ISSN (Online): 3006-7219 ISSN (Print): 3006-7200

https://ctr.rjmss.com/index.php/19/about

### Putting Names on People and Using Shame as a Form of Punishment and Fun

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#### **Abstract**

As a tool for administering criminal justice, shame has a checkered past since it has been used by various branches of government in a variety of different contexts and configurations over the course of history. Despite this, the act of humiliation has been given a greater platform in the later half of the twentieth century by the mass media, ostensibly for the purpose of providing pleasure and reducing the incidence of criminal behavior. This essay provides a context for the phenomenon of mass-mediated humiliation by situating it within the greater framework of popular culture and the legal system. The use of popular culture as a way to humiliate is a crucial technique that serves as a means of reinforcing prevalent societal notions about crime and criminal behavior. However, it also possesses a subversive power that presents a challenge to regimes that want to use shame as a tool for social manipulation or economic profit. This capacity is a result of the fact that shame is a universal human experience. Dateline NBC: To Catch a Predator, an American tabloid news platform that is internationally recognized, serves as an informative case study to highlight the complicated cultural context around the concept of shame.

**Keywords:** intimidation, public scrutiny, virtual anonymity, predators, and vigilantism

#### Introduction

Despite the existing correlation between emotions and the formulation of criminal legislation (Karstedt, 2002), Western democracies have consistently moved away from relying on emotions and instead emphasize the presentation of punishment as a logical and rational procedure. This transition has transpired notwithstanding the persistent trend of diminishing reliance on emotional factors. However, it is worth noting that in the 1990s, there was a noticeable increase in the level of attention among criminologists

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and policymakers in the field of criminal justice policy regarding various emotions, such as shame (Massaro, 1991, 1997; Karstedt, 2002). According to Karstedt, the phenomenon of "re-emotionalization" in the field of law has exerted a significant impact on the public dialogue pertaining to crime, as well as the punitive measures implemented within the criminal justice system. Massaro (1991: 1884) posits that a notable proportion of individuals assert the presence of considerable dissatisfaction about current approaches to punitive measures. The manifestation of this dissatisfaction is evidenced by the resurgence of legally consequential actions driven by heightened emotions.

Karstedt (2002) argues that there exists a perspective which suggests that the inclusion of emotions in criminal law reflects a broader trend in late-modern society that places increased importance on the emotional encounters of individuals. This specific ideological perspective asserts that the incorporation of emotions into the framework of criminal law is indicative of a broader societal pattern. In light of the prevailing circumstances, it is evident that a certain feeling, namely shame, has gained heightened societal significance within the framework of modern criminal justice. This phenomenon can be attributed to the fact that shame is an inherently subjective emotion.

The notion of shame experienced a resurgence within the context of late-modern criminal justice, exhibiting several manifestations. The emergence of restorative justice programs in contemporary Western criminal justice systems, as shown by Braithwaite (1989), has led to a reevaluation of shame, perhaps imbuing it with a renewed and favorable meaning. The rationale behind this perspective is rooted in the recognition that shame can serve as a mechanism for remedying damage inflicted. The notion of restorative justice, originating from the cultural practices of indigenous communities, is based on the fundamental principle that offenders should be encouraged to experience feelings of remorse and regret for their transgressions, with the aim of fostering personal growth and awareness. In this particular context, the phenomenon of shame transitions from an unintentional outcome or repercussion to a deliberate method employed for

ISSN (Online): 3006-7219 ISSN (Print): 3006-7200

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the aim of administering punishment (Pratt, 2000: 418). Karstedt (2002: 302) asserts that the restorative justice movement has garnered significant acknowledgement within justice institutions. This observation underscores the capacity of the movement to evoke a response from both the criminal justice system and the wider public through the restoration of emotional engagement.

Furthermore, scholars specializing in the field of punishment, like Pratt (2000), Garland (2001), and Simon (2001), have observed a return of severe, emotionally charged, and prominently displayed methods of punishment authorized by the state since the late 1970s. The initial observation of this phenomenon was made by Pratt in 2000, with subsequent recognition from Garland in 2001 and Simon in 2001. Chain gangs in the Southern states, "boot camps" intended for shock incarceration, the reintroduction of the death penalty in various states, the adoption of three-strikes sentencing regimes with substantial consequences for individuals, and the imposition of idiosyncratic and demeaning sentences by American judges exemplify punitive measures within the United States. According to Karp (1998), these forms of sentencing are classified as "shame penalties." Karp provides several visual representations throughout his scholarly discourse, encompassing the subsequent examples: Various judges in multiple courts throughout the United States have issued mandates that oblige individuals who have been convicted of sex offenses to disseminate information about their status as sex offenders through means such as running advertisements in local newspapers or displaying signs on their premises. These legal decisions can be found in many jurisdictions throughout the nation. • In the United States, specific courts have implemented a regulation that mandates convicted individuals charged with driving under the influence to display placards on their vehicles, thereby notifying the public of their intoxicated state. • As a condition of their probation, an individual accused of displaying immature behavior was compelled to wear a diaper over their clothing.

The prevailing discourse suggests that these punitive actions are seen as a response to the widespread discontent among the general public regarding

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perceived inadequacies and inefficiencies within the criminal justice system. According to Altheide, the tendency of the mass media towards "gonzo" sanctions serves to improve the media's credibility as well as its influence.

It is exciting to discover that shame punishments have acquired acceptance within popular culture through unexpected and paradoxical means. Although the major purpose of criminal justice authorities is to impose their authority over future offenders through widely publicized demonstrations of punishment, it is fascinating to see that shame punishments have garnered acceptability within popular society. The character of Larry David, played by Larry David, who is also the creator of Seinfeld, was represented as being sentenced to wear a sandwich board sign in a recent episode of the television series Curb Your Enthusiasm, which is broadcast by HBO. The sign read "Sentenced to Wear a Sandwich Board." The goal of this placard was to make it known to the general public that he was found guilty of the crime of stealing cutlery from a high-end restaurant that was situated in Hollywood. This particular episode, which was originally broadcast on television on November 25, 2001 and was titled "The Massage," The punishments that were imposed on the person who received the "scarlet letter" were a source of derision. A misunderstanding led to the commission of the infraction, which may be explained as follows: David was taking the utensils from the dining facility with the aim of letting his chauffeur to participate in any food that was still left over from their last meal. Despite this, David suffers significant consequences for his public disclosure as an individual convicted of illegal activities, including the abrupt termination of a highly profitable agreement to develop a novel television program. This occurs after David has to endure public humiliation in the presence of his fictitious professional colleagues. The sociological satire represented in the program centers on the "fictionalized" exploits of a character who is presented as a real person, which ultimately results in a huge influence. This is accomplished by purposefully avoiding both factual and fictional parts in the show's depiction. Because David has to go through so much anguish for such a petty offense, the so-called "scarlet

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letter" punishments have less of an impact than they might otherwise, drawing attention to the absurdity and inconsistency of their effects. David's infraction was very minor.

According to Presdee (2000), the media has a general tendency to idealize acts of violence, injury, and humiliation, and the portrayal of shame punishments in popular culture likely reflects this larger trend. This phenomena may be seen in action in the syndicated television program TMZ, which is directed by Harvey Levin, a lawyer who formerly worked as a legal commentator for People's Court, as well as in the celebrity gossip website TMZ.com. Harvey Levin is a former legal commentator for People's Court. These news organizations get a great deal of satisfaction from displaying images that are derogatory and embarrassing to public personalities. A large amount of attention has been drawn to the ubiquity of unedited video footage that captures celebrities indulging in questionable behavior. This practice is further reinforced by TMZ and the larger celebrity gossip industry, both of which routinely spread narratives and photographs depicting celebrities who are entangled in legal predicaments. TMZ was founded in 2004 and is one of the most popular celebrity gossip websites. According to Presdee (2000), the emergence of humiliation as a commodity within the arena of entertainment can be linked to the intrinsic repercussions of the civilizing process as well as the societal tendency toward establishing more rigorous social norms. Furthermore, this phenomenon can be attributed to the fact that the entertainment industry has become increasingly inclined toward developing more stringent social norms.

According to the author on page 85, reality television and other kinds of mass-mediated platforms serve as a means to connect individuals with a displaced realm that is marked by irrationality and perpetual transformation, and as a result, allow for the unfettered expression of subjectivity. Therefore, it is possible to claim that reality television and the practice of receiving pleasure from the humiliation of others can be considered as contemporary vestiges of Bakhtin's (1968) concept of the carnival. This is because reality television and

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the practice of deriving pleasure from the humiliation of others are similar in nature.

According to Pratt (2000: 419), there has been an increase in what he refers to as "expressive extra-legal sanctions." This is in addition to state-imposed punitive measures that are dehumanizing, stigmatizing, and mandated by the government. Additionally, there have been an increase in constructive types of shame. When it comes to dealing with cases involving pedophilic sexual offenders, there are some examples of "extralegal" shame punishments that have shown to be very effective.

The ideological concept that is concerned with rules and regulations.

One may make the argument that the significant shifts in political, economic, and cultural paradigms that happened in the second half of the 20th century coincided with the rise of expressive and emotive modes of punishment in the earlier part of that century. David Garland (2001), who hypothesized that a new control culture arose around the end of the twentieth century, provided the most significant addition to our present-day capability of comprehending the extensive alterations that have taken place. Garland (year) proposes that the criminal justice system has adopted a unique severity, which may have served as a predecessor to the present practices of humiliation and shame. It would appear that the current push for a fresh "law and order ideology" is the driving force behind the overt efforts being made to elicit emotional responses, particularly through the application of shame. This ideology can be distinguished from other similar ones by a number of distinguishing traits. Notably, it entails the practice of "othering" criminal criminals, particularly juvenile offenders and sexual offenders, by portraying them as horrible people who are beyond redemption and cannot be accepted by society. Additionally, this ideology places a large emphasis on the victims of crime, giving their requirements and experiences precedence above the requirements and motives of the perpetrators themselves. In other words, the victims of crime take center stage in this philosophy. In addition to this, it leads to the politicization of crime, which in turn elevates it to a position of preeminent political concern. As a result of this, there is a growing desire from both the

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general public and authorities working in the criminal justice system for the reduction of procedural protections, increased severity of punishments, and more police presence. I'm sorry, but the sentence you provided is missing some information. If you could please supply any additional information or context, I would really appreciate it. In conclusion, the establishment of a "law and order" paradigm in the latter half of the twentieth century permitted the acceptance of novel kinds of punishment that emphasize self-expression and emotional components. These types of punishment include solitary confinement, community service, and alternative sentencing. The existence of these individuals was magnified by the media, which led to a resonation among viewers who were looking for a target for their annoyance (Doyle, 1998: 97).

The depiction of bridge crossings in various forms of modern media.

The current tendency toward adopting a mindset of "law and order," along with the introduction of fresh and degrading ways of punishment, has coincided with a transition in the portrayal of crime in the media and popular culture. This change has occurred concurrently with the emergence of novel and demeaning methods of punishment. In a recent analysis that was carried out by Cavender (2004a: 338), it was discovered that the distinctions between news and entertainment, as well as fact and fiction, have become increasingly blurry in current media portrayals of criminal activity. This was one of the findings of the investigation. One noteworthy example is the all-encompassing allure of hybrid television formats, which first appeared in the 1980s and have since come to be known as "reality TV." These formats have been increasingly popular over the years. Because crime stories are depicted over and over again in media such as the news and fictional entertainment, they have become increasingly predictable in terms of the sort of crime, the scale of the crime, and the resolution to the crime. Since the 1970s, the predominant perception of crime that has been perpetuated by the media and popular culture has been characterized by a sense of widespread lawlessness, universal vulnerability, and the necessity of addressing it through the elimination of leniency in legal

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procedures, thereby granting increased authority to law enforcement and other vigilante figures (Rafter, 2006).

The current social conception of crime as an accepted "reality" is helped along by the confluence of reality and fiction that occurs inside contemporary media platforms. It is common practice for dramatic plots in television dramas, such as "Law & Order," to draw inspiration from real-life occurrences. This method is also referred to as "ripping from the headlines," which is a pun on the phrase "ripping from the headlines." In a similar manner, narrative strategies similar to those found in well-known works of fiction about criminals are frequently used in news articles. Friedman (2002) asserts that fictional depictions of illegal acts are written with a sense of realism in mind as they are being developed.

#### **Discussion**

Within the context of contemporary mass-mediated popular culture, the film "To Catch a Predator" functions as an illustrative example of a case study that investigates the intersection of criminal law and personal responsibility. According to the findings of this case study, the use of mediated displays of humiliation has the potential to undermine the same authority that wants to utilize them in the first place. According to Valier (2004: 251), the use of visual representations in the context of punishment involves the acts of presenting, seeing, perceiving, and experiencing, which consequently become fundamental components of punitive authority. In addition, Valier draws attention to the fact that these acts may be called into question and debated as a part of the larger discussion surrounding the topic of punitive authority. It is worth considering, in light of the fact that "critical image practice" (p. 252) has the potential to serve as a means of resistance and interrogation of power dynamics, whether or not images depicting government-sanctioned or agentperpetrated acts of humiliation possess an inherent subversive capacity due to their ability to elicit emotional responses and compel individuals to confront issues that are uncomfortable for them (p. 252).

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The academic study that Bauman (2006) conducted on the phenomena of terror within the context of "liquid modernity" provides useful analytical views on the links between reality television, the criminal justice system, and the sense of being humiliated. According to Bauman (p. 18), reality television serves as a medium that successfully reflects the issues that contemporary society faces, particularly those challenges that are related with the fluidity and uncertainty that is characteristic of modern existence. Reality television shows that depict dangerous situations, such as "To Catch a Predator," bring to life the dangers that come with living in the modern world. People in general have the impression that sexual predators inspire a type of fear known as "derivative fear," which refers to the worry that comes from the possibility of being revealed to unknowns that have been kept hidden for a long time. This form of panic is marked by a profound sense of helplessness, which manifests itself as an inability to respond effectively to perceived dangers that are believed to be inherent in current society. In the context of reality television, Bauman draws attention to the troubling phenomenon of individuals who are at risk of being excluded from civic society. Establishing a relationship between these thematic aspects, the television show "To Catch a Predator" can be understood as an expression of exclusion and humiliation from a philosophical position. This helps to make a connection between these thematic elements. The television program "To Catch a Predator" uses a mediated ritual of exclusion as a way to give a tangible strategy for combatting the intangible apprehension of sexual predators coexisting within our society. This technique is intended to create a means to provide a tangible approach for combating the intangible apprehension of sexual predators. On the other hand, due to the fundamentally subjective nature of online social participation, it is likely that it might drive viewers to grow progressively hesitant, so compromising the ethical clarity that is necessary for the exclusionary ritual. This would be a result of the intrinsic nature of online social participation. There are numerous opportunities to investigate feelings, behaviors, and sexual orientations that are on the cusp of being accepted by society as a result

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of the fluid and changeable nature of online social identities. These opportunities can be found in a variety of online spaces.

Therefore, the growth of online social relationships and their incorporation into everyday life generates a complicated web of ambiguity, in which the validity of identities is just as susceptible to fabrication as it is to genuineness. One troubling idea relates to the possibility of ambiguity around the demarcation between blame and innocence. This may not correlate with the straightforward portrayal offered by To Catch a Predator within the obtuse environment of online discussion boards, which is one of the reasons why this idea is unsettling. This indicates that each one of us has the capacity to experience the upsetting phenomena of being excluded, regardless of whether it was done intentionally or accidentally. Particularly in light of the tremendous moral outrage expressed towards the show "To Catch a Predator," some industry professionals are considering the potential that viewers would eventually turn their backs on the program's spectacle of degradation. It has been seen that the origin of this dislike can be traced back to causes that could be considered puzzling. The writer of a recent expose that was published in Esquire magazine offered an invitation to readers to empathize with the people who were fooled by the widely known fraud that was shown in the show To Catch a Predator.

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