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### May 9, 2013: Secular Discomfort at Shaming

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Title: Secular Discomfort at Shaming

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5/9/2013 -- Yesterday, Judge Lester Nauhaus sentenced former Supreme Court Justice Joan Orie Melvin to 3 years house arrest to be followed by 2 years probation and a \$55,000 fine. In addition, Judge Nauhaus required that the defendant apologize to former staff members and colleagues through a letter of apology to the entire judiciary accompanied by a photo of the former justice in handcuffs. The sentence was controversial. I understood part of the controversy. Many people feel that she should have been sentenced to jail. What I find difficult to understand is the discomfort some people feel at the use of a sanction of shaming. In the story in today's Post-Gazette by Paula Reed Ward, Stephen Garvey, an expert on such sanctions, noted that these sanctions can be objected to on moral grounds -- that you should not humiliate and demean people. Then there was a comment by Gershen Kaufman to the effect that shaming causes psychic harm and humiliates the whole kinship clan. This sanction was designed just to humiliate her. Well of course it was. That was the whole point. Are we now at the point where sophisticated opinion is uncomfortable at proclaiming moral superiority even over a felon? This appears to me to be an instance of secular relativism gone mad. I grant that there are fifth amendment issues. Even someone convicted of a crime has the right to maintain her innocence. However, Justice Orie Melvin was perfectly willing to say she was sorry in court in hopes of a lighter sentence. Why is this apology any different?