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ARTICLE

### **Crime, shame and reintegration as a challenge to the social sciences**

*Richard Sparks*\*

Some books you remember. I have very distinct memories of first encountering *Crime, shame and reintegration* soon after it appeared in the UK. I was in my late twenties and trying simultaneously to finish my PhD and complete the research report from my first job as a researcher. I was hoping there would be a long-term position for me somewhere but did not yet know what it might be; and I was still working out what to aspire to do with such an opportunity if I should ever be so lucky. In this mood of hopeful uncertainty, I came upon Braithwaite's book.

The challenges that *Crime, shame and reintegration* posed to me went some way beyond any of its substantive propositions (on which more below), far-reaching as these are. It was also a matter of its sheer ambition and its forthright tone. There were other big books with revisionist intent around at the time, of course. Jack Katz had recently got under many people's skin (mine included), and up some people's noses, with *Seductions of crime* (1988), for example. Katz was challenging, among other reasons, because of his relentless scepticism towards overweening theories and the writerly, storytelling character of his prose. I liked that, but did not expect to emulate it, and would have been intensely suspicious of anyone who thought they could. Braithwaite was a different and in some respects more relevant encounter to me. He appeared to use all the normal apparatus of scholarly endeavour – the multitude of references, the accumulation of evidence, the weighing of different theories – but in unusual ways. He was using the evaluation and synthesis of theories of crime and control to build an argument about changing the world in certain determinate respects. It seemed to me that this was exactly what made working on those subjects exciting and worthwhile.

Among the things that struck me was the conjunction between the objective and the personal in the tone of the writing. Braithwaite wrote in a way that moved easily between the

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appreciative and the combative. He would tell us everything he admired about labelling theory, for example, and then immediately explain his passionate objections to the inferences that people had drawn from it. Thus, the labelling perspective had brilliantly pinpointed the inordinate dangers of stigmatisation but had given rise to a ‘debilitating nihilism’ (1989: 20). In *The new criminology* (1973), Taylor, Walton and Young, Braithwaite asserted, had written the most significant work in criminology of the 1970s (1989: 17), but their conclusions about transcending the power to criminalise were ones with which he wanted to ‘do battle’ (1989: 185). I was intrigued by this kind of fighting talk mitigated by fair-mindedness and disciplined by evidence. Anticipating the responses of critics, he took their voice: ‘Braithwaite, they will say, is setting out to build upon two mutually inconsistent theoretical traditions’ (1989: 5). He alluded regularly to ‘my theory’ (*loc. cit.* and *passim*). I had not realised that one might be permitted to write in this way, though it also occurred to me that one might need in some sense to *earn* the right to do so. Braithwaite was straining for rigour, I thought, but he was also *present*. He was *writing* this book, rather than presenting it as if it had written itself. I liked it, I realised subsequently, because it was full of theoretical curiosity, but it also smelled a lot like politics.

Braithwaite helped me to begin to organise my thoughts on the relationships between the professional commitments of social scientists and their public roles and obligations. In *Crime, shame and reintegration* he spends a lot of effort sifting through the record of twentieth century criminological theory – salvaging, discarding and stitching together. One could teach a decent introductory course on criminological theory using these concise accounts. His purpose, however, lies in retaining from each of them what is of value for his project of developing more reintegrative responses to crime. He feels no obligation to identify himself as a partisan of any of these theories, therefore – they are just resources, not badges of membership (as they may often seem when viewed from within the horizon of the criminology conference). Having marshalled his resources, he deploys them in the cause of an argument for moving in directions that he sees as warranted by theory and evidence. The argument is about reintegrative shaming as a question of political culture and social practice, not fundamentally about side-taking in disputes that are internal to criminology.

In retrospect, I think we can see *Crime, shame and reintegration* as a transitional book. Chapter one asks, ‘Whither criminological theory?’ It boldly declares its aim of setting out a general theory of predatory crime. The final chapter does not, however, reprise these concerns, as one might expect if the book’s principal objective were to refine *criminological* theory. Instead, the chapter is about ‘Shaming and the good society’. Criminology is mentioned there

a couple of times but no longer seems central. The principal objects now include human agency, responsibility and constraint; liberal and communitarian ideas of the good; repentance as an objective of justice arrangements; interdependencies between criminal justice agencies and publics; and questions of conflict and consensus in social life.

Thus, for all the useful correctives that Braithwaite enters as he parses the criminological theories *Crime, shame and reintegration* becomes progressively more interesting and distinctive as it veers away from the criminology literature review and engages with theory (wherever it hails from) as a means of unlocking problems. What do the character and intensity of forms of human interdependency have to do with the frequency of people's predatory or exploitative acts towards one another? How can one develop a way of responding to such acts that calls upon and perhaps reinforces those interdependencies rather than further eroding them? To what extent are such practices best considered as aspects of extant cultural traditions that survive more robustly in some places and communities than others, and to what extent must they be new creations? If these are – or rather ought to have been – foundational questions for criminology, then that is because they connect with fundamental issues in social and political theory, and in social action, not because criminology exercises unique jurisdiction over them.

I noted above that Braithwaite moves towards using criminological theories quite pragmatically – as a resource rather than a source, one might say – and does not feel required to identify with any of them. That said, I think it is pretty clear that he is closer in spirit to certain forms of control theory than to the others, if only because these are in certain respects the most sociologically rooted of that group of theories. Control theories are, famously, theories of law abidance rather than of deviance. Yet, in their criminological manifestation, their mechanisms – the celebrated dimensions of attachment, commitment, involvement and belief – appear almost magically, as if destined by providence, to reflect an ideal image of the world of the mid-century American town. Perhaps the control theorists should have read their Durkheim a bit more closely, as Braithwaite does at points in *Crime, shame and reintegration* (see for example, 1989: 178-190). Braithwaite's questions go more searchingly into the conditions under which social relations become stressed and antagonistic and into how people and institutions could work to repair or restore them without massive additional collateral harm. In other words, if social control has to be exercised or indeed constructed, then this may require conscious action, political choices and hence justification.

Some of Braithwaite's less charitable critics in the period immediately following the publication of the book tended to single out what they saw as his inadequate treatment of one

concept or problem that they took to be critically important (see for example Watts (1996) on Braithwaite's limited discussion of agency). Other, more sympathetic, observers identified unresolved tensions or aspects of incompleteness in his efforts at theoretical synthesis (Uggen, 1993). I think the aspects of incompleteness testify to the fact that *Crime, shame and reintegration* is best seen as a step away from a central focus on criminology and towards a more pluralist approach to situations of conflict and the various forms of intervention that they demand.

The book is perhaps transitional in a second sense, therefore, in that it is also a way station en route towards Braithwaite's many subsequent contributions to inventing practices and institutions that give practical shape to some of these ideas. If we now read *Crime, shame and reintegration* as one of the *ur texts* of the contemporary restorative justice movement it is at least worth noting that the term 'restorative justice' does not so much as appear in its index. What does appear there is a multitude of references to the forms of shaming and their relation to problems of stigmatisation. This labour of definitions and sometimes slightly tortured formal propositions is, we now see, effortfully laying the foundations for an approach that finds greater empirical depth and practical effect in later work (Ahmed, Braithwaite, Braithwaite & Harris, 2001, among many). What my younger self could not know in 1990 when I recoiled in shock from the bullishness of the opening pages of the book, with its breezy claim to present a general theory of predatory crime, was that this was the start of something, not the last word. Accordingly, the person who has worked most restlessly and intensively to subject the propositions of reintegrative shaming theory to testing, refinement and normative interrogation is John Braithwaite himself.

The more pressing and many-sided the problems we confront, the less we can allow ourselves to be fenced in by the requirements of a discipline and the contingency of its current boundaries. Braithwaite's increasingly relaxed view of criminology – perhaps even loss of interest in it – both challenged and encouraged me. It invited us to look around more attentively and more broadly for inspiration and refreshment; and at the same time, it reminded us that *problems* (both explanatory and normative) came first. As Ian Loader and I noted many years later (2012), when starting to think through questions of knowledge and action in crime and punishment (Loader & Sparks, 2010), Braithwaite's unconcern towards disciplines seemed salutary. Commenting on Michael Burawoy's famous arguments in *For public sociology* (2005), Braithwaite argues that it is misconceived to think of the public aims and obligations of social science primarily in terms of salvaging or revitalising a discipline.

Braithwaite's growing indifference to criminology as such is thus something very different from the hostile preoccupation with it of some of its other critics. It derives, I think, from a preference for framing properly theoretical questions, rather than following the mandates of whatever happens to fall within the gaze of some discipline or other at present. At the same time those questions for Braithwaite always relate to the sufferings and fates of humans, and not merely to what Bourdieu memorably dismissed as 'theoretical theory' ('a topic for society conversation and a substitute for research' (in Wacquant, 1989: 50)).

These conclusions are no doubt only partly formed by the end of *Crime, shame and reintegration*, but a certain direction of travel is surely established there. As Braithwaite has subsequently insisted many times, what is needed is a pluralist public *social science* (rather than sociology *or* criminology *or* whatever), one that engages in theory-driven attempts to assemble whatever transdisciplinary resources are required to address the intellectual projects and practical activities at hand. Those activities could hardly be more ambitiously framed in his subsequent work and turn out to include a great variety of regulatory problems and efforts at conflict resolution and peacebuilding that far exceed my scope in this brief retrospection. For all those purposes, Braithwaite went on to say, we require a social science with 'more tents and fewer buildings' (Braithwaite, 2005: 351). Intellectual engagement in relation to public questions could hardly matter more. Disciplines, on the other hand, may have their uses, and they have certainly shaped the world in many ways, but we can neither depend on them for wisdom, nor make their welfare our central concern.

Braithwaite started something for me; but intrigued as I was and remain by the arguments about shaming and reintegration, the book's influence on me extended beyond those themes as such. Rather, Braithwaite seemed to offer a model for thinking conceptually and practically in the same moment. That involved not being hemmed in by a division of labour that said one could only do either explanatory work or normative thinking but never both, as if the two hemispheres of one's brain were not allowed to communicate with one another.

Lately I have received a similar challenge from the work of the English social theorist Andrew Sayer. Sayer (2011) argues that because both social scientists and those whom they study are 'evaluative beings' we cannot drive normative concerns out of our work without misrecognising its very topics. Our relation to the world, he says, is 'one of concern'. We are sentient creatures who can flourish or suffer, and we need a social science that does justice to this aspect of social being. Sayer argues that social science perspectives that strive to be adequate to the study of evaluative beings tend to be post-disciplinary, and in this respect to resemble and recall the *pre-disciplinary* conversations of their eighteenth and nineteenth

century antecedents. Some of that might on occasion look inelegant to disciplinary sophisticates but, as Burawoy also argues in relation to the problematic aspects of 'professional' sociology, some of what they do looks rather trivial when viewed from without.

So, of course there was indeed a heady whiff of politics rising from the pages of *Crime, shame and reintegration* as I consumed them. Braithwaite was reaching for a more satisfying way of conceiving of the relationship between social science theory and research (proper rigorous theory, not just word salad; and proper rigorous research, not just glancing observation) and the objects of its concern. Of course, that involved focusing on great problems and trying to imagine solutions for them. Of course, it urged us towards changing the world: the question of what role shaming would play *in the good society* was there from the start. Yet this was politics in a particular form. It promoted reflection upon the specific kinds of contribution that social scientists can offer to those broad challenges. Understood in this way, it is not really at all surprising if Braithwaite's next major publications are in political theory and criminal sentencing (Braithwaite & Pettit, 1990) and regulatory theory (Ayres & Braithwaite, 1992; Fisse & Braithwaite, 1993). Those topics reflect these concerns in a focal way, far more so than the criminological theories on which he draws at the outset of *Crime, shame and reintegration*. Neither should it surprise us that the challenges of republican political theory have recurred at points throughout his work ever since.

The challenge of Braithwaite's work involves moving across the boundaries of the empirical and the normative and between the registers of the theoretical generality and minute, local inquiry. Simple! It invites us to travel between the cells that typologies such as Burawoy's assign to professionals, critics and policy specialists. Easy! It suggests we explore the space between disciplined, rigorous and methodical study and active, experimental intervention. A piece of cake! Of course, these are some of the hardest things imaginable to do well. Yet seeing that they are sometimes done is itself a form of encouragement. Very few ever accomplish these feats with anything approaching the breadth, imagination, persistence and bravery with which Braithwaite has done all these years. We can, however, strive to incorporate some of these virtues into our work, whatever it is, in modest ways, to the best of our abilities.

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