

Naming and Shaming

The Australian Press Council has been asked to provide references to support its statement that certain theorists have suggested that 'naming and shaming' might have the effect of acting as a deterrent to would-be offenders.

The notion that 'naming and shaming' is a potential deterrence to potential criminals is in no sense novel. To the extent that this statement can be taken as contentious may be a reflection of other submissions to the inquiry that cite the alternative argument that 'naming and shaming' can have negative consequences for the offenders concerned. However, we would argue that these submissions are misleading in that they treat as synonymous concepts that ought not to be treated as synonymous.

A distinction should be made between "rehabilitation" and "deterrence". Some submissions to the inquiry have made the error of treating these two distinct concepts as interchangeable but they are in fact quite different. The Press Council is not making any assertions that 'naming and shaming' is relevant to the process or prospects for the rehabilitation of offenders. What it is saying is that deterrence – i.e. the deterrence of *potential* offenders who have not yet committed a crime – is facilitated by the naming of those offenders who have been convicted. A rational individual who contemplates a crime, including an adolescent, will assess the benefits and potential risks of their actions before proceeding. This is a significant rationale upon which sentencing is based. 'Naming and shaming' ensures that such individuals are aware of the likely consequences of their actions.

Further, when giving consideration to the impact of 'naming and shaming' on the rehabilitation prospects of the offender, there is a current trend towards acceptance of the notion of "re-integrative shaming", in which the emphasis is on the manner in which the shaming is conducted. Rather than a distinction between anonymity and shaming, the distinction that is predominant in theoretical discourse at the present time is between "integrative" and "disintegrative" shaming.

References:

- Karp, D.R. "The Judicial and Judicious: Use of Shame Penalties", *Crime and Delinquency*, Vol 44, No 2, 1998
- Coddington, D, *The Australian Paedophile and Sex Offender Index*, 1997
- Carol Ronken and Robyn Lincoln, *Deborah's Law: The Effects of Naming and Shaming on Sex Offenders in Australia*, Bond University, Faculty of Humanities and Social Sciences, 2001
- Sherman, L.W. & Strang, H., *The Right Kind of Shame for Crime Prevention*, Australian National University