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2021

Book Review: Research Handbook on Transnational Crime

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Recommended Citation

Robert Currie, Book Review of *Research Handbook on Transnational Crime* by Valsamis Mitsilegas, Saskia Hufnagel & Anton Moiseienko, eds, (2021) 12:3 New J of European Crim L 498.

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Research Handbook on Transnational Crime, Valsamis Mitsilegas, Saskia Hufnagel and Anton Moiseienko (eds.) (Cheltenham: Edward Elgar Publishing, 2019), ISBN 9781784719432, 544 pp., £195

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DOI: 10.1177/20322844211012897

Transnational crime is big business, literally. Its global profits (both wholly illegal and spin-off “legitimate” earnings) are conservatively valued in the multiples of billions per year. Cross-border money laundering siphons untold billions out of the tax bases of states, while crime-engineered corruption threatens political and economic stability in numerous developing states. Human beings—predominantly women and children—are trafficked across borders, exploited for sex and labour, and often murdered. Trafficking in wildlife, illegally-caught fish and endangered timber threatens ecosystems. Terrorism and cybercrime represent real and even existential threats.

The onslaught of disruption and destruction wrought by transnational crime, then, is a pressing threat to the social, economic and cultural fabric of the global community, as well as to international peace and security. The United Nations Security Council said so in Resolution 2482 (19 July 2019), and in March 2021 the 14th United Nations Congress on Crime Prevention and Criminal Justice expressed “deep concern” over the “unprecedented challenges” posed by “increasingly transnational, complex and organized” criminal activities, which it noted represent a threat to the rule of law. Both of these bodies have called for active cooperation between and among states to combat transnational crime, building on decades of pre-existing treaties and formal and informal co-operative networks among states, prosecutors and police.

At such a time, it is vital that there be good sources and methodologies for studying transnational crime, as well as the legal and enforcement regimes that seek to suppress it. The international cooperative machinery referred to above exists in some fairly complex and obscure manifestations, and is poorly understood. While it has been more than four decades since the idea of “transnational crime” was first bandied about at high levels, both criminological and legal study of the relevant phenomena have evolved slowly. It was only in 2003 that Professor Neil Boister, building on earlier prototypical work by Philip Jessup, Roger Clark and Ethan Nadelmann, posited that “transnational criminal law” (TCL) had developed into an identifiable regime, even a discipline, capable of study. Boister’s *meisterwerk* on the subject, *An Introduction to Transnational Criminal Law*, is now in its second edition, but overall resources remain scanty. The important criminological work on the subject has depth and breadth, but is often focused on organized crime, mostly phenomenological in its ambit, and often not integrated with the legal landscape. The murky world of police cooperation has seen some serious scholarly attention only lately, at least outside the European context.

Against this backdrop, the publication of the *Research Handbook on Transnational Crime* is of significant interest. It would be a welcome addition to the literature if it was an even passable volume, given the current paucity of serious scholarly resources on this most pernicious and pervasive subject. However, it is a strongly-formed and substantively mellifluous text that makes a significant scholarly contribution in the transnational crime space.

I use the phrase “transnational crime space” deliberately, for while the book deals with conduct amounting to “crime” in the legal sense, is edited by three legal scholars and has a great deal of legal content, it is not simply a book on transnational criminal law. The unique and effective contribution of this book is its tri-partite organizational structure, under which transnational crime is studied and surveyed from three distinct perspectives: as the editors label them in the introductory chapter,

“legal perspectives, criminological perspectives, and policing and prosecuting of the relevant type of crime.” They quite effectively explain the good sense behind this editorial strategy:

...transnational crime has become increasingly difficult to study, let alone counteract. A scholar of transnational crime is faced with a bewildering array of criminal behaviour, criminal actors, methodological perspectives and geographical locations to consider. Given its sheer diversity, the whole utility of thinking about transnational crime as a field of enquiry may appear questionable. Yet by focusing too closely on specialist areas of concern one risks missing the proverbial wood for the trees—that is, factors common to various strands of transnational crime and the shared challenges of addressing it.

The text is divided into three sections. Part 1, entitled “General Observations on Transnational Crime,” is a set of three essays each designed to provide an overview of the thematic stables at play: law, criminology, and policing & prosecution. In Chapter 2, “Legal responses to transnational crime: a global perspective,” co-editor and prolific TCL scholar Valsamis Mitsilegas provides an overview of norm generation in the overall TCL landscape, exploring the shift from “hard” legal mechanisms such as treaties to “softer” forms of governance like informal legal standards and “global administrative law.” Of particular interest is his review of the manner in which the Financial Action Task Force (FATF) has developed rules around money laundering and terrorist financing that are widely subscribed to by states, notwithstanding their status as informal “recommendations.” This is not a matter which has escaped scholarly notice in the TCL literature, but in a “research handbook” of this sort it is exactly the kind of content which is worth flagging.

In Chapter 3, “Criminological perspectives on transnational crime: interdisciplinary criminology and transnational crime,” researcher Nabil Bhatia and formidable Canadian criminologist James Sheptycki take a more field-specific point of view, tracing the development of the study of transnational crime within the discipline of criminology and providing a stimulating look at the contrast between the “social constructionist” and “realist” perspectives. They posit a methodology of “interdisciplinary comparative and transnational criminology” as the most effective means of studying transnational crime, both to create common vocabulary among the disparate stakeholder communities and to enable solutions. In Chapter 4, “Policing and prosecution of transnational crime,” co-editor Saskia Hufnagel provides a tight but thorough overview of international and regional frameworks (both legal and informal) for cooperation among police forces and, to a lesser extent, prosecutors. INTERPOL makes an appearance, of course, as well as Europol and the foundation and growth of cooperative ventures like Joint Investigation Teams (JITs). She highlights the successes, growing pains and limitations of these efforts, including a regrettably-brief examination of how colliding national legal rules and flawed engagement on the domestic level has sometimes led to botched prosecutions and human rights abuses.

In a sense these first three chapters are the conceptual anchor of the book, covering the transnationalization of both the criminal phenomena and their corresponding academic disciplines. Each provides a good sense of where the field in question has been and where it is now, and each takes a few stabs at where the “cutting edge” resides currently and/or what matters are ripe for exploration. They are effectively written and wide-ranging, and each provides many helpful references to relevant works in the respective fields—obviously a solid quality in a “research handbook.”

Part 2 of the book, “Types of Transnational Crime,” applies the law/criminology/policing & prosecution framework to an effectively-selected group of transnational crimes: terrorism, money laundering, environmental crime, migration crime, human trafficking, drug trafficking, cybercrime

and heritage crime. Each crime is examined over three chapters, one from each of the analytical stables, written by a cross-section of established and emerging scholars. For each of these subject matters, then, the reader is able to access a full-spectrum view of trends, concerns, legal regimes, enforcement techniques, and so on. This represents one of the strong points of the combined approach of this text overall, in that it serves as a useful research resource not limited by the usual parameters and silos of scholarly investigation—a broader variety of angles on each type of crime are brought together, and most usually are supplemented by generous references to the relevant literature.

This Part does have some limitations. One is what might be described as the usual elephant in the room regarding TCL generally and inter-state cooperation in crime suppression specifically, which is the Euro-centric (and generally northern, developed-state) origin and scope of the writing. The authors are predominantly from European states and the U.K., with a smattering from Australia and Canada and one from Hong Kong. On the one hand, this is to some degree inevitable, as the UK.-European space simply has the most to write about given that it is home to the most advanced degree of criminal jurisdiction integration and inter-state cooperation (Brexit, perhaps, notwithstanding). On the other hand, many of the authors are clearly “writing what they know,” and some chapters are made less useful by the very regional or even sole-jurisdiction scope of the topic written upon. Given the scale of the work and sheer number of authors who had to be corralled and steered by the editors, however, this is not shocking, and I would not be heard to second-guess most of the editorial choices. On the whole there is excellent coverage and sustained attention to the role of international institutions as well as the work of states. There is some degree of overlap between chapters, but in such a work this is not only expected but welcome, since most readers may be consulting the book on a selective basis with fairly specific topics in mind.

To some extent the problem identified above is softened in part 3 of the book, entitled “Transnational Crimes in Regional Perspectives,” which rounds out the volume with a set of chapters that provide interesting surveys of transnational crime in various geographical locales. The choice of “regions” is interesting, including both broad landscapes (the EU, Asia, the African Union, South America) and narrower regional perspectives (the Meuse-Rhine Euroregion, the former Soviet republics). Chapter 30, “Transnational crime in the Meuse-Rhine Euroregion” by Maaïke Peters, is particularly thought-provoking for this reader, dealing as it does with a unique geographical area encompassing five different sub-regions and the borders of three states (Belgium, Germany and the Netherlands). Peters notes that the mixture of cultures, languages and urban centres in the area have made it both a prime spot for transnational crime to flourish and also a laboratory for experiments in inter-state police and judicial cooperation. Bringing such a micro-level subject to light for an international readership is yet another strength of this text, to say nothing of giving the reader access to literature written in languages other than English. The latter point is, in fact, generalizable to much of the text and is a real highlight in terms of the book’s use as a research tool (and perhaps a salutary aspect of its overall UK.-Eurocentric scope).

In an ideal world, this book would have had an expanded scope. While Part 2 explores a solid mixture of well-established and emerging forms of crime, it suffers somewhat from lack of treatment of some significant anti-crime regimes, such as those ranged against corruption, transnational organized crime, and piracy/maritime safety offences. Moreover, the main inter-state machinery of cooperation—extradition, mutual legal assistance, and to some extent the confiscation and recovery of proceeds of crime—receives only occasional and haphazard mention throughout the book; neither “extradition” nor “mutual legal assistance” even appears as a term in the index. More individualized attention to these topics, even as a consistent subsection of the policing &

prosecution chapters, would have rounded out the material nicely. However, I am loath to criticize the editors on these points, for the fact remains that they have produced a wide-ranging, balanced and useful resource for those who wish to study transnational crime from a variety of perspectives.
