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EXPLAINING THE IMPACT OF

RESTORATIVE JUSTICE

The "4-Way Interaction" of

Morality, Neutralisation, Shame and Bonds

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Prospero:

"Though with their high wrongs I am struck to the quick,

Yet with my nobler reason 'gainst my fury

Do I take part: the rarer action is

In virtue than in vengeance: they being penitent,

The sole drift of my purpose doth extend

Not a frown further. Go release them, Ariel.

My charms I'll break, their senses I'll restore,

And they shall be themselves."

(W. Shakespeare: *The Tempest*, Act V., Scene 1.)

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Introduction

Reading the words of the title, "restoration, morality, neutralisation, shame, bonds", one might ask whether it is a sociological, psychological or criminological study; whether it is about theoretical or about policy-related issues and does it focus on causes or rather on results.

The present study intents to create links between all the categories mentioned above. The starting point is that there has been a conflict – let us call it 'crime' by using the legal dictionary –, and we would like to react to it. In our response we use the paradigm of "restorative justice". The purpose of this study is to explore why we chose this concept, and what is its possible impact on those who have been involved in the conflict with special regard to the offender.

In the last two decades restorative justice has been more and more widely used in the criminal justice systems of quite a lot of countries both within Europe and in other countries, like the United States, Canada, Australia, New Zealand or South Africa. There are several empirical research (Umbreit, 1995; Braithwaite, 1999; Kurki 2003; Sherman, Strang and Woods, 2000; Strang, 2002) suggesting that this way of responding to crime might be able to deliver key objectives of justice systems, especially in relation to the three following areas: firstly, it can improve victim satisfaction by making it possible to find answers to their questions connected to the offence and by helping them to get over the unpleasant or traumatic experiences. Secondly, it might reduce crime- and re-offending by holding offenders to account, by engaging them with their victim, and by mobilising their networks of support that can prevent further offending; thirdly it seems to be effective in building public confidence and reducing fear of crime.

A study of Strang (2002) suggests that 75% of victims who get involved in restorative justice report being glad to have taken part, also 75% of them received an apology, compared to 19% of court victims and according to other findings they tend to be more satisfied than their counterparts

who go to court (Dignan and Lowrey, 2000). Other research found that 99% of the agreements between victims and offenders were completed by the offender (Umbreit and Greenwood, 2000). Findings of Umbreit and Roberts (1996: 29) indicate that 84% of victims who took part in mediation were satisfied with the process and outcome. In the comparison group of those who did not enter into mediation 58% were satisfied with the criminal justice system. Furthermore, victims who were involved in mediation were less likely to be afraid of further victimisation (16%) than those who were not (33%).[1]

There are findings supporting its positive effect in reducing re-offending in violent offences (Sherman, Strang and Woods, 2000) and in more serious offences in case of persistent or high-risk offenders (Miers et al., 2001). However, studies have more mixed results in relation to what extent it influences re-offending.[2]

While several studies have explored the procedural elements of different restorative practices, the policy-related issues raised by them and their influences on communities both on micro and macro level, there has been little emphasis on their social-psychological mechanisms, i.e. on the issues of *why* this way of responding to crime might be more effective in reintegrating offenders and *how* it can achieve this goal more successfully. This thesis intends to discuss whether the concepts of moral development, neutralisation, shame and social bonds can help us to understand the impact of restorative justice, and if so, how.[3]

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[1] based on the summary of Masters (1997)
[2] based on the summary of "Restorative justice: the Government's strategy" (2003: 29-31.)
[3] The terms 'bonds', 'links' and 'ties' will be used interchangeably in the study.

1.1. The argument

The main argument of this study can be a possible way of answering the "Politician's" questions, asked within the Symposium about "Restoring Respect for Justice" (Wright, 1999: 25)[4]:

> "One is the measurement of effectiveness; […]. Another is the question of fairness" leading to the "more general question of how restorative justice can fit in with the conventional way of doing things."

The present study discusses whether the effects of restorative justice can be understood by examining the dynamics of offenders' *status* and its changing based on four main dimensions.

1.) their level of *moral development* which might help us understanding some of their motivations in their acts;

2.) the *neutralisation* techniques they might use, which are reflections of their cognitive explanations both for their past and for the status quo;

3.) the role of *shame,* which influences their emotional reactions, and

4.) their *bonds* indicating their social background.

The present study intends to explore the relationships of these dimensions among each other and the impact of restorative justice on them. The theoretical assumptions discussed in the thesis might be applied in further policy issues, especially in specifying three crucial issues related to restorative justice. Firstly, how *appropriate* is it to apply this concept in reacting to crime, secondly, if it is appropriate, what are the most suitable forms that should be applied, and thirdly, whether it is effective in helping the reintegration process of offenders into the society. I argue that not only can the impact of restorative justice be assessed but also some answers to these questions can be gained, if we focus on the status of offenders described by the four mentioned dimensions.

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[4] This work contains the discussion as if it were conducted by some representatives of the justice system (the *Politician*, the *Psychologist*, the *Probation officer*, the *Victim Assistance Worker*, the *Judge*, the *Philosopher*, the *Mediator* and the *Civil Servant*) sharing their concerns and thoughts about the present situation and future ways of criminal justice system in Britain (Wright, 1999: 11-12).

The consideration of

1.) how these dimensions can be described in potential offenders,

2.) what kind of changes do victims of crimes, communities and the society at large expect from the effects of sanctioning in the offender in relation to these dimensions, furthermore

3.) how might a restorative intervention influence offenders in these aspects

could significantly help us in answering whether the use of restorative justice is appropriate, if so, than in which way and how its effectiveness could be measured.

In other words, it would mean that the original level of offenders' morality, their neutralisation techniques, shame feelings and bonds should be take into consideration *before* introducing any restorative intervention (indicating its *appropriateness* and suitable *forms*), and in order to see how *effective* the use of it has been in each case, these four dimensions should be measured *after* the intervention as well. This approach could both help the every day practice of restorative justice on micro level, but also could be relevant on macro level, in issues related to policy questions and implementation.

1.2. Structure

In order to clarify what restorative justice means, firstly I intend to summarise its main definitions, most frequently used forms, principles and goals. Following this general overview, the focus of the current study, i.e. the role and aspects of offenders will be explored in relation to the restorative concept.

The main chapter of the thesis is based on the analysis of the four dimensions. The separate introduction and operationalisation of the concepts of morality, neutralisation, shame and bonds intend to give an overview about their relevance firstly in relation to restorative justice, secondly to offending behaviour and thirdly to the issue of offenders' reintegration. However, as the title shows, these are their possible *interactions* which are primarily in focus; hence the following part will discuss

the interconnections among them. In order to illustrate these mechanisms, I intend to use some data gained from the field work I have done recently. I have conducted a self-administered survey in HM Prison Winchester and in HM Prison Bedford with sixty–nine prisoners about their attitudes towards meeting their victims and restoration, and also have interviewed some of them about the same subject.[5] As soon as we have gained an overview on these dimensions and their relations, the next step is that the impact of restorative justice interventions on them be discussed systematically.

Following the theoretical exploration of the influences of restorative justice, the last chapter intends to summarise how these effects operate in practice. In other words, this section will discuss how these dimensions can be described in existing restorative justice programmes implemented in different contexts.

Although any analysis of restorative justice should be at least as much about the victim as about the offender, the current study intends to focus mostly its impact on wrongdoers, hence it necessarily reflects only on specific issues within restorative justice. A more complex analysis of the restorative paradigm would naturally require the exploration of several other questions, which are not discussed in the current study.

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[5] Due to the fact that the complex and deep analysis of these data would require more time I have had before finalising the present thesis, this work does not aim to provide a thorough empirical study of them. Rather, it only uses some parts of the interviews as illustrations when they are relevant, assuming that the proper empirical analysis will be the subject of a later study.

2. Restorative justice – What we already know

2.1. Definitions

In the last decade several definitions of restorative justice have been specified by theoreticians, practitioners and politicians. Needless to say that there is no complete agreement about which definition should be used while talking about this concept. The differences indicate not only semantic, but also conceptual diversities.

Marshall's definition – as one of the earliest ones – emphasises the procedural characteristics by stressing that "*parties* with a stake in a particular offence come *together* to resolve collectively how to deal with the *aftermath* of the offence and its implications for the *future*" (1996: 37). While Marshall completely ignores the reparation element, McCold's (1999: 32) already emphasises the need for it. By his "purist model" he stresses that the goal of restorative justice is the *reparation* of harm. In his argument it is important that restorative interventions address "the *needs* of the wider society for constructive responses, provide *limited* role for *coercive* formal responses, and fundamentally challenge the way justice is conducted in all parts of the formal system."[6] In his later work he extends it with the requirement of involving "*victims* and their *offenders* in *face-to-face* meetings" mentioning that "it is these participants (along with their respective communities of care) who *determine* how best to *deal* with the offence" (2001: 41). Contrary to McCold's purist model Bazemore's and Walgrave's "maximalist" approach does not exclude coercive sanctions from restorative interventions. In their definition they emphasise that restorative justice is "every action that is primarily oriented towards doing *justice* by *repairing* the harm that has been caused by a crime" (1999: 48).

The definition of the United Nations (2002) intends to balance both the procedural and the outcome criteria in its complex definition by declaring that "restorative justice programme means any

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[6] cited by Walgrave (2000: 418)

programme that uses restorative processes and seeks to *achieve* restorative *outcomes"*, where "restorative process means any process in which the *victim* and the *offender*, and […] any other individuals or *community members* affected by a crime participate together *actively* in the resolution of *matters arising from the crime"*. "Restorative outcome means an agreement reached as a result of a restorative process" such as "reparation, restitution, and community service, aimed at *meeting* the individual and collective *needs* and *responsibilities* of the parties and achieving the *reintegration* of the victim and the offender."

Similarly to this approach, the Restorative Justice Consortium defines restorative justice as a process that "seeks to balance concerns of the victim and the community with the need to reintegrate the offender into society. It seeks to assist the recovery of the victim and enable all parties with a stake in the justice process to participate fruitfully in it."[7]

Although the two latter definitions are quite ambitious in identifying the characteristics of restorative programmes, they also mix the necessary requirements and the possible benefits of this kind of response to crime. Concluding these approaches, it can be claimed that the main requirements are the direct involvement of victims, offenders and other, affected members of the community into the discussion and the agreement including any issues related to the crime. However, the questions of whether these meet the individual and collective needs of the parties and if it achieves reintegration are rather expectations and anticipated benefits than ex-facto requirements to be used for defining restorative programmes. Hence, these are not natural characteristics of restorative programmes, which exist by definition, but rather expected positive outcomes, whose relevance and validity have to be supported. The current study intends to emphasise why restorative justice actually might be more successful in meeting the needs of the different parties involved in the crime and in the reintegration of the offender.

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[7] cited in "Restorative justice: the Government's strategy" (2003: 62)

2.2. Main forms of restorative justice

The concept of restorative justice has mostly evolved from the practices different communities have developed in order to handle their conflicts. As a result of the 'bottom-up' characteristics of this paradigm, any type of categorisation might have two dangers: firstly, the over-simplification of the existing models; secondly – which current comparative studies sometimes indicate as well – that the practices are not described by the same indicators, hence their comparisons are not necessarily consistent.[8]

On the other hand, it is also the practice-based nature of this concept that makes it possible to combine different elements and create new models by making adaptations. The following summary of the main restorative practices distinguishes between the four basic models: mediation, conferencing, circles and referral orders. However, one has to be aware that even these major categories are combined sometimes, and as more societies apply restorative elements in their judicial systems more hybrid or completely new models come into practices.[9] Therefore, after introducing the main types of restorative models, I will summarise those elements which are the most crucial indicators while comparing restorative practices.

As a final remark: the detailed introduction of the restorative models might seem to be a too policy-oriented issue in a theoretical study like the current thesis. However, if we consider how to apply the analysis of the offenders' statuses and their changes, which is being explored here, it is relevant to know what models exist already and what the main distinguishing aspects are.

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[8] e.g. the study by McCold (2001)

[9] It can be also argued that there is no real significance of a detailed categorisation because of the slight differences among the practices.

2.2.1. Mediation

Through mediation the two or more parties of the crime – with the aid of a neutral third party – talk about what has happened to them, how it has affected their life, and often intend to create a written agreement with a follow-up plan about the agreed way of restitution. Its most common form in Europe is the Victim – Offender Mediation, which primarily aims to achieve a settlement through emphasising the healing of victims, the accountability of offenders and the restoration of losses where possible through dialogue. Contrary to this the Victim Offender Reconciliation Programs primarily aim to heal the injuries and restore the right relationships (McCold, 2001: 41-44).

In several cases the mediation is conducted in an indirect way, where the offender and the victim do not come face-to-face, but communicate through a mediator. It can mean consultation with the parties about the type of reparation, helping them to reach an agreement and also may lead to a direct, face-to-face mediation, if the parties want this.

2.2.2. Conferencing

In this process "any group of individuals connected and affected by some past action come together to discuss any issues that have arisen" (Warner-Roberts and Masters, 1999)[10]. Besides the supporters of the parties, it directly includes those members of the community who have been affected by the offence, and with the guidance of a facilitator it provides the possibility for each participant to express the harm they have suffered and the consequences of the misbehaviour in a personalised way (McCold, 2001: 44).

A special type of conferencing is the method of family group conference, which focuses on the family as a support structure for the offender. It lets the family members discuss what steps

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[10] cited by McCold (2001: 44)

should be taken in order to restore the harm and stabilise the background factors which might have had a role in the incident.

One of the versions of conferencing in the criminal justice system is the Australian conferencing method initiated in Wagga Wagga, New South Wales, which has been later adapted in England – although it is no longer used in New South Wales – under the name of "restorative cautioning" (or "restorative conference", if the victim is present). Both practices are mostly facilitated by police officers. These meetings focus on the harm caused to the victim as well as to the offenders' own family and to him/herself (Wright, 2004).

As another type of conferencing, community group conferencing provides peacemaking possibilities in different contexts, including schools, workplaces and other communities. These meetings are incident-focused, limited to repairing the damage caused by a specific offence and not intend to provide counselling to the affected parties (McCold, 2001: 47).

2.2.3. Circles

According to Yazzie (1998: 129), indigenous cultures have developed several similar processes for responding to wrongdoing. Circles are derived from Canadian aboriginal cultures and have evolved along two general paths: "a healing paradigm *(healing circles)* to dispose of situations and a co-judging paradigm *(sentencing circles)* limited to making recommendations to judicial authority for actual case disposition" (Ross, 1994)[11]. Circles have similar structural processes and according to their purpose, the invited participants and their role vary.

Healing circles focus on a particular concern common to all parties and rarely include justice professionals but may include professional counsellors. They began as programme to respond to incest and sexual assault and aimed to "heal not only the intimate connections and the human dignity

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[11] cited by McCold (2001: 49)

that had been destroyed but also by addressing the social arrangements that enabled the violence to flourish" (McCold, 2001: 49 -52).

Contrary to healing circles, sentencing circles involve justice professionals (judges, prosecutors, defence counsels, police officers, etc.) besides the victim, the offender, their families and other supporters, and use the tradition of the circle ritual in healing the affected parties and in preventing future harms. This community-directed process, in partnership with the criminal justice system, aims to develop consensus on an appropriate sentencing plan by addressing the concerns of all interested parties (McCold, 2001: 50-51).

2.2.4. Referral orders

This is a unique way of applying restorative justice in the juvenile justice system in England and Wales. By referral orders young offenders are referred to "Youth Offender Panels" by the Youth Court and adult magistrates' courts. These panels consist of at least two trained community volunteers and one professional worker from a Youth Offending Team. The parent(s) and other supporters of the offenders, the victim, his/her supporter(s) may also be present.

At the meeting, the crime and its consequences are discussed and a 'contract' with the young person is drawn up about activities for the duration of the referral order. These activities should include reparation to the victim or to the wider community and also should aim to prevent further offending. The length of the order is specified by the court according to the seriousness of the crime. If no agreement can be reached or the offender refuses to sign the contract, the case is referred back to court for re-sentencing (Crawford and Newburn, 2002: 478).

2.5. The main indicators

Generally speaking, the comparison of the different restorative models can be made based on two dimensions: the aspects of the 1.) implementation and of the 2.) procedural elements.

Among the *implementation*-related factors the most important issues are

- the models' legislative status;

- the stage at which they are used: e.g. at the level of schools, police, court, correctional services; before or after conviction; before or after sentencing; within the criminal and/or social protection system; alternative to or integral part of the conventional justice system;

- the types of offences to which they can be applied;

- the agencies which run the projects.

As for the *procedural* aspects, main distinctions can be made by considering

- the basic forms and typical outcomes;

- whether they are more reconciliation (process)- or agreement (outcome)-based;

- the invited participants;

- the extent to which participation is voluntary;

- the role of participants and the possibility for them to express their interests and/or emotions;

- the breadth of the issues discussed;

- standardised or individually created structure of the meeting;

- face-to-face and indirect elements;

- the preparation;

- whether they are more offender- or victim-focused.

I argue that restorative projects should not adopt an existing model without revision, but should consider these issues and tailor them to meet local needs provided that certain basic restorative principles are followed.

2.3. General principles and goals

If we wish to summarise the main principle of restorative justice, Nils Christie's often quoted statements could largely help us: regarding conflicts as property he writes that "conflicts have been taken away from the parties directly involved and thereby have either disappeared or become other's people property. […] Conflicts ought to be used […], and become useful, for those originally involved in the conflict" (1977: 1).

According to the last sentence, the main principles have to reflect two dimensions: 1.) conflicts have to be *used*, and 2.) the directly affected people have to be *involved* in the solution. In Christie's explanation it means that conflicts can be *used* as opportunities for norm-clarification, for pedagogical possibilities and generating discussions about the reasons for them and their characteristics. Another 'usefulness' of conflicts is the possibility for the parties to express the different reasons behind their actions and helping them to understand the other participants' motivations, which might lead to the reduction of stereotypes and of fear towards each other.

Involvement means making it possible for the victim to participate in his/her own case. Secondly, it lets the parties decide what *they* think [italics in original] is right or wrong (1977: 8). Thirdly, it gives a chance to the offender to change his position from being a passive listener hearing how much pain he ought to receive into a different discussion about how he could repair the harm, and also gives him/her a possibility to be forgiven. And finally, it does not let the offender give away his/her property right to the conflict "as an easy way out". The fact that the offender cannot stay at a distance from his/her victim and community makes the personal confrontation unavoidable, and increases the possibility of recognition and acknowledgment of personal responsibility (1977: 7-9).

After almost twenty-five years these basic ideas can still be recognised in the practice of restorative justice. The Restorative Justice Consortium's "Statement of restorative justice principles" (2002) separately clarifies the principles relating to 1.) those who have sustained harm or loss, 2.)

those who caused the harm or loss, 3.) the community, society and 4.) the agencies working alongside or within the judicial system and in the restorative justice area.

The main principles include voluntary participation for all parties; the acknowledgment of victims' harms, needs and feelings; the opportunity for the parties to talk about the offence and about the possible ways of reparation; the possibility for the wider community to learn methods of non-violent resolution of conflicts; fair, appropriate and workable restorative outcomes; the judicial system's valuation of the offer of those who caused harm to repair it, and finally impartial and need-based practice from the agencies providing restorative interventions.

Besides these aspects, the principles discussed by Sharpe also mention full and direct accountability of the offenders in order to face the fact that they have broken the law, face the people they have harmed and see how their actions have damaged others. Moreover, possibilities should be provided for offenders to explain their behaviour and take steps to repair the harm. Reconciliation between victims and offenders is essential in order to their successful reintegration into the community and finally, it is crucial to strengthen their community in order to prevent further harm (1998: 7-12).[12]

As a conclusion of the main principles and goals of restorative justice, we can assume that this paradigm intends to equally satisfy the victims', the offenders' and the broader communities' needs both on the material and on the emotional level. Due to the fact that the current thesis focuses on the impact of restorative justice on offenders, let me summarise those five main characteristics of restorative justice, which primarily relate to wrongdoers: firstly, the direct *involvement* in the discussion of the offence's material and emotional consequences as well as in the planning of the future solution; secondly, the *confrontation* with those who have been affected by the harm; thirdly, the possibility for voluntary *offers* in order to repair the harm towards the victim and/or the community;

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[12] cited by van Ness, Morris and Maxwell (2001: 5-6)

fourthly, the opportunity to *explore* the background reasons and circumstances of the offence, and finally the participation of *supporting people* (invited by the offender) during the entire procedure. The practical realisation of these goals in the restorative processes and their connections to the morality, neutralisation, shame and bonds of the offender will be later explored.

Conclusion

Restorative justice has been more and more widely used within societies' criminal justice systems. However, the micro-mechanisms of this method of responding to wrongdoing have not been explored, hence we have still lack of information about the reasons for its success. The present study intends to understand some of the impacts of restorative interventions by exploring their influence on offenders' moral development, neutralisation, shame and bonds.

In this chapter I have summarised the basic definitions, forms and principles of restorative justice. Within the definitions I stressed the possibility for the confusion of expectations/criteria/definitional requirements towards this kind of intervention. In other words, it has been emphasised that the existence of these beneficial elements should be supported by thorough analyses and cannot be stated as advantages included in the concept as if by definition. The present thesis might also be in danger of confusing the definitional elements and the hypothesised consequences. Hence, the detailed, procedural elements of restorative practices will be explored later in relation to the examined dimensions. Nevertheless, clarifying the definitions, principles and main forms of restorative justice might be essential to understand its possible impact on morality, neutralisation, shame and social bonds.

3. The four 'ways': morality, neutralisation, shame and bonds

The first part of this chapter intends to explore the individual relevance and the characteristics of these dimensions, while the second section discusses a model to illustrate the interconnections among them. My argument attributes an overall function to social bonds, so I will explore how social ties might provide a framework in order to understand the interconnections among the four dimensions. Hence, first I analyse the possible interactions between morality, neutralisation and shame, and finally I discuss the influence of bonds on the three previously discussed factors.

3.1. Descriptions

Needless to say, any of the current dimensions have inspired theoreticians to write thousands of pages about their mechanisms. The current 'descriptions' obviously cannot provide complex overviews about these factors but intend to introduce them from four specific aspects: firstly, why are they relevant in relation to restorative justice; secondly, how can they be defined and what typologies could help to 'transfer' these abstract concepts into more practical terms; thirdly, what are their roles in offenders' lives, and finally, what are their connections to the process of social reintegration. (For summary, see Table 1 on page 32.)

3.1.1. Morality

"Justice is not a rule or a set of rules; it is a moral principle […], a moral principle is not only a rule of action but a reason for action" (Kohlberg, 1970: 69-70). Restorative justice is about "doing justice" according to the definition of Bazemore and Walgrave (1999: 48), hence it delivers the message of norms and rules by the way how it responds to crime. It has two consequences in relation to morality: firstly, it provides an opportunity for moral discussion; secondly, it treats its subjects,

including those who break the law, as responsible moral agents (Duff, 1990: 39). Therefore, by examining the impact of restorative justice we cannot avoid considering the dimension of morality. The consequences mentioned earlier mean that morality could be discussed from at least two aspects: firstly, how 'moral' the institution of restorative justice is, and secondly, how does it regard its subjects as moral agents. However, the current analysis ignores the first question, which would be an issue in a study about sentencing, and only focuses on the offenders' morality and its possible changes by the restorative influences.

What are levels of morality in offenders? How do restorative responses influence them? Since these questions are based on the very abstract concept of morality, this thesis tries to discuss this issue by operationalising morality based on Kohlberg's theory (1971). In his approach moral growth is expressed in the development of moral judgment indicating the tendency of the internalisation of external cultural norms (Kohlberg, 1984: 90). Kohlberg distinguishes three levels of reasoning in the moral development continuum (preconventional, conventional and postconventional), representing the "cognitive-structural transformations in the conception of self and society" (Kohlberg, 1971: 42), and each level is made up of two sub-stages.

On the *preconventional* ("rule obeying") *level* the labels of good and bad, right or wrong are interpreted in terms of either the *physical or hedonistic consequences of action* (punishment, reward, exchange of favours) or the physical power of those who express the rules and labels. At stage 1 the obedience to authority is in order *to avoid punishment*. At stage 2 the right action is that which instrumentally *satisfies the self's needs*. At this stage there is an orientation toward *exchange and reciprocity*.

At the *conventional* ("rule maintaining") *level,* "moral values reside in performing good or right roles, in maintaining the conventional order and the *expectancies of others*" (Kohlberg, 1984: 44). At stage 3 reasoning is internally motivated by *loyalty* to *other persons* (significant others). At stage 4 the

respect is shown for *authority* and the decisions respond to a desire to maintain the given social order with regard to earned expectations of others.

On the *postconventional* ("rule-making") *level* the individual makes a clear effort *to define moral values and principles* that have validity and application apart from the authority of the groups of persons holding them and apart from the individual's own identification with the group. At stage 5 there is a *social-contract legalistic orientation*, where right action tends to be defined in terms of general individual rights. There is a clear awareness of the *relativism of personal values* and opinions. At stage 6, through *the universal ethical-principle orientation*, right is defined by the decision of conscience in accord with self-chosen ethical principles that appeal to logical comprehensiveness, *universality and consistency*. Principles of justice, equality, respect and dignity generate moral decisions, and conscience directs agents to *mutual respect and trust*.

While discussing offenders' morality, it might seem to be a tautological approach to detail why rule-breaking is less moral than rule obeying (considering that morality is also defined as an obligation to respect the right or claim of another person (Kohlberg, 1970: 69))". However, sometimes rules are in conflicts within the self, hence "exceptions to rules, […], but no exception to principles" might be used for resolving competing claims (Kohlberg, 1970: 69).

Based on the cognitive theory of moral development, the relevant issues are what the main reasons are behind the criminal acts and how this 'reasoning' process can be changed. Discussing the relationship between moral development and behaviour, Hahn's work (1989) indicates that resilient and morally high functioning youth have a higher tolerance for both internal and external conflicts than their counterparts whose abilities to determine right from wrong are challenged by their need to defend themselves against the threatening presence of parents' feelings[13]. Kohlberg and Candee (1984) also claim that there is a positive relationship between level of moral reasoning and moral

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[13] summarised by Adalist-Estrin (1993)

conduct, i.e. the higher the moral reasoning, the more likely is moral conduct, and the greater is the consistency between moral judgment and conduct. However, surprisingly, there is little empirical evidence to support the positive relationship between cognitive moral development and moral behaviour. Brown and Herrnstein indicate the possibility of these variables' low or even negative correlation, i.e. "someone talking on the high road and acting on the law road" as a paradox which is the result of the assumption that "the way people think about moral issues determine the way" they act (1975: 289).[14] I believe that both in the case of reasoning and behaviour, social learning and external constraints can teach us what the 'right' ways of thinking and acting are. In fact, pretending 'internalised' beliefs can even be a result of external motivations (and could be called as quasi-internalised values). Hence, it is difficult to measure to what extent individuals have truly internalised those norms from which they originate their thoughts and acts.

Nevertheless, if we consider the preconventional level as the stage where values are the least internalised, the studies discussed above might let us presume that preconventional motivations are more frequent behind criminal offences. Furthermore, moving towards the conventional – postconventional value systems, i.e. a shift from the egoistic-instrumental stage to the phase where one understands "reciprocity as going beyond concrete notions of equal exchange to maintaining relationships" (Kohlberg, 1984: 628) might help offenders in the desistance process. This latter relationship is also supported by the narratives of successfully desisting people in the study of Maruna (2001). To illustrate the possible connection between cognitive moral development and the willingness to desist, let me quote an offender[15] expressing the reasons why he does not want to go back to drugs, crime and jail. These and subsequent quotations are taken from the survey I conducted with prisoners referred to in section 1.2. above.

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[14] cited by Kohlberg (1984: 505)

[15] convicted for robbery, approx. two years before release

"When I was on drugs, I wasn't thinking about them, I was thinking about myself. I wasn't thinking about the people I robbed, I was thinking about the shops. […] I just didn't care. It just happened. Now again. I was making money. I had money to get out to. I didn't think about people outside. They were never in my mind."
[*Preconventional level*]

"But now [...] my wife and daughter need me. But they need me with nothing rather than need me part time and then have everything. You know what I'm saying? And it took me such a long time to realise it."
[*Conventional level*]

"Before, I didn't care whether I was coming back or not, it was just part of my job. It was an occupational hazard. It happened sometimes. If I wanted to earn the same, I had to come back to jail again."
[*Preconventional level*]
"Now money doesn't interest me. I just want enough to support my family."
[*Conventional level*]

According to Willigenburg, "one could say that criminal's commitment to morality is much more patchy than that of the non-criminal: other motivating considerations outweigh moral ones in situations in which a morally sensitive person would see that the demands of morality were paramount" (1996: 138). "Converting experiences" might help in improving moral awareness and sensitivity, which are crucial to the social integration. Not only 'absolute' recognitions of the expectations of other persons and institutions (conventional level), or the universal system of principles, such as respect and justice (postconventional level), but also 'relative' motions towards these stages can have significant role in enhancing commitment to norms. Hence, the question is, whether restorative justice might help these processes, and if so, how.

3.1.2. Neutralisation

Restorative justice is based on offering the opportunity for direct dialogue between the parties of the conflict-situation. It aims to make offenders face the consequences of their behaviour and answer questions about it to themselves and to others, hence necessarily affecting the cognitive mechanisms of offenders. In this context the issue of responsibility, the role of excuses, justifications and neutralisation techniques are particularly relevant. As with the question of morality, we have to

consider what the offenders' initial thoughts are about their behaviours and how it should be influenced in order to help them in the reintegration process.

Excuses, justifications, neutralisation techniques are "universal modes of response to inconsistency" between one's actions and beliefs (Hazani, 1991: 146)[16]. Sykes and Matza, who first explored the relevance of neutralisation in delinquent behaviour, claimed that "it is by learning these techniques that the juvenile becomes delinquent" (1957: 667). In the neutralisation literature the role of these techniques are discussed both in relation to the causes of crimes and to the later rationalising processes in criminals' narratives used for explaining their behaviours (Maruna and Copes, 2003).

For understanding the phenomena of neutralisation in the everyday practice, the five basic techniques, identified by Sykes and Matza (1957) and four other methods, which have been defined later (summarised by Maruna and Copes, 2003), can greatly help us. According to them, typical ways of explaining the involvement in wrongdoing are 1.) the *denial of responsibility*; 2.) the *denial of injury*; 3.) the *denial of victims*; 4.) the *condemnation of the condemners* and 5.) the need to *appeal to higher loyalties*. Later studies have explored further techniques of neutralisations, such as 6.) the *metaphor of the ledger* (Klockers, 1974), indicating how previous good behaviour might give a 'right' to be involved into wrongdoings; 7.) the *defence of necessity* (Minor, 1981), which refers to one's belief that a 'significant other' has been helped by breaking the rules; 8.) the *claim of normality*, arguing that "everybody else is doing it" (Coleman, 2001), and finally 9.), the *claim of entitlement* (Coleman 2001; Conklin, 2004), which is a kind of reasoning why offenders deserve those goods they committed the offences for.

Although these techniques well illustrate the typical rationalities behind justifications, they hardly ever can be recognised clearly, separately from each other. The complex combination of conventional norms and unconventional actions in relation to neutralisation might reflect not only to the conflicts of beliefs but also to the conflicts of different ways of reasoning behind them. The

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[16] cited by Maruna and Copes (2003)

following quotations from the interviews I conducted with prisoners also illustrate the role of justifications in offenders' narratives.

"You know, because the crime I've committed wasn't premeditated. For me going around in the evening, and give a brand new TV and pay one of their bills doesn't seem as if it was premeditated, I mean murdering someone. It was something that has just evolved and gone. At the end of the day, I slept downstairs, *she* came downstairs [*referring to the fact that it was his partner who started the interaction between them that ended in this violence*]
[…] so luckily I have all that stuff in my favour, and I have an autistic child as well."
[*26 years old male, charged for murdering his partner but he might be sentenced for manslaughter*]

"But whenever I robbed someone I never hurt really anyone. I just robbed them and take them money. I've never done anything of them. I've never raped anyone. I've never abused anyone."
[*27 years old male, sentenced for robbery*]

"I felt I was the victim. And there wasn't really a victim. If anyone was a victim, I was the victim.
It was an undercover operation. An undercover police officer came to me in the street. I've been heroin addicted at that time. I'm not a drug dealer. I burglar hotels to get money to go and buy my drugs. I was just a user in the street, you know.
You come up to me in the street, you ask me, if I can get you any drugs, I say I don't know. I make a phone call, the dealer turns up, you give me the money, I go to the car, get the drugs, come back, give you the drugs, you go. A month later you arrest me for conspiracy supply of heroin. I was doing for somebody a favour. I was in the process to get my own drugs, so I said, it's not gonna hurt me to get some for someone else.
And I got eighteen months for it. I got him some heroin and I didn't even supply. I didn't supply more packets. I didn't make more money.
[*22 years old male, sentenced for heroin supply*]

Even if we are successful in recognising neutralisation techniques, studying the relation between the use of them, the offending behaviour and the possibility for successful reintegration also leads to very complex issues. The first question is that – according to the cultural approaches (e.g. Cohen, 1955) – whether delinquents have different *subcultures* based on different value systems compared to the dominant social order. Or – following Sykes' and Matza's argument (1957) – offenders are rather committed to the *conventional value system* and they are aware of the wrongfulness of their actions. In the first case, if one is committed to unconventional values, neutralisations are not needed, while in the second case they are essential to maintain the balance between their believed norms and their actual acts.

The other issue is the *reintegration* to the self, to the community and to the society. Does neutralisation help or prevent it? Both the *beneficial* (e.g. Felson and Ribner, 1981; Snyder and Higgins, 1988) and *destructive* role (e.g. Hirschi, 1969) of justifications have been stressed by different social-psychological studies. As Maruna (2001: 144) writes, "instead of a hardening process, […] the acceptance of neutralizations might even be the first step in a *softening* process", where neutralisation techniques indicate an acceptance of shared moral values invoking a weak attachment to crime and a willingness to change, and "preserving one's sense of self as essentially non-criminal (through neutralizations or any other technique) may be necessary in order for offenders to desist from crime (Minor; 1981: 331; Costello, 2000: 324)"[17].

Contrary to this, according to Hirschi (1969), "when individuals are caught breaking some norm, they may create a retrospective justification to rationalize the act. The use and acceptance of such justifications, in turn, may allow that person to continue or even accelerate offending behaviour"[18], hence neutralisation results a "hardening process" that advances criminal careers.

The present thesis does not aim to answer the questions about the complex roles of neutralisation in criminal behaviour and desistance. However, it intends to stress those – pro and contra – aspects of justifications, which might have crucial role in offenders' reintegration and which can be significantly influenced by restorative ways of responding to wrongdoings.

3.1.3. Shame

"Communication between victim and offender offers a framework for shaming" (Walgrave and Aertsen, 1996: 76). In fact, Scheff and Retzinger consider conferencing as "an automatic shaming machine" (1996: 330). Restorative justice is based on the "communication of the harm done to others and disapproval of the actions by relevant others" (Harris, 2001: 74), hence while

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[17] cited by Maruna and Copes (2003)
[18] cited by Maruna and Copes (2003)

examining its impact on offenders, we cannot avoid considering the concept of shame, which is probably the most controversial among the four dimensions discussed here. The Janus-face characteristics of shame in social mechanisms have been explored by several studies. These theories can be distinguished according to the way they consider and analyse the influence of shame on social behaviour: very simplistically we can say that 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).

In his summary, Harris categorises the shame theories into three main conceptual frameworks (2001: 90-93), distinguishing between those which focus on the dimensions of 1.) social threat, 2.) personal failure and 3.) the ethical aspects. The first approach defines shame as a result of disapproval, rejection, negative perception by *others* (e.g. Mead, 1937; Scheff and Retzinger, 1991), the second one focuses on the *individual*'s feeling in relation to failures, negative identity (e.g. Lewis, 1992; Nathanson, 1992), while the third concept emphasises the *moral* consequences of others' negative judgments on the self (e.g. Williams, 1993; Taylor, 1985). All these approaches include the aspects of the individual – which could be summarised by the concept of shame – and the role of the external world – which could be indicated by the concept of shaming –.

Several studies (e.g. Reintegrative Shaming Theory by Braithwaite, 1989) examining the role of shame- or guilt–feelings in relation to criminal behaviour bases their concepts on a continuum, of which one end might have a significant role in the reintegration process, while the other end can be largely destructive, making integration an even more difficult goal to achieve.

The three shame–theories, which this thesis' argument is based on, also illustrate this continuum. Braithwaite – who broadly defines shame as "all social processes of expressing disapproval which have the intention or effect of invoking remorse in the person being shamed (1989: 100)" – distinguishes between *"stigmatising"* and *"reintegrative shaming"*. While the former is

counter-productive for the offender, resulting in negative consequences for his/her self-esteem and a rejected status by the society (exclusion), the latter is considered as likely to be effective in controlling crime, resulting in his/her reintegration due to the inclusive attitude of the community (1984: 4).

Analysing the dimensions of shame, Harris distinguished between three factors. The *Shame-Guilt* factor occurs as a "result of the realisation that one has acted contrary to an ethical norm" (2001: 190) realising the threatening of one's identity. The *Unresolved shame* is evolved from uncertainty about what has been done contrary to the ethical norms, and this uncertainty also threatens the identity. The *Embarrassment – Exposure* factor is occurred due to beliefs and feelings that being exposed in public is contrary to accepted norms. Different ways of shaming might result in different outcomes differentiated by these three factors, and they also have significant roles in future behaviour: while both shame- and guilt-related emotions predict higher empathy and lower hostility, unresolved shame results in higher empathy and higher anger, and the feeling of embarrassment simply causes higher hostility.

While Harris' model also stresses the significant role of clear expression of emotions, Scheff and Retzinger's shame theory is completely based on this aspect. They argue that "shame leads to violence under only one condition – that is hidden to the point that it is not acknowledged or resolved (1991: 3)". When disapproval results in the *acknowledgement* of shame, shame might be a cause of constructive conflict, while *unacknowledged* and unconfronted shame can ultimately get out of hand, unravelling in violence. Hence, their distinction between productive and counterproductive shame sequences is a based on their conclusion emphasising that shame provokes violence when it is unacknowledged and communicated *disrespectfully*.

Similarly to neutralisations, the existence of shame and other, similar emotions, such as guilt, remorse, empathy in offenders cannot be summarised only from one dimension. It largely depends on how we define these emotions, and what other personality and cognitive factors they are

combined with within the offenders[19]. However, based on the previously mentioned three theories, we might presume that shame-feelings can be both causes and results of wrongdoing, and those reactions which are beneficial in offenders' reintegration should focus on the expression and acknowledgment of these ongoing emotions.

3.1.4. Bonds

The directness and interpersonal characteristics of restorative interventions unquestionably make the aspects of social ties relevant in the analysis of restorative processes' influences. Both on micro and macro level, the role of "linkedness" (term used by Deklerck – Depuydt, 1998: 137) is a major issue in criminological theories. The significant role of a lack of bonds in increasing the risk of crime, or – from a positive approach – the preventive function of healthy links between the individual and the environment has been supported by several studies on the level of family (e.g. Sampson and Laub, 1993), the broader community (e.g. Kornhasuer, 1978; Sampson, Raudenbush and Earls, 1997) and the society (e.g. Elias, 1987; Braithwaite, 1989).

If we are interested in specifying what type of social bonds do offenders typically have, I think it is important to examine them from the following six aspects: the bonds' strength (strong - weak), their quality (what type of interactions do they influence), their constructive aspects (supportive – destructive), their explicitness (hidden – expressed), the value system which connects them (conventional – unconventional) and their connections to the society on broader level (is it an integrative or excluded group of the society).

Even if I intend to explain the following argument later in the study, let me mention here that I attribute bonds rather an indirect, passive role, than active, direct effects in the enforcement of rules and in the social integration process. In other words, they might be crucial mediating factors in

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[19] As an example, Maruna and Copes emphasise three dimensions in different explanatory styles: one might describe his/her behaviour by focusing on the internal or external mechanisms, on the stable or unstable situations and on the global or specific effects (2003).

the relations among the previously discussed dimensions of morality, neutralisation and shame-feelings, and the possibility of successful reintegration. Considering the multidimensionality of bonds it can be presumed that their relationships with the other dimensions create a complex system. However, as a hypothesis I would argue that bonds can increase the probability of involvement in crime, when they are weak; dysfunctional (there are differences between the expectations towards them and their actual functioning); destructive; hidden or unacknowledged; based on non-conforming value-systems or linked to communities which are excluded from the society themselves as well. And consequently, strong, supportive, well-functioning, explicit bonds, especially family ties might significantly increase the possibility of reintegration. This hypothesis of mine is mainly based on Hirschi's theory who argued that the four basic elements which make the bonds up are attachment, commitment, involvement and beliefs and claimed that "delinquent acts result when and individual's bond to society is weak or broken" (1969: 16). Hirschi's social bonding theory has received several verifications from empirical research (e.g. Hindelang, 1973; Johnson, 1979; Agnew, 1985; Rankin and Kern, 1994)[20].

Some interviews I have conducted with offenders – about the reasons they think they will go straight later on – can also illustrate the significance of family bonds.

> "my two daughters […] they lost their mother's life because what I've done. But I don't think it's right that they lose their father, you know, to lose their father. It makes me stronger."

> "I found out my dad wasn't my real dad. And that's when I started drugs. From then I was a real shit. D'you know what I mean? I caused my mum and dad nothing but worry; they just didn't want to speak me again. I don't wanna lose them forever. I'm back in touch with my family."

> "I just don't wanna come back. My wife, my daughter are there, it's not fair with them, it's not fair with my family besides me. I'm clean of the drugs now. I won't do the drugs now. So I just wanna get out. And stay."

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[20] based on the summary of Akers (2000: 105-110)

"My daughters, my wife - they're not happy. Seeing me here. And they're right. I need to come out and tell them: 'look, I'm not going back'. I need to show them what I've been doing here. That's why I'm doing all the courses [*cognitive – behavioural programmes of the prison*]. I wanna show them that the course works.

What does motivate you not to go back to drugs?
"My little boy I think. He's not my biological son. I met his mum when he was about six months old. His dad obviously hasn't seen my girlfriend as soon as he found out she was pregnant. He has gone, he didn't want to know. So he lost one dad already, he's four now, he'll be five in October before I get out. I do care about him. I wanna be there for him."

The next part will explore the interactions among the above described four dimensions in more details. Within it, the possible relationship of bonds with the other factors and the question of how these characteristics of ties can be moved into a more preventive status will also be discussed.

DIMENSION	OPERATIONALISATION	RELATION TO OFFENDING	RELATION TO INTEGRATION

Morality (Kohlberg, 1971)	1. Preconventional
	  1.1. avoidance of punishment
	  1.2. satisfying self's need
	2. Conventional
	  2.1. loyalty to others
	  2.2. loyalty to authority
	3. Postconventional
	  3.1. social-contract orientation
	  3.2. recognition of general and universal principles
		- norms are primarily followed for instrumental purposes
		- external constraints instead of internalised norms
			- internalisation of norms
			- understanding of underlying principles behind rules and norms

Neutralisation (Sykes and Matza, 1957; Klockers, 1974; Minor, 1981; Coleman, 2001; Conklin, 2004)	1. denial of responsibility 2. denial of injury 3. denial of victim 4. condemnation of condemners 5. appeal to higher loyalties 6. metaphor of the ledger 7. defence of necessity 8. claim of normality 9. claim of entitlement	- frequent use of these techniques in case of those who are committed to conventional norms - less need for them within subcultures	- their use indicates some commitment to conventional values →reducing their application helps integration - if they are not applied because of commitment to non-conventional values → 'dialogue' is needed between the two value-systems
Shame (Braithwaite, 1989; Scheff and Retzinger, 1991; Harris, 2001)	1. reintegrative - stigmatising 2. hidden – acknowledged 3. acknowledged – unresolved – embarrassment / exposure	- hidden, unacknowledged unresolved shame-feelings - stigmatising, disrespectful shaming - feeling of embarrassment	- acknowledgement of shame-feelings - reintegrative, constructive, respectful shaming
Bonds	1. integrative 2. excluding	- weak; hidden; destructive; - unconventional values within the community; - linking to excluded communities	- strong, expressed, supporting; - conventional values within the community; - linking to integrative communities

TABLE 1: Summary of the four dimensions

3.2. 'Ways' and 'Interactions'

After conceptualising, operationalising the four dimensions and indicating their relevance in restorative justice and in social reintegration let me discuss their possible interactions. First, I will explore the relationships among morality, neutralisation and shame. In the second part, I will detail a model which indicates the overall influence of social bonds on the other three dimensions detailing how the concept of bonding might provide a framework for understanding the interconnections among them. According to this structure, interactions among the four dimensions have to be distinguished by considering whether they are functioning within a system of a) *integrative* or b) *excluding* bonds.

3.2.1. The relationships among morality, neutralisation and shame

"Natural moral development is grossly defined by a trend toward an increasingly internal orientation to norms" (Kohlberg, 1984: 90). What do the terms, internalisation and development mean in relation to shame and neutralisation?

According to Kohlberg's theory, moral development reflects to the maturity process of the individual, which through the norms and values become less external and more internal, less superficial and more profound in their insight into the "psychological meaning and functional basis of human interpersonal relationships and society" (Gibbs, 1991: 193).

The primary goal is to satisfy the self's physical needs. Later the instrumental rules and conventions of the society, based on reciprocity and expectation, become the reasons for following rules, while at the highest stage, conventionality is based on the acceptance of those general, commonly agreed standards, requirements and moral principles, which underlie these rules.

The main issue related to the connections between **morality and neutralisations** is based on the question, whether delinquents have strong attachments to the conventional value systems (Sykes

and Matza, 1957), or they rather create their own subcultures by rejecting the dominant social order and by defining other values they are committed to (Cohen, 1955; Austin, 1977).

If we follow Sykes and Matza's argument, we can assume that using neutralisation techniques indicates that basically the actors are morally committed to the conventional value system. The fact that in order to handle the inconsistencies between their beliefs and acts, they use different techniques to neutralise them is a separate question.

This approach has been supported by other theoreticians as well (Cloward and Ohlin, 1960: 18; Becker, 1963: 28) by recognising that actors vary in their ability to neutralise moral commitment in order to legitimize their actions and engage in deviance. Blake and Davis (1964) assumed that a person who has strongly internalised a norm – which has to be the result of high moral commitment – prohibiting deviance should experience guilt upon violation of that norm, and this produces conforming behaviour. This kind of moral commitment (i.e. threat of guilt) can be neutralised by neutralisation techniques, thereby increasing the probability of deviant behaviour.

On the contrary, Schwendinger and Schwendinger (1967) suggested that the difference between delinquents and non-delinquents results from their diverse value systems. Thurman also concluded that neutralisation is distinct from moral commitment. When moral commitment is low, neutralisation serves as an effective means to accommodate guilt and enhances the likelihood of deviant behaviour. Neutralisation explains future deviance among those adults who are marginally morally committed, but the "ability to neutralise has a weaker overall effect than commitment to unconventional norms" (1984: 303).

The other dilemma related to neutralisations is the question of time. Are these techniques used before or after the deviant behaviour?

According to Sykes and Matza, neutralizations "precede deviant behavior and make deviant behavior possible (1957: 666)". Hence, moral commitment are neutralised prior to engaging in

deviance and neutralisations are not just *a posteriori* rationalizations. Hirschi (1969) suggested that neutralisations might function as *ex post facto* rationalizations, but later might facilitate future offending as retrospective justifications to rationalize one's act.[21] As Maruna and Copes (2003) concluded "without the benefit of longitudinal designs there is no way to determine if neutralizations do in fact precede criminal behavior or if they are merely after the fact rationalizations".

To conclude, the use of neutralisation techniques might indicate a level of commitment to internalised norms. In fact, according to some findings, the more they are internalised, the more guilt and shame feelings they can generate, hence, in these cases the role of neutralisation is even more significant.

On the other hand, if our starting point is that delinquents have completely different value systems, it would follow that they do not need these techniques. Or changing the causal order, if we cannot experience neutralisation techniques in offenders' narratives, it can mean that 1.) they feel their own responsibility for the act and do not intend to justify it, or 2.) they follow different value systems, in which the actual behaviours have diverse labels, hence they do not consider those acts wrong that the conventional society does.

These diverse approaches clearly show that morality and neutralisation might neither be linearly correlated, nor indicate a clear cause – effect relationship, even if they have strong influence on each other. The lack of linear correlation and the possible conflict situation between legal and moral principles is well illustrated by the study by Radosevich and Krohn (1981), who examined the relationship between moral development and legal socialisation by asking respondents to morally evaluate specific situations with the consideration of different mitigating circumstances (indicating the techniques of neutralisation). They concluded that actors on the highest (postconventional) moral level were the least likely to change their moral evaluations as a result of situational mitigators, and

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[21] summarised by Maruna and Copes (2003)

respondents on the conventional level were the most likely to alter their evaluation, even more than those who were considered as being on the preconventional level.

What we can assume is that the 'mission' of any moral approach towards offenders and their neutralising attitude should function on two levels: firstly, it is necessary to examine how close the offender's value system is to the conventional norms. If there are significant differences – which can result in not using any neutralisation techniques, in fact, the offender can even be proud for his/her behaviour –, the first step is to find the way in which the diverse value systems could be brought closer to each other. When there is more consistency and agreement between the delinquents' internalised beliefs and the dominant values, as a second step, the used justifications and rationalisations should be discussed by emphasising the universal moral values behind the rules. Although moral aspects and rules can be in conflict[22], a shift from the external, instrumental obligations to a more internalised commitment to universal values might largely decrease the use of neutralisation techniques. Furthermore, those who make less use of these techniques, but believe in conventional norms, might have originally had an increased ability to recognise the general moral assumptions behind the specific rules.

As it has already been mentioned, **shame-** and **guilt**-feelings can be increased by more internalised **moral** values. But which of them reflect more internalised norm-systems? Is it 'useful' to stimulate any of these emotions for the sake of reintegration? And if so, which of them are more helpful to this process?

There is a relatively general agreement that guilt more refers to the internalised identification with a set of standards, while shame is more an external identification with social norms (Thomas, 1999: 129). Using the Kohlbergian terms we can say, the probability of guilt-feelings is higher in

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[22] Kohlberg's and others' empirical research on moral development are often based on asking subjects about situations when specific rules and moral principles are in conflict.

those whose moral judgement has reached a higher level as a result of internalising standards in this way.

It is not only the initially existing moral level of offenders, but also the consideration of shaming as a moral infraction, which is relevant to shame-feelings. Harré (1990), Taylor (1985) and Williams (1993) indicate shaming as disapproval by (significant) others combined with the feeling of one's internalised evaluation of what is right or wrong. Williams proposes that 'the other' even might be an abstracted, internalized, imagined other who incorporates one's values, hence from this aspect, shame might occur on the same moral level than guilt, presuming a high level of ability to internalise norms.[23]

The danger of both shame and guilt is that they might result in anxious, threatened, suspicious, resentful, self-focused feelings causing the blaming of others and preventing the development of empathy and responsibility in the wrongdoer.[24] In other words, they can generate more **neutralisations** and justifications. 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 is more related to empathy and to the intention to reparation. However, the approaches of these theoreticians are similar in the sense that, as regards shame, guilt and remorse, the more "moral" emotions are the ones which encourage a person to take responsibility and make him/her less inclined to avoid it. The theories differ according to how they label the emotions, which lead to less neutralization. However, their procedural assumptions are based on similar emotional, cognitive and behavioural elements.

As indicated in the previous part, there are theories which do not distinguish between shame and guilt from the aspect of later hostility. Rather, the potential dangers of the unresolved emotions or of those which originate from feelings of embarrassment or exposure are emphasised in relation

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[23] summarised by Harris (2001: 82-83)
[24] based on the summary of van Stokkom (2002)

to hostile behaviour (Harris, 2001). The latter approach might let us presume that the need for direct and respectful communication of the disapproval can play a more important role in reducing hostility than the actual shame- or guilt-proneness of the offender.

Stepping forward from the feeling of shame to the consequences of shaming and their relations to morality and neutralisation let me refer back to the typologies detailed in the previous part. Based on Braithwaite's (1989), Scheff and Retzingers's (1991), Makkai and Braithwaite's (1994), and Harris's (2001) arguments, we can assume that those shaming processes are more successful in affecting moral development and in decreasing the use of neutralisation techniques in offenders, which are

1.) reintegrative ("followed by efforts to reintegrate the offender […] through words or gestures or forgiveness or ceremonies to decertify the offender as deviant" (Braithwaite, 1989: 100-101);

2.) acknowledged ("disapproval results in the acknowledgment of shame" persuading "actors against what they come to recognise as wrongdoing" (Scheff and Retzinger, 1991: xi) and

3.) constructive to the offender's understanding of how norms are formed by the active role of both the shamers and the person being shamed (Harris, 2001: 176), so that he/she avoids the feeling of unresolved emotions, embarrassment or exposure.

Summarising the reasons why these ways of shaming might be more successful in developing the level of morality and decreasing the use of neutralisations, it can be assumed that these techniques are based on direct communication, on the clear expression of emotions by the affected actors, and on the exploration of the reasons behind the specific rules and principles. These purposes can largely help in improving the ability of offenders to take responsibility for their behaviour and in recognising the aspects of significant others, social institutions (conventional level) or even the universal principles (postconventional level) behind the values.

3.2.2. The fourth 'way': the role of bonds

As earlier mentioned, I argue that social bonds might have a passive, indirect role in the different influences on morality, neutralisation and shame. To clarify it, bonds might have a significant catalysing function in any social-psychological processes analysed before. The literature of moral development, neutralisation and shame is similar in the sense that the majority of the theoretical and empirical findings stresses how important mediating effects do social ties have in any social processes influencing these dimensions.

Specifically, in relation to the concept of **moral development**, it means that the ability and intention to internalise originally external norms, to recognise the role of and to feel respect for significant others and to social institutions (conventional level[25]), furthermore to believe in the general principles based on mutual trust in the society (postconventional level) is largely based on the existing ties to ones' community both in narrow and broader sense.

The ambivalent mechanisms of **neutralisation** are well illustrated by its connection to bonds. On the one hand, it seems to be evident, as Mannle and Lewis argued (1979: 61, 65), that neutralisation is less used when bonds to society are weakened, since in this case excuses to deviate are unnecessary. On the other, Thurman hypothesised that neutralisation has "no effect on involvement in deviance at high levels of moral commitment because bonds to society at these levels invoke levels of guilt too high for neutralisation techniques to overcome" (1984: 296).

Although there has not been too much research that systemically examines the relationship between neutralisation and social bonds, it can be hypothesised that taking responsibility, acknowledgment of the harm to victims, and direct facing up through strong ties to the disadvantages of wrongdoing might help in reducing the use of superficial justifications of the offender. However, we have to be aware that strong bonds can also increase the intention to 'escape'

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[25] In fact, the description of Stage 3, labelled as the "good-boy orientation" in Kohlberg's theory is about the significant role of *people being close to the individual* by definition (1984: 44, 174).

into the rationalisation of one's behaviour by arguing that there was not any other choice (appeal to higher loyalties to which one is strongly linked), or it was for the sake of a higher moral commitment (defence of necessity). The bonds' multiple role in neutralisation also depends on, whether those, who the offender is strongly linked to, are – socially and culturally – integrated into the mainstream of the society, or they are excluded themselves as well. But let me go back to this 'ambivalent' characteristic of bonds later in the argument.

The definitions of **shame** and shaming initially indicate the importance of the external world (e.g. Braithwaite, 1989: 100). Not only the theoretical approaches, but also research findings support the argument that social bonds can increase the effect of shaming, and at the same time, the lack of bonds might reduce or negate the effect of shaming influences (e.g. Braithwaite, 1989: 97; Harris, 2001: 168; Hay, 2001: 147). Shame theories are different according to the weight they place on the role of bonds. The theories of Braithwaite and Scheff and Retzinger are probably those which stress this aspect the most. Braithwaite's concept of communitarianism, characterised by "densely enmeshed interdependency", based on "mutual obligation and trust" and "group loyalty rather than individual convenience" (1989: 86) suggests that the cohesion in communities might largely increase the effect of shaming. From a different approach, Scheff and Retzinger maintain that the feeling of shame originates from threatened bonds, contrary to intact bonds which cause pride. They argue that the way in which disapproval is acknowledged and communicated will determine whether the disrespectful behaviour turns into a constructive conflict or into "further shame, where each person feels alienated", resulting a "shame-anger" loop (1991: 69). Although the two theories are different, since Braithwaite stresses the role of bonds in the *effect* of shaming, while Scheff and Retzinger emphasise the significance of ties in the *origin* of shame, both approaches illustrate how important the function of bonds might be in relation to shame.

To sum up the role of bonds in relation to morality, neutralisation and shame, it can be assumed that bonds represent communication between the individual and the environment. Their significant role therefore cannot be questioned in those processes which are entirely based on interpersonal communication. Bonds also mean the "linkedness" of people who are respected by each other, who share common values, and who are connected to each other by the feeling of mutual trust. These concepts can be often found in the literature of morality, neutralisation and shame, as mediating factors influencing the strength of the discussed social psychological processes, equally on the level of families and closest environment (e.g. Hay, 2001), broader communities (e.g. Sampson, Raudenbush and Earls, 1997; Walgrave, 2000) and the society (e.g. Elias, 1987; Braithwaite, 1989).

After discussing the general function of bonds, we also have to consider *how* these bonds can be described, and *who* do they link to. I argue that before considering the influence of social ties on morality, neutralisation and shame, as a first step we have to analyse the characteristics of offenders' already existing bonds. As indicated before (see page 30), they can be very different according to their strength, quality, form, and to the societal integrity of those who they link to, and these differences have to be considered before examining the role of bonds.

According to this distinction, I would summarise the interactions of morality, neutralisation, shame and bonds in a model which has two 'scripts'. In script 'A' (*Integrative*), bonds are already strong, functional (serving those functions which mainstream society expects from them), supportive and linked to a community which shares the conventional values of the society and integral part of it. In script 'B' (*Excluding*), bonds are weak, dysfunctional, destructive, and/or link to groups which do not share the conventional values of the society or are excluded from it. Although these factors can hardly ever be seen so clearly, it can be estimated which type an individual's ties are closer to.

In the *Integrative* type, bonds might increase the effects of the emphasis and direct communication of moral principles and their broader contexts (i.e. how rules reflect these principles)

on moral development. Secondly, they can help the expression and acknowledgment of shame, also by face-to-face interactions. Furthermore, with a reintegrative attitude from the shamers, the feeling of being stigmatised, the intention to reject and blame others might be avoided in the offender. Thirdly, due to the direct confrontation and the feeling of fair procedure (Sherman, 1993)[26], the use of neutralisation techniques can be reduced and responsibility-taking might replace the application of justifications and excuses. These attitudinal changes might have re-effects on bonds, resulting in the further increase of their strength, and their supportive and functional aspects. Needless to say, these processes might have crucial roles in the successful reintegration of offenders.

Although there has not been specific research about how differently these mechanisms operate in the case of *Excluding type*, it might be presumed that not only the catalyst role but also the beneficial influence of 'excluding' bonds have to be considered differently in relation to successful reintegration. Let me shortly refer back to Scheff and Retzinger, who argue that a "constructive conflict can actually strengthen bonds" (1991: xi), which means that a respectful way of shaming can be beneficial in restoring the destroyed relationships. However, I argue that threatened bonds can still be very diverse: firstly, it is a question for how long they have been threatened, i.e. how 'stable' their 'instability' is. This issue might influence the extent to which the parties are willing to and motivated to take any step towards restoring their relationship as well as their optimistic belief in its worth. Secondly, there can be significant differences in whether the affected people are able to communicate disapproval in a respectful way. Thirdly, it is essential to consider whether those whose bonds have been threatened are embedded in a supportive community in which they can maintain their restored relationship in the future, and if so, whether the value system of this broader environment can be harmonised with the conventional norm-system (i.e. ensuring that it is not part

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[26] His theory of defiance suggests that "procedural justice (fairness or legitimacy) of experienced punishment is essential for the acknowledgment of shame, which conditions deterrence; punishment perceived as unjust can lead to unacknowledged shame and defiant pride that increases future crime" (1993: 445). In this context neutralisation and defiance might have similar functions in offenders' attitudes.

of a subculture which identifies itself with completely different principles from those of the mainstream society). To conclude, the term 'excluding' is a more stable characteristic of bonds unlike the term 'threatened bonds' used by Scheff and Retzinger. While the former refers to a broader context of bonds, the latter can be considered rather as a status of relationships which are temporarily unstable but basically occur within the 'integrative' type.

Theoretically it can be hypothesised that significant distinctions can be made by taking these indicators into account in relation to the strength and influence of bonds on morality, neutralisation, shame and reintegration. Considering the general functions of social ties, it might be presumed that 'excluding' bonds might be obstacles, if we want to increase the moral level and the effect of shaming in offenders or decrease their neutralisation techniques. In fact, it also might be possible that this type of bonds negates the hoped processes resulting in an even more unfavourable situation, in which the offender shows more defiance, uses more neutralisation, feels less shame and takes less responsibility. However, the validity, probability and significance of this hypothesis have to be empirically tested.

Even though there is no empirical evidence which would support the previous presumptions let me theoretically continue this thinking process by hinting what it could mean in the current model. In the case of the 'excluding' type, the possibility of reintegration might be increased, if – as an initial step – the bonds are transformed from their excluding status so that they have a more integrative character. This shift can be helped by strengthening these ties, making them supportive and functional, and as for the community these bonds link to, efforts might be made to increase its social integrity within the society. However, the detailed discussion of the initiatives which could serve these purposes rather leads to social policy issues and should be the topic of another study. The positive, catalyst role of bonds as an influence on morality, and the effect of neutralisation and shame

on reintegration, may be more realistic and likely after this 'preparatory' stage, when individuals are already linked to secure and integrative relationships. (For summary, see Table 2 on page 46.)

3.2.3. Conclusion

In this chapter the dimensions of morality, neutralisation, shame and bonds were described indicating why they might be relevant in the analysis of the impact of restorative justice, how we can define and operationalise them, what is their connection with deviant behaviour and what role they might have in reintegration. These descriptions were followed by the detailing of their possible interconnections.

As a conclusion, it can be assumed that the development of morality can be measured by how rules and norms become more and more internalised values in the individual, and how one is able to consider the effects of significant others, and of social institutions behind the values leading to the individual's recognition of the general and universal principles. This approach also suggests that morality is not an absolute category but rather a concept which should be measured by considering one's relative potentiality in developing his/her position on the moral scale.

The use of neutralisation techniques indicates some kind of identification with the conventional values which is essential for reintegration. However, these techniques have to be recognised and as a second step, the use of excuses has to be replaced by genuine responsibility-taking of the offender. Shame might result in the increase of morality and the decrease of neutralisation, if it is acknowledged and there is a reintegrative attitude from the shamers.

The common elements of all of these processes are the direct and honest communication of the behaviour and its consequences on the affected people. However, it might be important to consider the nature of the individual's social bonds before thinking these processes through, because they might result diverse outcomes according to whether they are rather *integrative* or *excluding*. In other words, social bonds serve as a framework determining the interconnections among the

dimensions of morality, neutralisation and shame. Consequently, according to the type of bonds these dimensions have significantly different influences on the possibility of successful reintegration.

Following the discussion of these dimensions, in the next chapter let me detail how restorative justice intends to respond to these needs, which have been summarised as crucial factors of offenders' successful reintegration.

THE "4-WAY INTERACTION" MODEL
Relationships among bonds, morality, shame and neutralisation

A) INTEGRATIVE TYPE

INTEGRATIVE BONDS

MORAL DEVELOPMENT	NEUTRALISATION	SHAME
DIRECT COMMUNICATION	DIRECT COMMUNICATION FAIR PROCEDURE	DIRECT COMMUNICATION REINTEGRATIVE ATITUDE
HIGHER STAGE IN MORALITY	LESS NEUTRALISATION	ACKNOWLEDGED, REINTEGRATIVE, EXPRESSED SHAME

Stronger, more supportive, more functional bonds

B) EXCLUDING TYPE

EXCLUDING BONDS

INCREASING THE INDIVIDUALS' CONFORMITY AND THE INTEGRATIVE FACTORS OF THE COMMUNITY

INTEGRATIVE BONDS

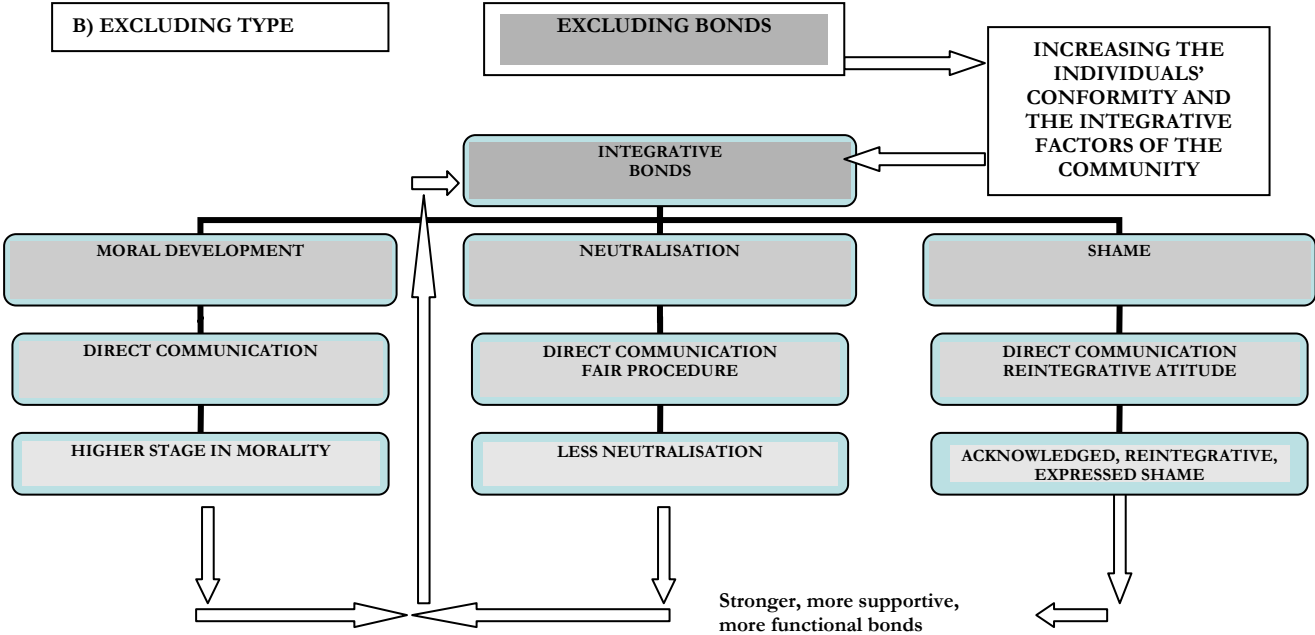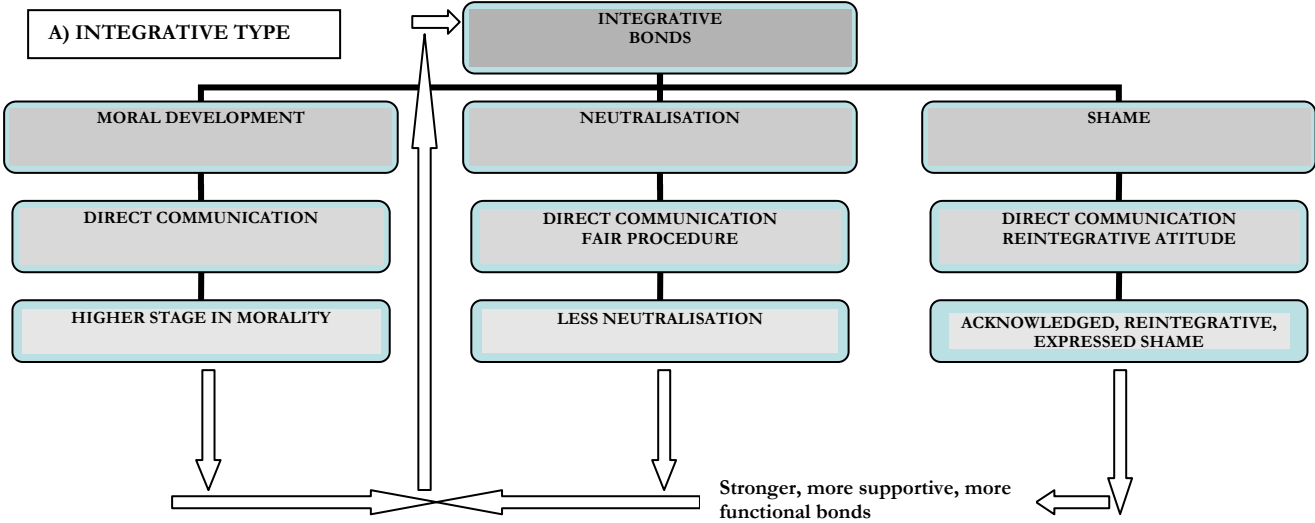| MORAL DEVELOPMENT	NEUTRALISATION	SHAME
DIRECT COMMUNICATION	DIRECT COMMUNICATION FAIR PROCEDURE	DIRECT COMMUNICATION REINTEGRATIVE ATITUDE
HIGHER STAGE IN MORALITY	LESS NEUTRALISATION	ACKNOWLEDGED, REINTEGRATIVE, EXPRESSED SHAME

Stronger, more supportive, more functional bonds

TABLE 2

4. The impact of restorative justice on the four dimensions

As indicated in the introduction, the main issue of this thesis is to understand why and how restorative justice might work. To answer this question, I will discuss the general process of restorative models in relation to their influences on the four previously discussed dimensions. Since this thesis does not intend to compare the different practices, the current analysis is built on those elements which are generally found in restorative programmes, even if their use might be only partial in the specific practices. In order to systematically summarise the relevant influences, they are discussed in relation to the different stages of a 'typical' restorative process. After describing the 'ideal' mechanisms of restorative processes, the second part of the chapter discusses the possible dangers of them.

4.1. Step by step

Restorative justice is not a discrete event; it is a dynamic process, including several emotional and interpersonal mechanisms. Hence, the indicators and mechanisms of the currently discussed attitudinal factors can also be experienced continuously through this process, even if some subtle distinctions can be made according to how significant they are at the different stages.

Generally it can be assumed that the *preparation* stage is mostly about the investigations of the initial moral attitude of the future participants, especially of the offender, his/her techniques of neutralisation, shame-feelings which have evolved as a part of a natural process occurring after the offence, and the community members' attitudes towards reintegration. During the actual *meeting,* the possible change of neutralisation techniques and shaming processes can be examined parallel to the reintegrative elements, while the process of *agreement* already includes several moral issues. Finally, the *follow-up* stage is the one where the overview of the existing social bonds and the reintegration possibilities are primarily in focus. Besides these aspects, this is the phase which is able to indicate the

real achievements of the restorative process from a more complex viewpoint. In the following, let me detail how these theories work in practice. (For summary, see Table 3 on page 58.)

Preparation of any restorative intervention is one of the most important stages (Barton, 2000). In several models and cases this is usually the only phase when the future mediator/facilitator can meet the offender and the other participants individually. Their face-to-face discussions are suitable to explore the participants' main motivations and/or concerns towards the meeting.

This phase is primarily about providing practical information for the parties about the process, the possible outcomes and about the voluntary participation. However, the 'outsider' and impartial characteristics of the mediator/facilitator might help the offender to honestly share his feelings and emotions related to the offence. Models are different according to whether the details of what has happened are investigated prior to the conference[27]. Nevertheless, the moral *thinking* about the offence might be starting at this stage, even if the wrongdoer is not yet ready for *moral discussion*. The offender has the chance to hear how others have been affected by the act and the fact that his/her actions have caused harm to other people might be already an issue during these personal conversations. In other words, the offender faces the fact that rules should not only be obeyed because of the legal constraints, but also because breaking these might directly harm people. The fact that restorative justice makes it possible to stress that the offence has personally harmed people and this is already discussed at the very beginning of the process might give the chance to raise the level of sanctioning from the preconventional level to the conventional, or even to the postconventional level. Expressing the relative aspect of harm-causing is one of the core elements of restorative approaches. In other words, instead of generating arguments between the parties about who has had a 'right' to act in a specific way, and stick to the abstract concept of justice – which might also lead to neutralisations, rationalisations, excuses (e. g. in case of defence of necessity) – the focus is on the

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[27] As an example, within the conference model of Thames Valley Police "the first telling of anybody's story is in the conference itself" and it is not explored before the actual meeting (Thames Valley Police Manual, 1999: 3-6).

fact that people have been suffering because of a specific behaviour, on its effects on them and on the discussion about the future solutions. This approach already introduces the relevance of the underlying values behind rules. Hence, it gives a chance to *use* the actual conflict to discuss these issues and does not only demand that the norms be mechanically followed because of a motivation to avoid punishment or instrumental benefits.

Another implication of the preparation phase on morality and *neutralisation* is that this face-to-face situation can be beneficial in making the offender and the other participants less likely to use shallow excuses later in the process. At this stage the initial reactions of the parties – which might include clichés and dishonest explanations – can be expressed, and the breakthrough of this communicational 'wall' created by these justifications might be already started. As Maruna concluded "Western societies may prefer pleasant lies ("it wasn't my fault") to the painful truth that good people often do bad things" (2001: 145). Hence, the main issue is not whether we use less justifications for explaining our acts because their use is not only typical but also often expected by the environment. Rather, the question is whether – by our reaction to wrongdoing – we provide enough time and space to let these initial, often shallow attitudes be expressed, and recognise the underlying aspects behind them. I argue that by the procedure of restorative justice this recognition and these shifts can be helped as well as strengthening the consistency between thoughts and acts (see the argument of Brown and Herrnstein on page 23). Within the preparatory stage what matters is not only the practical preparation of the future meeting but also the preparation of understanding the principles of obeying rules at a deeper and more conscious level.

Besides investigating how restorative approaches might influence offenders' morality, it is also relevant to study the converse relationship, i.e. how the consideration of the moral dimension influences the restorative process and the successful reintegration. In relation to this, the other task of the preparation phase is to explore the participants' expectations from the meeting. The

motivations of the offender in attending a conference might indicate the offender's status on the moral development scale according to the aspects he/she emphasises as main reasons to meet his/her victims. These reasons can be the avoidance of punishment, receiving any incentives (preconventional level), the commitment to people's expectations in his/her closer environment, an institutional constraint (conventional level), the consideration of the harmed people's needs or a personal need to face the consequences of the wrongdoing and make up for it in some way (postconventional level). In the interviews I conducted offenders primarily stressed three main motivations for participating in a meeting with their victim: the need to explain their circumstances at the time of the offence (usually drug addiction), to assure their victims that it was not personally against them, and to apologise.

> "I've done what I've done. I can't change that. It's done. You know what I mean. I was on drugs, I was on crack. I'd like the chance to sit down with the victim and explain that that is why I've done it. Not because it was something I had to do. Something, it wasn't personal. You know, and … That's what I all want to explain. It wasn't a personal target."

> *"What do you think about meeting your victim?*
> I didn't think about it so much until I got the questionnaire [*distributed before the interview on the same topic*], you know. And then I was sitting and think, you know, what would I say, if I met him. Anything I could say, like sorry for what happened [*burglary*]. I know, it wouldn't help him, but it might give him understanding how I was feeling at that time, and why it could happen. He might understand, you know, and then move on in his life […]
> He might not understand me, but at least I would know him, myself. And I've tried to make him understand why I did it, you know. And that it wasn't against him personally, but he just happened to be there. You know. It wasn't something like I specifically targeted him. It was just a random thing. You know. He might think it was against him, but it wasn't at all."

> *"Would you do anything if it didn't influence your sentence?*
> It's not the case of sentence, my children. It's something I would do for me. You see what I'm saying? It's not for like to impress the police officers or probation, it doesn't affect that, you know. It's something I have to live everyday what I've done, not anybody else, and the victim. And if they can understand we can move on with our lives, I don't know, I might not get move on. Maybe just a little bit more understanding. Then we gained something."

As indicated in Chapter 2, the possibilities for the specific outcomes are limited by the formal characteristics of the actual programme and of course the legal framework within which it is operating. However, considering the moral attitudes of offenders might lead to helping the other participants to have more realistic expectations of the offender and to provide relevant information for the offender about the possible outcomes. Additionally to the practical benefits of having realistic expectations from the restorative process, the investigation of the existing moral levels in offenders during the preparatory phase might be essential in order to use the 'moralising' aspect of the meeting relevantly later on. It can be presumed that communicating and stressing the moral aspects in a disapproving process might be much more individually tailored, effective and worthwhile, if the moral level of the 'recipient' (offender) is closer to the moral level of the 'message'. In other words, emphasising the importance of universal values might be less relevant and understandable for an offender who is basically motivated on the preconventional level and who is more interested in avoiding punishment or gaining practical, personal benefits by restoration. However, it is only a theoretical hypothesis; hence it should be empirically tested, as well as the questions of how it can be considered in practice, and how the possible moral distance[28] between the victim and the offender can be balanced during the restorative procedure.

Offenders' feelings of *shame*, guilt, remorse and regret can also be diverse and might influence the future stages of the restorative process. Their recognition and expression might be both emotionally and cognitively demanding. The opportunity for personal discussion(s) at the preparatory stage might be beneficial for starting the acknowledgment of these emotions and for encouraging the offender to face these feelings. The explanation of the main purposes and philosophy of restorative justice (according to the theory of reintegrative shaming) might help the offender to believe that even if his behaviour is disapproved, his identity will be treated as

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[28] The term "distance" is used in a neutral sense not indicating whether the victim or the offender is on a 'higher' level.

"essentially good" (Braithwaite, 1989: 101). However, due to the interpersonal characteristics of shame-feelings, discussing the influence of restorative justice on them might be more relevant in relation to the further stages of the restorative process. At the preparatory phase, the main impacts of restorative approaches on the moral and neutralisation attitudes of the individual might be recognised.

Usually in conferencing, the offender is asked to name those people whom he/she would like to have as supporters on the meeting (O'Connell, Wachtel and Wachtel, 1999: 136). It provides the possibility to gain a picture about the offender's *network*, about those people who are respected in his/her eyes. Sometimes this is the very first time that the offender thinks over who are those people, who play an important role for him/her, who could be really supportive and who would be able to keep their support even after expressing disapproval.

The preparatory stage may be important to help to reduce the fears of the offender about being shamed in the presence of significant others. Focusing on the crucial role of bonds in conflicts, Scheff and Retzinger argue that it is not the conflict which causes separation, but separation causes conflict (1991). Following their argument, this phase can help the participants to become familiar with the idea of *using* the actual conflict to re-strengthen the destroyed bonds.

At the same time, the possible efficacy of restorative intervention in restoring social bonds can be estimated already in the preparatory phase. According to the interviews with the offender and later with his/her supporters, the members of his/her primary community, it can be investigated, whether the wrongdoer has well-functioning, strong, supportive ties and whether the other community members are able to represent the values needed for any successful meeting (i.e. willingness to listen to, understand and accept the viewpoints of the other side, to be open to making an agreement based on consensus, etc.). In a case in which there are 'integrative' bonds, the next step is empowering the offender and the other participants so that they feel able to have personal

involvement in the discussion of the wrongdoing, its effects, and the possible solutions in order to restore the destroyed relationships. However, if offenders have bonds of a more 'excluding' kind, restorative interventions alone might not be sufficient for long-term restoration, and it is possible that other types of interventions (e.g. family therapy, services of the social welfare system) should also take a complementary role additionally to the actual restorative programme. These decisions related to the needed interventions can be more appropriately taken in case of having a thorough preparation. Hence, even if the influence of this phase on bonds might be less direct and explicit, it can be well used to help the further stages of the restorative process to have more effective impact on social bonds later in the procedure.

Additionally to these, while discussing the impact of the preparatory stage on social bonds, it is also relevant that the personal meeting with the possible participants already symbolises that the wrongdoing and the other issues raised by it do belong to a wider community, and they are not only the personal problems of the offender or of the victim.

Finally, preparatory stage might increase the feeling of *fairness* in the participants, which has a significant role in decreasing the defiant attitude and rejection from the agents (Sherman, 1993). This beneficial function of the preparatory stage can be helped by firstly, providing detailed information about the procedure, principles, the possible outcomes, the voluntary aspects of restorative justice, secondly, explaining other choices besides choosing to participate in a restorative programme; thirdly, the possibility to share individual concerns, fears and practical questions personally with the mediator/facilitator.

The actual **meeting** is the most intensive phase of the restorative procedure in relation to both the individual emotions and the social-psychological processes. It is probably the first occasion for each participant to listen to how the offence has affected the different agents, and requires not

only coping, but also communication skills from the actors to handle the complex system of their diverse emotions.

Although there are significant differences among the different restorative practices and their procedural elements, they are similar in their basic core sequence: firstly, all the participants detail what has happened in their point of view, and how it has affected them. So the first stage is the exploration of the factual events and the expression of disapproval. The second stage is what makes restorative justice really different from any other conventional ways of responding to crime: after the expression of the emotional and material losses and the acknowledgment of each participant's personal hurt in it, the issue of what should be done to restore what is able to be restored, is raised and discussed.

No matter whether the specific model uses the principles of "reintegrative shaming" (Braithwaite, 1989), which is the theoretical basis of most restorative practices, or calls its social-psychological processes by a different name (e.g. "transformative justice" by Moore, 1997, "reintegrative remorse" by Morris, 2002 or "relational justice" by Schluter, 2003), the general pattern is based on the direct communication of the harm which has been caused, followed by the discussion of the possible solutions. This is emotionally demanding, but effective way of thinking over and expressing the issues related to personal responsibility; the feelings of shame guilt and remorse; the needs for shaming and disapproval; and all those aspects of the case which seem to be the most difficult to get over.

Although there is an ongoing debate about the psychological dynamics of these meetings and about the way of labelling the emotions participants experience – detailed in the previous chapter –, there is consensus in the unquestionable need for *expressing* any feeling of shame, guilt, regret, remorse (e.g. Retzinger and Scheff, 1996). As Marshall and Merry argue, "one important element in neutralisation is the fact that the offender may never have to deal directly, either during the

commission of the offence, or subsequently, with the victim, never having to face up to their individuality of the harm they have suffered" (1990: 1). One of the purposes of these meetings is to positively influence the reintegration process, by helping the individual in recognising the fact of the wrongdoing, and by creating personal *responsibility*, remorse and empathy for others affected by the harm. Furthermore, it is usually particularly emphasised in training manuals (e.g. O'Connell, Wachtel and Wachtel, 1999; Thames Valley Police Manual, 1999) that these emotions have to be followed by further steps in order to help the offender to get over them and rebuild his or her self by expressing and communicating these feelings.

The direct confrontation and communication might largely help in recognising and understanding the underlying values behind the specific rules, as "most offenders cannot be affected by distant moralising speeches, but may be sensitive to accounts of the concrete suffering of their victims" (Walgrave, 2001: 29). Hence, it can be beneficial in helping the offender to 'move' to a higher *moral* stage, where the expectations and aspects of significant others as well as legal institutions are accepted in a more internalised way, or even the universal message of respect and dignity gain concrete meaning for him/her.

The *shaming* process can be both constructive and destructive in relation to the future reintegration. If "the deviance label is applied to the behaviour rather than the person" (Braithwaite, 1989: 55), shaming effectively helps in reintegration. On the contrary, if through the disapproval, the person rather than the behaviour is rejected and the shaming is not followed by a ritual reacceptance, shame involves assigning a master status to a person because of lawbreaking.

Several procedural elements have been identified in order to prevent restorative interventions causing harm and exclusion. These include: neutral and impartial attitude of the mediator/facilitator; a focus on the continuous power-balance between the parties; ensuring equal chance for all participants to express their own interests; the presence of supporting people from both sides and

also the ritual form of 'circle' (in the case of conferences and circles) which symbolises connectedness and equality among the people linked by the actual conflict.

"Remorse is far more convincing when translated into action and the more relevant this action is to the offence the more convincing it is" – as David Tidmarsh, a consultant forensic psychiatrist wrote (1999: 58). A successful meeting is ended by the offender's offer for a kind of **reparation** which is agreed by all parties. Practices are different according to how the phase of the agreement is structured. However, usually – even in models which use a script during meetings[29] – this part is rather a free discussion among the parties, than dialogues between the mediator/facilitator and each participant. Nevertheless, in order to increase the feeling of personal responsibility, fairness towards the whole procedure, and the understanding of future outcomes in the offender, the mediator's/facilitator's duty is to empower the offender to actively involve in the agreement phase as mush as possible.

Retzinger and Scheff argue that the offender's clear expression of genuine shame and remorse and the victim's first step towards forgiveness constitute the "core sequence" of the meeting (1996: 316). In their approach, guilt-feeling is necessary for the offender to take responsibility and offer material reparation. However, material reparation is not sufficient, since it does not necessarily signal regret, remorse. At the same time, shame does not necessarily lead to willingness to offer reparation, but it is essential in order to achieve symbolic reparation, which can help the parties and their social bonding become fully restored. Without the offer of excuses and forgiveness, agitation and tension remain, and the participants continue to feel dissatisfied.

There are different views about whether feelings of guilt (e.g. Tangney, 1995; Leith and Baumeister, 1998) or shame (e.g. Moore, 1993; Retzinger and Scheff, 1996) lead to personal responsibility and empathy. However, there is some agreement that these are not directly the shame

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[29] e..g. the Wagga Wagga model

feelings which are able to contribute to reparation and reacceptance. Rather other moral emotions, such as remorse, have more reparative potential[30]. I argue that *shame* and shaming are catalysts at this stage: this way of communicating disapproval might result in *moral development* and decrease the use of *neutralisation* techniques in the offender leading to the willingness to offer symbolic and material reparation for the victim and the community. As Retzinger and Scheff argue, the expressions of shame might last only a few seconds (1996: 316). It also shows that the duty of shaming is only transferring the negative feelings (such as guilt, remorse, embarrassment) into positive ones (e.g. empathy, a desire to make reparation). Therefore, instead of using the term "reintegrative shaming", I would rather use the term, "reintegration *through* shaming".

A restorative meeting might and should be ended in a "reintegration ceremony" (Braithwaite and Mugford, 1994: 142), which means that the "disapproval of a bad act is communicated while sustaining the identity of the actor as good". It does not act only as an underlying principle during the whole process, but also a formal celebration of the offender and the other members of the community for handling the case in that way and reaching an agreement (e.g. in the case of sentencing circles, sometimes the participants finish the meeting by clapping).

> "Thank you for your contribution in dealing with this difficult matter. Congratulations on the way you have worked through the issues."
> [*quoted from the Real Justice facilitator script (O'Connell – Wachtel – Wachtel, 1999: 67)*]

However, the real reintegration can only be evaluated in the **follow-up** phase. The primary and pragmatic function of this stage is checking the agreement's realisation. Often the agreement does not only include a specific action taken by the offender for the victim, but also specifies a complex plan, which contains several steps to be made by the offender and by the other members of the community. The share of duties represents the integrative aspects of both the conflict and its solutions. This communal approach in participating in the restoration process also provides the

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[30] summarized by van Stokkom (2002: 347 – 353)

possibility to (re)strengthen the social ties within the community. This effect has been also supported by Hay, who argued that reintegrative sanctioning might lead "to high […] interdependency rather than vice versa (2001: 147)." Hence, as the secondary role of the follow-up stage, it might provide the real phase for strengthening the social bonds and making the reintegration of the offender truly happen.

After discussing the "ideal" mechanisms of restorative interventions and their impact on morality, neutralisation, shame and bonds, let me summarise the possible dangers of using these practices related to the four dimensions.

STAGE	PROCEDURAL ELEMENTS	POSSIBLE OUTCOMES
Preparation	face-to-face interviews	more understanding of principles behind rules; increase in moral thinking
		no 'need' (i.e. expectations by others) for using neutralisation techniques
		recognising the relativity of harm-causing
		more realistic expectations from the process and its outcomes
	involvement of significant others	more trust in supporters and in their reintegrativ 0.e attitude
		mapping the offenders' social network
	detailed information about the process, possible outcomes, voluntary aspects	legitimacy, less defiance
Meeting	discussion about the offence and its consequences	acknowledgment of shame, disapproval, followed by reintegrative intention from the shamers
	involvement of supporters	shaming by respected persons
	balance between the parties	equal chance to express individual emotions, interests
	direct confrontation; moralising, shaming are based on a concrete event	more understanding of the moral impact of the offence, feeling of personal responsibility
Agreement	active involvement in the reparation process	less opportunity and 'need' for neutralisations
		feeling of fairness, less defiance, legitimacy of future outcomes
		moral development by active responsibility-taking
	intention for consensus between the parties	opportunity for reintegration into the community
Follow-up	shared duties	support from the community
		strengthening the cohesion within the community
	monitoring the realisation of the plan	possibility for evaluating the overall outcomes of the process

TABLE 3: Summary of the impact of restorative procedure on the four dimensions

4.2. 'Know-how-not' – when restorative justice might not be appropriate

Two main conditions of most restorative interventions[31] are usually voluntary participation[32] and a certain level of responsibility-taking from those who have caused harm. These two factors might help in preventing disappointments caused by expectations which have not been satisfied by restorative projects. However, there are still several factors which might endanger the success of these responses to wrongdoing, or even cause more harm for the involved people.

In relation to *neutralisation*, both the very strong use of these techniques and the complete lack of their application might indicate the denial of responsibility in the offender. While in the first case the offender accepts that his/her behaviour caused harm but intends to justify the reasons behind it, in the second case the offender might take responsibility for the behaviour but does not internally accept the fact that it is wrong according to others' value systems. Besides the question of responsibility in harm-causing, there is another issue about whose duty it is to actively work for the solution.

The typology of Brickman et al. (1982) might be helpful in describing patterns according to these issues. They argue that 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), those who do not take responsibility for their problems but accept it for their solutions (compensatory model), and finally those who neither hold themselves responsible for their problems nor for the solutions (medical model)[33].

Agents representing the moral model are obviously ideal for restorative interventions, while the case of those who are closer to the enlightenment or the compensatory model, have to be

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[31] Including 'treatment' programmes in institutions as well as projects, which are parts of the formal sanctioning system.
[32] Programmes in Europe are mostly based on voluntariness (though if we consider referral orders as restorative interventions, England and Wales are exceptions); but there are countries (e.g. New Zealand) where participation in a restorative program might be obligatory.
[33] summarised by Maruna (2001: 148)

cautiously considered by the mediator/facilitator during the preparatory stage. The face-to-face interview with the offender might help in estimating how 'fixed' their attitude is in relation to these issues. In case of experiencing unstable views, dilemmas from the wrongdoer, the restorative process might significantly help them in recognising their personal responsibility and in increasing their willingness to make up for the harm caused. However, further restorative interventions can be dangerous in case of those, who completely refuse to take any responsibility in the disapproved behaviour or in the future solutions, do not accept that their action was wrong in others' eyes, and/or who dominantly use neutralisation techniques to explain their actions. If these aspects are not considered with thorough attention at the beginning, a possible meeting might cause secondary victimisation, traumatic disappointment in the participants and further defiance in the offender.

As for the reintegration aspect, it is important that the offender get the chance to play an active role in defining the process of restoration, since this kind of involvement might largely increase his commitment to the later agreement and the understanding of his/her behaviour's consequences. A forced agreement pushed by the other members allows the offender to stay in a passive role and might prevent him from recognising his/her own competence, responsibility in influencing the future.

Similarly to the question of responsibility, the initial *moral* attitudes of offenders also have to be taken into account before planning further steps. It is important that the wrongdoer think over and express his/her motivations towards a possible meeting. According to them, the mediator/facilitator can help to create realistic expectations in all participants. Although restorative processes might increase the recognition and internalisation of value systems behind specific rules in offenders, it is important to value their relative 'development' on the moral scale, rather than expecting absolute changing in their personality. In other words, for those whose initial motivations are rather on the preconventional level, a shift to conventionality should already be valued. Although

the recognition of postconventional aspects in offenders' moral attitudes would be the ideal outcome of restorative processes, it is not the only indicator of success, and other participants should be aware of it in order to avoid disappointments. At the same time, it is also one of the core functions of the preparatory stage to investigate the offender's main motivation towards participating in a restorative project. If it is dominantly based on self interest (e.g. avoidance of punishment) without any consideration of others' interests in it, if it is a 'compulsory task' to survive in his/her eyes, it might question the ability to show genuine remorse, apology and willingness to restoration. This is another danger, which has to be taken into account prior to organising any personal meeting with those who have already been hurt by the offender. Facing the facts that the offender does not feel honest remorse and his intentions are only motivated by self interest might cause further suffering in the participants.

Shifting from the offender's role to the other participants' attitudes, the possible dangers of *shaming* might be caused by the following mechanisms. Firstly, if there is no reintegrative attitude from the community members, the process of shaming might end up in stigmatising, and the meeting can lead to a "degradation ceremony" (Garfinkel, 1956) instead of the hoped "reintegration ceremony" (Braithwaite and Mugford, 1994). Anger, an excluding attitude, the need for revenge all might induce strong stigmatising demands upon the offender from those who cannot or do not want to forgive during the meeting. Even if the way of restoration is usually agreed, the fact that the community members – including the victim – can specify what they wish as reparative action from the offender, rarely but might result that the outcome of the meeting causes more traumatic feelings in the offender, than any conventional procedure would. Kahan distinguished the four following ways of typical stigmatising sanctions: 1.) stigmatising publicity, which is communicating the offender's status to a wider audience, 2.) literal stigmatisation, which is stamping of an offender with a mark or symbol that invites ridicule, 3.) self-debasement penalties involving ceremonies or rituals

that publicly disgrace the offender, and 4.) contrition penalties, requiring the offenders to publicise, describe and apologise for their own convictions or obligation to apologise in a ritual form (1996: 15). In order to prevent that an agreement include any of these intentions, it is crucial to provide cautious and complex preparation work, through which all the participants have to be aware of the main principles of restorative justice and the mediator/facilitator has to be able to decide whether they are ready to reintegrate instead of stigmatise the offender. Furthermore, the power-balance between the parties has to be assured during the meeting, in order to avoid any outcome which is humiliating or does not respect the rights of others.

The importance of the complex acknowledgment of shame and of the other core emotions also has to be mentioned. This does not only mean the need for the possibility of honest self-expression by the participants, but also the exploration of all the issues which are relevant in the actual case. Braithwaite's (2001) study on the role of restorative justice in substance abuse emphasises that if the underlying problems (e.g. alcohol abuse behind domestic violence) are not confronted but swept under the carpet, conferences can be less successful or even might result in failures.

As indicated in the previous chapter, the 'excluding' type of *social bonds* might also endanger the success of restorative responses to crime. Firstly, neither shaming, nor any other ways of moralisation can have real effect on the offender, if they are not done by those who are respected persons in the offender's eyes. Secondly, if offensive behaviour is defined in terms of a presumed consensus regarding social harm and deviant conduct, and 'the law', in spirit and practice, is to be equated with social consensus (White, 1994: 185-189), those who act as supporters of the offender should agree with this consensus. Otherwise, they rather support him/her against, than besides the conventional value system, causing even more conflict situations for the future. The issue of the community's status leads to other questions as well: "what to do when whole communities consider

themselves effectively excluded from mainstream society (Campbell, 1993), […], what to do when we are likely to be reintegrating individuals into excluded communities" (Masters, 1998: 134)?

These issues also have to be taken into consideration before and during planning any restorative justice programme. Even if a successful intervention might strengthen the offenders' social ties to their environment, at the same time, the unawareness of dysfunctional bonds might lead to failure. But it can be avoided by their appropriate recognition and handling prior to other interventions, and following these steps, the purpose of reintegration is realistic again.

4.3. Conclusion

Due to not only to its principles, but also to its procedural elements, the practice of restorative justice has the potential to significantly influence the moral development, the use of neutralisation techniques, the shame-feelings and the social bonds of offenders. To summarise, the two main procedural factors which primarily have impact on these dimensions are the possibility for *direct communication* among the affected parties, and the *individual tailoring of the process* according to the specific needs of the parties. These characteristics of restorative interventions not only increase the possibility that the offender will recognise and internalise the underlying values behind the rules, but also emphasise the distinction between one's self judgment about *moral* behaviour (belief in 'absolute justice') and its actual consequences on the environment ('relative justice'). In other words, the latter means that even if an offender believes that his/her action was right, the fact that it has caused harm – which is expressed and acknowledged in a direct way by the harmed persons – results in the offender's taking responsibility for making up for it. This distinction might be beneficial in reducing the use of *neutralisation* techniques and justifications as well, since the main point is not the question *why* the offence has happened, but rather the *acknowledgment* of its harmful effect and the *need for repair*ing the destroyed relationships. As another consequence, these two procedural elements might help to bring the previously hidden feelings of *shame*, guilt and anger to the surface and acknowledge

their existence in the case of each individual. Their genuine expression is the first step towards the core stage at which the offender takes personal responsibility for the solution and offer symbolic and/or material reparation. These processes can lead to the forgiveness from the affected parties, which is essential to increase their willingness to reintegrate the offender into the community. Finally, the empowering aspect of restorative justice which aims to help the affected parties to express their feelings and actively involve in the resolution of the conflict for the sake of long-term reintegration of the offender might have a significant role in (re)strengthening the social bonds within the community.

However, the appropriateness of its application has to be considered in each case by thorough preparatory work. If the offender initially takes some responsibility for the wrongdoing, if he/she is able to recognise moral aspects behind the restoration other than the pure self-interest, if the reintegrative attitude is assured from the community to some extent, and if the offender already has 'integrative' social bonds, there might be a greater chance that restorative interventions will help the process of reintegration, while the lack of these conditions can greatly increase the possibility of causing further harm to the participants.

The issues of where these fine dividing lines are, what complementary interventions could be used to influence these dimensions beneficially, furthermore how these goals can be achieved in practice require deeper investigation based on a thorough analysis from both the policy and the individual aspects of each model and each case. Although the present thesis cannot provide the analysis of these questions, it intends to give a framework with its theoretical approach for possible further studies in relation to these issues.

5. Different ways for these interactions

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Restorative justice in specific settings

After discussing the possible impact of restorative justice on moral development, neutralisation, shame and social bonds, let me briefly overview the role of these dynamics in different practices in schools, before and after sentencing, within correctional institutions and in the framework of the social welfare system. The current study does not intend to deeply analyse the relevance of restorative justice in the diverse contexts, especially because each type of the practices could deserve an independent study due to their complexity. However, this summary may indicate how the previously discussed processes can be considered in order to effectively implement restorative projects and tailor their procedural elements to the specific needs.

School, as the secondary socializing agent for young people provides opportunities and incentives for them to develop attachments to prosocial others and commitments to conventional pursuits[34], but on the other hand, symbolises a "machinery through which the needs of different segments of the population are met through conventional institutes" (Shaw and McKay, 1969: 384-385)[35]. For children schools often provide the first experience of forming and accepting formal rules as well as the benefits of peer communities along with the risk of peer-exclusion. Conflicts are natural 'products' of this dual role of schools.

Restorative practices might be the objectives of general conflict resolution courses, but also can be used for handling specific cases in the institution's everyday life. Both forms might help people's understanding of the roles and mechanisms of rules, can increase the internalisation of norms and values behind the rules, and can help to develop the conventional and postconventional

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[34] cited by Gottfredson (2001: 3)
[35] cited by Ibid p: 1

level of moral thinking in students. These programmes might be also crucial in increasing the awareness of personal responsibility in defining and obeying those norms they feel necessary to assure a secure life in their community. Peer mediation programmes might develop competency feelings in students by teaching specific skills about how to handle their own difficulties constructively. Furthermore, conflicts can be used to teach young people effective ways of expressing and representing their interests and emotions within the framework of those rules that they defined as necessary conditions of living in a peaceful community. All in all, restorative programmes in schools might not only function as crime preventing initiatives, but also act as methods for socialising and preparing students to consciously live in a democratic society.[36]

Restorative responses to crimes *before sentencing* are as important in effective sanctioning as in crime prevention. They can help offenders and their communities to avoid the stigmatising effect of traditional punishment, and might stop wrongdoers getting deeper in their deviant career, i.e. to avoid the phase where they already accept their deviant status and identify themselves as criminals.

At this stage, the positive influence related to the moral and neutralisation issues might occur by the direct confrontation with the victim, the facing with the harm that has been caused, and the disappointment in the eyes of significant others.

The possibility to play an active role in reparation, and influencing the future consequences of the offence might increase the feeling of fairness and decrease the defiant attitude in the offender. Restorative interventions, which divert the case from the conventional punishing system, might also work as 'exclamation marks' for the supporting environment. In other words, meetings can largely help in the recognition of dysfunctional processes in a community, and in acknowledging other members' responsibilities in the evolution of the current conflict situation (e.g. it often happens that parents of a young offender realise that they have had several difficulties at home, which they have

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[36] As an example, the Real Justice project could be mentioned. For studies and evaluations of other restorative projects in schools, see http://www.restorativepractices.org/library/index.html.

not properly handled, and have not realised that their child has been oriented to delinquent activities). Hence, these programmes can help in generating discussions about significant issues which have been ignored prior to the offence. Furthermore, the communal responsibility-taking in solving the actual conflict can be a way to reinforce the social bonds.[37]

Programmes *after sentencing* mostly focus on increasing the awareness of personal responsibility not only in relation to the past actions, but also to the future solutions. These projects might help offenders to express the emotional consequences of their crime and try to put the offence and the shame-feelings behind them. Restorative projects for example those which are run in prisons, also aim to heal or re-establish the offenders bonds to their communities with the intention to increase the possibility of their later reintegration. Although it is usually not possible to organise meetings between sentenced offenders and their victims, other programmes, such as working for charity purposes in prisons (Inside Out Trust – Restorative Justice at Work in Prisons[38]) or meeting other victims of crimes (Sycamore Tree Programme[39]) can be useful to raise the main issues of restorative justice.

> "I've done Sycamore Tree. It's about the effects of what you have done on your victims. And I understood, and that's one thing which changed my mind towards crime. […]
> They brought a victim in. Whose son has been murdered. And that got to me. I've just seen the effect. And we were talking about the offence. And that was similar to my offence, robbery. And that's not just the people you rob in, but it's their family, their kids, and it affects everyone. I've been thinking about things like this. So decided, that's enough. I just wanna get out. Get trained. Not come back."
> [*interview with a prisoner who participated in the Sycamore Tree programme*]

There are restorative projects functioning *within institutions* (e.g. in prisons, detention centres) as part of treatment programmes, without involving community members from the external world[40].

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[37] As an example, restorative justice innovations by the Thames Valley Police Force in the United Kingdom can be mentioned. For more information, see http://www.restorativejustice.org/rj3/Feature/ThamesValley.htm.

[38] For more information, see http://www.inside-out.org.uk.

[39] For more information, see http://www.prisonfellowship.org.uk.

[40] Because there is no victim involved, we might call these programmes 'partially' restorative.

Their usual purposes are to constructively handle the inner conflicts, help the inmates to improve their communication skills and their abilities to express their emotions, recognise the use of neutralisation techniques, taking personal responsibility for their actions and their consequences, and recognising the moral aspects, which underlie the norm and values systems in relation to their lives.

And finally, those projects which work alongside the criminal justice system – for example within the social welfare system – also have to be mentioned. These services might provide help in conflict resolution in different contexts, in cases which do not belong to the criminal justice system, but can easily lead there, if they are not handled properly (for example family conflicts might lead to domestic violence). Several projects[41] play a complementary role beside the criminal justice system by intervening in cases, such as those which have been dealt by the conventional justice system, but contain particular issues which could not be raised and resolved by the justice system. In these cases the services mentioned – as parts of the social protection system – provide personalised help for the participants to find solutions to their unanswered questions. As an example take the case of a young boy who has been convicted for sexual abuse against his two sisters. At the request of the victims, a family group conference has been organised in order to discuss the issues the criminal justice system has not been able to deal with, such as the emotional impact of the offences, the questions of future relationships, reintegration and supervision[42].

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[41] e.g. the Family Group Conferencing Project of Essex County Council
For more information, see
http://www.essexcc.gov.uk/vip8/ecc/ECCWebsite/display/guides/family_group_conferences_guide_262014_Services
ForChildrenAndYoungPeople/index.jsp.
[42] Based on a personal conversation with the facilitator who was working on this case (Essex Family Group Conferencing Project).

6. Conclusion

This thesis has intended to explore the impact of restorative justice on offenders' social reintegration by discussing its possible influences on wrongdoers' morality, attitudes to the use of neutralisation techniques, shame-feelings and social bonds.

To conclude the four discussed dimensions' relating to reintegration, firstly, it might be assumed that the moral levels of offenders are different and their relative development might have more significant role in reintegration than expecting a universal and absolute moral level from them. Secondly, the use of neutralisation techniques primarily indicates some commitment to conventional values, even though responsibility-taking and the reduction of justifications are essential in further reintegration. Thirdly, shame and shaming processes might also have significant role in integration, but only if they are properly acknowledged and counter-balanced by reintegrative attitude from the shamers. And finally, the characteristics of offenders' social bonds might largely determine the outcome of any influences on morality, responsibility and shame. 'Excluding' bonds have to be recognised before taking any other reintegrative initiatives, and they have to be strengthened to become more 'integrative' prior to using other interventions[43]. If it is not done, even well-functioning programmes might cause failures in reintegration, while if integrative bonds are assured, due to their catalyst role, any positive influences on morality, neutralisation and shame might be significantly more effective, and might also result the further strengthening of social ties, even if the integrative bonds are temporarily "threatened" (Scheff and Retzinger, 1991) or damaged.

The common needs of these factors to help the reintegration process are the direct communication and acknowledgement of the interests and emotions, the personal and active involvement in the processes, and the opportunity to tailor the actual procedure to the specific needs of the affected participants. Restorative justice might fulfil these requirements, and can help the

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[43] The issue of how it can be achieved by the involvement other social institutions, such as the social welfare or education system cannot be explored in this study but should be investigated in another analysis.

reintegration process by influencing offenders' moral development, neutralisation, shame and social bonds. However, thorough preparation of any intervention is essential in order to ensure the proper initial moral attitudes, some responsibility-taking from the offender and reintegrative intentions from the community. The investigation of the characteristics of offenders' existing social bonds might be useful to choose the most appropriate form for the future reconciliation (e.g. victim-offender mediation or conferencing, direct or indirect meeting, the question of who should be invited as participant, etc.). In the case of 'excluding' bonds, other initiatives have to be used as complementary services to restorative justice, in order to help the community to gain more 'integrative' ties. This point also shows that restorative justice in specific cases 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.

A basic condition and potential of the general appropriateness of restorative justice is its ability to be individually tailored to the specific needs of the cases. It means that due to its flexibility, this way of responding to crime might be very personalised, and effective, but if the individual factors of each cases are not considered before using any specific model, the restorative 'machinery' might result not only in failures, but also in damages to the participants.

Referring back to the initial presumptions detailed in the introduction, considering the impact of restorative justice on moral development, neutralisation, shame and bonds might be useful from three main aspects. Firstly, it can help policy-makers to decide, whether it is *appropriate*, and if so, under what conditions it might be effective to apply restorative justice models in responding to wrongdoings, compared to other alternatives, such as the conventional punishing system.

Secondly, the consideration of the discussed dimensions and their mechanisms can be largely beneficial in deciding what specific *form*s and models should be used in the different cases and

contexts in order to achieve the maximum positive effect on these dimensions and on the process of reintegration.

And finally, if we want to answer the question, whether restorative justice is *effective*, instead of just indicating simple numbers about recidivism, participation rates, satisfaction rates, etc., we have to examine by qualitative methods, whether the dimensions of morality, responsibility, shame and bonds have been changed, and if so, how, in order to gain a more complete picture about the influences of restorative justice.

However, it should never be forgotten that the aim is the wellbeing of all, including victims and offenders, and none of these steps are worthwhile unless they

"[…] restore",

as Prospero restored his wrongdoers, so that

"[…] they shall be themselves."

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