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Abstract

The terms migrant smuggling and human trafficking are often used synonymously in public discussions and the media, but are distinct categories in international law and academic research. This article provides a critical discussion of the representation of human smuggling in academic research, by demonstrating that the current definition of human smuggling has been un-critically applied from international law in the formulation and implementation of research designs. It traces the development of the concept of human smuggling in academic research through an evaluation of three periods: 1) Pre-Palermo and early Palermo days: 1990s-2003, 2) post-Palermo: 2001-present, and 3) conceptual re-visions: 2007-present. It demonstrates that although the definition of human smuggling has gone through shifting categorizations, much of the research on human smuggling has been conducted within the categories defined by law and policy, rather than critically attending to how these categories have arisen as forms of social control. Based on this evaluation, the article argues for a critique of the category of human smuggling through innovative research designs and improved criticism of the causes, effects, and use of the concept. The article concludes with notes towards a research agenda for critical human smuggling studies, for research beyond the legal categories in order to understand 'human smuggling' as a category of social control in diverse contexts.

Keywords

Migrant smuggling; human trafficking; definition; Palermo Protocols; international law.

Introduction*

The terms migrant smuggling and human trafficking are often used synonymously in public discussions and the media, but are distinct categories in international law. The accepted international definitions of smuggling and trafficking were not devised until the end of the 1990s. In international law, with the signing in December 2000 of the United Nations Protocol Against the Smuggling of Migrants and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, a distinction was made in order to aid state authorities in prohibiting and prosecuting individuals involved in these activities (UN 2000a, 2000b).

Human smuggling and trafficking are covered under the two Protocols to the Convention Against Transnational Organized Crime (UNTOC), which was negotiated in Vienna under the United Nations Commission on Crime Prevention and Criminal Justice, with the UN Centre for International Crime Prevention serving as Secretariat, in the ‘Vienna Process’ (Gallagher, 2001). The Smuggling and Trafficking Protocols were signed in December 2000 at a meeting convened in Palermo, Italy, dubbing them the ‘Palermo Protocols’. The Palermo Protocols, which went into force in September 2003, define migrant smuggling as (UN, 2000a, p. Art. 3):

the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident.

In contrast, human trafficking is defined as (UN, 2000b, p. Art. 3):

‘Trafficking in Persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Human trafficking differs from smuggling by the activity, the means, and the purpose of action (Martin & Callaway, 2011, p. 225):

(a) the *activity* refers to some kind of movement either within or across borders, (b) the *means* relates to some form of coercion or deception, and (c) the *purpose* is the ultimate exploitation of a person for profit or benefit of another. Where people are vulnerable because of ignorance, need, war, poverty, crisis, desperation, marginalization, and fear, they are at risk of falling into the hands of those who wish to exploit them.

According to most interpretations, exploitation is essential to the legal characterization of trafficking, whereas border crossing is not an essential element in trafficking (Icduygu & Toktas, 2002). Smuggling is *transnational* whereas trafficking is not necessarily cross-border. The main focus of the definition of trafficking is on coercion, exploitation, and the lack of consent (Peterka-Benton, 2011, p. 217).

The definitions distinguish between a *smuggled migrant* and a *victim of trafficking*: smuggling is a *crimmigration* issue (criminal migration), where controls on admission to the state are infringed, and trafficking is a *victimmigration* issue (victim migration), where there is an individual, identifiable victim.¹ However, the international legal distinction between smuggling and trafficking is difficult to

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¹ For more on crimmigration visit the Crimmigration Control International Net of Studies (CINETs): <http://www.crimmigrationcontrol.com/>. ‘Victimmigration’ is my own lexical hybrid (as far as I know).

maintain in empirically observed social contexts. There are instances where the terms overlap or where a ‘grey area’ (Leman & Janssens, 2007, p. 1379) emerges between voluntary migration and rights-violating coercion and exploitation (Icduygu & Toktas, 2002, p. 29). Thus the distinction is not as clear as we should expect. Those who voluntarily commit to ‘smuggling’ may move because of desperate circumstances but may be deceived or exploited along the way (Baird, 2014). And when exactly is ‘smuggling’ considered ‘trafficking’? Is trafficking only be discernible *ex post facto*, and smuggling before or during the act? A number of thorny questions are raised by the international legal definitions.

I intend to problematize further the definition of ‘human smuggling’ by tracing the development of the concept since the late 1990s. I argue that the definition has undergone shifting categorizations, but has been un-critically applied in the formulation and implementation of research designs: current social research on human smuggling has uncritically appropriated dominant legal and political categories without developing alternative conceptions of clandestine mobility ‘from the ground up’.

The article begins with a review of the major temporal shifts in defining human smuggling in academic research, based on a thorough review of the literature. The temporal shifts are categorized into three main periods: 1) Pre-Palermo and early Palermo days: 1990s-2003, 2) post-Palermo: 2001-present, and 3) conceptual re-visions: 2007-present. Following the review of periods, I present notes towards a critical research agenda which can engage with alternative analyses of the concept of ‘human smuggling’ as a device of social control in diverse social contexts.

Temporal Change

I have identified three periods of conceptualization of human smuggling based on a literature review. The three overlapping phases can be summarized as follows: 1) Pre-Palermo and early Palermo days: 1990s-2003, 2) post-Palermo: 2001-present, and 3) conceptual re-visions: 2007-present. The first period grapples with the problem of precisely defining what smuggling and trafficking are, occurring roughly from the 1990s-2003, in the years leading up to the Palermo Protocols and immediately following. This period of definition is likely the result of the transformation of the state and the growth of new (in)security logics following the Cold War, aligned with the drive to outline new threats and new measures to protect the state. The second period finds researchers employing the Palermo definitions in their designs, splitting the literature into two distinct sub-fields based on the definitions, one based squarely on migrant smuggling, the other on human trafficking (however there are important overlaps). This formalization period is likely due to the ongoing interpenetration of social science with practices of state prohibition and the interconnection of social scientists with state functions of policing and prohibition of migration. Finally, I identify more recent debates which re-situate the concept of smuggling, unsettling previous notions and taken-for-granted expectations. This period is characterized by reactions to the role social science plays in reproducing state structures and supporting anti-smuggling activities.

There are some caveats, however. First, much research on migrant smuggling has focused also on the terms ‘irregular’, ‘illegal’, ‘unauthorized’, ‘clandestine’, and/or ‘undocumented’ migration. Much of this research is left out of the current analysis, as I have included works which explicitly use ‘human’ or ‘migrant smuggling’ as the social category of analysis. Second, there are some works on migrant smuggling which have been left out of the analysis as I have chosen some examples over others. Third, not all the research I have included fits nicely into one of the three temporal categories, with some overlapping categories and periods. Some of the works may have been misunderstood or misplaced in one category or another. Fourth, the temporal categories do not claim to be homogeneous. There are various examples of research in each category, and it is not my intention to say they are all categorically the same. Nevertheless, I think the temporal categories provide a nice heuristic for us to move the discussion forward about critically attending to the research categories we

explore. Below I outline the conditions of each definitional period, providing key examples from each period, and discussing each period in turn.

Finding a Definition: Pre-Palermo and early Palermo days, 1990s-2003

Before the passage of the Palermo Protocols, their variable translations into national law, and their enforcement, the definitions of human smuggling and trafficking were vague and overlapped considerably. Often smuggling was considered only as “[u]nlawful entry” (Chin, 1999, p. 28). Salt and Stein’s early definition substitutes ‘trafficking’ for what is now considered ‘smuggling’ (Salt & Stein, 1997, p. 471):

[T]rafficking comprises four essential elements: 1. it requires a trafficker or intermediary who undertakes to facilitate the migration; 2. it involves payment to the trafficker by the migrant or on his behalf; 3. the migration itself is illegal and has to be supported by various illegal acts and; 4. the migrant who was party to the transaction is making a voluntary choice.

Over time the definition outlined above was transformed into a revised definition as ‘smuggling’ and entered into international law. The distinction between smuggling as ‘unlawful entry’ and trafficking as exploitation became firmer leading up to the Palermo Protocols (Salt, 2000, p. 34):

Trafficking, according to many recent definitions, involves severe forms of labour exploitation. By contrast, the main purpose of smuggling may be simply to facilitate the illegal crossing of a border. However, this is not to say that human rights abuses do not sometimes occur during the course of smuggling operations.

This definition begins to coalesce into a working definition familiar to drafters of the Palermo Protocols. Salt further explains that a smuggled migrant is “an individual [who] requests assistance to cross into another nation state where (s)he has no right of residence and the smuggler’s involvement goes no further than the crossing of the border” and that “by placing himself/herself in the hands of smugglers, albeit voluntarily, an individual has already ceded control of his/her fate and is therefore vulnerable and an easy prey to nefarious treatment – ‘migrant smuggling can therefore degenerate into trafficking of persons’.” While still grappling with the mechanics of the definition, authors began to frame the distinction as boiling down to agency and coercion: “the distinction between the two terms [smuggling and trafficking] involves freedom of will: if the free consent of the person is maintained to the end of the process then this is smuggling; if the process involves coercion/intimidation, etc. then this is trafficking. Where minors are concerned, their consent is not an issue and this therefore automatically constitutes trafficking” (Salt & Hogarth, 2000, pp. 21-22).

After the year 2000, when the early Palermo drafts had been circulated, the definitions took even more shape. Relying on early definitions of smuggling and trafficking from the revised draft Palermo Protocols, an early use of the definitions states: “These are the two definitions that shall be used in this report as they best reflect the consensus of the international community” (Morrison & Crosland, 2001, p. 7). As research fed into legal debate, legal debate fed back into research. As international interests of the state to prohibit smuggling became more prominent, researchers began to employ the concept as defined through international law.

To give a flavour of how the concepts began to transform and deepen, contrast Aronowitz’s definition here with Salt and Stein’s above. Aronowitz (2001, p. 165) describes:

four elements that differentiate smuggling from trafficking: 1. smuggled persons always travel voluntarily; trafficked persons can either begin their trip voluntarily or may have been coerced or kidnapped; 2. trafficked persons are used and exploited over a long period of time; 3. an interdependency occurs between the trafficked person and organized crime groups; 4. trafficked persons are eligible for further networking (recruitment for criminal purposes).

As the concepts begin to travel, new research begins to echo the Palermo distinctions. Take for example the following definition taken from leading research at the time (Koser, 2001, p. 59):

The study of smuggling is still in its infancy, and there is a lack of consensus about concepts, definitions, and terminology. ... The trafficking of human beings is increasingly associated with coercion, exploitation, deception, violence, and physical or psychological abuse. ... In contrast, smuggling is being defined simply as the illicit movement of people across international boundaries.

With the passage of the Palermo Protocols the ‘definitional morass’ (as Skeldon (2000) once put it) was considered resolved, and the formal Palermo definition was a requirement to cite at the beginning of any study of the topic of clandestine migration.

Formalization: 2001-present

Following the ratification and translation of the Palermo Protocols into national laws across the world, much research began to focus on applying the Palermo definitions to empirical studies in order to generate more empirical material and effective policy responses. Typically the research conducted Post-Palermo draws a definitive line between smuggling as voluntary and trafficking as coerced. One of the main goals of Post-Palermo research was to gather more detailed evidence in order to improve the management of migration and the active prohibition of smuggling.

When discussing the discrepancies between smuggling and trafficking “there are subtle differences in interpretation that render the discussion a terminological minefield” (Skeldon, 2000, p. 8). Nonetheless, the definitions of smuggling and trafficking outlined in international law set the tone for designing and conducting research on the two phenomena, setting into motion two relatively distinct sub-areas of inquiry in migration studies.

Defining human smuggling and trafficking in the academic literature during this period reveals that the legal and institutional definitions have been largely preserved when formulating research. Research designs typically invoke the Palermo Protocols in order to neatly distinguish the type of data they will collect. The literature has grappled with the inconsistencies in the definitions, but has largely settled on distinguishing the two phenomena in order to compartmentalize the research questions and the main policy suggestions. Much of the formalizing research hints at the definitional problems involved in distinguishing smuggling from trafficking, but ultimately settles on a working definition quite similar to the Palermo definitions. By adopting the Palermo definitions, research serves to legitimate and proximate the rationalities of state action and international law, rather than critique and respond to the social effects and lived constructions of clandestine migration in the field.

Since much of the work on the topic adopts the definition found in international law, research questions from this period often derived from the major concerns of policing and state criminalization and prohibition: How is it organized? What is the modus operandi of the actors involved? How much are profits? What are the routes? How are policing efforts changing tactics of smugglers, etc.? These questions have driven much of the work on migrant smuggling since its take-off in the late 1990s. In other words, research on migrant smuggling has been primarily in service of the state and the regimes of prohibition (Nadelmann, 1990), adopting similar questions and problems of inquiry, not in critique of them.²

Legality and illegality figure heavily in Post-Palermo definitions, sometimes without critical reflection on the dichotomy. Take some examples:

These definitions [referring to the Palermo Protocols] are intended to distinguish smugglers, whose main occupation is the lucrative conveyance of migrants through illegal channels, from

² As I will argue below, a critical research agenda on migrant smuggling should not begin by answering the same questions asked by the state or the institutions of prohibition (Who is involved and how is it organized? What are the routes? What is the modus operandi? How can it be better policed and prosecuted?), but by addressing questions about the deployments of the state and the associated regimes of prohibition which arise in reaction to ‘migrant smuggling’.

traffickers, who combine transportation with the ultimate aim of exploiting their victims. Categorizing these crimes can be difficult, however, and some commentators argue that a workable distinction between smuggling and trafficking is almost impossible. (Laczko, 2004, p. 346)

[S]muggling is characterized by illegal entry. Smuggling, therefore, can be summarized as facilitation of illegal entry, and those smuggled will inevitably be regarded as illegal migrants. (Obokata, 2005, pp. 396-397)

The mark of consent and exploitation remains central, with some critical exploration of the role that consent plays across different types of movement (Triandafyllidou & Maroukis, 2012, p. 191):

The differences are the intention of the smuggler (to ‘help’ the migrants get to their destination or to get the migrants to the destination with a view to exploiting them) and, of course, the freedom of the migrant to change their mind, interrupt her/his journey, change destination or network, and choose where to find work and what kind of work. Of course in the case of smuggled migrants too such ‘freedom’ is particularly limited but in the case of victims of trafficking there is clear coercion and no freedom whatsoever.

The question remains: if exploitation is part of a human smuggling operation, does it constitute trafficking if the intent of the smuggler is not to exploit long-term, but only to coerce, deceive, or defraud in the short term? What if smugglers engage in torture or other violations of the right to life (such as in the Egyptian Sinai)? Where is the line between smuggling and trafficking in these complex instances? Much of the literature has distinguished between the alternative practices, but many questions remain open and dependent on contexts and routes.

Conceptual re-visions: 2007-present

Recent re-conceptualizations of smuggling have been motivated less by a desire to radically re-think the legal definitions than by a desire to refer to alternative concepts supplementing the legal and institutional definitions. Such concepts as (il)licit, clandestine, (ir)regular or (un)documented (an old standby in U.S. research on the topic), or ‘refugee smuggling’ may either overcome previous obstacles or serve to supplement or replace the Palermo concepts rather than radically challenge them. For example (Koser, 2011, p. 257):

The smuggling of refugees – a distinct migrant category – is a subset of the wider phenomenon of migrant smuggling, which is in turn a subset of the broad category of irregular (or ‘illegal’) migration.

Other work has begun to draw on the post-Palermo definitions, but broadened the scope slightly. Although inspired by Palermo, these newer definitions attempted to include socio-historical context into their accounts. For example:

In this paper, a broader definition of smuggling will be used, instead of the purely legal definition. Human smuggling can namely also be seen as: every act whereby an immigrant is assisted in crossing international borders whereby this crossing is not endorsed by the government of the receiving state, neither implicitly nor explicitly. (Van Liempt & Doomernik, 2006, p. 166)

This research emphasizes the diversity of smuggling processes; no presumptions are made about the involvement of organised crime in smuggling. How smuggling is embedded more widely in society and the economy is also taken into account. In order to move beyond legal and criminal discourses, applied is a broad definition of smuggling that spans the whole spectrum: from smuggling-as-altruism to smuggling-as-organised- crime. The definition of human smuggling employed in this research is as follows: Every act whereby an immigrant is assisted in crossing international borders and this crossing is not endorsed by the government of the receiving state, neither implicitly nor explicitly. (Van Liempt, 2007, p. 13)

Such work embeds smuggling within wider social structures, finding parallels in research which concentrates on tracing human smuggling within wider global historical change (Kyle & Koslowski, 2001, 2011).

The definition even expanded to discuss smuggling as a ‘travel business’ composed of ‘service providers’ (Zhang, 2007), operating as a ‘transnational service industry’ (Bilger, Hofmann, and Jandl, 2006), which mirror conceptualizations of smuggling as a ‘migration industry’ composed of ‘brokers’, ‘fixers’, or ‘pushers’ (Berg & Tamagno, 2013; Gammeltoft-Hansen & Sorensen, 2013; Lucht, 2013). Other work explicitly links trafficking to conceptions of slavery, a connection which has risen in public debates over the topic (Peterka-Benton, 2011, p. 216):

Traditionally, human trafficking is to be seen as a modern form of slavery which appears in many shapes and forms around the globe, including as sexual exploitation, bonded labor, forced labor, war slavery, child labor, and child soldiers. On the contrary, human smuggling is usually described as an illegal crossing of international borders by migrants without the use or threat of force by smuggling operators.

Some work operates without reference to (or very little reference to) ‘smuggling’ at all, placing the category of analysis within wider structures of power and domination (Spener, 2009, p. 11):

These elements include the concepts of global apartheid, structural and cultural violence, autonomous international migration, everyday resistance, social capital, and funds of knowledge. [These concepts offer compelling alternatives] to the interpretations of clandestine border-crossing that are usually offered by participants in public debates surrounding international migration. I present this framework not as a theory or set of hypotheses to be tested but as a heuristic device whose intent is to promote a humane and comprehensive way of understanding an unresolved social problem that affects millions of people.

Similar work takes the investigation of state categories as its object of analysis, contrasting them with migrant categories or with the power of the state to produce migrant categories:

Human smuggling is but one form of migration, one aspect of continuous, historical journeying where people employ others’ assistance to move. The term ‘human smuggling’ marks a category and, like any other category, produces particular identities. In so doing, it reproduces the power of the state through simultaneous inclusion and exclusion. ... People, meanwhile, do not imagine their lives or identities in the terms of immigration policies and the categories they produce. (Mountz, 2010, pp. xxvii-xxviii)

This book takes a somewhat different tack: if brokerage is a business, its ‘customers’, like all human agents, make decisions in political contexts – relations of power that shape transactions between migrants and smugglers in ways that are highly pronounced in travel and transit. ... Fixing responsibility on individuals and groups overlooks the fact that smuggling seldom involves a single ‘agent’, and distracts us from the policies and contexts that produce it. (Ahmad, 2011, p. 7)

Some work is openly vocal in its criticism of research revolving around policy prescriptions and motivations. For instance Bakewell (2008, p. 433) argues convincingly that policy-oriented research can limit the scope of social scientific study, as research attempts to remain relevant to policy categories and concerns. He suggests that this obscures relationships and questions which are significant to the study of migration, but which get glossed over by categories and constructions developed for international interests rather than concrete observation and conceptual abstraction (Bakewell, 2008, p. 433).

In sum, much of the research on human smuggling has been conducted within the definitional boundaries of human smuggling set by law and policy, not about and of the laws and policies which have given rise to a regime of prohibition and its associated institutions of human smuggling prohibition (Nadelmann, 1990). Scholarship on human smuggling is dominated by work which addresses policy concerns about improving criminal justice and the ‘management’ of migration, rather than critiques of policy or excavations of the growth of the category of human smuggling as a device

of social control of undesirable populations and extra-state markets. In other words, much (not all) of the work on human smuggling in migration studies is done within the dominant frames of law and policy, and could benefit from critical expositions of the rise of the category of human smuggling and its effects.

Notes towards a Critical Research Agenda

I turn now to outlining pathways to critically research the definition of human smuggling, its functioning and implementation in state practices. Critically researching the category of human smuggling involves three main tasks:

- a) Understanding how ‘human smuggling’ as a category of social control and criminal sanction has arisen and how this category is translated, implemented, and shaped in diverse socio-legal contexts.
- b) Mapping national, sub-national, supra-national, and inter-national arenas of cooperation against human smuggling and explaining their effects.
- c) Challenging and critiquing existing theory and policy as well as popular conceptions of human smuggling in the media.

Researching the construction of human smuggling as a category of social control in diverse contexts requires close attention to its conceptualization, translation, reception, reconfiguration, and implementation across actors, spaces, and scales. Is human smuggling a new type of concept reflecting a contemporary novelty of globalized governance of crime and (in)security, or does it have historical precedents? How does the content of the concept reflect a new structure of social control, criminal justice, power, or governance? What are the consequences of employing the concept, and with what implications for political ideology? How does the formal legal definition feed into popular conceptions and theoretical conceptions? What alternative conceptions are employed ‘on the ground’ by professionals of prohibition? How has the concept of human smuggling been translated and transferred through global policy networks? By addressing some of these questions a reconfigured notion of migration may emerge which pushes us past current concepts aimed at prohibition, and towards critically attuned notions which allow us to imagine alternative futures of global mobility. This task is not about reproducing politico-legal categories, but about excavating and dissecting politico-legal categories synchronically and diachronically.

A related goal of understanding the generation of the category of human smuggling is mapping its effects. How is it practically operationalized among diverse actors at different scales? Who participates in the institutions of prohibition?³ How are actors related, and what is shared among them through these relations? Can we map identifiable communities of policing and prohibition? What effects are the practices of such actors having? What harm is being caused by the institutions of prohibition? How can such harms be remedied? This task is not concerned with aiding the state in developing new approaches to prohibition by uncovering the main empirical characteristics of human smuggling networks and operations, but understanding and explaining the institutions of prohibition themselves and their effects. The harmful effects of the European Union’s increased militarization of prohibition in the Mediterranean, for example, require critical examination. Such an endeavour has two objectives: 1) to produce knowledge about how the institutions of prohibition operate and with what effects, and 2) to uncover the ways in which the institutions of prohibition disempower certain groups while empowering others, and with what harms and disadvantages (cf. Tamanaha, 2010).

Drawing together the two previous tasks is the overall goal of challenging and critiquing dominant theory, policy, and popular representations of human smuggling in the media. The aim is to move

³ I build on Nadelmann’s (1990) work to discuss the concept of ‘institutions of prohibition’ to refer to political/legal institutions designed to limit the (clandestine) mobility of non-citizens into a territory.

beyond the current legal, theoretical, and popular categories of prohibition and control to engage with alternative critical ontologies (e.g. Ahmad, 2011; Spener, 2009). Such a task requires sustained public engagement.

Practically addressing these three main tasks requires a research agenda utilizing multiple methodologies and a sustained commitment to ethics. By drawing on a wide range of methods in research on migrant smuggling, we can tap into the spectrum of categories and topics which surround clandestine migration in the 21st century in order to ethically respond to contemporary moral dilemmas. One of the primary goals of critical migrant smuggling studies is to address the deeper social philosophical, methodological, and ethical issues which have arisen surrounding the topic. Approaches which critically engage with our methods themselves are warranted, possibly leading to ethical and methodological innovation and a more expansive set of tools available to produce knowledge and respond to harms. Methods which engage with processes of categorization in particular contexts, could yield interesting results. Multiple methodologies can aid in the production of new representations and provide new critical engagements in the politics of representation in Europe and beyond.

In sum, critical research on migrant smuggling is to turn the focus from supporting states in their efforts to police and prohibit migration, towards a focus on ending harms and reducing suffering of those who have felt the most brutal effects of the regimes of prohibition. It is an agenda which focuses not on the organization of migrant smuggling, but the organization of state control and coercion. Such an agenda is part of diverse struggles over ethical research: Who is research on migrant smuggling for? For which institutions is migrant smuggling research in the service of? A critical agenda could open up new ethical positions which address the harms of the institutions of prohibition, and that do not re-produce the harms of state migration control efforts, but seek to end such harms and reduce the suffering associated with them.

Conclusion

While other reviews of migrant smuggling have focused on the main themes arising from the literature (Baird & van Liempt, 2016), this article has provided an historical comparison of the varied meanings of human smuggling through a brief temporal categorization of the development of migrant smuggling studies. It critically discusses the development of human smuggling as a concept in academic research and international law. It argues that the definition of human smuggling has been uncritically applied in much research on the topic, and further research should attend to how human smuggling has arisen as a technique of social control.

The article compliments other research on human smuggling that investigates the social causes and effects of the practice. I argue that research on the topic should not take the definition of human smuggling for granted and resist the desire to accept pre-defined social categories as given. By critically attending to the comparative development of human smuggling as a concept, researchers, policy-makers, and the public can better understand its use, causes, and effects. Rather than accepting 'smuggling' as a pre-defined, ready-to-research category, research could instead demonstrate its rich usage and relational structuring in the field: how has 'human smuggling' as a category been defined, shaped, interpreted, and employed in various contexts? What have been the social effects of employing the concept of 'human smuggling' on individuals and institutions?

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