

# **Taking Stock**

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## Shame, Restorative Justice, and Crime

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*Crime, Shame and Reintegration* (Braithwaite, 1989) argues that, most of the time, most people do not seek to solve problems of daily living by committing crimes—like murdering the person who is causing them the problem—because murder is simply unthinkable to them. It is not that people calculate the costs that they might be caught and punished and weigh them against the benefits of killing the person. It is that murder is right off our deliberative agenda. The theory argues that murder is constituted as unthinkable by social processes of shaming.

However, the theory also argues that some forms of shaming, called stigmatization, are counterproductive. Stigmatization means shaming where the wrongdoer is treated disrespectfully as an outcast and as a bad person. While stigmatization makes crime worse, reintegrative shaming prevents crime. Reintegrative shaming means treating the wrongdoer respectfully and empathically as a good person who has done a bad act and making special efforts to show the wrongdoer how valued they are after the wrongful act has been confronted. This means that rituals of reintegration into the community of law abiding citizens are important according to reintegrative shaming theory. Hence the advocacy of restorative justice rituals will be discussed below.

In the next section we will see that when shame does become an issue in traditional criminal justice, it tends to be stigmatizing shame—shaming penalties. We proceed to consider recent literatures on the structure of shame that assess whether there is a fit with the claims of reintegrative shaming theory. Shame acknowledgement seems to prevent wrongdoing, while displacing shame into anger seems to promote wrongdoing. While reintegrative shaming is associated with shame acknowledgement, stigmatization is related to counterproductive shame management. It is argued next that some refinement of the theory of reintegrative shaming is needed in light of this recent evidence. It often seems not enough for offenders to believe that they are a good person

who has done a bad act. Often change depends on them believing that they have a self in need of repair, even as they believe they are an essentially good person. This leads to the discovery of the importance of pride management as well as shame management to emotionally intelligent justice. The final section of the essay reviews the state of the evidence on whether reintegrative shaming theory has any explanatory power.

### Harris's Ethical Identity Conception of Shame-Guilt

Shame is not something moderns are comfortable about. One reason for this is that it is understood crudely, and in criminal policy, used crudely. We refer here to "shaming penalties"—such as requiring drunk drivers to put a sign on their car saying they were convicted of drunk driving (Etzioni 2001; Kahan 1996, 1997, 1998; Massaro 1997). Reintegrative shaming theory gives an account of why this should make crime worse (Braithwaite 1989). The popularizing of shaming penalties in the American law review literature and some recent court decisions was one motivation of Martha Nussbaum (2004) in writing *Hiding from Humanity: Disgust, Shame and the Law*. Nussbaum argues rather persuasively that it is an unconscionable threat to our liberty and an assault on our humanity to humiliate, to consciously set out to induce shame. She finds Braithwaite's theory mostly innocent of seeking to do this:

Braithwaite's ideas are not only very far removed from those of Kahan and Etzioni—but as he himself stresses—but also quite unconnected to traditional notions of shaming punishment, and rather part of the universe of guilt punishments. Braithwaite himself acknowledges this point, when, in recent writings, he uses the term "Shame-Guilt" in place of the simple "shame" for the emotion that (within limits) he favors, and when he describes the spectatorial emotion he seeks as a "just and loving gaze" (Nussbaum 2004: 241).

Restorative justice theorists are actually not preoccupied with either shame or guilt punishments, but with decentering punishment in regulatory institutions, while acknowledging the significant place that punishment will always have within them. The biggest implications of *Crime, Shame and Reintegration* are macro-sociological in a Durkheimian sense. They are that societies that fail to communicate the idea that rape is shameful (without creating widespread defiance among rapists) will have a lot of rape. Societies that fail to communicate the notion that environmental crime is shameful (without creating business subcultures of resistance to environmental regulation) will destroy the planet. Societies that manifest no shame in defying and manipulating international law will create catastrophes like Iraq and the unlawful treatment of prisoners characteristic of such conflicts.

The reason for the move to shame-guilt referred to in the Nussbaum quote was empirical. In Nathan Harris's (2001) factor analytic work on both court and restorative justice conference offenders in Canberra, a single Shame-Guilt

factor emerged. This factor was defined by feelings of having done wrong, concern that others had been hurt, feeling ashamed of oneself and one's act, feeling anger at oneself, loss of honor among family and friends. Observed remorse was associated with this factor. Indeed this factor might have been labeled Shame-Guilt-Remorse. Shame-Guilt predicted higher empathy with victims, lower feelings of hostility and had no correlation with self-esteem or self-respect in either court or conference cases (Harris 2001).

Harris's work shows that the distinction between shame and guilt may be less important than distinctions between Shame-Guilt (the feeling we have when our ethics are in question), Embarrassment-Exposure (the feeling we have when our nakedness is exposed or some other feature of ourselves we do not want displayed) and Unresolved Shame (the feeling of refusing to acknowledge a shame that is lurking within us). Harris found Embarrassment-Exposure levels to be higher in court cases than in restorative justice conferences, while Shame-Guilt has higher levels in restorative justice conferences. The latter result was replicated by Tosouni (2004) on different RISE experiments.

Perceptions of one's actions being disapproved by others during the criminal process (perceived shaming) was found to predict Shame-Guilt, but only when the shaming was by people the offender respected very highly (implying that shaming by police, prosecutors or judges is unlikely to be effective). Furthermore, Shame-Guilt was predicted by the offender's perception that the offense was wrong. Shame-Guilt was also predicted by perceptions of having been reintegrated and perceptions of not having been stigmatized. Harris (2001) argued that Shame-Guilt should be understood as a product of social influence in which internalized values, normative expectations and social context have an effect. In contrast to Shame-Guilt, Embarrassment-Exposure and Unresolved Shame were predicted by perceptions of having been stigmatized and the belief that the offense was less wrong. This highlights the importance of distinguishing between the shame-related emotions. So does the finding that Shame-Guilt was greater in restorative justice conferences but that embarrassment-exposure was greater in court cases.

### **Tangney's Shame and Guilt-Proneness**

These results seem to fly in the face of a remarkably sustained and coherent program of research by June Price Tangney (1990, 1991, 1992, 1993, 1995a, 1995b) and her colleagues (Tangney et al. 1992, 1995, 1996a, 1996b). These studies find a clear distinction between shame-proneness and guilt-proneness as dimensions of personality (as opposed to emotion). Shame-proneness in this research is a propensity to blame or devalue the whole self in the face of failures to deal with difficult situations. Guilt-proneness is a propensity to feel responsible for specific acts over which one has control. Shame-proneness is associated with a variety of pathologies, including criminality, while guilt-

prone to be negatively associated with these pathologies. Braithwaite (1989) has argued that guilt-induction is just one form of shaming. But Tangney's research challenges this viewpoint, suggesting this was a mistake—that guilt-induction in respect of serious wrongs is desirable, while shame-induction is destructive of self and therefore of law-abiding identities.

The Tangney and Braithwaite analyses actually converge at a prescriptive level. What should be avoided are degrading or disrespectful ways of communicating disapproval of wrongdoing. But conceptually, Tangney's analysis means that Braithwaite's reintegrative shaming should really be described as reintegrative guilt—induction of guilt without shame (the same theme as in the quote from Nussbaum on p. 398). Unfortunately, this pleasant reconciliation between Braithwaite and Tangney may not work because Harris's (2001) research shows that induction of Shame-Guilt together is what happens with criminal offending.

There are various ways of thinking about these conflicting results. One is that feeling ashamed in relation to a criminal offense is a special context where guilt about the act and being ashamed as a person are hard to separate. Tangney's findings are more generalized to prone to shame across many different problems of living (not just crime). Another is that shame-prone as a personality trait may be a very different matter than feeling the emotion of shame.

In pursuing clarification and reconciliation with the Tangney results, Harris (2001) suspects now that he has stumbled into a more subtle ethical identity conception of Shame-Guilt, found in the writings of the philosopher, Bernard Williams (1993), that might have special explanatory and normative power with respect to crime or other serious wrongdoing. It is easiest to explain at the normative level. What we had thought we wanted offenders to feel was shame about what they had done, but not shame about themselves. Now we think this may have been a normative error. If a man rapes a child or is repeatedly convicted for serious assaults, is it enough for him to feel that he has done a bad act(s) but there is nothing wrong with him as a person? It would seem more morally satisfactory for him to feel that he has done a bad act and therefore feels he must change the kind of person he is in some important ways (while still on the whole believing he is basically a good person). That is, we do not want the rapist to believe he is an irretrievably evil person; but we do want aspects of the self to be transformed. Harris's Shame-Guilt factor seems to capture empirically the nub of this halfway house of an ethical ideal. To a considerable extent one cannot experience guilt about a criminal wrong without this spilling over into feeling ashamed of oneself as a person. So long as this does not go so far as to involve a total rejection of self, this is perhaps morally appropriate, at least for serious crimes.

### A Self in Need of Repair?

In some of the cultures with the strongest traditions of restoration or healing following wrongdoing, there is an explicitness of commitment to the half-way house of Shame-Guilt. In Japanese culture, for example, apology can amount to dissociation of that evil part of the self that committed a wrong (Wagatsuma and Rossett 1986). Japanese idiom sometimes accounts for wrongdoing with possession by a "mushi" (bug or worm). Criminals are hence not acting according to their true selves; they are under attack by a *mushi* that can be "sealed off" enabling reintegration without enduring shame (Wagatsuma and Rossett 1986: 476).

Navajo culture is another with especially rich restorative accomplishment through its peacemaking traditions. The Navajo concept of *nayéé'* is an interesting part of this accomplishment (Coker 1999: 55). Farella (1993) explains that *nayéé'* or "monsters" are anything that gets in the way of a person enjoying their life, such as depression, obsession and jealousy. "The benefit of naming something a *nayéé'* is that the source of one's 'illness'—one's unhappiness or dysfunctionality—once named can be cured." (Coker 1999: 55). And healing ceremonies are about helping people to rid themselves of *nayéé'*.

There seems a major difference between stigmatizing cultures and cultures such as these where the vague and subjective threat to a person's integrity of self is named to make it concrete, and able to be excised. Naming to excise a bad part of self creates very different action imperatives for a society from naming to label a whole self as bad (such as naming a person a junkie, criminal or schizophrenic). The former kind of shame can be discharged with the expulsion of the *mushi* or *nayéé'*. The latter kind of stigma entrenches a master status trait like schizophrenic that dominates all other identities. We can learn from other cultures the possibility of healing a damaged part of a self that is mostly good. This is the approach to which Harris's (2001) conception of Shame-Guilt cues us. It particularly cues us to the possibility of healing a mostly positive and redeemable self because of his finding that both Shame-Guilt and reintegration are greater when cases are randomly assigned to a restorative justice process.

### Maruna's Repair of the Self through Redemption Scripts

Shadd Maruna's (2001) powerful study, *Making Good: How Ex-Convicts Reform and Rebuild their Lives*, showed that even though his Liverpool sample might not have had the benefit of Japanese or Navajo cultural resources, serious offenders who went straight had to find a new way of making sense of their lives. They had to restory their life histories. They defined a new ethical identity for themselves that meant that they were able to say, looking back at their former criminal selves, that they were "not like that any more" (Maruna 2001: 7). His persistent reoffender sample, in contrast, were locked into "condemna-

tion scripts" whereby they saw themselves as irrevocably condemned to their criminal self-story.

This suggests a restorative justice that is about "rebiographing", restorative storytelling that redefines an ethical conception of the self. Garfinkel (1956: 421-2) saw what was at issue in "making good": "the former identity stands as accidental; the new identity is the basic reality. What he is now is what, after all, he was all along." So, Maruna found systematically that desisters from crime reverted to an unspoiled identity. As with the *mushi* and *nayéé'*, desisters had restored themselves to believe that their formerly criminal self "wasn't me." The self that did it was in William James' terms, not the I (the self-as-subject, who acts) nor the Me (the self-as-object, that is acted upon), but what Petrunik and Shearing (1988) called the It, an alien source of action (Maruna 2001: 93). Even without the cultural resource of a *mushi*, restorative justice might therefore help Western wrongdoers to write their "It" out of the story of their true ethical identity. Maruna (2001: 13) also concluded that "redemption rituals" as communal processes were important in this sense-making because desisting offenders often narrated the way their deviance had been decertified by important others such as family members or judges—the parent or policeman who said Johnny was now his old self. Howard Zehr (2000: 10) makes the point that whether we have victimized or been victimized, we need social support in the journey "to re-narrate our stories so that they are no longer just about shame and humiliation but ultimately about dignity and triumph."

### Ahmed's Shame Acknowledgement

Eliza Ahmed (2001; Ahmed and V. Braithwaite 2004, forthcoming; Ahmed and J. Braithwaite, forthcoming, in press) finds that different ways of managing shame as an emotion can make crime or bullying worse. She builds on Braithwaite's (1989) theory in *Crime, Shame and Reintegration*. This argues that both the empirical literatures of child development and criminology are consistent with the prediction that stigmatizing shaming (stigmatization) makes crime worse, while reintegrative shaming reduces crime.

Stigmatization means shaming where the wrongdoer is treated disrespectfully as an outcast and as a bad person. Reintegrative shaming means treating the wrongdoer respectfully and empathically as a good person who has done a bad act and making special efforts to show the wrongdoer how valued they are after the wrongful act has been confronted.

Among restorative justice practitioners there has been a raging debate over whether shame and shaming are useful concepts in their work. Restorative justice is about the notion that because crime hurts, justice should heal. This is an alternative to the view that justice must be punitive—responding to hurt with hurt that is the wrongdoer's just deserts. So restorative justice is about hurt begetting healing as an alternative to hurt begetting hurt. Some restor-



ative justice advocates argue that shame and shaming have no place in restorative justice because shaming is a kind of hurting and shame is a destructive kind of hurt that can make crime and injustice worse.

Ahmed (2001) argues that these critics are right when shaming is stigmatizing and when shame is unacknowledged. However, to acknowledge shame and discharge it and to shame acts of injustice reintegratively are both important for preventing injustice and enabling restoration. So her argument is that shame and pride are indispensable conceptual tools for understanding the effects of restorative justice. This does not mean that social movement advocates should actually use the word shame as part of their reform rhetoric; with restorative justice, as Braithwaite and Mugford (1994: 165) have suggested, responsibility and healing are likely to supply a more politically resonant and a more prudent neo-liberal discourse than shame and reintegration.

Still the analytic point is that no progressive social movement is likely to be effective without shaming and promoting the just acknowledgment of shame. Restorative justice cannot be effective without shaming needlessly punitive practices such as the death penalty and skyrocketing imprisonment rates. The social movement against Apartheid could not have been effective without shaming Apartheid and urging its architects to acknowledge their shame for the evils they perpetrated. While social movements can never change the world for the better by sweeping shameful truths under the carpet, a restorative justice argument is that they can be more effective through truth and reconciliation (through shaming that is reintegrative), than through truth and stigmatization, retribution that replaces one outcast group with another.

Any actor in any kind of practical affairs cannot but be ineffective by denying shame and eschewing the challenge of understanding its dynamics. This is especially so in debates around crime—from juvenile justice to genocide and Apartheid—where shame is so acute. Ahmed (2001) shows that failure to acknowledge shame and discharge it is in different ways a characteristic of both school bullies and victims of bullying. Healthy shame management is important to preventing bullying on both the offender side and the victim side.

Ahmed (2001) distinguished Shame Acknowledgment and Shame Displacement. Shame Acknowledgment involves the discharging of shame through accepting responsibility and trying to put things right. Shame Displacement means displacement of shame into blame and/or anger toward others. Ahmed classified school children into: those who were neither bullies nor victims of bullying, those who were both bullies and victims of bullying, those who were just bullies without being victims and those who were victims without being bullies. Self-reported non-bully/non-victims acknowledged shame and were less likely to allow shame to be displaced into emotions like anger. Bullies, in contrast, were less likely to acknowledge shame and more likely to displace shame into anger. Self-reported victims acknowledged shame without displacement, but were more likely to internalize others' rejection of them. Bully/



victims were less likely to acknowledge shame, were more likely to have self-critical thoughts and to displace their shame into anger. Bully/victims are thus jointly afflicted with the shame management problems of both bullies and victims (see Table 1).

**Table 14.1**  
**Summary Conclusions from Ahmed (2001)**

Non-bully/non-victim	- Acknowledge shame - Resist displacement of shame	- Shame is discharged
Bully	- Resist shame acknowledgment - Displace shame through externalizing blame and anger	- Shame is not discharged
Victim	- Acknowledge shame - Internalize shame	- Shame is not discharged
Bully/victim	- Resist shame acknowledgment - Internalize shame - Displace shame through externalizing blame and anger	- Shame is not discharged

Put another way, the shame problems victims have, which restorative justice might address, is internalization of the idea that I am being bullied because there is something wrong with me as a person—internalization of shame. The shame problem bullies have is a failure to acknowledge shame when they have done something wrong and a tendency to externalize their shame as anger. Restorative justice needs to help them be more like non-bully/non-victims who acknowledge shame when they do something wrong, who resist externalizing or internalizing their shame, and, who, thereby, manage to discharge shame. Critics of confronting shame are rightly concerned that this could cause offenders, especially young or Indigenous offenders, to internalize shame. These data suggest, however, that this is much more of a problem for victims than for offenders. Managing the acknowledgment of unavoidable shame is more the offender problem, internalized rejection of self more the victim problem, while bully/victims suffer both.

If we translated this model beyond school bullying to post-Apartheid South Africa, we can construct Nelson Mandela as a survivor who discharged the shame of being a victim of twenty-seven years imprisonment and the shame of the violence perpetrated by his party, in the name of an armed struggle he advocated and led. While he was labeled with some justification as a “terrorist” both for what he himself did prior to his imprisonment and for what was done in his name during that imprisonment, Mandela set up a Truth and

Reconciliation Commission to acknowledge this shame and transcend it. Mandela's then wife Winnie, however, remained a bully/victim who would not fully acknowledge responsibility. P. W. Botha, the former President of South Africa, remained a non-cooperative bully during the Truth and Reconciliation Commission, refusing to acknowledge wrongdoing and externalizing blame onto the Commission, black leaders and white traitors. Many were the victims with internalized shame who were helped by the Commission to discharge it, as documented in Desmond Tutu's (1999: 107), *No Future Without Forgiveness*:

A woman from Soweto, Thandi [had been] tortured while in detention. She was raped repeatedly. She said she survived by taking her soul and spirit out of her body and putting it in a corner of the cell in which she was being raped. She could then, disembodied in this manner, look on as they did all those awful things to her body intended to make her hate herself as they had told her would happen. She could imagine then that it was not she herself but this stranger suffering the ignominy heaped on her. She then uttered words that are filled with a deep pathos. She said with tears in her eyes that she had not yet gone back to that room to fetch her soul and that it was still sitting in the corner where she had left it.

Just as Tutu shows that many victims discharged their internalized shame through seeing clearly the evil they had suffered and forgiving it, so did many perpetrators of awful violence discharge their externalized shame by apologizing, seeking and receiving forgiveness. What Ahmed's (2001) data imply is that a nation of healed victims, bullies and bully/victims has better prospects of going forward without new cycles of violence. Thus conceived, these data are of broader import than simply to the school context. They suggest that just as Truth (acknowledgment) and Reconciliation (the alternative to shame management with anger) can heal schoolyards, they might also heal South Africa, Northern Ireland, Palestine, Rwanda, or Iraq. Apology-reparation-forgiveness sequences can give bullies and victims access to both the benefits on the victim side and on the bully side of restoration. Harris's (2001) data complements Ahmed's in that it suggests that restorative process seemed to both assist the acknowledgment and inhibit the displacement of shame. Harris also found restorative conference cases to be more reintegrative and less stigmatizing than court cases. Ahmed in turn found that stigmatizing shaming by parents was associated with self-initiated bullying on the part of their children. This is therefore another part of the case as to why the reconciliation part of the Truth and Reconciliation process ought to inhibit further cycles of bullying.

### Pride Management

The work of Cooley (1922) and Scheff (1990) implies that pride and shame are together the primary social emotions. For Scheff, pride is the sign of an intact bond with other human beings, shame of a severed or threatened bond. Scheff and Retzinger (1991: 175) have been critical of the original formula-

tion of reintegrative shaming theory in *Crime, Shame and Reintegration* for its neglect of pride and praise. Parental social approval is essential to delinquency prevention (Trasler 1972). Chapman (1985) found that young people who said that their father always "praises me when I do my work well" engage in less delinquency than those who say they are seldom or never praised. Makkai and Braithwaite (1993) found that nursing home inspectors who use praise as a strategy for improving compliance with quality of care standards do better at increasing compliance (net of the "praiseworthiness" of the home and other controls). This was true even though some of the praise was of a counterproductive sort—praising poor performance. Makkai and Braithwaite found that praise had some special advantages in regulating *collective* conduct, an important feature because so much bullying and other rule breaking is collective in practice. When collectivities are praised, all involved want to share in the credit and when individual members are praised, the collectivity claims a share of the individual praise. But when collectivities are shamed, members tend to believe that it is someone other than themselves who deserve this; when individual members are shamed, collectivities disown them.

Shaming and praise may interact with identity in opposite ways. *Crime, Shame and Reintegration* argues that shaming will be most effective when it shames the act but not the person. It may be that praise is most effective when it is directed at the identity of the whole person rather than at a specific act. So when a child shows a kindness to his sister, better to say "you are a kind brother" than "that was a kind thing you did." One reason is that just as the identity degradation of stigmatization destroys healthy identities, so the identity enhancement of praising the person builds healthy identity. A second is that praise of our whole character is a more profound form of praise than praise of a single act. Third, praise that is tied to specific acts risks counterproductivity if it is seen as an extrinsic reward, if it nurtures a calculative approach to performances that cannot be constantly monitored<sup>1</sup>. The evidence is that extrinsic rewards, like extrinsic punishments, induce the belief that compliance is performed only to get those rewards rather than because the behaviour is intrinsically valued (Boggiano, Barrett, Weiher, McLelland, and Lusk 1987; Lepper and Greene 1978). For example, Deci and Ryan's (1980) study found that children who were given rewards for performing a task that they had enjoyed came to enjoy it less as a result of giving it an instrumental meaning. Better to avert extrinsic calculativeness by recognizing good character at times other than those of bad performance (obviously recognition of good character should not be given at a time that is seen as a reward for bad performance!). Hence, regulating social conduct is more likely to be effective when the following principles are in play:

- Shaming of bad acts that averts shaming of the actor's character
- Praise of good character that uncouples praise from specific acts.

*In this way, we achieve:*

- Shaming acts but not persons that repairs identity
- Praising virtues of the person rather than just their acts that nourishes a positive identity.

Moral balance requires both processes. Hubris is the risk of unremitting praise of the person that is never balanced by shaming of specific moral failures. Shaming without praise risks a failure to develop a positive identity for the moral self.

Ahmed's (2001) data show that Tangney's (1990) beta pride-proneness scale is associated with less bullying, though its effects were much weaker than guilt-proneness and the shame management variables (Shame Acknowledgment and Shame Displacement). With bullying behavior at least, it seems not to be the case that pride is a more significant emotion than shame and guilt. Indeed one of the arresting things about Ahmed's (2001) analyses is that in the prediction of bullying, the shame-management variables feature as prominently as family, school and personality variables that have traditionally been the dominant explanatory variables in the delinquency literature. Moreover, her mediational analysis found that the effects of a number of variables—such as school hassles, liking for school, empathy, self-esteem and internal locus of control—were mediated through either one or both shame management variables. Hence, doubts that too much emphasis had been given to shame/shaming and not enough to pride/praise turned out to be misplaced in this domain.

Ahmed and J. Braithwaite's (forthcoming) study of 824 Bangladesh adults confirmed previous results in showing that a propensity to shame acknowledgment was associated with less workplace bullying, shame displacement with more bullying. In addition, humble pride (respecting self and others) correlated with lower bullying and narcissistic pride (feeling dominant and arrogant) with higher bullying. Hence, just as there is good and bad shame, there is good and bad pride (Webb 2003), where the unhealthy version of pride is vaunting pride, hubris that projects a sense of superiority over others. This form of pride renders adults more capable of acts of predation against others.

Shame acknowledgment was highly correlated with humble pride, shame displacement with narcissistic pride. Nevertheless, healthy pride management has positive effects on relationships with others over and above the positive effects of healthy shame management and constructive shame management has good effects on relationships with others over and above the effects of pride management. Ahmed and J. Braithwaite's (forthcoming) bullying results are consistent with this interpretation that shame and pride management are an emotional intelligence package that together is somewhat more than the sum of its parts. By teaching our children and employees, or perhaps more importantly by displaying in our own interactions with them, the values of humility and respect for self and others, we may be simultaneously teaching them the

underlying principles of both healthy pride management and healthy shame management.

### Testing the Theory of Reintegrative Shaming

Four forms of testing and elaboration of the theory of reintegrative shaming were advocated by Braithwaite (1989: 108-123)—ethnographic, historical, survey research and experimental. The most impressive experimental research has been Lawrence Sherman, Heather Strang, and Daniel Woods's (2000) Re-Integrative Shaming Experiments (RISE) on 1285 Canberra criminal offenders. To date this program has produced mixed results, with a reduction of reoffending in the violence experiment and an increase in the property experiments (Sherman 2003). Reintegrative shaming theory has been a motivating framework for only some restorative justice programs. However, the theory does specifically predict that this kind of intervention will reduce crime regardless of whether those implementing it have any discursive consciousness of the theory of reintegrative shaming. The theoretically relevant features of restorative justice are confrontation of the offender in a respectful way with the consequences of the crime (shaming without degradation), explicit efforts to avert stigmatization (e.g., opportunities to counter accusations that the offender is a bad person with testimonials from loved ones that she is a good person) and explicit commitment to ritual reintegration (e.g., maximizing opportunities for repair, restoring relationships, apology and forgiveness that are viewed as sincere).

Hence, reintegrative shaming theorists (controversially) interpret the success of experiments such as McGarrell et al.'s (2000) Indianapolis Juvenile Restorative Justice Experiment in substantially reducing reoffending as support for the theory. And they so interpret Latimer et al.'s (2001) meta analysis of thirty-two mostly non-experimental studies with control groups which found a statistically significant effect of restorative justice on reoffending. Braithwaite's (2002) own review of the literature concludes that restorative justice practice is slowly improving in the theoretically important ways and that the most recent evaluations are becoming increasingly encouraging about the efficacy of the intervention.

But RISE analyses of the impact of reintegrative shaming on outcomes have not been completed, so cynics are justified in reserving judgment on whether shaming has anything to do with productive and counterproductive outcomes. Restorative anti-bullying programs in schools, often referred to as whole school anti-bullying programs, is another area where Braithwaite (2002, p. 59-61) concludes that bullying reduction has been substantial. Ahmed's (2001; Ahmed and V. Braithwaite 2004; Ahmed and J. Braithwaite, in press; Morrison 2006) has been the only work that has explored whether reintegrative shaming effects might be crucial here.

The other kind of theoretically relevant body of largely experimental research that has continued to accumulate since 1989 has been in the tradition of Baumrind's (1967) distinction between authoritarian parenting [which Braithwaite (1989) conceptualized as parenting heavy in stigmatizing shaming], permissive parenting (reintegration without disapproval of wrongdoing) and authoritative parenting (reintegration with firm disapproval of wrongdoing—reintegrative shaming). Evidence has continued to accumulate that authoritarian parenting reduces children's self-control as well as social skills, peer acceptance, social competence, self-esteem, and school achievement (Amato 1989; Baumrind 1991; Patterson et al. 1989; Lamborn et al. 1991). Not surprisingly, children of authoritarian parents often display under-control of emotions and externalizing problems (Bugenthal, Blue, and Cruscusa 1989; Janssens 1994), narcissism (Ramsay et al. 1996) and depression (Parker 1983).

Permissive parenting (sometimes described as overindulgence or reintegration without shaming) has continued to be associated with school dropout (Rumberger et al. 1990), tobacco and alcohol use (Cohen and Rice 1997), narcissism (Watson et al. 1992) and also peer victimization (Finnegan 1995).

Authoritative parenting (sometimes conceived as inductive parenting—meaning the induction of remorse over wrongdoing by confronting bad consequences of the act through moral reasoning in which the child participates (that is, not stigmatizing, not authoritarian lecturing)) has continued to be associated with positive outcomes, including lower delinquency (Pettit et al. 1997; Wright and Cullen 2001) substance use (Cohen and Rice 1997; Sigrún and Leifur 2001) and internalizing and externalizing behaviour (Amato and Gilbreth 1999). Authoritative parenting assists internalization of behavioral standards followed by action in accordance with them (Grusec and Goodnow 1994). It is related to peer acceptance, social competence and school adjustment (Chen et al. 1997), empathy, altruism, and school achievement (Hetherington and Clingempeel 1992), self-confidence and self-esteem (Noller and Callan 1991; Shucksmith et al. 1995), concern for right and wrong, taking responsibility for one's own actions, reduced truancy and alcohol abuse (Gunnore et al. 1999).

A multitude of qualitative observational studies of restorative justice conferences have also been important to theory elaboration (Braithwaite 2002) as well as qualitative and historical research on business regulatory enforcement in industries such as nursing homes and most notably Joseph Rees's (1994) conclusions on the use of reintegrative shaming in his analysis of the successes of the "communitarian regulation" of nuclear power plant safety in cutting poor safety outcomes to one-seventh of their former level. There have been a number of researchers like Rees that have posited reintegrative shaming, *post hoc*, as a variable that makes sense of their results (Chamlin and Cochrane 1997; Hagan and McCarthy 1997; Sampson and Laub 1993; Sherman 1992, 1993; Zhang et al. 1996). Another popular genre of research with mixed

results for the theory has involved explorations of Braithwaite's (1989) interpretation of low crime rates in Japan in terms of an alleged high ratio of reintegrative to stigmatizing shaming in that culture (Johnson 2002; Leonardsen 2002; Masters 1997)

There has been much less empirical research in the survey research tradition of theory testing than one might have expected in the sixteen years since the book was published. The first published study by Makkai and Braithwaite (1994) found that Australian nursing home inspectors with a reintegrative shaming philosophy were successful in substantially improving compliance with regulatory laws in the two years after inspections while compliance substantially worsened when inspectors had a stigmatizing philosophy. Lu's (1998, 1999) survey results were consistent with the theory in a limited ecological comparison of different Shanghai neighbourhoods.

Two recent studies have used reintegrative shaming variables to predict self-projected future offending (as opposed to self-reports of actual past offending). Using a telephone survey method, Tittle, Bratton and Gertz (2003) demonstrated only very partial support of Braithwaite's theory in relation to different kinds of misbehavior such as assault, property violations and use of illegal drugs. The predicted reintegration effects of the theory were not supported, but the predicted stigmatization effects were. Another self-projected future offending analysis, Tosouni (2004), produced results that were rather the mirror image of the Tittle, Bratton and Gertz (2003) findings in this respect. The stigmatization effect predicted by the theory was not supported. But the predicted reintegration effect was, at least in respect of cases that went to restorative justice conferences, with this effect falling just short of statistical significance in court cases. In both court and conference cases, Harris's shame-guilt factor was strongly positively predictive of projected future compliance with the law.

Recent survey-based theory testing has produced a more complex picture with some components of reintegrative shaming reducing rule breaking and others failing to do so. The need to break down the different elements of reintegrative shaming to see which are theoretically crucial and which are not should be an exciting challenge to criminologists in the survey research tradition, but mostly its complexity seems to have just scared them off. The most fundamental challenges are that reintegration and shaming might be better viewed as independent main effects on crime rather than as a reintegrative shaming interaction effect and that reintegration and stigmatization might not be opposite poles of a single dimension, but orthogonal (see Harris 2001).

If, as in Harris's (2001) data, shaming, reintegration and stigmatization are independent dimensions, the theory would predict that a "Shaming X Reintegration" interaction would be positively associated with shame or remorse or crime while a "Shaming X Stigmatization" interaction would be negatively associated with feeling shame. In no analysis did Harris find these interaction



effects. Shaming, reintegration and stigmatization had main effects, mostly consistent with the theory, but never significant interactions. Hay's results (2001) fit this pattern. In predicting the projected delinquency of adolescents Hay found a shaming main effect and a reintegration main effect (which washed out after controlling for interdependence, another key concept in the theory), but no "Shaming X Reintegration" interaction. Similar results were obtained by Zhang and Zhang (2000, 2004) from tests of the theory in reanalyses of two waves of the U.S. National Youth Survey. While they found main effects for parental forgiveness (reintegration) and peer disapproval (shaming) in reducing delinquency, there was no significant "Shaming X Reintegration" interaction. The bivariate correlations with delinquency of all four measures of the reintegrative shaming interactions in the two waves of data were statistically significant. However, when the significant main effects of reintegration and shaming were controlled in the multivariate model the reintegrative shaming interaction effect disappeared in both waves. Also consistent were results by Deng and Jou (2000) which found a significant effect of interdependence, past and projected shame in reducing delinquency and a significant stigmatization main effect in increasing delinquency, with no interaction effect being tested.

These results contrast with Makkai and Braithwaite's (1994) analysis of nursing home regulation where shaming and reintegration did not have significant main effects on compliance with the law, but there was a significant Shaming X Reintegration effect in the predicted direction. In this context, Braithwaite and Makkai's (1994) qualitative fieldwork suggested that a highly reintegrative regulatory encounter where there was no disapproval of failure to meet the standards was interpreted as a "tolerant and understanding" inspection which could be interpreted as regulatory capture by the industry ("permissiveness"). Compliance with the law in fact significantly worsened following such encounters. Similar low-shame contexts are suggested by normal child-rearing encounters, as in Baumrind's (1971, 1978) research, where both permissive and authoritarian parenting were found to be so ineffective compared to authoritative parenting that firmly, fairly and reintegratively confronts. Schoolyard bullying can also be interpreted in this way as a low shame context—compared to the context of being in trouble with the police. In Ahmed and J. Braithwaite's (in press) study of bullying among 1,875 Bangladesh school children there was a significant parental reintegrative shaming effect. However, in the regression analysis, while reintegrative shaming reduced bullying by 11 percent, parental forgiveness of wrongdoing (really just one of the facets of reintegration) reduced bullying by 22 percent.

The most likely interpretation of these divergent results is that in cases where criminal liability has already been admitted and a formal state ritual convened to deal with the admission, causing the interaction to be inherently shameful, both the reintegration and stigmatization scales are already measuring interactions with shaming. In nursing home regulation, school bullying or

normal child rearing contexts, in contrast, there had been no criminal charges and regulatory encounters were normally very low on shame. It may be premature to revise the theory of reintegrative shaming in light of such divergent results. However it is certainly a way to reconcile them to suggest that the theory might be revised to predict shaming, reintegration and stigmatization main effects but no interaction effects in contexts heavily laden with shame and no main effects but interaction effects for these variables in contexts where limited shame is normally experienced.

### Conclusion

When quantitative criminologists test the theory of reintegrative shaming, it is standard for them to lament how little it has been tested compared to other criminological theories. While empirical research on restorative justice is exploding, hardly any of it compares one theory of restorative intervention with another. We are not inclined to join the lament on this state of affairs without qualification. Because all the ethnographic research on restorative justice suggests that emotional dynamics is the key issue, more systematic ethnographic work that digs deeper into these dynamics may be the highest priority. In light of the contestation revealed in the first half of this essay on how shame and guilt should be conceptualized, much of the survey research appears crude. In some cases this measurement crudity is connected to the fact that the survey was not designed to measure the facets of reintegrative shaming theory. It is doubtful if more survey analyses based on items viewed as near enough for measuring one facet or another of the theory will advance our knowledge greatly. Survey research such as that of Harris (2001) that seriously explores the factor structure of the foundational constructs of the theory seems a higher priority. In light of the first decade of research on the theory, Braithwaite and Braithwaite (2001) attempted a preliminary revision of the theory of reintegrative shaming into a specification of thirty hypotheses worth attention. But as we learn more about how much more difficult it is for people to talk about shame—compared, say, with reporting how much they like their parents—hypotheses such as these thirty may continue to motivate research in which neither the conceptual nor the measurement issues have been troubled by deep thought.

The debate about reintegrative shaming has been individualistic and sociologically impoverished. Commentary that warns of very real dangers of shame with offenders who have already experienced too much shame in their lives often falls into the trap of implying that there is no need for institutions of criminal justice that communicate the shamefulness of predatory crime. Without institutionalized processes, without rituals of significant cultural salience, that confront assaults on our persons and property, how are the young to learn the ancient curriculum of crimes? How are victim demands for retribution to be managed if they are not vindicated through rituals that confront why

the crime was wrong? Without shaming, how can an Edwin Sutherland, or social movements against specific forms of white-collar crime such as environmental or cybercrime, constitute shamefulness in new criminal curriculums? Comparative historical research on how the shamefulness of crime is constituted, sustained and compromised in cultures and subcultures remains understudied. This is especially true at the level of macrosociological studies of whole societies, as opposed to Chicago slums, and even more true at the level of transnational epistemic communities that constitute new knowledges of transnational crimes such as terrorist financing and people smuggling.

### Note

1. We are indebted for the ideas in this paragraph to a discussion John Braithwaite had with Jerry Lee, a successful U.S. businessman, who explained why he did not pay bonuses to employees as a reward for doing some specific thing well but as a kind of gift for being the dedicated kind of employee they were.

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