

# Beware of the data

**The conclusion that smuggling is carried out by powerful criminal organisations is often based on government reports and official statements, whereas the conclusion that smuggling is carried out through looser social networks is often based on field interviews. Is one right and the other wrong?**

Melvin Soudijn

Newspaper articles and government reports warn of 'snakeheads' who organize the journey from China to the West. These journeys can take weeks or even months, are sometimes dangerous and cost as much as €30,000. It takes migrants years to repay this debt, often by working in exploitative conditions. These statements together paint a disturbing picture: the smuggling of Chinese people is an evil business where migrants fall prey to powerful criminal organisations.

On the other hand, interviews with smugglers often show that they are not engaged in other types of crime. Transport is often provided through family networks and social contacts. Migrants themselves prove not to be hapless victims, but conscious users of services provided by smugglers. Following the famous military theorist Clausewitz, human smuggling seems nothing more than the continuation of migration by other means.

Contradictory findings about Chinese human smuggling can often be explained by looking at the kind of data used and the method of their collection. In general, there are two ways in which empirical data on Chinese human smuggling is collected: through government sources (eg, court files) and field interviews with (illegal) migrants and smugglers. The two methods have their particular advantages and disadvantages.

Analyses of court files provide insights into the organisational aspects of human smuggling. Statements by perpetrators, police observations, searches of persons or premises and conversations recorded on tapped telephone lines provide information on how smugglers work together. Nevertheless, researchers need to take a number of limitations into account. First, there is the question of how representative the subjects really are; the smarter smugglers may operate quite differently from those who get caught. Second, police observations can be incomplete, thereby painting a skewed picture; criminal bosses take precautionary measures, so relationship charts tend to be inaccurate. Third, data are collected for specific purposes, namely for investigation and criminal prosecution, not for scientific research. A lot of data relevant to social science research is therefore absent, such as suspects' backgrounds and motives.

Information on human smuggling can also be obtained through fieldwork, which entails interviewing smuggled persons or, better yet, the smugglers themselves. Zhang and Chin's 2002 study, for example, drew on interviews with 87 smugglers in America and China. The advantages of fieldwork are obvious: researchers obtain first-hand information. If interviewees can work without interpreters, they benefit from direct contact with respondents; with a sensitive subject like human smuggling, this can remove at least one potential barrier. But there are disadvantages, too. As with court files, it is never clear how representative willing interviewees really are, and smuggled persons usually have a limited view of smuggler's efforts to get them across borders.

Information obtained through court files and field interviews is rarely compared. Studies based on fieldwork generally do not use the conclusions of government reports, except to disown them. Sometimes government reports acknowledge the role of individuals or small networks in smuggling illegal aliens into the country. These reports, however, focus on more serious forms of smuggling, so-called *organised* smuggling, operations that are encountered (and duly combated) in large-scale police investigations. Field

research presumably misses these organisations as they are deemed unapproachable, which makes one wonder whether materials obtained through police investigations do indeed throw a whole new light on the subject. Fortunately, I had the opportunity to analyse just the kind of data likely to contain information on the more organised type of smuggler: Dutch court files.

Court files show many similar findings as those of field interviews: the involvement of women, the lack of central co-ordination, the importance of a good smuggling reputation and the lack of criminal diversity. But court files also provide new insights. In the Dutch case, most noticeable is the presence of non-ethnic Chinese and the cohesion of smuggling groups. Field studies often miss the presence of non-ethnic Chinese because, in general, they focus on the Chinese community, ie, ethnic Chinese smugglers. The Dutch police investigation, however, was able to observe non-ethnic Chinese and smuggling group cohesion because police closely followed the actions of several important organisers of Chinese smuggling for eight months or more. Even in the highly unlikely event that a field researcher would come across this type of smuggler, getting him to talk would likely prove extremely difficult, if not impossible.

However, the researcher should also be aware that court files generally do not address simple forms of illicit migration. This is to be expected, as smuggling via purely migratory-based, as opposed to organised crime-based ties is situated more on the unorganised end of the smuggling spectrum. Because certain 'invisible thresholds' of police practice come into play, the former are not easily investigated and brought to court. For example, interviews with government officials show that police investigations are more likely to be carried out if more than one smuggler is involved in more than one recent incident, while no sanctions were applied to those who fraudulently became guarantors of visa applicants. Officials stated in interviews that the cost of prosecuting such cases outweighs the benefits, as chances of conviction are slim and the punishments negligible. The result is that small-time smugglers (or so-called 'mom and pop' smuggling operations) are essentially absent from the court files.

This makes it perfectly understandable why official government reports stress Chinese smuggling as a highly organised criminal activity and overlook other, simpler methods of illicit migration, whereupon field interviews stress the involvement of family networks and social contacts and overlook other, highly organised criminal activity. Still, court files leave questions unanswered. Why do people go to certain countries? What is the role of family or kinship connections? Only fieldwork can fill these gaps. Therefore, it is not the case that the conclusion based on one source is right and the conclusion based on the other is wrong. Each comes to certain conclusions that the other by design cannot come to, let alone pursue. Neither do they necessarily contradict each other. In fact, court files and field interviews can be used in a complementary fashion to gain a more complete understanding of Chinese human smuggling. ◀

Melvin Soudijn is a researcher at the Netherlands Institute for the Study of Crime and Law Enforcement. His research can be accessed at <http://www.willanpublishing.co.uk/cgi-bin/indexer?product=9054546913>. [msoudijn@nscr.nl](mailto:msoudijn@nscr.nl)

often difficult to see the line between a smuggler (snakehead) and a legal agency dealing with the affairs of going abroad. Sometimes, legal agencies channel their clients illegally while undocumented brokers channel their clients legally.

Destination states have strengthened controls on immigration, but while governments desire talented people such as entrepreneurs and professionals, the market demands cheap labourers. Illegal migrants often hold the low-paying '3D' (difficult, dirty and dangerous) jobs that natives of high income states reject. Moreover, some high income states occasionally legalise employed illegal immigrants to uphold their legal rights, a possibility that tends to make such immigrants believe that their illegal status is only temporary.

Among Tingjiang residents, there is no doubt that the government has made great efforts to stop human smuggling. Severe penalties have been imposed, especially on snakeheads. Posters and pamphlets publicise the government's decision to crack down on human smuggling and urge villagers not to partake in it. However, successful Chinese returning from abroad, especially if they invest in or donate to their home region, are met with great honour. In the eyes of the migrants and their family members, 'being channelled to another country' is not a criminal act, but a worthwhile undertaking chosen by people who wish to make a fortune abroad but lack the legal entitlement. As long as migration is successful and the costs are acceptable, no one cares how the brokers deliver – what matters is the end result. ◀

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## Li Minghuan

School of Public Affairs, Xiamen University, China  
[mhlhere@yahoo.com](mailto:mhlhere@yahoo.com)

Ping's hometown regarded her as a criminal, though some maintained silence on the issue. One man told me Ping gave him a special discount for channelling his son to the U.S. because they were former classmates. 'She is always kind in responding to requests of help', he said. 'My son could not get into the U.S. without her help. I could not build this five-story house without my son's money.' When asked whether it was criminal that Ping had charged so much, one interviewee in Ping's hometown told me, 'It is reasonable because she needed money to buy the way for us. The money can be earned back so long as the person can get into the US.... All companies charge money for labour export. Only those who received money but did not send the payers to the destination state are criminal.' According to my research, this is the consensus among Tingjiang natives.

The people of Tingjiang evaluate transnational migration brokerage from three perspectives: first, whether the broker delivered the clients to the destination efficiently; second, whether the journey was safe; and third, whether the broker charged a reasonable fee. According to a local saying, it is more difficult to find the right broker than to borrow enough money to pay the brokerage fee. Taking these grass-roots principles into account, it is understandable that Sister Ping received the highest praise from her fellow villagers. According to Peter Kwong at Hunter College, focusing her business on smuggling Chinese makes Sister Ping a very capable business woman. He added, however, that praise from her compatriots cannot erase her criminal activities.

The attractiveness of working abroad – regardless of its legality – is the reward of high income for hard work. However, for the average person who is not qualified to meet the entrance criteria of destination states, upgrading one's economic status through emigration cannot occur without a broker's 'help'. If brokers are able to make emigration possible, they are socially accepted, and if their business is successful, they will even be admired. Brokers are indispensable for making transnational migration possible for average people.

## Illegal but licit

The transnational migration industry in China has become institutionalised. To participants, the contradiction between official migration policies and practical labour needs in destination states transforms formally illegal transnational migration into acceptable (licit) practice. The whole process of brokerage exists in between legal and illegal realms, both in China and the destination states; while none of these states openly support illegal practices, their policies – wittingly or not – have contributed to illegal activity. From a broker's perspective, it is

## Notes

1. The relevant reports can be found in various Chinese news websites. For instance: <http://www.fujianese.cn/news>; <http://www.chinapressusa.com/index.htm>.
2. In some English news reports the name has been translated as Chen Chui Ping.
3. Quoted from the relevant news report in *Qiao Bao* (China Press in USA), available online: <http://www.chinapressusa.com/index.htm>.