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Shaming Citizens: An Ethical Framework for Correcting Citizen Vices

A thesis submitted in partial satisfaction
of the requirements of the University Honors Program
of Loyola Marymount University

by

Alfredo Yei Hernández

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Shaming Citizens: An Ethical Framework for Correcting Citizen Vices

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Political Science Honors Thesis

This paper answers the question—*can citizens be shamed in a manner that is morally justifiable*—by forwarding a theory of just shaming. Shaming has a divisive history in political theory. The volumes of work on both sides seems to point at a moral dilemma: shame looks to be a helpful social practice, yet it engenders unignorable negative consequences. In this paper, however, I argue that shaming in politics must be analyzed more in terms of *when* and *how* shaming is morally permissible. Shaming, employed in moments of citizen vice only, has to potential to reform citizen conduct. Furthermore, approaching shaming as more of a dialogue than a punishment can make citizens more amenable to change. Like with “just war” and other non-ideal theories, this paper accepts that politics may permit practices that are normally considered immoral—like shaming—in the pursuit of justice. From here, Eric Beerbohm’s citizen ethics and Iris Marion Young’s “five faces” typology help construct the norm that just shaming will utilize: citizen excellence, or the combatting social oppression actively. Employing this norm, I establish two sets of questions (inspired by just war theory) that will constitute the framework of just shaming. The first, *jus ad shaming*, asks under what circumstances can citizens be shamed. The second, *jus in shaming*, asks how someone must act when shaming citizens. From these questions, I construct three conditions—the *complicity*, *activation*, and *mesomensch conditions*—and two guidelines—*intent* and *reciprocity*—that delineate how just shaming must be conducted.

Chapter 1: Shaming's Role in Citizen Life

There is a tendency towards ambivalence when determining who can be shamed and for what reasons that is not sufficiently addressed in political theory. Let me forward three examples to highlight this problem. The first is of a mother caught drunk driving that is forced to wear a sign for the purposes of public shaming. The second is of a citizen who is caught having not voted in a close election and is chastised by their peers for having not done so. The third is of an elected official who is caught bending an institution's rules to engender partisan benefit. People who advocate for shame's social benefits seem content shaming the mother along with the citizen and official. Those who decry shaming's virtues argue that everyone must be spared. My intuition, and I suspect many others, is that shaming as punishment is permissible in the second and third cases but not in the first. And between the second and third cases, shaming looks to be more palatable in the third than the second. The pull of this view is that in considering the mother's humiliation, the citizen's and the official's obligations, the scope of the consequences, and behaviors being targeted, different consequences have different justifications. Current theories of shaming, however, are ill-equipped to consider such externalities in a satisfying manner. As such, I forward a theory of citizen shaming—which I will call just shaming—that is attuned to the intuitions highlighted above and guided by a set of rules that present a moral justification for shaming. Part of this justification rests on the argument that the public role of citizen makes private individuals liable to different considerations than when they act as private individuals simply.

The Role of Citizen as a Mean Between Extremes

The controversy regarding shaming individuals for political reasons comes from a high regard for individual agency within a democratic system. Benjamin Constant highlighted this

tension best when he distinguishes the liberty of ancient western societies and the liberty of modern western societies. According to Constant, the ancients were concerned with “the sharing of social power among the citizens;” the ability to participate in the democratic process and help protect the nation from tyranny—both internal and external—was what made someone free.¹ In ancient Greece, for example, recusing oneself from the public sphere—i.e. choosing to not vote—garnered one the label *idiōtēs*.² Literally translating into “private citizen,” the negative label was designed to mark those who put their own needs and desires above that of the state—the goal was shaming citizens into participating explicitly. Aristophanes recounts another form of marking wherein those who decided to not vote were marked red and fined.³

Contrastingly, contemporary conceptions cast liberty as “the enjoyment of security in private pleasures;” the freedom from institutional interference—the ability to determine what one does with that which they have rightful dominion over—is what makes someone free.⁴ The early stages of social contract theory reflect this switch. John Locke, for example, saw that prioritizing the state left little in the way of stopping it from overstepping common decency. As such, he argued that the preservation of private property is what should motivate the creation and maintenance of the state.⁵ This shift seems logical when placed in their historical context; Europe was beginning to challenge its monarchies and freedom from state interference was a necessary check to throttle impositions on personal freedom. Contemporary libertarians, like Robert Nozick, argue similarly that the only justifiable state is a minimalist one that only protects basic

¹ Benjamin Constant, “The Liberty of the Ancients Compared with that of the Moderns,” Lecture. Athénée Royal of Paris, 1819, p. 6. <https://www.earlymoderntexts.com/assets/pdfs/constant1819.pdf>

² John Robertson Macarthur, *Ancient Greece in Modern America* (Caldwell: Caxton Printers, 1943), p. 195.

³ Aristophanes, *The Archarnians*, p. 17.

⁴ Benjamin Constant, “The Liberty of the Ancients Compared with that of the Moderns.”

⁵ John Locke, *Two Treatises of Government*, edited by Peter Laslett (Cambridge, UK: Cambridge University Press, 1967), sect. 13.

liberties and property rights.⁶ As before, the state is seen as an existential threat, so the only way to protect individuals from this threat is to prioritize them over said state. The consequences of such arguments can be found on the lack of institutional requirements on individual citizens. In the United States, the act of voting is voluntary because what matters more than institutions is a person's ability to exist as a private individual.⁷ While western democracies value their political processes and structures, they value the agent's ability to shy away from them more so.

The role of citizen, however, complicates this picture as it combines both the private individual and the democratic co-sovereign into one. I claim that this position has unique consequences when considering the moral permissibility of shaming. Given that the citizen is a private individual, they are entitled to certain freedoms from harm and humiliation—humiliations resulting from public shaming being an example. However, given that the citizen is also an institutional role, they are expected to wield their powers in institutional contexts. Failing to do so calls for structural consequences—shaming I will argue may be such an example. The identity of citizen seems to both permit and exclude shaming; current shaming theories do not provide an answer as to which is correct and under what circumstances. The question also remains as to how responsible citizens are for their government's actions.

Moral Accountability as a USian Citizen

Certainly, citizens cannot be held liable for every action of their elected official—imagine a perfect candidate that turns out to be the epitome of immorality once elected—but they can be held liable for their role in the election and some foreseeable consequences because of the individual's election. If one does not vote for the democratic candidate in a close race against a

⁶ Robert Nozick, *Anarchy, State, and Utopia*, (New York: Basic Books, 1974), pp. 52-3.

⁷ There are some western democracies that do have penalties, such as Australia. Given that I am looking at the United States, I argue that my claim stands.

fascist candidate, then it does not seem too far of a stretch to hold them in some way responsible for the fascist's election and subsequent policy pushes. Moreover, if a candidate has revealed that racial discrimination is part of their platform, a supporter cannot claim moral absolution—"I voted for them because of the economy only!"—when the elected official begins stripping minorities of their rights. To complicate our understanding of democratic responsibility, Eric Beerbohm forwards a conception of democratic responsibility that is as horizontal as is vertical.⁸ To him, we bear a duty to our institutions as well as to our fellow citizens.⁹ We as citizens fulfill our obligations to others when we act as virtuous citizens and avoid democratic complicity, defined as "a moral obligation to participate in elections where citizens can make a causal contribution against injustice."¹⁰ This prevents arguments that claim moral responsibility only in situations where the person's vote effects the outcome directly, allowing for a broader understanding of citizen obligation and virtue.

In considering hypotheticals from the 2016 US Presidential Election, is the student living on food stamps justified in shaming the steelworker who voted for Donald Trump because of his trade policies exclusively? Or, is a transwoman justified in shaming the mother of three in Florida who could not get off work to vote for Hilary Clinton? The answer looks to be "it depends," which belies a more complicated picture between the duty of the citizen and the actions of government than is permitted in ideal theories. Still, if we bear a responsibility to each other, then can we hold each other accountable in a way that preserves self-autonomy, the spirit of democracy, and a commitment to social progress? Moreover, can we shame citizens for not

⁸ Eric Beerbohm, *In Our Name: Ethics of Democracy* (Princeton: Princeton University Press, 2012), pp. 22, 52.

⁹ *Ibid.*, pp. 22, 52.

¹⁰ *Ibid.*, p. 21.

giving pause to reconsider problematic ideals that run contrary to the purposes of democracy for the sake of improving themselves and/or society?

In this paper, I argue that there exists a possible mechanism that can hold citizens accountable for their political actions, with the goal of moral virtuousness: citizen shaming. Given that citizens do nothing illegal in acting as non-virtuous citizens¹¹, we cannot rely on legislative solutions to address this question of responsibility for poor action. Shaming provides a social solution to a sociopolitical problem. To tackle this question, I ask: *can citizens shaming citizens for their citizen vices be morally justifiable? If so, when and how?* I argue that informal feedback mechanisms can provide useful stopgaps that do not strip citizens of the discretion granted to them in a democracy. Shaming—under conditions and guideline meant to minimize its negative consequences—is such a mechanism that can be employed to discourage non-virtuous citizenship through externally-obligated self-reflection. A set of guidelines that outline justified shaming does not exist, so the primary purpose of this project is to construct one.

Section II: Shame Analyzed

The idea of employing shame to direct individual actions toward virtuous ones is not new. In fact, shaming citizens and elected offices has a long history within the western political canon; as such, it is important for me to lay out current and past theories of shaming before I establish my own. Since Plato, shaming has been forwarded as a possible solution hindering socially-undesirable action, given its ability to enforce social norms outside of forcing individuals to stop violently.¹² According to *The Republic* and *Gorgias*, tyranny is a personality

¹¹ A non-virtuous citizen is a citizen who fails to fulfil their obligations to the state and their peers. This occurs through failing to live up to their ethics of belief, participation, and delegation (see *Theoretical Frameworks* in methodology for a better explanation).

¹² Kwame Anthony Appiah, *The Honor Code: How Moral Revolutions Happen* (New York: W.W. Norton, 2010), pp. 16-17; Sharon Krause, *Liberalism with Honor* (Cambridge, MA: Harvard University Press, 2002), pp. 69, 87; Christina Tarnopolsky, *Prudes, Perverts, and Tyrants: Plato's Gorgias and the Politics of Shame* (Princeton: Princeton University Press, 2010), pp. 160, 172.

type aimed at minimizing all restraints on an individual's freedom.¹³ Recognizing that the good sought in democracy is freedom, he concedes that part of what permits democratic freedom is an adherence to socially and legally prescribed restraint—one can think of these as social norms.¹⁴ The tyrant, however, has an unbridled *desire* for freedom, so much so that they view the normal social trapping as hinderances.¹⁵ To satiate their hunger, the tyrant seeks to be shameless, wherein they become capable of disregarding the conventional barriers that stop most.¹⁶ Once free from the constraints of norms, the tyrant can abuse others' continued adherence to convention for their own gain.¹⁷ The hope by subsequent philosophers has been that Plato is in some sense right and that shaming (or its derivatives and antonyms like disgust and honor) provides a way of non-physical non-violent restraint—a “check of some kind,” to quote Douglas Cairns.¹⁸

On a similar Greek streak, Douglas Cairns writes how the notion of *aidos*—a clarification of “the individual's sense of themselves and what they must do in relation to others”—enthralled the ancient Greeks.¹⁹ Given its role specificity, *aidos* was open to all—either citizen or official—and held everyone under a different, yet equally-binding, social contract. In more official-

¹³ Plato, *Gorgias*, 484a.

¹⁴ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 25.

¹⁵ Plato, *The Republic*, 9.571c; The reason I use the word desire is because Plato argues that no one can be shameless truly. They may seek to become so, but there is something internal to them that prevents them from disregarding societal norms completely. I will speak on this more in the next chapter.

¹⁶ *Ibid.*

¹⁷ The Ring of Gyges myth—in chapter 1 of *The Republic*—gets to a similar point: when society's gaze means nothing, there is nothing to stop an individual from doing wrong.

¹⁸ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, pp. 160, 172; Sharon Krause, *Liberalism with Honor*, pp. 69, 87; Kwame Anthony Appiah, *The Honor Code*, pp. 16-7; Jennifer C. Manion, “The Moral Relevance of Shame,” *American Philosophical Quarterly* 39, no. 1 (2002), p. 73; Douglas L. Cairns, *Aidos: The Psychology and Ethics of Honor and Shame in Ancient Greek Literature* (Oxford: Clarendon Press, 1993), p. 48; Martha Nussbaum, *Hiding from Humanity: Disgust, Shame, and the Law* (Princeton: Princeton University Press, 2004), p. 142.

¹⁹ Douglas L. Cairns, *Aidos*, p. 48.

specific cases, Edmund Burke writes that shaming is necessary for the proper functioning of democracy, as only shaming can prevent the adoption of obstructionist political processes.²⁰

In less positive views, detractors of shaming argue that the emotion has no merit and is often abused by those in power.²¹ The negative mental states that shaming engenders cannot outweigh any purported societal benefits—societal benefits that critics are skeptical of as well. I argue, however, that both views only see shame as a noun and not as both a noun and verb; in doing so, they tend toward absolutist views. The enthusiastic proponents and the hardened skeptics ignore a possibility for a middle ground of shaming, and this comes as a result of a lack of a guideline for shaming. This project argues that shaming in a political context, performed under a rubric constructed from shaming’s criticisms, permits the benefits of shaming while mitigating its negatives. Before doing so, though, I must show that shaming is institutionally useful yet normatively problematic. As such, I will analyze the arguments for and against shaming to isolate what issues need to be addressed in any justifiable theory of shaming. (Before examining how shaming can serve as a solution, however, I will articulate what exactly is meant by shame.) Afterward, I will explore the positives and negatives of different interpretations of shaming to argue ultimately that a new conception is necessary to address citizen vices.

Defining Shame

Shame is a difficult emotion to explain given its common usage and different embodiments across societies and cultures. However, within these differing conceptions, there is

²⁰ Edmund Burke, *Reflections on the Revolution in France*, ed. L.G. Mitchell (Oxford: Oxford University Press, 2009 reissue), pp. 173, 190-191.

²¹ Martha Nussbaum, *Hiding from Humanity*, p. 296; Jill Locke, *Democracy and the Death of Shame: Political Equality and Social Disturbance* (Cambridge, UK: Cambridge University Press, 2018), pp. 6, 11, 20; Robert Walker, *The Shame of Poverty* (Oxford: Oxford University Press, 2014), p. 40; Elaine Chase and Grace Bantebya-Kyomuhendo, *Poverty and Shame: Global Experiences* (Oxford: Oxford University Press, 2014), p. 231-42; Michael Warner, *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life* (New York: The Free Press, 1999), p. 23.

a commonality in how shame operates. In this paper, shame is defined as the emotional consequence of recognizing other's beliefs that one has failed to live up to societal expectations of "normal," either in terms of beliefs, actions, or values. I recognize that this definition of shame is complicated; as such, shame is better understood as a three-part process: 1) a norm is socially-constructed that 2) an individual deviates from—either passively or actively—and is shamed for that 3) results in an emotional aftermath. In this section, I will discuss each of these three parts and how they pertain to the broader question of shaming's moral permissibility.

Social Constructs and their Role in Shaming

The first step of shame requires a social dialogue as to what constitutes "normal," with this norm serving as the measuring stick for when individuals can and cannot be shamed.²² According to some social psychologists and political theorists, shaming (and its counterpart honor) helps maintain broad social order beyond that of maintaining class distinctions simply.²³ Within any given society, there are standard social rules (norms) that the violation of which would be seem as potentially detrimental to the overall structure. Having a process (shaming) of enforcing adherence to these rules and stopping those who flaunt them openly is thus necessary to ensure that order is maintained, so the argument goes.²⁴ That is the goal of shaming's unwritten expectations; not having norms permits the violation of an undefinable aspect of society that is necessary for broader social order.²⁵ For this project, I see official and citizen virtues as social constructs of "normal" expectations for both officials and citizens. As such,

²² Martha Nussbaum, *Hiding from Humanity*, p. 173; Jill Locke, *Democracy and the Death*, p. 19.

²³ Thomas J. Scheff, "Shame and the Social Bond," *Sociological Theory* 18 (2000), p. 87-95, these pages contain a large overview of various psychological and sociological studies that see shame as a force of social cohesion (in particular, see Norbert Elias "Shame in the Civilizing Process" and Helen Lewis "Discovery of Unacknowledged Shame and Its Social Implications" on pages 89-90 and 94-5 respectively); Sharon Krause, *Liberalism with Honor*, p. 181; Haig Patapan, "The Politics of Modern Honor," *Contemporary Political Theory* 17, no. 4 (2018): p. 461.

²⁴ See note 51.

²⁵ Kwame Anthony Appiah, *The Honor Code*, p. 16.

understanding how these norms are constructed and maintained helps discern the practice's moral permissibility.

The question stands as to how these societal expectations are constructed, however. Work on honor and honor codes help provide useful parallels. Honor is understood historically as a sense of reverence by one's subordinates and a sense of respect by one's peers, implying a class structure that identifies who is and is not deserving of honor.²⁶ Those who sit atop aristocratic society do so under the expectation that they will care for and ensure the proper on-goings of society.²⁷ As such, the power that they are given is at the cost of social obligations, which can be understood as role-responsibilities.²⁸ Those role-responsibilities are not always explicit, indeed, they are often unspoken expectations that one learns by coexisting with others within the aristocratic class.²⁹

But it is exactly this role-obligation through social convention that Kwame Anthony Appiah gets at when he speaks of "honor codes."³⁰ Honor codes, he writes, are the normalization of social conventions—learned through inhabiting an aristocratic environment—wherein conformity is expected in return for social capital.³¹ Note that what constitutes an honor code is outside of the control of the individual, rarely can someone rewrite honors codes themselves and honors codes carry force often because of their longevity and tradition. As with the definition of shame above, society and history have determined what is honorable. To do what is imposed

²⁶ Kwame Anthony Appiah, *The Honor Code*, p. 18; Sharon Krause, *Liberalism with Honor*, p. 181. Haig Patapan, "The Politics of Modern Honor," p. 462.

²⁷ Ibid. Notice, however, that "care for" does not entail a paternal sense of devotion. It can be that the aristocrats want to see to it that those beneath them are in good standing, but all shame and role-based shame necessitates an expectation of maintaining social order. The "care for" in this sense is more a detached watching-over than anything else.

²⁸ See Arthur Applbaum's *Ethics for Adversaries: The Morality of Roles in Public and Professional Life* (Princeton: Princeton University Press, 1999) for a good primer in role ethics.

²⁹ Kwame Anthony Appiah, *The Honor Code*, p. 176.

³⁰ Ibid., p. 176.

³¹ Ibid., p. 17.

upon oneself given one's social roles is to be honorable, but it is up to the person if they wish to grant the honor code or the shaming criteria force.³²

Democratic virtuousness is likewise an honor code. It stipulates how a person is supposed to manage the societal privilege granted to them because of a social distinction—being a citizen. Moreover, voters are given social capital that non-voters do not. The most prominent benefits of adhering to democratic virtuousness are given in the form of policy. Voters have the power to decide government action for the whole, including those excluded from the practice of voting. Furthermore, demographic groups that vote have their issues prioritized. In both cases, the voter's adherence to what their privileged position dictates (voting) results in positive benefits, as is stipulated by honor codes. A conclusion from this argument is that if democratic virtuousness is an honor code, then failure to adhere to it can be grounds for shaming. Although, I do not believe that the relationship is as clean as is in the historic honor case. As I have said before, voting is not enough to make a citizen virtuous and shaming is not permissible in all cases. An understanding of what makes a citizen virtuous and when shaming is permissible is necessary.

The Consequences of Failing those Social Constructs

The second aspect of shame involves the action that violates the norm, setting the chain of shaming into motion. The causes of shame, I argue, can be passively or actively procured. This distinction is important, as each cause carries with it different sets of moral consequences and each plays a different role in my theory of citizen shaming. In these next two sections I outline how different causes of shame can be fit into two categories: passively-procured shame (shame caused by things the person cannot change) and actively-procured shame (shame caused by things the person can change).

³² Kwame Anthony Appiah, *The Honor Code*, p. 177.

Passively-Procured Shame (PPS)

PPS is shame that is attributed to something the individual can neither control nor change. The classic examples of PPS are shame derived from race or non-hetero sexuality. In the United States, being non-white carries with it a sizable burden of stigma and shame. As was mentioned before, shame is a recognition of difference, often in terms of something unrealized about the self. Racism operates in similar ways, as it involves identifying individuals as lacking in some capacity. Symbolic racism and racial resentment resemble shame the most, because they argue that minorities are missing certain attributes that are inherent within White Americans—namely a strong sense of work ethic—and are failing to live up to an expected norm.³³ Shame resulting from sexuality follows a similar pattern. Those who entertain non-heterosexual desires or engage in non-heterosexual sex are deviating from the socially-acceptable mean.³⁴ As Martha Nussbaum points out, one reason why non-heterosexuality is often outlawed is because it creates a sense of “disgust” within the observer.³⁵ This disgust exists because the act violates what is believed to be “normal,” in this case heterosexuality. Therefore, what the non-heterosexual individual is lacking, and thus permitting the existence of shame, is an adherence to what is socially-constituted as normal.³⁶ Pulling from earlier, the argument goes that violating what is considered “established morality” leads to a “stage of disintegration” as moral codes loosen, and society loses its informal structure.³⁷

³³ David O. Sears and P.J. Henry, “The Origins of Symbolic Racism,” *Journal of Personality and Social Psychology* 85, no. 2 (2003): p. 261.

³⁴ Martha Nussbaum, *Hiding from Humanity*, p. 134.

³⁵ *Ibid.*, p. 72.

³⁶ *Ibid.*, p. 76.

³⁷ Lord Patrick Devlin, “The Enforcement of Morals,” Lecture, Maccabean Lectures in Jurisprudence, London, UK, March 18, 1959, p. 141, retrieved from: <http://mcv.planc.ee/misc/doc/filosooofia/artiklid/Lord%20Devlin%20-%20The%20Enforcement%20of%20Morals.pdf>; Martha Nussbaum, *Hiding from Humanity*, pp. 75-6.

Note, I recognize that the wording of PPS gives the appearance of appeals to biology—race and sexuality are determined by a person’s genes and cannot be changed. I think it is important to highlight that race, and to a certain extent, sexuality are societal constructs. Omi and Winant’s theory of racialization showcases how race is constructed through a dialectic.³⁸ Socially-dominant groups utilize phenotypical and cultural markers as proxies to tether racial stereotypes and/or expectation onto groups, cultures, practices, clothing, etc.³⁹ In response, the racialized groups counter these stereotypes with their own expectations, thoughts, and views, creating a synthesis that is then returned to the public sphere. The advantage of this view is that it recognizes the fluidity of race—a fluidity that I think is important to highlight. However, given its construction in a public and social space, racial expectations cannot be changed by a single individual. That is why I label race as something physical. In the short run—to borrow terminology from economics—race is fixed. Sexuality is more complicated, however, as it is demonstrably more fluid than race. A person can believe themselves to belong to a different racial category than what is socially prescribed to them, but their complexion in concert with racialization places more rigid limits on what racial group they can ascribe themselves.⁴⁰ Sexuality is invisible, fluid, and only known publicly through what the individual is willing to present. I cannot address the complexities of race and sexuality in this paper; nevertheless, I think this digression is important for comprehensiveness. For the sake of the argument, I assume that a person’s sexuality is known and fixed in the short run, like race. There are other examples of PPS, such as poverty, that are created through means outside of the individual’s immediate

³⁸ Michael Omi and Howard Winant, *Racial Formations in the United States* (New York: Routledge, 1994), p. 104-5. There are many others that argue and support these assertions. (Michael Tesler’s “The Spillover of Racialization into Health Care” (2012) for example). For the sake of simplicity, I use Omi and Winant as exemplars of race’s social origins

³⁹ Ibid.

⁴⁰ Lauren Davenport, *Politics Beyond Black and White: Biracial Identity and Attitudes in America* (Cambridge: Cambridge University Press, 2018), pp. 151, 158-9.

control. Robert Walker and Elaine Chase's work expanding on Amartya Sen's argument that shame plays a fundamental role in poverty has been crucial in highlighting how structural factors such as government policy and cultural enforcement propagate poverty and shaming those within it.⁴¹ As with race and sexuality, poverty is a social construct created through government action. (I will speak more on the social construction of poverty in my critiques of shaming.)

Actively Procured Shame (APS)

Returning to my shame typography, APS is different from PPS in that it involves things that can change in the short run. More specifically, APS is the results of some failure in an individual's beliefs or actions. For most of this paper I have spoken of shame as targeting something fixed within or about a person, such as race, sexuality, and socioeconomic status. But beliefs and ideas are also suitable targets for shame, as they exist within the social sphere and are subject to the same scrutinizes. Societies, either through collective or hegemonic discourse, establish expectations as to certain ways of thought and action.

Not all cases of APS are negative, however. While the examples I give present APS as inherently negative, APS can have positive effects—I have mentioned some and will mention more here. Honor codes are socially-constructed systems of beliefs and beliefs about action, placing them within the realm of APS firmly.⁴² It is not difficult to imagine an honor code that dictates a respect for all individuals, a commitment to social justice, and the promotion of human dignity. Let us call this honor code X. Few, if many, individuals would have strong arguments against the values enshrined within X—there are some who would. But, the overarching point is that X presents a solid set of precepts that—assuming a rational individual—others would want applied

⁴¹ Amartya Sen, "Poor, Relatively Speaking," *Oxford Economic Papers* 35 (1983), p. 158-9.

⁴² Kwame Anthony Appiah, *The Honor Code*, p. 18; Sharon Krause, *Liberalism with Honor*, pp. 95, 112-3; Haig Patapan, "The Politics of Modern Honor," p. 460; Plato, *Gorgias*, 484a.

to them. (Here I am taking example from John Rawls' influential project in *A Theory of Justice* (1971).) Let us imagine further that X has been accepted by a given society as the convention that they will operate under, guiding their interactions and dealings with one another. If someone (Transgressor) were to break with the convention established by X, then Transgressor would open themselves up to APS. Moreover, as was noted before, it would be the obligation of those following such an honor code to shame Transgressor for their transgressions, as not doing so would permit Transgressor to continue as they have. (X was never adopted as law, so there are no legal ramifications for breakings from it.) Either out of malice or ignorance, Transgressor does not feel the pull of X. While not intrinsically problem, ignoring the pull of X within the context of having accepted and operating within a social contract is. The goal of shaming, therefore, is both to ensure that the conventional structure of society survives and that transgressors are made aware of their transgressions. The implied hope is that in being shown their deficiencies, the discomfort of incongruence is enough to encourage a change in belief or action.

The Aftermath of an External Gaze

The last part of shame is the recognition of the shaming itself and the emotional consequences resulting from such gaze. A helpful way of understanding this part of shame is the mirror example. People have a self-conception—their thoughts and values—that they expect to fulfil throughout their daily lives. There are instances when they do not, however. When these violations of self are egregious, our better friends make us aware of our failures. They put a mirror before us with the hope that we recognize the version of our self that we see in the mirror—the version of our self that acted poorly in some way—is not who we want to be. This moment of awareness is not easy, and the negative emotions are palpable, but by either deciding

to dig in or change to realign the mirror image with our idealized image, the feelings subside. As Martha Nussbaum—and others—point out, shame is this reaction to external critiques.⁴³

For shame to take hold, the individual must both recognize something they have done worth shaming and believe that they are liable to receive such shaming themselves.⁴⁴ In Plato's Myth of Aristophanes, humans are split into two pieces from an idealized spherical form. Their navels are created in the process of reformation but also serve as a trigger for feelings of shame.⁴⁵ In recognizing that they are no longer what they once believed themselves to be, they experience a visceral emotional reaction. However, it is important to notice that it is possible for some individuals to not feel the shame of incompleteness when confronted with their internal incongruence. Therefore, shame exists if and only if someone grants the social construct that they deviate from positive normative weight.⁴⁶

The complexity and nuance in defining shame reflects its own long and winding history. As a political emotion, it is constituted by three parts: 1) a social construct that is moralized, 2) violations are punished, and 3) the consequences that have tangible mental/physical consequences. Each segment of that definition carries its own qualifiers. Internalization is a reciprocal process that necessitates an individual readily-able to recognize the world around them and accept its charges. Externally-imposed beliefs require a societal dialectic that determines the conventions that are minimally-expected of a member of society, whereas the failure that prompts shaming can be a result of either external or internal forces. It is important to note that the social expectations and/or the reasons for shaming do not have to be just. I tried to highlight this throughout. Still,

⁴³ Martha Nussbaum, *Hiding from Humanity*, p. 173; June Price Tangney, J. Stuewig, and D. Mashek, "Moral Emotions and Moral Behavior," *Annual Review of Psychology* 58 (2007): p. 347-8; Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 153.

⁴⁴ June Price Tangney et al., "Moral Emotions," p. 349.

⁴⁵ Plato, *Symposium*, 189c-193e.

⁴⁶ *Ibid.*

shaming's supporters argue that it is necessary, necessary for protecting the thin strings that hold society together and for correcting deviants through non-violent means.⁴⁷ I am sympathetic to their arguments, but I argue that a deeper look into the moral justifications of shaming is required before a definitive judgment. Furthermore, a clearer moral picture is necessary for my own eventual argument for executive shaming. The next section explores what moral obligations dividing shame's causes into the typologies of PPS and APS that I presented earlier entails.

A Note on the Validity of the Distinction

Before I move on, however, I must recognize that the distinction between PPS and APS is not as clear as I present it. When I was discussing PPS, I noted that many believe the causes of PPS to be actions within the target's control; this is how they justify their homophobia or class-discrimination. This is a reality that cannot be avoided. While this is a concern with different questions involving shame, I do not believe it applies to mine. Given that I am explicit with my measuring stick (official and citizen virtues), and that I will be discussing what about each case is the cause of shame, I hope to avoid this charge through transparency.

Moral Validity of Shaming

I argue that the differences in motivation of PPS and APS give each different moral obligations and validities. Enforcing PPS has little-to-no moral grounding as the targets of PPS exist outside of moral responsibility. On the contrary, APS *can* have moral grounding, but it is dependent on the act or belief itself, given a certain social context. The argument against PPS tracks well with Martha Nussbaum's argument against "primitive shame," so I will use Nussbaum's argument as a foundation. Furthermore, Christina Tarnopolsky's argument

⁴⁷ Sharon Krause, *Liberalism with Honor*, p. 114, Kwame Anthony Appiah, *The Honor Code*, pp. 16-8, 176-7, Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 157.

supporting Platonic Respectful Shaming follows those supporting types of APS, so I will use her argument as a parallel as well.

Primitive Shaming

Martha Nussbaum's primitive shame is not much different from how I have been discussing shaming. What is different, however, are its motivations. As before, primitive shame is "a longing for completeness after recognizing [one's] humanity."⁴⁸ But, Nussbaum argues that this longing is based in a form of pain (as I quoted earlier, primitive shame is based in disgust).⁴⁹ Emotions come in two varieties for Nussbaum: negative and positive. Negative emotions are founded in pain: fear, pity, envy jealousy, anger, and shame.⁵⁰ Positive emotions are founded in pleasure: love, joy, gratitude, and hope.⁵¹ This difference in source is important for Nussbaum, because an emotion's motivation plays a role in evaluating the validity of any resulting actions. Returning to the examples of racism and homophobia, the racist and homophobic first feel a kind of disgust and fear at encountering the other. Reaching outside of themselves, they can justify their disgust through an erroneous social conception of normality, and then thrust their shame at the other. The goal of the shaming, therefore, is to punish someone for their difference, make them feel disgust with and within themselves, and make them turn inward because of their incorrect action. To Nussbaum, this process does not look justifiable, as the motivations and the consequences are both grounded in negative emotions. Given that the situations above are of PPS, the conclusions for primitive can be transferred over. PPS is negatively-motivated and negative creating; therefore, its moral groundings and moral arguments cannot be justified.

Platonic Respectful Shaming

⁴⁸ Martha Nussbaum, *Hiding from Humanity*, p. 52.

⁴⁹ *Ibid.*, p. 54.

⁵⁰ *Ibid.*, p. 27. This is not an exhaustive list

⁵¹ *Ibid.* Again, this list is not exhaustive

APS is more difficult to provide set moral guidelines due to its ability to have either positive or negative consequences and motivations. As with PPS, any APS that is motivated by and looks to create negative emotions cannot be morally justified. However, APS can be motivated by negative emotions yet have the goal of creating positive emotions or mental states down the road. Christina Tarnopolsky's Platonic Respectful Shaming provides a strong example. Platonic Respectful Shaming is based in Plato's Socratic dialogues, whose goals were the pursuit of truth and understanding.⁵² A cynic can see Socrates' arguments as a way of proving his superiority or dissuading individuals for their beliefs; Tarnopolsky does not. For her, the goal of Socratic discourse is to force the subject to recognize an internal misalignment or cognitive incoherence.⁵³ Motivated to show the subject the error in their ways, Socrates engages in a "shaming process," holding a mirror of logical conclusions to their arguments with the goal of making the person uncomfortable with their beliefs.⁵⁴ The hope, argues Tarnopolsky, is that the individual will realize their belief's failure to live up to a societal or internal ideal and will use this shame as incentive to change something within themselves. Only in realizing that they are wrong can they ever begin heading down the road of individual virtue and honor.⁵⁵

The question stands as to what ideal Platonic Respectful Shaming leadings individuals toward. Shaming is done with the goal of turning someone towards something; I have spoken of it turning individuals toward societal ideals. Platonic Respectful Shaming does not have such an end goal. In typical Platonic fashion, the end point is open ended, permitting the individual to explore the plurality of possible value system that exist in a liberal society.⁵⁶ My theory of

⁵² Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 60.

⁵³ *Ibid.*, pp. 160, 172.

⁵⁴ *Ibid.*, pp. 160, 172.

⁵⁵ *Ibid.*, p. 162.

⁵⁶ *Ibid.*, pp. 170, 195.

citizen shaming, however, will differ from Platonic Respectful Shaming in that it will focus on turning people toward the citizen virtues. Having something as positive as citizen virtue be the end goal, I argue, makes my eventual theory of citizen shaming (which sits within the APS camp) morally permissible. Because as Tarnopolsky argues, shaming with the goal of prompting people to challenge their beliefs in a search for self-betterment, is a morally-permissible practice. I am inclined to agree. However, I cannot evaluate citizen shaming's moral justifiability without accounting more for what makes shaming as a practice immoral.

Section III: Critiques of Shaming

My worry at this point in the paper is that I have not done enough to accentuate shaming's negatives. In this section, I will do my best to argue against shame and shaming in any form. The literature lambasting shaming is just as large as the corpus protecting it. Not giving the critics their due diligence would undermine the authority of this project and hinder its real-world applicability. As such, the comprehensiveness of my theories of asymmetrical and citizen shaming hinge on addressing most, if not all, the arguments against it. To continue, the critiques of shaming revolve around four arguments: 1) shaming engenders excessively negative mental states, 2) shaming is a homogenizing tool of social order, 3) shaming is a bulwark against democratic progress, and 4) shaming ignores structures in its focus on the individual.

Critique 1: Shaming Processes as Cultivating Negative Mental States

Shaming's negative mental states arise from the undue mental strain and societal angst associated with being perceived as deviant within society. Nussbaum's work is predicated on the idea that shame causes people to turn away from society.⁵⁷ Being ostracized only exacerbates already fragile mental states. Walker's and Chase's works show how the worthlessness resulting

⁵⁷ Martha Nussbaum, *Hiding from Humanity*, p. 15.

from shaming strips the world's poor of their sense of personal agency.⁵⁸ In being told that they are the cause of their struggles, people feel there is nothing to be done to better their situation. Last, Warner highlights how the desire to be perceived as normal forces individuals to compromise on how they view themselves, adopting the mannerisms and modes of politics of their oppressors to be accepted.⁵⁹ In doing so, they bolster the normal and normalize the harm they have experienced. The consequences argued in these works are supported by psychological work that finds experiences of shaming encourage submissive behavior, feelings of social inferiority, feelings of worthlessness, depression, eating disorders, addiction, etc.⁶⁰ The mental dangers of shaming cannot be stressed enough. Finding when, if ever, shaming is appropriate stands as a daunting task given that any purported benefits to shaming must justify and negative consequences.

As a preliminary response, however, I argue that my theory of shaming should be less liable to cause negative mental states theoretically. The things I am shaming—citizen vices—are the citizen's actions, not themselves. This provides a level of abstraction that could lessen the discomfort of incontinence. The emotion reaction should be removed completely, however. As Tarnopolsky points out in her *Platonic Respectful Shaming*, the presence of discomfort is necessary to motivate individuals to action.⁶¹ My theory of shaming will follow a similar

⁵⁸ Robert Walker, *The Shame of Poverty*, pp. 125, 151; Elaine Chase, *Shame and Poverty*, p. 199-200.

⁵⁹ Michael Warner, *The Trouble with Normal*, p. 60.

⁶⁰ See Paul Gilbert, "The Relationship of Shame, Social Anxiety and Depression: The Role of the Evaluation of Social Rank," *Clinical Psychology and Psychotherapy* 7 (2000); Neil E. Clapton, Jonathan Williams, and Robert S.P. Jones, "The Role of Shame in the Development and Maintenance of Psychological Distress in Adults with Intellectual Disabilities: A Narrative Review and Synthesis," *Journal of Applied Research in Intellectual Disabilities* 31, no. 3 (2017); Christina Duarte, Jose Pinto-Gouveia, and C. Ferreira, "Ashamed and Fused with Body Image and Eating: Binge Eating as an Avoidance Strategy," *Clinical Psychology & Psychotherapy* 24, no. 1 (2017); Paula Castilho, Sergio A. Carvalho, Sara Marques, and Jose Pinto-Gouveia, "Self-Compassion and Emotional Intelligence in Adolescence: A Multigroup Meditational Study of the Impact of Shame Memories on Depressive Symptoms," *Journal of Child and Family Studies* 26, no. 3 (2017).

⁶¹ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 20.

argument; if citizens are emotionally hurt for their failures, then they will do their best to make those feeling go away.

Critique 2: Shaming Processes as Homogenizing

The second standard complaint against shaming is that it is a tool of the ruling class to subjugate minority groups into unwanted conformity.⁶² Remember that shame necessitates an expectation of “normal;” shame is only relevant whenever some has decided to stray from it. In my discussion of APS and tyranny, I present morally-palatable notions of normal. Barring an adherence to anarchistic-capitalism, the obsession with liberty and freedom found in tyranny violates a fundamental norm—respect for the freedom of others—that is easily agreeable. Similarly, a violation of the primary goods postulated under public reason, as in the cases that garnered APS, looks to disregard societal conventions that appear beneficial for all. But, to claim that these notions of “normal” are the most common instances of normalization would be disingenuous. More often, the insidious notions of “normal” found in PPS plague actual utilizations of shaming.

The most problematic aspect of shaming is its contingency on an abstract conception of “normal.” Deconstructing the category of normal has been driving force behind feminist and queer theorizing, as it has been an appeal to normal that has legitimized the subjection of minority groups.⁶³ It is important to know what is meant when using the word, as it can be construed in two morally-different ways. The first conceptualization of normal is that of statistical regularity—think in terms of commonality.⁶⁴ A normal person (in this sense, common) will have two arms or some other banal trait that does not cause us to bat an eye. According to

⁶² Martha Nussbaum, *Hiding from Humanity*, p. 227; Jill Locke, *Democracy and the Death*, p. 32; Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), p. 11.

⁶³ Iris Marion Young, *Justice and the Politics*, p. 11; Michael Warner, *The Trouble with Normal*, p. 60.

⁶⁴ Martha Nussbaum, *Hiding from Humanity*, p. 218.

Nussbaum, the opposite of this kind of normal is “unusual.”⁶⁵ What is important to recognize is that this statistical conceptualization of normal does not carry with it any moral judgments or weight. The deviant is not morally repugnant, they are simply different from most. The second conceptualization of normal, however, is loaded with moral meaning and oppressive overtones. In this second formulation, normal is synonymous with good— “the normal is proper.”⁶⁶ With this understanding, deviance from normal is bad, improper, disgraceful, or any other negative antonym to good. If one employs “normal” in this sense—and a look at its usage in the past will show the prevalence of such an opinion—then deviance for it necessitates shaming with the goal of rectification. A society cannot permit those that violate social conceptions of the good to continue doing so, as allowing the bad to continue risks damaging some aspect of society.

There is a worry that enforcing citizen virtuousness falls prey to a similar problem. I accept this charge as valid. However, I claim that how I define citizen virtue—as avoiding democratic complicity—presents citizen virtue as something worth propagating amongst all within society. The hope is that given what I am trying to promote can be seen as morally acceptable, this complaint will carry less weight.

Critique 3: Shaming Processes as Hindering Social Progress

The third standard critique postulates that shaming has been employed as a mechanism of halting social progress.⁶⁷ Best articulated in Jill Locke’s notion of *The Lament of the Death of Shame (The Lament)*, *The Lament* is the discourse around the practice of societal shaming that longs for a return to eras wherein fear of shame stopped individuals from challenging the status quo.⁶⁸ The first piece of this argument is that there exists an erroneous conception that shame or

⁶⁵ Martha Nussbaum, *Hiding from Humanity*, p. 218.

⁶⁶ *Ibid.*, pp. 217-8.

⁶⁷ Jill Locke, *Democracy and the Death*, pp. 11, 18.

⁶⁸ *Ibid.*, p. 11.

shaming is no longer a societal practice.⁶⁹ Supporting such a claim requires only a cursory glance at the litany of articles arguing for a societal need to return to shaming or the multitude of political and social leaders that decry the decadence and aloofness of the modern era.⁷⁰ Their argument is that shaming once served a social purpose that is missing from the present, and it is this absence that is responsible for society's present turmoil.⁷¹ Through a historical deconstruction of these *Lament* arguments, Locke highlights two points: 1) shaming cannot die, contrary to the *Lamenters*, and 2) the cries of *Lament* resound the hardest during times of great democratic progress.

Implicit in the *Lament* is that shaming has ceased to be utilized in modern democratic society. Locke and many others point otherwise. Throughout her book, Nussbaum cites countless examples of shaming punishments and practices.⁷² In their work on the poor across the globe, Walker and Chase find shaming plays an integral part in squashing economic progress.⁷³ At the psychological level, shame exists if one can feel it, and at a philosophical level shame exists if we talk about it. Works on shame and shaming show that this argument is nonsensical—those who advocate for a shameless present are missing the point. Moreover, their argument is dangerous. To claim that shaming is dead is to ignore a reality of society's machinations. Operating under false pretenses places one at risk of overlooking problems within one's society.

Furthermore, Locke notes that *Laments* are loudest and most prevalent whenever a marginalized group seeks equal treatment or expresses their dissatisfaction with the current hierarchical structure.⁷⁴ According to Locke, societies stabilize into periods of formal politics,

⁶⁹ Jill Locke, *Democracy and the Death* p. 18.

⁷⁰ *Ibid.*, p. 21.

⁷¹ *Ibid.*, p. 23.

⁷² Martha Nussbaum, *Hiding from Humanity*, chapters 5-7.

⁷³ Robert Walker, *The Shame of Poverty*, pp 167-9, 179; Elaine Chase, *Shame and Poverty*, p. 199-200.

⁷⁴ Jill Locke, *Democracy and the Death*, p. 20.

wherein a narrow conception of acceptable modes and topics of discourse prevail.⁷⁵ The goal is to enforce separations between political and nonpolitical spheres so as to prevent the intrusion of “private” topics that the majority finds repulsive or inconvenient. As before, deviations from this acceptable notion of normal politics are met with shame and shaming. However, whenever a group looks to air their grievances, they must do so in a manner that runs contrary to the existing structures. The established rules of “normal politics” are not meant to entertain these complaints, so the majority group goes through the proper processes of shaming. When the shamed group remains undeterred, the shaming group calls their insistence “shamelessness.”⁷⁶ Painting the longing for progress and equality as shamelessness serves to undermine the credibility of the requesting group; while their goals may be noble, these “unashamed citizens,” as Locke labels them, are refusing to adhere to social norms of what is politically acceptable.⁷⁷ This unfortunate story has played out on many occasions. The Civil Rights Movement refused to follow the majority’s rules of acceptable topics. The Women’s Rights Movements refused to ignore topics important to women that had been deemed uncouth by the male majority (for example: female sexuality, abortion, sexual harassment, and the pay gap). The LGBTQ+ Rights Movements refused to permit their sexualities to be utilized as sources of shame. In all these instances, social progress was met with shaming highlighting the groups unwillingness to follow codes of common decency. In continuing their endeavors, advocates were labelled as ‘shameless’ with the hope of halting their progress. Thankfully, the social movements continued in the face of

⁷⁵ Ibid.; Mark V. Tushnet’s notion of “ordinary politics” and “constitutional transformation” seem to bear a strong family resemblance (pp. 531-4). Ordinary politics is when the status quo is taken as a given and politics proceeds as usual, much in the same way Locke describes formal politics. Constitutional transformation, which Tushnet sees as moments when political groups advocate for norm change, resembles when oppressed groups are dissatisfied with the everyday running of society. This framework of understanding politics as alternating between periods of “status quo” and “change” is important for understanding when shaming is permissible. Mark V. Tushnet, “Constitutional Hardball,” *J. Marshall Law Review* 37 (2004).

⁷⁶ Jill Locke, *Democracy and the Death*, p. 6.

⁷⁷ Ibid., pp. 18, 37.

shaming, but this does not always have to be the case. An unfortunate consequence of shaming's mitigating power is that it can be directed at anything as long as there is enough societal force behind it. Any theory of shaming that does not account for *The Lament* and its consequence is incomplete, and as Locke has pointed out few if any do. My goal is to provide a theory that does.

Critique 4: Shaming Processes as too Individualistic

The last critique of shaming theories claims that it focuses on the individual and overlooks the roll of broader social structures. Let me return to PPS with respect to poverty to explain one side of this critique better. In their multinational study, Robert Walker and Elaine Chase found that those in poverty were shamed by their communities explicitly and denigrated by their media implicitly for their inability to meet the socially-acceptable level of wealth.⁷⁸ The argument by the shamers was that their poverty was a consequence of their actions; they failed to work hard enough to pull themselves upward.⁷⁹ The reality, however, is that the thing many of these people lacked the least was work ethic.⁸⁰ Their poverty was not a consequence of their action at all, it was a consequence of their circumstances.

To this point, one could argue that all poverty is constructed. While I am not ready to advocate for such an absolutist claim, I do believe it has merit. Brian Steensland's notion of cultural categories of worth in the United States presents the reality that welfare discrimination exists because large swaths of Americans believe that most are responsible for their poverty and therefore unworthy of aid.⁸¹ In asking why some can received financial aid unattached from moral evaluations and why some cannot, Steensland finds that the moral bar is set high: only those

⁷⁸ Robert Walker, *The Shame of Poverty*, pp. 166-170; Elaine Chase, *Shame and Poverty*, p. 62-6.

⁷⁹ Robert Walker, *The Shame of Poverty*, p. 166; Elaine Chase, *Shame and Poverty*, pp. 186, 219, 260, 293.

⁸⁰ Robert Walker, *The Shame of Poverty*, p. 166; Elaine Chase, *Shame and Poverty*, pp. 186, 219, 260, 293.

⁸¹ Brian Steensland, "Cultural Categories and the American Welfare State: The Case of Guaranteed Income Policy," *American Journal of Sociology* 111, no. 5 (2006), p. 1274.

who are physically incapable of working are justified in being helped.⁸² With this unrealistic ideal as a guiding principle, all poor who are physically-capable are deemed unworthy of sympathy or help. When it comes time to deciding poverty policy, this skewed notion of the individual's role dashes any possibility that providing them with help may be good. As such, those who may have benefitted from minimal social intervention are stuck. Moreover, those who may need more substantial social intervention—I am thinking about the homeless in particular—are left high and dry. Therefore, to claim that poverty is self-imposed in the face of studies such as Robert Walker's and Elaine Chase's, as well as the work done in the United States by Brian Steensland, borders on illogical. A country's social policy, a citizenry's willingness to help those in need, and a country's history of oppression and domination write most of the poverty script that many are forced into living. Under this reality, shaming the poor with the hope of motivating them into prosperity is inane and counterintuitive. Yet it is shaming's focus on the individual that prompts such responses. Theories of shaming, advocate Walker and Chase, must move away from the person, as their responsibility for what is prompting the shaming is minimal at best.⁸³

There is a second face to this critique, however, and it centers more on the feasibility of shaming to handle societal ills. In almost a direct critique of Christina Tarnopolsky's *Platonic Respectful Shaming*, Jill Locke argues that shaming does not address societal injustice as it focuses on the person rather than the structure enabling the injustice.⁸⁴ The example she gives is of shaming a racist. While under Tarnopolsky's structure shaming a racist may change their mind, Locke argues that shaming in this case has missed the point. Shaming makes the shamer feel that they have addressed the cause when they have treated a symptom. Locke concedes that

⁸² Brian Steensland, "Cultural Categories," p. 1274.

⁸³ Elaine Chase, *Shame and Poverty*, p. 199-200; Robert Walker, *The Shame of Poverty*, pp. 193-4.

⁸⁴ Jill Locke, *Democracy and the Death*, pp. 20, 169.

a large part in addressing large-scale social injustices involves changing people’s minds, but it cannot be that only. Real change does not come until there is a concerted effort to tackle the root causes of injustice. Moreover, focusing on shaming as a way of snuffing out injustice or improper action detracts from that endeavor as it turns to people instead of structures and risks perpetuating a solution that may be more harmful than beneficial (think of harmful in terms of what shaming does to a person’s psyche). Locke’s worry—one shared by Nussbaum—is that individuals turn to shaming punishments for sadistic reasons. Once one realizes the power imbalance inherent in shaming another for some “moral” failing, the allure becomes too much to let go and the fixation turns to shaming as an act rather than fixing as an end.⁸⁵

Section IV: Is Shaming Still the Right Tool for Curtailing Citizen Vices?

Considering these critiques, the question stands as to the appropriateness of shaming as a method of enforcing citizen virtue conformity. Neither the power of shaming as a molding force nor the negative consequences of shaming can be ignored. Those who value its social force rely on an invisible moral hand to regulate shaming’s usage. Those who prioritize its negative consequences choose to forgo it in its entirety. But, disregarding shaming strips us of a powerful social tool for combatting immoral and negligent action. And, relying on an invisible moral hand permits the creation of oppressive social systems. Earlier I described the tension between the liberal and democratic aspects of our government, and I believe that its questions of how much we value individual agency and institutional cooperation becomes pertinent once again. Conceding to shaming’s benefits only would be us prioritizing the institution over the individual, and the inverse would be true as well. Given my disagreement with picking a side in the shaming debate, I argue that this liberal-democratic tension has a solution in citizen ethics and non-ideal

⁸⁵ Jill Locke, *Democracy and the Death*, p. 169.

theory; by being attuned to the different hats one wears, we can straddle the fine line between one's liberal and democratic obligations. Shaming can be handled in a similar fashion.

Therefore, this paper argues for a third way. Shaming needs strict conditions and guidelines as to when it can be used and how; this is the best way of cultivating shaming's institutional benefits while minimizing its negatives on citizens. As it stands, there exists no procedure for when and how to shame citizen vices. Such an absence prevents us from moving the debate outside of the shaming-no shaming paradigm. In *Democracy and the Death of Shame*, Jill Locke's resignation regarding shaming's existence is her motivation for wanting to counter its usage in all cases.⁸⁶ I am resigned as to shaming's existence as well; however, I see that as motivation to curtail its usage and excesses more virtuously. As such, this paper starts filling in this gap and prompts a larger discussion of when and how we should incorporate shaming into our political toolkit. My argument is risky, as any that advocates for shaming is at risk of perpetuating the four critiques I mention. That is why I will take care to begin from non-ideal cases with special detail to the issues with shaming. In my next section, I outline how exactly I will construct my argument for citizen shaming.

Section V: Methodology and Outline

Methodology

In this paper, I ask: *can citizens be shamed for their institutional failure of duty in a manner that is morally justified? If so, under what circumstances and how?* Answering this question is tricky, but I turn to theories with analogous features to provide just shaming a strong foundation. From these theories, I evaluate contemporary theories of shaming to showcase their deficiencies and highlight the strengths of my approach. The first theory I rely upon is Christine

⁸⁶ Jill Lock, *Democracy and the Death*, p. 175.

Korsgaard’s argument for theorizing in non-ideal circumstances. In establishing the current state as one of non-ideal circumstances—not all contemporary citizens act in a reasonably just manner, and the historical realities of oppression mean that ideally just conditions are not feasible—I make a case for the permissible usage of normally-problematic practices like shaming under appropriate circumstances.

Second, I adapt Eric Beerbohm’s citizen ethics and Iris Marion Young’s definition of oppression. In recognizing a citizen’s obligation to fight injustice, and analyzing injustice with Young’s “five faces” typology, I define citizen excellence as active resistance against social injustice. Conversely, I define citizen vice as the intentional or negligent failure to combat social injustice. Given their similarities, I employ Beerbohm’s term of democratic complicity as a proxy for citizen vice. And it is this definition of citizen excellence that just shaming uses when evaluating a citizen’s actions. Under just shaming, shaming is permissible only when the citizen is guilty of democratic complicity, and the goal of shaming can only ever be the encouragement of citizen excellence.

Third, I turn to just war theory’s two categories to inspire an evaluative framework for my and past theories of shaming. Just war theory’s two categories—*jus ad bellum* and *jus in bello*—provide a useful guideline from which to construct non-ideal ethical theories. Using these typologies as parallels, I create two sets of conditions for just shaming: *jus ad shaming* (conditions for when shaming is morally permissible) and *jus in shaming* (how a shamer must conduct themselves in shaming citizens). The goal is to use these two categories to evaluate the comprehensiveness of past theories and to guide the establishment of my own.

With these theories as my foundation, I employ the *jus ad shaming* and *jus in shaming* framework to analyze the two main arguments for and against shaming, Christina Tarnopolsky’s

Platonic Respectful Shaming and Jill Locke's *Lament at the Death of Shame*, highlighting how both treat shaming in a unidimensional manner. From these analyzes, I outline the *jus ad shaming* and *jus in shaming* conditions to flesh out my own theory of just shaming. Throughout, I turn to examples of citizens voting in California propositions both to illuminate my arguments to clarify in what situations shaming citizens is morally acceptable. Once my theory of just shaming has been laid out, I return to the four critiques of theories of shaming mentioned earlier to showcase the power of the just shaming.

Outline

Therefore, the remainder of this paper will be divided into three sections. Chapter 2 establishes the non-ideal framework rooted in just war theory. I establish my two sets of questions for a theory of just shaming to resolve—*jus ad shaming*, which deals with when citizens can be shamed, and *jus in shaming*, which deals with the how they must be shamed. I then evaluate the two strongest contemporary arguments for and against shaming and mark the strengths and deficiencies of each. Tarnopolsky's framework of Platonic Respectful Shaming has strong *jus in shaming* guidelines but lacks coherent *jus ad shaming* conditions. Conversely, Locke's *Lament* establish strong *jus ad shaming conditions* but fails to consider the possibility of *jus in shaming* guidelines.

In Chapter 3, I outline my theory of just shaming. For *jus ad shaming*, I identify three conditions: the *complicity*, *activation*, and *mesomensch conditions*. The *complicity condition* articulates that democratic complicity is the only acceptable reason for shaming citizens. The *activation condition* states that once individuals can no longer claim willful ignorance and absolution from shaming, they become more liable to shaming. The *mesomensch condition* stipulates that citizens cannot be expected to take unreasonable, supererogatory actions to

combat complicity. While citizens should be held to a higher moral bar than they are now, there is a height that is too high and which expecting citizens to attain would be unjust. For *jus in shaming*, I establish two conduct guidelines: *intent* and *reciprocity*. The *intent guideline* argues that the only acceptable motivation for shaming citizens is the promotion of citizen excellence. Any deviation from this goal results in the immediate loss of moral justifiability. The *reciprocity guideline* establishes the expectations of respect on both sides of the shaming equation. The shamer must make a good-faith attempt at teaching the shamed citizen the error of their ways and must be ready to engage in any dialogue that follows from the initial shaming encounter. With these two guidelines in hand, I return to the four critiques of shaming—that shaming creates negative mental states, that shaming is a tool of unjust social homogenization, that shaming prevents democratic progress, and that shaming ignores the role of social structures—and argue that just shaming answers the first three sufficiently and the last partially.

In Chapter 4, I summarize my findings and provide some points for potential further development. My main concern with just shaming is that its effectiveness as a tool for social reform is uncertain without an empirical evaluation. Moreover, I highlight that different political structures necessitate different virtues, so just shaming cannot be transposed to different contexts. While I believe that my criteria are sound, different political systems require different evaluations of citizen excellence. Just like the causes of shame, I recognize that this theory is socially-constructed and informed by the history behind it. Therefore, beginning this discussion and seeing how this theory is can be improved is necessary for preventing further harm to citizens.

Chapter 2: A Virtue Theory Dualistic Approach to Shaming

The theoretical assumption underpinning this thesis is that non-virtuous citizens presents shaming with a problem that can be dealt in a non-ideal manner. The exclusion of a non-ideal lens when considering arguments for and against shaming ignores and overlooks social/political realities—such as the need to preserve democracy and the need to guide citizens towards appropriate democratic conduct—that factor into the moral permissibility of shaming. Given that citizens—by virtue of their institutional position—carry obligations (such as voting) and that there is little guidance in terms of exercising that power well, democracies lack mechanisms for measuring citizen excellence and for correcting failures of excellence. Just shaming theory looks to provide a preliminary solution to both and helps clarify shaming’s non-ideal nature when in politics. Therefore, in this section, I argue how politics requires a distinctive set of virtues for citizens, virtues that will help determine the limitations on shaming. Given that I am dealing with evaluating a non-ideal practice, I turn to just war theory’s dualistic framework (*jus ad bellum* and *jus in bello*) to help evaluate and construct a comprehensive theory of shaming, as shaming shares many similarities with other non-ideal practices, like lying and killing. From this analysis, I will showcase how a non-ideal analysis of shaming highlights the deficiencies in current theories, both for and against. I will then argue that this dualistic framework provides a strong skeleton from which to construct my own theory of just shaming. First, however, I will make the case that politics presents a distinctive problem for shaming.

Section I: Politics as a Distinct Problem for Shaming

The argument that the nature of politics engenders different ethical obligations than those of social obligations is not novel. The Sartrean terminology of “dirty hands” has come to encompass a school of thought that questions whether political actors are ever justified in

committing *prima facie* immoral actions.⁸⁷ Many classic thinkers have fallen on the side of yes, such as Niccolò Machiavelli and Max Weber.⁸⁸ However, much of the contemporary discussion on “dirty hands” centers around extreme cases; Michael Walzer’s notion of “supreme emergency” postulates that the need to preserve the continued existence of a political community can override the need to protect non-combatants.⁸⁹ Other thought experiments around dirty hands deal with ticking timebombs or ignoring faxes so as to avoid nuclear war.⁹⁰ I do not wish to make such an extremist claim with regards to shaming. I am looking to constrain shaming to interpersonal situations, thus I argue that one will be hard-pressed to find moments of applicable “emergency ethics.”⁹¹ The type of argument I am making mirrors Bernard Williams’s argument more, that politics complicates even the menial aspects of living a political life—in this case, that of a citizen.⁹²

The question still stands, what about politics could permit the usage of shaming? I argue that the power differentials among different political roles, the needs of maintaining social structures, and an implicit obligation to enforce democratic roles at least factor into the possible permissibility of shaming. Therefore, the explorations in this section will deal with how their existence complicates the standard view on shaming—both for and against.

Power Differentials and Shaming

⁸⁷ Jean-Paul Sartre, *Dirty Hands (Les Mains sales)*, in *The Oxford Dictionary of Plays*, edited by Michael Patterson, 1st ed., Oxford, UK: Oxford University Press, 2005.

⁸⁸ Niccolò Machiavelli, *The Prince*, Indianapolis: Hackett Publishing, 2008; Max Weber, “Politics as Vocation,” in *Max Weber: Essays in Sociology*, edited by H.H. Gerth and C. Wright Mills, Oxford, UK: Oxford University Press, 1946, p. 39.

⁸⁹ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York: Basic Books, 1991, p. 250.

⁹⁰ Michael Walzer, “Political action: The problem of dirty hands.” *Philosophy & public affairs* 2, no. 2 (1973): p. 167.

⁹¹ Michael Walzer, *Just and Unjust Wars*, p. 250.

⁹² Bernard Williams, “A Critique of Utilitarianism,” in *moral Philosophy: A Reader*, edited by Louis P. Pojman, 3rd ed., Indianapolis: Hackett Publishing, 2008, pp. 169-70.

Max Weber famously defined states as bodies with a monopoly on the usage of violence over a given territory.⁹³ Power rested within the state and the state was within its right to reallocate power and the right violence as it saw fit. This monopoly comes with caveats, however, as states are expected to protect its citizens and tend to their needs in return. Moreover, the presence of power opens state up to unique forms of punishment. Fernando Tesón, for example, argues that because states hold concentrated power over their citizens, failing to do so egregiously extends permits the possibility of forceful international intervention.⁹⁴

Similar arguments regarding power's ability to permit prohibited actions at the cost of higher consequences exist at the individual level as well. The American Presidency—referred to hereafter as the President—offers a particularly illustrative example. While not legally so, in practice, the President has solitary control over the armed forces, the most explicit representation of power and violence.⁹⁵ If one sees monetary control as a form of power—which I admit that I do—then the President's power to propose the federal budget places them squarely in control of the lives of millions of individuals who rely on the federal government's machinery.⁹⁶ In some cases of national security, we seem okay with Presidential deception or secrecy if it serves to fulfil a more noble purpose. Yet, it is precisely because of their right to such power that the President is liable to unique forms of punishment but immune from others—both institutionally and socially. While rare, Presidents are some of the few Americans able to be censured formally by the United States Congress.⁹⁷ Moreover, socially, we feel more comfortable publicly

⁹³ Max Weber, "Politics as a Vocation," p. 4

⁹⁴ Fernando R. Tesón, "The liberal case for humanitarian intervention," *FSU College of Law, Public Law Research* 39, no. 1 (39): pp. 1-2.

⁹⁵ U.S. Const. art. II, § 2.

⁹⁶ Ted Mellnik, Laris Karklis, and Kevin Schaul, "Federal workers in Washington aren't the only ones going without pay," *The Washington Post*, January 7, 2019.

⁹⁷ U.S. Const. art. I, § 5; other elected officials are able to be censured, such as judges, members of congress, and cabinet members, but the fact that they can only be censured because of the power they wield still holds.

ridiculing Presidents than we do common citizens. I suspect that most individuals would feel uncomfortable if the sharp tongues of the Stephen Colberts and Glenn Becks of the world were aimed at ordinary people with little say in the happenings of others' lives. However, we often ignore the power that the political role of citizen holds; as such, we have not given the discussion on how being a citizen complicates the moral permissibility of our political actions its due credit.

Citizen as a Political Position of Power

The status of citizen is a political role that entails with it a set of expectations; however, no instruction manual exists nor is there any mandate that holds citizens to any formal standard. In the United States, the law mandates two actions from us and strongly suggests a third: 1) follow the law, 2) pay your taxes, and 3) participate in the American democracy. The first two, while crucial to maintaining one's good standing with the Federal Government, are requirements of any individual benefiting from the state. As such, there are mountains of legislation and literature detailing what one must do to fulfil their duty as a taxpayer or as a follower of the law.

The last, however, is a privilege granted only to those who possess the status of citizen; interestingly, it does not carry any requirements or prescriptions beyond the simple suggestion of voting. Amendments, such as the 1st and 15th, enumerate our participatory rights within a democracy, but nothing about the American political system forces you to participate.⁹⁸ In fact, for some individuals, the structures of society try their best to get you to *not* participate.⁹⁹ Even the concept of participation is nebulous. For most, participation is simply voting.¹⁰⁰ Yet, participation can extend to lobbying, demonstrating, arguing, influencing, etc. When considering

⁹⁸ U.S. Const. amend. I and XV.

⁹⁹ Matt A. Barreto, Stephen A. Nuno, and Gabriel R. Sanchez, "Voter ID requirements and the disenfranchisements of Latino, Black and Asian voters," In *Annual Meeting of the American Political Science Association, Chicago, Illinois*, vol. 30. 2007, p. 15-6.

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.175.23&rep=rep1&type=pdf>

¹⁰⁰ "The Responsibilities of Citizenship," *Pew Research Center*, April 26, 2018.

the virtuous actions of citizens, though, can we consider protesting and voting obligations when not all citizens can do so equally? I argue that we cannot, at least not without qualification. Still, we cannot dismiss the role that the citizenry—even its most encumbered members—plays in our political structure, nor can we ignore the reality that the power inherent in citizenship is a power capable of subjecting others to violence or harm. For the sake of a simple example, I will consider the role of referendum in state politics.

As a byproduct of the American Progressive movement, many states across the country permit their citizens to pass legislation themselves.¹⁰¹ Propositions stand as one of the most direct displays of political power that citizens can yield over their states and others. And, it serves as the best example to highlight the power that often goes unnoticed under traditional hierarchical structures, like representative democracy. Let us consider the example of Proposition 8 during California’s 2008 General Election. On May 15, 2008, a California state court ruling, *In re Marriage Cases*, legalized marriage to couples beyond the strict definition of “man and woman.”¹⁰² In narrow terms, this was the extension of a legal and social status (married) to a group which previously did not hold it (non-heterosexual couples). As a response, California voters collected enough signatures to introduce a referendum to enshrine the traditional definition of marriage, as between a man and a woman, into California state law. From an individual rights perspective, the supporters of Proposition 8 wished to remove the right of legally-recognized marriage from a historically-disadvantaged group. And, this is exactly

¹⁰¹ William B. Fisch, “Constitutional Referendum in the United States of American,” *American Journal of Comparative Law* 54, no. 1 (2004): p. 485.

¹⁰² *In re MARRIAGE CASES*, JCCP No. 4365 (Cal. 2008), p. 11. <http://www.courts.ca.gov/documents/S147999.pdf>

what California voters did on election night, with 7,001,084 voters electing to remove the right to marriage from non-heterosexual couples.¹⁰³

Regardless of one's opinion on the matter (I wish to disclose that I support the right to marriage for any couple, regardless of gender orientation), it is undeniable that what happened in California was a citizenry imposing their collective will on a minority group. The normative evaluation is unimportant for the point I wish to make now (I will be revisiting this case later), because what I want to highlight is the fact that the role of citizen is one of social and political power. Citizens, through their political voice, have determined who can marry, who can be killed, and who can benefit from our social structures.¹⁰⁴ Furthermore, the consequences of citizens' actions affect those who cannot have a say in the process themselves. Californian prisoners lose the right to vote while incarcerated and while on parole. Yet in the 2016 General Election, Californian voters elected a proposition to maintain and expedite the death penalty.¹⁰⁵ One cannot deny the reality that citizens hold power not only over themselves but those beneath them in the political ladder. Unfortunately, as I have shown, there are no special legal obligations, no special legal punishments, nor any special legal expectations outlined in our society. Nothing structural exists to demand that citizens pay special heed to the role they play in society. However, the beauty of society is that the social sphere can provide us solutions and conversations that the legal paradigm does not—shaming being one of them.

The Problem with the Standard Discussions on Shaming

¹⁰³ "Proposition 8 Results," *Institute of Government Studies, University of California, Berkeley*, November 5, 2008. <https://igs.berkeley.edu/library/elections/proposition-8>.

¹⁰⁴ "Proposition 8 Results," *Institute of Government Studies, University of California, Berkeley*; "Proposition 66: Death Penalty. Procedures," *League of Women Voters' of California*, November 9, 2018. <https://cavotes.org/vote/elections/ballot-measures/proposition-66-death-penalty-procedures>; Brian Steesland, "Cultural Categories," p. 127.

¹⁰⁵ "Proposition 66: Death Penalty. Procedures," *League of Women Voters' of California*.

Seeing shaming as a solution to non-virtuous actions is not a new approach; however, I argue that the standard views for and against shaming do not give enough consideration to the virtues of citizenship nor to the needs of politics. In dealing with the obligations of citizens in a representative democracy, I turn to Eric Beerbohm's ethics of democracy, whose goal is to reimagine democracy and its outcomes in non-consequentialist terms. Because, democracy in consequentialist terms becomes vertical only—moral responsibility is distributed on outcomes, either to the elected official or to the citizen.¹⁰⁶ Such a view, however, ignores the horizontal relationship that exists within democracy: the shared responsibility to others.¹⁰⁷ According to Beerbohm, we have more agency within democracy than we would like to think and we are more complicit in injustice than we would like to accept.¹⁰⁸ As such, citizens must avoid democratic complicity—when a citizen permits the continued oppression of members of society, either intentionally or negligently—if they wish to be considered virtuous. Mentioned earlier, democratic complicity exists because, by virtue of their institutional role, citizens are in some respects responsible for the injustices that their state performs.¹⁰⁹ For Beerbohm, this “professional moral hazard” is mitigatable, however, but requires an active effort by the citizen. The guidelines for such an endeavor are outlined in a trio sets of ethics that determine good-faith efforts at avoiding complicity: the ethics of participation, the ethics of belief, and the ethics of delegation. When one acts according to the guidelines of all three, one can rest easier knowing that they have done something within their democratic power to fulfill their obligations to others.

First, Beerbohm's ethics of participation recognizes that voting is a coercive practice, individuals can make decisions that will force others to act differently than they would have

¹⁰⁶ Eric Beerbohm, *In Our Name*, p. 25.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*, p. 21.

¹⁰⁹ *Ibid.*, p. 227.

otherwise.¹¹⁰ It is precisely because of this power that he sees participation as an active requirement for virtuous citizenship. Complicity with an unjust system is something that all virtuous citizens should seek to avoid—voting stands as one way to do so. While structures cannot be changed overnight, and most injustices are not legislated away, voting can change the environment under which progress can happen. Implicitly, failing to vote against unjust structures is equivalent to supporting their existence.¹¹¹ Rational-choice models dictate that an individual person should have no effect on the outcomes; however, such a view ignores that structural injustice is a collective action problem that needs a collective solution and that there is merit in having individuals express their disdain for injustice.¹¹²

Second, Beerbohm's ethics of belief presents a realistic audit that most citizens do not care about politics and do not put in the necessary groundwork to be informed decision makers.¹¹³ Starting from here, Beerbohm argues that virtuous belief cannot resemble the ideal forwarded in theories of deliberative democracy—such a standard is unreasonable given the research available.¹¹⁴ Citizens do not make decisions on first-order information; they rely on heuristics to guide their decisions. Unlike most, Beerbohm accepts this reality for what it is and chooses to incorporate it into his ethics of belief. However, a reliance on heuristics does not excuse an individual from the world around them. It does not excuse them from the injustice that exists underneath their nose. As such, the ethics of belief asks that citizens attempt to recognize the privilege they derive from a political structure.¹¹⁵ According to Beerbohm, the easiest way to fall into complicity is to “fail to perceive the injustice that they nonetheless sustain.”¹¹⁶ In

¹¹⁰ Eric Beerbohm, *In Our Name*, p. 51.

¹¹¹ *Ibid.*, pp. 52, 81.

¹¹² *Ibid.*, p. 81.

¹¹³ *Ibid.*, p. 82.

¹¹⁴ *Ibid.*, pp. 82, 104.

¹¹⁵ *Ibid.*, p. 142.

¹¹⁶ *Ibid.*

looking to understand their social benefits, citizens are better situated to understand how they relate to one another and to their representative. Before, this burden was lower, but in the age of the internet it becomes more difficult to claim ignorance of oppressive circumstances. The fact that learning of other's oppression is at most a search away has increased the citizen's moral burden substantially.

Last, Beerbohm's ethics of delegation argues that democracy requires a division of political labor horizontally and vertically. The sheer complexity of political questions makes ignorance on behalf of the citizen excusable; it does not excuse the official.¹¹⁷ However, the citizen is still responsible for constructing their own actionable theories of justice. Unlike in the ethics of belief, a citizen cannot simply adopt a justice heuristic. They can engage with other concepts of justice—indeed they should—but the decision of what is just must rest with the individual.¹¹⁸ Part of democracy is owning one's decisions and the reasons for it, just as important is being open and willing to changing one's mind if presented with credible evidence. One does not have to be right to be virtuous, they just must be honest with themselves, their beliefs and be open to change.¹¹⁹

With democratic complicity, therefore, I can judge whether a citizen has done their due diligence as a member of a democratic society. Furthermore, democratic complicity will serve as the measuring stick against which citizens will be judged for the purposes of shaming. Fighting against social injustice will make a citizen virtuous but ignoring, abdicating, or neglecting this responsibility will render a citizen complicit and therefore non-virtuous. Justified shaming cannot arise from a disagreement in policy, so I argue that it must arise out of a failure to fulfil

¹¹⁷ Eric Beerbohm, *In Our Name*, p. 167.

¹¹⁸ *Ibid.*, p. 167.

¹¹⁹ I have a discussion of the internet's role in learning about the oppression of others in Chapter 4.

one's citizen obligations. If a citizen has lived up to their virtuous obligation, then it becomes difficult to justify shaming them, as there exists no disagreement beyond that of the merits of the policy. However, if the citizen has not been virtuous—if they have failed to fulfil their minimal democratic duty or have supported an unjust system—then they have opened themselves up to shaming. Another benefit of Beerbohm's framework is that it is flexible. Built into the ethics of democracy is a way of ferreting out those who cannot be held morally responsible under good faith. Just shaming must be flexible to prevent the shaming of those existing under the weight of an oppressive system.

Beyond these reasons, Beerbohm's citizen ethics has several advantages. First, Beerbohm's citizen ethics is based on the democratic citizen. As Aristotle argues that the excellence of the citizen is different from the excellence of the individual, he also states that the excellence described is dependent on the structure within which it is operating.¹²⁰ In short, being a virtuous citizen in a representative democracy is different than being a virtuous citizen in a communist or authoritarian regime because the representative democratic system requires different levels of participation and reflection (i.e. a freer market of ideas encourages debate, while the communist regime's intolerance of dissenting opinions makes engaging in such a practice less feasible and less mandatory).¹²¹ However, Beerbohm's citizen ethics isolates democratic citizen responsibilities from other citizen responsibilities, it is possible that citizens possess different responsibilities that are not covered under his theory of citizen excellence and therefore sit in just shaming's blind spot.

¹²⁰ Aristotle, *Pol.* III.4, 1276b17-36, trans. Stephen Everson.

¹²¹ D. Sunshine Hillygus, "The Dynamics of Voter Decision Making Among Minor-Party Supporters: The 2000 Presidential Election in the United States," *British Journal of Political Science* 37, no. 2 (2007): p. 242.

Second, he presents a nuanced view of obligations within a non-ideal governing structure.¹²² This statement is two-fold. The first is the reality that most individuals do not give politics much thought and rely upon heuristics (party affiliation) to help shape their decisions. Under these circumstances, Beerbohm develops a theory of virtue that expects less of the average citizen in terms of research and deliberation, as he recognizes most non-political scientists and theorist have a healthier relationship with politics (in that they do not give it much of a second thought). The second is that we cannot make voting decisions under the assumption of ideal structures or histories. The American reality with respect to voting is troubled, and he argues citizens have an obligation to each other to consider the histories of oppression that maneuver within our societies.¹²³ If a citizen recognizes that current structures discriminate, and that they hold a privilege—not afforded to all—that has a chance to make a claim on that discrimination, then whether they give this reality due thought should factor into their moral evaluation.

Last, Beerbohm considers the needs of the individual and of the structure. This cycles back to the conversation regarding the primacy of freedom or democracy. Beerbohm claims that we have taken too individualist of an approach to democracy, prioritizing our freedom over the needs of the community, and I am inclined to agree.¹²⁴ If we see our democratic obligations as horizontal—as Beerbohm does—then we are less justified in disregarding the needs of others or the consequences of our refusal to participate. The implicit hope is that in making more compassionate and more democratic citizens (democratic in the sense of prioritizing the group), then we will create stronger and more equitable democracies.¹²⁵

¹²² Eric Beerbohm, *In Our Name*, p. 82.

¹²³ *Ibid.*, p. 52, 81.

¹²⁴ *Ibid.*, p. 52.

¹²⁵ Whether it actually does is a normative question outside of the scope of this thesis.

Section II: Incorporating Citizen Ethics and Just-War Theories into the Current Debate

The current analyses of shaming miss the mark, because they treat shaming as unidimensional. The treatments on shaming would benefit from adapting key features from just war theory and other non-ideal practices. To define non-ideal circumstances, I turn to Christine Korsgaard's treatment as it best explains how social conditions can justify the usage of unfavorable practices like shaming and lying. From here, I turn to just war theory. Just war theory recognizes that wars, for the moment, are inevitable and theorists should delineate the circumstances of when war is acceptable and how one should conduct themselves when in it. As such, I provide a quick introduction into the dualistic framework central in just-war theory—in particular, the distinction between *jus ad bellum* and *jus in bello*—as an analogy for how to analyze and critique the current theories for and against shaming. For theories that support shaming, I critique Christina Tarnopolsky's theory of Platonic Respectful Shaming, arguing that Tarnopolsky is too idealistic with her expectations of individuals and lacks a morally-acceptable social norm on which to base her shaming. While providing strong *jus in shaming* restrictions, her theory does not provide a strong enough test for entering into shaming—*jus ad shaming* justifications. Next, I critique Jill Locke's *Lament at the Death of Shame (Lament)*, arguing that her misgivings about shaming, while appropriate in social contexts, are misguided under certain political contexts. Locke's prohibition is founded on the assertion that society's weak restrictions on who can be shamed cannot be modified to limit the instances wherein shaming is permissible. The goal of this section is to showcase how analyzing shaming using a dualistic approach (as in just war theory) shifts the conversation toward a deeper discussion of when and how shaming is justifiable.

Christine Korsgaard's Non-ideal Circumstances as Justification for the Usage of Shaming

One of the most respected contemporary deontologists, Korsgaard grapples with Kant's assertion that one must follow universal laws in all circumstances.¹²⁶ The motivating example is the murderer at the door case. In Kant's example, a person is asked by a murderer at the door where their friend is, hoping to locate them to kill them. In respecting the rationality of all human beings always, Kant argues that the person has a moral obligation to tell the murderer the truth, as doing otherwise would violate the universal law.¹²⁷ Korsgaard—like myself and many others—takes issue with this strict adherence. While we have a duty to respect others, what obligations do we owe to those who do not value our rationality and wish to use it to further evil projects? In response, Korsgaard makes a distinction between moral obligations as they apply in ideal versus non-ideal circumstances. What Korsgaard argues is that individuals have a higher moral obligation to follow strict universal laws when they are in ideal circumstances, as there is no evil which requires normally-unjust actions to combat it.¹²⁸ In non-ideal circumstances, the need to combat evil—in the hopes of making a more just social environment—may necessitate the loosening of moral laws or a different conception of what actions would be considered just.¹²⁹

Thus, for Korsgaard ideal circumstances require that two assumptions to be met. The first is what Korsgaard labels “strict compliance,” where everyone is assumed to act justly.¹³⁰ The second is that the “historical, economic, and natural conditions are such that realization of the ideal is feasible,” meaning that social structures are such that the flourishing of all is attainable

¹²⁶ Christine Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” *Philosophy and Public Affairs* 15, no. 4 (1986): p. 325.

¹²⁷ *Ibid.*, p. 326.

¹²⁸ *Ibid.*, p. 342.

¹²⁹ *Ibid.*, p. 343.

¹³⁰ *Ibid.*, p. 342.

under current circumstances.¹³¹ If neither is present, then there exists the possibility that individuals can take advantage of others for the sake of evil projects. If I cannot be sure that another is acting justly, then my adherence to the universal law can be abused. Additionally, if the historical and structural reality is one of immense social oppression, my acting as if though everything is equitable will permit unjust actions to continue unopposed. When one or both conditions are not met is what Korsgaard terms “non-ideal conditions,” and within these non-ideal moments, Korsgaard argues that our ideal state of justice becomes a goal rather than an ideal.¹³² And when justice is treated as an end goal rather than a guideline, normally-immoral actions can become a way of arriving at that end, not necessarily an impediment of it.¹³³ Returning to the murderer at the door, the situation is such that both non-ideal conditions are violated, and therefore, the provisions of non-ideal circumstances activate. Now, lying becomes a mechanism through which evil is avoided and the goal of justice is furthered. Ultimately, I argue that just shaming poses a similar case.

Shaming is a practice that would not be permissible in ideal conditions: even though it can engender just actions, it causes enough harm and reinforces too many unjust social structures to be permissible. However, most contemporary representative democracies in some violates either ideal circumstance provision. As such, normally impermissible actions may be allowed if and only if they further the goals of justice. I argue that just shaming does so. In grounding its purpose in the correction of societal oppression, and in enforcing limits that protect vulnerable parties, just shaming should further the ends of justice in such a way that allowing its usage is socially beneficial. However, non-ideal circumstances are not enough to permit the utilization of

¹³¹ Christine Korsgaard, “The Right to Lie,” p. 343-4.

¹³² *Ibid.*, p. 324.

¹³³ *Ibid.*, p. 325.

shaming to address citizen vices. Just shaming must have a robust framework for dictating actions once in a non-ideal circumstance. To outline this framework, I turn to just war theory.

Just War's Dualistic Approach to Non-Ideal Problems

Just war theory has at its foundation the assumption that war is a reality of social life so theories should give due consideration to when war is permissible and what is acceptable once in it.¹³⁴ It also carries a recognition that both parts of this problem are intertwined; in Michael Walzer's words: "its dualism is an essential feature of its wholeness."¹³⁵ While a just war can be fought in an unjust manner and an unjust war can be fought in a just manner, considering only one side seems illogical. Anyone concerned with waging just war must consider and weigh both questions equally. As such, two categories—*jus ad bellum* and *jus in bello*—help to distinguish the questions about either side of the whole. *Jus ad bellum*, literally translating to justice to war, are the limitations that dictate when a nation can feel justified in engaging in violence against another group.¹³⁶ Retaliation in self-defense is seen often as an acceptable reason for engaging in war. *Jus in bello*, literally translating to justice within war, are the restrictions combatants must adhere to so as to minimize the severity of the violence and harm caused within a war.¹³⁷ For example, observing non-combatant immunity is done in the hope that casualties will be limited to those who have consented to partake in the fight and who have a reasonable means of harming others.

What I hope to take from just war theory is its approach: asking when a problematic practice is permissible and how does one act once doing so. This is because I argue shaming presents a parallel case: shaming is an inevitable political and social reality, so theorist should

¹³⁴ Michael Walzer, *Just and Unjust Wars*, p. 21.

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*, p. 21.

focus on in what cases it is acceptable (which I will call *jus ad shaming*) and how one should conduct themselves while shaming citizens (which I will call *jus in bello*). For my analyses of shaming theories, I will identify which side of the dualistic framework they consider and which they ignore. (For example, a theory that focuses on how to conduct oneself in shaming citizens prioritizes *jus in shaming* questions but ignores *jus ad shaming* considerations.) I argue that by analyzing shaming theories from this dualistic framework identifies the deficiencies inherent in each and the potential areas of improvement that I will explore in subsequent chapters.

Christina Tarnopolsky's Platonic Respectful Shaming

In *Prudes, Perverts, and Tyrants*, Christina Tarnopolsky argues that the *Gorgias* displays three unique types of shaming. The type that Tarnopolsky focuses on, and which I will as well, is what she terms “Platonic Respectful Shaming,” which looks to engage a peer in a reflexive discourse for the sake of improving themselves and democracy indirectly.¹³⁸ Historically, the Socratic dialogues are considered unnecessarily combative and anti-democratic.¹³⁹ Tarnopolsky admits that some of Socrates’ more glib responses may fall into this category, with the goal being to flatter the individual for the sake of mockery.¹⁴⁰ Still, many of the dialogues center around convincing Athenians of the errors and inconsistencies inherent in democratic thinking. And, Tarnopolsky claims that the more serious dialogues serve as instances of tough love; by making people aware of faulty logic, the individual is saved from any embarrassment or negative consequences resulting from any actions based on these incorrect assumptions.¹⁴¹ While understanding the purpose of the dialogues is not new—disproving most arguments through *reducto ad absurdum*—looking at them through a positive lens is. Tarnopolsky sees Socrates as

¹³⁸ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 9.

¹³⁹ *Ibid.*, p. 138.

¹⁴⁰ *Ibid.*, p. 164.

¹⁴¹ *Ibid.*, p. 194.

someone looking to improve the citizenry of Athens through his stubbornness, not as just a mere gadfly meant to disrupt.¹⁴² Furthermore, in making individuals engage in self-reflection, the argument is that they become more attuned to the needs of the whole.¹⁴³ In showing individuals how they are unnecessarily self-centered, those who are open to change are now aware of their need to.

If we take my definition of shaming—as the emotional consequence of recognizing other’s beliefs that one has failed to live up to societal expectations of “normal,” either in terms of beliefs, actions, or values—we can see many of the parallels between my conceptualization of shaming and Tarnopolsky’s. In both, the goal is to force individuals into recognizing a failure to live up to a standard they themselves hold. While not all people enjoy being told when they are wrong, if done properly, such elucidations can serve as productive moments of growth. There is an assumption that most want to better themselves, or at least remain internally consistent, but I do not believe this to be in any way controversial. And, because the failure being highlighted has to do with their actions, the citizen is less inclined to see the critique as regarding some immutable aspect of themselves. However, I agree with critics that Tarnopolsky is too generous in permitting shaming and does not outline when it is acceptable.

Tarnopolsky argues that the goal of shaming is to engender reflection and the guidelines she outlines are meant to ensure the respectful dialogue necessary to get there.¹⁴⁴ But, without a basis on which to judge the shameful act, she runs the risk of relativism. Tarnopolsky forwards little limits on the instances of when shaming is appropriate. Mostly, what she outlines are *jus in shaming* guidelines: shaming must be done with a sense of reciprocity and openness, shaming

¹⁴² Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 168.

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*, p. 167.

must be done in a transparent fashion, shaming must highlight the similarities between the individual and the shamer, and shaming must be brief.¹⁴⁵ I find little issue with these *in shaming* restrictions, but I argue we cannot ignore the loose framework in which they exist. While Tarnopolsky claims that Platonic Respectful Shaming is a function of democracy, there is little inherent in the theory that ties shaming to politics. Shaming, understood with these restrictions, looks permissible in everyday life, but this runs into the problem of too easily permitting a problematic practice without a higher-order justification. Under this framework, someone can maintain all the civility required yet still shame someone for being homosexual or for being poor. This is why the *ad shaming* requirements are as crucial as the *in shaming*. A theory like Tarnopolsky's, that looks acceptable *prima facie*, can be marshalled quickly without much modification.

If Platonic Respectful Shaming took more seriously shaming's non-ideal nature and used citizen virtue as its foundation, then many of the problems begin to be addressed. What makes political shaming permissible is that individuals hold institutional power over others and there needs to be a check when individuals neglect or abuse their power in legally-permissible circumstances. Limiting shaming to moments of democratic complicity *only*, in having the things people can be shamed for contingent on democratic negligence, prevents shaming from extending to things outside of democratic complicity like sexuality, race, or socioeconomic status. However, even this provision is not strong enough, as the line between when is and is not political has shifted. Sexuality, gender, socioeconomic status, and race are all political. There is nothing preventing someone from skewing the politics-only proviso to benefit their agenda and shame those they disagree with—proving the whole project moot. This is where the Beerbohm's

¹⁴⁵ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 167.

citizen virtues come into play. If we tie the permissible instances of shaming to the expectations of citizen ethics, then the scope of what individuals can be shamed for narrows substantially.

What begins to matter more is citizen conduct and less citizen ideas. This simple case of modified PRS is by no means what I intend to argue for; however, I do wish to highlight how it becomes more palatable when considered in a dualistic framework undergirded by citizen ethics.

Although, I believe that this discussion is still too abstract and detached from shaming's history.

As such, I will conduct a similar process with Jill Locke's *Lament of the Death of Shame* to highlight how the dualistic analysis improves more historical and negative theories on shaming.

Jill Locke's Lament and the Dualistic Approach

In *Democracy and the Death of Shame*, Jill Locke provides a compelling argument as to why shaming is not permissible, even in democratic contexts, and elucidates how theories that advocate for shaming contribute to the subjugation of oppressed groups regardless of intention.¹⁴⁶ To begin, Locke's definition of shaming, "a *felt* ethic of obligation and regulation...that judges one's thoughts and acts in terms of their relationship to norms," is similar to Tarnopolsky's in that shaming forces some sense of self-reflection, yet her wording is meant to paint shaming as more of a regulatory mechanism.¹⁴⁷ If any reflection were to exist, then it would not be to engage in any self-improvement. After individuals realize that they have committed some shame-worthy act, they either "[close] in on the self...wishing one could disappear" or become enveloped in a "paralysis" of body and mind.¹⁴⁸ Moreover, Locke does well to highlight the strength with which shaming's negative emotions operate, quoting Homer's observation that individuals "would *rather die* than have to face it."¹⁴⁹ The emotional and mental

¹⁴⁶ Jill Locke, *Democracy and the Death*, p. 18.

¹⁴⁷ *Ibid.*, p. 19.

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.* Author's italics.

consequences of shaming cannot be ignored, and the reality is that pointing out someone's deficiencies—regardless of the intent—has lasting negative impacts that do not have a finite end. From this groundwork, Locke focuses on the dialogues around shaming, most importantly when individuals are labelled “shameless,” because these dialogues showcase the minimalistic *jus ad shaming* limits for shaming that exists in modern society.

“Shameless,” for Locke, is a status granted to those who have challenged the status quo to an egregious extent, an indelible mark that places them “outside of the agreed-upon social codes rather than in violation of them.”¹⁵⁰ The consequences of this charge are greater than those of *shamefulness*. As Locke points out, *shamefulness* is a temporary charge against a person's actions, one performs shameful actions that violate our codes of society.¹⁵¹ Once they atone for their transgression they are accepted back into the fold of society. This falls in line with Tarnopolsky's and other's conceptions of when and how shaming is appropriate. Conversely, the justifications for the label of *shamelessness* is different. *Shamelessness* is for when someone *challenges* the status quo.¹⁵² As Locke points out correctly, shaming—justified under pretenses of challenges to social norms—muzzles any dialogues on social practices that can be inherently problematic. While some social practices may be worth preserving, permitting a blanket ban on refutations against social norms sets a low bar for shaming. The argument Locke makes is that the current *jus ad shaming* justifications for shaming are based on challenges of status quo *along with* violations of it, contrary to most shaming-proponent's assumptions that the *jus ad shaming* reasons for shaming are for violations exclusively. With such a low bar, it begins difficult to

¹⁵⁰ Jill Locke, *Democracy and the Death*, p. 20.

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*, p. 37, 39.

support any arguments for shaming, regardless of social benefits, as the possibility that an underserving individual will suffer the consequences is too great.

The implicit hope among shaming’s proponents like Tarnopolsky is that individuals will make the effort to shame only for violations of morally-justifiable social norms.¹⁵³ Unfortunately for shaming’s proponents, Locke’s analysis on the history of shaming highlights that most justifications for shaming fall into this weak *ad shaming* mold. The shameless in history are the activists that fought for LGBTQ+ rights, the activists that fought for workers rights, the activists that fought for women’s rights.¹⁵⁴ “Shameless citizens,” as Locke labels them, where those that sought rectification of some established social injustice. From this reality, it becomes difficult to promote any social practice that has done so much to perpetuate the subjugation of minority groups. However, I argue that a revision of the current *ad shaming* reasons along with the addition of *in shaming* guidelines can address many of Locke and other’s worries regarding shaming.

An issue with Locke’s approach is that she sees shaming in too binary of terms: because shaming has the possibility of being abused it should be banned full stop. Even though she concedes that shaming may have some benefits in special circumstances—like Martha Nussbaum does in *Hiding from Humanity*—she argues that these instances are too few to justify supporting the practice at all.¹⁵⁵ But, in making this claim she does not entertain the possibility that modifications may shift the lens on shaming’s permissibility. As before, the negligence of one’s citizen obligation to combat oppression can serve as a foundation of the *ad shaming* conditions for shaming. (For the sake of the argument, assume that my citizen virtues are morally

¹⁵³ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 170.

¹⁵⁴ Jill Locke, *Democracy and the Death*, p. 39.

¹⁵⁵ *Ibid.*, p. 175.

and socially acceptable and that there exists an arena for discussion regarding revisions of them.) If the *ad shaming* reasons are limited to violations of these socially acceptable citizen expectations—the adherence of which engender benefits to the individual and society—then shaming looks to become both more productive and less liable to abuse. The actions that people can be shamed for (i.e. refusing to consider the needs of others or refusing to vote when it only poses a mild inconvenience to them) begin to shrink, but the process becomes more justifiable. Shaming becomes more a niche tool for correcting democratic action and less a broad weapon of social control.

Section III: The Need for a Politically-Based Dualistic Framework for Shaming

In this chapter, I argued that approaching theories of shaming with a dualistic framework, rooted in citizen ethics, highlights both the problems inherent in standard arguments for and against shaming as well as the possible areas of improvement for each. First, I described how shaming is a non-ideal practice, and how the needs of citizenship look to necessitate actions that are considered socially unsavory. While shaming is recognized as problematic, theorists have identified its ability to prevent violations of social norms and abuses of social convention. Theories of shaming should aim at harnessing its benefits while minimizing its negatives. Second, I identified how citizenship is a poorly-defined political role that holds a deceptively large amount of power. Citizens, whether they recognize it or not, have non-negligible institution power that needs a standard to be measured against and a mechanism for correcting vicious actions. Shaming stands as a preliminary solution. But, to provide a morally-justifiable standard from which to measure the shaming, I introduce Eric Beerbohm's citizen virtue ethics and the notion of democratic complicity as the manifestation of citizen non-virtuousness. Virtuous citizenship is recognizing a citizen's obligation to others in combatting social oppression.

Failures of citizen excellence, which I call moments of democratic complicity, are when a citizen intentionally or negligently permits the perpetuation of social injustice within their democracy.

Third, I discussed how just war theory's consideration of *jus ad bellum* and *jus in bello* questions (when war is permissible and how to conduct oneself within it) provides an advantageous roadmap for deconstructing other non-ideal social practices, like shaming. From this discussion, I constructed two sets of considerations for shaming: *jus ad shaming* and *jus in shaming*—when a citizen can be shamed and how one must conduct themselves when shaming a citizen. Fourth, I analyzed Christina Tarnopolsky's Platonic Respectful Shaming and Jill Locke's *Lament of the Death of Shaming* through the lens of the dualistic framework based in citizen ethics. For Platonic Respectful Shaming, I showed how it gives strong considerations for the *jus in shaming* aspects of shaming but presents too low a bar for entering into shaming. For the *Lament*, I argued that its *jus ad shaming* criteria are too strict, preventing the possibility of considering more *prima facie* acceptable types of shaming. What I argued is that the dualistic framework presents a more holistic way of evaluating and considering shaming, especially when paired with a measuring stick of citizen virtue ethics. In the next chapter, I explore begin outlining my theory of citizen shaming by establishing my *jus ad shaming* limitations and my *jus in shaming* guidelines for shaming.

Chapter 3: Just Shaming Theory

In my last section, I showcased how just war theory's dualistic framework provides a good model from which to tackle a similar, non-ideal situation: shaming. Non-ideal situations can present individuals with scenarios where normally-unjust actions appear acceptable, in some cases necessary. Given their normally-unacceptable nature, however, there must be limits as to when these actions are invoked and how they are managed once this threshold has been met. In the first part of this chapter, I will outline *jus ad shaming*'s considerations. In short, how and when do citizens open themselves to the possibility of being shamed justly? This question is complex and, therefore, will be dealt with in theoretical and then hypothetical terms. To begin, I will return to what *jus ad shaming*'s conditions are and how they would apply to shaming. I rely on the harshest critics of shaming practices to establish a bar that is sensitive to shaming's problematic aspects while still allowing the possibility that shaming can be justified in heavily non-ideal situations. Ultimately, I arrive at three conditions: the *complicity*, *activation*, and *mesomensch* conditions.

Next, I outline *jus in shaming*'s guidelines. The goal is to create a code of conduct that respects the shamer, the shamee, and the needs of others within the democracy. To do so, I turn to Christina Tarnopolsky's Platonic Respectful Shaming and theories of deliberative democracy. Platonic Respectful Shaming has goals similar to just shaming—the reforming of another for the sake of individual and social betterment—while deliberative democracy has a good understanding of respecting difference while disagreeing. From here, I construct two rules that permit shaming to fulfil its purpose while avoiding its common pitfalls: *intent* and *reciprocity*.

Throughout this chapter, I turn to real-life and hypothetical examples of citizens shaming others for acting viciously. My hope is that by testing or explaining these restrictions with

examples, the reasonings behind them become clearer and more acceptable. These examples include the 1994 California Midterm Election and the 2008 California General Election, each of which presented Californian citizens with a possible moment of democratic complicity: supporting California Proposition 187 (Prop 187) which barred undocumented individuals from accessing social services and supporting California Proposition 8 (Prop 8) which defined marriage in California as between a man and a woman only.¹⁵⁶ Later in this chapter I explain each further and argue why these situations constitute moments of oppression. For now, I think these brief synopses are enough, and will therefore begin outlining my theory of just shaming.

Section I: Establishing *Jus ad Shaming* Limits

Shaming's harshest critics advocate against any attempts to marshal it into any productive practice, as they claim the negative effects are too widespread and too damaging.¹⁵⁷ Those who get shamed can "turn inward," (removing themselves from society) as Nussbaum warns, and develop a variety of psychological illnesses resulting from internalizations of senses of insecurity and worthlessness.¹⁵⁸ However, even these harshest critics recognize that not all cases of shaming have such dire consequences, and advocates have shown that some instances of shaming can manipulate action into more productive forms.¹⁵⁹ As such, I argue that a more

¹⁵⁶ Ruben J. Garcia, "Critical Race Theory and Proposition 187: The Racial Politics of Immigration Law," *Chicano-Latino Law Review* 17, no. 118 (1995): p. 149; Deirdre M. Warren and Katrina R. Bloch, "Framing same-sex marriage: Media constructions of California's Proposition 8," *The Social Science Journal* 51, no. 1 (2014): p. 503.

¹⁵⁷ Martha Nussbaum, *Hiding from Humanity*, p. 85; Robert Walker, *The Shame of Poverty*, pp. 125, 151; Elaine Chase, *Shame and Poverty*, p. 199-200.

¹⁵⁸ Martha Nussbaum, *Hiding from Humanity*, p. 85; See also Paul Gilbert, "The Relationship of Shame, Social Anxiety and Depression: The Role of the Evaluation of Social Rank;" Neil E. Clapton, Jonathan Williams, and Robert S.P. Jones, "The Role of Shame in the Development and Maintenance of Psychological Distress in Adults with Intellectual Disabilities: A Narrative Review and Synthesis;" Christina Duarte, Jose Pinto-Gouveia, and C. Ferreira, "Ashamed and Fused with Body Image and Eating: Binge Eating as an Avoidance Strategy;" Paula Castilho, Sergio A. Carvalho, Sara Marques, and Jose Pinto-Gouveia, "Self-Compassion and Emotional Intelligence in Adolescence: A Multigroup Meditational Study of the Impact of Shame Memories on Depressive Symptom."

¹⁵⁹ Martha Nussbaum, *Hiding from Humanity*, p. 245; Jill Locke, *Democracy and the Death*, p. 175-6; Costas Panagopoulos, "Affect, social pressure and prosocial motivation: Field experimental evidence of the mobilizing effects of pride, shame and publicizing voting behavior," *Political Behavior* 32, no. 3 (2010): p. 380.

productive approach would be to determine what actions can make citizens liable to shaming. In more theoretical language, what actions prompt the non-ideal conditions necessary to consider utilizing shaming for the sake of correcting citizens' actions? This section considers situations of potential democratic complicity and identifies what individuals facing such situations should consider before considering shaming the complicit citizen. When citizens become complicit, then the *possibility* for shaming opens. (My real-life examples will help to tease out the moments when individuals can be held morally accountable.) Citizens are expected to make a good-faith attempt at understanding the issues they are supporting beyond a surface level—especially when dealing with instances of potential democratic complicity. Important in this definition are the topics that are excluded from shaming as a result. Under the *complicit condition*, shaming citizens for reasons of unacted-upon political beliefs, race, gender orientation, sexual orientation, neurodiversity, and socioeconomic status is unacceptable. The targets of shaming can only ever be citizens who have acted in such a way that permits or encourages the oppression of others.

This bar proves hard to define; however, my two proposition cases and analyzes of prominent theories will help to provide a workable sketch. As mentioned before, these conditions and considerations are informed by the four critiques of shaming—shaming causes negative mental states, enforces extreme social homogeneity, halts democratic progress, and ignores structural injustices—and provide a workable framework from which to explore my *ad shaming* conditions

If No One Notices Structural Injustice, Are They Excused from Combatting It?

Before shaming can ever be considered, one must evaluate whether the citizen can combat a structural injustice or not. I recognize that this condition's vagueness can render it too broad to be helpful. Structural injustice seems an ever-present specter; as such, either individuals

are always able to be shamed for failing to combat all inequality around them or the lack of exceptional cases absolves individuals through volume—one cannot be expected to recognize and combat every individual inequality and thus attempting to do so or hold people accountable for it is useless. However, if we frame the question in terms of democratic complicity, this guiding question—has the citizen failed to combat a structural injustice, either intentionally or negligently—is quite actionable.

What Makes Someone Democratically Complicit?

First, what circumstances potentially make citizens democratically complicit? Beerbohm does not tackle this tricky issue explicitly; however, I think that shaming requires a more comprehensive understanding of these moments because of the risk of incorrectly shaming an innocent citizen. As such, I argued earlier that individuals are democratically complicit when they intentionally or negligently fail to address oppression, but I have failed to define what I mean by oppression. Therefore, I utilize Iris Marion Young's five faces typology to define it. What Young's theory contributes is a recognition that oppression is not unidimensional: history and unjust structures have shifted and segmented how oppression operates. Employing Young's criteria for when individuals and groups are being oppressed helps to clarify and define when citizens are democratically complicit through their actions.

Young's Five Faces of Oppression

Whereas most theories begin from questions of liberty or equality, Young starts from an examination of domination and oppression.¹⁶⁰ In the fashion of discursive ethics, she argues that only by listening and hearing those affected directly by injustice can one hope to pinpoint and address the problems of society.¹⁶¹ As such, Young's five faces theory rests upon two

¹⁶⁰ Iris Marion Young, *Justice and the Politics*, p. 38-40.

¹⁶¹ *Ibid.*, p. 106.

assumptions: individuals are oppressed through belonging to certain oppressed groups, and their forms of oppression can be categorized into exploitation, marginalization, powerlessness, cultural imperialism, and/or violence.¹⁶² Social groups, defined as “a collective of persons differentiated from at least one other group by cultural forms, practices or way of life,” serve as her foundation, because individuals are treated differently in social settings due to their particular set of memberships.¹⁶³ Young’s theory realizes that structural injustice works in stratified ways, and people are, therefore, corralled into different groups for the sake of the system. A person categorized as ‘immigrant’ or ‘transgender’ will be lumped into a group of similarly-defined individuals—with its set of socially-determined expectations. Consider for example the banning of undocumented individuals from California social services (what Prop 187 tried to do): this presupposes the social group of ‘undocumented individual’ and prevents anyone that is assigned to that group from accessing life-saving social services as a result. There is little regard for particulars of the individual’s situation. The mere fact of belonging to a certain group is enough to justify institutional action against them. *De jure* segregation, the transgender military ban, and the gay marriage ban serve as other illustrative examples of the power of theorizing from the perspective of social groups.

I echo Young’s argument that it is everyone’s responsibility to learn how social groups have been oppressed by the structures of society, because oppression’s five faces—while distinct—are interconnected.¹⁶⁴ Exploitation is understood in a Marxist sense, wherein the injustice is the divorcing of one’s labor from the benefits created.¹⁶⁵ However, Young’s exploitation is broadened to include the structural consequences of this monetary stratification,

¹⁶² Iris Marion Young, *Justice and the Politics*, p. 40.

¹⁶³ *Ibid.*, p. 43.

¹⁶⁴ *Ibid.*, p. 64-5.

¹⁶⁵ *Ibid.*, p. 49.

such as who is allowed to do what work (delineated in racial or gendered terms such as housekeeping is a job only for women of color and investment banking is the domain of straight white men), how much people are to be compensated (service jobs are to be minimum wage only and domestic work is not at all compensated), and who decides these arrangements (historically, white men).¹⁶⁶ Exploitation is not just something that happens at the micro-level of wage-worker and wage-giver, it is a social dialogue that determines who can get what and who cannot.

Like exploitation, marginalization identifies how certain groups are excluded from the labor market altogether, with the consequences of marginalization in a capitalist society being the damning to an underclass that lacks social respect.¹⁶⁷ In identifying structural injustice, marginalization is crucial, because its consequence of material deprivation hurts both an individual's body and mind. Without resources or an opportunity to work, marginalized individuals are left to rely on others—either at the homes of family, private charities, or on the streets—or turn to criminalized means to support themselves.

Powerlessness is different in that it illuminates how certain individuals are not permitted to possess or wield “authority, status and [a] sense of self” that is granted to those belonging to “professional” social groups.¹⁶⁸ Professionals, Young argues, are allowed to be autonomous, they can express themselves with little fear of repercussions, they are allowed to progress, they can develop in professional, public, and private settings, and they are given a basic level of respect that non-professionals are deprived of.¹⁶⁹ The consequences of powerlessness are as structural as they are mental. The psychological strain of being demeaned only for belonging to a group is

¹⁶⁶ Iris Marion Young, *Justice and the Politics*, p. 50.

¹⁶⁷ *Ibid.*, p. 53.

¹⁶⁸ *Ibid.*, p. 57.

¹⁶⁹ *Ibid.*

easy to grasp, but one cannot forget that these ideas of powerlessness and lack of respect become institutionalized and those who lack social power soon lack structural power.

Whereas exploitation, marginalization, and powerlessness deal with somewhat direct power relations between groups (the process of oppression is more identifiable), cultural imperialism deals with the process of universalizing a “dominant group’s experience and culture” to that of the norm and labeling all others the “Other”.¹⁷⁰ Often without noticing, the dominant group sees their way of existence as *the* way of existence and highlights those who stray away from this norm as “deviant”.¹⁷¹ This process should seem familiar, as it closely resembles that of shaming; as such, I will not spend much time explicating the consequences of cultural imperialism. However, cultural imperialism does recognize that the dominant groups will adopt aspects of the oppressed culture they find useful—after they have shamed others for holding it, of course.¹⁷²

Last, violence is the systematic usage of force to “damage, humiliate, or destroy” and person and/or their property.¹⁷³ While violence itself needs little explanation, it is a face of oppression because certain groups are targeted with violence due to their membership to a group only.¹⁷⁴ For example, Kimberlee Crenshaw identified how black women are the victims of rape at higher rates because they are *black women*—an intersectional identity that means they have little say in the workings of the world and that their word means less than most.¹⁷⁵ Importantly,

¹⁷⁰ Iris Marion Young, *Justice and the Politics*, p. 59.

¹⁷¹ *Ibid.*, p. 60.

¹⁷² *Ibid.*

¹⁷³ *Ibid.*, p. 61.

¹⁷⁴ *Ibid.*, p. 62.

¹⁷⁵ Kimberlee Crenshaw, “Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics,” *Feminist Legal Theory* 1989, no. 1 (1989): pp. 157-8.

violence and these other forms of oppression cannot be seen in isolation. Like the identities they affect, these forms of oppression are intersectional and must be identified and treated as such.

Democratic Complicity as Perpetuating Oppression and the Need for the Activation Condition

Returning to my first condition, moments of potential democratic complicity, therefore, are when citizens are faced with an opportunity to combat oppression but choose not to do so, intentionally or negligently. However, with such a broad criterion it seems possible that anyone not fighting against any moment of oppression constantly risks opening themselves to a barrage of justified shaming. To combat this, I require an *activation condition*. According to the *activation condition*, while citizens should do their best to combat injustice, they become more liable to shaming once they are faced with a moment of injustice/an opportunity to combat it.

For example, imagine a rural farmer in the outskirts of a small California town. Having lived their whole life on the farm, and with little access to others outside of the nearby town, they are mostly unaware of the blight of violence against the homosexual community in the big city several hundreds of miles away. If activists from that city were to come to his farm and shame him for failing to rally against the violence or contact their local representative about the issue, the activists have little moral ground to stand on. While the farmer should be doing their best to be combat injustice, they had no means of knowing what was happening several towns over and, I argue, ought to be immune to shaming—at least under the current argument. However, if on a trip to the city they learn of the streak of violence and do nothing to remedy the issue—they subsequently vote for a public official that has ignored the problem—then they can be shamed by the caravan of travelling activists. In learning of the injustice, by being activated to the injustice around them, they are bound, by their horizontal responsibility to other citizens, to combat this

oppression.¹⁷⁶ Failing to do so makes them democratically complicit and, I argue, opens them up to shaming.

The philosophical intuition behind the *activation condition* can be found in Christine Korsgaard's understanding of moral obligation through commands. According to Korsgaard, person X verbalizing a command—"can you turn and look at me?"—to person Y creates a form of *prima facie* obligation—to turn around and engage them—through a shared language.¹⁷⁷ Because both X and Y can understand English, anything either says will be understood by the other, regardless of whether they want to or not.¹⁷⁸ Korsgaard's point is that commands are the act of a person putting their reasoning into the public space.¹⁷⁹ Given that this command was provided by a rational being, and given that neo-Kantians want the way they treat rational beings to be universalizable, anyone that hears it is under a *prima facie* obligation to respond.¹⁸⁰ Not doing so would be to deny the rationality of another. While some may claim that non-Kantians are under no such obligations, Korsgaards point out that most people would feel slighted if they called to another, or asked them to do something, and were ignored. The reality is that we expect others to give what we say thought and enough respect to respond, at least.¹⁸¹ The *activation condition* is much the same. If one learns of oppression, whether they wanted to or not, they are now aware that the rationality and life of another is being violated. As such, they are now under a moral obligation to acknowledge this oppression and respect the rationality of the oppressed by addressing it.

¹⁷⁶ Eric Beerbohm, *In Our Name*, p. 25; The way in which citizens combat complicity differs, but the intent to remedy the problem must be there.

¹⁷⁷ Christine Korsgaard, *The Sources of Normativity*, Cambridge, UK: Cambridge University Press, 1996, p. 140.

¹⁷⁸ *Ibid.*, p. 140.

¹⁷⁹ *Ibid.*, p. 135.

¹⁸⁰ *Ibid.*, p. 140.

¹⁸¹ *Ibid.*, p. 141.

Therefore, one can think of the *activation condition* as follows: Our society, because of historical circumstances, perpetuates oppression constantly. All members of society are under an obligation to combat and not perpetuate these injustices further. However, not everyone knows of these injustices. Therefore, when someone is made aware of injustices, they gain a higher-order moral obligation to combat said oppression out of an obligation to those in society and out of respect to the humanity of others. Failure to do makes this person democratically complicit and opens them up to the possibility of shaming.

I admit that the first and second *ad shaming* conditions, on their own, provide an aggressive set of restrictions on who can be shamed. This has its benefits and negatives. The benefit is that it forces citizens to take combatting injustice and oppression more seriously. As I discussed in Chapter 1, American citizens have begun hyper-prioritizing their needs to the detriment of others and democracy. One of the goals of just shaming theory is to pull citizens away from the current model of looking out for themselves only and seeing the needs of others as much lower secondary considerations. So, while the first and second limitations place high expectations on citizens, that is sort of the point. The negative, however, is that there exist few mechanisms to exonerate individuals that would have a strong case for not being shamed. Given Locke's, Nussbaum's, and others' critiques of shaming—that it is too often utilized to break down individuals mentally and emotionally—it is crucial to make exceptions for circumstances outside of one's control.¹⁸² The next section will discuss the *mesomensch condition*, which excuses citizens from shaming if and only if combating democratic complicity would have required an unreasonable supererogatory act on their behalf.

The Mesomensch Condition

¹⁸² See footnote 60 on p. 20 for relevant articles.

For just shaming theory to be considered *just*, it must consider the realities of those being shamed and excuse them from being shamed in the appropriate circumstances. I argue that the only appropriate circumstance to absolve someone of shaming beyond provable ignorance is when combatting democratic complicity would require an unreasonable supererogatory effort on the citizen's behalf. As such, I define the *mesomensch* as one who acts in a manner expected from the average virtuous citizen. While combatting complicity is quite important, citizens should not be expected to fulfil excessive or harmful attempts at combatting oppression. Shaming must not be painless, as it is this pain at one's failure that motivate the change toward better action.¹⁸³ But, shaming cannot be deaf to the harm that combating complicity may cause an individual. This consideration is best understood through a hypothetical example.

George is a black, single father living in Los Angeles. To pay for rent and to put his two children through private school (the best schools his children could attend, unfortunately an hour drive from their home), he must work two jobs totaling around 12+ hours. As a strong liberal, he believes strongly that marriage should be an institutionally available to all and wants to vote no for Proposition 8 in the upcoming 2008 General Election. However, there is no time George could vote; he is either working or caring for his children. As much as he would like to, voting would require abandoning his job (which would result in a significant drop in income) or his children (causing mental distress for him and them). After much thought, he decides that he cannot vote and continues as if this was any other Tuesday. Under the *complicity* and *activation conditions*, George is liable to be shamed for his actions, yet I suspect that most would agree with my claim that George should not fear being shamed for what he decided to do. This judgment falls under the *mesomensch condition*. While George is aware that his actions are

¹⁸³ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 186.

adding to the oppression of society, there is no way he can combat it without hurting those he loves and those he watches over. What is being asked of him is to make sacrifices beyond the reasonable expectation of the average citizen. Shaming should not and cannot cause unnecessary harm through unrealistic ought claims if we wish it to be morally justified. I accept that some fear the addition of any sort of absolution for citizens will weaken the power of shaming; however, I claim that provisions such as this are needed to respect the humanity of others and the particularities of life. Because shaming is liable to harming citizens, it cannot operate without due consideration to history. Doing so risks perpetuating the injustice that shaming looks to combat.

The Mesomensch Condition's Urgency Caveat

The *mesomensch condition* has a caveat, *urgency*, that is meant to account for the severity of the injustice. Not all oppression is the same and more worse forms require more pressing and extreme actions. In a more succinct format, *urgency* claims that the severity and extent of the oppression must be considered, as more severe and expansive forms will weaken the protections provided in the *activation* and *mesomensch conditions*. While I do not wish to make light of oppression by claiming some forms are worse than others, one can intuitively think of some forms of oppression as requiring more attention in the present than others. For example, consider routine violence against others, or a vote that would look to leave many without food and basic services under weak legal justification. As such, more dire circumstances will require a more aggressive shaming response. In dire circumstances, a citizen that would be excused by the recency and/or collateral damage limitations would not be excused under urgency. The reasoning being, the scale and magnitude of injustice is so great, that all hands and tools are needed to stop it. This move may be controversial. The goal of just shaming is to construct a set of limitations

that prevents ruthless and non-defensible shaming practices; however, its other goal is to construct a framework for a corrective mechanism for citizen excellence. As such, it must be attuned to circumstances where the corrective power of shaming can be harnessed for just causes.

The inspiration behind this caveat is Michael Walzer's idea of *supreme emergency*. During World War Two, the British Royal Air Force began bombing German cities with little regard for the presence of citizens.¹⁸⁴ When prompted, Prime Minister Winston Churchill argued that the Nazi threat to the United Kingdom constituted a "supreme emergency," that the risk of Nazi forces overtaking the island and destroying democracy was enough to permit violations of war conventions and the targeted bombing of non-combatants.¹⁸⁵ Walzer took Churchill's reasoning and defined a more abstract definition for a supreme emergency: a situation so dire that it "may well require those measures that the war convention bar[s]."¹⁸⁶ The justification for such a move is the notion that institutions are permitted to combat evil in non-savory ways when they stand to lose something of primary intrinsic value. An important difference is that supreme emergency was utilized as an excuse to bomb non-combatants, urgency does not permit the shaming of non-complicity individuals. What urgency does do is relax excuses that may have absolved democratically-complicit citizens, once again allowing them to be shamed.

In short, the needs of others and democracy cannot be overlooked, and there will be moments where society's injustice poses grave harm to those within it. In these moments of supreme emergency, we cannot be precious of the emotions of those not suffering at the hands of evil. Given their positions of power as citizens, they are required to act and ensure that all are

¹⁸⁴ Michael Walzer, *Just and Unjust Wars*, p. 255-6.

¹⁸⁵ *Ibid.*, p. 255-6.

¹⁸⁶ *Ibid.*, p. 251.

given the same deference and respect they enjoy. When they fail to do so, others must take it upon themselves to highlight these deficiencies and guide them toward their responsibilities and the actions expected of them as citizens concerned with the needs of others.

Summary of Jus Ad Shaming's Limits

For the sake of a recap, *jus ad shaming* requires the considerations of free conditions: the *complicity*, *activation*, and *mesomensch* conditions. According to *complicity*, citizens can only be shamed when they have failed to combat social injustice, intentionally or negligently. This condition is too broad, however, so the *activation condition* argues that only true ignorance is enough to absolve individuals from shaming. If they learn of any injustice (becoming activated to it), or there exists a reasonable possibility that could be aware of oppression, then they are permitted to be shamed. The *mesomensch condition* complicates this picture by allowing absolution from shaming if avoiding democratic complicity would require an unreasonable supererogatory act by the citizen. But, the intensity of the oppression must also be considered, and *urgency* can mitigate the absolving power of the *mesomensch condition*. Practically, this makes shame morally permissible in circumstances in which it would not be otherwise. These limitations are not enough, however, as they only cover one half of the shaming problem. The next section will be dedicated to outlining how one must conduct themselves when shaming citizens.

Section II: Outlining *Jus in Shaming* Guidelines

Under just war theory, the fact that one is fighting a just war does not absolve them of obligations to limit their use of violence in said war. Just shaming operates under a similar assumption. Shaming as society has done in the past—even under morally justified contexts—goes against the project entirely. Shaming can only be just if the entire process, from the

beginning to the end, was conducted in a morally justifiable manner. The previous section outlined the conditions within which someone could be morally justified in shaming another. Therefore, the goal of this section is to outline the appropriate conduct one must exhibit to be considered morally-justified while shaming citizens. To inspire these codes of conduct, I turn to Christina Tarnopolsky's Platonic Respectful Shaming heavily. Ultimately, I forward two conduct guidelines: *intent* and *reciprocity*. And, in continuing with the just war theory naming conventions, this set of limitations will be known as the *jus in shaming* limitations.

The Purpose of Shaming, Isolating Intent in Jus in Shaming

While the goals of contemporary instances of shaming can vary, just shaming's goal is always reform for the betterment of the individual and the whole. This becomes difficult, however, if the intent of shaming is not clear. Many of the critiques of shaming show how the practice, conducted in a cavalier manner, has the consequences of disempowering citizens and creating mental stress. As Walker and Chase find, the repeated mention of one's poverty being the result of their poor actions makes that person internalize those accusations and detach.¹⁸⁷ Just shaming seeks to avoid similar results, and *intent* hopes to provide an adequate limit.

According to *intent*, the motivation behind the shaming must always be citizen reform for the purpose of rectifying democratic complicity in unjust and oppressive social practices. This carries with it many parts, the first of which is the scope of the shaming. As one shames a citizen, they must limit themselves to highlighting actions that pertain directly to the citizen vice. The motivation behind this limitation is restraining the things about which an individual ought to be forced to feel shame. Unfortunately, pain and hurt feelings are a necessary consequence of shaming (if the individual feels no pain, then they feel no remorse).¹⁸⁸ However, an assumption

¹⁸⁷ Robert Walker, *The Shame of Poverty*, pp. 125, 151; Elaine Chase, *Shame and Poverty*, p. 199-200.

¹⁸⁸ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 166, 186.

throughout this theory is that negative emotions can engender positive actions. As Tarnopolsky states, it is shame's sense of deficiency that motivates reformatory action.¹⁸⁹ Should a Californian citizen be made to feel bad about their sexuality? No, as what they are being shamed for is an instance of passively procured shame—PPS, or aspects about oneself that cannot be changed and have no moral relevance. However, should they be made to feel bad about not supporting another's right to marry when they had the resources and means to do so? Yes, as what they have done is neglect their democratic duty, placing their actions in the shameable, actively procured shame category—APS, or actions separate from one's identity that have consequences on others. When shaming, one must be careful to not shame as has been done throughout history, as we are painfully aware of what contemporary shaming entails.

This raises a question about honest differences of belief, as a critic of just shaming could charge, that just shaming does not permit the possibility for individuals to act upon personal stances that may have negative effects on others. For example, imagine a person with strong fundamentalist leanings that believes truly marriage should be between a man and a woman, and thus votes for Prop 8. How does just shaming rectify the reality that people will have different thoughts and wish to employ their constitutional right to act upon them? To respond, I argue that there is a difference between holding a belief and acting upon it, and this distinction permits differences in opinions while not allowing for social groups to be oppressed. There is nothing inherent in just shaming that bars people from holding any multitude of beliefs, but this does not give citizens free reign to perform any action they wish. What virtuous citizenship requires is for individuals to look beyond themselves and consider the consequences of their actions overall. While the fundamentalist voter may want their definition of marriage to be law, they cannot

¹⁸⁹ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 166, 186.

escape the fact that their belief results in the pain and suffering of others to who they have institutional obligations. The hope of just shaming is that they will come to accept that their belief is harmful, even if inadvertently, and elect to not pursue it politically. I recognize that there is a sacrifice involved, but it is this pain and sacrifice that distinguishes virtuous and non-virtuous citizens. Radical individualism is the mindset just shaming looks to avoid, and as such it must accept unsavory consequences, like the political repression of socially-harmful beliefs.

Another consequence of *intent* is that shaming can only persist as long as a citizen is democratic complicity. Shaming a citizen once they have acknowledged their deficiency and have reformed their conduct is impermissible. There must be an explicit understanding that individuals are capable of change and that the goal of shaming is to prompt such change. Continuing to shame someone once they have reformed risks shaming them for things outside of the realm of justifiable shaming. However, this does not impose a time restraint either. A conclusion of just shaming is that individuals are open to shaming if they are democratically complicit, *per jus ad shaming*. This is because of the importance ending oppression holds in just shaming and the reality that one instance of shaming is sometimes not enough to get someone to change their mind.

To illustrate, imagine an individual, person X, voting for California Proposition 187—which looked to restricted undocumented migrants from accessing public benefits, dooming them to second-class status.¹⁹⁰ And, for the sake of the argument, assume that they can be shamed according to the *jus ad shaming* tests. A citizen, person Y, wishes to shame them and get them to recognize that removing a social group from public benefits constitutes oppressing them through marginalization. In the first encounter, X accepts the validity of Y’s arguments but does

¹⁹⁰ Ruben J. Garcia, “Critical Race Theory,” p. 148.

not find them motivating enough to change their vote. They do not feel that they have violated their horizontal obligation. Restricting shaming to a single instance does not allow the goal of shaming to take hold. However, if the shaming is permissible as long as the democratic complicity is permissible, then Y can continue to shame X until X reforms their conduct.

I recognize that permitting shaming indefinitely strikes many as wrong; however, I argue this is more a consequence of current feelings on shaming than issues with just shaming as a theory. I contend strongly that just shaming is distinct in that it is more a pointed dialogue or protest meant to engage than it is a derision of another—people are more willing to accept discussions than they are scolding. And as I will elaborate further, respect is central to just shaming and a conversation must always be at the ready. While the timespan of just shaming may be longer than contemporary understandings, it is more productive for all parties involved. What results from just shaming, hopefully, is democratic progress and equity. Thus, I am willing to permit extended periods of shaming to achieve it.

Reciprocity as a Means of Maintaining Respect

Beyond *intent*, *reciprocity* forces the shamer to engage the shamee with an understanding of respect and agreeable disagreement. This creates two obligations: the shamer must provide the shamee with the metric they are being evaluated against and the shamer must engage the shamee in further discussion resulting from the initial act of shaming as long as it pertains to the shaming. The first is straight-forward and a departure from Tarnopolsky's Platonic Respectful Shaming.

According to Platonic Respectful Shaming, the goal of shaming is to prompt self-reflection about a moral failing.¹⁹¹ However, there is no standard of excellence that the shamee is

¹⁹¹ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 166.

measured against. In typical Socratic fashion, the individual is left to consider all that was mentioned during the dialogue and arrive at a conclusion on their own.¹⁹² Tarnopolsky sees this moral flexibility as an advantage, as it avoids forcing individuals toward social norms that are either immoral or unjustifiable. With just shaming, I argue this flexibility is a weakness. Permitting uncertainty with a practice as volatile as shaming risks perpetuating its worst consequences. To avoid doing so, all parties involved must know what is at stake and what is to be expected—hopefully achieving near perfect information, at least with respect to the information relevant for shaming.

Still, the onus lies on the shamer to provide this knowledge, as they are in a position of power and can harm the shamee. Moreover, by definition, the just shamer must have an understanding of citizen virtuousness, oppression, and democratic complicity. This expectation cannot be said of the shamee; the reason they are democratically complicit is because they are unaware of what constitutes citizen excellence. Therefore, the expectation to conduct this problematic practice in a just manner falls on the shamer. As they shame, the shamer must inform the shamee of their obligations as a citizen, the various ways oppression manifests in society, and how the shamee has failed in their actions to combat oppression. By having this information available and open to all, both parties can discuss in a more equitable setting.

Reciprocity's second obligation forces the shamer to engage with the shamee if there is a good-faith attempt at dialogue. As I have impressed before, just shaming resembles pointed discussions more than it does our current understanding of shaming. Therefore, the shamer must be able to defend any belief system they impose upon another publicly (with 'public' meaning anything that extend beyond one's own thoughts). The theoretical foundation is Dennis

¹⁹² Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, p. 170.

Thompson and Amy Gutmann's claim that a strong democracy requires public justification for reasons.¹⁹³ It is no secret that Americans hold varying sets of beliefs, so out of a respect to differing conceptions of the good and of the just citizens must be willing to test their belief systems publicly and entertain the possibility that different conceptions may be better than theirs.¹⁹⁴ No one person is assumed to be right, but rejecting incorrect notions requires a deliberative process, where people are operating with as much complete information as possible. Returning to Citizen X and Y from the discussion on Prop 187 earlier, X can ask Y about their conception of the good and why they believe their actions immoral. If Y elects to disengage and claims that it is not their responsibility to explain to X the error in their ways, then the purpose of the shaming becomes corrupted. It is no longer a moment of externally-enforced personal growth. It becomes a moment of harm against another.

There are rules to this process, however, and individuals can only be expected to abide by *reciprocity* if the other person is willing to engage in a deliberative manner. It is futile to hamstring those attempting to battle oppression with civility whenever there is no expectation of it on the other side. Shaming is already operating in Korsgaard's realm of non-ideal theory, so this limit of reciprocity is a courtesy that should only go so far.¹⁹⁵ For the sake of illustration, imagine Citizen Y from the situation earlier attempting to dissuade Citizen Z from voting for Prop 187—Z is different from X in that they are hostile to any form of external criticism and refuse to entertain differing opinions. Y shames Z (assume that everything up to this point is permissible under just shaming) but Z refuses to listen and is openly hostile. To expect Y to continue engaging Z with the same respect they gave to X strikes me as wrong. Z does not care

¹⁹³ Amy Gutmann and Dennis Thompson, *Democracy and Disagreement*, p. 52.

¹⁹⁴ *Ibid.*, p. 93.

¹⁹⁵ Christine Korsgaard, "The Right to Lie," p. 324.

about bettering themselves, nor do they give Y the respect that is being offered to them. I argue, and *reciprocity* permits, that Y can ignore Z continued hostile claims for an explanation, because Z has no expectation of a conversation.

Summary of Jus in Shaming Limitations

Therefore, *jus in shaming* can be condensed into two guidelines, each with their own set of expectations and caveats: *intent* and *reciprocity*. The goal of *intent* is to ground just shaming in a morally-justifiable foundation: promoting citizen excellence. The motivation throughout must be reform, and the moment the purpose of the shaming drifts it becomes immoral. However, given that the goal is reform, shaming is permissible if and only if a citizen continues to choose complicity over virtuous action. Similarly, the goal of *reciprocity* is to maintain a level of respect between the shamer and the shamee. Just shaming—at its root—is a reformatory discourse, so the aggressing party must be ready to publicly defend and explain their reasoning to the other party. In doing so, they make the shamee’s self-correction easier and prevent the shamer’s cavalier employment of a problematic social practice.

Section III: Answering Critiques

While I have presented a new way of understanding shaming, if it does not address the critiques of shaming I forwarded in Chapter 1, then it is still just as problematic as past theories. To review, the problems regarding shaming are the following: 1) shaming engenders excessively negative mental states, 2) shaming is a homogenizing tool of social order, 3) shaming is a bulwark against democratic progress, and 4) shaming ignores structures in its focus on the individual. In this section, I argue that just shaming’s dualistic approach, coupled with its foundation in citizen ethics, provides a sufficient response to these charges. Grounding shaming in a battle against citizen negligence, and guiding one’s conduct with theories of respect, makes

shaming a morally-permissible tool against others' vicious actions—under certain circumstances of course. To do so, I reintroduce each critique briefly and display how different aspects of just shaming respond to and account for these critiques. However, I will take care to highlight potential short-comings to accommodate valid complaints about just shaming theory.

Critique 1: Negative Mental States

The first critique of shaming theories is that they do not provide adequate protections against negative mental states, permitting humiliation to an extent that is morally unacceptable. Martha Nussbaum, in *Hiding from Humanity*, makes a powerful case for how acts of shaming make the recipient turn inwards and drop out, negating the possibility for internal reform and external integration.¹⁹⁶ Moreover, persistent shaming reminds one of their otherness and they begin internalizing a notion of their supposed 'deviance.'¹⁹⁷ In internalizing their 'deviance,' subjects of shaming find difficulty accepting themselves, resulting in high levels of cognitive stress and related health issues. In their work on poverty, Robert Walker and Elaine Chase find how societally-condoned beratements of individuals due to poor economic performance create feelings of powerlessness—powerlessness that manifests in apathy towards social integration.¹⁹⁸ All of these works highlight the dangers of shaming unrestrained. Just shaming, I argue, avoids these dangerous mental states but allows for the acceptable amount of emotional pain necessary to prompt self-reflection.

Both aspects of just shaming's dualistic framework have conditions and guidelines aimed at limiting unjustifiable and non-productive negative emotional states. In *jus ad shaming*, the *mesomensch condition* aims to avoid shaming in situations where combatting complicity would

¹⁹⁶ Martha Nussbaum, *Hiding from Humanity*, p. 15.

¹⁹⁷ *Ibid.*, pp. 217-8.

¹⁹⁸ Robert Walker, *The Shame of Poverty*, pp 167-9, 179; Elaine Chase, *Shame and Poverty*, p. 199-200.

have required an unreasonable effort by the citizen, either because of consequences to themselves of their projects. A strength of just shaming is its recognition of real-life situations. There will be moments where extraneous life circumstances would make being virtuous—under some expectations—extraordinarily difficult. The example of the single parent with multiple dependents and no free time that cannot vote against any of the propositions serves as the best example. By considering the needs of the individual, as well as the whole, the *mesomensch condition* can avoid unnecessary mental damage that would result from shaming a person already aware of and concerned with their inability to act.

Moreover, *jus in shaming*'s provision of *intent* serves to limit the types of deficiencies someone can be shamed for, ensuring that the negative mental states engendered are of the right kind. Note, the goal of any ethics of shaming should not be to avoid all mental harm, as it is the discomfort that prompts self-reflection and serves as the catalyst for change.¹⁹⁹ However, not providing limits on the appropriate lactions someone can be shamed for risks permitting shaming based on things outside of a citizen's control. Early in Chapter 1, I forwarded the typology of *Passively Procured Shamed* (PPS), or topics about oneself that are immutable in the short-to-medium term—sexuality, gender identity, race, socioeconomic status, etc. Shaming on these grounds is exactly the types of situations just shaming looks avoid. *Intent* ensures just that.

Under *intent*, the purpose of shaming can only ever be for the sake of correcting citizen vice—when a citizen intentionally or negligently fails to combat oppression. By constricting the scope of what conduct can be shamed, citizens should only feel negative mental states for actions that they have control over. If a citizen is made to feel that they are a bad citizen because they

¹⁹⁹ Christina Tarnopolsky, *Prudes, Perverts, and Tyrants*, pp. 160, 172; Sharon Krause, *Liberalism with Honor*, pp. 69, 87; Kwame Anthony Appiah, *The Honor Code*, pp. 16-7; Jennifer C. Manion, "The Moral Relevance of Shame," p. 73; Douglas L. Cairns, *Aidos*, p. 48; Martha Nussbaum, *Hiding from Humanity*, p. 142.

voted to prohibit the marriage of others, then I see that as a necessary consequence of combatting oppression. The hope is that they recognize that these feelings can go away if they elect to better themselves as citizens. What citizens feel shame for now under just shaming is what they *should* feel shame for, failing in their duty to uplift and protect others. These are the types of feelings a just theory of shaming should encourage, and *intent* helps ensure that as well.

Furthermore, *intent* looks to prevent shaming past acts of negligent democratic complicity. A good way to fall prey to critique 1 is to shame too much. Once an individual recognizes their deficiencies and elects to better themselves, the purpose of the shaming has been fulfilled and continuing further is no longer for the benefit of the individual and of their democracy. *Intent's* hard limit to shaming only for the sake of correcting citizen viciousness, therefore, helps protect individuals from overzealous and/or vengeful shamers. Even if the end results are favorable, the intentions behind the shaming should matter.

As such, I argue that just shaming's *mesomensch condition* and the *intent guideline* provide a satisfactory response to critique 1. While not perfect—as every situation will be unique and will pose its own problems—these two limitations provide stopgaps that other theories do not, and they try to promote good types of negative feelings while protecting others from unjustified criticisms regarding non-political topics.

Critiques 2 & 3: Homogenizing Tool and Bulwark Against Democratic Progress

The second and third critiques of shaming theories are that shaming is wielded as a tool of social domination and that shaming is employed to prevent minority groups from achieving equality.²⁰⁰ (Given their similarities, I will respond to them in tandem.) By definition, shaming requires a standard against which individuals are measured. As such, disagreements about

²⁰⁰ Jill Locke, *Democracy and the Death*, pp. 11, 18; Michael Warner, *The Trouble with Normal*, p. 60.

shaming arise from disagreements about this standard. Often, groups in power utilize their life conceptions as the norm, shaming those who stray from these ideals and labelling them as deviant. Throughout this paper, I had shown how the majority's views on sexuality, work ethic, gender orientation, race, etc. have served as the benchmark against which others are shamed.²⁰¹ With little moral reasoning as to why these conceptions merit serving as the norm, the shamings that result from them are not justifiable morally. Just theory would have to offer a standard that is morally defensible to most, if not all.

Moreover, the label of shameless is often attached to those who challenge the status quo.²⁰² As Locke's historiography shows, being labelled shameless correlates positively with democratic reform, as those in power utilize shaming to discredit opposition and prevent social inclusion.²⁰³ Because of the negative social connotation it carries carries, the label of shamelessness proves a powerful stigma that can discourage many from speaking up or harm those unlucky enough to receive it. As such, just shaming cannot be wielded to discourage discourse nor dialogue, nor can it be employed to discredit those fighting for the deserved rights of others.

Jus ad shaming's complicity condition attempts to circumvent these problems by marshalling a theory of citizen virtue as its measuring stick. Beerbohm's citizen ethics obligates citizens to combat the oppression and subjugation of others.²⁰⁴ The purpose of shaming, therefore, becomes a tool of individual reform and a way of prompting more thoughtful outlooks on a citizen's obligations to others. I must admit, however, the *complicity condition* does more of

²⁰¹ Jill Locke, *Democracy and the Death*, pp. 11, 18; Michael Warner, *The Trouble with Normal*, p. 60; Robert Walker, *The Shame of Poverty*, pp 167-9, 179; Elaine Chase, *Shame and Poverty*, p. 199-200.

²⁰² Jill Locke, *Democracy and the Death*, p. 6.

²⁰³ *Ibid.*, p. 18, 37.

²⁰⁴ Eric Beerbohm, *In Our Name*, p. 25.

a side-step than provide a response to critique 2. With any form of shaming, having a standard against which people are measured is inevitable, but just as pain that leads to positive change is preferable so are social norms that prevent the oppression of others. Many would agree that a social norm of non-violence against others or a social norm of intellectual liberty are defensible social norms. The *complicity condition* attempts to do something similar by claiming that citizen excellence is a morally-defensible social norm. Effectively, just shaming responds to critique 2 by only enforcing a social norm that looks to improve the social and material standing of all members of society. And, even though just shaming enforces a particular social norm, it is not silent to critiques of citizen ethics. Through respectful dialogues attuned to questions of oppression and domination, the social understanding of virtuous citizenship can be changed and accommodated.

The response to critique 3 is similar, in that the *complicity condition* would not permit the shaming of individuals looking to further the rights of oppressed groups. In fact, just shaming resembles the “shameless citizen” discourse that Jill Locke advocates, providing a way for marginalized groups to stake their case and advocate for their rights.²⁰⁵ Given *complicity*’s interconnectedness with Young’s understanding of oppression, the goal is always to better the social standing of all citizens. It is difficult to conceive of how just shaming, working toward the goal of social inclusion, could reproduce the negative consequences that Locke warns against. Moreover, both *jus in bello* guidelines—*intent* and *transparency*—work to ensure the goal of shaming only ever is that of social and individual reform. Given the excessive transparency necessary to operate within just shaming, it is difficult for someone to shame with a goal other than promoting citizen excellence.

²⁰⁵ Jill Locke, *Democracy and the Death*, pp. 18, 37.

Therefore, I argue that just shaming provides satisfactory responses to critiques 2 and 3. By limiting the scope of why someone can be shamed, the benchmark against which people are measured is more readily acceptable than other theories. Moreover, by grounding shaming in an ethic of social inclusion and of combatting oppression, just shaming prevents the shaming of social reformers that advocate for the marginalized in society. In effect, just shaming recognizes that the complaints at the heart of critiques 2 and 3 are complaints regarding its evaluative norm. In employing a norm that is inclusive and sensitive to the needs of others, just shaming can mollify many of the fears surrounding past theories of shaming.

Critique 4: Ignores Structural Oppression

The last critique is what I believe to be the strongest against shaming and argues that shaming focuses too much on the individual, ignoring the role of structures in perpetuating oppression and domination.²⁰⁶ The example forwarded earlier in the paper is the shaming of a racist. While one can shame a racist and guilt them into less explicit forms of racism, the machinery of structural racism has escaped unscathed. By focusing too much on individuals, shamers miss the mark and believe their job finished erroneously. To assuage this critique, just shaming must show that it can address root causes of injustice, and that it does not just stop individuals from non-virtuous action in particular instances.

Unfortunately, I worry that just shaming cannot address this fear completely. As before, the *complicity condition* does most of the heavy lifting, as does just shaming's emphasis on combatting social injustice through individual reform. The intuition is that if all citizens in a society are virtuous, then many of the unjust structures that perpetuate oppression would have no operators. By making everyone aware of injustice and motivating them to fix it, the structures

²⁰⁶ Jill Locke, *Democracy and the Death*, pp. 20, 169.

should dismantle themselves. This may be too idealistic of a hope, however. Even though just shaming takes a more structuralist lens, its main subject is still the individual. While people can be reformed to care about the needs of others, there is no guarantee by just shaming that change will ever progress beyond the individual level.

As such, the response to critique 4 is weaker than the other three as it depends on the down-stream effects of just shaming—in effect, it depends on an empirical evaluation of just shaming’s successfulness. Of course, dismantling oppressive structures requires the hands of many. Often, what allows structures to permit oppression is the majority’s indifference to the harm the structures cause. While just shaming does not look to dismantle these institutions explicitly, it does look to make citizens feel the discomfort of allowing these unjust structures to continue unperturbed. It *hopes* that reformed citizens will begin to look at their society with a critical eye and play their part in the inclusion of others, but it must concede that it has nothing that compels them to do so forcefully. In some cases, voting against or for propositions is enough to ensure the rights of many, but in other cases this bare minimum does little to change the lives of the people. I am not sure if shaming can address this critique head on, as it will only ever get at structural reform through second-order actions—shaming changes people who then change structures. But, just shaming at least tries to plant the seeds of reform in ways that few other theories even attempt. While not perfect, I believe that this is a good first step and provides a partial answer to critique 4.

Chapter 4: Conclusion and Next Steps

To conclude, this paper answered its main question—*can citizens be shamed in a possibly morally-just manner*—by forwarding a theory of justified citizen shaming (which I call just shaming ultimately). Just shaming argued that shaming citizens is permissible only when the shaming is done with the intention of making citizens more democratically virtuous. In this paper, virtuous citizenship was defined as making an active effort to combat the injustice against others in one's community (I draw upon Eric Beerbohm's citizen ethics heavily). Shaming, therefore, became a tool of individual self-reflection, aimed at guiding citizens towards the fight of democratic reform and inclusion. Drawing on just war theory's typology, just shaming has two sets of categories, *jus ad shaming* and *jus in shaming*, to help determine in which circumstances an individual can be shamed and how the person shaming must act when doing so. *Jus ad shaming* has three limiting conditions—the *complicity*, *activation*, and *mesomensch conditions*—whereas *Jus in shaming* has two—*intent* and *transparency*—which are meant to encourage self-reflection on behalf of the shamed and prevent the shamer from abusing their position of power.

In chapter one, I presented the dilemma of liberal democracies: how can the needs of the state be balanced against the needs of the individual? From this discussion, I argued that representative democratic society has placed too much emphasis on the individual, to the detriment of democracy. Different from other theories of shaming, however, I claimed that representative democrats are too willing to abdicate their responsibility to others through appeals to personal freedom. With this dilemma as motivation, I argue that citizen shaming provides a possible solution; however, I acknowledge that current theories of citizen shaming fail to provide a satisfactory answer. Then, I developed a definition of shaming from a careful analysis of

shaming theories from Plato to the present, arriving at the following definition: shame is the emotional consequence of recognizing other's beliefs that one has failed to live up to societal expectations of "normal," either in terms of beliefs, actions, or values. From this definition, I summarized the four main critiques of shaming practices—that they engender negative mental states, that they homogenize unnecessarily, that they halt democratic progress, and that they ignore the roles of structures in oppression—to serve as the benchmark for my theory of just shaming. Ultimately, I find that shaming as a practice is not itself controversial, what is controversial are the standards against which people are measured and shamed.

In chapter two, I introduced Christine Korsgaard's non-ideal theory, Eric Beerbohm's citizen ethics, and just war theory's dualistic framework, all of which serve as foundational elements of my approach to just shaming. Christine Korsgaard argues that non-ideal conditions permit the usage of actions that are normally morally unjust if they help rectify said injustice.²⁰⁷ By employing her two-part test, I determined that most modern representative democracies present a non-ideal scenario because of the social injustice presented within them. As such, shaming—a normally unjust and impermissible action—could be considered an appropriate response if properly motivated. Eric Beerbohm argues that citizens have two sets of duties—horizontal (responsibilities to one's peers) and vertical (responsibilities to one's social and governing structures).²⁰⁸ The goal in fulfilling these duties is to avoid democratic complicity, understood as the willing or unwitting support of unjust social structures.²⁰⁹ As such, I defined citizen virtuousness as avoiding democratic complicity and citizen vice as enabling complicity, whether it intentionally or negligently. From here, I discussed just war theory briefly, as the

²⁰⁷ Korsgaard, "The Right to Lie," p. 343.

²⁰⁸ Eric Beerbohm, *In Our Name*, pp. 25-6.

²⁰⁹ *Ibid.*

problem of war/violence maps onto the problem of shaming quite closely. Violence and shaming are last-ditch attempts at stopping others' malicious actions using harmful means; most people agree that they are to be avoided at all costs, but some circumstances seem to permit their usage. In its non-ideal treatment of war, just war theory sets forth a dualistic framework to help determine when war can be waged (*jus ad bellum*) and how one must conduct themselves in it (*jus in bello*). Given the similarities, I created two categories of limitations for just shaming: *jus ad shaming* (for what reasons citizens can be shamed) and *jus in shaming* (how one must conduct themselves while shaming citizens).

With this dualistic framework in hand, I then critically reviewed Christina Tarnopolsky's Platonic Respectful Shaming and Jill Locke's *Lament at the Death of Shaming* (the leading theories for and against shaming) to highlight the deficiencies in current approaches and the possible benefits of the alternative approach to shaming that just shaming provides. Tarnopolsky's Platonic Respectful Shaming gives a strong account of how to conduct oneself when shaming another; however, it fails to provide limitations on what subjects are open for shaming or a benchmark people are to be measured against. In short, Tarnopolsky's account is all *jus in shaming* and no *jus ad shaming*. Locke's *Lament at the Death of Shaming*, on the other hand, provides a comprehensive historiography of theories of shaming, outlining how shaming has been employed by the majority to discredit those who challenge the status quo. What Locke identifies are the topics than individuals should not be shamed for—things about oneself, acts of active defiance, etc. But, given her blanket objection to shaming as a social practice, she does not consider how one could conduct themselves while shaming another. Opposite of Tarnopolsky's account, *Lament at the Death* is all *jus ad shaming* and no *jus in shaming*. After these

discussions, I argued that the deficiencies in each supported the need for a theory of shaming that accounted for both.

In chapter three, I presented just shaming in its entirety, defining its goals, its two sets of limitations, and how it addresses the critiques presented in chapter one. First, I defined just shaming's goal as correcting citizen deficiencies, employing shaming's pain as motivation to think more on how their actions affect the lives of those oppressed in society. Just shaming, I argued, is different from contemporary conceptions of shaming, and should be seen more as a pointed dialogue aimed at reform than a reprimand aimed at conformity.

Second, I fleshed out *jus ad shaming's* and *jus in shaming's* respective limitations. *Jus ad shaming* has three conditions: the *complicity*, *activation*, and *mesomensch conditions*. *Jus in shaming* has two: *intent* and *reciprocity*. To limit the scope of actions for which people can be shamed, the *complicity condition* claims citizens become liable to shaming only when they act in a democratically complicit manner. In short, they can be shamed when they permit oppression intentionally or negligently. While an important first step, I underscored how the broadness of this limitation risked opening all citizens up to shaming. The reality is that injustice is widespread in modern society, so this stipulation alone is not enough obligate citizens and permit their shaming. As such, the second limitation, the *activation condition*, adds a caveat that *when* individuals learn of oppression, they gain a higher obligation to combat it as well as the possibility of being shamed for failing to do so. When faced with oppression ignorance and indifference are not acceptable excuses. However, *jus ad shaming's mesomensch condition* acts as mitigating factor. If a citizen would need to go beyond the reasonable expectation of an average citizen to combat complicity and as such fail to do so, then the permissibility of just shaming weakens. One of the foundations of just shaming is that it is sensitive to the realities of

all parties involved, and it is unavoidable that some people—by virtue of social structures—will be unable to combat oppression in all circumstances. This proviso is necessary to avoid forwarding a theory that harms individuals unnecessarily. Contrastingly, the *mesomensch*'s sub-proviso, *urgency*, argues that the intensity of oppression must also be considered, and high levels of harm caused to others will lessen the acceptable excuses on behalf of complicit parties.

Furthermore, the two guidelines I presented for *jus in shaming*—*intent* and *reciprocity*—outline the conduct necessary for any shaming act to be considered morally-justifiable. *Intent* looks to preserve the original purpose of the shaming throughout the process. Shaming can only ever be conducted with the goal of citizen reform, and the subjects must be pointed toward acts of combatting social oppression. The moment the intention behind the shaming wavers from this goal, it loses its moral justifiability. *Reciprocity* forces the shamer to be honest and transparent with their shaming, hoping to minimize negative feelings associated with shaming and clarifying the transformative process implied with the shaming. Any individual shaming another must be ready to engage in any conversations that result from the act and must be able to provide a defense for why they have done what they did. The intuitions behind *reciprocity* are the same as those behind deliberative democracy: public reasons must be defensible publicly, so public shamings must be defended publicly as well.²¹⁰ *Jus in shaming* recognizes that shaming is a harmful act and does its best to limit negative mental states to those critically necessary for individual reform.

Third, I reintroduced the primary critiques of shaming and delineated how different limitations in just shaming addressed them. Critique 1—that shaming causes negative mental states—was addressed by *collateral damage* and *intent*. Critique 2—that shaming is a tool of

²¹⁰ Amy Gutmann and Dennis Thompson, *Democracy and Disagreement*, pp. 55-6.

social homogenization—and 3— that shaming is a bulwark against democratic progress—were addressed by *complicity*. Just shaming acknowledges that shaming requires a standard, but it argues that virtuous citizenship is a metric that is morally defensible. Critique four—shaming ignores social structures—proved difficult to address with the limitations provided. However, I argued that this is a more a question of shaming’s effectiveness than a problem for just shaming as a theory. While just shaming can change people opinions and actions for the better, there is no guarantee that this will result in large-scale institutional change downstream. More work needs to be done to answer this question.

In short, I offered a new way of understanding shaming in a political theory context. However, because it is new there are many possibilities for what comes next and there are many questions left unanswered. While I am satisfied with this first effort, I do not believe it is in anyway complete. But, by reevaluating all our theories of shaming through a more nuanced lens, we permit more complexity in our understanding of the contentious social practice that is shaming.

Final Thoughts

Ultimately, this paper is a response to the indifference I see in many of my fellow citizens. In my short political life, I have met and argued with people that value the price of their homes more than the lives of those on the streets. I have witnessed people vote for and support politicians that readily advocate for the separations of migrant families, either out of a true belief in the merits of the practice or out of an unchangeable loyalty to party affiliation. I have seen people wash their hands of the death of children and teenagers in the name of personal liberty and a desire to hold onto material property. I have watched people devalue the lives of others simply because of the beliefs those others hold. What motivates this thesis is a desire to have a

mechanism to counter claims that a citizen's right to individual freedom absolves them of what happens to those within and around their political communities.

I admit that this mechanism is not perfect. Much of this theory relies on an assumption that people care about their duties to others and that they are willing to accept their faults regarding them. I fear that this belief may be naïve. There are probably truly shameless individuals who cannot be convinced or shamed into acting in a more compassionate fashion. Without an empirical evaluation of what effect just shaming has on those shamed, it exists more as a theoretical ideal than a practical tool for combatting oppression. How these empirical tests may look will vary—they might be laboratory experiments or retroactive case studies—but the need for them is nonetheless quite important. Still, I am confident that just shaming is different enough from contemporary analyses on shaming to encourage others to reconsider how they approach understanding, embodying, and enforcing their citizen obligations.

Another potential flaw of just shaming is that it presupposes an ideal of citizenship. In attempting to respond to the four critiques of shaming in a non-controversial manner, it narrows a citizen's responsibilities to combatting oppression and nothing more. Its strength hinges on finding Beerbohm's concept of horizontal obligation forceful. As such, a more libertarian critique may find this responsibility too demanding—they may argue that a citizen's responsibility is following the state's minimum expectations and nothing else. Conversely, a more consequentialist critique may find just shaming's conditions too lax—citizens must give everything they have, right up to the point of unbearable suffering themselves, to combat the suffering of others, stopping at addressing complicity is not enough. And constructing theories of citizen shaming from these foundational assumptions rather than mine may result in vastly different conditions and limitations, challenging just shaming directly. However, I argue that

citizenship's elusory nature should not discourage attempts at constructing theories of shaming, as there is value in seeing how and understanding just shaming's conditions and limitations change.

Regardless of these flaws, I have argued throughout this paper that shaming, properly constrained, gives us a tool to effect social change, citizen by citizen. While I admit that an element of desperation regarding the current political climate has played a role in its creation, just shaming is, at its core, an optimistic theory. Foundationally, it assumes that people care about those around them and that the harm they cause to others is more out of ignorance than malice. It also assumes, or at least hopes, that people are open and willing to accept their failures, and that all they need is a strong push in the right direction.

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