

Commentary on James Fritz's "Can Moral Disapproval be Done Well?"

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In "Can Moral Disapproval be Done Well?," James Fritz argues that two desiderata of moral disapproval are in tension with each other. He calls the first aim, "justice in communication." He uses this phrase to cover several different but related and overlapping features of good moral disapproval: it does not "require an unacceptable silence from people who have been morally wronged ; it allows victims to form a "community of solidarity with one another and with victims of similar crimes worldwide" (2); it allows "this community's voice [to reach the offender] in a powerful way," so that the offender is made "aware of their disapproval" (2-3); and it does not prevent the "broader community from engaging with, and supporting, victims" (8). Fritz calls the second aim, "decency." Decent moral disapproval does not aim to avoid creating "displeasure" of any kind; rather, it aims to ensure that the displeasure it does create "is corrective rather than crushing, rehabilitative rather than alienating" (3). If our disapproval causes "shame," which "subjects [offenders] to a sense that they are defective in a way that promotes isolation, alienation, depressions, and aggression," we have done something "counter-productive" (6). Better, Fritz argues, to cause "guilt," which, "although unpleasant, is an important step toward reconciliation" (6).

We can see the tension between the two goals by considering one shame-causing, indecent way of practicing moral disapproval. Fritz argues that "something seems less than totally decent about putting a person on display" for disapproval, even if we disapprove without using "violent, abusive, or bigoted language" or to a degree that is disproportional to the "transgression" (4). Thus, Fritz concludes, putting someone on public display is indecent *in its*

own right. The problem, though, is that justice in communication sometimes requires putting the offender on public display. So if we try to make our disapproval more decent by making it less public, we end up making it harder for victims to experience the justice in communication they deserve. And if we try to ensure that victims get this experience, we end up disapproving indecently by putting the victim on public display. This tension is especially evident, Fritz points out, in online shaming, which seems to maximally empower and bond together victims in a way that *requires* indecently humiliating offenders.

Fritz's project is important because it tries to understand the general sense we have that we can go about disapproval in the wrong way, even when a person has done wrong and therefore deserves it. The project is also important because it addresses what seems like a new phenomenon that is rife with morally aspects. However, I have three questions about Fritz's argument that I raise for the sake of helping sharpen it.

1) Does the critique of shame-inducing disapproval presuppose the falsity of retributivist justifications of punishment? I myself do not have retributivist intuitions, but I presume that one who does would not care about the "productivity" of disapproval in general or the possibility of "reconciliation" in particular. For the retributivist, disapproval goes wrong when it is disproportional, but not necessarily when it fails to achieve forward-looking ends like these. Of course, if justice in communication requires disproportional disapproval in some cases, Fritz's tension would remain. But it would adopt a slightly different form than it does here.

2) On a related note, I am not sure that I share Fritz's intuition that even if we control for proportionality, there is something indecent about putting someone on public display (4-5). I

would like to hear more about why disapproving in this way is not just a form of excess. What is it about being put on public display that constitutes its own especially indecent *kind of* disapproval?

3) Fritz is surely right that victims deserve the things he lists under the heading of “justice in communication.” They should be able to experience support from each other and from other people who are not victims, and they should be able to speak out against and even confront their offenders. But it does not seem as obvious to me that satisfying these ends requires what social media—importantly, the feature of the internet most responsible for public shaming—provides. Imagine a victim of a crime who has access to victim support groups, who is supported by friends and family, and who is able to confront the offender in court and condemn the offender to all who will listen. The *internet* might help the victim fulfill these ends. But it seems to me that *social media*, which enables potentially indecent public shaming, only adds two things: the ability to win expressions of support from, and the ability to express condemnation to, in Fritz’s language, “the global community” (9). Assuming that I am right that social media only adds these two things, I would like to hear more about why they are so essential to justice for victims. Fritz argues that the internet has “made salient the ethical importance of being able to communicate our disapproval widely,” while “simultaneously [making] salient the moral risk we take up when we communicate disapproval in this public, wide-reaching way” (9). But why not take the reality of these risks to constitute a reason for denying the ethical importance of such wide communication? If I am wronged, provided that the kinds of requirements just listed are met, what of ethical importance do I gain from telling strangers on the other side of the world about it, via means that dramatically increase the risk of indecency in disapproval? If there are

ethically important things that these *strangers* gain, then *these things* would be in tension with decency in disapproval. However, this is not the tension Fritz seeks to illuminate.