furthermore, Pontians have reported incidents of physical violence inflicted by both organized groups and the police harassment and violence. The legal framework on the employment of migrants in Cyprus is based on a short-term, temporary and restricted to specific sectors and employer, policy. Hence, the unplanned consequence that emerges due to their socio-legal and economic status is the marginalisation and victimization of migrants in various aspects of social life such as employment, housing, and a relation of intimidation, suspicion fear by migrants to

various State agencies they have contact with (immigration office, police, labour office, health ministry etc).

Thematic Issues Across Borders: Incidents of Criminalization, Victimization and the Host State

Next, this chapter proceeds with an analysis on a *thematic basis*, utilizing a mixed method of (a) descriptive statistic analysis on incidents reported in the discourses from the excerpts and the workpackages of each of the eight countries and (b) qualitative *critical reflection* on selected archetypes of excerpts.

Based on the abstracts sent by each country and the country reports provided in workpackage 2 of the project, we have constructed a perceptual quantitative model of analysis. Basic elements of this analysis are the gender, host country, education, and etc[19] which we reflect upon. The aim of this quantitative analysis is to sketch out the major discriminatory patterns as far as criminalization/security/state is concerned. The methodological mode followed was to make *incidents* of discrimination the basic level of analysis. There has been a perceptual codification and sorting out of the criminalization/security/state abstracts, thus as opposed to the structured codes of survey research, in the case of this study we formulated the codes and general patterns continuously as we went along as we read the reports and excerpts. Thus, a narrative or excerpt is treated as a *short story* revealing many times multiple *discriminatory outcomes* and therefore an abstract becomes *a source of numerous exclusive and exhaustive responses*[20].

We have been able to record and codify 129 instances (see table 1) of racial discrimination by deconstructing the voices of immigrants across Europe. As opposed to survey research, the aim was *not* to build reliability through a representative 'quote' sample. After all, the quantity of responses varied across countries and the level of analysis – or the statistical population of interest- is the *instance per se*, not the individual. We thus pursued a descriptive statistics model (rather differential model) since the utility of the statistics is primarily *to assist the discourse analysis* that follows and give a broad description sketch of the issues emerging from the subject

matter, not to replace it. Therefore, the methodology in this specific case, takes the form of an incident frame analysis since it has the elements of inductive reasoning and the codification/categorization of qualitative data into broad quantified categories. An incident may have several interpretations as opposed to mutually exclusive or exhaustive responses we consider that a narrative obtained from a specific immigrant provides data that when quantified can, or may, reveal several possible outcomes. An abstract may describe a scene of verbal abuse caused by an ordinary citizen followed by physical violence carried out by the police, thus the abstract contains two incidents. As far as the variables are concerned we included among others: Host Country, Immigrant's country of origin, Immigrant's region of living, Educational Level, Age, Gender, Type of Violation perpetrated by individuals, Type of violation perpetrated by Institutions/Agencies, Perpetrator's status (police, citizen), Institution's status (governmental, municipal)[21].

Incidents selected by Country

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1 Austria	11	8,5	8,5	8,5
	2 Cyprus	13	10,1	10,1	18,6
	3 France	16	12,4	12,4	31,0
	4 Italy	40	31,0	31,0	62,0
	5 Germany	9	7,0	7,0	69,0
	7 Poland	25	19,4	19,4	88,4
	8 Sweden	15	11,6	11,6	100,0
	Total	129	100,0	100, 0	

(a) *Everyday criminalization*: Stereotypes and the Stigma of the 'criminal' or 'deviant' immigrant.

One of the most repeated patterns of criminalization is the perception and continuous stigmatisation of immigrants as *deviant*. Work package 2 reveals a surprising commonality among the lived experience of immigrants, across *all* of the countries selected for the purpose of this study, which indicates a commonality in the commonality in the social mechanism by which the 'other' becomes a 'stereotype'

holding typical, inherent and unchanging characteristics, presumably based on generalised prejudice, that certain 'races'/ethnicities are responsible for criminal acts, and furthermore that these criminal predispositions occur due to several other inborn or cultural traits, such as laziness or predisposition to cheat, steal or lie. This phenomenon impacts immigrants within a spectrum between to two axis of 'resistance'. The first direction is 'active' in the sense that the immigrant realizes the stigmatisation, reacts with discontent, and voices out the 'good' traits immigrants bring into the country. The second strategy of resistance is passive: the immigrant accepts stigmatisation and rationalizes its existence as an element caused either by pure ignorance or all fatalistically accept it as a fact of life.

The following excerpts are but an indicative sample of the way migrants describe and rationalise the type of *everyday racialised criminalisation* that occurs via stigmatisation, labelling and stereotyping that are in abundance in the study. They point to a commonality in the countries examined in the structure, content and basic 'unchanging' traits that the migrants have in the eyes of the host population, as understood by migrants themselves:

> **Berlin, F1:** "Well I think when a German sees a foreigner who is rich (.) then he says (↑) boh how did make that money (↑) surely stolen or some funny business (.) that's how a German reacts (.) I think (.) now if a Turk were to drive by in some hot car (↑) definitely a drug dealer (↓) that's how I see it."

Another example shows a similarity in the structure: the subject, the object, the unchanging traits:

> **Milano 1, 6 (Morocco):** " When they call us, they say "Moroccan" (Morocchino), " Moroccan, do this, do that" even if you are Algerian, they call us always "Moroccan", because they are ignorant, they don't know geography, and if you ask "Where is Morocco?" they respond "Oh, I don't know", this is ignorance. It has been said that if we behave well with them, the Italians will behave well with us. Those that came many years ago have integrated. Those that have come afterwards do heavy work … now, everything has changed. 25 years have gone by and Italians still see the Moroccan thief, impudent etc. … They never see the worker, and out of ignorance, if someone is a bit dark, they say that he is a Moroccan. By Moroccan they mean a thief, the Moroccans steals and are lazy … they do not make any distinctions."

A specific type of stigmatising of immigrants as criminals relates to on skin colour-based differentiation as well as other ethnic-based traits[22]. Colour becomes an 'aggravating factor in the notional racist hierarchy of stratified stereotypes,: the darker the colour the worse

> **Köln, M1:** … when I eh (.) meet someone new (.) I immediately see in most faces (.) mistrust (1.0) what does he want from me (↑) he's got dark eyes (.) dark skin (.) he's got dark hair (1.0) eh (3.0) where's my wallet (↑) it's kind of like that (.) not so extreme (↑) but…"

Another migrant was adamant[23] that

> **Milano 1, 2 (Cameroon):** "You can have a more positive experience, but not with everyone. In their heads, the idea is fixed, more or less, that one day you will do something bad, and even if today you are good, one day this black person will cheat you."

In many situations, the stigmatisation as *deviant* is culture-based, in the form of 'xenoracism,' and criminalization is re-positioned on perceptual multi- trajectories that include cultural, racial, and socio-economic foundations. Furthermore, stigmatisation as xenoracism creates stratification within stratification. While immigrants as a whole already suffer from prejudices, certain ethnic groups have a prejudice overstrain, not based on obvious colouration differences, but due to their cultural background:

> Liverpool LF6: "I am from East Europe (.) The most upsetting prejudice I feel is that when I say 'Eastern European' people associate us with illegal immigrants, or asylum seekers (.) That is happening 98% of the time I would say (.) usually no I would say all the time I respond."

The position of immigrant may alter from being the worse of a kind to an improvement of their relative plight as new ethnic groups may take the brunt:

> **Pafos, FG5, M1:**"In the USSR we were Greek. This is what we thought. This is what they called us. In Greece things were very bad for us in the beginning. They blamed us for everything… "Here come the Pontians again, watch out" they would say. But when the Albanians came they started blaming them – we somehow just became Greeks again … In Cyprus we are Pontians…Rosso-Pontians … I get so angry when they call me that".

Another level of stigmatization occurs at an *unspoken* matter, it becomes a stigmatization inferred by *the posture* of the perpetrator. In this case attention is drawn to body language (looks, gaze, and proximity/physical distance) as a form of *psychological violence inflicted on immigrants*. Such body language does not only differentiate the 'We' from the 'Other' but also sets a bi-polar and hierarchical relationship of 'we=superior" VS "other=inferior". While no law is violated through such actions, the psychological violence presents an anomie against the official legal framework that requires for equal treatment of all subjects, and at the same time indicates a level of 'resistance to tolerate' pursuid by the 'host population' in order to sustain racially/ethnically defined boundaries with colorations of power relationships. Hence, body-language violence is an i*ndirect way to victimize immigrants* and acts as a *dehumanizing catalyst on dignity* (psychological level) and then that psychological state becomes a cultural /social internalization, which restricts immigrants to perform daily actions such as movement and eating actions:

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> **Köln - 1 Italian/M**: "When I meet somebody new, I see immediately mistrust in their face: 'what does he want? Has dark eyes, dark skin, dark hair, ups! Where is my money purse?' More or less so, not in this extreme form, but . . ."

> **A Frenchman with Mali background, X:** "I go there, and she [the social worker] gives me this look (from top to bottom [up and down]. I didn't even look at her."

Sometimes, immigrants are treated so differently that makes them feel inhuman:

> **Naples, 10 (Ukraine):** "The lady uses a plate just for me. I don't know why. Even the type of food is different … she prepares pasta or beans, always the same things.

> **Nicosia, FG1, F1:** "…You get into the bus you sit down and everybody gets up and moves to the front. And you suddenly realize that you are just alone where you are."

The reversal of roles from the 'migrant as criminal' to the 'migrant as victim'

This section exposes the range of exclusion and racialised violence inflicted on immigrants by ordinary citizens and examines the ways in which immigrants are systematically victimized. This is done in order to transcend the generalization and give texture as to how ordinary citizens are involved in the criminalization of immigrants. An interconnected contribution is the deconstruction of the myth that power relations, and the intensity of such relations, operate via people holding ascribed official status. As it is described by the immigrants' narratives criminalization is a phenomenon carried out by common citizens, in daily casual settings (school, work, neighborhood) and the intensity of the criminal act against them is not confined to low intensity crimes (see table 4).

Table 4 indicates that low intensity crime, such as prejudice and stigma, is charged on the unspecified crowd of nationals. As the intensity of the act nigh tens the perpetrator ceases to be faceless; the perpetration becomes a person. When it comes to the categories of economic related crime (bribery, exploitative working conditions), we can see that the people controlling valuable resources (employment and housing) are the perpetrators. The

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same applies for extreme threats and acts of violence with the exception that in this category of crime, organised groups are more likely to initiate such actions thus the individual level becomes intermediate, as far as numbers is concerned, and the motive of criminalization shifts from the unspecified to the ideological/political i.e. mobs and gangs in most cases inflict physical violence under the disguise of historical/cultural or/and ideological codes.

Table 4: Forms of exclusion and racialised violence by Ordinary citizens as perpetrators[24]

Perpetrator	Forms of Exclusion						Total
	Stigma/gaze	Indifference/exclusion	Verbal abuse/sexual prejudice	Bribery/money related crimes	Exploitative working conditions	Extreme threats and actions of violence	
Gangs/mobs/individuals	8,7%	28,6%	25,0%			55,0%	24,6%
Colleagues			12,5%			5,0%	2,9%
Neighbors	4,3%	14,3%	12,5%				4,3%
Landowners		28,6%					2,9%
Co-students	4,3%		12,5%				2,9%
Employer	4,3%		12,5%	50,0%	100,0%	20,0%	21,7%
Other Immigrants	4,3%			50,0%		10,0%	7,2%
Generalized other	73,9%	28,6%	25,0%			10,0%	33,3%
Incidents number	23	7	8	4	7	20	69
	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%

Verbal abuse and sexual prejudice are associated with a perceived claim to some 'higher' status and is assumed by the perpetrator and associated with a realization that the 'We'

controls valuable resources and thus can potentially exclude the migrant from receiving them. Hence, in these cases criminalization is not just a matter of differentiation, but rather of social affirmation of stratified relationships that define the victimizer as *superior* since his/her position simultaneously creates a *gatekeeper condition* which is endowed with power to exclude the immigrant from receiving employment, housing, education, etc.

> **Udine2, 7 (Cameroon)**: "Where I worked for the first time, I didn't understand why the old lady talked always in dialect. Then she came to me and said "You have to do what I say, because you are my slave and I am the master, I pay you and you have to do what I tell you." She made me cry many times, and she never let me (use the) telephone, she never let me speak. I told her daughter that her mother had told me that I was her slave and she told me to tell her mother that slavery had finished 2000 years ago."

This may take the form of *sexual harassment*, particularly against women[25].

As it is seen in table 5, violence by gangs, mobs, and individuals - usually associated to political hate crime- impacts mostly Non-Europeans irrespective of their education. Furthermore differences in skin color are a differentiating factor. Furthermore, crime at work (by employer and colleagues) affects immigrants (European and Non-European) of low education , as well as youth groups, indicating that victimization is connected to the ability to control upper mobility at work[26] but also that the employer's status adds a comparative advantage to exploit immigrants without high educational attainment.

Table 5 : Education/Origin and Ordinary Citizen as Perpetrator

Perpetrator	European Highly Educated	Non-European Highly Educated	European-Less Highly Educated	Non-European Less Highly educated	Youth Groups and students	Irregular and Special Case Immigrants	
gangs/mobs/individuals		41,2%		22,2%	11,1%	33,3%	24,6%
colleagues				11,1%			2,9%

neighbors					16,7%		4,3%
landowners		5,9%			5,6%		2,9%
co-students						16,7%	2,9%
employer			100,0%	27,8%	38,9%	8,3%	21,7%
Other Immigrants		5,9%		22,2%			7,2%
generalized other	100,0%	47,1%		16,7%	27,8%	41,7%	33,3%
	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%

State related Violations: The View from Below

When referring to state related violations we are referring to instances of acts carried out by people holding positions in state agencies. Such incidents indicate a failure to properly protect and offer security to immigrants/ ethnic minority groups. Furthermore, the status and power embedded to the official's position aggravates the violation since the perpetrator has a sort of immunity offered by the system: a network of vested sub-systems; an establishment of consciously and unconsciously collaborated structures, which build ideological and actional criminalization against the immigrants. Table 6 shows a high rate of corruption (bribery instances) but most importantly a high rate –almost 40%- of high intensity crime (physical violence). Additionally, racial acts occur by all State outlets, yet the police is charged more with high intensity crime against immigrants.

Table 6: Categories of State Agencies and forms of Criminalization

	Categories of perpetrators as State Agencies				
	Police	**Employment State agencies**	**Courts/legal system**	**Other State Agencies**[27]	

Stigma/gaze	25,0%		33,3%	21,4%	23,9%
Indifference/ bureaucratic inertia	7,1%	100,0%	33,3%	21,4%	15,2%
Verbal abuse/sexual prejudice				21,4%	6,5%
Bribery/money related crimes	14,3%			21,4%	15,2%
Extreme threats and actions of violence	53,6%		33,3%	14,3%	39,1%
	100,0%	100,0%	100,0%	100,0%	100,0%

In summary, from the immigrant discourses emerges a variety of semi-official acts of violation of rights as the government department official appears in the eyes of the victimised migrant as an all-powerful figure who is simultaneously as a moral judge, a 'representative of the state', 'bearer of the official legal order' and enforcer for the system, who exercises his or her powers by selectively enforcing the regulations and by applying double standards[28]. From the accounts of immigrants emerge various situations where there are *criminalized* on the basis of unsubstantiated Kafkasque based scenario, without having the power to follow why, how and when.

Numerous are the incidents of bribery are reported, which confirms the Kafka like scenario. In these cases, the abuse of power by officials is connected to the socioeconomic status of the targeted victim. The 'rich' immigrant is differentiated by his/her class, and the monetary value attached on the immigrant's position becomes the source and reason of his/hers criminalization[29]. In other cases the legal system does not provide the framework of protection thus the immigrant feels powerless to persecute and thus claim an equal position into the host country[30]. The inertia built into the bureaucratic system is perceived by the immigrants as a form of exclusion since it prevents the provision of fair and equal legal representation.

Udine, 6 (Moldova) '… we are not regular (workers) and because of this, you have to accept what comes. But you know that you need to have at least a day of mental rest to continue to work the next week. I (want to) go and meet my friends, I need some peace to be able to work another week, but they leave me closed in the house. I always used to have a day free, but here I did 18 Sunday's without going out. The law says that I have the right to a day and half of rest every week, and two hours of rest every day, this is the law and instead they do want they want. No-one can complain.'

The severity of the criminal violation performed by the persons in official governmental posts is intense. Numerous, examples illustrate a hierarchy of criminalization: in Sweden an immigrant's account refers to an incident where another immigrant was stabbed to death and the police has done nothing[31]; in Poland the police is allege to have murdered an immigrant[32], and in Cyprus[33] the police are alleged to have been involved in the 1980s in a murder of a Turkish Cypriot by using the excuse that he was a spy. Thus various violations occur from the indifference/ inertia to more severe crimes against immigrants, becomes an action of power. From the vantage point of the migrant/ minority groups this appears as the arbitrary power of the state, which can crush them if it pleases the State official, with no justice or mercy.

Table 7 shows that there is a differentiated victimization of immigrants on the basis of non-Europeanism and low educational level. For example, more than 40% of criminalizing acts affects non-Europeans irrespective of education, and almost 50% of the crimes are perpetrated on people with lower educational attainment.

Table 7: State Agencies and Education/Origin

	Police	Employment State agencies	Courts	Other State Agencies	
European Highly	7,1%			7,1%	6,5%

Educated					
Non-European Highly Educated	21,4%		66,7%	7,1%	19,6%
European-Less Highly Educated	14,3%			57,1%	26,1%
Non-European Less Highly educated	25,0%	100,0%	33,3%	7,1%	21,7%
Youth Groups and students	17,9%			7,1%	13,0%
Irregular and Special Case Immigrants	14,3%			14,3%	13,0%
	100,0%	100,0%	100,0%	100,0%	100,0%

The reaction of many immigrants to this State oriented violence is mistrust for the institutions, politicians, and State officials. Many consider that there is a corrupted system within the government, by inference the State itself, which systematically promotes the criminalization of immigrants and brings them to a condition of powerlessness, pessimism, and utter nihilist approach for the future potential policies and outcomes: References such as "…The state keeps everything that's taken off their pay checks. The state doesn't pay back in return", prompts disagreements "R : No, I don't think so, the state is against this. No, the state is against this". And the conversation follows:

F : They know it.

R : Yes, but…

F : It's policemen who sell fake papers (to illegal immigrants)

Other times migrants blame directly politicians: "UK MM3 :They don't need the BNP they've got Blunkett [Home Secretary]".

Conclusion

This chapter aimed at exploring the ways immigrant voices articulate the processes in which they are criminalized. Both the incidents recorded in the narratives and the actual content of the narratives illustrate a richness in their perceptions and points to a complex picture as to the various means, processes, institutions, ideologies and discourses which produce and reproduce racially criminalized subjects. Of course the intensity, meaning and context of the criminalization varies according to the situation where criminalization operates and is acted. Therefore there has been a poly-vocality based on the fact that migrants had different approaches as to the sources, the perpetrators and the ways out. From the discourses analysed, not surprisingly, it is apparent that the particular *standing*, the loci from which the migrant gazes at the subject matter examined vis-à-vis *racialised criminalization* generally generates distinct multi-focal viewpoints. For this reason, social characteristics such as educational level, political view, age and socio-economic and class position of migrant seem to be important factors.

The narratives of the 'immigrant voices' show that migrants generally feel that there exists a *formal* structure involved in their criminalization. A significant section had a strong belief that there is an *intention* on behalf of the 'state' or the 'system' to criminalize them; whilst more predominant opinions, although vaguer, maintain that there are deeply ingrained within state-related agencies and the political processes that criminalize them: the government, the legal system, and the police as guardians of order generally *fail* to offer the climate of security as required by the law. Additionally, the discourses reveal strong complaints about governmental department officials who *fluctuate in the behaviour between plain indifference* to more overt discriminatory acts and at times are even perpetrators of serious racially motivated crime. In this sense, there is a symbolic interaction between the official, the 'state', the ordinary citizen, and finally the victim of racial discrimination/ abuse/violence. This symbolic interaction is depicted by the fact that officials engage more in high intensity crimes. Thus the state official represents for the migrant the *hostile face of the State*, who, or rather the 'It', has the capacity due to his/her superior position to exert some form of power /force/ abuse/ violence over them and then criminalize them

as well. The ordinary citizen is also an active participant in criminalizing migrants by accepting and using unfounded stereotypes deeply embedded to the culture and these stereotypes become *rationalizations for crimes* having exploitative and in many cases violent nature. A less popular view sees certain sections of the migrant and minority communities themselves, either youths for their own community or migrants from different ethnic backgrounds as having some responsibility in being 'deviant', 'violent', 'aggressive', 'disrespectful to elders' etc. and wanted to distance themselves from them.

As far as the immigrants are concerned, their reaction varies. There is a general realization of their marginal position, but this realization many times directs immigrants to negative dialectics; a condition of submission and fatalism. In other cases immigrants position that realization of exploitation as the starting point for a polemical standpoint and action; and use that point as to relocate themselves within a context of migrant solidarity. Finally, criminalization varies in intensity and is selective in occurrence when factors of skin colour and education are incorporated into the picture. Another important dimension is that in the reposted incidents against 'non-Europeans' is significantly higher. From the narratives of migrants emerges a picture of multifaceted processes of criminalization directed specifically against migrants that is extremely important. As for the remedies for the situation, let the migrant voice speaker out and loud:

A: All the people who are here are not delinquents. That is not the problem. If they believe they are all thieves, as I say, if they have papers and are legal, those who steal, they have papers, it's when they **have** papers. They are French. Well, these people, you should send them back to their parents' home country. So they see what it's like. Some parents did that. When their daughter was into drugs or stuff. They sent their daughter back for a year. She begged them to come back to France. She saw what is was like over there, she begged like a dog. To teach her respect. And I can tell you she never did it again. She's married and with a kid now, and she says, why did I get into this? It was real punishment for her, and it was difficult for her to obtain papers again after a year. **(PARIS, ALGERIAN; HOUSEWORKS AND OTHERS, GENERAL CERTIFICATE OF EDUCATION, FEMALE, 45 YEARS OLD)**

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Notes

1 The study does not cover all European countries, but only the eight involved in the comparative study.

2 A Gramscian-inspired project that appreciates the social forces in the shaping of power and social relations as a system of hegemony is extremely valuable as an theoretical-analytical framework when analysing racism in society. See Gramsci (1971) Selections from Prison Notebooks, Lawrence and Wishart, London, and Hall, S. (1996) "Gramsci's relevance for the study of race and ethnicity", Morley, D. and Kuan-Hsing, C. (ed) Stuart Hall, Critical Dialogues in Cultural Studies, Routledge.

3 A celebrated phrase which refers to on the British Empire; Ignatief (1983: 167) points out 'bringing the lesser breeds within the law meant freeing them from lesser tribal fanaticism's and teaching them the civic temperament of the English race".

4 Huntington, S. (1997) "The Erosion of American National Interest', Foreign Affairs, Vol.76, No. 5, 1997. Various similar jibes against so-called 'non-western' migrants as 'uspect', dangerous and various 'Trojan horse-like' remarks are made throughout his infamous but celebrated book (1997) The clash of civilizations and the remaking of World Order, Touchstone books the class of civilisations.

5 For a discussion of the processes of racialisation, including criminalisation of migrant workers in Cyprus see Trimikliniotis

6 For more details see Workpackage 2 of the Report on Germany, the section 'Discrimination by the public authorities'.

7 Berlin, M4: In Bavaria for example there's (unread 2.0) for weeks they talk about a topic because a 15 year old boy committed for example (.) let's say (1.0) 100 crimes (.) this isn't the only topic there are plenty of topics for example you could the press just (.) they could deal with these topics (.) but they stay always so hot (.) so people always (.) right before the elections they would say (.) ya here for example (↑) if they commit a crime here then deport them fast (↓) these are just for example parties with yes they want to get votes in this atmosphere afterwards it's quiet again (.) so I just wanted to say (.) politics play a very big roll

8 Köln, M1: "…. when I eh (.) meet someone new (.) I immediately see in most faces (.) mistrust (1.0) what does he want from me (↑) he's got dark eyes (.) dark skin (.) he's got dark hair (1.0) eh (3.0) where's my wallet (↑) it's kind of like that (.) not so extreme (↑) but…"

9 Baldies - a popular way of referring to the Neo-Nazis who often sport shaven/skin heads, obligatory military or group uniforms and military black shoes with neatly tied white shoe-strings

10 What's happening to these people, why are they taking advantage while happiness would be possible if the French state simply wanted to give papers to these people? These people are honest people, they are not criminals, they work hard.

11 FG 6 (WP 2), A: "All the people who are here are not delinquents. That is not the problem. If they believe they are all thieves, as I say, if they have papers and are legal, those who steal, they have papers, it's when they have papers. They are French."

12 For a discussion of this see Trimikliniotis, N. (2001) "Southern Europeanism: Nationalism, Racism and the Position of Ethnic Minorities in Southern Europe", published WEB www.cordis.lu/improving (section 'socio-economic research', item 'dialogue workshops') the contributions to the Dialogue Workshop on Racism of April 5-6.

13 See the Italian Report of Workpackage 2, section 'Coping with the Police and Immigration Law' where migrants reported how on numerous occasions the Police simply let them off when they had no documentation.

14 'If I get out of the train and I am walking I ask them "Why did you just call me? If you are making these controls, why don't you control all of the others?"' (Milan Focus Group).

15 The police reaction is dependent on the way the migrant responds and the mood of the police officer at the time: "It depends on how you respond, on how you behave with them. Because there have been some boys a bit nasty . . . if they ask for something and you answer badly, then it is not that they would hit you but they would threaten it, they would say "Be careful of what you are saying" but they were not really hitting you.' (Naples Focus Group).

16 Abstract 2 ENE and Abstract 9 SCH Austria work package.

17 The post-communist order is unstable and ridden with crises of all sorts.

18 See the final section of this chapter.

19 For a full description of variables and source of quotes see Appendix 1.

20 The abstract below is an illustration of this multiplicity since we have two three types of discrimination (ethnic/religious discrimination, verbal abuse, and physical violence) and two perpetrator sources (teachers and students). Thus the narrative is recorded as six separate and different instances. "I had my children attending a Greek school. Everyday they came home crying. They were beaten either by the teachers or by other students. They were constantly sworn at: "you are a Turk, you are different". [I.7]

21 A full description and codification of the variables is provided in Appendix 1.

22 Vienna-F3:"The gangs are coming (unread 2.0) and I do not know from where (.) from Poland or from Czech Republic or-or from Romania right (.) or I don't know '(.) those who steal at Hofer [MK: Austrian supermarket chain] or somewhere else or those who are pickpockets (.) those are-are not Austrian gangs (.) those are foreigners (.) that's for sure (.) or-or those Africans who are selling drugs right now."

23 Similarly, another Cameroonian female migrant states: Nicosia (Cameroon -I.1):"I don't mind if you call me 'mavrou'23 because I'm one but when you see a group of people walking and you chose me to search only because I'm mavrou I could be a criminal, and that's what I don't like about it." [Mavrou' is translated as black or Negro and carries negative connotations of being inferior.

24 Stigma and gaze refer to actions of stigmatization (name-calling) and gaze refers to the posture and proximity symbolic and psychological violence. Indifference refers to an action of neglecting to assist while exclusion in this case refer to forms of selective discrimination followed by inertia at a official or unofficial level. Verbal abuse refers to cursing and sexual prejudice are comments that victimize on the basis of gender Bribery and money related crime refer to incidents where there is an actual bribe or there is the request to the immigrant to unfairly pay money in order to receive services and resources. Exploitative working conditions refer to violations on employment rights and provisions , and long working hours . The 'generalized other' category is a metaphor for the 'We' i.e. it describes incidents by which the migrant describes the victimizer as a general category . Extreme threats and actions of violence include threats of deportation, kicking out of the house, and physical violence includes fear of physical violence and actual physical violence up to the level of murder.

25 Nicosia, Fg2, F3: "There was this man passing by in his car and told me "hey beautiful, where are you going? If you come with me I will give 20 pounds". Another time there was this old man he couldn't even walk and told me "you look very sexy are you coming with me?" And Cypriots, not all of them, think that if they give you 20-30 pounds you will sleep with them."

26 A Young immigrant has reported a denial by his employer to attend educational courses.

27' Other State Agencies' include hospitals or social service agencies.

28 Warsaw, NEE2: The first time it was at Bankowy Square, later, I was with a mathematician, who in now in the States and he was invited hereby an institution, an Institute for Science (Academy of Sciences) And it was three meters from the police station. And I told the policeman who was standing there laughing – give me some water, I must clean the wound on my forehead. I have no water, said the policeman. I said I wanted to talk to his boss. He said there was no boss and I could talk only through the home phone. I was furious, that he not did nothing to the one who attacked me.

29 Warsaw,ELE3: For nothing. FOR THAT WE ARE UKRAINIANS and it's easy to take money from us (.) Everything was o.k., passports, residence card (4.0) They asked why we had a barbecue staff with us. Does it mean we have no right to entertain?

30 Sweden, ÖMHBa8: I think that (unclear words). I remember I looked in the newspaper and there it stood by a doctor how many people had been found guilty for rape (unclear words). It was so that she looked at 36 cases of rape and as I understood it, not even one of these people are Swedes. 27 are born in outside of Europe, and the other 9 are born in other European countries. And then she asked the question: do not Swedish men rape then? That can only mean, that we have bureaucracies in Sweden that CARRY OUT as I argue, clear and simple, pure discrimination. It cannot be so that 36 guilty cases for rape that there is not one single Swede. Then there is something wrong somewhere. And it must be a political driven power, and here it must be the Social Democratic Party that drives this some kind of unclear, does not speak the truth. Then one can only, as that woman points out, "if a Swedish woman goes to court or police, and has been raped by a Swedish man, then time is drawn out before there is a court case, before, it is given, they find a way, but if you go there and say that ÖMHTu7 raped me. Then they quickly will go and get you and drive you there.

31 Low sentences for crime in Sweden. MMYS3s brother was stabbed to death when he waited for the bus on the street and the murderer got 3 years "it is not justice".

32 NEE8: I know the case of murder, to say, several cases (.) And this one, I was told at school about it. They said that six years ago a man coming from Liberia who lived in Poznań, simply lived with his fiancé, they simply had some argument and she committed a suicide and he left Poznań and came to live in Warsaw, and they were searching for him, the police and the girl's family. And one day he was found hanged. From what I heard from people, these who killed him were in police uniforms, this is what I heard from people, who new, they looked like the policemen.

33 They called a friend of mine a spy and killed him; in 1997 [FG6, M2].

Appendix : List of Variable Codes

Name   Position

SECTION   section cited   1

    Measurement Level: Nominal

    Column Width: 30 Alignment: Left

    Print Format: A25

    Write Format: A25

COUNTRY1 Host country   5

    Measurement Level: Nominal

    Column Width: 8 Alignment: Right

    Print Format: F8

    Write Format: F8

    Value   Label

Value	Label
1	Austria
2	Cyprus
3	France
4	Italy
5	Germany
6	UK
7	Poland
8	Sweden

COUNTRY2 Country of Origin   6

    Measurement Level: Nominal

    Column Width: 12 Alignment: Left

    Print Format: A15

    Write Format: A15

RESIDE   City of Residence   8

    Measurement Level: Nominal

    Column Width: 12 Alignment: Left

Print Format: A15

Write Format: A15

FOCUS1   Focus Group Category   10

Measurement Level: Ordinal

Column Width: 8 Alignment: Right

Print Format: F8

Write Format: F8

Value   Label

1   European Highly Educated

2   Non-European Highly Educated

3   European Less Highly Educated

4   Non-European Less Highly Educated

5   Irregular immigrants

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6   Youth Groups

7   young immigrants/second generation

8   students

9   special cases (e.g Pontians)

IMMCODE   Immigrants' focus group code   11

Measurement Level: Nominal

Column Width: 12 Alignment: Left

Print Format: A15

Write Format: A15

GENDER   Gender   13

Measurement Level: Nominal

Column Width: 8 Alignment: Right

Print Format: F8

Write Format: F8

Value   Label

  1   male

  2   female

AGE   Age of Respondent   14

   Measurement Level: Scale

   Column Width: 8 Alignment: Right

   Print Format: F8

   Write Format: F8

   Missing Values: 0

MONTHS   Number of months residing in Host country   15

   Measurement Level: Scale

   Column Width: 8 Alignment: Right

   Print Format: F8

   Write Format: F8

   Missing Values: 0

PERPORD   Categories of perpetrators (citizens)   16

   Measurement Level: Nominal

   Column Width: 8 Alignment: Right

   Print Format: F8

   Write Format: F8

   Missing Values: 99

   Value   Label

   1   gangs/mobs/individuals

   2   colleagues

   3   neighbors

   4   landowners

   5   co-students

   6   employer

   7   Other Immigrants

   8   generalized other

_

   99 M n/a

PERAGEN   Categories of perpetrators as State Agencies   17

   Measurement Level: Nominal

   Column Width: 8 Alignment: Right

   Print Format: F8

   Write Format: F8

   Missing Values: 99

   Value   Label

   1   Police

   2   Municipalities

   3   Employment State agencies

   4   Courts

   5   Other State Agencies

   99 M n/a

PERAGEN2 Categories of Perpetrators as Outside the State Agencies   18

   Measurement Level: Nominal

   Column Width: 8 Alignment: Right

   Print Format: F8

   Write Format: F8

   Missing Values: 99

   Value   Label

   1   Politicians

   2   Mass Media

   3   Employment Agencies

4   Banks

5   Housing Agencies

6   travel agencies

99 M n/a

VIOLENCE Intensity of Criminal act   19

Measurement Level: Ordinal

Column Width: 8 Alignment: Right

Print Format: F8

Write Format: F8

Value   Label

1   Gaze/looks

2   Prejudice/stereotypes/stigma

3   Intended Indifference

4   bureaucratic Inertia

5   Intended Exclusion

6   Verbal Abuse

7   Sexual Prejudice

8   Bribery and money related illegalities

9   Exploitative Working Conditions

10   Threat Of physical Violence

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11   Abuse of power due to position

12   Extreme Actions or Threats of Expulsion

13   physical violence

VIOLCOL   Collapsed Violence intensity   20

Measurement Level: Scale

Column Width: 8 Alignment: Right

Print Format: F8.2

Write Format: F8.2

Value   Label

1,00   low intensity

2,00   moderate intensity

3,00   high intensity

4,00   extreme intensity

VIOL3   Stigma and Gaze   21

Measurement Level: Scale

Column Width: 8 Alignment: Right

Print Format: F8.2

Write Format: F8.2

Value   Label

,00   other crime types

1,00   stigma and gaze violence

EDUC   Education and Origin   22

Measurement Level: Scale

Column Width: 8 Alignment: Right

Print Format: F8.2

Write Format: F8.2

Value   Label

1,00   European Highly Educated

2,00   Non-European Highly Educated

3,00   European-Less Highly Educated

4,00   Non-European Less Highly educated

5,00   Youth Groups and students

6,00   Irregular and Special Case Immigrants

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VIOL4   Intensity of Violence   23

     Measurement Level: Scale

     Column Width: 8 Alignment: Right

     Print Format: F8.2

     Write Format: F8.2

     Value   Label

     1,00   stigma/gaze

     2,00   indifference/bureaucratic inertia

     3,00   verbal abuse/sexual prejudice

     4,00   bribery/money related crimes

     5,00   exploitative working conditions

     6,00   extreme threats and actions of violence

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