Can Moral Disapproval Be Done Well?

Abstract This paper identifies, and argues for a tension between, two desiderata for moral disapproval. First, moral disapproval should aspire to *justice in communication*: it should not require inappropriate silence from victims. Second, moral disapproval should aspire to *decency:* it should be corrective rather than devastating, rehabilitative rather than alienating. My strategy is to illustrate how these desiderata come into conflict within the context of online shaming, and then to show how that conflict generalizes to other contexts. The shape of the conflict is this: in a predictably wide range of cases, justice requires us to allow for public communication about an offender, but that public communication will be psychologically devastating and morally counterproductive for the offender. To explain why so many cases share this character, I appeal to psychological and philosophical research that paints a unified picture of the connections between shame, humiliation, aggression, isolation, and depression.

Introduction

In this paper, I argue that any practice of moral disapproval must make a sacrifice regarding at least one important moral goal. Some will fall short of a goal that I'll call *justice in communication*; others will fall short of a goal that I'll call *decency.* Many, plausibly, will fall short of both. The strategy of the paper is to show that there is a general structural tension between these two goals and to illuminate the nature of that tension. Though the tension afflicts practices of moral disapproval quite generally, I'll devote most of the paper to illustrating how it arises in a particular context: the context of online shaming. Toward the end of the paper, I'll explain why online shaming has special significance for this dialectic, and why we should nevertheless expect the tension I've identified to afflict moral disapproval quite generally.

It's worth taking a moment to clarify my aims. In what follows, I won't directly address practical questions like, for instance, whether any particular practice of moral disapproval (including online shaming) is on balance morally acceptable. Nor will I make suggestions about how, if at all, public policy should manage our moral disapproval. Indeed, I suspect that there may not be any general and informative answer to questions like these. I'll direct my attention, instead, to a question that *does* have a striking answer: could we erase all the morally unfortunate features from the way we express disapproval (and, more narrowly, how we express disapproval online)? I argue that we could not.

Sec. 1: Desiderata

In this section, I'll suggest two desiderata for any shared practice of moral disapproval and illustrate their plausibility in the context of online shaming.

Before jumping in, a word about the term 'online shaming.' I'll use this term to refer to any practice of moral disapproval that occurs primarily online.[1] This move makes my argumentative task harder, not easier. The claim that there is always a moral cost to certain particularly nasty forms of online disapproval is quite obvious. The claim that there is always a moral cost to *any* shared practice of online disapproval is more contentious.

So, what should we aim for in a practice of moral disapproval?[2] Here are two attractive answers. First, the practice should not require an unacceptable silence from people who have been morally wronged. I'll call this the desideratum of *justice in communication*. Second, the practice should be *decent*—it should not be cruel to those who face disapproval.

We can illustrate the importance of justice in communication by looking at a case: the recent online shaming of former movie producer Harvey Weinstein. In late 2017, many of Weinstein's victims spoke out—especially through social media and online news outlets. The ensuing tidal wave of online disapproval made Weinstein's history of sexual abuse a matter of widespread public condemnation.[3]

Whatever the other benefits of Weinstein's shaming, one benefit is clear: Weinstein's victims formed a community in solidarity with one another and with victims of similar crimes worldwide. What's more, this community's voice reached Weinstein in a powerful way. These were both valuable features of the case. It would have been horrible if Weinstein's victims had remained unable to communicate with one

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[1] Sometimes, the term "moral disapproval" is used to pick out a mental state—an attitude (or family of attitudes) that one takes up when one considers something or someone morally deficient. Sometimes, on the other hand, the term is used to pick out acts or statements that (at least purport to) *express* that mental state. Throughout the paper, I generally (with a few exceptions that should be made clear by context) adopt the latter usage. When I ask what we should aim for when we disapprove of one another, I'm asking how we should go about communicating with one another, not how each of us should manage our individual moral attitudes.

[2] Some will be tempted to reject this question as misguided, arguing that the best sort of moral community would eliminate moral disapproval altogether. But this radical response faces two serious challenges. On the one hand, it's awfully tempting to think that we could not retain anything recognizable as a shared moral community without continuing to communicate negative moral attitudes to one another in some way or other. For more on this, see Hieronymi (2008). On the other hand, it's also plausible that communication of moral disapproval is *as a matter of psychological fact* an ineliminable part of our moral lives. See Sher (2005, 135-8). This latter, weaker point is sufficient to motivate the key question I am asking: given that we are stuck disapproving of one another, what should we aim for in doing so?

[3] For a thorough overview of Weinstein's public shaming, see http://www.bbc.com/news/entertainment-arts-41594672.

another; it also would have been horrible if they had been prevented from making Weinstein aware of their disapproval.

It's worth noting that these are not far-fetched counterfactuals; it's very plausible that *actual* victims of sexual assault (and of other crimes) often face enormous pressure from persons and institutions that conspire to keep them silent. The desideratum that I've called 'justice in communication' is merely a precondition for any acceptable revision to this unjust *status quo:* at the very least, victims should be able to form communities with one another and to speak out against those who have wronged them.

A different case will help to illustrate the importance of our second desideratum: the desideratum of decency. In 2012, a woman named Lindsey Stone posted a photo online in which she appeared to be shouting and holding up her middle finger next to a sign in Arlington National Cemetery that called for "Silence and Respect." Stone's photo went viral, largely because an enormous amount of people disapproved of her act, often cruelly, in online forums. The results were striking. Stone was immediately fired from her job. She "fell into a depression, became an insomniac, and barely left home for a year" (Ronson 2015, 210).[4]

Many of the participants in Stone's online shaming were egregiously cruel. Any defensible practice of moral disapproval would have to be much more decent than our current practice was to her. That's because decency is a desideratum for any shared practice of moral disapproval. This is not to say that disapproval should aim never to create displeasure. Rather, it's to say that disapproval should aim to treat people in a way that is corrective rather than crushing, rehabilitative rather than alienating.

I've now sketched a case for two desiderata; the remainder of this paper will argue for a tension between them.

Before moving on, I'll offer a clarification. Some might worry that my desiderata inappropriately posit a moral cost *every time* that victims are constrained not to communicate with one another—and *every time* that we treat someone in a way that is alienating rather than rehabilitative.[5] But my argument in this paper does not require that the two desiderata in question are exceptionless. It's sufficient for my purposes if there exists a wide range of cases in which both desiderata have some pull: cases in which there is some reason to allow for open communication about the

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[4] For further detail, see Ronson (2015, ch. 11).

[5] It's worth noting that even these universal claims may be correct, precisely because they are quite logically weak: they simply concern whether falling short of my desiderata always involves some moral cost. Suppose, for instance, that there are decisive reasons in favor of alienating or crushing the spirit of a heinous criminal like Harvey Weinstein. Even so, the fact that an alternative approach would instead rehabilitate the criminal might still count as a (decisively overridden) reason in favor of adopting that approach. Thanks to [name] for useful discussion here.

offense, and there is also some reason to favor a kind, rehabilitative approach toward the offender. This much is extremely plausible.[6]

Sec. 2: What's Indecent About Public Shaming?

In order to see just how indecency and justice in communication are connected in practices of online shaming, we need to take a closer look at the many indecent features of online shaming. In this section, I'll discuss two respects in which we could make our practice more decent without moral cost. Section 3 sets up the core tension of the paper by arguing that there is at least one source of indecency in online shaming that cannot be resolved without presenting a problem for justice in communication.

Let's start, then, by identifying sources of indecency in online shaming. The most obviously indecent aspect of online shaming has to do with violent, abusive, or bigoted language. Any truly decent attempt to go in for moral disapproval online would discard this sort of language. But there are reasons to think that other aspects of online shaming are morally troubling, too.

To see this, consider an analogy. In certain respects, online shaming resembles the public-square shamings that have been used by many communities throughout history as a form of punishment. Suppose that a community coordinates in order to display an offender before a public crowd and to voice their disapproval together. (Think, for instance, of what happens to Hester Prynne at the beginning of *The Scarlet Letter*.) This sort of practice would, of course, be more decent if crowd members maintained a respectful tone than if they shouted threats and obscenities. But even if we could ensure that no participants would be rude or violent, many of us would be uneasy about reinstating this sort of public shaming procedure. Something about putting a person on display before a disapproving crowd—even a well-mannered one—seems less than totally decent to her. In the same way, something seems less than totally decent about putting a person on display through online disapproval.

What else, then, might be indecent about online shaming? A second noteworthy issue concerns the lack of *proportionality* between a transgression and the shaming for that

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[6] It may be worth defending this point in more detail. Take justice in communication first. There may be some cases in which we should limit communication between victims, but in any such case, the burden of proof is surely on the advocate for those limits—generally speaking, we (rightly) favor practices that allow victims to speak out. Second, consider the desideratum of decency. I acknowledge that there may be cases that, in the final analysis, require an alienating or psychologically devastating approach. But again, the burden of proof here seems squarely on the advocate for that approach. Imagine that the only difference between two methods of disapproval is that the latter will be psychologically devastating to the relevant offender. (Hold fixed, in this thought experiment, the *fittingness* or *proportionality* of the two methods of disapproval.) This seems to be a reason in favor of opting for the former; surely, in a large range of cases, its status as a *pro tanto* reason is not undermined.

transgression. Both the vehemence[7] and the effects[8] of online disapproval are often much more intense than is appropriate. But the issue of disproportionality also seems, at least in principle, resolvable.[9] It's possible to imagine an entirely well-meaning group of internet users who engineer the intensity and consequences of their shamings so that each offender's experience is carefully tailored to match the seriousness of her offense.[10]

Would a practice of this sort would still be indecent in any respect? Return to our analogy with in-person shaming. Suppose that a community reacts to transgressions by putting people on display before a public crowd. The offender is not permitted to leave the public's disapproving gaze for a certain amount of time, which varies with the seriousness of her transgression. Moreover, the community carefully manages the downstream effects of their ritual.

I suspect that many will feel uneasy about even this revised practice. But is that unease justified? Or is it just irrational squeamishness? In the next section, I'll suggest one way in which we could explain just why putting a person on public display, even in a carefully managed way, seems indecent. The problem I point out, importantly, afflicts both online shaming and the hypothetical in-person shamings I've been describing.

Sec. 3: The Shame in Online Shaming

What could be morally bad about displaying someone before a disapproving crowd? One attractive way to answer this question concerns what it is *like* to be so displayed. Public display is the paradigmatic context for an easily recognizable emotional experience. Many call this emotional experience *shame*. (On these views, the terms 'public shaming' and 'online shaming' are particularly apt.)

On many of the most prominent contemporary theories of shame, its character can be usefully illuminated through a contrast with guilt. For one, the paradigmatic grounds for shame are experiences in which one is exposed before a disapproving audience.

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[7] Tosi and Warmke (2016) offer a theory of *moral grandstanding* that, they argue, helps to explain the tendency toward vehemence in online disapproval.

[8] This sort of disproportionality is perhaps most visible in the concrete consequences that shaming tends to have on a person's future social and professional life. Many of the most disheartening stories of public shaming, including Lindsey Stone's, involve people whose online reputations are so dramatically altered that they cannot find work or a supportive social community.

[9] Granted, totally resolving these problems might only be possible for an online community dramatically different from our own; Jaquet (2015, 127-9) provides some principled reasons for pessimism about the feasibility of eliminating disproportionality from online shaming.

[10] Another way to press the proportionality worry is that people often express disapproval online on the basis of insufficient information. This sort of defect also seems, in principle, eliminable; we can imagine that every member of the relevant community carefully and thoughtfully weighs plenty of information before expressing any opinions online.

Guilt, by contrast, does not share the same characteristic connection to the feeling of being put on display.[11] Second, shame characteristically motivates hiding or avoidance behavior, whereas guilt motivates reparation.[12] Third, shame is associated with anger and depression in a way that guilt is not.[13] Finally, shame is sometimes said to be *about the person*, while guilt merely concerns her particular transgression; when I feel shame, I feel that *I* am defective, whereas when I feel guilt, I need not think that my transgression reflects any deep trait of mine.[14]

On this orthodox picture, shame is a morally unfortunate emotion in a way that guilt is not. Guilt, although unpleasant, is an important step toward reconciliation; shame, by contrast, is both unpleasant and counter-productive. On this sort of picture, it's clear why decency speaks against practices that promote shame; to make people feel shame is to subject them to a sense that they are defective in a way that promotes isolation, alienation, depression, and aggression.

Martha Nussbaum makes this point powerfully. She offers, as an example of a punishment intended to cause shame, required use of a "DUI" license plate. How would this sort of shaming punishment have affected Nussbaum's mother, an "alcoholic" who "often drove while somewhat intoxicated" (2006, 231)? Nussbaum writes,

… such a penalty would indeed have broken her spirit. It would be a cruel state, with deficient respect for human dignity, that would string someone up for public viewing in that way rather than offering treatment for the underlying problem, together with protection for privacy and dignity. (2006, 231)

Note that the issue that Nussbaum specifies with the DUI penalty is that it puts people on display before a disapproving crowd. This sort of punishment is less than fully decent precisely because it tends to lead to a destructive, morally counterproductive emotional experience—it tends, more poetically, to "break one's spirit."[15]

Now, the picture of shame that I've sketched here can be (and has been) challenged. Some suggest that, although certain flavors of shame are morally unfortunate, shame in itself is not objectionable.[16] But it's not crucial for my purposes that *shame per se* has morally unfortunate features. Rather, it's crucial that there is *some* emotional

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[11] See Lindsay-Hartz (1984), Williams (1993), Maibom (2010, 576-7).
[12] See Lewis (1971), Lindsay-Hartz (1984), Tangney et. al. (1996).
[13] See Tangney (2007) for a review of literature supporting this notion.
[14] See Williams (1993, 92–93).
[15] It's worth noting that Nussbaum uses these reflections to support conclusions much stronger than the ones I'll be reaching in this essay. Unlike Nussbaum, I leave open the possibility that, despite the moral cost involved, public shaming (including online shaming and even state-sponsored shaming) is morally permissible or even morally required in some cases.
[16] For views that sketch a more expansive role for shame, see Rawls (1971), Kekes (1988), Mason (2010), and Deonna et. al. (2012). Thomason (2015) convincingly argues that accounts of this sort fail to provide a helpful explanation of the connection between shame and violence.

experience with a particular functional profile: it arises paradigmatically when one feels exposed as defective before an audience, and it has morally unfortunate downstream effects (including tendencies toward hiding, avoidance, violence, and depression). This functional profile is supported by a great deal of psychological research, and any satisfactory theory of emotion must account for it. Deonna et. al. (2010), for instance, argue that *humiliation* fills this role.[17] (Readers who prefer this approach may interpret this section's argument as one about humiliation.)

We are now ready to draw some conclusions about online shaming. Plausibly, the tendency to cause shame is one of the features that makes our current practice of online shaming indecent.[18] Our look into the texture of shame suggests a powerful and plausible explanation, for instance, for Lindsey Stone's bout of depression and self-imposed exile; she felt shame, and shame characteristically motivates both depression and hiding. In order to meet the desideratum of decency, our practice of online shaming would have to proceed in a manner less likely to give rise to these morally unfortunate downstream effects.

The problem is this: the feature of online shaming that makes it so distinctively apt to create shame is the fact that it involves distinctively *public* disapproval. When a person is shamed online, her shortcomings are displayed before an enormous audience. Any attempt to limit the shame-inducing tendencies of our online discourse, then, would have to do something to mitigate the publicity of the disapproval. But when we limit publicity of disapproval, we create problems for justice in communication. In order to be at all effective in limiting shame, in other words, a community would have to place limits, of one sort or another, on victims' ability to connect with one another or with a supportive public.

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[17] Deonna et. al. draw heavily on Elison and Harter (2007). It's worth noting that Elison and Harter's research suggests a slightly different functional profile for humiliation than the one I call attention to in this paper: they suggest that humiliation is paradigmatically caused not merely by experiences of public display before a disapproving crowd, but by experiences in which one feels powerless and displayed before an audience that is *treating one unfairly*, such that the audience is seen as primarily responsible for the situation. This opens up room for an objection: if we imagine a community that puts people on display in a way that is perfectly proportional to their transgression, mightn't this prevent the displayed party from feeling ill-treated, and thereby prevent her from feeling humiliated? Could this pave the way for a practice of shaming that is, in fact, perfectly decent? There are two things to say here. One is that this solution requires a person not only to *actually* be treated fairly but to also *feel* treated fairly in the course of being put on display. And, particularly when the target of totally fair public shaming does not see the faults in his actions, it's very likely that the sense of being ill-treated will remain. The second is that it's very unlikely that humiliation comes apart in a clean way from shame, such that the morally unfortunate action tendencies noted in the main text can be neatly avoided whenever the person ashamed before a crowd does not feel unjustly treated. (For more on the overlap between shame, humiliation, and anger, see especially Elshout et. al. 2017.)

[18] Ronson (2015) and Gray (2018) emphasize this point in work that portrays our current practice of online shaming as morally defective.

This dilemma does not afflict every individual case of moral disapproval; in some cases, for instance, it might be obvious that an offender is not at all prone to feeling alienated or psychologically hurt in the face of public disapproval. But it does afflict any general approach to moral disapproval in a community. To see why, use a heuristic: imagine that an entirely well-intentioned community, concerned only with the moral good, sets out to draft policies about how to express moral disapproval online. This community will have to make decisions about how to treat cases of a certain sort: cases in which justice calls on us to allow a certain degree of public communication about an offender, and in which that degree of public communication would be psychologically devastating and morally counterproductive for the offender. (Two sorts of high-stakes cases are particularly likely to have this character: cases in which justice requires highly public condemnation, and cases in which the offender is particularly prone to serious psychological harm from public online condemnation.) The story I have told about shame predicts that, and explains why, difficult cases of this sort will reliably tend to arise. And our imagined community's verdict (or verdicts) about how to treat such cases must either privilege justice in communication, at the cost of decency to the offender, or privilege decency to the offender, at the cost of justice in communication.

Perhaps an example will help to bring this point out. Suppose that our well-meaning community decides that, in the predictable range of cases where justice calls for open communication but decency calls for privacy, the public will only be allowed to express disapproval to an anonymous coordinator. The coordinator will then decide how to proceed with offenders—perhaps, for instance, by referring information to legal authorities or by setting up private, mediated conversations between offenders and their accusers. This sort of approach allows for a process of reconciliation between victim and offender, but it keeps that process out of the public eye. In doing so, it prevents the broader community from engaging with, and supporting, victims. In this case, pursuit of decency in online shaming comes at a serious cost for justice in communication. Our imagined community has lost some of the elements of online shaming that are most worth preserving.

There are many ways in which we can improve our practice of online shaming without any serious moral costs. We can make it less violent and abusive; we can take concrete steps to prevent shaming from engulfing a person's online reputation. But, I have argued, we cannot entirely fix online shaming's decency problem without giving way to a distinct moral problem: barriers to justice in communication.

In closing, I will explain why we should expect this sort of tension to exist beyond the specific case of online shaming. The desiderata I have noted are plausible desiderata for any practice of moral disapproval, online or not. And the story I have told about shame helps to show why those desiderata will be in tension wherever we choose to express our disapproval. Roughly: the more a given system tends to put people on display before a disapproving public, the more it will tend to give rise to shame. But we cannot have justice in communication without communicating, in a public and

widely available way, about people who deserve moral disapproval. This means that any mechanism for moral disapproval, online or not, will have to make a tradeoff of one sort or another between decency and justice in communication.

Though this is a quite general tension, there is a good reason to discuss it specifically in the context of online shaming: before the advent of the internet, it would have been very difficult to recognize. Although it may have been in principle possible to communicate disapproval in a way that made it available to one's entire community before the internet, the fact that most people were unable to do so was unlikely to strike anyone as a hindrance to justice. Now, with the benefit of hindsight, we can see the ethical relevance of providing a platform that anyone can use, with low cost, to make her voice heard by her community (and, indeed, the global community). Whatever its defects, this sort of public platform has the potential to address serious problems with justice in communication. The existence of the internet, in other words, made salient the ethical importance of being able to communicate our disapproval widely. But it simultaneously made salient the moral risks we take up when we communicate disapproval in this public, wide-reaching way—one of which is the risk of causing shame, along with all its harmful attendant effects.

So, although the tension I have noted between decency and justice in communication may be one that has been made particularly obvious by the existence of the internet, it is a tension we are stuck with no matter where we choose to express our disapproval. This paper has not made a case for abandoning online shaming, any more than it has made a case for abandoning moral disapproval more generally. But it has given reasons to think that any practice of online shaming, and indeed, any practice of moral disapproval, will have to make sacrifices with respect to at least one important moral goal.

Conclusion

This paper argued for a tension between two desiderata on moral disapproval. There is no way for a moral community, no matter how well-intentioned, to express disapproval in a way that is both totally decent and totally conducive to justice in communication.

I'll close by addressing a possible complaint. Perhaps we are already committed to just the sort of tension that I've identified. Consider: there are, plausibly, many reasons to allow expression of disapproval. But any way of doing so will sometimes cause people psychological displeasure, and displeasure is morally unfortunate. Have I done anything more than note this obvious tension?

I'll say two things about this complaint. First, though it is unremarkable that we cannot disapprove without causing displeasure, it's quite remarkable that there is no way to avoid causing people displeasure *of the sort I've focused on*—that is, pain that

tends to incline people toward depression, hiding, and violence—without silencing victims.

Second, my aim in this paper is not solely to argue for the generic conclusion that *our practice of moral disapproval involves a tension of some sort*. My more noteworthy goal is to isolate and to illuminate one such tension. Even if we are already committed to the more generic conclusion's truth, there is still value in seeing precisely how our moral goals relate to one another. Here, I've aimed to draw one such relation—a striking and underappreciated feature of our current practice—into clearer focus.

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