Appendix A – Theoretical mechanisms for restorative justice

Restorative justice mechanisms that can reduce reoffending

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A review of recent literature suggests that restorative justice (RJ) can reduce reoffending through a number of different mechanisms. These are detailed below.

Techniques of neutralisation – Sykes and Matza

Sykes and Matza (1957) suggest that offenders often justify and mitigate their criminal behaviour by using 'techniques of neutralisation'.

These include:

- the denial of responsibility ('it wasn't my fault')
- the denial of injury ('no one was harmed')
- the denial of the victim ('it was the victim's fault – they had it coming')
- the condemnation of the condemners ('you were just as bad in your day')
- the appeal to higher loyalties ('my friends needed me, what was I supposed to do?')

These techniques allow the offender to avoid moral accountability for their act, and potentially avoid punishment by suggesting that there was no criminal intent to their actions. This protection from blame also enables the offender to avoid damaging their self-image.

RJ is effective because it prevents techniques of neutralisation occurring, as the offender has to explain their actions and take responsibility for them.

Labelling theory – Becker

Becker (2003) suggests that, if individuals are labelled as criminals as a result of their treatment within the criminal justice process, they are more likely to internalise this label and act on it.

After being labelled, an individual is likely to continue offending, as this is now how they self-identify. By continuing to offend, they are behaving in a way that they feel is expected of them from

society.

Becker explains that deviant behaviour is not always about the crime, but how others react to it. If RJ treats the offender in a fair way then the effects of labelling can be avoided.

Reintegrative shaming – Braithwaite

Reintegrative shaming involves the shaming of the criminal act, rather than the offender, and can prevent the offender from becoming labelled as a criminal (Braithwaite, 1989).

During RJ, if the offender is treated with empathy and respect, and as a good person who has committed a bad act, future offending may be prevented.

Reintegrative shaming allows the offender to understand what they have done wrong, and to feel shame and genuine concern for the people they have hurt.

This technique of shaming by using fairness and respect can be used throughout the RJ programme.

Shame and rage – Scheff and Retzinger

Scheff and Retzinger (1991) suggest that people have different emotional responses to sanctions and shaming.

These emotional responses occur as a result of social bonding, the treatment from the sanctioning agent and the consequential reaction from society.

Interactions where shame is not acknowledged, such as during court appearances, can lead to further shame, and a cycle of anger and potentially violence.

Allowing offenders to feel ashamed and to acknowledge the harm caused to the offender can lead to the repair of relationships with victims and a reduced likelihood of reoffending.

Procedural justice – Tyler

Tyler's study (2003) of compliance and procedural justice involves the fairness of legal authorities and how their legal processes shape public behaviour.

If experiences and community perceptions of the law and enforcers are fair and transparent, then compliance of the law is more likely.

Compliance of the public towards the law and authorities make the methods of the police and courts more effective.

If offenders feel that they are being treated fairly by the RJ process, they are more likely to respect the law in future.

Defiance theory – Sherman

Sherman's defiance theory combines reintegrative shaming, the sociology of master emotions, and compliance and procedural justice to explain how increased future offending against the sanctioning agent may result from how they reacted to the sanction (Sherman, 1993).

If an offender feels that they are treated unfairly or that a sanction is illegitimate, they are more likely to defy the law and continue to offend.

As with procedural justice and shaming (above), those offenders who feel that the sanction (RJ) is fair and shame is acknowledged are less likely to reoffend.

Interaction ritual theory – Collins

In successful rituals (in this case, RJ conferencing), individual participants are physically together with a shared purpose and mood. Each participant is also aware that they have a part to play in the process (Collins, 2004, cited in Rossner, 2018, and Rossner, 2018).

This creates a synchronisation in conversation, bodily movement and emotion.

This shared focus and understanding promotes a feeling of solidarity between participants, resulting in feelings of goodwill.

If these feelings of shared emotion are experienced, it can result in long-term impacts to individual confidence and recommitment to the group's standards of morality.

Summary

In summary, the use of RJ, which prioritises respect and fairness over blame and stigmatisation, enables the offender to express higher empathy for victims and lower feelings of hostility. If the offender can demonstrate that they are sincere and genuine, the victim can heal and can then understand and assist in resolving the conflict (Walgrave and Aertsen, 1996).

Tags

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