

# Macro-criminology and Freedom: The Durability of Later John Braithwaite

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JOHN BRAITHWAITE, *Macrocriminology and Freedom*. Canberra: Australian National University Press, 2022.

## INTRODUCTION

In his own last work, the Palestinian philosopher Edward Said (1996) reflected on the “late style” of a number of artists including Ludwig van Beethoven, Wolfgang Amadeus Mozart, Jean Genet, Samuel Beckett, and others. Said’s interest was in the effect of the ticking clock in the later life of great thinkers. As he notes, each of us can readily supply evidence of late works that “crown a lifetime of aesthetic endeavour” (7). However, he was more interested in artists’ late work that was characterized by difficulty, unresolved contradictions, “a desire to go the whole way towards extravagance, a negation of what is acceptable or easy,” and a “lack of embarrassment”—“even though they are egregiously self-conscious and supreme technicians. It is as if having achieved age, they want none of its supposed serenity or maturity” (114). Having now read *Macro-Criminology and Freedom* through twice (all eight hundred odd pages of it!), I can confirm that the later John Braithwaite (now in his early seventies) is maturing quite disgracefully.

Given the size and complexity of *Macro-Criminology and Freedom*, I can only focus here on a couple of themes. First, I will spend most time analyzing Braithwaite’s energetic reengagement with criminology. Second, I want to reflect on the sheer scale and intellectual ambition of the book. Finally, I want to discuss the way in which Braithwaite’s own personal and familial experiences and intellectual pursuits are weaved through the narrative.

## THE CRIMINOLOGY FREEDOM NEXUS

Given the breadth of Braithwaite’s interests—from restorative justice to corporate regulation, health and age care to political violence, peacemaking, and much in between—this book represents a serious and sustained reengagement with matters criminological. Braithwaite not only acknowledges his own previous cynicism about criminology but also that he has changed his mind and sees “a renewed importance for criminology” (xv).

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Braithwaite sets out his stall for a “freedom theory of crime and a criminological theory of freedom” in chapter 2 (36). The central premise is that good crime control strategies increase freedom, while bad criminal justice politics and strategies are a threat to freedom. Drawing on ideas from Martin Krygier (2017, 2019), Braithwaite explains that the “tempering” of power is the key strategy to maximize freedom.<sup>1</sup> Braithwaite argues that criminology must be able to operate with a sensibility to the micro, meso, and macro—all at the same time. Micro-criminology is defined as being “about individuals, their interactions and life-courses (or even more micro-focus on genes or other facets of individual biology).” Macro-criminology is about “institutions, whole societies and international society,” and meso-criminology is “about a wide diversity of types of connecting tissue in between” (38).

His broad range of illustrations are interesting and instructive. For example, he examines the link between authoritarianism and crime in the former Soviet Union as well as in historical and contemporary China. Of course, low official crime rates in such contexts obscure the realities in both sites of the state’s culpability in disappearing millions of its own citizens, state corruption, cronyism, and other hidden crimes. However, Braithwaite also notes that, in authoritarian spaces, local mediation committees have sometimes found space for progressive restorative practices (see also Lu 1999), women have sometimes been empowered in the Nepalese Maoist people’s courts (Braithwaite and D’Costa 2018), and Communist societies in Eastern Europe in the 1960s and 1970s were ahead of the West in putting a price on carbon and other pollutants. In other words, in seeing the criminological enterprise as an interaction between macro, meso, and micro, we must eschew the tendency toward macro determinism and instead be alive to what Braithwaite terms the “complex, paradoxical, societal particularities of crime and of freedom” (47). Moreover, knowing more about the complexities of crime in such contexts nudges us inevitably toward a better understanding of the local context-specific relationships between crime and the state as well as crime and the market.

## ANOMIE, VIOLENCE, AND GREED

Braithwaite then turns to interrogate in chapters 3, 4, and 5 the complexities of the relationship between anomie, crime, and violence. Anomie is interpreted here as “a disintegration of the normative order so that people do not know the rules of the game and do not know whose authority they should regard as legitimate (95). Throughout these chapters (and elsewhere in the book), the theoretical discussion is peppered with a diverse array of illustrative case studies. The discussion shifts from sexual violence associated with the Second World War, Indonesian authoritarianism, the Taliban in Afghanistan, the caste system in India, anti-colonial struggles in Africa, and much more—all of which give the book a pacy and engaged feel. As well as charting the macro influences of both world wars and the Cold War, we learn that violent gang wars

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1. Tempered in this context evokes the metaphor of tempered steel—a process that renders the metal “more supple, yet stronger and less brittle for realising its purposes.” For John Braithwaite, the idea of tempering institutions is that they can check each other to protect them from being brittle and corrosive as well as protecting, rather than dominating, citizens (43).

in both Jamaica and Dublin began with incidents of bullying in a school yard. Indeed, in chapter 5, Braithwaite returns to the issue of bullying, drawing from Jacqui Homel (2013), David Farrington and colleagues (2012), and others to argue that familial and school-yard bullies may become corporate bullies, physically violent adults, or criminal offenders. More generally, as Braithwaite puts it, the “big picture” history of war, violence, and crime reflect no “unidirectional civilizing process” but, rather, a great deal of “human agency in making peace and making war” as well as the emergence of institutions (he suggests the United Nations and the European Union) capable of encouraging “cascades of non-violence” (153–54).

In addition to the role of the state and other state-like institutions as either instruments or obstacles to domination, Braithwaite is adept in his discussion on the role of markets and human greed. As noted, the impact of greed, the effects of the crimes of the economically powerful, and the ensuing inequalities have long been an interest (see, for example, Braithwaite 1979, 1995). His thirteen ways to rob a bank made me laugh and indeed could be basis for any module on white-collar crime (243–44). Moreover, his analysis of the ways in which “business cronies, shadow states or deep states” (266) can be drivers for the criminalization of democracy seems all the more prescient in a context where the Wagner group has been prominent in the recent instability of six different African countries, often engaged in atrocious acts of violence in return for access to natural resources.

## TEMPERING POWER

As noted above, Braithwaite believes the key counter to closing down illegitimate opportunities is through the “tempered” use of legitimate power. In chapter 6, he argues that the importance of the separation of powers has been for too long associated only with public, rather than private, institutions. As he notes, it has been known for decades that the fifty largest global corporations all have “greater resources, stronger global political connections and more practical coercive capabilities than most of the world’s states” (278). He makes the case for replacing narrow, formal, and strongly punitive responsibility (the “find the crook” strategy) with broad, informal, and weak sanctions (dialogic regulation) that touch many softer targets, separating enforcement targeting from the actors who benefit from the wrongdoing and relying on a network of street-level relational regulators (for example, police, states, organizations, non-governmental organization inspectors, and so on) who mobilize collective efficacy at the street level (304). The more pluralist and overlapping a network of compliance and regulation, the more likely it is to be effective.

Such a regulatory logic can be applied not just to corporations but also to different kinds of markets (chapter 7) and different forms of networked governance (chapter 8). In the latter chapter, Braithwaite focuses, in particular, on the importance of having a competent and meritocratic state bureaucracy, albeit one that operates in ways in which that bureaucracy is embedded in a set of concrete social ties between the state and civil society, where policies and goals are constantly renegotiated. For Braithwaite, such “relational embeddedness” is key to the apparent paradox of separated powers to regulate freedom and control crime while experiencing enough tempering of that power

to prevent the state itself from becoming a criminalized state (390). Braithwaite uses the example of Timor-Leste as a successful example of such a state. While, initially after 1999, the leadership of the newly independent country deliberately cut themselves off from their former allies in the civil society who they had fought alongside against the Indonesia occupation, civil society mobilized a second time to temper the power of the president and prime minister and rebuild a distinct separation of powers that prevails to this day.

## PUNISHMENT

Braithwaite speaks more specifically in chapters 9 and 10 about the most effective ways in which to punish those involved in crime and domination. Perhaps surprisingly, he argues that there is a role for deterrence, despite clear evidence that its utility for reducing crime is thin, such as motivating offenders to become involved in restorative justice processes (Nagin 2013; Tonry 2018). Of course, Braithwaite is much more enthusiastic about restorative justice and responsive regulation—a mindset that requires being responsive to the affected community and the actors being regulated—usually referred to as a regulatory pyramid with voluntary self-regulation at the bottom, escalating to tougher interventions, until, at the peak of the pyramid, a more punitive response is required (Braithwaite 2002). He also argues that incapacitation remains a theoretically and practically useful framework for punishment. For Braithwaite, incapacitation is not simply locking up dangerous criminals to prevent them from reoffending. It is also designed to constrain organizations from the capacity to commit crimes (505). This may include self-incapacitation where an individual or organization voluntarily chooses to constrain their capacity for criminality or enforced incapacitation where the state does it.

In the final chapters, Braithwaite returns to his call for macro-level approaches to the study of crime, crime prevention, and violence, arguing for the need to examine how crime “cascades” through markets and families, across industries, and through poverty and how war and pro-violence politics entangle to create more crime and more violence. While the analysis of cascades is well established in the hard sciences, it is less developed in criminology. He argues that “a criminology that neglects cascades seems as silly as a medicine that is uninterested in containing contagion” (613). Braithwaite offers persuasive illustrations of its analytical utility for understanding the etiology of certain crimes—for example, mass shootings, the use of suicide bombings, anti-pedophilia vigilantism, intergenerational exclusion—as well as a framework for designing more effective crime or violence prevention strategies.

## SCALE, AMBITION, AND PLURALITY OF INFLUENCES

The scale of the intellectual project contained in this book is detailed in chapter 1 and Appendix 1. These include six normative propositions—to reduce all dimensions of domination; to separate and temper powers; to strengthen institutions of the market, state, and civil society and strengthen individuals; to maintain a normative order that nurtures collective efficacy to resist domination; to strengthen financial capital, human

capital, social capital, recovery capital, and restorative capital; and to prevent wars before they begin to cascade violence, anomie, and domination. These normative propositions (also referred to as “rivers of argument”) are then supplemented by a further 150 more detailed strands (also referred to as tributaries) in Appendix 1. As I read through the book, I found myself jumping back and forth to the appendices and checking them off against the arguments developed in the main text.

The plurality of intellectual influences on this book is impressive. As one would expect from a book by John Braithwaite, the text is replete with insights from sociology, criminology, law, regulatory theory, restorative justice, and the other frameworks that have informed J Braithwaite’s scholarly life. The theoretical discussion moves effortlessly from Émile Durkheim, Robert Merton, Norbert Elias, Anthony Giddens but then includes reflections on Mahatma Ghandi, Confucius, John Maynard Keynes, William Shakespeare, and Sun Yat Sen, the first president of the Republic of China after the republican movement overthrew the last of the monarchical dynasties in 1911.

The empirical ambition is also astonishing, reminding me why Thomas Scheff (1990) described Braithwaite as the “new Durkheim” in his application of sociological theory to “real world” data. He asks questions about why war in one country increases the likelihood of domestic violence in another years later and examines the relationship between Facebook and drug addiction and between Jamaican phone scamming and homicide rates and the link between Black Lives Matters and the Arab Spring. Some of the connections are a little tenuous. However, as I read, I imagined encouraging students to articulate Braithwaite’s arguments on the various linkages and then testing them on their classmates. It would not be a dull class—always a good test for an academic book!

## BIOGRAPHY, SCHOLARSHIP, AND ACTIVISM

The final element of this book that I really enjoyed is the way in which Braithwaite weaves his own biographical experiences through the book. This brings a lovely reflexive, honest, and at times playful and witty self-aware quality to the writing of this book. For example, in the preface, he apologizes for the works that are rehashed, acknowledging a tendency toward greater self-citation in recent years, and continues: “[T]his book takes self-citation to even more pathological heights. As you see sections of old Braithwaite stuff, just skip it. Rehashed bits are for readers unfamiliar with them. . . . 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” (xx).

Other personal bits of the book are much more serious. In particular, I found Braithwaite’s description of his own family’s experiences of war and violence profoundly moving. His grandfather was a machine gunner at the Somme, was gassed by the Germans, and threw Braithwaite’s father out of the house when he allegedly threatened his mother with violence. Braithwaite’s father served in the Second World War. His father was one of only six survivors of the more than twenty-four hundred Australian and British prisoners of war forced by the Japanese army to march the infamous Sandakan Death March in Borneo in 1942–43. He continues: “I remember the

childhood visits to Dad in the ‘nerve ward’ of the veterans’ hospital, the veterans with cigarettes in their shaking hands. Dad was such a fine, strong, principled man, but damaged. There were the screaming dreams at night in the years before his emotional recovery consolidated” (140). Braithwaite also recounts how he and two siblings protested against the Vietnam war, leading to his brother also being thrown out of the house, and he describes his family as “a hologram that contains within its microcosm the deep structures of the whole historical pattern of violence, of all the macro images of the horrors of violence of the big wars that ran from the Somme of my grandfather Joe to Vietnam” (140).

Braithwaite’s rationale for the biographical content in a self-styled normative book is that it has the virtue of “exposing political biases so readers can make their own judgements about how these colour analyses” (xx). For me, these biographical discussions may clarify not just his intellectual interests but also where his wit, warmth, self-awareness, and human empathy come from.

## CONCLUSION

As noted above, there is no sense at all of the later John Braithwaite either easing up or resting on his laurels. Elsewhere, he has noted that he has only relatively recently recovered from significant health issues after “stays in hospitals that became years away from fieldwork after surgery did not go smoothly” (Braithwaite 2023, 5). On the plus side, he continues, “[I] recovered well and made better homebound strides, writing the first of three late life books, *Macrocriminology and Freedom*” (5). I think Said (2006) would have approved of such an approach to lateness.

My favorite academic book is Stan Cohen’s (2001) *States of Denial*. It is a brilliant, rich, and eclectic book about the myriad ways in which institutions and individuals deny, obfuscate, or otherwise ignore human suffering that they know to be wrong. It is not a perfect book, but I still come back to it every few months more than twenty years after I first read it—a resource where I will always find something and admire the cleverness and moral courage of the man. I suspect *Macrocriminology and Freedom* will be something similar for me over the next twenty years if I am still doing this—a go-to place for digging out nuggets when I am stuck or in need of inspiration. We should all write such a book. Please keep on keeping on, John.

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