## FROM DAZIBAO TO TWITTER: THE POLITICAL FUNCTION OF SHAMING

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Abstract: The paper explores shaming as a central feature of public humiliation rituals across history: in every relatively complex human society, some form of shaming performs a role in social cohesion. One of the most recent iterations of a social shaming ritual is the phenomenon that has been labelled "cancel culture", characterized by an emphasis in shaming as a means of social and political action. This paper identifies and addresses similarities between the use of big-character posters (*dazibao*) in China during the Cultural Revolution (1966-1976) and the "cancel culture" of contemporary social media environments. By advancing the understanding of the role of shame and shaming in different cultural and historical contexts—acknowledging that we are a gossip species—it is intended as a contribution for the comprehension of law as a toolbox for the mediation of human relations, as well as of its potentials and limitations.

Keywords: Dazibao; Cultural Revolution; Cancel Culture; Social Media; Public Sphere

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# **Table of Contents**

Introduction		89
I.	Shame and Shaming	90
II.	The Big-Character Posters ( <i>Dazibao</i> ) and the Cultural Revolution	91
III.	From Dazibao to Cancelling	96
Conclusion		97

#### INTRODUCTION

For good or evil, shaming is a central feature of public humiliation rituals across history. In every relatively complex human society, shaming of some form performs a role in social cohesion. One of the most recent iterations of a social shaming ritual is the relatively recent phenomenon that has been labelled "cancel culture" and is characterized by an emphasis in shaming as a means of social and political action. In this particular use of the term, which is typically but not exclusively related to social media, to cancel someone is to "reject them, to ignore, to publicly oppose their views or actions and to deprive them of time and attention." Cancel culture describes a collective display of moral outrage through posts and comments in social media, blogs, videos, memes, that has also been characterized as the expression of a "cyber mob." Sometimes, that means even depriving the target of the cancelation of their means to make a living (think of a professor "cancelled" by his or her own university, peers or students). The same can be also said of the use of dazibao (大字報: "big-character posters"), in China during the period known as Cultural Revolution. In this paper, I intend to identify and address similarities between the big-character posters' use in the Cultural Revolution and the cancel culture of contemporary social media environments, as distant as both phenomena are in time, geography and culture.

My starting point is the depiction of dazibao in the films HIBISCUS TOWN<sup>3</sup> (1986), by Xie Jin, and THE BLUE KITE<sup>4</sup> (1993), by Tian Zhuangzhuang.

The Cultural Revolution, China's historic tragedy, is depicted in HIBISCUS TOWN through the personal dramas and misfortunes of families inhabiting a small and once peaceful fictional town. Xie Jin's film exposes how the ordinary lives of common people, who have no greater ambition than to take care of their own simple lives and of those in their families, are severely impacted by socioeconomic and political events beyond their control e for which they are oblivious. HIBISCUS TOWN's walls and fences are filled with political statements, accusations, and forced confessions. A couple forced to hold posters on their house's facade with defamatory remarks about their relationship ("Black husband and wife, a devil's nest," as an allusion for an illegitimate relationship status) is the image of political issues encompassing and subordinating almost all aspects of private life. The private life is then subordinated to the public discourse, and the provincial is subordinated to the total.<sup>5</sup>

<sup>&</sup>lt;sup>1</sup> Susannah Goldsbrough, *Cancel culture: what is it, and how did it begin?*, THE TELEGRAPH (Jul. 30, 2020, 4:16 PM), https://www.telegraph.co.uk/music/what-to-listen-to/cancel-culture-did-begin/.

<sup>&</sup>lt;sup>2</sup> Julian Petley, Media and Public Shaming: drawing the boundaries of disclosure 91 (I.B. Tauris, 2013).

<sup>&</sup>lt;sup>3</sup> 芙蓉鎮, FÚRÓNG ZHÈN (Shanghai Film Studio 1986).

<sup>&</sup>lt;sup>4</sup> 藍風箏, Lán FĒNGZHENG (Beijing Film Studio, Longwick Film 1993).

<sup>&</sup>lt;sup>5</sup> Gabriel F. Y. Tsang, *Place and the Representation of the Self: Milan Kundera's Prague and Gu Hua's Hibiscus Town, in* Spaces of Longing and Belonging: Territoriality, Ideology and Creative Identity in Literature and Film. 252, 261 (Brigitte le Juez & Bill Richardson eds., 2019).

Dazibao are a major part of the landscape also in THE BLUE KITE, in which, following the Hundred Flowers Campaign, posters falsely claim that the characters Shaolong and Liu Yunwei are rightist, anti-party elements. Eventually, they are both sent to reeducation camps, as if dazibao served as evidence for their own allegations. In a scene a few years later, the boy Tietou is reprehended by his mother after arriving at home from school and telling her about his participation in an episode of rebellion in which a crowd of teenage students, led by the Red Guards, wrote posters against the school principal, cut her hair, and spat her, in a public ritual of humiliation and shaming. That was the brink of the Cultural Revolution.

#### I. SHAME AND SHAMING

Shame has been a pervasive theme – and shaming a widespread social control tool – at least since the establishment of premodern, agricultural, societies, when shaming was "unhesitatingly viewed as a justifiable in enforcing community standards." And it continues to be. While there are some studies pointing to some form of primordial shame already present in groups of primates, the most stringent anthropological evidence suggests that sensitivity to shame, as we experience it, played a central role in shaping the social cohesion required by agricultural societies, more numerous and complex than the older groups of hunter-gatherers. Early in human history, shame – and shaming – became prevalent as means of social conformity and enforcement of behavior rules. Across the globe and throughout history, ostracism, gossiping and ridicule have always been cultural tools used to keep cohesion, reaffirm values and keep the powerful and leaders in check.

Particularly in China, shame is identified as a recurring topic of Confucius' writings, who saw shame as a source of discipline and conformity. Likewise, the Greek philosophers Socrates, Plato, and Aristotle discussed shame in various ways: as part of the educational process, as an emotion connected to respect and guilty, and as a foundation of ethical behavior. A clear example of shaming being used as a form of punishment is portrayed in the 1951 film adaptation of the Chinese opera WHITE HAIRED GIRL, which ends with a triumphant scene of Hiang Shiren, the evil landlord who explores the peasants, being punished for his crimes with public humiliation by a mob of villagers. On the other hand, MINBO, 13 a 1992 Japanese film illustrates shaming being instrumentalized in different forms by the Yakuza

<sup>&</sup>lt;sup>6</sup> PETER N. STEARNS, SHAME: A BRIEF HISTORY 11 (University of Illinois Press, 2017).

<sup>&</sup>lt;sup>7</sup> Frans de Waal, The Bonobo and The Atheist: in search of humanism among the primates (W. W. Norton & Company, 2013).

<sup>&</sup>lt;sup>8</sup> STEARNS, *supra* note 6, at 14.

<sup>&</sup>lt;sup>9</sup> *Id.* at 16.

<sup>&</sup>lt;sup>10</sup> *Id.* at 21.

<sup>&</sup>lt;sup>11</sup> *Id.* at 20.

<sup>12</sup> 白毛女, Bái Máo Nử (Changchun Film Studio 1951).

<sup>13</sup> ミンボーの女, MINBŌ NO ONNA (Itami Films 1992).

as means for exerting pressure and violence against the Hotel employees who do not bend to their interests.

Below, I explore how the use of *dazibao* during the Cultural Revolution and today's social media cancel culture share meaningful connections regarding the social and political operation of shame.

# II. THE BIG-CHARACTER POSTERS (*DAZIBAO*) AND THE CULTURAL REVOLUTION

Literally meaning "big-character posters", as they are most frequently translated, *dazibao* date from Imperial China, when royal edicts, decrees and proclamations from the emperor were posted on village walls. <sup>14</sup> Local governments also used wall posters to "make announcements, disseminate information, or describe the appearance of criminals." <sup>15</sup> As a vehicle for informal popular communications, however, big-character posters (*dazibao*) first featured prominently during the years of the Japanese War, from the late 1930s. <sup>16</sup> More recently, the Chinese Red Army used wall posters to disseminate communist propaganda and, during the 1942 rectification campaign, for purging party officials. <sup>17</sup> An instance of this kind of use of *dazibao* in this period appears in CROWNS AND SPARROWS, <sup>18</sup> a 1949 Chinese film by Zheng Junli, made on the eve of China's takeover by the Communist Party. But it was during the Cultural Revolution that *dazibao* acquired a radically new function as a means of mass communication, <sup>19</sup> a modern use that seems to have been influenced by the Soviet method of erecting propaganda posters on the walls of clubs, factories, institutions etc. At this point, *dazibao* became China's most popular form of written communication. <sup>20</sup>

On May 16<sup>th</sup>, 1966, the Central Committee of the Communist Party issued an official announcement alerting the Chinese people that there were representatives of bourgeois and revisionist interests within the party, the army, and the government.<sup>21</sup> It was the beginning of the Cultural Revolution, a period of intense turmoil that would last for an entire decade and has

<sup>&</sup>lt;sup>14</sup> Barry M. Broman, *Tatzepao: Medium of Conflict in China's "Cultural Revolution"*, 46 JOURNALISM QUARTERLY, 100, 100-104 (1969).

<sup>&</sup>lt;sup>15</sup> Xing Lu, Rhetoric of the Chinese Cultural Revolution: The Impact on Chinese Thought, Culture, and Communication 74 (University of South Carolina Press, 2020).

<sup>&</sup>lt;sup>16</sup> Geremie R.Barmé, *History Writ Large: Big-character Posters, Red Logorrhoea and the Art of Words*, 9 PORTAL JOURNAL OF MULTIDISCIPLINARY INTERNATIONAL STUDIES 2, 9 (2012).

<sup>&</sup>lt;sup>17</sup> Lu, *supra* note 15, at 74.

<sup>18</sup> 烏鴉與麻雀, WŪYĀ YŬ MÁQUÈ (Kunlun Film Company 1949).

<sup>&</sup>lt;sup>19</sup> Broman, *supra* note 14.

<sup>&</sup>lt;sup>20</sup> Lu, *supra* note 15, at 73.

<sup>&</sup>lt;sup>21</sup> *Id.* at 12.

since been depicted in novels, plays and movies. During this period, top-ranking officials, well-known intellectuals, writers, and artists were persecuted.<sup>22</sup>

According to Professor Xing Lu, from DePaul University's College of Communication, a wall poster placed at the campus of Beijing University on May 25, 1966, by faculty members is symbolically considered the first *dazibao* of the Cultural Revolution. The poster denounced university administrators for "not encouraging students and faculty members to participate in the Cultural Revolution," "repressing the masses and the revolution" and being "obstacles to the revolutionary cause." <sup>23</sup> This first poster, "not only ignited the fires of the Cultural Revolution but also established the tone, the structure, and the use of language for all subsequent wall posters." <sup>24</sup> Wall posters were soon heralded as a formidable weapon for the political struggle of the revolutionary masses, and people started to write and hang up their own *dazibao* in schools, universities, streets etc.

Authored by a single person or a group of people, signed or anonymous, *dazibao*, or Big-Character Posters, large posters placed on walls at universities, factories, schools, public squares in cities all across China are a distinctive element of these times. These were posters generally three feet (90 cm) wide by 8 feet (240 cm) high printed in stylized calligraphy.<sup>25</sup> Like public rallies and forced confessions, *dazibao* were one of many practices spreading during the Cultural Revolution aimed at shaming and humiliating people who were at any moment regarded as disloyal, subversive or counter-revolutionary. Dozens of these posters would appear overnight targeting alleged enemies of the people, who were then accused of being disguised capitalists, rightists, or enemies of the socialist society.<sup>26</sup> Although a *dazibao* could convey a proclamation, an announcement, a congratulation, or a news report, the most widely used and consequential use for a *dazibao* during the Cultural Revolution was the expression of accusation and denunciation.<sup>27</sup> By virtue of *dazibao*, countless people were charged not only with crimes they did not commit but were also the target of attacks to their reputation, false claims about their private lives and relations, as well as derogatory accounts of their character. Accusers were often relatives, coworkers, and friends.

Big-character posters became a key tool in the further radicalization of Chinese society and political discourse. *Dazibao* "soon covered walls not only in schools and on university campuses, but also in government offices, factories, farms, along street, places of worship and throughout the countryside." From mid-1966 until late 1967, the big-character poster was "a

<sup>&</sup>lt;sup>22</sup> *Id.* at 10.

<sup>&</sup>lt;sup>23</sup> *Id.* at 75.

<sup>&</sup>lt;sup>24</sup> *Id*.

<sup>&</sup>lt;sup>25</sup> *Id.* at 73.

<sup>&</sup>lt;sup>26</sup> *Id.* at 13, 81-82.

<sup>&</sup>lt;sup>27</sup> *Id.* at 74.

ubiquitous form of political expression, one that combined wall art with the written word and deadly political purpose," <sup>28</sup> negatively affecting many individuals and families. <sup>29</sup>

Professor Xing Lu provides a very personal description of *dazibao* targeting her father, then a middle-rank official of the Communist Party. Posters hung in 1967 at the factory where he worked as head of the public security section would read:<sup>30</sup>

"(1) Lu Rong [her father] acted in collusion with other capitalist roaders in protecting bad people and persecuting good people; (2) Lu Rong concealed the fact that he was from a despotic, landlord family and was never truthful to the party; (3) Lu Rong viciously attacked the party, Chairman Mao, and the goal of the Proletarian Cultural Revolution; (4) Lu Rong's behind-the-scene supporters were Chiang Kaishek and Khrushchev, and he was the designated successor of Chiang and a follower of Khrushchev; and (5) Lu Rong created conflicts and factions among revolutionary comrades."

Dazibao reached a relatively wide audience at a low cost, with the additional benefit of ensuring virtual anonymity,<sup>31</sup> predicates that are also true in respect to internet and social media. Early in the 20<sup>th</sup> century, dazibao became prominent as a means of popular expression that, unlike the printing press, was accessible to virtually everyone, regardless of their economic and educational background: "a cheap, convenient, and popular means for communicating slogans, short messages and otherwise banned ideas." From anonymous protests to call to arms, from revelations of intimate secrets to denunciations of crimes, all could be written with nothing more than ink, brush, paper and glue. By means of dazibao, any idea could be made public regardless of it being deemed valuable by an editor. This characteristic is especially meaningful where the state exercises intense control of the formal means of communication. An accusation that someone was a counter-revolutionary,

<sup>&</sup>lt;sup>28</sup> Barmé, *supra* note 14, at 22.

<sup>&</sup>lt;sup>29</sup> LU, *supra* note 15, at 73.

<sup>&</sup>lt;sup>30</sup> *Id.* at 13.

<sup>&</sup>lt;sup>31</sup> Hua Sheng, Big Character Posters in China: A Historical Survey, 4 J. CHINESE, L. 234, 234 (1990).

<sup>&</sup>lt;sup>32</sup> Barmé, *supra* note 16, at 8.

<sup>&</sup>lt;sup>33</sup> *Id.* at 9.

<sup>&</sup>lt;sup>34</sup> Peter Lin, *Between Theory and Practice: The Possibility of a Right to Free Speech in the People's Republic of China*, 4 J. CHINESE L. 257, 270 (1990).

<sup>35</sup> Sheng, *supra* note 31.

tangential evidence backing the claim, and a call for action against the person were usual contents of dazibao.<sup>36</sup>

During the 1950s and 1960s, the writing and publishing of *dazibao* were not only endorsed but strongly encouraged by the party authorities as part of political strategies. Supporting the use of *dazibao* to attack his critics, Mao stated that dazibao "are something wonderful. In my opinion, they should become part of our heritage... The more *dazibao* the better."<sup>37</sup> With official sanction, the practice spread in a massive scale all across China, from urban centers like Beijing and Shanghai to remote villages.

Notably, *dazibao* were the means chosen by Mao to ignite, in 1966, the flames of the Cultural Revolution.<sup>38</sup> They were also a main tool in its further developments.<sup>39</sup> In a rhetoric that resembles some contemporary discourses about the internet and social media, *dazibao* were viewed as "a channel of direct communication to the masses"<sup>40</sup> as well as a "vehicle for the coherent communication of political ideas and the free expression by the masses of what they considered to be in their best interest."<sup>41</sup>

The right to write and publish *dazibao* was eventually explicitly enshrined in the 1975 People's Republic of China Constitution, which recognized, as the Four Great Freedoms, "speaking out freely, airing views freely, holding great debates, and writing big-character posters." <sup>42</sup> However, criticism of the government by the use of *dazibao* was outlawed in the Deng Xiaoping era, when government criticism had become widespread and they were no longer needed as a regime's instrument. <sup>4344</sup> Indeed, big-character posters were formally banned by the Chinese government 1980 on the grounds that history had proven they were unable to contribute positively to the growth of 'popular democratic rights in China.'

The use of *dazibao* during the Cultural Revolution, whether critical or supportive of the regime, has been the subject of prolific scholarship along the years, but such literature only rarely explores the invasion of domestic, personal life, by accusatory content at dazibao during the Cultural Revolution. They began to be used to "spread rumors, intensify conflicts, evoke hatred, and threaten and bully people into submission."<sup>45</sup> The depiction of *dazibao* in HIBISCUS TOWN and THE BLUE KITE acknowledges that the messages written in them ranged from

<sup>&</sup>lt;sup>36</sup> Tuo Wang, The Cultural Revolution and Overacting Dynamics: between politics and Performance (Lexington Books, 2014).

<sup>&</sup>lt;sup>37</sup> Mao Zedong, Address at the Shanghai Conference (Jul. 8, 1957) apud Sheng, supra note 31, at 238.

<sup>&</sup>lt;sup>38</sup> Sheng, *supra* note 31, at 239.

<sup>&</sup>lt;sup>39</sup> Lu, *supra* note 15, at 73.

<sup>40</sup> Sheng, *supra* note 38.

<sup>&</sup>lt;sup>41</sup> *Id.* at 242.

<sup>&</sup>lt;sup>42</sup> Lin, *supra* note 34, at 258.

<sup>&</sup>lt;sup>43</sup> Sheng, *supra* note 31, at 248.

<sup>&</sup>lt;sup>44</sup> Lin, *supra* note 34, at 272.

<sup>&</sup>lt;sup>45</sup> Lu, *supra* note 15, at 77.

hortatory political slogans to personal attacks and even gossip against purported "class enemies." 46

During this turbulent period, specialists, scholars, authorities and other people in cultural positions deemed ideologically tainted were named "cow monsters and snake demons" (*niugui sheshen*),<sup>47</sup> in an effort to link the concepts of the Party's secular ideology to familiar images borrowed from traditional Chinese folklore. Significantly, an editorial titled "Sweep Away All Monsters and Demons," published in the People's Daily on June 1, 1966, under Mao Zedong's command, contained the following:

"The exploiting classes have been disarmed and deprived of their authority by the people, but their reactionary ideas remain rooted in their minds. We have overthrown their rule and confiscated their property, but this does not mean that we have rid their minds of reactionary ideas as well."

Many people committed suicide during the Cultural Revolution, driven to this desperate act for not being able to bear further humiliation and violation of their dignity and intimacy. As Xing Lu points out that "[n]early everyone knew, directly or indirectly, someone who was driven to suicide by unwarranted charges." A person against whom charges came out was avoided by coworkers, isolated from friends and rejected by relatives. People were required to attend *xuexi ban* (study groups) where they were expected to self-criticize their counter-revolutionary ideas and confess their "crimes." Dazibao left those accused defenseless against relentless and often anonymous charges. The practice of dazibao signed simply as "revolutionary masses" was justified as necessary to protect the authors from retaliation from the accused person. In practice, it contributed to create an atmosphere of unaccountability for accusers concerning the accuracy of their accusations. These typically did not require proof and no mechanism to access truth about innocence or guilt was in place: no due process, no procedure by which accused people could defend themselves. As a result, dazibao were commonly used for spreading unsubstantiated rumors, assaulting a person's character, and

<sup>&</sup>lt;sup>46</sup> Eleanor Goodman, *When words kill: 'Big-character posters' are testament to tenacity and suffering in one of China's darkest periods*, THE CHINA PROJECT (Nov. 14, 2017), https://thechinaproject.com/2017/11/14/whenwords-kill-big-character-posters-are-testament/.

<sup>&</sup>lt;sup>47</sup> Monsters and Demons (1966-1967), CHINESEPOSTERS.NET, https://www.chineseposters.net/themes/monsters-demons.

<sup>&</sup>lt;sup>48</sup> Lu, *supra* note 15, at 19.

<sup>&</sup>lt;sup>49</sup> *Id.* at 20.

<sup>&</sup>lt;sup>50</sup> *Id*.

<sup>&</sup>lt;sup>51</sup> Broman, *supra* note 14, at 102.

<sup>&</sup>lt;sup>52</sup> LU, *supra* note 15, at 20.

ruining a person's reputation.<sup>53</sup> In some cases, *dazibao* were the means by which accused parties answered the accusations or exercised self-criticism.

Xing Lu observes that "when rhetoric fails, violence becomes the order of the day." In this context, although a communicative phenomenon, one that is carried out by words and language, *dazibao* affirmatively served a violent function in violent times, rather than a rhetoric function. Tens of millions of *dazibao* were produced during the Cultural Revolution, mobilizing millions of youth. Stall this was justified and rationalized in "the interest of protecting Chairman Mao, preventing the spread of capitalism in China, and furthering the revolutionary cause."

#### III. FROM DAZIBAO TO CANCELLING

The history of the Cultural Revolution is a cautionary tale revealing of how violent language leads to violent action. Before the Internet, the use of wall posters during the Cultural Revolution had been arguably the largest experience of mass communication for political mobilization in human society.<sup>57</sup> Yet, it produced widespread lying, rumors, and ruined the lives of many innocent people.

The official endorsement and encouragement of the use of *dazibao* originally intended, as was stated, allowing ordinary people to express different views "as a means of preventing corruption and the abuse of power." Instead, it produced standardized thinking and heard effect behavior, transforming a powerful communicational tool into a weapon for personal attacks, humiliation of innocent people, and social and political instability.

Similarly, back in Internet's early years, many believed that by allowing a free flow of different views, beliefs, and thoughts into the free market of ideas would bring the world closer to a kind of intellectual emancipation. Access to tons of information at a low or no cost, would foster truth, democracy, freedom, plurality and civility. This hope has been progressively frustrated by what now has become widespread dissemination of conspiracy theories, deliberate disinformation, rise of extremist political views, acute polarization, hate speech, mass surveillance, and intolerance.

Both *dazibao* and social media are branded as easy and convenient ways of voicing private views, complaints, blame, and accusation in the public sphere. In either, harsh, provocative language is widespread. Whether writing *dazibao* or cancelling someone via *tweets*, the revolutionary masses and the cyber mob use similar argumentative styles, play the same language, and employ similar linguistic processes. Once they learn the rules of

<sup>&</sup>lt;sup>53</sup> *Id.* at 85.

<sup>&</sup>lt;sup>54</sup> *Id.* at 25.

<sup>&</sup>lt;sup>55</sup> Broman, *supra* note 14, at 127.

<sup>&</sup>lt;sup>56</sup> Lu, *supra* note 15, at 26.

<sup>&</sup>lt;sup>57</sup> *Id.* at 92.

engagement, ordinary people become part of the public feast of self-expression, denunciation and cancelling.

Some patters seem to repeat in both cases: absolute moral certainty, promotion of dogmatic and polarized thinking, mythmaking, conspiracy theories, aggressive language and radicalism. But there are noticeable differences too. Despite the dissemination of its writing among ordinary people, standardized thinking ensured that *dazibao*, during the Cultural Revolution, were generally a tool by which those in positions of power were able to silence dissent. Contemporary cancel culture, in turn, frequently lets ordinary people to criticize and expose those who hold platform privileges (celebrities, politicians, corporations, intellectuals). An example of this potential for pressing for change and accountability is the #MeToo movement.

Nowadays, emotions associated to shame are largely explored by politics and politicians, and increasingly more in the current polarization of society and the political environment. From professors to prospective public office holders, from celebrities to reality show participants, all have their posting history in social media screened in search of ideological or political sins. And as with the "snakes and monsters" of the Chinese Cultural Revolution, today's cancel culture also has its own supernatural metaphors to label those who are or are believed to deserve being cancelled. Expressions like "red pilled", "troll" and "woke" evoke fairy tales' archetypes and images.

#### **CONCLUSION**

Technological transformations significantly changed, however, the landscape in which shaming processes occurs. Digital media has taken social shaming to a new dimension. Professor Daniel Solove claims that, because things can spread more widely and become more permanent, "Internet and social media makes ordinary gossip much more harmful." The proverb "the Internet never forgets" and its variation "Google never forgets" capture the idea: the added risks derived from the fact that information on social media is recorded. As a consequence,

"We may find it increasingly difficult to have a fresh start, a second chance, or a clean slate. We might find it harder to engage in self-exploration if every false step and foolish act is chronicled forever in a permanent record. This record will affect our ability to define our identities, to obtain jobs, to participate in public life, and more.

<sup>&</sup>lt;sup>58</sup> DANIEL J. SOLOVE, NOTHING TO HIDE 146 (Yale University Press, 2011).

Ironically, the unconstrained flow of information on the Internet might impede our freedom."<sup>59</sup>

Today, willful or coerced confessions of "wrongdoings" or "incorrect thoughts" take the form of public apologies on social media. Instead of being shamed by the tribe, humiliated before the village, or having the sins exposed to the other members of a church, a cancelled person is shamed virtually before the whole world. One of the features of this environment is the fact that, in many ways, social networks like Facebook or Tweeter perform roles more akin to governments than to traditional companies. Facebook alone accounts for online environments used by a number of users nearly twice the size of China's population. One to the lack of regulation of the digital environments, cancelling often emulates a condemnation in the absence of due process or even minimum legal procedures, as was the case with *dazibao* in the context of the Cultural Revolution. Here and then, presumption of innocence is relativized, punishment often becomes vengeance, discipline becomes bulling.

Understanding the role of shame and shaming in different cultural and historical contexts – acknowledging that we are a gossip species – can give an invaluable contribution for a better comprehension of law as a toolbox for the mediation of human relations, as well as its potentials and limitations. Shame as a theme should be incorporated into the study of jurisprudence, especially its correlations and implications to due process, privacy, freedom of speech, media regulation, criminology and criminal law.

<sup>&</sup>lt;sup>59</sup> Daniel J. Solove, The Future of Reputation: Gossip, Rumor, and Privacy on the Internet (Yale University Press, 2007).

 $<sup>^{60}</sup>$  Rob Reich, Mehran Sahami & Jeremy M. Weinstein, System Error: where big tech went wrong and how we can reboot 189 (2021).