

**THE POSSIBLE ROLE
OF SHAME IN THE
DESISTANCE PROCESS**

Essay for the Offender Reintegration course

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4. Discuss the possible role of shame in the desistance process

1. Introduction

The title of this essay looks fairly simple for the first instance: we have two concepts and we are looking for the possible relation between them. However, our second reaction immediately shows the difficulties behind analysing their connection and we might say: “it depends on”. It depends on what we call shame and what we call desistance.

This question influences the current analysis in at least three aspects. Firstly, both shame (Van Stokkom, 2002) and desistance (Laub and Sampson, 2001; Maruna, 2001) play a mysterious role in criminology due to the lack of clear conceptualisation and consensual definition related to them. Therefore, despite the large number of studies in these fields, we still cannot guarantee that we talk about the same phenomena, if we do not agree on their definitions.

Secondly, shame has a Janus-face role in social mechanisms. Theories can be well distinguished according to the way they consider and analyse its influence on social behaviour: some of them rather focus on the dangers (e.g. Tangney, 1995), while others emphasise its beneficial effects on social integration (e.g. Braithwaite, 1989, Scheff and Retzinger, 1991). This diversity of the theories well reflects the ambiguous characteristics of shame.

Thirdly, while analysing the role of shame in desistance, we have to distinguish between its principal mechanisms on different levels: its main characteristics and effects are diverse on the level of the individual, the communities and the society. Hence, if we want to answer the question 'what is the influence of shame?' – both its dangers and beneficial roles – on desistance, we have to consider these effects along the different dimensions.¹

¹ This analysis of shame follows the structuration approach. According to Giddens “it is a fundamental mistake to see agents and structures as being separate”. Focusing on the “interplay between the individual and society“ he emphasizes that “neither the agent nor the structure truly ‘exists’ independently of one another” (Giddens, 1984: 297 cited by Farrall and Bowling, 1999:255).

The structure of this essay reflects the above-mentioned three points. In the first part I will introduce some of the definitions of desistance and shame and will conclude how I describe them. These definitions are followed by a systemic analysis of the main effects of shame on desistance. I intend to detail the most frequently argued mechanisms at micro (individual), meso (family, communities) and macro (society) levels (Figure 1). Due to the diversity of theories describing these processes, firstly I mention the assumed effects of shame on each level ('Questions'), and summarise the conditions in which shame might help the process of desistance ('Answers'). Needless to say, the fact that I call 'answers' those mechanisms in which shame has positive role in desistance reflects my personal view: shame *can* have a significant and positive role in the process of desistance.

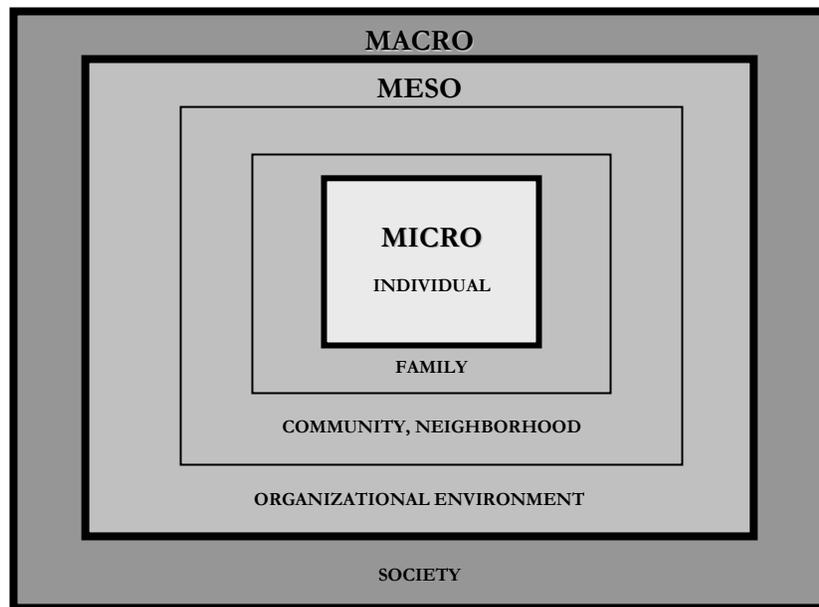


Figure 1.: The multilevel analysis of the role of shame

II. Definitions

1. Desistance

Is desistance a process (Maruna, 2001; Laub and Sampson, 2001), an event (Farral and Bowling, 1999), a current status (Farrington, 1986), a decision (Cusson and Pinsonneault, 1986), an inevitable stage in criminal career (Gottfredson and Hirschi, 1990) or an inexistent phenomenon (K. Erikson, 1962)?² According to the different theories, this question could be followed by mentioning several other aspects as well to illustrate how diverse the theories are related to this concept. The reason for this diversity is that the definition and understanding of desistance is largely dependent on what we think about crime in general (Laub and Sampson, 2001).

Laub and Sampson (2001) distinguished termination of offending from desistance as the underlying *causal process* behind it. Desistance might be defined as a “voluntary termination of serious criminal participation” (Shover, 1996)³, “no convictions between ages twenty-one and thirty-two following a conviction before age twenty-one” (Farrington and Hawkins, 1991)⁴, reducing the frequency, variety, seriousness of offending (Weitekamp and Kerner, 1994; Loeber and Blanc, 1990)⁵, or “as a the long-term abstinence from crime among individuals who had previously engaged in persistent patterns of criminal offending” (Maruna, 2001: 22).

Due to the lack of clear definition, its conceptualisation raises further questions: can we ever say one has desisted forever, can we talk about it after committing one crime, how can genuine

² These are subjective and simplified labels of the listed theoreticians based on the summary of Laub and Sampson (2001: 1-6) and Maruna (2001: 17-35) and they only intend to illustrate the differences. Due to space limitations I can not explore here why I think their theories could be described by these words.

³ Cited by Maruna (2001: 22)

⁴ Cited by Laub and Sampson (2001: 4)

⁵ Cited by Ibid.: 4-5.

and false desistance be distinguished (Stall and Biernacki, 1986)⁶, how long crime-free period do we need to say: it is desistance (Maruna, 2001: 23; Laub and Sampson, 2001: 4)?

The current essay focuses on the following characteristics of desistance: it is a process in which individuals have stopped committing crime and retrospectively consider this progression as a conscious and voluntary decision?

2. Shame

The words of shame – shaming – being ashamed – embarrassment – guilt are often used in the literature both in relation to the causes of crime and also in finding the possible responses to crime. Studies either focus on defining, describing shame and exploring the differences among the previously mentioned concepts (e.g. Tangney, 1995; Retzinger and Scheff, 1991), or choose/create their own definition and analyse its effects according to this initial definition (e.g. Braithwaite, 1989).

Following Harris (2001), I use the concept of shame in three contexts: 1.) feeling disapproved by others, 2.) feeling bad about oneself, and 3.) feeling that what one has done is wrong. Even though these functions cover an extremely wide scale of the possible effects of shame and make it difficult to exactly investigate its effect on desistance, we can not ignore the fact that there is no consensus among researchers on what shame means. Therefore, while analysing its influence it is used with different meanings: e.g. shame as an internal (being ashamed), or as an external (shaming) mechanism, felt before or after committing crime, before or after the disapproval of the environment in an expressed or hidden/unacknowledged way.

3. Relation between shame and desistance

While the role of shame just rarely detailed in the desistance literature (Leibrich, 1996; Maruna, 2001 are exceptions), the major indicators of desistance (reintegration, decrease of

⁶ Cited by Ibid.: 4

reconviction) are generally mentioned in studies analysing the role of shame, even though the word of “desistance” is also rare in the shaming literature. In this essay I intend to summarise how the different forms of shaming can play any role in the reintegration of offenders, in the decreasing of the reconviction rates and in helping them “going straight”.

III. The role of shame in desistance: questions and answers

In the following, I will analyse some of the main influences of shame on reintegration and desistance on micro, meso and macro level. In addition to mentioning both the constructive and the deconstructive effects of shame on these levels, I intend to emphasise how shame can positively influence the process of desistance.

1. Shame on the individual level

On the individual level shame is an emotion which - according to Nathanson (1992) - is a restraint and protects the self against potential physical and social dangers by the way it is used to recognise and define one’s limit. However – as Moore (1993) argues following Nathanson - if it is not counter-balanced by pride, a chronic shame might be experienced, resulting in a weak, degraded and exposed status.⁷ There is an ongoing debate about whether it is the emotion of shame (Moore, 1993; Scheff and Retzinger, 1991; Taylor, 1985;) or the guilt (Leith and Baumeister, 1998; Tangney, 1995;) which can lead to restoring respect. Nevertheless, the processes showing the dangers of these emotions are described similarly by the arguing theoreticians: shame or guilt might result in anxious, threatened, suspicious, resentment, self-focused feelings causing the blaming of others and preventing the development of empathy and responsibility in the wrongdoer. However, Harris (2001) did not find differences between shame and guilt. Both emotions – emerging from a common factor - predicted higher empathy and lower hostility, while unresolved shame resulted in higher empathy and higher anger, and the feeling of embarrassment simply caused higher hostility.

⁷ cited by Van Stokkom (2002: 342)

Considering how diverse the definitions we already have as our starting points, one might assume that the debate is more about semantic aspects than about the core mechanisms themselves. Therefore, it is rather worthwhile to focus on the main processes playing a constructive or deconstructive role in desistance than trying to exactly name the different stages.

Those emotions can help in desistance which might lead one to recognise the fact of his/her wrongdoing, can create responsibility, remorse and empathy for others affected by the harm, and which are followed by further steps to get over it and rebuild his or her self by expressing and communicating these emotions. The mechanisms “delivering” these emotions from the individuals into interactions will be described in the next part.

Emotions similar to shame were found by Maruna (2001) when analysing life stories of desisters. “Rebiographing”, “redemption rituals”, redefinition of the self, finding a new identity, the “real me” and distinguishing it from the former, “criminal” one (Maruna, 2001: 7) might emerge from the feeling of shame. If we assume a direct relation between shame and personal responsibility, a typology by Brickman et al. (1982) might be helpful in describing patterns according to the role of shame and responsibility: there are people who take responsibility both for their original problems and for their solutions (moral model), others take responsibility for their problems, but not for their solutions (enlightenment model), contrary to those who do not take responsibility for their problems but take for their solutions (compensatory model), and finally distinguish those who do not hold themselves responsible neither for their problems nor for the solutions (medical model)⁸.

To conclude on the role of shame on the individual level, it is important to stress that shame can be beneficial in the desistance process, if it creates responsibility, can be acknowledged and expressed, counter-balanced by pride, followed by further steps which help the person to redefine him/herself and put his former behaviour behind him/herself.

⁸ Summarised by Maruna (2001: 148)

2. Shaming on the level of families and communities

The dipolar characteristic of shame is the most visible on the meso level. Braithwaite's reintegrative shaming theory (1989) provides a useful framework to map the possible constructive and deconstructive roles of shame in the process of desistance. In reintegrative shaming "expressions of community disapproval [...] are followed by gestures of reacceptance into the community", and "the deviance label is applied to the behaviour rather than the person" (p: 55). Contrary to this, stigmatising shame involves assigning a master status to a person because of lawbreaking. By this disapproval, the person rather than the behaviour is rejected, and the shaming is not followed by a ritual reacceptance.

The psychological mechanisms within the wrongdoer detailed in the previous part become the initial steps in the social-psychological process of reacceptance. Scheff and Retzinger (1996), while analysing restorative conferences, assumed that if the previously "masked" shame is communicated between the affected actors, as a reflexive emotion, it offers an opportunity to put oneself in the other's place. The shame of the victim comes above the surface and together with the expression of regret and remorse from the offender the inducement of shame results in reacceptance between the parties. In this process one key element is the reacceptance of the offender, the other is to avoid shame as an attack on the offender's entire identity, because the latter might result in the offender turning away or responding with rancour.

Additionally to the previously detailed procedural characteristics of shame and shaming, the contents of these interactions also have influence on whether shame helps or not in the process of desistance. Braithwaite's (2001: 9-11) study on the role of restorative justice in substance abuse analyses the different effects reintegrative shaming can have if the underlying problems (e.g. alcohol abuse behind domestic violence) are confronted, while by sweeping these questions under the curtain conferences can be less successful or even might result in failure (e.g. RISE programme).

Several theories (e.g. Braithwaite, 1989: 84-94, Laub and Samson, 2001; West, 1982;) emphasize the significant role of social bonds, informal social control, the strength and interdependence of the social attachments in desistance. Shame can influence social bonds in three main ways. Firstly, as a mediator variable, it can strengthen social ties resulting in more successful reintegration, if the reintegrative shaming “script” is used; secondly, it can destroy these bonds, if the stigmatising version of shame is experienced; thirdly it can lose all of its potential influence, if interdependency, social bonds do not or just barely exist in the specific community. In other words, using the “proper” way of reintegrative shaming is still not a guarantee for reintegration: as the shaming process is based on the norms which are shared by each member of the community, mutual trust and obligation among them, the existence of these shared values, and the significant role of social ties are essential in the process of desistance.

The findings of Braithwaite and Makkai (1994: 375) and Wachtel’s social control window (1999: 78) consistently illustrate how shaming might have a reintegrative role, if it is merged with high disapproval/strong control and strong reintegrative attitude/strong support from the community, while high disapproval/strong control with low reintegration/weak support result in stigmatisation. (Figure 2).

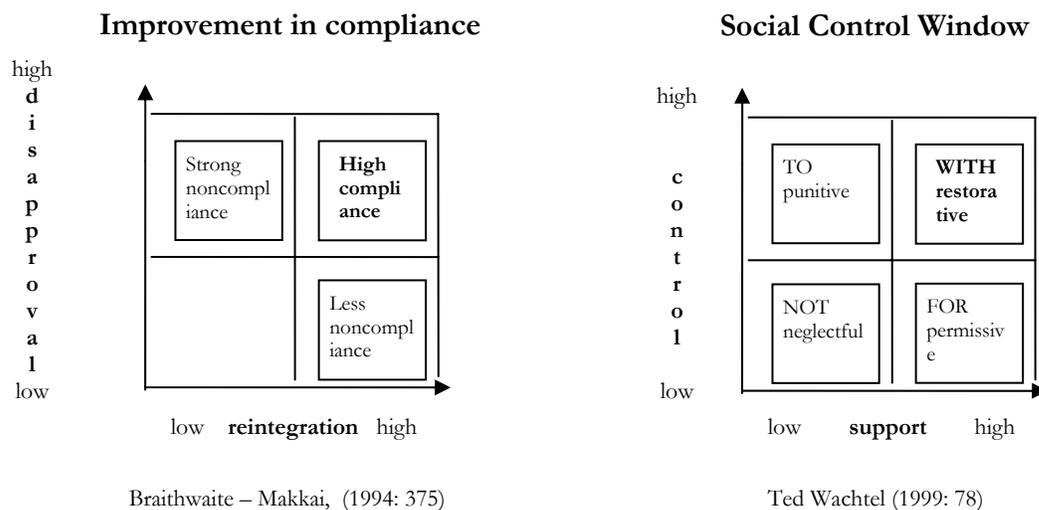


Figure 2: Similarities between Braithwaite and Makkai’s and Wachtel’s model

White (1994: 185 - 189) identifies several factors which have to be considered related to the significant role of shared values in reintegrative shaming. Firstly, offensive behaviour has to be defined in terms of a presumed consensus regarding social harm and deviant conduct. It also means that "the law", in spirit and practice, is to be equated with social consensus. This concept fails to consider the clashes of interest and the "active role of state officials, such as the police and members of the judiciary, in creating and applying criminal definitions on a selective basis to certain types of [...] people."

Secondly, he argues that if crime is defined in individualistic moral terms, it can lead to blaming the individual for their own behaviour without the consideration of those social factors which might have a strong influence on their behaviour. These questions lead to the general argument, whether there is such a thing as *deviant subculture* which is crucial when we analyse the effects of shame and the significant role of shared values in it⁹.

This issue raises my third question: can we and should we *reintegrate* someone coming from an already excluded community? Can we use our reintegrative intentions and communication on the level of communities as well?

To conclude on the main mechanisms working on the meso level, shame might have positive influence on desistance under the following conditions, if:

- its communication results in forgiveness from those affected by the harm
- it is followed by "reintegration ceremonies" (Maruna, 2001: 158), i.e. reacceptance
- besides the disapproval of the wrongdoing the personality of the wrongdoer is still respected

⁹ One of the radical approaches against thinking in cultures having deviant norms is related to Liebow (1967: 213) cited by Kornhauser (1978: 20), who argues that "The 'culture' thus constructed is not an authentic subculture, nor are its 'values' objects of genuine commitment. It neither commands allegiance nor guides to behavior; rather, follows behaviour. It is a response to the conditions of lower-class black life, not a cause of them".

- during the confrontation to a specific wrongdoing the underlying conflicts behind it are also communicated
- there are already existing social bonds, shared values, mutual trust, informal social control in the community
- the strong control is associated with strong support from the environment.

3. The effect of shame at the macro level

Desistance refers to the success of crime policy. If we are interested in the role of shame in desistance at the macro level, as a matter of fact we have to examine how the concept of shame can make the criminal justice system more effective.

What are the current political and cultural possibilities and conditions of integrating shaming into the Western societies' responses to crime? Recovering the shame concept in modern civilization, where it has been gradually repressed parallel to the process of individualisation (Elias, 1983), we might be able to share and communicate this originally isolating experience again (Lynd, 1958)¹⁰ and would not be so much ashamed for being ashamed (Scheff and Retzinger, 1996: 320). We might expect and accept admissions of guilt, rather than excuses and explanations from others (Maruna, 2001: 145), and could clearly express genuine and effective apologies (Tavuchis, 1991). All of these processes symbolise the steps to create a more integrated society where conflicts and reactions to them are much more relative. Where we are less dependent on the stereotypes, stigmas, on the myth of bogeymen related to the criminals and we do not need to exclude and isolate *them* in order to define *us*. (Maruna, 2001: 5)

What are the possibilities to use shame effectively in our society? Although Braithwaite (1989: 85) explains that communitarian societies which combine “a dense network of individual interdependencies with strong cultural commitments to mutuality of obligation” have the largest

¹⁰ Cited by Scheff and Retzinger (1996: 319)

chance to successfully use shame in reintegration, he does not explore the way in which these factors would be strengthened in less communitarian societies.

I think the transition from modernity to postmodernism, the process of “hollowing out” of the national state’s power (Bottoms and Wiles, 2002: 649) can be used to empower communities and help them in defining and handling their conflicts (including crime) on the level of localities. If we recognise this potential of the late-modern changes, we could take our conflicts, interests, emotions, shames, harms, needs back from the state again (Christie, 1977) and could use them to create more personalised ways of responding to conflicts and (re)integrating those who have been involved in them.

4. Conclusion

Shame might be a powerful *tool* in the process of desistance. It can represent a macro-sociological phenomenon, i.e. the crime on the level of interactions and individuals. The reason for calling it a tool is that it only functions as an initial step in the process of disapproving wrongdoing. It “moves” the personally-affected actors out from their original role in the conflict; generates communication and interactions among them and helps breaking the walls, which their previous stereotypes might have created among them.

However, the focus should not be on shame itself. In relation to the desistance, the key condition is the existence of reintegrative attitudes from the community members. They have to have initial positive expectations toward reacceptance, and in the realisation of this process they might *use* shame. Therefore, instead of using the term “reintegrative shaming”, I would rather use “reintegration *through* shaming”.

The environmental factors are crucial in the efficiency of shaming. Although it “pushes out” the actors from a static role, the direction it moves them in is largely dependent on the surrounding conditions: it can reinforce or erase stigma; it can take the community closer or further from the state

of being reintegrated. However, a positive attitude to reacceptance, the recognition and expression of shared values, and proper – mainly communicational - techniques for successful shame management might largely help people and communities to reintegrate their wrongdoers, i.e. in the long-term desistance of offenders.

Shame can be powerful because it is working according to the personal stories, needs, and emotions, hence it might result in much more individually tailored reactions and solutions to crime than impersonalised systems.

Shame can be used at any points in conflicts. Communities do not necessarily need criminals to use shame. In fact, shame and shaming might be much more effective, if they had been part of socialisation, if they had been used in the everyday conflicts as well. This multilevel potential of shame lead to two further assumptions: firstly, this kind of disapproval followed by reacceptance should be a part of the education system because shaming in one specific case that cannot necessarily account for the successful reintegration alone. It has to be embedded within a wider social context where this approach is supported by other institutions as well.

Secondly, shaming symbolises a continuum in conflicts. This might help us to break down our strict dichotomy of deviant and compliant people. I think if shame only had this effect, it could significantly increase the possibility of integration and desistance of offenders.

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