

## **Victimmigration and the role of bystanders: mirrors to imagine the other and identify dehumanizing policies**

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*With a strong connection with the notion of outsiders, developed in the classical work of US sociologist Howard Becker (1963), crimmigration studies invite us to explore the link between immigration, criminal policies, and law. In this contribution, we rethink the process of merging of victim, criminal and migration policies. The point of departure will be a critical standpoint on the concepts of victim, victimhood and bystanders. We then review the current trend towards criminalization of solidarity and provide three recent examples in Europe on the role of the implicated bystanders. By this term we mean agents who somehow act or should act in this situation. Finally, given that borders and victimhood are notions where identity dynamics are put into play, we end with thoughts on the role of policymakers, researchers and social media in times of what can only be called “post-truth society” and depredatory forms of global political economy.*

**Keywords:** *crimmigration, victimmigration, criminalization of solidarity, victimhood, post-truth*

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## Introduction

"the *sans-papiers* are being offered up to the xenophobes and nativists to vent their rage on, while government and business are left free to run an orderly system of importing skilled migrants" (Coetzee, 2019, p. 1).

Immigrants hold a strong connection to the history of criminological theory, particularly to the development of the School of Chicago at the beginning of the twentieth century, also known as the social-ecological school (Rock, 1994). The question of social control in the increasingly populated cities of the United States, receiving thousands of immigrants, has produced or influenced many of the theories still tested today in the field of criminology, such as the social disorganization theory, strain theory, differential association theory, subcultural and labeling approach theories. Among other things, these theories have tried to explain the criminality (and criminalization) of immigrants.

However, in the origin of this academic reflection very little criminological attention was given to the issue of immigrants as victims. Despite the huge displacement of the European population when positivist Victimology was born at the beginning of the twentieth century (Becker, 1963), immigrants as victims was not a significant category of study.

With the perspective of un-walling disciplines and appreciating how other fields of knowledge other than Criminology or Victimology have contributed to this topic, it can be said that immigration to the city has been the object of persistent photojournalism that could be related to today's visual studies in Victimology. By using photography, some forms of hidden victimization suffered by immigrants were made visible going back to

the end of the nineteenth century. Here we could recall the pioneering work of Riis' pictures in New York (1890), accompanied by remarks like the following,

*The poorest immigrant comes here with the purpose and ambition to better himself and, given half a chance, might be reasonably expected to make the most of it. To the false plea that he prefers the squalid homes in which his kind are housed there could be no better answer. The truth is, his half chance has too long been wanting, and for the bad result he has been unjustly blamed (Riis, 1890: 26-31).*

Furthermore, according to Riis,

*The “dangerous classes” of New York long ago compelled recognition. They are dangerous less because of their own crimes than because of the criminal ignorance of those who are not of their kind. The danger to society comes not from the poverty of the tenements, but from the ill-spent wealth that reared them, that it might earn a usurious interest from a class from which “nothing else was expected.” That was the broad foundation laid down, and the edifice built upon it corresponds to the groundwork. That this is well understood on the “unsafe” side of the line that separates the rich from the poor, much better than by those who have all the advantages of discriminating education, is good cause for disquietude (Riis 1890: 264-269).*

In the sixties, the London urban sociologist Ruth Glass coined the term “gentrification” and studied migration and race relationships in the city. According to Subramanian (2019), Glass proved with empirical evidence that the notion that non-white migrants were flooding British cities was false. Moreover, Glass underlined that the real problem in terms of race was victimization or persistent discrimination faced by migrants. This real discrimination is a worldwide fact researched in further studies (Bosworh, Parmar and Vázquez, 2018).

Today immigration keeps being a controversial political issue and an important topic in Criminology and Sociology. In this regard Pickering (2014) proposed to speak of a criminology of mobility where some elements of unequal globalization are at stake. By contrast to the historical development of Criminology and Sociology, in the development

of Victimology, even if we consider its more recent development in comparison to other social sciences, immigration has not taken a prominent role as a topic for study. No one has proposed a Victimology of mobility. This might be considered particularly strange if we consider the personal experience of the so-called fathers of Victimology; Hans von Hentig and Benjamin Mendelsohn whom the events of War World II forced to migrate to the United States.

Within this lack of theoretical debate in a climate of backlash against migration in the Global North, the notion of a zemiology of the border (Canning, 2018) amplifies the ideas of victimization and harm and highlights the need for more victimological work. Riis' and Glass' previously quoted works help us to identify the following paradox that deserves to be explored in Victimology; if quantitative and qualitative data from human rights organizations (Breen, 2019) show us that migrants and, even more clearly refugees, are victims of unjust suffering, crime or harm, why is there a tendency to consider them primarily as a threat or simply as criminals in some public discourses? This paper explores why it is so easy to label people in situations of extreme suffering – such that we sometimes don't even want to know about - as illegal? And why is it so difficult to identify and denounce some cultural, political, economic and legal practices as harmful? Moreover, despite the studies on the negative impact of the use of prison as a reaction to crime, why are the responses to immigration and asylum seekers more and more based on carceral solutions (Simon, 1998; Pitzer, 2017)?

With a strong connection with the notion of *outsiders*, developed in the classical work of US sociologist Howard Becker (1963), *crimmigration* studies invite us to explore the link

between immigration, criminal policies, and law. In this contribution, we trace a different map to rethink the merging of victim, criminal and migration policies within the term of *victimmigration*. The point of departure will be a critical view of the notion of victim, victimhood and bystanders. We continue with analysis of the current trend of criminalization of solidarity and provide three recent examples in Europe on the role of the implicated bystanders. By this term we mean agents who somehow act or should act in this situation. They are not mere observers. Finally, considering that borders and victimhood are notions where identity dynamics are put into play, we end with conclusions about the role of policymakers, researchers and social media in times of post-truth society and depredatory forms of capitalism and political economy as later defined in this paper (Scribano, 2019).

Drawing on critical Victimology, our theoretical approach tackles the possibilities of an emancipatory interpretation of the notion of *victimmigration* concerning the interdependence of human rights. Our contribution is in reframing the current polarized public conversation to propose alternatives to current dehumanizing policies. These dehumanizing policies are promoting the use of dangerous essentialist terms: *we* versus *them*, or national security as state interest versus individual and collective human rights.

### **The notion of victim and victimhood in relation to immigration and victimization**

*Crimmigration* is a term coined in Sociology and Criminology to describe and criticize the merging of administrative and criminal law in relation to migration. Its use is common in criminological publications, congresses, literature databases and specialized blogs (Stumpf, 2003; García Hernández, 2013). By contrast, *victimmigration* is a term that is

not common and it is novelty being used in this paper to contribute to further knowledge within a Victimology framework. It can be defined as a term to identify the interlegality (Muir Watt, 2020) of sanctioning administrative law, criminal law, international humanitarian and human rights law, specifically, the law of the sea and state control over borders. Among the targets of this interlegality are migrants and refugees detained for reasons other than crime and who, in many cases, have suffered victimization. This practice (responding to victimization by means of creating more victimization) produces an accumulation of unjust harm upon migrants and refugees. This is particularly bad in the case of refugees because the right to asylum was envisaged to prevent “the crime of all crimes”; genocide (Sands, 2017).

In some cases, victim law (for example regulating the protection and rights of victims of gender violence or human trafficking) is also being used to regulate migration as long as it establishes requirements and systems to grant residence status if the victim collaborates with the authorities. For example, this is foreseen in chapter VII of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and the Human Trafficking Directive (2011/36/EU).

To recognize the current existing victimological development of the term of *outsider* and *bystander*, we must recall today victimological studies on bullying use the notion of the *outsider* as a category of bystander meaning the witness or person who could react to the victimization (Dorio et al, 2019). Among outsiders we can find different roles: bully reinforcing, defending, assisting or outsider. It is worth remarking the meaning of outsider has changed completely from the notion coined by Becker (1963). For Becker, outsiders

meant the different other and finally the criminally stigmatized scapegoat. By contrast in the recent research on bullying, the outsider is the person who does not react in any way to the victimization of others. This comparison invites us to think beyond the individual person who is being stigmatized or victimized to wonder about the role of (formal or informal) social control agents in creating and favoring conditions. for victimization From the standpoint of Becker's classical work, *victimmigration* and *crimmigration* policies are producing 'criminals' who are cultural and politically treated as outsiders or natural enemies. From the standpoint of current studies on violence at schools, in the realm of *crimmigration* and *victimmigration*, segments of public opinion and policymakers as social control agents or stakeholders are the outsider bystanders contributing to victimization.

According to Article 1 of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly resolution 40/34 of 29 November 1985, victims are persons who, individually or collectively, have suffered harm, "including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that violate criminal laws operative within the Member States, including those laws proscribing criminal abuse of power". According to Article 18 of the Declaration, abuses of power are violations of internationally recognized norms relating to human rights. In relation to the notion of bystanders, Article 2 states that persons who have suffered harm in intervening to assist victims in distress or to prevent victimization shall also be considered as victims themselves.

Although this Declaration is not legally binding, it represents the first and most comprehensive international standard on human rights for victims. Like other human rights standards, it should be interpreted in an interdependent way that allows an emancipatory concept of the victim. By emancipatory we mean a non-essentialist, non-paternalist and non-antagonist concept of the victim whose legitimate interests can be defended as common goods.

Being a victim is a concept that is not only legal but also cultural and social; victimological studies have distinguished the notion of victimhood as the social recognition of the condition of victim. According to various studies (Reyes Mate, 2011), this recognition is only possible in two simultaneous processes: the perception of others' suffering and the perception of the injustice of that suffering that could have been avoided and that someone is accountable for it

*Visual and statistical data against perceptions: the legacy of Hannah Arendt (1967) on truth*

In the context of the Islamophobia that was accentuated after the attacks of the eleventh of September 2001, many Muslim migrants are being identified with terrorists. Public opinion seems to back up these policies of suspicion and scapegoat identification or stigmatization promoted mainly (but not only) by extreme right parties on the rise in many parts of the world. Fact-finding and checking of data seem not to alter most public opinion. Here the emotion of fear and its manipulation is usually invoked as an explanation, together with a climate of polarization with social media acting as resonance boxes.



According to Turanovic and Pratt (2019: 193),

*...embedded in nearly all the anti-immigrant rhetoric is the notion that immigrants are responsible for a disproportionate share of crime and violence, which puts 'native' citizens at a heightened risk of being victimized.*

However, according to empirical data “on average, communities with a higher concentration of immigrants experienced significantly lower crime” (Turanovic and Pratt, 2019: 193), particularly in relation to the property and violent crime –including homicide– (Ousey and Kubrin, 2018). This has been related to the hypothesis of collective efficacy in close communities to support and control its members, in this case of migrant origin. By contrast, data on suffering primary and secondary victimization in different crimes prior to, during and after the arrival of migrants is consistent and is being collected in different EU projects, like “Protect – Preventing sexual and gender-based violence against migrants and strengthening support to victims” (2014-2020).

If we consider the case of minors the stereotype of immigrants as criminals or outsiders is more harmful because of their inherent position of vulnerability. Even if the international legislation obliges the protection of minors (particularly unaccompanied ones) and minor victims are automatically considered as vulnerable victims, according to the EU Directive 29/2012 on the rights of victims, two logics again clash: migration policy and protection of minors. In most legal systems, to be a migrant seems to be more significant than to be a minor. Irregular administrative status conditions the acquisition of protection and rights, and creates a category that the Mexican writer and volunteer translator for migrants in the US, Valeria Luiselli (2016: 16), has called “lost children”,

children whose life stories are so broken that no narrative order can be found. Many of them are legally categorized as children in transit.

In the case of Spain, in February 2019, the UN Committee on the Rights of the Child ruled that Spain violated its obligations under the UN Convention on the Rights of the Child when it practices automatic expulsions of minors at the Spanish-Moroccan land border in an indiscriminate manner. That decision set a precedent for the protection of the rights of unaccompanied minors at the land borders of any country. According to the EU more than 30,000 migrant and refugee children are estimated to have gone missing after their arrival in Europe (Breen, 2019). The majority disappeared before having filed an asylum application or during the asylum procedure.

As for mass-victimization by deaths and abuses in the Mediterranean Sea, taking into account also adults, according to data of IOM and some NGOs, around 38,000 women, men and children have died in the Mediterranean Sea trying to reach Europe since 1993<sup>2</sup>. With fewer arrivals in Europe in recent years, abuses and suicides in detention and refugee camps have also been denounced in and outside Europe (Pitzer, 2017; Grewcock, 2018). In 2019 a group of international lawyers submitted a legal document to the International Criminal Court for the prosecution of EU member states over the deaths of migrants in the Mediterranean Sea as well as widespread rape and torture of migrants at the hands of a Libyan coast guard, trained with European funds (Bathke, 2019).

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<sup>2</sup> Source: [unitedagainstracism.org](http://unitedagainstracism.org); and Missing Migrants Project at [missingmigrants.iom.int/about](http://missingmigrants.iom.int/about), page accessed 1.02.2020.

The South African Nobel Prize Coetzee (2019) has denounced the Australian offshore migration policy of processing centers and states that these camps are carceral spaces with a lack of transparency in terms of human rights, and economic costs and profits. The lack of transparency affects data on deaths (Australian Borders Deaths Database, w.d.), suicides and abuses. According to Coetzee (2019: 1), the reasons for dying in the camps require accountability, “They died because the camps were unhealthy, dangerous, and destructive, not only of their psychic stability but of their very humanity”. Yet that lack of humanity is both arguable for the prisoners (as objects of violence) and for guards (as producers of violence).

Due to the magnitude of suffering and the opacity of these carceral spaces, there are not enough or complete images so those harms have to be made visible somehow without images. For this challenge, qualitative studies offer us life stories that can be used as part of oral history. This includes data coming from social networks, as shown in the Boochani’s book *No friend but the mountain* and police records such as in case of the 39 people found dead in October 2019 in Essex, the police discovered that one wrote, “I’m sorry Mom, my path to abroad didn’t succeed ... I’m dying because I can’t breathe” (Baynes, 2019: 1).

Because statistics and news on this sort of victimization are important but insufficient, as mentioned before, Art and Victimology join again to document, transfer knowledge, denounce and interrogate, in a sort of aesthetics within the ethics of human rights. The value of Art in this realm comes from the understanding that Victimology is not enough

to think and talk about victims (Boudou, 2019). Statistics and victimological evidence cannot settle the question of values at stake.

Interrogative photographs by journalists document the impact of our migration policies. Some portray dead or suffering children, others the hopelessness of adults and aged persons. González-Flores (2016) wonders what we do with those images in our comfortable and safe observation places, including universities. This author recalls Susan Sontag's observation (2003) on currently being under compassion fatigue, anesthetized by the "pornography of suffering" or the accumulation of images. These images show us the others' pain and are always selective about the places and victimization being shown. Let us think, for example, about the human rights violations at the border of the Darien gap in Panama (Sánchez, 2019) that receive almost no media coverage in comparison to other borders. According to González-Flores (2016: 56-57), the real demand of victims photographed by some journalists, like photographer Gervasio Sánchez, is,

*that of civil law, that is, their inclusion in a legal system that applies to all, not just those protected by virtue of sex, birth, race, religion or age (hence, the importance of the global context, not national but supranational...). Their request is overcoming that mere right to exist in a 'nude' manner (which they already acquired as survivors) for accessing a 'full' life with the right to a place, a language, an action and a body administration of their own. This is something that a large part of the planet has lost as a result of multiple social and economic conflicts.*

This idea of *nude* is interesting by itself and can be related to an embodied Victimology (Thanem and Knights, 2019) that can consider the worldwide encountering of the dead and alive bodies of the young and older immigrants, men, and women, in the sea, at the beach, in the city, in rural areas, and the like. Increasingly harsh laws and technological walls as borders to avoid the entry of irregular immigrants (Debray, 2016) can be thought

of as the product of our conception about our own skin and the “unproblematic structural and symbolic violence, racism/classism’ (the conviction that ‘we’ are better than others and we don’t regard this conviction as a problem)” (Coetzee, 2019).

In addition to those anthropological, economic and political questions related to *aporophobia* and *heterophobia* (meaning phobia towards the poor and different) there is a current debate in Victimology about the notion of victims’ needs and rights. We can wonder whether the idea of holistic, personalized or responsive victim law just means false promises for victims within a criminal justice system that keeps evolving around deciding on punishment for offenders, and being a mere legal symbol. In this sense, Holder (2018) underlines the concept of interests originated from the Latin *inter-esse* as common goods where well-being and justice come together with the positive obligations of the state to promote them in equal terms with an ethical and critical foundation. As Coetzee (2019: 1) comments on the Tofighian’s preface for the book by B. Boochani *No friend but the mountains: Writing from Manus prison*, it is not the need for empathy what is at stake. What we need is an ethical engagement to construct knowledge that “unpacks and exposes systematic torture and the border industrial complex” in order “to hold a mirror up to the system”.

That mirror is more necessary than ever because as Hannah Arendt (1958) said after World War II, the ideal subject of totalitarian (and authoritarian) regimes is not the convinced, but those for whom the distinction between true and false no longer exists. In this case, this is so despite the evidence quoted in the previous paragraphs regarding *victimmigration*. Finally, being in the end a political question *victimmigration* is too

serious to be left only to politicians (Arendt, 1968), and we need more victimological studies on the construction of this sort of victimhood.

### *Overlapping roles and ideal or pure victims*

Besides the problems of victimhood when suffering is not seen or not individually and collectively recognized as accountable to a victimizer or to a dehumanizing system, because of moral blindness (Bauman and Doaskis, 2014), the idea of a pure victim is also an obstacle to avoid inhuman *victimmigration* policies. A pure victim is one regarded as completely innocent.

The Spanish philosopher Galo Bilbao (2009) has referred to the overlapping roles of victims and offenders, calling it the Janus effect. The Latin god Janus is usually represented as having simultaneously two faces (one looking to the past, another looking to the future, which might be thought as a metaphor for immigrants' experiences of belonging to their country of origin, while simultaneously aiming at a better future in their host country). Notwithstanding some possible juridical consequences, Galo holds that the Janus effect does not mean that the status of the victim should be denied to people having this double role (victims/victimizers) (Meyers, 2016).

This is important in the case of *victimmigration* because migration and victim policies might favor that double role. For example, sometimes human beings affected are accused of lying and of not being real refugees but rather economic migrants (Smith, 2019). In relation to that, sometimes legal categories have not yet been created. Let us take the example of environmental migrants. Though there is no legal basis in international

refugee law for this status IOM (2011: 33) defines environmental migrants or climate change refugees as,

*“persons or groups of persons who, predominantly for reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad”.*

In relation to Christie’s seminal work on ideal victims (1986), Meyers (2016) reflects the concept of innocence in the human rights discourse. She explains how there is a bifurcated vision with regard to the paradigms of the victim: the pathetic and the heroic victim. The pathetic victim suffers documentable and severe harm and is viewed as completely innocent in the eyes of the population. The lack of agency is tied to innocence but that does not exclude feelings of shame. By contrast, the heroic victim is active in rejecting or opposing the harm for a just cause (again, in the eyes of the population of reference). According to Meyers, heroic victims can be dissidents, usually in totalitarian regimes, but they must not be violent. NGOs helping migrant victims could be considered heroic victims.

Following Meyers, it is necessary to broaden the human rights agenda in the face of this bifurcation, for which she offers examples of human trafficking victims. She concludes that, “... prevalent conceptions of victims adversely affect our capacity to recognize violations of human rights and to secure the respect we owe to victims” (Meyers, 2016: 28).

## ***Victimmigration* and punitivism: from victimization to expanding crimes or criminalization of solidarity**

According to the non-binding, 2016 UN New York Declaration for Refugees and Migrants,

*9. Refugees and migrants in large movements often face a desperate ordeal. Many take great risks, embarking on perilous journeys, which many may not survive. Some feel compelled to employ the services of criminal groups, including smugglers, and others may fall prey to such groups or become victims of trafficking. Even if they reach their destination, they face an uncertain reception and a precarious future.*

*10. We are determined to save lives. Our challenge is above all moral and humanitarian. Equally, we are determined to find long-term and sustainable solutions. We will combat with all the means at our disposal the abuses and exploitation suffered by countless refugees and migrants in vulnerable situations.*

Despite that Declaration, the mixture of migration, victim and criminal policy can be understood as a mechanism of defense against the perception of invasion that can be produced under the privilege of the First World by creating an “orderly inhuman” system (Coetzee, 2019). Ironically, part of this system is legitimized by protecting potential victims of smuggling and trafficking. The result is an evident harsh punishment or visible costs for seeking asylum and migrating.

With regard to *crimmigration*, a permanent “state of exception” can be observed in terms of human rights and abuses of power where the category of *homo sacer* (Agamben, 2006) represents the possibility of discarding human lives reduced to their physical existence or survival without the recognition of victims’ rights or social duties by governments and societies. The creation of *rightlessness* goes in parallel to the proclamation of some states of being guardians of human rights in a selective manner (Paik, 2016).



The punitive trend in *crimmigration* does not stop only in the lives of migrants, but also in the implicated bystanders in what is called the criminalization of solidarity (López-Salas & Barbero, 2019; Fekete et al, 2019; Amnesty International, 2019). Taking the definition of *Caritas Europa* (2019: 1), in a recent position paper within the current European crisis on migration in the last years this trend “has emerged to pose an obstacle, demonize, stigmatize, and criminalize humanitarian assistance to migrants throughout Europe”. Moreover, with “the fight against human smuggling and trafficking is used as a migration management tool for stricter migration regimes, the protection of the victims often being only a secondary concern”. Volunteers and NGOs providing emergency help and access to basic rights and services, not delivered by the state, are increasingly the target for unjust criminalization and, thus, victimization. With regard to an atmosphere of irresponsible political and media practices of public alarm creating the fiction of a permanent invasion, three brief examples will be provided: the case of the Spanish activist Helena Maleno in Morocco, the case of the German captain Carola Rackete in Italy, and the global movement of solidarity or sanctuary cities.

*Helena Maleno’s alerts of at-risk migrants at the sea (2012-2019)*

On 5 March 2019, the Tangier Court of Appeals in Morocco dropped the criminal charges of “promoting illegal immigration” and “migrant-smuggling” against migrant rights defender Helena Maleno. Maleno is a journalist and researcher living in Morocco and has received several human rights awards. She belongs to the NGO *Caminando Fronteras*. When this NGO receives calls from at-risk migrants at the sea, the organization alerts the maritime authorities of Spain, Morocco and Algeria. Maleno has denounced not only the

criminalization of these activities but also other subtle forms of intimidation. Previous to this decision, the Spanish National High Court also dropped the criminal case initiated against her for the same reason in 2012.

This and other similar cases have to do with the interpretation of the meaning of smuggling by the EU Facilitators package; Council directive 2002/90/EC of 28 November, defining the facilitation of unauthorized entry, transit and residence; and Framework Decision 2002/946/JHA establishing minimum rules for penal sanctions. However, the 2000 UN Protocol against the smuggling of migrants clearly requires the need for material benefit for criminalization.

#### *Carola Rackete's obligation to look for a safe port for disembarkation*

This case illustrates the conflict between the state control over borders and the law of the sea. In relation to the Sea Watch 3 ship captained by Carola Rackete, with more than forty migrants on board, the January 2019 interim measure of the European Court of Human Rights (*Rackete and Others v. Italy*. ECHR: application no. 32969/19) did not grant disembarkation but just asked the Italian government, “to take necessary measures, as soon as possible, to provide all the applicants with adequate medical care, goods, water and basic supplies as necessary” in order to “prevent serious and irremediable violations of human rights” (Turrini, 2019). However, after spending two weeks in international waters, Rackete decided to disembark in Lampedusa, not in Libya, as she was ordered. As an illustration of the above-mentioned conflict of laws, rationales, and ethics, we can see the following different concepts on security expressed by Rackete and Salvini, former Italian Minister, in their social networks,

*„Ich habe beschlossen in den Hafen von Lampedusa einzufahren. Ich weiß was ich riskiere, aber die 42 Geretteten sind erschöpft. Ich bringe sie jetzt in Sicherheit.“* (Carola Rackete on Twitter, 26 June 2019)<sup>3</sup>.

*L’immigrazione non può essere gestita da navi fuorilegge: siamo pronti a bloccare qualunque tipo di illegalità. Chi sbaglia, paga. P.S. L’Europa? Assente, come sempre* (Matteo Salvini on Facebook, 26 June 2019)<sup>4</sup>.

What Rackete calls security is called illegality by Salvini. Rackete was later arrested for docking her ship at the port of Lampedusa, despite Salvini’s prohibition. The boat was impounded and its owners were liable for a fine of up to €50,000 euros.

2019 was precisely the year of the sixth anniversary of the drowning of 300 people off the island of Lampedusa. Remembering that tragedy or atrocity, the captain of the Sea Watch 3 denounced the externalization of borders and responsibilities and the practice of pushbacks and omissions of rescue as part of the EU policy on migration.

#### *Selective criminal and administrative law enforcement and sanctuary cities*

The movement of solidarity cities works under the premise that there are no illegal persons, but only illegalized status. Some migrants might not be national citizens, but according to defendants of a broad interpretation of Lefebvre’s right to the city (Purcell, 2002), they are urban inhabitants that should be able to access and use urban space. For irregular migrants or migrants without administrative papers who are persecuted and detained, the concept of sanctuary cities has emerged mainly in the United States and in

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<sup>3</sup> “I have decided to direct the boat to the port of Lampedusa. I know about the risks, but the 42 rescued people are exhausted. I am bringing them now to a safe place” (informal translation by the author).

<sup>4</sup> “Immigration cannot be managed by outlaw boats: we are ready to stop any kind of illegality. Just deserts. P.S.: Europe? Absent as usual (informal translation by the author).

some European countries (Scherr and Hofmann, 2016), where the term solidarity cities is also used.

Backed by their municipal self-determination and international human rights standards, these sanctuary cities refuse to cooperate with the federal government in certain aspects of the migration policy. Specifically, these cities provide public services (health, education for minors, legal and psychological aid, etc.) regardless of the residency status of the inhabitant, and on the understanding that the use of these services cannot lead to deportation by implementing the principle of “don’t ask, don’t tell”. There are also experiences to create informal ID local documents independent from national official documents (for libraries or transportation) (Sillah, 2019). In this case, public officials or private workers providing public services have also been threatened with being accused of some administrative or criminal offenses.

### **Concluding: exclusionary identity and global economy building in times of post-truth**

Post-truth signalizes indifference towards truth and unjust suffering. Post-truth is defined in the Oxford Dictionary as, “relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief”. Following Jean Baudrillard (1994) on hyperreality as a form of post-truth, it is contended that we take what we see in (social) media as more real than our actual lives. In the end, those simulations of reality (true or false) are as real as the reality they aim to represent or fiction.

Criminal and victim policy in this realm must take into account historical and victimological facts (e.g. the universal character of migrations in time and space, and the unjust suffering of forced migrants), and beyond politically manipulated fears and images in the media so that it can avoid contexts favoring dehumanizing laws and practices affecting both immigrants and bystanders.

In this contribution, we aimed at tracing a different map to rethink the merging of victim policies, criminal policies and migration policies. The point of departure of this paper was a critical standpoint on the notion of victim and victimhood. From this perspective, quantitative and qualitative global and specific data were cited in relation to different forms of victimization of migrants and refugees, including social suffering and human rights abuses in the country of origin, human trafficking while crossing borders, and selective law enforcement as well as abuse of power by border police and personnel in detention centers of the host country. The previous reflections on data and experiences of victimization help us to end this paper with some elements for a further and coherent development of a framework of *victimmigration* studies. That framework might allow for further critical victimological questions within the framework of human rights, and against a climate of polarization and appeals to exclusionary identities through social media.

Dismissing human masses (Mbembe, 2019) of migrants is a form of macro-victimization or abuse of power where a human rights perspective is lacking because selected interpretations of security are prioritized. That perspective might come with the notion of superdiversity (Vertovec, 2007) and responsive victim law. Super-diversity (Vertovec,

2007) must be understood not just as a concept for a context, but meaning social complexities and intersectionalities in multidimensional shifts in migration patterns (Meissner and Vertovec, 2015) where, in relation to the introductory quotation of this article, an ethos of subordination exists in a brutal milieu of migration policies (Hall, 2017)

According to the economist Collier (2017: 1),

*To rise to the challenge, we need to combine the instinctive compassion that mass suffering arouses with the dispassionate analysis necessary to craft an effective response. We need the heart supported by the head. The growing humanitarian crisis has come about because we've deployed one without the other. Our response has veered between the heartless head and the headless heart, and the results have been calamitous.*

Beyond apocalyptic discourses on migrations (Lucassen, 2019), there are things that can be done to minimize dehumanizing policies. Specifically there are two important recommendations made by the UN refugee agency (Breen, 2019: 17):

- 1) *End restrictions and criminalization of NGOs involved in search and rescue operations and strengthen the cooperation to ensure that available search and rescue capacity is fully utilized.*
- 2) *Urge the Libyan authorities to free the refugee and migrants who are arbitrarily detained in detention centers across Libya in an orderly manner and to cease the detention of those disembarked in Libya after being rescued or intercepted at sea.*

In the case of the European Union, this implies the legal revision of the Dublin III Regulation, Frontex and the system for sharing of responsibility in the different countries of the Union.

As for the role of NGOs, as Rieff (2002) remarks in his book *A Bed for the Night*, their traditional neutrality (independence) and access to victims is at stake as they

progressively are involved in (global and national) politics. This might bring the risk of being manipulated by political or economic powers or the challenge of fighting for a more inclusionary sense of polity. This is particularly difficult in times of extreme right parties and polarization where the option for orderly and humane migration might be denied (Keygnaert and Guieu, 2015).

As for victimologists, in a parallel role to current photojournalism with its value to document atrocities and victimization, the purpose of victimological knowledge might be interrogating the already mentioned idea of global social injustice as unproblematic racism or classism. That conviction allows us to discard the suffering of others, either because we are not able and do not want to see it, or because we think they deserve it somehow. The belief that we cannot manage to prevent that injustice -through concrete policies and decisions- means finally denying the victimhood of some selected segments of the global population. By contrast, if we understand the notion of victimhood in an emancipatory way, those discarding and denial processes, at the micro, meso and macro levels, constitute practices of avoidable macro-victimization.

Within the milieu of current academic production; what is Victimology as a branch of knowledge doing to analyze, denounce, prevent and repair dehumanization and human rights violations in the realm of *victimmigration*? Victimologists study processes involving people's lives. To be somehow coherent, in the case of migrants and refugees, Victimology should not push them beyond its academic borders and practices or treat them as a mere object of study in different disciplines. The epistemological and methodological quest is to allow participation and mutual interrogation of stakeholders

and processes in a dialogic Victimology on *victimmigration*. No doubt this is a very complex challenge but where alternatives to dehumanization are possible and we must seek them out.

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