

The Seductions of Crimesploitation: The Apprehension of Sex Offenders on Primetime Television

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Abstract

Reality television in the United States has often been understood to reinforce the punitive and neoliberal turns American political culture took in the late twentieth century. But in this article, we examine how it can work to unsettle as well as naturalize punitive and neoliberal ideologies. We do so via a case study of *To Catch a Predator*, a reality-based television program documenting the detection, legal apprehension, and extralegal punishment of adults seeking sex with teenagers. Both the appeal of the show and its susceptibility to the backlash that ultimately shut down its production, we argue, lay in a tacit invitation to viewers to imagine themselves as predators as well as parents or prosecutors.

Keywords

Punishment, popular culture, humiliation, shaming, neoliberalism, reality television, spectacle, crimesploitation, liberal subjectivity

I. Introduction: Spectacles of Crime and Punishment in Neoliberal America

In the late twentieth century, depictions of actual human beings engaging in criminal activity, being apprehended by police, or experiencing formal or informal punishment began flooding Americans' television screens. From the premier of *Cops* and *America's*

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Most Wanted in 1988, half-hour or hour-long, pseudo-journalistic programs about law enforcement have evolved into a reality television sub-genre of their own, one we call crimesploitation.¹ Since then, over two dozen crime-centered reality television series have hit the airwaves, inviting audiences to watch those who break the rules suffer the consequences.²

None created as humiliating a spectacle of degradation, however, as NBC's production of *To Catch a Predator* (2004–2007). The show began as a single story on NBC's newsmagazine *Dateline* about the sexual dangers that strangers pose to teenagers on the Internet. In an undercover operation NBC set up in conjunction with the online vigilante organization Perverted Justice, representatives of *Dateline* posed as young teenagers in online chat rooms, engaged in sexual conversations with adult men, and invited them to

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1. Crimesploitation describes a genre of reality television that exploits folk knowledge about crime to make profits for media corporations. Its pseudo-realism traffics in a melodramatic "mode of excess" aiming to elicit strong emotional responses from viewers, whether they be embarrassment, erotic attraction, sympathy, frustration, despair, triumphant exaltation, or shame (on "the mode of excess" endemic to melodrama, see Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, and the Mode of Excess* (New Haven, CT: Yale University Press, 1976)). As part of its project of verisimilitude, crimesploitation fetishizes emotionally stimulating and sensual "real" images and sounds, such as tattoos, dead bodies, drug paraphernalia, wounds, muscles, weapons, tears, shouting, erotic displays of masculinity and femininity, and bodily fluids such as blood, excrement, or saliva. Crimesploitation is the opposite of academic criminology; it is created by professional producers of cheap entertainment, not persons with advanced knowledge of criminal behavior or penology. Unlike criminology, crimesploitation is anti-intellectual, anti-explanatory, anti-idea; it deals primarily in emotion. It is in this sense – commercially driven and highly emotional TV – that we mean exploitive. Crimesploitation *takes advantage* of harmful phenomena – criminal behavior and draconian forms of punishment – to enrich itself, at the expense of sophisticated and potentially ameliorative understandings of crime. For a full explication of the concept, see Paul Kaplan and Daniel LaChance, "Crimesploitation" in the *Routledge International Handbook of Visual Criminology*, edited by Michelle Brown and Eamonn Carrabine. Forthcoming.
 2. Laurie Ouellette has referred to these programs as "real justice entertainment." They include *Real Stories of the Highway Patrol* (1993–1999), *LAPD: Life on the Beat* (1995–1999), *American Detective* (1991–1993), *Rookies* (2008–2009), *Top Cops* (1990–1993), *Lockup* (2005–), *Lockdown* (2007), *The Wanted* (2009), *Video Justice* (2006–2007), *Manhunters* (2009–2011), *Breaking Down the Bars* (2011), *Hard Time* (2011–), *Breakout* (2010–), *Homeland Security USA* (2009), *Police Women of Broward County* (2009–2011), *Bounty Girls: Miami* (2007), *Southern Fried Stings* (2010–2011), *Undercover Stings* (2012), *Jacked: Auto Theft Task Force* (2008), *Speeders* (2008–), *Parking Wars* (2008–2012), *DEA* (2008), *Bait Car* (2007–2012), *Mall Cops* (2010), *Alaska State Troopers* (2009–), *Operation Repo* (2008–2014), *Jail* (2007–2013), *Cajun Justice* (2012), *Jail: Las Vegas* (2015–), *I (Almost) Got Away With It* (2010–), *Inside American Jail* (2007–2009), *No Excuses with Master P* (2009), *T.I.'s Road to Redemption* (2009), *Smile! You're Under Arrest* (2008–2009), *Steven Seagal: Lawman* (2009–2014), *Intervention* (2005–), *Gangland* (2007–2010), and *Dog: The Bounty Hunter* (2004–2012). See Laurie Ouellette, "Real Justice: Law and Order on Reality Television," in Austin Sarat, ed., *Imagining Legality: Where Law Meets Popular Culture* (Tuscaloosa, AL: University of Alabama Press, 2011), pp. 152–76.

a suburban home. When the men arrived, they were beckoned into the home from afar by an adult decoy dressed as a minor and then confronted by reporter Chris Hansen. The segment was so popular that *Dateline* repeated it multiple times, eventually dedicating entire hours to the reports and rebroadcasting them on its cable network, MSNBC. The show featured some of the most humiliating and degrading content found in crimesploitation programs. Those confronted would be recorded by hidden cameras as Hansen read excerpts from sexually explicit fantasies they had shared online. Their humiliation would then be amplified when camera operators entered the room, and again when Hansen revealed himself to be a television news reporter who intended, to the offender's horror, to expose their illicit sexual fantasies on national television.

Outwardly, the program served as an ideological buttress to two of the larger ideological shifts that underlay the massive expansion of the criminal justice system in the late twentieth century. First, in packaging itself as a crime prevention tool for parents, the show was symptomatic of a neoliberal political landscape created by Democrats and Republicans in the 1980s and 1990s, one in which the government's affirmative obligations to the health and well-being of its citizens in all areas of their lives – from eldercare to crime control – had shrunk dramatically.³ Second, it also sought to reinforce an ideology we call “law and order punitivism,” an illiberal, reactionary discourse that arose out of the backlash against the Warren Court's criminal jurisprudence and the fear generated by the dramatic rise of violent crime in the 1960s. This ideology celebrates police or executive authority while casting suspicion on judicial decision making; bemoans commitments to due process and the rights of criminal defendants;⁴ constructs criminals in simplistic terms as evil and monstrous others; presents victims as innocents whose purity and goodness the community affirms in the act of punishment; and, finally, authorizes

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3. From *Survivor* to *The Biggest Loser*, reality television has functioned as both carrot and stick in creating a self-governing, self-securitizing citizenry. Some programs have offered instructive self-help in an encouraging tone, while others have engaged in punitive denunciation of those presented as weak, dependent, parasitic, or unable to sacrifice immediate satiation of their desires for the achievement of long-term goals. Voting someone off the island in political survival contests, declaring them the weakest link in intellectual contests, or sending them home in weight loss contests loosely resembled banishment or execution ceremonies. *To Catch a Predator*, then, seems aimed at affirming and maintaining the dominant position that discourses of harsh punishment and neoliberalism came to occupy in late twentieth century American culture. These two discourses have coexisted quite productively with one another, but they have, it is important to note, distinct histories and priorities that do not always guarantee consonance. On neoliberalism and reality television, see Laurie Ouellette and James Hay, *Better Living Through Reality TV: Television and Post-Welfare Citizenship* (Malden, MA: Blackwell, 2008). On the denunciation of failed citizens in reality television, see Steven A. Kohm, “The People's Law vs. Judge Judy Justice: Two Models of Law in American Reality-Based TV,” *Law and Society Review* 40 (2006), 693–727.
 4. On the celebration and expansion of executive authority and the demonization and contraction of judicial authority during the war on crime, see Jonathan Simon, *Governing Through Crime: How the War on Crime Transformed Democracy and Created a Culture of Fear* (New York: Oxford University Press, 2007).

the harsh, extra-legal, and humiliating elements of punishment as crucial and necessary counterparts to its modern, rule-bound, institutional logics.⁵

Scholars have read crimesploitative programs like *To Catch a Predator* as spectacles that reinforce these ideologies. They gratuitously arouse their audiences' "baser instincts" or "enthrall" them, presenting images of punishment "in a manner that is not easily conducive to analysis or self-reflection."⁶ But what is less obvious – and what we want to suggest to scholars of the cultural lives of neoliberalism and harsh punishment – is that the show might be plausibly read as a spectacle that reveals and attempts to alleviate the psychological pressures and tensions that are embedded in these ideologies. Both neoliberalism and "law and order" punitivism rely on classically liberal understandings of the self as autonomous, self-owning, and self-governing – what we will refer to as "liberal subjectivity." Liberal subjectivity undergirds the retributive understanding of offenders as persons endowed with a level of agency that makes them solely responsible for their malfeasances and deserving of the harsh consequences that follow them. And in a neoliberal era in which the state has dramatically retrenched its commitment to being a guarantor of the health and welfare of the population, everyday citizens have been imagined as possessing the capacity and the responsibility for preventing criminal harms that may befall themselves and their families.

To Catch a Predator didn't simply reinforce liberal subjectivity; it registered illicit fantasies and anxieties that seem to reflect the psyche of an age when governance has become increasingly premised on self-control and in which those who fail to govern themselves are demonized, punished, and socially excluded. In such a context, illiberal thoughts and desires, including a fantasy of not being responsible for one's self, emerge as both a source of illicit pleasure and distracting anxiety. In its depiction of men seeking sex with young adolescents, *To Catch a Predator*, we argue, captures these dynamics. It dramatizes the loss of control over the self, exposing the men's socially disorganizing fantasies and calling into question their capacity to repress them. In both form and content, the show offers viewers vicarious, pleasurable relief from the demand that they censor their anti-social impulses, while simultaneously offering reassurances that their own fantasy life, replete with those unacted-upon impulses, can remain a private source of pleasure that is materially and morally inconsequential.

We advance this reading of the show in two ways. First, we illustrate it by examining the show's normative structure, arguing that it provides opportunities for viewers to identify as illicit boundary transgressors as well as boundary policers.⁷ Second, we justify it

5. These two trends – the state's delegation of responsibility for crime prevention and control onto the citizenry and the ratcheting up of harsh punishment – constituted what David Garland has called a "culture of control." See David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago, IL: University of Chicago Press, 2001).

6. Roger N. Lancaster, *Sex Panic and the Punitive State* (Berkeley, CA: University of California Press, 2011), p. 146. Michelle Brown, *The Culture of Punishment: Prison, Society, and Spectacle* (New York: New York University Press, 2009), p. 5.

7. A robust literature in cultural criminology has grappled with the appeal of criminality and the question of how, when, and why popular culture invites spectators to identify with criminals. See, for instance, Keith J. Hayward and Mike Presdee, eds. *Framing Crime:*

by examining the legal and popular discourse produced in the aftermath of the suicide of one of its “predators.” This discourse reveals the degree to which the show was bound, in the legal and popular imagination, by tacit rules about a person’s mental sovereignty and the protection it offers to his illicit fantasies. *To Catch a Predator* ultimately drove itself out of business by violating those rules in its quest to ramp up its punitive thrills.

Ultimately, our case study demonstrates the degree to which crimesploitative texts are not as ideologically flat or stable as they may outwardly appear. Ideology, as Patricia Ewick and Susan S. Silbey have shown, is not a fixed normative vision of the world but a continuous process of maintaining consent to a set of power arrangements. It works through contradictions rather than in spite of them.⁸ As texts that reflect and reinforce dominant discourses about crime and social welfare, crimesploitation programs’ effectiveness lies in their capacity to successfully identify and recuperate, rather than ignore, the anxieties and critiques generated by those discourses. The failure of *To Catch a Predator*, we suggest, provides a valuable reminder that criminal and penal spectacles operate no differently than other ideological instruments and are vulnerable to the subversion of their intended or official meanings.⁹

II. Sex Offenders, Liberal Subjects, and Masochists

Cultural historian and sexuality scholar David Savran has drawn connections between the historical invention of the liberal, rights-bearing subject and the rise of a discourse about masochistic sexual desire during the Enlightenment (“the most universalized and ubiquitous of the perversions” to eighteenth-century thinkers, he argues¹⁰). The awareness that some human beings take pleasure out of being sexually degraded and humiliated was,

Cultural Criminology and the Image (New York: Routledge, 2010); Mike Presdee, *Cultural Criminology and the Carnival of Crime* (New York: Routledge, 2000); and Jeff Ferrell, *Tearing Down the Streets: Adventures in Urban Anarchy* (New York: St. Martins/Palgrave, 2001).

8. Patricia Ewick and Susan S. Silbey, *The Common Place of the Law: Stories from Everyday Life* (Chicago, IL: University of Chicago Press, 1998).
9. Following Steven A. Kohm’s interpretation of the show, we too find that the program’s “mass-mediated humiliation may contain the seeds of its own destruction,” For Kohm, the show inspires critique for two main reasons: first, viewers’ presumed familiarity with the fluid nature of online identity prompts them to imagine that they might “perhaps unwittingly or inadvertently, be drawn into the trap and be subjected to the terrifying process of exclusion.” Second, the “gonzo-style” punishment “may ultimately be read by audiences as a terrifying failure of public criminal justice.” We present a different explanation, focusing instead on how viewers’ own illicit fantasies and anxieties about self-governance, rather than their fear of being mistaken as a deviant (or persecuted by “gonzo” deviant vigilantes), undermines the show’s capacity to engineer acquiescence to its punitive ideology. Steven A. Kohm, “Naming, shaming and criminal justice: Mass-mediated humiliation as entertainment and punishment,” *Crime, Media, Culture* 5 (2009), 188–205, 200, 201–2.
10. David Savran, *Taking It Like a Man: White Masculinity, Masochism, and Contemporary American Culture* (Princeton, NJ: Princeton University Press, 1998), p. 27.

Savran argues, a by-product of the new identity that emergent capitalism created and that philosophers like John Locke elaborated: the liberal self. For adult men, this was an identity ridden with contradiction. Participation in an industrial economy required both an image of the worker as free (and thus able to enter into and exit from wage labor contracts with relative ease), yet the hierarchical structure of the workplace required that he be self-disciplined and obedient to authority, censoring his desires when they undermined the demands of productivity. "Aspiring to freedom and reason," Savran argues, the liberal subject "must, to prosper, disavow the knowledge that his independence requires submission to an economic system in which he remains a cog, and a despotic superego that has internalized the law, the father, and the word."¹¹ In modernity, the pleasurable, empowering sensation of freedom required painful self-denying acts of self-restraint, and sexual masochism registered erotically the way this paradoxical experience of freedom confounded pleasure and pain. For Savran, then, masochism was not abhorrent, but formed part of the "very structure of male subjectivity as it was consolidated in Western Europe during the early modern period," and the masculine identities it makes possible "are deeply contradictory, eroticizing submission and victimization while trying to retain a certain aggressively virile edge, offering subject positions that have been marked historically as being both masculine and feminine, white and black."¹²

Following Savran's understanding of the relationship between liberal subjectivity and masochism, we suggest that *To Catch a Predator* was compelling not only because it appealed to a sadistic desire to watch others be punished and humiliated, but also because it dramatized the experience of being a self in a punitive, neoliberal era, one in which binary notions of good and bad have been mapped onto people to justify the unequal distribution of wealth and vulnerability to criminal punishment across the population. *To Catch a Predator*'s spectacular eroticization of punishment appealed to a desire to alleviate the burdens of being responsible for one's self in two distinctive (and somewhat opposed) ways. First, it appealed to a hedonistic desire to override one's own internal censors by depicting men acting on illicit fantasies of satisfying an outrageous sexual appetite (hedonism).¹³ Second, it appealed to a masochistic desire to be enslaved; prostrate on the ground, handcuffed, feminized, *To Catch a Predator*'s unwilling star surrenders to authority and, in so doing, erotically discharges the burdens of governing himself onto another.¹⁴

11. Op. cit., p. 25.

12. Op. cit., p. 10, p. 9. In the nineteenth century, Savran notes, Sigmund Freud pathologized the phenomenon, using the term "moral masochist" to describe a dysfunctional splitting of the male subject into conflicting male and female identities (the masculine superego and the feminized ego), a theory that was later used to explain homosexuality.

13. Indeed, just as *The Biggest Loser*, NBC's weight loss series, would tempt contestants seeking to lose weight with the opportunity to eat their favorite (and often decadent) foods, *To Catch a Predator* offers its unwitting contestants an analogously tempting, albeit much more taboo, opportunity: sexual contact with a minor.

14. We are not the first to notice the masochistic qualities of *To Catch a Predator*. Mapping the show onto the three stages of masochistic fantasy detailed by Freud in "A Child is Being Beaten," Amy Adler has offered a reading of the show as an "S/M scene," and has suggested

To be sure, none of this was explicit. The show actively repressed its own hedonistic and masochistic qualities by encouraging viewers to identify as neither authority figure nor criminal offender, but as concerned parent. And in presenting the humiliation it doled out as a potential deterrent to would-be offenders it actively denied the existence of the masochistic qualities that, we argue, are embedded in it. Our task here, then, is not to argue what we cannot prove – that viewers identify with offenders and are drawn to the show, consciously or unconsciously, by its appeal to their illiberal fantasies. It is instead to use the content of the program and a lawsuit it occasioned to argue that it set up multiple points of identification for viewers in addition to the one it outwardly established. And given the degree to which the show invited viewers to identify as the offenders as well as the authorities on the program, we argue that it was more than a flat-footed attempt at promulgating the ideologies of neoliberalism and “law and order” punitivism.

Instead, the show sought to embed these ideologies by actively engaging with the fantasies and anxieties that could, if not managed successfully, undermine them: the Freudian desire to violate taboos that many in the population acknowledge experiencing; the fear that the Internet can expand the boundaries of the self and, in the process, make illicit fantasizing an activity that is more dangerous than it was before the advent of such technology; the existential fantasy of escaping responsibility for restraining the self. Indeed, when read from the perspective of the hedonic or masochistic offender, *To Catch a Predator* becomes a spectacle about fantasies. Through its construction, elaboration, and eroticization of literal boundaries that the men pass as they transform their fantasies into reality, the show enacted the forbidden desire to descend into an inferior being who must be governed by the rod rather than the conscience. But in fetishizing those boundaries, and in showing the punishment that follows their transgression, the show ultimately and, to audiences, perhaps reassuringly, reinforced their existence.

III. The Seductive Appeal of *To Catch a Predator*

Jack Katz’s (1988) *Seductions of Crime* established a phenomenological approach to the study of crime, examining the states of consciousness occupied by those who commit crime before, during, and after the act.¹⁵ Whereas criminology has traditionally focused on various aspects of criminals’ “backgrounds” – either their psychological makeup or

that, beyond depicting the penal subject as masochistic, it invites the viewers to partake in its masochistic pleasure: “[T]he show pictures the enthralled viewer as strangely complicit with the predator, imagining that we too will somehow delight, albeit under the veil of condemnation, in his fantasies.” It also, she suggests, creates guilt and a desire to be punished that results from our enjoyment of the suspect’s humiliation. Our work situates that masochism in the late modern criminological, penological, and political-economic context and suggests that it plays a role in the ongoing process of maintaining consent to punitive ideology that texts like *To Catch a Predator* engage in. Amy Adler, “*To Catch a Predator*,” *Columbia Journal of Gender and Law* 21 (2012), 130–58, 156.

15. Jeff Ferrell, Keith Hayward, and Jock Young, *Cultural Criminology: An Invitation* (London: Sage, 2008).

social conditions¹⁶ – Katz focused on the “phenomenal foreground”¹⁷ of criminals, their perceptions of themselves and their “world” during the criminal act. He found that many crimes entail a psychological “process through which a person empowers the world to seduce him to criminality.”¹⁸

Katz did not address the phenomenology of sex crimes, but we argue that *To Catch a Predator* inadvertently offered a popularized account of it that complements his work. Through its depiction of the exchanges between men seeking sex with adolescents and adults posing as adolescents and its “will-he-or-won’t-he?” suspense over whether the men will move from virtual contact to physical contact, *To Catch a Predator* served as a kind of popular rendering of the Katzian question, “What is the psychological experience of acting out an illegal sexual fantasy?” The show suggested an experience that Katz identified as common across a wide array of crimes: criminals frequently articulate the illegal act as the result of seduction by forces outside themselves that they, in turn, have stoked and provoked. Those who commit crime are often “playing with the line between the sense of themselves as subject and object, between being in and out of control, between directing and being directed by the dynamics of the situation.”¹⁹

In both its content and its aesthetics, the show, as we demonstrate below, presented this phenomenology to viewers in ways that invited them to imagine themselves as the deviant sex offenders undergoing shifts in consciousness as well as the righteous authority figures vanquishing evil. The show’s decision to make its pseudo-victims sex-desiring early-adolescents rather than pre-pubescent children enhanced the possibility that men in its viewing audience would be able to identify with the men on screen. The show’s decoys posed as 12- to 15-year-old minors, the age of pubescence. The offenders, then, were best classified as hebephiles, persons sexually attracted to pubescent adolescents.²⁰ Hebephilia occupies, for those who acknowledge it as a distinct desire, an uncomfortable space between pedophilia (attraction to prepubescent children under the age of twelve) and ephebophilia (attraction to post-pubescent adolescents between 15 and 19 years old). While the hebephile’s desire for sex with adolescents sometimes became, in moral panics of the late twentieth century, equated with the pedophile’s desire for sex with prepubescent children, it might also be associated with the ephebophile’s less taboo attraction to post-pubescent adolescents. Adult ephebophiles who break the law and engage in sexual relations with mid-adolescents incur widespread condemnation and outrage, yet their desire is, unlike sexual desire for a prepubescent child, acknowledged (often humorously) as widespread and cultivated (often controversially) by

16. Jack Katz, *Seductions of Crime: Moral and Sensual Attractions in Doing Evil* (New York: Basic Books, 1988), p. 3.

17. Op. cit., p. 10.

18. Op. cit., p. 7.

19. Op. cit., p. 8.

20. For a definition of hebephilia, see Ray Blanchard, Amy Lykins, Diane Wherrett, Michael Kuban, James Cantor, Thomas Blak, Robert Dickey, and Philip Klassen. “Pedophilia, Hebephilia, and the DSM-V.” *Archives of Sexual Behavior*, 38 (2009), 335–50.

popular culture.²¹ Indeed, ephebophilia has not been listed as a mental disorder in the *Diagnostic and Statistical Manual*, a recognition, perhaps, of the notion that desire for post-pubescent adolescents is not pathological.

The fact that these men were seeking young adolescents rather than prepubescent children, then, widened the possibility for viewers, particularly male viewers, to identify with them. Other kinds of sexual fantasies whose actualization would break the law are common in men. The results of one anonymous self-reporting survey of college-aged men showed that 95% of them had experienced sexual fantasies about committing illegal acts that included sexual assault (68%), sadism (62%), and exhibitionism (39%).²² Thus, a substantial portion of *To Catch a Predator*'s audience are likely to identify with the particular desires of the show's "predators" or with comparably taboo desires, distinguishing themselves from the men on screen on the basis of a lack of control over their impulses to commit illegal sex acts rather than the experience of having those impulses.

Moreover, research has shown that reality television audiences like to identify with the characters on screen.²³ And while this research shows that many viewers probably derive pleasure in the humiliation of reality TV characters²⁴ and that viewers tend to identify more with characters that they say they like rather than dislike,²⁵ some tune in specifically "to see people face challenging situations" (63%) and "imagine how I would perform in similar situations" (42%).²⁶

The inference we make here from the data available – that a substantial part of the viewing audience has had fantasies about engaging in illegal sexual activity and can thus identify with the desires of the men who travel to the sting house – undergirds our argument that the show operates as a kind of relief from the demands of liberal subjectivity. As crime spectators, audience members are invited to indulge vicariously in both the thrills of overthrowing their internal censors and descending into a more authentic, animalistic state. As penal spectators, they are invited to indulge vicariously in the humiliation that

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21. On the legal regulation of adolescent sexuality, see Carolyn Cocca, *Jailbait: The Politics of Statutory Rape Laws in the United States* (Albany, NY: SUNY Press, 2004). One satirical take on *To Catch a Predator*, a sketch on the television program *Mad TV*, sought laughs by featuring a man who is incapable of being shamed by Hansen, so confident is he that his attraction to underage teenagers is normal and shared by Hansen and other men. The sketch writers did, it is important to note, raise the age of the decoy to 17. But the larger point it was trying to make – that attraction to adolescents is not as abhorrent as the show suggests – still stands.
 22. Kevin M. Williams, Barry S. Cooper, Teresa M. Howell, John C. Yuille and Delroy L. Paulhus, "Inferring Sexually Deviant Behavior from Corresponding Fantasies: The Role of Personality and Pornography Consumption," *Criminal Justice and Behavior* 36 (2009), 198–222, 205. We could not find survey research about sexual fantasies that distinguished between pedophilia and hebephilia.
 23. Samuel Ebersole and Robert Woods. "Motivations for Viewing Reality Television: A Uses and Gratifications Analysis," *Southwestern Mass Communication Journal* 23 (2007), 23–42.
 24. Op. cit., 25.
 25. Rebecca M. Chory, "Differences in Television Viewers' Involvement: Identification with and Attraction to Liked, Disliked, and Neutral Characters." *Communication Research Reports* 30 (2013), 296–305, 301.
 26. Ebersole and Woods, "Motivations for Viewing Reality Television."

exposure of their fantasies to the world would bring, a humiliation that is simultaneously horrifying in its reputation-killing consequences and liberating in its release of the subject from the exhausting efforts to maintain a respectable reputation. We now turn to the structure of the show to demonstrate how this identification and relief is made possible.

IV. Structured Thrills

The stories on *To Catch a Predator* follow a formulaic sequence that takes the viewer along multiple phenomenological stages of committing a crime and enduring the punishment.

I The online seduction

The first interaction occurs between the suspect and the decoy in online chatrooms and messaging applications. *To Catch a Predator* informs us that adult volunteers from the vigilante organization Perverted Justice, “some of whom were victims themselves,” “pose as kids online”²⁷ in chatrooms and wait to be virtually “hit on” by men. In doing so, it incites contemplation of young teenagers as sexual beings. Before and during its affiliation with *Dateline*, Perverted Justice posted entire transcripts of its volunteers’ sexual conversations with men on its website. In its profile of the organization, *The New York Times* aired the opinion that by publishing the sexual exchanges between decoys and offenders on its website, the organization was essentially publishing pornography: “They are putting out for unfiltered, unrestricted public consumption the most graphic sexual material that they themselves say is of a perverted nature,” the defense attorney for one of the men arrested in a sting operation opined.²⁸ And, indeed, Chris Hansen introduces the group as youthful “experts” at impersonating kids who are “interested in sex,” an inconvenient fact that sits awkwardly with the larger vision of childhood innocence that is in need of protection.²⁹ Indeed, the show depicts its barely-legal decoys engaging in on-camera behavior that, were it not followed by a confrontation and an arrest, could resemble the opening scenes of a pornographic video. The female decoys adopt artificially childish baby voices, beckoning the men to come into the home (one while stroking a pet), and, once the men are inside, asking them what they want to “do” with them. Young Perverted Justice volunteers are sometimes filmed lying down on cushions as they chat sexually online with suspects they hope to invite to the sting house. Unseen by the men they are tricking, but seen by the show’s audience, they nonetheless assume the supine posture one might expect a teenager engaged in illicit online talk would take.

In one episode a male decoy gets on a web camera with the suspect and flashes the suspect his chest. As he does this, we see the mock-up teenage bedroom that the organization has created in its quest to appear authentic to suspects: pin-up pictures of teen

27. *Dateline NBC*, “Dangerous Web,” first broadcast November 2004.

28. Allen Salkin, “Web Site Hunts Pedophiles, and TV Goes Along,” *The New York Times*, December 13, 2006.

29. *Dateline NBC: To Catch a Predator* Special Report (Long Beach, California), first broadcast February 2007. Reported by Chris Hansen.

idols appear behind the decoy. Rather than simply “agreeing” to have sex with the suspect, Perverted Justice actively works to co-create the fantasy with the suspect in front of the viewing audience; it puts seductive pressure on him (and potentially audience members). Given the amount of air time dedicated to depicting Perverted Justice’s seductive strategies, the show at times undercuts the assumption that young adolescents are innocents or that the line between enforcing and breaking the law is clear.

2 *The approach to the house*

The next phase entails a major step up in the interaction between the suspect and the decoy: the movement from online fantasy to physical reality. By alternating shots of men parking their cars and approaching the house with shots of surveillance activity – hidden cameras, high-tech, multiple-angle TV monitors, hidden rooms filled with computers monitored by Perverted Justice workers – the show aims to generate, in viewers, the anxious excitement that comes with making illicit thoughts visible. In addition, the show sets up cameras across the street from the houses, allowing for shots that approximate the point of view of the suspect as well as the members of the sting operation. So while the audience is positioned, as we might expect, to view the suspect’s approach to the home from the point of view of the vigilante – as a hunter looking through his or her gun sights – it is also positioned, at key moments, as if it were the man approaching the house, moving toward the smiling decoy. The dramatic irony of the scene does not simply capture the suspect’s state of ignorance about what he’s walking into; it symbolically captures the larger sense in which the translation of thought into action is a movement of the inner, inchoate elements of the self into something visible, observable, coherent, and potentially recordable. While the suspect is not anticipating national exposure, he is anticipating the moment of being recognized, by the object of his desire, as a hebephile. In affirmatively answering the suspect’s questions – “Is this really me?” “Is this what I really want?” – the lenses of the decoy’s eyes and the television cameras are doing the same work on vastly different scales.

In this sense, *To Catch a Predator* sophisticatedly depicts a character (the “predator”) experiencing a transcendental moment of “opening the door” or “crossing the threshold,” while simultaneously depicting a mirror-image form of excitement in the persons waiting to catch him. The suspect’s move in this dance is analogous to other kinds of criminally transcendental moves that viewers may have experienced or imagined experiencing – approaching a stranger on a street corner to purchase illegal drugs, entering a hotel room with a prostitute, or exiting a store without having paid for an item. In moderately illicit situations like these, the person entering (or, in the case of shoplifting, exiting) the scene experiences a deep sense of “Here goes!” In most cases, the person has wrangled with himself for some time, debating whether the anticipated illicit pleasure is worth the risk. The show thus invites viewers to remember or fantasize about experiencing the sense of hyper-self awareness that accompanies opening the door and, in stepping through it, concretizing what has heretofore been fantasy and transforming the self into something new. Of course, *To Catch a Predator* says nothing about this phenomenological invitation; it focuses instead on the spectacle of punishment, framing its narrative in terms of vigilante and state control of deviance.

3 The entrance to the house, the appearance of Hansen, and the “private” humiliation ritual

The next phase begins with a game of cat-and-mouse; in most cases we see the decoy reveal him or herself briefly at the door to beckon the suspect before disappearing back into the house. Observing the suspects as they enter the sting-house kitchen and before they are confronted, viewers see up close the faces and bodies of the men who have taken the huge phenomenological step of “opening the door” while they are still under the spell of the seduction. This is a key dramatic moment. Up until the appearance of Hansen, that world is anxiously exciting, offering the possibility of an exhilarating sense of relief from the repression of illicit desire. But this exciting possibility for the suspect is promptly devastated by the unexpected entrance of Hansen, who walks into the kitchen wearing a blazer and carrying some papers (later revealed to be transcripts of the suspect’s online exchanges with the decoy), says something derisively innocuous like “Enjoying the cookies?” or “Have any trouble finding the place?” and tells the man to sit down. In this moment, the psychological drama of *To Catch a Predator* pivots: the suspect’s world changes from exciting to dreadful, from thrilling to terrifying. Cameras linger on his shocked reaction to allow viewers the opportunity to observe the visible effects of the metaphysical destruction unleashed on these men. Some stand silently for several seconds like deer in headlights. Others sit down and stare at the floor. Others nervously try to affect an air of nonchalance. In some cases, the suspect responds physically, fainting in one instance, or stepping backwards in another. In this first climax of the show’s narrative, viewers might experience two polar opposite forms of identification; one related to the moral authority of punishment and the other to the subjective experience of being found out as a “bad person.” On the one hand, they might imagine themselves wielding Hansen’s righteous vigilante power to obliterate the disgusting world of the “predator”; on the other hand, they might see themselves experiencing the terror and perhaps relief of becoming prey, of being caught. Some may identify directly with the on-screen offenders and their sexual fantasies, but others may identify more loosely with them, drawing unconscious connections between the suspect’s crime and their own less horrifying, but nonetheless guilt-inducing secrets that they carry around with themselves and keep from others: the closeted smoker who quits and begins again in secret, or the married man with a predilection for pornography that he keeps hidden from his partner. The show invites viewers to imagine the emotions they would experience – shame or perhaps relief – if their own secrets were suddenly exposed.

Scenes in which the suspects deny their sexual intentions provide some of the show’s most humiliating and squirmingly comedic moments because they depict liars being confronted with evidence that makes them appear ridiculous, as when Hansen asks one man who has downplayed the significance of having brought condoms into the house if he intended to do “balloon tricks with them.”³⁰ In such moments, the degenerate self is exposed, revealed to be the “true” self. The camera destroys the subject’s capacity to project an image of himself as normal.

30. *Dateline NBC: To Catch a Predator Special Report* (Greenville, Ohio), first broadcast April and May 2006.

Once confronted with facts such as the possession of condoms or chat transcripts that appear to prove the suspect's culpability, many of the men offer a confession of sorts. These range from quiet admissions, to elaborate physical displays of penitence, to emotional exhibitions of self-hatred, such as the one from a high school teacher who asked Hansen to "execute" him and called himself a "sick son of a bitch."³¹

To the suspect, the revelation of the self's deviance outs him on a private scale. Hansen, he thinks, now knows the truth. But at this point, Hansen has not yet revealed his identity – the camera hidden, the suspect often seems confused about who Hansen is but nevertheless submits to his authority. By confessing, he seems hopeful of avoiding consequences for his journey into criminality. Unaware that he is being filmed and will be exposed to the viewing public as a hebephile, he thinks he still has a chance of preserving a socially acceptable appearance. Bargaining with Hansen often ensues – a promise to cease the activity in exchange for a pardon. The possibility exists for repressing the deviant self for good and safely returning to the self-governing identity of the liberal subject.³²

4 *The appearance of the cameras and the public humiliation ritual*

Just as this hope of reversing his descent into an incorrigible deviant seems plausible, Hansen reveals his identity as a national news reporter and destroys it. Members of the show's technical crew charge into the room wielding cameras, making themselves visible to the suspect. His status again changes, the show pivoting once again. Prior to this moment, the interaction between Hansen and the suspect is understood, for the caught man, as private. Now, however, the scene becomes terrifyingly public – he is made aware that his darkest fantasies and subsequent obsequious simpering have been recorded for wide dissemination. This phase thus entails a second, public humiliation, a world in which any lingering attachments to illicit thrills are utterly obliterated. In a sense, his life is over. Everyone – not just the mysterious Hansen, who might have let him get away – will now know his disgusting secret. He will lose his job. His wife will leave him and his children will be devastated. The depiction of one man's reaction vividly demonstrates this new metaphysical destruction; intensely distressed, he covers his face and cries out, "You've got to stop this!"³³ If the appearance of Hansen represents the descent down the first, smaller hill of a roller-coaster ride, the revelation that millions are watching represents its steepest, fastest descent.

5 *The authorization to leave, the hasty departure, and the takedown*

At this stage, Hansen says, "You're free to leave any time," and the men usually immediately depart. This authorization creates a final turn in the metaphysics of *To Catch a*

31. *Dateline NBC: To Catch a Predator* Special Report (Mira Loma, California), first broadcast February 2006.

32. In one of the best known episodes of *To Catch a Predator*, a man is caught again attempting to rendezvous with a minor the day after he is humiliated at the sting house. *Dateline NBC: To Catch a Predator* Special Report (Herndon, Virginia), first broadcast November 2005.

33. *Dateline NBC: To Catch a Predator* Special Report (Herndon, Virginia), first broadcast November 2005.

Predator because it creates the impression for the suspect that, although his disgusting secret has been recorded, the humiliation of interacting with Hansen is now over and he can exit to lick his wounds and perhaps contemplate damage control. But the viewer knows that Hansen is toying with the man: police officers are lying in wait to apprehend the suspect. Scurrying out of the sting house, the suspect is arrested by the police on camera; in some instances, teams of uniformed officers violently throw the men to the ground; in one particularly gruesome episode, they tase a man.³⁴

6 The coda: “predators” as caught prey

Once the police detain the suspect, the show usually restarts the narrative cycle with a new suspect. Once the show has cycled through a few men, the drama and emotional intensity slows down for a final phase in which audiences witness the entrance of the arrested men into the criminal justice system. “Perp walks” in handcuffs, stern interviews by police officers, and arraignments in fluorescent colored jumpsuits create narrative closure by reassuring viewers that the deviant has been officially marked. The destruction of the suspect’s public self has transformed him into a fragile being occupying a degraded ontological status; his secret is out and he is now an object to be looked at and negatively appraised by the state, his family and friends, his employers, and perhaps other men in prison. He is no longer nominally a liberal subject with titular control over his identity.

With this reading, then, we interpret *To Catch a Predator* as not just a spectacle of punishment, but also a spectacle of crime. Especially in the first stages of the show, it is easy to see how *To Catch a Predator* covertly invites viewers to imagine themselves “opening the door” to exposing their own depraved thoughts and, in the process, becoming them. This is important precisely because *To Catch a Predator* – like other shows that make punishment a spectacle – legitimates harsh punishment by proving to viewers, first, that it is deserved. And that, in turn, requires depicting deviance and the sublime and transcendental pleasures that make it appealing. These shows are popular not only because they allow for spectating of punishment, but also because they offer an emotionally intense way of imagining oneself violating the rules and gaining temporary relief from the self-repressing requirements of liberal subjectivity. And while the shows can generally structure those feelings in ways that ultimately advance neoliberalism and “law and order” punitivism, the desire for deviance cultivated by these shows has the potential to destabilize and subvert these ideologies.

V. The Rules of Engagement

As we have argued, *To Catch a Predator* was partly an expression of the ideological shifts in criminal justice policy since the 1970s. The program’s pseudo-educational mission reflected long-term efforts by the state to shift responsibility for crime prevention

34. *Dateline NBC: To Catch a Predator* Special Report (Bowling Green, Kentucky), first broadcast December 2007. In its first two iterations, *To Catch a Predator* was not working with police agencies, so the men were not immediately “taken down” outside the sting house and arrested.

onto citizens. Audiences were asked to fortify their homes and expand their surveillance of children. Criminals, the show reinforced, were moral others against whom responsible citizens must take steps to protect themselves. But, as we've also argued, these trappings of the show veiled a possible flip-side of its appeal: providing viewers with opportunities for the vicarious enjoyment of illicit thrill-seeking.³⁵

All of this was made possible by the show's tacit construction of rules of engagement, which, like the design of a roller coaster, ensured that vicarious thrills that might occur for the viewer occurred at a safe distance from the actual catastrophe that befalls the on-screen deviant. Those rules, in essence, embody liberalism's bargain: you can't commit illegal acts, but you can imagine yourself committing them. Harsh punishment is only doled out to those who move from fantasizing illegal desires to taking clear steps to actualize them. Indeed, much of the potential excitement produced by *To Catch a Predator* involves the movement of the men across literal boundaries: from home to car, car to sting house, sting house to police cruiser. As he moves across these physical thresholds, his movement across metaphysical ones becomes clear, chosen, and understandable: from fantasy to activity, eagerness to shame, hopefulness to despair, law-abiding citizen to folk devil. The anticipation of making the choice provides the rush that accompanies the movement from inaction to action. The rush does not exist without the action. The pain – or, for some of the show's masochistic suspects – painful relief that comes from having been caught and punished likewise presupposes a decision to expose one's self to sanction, to manifest an internal, illicit desire in concrete terms. Viewers at home, we know, harbor illicit sexual fantasies, but they do not make the choices that the men on their screens did to cross the threshold between fantasy and action. As a result, they are given the opportunity to indulge the experience of threshold crossing without suffering the consequences.

Indeed, the show went to great lengths to render these thresholds spatially. Each episode of the program provided extensive detail to viewers about how NBC had transformed the sting house into a rigorously surveilled fortress. Through on-screen maps identifying the placement of cameras within and surrounding the home and shots of Perverted Justice volunteers monitoring surveillance images in a makeshift control room, the show called attention to its staginess. Its narrative structure, moreover, reflected and reinforced a kind of shadow legality that offered at least a semblance of recognition of liberalism's bargain. Hansen only confronts men after they've entered the house. And while his interrogations violate all sorts of due process protections, the ratings-driven need to prolong and capture the subject's humiliation prompts the television host to give his interview subject the right to make an impromptu defense, one that is ridiculed, to be sure, but a defense all the same. Hansen is also intent on establishing, for audiences, *mens rea*. The decoy nearly always asks the suspects to bring condoms or other sexually-oriented materials to further establish, beyond their presence in the house, their intent to break the law. These practices created a set of expectations – and unspoken limits – about

35. "We want to warn you some of what you'll read is explicit. But parents need to know what their kids can confront when they sit down at the computer," a preface to the *Dateline* transcripts says on its website. http://www.nbcnews.com/id/11152602/ns/Dateline_nbc/t/catch-predator-iii/#.UZUP27U3sUY (accessed February 27, 2015).

how, when, and to what end ostentatious punishment would be used. As we will see, these expectations ultimately became a liability for the show, revealing the degree to which popular culture structures and limits the range of humiliating punishment – even as it transforms it into spectacle.

VI. Punitive Burnout

To Catch a Predator aired its last original episode in 2007. NBC's decision to stop making the series seemed, to many observers at the time, a response to the backlash it suffered when one of the show's suspects, Louis William Conratt, Jr., chief felony assistant district attorney for Rockwall County, Texas (and a former district attorney of Kaufman County, Texas), committed suicide when police tried to apprehend him in his home. Although Conratt engaged in sexually-explicit conversations with Perverted Justice decoys, he never actually drove to the show's sting house in nearby Murphy, Texas. Normally, when men do not show up at the house, they are not pursued by *Dateline*. Because of his elite law enforcement pedigree, however, Conratt proved an irresistible target, and *Dateline* followed authorities to Conratt's house and waited nearby with cameras as police surrounded the home. When Conratt did not respond to knocks on his door, the authorities forcibly entered the home. There, they encountered him with a gun. He assured them he was not going to hurt them before fatally shooting himself in the head.³⁶

Conratt's sister Patricia sued NBC, alleging, among other things, that the show was acting under the color of law enforcement and violated his Constitutional rights. In the complaint – and the federal district court's opinion denying NBC's motion to dismiss it – the show's own internal rules figured centrally in the translation of the injury that was done to Conratt into a legally cognizable claim against NBC.

The complaint dwells on the artifice of the sting house in Murphy, noting that it was turned into a soundstage on which deviance would make itself known. In the week before the arrests occurred, *Dateline* workers covered the home with Halloween décor, even though the holiday had recently passed, and “worked on streetlights and ran cable” outside of the home.³⁷ The men who traveled to the house, the complaint suggests, were walking into a literalized version of the fantasy they had co-created with the decoys in online chats. In contrast, the interior of Conratt's house, where he was confronted by authorities and killed himself, is a metonym for an authentic, private, and internal self that Conratt never chose to leave. Indeed, the complaint tacitly invoked the structure of the show; unlike his predecessors, Conratt had not chosen to leave the inchoate realm of private thought and fantasy behind. He had not selected from a sea of contradictory self-images an as-yet unrealized, deviant version of himself that he intended to make real. Acting under the color of the law, *Dateline* had instead forced its way into Conratt's

36. Steve Thompson, “Ex-Kaufman Prosecutor Caught in ‘Predator’ Sting Had Child Porn: Images Found after Conratt’s Suicide Said to Include Children,” *The Dallas Morning News*, November 27, 2007.

37. Verified Amended Complaint, *Patricia Conratt, individually, and as Administrator of the Estate of Louis William Conratt, Jr., deceased, v. NBC Universal, Inc.* United States District Court (Southern District of New York). Case No. 1:07-cv-06623-DC (September 5, 2007), p. 7.

mind. Members of the SWAT team, the complaint alleged, “forced open a locked glass sliding door at the rear of the house and entered . . . [T]he door led into a room where BILL was accustomed to work on his computer. Two feet away from the computer lay a workbook from a district-attorneys [sic] conference that BILL had attended back in June. The title was ‘Investigation and Prosecution of Child Sexual Abuse.’”³⁸ If we imagine the police stepping into the disassembled, private contours of Conratt’s mind, we find, in the complaint’s description, evidence of both fleeting activity and built-in character. It is unclear what the detail of the workbook is supposed to suggest: Conratt’s panicked state of mind as he scrambled to learn the extent of the trouble he’d inadvertently gotten himself into while fantasizing on the computer? A hint that he was, perhaps, engaged in his own investigation of child abuse and that his communications with the decoy were tragically misunderstood? The meaning of the workbook is unclear, though its position just inside the sliding glass door suggests the degree to which it had become the element of his identity most visible to the outside world in his last hours.

The events in the house transpire on a spatially meaningful terrain. As the police step further into the house, the complaint reveals that they walk into a room, less visible to the external world, filled with totems of a humble and virtuous self. “[O]nce the police were inside,” the complaint narrates, “they stepped through a doorway that was adjacent to a collection of Abraham Lincoln artifacts – wood from his house and office and cloth from his coffin.”³⁹ The Lincoln memorabilia signifies the authentic Conratt, the man who, “from the earliest days . . . had chosen a good name rather than great riches; it was the jewel of his soul.” He was, the complaint avers, a “nice, quiet, soft-spoken, hard-working, methodical, thorough and intelligent individual. It was characteristic of him to part from a friend with the words, ‘Is there anything I can do for you?’”⁴⁰ This, the complaint suggests, was the essence of Conratt, and the police intrusion represents an unwarranted trespass of his private, core self.

Beyond simply establishing the tort claim that Conratt’s character constituted a valuable form of property, the description of Conratt as a Lincoln-phile sets up the violence that follows. The police had driven Conratt away from this room toward the back of his house. He faces the police, who now lay claim to his identity, hailing him as a deviant subject: “At the end of the hallway, stood BILL. He stepped back into a room and said, ‘I’m not going to hurt anyone.’ Whereupon BILL picked up his handgun and shot himself.”⁴¹ In this context, Conratt’s act of stepping into a room off the end of the hallway, interrupting their gaze, is a refusal of the identity of the predator that his forced removal from the house would fix upon him indelibly. James Gilligan writes that violence against the self or others is often the dramatic rejection of an overwhelming feeling of being ashamed.⁴² Shame, Gilligan reminds us, is generated and sustained by the sense of being looked at and recognized as a being with little or no value. Violence results when one

38. Op. cit., p. 11.

39. Op. cit.

40. Op. cit., p. 12.

41. Op. cit., p. 11.

42. This is also a key concept for Katz, especially in his analysis of “righteous slaughter.” Jack Katz, *Seductions of Crime*.

lacks, in the moment, the psychological or environmental resources to diminish the feeling of shame. The physiological instinct of self-preservation simply “does not hold when one approaches the point of being so overwhelmed by shame that one can only preserve one’s self (as a psychological entity) by sacrificing one’s body (or those of others).”⁴³ The sacrifice of the body recuperates the pride and purges the shame. In his final moments, then, Conradt moves away from the shaming gaze of the police, who, standing next to artifacts, have threatened to seize the “jewel of his soul.” He steps into one of the last unseen spaces of his psyche, one that was in imminent danger of being taken away from him if he hadn’t acted so quickly, and freezes forever, in the act of suicide, an unprosecuted, if ambiguous, vision of himself.

Trespass becomes, in the complaint, the legal and emotional violation that made *Dateline*’s actions so reprehensible. When Conradt kept refusing to take the bait, to travel to the sting house in Murphy, the complaint alleged, Chris Hansen decided to invert the show’s normal logic: “If he won’t come for us, we’ll go to him,” Hansen said to the police, according to the complaint.⁴⁴ The complaint makes explicit the sexual sadism that the show offers viewers, imagining the men seeking sex with adolescents as unwilling actors in a pornographic production: “[S]ting targets are encouraged into non-volitional acts of humiliation, such as accelerated removal of their clothes, in order to sensationalize and enhance the entertainment value of the confrontation and exposure.”⁴⁵ But rather than seduce Conradt, as it does the other suspects, into embodying their fantasies, NBC intrudes into the private space (his mind, his home) that ought to be a safe haven for the deviance that lies within everyone and exposes that deviance, forcibly, to the world. The show’s tactics, in other words, shifted in this instance from the psychological seduction of an offender to a violent metaphysical rape of him. *Dateline* took from Conradt his choice to translate – or not – his fantasies into actions. He became, unwillingly, the very deviant subject that he had, by staying in his home, resisted becoming. Suicide – willing himself into nonexistence – became the only way left to resist the transformation.

The complaint interestingly applies this kind of subject-object logic to his sister Patricia, the plaintiff of the suit. It notes that the home in which Conradt died was the house in which she grew up, and that as the executrix of the estate she holds property in the “memory of Bill” – memories presumably forged in that home – that NBC had blackened. NBC trapped her in its “public broadcasting of depictions of this home,” the complaint argues:

As a result of the defendant’s manipulation of the police, PATRICIA has lost control over the “face” that she puts on and consequently over her self-identity. She has suffered humiliation beneath the gaze of those whose curiosity takes its cue from the defendant. Though the defendant has been a master voyeur, acting from avarice, and the public has been merely a reflex voyeur – in either case, PATRICIA has become a mere object.⁴⁶

43. James Gilligan, *Violence: Reflections on a National Epidemic* (New York: Vintage, 1997), p. 110.

44. Complaint, p. 8.

45. Op. cit., p. 5.

46. Op. cit., p. 13.

The complaint captures, in its description of Patricia's injury, NBC's violation of the punitive rules it established. Rather than punishing persons for the face that they "put on" in and through the act of exiting their homes and entering the bait home, NBC began forcing subjects with the same standing as some viewers (i.e., those with unacted-upon fantasies about engaging in illegal sexual behavior) and, by kinship extension, those related to them, to put on the "face" of the child molester. The show's gravest injury, in other words, lay in its refusal to recognize the liberal subject as the only legitimate mediator between his thoughts and his being.

In his denial of NBC's motion to dismiss, federal Judge Denny Chin implicitly connected the complaint's notions of "face" and the control one has over it to his conclusion that a reasonable jury could find that NBC had violated Conrardt's fourteenth amendment rights. Representatives of the broader public could, Chin argued, read Conrardt sympathetically and determine that

what happened here was neither news nor law enforcement, but a blurring of the two with a tragic consequence – to avoid public humiliation, an otherwise law-abiding man was shamed into committing suicide, before he had been charged by any court, before he had an opportunity to be heard.⁴⁷

Indeed, Chin imagines aloud the Texas prosecutor's final moments:

That afternoon, at home, [Conrardt] likely looked out the window and saw police officers and police vehicles, reporters and news trucks, camera men and television cameras – all waiting for his arrest ... Under these circumstances, it is entirely plausible that Conrardt ... envisioned being brought out of the house, hands handcuffed behind his back, escorted by armed police officers, with television cameras rolling, and his career and life in ruins.⁴⁸

Key to the moral outrage underlying Chin's description of Conrardt's last moments is the show's denial of Conrardt's titular control over his self-image. Unlike the other men on the show, Conrardt had not signaled, by exiting the home and going to Murphy, his willingness to risk being interpellated as a man seeking sex with a minor. He had not prepared for the possibility of a sudden, forced transformation of himself into ruins. And he did not get the "opportunity to be heard" that the show's traditional inquisitorial interrogation nominally offers those that it detains. The punishment, in essence, preceded the establishment of *mens rea*, perverting the already dubious legality with which the show operated in the first place.

Chin, here, responds to the invitation made by the complaint and, as we have argued, the aesthetics of the show, to imagine himself as the potential "predator" and, more importantly, to weigh the probability that a "reasonable" jury would be able to occupy a similarly empathetic position. In finding that it would, and in temporarily occupying it himself, Chin reveals the limits of neoliberalism and "law and order" punitivism.

47. Opinion, *Patricia Conrardt, individually, and as Administrator of the Estate of Louis William Conrardt, Jr., deceased, v. NBC Universal, Inc.* United States District Court (Southern District of New York). Case No. 1:07-cv-06623-DC (February 26, 2008), p. 397.

48. Op. cit., p. 394.

VII. Fallout

Newspapers followed the lawsuit and reported in detail the lawsuit's allegation that the network should have foreseen the suicide. *Dateline* immediately went on the defensive, distancing itself from the suicide. *The New York Times* quoted the complaint's assertion that NBC

wore the robe of a state official and Bill wore the shackles of a detainee. Having trespassed and invaded upon Bill's property to broadcast a spectacle to millions, the defendant took no more steps toward protecting him than are received by a gladiator or bull.⁴⁹

In response, a spokesperson for NBC told *The New York Times* that the police investigation and *Dateline's* reporting operation were separate entities and that Conradt likely never even knew that the cameras were nearby.⁵⁰ But news coverage of the suicide voiced many critical views of *Dateline*. Conradt's sister told Murphy City Council members, who had not been informed ahead of time of the sting operation by the town's manager, that law enforcement had acted as "a judge, jury and executioner that was encouraged by an out-of-control reality show."⁵¹ In the reporting that followed the suicide, multiple news outlets reported that a police officer involved in the apprehension said to a *Dateline* producer, after Conradt had shot himself, "that'll make good TV."⁵² The officer's remark was linked to arguments against *Dateline* that criticized both the newsmagazine's appropriation of police powers and the police's internalization of an entertainment imperative.

Indeed, the incident prompted reporting that was distinctly critical of the vigilante ethos popularized by "law and order" punitivism and modernized by neoliberalism. "I have a real problem with any citizen's group conducting any investigation into any crime . . . It's a mistake for law enforcement to abdicate its responsibility to citizens" the spokesperson for the Internet Crimes Against Children Task Force, a Department of Justice program, told a reporter.⁵³ Following Conradt's suicide, the District Attorney in Collin County, where *Dateline* had set up the sting house, refused to press charges against the dozens of men who had been arrested in the traditional sting operation. Explaining why, John Roach pointed to the perils of evidence gathered by untrained vigilante groups or the news media: "The fact that somebody besides police officers were involved is

49. Qtd. in Larry Neumeister, "Sister of Man Who Killed Himself Sues Over NBC 'Predator' Show," Associated Press, July 23, 2007.

50. Tim Eaton, "Prosecutor Kills Himself in Texas Sting Over Child Sex," *The New York Times*, November 6, 2007.

51. Grant Slater, "NBC Sex Predator Sting Shakes Up Texas Town; DA Won't Prosecute," Associated Press, June 28, 2007.

52. Adam Cohen, "What's On TV Tonight? Humiliation to the Point of Suicide," *The New York Times*, March 10, 2008; Larry Neumeister, "Lawsuit Proceeds vs. 'Predator' by Family of Man," Associated Press, February 26, 2008; John G. Browning, "Legally Speaking: Perverted Justice – Part Two," *The Southeast Texas Record*, August 8, 2007; Tiara M. Ellis and Brandon Formby, "NBC Sued After Suicide During Predator Sting," *The Dallas Morning News*, July 24, 2007.

53. Browning, "Legally Speaking."

what makes this case bad,” said Roach, who was informed of the sting in advance but did not participate. “If professionals had been running the show, they would have done a much better job rather than being at the beck and call of outsiders.”⁵⁴ ABC’s rival news-magazine *20/20* produced a critical story about *Dateline*’s activity in Murphy and called attention to the multiple points where the line between law enforcement and reporting was blurred, from *Dateline*’s equipping police officers with cameras to better capture the takedown of suspects to footage of Hansen making suggestions to police about what they ought to do. District Attorney Roach told *20/20* that the police ambush of suspects was a particularly reckless decision on the part of law enforcement, a “needlessly dramatic and potentially dangerous step . . . Most professionals don’t do that sort of thing. It’s the kind of thing that’s done for performance. It has nothing to do with making the arrest.” The *20/20* segment included interviews with two detectives who quit the force in disgust after the suicide.⁵⁵

In the news media, criticism of the show occasioned a new kind of spectacle of social control⁵⁶: it revived a heroic vision of what Steven A. Kohm calls a “liberal-legal model of American law,” which emphasizes “the primacy of atomistic individual rights and due process.”⁵⁷ In his interview with *20/20*, Roach defended his decision to drop the charges because he could not verify that the evidence provided to him had been collected according to professional standards. He acknowledged that “people who prey on children are people we would like to put in our penitentiary,” but he argued that a larger respect for due process trumped that desire: “Just because we hate what these guys do doesn’t mean I get to break the rules,” he said. “The rules [dictate that] if the evidence can’t get this fellow convicted then I can’t bring a case against him.” He pointed to the suspects’ Miranda rights: Hansen, an untrained interrogator acting as “an agent of the police,” ought to have given the men Miranda warnings. Implied here is a respect for the rights of criminal suspects, whose misdeeds should not preclude them from fair treatment. Indeed, the whole construction of suspects as predators earned condemnation in the aftermath of Conradt’s suicide. The two officers who resigned their posts said that they did so, in part, because Conradt’s death had been “shrugged” off by their colleagues in the police department. He was, “in their opinion a child molester or pervert, if you will. It didn’t matter that the person died . . . [the suicide] was just pushed aside or shoved under the rug,” one said before distancing himself from that position: “I’m ashamed to have been a part of that.”⁵⁸

This vision of law and of the criminal defendant was subversive in a historical moment in which neoliberalism and “law and order” punitivism were flourishing. In a state famous for harsh punishments, District Attorney Roach was honored, the following year,

54. Slater, “NBC Sex Predator Sting.”

55. *20/20*, “Brian Ross Investigates,” first broadcast September 7, 2007. Produced by Vic Walter and reported by Brian Ross.

56. We would like to thank the anonymous reviewer who reminded us that liberal legalism “reifies the power of the state to punish in an equally problematic and no less performative way” than law and order punitivism does.

57. Steven A. Kohm, “The People’s Law vs. Judge Judy Justice: Two Models of Law in American Reality-Based TV,” *Law and Society Review* 40 (2006), 693–727, 698, 708.

58. *20/20*.

by the Texas District and County Attorneys Association for refusing to prosecute those captured by police in Murphy during the sting operation. Named Lone Star Prosecutor of the Year, Roach was literally applauded for refusing to pursue child sex offenders – a stunning honor, given the successful prosecution of those apprehended in the numerous other states where *Dateline* had conducted its operation.⁵⁹

It is important, however, to put this momentary subversion of contemporary punitivism in perspective. While liberal legalism – with its emphasis on procedural justice and its limits on the discretionary powers of law enforcement agencies – appears less punitive than the humiliating extravagancies of *To Catch a Predator*, it is no panacea to the crisis of over-punishment. It has materially enabled, with much less fanfare, the rise in mass incarceration and other forms of punitive state violence in America. Punitiveness, Naomi Murakawa has argued, has thrived on liberal optimism about government as much as reactionary skepticism of it. The contemporary carceral state had its origins in the Cold War liberalism that dominated federal policymaking in the aftermath of World War II and its faith in the capacity of government to secure citizens' personal security through the implementation of procedural reforms and professional standards in law enforcement. As the carceral state's capacity to punish expanded, Murakawa notes, a de facto logic emerged that "permitted limitless violence so long as it conformed to clearly defined laws, administrative protocol, and due process."⁶⁰ Nevertheless, the backlash generated by NBC's overreach in the Conrard case reveals limits of law and order punitivism and anxiety about liberal subjectivity in a most unlikely and unexpected place.

VIII. Conclusion

Four months after Judge Chin denied NBC's motion to dismiss the complaint, the network settled the matter with the family and announced that *Dateline* had no immediate

59. Emily Ramshaw, "Texas Must Do More to Free the Innocent, Dallas DA Craig Watkins Tells Fellow Prosecutors," *The Dallas Morning News*, January 15, 2009.

60. Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014), p. 43. To see Murakawa's point in action, one only needs to observe the recent decision by a grand jury not to indict Darren Wilson, the white officer who killed Michael Brown, an African American man in Ferguson, Missouri. Within the procedural bounds of grand jury proceedings, the district attorney reduced a complex social problem – the policing of marginalized black persons by suburban whites – into a very precise legal question about whether an officer used lethal force in an appropriate way. A grand jury could – and did – plausibly decide not to redress glaring injustice because these legal proceedings turned on a rigid yes-or-no question: "Is there probable cause to charge the officer with this crime?" As Murakawa's research makes clear, the reform proposals offered by elected officials in the wake of the Ferguson incident – better training for officers so that they respect the rights of suspects – maintain in place the premise that more policing, more opportunities for the state to exercise its right to use violence, is better when, in fact, it simply maintains highly repressive conditions.

plans to produce new episodes of *To Catch a Predator*.⁶¹ Why did the Conrardt suicide provide such a turning point for the fortunes of the show? A number of explanations are plausible. The financial liabilities of the operation may have become too much to bear for the network, particularly in light of its settlement with Conrardt's family. The larger historical timing of his death was also likely influential. The financial crisis of 2008 would provide a new villain – the Ponzi schemer or reckless mortgage lender – to pillory.⁶²

But we want to suggest that the Murphy episode revealed the existence and importance of prurient popular culture's unarticulated rules and the tacit safeguards they create for its consumers. In light of the rise and fall of *To Catch a Predator*, we might re-think what it means to understand popular culture as a mechanism for safely satisfying our more taboo desires to inflict, experience, or witness the infliction of pain, the destruction of an ego, or the loss of control. The spectacle of *To Catch a Predator* – and its spectacular demise – demonstrated how popular culture can operate as a mechanism for taming the anti-modern desires unleashed by "law and order" punitivism. As men who move in a choreographed fashion onto a soundstage endure humiliation, viewers can gain a kind of reassurance that punitive forces are contained in narratives one must choose to enter.

The Murphy episode inverted that reassuring structure. By forcing itself into the world of Internet fantasy (the suspect's house), rather than awaiting the suspect's willing and thrilling entrance into the world beyond fantasy, *Dateline* violated its own unspoken rules. Conrardt's suicide deprived its audience of the illicit, vicarious thrills that it normally cultivates, replacing them with the specter of unregulated, unpredictable, and unearned punishment. This time, it was *Dateline* violating boundaries and crossing thresholds. And in so doing, *Dateline* called our attention to the lawlessness underlying punitive sentiments, their impatience, their desperation to produce punitive thrills in any way possible, rather than in any way plausible. The result was a moment of punitive burn-out, when the desire to punish became so overwrought that it extinguished itself. In this important sense, the demise of *To Catch a Predator* revealed just how susceptible to subversion the ideology of "law and order" punitivism can be.

Crimesploitation is certainly alive and well since the demise of *To Catch a Predator* – that show's disastrous structural violation did not spell the end for the genre. The Spike network continues to air new episodes of *Cops*, perhaps the grandfather of crime-related reality shows (it has been on TV continually since 1988). History (formerly The History Channel) continues to air new episodes of *Gangland*. MSNBC, which spawned *To Catch a Predator*, continues to air new episodes of *Lockup*. All of these shows involve potential seduction in ways similar to *To Catch a Predator*. They remain popular because they have not strayed too far from the unarticulated foundation of the crimesploitation genre,

61. Brian Stelter, "NBC Settles with Family that Blamed TV Investigation for Man's Suicide," *The New York Times*, June 26, 2008.

62. Indeed, Chris Hansen himself exported the predator model to business scenarios, confronting mortgage officers selling subprime mortgages or car mechanics trying to trick customers into unnecessary repair work. Alessandra Stanley, "Scandals to Warm to," *The New York Times*, December 21, 2008.

those tacit rules that structure and limit the infliction of pain in order to provide audiences with opportunities to escape from, as well as recommit to, bearing the burdens of liberal subjectivity.

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