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Reintegrative Shaming[1]

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Beyond the Shaming Penalties Debate

In the legal academy there has been a growing debate on "shaming penalties"—such as requiring drunk drivers to put signs on their cars saying they were convicted of drunk driving (Kahan 1996). 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, 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—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 de-centering 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 failing to communicate the idea that rape is shameful (without creating widespread defiance among rapists) will see a lot of rape. Societies that fail to communicate the notion that environmental rape 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 more catastrophes like Iraq and the unlawful treatment of prisoners that is characteristic of such conflicts.

Cultural Variation in Stigmatization, Reintegration, and Repair of the Self

In Japanese culture, apology can amount to a 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, which can be "sealed off" and so enable 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 things that spoil a person's enjoyment of 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 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, such as 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.

Shadd Maruna's (2001) powerful study, *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*, showed that serious offenders who went straight had to find a new way of making sense of their lives. They defined a new ethical identity for themselves that meant they were able to say, on looking back at their former criminal selves, that they were "not like that anymore" (Maruna 2001, 7). Those in his persistent recidivist sample, in contrast, were locked into "condemnation 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, 421–422) 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*, the desisters had "restoried" themselves to believe that their formerly criminal self "wasn't me." 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."

Shame Acknowledgment

Eliza Ahmed (2001) finds that different ways of managing shame as an emotion can make crime or bullying worse. She argues that the empirical literatures of child development and criminology are consistent with the prediction that stigmatizing shaming (stigmatization) makes crime worse, but that reintegrative shaming reduces crime. Stigmatization means shaming whereby the wrongdoer is treated disrespectfully as an outcast and as a bad person. Reintegrative shaming means treating the wrongdoer respect-

fully and empathically as a good person who has committed a bad act and making special efforts to show the wrongdoer how valued he or she is 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." Some restorative justice advocates, therefore, 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 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 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, more prudent discourse than shame.

Still, the 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. The social movement against apartheid could not have been effective without shaming racism and urging its architects to acknowledge their shame for the evils they had perpetrated. Although 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 (shaming that is reintegrative) than through truth and stigmatization, retribution that replaces one outcast group with another.

No actor can be effective through 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 school bullies and

the victims of bullying. Healthy shame management is important in preventing bullying on both the offender side and the victim side.

Ahmed (2001) distinguished between "Shame Acknowledgment" and "Shame Displacement." Shame Acknowledgment involves the discharging of shame through accepting responsibility and trying to put things right. Shame Displacement means the displacement of shame into blame and/or anger toward others. The combination of acknowledgment without displacement is a shame management style associated with children who avoid becoming either perpetrators or victims of bullying. But other children adopt counterproductive practices, displacing shame onto others and refusing to acknowledge that harm was done. Until they learn to turn these practices around, they are less likely to move out of bullying.

The shame problems that Ahmed found victims have, and that restorative justice might address, are the internalization of the idea that I am being bullied because there is something wrong with me as a person—the internalization of shame. The shame problem of bullies 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.

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 1,285 Canberra criminal offenders. To date, this program has produced mixed results, with a reduction of recidivism in the violence experiment and an increase in the property experiments (Sherman 2003). Reintegrative shaming theory has been a motivating framework only for 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 the 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, and promoting 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 recidivism as support for the theory. And they so interpret Latimer et al.'s (2001) meta-analysis of thirty-two mostly nonexperimental studies with control groups that found a statistically significant effect of restorative justice on recidivism. Braithwaite's (2002) own review of the literature concludes that restorative justice practice is slowly improving in theoretically important ways, and that the most recent evaluations are 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 antibullying programs in schools, often referred to as whole school antibullying programs, are another area where Braithwaite (2002, 59–61) concludes that bullying reduction has been substantial. Ahmed's (2001; Braithwaite, Ahmed, and Braithwaite forthcoming) 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). Braithwaite, Ahmed, and Braithwaite (forthcoming) have reviewed the substantial evidence that 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. Not surprisingly, children of authoritarian parents often externalize problems, have difficulty in controlling emotions,

and display traits of narcissism and depression. Permissive parenting (sometimes described as overindulgence, or reintegration without shaming) has continued to be associated with school dropout, substance use, narcissism, and peer victimization. Authoritative parenting has continued to be associated with positive outcomes, including lower delinquency, substance use, and internalizing and externalizing behavior. Authoritative parenting assists the internalization of behavioral standards followed by action in accordance with them. It is related to peer acceptance, social competence and school adjustment, empathy, altruism, school achievement, self-confidence and self-esteem, concern for right and wrong, taking responsibility for one's own actions, and reduced truancy and alcohol abuse (Braithwaite, Ahmed, and Braithwaite forthcoming).

A multitude of qualitative observational studies of restorative justice conferences have also been important for theory elaboration (Braithwaite 2002) as well as qualitative and historical research on business regulatory enforcement. Various researchers 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).

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 *Crime, Shame and Reintegration* 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, but compliance substantially worsened when inspectors adopted a stigmatizing philosophy. Subsequent studies by Lu (1999), Deng and Jou (2000), Hay (2001), Tittle, Bratton, and Gertz (2003), and Zhang and Zhang (2004) provide a much more mixed picture that Braithwaite, Ahmed, and Braithwaite (forthcoming) have sought to reconcile and interpret by modifying the conditions under which different versions of the theory apply.

Conclusion

The debate about reintegrative shaming has been individualistic. Commentary that warns of 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, 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 victims' demands for retribution to be managed if they are not vindicated through rituals that confront the reason 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 cyber crime, constitute shamefulness in new criminal curricula? 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 studies of Chicago slums, and is 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. This is a much shortened and revised version of Braithwaite, Ahmed, and Braithwaite (forthcoming).

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