RESEARCH ARTICLE

The Role of "Reintegrative Shaming" in Juvenile Criminal Justice

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Abstract

Taking China as an example, "Reintegrative Shaming" can provide new ideas for the progress of juvenile criminal justice, especially educational correction. Although "Reintegrative Shaming" is often regarded as a philosophy of law, it is not only a theory but also a feasible method supported by psychological evidence. The emotional experience of shame has a moderating effect on the behavioral habits of minors, and appropriate forgiveness can help avoid the negative effects of excessive shame. In order to effectively apply "Reintegrative Shaming" in juvenile criminal justice, it is necessary to rationalize the conduct of exhortatory meetings and to give due consideration to the participants.

Keywords: reintegrative shaming, juvenile criminal justice, crime prevention.

1 Introduction

In recent years, China's juvenile criminal justice system has seen varying degrees of innovative practice led by the concept of restorative justice. However, the criminal treatment of juveniles remains essentially the same as adult penalties. This approach, while aiming to maximize the interests of minors, may paradoxically produce a reverse stimulus effect. "Reintegrative Shaming" is an important element of restorative justice, the idea being that by evoking a sense of shame in offenders, they can repent and receive forgiveness from the community, repair social relationships and return to society. China's juvenile criminal justice can invoke the concept of Reintegrative Shaming, innovate the education and correction methods for juveniles who commit crimes, and enhance the warning education for juveniles who commit crimes while also comforting the victims and the community.

2 Current status of juvenile criminal justice

The number of crimes committed by minors and the number of crimes committed by underage minors in China have both risen over the period up to 2021 (see Figures 1 and 2) [1], so criminal justice should promote the punishment and prevention of juvenile delinquency in an effort to curb the rising trend of juvenile delinquency. According to the principles of criminal psychology, criminal behavior occurs under the domination and influence of the criminal mind. Juveniles tend to develop two different psychological orientations after committing a crime for the first time: one is less likely to reoffend after being effectively combated, educated and reformed; the other is not effectively combated, or after being educated and

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reformed, a rebellious mentality is generated, and the chances of reoffending are increased. At present, the proportion of juvenile delinquents in China has risen over the past three years, and the proportion of recidivists needs to be further reduced. Procurator Zhao et al. [2] of the Changning City Procuratorate in Hunan Province found through his research that there were some outstanding problems in the education and correction of juvenile criminal justice. He pointed out that Chinese criminal justice neglected the participation of the victim in the correction of juveniles who commit crimes, and that the victim's inability to participate in consultations made it difficult for juveniles who commit crimes to learn of the harm that criminal acts had caused to the victims and even to their families, and thus to repent in their hearts; on the other hand, it also made it difficult for the victims to understand the juvenile who commit the crime, thus impeding his or her return to society. At present, the proportion of juvenile delinquents in China has risen over the past three years, and the proportion of recidivists needs to be further reduced. Shek et al. [3] found that poor family functioning is significantly associated with higher levels of adolescent delinquency in mainland China, with positive youth development attributes partially mediating this relationship. This highlights the critical role of family and developmental factors in both preventing initial delinquency and supporting long-term desistance from crime. However, the recidivism rate among juvenile offenders remains a serious concern. The stereotype of labeling often creates substantial obstacles for juveniles who have committed crimes when attempting to reintegrate into the community and return to society. The implied social exclusion and stigmatization behind such labeling has exacerbated the vulnerable status of this group in rights protection, constituting one of the most prominent tensions in contemporary Chinese society.

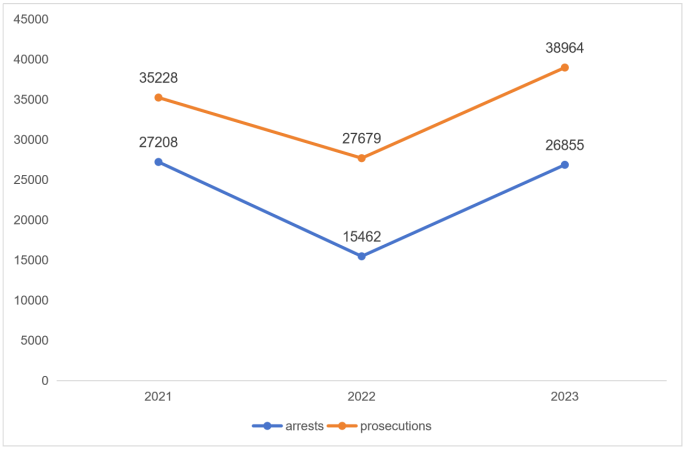


Figure 1. Number of arrests and prosecutions of minors in 2021-2023.

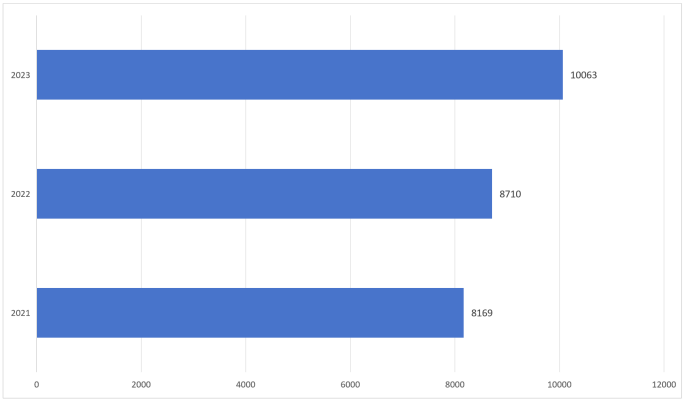


Figure 2. Number of suspects aged 14-16 prosecuted in 2021-2023.

3 The Role of "Reintegrative Shaming" for Juvenile Criminal Justice

In his book *Crime, Shame and Integration* [4], Braithwaite proposes two basic types of shame, namely "Stigmatic Shaming" and "Reintegrative Shaming". In his view, in contrast to Stigmatic Shaming, Reintegrative Shaming has the following characteristics. Firstly, it implies respect, encouragement, love and acceptance of the offender while condemning him. Secondly, it is imposed precisely in order to avoid stigmatization of the offender. Thirdly, it must also be achieved through rituals, which are condemnatory or exhortatory meetings of the individuals or organizations concerned. Johnstone [5] points out that social shame should exist, but that "a distinction must be made between Stigmatizing Shaming and Reintegrative Shaming, and we must avoid the former while developing the latter". Stigmatizing shaming creates a negative self-perception of the offender, and at the same time the offender suffers a "meltdown" of social relations, making it difficult for him to reintegrate into society under the double denial of both the internal and external worlds [6]. Reintegrative Shaming, which is not characterized by disrespect or exclusion and is designed to confront offenders and communities with the harm caused by crime, and to make potential recidivists fearful of losing face, status and the affection of others, is a moderate, natural and healthy emotion that motivates people to do or not to do something, and thus reduces the likelihood of recidivism. Thus Reintegrative Shaming can provide ideas for the problems facing juvenile criminal justice

in China.

4 "Reintegrative Shaming" from Shame Emotions Research

Some scholars have provided a detailed definition of shame: shame is a person's self-awareness of deficiencies in self-cultivation, speech, or behavior, or an awareness of others' condemnation or criticism of such deficiencies. This awareness actively or passively produces a psychological state directed toward the self, characterized by feelings of dishonor, indignity, or self-blame. Shame is a consciously directed experience of suffering based on a sense of right and wrong, good and evil, honor and shame, and in many cases is associated with other people or groups of people, and may motivate one to escape from the embarrassment of the situation, or motivate one to conform to norms and ethical standards, or develop into an incentive to be motivated to do something positive. Emotional attribution theory suggests that emotions are internal events linked to cognitive attributions, and that these internal events lead to physiological responses, so shame is a result of making specific attributions about failure. In the model proposed by Tracy et al. [7] for attribution of deliberative emotions to the self, individuals who make internal pairs of unstable, uncontrollable, and global self-attributions to evoked emotions trigger shame. Lewis [8] suggests that shame essentially prevents the behavior of the beholder, the self, rather than the ego, to ensure obedience to standards and rules. It can be seen that the central factors in the creation of shame are the individual's sense of self, ideology, and value judgment.

With regard to how shame emotions arise, there is a great deal of research showing that shame is usually experienced when individuals give attributions of failure to the self. Shame arises when individuals make internal, stable, and uncontrollable attributions of failure. Shame threatens the internal self and the emotional experience is intense, painful, and makes one want to avoid the situation in which the emotion arises. Therefore, the subsequent effects of shame emotions are reflected in behavioral and emotional states, which are manifested in behavioral withdrawal, avoidance, and passive avoidance, and emotional self-weakening and self-denial such as low self-esteem, self-reproach, anger, and frustration, as well as a number of corresponding facial expressions and nonverbal expressions. However, some scholars have also emphasized that shame has a social aspect i.e. the experience of shame (or the need to avoid experiencing shame) drives individuals to conform to socio-cultural norms or to engage in pro-social behaviors that will lead to acceptance and recognition by their group (or significant others). Such shame is referred to as "conformist" shame, which is a social control mechanism and motivational system that promotes individuals' compliance with important social and cultural norms, thereby guaranteeing that individuals can build a better reputation and "good partner" image in the eyes of others. This ensures that the individual builds a better reputation and image as a "good partner" in the eyes of others, and is also better able to judge whether others are trustworthy and cooperative [9]. Thus the mere emotion of shame and its subsequent verbal and behavioral manifestations may have positive or negative effects, both destructive and constructive, in specific situations [10]. The theory and practice of Reintegrative Shaming focuses on mobilizing shame in moderation and seeking forgiveness and support from the community and the victim. And it's a methodology that can confront and positively reduce the negative effects of shame.

Relatively few studies have examined the relationship between shame and pro-social or antisocial behavior in minors, and the results have been inconsistent. On the one hand, scholars such as Hund et al. [11] have found significant positive associations between shame and aggressive behavior in children, adolescents, and adults. It has also been shown that shame is positively associated with unsafe sex, risky behaviors such as drunk driving, and with psychopathological symptoms such as depression, anxiety, suicidal ideation, and alcohol and drug abuse. On the other hand, Stuewig et al. [12] argued that shame serves to repair and protect the damaged self. Individuals have a strong need to maintain a positive self, and when the self is threatened, the resulting shame motivates individuals to take action (e.g., pro-social behaviors) to repair the damaged self; however, when repairing the self is very difficult or too risky, individuals usually engage in withdrawal behaviors to prevent further damage to the self. Excessive shame is associated with the development of psychopathological symptoms and physical and mental clinical disorders, and a lack of shame can also lead to quality and behavioral disorders. Moderate shame that is appropriately regulated can enhance adolescents' ability to be morally aware of their own moral self, and form good moral self-discipline and behavioral habits. Neuroscientific research on the emotion of shame and its relationship to behavior has provided physiological

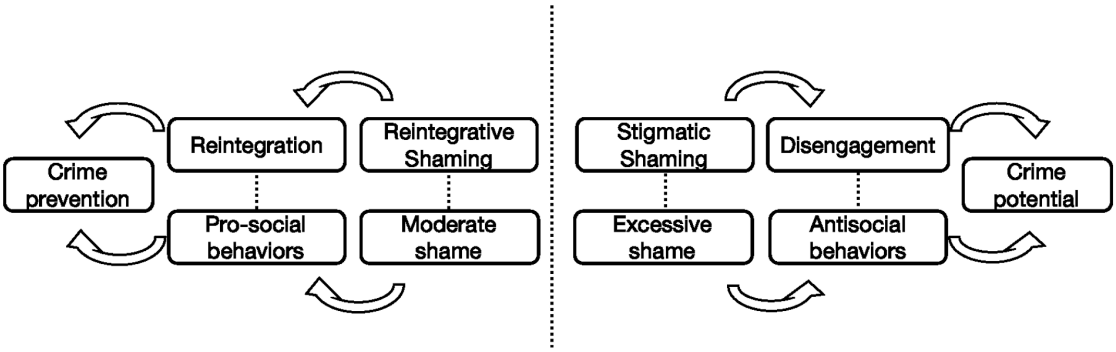


Figure 3. Theoretical validation model diagram.

evidence. De France et al. [13] found that shame arousal increases cortisol levels in studies examining the relationship between shame and cortisol. This may be related to the social rejection experienced during shame. Individuals who experience social rejection in laboratory situations have significantly higher cortisol levels. Eisenberger et al. [14] found that the psychological distress induced by social rejection shares a common neural basis with physical pain and promotes a change in the individual's current state to engage in socially adapted behaviors, suggesting that the emotion of shame is accompanied by a certain reintegration function. Unlike indoctrination, the concept of Reintegrative Shaming, in which juveniles are able to reflect on their own transgressions and to correct undesirable consciousnesses and behaviors, is a psychological technique of shame mobilization that stimulates juveniles to engage in self-regulation. Thus, Reintegrative Shaming is not just a philosophy of law, but a psychologically validated methodology that requires more specific instructions for use before it can be adopted by the juvenile criminal justice system (see Figure 3).

5 Discussion: Implications of "Reintegrative Shaming" for juvenile criminal justice

5.1 Applicable methods

The philosophy of restorative justice is based on the "three R's": Responsibility, which refers to juvenile offenders and their parents; Restoration, which refers to the juvenile offender apologizing to the victim and repairing what they have done; Reintegration, which refers to the juvenile offender returning to the law-abiding community by paying their debt to society and expunging their past crimes and rehabilitation. Braithwaite proposes that the theory of "Reintegrative Shaming" consists of two main phases: (1) the shaming of the offending behavior, and (2) the reintegration of the offender into the community or family environment where he or she lives a normal life, both of which are inseparable and have an interactive effect on the individual's behavior. These two phases can be achieved through the organization of hortatory meeting which aimed at holding the offending minor accountable, restoring relationships and reintegrating him/her - which are formed at the end of each case [15]. At this meeting, the juvenile reviews his or her offense and apologizes to the victim, and listens to the victim and other participants express their loss or pain as a result of the offense, thus generating an emotional experience of shame. Another important task of the meeting is to facilitate a harmonious dialogue between the parties and the repair of social relations so that the juvenile can be reintegrated into society [16]. In terms of specific methods, meeting organizers should pay attention to the fact that juveniles are in the stage of eagerly seeking group identity and social identity, and should, before the hortatory meeting is carried out, provide comprehensive information on the juveniles' communities and growing environments, as well as prejudge the juveniles' cognitive abilities, thinking styles and behavioral habits. Regarding the shame regulation strategy, the meeting organizer should choose the premise concern regulation (re-planning strategy) and reaction concern regulation (self-blame strategy) and other strategies to promote the juvenile offenders to take the initiative to correct their behavior and really return to integrate into the society. "Reintegrative Shaming" should be based on the functioning of shame and recognize the two sides of its consequences, and support the reintegration of juvenile offenders through the forgiveness approach of "de-stigmatizing shaming".

5.2 Participants

Traditional criminal justice is an "isolated-type" of justice, in which the offender or suspect is segregated from family, friends, the victim, and the community. In contrast, restorative criminal justice is a "meeting-type"

approach that encourages public participation [17]. It allows offenders to meet with their families, friends, and victims for several purposes: first, to better establish the truth of what happened; second, to challenge and dismantle stereotypes; and third, to facilitate the natural expression of emotions [18]. The majority of juveniles involved in the juvenile justice system are not sentenced to solitary confinement and are therefore well-positioned to participate in such "meeting-type" processes. As discussed earlier, the theory of "reintegrative shaming" needs to be operationalized through dialogic platforms, such as hortatory meetings. These meetings can help overcome the initial denial of juveniles who have committed crimes and work to restore them to a constructive role in the community. Furthermore, such meetings provide a vital platform for emotional expression. The victim's anger, depression, and other feelings resulting from the harm, as well as the juvenile's pain, self-condemnation, or remorse, can be cathartically released during the encounter. As a result, understanding and acceptance may be achieved as both parties listen to each other throughout this process of emotional catharsis and release.

More importantly, this process of meeting can contribute to the emotional experience of shame for the juvenile, because the meeting means that the offender comes to the victim and his or her family and friends with the crime and recognizes his or her own mistakes in a specific situation [19]. In addition, in order for the shame experience of the juvenile involved in the meeting to have a positive moderating effect, it is important to focus on guiding the community and the family in forgiving him or her, so that the juvenile perceives that he or she is able to receive acceptance from the group after reparation of damages and positive rehabilitation. Thus, the practice of "Reintegrative Shaming" requires the participation of multiple parties in a concerted effort. During the case diversion process, the department responsible for closing the case (including the police, the procuratorate and the courts), in conjunction with the education department and children's organizations, assumes the responsibility of organizer, coordinates and organizes the hortatory meeting, and makes preparations for the meeting, such as investigating the information and contacting the participants. In addition to the necessary participants, such as the juvenile and his or her family, the victim, the community and the school, the organizers are required to further identify, as appropriate, the persons who need to participate in the meeting, such as important relatives and friends of the juvenile, his or her trusted adults, as well as family members of the victim, important relatives and friends of the victim, and other persons involved in the case, after sufficient investigation. The main factors to be taken into account in determining the participants on the side of the juvenile include whether the subject affects the juvenile's perception, whether they are trusted by the juvenile, and whether they are important figures in the group to which the juvenile belongs [20]. The main factors to be considered in determining the participants on the victim's side include whether they have been affected by the case, whether they are able to reach an understanding and forgiveness under mediation, and whether they are able to express their emotions objectively and correctly. After the meeting, the organizers and the community need to work together to carry out follow-up work, including acceptance of the corrective effects of the juvenile and his or her return to society.

6 Conclusion

In order to solve the current shortcomings of juvenile criminal justice in China, especially in the area of educational correction, it is possible to apply the "Reintegrative Shaming". It is necessary to focus on the construction of a mechanism for hortatory meetings, and to organize the working procedure scientifically. In the process of the meeting, psychological techniques should be used to guide the juvenile to experience shame moderately, pay attention to the double-sided adjustment effect of shame, and promote the forgiveness and understanding of the victim and the community through the construction of a harmonious dialogue, so as to promote the repair of the juveniles' social relations and social return from the perspective of emotional support.

Data Availability Statement

Data will be made available on request.

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Conflicts of Interest

The author declares no conflicts of interest.

Ethical Approval and Consent to Participate

Not applicable.

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