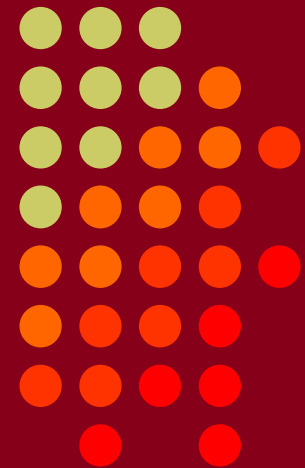# Explaining the impact of restorative justice: The '4-way interaction' or Morality, Neutralisation, Shame and Bonds
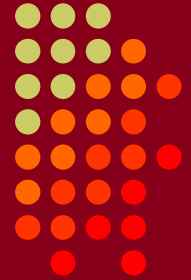
Borbala Fellegi

Presentation at the 10th Workshop on Agression, Luxembourg

4 September 2005

OVERVIEW

- **Argument**

- **Restorative Justice**

- **The 4 dimensions:**
  morality, neutralisation, shame and social bonds

- **The '4-way Interaction' Model**

- **Conclusions**

Argument

1) mapping the possible interrelations among offenders' moral development, their use of neutralisation techniques, their shame feelings and shaming mechanisms from their social environments, and finally their social bonds can be highly beneficial in developing effective responses to wrong-doing on both individual and systemic levels;

2) restorative justice with its personalised way of dealing with conflicts has the potential to beneficially influence offenders' as well as their community's attitudes towards the effective reintegration of rule-breakers.

What is Restorative Justice?

- "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". (United Nations 2002)

The 4 dimensions

Morality, Neutralisation, Shame and Social Bonds
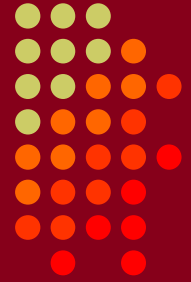
- Their relevance to RJ

- Their operationalisation (scales and typologies)

- Their functioning in offenders' lives

- Their connection to the process of reintegration

1. **Moral Reasoning**
Thoughts about crime, going straight, meeting victims...

Kohlberg's scale

1. Preconventional

    1.1. avoid punishment

    1.2. satisfying the self's need

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2. Conventional
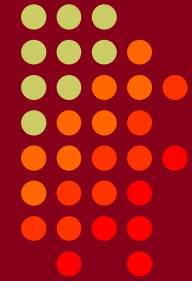
    2.1. loyalty to others

    2.2. loyalty to authority

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3. Postconventional

    3.1. social-contract orientation

    3.2. universal ethical-principles

1. Morality

"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. 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*]

2. Techniques of Neutralisation

|	
1. Denial of responsibility	I am not responsible.
2. Denial of injury	No one has been injured.
3. Denial of the victim	There was no any victim.
4. Condemnation of the condemners	The victim deserved it.
5. Appeal to higher loyalties	My environment expected me to do it.
6. The metaphor of the ledger	Previous good behaviour -> 'right'
7. Defence of necessity	A 'significant other' was helped.
8. Claim of normality	Everybody else is doing it.
9. Claim of entitlement	I deserved these goods.

Neutralisation

"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."

[*22 years old male, sentenced for heroin supply*]
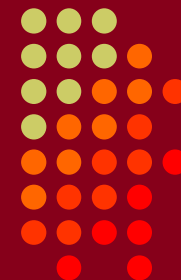
3. The Janus-face of shame & shaming:
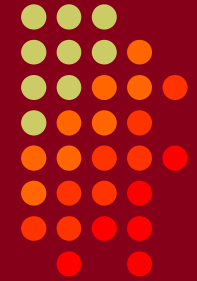
1. Guilt/shame – embarrassment - unresolved shame (Harris, 2001)

2. Stigmatising – Reintegrative (Braithwaite, 1989)

3. Withdrawal – Attack self – Avoidance – Attack other (Nathanson, 1992)

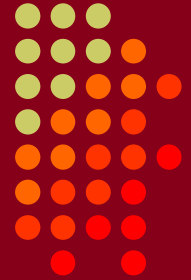4. Hidden – Acknowledged (Scheff and Retzinger, 1991)

"[…] people express what they feel about the actions involved, how these actions affected them.

The healing takes place because as we express our feelings together, speaker and listeners become part of a community – often for the first time in their lives."
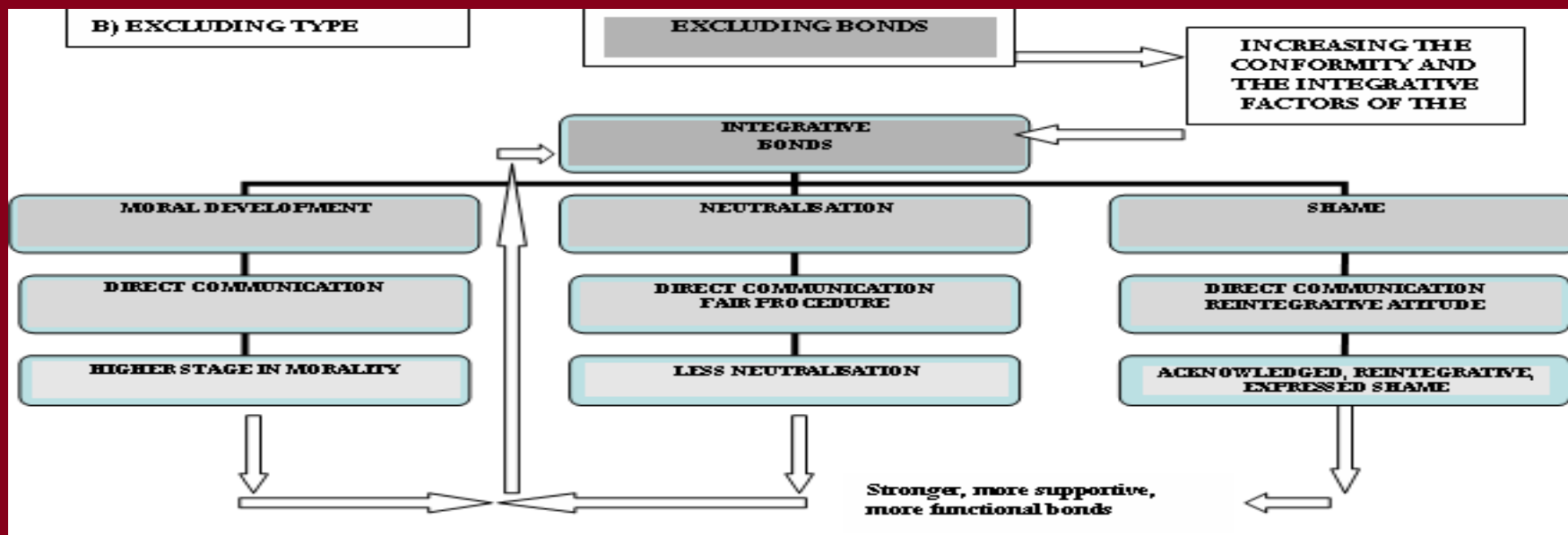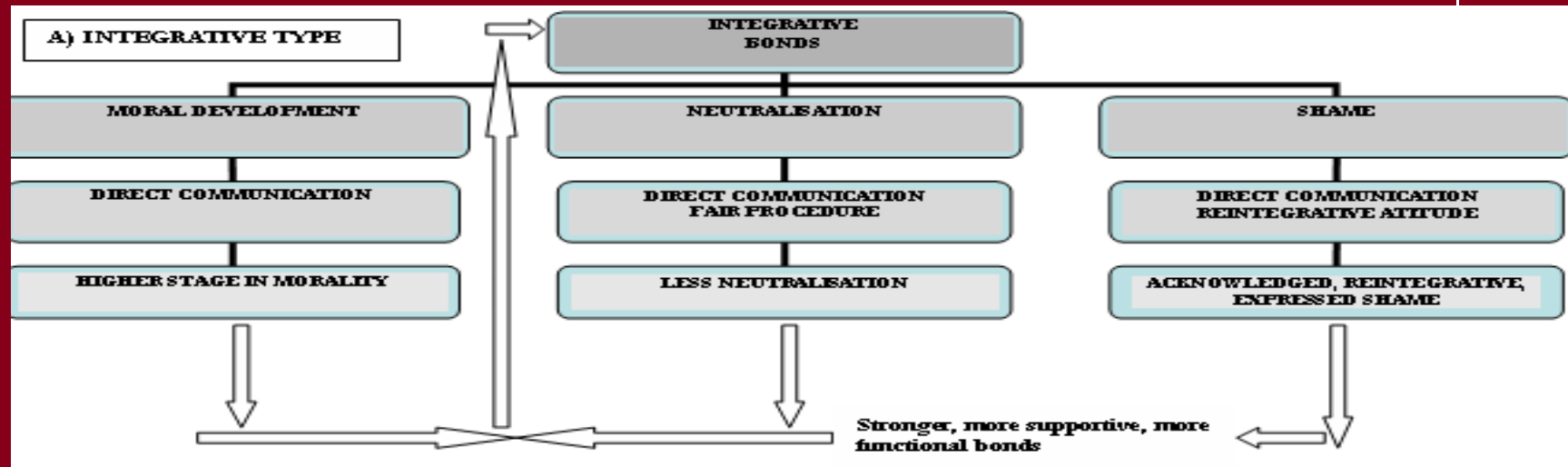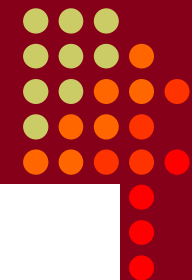
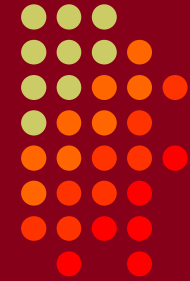(Nathanson, 2004)

4. Social Bonds

- strength → strong – weak

- quality → types of interactions

- constructive aspects → supportive – destructive

- explicitness → hidden – expressed

- the value system connecting them
  → conventional – unconventional

- their connections to the society on broader level
  → is it an integrative or excluded group of the society?

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

A) INTEGRATIVE TYPE

| INTEGRATIVE BONDS |

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

Stronger, more supportive, more functional bonds

B) EXCLUDING TYPE

| EXCLUDING BONDS |

INCREASING THE CONFORMITY AND THE INTEGRATIVE FACTORS OF THE

| INTEGRATIVE BONDS |

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

Stronger, more supportive, more functional bonds

Conclusions

1. The influence of restorative justice on the 4 dimensions

2. Policy implications

- **To what extent does restorative justice have the potential to help in the process of reintegration?**
- **Risks: 'Know-how-not'**

3. Question for thought: How does the retributive justice system influence these dimensions?

- **1. Moral reasoning**
- **2. Neutralisation**
- **3. Shaming**
- **4. Social Bonds**

4. Discussion - Methodology

MORALITY

Why would offenders meet their or other (not their personal) victims and talk about the offence committed as well as about possible reparation? Put the attached statements of different offenders into a kind of order that you think is relevant.

- "I do not see any reasons why it could be useful, if offenders meet victims."

- "I would only meet victims, if I was obliged to do."

- "I would only meet, if it decreased my sentence."

- "I would meet, if I gained some respect in the eyes of the prison staff."

- "I would meet, if my friends/family expected me to do it."

- "I would meet, if the victim expected me to do it."

- "I would meet, if I could become a better person by it and could make something good in life."

Neutralisation

JOHNNY OR TOMMY?

At 6.15 in the evening the 18 years old Johnny and his friend, Tommy attacked a couple, Ms and Mr Smith in the street in front of the grocery shop of Smiths. The old couple was just closing their shop and decided to go home in order to put the income of that day in a safety place as soon as possible.

Johnny and Tommy threatened the couple with two pistols and obliged them to give all the money they had in their bags to the boys. After they received the money they immediately ran away.

A witness from the street however, saw this attack and already called the police, so the young men were caught by the police within 10 min. The police officers took them to the police station and asked them separately what had happened. Johnny took full responsibility for his act, while Tommy was continuously mentioning justifications, although he also could not deny the fact that he committed the offence.

If you are Johnny:

think about 5 statements by which you might have expressed that

YOU TAKE RESPONSIBILITY for the act.

If you are Tommy:

think about 5 statements by which you would have tried to

EXPLAIN THAT IT WAS NOT YOUR FAULT.

IS IT TRUE OR FALSE?

What do you think about the following statements?

1. If those people, who are important for me, make me feel ashamed, it always helps me to realise, if I did something wrong and motivate me to make up for what I have done.
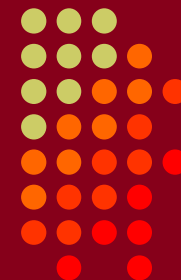
- Is it true?

- Or it's not true?

- Or it depends on..? If so, it depends on what?

- How can people make you feel ashamed?

- When you feel ashamed, is it helpful in taking responsibility for your acts or it makes it even more difficult?
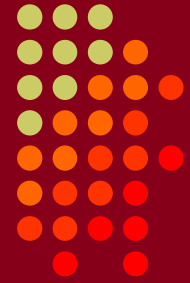
2. My community (family, friends, neighbours, mates from the prison…) around me is very helpful for me in order to go straight and reintegrate into the society after I get out of the prison.

- Who would you call as your community(ies)?
- Does the community always help in staying out of prison?
- What kinds of communities are supportive for you? Why?

THANK YOU
FOR YOUR ATTENTION!

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