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Dealing with Institutional Shaming. Narrative Strategies of Young Defendants in Juvenile Court*

The study examines the narrative practices of young defendants to present themselves under shaming conditions of interaction in German juvenile court proceedings. Based on ethnographic observation protocols and using a combination of membership categorisation analysis (MCA) and the narrative practice approach the study reconstructs, how defendants manage stigmatizing attributions within the dual framework of welfare and punishment. Two narrative strategies are identified: (1) defensive normalisation, which reframes past misconduct and emphasises present conformity, thereby preserving self-esteem; (2) redemptive remorse-performance, in which ritualised apologies function as acts of self-redemption, marking a break with a deviant identity and enabling moral reintegration. The findings demonstrate that institutional shaming structures moral order in juvenile court hearings, while attention to emotion-related practices offers a deeper understanding of identity work and broadens perspectives on self-presentation in institutional interaction.

Keywords: Courtroom Interactions; Institutional Shaming; Juvenile Justice; Membership Categorisation Analysis; Narrative Analysis; Narrative Ethnography; Self-presentation

Über den Umgang mit institutioneller Beschämung. Erzählstrategien junger Angeklagter in jugendstrafrechtlichen Hauptverhandlungen

Die Studie untersucht die narrativen Praktiken jugendlicher Angeklagter zur Selbstdarstellung unter beschämenden Interaktionsbedingungen in deutschen Jugendgerichtsverhandlungen. Auf der Basis ethnografischer Beobachtungsprotokolle und mithilfe der Kombination der Membership Categorization Analysis (MCA) und des narrative-practice approach werden zwei zentrale Strategien rekonstruiert: (1) eine selbstverteidigende Erzählweise, die vergangenes Verhalten relativiert und normalisiert sowie gegenwärtige Konformität betont, um den Selbstwert zu bewahren; (2) eine Reue-Darstellung, bei der proaktive und ritualisierte Entschuldigungen als Wiedergutmachungsakte fungieren, einen entschiedenen Bruch mit einer devianten Identität signalisieren und die moralische Reintegration ermöglichen. Die Ergebnisse zeigen, dass institutionelle Beschämung eine strukturierende Komponente zur Reproduktion moralischer Ordnung in Hauptverhandlungen des Jugendstrafrechts darstellt und die analytische Involvierung emotionsbezogener Erzählpraktiken.

Keywords: Institutionelle Beschämung; Interaktionen in Hauptverhandlungen; Jugendstrafrecht; Membership Categorization Analysis; Narrationsanalyse; Narrative Ethnografie; Selbstdarstellung

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1. Introduction

In western societies, the juvenile justice system is mostly embedded in a dual legal framework of welfare system and criminal law (Goldson, 2018; Muncie, 2008; Young et al., 2017). Given this background, trials have two central objectives: To address the young people's problematic circumstances and to punish the misbehaviour. In this context, courtroom interactions fulfil a dual function: blaming the offence and shaming the offender. Shaming is a key and intended component of court trials, which is institutionalised through ceremonial conversational rites and drawing powerful attention to the wrongdoing of the defendant (Braithwaite, 1989; Harris, 2009; Komter, 1998, 2013; Maruna, 2007; Scheuerman & Keith, 2015). The primary aim of these practices is to evoke feelings of guilt, thereby promoting norm-conforming behaviour (Hosser et al., 2008, p. 139). While guilt refers to the concrete wrongdoing, shaming is directed to the person attributed with the wrongdoing (Scambler, 2018; Walker, 2011, p. 454). For Braithwaite (2020, p. 293) the "micro experience of guilt is constituted by macro practices of shaming." Even though institutional shaming is targeted at emotional reactions (Nussbaum, 2004, p. 21) the intrinsic experience of guilt and shame remains difficult to verify in practice and empirical research. A useful reference for evaluating feelings is the self-presentation of the defendant. Whether or not someone 'really' regrets their actions, feels ashamed, accepts guilt, or is truly sorry is ultimately determined by how others evaluate the credibility and authenticity of their self-presentation (Nussbaum, 2004, p. 25). Building on this foundation, this contribution examines the following question: *What are the consequences of institutional shaming practices for the self-presentation of young defendants in German juvenile criminal proceedings?* To address this question, I will first introduce juvenile courts within the dual framework of welfare and punishment that characterises European and German juvenile justice, illustrating how this structure institutionalises practices of shaming that shape and constrain defendants' self-presentation (section two). Section three outlines the methodological framework of this study, which combines narrative practice (Bamberg & Georgakopoulou, 2008; Gaxoglou & Georgakopoulou, 2021; Gubrium & Holstein, 1998, 2008) and Membership Categorisation Analysis (MCA) (Sacks, 1995; Schegloff, 2007) to examine the interactive negotiation of identity and emotional expression. The subsequent section introduces the empirical material and research design (section four). Section five outlines two narrative strategies through which young defendants respond to institutional shaming, analytically captured as processes of normalisation and redemption. Section six discusses the theoretical and methodological implications, positioning shaming as a constitutive element in maintaining institutional moral order and establishing the combined analytical approach of MCA and narrative ethnography as a resource for understanding its performative function in the construction of identity and legitimacy.

2. Shaming and Self-Presentation in Juvenile Courtroom Interaction: Between Welfare and Punishment

In many European jurisdictions, juvenile justice rests on the premise that young offenders require distinct responses, with particular emphasis on educational rather than punitive measures (Pruin, 2011, p. 1571). The European Parliament and the Council of Europe promote

this welfare-oriented approach through guidelines that highlight young defendants' vulnerability and demand proceedings combining sanctioning with pedagogical aims (Council of Europe, 2003; Council of Europe, 2011; Council of the European Union, 2016; European Parliament). Although implementation varies, welfare-oriented objectives generally complement penal orientations approaches rather than replacing them (Pruin, 2011, p. 1545).

Within this dual framework, main hearings are pivotal. They are not only formal stages for determining guilt and imposing sanctions, but also arenas in which "law-in-action" (Paik & Harris, 2015, p. 287) is enacted through institutionalised roles and conversational rites (Atkinson & Drew, 1979, p. 8), thereby producing a public "visibility of justice" (Komter, 2013, p. 614). Hearings are also expected to foster lawful behaviour through communication that is comprehensible and respectful to young defendants (Council of Europe, 2003).

The German juvenile justice system exemplifies the dual orientation of welfare and punishment particularly clearly. Guided by an educational principle, it operates within a dual legal framework consisting of the Juvenile Court Act (JGG) and the Child and Youth Welfare Act (SGB VIII) (Meier & Vasmatkar, 2011, pp. 494-495). It functions as a specialised court integrating pedagogical expertise and individualised sentencing (Pruin, 2011, p. 1546). Consequently, main hearings address not only the offence but also the personality and life circumstances of the offender (Dollinger & Fröschle, 2017, p. 68). In this way, a prosecution is understood not merely as an accusation of an offence but also as a judgment of a presumed flawed personality (Dollinger, 2019, p. 92). This juvenile justice-model makes a twofold shaming practice between criminal guilt and educational needs an integral part of main hearings. The defendants are not only confronted with the crime itself, but also with negative attributions regarding their personality, in particular assumptions about educational deficits. Main hearings therefore constitute arenas where penal sanctioning and welfare-oriented correction intersect, requiring defendants to navigate their self-presentation between accountability and pedagogical correction.

Research has rarely explored the consequences of the dual orientation between welfare and punishment of juvenile courtrooms and its consequences for the defendants' self-presentation. Existing findings suggest that courtroom communication can either support or undermine these aims. Comparative research shows wide variation in the realisation of child-friendly justice across Europe (Rap, 2013). While Dutch courts demonstrate dialogical practices that promote understanding (van der Houwen & Jol, 2017, p. 54), studies from Spain and Germany reveal formalised procedures and degrading communication which increase the exposure of young defendants (Fernández-Molina et al., 2021, p. 207; Lampe & Schmoll, 2023). These findings illustrate the ambivalence of juvenile hearings, which may either foster child-friendly participation or reproduce experiences of exposure and degradation. Such attributions place strong demands on how defendants present themselves and seek to counter or manage the stigmatizing attribution attached to the charge. At the same time, the specific setting of a court hearing limits the range of possibilities for self-presentation (Heritage, 2004; Heritage & Clayman, 2010; Komter, 2013). Against this background, shaming is explored as a social and institutional practice that structures courtroom interaction and shapes how young defendants present themselves. The following section outlines the key features of institutional shaming in juvenile justice.

2.1. Shaming as a Social Process to Trigger Shame

Pinto and Seidmann (2023, p. 7) emphasize the difficulties of providing a precise definition of shaming. They point out that “shaming is undefinable; that it is like the term *obscenity*, of which the US Supreme Court famously said in 1964 that ‘we know it when we see it’” (Pinto & Seidman, 2023, p. 7; emphasis in original). However, what is common to all forms of shaming is the involvement of at least three parties:

the side exposing the information – the shamer; and the side whom the information is supposed to shame – the shame ... However, shaming also involves a third party: the audience for whom the information is intended and whose social reactions it is meant to invoke. (Pinto & Seidman, 2023, p. 11)

The relevance of social interaction and reference to significant others (Fallon, 2013, p. 322) in the context of shaming becomes clear: There is no one to be shamed without a shamer. Additionally, an audience is relevant, which acts as an evaluating instance. It not only recognizes the deviation but also evaluates it negatively, resulting in the discrediting of the shamed individual. There are various motivations for pursuing shaming processes. For instance, these actions may serve purposes such as retribution or the restoration of justice; they may aim to assert power or, alternatively, pursue pedagogical objectives in the form of “*educational shaming*” (Pinto & Seidman, 2023, 15; emphasises in original) Shaming practices are tied to the production of submissiveness and (social) humiliation (Harduf, 2023, p. 129), as well as the degradation of the shamed person. Shame can affect a person’s self-image, often in conjunction with a “gross dissatisfaction with self” (Scheff, 2014, p. 133). Shame may cause “the experience of being fundamentally bad as a person.” (Kaufmann 1974, p. 569) Shaming describes a process involving a person being perceived as violating expected norms, leading to disapproval by others and portraying the person as morally reprehensible or inherently bad. The institutionalization and ritualization of shaming through specific shaming practices are characteristic of the youth justice system. This will be discussed in more detail below.

2.2. Institutional Shaming in Juvenile Court Proceedings

A trial within the juvenile justice process can be viewed as an illustrative example of an interactive setting wherein regulated behaviour is structured, codified, and accompanied by explicit forms of shaming. This is exemplified, for instance, in sentencing, where “the typical end of a criminal process involves conviction, punishment, pain and shame.” (Harduf, 2023, p. 129). According to Braithwaite (1989, p. 4), the institutionalisation of disapproval of crime along various shaming practices is a crucial variable of criminal law. In a trial, for instance, professional role bearers such as judges, public prosecutors, social pedagogues, etc. function as active ‘shamers’ with the aim of reacting to criminal behaviour and preventing future criminal acts (Harduf, 2023, p. 129). In a long-term study on the correlations between shame, guilt and the risk of recidivism in juvenile prisoners, Hosser et al. (2008, p. 139) state: “Moral emotions, like shame and guilt, have the capacity to motivate people to begin, or to begin again, to obey social (especially moral) rules”. Activating moral emotions through the criminal justice system is assumed to encourage individuals to reflect on their wrongdoing. Additionally, institutional

shaming may have a signalling effect on others. According to Gibson (2020, p. 143), institutional shaming has a regulatory function. He argues that the existence of regulatory institutions, such as criminal proceedings where misconduct is publicly identified and addressed, encourage norm-compliant behaviour. Examples of such proceedings include main hearings. This perspective suggests that individuals want to avoid shaming and therefore tend to behave in a norm-compliant manner (Frost et al., 2020, p. 5).

Trials are special places where defendants are confronted with the disapproval of their misconduct. This setting is governed by a legally mandated code of conduct, along with specific interactional routines and rules (Garfinkel, 1956; Goffman, 1956b; Schegloff, 1992, p. 104). Furthermore, the conversation pursues specified tasks and goals (Komter, 2013, p. 615). In trials, roles and status are determined in a clear and authoritative manner based on defined characteristics. According to Goffman (1956b) ceremonial assignments of status are enacted through collective, ritualised actions, a phenomenon also evident in trials. Symbolic practices of deference, along with their potential for denigration, play a central role in this context. Through ritualised implicit communication, the specific characteristics of these interaction settings highlight the interactants' moral standards and perceptions of how these standards are upheld or violated. Such characteristics become apparent in verbal and non-verbal communication, architectural and spatial conditions, the existence of certain local symbolism, role-specific clothing such as robes or uniforms, the assignment of specific tasks and structured communication. These ceremonial aspects create a sense of deference (Goffman, 1956b) and are intended to convey to the public that this setting is suitable for the establishment of justice (Komter, 2013, p. 613). Garfinkel (1956, p. 424) describes the court and the actors involved as a monopoly for degradation ceremonies, in which the practices of degradation "have become an occupational routine". The judicial staff act as "professional degraders" (Garfinkel, 1956, p. 424), operating within the boundaries of their official roles and thus having the power to degrade individuals.

Understanding the consequences of shaming requires focusing on defendants and how they manage their self-presentation² in court. The following section reviews existing research on self-presentation in (juvenile) courtrooms and discusses how these insights inform the analysis of shaming practices.

2.3. Self-Presentation in (Juvenile) Courtroom Interaction

The possibilities for the accused to present themselves are limited by the ritualised and powerful structures of interaction. Using conversation analysis, Komter (2013, p. 621) found that the predefined roles of speakers in court proceedings often lead to very specific perceptions of individuals, as "pre-allocation of turns ... shapes the way people listen". Thus, the scope for interpretation is determined by the clear allocation of speaker roles; an irritation of the implicitly assumed turn-taking processes does not necessarily lead to a different interpretation of what is spoken. When a defendant exceptionally asks a question, this can also be interpreted

² In this study, the term 'self-presentation' is used synonymously with the concept of 'narrative identity' (Lucius-Hoene & Deppermann, 2000, 2002), referring to identity as an ongoing achievement constructed through interaction. This conception follows an interactionist perspective, viewing self-presentations as a means of constructing identity through narrative practice.

as an answer in which the defendant “explicitly takes the blame” (Komter, 2013, p. 623). Irritating the routine conversational process with unexpected actions, can have further consequences for self-presentation in the context of ceremonial practices of deference. In a study on courtroom interactions, Harris (2009, p. 386) reconstructed the role of shaming and stigmatisation. According to this study, an alleged lack of deference and respect led to corrections that signalled humiliation, disciplinary action and shaming. Harris summarises various specific acts of interaction that “remind him [the defendant; the author] of his appropriate ‘place’ in the juvenile courtroom” (Harris, 2009, p. 386) and, in this context, also of his place in society. Harduf (2023, p. 129) also emphasises: “Defendants who are pronounced guilty often are not only convicted as criminals, but also denounced as liars”. Institutional shaming and the degradation ceremonies associated with it are therefore closely linked to stigmatisation processes, which are intended to make the defendant aware of the significance of their misconduct and the related negative perceptions of their person. Degradation and stigmatisation processes have consequences for the self-presentation of the defendants, because they cannot avoid these but must react. Drawing on interview data with young offenders, Dollinger and Fröschle (2017, p. 81) emphasize how the offenders self-presentations, shaped by problem-related categorizations, are “either honored or penalized”. They underline the balancing act the offenders must perform in the criminal proceedings.

A defendant must employ strategies of self-presentation which are unlikely to be unmasked as mere arbitrary strategies of self-presentation during a trial: he or she is to deliver a plausible narrative that is coherent and appears tenable even when called into question by a judge or prosecutor. (Dollinger & Fröschle, 2017, p. 68)

Moreover, the analyses shows how people refer to general knowledge about crime and how they negotiate authenticity and plausibility. Discourses about crime play a central role in this. Using narrative analysis, Dollinger (2018, pp. 477–488) reconstructs three narrative strategies of young people who have been accused in the context of juvenile criminal law. All narrative strategies are embedded in social discourses and aligned with (imagined) others to achieve the best possible judgement for themselves.

While existing studies have illuminated how courtroom interaction constrains or enables self-presentation, the specific consequences of institutional shaming within the dual framework of welfare and criminal law remain underexplored. According to Maruna (2007, p. 139), shaming affects offenders’ self-presentation, reinforcing deviant identities and increasing the likelihood of recidivism. This study addresses this gap through a narrative analysis of courtroom interaction, focusing on how young defendants negotiate shaming through narrative practice. The methodological approach is outlined in the following section.

3. Methodological Framework

To analyse the narrative construction of self-presentation, a narrative-theoretical approach is chosen. Based on the narrative practice approach (Bamberg, 2011; Bamberg & Georgakopoulou, 2008; Georgakopoulou, 2007; Giaxoglou & Georgakopoulou, 2021), a broad understanding of narrative is used that also includes ‘small stories’ (Georgakopoulou, 2007, 2013), incomplete or fragmented narratives, and takes into account the specific contexts in which the narratives are produced (Bamberg & Wipff, 2021). Narratives are treated as ongoing identity work

performed within interactional contexts (Presser & Sandberg, 2019, p. 132), where speakers negotiate plausibility, authenticity, and moral accountability including a variety of elements, such as a sequence of actions, experiences, characters, actors, places, etc. (Ricoeur, 1980, p. 175). Using the narrative practice approach allows for the reconstruction of identities that are formed through interaction (Bamberg & Georgakopoulou, 2008, p. 378). A core element of narratives is person-related categorisation, hence the analysis is based on the MCA (Sacks, 1995; Schegloff, 2007; Stokoe, 2012). Grounded in ethnomethodological inquiry (Garfinkel, 1984, 2020), MCA focuses on the procedural accomplishment of social order through members' situated communicative practices (Whittle & Mueller, 2020, p. 328), conceiving social reality as an ongoing interactional achievement. It analyses how social categories structure interaction by linking participants to shared expectations, rights, and responsibilities (Fitzgerald, 2015, p. 978). Stokoe (2012, 280–281; emphasis in original) summarises on the basis of Sacks work a set of ten “*10 key concepts of membership categorization*”, as an analytical heuristic. Core analytical dimensions concern the universality and relational structuring of categories, their moral and normative embeddedness, and the linkage between categories and category-bound activities (Housley & Fitzgerald, 2009; Sacks, 1995). These dimensions illuminate how categorical practices organise expectations, ideas of causality (Fitzgerald, 2015, p. 981), sustain asymmetries (Hester & Hester, 2012, p. 2), and reproduce moral orders (Jayyusi, 2014) within institutional interaction. Even the mere mentioning of categories, memberships and categorical characteristics, such as category-bounded activities, contains a wealth of information about a person. Sacks (1995, p. 241) maintains that category-bounded activities can be part of a “procedure for denigrating somebody”, which implies a person's status and role assignments. He states: “the way we construct the denigration of somebody is to propose about them that they are doing something that is bound to some category that has a lower position than theirs” (Sacks, 1995, p. 241). Building on these premises, I propose the concept of ‘category-bound emotional practices’ to highlight the role of emotion as a constitutive element of categorisation. Emotional expressions, such as displays of shame, remorse or guilt, serve as interactive resources in the construction of identity (Austin & Fitzgerald, 2007; Bandes, 2016; Proeve, 2024; Weisman, 2014; Zhong et al., 2014). Rather than referring to internal emotional states, this concept focuses on the socially situated practices of expressing emotions, which create meaning through performance. This extension is particularly pertinent to the analysis of courtroom interaction, where emotions are not private experiences, but socially mediated practices embedded in processes of moral evaluation and the negotiation of legitimacy.

MCA enables both context-specific positioning analyses and the embedding of positioning “to wider cultural discourses” (Dollinger, 2018, p. 481; Stokoe et al., 2025). Constructions of identity in trials, for example, are thus not exclusively situational, contingent or arbitrary, but embedded in and limited by cultural discourses and knowledge. Based on narrative ethnography (Gubrium & Holstein, 2008), it is assumed that ethnographic data can be used to examine narratives in their complexity (Tutenges, 2019). Both the content of the narrative (what has been told?) and the way in which the narratives are produced (how has it been told?) are examined in order to analyse the “narrativity in its own right” (Andersen, 2020, p. 293). In combination, they provide insights into the story being told about the self. “Narrative ethnography focuses on observing the performance and effect of narratives and their intertwinements with story content and construction” (Fleetwood & Sandberg, 2021, p. 4). The involvement of the researchers should be recorded as part of the construction work. As observers and analysts, they also shape how the respective reality can be heard and interpreted. However, this is not to be understood as a ‘deficit’, but rather as a relevant aspect in understanding the practices of

interaction. According to Cloos (2010, p. 188), researchers not only become familiar with the central phenomena of their research but also seemingly adopt the field's rules automatically. Here, storytelling is "not just hearing or reading the words, but actively sensing narrative performances with their entire bodies" (Tutenges, 2019, p. 27). Consequently, findings cannot provide any valid conclusions about whether or not a person is ashamed of, and regrets, their actions. The central question is how defendants, within the shaming context, negotiate the plausibility, authenticity, and identity attributions in their stories (Dollinger, 2022, p. 1484). Despite the constructed nature of the narrative practices, the young people face real consequences: The (in)credibility of their self-presentations has consequences for the judgement, both regarding criminal or social pedagogical measures and to the evaluation of their identity. Based on this methodological approach, the analysis is grounded in ethnographic data material that enables narrative self-presentations to be captured in their situational emergence and cultural embedding. In narrative ethnography, the content of narratives and their performative and contextual dimensions are considered to reconstruct identity formation in social interactions. For this purpose, a specific data set forms the basis, the composition and context of which are briefly outlined in the following section.

4. Empirical Material and Research Design

Drawing on the study '*Straf-Erfahrungen*'³, this contribution analyses empirical data collected within the project. This project examined young offenders charged under the German Youth Criminal Code and facing potential imprisonment (Dollinger, 2018, pp. 481–482). Data collection took place in three phases, consisting of pre-trial interviews, trial observations with field notes, and post-verdict follow-up interviews. Before the main hearing, a narrative interview was conducted with each defendant, focusing on biographical accounts and subjective experiences with professionals and the justice system. The courtroom observations concentrated on the interactions among participants, capturing both verbal narratives and non-verbal or paralinguistic elements. In some cases, informal conversations outside the courtroom — during breaks, in passing, or after the proceedings — were also recorded. As audio or video recordings were not permitted, detailed handwritten field notes were taken. The post-trial interviews explored the defendants' subjective perceptions of the trial and its actors, their evaluation of the verdict, and their outlook on the future (Dollinger, 2018, 2019; Dollinger & Fröschle, 2017). A total of 15 defendants between the ages of 15 and 21 at the time of data collection participated in the project.⁴ For seven participants, data were obtained at all three stages. In one case, the follow-up interview could not be carried out, as the young person did not respond to further contact after the main hearing. The underlying data set comprises eight trial observation protocols. Of these, three cases involved several defendants appearing in a single trial. The hearings lasted between thirty minutes and eight hours and primarily followed a question-and-answer structure. Defendants were permitted to speak only when invited by the judges, for example after verifying their personal details, following the reading of the charges, during

³ The project, conducted between 2015 and 2017, was led by Bernd Dollinger and Tobias Fröschle and realised at the University of Siegen with the collaboration of Luzie Gilde, Jenna Vietig and Eva Sting.

⁴ The study complied with the ethical standards of the University of Siegen and was conducted in close collaboration with the departments of law and social pedagogy, in consultation with the university's data protection office. Informed consent was obtained from all participants, with strict attention to confidentiality and voluntary participation.

witness interrogations, or in their final statements before deliberation. By contrast, the defence frequently took the initiative to raise objections or offer clarifications on behalf of the defendant without being directly prompted. In this sense, the defendant and counsel functioned as a performance team, with the defence playing a central role in co-constructing the defendant's courtroom self-presentation (Gathings & Parrotta, 2013, p. 670).

5. Findings: Narrative Strategies of Normalisation and Redemption

The analysis of the field protocols revealed that shaming represented a central aspect in the defendants' identity constructions within the trial process, as both self-problematization and externally induced discrediting emerged as key sites of interactional negotiation (Heppchen, 2019, 2024).⁵ Two narrative strategies that capture recurring functions in how defendants manage their self-presentation in response to institutional shaming were inductively abstracted from all observation protocols. This paper presents two narrative strategies inductively derived from all observation protocols. While the empirical material displayed a wide variety of narrative forms, including gendered accounts of victim-blaming and portrayals of structural disadvantage related to migration, these variations could be subsumed under the two overarching strategies. These two strategies therefore capture the shared functions underlying diverse forms of narrative practice observed across the cases. The following case studies illustrate each strategy individually, though they may also exhibit additional narrative features. The first example illustrates a narrative defence strategy aimed at preserving self-esteem, categorized as a reaction to shaming (Retzinger, 1995, p. 1106). In contrast, the second example highlights a strategy that employs narratives of redemption to rebuild self-esteem.

5.1. Self-Presentation in (Juvenile) Courtroom Interaction

Colin⁶: The former gangster:

For illustrating the first narrative strategy, the case of Colin is used as an example. Colin is a young person who has been charged with several offences, including assault and violations of the Narcotics Drugs Act. This is not Colin's first trial, as he has already been convicted of various offences in the past. Currently, Colin is in an intensive educational facility and is participating in various therapeutic and pedagogical measures. A central aspect of this self-portrayal involves Colin's emphasis on authenticity and personal change, which he achieves by retrospectively denigrating his criminal behaviour and highlighting a positive moral and social transformation in terms of legal behaviour. He repeatedly emphasises that he "*sees this as an opportunity*" to leave his criminal past behind him, often addressing the judge directly in an apparent attempt to convince him of his sincerity. The following sequence uses the category 'gangster' to illustrate how categorical references and temporal contrasts are used to construct

⁵ It should be mentioned that the young people also explicitly state in the interviews that they feel (partially) ashamed during the trial or that certain moments are embarrassing for them (see, for example Dollinger et al. 2016). The narrative strategies for dealing with shame presented in this article can also be reconstructed in the interviews, such as narrative resistance, defensive reactions or denials.

⁶ To guarantee the anonymity of all persons involved in the project, names were initialised or replaced by pseudonyms.

a narrative image of a ‘normal’ self that is no longer criminal. This sequence occurred after a brief break in the proceedings. Colin asks:

“May I say something in general?”. The judge allows Colin to do so as follows: “I am interested in everything you have to say.” Colin explains how he is currently doing and what has happened to him in recent times. ... Whereas he “thought I was a gangster back then”, Colin now realises that “my whole life passed me by [when I was high, ethnographer’s note]”. Colin continues: “I have now come to a point in my life where I no longer want to [commit crimes, ethnographer’s note]. I want to do my school ... and one day take care of my mother.” ... Colin repeatedly insists: “I’ve concluded with that [being a criminal; ethnographer’s note] for me ...” Colin also shows insight with regard to the necessity of being sentenced for his previous behaviour: “I’ll be punished for it, I fully understand ... but I want to leave that behind me and move on.”

Colin’s opening question can be interpreted as a gesture of respect, reflecting ‘demeanour’ (Goffman, 1956b) towards the judge. This verbal act exemplifies impression management (Goffman, 1956c), as “through demeanor the individual creates an image of himself, but properly speaking this is not an image that is meant for his own eyes” (Goffman, 1956b, p. 489). Rather, it is about creating an image that others perceive of him. The judge “allows” his request, and by expressing interest in “*everything*” Colin has to say, he not only justifies his decision but also highlights a deviation from the expected course of the conversation. Asking to say something ‘general’ is unusual, as statements typically address specific charges or facts, such as witness testimony. Additionally, the timing diverges from the typical structure of a trial, where the defendant usually has the chance to speak their ‘last words’ at the end. The defendant is thus granted a “narrative floor” (Coates, 2001, p. 87), the unusual nature of which is highlighted through the narrative acts of the dialogue participants. A longer passage follows in which the defendant describes his personal development. The category ‘gangster’ is used as a relevant marker to describe himself. This is a categorical distinction that can be interpreted in the context of the restoration of normality. In this respect, the category ‘gangster’ belongs to the category family ‘criminal’, but it exposes the defendant to a particularly serious type of criminal. Thereby, the subcategory ‘gangster’ is subject to a dilemma, because “gangsta character can imply contradictory stories about crime” (Dollinger, 2024, p. 4). To illustrate this, the dilemma between the two discourses identified by Sandberg (2009), which the respondents in his study used for self-presentation, will be discussed: the “oppression and gangster discourse” (Sandberg, 2009, p. 524). Narratives of oppression emphasise negative external circumstances associated with experiences of exclusion and rejection. From the offenders’ point of view, these experiences lead to criminal acts. In Goffman’s (1961) sense, telling a ‘sad story’ can be understood as providing an explanation that places a person’s deviant behaviour within a framework of misfortune or negative external circumstances. Such narratives, in which criminal acts are framed as a consequence of negative circumstances, can make a harsh punishment seem illegitimate (Dollinger, 2018, p. 484), but at the same time it makes the person vulnerable and marginalises them. In contrast, narratives embedded in gangster discourse can reinforce the narrators’ presentation of themselves as “tough, occasionally smart, and, not least, responsible for their own lives” (Sandberg, 2009, p. 537). At the same time, however, they are creating an “exaggeratedly negative picture” (Sandberg, 2009, p. 537) of themselves, which calls for harsh punishment rather than help. The dilemma described by Sandberg thus takes place along a narrative tightrope walk between the shameful categorisation as a ‘victim of external circumstances’ and the self-problematising category of a ‘gangster’:

Projecting an image of the oppressed individual can be a source of dignity. Shifting the blame to external causes removes responsibility. Oppression discourse, however, comes with a definite dilemma: the marginalized speakers have to see themselves as victims. ... Gangster discourse and the subject position of the tough and smart gangster can therefore be interpreted as resistance, or a way to reject the degrading position of the victim. (Sandberg, 2009, p. 535)

In this example, the term ‘gangster’ is used in a narrative context that refers to the past. With the subjunctive formulation “*having thought of being a gangster*”, it seems to be a typical teenage idea. These linguistic markers serve to relativize the self-categorization, presenting an image of the subject who briefly entertained the idea of a criminal career but evidently did not pursue it. The contrast between the former self, who wanted to become a gangster, and the current self, who seeks self-improvement and pursues goals that align with societal expectations of normality, highlights positive personal development (Dollinger et al., 2016, p. 334). Therefore, negative self-presentation can be considered as a form of self-shaming. The distinction between the past and present self not only reflects a capacity for self-reflection but also serves to relativize the judicial practice of shaming. By emphasizing personal growth, the presentation of positive development fosters a more positive sense of the present self, since it is primarily the past self or its actions that are subject to negative judgment. In this interpretation, the shaming induced by the indictment and the resulting attribution of problems do not lead to a diminished sense of self-worth or an alienating sense of otherness in relation to society. Instead, this process facilitates the (re-)construction of a ‘normal’ identity, reinforcing one’s belonging to the group of non-criminals. The shaming category ‘gangster’ is thus used to create a self-reference without portraying oneself as solely a victim of external circumstances. This narrative shift (Brookman, 2015) from past criminal activity to current efforts toward a positive lifestyle does not erase, deny, or reject the category ‘criminal’, but it does defuse it. The time-shifted narrative of a former self can thus be understood, in line with one form of “category manipulations” (Austin & Fitzgerald, 2007, 36.5), as a strategy of ‘reparation of identity’, aimed at restoring self-worth and mitigating the impact of shaming on the current self. Given the wide range of problematising and thus shaming self-categorisations that are available, emphasising a positive time perspective and self-reflection on past behaviour is particularly important for maintaining a positive self-image and avoiding shaming the person at present. However, self-presentation is not an individual achievement, but rather an interactive construct in which other participants are involved through validation, irritation, the creation of other self-concepts, etc. (Gathings & Parrotta, 2013, pp. 674–675). According to this example, Colin’s ‘changed’ self is reinforced by his defence counsel, who emphasises that he “*used to think differently than he does today*” while the probation officer concludes that Colin has “*really made progress*” and is now “*reflective*” and able to “*plan realistically for the future*”. The judge, too, supports this presentation, stating that he is “*pleased*” Colin wants to take a “*new path*” and stressing the pedagogical intention behind his decision: “*We are not making this easy, Colin ... Everything we are doing here is to help you get back on the right track*”. This interactional dynamic illustrates that shaming in the courtroom operates dialectically. Self-shaming becomes a potential useful resource for self-presentation, revaluing the ‘flawed’ former self through reference to the improved present one. The judge’s affirmation of Colin’s development softens the impact of shaming, yet by simultaneously invoking his continued need for help and education, institutional authority is maintained. In this way, the shaming remains within an educational framework: the category of perpetrator is weakened, but the need for guidance in accordance with youth welfare law remains central.

5.2. Shaming and Remorse-Performance to Rebuild Self-Esteem

Lenny: The Redeemed Self

The second example concerns a court case in which Lenny, a juvenile, is charged with multiple offences, including crimes against physical integrity, theft, robbery, extortion, and defamation. Lenny is living in an intensive care facility at the time of the trial. Throughout the main hearing, both the judge and the defendant himself repeatedly highlight the necessity for personal transformation. The judge explicitly underlines this expectation, noting that Lenny “*must realise that something has to change*”. From the judge’s point of view, placement in a residential youth care facility constituted the most educationally appropriate sentence – an opportunity she described as “*like winning the lottery*” for Lenny. Through various narrative practices, Lenny emphasises his willingness to change and his efforts to improve. This is reinforced through the defendant’s confession, which is accompanied by narratives of past misconduct and practices of apology. The defendant’s self-presentation is characterised by brief responses and admissions to the charges, occasionally offering minor corrections without fundamentally challenging or disputing the allegations. Additionally, the judge prompts the defendant on two occasions during the trial to apologise to the offended parties present in the courtroom. The following excerpt demonstrates how subject-centred problematisation is interactively constructed within a collaborative narrative. The case involves bodily harm against Lenny’s sister, with the protocol documenting his admission to the alleged offence.

Lenny tries to explain, for example, that he went too far in the fight with his sister because he was no longer in control of himself (Lenny: “Yes, and then I just somehow (..)/” – Judge R.: “Went crazy.” – Lenny: “Yes.”). An important topic for Judge R. seems to be whether Lenny has apologised to his sister and whether the sibling relationship is once again characterised by trust. In this regard, Lenny explains having sent his sister a written apology by post. Since there was no reaction to this, he ‘earned’ a ‘home visit’ within the rules of the [intensive pedagogical facility; the author]. Together with a pedagogical employee, Lenny was allowed to go home for three hours and apologise personally to his sister and mother for his behaviour. ... Finally, Judge R. asks Lenny to apologise repeatedly in court to his sister, who will be summoned for this at [time; the author]. After Judge R. has informed the witness that there will be no further questioning, Lenny apologises. During the apology, Lenny maintains eye contact with his sister. Even though he speaks clearly and distinctly, it seems difficult for him to speak so honestly with her. His eyes are glassy, and his face is red. After the witness is allowed to leave, Lenny looks down at the floor and seems motionless for a moment.

This excerpt illustrates how identities are co-constructed through interaction between the involved actors during court proceedings. In this context, the image of a young person who loses control in conflict situations – or, as the judge puts it, “*Went crazy*” – is shaped. The recorded pause in Lenny’s statement can be interpreted as a paralinguistic signal preceding a delicate or potentially shameful admission (Retzinger, 1995, p. 1106). The judge’s addition and Lenny’s subsequent confirmation make it clear that the problematisation and the associated self-presentation take the form of a collaborative narrative act. It creates a linguistic social bond between the conversation partners, indicating a shared way of constructing identity. It is a form of collaborative sensemaking that validates and affirms the enactment by both conversation partners. The positioning also involves a temporal dimension, where the self-presentation implicitly references a past, particularly problematic version of the self. This motif suggests positive development regarding problematic behaviour without making it explicit. Apologies are an important way of showing regret, and they can be seen as a response to shaming. When

someone apologises, they explicitly acknowledge the norm violation associated with the transgression, with the aim of repairing the damage to their self-perception caused by it. Referring to Heritage et al. (2019, p. 188, emphasises in original), “all expressions of regret’ (e.g., *Sorry* or *I’m sorry*)” are treated as instances of an “apology-based format”, which, in their account, is defined as “a stance that trouble responsibility belongs to repair-initiators, rather than to their addressees”. The proactive apology as part of self-presentation illustrates remorse and the associated acts of reparation – writing a letter and planning a visit. The repeated performance of these acts of apology over an extended period, along with an emphasis on the effort they required, underscores the seriousness of the enacted purification.

By contrast, the apology demanded by the judge can be interpreted as “a typical form of ritualized repayment” (Heller, 1982, p. 219). This form of apology is a shaming practice with primarily symbolic functions. It involves a form of social degradation (Harduf, 2023, p. 129) intended to demonstrate that misconduct is punished in the courtroom. Shaming is “[l]ike punishment, but not actually punishment, and therefore without explicit legal mandate or accountability” (Hardy, 2020, p. 172). The recorded body language of Lenny (“*Lenny maintains eye contact*”; “*His eyes are glassy and his face is red*”; “*Lenny looks down at the floor*”) suggest that the judge seemingly places Lenny in an uncomfortable, emotionally distressing situation (Goffman, 1956a; Retzinger, 1995). Placing someone in this position entails vulnerability and can lead to negative consequences such as marginalization, powerlessness, and exclusion (Scambler, 2020, pp. 89–90). At the same time, the judges request opens the possibility for redemption. By complying with this, Lenny’s apology not only serves as a “scapegoating” (Hardy, 2020, p. 174) for the misconduct but also provides a means to restore his ‘flawed’ self-image.

Despite the potential “benefits of an apology” (Suzuki & Jenkins, 2023, p. 263), apology performances have consequences for self-presentation. What is expressed through a linguistic action has tangible effects (Austin, 1962, p. 29): Narratives have the “ability to throw bridges between the promised and the performed, [the] ability to repair the broken and restore the estranged” (Scott & Stanford, 1986, 46). As such, it is irrelevant – and indeed impossible to explore – whether an apology genuinely compels the offender to make amends, whether it is sincerely meant, or whether it morally elevates the self in the eyes of others. Apologies can also serve egoistic purposes, such as securing the best possible verdict for oneself (Suzuki & Otani, 2017, p. 161). Regardless of ideas of ‘real’ remorse or the intention to make good, apologies are a significant strategy in criminal proceedings. The performance of sincere remorse plays a central role in assessing the accused, their (past and future) behaviour, and, ultimately, in determining the verdict (Bandes, 2016, p. 14; Proeve, 2023; Weisman, 2009; Zhong et al., 2014). As Weisman (2009, p. 49) notes, remorse can be understood as an act of “moral performances”. For a remorse performance to be considered ‘successful’, it must not only contain the right words, but also a credible expression of emotion and a demonstration of real change. In this regard, a credible portrayal of remorse can create a relevant differentiation between the past misbehavior and the present identity. The offender can

demonstrate the separation between themselves and their act. It is here that the remorseful offender does not merely adopt the standpoint of the community towards their wrongdoing – he or she demonstrates through their visible suffering and self-infliction of punishment their rejection of that part of the self that committed the wrongdoing. (Weisman, 2009, p. 58)

Apologies are a central part of the performance of remorse, framed as a way of dealing with institutional shaming. Unlike Colin's example, this form of self-presentation does not aim to restore normality. Instead, it can be interpreted "as a radical rupture with the past" (Weisman, 2014, p. 37) identity function as a narrative strategy to rebuild a new, possibly 'better' identity in contrast to the former self. In this sense, the performance aims to convincingly demonstrate that past misbehaviour is no longer part of the current identity. Consequently, an apology and the performance of remorse can also be seen as a process of re-establishing a new categorial membership. If the apology is accepted and the performance of remorse is evaluated as credible, then they "are not just acts that may reconcile victim and wrongdoer — they are also acts by which the wrongdoer reestablishes their membership in the moral community" (Weisman, 2014, p. 13). However, the central question is not whether the person truly regrets, feels ashamed, or wants to change, but whether the audience perceives the acts of remorse and shame as credible.

6. Conclusion

This study examined the consequences of institutional shaming on the self-presentation of young defendants in German juvenile court proceedings. Drawing on a narrative-ethnomethodological perspective, it examined courtroom interactions as a place where social reality is collaboratively accomplished through verbal talk, gesture and emotional expression. It can be argued that shaming is powerful because it is associated with the loss of social status and the experience of moral humiliation (Harduf, 2023; Hardy, 2020; Heller, 1982; Neckel, 2020). Shaming and blaming in juvenile courtrooms are institutionalised and routinised, compelling defendants to construct self-presentation within a setting marked by moral evaluation and deficit-oriented categorisation. Within the dual legal frameworks of culpable offending and educational need, young defendants are positioned simultaneously as offenders and as welfare recipients in need of educational correction.

Two narrative strategies were identified. The first, observed in most proceedings, involves managing shame through narratives of personal development and temporal contrast that separate a 'former' deviant self from a 'reformed' present self. The second, less frequent but analytically significant, entails performances of redemption through institutionally expected displays of remorse, shame and guilt. Here, sincerity is demonstrated through confession and apology, creating a visible break with the discredited past (Weisman, 2014, p. 37) and establishing the image of a morally rehabilitated self. Both strategies show that shaming is not a unilateral process, but an interactional accomplishment co-produced by all participants to validate or challenge self-presentation within a continuum between support and punishment.

The findings highlight three interrelated aspects that are central to understanding these dynamics. Firstly, institutional shaming is an inherent element of the juvenile justice system, embedded in its moral and corrective logic. Even welfare-oriented or child-friendly proceedings inevitably rely on deficit-based attributions that portray young defendants as needing correction. Judicial reasoning that emphasises the educational value of punishment perpetuates these categories and enhances asymmetries of power within the courtroom hierarchy, as determined by roles and architecture (Fernández-Molina et al., 2021, p. 199). By linking care with correction and welfare-oriented support with moral judgement, welfare-oriented logic incorporates shaming into the rehabilitation process. Consequently, shaming is an integral part of

the juvenile justice system, underscoring its inherent nature in legal and welfare state interventions. This builds on current research into shaming in welfare systems (Fallon, 2013; Frost, 2016; Frost et al., 2020; Gibson, 2016; Gupta, 2015; Munford & Sanders, 2020; Walker, 2011). Thus, shaming functions as a structural mechanism across institutions of care and control, generating ambivalent effects. While it can be strategically useful for accountability, it can also be deeply humiliating. Young defendants are made vulnerable through moral attributions and the asymmetries of institutional practice. Therefore, understanding shaming structures as a constitutive element of both juvenile justice and social welfare systems offers an important direction for future research. This invites closer examination of how practices of care and correction intertwine, and of how their emotional consequences shape identity, legitimacy, and belonging in contemporary systems of welfare and justice.

Secondly, the interactive nature of shaming demonstrates that defendants engage in self-shaming as a resource for self-presentation. Through narrative performances of remorse and moral development, they redefine the problematising attributions inherent to the dual framework of culpability and educability. Institutional shaming could be interpreted as the moral framework that produces forms of self-shaming as a useful resource for negotiating legitimacy, responsibility, and belonging (Bergman Blix & Wettergren, 2016, p. 34; Misheva, 2006, p. 139). Analysing these practices illustrates how emotional expressions of shame become observable, recognisable, and socially meaningful within courtroom interactions, thereby sustaining institutional moral orders.

Third, the study demonstrates the methodological potential of combining MCA with narrative ethnography. This approach reconstructs the moral and emotional dimensions of institutional interaction by linking the analytical rigour of MCA with the narrative practice approach that foregrounds the co-construction of meaning by all participants, including the ethnographer. Integrating emotion-related practices into MCA acknowledges the omnipresence of emotions in both everyday and institutional, clarifying their function in self-presentation. In juvenile court interactions, emotions such as shame, remorse, and regret operate as performative possibilities of establishing credibility, moral alignment and educability. Thus, the combined approach offers a framework for analysing how emotional practices function as interactional resources in the co-construction of identity, responsibility and legitimacy.

In sum, this study contributes to a broader understanding of how emotional and moral orders are enacted within welfare-oriented justice systems. By revealing how institutional and self-shaming intertwine, it demonstrates that even systems designed for care and rehabilitation depend on emotional practices of exposure and correction. This perspective provides opportunities for future research to explore how institutionalised shaming operates across different welfare and justice contexts, examining its emotional and moral consequences for identity construction and institutional legitimacy in contemporary societies.

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