Shame Punishment Is an Effective Alternative to Incarceration

Alternatives to Prisons, 2012

Albert B. Southwick writes a column for the Worcester (MA) Telegram and Gazette.

In early American history, shame was often used to deter crime. In a manner similar to the one depicted in Nathaniel Hawthorne’s novel The Scarlet Letter, individuals were publicly humiliated. A pillory, for instance, was sometimes used in the public square, holding the criminal immobile as others passed by and commented. While many of the punishments relied on in the past would be considered too harsh today, reviving public shaming could offer an effective way to deter drunk drivers and other offenders.

I got to thinking the other day about the people who strain our police departments and clog our courts with their petty and not so petty offenses.

You read about them every day in newspaper coverage of the police and the courts. Repeat offenders are prominent. Whether shoplifting, committing burglaries, getting into fights, dealing drugs or whatnot, they seem to have no moral guidelines in their lives. They are punished in various ways, ranging from prison sentences to probation, from stints of community service to wearing electronic bracelets. Such measures are not 100 percent effective.

I began to wonder whether modern society could make more use of an ancient weapon—shame. For example, what if people convicted of driving drunk more than three times were required to display a prominent "DUI" [Driving Under the Influence] sign on their vehicles. That might get their attention more effectively than a $100 fine, and it would also alert other drivers to take care when around them.

Using Shame to Deter Crime

Shame was a big item in Colonial America and for years after. In Nathaniel Hawthorne’s novel The Scarlet Letter, Hester Prynne was required to wear a big red letter "A" to denote the fact that she had had a fling with the minister Arthur Dimmesdale. It stood for "adultery," a serious business in those days.

Shame was not the only weapon in the law then. Physical punishment was also on the agenda. According to Herbert M. Sawyer’s history of the Worcester [Massachusetts] Police Department, "In the early history of Worcester, crime was frequent and punishment severe ... The gallows was erected for burglars and murderers alike ... Offenses which in these times (1900) would furnish no public interest were disposed of with a light fine or a short term of imprisonment in the pillory or at the whipping post."

The pillory was a device with holes for the head and two arms. When it was clamped shut, the malefactor had to stand for an hour or so with his imprisoned head and arms protruding, listening to derisive comments from passers-by.

Mr. Sawyer notes, "It was also a favorite sentence of the court to condemn a prisoner to the gallows for an
hour, to sit with a rope around his neck, to give him the opportunity to think about death and his God."

Is it somewhat unsettling to think of that kind of raw, brutal punishment being meted out here in Worcester, the Heart of the Commonwealth. Whipping posts! On Court Hill? Hard to believe.

**Tough on Crime**

But not only whipping posts. Also branding and mutilation.

"Branding a prisoner on the forehead," noted Mr. Sawyer, "or cropping one of the ears was occasionally included in judicial sentences in cases of burglary."

Burglary in those days was sometimes punished by hanging, although never in Worcester as far as I can find. I don't know if anyone in Worcester was ever branded or had his ears cropped.

OK, so maybe branding and ear cropping are beyond the pale.

There were plenty of misdemeanors to run afoul of. The last bylaws adopted by the town of Worcester in 1838 prohibited ball playing in the public streets, throwing stones in the streets, smoking a cigar or pipe in any of the streets within the school district, swimming in the daytime in the Blackstone Canal "in view of a dwelling house, street or highway," driving faster than 8 miles an hour, and carrying a naked scythe between sunset and sunrise.

Fines for such activities ranged from one to 10 dollars.

I guess I've made my point. Those early Worcesterites had a clear idea of what was right and wrong. No excuses based on one's dismal upbringing or brutal parents.

OK, so maybe branding and ear cropping are beyond the pale. But what about my suggestion that chronic drunks with three DUI convictions be required to have a big DUI sign on their cars?

They, no doubt, would think such a requirement shameful.

But that's the point.

**Further Readings**

**Books**


**Periodicals**


- *Atlantic.com* "Is America's Incarceration Rate a Labor Market Outcome?" June 1, 2009.


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