

# EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE: AN EXAMINATION OF FACTORS THAT LEAD TO REINTEGRATIVE SHAMING<sup>1)</sup>

**Hee Joo Kim**

*Sam Houston State University, USA*

**Jurg Gerber**

*Sam Houston State University, USA*

*This paper evaluates the process of diversionary restorative justice (RJ) conferences. Based on Braithwaite's theory of reintegrative shaming (1989), RJ conferences are considered a successful means of effective crime control. Australian Reintegrative Shaming Experiments (RISE) have been examined in many ways. Previous studies, while defining the impact of RJ conferences very narrowly, focused on general effects such as victim satisfaction, recidivism rates, and changes in the attitudes of offenders (Strang, Barnes, Braithwaite, & Sherman, 1999). However, the most significant factor to be seen is whether the RJ conference results in reintegrative shaming. The factors that constitute this kind of process have not been studied adequately. Using Australian data from RISE between 1995 and 1999, this paper investigates factors that contribute to the degree of reintegrative shaming during the conference, and determines what causes this. A total of 136 juvenile offenders who were involved in property crime, shoplifting, and violent offenses were randomly assigned to RISE, and data were taken from observations by RISE staff. Results show that existing positive attachments between the offenders and their supporters, feelings of repentance, and emotional responsiveness could create reintegrative shaming. This finding supports elements of Braithwaite's theory that emphasizes the importance of the repentant role(p. 162) and positive attachment to institutions such as family, school, and work.*

Braithwaite's reintegrative shaming theory has received considerable attention in the context of juvenile crimes such as predatory delinquency (Zhang & Zhang, 2004) and school bullying (Ahmed & Braithwaite, 2004). Many previous studies found that the use of reintegrative shaming can be an effective deterrent

---

1) The authors would like to thank Ronda Harris and anonymous reviewers of this journal for comments on earlier versions of this article.



for juvenile crime (Levi, 2000). The developed and applied forms of Braithwaite's theory have recently been the focus in restorative justice (RJ) conferences, and these conferences have helped reduce and deter juvenile delinquency. As one form of early intervention, Australia and New Zealand implemented RJ conferences and they are being used increasingly throughout the world (McGarrell, 2001). In such conferences, all involved parties including the juvenile offender, the victim, and family and friends acting as support groups, are brought together to discuss the incident and the harm it has brought to them. Trained conference facilitators are present (Tyler, Sherman, Strang, Barnes, & Woods, 2007). The victims and their supporters have an opportunity to explain how they have been affected and harmed by the incident, and after the conference, all involved parties discuss and decide how the offender can repay the victim and society. This typically includes an apology or community service (McGarrell, 2001). As an alternative model of juvenile justice, RJ conferences are based on an integrated conceptualization of diverse family models and thereby allow for a wider range and different types of parental involvement (Broeking & Peterson-Badali, 2010). The effectiveness of the RJ conference has been supported by several empirical studies which found that these conferences were particularly appropriate for very young and first time offenders (McGarrell, 2001). Several jurisdictions in the United States use RJ conferences for various types of offenses including juvenile delinquency.

Australian Reintegrative Shaming Experiments (RISE) are celebrated as a major advance in the evaluation of the effectiveness of diversionary RJ conferences on repeat offending (Tyler et al., 2007). RISE reported high levels of victim satisfaction and showed positive changes in the attitudes of offenders (Strang, Barnes, Braithwaite, & Sherman, 1999). A study examining the effectiveness of RISE found that this experiment affected offenders who were charged with different kinds of offenses in different ways (Sherman, Strang, & Woods, 2000). It was found that the dynamics of each type of offense may create a different emotional climate and basis for legitimacy of legal intervention depending upon the use of court or conference processes. RJ conferences such as RISE seek a more practical vision of restorative justice, and this process is now seen as an integrative approach in the current criminal justice system (Gavrielides, 2008). The police-run conferences in Bethlehem, PA, the first formal conferences held in the United States, have shown high levels of victim satisfaction and have reduced recidivism rates for offenses against persons (McCold & Wachtel, 1998).

Most previous studies defined the impact and effectiveness of RJ conferences very narrowly and were usually limited to perceptions of fairness and satisfaction. The focus has been on general effects of RJ conferences, such as victim satisfaction, recidivism rates, and changes in offenders' attitudes.

## EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE

However, the most important factor to be considered is whether the RJ conference had reintegrative effects or achieved reintegrative shaming. Generally, restorative justice emphasizes doing justice through dialogue, but few studies have been conducted examining essential factors that constitute this kind of process. Even though there have been a number of attempts to measure reintegrative shaming, the most systematic attempt has been RISE. As the most comprehensive and empirically sophisticated test of group conferencing, RISE is currently ongoing in Canberra, Australia. Data collection for RISE started in 1995, but there have been almost no scholarly articles presented using the RISE. According to a preliminary report by Sherman and Strang(1997), offenders who attended RISE had better outcomes than those who went through traditional court processing. The purpose of this research is to determine the most influential variables found in the RISE data to predict the degree of reintegrative shaming that occurs during the conference and to investigate the factors that contribute to making the conference more reintegrative.

### THEORETICAL PERSPECTIVES OF THE RESTORATIVE JUSTICE CONFERENCE

Braithwaite's Reintegrative Shaming Theory (1989) underpins the conferencing alternative, and reintegrative shaming is an essential part of the RJ Conference. Due to its focus on the effect of shaming and different ways to address crime control, Braithwaite's theory has received considerable attention from many scholars. While other traditions of crime control policy have concentrated on the offenders' isolation from society or punishment, this theory focuses on the importance of cultural integration and emphasizes that the key factor of "crime control is cultural commitments" to shaming (Braithwaite, 1989, p. 1). For effective crime control, Braithwaite emphasizes that society has to provide appropriate reintegrative shaming for people who are involved in criminal acts and to create an environment which will aid in an offender's acceptance back into society. This should be the primary goal for crime control, and when society exercises reintegrative shaming with more serious offenses, the rate of offending will be lower (Braithwaite, 1989, p. 140).

According to Braithwaite's theory, the shaming process is described as both an explanation for variations in crime rates and a normative approach to crime control (Levi, 2002). Arguing that there are two types of shaming, reintegrative and disintegrative, Braithwaite argued that while disintegrative shaming "creates a class of outcasts and thus prevents offenders from rejoining the society, reintegrative shaming maintains bonds of respect or love, and sharply terminates disapproval with forgiveness, instead of amplifying deviance by stigmatizing"

(Braithwaite, 1989, p. 12). Furthermore, there are two major concepts in Braithwaite's theory, interdependency and communitarianism, represented as individual and social factors, respectively. Taken from traditional theories, the concept of interdependency represents individual factors that predict increased likelihood to commit crimes, such as being young, male, unmarried, unemployed, and with little education. Communitarianism represents social factors including urbanization and residential mobility (p. 91). Braithwaite used social control theory, which emphasizes the importance of positive attachment to institutions such as the family, school, and work, as effective tools for crime intervention.

There has been recognition that stigmatization might still be more useful for crime control than reintegrative shaming (p. 55) however, Braithwaite developed the theory of reintegrative shaming not only to generate new predictions and new policy implications about crime, but also to explain adequately an effective way of crime intervention (p. 44). Citing the example of reintegrative shaming processes in Japan, Braithwaite emphasized the importance of an apology (p. 84). For example, when an individual commits a crime in Japan, the outcomes of the crime could affect the offender's family, school, and company as well (p. 63). Moreover, in other instances of social conflict such as an airplane crash or collapse of a bridge or public building which produces many victims, the responsible person in the organization needs to apologize for the negative consequences to the people. This idea stems from intense collectivism, making the offenders' social institutions take responsibility for the members' behaviors.

Emphasizing the importance of the repentant role (Braithwaite, 1989, p. 162), reintegrative shaming implies that "emotions like shame and guilt" play a critical role (Harris, Walgrave, & Braithwaite, 2004). Because of the different cultural background, it could be argued that the shaming process in the United States would not work effectively. However, there are a number of studies which have shown support for the effectiveness of reintegrative shaming in the context of many crimes not only in the United States but also in other countries (Ahmed & Braithwaite, 2004; Ferdinand & McDermott, 2002; Harris, 2006; Hosser, Windzio, & Greve, 2008; Rodriguez, 2007; Sherman et al., 2000; Tyler et al., 2007; Zhang & Zhang, 2004).

Furthermore, Murphy and Harris (2007) found that perceptions of reintegration and stigmatization were related to recidivism during an enforcement event. If the offenders' enforcement experiences were reintegrative, the offenders would be less likely to reoffend in the future (Murphy and Harris, 2007). Moreover, it was found that even though there is no effect of either parental or peer reintegrative shaming on predatory delinquency, parental forgiveness and peer shaming reduced the likelihood of being involved in predatory offenses (Zhang & Zhang, 2004). Feelings of shame played a significant role in tax

## EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE

cheating and drunk driving as a deterrent to reoffending in the future (Grasmick and Bursik, 1990), and lower recidivism rates resulted when the offenders engaged in the psychological mechanisms of reintegrative shaming (Tyler et al., 2007). According to Benson (1990), offenders varied in terms of how they handled emotions of shame and anger arising from stigmatization in court cases. This indicates that unresolved shame could lead offenders to feel rage and hostility (Benson, 1990). The findings from these studies are consistent with the assumption of Braithwaite's reintegrative shaming theory in which reintegrative shaming can be a strong element of rehabilitation. Once shame and guilt were experienced by the inmates, re-socialization was achieved

### Restorative Justice Conferences: The Australian Reintegrative Shaming Experiments (RISE)

Restorative justice offers a new way of looking at criminal justice by focusing on "restoring the victim and the community rather than on punishing offenders" (Liebmann, 2007, p. 25). It can be also known as transformative justice. However, there has been criticism that even though victims of crime may have their belongings returned, they can rarely be fully healed physically because of emotional scars from the event. Therefore, a dialogue between victim and offender can transform the crime into something different from a simple restoration of what was lost, so that "the experience can be a healing one for all concerned" (Liebmann, 2007, p. 25 - 26). The 1974 Mennonite initiative in Canada was replicated in the U.S. in Elkhart, Indiana in 1978, and since that date, there has been considerable restorative justice activity in the U.S. (Liebmann, 2007, p. 260). The earliest initiatives concerning victim-offender mediation originated in the 1970s, and restorative justice has now expanded to include communities of care with victims' and offenders' families and friends participating in collaborative processes called conferences and circles (International Institute for Restorative Practices).

The main purpose of RJ conferences is to repair harm and damage done by the offender and to involve parties such as the victim and the community by providing an environment in which offenders can be reintegrated into their communities, and victims can return to their daily lives without fear. More specifically, through a process of negotiation, mediation, victim empowerment, and reparation (Rodriguez, 2007), the ultimate goal is to create a more cohesive community (Stickle, Connell, Wilson, & Gottfredson, 2008). RJ conferences are more closely related to the philosophy of the juvenile court than to the retributive philosophy that guides the adult criminal justice processing however they have been used for rehabilitation of both juvenile and adult offenders (Rodriguez, 2007).

According to Zehr (1990), the restorative justice paradigm begins with the assumption that "crime is a violation of people and relationships rather than merely a violation of law" (Zehr, 1990, p. 181). In this sense, the most appropriate response to criminal behavior in order to repair the harm caused by the wrongful action (Newell, 2007), is for the criminal justice system to bring together all affected parties to let them discuss the act committed and understand what can be done to provide pertinent reparation (Latimer, Dowden, & Muise, 2001). While RJ conferences have received considerable attention from many scholars, the concept still remains problematic (Newell, T., 2007), with various definitions, all quite similar but emphasizing different aspects (Liebmann, 2007, p. 25). According to the Restorative Justice Consortium (2006), key themes of RJ conference are:

All parties with a stake in a particular conflict or offence come together to resolve collectively how to deal with the aftermath of the conflict or offence and its implications for the future, and

Offenders have the opportunity to acknowledge the impact of what they have done and to make reparation, and victims have the opportunity to have their harm acknowledged and amends made (Restorative Justice Consortium, 2006).

For a simpler definition, Liebmann (2007) states, "It aims to restore the well-being of victims, offenders and communities damaged by crime, and to prevent further offending" (p. 25).

RISE was conducted by Sherman, Braithwaite, Strang, and Barnes in Australia between 1995 and 1999, and four kinds of offenses, adult drinking and driving, juvenile personal property crime, juvenile shoplifting from large stores, and violent crime committed by offenders up to age 29 were included in the experiment. Included were individuals of any age who committed offenses of drunk driving over .08 blood alcohol content, juvenile property offenders with personal victims, juvenile shoplifting offenders detected by store security officers, and youth violent criminals (under age 30). Initially, there were 600 cases of juvenile offenses; 150 cases of two types of juvenile property offense, and 300 cases of youth violence. However, the research design was subsequently amended on the basis of case availability after data collection had commenced. As a result, a total of 136 juvenile offenders were involved in the RISE.

Tyler et al. (2007) gathered data on offenders who were involved in drinking and driving to test the reintegrative shaming theory. The effectiveness of two social psychological mechanisms for reducing recidivism were tested: procedural justice and reintegrative shaming. The researchers found that both traditional court-based prosecution and RJ conferences reduced future reoffending when they engaged the social psychological mechanisms of reintegrative shaming and procedural justice and thereby increased the legitimacy of the law.

## EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE

This study suggests that the strength of the impact of conferences depends upon the ability to effectively lead offenders to feel both fairly treated and that their ties to others have been restored through reintegrative shaming.

Moreover, the conference outcomes were different depending on other factors such as types of offense. Using 1,300 cases of drunk driving, juvenile property crimes, juvenile shoplifting, and juvenile violent crimes, Sherman et al. (2000) studied the levels of effectiveness of both standard court processing and the RISE and found that diversionary conferences reduced juvenile violent offending rates. However, the researchers found no differences in property and shoplifting offending rates between the court and the conference group and concluded that RJ conferences could be effective in preventing reoffending. Juvenile offenders charged with different kinds of offenses would be affected differently. The dynamics of each type of offense may create a different emotional climate and basis for legitimacy of legal intervention using court or conference processes.

Factors such as race, gender, and criminal records could affect the outcomes of the conferences. Comparing juveniles in an RJ program with juveniles having undergone regular court processing, Rodriguez (2007) measured the influence of an RJ program in Maricopa County, Arizona. In her study, while juveniles in the RJ conference showed lower rates of recidivism than those who went through court processing, there were no significant conference effects in terms of offense type or race. However, there were effects of gender and criminal records; girls and offenders with minimal criminal histories were the most successful participants in the RJ conference. Moreover, in an evaluation of the Indianapolis Restorative Justice Experiment, an Australian-style RJ conference used as an alternative response to juvenile offending, McGarrell (2001) emphasized the importance of early interventions for very young offenders. In terms of the effectiveness of the RJ conference, it was found that both males and females in the conference showed lower recidivism rates than those who went through court proceedings, but the difference was greater for females than for males (McGarrell, 2001).

Gerkin (2009) found that the value of participation is a necessary and significant element in achieving restorative outcomes during the conference. From observation of victim-offender mediation, meaningful participation was seen to be crucial to restorative processes and low levels of participation made it difficult for victim-offender mediation to achieve the fundamental goals of empowering, recognizing, repairing the harm, meeting needs, and reintegrating the participants. Moreover, apology plays an important role for the effective outcomes of the conference. Using data from a New Zealand family group conferencing program, Maxwell and Morris (1998) found that juvenile offenders who failed to apologize were more likely to reoffend in the future. More specifically, "emotions like empathy, remorse and guilt will spill over into

feelings of shame,"and these emotions can be significant for implementing successful outcomes of the conference (Harris, Walgrave, & Braithwaite, 2004). For example, the offenders' future recidivism rates were significantly affected if they felt remorse or who had parents who were anguished by their child's action (Maxwell & Morris, 2001).

However, for the best results of RJ conferences, some scholars argue that more variability is needed in how each offender should be sentenced and treated in terms of the offense and the offender's needs. According to Ferdinand & McDermott (2002), "if we differentiate civic, social, and criminal offenders, we can also distinguish offenders who will respond to reintegrative shaming, focused professional treatment, secure custody, and specific social, moral, and psychological guidance"(p. 110). Treating and punishing differently in terms of each type of offenses and needs may be effective with all kinds of offenders.

## DATA AND METHODS

### Data/Sample

In this paper, the dataset Reintegrative Shaming Experiments (RISE) in Australia, 1995-1999 (ICPSR 2993) was used. Originally, the dataset was collected to compare the effects of standard court processing and restorative justice intervention known as conferencing for four kinds of cases: drunk driving at any age, juvenile property offending with personal victims, juvenile shoplifting, and youth violent crimes. In this research, 136 juvenile offenders were randomly assigned to RISE. Data were taken from observations by RISE staff of conference treatments to which offenders had been assigned. Variables investigated included how much reintegrative shaming was perceived, the extent to which the offender accepted guilt, how much the offender contributed to the outcomes, how much approval was expressed regarding the offender as a person, how much the offender was treated by supporters as someone they love, how remorseful the offender was for his/her actions, and how emotionally powerful the account was, considering the offender's act and the resulting consequences. The sample of 136 juvenile offenders included juvenile property offenders (41.9 %), juvenile shoplifters (33.8 %), and juvenile violent offenders (24.3 %). There were no missing values in this dataset. Using multiple regression, the study determined the most influential variables in predicting the extent of reintegrative shaming during the conference.

## EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE

**Table 1: Variables Used in the Analysis**

	Variables	Range	Mean	SD	Valid Cases
Dependent Variable	The degree of reintegrative shaming expressed	1~8	4.60	1.94	135
Independent Variables	Expression of approval regarding the offender as a person	1~8	4.10	1.89	136
	Recognition of the offender as someone the supporters love	1~8	5.32	1.81	136
	The degree of feeling repentance	1~8	5.21	2.07	136
	The degree of emotional responsiveness	1~8	3.43	1.90	136

### Research Question

Which of the four predictor variables (the expression of approval regarding the offender as a person, the recognition of the offender as someone their supporters love, the degree of feeling repentance, the degree of emotional responsiveness) is most influential in predicting the degree of reintegrative shaming during the conference?

#### *Dependent Variable*

The dependent variable used in this study was the degree of reintegrative shaming expressed during the conference. RISE staff of conference treatments were asked how much reintegrative shaming was expressed, and ranked it through their professional observations.

#### *Independent Variables*

Independent variables included 1) expression of approval regarding the offender as a person, 2) the recognition of the offender as someone their supporters love, 3) the degree of feeling repentance, and 4) the degree of emotional responsiveness. The data were taken from observations by RISE staff

**Table 2: Symmetric Measures for the Variables**

Relationships	Gamma Values	Asymp. Std. Errors	Sig.
Expression of approval regarding the offender as a person * The degree of reintegrative shaming expressed	.516***	.065	.000
Recognition of the offender as someone the supporters love * The degree of reintegrative shaming expressed	.553***	.058	.000
The degree of feeling repentance * The degree of reintegrative shaming expressed	.467***	.061	.000
The degree of emotional responsiveness * The degree of reintegrative shaming expressed	.442***	.069	.000

\* p < 0.05; \*\* p < 0.01; \*\*\* p < 0.001

**Table 3: Non-Parametric Correlations (Kendall's tau\_b)**

	The degree of reintegrative shaming expressed	Expression of approval regarding the offender as a person	Recognition of the offender as someone the supporters love	The degree of feeling repentance	The degree of emotional responsiveness
The degree of reintegrative shaming expressed	1.000				
Expression of approval regarding the offender as a person	.447**	1.000			
Recognition of the offender as someone the supporters love	.476**	.489**	1.000		
The degree of feeling repentance	.402**	.285**	.329**	1.000	
The degree of emotional responsiveness	.377**	.279**	.352**	.402**	1.000

Note.\*\* Correlation is significant at the .01 level (2-tailed)

## EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE

and their ranking scale for those questions. The dependent variable and all the independent variables (Table 1) were measured by 8-degree Likert scales.

Questions that were asked to measure those variables included the following;

1. How much approval of the offenders as people was expressed?
2. How much was the offenders treated by their supporters as someone they love?
3. How sorry/remorseful was the offenders for their actions?
4. How emotionally responsive was the offenders to the account given of the consequences of their act?

## RESULTS

Before conducting multiple regression, the associations between the dependent variable and each independent variable were examined. Gamma and Kendall's tau\_b values are measures of association for ordinal variables, and the secan take on values from -1 to +1 indicating positive and negative association, respectively.

According to the Gamma values, (Table 2) the associations between the dependent variable and each independent variable were statistically significant and indicated all positive associations between variables.

Moreover, investigating non-parametric correlations between the dependent variable and independent variables (Table 3), the correlations between the degree of reintegrative shaming during the conference and each independent variable showed positive relationships and were statistically significant ( $p = .000$ ). Thus, when the offenders were treated as individuals rather than as criminals and as people loved by their families, the degree of reintegrative shaming expressed during the conference increased.

Multiple regression was conducted to determine which independent variables (expression of approval regarding the offender as a person, recognition of the offenders as people their supporters love, the degree of feeling repentance, the degree of emotionally responsive) were predictors of the degree of reintegrative shaming during the conference.

The model summary (Table 4) demonstrates how well the combination of the four variables predicted the degree of reintegrative shaming during the conference. The overall model of four predictors significantly predicted the degree of reintegrative shaming during the conference ( $R^2 = .491$ , Adjusted  $R^2 = .475$ ,  $F(4,130) = 31.362$ ,  $p = .000$ ). This model accounted for 49.1% of variance in the degree of reintegrative shaming during the conference, and there were no collinearity problems in this model.

**Table 4: Model Summary**

Dependent Variable	R	R Square	Adjusted R Square	Std. Error of the Estimate
The degree of reintegrative shaming expressed	.701	.491	.475	1.408

Note. Predictors: (Constant), How emotionally responsive was the offender to the account given of the consequences of their act, How much approval of the offender as a person was expressed, how sorry/remorseful was the offender for their actions, How much was the offender treated by their supporters as some they love

**Table 5: ANOVA**

Dependent Variable		Sum of Square	df	Mean Square	F	Sig.
The degree of reintegrative shaming expressed	Regression	248.688	4	62.172	31.362***	.000
	Residual	257.712	130	1.982		
	Total	506.400	134			

Note. Predictors: (Constant), How emotionally responsive was the offender to the account given of the consequences of their act, How much approval of the offender as a person was expressed, how sorry/remorseful was the offender for their actions, How much was the offender treated by their supporters as some they love; Dependent Variable: How much reintegrative shaming was expressed?

**Table 6: Multiple Regression Results for the Variables in Predicting the Degree of Reintegrative Shaming during the Conference**

Independent Variables	Unstandardized Coefficients (B)	Standardized Coefficients (β)	t	Sig.
Expression of approval regarding the offender as a person	.254	.245	3.056**	.003
Recognition of the offender as someone the supporters love	.305	.285	3.457***	.001
The degree of feeling repentance	.203	.217	2.929**	.004
The degree of emotional responsiveness	.167	.164	2.180*	.031

Note. Dependent Variable: How much reintegrative shaming was expressed? Method: Enter.

\* p < 0.05; \*\* p < 0.01; \*\*\* p < 0.001

## EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE

The ANOVA table (Table 5) shows that the relationship between the degree of reintegrative shaming and four predictors was linear and therefore the model significantly predicted the degree of reintegrative shaming.

A summary of regression coefficients is presented in Table 6 and indicates that all of the four variables significantly contributed to the model. Offenders who were treated as individuals (standard regression coefficient = .245) and as people their supporters loved (standard regression coefficient = .285) showed the greatest degree of reintegrative shaming during the conference. Moreover, offenders' feelings of repentance (standard regression coefficient = .217) and emotional responsiveness for their actions (standard regression coefficient = .164) led to reintegrative shaming. During the conference, if the offenders were treated as people rather than as criminals and they perceived positive support from their families, the conference outcomes would be maximized. Moreover, when the offenders were more remorseful for their actions, the degree of reintegrative shaming during the conference was increased.

## CONCLUSION AND DISCUSSION

This research focused on factors which make participants of the RJ conference express a notable degree of reintegrative shaming during the conference. For the best results during the RJ conference, the most important idea to be considered is whether the RJ conference was reintegrative enough to repair damages between the offender, the victim, and the community. The results indicate that if offenders were treated as people, rather than as criminals and as someone their supporters love, the conference had reintegrative effects. An existing positive relationship between the offenders and their supporters is one of the most significant factors that lead to reintegrative shaming. This kind of result is consistent with one of the major concepts of Braithwaite's (1989) reintegrative shaming theory, interdependency. The concept of interdependency is influenced by Hirschi's (1969) social control theory with emphasis on the attachment to family, commitment to conventional institutions, and involvement in conventional activities. According to Braithwaite, if a strong positive attachment exists, and there was support by someone the offender loves, crime intervention would be effective.

Moreover, if offenders felt repentance and emotional responsiveness, the conference resulted in reintegrative shaming. This is somewhat consistent with tenets of Braithwaite's theory that emphasize the importance of the "repentant role" (Braithwaite, 1989, p. 162). This finding was also similar to the previous studies that examined the value of participation, feelings of repentance, and emotional aspects as the predictors which may increase reintegrative shaming.

(Gerkin, 2009; Harris, Walgrave, & Braithwaite, 2004; Maxwell & Morris, 2001; Rodriguez, 2007). Therefore, an existing positive attachment between the offenders and their supporters, feelings of repentance, and emotional responsiveness led to greater sense of reintegrative shaming, which can contribute to the positive outcomes of the offenders' future recidivism rates.

There are several limitations in this research. First, since this study focused only on three types of juvenile offenders (juvenile property offenders, shoplifters, and youth violent offenders), it would be erroneous to say that the results in this study can represent all types of juvenile offenders in RJ conferences. Moreover, the data were taken from observations by RISE staff at the conference. Evaluating the processes of RJ conference, one of the most important ideas is whether the measures which were used to indicate reintegrative shaming actually measured it. Sometimes, the measurement of certain questions, such as "how much reintegrative shaming was expressed," or "how reintegrative was the conference for an offender," seems of questionable validity. Even if the data are the result of an observation of trained conference staff, they do not mean that reintegrative shaming took place either from the offenders' or victims' perceptions (Institute of Criminology, 2001).

This research drew upon Braithwaite's reintegrative shaming theory (1989) and tested the utility of one particular aspect of the theory and the RJ conference. However, there are other aspects that can be examined and tested in terms of many informative features of the RJ conference. For example, RJ conferences are found to be more satisfying for victims of crime (Strang & Sherman, 2006), and they have many positive psychological effects on offenders (Barnes, 1999; Poulson, 2003). Even if the RJ conference did not lead to more positive effects than traditional court processing, they might have social value and would be publicly popular (Roberts & Stalans, 2004), provided the juvenile offenders did not actually increase reoffending.

Braithwaite's theory (1989) has been one of the most influential theories focusing on the emotional dynamics, and RJ conferences have adopted this theoretical reflection. According to Braithwaite (1989):

By increasing the capacity of societies to shame, we will increase the extent to which the power of shaming can be harnessed for both good and ill. Shaming can be used to stultify diversity which is the stuff of intellectual, political, and artistic debate and progress, or simply to oppress diversity which is harmless... Shaming is rough-and-ready justice which runs great risk for wronging the innocent, and that the most important safeguard is for shaming to be reintegrative so that communication channels remain open to learning of injustice, and social bonds remain intact to facilitate apology and recompense. Reintegrative shaming is not only more effective than

## EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE

stigmatization; it is also more just (pp. 159 - 161).

Even though some scholars have argued that reintegrative shaming theory focuses too much attention on the emotion of shame (Harris et al., 2004), there have been many kinds of formal sanctions, such as diversion programs, or specialized drug courts (Miethe, Lu, & Reese, 2000) which were influenced by reintegrative shaming theory. Compared to traditional court processing, the RJ conferences seek "emotional dimensions of the crime and its control" (Harris et al., 2004).

The main goal of RJ conferences is restoration, the restoration of both the victim and the offender psychologically and physically, and to that extent, restoration of the community (Presser & Voorhis, 2002). However, shame is a powerful emotion, and restoration can not be easily measured. These concepts, such as shame and restoration, are culture specific, not universal. The degree of shame the offenders experience would be different in terms of crime types and the characteristics of individuals involved. Moreover, whether the involved parties have been restored through the conference depends on various factors (Presser & Voorhis, 2002). Uncountable differences and conditions exist in each conference, dependent upon the crime type and stakeholders (Harris et al., 2004). For a greater understanding of the processes and emotional dynamics in RJ conferences, more research is needed on reintegrative shaming and RJ conferences. Specifically, the particular circumstances of the RJ conference, such as how the process of feeling shame works or which types of offenders are most likely to be affected by the conference, need to be explored.

REFERENCES

- Ahmed, E. & Braithwaite, V. (2004). "What, me ashamed?" Shame management and school bullying. *Journal of Research in Crime and Delinquency*, 41, 269-294.
- Ahmed, E. & Braithwaite, J. (2005). Forgiveness, shaming, shame and bullying. *Australian and New Zealand Journal of Criminology*, 38, 298-323.
- Revisiting reintegrative shaming. (2001). A newsletter from the Institute of Criminology, Victoria University of Wellington. September 2001, 16.
- Barnes, G. C (1999). Procedural justice in two contexts: Testing the fairness of diversionary conferencing for intoxicated drivers. Ph. D. dissertation, Department of Criminology and Criminal Justice, University of Pennsylvania.
- Bazemore, G., & Umbreit, M. S. (1995). Rethinking the sanctioning function in juvenile court: Retributive or restorative responses to youth crime. *Crime & Delinquency*, 41, 296-316.
- Benson, M. (1990). Emotions and adjudication: Status degradation among white-collar criminals. *Justice Quarterly*, 7, 515-28.
- Braithwaite, J. (1999). *Crime, shame and reintegration*. New York, NY. Cambridge University Press.
- Broeking, J. & Peterson-Badali, M. (2010). The extent and nature of parents' involvement in Canadian youth justice proceedings. *Youth Justice*, 10, 40-55.
- Ferdinand, T. N., & McDermott, M. J. (2002). Joining punishment and treatment in substantive equality. *Criminal Justice Policy Review*, 13, 87-116.
- Gavrielides, T. (2008). Restorative justice – The perplexing concept: Conceptual fault-lines and power battles within the restorative justice movement. *Criminology & Criminal Justice*, 8, 165-183.
- Gerkin, P. M. (2009). Participation in victim-offender mediation: Lessons learned from observations. *Criminal Justice Review*, 34, 226-247.
- Grasmick, H. G., & Bursik, R. J. Jr (1990). Conscience, Significant Others, and Rational Choice: Extending the Deterrence Model. *Law and Society Review*, 24, 837-61.
- Harris, N. (2006). Reintegrative shaming, shame, and criminal justice. *Journal of Social Issues*, 62, 327-346.
- Harris, N., Walgrave, L., & Braithwaite, J. (2004). Emotional dynamics in restorative conferences. *Theoretical Criminology*, 2, 191-210.
- A Newsletter from the Institute of Criminology (2001), Victoria University of Wellington. September, No. 16. [www.restorativejustice.org/10fulltext/morris/at\\_download/file](http://www.restorativejustice.org/10fulltext/morris/at_download/file)
- Hosser, D., Windzio, M., & Greve, W. (2008). Guilt and shame as predictors of recidivism: A longitudinal study with young prisoners. *Criminal Justice and Behavior*, 35, 138-152.
- Latimer, J., Dowden, C., & Muise, D. (2001). The effectiveness of restorative justice practices: A meta-analysis. Research and Statistics Division Methodological Series. Canadian Department of Justice.
- Levi, M. (2002). Suite justice or sweet charity? Some explorations of shaming and incapacitating business fraudsters. *Punishment and Society*, 4, 147-163.
- Liebmann, M. (2007). *Restorative justice; How it works*. London, UK & Philadelphia,

## EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE

PA: Jessica Kingsley Publishers.

- Maxwell, G., & Morris, A. (2001). Family group conferences and re-offending. In Morris, A., & Maxwell, G. (Eds.), *Restorative justice for juveniles: Conferencing, mediation and circles*, p. 243-263. Oxford, UK: Hart.
- McCold, P., & Wachtel, B. (1998). Restorative policing experiment: The Bethlehem Pennsylvania police family group conferencing project. Pipersville, PA: Community Service Foundation, cited in McGarrell, E. F (2001). Restorative justice conferences as an early response to young offenders. *Juvenile Justice Bulletin*. U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- McGarrell, E. F (2001). Restorative justice conferences as an early response to young offenders. *Juvenile Justice Bulletin*. U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Miethe, T. D., Lu, H., & Reese, E. (2000). Reintegrative shaming and recidivism risks in drug court: Explanations for some unexpected findings. *Crime & Delinquency*, 46, 522-541.
- Morris, A., & Maxwell, G. (1998). Restorative justice in New Zealand: Family group conferences as a case study. *Western Criminology Review*, 1, 1-19.
- Murphy, K., & Harris, N. (2007). Shaming, shame and recidivism: A test of reintegrative shaming theory in the white-collar crime context. *British Journal of Criminology*, 47, 900-917.
- Newell, T. (2007). Face to face with violence and its effect: Restorative justice practice at work. *The Journal of Community and Criminal Justice*, 54, 227-238.
- Poulson, B. (2003). A Third voice: A review of empirical research on the psychological outcomes of restorative justice. *Utah Law Review*, 03, 167-203.
- Presser, L., & Voorhis, P. V. (2002). Values and evaluation: Assessing processes and outcomes of restorative justice programs. *Crime & Delinquency*, 48, 162-188.
- Restorative Justice Consortium (2006). from <http://www.restorativejustice.org.uk>
- Robert, J. V., & Stalans, L. J. (2004). Restorative sentencing: Exploring the views of the public. *Social Justice Research*, 17, 315-334.
- Rodriguez, N. (2007). Restorative justice at work: Examining the impact of restorative justice resolutions on juvenile recidivism. *Crime & Delinquency*, 53, 355-379.
- Sherman, L. W., Strang, H., & Woods, D. J. (2000). Recidivism patterns in the Canberra Reintegrative Shaming Experiments (RISE). Center for Restorative Justice, Research School of Social Sciences, Australian National University.
- Stickle, W. P., Connell, N. M., Wilson, D. M., & Gottfredson, D. (2008). An experimental evaluation of teen courts. *Journal of Experimental Criminology*, 4, 137-163.
- Strang, H., & Sherman, L. W. (2006). Restorative justice to reduce victimization, pp. 147 - 160 in Walsh, B. C., & Farrington, D. P. (Eds.), *Preventing crime: What works for children, offenders, victims and places*. Dordrecht, The Netherlands: Springer.
- Strang, H., Barnes, G. C., Braithwaite, J., & Sherman, L. W. (1999). Experiments in restorative policing: A progress report on the Canberra Reintegrative Shaming Experiments (RISE). Canberra, Australia: Australian National University.
- Tyler, T. R., Sherman, L., Strang, H., Barnes, G. C. & Woods, D. (2007). Reintegrative

shaming, procedural justice, and recidivism: The engagement of offenders' psychological mechanism in the Canberra RISE drinking-and-driving experiment. *Law and Society Review*, 41, 553-585.

Zehr, H. (1990). *Changing lenses: A new focus for crime and justice*. Scottsdale, PA: Herald Press.

Zhang, L. & Zhang, S. (2004). Reintegrative shaming and predatory delinquency. *Journal of Research in Crime and Delinquency*, 41, 433-453.

## EVALUATING THE PROCESS OF A RESTORATIVE JUSTICE CONFERENCE

Hee Joo Kim is a doctoral candidate in the College of Criminal Justice at Sam Houston State University. She earned her master's in Criminological Psychology from Kyonggi University in South Korea. She is currently working as a research assistant to Dr. David Webb at the Law Enforcement Management Institute of Texas.

Jurg Gerber is professor of criminal justice and Director of International Initiatives in the College of Criminal Justice at Sam Houston State University. For the last nine years he has also served as Professeur Invité at the University of Lausanne (Lausanne, Switzerland) and he spent academic year 2000/01 as a Fulbright Scholar at Kaliningrad State University, in Kaliningrad, Russia. Research interests include white-collar crime, criminology, drug control policy, and international criminal justice issues. He has co-edited two books on drug policy, one on white-collar crime, and has published extensively in all of the above areas. He has also consulted with criminal justice agencies, served as an external reviewer of academic departments, and has also been the recipient of eleven research and service grants totaling more than \$250,000.

