

New Cultures, New Laws: Perceptions of Nigerians in Winnipeg about Canadian Laws and
Criminal Justice System

By

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A Thesis submitted to the Faculty of Graduate Studies, University of Manitoba in Partial
fulfillment of the requirements of the degree of
Master of Arts

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MASTER OF ARTS

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Abstract

This study examines perceptions of a select sample of Nigerians in Winnipeg about Canadian laws and criminal justice system. The study is guided by a theoretical framework drawn from postcolonial theory and legal pluralism. Its methodology combines the qualitative richness of in-depth interviews and quantitative measures engendered by a combination of closed-ended and open-ended survey questions. One fundamental finding of the study is that totalizing, generalizing or homogenizing the experience of “Blacks” and “Blackness” is not only theoretically misleading, but also ontologically barren. The results indicate mixed perceptions about the justice system and a tendency to relate questions on agents of the criminal justice system with issues of employment and previous experiences in other spheres of daily life. Unofficial forms of ordering among subjects are uncovered as well as a strong indication of occupying an “interstitial” or “in-between” space (Bhabha, 1994). The study offers recommendations for policy makers and future research.

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Nigerians constitute the largest number of “Black”¹ people on earth. The World Bank (2006) estimates that Nigeria has a population of 130 million, while the National Population Commission of Nigeria in its “provisional result” for the 2006 census estimates that there are 140,003,542 million Nigerians.² It is a fact that Nigerians are as diverse as they are many. There are at least “252 identifiable ethnic groups” (Elechi, 2006: 3) in Nigeria with superfluous languages and dialectical differences even within the same culture area unmatched anywhere in Africa (Mensah, 2005: 73). The unprecedented diversity is further heightened by the practice of religions such as Christianity, Islam and a plethora of African Traditional Religions.

Nigeria and Nigerians have, from time immemorial, been beset by a seemingly endless avalanche of problems, ranging from political to economic, ethnic to religious and educational problems. It is not an overstatement to assert that very little is not a problem in Nigeria. From simple electricity generation and distribution to clean water, access roads to health facilities, all are either barely functional or virtually non-existent; with the possible exception of some high brow parts of cities like Abuja, Lagos and Port Harcourt. Joseph (1987:184) states that “Nigeria is still a problematic entity even for its highly educated and politically active citizens”. The condition of the less-privileged in

¹ I shall keep this term in quotation (except while citing others) because “no human being is actually ‘Black’ in colour,” Mensah, 2002:21). This is further explained in the literature review.

² Population figures are very contentious in Nigeria because they are used for distribution of resources. Previous head-counts in Nigeria have been sources of political brinkmanship. “Provisional results” of the 2006 census were made public on Dec. 29, 2006 by the National Population Commission (NPC) (See “2006 Census puts population at 140 million.” Available at <http://www.punchng.com/Artcl.aspx?theartic=Art200612307193273>) and have become hotly disputed especially in Lagos state, which disputed NPC’s 9, 013, 354 estimate for Lagos and released its own estimate of 17.5 million. (Available at www.sunnewsonline.com/webpges/news/national/2007/feb/06/national-06-02-2007-03.htm) Retrieved on Feb. 6, 2007.

Nigeria is thus better imagined than experienced. This perhaps informed the 2005 publication of the National Intelligence Council (NIC, USA) "Mapping Out Global Futures," in which the organization covertly (some would argue overtly) predicted the possible collapse of Nigeria within the next fifteen years, if the status quo continued. The organization tacitly referred to Nigeria as "a failed state."³

Many discerning Nigerians did not require an NIC publication to seek greener pastures. In a phenomenon described as "Brain Drain," almost on a daily basis, hundreds and thousands of Nigerians "check out" of Nigeria. The situation became particularly acute in the 1990s when "under the Nigerian military we became a nation without standards, one in which men who could not have risen above the rank of staff sergeant became generals and heads of state, making us a plaything for the dogs" (Osifo-Whiskey, 2006: 3).⁴ According to Mensah (2002:68) "(t)he continuing surge of human population in 'Black' African countries such as Nigeria throws out of kilter the intricate ecological balance that sustains life". Thus, a large number of Nigerians reside outside Nigeria. The preferred destinations include countries like USA, UK, Canada, Sweden, Germany, Holland, Australia, South Africa and even economically struggling states like Kenya, Zimbabwe, Libya and Ghana.

One of the major concerns of Nigerians at home and in the Diaspora is their perception of the country's phenomenal and alarming sheer lawlessness and near

³ Ironically, Chomsky (2006:2) refers to the U.S as a "failed state" and highlights a "failed state" as one which has an "inability or unwillingness to protect their citizens from violence and perhaps even destruction; their tendency to regard themselves as beyond the reach of domestic or international law and hence, free to carry out aggression and violence. And if they have democratic reforms, they suffer from a serious 'democratic deficit' that deprives their formal democratic institutions of real substance." Ogunnika (2006) however, believes there is a paradigm change in the analysis of the Nigerian state. He describes Nigeria as a "self-defeated state."

⁴See TELL, July 3, 2006.

normlessness, particularly since the 1980s. With a chequered history of coups and counter coups which brought inexperienced and totally visionless soldiers to power and the current so-called “democratic” rule that leaves very much to be desired, the legal institutions of Nigeria are now simply struggling to survive, let alone operate effectively and fairly. The Human Rights Watch (2005) in "Rest in Pieces" stated unequivocally that: “The criminal justice system in Nigeria is in a state of paralysis, effectively unable to dispense justice in a fair and speedy manner. Every aspect of the system — from law enforcement to the judiciary, through the prisons — is characterized by a combination of inefficiency, corruption and lack of resources. A characteristic feature is the shocking disregard for due process as guaranteed by the constitution”.

With that sort of criminal justice background, there is a need to investigate how Nigerian immigrants perceive the criminal justice system in Canada. From a background with laws ranging from English (Common) Law, Shari’a Law (in at least 12 states in Northern Nigeria) and the Customary or Traditional Laws, mainly in Southern Nigeria (Reichel, 2005), what in terms of law and order do immigrant Nigerians bring into Canada?

Canada is undoubtedly a preferred destination for many migrants around the world. In “They like us! They really like Us!” *Maclean’s* reports the results of a 2006 survey of 20 nations by Angus Reid Corporation to explain “why the world loves Canada”. According to the report, when respondents were asked “would you say Canada is better or worse in terms of quality of life” compared to other developed countries? An incredible 91% of respondents stated that Canada is “better”. Also, 57% of respondents agreed that “Canada is a global leader in working for human rights and peace in the

world”.⁵ According to Citizenship and Immigration Canada (2005: 8), “Canada is one of the few countries in the world with an active program for permanent migration. One out of every six Canadian residents was born outside the country”.⁶ Weinfeld and Wilkinson (1999:73) state that “Canada has one of the highest rates of naturalization in the world.” In 2004, 235, 824 persons migrated into Canada, while for 2003, 2002, 2001 and 2000, the figures are 221,355, 229,040, 250,633 and 227, 465⁷ respectively. Of the 610,450 persons in the city of Winnipeg, 105,750 are “foreign- born.”⁸ This represents 17.32% of residents of Winnipeg. A further look at the data reveals that 81, 915 persons in Winnipeg are “visible minorities.”⁹ This represents 13.42% of Winnipeg population. Within the “visible minority” population, those designated “Black” are 11, 275 or 13.76% of the “visible minority” population. When compared with the entire population of Winnipeg, “Blacks” constitute 1.84%. Nigerians are the fifth largest “Black” group in Winnipeg (Mensah, 2005: 76).

However, “(m)igration is always a daunting endeavour. Even when the receiving country is welcoming, it is necessary to deal with the hardships of the way, the loss of the old country, and the shattered dreams that are part and parcel of every migratory process” (Ben-David and Ben-Ari: 1997:512). “Migration makes host societies more culturally and socially diverse. It can bring new talent and energy, expand the creative horizons of

⁵ The results of this research must be analyzed and utilized with caution because of *Maclean's* often flawed methodology (recall the controversial 2006 ranking of universities by *Maclean's*). For instance, only 125 people were surveyed in Lebanon and their views were supposed to represent the perceptions of 3.8 million people in what was thought to be a global research.

⁶ See: Government of Canada (2005) *You asked about immigration and citizenship*.

⁷ *Ibid* pg. 11.

⁸ Statistics Canada (2002) 2001 Community profiles. Released June 27, 2002. Last modified: 2005-11-30. Available at <http://www.12.statcan.ca/english/profil101/CPo1/Index.cfm?Lang=E>(accessed Dec.7, 2006).

⁹ Statistics Canada uses this term to refer to people as diverse as Chinese, South Asian, Black, Filipino/a, Latin American, Southeast Asian, Arab, West Asian, Korean, etc. I have kept the term in quotation because no one is invisible.

all members, and enhance the domestic labour pool. But migration can also be a source of tension and anxiety” (Penninx, 2006:54). Besides being at a disadvantage when applying for entry (Ighodaro, 2006:53) people of African descent in general face a gargantuan problem. “There are certain people who, by virtue of their physical appearance, behaviour, or life circumstance, feel consistently different” (Ben-David and Ben-Ari: 1997:510). According to Ben-David and Ben-Ari (1997: 514), “(e)xtreme similarity and extreme uniqueness are aversive. People don’t like to feel that they are very different from the norm nor that they are just like everybody else. People fluctuate between these extremes and try to find a comfortable midpoint”.

Canada’s history is replete with the ill-treatment of immigrants or foreigners in all spheres. According to Fitzgerald (1997: 55), different stereotypes are held for different groups. Immigrants fare badly particularly in the socio-economic sphere (Li, 1988: 99) where devaluation of foreign credentials takes place (Basran and Zong, 1998:16); hence, they often earn less than the dominant group in Canada, (Li, 1998:115; Buzdugan, 2006). The near-annihilation of the First Nations or Aboriginal Peoples is well documented (Silverman and Nielsen, 1992); discrimination against Jews, Ukrainians, Irish, (Weinfeld and Wilkinson, 1999: 56) Italians, Poles, Germans and so on (Boyko, 1998; Henry and Tator, 2002:10) are also well known.

However, people of African descent face a very unusual problem by virtue of their skin colour which marks them out. They are consistently “(l)iving the experience,” (Ighodaro, 2006:1) of being “Black” in a predominantly “White” society. Being “Black” in North America as well as Europe is an experience on its own. A “Black” person is constantly “under the gaze (and) must learn to be black in white society” (Kelly, 1998:1).

Part of this process is that a “Black” person is an unwitting subject of unsolicited ethnography. In “There is no alibi for being black,” Ibrahim (2003:83) argues that “(t)o fall under the gaze is to find oneself within *discourses of closure* where the Black body is already authored, read, and constantly stabilized across time, language, culture and space” (emphasis in original). Ibrahim (2003:83) bemoaned how he “moved from being a ‘tall,’ ‘Sudanese’... ‘Basketball player’... to simply being ‘Black’.” Ibrahim (2006:97) argues that “the black body speaks a language that is not fully mine nor under my control...There is no alibi for being black.”

Indeed, most studies supposedly on people of African descent are based on the concept “Black.” However, the concept, “Black” is analytically useful, but praxiologically useless. Nonetheless, “who can deny that skin colour overrides most attributes of Blacks’ humanity and individuality in Canadian society?” (Mensah, 2002:21). Whatever its origins, the concept “Black” poorly wraps up as one people as divergent as African-Americans and Somalis and several other virtually technically unrelated groups based solely on melanin.

This study will deviate from what has become the norm in social-scientific research by identifying a specific group of “Blacks,” immigrant Nigerians. Nigerians became defined as “Black” upon arrival in Canada. In Nigeria, they were Igbo, Yoruba, Hausa, Ibibio, Efik, Fulani, Anang and so on. The ethnic identity was paramount. Nigerians also define themselves on the basis of religion — Christianity, Islam and African Traditional Religions being the most dominant ones in no definite order. “Unlike the United States, very little research has investigated perceptions of injustice in Canada...research has yet to uncover how Canadians perceive the relative treatment of

...racial minorities” (Wortley, 1996:442-3). Wortley (1996:443) attributes this lack of research into the perceptions of racial minorities in Canada to “an overall lack of concern with this topic”.

However, why bother about *perceptions*¹⁰ of the justice system rather than focusing on the *actual* treatment of minorities? “Although perceptions may not perfectly depict the issues being presented, they are neither formed nor sustained in a vacuum” (Chow 1996:477-8). Perceptions are created and nurtured by one’s, or other people’s experiences, and a socio-psychological reading of events around a person’s world. Furthermore, people do not necessarily have to experience a thing to have a perception of it. Consequently, Brillon (1985:121-122) argues that “(a) negative image of the penal agencies, and a lack of confidence in the police, judiciary and the correctional institutions can prompt certain social groups to set up, if not their own system of justice, at least their own method of control. This is far from being a guarantee of better justice and a greater respect for people’s rights and liberties”. Kaukinen and Colavecchia (1999:366) called for exploration of “public perceptions of the criminal justice system in ways that are both general and specific”. My study attempts to do the latter. Clearly, there is interdependency between the general public and the criminal justice system. Reiterating Hagan and Albonetti’s (1982:332) assertion, Henderson, Cullen, Cao, Browning and Kopache (1997:448) argued that “perceived and actual discrimination in the administration of justice are distinct phenomena that deserve study in their own right.”

¹⁰ It is didactic that “Perception” is the second stage of George Herbert Mead’s four stages of the “Act” germane in understanding human action according to Charon (1992: 126). Others are “Impulse,” “Manipulation” and “Consummation.”

1.1 Research Objectives¹¹

This study aims to: (1) determine the perceptions about the criminal justice system on the part of a sample of immigrant Nigerians in Winnipeg; (2.) analyze these perceptions in relation to social and demographic variables including age, education, occupation and gender; (3.) determine and identify respondent involvement in the various sectors of the criminal justice system and to evaluate the impact of involvement on their attitudes and perceptions; (4.) identify the perceptions and experiences of immigrant Nigerians with the Nigerian criminal justice system and how these influence their perceptions about the Canadian criminal justice system; (5.) investigate mechanisms of dispute resolution among a sample of immigrant Nigerians in Winnipeg to determine if there are non-state forms of ordering involved; and (6) examine identity formation and belonging modes among respondents who are self-declared Canadian permanent residents or citizens.

1.2 Ethical Issues

Ethical issues are moral issues. In undertaking a study, a researcher must identify ahead of time certain areas where there might be a conflict of interest in order not to compromise their objectivity. This research poses a number of ethical issues. The major one is neutrality, since as both a Nigerian and a “Black;” it is tempting to take sides. I realize, of course, that I am a continental African, born and raised in the world’s most maligned continent. My approach to this study is shaped by my past and present experiences. As Ibrahim (2006:83) stated, along with my would-be research participants, I am also “Black.” All of my other identities back in Nigeria, South of the Sahara have been completely shrouded and submerged by the master status “Black.” No longer am I a

¹¹ 1-3 and 5-6 are adapted from Nova Scotia (1989: 2)

Nigerian, Yoruba¹², soccer and ping-pong player, chorister, graduate student, son, brother, cousin, nephew, teacher, writer, “young” uncle, *Arole*¹³ and so forth (various aspects of my identity in Nigeria) I am nothing else, but “Black” in Canada. Since I am “Living the Experience” (Ighodaro, 2006:1) of “Blackness” with my research participants, being unduly sentimental is a pitfall I must avoid.

Ethics board approval is necessary for this study because it involves human subjects. Also, there is the need to ensure that the anonymity of respondents is guaranteed and that information supplied is treated with utmost confidentiality. As much as possible, I must not simply co-opt friends and other acquaintances into this study as a member of the study population. Data analysis must also be devoid of my personal sentiments or prejudice in order not to make a mockery of the essence of social-scientific research. The onus also falls on me to accurately reflect the opinions of my respondents in my conclusions and recommendations rather than my own pre-conceived thoughts on what my findings might be.

¹² One of the three major ethnic groups in Nigeria.

¹³ Yoruba word for first son or heir. This is a very crucial albeit ascribed status in Nigeria.

Chapter 2: Literature Review

2.0 Minorities and Perceptions of (In)Justice

Studies conducted in the US have produced eye-opening results. The race and crime literature in America is very extensive. Many Americans have always feared the growing number of immigrants (Zeidel, 2004:3) even though theirs is a population with a considerable number of minorities, especially, “Blacks” who have nowhere else to call home as an aftermath of slavery.

In “Race, Class, and the Perception of Criminal Injustice in America,” Hagan and Albonetti (1982:330-333) attempted to explain why “criminal justice is *variable*” (Italics in original) and “to measure perceptions of, and experiences with, local, state, and federal courts, as well as more general attitudes toward the administration of justice and legal actors”. Hagan and Albonetti (1982) argued that “conceptions and perceptions of justice are determined in large part by the time, places, and positions in the social structure from which they are derived”. Hagan and Albonetti (1982:332) wondered why in spite of the fact that “no widespread false consensus” exists about how “various publics... perceive the operations of our criminal justice system... (yet) the irony is that no one has analyzed public *perceptions* of criminal injustice”.¹⁴ Based on a national survey with a ten-item “perceived criminal injustice scale,” which includes items like “law enforcement officials who do not represent a cross-section of the community in which they work, juries that do not represent a cross section of the people in the community, juries that are biased and unfair in when it comes to deciding cases, courts that are influenced by political consideration,” inter alia, Hagan and Albonetti (1982:343) stated that the “salient

¹⁴ My search through the literature did not yield any prior work on perceptions of criminal injustice. Hagan and Albonetti’s (1982:329-355) work is cited very copiously by scholars studying this area as the pioneers.

finding...is clearly the persistent and often striking influence of race on the perception of criminal injustice.” The study showed that “black Americans are considerably more likely than white Americans to perceive criminal injustice;” and that “black members of the Professional and Managerial Class (PMC) are the most likely persons in the sample to perceive criminal injustice” (351). Explaining the latter finding, Hagan and Albonetti (1982:352) argued that there is a “possibility that black members of the PMC who perceive income discrimination may be sensitive to the perception of injustice elsewhere as well.” The importance of class was found to be less than that of race in the study.

Jefferson and Walker (1993:254) examined attitudes of minorities to the police and tried to objectively measure “perception” of respondents about police. Included in this was “the extent to which people thought the police took part in various forms of misconduct, such as using threats or unnecessary violence or not taking accurate records.” Jefferson and Walker (1993:252) interviewed boys aged 10-15 after administering questionnaires “because they were most likely to have had contact with the police and experience of crime”. The results showed that 66% of “Blacks” felt that “there are quite a lot of dishonest policemen” compared to 40% of Asians and 45% of “Whites”. Also, 57% of “Blacks” believed it was best to avoid the police wherever possible, while 37% of Asians and 40% of “Whites” would rather avoid the police. In addition, 58% of “Blacks” felt the police made up evidence, while the figures for Asians and “Whites” are 21% and 47% respectively. Also, 70% of “Blacks” perceived that the police treated some groups unfairly, while 38% of Asians and 65% of “Whites” shared this perception. In general, Jefferson and Walker’s (1993) shows that “Blacks” are more likely to have a negative perception of the police than other ethnic groups.

“The literature concerning police and citizen interactions further indicates that citizens’ perceptions of the local police may be based on personal interactions with the police” (Parker, Onyekwuluje and Murty, 1995:399) or “it may represent a value judgement based on what citizens believe the police ought to be doing” (McDowell, 1984:266; cited in Parker, et al. 1995:399). Thus, Parker, et al. (1995:399) sought to know “(w)hat factors, circumstances conditions or events give rise to citizens’ expected and perceived behaviours of the local police and, at the same time, the local police’s anticipated reactions from the public?” Parker, et al.’s (1995:405) study of 585 African-Americans found that “citizens’ attitude toward the local police were negative and influenced by different factors.” They claimed that their findings were consistent with previous research which showed that “Blacks were more likely than Whites to report that the police searched them without reason, used insulting language, and roughed them up unnecessarily” but discovered that demographic variables such as marital status, age, residence, income, and sex were not significant factors in determining attitudes to the police.

Shedd and Hagan (2006:313) argued that perception of criminal injustice is common among disadvantaged racial and ethnic minorities. However, they believed that “there is much about these perceptions that remains unknown.” Shedd and Hagan (2006: 324-25) argued that African-American parents often urged their children to be “respectful” when confronted by the police “for fear that their children (and particularly their sons) might be beaten or shot if they displayed any disrespect.” Shedd and Hagan (2006: 325) cited Walker, Spohn and DeLone (2000: 90- 91) to buttress the fact that “African Americans have much less favorable attitudes toward the police than other groups.” “(V)iews on the

criminal justice system are rather rigid and resistant to change” (Bobo and Johnson, 2004:155; Cited in Shedd and Hagan, 2006:316). Shedd and Hagan (2006: 322) further stated that where there is greater “integrated institutional experiences”, minorities are in a state of “intensified alert for differential treatment”. Shedd and Hagan’s (2006: 323) study showed that “arrests of African Americans were greater than for other racial groups”.

Hagan, Shedd and Payne (2005:381) examined “Race, Ethnicity, and Youth Perceptions of Criminal Justice” among 18, 251 Chicago public school students. The results indicated that all racial categories of youths — White, Latino and Black — were sensitive “to elevated levels of police contact” (Hagan et al. 2005:399). The results also showed that “the perceptions of criminal injustice among both African and Latino American youth are at first intensified and then modestly improved by the increasing proportionate representation of white students in their schools” (400).

There is also evidence that immigrants experience fear of crime. Ackah (2000: 554) investigated the fear of crime among Ghanaian immigrants in Washington D.C (rather than examining “Blacks” as a whole) by measuring respondents’ prior knowledge of crime, perception of neighbourhood relative level of dangerousness, length of stay in the U.S. , participation in social activities and work schedule and demographic variables. According to Acker (2000: 570), “the majority of the Ghanaian immigrants...experience fear of crime...A perplexing finding that emerged was that a prolonged stay in the United States did not reduce an immigrant’s fear of crime or fear of strangers”. Explaining his finding, Acker (2000: 570) argued that “the immigrant is affected by the media sensationalization of crime news and its related vicarious victimization”.

2.1 The Canadian Experience

Ontario remains the site of the few studies that have been conducted in Canada on this crucial issue. Henry, Hastings and Freer's (1996:469-476) work "Perceptions of race and crime in Ontario: Empirical evidence from Toronto and Durham region" remains central. Henry et al. (1996:469) argue that "(a)lthough there is no direct empirical evidence from Canada to show that blacks commit more crimes than members of other racial groups, the belief is reinforced by the alleged over-policing of the black community particularly with respect to drugs and the drug culture". Citing Ontario (1995) and Equal Opportunity Consultants (1989), Henry et al. (1996:470) state that "there is a strong perception, particularly within the black communities that they are disproportionately charged with drug offenses". Henry et al. (1996:470) also argue that the "(r)acialization of crime' is also increasingly directed at one particular group of blacks, notably people from Jamaica".¹⁵ Jamaican youths too had always been distrustful of the Canadian criminal justice system. Henry, Tator, Mattis and Rees (2000:150) report that at the 1990 Jamaican Canadian Association conference, the "youth stated unequivocally that they felt alienated from the systems that administer justice in Ontario...because of a prevailing stereotype that Black youths are believed to be criminals." Tator and Henry (2006: 44) argue that "(t)he law itself is racialized." They believe that racialization of the law is inevitable because the law was written prior to the time that disadvantaged peoples or minorities were allowed to participate in the justice system. Tator and Henry (2006: 92-106) believe that dominant attributes of police culture such as social isolation, solidarity and militarism foster racism. They argue that despite years of numerous task force reports and

¹⁵ My search through the Canadian literature reveals that this is the first instance where a specific group of "Blacks" is mentioned rather the ambiguous concept "Black".

recommendations made to the Toronto Police Service, there has been no marked improvement in the police culture (Tator and Henry, 109-112).

The murder committed by Clinton Gayle further worsened matters, and his consequent conviction was used to solidify the “public’s conviction that blacks, particularly Jamaicans, do in fact commit more crimes” (Henry et al. 1996:470). They cite a survey of Toronto residents by Angus Reid in March 1995. About 45% of respondents believe there is a link between an individual’s racial background and their likelihood of criminality. An estimated 46% of respondents believe that Jamaicans, Trinidadians among others were culpable, while “19% think that “blacks in general” are responsible and 18% mention Asians or Vietnamese” (Henry et al. 1996:471). What is most staggering is that “65% of the respondents (45% of the total sample of respondents) thought that black people committed more crimes than other groups”. Using similar research instruments as Angus Reid, Henry et al. (1996:472) found in their own research that 37% of respondents thought there was a link between race and crime and “of these, nearly two-thirds (61%) believed that the groups most responsible were Jamaicans, other West Indians or blacks.” As in the Angus Reid study, a large number of respondents in Henry et al. study felt that “the culture, customs, or background of blacks was responsible for their criminality”.

Wortley (1996:439-467)¹⁶ examined “racial differences in the perception of criminal injustice” using telephone interviews. Wortley (1996: 446-7) found that 76% of “Blacks” believed that the police treated “Black” people differently than “Whites”, while 60%

¹⁶ His starting point on this study was the Stephen Lewis Inquiry of 1992; an attendant effect of the crisis between minorities and police in Toronto, especially in May of the same year. “It was clear that many of the individuals and groups who participated in the investigation felt strongly that the criminal justice system discriminated against racial minorities,” according to Wortley (1996:441).

accused judges of the same. A very crucial finding of this study is that “Black respondents are much more likely to perceive police and judicial discrimination than either Chinese or White respondents”. Wortley (1996:447-8) also emphasizes that “the public perception is that discrimination against the Chinese is not as widespread as that faced by the black community. Such findings suggest a racial hierarchy of criminal justice treatment — with blacks on the bottom, whites on the top, and Asians somewhere in the middle”. Wortley (1996: 462) also argues that “half of the black respondents and a third of the Chinese and white respondents believe that black people are treated worse than Chinese people”. Wortley (1996:452) also found that demographic factors could not explain racial difference in the perception of criminal injustice. Among his respondents, Wortley found that “43% of black males reported that they had been stopped by the police in the past two years, compared to 25% of white and 19% of Chinese males”. Police contact thus increased perception of injustice in the study. Wortley (1996:458) attributed the difference in the perception of injustice between the Chinese and “Blacks” to their “radically different immigration histories”. Over 90% of “Blacks” in the study are from the West Indies, “descendants of slaves”. It would thus be interesting to find out the perceptions of immigrant Nigerians about the justice system in Canada, since Nigerians (as so defined today, post-slavery) came voluntarily to Canada.

In a related study, Henry, Tator, Mattis and Rees (2000:151) argued that “members of the Black community consistently said that most judges believe that Black people are more prone to criminal behaviour, because they see so many of them in their courtrooms.” Henry, et. al (2000:153-160) further showed evidence of “sentencing disparities” in Canadian courts. Where minorities were involved, sentences were harsher

than when “Whites” were involved. Henry, et. al (2000:161) also showed that jury selection was often biased.

Other racialized communities face similar experiences. Chow (1996:477-484) examined “Chinese community leaders’ perceptions of the criminal justice system” by focusing on “law and the legal system, courts and judges, plea bargaining and sentencing, prisons, access to legal services and individual community participation” with respondents drawn from Metro Toronto using self-administered questionnaires. The questionnaires according to Chow (1996: 479) contained 33 statements on criminal justice issues and respondents were required to state the degree to which they agreed or disagreed with each of the statements “using a five-point Likert-type rating scale”. Chow (1996: 479) found that “(n)early half of the respondents (47.9%) disagreed or strongly disagreed with the statement that: “The laws of this country are generally consistent with principles of equality.” Almost three out of every four respondents (73.3%) agreed or strongly agreed that “systemic racism is prevalent in the criminal justice system”, according to Chow (1996:479). Also, 23.9% of Chow’s (1996) respondents felt that an accused person of Chinese descent would be treated as if they were guilty by a judge, while 36.6% stated that racial minorities were likely to suffer discriminatory treatment in prison. Overall, 84.3% of respondents believed that “(t)he current criminal justice system is in need of reform”. The major omission in Chow’s (1996) study is that there were no questions on perceptions or contacts of respondents with the police, rather questions were asked only about the courts and prisons. Besides, the focus on “leaders” (management level staff and directors of organizations), rather Chinese in all social spectrums, is not without its limitations. Leaders of minority groups might become too close to the system

to see anything wrong with it and may indeed have a completely different reality from their supposed followers. Hence, their views may not truly be reflective of the perceptions of everyday people.

Race and crime in Canadian literature received an unprecedented boost in 2002 when the *Toronto Star* ran articles on discrimination against “Blacks” in Toronto¹⁷. Wortley and Tanner (2003:367) argued that:

The Star's analysis revealed that black Torontonians are highly overrepresented in certain charge categories — including drug possession...that blacks may be treated more harshly after arrest than their white counterparts. In particular, white offenders are more likely to be released at the scene, while black offenders are more likely to be detained and taken to the station for processing. Furthermore, once at the station, black offenders are much more likely than whites to be held in custody for a bail hearing.

Citing Ranking et. al. (2002a,b), Wortley and Tanner (2003) stated that the *Toronto Star's* finding indicated that the police engaged in racial profiling and that these racial differences remained after other relevant legal factors had been taken into statistical account. A huge controversy began as a result of the articles. There were refutations and denials. Melchers (2003:347) for instance, argued that:

Representatives of the police responded angrily, denying accusations of singling out blacks. The Toronto Police Service commissioned an independent review of the *Star's* analysis by a prominent criminal lawyer (Alan Gold) and a University of Toronto sociology professor (Edward Harvey). Their review concluded that the *Star's* analysis was “junk science” and the conclusions of the articles “completely unjustified, irresponsible and bogus slurs” to be “put down at once”.

¹⁷ The newspaper analysed the Toronto Police Service Criminal Information Processing System (CIPS) from 1996-2002.

Wortley and Tanner (2003:368), however, stated that “despite all their denials, police officials provided no systematic critique of *the Star’s* analysis. (N)or did they provide any new information that might challenge the racial profiling hypothesis.”¹⁸ The scholars buttressed this assertion further by citing earlier works by both authors: The Toronto Youth Crime and Victimization Survey (Tanner and Wortley, 2002) and “The Good, the Bad and the Profiled: Race, Deviant Activity and Police Stop and Search Practices” (Wortley and Tanner, 2002).

In another study involving youths, 63 “Black” and “White” in Toronto were examined by Neugebauer (2000). She (2000) reported that all teenagers regardless of their racial background felt unnecessarily hassled by police, but all the youths — “Black” and “White” alike — believed that “Black” males were much more likely to be subjected to police scrutiny. This corroborated James’ (1998) study of “Black” youths in southern Ontario. James (1998:168) was informed by participants in his study that “the police often made the association between criminal activities and national origin and/or immigrant status”. James (1998: 168) argued that Jamaicans and Somalis were two groups specifically named. James’ (1998: 165) interviews showed that the youths believed that the police “look at colour first” and that “we (Black youths) fit the description“. Adopting a “colonial discourse”, James (1998: 172) argued that “law enforcement agents engage in a process of othering which in turn contributes to their criminalization of the youth”. This “theme” of “up to no good” according to James

¹⁸ Besides resulting in a libel case, the entire saga was a monumental catastrophe especially for the academia. “Most damaging are accusations that social scientists can be hired to provide support for any side of an argument,” (Wortley and Tanner, 2003:384). Also, in what amounts to a dent of social scientific objectivity, Councillor Gloria Luby of the Toronto Police Services Board stated that statistics could be used to prove anything.

(1998: 172) captures “Black” youth’s perception of how the police see them and “becomes a self-perpetuating, cyclical phenomenon”.

Frater (1991: 68 cited in James 1998: 164) quoted one of the participants of his study as saying that “there is no positive image of Black people” and so the police “assume all Black people are the same”. The Commission on Systemic Racism in the Ontario Criminal Justice System (CSROCJS) (1998: 178) also argued that there is “widespread perceptions among Black, Chinese and White Torontonians that judges do not treat people equally...that judges discriminate on the basis of race”. Also, CSROCJS (1998: 179) stated that “much more widespread among Black than among White or Chinese Torontonians (is) that judges discriminate on a variety of grounds, and specifically because of race”. CSROCJS (1998: 181) interviewed 1, 257 persons using a questionnaire and found that 58% of “Blacks” , 36% of Chinese and 28% of “White” respondents believed that judges “often” treated Black people differently than “White” people.

Based on an examination of available literature, Wortley, Hagan and Macmillan (1997: 646- 650) listed the “social sources of perceptions of criminal injustice” as “race”, “involuntary police contact”, “social status” and the “media”. The results of Wortley et al. (1997: 652) showed that “black respondents perceived more injustice than did Chinese or white respondents” and “black respondents (were) even more likely than Chinese respondents to perceive differential treatment of Chinese people”. Explaining reasons behind this, Wortley et al. (1997: 667) argued that the experience of “Blacks” in other spheres of life, experiences of family members and friends, “highly publicized” or over-sensationalized cases like the public beating of Rodney King and the early socialization

of “Blacks” which generally encourages them to be distrustful of justice agents as a “survival strategy” may not only “create perceptions of unfairness but reinforce and strengthen prior beliefs that the criminal justice system is biased”.

A recent study by Manzo and Bailey (2005:283-300) of eight Black or mixed race respondents in Alberta “who are adjudicated young offenders” examined “police-minority relations, the Racialization of and criminalization of their racial groups, the connection between their lifestyle and cultural influences such as rap music, and the relationship with between their racial group and the dominant (White) culture” (284). Even though Manzo and Bailey (2005:288) could not “make nomothetic claims”, they reported that “respondents stated that they believe that many people in society assumed that they were criminals” (290). A few words from the respondents might be helpful:

...because I'm Black, everybody looks at you like...a gangsta, playa, baler. I don't look at myself like that but everyone else calls me that, like “What's up thug?”, you know, like a gangsta...because you are Black you gotta be a thug, you gotta be a gangsta, that's how they all think. They look at you and if you're not that then you are not popular, you are not really Black. I think that's all wrong though. (Cited in Manza and Bailey, 2005:290; Carl, 16, secure custody).

People generally assume that I am in a gang when I'm walking with all my friends. Like that's a straight-up stereotype right there. And then, like coming in here, they think “Oh he's Black, he did this,” so it's the same thing that everybody else is thinking. Stereotype. (Cited in Manza and Bailey, 2005:290; Desmond, 17, secure custody).

Manza and Bailey (2005:296) stated that respondents indicated that they believed that stereotypical views of Blacks would make it more difficult for them to acquire certain jobs, and that Blacks were often under the surveillance of police and private security”.

In the prolegomenon to *The Colour of Justice: Policing Race in Canada*, Tanovich (2006:1) states that “(t)he colour of justice in Canada is White”. He argues further that the “unequal impact of our criminal justice system begins with police surveillance. If you are not White, you face a much greater risk of attracting the attention of law enforcement officials in public spaces such as the highway, street, border, or airport”. Tanovich (2006:28) also examined the problems inherent in “Shopping While Aboriginal”, “Working While Muslim” and “Attending High School While Black”. His analysis showed a high level of discrimination against these groups in Canadian society. But what impact does this have on such groups? O’Malley (2006: 417) argued that “(t)he implications of having groups risk-profiled create new problems for their members, as it is now ‘objectively confirmed’ that they are risks, *regardless of whether*, individually, members turn out to be harmful” (Italics in original). O’Malley (2006:419) further argues that “(r)isk consciousness and spirals of insecurity are likely to be destructive of many social solidarities, especially in countries with racially and ethnically diverse populations”.

Clearly, “perceptions” influence the way minorities are treated in the criminal justice system (Jiwani, 2002:70, 76; Roberts, 2002:102; Simons, 2002:117; Doran, 2002:159; Barnes, 2002:193). In the light of the above, Ibrahim (2006:86) asks: “In the North American context...do our Black bodies not cheat us, that is to say, do they not speak a

language of their own, a language mediated by the representational history of North American Blackness, a language beyond our control?”

Criminologists have only recently begun to grapple with the importance of perceptions of criminal justice. Wortley, Hagan and Macmillan (1997:670) emphasized that “group-based perceptions and expressions of injustice should be of special concern because they warn of potential breakdowns in relationships between legitimacy and compliance that undergird fundamental assumptions about the observance of law”. Also, Hagan, Shedd and Payne (2005:382) stated that “(t)here is a growing concern that perceived injustice itself causes criminal behaviour”. “The different minority group’s experiences of the criminal justice agencies, and the mutual perceptions and interpretations each party brings to these” (FitzGerald, 1997:57) need to be adequately studied.

Indeed, as Tyler (1990:178; cited in Wortley, et al. 1997:670) warned: “people obey the law because they believe that it is proper to do so, they react to their experiences by evaluating their justice or injustice, and in evaluating the justice of their experiences they consider factors unrelated to outcome, such as whether they had a chance to state their case and had been treated with dignity and respect”.

2.2 “Black” Immigrants, “Race,” Racial Profiling and Racialization

The term *immigrant* according to Li (2003: 56) is increasingly used in Canada to describe people from Africa and Asia regardless of where they were born. Li (2003: 171) also argues that “it is difficult to segregate the immigration debate from the race question,

since the 'colour' of immigrants becomes a key component of the discourse even though it is articulated subtly and indirectly." This view is corroborated by Calliste (2005: 88).

Historically, in Canada, "Black immigration was generally not desired" (McCalla and Satzewich, 2002:38) and "the cities of Calgary, Edmonton and Winnipeg passed resolutions between 1910 and 1911 that called for the immigration of Blacks to be stopped" (Abdi, 2005: 53). However, McCalla and Satzewich (2002: 38) reported that by 1909 Blacks from Oklahoma started settling in Saskatchewan and Manitoba, after which concerted efforts were made to discourage the immigration of "Black" people, especially through rigorous medical screening. The fear was of "race relations" according to Satzewich (1991:141-45). W.D Scott, Immigration superintendent in 1914 was quoted by Calliste, (1996:74) as saying:

the government does not encourage the immigration of coloured people. There are certain countries from which immigration is encouraged and certain races of people considered as suited to this (country) and its conditions, but Africans, no matter where they come from are not among the races sought and hence, Africans no matter from what country they come are in common with the uninvited races, not admitted to Canada (cited in McCalla and Satzewich (2002:35-6).

Henry, Tator, Mattis and Rees (2000:71) state that "J.S Woodsworth, superintendent of the People's Mission in Winnipeg and later one of the founders of the Co-operative Commonwealth Federation (CCF), had the same general attitude toward the 'people of colour' in 1903: 'the very qualities of intelligence and manliness which are the essentials for citizens in a democracy were systematically expunged from the Negro race'." According to the superintendent, the American "Black" was still "cursed with the burden of his African ancestry...All travelers speak of their impulsiveness, strong sexual

passion and lack of willpower...Hardly a desirable settler” (Troper, 1972:121 cited in Henry, et. al. 2000:71). Henry et. al. (2000:72) further argued that “(t)he concept of White cultural, intellectual, and moral superiority over the Black race was widely held then and continued to flourish well into the twentieth century.” The last racially exclusive clause in the Immigration Act was not removed until 1967. “Blacks” only began to migrate into Canadian cities in relatively large numbers as recently as 1981 (Mensah, 2005: 73) because of the point system which though imperfect is arguably better than the racial and ethnic quota system (Bramadat, 2005: 80) Canada once operated.

Explaining what the term “immigrant” means to everyday people in Canada, Li (2003:44) states that “racially different” people from Asia, Africa and other non-European countries “are viewed as outsiders who are, by implication of their skin colour, deemed to be too culturally and normatively removed from mainstream Canadians” particularly “Blacks” who are “the most ‘visible’ of the visible minorities in Canada” (Mensah, 2005: 74). Similarly, Jiwani (1993) argues that the term “immigrant” has come to “signify a person of colour whose culture and language are perceived to be different.” Also, “immigrants are perceived to be an economic threat, by...taking away jobs; a social threat in terms of their presumed proclivity to crime; and a cultural threat in terms of dismantling Canadian traditions” (cited in Jiwani, 2002: 75). “(D)uring the 1910’s, there were concerns expressed that blacks were systematically being sent to Canada by unscrupulous Americans” (Mosher, 1996:424). Nonetheless, changes in immigration policy, the declining number of immigrants from traditional sources and deteriorating economic conditions in several African countries during the latter part of the 1970s (Abdi, 2005: 55) led to a relative influx of Africans into Canada. Papastergiadis (2000:

51) argues that immigration debates are intertwined with the “destabilization of traditional communities” and immigrants are blamed for this. The term “migrant,” Papastergiadis (2005: 51) argues now has a “looming presence.”

“The link in the public mind between crime and immigration has long been made in Canada and other countries. The fear of ‘strangers’ and their foreign culture has often been used to explain increased rates of criminal activities. The general belief is that immigrants threaten the social harmony of the society and this belief is intensified when the immigrants are people of colour” (Borowski and Thomas, 1994 cited in Henry and Freer (1996:474). How have the unwelcome resident-guests fared? With that background, how has the criminal justice system in Canada treated people of African descent?

“Given the dismal conditions under which the Black population has lived during the last 20 years, it is reasonable to ask, “How could they have managed to survive?” (Province of Nova Scotia, 1989:10). The Province of Nova Scotia’s report on the experiences of “Blacks” indicates motley of discrimination: baseless stops, searches and arrests by the police, longer and harsher sentences and general maltreatment of “Black” people in all socio-political and economic spheres. The commission set up by the Province of Nova Scotia studied the perceptions of “Blacks” about the criminal justice system and yielded the following result: “Although there were some differences in perception of the degree of discrimination all respondents agreed that discrimination against Blacks is an observable fact in Nova Scotian society” (Province of Nova Scotia, 1989:17).

Race-based statistics used to be kept until the early 1960s. However, today, information on the race of offenders is clearly missing in Canadian official statistics

(Mosher, 1996:414). Melchers (2003:352) states that skin colour was included in the 1996 census in response to the needs created by the equity legislation. Part of this problem arises from the difficulty in establishing racial categories. Hatt (1994:164) argues that the term "Black" "is not helpful in establishing a meaningful category. In fact it is misleading." However, "(i)n Canadian society, skin colour has an important relationship to status and position" (Henry and Tator 2002:4) and has a huge implication for those seen as the "polar opposites of Whites" (Mensah, 2005: 74).

Mirchandani and Chan (2002:9) have emphasized the need for a shift from an analysis of "race" to an analysis of "racialization." Anthias (1998:7) defines racialization as the process where "categories of the population are constructed, differentiated, inferiorized and excluded," while Miles (1989:70) defines racialization as the processes by which meanings are attributed to particular objects, features and processes of individuals and/or groups, in such a way that such features are given special significance and carry a set of additional meanings.

Racialization is "the process by which societies construct races as real, different and unequal in ways that matter to economic, political and social life" (Commission on Systemic Racism, 1996). According to Tanovich (2006:14), racialization involves:

- Selecting some human characteristics as meaningful signs of racial differences
- Sorting people into races on the basis of variations in these characteristics
- Attributing personality traits, behaviours and social characteristics to people classified as members of particular races; and

- Acting as if race indicates socially significant differences among people.

Citing Lewis, (2004), Doane and Bonilla-Silva, (2003) and Frankenberg, (1993), Teelucksingh, (2006:5) argues that there is a growing body of research which examines the racialization associated with whiteness. Lewis (2004:625) on the contrary, believes that everyone is racialized regardless of colour: “in a racialized social system, all actors are racialized, including whites. Because all social actors are racialized, at some level they must perform or ‘do race.’ However, because of their social location (as dominants) whites historically have had the luxury of racializing others without necessarily, except strategically, developing or invoking a strong racial consciousness.”

Contributing to the debate on “race” and “racialization” Mensah (2002:21-2) argues that:

Race is frequently taken as a decisive factor in several social and economic situations involving Black Canadians. There is therefore now no need to shy away from the term “Blacks.” This term is certainly distasteful, and even a misnomer, given that no human being is actually Black in colour (or white for that matter). Yet, for most Blacks, the term has a real meaning in their daily activities in Canadian society...Race and “Black” have such an overwhelming impact on people of African descent in Canada that we gain nothing at all by attempting to ignore these concepts in our analytical endeavours.

Clearly “race” has not diminished in its importance in the literature even though “unlike England and United States, the police in Canada are not required to record the race of the people they stop and/or search” (Wortley, 2003:370). The need to collect data on crime in Canada using racial categories is a discourse on its own and has generated a

huge debate among academics. Some (Hatt, 1994:164; Roberts, 1994:175) argue against routinely collecting and publishing crime-race statistics, Roberts (1994:175) favours gathering such data on a “periodic basis, as part of the ‘special study’ initiative of the Canadian Centre for Justice Statistics” while others (Gabor, 1994: 153-63) have analyzed the “price of political correctness.” And hence, want official data to reflect the race of offenders since without these figures; it is not possible to verify discrimination based on race.

Robert’s (1994) contribution to this debate deserves a closer look. He argues that “black (and white) Canadians come from a variety of countries and cultures and second ... Canadians do not have a history of classifying people in terms of skin colour” (176). However, this is a very debatable point. Mensah (2002:43) argues, following (Lampkin, 1985) that some Canadians still believe that slavery never existed in Canada and that it was entirely a U.S. phenomenon. He states further that Canadian historians have “generally attempted to black out the Black experience in Canada.” Mosher (1998:42) believes that the reason for the

comparatively little systematic research...in Canada is attributable to at least in part to an underlying belief that Canada is a kinder and gentler nation with respect to a number of issues: this notion includes the country’s social welfare system and extends to the idea that Canada has historically not been overly severe in its treatment of minority groups in society in general, or in its criminal justice system in particular.

Mosher’s (1998) historical-sociological research into the experiences of “Blacks” and Asians in Ontario, Canada in the period between 1821 and 1961 yields an avalanche of evidence of ill-treatment and blatant discrimination against minority

groups. This culminates in Mosher's (1998) book *Discrimination and Denial: Systemic Racism in Ontario's Legal and Justice Systems, 1892-1961*. Mosher's work is based on evidence from the 20th century and was published in 1998, eight years ago. Perhaps the situation today might be different. Scholars like Cheung (1980), Moyer (1992), Doob (1994), Hastings and Freer (1996) have, in the words of Mirchandani and Chan (2002:11), "conclude(d) that the relevance of 'race' is significant in understanding who is involved in criminality and how their treatment is mediated by 'racial characteristics'." Hastings and Freer (1996) in particular examine how public perceptions of racialized groups such as Blacks affect their treatment in the criminal justice system. Mirchandani and Chan (2002:15) argue that social problems in Canada have a "racialized nature (which) is a trend that is neither new nor original. Racialized groups have been historically the target of moral panics and continue to be stereotyped as the criminal 'other'."

There is a probability that things might be different today. Ighodaro (2006:9), however, argues that "(d)espite legislation and social-justice forbidding difference based discrimination in all its forms, certain assumptions, misrepresentations, and misinformation persevere in Canada about racially visible immigrant minorities, particularly when it comes to refugees and immigrants of African descent." He argues that "(b)eing of African descent has real meaning and consequence in their lived and living experiences in Canada."

Despite their importance, perceptions of equality and fairness have not played a prominent role in the research literature on public attitudes towards the criminal justice

system (Kaukinen and Colavecchia, 1999:371). The term “race”¹⁹ is often conveniently replaced with ethnicity. Kelly (1998:36) argues that “(t)hough racialization is based on more than just skin colour, the saliency of this characteristic is undeniable. Kelly (1998:50) believes that replacing race with ethnicity is part of the “current Racialization processes in Canada.” She argues that “(t)he Canadian state, as legally multicultural, promotes the term ethnicity to refer to differences within society based on geographic origins and the process of immigration. With the eschewing of the term race, ethnic divisions come to seem plausible, adequate and commonsensical as the term ethnicity assumes a complacent ‘innocence’.” Bissoondath (2002; orig. 1994) criticizes the Canadian government’s multiculturalism as “(s)elling illusions”, while Seljak (2005: 179) believes the policy of multiculturalism “lacks credibility.”

Racial profiling according to Carter (2004) is “best understood as a current manifestation of the historical stigma of blackness as an indicator of criminal tendencies” (Cited in Tanovich, 2006:13). Racial profiling in relation to crime is “usually based on official conviction rates. Yet conviction rates may be shaped by such factors as police ‘working culture,’ the assumptions of judges and prosecutors, and the social distribution of resources such as the ability to appoint defence council (sic) rather than relying on public defenders” (O’Malley, 2006:413). According to the *Toronto Star*, racial profiling is “the practice of stopping people for little reason other than their skin colour” (“Police target,” 2002:A8). Melchers (2003:359) defines racial profiling as “more or less formal practices of police and other public officials for singling out individuals by specific traits for investigation.”

¹⁹ It is not the purpose of this study to enter into an extended debate about “race.” Rather, the import is to show that for those who are “racialized” or “othered,” “race” is a social fact *sui generis* (a-la Emile Durkheim) and cannot be replaced with the supposedly more innocuous term “ethnicity.”

Melchers (2003) admits that “(p)olls and some studies consistently show that a majority of the public, and yet a larger majority of some visible minority groups (notably “Blacks”), believe that police are racially biased.” He however concludes that “most of what we call ‘profiling’ is ill-founded,” (360). Melchers, (2003:362) goes further that police records will always remain the same:

That is because so much of what explains the over-representation of some groups in the criminal justice system is so systematically and seemingly intractably integrated into the functioning of all social institutions and behaviours: poverty, deprivation, isolation from broader social values, lack of community social cohesion, and so on. At least some groups of Canadians—for example those of Aboriginal or African ancestry—have experienced and continue to experience discrimination in so many ways that it would be unreasonable for the consequences not to show up in virtually every aspect of Canadian society.

The crux of Melchers’ (2003:362-3) argument is that “differences in the treatment of groups according to race will remain, even if this in and of itself may not be evidence of actual discriminatory practices, as opposed to any number of equally adequate explanations of these differences. The best research can conclude in such cases is the modest statement that the possibility of discrimination cannot be excluded. In the absence of compelling evidence, to make any more ambitious statement goes against the scientific ethic.” Hier and Walby (2006: 83) also warn that the different “analytical assumptions” about racism in Canada has led to the production of “inconsistent knowledge”, wherein there are claims and counter-claims among scholars about the pervasiveness of institutional racism in Canada. Hier and Walby (2006: 100) argue that “the politics of ethno-racial justice must be reflexive; it cannot assume that ethno-racial significations

mechanically lead to material or economic injustices.” In a reaction to Hier and Walby’s (2006) article, Henry (2006) argues that the “paradigmatic difference that Hier and Walby assert may be nothing more than — or at the very least, be an artifact of — mis-categorizing racial minorities and the time frames in which research is conducted in the rapidly changing demography of Canadian society.” Henry’s (2006) emphasizes that while there are improvements in the conditions of minorities in general; Aboriginal Peoples and Canadians of African descent continue to have a greater level of disadvantage.

As stated in the previous section, studies by Equal Opportunity Consultants (1989), Ontario (1995), Henry and Freer (1996), Mosher (1996), Wortley (1996), Chow (1996), James (1998), Mosher (1998) and Neugebauer (2000) among others, have shown that minorities, particularly “Blacks” and Asians (mainly Chinese) are discriminated against in the Canadian criminal justice system. “Essentially, in policing Black youth—stopping, questioning and harassing them to prove that they are not the ‘suspects’ that the police seek—law enforcement agents engage in a process of othering which in turn contributes to their criminalization of the youth” (James 1998:172). James (1998:168) was informed by participants in his study of Black youth that “the police often made the association between criminal activities and national origin and/or immigrant status.” He argues that Jamaicans and Somalis are two groups specifically named.

Voice or accent profiling is an area that is conspicuously missing from the literature on racial profiling. Voice profiling occurs in interaction contexts where social actors are not in face-to-face contact, usually on the phone and includes a deliberate denial of opportunity to racialized minorities —employment, housing, marketing, etc —

based on the accent or dialect of the caller takes place. This type of contact may often lead to unnecessary questions being posed to racial minorities; questions that are not asked Whites. There is no mention of voice profiling in the literature.²⁰

2.3 Perceptions of Minorities/Immigrants in the Prism of the Canadian Media

“The media are one of the most powerful institutions in a democratic society because they help transmit its central cultural images, ideas and symbols as well as a nation’s narratives and myths” (Henry and Tator, 2002:4). “Immigrants are defined by the news media as foreigners who cheat on their taxes, steal from welfare, fraudulently make refugee claims, drain school resources, peddle drugs, take jobs, wear turbans in the legion hall and want to kill Christmas. And these are some of the better qualities” (Lee, 1994 cited in Mosher, 1998:4). Also, “(w)hen visible minorities do appear in our newspapers and TV public affairs programming, they emerge as villains in a variety of ways — as caricatures from a colonial past; as extensions of foreign entities; or, in the Canadian context, as troubled immigrants in a dazzling array of trouble spots; hassling police, stumping immigration authorities, cheating on welfare, or battling among themselves or with their own families” (Sidiqi, 1993, cited in Henry, Tator, Mattis and Rees, 2000:295). There is an on-going “demonization” (Foster, 1996:11) of minorities, particularly “Blacks” (Wortley, Hagan and Macmillan (1997:650; citing Liska & Baccaglioni, 1990 and Doob, 1984).

In “Discrimination and Denial: Systemic Racism in Ontario’s legal and Criminal Justice Systems, 1821-1961” one of the most extensive works to date on the experiences

²⁰ To the best of my knowledge, the only instance where voice profiling came to public knowledge was on CNN’s Paula Zahn Now “Skin Deep: Racism in America” aired on Dec. 12 & 13, 2006. This is an area I intend to explore experimentally at the Ph.D level.

of minorities in the Canadian criminal justice system, Mosher (1998:5) argues that “there has been a growing tendency on the part of the Canadian media to attribute crime problems to minority groups, in particular Blacks and, to a lesser extent, Asians.” He emphasized the “sensationalistic media accounts” and how such reports are backed up with “unofficial and somewhat less than objective police commentaries” on the involvement of minorities in crime. Mosher’s research involving the content analysis of newspaper reports from as far back as the 1800s finds that it “was quite common in the late 1800s and early 1900s for newspaper accounts to refer to the race of Black offenders in the headlines of police-court reports” (Mosher, 1998:129). Some of the headlines in the 1800s and 1900s as reported by Mosher (1998:129-130) included the following: “More bad boys—3 Curly-headed Coloured Boys were Remanded at the Request of the Crown” (*Hamilton Spectator*, July 18, 1893); “The Black Burglar” (*Globe*, Nov. 20 1900); “Colored Man Given Free Board and Lodging for the Rest of the Season” (*London Free Press*, Jan. 17, 1908); “Bad Colored Man Goes Down for Six Months” (*London Advertiser*, Dec. 27, 1907); “Coloured Men, White Girls” (*London Free Press*, Sept. 17, 1937).

The import of all of this was not lost on the readers. It thus created “the notion that Blacks were violent and likely to be involved in more serious forms of crime than the Chinese, and thus posed a greater threat” (Mosher, 1998:129). A few of the excerpts of the reports are worth quoting at length:

There were unusual doings at Number 2 police station yesterday morning. A stranger in the city passing the building at an early hour would have thought some religious service was going on inside. The music was

supplied by the cheerful bunch of colored boys arrested for shooting scraps...With the good humor characteristic of their race, they soon cheered up. They were given newspapers to spread around the floor to keep the splinters out of their anatomy, and to while the time away sang old plantation melodies and southern songs...It was the strangest combination of crap shooters, coon shouters, and dark brown revivalists that the police have met in many a day. (*Hamilton Spectator*, June 28, 1909; cited in Mosher, 1998:129).

Wortley, Hagan and Macmillan (1997:637-76) examine the shooting to death of a White woman by three Black men at Just Dessert, a café in Toronto.²¹ These scholars investigate the “dramatization of evil” (Tannenbaum, 1938) as a result of the incident captured with headlines such as “Urban Terrorism,” “Lowest of the Low,” “No Mercy,” “Getting more Vicious” and so forth used in the coverage of the incident. Wortley, et al. (1997:645-6) argue that “(m)uch of the media attention, in fact, focused on the fact that the suspects were black, Caribbean immigrants to Canada...Through news narratives, the white female victim came to symbolize Toronto’s innocence, while the black suspects represented a foreign outside threat to the principles of law and order.” Wortley et al. (1997:649) believe that the media influences perceptions about criminal justice.

Henry, Tator, Mattis and Rees, (2000:295) studied “cultural racism” and “how the media reinforce racist ideology and practices through the promotion of racist discourse.” Henry, et al. (2000:297-314) argue that “racism” is manifested in the media through the “invisibility of people of colour,” “stereotypical portrayal,” “misrepresentation in the print media,” “marginalization in programming” and “lack of access to mass media.”

²¹ This inter-racial shooting generated huge national interest especially in the media. Wortley, Hagan and Macmillan stated that *The Toronto Star* and *Sun*, two prominent newspapers in Toronto ran 41 and 35 stories and editorials respectively on the incident apart from other coverage on radio and TV. It became “a social crisis between the sacred and the profane” (Wortley, Hagan and Macmillan, 1997:642).

They further argue that even in the advertising industry, there is a “non-representation” of people of colour and ‘stereotyping.’”

In *Discourses of Domination: Racial Bias in the Canadian English Language Press*, Henry and Tator (2002:4) showed “how some members of the Canadian press give voice to racism, and how the media marginalize, denigrate and silence ethnoracial minorities” even though they (the media) “are expected to reflect alternative viewpoints, to remain neutral and objective, and to provide free and equitable access to all groups, irrespective of gender, social class, racial or ethnic background, religious beliefs, sexual orientation, and so on.” Henry and Tator (2002:5) argue that the “media do not objectively record and describe reality, nor do they neutrally report facts and stories.” “Rather, some media practitioners socially reconstruct reality based on their professional and personal ideologies, corporate interests, and cultural and organizational norms and values” (van Dijk, 1998a:91; Fiske, 1994; Hackett and Zhao, 1998 cited in Henry and Tator 2002:5). Fundamental to the work of Henry and Tator (2002:12) is that “journalists, editors, and publishers filter the news through a white, Western, male and middle class perspective.” Henry and Tator (2002:23) employed the concept of “democratic racism” to explain how “racist beliefs and behaviours remain deeply embedded in ‘democratic’ societies.” This is demonstrated by the outcome of the interviews conducted on 20 respondents composed of minority journalists by Henry and Tator (2002:59-60). One barrier the respondents pointed to consistently was “the colour of my skin.”

Wortley, Hagan and Macmillan (1997:670) conclude their study by emphasizing that “insensitive criminal justice practices and media coverage run the risk of

perpetuating inter-group conflict and creating self-fulfilling prophecies about the kinds of conflict they portray.”

2.4 The Question of Identity and Intersection of Diversities

In this section, I examine the literature on identity formation and modes of belonging among people of African descent with emphasis on people of African descent in Canada. This is aimed at exploring what the literature states about the sense of self of people of African descent and how this may help in understanding subjects’ self-declared identities and belonging modes in this study.

Okeke-Ihejirika and Spitzer (2005: 207) argue that “(i)migration is, in a sense, a new beginning that entails a reconstructing of cultural practice, notions of self, and attachment to the larger society.” Besides, “(i)migrants rarely have the option to simply ‘go home.’ If they are unhappy, they usually must grit their teeth and keep trying” (Rifaat, 2004: 33). One major area for the integration of immigrants into the mainstream society is undoubtedly the question of identity. “Identities are neither fixed nor static and can therefore change over time. Identities are negotiated and re-negotiated, a process generally influenced by a variety of factors including the respective importance of identity markers of individual identity and the conditions under which they are manifested” (Donaldson and Jedwab, 2003:2). “Questions of identity are always posed in relation to space. Migrants find such questions particularly poignant” (Papastergiadis, 2000: 52). Papastergiadis (2000: 52-53) argues that space and identity are dynamic concepts formed through interactions. He states further that “all identity is formed through dislocation” (Ibid). Papastergiadis (2000: 55) wonders why children born to

migrants in their new homeland are referred to as second or third generation migrants decades after the physical movement from one geographical location to another has been made.

It is pertinent to raise some questions at this juncture: when do people stop being immigrants? What is the identity of people occupying an “in-between” space (Bhabha, 1994) such as Nigerians in Winnipeg? For Bhabha (1994), hybridity²² is an important concept, while Papastergiadis (2000: 115) utilizes the concept of “deterritorialization” to explain “how people now feel they belong to various communities despite the fact that they do not share a common territory with all the other members.” Okeke (2005: 177) describes continental Africans as “transmigrants” since they still maintain ties with “home” as against “immigrants” whose ties with their “home” have been severed.

Papastergiadis (2000: 192) further explains that for Bhabha (1994), “identity is never fixed once and for all.” How then do immigrants negotiate their identity? “In Canada and in other multi-ethnic societies, the question of identity relates to how several ascribed and socially determined factors interact to define people’s sense of self and their treatment, or place in the larger society” (Puplambu and Tettey, 2005: 28). Puplambu and Tettey, (2005: 28) identify ethnicity and citizenship as significant factors in defining identity and argue that ethnicity is premised on a subjective belief attached to similarities in physical type and cultural practices. Puplambu and Tettey (2005: 29) state that “skin colour has been the most consistently used criterion” as a marker of identity and has been used to socially construct those believed to be superior and others as inferior. Puplambu and Tettey (2005: 34-35) further state that immigration officials perceive African immigrants as “economic refugees and potential burdens on their countries’ social

²² This is elucidated in the theoretical framework.

system” and “(t)he stereotypical connection between Africa and disease also features in the immigration experiences of Africans as they attempt to enter Canada.”

Li (2003: 54) believes that identity is becoming more racialized. Puplampu and Tettey (2005: 40) also argue that identity in Canada is “ethnicized” and “racialized” since “White is normalized and considered the non-ethnic standard, (and) leads inevitably to a situation where only non-Whites are hyphenated in both official and unofficial discourse. Hyphenation then presupposes an adulteration of the *standard*.” (Italics in original). Puplampu and Tettey (2005: 40) argue that only non-Whites including African-Canadians are most likely to be asked: “Where are you originally from?” Consequently, they state that no matter how long they have stayed in Canada, some Canadians will continue to be perpetual immigrants. “African immigrants, especially those from West Africa, arrive on Western shores with little if any experience of racism and how it defines their social worth in the new culture in which they find themselves” (Okeke, 2005: 179). How then do they cope?

Post-1960 African immigrants to Canada as well as in other advanced capitalist societies are highly qualified professionals and first class citizens²³ in their countries of origin (Abdi, 2005: 56). Abdi (2005: 56) also argues that “many in this new group of immigrants did not see themselves as inferior vis-à-vis anybody.” Ibrahim (2003: 83) explains how African immigrants become simply “Black” for all intents and purposes as soon as they arrive in Canada; an already foreclosed identity.

²³ In Nigeria for instance, as of 2005, the application fee for a Canadian study permit is 15,000 naira at the Canadian Deputy High Commission in Lagos. This is nearly two months’ minimum wage, while as of Dec. 2005, the cost of air travel to Canada from Abuja, Nigeria (approximately 160, 000 naira) is nearly two years’ minimum wage! Thus, very few people could ever dream of making the journey. This is aside tuition and other costs.

Tettey and Puplampu (2005b: 150) utilize Homi Bhabha's concept of hybridity and the concept of "translocational positionality" to explain the "multiple, simultaneous, fluid and sometimes conflictual positions occupied by individuals and groups as they negotiate their sense of self and consequent attachments to cultures, ethnicities, places and nations." They argue that factors like experiences, interests and rationales are crucial to this end and their concept of place "traverses the physical boundaries of a particular state, though it incorporates it." This is suggestive of "glocal space" (Sicakkan, 2005). According to Sicakkan (2005: 5) "(g)local spaces accommodate essentialized belongings, national and transnational modes of belonging, and new types of belonging which are inspired and informed by the idea of diverse society. Glocal spaces entail a variety of *local incipient forms of all-inclusive organizations.*" (Italics in original). Thus, even as African immigrants attempt to become integrated into Canadian society, they also try to retain elements of their cultures of origin (Tetty and Puplampu, 2005a: 152) as migration itself engenders multiple loyalties and identities (Osler and Starkey, 2003: 243; cited in Iherijirika and Spitzer, 2005: 207). Li (2003: 136) states that immigrants, particularly their children eventually "succumb to the overpowering influence of the dominant culture."

However, it is necessary for African immigrants to retain knowledge of their homeland and their positions therein as many erstwhile professionals have been reduced to menial jobs or are unemployed (Abdi 2005: 56). They have to constantly remind themselves that they are very important personalities where they come from regardless of their present circumstances in order to have a good sense of self. Tettey and Puplampu, (2005a: 152) state that Africans in diaspora utilize African churches, ethnic, national and

continental associations, African movies and music as well as the few positive images shown about them in the media to maintain their selfhood.

Calliste (2005: 100) argues that “Black” families have to “socialize children to develop a high self-concept and positive racial identity in a society in which being black has a negative connotation...black children must be socialized to deal with the racism they will encounter daily.” In a study of identity among female African youth, Iherijirika and Spitzer (2005: 216) report the “double life” lived by their subjects. The girls claimed that their parents expected them to be “good girls” in conformity with African norms, but having mostly been born and/or raised in Canada; most of the girls had problems understanding their parents’ moral requirements. Kumsa (2005: 183-1187) finds a similar theme among young Oromos from Ethiopia living in Toronto and perhaps sums up the problematic of identity among Africans particularly those of the second and later generations:

the notion of be-longing is tangled up with ever-increasing uncertainty. Fully be-longing to Ethiopia is impossible, because it leaves out their Oromoness. Landing in Canada does not mean they automatically be-long to Canada. Despite homogenizing discourses of Racialization, fully be-longing with Blacks is not possible either. Nor is fully be-longing with Oromos possible, despite their intense affinities. Every turf of be-longing has to be contested and its boundaries negotiated” (Kumsa, 2005: 196).

In a similar vein, Baffoe (2006: 108) in a study of African immigrant and refugee youth, parents, community leaders and social workers finds that some of the “significant issues” for the youth include lack of orientation, stereotyping, ethnic bonding/lack of friendships, racism, food and accent, while for the parents, issues like “back home,”

identity loss, parent-child conflict among others were crucial factors. Community leaders also identified systemic racism, accent, “Back home” cultural pull and so forth as significant issues in their integration process.

Kumsa’s (2005) and Baffoe’s (2006) studies on the challenges facing young African people brings the question of intersection of identity and diversity to mind. “The influence of multiple and overlapping factors of diversity are becoming increasingly apparent” (Donaldson and Jedwab, 2003:1). Included in this according to Donaldson and Jedwab, (2003:1) are factors like age, gender, disability, sexual orientation, socio-economic factors, race, ethnicity, culture and religion. Donaldson and Jedwab, (2003:1) argue that identity and diversity are influential in labour, justice and health among other spheres of life. According to Wilkinson (2003: 27) “(u)nderstanding how the intersection of various identity markers influences individual life chances is a complex task.” Wilkinson (2003: 26) argues that identity markers such as gender, social class and ethnicity are given paramount importance in spite of the salience of identity markers such as language, region and immigration among other factors. Rummens (2003: 11) also states that more than one identity can influence an individual’s life’s chances. Yesufu (2005: 133) reiterates this view in “The Gender Dimensions of the Immigrant Experience: The Case of the African-Canadian Experience.” Making a case against homogenizing the African immigrant experience, Yesufu (2005: 135) argues that the “African women...constitute a minority within a minority, and have long endured discrimination and exclusion in Canada.” She describes the experiences of her subjects in the homefront where their careers are subordinated to caring for their children and how many of them have had to take on menial jobs like cleaning and health care aid in order

to survive in spite of their qualifications. Yesufu (2005: 144) states that the African woman cannot bond with the Canadian community because they are still not accepted as bonafide citizens despite documented attestations. Okeke (2005: 179-181) argues that women are more prepared than their husbands to take on any job to keep the family afloat. “(T)he African woman continues to struggle, suffering in silence, even smiling in suffering” (Yesufu, 2005: 145). In her study of African women in Alberta, Okeke (2005: 186) states that “(a)t various levels and in various social contexts, they identify themselves as women, black women, black Canadian women, Christian or Muslim women, African Canadian women, and women from specific African countries...and of different ethnic groups within them.” Okeke (2005: 186) further argues that the women utilize the “fluidity of their identities” to surmount the problems they face daily as wives, mothers and paid-workers. Indeed, as Ng (2005: 5) argues, “our status as women does not have weight equal to our status as members of minority groups. Our interests and experiences are subsumed under the interests of immigrant men.” Ng (2005: 5) also cautions against treating “gender, race and class as different analytic categories designating different domains of social life.”

Consequently, it would be interesting to know the views of the subjects of this study — male and female, young and old — about their identity. Questions meant to probe into this area are contained in the interview guide.

2.5

Criminal Justice in Nigeria

This section provides an overview of the Nigerian criminal justice system. I consider it germane to have an understanding of the background of immigrant Nigerians in terms of state legal ordering as a way of comprehending how they are likely to perceive criminal justice agents in Canada.

Nigeria operates a tripartite system of laws. This can be said to be traceable to what Smandych (2005: 267) refers to as “(t)he cultural imperialism of law” a concept which, following Schiller, (1976) Smandych (2005: 267) describes as “the imposition of the culture-forming social institutions of a dominant imperial power or nation-state over those of a less powerful colonial population” and are part of the instruments of “pacification and colonial administration” (Adewoye, 1986: 57). Nigeria’s legal tripartitism is at the same time confused and confusing. With the English Common law forcefully entrenched during colonialism and Customary law based on the norms and values of the people existing on supposedly equal terms with the Islamic Shari’a law, the potential for anarchy is significant. According to Belgore²⁴ (2007) “we need a complete overhaul of our laws, especially the criminal law and procedures.” Belgore (2007) also asserts that Nigeria “is still tied to the apron-string of old colonial systems”.

Analyzing the “obstacles” to justice in Nigeria, Shettima (1999: 103) argues that “the unequal structure of power and economic relations, a repressive system of laws backed by equally repressive and brutal police and military forces are entrusted to act as custodians of the nati and that legal or police injustice is only a manifestation of a deeper form of injustice which springs from the very foundation of the Nigerian society”.

²⁴ Justice Modibbo Alpha Belgore, immediate past Chief Justice of Nigeria in a speech at the official handing over ceremony to his successor on Jan. 18, 2007.

Shettima (1999: 101-106) highlights “poverty,” “intellectual deprivation,” “distorted, self-serving use of culture and tradition” and “patriarchy” as the causes of injustice in Nigeria.

Elechi (2006: 2) in *Doing Justice without the State: The Afikpo (Ehugbo) Nigeria Model* tries to uncover “why the Nigerian State criminal justice system was ineffective and largely ignored”. Elechi (2006: 75) argues that “Nigerian people are disenchanting with the Nigerian government criminal justice system. It is not only in the area of social control that the post-colonial government of Nigeria is ineffective and unpopular. The post-colonial government of Nigeria has failed in its function as a government.” Elechi (2006: 80) further examines the Nigerian criminal justice system with an emphasis on the police and concludes that “(c)orruption pervades the entire Nigerian criminal justice system”. Elechi (2006: 80) cites a report by Reuters Nigeria on the activities of the Nigerian police:

The Nigerian government has apologized to the families of six people who were shot dead by police and offered them 3 million naira (\$22,600) each, setting a precedent in a country where police brutality is a fact of life. The five men and one woman were shot dead in the poor Apo neighbourhood of the capital Abuja on June 8. Police initially said that they were armed robbers caught in the act, but an inquiry established that they were unarmed (2005 Reuters Limited — <http://www.nairaland.com/nigeria/topic-3247.0.html> cited in Elechi, 2006: 80).

What Reuters’ report fails to mention is that the police actually robbed those five unfortunate Nigerians of their money and killed them to cover their atrocity. There is scarcely any reason to believe that the courts and prisons are any different. Okereke

(1993) and Maier (2000) believe that every aspect of the Nigerian society is ridden with corruption. Transparency International (TI) in its annual "Corruption Perception Index" for 2006 ranks Nigeria 5th in the world in terms of corruption. Ojukwu and Briggs (2005: 6-7) list some of the main problems associated with the criminal justice system in Nigeria as: congestion in courts, overcrowding in prisons and other detention centres, delayed trials, outdated criminal legislation, poor investigations and policing techniques, lack of infrastructure, poor data storage and retrieval system, outdated sentencing procedures, corruption, lack of access to legal representation, lack of properly trained prosecutors, incapacity in the Ministry of Justice to handle criminal prosecution and issues, lack of adequate coordination and planning within the justice sector, lack of a properly trained personnel, inadequate training and other administrative problems and inadequate funding. No other incident other than the Dec. 23, 2001 assassination of Bola Ige, then incumbent Attorney General and Minister of Justice of Nigeria, underscores the ineffectiveness and unbridled failure of the criminal justice system. Bola Ige's murder remains unresolved.²⁵ "There is a perceived positive and friendly relationship between the Nigeria police and criminals. Many people feel that the police and criminals support each other to a certain extent" (Dambazau, 1994: 151).

Nigerians have learnt not to expect much from the state and its agents. Dambazau (1994: 144-5) provides an explanation for why Nigerians would rather settle cases informally rather than crave police intervention. "The modern Nigeria Police is a creation of colonial rule, and it began its history and functions in the interest of British domination... The history of the Nigeria Police Force is dominated by a relationship

²⁵ Bola Ige's wife (a judge) collapsed in court and eventually died in the course of the case. Muyiwa Ige, eldest son of the family, eventually withdrew the law suit against the suspected assassins of his father because of threats to his life. Nigeria's late justice minister is yet to receive justice.

similar to that between a master and his servant.” Similarly, “the police organization in Nigeria grew out of the desire by the British colonialists first to protect themselves and their trade and later stop slave trade and provide security for the assets and merchandise of the Royal Niger Company. The Police in Nigeria was not therefore originally conceived as a service organization for the natives but as an instrument of coercion and oppression of natives...” (Gololo 1993; cited in Dambazau, 1994: 145).

Organizations like the Human Rights Watch (2005) have always been unequivocal in their negative assessment of the Nigerian police. The UN’s special rapporteur on torture, Manfred Nowak crisscrossed Nigerian prisons for one week and concluded that suspects are detained without trial for as long as 10 years and are “frequently tortured to extract confessions...flogging with whips, beating with batons and machetes, shooting them with power cartridges” are said to be some of the common methods according to the BBC (2007).

Colonial past and ethnic strife have often been touted as some of the reasons for a lack of trust in the police, courts and prisons (see Chabal, 1986: 5). However, in *The Problem with Nigeria*, Achebe (1983)²⁶ argues that corrupt leadership is responsible for the failed nature of most African states, especially Nigeria. This is opposed to the views of Nkrumah (1965) and Rodney (1972) who believe that “neo-colonialism” is responsible for the problems besetting African states.

In *Democracy and Prebendal Politics in Nigeria*, Joseph (1987) offers a “model of prebendal politics” to explain the nature of the state, politics, and rule of law in Nigeria. Joseph (1987: 189) defines his model of prebendal politics as “the nature of the state as the main reservoir of financial resources; the existence of patronage networks

²⁶ Another of Africa’s literary icons of world acclaim.

which are sustained by corrupt practices; and the pervasive governmental inefficiencies which result from the fore-going.” Joseph (1987) clearly holds “prebendalism” responsible for the problem with all facets of Nigerian life including the inability of the justice system to dispense the very essence of its existence. The resultant effect is that one law for the rich and another law for the poor is the objective social fact in Nigeria. Mamman (1999: 10) cites Oputa ²⁷(1999): “...in actual practice one sees that it is the powerful, the rich and the dominant class that seem to have all the rights while the only right left to the poor, the weak and the downtrodden seems to be their right to suffer in silence, to be patient and wait for their reward in heaven (if they are believers)”.

With that sort of criminal justice background, how do Nigerians in Winnipeg regard agencies of criminal justice? It is of sociological importance to know whether their perceptions of criminal justice in Canada are based on experience in Canada or if such perceptions are part of what they brought with them to Canada from Nigeria as part of their lived experience in their original homeland.

²⁷ Oputa Chikwudifo is a retired Nigerian judge. He headed the Human Rights and Reconciliation Commission established in 1999 by the Olusegun Obasanjo administration as a restorative justice mechanism to assuage the hurt of Nigerians whose rights were trampled upon during decades of atrocious military rule.

3.0 Chapter 3: Theoretical Framework

In this chapter, I discuss the theoretical framework of the study with a view to providing more understanding of the research. This study is guided by a theoretical framework drawn from post-colonial theory and legal pluralism. These approaches are viewed to be most relevant to my proposed research. However, both do not conform to the nomothetic idea of “theory”. For instance, Young (2001: 64) argues that postcolonial theory is “not a theory in the strict sense of the term” while Griffiths (1986: 12) also states that legal pluralism “is the name of a social state of affairs...(i)t is not the name of a doctrine or a theory”.

3.1 Post-colonial theory

Post-colonialism can be traced to the revolutionary writings of Frantz Fanon (Gabbidon, 2003:348) and Said (1978). For Young, (2001: 60) “postcolonial theory works from a number of different axes: a product of revolutionary Marxism, of the national liberation movements of the nineteenth and twentieth centuries, and the political and cultural consequence of the success of those movements, the tricontinental economic and cultural critiques of the 1950s and 1970s, and the historical *effects of migration, past and present, forced or voluntary*” (Italics mine). Quayson (2000) argues that postcolonialism encompasses the “discussion of the experiences of various kinds such as those of slavery, migration, suppression, and resistance, difference, race, gender, (and) place.” He notes that a growing concern among postcolonial critics has also been with racial minorities in the West”. For Young, (2001: 68) postcolonial theory is the “hybrid product of the violent historical interactions of the west with the three continents (Africa,

South America and Asia) in historical political, cultural and conceptual terms.” He (2001: 68) argues that postcolonial theory is spearheaded by minorities particularly people of colour in the academia in Europe and the US, which has given rise to the fact that “(f)or the first time...postcolonial subjects (have) become subjects rather than objects of knowledge” (Young 2001: 61).

Young, (2001: 57) argues that a “postcolonial culture” has developed which has “radically revised the ethos and ideology of the colonial state”. This change however is not limited to former colonial states, but has spread to the former colonial power (Young, 2001: 57). Consequently, “(b)inary couplets like core/periphery, Self/Other, First World/Third world, North/South have given way to tropes such as hybridity, diaspora, creolisation, transculturation, border” (Jacobs, 1996:13). In the same vein, Papastergiadis, (1997: 264) argues that the “clash of cultures that colonialism invariably provoked, rather than producing a neat bifurcation between colonizer and colonized, encouraged the formation of new cultural hybrids”. There is evidence that “colonial perceptions are formed around conflictual images and representations” (Leonard, 2005: 128) and pronounced on human subjects. Bhabha uses the concept of “hybridity” as proof that there is no strict division between the metropolitan centre and a colonial periphery (Leonard, 2005: 132). Bhabha (1994: 4) argues that the “interstitial passage between fixed identifications opens up the possibility of a cultural hybridity that entertains difference.”

Thus, the “displacement” and “disjunction” of the colonial experience and transnational migration have led to the production of hybrids or migrants with “double vision” (Bhabha, 1994: 5). According to Bhabha (1994:5) “the demography of the new

internationalism is the history of postcolonial migration, the narratives of cultural and political diaspora.” Hybridity is “displacement” and “ambivalence” (Bhabha, 1994: 113). Hybridity also connotes borderline experiences and resists the binary opposition between racial and cultural groups (Bhabha, 1994: 207). The hybrid is neither one nor the other. The hybrid is thus not fully accepted in the metropolitan centre and yet does not fully belong to the colonial periphery. For Leonard (2005: 133) “the colonized person exposes the contradictions of assimilationist rhetoric”. “Hybridity evokes narratives of origin and encounter” (Papastergiadis, 1997: 259). Bhabha (1990: 314) describes hybridity as “the perplexity of the living as it interrupts the representation of the fullness of life...an instance of iteration, in the minority discourse...”

This approach is useful in analyzing the experiences of immigrant Nigerians because as voluntary migrants — there has not been an outbreak of societal scale violence in Nigeria since 1970, most people leave for economic reasons — they are not fully Nigerian anymore from the perspective of those who have never left their homeland and not fully Canadian either. They are thus situated in what Bhabha (1994) calls an “in-between” space.

Postcolonial theory is writing for and from “the margins” largely by those at the margins (Olaniyan, 2000: 270; Jacobs, 1996: 14). According to Young (2001: 7), “Postcolonial theory is distinguished from orthodox European Marxism by combining its critique of objective material conditions with detailed analysis of their subjective effects”. “Postcolonial critique focuses on forces of oppression and coercive domination that operate in the contemporary world: the politics of anti-colonialism and neocolonialism, race, gender, nationalism, class and ethnicities define its terrain” (Young, 2001: 7).

In one of the earliest studies conducted with a theoretical framework informed by postcolonial theory, Staples (1975: 14) describes postcolonial theory as a 'theoretical framework which will permit a systematic analysis of racial crime within the political-economic context.' Staples (1975: 14-15) argues that the treatment of "the black community as an underdeveloped colony whose economics and politics are controlled by leaders of the racially dominant groups" is a "colonial analogy" Staples (1975: 14-15) states that "(u)sing this framework; it is useful to view race as a political and cultural identity rather than to apply any genetic definitions. Race is a political identity because it defines the way in which an individual is to be treated by the political state and the conditions of one's oppression. It is cultural in the sense that white cultural values always have ascendancy over black cultural values, thus what is "good" or "bad," criminal or "legitimate" behavior is always defined in terms favorable to the ruling class. The result is that crime by blacks ...is structured by their relationship to the colonial structure, which is based on racial inequality and perpetuated by the political state."

Recent works by Agozino (2003), Kalunta-Crumpton (2004), Agozino (2004), Onyeozili (2004), Gabbidon (2003) have added impetus to the use of post-colonial theory in criminology. Agozino (2003:1) in particular attempts a "transdisciplinary theoretico-methodological intervention aimed at decolonizing theories and methods of imperialist reason in criminology." In *Counter-Colonial Criminology: A Critique of Imperialist Reason*, Agozino (2003) argues that theories in criminology had failed to explain the experiences of peoples of African descent during periods of slavery and colonialism and that criminologists were not bothered about providing explanations as to the continuing relegation of the experience of "Blackness" in White society. Criminologists and other

social and natural scientists, he argues, colluded with the forces of colonialism and provided “scientific” justification for their heinous crimes against the other half — a supposedly unfit part of questionable humanity. Agozino examines various theories in criminology and finds an inherent and consistent bias in favour of the dominant groups in the society. Thus, criminology and criminologists focus on the petty crimes of hapless and helpless individuals, while largely ignoring the more atrocious, multi-dimensional and far more debilitating crimes committed under slavery, colonialism and the ceaseless neo-colonialism. Turning to the reality of maintenance of social order, Agozino argues that democracy, law and order are in actual fact, “organized violence”. “The colonization process has resulted in the following three forms of subordination: economic, political and social” (Tatum, 1994:42-8; cited in Gabbidon, 2003:348). Peoples of African descent in the U.S., Canada and other parts of the world where they are minorities are still being colonized in spite of the end of colonialism as an economic system of subjugation.

Young (2001: 57) states that “there is no ‘postcolonial condition’ outside specific instances of complex interminglings of structural forces with local, personal experience.” Postcolonial theory is deemed germane to this because according to Young (2001: 69):

postcolonial theory produces a...hybrid theoretical language that mirrors and repeats the changing forms of a central object of its analytic experience: *conflictual cultural interaction*. Whether it be through colonial domination and the transmutation of indigenous cultures, or the hybridization of domestic metropolitan cultures as a result of *immigration*, postcolonial theory is always concerned with the positive and negative effects of the *mixing of peoples and cultures*. (Italics mine).

3.2

Legal Pluralism

Legal pluralism means “the presence in a social field of more than one legal order” (Griffiths, 1986: 1) or “the situation in which two or more laws interact” (Hooker: 1975: 6). For Griffiths (1986: 1, 4), the idea of “legal centralism” or mono-legal environment is not just an “ideology”, but also a “myth, an ideal, a claim, an illusion”. According to Pospisil (1971: 125),

(s)ociety, be it a tribe or a ‘modern’ nation is not an undifferentiated amalgam of people. It is rather a patterned mosaic of subgroups that belong to certain, usually well-defined (or definable) types with different memberships, compositions, and degree of inclusiveness. Every such subgroup owes its existence in a large degree to a legal system that is its own and that regulates the behaviour of its members... This multiplicity of legal systems, whose legal provisions necessarily differ from one to another, sometimes even to the point of contradiction, reflects precisely the pattern of the subgroups of the society. (Cited in Griffiths, 1986: 15).

Canada has been described as a “vertical mosaic” (Porter, 1965). It is an immigrant destination par excellence. Such a diverse environment home to different people from all parts of the world gives room for a legal pluralist structure since “(i)ndividuals find themselves enmeshed in multiple bonds of belonging created by the proliferation of social positions, associative networks and reference groups” (Melucci, 1997: 61). There is little doubt that cultural “pluralism” defined as “a condition in which members of a common society are internally distinguished by fundamental differences in their institutional practice” (Smith, 1974: 205 cited in Woodman, 1998: 39) exists in the Canadian society. There are differences of colour, race/ethnicity, language, religion, class, and so on. Any diverse society can ipso facto be expected to have a pluralist legal

structure. For Griffiths (1986: 38), (l)egal pluralism is a concomitant of social pluralism: the legal organization of society is congruent with its social organization.” Thus, Griffiths (1986: 38-39) argues that:

Legal pluralism refers to the normative heterogeneity attendant upon the fact that social action always takes place in a context of multiple, over-lapping ‘semi-autonomous social fields’, which, it may be added, is in practice a dynamic condition. A situation of legal pluralism — the omnipresent, normal situation in human society is one in which law and legal institutions are not all subsumable within one ‘system’ but have their sources in the self-regulatory activities of all the multifarious social fields present, activities which may support, complement, ignore or frustrate one another, so that ‘law’ which is actually effective on the ‘ground floor’ of society is the result of enormously complex and usually in practice unpredictable patterns of competition, interaction, negotiation, isolationism, and the like.

From the foregoing, one crucial point to note is that there is no such society with a “unitary” (Woodman, 1998: 54) legal system as long as the people therein are from diverse socio-cultural backgrounds. As Griffiths (1986: 12) reiterates “legal pluralism does not require the presence of more than one entire legal system;” the key concept for Griffiths is “multiple legal mechanisms”.

Merry (1988) further refines legal pluralism. For Merry, legal pluralism is not limited to previously colonized societies. Merry (1988: 872) described as *classic legal pluralism* (emphasis mine) “the analysis of the intersections of indigenous and European law”. Merry delineates as *new legal pluralism* the application of legal pluralism to the study of “non-colonized countries of Europe and the United States”. “Legal pluralism has expanded from a concept that refers to the relations between colonized and colonizer to

relations between dominant groups and subordinate groups, such as religious, ethnic, or cultural minorities, immigrant groups, and unofficial forms of ordering located in social networks or institutions” (Woodman, 1987-88: 3-4; cited in Merry, 1988: 872- 873).

According to Merry (1988: 873), “(t)he new legal pluralism moves away from questions about the effect of law on society or even the effect of society on law toward conceptualizing a more complex and interactive relationship between official and unofficial forms of ordering.”

Highlighting the difference between classic legal pluralism and the new legal pluralism, Merry (1988: 874) states that the classic legal pluralism assumes an “unambiguous imposition or dominance of one system over the other” while in the new legal pluralism, “the nature of the linkage is more fluid and opaque”.

As explained earlier, Nigeria is a post-colonial or some would argue neo-colonial country. Thus immigrant Nigerians in Winnipeg come from a formerly colonized country with three types of laws infused into a single process: the English (Common) law from the colonizer Britain, the Customary law from the prevailing norms and values of the people (practiced in the 17 southern states of Nigeria) and the Shari ‘a law in 13 of Nigeria’s 19 Northern states. As argued earlier, Nigerians are very suspicious of agents of the official legal process. This is because “(t)he present system of state and federal government justice in Nigeria is a farce; it is rarely fair, it seldom works well and it often leaves one or both sides involved in a case financially in ruin from the pressure of having to bribe the police, and even a judge, in order to have a fair hearing” (Ottenburg, 2006: xiii).

The police and the entire legal system in Nigeria are seen as colonialists and an army of occupation (Dambazau, 1994: 144-5). Thus, the Nigerian people would rather do “justice without the state” (Elechi, 2006). Consequently, from a new legal pluralist framework (Merry, 1988), it is of sociological importance to research into how immigrant Nigerians in Winnipeg perceive the justice system of their new home and how they resolve their conflicts, be it intra or inter-group. For instance, are they likely to call the police to intervene in domestic squabbles and how often do they utilize the services of police and courts in Winnipeg? How do the subjects of study help other immigrants to adapt to the legal environment being cognizant that “plural normative orders are part of the same system in any particular social context and are usually intertwined in the same micro-processes” (Griffiths, 1985: 17-18)?

Smandych (2005: 268), states that concepts like “interlegality,” “plural legal orders” and “private justice” are used by proponents of new legal pluralism “to study the different ways in which state and non-state forms of legal ordering and social control interacted to produce social order”. Other concepts include “semi-autonomous social field” (Moore, 1978: 55) described as a social unit possessing “rule-making capacities, and the means to induce or coerce compliance,” and the “polycentricity of law” (Bentzon, 1992, cited in Woodman, 1998: 46), or the belief that law emanates from multiple sources and “systems” (Hooker, 1975).

“To understand the lived experience of migrants, it is urgent that we understand that it is possible to become incorporated within a locality, its economy, its institutions and its forms of cultural production and at the same time live within social networks that are intimately tied elsewhere”(Schiller, 2005: 159). Consequently, it is of sociological

importance to examine what aspects of the Nigerian justice system Nigerians in Winnipeg have brought with them to their new home. One aim of this study is to find the non-state elements of ordering among immigrant Nigerians as a “semi-autonomous social field” and to determine what are their perceptions of the state agents of justice. Hence, one of the germane issues to uncover is whether or not immigrant Nigerians are favourably disposed to utilizing state forms of legal ordering and what factors may be responsible for their preference.

4.0

Chapter 4: Methodology

There are two main ways in which research in this area of study has been conducted by different scholars. Some like Hagan and Albonetti (1982), Chow (1996), Wortley (1996) and Hagan, Shedd and Payne (2005) adopt quantitative methodology, designed questionnaires and either administered the questionnaires through telephone interviews or mailed the questionnaires to respondents. These involve samples of hundreds and thousands of respondents. The data utilized in a number of these studies were collected by national agencies particularly in the U.S. Others like Kelly (1998) and Manzo and Bailey (2005) use focused group discussions and qualitative person-to-person interviews. The samples of such studies are smaller. However, even scholars like Wortley, Hagan and Macmillan (1999: 642) whose names feature prominently in the use of quantitative methodology argue that “(s)ocial scientists increasingly recognize the importance of narrative analysis for investigating issues of social process and social change.” This study utilizes mixed methodologies. Both quantitative and qualitative approaches are utilized as explained below.

4.1

Study Population

The study population is a local church in Winnipeg, Manitoba comprising mainly Nigerians. The church was registered in Winnipeg in 2000 by a Nigerian who came as a permanent resident to Canada and continues to lead the church to date. The church has its headquarters in Nigeria, where it is a household name. Church services in Winnipeg began in 2001 and as of March 11, 2007, the church had an estimated 100 members. Among this number, 24 are infants and children (below 18 years). My study was

conducted among adults (18 years and above) who are 76²⁸ in number in this study population. Upon receiving ethics approval for the study, the first task was to approach the pastor of the church to ask permission to delineate names of non-Nigerians within this group. This was a fairly easy task because Nigerian names are peculiar and are often indicative of place of origin. However, the church is dominated by Nigerians even though it has members from Sierra Leone, Canada, Togo, Ghana and Mauritius. Questionnaires were given to those who indicated interest in participating in the study by accepting the invitation. Also, interviews were conducted with 5 subjects who answered “Yes” to question 76 on the question about willingness to participate in in-depth interviews.

The study sample belongs to a closely-knitted group whose members meet for at least two hours on Tuesday evenings and Sunday mornings for church service. They share the same Christian faith and it is expected that most of the members are from southern Nigeria where Christianity is the predominant religion. The name and location of this church and its membership are kept anonymous throughout the following report of the findings of my research.

4.2 Data Collection: The Survey

Permission was sought from the church leadership, after which consent forms were given to all those willing to participate in the study. Those who signed and returned the consent forms were given a copy of the consent form for their records. The questionnaires were self-administered on paper and a two-week time frame was given to ensure timely return of questionnaires. The survey was conducted with a revised version

²⁸ This number had slightly increased from 76 to 80 at the time I began collecting data in the first week of May, 2007.

of questionnaires used by Jefferson and Walker (1993) and Chow (1996).²⁹ This was meant to allow for comparison of findings with these two previous studies. The survey includes open-ended questions to allow subjects to provide explanations for some of their responses. These responses are used in the interpretation of quantitative results. A total of 80 questionnaires were handed. Of this, 67 were returned, representing a response rate of 85.75%.

4.3 Operationalization of Variables

Two independent variables are utilized in the quantitative component of the study: perceptions of subjects about Nigerian community members' knowledge about crime policies in Canada and level of confusion about Canadian laws. I identify knowledge about crime policies in Canada as *sine qua non* to understanding how the criminal justice system works and thus fundamental to their perceptions of the criminal justice system. I also opine that confusion about the laws in Canada may undermine utilization of agencies of the criminal justice system and may foster an atmosphere of mistrust and hence negative perceptions. Conversely, subjects who have no confusions about the laws in Canada are likely to have a positive perception of the criminal justice system. The questions asked to assess these dependent variables were presented in a Likert-scale format:

(1.) Members of the Nigerian community are relatively well-informed of the various crime policies in Canada.

(0)	(1)	(2)	(3)	(4)	(5) ³⁰
D/K	A	S/A	N	D	S/D

²⁹ See appendix 1

³⁰ DK= Don't Know, A= Agree, S/A= Strongly Agree, N= Neutral, D= Disagree, S/D=Strongly Disagree.

(2.) Sometimes I get confused about the laws in Canada

(0)	(1)	(2)	(3)	(4)	(5)
D/K	S/D	D	N	A	S/A

For purposes of analysis, “Agree” and “Strongly Agree” were merged and recoded as one variable, while “Disagree” and “Strongly Disagree” were also recoded into one variable in order to ensure that there are no counts of less than five in each column. The dependent variables include the following indicators of perceptions of subjects:

- Overall, the majority of the police in Winnipeg are fair to everyone
- Overall, the majority of the police in Winnipeg are fair to everyone
- Overall, the majority of the police in Winnipeg are honest
- The police help the Nigerian community
- There are a lot of dishonest police officers in Winnipeg
- It is best to avoid the police wherever possible (Negative)
- I will offer useful information to the police in Winnipeg when occasion demands
- Police treat all ethnic groups fairly
- Police treat all people fairly regardless of how much money they have
- Compared with the Nigerian police, how would you rate Winnipeg police?
- I will swiftly call the police to intervene in any dispute
- In general, racial and ethnic minorities are treated fairly by the court system.
- If a person of Nigerian descent is involved in a crime as an offender, that person is usually treated on the presumption of innocence.
- Ethnic and racial minorities are less likely to receive attractive plea bargaining offers or deals from prosecutors to lessen their punishment

- I will swiftly take any dispute to court for resolution here in Canada
- The laws in Canada are generally consistent with the principles of equality
- I feel very much at home in Canada
- I would rather use other means to resolve disputes than use criminal justice agents
- The current criminal justice system in Canada, particularly in Winnipeg, is in need of reform.³¹

The survey also includes questions about respondents' demographic variables. They include the following:

1. What is your year of birth (or age)?
2. I am a _____
 - (1.) Male
 - (2.) Female
3. What is your marital status? (Please, put a check mark on any of the following that is applicable to you)
 1. Single (Never Married)
 2. Divorced
 3. Separated
 4. Widowed
 5. Common law union
 6. Married
4. What is the highest level of education you have completed as of today?
5. What year did you arrive in Canada?
6. What is your Immigration status?
 - (1.) Canadian citizen
 - (2.) Canadian Permanent Resident
 - (3.) Student (On study Permit)
 - (4.) Visitor
 - (5.) Refugee

³¹ For a comprehensive review of all the questions and how they were asked, please, see Appendix 1.

None of the demographic variables were found to be statistically significant as reported in the next chapter.

4.4 Data Collection: In-depth Interview

In-depth person-to-person qualitative interviews of 5 members of the group who indicated willingness were conducted. It was hoped that the in-depth person-to-person interviews would be helpful in making sense of the statistical data generated by the survey. This is in line with Maxwell's (2005: 22-23) statement of the "five particular intellectual goals" that qualitative research can help accomplish, these goals include: "Understanding the *meaning*, for participants in the study, of the events, situations, and actions they are involved with or engage in; (u)nderstanding the particular *context* within which the participants act, and the influence that this context has on their actions; (i)dentifying unanticipated phenomena and influences...understanding the *process* by which events and actions take place...(and) developing *causal explanations*" (italics in original). What meanings do immigrant Nigerians read into their daily experiences with the criminal justice system, do they perceive justice or injustice, what influence does this have on their actions and what influence does their previous knowledge of Nigeria's justice system have on their perceptions of the Canadian criminal justice system?

Ighodaro (2006: 114) adopts qualitative methods to "explore immigration and resettlement problems facing refugees and immigrants of African descent." Justifying his use of qualitative methods, Ighodaro (2006: 115) argues that a "qualitative research approach can bring the voices of refugees and their advocates, the stakeholders in resettlement issues, to the core of academic discourse, as well as to the process of social

policy formulation and implementation. Their thoughts, feelings, and ideas are essential to an understanding of their collective socio-political struggles and the complexities of migration and settlement in Canada...A qualitative research method is invaluable in allowing researchers to listen to the voices and perceptions of all participants and relate to their experiences.”

4.4 Interview Process

A total of 12 subjects answered “Yes” to question 76 in the survey, indicating their willingness to participate in the interview. I met each participant in-person on two occasions after an initial telephone conversation. The first in-person contact involved further explaining the purpose of the study to the respondent and informing them that their participation was voluntary and that they could choose to opt out at any time. My contact information was made available on the consent form as well as that of my advisor, committee members and ethics board. Of the original 12, only 5 were available for the interviews. The interviews were semi-structured and were conducted in-person. Each in-depth interview was estimated to last an hour but took between 40 and 45 minutes.

I emphasized ethical issues before starting each interview. Each respondent was assured of utmost confidentiality and anonymity. They were advised that information given would in no way be utilized for any other purpose other than academic purposes and would be without any possible link to any respondent. The consent form earlier given to each respondent was collected after being duly signed and a copy given to them for their records. I sought the permission of respondents to use a tape recorder during the

interviews. None of the respondents wished to have their voice tape-recorded. I promptly complied and wrote down their responses on paper.³²

During the interview, I asked questions as respectfully as possible (this is crucial especially in dealing with older respondents from a society where there is a huge deference for age) and created a relaxed atmosphere where respondents could answer questions uninhibited. Respondents were told to feel free to make enquiries from the investigator or committee members about the study and outcome.

Below, I provide a table outlining the characteristics of the interviewees:

Table 1 Demographic Characteristics of Interview Subjects

Interviewees' Pseudo Name	Level of Education	Gender	Age	Marital & Immigration status	Years in Canada	Occupation
Elumelu	Bachelor's & professional qualification	male	40 years	Married & citizen	9 years	Civil service
Osai	Graduate degree	male	Unspecified	Married & Permanent resident	6 years	Public health worker
Idehen	Graduate degree	male	Unspecified	Married & Permanent Resident	5 years	Unspecified
Damilola	Bachelor's & professional qualification	female	Unspecified	Married & Citizen	15 years	Civil service
Agunbiade	Bachelor's & professional qualifications	male	Unspecified	Married & citizen	16 years	Business professional

³² I provide explanations for this in the next chapter.

5.0

Chapter 5: Results and Discussion

Perceptions influence actions of individuals and do not exist in a vacuous state. They are indicative of what course of action individuals are likely to take in any social milieu. The perceptions of Nigerians in Winnipeg about the criminal justice system are thus fundamental for criminologists and sociologists alike to understand how a sample of minorities construe their daily existence with the law. In this chapter, I present the findings of the study. The first part contains analysis of survey data beginning with univariate analysis and bivariate analysis. One-Way ANOVA is utilized for test of significance between independent and dependent variables because the independent variables have more than two categories. Secondly, I also present findings from the interviews under thematic issues utilizing salient narratives offered by respondents. I conclude the chapter with a discussion of the main findings vis-à-vis the literature on the intersection of race and crime, minorities, identity and belonging modes. I also examine the findings of the study in relation to postcolonial theory and legal pluralism.

5.1 Results from Survey: Univariate Analysis

Table 2 Gender Distribution of Respondents

Gender	Frequency	%
Male	35	52.2 %
Female	32	47.8%
Total	67	100%

A total of 67 questionnaires were duly filled and returned by respondents. The frequency distribution (Table 1 above) shows that 35 (52.2%) are males, while 32 (47.8%) are females. Table 2 (below) shows the age distribution of respondents. Age cohorts 26-33 years and 18-25 years have the largest response rates, 38.8% and 37.3%

respectively. Only 4 respondents (6.0%) are between 34-68 years. This shows that the population of study is a relatively young population compared with its host society. This is hardly surprising; since the general population in Nigeria is noted to be quite young. Over 60% of Nigerians are youths, 44% of which are 15-year-olds or under (United Nations Development Program, UNDP, 2005).

Table 3 Age Distribution of Respondents

Age	Frequency	%
18-25	25	37.3
26-33	26	38.8
34-68	4	6.0
System missing ³³	12	17.9
Total	67	100

Table 4 Marital Status of Respondents

Marital Status	Frequency	%
Never married	37	55.2
Married	30	44.8
Total	67	100.00

A total of 37 respondents in the study have never been married (55.2%) while 30 (44.8%) are married. An examination of the level of education variable buttresses what is already obvious in the literature on African immigrants. Only 16 (23.9%) of the respondents had high school level of education, while those with bachelors' degree or Higher National Diploma (HND), which is taken to be equivalent to bachelors degree in Nigeria, comprise

³³ No age was declared by respondent.

49.3% (N=33) of the sample. Also, because respondents were asked to state the highest level of education they had accomplished as of the period of data collection (i.e May, 2007), those who were already enrolled in various post-secondary programs could only indicate that they had completed high school. Those who had a Master's or Ph.D, constitute 20.9% (N=14) of the sample. This corroborates Abdi's (2005) assertion that immigrants (not to be misconstrued for refugees) from Africa are highly qualified educationally and are "first class citizens" from their homeland. In fact, their overall educational attainment is higher than those born in Canada.

Table 5: Level of Education of Respondents

Education	Frequency	%
High School	16	23.9
HND/Bachelors	33	49.3
Masters/Ph.D	14	20.9
No Response	4	6.0
Total	67	100

Table 6: Immigration Status of Respondents

Immigration Status	Frequency	%
Citizen	17	25.4
Permanent Resident	23	34.3
Student (On study permit)	26	38.8
System Missing	1	1.5
Total	67	100

Table 6 shows the immigration status of respondents. Among them are 17 Canadian citizens (25.4%), 23 permanent residents (34.3%), while 26 (38.8%) are on student visa or study permit. One subject did not declare their immigration status. It

would be interesting to find out the perceptions of Nigerians who have become Canadian citizens or permanent residents about whether or not they feel “Canadian” and which of Nigerian and Canadian identities they would choose first, if any. This is addressed in section 5.2.

Table 7: Years Spent in Canada

Length of stay	Frequency	%
0-5 years	54	80.6
6-15 years	5	7.5
16 years and Above	1	1.5
System missing	7	10.4
Total	67	100.0

Over 80% of respondents (N=54) have been in Canada no longer than 5 years. Only one subject has been in Canada for 16 years or above, while only 5 subjects (7.5%) have spent between 6 and 15 years in Canada. This clearly shows that the subjects are fairly recent first generation immigrants. Abdi (2005: 55) and Li (2003) argue that one of the factors responsible for this is more likely a shift in immigration patterns which has led to more people of African descent and non-whites in general coming into Canada with the declining number of migrants from traditional source countries in Europe. Also, most respondents 59.7% (N=40) do not have all members of their immediate families in Canada (Table 8 below). This finding is useful in analyzing the identity and modes of belonging of respondents who participated in the interviews as it might be illuminating to find out what living in diaspora away from a large number of their significant others means for them.

Table 8: Are all members of your immediate family in Canada?

Variable	Frequency	%
Yes	27	40.3
No	40	59.7
Total	67	100.0

5.1.1 Table 9 Perceptions about the Police³⁴

	Variable	Agree/ Strongly Agree N & %	Disagree/ Strongly Disagree N & %	Neutral N & %	Don't Know N & %
1	Overall the majority of police in Winnipeg are fair to everyone	23 (34.3)	9 (13.4)	8 (11.9)	27 (40.3)
2	Overall the majority of police in Winnipeg are <u>not</u> racist	18 (26.9)	9 (13.4)	11 (16.4)	29 (43.3)
3	Overall the majority of police in Winnipeg are honest	17 (25.4)	8 (11.4)	15 (22.4)	25 (37.3)
4	The police help the Nigerian community	8 (11.9)	6 (9.0)	12 (17.9)	40 (59.7)
5	There are a lot of dishonest police officers in Winnipeg	5 (7.5)	18 (26.9)	15 (22.4)	28 (41.8)
6	It is best to avoid the police wherever possible	26 (38.8)	29 (43.3)	5 (7.5)	5 (7.5)
7	I will offer useful information to the police wherever possible	53 (79.1)	3 (4.5)	10 (14.9)	1 (1.5)
8	Police treat all ethnic groups fairly	9 (13.4)	21 (31.3)	12 (17.9)	24 (35.8)
9	Police treat all religious groups fairly	13 (19.4)	9 (13.4)	16 (23.9)	28 (41.8)
10	Police treat all people fairly regardless of how much money they have	20 (29.9)	14 (20.9)	10 (14.9)	22 (32.8)
11	Police do not use threats or unreasonable Pressure when questioning people	17 (25.4)	15 (22.4)	15 (22.4)	19 (28.4)
12	When the police take written evidence from people what they write down is fair and accurate	24 (35.8)	6 (9.0)	14 (20.9)	21 (31.3)
13	I will swiftly call the police to intervene in any dispute	8 (11.9)	38 (56.7)	16 (23.9)	3 (4.5)

Table 9 shows the frequency distribution of respondents' perceptions about the police.

Despite the fact that 23 respondents (34.3) believe that the majority of the police in Winnipeg are fair to everyone and 35.8% believe that when the police take down written evidence what they write down is fair and accurate, only 8 respondents (11.9%) would swiftly call the police

³⁴ In all of the following tables, where row percentages do not add up to 100, the shortfall is as a result of no response treated as system missing during data coding.

to intervene in any dispute. Considering that 53 respondents (79.1%) agree to offer useful information to the police, this is an intriguing finding. It is an indication that Nigerians would rather resolve disputes or “do justice” (Elechi, 2006) without the state or any of its agents even if they do trust the police. Also, 38.8% of respondents (N=26) believe that is better to avoid the police wherever possible. For a sample with 17 Canadian citizens and 23 Canadian permanent residents this is rather interesting.

From the data generated through the open-ended survey questions, the meaning of “Neutral” and “Don’t Know” responses become clearer. Yejide³⁵ (female, single, age unspecified, high school graduate & Canadian citizen) rates the Winnipeg police very highly arguing that “they believed (sic) in equality; whether you are rich or poor the law of Canada says everyone is equal.” However, when asked “the criminal justice system in Canada, particularly in Winnipeg is in need of reforms,” she chooses to be neutral. One would have assumed that having held that the police believe in equality, the respondent should have chosen “Disagree” rather than “Neutral” to the statement. In addition, Ignatius (male, single, 28 years, degree holder) chooses “Neutral” on the statement: “I do not perceive any discrimination against minorities in the courts in Winnipeg.” When asked if his answer was based on his experience or on what others had told him, he answers: “These are things I think; despite a general clamour against racial and ethnic discrimination, there still exist individuals who find it hard to tolerate individual(s) from different culture, and these people have a chance of finding themselves as lawyers or judge in court of law.” The same respondent rates Winnipeg courts as “very good”.

Respondents were asked to rate the police in Winnipeg in comparison to the Nigerian police on a scale of 0-6 (0= Don’t Know, while 6 = Excellent). A total of 40 respondents (59.7%) rated Winnipeg police as “Good” or “Very Good”, while 29.9%

³⁵ All names of subjects are pseudo names.

(N=20) rated Winnipeg police as “Excellent”. Only one respondent rated Winnipeg police as “Average”, while another claimed “Don’t Know”. In all, 89.6% of respondents (N=60) rates the Winnipeg police better than the Nigeria police. Asked “(w)hich of the two police establishments, if any — Winnipeg and Nigerian police — would you be willing to trust without inhibitions?” 85.1% of respondents (N=57) would be willing to trust the Winnipeg police without inhibitions, while 5 respondents (7.5%) would not trust any of the two police establishments. It is didactic that no respondent chose to trust the Nigerian police. This corroborates studies by Elechi (2006: 80), Ojukwu and Briggs (2005: 6-7), Okereke (1993) and Maier’s (2000), which disclose the high level of inefficiency and public distrust of the Nigerian police and entire criminal justice system.

The open-ended questions shed some light on why the results should surprise no one. A few comments on the Nigerian police by respondents might suffice: “I was carrying a laptop in my bag in Lagos. Policemen stopped me and asked for the receipt which they know (sic) I won’t be carrying around. I have (sic) to bribe them so that they won’t lie against me” (Dawud; male, married, 30 years, university degree holder & permanent resident). Driving without a license may be a grievous issue elsewhere, but certainly not in Nigeria. Efe (male, married 33 years, graduate degree holder & permanent resident) narrates his experience with the Nigeria police: “I was asked to pay a bribe for driving without a license.” Others have similar responses, Olaniyi (male, married, 43 years, graduate degree holder & Canadian citizen) declares: “terribly dishonest. My apartment was burgled. Police took bribe from me before they could take the report. That is Nigeria police.” Another respondent, Haruna (male, single “late 20s”, university degree holder & recent permanent resident) explains his experience with the

Nigeria police: “On Dec. 23, as I was going to Lagos market, the police were raiding and (it) was unfortunate that I hit one of them as I walked towards the market; suddenly, he (the policeman) turned back and gave me a dirty slap which my sister return(ed) back immediately with three slaps.” “Raiding” in this context refers to police operations at the open market and further explains how Nigerians view the police with disdain. A close look at the open-ended questions indicate that some choose “Don’t Know” because they have never had any encounters with agents of the criminal justice system, while one respondent says “I’ll rather not share my experience.”

5.1.2 Table 10 Perceptions about the Courts and Correctional System

Variable	Agree/ Strongly Agree N & %	Disagree/ Strongly Disagree N & %	Neutral N & %	Don't Know N & %
In general, racial and ethnic minorities are treated fairly by the court system.	14 (20.9)	7 (10.4)	10 (14.9)	33 (49.3)
If a person of Nigerian descent is involved in a crime as an offender, that person is usually treated on the presumption of innocence.	7 (10.4)	9 (13.4)		31 (46.3)
Ethnic and racial minorities receive harsher sentences	14 (20.9)	9 (13.4)	11 (16.4)	30 (44.8)
Ethnic and racial minorities are less likely to receive attractive plea bargaining offers or deals from prosecutors to lessen their punishment	13 (19.4)	9 (13.4)	8 (11.4)	31 (50.8)
I do not perceive any discrimination against minorities in the courts in Winnipeg.	15 (22.4)	8 (11.9)	12 (17.9)	29 (43.3)
I will swiftly take any dispute to court for resolution here in Canada	13 (19.4)	19 (28.4)	20 (29.9)	10 (16.1)
Ethnic and racial minorities are treated fairly in prisons	8 (11.9)	9 (13.4)	8 (11.9)	41 (61.2)
Ethnic and racial minorities are disproportionately represented in prisons	10 (14.9)	6 (9.0)	13 (19.4)	35 (52.22)

The results presented in Table 10 above can at best be said to be mixed. It is worthy of note that more respondents (N=19; 28.4%) are willing to swiftly take a dispute to a Winnipeg court than are willing to call the police (N=8; 11.9%). The large number of respondents claiming “Don’t Know” and “Neutral” makes it difficult to make a categorical statement on what their true perceptions are. One reason may be because they have not had any experiences with the agents of the criminal justice system, or they simply wish to conceal their opinion.

Respondents were also asked to rate Winnipeg courts vis-à-vis Nigerian courts on a scale of 0-6 (0= “Don’t Know, 6= Excellent). A total of 28 respondents (41.8%) rated Winnipeg courts as “Good” or “Very Good” in comparison to Nigerian courts while another 17.9% (N = 12) rated Winnipeg courts as “Excellent.” When asked “(w)hich of the two court systems, if any — Winnipeg and Nigerian courts — would you be willing to trust without inhibitions?” 37 respondents (55.2%) chose Winnipeg courts, while 4.5% (N = 3) would rather trust Nigerian courts. This is an improvement over how the Nigerian police fared when a similar question was asked. However, a total of 13 respondents (19.4%) would not trust any of the two court systems. Overall, the general trend is that respondents do not trust the Nigerian police and Nigerian courts. For instance, 13.4% (N=9) of respondents disagreed with the statement “(o)verall the majority of police in Winnipeg are not racist,” yet not one respondent is willing to trust the Nigerian police, while as reported above, 57 respondents (85.1%) would trust the Winnipeg police without inhibitions. Winnipeg’s correctional facilities also receive respondents’ approval. A total of 22 respondents (32.8) state that Winnipeg prisons are “Good” or “Very Good” compared with those in Nigeria, while 11 respondents (16.4%) think they are

“Excellent”. Only 5 respondents rate Winnipeg prisons as “Average”. The number of those who choose “Don’t Know” is also quite high as shown above. This may be because some of the respondents have never had any encounters with agents of the criminal justice system .

5.1.3 Table 11 General Overview of the Canadian Criminal Justice System

Variable	Agree/ Strongly Agree N & %	Disagree/ Strongly Disagree N & %	Neutral N & %	Don't Know N & %
Members of the Nigerian community are relatively well-informed of the various crime policies in Canada	20 (29.9)	16 (23.9)	12 (17.9)	18 (26.9)
Minorities receive good legal representation in the criminal justice system in Canada	10 (14.9)	12 (17.9)	16 (23.9)	27 (40.3)
Legal services are readily available to members of the Nigerian community	19 (28.4)	4 (6.0)	15 (22.4)	26 (38.8)
The laws in Canada are generally consistent with the principles of equality	36 (53.7)	3 (4.5)	9 (13.4)	17 (25.4)
Sometimes I get confused about the laws in Canada	20 (29.9)	18 (26.9)	14 (20.9)	13 (19.4)
I feel very much at home in Canada	39 (58.2)	7 (10.4)	19 (28.4)	-----
I would rather use other means to resolve disputes than use criminal justice agents	38 (56.7)	7 (10.4)	14 (20.9)	5 (7.5)
The current criminal justice system in Canada, particularly in Winnipeg, is in need of reform	8 (11.9)	6 (9.0)	15 (22.4)	35 (52.2)

Table 11 above presents findings from respondents’ assessment of their host society’s socio-legal milieu. Opinions are divided among respondents regarding knowledge of the crime policies in Canada: 29.9% (N=20) state that members of the Nigerian community are relatively well-informed, while 23.9% (N=16) disagrees or

strongly disagrees. Only 14.9% (N =10) agree that minorities in general receive good legal representation. A total of 36 respondents (53.7%) agree that the laws in Canada are generally consistent with the principles of equality, while only 3 respondents (4.5%) disagree. Some respondents (N= 17; 25.4%) do not know whether or not Canadian laws are consistent with the principles of equality. A total of 20 respondents (29.9%) sometimes get confused with the laws in Canada, while 18 (26.9%) do not get confused. Others either choose to remain neutral or don't know. However, some respondents claim that they are not confused about the law are suspect. Chibuzor (male, single, 19 years, high school graduate & student) admitted to being confused about the laws in Canada. Chibuzor states: "(l)ike the example of pedestrian(s) owing (sic) the road." What Chibuzor is confused about is the fact that pedestrians have the right to press buttons at pedestrian cross points on most roads in Winnipeg and all drivers are expected to stop and do stop. This is confusing to him because drivers literally own the roads in Nigeria.³⁶ In Nigeria, some drivers may stop to allow pedestrians to walk across the road at their discretion but pedestrians do not exude such confidence as they do here in Winnipeg. Exceptions to this may be found on roads leading to schools in Nigeria where there are signs called "Zebra crossing" where drivers are expected to either drive through slowly or stop for the kids.

Most respondents (N=38; 56.7%) would rather use other means to resolve disputes despite the fact that 39 respondents (58.2%) feel very much at home in Canada. The question on whether or not the criminal justice system in Canada as a whole is in need of reforms yields a rather disappointing plethora of don't knows (N=35; 52.2).

³⁶ Anyone who ever drove in Nigeria would find this very fascinating if not intriguing.

Some respondents indicate not knowing enough about the criminal justice system, others claim not to have had any experiences with agents of the criminal justice system.

5.1.4 Results of Test of Significance

In this section, I present the findings of the test of significance. This was done using One-Way ANOVA as stated earlier. Two independent variables are utilized: (1.) Sometimes, I get confused about Canadian laws and (2.) I feel very much at home in Canada. I begin with the first independent variable.

Table 12 Confusion about Canadian Laws by Perceptions of the Police, Winnipeg, 2007.

Variable	F	Sig.
Police are fair to everyone	1.048	.378
Police are not racist	1.455	.236
Police are honest	.576	.633
Police help the Nigerian community	.410	.747^
Police are dishonest	.593	.622
It is best to avoid the police	1.975	.127
I will offer information to the police	.199	.896^
Police are fair to all ethnic groups	.519	.671^
Police are fair to all religious groups	.822	.487
Police treat everyone equally regardless of how much money they have	1.601	.198
Police do not use threat or unreasonable pressure on people when questioning them	2.244	.092**
Police keep fair record when taking evidence	2.035	.118
Do you think the police in Winnipeg use more violence than necessary?	4.339	.008*
Do you think police make up evidence about people?	1.275	.291
I will swiftly call the police to intervene in any dispute	.470	.704^

*Significant at $p < 0.05$ level; **Significant at $p < 0.1$; ^Not significant, but crucial in understanding respondents' perceptions

Table 12 provides a summary of respondents' perceptions of the police, using the independent variable "sometimes I get confused about the laws in Canada" by

perceptions of police. The underlying assumption here is that the more confused an individual is about the workings of the law and those whose responsibility it is to uphold the law, particularly the police, the more likely that that individual would have a negative perception of such agencies. Only a couple of variables are significant, but those variables that are not statistically significant actually convey important information. For instance, confusion about laws in Canada does not influence Nigerians' belief that the police do not help the Nigerian community ($p=0.747$). In the same vein, confusion about laws in Canada does not influence their unwillingness to provide useful information to the police ($p=0.896$). Similarly, confusion about laws in Canada does not affect their belief that the police are unfair to ethnic minorities ($p=0.671$). Also, confusion about laws in Canada has no influence on whether or not they would call the police to resolve a dispute ($p=0.704$).

Ironically, the more confused an individual is about Canadian laws, the less likely they are to think that the police do not use more violence than necessary ($p=0.008$). Also, the more confused an individual is about the laws in Canada, the more likely they are to perceive that the police do not use threat or unreasonable pressure when questioning people ($p=0.092$). One reason can be adduced from respondents commented when witnessing the modus operandi of the Nigerian police. The Human Rights Watch (HRW, 2005a) in "Rest in Pieces: Police Torture and Deaths in Custody in Nigeria," states that torture by the Nigerian police is "routine". In a news report (HRW, 2005b), the organization commends Nigeria's (former) president Olusegun Obasanjo for admitting that "Nigerian police officers have committed killings and torture" after initial persistent denials. The import of this must not be lost on the reader: people who have witnessed or

experienced “routine” police torture and heard tales of confirmed extra-judicial killings such as the Apo killing mentioned in chapter 2 are wont to have low expectation of the police.

Besides, it not an overstatement that Nigerians may in actual fact be fascinated by the courtesy they receive from Winnipeg police as against the usual commando-like approach of the Nigerian police. Therefore, not even one respondent prefers the Nigerian police to the Winnipeg police. Tanimo (unknown demographics), when asked if he has had any experience with the Nigerian police, argues that: “Always; and I always bribe myself out of trouble. You can’t win no matter what.” Another respondent, Adeola (female, 22 years, university degree holder & student) offers more insight: “Nigerian police are brutal. They misuse the power they have. An encounter I had with them involved one of my family members. A civilian was having a clash with my family member on a piece of land and because the civilian had a police man as a family (sic), the police picked up my family member and locked him up in jail for no special reason.” Omooba (male, 30 years, single, university degree holder & student) explains that “...I have never seen them (Winnipeg police) use violence.” Bisade (Male, university degree holder & student) argues that “(i)t is rare before one can see any police officer collecting bribe from any member of the society.” Bisade also states that the Winnipeg police cannot make up evidence about people because “they themselves (sic) could be charged for assault and abuse.” Implicit in Bisade’s last comment is that the Winnipeg police has checks and balances, which as the Human Rights Watch (2005a, 2005b) reports, is lacking in the Nigeria police. Foluke (female, 23 years, Bachelor’s degree holder & student), however, states that “(t)hey (Winnipeg police) use(d) *required* level of violence

in a case based on my experience.” (Italics mine). She does not explain what she means by “required” violence. Asked if she has ever had an experience with the Nigerian police Foluke explains that “(w)hen my house was almost robbed by the armed robbers and we had to call on them (police) for help... They didn’t show up until the robbers left.”

This result must be treated with caution. There is a possibility that the Winnipeg police receive such favourable rating because of respondents’ experiences with the Nigerian police and not essentially because of the performance of the Winnipeg police. Hence, a sort of comparison is going on in the mind of subjects making them to implicitly assess the Nigerian police rather than the Winnipeg police. For instance, Osakede (male, single, 25 years, Canadian citizen, university degree holder) narrates his experience with the Winnipeg police: “...they (Winnipeg police) interrogated me once when I was cleaning my car in the parking lot of the apartment which I live. I believe one of the residents in the apartment building who saw me cleaning the car must have called the police to check whether or not I was the legitimate owner of the car.” Osakede believes that there is no need calling the police unless there is a “violation of the law.” In this case, it is implicit in Osakede’s experience with the police that he believes it was unnecessary for them to show up at a time when no violation of the law had taken place and is likely evidence of racism on the part of the Winnipeg Police Service. Ajiri (Female, married, 50 years, university degree holder & Canadian citizen) in response to the question of giving information to the police in the survey argues that “(s)tatistics have shown how dishonest the police force is generally and this include(s) the Winnipeg police.” The same respondent argues that “Whites are favored by the police against Blacks.” Similarly, Keji (Female, single, 21 years, high school graduate & Canadian citizen) when asked if she

had ever had an experience with the Winnipeg police responds: “Yes, I would rather not explain what happened.” It would have been interesting to probe deeper into this, but Keji did not indicate any interest in being interviewed.

There is available evidence that the Winnipeg police may be truly fair to visible minorities. The Canadian Broadcasting Corporation (CBC, 2006) presents the results of a survey on racism in the justice system among a group of respondents in Winnipeg. About 41% of the respondents believe the police treat visible minorities fairly. Only 16% of “dark-skinned” subjects and 15% of Aboriginal subjects feel “I have been treated unfairly by a Winnipeg police officer because of my race.” Only 30% of Aboriginal subjects feel they are not treated fairly by the justice system.

Okeke (male, single, 25 years, Higher National Diploma holder & student) disagrees with the statement that “ I will offer useful information to the police in Winnipeg when occasion demands” in my survey because “(d)on’t trust police due to personal encounters and stories from friends.” Asked if he thinks the police treat all people fairly regardless of how much money they have, Okeke (male, single, 25 years, Higher National Diploma holder & student) responds thus: “No, the issue of race is present here again. I have had friends (rich friends) who are black with good cars get pulled over constantly until they had to complain to the police stations (sic) in person and white rich (sic) friends who have never been pulled over with equally expensive cars.” Okeke (male, single, 25 years, Higher National Diploma holder & student) also explains why making up evidence against people by the police is a possibility: “Although at times, stories of events (police arrests and bust-ups) have been held back or not released in time

for public knowledge. An example will be the Jubilee Avenue drug bust, when 3 officers were shot and supposedly one was by friendly fire.”

Okeke (male, single, 25 years, Higher National Diploma holder & student) does not trust any police establishment. He distrusts the Nigerian police because “I have friends working in the police force in Nigeria so I hear what they have to say.” He also states that he will not call the police to intervene in any dispute in Winnipeg because “I have actually witnessed an accident while driving behind a police car and the police didn’t stop. Their lights were not on to signal that they were busy and people, including myself, made efforts to stop them so they can handle the situation.” Okeke (male, single, 25 years, Higher National Diploma holder & student) claims that he was once stopped and searched by the police “for an apparent reason that a rental car was stolen in the city.” He also explains that “(t)he same thing or similar (thing) has happened to friends of mine with lousy excuses for unjustifiable has-to-be-racially-motivated stops.” In the same vein, Efe (male, married 33 years, graduate degree holder & permanent resident) argues that “(n)o matter who you are the possibility of bias is always there. It is a known fact that more affluent citizens or residents are treated better.” Clearly, for Efe, (male, married 33 years, graduate degree holder & permanent resident) the issue is not race, but class. Ngozi (female, single, 23 years, high school graduate & permanent resident) believes that the Winnipeg police use more violence than necessary. She states that “(a) friend of mine had broken bones after a mistaken identity arrest.” She explains further that “looking at different news stories celebrities normally get away with more crime than low income families.” Ngozi (female, single, 23 years, high school graduate & permanent resident), however, posits that the “(p)olice can be mediators between two people in an extreme

conflict.” Certainly, none of the respondents would involve the police unless the issue is becoming violent and life threatening.

Table 13 Confusion about Canadian Laws by Perceptions of the Courts, Winnipeg, 2007.

Variable	F	Sig.
In general, racial/ethnic minorities are treated fairly by the court system	2.199	.098**
If a person of Nigerian decent is involved in a crime that person is usually treated on the presumption of innocence	2.390	.078**
Ethnic/ racial minorities receive harsher sentences	1.220	.310
Ethnic/racial minorities are less likely to receive attractive plea bargaining to lessen their punishment	.664	.578^
I do not perceive any discrimination in the courts in Winnipeg	2.517	.067**
I will swiftly take any dispute to court for settlement here in Canada	.888	.453^

* Significant at $p < 0.05$; ** Significant at $p < 0.1$ ^Not significant, but crucial in understanding respondents' perceptions

Table 13 summarizes respondents' perceptions about Winnipeg courts based on the independent variable "sometimes I get confused about the laws in Canada." The results indicate that the more confused an individual is about Canadian laws, the more likely they are to think that if a person of Nigerian decent is involved in a crime that person is usually treated on the presumption of innocence ($p=0.078$). For instance, Osakede (male, single, 25 years, Canadian citizen, university degree holder) states unequivocally that "(t)he court system in Winnipeg has a track record of integrity." The same respondent, however, strongly agrees with the statement "I would rather use other means to resolve disputes than use criminal justice agents." His reason is simple: "I don't want to have any records with the criminal justice system." Similarly, the more confused an individual is about Canadian laws, the more likely they are to think that in general, racial/ethnic minorities are treated fairly by the court system ($p=0.098$). Ogidan (Female,

single, 23 years, university degree holder & student) when asked to choose between the Nigerian courts and Winnipeg courts (or none) chooses the Winnipeg court for a very fascinating reason: “Just have the feeling that they (Winnipeg courts) can be trusted more than Nigerian courts.” In addition, individuals who are confused about Canadian laws are more likely to perceive that there is no discrimination in the courts in Winnipeg ($p=0.067$).

Some other dependent variables that are not statistically significant also provide crucial insights. For instance, the variable “I will swiftly take any dispute to court for settlement here in Canada” does not have a statistically significant relationship with confusion about laws, but is very meaningful. Open-ended questions in the survey provide explanations for this fact. Akenzua (male, single, 25 years, university degree holder & student) states that “(m)y culture do not (sic) permit that (taking a dispute to court). What I will do initially is to inform the elders about the issue seeking their honest advice.” Okeke (male, single, 25 years, Higher National Diploma holder & student), despite his misgivings about the Winnipeg police and his declaration that he does not trust the police, rates the Winnipeg courts “very Good” compared to Nigerian courts. His reason is the “(s)tories of shady deals in Nigerian courts” which he heard from distant relatives. Okeke (male, single, 25 years, Higher National Diploma holder & student) chooses to be neutral on the question of taking a dispute to court for resolution. He says “(i)f I think I can get some form of compensation then, so swiftly will I appear in the courts otherwise, I have to be really convinced.” Ngozi (female, single, 23 years, high school graduate & permanent resident) trusts Winnipeg courts because she had a good

experience in the course of a child custody case.³⁷ However, she disagrees with the very idea of taking a case to court for resolution because “court dates drag and it may take months or years to get an issue resolved...Court cases are long and they cause those involved to relive the past and open up wounds so it is better to deal with conflict.” Yejide (female, single, age unspecified, high school graduate & Canadian citizen) is neutral regarding her understanding of Canadian laws but trusts Winnipeg courts. She says Winnipeg courts “are trustworthy and they would make sure only those that are guilty of crimes undergoes (sic) necessary punishment.” However, when asked “I will swiftly take any dispute to court for resolution in Canada,” she disagrees. She argues that “court cases are not meant for God’s children; it’s not my portion.” Obviously, she perceives court cases as undesirable. Olaniyi (male, married, 43 years, graduate degree holder & Canadian citizen) rates Winnipeg courts as excellent compared to Nigerian courts because “(c)orruption is a big issue in Nigeria. That leads to miscarriage of justice.” However, he strongly disagrees with calling the police to resolve a dispute or taking an issue to court because he believes “disputes can be amicably resolved without police intervention” and because he believes in “alternative dispute resolution and mediation.”

³⁷ Self declared marital status is single (never married).

Table 14 Confusion about Canadian Laws by Overall Perceptions of the Canadian Criminal Justice System, Winnipeg, 2007.

Variables	F	Sig.
The entire criminal justice system in Canada needs reforms	.935	.429 [^]
Canadian laws are consistent with the principles of equality	4.425	.007*
I feel very much at home in Canada	4.683	.005*
I would rather use other means to resolve disputes than use criminal justice agents	3.426	.023**
Minorities receive good legal representation in the criminal justice system	2.011	.122
Legal services are readily available to members of the Nigerian community	1.590	.201

*Significant at $p < 0.05$ level; ** Significant at $p < 0.1$; [^]Not significant, but crucial in understanding respondents' perceptions

Table 14 provides results of respondents' perceptions of the entire criminal justice system by their confusion over Canadian laws. Despite being confused with the laws in Canada, an individual is more likely to feel at home in Canada ($p = 0.005$). The fact that subjects feel at home is good news for agencies concerned with settlement and integration of new immigrants, but their confusion about the laws has policy implications. This is examined in the next chapter. Alero (female, single, 28 years, Ordinary National Diploma Holder [equivalent to a two-year post-secondary education] & permanent resident) captures the mood at this point: "everyone has equal rights. And everyone is equal to the law (sic) of Winnipeg regardless of age, race and religion... The laws in Canada do not know how rich or poor someone is..." This also buttresses the statistically significant result found earlier that despite being confused about the laws, an individual is more likely to perceive that Canadian laws are consistent with the principles of equality. However, despite feeling very much at home and perceiving Canadian laws to be consistent with the principles of equality, an individual is more likely to use other means

to resolve disputes than use criminal justice agents. Dawud (male, married, 30 years, university degree holder & permanent resident) believes that “there is rule of law here and nobody is really above the law.” However, he argues that “(l)awsuits are expensive. I will try to resolve disputes amicably.” Olaniyi (male, married, 43 years, graduate degree holder & Canadian citizen) recalls an incident involving a member of the study population: “A member of our church was sick. She is white and we did not know what to do. We called for police assistance. They came immediately and were very helpful.” The same respondent chooses “Strongly Disagree” on the statement: “I will swiftly call the police to intervene in any dispute.”

Consequently, regardless of whether or not respondents have had any contact with criminal justice agents, they tend to be unwilling to involve them in any dispute resolution. Also, whether respondents have had a positive or negative experience with criminal justice agents does not affect their resolve not to use these agencies for dispute resolution.

Table 15 Level of knowledge about Crime Policy among members of the Nigerian Community by Perceptions of the Police, Winnipeg, 2007.

Variable	F	Sig.
Police are fair to everyone	.923	.435
Police are not racist	.556	.646
Police are honest	1.622	.194
Police help the Nigerian community	1.707	.175
Police are dishonest	1.479	.229
It is best to avoid the police	1.807	.156
I will offer information to the police	.369	.776^
Police are fair to all ethnic groups	.623	.603
Police are fair to all religious groups	1.581	.203
Police treat everyone equally regardless of how much money they have	4.605	.006*

Police do not use threat or pressure on people	5.141	.003*
Police keep fair record when taking evidence	3.357	.025**
Do police use more violence than necessary?	1.167	.330
I will swiftly call the police to intervene in any dispute	.895	.449
Do you think police make up evidence about people?	.582	.629^
Which of the two police establishment-if any- would you be willing to trust without inhibitions?	.517	.672

*Significant at the 0.05 level; **Significant at $p < 0.1$ level; ^Not significant, but crucial in understanding respondents' perceptions

Table 15 shows results of the independent variable “members of the Nigerian community are relatively well-informed of the various crime policies in Canada” and various dependent variables. The aim here is to determine if there is any statistically significant relationship between various dependent variables such as calling the police swiftly to intervene in a dispute and respondents’ perceptions of the level of information that members of the Nigerian community have in relation to crime policies in Canada. The results indicate that the more informed respondents think members of the Nigerian community are about crime policies, the more likely they are to perceive that police treat everyone equally regardless of how much money they have ($p=0.006$). Also, the more informed respondents think members of the Nigerian community are about crime policies in Canada, the more likely they are to believe that police do not use threat or unreasonable pressure on people when questioning them. The same applies to accuracy of police records ($p=0.025$).

One variable that is not statistically significant, but crucial for this analysis is “I will offer information to the police.” Regardless of respondents’ perceptions about how relatively well-informed members of the Nigerian community are about crime policies, they are not likely to offer any information to the police ($p=0.776$). Doyin (female, single, “over 20” years, university degree holder & student) says, “I will give required

information if it is absolutely important in resolving an issue that is absolutely crucial.”

She argues that “(c)onflicts should be resolved discretely between people without involving the cops. Most conflicts and disputes can be resolved without involvement of the police. Calling the police will escalate the conflict and will probably cause some form of hatred between individuals involved or contempt.” Eunice (female, married, age unspecified, professional degree holder & Canadian citizen) believes she can trust “Winnipeg police, but racism can be an inhibiting factor.”

Princess (female, single, 20 years, 2nd year university student) provides more insight into why she will not call the police: “it is my personal affair, not the government’s affair. I was not raised to call the police about any dispute. It is a wise decision only if and only if the situation becomes bloody or dangerous.” (Underlining is subject’s). Princess introduces the issue of culture and socialization to the debate as the word “raised” suggests. Similarly, Chimamanda (female, married, age & education unspecified, permanent resident) argues that “(d)omestic conflicts are personal. Outsiders are not welcome!!!” (Triple exclamation mark by respondent for emphasis). Also, Haruna (male, single “late 20s”, university degree holder & permanent resident since 2006) disagrees with calling the police in any dispute because “the law here is so strict and rigid that is not every situation (sic) you have to call the police.” Haruna strongly disagrees with the assertion that Canadian laws are consistent with the principles of equality because “Canadian laws are always changing.” He cites the same reason for why he gets confused about Canadian laws.

Table 16 Level of the knowledge about Crime Policy among members of the Nigerian Community by Perceptions of the Courts, Winnipeg, 2007.

Variable	F	Sig.
In general, racial/ethnic minorities are treated fairly by the court system	2.059	.115
If a person of Nigerian decent is involved in a crime that person is usually treated on the presumption of innocence	1.966	.129
Ethnic/ racial minorities receive harsher sentences	1.384	.256
Ethnic/racial minorities are less likely to receive attractive plea bargaining to lessen their punishment	3.057	.035**
I do not perceive any discrimination in the courts in Winnipeg	6.029	.001*
Which of the two court systems –if any- would you be willing to trust without inhibitions?	.129	.942
I will swiftly take any dispute to court for settlement here in Canada	.253	.859^

Significant at $p < 0.05$ level; **Significant at $p < 0.1$; ^Not significant, but crucial in understanding respondents' perceptions

Table 16 shows findings from the perceptions of the court system vis-à-vis how relatively well-informed respondents think members of the Nigerian community are about crime policies. The results show that the more well-informed respondents think members of the Nigerian community are about crime policies, the more likely they are to state that ethnic/racial minorities are less likely to receive attractive plea bargaining to lessen their punishment ($p=0.035$). Rather contradictorily, the more well-informed respondents think members of the Nigerian community are about crime policies, the more likely they are to state that they do not perceive any discrimination in the courts in Winnipeg ($p=0.001$). An in-depth look at the open-ended questions in the survey shows that generally respondents believe that the courts are fair for the greater part, but that there is always a probability of bias, hence the ostensibly contradictory results. For instance, Musa, (male, 55 years, married, university degree holder & Canadian citizen) chooses not to trust both Nigeria and Winnipeg courts because “(i)n Winnipeg, there is a

possibility of lack of fair hearing in cases involving a white and a black (person). In Nigeria, corruption is a problem.” He claims to have heard of “light fines or penalty for whites and heavy penalty for Nigerians.” Musa, however, agrees that he will swiftly take any dispute to court for resolution here in Canada, “(b)ecause there is less influence of corruption, some white Canadian judges are liberated from racism.”

Musa’s responses epitomizes respondents’ double-barreled opinion: they are cognizant that the courts are often fair, but also strongly believe that being “Black,” may put them at a disadvantage. When asked if he had had any experience with the courts in Winnipeg, Ignatius (male, single, 28 years, university degree holder & student) says no, because “sometimes it is hard to trust any court.” But he goes on to state that “the legal system looks more respectable here. People are more organized and conscious of laws...Generally; the society in Winnipeg looks law-abiding, especially in obeying traffic rules, child rights and other laws...” Mohammed (male, married, “over 50”, university degree holder & Canadian citizen) says “I don’t trust either one (Winnipeg and Nigeria courts). In Winnipeg, if you are rich enough you get away, than if you are middle class. In Nigeria, bribery and corruption is rampant.” Emmanuelle (female, single, 19 years & student) says “I trust no one but I can say that Winnipeg (court) is good but not awesome.” She rates Winnipeg courts as “very good”. Eunice (female, married, age unspecified, professional degree holder & Canadian citizen) explains why she doesn’t know if she will take any case to court for resolution: “...my objective in Canada is to help myself. I don’t care for now about the police whether Nigeria or Canada and I don’t think I will do in the future...” She rates the Nigeria courts highly: “The courts in Nigeria

are okay. It's only that on few occasions, you get to hear about a corrupt magistrate or judge or about politics interfering with court decisions or ruling."

The variable "I will swiftly take any dispute to court for settlement here in Canada" was found not to be statistically significant ($p=859$). This means that an individual is not likely to take an issue to court for resolution regardless of their perception about how relatively well-informed members of the Nigerian community are about crime policies. Doyin (female, single, "over 20" years, university degree holder & student) says "I do not want to go to court if I can resolve an issue...I do not want to have anything to do with the justice system of any country." This is in spite of her earlier assertion that "I believe the Winnipeg court system is more organized and less susceptible to corruption." Princess (female, single, 20 years & university student) argues that "(a)lthough the courts in Winnipeg may be racist, there is fear and respect in the law that propel the judge and other workers to abide by it (sic). Nigerian courts can execute innocent victim because of a bribe." She argues that "most of the time, taking dispute to court is irrelevant." ... Mohammed (male, married, "over 50", university degree holder & Canadian citizen) claims he will rather use other means to resolve disputes outside of the criminal justice process because "(g)oining to court costs lot(s) of money and may take a while..." He believes "Nigerians in Winnipeg are law abiding."

Table 17 Level of knowledge about Crime Policy among Members of the Nigerian Community by Overall Perceptions of the Criminal Justice System, Winnipeg, 2007.

Variable	F	Sig.
Sometimes I get confused about the laws in Canada	.712	.549 [^]
I feel very much at home in Canada	1.650	.187
I would rather use other means to resolve disputes than use criminal justice agents	.206	.892 [^]
The entire criminal justice system in Canada needs reforms	1.998	.124
Minorities receive good representation in the criminal justice system	4.251	.009*
Legal services are readily available to members of the Nigerian community	2.019	.121

*Significant at $p < 0.05$ level; ** Significant at $p < 0.1$; [^]Not significant, but crucial in understanding respondents' perceptions

Table 17 summarizes results of test of significance of perceptions of Nigerian community members' knowledge of crime policies and overall assessment of the entire criminal justice system. The results show that the more informed an individual thinks members of the Nigerian community are about crime policies, the more likely they are to perceive that minorities receive good representation in the criminal justice system ($p=0.009$).

As in previous tables, some of the variables that are obviously not statistically significant are equally important in understanding respondents' perceptions. For instance, the variable "sometimes I get confused about the laws in Canada." is not statistically significant ($p=0.892$) but is very meaningful. It implies that the perception of respondents about how well-informed members of the Nigerian community are about Canadian laws does not influence their being more likely to use other means to resolve disputes than use criminal justice agents. The same thing applies to the variable "sometimes I get confused about the laws in Canada" ($p=0.549$). Some respondents made comments in the survey

that may be useful in comprehending these statistical findings. Musa, (male, 55 years, married, university degree holder, & Canadian citizen) state that “(a)t least in Canada legal system (sic), I stand a better chance.” He calls for a “(n)eed to accommodate ethnic minorities *sincerely* and *comprehensively*.” (italics mine). Ignatius (male, single, 28 years, university degree holder & student) explains that “(s)ometimes Canadian laws favour citizens and permanent residents as it takes a lot of time for students and temporary residents to make a living...Majority of government positions and job vacancies is for Canadians and permanent residents. Work permit restricts the kind of job an individual can do.” Ignatius agrees that he sometimes gets confused about Canadian laws: “Canadian law actually emphasize on the enforcement (sic) of human rights, but sometimes equity and weight of punishment for crime seems to be out of order, such as imprisoning a criminal longer for killing a wildlife illegally compared to murder.”

Eunice (female, married, age unspecified, professional degree holder & Canadian citizen) also strongly agrees that she gets confused about the laws. She says: “The legal system in Canada is different from (the) legal system in Nigeria which is British.” Eunice strongly disagrees with any form of criminal justice agency intervention because “I don’t like people meddling in my affairs. I will call or involve the police if my rights will be infringed badly and if it involves money.” She goes on to say, “I have studied certain aspects of law in Canada and discovered that the Canadian law favours gender equality. Even children of animals have rights in Canada.” Princess (female, single, 20 years & university student) believes that “Canadian laws aim for equality, yet it’s obvious that exceptions and partial treatment are reserved or created for few or minute minorities like (A)boriginals.” Princess, however, believes most Canadian laws are “very straight

forward.” Another respondent, Wole (male, single, 23 years & student) says “minorities can be treated with harshness because not too many people in the society will stand up for them.” However, he rates Winnipeg police and courts as excellent and explains that “they follow a guideline that can’t be corrupted without public intervention.” Wole claims to have had an experience with a magistrate dealing with traffic fines. He says “(i)t was pleasant. The lady was nice and she gave me a chance to tell her about the situation...” He believes that “with people always monitoring the justice system in Canada, the laws are well-established and interpreted correctly.” But the same respondent had earlier complained about minorities not receiving good legal representation and having “no one to stand up for them.” Seemingly contradictory comments such as these point to why the results of the statistical data are mixed.

5.2 Results of In-Depth Interviews

In this section, I explore identity construction, living in diaspora, and the experience of being “Black” in Canada with each of the 5 respondents who participated in face-to-face interviews. I also present respondents’ additional narrative account of their knowledge of and experiences with Nigeria and Canadian justice systems. Views of legal plurality among respondents are also presented. All the interviews were conducted in the homes of the respondents. A total of four males and one female participated despite all efforts to recruit more females. Respondents are self-declared Canadian citizens or permanent residents. Below I provide a summary of the interviews on a thematic basis.

5.2.1 Identity and Belonging

Crosstabulation of the variable “feel at home in Canada” and immigration status reveals that of the 17 Canadian citizens in the sample, ten feel at home, one respondent does not feel at home in Canada despite having Canadian citizenship, while 6 are neutral on the issue. Of the 23 permanent residents in the sample, 14 feel at home, 6 are neutral while 2 do not feel at home. Among those on study permit or student visa, 14 feel at home, 6 are neutral on the subject while 4 do not feel at home. However, the relationship is not statistically significant.

Five of the Canadian citizens or permanent residents constitute the interviewees of this study. Despite being Canadian citizens or permanent residents, respondents feel very strongly that they are first and foremost, Nigerians. There appears to be an instrumental or legal-rational basis for acquiring Canadian documentation. First, I ask respondents: “Which of these would you choose first: your Canadian identity, Nigerian identity, neither or both? Why? Please, explain.” Here are some answers from respondents:

That’s a tough question. Both identities³⁸ have their advantages and disadvantages. The biggest advantage in the Canadian identity is free access to some countries; that is there is no need for visa. This is the major reason why I want to identify with Canada. *On the other hand, in terms of living happily as a human being, I’ll want to identify with Nigeria. Nigeria is where my root is; my parents, siblings and friends are there. So, that is really where my heart is.* Despite the fact that you enjoy some level of comfort here, there are times you become nostalgic, you want to be in the midst of familiar faces, to go back to my childhood days and be a happy human being. *Because of some of the things we go through here, deep down you are burning, there is bottled up anger. It’s like you’re forced to do things.* For example,

³⁸ Takes identity to mean citizenship.

people working in factories to pay their bills. They may drive a nice car to work but they are not happy with themselves. It's like dying from inside. [*Italics mine*] (Elumelu, male, married, university degree holder with professional credentials & Canadian citizen)

Another respondent, Osai (male, married, age unspecified, graduate degree holder former professional now public health sector worker & permanent resident) says: "Home is home; there is nothing you can do about that. Some feel unsafe and insecure if they bring out Nigerian identity. They tell people they are citizens (of Canada). They look at the whole gain they will derive from it. For example, traveling and security." Similarly, Idehen, (male, married, graduate degree holder, age unspecified & permanent resident) argues that "(w)e (his family) have permanent residence (status). I'm still very proud to be a Nigerian. I am happy to say I'm a Nigerian among whites despite those who have destroyed our image. I still prefer my Nigerian identity."

The only female among the subjects shares similar sentiments:

I am a Canadian in a lot of ways in terms of rights. *I'm a Nigerian living in Canada as a Canadian.* (laughs out loud). I first choose my culture where I am. I talk about what I believe as a Nigerian. I think I'm very westernized in a lot of ways. For example my culture. I take their (Canadian) culture that I like. A lot of people see me and think I'm not a Nigerian. Nigerians are unique..." [*Italics mine*] (Damilola; female, married, age unspecified, university degree holder & Canadian citizen).

It is obvious Damilola does not truly feel Canadian. Saying "their culture" means she recognizes herself as not belonging to Canadian modes of signification. For a

Canadian citizen of nearly ten years as in Damilola's case, this should be a huge concern for the very idea of citizenship and integration.

Another respondent comments on his identity:

I'll take the Nigerian identity, but I'll not take it to my head. *I don't want to adopt somebody's identity.* I adopt Canadian culture to an extent. I'm a Nigerian inside. Here, you are not accepted fully. I work where I have never been accepted into their own homes even though they've invited other minorities like Asians. I don't take it personal. It's nothing. I don't fuss over it. Generally, Canadian culture is not fully open yet to blacks. You've got to do your best and don't take it to heart. I'm scared about my children marrying whites. I won't be comfortable with white in-laws. People who have never invited me into their homes becoming my in-laws: what would we discuss? I'll feel like a fish out of water. [Italics mine] (Agunbiade; male, married, business professional, age unspecified & Canadian citizen).

Agunbiade has also been a Canadian citizen for almost 10 years, but still sees the Canadian identity as "somebody else's identity." The children he mentions are now in their teens and were born here in Canada. He tells me they have never been to Nigeria, but that they too identify with Nigeria first before considering themselves Canadians. The response of subjects about identity makes it compelling to ask subjects about diaspora living. I consider it germane in understanding why they appear to cling on to being Nigerians despite having been away for a long time.

5.2.2 Diaspora and diasporic experiences

Opinions are divided among subjects about their diasporic experiences. Three respondents view it as positive, while two think it is very tough. I begin with Elumelu (male, married, university degree holder with professional credentials & Canadian citizen):

It's been very tough in all ways. In the first place, you have to get used to the new environment especially the culture, a new way of doing things. The most difficult adjustment is the fact that you are coming from one extreme and living in different extreme. What I mean is that certain actions are waved off but such actions are criminal activities in nature here. For example, controlling your kids, trying to mould their lives for them; molding a future for them and in doing so, using corrective measures, that is discipline. Here, it is a different ballgame. The whole thing is misconstrued and you can find yourself in trouble. Another is spouse relationship. You have to realize it is tough.

Elumelu has company in experiencing diaspora in a challenging manner. Idehen, (male, married, graduate degree holder, age unspecified & permanent resident) argues that: "The best place to live is your home. Most of the things we think are really rosy are not. If I had a forum to speak to my people, I'll tell them to stay at home (Nigeria). There is nothing outstanding here. We have everything at home (but) we have not developed them." Agunbiade (male, married, business professional age unspecified & Canadian citizen) offers his opinion:

Canada has no regard for foreign certificates. There should be a kind of orientation (for aspiring immigrants) that you will not find a job in your field. You must set aside two to three years as a transition period for you to get Canadian qualifications. You may not get what you want. That was my own experience... There is a price to pay for being abroad...I don't expect to be the

Director...I'll probably end up where I am. I feel it is the price you pay for not living in your own country. I think it's only human. They (mainstream Canadians) may have to face our own politics were they in our own country. Ghanaians in Nigeria were also treated badly. They got the crumbs as shoe shiners. There is also ethnic rivalry in Nigeria. It's all human nature to discriminate. Racism is human, but if you allow it to defeat you, you're finished.

The other two subjects however have some good news to share. Damilola (female, married, age unspecified, university degree holder & Canadian citizen) says her experience has been "(p)ositive. Very positive generally. The only thing I miss is the heat (warm weather) in Nigeria. I have no complaints." This is good news. Osai (male, married, age unspecified, graduate degree holder & Canadian permanent resident,) also says: "It is good." He believes immigration helps developed countries to experience further economic advancement, but that Nigeria loses. This comes as a surprise from an individual who has been reduced to a low paid health sector worker from his position as a professional in Nigeria. He probably feels more financially secure in Canada.

5.2.3 Experiencing "Black" and "Blackness"

I asked all my subjects "what is the experience like living in Canada while "Black?" This question yields an avalanche of personal stories and experiences. Some relate it with their employment or attempts at finding employment, others link it with the way they are treated generally:

I applied for this job and they called me and said they wanted an interview. I responded well and two days later, they called to say they would not continue. I believe the phone interview was used as a pre-screening exercise. I believe I was screened out because of my race. It's only a matter of time. We will

soon be the ones interviewing them for jobs. They have no choice. Their children are not going to school...(pauses) the only option is for Canada to go back to being a developing country. I went for a driving test and the lady assigned asked me my name and I told her. The next question she asked me was "when did you become a refugee?" I was very mad and she saw it on my face and called her boss to attend to me.³⁹ (Elumelu; male, married, university degree holder with professional credentials & Canadian citizen,).

In a similar vein, Osai (male, married, age unspecified, graduate degree holder & permanent resident) says:

It is positive and it is negative. The negativity is that there is a kind of discrimination here in Canada compared to early settlers and we as immigrants in terms of employment and decision in place of work. Where I'm working (in the health sector), the clients like to go out with white people (i.e routine walks or for shopping etc). They can only go out with you when they have no option or it is mandatory. No favours have been done to me on account of my skin colour. In places designed for immigrants, immigrants are welcome. Office work are extremely very (sic) difficult. They prefer a white to be there than black except God's intervention that can make you to be there. A lady had a degree from the Asper School of Business two years ago and has not been able to get a job despite lots of interviews. All her classmates have got jobs. She wants to go back and study nursing or social work because that is where the jobs are for blacks. I believe she must have been brilliant to be able to graduate (from Asper School of Business). A Nigerian woman who is a Canadian citizen has just got a teaching job after several years of being a substitute teacher. All blacks who have office (white-collar) jobs have stories to tell. *You need to be close to God to have such jobs. Whites do not need to pray to have such jobs.* I attended an interview and felt I did well judging by how the panelists nodded heads, but I did not get the job. Such incidents make you wonder: what is happening here? *We are a marked people. If we*

³⁹ This subject was well-placed in Nigeria. He typifies the fact that immigrant Nigerians who have gone through a very rigorous process of migration consider it denigrating to be regarded as refugees.

*are white that would not happen. We are here just for the children.*⁴⁰ (Italics mine).

Even though Osai said his experience was positive and negative, he never mentions anything positive about his experience of “Blackness.” Idehen, (male, married, graduate degree, age unspecified & Canadian permanent resident) says: “I ordered some things (online). I called to find out. The receptionist said I had an accent and she could not hear me. I said in four years, no one told me I had an accent. She apologized. She knew I was not white. Everyone has an accent.”⁴¹ In employment, if you’re black, certain types of jobs may not be yours. In one university department, someone applied. The head of department said the job is not for you, we advertised the job specifically for someone in the department.”

Damilola (female, married, age unspecified, university degree holder & Canadian citizen) who claims to have a positive diasporic experience shares her thoughts on being “Black.”

The racism here is very subtle. It’s not overt. You sort of have to address issues head on. People talk down on you. You let them know you’ll not take it. I’ve always addressed it head on. I tell them I won’t take it. You have to make eye contacts and I think you get the message across. I’m very outspoken about racial issues. I say it as it is. I’m known for that in the office... When I hear it in the news, I feel people are playing the race card. I live among them and even though I know they smile at you unnecessarily, I think it’s the level of discomfort. It’s changing in a way in Winnipeg because when we first got here ten years ago (from another

⁴⁰ This subject advised me to apply for permanent residence and ensure that I become a Canadian citizen before returning to Nigeria so that my children would not “queue for visa under the sun in Lagos.” This is a demonstration of loss of faith in Nigeria. This subject does not believe things can get better in Nigeria.

⁴¹ Having gone through the British system of education, Nigerians find it ridiculous to be told they have an accent by a non-English person. They believe only the brand of English spoken in England is authentic English, hence, only the English people have a right to claim that anyone has an accent.

province), you find people grinning unnecessarily and it made me uncomfortable. I still warn my son. I know he might be in greater danger than a black female.

Agunbiade (male, married, business professional, age unspecified & Canadian citizen) goes straight on to his experience on his job again: He says:

It's an everyday thing. I don't expect to go beyond my present level in my profession. It's a colour thing. It's not about my brain. It's just prejudice that can be depressing if you're not strong inside. Racism is not when someone does not socialize with you. It is when someone doubts my God-given talents. That's what we face here. It can make someone go crazy. If Nigeria were alright, I would not have to travel out (of Nigeria).

Agunbiade claims that all his peers in the U.S. are doing better but he decided to remain in Canada to raise his kids because of the fear of the "Black culture" especially rap music in the U.S. One senses a resignation to fate in his words, tone and countenance.

5.3 Experiences with the Criminal Justice System

I asked my subjects to share any experiences or encounters with and their perceptions of the criminal justice system. This was considered crucial in order to give more meaning to the survey component of the study. Below, I present some of the subjects' views.

In a classic case of confusion about the laws, Idehen (male, married, graduate degree holder, age unspecified & permanent resident) explains his experience the first time he was stopped by the police in Winnipeg:

I did not follow the rules. I came out of my car. One officer cocked his gun. The other one knew what was happening and explained that I should have remained in my car with hands put on the steering. The officer apologized. In Nigeria, you don't remain in your car when police stops you. You either run away or quickly come out of your car if you decide to stop. They offered to drive me to Autopac to renew my number plate.

The rules Idehen mentioned is about renewal of his car insurance and have a new expiry date on his number plate. To be certain, in Nigeria, number plates do not expire. Once you get a number plate, it serves you for life. Hence, this subject was sincerely wrong. Idehen claimed to have been stopped two more times after the first incident, but stated that he was treated with dignity and respect. On both occasions, he said he was speeding. Elumelu (male, married, university degree holder with professional credentials & Canadian citizen) also claimed to have been stopped once by the police and that he was treated with respect. Osai (male, married, age unspecified, graduate degree holder & permanent resident) said he had never been stopped by the police. He emphasized, however, that the "police are honest." Similarly, Damilola (female, married, age unspecified, university degree holder & Canadian citizen) said "I don't have any problem with the police."

Agunbiade (male, married, business professional, age unspecified & Canadian citizen) was full of praises for the Winnipeg police:

The police are not very aggressive. I've never been stopped unnecessarily. It's not like in Los Angeles, where you're stopped for driving a good car. It's been a positive experience. Even though they may have their prejudice, I don't feel threatened. I have been stopped four times for over-speeding. I was treated with dignity and respect. It's like the way they treat other persons.

However, Agunbiade (male, married, business professional, age unspecified & Canadian citizen) did not feel the same way about the courts in Winnipeg:

I don't think they are very lenient with blacks. You don't want to have any business with them. I took someone to a claims court because I felt cheated. I could see the judge right from the beginning was prejudiced against me. I took a ticket (for traffic violation) to a judge. I had a valid excuse and he did not listen to me despite the fact that my daughter was sick and I had to rush her to the hospital. You don't go there (courts) often. I wasn't treated harshly, but I feel if a white person had gone there with all the hospital documents as I did, he would have received a better treatment.

Agunbiade also cites a situation wherein he feels justice was done:

I witnessed the case of a boy for drug possession. I knew his parents. I went there for the court session. I did not see any discrimination in terms of treatment. For some reasons, one of the lawyers was able to challenge the police's collection of evidence and it (the case) ended in a mistrial. I didn't see anything pointing to prejudice.

Idehen (male, married, graduate degree holder, age unspecified & permanent resident) explains his first experience with the judiciary albeit not on a face-to-face basis: "I have had no face to face contact with any judge. I went there (traffic violation payment office) to protest a ticket. She (the judge) reduced the ticket to half the value. They were fair. I knew I was at fault; I thought the charge (penalty) was too high. There is no racism."

Generally, qualitative data from in-depth interviews are consistent with the statistical findings in previous sections indicating that subjects have a more positive opinion about the police and courts than available literature indicates. I elaborate what this generally favourable results about the criminal justice system mean for the race-crime literature in detail in section 5.5.2.

5.4 Legal Plurality among Subjects

In this section, I present interview data on the use of unofficial forms of ordering among subjects. Subjects were asked what action they would take in conflict situations in their homes and in their relationships with significant others and outsiders. Elumelu (male, married, university degree holder with professional credentials & Canadian citizen) was very emphatic about how he would resolve any dispute: “Anyday, I’ll prefer alternative dispute resolution method. I’ll prefer to exploit (sic) that method of resolution.” This is in spite of the fact that he stated that there was “(n)o discrimination in the courts.” Osai (male, married, age unspecified, graduate degree holder & permanent resident) explains why he would rather use other means to resolve disputes:

In Nigerian aspect (sic), we like to use conflict management. The parties involved will sit down in a roundtable and settle the dispute, except it is out of hand. For example, the disputes Nigerians cannot manage, they might involve the police. *What we can settle, whites cannot maybe because of their way of living*, a Nigerian will not do that. (Italics mine)

Implicit in Osai’s statement above is that “Whites” are too quick to call on the police and that the culture is responsible for that. Idehen (male, married, graduate degree

holder, age unspecified & permanent resident) shared similar opinions on how he would resolve disputes. He argued that he would call on the church elders. Damilola (female, married, age unspecified, university degree holder & Canadian citizen) stated that: "I tend to settle my own issues by myself. I don't believe in involving a third party. I'll never call the police. What for? Unless it's violent and it involves bodily harm."

As noted earlier, Agunbiade (male, married, business professional, age unspecified & Canadian citizen) had been stopped by the police four times and said he was treated with dignity and respect. He had this to say on calling the police to intervene in any dispute: "No, I would not be willing to invite the police. On domestic issues, keep your cool; call someone, a family member, etc. I don't see myself getting into a violent situation."

Idehen (male, married, graduate degree holder, age unspecified & Canadian permanent resident) explains how he would resolve any dispute:

As a Nigerian to a fellow Nigerian, I will tell the church elders. If they do not attend the same church, I'll tell the friends around them. I'll rather never call the cops. *It is not because of the police. It is because of the way we were brought up.* We don't accept that (reporting cases to the police). In Nigeria there is a story of a snake and a police. We believe that if a snake and a policeman come into your home, you should first kill the policeman before killing the snake. But here, when you see the police, you heave a sigh of relief. In Nigeria, it is different. (Italics mine).

Idehen's comments above indicate that respondents are aware that the police operate differently in Winnipeg, yet they will rather use other mechanisms. Statistical data show that only 11.9% of respondents in the survey will swiftly call the police to intervene in any dispute, while 56.7% of respondents will not call the police. Others

either claim “don’t know” or choose to be neutral on the issue. Reasons given are that there is no need to involve the police unless the issue is life-threatening or involves violence and that their culture does not permit them to report issues to agents of the state

Therefore, consistent with statistical data presented in previous sections, despite having positive experiences with the police, interview subjects did not mince words about how they would prefer to settle disputes. They would rather use alternative means than the criminal justice agents such as the police and the courts to resolve disputes. They would only involve the police and/or courts when the issue is becoming violent or life-threatening. Therefore, non-state and unofficial forms of ordering are present in the lives of subjects.

5.5 Discussion

In this section, I discuss the theoretical implications of the findings of the study, implications for the literature on immigration, race and crime and identity formation and modes of belonging. This is aimed at linking the findings of the study with its theoretical framework and juxtaposing the findings with available literature to point out areas of convergence and divergence. The remaining sections of this chapter attempt this end.

5.5.1 Theoretical implications: Postcolonial theory

This study is guided by a theoretical framework drawn from post-colonial theory and legal pluralism. Quayson (2000) argues that one of the growing concerns of postcolonial theory is the issue of racial minorities in the West. Within the bounds of postcolonial theory, according to Jacobs (1996: 13) “(b)inary couplets like

core/periphery, Self/Other, First World/Third world, North/South have given way to tropes such as hybridity, diaspora, creolisation, transculturation, border.” With the formation of new cultural hybrids (Papastergiadis, 1997: 264), come peculiar problems associated with peripatetic peoples occupying an “interstitial or in-between space” (Bhabha, 1990:314). As stated in chapter 3, it can be reasonably expected that Nigerians in diaspora are no longer “Nigerian” in the sense that those who have not migrated are. Hence, as section 5.2 shows, narratives of origin, romanticization of the motherland and transcontinental modes of signification persist even among those who have not gone “home”. Thus, “home” is not where they live in Winnipeg, but a mental construct, a larger-than-life abode, an identity signifier re-liveable but better left as a transcendental enclave.

As Bhabha (1990: 314) asserts hybridity is “the perplexity of the living as it interrupts the representation of the fullness of life...” Hence, for Elumelu, (male, married, university degree holder with professional credentials & Canadian citizen) despite having left Nigeria voluntarily and having experienced a baptism of fire to become qualified to practice as a professional in Canada, he still does not live happily as a human being. He wishes to go back to his childhood days and see familiar faces. His body has been in Canada for nearly ten years, but the heart is in the motherland. He has documents bearing eloquent testimony to his adopted country, but these are merely a means to an end in a rational-legal process of mutual and consensual deception. Mitigating factors like having a loving wife, two adorable children, two cars and a home of his own in Canada pale into insignificance despite the turmoil present in the place he longs to be. The body does often migrate, but rarely the soul.

A salient aspect of postcolonial theory evidently present in the experiences of subjects who participated in the interviews and in responses given to open-ended survey questions is marginality and borderline living. Though the data from the survey show mixed results about their perceptions of the criminal justice system, the large number of people claiming “Neutral” and “Don’t Know” to admittedly sensitive questions offers an insight into how subjects truly feel must be concealed perhaps for fear of backlash. Besides, a number of respondents were particular about getting more assurances that their names would not be mentioned in anyway as they do not want any “trouble” despite being legal aliens. They also did not want their voices tape-recorded because of fears of reprisals.

For Agunbiade (male, married, business professional, age unspecified & Canadian citizen), the end has come too early for his career in the form of a seeing but unseen glass ceiling. Beneath the façade-like bravado of the words “I don’t expect to go beyond my present level in my profession. It’s a colour thing. It’s not about my brain. It’s just prejudice that can be depressing if you’re not strong inside” is an intrinsic recognition of forces beyond his control and beyond the individuals he would have loved to hold accountable. He strongly feels marginalized and knows there is nothing he can do about it. He declares “(i)f Nigeria were alright, I would not have to travel out (of Nigeria).” The much-romanticized home cannot truly fulfill his aspirations, yet he sounds stuck in a society that is yet to accept him after 16 years, thus he remains a perpetual “Other” (Said, 1978: 1) on the periphery of his profession in the Canadian society. For these cultural hybrids, a hydra-headed frustration is evident. Bhabha (1994: 5) conceptualizes the hybrid produced through the colonial experience and transnational migration as having a

“double vision.” Hence, the hybrid tries to connect with two diametrically opposed worlds. Elumelu, (male, married, university degree holder with professional credentials & Canadian citizen) captures his frustrations succinctly: “The best brains are leaving (Nigeria). Those who stay behind don’t get involved. So, mediocres are left in positions of authority, people who never dreamt of such high positions. We have area men and area boys⁴² in Nigeria. Obasanjo (former president) is an area man. He talks anyhow and is very unguarded.” Elumelu fully realizes his double frustration. He is frustrated with Nigeria, a society he barely understands now and can scarcely fit into all over without extreme difficulty, yet here in Canada, he has “bottled anger” because of some of the things he goes through. Hybridity is indeed “displacement” (Bhabha, 1994: 113) and the illusions being sold (Bissoondath: 2002; orig. 1994) in the form of the rather contradictory “assimilationist rhetoric” (Leonard, 2005: 133) become a little more than farcical pantomime. Those who are expected to become assimilated are encumbered by some of the very foundational institutions of the society supposedly meant to get them integrated, particularly the economy; the world of work. As indeed, “there is no alibi for being “Black”” (Ibrahim, 2006: 83), the Nigerian-Canadian hybrid continues to live on the margins.

For the children born to the migrant in diaspora, the term “second” or “third” generation has been reserved. “The identification with migration often continues long after the physical act of movement is over” (Papastergiadis, 2000: 55). As Okeke (2005: 180) states, it would not matter even if they were born in Canada, the African will always be an immigrant in the West. The analyses presented in previous sections clearly point to

⁴² “Areas boys” mean touts. Area boys are ubiquitous and are involved in myriad of criminal activities such as extortion and pickpocketing in Lagos, Nigeria. It is interesting that the subject calls his president an area man.

this fact. The fears of Agunbiade about his teenage children's choice of partners is thus not unfounded.

Young (2001: 69) argues that postcolonial theory examines conflictual cultural interaction through colonial domination and hybridization of indigenous cultures through immigration. Hence, a clash of cultures is a given in postcolonial theory. Consequently, societally approved means of regulating behaviour of children in Nigeria are at loggerheads with Canadian laws as they constitute "abuse" and other ways of enforcing discipline must be negotiated by the one who is only learning to be a cultural hybrid.

It is part of the hybridity experience that despite the fact that most of the respondents overwhelmingly believe that the Canadian criminal justice system is better than the Nigeria justice system, majority still will not contemplate involving these agencies of the state in dispute resolution. This is an integral part of their experiential reality brought from Nigeria, a chronic distrust of all agents and agencies of the state. Consequently, despite having observed and acknowledged the glaring difference in the socio-legal milieu, the perception of the state as a detached and an ineffective self-seeking leviathan is still real among subjects. Hence, most of the subjects would rather do justice without the state (cf. Elechi, 2006). To be certain, the perceptions of the subjects about the police and courts essentialize transnationality, one of the fundamental qualities of the cultural hybrid.

5.5.2 Relevance to Legal Pluralism

My interviews also produced data relevant to the discussions of issues surrounding legal pluralism. Multiple legal mechanisms are present among subjects in the resolution of disputes as shown in the preceding sections. This is the prerequisite for legal pluralism (Griffiths, 1986: 1; Hooker, 1975: 6). As asserted by Melucci, (1997: 61) “(i)ndividuals find themselves enmeshed in multiple bonds of belonging created by the proliferation of social positions, associative networks and reference groups.” The findings of the study support this view. There is a strong bond between the respondents and the church. Only 3% of respondents claim “never involved” in church activities while 38.8% of respondents are “sometimes involved.” Most respondents are “very involved” in church activities (55.2%). As a result of this, the church is their first port of call when there is any dispute in which they are involved as Idehen (male, married, graduate degree holder, age unspecified & Canadian permanent resident) clearly stated. This is not surprising since the sample was drawn from a church.

Consequently, unofficial forms of ordering (Woodman, 1987: 88; Merry, 1988: 873) are preferred by subjects in this study not just because of their socio-cultural background, but also because of their negative experiences with the official forms of ordering in their country of origin. Tettey and Puplampu (2005a: 152) argue that Africans in diaspora utilize African-controlled churches, ethnic, national and continental associations among other things to maintain their selfhood. The study shows that the African church is not merely for Sunday worship and asserting selfhood, but also a means of amicable dispute resolution in an unofficial or non-legal capacity.

5.5.3 Implication for immigration, race-crime and identity literature

The study corroborates the established fact that African immigrants to Canada come highly qualified educationally (Abdi, 2005). Li (2003: 171) points out that the immigration debate cannot be easily disentangled from the race question. This study does confirm Li's assertion. Respondents are very much aware of the role their "colour" plays in their lifeworld. All the interviewees are particularly concerned about their career development. Their concern is not simply that they are immigrants, but that their skin colour plays a significant role on their employment situation. Osai (male, married, age unspecified, graduate degree holder & permanent resident) who has experienced a downward mobility from being a professional in Nigeria to a mere low paid health sector worker in Winnipeg puts the issue in focus that "(w)e are a marked people." Osai's belief that a "Black" person must appeal to the supernatural to get a white-collar job makes mockery of the very idea of impersonality and rationality of Canada's bureaucratic capitalist system. As another interviewee explains, "I don't expect to go beyond my present level in my profession. It's a colour thing" (Agunbiade; male, married, business professional, age unspecified & Canadian citizen). He does not mince words about what he believes is responsible for this: "It's not about my brain. It's just prejudice that can be depressing if you're not strong inside. Racism is not when someone does not socialize with you. It is when someone doubts my God-given talents. That's what we face here." Agunbiade believes that his peers are doing better in the U.S., but his desire to raise his kids in a quiet and peaceful environment devoid of the negative influence of the "Black culture" compels him to remain in Canada. For a 1991 immigrant and Canadian citizen, this does not indicate that he has succeeded in fitting into the Canadian society.

Consequently, as Li (2003: 171) argues, the “colour” of immigrants is a key component of the discourse of immigration and is particularly crucial for continental Africans’ experiences in Canada (Puplampu and Tettey, 2005: 29). The same interviewee points out lost years in trying to acquire Canadian qualifications and suggests that the immigration authorities inform intending immigrants that their qualification will not be accepted in Canada. This bears semblance to the argument of Buzdugan (2006: 119) and many others. She emphasizes the need for policy makers to acknowledge “the devaluation of foreign education and the lack of recognition of foreign work experience”.

Overall, most respondents in the survey feel very much at home in Canada (58.2%). Only 10.4% state that they do not feel at home, while 28.4% choose to be neutral on whether or not they feel at home in Canada. This should be a source of concern. As discussed earlier, when respondents choose to be “neutral” or claim “don’t know,” open ended questions have helped to unmask how they actually feel about the topic, which is overwhelmingly unpleasant. One of such cases of a Canadian citizen is cited in the next chapter on policy implications of the findings of this study.

Chow’s (1996) study provides an interesting juxtapositional piece with this study. While 47.9% of Chow’s subjects disagreed or strongly disagreed with the statement “The laws in this country (Canada) are generally consistent with the principles of equality,” only 4.5% of respondents in this study disagree or strongly disagree. Most of the subjects in this study (N=36; 53.7%) perceive that the laws in Canada are generally consistent with the principles of equality. Also, while 84.3% of Chow’s subjects believe that the criminal justice system need reforms, only 11.9% of respondents in this study thinks the criminal justice system needs reforms. While 23.9% of Chow’s subjects think that a

person of Chinese descent is not likely to be treated on the presumption of innocence, only 13.4% of respondents in this study think Nigerian suspects are not treated on the presumption of innocence.

In addition, while 73.3% of Chow's subjects think there is systemic racism in Canada's criminal justice system, only 13.4% of the subjects in this study think the police are not fair, another 13.4% think that they are racist, 9% think that the police do not help the Nigerian community and 26.9% believe that there are no dishonest police officers in the Winnipeg police service. Chow (1996) finds that 40.8% of his sample thinks ethnic and racial minorities are less likely to receive attractive plea bargaining, while in this study, only 19.4% think they are unlikely to receive attractive plea bargaining. About 52.1% of Chow's subjects chose "don't know" on this issue. In this study, 50.8% chose "don't know." Therefore, for Chow (1996) as well the number of respondents claiming "don't know" is quite large. About 80.3% of Chow's respondents think the Chinese people are not well-informed about crime policies, while only 23.9% of respondents in this study think that members of the Nigerian community are not well-informed about crime policies in Canada.

This finding is crucial as "Black" people have often been thought to have a more negative perception of criminal justice agents than Asians (Beckett, 2006; Delisi and Regoli, 1999; Basran and Zong, 1998, Staples, 1975). In fact, it has often been argued in the race-crime literature that in terms of negative perceptions of the police and the entire justice system, "Blacks" are at the top, "Asians" in the middle and "Whites" at the bottom (see Caukinen & Colavecchia, 1999; Henderson, Cullen, Cao et al., 1997; Henry, Hastings & Freer, 1996; Wortley, 1996). Conversely, in terms of holding positive

perceptions of the police and criminal justice agencies, “Blacks” are at the bottom, Asians in the middle and “Whites” at the top (see generally Gabiddon & Greene, 2005; Hall, 2005; Chan & Mirchandani, 2001; Doran, 2001; Cureton, 2000; Danesh, 1999; Commission on Systemic Racism in the Ontario Criminal Justice System 1998; Fitzgerald, 1997; Henderson, Cullen, Cao, Browning & Kopache, 1997; Jefferson and Walker, 1993: 255, Hagan & Albonetti, 1982). It must be noted though that Chow’s study is now dated having been published in 1996. Besides, Chow (1996) surveyed Chinese community “leaders” and not everyday people as this study does. As argued in the introductory chapter, everyday people often have a different take on reality from so-called leaders. Also, Chow (1996) did not include perceptions of the police, even though he acknowledged their significance in the criminal justice process. However, there is no reason to believe that those who did not view the courts and prisons in good light and thought the criminal justice process was in dire need of reforms would have assessed the police any better.

It must be pointed out that the more favourable opinions of Nigerians in this study towards the Canadian criminal justice system may be as a result of what Bhabha (1994) calls “double vision”. First, the respondents are first generation immigrants, who mostly came to Canada in the last 5 years. Perhaps what is going on in the minds of subjects is simply comparing Winnipeg justice agencies with their Nigerian counterpart, which as may be fairly obvious now has a world-historical reputation for corruption and near non-performance. The Chinese have a much longer immigration history in Canada and even though Chow (1996) did not ask questions about their immigration histories, it can be deciphered that becoming leaders of businesses, service organizations and professional

associations requires several years of living in Canada. Therefore, there is a high chance that theirs is a more direct assessment of the justice agencies, since they are unlikely to have an alternate point of reference.

Sequel to the point above, it is worth reiterating that there is no such homogeneous and monolithic group called “Blacks”. Most studies on “Blacks” essentialize the African-American experience (Warren, Tomaskovic-Devey, Smith, Zungraff & Mason; Weizer & Tuch, 2005) which is totally different from the experience of continental Africans (Mensah, 2005; Abdi, 2005; Okeke, 2005; Ackah, 2000). Continental African immigrants go through a rigorous process of selection aimed at ensuring their educational and economic viability as noted by Abdi (2005) and are first class citizens in their countries of origin. They had to be to be able to migrate in the first place. Hence, research among continental Africans is more likely to generate information about opportunities or lack of it in the labour market and how they came to improve their lot in life and what is preventing them. One of the interviewees captures the picture cogently: “The police are not very aggressive. I’ve never been stopped unnecessarily. It’s not like in Los Angeles, where you’re stopped for driving a good car. It’s been a positive experience. Even though they may have their prejudice, I don’t feel threatened.” (Agunbiade; male, married, business professional, age unspecified & Canadian citizen).

The same applies to all other respondents who were interviewed except Idehen who admitted being ignorant of the law. Thus, even when questions on racial attitudes of the police towards them are asked, they are quick to relate their response to their experiences in the work place. It is thus not surprising that 61.2% (N= 41) of respondents say they “don’t know” anything about the treatment of minorities in prisons.

Despite acquiring Canadian citizenship or permanent residence, interview subjects demonstrate a strong attachment to their Nigerian identity. They clearly have instrumental or utilitarian motives for acquiring Canadian immigration documents including the Canadian passport: it helps them to travel anywhere in the world without requiring a visa. I also found that respondents also equate Canadian identity with objective proofs like permanent residence card and Canadian citizenship passport. For example, when asked what identity he would choose first, Idenhen (male, married, graduate degree holder, age unspecified & Canadian permanent resident) declares: “We (this family) have permanent residence (status). I’m still very proud to be a Nigerian. I am happy to say I’m a Nigerian among whites despite those who have destroyed our image. I still prefer my Nigerian identity.” This subject is clearly aware that being Nigerian has become associated with internet scams and advance fee fraud, (a major concern for a lot of Nigerians), yet prefers his Nigerian identity despite having Canadian permanent residence document.

However, in speaking about their Nigerian identity, respondents bring in their more subjective or emotionally attached aspects of living like their family, friends, and “home”. Papastergiadis’ (2000: 192; citing Bhabha, 1994) argues that identity is never fixed once and for all. However, for subjects in the study, years of living in Canada and acquisition of Canadian immigration documentation have not made them eschew their Nigerian identity or to take on Canadian identity in the sentimental aspect of it. As stated in the previous section, home is not where they live in Winnipeg, but a mental construct, a larger-than-life abode, an identity signifier re-liveable but better left as a transcendental enclave. This is very obvious in the highly essentialized dichotomy they create between

“us” (Nigerians) and “them” (Canadians). Therefore, as Okeke (2005:177) argues, they are “transmigrants,” since they have not severed ties with their place of origin.

Undoubtedly, subjects greatly romanticize Nigeria and Nigerianness. None of the interviewees captures the issue better than Elumelu (male, married, university degree holder with professional credentials & Canadian citizen) who believes that despite the comfort he enjoys in Canada, he has to be in Nigeria to live happily as a human being.

Respondents feel nostalgic about their “home” and significant others and one respondent mentions not wanting to take on somebody else’s identity despite having arrived since 1991 and being a Canadian citizen for over 10 years. Respondents speak of the Canadian culture as “their culture” (other people’s culture) while Nigeria is “home”. There is evidence that their experience of racism particularly in the labour market and at the work place makes them treat Canadian belonging with aloofness. One respondent mentions not being invited to the homes of his White colleagues at work, while other visible minorities have being warmly welcome. Thus, he is apprehensive about his children who were born in Canada and have never been to Nigeria marrying Whites. He says he will feel like “a fish out of water.” To him, the idea of having Caucasian in-laws is simply out of place and clearly unwanted. The only female among the interviewees recognizes that she is at lesser risk of profiling in the hands of law enforcement agencies and says she still warns her son because “I know he might be in greater danger than a black female.” This supports the finding of Calliste (2005: 100) who finds that African parents socialize their children to deal with everyday racism.

6.0 Chapter 6: Conclusion

Canada's population growth and economic sustenance rely heavily on immigration. Immigrants constitute a pool of highly skilled labour whose skills can only become very useful when they are adequately integrated into all the institutions of the Canadian society. Prominent among these institutions are the criminal justice or legal system and the economy among others. Where new immigrants in particular feel they are fairly treated in various sub-systems of their host society, they are better able to utilize their skills, talents and qualifications for the advancement of not just themselves, but invariably, their host society. In this chapter, I briefly review some findings of the study, explain policy implications of the findings, enumerate a few of the limitations of the study and offer suggestions for future research. This chapter and study end with a few concluding comments.

6.1 Review of findings of the study

The aims of the study were (1) determine the perceptions about the criminal justice system on the part of a sample of immigrant Nigerians in Winnipeg, (2.) analyze these perceptions in relation to social and demographic variables including age, education, occupation and gender (3.) determine and identify respondent involvement in the various sectors of the criminal justice system and to evaluate the impact of involvement on their attitudes and perceptions (4.) identify the perceptions and experiences of immigrant Nigerians with the Nigerian criminal justice system and how these influence their perceptions about the Canadian criminal justice system; and (5.) investigate mechanisms of dispute resolution among a sample of immigrant Nigerians in Winnipeg to determine if

there are non-state forms of ordering involved (6) examine identity formation and belonging modes among respondents who are self-declared Canadian permanent residents or citizens.

The findings show that perceptions of the subjects about the criminal justice system are mixed, albeit more positive, than can be found in the existing race-crime literature. Social demographic variables such as age, immigration status, years spent in Canada, marital status, level of education and gender were found not to be statistically significant in the analyses. The experience of most of the respondents with the Nigerian justice system is generally negative and majority of the respondents would rather trust the police and courts in Canada. This is shown to have consequences for their reluctance to involve any agent of the justice system in any issue unless it is life-threatening.

One fundamental finding of the study is that totalizing, generalizing or homogenizing the experience of “Blacks” and “Blackness” is not only theoretically misleading, but also ontologically barren. However, this happens in much of the literature (Harris-Laswell, 2003; Vora & Vora, 2002; Danesh, 1999; Delisi & Regoli, 1999 Staples, 1975), but there are notable exceptions (Garland, Spalek & Chakraborti, 2006; Mensah, 2005; Abdi, 2005; Blackshire-Belay, 2001; Hatt, 1994: 164). It is necessary to reiterate Okeke’s (2005: 176) assertion that most of these studies on “Blacks” do not in anyway offer insights into the experiences and voices of newer immigrants or continental Africans.

Not surprisingly, respondents generally believe that police encounters and court cases are undesirable, needless and must be avoided by all means necessary. In spite of this, all the respondents prefer the Winnipeg police to the Nigeria police even though

56.7% of them would rather not involve them in their personal affairs. More respondents (34.3%) think the police are fair to everyone as against 13.4% who think they are unfair. The courts receive a mixed assessment. None of the demographic variables such as age, level of education and gender was found to be statistically significant with any of the dependent variables. Data analysis also shows a high level of ambiguity in the perceptions of criminal justice agencies. Respondents are also found to have a frame of reference, namely agencies of criminal justice in Nigeria, which influences their perceptions about the Canadian criminal justice system. Respondents also perceive justice or injustice in terms of issues unrelated to criminal justice. Tyler (1990: 178) emphasizes that. Hence, even when asked to comment on attitudes of the police or courts, subjects keep going back to other areas of life particularly the economy.

Most respondents believe that their culture is against involving the police or courts in dispute resolution. Respondents believe that the judicial process is expensive, long and emotionally tortuous. Most respondents despite being highly educated demonstrate confusion about the laws in Canada. Therefore, respondents settle disputes amicably through the involvement of the church, reserving life-threatening cases for the intervention of the police, hence unofficial legal ordering is intrinsic to their everyday life. Results of in-depth interviews also show that respondents identify strongly with Nigeria and Nigerianness and perceive their Canadian identity exclusively in terms of immigration documents germane for instrumental purpose, particularly ease of travel. There is also a highly essentialized dichotomy between “us” and “them” in the diction and articulation of respondents’ experiential reality during the interviews. The study finds

evidence of the cultural hybrid, marginality, borderline existence and disjunction and displacement in their *lebenwelt* (or lifeworld).

6.2 Policy implications:

Creating a sense of belonging in immigrants may yet remain the single most important thing to achieve for policy makers. Eunice (female, married, age unspecified, professional degree holder & Canadian citizen) chooses to be neutral on the question of feeling at home in Canada. She typifies a high level of indifference of some respondents. She strongly disagrees with offering useful information to the police in Winnipeg when occasion demands despite being a lawyer. She says:

In my opinion, people came to Canada with different objectives and goals. My objective has nothing to do with the police. I mind my own business period. I don't care if my neighbour is a thief, rapist, etc. He/she can do whatever he or she wants to do so far it does not affect me in anyway. It's when my rights are infringed upon that I will look for the police. I am looking for the best way to help myself in Canada. I mean with studies and money. I have no business with the police. I am not interested or concerned with any issue concerning the police. I am interested in my welfare, my family, that's all. Lest I forget, and Nigeria.

This is a rather strong level of detachment from the Canadian society.

Considering that Eunice is a Canadian citizen, this is rather unfortunate. Also, the pervasive level of confusion about Canadian laws among respondents means that it is necessary to inform migrants of the basic laws prior to or on their arrival in Canada. They should not be expected to simply know or find out for themselves. Public enlightenment

through community associations and centres may also be embarked upon for those who are already here.

Respondents show a consistent concern about the way they are treated in terms of employment and in the work environment. Employment equity laws and equal opportunity measures need to leave the pages of voluminous government documents and be put into practice. This is the major concern of the interviewees in this study. A corollary to that is the fact that there are indeed some migrants who do have a choice. If settling down to jobs befitting their qualification is made impossible, the southern border, we must realize beckons. Canada thus loses out in the end.

Also, the police establishment needs to adequately prepare its men and women for the challenges of policing people who perceive the uniformed forces as an army of occupation. They can earn the trust of such people by demonstrating an understanding that agents of the state are distrusted in some parts of the world. This can only be done through education. Some respondents did mention being ticketed and yet accepting such in good fate because they realized they were at fault. Immigrants like everyone else generally wish to be treated with dignity and respect. It is pertinent to re-emphasize Tyler's (1990: 178) warning:

(P)eople obey the law because they believe it is proper to do so, they react to their experiences by evaluating their justice or injustice, and in evaluating the justice of their experiences they consider factors unrelated to outcome, such as whether they had a chance to state their case and had been treated with dignity and respect.

6.3 Limitations of the study

This section provides an attempt to state what I consider the limitations of the study for the purposes of future studies on this topic or related areas. First, subjects were drawn from a local church in Winnipeg, which means all the subjects are Christians and are known to one another. They also likely have similar value sets. With the events of the September 11, 2001 and the 2005 terrorist attack in the U.S. and U.K respectively, there is a growing issue of perceived discrimination against Muslims. The very nature of my sample did not permit me to examine this. The total sample of 67 for the survey and 5 interviewees is relatively small and perhaps explains why some variables were not statistically significant. In addition, some cases had to be collapsed because of numbering just under five, which limited statistical analysis.

In addition, I had the constraint of time particularly in recruiting subjects for the qualitative aspect of the study and had to make do with 5 respondents. Perhaps some material or financial incentives would have helped in having more people interested in participating. As may have been observed, many of the studies cited in the literature review were conducted in the United States and thus hampered analytical comparison. It is worth mentioning that the topic of this study is a very sensitive one for immigrants who are yet to find their feet in the Canadian society. Real and imagined fears of possible backlash perhaps made a number of survey participants to choose “don’t know” or “neutral”. Had this been minimal, there is a probability that the results might be at least a bit different.

6.4 Suggestions for future research

The importance of qualitative methodology is only being realized in mainstream criminology journals. The March 2007 issue of *Criminology*, for instance, contains some articles that utilize qualitative data exclusively. If this represents a paradigm shift, then it is a welcome development. Indeed, if the aim of research in criminology is to understand and explain the phenomenon of crime and not merely to engage in undue scientism in order to supposedly be at par with the nomothetic methodology of our natural sciences counterpart, a mixture of qualitative and quantitative methodologies should be encouraged. Had it not been for the open-ended questions in the survey and the interviews, this study would have lost a lot of meaning. Perceptions of any aspect of reality do not easily lend themselves to precise measurements even where scales have been carefully developed. Subjects are rational people who can meander their way out of scales. Hence, I strongly recommend mixed methodology for any future research on this area. It affords the luxury of quantifying and objectifying respondents' opinions and narrating their experiences in their own voice.

Future research may consider studying immigrants who have been here longer. Most subjects in the study have been in Canada only within the last 5 years. Longitudinal study from a few months after arrival to a 10-20 year period might be very apt in exploring what experiences define people's opinions about the criminal justice system. Also, a Canada-wide study in this area is long overdue. This will certainly require considerable amount of resources. Such a study will help in comparing perceptions across the provinces and territories.

It is hoped that future research will take a cue from this study and not lump people of African ancestry into a “Black” category. A lot is shrouded in using this generic term for statistical and analytical expedience. More needs to be done in understanding the import of unofficial forms of ordering in the day-to-day activities of not just Nigerians, but immigrants in general. It is hoped that future studies will explore identity issues among young African children of various immigrant generations in order to ascertain how well they fare with their counterparts. It would be worthwhile to examine their identity formation and modes of belonging as they compare or contrast with those of the older generations.

6.5 Concluding remarks

The focus of this chapter is an examination of the major findings of the study, policy implications, limitations of the study and suggestions for future research. This study has implications for the race-crime debate and perceptions of in(justice) among people of African descent, generally called “Black.” One major argument is that the African-American experience should not be used to serve as generalization for the experience of all peoples of African descent. Nigerians are not African-Americans in the same way that Caucasian Germans are not Irish though they share the same skin colour. Consequently, Nigerians in reality perceive the criminal justice system in a more positive way than African Americans and Chinese. The study also indicates the presence of non-legal or unofficial forms of ordering among subjects and a high propensity not to involve agents of the Canadian criminal justice system in their “personal affairs”. This study also shows ways in which the Nigerian immigrant is torn between a distant “home” territory,

which is highly romanticized and the Canadian society to which they do not fully belong to yet despite possessing Canadian citizenship or permanent residence. This finds expression in Bhabha's (1994) concept of hybridity. The fact that they are "transmigrants" (Okeke, 2005: 117) whose roots are still intact makes them undergo what Papastergiadis (2000: 115) calls "deterritorialization."

There is a glaring gulf in the area of integration. It is crucial that steps be taken by immigration authorities to make new immigrants aware of basic laws guiding the Canadian society and embark on a deliberate effort to educate the populace on openness to new comers as we all are migrants. As Gates (1993: 475; cited in Lawrence, 1997: 327) argues:

(O)urs is a world already fissured by nationality, ethnicity, race and gender. And the only way to transcend those divisions — to forge, for once, a civic culture that respects both differences and commonalities — is through education that seeks to comprehend the diversity of human culture. Beyond the hype and the high-flown rhetoric is a pretty homely truth: There is no tolerance without respect — and no respect without knowledge.

However, tolerance should not be the goal for it is a tacit admission of an "Other" already cast. Canada remains a fulcrum of hope for minorities in the West. How well Canada fulfills its desired creed as a multicultural haven depends on the level of social preparedness as demonstrated in the attitudes of everyday people in the amphitheatre of life. This will also be mediated by what is done or left undone at the governmental level including the activities or inactivity of the bureaucratic aparachuks in government agencies and privately owned businesses. I hope that those entrusted with the coercive

machinery of the state utilize their authority *sine ira et studio* — without prejudice
against or for anyone.

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Appendix 1

Questionnaire

New Cultures, New Laws: Perceptions of Nigerians in Winnipeg about Canadian Laws and Criminal Justice System

Introduction

This questionnaire is intended to be used in collecting data on a study titled: "New Cultures, New Laws: Perceptions of Nigerians in Winnipeg about Canadian Laws and Criminal Justice System." The researcher is a master's degree student at the department of sociology, University of Manitoba. The study is in partial fulfillment of the requirements for the award of an M.A in sociology. The study is purely for academic purposes.

Your participation is totally voluntary. You may choose not to be part of the study and you may decline to answer any question without any penalty. Should you agree to participate, you will be contributing in improving the relationship between immigrants in general and the Canadian justice system. Please, note that responses provided will be treated with utmost confidentiality and anonymity.

Instructions

This questionnaire is divided into six parts. The first part consists of questions about perceptions of respondents about the police in Winnipeg. The second part deals with questions directly related to respondents' experiences with or perceptions of the courts in Winnipeg and Canada in general, while parts three and four deal with questions about correctional institutions in Canada and individual and community participation in the criminal justice process. Part five deals with your overall views about the Canadian criminal justice system.

The final section, part six, asks questions about your demographic information such as age, gender, ethnicity (not interchangeable with race in the Nigerian context), level of education, immigration status and so on.

Part 1

This section contains questions about your perceptions about the Police in Winnipeg.
Please take note of the key.

KEY

N/A= Not Applicable

D/K = Don't Know

S/D= Strongly Disagree

D= Disagree

N= Neutral

A= Agree

S/A= Strongly Agree

1. Overall, the majority of the police in Winnipeg are fair to everyone

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

2. Overall, the majority of the police in Winnipeg are not racist

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

3. Overall, the majority of the police in Winnipeg are honest

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

4. The police help the Nigerian community

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

5. There are a lot of dishonest police officers in Winnipeg
(Negative)

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

6. It is best to avoid the police wherever possible (Negative)

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

7. I will offer useful information to the police in Winnipeg when occasion demands

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

8. Why/why not? (Please, write on blank space)

9. Police treat all ethnic groups fairly

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

10. Police treat all religious groups fairly

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

11. Police treat all people fairly regardless of how much money they have

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

12. Why/why not?

13. When the police question people, they do not use threats or unreasonable pressure to get answers

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

14. When the police take written evidence from people what they write down is always a fair and accurate record of what is said

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

15. Do you think the police in Winnipeg use more violence than is necessary?

(0)	(1)	(2)	(3)
D/K	No	Never	Yes

16. Give reason(s) for your answer above.

17. Do you think police officers in Winnipeg ever make up evidence about people?

(0)	(1)	(2)	(3)
D/K	No	Never	Yes

18. Give reason(s) for your answer above.

Now I would ask you questions comparing police in Winnipeg with those in Nigeria

19. Compared with the Nigerian police, how would you rate Winnipeg police?

(0)	(1)	(2)	(3)	(4)	(5)	(6)
D/K	Very poor	Poor	Average	Good	Very good	Excellent

20. Which of the two police establishments, if any — Winnipeg and Nigerian police — would you be willing to trust without inhibitions?

21. Did you have any experience with the Nigerian police? Please, explain.

22. Have you ever had any experience with the police in Winnipeg? Please, explain.

23. Are your responses above based on your experiences, those of others or what you think happens? Please, explain.

24. How do you resolve domestic conflicts (for instance a conflict with a friend, sibling or spouse)?

25. I will swiftly call the police to intervene in any dispute

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

26. Give reason(s) for your answer above

Part 2

The next set of questions deal with your perceptions about the Courts in Canada

27. In general, racial and ethnic minorities are treated fairly by the court system.

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

28. If a person of Nigerian descent is involved in a crime as an offender, that person is usually treated on the presumption of innocence.

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

29. Ethnic and racial minorities receive harsher sentences

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

30. Ethnic and racial minorities are less likely to receive attractive plea bargaining offers or deals from prosecutors to lessen their punishment.

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

31. I do not perceive any discrimination against minorities in the courts in Winnipeg.

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

32. Are your responses above based on your experiences, those of others or what you think happens?

Now, I would like you to compare the courts in Canada with those in Nigeria

33. Compared with Nigerian courts, how would you rate courts of law in Winnipeg?

(0)	(1)	(2)	(3)	(4)	(5)	(6)
D/K	Very poor	Poor	Average	Good	Very good	Excellent

34. Which of the two court systems, if any — Winnipeg and Nigerian courts — would you be willing to trust without inhibitions?

35. Why?

36. Did you have any experience with any Nigerian court? Please, explain.

37. Have you ever had any experience with the court system in Winnipeg or Canada as a whole?

38. Are your responses above based on your experiences, those of others or what you think happens?

39. Please, explain.

40. I will swiftly take any dispute to court for resolution here in Canada

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

41. Give reasons for your answer.

Part 3

This section deals with your perceptions about prisons in Canada

42. Ethnic and racial minorities are treated fairly in prisons

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

43. Ethnic and racial minorities are disproportionately represented in prisons

(0)	(1)	(2)	(3)	(4)	5
D/K	S/D	D	N	A	S/A

44. Compared with the Nigerian prisons, how would you rate Winnipeg/Canadian prisons?

(0)	(1)	(2)	(3)	(4)	(5)	(6)
D/K	Very poor	Poor	Average	Good	Very good	Excellent

45. Are your responses above based on your experiences, those of others or what you think happens?

Part 4

Individual and Community Participation in the Criminal Justice Process

45. Members of the Nigerian community are relatively well-informed of the various crime policies in Canada.

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

46. Minorities receive good legal representation in the criminal justice system in Canada

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

47. Legal services are readily available to members of the Nigerian community

(0)	(1)	(2)	(3)	(4)	(5)
D/K	A	S/A	N	D	S/D

48. Are your responses above based on your experiences, those of others or what you think happens?

49. Is the church involved in dispute or conflict resolution?

(1)	(2)	(3)	(4)
D/K	Yes	No	Sometimes

50. In what way?

51. Has the church ever made legal representation on behalf of any Nigerian member before?

(1)	(2)	(3)
D/K	Yes	No

52. How often does the church make formal legal representations on behalf of Nigerians as a legal entity?

(0)	(1)	(2)	(3)	(4)
N/A	Never	Sometimes	Often	All the time

Part 5

This section asks you about your overall views about the Canadian Criminal Justice System

53. The laws in Canada are generally consistent with the principles of equality

(0)	(1)	(2)	(3)	(4)	(5)
D/K	S/D	D	N	A	S/A

54. Please, give reason(s) for your answer.

55. Sometimes I get confused about the laws in Canada

(0)	(1)	(2)	(3)	(4)	(5)
D/K	S/D	D	N	A	S/A

56. Give reason(s) for your answer.

57. I feel very much at home in Canada

(0)	(1)	(2)	(3)	(4)	(5)
D/K	S/D	D	N	A	S/A

58. I would rather use other means to resolve disputes than use criminal justice agents

(0)	(1)	(2)	(3)	(4)	(5)
D/K	S/D	D	N	A	S/A

59. Give reason(s) for your answer.

60. The current criminal justice system in Canada, particularly in Winnipeg, is in need of reform

0	(1)	(2)	(3)	(4)	(5)
D/K	S/D	D	N	A	S/A

61. Please, give reason(s) for your answer.

62. Are your responses above based on your experiences, those of others or what you think happens?

63. What would you suggest can be done to increase the level of cooperation between immigrant Nigerians and the police in Winnipeg?

64. What would you suggest can be done to increase the level of cooperation between immigrant Nigerians and the courts in Winnipeg?

65. What would you suggest can be done to increase the level of cooperation between immigrant Nigerians and the correctional institutions (e.g. prisons) in Winnipeg?

Part 6

This final section asks you demographic questions. These would help me to properly understand all the responses given in previous sections.

Demographic Variables

66. What is your year of birth (or age)?

67. I am a _____
(1.) Male
(2.) Female

68. What is your marital status? (Please, put a check mark on any of the following that is applicable to you)

1. Single (Never Married)
2. Divorced
3. Separated
4. Widowed
5. Common law union
6. Married

69. What is your family size (Number of children, if applicable)?

70. Are all members of your immediate (nuclear) family here in Canada?

- (1.) YES
- (2.) NO

71. What Nigerian ethnic group do you belong to?

72. What is the highest level of education you have completed as of today?

73. What year did you arrive in Canada?

74. What is your Immigration status?

- (1.) Canadian citizen
- (2.) Canadian Permanent Resident
- (3.) Student (On study Permit)
- (4.) Visitor
- (5.) Refugee

75. How involved would you say you are in church activities?

(0)	(1)	(2)	(3)
N/A	Never involved	Sometimes involved	Very involved

Thank you for your time!

Appendix 2

Interview Guide

New Cultures, New Laws: Perceptions of Nigerians in Winnipeg about Canadian Laws and Criminal Justice System

Introduction

This guide is intended to be used in conducting interviews on a face-to-face basis to collect data on the topic “New Cultures, New Laws: Perceptions of Nigerians in Winnipeg about Canadian Laws and Criminal Justice System.” The questions in this guide are intended as follow-up questions to a survey questionnaire completed by respondents as part of my study. The purpose of the interviews is to allow a select number of respondents to elaborate on answers they provided in the survey.

Part 1

This section contains questions about your perceptions about the Police in Winnipeg

1. Can you tell me what you think of the Winnipeg police in terms of treating all citizens equally or with *fairness*?
2. Can you tell me what you think of the Winnipeg police in terms of *honesty* in dealing with all citizens from various backgrounds?
3. Can you tell me what you think of the Winnipeg police in terms of *race, racism* and *racist attitudes*?
4. What factors do you think make the police to stop and search anyone while driving?
5. Have you ever been stopped and/or searched while driving?
6. What factor(s) do you think precipitated that?
7. Are your responses above based on your experiences, those of others or what you think happens?
8. Please, explain.
9. Can you tell me what you think of the Winnipeg courts in terms of treating all citizens equally or with *fairness*?
10. Can you tell me what you think of the Winnipeg courts in terms of *honesty* in dealing with all citizens from various backgrounds?
11. Can you tell me what you think of the Winnipeg courts in terms of *race, racism* and *racist attitudes*?
12. Can you tell me what you think of the Winnipeg prisons or correctional system in terms of treating all citizens equally or with *fairness*?
13. Can you tell me what you think of the Winnipeg prisons or correctional system in terms of *honesty* in dealing with all citizens from various backgrounds?
14. Can you tell me what you think of the Winnipeg prisons or correctional system in terms of *race, racism* and *racist attitudes*?
15. Have you had any experience with the police, courts or correctional system in Winnipeg or Canada as a whole that you wish to share with me?

16. Overall, how would you describe your experience with Canada's criminal justice system?

Part 2

Individual and Community Participation in the Criminal Justice Process

17. What role does the church play in helping new immigrants from Nigeria to adapt to the Canadian criminal justice system?

18. Are there challenges confronting the Nigerian community in general in doing this?

19. How does this Nigerian community resolve conflicts involving Nigerians?

Part 3

This section asks you about your overall views about Canadian Criminal Justice System

20. What is your experience about living in diaspora?

21. Which of these would you choose first: your Canadian identity, Nigerian identity, neither or both? Why? Please, explain.

22. What is the experience like living in Canada while "Black?"

23. What means would you use to resolve disputes?

24. Give reason(s) for your answer.

Thank you for your time.