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Naming, shaming and criminal justice: Mass-mediated humiliation as entertainment and punishment

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Abstract

Shame has long been a dubious tool of criminal justice and has been carried on by state authorities in a variety of ways through the ages. However, since the latter part of the 20th century, humiliation has become amplified through the mass media in the name of crime control and entertainment. This article situates mass-mediated humiliation within broader trends in criminal justice and popular culture. While the enactment of humiliation via popular culture works powerfully within prevailing cultural beliefs about crime and criminality, there also exists a subversive possibility that threatens to disrupt the forces that attempt to invoke shame for purposes of profit or social control. The popular American tabloid news magazine, *Dateline NBC: To Catch a Predator*, is used as an example to highlight the ambiguous cultural place of shame.

Key words

> *. . . you know you're always walking a fine line. You want to be serious. It's a very serious topic. But you can also be clever about the way you ask the questions. (Chris Hanson, Dateline NBC: To Catch a Predator, 13 March 2007)*

INTRODUCTION

This article examines the way shame and humiliation in criminal justice have become increasingly commodified, enacted, and experienced through hybrid forms of mass media that blur the boundaries of reality and entertainment. I explore the implications of this turn by considering the popular American television program *Dateline NBC: To Catch a Predator*. This tabloid investigative news program, described by the *New York Times* as 'Punk'd for Perverts' (Stanley, 2006), is organized around the spectacle of

humiliating putative pedophiles on network television in partnership with local police agencies and a rag-tag band of internet vigilantes known as Perverted Justice (PJ). The program stands as a rich analytic site to explore the cultural meanings generated by shame as a tool of social control, a salable popular cultural commodity and a performative act. *To Catch a Predator* has left an extraordinary imprint on contemporary popular culture, spawning nearly as many humorous parodies as accolades from politicians and justice officials (Stelter, 2007). At the same time, the program has become mired in controversy in the wake of the suicide of one of the would-be predators profiled on the program. I argue that the remarkable rise and fall of this program demonstrates that humiliation as social control and media spectacle occupies an ambiguous place in popular culture. Furthermore, while humiliation has emerged in recent years as a viable and symbolically rich vehicle for social control, when commodified and refracted through the lens of popular culture, the outcomes are unpredictable and may contain the seeds of discontent. Mediated images of humiliation may work powerfully to subvert the institutions that attempt to put them to productive use. In short, I argue that the rise of deeply shaming and humiliating practices of punishment and social control as entertainment may work at cross-purposes with the forces of law and order and mass media that attempt to exploit them for their own purposes.

EMOTIONS AND MEDIA REPRESENTATIONS OF CRIME

According to recent accounts, the analysis of emotionality and crime has 'moved up criminology's agenda' (Peelo, 2006: 161). Scholars such as Peelo (2005, 2006), Karstedt (2006), Katz (1987) and Presdee (2000) collectively suggest that emotions other than 'fear' of crime ought to be of analytic interest to criminologists. The coupling of emotionality and crime is evident in the rise of 'infotainment' as a dominant style of postmodern journalism (Jewkes, 2004). The turn to 'infotainment' – the 'blurring of entertainment and information' (Peelo, 2005: 26) – powerfully structures public narratives about crime and crime control. Emotionally charged public narratives of crime may in turn contribute to an emotional consensus about crime (Katz, 1987; Peelo, 2006). Echoing Durkheim, Katz (1987) has suggested that individuals reading about crime in the news may not only feel personally outraged, but may feel joined to others in an imagined community similarly outraged by crime. Likewise, Peelo (2006: 163) highlights the way that media reporting of extraordinary homicide cases subtly directs audiences to 'emotionally align' with the victims and survivors. Thus, public narratives about crime in the news media operate on a distinctly emotional level, weaving powerful messages about not only the nature and extent of crime, but also how audiences ought to feel about crime. *To Catch a Predator* similarly plays upon and appeals to emotions running the gamut from outrage to humiliation. However, the program must be understood within a broader context in which emotions such as shame and humiliation have re-emerged as central concerns of late 20th-century criminal justice.

EMOTIONS AND CRIMINAL JUSTICE

Despite an inherent link between emotions and the enactment of criminal law, the long-term trend in western democracies has been to minimize explicit appeal to emotions and to refashion punishment as a technical and rational enterprise (Karstedt, 2002). However, the 1990s witnessed a noticeable resurgence of criminological and criminal justice policy interest in a range of emotions, particularly shame (Massaro, 1991, 1997; Karstedt, 2002). According to Karstedt, the 're-emotionalization' of law has impacted the general public discourse surrounding crime and the sanctions employed in the criminal justice system. For some, the revival of emotionally charged legal sanctions reflects 'profound and widespread dissatisfaction with existing methods of punishment' (Massaro, 1991: 1884). Others have suggested that the reinsertion of emotions into penal law reflects a general trend toward greater emphasis on individual emotionality in late-modern society (Karstedt, 2002). In any event, one emotion in particular – shame – appears to have taken on new cultural significance in contemporary criminal justice.

The reinvigoration of shame in late-modern criminal justice occurred on several fronts. First, shame has taken on new and arguably positive meaning with the rise of restorative justice practices in contemporary western criminal justice (e.g. Braithwaite, 1989). Building on the apparent practices of indigenous peoples, restorative justice works explicitly on the principle that offenders must be made to feel guilt and remorse for their actions in an effort to build consciousness. In this way, shaming becomes 'a formal tactic of punishment itself' rather than an unintentional byproduct or outcome (Pratt, 2000: 418). The widespread adoption of restorative justice principles in justice systems world-wide suggests to Karstedt (2002: 302) that 'the return of emotions has a struck a chord in the criminal justice system and with the public'. Second, critical scholars of punishment (e.g. Pratt, 2000; Garland, 2001; Simon, 2001) have noted the resurgence since the late 1970s of cruel, expressive, emotive and indeed ostentatious forms of punishment delivered by the state. Examples abound: chain gangs in the southern USA, shock incarceration 'boot camps', the renewed use of capital punishment in many US states, 'life-destroying' three-strikes sentencing regimes (Simon, 2001), and a host of bizarre and embarrassing sentences enacted by American judges referred to collectively as 'shame penalties' by Karp (1998).[1] Karp cites the following examples:

- convicted drunk drivers have been required by some US courts to place placards on their cars alerting the public to their criminal convictions;
- a number of judges in various American jurisdictions have ordered convicted sex offenders to take out advertisements in local newspapers or post signs on their properties identifying themselves as such;
- a probationer accused of 'acting like a baby' was ordered to wear a diaper outside of his clothing as a condition of his probation.

These punishments are said to respond to and articulate the public's collective outrage at a criminal justice system believed to be ineffectual and just plain soft. For David Altheide (1992), these sorts of 'gonzo' punishments signal the fact that the public

has lost faith in the institutions of criminal justice and officials are now desperate to demonstrate that they are in control of the crime problem. Thus, the intent of 'gonzo'-style penalties is to simultaneously shame the offender and affirm the legitimacy and power of the state in the face of waning public support for the organs of criminal justice. According to Altheide's formulation, 'gonzo' punishments gain meaning and power by virtue of their affinity for the mass media.

While the intent of criminal justice officials might be to forcefully demonstrate their power over would-be wrongdoers via mass-mediated spectacles of punishment, shame penalties have been taken up via popular culture in a variety of unexpected and oppositional ways. For example, the HBO comedy series *Curb Your Enthusiasm* recently made light of 'scarlet letter' punishments by depicting its protagonist Larry David ('played' by *Seinfeld* creator Larry David) sentenced to wear a sandwich board sign advertising his conviction for the absurd offence of stealing cutlery from a high-end Hollywood eatery ('The Massage'; HBO, 25 November 2001). The offence was in fact the result of a misunderstanding: David was removing the cutlery from the restaurant so his limousine driver could eat leftovers. Nevertheless, David is humiliated in front of his fictional business associates and subsequently pays a steep price for his public exposure as a convicted criminal: a lucrative deal to launch a new TV series is cancelled. The social satire of the program gains force by straddling the line between fact and fiction, centering on the 'fictionalized' adventures of a 'real' person. The fact that David must suffer so profoundly for what amounts to a minor crime powerfully subverts the intent of 'scarlet letter' punishments and demonstrates to audiences the disproportionate and laughable nature of these penalties.

The depiction of shame penalties in popular culture may in fact signal a much broader trend toward the celebration of cruelty, hurt and humiliation in mass media (Presdee, 2000). For example, the tabloid celebrity gossip website TMZ.com and syndicated TV program, *TMZ*, produced by Harvey Levin, an attorney and former legal commentator on *People's Court*, delight in airing embarrassing and often cruel images of celebrities caught in humiliating and demeaning situations. Raw footage of celebrities behaving badly is popular, but stories and images of celebrities in trouble with the law have become a staple of *TMZ* and the celebrity gossip industry in general. For Presdee (2000), the emergence of humiliation as an entertainment commodity is the corollary of the civilizing process and the drive toward greater constraints on social behavior. Reality TV and mass-mediated forms of hurt and humiliation stand as 'a bridge to a displaced world of irrationality and change where our subjectivity runs riot' (p. 85). In this way, reality TV and the blood sport of humiliation-as-entertainment can be read as the post-modern debris of Baktin's (1968) carnival.

Alongside productive forms of shame and state-administered, humiliating and stig-matizing forms of expressive punishments, Pratt (2000: 419) argues that there has also been a resurgence of 'expressive extra-legal sanctions'. Some of the most potent examples of 'extra-legal' shaming sanctions have arisen in response to sex offenders labeled pedophiles. The rise of public access to the Internet in the 1990s opened up a vast frontier for those determined to shame and humiliate individuals beyond the

borders of acceptable sexuality. Perverted Justice (PJ) is one such vigilante group. PJ had its origins in the uncoordinated actions of two computer-savvy men in Portland, Oregon, who baited and played tricks on men trolling for sex with minors in local chat rooms. With names that evoke comic book characters, Xavier Von Erck and Frank Fencepost, they began posing as minors on line in 2002, engaging in sexually charged conversations with men. Once the men had been roped into the scheme, Fencepost in particular delighted in a variety of abusive and shamming tactics including 'inflammatory calls to the families, neighbors and employers of predators' (Grigoriadis, 2007: 4). In the words of Fencepost,

> there's nothing finer than the feeling when some bastard who thought he was about to 'score big' with a ten-year-old gets the surprise of his life: my face on his monitor, my voice on his phone and, in a figurative sense at least, my shit in his mouth. (cited by Grigoriadis, 2007: 4)

Von Erck eventually parted ways with Fencepost and began focusing less on outright humiliation and intimidation and more on helping police secure convictions of online predators (Grigoriadis, 2007). According to Cook (2006), little is known about Von Erck's background because he rarely consents to interviews and provides few personal details about himself for fear of being targeted by the men he has helped to expose. Born Phillip John Eide, Von Erck legally changed his name in 2006 to distance himself from his estranged father who had abandoned his mother when he was one year old (Cook, 2006). A community college drop-out, Von Erck worked at a number of tech support jobs while building up Perverted Justice and eventually assumed the role as its coordinator as a full time job (Cook, 2006). Von Erck has managed to mold the loosely affiliated group of computer vigilantes into a well organized national collective of about 75 volunteers united by the quest to humiliate online predators and deliver up evidence to local police forces. To date, the group has helped to facilitate as many as 300 convictions, according to PJ's website. According to the group's web-based FAQ, there are only two requirements to become a volunteer for PJ: you must be at least 18 years of age and you must not be a pedophile. The motivations driving the organizers and volunteers of Perverted Justice are varied, but in a number of instances can be tied to personal experiences with abuse. Although Von Erck's motivation to start the group was apparently not a result of any direct experience with abuse, according to research compiled by Corrupted-Justice.com (2005), a number of Perverted Justice's volunteers have disclosed personal experiences with emotional, physical and sexual abuse. For at lease some volunteers, rooting out and publicly humiliating online predators is a personally cathartic experience and a chance to fight back against their own victimization. As a result, the online shaming and naming of sexual predators has become 'both the coolest online game they've ever known and a life calling' (Grigoriadis, 2007: 2). In this way, the performance of shame by online vigilante groups like PJ connects the celebration of hurt and humiliation in popular culture with broader cultural and political shifts toward expressive and shaming forms of criminal justice in the late 20th century.

LAW AND ORDER IDEOLOGY

Expressive and emotive forms of punishment have emerged, arguably, hand in hand with other important shifts in politics, economics and cultural orientations in the late 20th century. David Garland (2001) has most famously theorized these broad shifts and has argued that the end of the 20th century has witnessed the rise of a new culture of control. According to Garland, a new punitiveness has emerged in the criminal justice field that has arguably set the stage for current developments in shame and humiliation. Explicit appeal to emotion – particularly shame – appears to have emerged out of this broader movement toward a new 'law and order ideology' character-ized by a number of features: a focus on victims of crime rather than on offender needs or motivation; the emergence of crime as a political issue with parties all along the political spectrum lining up to be seen as toughest; the 'othering' of criminal offenders with young offenders and sex offenders in particular being recast as monsters beyond the pale and beyond redemption; and increasing calls from the public and criminal justice officials for fewer procedural safeguards, tougher penalties, and more power for police. In short, the new 'law and order' orientation that has taken shape at the end of the 20th century has provided fertile ground for these new expressive and emotive forms of punishment amplified via the mass media which ultimately 'touch a chord with audiences looking for a focus for their anger' (Doyle, 1998: 97).

BOUNDARY CROSSING IN MASS MEDIA

Along with this movement toward a 'law and order' ideology and the emergence of new shaming forms of punishment has been a shift in the way media and popular culture present crime to audiences. According to Cavender's (2004a: 338) recent review, fact and fiction, news and entertainment have become 'increasingly blurred' in contemporary media accounts of crime. This can be seen most strikingly in the popu-larity of a variety of hybrid television forms emerging through the 1980s and now popularly known as 'reality TV'. Stories about crime – its nature, extent and resolution – have become routinized through repetitive and formulaic depiction in news and fictional entertainment forms. Since the 1970s, the routine conceptualization of crime presented in media and popular culture is that crime is out of control, everyone is potentially at risk, and the only solution is to get tough by dispensing with procedural softness in the system and allowing cops and other vigilante figures to get tougher (Rafter, 2006). The blurring of reality and fiction in contemporary media formats has the effect of fur-ther reinforcing this taken-for-granted 'reality' of crime. News stories are framed like popular fictional narratives of crime and fictional representations of crime are created 'realistically' with plot lines of dramatic programs like *Law & Order* often 'ripped from the headlines' (Friedman, 2002).

   A number of scholars (Cavender, 1998; Cavender and Fishman, 1998; Doyle, 1998, 2003; Jewkes, 2004; Rapping, 2004; Valverde, 2006) have argued that reality TV pro-grams focusing on policing such as *Cops*, *America's Most Wanted*, and *Crimewatch UK*

reinforce law-and-order ideology in the way they represent the nature and extent of the crime problem and the criminal justice solution. Presented from the perspective of law enforcement, there is little room to appreciate the wider contexts of crime or the complexities of offender motivation (Doyle, 1998). Modern life is presented as inherently risky and fraught with danger at the hands of violent strangers (Cavender, 1998; Cavender and Bond-Maupin, 1993), particularly African American strangers in the North American context (Oliver, 1994). Programs like *American's Most Wanted* suggest that communities are under attack and the only way to fight back is to be perpetually on the lookout for crime (Cavender, 2004b). Likewise programs like *Cops* help to define criminality by presenting it as geographically and qualitatively 'alien' to the established social order (Rapping, 2004). Moreover, because these programs are presented as 'reality', audiences may be more likely to take up their ideological messages (Oliver and Armstrong, 1995). Reality policing programs couple emotive and often humiliating displays of social control with a form of television at the margins of fact and fiction, entertainment and news. Moreover, these programs subtly advocate for the participation of the private sector in matters of justice. Programs like *America's Most Wanted* highlight the inability of traditional law enforcement tactics to stem the tide of crime in America and simultaneously present the mass media as one private sector solution to the 'law and order' crisis.

THE COMMODIFICATION OF HUMILIATION

The last broad strand of thinking that provides context for the present discussion concerns the commodification of various aspects of crime, criminal justice and security. Critical scholars have recently noted the rise of profit-driven, consumer-oriented products and services in the field of criminal justice and security. Examples include private policing and security (Shearing and Stenning, 1983, 1987; Davis, 1991; Loader, 1997, 1999; Haggerty, 2003; Sanders, 2005); for-profit correctional services (Lynch, 2004); high-security gated residential enclaves for the wealthy (Davis, 1991; Blakely and Snyder, 1997; Lynch, 2001); and publicly accessible, privately secured mass-private property facilities like shopping malls (Hermer et al., 2005; Hutchinson and O'Connor, 2005). Moreover, a number of scholars have turned their analytic attention to the commodification and consumption of crime and criminality itself through a variety of popular cultural products that assist in transforming criminals into either folk devils or folk heroes (Tunnell, 1992).[2] Serial killers in particular have long been variously celebrated, sensationalized and reviled through their representation and consumption via popular culture (Jarvis, 2007; Jenkins, 1994; Rafter, 2006; Simpson, 2000). For some authors, this signals the bewildering ability of capitalism to 'convert nearly any concrete or abstract phenomenon' into a salable commodity (Tunnell, 1992: 294) while others have argued that 'the commodification of violence in popular culture is structurally integrated with the violence of commodification itself' (Jarvis, 2007: 326).

The trend toward the commodification of crime and security is often contextualized as part of larger transformations in political, social and economic arrangements that

have left citizens in western democracies anxious and fearful that that state is no longer able to offer protection from the risks that inhere in modern life (Loader, 1999; Garland, 2001). Furthermore, the privatization of security and policing is viewed by a number of authors as indicative of the transformation of governance more broadly and the rise of neo-liberal conceptions of citizenship (Haggerty, 2003). However, the purpose of the present discussion is to explore the cultural meanings generated via mass-mediated spectacles of shame and humiliation. As with other consumer items, the consumption of security products, private policing or representations of crime, punishment and humiliation carry with them a set of meanings that the consumer hopes to communicate about themselves to a wider audience: 'To consume commodities is not only to "do something", but also to "say something"' (Loader, 1999: 379). Thus, consumption is both a material act and 'an emotionally laden cultural performance' (Loader, 1999: 379). The consumption of any consumer product stands always as a potential social marker or a dividing line between 'us' and 'them'. However, to be on the consuming end of imagery of shame, hurt and humiliation is a profoundly symbolic act, affirming our difference from the object of humiliation. For Presdee (2000) spectacles of hurt and humiliation provide audiences with both a form of guilty pleasure and perhaps a sense of relief that they are not on the receiving end of the shameful experience. However, in turning the hurt and humiliation of others into an entertainment commodity to be consumed by audiences, there is a danger that the audience may turn on the producers of the humiliation spectacle. As Foucault (1977: 63) observed about the carnivalistic public rituals of torture and execution that predated the modern penal era: 'the great spectacle of punishment ran the risk of being rejected by the very people to whom it was addressed'. In what follows, I suggest that the modern mass-mediated spectacle of humiliation-as-entertainment carries with it this potential to push audiences into various forms of rejection. Running the gamut from mild satire to official condemnation, the reaction to the commodification of humiliation in *To Catch a Predator* suggests that a multiplicity of meanings may be drawn from the consumption of humiliation as entertainment.

TO CATCH AN AUDIENCE

I think we're covering a continuing story. And this problem isn't going away. You know, we've done 10 investigations so far. And I'll bet you that we could walk into virtually any town in America and do it again. (Chris Hanson, Dateline NBC: To Catch a Predator, *13 March 2007)*

All of the aforementioned trends coalesce in one contemporary cultural artifact: *Dateline NBC: To Catch A Predator*. The program stands at the intersection of fact and fiction, news and entertainment, punishment and carnival. *To Catch a Predator* picks up and responds to contemporary worries about child sexual predators. Moreover, it pushes the boundaries of post-modern journalism by actively creating the very stories it claims to cover in the name of public interest. In this way, the humiliation delivered up on *To Catch a Predator* is not so different from the lampooning of shame on

Curb Your Enthusiasm. Both programs draw on reality and are presented in a realistic fashion. At the same time, the situations of humiliation on both programs are actively constructed and exploited for entertainment purposes.

To Catch a Predator sets up televised 'sting' operations in partnership with Perverted Justice and local law enforcement agencies looking to expose what the program characterizes as a growing national 'epidemic' (Grigoriadis, 2007). The program follows a predicable formula whereby unsuspecting men are lured to a home (impregnated with hidden cameras and microphones) where they believe they are going to meet a teenager with whom they've been chatting on line. Before the dupes realize what's going on, Chris Hanson, the program's host, confronts the unsuspecting men and subjects them to a humiliating battery of questions. Surprisingly, most men stay to answer the questions, often assuming Hansen is a police officer or concerned parent. After the shameful interrogation, the men are sent out of the home where they are immediately arrested by a swarm of police officers with guns drawn, not out of necessity, but apparently in an effort to create more compelling television (Dittrich, 2007). During an episode of the program filmed in Harris County, Georgia, in September of 2006, a man was shown being Tasered by police as he fled the decoy house after spotting cameras (see www.msnbc.msn.com/id/14817741/). While program producers claim they have never directed the actions of police, a review of footage of the program by the Rockwell County, Texas, district attorney's office determined that *Dateline* staff, including Chris Hansen, had been 'interacting with police on the scene, supplying them with information and advising them on tactics' (McCollam, 2007: 29).

What sets this program apart from the satire of *Curb Your Enthusiasm* is that the boundaries between law enforcement and mass media dissolve as *To Catch a Predator* and local police forces collaborate in the production of entertainment and crime control. While the program producers claim they do not directly facilitate any police investigation, journalism ethicists disagree (Brown, 2007; McCollam, 2007). *To Catch a Predator* acts as a bridge between online vigilantes and cash-strapped local police forces. NBC provides the decoy house and reportedly pays Perverted Justice as much as US$150,000 in consulting fees per investigation (McCollam, 2007). Local police agree that without the investigative legwork done by Perverted Justice and the on-camera confessionals orchestrated by Chris Hanson, they would not be likely to secure convictions (McCollam, 2007). Thus, *To Catch a Predator* might be justified on public service grounds as it plays a potentially useful role in bringing would-be sex offenders to the attention of police and justice officials. This mirrors the work of long-running reality 'manhunt' programs like *America's Most Wanted* and *Crimewatch UK* in extending the reach of law enforcement and aiding in the apprehension of fugitives from justice (Cavender and Fishman, 1998; Derosia, 2002; Jewkes, 2004). Yet while reality manhunt programs like *America's Most Wanted* are produced in ways that borrow many of the stylistic conventions of the news (Cavender and Fishman, 1998), *To Catch a Predator* – as a production of a primetime investigative news magazine – is presented *as* the news. Thus, *To Catch a Predator* adds a new and ethically perplexing wrinkle to the 'infotainment' genre by presenting *as* news the very stories it has financially and logistically created.

Apart from the ethical dilemma inherent in a primetime news magazine program collaborating with law enforcement, *To Catch a Predator* presents a rich case study through which to examine the cultural impacts of mass-mediated humiliation. Picking up the spirit of Loader's (1999: 379) discussion, we can examine the 'emotionally laden cultural performance' of the commodification of humiliation from the vantage point of audiences imbued in the consumptive process. The ritual of consuming humiliating images can say much about the identity-formation process of the consumer. Viewers of *To Catch a Predator* participate actively in the othering of sexual offenders and myth making about the dynamics of sex offending against children.

To Catch a Predator must be understood against the broader cultural background of growing concern about stranger abductions and sexual assaults of children. While recent studies suggest that between 80 to 90 percent of sex assaults against children are committed at the hands of perpetrators known to the victim (Grubin, 1998; California Department of Justice, 2001; Trocmé and Wolfe, 2001; Babcock and Tomicic, 2006) recent mediated depictions of the issue have vastly overstated the involvement of strangers. Concern about pedophiles is compounded by the fact that many reports suggest treatment prospects are mixed at best (Kirsch and Becker, 2005), while others go so far as to suggest that pedophiles are 'virtually incurable' (Griffiths, 2007: 316).

While the problem of child sexual abuse is serious and deeply perplexing, media portrayals of the issue have assumed a tenor that is counterproductive and often alarmist. In the early 1980s, the mass media framed this issue of child abduction as an emerging 'epidemic' (Best, 1987; Kappeler et al., 1996; Glassner, 1999). Specific, high-profile cases like that of Polly Klaas galvanized these public anxieties and ultimately spawned California's infamous three-strikes legislation (Surette, 1996). The rise of mass consumer access to the Internet in the 1990s similarly brought on concerns about cyber-stalking and the online luring of children (Glassner, 1999). ABC's *20/20* warned viewers in 1997: 'Depraved people are reaching right into your home and touching your child' (cited in Glassner, 1999: 33). More recently, *To Catch a Predator* has been credited with advancing the claim that as many as 50,000 Internet predators are operating on line at any given moment; a claim picked up and repeated by then US Attorney General Alberto Gonzales (McCollam, 2007). The accuracy of such a claim is difficult to verify given the problematic nature of data on child sex assault prevalence (e.g. Grubin, 1998). What is clear, however, is that the vast majority of child victims of sex assault are victimized at the hands of family or acquaintances and not by strangers met on the internet or in the local schoolyard playground (California Department of Justice, 2001; Grubin, 1998). In short, *To Catch a Predator*'s claims about the nature and extent of sex crimes against children draw on and reinforce broader and long-established cultural perceptions of the issue.

For audiences, consuming images of online predators 'caught with their pants down' helps to solidify the myth of stranger danger (Grigoriadis, 2007). More than this, however, the debasement of putative online pedophiles can be actively consumed as a marker of one's social position as a member of the symbolic group 'us' united in the fight against 'them' – the perverts and pedophiles that have over-run cyberspace.

Those who want to actively join in the fight against what Perverted Justice calls 'the growing problem of online pedophilia' are directed to shop at the PJ online store where a number of consumer items can be worn proudly as a marker that you stand on the 'right' side of the issue:

> *When you buy our merchandise, you not only help to defray the bandwidth and op-erational costs of running a rapidly-growing anti-pedophilia online watchdog group, but you also let all and sundry who see your hat, bumper sticker or t-shirt know where you stand on the subject of online predators who would try to solicit children for real-world sex: ZERO TOLERANCE. (www.cafepress.com/peej/)*

All of the various hats, bumper stickers and apparel sold by PJ carry a potent and highly symbolic message about an imagined community united against online predators. A number of items carry messages designed to denigrate and cast out those who fall outside the boundaries of the imagined community. For example, one bumper sticker is emblazoned with the message, 'See You Later Masturbator' while another carries the ominous message, 'As long as Our Children Aren't Safe from Predators . . . Predators Aren't Safe From Us' (http://www.cafepress.com/peej/249684). However, even messages designed to heap scorn on would-be pedophiles seem designed to be consumed in a symbolic ritual of self-affirmation, grounding one's identity in opposition to the shadowy online figures who exploit children. One adult men's sweatshirt is festooned with a large American flag below the URL for Perverted Justice. Beneath the flag is the tongue-in-cheek slogan: 'Squeeze No Child's Behind' (http://www.cafepress.com/peej.9975420). The performative act bound up in donning this shirt is clearly to declare oneself *not* a predator. Lastly, in an act of questionable taste, the online shopper may declare their sexuality in-bounds by purchasing thong-style female underwear carrying the slogan: 'Contents Aged at Least 18 years' (http://www.cafepress.com/peej.9918246). In addition to the items in the online store, visitors to Perverted Justice's website may also consume photographs of the online predators ensnared by the group and view humiliating excerpts from the chat logs of conversations between PJ operatives and unsuspecting marks.

HUMILIATION'S DISCONTENTS

> *One of these guys is going to go home and shoot himself in the head. The Perverted Justice people are insane, and they'll do something to embarrass us. One of the biggest corporations in the world ought to find a better target than skanky guys in shorts. (Anonymous* Dateline NBC *producer, cited in Cook, 2006)*

As Clair Valier (2004: 251) points out, 'the power to punish is the power of the image' and 'the power of the image moves that passion which Durkheim called the very soul of punishment'. The trend toward increasing punitiveness, greater control and more emotive forms of punishment of which Garland (2001), Pratt (2000) and others

speak must be understood in the context of the blurring boundaries between fact and fiction, spectacle, entertainment and punishment. Mass-mediated humiliation stands at the confluence of these trends. However, there is a flipside to these powerful humiliating spectacles of punishment. Picking up on Valier's (2004) points, I suggest that imbued within the humiliating spectacle is the potential to contest and disrupt that very same power that attempts to mobilize the image of humiliation in service of its own objective. Recent reactions to the final *To Catch a Predator* sting in Texas highlight the disruptive nature of images of humiliation and suggest that there are cultural limits to the kinds of humiliation audiences, advertisers and justice officials are willing to consume. Moreover, the joining of public institutions of criminal justice with private organizations and vigilante groups for the purposes of enacting shame and social control ultimately exposes the limits of the criminal justice state and tends to subvert the authority these state agencies are attempting to reinvigorate through public rituals of humiliation.

To Catch a Predator was recently the subject of a series of scathing media reports (Cook, 2006; Cohen, 2008; Dittrich, 2007; Grigoriadis, 2007) including an investigative report by rival ABC news magazine *20/20*. NBC also recently settled a US$105 million dollar lawsuit from the sister of a man who committed suicide as a result of a sting operation orchestrated by the program in Murphy, Texas, in November 2006. According to Perverted Justice, local prosecutor, Louis Conradt, had engaged in a series of sexually explicit conversations with a PJ operative posing as a 13-year-old boy. Repeated efforts by PJ failed to entice the man to the decoy house for the humiliating confessional with Hanson. In an effort to get Contradt on camera, police went to the man's home at the urging of *To Catch a Predator* so Hanson could confront the man. A variety of reports suggest that *Dateline*, Hanson and PJ were directing police actions at this time (Dittrich, 2007). When officers entered Conradt's home to execute a hastily written search warrant, he shot himself in the head and died later in hospital. In the end, none of the men arrested in the Texas investigation were prosecuted due to a variety of procedural errors. The local district attorney and former members of the Murphy Police Department appeared on *20/20* denouncing the tactics of the *Dateline* sting. *To Catch a Predator* has undertaken no further 'stings' since this time and *The New York Times* recently reported that advertisers were distancing themselves from the program in the wake of negative press (Stelter, 2007). A further sign of the cultural reaction against *To Catch a Predator* can be read in the various parodies of the confrontational, candid-camera formula of the program. Late-night talk show host, Conan O'Brien, recently 'imagined the evolution of the brand: he presented mock commercials for "To Catch a Soda Refiller" and "To Catch a Cold"' (Stelter, 2007). Perverted Justice founder Xavier Von Erck has recently faced a number of embarrassing mediated moments himself. He has faced criticism in the media relating to revenues generated by his 'non-profit' organization (Cook, 2007), has been the subject of unflattering media exposure in *Rolling Stone* and other magazines (Grigoriadis, 2007) and has even faced accusations that his website is a purveyor of inappropriate and pornographic content because it makes available embarrassing pictures of masturbating 'predators' ensnared by PJ operatives (Grigoriadis, 2007).

DISCUSSION

To Catch a Predator provides a potent case study where shame and criminal justice intersect via mass-mediated popular culture. This case study suggests that mediated displays of humiliation might in fact have the tendency to short-circuit the very powers that attempt to invoke them for particular uses. As Valier (2004: 251) writes on the power of the image in punishment ,'acts of showing, of looking, of seeing and of feeling become integral to the punitive power, and the ways in which it can be contested'. While the power of the image to protest and contest relations of power can take the form of 'critical image practice' (p. 252), I wonder if images of humiliation enacted by the state or its agents are themselves imbued with inherent subversive possibility in that they 'appeal to the emotions, and push individuals to confront issues they would prefer to avoid' (p. 252).

Zygmunt Bauman's (2006) analysis of fear in 'liquid modern' times sheds analytic light on the intersection of criminal justice, humiliation and reality TV. For Bauman, reality television crystallizes in audiences the 'rugged reality' of 'liquid modern' fears (p. 18). Reality TV programs like *To Catch a Predator* dramatically showcase the dangers of contemporary life. Sexual predators for most viewers constitute a type of 'derivative fear' – a general fear of vulnerability to vague dangers that lurk just out of sight. At the heart of this type of fear is a deep feeling of impotence – an inability to act adequately to stave off the dangers thought to plague modern life. However, an equally frightening scenario played out on reality TV, Bauman suggests, is the prospect of exclusion from membership in civil society. *To Catch a Predator* conceptually links these ideas together in its spectacle of humiliation and exclusion. *To Catch a Predator* proffers a mediated ritual of exclusion as a tangible way to 'fight back' against the formless fear of sexual predators in our midst. However, this fear abatement strategy ultimately may produce deeper anxieties in audiences as the highly subjective nature of social interaction online serves to muddy the waters of moral certitude required for the exclusionary ritual. The fluid character of online social identities opens up vast spaces to explore emotions, behaviors and sexualities at the margins of social acceptability. In this way, life online becomes akin to fantasy and social interactions a quagmire of uncertainty where identities are as likely to be make-believe as real. Perhaps most unsettling is the possibility that in the ambiguous world of online chat rooms, the line between innocence and guilt might not be as clear and as bright as *To Catch a Predator* would suggest. As a result, any one of us might, perhaps unwittingly or inadvertently, be drawn into the trap and be subjected to the terrifying process of exclusion. To be so completely socially and morally denounced on *To Catch a Predator* as a result of what amounts to perhaps less than clear grounds leaves some commentators to wonder if audiences might ultimately reject the carnival of humiliation set in motion by the program. A recent expose of *To Catch a Predator* appearing in *Esquire* concluded by asking its readers to place themselves in the unenviable position of the dupes caught up in the mass-mediated ruse:

> *Is it possible that Bill Conradt, an adult pretending to be a teenager, might have suspected, correctly, that 'Luke' was also an adult pretending? Yes: Everybody*

knows that the Internet is a swamp of false identities. And is there any evidence that Conradt had ever acted on the longings that his chats illuminated? On the contrary, he chose not to when presented with the opportunity. Was it morally wrong for Bill Conradt to engage in online sex chats with an apparent child? Of course. But did his actions merit the response to them? Before answering this question, a man should take stock of the history of the desires he's never acted on, and whether he should ever have to defend that history in court, or see it detailed on television. (Dittrich, 2007: 12)

In this way, mass-mediated humiliation may contain the seeds of its own destruction. The ambiguities resident in the murky world of online identity formation leave open too many questions. The fluid nature of age, gender, and sexual identity on line clashes with the black-and-white certainty offered up by the privatized anti-perverts of Perverted Justice and *To Catch a Predator*. While the program initially resonated with prevailing conceptions of crime and criminality and aligned with the popular fears about child predators, it appears that too much shame, delivered too zealously by too objectionable a crew disrupts the foundation of certainty that an oppositional consumerist identity is constructed upon.

To Catch a Predator ultimately presents conflicting messages about the nature of crime control and perhaps unwittingly subverts the prevailing 'law-and-order' ideology. While the program reaffirms pervasive ideas about the nature of criminal offending and the proper social and legal responses to sexual offending against children in particular, *To Catch a Predator* exposes weaknesses in the state machinery of criminal justice and law enforcement. While Altheide (1992) has suggested that mediated spectacles of 'gonzo'-style punishment are orchestrated to shore up faith in the institutions of criminal justice, *To Catch a Predator* may actually work to undermine the legitimacy of state agencies that would attempt to partner with the program. While journalism ethicists suggest that *To Catch a Predator* crosses a line by acting as an arm of law enforcement, one is left to wonder if these critics are actually viewing the problem in reverse. Rather, a more troublesome conclusion is that police in this instance may actually have been acting as an arm of a reality TV program. This in turn provides further evidence that reality TV has the potential to feed back into institutions of criminal justice and influence organizational behavior (Doyle, 2003).

In the United States in particular, where justice officials are elected by popular vote, there is tremendous incentive for police and prosecutors to partner with reality TV programs like *To Catch a Predator*, particularly on emotionally charged issues such as child sexual abuse. However, the very public bungling of the Conradt case opens up local law enforcement to widespread criticism rather than approval and reaffirmation. Even short of a spectacular failure, the turn to reality TV suggests limits to the power of the state generally to produce justice. Given the high levels of public anxiety about child sexual predators in the Internet age, programs like *To Catch a Predator* communicate a message of profound failure of the state rather than proffering a creative solution. Hidden within the perverse ritual of degradation on *To Catch a Predator* is a more somber message about the limits of the criminal justice state in neo-liberal times. Public displays of humiliation as social control and entertainment may ultimately be read by

audiences as a terrifying failure of public criminal justice. This in turn suggests a rather vicious circle for public agencies of justice as they struggle for legitimacy amid public concerns about their efficacy. The continued participation of police in programs like *To Catch a Predator* might only serve to further erode their legitimacy and increase calls for private sector involvement in justice and punishment. In the end, the use of mediated humiliation as a tactic of 'gonzo' justice by local law enforcement in a variety of ways contains the seeds of its own demise.

Notes

1　Karp (1998) suggests that there are three general categories of shame penalties: (a) public exposure penalties, (b) debasement penalties, and (c) apology penalties.

2　The term 'folk devil' originated in Stanley Cohen's (1972/2002) analysis of mass-mediated moral panics.　In the context of a moral panic, folk devils are singled out for particular concern and attention as they come to represent broader societal problems and anxieties.

References

Altheide, David (1992) 'Gonzo Justice', *Symbolic Interaction* 15(1): 69–86.

Babcock, Kathleen and Arijana Tomicic (2006) *Child Sexual Abuse*. Ottawa: National Clearinghouse on Family Violence, Public Health Canada.

Baktin, Mikhail (1968) *Rabelais and His World.* Cambridge, MA: MIT Press.

Bauman, Zygmunt (2006) *Liquid Fear*. Cambridge: Polity Press.

Best, Joel (1987) 'Rhetoric in Claims-making: Constructing the Missing Children Problem', *Social Problems* 34(2): 101–21.

Blakely, Edward and Mary Snyder (1997) *Fortress America: Gated Communities in the United States*. Washington, DC: Brookings Institution Press.

Braithwaite, John (1989) *Crime, Shame and Reintegration*. New York: Cambridge University Press.

Brown, Fred (2007) 'Caught up in the Chase', *The Quill* 95(1): 25.

California Department of Justice (2001) *Megan's Law: Facts about Sex Offenders*. Sacramento, CA: Office of the Attorney General of California.

Cavender, Gray (1998) 'In "The Shadow of Shadows": Television Reality Crime Programming', in Gray Cavender and Mark Fishman (eds) *Entertaining Crime: Television Reality Programs*, pp. 79–94. New York: Aldine De Gruyter.

Cavender, Gray (2004a) 'Media and Crime Policy: A Reconsideration of David Garland's *The Culture of Control*', *Punishment & Society* 6(3): 335–48.

Cavender, Gray (2004b) 'In Search of Community on Reality TV', in Su Holmes and Deborah Jermyn (eds) *Understanding Reality Television*, pp. 154–72. New York: Routledge.

Cavender, Gray and Lisa Bond-Maupin (1993) 'Fear and Loathing on Reality Television: An Analysis of America's Most Wanted and Unsolved Mysteries', *Sociological Inquiry* 63: 305–17.

Cavender, Gray and Mark Fishman (eds) (1998) *Entertaining Crime: Television Reality Programs*. New York: Aldine De Gruyter.

Cohen, Adam (2008) 'What's on TV Tonight? Humiliation to the Point of Suicide', *The New York Times*, 10 March.

Cohen, Stanely (1972/2002) *Folk Devils and Moral Panics*. New York: Routledge.

Cook, John (2006) 'Strange Bedfellows', *Radar Online*, 7 September. Available at:
  http://www.radaronline.com/features/2006/09/strange_bedfellows.php

Cook, John (2007) 'Perverted Payday', *Radar Online*, 7 November. Available at:
  http://www.radaronline.com/exclusives/2007/11/perverted-payday.php

Corrupted-Justice.com (2005) 'Is the Perverted-justice "Jury" Biased?', 26 October. Available at:
  http://www.corrupted-justice.com/article11.html

Davis, Mike (1991) *City of Quartz*. New York: Verso.

Derosia, Margaret (2002) 'The Court of Last Resort: Making Race, Crime, and Nation on
  America's Most Wanted', in James Friedman (ed.) *Reality Squared: Televisual Discourse on
  the Real,* pp. 236–55. New Brunswick, NJ: Rutgers University Press.

Dittrich, Luke (2007) 'Tonight on Dateline This Man Will Die', *Esquire* 148(3): 233–44.

Doyle, Aaron (1998) '"Cops": Television Policing as Policing Reality', in Mark Fishman and Gray
  Cavender (eds) *Entertaining Crime: Television Reality Programs*, pp. 95–116. New York:
  Aldine de Gruyter.

Doyle, Aaron (2003) *Arresting Images: Crime and Policing in Front of the Television Camera*.
  Toronto: University of Toronto Press.

Foucault, Michel (1977) *Discipline & Punish: The Birth of the Prison.* New York: Random House.

Friedman, James (2002) *Reality Squared: Televisual Discourse on the Real.* New Brunswick, NJ:
  Rutgers University Press.

Garland, David (2001) *The Culture of Control.* Chicago, IL: The University of Chicago Press.

Glassner, Barry (1999) *The Culture of Fear.* New York: Basic Books.

Griffiths, Curt (2007) *Canadian Criminal Justice: A Primer*. Toronto: Thomson-Nelson.

Grigoriadis, Vanessa (2007) 'The New American Witch Hunt', *Rolling Stone* 1032: 64–71.

Grubin, D. (1998) *Sex Offending Against Children: Understanding the Risk*. Police Research
  Series 99. London: Home Office.

Haggerty, Kevin (2003) 'From Risk to Precaution: The Rationalities of Personal Crime Prevention',
  in Richard Ericson and Aaron Doyle (eds) *Risk and Morality*, pp. 193–214. Toronto: University
  of Toronto Press.

Hermer, Joe, Michael Kempa, Clifford Shearing, Philip Stenning and Jennifer Wood (2005)
  'Policing in Canada in the Twenty-first Century: Directions for Law Reform, in Denis Cooley
  (ed.) *Re-imagining Policing in Canada*, pp. 22–91. Toronto: University of Toronto Press.

Hutchinson, Steven and Daniel O'Connor (2005) 'Policing *The New Commons*: Corporate
  Security Governance on a Mass Private Property in Canada', *Policing and Society* 15(2):
  125–44.

Jarvis, Brian (2007) 'Monsters Inc.: Serial Killers and Consumer Culture', *Crime, Media, Culture*
  3(3): 326–44.

Jenkins, Philip (1994) *Using Murder: The Social Construction of Serial Homicide.* New York:
  Aldine de Gruyter.

Jewkes, Yvonne (2004) *Media and Crime*. Thousand Oaks, CA: SAGE.

Kappeler, Victor, Mark Blumberg and Gary Potter (1996) *The Mythology of Crime and Criminal
  Justice.* Prospect Heights, IL: Waveland Press.

Karp, David (1998) 'The Judicial and Judicious Use of Shame Penalties', *Crime & Delinquency*
  44(2): 277–94.

Karstedt, Susanne (2002) 'Emotions and Criminal Justice', *Theoretical Criminology*, 6(3):
  299–317.

Katz, Jack (1987) 'What Makes Crime "News"?', *Media, Culture and Society* 9: 47–75.

Kirsch, Laura and Judith Becker (2006) 'Sexual Offending: Theory of Problem, Theory of Change,
  and Implications for Treatment Effectiveness', *Aggression and Violent Behavior*, 11: 208–24.

Loader, Ian (1997) 'Private Security and the Demand for Protection in Contemporary Britain', *Policing and Society* 7: 143–62.

Loader, Ian (1999) 'Consumer Culture and the Commodification of Policing and Security', *Sociology* 33(2): 373–92.

Lynch, Mona (2001) 'From the Punitive City to the Gated Community: Security and Segregation Across the Social and Penal Landscape', *Miami Law Review* 56(1): 601–23.

Lynch, Mona (2004) 'Punishing Images: Jail Cam and the Changing Penal Enterprise', *Punishment & Society* 6(3): 255–70.

McCollam, Douglas (2007) 'The Shame Game', *Columbia Journalism Review* 45(5): 28–33.

Massaro, Toni (1991) 'Shame, Culture, and the American Criminal Law', *Michigan Law Review*, 89(7): 1880–944.

Massaro, Toni (1997) 'The Meanings of Shame: Implications for Legal Reform', *Psychology, Public Policy, and Law* 3(4): 645–704.

Oliver, M.B. (1994) 'Portrayals of Crime, Race, and Aggression in "Reality-based" Police Shows: A Content Analysis', *Journal of Broadcasting & Electronic Media* 38(2): 179–92.

Oliver, M.B. and G. Blake Armstrong (1995) 'Predictors of Viewing and Enjoyment of Reality-based and Fictional Crime Shows', *Journalism and Mass Communication Quarterly* 72(3): 559–70.

Peelo, Moira (2005) 'Crime and the Media: Public Narratives and Private Consumption', in M. Peelo and K. Soothill (eds) *Questioning Crime and Criminology*, pp. 20–36. Portland, OR: Willan.

Peelo, Moira (2006) 'Framing Homicide Narratives in Newspapers: Mediated Witness and the Construction of Virtual Victimhood', *Crime, Media, Culture* 2(2): 159–75.

Pratt, John (2000) 'Emotive and Ostentatious Punishment: Its Decline and Resurgence in Modern Society', *Punishment & Society* 2(4): 417–39.

Presdee, Mike (2000) *Cultural Criminology and the Carnival of Crime.* New York: Routledge.

Rafter, Nicole (2006) *Shots in the Mirror: Crime Films and Society*. Toronto: Oxford University Press.

Rapping, Elayne (2004) 'Aliens, Nomads, Mad Dogs, and Road Warriors: The Changing Face of Criminal Violence on TV', in Susan Murray and Laurie Ouellette (eds) *Reality TV: Remaking Television Culture*, pp. 214–30. New York: New York University Press.

Sanders, Trevor (2005) 'The Rise of Rent-a-cop: Private Security in Canada, 1991–2001', *Canadian Journal of Criminology and Criminal Justice* 47(1): 175–90.

Shearing, Clifford and Philip Stenning (1983) 'Private Security: Implications for Social Control', *Social Problems* 30(5): 493–506.

Shearing, Clifford and Philip Stenning (1987) *Private Policing.* Beverly Hills, CA: SAGE.

Simon, Johnathan (2001) 'Entitlement to Cruelty: The End of Welfare and the Punitive Mentality in the United States', in Kevin Stetson and Robert Sullivan (eds) *Crime, Risk and Justice: The Politics of Crime Control in Liberal Democracies*, pp. 125–43. Portland, OR: Willan.

Simpson, Philip (2000) *Pscho Paths: Tracking the Serial Killer Through Contemporary American Film and Fiction.* Carbondale, IL: Southern Illinois University Press.

Stanley, Alessandra (2006) 'Gotcha! "Dateline" Paves a Walk of Shame for Online Predators', *The New York Times*, 17 May, 2006.

Stelter, Brian (2007) 'To Catch a Predator is Falling Prey to Advertisers' Sensibilities', *The New York Times*, 27 August, 2007.

Surette, R. (1996) 'News from Nowhere, Policy to Follow: Media and the Social Construction of "Three Strikes and You're Out"', in David Shichor and Dale Sechrest (eds) *Three Strikes and You're Out: Vengeance as Public Policy*, pp. 177–202. Thousand Oaks, CA: SAGE.

Trocmé, N. and D. Wolfe (2001) *Child Maltreatment in Canada: Canadian Incidence Study of Reported Child Abuse and Neglect, Selected Results*. Ottawa: Health Canada.
Tunnell, Kenneth (1992) 'Film at Eleven: Recent Developments in the Commodification of Crime', *Sociological Spectrum* 12(3): 293–313.
Valier, Clair (2004) 'Introduction: The Power to Punish and the Power of the Image', *Punishment & Society* 6(3): 251–4.
Valverde, Mariana (2006) *Law and Order: Images, Meanings, Myths*. New Brunswick, NJ: Rutgers University Press.

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