

GUILT, SHAME AND RESTORATION

Lode Walgrave and John Braithwaite

Article prepared for *Justitiële Verkenningen*, The Hague, the Netherlands

21 March 1999

A decade ago, one of us, John Braithwaite (1989), proposed a theory of reintegrative shaming. Reintegrative shaming was presented as an effective practice in the prevention of crime before the event, as well as in the response to crime after the event. It was distinguished from disintegrative shaming (stigmatization) which risks making crime problems worse. Reintegrative shaming communicates disapproval of an act while conferring respect on the person and reintegrating the offender back into communities of care; stigmatization is disrespectful, outcasting shaming, which treats the person as a bad person. The applicability of reintegrative shaming was based on interdependency among persons and communitarianism within the larger community.

In the mean time, the idea of restorative justice has expanded into being a widespread practice and field of evaluative research, increasingly based on sound theoretical and ethical reflection. Both authors consider themselves advocates of a restorative justice approach, albeit critical ones. At first sight, the potential of using reintegrative shaming in the restorative processes may seem obvious (Braithwaite and Mugford, 1994; Moore and O'Connell, 1994). A closer look, however, may uncover some theoretical (and practical) problems (Walgrave and Aertsen, 1996), that may provoke the need for some refinements, especially with regard to conceptions of shame and guilt in relation to restoration.

In order to fully understand the relationship between reintegrative shaming and restoration, one should first explore the relationship between shame and guilt. In a second step then, the relation between both these concepts and restoration will be examined.

On shame and guilt

The link between shame and guilt can be studied at two conceptual levels: shame as an emotion and shaming as an action. Shame is conceived as an emotion of a person, while shaming is an action with the intention or effect of inducing one of the shame-related family of emotions – such as guilt, regret, embarrassment, remorse.

Let us first consider the emotion of shame.

The notion of shame and its relation to guilt has a diverse set of meanings in the literature. Nathan Harris's (1999) review of that literature concludes that there are two main distinctions underlying the varied ways of seeing shame-guilt and other shame-related emotions. The first one focuses on the object of the emotion: guilt is felt about an action one has undertaken or omitted, whereas shame is felt about the self as a whole. The second distinction focuses on the source of the bad feelings. Shame on this view occurs when one feels disapproval in the eyes of others (imagined or real disapproval); guilt occurs when

one disapproves of one's self (disapproval by one's own conscience)¹. One might combine these two distinctions and advance guilt as behaviour-focused and internal, shame as self-focused and interactional. This, however, would leave us without a label for behaviour-focused and interactional or self-focused and internal emotions.

Despite this distinction, it is questionable whether shame and guilt can be uncoupled as easily in daily experience.

Can I uncouple my action from myself? Can I feel guilt for my action, without feeling shame over what I am as a person? When I feel guilty, I assume responsibility for the action. Guilt feelings are composed of three elements: I did it, I knew that it was wrong or risky and I could have behaved otherwise. In such reasoning, my self as a whole is implicated. I can try to attribute the causes of my behaviour to someone else or to special circumstances which were out of my control (Weiner, 1986). But I will then avoid or reduce guilt and reasons for shame as well. The more I am aware of myself as being a responsible, freely acting person, the more I will consider myself as a whole being responsible for my acts.

Conversely, if I feel bad about myself as a person, my psycho-logic is likely to be that I feel bad about the acts I do. A person with a low self esteem will generally underestimate his/her merits in good actions (Burns, 1979).

Can we uncouple self-judgment from judgment by others? Our self-judgment does not come out of thin air. It is based on social judgment. One of the most explicit theories in that regard is symbolic interactionism (Mead, 1934). Symbolic interactionism presents the Self, the judgment human beings have about themselves, as developing on the basis of judgments by significant others that we experience. Also guilt, though conceived as an internal evaluation of the moral value of behaviour, is socially rooted. As founders of behavioral sciences (Freud, Durkheim and many others) taught us, the moral standards used to gauge moral quality are introjected social standards. Whereas shame is essentially an interactional feeling, also guilt is in fact based on social interactions in the past, so that, again, it appears that shame and guilt are difficult to uncouple.

It is thus very clear that, while guilt and shame are conceptually distinguishable emotions, their manifestation may tend to be closely intertwined. The intertwinement is however not complete. Manifestations of shame without guilt are possible. So, for example a person, exposed in the media as being suspected of having committed a crime, knowing that she/he is innocent, can feel shame without guilt. Or arrested offenders, belonging to a subculture with deviant norms and values, may feel shame for appearing to be weak and helpless in the hands of police and justice, but no guilt at all for what they have done.

Moreover, persons can deliberately try to uncouple guilt feelings from shame. If one feels guilty about a behaviour, one may try to hide this behaviour from other persons, so that they would not induce shame on him/her. One can also assume that it is possible for

¹ Within the shame concept, still finer distinctions are made, such as between 'exposure shame', being the shame arising from losing your assurance in your roleplaying towards the other (one could also speak of embarrassment), and 'guilt shame', being the feeling that others might reach unfavourable conclusions about what you are, based on what you have done. We are interested here in guilt shame' only.

individuals with a stable self concept to feel guilt when they have done wrong without allowing this to spiral into iterated negative feelings about the self. In other words, there may be virtue in the emotional struggle to pull apart what naturally goes together. So, there may be moments when we can observe both the intertwining of guilt and shame and successful struggles by human beings to pull them apart.

However, for working with these emotions in practice, it may be almost infeasible to tease out the distinction between them.

That brings us to the practice of shaming

The inducement of shame has often been put on a par with the inducement of guilt. Is it the same? In terms of shame as disapproval of self versus guilt as disapproval of act, Braithwaite (1989) in fact advocates reintegrative guilt rather than reintegrative shaming. But in terms of shame as perceived disapproval of others versus disapproval of self, he advocates both guilt and shaming. So the inducement of shame, as presented in the theory of reintegrative shaming, has in fact elements of both notions, shame and guilt. In the act of inducing itself, the interactional element of shame is intrinsically there. It is indeed hard to induce any feeling for my conduct, without being the observer and evaluator of my conduct². The focusing on the behavior, not the person, on the other hand, seems to induce more guilt instead of shame.

A problem arises here. Whereas the theory of reintegrative shaming underlines the importance of focusing on the behaviour, and not on the person, our worry is that the practice might be intrinsically shaming (because it is interactional), even as it focuses on guilt (because it aims at the behaviour, not the person). Is it in practice possible to focus on the behaviour, not on the person, as stated in the theory? It seems to be very difficult. I can try to look only at the act of having been assaulted, but there was a person who has beaten me and taken my wallet. He/she has done it. If he/she would not have been there, I would not have been assaulted. Uncoupling is as if you would bump your head against the wall and pretend that there is no wall, just a bump. Moreover, if you utterly uncouple the act from the person who has committed it, you deny the person that he/she has been behaving as a responsible and accountable person; you in fact declare him/her temporarily irresponsible, insane (Von Hirsch, 1993). It is doubtful then that you will find motivations to feel guilty or ashamed.

Shame, Guilt and Restoration

Acceptance to restore what has been done wrong is to be seen on a continuum. At the one end, individuals may accept to do a restorative action without internal motivation, but because it has been imposed and they do want to avoid further trouble with the imposing authority. At the other end, individuals may freely engage in restorative actions, because they understand the wrongfulness and harmfulness of their behavior and they are motivated to take away the harm and suffering of the victim and to reconfirm their being an integrated

² It is possible to do so, however, for example by taking a child to a movie that illuminates why some behaviour is wrong, without revealing that you know the child has recently committed that wrong. While they are hard to accomplish, such indirect strategies of guilt-induction may be among the most effective (because they avert defiance from the overspill of act-disapproval into rejection).

member of community. The first extreme end is part of the judicial side in restorative justice, wherein the emotions of the offender are in fact subordinated to the formal demand to formal restoration (Bazemore and Walgrave, 1999). It is not the subject of our article here. The problem under examination here is what kind of emotions may provoke the willingness of the offender to accept to accomplish restorative actions.

Responsibility and restoration without guilt

Shame as such does not necessarily lead to restoration (Walgrave and Aertsen, 1996). In order to be willing to restore, you have to accept that you are responsible for the harm caused. Guilt certainly includes awareness of responsibility, but the opposite is not evident. Accepting responsibility does not always include guilt feelings. In many contexts in life, particularly in the management of complex organizations, we accept that we should take responsibility for something without feeling guilty about it. Harms can be dealt with in a business-like way, leading to monetary compensation. Multinational corporations often act like that, for example when Union Carbide caused enormous personal suffering in Bhopal (India, 1984), or when the Exxon Valdez damaged severely the environment in Alaska (1989). Also private persons can do so. Professional criminals consider possible punishments as an 'occupational risk', professional criminal justice agents apply the legal dispositions professionally without moralising. The price is paid, if necessary, and that's it. Because there is no personal commitment to the values underlying the obligation to restore nor to the restorative action itself, there is no promise that the harmful behaviour will be avoided in the future.

This a-moral, purely businesslike response to crime was in fact one of the main reasons for developing the theory of reintegrative shaming. It was a theoretical development meant as a reaction to the ethos of amorality, the purely calculative approach to compensation, with respect to much corporate crime. To have real impact on the offender, the victim and the community, we need to reintroduce moral reasoning, rejecting the act, not just as being punishable, but more still as being intrinsically, morally wrong. That is why self-disapproval of wrongful acts one has committed – guilt – is important. Without it, moral decency is supplanted by the morality of the pay-off – simply writing a check or paying the price of a period in jail, to make the problem go away.

Another way to accept restoration without guilt-feelings would be to restore in order to avoid further shame (insofar as shame and guilt can be uncoupled). The juvenile, for example may accept to comply with community service, not because he feels guilty, but under social pressure, just to regain the appreciation of his parents and others and to preserve his chances for (re)integration. This is in fact for selfish reasons, rather than in conforming to moral commitments³. Here also, the impact on further behavior will be reduced: the motivation to restore (and to behave conformely) will disappear as soon as the significant persons whose appreciation is felt to be important cease to be relevant.

³ According to Kohlberg's theory of moral development, this kind of action would be categorised as based on a "good boy" orientation, the third stage in the moral development, where an action is primarily motivated by possible praise or blame by others. This is far from the sixth and highest stage, wherein autonomous adherence to moral principles is the main criterion for judging the moral quality of a conduct (Kohlberg, 1968).

From compassion, via guilt to restoration

Internal motivation to restore stems from feelings of guilt, combined with a belief in the possibility to make up for the wrong done.

Let us first consider guilt. Guilt essentially contains an understanding of the wrongfulness of the behavior or the omission, and an acknowledgment of the responsibility for that behavior or omission. Where does the understanding of wrongfulness come from? It is seldomly a rational knowing, especially in the average member of the public confronted with the invitation to restore⁴. Understanding the wrongfulness of a behaviour is mostly emotionally based, after confrontation with the suffering and harm. It is provoked by a kind of compassion (literally: a feeling together) with the suffering of the victim. Compassion is probably the key to affect the offender and to provoke in him/her a willingness to do something to right the wrong done⁵. Here lies one of the huge benefits of the direct victim/offender contacts, as processed in mediation or restorative justice conferences. We have observed in restorative justice conferences that the first spontaneous expressions of 'worry' mostly are pronounced after hearing of the victim's harms and how they are suffered. This can be the moment, when a form of compassion comes up in the offender, together with a becoming aware that she/he has caused the suffering through her/his conduct or omission⁶.

Guilt feelings thus tend to become feelings about one's self, but they are oriented towards the external world. The suffering, harm caused by the act is observed and it is the main reason for compassion and for understanding the wrongfulness of the act, while the acknowledgment of responsibility for the act returns the bad feelings about the harm towards the actor himself, as guilt. Guilt thus appeals to solidarity among humans at two levels: by referring to common norms and values, and by its component of compassion, based on empathy with fellow humans.

Guilt based on empathy can only be incited if the practice of shaming /guilting itself is based on solidarity and co-humanship (a bad English word, we are afraid). Inducing guilt should therefore not be excluding, but should be reintegrative. The reintegrative message of the guilt inducement is expressed by gestures of reacceptance. These gestures of reacceptance also enhance the offender's belief in the possibility to make up for the wrong done. This is the second element to instigate motivation to restore. Gestures of reacceptance are therefore intrinsically linked to the act of evoking guilt and willingness to restore. Constructive guilt induction is thus most possible in a communitarian context, as underlined in the theory of reintegrative shaming. If they are not, trials to induce guilt based on mere threatening with punishment, are doomed to fail, because they will provoke defensive attitudes and further marginalising of the offender.

⁴ According to Kohlberg, the sixth stage in moral development is reached only by a minority (1968).

⁵ The crucial importance of compassion in the process of guilt and provoking willingness to restore has become very clear to me at the occasion of a long conversation I had with Gabrielle Maxwell (Victoria University, Wellington, New Zealand) in February 1999 (L.W.).

⁶ The kind of moral awareness behind this seems to be close to what Gilligan has called a 'morality of care', as a reaction to Kohlberg's morality of justice principles (1977). She considered this morality as being typically female, but it is highly disputable to restrict any kind of moral reasoning intrinsically to one single gender.

Finally, it is important to recognise that shaming the crime is important to restoring the victim (Walgrave and Aertsen, 1996). Unequivocal disapproval of the crime is necessary to communicate to the victim that their suffering is taken seriously. 'Yes, a wrong was suffered and we must do our best to put it right. No, there is no reason for you the victim to feel ashamed because we are embarked upon a ritual premised on agreement that a wrong has occurred for which others will be asked to take responsibility'. Of course the need to restore the victim in this way may be also a complication of efforts to reintegrate the offender. A victim suffering humiliation as a result of the crime may stigmatize the offender as a person. While our observations of restorative justice conferences indicate that they sometimes do this, we are genuinely surprised that they do not do it more. Victims in decent restorative processes seem to us remarkably circumspect in their denunciation of offenders as persons. In their practices, shaming is not meant in its negative, but mostly as a social claim of their integrity and their values. And that is positive for the offenders too.

Conclusion

Many of the positions taken and questions asked here raise in fact empirical questions. How do both guilt and shame interact in psychology and in practice? The theory of reintegrative shaming is currently being empirically scrutinized through several projects, most notably the RISE experiment on restorative justice conferencing being conducted by Lawrence Sherman and Heather Strang, in collaboration with Nathan Harris who is working explicitly on the factor structure of shame and shaming (<http://www.aic.gov.au>). Generally, we need to study in more complex and subtle ways the shame family of emotions, how they are induced, how they can differently affect different people (Tangney a.o., 1996) and how they are connected to restorative cognitions like responsibility, restorative emotions like remorse, caring and compassion, and restorative acts like making amends and apology (Tavuchis, 1991; Maxwell and Morris, 1999). High quality research can design multiple measures of these sets of emotions, of practices for restorative emotion induction, restorative cognitions and restorative acts. Then we can study how complex interactional dynamics among victims, offenders, communities of care and indeed criminal justice officials promote and hinder restorative outcomes at these different levels.

We have no doubt that this empirical work will imply some serious returning of the theoretical framework in *Crime, Shame and Reintegration*, perhaps along the lines opened up above, and could even lead to its rejection and substitution with a more fruitful framework. It may be that we can conceive of the coupling/uncoupling of guilt and shame as a continuous variable. Sometimes guilt is experienced with little shame (variously defined) and sometimes shame with little guilt; even though generally shame and guilt occur together.

The challenge for practice then would be how to effect that uncoupling which is an infrequently realised possibility. Such a perspective might motivate, for example, the prioritizing of research on North American natives peoples' ideas of putting the problem, not the person, in the centre of a healing circle (Melton, 1995).

This perspective certainly implies, as we have repeatedly emphasised in our previous writing, that criminal justice practices with the intention of shaming are those most likely to effect the tight coupling of damaging and productive forms of shame and guilt.

Moreover, it might suggest that apology is the most productive element in reintegrative shaming. Why? Because apology communicates disapproval of the act rather than the person from the most persuasive source possible – the perpetrator of the act, the actor with the greatest interest in excusing it. Moreover, apology may involve acknowledging shame that is inescapable, thereby assisting the kind of transcendence of shame that is such a persuasive theme in the disparate writings of Lewis (1971), Scheff (1990, 1994), Scheff and Reitzinger (1991), Nathanson (1992, 1998), Moore and O'Connell (1994) and others. Guilt and shame are neither inherently bad nor inherently good. They are beneficial in certain contexts, devastating in their effects in others. Understanding these effects, we remain convinced, is more central than understanding the effects of punishment to reinventing a more decent and effective criminal justice system.

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