

PART VI

Labeling Theory: Societal Reaction and the Creation of Criminals

Nearly all criminological theories use the *offender* as the starting point of their analysis. Vigorous debates subsequently ensue over whether the key cause of crime is found inside or outside the offender, and, in either case, there is the additional debate over which specific individual difference or which social experience trumps the others as the preeminent criminogenic factor. Still, these differences aside, there is consensus that the search for crime's etiology must begin by studying the people who break the law.

The distinctiveness of the "labeling" or "societal reaction" perspective, however, lies in its rejection of using the offender as the lynchpin of criminological analysis. Labeling theory proposes that we focus our attention not on the behavior of offenders but on the *behavior of those who label, react to, and otherwise seek to control offenders*. Labeling theory argues that it is these efforts at social control that ultimately trigger the processes that trap individuals in criminal careers. Labeling or societal reaction thus has ironic and unanticipated effects: It creates the very thing it is intended to stop—it produces a self-fulfilling prophecy.

Creating Criminals: Secondary Deviance

Many early criminologists recognized that placing people in prisons—or "houses of corruption," as Shaw (1966 [1930]) called them—could

deepen involvement in crime. These insights on the effects of "labeling," however, were largely voiced in passing and were not integrated into the scholar's theory of criminal behavior. Frank Tannenbaum's (1938: 19–21) discussion of the "dramatization of evil" stands out as a noteworthy exception to this tendency to treat the effects of labeling as a subsidiary concern. For this reason, the roots of labeling theory are often traced to his work.

In *Crime and the Community*, Tannenbaum endorsed the view of the Chicago school that crime was not a manifestation of individual differences but learned as part of an "educational process" in the community. Youths were surrounded by criminal influences, including gangs and older offenders. Even so, a "decisive step in the education of the criminal" is being arrested and having his or her delinquent status held up for public scrutiny—that is, having one's evil "dramatized" (1938: 71). In his most famous passage, Tannenbaum asserted that "the process of making the criminal, therefore, is a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing, and evoking the very traits that are complained of" (p. 20).

In setting forth this thesis, Tannenbaum anticipated many of the key ideas elaborated by later labeling theorists. He noted, for example, that once arrested and labeled a criminal, a youth is

forced "into companionship with other children similarly defined," the result of which is that the youth is exposed to criminal "mores" and "has a new set of experiences that lead directly to a criminal career" (p. 20). Youngsters also begin to think differently about themselves. "In this entirely new world," observed Tannenbaum, "he is made conscious of himself as a different human being than he was before his arrest. He becomes classified as a thief, perhaps, and the entire world about him has suddenly become a different place for him and will remain different for the rest of his life" (p. 19). In the end, by labeling a juvenile with the official status of a delinquent, "the person becomes the thing he is described as being" (p. 20). The best policy in dealing with juveniles is "a refusal to dramatize the evil. The less said about it the better" (p. 20).

The idea that reacting to wayward conduct only makes it worse was conceptualized even more clearly by Edwin Lemert. Writing in 1951, he introduced the concepts of "primary" and "secondary" deviance (see also Lemert, 1972; Rosenberg, 2010). For Lemert, primary deviations occur for a wide range of reasons, some individual and some situational. These deviations are seen by individuals as peripheral to their identity and to the conventional social roles they typically perform on a daily basis. The inconsistency of deviating but not seeing this conduct as a reflection on one's identity creates tension that is "rationalized or otherwise dealt with as functions of a socially accepted role" (Lemert, 1951: 75). One might drink a great deal but still see oneself as a college student, not a "drunk."

Secondary deviance occurs when the individual no longer dissociates from his or her deviation. Instead, the person's "life and identity are organized around the facts of deviance" (Lemert, 1972: 63). But what causes this qualitative shift from primary to secondary deviance? Lemert argued that the key factor prompting a person's life to coalesce around deviance is the "reactions of others." Typically, a gradual process unfolds in which a cycle of deviation and negative

reactions from others is repeated and amplified. Continued deviations call forth increasingly stigmatizing reactions from others. In the course of this interaction, the person eventually accepts his or her "deviant social status" and makes "efforts at adjustment based on the associated role" (1951: 77). They see themselves as deviant and make life choices that are constrained by and reaffirm their deviant status. "When a person begins to employ his deviant behavior or a role based upon it as a means of defense, attack, or adjustment to the overt and covert problems created by the consequent societal reaction to him," stated Lemert (1951: 76), "his deviation is secondary."

Thus, Lemert and Tannenbaum both proposed that when wayward people experience stigmatizing societal reactions, their world is transformed into one in which their criminal (or deviant) status defines their social existence and self-conception. The result is a deepening, not a reduction, of their criminality. Neither Lemert's nor Tannenbaum's insights, however, gained the sustained attention of their contemporaries. It was not until the mid-1960s, with the writings of Howard Becker (1963), Kai Erikson (1966), John Kitsuse (1964), Edwin Schur (1969), and others, that an identifiable school of criminology emerged that self-consciously referred to itself as "labeling" or "societal reaction" theory. In fact, it was at this time that the earlier works of Lemert and Tannenbaum were resurrected and redefined as falling within the tradition of labeling theory.

The Rise and Fall of Labeling Theory

Extending the work of Lemert and Tannenbaum, a group of scholars in the 1960s and early 1970s argued that societal reaction, not the offender, should be the centerpiece of criminological analysis. They focused on three issues that, in one way or another, challenged the assumptions traditionally held in the discipline.

First, criminologists usually define crime as "behavior that violates a criminal law." For labeling theorists, however, this definition takes the

existing laws as a given rather than treating them as a social reality that has been “constructed.” A systematic analysis of “societal reactions” questions existing reality and asks why certain behaviors are labeled as crime and others are not. It also asks why definitions of these behaviors can change over time.

Take, for example, the sexual assault of women that occurs on a date. Until recently, these assaults were not seen or treated as “rape.” This label was largely reserved for those victimizations in which a woman was raped by a stranger and visibly injured in the process of resisting the assault—the signs that a “real rape” had taken place (Estrich, 1987). The lengthy struggle of women’s rights groups, however, challenged what should be considered a rape. The invention and growing acceptance of the concept of “date rape” redefined sexual assaults committed in intimate relationships. Coercion, not whether the victim and offender knew one another, was trumpeted as the criterion that should distinguish when the crime of rape has been committed. A new reality thus was constructed in which the legal category of rape took on expanded meaning and encompassed a wider range of victimizations.

Second, once labels or categories of crime have been invented, not everyone who “breaks the law” is detected and designated a “criminal.” Being a “criminal,” therefore, does not depend only on a person’s actions but on how others react to that person. Various factors—legal and extralegal—affect whether a label is attached and, as a result, the person’s public reputation is qualitatively altered.

Commenting on the concept of deviance—in words that just as well could be applied to the concept of crime—Howard Becker (1963) captured the thrust of the labeling theory argument that deviance is socially constructed rather than an invariant, objective reality. He began by noting that the traditional “sociological view . . . defines deviance as the infraction of some agreed-upon rule.” But “such an assumption . . . ignore[s] the central fact about deviance: it is created by

society.” More specifically, “*social groups create deviance by making the rules whose infraction constitutes deviance*, and by applying those rules to particular people and labeling them as outsiders.” In Becker’s view, then, “deviance is *not* a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to the ‘offender.’” Labeling or societal reaction thus creates deviants. “The deviant is one to whom the label has successfully been applied; deviant behavior is behavior that people so label” (all quotes from Becker, 1963: 8–9, emphasis in the original).

While these concerns illuminated the need to study the creation and application of labels, the third focus of labeling theory was on the *consequences* of being labeled and treated as a criminal. As noted, in a rejection of offender-based explanations of crime, labeling theorists argued that reacting to people as “criminals” initiated processes that had the self-fulfilling prophecy of making the person become a criminal—someone more deeply entrenched in a criminal career. They noted that once a person bore the label of a “criminal,” it became a “master status”—the most salient public feature of that person. Being a “criminal” thus serves as the focal point of virtually every interaction, a defining designation that cannot be escaped.

Drawing on the sociological theory of symbolic interactionism, labeling theorists argued that a person’s identity or self-conception is shaped by the messages other people deliver as to “who the person is.” Although the process is not rigidly deterministic—identities can be resisted and can be manipulated (e.g., by “putting one’s best foot forward”)—the constant appraisal that a person is a “criminal” eventually takes its toll. Over time, those who have been labeled come to embrace the idea that they are, in fact, “criminals.” This identity in turn makes choosing crime more likely, as people act consistently with their public and now privately held identity.

Labeling transforms not only a person’s identity but also his or her social relationships. Although

not often phrased this way, in essence scholars saw labeling as triggering the very conditions that competing theories linked to crime. Thus, once stigmatized as a "criminal," the person loses conventional social relationships (social bond theory), is forced to associate mainly with other criminals—whether in prison or on the streets (social learning theory), and as an "ex-offender" is denied opportunities for employment (strain theory). Engulfed by these criminogenic conditions, the labeled person is constrained to pursue a life in crime.

As the 1960s progressed, labeling theory's popularity grew to the point where it rivaled, if not surpassed, that of more traditional theoretical perspectives (Cole, 1975). As Hagan (1973) notes, part of labeling theory's appeal was that it was "interesting." Criminologists are attracted to ideas, says Hagan, that reverse a "conventionally assumed causal sequence" (1973: 456), which is precisely what labeling theory attempts. Thus, common sense would dictate that arresting, trying, imprisoning, and rehabilitating offenders would make crime less likely; after all, the manifest function of processing offenders through the criminal justice system is to reduce their recidivism and to make society safer. The unique twist to labeling theory was the claim that these very efforts to prevent crime actually cause crime.

But labeling theory was appealing for another reason. The theory, if correct, contained a stinging critique of state power as exercised by the criminal justice system. Recall that during the 1960s and early 1970s, the United States was greeted with revelation after revelation of the government abusing its power—from Civil Rights demonstrators being beaten, to inmates being gunned down at Attica, to students being shot at Kent State, to Viet Nam, to Watergate, and on and on. As trust in the state plummeted—especially on university campuses—a theory that blamed the government for causing more harm than good struck a chord of truth. Labeling theory, of course, did precisely this in arguing that the criminal justice system stigmatized offenders and ultimately trapped

them in a criminal career. The obvious policy implication was to reduce state intervention into the lives of offenders (Schur, 1973). Most important, juveniles were to be diverted from the system altogether, and virtually all offenders were to be kept out of prison.

The long-term viability of labeling theory as a comprehensive explanation of crime, however, was undermined by its apparent empirical weakness (see especially Gove, 1980; cf. Cullen and Cullen, 1978). In its most extreme and interesting form, labeling theory proposed that societal reaction, especially by the criminal justice system, was the key factor in—indeed, a necessary and sufficient condition for—offenders becoming stabilized in a criminal career. But this claim is obviously false, as early critics realized (see, e.g., Mankoff, 1971). As life-course research reveals, stability of crime and deviance often emerges early in life before formal interventions have taken place (see, e.g., Moffitt, 1993 [Chapter 38]; Sampson and Laub, 1993).

On a broader level, labeling theory wishes to pretend that being raised in criminogenic conditions for 10, 15, or 20 years is largely inconsequential. The effects of these day-in and day-out experiences—such as having a dysfunctional family life, associating with delinquent friends, and failing at school—are said to pale in comparison to the effects, albeit over a more limited time, of being arrested and perhaps jailed. This assertion is not credible and cannot be sustained empirically.

Contemporary Labeling Theories

Chastened by withering critiques of labeling theory, criminologists moved on to other theoretical frameworks. Whereas they had once embraced the theory without any evidence of its validity (Hagan, 1973), criminologists now rejected labeling theory on the grounds that the perspective "had no empirical support." More recently, however, a revisionist position has emerged that suggests that it may be premature

to dismiss societal reaction as irrelevant to crime causation (Paternoster and Iovanni, 1989). Thus, a number of quality studies have shown that contact with the criminal justice system increases recidivism (see Farrington and Murray, 2014).

Of particular concern, over 2.1 million offenders—one in every 107 adults in the United States—are behind bars on any given day (Glaze and Parks, 2012; Kaeble and Glaze, 2016). For African American men ages 20 to 34, the statistics are particularly disquieting: one in nine is incarcerated (Warren, 2008). Moreover, it is estimated that more than 600,000 federal and state inmates return to society annually (Jonson and Cullen, 2015). During the past decade, there has been a much-belated but growing recognition that successful prisoner reentry is a pressing problem (Gunnison and Helfgott, 2013; Mears and Cochran, 2015; Petersilia, 2003; Travis, 2005). Imprisonment is known to disrupt family relationships and to decrease job prospects by stigmatizing people as “ex-offenders” (Alexander, 2010; Pager, 2007; Pattillo et al., 2004). Programs to help those reentering the community assume productive prosocial roles are in short supply. Not surprisingly, recidivism rates among returnees are high (Jonson and Cullen, 2015).

In fact, the existing empirical evidence suggests that placing offenders in prison does little to deter future criminality and, in fact, may be criminogenic (Cullen et al., 2011; Nagin et al., 2009). That is, imprisonment may have labeling effects, creating rather than preventing criminal involvement (see also Cullen and Jonson, 2017). In this context, understanding the impact of societal reaction on individuals takes on renewed criminological significance.

Further, four theoretical developments have emerged that may help to revitalize interest in studying the effects of societal reaction: Ross Matsueda’s focus on informal reactions, John Braithwaite’s focus on reintegrative shaming, Lawrence Sherman’s focus on defiance, and Shadd Maruna’s focus on redemption scripts.

First, within criminology, labeling theory had usually been interpreted as contending that the

application of *formal* criminal sanctions was the key societal reaction that fostered career criminality. This position made sense, since criminal sanctions involved a person’s official and public designation as a “criminal” and could involve a lengthy stay behind bars. Less attention was paid, however, to the potential role played by *informal* sanctions—that is, the societal reactions of parents, friends, neighbors, and the like. There is at least beginning evidence that, under some circumstances, informal societal reactions can worsen wayward conduct (see, e.g., Triplett and Jarjoura, 1994; Ward and Tittle, 1993; see also Wells and Rankin, 1988).

Ross Matsueda provides the most sophisticated theoretical statement of the potential criminogenic effects of informal labeling. Drawing on symbolic interactionism, Matsueda argues that a key proximate cause of delinquent behavior is the “reflected appraisals of others”—that is, a youth’s perception that other people, especially those “significant” to the youngster (e.g., parents)—view him or her as a “delinquent.” In part, this reflected appraisal is influenced by the youth’s own behavior: juveniles who engage in delinquency are more likely to believe that others see them as “troublemakers.” Reflected appraisals also are influenced, however, by the “actual appraisals of others.” Thus, when youngsters are appraised or labeled as a delinquent (e.g., by their parents), they perceive that others see them as wayward and act upon this conception of themselves. In short, labeling creates a delinquent “self,” which in turn prompts illegal conduct. It is noteworthy that Matsueda has marshaled evidence supporting this causal sequence (Bartusch and Matsueda, 1996; Matsueda, 1992; see also Heimer and Matsueda, 1994).

Second, another avenue for the revitalization of labeling theory starts with the observation that the effects of societal reaction are contingent on a range of factors. Traditional statements of labeling theory assumed that societal reaction virtually always increases crime and deviance. This thesis, however, is clearly false. Research

from corrections, for example, shows that while punitive interventions have no effect or increase recidivism, rehabilitation programs reduce future criminality (Bonta and Andrews, 2017; Cullen, 2002; Cullen and Gendreau, 2000; Cullen and Jonson, 2014; Manchak and Cullen, 2015).

John Braithwaite (1989 [Chapter 16]) has developed the most noteworthy attempt to specify when societal reaction, whether formal or informal, results in more or less criminality (see also Braithwaite et al., 2006). "The first step to productive theorizing about crime is to think about the contention that labeling offenders makes things worse. The contention," observes Braithwaite (1989: 12), "is both right and wrong." When a criminal act is detected, attempts usually are made to "shame" the person, a concept used to encompass "all social processes of expressing disapproval which have the intention or effect of invoking remorse in the person being shamed and/or condemnation by others who become aware of the shaming" (p. 100). Whether such shaming "makes things worse," however, depends on the *quality* of the societal reaction.

In his central proposition, Braithwaite argues, consistent with labeling theory, that *stigmatizing* shaming increases crime. In this instance, "no effort is made to reconcile the offender with the community" (1989: 101). Instead, the offender is made into an outcast and is cut off from conventional relationships. As a result, the offender joins criminal subcultures, where his or her criminality is reinforced and opportunities to commit illegal acts are plentiful.

Unlike labeling theory, however, Braithwaite recognizes that another form of societal reaction exists: *reintegrative* shaming, a process in which shaming "is followed by efforts to reintegrate the offender back into the community of law-abiding or respectable citizens through words or gestures of forgiveness or ceremonies to decertify the offender as deviant" (2002: 100–101; see also Maruna, 2011a, b). This type of shaming sends a message to the individual and to the larger community that the offender's behavior is wrong and

should not be repeated. At the same time, the reintegrative aspect of the reaction communicates that the offender as a person is not beyond redemption. Accepting the repentant offender back into the community reinforces the offender's conventional social bonds and keeps him or her from seeking out the company of other criminals. The result is that reintegrative shaming strengthens prosocial influences in the offender's life and thus reduces recidivism.

Third, similar to Braithwaite, Lawrence Sherman (1993 [Chapter 17 in this part]) observes that, depending on the circumstances, interventions into the lives of offenders can have diverse effects. Thus, Sherman (1993: 445) contends that "legal punishment either reduces, increases, or has no effect on future crimes, depending on the type of offenders, offenses, social settings, and levels of analysis." Sherman proposes that in the face of criminal penalties, "defiance" and thus greater crime are likely to result when offenders are poorly bonded to society and define the sanctions against them as stigmatizing and unfair. In contrast, recidivism is less likely when offenders have close ties to conventional society (e.g., employment) and see the sanctions against them as deserved and fairly applied.

Sherman (2000) also understands, however, that the objective quality of the sanction is a salient consideration in whether defiant criminality is, or is not, produced by criminal justice interventions. Again, offenders may react very differently to the same sanction depending on their social bonds and sensitivity to injustice (i.e., the tendency to see attempts to control their misconduct as "disrespecting" them). Nonetheless, Sherman's theory suggests that the quality of the behavior of police, court, and correctional officials also plays a role in precipitating or depressing the likelihood of defiance. If, in interacting with offenders, these officials act with respect, with procedural fairness, and integratively, defiance is less likely to occur than if they act with disrespect, arbitrarily, and harshly. In short, defiance is the result of a complex interaction

between the objective quality of the sanction being applied and how this sanction is interpreted by offenders (again, depending on their social bonds and social attitudes; for an updated version of defiance theory, see Sherman, 2010).

Fourth, a unique insight of labeling theory is that “dramatizing evil” and stigmatizing rule-breakers as “the other” can lead individuals to internalize a criminal identity or self-concept that then directs them to deepen their offending. Implicit in this traditional view, however, is that identities are stable, contribute to secondary deviance, and help to entrench the labeled in a life in crime. But what if a criminal identity was not static but dynamic—something that could be transformed from “being bad” to “making good”? If this were the case, then offenders might develop a prosocial identity and escape their criminal careers. It is precisely this possibility—and thus this fresh line of inquiry—that Shadd Maruna (2001) explored in his book *Making Good* (Chapter 18 in this volume).

Maruna argued that an identity was not a fixed, trait-like self-concept, such as “I am a delinquent.” Drawing on the work of psychologist Dan McAdams (2001), he conceptualized identity as an evolving life story—or “narrative”—that people use to make sense of who they are, why they act as they do, and what their future might hold. These stories are said to give individuals, including offenders, coherence and meaning in their lives. They are not “fairy tales” invented to rationalize untoward behavior but a causal identity that shapes everyday choices (McAdams, 2001: 100). Maruna used this perspective when he analyzed interview data from the Liverpool Desistance Study, a project on which he was the co-principal investigator in the latter part of the 1990s. He was particularly interested in comparing two groups of career criminals similar in almost every respect: a group of 20 subjects who were persisting in crime and a group of 30 subjects who had desisted from crime. Although all of these offenders had lengthy criminal histories and faced dire economic circumstances, some

had nonetheless given up a life in crime in favor of attempting to “make good” in society. Why was this so? According to Maruna, the key differentiating factor was the type of narrative identity the offenders embraced.

Maruna (2001) argued that there were two narrative or life-story identities that offenders manifested—a “condemnation script” and a “redemption script.” Consistent with traditional labeling theory, the group of persisters using a condemnation script saw themselves as “doomed to deviance” and as so ensnared in a criminal life course that they had no control to change their wayward destiny. By contrast, the group of desisters using a redemption script believed that change was possible and that they could create a good life. They tended to see their past crimes as not reflecting their “real self,” were optimistic (perhaps unrealistically so) that they could overcome the obstacles they now faced, and felt that they could devote themselves to serving a higher purpose, such as sharing their experiences to counsel others on how to stop offending. As the title of Maruna’s book noted, they were now “making good.”

Maruna’s work thus enriched labeling theory by developing a more sophisticated view of the criminal identity and by showing that a narrative identity could be a source of both persistence in and desistance from crime. His work has implications for stability and change in offending across the life course, as will be seen in Part XIII, where theories of this genre are presented. Some evidence in support of Maruna’s approach has appeared (see, e.g., Stone, 2016). More studies, especially quantitative research using larger samples of offenders, are needed to further substantiate and perhaps refine Maruna’s theoretical insights (see Rocque et al., 2016).

Policy Implications

The ideas of Sherman (1993, 2000) and of Braithwaite (1989) have important policy implications. Traditionally, the mantra of labeling theory

was “radical non-intervention” (Schur, 1973)—to do whatever possible to limit criminal justice interventions into the lives of offenders. This perspective assumed that, due to powerful labeling effects, such legal interventions were *uniformly* harmful. Sherman and Braithwaite, however, reject this view. Although they would agree that many sanctions *as they are now being applied* are criminogenic, they believe that the potential exists to create sanctions that do more good than harm (see also Cullen and Jonson, 2011, 2017). The need to do so also is seemingly indisputable. Thus, with nearly 7 million people either incarcerated or under probation and parole supervision on any given day, talk of nonintervention is farfetched. Either those in the correctional population continue to receive traditional penalties, or an effort is made to construct more effective and humane criminal justice sanctions.

Along with a number of other scholars and activists (Braithwaite, 2002), Sherman and Braithwaite have endorsed a reform known as “restorative justice.” In brief, this strategy seeks to dislodge the state from its traditional role as an adversary that exacts justice by prosecuting and inflicting pain on lawbreakers. Instead, under restorative justice, the state functions as an arbiter or partner that works with the victim and the offender to reduce the harm associated with the criminal act that has been committed. This goal is achieved through a sanctioning process that “restores” victims, the community, and the offender.

A key component of this restorative strategy is a “conference” attended by the victim and offender, their family members, other community members with a stake in the proceedings, and some type of mediator. When faced with the victim, the injury caused, and the shamefulness of their conduct, offenders may be moved to apologize for the crimes they have perpetrated. In any event, the conferences reach a consensus on a plan that will enable offenders to restore the harm they have caused (e.g., by making restitution to the victim, through community service). Furthermore, these agreements reject incarceration, believing that

the prison experience is stigmatizing, harm producing, and unlikely to be restorative. Rather, in exchange for working to restore their harms, offenders remain in the community, where they receive support to reintegrate them into conventional social roles (e.g., help securing employment, mentoring, tutoring to achieve higher grades).

The key policy issue is how much recidivism is reduced by restorative justice programs. The research reveals that such programs do lower reoffending and clearly are more effective than punitive sanctions. Still, the effects of these interventions tend to be fairly modest and are not as strong as the best-designed rehabilitation programs (Bonta and Andrews, 2017; Cullen and Jonson, 2017). One alternative option is to combine restorative justice with what is known about the principles of effective treatment (Cullen et al., 2001; see also Levrant et al., 1999).

Beyond the issue of restorative justice, labeling theory sensitizes policymakers to the need to reduce the stigma associated with a criminal conviction. During the get-tough era that reigned for most of the past four decades, systematic efforts were made to define offenders as “the other” and to exclude them from many of the rights and privileges enjoyed by American citizens (Alexander, 2010; Jacobs, 2015). In particular, legislatures passed hundreds of laws that barred ex-offenders, especially those convicted of a felony, from voting, sitting on juries, collecting welfare benefits, living in public housing, taking out college loans, and many types of employment. Labeling theory would predict that these punitive policies—called the “collateral consequences of conviction”—are unlikely to deter future wrongdoing and, if anything, would be criminogenic because they sever offenders’ social bonds to conventional society. Notably, over the past decade, there has been a growing recognition that these restrictions are counterproductive, and efforts are being made to roll back collateral consequences. For example, more than 150 cities and counties and 25 states have passed “ban-the-box” statutes that preclude employers from asking job

applicants to disclose whether they have a criminal record (usually by checking a box on the application; see Thielo, 2017). Employers can only consider past offenses once they have winnowed the list of applicants to the stage at which interviews are conducted.

However, in *The Eternal Criminal Record*, Jacobs (2015) reminds us that it may be impossible for the vast majority of ex-offenders to conceal their past legal indiscretions and fully escape a life of stigmatization. In the age of the internet, where governments provide public access to computerized criminal records and sell this information to commercial vendors, the capacity to conduct background checks is virtually unlimited. One policy option is to expand the opportunity for offenders who remain crime-free for several years to have their criminal records “wiped clean” by having them sealed or expunged (Jacobs, 2015).

In this context, Shadd Maruna (2001: 155) asks us to do more—to recognize that the legal system should create a process for “recognizing redemption” (see Chapter 18). In various writings, Maruna (2011a, b) has proposed the creation of a formal ceremony, with all the rituals of other rites of passage (e.g., high school graduation), at which offenders would be declared rehabilitated. These might be called rehabilitation or redemption ceremonies; regardless, the purpose is to declare that an offender has been restored to full citizenship with all the rights and privileges that bestows. To earn redemption, offenders would have to complete their sentence, perhaps stay crime-free for a time period commensurate to their criminal history, and undertake self-improvement (e.g.,

hold a job, complete a drug treatment program; see Cullen, 2013). Importantly, a recent national study reports that a large percentage (8 in 10) of the American public support the creation of such ceremonies that would recognize redemption by declaring ex-offenders “rehabilitated” and free from all legal penalties and other collateral sanctions of their crimes” (Thielo, 2017).

In closing, at this point in its development, it is unlikely that labeling theory—even in its most sophisticated forms, such as the perspectives of Matsueda, Braithwaite, Sherman, and Maruna—will provide a complete explanation of criminal behavior. Frequently, it would seem, societal reaction is the result, rather than the cause, of law-breaking. A large omission in labeling theory is that it places little focus on the early years of life during which the conduct problems that underlie much stable serious criminality first emerge. Labeling theorists also often pay insufficient attention to how, independent of societal reaction, structural inequality and the concentration of disadvantage in inner-city communities might affect behavior.

Nonetheless, scholars working in this tradition have identified a factor—stigmatizing, rejecting, nasty societal reactions—that rarely makes matters better and more often serves only to solidify an offender’s commitment to a criminal career. It would be unwise, therefore, for criminologists to assume that “labeling has no effects,” and more prudent for them to continue to specify the conditions under which societal reaction pushes offenders into, rather than out of, a life in crime (Farrington and Murray, 2014).

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16. Crime, Shame, and Reintegration

John Braithwaite

Braithwaite's central thesis is that crime is higher when shaming is stigmatizing and lower when shaming is reintegrative. This thesis explains both why some societies have higher rates of crime than others and why some individuals are more likely to offend than others.

At the macro-level, Braithwaite starts with assumptions that mirror social disorganization theory: societies marked by urbanization and residential mobility are less "communitarian" and less likely to have interdependency between their citizens. When societies lack communitarianism—that is, when individuals are not "densely enmeshed in interdependencies which have the special qualities of mutuality and trust" (1989: 100)—they will engage in shaming that is stigmatizing. As large numbers of people are stigmatized, they come together to develop ongoing criminal subcultural groups that provide learning environments for crime and "illegitimate opportunities to indulge tastes." At any given time, stigmatized individuals have incentives to participate in these ongoing subcultural groups because they are excluded from conventional society. Furthermore, the process of stigmatization has a feedback effect that erodes communitarianism. The end result is a society—such as the United States—that has a high crime rate.

On the micro-level, stigmatizing shaming has its greatest negative effects on individuals with few social bonds to conventional society—especially young, unmarried, unemployed males. Lacking

interdependencies that might blunt stigma and foster reintegration, these rejected individuals have their social bonds further attenuated. As controls weaken, they join criminal subcultural groups in which antisocial values are reinforced and illegitimate opportunities are made available. In short, stigmatizing shaming evokes the conditions that control theory and differential association theory link to crime. The result is the continued, if not heightened, involvement of the individual offender in criminal activities.

Unlike labeling theorists, Braithwaite does not suggest that nonintervention is the most effective criminal justice policy. In fact, he believes that shaming is necessary for social control: the offender and the larger community benefit from a public ceremony in which the criminal act—but not the criminal—is defined as immoral. This moralizing is also done informally by those in the offender's social networks. The key issue is what follows shaming: reintegration or stigmatization. Reintegration is essential because shamed individuals are at a turning point in their lives—a time when they can reattach to conventional society or deepen their commitment to crime. When quality social relations exist, they provide the means through which offenders are given the forgiveness and support needed to become members of the community.

Within the United States and elsewhere, "restorative justice" programs most closely mirror Braithwaite's admonition to meld shaming with

reintegration (see Braithwaite, 2002). In these programs, the goal is to “restore” both the victim, who has been harmed, and the offender, who has done the harming. Victims are likely to receive both restitution and, after conveying to the offender in a face-to-face encounter the pains they have experienced, a public apology. Repentant offenders potentially are granted a measure of forgiveness by victims and are reaccepted by family and community.

Such attempts at shaming and reintegration present an appealing alternative to stigmatizing criminal justice sanctions (see Braithwaite and Mugford, 1994; Makkai and Braithwaite, 1994). Evaluations of restorative justice programs have yielded some promising results (Braithwaite, 2002; Menkel-Medow, 2007). It remains to be demonstrated, however, that these interventions have the capacity to alter the life course of persistent offenders. The critical issue, it would seem, is not the public ceremony or conference in which shaming occurs but the quality of the reintegration that follows. Unless these efforts at reintegration are prolonged and target for change the known predictors of recidivism, the reform of offenders is likely to be modest at best (see Levrant et al., 1999; more generally, see Andrews and Bonta, 2010).

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The theory in this book suggests that the key to crime control is cultural commitments to shaming in ways that I call reintegrative. Societies with low crime rates are those that shame potently and judiciously; individuals who resort to crime are those insulated from shame over their wrongdoing. However, shame can be applied injudiciously and counterproductively; the theory seeks to specify the types of shaming which cause rather than prevent crime. . . .

The first step to productive theorizing about crime is to think about the contention that labeling offenders makes things worse. The contention is both right and wrong. The theory of reintegrative shaming is an attempt to specify when it is right and when wrong. The distinction is between shaming that leads to stigmatization—to outcasting, to confirmation of a deviant master status—versus shaming that is reintegrative, that shames while maintaining bonds of respect or love, that sharply terminates disapproval with forgiveness, instead of amplifying deviance by progressively casting the deviant out. Reintegrative shaming controls crime; stigmatization pushes offenders toward criminal subcultures. . . .

The theory of reintegrative shaming posits that the consequence of stigmatization is attraction to criminal subcultures. Subcultures supply the outcast offender with the opportunity to reject her rejectors, thereby maintaining a form of self-respect. In contrast, the consequence of reintegrative shaming is that criminal subcultures appear less attractive to the offender. Shaming is the most potent weapon of social control unless it shades into stigmatization. Formal criminal punishment is an ineffective

weapon of social control party because it is a degradation ceremony with maximum prospects for stigmatization.

The nub of the theory of reintegrative shaming is therefore about the effectiveness of reintegrative shaming and the counterproductivity of stigmatization in controlling crime. In addition, the theory posits a number of conditions that make for effective shaming. Individuals are more susceptible to shaming when they are enmeshed in multiple relationships of interdependency; societies shame more effectively when they are communitarian. Variables like urbanization and residential mobility predict communitarianism, while variables like age and gender predict individual interdependency. (A schematic summary of these aspects of the theory is presented in Figure 16.1.)

Some of the ways that the theory of reintegrative shaming builds on earlier theories should now be clear. Interdependency is the stuff of control theory; stigmatization comes from labeling theory; subculture formation is accounted for in opportunity theory terms; subcultural influences are naturally in the realm of subcultural theory; and the whole theory can be understood in integrative cognitive social learning theory terms such as are provided by differential association. . . .

Preventing Crime

We have seen that the micro process of shaming an individual has consequences far beyond the life of that individual. The social process of gossip links a micro incident into a macro pattern. A shaming incident reinforces cultural patterns which underwrite further cultural products like a moralistic children's story, a television program, a school teacher's homily. The latter modalities of public (societal) shaming exert pressure for further private (individual) shaming.

The reasons why reintegrative shaming works in preventing crime might be summarized as follows:

1. The deterrence literature suggests that specific deterrence associated with detection for

criminal offending works primarily through fear of shame in the eyes of intimates rather than fear of formal punishment.

2. Shame not only specifically deters the shamed offender, it also generally deters many others who also wish to avoid shame and who participate in or become aware of the incident of shaming.

3. Both the specific and general deterrent effects of shame will be greater for persons who remain strongly attached in relationships of interdependency and affection because such persons will accrue greater interpersonal costs from shame. This is one reason why reintegrative shaming makes for more effective social control than stigmatization.

4. A second reason for the superiority of reintegrative shaming over stigmatization is that the latter can be counterproductive by breaking attachments to those who might shame future criminality and by increasing the attractiveness of groups that provide social support for crime.

5. However, most compliance with the law is not achieved through either specific or general deterrence. Most of us comply with the law most of the time, not because we rationally weigh our fear of the consequences of detection against the benefits of the crime, but because to commit the crime is simply unthinkable to us. Shaming is the social process which leads to the cognition that a particular type of crime is unthinkable. Cultures where the social process of shaming is muted are cultures where citizens often do not internalize abhorrence for crime.

6. A third reason for the superiority of the reintegrative shaming over stigmatization is that a combination of shame at and repentance by the offender is a more powerful affirmation of the criminal law than onesided moralizing. A shaming ceremony followed later by a forgiveness and repentance ceremony more potently builds commitment to the law than a shaming ceremony alone. Nothing has greater symbolic force in community-wide conscience-building than repentance.

7. Because shaming is a participatory form of social control, compared with formal sanctioning which is more professionalized than participatory, shaming builds consciences through citizens being instruments as well as targets of social control. Participation in expressions of abhorrence toward the criminal acts of others is part of what makes crime an abhorrent choice for ourselves to make.

8. Once consciences have been formed by cultural processes of shaming and repentance, pangs of conscience become the most effective punishment for crime because whereas conscience delivers a timely anxiety response to every involvement in crime, other negative reinforcers, including shame, are delivered unreliably or with delay.

9. Shaming is therefore both the social process which builds consciences, and the most important backstop to be used when consciences fail to deliver conformity. Formal punishment is another backstop, but a less effective one than reintegrative shaming.

10. Gossip within wider circles of acquaintances and shaming of offenders not even known to those who gossip are important for building consciences because so many crimes will not occur in the direct experiences of limited groups like families. Societal incidents of shaming remind parents and teachers of the need to moralize with their children across the whole curriculum of crimes.

11. Public shaming puts pressure on parents, teachers and others to ensure that they engage in private shaming which is sufficiently systematic, and public shaming increasingly takes over the role of private shaming once children move away from the influence of the family and school. The latter is one reason why public shaming by courts of law has a more important role to play with strictly adult offenses like crimes against the environment than with predominantly juvenile offenses like vandalism.

12. Public shaming generalizes familiar principles to unfamiliar or new contexts. It integrates new categories of wrongdoing, which may arise

from technological change into pre-existing moral frameworks. Public shaming transforms the loss of life in a battle at My Lai into a "war crime" and a "massacre," and through our distant involvement in the incident of shaming, the moral category of illegal killing acquires some expanded meanings.

13. Cultures with heavy emphasis on reintegrative shaming establish a smoother transition between socialization practices in the family and socialization in the wider society. Within the family, as the child grows, social control shifts from external to internal controls; punishment-oriented cultures set this process more starkly in reverse in the public domain than do shame-oriented cultures. To the extent that crime control can be made to work by continuing to catalyze internal controls it will be more effective; this is precisely why families are more effective agents of social control than police forces.

14. Gossip and other modalities of shaming can be especially effective when the targets of shame are not directly confronted with the shame, but are directly confronted with gestures of forgiveness or reintegration. Citizens who have learnt the culture do not have to be shamed to their faces to know that they are the subject of gossip, but they may need to be directly offered gestures of acceptance before they can be confident that they are again part of the community of law-abiding citizens. In other words, shaming which is excessively confrontational renders the achievement of reintegration a tall order. There is thus something to be said for hypocrisy: our friends are likely to recover from a suspicion that we have stabbed them in the back, but stabbing them in the front can be divisive!

15. The effectiveness of shaming is often enhanced by shame being directed not only at the individual offender but also at her family, or her company if she is a corporate criminal. When a collectivity as well as an individual is shamed, collectivities are put on notice as to their responsibility to exercise informal control over their members, and the moralizing impact of

shaming is multiplied. For reasons which will be elaborated in the next chapter, a shamed family or company will often transmit the shame to the individual offender in a manner which is as regenerative as possible. From the standpoint of the offender, the strategy of rejecting her rejectors may resuscitate her own self-esteem, but her loved ones or colleagues will soon let her know that sinking deeper into the deviant role will only exacerbate the shame they are suffering on her behalf.

The Theory of Reintegrative Shaming

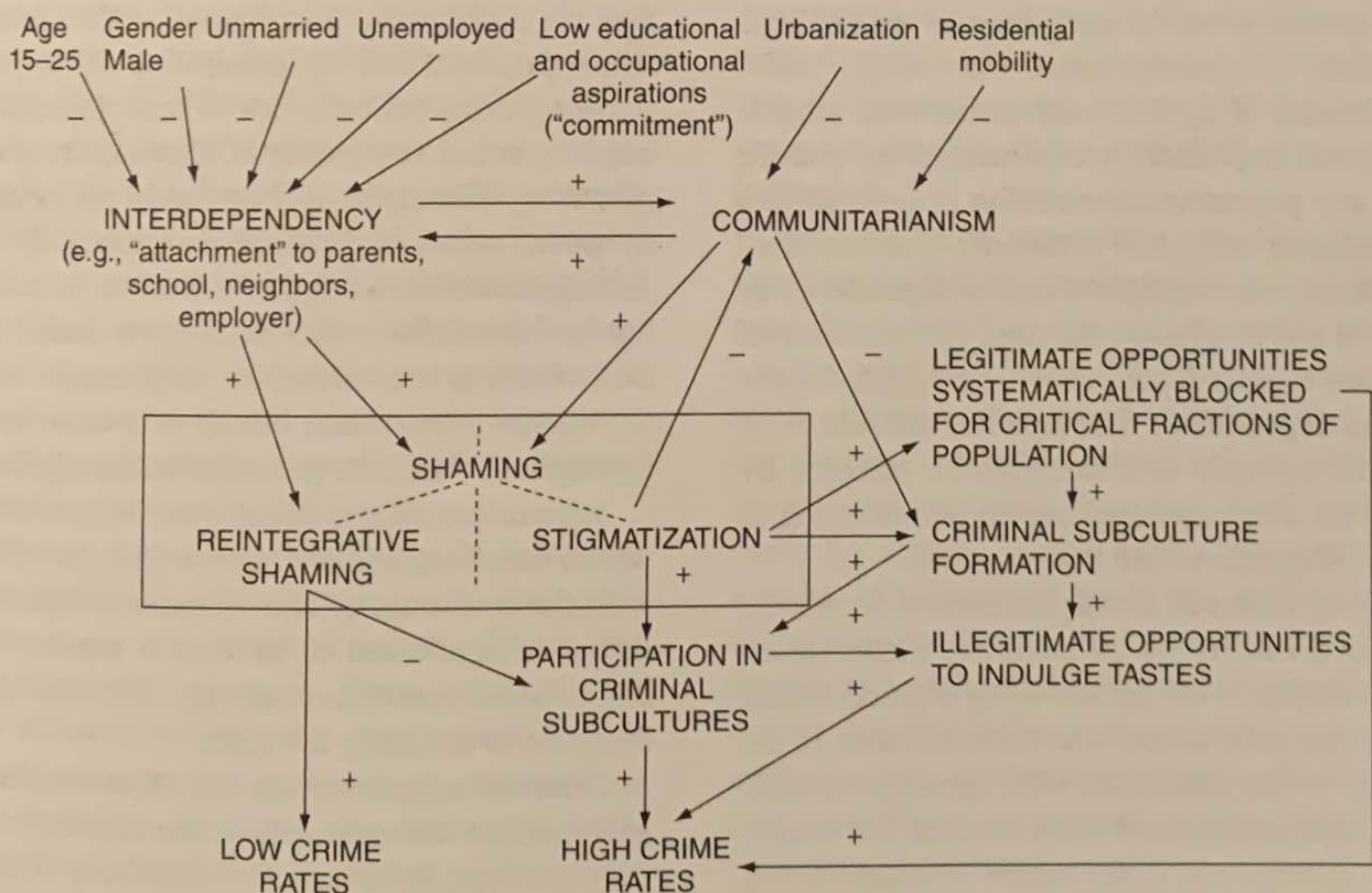
Figure 16.1 provides a schematic summary of the theory. In the first part of this chapter clear definitions are attempted for the key concepts in Figure 16.1. The cluster of six variables around interdependency at the top left of Figure 16.1 are characteristics of individuals; the three at the top right are characteristics of societies; while high levels of crime and shaming are variables which

apply to both individuals and societies. The theory as summarized in Figure 16.1 thus gives an account both of why some kinds of individuals and some kinds of societies exhibit more crime.

We could get a more parsimonious theory by collapsing the similar constructs of interdependency (an individual-level variable) and communitarianism (a societal variable) into a single construct, but then we would no longer have a framework to predict both which individuals and which societies will have more crime. On the desirability of being able to do this I can only agree with Cressey:

A theory explaining social behavior in general, or any specific kind of social behavior, should have two distinct but consistent aspects. First, there must be a statement that explains the statistical distribution of the behavior in time and space (epidemiology), and from which predictive statements about unknown statistical distributions can be derived. Second, there must be a

Figure 16.1
Summary of the Theory of Reintegrative Shaming



statement that identifies, at least by implication, the process by which individuals come to exhibit the behavior in question, and from which can be derived predictive statements about the behavior of individuals. (Cressey, 1960:47)

Key Concepts

Interdependency is a condition of individuals. It means the extent to which individuals participate in networks wherein they are dependent on others to achieve valued ends and others are dependent on them. We could describe an individual as in a state of interdependency even if the individuals who are dependent on him are different from the individuals on whom he is dependent. Interdependency is approximately equivalent to the social bonding, attachment and commitment of control theory.

Communitarianism is a condition of societies. In communitarian societies individuals are densely enmeshed in interdependencies which have the special qualities of mutual help and trust. The interdependencies have symbolic significance in the culture of group loyalties which take precedence over individual interests. The interdependencies also have symbolic significance as attachments which invoke personal obligation to others in a community of concern, rather than simply interdependencies of convenience as between a bank and a small depositor. A communitarian culture rejects any pejorative connotation of dependency as threatening individual autonomy. Communitarian cultures resist interpretations of dependency as weakness and emphasize the need for mutuality of obligation in interdependency (to be both dependent and dependable). The Japanese are said to be socialized not only to *amaeru* (to be succored by others) but also to *amayakasu* (to be nurturing to others) (Wagatsuma and Rosett, 1986).

Shaming means all social processes of expressing disapproval which have the intention or effect of invoking remorse in the person being shamed and/or condemnation by others who become aware of the shaming. When associated with appropriate symbols, formal punishment often shames. But societies vary enormously in the extent to which formal

punishment is associated with shaming or in the extent to which the social meaning of punishment is no more than to inflict pain to tip reward-cost calculations in favor of certain outcomes. Shaming, unlike purely deterrent punishment, sets out to moralize with the offender to communicate reasons for the evil of her actions. Most shaming is neither associated with formal punishment nor perpetrated by the state, though both shaming by the state and shaming with punishment are important types of shaming. Most shaming is by individuals within interdependent communities of concern.

Reintegrative shaming is shaming which is followed by efforts to reintegrate the offender back into the community of lawabiding or respectable citizens through words or gestures of forgiveness or ceremonies to decertify the offender as deviant. Shaming and reintegration do not occur simultaneously but sequentially, with reintegration occurring before deviance becomes a master status. It is shaming which labels the act as evil while striving to preserve the identity of the offender as essentially good. It is directed at signifying evil deeds rather than evil persons in the Christian tradition of "hate the sin and love the sinner." Specific disapproval is expressed within relationships characterized by general social approval; shaming criminal behavior is complemented by ongoing social rewarding of alternative behavior patterns. Reintegrative shaming is not necessarily weak; it can be cruel, even vicious. It is not distinguished from stigmatization by its potency, but by (a) a finite rather than open-ended duration which is terminated by forgiveness; and by (b) efforts to maintain bonds of love or respect throughout the finite period of suffering shame.

Stigmatization is disintegrative shaming in which no effort is made to reconcile the offender with the community. The offender is outcast, her deviance is allowed to become a master status, degradation ceremonies are not followed by ceremonies to decertify deviance.

Criminal subcultures are sets of rationalizations and conduct norms which cluster together to support criminal behavior. The clustering is usually

facilitated by subcultural groups which provide systematic social support for crime in any of a number of ways—supplying members with criminal opportunities, criminal values, attitudes which weaken conventional values of law-abidingness, or techniques of neutralizing conventional values.

Short Summary of the Theory

The following might serve as the briefest possible summary of the theory. A variety of life circumstances increase the chances that individuals will be in situations of greater interdependency, the most important being age (under 15 and over 25), being married, female, employed, and having high employment and educational aspirations. Interdependent persons are more susceptible to shaming. More importantly, societies in which individuals are subject to extensive interdependencies are more likely to be communitarian, and shaming is much more widespread and potent in communitarian societies. Urbanization and high residential mobility are societal characteristics which undermine communitarianism.

The shaming produced by interdependency and communitarianism can be either of two types—shaming that becomes stigmatization or shaming that is followed by reintegration. The shaming engendered is more likely to become reintegrative in societies that are communitarian. In societies where shaming does become reintegrative, low crime rates are the result because disapproval is dispensed without eliciting a rejection of the disapprovers, so that the potentialities for future disapproval are not dismantled. Moreover, reintegrative shaming is superior even to stigmatization for conscience-building. . . .

Shaming that is stigmatizing, in contrast, makes criminal subcultures more attractive because these are in some sense subcultures which reject the rejectors. Thus, when shaming is allowed to become stigmatization for want of reintegrative gestures or ceremonies which decertify deviance, the deviant is both attracted to criminal subcultures and cut off

from other interdependencies (with family, neighbors, church, etc.). Participation in subcultural groups supplies criminal role models, training in techniques of crime and techniques of neutralizing crime (or other forms of social support) that make choices to engage in crime more attractive. Thus, to the extent that shaming is of the stigmatizing rather than the reintegrative sort, and that criminal subcultures are widespread and accessible in the society, higher crime rates will be the result. While societies characterized by high levels of stigmatization will have higher crime rates than societies characterized by reintegrative shaming, the former will have higher or lower crime rates than societies with little shaming at all depending largely on the availability of criminal subcultures.

Yet a high level of stigmatization in the society is one of the very factors that encourages criminal subculture formation by creating populations of outcasts with no stake in conformity, no chance of self-esteem within the terms of conventional society—individuals in search of an alternative culture that allows them self-esteem. A communitarian culture, on the other hand, nurtures deviants within a network of attachments to conventional society, thus inhibiting the widespread outcasting that is the stuff of subculture formation.

For clarity of exposition the two types of shaming have been presented as a stark dichotomy. In reality, for any society some deviants are dealt with in ways that are more stigmatic while others receive more reintegrative shaming. Indeed, a single deviant will be responded to more stigmatically by some, more reintegratively by others. To the extent that the greater weight of shaming tends to stigmatization, the crime-producing processes on the right of Figure 16.1 are more likely to be triggered; to the extent that the balance of shaming tips toward reintegration, informal processes of crime control are more likely to prevail over these crime-producing processes.

The other major societal variable which fosters criminal subculture formation is systematic blockage of legitimate opportunities for critical fractions of the population. If black slum dwellers are systematically denied economic opportunities because of the stigma of their race and neighborhood, then criminal subcultures will form in these outcast neighborhoods. It can be seen that stigmatization (as opposed to social integration) as a cultural disposition may contribute to the systematic blockage of these economic opportunities; but cultural variables like stigmatization will be of rather minor importance compared with structural economic variables in determining opportunities. I have argued that the blockages in this part of the theory are not restricted to closed opportunities to climb out of poverty; systematically blocked opportunities for ever greater wealth accumulation by the most affluent of corporations often lead to corporate criminal subculture formation. . . .

Criminal subcultures are the main mechanism for constituting illegitimate opportunity structures—knowledge on how to offend, social support for offending or communication of rationalizations for offending, criminal role models, subcultural groups which assist with the avoidance of detection and which organize collective criminal enterprises. However, illegitimate opportunities are greater in some societies than others for a variety of further reasons which are not incorporated within the theory. While the effects of legitimate and illegitimate opportunities on crime are mostly mediated by participation in criminal subcultures, the blockage of legitimate opportunities combined with the availability of illegitimate opportunities can independently increase crime. Whether illegitimate opportunities to engage in crime are supplied by participation in criminal subcultures or otherwise, they must be opportunities that appeal to the tastes of tempted individuals for them to result in crime.

This summary is crudely simple because it ignores what goes on within the shaming box in Figure 16.1. That is, it ignores the treatment . . . of the social processes that combine individual acts of shaming into cultural processes of shaming which are more or less integrative: gossip, media coverage of shaming incidents, children's stories, etc. In turn, the summary has neglected how these macro processes of shaming feed back to ensure that micro practices of shaming cover the curriculum of crimes. . . .

Shunting the Colliding Locomotives of Criminological Theory

This sharp contrast with the inability of the existing dominant theories to explain much of what we know about crime is achieved, ironically, through the addition of just one element—the partitioning of shaming—as a shunt to connect these diverging theoretical tracks. Through putting the old theoretical ingredients together in a new way, we can do better at accounting for the facts than can any of these traditions separately. Moreover, we can do better compared with adding together their separate (contradictory!) elements as partial explanations within an atheoretical multi-factor model.

The top left of Figure 16.1 incorporates the key variables of control theory; the far right—opportunity theory; the middle and bottom right—subcultural theory; the bottom, particularly the bottom left—learning theory; the right side of the middle box—labeling theory. With one crucial exception (reintegrative shaming), there is therefore no originality in the elements of this theory, simply originality of synthesis.

Through the effect of interdependency in reducing crime, we can capture the explanatory successes of control theory in accounting for primary deviance. Through shunting stigmatization away from other forms of shaming (as that sort of shaming which triggers subcultural participation) we proffer a more promising approach to the explanation of secondary deviance

in labeling and subcultural theory terms. We achieve a more specified theory of differential association with conventional others versus others who share a subculture. Conceived another way, it is a theory of differential shaming. Most shaming is by conventional others on

the anti-criminal side of a tipping point. When stigmatization produces secondary deviance, it is because the balance of shame has tipped; for those who share the subculture there is sufficient approval for crime . . . to outweigh the shaming of conventional society.

Discussion Questions

1. What is the difference between shaming that is stigmatizing and shaming that is reintegrative?
2. In the United States, what kind of shaming is most common? Can you provide some examples?
3. Why does stigmatizing shaming cause crime? How does this relate to labeling theory?
4. If you were going to develop a reintegrative shaming program for juvenile delinquents, what would it involve?

17. Defiance Theory

Lawrence W. Sherman

For many years, scholars and elected officials had debated between and among themselves whether applying criminal sanctions to individuals (i.e., arresting them, sentencing them publicly in court, and supervising them in the community or behind bars) caused the offenders to "get worse" or to be "scared straight." Those in the "get worse" camp were typically called labeling theorists because, as we have seen thus far in this part of the book, they believed that stigmatizing, excluding, and harshly treating offenders only increased their likelihood of reoffending. Those in the "scared straight" camp were advocates of rational choice theory and believed that offenders would be deterred from future crime if criminal sanctions had the correct mixture of certainty and severity of punishment (see Part X).

Lawrence Sherman, however, recognized that this debate between the labeling and deterrence theorists had grown stale. Neither side was budging from its longstanding position, and thus the result was two incompatible and, Sherman believed, limited views of what potentially happens when people are processed through the criminal justice system. Both sides, he realized, would not admit that such processing might make offenders more criminal (through labeling or a process he calls "defiance"), might deter them from crime, or might prove irrelevant and have no effect whatsoever on recidivism.

Labeling and deterrence theorists might be both partially right and partially wrong, but each theory by itself was clearly incomplete. Given that contact with the justice system certainly had these diverse effects, Sherman reasoned that an important explanatory task was at hand: to move beyond the labeling and deterrence perspectives so as to develop a comprehensive theory of the criminal sanction, one that could account for when such sanctions created "defiance, deterrence, or irrelevance" (Sherman, 1993, 2000).

Sherman makes a beginning effort in this direction by advancing what he calls "defiance theory." He defines the concept of defiance as the "net increase in the prevalence, incidence, or seriousness of future offending against a sanctioning community caused by a proud, shameless reaction to the administration of a criminal sanction" (1993: 459). However, what would make offenders react with defiant criminality, as opposed to cooperation and future conformity, when attempts are made to control them? A number of conditions might be involved, but two broad categories can be singled out as especially significant.

First, perhaps the most critical factor is the quality of the sanctions that are administered. Sanctions can be just or unjust, and they can seek to personally stigmatize the offender or condemn only a person's wayward conduct (Braithwaite, 1989 [Chapter 16 in this part]). When police officers, for example, act in a rude and discriminatory

Lawrence W. Sherman, "Defiance, Deterrence and Irrelevance: A Theory of the Criminal Sanction," *Journal of Research in Crime and Delinquency* (30) 1993, pp. 445-449, 459-461, 463-468, copyright © 1993; permission conveyed through Copyright Clearance Center, Inc.

way, arrestees are likely to react with hostility and see their apprehension as something to be resisted. Defiance, not deterrence, is the likely result (see Paternoster et al., 1997).

Second, Sherman recognized that not all offenders come to the sanctioning event with the same social background; it follows that who an offender is can shape how he or she reacts to sanctions. Building on social bond theory (see Part V), he hypothesized that those socially bonded to the conventional system would be most likely to be deterred, whereas those alienated from the community would be most likely to react defiantly. The troubling reality, moreover, is that those who are the most weakly socially bonded, and thus are most susceptible to perceiving actions by criminal justice personnel as unfair, are precisely the people to whom overly formal, harsh, stigmatizing sanctions are disproportionately applied (Sherman, 2000). Here, labeling theory's lesson of the self-fulfilling prophecy rings true. In these cases, the interaction of nasty sanctions and alienated, angry offenders will produce exactly the opposite outcome of what those "cracking down" on and "getting tough" with offenders hope to accomplish: high rates of defiance and reduced public safety.

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Does punishment control crime? This question provokes fierce debates in criminology and public policy. Yet there is ample evidence that it is the wrong question. Widely varying results across a range of sanction studies suggest a far more useful question: Under what conditions does each type of criminal sanction reduce, increase, or have no effect on future crimes? Answering that question is central to the future of research on crime and delinquency.

That claim has no better justification than the universal presumption of criminal law that punishment deters (Morris 1966, p. 631). As the dosage of criminal sanctions skyrocketed in the United States over the past decade (Farrington and Langan 1992; Blumstein 1993), criminology produced increasing evidence that punishment can backfire. If our first duty is to do no harm, then criminology is morally compelled to identify the ways in which punishment may be causing crime and to invent alternatives to criminogenic practices. . . .

The absence of theoretical guidance reflects the preoccupation of modern criminology with the problem of crime causation. Yet the historic (Beccaria [1764] 1963) and conceptual core of criminology is the science of sanction effects, net of other causes of crime. By definition, both criminality and criminal events are responses to the formal threat of punishment attached to the legal proscription of certain behaviors. Yet the role of that threat in crime causation and prevention has received far less scientific attention than other factors.

A science of sanction effects requires explicit theories of those effects, not just modified theories of crime causation. Until recently, the deterrence and labeling doctrines have kept a stranglehold on the field, demanding a choice between the two (Wellford and Triplett 1992). But three new theories offer the promise of resolving that stalemate with far greater explanatory power. Most visible among criminologists is Braithwaite's (1989) theory of reintegrative shaming. Most prominent among political scientists is the

procedural justice school, notably Tyler's (1990) major study of compliance. The third theory is Scheff and Retzinger's (1991) sociology of the "master emotions" of pride and shame that dominate human responses to experienced and vicarious sanctions. Each of these theories can help explain a phenomenon that Black (1983) identified in which crime is committed as an attempt at social control.

Briefly, Braithwaite (1989) argues that criminal sanctions can be delivered in either "reintegrative" or "stigmatizing" ways, the former by drawing social shame on the *act* and the latter by shaming and rejecting the *actor*. Reintegrative shaming controls crime, whereas stigmatic shaming increases it. Tyler (1990) distinguishes between sanctions citizens perceive as fair or unfair. Fair sanctions increase compliance with the law by affirming the legitimacy of law enforcement, but unfair sanctions reduce compliance by reducing legitimacy. Scheff and Retzinger (1991) argue that individuals vary in their emotional response to sanctions or shaming of any kind, depending on their social bonding to the sanctioning agent and to society in general.

This article attempts to integrate the three new theories into a "defiance" theory that accounts for some, but not all, of the facts of diverse sanction effects. . . .

Overview

Sitting in a movie theater that was showing Stanley Kubrick's *2001*, my 10-year-old son and my wife were talking. They started out in a whisper, then spoke sotto voce, then got very loud when the music was loud. Finally, another patron came over and rudely told them to "shut up." They complied. But all the way home my son protested that the chastisement was unfair. As my wife tried to justify the patron's actions by the impoliteness of their having bothered other people by loud talking, my son became more defiant. He felt so humiliated by the rudeness of

the patron's conduct that he denied the morality of the rule the patron was enforcing—arguing that people had a right to talk so that they could interpret the movie to each other. His only escape from the stigmatizing shame he had suffered was a refusal to acknowledge that shame, adopting a false pride in his own moral superiority over the disrespectful and—in his view—*unfair* patron.

Compare that episode with a recent scene from the richest county in the United States (Brown, 1993):

A 14-year [old] freshman at McLean High School in Fairfax County [said] "I was talking to one of my friends, and [the teacher] said something like 'shut up,' and it pissed me off and I said, 'Go to hell. [Expletive] you.'" . . . "I explained why I was late [to my teacher], and she started going off on me about what I needed to do to get to school on time," said Gisela Aponte, 17, a junior at McLean. "I just freaked out and called her the B word. . . . I got Saturday detention, but I don't regret it. She deserved to be called that." . . . Some youths think they deserve as much respect as anybody else, including their elders.

In both the theater and the high school, the rule breakers were punished in a manner they defined as disrespectful. And in both cases, as Scheff and Retzinger (1991) would argue, the disrespect made them ashamed of being ashamed, infusing them with self-righteousness. In Braithwaite's (1991) commentary on Scheff and Retzinger, "Actor A gets angry at actor B for disapproving of her instead of examining the (correct or incorrect) reasons for the disapproval" (p. xi). This pattern supports Durkheim's hypothesis that "for any penalty to have an educational influence it must seem worthy of respect to the person on whom it is inflicted" (quoted in Braithwaite 1989, p. 178).

But the "unfair" sanctions had different effects on the sanctioned behavior. In the theater, my well-bonded son, under the watchful "handling" (Felson

1986) of his mother, complied with the rule despite the anger from his unacknowledged shame. In the high school, the students—perhaps poorly bonded at home and in general—defied both the rules and the sanctioners, attracting more severe sanctioning for their defiance. That sanctioning, in turn, further strengthened their denial of shame for the original rule violation and their pride in having themselves punished an unfair punishment.

These cases highlight four key concepts in the emotional response to sanctioning experiences: legitimacy, social bonds, shame, and pride. Foremost is the degree of *legitimacy* the sanctioned offender grants to the sanctioning agent's behavior, driven more by the agent's respectfulness and procedural fairness than by the substance of the morality the agent enforces (Tyler 1990). Second is the strength of the *social bond* the offender has to the sanctioning agent, the community in whose name the sanctioning agent was acting, and other close attachments (Scheff and Retzinger 1991). Third is the *shame* the offender either acknowledges or bypasses, respectively repairing or weakening social bonds to agent or community (Braithwaite 1989). Fourth is the source of *pride* the offender feels in the aftermath of the sanction: social solidarity with the relevant community or isolation from that community as an "unconquerable soul" (Henley [1875] 1954).

These concepts allow a falsifiable statement of a defiance theory of the diversity of sanctioning effects, at both individual and general levels of analysis:

1. Sanctions provoke future *defiance* of the law (persistence, more frequent or more serious violations) to the extent that offenders experience sanctioning conduct as illegitimate, that offenders have weak bonds to the sanctioning agent and community, and that offenders deny their shame and become proud of their isolation from the sanctioning community.
2. Sanctions produce future *deterrence* of lawbreaking (desistance, less frequent or less serious violations) to the extent that offenders experience sanctioning conduct

as legitimate, that offenders have strong bonds to the sanctioning agent and community, and that offenders accept their shame and remain proud of solidarity with the community.

3. Sanctions become *irrelevant* to future law-breaking (no effect) to the extent that the factors encouraging defiance or deterrence are fairly evenly counterbalanced. . . .

Defiance Theory

Defiance is the net increase in the prevalence, incidence, or seriousness of future offending against a sanctioning community caused by a proud, shameless reaction to the administration of a criminal sanction. Specific or individual defiance is the reaction of one person to that person's own punishment. General defiance is the reaction of a group or collectivity to the punishment of one or more of its members. Direct defiance is a crime committed against a sanctioning agent. Indirect defiance is the displaced just deserts committed against a target vicariously representing the sanctioning agents provoking the anger. Defiance is distinct from other hypothetical mechanisms by which sanctions increase crime, such as labeling (Lemert 1972), thrill seeking (Katz 1988), imitation, or brutalization (Bowers 1988). Defiance theory explains variation in criminal events, not criminality (Hirschi 1986). Defiance theory may encompass many types of crimes but may also be more powerful a predictor of predatory and competitive offenses than of mutualistic or retreatist offenses (Felson 1987).

Defiance occurs under four conditions, all of which are necessary.

1. The offender defines a criminal sanction as unfair.
2. The offender is poorly bonded to or alienated from the sanctioning agent or the community the agent represents.

3. The offender defines the sanction as stigmatizing and rejecting a person, not a lawbreaking act.
4. The offender denies or refuses to acknowledge the shame the sanction has actually caused him to suffer.

Sanctions are defined as unfair under two conditions, either of which is sufficient:

1. The sanctioning agent behaves with disrespect for the offender, or for the group to which the offender belongs, regardless of how fair the sanction is on substantive grounds.
2. The sanction is substantively arbitrary, discriminatory, excessive, undeserved, or otherwise objectively unjust.

Offenders deny shame as one of two adaptive responses to alienation, as Karl Marx put it: "impotence and indignation" (quoted in Scheff and Retzinger 1991, p. 64). The first response accepts shame and seeks escape through retreat or intoxicants, as in Anderson's (1978) "wine-heads." The second denies shame and insulates against it by anger and rage in reaction to insult, as in Anderson's "hoodlums." We lack sufficient evidence or theory to specify the individual or social conditions under which alienated persons choose these alternative responses.

Defiance theory therefore predicts three reactions to punishment defined as unfair.

1. When poorly bonded offenders accept the shame an unfair stigmatizing sanction provokes, the sanction will be *irrelevant* or possibly even deterrent to future rates of offending.
2. When poorly bonded offenders deny the shame they feel and respond with rage, the unfair stigmatizing sanction will *increase* their future rates of offending. This unacknowledged shame leads to an emotion of angry pride at defying the punishment. That pride predisposes the defiant offender to repeat the sanctioned

conduct, symbolically labeling the sanctions or sanctioners, and not the offender's own acts, as truly shameful and morally deserving of punishment. In the process, the victims or targets of the sanctioned acts become vicarious substitutes for the state or its sanctioning representatives.

3. The full shame-crime sequence does not occur, however, when a well-bonded offender defines a sanction as unfair. The unfairness may weaken the deterrent effect of the sanction and make it irrelevant to future conduct. But even if the offender (like my son in the theater) denies the shame, proud defiance is unlikely because it is less valued than the pride associated with social bonds. . . .

Defining Sanctions as Unfair

Respect. The evidence suggests respect by punishers for the punished is a separate dimension from Braithwaite's (1989) distinction between reintegrative and stigmatic shaming. Rather, it is a more basic matter of treating people with human dignity. Reintegration can be done rudely, and stigma can be applied politely. As Braithwaite (1989, p. 101) points out, reintegrative shaming "can be cruel, even vicious," as long as it has a finite end point and explicit ceremonies for accepting the offender back into the community administering the punishment. It seems reasonable to posit that unfair or disrespectful sanctions that are also stigmatizing are the most likely to provoke defiance, but that still presumes the two dimensions are distinct.

Fairness and respect is also not a simple matter of whether punishment is delivered or spared, as Tyler's (1990) findings show. What is more important in Tyler's evidence is that the offender's interpretation of events gets a fair hearing and that the sanctioning decision maker considers and respects that viewpoint.

Consider this datum: in the Milwaukee domestic violence experiment, arrestees who said (in lockup) that police had not taken the time to listen to their side of the story were 36 percent

more likely to be reported for assaulting the same victim over the next 6 months than those who said the police had listened to them (Bridgeforth 1990, p. 76). This fact might be a spurious result of an underlying personality type that is both more recidivistic and more likely to become defiant. But it may also reflect a history of police rudeness, or failure to listen, to that offender and members of his primary group.

It is no accident that the demographic groups with the lowest opinion of the police—minorities and young men (Wilson 1983, p. 93; Clements 1993)—are also the most subject to police-initiated encounters (Sherman 1980) that lack the legitimacy of a citizen requesting police involvement (Reiss 1971, pp. 58–59). These are also situations in which police are more likely to encounter disrespect, get injured, make arrests, and have complaints filed against them. And although mutual respect characterizes most observed police encounters, inner-city police are somewhat more likely to be uncivil than the citizens they confront (Reiss 1971, p. 144). There is much evidence that police and poor young men are caught in a shame-disrespect-anger spiral (Scheff and Retzinger 1991, p. 68). But the question for defiance theory is what effect that cycle has on the future offending of those caught up in it—on either the police (Skolnick and Fyfe 1993) or civilian side.

One answer is that the groups receiving the most disrespect from the police also have the highest participation rates in crime (Blumstein, Cohen, Roth, and Visher 1986). This fact might be dismissed as a mere artifact of measurement if arrest records were not confirmed by both self-report and victimization data. The fact is that young males, especially the poor and minorities, are much more exposed than lower crime groups to police disrespect and brutality, both vicariously and in person, *prior* to their peak years of first arrest and initial involvements in crime. This temporal order suggests a powerful role of police disrespect in sanction effects.

Substantive unfairness. Those who approach authority with defiant attitudes are often

punished for their speech rather than for any substantive offense. When the criminal sanction is used in this fashion, it is substantively unjust and another potent source of defining police as illegitimate. There is no written law against “contempt of cop,” of course, but it is perhaps the most consistently enforced *de facto* law in the country. All systematic observation studies of police decision making (Sherman 1980; Smith and Visher 1981) have found that disrespect toward police powerfully increases the odds of being arrested. The following encounter, which I observed in Minneapolis in 1981, is an extreme but hardly unprecedented example:

The squad car drove through a 7-Eleven parking lot where one officer told a group of teenagers to leave. A few minutes later the car returned to find one long-haired young White male (who may not even have been there earlier) standing in the way of the police car as it turned in from the street. The officer, annoyed, said “I thought I told you to leave.” The youth said, with asperity, “You didn’t tell me nothin.” The officer said “Oh yeah?” The youth said “Yeah!” The officer bolted out of the car, grabbed the youth by the hands, threw his upper body down on the hood of the car, handcuffed the youth, and locked him in the back of the car to drive him downtown. The charge was “disorderly conduct.”

Once a sanction of this kind has been experienced, it is not difficult to appreciate how the offender (or his primary group) might view the police as unfair.

Other substantive sources of unfairness include the widespread nonenforcement of minor offenses (such as noise or public drinking), punctuated by arbitrary or discriminatory cases of enforcement (Reiss 1971, p. 57). “Rounding up the usual suspects” implies police laziness in looking for the truly guilty, rather than efficiency in locating the probably guilty. Courts letting suspects go on “technicalities” and juries not making the right decisions (Clements 1993) are other sources of perceived unfairness.

Remarkably, although most citizens feel unfairness is widespread, they do not feel courts or police discriminate against "people like them" (Tyler 1990, p. 50). Thus, in comparing procedural to substantive unfairness, the former seems to do far more powerful harm to legitimacy. Personal experience with unfairness, most often in the form of perceived disrespect, may be the greatest spark of defiance.

Anger and Displaced Just Deserts

Once a poorly bonded offender is punished unfairly and chooses to deny the shame of it all, he may or may not become angry at the punishers. Among the arrested suspects in the Milwaukee domestic violence experiment, 23 percent denied that it was immoral to hit your partner, but only 10 percent said the arrest had made them angry at the police (Sherman 1992, pp. 330–331). No matter what they say, we would expect almost none of them to attack the police in direct retaliation. Rather, their anger is displaced onto their present or future romantic partners or other citizens, who represent the clients police serve.

This displacement of just deserts for the wrong done to the sanctioned offender need not be a consciously articulated program. Rather, as Katz (1988) suggests, it can appear in the construction of a reputation for "badness," a "hardman" who will tolerate no disrespect and who will dominate anyone he chooses. When disrespect by another citizen is a precipitating situational cause of crime, it may actually reflect an underlying anger at the disrespect shown by police or courts in the last sanctioning encounter. Had that encounter been more respectful of the offender, perhaps the offender would be less sensitive to disrespect and less ready to punish anyone who accidentally or intentionally shows new disrespect to the offender.

Yet some defiance may be a more explicit project of displaced just deserts. Much offending occurs in cyclical but brief, multi-offense crime "sprees" or rampages, among both poor street robbers and middle-class adolescents (Katz 1988,

p. 203). Such spreeds might be touched off by episodes of disrespect, perhaps from authority figures other than criminal sanctioners: teachers, parents, employers.

The 1992 Rodney King verdict riot in Los Angeles illustrates this process for general defiance. The acquittal of the four accused officers symbolized the unfairness of criminal sanctions that allowed police to beat a Black man already in custody. But the riots that followed were not aimed at the police or Ventura County jurors. Rather, a major target was Korean and other Asian merchants operating in Black and Hispanic neighborhoods, 2,000 of whose businesses were destroyed (Kotkin 1993). These businesses had been repeatedly accused of disrespectful behavior toward neighborhood young people, including illegal use of deadly force against thieves (National Public Radio 1993). Those businesses thus substantively provoked the attacks on them, at least in the eyes of the attackers. But the attacks may never have occurred if the procedurally unfair beating and jury verdict had not sent the weakly bonded community into a spiral of proud defiance and rage.

Defiance theory thus calls attention to a problem that extends far beyond the criminal sanction: the conduct of everyday discourse with alienated persons who react with indignation to any hint of social disapproval. Schools, parents, employers, and fellow citizens increasingly recognize large numbers of highly "touchy," angry people ready to punish any available target for the sins of their past insulters, starting with the shame they felt as children from rejection by caretakers (Scheff and Retzinger 1991, p. 64) or historical insults to their social category. Some of them are police, some of them are criminals, and some of them merely file lawsuits. . . .

Testing Defiance Theory

The best tests of defiance theory, like all criminal sanction effects, will be randomized experiments. But that does not leave out other methods.

Ethnographic work with criminals in field settings, longitudinal cohort designs, interviews with offenders immediately after arrest and on subsequent occasions, interviews with offenders' families and romantic partners, and observations of arrests and courtroom encounters can all test aspects of defiance theory. Perhaps the most important question for non-experimental methods is how offenders choose to accept or deny shame—how they choose impotence or indignation. Is that the true significance of testosterone (Booth and Osgood 1993) or body type? A strong domineering parent? A powerful social network of co-offenders, or a charismatic peer leader? These and many other questions need to be explored to further develop the causal mechanisms of defiance.

As for future experiments, randomization is only the first step. Theoretically guided measurement of causal mechanisms must also be

incorporated. Observations of sanctioning experiences, for example, are needed to classify them as reintegrative or stigmatic, disrespectful or polite, consistent or arbitrary. Interviews with sanctioned and unsanctioned offenders are needed to determine their moral evaluation of the sanctioning decision and what emotional reaction they may have had. Similar detail could be sought about future crimes to capture the motivation and circumstances associated with them and test the connection (if any) to past sanctioning or more recent encounters with unfairness or disrespect.

Until recently the science of sanction effects has been short on facts and even shorter on theory. Now, it seems, the available theory has gotten ahead of the facts. The future of research in crime and delinquency will be better served if the facts and theory stay neck and neck.

Discussion Questions

1. Why is a "theory of the criminal sanction" needed? How well do criminologists explain why criminal sanctions sometimes increase, sometimes decrease, and sometimes have no effect on offender recidivism?
2. Think back to the most memorable times in your life when an authority figure—a police officer, a school principal, a teacher, a coach, or a parent—tried to sanction, punish, or reprimand you. Did you ever act or feel like acting defiantly? Alternatively, did you ever feel like you should change your behavior and act more appropriately? In these situations, what factors made the difference in how you felt and acted? How does this relate to Sherman's defiance theory?
3. Based on his defiance theory, how would Lawrence Sherman want police to act when arresting suspects? Judges when sentencing defendants? Probation and parole officers when supervising offenders in the community? Correctional officers and wardens when making and enforcing prison rules against inmates? What do you think the effects of current sanctioning practices are likely to be in these different parts of the justice system?

18. Making Good

Shadd Maruna

In the latter part of the 1990s, Shadd Maruna served as the co-principal investigator of the Liverpool Desistance Study (LDS). This project involved interviews with 65 persistent offenders (55 men, 10 women). Eventually, based on the LDS interviews, Maruna was able to distinguish 30 subjects who were desisting from crime and 20 who were continuing in crime (the other 15 were in between). These two groups were matched and thus similar on background characteristics related to recidivism, such as age, criminal history, and onset of offending. Importantly, observed Maruna (2001: 49), these factors “provide little understanding about how desistance occurs.” In fact, given that they had been career criminals, it was puzzling why the desisters had decided to stop offending and were now “making good” and trying to create “new lives for themselves” (pp. 6–7).

As will be seen in Part XIII, criminologists have paid a lot of attention to why desistance occurs. One popular explanation is that as offenders get older, they simply age out of crime—just as they may age out of playing basketball. Another important viewpoint is that key events—such as a good marriage or a good job—are turning points that cause offenders to pivot away from criminal pursuits (see Sampson and Laub, 1993). From his interviews, however, Maruna was persuaded that another factor was important in differentiating between persisters and desisters: what offenders thought about themselves and their future.

Labeling theory had called attention to how stigmatization caused offenders to internalize a criminal identity, which in turn helped to stabilize their waywardness. Maruna saw identity not as fixed but as dynamic or changeable. Building on the work of McAdams (2001), he conceptualized identity not simply as a narrow self-concept (“I am a thief”) but as a self-story or narrative that people told about who they were and why they acted as they did. He discovered that those who persisted in crime had a particular kind of narrative identity, which he called a “condemnation script.” These offenders believed that they were “doomed to deviance”—that they were so embedded in crime and in dire economic circumstances that they had no choice but to continue offending (Maruna, 2001: 74).

Unlike traditional labeling theory, however, Maruna identified a different narrative identity—which he called a “redemption script”—that allowed offenders to escape a criminal career. In this story, offenders claimed that despite years of breaking the law, “deep down they were good people” and that being a criminal was not the “real me” (Maruna, 2001: 88–89). They manifested optimism that they would now control their lives and overcome the obstacles they still faced. And they pursued a higher purpose in life, often seeing their past criminal involvement as enabling them to counsel others at risk of entering or already trapped in a criminal life course. Their previously wasted life could now be put to good use.

Notably, Maruna has argued that some official means should be developed to recognize redemption and to allow offenders to move beyond their stigmatized status as ex-offenders. He has discussed ideas such as "judicial rehabilitation" and "redemptions" or "reentry rituals" (Maruna, 2001, 2011a, b). Just as the court publicly announces convictions of defendants, so too could courts or some other community body announce that offenders who had served their time, stayed crime-free, and done good works were now rehabilitated and could be given a moral "clean bill of health" (2011a). "Not only must a person accept conventional society in order to go straight," cautions Maruna (2001: 155), "but conventional society must accept that person as well."

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hundreds of casual and in-depth interviews with British ex-convicts between 1996 and 1998. . . .

The premise . . . is that to successfully maintain this abstinence from crime, ex-offenders need to *make sense* of their lives. This sense-making commonly takes the form of a life story or self-narrative (McAdams, 1985, 1993; Sampson and Laub, 1995). "Individuals confront ambiguity, change, and contradictions throughout their lives, (and) constructing a coherent personal narrative on sometimes disorderly lives is one of the dominant struggles that life-course research has uncovered" (Sampson and Laub, 1995, p. 156). . . .

Therefore, I argue that to desist from crime, ex-offenders need to develop a coherent, prosocial identity for themselves. As such, they need to account for and understand their criminal pasts (why they did what they did), and they also need to understand why they are now "not like that anymore." Ex-offenders need a coherent and credible self-story to explain (to themselves and others) how their checkered pasts could have led to their new, reformed identities. Lofland (1969) called this the "question of congruence." . . .

They recast their criminal pasts not as the shameful failings that they are but instead as the necessary prelude to some newfound calling. In general, the highly positive accounts bore almost no resemblance to the ugly realities of the ex-offenders' lives (as one understands them in criminological research). . . .

I describe this process of willful, cognitive distortion as "making good." To make good is to find reason and purpose in the bleakest of life histories (cf. Frankl, 1984; Taylor, 1983). . . .

By "making good," not only is the desisting ex-offender "changed," but he or she is also reconstituted. As with first becoming deviant, "the former identity stands as accidental; the new identity is the basic reality. What he is now is what, after all, he was all along" (Garfinkel, 1956, pp. 421–422). Creating this sense of order out of disorderly lives may be of particular importance to those who are trying to maintain an important life change such as desisting from crime. . . .

I am interested in "false positives"—people who "should" commit crime, according to common wisdom and our best predictive calculations, but do not. . . . I outline the beginnings of a new understanding of *desistance* from crime—the process by which stigmatized, former offenders are able to "make good" and create new lives for themselves. This analysis is largely based on the findings of the Liverpool Desistance Study (LDS), a qualitative investigation of desistance that involved long-term field observations and

Condemnation Scripts

As easy as the money can be in the world of drugs and crime, this pursuit almost inevitably leads to imprisonment and renewed cycles of poverty and stigma. Although a first-time delinquent may overestimate his or her chances of escaping this fate, surely every inmate sitting in prison has started to guess that crime does not pay.

To understand how repeat offending makes sense in the face of such deterrence, one must understand the mind-set or self-perspective of the recidivist actor. . . . Bush (1995), in fact, suggested that almost all deviants share an "antisocial logic" or a "small set of cognitive habits that define their orientation toward life" (p. 144).

The basic structure of this logical self-narrative can be outlined by examining the life stories provided by participants in the Liverpool Desistance Study. . . .

The long-term, persistent offenders in this sample generally said that they are sick of offending, sick of prison, and sick of their position in life. Several talked at length about wanting to go legit or at least doing something different with their lives (see also Burnett, 1992). Yet, they said that they feel powerless to change their behavior because of drug dependency, poverty, a lack of education or skills, or societal prejudice. They do not want to offend, they said, but feel that they have no choice. . . .

I characterize the narrative of persistent offenders as a *condemnation script*. The condemned person in the story is the narrator (although he or she reserves plenty of condemnation and blame for society as well). Active offenders in this sample largely saw their life scripts as having been written for them a long time ago. In a description of "ontologies of the self," Hankiss (1981) called this a "self-absolutory" narrative strategy, in which a negative present follows linearly from a negative past. . . .

Persistent offenders in this sample view themselves as victims of circumstance. They claim to have a clear picture of the "good life" but do not

feel they have the ability to get there using their own volition. The only refuge they can imagine is found in a bottle or behind the wheel of a stolen sports car. In the words of the participant above, "going around a corner and seeing a brick wall there, you're bound to shit yourself, like, but at least you're feeling something. It's something" (male, age 26). It is not a happy narrative. . . .

Persistent offenders, like people who are clinically depressed, might be "sadder but wiser" than their contemporaries who struggle to desist. The condemnation script the persistent offender constructs for him- or herself may or may not be an "accurate" assessment of reality, but it certainly conforms with societal wisdom about deviance, criminality, and the measure of a person's personal success. . . .

Redemption Scripts

Unlike active offenders, the long-time, persistent offender who tries to desist from crime has a lot to explain. The participants in the Liverpool Desistance Study (LDS) each spent around a decade selling drugs, stealing cars, and sitting in prison. Most critically, they have made repeated breaks with the life of crime and drugs (often announcing their "reform" to authorities and significant others), only to return to offending behavior. No one (including the speaker himself or herself) is going to automatically believe such a person, when they announce, "I am a new person" or "I have changed my ways."

If such an enormous life transformation is to be believed, the person needs a coherent narrative to explain and justify this turnaround. . . .

Although each story is of course unique, the self-narratives of the desisting sample feature a number of key plot devices with striking regularity. This indicates that a particular identity narrative may be the most personally and culturally persuasive, meaningful, and enabling for the person who is trying to desist. This section addresses how this recovery story (or *redemption script*) "works," by outlining the elements of this

particular narrative that make it especially coherent and convincing by the standards of "narrative logic" (Bruner, 1987),

The redemption script begins by establishing the goodness and conventionality of the narrator—a victim of society who gets involved with crime and drugs to achieve some sort of power over otherwise bleak circumstances. This deviance eventually becomes its own trap, however, as the narrator becomes ensnared in the vicious cycle of crime and imprisonment. Yet, with the help of some outside force, someone who "believed in" the ex-offender, the narrator is able to accomplish what he or she was "always meant to do." Newly empowered, he or she now also seeks to "give something back" to society as a display of gratitude.

This process might be characterized as "making good." Rather than "knifing off" one's troubled past (e.g., Elder, 1998), this redemption script allows the person to rewrite a shameful past into a necessary prelude to a productive and worthy life. Although the personal agency implied in the "knifing off" concept remains, "making good" involves more self-reconstruction than amputation. . . .

Thematically, the narratives that desisting interviewees make out of their lives differ from those of active offenders in three fundamental ways:

1. an establishment of the core beliefs that characterize the person's "true self"
2. an optimistic perception (some might say useful "illusion") of personal control over one's destiny
3. the desire to be productive and give something back to society, particularly the next generation. . . .

The "Real Me"

Narrators in this sample carefully established their essential nature through personally significant foreshadowing episodes. Even when they were "at their worst," the desisting narrators

emphasized that "deep down" they were good people. In a process with parallels to Braithwaite's (1989) restoration process, the ex-offenders look in their past to find some redeeming value and emphasize their "essential core of normalcy" (cf. Lofland, 1969, p. 214). . . .

The most common strategy, therefore, is to mine even deviant episodes in one's past for positive qualities. For instance, many narrators establish their "true self" as a heroic underdog who only did what needed to be done to help family and friends. . . .

When describing their offending histories, almost all the desisting narrators frequently emphasized that they have "a good brain," "a good heart," or some other positive attributes. Even those who did admit to being "no bright spark" frequently emphasized their street smarts and understanding of how life works. . . .

Making good, in this framework, is not seen as a matter of being resocialized or cured, but rather becomes a process of freeing one's "real me" from these external constraints or "finding the diamond in the rough." This process of self-discovery was frequently described in terms of empowerment from some outside source. . . .

Tragic Optimism: Making "Good from the Bad"

In perhaps the most important manifestation of this positive outlook, former offenders tend to recast their lives as being "planned" or orchestrated by a higher power for a certain purpose. . . .

In many ways, this resembles what Frankl (1984) called "tragic optimism," or the belief that suffering can be redemptive. In this case, however, the belief is that one's *mistakes* can make one a stronger person. In fact, for many, the only thing they do have "to show for themselves" after 10 years of involvement in criminal behavior is the wisdom they gained from spending this much time on and beyond "the edge." This experience, for whatever it is worth, is turned into a strength in the redemption script. . . .

More typically, interviewees said, the experience of having “been there and back” has provided them with a sense of “street cred” (credibility among young people) or else an insight into life or how the world works. Ex-offenders say they have learned from their past lives, and this knowledge has made them wiser people. . . .

While rarely this explicit, the underlying suggestion in many desisting narratives is that the person who experiences crime and then goes straight is in some ways morally superior to the person who has never experienced drug use or criminal behavior. The ex-offender, after all, has tasted the euphoria of easy money, drugs, and criminal domination and has still managed to renounce these pleasures and pursue a more productive lifestyle. . . .

Finding One's Purpose

According to Lofland (1969), “Transformed deviants tend to become not merely moral but hypermoral. . . . They take on a relatively fervent moral purpose” (p. 283). The desisting participants in this sample indeed often claimed to have found a higher purpose and found fulfillment in “fighting the good fight” (male, age 30), defined differently by each narrator. For this Liverpool sample, this “moral purpose” often took the form of mutual-help movements or class-based identity politics. In a U.S. sample, ex-offenders may be more likely to turn to race- or faith-based social movements (e.g., Maruna, 1997). Regardless of the specific framework, ex-offenders who desist seem to find some larger cause that brings them a sense of purpose. . . .

Each of us seeks to stave off meaninglessness and void by finding some life pursuit worthy of our time. As was outlined . . . for the active offenders in this sample this fulfillment is largely sought in the “big score” and other experiential thrills. Desisting interviewees, on the other hand, expressed a desire for more lasting accomplishments or “something to show” for themselves. They described newfound pleasures in creative and productive pursuits, and often expressed a

special attachment or duty to some particular community, group, or cause. . . .

Nonetheless, the impulse toward volunteerism and mentoring could be found in almost every narrative:

Hopefully I'll be a probation officer soon—or rather work in the probation service, not as a probation officer. I want to *give people my life*—you know, experiences—what I been through. You know, tell them what experiences they can have if they do what I done, basically. (male, age 31)

This urge to “give people my life” appears repeatedly in the interviews with desisting people, who use almost identical language in explaining this desire. . . .

A lifetime that is deemed a “waste” or a shame can be “put to use” by saving one—“even just one”—other life from repeating the same mistakes. This cautionary story is intended in particular as a gift for the next generation.

I was saying to [my brother's] kids the other day. I'd sat both of them down the other day, and I said, “Listen, me and your dad have wasted our lives. I don't want yous to do what we've done. For 15 or 16 years, me and your dad wasted our lives, and now we want you to take a leaf out of our book.” (male, age 33) . . .

The moral heroism of the redemption script “serves to make acceptable, explicable and even meritorious the guilt-laden, ‘wasted’ portions of an Actor's life” (Lofland, 1969, p. 287). This reconstruction also allows the ex-offender to “unabashedly and proudly” announce his or her past, instead of having to run from it (Irwin, 1980, p. 94). Essentially, the desisting ex-offender has found a meaning in his or her otherwise shame-filled past. . . .

Yet, this sense of optimism and self-efficacy might be useful for sustaining desistance. For all of its problems, being a criminal provides individuals with at least momentary escapes into excitement, power, and notoriety. If going

straight means accepting docility, self-hatred, and stigma, there is little reason to desist from such escapes. . . .

Recognizing Redemption

The most difficult obstacle ex-offenders face in the effort to make good is one that they have partially created for themselves. Ex-offenders zigzag between crime and noncrime, and they frequently make the claim that they are going straight “for sure this time, I really mean it,” only to relapse into crime and drugs. Like the boy who cried wolf, the drifting deviant eventually loses credibility, even with himself or herself. Because employers, agents of social control, and other community members have little confidence in their own ability to discern between legitimate and illegitimate claims to personal reform, the safest option is to interpret any ex-offender’s claim to going straight as “phony, feigning, unbelievable or implausible” (Lofland, 1969, p. 210). To do otherwise would be to “open oneself to the perceived possibility of being hurt, taken in, suckered, abused,

put down or in some other way being made to seem a less-than-competent player of the social game” (p. 212).

Knowing this well, the LDS interviewees seemed almost obsessed with establishing the authenticity of their reform (see also Weinberg, 1996). . . .

Reformation is not something that is visible or objective in the sense it can be “proven.” It is, instead, a construct that is negotiated through interaction between an individual and significant others in a process of “looking-glass rehabilitation.” Until ex-offenders are formally and symbolically recognized as “success stories,” their conversion may remain suspect to significant others, and most importantly to themselves. After all, only a few years ago, each participant had been officially and publicly labeled a “criminal” in the media and by social control authorities as high as judges.

I would say that four years ago, the judge’s comments, “You are a menace and a danger to society. Society should be protected from the likes of you,” it didn’t go down well. (male, age 28)

Discussion Questions

1. Who were the subjects of Maruna’s study? In this context, what does he mean by the concept of “making good”?
2. What is the difference between a condemnation script and a redemption script? What are the three main features of a narrative that make it a redemption script?
3. Although labeling theory has traditionally focused on the persistence of offending (or “secondary deviance”), Maruna’s main interest is in explaining the opposite—desistance from crime. Why is having a coherent, positive identity—reflected in a redemption narrative—crucial to desistance and to offenders’ making good in their lives?
4. What is your self-identity narrative? How does it shape your behavior? Do you think that students who fail in college might have a “condemnation script”? Does thinking positively about yourself and your future affect your choices?
5. In other writings, Maruna has argued that one way to recognize that offenders have changed is to conduct a “redemption” or “rehabilitation” ceremony. After being crime-free for several years and living a good life, a ceremony would be conducted that would officially proclaim them as rehabilitated and restore to them the full legal rights enjoyed by all regular citizens. Would you support holding redemption ceremonies? Why would a labeling theorist support this idea?