Shame, an effective tool for justice?

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Contents

1. Introduction

This paper aims to explore the influence of shame within the criminal justice system, particularly its impact on those involved in offending, and the communities that they will eventually return to. Shaming offenders can serve society's retributive desire to punish those who transgress the moral order and so reaffirm the position of those who uphold it (D. R. Karp, 1998). But the impact of shame is linked to many maladaptive behaviours, adverse psychological developments and increased recidivism (Tangney, Stuewig, Mashek, & Hastings, 2011) as well as dichotomising those who offend from the rest of society, creating fear and resentment between two supposedly distinct and polarised populations (Mcculloch & Mcneill, 2007).

Given some theoretical debate as to how shame is defined and experienced, this paper will draw from work in the fields of psychology and criminology to produce a working understanding of shame and its effects. From this understanding, the role of the media, government, courts, secure institutions and public opinion in propagating shame through punitive practices, labelling and stigmatisation is discussed, alongside the potential contribution of these processes to recidivism. The discussion starts to consider the actions needed to address the systemic use of shame. This paper will then conclude that experiences of shame are consistently evidenced as harmful, divisive and exclusionary, eroding the social capital of those involved in offending and severely constraining their opportunities for desistance and successful community re-integration. This impacts not only on those involved in offending, but the rest of society, and can be measured in the cost of further offending, overcrowded prisons and secure institutions, and communities marked by anxiety, fear and mistrust.

2. Shame

Shame is traditionally framed in the same context as guilt, and is viewed as integral for inhibiting moral transgressions and deviant behaviour. However, shame is increasingly recognised as separate from guilt. Shame focusses on the negative global view of the self, whereas guilt focusses on negative behaviour. Research suggests those motivated by guilt are more likely to accept responsibility and take positive pathways to make amends for

morally transgressive behaviours, with a view to redeeming the self, as it is the behaviour and not the self that is aberrant (Baldwin, Baldwin, & Ewald, 2006; D. R. Karp, 1998; Tangney et al., 2011). Conversely, those experiencing shame are more likely to withdraw socially, evade responsibility, mismanage feelings of anger, blame others and identify with negative sub-cultures, as it is the self that is viewed as deviant and irredeemable (ibid). This is mirrored in Braithwaite's 'Reintegrative Shaming Theory' (Braithwaite, 1989) suggesting shame is necessary to inhibit deviant behaviour, but it is whether shame is reintegrative - focussing on deviant/offending behaviour and the opportunity for atonement and redemption, as opposed to disintegrative/stigmatic - focussing on the deviant nature of the offender and labelling them as other from society. While anticipated shame, like guilt, is cited as beneficial in curbing maladaptive or offending behaviours and effective as a mode of social control, actual experiences of shame are detrimental and harmful to global experiences of self, and positively correlated with offending intentions (Tibbetts, 1997).

Based on these findings, this paper will construct shame as lived negative experiences and evaluations of the self. These evaluations can be self-imposed, such as failure to live up to an ego ideal, or imposed, or perceived to be imposed, by others (peers, community, institutions, media etc.) by way of labelling, de-civilisation and marginalisation. The key factor is where the object of shame is the individual rather than the action.

2.1 Psychological and Behavioural Responses to Shame

Of the wide range of harms attributed to shame, this paper will highlight those most commonly associated with offending behaviour and potential recidivism. Shame is evidenced as having a detrimental impact on self-efficacy, defined as a person's belief in their ability to organise and execute the courses of action required to achieve life goals, and the primary source of agency affecting psychological functioning. Experiences of shame can then be considered as stunting the agency and motivation of those who offend to actively better their life chances in society (Baldwin et al., 2006).

Shame is also linked to social withdrawal, negative evaluation of self, poor mental health, criminogenic thoughts and desires, identification with negative sub-cultures, externalisation of blame (victims, society), substance abuse and increased recidivism (Tangney et al., 2011). Those involved in offending, especially those in custody, are consistently evidenced

as more likely to come from backgrounds of multiple deprivation, exposed to higher rates of social exclusion; alcohol and substance abuse; violence, crime and antisocial behaviour; and mental health disorders (Singleton, Meltzer, & Gatward, 1998). Shame can therefore be seen as exacerbating the challenges faced by a population already disproportionately affected by widespread social harms (Tangney et al., 2011).

There is also evidence that shame complicates grief processes, resulting in prolonged adverse psychological problems and an inability to resolve painful traumatic issues, especially where self-blame is present (Stroebe et al., 2014). This is particularly significant in relation to the higher prevalence of bereavement among those who offend, especially young people in custody, 90% of whom have suffered the loss of a loved one (Vaswani, 2014). This also pertains to the multiple losses associated with incarceration, such as freedom, agency, autonomy, status, relationships etc. (Vaswani, 2015). These losses are recognised as potentially being as traumatic to that of bereavement, and as such the presence of traumatic grief should be at least considered in all prisoners (Leach, Burgess, & Holmwood, 2008). Also, complicated or prolonged loss/grief experiences are linked to the same maladaptive cognitions and behaviours associated with experiences of shame (ibid). As such, shame can again be viewed as intensifying issues already overrepresented within a disadvantaged population.

2.2 Limitations of Shame

While this paper uses the above definition of shame as the foundation for its argument, it would be remiss not to consider some of the limitations of shame as a frame from which to understand both offending and desistance from offending. Both young people and prison populations are argued as being less shame prone than other demographics (Schalkwijk, Stams, Stegge, Dekker, & Peen, 2016). Where these populations can be seen to intersect (young people in custody) practitioners might consider a compounding effect whereby the impact of shame is limited further. It could be that in the interests of self-preservation these groups are simply less likely to report shame than actually being less shame prone. In any case, shame is still fiercely defended against by these populations in similar ways to shame responses, such as attacking others and externalising blame, which are equally problematic in terms of pro-social behaviour and accepting responsibility for one's actions (ibid).

A further limitation to shame concerns those groups already marginalised within society. Karp (1998) cites those with a limited stake in the community are less affected through the imposition of shame by a society with which they do not identify. This is significant given the marginalised status of the majority of the offending population (Singleton et al., 1998). However, practitioners might consider these groups are already shamed by way of a 'demonisation of the working classes' as described by Owen Jones in his book 'CHAVS' (Jones, 2011) where modern discourse around sink estates, slums and the antisocial Chavs, Neds and workshy benefits scroungers who reside in them fuel disaffection in areas scarred by multiple deprivation. In this context, the real world impacts of criminal sanction, such as being vilified in the tabloid press or losing opportunities for housing and employment, are arguably very real concerns even for those with such limited stake in society, as well as reinforcing an already shame prone and damaged identity.

3. Systems of Shaming

The 'systems' referred to within the context of this paper are the media (tabloid press, social media), the criminal justice system (government legislators, courts), and institutions (prisons, secure units). This section will explore how these systems contribute to the shaming of people involved in offending. The first system identified as actively shaming those who offend is the media, particularly the tabloid press.

3.1 The Media

Not only is this medium among the most visible in society, its influence, where legitimised as 'representative of the people', can also be evidenced throughout all other systems. It would be an exaggeration to suggest the media is solely responsible for causing the public's fear of crime and of those who offend. But the media is evidenced as among the main drivers of public insecurity, with a third of people claiming their fear of crime increased with news and documentary reporting of crime (Jewkes, 2004). The popular press are regarded as the stalking horses of the news production process, free to pursue 'newsworthy' stories, focussing on more salacious and extreme events (Rodger, 2008). Sensationalist media coverage of crimes such as murder, for example, can constitute up to a quarter of all newspaper crime reporting, though murder represents only 0.04% of all recorded crime (Scottish Government, 2015). Inflated coverage of other serious, though less common,

offences involving violence or sexual predation are typically framed in the media as a 'sign of the times' giving rise to moral panics and the construction of 'folk devils' (Cohen, 2002) and problem populations (particularly working class and ethnic minority youth) who epitomise the declining moral values responsible for the breakdown of society (Innes & Fielding, 2002). Those involved in offending are consequently caricatured in the tabloid press as 'Thugs', 'Fiends' and 'Evil Monsters' (Jewkes, 2004). The human circumstances behind these labels are given little prominence. Rather, news stories are coded to reflect the common stock knowledge and prejudices of the assumed audience (Rodger, 2008). The result is a process of de-civilisation to that of a two dimensional other, inherently dangerous and deviant, with no place in decent, law-abiding society (Hewitt, 2002). Such public shaming serves only to dichotomise society from those who offend, reaffirming societal anxiety of perceived risk, and perceived societal aversion and disgust respectively (McNeill, 2009).

3.2 The Criminal Justice System

Criminal Justice political and policy discourses are often evidenced as being informed by such skewed public perceptions and outrage regarding crime (Hale, 1996). The public's assumed punitive stance is met with increased political concern with 'public opinion' and a criminological focus on punitive discourses and harsher criminal justice policies (Drake & Henley, 2014). Policy makers reflect the skewed 'folk devil' constructions amplified by the media in forming such policies, tending to frame the issue in terms of orderly and disorderly populations, targeted in relation to their individual deviance, rather than the catalogue of structural inequalities consistently evidenced as influential in shaping offending behaviour (Innes & Fielding, 2002). This populist punitiveness emphasises the perceived will of the majority at the expense of the unpopular and less powerful who have been labelled as 'other' (Drake & Henley, 2014). A clear example of such policy is the proliferation of antisocial behaviour legislation in England and Wales under New Labour, concerned with projecting its new 'tough on crime' image in both the media and the court of public opinion (ibid). Responding to perceived public concern over youth offending, 3,026 new offences were created between 1997 and 2006 that disproportionately affected the most disenfranchised in society. This corresponded with a doubling of the UK prison population and some of the highest rates of children in secure care or custody in Western Europe (Cochrane & Talbot, 2008).

This punitive drift is also evident in more high profile, if less common, cases. The murders of James Bulger, Damilola Taylor and Rhys Jones are examples of crimes that strike at the heart of society's collective conscience, signalling moral malaise and societal degeneration (Rodger, 2008). The Bulger case in particular received unprecedented media attention, and corresponded with serious, punitive implications for the youth justice system. Fuelled by the media, the two ten year old perpetrators were reconstructed as 'evil demons' rather than children, helping mobilise moral panic around youth crime, and legitimising a series of tough law-and-order responses - most notably the lowering of the minimum age for receiving an indefinite prison term (Haydon & Scraton, 2000). The weight of public outrage also superseded the judgement of the courts, and saw the boys' original eight year tariffs increased to fifteen years, despite evidence that harsh prison terms for young children were ineffectual in protecting the public (Rodger, 2008). These examples of punitive legislation and opinion driven retributive practice can be seen as indicative of a trend in which the rights and interests of those who offend are framed as fundamentally opposed to the interests of 'decent society' (Garland, 2001). Those who offend are affixed a shameful identity position, framed as wholly responsible for their actions regardless of age or circumstance, and so undeserving of the same welfare, rights and considerations as 'decent citizens'.

Scotland prides itself on employing a welfare-based approach to youth justice that does not subject children to the formality and severity of an adult system, but this does not mean it is immune to public outcry. Scotland's 'Knife Crime Pandemic' saw similar calls for increased stop and search powers, the doubling of minimum terms for the carrying of a knife and guideline tariffs of 16 years for those convicted of murder with a knife (BBC News, 2005). Media saturation surrounded the murder of 14 year old Jodi Jones by her then boyfriend, 15 year old Luke Mitchell, in 2003 and the teenager was handed down a minimum tariff of twenty years, the lengthiest sentence ever given to a young offender in Scotland at the time. It is notable that Mitchell's comparatively lengthy sentence occurred during the time of Scotland's 'crackdown' on knife culture.

However, Scotland's introduction of The Victims and Witnesses (Scotland) Act 2014 which imposes restrictions on criminal proceedings involving children under 18 (increased from 16) has seen recent cases, such as the murder of 16 year old Bailey Gwynne by a fellow pupil, protect the identity of the accused, despite mounting media outcry. Furthermore the Scottish Government's (2016) National Strategy for Community Justice has proposed that people

released from prison should be referred to as a "person with convictions" or "person with an offending history", in recognition of the stigma associated with the word 'offender' and the implications for reintegration. It could be argued then that Scotland has taken progressive steps in terms of criminal justice policy, but there is nothing prohibiting details of such cases being revealed once those involved reach the age of 18, merely postponing the shaming process rather than challenging it. Also, hostile media responses at the time of the 'New proposal to let young killers remain anonymous' (Weldon, 2013) and criticisms of the decision to protect the identity of the boy responsible for Bailey Gwynne's death, demonstrate the difficulties faced by legislators in an unsupportive media culture entrenched in an oppositional binary discourse towards those involved in offending.

3.3 Criminal Justice Institutions

Neither the public's outrage nor the media's spotlight dissipates for those who offend upon entering secure care or custody. Media coverage of prison conditions and regimes begets increased political concern with 'public acceptability', highlighted by HM Prison Service (England and Wales) warning governors to '… ensure all activities are 'acceptable, purposeful and meet the public acceptability test' … consider how activities 'might be perceived by the public and victims' to avoid 'indefensible criticism' that undermine public confidence in the Prison Service' (Dugan, 2009). Similar flash points concerning public acceptability over the years in Scotland have included prisoners' access to televisions, phones, computers; opportunities for educational and vocational training, including degrees and trades etc. and the issue of Human Rights; commonly met with headline slights like 'Pampered Lags' and 'Soft Touch Scotland' (The Courier, 2010).

One of the most notable examples of societal resentment toward those in custody in recent times was the UK government's refusal to fulfil its obligations to the ECHR and grant some groups of prisoners the right to vote. Despite the European courts judgement against automatic disenfranchisement based purely on what might offend public opinion (McKinney, 2016), the Prime Minister advised Parliament to vote against the motion, openly stating ''it makes me physically ill even to contemplate having to give the vote to anyone who is in prison. Frankly, when people commit a crime and go to prison, they should lose their rights, including the right to vote'' (House of Commons Debates, 2010, cited in Drake et al., 2014). Tabloid reporting of the motion reflected existing trends, framing the government's decision

as the righteous pursuit of common decency; naming and shaming those MPs who abstained from the vote; and highlighting 'vile axe killer John Hirst' among the 'lags' using taxpayers money to win the right to vote (Newton Dunn & Wilson, 2011).

Such public hostility sees modern secure institutions caught between society's populist punitive ideal of prisons as harsh deliverers of punishment (Coyle, 2007) and an increasing pressure to address the issues faced by those in custody, with legislators promoting an ethos of care, treatment and rehabilitation (Goldson, 2004). This drive for change is most evident in the Scottish Prison Service's' commitment to challenge popular perceptions and traditional moral stances toward those involved in offending by reframing 'offenders' as 'returning citizens' deserving of support to realise their inherent worth and become productive members of society, as part of the new mission statement 'Helping to build a safer Scotland - Unlocking Potential - Transforming Lives' (Scottish Prison Service, 2013). Positive outcomes of this new mission statement are evidenced in recent accounts of HMYOI Polmont; reporting improved relationships between young people and staff (HM Inspectorate of Prisons for Scotland, 2014) and recognition by young people of the support services and pro-social development opportunities available to them within custody (Vaswani, 2014). But prisons, despite best efforts, are not yet caring institutions. They are by nature, symbolically and literally, punitive (Goldson, 2004; Karp, 1998). As such, the pervading cultural attitude towards prisoners as failed citizens who do not deserve the opportunities afforded to them within these institutions will constrain prisons' ability to evolve and impede the development of those incarcerated, particularly in relation to the self-efficacy evidenced by Baldwin et al. (2006) as necessary to motivate prisoners to engage with practitioners, address offending behaviours, and gain educational and vocational skills training to better their life chances post release.

Another aspect of custody faced with the same double-edge is the issue of grief. Prisons severely constrain the ability of those in custody to process grief in an emotionally healthy and constructive way (Leach et al., 2008) particularly in cases of 'disenfranchised grief', where the losses incurred by those who offend as a result of incarceration are invalidated by society and viewed as the 'just deserts' of an undeserving population (Vaswani, 2015). These losses can be experienced as traumatically as a bereavement, which is also highly prevalent among prison populations (ibid). For those in custody who experience bereavement, although these losses are more 'recognised', funeral attendances by prisoners

are limited to 'immediate family' with little recognition of other close, less conventional family structures and non-familial relationships. In some cases, attendances are met with media reports of public anger that 'people like that... get the same privileges as anyone else' (Burns, 2013). And the prospect of being accompanied by staff and placed in handcuffs can elicit experiences of shame for those in custody, believing their presence would be disrespectful to their loved one's memory (Vaswani, 2014).

There can be little scope then for institutions to administer sensitive treatment in these issues when the very process of incarceration is either the cause of the problem or inhibits the ability to work through the issue, just as there can be little scope for a new ethos when constrained by an old culture. So long as care, treatment and rehabilitation are delivered under the premise that it is undeserved (so as to appease 'public acceptability'), the process of incarceration will struggle to foster the efficacy required for pro-social change; to address the needs and traumas experienced by those in custody; and to inspire identification with society and a desire for reintegration. Incarceration will therefore remain among the most overtly stigmatising and shameful experiences that can be imposed in a society that holds freedom as a core value (Karp, 1998).

3.4 Communities

This section will consider the issues faced in the community by those with a criminal record and/or who have served a custodial sentence. Focus will be given to the impact of the tabloid press; public anger and anxiety; police, probation and social service intrusion; and barriers to employment and welfare opportunities, in amplifying experiences of stigmatisation and shame in the community.

This paper has already highlighted how media reporting can influence public opinion on criminal justice issues. Public tensions concerning the prospect of criminals living among them, beget calls for tougher justice both in and out of custody, including increased supervision and monitoring by probation services and local police. However, the Edinburgh Study of Youth Transition and Crime (McAra & McVie, 2010) suggests that young people who have not offended but are labelled as 'at risk' by police amid concerns of youth crime, particularly in high crime areas, can increase their likelihood of offending. For those young people who have been involved in offending, this stigmatisation and targeting by police,

particularly where public opinion calls for it, may seriously hamper their chances of desistance in the community. Furthermore, McCulloch and McNeill (2007) cite the dangers of a probation system that constrains the rights and liberties of those who offend over the rest of society as a 'zero sum game' fostering divisive attitudes, rather than encouraging the reintegration of those previously involved in offending to the community. By constructing those involved in offending as external threats to society and focussing solely on 'protection of the public', robust and constraining probation systems defeat their own ends. Ex-offenders who wholly embrace the tenets of citizenship offer a better prospect for a safer society. To achieve this, it is integral that society is also prepared to embrace and support this assimilation. But this is unlikely where those who offend are increasingly vilified, shamed, and denied access to opportunities (McNeill, 2009).

Two of the most crucial opportunities affected by a history of offending are housing and employment. Not only are they essential in the obvious sense of providing security and stability, but they are central to notions of citizenship (Marshall, 1981). With regard to housing, the welfare rights of tenants are conditionally tied to their societal responsibilities, seeing those served with antisocial behaviour orders (ASBOs) evicted, denied tenancy or placed on probationary tenancy periods (PTP's) (Dwyer, 2000). This was taken further by the Dundee Project, where 'antisocial families' were removed from their communities and placed in structured accommodation to be mentored until they could function in what was deemed an acceptable manner before their return (Rodger, 2008). As such, those who have been involved in offending may find themselves struggling for tenancy, and given the higher prevalence of family dysfunction among offending populations, even family support may prove untenable (Goldson, 2004).

In the case of employment, what has been termed the 'Electronic Scarlet Letter' (US) or 'Digital Footprint' (UK) due to the availability of criminal records and history on the internet, is cited as a ''chronic and debilitating badge of shame that plagues [those involved in offending] for the rest of their lives'' (Murphy, Fuleihan, Richards, & Jones, 2011:p102). With disclosure legislation and the availability of information through the internet, those with a criminal record are often denied employment or in some cases exempted from fields of employment altogether ''predicated on a one dimensional, pervasive and enduring electronic label'' (ibid). This labelling is criticised by (Becker, 2008) as it not only conveys a person has

done something wrong, but that there is most likely something wrong with this person, conferring a permanent, deviant identity position within society.

So, through a culmination of negative media coverage; risk averse offender management; blocked opportunities and the propagation of public hostility and fear, the social capital of those involved in offending, and the avenues through which it might be fostered in the community, are ever further eroded. Those involved in offending are marked by the shame of their past transgressions, seeing them further de-civilised and marginalised within the communities they once belonged to (McNeill, 2009). This in kind may result in those who are shamed as a result of their offending history developing an oppositional stance to community and rejecting the ideals of society, identifying with negative peers and subcultures, and engaging in further offending and criminal behaviours (Tangney et al., 2011).

4. Discussion

The evidence in this paper suggests that it would be beneficial for practitioners to be aware of the harms evidenced in relation to experiences of shame, particularly where these experiences are stigmatising. This section begins a discussion about the actions that might be necessary to reduce the systemic use of shame across the criminal justice system.

It is commendable that the Scottish Government is attempting to challenge the current discourse of offenders, but simply changing the label assigned to those involved in offending does not address the values that underpin them, and a structural onus of society's responsibility for the actions of dangerous others does not assuage the public's fear of those who offend. More must be done to humanise those involved in offending to the rest of society, and given the influence of the popular press on public opinion, it is essential that the media reframe its traditional stance and support the government's steps toward this new ethos.

For practitioners working in a secure care or custodial setting, both Baldwin et al. (2006) and Karp & Frank (2016) evidenced more positive outcomes for institutional practice that seeks to tackle aberrant behaviour rather than to construct those involved in offending as aberrant individuals; and that has a focus on restorative, inclusive practices rather than those that are

punitive and stigmatising. Areas where this could be addressed include the de-militarisation of the custody setting, for example, referring to staff as prison workers rather than officers, to limit constructions of 'opposing forces' depicting each other as 'the enemy' (Richards, Ross, Newbold, Lenza, & Jones, 2012). Professionalisation of custodial services is also a priority, as already happens in Norway and is currently underway in Scotland, such as requiring college diplomas or degrees to become a prison worker, ensuring competence in the complex care/needs/treatment issues faced within a custody setting (ibid). Limiting where possible the process of labelling those who offend is imperative, as is encouraging discourses of atonement and the renewal of social capital and standing through engagement with in-house regimes and social, educational and vocational skills development. The SPS is currently committed to developing a strength based, asset-building approach that seeks to instil a sense of self-worth in custody, and implemented through-care initiatives with trained Throughcare Support Officers (TSO's) aiding and supporting those returning citizens released from custody to engage with housing, employment and welfare services (Scottish Prison Service, 2013). It is also prudent to limit where possible oppositional constructions of those in custody through risk assessment tools which tend to define offenders as external threats to society and focus predominantly on the harm 'they' (offenders) pose to 'us' (the public) (McNeill, 2009). With regard to the impact of shame, Harris (2006) concludes that an important characteristic of criminal justice institutions is the degree to which they encourage offenders to manage shame constructively. Practitioners might then consider implementing counselling techniques to curb the impact of shame experiences and prepare those in custody to move beyond a 'spoiled identity' (Murphy et al., 2011).

In the interests of public safety the evidence suggests legislators and practitioners should move beyond the current preoccupation with risk aversion in favour of a focus on (re)integrative and inclusive policies that build on the social capital of those involved in offending and their potential as positive members of society (Kemshall, 2008). Practitioners should aim to help those involved in offending see past the shameful, criminal label applied to them by the justice system and wider society, toward this new prospective positive identity position, as such internalised change is empirically linked to long term desistance from offending (Maruna, 2004). But fostering social capital is also dependent on the willingness of society to provide pro-social support and access to opportunities. As such, the provision of community forums that educate and raise awareness of risk and its effective management; show the work involved in payback schemes; encourage community partnerships to facilitate

reintegration and restoration to the community; and humanise those who offend to the community, may help assuage public reservations by providing insight and active influence to the processes of rehabilitation and restitution (Kemshall, 2008).

Furthermore, balancing the restrictions of those involved in offending in relation to their rights is integral to encouraging notions of citizenship and belonging to the community, particularly with regard to housing and employment. Legislators might consider implementing anti-discrimination legislation to protect those with criminal records in the workplace and expunging criminal records at the point of which they are deemed no longer to be predictive (IRISS, 2012). The Scottish Government's (2016) Community Justice Strategy attempts to address the stigmatisation of those involved in offending, such as substituting the word 'offender' with 'person with conviction' are a start in this regard. Similarly, the media/public construction of 'failed citizen' is not one shared by the Scottish Government. Speaking at a community conference in Inverclyde, Education Minister John Swinney stated that he regarded each person in custody as 'society's failure with that person'.

5. Conclusions

This paper has argued that experiences of shame, though varied across demographics and circumstances, are psychologically damaging and correlated with a number of maladaptive and offending behaviours. As such, shame and its associated negative impacts should be managed as a process of harm reduction. Shaming individuals is a means of punishment, a retributive act of social exclusion, and as a tool for justice, completely at odds with the aims of rehabilitation. Its impact is ostensibly detrimental, not only to the life chances of those involved in offending, but to the communities they will eventually return to. With regard to the punishment, and construction of those involved in offending, it may then be prudent to ask on a societal level 'what kind of person do we want to come back?' particularly for young people who stand to face a lifetime defined by an act in their formative years that affixes them to a deviant identity position. With respect to the evidence, it is in the interest of legislators and practitioners to curb the use and influence of shame and address public anxiety with facts instead of fear, and to humanise rather than demonise those who have offended so as to foster the prospect of redemption and rehabilitation on both sides. For as long as the apparatus of justice continue to denigrate the social capital of those involved in

offending, both theirs and the communities interests will remain locked in a zero-sum opposition of stigmatisation, resentment and fear (McNeill, 2009). And for those bodies and institutions, like the Scottish Government and the SPS, who have already committed to bucking the current trend, it is also imperative that the public is willing to accept the debt paid by those who offend and create the moral space necessary for returning citizens to find their place in society if their efforts are ever to bear fruit (Scottish Prison Service, 2013). But in a world of unprecedented access to media and the internet, informed by the current discourse, the opportunity for those involved in offending, or indeed communities, to move beyond the shame of past transgressions becomes ever more constrained.

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