

Reintegrative Shaming, Shame, and Criminal Justice

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This study tested the implication of reintegrative shaming theory (RST) (Braithwaite, 1989) that social disapproval (shaming) has an effect on the emotions that offenders feel. Interviews were conducted with 720 participants who had recently attended a court case or family group conference in the Australian Capital Territory, having been apprehended for driving while over the legal alcohol limit. Analyses show that shame-related emotions were predicted by perceptions of social disapproval, but that the relationship was more complex than expected. Differences between the shame-related emotions may have implications for theory. Comparisons between the court cases and family group conferences were consistent with expectations that restorative justice interventions would be more reintegrative, but also showed that they were not perceived as less stigmatizing.

Restorative justice presents an alternative to the traditional criminal justice system that redefines the goals of justice as well as the way in which people interact with its institutions (Zehr, 1990). Its philosophy promotes a focus upon repairing the harm caused by an offence rather than on punishing the offender. In attempting to achieve this goal, it advocates practices in which people come together in a setting that allows the consequences of an offence to be addressed by those who it affected. One theoretical perspective, which supports this approach, and has been influential in its development, is reintegrative shaming theory (RST)

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(Braithwaite, 1989). While not synonymous with restorative justice (Walgrave & Aertsen, 1996), RST has generally been interpreted as providing a theoretical explanation as to why restorative practices should be more effective as a response to crime than traditional criminal justice proceedings (Van Ness & Strong, 1997). Central to this explanation is the claim that it is the social communication of disapproval (shaming) that is critical to reduced offending, and the implication that this relationship is mediated through the emotions that offenders feel. The research reported here examines whether the relationship between shaming and emotions is as predicted by RST. Understanding this relationship is important for both evaluating the theory as well as the degree to which it explains differences between restorative and traditional court justice.

A Theory of Shaming

The theory of reintegrative shaming argues that the importance of social disapproval has generally been underestimated by institutions of criminal justice as well as criminological theory. To understand crime rates, we need to examine the degree to which offending is shamed and whether that shaming is reintegrative or stigmatic. Braithwaite defines reintegrative shaming as disapproval that is respectful of the person, is terminated by forgiveness, does not label the person as evil, nor allows condemnation to result in a master status trait. The theory predicts that reintegrative shaming will result in less offending. Conversely, stigmatizing shaming is not respectful of the person, is not terminated by forgiveness, labels the person as evil, and allows them to attain a master status trait. The theory predicts that this latter type of shaming results in greater levels of offending (Braithwaite, 1989; Makkai & Braithwaite 1994).

These hypotheses, which are directly concerned with the effect of shaming on offending or compliance, have been tested by a number of studies in a variety of contexts. An early test by Makkai and Braithwaite (1994) examined the theory as part of a broader investigation into compliance by nursing homes with a set of regulatory standards. In this study, the attitudes of inspectors toward the inspection process were measured via interviews and used to predict changes in compliance with the regulatory standards at a subsequent inspection of the nursing homes. Although not conducted in a traditional criminological context, the results provide what is probably the strongest support for the theory to date. As hypothesized, inspectors with a disapproving but reintegrative attitude obtained greater compliance than those inspectors who were permissive (not disapproving) and even greater compliance compared to inspectors who were disapproving but not at all reintegrative.

Another area in which RST has been applied is understanding the effect of parental disciplining style on bullying behavior among school children. In a study that collected data from 1,400 Australian school children and their parents, Ahmed

(2001) examined the relationship between parents' self-reported disciplining style and the childrens' self-reported bullying behavior. It was found that parents who made more stigmatizing attributions were more likely to have children who reported self-initiated bullying against other children. In contrast, non-stigmatizing parental styles were associated with significantly lower levels of this more serious type of bullying. These results are supported by a similar study conducted with 1,875 students in Bangladesh (Ahmed & Braithwaite, 2005). Again, it was found that reintegrative shaming predicted lower levels of bullying while stigmatizing shaming predicted higher levels. Unlike Makkai and Braithwaite (1994) who tested compliance in response to a specific event, what these studies show is that reintegrative or stigmatic environments predict different levels of delinquent behavior, in this case school bullying.

Using a similar approach, Hay (2001) found qualified support for the theory when testing the relationship between parental disciplining style and self-projected delinquency, as reported by juveniles. The shaming and reintegration scales both predicted less self-projected delinquency, but they did not interact as expected and the effect for reintegration disappeared when child-parent interdependency was added to the model. As Hay suggests, this may have occurred because the measure of reintegration was relatively weak compared to the well-tested and more comprehensive measure of interdependency. It is also possible that reintegration, which was measured in this study as a general attitude, rather than specific behaviors, was not sufficiently distinguished from interdependency.

In another recent study that examined the relationship between an individual's shaming environment and self-projected delinquency, but among adults instead of juveniles, Tittle, Bratton, and Gertz (2003) also found partially supportive results. This study, which was conducted by telephone interview, asked participants the degree to which they had experienced reintegrative and stigmatizing shaming across their lifetime, as well as to estimate how likely they were to commit an offence (across four offence types). While stigmatization was associated with greater self-projected offending as expected, reintegrative shaming did not predict lower rates of offending. The authors suggest that these findings may stem from the imprecise way in which reintegration is measured, and possibly conceptualized, or the need to further define the conditions in shaming increases conformity.

In what is possibly the most general application of RST to individual level delinquency, Zhang (1995) failed to find differences in the amounts of shaming or reintegration used by the families of Asian American and African American offenders. A difference had been predicted by Zhang on the basis that these ethnic groups have different juvenile offending rates, and hence should also shame misbehavior in different ways if RST is correct. However, it is difficult to interpret the significance of this result as the samples used were drawn from juvenile offending populations rather than randomly selected from the two ethnic groups.

This complicates interpretation because RST predicts that offenders will have experienced similar shaming environments (either permissive or stigmatizing). Thus, with this sample of offenders the failure to find a difference between the groups is consistent with the theory.

While not conclusive, these studies are encouraging and give reason for RST to be explored in greater depth. This conclusion is supported by other research, which has primarily used the theory post hoc to explain findings (Chamlin & Cochran, 1997; Lu, 1999; Miethe, Lu, & Reese, 2000).

One of the most distinctive features of RST is its focus on the social process of shaming as the crucial mechanism in crime control. The theory defines shaming as:

... all societal processes of expressing social disapproval which have the intention or effect of invoking remorse in the person being shamed and/or condemnation by others who become aware of the shaming (Braithwaite, 1989; p. 100).

This conception of shaming is distinctively broad, such that shaming is not necessarily public, humiliating, or even defined as a special type of behavior. It might, for example, involve a discussion between parents and a child of how an act impacted upon others. Equally, a fine handed down by a court might be evaluated on the extent to which it is shaming: the extent to which it is an expression of disapproval toward the offender's behavior.

Use of the term shaming, rather than simply disapproval, signals an expectation that disapproval will result in a shame-related emotion and that this emotion is an important quality of the interaction. In arguing for the positive effects of reintegrative shaming, Braithwaite (1989; p. 69–75) highlights two mechanisms. One of these is that reintegrative shaming is an effective deterrent, particularly when it comes from those who the individual is close to, because it poses a threat to relationships that are valued. The second mechanism, which Braithwaite suggests is more important, is that reintegrative shaming communicates that certain behaviors are wrong and thus builds internalized controls. Although the specific emotion is not clearly identified, both of these mechanisms, fear of disapproval and bad conscience, allude to shame-related emotions. The implication, which has not yet been empirically tested, is that the effect of disapproval on behavior is mediated by the emotions that disapproval causes.

Introducing the Emotion of Shame

Although recognized as painful emotions that involve self-consciousness (Tangney & Fischer, 1995), the shame-related emotions are not yet well understood. Indeed, a principal concern of research has been defining these emotions, and several competing views have gained prominence. One of these perspectives characterizes shame as a direct response to criticism or disapproval by others

(Benedict, 1946). Approaches that have emphasized this view describe the emotion as a reaction to the loss of interpersonal relationships (Leary, 2000; Scheff & Retzinger, 1991) or social status (Gilbert, 1997), or simply an acceptance of negative evaluation by others (Gibbons, 1990). This conception of shame is usually contrasted with guilt, which is conceived of as a reaction to the violation of internalized standards (Benedict, 1946; Freud, 1949/1930; Mead, 1937). A second influential characterization of shame is as a negative evaluation of the self (Lewis, 1971; Lewis, 1992; Tangney, 1991; Wurmser, 1994). Again, this description of shame is contrasted with guilt, which is described as occurring when the individual makes a negative evaluation about a specific behavior of theirs. The important comparison in this case is whether the failing is attributed to the self or attributed to a particular behavior and the specific context. Finally, shame has also been characterized as an emotional response to the perception of having done something wrong (Harré, 1990; Taylor, 1985; Williams, 1993), as opposed to embarrassment, which is described as a more social emotion that occurs in relation to less moral issues.

Central to these accounts of shame are assumptions about how it is distinct from related emotions, and it has been by testing these proposed distinctions that researchers have sought to empirically explore the emotion. This has been done primarily by asking participants to recall incidents in which they have felt shame, guilt and/or embarrassment, and to describe their experiences of these emotions. Such studies confirm that people recall shame as involving concern at others' disapproval, negative evaluation of the self, and feelings of having done wrong (Lindsay-Hartz, 1984). They also find that people report differences between experiences of shame, guilt and embarrassment. For example, Wicker, Payne and Morgan (1983) found that when describing experiences of shame, participants reported feeling more helpless, self-conscious, and alienated from others (among other things) than they did when describing experiences of guilt. Similar results were found by Tangney, Miller, Flicker, and Barlow (1996), who also reported that embarrassment was perceived as less negative and as having fewer moral implications than either shame or guilt.

Although participants distinguish between the shame-related emotions, differences between their reported characteristics tend to be small in comparison to the similarities found (Wicker et al., 1983, p. 38). Studies have also provided only limited support for differentiating shame and guilt on the theoretical dimensions discussed above. Research has not found strong support for the proposition that shame is associated with greater evaluation by others than guilt (Tangney, Miller et al., 1996; Wicker et al., 1983) and evidence as to whether shame involves greater evaluation of the self, than guilt, is also equivocal (Niedenthal, Tangney, & Gavanski, 1994; Tangney, Miller et al., 1996; Wicker et al., 1983). The strongest support for a distinction between shame and guilt comes from a growing body of research (Tangney & Dearing, 2002) which has found that the predisposition

to respond to events by either negatively evaluating the self (shame-proneness) or negatively evaluating one's behavior (guilt-proneness) predicts differences in the predisposition to feel empathy (Tangney, 1991) and hostility toward others (Tangney, Wagner, Fletcher, & Gramzow, 1992). Nevertheless, there is still uncertainty about whether there is a distinction between shame and guilt and if so the basis of that distinction (Harder, 1995; Harris, 2003; Sabini & Silver, 1997).

The Present Study

To examine which shame-related emotions occur in a criminological context, an earlier study (Harris, 2003) was conducted that used data drawn from the same research project reported in this article. This research, unlike previous studies, used a factor analytic approach to identify which shame-related emotions were present in the responses of participants who had recently been offenders in drink driving cases. Significantly, this analysis found that participants' reports did not distinguish between shame and guilt. Instead a single factor measuring shame-guilt was defined by items measuring the perception of having done wrong, feeling bad for having hurt others (or potentially hurting them), feeling ashamed of one's self and one's actions, and feeling angry with oneself. Items that also measured this factor included feelings of having lost honor and respect among family and friends and concern at others' opinions. A second factor, embarrassment-exposure, was associated with feelings like awkwardness, social exposure, being the center of attention, humiliation, and feeling that one was surrounded by more important people. A third factor, unresolved shame, was measured by items measuring the feeling that issues raised during the case were unresolved, that one might have been unfairly judged, and feeling unsure how wrong one's actions were.

The emotion of shame-guilt found in this data is consistent with the emotional response to reintegrative shaming that is proposed by Braithwaite (1989). The factor consists of items that measure both concern that the behavior was wrong, which reflects the idea that shaming builds conscience, and fear that one has lost others' respect, which reflects the idea that shaming poses a threat to valued relationships. If reintegrative shaming is predicted to cause feelings of shame-guilt, it might also be hypothesized that stigmatizing shaming will reduce these feelings for the same reasons that Braithwaite suggests that it leads to greater crime. That is, stigmatizing shaming seems more likely to lead to the rejection of those who disapprove, than concern about wrongdoing or damage to social relations.

H1. Reintegrative shaming will be associated with greater shame-guilt.

H2. Stigmatizing shaming will be associated with lower shame-guilt.

While shame-guilt is most similar to the emotional reaction proposed in RST, the other shame-related emotions that were identified (Harris, 2003), embarrassment-exposure and unresolved shame, may also represent important responses to disapproval. Unresolved shame is similar to a response that was originally identified by Lewis (1971) as an unacknowledged form of shame (bypassed shame). Scheff and Retzinger (1991; Retzinger, 1991) have argued that this kind of shame signifies damage to the social bonds between individuals and often results in feeling of anger. This is consistent with the previous finding (Harris, 2003) that the unresolved shame factor was positively correlated with feelings of anger and hostility toward others and suggests that it may be significant as a response to stigmatization. Embarrassment is not characterized as being nearly so negative and occurs frequently in normal social interactions (Tangney, Miller et al., 1996). Nevertheless, it might also be hypothesized that embarrassment-exposure will also have a stronger relationship with stigmatizing shaming, because this emotion is most acute in social contexts where attention is focused upon the individual in a way that they find uncomfortable.

H3. Stigmatizing shaming will be associated with greater unresolved shame.

H4. Stigmatizing shaming will be associated with greater embarrassment-exposure.

The contrast between reintegrative and stigmatizing forms of disapproval has been influential in the development of restorative justice interventions (Braithwaite & Mugford, 1994; Hyndman, Thorsbourne, & Woods, 1996; McDonald, O'Connell, Moore, & Bransbury, 1994; Moore & Forsythe, 1995; O'Connell & Thorsbourne, 1995; Retzinger & Scheff, 1996). Restorative justice is based upon the philosophy that justice should be focused upon repairing the harm caused by an offence. It is argued that offenders need to take responsibility for the harm they have caused, but that justice processes should also seek to produce reconciliation and forgiveness where possible (Van Ness & Strong, 1997). As a result, it has been assumed that restorative interventions, like the family group conferences (which will be referred to simply as conferences) examined in this study, will promote disapproval of offending that is reintegrative in nature. This is contrasted with traditional court processes, which are believed to be more stigmatizing because of their focus upon deciding and recording guilt as well as the punishment of individuals. In this study, it is possible to test whether restorative interventions are perceived as more reintegrative than court cases, as well as testing whether this is related to the emotions reported by participants in the two interventions.

H5. Restorative conferences will be perceived as more reintegrative than courts cases.

H6. Court cases will be perceived as more stigmatizing than restorative conferences.

Method

Participants

The sample consisted of 900 individuals who had been apprehended for driving in the Australian Capital Territory with a blood alcohol concentration of .08 g per 100 mL or above (the legal alcohol limit in Australia is .05). Drivers were only eligible for the study if they admitted committing the offence, had not been involved in an accident, did not have outstanding warrants or bonds, and lived in the Australian Capital Territory. However, inclusion in the experiment was at the discretion of the apprehending police officer (with agreement from the supervising sergeant). Analysis of all drink driving cases in the Territory during this period shows that 56% of all eligible cases were put forward by the police (Sherman et al., 1998). Of this total sample, interviews were conducted with 720 participants (346 from court cases and 374 from conference cases). Interviews did not occur in cases where the criminal justice intervention was not completed, where the person could not be located for interviewing, and where they did not consent to the interview. The mean age of participants was 30 years and 76% were male.

Procedure

The data reported here were collected as part of the Reintegrative Shaming Experiments (Sherman, Braithwaite, & Strang, 1994), which compared the effectiveness of traditional court proceedings and conferences. Once participants were identified by the Australian Federal Police, they were randomly allocated by the research team to either the court or conferencing conditions. In the court condition, participants were required (via a summons or voluntary agreement) to attend a court case. This is the standard procedure where individuals are apprehended with a blood alcohol concentration over .08. The conference condition involved offering participants the choice of attending a conference instead of court. Of the 450 participants offered a conference, only seven refused, instead choosing to have their case taken to court. At this initial stage, participants were not made aware that the choice of attending a conference had been randomly allocated. This minimized the possible effects that this knowledge might have had on perceptions of the intervention, and was considered ethical because the result of randomization was either the standard outcome or a choice that involved the standard outcome.

In addition to the seven participants that refused a conference, a number of other cases were abandoned or received a different intervention to the one they had been allocated. However, compliance with the experimental assignment was very high, with approximately 99% of those assigned to court and 95% of those assigned to conferences attending the intervention that they were allocated to (Sherman et al.,

1998; Strang, Barnes, Braithwaite, & Sherman, 1999). To maintain integrity of the experimental design, participants were analyzed according to the intervention type to which they had been randomly allocated in those analyses that compared the experimental conditions. However, in the regression analyses, which are concerned with the relationship between the RST variables and the shame-related emotions, participants were analyzed according to the intervention type that they received.

Conferences are a relatively new criminal justice intervention that originated in New Zealand but have now spread to many parts of the world, such as Australia, Belgium, Singapore, the United States of America, and the United Kingdom. In the drink driving cases studied here, conferences consisted of a meeting that usually included the offender, a group of people who cared for the offender (supporters), a community representative, and a trained police officer who facilitated the process. Each conference discussed the offence, its consequences (including what might have happened), information about drink driving, and ways in which the offender could make amends and avoid further offending. On average, these conferences took one-and-a-half hours. Court cases usually involved a reading of the facts by the prosecutor, a plea on behalf of the defendant, and sentencing by the magistrate. Sometimes an additional statement regarding the offence or personal circumstances was made by the defendant or their solicitor. On average, court cases took 7 minutes (Sherman et al., 1998).

Participants were contacted approximately 2–4 weeks after the case had been completed and asked for their consent to be interviewed. On average, these interviews occurred 40 days after the case had been finalized. This interview took approximately 1 hour 20 minutes and covered issues ranging from the participant's perception of whether they were treated fairly to how they felt during the case. This study focuses upon items that measured participants' perceptions about the way in which disapproval (shaming) was expressed during the case as well as their experience of shame-related emotion. Response rates for the interview were high, with approximately 75% of court participants and 85% of conference participants interviewed.

Measures

Reintegrative shaming variables. RST argues that responses to crime need to be evaluated on two dimensions. The first of these is the degree to which the reaction expresses disapproval (shaming) of the offending behavior. Reactions might extend from expressions of tolerance, or even support, of the behavior through to expressions of strong disapproval. This is measured here by the "shaming" scale. In addition to this dimension, the theory argues that shaming varies on a continuum from being very stigmatic to being very reintegrative (Makkai & Braithwaite, 1994). Earlier research (Harris, 2001) on measuring this continuum found that self-report measures of reintegration and stigmatization were not

bipolar opposites, and so these concepts are measured here as independent scales (reintegration and stigmatization). Both of these dimensions (the amount and type of shaming) need to be considered in measuring the concepts of reintegrative shaming and stigmatizing shaming: shaming, whether strong or weak, can be either reintegrative or stigmatic. As a result, these concepts are represented in the analysis by the interaction of these scales (shaming-by-reintegration and shaming-by-stigmatization).

The scales measuring shaming, reintegration, and stigmatization were developed from items in the participant interview. Shaming was operationally defined as the participant's perception of how much others disapproved of what they did. This was measured by a question that asked the participant about each person they thought played a significant role at the case: "Next, I would like to get some idea about what each of these people thought of the offence you committed. Again, starting with . . . would you say that he/she: strongly approved. . .strongly disapproved." Responses were recorded on a 5-point scale, and a single shaming score for each participant was arrived at by calculating the mean level of disapproval for all those identified.

Reintegration and stigmatization were measured by items that were based upon the 4 facets of the reintegration–stigmatization continuum (respect, decertification of deviance, labeling, and master status trait), as presented by Makkai and Braithwaite (1994). An analysis of these variables (Harris, 2001) using factor analysis revealed two factors, one measuring reintegration and the other stigmatization. From this analysis, summated scales were formed from the items that loaded highly on each factor in both contexts (court and conference cases) (Gorsuch, 1983; Hair, Anderson, Tatham, & Black, 1998). These scales consisted of five items that measured reintegration and four items that measured stigmatization. The reintegration scale has a Cronbach's reliability alpha of .70 for conference cases and .76 for court cases, while the stigmatization scale has a reliability alpha of .70 for conference cases and .81 for court cases. The means and standard deviations of items used to measure these scales and the shaming score are presented in Table 1.

Shame-related emotions. A previous analysis of shame items included in the participant interview revealed three factors that were similar in both court and conference cases: shame-guilt, embarrassment-exposure, and unresolved shame. These factors are briefly discussed in the introduction and a more complete discussion can be found in Harris (2003). To measure these factors, summated scales were formed from those items that loaded cleanly on each of the factors in both conditions. Shame-guilt was measured by six items that had a reliability alpha of .86 in conference cases and .88 in court cases. Embarrassment-exposure was measured by five items that had a reliability alpha of .80 for conference cases and .88 for court cases. The unresolved shame scale was measured by three

Table 1. Means (Standard Deviations) of Shaming Items Across Contexts

Items	Court Cases	Conference Cases
Shaming		
1. Offenders <i>mean</i> perception of disapproval of the offence by those who were present at the case. [#]	4.26 (.64)	4.57 (.46)
Reintegration		
1. Did you learn from the conference/court that there are people who care about you?	2.12 (1.13)	3.47 (.81)
2. During the conference/court case, did people talk about aspects of yourself which they like?	1.75 (1.06)	2.73 (1.00)
3. At the end of the conference/court case, did people indicate that you were forgiven?	1.88 (1.05)	2.51 (1.00)
4. Did others at the conference/court case say that you had learnt your lesson and now deserve a second chance?	1.96 (1.13)	2.83 (1.03)
5. Did people in the conference/court case say that it was not like you to do something wrong?	1.81 (1.12)	2.92 (1.16)
Stigmatization		
1. Were you treated in the conference/court as though you were likely to commit another offence?	1.69 (.88)	1.58 (.84)
2. Did people during the conference/court case make negative judgments about what kind of person you are?	1.53 (.89)	1.45 (.79)
3. During the conference/court case, were you treated as though you were a criminal?	2.00 (.97)	1.74 (.85)
4. During the conference/court case, were you treated as though you were a bad person?	1.76 (.86)	1.70 (.79)

[#]These items were measured on a 5-point scale ranging from 1 to 5. All other items were measured on a 4-point scale from 1 to 4.

items that had a reliability alpha of .55 for conference cases and .66 for court cases.

Results

Testing the Effect of Shaming on Shame

The primary relationship to be tested was between shaming that occurred during court and conference cases and the shame-related emotions experienced by participants. This was assessed using multiple-regression equations that predicted each of the shame-related emotions: shame-guilt, unresolved shame, and embarrassment-exposure. In each of the analyses, the type of justice intervention that participants had received (court or conference) was included as a control variable, as were the two shame-related emotions not predicted in each particular analysis. Inclusion of the other shame-related emotions was important to control for the fact that moderate correlations existed between the three dependent variables. Partialling out the shared covariance in this way makes it possible to assess the relationship between the reintegrative shaming variables and each emotion independently. The main variables of interest in each analysis were the

Table 2. Beta Weights for the Regression Analyses Predicting Shame-Guilt, Embarrassment-Exposure, and Unresolved Shame

Variables	Shame-Guilt	Unresolved Shame	Embarrassment-Exposure
1. Controls			
Intervention type	.09*	-.01	-.23**
Shame-guilt scale	Not entered	-.02	.59**
Embarrassment-exposure	.48**	.14**	Not entered
Unresolved shame scale	-.02	Not entered	.10**
2. Main Effects			
Shaming measure	.23**	-.12**	-.05
Reintegration scale	.29**	-.08	.04
Stigmatization scale	-.12**	.33**	.19**
3. Interactions			
Reintegration × Shaming	.05	-.02	-.04
Stigmatizing × Shaming	-.02	-.00	.01
Constant	1.94	1.34	.44
Adjusted R^2	.48**	.17**	.37**

* $p < .05$, ** $p < .01$.

main effects for the reintegrative shaming scales and the two interaction terms measuring reintegration-by-shaming and stigmatization-by-shaming. To protect against multicollinearity that might have occurred due to the addition of these interaction terms, the analyses were conducted using centered variables (Aiken & West, 1991).

The results of the regression analyses are presented in Table 2. Of particular interest is the regression predicting shame-guilt, the emotional reaction which is closest to that alluded to in RST. This analysis shows that feelings of shame-guilt were predicted by perceptions of having been shamed ($\beta = .23$) and reintegrated ($\beta = .29$) during the conference or court case but that the emotion was negatively associated with stigmatization ($\beta = -.12$). This pattern of results suggests that the social processes outlined by Braithwaite (1989) are in fact related to the shame-related emotions and suggests that reintegration and stigmatization have very different effects. However, the results are also inconsistent with the hypotheses (1 and 2) that shame-guilt would be predicted by the shaming-by-reintegration and shaming-by-stigmatization interaction terms, neither of which were significant. This raises a number of questions about the measurement or structure of the theory that will be addressed in the discussion.

A similar pattern of results is evident in the regression analyses that predict unresolved shame and embarrassment-exposure, to the extent that it is the reintegrative shaming variables, and not their interactions, that are significant predictors of these emotions. Unresolved shame is predicted by the perception of having been stigmatized ($\beta = .33$), but is negatively associated with perceptions of having been shamed ($\beta = -.12$). Embarrassment-exposure is also associated with the perception of having been stigmatized ($\beta = .19$), but is not predicted by the

Table 3. Tests of the Reintegrative Shaming Variables Across Cases Assigned to Court and Conference

Variable	Court Cases ($n = 300$)		Conference Cases ($n = 364$)		F	Partial η^2
	Mean (SD)		Mean (SD)			
Shaming	4.26 (.65)		4.57 (.46)		51.87**	.07
Reintegration	1.91 (.79)		2.89 (.68)		303.99**	.32
Stigmatization	1.70 (.65)		1.62 (.58)		2.70 ns	.00

** $p < .008$, ns = not significant.

other RST variables. In both these cases, stigmatization is positively associated with the emotion, as expected, but is not moderated by shaming in the way that was predicted by hypotheses 3 and 4.

It is worth noting that embarrassment-exposure is not as strongly predicted by the RST variables as the other emotions and that its strongest predictor is actually shame-guilt ($\beta = .59$). This reflects the strong correlation between shame-guilt and embarrassment-exposure. However, the different relationships between these two emotional responses and the reintegrative shaming variables suggest that there are important differences between them.

Testing Differences Between Conferences and Court Cases

Two multivariate analyses of covariance (MANCOVA) were calculated using the SPSS GLM program to examine differences in the reintegrative shaming variables and shame-related emotions between court and conference cases (intervention type). Gender was included as a covariate because approximately 25% of the participants were female and previous studies (Ferguson & Crowley, 1997; Lewis, 1971; Tangney & Dearing, 2002) have found that females report higher levels of shame-related emotions. A more conservative significant alpha level of .008 was set for the univariate comparisons to control for the number of comparisons that were made as well as to account for violation of Levene's test of equality of error variances.

The MANCOVA conducted on the reintegrative shaming variables found a significant multivariate effect for intervention type (Wilks $\Lambda = .66$, $F [3, 659] = 114.66$, $p < .001$, partial $\eta^2 = .34$). Univariate tests, presented in Table 3, show a very strong effect for reintegration ($F [1, 663] = 303.99$, $p < .001$, partial $\eta^2 = .32$), which was greater in participants assigned to the conference condition, a moderate effect for shaming ($F [1, 663] = 51.87$, $p < .001$, partial $\eta^2 = .07$), which was also greater in conferences, but no difference for stigmatization. This provides support for hypothesis 5, that conferences are more reintegrative, but suggests that hypothesis 6, that court will be perceived as more stigmatizing, should be rejected. It is worth noting that a significant multivariate effect was also found for gender

Table 4. Tests of the Shame-Related Emotions Across Cases Assigned to Court and Conference

Variable	Court Cases	Conference Cases	<i>F</i>	Partial Eta ²
	(<i>n</i> = 305) Mean (<i>SD</i>)	(<i>n</i> = 369) Mean (<i>SD</i>)		
Shame-guilt	2.82 (.90)	3.32 (.82)	60.60**	.08
Unresolved shame	1.40 (.54)	1.28 (.49)	8.99**	.01
Embarrassment-exposure	2.33 (.98)	2.19 (.80)	4.68 ns	.01

***p* < .008, ns = not significant.

(Wilks $\Lambda = .97$, $F [3, 659] = 7.792$, $p < .0001$, partial $\eta^2 = .03$). Females reported significantly greater perceptions of having been reintegrated, though the effect is fairly weak ($F [1, 663] = 21.50$, $p < .001$, partial $\eta^2 = .03$).

A MANCOVA conducted on the shame-related emotions also found a significant effect for intervention type (Wilks $\Lambda = .85$, $F [3, 669] = 114.66$, $p < .0001$, partial $\eta^2 = .15$). The univariate tests, presented in Table 4, show a moderate effect for shame-guilt ($F [1, 673] = 60.60$, $p < .001$, partial $\eta^2 = .08$), which was greater in the conference condition, and a very weak effect for unresolved shame ($F [1, 673] = 8.99$, $p < .001$, partial $\eta^2 = .01$), which was greater in court cases. No difference was found for embarrassment-exposure. Across the shame-related emotions, a difference was again found for gender (Wilks $\Lambda = .90$, $F [3, 669] = 23.94$, $p < .001$, partial $\eta^2 = .10$). Consistent with previous studies (Ferguson & Crowley, 1997; Lewis, 1971; Tangney & Dearing, 2002), females reported higher levels of shame-guilt ($F [1, 673] = 41.36$, $p < .001$, partial $\eta^2 = .06$) and embarrassment-exposure ($F [1, 673] = 49.99$, $p < .001$, partial $\eta^2 = .07$).

Discussion

The analyses show a strong relationship between the way in which disapproval was expressed and the emotions that participants reported. Although predicted interactions between the reintegrative shaming variables were not found, the analyses showed that reintegration and stigmatization were associated with quite different emotional responses. This supports the underlying proposition that they are important for understanding the reactions that offenders have to criminal justice institutions. The shaming variables and shame-related emotions also varied depending upon the type of intervention that participants attended. Consistent with expectations regarding restorative justice, conferences involved higher levels of reintegration and shaming than court processes, though they were not perceived as less stigmatizing.

RST and the Shame-Related Emotions

The failure to find interaction effects, particularly in the regression analysis on shame-guilt, was unexpected given that a central prediction of RST is that the effect

of shaming is dependent upon whether it is reintegrative or stigmatic. However, it is possible that this finding is, at least partly, a result of the way in which the concepts of reintegration, stigmatization, and shaming have been measured in this context. The very fact that the reintegration scale, which measures the perception that others were respectful and forgiving, is a strong predictor of shame-guilt suggests as much. In most social contexts, this relationship would seem improbable. A likely explanation is that this relationship is dependent upon the shameful context it was measured in: that the reintegration items (see Table 1) were given particular meaning by the fact that the participant was present at a conference or court case as an offender. Indeed, the reintegration items probably only make sense within such a context. If the main effects found for reintegration are dependent upon the shameful context in which they are measured, then this implies some sort of interaction: in a nonshameful context reintegration alone would not lead to feelings of shame-guilt.

While this may explain the significant main effect for reintegration, it does not entirely explain the absence of an interaction with shaming. The shaming measure used may not have fully captured how much shaming participants experienced, because of its narrow focus on perceptions of others' disapproval, but it was nevertheless a significant predictor of both shame-guilt and unresolved shame. This finding contradicts the hypothesis that the effect of shaming is dependent upon the form it takes, because it shows that shaming is associated with increased feelings of shame-guilt regardless of whether it is reintegrative or stigmatic. So while it might be concluded that reintegration is related to shame-guilt in shameful contexts, the expected relationship between reintegrative shaming and the emotions is not supported by these results.

It is important to point out that these results are not inconsistent with the predictions of RST, which are concerned with offending rates rather than emotions. In fact, while it might be concluded that the role of the emotions is more complex than was hypothesized (as will be discussed below), these results can be interpreted as largely supportive of the theory. The analyses demonstrate that reintegration and stigmatization have very different relationships to the emotions felt by participants, and that the direction of these relationships is similar to what might have been expected on the basis of RST: reintegration and shaming are associated with greater shame-guilt while stigmatization is associated with less of it.

However, there are also clear limitations as to what can be concluded from these analyses. One is that the causal direction of the relationship found is unknown. It may have been that expressions of shame-guilt by participants caused others to be more reintegrative, rather than vice versa, or that the correlation was caused by a third variable. Causal influences in complex social interactions like those studied are unlikely to be simple, and much further research is needed to understand this process. A second reason for caution is that the drunk driving cases that this research was based upon, may not be representative of other crimes. For example,

it will be important to test whether shaming has the same effect on emotions in cases where more serious crimes have been committed or where a victim is present. Finally, the significance of the results found in this study also needs to be explored by research that tests the relationship between the shame-related emotions and subsequent offending. However, it is worth noting that a number of studies (Grasmick & Bursik, 1990; Paternoster & Iovanni, 1986) suggest that feelings of shame could be related to offending behavior. For example, Grasmick and Bursik (1990) found that the expectation of feeling “guilty” predicted lower self-projected offending across a number of offence types. These promising results, along with those found by Hay (2001), Ahmed (2001), Makkai and Braithwaite (1994), and Tittle et al. (2003) suggest that the theory deserves further empirical attention.

From Shaming to Shame Management

An important implication of the regression analyses is that the relationship between forms of shaming and emotion may not be as simple as first thought. In addition to not finding the expected interaction effects, the results also highlight the potential importance of the other shame-related emotions. In the regression analyses, both unresolved shame and embarrassment-exposure were predicted by stigmatization, and unresolved shame was also negatively associated with reintegration. These emotional reactions are particularly interesting given that a previous study (Harris, 2003) shows that the three shame-related emotions also predict very different levels of empathy and anger/hostility in offenders. While shame-guilt had a strong positive correlation with empathy and a negative correlation with anger/hostility, unresolved shame was positively associated with anger/hostility and had only a weak correlation with empathy. Embarrassment-exposure also had a positive, though weaker, correlation with anger/hostility. These results suggest that the shame-related emotions represent very different reactions that may be important for understanding later behavior.

The emotion of unresolved shame is particularly interesting, because it is consistent with the idea that shame can become maladaptive (Ahmed, 2001; Lewis, 1971; Nathanson, 1992; Scheff & Retzinger, 1991; Tangney, 1991). Lewis (1971), in particular, identifies a bypassed form of shame that involves “back and forth ideation about guilt” (p. 234) which continues to “plague” the person over a period of time. She argues that in bypassed shame, the person does not acknowledge or resolve their negative feelings and that this results in repetitive and obsessive thoughts about the event. The unresolved shame scale in this study is measured by items that were designed to capture these feelings, which included uncertainty about how wrong the offence was, continually being bothered by thoughts that one was unfairly judged and feeling that issues are unresolved (Harris, 2003). Shame, particularly in maladaptive forms, has also been linked to feelings of anger and hostility toward others (Lewis, 1971; Nathanson, 1992; Retzinger, 1991). In an

extensive program of research, Tangney and her colleagues (Tangney & Dearing, 2002; Tangney et al., 1992; Tangney, Wagner, Hill-Barlow, Marschall, & Gramzow, 1996) have found that a disposition to internalize negative feeling about the self (shame-proneness) is linked to the disposition to feel hostility toward others and less adaptive responses to anger. This research is interesting because it suggests that there are a number of shame-related emotions that individuals can feel in response to a shameful situation, and that these emotions are important in determining how well they cope with it.

Evidence that reintegration and stigmatization can result in quite different shame-related emotions has implications for how RST might be interpreted. It has generally been expected that shaming, and specifically reintegrative shaming, results in feelings of shame and that this emotion is significant in the reduction of offending. The results reported here question this interpretation, because they suggest that it is important to distinguish between the shame-related emotions. This is most clearly seen in the differences between shame-guilt and unresolved shame. While shame-guilt involves acknowledging wrongdoing and is associated with empathy for those hurt, unresolved shame involves an inability to resolve issues arising from the event and feelings of hostility toward others. This suggests that what may be important about the types of shaming identified in RST is the degree to which they encourage or discourage these different forms of shame. Reintegrative shaming may produce a positive effect by assisting individuals to cope with feeling of shame in more constructive ways, whereas the risk of stigmatization (or even no shaming at all) may be that it prevents individuals from resolving important issues and results in ongoing feelings of unresolved shame. This suggests that reintegrative shaming may be important for reducing offending not because it results in shame, but because it provides a mechanism that assists offenders to manage their feeling of shame in more constructive ways. This issue is discussed in greater depth in Ahmed, Harris, Braithwaite, & Braithwaite (2001).

Shame Management in Criminal Justice Institutions

One claim of restorative justice has been that it is more reintegrative than the traditional court system. This was supported by the results, which show that participants assigned to conferences perceived others to be more disapproving and more reintegrative than did participants who attended court cases. However, surprisingly there was no difference in terms of how stigmatizing participants perceived others to have been at the two interventions. This is significant, because a central claim of restorative justice is that interventions should be less stigmatizing than traditional court systems, yet this does not seem to have been the case with the drink driving conferences in this research. The finding, that there was a substantial difference between the interventions in reintegration but not stigmatization, would also seem to support the conclusion that these concepts are independent dimensions

that need to be assessed separately. Random allocation of participants to court and conference cases suggests that we can be more confident that these findings are caused by characteristics of the interventions themselves.

Differences between court and conference cases in the way that disapproval was perceived corresponded to differences in the emotions that were reported; with more shame-guilt reported following conferences and slightly more unresolved shame reported following court cases. If emerging research on the shame-related emotions (Ahmed, 2001, Harris, 2003; Tangney et al., 1992; Tangney, Wagner et al., 1996) is correct, then the way in which offenders manage feelings of shame will have an important impact on how they react to an event. Although more research is needed to verify the significance of these emotions, particularly in relation to offending, an implication of this study is that an important characteristic of criminal justice institutions is the degree to which they encourage offenders to manage feelings of shame constructively.

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