

IV SHAMING YOUTHFUL OFFENDERS: AN EMPIRICAL TEST OF REINTEGRATIVE SHAMING THEORY

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Introduction

Reintegrative Shaming is one of the most popular and acclaimed developments in contemporary theoretical criminology (Akers, 1990; Hay 2001; Scheff, 1990; Title, Bratton, & Gertz, 2003). In addition to its logical soundness, the theory's primary appeal is its contribution to the promotion of restorative justice as an alternative to conventional criminal justice practices.

Reintegrative Shaming, developed by Braithwaite (1989), seeks to offer a complete explanatory theory of predatory crime. The theory successfully integrates Control, Labeling, Subcultural, and Opportunity theories to generate a new central theoretical concept (reintegrative shaming) and to offer both micro- and macro- level accounts of crime causality. In addition, the theory also claims normative power: It not only describes how (and why) things are, but also, how things *ought* to be, illustrating the two major implications of Reintegrative Shaming: social movement politics and restorative justice. Because of this latter feature, Reintegrative Shaming Theory has received particular attention by criminal justice agents and policy officials interested in crime prevention and response interventions (Johnstone, 2003; Tittle, et al., 2003). In fact, the theory has provided the rationale for most existing American and British restorative justice (especially community conferencing) programs, which are constructed on this basis and thus apply the principles of Reintegrative Shaming (Daly, 1996; Johnstone).

To date, only a few studies have attempted to directly test Reintegrative Shaming Theory (RST), and even fewer have done this in the context of restorative justice interventions. This scarceness in empirical studies, although reasonable to some extent due to the recency and conceptual complexity of the theory, is rather unfortunate. First, empirical testing of the theory itself is absolutely necessary in order to justify the enactment and operation of programs which apply its propositions. Second, research is needed in order to determine whether and under which conditions specific Reintegrative Shaming elements are more or less powerful in modifying criminal behavior. The current study attempts to bridge this gap in research

by examining not *how well* restorative conferencing reduces crime as compared to court processing, but by exploring *which* elements of Reintegrative Shaming are more significant in doing so.

The theory

Braithwaite's (1989) main proposition suggests that crime varies with variations in the shaming of criminal acts. When the shaming is effective, then the propositions of control theory occur: Social bonding, conventional attitudes and beliefs increase, whereas crime decreases. Effective shaming is reintegrative. Reintegrative shaming respectfully disapproves of the wrongful act while treating the wrongdoer as generally good; it concludes with ceremonies that decertify deviance and reintegrate the shamed person back into law-abiding society. Reintegrative shaming promotes moral education, emotional motivation and active accountability. It encourages apology and forgiveness. On the other hand, when shaming is ineffective, that is, disintegrative, then the propositions of labeling theory occur: The offender is stigmatized and *criminal* becomes a defining identity trait. As a consequence, legitimate opportunities are blocked, criminal subcultures become appealing, and ultimately, crime increases. Disintegrative or stigmatizing shaming is disrespectful disapproval of the offender, who is treated as an inherently bad person. In stigmatizing shaming, the offender passively receives an inexpressive and impersonal punishment and is ostracized by society, with little or no hope of being reaccepted.

Braithwaite asserts that reintegrative shaming is more common and feasible in close-knit, cohesive (communitarian) societies where individuals are interdependent and where informal social controls are strong. On the other hand, stigmatization is a characteristic of individualistic, urbanized societies with high levels of residential mobility and weak communities. At the micro-level, the most appropriate application of reintegrative shaming is restorative justice, and in particular, family group conferencing. When dealing with crime, conferencing brings together the offender, the victim, and their key supporters in the presence of a neutral facilitator who engages them in a discussion regarding the incident (Bazemore & Umbreit, 2001). During the discussion, the victims explain how the incident affected them and confront the offender about his/her motivations. Supporters of both parties also describe their own feelings and discuss damages caused by the offender's act. The offender learns about the negative implications his behavior produced for the victim and the victim's family, but also for his/her

own loved-ones. He/she is given the chance to express personal thoughts, is encouraged to show emotions, offer apology and receive forgiveness. The conference typically ends with an agreement on how the harm will be restored and how the offender can make amends to the victim and/or the community.

Literature review

To date, only a few studies have attempted to directly assess the adequacy of RST's propositions. Results from these studies are moderately supportive of the theory, although most research demonstrates mixed outcomes. For example, in Lee's (1993) study on variations in crime rates among Florida counties, communitarianism was found to be negatively related to crime, and stigmatization positively related to repeat offending. However, collective values, interdependency, family attachment and school achievement did not significantly contribute to the models predicting either primary or secondary deviance. Zhang (1995), who attempted to measure the effects of reintegrative shaming within the family context, found that despite their cultural background (conducive to family interdependency and use of shaming), Asian parents do not report higher levels of reintegrative disciplinary attitudes than African American parents. A recent test of the theory examined how participation in gossip coupled with either reintegrative or stigmatizing shaming affected projected offending, and whether these relationships were moderated by levels of interdependency (Tittle et al., 2003). Only the crime generative (stigmatization) factors were significant for crime variations; reintegration variables were *positively* related to intentions to commit minor offenses. Obviously, the findings from these studies only partially supported the theory. However, all three studies suffered measurement weaknesses, such as theory misinterpretation (Lee), conceptualization errors (i.e., the use of reintegration and interdependency interchangeably in Zhang), and lack of internal validity (i.e., confusing and double barreled questions in Tittle et al.).

Hay (2001) explored similar issues deriving from RST. Using self-administered questionnaires, Hay tested how family interdependencies affect parental use of reintegrative shaming and whether this kind of disciplinarian attitude has an effect on projected delinquency. Hay used adolescents' perceptions to measure the key RST concepts of shaming (defined as parental moralizing through discipline) and reintegration (defined as parental showing of respectful disapproval of the child's *act* rather than disapproval of

the *person* during discipline). RST's propositions were partially confirmed. There was a strong positive relationship between parent-child interdependency and reintegration. Also, reintegration and shaming were negatively related to projected delinquency. On the other hand, the (negative) relationship between reintegration and delinquency was spurious: Interdependency affected *both* reintegration and delinquency additively, meaning that reintegrative sanctioning may in fact increase family interdependency, rather than the other way around (2001).

Lu, Zhang, and Miethe (2002) examined the intermediate effect of interdependency, with mixed results. Lu et al. surveyed residents in Shanghai, China, an ethnic context admittedly more communitarian than western societies (Braithwaite, 1989), and found that although interdependency was a significant factor for reintegrative shaming practice, its impact varied across contexts. In particular, higher interdependency was significantly correlated with higher reintegrative shaming expression in the neighborhood, but not in the family setting. That difference, however, might be due to the strict Confucian doctrine of family piety and loyalty (different than love and affection emphasized in RST) that shapes family relations in modern China. Consequently, the findings from these two studies illustrate the need for further research focusing on the causal order of RST's variables as well as the contextual conditions for their application.

Interesting conclusions were produced in tests of the theory within slightly different contexts. Makkai and Braithwaite (1994) applied the theory in cases of nursing home inspections. Consistent with the theory, communicating disapproval in a respectful and forgiving manner, as opposed to an impersonal and authoritative manner, increased management compliance with official regulations. In addition, interdependency (measured by whether inspectors met with the nursing home directors prior to the inspection) was found to increase compliance independently.

Miethe, Lu, and Reese (2000) applied Reintegrative Shaming Theory to evaluate effects of drug courts on recidivism. Researchers examined which (and how) social control practices affect conformity and deviance. The results revealed significantly higher recidivism risks for drug court participants than traditional court participants. These findings appear to refute Reintegrative Shaming Theory. When coupled with qualitative data, however, they provide an indicator that the negative consequences predicted by RST are empirically supported. In particular, drug court procedures were substantially more

stigmatizing, whereas reintegrative efforts were almost non-existent. Thus, the high recidivism risk might be due to the stigmatizing effect of drug courts.

Baumer, Wright, Kristinsdottir & Gunnlaugsson (2002) assessed the strength of RST's macro-proposition, that communitarian societies reduce crime rates by effectively communicating reintegrative shaming. In the case of Iceland, extremely low crime rates are attributed to this nation's reliance on social interdependencies, practice of communitarian values and use of informal social controls (such as internal shaming), coupled with reintegrative criminal justice processes. The study examines whether these societal conditions are also conducive to lower recidivism. The study compares reconviction and reimprisonment percentages of offenders released from Iceland's prisons with recidivism data collected by similar studies in 9 different nations. The results demonstrate similar recidivism patterns in Iceland and other, less communitarian nations. The authors interpret these results by inferring that while communitarian and shaming values may reduce crime, offender reintegration may be a less effective method of social control than social exclusion. However, the researchers also caution that "the limited geographic scope and variable methodological sophistication" (p. 50) as well as "the variation in recidivism rates within and across the observed nations" (p. 52), restrict the potential for solid inferences.

Direct, empirical testing of the theory is limited and has produced mixed results. This does not suggest that the theory is incorrect. Most studies to date suffer from weak methodology and measurement faults, suggesting that the theoretical definitions are unclear and its guidelines for operationalizing concepts ambiguous. Braithwaite acknowledges this particular weakness and revised the theory in his later work (Braithwaite and Braithwaite 2001).

The revised version of RST is based on the findings from Ahmed's (2001) study on bullying and shame management and Harris's (2001) statistical analysis of the RISE (Sherman, Braithwaite, Strang & Barnes, 1995-99) drunk driving experiment data. The most important revision of the theory is related to the concept of reintegrative shaming itself. Contrary to initial theorizing, reintegrative shaming and stigmatization may not necessarily be two opposite poles of a single variable (2001). In fact, a reintegrative shaming interactive effect may be possible in low-shame contexts; yet in high-shame contexts (e.g. courts), only main effects may occur. This means that reintegration, stigmatization, and shaming will all affect recidivism separately, but not necessarily antithetically. For example, both reintegration and stigmatization may impact crime in the same direction.

Sherman et al. (1995-1999) present a total of 30 specifications of RST, which now incorporates defiance (Sherman, 1993) and procedural justice (Tyler, 1990) in its propositions. The theory also introduces new concepts of Shame-Guilt, Embarrassment-Exposure and Unresolved Shame (Harris, 2001). According to the revised RST, shaming by respected others, reintegration, stigmatization, and procedural justice will reduce crime by increasing Shame-Guilt and decreasing Unresolved Shame (Braithwaite and Braithwaite, 2001).

The current study attempts to expand previous research by testing the revised RST. In the current analysis, reintegrative shaming is not treated as one single variable with interactive effects, but rather as a concept divided into separate variables with main effects on recidivism/conformity.

Reintegrative Shaming Theory has influenced public policy schemes endorsing restorative justice programs in many countries (Johnston, 2003). Although the term restorative justice was absent from *Crime Shame and Reintegration*, Braithwaite later began to present restorative justice practices, such as family group conferences or community accountability conferences, as his theory's most suitable application. Nevertheless, Braithwaite focuses on the crime control aspects of restorative justice, which raise concerns among the movement's representatives (Marshal, 1998). While RST is not unanimously acknowledged as the principal component of restorative justice, RST has unquestionably promoted restorative justice as an alternative to conventional criminal justice practices. Braithwaite has now adopted the label of a restorative justice theorist and admits: "I wish that I had called reintegrative shaming restorative shaming" (1996, p.3).

Research has tested the theory through interpreting recidivism outcomes of restorative justice programs in terms of reintegrative shaming. Most of the existing research on restorative justice and re-offending has compared outcomes with more traditional processes. The findings suggest that a small yet significant difference does exist (Bonta et al., 1998; Latimer, Dowden & Muise, 2001; Luke & Lind, 2002; McGarrell, 2001; Umbreit & Coates, 1992); restorative justice might be more effective than conventional criminal justice interventions in reducing crime. This difference may be (and *has* been) attributed to elements related to reintegrative shaming.

The current study focuses on this particular issue, only scarcely examined by previous research (Maxwell and Morris, 2001; Hayes and Daly, 2003). How significant are restorative conference-related factors in reducing the likelihood of future deviant behavior? According to Braithwaite's (1989) theory, restorative conferences are reintegration ceremonies because they

bring the offender back to conformity by educating and changing him/her in a humane and productive manner. This manner includes elements such as respectful shaming, remorse, apology, forgiveness, fairness and emotionality. The current research focuses on the degree to which these elements change the offender for the better, and their relative importance in predicting criminality. Like Hayes and Daly's (2003) study, the current research explores whether variability in treatment elements explains variability in reoffending intentions. Unlike the prior study, however, this study does not vaguely explore conference elements but focuses on those elements specifically related to reintegrative shaming.

The current study uses data collected in the Reintegrative Shaming Experiments (RISE) project (Sherman et al., 1995-99)¹. The RISE project, a large field experiment carried out in Canberra, Australia between 1995 and 1999, examined reintegrative shaming (Braithwaite, 1989), procedural justice (Tyler, 1990) and defiance (Sherman, 1993). The project compared the effects of standard court processing with the effects of restorative conferencing for four kinds of offenses: Drunk driving, juvenile property offending with personal victims, juvenile shoplifting, and youth violent crimes.

Methodology

This study is a secondary analysis of data collected by Sherman and colleagues in the Reintegrative Shaming Experiments (RISE) in Australia. The current study focuses on projected recidivism patterns among youth property and violent offenders who participated in the Reintegrative Shaming Experiments. In particular, this study aims to determine whether the extent and quality of shaming experienced during either court or conference intervention had any effect on intentions of future offending. In other words, the current study tests Braithwaite's (1989) theory of Reintegrative Shaming in terms of potential reducing effect on recidivism.

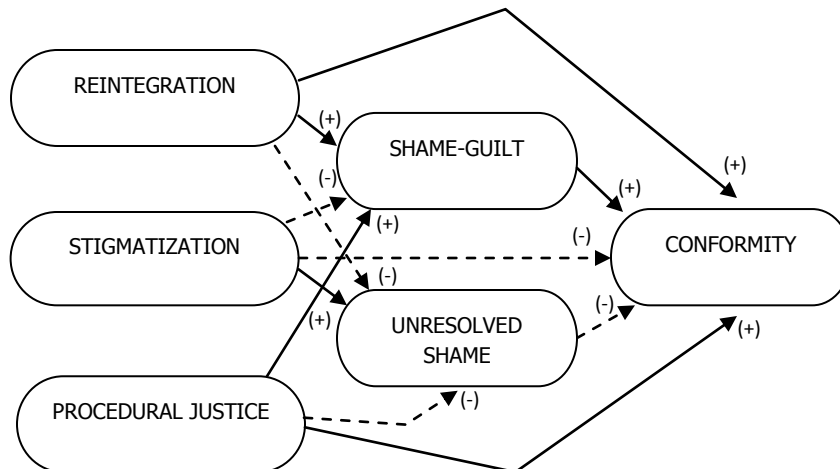
Hypotheses

This study tests four hypotheses derived directly and indirectly from the Braithwaites' (2001) 30 propositions that specify RST.

- Hypothesis 1: Conformity/recidivism will be explained by a model that includes reintegration (a), stigmatization (b), and procedural justice (c).
- Hypothesis 2: Reintegration increases Conformity independently (a) and through increasing Shame-Guilt (b) and decreasing Unresolved Shame (c).
- Hypothesis 3: Stigmatization decreases Conformity independently (a) and through decreasing Shame-Guilt (b) and increasing Unresolved Shame (c).
- Hypothesis 4: Procedural Justice increases conformity, independently (a) and through increasing Shame-Guilt (b) and decreasing Unresolved Shame (c)

Figure 1 illustrates the path diagram for the proposed model predicting projected conformity among the RISE youth offenders, based on the concepts of Reintegrative Shaming Theory.

FIGURE 1. Proposed model of Reintegrative Shaming Theory.



Sample

The sample for the current study includes 249 offenders who participated in the RISE project (Sherman et al., 1995-99). As shown in Table 1, the sample in the current analysis consists of violent offenders ($n = 52$), juvenile shoplifters ($n = 86$), and juvenile personal property offenders ($n = 111$). Most of the offenders (79%) in the sample are juveniles. The majority of the offenders (about 76%) are male, and about 11% are Torres Strait Islanders (Aboriginals).

Offenders eligible to participate in the RISE study were randomly assigned to either the control (court, $n = 125$) or experimental (conference, $n = 124$) group. There are no significant differences between the two groups in terms of age, gender, Aboriginality, or offense type. In order to test RST, the current study correlates reintegrative and stigmatizing shaming experiences with conformity rates, first for the whole sample of 249 offenders, and then separately for the two treatment groups.

TABLE 1. Sample Characteristics ($n = 249$)

	Court		Conference		Total	
	<i>f</i>	%	<i>f</i>	%	<i>f</i>	%
Treatment Type	125	50.2	124	49.8	249	100.0
Age Group						
Juvenile	101	80.8	96	77.4	197	79.1
Adult	24	19.2	28	22.6	52	20.9
Gender						
Male	89	71.2	100	80.6	189	75.9
Female	36	28.8	24	19.4	60	24.1
Race						
Aboriginal	11	8.8	16	13.0	27	10.9
Non-Aboriginal	106	91.2	107	87.0	221	89.1
Type of Offense						
Juvenile Property (JPP)	60	48.0	51	41.1	111	44.6

Juvenile Shoplifting (JPS)	40	32.0	46	37.1	86	34.5
Juvenile Violent (JVC)	25	20.0	27	21.8	52	20.9

Measures

Conformity: The current study uses prospective rather than actual measures of recidivist behavior among property and violent offenders. Prospective measures of recidivism are questionnaire items reporting an individual’s intention or perceived likelihood of breaking the law in the future. Such measures of criminal behavior have been used by a number of studies aiming to test criminological theories (Hay, 2001). Moreover, there have been both theoretical (Ajsen, 1991) and empirical (Pogarsky, 2004) support that projected offending is indeed relevant to prior, concurring, and future social behavior. The normative propositions of RST, specifically the use of restorative justice and family group conferencing treatments, are intended to educate and moralize youthful offenders about the wrongfulness of criminal behavior (Braithwaite, 1989). Such a finding would provide empirical support for the RST propositions.

The dependent variable, Conformity, is a scale that consists of two survey questions measuring the offender’s belief that the received treatment (either in court or in conference) will help prevent future law breaking and encourage future law-abiding behavior. The two ordinal items are measured on a Likert scale from 1 to 5, where the higher the score, the higher the agreement with the statement of future conformity. The combined scale item is measured with values from 1 to 10, where 1 suggests the lowest and 10 the highest intention of conformity. The reliability coefficient (Cronbach’s alpha) for this scale is .73. On average, offenders reported high intentions of future conformity (Table 2).

Reintegration-Stigmatization. Following Braithwaite’s (2001) interpretation of the RISE drunk drivers’ data analysis (Harris, 2001), reintegration and stigmatization are treated as separate independent variables with main (but not interactive) effects on future conformity. Both were operationalized by Harris in two distinct scales combining RISE survey items. These scales are replicated in the current study.

The Reintegration Scale includes five 4-point Likert survey items, where responses with lower values represent low reintegration and responses with

higher values represent high reintegration. Examples of questions include: "Did people in the conference/court say it was not like you to do something wrong?" and "At the end of the conference/court did people indicate that you were forgiven?" The Cronbach's alpha for this scale is .66. On average, offenders reported moderate levels of reintegration (see Table 2).

The Stigmatization Scale (alpha = .75) consists of four 4-point Likert survey items, rated as the Reintegration scale. These include questions such as: "Were you treated as though you were likely to commit another offence?" and "Were you treated as though you were a bad person?" Offenders experienced moderate levels of Stigmatization (see Table 2).

Procedural Justice. Several survey items in the RISE data measure offenders' perceptions of procedural justice. Procedural Justice, conceptualized consistent with Tyler's (1990) description, refers to feelings of being treated in a fair, unbiased, honest, polite, and respectful manner. Procedural justice perceptions are also increased when one is involved in the decision making, when one's views are heard, when one's rights are respected and when one observes that authorities make genuine efforts to be fair (Tyler).

The Procedural Justice scale includes twelve 5-point Likert, including such items as, "You feel that people who committed the same offence are treated the same way," "People were polite to you," "You felt you had the opportunity to express your views." Respondents selected the answer that best indicated their degree of agreement (from 1 to 5, where 5 is strongly agree) with such statements. The alpha for this scale is .86. On average, offenders reported medium levels of procedural justice (Table 2).

Shame-Guilt. The distinct nature of shame and guilt is not supported in the literature (Abell & Gecas, 1997; Harris, 2001; Tangney, 1995). However, there is strong evidence that both these emotions affect one's feelings of empathy or hostility (Harris). Moreover, interpreting Harris' findings, which suggested that shame about oneself and shame about one's behavior are indistinguishable, Braithwaite (2001) admits RST's normative error of associating good shaming with disapproval of the behavior and bad shaming with disapproval of the person. Alternatively, Braithwaite proposes that feeling shame about one's personal traits might be as effective in reducing future wrongdoing, as long as it is clear that these traits are not permanent but reversible as long as the wrongdoer transforms certain aspects of self. In regards to Shame-Guilt, Braithwaite predicts that it will reduce crime, and concludes that it is a "necessary emotion for any democracy that wants to

make freedom from violence and respect for human rights active cultural accomplishments” (2001, p. 35).

Shame-Guilt is a scale consisting of six 5-point Likert survey items measuring the respondents’ feelings of remorse and shame for their wrongdoing. Respondents indicate whether they agree with statements such as, “I felt the offence I committed was wrong,” “I felt ashamed of myself,” “I felt bad because my actions hurt others.” The reliability coefficient for this scale is almost .9. On average, respondents reported medium to high levels of Shame-Guilt (Table 2).

Unresolved Shame. Unresolved shame refers to the “state of being unable to make up one’s mind as to whether one has done anything wrong” (Braithwaite & Braithwaite, 2001, p. 17). It is empirically associated with anger, hostility and vengeance (Ahmed, 2001; Harris, 2001). Harris, in particular, stresses the significance of unacknowledged shame in recidivism explanations. The Unresolved Shame scale consists of three 5-point Likert survey items, including: “I am continually bothered by thoughts of being unfairly judged,” and “I am unable to decide whether or not I was wrong.” The alpha for this scale is .65. As indicated in Table 2, on average, respondents scored low on this measure.

TABLE 2. Dependent and Independent Variable Scales

	<i>N</i>	Min	Max	Mean	Median	Skewness
Conformity	237	2.00	10.00	7.9283	8.0000	-1.078
Shame-Guilt	236	2.00	30.00	17.6737	18.0000	-.268
Unresolved Shame	236	3.00	15.00	5.4873	5.0000	1.045
Reintegration	237	5.00	20.00	12.9030	13.0000	-.075
Stigmatization	237	4.00	16.00	8.2996	8.0000	.700
Procedural Justice 1	246	1.00	54.00	38.0041	40.0000	-1.744

Analysis

Block stepwise multiple regressions were run to determine the accuracy of the three independent variables (i.e., Reintegration, Stigmatization, and Procedural Justice) in predicting conformity. The first model included the four background variables of Age Group, Gender, Race, and Treatment Typeⁱⁱ. The three direct variables of Reintegration, Stigmatization, and Procedural Justice were added in the second model. Following that, the stepwise method was used to examine which, if any, of the following two endogenous variables of Shame-Guilt and Unresolved Shame, were included in the equation predicting projected Conformity. Data screening did not lead to the exclusion of any cases. Review of the tolerance statistics indicated that all independent variables were tolerated in the model.

Regression results (Table 3) indicate that the overall model, which accounts for the highest percentage (39.1%) of variance in projected conformity, is model number 3 (R-square = .411, Radj = .391, F (8, 226) = 19.7534, $p < .001$). This model includes all of the independent and one of the endogenous variables.

Treatment Type, Reintegration, Stigmatization, Procedural Justice, and Shame-Guilt significantly predict conformity. However, review of the t-tests for the unstandardized coefficients indicates that only six of these variables significantly contribute to the model. These variables are: Treatment type, Age Group, Reintegration, Procedural Justice and Shame-Guilt.

TABLE 3. Explaining the Variance in Projected Conformity

Block	Variables	Conformity				R Square	R square Change
		B	Std, Beta	t	Sig.		
1	(Constant)	7.672		24.595	.000		
	Age group (juvenile = 1)	.018	.005	.070	.944		
	Gender (male = 1)	.253	.071	1.063	.289	-.008	.009
	Race (aboriginal = 1)	-.186	-.038	-.584	.560		
	Treatment (conference = 1)	.133	.043	.653	.514		
2	(Constant)	3.008		4.122	.000		
	Age group (juvenile = 1)	-.429	-.111	-1.976	.049		
	Gender (male = 1)	.076	.021	.383	.702		
	Race (aboriginal = 1)	-.448	-.093	-1.712	.088	.323	.334
	Treatment (conference = 1)	-.540	-.175	-2.990	.003		
	Reintegration	.090	.205	3.620	.000		
	Stigmatization	-.002	-.039	-.607	.544		
	Procedural Justice	.115	.546	7.935	.000		
3	(Constant)	3.114		4.497	.000		
	Age group (juvenile = 1)	-.486	-.125	-2.354	.019		
	Gender (male = 1)	.104	.029	.559	.576	.391	.069
	Race (aboriginal = 1)	-.393	-.081	-1.580	.116		

Treatment (conference = 1)	-.575	-.187	-3.353	.001
Reintegration	.006	.150	2.732	.007
Stigmatization	-.020	-.038	-.636	.526
Procedural Justice	.086	.407	5.776	.000
Shame-Guilt	.078	.309	5.133	.000

Conformity is significantly explained by a model including Reintegration, Procedural Justice (as proposed in hypothesis 1a and c) and Shame-Guilt, as predicted by the proposed theoretical model. In disagreement with the proposed model, however, conformity is not explained by variations in Stigmatization or Unresolved Shame. Interestingly, treatment type seems to be a significant factor in predicting conformity. This latter conclusion is confirmed by findings in the series of *t*-tests performed to examine the differences in offenders' intentions of Conformity, experiences of Reintegration, Stigmatization, Procedural Justice, Shame-Guilt, and Unresolved Shame by Treatment Type. Table 4 summarizes the results for each variable.

TABLE 4. Differences in Offenders' Experiences Based on Treatment Type.

	Court		Conference		<i>t</i>	<i>p</i>
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>		
Conformity	7.5871	1.6888	8.0000	1.3712	-.715	.476
Reintegration	12.1176	3.4937	13.6949	3.37033	-3.537	.000
Stigmatization	8.4874	2.8099	8.1102	3.0460	.991	.323
Procedural Justice	35.5806	9.6416	40.4672	9.5356	-3.996	.000
Shame-Guilt	16.3644	5.8567	18.9831	5.9957	-3.394	.000
Unresolved Shame	5.2627	2.2204	5.7119	2.7922	-1.368	.173

On average, court and conference participants did not differ significantly in their projected conformity. Although the mean value (8.0) was slightly higher for conference as compared to that (7.6) for court participants, the *t*-test indicates that offenders on average reported high levels of Conformity, regardless of Treatment Type.

On the other hand, there were statistically significant differences between the two groups' experience of Reintegration, perceptions of Procedural Justice and feelings of Shame-Guilt. Conference participants experienced more Reintegration than court participants, demonstrating that Treatment Type affects Reintegration. Treatment Type is also significantly related to perceptions of Procedural Justice; conference participants scored significantly higher on the same measure. Feelings of Shame-Guilt were significantly higher among the conference as compared to the court group. Surprisingly, the court process did not seem to be viewed by the offenders as more stigmatizing than conferencing. Moreover, levels of Unresolved Shame were not significantly related to treatment type.

Path Analysis

Two separate path analyses were conducted to determine the causal effects among all independent variables and Conformity, first for conference and later for court participants. The initial model, presented in Figure 1 was inconsistent with empirical data. More specifically, five of the reproduced correlations for the court setting model, and three of the reproduced correlations for the conference setting model exceeded a difference of .05. Tests of the missing paths in the initial model indicated that one additional path would significantly contribute to the model for both settings: Procedural Justice → Stigmatization. In addition, the non-significant paths of Reintegration → Conformity, Reintegration → Shame-Guilt, Reintegration → Unresolved Shame, Stigmatization → Conformity, Stigmatization → Shame-Guilt, and Unresolved Shame → Conformity were removed from the court model. The non-significant paths of Reintegration → Unresolved Shame, Stigmatization → Conformity and Unresolved Shame → Conformity were removed from the conference model.

Thus, the initial model was revised, generating two separate models, Figures 2 and 3 respectively. Figure 2 illustrates the revised model for court settings. As shown, the only significant direct effect on Conformity is that of Procedural Justice (.348). There is also a combined effect of Procedural Justice (.481) → Shame-Guilt (.326) → Conformity. Whereas Reintegration

has no effects on any of the variables, all the predicted paths between Procedural Justice and the other variables are correct. Procedural Justice increases Shame-Guilt and decreases Unresolved Shame. Additionally, Procedural Justice is significantly and negatively correlated with Stigmatization. This path, missing from the initial model, is added in Figure 2, whereas the paths generating from Reintegration, Stigmatization (other than the one towards Unresolved Shame) and Unresolved Shame are excluded.

FIGURE 2 Revised Reintegrative Shaming Theory Model for Court Settings

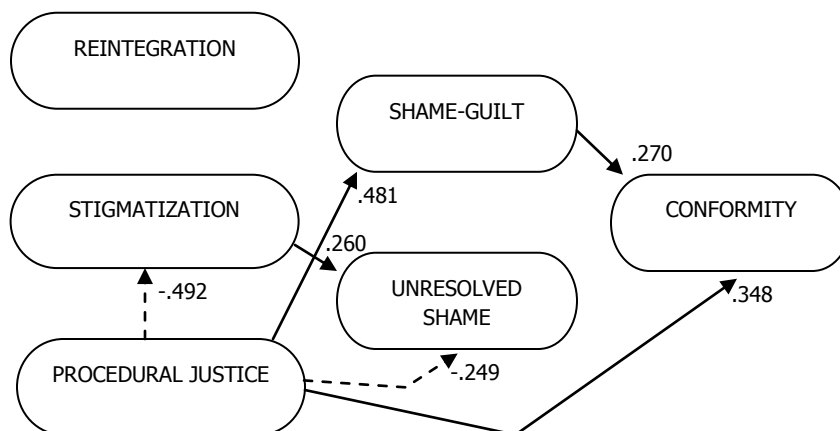


FIGURE 3. Revised Reintegrative Shaming Theory Model for Conference Settings.

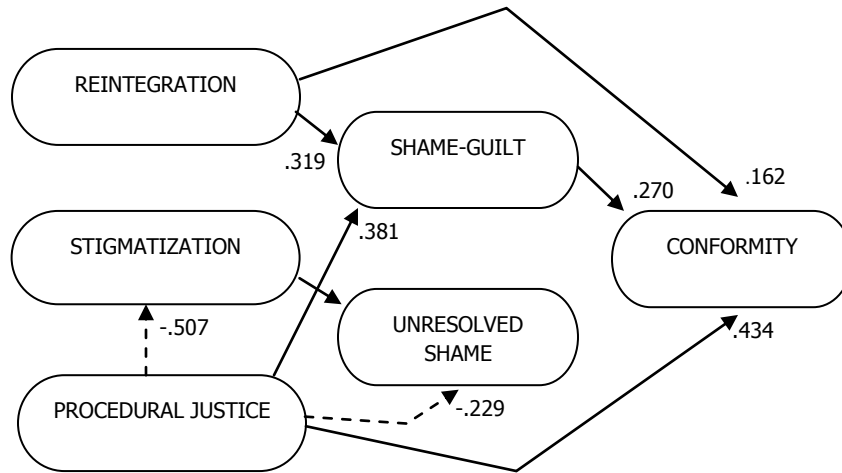


Figure 3 illustrates the causal, direct and indirect effects of the revised model for conference cases. As indicated by the beta weights, Procedural Justice is the strongest predictor of projected Conformity because it directly (.434) and indirectly through increasing Shame-Guilt (.381) increases Conformity. Reintegration also increases Conformity directly (.162), and more so through contributing (.319) to the increase of Shame-Guilt. Indeed, Shame-Guilt has a significant positive effect (.270) on Conformity.

On the other hand, neither Stigmatization, nor Unresolved Shame affect Conformity. There is a significant correlation between those two variables, as proposed in the initial model. Stigmatization significantly increases Unresolved Shame (.250), whereas it has no negative effect on Shame-Guilt. Also contrary to the initial model, the path between Reintegration and Unresolved Shame is found to be incorrect. Stigmatization and Unresolved Shame may not significantly affect Conformity; they are, however, both affected by Procedural Justice. As predicted, Procedural Justice significantly decreases Unresolved Shame directly and through decreasing Stigmatization. This latter path, Procedural Justice to Stigmatization, is missing from the initial model, and is therefore added in the revision (Figure 3).

Summary of findings

This study sought to examine which variables were included in the equation predicting future Conformity for offenders who participated in the RISE study. It was hypothesized that Conformity of participants would be explained by a model that included Reintegration, Stigmatization, and Procedural Justice (Hypothesis 1). This hypothesis was supported. Consistent to RST, all three of the proposed variables were included in the model that significantly explained about 40% of the RISE offenders' intentions to refrain from future crime. However, not all of these variables contributed significantly to this explanation.

In particular, the variable Stigmatization was found to be insignificant. In addition, contrary to this study's hypothesis, the model included variables such as age and treatment type, which were significant. The variable Shame-Guilt was also found to significantly account for variations in Conformity. This finding was not contradictory to the theory or the hypotheses of this study. It did, however, provide more specification as to the way RST concepts interact to produce the final outcome.

The significance of treatment in determining important RST elements suggested a modification of this study's proposed RST model. Path analyses run separately for each treatment suggested that in conferences, Procedural Justice increases Conformity directly and indirectly because it increases Shame-Guilt (Hypothesis 4a and b supported). Procedural Justice also has a direct and indirect (through decreasing Stigmatization) negative effect on Unresolved Shame. However, these effects are unrelated to an offender's intentions to re-offend (Hypothesis 4c partially supported). They may be desired effects, such as reducing the harm caused by crime, but they are not necessarily important for crime control. Shame-Guilt also significantly explains intentions to conform, and it is the second (after Procedural Justice) strongest factor in the model. Shame-Guilt is affected by Reintegration, which directly increases Conformity (Hypothesis 2a and b supported, c rejected).

On the other hand, in courts, Reintegration is not important in regulating future behaviors, nor does it affect Shame-Guilt (Hypothesis 2 rejected). The only factor that does affect Shame-Guilt is Procedural Justice. Procedural Justice reduces Unresolved Shame, but that reduction does not result in higher conformity (Hypothesis 4c partially supported), and predicts Conformity directly and through Shame-Guilt (Hypothesis 4a and b supported).

Hypothesis 3a and b were rejected and c was only partially supported for either settings.

Discussion

These findings suggest that the impact of RST may be dependent on the setting in which it is applied. These findings suggest that the explanatory and normative propositions of RST are, but should not be, treated as distinct: There is an interactive relationship between the two, since one complements the other. Thus, controlling criminal behaviour by applying reintegrative shaming might only be tenable with the simultaneous application of its *suggested* environment (within a restorative setting) rather than in existing (such as in court) settings.

As indicated in this study, RST conditions such as respect, active accountability, involvement in the process, fair and unbiased treatment, politeness, shame, remorse, and empathy, are very important in changing an offender's attitudes towards the law and in developing his/her moral standards about what is right or wrong. This is a universal truth for any case or setting. When the setting is restorative, however, these conditions become even more important; the addition of respectful rejection of the wrongful act while maintaining a meaningful relationship with the offender (Reintegration), contributes further to crime desistance.

Findings in this study empirically support prior theorizing (Sherman, 1993; Braithwaite, 2002) by demonstrating how restorative justice may powerfully alter wrongful behaviour because it facilitates both shame and procedural justice. In addition to being effective, restorative justice seems to be a more humane response to crime. However, it may not be *less* stigmatizing than court process. Although findings from this jurisdiction may not be generalizableⁱⁱⁱ, this particular finding may indicate that people who have admitted their guilt (as all RISE participants had) and are formally processed have already been stigmatized and might not respond to further stigmatization. Such interpretation of this finding seems consistent with recent developments in Reintegrative Shaming theorizing (Braithwaite and Braithwaite, 2001) suggesting that it might not be possible to disapprove of an act as criminal without this spilling over into stigmatizing interpretations about one's self. If this is true, and stigmatization is inevitable in any criminal process, it is important to terminate the process with reintegrative ceremonies and gestures that will also terminate the stigmatization. As this analysis

demonstrates, reintegration is more feasible within restorative justice settings.

Currently, restorative justice programs in the United States are operating experimentally or secondarily to programs modeled after retributive or welfare principles. Consistent with general trends in prior evaluative research, the results in this study suggest that restorative justice programs have the potential to replace conventional responses to crime. Effective crime response and prevention tactics must incorporate RST's elements of respect, forgiveness, apology, active involvement, emotional movement, community, family and victim participation, as these are found to be more important than the impersonal and cold handling offered by legal, criminal justice and correctional institutions.

Limitations and future research

This study used projected conformity as a measure of reoffending for a sample of violent offenders and youthful property offenders in Australia. The present research presented statistically significant results for the subsample of violent offenders and the subsample of youthful property offenders, neither of which was examined separately in Braithwaite's (2002) final analysis. These results suggest that RST predicts offender's intent to reoffend, but only for certain types of offenders and under certain conditions. These results must be interpreted with caution.

Analysis of the original recidivism data from two of the three experiments (Sherman, Strang, & Woods, 2002) included in the current study produced results that are inconsistent with present results. The final report of recidivism findings (Sherman, Strang & Woods, 2002) suggested that the crime rate of youthful violent offenders in the conference group was reduced by 38% relative to the change in the court group. Recidivism results for the remaining offense type groups were not as encouraging, however. In particular, there was no significant difference in repeat offending by property offenders, whereas there was a small increase in offending by drunk drivers who underwent conferencing as compared to those who did not (2002).

Additionally, the current research suggests that RST explains a significant proportion of an offender's *intent* to reoffend. However, this study is unable to clearly determine whether that is true when it comes to the *act* of reoffending. A possible inference is that shaming has the power to develop or mould someone's ethical identity. Given that subsequent research findings demonstrated that this is was temporary effect for some types of offenders,

more attention must be directed towards the conditions under which this effect might be reversed. Perhaps restorativeness, reintegration, and fairness must not expire with the end of the intervention. Perhaps these principles must be followed universally in any social interaction and not only as an attempt to discipline effectively.

Future research should continue to examine the populations for which, and conditions under which, the propositions of RST reduce intended and actual criminal behaviour. For example, restorative justice interventions may be expanded and empirically tested for their effectiveness in serious criminal cases (e.g. capital crimes), but also in non-criminal justice settings such as schools, and the workplace.

Notes

- i The data collected by the principal investigators in the RISE project are available for secondary analysis through the Inter-university Consortium for Political and Social Research (ICPSR).
- ii In order to facilitate the analysis these were recoded into dummy variables.
- iii Courts in the ACT, in where the data used in this study were collected are pretty restorative and respectful, especially as compared to most U.S. court systems. This might be one explanation for this lack of significant difference in stigmatization experience between the two comparison groups.

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