



Shame and shaming

The use of an adaptive social emotion in historical penal law and practice

Introduction

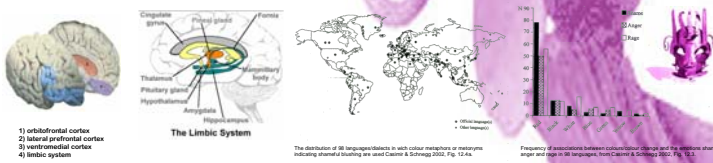
- Interdisciplinary ongoing research project that aims to investigate the social use of shame and shaming rituals in historical societies in a cross-cultural perspective.
- Shaming and humiliating rituals in penal law and folklore have been applied systematically in higher and lower justice over a period of more than 600 years in European history (De Win 1991) and even longer in traditional Chinese and Japanese justice (Botsman 2005).
- The use of shame as a sanction of social control itself is very old and can be observed in religion since the very beginning of writing (Bechtel 1991). There is also evidence for a cross-cultural application of shaming punishments in various traditional societies (Haid 2003).

Questions

- What was the purpose of shaming punishments - deterrence and/or reformation?
- How were offenders reintegrated into society after public shaming? Where is the borderline between exclusion/stigmatization and reintegration?
- In what circumstances and for which type of offences were shaming punishments applied in a cross-cultural perspective?

What is shame?

- Shame emerges in situations where one's own behavior is seen as inappropriate in terms of in-group norms (internalized control over behavior).
- Shame is a panhuman emotion and is cross-culturally related to blushing (Casimir & Schnegg 2002). When experiencing shame, people often lower their faces, avert their gaze and slump their shoulders.
- Shame has adaptive advantages which must have been selected for in the past (Darwin 1872, Fessler 2004). Little is known as to how the limbic system interacts with the orbitofrontal cortex to produce the "shame reaction" (Beer et. al. 2006, c.f. Jones 2004, Jones & Goldsmith 2005), but there is better understanding of the sympathetic nervous regulation of blushing (Mariauzouls 1996).
- How the feeling of shame is perpetuated after blushing through bad conscious (Voland 1993) and lowered self-esteem (Gruenewald et.al. 2004) is not known yet.



First (preliminary) results

- In stratified societies the institutionalized use of shaming rituals seems to produce stigmatizing effects which hinder reformation and social reintegration.
- Defections in cooperative relationships seem to be an important quantity in the total amount of offences leading to shaming punishments in historical European societies (c.f. Fessler 2004 with data from self reported stories from two different recent cultures).
- Medieval and early modern European penal system was more flexible in punishing offenders than it appears at first sight.

Discussion

- The use of historical material allows us to observe long-term developments in the application of shaming punishments and may help to better understand the functioning of prosocial emotions in penal justice.
- In the past twenty years, shaming has regained importance in modern American and Australian society in order to punish minor offences. There is a vivid discussion about *reintegrative shaming* as an alternative to incarceration (Braithwaite 1989). Results from this project could be interesting for this debate.
- The adaptive advantages of shame have recently been discussed with reference to public goods games (Bowles&Gintis 2002) and ethnographic evidence (Fessler 1999, Fessler&Haley 2004, Fessler 2004, 2007). Cross-cultural data on semantic fields of emotions is only available for a few languages. Historical data may provide supplementary information.
- Preliminary results support the importance of shame in cooperative relationships.
- Is there something like "protoshame", elicited by subordinate status, recognizable in European or Asian history (Fessler 1999, 2007, Haidt 2003)?

Shaming punishments = artificial reinforcement of the social emotion shame

Purpose of punishment = deterrence and reformation

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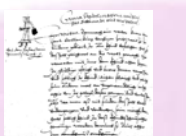
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Method

- Collection of historical material from Western Europe (1200 to 1850) with a focus on Germany in an online database (www.shamestudies.de).
- Collection of historical material from medieval and early modern Japan and/or China (collaboration from these countries is needed!)
- Quantitative interpretation of the data in relation to regional and geographical differences in the application of shaming punishments.
- Qualitative evaluation of the purpose of punishment for different offences. Data coding for differential shaming punishments, high/low justice, possibility of reintegration.
- Multidisciplinary approach for the interpretation of the data: Criminology, Evolutionary Anthropology, History of Law, Neurophysiology



Anna Stadelmayrin aus Irsy trägt den Lastenstein und wird aus Memmingen verurteilt, weil sie ihr Kind verstoßen hat, 17. Jahrhundert. Stadtarchiv Memmingen, Ungleichsücher A 44 ca. (aus: Rublack, Ulrika (1996): Magd, Metz oder Mörderin. Frauen vor frühneuzeitlichen Gerichten, Frankfurt, S. 112).



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Double Cangu in China. Photography taken around 1900



"Man and woman undergoing public exposure for adultery", from: Silver, J.M.W. (1867): Sketches of Japanese Manners and Customs. Illustrated by Native Drawings. Reproduced in Facsimile by Means of Chromolithography, London, 37.



"Schuppen" or "wippen" of a man, a punishment often applied for baking too small bread. Das Soester Neugartbuch, hrsg. v. d. Historischen Kommission für die Provinz Westfalen, Leipzig 1924, Aresx.



Women is shamed in a so called "Shrove's fiddle". Germany?, 17th century.



Pillory, stocks and other instruments for punishment as depicted in the Corollario Criminali Carolina 1532. Forensic of the copy in the municipal library of Trier, Germany, (23/02/04).