

Immigrants' Perceptions of the Legal System: A Qualitative Study of Bangladeshi

Immigrants in Winnipeg, Manitoba

By

Farzana Quddus

A Thesis submitted to the
Faculty of Graduate Studies,
in Partial Fulfillment of the Requirements
for the Degree of

MASTER OF ARTS

Department of Sociology
University of Manitoba
Winnipeg, Manitoba, Canada

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**Immigrants' Perceptions of the Legal System: A Qualitative Study of
Bangladeshi Immigrants in Winnipeg, Manitoba**

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Of

MASTER OF ARTS

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ABSTRACT

This study examines perceptions of the Canadian legal system among Bangladeshi immigrants in Winnipeg, Manitoba. Previous studies provide information on perceptions of victims, offenders, or police. However, little attempt has been made in analyzing the perception of the legal system in Canada among immigrants in general. It is also true that no attempt has been made to study Bangladeshi immigrants' perceptions of the legal system of Canada. Legal pluralism provides a conceptual framework to analyze these perceptions in this study. Qualitative in-depth interviews are used to understand immigrants' perceptions of the legal system. Interviewees are selected through purposive and snowball sampling. Study findings show that participants are aware that immigrants should have an understanding of the legal system of Canada to abide by the laws of the country. Participants put emphasis on the government's role in dissemination of information of the legal system of Canada to the immigrants. Findings also indicate some mixed perceptions in regard to racial discrimination by police in Canada. Coexistence of dual legal practices, combining the Sharia law and the Canadian law, is revealed in the study. Study participants further express their mixed views on the practice of official and unofficial forms of ordering in resolving disputes in their daily life. This study also provides recommendations on some policy implications and on future research.

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CHAPTER ONE

INTRODUCTION

Immigration is a significant issue for Canada given the importance migration has played in shaping our society. Every year, a large number of people from different countries come to Canada for settlement. According to Citizenship and Immigration Canada (CIC, 2007a), 2,258,404 immigrants arrived between 1997 and 2006. Manitoba has seen an increase in new immigrants, receiving a total of 56,347 (2.4 percent of total immigration to Canada) during this time with many of those choosing Winnipeg (CIC, 2007b). Winnipeg is now ranked as one of the top ten destination cities in Canada, receiving 44,942 immigrants between 1997 and 2006 (CIC, 2007b; Manitoba Immigration Facts, 2006). Among the new immigrants to Canada, the number of immigrants from Bangladesh is small but not insignificant. From 1997 to 2006, Canada has received a total of 27,474 immigrants from Bangladesh (CIC, 2007c), with Manitoba receiving a total of 130, of whom 115 reside in Winnipeg (Statistics Canada 2007).¹

A number of studies have identified this immigration trend and focused on different aspects of immigration to Canadian society, including immigration policy (Borjas, 1991; Boyd, 1976; Green & Green, 1999, 1995; Li, 2003; Richmond, 2000); immigrants' contribution to economic growth (Baker & Benjamin, 1995; Borjas, 1994; Grant, 1999; Kazemipur & Halli, 2001; Li, 1997; Reitz, 2001); demographic changes and immigration (Boyd & Vickers, 2000; Lee 2003; Richmond, 1992); education and immigrants (Boyd, 2002; Li, 2001; Reitz, 2001); psychological condition of immigrants (Ataca, 2002; Aycan

¹ Figures are based on calculations using place of birth. This is based on answers provided on the long-term (20% sample) of the 2006 Census of Canada.

& Berry, 1996; Noh & Avison, 1996); immigration and racism (Noh, Beiser, Kasper, Hou, & Rummens, 1999; Richmond, 2001); immigrants and crime (Henry, Hastings, & Freer, 1996; Roberts & Doob, 1997; Roberts, 1994); and immigrants' influence on the cultural aspects of Canada (Reitz & Sklar, 1997). This study focuses on perceptions that Bangladeshi immigrants living in Winnipeg, Manitoba have of the Canadian legal system. My interest in Bangladeshi immigrants' perceptions of the legal system is motivated by lack of available research in this area. Most of the limited literature available focuses on issues related to immigrants as perpetrators of or victims of crime. Moreover, issues are usually analyzed from the perspective of victims, offenders, or of the police. There is a dearth of literature which adequately analyzes immigrants' perceptions of the legal system in general. Moreover, little or no attempt has been made in existing research to examine these issues from the perspective of Bangladeshi immigrants.

There exists a concern about how immigrants are integrated into the Canadian society. To be a successful citizen of Canada, an immigrant needs to be integrated to the mainstream society. As Canadian society is based on a principle of multiculturalism, it influences how immigrants integrate in society. The multiculturalism policy was developed as Canada's response to maintain its cultural diversity. Canada, in its state policy and in its academic discussions, has, for many years, used the term 'integration' to describe the ideal form of accommodation. But a debate has always existed about how to reconcile the diversity and unity issues of Canada. In Canada's official policy documents, this debate is minimized by upholding the ideal of multiculturalism and by dismissing and defining the specifics of cultural particularism as undesirable for the integration

process (Li, 2003). In Canada, integration is not the same as assimilation. Integration is a two-way process of accommodation between immigrants and established Canadians. In the process of adaptation into the Canadian society, integration, ideally, should never force individuals to abandon their culture; its own people and institutions should instead be encouraged to respect and reflect the different cultures that are brought to the society by new immigrants. For the successful integration of immigrants, the government has created several policy incentives, such as the settlement programs, to help immigrants attain the necessary social and language proficiency (Li, 2003). It is always implied, however, that integration issues in Canada emphasize adaptation to the Canadian standards while at the same time supporting the ideals of multiculturalism as a way to achieve integration (Li, 2003).

This study focuses only on one aspect of Bangladeshi immigrants' integration: their perceptions of the legal system. By doing so, this study analyzes how Bangladeshi immigrants living in Winnipeg, Manitoba have incorporated themselves into the system and what problems or barriers they are facing with respect to the legal system of Canada. Specifically, it addresses the following question: How do immigrants from Bangladesh to Winnipeg get acquainted with the legal system of Canada during their settlement processes?

I believe that it is not necessary for immigrants to have a full awareness and/or an a priori understanding of the legal system, but having some knowledge about the legal system is an essential condition to abide by the laws of the host country. I assume that immigrants also need to have at least partial knowledge and understanding about the legal system of the host country to avoid experiencing potential cultural differences related to

the imperfect knowledge of the legal system of their country of origin and the host one. Moreover, immigrants' lack of understanding of the legal system can be identified as a lack of "legal consciousness" according to Sally Merry (1990). She identifies this concept in her analysis of how people understand and use the law. "Consciousness is not only the realm of deliberate, intentional action but also that of habitual action and practice, and legal consciousness is expressed by the act of going to court as well as by talk about rights and entitlements" (Merry, 1990, p. 5).

In this study, legal consciousness is treated as identical to the immigrants' perceptions of the legal system of Canada. Merry (1990) explains that an individual's consciousness is developed through experience. If immigrants do not have this consciousness it will create a lack of understanding among immigrants and also increase immigrants' involvement in and misunderstanding of the legal system. For example, Cecilia Menjivar and Cynthia Bejarano (2004) explain that immigrants who had a lack of consciousness about the legal system also hesitate in taking their complaints to the police, to the courts, or to other branches of the criminal justice system.

This study, therefore, examines Bangladeshi immigrants' perceptions and experiences of the legal system of Canada. It is asserted in this study that the immigrants' perceptions of the legal system constitute a step in their integration process into the Canadian society. This research contributes to an overall understanding of how new immigrants get acquainted with the legal system in Canada, what barriers they face, and in general, how their perceptions impact their settlement process in Canada.

The study is organized in the following order: Chapter 2 provides a review of literature, which is divided into three sections. The first section is relevant to

understanding the Constitution, law, and society of Bangladesh. The second section focuses on some perspectives of the Canadian legal system. The third section is relevant to understanding the issues on immigrants, integration, race and crime, language barriers, and other issues. Chapter 3, in two sections, discusses the theoretical framework. The first section focuses on some conceptual issues of legal pluralism, and the following section identifies some criticisms of legal pluralism. Chapter 4 presents the methodology used in this research. The sections of this chapter are relevant in understanding why qualitative research methodology was chosen for the study, how I selected my participants and collected data, and what the ethical considerations were for the thesis. In chapters 5 and 6, an analysis and discussion of the findings of Bangladeshi immigrants' perceptions of the legal system are provided, respectively. Participants provide remarkable information on the research topic. They are aware of the legal system of Canada and focus on the importance of understanding the legal system for immigrants. They also reveal different ideas on the issue of legal pluralism in Canada. Chapter 6 also discusses implications for policy formulation. Finally, chapter 7 presents a conclusion of the study, discussing the findings as well as limitations and future prospects of the study.

1.1 Research Objectives

The purpose of this study is to understand the Bangladeshi immigrants' perceptions of the legal system in their country of origin and in Canada. This research contributes to an overall understanding of how new immigrants get acquainted with the legal system in Canada and what barriers they face. There exists a common belief that immigrants should possess knowledge of the legal system of the host society in order to utilize, obey, and

enjoy their rights as future citizens. A clear understanding of the legal system would make them able to become fully participating members of the host society. This study intends to highlight the barriers which immigrants encounter in obtaining knowledge of the legal system of Canada. The study also provides information on how immigrants' perceptions are affected by factors like racial discrimination, fear of crime, social networks, sources of understanding about the system, their experience with authorities in their country of origin, and their language proficiency. This research is important in the context of the conceptual issues of legal pluralism. Findings of this study are used to analyze issues of legal pluralism, such as how participants practiced dual legal systems in their life, combining Sharia law and Canadian law; and how they followed official and non-official forms of ordering in solving multiple disputes in Canada. Consequently, this study tries to shed light on the issues related to knowledge about the legal system and its impact on the process of integration of immigrants.

CHAPTER TWO

LITERATURE REVIEW

2.1 Historical Context of the Legal System of Bangladesh

As this study will inquire into immigrants' perception of the legal system of Canada compared to that in Bangladesh, it will be necessary to determine immigrants' perceptions and level of knowledge of the legal system in their birth country. For this reason, my thesis outlines their knowledge of the systems in both Bangladesh and Canada.

The emergence of Bangladesh is a history of successful ethnic-linguistic and nationalist movements. The struggle for independence of the eastern Bengali people against the British, the partition from India in 1947, and the liberation from Pakistan in 1971, set the stage for the people of Bangladesh to create their own democratic political system (Baxter, 1997; Umar, 2004). As an independent nation, Bangladesh has experienced a series of changes. As a result, its democracy is still awaiting formal institutionalization (Khan, 2003). Its advancement is further interrupted by economic stagnation and corruption, which create further barriers to the institutionalization of democracy. The following sections highlight the Constitution, the legal system, and the society of Bangladesh.

2.1.1 Constitution of Bangladesh

The Constitution of Bangladesh was enacted on November 4, 1972. It affirms nationalism, democracy, socialism, and secularism to be the four principles of the state. According to the Constitution (Chief Advisor's Office, 2004; The Library of Congress,

2005), fundamental human rights and freedoms, respect for the dignity and worth of the human being shall be guaranteed by the society in order to create a free and equal citizenry and to provide for the welfare for all. According to its provisions, concerning fundamental rights, all men and women are equal before the law, without discrimination based on religion, race, caste, sex, or place of birth. It is also described in the Constitution that the duty of every citizen is to observe the Constitution and the laws, to maintain discipline, to perform public duties, and to protect public property. The Constitution also guarantees the rights to assemble, hold public meetings, and form unions. Freedoms of speech and of the press are ensured. Persons who have been arrested must be informed of the charges made against them and they must be brought before the magistrate within twenty-four hours. The Constitution, however, adds that these guarantees are subject to "any reasonable restrictions imposed by laws," leaving a possibility open for an administrative decision to revoke fundamental rights.

Islam was an important driving force behind the creation of Pakistan, and it has remained an important component of Bangladeshi ideology. The Constitution, as originally framed in 1972, explicitly described the government of Bangladesh as "secular". However, in 1977 an executive proclamation made three changes in wording that reversed this legacy. The proclamation deleted "secular" and inserted a phrase stating that a fundamental state principle is "absolute trust and faith in the Almighty Allah." Furthermore, in the Eighth Amendment of the Constitution in June 1988, the state recognized Islam as the state religion. However, the Constitution does not support any official discrimination of other religions. Despite the pressure from other conservative

parties, “Sharia” (Islamic law) was not implemented officially in the constitution of Bangladesh (The Library of Congress, 2005).

The Constitution of Bangladesh is formed in a way similar to the British and United States models as it includes provisions for independent legislative, executive, and judicial branches of government. The legislative branch of the government is a unicameral Parliament, or Jatiyo Sangsad (House of the People), which passes the laws for the nation. Members of Parliament are directly elected from territorial constituencies. Parliament debates and votes on legislative bills. Decisions are made by a majority vote. The Constitution also adopts the measures to conserve the cultural traditions and heritage of the people, and therefore, foster and improve national language, literature and arts (The Library of Congress, 2005). In this regard, its legal foundations are very similar to that of Canada.

The people of Bangladesh tend to follow both the principles of Sharia through Muslim Personal Law and the general law which is non-religious and secular in its character (Kamal, 1988). The Muslim personal laws cover the field of marriage, divorce, maintenance, guardianship of children and inheritance, whereas the general laws cover the rights under the Constitution, penal codes, the civil and criminal procedure codes, and evidence act. This is what differentiates Bangladeshi law from Canadian law where common law functions over all aspects of life.

2.1.2 Law and Society in Bangladesh

As far as human rights are concerned, the Constitution of Bangladesh has achieved hardly any positive results for the country. Bangladesh faced a lot of challenges due to

military intervention into the civil state, democracy and civil liberty. Corruption is now an indisputable part of life in the country. Because of highly complex networks of reciprocal favours and obligations, bribes are now a common factor of the country (Khan, 2003). Lack of political consensus, weak legislative authority, unhealthy modes of political competition, undemocratic political party structure, political and administrative patronage, weak local governance, and a lack of accountability and transparency of political and administrative institutions also exist in Bangladesh (Zafarullah & Rahman, 2002). These barriers create enormous social tension, limit access to justice, and neglect human rights.

Bangladesh has not taken steps towards the improvement and enforcement of the rule of law in the area of criminal justice. Actions by corrupt Bangladeshi police are frequently experienced by ordinary people in the country. Several studies identify the role of policing and judicial systems in Bangladesh as collapsed, corrupted and primitive (Asian Human Rights Commission [AHRC], 2006; Lewis, 1996; Khan, 2003; Transparency International Bangladesh, 2006; Zafarullah & Rahman, 2002; Zakiuddin, 2002). It can not be denied that the basic institutions for maintenance of law and criminal justice administration in Bangladesh are in a serious state of collapse. The overall effect is to generate heavy demoralization and cynicism about the state agents, especially the police. Surveys indicate that most respondents view the police department as the most corrupt of all institutions (Khan, 2003). The popular view about police in Bangladesh is that they either use investigations to make money for themselves, or conduct illegal services on behalf of politicians, or both. It is also accepted as normal that the police demand money from complainants, from alleged perpetrators and from third parties. A

survey reveals that 68.25% of respondents have paid bribes to officials to get services from law enforcing agencies (Khan, 1999). Police arbitrarily arrest and detain citizens (AHRC, 2006). Furthermore, the internal process of discipline within the police force does not exist. Investigations are commonly characterized by corruption even in cases where an inquiry begins due to public agitation. Fundamental reform of the police is not only a necessary condition for democracy and the rule of law but also necessary for the maintenance of any form of rational order within the country.

Torture by police is increasing in the country too. Torture includes threats, beatings, and occasional use of electric shock. In 2000, 134 persons died in prison and police custody due to torture (Bangladesh Assessment, 2001). Police are also engaged in the trafficking of women and children. The jail situation of the country is deplorable. Jail codes and regulations are primitive. Improvements or modernizations are not goals of the current regime. There are 77 jails in the country with the capacity of holding 20,856 people, but they typically hold more than triple that number (Momen & Begum, 2005). Human rights are violated there and the treatment of prisoners is not equal. In the country there is a practice of placing the women and the children in “safe custody,” a euphemism for jail. Women and children are treated in safe custody as if they are in prison and as if charged with and convicted of a crime (Bangladesh Assessment, 2001).

Crises and corruption also exist in the judiciary system of Bangladesh. The US State Department Reports of 2001, 2002, and 2003 on Bangladesh indicate that many criminals have not been punished because of corruption among the judges of the lower courts (Solaiman, 2005). Delays in trial have now become synonymous to injustice in the country. It is estimated that nearly one million cases were pending in different courts of

Bangladesh as of 2002 (Solaiman, 2005). This has created public distrust of the system. A survey finds that 82% of the respondents believed that the judicial system in Bangladesh is corrupt (Khan, 1999). Another survey finds that 60% of the persons involved in court cases paid bribes to the court officials (Bangladesh Assessment, 2001). The processing of a case through the courts is expensive and time consuming. Therefore, these hurdles also foster the public's lack of confidence in the system (Malik, 2001).

The government of Bangladesh has been accused of violating human rights on several occasions. The Special Powers Act, the Code of Criminal Procedure, and the Public Safety Act have all been used to suppress opposition parties in the country over time (Zafarullah & Rahman, 2002). The government also limits the freedom of assembly and the freedom of movement to control the political opposition movement. Child abuse and child prostitution, violence and discrimination against women, discrimination against the disabled, the indigenous people, and the religious minorities have been defined as a threat to democracy in Bangladesh. Moreover, crime rates caused by increasing poverty, the violation of human rights and sheltering the criminals under the powerful political groups are also increasing in the country.

Zakiuddin (2002), in one study, shows that corruption is seen as 'a way of life' by many people of Bangladesh. He mentions a survey where 95% of respondents from Bangladesh believed that the police were the most corrupt department, followed by the customs, the department of excise and taxation, the bureaucracy and the judiciary. Nearly two-thirds of respondents believed that corruption in Bangladesh was perpetrated by government officials. Overall, people tend to believe that there is hardly anything that can

be done for the removal of corruption. Corruption in Bangladesh is now identified as a process, as a practice, and as a structural outcome (Zakiuddin, 2002).

In another study, Ahsan (2000) discusses the poor governance of Bangladesh and identifies that people of Bangladesh, by and large, felt disengagement from the body politic. The reasons for this are the dysfunctional state of Parliament, inadequacy of information at the public's disposal, politicization of public institutions, and lack of devolution of political and fiscal authority. All these factors jointly determine the issue of poor governance and corruption at all levels in Bangladesh.

2.2 Perceptions of the Canadian Legal System

This section of the study identifies several aspects of the legal system of Canada as experienced by different minority groups and Aboriginal peoples at different periods in Canada. It is important to identify factors that are related to the perceptions that minority groups and Aboriginal peoples hold of the Canadian legal system in order to inquire into the experience of Bangladeshi immigrants. At present, growing concerns exist about the systematic racial discrimination as well as overrepresentation of Aboriginal peoples in correctional facilities in Canada (Hylton, 2002). Hylton refers to overrepresentation in correctional facilities as "injustice personified" (2002, p. 140), focusing on some data of provincial Aboriginal overrepresentation for his argument. According to Hylton, "between 1989 and 1994, Aboriginal admissions to provincial correction facilities in Manitoba were approximately 4.9 times higher than would be expected from the provincial Aboriginal population, in Saskatchewan 6.8 times higher, 5.5 times higher in Alberta, 2 times higher in Ontario" (2002, p. 140-141). Furthermore, "where Aboriginal

people account for approximately 2 per cent of the adult population in Canada, they account 17 per cent of the inmates” (2002, p. 140). This overrepresentation of Aboriginal people is visible in every sector of the justice system of Canada; it is increasing, and it happens not only among the adult males but among female and young offenders as well (Hylton, 2002).

Like the people of Bangladesh, Aboriginal people have a critical perception toward police, corrections and the justice system of Canada. They face racial discrimination in all spheres of the legal system. One study notes that in Canada Aboriginal peoples have a higher fear of crime than other Canadians because of their lack of resources, and they are more likely to experience violent victimization (Weinrath, 2000). Colleen Anne Dell (2002) describes some factors which influence the Aboriginal perceptions of the system. Aboriginal women are reluctant to contact police because they believe that they will not be trusted by the police, the police will be unresponsive to their call, and they will be harassed if they report a crime. These women also have a negative perception about the lawyers. Lack of familiarity with lawyers and mistrust towards lawyers are major obstacles for the Aboriginal people. Therefore, Dell (2002) emphasizes that “absence of informed understanding about Aboriginal women and their culture, and the failure to acknowledge the influential relationship between race, gender, and class facilitate the criminalization of Aboriginal women within the Canadian criminal justice system” (p.134). Although Dell explains those interactive factors for Aboriginal women in Canada, this also can be generalized for the Aboriginal community as a whole in Canada.

In multicultural Canada, immigrants are involved with crime and are also subjected to racial profiling by police. The most common and extensively discussed issue about the

criminal justice system is, however, the racial discrimination faced by immigrants. For example, it is well documented in the literature that Blacks are overrepresented in the criminal justice system of Canada, a fact which further ignites the debate on the racial discrimination of the system (Henry, Hastings & Freer, 1996; Wortley, 1996; Wortley & McCalla, 2004).

Perceptions of racial discrimination are now widespread among all the ethnic groups. Wortley and McCalla (2004), in their study on the perceptions of racial discrimination in Ontario, provide evidence that the province has the largest percentages of non-Aboriginal racial minorities in incarceration. In their survey of over 1,200 Toronto adults, 76% of the minority respondents believed that police treated members of their racial groups more severely than they treat whites. Another 60% believed that members of racial groups were also treated worse by the criminal courts. It is interesting that not only racial minorities but also whites believed these facts. Whites believed that racial minorities were treated much worse by the police (56%) and by the courts (35%). In another survey on 1,870 Toronto high school students, Wortley and McCalla (2004) found that over half of the black respondents (52%) believed that police treated their group much worse than the other ethnic groups in Canada. In the same survey, 22% of South Asians and 15% of Asians felt that they were subject to discriminatory treatment. Another survey of high school students revealed that 74% of blacks, 31% of South Asians and 27% of Asians believed that their racial groups were harassed by police through being unfairly stopped, searched and questioned (Wortley & McCalla, 2004).

A public opinion survey conducted by CBC (2006) found that 80% of the Winnipeggers believe that racism is prevalent in the city, among which 23% believed that

it has increased in the last five years (CBC, 2006). More than half of the respondents believe that Aboriginal peoples are the most likely victims of racism in Winnipeg. Among the Aboriginal respondents, over 60% have experienced racism. Respondents also mentioned that Blacks, East Indians and Muslims are frequent targets of racism. Survey results also indicate that the Winnipeg police service discriminates against Aboriginal people (63%) and visible minority groups (58%). When asked about discrimination in the criminal justice system, Aboriginal people (61%) and visible minority groups (57%) were reported to receive unequal treatment.

It is argued from a conservative perspective that perceptions of injustice are inaccurate and are caused by other factors (Wortley, 1996; Wortley & McCalla, 2004). Immigrants, it is argued, came from a country where the criminal justice system is corrupt, brutal, and oppressive, and therefore expressed their opinion about the police and the courts based on their home country experiences. It is also argued that second and third generations of immigrants perceive much less discrimination than the first generation immigrants, even those who have been living in Canada for a long period of time (Wortley & McCalla, 2004).

Another study conducted by Henry, Hastings and Freer (1996), finds that Canadians tend to believe that certain racial groups, especially Blacks, are more responsible for criminal activities. The interacting factor of the 'racialization of crime' is over-policing in black communities. Regular inspection in Black clubs and at social events by the police provides evidence of the racialization of crime with respect to black communities (Henry, Hastings & Freer, 1996). These authors also explain the fact that racialization is directed specifically at Black people from Jamaica. High profile cases, such as the 'Just Desserts'

killing, and the shooting of a police constable by a Jamaican awaiting deportation, highlighted in the media, have fueled this view of racialization (Henry, Hastings & Freer, 1996).

A study by Chow (1996) of Chinese community leaders in Canada finds that participants have a strong belief in the racial discrimination of the law and the legal system. The participants in the study disagreed with the fact that laws in Canada were generally consistent with the notions of equality. Chinese people state that if they were involved in a crime as offenders, the court treated them as guilty and differently from whites. Regarding sentences, these people faced harsher sentences and were less likely to receive plea-bargain offers from the prosecutors (Chow, 1996). They also expressed that ethnic minorities experienced discriminatory treatment in prisons. They agreed that the lawyer's sensitivity to issues of ethnic and racial minorities was not enough to prevent unequal treatment. The majority of the Chinese people believed that they were not well informed about the various crime policies either (Chow, 1996).

In another study, Chow (2002) explains the fact that for constructive police-community partnerships to happen, a positive attitude towards police is very necessary. However, policing in Toronto is in crisis. An enquiry into a Chinese community in Toronto by Chow (2002) reveals that members of the community are only marginally positive in their perceptions of the police. Members are also dissatisfied with the 911 translation services and mistreatment by the police. But the author also focuses on some findings in which respondents that are older, better educated, hold a professional or business position, lived longer in Canada, and had better English proficiency tend to have positive attitudes towards the police contacts and services (Chow, 2002).

2.3 Immigrants, Social Integration, Race and Crime, Language Barriers, and Social Networks

The objective of the current study is to analyze immigrants' perceptions of the legal system of Canada. In this section, I try to synthesize those academic discussions on immigrants' experiences of the legal system in general which are appropriate for my study. I believe that defining this problem area will contribute, at least minimally, to understanding the accommodation process of immigrants.

Sayegh and Lasry (1993) point to the absorption of immigrants within the social and cultural framework in a new society as a crucial stage in the migration process. They agree that the experience of immigrants in integration includes the learning of new roles and the extension of participation in the society (Sayegh & Lasry, 1993). It may be argued that immigrants in a new society should learn or adopt new roles as they became residents of a new society. Through the learning process they will be integrated into the mainstream society. Citizenship and Immigration Canada advocates a similar notion that all Canadians should share common responsibilities, one of which is to 'understand and obey Canadian laws' (CIC, 2003). In addition, this notion is also addressed in the report by A Call to Action (2004), where it is stated that all immigrants should obtain information on the Canadian laws and on the functioning of its justice system. Apparently, lack of access to such information indicates the absence of meaningful and persistent integration into the society. Therefore, from the government's viewpoint, immigrants must know the laws of their host country for the purpose of their successful integration with the society. It is important from the Canadian perspective, however, for

immigrants to maintain some aspects of their culture and religion, as long as they do not interfere with legal practices.

In addition, some studies that look at the migration process from the immigrants' point of view try to focus on what their life is like, what challenges they experience, and how they deal with these difficulties during their integration into Canadian society. Hubenthal (2004) identifies English language as a barrier for immigrants. This barrier places a limit on immigrants becoming well-informed members of a new society. Another study reveals that immigrants encounter several difficulties among which cultural understanding, language, and communication problems are most significant (Stewart, 2003). The author identifies three major challenges that were reported by immigrants and refugees as follows: language and communication, employment, and family dynamics. The participants of the study also expressed that lack of awareness and understanding of a foreign language was the major barrier to attaining formal support services in their host country (Stewart, 2003). Additionally, Li (2003) emphasizes proficiency of the English language to be an important factor in the immigrants' integration process. From the above discussion, it is clear that immigrants in a new country face many problems concerning their language and culture, and that will hinder their integration process into the mainstream society.

With regards to immigrants' perceptions of the legal system, studies focus on immigrants' behavioral response to the system. The literature suggests that immigrants are concerned about discrimination (Davis, Erez & Avitabile, 2001). All of these concerns further influence their perception of the legal system. Noh and his colleagues (1999) trace the psychological consequences of social discrimination among Southeast

Asian refugees in Canada. They argue that the psychological consequences of discrimination create feelings of being worthless, helpless, and powerless, and also create feelings of sadness and fear. Noh et al. argue that the relationship between discrimination and depression is conditioned by immigrants' coping strategies. The study states that a direct confrontational response is one of the coping strategies which reduces the sense of helplessness and sense of victimization due to discrimination. But this direct confrontation can further exacerbate distress because immigrants are not a powerful group. With inadequate social support and lack of institutional sanctions for reporting racial incidents, direct confrontation against racial discrimination is not often possible nor a helpful option for immigrants given their fear of losing a job. The study also focuses on another coping strategy, forbearance, which is an immigrant's passive acceptance of discrimination. This strategy, which is likely to be more practiced among immigrants, further exacerbates the immigrants' sense of helplessness, and amplifies their victimization in the society (Noh et al., 1999). The authors also identify strong ethnic identification as a result of the distress. In the case of Southeast Asian refugees in Canada, cultural norms and values direct individuals towards self-regulation and harmony rather than confrontation. For these reasons, forbearance is the most effective way for many Asians to cope with the discrimination. This forbearance further leads to the feelings of helplessness and exacerbates their victimization (Noh et al., 1999). As a result, many immigrants feel reluctant to report crime and victimization to authorities. Such negative attitudes toward the criminal justice system are not confined only to the above groups of minority peoples. Opinion polls show that most African Americans as well as White Americans believe that local police are guilty of brutality against minority

groups. African Americans also express the fear that police will stop and arrest them even when they are completely innocent (Davis & Henderson, 2003).

The reluctance of immigrants to report crimes may be related to their fear of revenge by the offender, the feelings of helplessness or powerlessness, and their lack of confidence in the ability of the police. Immigrants' perception towards the police is another factor evaluated in this study. In fact, race is one of the crucial predictors that identifies immigrants' attitude towards police. The contemporary research also focuses on police behaviors towards minority people, such as stopping, frisking, and arresting ethnic minority people. It is from these involuntary contacts with the police that immigrants construct their perceptions of law enforcement officials. Reitzel, Rice and Piquero (2004), in their study comparing racial profiling by police between Hispanic and non-Hispanic people in New York City, identify the fact that ethnic minority people believe racial profiling is widespread and that they have been profiled.

Immigrants' negative perceptions about police are also constructed from their experiences with police in their home country. Studies show that police in many underdeveloped countries are ineffective in stopping crime because they are poorly paid and suffer from low morale along with lack of professionalism. Therefore, the police use illegal ways of supplementing their income. As a result, immigrants who have had such experiences in their home country become skeptical about police in the host country too. These misimpressions are further prolonged by immigrants' language barrier that prevents them from receiving information about policing from the mass media or from the police (Davis, Erez & Avitabile, 1998; Davis & Henderson, 2003; Davis & Miller,

2002; Menjivar & Bejarano, 2004). Evidence of police mistrust in Bangladesh has already been discussed.

Underreporting of crime, moreover, is especially high in ethnic communities that are poorly organized and disenfranchised from the local power structure. Findings from different studies suggest that in order to increase immigrants' willingness to report crimes, it may not be sufficient to conduct civic responsibility and advertising campaigns only. It also might be necessary to promote a community's sense of empowerment and integration into the local political structure (Davis & Henderson, 2003). But the authors do not attempt to identify the process through which this sense of empowerment and integration into the local political structure will be possible.

A fundamental principle is that equality of individuals before the law is paramount. Hence, if it is found that the criminal justice system discriminates against any group or individual, then it ought to be a serious concern for the society, according to its principles. Therefore, an effort must be made to ensure respect for the fundamental rights of all racial and ethnic minorities (Chow, 1996). Citizens' perceptions about the criminal justice system are a crucial factor in measuring equality of law. Therefore, if these citizens possess a negative image of the criminal justice agencies and have lack of confidence in the police, there will be a possibility that they will set up their own methods of control (Chow, 1996). This will cause disintegration inside the society which is not at all supported by the Canadian national policies on immigration and social cohesion.

Fear of crime and victimization are also related to the immigrants' perception of the legal system. In a study of ethnic minorities in Suffolk, England, Chakraborti and

Garland (2003) show that fear of crime and racial victimization create anxiety among ethnic minority people and increase their reluctance to report crime to authorities. The study shows that major obstacles preventing people from reporting crimes are the unfair treatment of ethnic minorities by the police, lack of confidence in the effectiveness of the criminal justice system, and uncertainty about the treatment given by criminal justice agencies in the country. The authors are concerned about such perceptions because some victims may experience frequent victimization or they may take the law into their own hands. This study also expresses the view that criminal justice agencies may need to comprehend the differences between the beliefs and cultural practices of ethnic groups and those of the dominant culture in order to learn how to treat minority peoples more fairly (Chakraborti & Garland, 2003).

The relationship between immigrants' cultural values and their willingness to report crime is also important in analyzing immigrants' perceptions of the legal system (Davis et al., 1998). One study finds that many women from China, Korea, Vietnam, and Cambodia in the United States have failed to seek help because of their strong attachment to Asian culture and family values (Yoshioka et al., 2001). Victims in the criminal justice system also observe problems when seeking help from the agencies. Most of the problems reported by immigrant victims are slow police response in certain victimizations, long waits in courts, sentences perceived as lenient, unfamiliarity with laws and procedures, and language barriers in dealing with police or the courts (Davis, Erez & Avitabile, 1998). These problems are similar to those also reported by Native American victims.

Immigrants' constructions of perceptions of the criminal justice system depend on length of time in their destination country as well. In a study, Davis and Miller (2002) describe the issue of community policing in New York City and find that communities composed of recent immigrants are less likely than others to be aware of community policing and also less likely to participate in crime reporting. The study also finds that knowledge of community policing among these recent immigrants is disseminated only through television, radio, and newspaper, and not from connections with community meetings, police officers or acquaintances. These communities are also less integrated with the local urban political structure. Therefore, the challenges, such as language barriers of the immigrants and the fear about the police, exacerbate immigrants' negative perception of the police and the criminal justice system (Davis & Miller, 2002). The authors also point out that immigrants typically avoid involvement with the police and the criminal justice system because of their anxiety about immigration status and a fear of deportation (Davis & Miller, 2002).

Perceptions of the legal system are also affected by the perceived risk of victimization. Holmes (2003) in his study argues that the ethnic minorities possess a higher risk of victimization by virtue of their differences. Their victimization is not only correlated with official statistics on crime, but is also related to their trust in criminal justice agencies, and to the prevailing social and psychological conditions in concentrated minority areas. From some ecological theoretical perspectives, social and psychological characteristics of poor minority areas include signs of incivility and social disorder that increases with the probability of risk of victimization (Holmes, 2003). These factors, in

increasing perceived risk of victimization, obviously affect immigrants' perceptions of the legal system.

In addition, a perception of the legal system is differently constructed for the illegal immigrants. As a result of fears of deportation, newcomers may be reluctant to report crimes (Davis et al., 2001; Menjivar & Bejarano, 2004). Immigrant women also underreport domestic violence incidences to the authorities if they have to rely on their spouses to obtain visas. These women are vulnerable to abuse because of their visa status and economic dependency. In Canada, this is a real concern. Women are often dependent on their husbands due to the 10-years support clause for family members. The underreporting generally occurs due to the fear of losing their visa status if divorced and also due to the fear of losing the economic support they get from their spouses (Davis et al., 2001).

Menjivar (2000) focuses on some immigrant-specific factors, related to social networks and contacts with immigration agencies, that shape immigrants' perceptions of crime and fear of crime by their experiences. Immigrants' early experiences with immigration agencies during their immigration process affect their perceptions and experiences with other parts of the justice system. Along with these factors, social networks of immigrants also play an important role in shaping immigrants view of the justice system. Social networks, composed of friends, family members, acquaintances, neighbours and co-workers, play a key role during immigrants' early settlement process. Immigrants get financial and other help from these informal networks. New immigrants are going to be dependent on information gathered by using these networks. Dependency grows as a result of their unfamiliarity with the ways of the new society and with the new

language. Consequently, any negative ideas from these networks further shape their perceptions of the criminal justice system.

Some authors (Chakraborti & Garland, 2003; Chow, 1996) provide suggestions on how to improve the criminal justice system and how to better serve ethnic minority people. They suggest increasing representation of visible minorities in various criminal justice agencies, increasing public consultations, effectively disseminating information, providing better training for criminal justice officials, increasing police follow up, communicating more with the immigrant community, and improving translation/ interpretation services for the immigrants. Other studies (Chakraborti & Garland, 2003; Davis et al., 1998; Davis & Henderson, 2003) show that the most effective ways to bridge the gap between the police and ethnic communities are to increase the number of foot patrol officers, to sponsor meetings with the community, to increase multicultural criminal justice staff, to undertake special outreach efforts with victims in immigrant communities, and to have documents printed in various languages.

Menjivar and Bejarano (2004) express that most studies on immigrant experiences with criminal justice systems focus mainly on new immigrants and on the differences in their citizenship status, length of time in the new country, and knowledge of English. The authors argue that these studies have a tendency to ignore the immigrant him or herself, such as how they feel or experience the risk of victimization. My current study addresses the same question: how do immigrants from Bangladesh in their daily life, in their way of integrating into a new society, perceive the legal system of Canada? According to Menjivar and Bejarano, "In this sense, the discussion may sound at times

commonsensical, which we believe happens because it represents the reality of our study participants' lives, as they understand it" (2004, p. 122).

CHAPTER THREE

THEORETICAL FRAMEWORK

3.1 Legal Pluralism

Legal pluralism has been widely used as a concept by sociologists and anthropologists over the last few decades. Legal pluralism has emerged as an ideology of post-colonial circumstances in the non-western society. Legal pluralism, in this sense, is a result of the colonial experience (Griffith, 1986). It stands in opposition to legal centralism. Legal centralism identifies that the law is and should be the law of the state, uniform for all persons, exclusive of all other laws and administered by a single set of state institutions (Griffith, 1986). According to Griffith, “legal pluralism is a fact, and on the other side, legal centralism is a myth, an ideal, a claim, and an illusion” (1986, p. 4).

Although legal pluralism has emerged from the combined idea of European and traditional forms of law, it has now gone beyond the original parameters. Europeans are not the only invaders bringing new legal systems to many developing countries. Several other groups, like missionaries, had shaped the indigenous law of these countries through conquests and migration. According to Merry (1988), during the emergence of legal pluralism, law appeared as a tool for modernization in the developing countries and for creating social justice for the First world.

Legal pluralism is generally defined as a situation in which two or more legal systems coexist in a society (Griffith, 1986). Merry (1988) divides legal pluralism into ‘classic legal pluralism’ and ‘new legal pluralism’. Classic legal pluralism analyzes the combinations of indigenous and colonial laws. Concomitantly, new legal pluralism analyzes legal pluralism for advanced industrial countries of Europe and the United

States. According to Merry (1988), “legal pluralism has expanded from a concept that refers to the relations between colonized and colonizer to relationships between dominant and subordinate groups, such as religious, ethnic, or cultural minorities, immigrant groups, and unofficial forms of ordering located in social networks or institutions” (p. 872). A cultural pluralist view of normative orders is found in every society along with this view of new legal pluralism. Understanding new legal pluralism is necessary for this study because Canada is officially known as a multiethnic society. In order to understand the immigrant perception of the legal system, it is essential to understand how the official legal system and other forms of ordering are connected, and in which ways they are separated from and dependent on each other in Canada. The new legal pluralism conceptualizes a more complex and interactive relationship between official and unofficial forms of ordering (Merry, 1988). It re-conceptualizes the law and societal relationships.

In another study, Tamanaha (2000) exemplifies the non-essentialist view of legal pluralism. It requires that “law be conceived in a way that is empty, or that at least does not presuppose any particular content or nature” (Tamanaha, 2000, p. 313). He defines law as whatever people identified and treated as law throughout their social practices. This view of law consists of state law, customary and indigenous law, international law or the law of human rights, and religious or natural law. However, this is not an exhaustive list. Whatever social actors identify as a law will be included as a law of the society (Tamanaha, 2000).

This non-essentialist version of legal pluralism accepts that more than one kind of law is recognized through the social practices by a group in a social arena. Tamanaha (2000)

provides examples in support of this aspect of legal pluralism. According to him, in certain societies, like Iran and Afghanistan, religious law is incorporated in the state law, but in other societies, like in the Republic of Ireland, state law incorporates few religious laws. This non-essentialist version of legal pluralism accepts all of these kinds of systems as laws for those societies. According to Tamanaha's non-essentialist version of legal pluralism, there are no hierarchies among several versions of law in a society. The degree of influence of one law is determined on the basis of empirical investigations. "No presuppositions are made about the normative merit or demerit of a particular kind of law, or about its efficacy or functional, or dysfunctional tendencies" (Tamanaha, 2000, p. 318).

In an empirical study, Yilmiz (2002) states that Muslim laws exist both at the official and unofficial level in Britain. Only official laws are given recognition by the legal system of Britain. Although English law remains as official, coexistence of other legal systems are also evident. Muslims in Britain want to keep Islamic laws unincorporated and uninfluenced from outside interference. "Muslims use those aspects of the official law which benefit or assist them in maintaining their unofficial law" (Yilmiz, 2002, p. 343). Shari'a is one of the most important aspects of Muslim law which is applied to the everyday life of a Muslim. For instance, marriage and divorce are arranged according to the Muslim law but are legalized using the customs in Britain.

Legal modernity, like the ideology of assimilation theory, emphasizes the development of a uniform legal system within national boundaries. It means that varying value systems will not be incorporated into the host society. However, the post-modern view stands differently. To Yilmiz, "they [Muslims] might remain faithful to Islam while

identifying fully with Britain. In that sense, integration means the adaptation of British structures to facilitate the practice of Islam within them” (2002, p. 346). Muslim laws challenge presumptions of legal modernity and establish the fact that Muslims can become citizens retaining their own identity. Therefore, it can be concluded that in post-modern legal systems, there is always a possibility of coexistence of law and multiculturalism (Yilmiz, 2002). The idea of legal pluralism, therefore, is an appropriate view to analyze the law and society relationship in the contemporary world, particularly multicultural nations such as Canada.

3.2 Criticisms of Legal Pluralism

Although legal pluralism is extensively used to explain the characteristics of the legal systems and practices in modern societies, it is also criticized by most of its own theorists. Tamanaha (1993, 2000) identifies an analytical problem of legal pluralism, which is that there is no consensus from its theorists on the underlying concept of law. For example, how far can laws go to reasonably accommodate religious and cultural difference? Because of such questions, this concept directs the reader to the “plurality of legal pluralism” (Tamanaha, 2000, p. 297). Tamanaha further criticizes legal cultural pluralists on the grounds that “their definition of law suffers from a persistent inability to distinguish law sharply from social life or legal norms from social norms” (2000, pp. 298-299).

Merry (1988) also criticizes legal pluralism for its lack of contemporary contextualization. According to her, legal pluralism does not highlight “the ways of thinking and knowing within a social field, the ways they change over time, and the ways

symbols seep into and out of legal systems in large cities, small towns, and provincial places” (1988, p. 891). A problem with the concept of legal pluralism, she argues, is that it makes it difficult to understand the particularity of small situations and the interactions of large systems at the same time. For these reasons Merry argues that “the concept [legal pluralism] requires refinement . . . including attention to the specificity of each situation, to the variations in minute social processes, and to the complex texture of ideological meanings formed within particular historical situations” (1988, pp. 891-892).

Fuller (1994) also criticizes the analytical concept of legal pluralism. According to him, the coexistence of different legal or normative orders is a common scenario or universal fact in the contemporary world. Therefore, the concept of legal pluralism itself points out nothing distinctive. It reproduces the ‘law centered misconstructions’ that are common to most contemporary socio-legal research (Fuller, 1994, p. 10).

Although debate continues over the need to define the concept of legal pluralism, the use of the concept, as defined by Merry (1988) and Tamanaha (1993, 2000), is still appropriate for the current study, which is aimed at developing a better understanding of how Bangladeshi immigrants to Canada adopt to the new dominant legal system of their host country.

CHAPTER FOUR

METHODOLOGY

4.1 Sampling and Data Collection

Qualitative research methodology was chosen for this study because it is more useful for understanding feelings and perceptions of individuals rather than large-scale opinion research with closed-ended questions. Hence, in this study, the interviews of the Bangladeshi immigrants are the primary sources of data. I have recruited eight participants from the Bangladeshi community in Winnipeg, Manitoba for semi-structured individual interviews. I believe that this number of interviews is sufficient to answer my research questions, and that I have reached theoretical saturation (Babbie & Benaquisto, 2002).

Initially, I believed that focus group interviews could be an appropriate method for this study, as it would provide broader insight into the immigrants' perspective about the transition to Canadian society. But given my lack of experience with focus group methodology and possible difficulties of gathering participants for a focus group on such a subjective and sensitive topic, I decided to use the individual interview as a method that would both serve the purpose of the study and be manageable. I chose to use a semi-structured interview mode of administration. My intention was to uncover specific information about immigrants' adjustment to Canadian society and their perceptions of the legal system. Consequently, using a semi-structured, interview guide gave me the option to direct the discussion in that way. The purpose of this semi-structured guide was to direct the interview in a more balanced approach, so the necessary information could be obtained and the respondents could be given the freedom to express their personal

views. I also found the semi-structured interview method very helpful as it allowed the researcher scope for asking probing questions during the interview. Using a less structured format may direct the conversation in a different path than the one the researcher originally intended. I wanted to get a glimpse of the perceptions of the immigrants, not just the facts. Accordingly, from my point of view, selecting the semi-structured guide for the interview was convenient and purposeful.

The decision about where to conduct research and who to include is an essential part of any research (Maxwell, 2005). The decision about doing the research on Bangladeshi immigrants was made on the basis of my keen interest in this group. Besides, this groups' perception of the legal system in Canada is not addressed adequately in the existing literature. All participants of this study are Muslim. As Bangladesh is a country where the majority of people practice Islam as their religion, I conducted interviews for this study with Muslim participants from the Bangladeshi community of Winnipeg. This selection of participants also served my purpose of looking at the participants' view on complying with Sharia law and Canadian law in their everyday life. The participants consisted of both males and females. Respondents are living in Winnipeg with their families and have children. Two respondents are permanent residents, the rest are citizens of Canada. In terms of occupation, they include business people, university professors, and persons engaged in other occupations.

I recruited participants using convenience sampling. I started by contacting a small number of people from the Bangladeshi community in Winnipeg, Manitoba whom I was aware of from the Bangladeshi Student Association, and from various Bangladeshi cultural and religious events that I have participated in myself as a Bangladeshi student at

the University of Manitoba. In the beginning, I contacted three people from the community over the telephone and informed them about the study and invited them to participate in the interview. During this conversation, I used a pre-written script. As a result, these first rounds of participants were known to me. I understood that refusals might be more difficult for these initial participants as they are socially known to me. However, I reassured them that there were no expectations or obligations to participate in the study. The second round of participants was selected by snowball sampling. This sampling procedure was done by asking a question to the first round of participants at the end of the interview guide: “Do you know any other Bangladeshi immigrants to whom I can make a request to have them participate in the study”?

I have used a basic demographic guide and an interview guide (Appendix) to understand the immigrants’ perceptions of the legal system in Canada. The basic demographic guide inquires about the age, sex, first language, occupation, family structure, length of residence in Canada, and legal status of the interviewee. The second part of the interview guide inquires into the immigrants’ perceptions of the legal system of Canada after their immigration. It is constructed according to different themes so that it is easier to find out the sources of the immigrants’ understanding of the legal system, their experiences with the legal system, their views about the system, barriers they confront, and their knowledge of the Bangladeshi system.

4.2 Data Analysis: Coding and Categories

I started data analysis after the completion and transcription of the first interview. In the qualitative research method, analysis of data is an ongoing process started from the

beginning of the interview. But it is also true that before starting the data analysis, it is necessary to listen to the interview tapes and read the interview transcripts. By doing this, the researcher can record notes and develop some intuitive ideas about categories.

Maxwell (2005) mentions the common categorizing strategy of coding used in data analysis. "The goal of coding is not to count things, but to fracture the data and rearrange them into categories that facilitate comparison between things in the same category and that aid in the development of theoretical concepts" (Maxwell, 2005, p. 96). Since these are a necessary condition for qualitative analysis, I made a decision to divide my data into three categories: organizational, substantive, and theoretical. In light of these prior analytic dimensions, the researcher constructs concepts to analyze the data.

According to Maxwell (2005), "organizational categories function primarily as bins for sorting the data for further analysis" (p. 97). I created organizational categories based on the basic demographics of the immigrants, such as 'time' - how long immigrants resided in Canada; 'age'; 'marital status'; 'occupation'; 'family structure'; 'did family come together'; and 'first language' - their original language. Furthermore, I made some broad organizational categories based on the interview guides by which I inquired about immigrants' understanding of the legal system in Canada. In the current study, broad organizational categories are 'adjustment experience'; 'definition of the legal system'; 'received information from government of Canada'; 'getting information from social network'; 'perceptions and experience of the legal system of Bangladesh'; 'sources of the information'; 'perceptions of the criminal justice system of Canada'; 'perception of racial discrimination'; 'immigrants reporting crime or not'; 'comparison between police system of Bangladesh and Canada'; 'witness or victim of a crime'; 'language as a barrier'; 'ideas

about practicing Sharia law'; 'conflicts between practicing Sharia law and Canadian law'; 'conflict in a neighbourhood'; 'conflict within Bangladeshi community'; 'religious discrimination'; and 'suggestions for immigrants, legal system and criminal justice system'.

Having constructed the organizational categories, I proceeded to construct some substantive categories. For Maxwell (2005), "(substantive) categories are primarily descriptive ...based on description of participants' concepts and beliefs" (p. 97). Almost all of the substantive categories are related to the organizational categories or are routinely identified as a response of the organizational categories. According to Maxwell (2005), "they [substantive categories] can be used in developing a more general theory of what's going on, but they don't depend on this theory" (p. 97). Alternatively, theoretical categories set the data according to theories that the researcher identifies in the study. In this study theoretical categories set up from responses are 'practicing Sharia law in Canada', and 'forms of ordering (official and non-official) in resolving disputes'. These two categories were formed to discuss the theoretical concepts of legal pluralism in this current study.

4.3 Ethical Considerations

As this study is a research project conducted with human beings, I submitted an Ethics Protocol package to the Psychology/Sociology/Social Work Research Board (REB). This package describes all the steps of the research process: sampling procedure, data collection procedure, research instruments, and consent forms. I started my data collection after getting approval from this committee. Participants were informed that this

research was for a thesis in the Master's Program in the Department of Sociology and that the results of this thesis may be published or made public after completion of the degree. I further informed them that, their participation was voluntary and they could withdraw from the interview at any time or also refrain from answering any questions.

An interview time was set up at the convenience of those willing to participate; they were also advised that they would be asked to sign a consent form at the time of the interview. Prior to the interview, the participant was given a consent form which was explained. The interviews were conducted at the interviewees' residence, business place, or at the University of Manitoba. The duration of the interviews ranged from one to one and a half hours. Subject names were not used in the study. Instead, I used pseudonyms. The interview guide was constructed in English and the interviews were also conducted in English. Questions were asked as stated in the interview guide. The interviews were recorded with an audio recorder.

CHAPTER FIVE

RESULTS FROM IN-DEPTH INTERVIEWS

5.1 Demographic Information of the Participants

I interviewed a total of eight immigrants from Bangladesh--6 males and 2 females. Their ages range from 32 to 72. All of them are married and their families are living with them in Canada. In most cases, the participants came to Canada by themselves first and then applied for their families to join them. Both of the female participants are housewives at the moment. One of them was a physician in her country of origin and she is now preparing herself to get licensed to practice in Canada. The other one informed me that she used to work outside the home, but she quit the job to have children. She also mentioned that she cannot afford the expense of daycare right now, which is why she is not employed. Among the six male participants, three are in teaching or administration, one has a business, and one is a health educator. The last male interviewee is a retired physician. All of them have been working in Canada for more than two years. All of the eight interviewees have at least one child in their family. Two interviewees have lived in Canada for only 3 years while the others have been here for more than 10 years.

5.2 Adjustment Experience

It is true that having relatives and friends in a new country helps immigrants in constructing their perceptions about the legal system. From relatives and friends immigrants get information about the rules and regulations of a country; they get information about what is acceptable and what is not, and where they could go if they need help. It is obvious that in the immigrants' early settlement experience in a new country getting such help and information from friends and relatives might be helpful for

their integration. Consequently, this study enquired of the interviewees whether they have any friends or relatives living in Canada, and if so, whether information, or advice, or explanations from them helped them with adjusting to the system of the country. Only two of the interviewees had any relatives at all living in Manitoba before their arrival. Almost all of the participants, however, had friends here before their arrival at Manitoba. Those with relatives or friends living in Manitoba also commented that there had been communication with these friends and relatives before their move to Manitoba. There is insufficient information here to say that this connection with friends and relatives helped these immigrants in constructing their perceptions of the legal system. These participants expressed their views later about how this connection helped an immigrant in getting valuable knowledge about the legal system.

The interviewees were also asked how much they watch TV shows or read newspapers or magazines related to crime and the criminal justice system in Canada. These questions were asked to ascertain if these participants are aware of events or if they gain their perception from TV and newspapers. Most of the interviewees reported that they do not watch those programs on TV or do not read reports in newspapers. Some interviewees said they watch TV shows and read reports occasionally. One participant explained that she read one report in a newspaper which really impressed her about the role of the police in Canada.

Actually it [the report] was about a little boy. Some of his friends put on fire [in] the shed, the boy was in there and they locked the shed. Another girl saw that situation and reported to police and then police rescued the boy. I read it in the newspaper and I was impressed by the action of the police. [Zarina]

5.3 Definition of the Legal System

For this study, participants were asked about their perceptions of the legal system in their home country and in Canada. Before conveying their perceptions about the system, they were asked how they define the legal system, and what they think about the essential components of a legal system. The interviewees did not give any accurate definition of the system. All of them defined the legal system according to the role of a citizen, and what citizens and immigrants could do or could not do. One participant informed me that her understanding of “legal system” was that if she committed a crime; she would be punished by the system. In some cases, participants identified the legal system as protecting individuals’ rights and freedom in a country.

I think the legal system is something which aims at ensuring the rights of the immigrants and citizens in a country. I mean, it should ensure everybody is getting a fair treatment and that their rights are preserved. They can exercise their rights and be treated fairly. Like for example, if someone goes for a job he should be treated fairly; if he goes to court he should be treated fairly like any other citizen. What I am trying to say is that in every respect the system should ensure fairness; ensure that every citizen can exercise their rights. [Abdul]

Kashem explained the role of a legal system in a similar manner, stating:

Legal system - what I understand is that it is an independent institution that works outside the parameters of the government to ensure the rights of the citizen of this country and also to ensure that societal norms, conventions, and other regulations are duly implemented and respected at all levels.

Interviewees also defined the legal system from the viewpoint of the Canadian legal system, stating that it “is a good legal system”.² They explained that it is good because they can work in Canada legally; they have the right to vote; they have access to the

² Salam’s quote.

necessities like housing and health care. One immigrant informed me that she felt secure in Canada because she thought she would never be a victim of crime in this legal system. She also felt secure in raising her child in Canada. Another viewpoint that came out from defining the legal system of Canada is the matter of equity. To immigrants, the legal system is equal for every citizen and immigrant.

Legal system, I think, is getting same law in here. Laws are same for everybody. It doesn't mean that you are born in here, so some thing are for you and some thing are not for me, it is not like that. It is same for white and blacks.
[Kalam]

Issues of safety and security are also focused in the definition of a legal system. Participants said that safety and security are the legal rights that a citizen should get from a country. In another case, an immigrant mentioned that to run a legal system successfully, it is necessary to give independence to the judiciary system:

Independen[ce] of Judiciary system. Independent means total[ly] autonomous from government or any other institutions. That's the most critical part of it. [Kashem]

In explaining the vital components of a legal system, participants were in some cases giving more specific answers: they reported that they think the courts, the justice system, the police, judiciary, politicians, and mayors are the key elements for running a legal system. One interviewee summarized the key elements of a legal system as “court system, police and other offices that maintain the legal system and maintain that law and order” [are the key components of a legal system]³.

³ Malik's quote

It was also shared in the interviews that the legal system is not responsible alone for maintaining the law in a country. There should be cooperation from all sectors of the society, including its citizens, to maintain and to obey the law.

5.4 Information Received from Government of Canada

Regarding immigrants' perceptions of the legal system, it is probable that receiving information from the government will result in the immigrant becoming better acquainted with the system. It is therefore a responsibility of the government to inform newcomers about the legal system. Immigrants in their early settlement process also depend on this kind of information. In this study participants also believed that immigrants should get information from the government. One interviewee said,

I believe every immigrant right away after their landing in a new country should know the rules of what the country has; like the legal provisions and the legal system. It is better to have some state-run, formal system, and formal process, to let them know about the system. It is absolutely necessary.
[Abdul]

Interviewees were asked whether or not they received any information from the government offices in Canada. It is worth mentioning that no one reported receiving any kind of information about the legal system from the government. Moreover, interviewees mentioned that they believed there were no such programs in Canada to inform them about the system although they pointed out that after their arrival in Canada they did receive information regarding study, health, residence, social insurance, child tax benefit, work permit, and jobs from the government of Canada. One of the interviewees informed the researcher that when he sat for the citizenship exam, he got a citizenship guidebook where the legal system is discussed. Another interviewee indicated that because he was in

England for a long time and the system here is basically the same as in England, he did not face any problem regarding the legal system. Other than these cases, everyone shared the view that they did not get any written document or any unwritten information from the government offices after their arrival in Canada.

We do not get anything about the legal system of Canada in a structured way. We got some books when we arrived in Canada as an immigrant. They gave us some sort of booklets but those were primarily addressing some of the immediate need of an immigrant, such as housing, child tax benefit and social welfare type of thing, but about legal system I am not sure whether we got any thorough literature about the legal system, like how it works and where to go. But probably we all know that if you have problem, then call the 911. [Zafar]

Another finding from the interviews was that at the initial stage of the settlement process immigrants place greater priority on basic needs than on learning to know the legal system of Canada; after they have settled down, they are able to move to the next set of priorities. Zafar explained this issue from his own experience:

In my perception, whenever people came from different country to settle down here, something can be given to them such like a booklet. But at that time our priorities are different. Like in 2005, when we came in here we had the first priorities of finding housing and job to survive. At that time we were not thinking about the legal system, what it is and how it works. Now we are getting settled after two years and now we are looking for some other issues.

Another significant issue uncovered in the interviews is that interviewees thought that there was a lack of government agency involvement in the dissemination of information about the legal system to the immigrants. The Canadian government does not have sufficient information sessions or programs to inform immigrants about the legal system after their arrival. Kashem explained his perceptions regarding the issue:

There is big missing puzzle and that's why these new immigrants and citizens failed to understand what is required, and what the new norms are. And there is big communication gap between this Diaspora who are settling down and their required legal system and cultural norms. And very little has been done in real sense on the ground.

5.5 Getting information from Social Networks

Similar to getting information from government, getting information from social networks also helps in constructing a newcomer's perception of the legal system through providing information about the system. Social networks like friends and relatives are the closest groups for an individual. In this study, only a few interviewees had friends and relatives living in Canada. They said they received some basic information from them about jobs, the transit system, and information about 911.

Most of the participants did not have any social networks in Canada, but they explained the fact that having such a network is a kind of "good beginning"⁴ for the immigrants in understanding the legal system.

That [getting information from social networks] is really very important. Because, if you can communicate with somebody who really has the practical experience, who faced the problem, and the legal system helped him or her, then you can talk with them and you will get really good and practical ideas [about the system]. [Zafar]

Some key points focused on the issue of language. Interviewees thought that as friends and relatives can speak in the mother tongue, it is easier for immigrants to learn about the legal system from them. Moreover, such a network can be helpful for immigrants who are not well educated. Here, interviewees brought up a question about the language barrier of the immigrants.

⁴ Salam's quote.

One interviewee explained the role of social networks in disseminating the information to immigrants in a negative way. To him, learning about the system from friends and networks may provide a more distorted picture than the real picture of the legal system. So, rather than facilitate, this network may impede their perception about the legal system.

Knowing and learning from social network would be rather more subjective and may do bad rather than do good or right thing for the new immigrants. It is my feeling. [Zafar]

5.6 Perceptions and Experiences of the Legal System of Bangladesh

Certainly immigrant perceptions of the legal system of their destination country can be influenced by their perceptions of their home legal system. The literature suggests that this is particularly true regarding the police. For this reason, this study asked Bangladeshi immigrants about their perceptions and experiences with the legal system of Bangladesh. Most interviewees did not have any personal experience with the system in Bangladesh, so they related their perceptions from a general point of view. All interviewees explained that they saw the legal system in their country as non-institutionalized, corrupt, and volatile. People in their country do not trust the system. Regarding practical implementation of law in the country, police, government, and other institutions are “deviated from the system”.⁵ Kashem explained the system in a general way:

I think it was made and constructed during the colonial time. So it is very anti- people, anti- social. It really doesn't help society to move forward and protect the rights of the citizen appropriately. It basically abuses and misuses the system by one very authoritative top-down system which functions within the government machinery.

⁵ Zarina's quote.

Interviewees believed that the legal system in Bangladesh acts unfairly towards its citizens. They believed that “it is for the rich people”⁶; those who have money can manipulate the system in the country. Most interviewees indicated that corruption of the legal system in Bangladesh is due to lack of resources: lack of finances and lack of training in the system. Zafar focused the issue on why the legal system of Bangladesh is not working:

To [him], one reason is, may be lack of resources; we don't have enough resources to support the whole country. Second, is probably lack of training, we don't have enough training equipment or those kinds of things to support the people's immediate needs. Third, could be policies, we don't have kind of policies such as if you have any problem you can jump on the 24 hour service or any other services. So these are the systematic problem we can say.

The participants also reported that problems in Bangladesh are not only limited to one system, it is all over. Fatima mentioned that whenever she visited Bangladesh, she found the country in a hostile situation. She found curfews in the country which restricted individual movement. She also told about the ‘session jam’⁷ in the education sector. There are problems in all sectors in the country.⁸

But overall I will say our legal system in Bangladesh don't think it is a responsibility [that] they have to offer a good service to the citizen. You cannot blame a single cause for that, and you cannot blame one department. If you see in Bangladesh you can see all over the problem. So if you go for legal system then you will find problem, if you go to education you will find the problem or if you go anywhere else you will see the problem. So, the overall expectation of a citizen in Bangladesh, they don't fulfill their needs and demands. There might be different reasons so far. [Zafar]

⁶ Abdul's quote.

⁷ Session jam is the lag in academic session caused by political unrest or student movements. Academic institutions get closed for a long period of time due to these periods of unrest in Bangladesh.

⁸ Fatima's explanation.

The participants spoke particularly about the role of the police department in Bangladesh. They pointed out some facts about the police which are very important in further analyzing the formation of their perceptions about the police in Canada. All interviewees in this study emphasized the corrupt behaviors of the police in Bangladesh. In one case, an interviewee explained that the police in Bangladesh charge money if someone makes a call to them for help. Poor people, of course, cannot afford this, so they do not call the police for help. Moreover, the police are dishonest, so even if people are able to call them, they may not receive any help from them. This general negativity towards the police is not a new phenomenon; it has existed in the country for a long time. An interviewee who left Bangladesh (East Pakistan at that time) in the 1960's expressed the same feelings about the police during that time.⁹ Only one immigrant in this study related his own personal experience with police in Bangladesh and presented a picture of the system in the country:

Several times I went to police to get police clearance and anything like this, but it cannot be done without bribes. Though you are legally deserved a police clearance or any certificate, but they will not give it to you unless you bribe them. ... But it takes even weeks or months [to be issued]. They [police] will never send it to you, you have to go there everyday every time and beg for that. It is completely unfriendly towards the citizen. [Abdul]

He also explained how police harass people in the country:

They [police] put people in prison without any trial. Before trial people are kept in prison for couple of months or years. Unless a person is proven guilty he or she cannot be kept in a jail. But they kept people in jail without being proven guilty. They waste their life in jail. These are the flaws of the system. [Abdul]

⁹ Malik's quote.

5.7 Sources of Information

Most of the interviewees informed the researcher that their perceptions and knowledge of the legal system of Bangladesh came from newspapers, the media, academic articles, the internet, and social networks, such as relatives and friends. Some of them verified that, as they were born in that country, they knew about the exact situations in Bangladesh.

5.8 Perceptions of the Criminal Justice System of Canada

It is obvious that when people migrate to a new country, they come with some pre-conceived notions about the country to which they are going. Often it is on the basis of these perceptions and this partial knowledge that they decide to move to a certain country. It is also true that after settling down in the new country, and after their relocation experiences, their perceptions change. For this reason, I asked the Bangladeshi immigrants whether, when they were still in Bangladesh, they heard about the legal system of Canada. In almost all cases, the interviewees explained that they had heard or learnt that Canada is a “peaceful”¹⁰, and “better (country) than Bangladesh”.¹¹ This is common to all Bangladeshi as they think that Western countries have a very good and well developed legal system. People can get help in many forms in Western countries; they have safety and security. One interviewee informed me that he and his family moved from England to Canada expressly because of their perceptions about Canada:

Not specifically for Canada, we were thinking actually to move from Bangladesh to a developed country. And we visualized those countries really should ensure at least the basic needs of a human being. We at that point thought that

¹⁰ Zarina’s quote.

¹¹ Kalam’s quote.

if we move to Canada probably we will get some sorts human rights. From the point of legal system we knew that if we have problem, then there will be help and support from authorities too. At this way we thought that is the way that any developed country will provide those. [Zafar]

It is also important to mention that all these interviewees were familiar with the legal system of Canada from media, newspapers, internet, reports, booklets, magazines, and from social networks.

It is evident that an individual's perceptions develop from personal, lived, day-to-day experience. To understand the Bangladeshi immigrants' perceptions about the legal system of Canada, they were asked if they had any practical experience with the system. Most interviewees in the study expressed the view that they did not have any experience with the system. However, a few interviewees had practical experience with the criminal justice system. They reported that the legal system in Canada is more helpful and responsive towards people. They also identified the system as more stringent in enforcing the law. Zafar gave an example from his own experience:

From my cell phone probably one miscall went to 911. They [police] were really give me call back and asking if I am safe or not, that really impressed me in that way that it was simply a miscall but the way they followed up which we really want as a middle order citizen. ... Also the place I work is ... [a]... Community Health Centre which is much closer to the police station. So we can see their movement, which is really good, and they are open to public all the time. And it is my impression about that there is a picture in ...[the]... police station where it says "community police" or "community support police"; so whenever you see that type of signboards you will know that they are there to support you. It will attract you. It means to you that they are not enemy of yours, if you call them they will come and will help you. That is all my perceptions, but I don't know in real life if I call them how they will support. But I believe that they will support.

Zafar also explained how he found the prison system of Canada. He said that he went to Stony Mountain several times as a trainer for educating prisoners about HIV and STI. He was impressed with the institutional structure and facilities. He mentioned that an offender can get supports from prisons in Canada, such as education and other training programs. So when an offender came out from that correction centre, he or she can do at least minimum work for survival, and in that way the institution helps incorporate its offenders back into the society. These positive perceptions towards the system also help citizens and newcomers become more aware of the laws and by abiding by these laws, they feel safe and secure in society.

Furthermore, those participants who did not have any practical experience with the criminal justice system also expressed their views that, as far as they knew from media or friends, it is a very good system where, if you need help, you can get help from the respective authorities. These perceptions are the same as the perceptions of the interviewees who have practical experience with the system. Interviewees also believed that the criminal justice system of Canada “ensures everyone’s rights, peace, and fairness, and reduces crime”¹² from the society. To call the emergency 911 number and expect to get help and preserve human rights is really impressive to immigrants since, in “Bangladesh, the picture was totally different”.¹³

It should also be noted here that anxiety and fear was expressed about the system as well, in this study. Explanations were given about concern with the increasing crime in the society and the role of the police in Canada. The participants were aware that police sometimes mistreat individuals in the society, and that this is an area in need of further

¹² Abdul’s words.

¹³ Zarina’s words.

improvement.¹⁴ Regarding these negative perceptions about the system, Kashem gave a more comprehensive observation:

Two things [we have to consider] - one is in terms of system itself. It is not totally based on a sort of level of playing field for all races, gender and groups. On the surface it is there, but in terms of practice like for example first nation people and communities, I feel that fairness is not established institutionally [in Canada]. In paper it is established but in terms of practice there are lot of subjectivity involved and mainstream Canadian institutions abuse the system for their advantage. That is supremacy of mainstream; particularly the Anglo-Saxon culture is established into the judiciary system.

5.9 Perception of Racial Discrimination

Interviewees were asked if they experienced or witnessed any racial discrimination on the part of the police in Canada. They reported that they personally did not face any kind of racial discrimination from the police in Canada. Fatima, one of the participants, explained that she lived in a place where she saw interaction between people and police several times. People sometimes got caught with drugs. But the police did not treat them differently. She found that whatever the law is, it is equal for all, even for the Aboriginal peoples. But some of the interviewees said that they heard from the TV and newspapers that there exists a sort of racial discrimination among the police.

Again from the news in media it appears that there are some racial discrimination in terms of dealing with the minority communities in this country by the police, specially the native Indians and minorities from outside Canada, like Caribbean people. I heard that there is some discrimination. I cannot say the degree of discrimination, but it seems that there is some discrimination. [Salam]

¹⁴ The immigrant who expressed this view was not sure about which areas need to be improved, but this was what he felt.

It [racial discrimination] is quite established. And efforts are being made, but I will give you an example that if there is an incidence where a black person shot a white person, then it is obviously described as a prejudice there. It is built in within the system. But on the other hand, if a white person does that to black or to native, then first things come into place that lawyers always place that for self defence. So those things are played in a very unfair way. [Kashem]

Another interviewee explained that some discrimination may be natural:

But, in general, I want to say in a different way that, as a human being, whenever you see two people are there and one of is from your country and the other one is from different country, and their color is different, then you might be biased for the person from your country. It is a human nature. You cannot ignore it. I want to conclude it in a way that I really haven't seen that much discrimination in here. But in general there is little discrimination, which is a nature of human being. I will say 80% people are good, 20% people has some discrimination problem. [Zafar]

He stated again that there is sometimes a language barrier which obstructs communication and provokes a discriminatory situation:

As immigrants our language is different, we cannot pinpoint anything. Like if you have a car accident, [and] then the way that I will describe it to the police probably is different than the other person who will also describe the scene. If English is the first language for the second person, then it will be easy for him to describe than me. So it might be one problem. That might be one point that you might feel discriminated, that the police give some prefer to that other person. [Zafar]

5.10 Immigrants Reporting Crime

I asked interviewees whether immigrants in general in Canada are fearful to report a crime to the police since the literature suggests that immigrants always have a fear in reporting crime to the police. Sometimes this fear is constructed from previous experiences with the police in home country. There is also the fear of not knowing about

the system. That is why the Bangladeshi immigrants of this study, when asked what they thought about the reporting crimes to the police, agreed that immigrants should have to inform the police about a crime for their own safety. According to them, Bangladeshi immigrants are more likely to report crimes to police. The reasons behind this, they explained, were that Bangladeshi immigrants' as a group in Winnipeg are a highly educated group of people who are more conscious about the situation and who want to protect their legal rights. All of them know that if they face any problem, they can dial the 911 for help.

Some interviewees compared the experience of reporting a crime to police in Bangladesh with the same experience in Canada. They felt that in Bangladesh, people are always scared to go to police because of possible harassment from the authority. But here (Canada), they felt that they can approach the police at any time. They also believe that these "friendly"¹⁵ police will further help them.

Some interviewees indicated that failure among immigrants to report crime to police may be an avoidance tactic, not wishing to become "involved"¹⁶ with the police. One interviewee explained that immigrants do not want to get involved because they know that if they call police for help there will be "more trouble".¹⁷ This person mentioned an immigrant couple whom she knew who were facing a family problem; they didn't call the police for help because they were afraid there might be some actions taken by the police which they did not want to face. Hence, they chose not to call the police.¹⁸

¹⁵ Abdul's quote.

¹⁶ Malik's quote.

¹⁷ Fatima's quote.

¹⁸ Fatima explained the fact.

Misunderstanding or not understanding the legal system resulted in immigrants not reporting crime to the police. Zafar explained the situation of the Bangladeshi immigrants in the following way:

I will say that there is some underreporting. Underreporting in a sense that we are not really very confident, when some small occurrence happens to our house or in our community, we do not feel comfortable to call 911 or talking with the police or the legal justice system.

According to Zafar, Bangladeshi immigrants have no confidence in themselves, because they do not know about the system very well. He gave an example for this “like if you don’t know how to operate a computer, then you will avoid operating it.” For this reason, if they have any family problem, they want to solve the problem between or among themselves and that might include community members. Zafar explained this characteristic of the immigrants as a matter of culture that Bangladeshi immigrants believe in “collectivism”.¹⁹

We still believe that we are part of our country and part of our culture; we try to solve those problems in our own thinking process. [Zafar]

To the interviewees, perceptions regarding reporting crimes to the police varied according to the region of the world one came from. European immigrants, they felt, were more likely to report crimes in Canada because they found Canada had a similar kind of legal system as that of Europe. But immigrants from Asia, Africa and Latin America had a “fear and ignorance”²⁰ toward the system in Canada. “They don’t know the implications, whether they will be penalized unduly or not”.²¹ Therefore, their ignorance about the system leads them to not report the crime to the authorities. This

¹⁹ Zafar’s quote.

²⁰ Kashem’s quote.

²¹ Ibid.

perception is also influenced by their “back home” experience with the police. To overcome this, interviewees of this study emphasized enhancing immigrants’ knowledge and understanding of the legal system, especially of the police of Canada.

So, in this country we need to understand how it [the legal system] works, and when and how to call the police. We immigrants do not have really good understanding about the system. So, first of all we need to have a very good understanding or orientation about the system that how it works. Everybody should know what the basic rights are as a human being or as a citizen they have. I worked with immigrant groups or refugee group as part of my job and I found that most of them do not know what the rights they have in terms of health. They don’t know where they have to go System is well developed to support you, but they do not know that. So I think these things need to be more discussed with immigrants; formal education or workshop can be arranged so community people can come and discuss what legal system is, and how it works, and what it offers or we are entitled to. These types of things can be done for immigrants. [Zafar]

5.11 Comparisons of the Police System in Bangladesh and Canada

Comparing the police systems of Bangladesh and Canada was another objective of this study to find out how Bangladeshi immigrants’ perceptions of the Bangladeshi police influence their perceptions about the police in Canada. Interviewees agreed that police systems in both countries’ had a similar structure. “In terms of prison, Criminal Code, and many other things are based on the same historical ground,”²² the British colonial system. There were, however, many differences identified by the interviewees:

I think [there are] lot of differences. In here, if police hear that somebody is in danger, then they will come for help within short time. At least they will try to help the people. But in Bangladesh, I had a practical experience, our car was

²² Kashem’s quote.

not working when we were driving and we stopped it by the roadside. At that time, a police car was passed by us and they also stopped and ask us what happened. When we told them that it was not working then they didn't help us, they just drive away from us. But in here the situation is totally different. Somehow if police are informed, then they will come and help you. So systems are totally different.
[Zarina]

...the differences we found between two is that in here, like in a heavy rainy day, we were coming from Waverley and we saw an accident in there. I observe the response over there; it was very quick response from police that time though it was a huge rain. But in our country there are lots of problems; I am not saying that all people are bad, people cannot work in that environment. There is always huge traffic jam on the road. If one accident happen, then it is hard for police to come for rescue. And maybe when they will come, people might die. Differences not related with mentality but related with differences in structure. Differences are in terms of response and responsibility. In Bangladesh, police do not have accountability. But in this country it works in a different way, because there are lots of supports to help the system. [Zafar]

Big difference is that in Bangladesh police has only one concept. That means they are there to represent the state machinery, they don't connect themselves with people or to the protection of the citizen. But in here, police and their training and education certainly are meant to them there they are to support the citizen, help the citizen, and protect the citizen. It is a fundamental and conceptual difference.
[Kashem]

It is clear from these responses that the negative perceptions they had about the police in Bangladesh did not generate any negative influence on their perceptions of the police in Canada. In all instances, they regarded the Canadian police as a legitimate institution. They expressed their faith in the system by mentioning that, if they were in any dangerous situation, police and other help would be there right away. One implication of this finding is that the studies which argue that immigrants' experience with the police of

their own country will have an influence in constructing perceptions about police of their destination country are not corroborated with data from my study.

5.12 Witness or Victim of a Crime

Interviewees were asked several questions about their victimization or witnessing of a crime in Canada to understand their behaviors in the situation: How did they feel in such a situation? Was there any fear towards the system or not? Most of the participants had not witnessed a crime or had never been victimized by a crime. A few of them had witnessed a crime. One person had seen someone running down a road while others were running behind that person. Before he called the police, someone else had already called. Another participant experienced a theft in his house, and he called the police and insurance company instantly. Another interviewee explained that she saw a man drinking alcohol while he was walking down the road. She thought this was a crime as the man posed a risk to others. Instead of reporting this to the police, however, she ignored the situation because she was not sure whether the act was a crime or not in Canada. This is a very important issue in discussing immigrants' perceptions of the legal system, since if they do not know what constitutes crime here; they may be misunderstood or abused by the system in their new country:

Because I am not sure about that it is a crime or not. In my country it is a dangerous crime but in here there are no legal issues in drinking alcohol. I don't know about it and it may not be consider as a crime, that's why. [Zarina]

All interviewees agreed with the fact that if they saw a crime on the street, they would definitely report that to the authorities. The reason for this is that they want to prevent the

crime; they think it is their responsibility as a citizen to report it, and they also think they can protect their safety and security in this way and make the society a better place.

5.13 Language as a Barrier

Interviewees were asked what they think about language being a key barrier for the immigrants in understanding the legal system of Canada. Language can become a barrier and place a limit on understanding any system of any new country. Some interviewees in this study believed that language is not a problem for the Bangladeshi immigrants as these groups in Winnipeg are more or less educated. They also mentioned that English was already a second language for them back home, so it did not create any problem for them. Moreover, after their migration to this country they enrolled in English language courses to further enhance their understanding of the language.

Some interviewees thought that language is, in general, a barrier for the immigrants. Many immigrants do not know how to read, write, or speak in English. Therefore, how will they understand the system? If someone does not know how to speak English, then how will he or she report a crime to the police? The inability to speak the language creates fear towards authority. Therefore, it will create a distance between the police and the immigrants. Kashem explained it this way:

It [language barrier] doesn't really ease up their [immigrants] accessibility to the information and people and authorities available here. Because it makes a distance, makes a communication problem, keeps them avoiding the system.

For this reason, Kashem believed that:

Yes, it [language barrier] is a problem, not the most pivotal obstacle but it is imperilled [the immigrants]. Because in terms of integration, assimilation, once that barrier is over I

think it will be much easier for them [immigrants] to access and understand the system.

The interviewees pointed out another fact which was that, as English is a second language back home, they came here with some educational knowledge. Their writing style or speaking accents are different than an English speaking person, and for this reason it is sometimes difficult to communicate or to understand certain situations. One interviewee argued that speaking in a different accent can create further fear in an immigrant's mind so that he or she would hesitate to report anything to the police.²³ Therefore, the problem is not only knowledge; it is practice, too.²⁴ Moreover, one interviewee argued that immigrants' lack of understanding of the legal system does not only depend on knowing the language, but also on basic perceptions or understanding about the system.²⁵ Hence, all of these factors are involved in shaping an immigrant's behavior towards the system:

First of all, it is presumed that as if they would know English, would they be more interested in involving them in the Canadian legal system? [Kashem]

5.14 Ideas about Practicing Sharia Law in Canada

In recent years, practicing Sharia law has emerged as a public issue in some Canadian provinces, particularly in Ontario. In late 2003, the Islamic Institute of Civil Justice (IICJ) started to offer arbitration in family disputes, such as in divorce and property ownership, in accordance with both Islamic Sharia law and Ontario's Arbitration Act (OAA), 1991 (Korteweg, 2006). This initiative by IICJ created a huge debate on the issue of Sharia-based family law and women's rights in Ontario (Khan, 2006; Korteweg, 2006; Morris,

²³ Kashem

²⁴ Zafar

²⁵ Malik

2004; Razak, 2007). Khan (2006) points out that the supporters of Sharia law emphasized that Sharia law with limited state monitoring would offer Muslims the “best of both worlds” in this society. Incorporating Sharia law with state law would further integrate Muslim newcomers to the mainstream society if they found that their voice is represented in the laws. This debate had a number of effects in Ontario. According to Korteweg (2006), “the debate of Sharia arbitration turned into a public lambasting of Islam rather than a debate on legal principles and practices” (p. 51). It created a negative image of Islam in Canadian society. Moreover, it divided Muslims into two poles. Some believed that religion is their personal or private issue and others believed that religion should be incorporated with the state system. All these debates faced an end in 2006, when the Ontario Legislature made an amendment on the OAA that there should be one law to be followed by all.

In this study, interviewees were asked about the idea of practicing Sharia laws, in general, in Canada. It is evident from their responses that interviewees actually did not personally have a clear definition of the meaning of Sharia law.²⁶ Even though they did not use the term ‘Sharia law’, they expressed their views on following Islamic religious rules in their day-to-day life in Canada. They reported to the researcher that they do not face any problems and/or discrimination in Canada in practicing their religious activities, such as their prayers as they now have a central mosque in Winnipeg. They described how other legal traditions and systems work alongside mainstream laws in Canada. To

²⁶ According to Islamic legal scholars, “the Shariah is the divine law of Islam, and the understanding of that law is *fiqh*, or jurisprudence ...; the extent to which the Shariah prevails in today’s Muslim countries depends on each country’s degree of secularization. The Shariah applies to every dimension of life, including family relations, inheritance law, taxation, purifications of pollutions, and prayer; the activity of its scholars includes the ranking of human actions on a spectrum ranging in shadings from mandatory to encouraged, discouraged, and prohibited” (Eliade, M.; Couliano, I.P. and Wiesner, H.S., 1991). See also Souryal, S.S. (1987).

them, religious practices in their day-to-day life do not interfere with the Canadian legal system:

I will say that in Canada there is no barrier in practicing Islamic law. Nobody's [will] say [that] you cannot put hezaab or veil, or you cannot go to mosque. People are not pointing us that you are a Muslim. Still it is a healthy environment. People are working with praying in the offices, going for Friday special prayer. Even in Manitoba we have grand mosque opening. Those things are going on. ... in terms of practice we can practice our religious beliefs, and nobody's pushing us to not to do. [Zafar]

One interviewee, in expressing his view on practicing Sharia law in Canada, said there should be a separation between religion and state, not only for Islam but for all religions in a country:

I believe it is not just for Sharia [law], any kind of religious belief system should be [kept] outside from state, judiciary or from any other legal system. There should be 100% separation between religion and state system. So there should not [be] any connection between them. [Kashem]

The reason for the argument on separation of state and religion was that participants believe if someone wants to implement the Sharia laws in the society, then conflicts will be created in the legal system of Canada:

But if you want to change anything in Canadian law according to Sharia law, or want to bring them together, then I will say it is not a good idea, I don't think it will work. [Malik]

5.15 Conflicts between Practicing Sharia Law and Canadian Law

With regards to legal pluralism, interviewees were asked about their practicing Sharia law in Canada, whether they had found or thought about any conflicts between practicing Sharia law and obeying Canadian law. Some interviewees thought that there were some contradictions in general between Sharia law and Canadian law. It is all about the

differences between religion and the legal system. In one case, an interviewee explained that consuming alcohol is legal in Canada but is forbidden according to Islam. She also found conflicts about “wearing dresses” according to Islam and in Canada. In Islam, all people, irrespective of sex, have to wear clothing that covers them up, but in Canada there are no restrictions like this. Another interviewee also mentioned the practice of abortion and sex before marriage and said she found conflicts between the two systems, as Islam does not support these two practices. Some interviewees also mentioned conflicts between the role of women and the property law according to Sharia law and the Canadian law. According to Sharia law, women do not inherit the same amount of property as men, a fact which is not same in Canadian law. To the interviewees, these were conflicts in theory; practicing Sharia law did not create any problems in the daily lives of the immigrants and interviewees. A number of interviewees expressed their view on that:

But in regard to what I will wear or when I will go to mosque, I never find any problem here. I never find people say here that we should not have a mosque. This is very good. I have my own religion here, nobody tell me that you are Muslim, so you are terrorist, those kinds of things I never find here. It is in a very good shape. [Fatima]

Religious practice in day-to-day life does not interfere [with] anything. You say your prayers at home, mosque or churches. Hindus say their prayers. It does not affect their life. Religion is totally personal thing. [Malik]

I don't see any contradiction in practicing Islam here in Canada because Canadian law doesn't contradict with Islamic practices or practices of any other religion. So, religious practices have no contradictions with the Canadian law. [Salam]

One interviewee pointed to the fact that though there are some contradictions between Sharia law and Canadian law, it will not affect the Canadian law unless “you tried to mix it together.”²⁷ Another interviewee gave some suggestions to avoid these contradictions. According to him, Sharia law could be accommodated to an extent so that it would not impede the “social cohesiveness”²⁸ of the state:

Sharia or Islamic law should be accommodated to the extent that it doesn't undermine functioning of the Charter of Rights. So it should be accommodated in extent that it rather keeps or puts in a harmonized way in a society.
[Kashem]

In this regard, he also gave an example:

What I mean, like veil, whether it should be permitted or not, the answer will be yes. But, to the extent that should not hamper state functions. If you can't see the face or if you don't have the ID, then it could be a falsification for the voting. So, how can you accommodate this? Yes, it is possible, but it required one women election officer in the voting process to verify. So, it is possible, but there will be need for more resources, more accommodation, and negotiation. So, it should be accommodated to society the extent that it will not undermine normal functioning of the state. [Kashem]

On the question of accommodation, the same interviewee also put forward the issue that in Canada, Muslims are not the only religious group that came for settlement; there are many other religious groups coming to Canada every year. So, how can the state accommodate all of these religious laws and beliefs?

So, how can you adjust all this plurality? So it depends on society. As it is evolving, it is not stagnant. There has to be more dialogue and conversation. But I believe it should be done in such a way so that the separation between state and religion is maintained. That is one thing [that] is missing in

²⁷ Malik's quote.

²⁸ Kashem's quote.

Asia and Africa; our institutions do not talk about this separation. [Kashem]

Another interviewee also referred to the debate on the use of the veil in the voting system of Canada. But he did not suggest an alternative within the system. He mentioned that if a woman covers her face during the vote, then it might create a problem for the respective authority to identify the person. The same problem can occur in a traffic accident case, too. If women are covered with the veil and the situation demands showing their ID to the authorities, then it will create a problem for them to identify the person with her ID.

Several interviewees opened up the same issue in discussing the contradictions between Sharia law and Canadian law in general. One interviewee mentioned an example of a school where a girl used to wear the veil in class and other students teased her. To avoid the situation, the class teacher told the girl not to wear the veil. This interviewee explained her argument that when one wears the veil, she makes herself “totally distinguishable”²⁹ from others. This is the contradiction the interviewee found between two systems. Another interviewee found the contradictions too, but he believed that conflicts and contradictions exist because “religious law is manipulated by some basic group of people”.³⁰ He also believed that whatever the contradictions are, this is not a problem for modern society because no “... modern civilized society enforce[s] any particular religion”³¹ on its citizens.

²⁹ Fatima’s quote.

³⁰ Abdul’s quote.

³¹ Ibid.

5.16 Conflict in a Neighborhood

To understand legal pluralism, interviewees were asked whether in a conflict situation they would try to solve the problem following Sharia law or turn to authorities in Canada. Most of the participants responded that they would go to the authorities. This is because they believe they are citizens of this country and they have a responsibility to follow the country's law. They do not follow Sharia laws in dealing with personal and neighborhood conflicts in Canada. In essence, they do not know what to do with Sharia law or how the law could be applied in such situations. Some interviewees gave some strong views on the issue:

I don't follow Sharia law in here. It is not implemented. I definitely go with the system in here. I don't make my own laws. I believe in the system. [Kashem]

I will go to the existing laws of this country. So far I understand and believe that the place you are in you should obey the rules of that part of the world or that part of the community. That is some sort of balance. ... Canada creates those laws to protect its all citizen. We should follow that. [Zafar]

I think I should go to authorities to resolve the problem. I mean this should be resolved according to the law of the country. It is my responsibility. Because the country I live I should abide by the rules and law of that country. Any other law is not basically a law in here. So everything should be solved according to the law of the country. [Abdul]

One interviewee gave her view in quite a different way. She stated that she would solve the problem depending mainly on the situation and with whom she had the problem. She stated that if she has a problem with a Muslim person in the neighborhood, then she believed that "Muslim will understand what Muslim can do".³² She also

³² Zarina's quote.

assumed that they can solve the problem mutually. But she strongly believed that if the conflict is with someone other than Muslim people, then she obviously would report that to authorities.

5.17 Conflict within Bangladeshi Community

Interviewees were asked about solving disputes within the Bangladeshi community. Some interviewees responded that they would go to the authorities, as they would do that for non-Bangladeshi, too. On this topic, one interviewee strongly expressed his view that if he has some family dispute with his wife, he would never bring in other people for a solution, nor follow Sharia law to settle the problem. He explained that he would first try to resolve the problem among them, and if that failed, then go to the authorities of this country. He mentioned that he tries to follow the law of the country where he lives.

Another interviewee expressed the same opinion:

I would go to authority [to report the conflict]... I will not follow any religious law. Because, you know my religion is in my back home and is my own. [Our] religious law is not this country's law. That's why I shouldn't go for Sharia law, I will report to the authorities. I have to follow this country's law. [Fatima]

On the other side, some participants explained that if the other person is from the same community, they will try to solve it first by involving the Bangladeshi community. They thought it would be easier to solve the problem that way. One interviewee argued that in Winnipeg their community is not that big, so it would be easier to solve the problem within the community.

Some interviewees explained that because of their culture they can not bring their community members in the first place to the police in case of a dispute. It is important to

mention that the interviewees thought that if the problem can not be solved within the community, or if the problem is complex then they will obviously go to the authorities. One interviewee expressed his view that if he had a problem with Bangladeshi people in Bangladesh, he would never go to the police to report as the police would further harass him for the issue.

Only one interviewee, who responded to the previous question by saying she would solve a problem with a person of her neighborhood through Sharia law, if that person were Muslim, now expressed the same view in this respect. This interviewee believed that in this way she could solve the problem without involving the police.

One interviewee indicated that there is a misconception or misperception that if you are Muslim, you will go for Sharia law. According to Abdul, “there may be some small group of people who are fascinated by [the] Sharia law, but I don’t think Muslims in general are likely to go [for Sharia law]. This is a misperception, I will say”.³³

5.18 Religious Discrimination

Interviewees were asked if they felt any discrimination for their religious identity. Most participants did not report experiencing any discrimination. Quotes from the interviewees about their feelings on this are as follows:

I have some contact with mainstream Canadian society, where I don’t see any discrimination. My main socialization takes place in the university where racial discrimination is almost nonexistent. Academic atmosphere is different than the mainstream society. So, I would say no. [Salam]

I did not find anything like that. I never feel that I am a Bangladeshi so I will not do this work, or this job is not for

³³ Abdul.

me. I never face that somebody treated me that you are from Bangladesh. [Fatima]

Well, this is a very tough question. I don't know how to answer this, but, in general, I don't have that kind of feelings. I don't think so. I do my work in here and I get reward on the basis of whatever I done. I don't have such experience. [Abdul]

Most people probably hate the Muslim after 9/11 [laughing]. I heard...that... Muslims [are facing some problems in some instances]. [But] in my personal life I didn't face any problem. I am running a business and it is going busy day-by-day. In here everybody knows that I am Muslim, but nobody hate me. Everybody cooperate me in here. [Kalam]

5.19 Suggestions on Immigrants, the Legal System, and the Criminal Justice System in Canada

Interviewees of this study were asked what they think about the Canadian legal system and the criminal justice system in general. In response to this question, they gave some ideas about what should be done for immigrants after their arrival with regard to informing them about the legal system and the criminal justice system. They argued that immigrants must be informed about the system to become familiar with the system. One interviewee mentioned that “to become a new citizen or new landed immigrant, everyone needs to know about these legal parameters and the legal system”.³⁴ The necessity for such dissemination of information is described by an interviewee as follows:

It will not be good for Canada if some criminal come here and become more criminal again. There will be more crime in here then. So they should let them know the system before their arrival or after their arrival. Everybody should know the law here. ... If people know it, then they will be more careful. ... Like in the traffic, if they do not know the

³⁴ Kashem's quote.

law, then they will be get charged. In the beginning of their life where their income is only \$8 per hour is tough to pay that charge amount. It is also necessary to know the law that how you can save your children and family. [Fatima]

According to the participants, governments, the immigration department, social organizations, civil society organizations like NGO's, and academic institutions can take some initiatives to inform newcomers to the country about these systems:

I think immigrant should be made aware about the system after their arrival in here [Canada]. Because, in general we [Bangladeshi] have a tendency to abuse the law. It is a very true for Bangladeshi people that wherever they go they try to abuse the system. So I think everybody should be aware of the fact that we have to go by the law. They should be aware of the consequences of those things. These are very important. Even there are many citizens who don't know what are the systems, and even their rights. This is absolutely necessary and probably the government should do something. [Abdul]

Interviewees gave more suggestions on how immigrants could improve their knowledge of the legal system as well as of the criminal justice system of Canada. Suggestions included that the government invite the immigrants to seminars, small group discussions, training workshops, community workshops, and information workshops to inform people about the legal and criminal justice system of Canada. Through media, such as TV shows, the government could also try to teach people about the system. Since the law varies from province to province, provincial governments could disseminate information through social events where people get together. Government could also publish flyers with newspapers to inform immigrants.

Interviewees pointed out that, in general, immigrants usually have no initial concern about knowing or understanding the system. To the interviewees, language is the basic

thing immigrants need in order to learn about the legal system. Interviewees appreciated the language programs initiated by the government to help them overcome language barriers. It was also suggested that the government could disseminate information when immigrants enter the country through the customs process in the airport, or during their application for immigration.

Interviewees again pointed out the fact that immigrants can also develop knowledge of the system through learning the language and educating themselves. “Talk to people, listen to people, and read books will help to get the knowledge of the legal system”.³⁵ Immigrants can also go to the public library where many books are available on law.

One participant also proposed recruiting immigrants into the police force, or at other levels of the criminal justice administration. By doing this, immigrants may feel more comfortable in communicating with the “immigrant” officers. Those officers can also serve their community by delivering information about the system. But this participant expressed his concern that he did not want any compromise in the quality of the police system or the criminal justice system in general.

Kashem, a participant of this study, gave some critical ideas regarding the issue of immigrants and the legal system. He mentioned that there are big gaps between immigrants and the criminal justice system. Immigrants do not know the system very well; on the other hand, government is not disseminating enough information about the system to immigrants. He also felt that more intense research needs to be done on the immigrants’ perception of the legal system. According to Kashem, there is a disconnect between institutions and immigrants in Canada. As long as this separation exists, he said, it will create more tension and misunderstanding in the society:

³⁵ Malik’s quote.

I just want to make a comment in terms of this gap, the criminal justice and new immigrants, there have to be serious research on it. Because there is a big gap and that makes huge problem. But unfortunately, the claim goes to the victim of it that means the immigrants and new citizens that they are ignorant, they are not open minded, not adapting enough, and not assimilating enough. But the established institutions must take their responsibility and do their share. But they are not doing enough. They are not opening up, they are not putting institutional support to make them understand that you are here and now it's everyone's society. It's not you and me, there is no separation, and it's all together. Let's engage in a dialogue, you learn the system here and you can bring your ideas to modify the system in here, whatever you can enrich the system. But now there is separation and this separation can actually [be] creating more tension and misunderstanding.

Kashem pointed out the potential problem if an immigrant does not know the legal system of a country. He explained the situation from his experience:

I know some incidents happened in past. Very minor crime, like shoplifting [was] done by the immigrants. Many immigrants could not check their temptation, and didn't know anything about the implication of such crime that such a petty crime can basically undermine their immigrant status here. So, some immigrants get involved with this very crude and petty shoplifting. If they would know from the very first day that the consequences are so huge, then I don't think that they would dare.

This participant also mentioned that the definition of crimes varies from society to society. An example he gave was that he saw some immigrants playing songs on a loud speaker which is illegal in Canada. The immigrants did that because they do not know about this law in Canada. This law may even vary from city to city or province to province, which might make understanding the law even more complicated. It might not be illegal to play loud speakers back home. This type of problem happens in Canada

because there is no institutional effort to inform new immigrants about the system. This is a pitfall of the system.

A unique and interesting opinion offered by this interviewee was that it can be perceived that some immigrants commit crimes on purpose. These crimes are not a result of cultural differences, or of the ignorance about the system of a host country. These people become involved with crime because of their failure to achieve their goals through law-abiding means. His perception was that this type of crime should be taken care of by the legal system. Moreover, this interviewee also emphasized the importance of the type of research being undertaken in this current study, noting that “there should be a core study regarding immigrants’ experience or perception of the legal system.” [Kashem]

CHAPTER SIX

DISCUSSION

The focus of this research is on immigrants' perceptions of the legal system of Canada. A qualitative methodological approach was used for this research. I begin by presenting an overview of Bangladeshi immigrants' experiences in Winnipeg, Manitoba. After this, I examine the theoretical implications of my findings for the study of legal pluralism. In section three, I discuss the implications of my study for the literature on law and society of Bangladesh and the literature on immigrants' perception of the Canadian legal system. I also provide some suggestions on improving immigrants' knowledge of the legal system. Finally, I point out the limitations of my study and provide some suggestions for future research.

6.1 Experiences of Immigrants

In the course of conducting interviews, I gained insight into the integration experiences of Bangladeshi immigrants. Understanding their settlement experiences are important to contextualize their knowledge of the Canadian criminal justice system. When discussing their life in Canada, most of the respondents indicated that while they had not personally experienced discriminations but knew others who had. Some acknowledged that the perception that racial discrimination is "quite established"³⁶ in Canada was acquired from the media. Their perceptions about discriminations are backed by research (Henry, Hastings, and Freer, 1996; Henry, Chow, H., 1996; Wortley, 1996; and Wortley and McCalla, 2004). Scott Wortley (2003, 2008) discusses four models to explain relationship between immigration, ethnicity and crime. The *bias in the justice*

³⁶ Quoted in page 52

system model identifies a relationship between crime and either ethnicity or immigration status. According to this model, some racial-ethnic groups are overrepresented in the criminal justice system. As a result, these groups are subjected to police harassment and high levels of surveillance not only by police, but also throughout the criminal courts and corrections. In my research, participants mentioned that certain racial minority groups are discriminated in the criminal justice system. Some of the respondents identified Aboriginal peoples and Caribbean people as those most discriminated in the system. Respondents agreed on the fact that some efforts has been made to overcome racial bias but it is still present. The *bias in the justice system model* suggests that policy be directed to overcome this problem. Diversity training, community policing, court monitoring, diversion programs, community correction initiatives and other programs are identified as the most useful responses to this issue (Wortley, 2008).

Wortley's (2008) *cultural conflict model* explains that racial minority groups come into contact with Canadian justice system because of their cultural differences. According to this model, immigrants are not intentionally committing a crime, but are engaging in some cultural practices which come into clash with Canadian Criminal Code. In my study, one respondent identified a cultural issue which he thought can be defined as a crime. He explained that playing a loud speaker in the park is not prohibited in Bangladesh, but if a new immigrant does not know the municipal laws then he may be fined for committing an offense. Since ignorance of the law is not an acceptable excuse, many newcomers may experience these kinds of misdemeanors unintentionally. Participants of this study identified the issue of cultural conflict several times. Regarding reporting this type of crime to the police, participants believed that immigrants, as they

do not know the system, try to solve any problem by themselves or involving community members. For the Bangladeshi immigrants, it is also a matter of culture that they want to solve problem within the community rather than involving officials.

Cultural conflict also arise when an individual is unsure about what acts constitute criminal activity in Canada. For example, one participant of this study did not know whether drinking alcohol while walking on the road is a crime or not. According to Bangladeshi law it is a crime, but that participant was not sure whether or not it applied in Canada. As a result, she ignored the incident and did not report it to the police. Language barriers were also identified by respondents as a cultural issue for which ethnic groups might be discriminated in the criminal justice system. The *Cultural conflict model* (Wortley, 2008) suggests that educating newcomers is an important aspect of the legal system in any new country. Participants of this study also noted the importance of increasing immigrants' knowledge about the legal system to avoid cultural conflict. In fact, it was a concern of many participants. They believe that if gaps in their knowledge of the criminal justice system continue, it will cause more tension and misunderstanding in the society and lead to integration issue.

In discussing cultural conflicts or differences, one participant in this study also raised a perception that immigrants' failure to achieve a goal could lead them to commit a crime. This idea is similar with Wortley's *strain/frustration model* (2008). This model suggests that a majority of immigrants and refugees are not motivated to become criminals as they enter a new society. They become as a criminal because of lack of legitimate economic opportunity, discrimination, poverty, inadequate housing and poor education. In the short-term integration stage, most immigrants are not concerned about

the law of a society; they are worried about fulfilling their basic needs. As a result, there is always a possibility for immigrants to commit a crime when they cannot meet those basic needs. The *Strain model* emphasizes policies and programs that reduce economic and social problems experienced by some newcomers. The unique issue of immigrant youth are also important within this model.

Another perception of respondents in this study is that Bangladeshi immigrants in general try to solve problems within their own community members, even though there was a preference by some to ask for assistance from more “official” outside sources. Respondents indicated that immigrants, in general, tend to involve community members in resolving problems because of their sense of collectivity, their more understanding atmosphere, and obviously for the ability to communicate in their mother tongue. These perceptions about Bangladeshi immigrants are similar to Alejandro Portes and Julia Sensenbrenner’s (1993) discussion of social capital. These two authors identify two concepts in social capital to describe immigrants’ adaptation. *Bounded solidarity* describes how immigrants “find themselves affected by common events in a particular time and place” (Portes and Sensenbrenner, 1993: 1327). This type of solidarity arises from confrontation with the host society. *Enforceable trust* is defined as “internal sanctioning capacity of the community itself” (Portes and Sensenbrenner, 1993:1332). Although they explained these two types of social capital from a different perspective, it is relevant with the findings of this current study as respondents perceived their community feelings in solving multiple disputes in their life.

Along with increasing immigrants in Canada, numbers of Muslim adherents are also increasing in Canada. Racial discrimination against Muslims is a growing concern in the

literature and among community members. Many Muslim groups in Canada are concerned about the religious discrimination of Muslims after the attacks of 9/11 (Janhevich and Ibrahim, 2004). Since the participants in my study are Muslims, I wanted to know their experiences and perceptions of discrimination for their religious identity. Paul Weller's (2001) findings show that among religious minorities in Britain, discrimination against Muslims has increased for the last five years. In Canada, Muslims are also victim of racism. J Zine (2001) provides evidence of how Muslim youth in Canada experience racism in school. In my study, respondents are aware of religious discrimination against Muslims, even though they did not face any in their own life. In other words, they perceive religious discrimination as a problem in Canadian society but have not personally experienced it.

Immigrants' adjustment experiences also influence how much they want to adopt the Canadian customs or remain distinct from the society. For this reason, I ask participants how they feel about practicing the Sharia law in Canada, and if they find conflicts in practicing both the Sharia law and the Canadian law. It is important that none of the participants faced problems in practicing their religion and customs in Canada, but they believed that there are some conflicts between the two systems. For example, they mentioned family disputes, property law, and wearing veils as sites of contradictions. Even though respondents identified these conflicts, they felt there was no problem regarding these issues in their life. Moreover, they believed that these conflicts will not be a major problem for citizens or society unless Sharia law was merged with the Canadian law. Respondents believed that whatever the country an individual lives he or she should follow the law of that country. In short, they did not expect Canada to adopt

Sharia law. A survey by Environics Research Group in conjunction with CBC (2006) finds similar awareness among Muslim Canadians; 55% felt they want to adopt Canadian customs and want to fit in it, another 75% of Muslim Canadians thought that either some or very few Canadians are hostile towards them. Despite these experiences, 81% Muslim Canadians are satisfied with their life in Canada. These findings are similar with perceptions of Muslim Bangladeshi of this current study. As I mentioned earlier, they want to follow the Canadian laws in solving problems or disputes in their life, not the Sharia law. Muslim Bangladeshis are also satisfied with their religious practices in Canada, they have no complaints. Moreover, respondents strongly believed in separating religion from the state. For all these reasons, respondents are in support of following Canadian law along with practicing religious customs in their day to day life, which is in direct contrast to what political and media reporters would have us believe.

As immigrants' experiences are important in order to understand immigrants' settlement process in Canada, it is evident that Bangladeshi immigrants' experiences are not unique. Their experiences are in some instances similar to other immigrant groups according to the literatures mentioned above. It is notable that experiences of Bangladeshi immigrants in this study were not same among all respondents. There were differences among respondents regarding their perceptions on racism, religious discrimination, practicing Sharia law, solving disputes, and on language barriers. It is also important to know their perception about the legal system in order to understand their integration process in Canada. For the most part, however, the respondents were all adopting well to life in Canada despite having witnessed some discrimination among their peers.

6.2 Implications for Legal Pluralism

This research has produced some information relevant to addressing issues of legal pluralism. Legal pluralism accepts the fact that multiple legal systems coexist in any society (Griffith, 1986). Participants of this study follow Islamic religious practices while at the same time following the Canadian legal system in their everyday life (chapter 5, section 5.14). They did not report any problem with practicing the two at the same time. They believed that the religion is their own and very personal. On the other hand, they believed that the Canadian legal system must also be followed. Participants agreed that there are some contradictions between the two legal systems. The contradictions they mentioned are in family disputes, property ownership, the role of women, and wearing the veil. But respondents expressed the view that these contradictions never create any problems for them. They followed both legal and religious practices in Canada without having any conflict between them. As they are not stringent in following the Sharia law in Canada, they prefer to abide by the existing law of the society. But as Muslims, they also follow their religious practices in Canada in their everyday life. This, they report, does not interfere with the mainstream society and with its norms (ibid). These findings of the study corroborate Ihsan Yilmiz's (2002) argument that there is always a possibility of coexistence of law and multiculturalism in post-modern legal systems.

Legal pluralism conceptualizes a more complex and interactive relationship between official and unofficial forms of ordering (Merry, 1988). This supposition of legal pluralism was also examined in this study by asking participants how they would attempt to solve different types of problems, either by using Sharia law or Canadian law. It is interesting to note that half of the participants believed that they should follow unofficial

forms of ordering because of their socio-cultural and religious background, while the remainder of the participants were always stringent about following official forms of ordering (chapter 5, section 16, 17). Thus, in this study, the supposition of legal pluralism varies from one individual to another. This is somewhat similar to Ihsan Yilmiz's (2002) finding that Muslims in Britain follow official laws together with Muslim laws. However, in my study I also found that participants solved disputes by following non-official forms of ordering, such as involving community people to solve a problem within their community. This research also found that participants strongly argued for separating religion (any religion) from state affairs, and they were against implementing Sharia law if it conflicts with the legal system of Canada.

It is important to note that this study also corroborates some criticisms of legal pluralism. Tamanaha (1993, 2000) identifies an analytical problem of legal pluralism on how far laws can go to reasonably accommodate religious and cultural differences. In the study, one participant (Kashem's description in chapter 5, section 5.15) also notes the same issue in Canada that Muslims are not the only religious groups who have settled, and there are many other religious groups coming to Canada every year. How is the state to accommodate all these religious laws and beliefs? How can it adjust to this amount of plurality? Participants in this study seemed to recognize that this was not possible. Instead they acknowledge the coexistence of official (Canadian law) and the unofficial law (Islamic law) in Canada in their everyday life, but disagree on amalgamation of the two.

6.3 Implications Regarding Law and Society in Bangladesh

This study corroborates the established fact that the legal system in Bangladesh is now in a state of corruption; it has collapsed. Citizens have limited access to justice, and there is negligence of human rights (Asian Human Rights Commission [AHRC], 2006; Khan, 2003; Lewis, 1996; Transparency International Bangladesh, 2006; Zafarullah & Rahman, 2002; Zakiuddin, 2002). The participants of this study were very much aware of these factors in Bangladesh. Very few of the interviewees have had any practical experience with the legal system in Bangladesh, but from their general perceptions they believed that the police, the government, and other institutions related to the legal system in Bangladesh are “deviated from the system.” “It is very anti-people, anti-social” (Zarina’s and Kashem’s quote in chapter 5, section 5.6). It is important to note that the participants’ perceptions of the legal system of Bangladesh are assembled from the media and from social networks. Participants agreed that people in Bangladesh have no faith or trust in the system. It is a “very authoritative top-down system” (Kashem, *ibid*). Another interviewee pointed out some reasons for the failure of the system, reasons such as lack of resources, lack of training, and lack of policies (Zafar, *ibid*).

Khan (1999; 2003) also points to the corrupt behaviors of police in Bangladesh, a point corroborated by the participants of this study. The police in Bangladesh, according to these participants, are not honest, they take bribes, and they harass people. This perception of police as corrupt is not a contemporary phenomenon among Bangladeshis, as one participant mentions: it was the same in the police system in Bangladesh (East Pakistan at that time) in the 1960’s (Malik’s quote in chapter 5, section 5.6). This study also confirms that police arbitrarily arrest and harass potentially innocent people (AHRC,

2006). Ahsan (2000) argues that corruption exists at all stages in Bangladesh. The participants also confirm the fact that problems in Bangladesh are not limited to one sector; it is all over (Fatima's And Zafar's quote in chapter 5, section 5.6).

6.4 Implications of Immigrants' Perceptions of the Canadian Legal System

The aim of this research is to understand perceptions of Bangladeshi immigrants about the legal system of Canada. First of all, participants were asked what they meant by a legal system. According to the participants, a legal system exists for protecting individuals' rights and freedoms, and it secures individuals' safety. It works outside of the parameters of the government influences. The legal system is equal for all and all of its components such as police, judiciary, court system, and other offices together ensure equality. But the participants also reiterated that maintaining law is not only the responsibility of the legal system, it is a responsibility for all institutions of the society, including its citizen(s).

In other studies it is documented that ethnic groups in Canada perceive racial discrimination in the legal system, particularly from the police in Canada (Chow, 1996; Henry, Hastings, & Freer, 1996; Wortley, 1996; Wortley & McCalla, 2004). Participants of this study informed the researcher that personally they did not face any discrimination from the legal system. However, it is to be noted that some participants are aware of the fact that racial discrimination to some degree has occurred on the part of police in Canada towards minority populations, and this was learned through media coverage. This information corroborates the study of Davis, Erez and Avitabile (2001) where they found that immigrants in Canada are concerned about the racial discrimination. Participants also

understand that efforts have been made towards reducing the racial discrimination in Canada, but discrimination is still a concern. It is quite interesting here that one participant believes that this discrimination is natural for human beings. He further argues that the immigrants' language barrier sometimes leads them to a discriminatory situation. He gave an example of a vehicle accident where the English speaking person was in a better situation than a non-English speaking person (immigrant) to explain the situation to the police and perhaps the police will give preference to the English speaking person. The immigrant may feel discriminated against in that situation (Zafar's explanation, chapter 5, section 5.9).

Though participants believed that racial discrimination exists in Canada, they view Canada as a very safe and secure country. They had formed this preconception about the country even while they were still back home. After settling in Canada, they found no change in their perception. They believe that in Canada if you need help, you will get it. In Canada, laws are more stringent. Participants who have some experience with the system are impressed with the roles of the police and prison system in Canada. They feel secure that they will not be a victim of crime in Canada because of the legal system; they also feel secure and safe in raising their children here. These findings disagree with the findings of the study of Noh et al. (1999) which found that immigrants' perceptions of racial discrimination will create psychological consequences of helplessness and fearfulness among immigrants regarding the system.

In spite of feeling more safe and secure, it is notable that some believed that there are still areas in the legal system that needs improvement. One participant focused on the fact that in Canada "fairness" is not established institutionally. He reported that in theory it is

there, but in terms of practice there is still “subjectivity” involved. According to this participant, “Mainstream Canadian institutions abuse the system for their advantage. That is supremacy of mainstream; particularly as the Anglo-Saxon culture is established into the judiciary system.” This provides evidence that immigrants from Bangladesh have a positive perception as well as a negative perception towards the system. They also express their fear and anxiety about the increasing level of crime in Canadian society.

Some studies conclude that immigrants’ back home experiences with the legal system influence their perception of the system of the country to which they move (Wortley, 1996; Wortley & McCalla, 2004). This study does not corroborate this argument. Participants in this study expressed the view that Canada is better than Bangladesh with respect to the legal system. They compared the police systems in both countries and found only structural similarities between the two police systems. They perceived that police in Canada are more legitimate, honest and responsible. This finding contradicts findings of the Davis and Henderson (2003) study of African Americans, who, it is claimed, believe that police harass them all the time even if they have nothing to do with a crime. Moreover, in this study, the participants’ pessimistic views of the police in Bangladesh do not influence their perception of police in Canada. This positive attitude towards police in Canada among Bangladeshi immigrants supports Chow’s (2002) argument that a positive attitude towards police is very necessary for constructive police-community relationships. The demographic characteristics of this study’s participants also supports Chow’s (2002) findings that participants who are older, hold a professional job or business, and have lived longer in Canada tend to have more positive attitudes towards police services.

Some studies and the government itself point out that immigrants should obtain information on Canadian laws and functioning of the justice system (A Call to Action, 2004; CIC, 2003; Sayegh & Lasry, 1993). Citizenship and Immigration Canada advocates a concept that all Canadians should share some common responsibilities, one of which is to 'understand and obey Canadian laws' (CIC, 2003). From here, it is obvious that in order to be a successful member of this society, one must know as well as abide by the laws of the country.

But the question is: how will immigrants know about the system and what will happen if one does not know the legal system of a country? It is evident that government, social networks and media are important sources for gaining knowledge about the system. This issue arises from the interviews too. Participants are aware of the fact that immigrants should know the system after their arrival in a new country and, for this; they preferred information from government sources. None of the participants received any kind of information after their arrival in Canada. They were informed about some resources in Canada, but were not told about the legal system. The participants were aware that there is a lack of government dissemination of information about the legal system. One implication of this is that, if one does not know the system, it may increase the possibility of their involvement in crime.

The study participants also point to the importance of social networks. Getting information from social networks helps the newcomer to understand the system. Participants, who have some networks in Canada, get help in their early stages of transition. They believe a network is helpful, as immigrants can get acquainted with the legal system easily and learn about it from someone who speaks the same language. But

it is interesting to note that one participant views social networks in a negative way, as one can easily get a negative or distorted idea about the system from personal contacts. The negative experiences of other members of a social network can impede newcomer perceptions toward the system.

It is assumed that immigrant's perceptions about the legal system are influenced by media information. Watching TV news and reading newspapers give a broader picture of the system. One participant informed the researcher that she was impressed to learn about the role of police in Canada from newspapers where she read an article on how police saved a little boy from a fire.

Several studies identify the English language as one of the challenges or barriers that immigrants face during the migration process (Hubenthal, 2004; Li, 2003; Stewart, 2003). In this study, some participants believe that language is not a problem for the immigrants, especially the Bangladeshis in Winnipeg, as this group is better educated than many others. Moreover, they believe that since in Bangladesh English is already a second language for many, and since they can take some language training courses in Canada, the language is not a problem for them. There is awareness on the part of the participants that many immigrants do not know how to speak, write, or read English. If this is so, then these immigrants will face a problem in reporting a crime to the police. It will create further fear towards police.

Participants argue that though Bangladeshis in Winnipeg are well educated, their accent and writing style are different than the English-speaking people. These differences can create fear to report a crime to the police. That is when, as one participant noted, "it (language barrier) is a problem, not the most pivotal obstacle but it (has) imperilled (the

immigrants). Because in terms of integration, assimilation, once that barrier is over, I think it will be much easier for them (immigrants) to access and understand the system” (Kashem’s quotes in chapter 5, section 5.13).

Participants are aware that understanding the legal system not only depends on language proficiency, but also on the immigrants’ basic perceptions about the system. That is why one participant asks the question: “If [immigrants] would know English, would they be more interested in involving them [selves] in the Canadian legal system”? Therefore, we can say that understanding the legal system does not depend entirely on the English language; it depends on other factors, too.

Participants are also aware that immigrants should have to report crime to the police for their own safety and security. They believe that Bangladeshis in Winnipeg know that if they face any problem they can report that to the police. This is not possible back home where police harass the citizens. They are also aware that here sometimes immigrants fear reporting crime to police because they do not want to get involved with the system. Moreover, they do not know the system very well. So, this fear is the fear of their ignorance. For this reason, immigrants sometimes try to solve the problem by themselves. In some cases they involve their community members to aid in the solution of a problem. One participant explains this behaviour of the Bangladeshi immigrants as a matter of culture and as a matter of their belief in collectivism (Zafar’s quote in chapter 5, section 5.10). For all of these reasons, the participants reiterated, it is essential that immigrants increase their knowledge about the system.

Participants are also conscious of the fact that if they become a victim of a crime or witness a crime they will have to report it to the authorities. They believe that this is their

responsibility as a citizen of the country. For this eventuality, it is also important to know what the law of a country is. If an individual does not know what crime is, then it will further contribute to the non-reporting of crime in the society. Therefore, it is necessary to disseminate this kind of information about the law and legal system to people of a country, especially to its newcomers.

6.5 Policy Implications for Improving Information about the Legal System for Newcomers

Participants of this study are aware that immigrants in Canada do not get information about the legal system. But they know that immigrants should have to be acquainted with the legal system of Canada to abide by the laws of the country. There is a gap in the dissemination of the information on the part of the government in Canada. Participants believed that this gap can further create mistrust among the immigrants. These immigrants will be identified as ignorant, narrow-minded, and not adapting or assimilating towards the mainstream society. But the problem is not peculiar only to the immigrants; it exists in the institutions of the society. As long as the distance between immigrants and the legal system exists, it will create more tension and misunderstanding. To solve this problem, participants of this study give some ideas of how to improve the system for the newcomers.

Immigrants, these participants said, should learn about the legal system right after their arrival in Canada. The government, immigration department, different social organizations, civil society organizations, and academic institutions can take the initiative to inform the immigrants about the system. They can arrange seminars or workshops or

small group discussions to do this. Government can also provide information through media coverage for the immigrants. One participant mentioned that as provincial law varies, so provincial governments could arrange specific events for the immigrants. Government can publish a one-page flyer on the legal system with the daily newspaper. Some participants emphasize language is a barrier in understanding the legal system of a society, and they believed there should be more resources for language training courses. Along with these language training courses, immigrants should have to learn and know the system through educating themselves. To the participants, reading, listening, and talking to people will help facilitate learning about the new country immigrants are now living in.

One participant gives the suggestion to recruit immigrants into the police force or at other levels of criminal justice administration, but without sacrificing the quality of the officers. If this is possible, then immigrants can feel comfortable to go to them and report crimes. Those officers also can serve the community through providing information about the system.

It is evident from the participants' discussion that it is necessary for an immigrant to know the legal system of Canada. All participants are aware that lack of knowledge can create some misunderstanding, tension, and can also increase crime in the society. One participant noted that cultural differences can be a problem in understanding the system. Therefore, it is crucial to know the legal system of Canada. The government as well as other institutions should be aware of this fact and try to minimize this gap that exists in sending out that information to newcomers.. Along with these institutions, immigrants

should make themselves aware of the legal system too. There should be a combined effort from different sectors of Canada to help to understand the legal system.

CHAPTER SEVEN

CONCLUSION

The objective of this research was to explore the perceptions Bangladeshi immigrants have of the legal system of Canada and examine the reason for those perceptions. To achieve this, qualitative research on Bangladeshi immigrants in Winnipeg was undertaken. In this study, it is assumed that immigrants have to have some knowledge of the legal system in order to abide by the laws of the country. It is evident that Canada is a country of immigrants. Its demographic structure and economy is mainly based on the history of immigration. Immigrants' successful integration in the society means immigrants' equal participation in all institutions, such as the legal system, economic institutions, and others. Findings of this study address the importance of having knowledge of the legal system. Participants are aware of the fact that newcomers should know the legal system of a host country. This knowledge of the legal system among newcomers has developed through their experiences with the system. This finding is very similar to what Merry (1990) argues about "legal consciousness." Findings of the study also address the issue of what will happen if an immigrant does not know the legal system of his/her destination country. Specifically, participants of this study expressed the view that lack of knowledge about Canadian legal institutions can lead to a number of tensions and misunderstandings within the society.

This study clearly identifies the fact that Bangladeshi immigrants have a conception of the legal system as confirming the individual's rights, freedom, safety, and security. They also emphasize equality before the law as a feature of a legal system. Police, courts, judiciary, the justice system, and politicians are all important components of a legal

system. It was noted in this study that for a legal system to be successful, the combined effort of all its institutions and members of the society is a must.

It is important to mention that all of the participants accepted that the legal system in Canada is in “very good shape.” People’s rights and freedoms, safety and security exist here. Participants feel secure in raising their children in Canada. It is significant that immigrants’ perceptions of the legal system also motivated them to migrate to Canada. Bangladeshi observations of the legal system are different from those of African-American and Chinese people, as reported in other comparable studies.

There were cases, however, where participants expressed anxiety and fear toward the legal system of Canada. They are aware that the government in Canada does not give adequate information about the legal system to newcomers. Gaps in the system may create further tension in the society. It is one of the main barriers to ensuring immigrants participate in the legal system. Immigrants who do not understand English cannot fully participate in social activities. Social networks help immigrants in obtaining information about the system, although those same social networks can lead immigrants to misconceptions about the system.

Participants are aware of the racial discrimination on the part of police in Canada. Though they have not faced any kind of racial discrimination, they are concerned about that. But it is interesting that whenever they compare the two legal systems of Bangladesh and Canada, they always mention Canada as a better system than Bangladesh. It is worth mentioning that in this study, the participants’ perception about the legal system either in Bangladesh or in Canada is gathered mainly on the basis of media information. Whether the participants have an awareness of negative perceptions

of the system or not, they all believe that as a citizen of a country they should abide by the laws of the country. That is why they mention that immigrants should report crime to the police. They agree that some immigrants do not report because of lack of knowledge about the system. They emphasized again the importance of understanding the legal system.

In regard to legal pluralism in Canada, all participants mentioned that they practiced their own religious activities as well as Canadian law. However, they do not find any contradiction in this or any discrimination because of their religious identity. They believe that wherever they live, they have to follow the law of that country. Moreover, in solving disputes among their own community, they believe that they have to go to local authorities. A few of them are in support of solving the disputes involving their own community members if it happens only with their own community people. Furthermore, one participant pointed out that if she has a problem with a Muslim person, then she will try to solve it by making use of the Muslim laws. No one, however, claimed to strictly follow the Sharia law in Canada. They all believed that there would be a problem if someone tried to combine religious law with state law.

Furthermore, the participants of this study are aware of the gap in immigrants' knowledge of the legal system in general, and suggested ways to minimize this gap. Suggestions are made for arranging seminars and workshops conducted by the government and other institutions. Suggestions are made for reducing the language problem through language programs, which can also be treated as a way to improve immigrants' knowledge. Moreover, they emphasize the immigrants' responsibilities to learn about the legal system by themselves.

7.1 Limitations of the Research

One limitation of this study is its sampling method. Since the Bangladeshi immigrants in Winnipeg are very small in number, there was a problem of selecting participants/respondents from random sampling. As this research selected its participants from purposive sampling, and as I am a member of the same Bangladeshi community, there were possibilities of bias in the selection of participants. There was also a possibility of bias in the information provided by study participants. I tried to minimize these biases as much as possible through using the snowball method of sampling and through the construction of my interview questionnaire. The findings of the study might also be limited because of the sample size. A larger sample size would enhance the findings of the study. Though the present data are informative enough, a larger sample would be more beneficial.

Another limitation of this research is that the findings cannot be generalized to other immigrant groups in Winnipeg. The findings of this study describe the perceptions of Bangladeshi immigrants about the legal system of Winnipeg, which might be different from other immigrant groups in Winnipeg, as each group is unique, and has different types of experiences.

7.2 Implications for Future Research

This research was aimed at enabling us to better understand Bangladeshi immigrants' perceptions of the Canadian legal system. It is clear from the findings of the study that participants were aware that newcomers need to know the legal system of a host country. This study focused on how immigrants get acquainted with the legal system of Canada,

and why they have certain perceptions of the legal system. A qualitative research method facilitated this current study to obtain immigrants' understanding about the system.

Future research in this area would be helpful to add to the findings of the current study. In particular, I believe additional qualitative research is needed to analyze respondents' own voices in more detail.

There are also other types of research that could be pursued. For example, research could compare perceptions of the Canadian legal system among different immigrant groups in Winnipeg. Recently, Oriola (2007) completed a similar study on Nigerian immigrants in Winnipeg. Future research can compare the findings of these two studies, or perhaps compare the findings of both studies with research on other immigrant groups in Winnipeg. As each individual's perception and experience is different, it will be more significant and beneficial to compare the experiences of different immigrant groups. A future study can also take a look at this issue from a broader perspective, including different religious ethnic groups or a single religious ethnic group from different provinces of Canada. Such a study might compare immigrant perceptions of the Canadian legal system from various religious perspectives across provinces.

Future research could also involve a longitudinal study of immigrant perceptions of the Canadian legal system. This would help to understand how immigrants' perceptions are constructed and changed over a long period of time. It would also be useful in future research to combine both the quantitative and the qualitative methodologies. This would allow a researcher to understand both quantitative and qualitative aspects of respondents' perceptions of the Canadian legal system.

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APPENDIX

INTERVIEW GUIDE

I. Basic demographics

Code number: (Pseudonym)

Age:

Sex:

First language:

Marital Status:

Occupation:

Are you currently working at your profession? ___Yes ___No

If yes, how long you are in your current profession?

If no, why you are not working?

Number of children in family:

Did your family come together? ___Yes ___No

If no, why they did not come with you? Did they come later?

II. Interview Guide on Adjustment Experience of Bangladeshi Immigrants

Question1. When did you first come into Canada? _____

Question2. What is your present status of residency?

Citizen ___ Landed Immigrant ___ Permanent Resident ___ Other ___

Question3. Before your arrival in Manitoba, did you have any relatives living in Manitoba?

Yes _____

No _____

Question4. Before your arrival in Manitoba, did you have any friends living in Manitoba?

Yes _____

No _____

Question5. Do you watch TV show(s) related to crime or criminal justice system of Canada?

Yes _____

No _____

Question6. Do you read reports on crime and criminal justice system of Canada in newspapers/magazines?

Yes _____

No _____

III. Interview Guide on Bangladeshi Immigrants Perceptions of the Legal System of Canada

In the progress of the interview I may ask you further questions for clarification and expansion as necessary to fully understand yours' answers.

[I will begin by asking you some questions about your perceptions and experiences of the legal system of Canada after your arrival in Canada.]

Question1. Please tell me in detail, what is your understanding about the concept of a "legal system"? In your opinion, what are the essential components or parts of a "legal system"?

Question2. After your immigration to Canada, did you receive information about the Canadian legal system from government offices in Canada? Please elaborate.

Question3. After your immigration to Canada, did you receive any information about the legal system of Canada from your social networks, such as, from your friends, or relatives in Canada? Please elaborate.

Question4. Do you think such networks are helpful in getting valuable knowledge about the legal system in general?

[Now I will ask you some questions about your experiences and perceptions of the criminal justice system in Bangladesh]

Question5. Did you have any experience(s) with the criminal justice system of Bangladesh? [Probe: like the police, courts, and prisons in Bangladesh]. Please elaborate.

Question6. Keeping in mind your knowledge of the police, courts and prisons in Bangladesh, what are your general perceptions of the criminal justice system of Bangladesh?

Question7. How did you get information about the criminal justice system of Bangladesh? [Probe: like from friends, media, and school].

[Now I will ask you some questions about your experiences and perceptions of the criminal justice system in Canada]

Question8. Before your arrival in Canada, what were your perceptions and knowledge of the criminal justice system of Canada?

Question9. How did you get this information?

Question10. Since your arrival to Canada, have you had any experience(s) with the criminal justice system? [Probe: like police, courts and prisons in Canada].

Question12. Keeping in mind your knowledge of the police, courts and prisons in Canada, what are your general perceptions of the criminal justice system of Canada?

Question13. What are your perceptions about racial discrimination on the part of police in Canada?

Question14. In your opinion, are immigrants more or less likely to report crimes to police in Canada? Why or why not?

Question15. In general, what differences and/or similarities do you observe between police system of Bangladesh and Canada?

Question16. Have you ever witnessed a crime in Canada? Please elaborate. [Probe: how often have you witnessed crime?]

Question17. If you have witnessed a crime(s) in Canada, have you ever reported that crime(s)?

Question18. If you did not report the crime, what did you do about it? [Probe questions: did you ignore the crime? Did you try to solve it by engaging yourself with the victim and perpetrator? Did you try to solve the crime by engaging yourself, victim, perpetrator, and other members of the community?]

Question19. Rather than reporting the crime, why did you adopt this/these approach (es) to dealing with the crime(s)?

Question20. Let us assume that you saw a crime in the street, would you report the crime to the authorities, or would you ignore the crime? [Probe question: why would you report the crime to the authorities? Why would you ignore the crime?]

Question21. Have you ever been a victim of a crime in Canada? Please elaborate. [Probe: how often have you been a victim of crime?]

Question22. If you were a victim, did you report this to police?

Question23. If you did not report the crime, how did you deal with it? [Probe questions: did you ignore the crime? Did you solve it by engaging yourself with the perpetrator? Did you resolve the crime by engaging yourself, perpetrator, and other members of the community?]

Question24. Why did you adopt this/these approach (es) to dealing with the crime rather than reporting your experience(s) as a crime victim to the police?

[Now I am going to ask you more general questions about your perceptions of the Canadian legal system and use of Islamic religious law (Sharia law) in Canada.]

Question25. Do you think immigrants' language is a barrier preventing them from understanding the legal system of Canada? Please elaborate. [Probe: why do you think that language creates a barrier for immigrants to comprehend knowledge about the legal system of Canada? Why do you think that language is not a barrier for immigrant groups to understand the legal system of Canada?]

Question26. What are your ideas about practicing Sharia law in Canada?

Question27. Do you find any contradiction between following Sharia law and the Canadian law?

Question28. If yes, what are the contradiction(s) between Sharia law and the Canadian law in general?

Question29. If no, why do you think that there is no contradiction between following Sharia law and the Canadian law?

Question30. Let us assume that you have a conflict with a person in your neighborhood. Would you try to solve it following Islamic/sharia laws, or would you go to authorities to report the incident? [Probe question: why would you try to solve it following Islamic/sharia laws? Why would you report the incident to the authorities?]

Question31. Let us assume that you have a conflict with a person from your own Bangladeshi community regarding any issues. Would you try to solve it following Islamic/sharia laws, or would you go to the authorities to report the incident? [Probe question: why would you solve it following Islamic/sharia laws? Why would you report the incident to the authorities?]

Question32. Do you feel any racial discrimination in Canada because of your religious background or religious identity? Please elaborate.

Question33. Is there anything you would like to tell me about immigrants, the legal system, and the criminal justice system of Canada which I haven't thought to ask you?

Question34. Do you have any suggestions for improving the way immigrants can gain knowledge about the legal system of Canada? [Probe: as well as the criminal justice system in Canada].

Question35. Do you know any other Bangladeshi immigrants to whom I can make a request to have them participate in the study