Should We Shame Those Who Ignore Social Distancing Guidelines?

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I. Introduction

A notable feature of contemporary society is the prevalence of public shaming, especially online. This practice involves calling out perceived wrongdoing and subjecting the perpetrators to public censure, for example, by posting, sharing, and liking descriptions, photos, or videos of their actions. Both high-profile figures and ordinary individuals can find themselves the subject of a Twitterstorm due to their alleged transgressions, whether perpetuated online or offline. This often has serious consequences for their public reputation, mental health, and sometimes even employment.[1]

The Covid crisis has provided new opportunities for public shaming, with social media becoming flooded with posts excoriating those who are seen to breach the rules of 'social distancing'. For the purposes of this chapter, we understand this term somewhat loosely to refer to the full range of public health guidelines that are associated with the Covid pandemic. Accordingly, it encompasses not only the directive to remain physically distant from others, but also the requirement to wash one's hands regularly and thoroughly, to wear a face covering when appropriate, and to self-isolate if symptoms develop.[2]

All over the internet and from many corners of the world, images have been shared of individuals attending raves or parties, sunbathing at crowded beaches, or failing to wear a mask on public transport (including on airplanes), often using the hashtag #COVIDIOTS. Even the authorities got in on the action. For example, in the United Kingdom (UK), Derbyshire Police released drone footage of hikers in the Peak District contravening the demands of lockdown (see BBC News 2020a), and the Commissioner of the Metropolitan Police Service in London claimed that shoppers should be shamed into complying with the requirement to wear a face covering in a store (BBC News 2020b). The BBC even ran an article offering advice on 'how to go for a walk safely, without getting shamed' (Cheung 2020).

What is particularly striking is that the social norms concerning social distancing emerged almost overnight. As lockdowns were implemented, the majority of the population were suddenly expected to spend almost all of their time at home, venturing out for only a handful of reasons, and being careful to maintain appropriate distance from others when they did. Even as lockdowns ease, new norms emerge, such as the requirement to wear a

[1] We discuss some of the complications surrounding public shaming and firing employees in Billingham and Parr (2020).

[2] While our conception of social distancing shaming is broad, it does not encompass all Covid-related shaming activities. For example, individuals might be publicly shamed for spreading misinformation, the topic of Jeffrey Howard's chapter in this volume, or for violating the duties of restraint defended in Viktor Ivankovic and Lovro Savic's chapter. We do not consider those possibilities here, but we can apply the same normative framework to them.

face covering in various public spaces. The online public shaming of those deemed to breach the relevant rules started almost immediately, reflecting the way in which this practice has become one of the go-to responses to perceived wrongdoing in contemporary society.

We think there are sound reasons to be critical of, and indeed deeply troubled by, the increasing prevalence of online public shaming, including social distancing shaming. The practice of holding individuals up for public vilification and rebuke is not one that we should engage in lightly, especially using the unpredictable and uncontrollable media of the internet. The oft-used language of the 'Twitter mob' and 'pile-on' aptly captures the conduct of many participants, as well as the feelings of attack experienced by the targets. Furthermore, those who engage in public shaming are often more interested in bolstering their own moral credentials through virtue-signalling and grandstanding than in correcting bad behaviour, still less entering into genuine moral debate.[3] The shaming of those who violate social distancing rules provides a helpful illustration of many of these reasons for concern, or so we will argue in this chapter.

If we are right about the prevalence of unjustifiable public shaming, both in relation to social distancing and more generally, then this raises the question of what we ought to do in response. One possibility is that social media organisations have duties to enact policies that make it harder for the snowball effect of mass public shaming to occur, in a similar vein to the policies that Jeffrey Howard discusses in relation to misinformation in his chapter in this volume. We will not consider this here, but we hope to explore it in future work.

II. The Appeal and Constraints of Public Shaming

Though we have serious reservations about the justifiability of public shaming, this is not to say that the practice has nothing going for it. Most importantly, it can be an effective mechanism for enforcing and strengthening morally authoritative social norms, including those that are not or should not be legally enforced, for either principled or pragmatic reasons. In particular, we can identify the following three valuable functions that public shaming can serve.[4]

First, it can *communicate* our condemnation of norm violating behaviour, both to the wrongdoer and the victim. In the best-case scenario, this will prompt the target of public shaming to recognize that she has acted wrongly and to respond to this fact appropriately, say, by apologizing. Even where this is not the case, public shaming might represent an attractive means by which to affirm the rights of victims of wrongdoing and to demonstrate our solidarity with those individuals.

[3] For a philosophical analysis of grandstanding, see Tosi and Warmke (2020).

[4] In what follows, we draw on ideas presented in Billingham and Parr (2020b). For a defence of at least certain forms of public shaming, see Jacquet (2016).

Second, it can *deter* the future violation of morally authoritative social norms by both the target of public shaming and others who would otherwise be tempted to act similarly. It can thus increase levels of compliance with the norm. This is because individuals are less likely to contravene social norms if they believe that will be sanctioned by others for doing so. Though there are few studies of this effect, the available empirical evidence lends support to this hypothesis. For example, a recent study reveals how public shaming a firm with low health and safety standards can lead it and similar firms in the local vicinity to improve their practices, resulting in significantly fewer workplace injuries (Johnson 2020).

Third, it can provide a means through which to *express* our commitment to the norm that was violated, and to the values that it promotes or respects. This is instrumentally valuable in so far as these expressions strengthen our affirmation of the norm. There might also be cases when such expression is intrinsically valuable, since it can itself be a fitting response to serious moral wrongdoing.

With these three roles in mind, it is clear what is distinctively appealing about *public* shaming. Most obviously, though privately criticizing someone might make it more likely that she comes to recognize the error of her ways, this method is much less likely to be an effective *deterrent* to future norm violations (either by the targets or others). This is both because private criticism tends to impose fewer burdens than public shaming and because others might not be aware of its existence, and so not deterred from violating similar norms. Additionally, if an individual is to *communicate* her condemnation of norm violating behaviour to the wider community and/or to *express* her commitment to the value of the norm that was violated, then it is essential that her response is public rather than private. In other words, viewed in its best light, public shaming is part of a practice of public accountability, in which individuals openly hold one another responsible for norm violations in a way that serves these three morally valuable purposes.

Many of these attractions arise with respect to social distancing shaming. Certainly, social distancing norms are morally authoritative, in the sense that individuals have duties to comply with them. Furthermore, states cannot always legally enforce compliance with these duties, and perhaps they ought not to do so in some cases. Public shaming therefore emerges as a potentially attractive alternative means by which to strengthen these norms, in ways that serve the purposes that we have identified.

Nonetheless, for it to be justifiable, there are several demanding constraints that public shaming must meet (Billingham and Parr 2020b, 2020c). First, it must be *proportionate*, meaning that its negative consequences are not excessive in comparison with its positive consequences. As we noted above, the targets of public shaming often suffer significant reputational and psychological harms, including distress, humiliation, embarrassment, and shame, and sometimes also face material costs, such as losing their jobs. The negative consequences can be considerable, such that the positive consequences – in terms of serving the functions that we have identified – must also be sizeable if shaming is to be proportionate. Second, it must be *necessary*, meaning that there is no less harmful way to achieve its ends. Third, while drawing attention to the conduct of norm violators, public

shaming must respect individuals' rights to *privacy*. Fourth, it must be *non-abusive*. Finally, it must not permanently stigmatise its target but must make *reintegration* possible.

If public shaming violates any of these constraints then it is unjustifiable, since it imposes unjustified harms and/or violates other rights of its target. These constraints are not easily met, especially online, where the conduct of shamers and the impact on the shamed is very difficult to control. It is on this basis that we conclude that a great proportion of online public shaming is unjustified.[5]

We analyse these constraints and make this argument regarding online shaming in detail elsewhere (Billingham and Parr 2020b). We will not rehearse that material here, and nor will we simply apply the constraints in a mechanical way to social distancing shaming. Instead, our aim in the rest of this chapter is to zero in on those features of the Covid context that bear especially heavily on the justifiability of publicly shaming those who violate social distancing guidelines.

III. Indeterminacy and Unverifiability

In order for it to be justifiable, normally those who engage in public shaming must be confident that their target acted wrongly, for example, by culpably violating a relevant social norm. This is an aspect of proportionality: the burdens imposed on the targets of shaming are disproportionate if those individuals have not acted wrongly, since in that case they are not liable to bear any such burdens.[6] In this section, we focus on two problems that emerge for defenders of social distance shaming in the light of this idea.

First, culpability requires at least that the individual was able to gain knowledge of the relevant norm and that her conduct breached it in a way that she could have reasonably foreseen. However, it is significant that the precise content of the social norms that regulate conduct during a pandemic are far from obvious, both shortly after its outbreak and even long past that point. Some things are clearly out of the question, such as a house party with friends, or indeed a 'Covid rave' (see BBC News 2020c). But what about resting on a bench or playing a game of football with your kids in the park, during a period of strict lockdown? What about going to sit in your parents' front garden? What if it is your father's birthday (Forrest 2020)? Even well-meaning individuals sincerely and reasonably disagree about where to draw the line. Since government guidelines are never perfectly precise, there is likely to remain a range of activities whose permissibility is not clear-cut. Because of this, it is easy to end up shaming those who are complying with social distancing rules, as they reasonably understand them. We call this the *problem of indeterminacy*.

Second, even in cases where the content of the norms is clear and widely known, it can be tricky to know if others have violated their demands. This is because what we can know about others' lives via a momentary observation is highly limited. Those who pack

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[5] For other recent critiques of online shaming, see Adkins (2019); Aitchison and Meckled-Garcia (forthcoming); Klonick (2016); and Norlock (2017).

[6] More precisely, the burdens are *narrowly* disproportionate. See our discussion in Section IV.

themselves onto public transport when ‘stay at home’ orders are in place might be healthcare workers on their way to the hospital. A group of youngsters having fun in a park could be a household getting their daily exercise. And, a woman not wearing a mask on public transport or in a shop could be a rape or sexual abuse survivor for whom covering her face could trigger debilitating flashbacks (Ferguson 2020). While we were writing this chapter, a teenager on a train was verbally abused for briefly removing her face covering on a train – yet she was doing so to allow her deafblind sister to read her lips (PA Media 2020). The concern here is not that the content of the social norms is indeterminate. The issue is that it can be difficult to verify others’ compliance with a norm, even when its content is not in doubt. For this reason, it is easy to end up shaming those who are in fact complying or who have a sound excuse for not complying. We call this the *problem of unverifiability*.

The problem of indeterminacy emerges because it may be unclear whether an individual has culpably violated a social norm, due to ambiguities within the norm itself. The problem of unverifiability emerges because we may be unable to tell whether an individual has culpably violated a social norm, even when that norm is clear. This pair of concerns arise not only in the case of social distance shaming, but in many other cases as well. For instance, let us consider the case of Justine Sacco, who, on her way from New York to Cape Town to visit family, tweeted “Going to Africa. Hope I don’t get AIDS. Just kidding. I’m white!” (Ronson 2015: 63–77). Many observers judged Sacco’s remarks as racist, leading to a barrage of online criticism and abuse. But she had intended her Tweet as an ironic comment about the attitudes of middle-class white Americans towards AIDS, which was meant to amuse her small number of Twitter followers.[7] No doubt, Sacco’s tweet was misjudged. But it is far from clear that this makes her culpable, and much less clear still that others could reliably know this to be the case.

Put in more general terms, there is reasonable disagreement concerning the precise demands of many social norms, and we should not be too quick to condemn others based on our specific understanding of the norms – especially when this involves publicly calling on others to join us in this condemnation. And even when norms themselves are clear, our perceptions of whether others have violated them, based on a single photo, Tweet, or report, are far from fully reliable. Public shamers frequently misunderstand and misinterpret the actions of their targets.[8]

IV. Wide Proportionality and Other Constraints

Of course, in emergency situations, the moral costs of imposing burdens on those who are not liable might seem rather minor in comparison with the significant benefits that public shaming promises. Strengthening social distancing norms could arguably save thousands of lives. Perhaps, therefore, the risk of public shaming that misses the target is a price we should be willing to pay. We can express this thought more precisely by distinguishing

[7] For Sacco’s explanation, see Ronson (2015: 69).
[8] This is true with respect to many of the stories told in Ronson (2015).

two types of proportionality. While *narrow proportionality* focuses on the burdens imposed on the target of public shaming, *wide proportionality* takes into account the full range of positive and negative consequences. Public shaming that imposes on its target burdens beyond those that she is liable to bear – for example, because she has not in fact acted wrongly – is narrowly disproportionate. But such shaming can nonetheless be justifiable if it is widely proportionate: if its overall positive consequences vastly outweigh its negative consequences. The argument under consideration thus claims that social distancing shaming is widely proportionate even if it is narrowly disproportionate.

The success of this argument depends on empirical questions that are hard to answer. Presumably, the claimed positive consequences come in the form of higher levels of compliance with social distancing guidelines, such that the spread of the virus slows and fewer individuals contract it. It is certainly possible that shaming does have these consequences, but it is very difficult to know for sure, especially with respect to any individual instance. Consequently, there is a clear risk of imposing costs on individuals for which they are not liable, or that exceed those to which they are liable, in the name of a mistaken sense that this is promoting a wider public good. Twitter mobs often feel that they are righteously advancing a just cause by making an example of their targets, but it is usually far from clear that this is in fact the case.

It is worth noting the contrast here between the ex-ante and ex-post perspectives on an instance of public shaming. Ex-post, we can judge the proportionality of an act in the light of lots of information about the negative and positive consequences that resulted. Ex-ante, when individuals are considering whether to engage in acts of shaming, they must make their decisions based on expectations of the consequences, which typically involves a high level of uncertainty. They must certainly take into account the risk that things will get out of hand, and the higher the risk is, the more difficult it is to justify the shaming. Indeed, our ignorance as to whether any instance of social distancing shaming will in fact be narrowly or widely proportionate should make us cautious, such that we might have reservations about the conduct of those who engage in shaming even when it happens to work out well. This suggestion leads us into complicated questions about the ethics of acting in the face of risk, which we do not have space to address here. But one's views on those questions will influence one's view on when individuals were justified in engaging in acts of shaming, given the available evidence about the associated risks.

As we noted above, other moral constraints also apply to public shaming, the violation of which make it unjustifiable even when it is proportionate. It must respect rights to privacy, which means that it must not publicise either irrelevant or highly sensitive facts about the norm violator's life or past. It must be non-abusive, which means that it must not involve threats of violence, demeaning insults and mockery, or attacks on the norm violator on the basis of socially salient characteristics such as their race or sex. And it must aim at,

and make possible, the violator's reintegration into the community, rather than permanently stigmatising them or marking them with an inferior status.[9]

These requirements raise particular concerns when shaming is carried out online, and thus potentially seen by an audience of many thousands. Even if the initial shamer respects these constraints, she may be unable to control the comments or actions of others who participate in or respond to the shaming. This fact raises additional concerns about proportionality, with respect to the magnitude of the costs imposed on the target.[10] But, as numerous examples show, it also often leads to the violation of other constraints. Such violations are wearily familiar, with targets subjected to extensive abuse and having personal information publicised. In the worst cases, an individual may reasonably experience a sense of exclusion from the moral community, such that she feels that she is a social pariah who is permanently tainted in others' eyes and thus unable to be seen as a member of the public in good standing. These things can render public shaming unjustifiable even setting aside concerns relating to culpability and proportionality. Individuals must also factor the likelihood of these occurrences into their ex-ante judgments about whether to engage in acts of shaming.

Public shaming is more likely to avoid these outcomes when it is not targeted at identifiable individuals, but instead involves images of groups of unidentifiable normviolators. Derbyshire police force faced well-justified criticism for their video footage, to which several of the concerns that we have raised apply. But they did at least maintain their targets' anonymity by blurring faces where necessary. This better respects privacy, protects individuals from targeted abuse, and is less stigmatising. Such shaming can alert viewers to the norm and might deter further violations, without directly shaming specific individuals. Still, this certainly does not mean that it is necessarily justifiable overall, since concerns about both proportionality and necessity still apply.

V. Is Public Shaming a Distraction?

Beyond the nitty-gritty of the justifiability of particular instances of public shaming, the political context of Covid should alert us to a broader concern: social distancing shaming may be a distraction from the work of holding our governments to account by scrutinising their decisions and conduct throughout a crisis.

To illustrate, let us take an extreme and perhaps surprising example. In May 2020, Dominic Cummings, Prime Minister Boris Johnson's chief advisor, was attacked online for travelling to Durham at the height of lockdown and for some of his activities while there, such as his infamous trip to Barnard Castle (see Reality Check Team 2020). Given Cummings's prominent role and his questionable conduct, plausibly this is a case where

[9] Critics might attempt to resist these claims by contending that we can satisfactorily account for the moral significance of some or all of these considerations merely as factors that bear on proportionality, rather than by treating them as independent constraints. We argue against this view in Billingham and Parr (2020b).

[10] Importantly, these concerns apply even if the individual is culpable, and thus liable to bear some burdens as a result of their actions.

public shaming meets all of the relevant moral constraints and so was justifiable, even though it was individualised and non-anonymous.

Nonetheless, we worry that the extensive media attention given to incidents such as these risks distracting the general public from arguably more important issues, such as the government's handling of a pandemic. Given the limited nature of our time and attention, and indeed the scarce space on newspaper front pages, there is always an opportunity cost to focusing on whether specific individuals are complying with the rules. Our point is not that we feel a great deal of sympathy for Cummings or that we regard him a victim of serious mistreatment. Rather, our concern is that it can be a mistake to focus on instances of individual misconduct, at the expense on putting pressure on governments to enact appropriate policies.

Stephen Reicher (2020), an advisor to the UK and Scottish governments, neatly and even-handedly summarises this worry with public shaming as follows:

> All in all, while it is certainly true that individuals need to act responsibly and be held accountable for their actions, it is equally true that covidiots on a plane are a dangerous distraction. The problems in this pandemic are less to do with the inadequacies of individual psychology than systemic failures in the government response. And while it might suit some to focus our attention on the former, it will only make it harder for us to get out of the mess we are in.

Critics might push back, insisting that there can be cases in which public shaming is not a mere distraction. Perhaps this is true of the shaming of Cummings. After all, the episode shone a spotlight on the attitudes and conduct of a high-profile figure within government who pioneered some of its headline policies. For what it's worth, we are sceptical of this defence of the public shaming of Cummings, or at least that it can justify the prolonged coverage that the story received, with newspaper front pages devoted to it for several days running. But little hangs on this for our purposes. Even if *this* instance of public shaming were appropriate, surely there are many others whose wisdom cannot be salvaged in this way.

Once again, this point generalises to cases beyond Covid. Even when it comes to crucial moral endeavours, such as the fight against racism, focusing on individual wrongdoing can take attention away from the structural nature of some injustices, failures in government policy, and inadequate responses by businesses and other large organisations. This is not to say that public shaming is never an appropriate response, but only to highlight that it can have considerable opportunity costs. This is true even in cases where the other concerns we have raised – concerning culpability, proportionality, abuse, privacy, and stigmatisation – have been adequately defused.

Suggested Further Reading

Paul Billingham and Tom Parr, 'Enforcing Social Norms: The Morality of Public Shaming', *European Journal of Philosophy* (online first, doi: 10.1111/ejop.12543).

- Offers an elaboration and defence of the normative framework used within this chapter.

Jennifer Jacquet, *Is Shame Necessary? New Uses for an Old Tool* (London: Penguin, 2016).

- Accessible discussion of shaming as a tool to bring about social change, jam-packed with examples and illustrations.

Jon Ronson, *So You've Been Publicly Shamed* (London: Picador, 2015).

- Tells the stories of many individuals who suffered from public shaming and reflects upon the lessons to be learned from their experiences.

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