Preface

The aim of this book is to inspire reflection by people who are intellectually serious about understanding crime. I love my criminology friends and what they do. Yet I have been cynical about criminology. This book represents a change of mind. Now that I perceive particular risks of the world stumbling into one environmental and economic crisis after another, ultimately into accidental nuclear war, perhaps followed by pandemics, I see renewed importance for criminology. That role is not just about preventing environmental and financial crime and the kind of cyberterrorism that can trigger accidental war. It is also about preventing catastrophes that cascade from the criminalisation of states, the criminalisation of markets and the cascading of violent imaginaries on social media. The book discusses the green shoots that have refreshed macrocriminology. They engender a politics of hope.

The book rethinks how different institutions can be designed to temper the excesses of other institutions. It argues that many societies have succeeded in growing freedom and reducing crime. There is no impossibilism about domination reduction and ecocide prevention. Progress is fragile. All societies are partial failures; all have strengths that can be expanded.

It is not new to emphasise the macro by injecting institutionalism into criminology. Emile Durkheim and Willem Bonger took this step around 1900. Then Robert K. Merton and Norbert Elias redeemed it in the 1930s in germinal ways. Their paths were renewed when Steven Messner and Richard Rosenfeld developed their institutional anomie theory. The contribution of this book is tiny compared with the foundations these scholars laid. It also builds on my love for Chicago and Chicago School foundations. This contribution is small, too, compared with others in that tradition, such as Robert Sampson today.
Even so, the book does more than theorise institutions more systematically, and with an eye to redeeming the neglect of crimes of the powerful in criminology. It integrates explanatory and normative theories into a theory of freedom and crime.

Reviewers might say this book does no more than build a bit on institutional anomie theory. I do not totally reject that way of seeing it. Or they might see it as just a distinctive twist on the theory of collective efficacy. Maybe that is right. Perhaps what is most distinctive is that it applies regulatory theory—particularly responsive regulatory theory and republican political theory—to crime. That is, its approach is to conceive the regulation of crime as a practice that can be enriched from what we know about the regulation of all manner of things, and therefore by regulatory theory.

It may be a theory of responsiveness, but it is more fundamentally a theory of freedom and crime. Chantal Mouffe’s agonistic pluralism is an inspiration for institutional transformation, as is another feminist who was a republican thinker, Mary Wollstonecraft (1792). In terms of agonistic praxis, the life of Jane Addams (1860–1935) is one that inspired. Hers was a life of care for the poor and refugees and activism for a welfare state. She was a dangerous person in her influence as a peace activist and a leader of ‘first wave’ feminism that won women the vote. Addams understood the importance of trade unions and grassroots social movement politics across all these themes. She was also a co-founder of civil rights organisations, including the National Association for the Advancement of Colored People (NAACP), and of a discipline called social work that has to some degree veered away from her community-building vision and towards individualised casework. She is little recognised as a founding figure in sociology at her Hull House conversational circle in Chicago. Her Hull House group invented the restorative justice mantra of not doing for, nor doing to, but doing with. It was not a bad idea to found relational intellectual traditions that prioritised social support and agonistic contestation of macro-institutional questions of social justice. Today there are green shoots that renew Jane Addams’s light on the hill in those jaded old disciplines. Burford et al. (2019) sought to nurture those shoots. This book is also an attempt to redeem macrosociology and political economy as they redeem macrocriminology.

I am inclined to think of this as a freedom theory of crime because free societies constitute conditions for low crime rates. Furthermore, freedom from fear of violence is constitutive of institutions of freedom. At its foundations, this is a civic republican way of thinking about crime, and
about how to integrate explanatory and normative theories. I could not promote this book as ‘A Republican Theory of Crime’, because the subtitle of my book with Philip Pettit, *A Republican Theory of Criminal Justice*, was more Philip’s invention than mine and manifested Philip’s great influence on my thinking.

Crime is conceived as a form of domination in this book; crime control also poses a threat of domination. Freedom is conceived as nondomination; freedom from crime and from arbitrary and excessive punishment is theorised as constitutive of freedom. By paying more attention to freedom, we learn how to be more effective in preventing crime. So, my small contribution is to build on the larger foundations of the scholars mentioned so far, by rewriting normative order, institutions and collective efficacy as tools of freedom. Some of these tools are the master’s tools that can be turned against the master; others are civil society tools. Both kinds of tools are imperative. So, the concluding chapter only partially supports Audre Lorde’s (1984) subaltern mantra that ‘the master’s tools will never dismantle the master’s house’.

Reducing domination and reducing crime are not the only worthy objectives of good governance. But I argue that one of the truths on which liberal, republican and social democratic traditions converge is that in a free society of citizens with self-efficacy and collective efficacy, the prospects of ensuring many other good things are greatly improved. For Pettit (2014: xix), freedom as nondomination is a ‘gateway good’ that unlocks a gate to other goods. Moreover, for Pettit (2014: xvii), ‘justice is freedom, freedom justice’: freedom as nondomination is the yardstick for deciding what is just.

This is a book that takes insight from quantitative social science seriously without seeing it as the most important knowledge. At the end of the journey, the book commends a suite of political and social ends and means for a society if it is to secure freedom and a low crime rate together. Yet these define no more than commendable directions for struggle towards the good society. The final chapter draws on Chantal Mouffe’s writing on the political—in particular, on the politics of how to struggle to transform hegemonic institutional orders and how to struggle in ways that are democratic and have wide resonance.

Anomie is an important variable in the theory. It is prone to positive and negative feedback loops triggered by unpredictable historical events. We live in a world that is tightly coupled in ways that make it
vulnerable to surprise by crises. The politics of strengthening freedom and reducing crime is as much an art of avoiding analysis paralysis in the face of recursive crises as it is a science. The art of politics and the social science of criminology are both vital to averting cascades of violence and authoritarianism.

This book embraces a quantitative social science that focuses on the character of institutions. Then there must be micro–meso–macro linkages to institutional transformation. I follow the footsteps of Sutherland to urge empirical criminology to take white-collar crime seriously as a larger source of domination than garden varieties of crime. In the study of organisational crime, there is an especially profound risk of the more measurable driving out the more important. Hence, the book valorises qualitative and historical work on the relationships among institutions, crime and freedom.

While anomie and freedom are the recurrent themes, those uninterested in anomie can read bits of the book to inform no more than a macrocriminology of global crises. The diversity of forms of social capital is another recurrent tradition. My work has always been about integrating and connecting these traditions to the study of organisational crime. Bits of the book can be read simply to grasp the relationships between inequality and crime, crime and freedom, crime and war, crime and justice, crime across human history and crime in specific institutions.

I wrote this throughout my 60s as a scholar-activist who for decades planned such an integrative macrocriminology that weaves together a line of works that have a coherence for me, but perhaps confuse everyone else. One purpose is to reveal the threads that weave my work together. Some are particularly acknowledged for specific chapters:


While I apologise for where these works are rehashed, readers will find most of the book completely new. In recent years, I have been excessive at self-citation. This book takes self-citation to even more pathological heights. To some degree, I excuse the vice because I have been drawing threads from one piece of a body of work to others as I built towards this work of integration. As you see sections of old Braithwaite stuff you already know, just skip it. Rehashed bits are for readers unfamiliar with them. The appeal of the book is in the ambition of its connecting tissue. Those uninterested in the crimes of coalmine safety, nuclear power plants or banks can skip over these sections and go to the discussion of street crime. Please keep your minds open as you do to the value of reflecting on crime in the corporate suites for opening imaginations to new ways of understanding crime in the streets.

As I draw together a history of these threads, occasionally, I indulge in autobiographical snippets of how my thinking backtracked as I was proved wrong. I squirm reading those passages, imagining young scholars thinking this is a self-indulgent old man. With a normative book, the biographical content does have the virtue of exposing political biases so readers can make their own judgements about how these colour analyses. My project is to take normative macrocriminology as seriously as explanatory theory after all. There are also citations explicitly to Valerie Braithwaite, so readers can better see some of the ways two people are writing this book who are tightly, lovingly, bound. Valerie and I founded RegNet (the School of Regulation and Global Governance) together at The Australian National University (ANU) from 1995 from building blocks that included the Centre for Restorative Justice and the Centre for Tax System Integrity. This book represents the ethos of our school and what I learned from its students and from students of law, sociology and the Reshaping Australian Institutions project of the old Research School of Social Sciences, where I was also privileged to serve. My intellectual interactions have been daily with Valerie since 1969.
weekly with recidivist criminology co-authors since the 1970s, Brent Fisse and Peter Grabosky, amigos who enriched me, as have so many special co-authors whom I sadly see less often.

Two ANU students taught Val and me more than we can repay, our beautiful children, Sari and Ben. Yan Zhang helped so much as a research assistant. So did critics who kindly read drafts: especially Valerie Braithwaite and David Best, but also Manuel Eisner, Ross Homel, Susanne Karstedt, Shadd Maruna, Steven Messner, Christine Parker, Philip Pettit, Robert Reiner, Richard Rosenfeld, Clifford Shearing, Robert Sampson, David Weisburd and anonymous referees. There are citations of several dozen ANU colleagues and PhD students that represent how they nourished me. Without them, I would have been an even more flawed scholar and person. My admiration also goes to science colleagues who inspired with contributions to the technologies vital to extinction prevention, and social scientists of peace, even as my university at times succumbs to capture by markets in vice and national security states. Universities, particularly the leadership of their students, are freedom's greatest hope. My privilege is to be part of their conversations.

A particular privilege is to publish with ANU Press. Its open-access publishing model means all its books can be downloaded without charge by the poorest students in the poorest countries. We are proud of you for that, ANU Press and thankful for the leadership of Emily Tinker. Special thanks to the thoughtful process of reviewing by Law Series Chair, James Prest, and to my wonderful copyeditor, Jan Borrie.

Doubtless, I range across subjects for which my shallow reading produces howlers. This is not a text for the criminological positivists. It takes their contributions seriously, but if you want Braithwaite elucidating a tight set of propositions and then testing them quantitatively, you can find that at johnbraithwaite.com on topics herein. The value of this book is an attempt to integrate them. It might even motivate a better writer than me to write a more succinct and critical exegesis of macrocriminology and freedom. I ask traditional and critical criminologists alike to dip into it here and there in a spirit of openness to learning from an integrative project of wide sweep that may sit uncomfortably with their traditions. Thank you for giving that a try.

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