

型高利贷首先要与合法的民间借贷进行有效区分,这就需要立法机关和行政机关及时制定相关的法律、法规加以管理和规范,对资金来源、放贷主体、放贷对象、利率、索债方式、贷款宣传等做出全面规定,规范放贷人行为,遏制高利贷的产生,保证民间借贷的健康有序发展。

(二) 对于涉赌型高利贷的规制应以行政处罚为主,刑事处罚为辅

国务院于1981年5月8日颁布的《国务院批转中国农业银行关于农村借贷问题的报告的通知》中明确规定:“对那些一贯从事高利盘剥,并为主要经济来源,严重危害社会主义经济和人民生活,破坏金融市场的高利贷者,要按情节轻重和国家法令、规定严肃处理。”因此,对于高利贷的违法性国家早已明确,且对于高利贷要按情节和国家规定追究责任。但相比于行政处罚而言,司法的介入不仅从程序的周密性还是从财力、人力的成本投入上都十分巨大,因此,对于涉赌型高利贷也不能一味追求刑事打击,而应该有所侧重,对于大多数情节尚未达到刑事处罚的案件通过罚款、没收违法所得、没收非法财物、暂扣或者吊销许可证、暂扣或者吊销执照、行政拘留等行政处罚予以处理,尤其是应该加大罚款力度,在犯罪萌芽状态就予以经济处罚遏制。

(三) 对于构成犯罪的涉赌型高利贷行为应加强立法完善

依照上文分析,涉赌型高利贷行为构成非法经营罪主要是适用刑法225条第4款兜底规定,因此,从法律明确性的要求来看,如果对涉赌型高利贷行为以非法经营罪进行追究,最具有说服力的做法应该是参考其他非法经营行为入罪的做法,出台司法解释或者通过《刑法修正案》单独设立高利放贷罪的形式予以规定。

具体来说,除了考虑数额标准外,对于情节严重和情节特别严重等因素的区分,还应综合考虑以下因素:1,发放涉赌性高利贷的首要分子;2,发放涉赌性高利放贷的次数;3,发放贷款的用途;4,屡次经有关部门行政处理而不悔改;5,索债、逼债的手段;6,与黑恶势力相勾结或直接是黑恶势力的敛财手段;7,国家工作人员利用职务上的便利或者利用职权发放涉赌型高利贷;8,造成被害人重伤、死亡等严重后果;9,社会影响恶劣,等等。

跨国有组织犯罪研究的最新趋势

克劳斯·冯·兰佩*

林少伟译**

内容摘要:就方法论而言,关于跨国有组织犯罪活动和跨国犯罪网络的研究中并无不可克服之障碍。但与此同时,现有研究集中程度不高,且需更多层次的研究,如复制性研究。此外,对跨国犯罪的研究需要更加全面,例如应涵盖犯罪活动来源国、中转国和目的国。这种研究的最佳模式是多国研究。

关键词:跨国有组织犯罪;走私

一、序言

本文旨在探讨跨国有组织犯罪研究的状况,回顾近年尤其是2007至2012年间以英语写成的相关学术文献。然而,尽管笔者希望涵盖的文献尽可能广泛,但由于此类刊物中,有些辨识难度较高,且较难获取;有些跨越多个学科,相关的研究也是用英语以外的语言写成的,所以本文难免具有不完整性。虽然如此,读者依然可以通过本文获知跨国有组织犯罪研究的现状。在此,笔者不打算详述跨国有组织犯罪的某一概念,而是从多方面阐释跨国有组织犯罪,包括犯罪活动、个体犯罪者、犯罪者架构、以及犯罪集团(例如黑手党式的组织)对于地域和非法市场的控制。^①

二、跨国有组织犯罪研究的相关选题

关于跨国有组织犯罪的研究越来越多,多数出版物都着重论述某一种形式的犯罪。传统上,贩毒是学者们关注最多的范畴,^②且至今依然是某些非常重要的研究项目的焦点。例如,陈国霖(Ko-lin Chin)基于其在缅甸佤族地区实地考察,发表了一篇关于东南亚地区

* 此文是2010年在洛杉矶举行的美国犯罪学学会年度大会上发表的论文的更新和修订版本。先前的版本发表于《犯罪、法律和社会变革》(Crime, Law & Social Change)期刊2012年第2期并且收录在由Emil Plywaczewski主编的《刑法和犯罪学中的现存问题》一书中。

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译者注:克劳斯·冯·兰佩博士多年潜心于对有组织犯罪的研究,在西方学界比较活跃。他近年来参与出版多部著作,如2009年的《Organised Crime: Norms, markets, regulation and research》,2008年的《European crime-markets at cross-roads: Extended and extending criminal Europe》,也担任多种社会职务,现在是《有组织犯罪趋势》(Trends in Organized Crime)的主编,《犯罪、法律与社会变革》(Crime, Law & Social Change)的副主编,国际有组织犯罪研究协会(International Association for the Study of Organized Crime)的主席,可谓是跨国有组织犯罪研究领域的中坚学者。

① Von Lampe, K. (2011), Re-Conceptualizing Transnational Organized Crime: Offenders As Problem Solvers, *International Journal of Security and Terrorism*, vol. 2, no. 1, pp. 1-23; von Lampe, K. (2012), The practice of transnational organized crime, in: F. Allum, S. Gilmour (eds.), *Routledge Handbook of Transnational Organized Crime*, London: Routledge, pp. 186-200.

② 参见: Dorn, N., Levi, M. & King, L. (2005), *Literature review on upper level drug trafficking*, London: Home Office.

贩毒活动的研究报告。^①知识矩阵集团 (Matrix Knowledge Group) 则以采访为主要手段, 得出大量关于国际贩毒的架构和运行的资料数据,^②这些资料数据在后续的研究得到深化分析。^③此外, 一些国际性研究协会最近也对全球海洛因市场做了全面分析。^④然而, 近年来在跨国犯罪领域中获得最多关注的并非贩毒, 而是人口贩卖。这一点可以从大量的专题论文^⑤、研究报告^⑥、汇编图书^⑦以及学术期刊的特刊^⑧中得到体现。而偷渡 (实际上有时与人口贩卖重叠) 也得到一定程度的关注。^⑨另一典型的跨国犯罪也成为了近年研究中持续探讨的对象, 那就是非法卷烟贸易。^⑩其他跨国犯罪活动种类繁多, 但相关的研究也较为零散, 例如贩卖被盗机动车辆¹¹、非法贩卖艺术品和文物¹²、贩卖受保护野生生物¹³和其他自然资源

① Chin, K.-L. (2009), *The Golden Triangle: Inside Southeast Asia's Drug Trade*, Ithaca, NY: Cornell University Press.

② Matrix Knowledge Group (2007), *The illicit drug trade in the United Kingdom*, Home Office, available online: www.homeoffice.gov.uk/rds (accessed 21 November 2007).

③ 参见: Caulkins, J.P., Burnett, H. & Leslie, E. (2009), How illegal drugs enter an island country: insights from interviews with incarcerated smugglers, *Global Crime*, vol. 10, no. 1 & 2, pp. 66-93.

④ Paoli, L., Greenfield V.A. & Reuter P. (2009), *The World Heroin Market: Can Supply be Cut?*, Oxford: Oxford University Press.

⑤ 参见: Chin, K.-L. & Finckenauer, J.O. (2012), *Selling Sex Overseas: Chinese Women and the Realities of Prostitution and Global Sex Trafficking*, New York: New York University Press; Cullen-Dupont, K. (2009), *Human Trafficking*, New York: Facts on File; Heil, E.C. (2012), *Sex Slaves and Serfs: The Dynamics of Human Trafficking in a Small Florida Town*, Boulder, CO: First Forum Press; McCabe, K.A. (2010), *Sex Trafficking: A Global Perspective*, Lanham, MD: Lexington; Parrot, A. & Cummings N. (2008), *Sexual Enslavement of Girls and Women Worldwide*, Westport, CT: Praeger; Penttinen, E. (2008), *Globalization, Prostitution and Sex-Trafficking: Corporeal Politics*, London: Routledge; Scarpa, S. (2008), *Trafficking in Human Beings: Modern Slavery*, Oxford: Oxford University Press; Shelley, L. (2010), *Human Trafficking: A Global Perspective*, Cambridge, UK: Cambridge University Press.

⑥ 参见: Olagbegi, B.O., Aminu L.S., Akiode B.A., Zacharia Y. (2006), *Human Trafficking in Nigeria: Root Causes and Recommendations*, Paris: UNESCO; Perrin, B. (2010), *Trafficking in Persons & Transit Countries: A Canada-U.S. Case Study in Global Perspective*, Metropolis British Columbia, Centre of Excellence for Research on Immigration and Diversity, Working Paper Series No. 10-05; Truong, T.-D. (2006), *Poverty, Gender and Human Trafficking in Sub-Saharan Africa: Rethinking Best Practices in Migration Management*, Paris: UNESCO; Viuhko, M. & Jokinen, A. (2009), *Human Trafficking and Organized Crime: Trafficking for sexual exploitation and organised procuring in Finland*, Helsinki: HEUNI.

⑦ 参见: Cameron, S. & Newman, E. (eds.) (2008), *Trafficking in Humans: Social, Cultural, and Political Dimensions*, Tokyo: United Nations University Press; Ebbe, O.N.I. & Das, D.K. (eds.) (2008), *Global Trafficking in Women and Children*, Boca Raton, FL: CRC Press; Friesendorf, C. (ed.) (2009), *Strategies Against Human Trafficking: The Role of the Security Sector*, Vienna: National Defense Academy and Austrian Ministry of Defense and Sports; Savona, E.U. & Stefanizzi, S. (eds.) (2007), *Measuring Human Trafficking: Complexities and Pitfalls*, New York: Springer Science + Business Media; Tiano, S. & Murphy-Aguilar, M. (eds.) (2012), *Borderline Slavery: Mexico, United States, and the Human Trade*, Farnham, UK: Ashgate.

⑧ 参见: Bernat, F.P. & Zhilina, T. (2010), Human Trafficking: The Local Becomes Global, *Woman and Criminal Justice*, vol. 20, no. 1 & 2, pp. 2-9; Kleemans, E.R. (2011), Expanding the domain of human trafficking research: introduction to the special issue on human trafficking, *Trends in Organized Crime*, vol. 14, no. 2-3, pp. 95-99; Winterdyk, J. & Reichel, P. (2010), Introduction to Special Issue: Human Trafficking: Issues and Perspectives, *European Journal of Criminology*, vol. 7, no. 1, pp. 5-10.

⑨ 参见: Liu, M. (2011), *Migration, Prostitution, and Human Trafficking: The Voices of Chinese Women*, New Brunswick, NJ: Transaction; Siegel, D. (2009), Hot sands or the 'romantics' of the desert: Women smuggling from Egypt to Israel, in: P.C. van Duyne, S. Donati, J. Harvey, A. Maljevic, K. von Lampe (eds.), *Crime, money and criminal mobility in Europe*, Nijmegen, NL: Wolf Legal Publishers, pp. 97-115; Zhang, S.X. (2008), *Chinese Human Smuggling Organizations: Families, Social Networks, and Cultural Imperatives*, Stanford, CA: Stanford University Press.

⑩ Antonopoulos, G.A. & van Duyne, P.C. (eds.) (2009), *The criminal smoke of tobacco policy making: Cigarette smuggling in Europe*, Nijmegen: Wolf Legal Publishers; Bear, M. (2002), Organized corporate criminality: Tobacco smuggling between Canada and the US, *Crime, Law and Social Change*, vol. 37, no. 3, pp. 225-243; Blecher, E. (2010), A mountain or a molehill: is the illicit trade in cigarettes undermining tobacco control policy in South Africa?, *Trends in Organized Crime*, vol. 13, no. 4, pp. 299-315; Joossens, L. & Raw, M. (2008), Progress in combating cigarette smuggling: controlling the supply chain, *Tobacco Control*, vol. 17, no. 6, pp. 399-404; LeGresley, E., Lee, K., Muggli, M.E. & Patel, P. (2008), British American Tobacco and the 'insidious impact of illicit trade' in cigarettes across Africa, *Tobacco Control*, vol. 17, no. 5, pp. 339-346; Shen, A., Antonopoulos, G.A. & von Lampe, K. (2010), 'The Dragon Breathes Smoke': Cigarette Counterfeiting in the People's Republic of China, *British Journal of Criminology*, vol. 50, no. 2, pp. 239-258; von Lampe, K., Kurti, M., Shen, A. & Antonopoulos, G.A. (2012), The Changing Role of China in the Global Illegal Cigarette Trade, *International Criminal Justice Review*, vol. 22, no. 1, pp. 43-67.

11 参见: Gounev, P. & Bezlov, T. (2008), From the economy of deficit to the black-market: car theft and trafficking in Bulgaria, *Trends in Organized Crime*, vol. 11, no. 4, pp. 410-429.

12 参见: Bowman, B.A. (2008), Transnational Crimes Against Culture: Looting at Archaeological Sites and the 'Grey' Market in Antiquities, *Journal of Contemporary Criminal Justice*, vol. 24, no. 3, pp. 225-242.

13 参见: Wyatt, T. (2009), Exploring the organization of Russia Far East's illegal wildlife trade: two case studies of the illegal fur and illegal falcon trades, *Global Crime*, vol. 10, no. 1 & 2, pp. 144-154.

源^①、非法军火交易^②、非法核材料交易^③、非法废料处置^④、诈骗^⑤、连环盗窃^⑥和有组织网络犯罪^⑦。

除了特定的犯罪类型, 也有一些研究着眼于特定地域的跨国犯罪活动。^⑧多年以来, 拉丁美洲和美国之间的贩毒活动一直是研究关注的焦点。^⑨此外, 其他地区, 例如西非、东欧、中亚和东南亚, 近年来也成为了许多研究的热点。^⑩其中, 中国可以说是跨国有组织犯罪相关研究“炙手可热的话题”。¹¹

最后, 也有研究探讨某些特定犯罪者或犯罪团体的跨国活动。研究的焦点有具体的人¹²、少数族裔¹³、违法集团¹⁴, 也有犯罪组织。¹⁵然而, 鲜有研究涵盖跨国有组织犯罪现

① 参见: Bisschop, L. (2012), Out of the woods: the illegal trade in tropical timber and a European trade hub, *Global Crime*, vol. 13, no. 3, pp. 191-212.

② Cook, P.J., Cukier, W. & Krause, K. (2009), The illicit firearms trade in North America, *Criminology & Criminal Justice*, vol. 9, no. 3, pp. 265-286.

③ 参见: Kupatadze, A. (2007), Radiological Smuggling and Uncontrolled Territories: The Case Of Georgia, *Global Crime*, vol. 8, no. 1, pp. 40-57.

④ 参见: Massari, M. & Monzini, P. (2004), Dirty Businesses in Italy: A Case-study of Illegal Trafficking in Hazardous Waste, *Global Crime*, vol. 6, no. 3 & 4, pp. 285-304.

⑤ Ampratwum, E.F. (2010), Advance fee fraud "419" and investor confidence in the economies of sub-Saharan African (SSA), *Journal of Financial Crime*, vol. 16, no. 1, pp. 67-79.

⑥ 参见: Van Daele, S. (2008), Organised property crimes in Belgium: the case of the itinerant crime groups, *Global Crime*, vol. 9, no. 3, pp. 241-247.

⑦ 参见: Holt, T.J. & Lampke, E. (2010), Exploring stolen data markets online: products and market forces, *Criminal Justice Studies*, vol. 23, no. 1, pp. 33-50.

⑧ 参见: Lo, S.S. (2008), *The Politics of Cross-Border Crime in Greater China: Case Studies of Mainland China, Hong Kong, and Macao*, Armonk, NY: M.E. Sharpe; Mazzitelli, A.L. (2007), Transnational organized crime in West Africa: the additional challenge, *International Affairs*, vol. 83, no. 6, pp. 1071-1090.

⑨ 参见: Decker, S.H., Townsend Chapman, M. (2008), *Drug Smugglers on Drug Smuggling: Lessons from the Inside*, Philadelphia, PA: Temple University Press.

⑩ 参见: Cheloukhine, S. & Haberfeld, M.R. (2011), *Russian Organized Corruption Networks and their International Trajectories*, New York: Springer; Ellis, S. (2009), West Africa's International Drug Trade, *African Affairs*, vol. 108, no. 431, pp. 171-196; Kupatadze, A. (2012), *Organized Crime, Political Transitions and State Formation in Post-Soviet Eurasia*, New York: Palgrave MacMillan; Munro, P. (2012), Harbouring the illicit: borderlands and human trafficking in South East Asia, *Crime, Law and Social Change*, vol. 58, no. 2, pp. 159-177.

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译者注: 国际有组织犯罪研究会会刊《Trends in Organized Crime》(有组织犯罪的趋势)杂志于2013年3月针对“中国有组织犯罪”出版专刊论文, 从多个层面解读中国有组织犯罪。海外学者对于中国有组织犯罪的解读角度以及研究方法, 对国内学者的研究具有启迪作用。请参见: Georgios A. Antonopoulos (2013), The Dragon's shadow: an introduction to the special issue on Chinese organized crime, *Trends in Organized Crime*, Vol.16, issue.1, pp.1-12; Melvin R. J. Soudijn & Sheldon X. Zhang, (2013), Taking loan sharking into account: a case study of Chinese vest-pocket lenders in Holland, *Trends in Organized Crime*, Vol.16, issue.1, pp.13-30; Anqi Shen, Georgios A. Antonopoulos Georgios Papanicolaou (2013), China's stolen children: internal child trafficking in the People's Republic of China, *Trends in Organized Crime*, Vol.16, issue.1, pp.31-48; Peng Wang (2013), The rise of the Red Mafia in China: a case study of organized crime and corruption in Chongqing, *Trends in Organized Crime*, Vol.16, issue.1, pp.9-73; Sharon Ingrid Kwok & T.Wing Lo (2013), Anti-triad legislations in Hong Kong: issues, problems and development, *Trends in Organized Crime*, Vol.16, issue.1, pp.74-94; Roderic Broadhurst (2013), The suppression of black societies in China, *Trends in Organized Crime*, Vol.16, issue.1, pp.95-113;

12 Morselli, C. (2001), Structuring Mr. Nice: Entrepreneurial opportunities and brokerage positioning in the cannabis trade, *Crime, Law and Social Change*, vol. 35, no. 3, pp. 203-244.

13 Soudijn, M.R.J. & Kleemans, E.R. (2009), Chinese organized crime and situational context: comparing human smuggling and synthetic drugs trafficking, *Crime, Law and Social Change*, vol. 52, no. 5, pp. 457-474.

14 von Lampe, K. (2009), Transnational organised crime connecting Eastern and Western Europe: Three case studies, in: P.C. van Duyne, S. Donati, J. Harvey, A. Maljevic, K. von Lampe (eds.), *Crime, money and criminal mobility in Europe*, Nijmegen, NL: Wolf Legal Publishers, pp. 19-42.

15 Varese, F. (2011), *Mafias on the Move: How Organized Crime Conquers New Territories*, Princeton: Princeton University Press.

象的方方面面、跨国有组织犯罪出现的所有国家或是相关犯罪活动的所有阶段。一般而言,研究人员都从自己国家的角度去探讨跨国有组织犯罪。通常,他们都会立足于目的地国家研究某一形式的走私活动,而甚少探讨来源国和中转国的情况。谢尔顿·张(Sheldon Zhang)和陈国霖关于中国至美国走私活动的研究,是真正从多国角度出发研究跨国有组织犯罪的例子之一。^①这份研究采取了实地观察和访问的调研方式,着重探讨了走私活动的三个关键地理位置:福州(位于中国的走私来源地)、洛杉矶(走私进入美国的重要港口)、纽约市(走私目的地)。

三、跨国有组织犯罪研究的数据来源

所有在社会学研究中常用的数据收集方法都被应用到跨国有组织犯罪的研究当中,即观察、采访和文本分析。即便在同一研究项目中,研究人员多数会采用多种数据来源。^②

参与观察的方式较少被研究人员采用,当然,这种方法不是没有风险的。在一项关于格鲁吉亚走私和边境贪污的研究当中,研究员兵行险著,假装成走私者,以便进行深入观察和隐蔽采访。^③

越来越多的研究采用访问罪犯的手段,其中有一些研究的样本量大得令人钦佩。这些研究当中有的以已被判刑的罪犯为采访对象,还有一些成功地访问了还未被关进牢房的跨国犯罪者。回顾近年来以已经银铛入狱的罪犯为采访对象的研究,其中三个研究项目采访的个体人数最多:德克尔(Decker)和汤森查普曼(Townsend Chapman)采访了34名在美国监狱里的走私犯;^④德罗什(Desroches)奔走于加拿大监狱,成功采访了70名毒贩;^⑤而知识矩阵集团在英国采访了222名已判刑的毒贩。^⑥那些以狱外犯罪者为主要采访对象的研究,则很难达到这样的样本量。^⑦还有一些研究以犯罪受害者为主要对象,这在关于人口贩卖的研究中尤为显著。^⑧还有些则着重采访专家,包括但不限于执法官员。^⑨

① Zhang, S. & Chin, K. (2003b), *Characteristics of Chinese human smugglers: A cross-national study, Final Report*, San Diego: San Diego State University.

② 参见: Van Daele, S., Vander Beken, T. & Bruinsma, G.J.N. (2012), Does the mobility of foreign offenders fit the general pattern of mobility?, *European Journal of Criminology*, vol. 9, no. 3, pp. 290-308.

③ Kukhianidze, A., Kupatadze, A. & Gotsiridze, R. (2004), *Smuggling Through Abkhazia and Tskhinvali Region of Georgia*, Tbilisi: TraCCC Georgia Office.

④ Decker, S.H., Townsend Chapman, M. (2008), *Drug Smugglers on Drug Smuggling: Lessons from the Inside*, Philadelphia, PA: Temple University Press.

⑤ Desroches, F.J. (2005), *The Crime That Pays: Drug Trafficking and Organized Crime in Canada*, Toronto: Canadian Scholars' Press.

⑥ Matrix Knowledge Group (2007), *The illicit drug trade in the United Kingdom*, Home Office, available online: www.homeoffice.gov.uk/trds (accessed 21 November 2007).

⑦ 参见: Antonopoulos, G.A. (2008), Interviewing retired cigarette smugglers, *Trends in Organized Crime*, vol. 11, no. 1, pp. 70-81; Arsovska, J. (2008), Interviewing serious offenders: Ms. Egghead meets Mr. Gumshoe, *Trends in Organized Crime*, vol. 11, no. 1, pp. 42-58; Chin, K.-L. (2009), *The Golden Triangle: Inside Southeast Asia's Drug Trade*, Ithaca, NY: Cornell University Press; Hornsby, R. & Hobbs, D. (2007), A Zone of Ambiguity: The Political Economy of Cigarette Bootlegging, *British Journal of Criminology*, vol. 47, no. 4, pp. 551-571; Johansen, P.O. (2008), Never a final design: interviewing Norwegian alcohol smugglers, *Trends in Organized Crime*, vol. 11, no. 1, pp. 5-11; Junninen, M. (2006), *Adventurers and risk-takers: Finnish professional criminals and their organisations in the 1990s cross-border criminality*, Helsinki: HEUNI; Troshynski, E.I. & Blank, J.K. (2008), Sex trafficking: an exploratory study interviewing traffickers', *Trends in Organized Crime*, vol. 11, no. 1, pp. 30-41.

⑧ 参见: Choo, K., Jang, J.O. & Choi, K. (2010), Methodological and Ethical Challenges to Conducting Human Trafficking Studies: A Case Study of Korean Trafficking and Smuggling for Sexual Exploitation to the United States, *Woman and Criminal Justice*, vol. 20, no. 1 & 2, pp. 167-185; Demir, O.O. & Finckenauer, J.O. (2010), Victims of Sex Trafficking in Turkey: Characteristics, Motivations, and Dynamics, *Woman and Criminal Justice*, vol. 20, no. 1 & 2, pp. 57-88; Kim, E., Yun, M., Park, M. & Williams, H. (2009), Cross border North Korean women trafficking and victimization between North Korea and China: An ethnographic case study, *International Journal of Law, Crime and Justice*, vol. 37, no. 4, pp. 154-169; Obradovic, V. (2004), *Trafficking in women in Bosnia and Herzegovina*, Sarajevo: Embassy of the United States of America.

⑨ 参见: Ellis, S. (2009), West Africa's International Drug Trade, *African Affairs*, vol. 108, no. 431, pp. 171-196; Hughes, D.M.,

官方文件,即犯罪档案、情报资料和内部案件统计数据等,是许多研究项目的数据来源。^⑩最后一点要提的是,大部分的跨国有组织犯罪研究都会利用公开数据,有些甚至以公开数据为唯一数据来源。^⑪

四、跨国有组织犯罪研究的主要内容

指引跨国有组织犯罪研究的研究问题可以大概分为五个主题:(1)跨国犯罪行为人的特征研究;(2)跨国犯罪的手法和物流;(3)跨国有组织犯罪组织研究;(4)犯罪集团在跨国犯罪活动实施和控制中担当的角色;(5)跨国有组织犯罪的地理问题。

(一) 跨国犯罪行为人的特征研究

在有组织犯罪的相关研究中,个体犯案者是严重被忽视的研究对象,而在跨国有组织犯罪研究中也一样。^⑫这与犯罪学形成鲜明的对比。通常来说,犯罪学的许多理论框架都围绕个体犯罪者的特征建立的。

克里曼斯(Kleemans)和迪普特(de Poot)关于有组织犯罪生涯的研究则是一个例外,^⑬该研究把焦点放在个体跨国犯罪者身上^⑭,当中分析的案例,相当一部分都是关于跨境犯罪的。例如,克里曼斯和迪普特发现,有组织犯罪者比一般犯案者年龄较大。这项发现与其他跨国犯罪的研究结果一致。在其他研究也同样发现,当个体隐藏在合法的社会和商业网络中,而且与运输和银行等重要的物流行业有紧密联系时,这些个体就可以最大程度地利用某些特定的机会体系,而这些机会体系往往与跨国犯罪有关联。^⑮

另一些研究则侧重于犯罪中的性别因素,主要审视了女性在跨国犯罪中担当犯罪者^⑯和

Chon, K.Y. & Ellerman, D.P. (2007), Modern-Day Comfort Women: The U.S. Military, Transnational Crime, and the Trafficking of Women, *Violence Against Women*, vol. 13, no. 9, pp. 901-922; Pullat, R. (2009), *Organized Crime Related Drug Trafficking in the Baltic Sea Region: Police Point of View*, Tallinn: Estonian Police Board; Wyatt, T. (2009), Exploring the organization of Russia Far East's illegal wildlife trade: two case studies of the illegal fur and illegal falcon trades, *Global Crime*, vol. 10, no. 1 & 2, pp. 144-154.

⑩ 参见: Kostakos, P.A. & Antonopoulos, G.A. (2010), The "good", the "bad" and the "Charlie": the business of cocaine smuggling in Greece, *Global Crime*, vol. 11, no. 1, pp. 34-57; Leman, J. & Janssens, S. (2008), The Albanian and Post-Soviet Business of Trafficking Women for Prostitution: Structural Developments and Financial Modus Operandi, *European Journal of Criminology*, vol. 5, no. 4, pp. 433-451; Morselli, C. & Petit, K. (2007), Law-Enforcement Disruption of a Drug Importation Network, *Global Crime*, vol. 8, no. 2, pp. 109-130; Soudijn, M.R.J. & Kleemans, E.R. (2009), Chinese organized crime and situational context: comparing human smuggling and synthetic drugs trafficking, *Crime, Law and Social Change*, vol. 52, no. 5, pp. 457-474; van Duyne, P.C. (2003), Organizing cigarette smuggling and policy making ending up in smoke, *Crime, Law and Social Change*, vol. 39, no. 3, pp. 285-317; von Lampe, K. (2007), Criminals are not alone: Some observations on the social microcosm of illegal entrepreneurs, in: P.C. van Duyne, A. Maljevic, M. van Dijk, K. von Lampe, J. Harvey (eds.), *Crime Business and Crime Money in Europe: The Dirty Linen of Illicit Enterprise*, Nijmegen, NL: Wolf Legal Publishers, pp. 131-155; von Lampe, K. (2009), Transnational organised crime connecting Eastern and Western Europe: Three case studies, in: P.C. van Duyne, S. Donati, J. Harvey, A. Maljevic, K. von Lampe (eds.), *Crime, money and criminal mobility in Europe*, Nijmegen, NL: Wolf Legal Publishers, pp. 19-42.

⑪ Schloenhardt, A., Beirne, G. & Corsbie, T. (2009), Trafficking in persons in Australia: myths and realities, *Global Crime*, vol. 10, no. 3, pp. 224-247; von Lampe, K. (2006), The cigarette black market in Germany and in the United Kingdom, *Journal of Financial Crime*, vol. 13, no. 2, pp. 235-254.

⑫ Aniskiewicz, R. (2012), 'Portraits' in the world of organized crime, in: E.W. Plywaczewski (ed.), *Current Problems of the Penal Law and Criminology*, Warsaw: Wolters Kluwer Polska, pp. 19-31.

⑬ Kleemans, E.R. & de Poot, C.J. (2008), Criminal Careers in Organized Crime and Social Opportunity Structure, *European Journal of Criminology*, vol. 5, no. 1, pp. 69-98.

⑭ 也参见: Kleemans, E.R. & van de Bunt, H.G. (2008), Organised crime, occupations and opportunity, *Global Crime*, vol. 9, no. 3, pp. 185-197.

⑮ 参见: Decker, S.H., Townsend Chapman, M. (2008), *Drug Smugglers on Drug Smuggling: Lessons from the Inside*, Philadelphia, PA: Temple University Press; Desroches, F.J. (2005), *The Crime That Pays: Drug Trafficking and Organized Crime in Canada*, Toronto: Canadian Scholars' Press; Kostakos, P.A. & Antonopoulos, G.A. (2010), The "good", the "bad" and the "Charlie": the business of cocaine smuggling in Greece, *Global Crime*, vol. 11, no. 1, pp. 34-57.

⑯ 参见: Campbell, H. (2008), Female Drug Smugglers on the U.S.-Mexico Border: Gender, Crime, and Empowerment, *Anthropological Quarterly*, vol. 81, no. 1, pp. 233-267; Kleemans, E.R. & van de Bunt, H.G. (2002), *The social embeddedness of organized crime, Transnational Organized Crime*, vol. 5, no. 1, pp. 19-36; Soudijn, M.R.J. & Kleemans, E.R. (2009), Chinese organized crime and situational context: comparing human smuggling and synthetic drugs trafficking, *Crime, Law and Social Change*, vol. 52, no. 5, pp. 457-474; Zhang, S.X., Chin, K.-L. & Miller, J. (2007), Women's participation in Chinese transnational human smuggling: A

受害者^①的角色。

(二) 跨国犯罪的手法和物流

虽然某些特定犯罪活动经常是跨国有组织犯罪研究的热点，但跨国犯罪的物流却很少进入研究人员的视线，^②除了在情景犯罪预防框架下研究跨国有组织犯罪的文献，这类文献数量虽少，但却有增长趋势。^③

从后一类研究得出的结论通常只适用于某些既定的犯罪类型，而走私活动呈现出来的是更普遍化的模式。这些模式就是走私者选择的走私方式，例如，选择从官方边境站还是“绿色边境”走私货物？把走私物品挟藏在过关旅客的物品当中，还是收藏在过境运输的货物中？可以看出，走私方式、走私货物的数量、犯罪网络的大小和构成是紧密联系的：走私货物的数目越多、走私团体越庞大、构成越多样化，犯罪者就越可能利用合法货物作伪装来走私物品，尤其是以全球集装箱货物作渠道。^④

(三) 跨国有组织犯罪组织研究

有组织犯罪（尤其是跨国有组织犯罪）究竟是多“有组织”呢？这是学术文献反复探究的话题。跨国犯罪到底是由犯罪组织实施，还是由个体犯罪者（无论有没有与其他犯罪者合作）自发性持续地实施的犯罪呢？对此问题，学者们越来越趋向一个共识，即一般来说，这些犯罪者体系，与其说是“组织”，其实更像是“网络”。^⑤然而，许多研究没有对这些网络进行深入探究，而只是一味反驳那些宣扬犯罪组织有高度“组织性”的媒体。相比之下，能够深入分析跨国犯罪者体系的研究呈现出的是一幅更错落有致的画面，这些研究能全面地探讨犯罪者体系：有的个体犯罪者灵活利用和扩展可以为其提供犯罪便利的联系，有的则融入具持续性、横向与纵向都有差异性的犯罪实体里。然而，最典型的合作关系有两种：第一种是以两到三名成员为核心的合伙或小型企业，采用临时性的雇佣关系来实施犯罪；第二种是市场导向型的交易。^⑥现存的证据相互矛盾，从中不容易看出两种方式之间

gendered market perspective, *Criminology*, vol. 45, no. 3, pp. 699-733.

① 参见：Hughes, D.M., Chon, K.Y. & Ellerman, D.P. (2007), Modern-Day Comfort Women: The U.S. Military, Transnational Crime, and the Trafficking of Women, *Violence Against Women*, vol. 13, no. 9, pp. 901-922; Kant Jha, C. & Madison, J. (2011), Antecedent and Sequelae Issues of Nepalese Women Trafficked into Prostitution, *Journal of International Women's Studies*, vol. 12, no. 1, pp. 79-90; Kim, E., Yun, M., Park, M. & Williams, H. (2009), Cross border North Korean women trafficking and victimization between North Korea and China: An ethnographic case study, *International Journal of Law, Crime and Justice*, vol. 37, no. 4, pp. 154-169.

② 参见：Caulkins, J.P., Burnett, H. & Leslie, E. (2009), How illegal drugs enter an island country: insights from interviews with incarcerated smugglers, *Global Crime*, vol. 10, no. 1 & 2, pp. 66-93; Leman, J. & Janssens, S. (2008), The Albanian and Post-Soviet Business of Trafficking Women for Prostitution: Structural Developments and Financial Modus Operandi, *European Journal of Criminology*, vol. 5, no. 4, pp. 433-451; Spapens, T. (2007), Trafficking in Illicit Firearms for Criminal Purposes within the European Union, *European Journal of Crime, Criminal Law and Criminal Justice*, vol. 15, no. 3, pp. 359-381.

③ 参见：Bullock, K., Clarke, R.V. & Tilley, N. (eds.) (2010), *Situational Prevention of Organised Crime*, Cullompton, UK: Willan; Vijlbrief, M.F.J. (2012), Looking for displacement effects: exploring the case of ecstasy and amphetamine in the Netherlands, *Trends in Organized Crime*, vol. 15, no. 2-3, pp. 198-214.

④ Gamella, J.F. & Jimenez Rodrigo, M.L. (2008), Multinational export-import ventures: Moroccan hashish into Europe through Spain, in: S. Rödnér Sznitman, B. Olsson, R. Room (eds.), *A cannabis reader: global issues and local experiences: Perspectives on cannabis controversies, treatment and regulation in Europe*, Lisbon: EMCDDA, pp. 263-289; von Lampe, K. (2007), Criminals are not alone: Some observations on the social microcosm of illegal entrepreneurs, in: P.C. van Duyne, A. Maljevic, M. van Dijk, K. von Lampe, J. Harvey (eds.), *Crime Business and Crime Money in Europe: The Dirty Linen of Illicit Enterprise*, Nijmegen, NL: Wolf Legal Publishers, pp. 131-155.

⑤ 参见：Bruinsma, G. & Bernasco, W. (2004), Criminal groups and transnational illegal markets: A more detailed examination on the basis of Social Network Theory, *Crime, Law and Social Change*, vol. 41, no. 1, pp. 79-94; Kenney, M. (2007), The Architecture of Drug Trafficking: Network Forms of Organisation in the Colombian Cocaine Trade, *Global Crime*, vol. 8, no. 3, pp. 233-259; Williams, P. (2001), Transnational Criminal Networks, in: J. Arquilla, D.F. Ronfeldt (eds.), *Networks and Networks: The Future of Terror, Crime, and Militancy*, Santa Monica, CA: Rand, pp. 61-97.

⑥ 参见：Adler, P.A. (1985), *Wheeling and Dealing: An Ethnography of an Upper-Level Drug Dealing and Smuggling Community*, New York: Columbia University Press; Bruinsma, G. & Bernasco, W. (2004), Criminal groups and transnational illegal markets: A more detailed examination on the basis of Social Network Theory, *Crime, Law and Social Change*, vol. 41, no. 1, pp. 79-94; Decker, S.H.,

是否有特定的发展趋势。例如，哥伦比亚贩毒团体从紧密而复杂的组织分化成规模较小、流动性较强的体系，^⑦但事实真的是这样吗？还是这只是受到上世纪80到90年代媒体对恶名昭彰的“贩毒集团”的炒作而产生的误解？^⑧

与跨国犯罪企业结构相关的是他们在边境的流动性，即他们作为组织实体，如何突破国际边境以及克服文化和语言障碍。其中一种观点认为，跨国有组织犯罪集团以国际规模运作，寻找生财之道，避免被检控。^⑨另外一种观点认为跨国有组织犯罪集团以“避风港”国家为基地，实施跨国有组织犯罪，这种观点普遍被认同。^⑩这两种观点都意味着跨国有组织犯罪具有高度流动性，纵向一体化，其组织下的犯罪者有系统地穿越边境以实施犯罪。相似地，也有一种假设认为犯罪组织在贩卖路径沿途国家中建立“办事处”（尤其是隐匿在移民社群当中），这可以让它们较容易地扩展业务。^⑪第三种观点认为，实施跨国有组织犯罪的是当地的罪犯，这些罪犯以合约形式犯案，不从属于任何一个中央控制机构。^⑫例如，某些关于贩毒^⑬、人口贩卖和偷渡的研究^⑭支持这种观点。一项关于三大香烟走私行动跨境犯案的研究又从另外一个角度阐明了跨境罪犯的网络架构。^⑮研究中谈论到的三个团体都决定在他们不甚熟悉的国家中开辟新的走私路径。这三个走私团体对相关的国家都没有直接的了解，他们不懂当地的语言，也没有人脉。但这三个团体都没有亲身了解当地情况，也没有亲自过境，而是雇用相关个体，然后这些个体再聘用具备条件的个人和组织实施犯罪。

Townsend Chapman, M. (2008), *Drug Smugglers on Drug Smuggling: Lessons from the Inside*, Philadelphia, PA: Temple University Press; Desroches, F.J. (2005), *The Crime That Pays: Drug Trafficking and Organized Crime in Canada*, Toronto: Canadian Scholars' Press; Junninen, M. (2006), *Adventurers and risk-takers: Finnish professional criminals and their organisations in the 1990s cross-border criminality*, Helsinki: HEUNI; Leman, J. & Janssens, S. (2008), The Albanian and Post-Soviet Business of Trafficking Women for Prostitution: Structural Developments and Financial Modus Operandi, *European Journal of Criminology*, vol. 5, no. 4, pp. 433-451; Natarajan, M. (2006), Understanding the Structure of a Large Heroin Distribution Network: A Quantitative Analysis of Qualitative Data, *Journal of Quantitative Criminology*, vol. 22, no. 2, pp. 171-192; Soudijn, M.R.J. & Kleemans, E.R. (2009), Chinese organized crime and situational context: comparing human smuggling and synthetic drugs trafficking, *Crime, Law and Social Change*, vol. 52, no. 5, pp. 457-474; von Lampe, K. (2003), Organising the nicotine racket: Patterns of criminal cooperation in the cigarette black market in Germany, in: P.C. van Duyne, K. von Lampe, J.L. Newell (eds.), *Criminal Finances and Organising Crime in Europe*, Nijmegen, NL: Wolf Legal Publishers, pp. 41-65; von Lampe, K. (2007), Criminals are not alone: Some observations on the social microcosm of illegal entrepreneurs, in: P.C. van Duyne, A. Maljevic, M. van Dijk, K. von Lampe, J. Harvey (eds.), *Crime Business and Crime Money in Europe: The Dirty Linen of Illicit Enterprise*, Nijmegen, NL: Wolf Legal Publishers, pp. 131-155; Zaitch, D. (2002), *Trafficking Cocaine: Colombian Drug Entrepreneurs in the Netherlands*, The Hague: Kluwer Law International.

① Decker, S.H., Townsend Chapman, M. (2008), *Drug Smugglers on Drug Smuggling: Lessons from the Inside*, Philadelphia, PA: Temple University Press.

② Kenney, M. (2007), The Architecture of Drug Trafficking: Network Forms of Organisation in the Colombian Cocaine Trade, *Global Crime*, vol. 8, no. 3, pp. 233-259.

③ 参见：Mittelman, J.H. & Johnston, R. (1999), The globalization of organized crime the courtesan state and the corruption of civil society, *Global Governance*, vol. 5, no. 1, pp. 103-126.

④ 参见：Wagley, J.R. (2006), *Transnational Organized Crime: Principal Threats and U.S. Responses*, Washington, DC: Congressional Research Service; Williams, P. & Godson, R. (2002), Anticipating organized and transnational crime, *Crime, Law & Social Change*, vol. 37, no. 4, pp. 311-355.

⑤ 参见：Shelley, L. (2002), Identifying counting and categorizing transnational criminal organizations, *Transnational Organized Crime*, vol. 5, no. 1, pp. 1-18; Williams, P. & Godson, R. (2002), Anticipating organized and transnational crime, *Crime, Law & Social Change*, vol. 37, no. 4, pp. 311-355.

⑥ Hobbs, D. & Dunnighan, C. (1998), Global Organised Crime: Context and Pretext, in: V. Ruggiero, N. South, I. Taylor (eds.), *The New European Criminology: Crime and Social Order in Europe*, London: Routledge, pp. 289-302; Hobbs, D. (1998), Going Down the Global: The Local Context of Organised Crime, *Howard Journal*, vol. 37, no. 4, pp. 407-422.

⑦ 参见：Zaitch, D. (2002), *Trafficking Cocaine: Colombian Drug Entrepreneurs in the Netherlands*, The Hague: Kluwer Law International.

⑧ 参见：Bruinsma, G. & Bernasco, W. (2004), Criminal groups and transnational illegal markets: A more detailed examination on the basis of Social Network Theory, *Crime, Law and Social Change*, vol. 41, no. 1, pp. 79-94; İçduygu, A. & Toktas, S. (2002), How do Smuggling and Trafficking Operate via Irregular Border Crossings in the Middle East? Evidence from Fieldwork in Turkey, *International Migration*, vol. 40, no. 6, pp. 25-54.

⑨ von Lampe, K. (2009), Transnational organised crime connecting Eastern and Western Europe: Three case studies, in: P.C. van Duyne, S. Donati, J. Harvey, A. Maljevic, K. von Lampe (eds.), *Crime, money and criminal mobility in Europe*, Nijmegen, NL: Wolf Legal Publishers, pp. 19-42.

(四) 既存犯罪团体扮演的角色

在跨国罪犯组织的相关讨论中, 其中一个与之息息相关的问题是犯罪团体在跨国犯罪活动实施和控制中所担当的角色。这些讨论很多时候都没有仔细分析, 把从事盈利犯罪的非法企业和非经济组织区分开来。后者只是为犯罪企业家们提供地位、支持和非暴力冲突解决机制等, 与盈利性犯罪只有间接联系。^①如果仅因为犯罪者被怀疑是犯罪组织的成员(例如, 意大利黑手党式组织、俄罗斯和格鲁吉亚的律贼犯罪集团、香港三合会等), 就草草判定是这些组织作为组织实体在操控该跨国犯罪活动, 难免会造成判断错误。因此, 研究表明, 非经济犯罪组织在跨国犯罪中所起的作用有限, 即敲诈跨国犯罪团体, 或完全不起作用。^②至今, 只有屈指可数的研究探讨在媒体中所存在的不同观点, 一些声称犯罪组织在不同国家扩大他们所控制的地盘,^③另一些则认为根植于不同国家的犯罪组织逐渐达成协议, 维持各自地盘的实力。^④从现有的证据中看来, 犯罪组织对犯罪活动的控制似乎没有全球化的趋势。

(五) 跨国犯罪的地理问题

最后, 学术文献中关注的又一研究话题是跨国犯罪的地理问题。^⑤该问题包含以下两点: 第一, 跨国犯罪集团产生和持续存在有利因素的地理分布; 第二, 为跨国犯罪制造机会的因素, 例如, 各种自然、社会、经济和政治因素的产物。在这个问题上, 有人提出了一些理论假设, 但至今仍没有太多后续的实证研究支持。

举一例子, 帕萨斯(Passas)指出了不同国家之中存在的“犯因性不对称”, 从“经济上、法律上、政治上和文化上的结构差异、不协调和不平等”的角度解释跨境犯罪的诱因和机会。^⑥有大量著作认为, 跨国犯罪的地理因素, 尤其是走私犯罪, 很大程度上与合法贸易路径相吻合,^⑦这与跨国犯罪网络经常隐藏在移民社群中的观点存在分歧。^⑧有另一种观点认为, 跨国犯罪团体经常活跃于贪污严重、执法较弱的国家和地区, 这些国家和地区为

① Haller, M.H. (1992), Bureaucracy and the Mafia: An Alternative View, *Journal of Contemporary Criminal Justice*, vol. 8, no. 1, pp. 1-10.

② 参见: Huisman, S. (2008), Investigating Chinese Crime Entrepreneurs, *Policing*, vol. 2, no. 1, pp. 36-42; Soudijn, M.R.J. & Kleemans, E.R. (2009), Chinese organized crime and situational context: comparing human smuggling and synthetic drugs trafficking, *Crime, Law and Social Change*, vol. 52, no. 5, pp. 457-474; Weenink, A. & van der Laan, F. (2006), The search for the Russian Mafia: Central and Eastern European Criminals in the Netherlands, 1989-2005, *Trends in Organized Crime*, vol. 10, no. 4, pp. 57-76; Zhang, S. & Chin, K. (2003a), The Declining Significance of Triad Societies in Transnational Illegal Activities: A Structural Deficiency Perspective, *British Journal of Criminology*, vol. 43, no. 3, pp. 469-488.

③ Campana, P. (2011), Assessing the movement of criminal groups: some analytical remarks, *Global Crime*, vol. 12, no. 3, pp. 207-217; Varese, F. (2011), *Mafias on the Move: How Organized Crime Conquers New Territories*, Princeton: Princeton University Press.

④ Williams, P. (2002), Cooperation Among Criminal Organizations, in: M. Berdal & M. Serrano (eds.), *Transnational Organized Crime and International Security: Business as Usual?*, Boulder, CO: Lynne Rienner, pp. 67-80.

⑤ Hall, T. (2012), The geography of transnational organized crime: spaces, networks and flows, in: F. Allum, S. Gilmour (eds.), *Routledge Handbook of Transnational Organized Crime*, London: Routledge, pp. 173-185.

⑥ Passas, N. (1999), Globalization Criminogenic Asymmetries and Economic Crime, *European Journal of Law Reform*, vol. 1, no. 4, pp. 399-423.

⑦ 参见: Andreas, P. (1999), *Smuggling Wars: Law Enforcement and Law Evasion in a Changing World*, in: T. Farer (ed.), *Transnational Crime in the Americas: An Inter-American Dialogue Book*, New York: Routledge, pp. 85-98; Morrison, S. (1997), The dynamics of illicit drugs production: Future sources and threats, *Crime, Law and Social Change*, vol. 27, no. 2, pp. 121-138; Zaitch, D. (2002), *Trafficking Cocaine: Colombian Drug Entrepreneurs in the Netherlands*, The Hague: Kluwer Law International.

⑧ 参见: Bruinsma, G. & Bernasco, W. (2004), Criminal groups and transnational illegal markets: A more detailed examination on the basis of Social Network Theory, *Crime, Law and Social Change*, vol. 41, no. 1, pp. 79-94; Kleemans, E.R. & van de Bunt, H.G. (2002), *The social embeddedness of organized crime*, *Transnational Organized Crime*, vol. 5, no. 1, pp. 19-36; Paoli, L. & Reuter P. (2008), Drug Trafficking and Ethnic Minorities in Western Europe, *European Journal of Criminology*, vol. 5, no. 1, pp. 13-37; Van Duyn, P.C. (1993), Organized crime markets in a turbulent Europe, *European Journal on Criminal Policy and Research*, vol. 1, no. 3, pp. 10-30; Williams, P. & Godson, R. (2002), Anticipating organized and transnational crime, *Crime, Law & Social Change*, vol. 37, no. 4, pp. 311-355.

犯罪活动提供了一个“低风险的环境”。如果当地的社会政治状况为大规模的犯罪活动提供温床, 那么跨国犯罪团体会更加猖獗。^①

总的来说, 跨国组织犯罪的相关研究呈现出一个趋势, 这个趋势与新闻记者和政策制定者所宣传的传统观点不一致。相对于黑手党充斥全球这一流行观点, 从实证研究得出的结论比较复杂, 往往没有那么惊世骇俗, 但也不容忽视。

四、结论: 为未来研究指引方向

在现有研究和跨国组织犯罪相关论题的背景下, 笔者就未来研究应采取的方向发表以下谨慎的意见。首先应强调的是, 在跨国组织犯罪的研究中, 没有任何无法跨越的障碍。例如, 虽然要采访跨国罪犯不是一件容易的事情, 但过去的研究表明, 只要在合适的情况下, 如果研究人员具备必要的技巧和社会资本, 这不是不可能的。其次, 现有研究的密度不高。相比广泛聚焦、不断地创立新的论题, 重复以前做过的研究其实更有意义。很多时候, 概括和总结都是基于孤立的研究, 这些研究都超出了其历史背景和地理范围。这就是为什么即便跨国犯罪领域中较热门的论题, 例如贩毒和人口贩卖, 也依然需要更多的补充研究。再者, 跨国组织犯罪的相关研究的“跨国性”有待加强, 这样才能以比较视角和全方位视野来分析跨国犯罪的现象。在许多论题上都应从比较不同类型的犯罪和相异的社会背景的方向出发。例如, 跨国犯罪活动的物流运营、犯罪者合作模式、跨国犯罪者在情景因素下决策制定。同样地, 要探讨跨国犯罪现象的所有阶段, 相关研究应跨越国界, 在多数情况下, 应包括来源国、中转国和目的国的犯罪活动。

多国研究项目似乎是未来跨国组织犯罪研究最理想的模式。但这也带来了一些挑战: 是否能获得合适的资金工具? 研究人员和研究机构如何能获得必需的数据? 各国的研究机构需要协调平衡其拨款活动。国际资助机构, 例如欧洲委员会, 也需要看到在多国中进行跨国组织犯罪相关基础研究的必要性。同时, 政府机构也需要表达更强的意愿, 与研究人员分享他们的数据资料。

① 参见: Williams, P. & Godson, R. (2002), Anticipating organized and transnational crime, *Crime, Law & Social Change*, vol. 37, no. 4, pp. 311-355; Ellis, S. (2009), West Africa's International Drug Trade, *African Affairs*, vol. 108, no. 431, pp. 171-196; Thoumi, F.E. (2002), The role of the state social institutions and social capital in determining competitive advantage in illegal drugs in the Andes, *Transnational Organized Crime*, vol. 5, no. 1, pp. 67-96.