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R Reiner, *Crime. The Mystery of the Common Sense Concept* (Polity: Cambridge, 2016)
246pp: ISBN 978-0-7456-6030-1

It is surprising, as Reiner points out at the start of his new book, that there has been no full length treatment of the concept of crime before now. The concept is foundational to disciplines such as criminal law and criminology, and the control or management of crime is central to the practices of modern government. However, the student or 'honest citizen' seeking a brief or systematic account of the concept cannot easily find one. This may be because we all think we already know what crime is, such that it has a certain taken-for-granted quality, but may also be because the exercise of seeking to define crime is so complex. As different disciplinary perspectives have developed, the meaning of 'crime' has become increasingly fragmented. As Reiner puts it, 'crime' is a concept that is simultaneously essentially contested and uncontested. It is uncontested because its meaning is frequently taken to be self-evident (p.3); but it is contested because it is a normative concept and at a disciplinary or institutional level there are many different definitions of crime which are put to different uses.

Much of the book is essentially introductory, providing a lucid and readable overview of the way that the concept of crime is used in a range of different disciplines or institutions. This is done in the kind of clear and concise manner that will be familiar to readers of Reiner's earlier work. This moves from legal and moral conceptions of crime (chapters 1 and 2), to social conceptions (chapter 3), to the way that crime is constructed in the criminal justice system (chapter 5), the media (chapter 6), and finally in the discipline of criminology (chapter 7, also containing a lengthy discussion of crime statistics). However, running alongside this is a more complex argument which makes a real contribution to our understanding of the concept and its use. Here Reiner argues that crime is an 'anchored' concept, by which he means that, while there is considerable pluralism and flexibility around the definition of the concept of 'crime', it is nonetheless 'anchored' in a particular set of social institutions (pp.4 & 24), notably the criminal law and criminal justice systems of modern states. Crime is thus distinct from moral ideas of sin or wrongdoing as it is specifically linked to the emergence of modern institutions such as the criminal law, the police and prisons that identify, record and punish 'criminal' conduct. The concept of crime is further inextricably linked to the emergence of the modern centralised state and to the project of social stabilisation and pacification that it drives (pp.2-3). This means that crime "connotes an *intermediate* level of threat to norms shared within a fundamentally settled order" (p.3 Emphasis in original): it is something more than anti-social or uncivil conduct, but some less than war or massive social unrest. Any discussion of the meaning of 'crime' must thus be set against this institutional backdrop and the interests that it serves.

If this points to the sociological conditions of existence of the modern concept of crime, Reiner argues that crime is nonetheless also a normative concept, reflecting different beliefs, values and interests. However, conflicts over the meaning of crime (or whether certain forms of conduct should be classified as criminal) are not simply disagreements over values, as some philosophers would have it, because the concept of crime (and institutions such as the criminal law) developed hand in hand with the development of modern capitalism. It is thus important to recognise that criminal laws are enforced against the poor and the powerless in society, while the wealthy and powerful can commit greater harms in the name of profit. This sets up a further tension that runs through the book. On the one hand there is the recognition that the modern institution of criminal law contributes to "a degree of order that is necessary for co-ordination and peaceful coexistence in a minimally civilized society" (p.10) but, on the other, Reiner argues that in practice it helps to sustain social and economic inequalities in modern capitalist society (p.190). The individualising of

responsibility masks systemic inequalities, while the powerless (those disenfranchised and oppressed by modern capitalism) are punished for their minor forms of wrongdoing. This critique of practices of oppression, and the use of the criminal law to facilitate and legitimate these, provides the moral core of the argument as we can see that the labelling of conduct as crime is an exercise of power of a very specific kind.

This argument, though, raises questions about the limits of the concept of crime analysed in the book. Reiner's conditions of possibility link the concept of crime to the development of the modern state. However, as sovereignty is challenged (even in the wake of Brexit), with the development of transnational and international crimes, it is necessary ask what this might do to our understanding of crime. Reiner's treatment of this is disappointing, though. He acknowledges the issue (pp.93-101), but the discussion of international crime is limited to a discussion of state crime. This points to the way that states may become the object of criminal prosecution, but it has less to say about the ways that new kinds of crime, and new models of enforcement are being created relating to the movement of people, goods and money in the global economy. These new crimes are a response to the need for a different kind of order and are being accompanied by the creation of new institutions and agencies of enforcement and thus represent a significant challenge to the existing conceptions of crime.

Crime is in the end a 'capital concept', as the final chapter of the book argues, protecting not just order in general but particular systems of power and privilege. This example suggests that the analysis of crime may require more attention to the specific forms of capital and their demands. While the legitimacy of the criminal law and criminal justice systems has always been fragile, it is arguably more fragile than ever in a neo-liberal order where states have given up on ideas of social inclusion or the building of social consensus. In this order crime and criminal increasingly appear as the more naked exercise of power, where order is maintained at the expense of the economically vulnerable and socially precarious and penal populism is directed at the "luckless losers of the criminal justice lottery" (p.197) rather than the crimes of capital.

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