

Case 11: It's a Shame

The meme on Facebook is a familiar one: a child or pet contritely holding or wearing a dry erase board exposing their sins. When it's the puppy who has just covered the house in toilet paper, it can be cute. No one worries about the emotional trauma the puppy suffers from such shame (even if the puppy looks as if he knows he has just committed a mortal sin).⁴⁶ But with children, the debate continues as to whether the shame involved with mandatory social media apologies is a good way to both punish and rehabilitate the offender.

Stories of public shaming occur in the Bible,⁴⁷ as well as historical fiction. The *Scarlet Letter* by Nathaniel Hawthorne may be the most famous work in literature to address public shaming as a form of punishment. In the book, Hester Prynne is forced to wear a red "A" on her chest because she gave birth to a child out of wedlock.⁴⁸ But public shaming is not merely a historical fiction—it has actually been used in many societies and has appeared in many forms.⁴⁹

Public shaming has been relatively rare in our modern justice system, but some judges have made strides to return to such forms of punishment when it seems to fit the crime. For instance, in 2006, U.S. District Court Judge Donald Molloy sentenced a man to walk around the federal courthouse in Missoula, Montana, for fifty hours wearing a large print sandwich board with statements that announced his crime. The man had lied about being a military veteran in hopes of reducing charges for other crimes he had committed, so the sandwich board read "I am a liar. I am not a Marine," on the front, and "I have never served my country. I have dishonored veterans of all wars," on the back.⁵⁰ Some find this type of punishment fitting, inventive, and effective.⁵¹

Others question whether public shaming actually results in the sort of rehabilitative ends that it appears to seek. Parents who publicly shame their children, particularly for cyber-bullying, often receive criticism that they are failing to lead by example, and are giving power to the very practices they are trying to eliminate in their children. For instance, Cara Schneider was criticized for posting images on the internet of her daughter holding a sign admitting to cyber-bullying and informing the public that she was having to sell her iPad for her bad behavior.⁵² Some felt that Schneider should not be exposing her daughter to online ridicule. Others believed

⁴⁶ See examples of pet shaming at: <http://www.dogshaming.com/>; <http://www.petshaming.net/>.

⁴⁷ See Martin H. Manser, entry "5879 humiliation" <https://www.biblegateway.com/resources/dictionary-of-bible-themes/5879-humiliation>, The Bible Gateway, 2009.

⁴⁸ The full text of *The Scarlet Letter* can be read at <http://www.bartleby.com/83/>.

⁴⁹ See crowd-sourced history of public shaming on Wikipedia at http://en.wikipedia.org/wiki/Public_humiliation, and review the primary sources to which the page links for historical context of public shaming.

⁵⁰ Tristan Scott, "Judge orders public shaming for deceit," *The Missoulian*, July 8, 2006, http://missoulian.com/news/local/judge-orders-public-shaming-for-deceit/article_161c875a-e78b-5795-bf53-128ea77bdf97.html

⁵¹ "We often complain about judicial foolishness, so it is a rare pleasure to take note of at least one time when the judge got it just right," http://www.dailyinterlake.com/opinion/article_6082c761-cf77-52cc-aac7-32aef0c2d24d.html?mode=jqm, Opinion, Daily Inter Lake, July 12, 2006

⁵² "Mom shames cyber bully daughter on Facebook," <http://ibnlive.in.com/news/mom-shames-cyber-bully-daughter-on-facebook/445505-79.html>, Jan. 15, 2014.

that the online shaming would further alienate her daughter, preventing future positive communication and training.