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A TEST OF REINTEGRATIVE SHAMING THEORY'S CONCEPTS OF INTERDEPENDENCE AND EXPRESSED SHAME IN RESTORATIVE JUSTICE CONFERENCING

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A TEST OF REINTEGRATIVE SHAMING THEORY'S CONCEPTS OF INTERDEPENDENCE AND EXPRESSED SHAME IN RESTORATIVE JUSTICE CONFERENCING

By

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ABSTRACT

A TEST OF REINTEGRATIVE SHAMING THEORY'S CONCEPTS OF INTERDEPENDENCE AND EXPRESSED SHAME IN RESTORATIVE JUSTICE CONFERENCING

By

Gina Marie Hendrix

This thesis examines Braithwaite's (1989) reintegrative shaming theory's concepts of interdependence and expressed shame. Interdependence is operationalized through an adaptation of Hirschi's (1969) social control theory, specifically attachment to mother, commitment to conventional institutions of church and school, and involvement in conventional activities. Data from the Indianapolis Restorative Justice Experiment are used. Bivariate analysis was employed to examine the relationship between diversion group assignment and levels of interdependency and expressed shame. Multivariate analysis was employed to examine the relationship of interdependency and expressed shame with re-offending. Results showed youths that completed restorative justice conferencing had higher levels of interdependency and expressed shame than control youths, but interdependency and expressed shame were not predictive of re-offending. Limitations and implications are discussed.

To my Mom and Dad for their eternal support and love.

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INTRODUCTION

Over the last two hundred years, the United States' justice system has principally operated under a retribution model, in which punishments reflect the mentality of "an eye for an eye." Justice is viewed in terms of blame and punishment (Zehr, 1990). The way in which the United States punishes criminals is by removing them from society (and placing them in prison) for a designated period of time, which, in theory, should correspond to the severity of the crime committed. Offenders, upon completion of their sentence, are viewed as having "paid their debt to society" and are hoped to have "learned their lesson" so as to not commit a criminal act in the future. However, the retribution model is a zero-sum game with the offender always being the loser (Wright, 2000). As a result, it has been found that punishment does not necessarily result in the desired behavior of conformity to society's laws, but instead may increase the likelihood of criminal offending (Gendreau, 1996). This belief in retribution can be seen by the increased demand for incarceration in the United States. The incarceration rate in the United States has more than tripled since 1980, and in the year 2002 the prison population grew by 2.6 percent (Bureau of Justice Statistics, 2000; Harrison & Beck, 2003). In addition, between 1987 and 1996, court-ordered residential placements for juveniles increased by fifty-one percent.

This increase in residential placements for juveniles has corresponded with a forty-nine percent increase in the volume of cases handled by the court system in the United States (Snyder & Sickmund, 1999). The type of cases handled by the juvenile court system has changed as well, with an increase in cases dealing with violent,

person, weapon, and drug offenses (Snyder & Sickmund, 1999). These increases have placed a strain on the court system's resources and programs and a growing consensus that the current juvenile justice system is not working effectively.

In light of this reality, practitioners, scholars, and the public have begun to search for alternatives to the current justice system (Perry, 2002). While some have suggested a more punitive approach, another alternative that has gained ground in recent years is the restorative justice model. According to Johnstone (2002), a restorative justice model aims to "meet victim's needs" and "ensure that the offender is fully aware of the damage they have caused to people and of their ability to repair that damage" instead of focusing only on the punishment of the offender as with the retributive model (p. 1).

In the United States, the restorative justice model has primarily been touted as a successful intervention for juvenile offenders. Research shows that youth who are known by the juvenile justice system by an early age are more likely to have long and violent criminal careers (Loeber & Farrington, 2000; Snyder & Sickmund, 1999). In addition, it has been calculated that the cost to society for these criminal careers is between 1.7 and 2.3 million dollars (Cohen, 1998). An effective intervention for young offenders is needed to reduce these costs to society. It is hoped that a restorative justice framework will be that effective intervention. In fact, recently many state juvenile justice agencies have adopted restorative justice ideals. According to Snyder and Sickmund (1999), "recently, states have been attempting to strike a balance in their juvenile justice systems among system and offender accountability, offender competency development, and community protection" (p.

89). As a result, many states have begun to use restorative justice language in their mission and vision statements. For example, Wisconsin's vision statement states, "the Division of Juvenile Corrections will reduce delinquent behavior and restore a sense of safety to victims and the community" (Wisconsin Division of Juvenile Corrections, 2003). However, while juvenile justice agencies have begun to embrace the concept of restorative justice, it is important to know what that concept entails.

CHAPTER I

DEFINITION OF RESTORATIVE JUSTICE

What is Restorative Justice?

The term "restorative justice" encompasses many different approaches and/or interventions, and various scholars have given it different meanings (Van Ness & Strong, 2002). Zehr (1990) states "crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance" (p. 181). This is in direct contrast to the retributive model, which emphasizes crime as lawbreaking only. It is this inclusion of the victim and offender that makes it different than how crime has been traditionally handled by the criminal justice system.

Van Ness and Strong (2002) build upon Zehr's description of restorative justice by stating,

> Restorative justice focuses on repairing the harm caused by crime and reducing the likelihood of future harm. It does this by encouraging offenders to take responsibility for their actions and for the harm they have caused, by providing redress for victims, and by promoting reintegration of both within the community. Communities and the government accomplish this through a cooperative effort (p. 49).

These definitions, however, do not pinpoint how to identify restorative justice practices. Zehr and Mika (2003) suggest that restorative justice processes can be identified when the following occurs: the harms of the offenses are focused upon, there is involvement of victims, offenders, and the community; restoration of victims is a priority; offenders are supported and encouraged to follow through on obligations

for reparations; offender reparation obligations are achievable and not unduly hardships; opportunities for dialogue between the victim and the offender are available when appropriate; collaboration and reintegration are encouraged instead of coercion and isolation; and respect is given to all parties involved in the process. These guidelines for identifying restorative justice processes show that the concept of restorative justice can incorporate many different practices; all of which could be described as falling under the restorative justice model.

Restorative Justice Models

Restorative justice practices fall generally under one of four different models: community reparative boards, circle sentencing, victim-offender mediation, and family group (or restorative justice conferencing). While each of these models views crime as "a harm to people and relationships" and aims to involve the offenders, victims, and community in reconcile and repair that harm, they each have slightly different approaches and procedures to dealing with criminal offenses (Zehr, 1990). Each of the models is described below.

Community reparative boards have also been called youth panels or neighborhood boards, and have been in use since the 1990s (Bazemore & Umbreit, 2001). Reparative boards consist of a group of trained community members, which conduct face-to-face meetings with offenders. In these meetings, board members discuss the crime and the harm it caused. The offender and the board agree on what actions need to be taken within a specific time period in order for the offender to make reparation for the crime. The board makes a report to the court regarding the

offender's compliance with the agreement after the stipulated time limit has passed, at which point the board's involvement in the case ends (Bazemore & Umbreit, 2001).

Circle sentencing (also known as peacemaking circles) is an updated version of the traditional sanctioning processes of aboriginal societies (Melton, 1995). The sentencing circle consists of the offender, victims, families, community members, and justice system members. Offenders must apply to participate in the circle process. Circle sentencing usually consists of a healing circle for the victim, a healing circle for the offender, a sentencing circle to develop a sentencing plan, and follow-up circles to monitor the progress of the offender (Bazemore & Umbreit, 2001). Within the circles, participants discuss the crime and convey the harm of the offense as well as identify how to heal all the affected parties and prevent future criminal acts (Bazemore & Umbreit, 2001). The process may vary from community to community, however, as each sentencing circle is designed to fit local needs.

Victim-offender mediation has been in operation since the 1970s in the United States, Canada, and Europe (Bazemore & Umbreit, 2001). In victim-offender mediation, the victim and offender sit down with a trained mediator. This allows the victim the opportunity to communicate to the offender the crime's impact on his or her life, ask questions regarding the crime and the offender, and be involved in the development of a reparation plan for the crime (Bazemore & Umbreit, 2001). The exact process of victim-offender mediation depends largely on where it is conducted, as each program is tailored to the needs of the jurisdiction in which it resides (Umbreit, Greenwood, Fercello, & Umbreit, 2000).

Restorative justice conferencing (also known as family group conferencing) began in the late 1980s in New Zealand. It allows youthful offenders to sit down with the victim, the victim's supporters, and the youth's supporters with a trained facilitator to discuss the crime and the resulting harm that was caused. An agreement is reached at the end of the conference, which states how the youth can make amends to the victim (Bazemore & Umbreit, 2001). Most participants in restorative justice conferencing report high levels of satisfaction with the process and outcomes (Daly, 2001; Hayes & Daly, 2003; Latimer, Dowden, & Muise, 2001; Marshall, 1999; Miers, Maguire, Goldie, Sharpe, Hale, Netten, Uglow, Doolin, Hallam, Enterkin, & Newburn, 2001; McGarrell, 2001; McGarrell, Olivares, Crawford, & Kroovand, 2000; Umbreit & Fercello, 1998). In addition, several researchers have demonstrated that the use of restorative justice conferencing leads to reductions in re-offending compared to other traditional, and in some cases other diversion program, interventions (Braithwaite, 1999; Hines, 2000; Luke & Lind, 2002; Latimer, Dowden, & Muise, 2001; McGarrell, 2001; McGarrell, Olivares, Crawford, & Kroovand, 2000). On the other hand, some have found a difference in re-offending only for those charged with serious (person) offenses, but not in less serious offenses, such as property offenses (McCold & Wachtel, 2001; Sherman, Strang, & Woods, 2000). Other studies have examined differences in re-offending among restorative justice conference participants and have found conference factors (such as an offender feeling remorseful and agreement with the outcome) to reduce re-offending (Hayes & Daly, 2003; Maxwell & Morris, 2001). Restorative justice conferencing is the model that will be examined in this research.

CHAPTER II

THEORETICAL FRAMEWORK

Reintegrative Shaming

Reintegrative shaming has been the theoretical framework largely associated with restorative justice conferencing (Bazemore & Dooley, 2001). Braithwaite's (1989) theory of reintegrative shaming incorporates and builds upon control and deterrence theory. Reintegrative shaming builds upon deterrence theory in that it increases the costs of offending to the point that offending becomes unthinkable, and builds upon control theory by utilizing social bonding as a mechanism to facilitate reintegrative shaming (Braithwaite, 1989).

Braithwaite (1989) makes a clear distinction between shaming processes that are reintegrative (like restorative justice conferencing) and those that are disintegrative or stigmatizing (like our traditional justice system). Braithwaite states "reintegrative shaming means the expressions of community disapproval...are followed by gestures of reacceptance into the community of law-abiding citizens. ...Disintegrative shaming (stigmatization), in contrast, divides the community by creating a class of outcasts" (1989, p. 55). Thus, reintegrative shaming uses fear of social disapproval and an attack on the conscience as reasons why individuals will fail to commit unlawful acts. Reintegrative shaming prevents an individual from developing a deviant career when the shaming maintains the bonds of love or respect throughout the shaming process, is directed at wrongfulness of the act as opposed to the wrongfulness of the person, is expressed in terms of conveying general social approval, and involves gestures or ceremonies of approval (Braithwaite, 1989).

Braithwaite (1989) recommends restorative justice conferencing as a ceremony, which invokes reintegrative shaming to prevent re-offending. Stigmatizing shaming, on the other hand, cannot adequately prevent an individual from adopting a deviant master status.

Stigmatizing shaming labels offenders as deviant and as a reaction to the label, criminal subcultures form (Braithwaite, 1989, Cloward & Ohlin, 1960). Braithwaite (1989) states that subcultural groups cluster sets of rationalizations and conduct norms together to support criminal behavior. These subcultural groups "provide systematic social support for crime in any of a number of ways – supplying members with criminal opportunities, criminal values, attitudes which weaken conventional values of law abidingness, or techniques of neutralizing conventional values" (Braithwaite, 1989, p. 101).

There have been few empirical studies regarding Braithwaite's reintegrative shaming theory, despite its relative popularity (Hay, 1998; Hay, 2001; Houts, 1995; Makkai & Braithwaite, 1994; Vagg, 1998; Wong, 1999; Zhang, 1995). In fact, many have applied reintegrative shaming as the theoretical framework for restorative justice conferencing without testing the theory empirically (Bazemore & Dooley, 2001; Braithwaite & Mugford, 1994; McCold & Wachtel, 1998; Sherman, Strang, Barnes, Braithwaite, Ipken, & The, 1998). In addition, findings from most empirical studies on reintegrative shaming theory have been inconclusive (Hay, 2001). Hay (1998) argues that the lack of empirical tests of Braithwaite's reintegrative shaming theory is due to "the lack of theoretical clarity in Braithwaite's statement of the theory" (p.

421). However, there are two clear concepts, shame and interdependency, which will be examined.

Shame

Shaming is an integral part of Braithwaite's (1989) reintegrative shaming theory. As stated previously, Braithwaite (1989) differentiates shaming into shaming that is reintegrative and shaming that is stigmatizing. Reintegrative shaming is conducive to reducing re-offending, while stigmatizing shaming is not (Braithwaite, 1989). In fact, Braithwaite (1989) argues shaming is the process that makes criminal behavior "abhorrent" to individuals through invoking the punishers of "social disapproval and pangs of conscience" (p. 7, 75). Other researchers have given this notion credence, arguing informal consequences of being caught engaging in criminal behavior (such as shaming) may be as important or more important than formal consequences (Grasmick & Bursik, 1990; Paternoster & Iovanni, 1986). In addition, Braithwaite (1989) argues individuals who do not feel shame are more likely to engage in criminal behavior because they do not have a fear of shame for themselves or in regards to intimates.

These assertions and findings lead to two issues regarding shame and reintegrative shaming, whether shame needs to be acknowledged and whether shaming is more effective when an individual expresses shame that intimates found out about the criminal behavior. Researchers have delineated between unacknowledged and acknowledged shame. In acknowledged shame, an individual accepts feelings of shame and believes he or she has acted in a socially undesirable

way, which allows an individual to express culpability for the behavior and make reparations for harm caused (Ahmed, Harris, Braithwaite, & Braithwaite, 2001; Lewis, 1971; Wicker, Payne, & Morgan, 1983). In unacknowledged shame, the opposite occurs and an individual is more likely to resist expressing culpability and making amends (Ahmed, Harris, Braithwaite, & Braithwaite, 2001). It is also unacknowledged shame that leads to crime (Katz, 1988; Lansky, 1995). There is some evidence that offenders who expressed shame were less likely to re-offend than those who did not (Jensen & Gibbons, 2002). In fact, Jenson and Gibbons (2002) found offenders are more likely to accept culpability for the offense when they expressed shame. Therefore, expressed shame is similar to acknowledged shame.

Reintegrative shaming facilitates acknowledged shame through exposing criminal behavior to one's intimates (Braithwaite, 1989; Grasmick & Bursik, 1990, Jenson & Gibbons, 2002; Williams & Hawkins, 1986). Thus, restorative justice interventions that are based on reintegrative shaming principles are believed to increase levels of acknowledged shame, and as a result, reduce further criminal behavior (Ahmed, Harris, Braithwaite, & Braithwaite, 2002). Therefore, acknowledged shame is assumed to occur in interventions that invoke reintegrative shaming. This study will examine this assumption.

Interdependency

Another concept that is clear in Braithwaite's (1989) theory is that of interdependency. Individuals that "have personal obligations to others within a community" are said to be interdependent (Braithwaite, 1989, p. 85). Individuals are

more susceptible to shaming when they are interdependent with those who are shaming them (Braithwaite, 1989). In addition, Braithwaite (1989) argues interdependency is linked with decreased criminal activity (although perhaps indirectly).

Braithwaite (1989) outlines several predictors of interdependency. He identifies males, those aged between 15 and 25, the unmarried, and unemployed as being less likely to have interdependent relationships (Braithwaite, 1989). In addition, Braithwaite (1989) makes a direct connection with interdependency and Hirschi's (1969) social control theory. Braithwaite (1989) argues that the concept of "interdependency is approximately equivalent to the social bonding, attachment and commitment of control theory" (p. 100). Thus, interdependency and/or control theory acts as the mechanism through which reintegrative shaming operates.

Makkai and Braithwaite (1994) and Hay (2001) examined the relationship of interdependency and reintegrative shaming. Makkai and Braithwaite (1994) examined nursing home compliance with the law. Interdependency was measured by whether nursing directors reported they knew some of the inspectors prior to their regulatory encounter (Makkai & Braithwaite, 1994). Results showed no reintegrative effect when directors knew none of the inspectors, that is, where there was low interdependency (Makkai & Braithwaite, 1994).

Hay (2001) also examined interdependency. Hay (2001) examined juvenile perceptions of reintegration and shaming used by their parents. Interdependency was only measured through attachment to parents. Hay (2001) found a significant relationship between interdependency and shaming, but it was not as strong as the

relationship found between interdependency and parent use of reintegration. Hay (2001) argued, "reintegrative sanctioning of children [may] lead to high parent-child interdependency rather than vice versa" (p. 147). Therefore, interventions that use reintegrative shaming should lead to higher interdependency.

While these two studies provide some insight into interdependency, there are still many issues left to be addressed. This study aims to address some of these issues, specifically broadening the definition of interdependency, examining the relationship between interdependency and re-offending, and assessing whether interventions based on reintegrative shaming leads to higher interdependency.

Social Control Theory

An important part of Braithwaite's (1989) concept of interdependency is its link with Hirschi's (1969) social control theory. Hirschi (1969) argues that individuals conform to societal rules because they are bonded to society. Hirschi (1969) argues that there are four elements to social bonding: attachment, commitment, involvement, and belief.

Attachment is sensitivity to others and is the element that allows the internalization of norms and values. Hirschi (1969) argues that attachment to parents and school strengthens an individual's bond to society. Hirschi (1969) specifically found (through a self-report study) that boys who were more closely attached to their parents were less likely to commit delinquent acts than those who were less closely attached. Youth also are more likely to commit delinquent acts when they have low attachment to school, exhibiting characteristics such as poor school performance, a

dislike for school, and a rejection of a school's authority (Hirschi, 1969). Hirschi (1969) argues that attachment to peers can be problematic when discussing strengthening bonds to society. He argues that youth, who have a stake in conformity, already have strong bonds to society, will not align themselves with delinquent peers (Hirschi, 1969). However, youth with weak bonds already are more likely to align themselves with delinquent peers and to commit delinquent acts (Hirschi, 1969).

Commitment is the investment an individual has in conformity and the fear of the consequences of a delinquent act. Hirschi (1969) states that commitment is the "rational component in conformity," in which an individual will weigh the costs and benefits before committing a delinquent act (p. 20). Thus, an individual with a greater "stake in conformity" will be less likely to commit a delinquent act due to the negative consequences of such an act (Toby, 1959). Hirschi (1969) specifically examined commitment to education and occupation. Hirschi (1969) found that educational and occupational aspirations and expectations of delinquents were lower than non-delinquents. In addition, Hirschi (1969) states, "those boys whose stated aspirations exceed their expectations are less likely to be delinquent than boys with equivalent expectations and lower aspirations" (p. 185).

Involvement in conventional activities is based on the belief that opportunities for delinquent activities is restricted by "being busy". Hirschi (1969), however, admits that research has failed to produce evidence that involvement in conventional activities curbs delinquency. He further goes on to state, "in the common sense, the

idea of involvement remains central to much thinking about the causation and prevention of delinquency" (Hirschi, 1969, p. 188).

The element of belief covers the concept that individuals will be less likely to commit delinquent acts if they believe they should obey the rules or laws of society. Hirschi (1969) clarifies this idea by stating; "delinquency is not caused by beliefs that require delinquency but is rather made possible by the absence of (effective) beliefs that forbid delinquency" (p. 198). Hirschi (1969) specifically looks at values relating to defining delinquent behavior and acts as "good" or "bad".

There have been a large number of empirical studies on Hirschi's (1969) theory of social control. These studies have largely concluded that there is support for two of the four elements of social bonding: attachment and commitment (Costello & Vowell, 1999; Krohn & Massey, 1980). On the other hand, studies examining involvement in conventional activities have been less than clear and others have found the variable of conventional beliefs to be problematic (Kempf, 1993; Vold, Bernard, & Snipes, 2002). Some studies have, however, found support for involvement through involvement in extracurricular school activities (Agnew, 1985; Wiatrowski, Griswold, & Robbins, 1981). Others have used an adapted form of Hirschi's (1969) social control theory, in which attachment to and commitment and involvement in conventional activities restricts the propensity to be delinquent (Nagin & Paternoster, 1994; Sampson & Laub, 1991, 1992, 1993). Thus, according to this adaptation, attachment and commitment to

and involvement in conventional activities and/or institutions (for example, school, extracurricular activities, and church) reduce the likelihood of delinquency. This study will utilize this adaptation of Hirschi's (1969) social control theory, which examines attachment, commitment to conventional institutions, and involvement in conventional activities.

CHAPTER III

DATA AND METHODS

Current Study

Braithwaite (1989) specifically draws upon Hirschi's (1969) social control theory to define his concept of interdependency. This study will use the adapted form of Hirschi's (1969) social control theory put forth by Paternoster and Nagin (1994) and Sampson and Laub (1991, 1992, 1993) to evaluate attachment, involvement in conventional activities, and commitment to conventional activities as measures of interdependency. In addition, this study will examine the role of expressed shame in reintegrative shaming. This study will test Braithwaite's (1989) reintegrative shaming theory as an appropriate theoretical framework; specifically it's concept of interdependency and assumption of expressed shame, for the intervention of restorative justice conferencing.

The Indianapolis Restorative Justice Experiment

This study will utilize data obtained from the Indianapolis Restorative Justice Experiment, which began in 1997 by a team of researchers from Indiana University and the Hudson Institute (see McGarrell, 2001; McGarrell, Olivares, Crawford, & Kroovand, 2000). The Indianapolis Restorative Justice Experiment involved the implementation of restorative justice conferencing as an alternative for very young offenders. The initial study involved an experimental design. Youth were randomly assigned to either restorative justice conferencing or to one of the other diversion

programs in Marion County, Indiana. To be eligible for assignment to a restorative justice conference, youth had to meet specific criteria. The criteria for admission included:

- Youth was a first time offender.
- Youth was not charged with a serious or violent offense.
- Youth had no other charges pending.
- Youth was no older than 14 years of age.
- Youth admitted responsibility.

Seven hundred and eighty-two youthful offenders participated in the experiment from September 1, 1997 through September 30, 1999. Four hundred youth were assigned to the Restorative Justice Conferencing group, while 382 were assigned to the control group. In the experiment, 61% (233) control youth successfully completed the assigned diversion program, while 80.5% (322) of the experimental youth successfully completed the assigned restorative justice conferencing. The difference is statistically significant ($x^2 = 36.08$, $p < .01$). The experiment utilized several outcome measures including: post-conference/diversion surveys with offending youths, victims, victim supporter(s), and offender's parents or supporters; a one year follow-up interview with offending youth; a one year follow-up interview with the victim; and an initial six month recidivism analysis. The researchers report plans to follow the sample for a 24-month follow-up period (McGarrell, 2001; McGarrell, et. al, 2000). Survey questions were answered using a binary scale or scale for strength (usually a Likert-scale). Recidivism was measured by whether a youth was re-arrested (McGarrell, 2001; McGarrell, et. al, 2000).

Sample Description

This study utilizes data from a sub-sample of the original data from the Indianapolis Restorative Justice Experiment: youthful offenders that completed the post-conference survey. Post-conference and diversion program interviews were attempted with all youths who entered the study on the basis of an original offense that occurred between August 1998 and June 2000. A total of 458 youths entered the study during that time period. These included 233 youths in the experimental group (restorative justice conference referral) and 225 youths in the control group (diversion program referral). Of these youths, 269 interviews were successfully completed. This included 156 completed surveys of experimental group youths (67% response rate) and 113 completed surveys of control group youths (50% response rate).[1] The control group response rate appears to have been reduced by the difficulty in reaching control group youths who failed to complete their diversion program. This introduces a potential source of bias in comparing the two groups, as the control group appears to under-represent youths who had difficulty with compliance with court-ordered programs.

Three youth were eliminated from the sub-sample due to discrepancies when recidivism data were matched with youth interview data. Therefore, the entire sub-sample used in this research included 266 youths (153 experimental and 113 control). Eight additional youth were excluded from this study for failure to complete the assigned diversion program or restorative conferencing program, 4.4% of the control group and 2.0% of the restorative justice group ($x^2 = 1.33$, $p > .05$). This rate of

[1] Unfortunately, the number of attempts to reach youth were not recorded neither were the reasons for not reaching particular youth. Therefore, the implications cannot be fully discussed.

completion is much lower than that of the original sample, in which the differences between the two groups were significantly different. Of the resulting 257 subjects, 149 (58%) were in the Restorative Justice conferencing (experimental) group. The control group consisted of the remaining 108 youths, which were assigned to diversion programs other than the Restorative Justice Conferencing. Breakdown of youths into diversion programs for the sub-sample is illustrated in Table 1.

Table 1. Diversion Program Breakdown for Survey Youth

Diversion Program	N	Percent
Experimental Group:		
Restorative Justice Conferencing	149	58.0%
Control Group:		
Shoplifting Education	41	16.0%
Garden Project (community service)	13	5.1%
Victim Offender Mediation	2	.8%
IPD Drug Education	20	7.8%
Volunteer Services	3	1.2%
Paint It Clean (community service)	16	6.2%
Tutoring Program	3	1.2%
Essay	3	1.2%
National Correctional Training Institute	1	.4%
Operation Kids Can	5	1.9%
Boys Vision	1	.4%
Total	257	100.0%

The mean age for the sample was 12.69 years. There were more males (61.1%) than females (38.9%), and slightly more whites than non-whites (50.2% and 49.8% respectively). In addition, a majority of the youths were charged with either shoplifting or battery (37.9% and 35.2% respectively). Breakdown of the sub-sample by charge is illustrated in Table 2.

Table 2. Charge Breakdown*

Charge	RJ	Control	Total
Conversion (Shoplifting)	39.2%	36.1%	37.9%
Battery	37.1%	32.4%	35.2%
Theft	9.5%	7.4%	8.6%
Criminal Mischief	6.7%	8.3%	7.4%
Disorderly Conduct	2.7%	5.6%	3.9%
Trespass	2.0%	4.6%	3.1%
Public Intoxication	0.0%	2.9%	1.2%
Other	1.4%	.9%	1.2%
Intimidation	0.0%	.9%	.4%
Resisting Arrest	.7%	0.0%	.4%
Residential Entry	.7%	0.0%	.4%
Possession of Marijuana	0.0%	.9%	.4%
Total	100%	100%	100%
	N = 148	N=108	N = 256

* Differences not significant ($x^2 = 13.09$, $p > 0.5$).

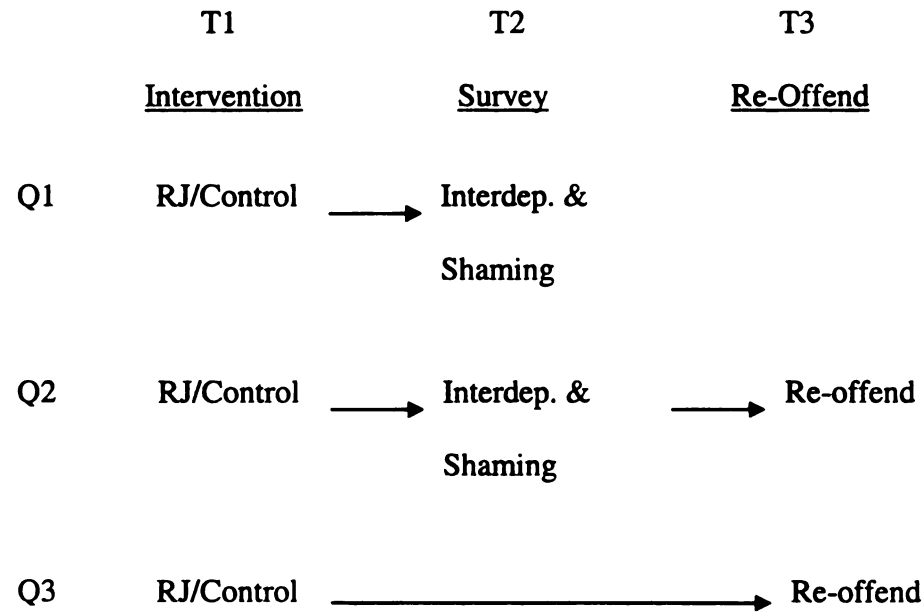
Research Questions

The study proposes several research questions to test the applicability of Braithwaite's (1989) concept of interdependency, conceptualized by Hirschi's (1969) control theory adaptation and Braithwaite's (1989) assumption of expressed shame.

Braithwaite (1989) indicates that reintegrative shaming is more conducive for those who are interdependent and for those who acknowledge or express shame during an intervention that follows reintegrative shaming principles. Therefore, one of the research questions for this study is whether there is a difference between the restorative justice conferencing group and the control group regarding interdependency and expressed shame after the intervention. Braithwaite (1989) also states that interventions based on reintegrative shaming will reduce re-offending, while those interventions utilizing stigmatizing shaming (or traditional interventions) will not. Therefore, another research question for this study is whether there is a difference in re-offending between the restorative justice conferencing group and the control group. Braithwaite (1989) asserts that individuals who are interdependent and express shame are less likely to re-offend. Thus, the final research question is whether there is a relationship between re-offending at 24 months and reported levels of interdependency and expressed shame (as recorded in post-conference surveys). Figure 1 shows the timing of when the survey and re-offending occurred, as well as when each research question was addressed.

These research questions are addressed in several ways. The first question is addressed through bivariate analysis, specifically independent t-tests, for each of the measures of interdependency and that of expressed shame. The relationship between re-offending and diversion group assignment was examined through the chi-square statistic. Binary logistic regression was employed to answer the third research question.

Figure 1. Timing of Research Questions.



Variables

The concepts of interdependency and expressed shame were the independent variables for multivariate analysis and were the dependent variables for bivariate analysis. The concept of interdependency was examined through three measures: attachment to mother (attachment), commitment to conventional institutions of church and school (commitment), and involvement in conventional activities (involvement). There was only one measure of expressed shame. Diversion group assignment was used as the independent variable for bivariate analysis and the multivariate analysis. Re-offending was used as the dependent variable for multivariate analysis. Race, age, and gender were controls for multivariate analysis.

Measures of Interdependency and Expressed Shame

As noted previously, Braithwaite (1989) and Hirschi (1969) would expect experimental youths (restorative justice conference referral) to have higher interdependency and expressed shame. Therefore, two predictor measures were used in this study: interdependency and expressed shame. Measures of the concept of interdependency will be discussed first.

As a first step, I used factor analysis to explore and develop two measures of interdependency. Those two measures included attachment to mother and commitment to conventional institutions of church and school. Principal component analysis (PCA), through factor analysis, using oblique rotation was used as a data reduction technique to gain these two measures. The principal component analysis applied the standard criteria of requiring an eigenvalue of one as an indication of which components' factors scores should be loaded. PCA results in z scores (called factor scores) for each case. A factor score greater or less than +/- 1.96 is considered an extreme score. Table 3 shows the factor loadings for each of the variables that resulted from the PCA.

Table 3. Components Loading for PCA Extraction

	Component Loading	
Variable	Factor 1	Factor 2
Grades important	.871	.118
Like school	.789	.296
Attend religious services	.789	
Close to mother		.918
Gotten along well with mother	.327	.920

The measure attachment to mother is the combination of two survey questions using a likert-scale response: "I feel close to my mother," and "Throughout my life, I have gotten along well with my mother" (1 = strongly agree, 5 = strongly disagree). It is important to note that the factor loadings for the two measures were high (greater than .9), which indicates that both survey questions are measuring the same thing (Johnson & Wichern, 2002). Therefore, only one survey question, "I feel close to my mother", was used as the measure for attachment to mother. The mean answer for this survey question was 1.97, indicating that most of the sample agreed that they felt close to their mother. Table 4 shows the descriptive statistics for this measure.

It is also important to note here that attachment to father was not used as a measure. Observation data from the restorative justice conferences showed that of the 215 conferences observed, 194 (90.2%) had at least one parent attending. Unfortunately, the data did not distinguish between whether it was the mother or the

father attending. Previous research has shown that attachment to mother or female caregivers is more indicative of reductions in re-offending (Allen, Moore, Kuperminc, & Bell, 1998; Benda & Corwyn, 2002; Simons, Paternite, & Shore, 2001). In addition, the U. S. Census Bureau (2002) reports that in the 2000 census, 62.8% of households in Marion County, Indiana are single-female headed householders with children under the age of 18. Thus, only attachment to mother was used.

The measure commitment to conventional institutions of church and school is a combination of three survey questions using a likert-scale response: "In general, do you like or dislike school" (1 = like it, 3 = dislike it); "How important is getting good grades to you personally" (1 = very important, 3 = not important); and "How often do you attend religious services" (1 = several times a month or more, 3 = hardly ever or never). By viewing the correlation matrix, it was determined that factor scores for commitment to conventional institutions of church and school, that are below zero correspond to lower levels of commitment, while scores greater than zero correspond to higher levels of commitment.[2] Commitment to conventional institutions had a minimum factor score of –2.57 and a maximum factor score of 1.26. These measures were determined to be reliable (cronbach's alpha = .71).

Additive scales were used to create indicators for the third measure of interdependency, as well as the measure for expressed shame from the survey questions. Factor analysis could not be used as a data reduction technique in this instance, since the survey questions had binary answers (yes or no), and as a result,

[2] Values less than zero originally corresponded to higher levels of commitment and vice versus for values greater than zero. Values were multiplied by a negative one to reverse this in order for easier readability of results.

reliability between the survey questions are quite low. The third measure of interdependency will be discussed first, followed by the measure of expressed shame.

The third measure of interdependency is involvement in conventional activities. An additive scale was used to tally the responses (1 = yes, 0 = no) to several survey questions that indicate involvement ("Are you active in athletic teams at school;" "Are you active in cheerleading at school;" "Are you active in science clubs at school;" "Are you active in service clubs at school;" "Are you active in band or musical groups at school;" "Are you active in art or dance at school;" "Are you active in student government at school;" "Are you active in honor societies at school;" "Are you active in athletic teams outside of school;" "Are you active in cheerleading outside of school;" "Are you active in a part-time job;" "Are you active in band or musical groups outside of school;" "Are you active in art or dance outside of school;" "Are you active in a youth group; are you active in any other activities outside of school;" and "Do you belong to a church"). Youths reported an average involvement in 1.23 activities (ranging from zero to six). These measures had a cronbach's alpha of .36.

The measure of expressed shame is an additive scale of three survey questions ("How ashamed or proud did you feel that your family found out about the offense you committed," "How ashamed or proud did you feel that your friends found out about the offense you committed," and "How ashamed or proud did you feel when the police found out about the offense you committed"). Responses to these questions were on a likert-scale (1 = very ashamed, 6 = proud). These responses were recoded as a dummy variable (0 = did not express shame, 1 = expressed shame).

These questions were dichotomized in order to simplify the difference between expressed shame and not expressing shame. An additive scale was then used to tally up the responses for each of these survey questions to become the measure for expressed shame. Youths reported expressing shame from none of the three dimensions (family, peers, and police) to all three dimensions. These measures had a cronbach's alpha of .54. Table 4 shows the descriptive statistics for the two of the measures of interdependency (attachment and involvement) and for expressed shame.

Table 4. Measures of Interdependency and Expressed Shame

Measure	N	Mean	SD	Minimum	Maximum
Interdependency					
Attachment	254	1.97	.66	1.00	5.00
Involvement	255	1.23	1.21	.00	6.00
Expressed Shame	255	2.67	.67	.00	3.00

Dependent Variable

The dependent variable used in the multivariate analysis is re-offending. Re-offending is a dummy variable that is measured by whether the youth had been re-arrested in the preceding 24 months since the initial court appearance (0 = no, 1 = yes). Of the entire sub-sample of youths (257), 103 re-offended (40.1%) and 154 (59.9%) did not.

Control Variables

Braithwaite (1989) argues that males and those aged between 15 and 25 are less likely to have interdependent relationships, and as such, are more likely to re-offend. Other research has also identified minority status as a risk factor for criminality (Loeber & Farrington, 1998). Therefore, multivariate analysis used the dummy variables race (white = 1) and gender (male = 1), and the continuous variable of age (range from 7 to 16) as controls. The experimental group and control group did not vary significantly on race, gender, or age ($x^2 = 1.13$, $p > .05$; $x^2 = .614$; $p > .05$; $x^2 = 13.04$, $p > .05$, respectively). Table 5 shows the breakdown in size, percent, and chi-square for each control variable.

Table 5. Descriptive Statistics for Control Variables*

Variable	RJ N	RJ %	Control N	Control %	Total N
White	79	61.2%	50	38.8%	129
Male	88	56.1%	69	43.9%	157
Age					257
7	0	0.0%	1	0.9%	
8	4	2.7%	1	0.9%	
9	6	4.0%	0	0.0%	
10	4	2.7%	4	3.7%	
11	16	10.7%	11	10.2%	
12	28	18.8%	17	15.7%	
13	46	30.9%	31	28.7%	
14	43	28.9%	36	33.3%	
15	2	1.3%	5	4.6%	
16	0	0.0%	2	1.9%	

* Differences not significant ($x^2 = 13.03$, $p > .05$; $x^2 = 1.13$, $p > .05$; and $x^2 = .61$, $p > .05$ respectively).

CHAPTER IV

RESULTS

Bivariate Analysis: Interdependency and Expressed Shame

Independent T-tests were employed to examine whether there were differences between youths assigned to restorative justice conferencing and youths assigned to other diversion programs in the measures of interdependency and expressed shame. Restorative justice conferencing youths were significantly different from control youths in two of the three measures of interdependency (attachment to mother and involvement in conventional activities), as well as in expressed shame. Table 6 shows the sample size and mean of restorative justice conferencing youths and control youths for each measure of interdependency and expressed shame, as well as the t statistic.

Results were consistent with Braithwaite's (1989) reintegrative shaming theory, which argues that youth participation in a reintegrative shaming intervention will increase interdependency and will increase expressions of shame. Results, however, were not completely consistent with the adopted form of Hirschi's (1969) social control theory. Only two of the three measures used as indicators for interdependency had significant differences between the experimental and control groups: attachment to mother and involvement in conventional activities. The control and experimental group did not vary significantly on commitment to conventional institutions of church and school. Results show youths assigned to restorative justice conferencing were involved in more conventional activities ($t = 3.44$, $p < .05$), were

more attached to their mother ($t = -5.28$, $p < .05$), and were more likely to express shame ($t = 7.39$, $p < .05$) than youths assigned to the control (other diversion programs).

Table 6. Differences in Interdependency and Expressed Shame by Diversion Group Assignment

Measure	N	M	t
Interdependency			
Attachment			7.13*
RJ	147	1.74	
Control	107	2.29	
Commitment			-1.13
RJ	147	-.08	
Control	107	.06	
Involvement			-4.76*
RJ	147	1.52	
Control	108	.83	
Expressed Shame			-7.39*
RJ	149	2.92	
Control	106	2.30	

* Results significant one-tail test, $p < .05$

Bivariate Analysis: Re-Offending

Bivariate analysis using the chi-square statistic was employed to examine whether diversion group assignment affected re-offending. The initial six-month recidivism analysis of the entire sample in the Indianapolis Restorative Justice Experiment found that the experimental youths (restorative justice conference referral) re-offended at a significantly lower rate than control group youths, a reduction of 40% (McGarrell, 2001; McGarrell, Olivares, Crawford, & Kroovand, 2000). By the 12-month recidivism analysis, there was a decrease to a reduction of 25%, which was a significant decrease (McGarrell, 2001; McGarrell, Olivares, Crawford, & Kroovand, 2000). This study of the sub-sample examined recidivism at 24-months and did not find a significant difference in re-offending between the control group (other diversion program assignment) and assignment to the restorative justice conferencing group ($x^2 = .918$, $p > .05$). Therefore, diversion group assignment does not affect re-offending at 24 months, at least for the sub-sample of youths included in the survey. This finding also does not support Braithwaite's (1989) reintegrative shaming theory. Braithwaite (1989) argued participants of an intervention utilizing reintegrative shaming principles would have decreased rates of re-offending. While restorative justice conference youths re-offended at a lower rate than control group youth, the differences were not significant. Table 7 shows the cross-tabulation table of diversion program assignment and recidivism.

Table 7. Cross-Tabulation of Diversion Group Assignment and Re-offending*

	Control	RJ	Total
Re-offend	43.5%	37.6%	40.1%
Did not re-offend	56.5%	62.4%	59.9%
Total	100%	100%	100%
	N = 108	N = 149	N = 257

*Results not significant (x^2 = .918. p > .05).

Multivariate Analysis

Binary logistic regression was employed to predict the odds that a youth would recidivate. The predictor indicators were the youth's age, gender, race, diversion group assignment,[3] attachment to mother, commitment to conventional institutions of church and school, involvement in conventional activities, and expresses shame. A test of the full model versus a model with the intercept only was not significant (x^2 = 9.02, p > .05). The Hosmer and Lemeshow test indicated that the logistic model's estimates fit the data at an acceptable level, that is the model was a good fit (x^2 = 11.67, p > .05). The Hosmer and Lemeshow test assesses how closely the observed and predicted probabilities match, not whether the model's predictors were significant (Johnson & Wichern, 2002). The model was able to correctly classify

[3] Diversion group assignment was originally added in a second model. However, it did not make a significant difference, so the second model was dropped.

88.1% of those who did not re-offend and 17.0% of those who did, for an overall success rate of only 59.8%.

Table 8 shows the logistic regression coefficients, significance levels, and odds ratios for each of the predictors. None of the predictors in the model were statistically significant, employing a .05 criterion of statistical significance.

Table 8. Logistic Regression Model Predicting Odds of Re-offending

Predictor	B	p	Odds Ratio
Male	-.22	.122	.80
Age	.11	.224	1.11
White	.12	.147	1.22
RJ	.18	.329	1.19
Attachment	.12	.602	1.13
Commitment	-.04	.775	.96
Involvement	.14	.215	1.15
Expressed Shame	.07	.794	1.07

Although not statistically significant, the predictor with the largest effect on the model was being white. The odds of a white person re-offending were 1.22 times greater than for a non-white person. In addition, while not statistically significant, results showed that being male decreased the odds of re-offending by 20%, when holding all others predictors in the model constant. These two findings are

interesting, even though they are not statistically significant. Research has consistently shown that males are more likely to re-offend and whites are less likely to re-offend (Loeber & Farrington, 1998). The results of this study, although not statistically significant, are inconsistent with the convention.

The rest of the predictors had smaller affects. Results showed that the measures of interdependency and the measure of expressed shame did not significantly impact whether a youth re-offended. This is in direct contrast to Braithwaite's (1989) reintegrative shaming theory.

CHAPTER V

DISCUSSION

Conclusion and Implications

This study was designed as a partial test of Braithwaite's (1989) reintegrative shaming theory by using a sub-sample of youths from the Indianapolis Restorative Justice Experiment. In accordance with the theory, youths completing restorative justice conferencing programs should have increased interdependency and higher levels of expressed shame than youth who completed other diversion programs (Braithwaite, 1989; Hay, 2001). This study mostly confirms this assertion. Bivariate analysis showed that youths assigned to restorative justice conferencing were more attached to their mother, were more involved in conventional activities, and expressed more shame. However, interdependency was defined through an adoption of Hirschi's (1969) social control theory, which combined attachment, commitment to conventional institutions, and involvement in conventional activities. This study failed to find a significant difference between youths assigned to restorative justice conferencing and youths assigned to other diversion programs in terms of commitment. This is surprising, since commitment is one of two of the elements of the social bond (attachment being the other) that has the most empirical support (Costello & Vowell, 1999; Krohn & Massey, 1980). Further research may aim to combine commitment and involvement into one measure, such as commitment to conventional activities and institutions, to examine whether these measures differed between the two groups.

Interestingly, this study failed to find a reduction in re-offending by youths that completed restorative justice conferencing. Most researchers have found restorative justice conferencing impacts recidivism in some way (Braithwaite, 1999; Hayes & Daly, 2003; Hines, 2000; Luke & Lind, 2002; Latimer, Dowden, & Muise, 2001; Maxwell & Morris, 2001; McCold & Wachtel, 1998; McGarrell, 2001; McGarrell, Olivares, Crawford, & Kroovand, 2000; Sherman, Strang, & Woods, 2000). The results are especially surprising when they are compared to the six and 12-month re-offending results from the Indianapolis Restorative Justice Experiment, the experiment upon which this study was based. McGarrell, Olivares, Crawford, & Kroovand (2000) found a 40% reduction in re-offending at the 6-month re-offending analysis, but by the 12-month re-offending analysis it decreased to 25% (both of which are significant differences in re-offending between the control and experimental group).[4] In this study, there was only a 5.6% difference in re-offending between groups, which was not significant. This difference could perhaps be linked to the length of time re-offending were measured, 24-months following the initial court appearance. Therefore, these results suggest that the reduction in re-offending will decrease with time. In addition, these findings, taken into consideration with the finding that the restorative justice group and the control group differed significantly on interdependency and expressed shame, suggest that restorative justice conferencing has an immediate reduction in re-offending, but no longer term reduction. Therefore, prolonged exposure to the intervention may be needed to impact re-offending for the long-term. For instance, it may be beneficial to have

[4] The re-offending analysis did not take into account the entire sample, due to many youths not reaching the 12-month mark by publication.

offenders repeat the restorative justice conferencing to reinforce the benefits gained during the initial conference.

Also, future research should aim at analyzing time to failure, which may show more robust differences in the rates of re-offending by the two groups. Future research should also aim at conducting surveys prior to the intervention, as well as repeating the surveys at six, 12, and 24 months to examine whether interdependency and expressed shame change with the passage of time and to draw a better conclusion on the impact of restorative justice conferencing on interdependency and expressed shame.

In addition, multivariate analysis failed to show any significant findings regarding the impact on interdependency and expressed shame on predicting re-offending. This is in direct contrast to Braithwaite (1989), who argues there should be a reduction in re-offending for those who are more interdependent and express shame. However, Braithwaite (1989) does state the effect of interdependency on re-offending may be indirect. Future research is needed to determine whether there is a direct effect or indirect effect for interdependency and re-offending.

On the other hand, Braithwaite (1989) makes it quite clear that shame must be acknowledged (or expressed) in order for re-offending to be impacted. In fact, acknowledged shame is viewed as an outcome of reintegrative shaming (Ahmed, Harris, Braithwaite, & Braithwaite, 2001; Braithwaite, 1989). However, this study failed to find that expressed shame predicts re-offending. This finding may be due to the limited scope of the indicators used for the expressed shame measure. Future

research should broaden this measure to include whether the youth reported feeling ashamed of his or her actions.

Two other interesting findings, although not statistically significant, were that being male decreased the odds in re-offending, while being white increased the odds of re-offending. Future research should examine why this occurs, and determine whether the intervention itself has different impacts on males versus females, and whites versus non-whites.

While interdependency and expressed shame or diversion group assignment did not predict re-offending in the sub-sample, program completion may. Adding program completion to an analysis may be beneficial in understanding what reduces re-offending.

Limitations

This study has several limitations. One limitation is the robustness of its results. While the Indianapolis Restorative Justice Experiment employed random sampling, the sub-sample of survey youths did not. As a result, the sub-sample may not be a good representation of the full sample (Bachman & Paternoster, 1997). This can be seen in the completion rate of the diversion program. Only eight youths (3%) of the sub-sample failed to complete the assigned program. This is in stark contrast to the full sample, in which 29% of the youths failed to complete the assigned program. This could greatly affect re-offending rates, in which program completion is predictive of re-offending. In fact, for the full sample, youths that completed either program were more likely to not re-offend ($x^2 = 60.07$, $p < .05$). These findings could

be interpreted that the sub-sample was not as representative as it could have been. Future research should examine the relationship between program completion and re-offending.

Another limitation is that the results may not be generalizable to other populations outside of Indianapolis. This is again due in part to the sampling method employed for the surveyed youths. In addition, the measures of interdependency and expressed shame used in this study may not be complete reflections of these concepts. As stated previously, interdependency can be measured in a variety of ways, as can expressed shame. The way in which concepts are operationalized can greatly affect results (Bachman & Paternoster, 1997). Therefore, if the concepts of interdependency and expressed shame are measured with different indicators[5], the results could be affected. Future research should examine other indictors for these measures.

Restorative justice conferencing may have other benefits that are not discussed in this study. For example, a cost-analysis should be done to determine whether restorative justice conferencing is more cost effective than traditional methods of dealing with juvenile offenders, as well as how it compares with other diversion programs. In addition, while re-offending rates were not statistically different between restorative justice conferencing and other diversion programs, there may be a difference in re-offending between those handled in a traditional way and those who went through a diversion program.

[5] Such as the addition of other survey questions, which could add different dimensions to the overall concept.

Overall, findings suggest that the intervention, restorative justice conferencing, increased interdependency and expressed shame among this sample of delinquent youths in comparison to those youths that participated in other diversion programs. While this did not impact re-offending at 24 months, the intervention should not be discounted.

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