

Reintegrative shaming

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It would seem that sanctions imposed by relatives, friends or a personally relevant collectivity have more effect on criminal behavior than sanctions imposed by a remote legal authority. I will argue that this is because repute in the eyes of close acquaintances matters more to people than the opinions or actions of criminal justice officials. As Blau (1964: 20) points out: 'a person who is attracted to others is interested in proving himself attractive to them, for his ability to associate with them and reap the benefits expected from the association is contingent on their finding him an attractive associate and thus wanting to interact with him'.

A British Government Social Survey asked youths to rank what they saw as the most important consequences of arrest. While only 10 per cent said 'the punishment I might get' was the most important consequence of arrest, 55 per cent said either 'What my family' or 'my girlfriend' would think about it. Another 12 per cent ranked 'the publicity or shame of having to appear in court' as the most serious consequence of arrest, and this was ranked as a more serious consequence on average than 'the punishment I might get' (Zimring and Hawkins, 1973: 192). There is clearly a need for more empirical work to ascertain whether the following conclusion is too sweeping, but Tittle would seem to speak for the current state of this literature when he says:

social control as a general process seems to be rooted almost completely in informal sanctioning. Perceptions of formal sanction probabilities or severities do not appear to have much of an effect, and those effects that are evident turn out to be dependent upon perceptions of informal sanctions. (Tittle, 1980: 214)

Only a small proportion of the informal sanctions which prevent crime are coupled with formal sanctions, so this literature in a sense understates the importance of informal sanctions. These studies are also by no means tests of the theory of reintegrative shaming [. . .] but they certainly suggest that we are looking in the right place for an explanation of crime. To quote Tittle (1980: 198) again, they suggest that 'to the extent that individuals are deterred from deviance by fear, the fear that is relevant is most likely to be that their deviance will evoke some respect or status loss among acquaintances or in the community as a whole'. In the rational weighting of the costs and benefits of crime, loss of respect weighs more heavily for most of us than formal punishment. Yet in learning theory terms this rational weighing results from

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the operant conditioning part of learning. There is also the much more important effect of consciences which may be classically conditioned by shame [. . .].

A related reading of the deterrence literature is that it shows it is not the formal punitive features of social control that matter, but rather its informal moralizing features. The surprising findings of a classic field experiment by Schwartz and Orleans (1967) has fostered such a reading. Taxpayers were interviewed during the month prior to the filing of income tax returns, with one randomly selected group exposed to an interview stressing the penalties for income tax evasion, the other to an interview stressing the moral reasons for tax compliance. Whereas the moral appeal led to a significant increase in the actual tax paid, the deterrent threat was associated with no significant increase in tax paid compared to a control group.

Beyond deterrence, beyond operant conditioning: conscience and shaming

Jackson Toby (1964: 333) suggests that deterrence is irrelevant 'to the bulk of the population who have introjected the moral norms of society'. People comply with the law most of the time not through fear of punishment, or even fear of shaming, but because criminal behavior is simply abhorrent to them. Most serious crimes are unthinkable to most people; these people engage in no rational weighing of the costs and benefits of crime before deciding whether to comply with the law. Shaming, we will argue, is critical to understanding why most serious crime is unthinkable to most of us.

The unthinkableness of crime is a manifestation of our conscience or superego, whatever we want to call it depending on our psychological theoretical preferences. [. . .] We will leave it to the psychologists to debate how much the acquisition and generalization of conscience is a conditioning or a cognitive process. The point is that conscience is acquired.

For adolescents and adults, conscience is a much more powerful weapon to control misbehavior than punishment. In the wider society, it is no longer logistically possible, as it is in the nursery, for arrangements to be made for punishment to hang over the heads of persons whenever temptation to break the rules is put in their path. Happily, conscience more than compensates for absence of formal control. For a well-socialized individual, conscience delivers an anxiety response to punish each and every involvement in crime - a more systematic punishment than haphazard enforcement by the police. Unlike any punishment handed down by the courts, the anxiety response happens without delay, indeed punishment by anxiety precedes the rewards obtained from the crime, while any punishment by law will follow long after the reward. For most of us, punishment by our own conscience is therefore a much more potent threat than punishment by the criminal justice system.

Shaming is critical as the societal process that underwrites the family process of building consciences in children. Just as the insurance company cannot do business without the underwriter, the family could not develop young consciences in the cultural vacuum which would be left without societal practices of shaming. Shaming is an important child-rearing practice in itself; it is an extremely valuable tool in the hands of a responsible loving

parent. However, as children's morality develops, as socialization moves from building responsiveness to external controls to responsiveness to internal controls, direct forms of shaming become less important than induction: appealing to the child's affection or respect for others, appealing to the child's own standards of right and wrong. [. . .]

However, the external controls must still be there in the background. If the maturation of conscience proceeds as it should, direct forms of shaming, and even more so punishment, are resorted to less and less. But there are times when conscience fails all of us, and we need a refresher course in the consequences of a compromised conscience. In this backstop role, shaming has a great advantage over formal punishment. Shaming is more pregnant with symbolic content than punishment. Punishment is a denial of confidence in the morality of the offender by reducing norm compliance to a crude cost-benefit calculation; shaming can be a reaffirmation of the morality of the offender by expressing personal disappointment that the offender should do something so out of character, and, if the shaming is reintegrative, by expressing personal satisfaction in seeing the character of the offender restored. Punishment erects barriers between the offender and punisher through transforming the relationship into one of power assertion and injury; shaming produces a greater interconnectedness between the parties, albeit a painful one, an interconnectedness which can produce the repulsion of stigmatization or the establishment of a potentially more positive relationship following reintegration. Punishment is often shameful and shaming usually punishes. But whereas punishment gets its symbolic content only from its denunciatory association with shaming, shaming is pure symbolic content.

Nevertheless, just as shaming is needed when conscience fails, punishment is needed when offenders are beyond being shamed. Unfortunately, however, the shameless, the remorseless, those who are beyond conditioning by shame are also likely to be those beyond conditioning by punishment - that is, psychopaths (consider, for example, the work of Mednick on conditionability and psychopathy - which would seem equally relevant to conditioning by fear of shame or fear of formal punishment (Mednick and Christiansen, 1977; Wilson and Herrnstein, 1985: 198-204)). The evidence is that punishment is a very ineffective ultimate backstop with people who have developed beyond the control techniques which were effective when they were infants. This is the problem with behavior modification (based on either rewards or punishment) for rehabilitating offenders. Offenders will play the game by reverting to pre-adolescent responsiveness to reward-cost social control because this is the way they can make their life most comfortable. But when they leave the institution they will return to behaving like the adults they are in an adult world in which punishment contingencies for indulging deviant conduct are remote.

The conscience-building effects of shaming that give it superiority over control strategies based simply on changing the rewards and costs of crime are enhanced by the participatory nature of shaming. Whereas an actual punishment will only be administered by one person or a limited number of criminal justice officials, the shaming associated with punishment may involve almost all of the members of a community. Thus, in the following passage, when Znaniecki refers to 'punishment', he really means the denunciation or shaming associated with the punishment:

Regardless of whether punishment really does deter future violation of the law or not, it seems to significantly reinforce agreement and solidarity among those who actively or vicariously participate in meting it out . . . Opposing the misdemeanours of other people increases the conformity of those administering the punishment, thus leading to the maintenance of the systems in which they participate. (Znaniecki, 1971: 604)

Participation in expressions of abhorrence toward the criminal acts of others is part of what makes crime an abhorrent choice for us ourselves to make. [. . .]

When we shame ourselves, that is when we feel pangs of conscience, we take the role of the other, treating ourselves as an object worthy of shame (Mead, 1934; Shott, 1979). We learn to do this by participating with others in shaming criminals and evil-doers. Internal control is a social product of external control. Self-regulation can displace social control by an external agent only when control has been internalized through the prior existence of external control in the culture.

Cultures like that of Japan, which shame reintegratively, follow shaming ceremonies with ceremonies of repentance and reacceptance. The nice advantage such cultures get in conscience building is two ceremonies instead of one, but, more critically, confirmation of the moral order from two very different quarters - both from those affronted and from him who caused the affront. The moral order derives a very special kind of credibility when even he who has breached it openly comes out and affirms the evil of the breach.

This is achieved by what Goffman (1971: 113) calls disassociation:

An apology is a gesture through which an individual splits himself into two parts, the part that is guilty of an offense and the part that disassociates itself from the delict and affirms a belief in the offended rule.

In cultures like that of Japan which practise disassociation, the vilification of the self that misbehaved by the repentant self can be much more savage than would be safe with vilification by other persons: 'he can overstate or overplay the case against himself, thereby giving others the task of cutting the self-derogation short' (Goffman, 1971: 113).

[. . .]

In summary then, shame operates at two levels to effect social control. First, it deters criminal behavior because social approval of significant others is something we do not like to lose. Second, and more importantly, both shaming and repentance build consciences which internally deter criminal behavior even in the absence of any external shaming associated with an offense. Shaming brings into existence two very different kinds of punishers - social disapproval and pangs of conscience.

[. . .] Community-wide shaming is necessary because most crimes are not experienced within the average household. Children need to learn about the evil of murder, rape, car theft and environmental pollution offenses through condemnation of the local butcher or the far away image on the television screen. But the shaming of the local offender known personally to children in the neighborhood is especially important, because the wrongdoing and the shaming are so vivid as to leave a lasting impression.

Much shaming in the socialization of children is of course vicarious, through stories. Because they are not so vivid as real-life incidents of shaming, they are not so powerful. Yet they are necessary because so many types of

misbehavior will not occur in the family or the neighborhood. A culture without stories for children in which morals are clearly drawn and evil deeds clearly identified would be a culture which failed the moral development of its children. Because human beings are story-telling animals, they get much of their identity from answers to the question 'Of what stories do I find myself a part?' 'Deprive children of stories and you leave them unscripted, anxious stutterers in their actions as in their words' (MacIntyre, 1984: 138).

Essentially, societal processes of shaming do three things:

- 1 They give content to a day-to-day socialization of children which occurs mainly through induction. As we have just seen, shaming supplies the morals which build consciences. The evil of acts beyond the immediate experience of children is more effectively communicated by shaming than by pure reasoning.
- 2 Societal incidents of shaming remind parents of the wide range of evils about which they must moralize with their children. Parents do not have to keep a checklist of crimes, a curriculum of sins, to discuss with their offspring. In a society where shaming is important, societal incidents of shaming will trigger vicarious shaming within the family so that the criminal code is eventually more or less automatically covered. Thus, the child will one day observe condemnation of someone who has committed rape, and will ask a parent or other older person about the basis of this wrongdoing, or will piece the story together from a series of such incidents. Of course societies which shame only half-heartedly run a risk that the full curriculum of crimes will not be covered. Both this point and the last one could be summarized in another way by saying that public shaming puts pressure on parents, teachers and neighbors to ensure that they engage in private shaming which is sufficiently systematic.
- 3 Societal shaming in considerable measure takes over from parental socialization once children move away from the influence of the family and the school. Put another way, shaming generalizes beyond childhood principles learnt during the early years of life.

This third principle is about the 'criminal law as a moral eye-opener' as Andenaes (1974: 116-17) calls it. As a child, I may have learnt the principle that killing is wrong, but when I leave the familiar surroundings of the family to work in the unfamiliar environment of a nuclear power plant, I am taught by a nuclear safety regulatory system that to breach certain safety laws can cost lives, and so persons who breach them are treated with a comparable level of shame. The principle that illegal killing is shameful is generalized. To the extent that genuine shame is not directed against those who defy the safety rules, however, I am liable to take them much less seriously. Unfortunately, societal shaming processes often do fail to generalize to organizational crime.

Recent years in some Western societies have seen more effective shaming directed at certain kinds of offenses - drunk driving, occupational health and safety and environmental offenses, and political corruption. [...] This shaming has for many adults integrated new categories of wrongdoing (for which they had not been socialized as children) into the moral frameworks pre-existing from their childhood.

While most citizens are aware of the content of most criminal laws,

knowledge of what the law requires of citizens in detail can be enhanced by cases of public shaming. Through shaming directed at new legal frontiers, feminists in many countries have clarified for citizens just what sexual harassment, rape within marriage, and employment discrimination mean. Social change is increasingly rapid, particularly in the face of burgeoning technologies which require new moralities of nuclear, environmental and consumer safety, responsible use of new technologies of information exchange and electronic funds transfer, ethical exploitation of new institutions such as futures exchanges, and so on. Shaming is thus particularly vital in sustaining a contemporarily relevant legal and moral order.

[...]

The problem of discontinuity in socialization practices

The most fundamental problem of socialization in modern societies is that as children mature in the family we gradually wean them from control by punishment to shaming and reasoned appeals to internal controls. The transition from family to school involves a partial reversion back to greater reliance on formal punishment for social control. The further transition to social control on the streets, at discos and pubs by the police is an almost total reversion to the punishment model. A discontinuity with the developmental pattern set in the family is established by the other major socializing institutions for adolescents - the school and the police.

[. . .] Japanese society handles this discontinuity much better than Western societies by having a criminal justice system (and a school system) much more orientated to catalysing internal controls than ours. Japanese police, prosecutors and courts rely heavily on guilt-induction and shaming as alternatives to punishment. If appeals to shame produce expressions of guilt, repentance and a will to seek reunification and forgiveness from loved ones (and/or the victim), this is regarded as the best result by all actors in the drama of criminal justice. The Japanese phenomena of neighborhood police, reintegrative shaming at work and school as alternatives to formal punishment processes, have two effects. First, they put social control back into the hands of significant others, where it can be most effective. Second, they soften some of the discontinuity between the increasing trust to inner controls of family life and the shock of a reversion to external control in the wide world. Just as the evidence shows that aggression and delinquency is the reaction to excessive use of punishment and power assertion as the control strategy within the family, we might expect rebellion against a demeaning punitiveness on the street to be all the more acute when families have eschewed authoritarianism in favor of authoritativeness.

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In short, societies which replace much of their punitive social control with shaming and reintegrative appeals to the better nature of people will be societies with less crime. These societies will do better at easing the crushing discontinuity between the shift away from punitive control in home life and the inevitable reversion to heavier reliance on punitive control in the wider society.

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PART SIX WITHIN AND BEYOND CRIMINOLOGY

Introduction

The readings in this section map the shifts, displacements and diverse debates that constituted critical criminology in the 1980s and early 1990s. As will have been gathered from previous readings, critical criminology attempted to deconstruct and decentre mainstream criminology. However, in the 1980s and 1990s it is critical criminology that is in turmoil and crisis and some would argue on the verge of implosion. As we shall see, long-term conceptual displacements, devastating political dislocations and fundamental paradigmatic convulsions and fractures, challenge and dispute the most solid and meaningful of critical criminology's convictions, assumptions, rationales and parameters.

We start with Jock Young's (1986) clarion call for a left realist criminology that is imaginative, sophisticated and above all policy-relevant. The essential requirement for the Left, according to Young, is to generate a rigorous criminological theory which takes crime seriously by addressing the problem of conventional criminality and producing effective crime control policies. To make realism the fundamental marker of radical criminology, a sustained attack was launched to discredit virtually every aspect of radical criminology's original idealistic and utopian imaginary. Perhaps even more significantly in the long run, left realism deliberately turned away from the wider theoretical debates about postmodernism that were engulfing the wider academy in the 1980s because they were not research-relevant or policy-focused.

Carol Smart's (1990) forceful and elegant article poses a stark question: what has criminology, of any kind, got to offer feminism in the 1990s? In answering it, she takes the left realists to task for choosing to anchor themselves within a criminology which remains tied to a flawed and discredited positivist paradigm. Young, like the founding forefathers, still believes that he can objectively uncover both the causes of and solutions to 'crime'. As a consequence, realist criminology is in a dilemma: it cannot give up on the notion of 'crime' because it would mean looking beyond criminology but in so doing it condemns itself to working within a 'weak thought' discipline. It is this 'reality' that leads Smart to suggest that feminists should abandon the arid, monolithic and totalizing world of criminology altogether and relocate themselves wholeheartedly within wider more open theoretical debates, particularly those emanating from postmodernism and feminism. If they do not, they will remain marginal within criminology and perhaps more seriously risk losing contact with broader eclectic developments in feminist discourse. Maureen Cain's (1990) stringent analysis also exhorts feminist criminologists to situate themselves beyond the essentially narrow conceptual boundaries of