A close-up, black and white portrait of a man with glasses, looking slightly to the left. The image is partially obscured by vertical stripes of various colors (red, yellow, green, blue) that run across the entire cover.

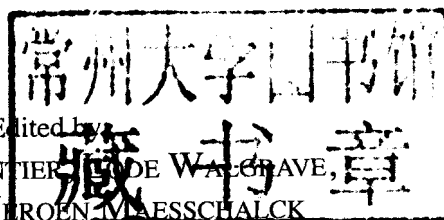
S. Parmentier,  
L. Walgrave,  
I. Aertsen,  
J. Maesschalck &  
L. Paoli (eds.)

# The Sparking Discipline of Criminology

**John Braithwaite** and the  
Construction of Critical Social Science  
and Social Justice

# THE SPARKING DISCIPLINE OF CRIMINOLOGY

John Braithwaite and the Construction  
of Critical Social Science and Social Justice



Edited by

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# **INTRODUCTION: CRIMINOLOGY IN SEARCH OF NEW FRONTIERS**

**IVO AERTSEN, JEROEN MAESSCHALCK, LETIZIA PAOLI,  
STEPHAN PARMENTIER AND LODE WALGRAVE**

## **Background**

On 4 February 2008 John Braithwaite received an honorary doctorate from the Catholic University of Leuven (K.U.Leuven, Belgium). By doing so, both the university and the Leuven Institute of Criminology (LINC) wished to express their deep appreciation for the crucial role that Braithwaite has played over the last decades in the development of international criminology and his relentless efforts to create links between criminology and other scientific disciplines. The ceremony was the more remarkable when taking into account that the general theme of the 2008 university-wide honorary doctorates was 'sustainable development' and that the two other foreign colleagues were heralded for their contributions to natural sciences (fisheries and food policies) and medical sciences (air pollution and lung diseases) respectively. In his honorary speech delivered on this occasion (and reproduced in this volume) Stephan Parmentier (K.U.Leuven) underscored the consecutive phases in Braithwaite's impressive academic career and situated his outstanding scientific work in the context of sustainable development in the social world.

On the same occasion the Leuven Institute of Criminology decided to organize an international colloquium under the title 'Criminology and social justice'. The reason for choosing this topic lay in the intensive and overt commitment of Braithwaite's criminological work to issues of social justice in the broad sense. His scientific engagement and expertise have consistently been imbued with a firm ethical view on humankind and society, oriented towards social justice, participative democracy, security and peace. These issues are considered of paramount importance in a world without borders but nevertheless characterized by many conflicts of different natures. Braithwaite for many years continues to be one of the most vocal leaders in committing the social sciences to the broader movement for sustainable social development.

## **A collection of essays**

The organizational team at Leuven has compiled the most important contributions to the colloquium in this volume, which is built on two pillars. The first is a reflection on the implications of a republican theory of justice for criminology and criminal policy, whilst the second pillar relates to the role of academic criminology in today's social, political and economic environment. In addressing these two central threads the respective authors look at the work and the inspiration of this giant in criminology who is John Braithwaite, and they make frequent references to him and his work. The book consists of five chapters from well-known academics that address both aspects in various ways, and it concludes with a final reflection by John Braithwaite himself. All chapters have been written specifically for this collection and thus constitute original work.

The first carries the intriguing title 'Between evangelism and charlatanism' and is written by Lode Walgrave (K.U.Leuven). He opens the debate by reflecting on the social responsibility of criminology and other social sciences to contribute to a more livable world and a higher quality of social life. This is both possible and necessary, in his view, even if scholars in these fields may hold ideologically very different views on how such a better world can be conceived. The author first critically analyses the decline in civic engagement and mutual trust of the recent decades in Western countries, whereby the distance between governments and citizens seems to have increased. In their efforts to reduce the fear of citizens and regain their trust governments increasingly focus on crime and specifically on crime committed by marginalised individuals and groups. While acknowledging that such analysis could result in depression and immobilism, and even in cynical self-interest, Walgrave also offers some 'exit' scenarios from the deadlock. Criticizing what has been called 'embedded criminology', which operates within the limits of populism and government-defined problems, he vigorously calls for a 'socially responsible criminology' that not only informs governments but also address the general public in order to improve the public debate on crime and security issues. He advocates a balanced scientific criminology that combines strong empirical work to avoid 'evangelism', but also provides good social theory to avoid 'charlatanism'.

In the chapter 'Our sense of justice' Susanne Karstedt (Leeds University) wishes to engage with republican theory and republicanism, two concepts so central to Braithwaite's work and aiming to provide both an explanatory as well as a normative connection for restorative justice. Starting from the

premise that republican theory has a firm democratic undertone and a strong foundation in egalitarian values and attitudes, her ambitious goal is to conduct an empirical test of republican theory as a normative theory of justice. To do so, she has carefully conducted two studies based on extensive statistical information from various databases covering 67 countries in the world: the first empirical study focuses on the relationships between the values of non-interference in private life and equality before the law on the one hand and degrees of punishment on the other hand; the second study focuses on the relationships between egalitarian values and state violence. Karstedt concludes that countries where values of individual autonomy and individual freedom are dominant, as well as countries with high levels of egalitarianism values, display lower imprisonment rates and less harsh punishment regimes than countries with less emphasis on individual autonomy and higher levels of authoritarian or non-egalitarian values. She argues that these results underscore the importance of equality as the core value of Braithwaite's republican theory of justice and indicate that the said theory is not merely 'utopian' but can be demonstrated in a 'tangible fashion'.

The social role of academic criminology, the second major strand in the book, is broached in the chapter 'Why criminology needs outsiders' by Tom Daems (K.U.Leuven). 'Outsiders' in his understanding refer to the limited number of criminologists who invite others to take distance from their daily work and raise uncommon issues, with a view of promoting self-awareness for the community of criminologists and for criminology as a discipline. Daems then goes on to discuss the important contributions of five such outsiders who nevertheless continue to be embraced by the criminological family: Stan Cohen, Nils Christie, Louk Hulsman, David Garland and John Braithwaite. In varying degrees they have tried to overcome the power/knowledge connection that Foucault criticized in relation to criminology and criminal policy. Through examples from the sociology of punishment and from restorative justice research Daems meticulously argues and demonstrates how easily criminological researchers get stuck in their traditional straight-jackets of assumptions, concepts and conclusions. This leads him to conclude that uncomfortable questions from outsiders are of paramount importance in safeguarding and developing the critical core of the criminological activity.

The next chapter 'Braithwaite, criminology and the debate on public social science' takes the discussion one step further into the larger world of social sciences and offers a very thoughtful account from a 'sociology of science' viewpoint. The starting point of Ian Loader (Oxford University) and Richard

Sparks (University of Edinburgh) is to rethink the character and scope of contemporary social science work on crime, justice and public policy, with a view of understanding what it means to *apply* criminological knowledge or *influence* criminal policy. First, they discuss the predicaments of criminology today and note that many authors speak of the “successful failure” of criminology, booming as it is in professional terms but, simultaneously, losing its connection with governmental crime policies and with the general public. In order to gain deeper insight into the reasons of the successful failure paradox, as well as the consequences it entails, they investigate similar debates in adjacent fields like sociology and argue that the problems extend to social sciences as a whole. Drawing on Braithwaite’s strong arguments for intellectual pluralism and his living example to build a public social science “with more tents and fewer buildings” the authors embark upon an intriguing journey to ‘re-think’ the promise of criminology as part of the social sciences. They identify and critically analyse three current strands, ‘hyper-specialisation’, ‘legislative utterance’ and ‘dissolution’. Rather than embracing any of these, Loader and Sparks make a convincing plea for another approach, namely an in-depth sociological enquiry into the field of criminological knowledge production itself. Their chapter ends with laying out the signposts of such historical-hermeneutical investigation of criminology to be undertaken in the future.

In reply to the previous chapter, Bart Pattyn (K.U.Leuven) raises the provocative question ‘Why research cannot but be trans-disciplinary in complex matters of ethos and justice’, which is also the title of his contribution to the book. The aim is to figure out how ethics can be involved in a trans-disciplinary reflection on social control, shame and reintegration, which constitute direct references to the core concepts developed by Braithwaite. Pattyn first provides an interesting analysis of how the ‘politics of specialization’ have become the standard in academia. This has led many researchers to limit their expertise to very small and specific topics, partly out of scrupulousness to be in full control of their field of expertise, but also because it provides more security to be part of a small self-referential group when academic evaluations come around. The risk is that many academics are cut off from other fields and lack the type of contingent knowledge to explain complex phenomena. The author then argues why the work of Braithwaite and Pettit on ‘dominion’ and restorative justice offers new breathing space by cutting across several academic disciplines, like ethics, law, communication, psychology, etc. Using the concept of ‘ethos’, he engages in a highly enlightening ethical reflection on how to create respect for dominion and argues in favour of positive projects to such end. This ‘alternative ethos’ cannot only strengthen the practice of restorative justice



conferences where victims and offenders encounter each other, but it can also pave the way for genuine trans-disciplinary research about the outside world that remains intertwined.

The sixth and final chapter is from the hand of the master himself. Indeed, John Braithwaite, the person whose work and life has inspired so many criminologists and social scientists graciously agreed to write a concluding piece for this book. For sure, he has formulated extensive and insightful comments to the preceding chapters in the book. But he also reaches far beyond this intent and has written a very personal, self-standing and original piece on the challenges and future directions for criminology. His chapter ‘Opportunities and dangers of capitalist criminology’ starts with the provoking argument that criminology has brought a lot of good to the world but that its evolution is very doubtful. The reason for the latter lies in the nature of “regulatory capitalism” that has not only influenced crime control industries all over the world through the simultaneous trends of privatization and state interventionism, but also has a strong impact on teaching and research in criminology. One manifestation is the new forms of “regulatory metrics” by business and the professional academy, forcing criminologists like other (social) scientists to publish in English-speaking international journals with high prestige and/or high impact factors rather than in places where the most relevant people will engage with their work. By doing so, Western universities have become “careerist places where inmates keep their heads down and seek to get ahead in the education market”. Braithwaite fulminates against “the mindless pursuit of quantitative indicators of excellence” because they do not push scientists to exploring innovative and challenging ideas but on the contrary, and inevitably, promote certainty and stagnation of the field. His vision is one of constructing alternatives to the dominant Anglo-Saxon quantitative model, by looking at new visions of crime and criminology and new indicators of excellence in Asia and other parts of the world. To break away from the deadlock and to bridge the traditional divide between normative and explanatory theory in social life, criminology has to transform itself into “sparking criminology”. This also includes reinvigorating the role of universities as places of critical thought and action that may run counter the well-established views of academic, social, political and economic elites. Only by following this path and by sparking transformative projects across disciplines, Braithwaite argues, criminology is able to break away from the iron logic of regulatory capitalism and can redeem our failing universities.

The chapter by Braithwaite is followed by a selection of his publications between 1979 and 2010. The list testifies of his most impressive academic production as well as of the superb quality of his scholarship.

### **To conclude**

The above makes clear that this collection of essays does not lead to fixed, let alone uniform, conclusions; that was not its intention, nor would it be possible given the rich and diverging sets of ideas advanced here. At the same time, there is no doubt that the book contains many new ideas around issues of social justice and sustainable development that are thought-provoking and therefore worthy of further study. Moreover, the book does not only make an interesting read but also appeals to concrete action, both examples that Braithwaite himself has set so successfully throughout his career.

This collection is intended for a wide readership, including academics and researchers, graduate students, policy-makers, civil servants, civil society actors and the media working in the fields of criminology, restorative justice and social regulation. These readers are by no means limited to Europe, but can easily extend to other countries and continents, even to the entire globe.

# LAUDATIO FOR JOHN BRAITHWAITE

Delivered at the K.U.Leuven on 4 February 2008

STEPHAN PARMENTIER

*Your Eminence,  
Rector,  
Your Excellencies,  
Dear Colleagues,  
Ladies and Gentlemen,*

What do restorative justice, financial regulation and peacebuilding in post-conflict societies have in common? Most observers will be puzzled by this quiz-like question and will resort to sophisticated search engines on the World Wide Web to find an answer. For all us today, however, the answer is a very simple one, for the three topics mentioned have all been studied *in extenso* and with immense depth and great skill by our *doctor honoris causa-to-be*, Professor John Braithwaite.

“The most cited author” in international criminological journals during the 1990s, “one of the most influential criminologists of our time”, and “the new Durkheim”, are merely some of the many epithets with which John Braithwaite has been heralded in the social sciences. He can, without further ado, be regarded as an intellectual giant who belongs to the absolute world top, and continues to shape this very world top from day to day.

His career spans more than thirty years that can roughly be subdivided into three main periods. Starting his scientific writings at the age of 24 years, the young Braithwaite is immediately drawn to study all aspects of crime and ethically inspired responses to them. His early publications back in the 1970s on corporate crime and corruption gradually lead him to focus on the overarching problem of how to regulate individual corporations and the world of business at large.

The major breakthrough comes in 1989 with the book *Crime, Shame and Reintegration*, which introduces the concept of “re-integrative shaming”. This implies that persons having committed a criminal offence – whether petty or serious – can be “shamed” for their absence of conformity with the

existing rules, but should always be given the possibility to “reintegrate” themselves into ordinary life of mainstream society. Braithwaite shows how “re-integrative shaming” is an inclusive approach to deal with crime, as well as a very powerful mechanism to respect the dignity of all human beings – offenders and victims alike – and to prevent crime in the long run. “Disintegrative shaming” as an exclusive approach, on the other hand, in his view mostly leads to stigmatisation, feelings of anger and revenge, and further deviance. These ideas are developed further in *Not Just Deserts. A Republican Theory of Criminal Justice* (with Pettit, Clarendon Press, 1990). Both authors make a strong plea for criminal law and criminal justice systems that are more participative for all parties involved, and focus on the preservation of “dominion”, a unique combination of rights and freedoms of modern society as well as the certainty that these will be upheld.

The powerful theoretical vision underlying both works has profoundly influenced and renewed the discipline of criminology over the past 20 years. This took place in particular in relationship to the theory and practice of restorative justice in which offenders and victims, and other parties in a conflict, are brought together to deal with the aftermath of a criminal act and to work together towards repairing the harm inflicted. Many of these ideas have been picked up and further developed by academic and criminal justice institutions all over all globe, and particularly in Belgium that has established itself as a forerunner in this field over the past decade. Brief reference can be made here to the pioneering work of Leuven based academic networks such as the “International Network for Research on Restorative Justice for Juveniles” and the “European Forum for Restorative Justice”, as well as the Leuven Public Prosecutor’s Service that first allowed victim-offender mediation for more serious crimes and the Ministry of Justice that introduced restorative justice in all Belgian prisons. Years later, at the turn of the millennium, international institutions such as the European Union and the United Nations have also discovered the powerful message of restorative justice and have embraced its potential.

As a truly innovative thinker, however, John Braithwaite cannot be caged in one box and is always challenging new fields for his concepts and theories to be applied. At the turn of the century another milestone publication, *Restorative Justice and Responsive Regulation* (Oxford University Press, 2002), allows him to view restorative justice as a multiple and multi-layered concept that ranges from the micro level of individual encounters up to the macro level of states and further. Hence the challenge to investigate the possibilities and

limits of restorative justice and responsive regulation in fields far beyond traditional crime and criminology, reaching deep into the areas of political science, sociology and economics. His books *Global Business Regulation* (with P. Drahos, Cambridge University Press, 2000) and *Markets in Vice, Markets in Virtue* (Oxford University Press, 2005) tackle very sensitive topics, such as the extreme hardship inflicted by ruthless capitalism in many parts of the world, and do explore new avenues for peaceful, just and inclusive development. The same holds true with his worldwide and ambitious project on *Peace-building and Responsive Governance* since 2006 that studies the dynamics of peace-building after violent conflicts through 48 case-studies over a twenty-year period.

Besides being a builder of bridges between various disciplines, and between theoretical and empirical approaches, professor Braithwaite is also a builder of networks. Back in 2001 he set up the *Regulatory Institutions Network (Regnet)* at the Research School of Social Sciences in Canberra. In its short life time, this truly global network of institutions, practitioners and academics has gained worldwide recognition for its high-quality research on regulation issues in fields as diverse as peace building, social justice, human rights and sustainable development. Braithwaite is also lauded for his leadership to commit the social sciences to an ethical approach towards issues of social justice, participative democracy, human rights and world peace.

Given these extensive qualifications, it is both amazing and laudable that John Braithwaite has managed to remain a very warm and charming person, open to all and everyone without distinction, gifted with a very down-under Australian sense of wit and humour, and above all, with a 'non-ego' difficult to match in our current competitive world.

Over the past decade, John Braithwaite has closely worked together with several members of the almost 80-years old Leuven Institute of Criminology, and notably with emeritus professor Lode Walgrave, and he and his colleagues have paid several pleasant visits to our university. Because of his impressive career, his paramount scientific contribution to the social sciences and his powerful ethical vision, the whole team of our Criminology Institute and the Faculty of Law have enthusiastically supported the candidacy of Braithwaite, also in view of further strengthening the mutual cooperation between Leuven and Canberra. The honorary university degree for John Braithwaite is particularly well taken in the context of this year's central theme of "Sustainable Development", since this encompasses more than clean water and clean air, and

it entails more than the survival of endangered species and cultural practices. Sustainable development also deeply refers to relationships in the social world that deal with peace, social justice and inclusive citizenship, relationships that need to be restored or to be built up from scratch, relationships between individual people as well as at the collective level of groups, nations and the international community at large. Sustainable development is indeed a multi-dimensional reality as much as a concept, and poses enormous challenges for all regions of today's global village, including our own multicultural society.

For all these reasons, I ask you, honoured Rector, on the recommendation of the Academic Council, to grant the honorary doctorate of the Katholieke Universiteit Leuven to Professor John Braithwaite.

# **BETWEEN EVANGELISM AND CHARLATANISM: REFLECTIONS ON THE SOCIAL RESPONSIBILITY OF CRIMINOLOGY AND OTHER SOCIAL SCIENCES<sup>1</sup>**

**LODE WALGRAVE**

## **Introduction**

Some scientists behave like chickens. Chickens lay their egg without any concern about how it will be used. Whether it will be used for an omelette, be boiled hard, scrambled, laid out to hatch or simply thrown away, chickens do not care. Likewise, some scientists produce their 'truth', lay their 'egg of knowledge', and do not worry about how it will be used. Whether it is applied to produce more energy or a bomb, to cure people or to torture them more efficiently, to improve living conditions for all or to increase individual profits of the rich, to increase understanding of people in trouble or to provide new labels to justify their social exclusion – these scientists do not consider it as their business. Their only mission, they claim, is to produce knowledge. Just as the chicken's mission is to produce eggs.

I view the mission of scientists as higher than laying eggs. It is not because they are members of the scientific community that scientists stop being members of the human community as a whole. As such, we may expect that they care about the way their work is integrated in social practice. Scientists must be aware of their social ethical responsibility and reflect on how their activity may contribute, directly or indirectly, to a more livable world and a higher quality of social life, even if they may hold ideologically very different views on how this better world is to be conceived.

Current developments, imbued with crime, (un)safety and justice concerns, confront criminology, more than before, with the necessity to reflect on its social responsibility.

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<sup>1</sup> This chapter is largely inspired by Chapter Six 'Democracy, Criminology and Restorative Justice', in L. Walgrave (2008) *Restorative Justice, Self-Interest and Responsible Citizenship*, Cullompton, UK: Willan Publishing.

## **Declining quality of Western democracies and penal populism**

The relations between global socio-economic change, existential fear, politics in crime and justice issues, and the decline of participatory democracy have been the subject of many debates and publications.<sup>2</sup> I will not discuss the variations on this theme here, but present briefly what I make of it.

Putnam (2000) gives a compelling account of the decline of social capital, “connections among individuals - social networks and the norms of reciprocity and trustworthiness that arise from them” (ibid.: 19), in the United States. “Politics without social capital is politics at a distance” (ibid.: 341). Civic participation in democracy fades away.

The decline in civic engagement and in mutual trust seems to be a Western phenomenon of recent decades. The distance between governments and citizens is increasing, yielding a democratic deficit and growing discontent of citizens. Common sense bottom-up input from everyday life gets lost and gives way to extremist, technocratic or professionalised options and decisions, making participation and control from the grassroots still more difficult.

It is surprising that Putnam, documenting the loss of social capital in a number of realms of social and economic life, does not include dynamics in the field of crime, justice and safety. If he had done so, he would have seen that perception of more crime and less safety is probably the nucleus of infection which gradually contaminates the overall quality of social life, civic commitment and democracy. And the basis for the deterioration of the perception of crime, justice and safety is capitalist globalisation.

### ***Uncertainty and risk***

In my view, it all began at the end of the 1960s. What were originally student protests against concrete local and global policy issues gradually broadened to contest the organisation of societies and the cultural hegemony as a whole. From demonstrating against war and warmongering governments, they began

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<sup>2</sup> As, for example, in (the contributions in) Wacquant (1999), Young (1999), Baumann (2000), Garland & Sparks (2000), Karstedt & Bussman (2000), Garland (1996 and 2001), Stenson & Sullivan (2001), Crawford (2002), Hughes & Edwards (2002), Wood & Dupont (2006), and many others.



to attack all political and moral authority. Bourgeois society was reproached as oppressing the free deployment of individuals in all aspects of life.

The movement also penetrated developments in social sciences, especially those dealing with deviance. “Anti-psychiatrists” stigmatised traditional clinical sciences as being one-sidedly used and ideologically misused in order to attribute deviance to individual deficiencies. Radical and critical criminology saw crime as a normal response to an abnormal and unjust world and to its institutional interventions (as for example in Taylor, Walton & Young 1973).

The movement was very influential. Within a decade, its ideas had seeped into mainstream culture, politics and the messages of moral authorities. It held the seeds of the so-called post-modernist and deconstructivist philosophy, announcing the end of the great religious, moral, nationalist stories, deconstructing the authority of churches and governments. People had to construct their own lives and to make decisions on the basis of their own moral code. It grounded what Boutellier (2005) calls optimistically cultural “vitality”, an unprecedented experience of freedom.

However, what was meant to be an emancipating movement actually detached people from a solid structure, and moral and cultural frames. Appeals for greater responsibility of the individual led to selfish, hedonistic attitudes and a loss of binding elements in social life, causing cultural anxiety and uncertainty. This was not helped by the explosion of mass media – first television and later internet – which brought cultural globalisation. Today, we are confronted with strange lifestyles, different morals, and provocative opinions that challenge our own frame of moral, cultural and political beliefs, evidence and standards. The solid ground of our life is affected.

In the same period, capitalist globalisation boosted the financial and economic power of multinational enterprises, beyond the power of governments (Baumann 2000). Finances move to where the most profit can be made. Multinational capitalist interest groups relocate investments; play the social models in different countries off against each other to keep down wages, social advantages and certainties; move employment to regions where exploitation of labour forces is easier and more beneficial; manipulate the prices of crucial raw materials; destroy the environment; even promote war or peace. Moreover, legal and illegal immigrants, seeking some crumbs of western wealth, add to the confrontation with cultural heterogeneity and the breakdown of the world with its familiar stakes and predictabilities.