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Eliaza Ahmed, Nathan Harris, John Braithwaite and Valerie Braithwaite

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PART I

Shame, Shame Management and Regulation

John Braithwaite and Valerie Braithwaite

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Shame and Shame Management

Shame Management and the Social Sciences

Shame and guilt are related concepts, more related in light of the research presented here than we might have thought. We show in this book that shame and guilt are central concepts across the social sciences – in psychiatry, psychology, education, the new sociology of the emotions, philosophy, criminology and even in economics. If Thomas Scheff (1990a, 1991, 1994, 1996b) is right that the appeal of leaders such as Hitler and Saddam Hussein has been to transform the shame of people who have been humiliated (at Versailles in the case of Hitler, by colonialism in the case of the Arab world), then understanding shame should be more central in political science and international relations than it is. Indeed we think Scheff is right that both war between nations and war within families are often about humiliated fury. We would add hubris (pride gone wrong as a result of poor shame management). Peacemaking at all levels must be about restoring dignity and learning shame management lessons from micro arenas such as we study here – school bullying and criminal justice. These arenas seem to us to have lessons for the peace movement.

Since Darwin, the universality of blushing and shame has also been a significant topic in the biological sciences. In this book we sidestep all the biological questions about shame: Is it a human universal? Has it been essential to survival because of its capacity to regulate violence against our loved ones and provoke violence against enemies who once were a threat to our survival? Is it triggered by threats to social bonds which are necessary to our survival? While we fail to make a contribution to the biology of shame, we hope to say something to all the social sciences mentioned above and to social movements – particularly those of the peace and restorative justice movements, but also to others such as the women's movement and

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movements for Indigenous rights. The shame that oppressed Indigenous minorities or women who are victims of domestic violence feel is central to understanding the persistence of their domination.

Any actor in any kind of practical affairs cannot but be ineffective by denying shame and eschewing the challenge of understanding its dynamics. This is especially so in debates around crime – from juvenile justice to genocide and Apartheid – where shame is so acute. In Part III of the book Eliza Ahmed shows that failure to acknowledge shame and discharge it is in different ways a characteristic of both school bullies and victims of bullying. Healthy shame management is important to preventing bullying on both the offender side and the victim side. This is why school principals, teachers and concerned parents are also important audiences for this book along with judges, police and others concerned about the criminal justice system.

A crucial conclusion of the book is that learning to acknowledge shame and make it work for you is important to achieving any human objective. But this is especially so when profound ethical questions challenge us as to what sort of person we want to be, what sort of politics we want to identify with. Hence, we come in Chapter 11 in Part II to favor an ethical identity conception of shame, as found in the writings of the philosopher Bernard Williams (1993). According to this conception, shame is the emotion we feel when the way we feel about ourself as an ethical person is threatened by our actions.

Shame is an emotion, like pride or hatred. In this book we make a distinction between shame as an emotion and shaming as a regulatory practice. Formal punishments and rewards are other examples of regulatory practices. Just as we find that different ways of managing shame as an emotion can make crime or bullying worse, we also conclude that there are some kinds of shaming that make crime worse and other kinds that reduce crime. On the shaming question, we are building on John Braithwaite's (1989) theory in *Crime, Shame and Reintegration*. This argues that both the empirical literatures of child development and criminology are consistent with the prediction that stigmatizing shaming (stigmatization) makes crime worse, while reintegrative shaming reduces crime. Stigmatization means shaming by which the wrongdoer is treated disrespectfully as an outcast and as a bad person. Reintegrative shaming means treating the wrongdoer respectfully and empathically as a good person who has done a bad act and making special efforts to show the wrongdoer how valued they are after the wrongful act has been confronted.

One arena in which there is a spirited debate over whether shame and shaming are useful concepts is restorative justice. Restorative justice is about the notion that because crime (or any other kind of injustice) hurts, justice should heal. This is an alternative to the view that justice must be

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punitive – responding to hurt with hurt that is the wrongdoer’s just deserts. So restorative justice is about hurt begetting healing as an alternative to hurt begetting hurt. Some restorative justice advocates argue that shame and shaming have no place in restorative justice because shaming is a kind of hurting and shame is a destructive kind of hurt that can make crime and injustice worse.

We conclude that they are right when shaming is stigmatizing and when shame is unacknowledged. However, to acknowledge shame and discharge it and to shame acts of injustice reintegratively are both important for preventing injustice and enabling restoration, on the analysis presented here. So our argument is that shame and shaming are indispensable conceptual tools for understanding the effects of restorative justice. This is because it is imperative to distinguish between good and bad shaming and harmful and helpful shame. This does not mean that social movement advocates should actually use the word shame as part of their reform rhetoric; with restorative justice, as Braithwaite and Mugford (1994: p. 165) have suggested, responsibility and healing are likely to supply a more politically resonant, and a more prudent neo-liberal discourse than shame and reintegration.

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

It follows that the kinds of research on shame and shaming in this book are vital to advancing our understanding of the conditions for the success and failure of restorative justice. It is not that we are convinced we yet have the answers on how to think about shame and shaming; indeed, this book is partly about revealing empirically some of the errors of our past thinking. But with restorative justice policy we are convinced that the shame and shaming research agenda must be out in the open as a priority. And we are convinced that restorative justice is as important a topic for the future of the world as any. We have suggested already that it is important for building world peace and domestic streets, schools and families that are freed from violence. Sherman and Strang’s (2000) early reoffending results, which

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became public as this book went to press, showing 38 per cent less reoffending in Canberra violence cases randomly assigned to restorative justice compared to those assigned to court, add a new edge to this view. These new results came quickly on the heels of Burford and Pennell's (1998) Canadian findings that restorative justice conferences reduced family violence, Bonta, Wallace-Capretta and Rooney's (1998) results that the Restorative Resolutions project for serious adult offenders in Manitoba reduced reoffending, Maxwell, Morris and Anderson's (1999) findings that two adult restorative programs in New Zealand reduced violent and property reoffending, and McGarrell et al.'s (2000) randomized control trial in Indianapolis finding minor juvenile property and violent offenders had 40 per cent less offending than controls after six months, decaying to 25 per cent less after 12 months.

In another volume that complements this, John Braithwaite (2001) argues that while not all the evaluations are as encouraging as the most recent results discussed in the last paragraph, restorative justice is also important to understanding how to preserve the environment, how to confront poverty and educational disadvantage, how to nurture sustainable economic development and how to transform the entire legal system. The argument is not that restorative justice is the most important thing we can do about all these problems, but that it is one of the few promising things we can do for improving the way we deal with the widest range of our biggest problems.

In Part II of this book Nathan Harris discusses restorative justice conferences which involve all the stakeholders in a criminal offence (offenders, family members, victims, police) sitting in a circle to discuss what have been the consequences of the crime and what should be done to put those consequences right. But these restorative justice conferences are just one contemporary Australian modality of restorative justice. Across the ages and across the peoples of the world, we have seen many different culturally specific modalities of restorative justice. While this book is the product of an Australian research group working on two particular kinds of restorative justice operating in Canberra (three including the nursing home regulation work referred to occasionally), the research objective of the Centre for Restorative Justice is to advance the theory and practise of restorative justice of general import. Furthermore, while the research comes out of a Centre for Restorative Justice, in this particular book our central interest is understanding the nature of shame and its management as a general question for the theory of the social sciences. We hope readers will find that dissecting the effects of restorative justice gives us an unusually strategic vantage point for advancing this general theoretical project.

Shame, Guilt, Embarrassment

In Part II, Nathan Harris tackles the way shame has been distinguished as an emotion from guilt or embarrassment. Harris explored the dimensionality of these shame-related emotions by factor analyses of the emotions surrounding 900 drink-driving cases randomly assigned to court or to a restorative justice conference.

In addition to disagreement on phenomenology and dimensionality, approaches to shame have also differed in their predictions as to why people feel shame. In particular, they dispute the effect of social disapproval, otherwise referred to as shaming. An important issue is whether shame is a response to internalized values or simply a reaction to social pressure. The way disapproval is expressed may also have important implications for the emotions felt. Reintegrative shaming theory predicts that the effect of shaming is dependent upon whether shaming is reintegrative (respectful, healing) or stigmatic (disrespectful, degrading, outcasting). According to John Braithwaite's (1989) theory, reintegrative shaming prevents crime while stigmatization makes it worse. So in Part II the analysis of the dimensionality of the emotion of shame is followed by an exploration of the dimensionality of practices of shaming. Then Harris addresses the question of whether and in what way practices of shaming engender emotions of shame.

The dimensionality of the shame-related emotions was found to be equivalent in cases randomly assigned to court versus restorative justice conferences. Harris did not find the differences expected between shame and guilt. A single Shame–Guilt factor emerged. This factor was defined by feelings of having done wrong, concern that others had been hurt, feeling ashamed of oneself and one's act, feeling anger at oneself, loss of honor among family and friends. Observed remorse was associated with this factor. Indeed this factor might have been labeled Shame–Guilt–Remorse. Shame–Guilt predicted higher empathy with victims, lower feelings of hostility and had no correlation with self-esteem or self-respect in either court or conference cases.

This Shame–Guilt factor suggests that distinctions between shame and guilt in earlier studies may be conditional on the context or methodology employed. There were, however, differences between Shame–Guilt and an Embarrassment–Exposure factor, which measured feelings of self-awareness and awkwardness. A third factor, Unresolved Shame, involving ongoing feelings that issues and emotions had been unresolved, has similarities to earlier research on unacknowledged shame. So the research in Part II shows that the distinction between shame and guilt may be less important than distinctions between Shame–Guilt (the feeling we have

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when our ethics are in question), Embarrassment–Exposure (the feeling we have when our nakedness, or some other feature of ourselves we do not want displayed, is exposed) and Unresolved Shame.

Embarrassment–Exposure levels are found to be higher in court cases than in restorative justice conferences, while Shame–Guilt has higher levels in restorative justice conferences. An even more important distinction that emerges, reinforced by the results in Part III, is that between acknowledged and unacknowledged shame. These results seem to fly in the face of a remarkably sustained and coherent program of research by June Price Tangney (1990, 1991, 1992, 1993, 1995a, 1995b) and her colleagues. These studies find a clear distinction between shame-proneness and guilt-proneness as dimensions of personality (as opposed to emotion). Shame-proneness in this research is a propensity to blame or devalue the whole self in the face of failures to deal with difficult situations. Guilt-proneness is a propensity to feel responsible for specific acts over which one has control. Shame-proneness is associated in this research with a variety of pathologies, including criminality, while guilt-proneness is negatively associated with these pathologies. Braithwaite (1989) has argued strongly for the position that guilt-induction is just one form of shaming. But Tangney's research challenges this viewpoint, suggesting instead that this was a mistake – that guilt-induction in respect of serious wrongs is desirable, while shame-induction is destructive of self and therefore of law-abiding identities.

The Tangney and Braithwaite analyses actually converge at a prescriptive level. What should be avoided are degrading or disrespectful ways of communicating disapproval of wrongdoing. But conceptually, Tangney's analysis means that Braithwaite's reintegrative shaming should really be described as reintegrative guilt – induction of guilt without shame. Indeed we went into this research thinking that the resolution of Braithwaite's and Tangney's positions might be that reintegrative shaming causes what Tangney calls guilt while averting what she calls shame. Harris's work in Part II set out to explore this question among others. Contrary to Tangney, and to our own hopes for a crisp clarification, our conclusion here is that induction of Shame–Guilt together is what happens with criminal offending.

There are at least three ways of thinking about these conflicting results. One is that feeling ashamed in relation to a criminal offense is a special context where guilt about the act and being ashamed as a person are hard to separate. Tangney's findings are more generalized to proneness to shame across many different problems of living (not just crime). Second, shame-proneness as a personality trait may be a very different matter than feeling the emotion of shame. Third, it may be that our conclusion is wrong, or

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more likely, partially wrong. The third possibility is suggested by the fact that the item 'During the conference/court case I felt that I was a failure' did not load on Harris's Shame–Guilt factor. Tangney might point to this item to suggest that Harris's Shame–Guilt factor excludes the very kind of item she would want to label as shame rather than guilt. If only more items like this were included (such as 'I felt a bad person') a separate shame factor might have emerged. As against this, we would say Harris's Shame–Guilt factor does include strong loadings from items about feeling 'angry with myself' and 'ashamed of myself'. Contrary to studies on shame-proneness, the Shame–Guilt factor was positively related to empathy and negatively related to anger/hostility.

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

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

Another culture with especially rich restorative accomplishment through its peacemaking traditions is the Navajo. The Navajo concept of *na'yéé'* is an

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interesting part of this accomplishment (Coker, 1999: 55). Farella (1984) explains that *nayéé* or 'monsters' are anything that gets in the way of a person enjoying their life, such as depression, obsession and jealousy. 'The benefit of naming something a *nayéé*' is that the source of one's 'illness' – one's unhappiness or dysfunctionality – once named can be cured' (Coker, 1999: 55). And healing ceremonies are about helping people to rid themselves of *nayéé*'.

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

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

This suggests a restorative justice that is about 'rebiographing', restorative storytelling that redefines an ethical conception of the self. Garfinkel (1956: 421–22) saw what was at issue in 'making good': 'the former identity stands as accidental; the new identity is the basic reality. What he is now is what, after all, he was all along.' So, Maruna found repeatedly that desisters from crime reverted to an unspoiled identity. As with the *mushi* and *nayéé*', desisters had restored themselves to believe that their formerly criminal self 'wasn't me'. The self that committed the crime was, in William James's terms, not the I (the self-as-subject, who acts) nor the Me (the self-as-object, that is acted upon), but what Petrunik and Shearing (1988) called the It, an

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alien source of action (Maruna, 2001: 93). Even without the cultural resource of a *mushi*, restorative justice might therefore help Western wrongdoers to write their It out of the story of their true ethical identity. Maruna (2001: 13) also concluded that 'redemption rituals' as communal processes were important in this sense-making because desisting offenders often narrated the way their deviance had been decertified by important others such as family members or judges – the parent or policeman who said Johnny was now his old self. Howard Zehr (2000: 10) makes the point that whether we have victimized others or been victimized ourselves, we need social support in the journey 'to re-narrate our stories so that they are no longer just about shame and humiliation but ultimately about dignity and triumph'.

The factor analyses in Part II reveal that the amount of shaming perceived by offenders was independent of the degree to which cases were perceived as reintegrative or stigmatic. However, in contrast to the predictions made by Braithwaite's (1989) reintegrative shaming theory, stigmatization and reintegration were measured as independent concepts rather than opposite poles of the same concept. As predicted, conference cases were higher in shaming and reintegration but lower in stigmatization than court cases. The findings provide evidence for the reliability and validity of these measures of reintegrative shaming.

Shaming was found to predict Shame–Guilt but only when it was by people the offender highly respected. Furthermore, Shame–Guilt was predicted by the offender's perception that the offense was wrong. Shame–Guilt was also predicted by perceptions of having been reintegrated and perceptions of not having been stigmatized. It is argued that Shame–Guilt should be understood as a product of social influence in which internalized values, normative expectations and social context have an effect. In contrast to Shame–Guilt, Embarrassment–Exposure and Unresolved Shame were predicted by perceptions of having been stigmatized and the belief that the offense was less wrong. This highlights the importance of distinguishing between the shame-related emotions. So does the finding that Shame–Guilt was greater in restorative justice conferences but that Embarrassment–Exposure was greater in court cases.

In both Part II and Part III it was found that Unresolved Shame was associated with greater anger/hostility. This finding suggests that the resolution or management of shame may be as important as whether shame is felt. The results in Part II are interpreted as highlighting the need to complement the theory of reintegrative shaming with insights from Helen Lewis (1971) and Scheff's (1990a) work on by-passed shame, the social identity theory perspective of Tajfel and Turner (1979) and the ethical conception of shame that one finds in the writing of Williams (1993). These conceptions are developed in detail in Chapter 6 which makes classificatory