

Hans Boutellier, *A Criminology of Moral Order*, Bristol University Press: Bristol, 2019; 176 pp.: 978-1529203752, £60 (hbk)

In *A Criminology of Moral Order*, Hans Boutellier's aim is to develop a better understanding of the moral dynamic of society. Boutellier outlines how moral order is constructed within the secularised, modern, Western world. Rather than being organised around our faith in something, society is now more loosely organised in network relations between people, organisations and institutions, resulting in an increasingly fragmented and individualised social order that is identity-focused; termed 'complexity without direction' (p. 8). Such developments in the organisation of society has resulted in change in the positionality and function of criminal justice. Criminal law no longer sits at the periphery, as a last resort to respond to a breach of society's agreed sense of morality. Instead, criminal law has become the defining authority in design of moral spaces, with a specific focus on the role of the victim, who activates society's need for safety and security. In this context, offenders are considered to be acting out of choice and so crime is no longer accepted as being the effect of circumstances. The consequence is that society has a higher sensitivity to crime, which has increased political significance the judiciary and police are no longer on the periphery as maintainers of moral order, instead 'their normative

function gives direction to other social institutions' (p.79).

Boutellier provides an interesting insight into the developments of the concept and regulation of morality in Western society, outlining how society has changed in terms of the formation and development of morality, and the role of criminal justice within this. The book highlights the need for criminology to consider the place of morality in crime and criminal justice, which has previously not been a distinct focus for criminological research and theorisation.

To illustrate his theory, Boutellier analyses two policy issues relating to sex and identity; it is here, however, that the analysis loses the clarity that is apparent in the abstract explanation of the theory. In chapter 6, 'Sexual offences and mutual consent', Boutellier attempts to explain how studying the development of sexuality 'reveals a lot about the morality of a culture' (p. 95). While this principle holds some merit, Boutellier's analysis of sexual violence is lacking in criticality. Boutellier argues that in the past sexual violence mainly occurred at the margins of social life (a claim that feminist historians would refute, see Clark, 1987) and that they occurred as a consequence of male dominance at a time when such acts were not deemed to be violating any norms. In contrast, Boutellier argues, sexual violence today occurs in the context of 'contemporary equality of women in public, on the labour market, in marriage and in sexual interaction' (p. 100), and so sexual violence is no longer

‘an excess in what were basically unequal relations between the sexes’ (p. 100). Boutellier conceptualises sexual violence as an attempt for men to achieve intimacy after they found their ‘advantageous traditional conventions – male dominance, the double standards, the right to *male nature* – simply went up in smoke’ with women’s emancipation (p. 100). Boutellier argues that modern society resulted in an ‘ambiguous status of sexual norms’ (p. 108), with increased sexual violence as a consequence. The analysis presented by Boutellier negates the principles of sexual violence as a product of power and control by men over women within the context of patriarchy, whereby women are *still* unequal to men (see Brownmiller, 1975). Furthermore, sexual violence has consistently been conceptualised as everyday experiences of women that range from the “benign” to the “fatal” (Stanko, 1990; Kelly, 1988). My use of dated sources to analysis Boutellier’s work is purposeful, as feminist critical conceptualisation of men’s violence is now well established and continues to be reinforced with contemporary studies (for example, Fanghanel, 2019). Boutellier’s analysis of the development of sexual violence as an example of the changed nature of morality falls down, as sexual violence continues to be a regular feature of women’s everyday lives regardless of the development of coherent criminal law to occupy the moral space.

Such critique of the applicability of Boutellier’s theory leads to further

questions as to the role of criminal law in providing moral order. Boutellier concludes that the prioritisation of the victim in contemporary criminal justice demonstrates the limits of morality, as society responds with 'empathy and respect' (p. 74). However, the experience of women who survive sexual violence often fails to live up to the idea of empathy and respect (see, Gray and Horvath, 2018). While the criminal law and its application are distinct entities, this is an area of analysis upon which Boutellier remains silent. A natural conclusion of Boutellier's argument could be that as criminal justice appears unwilling to adequately prosecute crimes that are overwhelmingly by men against women this behaviour is not considered immoral, except in exceptional circumstances, usually involving extreme forms of violence and/or occurring between strangers. Boutellier's analysis of morality provides a distinct contribution to the field of criminology and the progression of society. Nevertheless, the failure to address such a role of criminal justice reads as an omission, as does the failure to reflect how intersecting identities changes responses to crime (Crenshaw, 1991).

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Emma Milne, University of Plymouth, UK

ORCID iD: 0000-0002-8887-1585