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Are Boycotts, Shunning, and Shaming
Corrupt?

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Abstract

This article argues that boycotts, shunning, and shaming are sometimes corrupt because they create incentives that undermine important individual aims, enticing people into acting for inappropriate reasons. They harm targets by undermining belief formation, or by impeding efforts at living authentically, deterring targets from declaring their beliefs in public or from pursuing projects that they believe important. They are corrupt because they make their targets willing participants in undermining their own aims, subverting their individual ambitions not to allow money or social pressure to influence their beliefs and their most important actions. Although individuals must sometimes take responsibility for maintaining their own integrity – resisting temptations that might corrupt their thoughts and actions – people also have a moral responsibility not to undermine other people's efforts at integrity.

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Scott Altman*

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“Social pressure as opposed to persuasion for political beliefs must cease at some point or a society fails to respect freedom of political beliefs.”¹

“People should not be threatened with the loss of their livelihood for the honest and open expression of their political convictions.”²

“[Boycott t]argets should resist letting [prudential] concerns lead them into behaviors that they sincerely believe are wrong or that threaten their integrity.”³

Introduction

Boycotts, shunning, and shaming are powerful tools, sometimes used by oppressed groups to combat injustice, and sometimes used by the wealthy, or merely energetic, to vilify and harass. These tactics can produce civil-rights victories, but they can also aid in oppression. As well, they can exacerbate tension and distrust among political opponents, undermining reasoned debate and cooperation. All these effects have been magnified by social media. This article focuses on a single feature that sometimes makes the tactics (and perhaps other forms of social pressure)⁴ morally objectionable: their potential for corruption.

These tactics might seem unrelated to corruption, which usually brings to mind things like bribery or nepotism. Such institutional forms of corruption involve someone acting for reasons that are deemed inappropriate⁵ because excluding such reasons supports valuable institutional or social

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¹ Michael Bayles, Political Process and Constitutional Amendments, 18 **Southern J. Phil.** 1, 5 (1980).

² Claudia Mills, Should we Boycott Boycotts 27 **J. Soc. Phil.** 136, 141 (1996).

³ Linda Radzik, Boycotts and the Social Enforcement of Justice, 10 **Soc. Phil. & Policy** 102, 120 (2017).

⁴ Other tactics that raise similar problems include blockades intended to cause disruptions, civil disturbances, and insurrections.

⁵ Acting for excluded reasons is not the only kind of corruption. Sometimes institutions are said to be structured corruptly. See Lawrence Lessig, **Republic Lost** (2015 revised edition).

purposes.⁶ Bribery works just this way. If safety inspectors issue permits based on whether a building is safe, rather than on whether issuing the permit enhances their wealth, buildings will be safer. In general, corruption is acting for reasons that institutional or social norms declare inappropriate because acting on those reasons subverts important goals.

Personal corruption resembles its institutional cousin, but also has an additional distinctive aspect: it undermines good character by enticing individuals to become willing participants in moral wrongs. If I accept a bribe as a building inspector, I willingly place my self-interest ahead of others' safety. This shows my bad character. I am acting for a reason that I should regard as inappropriate.

In this paper, I advance the following claims: boycotts, shunning, and shaming are sometimes corrupt because they create incentives that undermine important individual aims, enticing people into acting for reasons they rightly regard as inappropriate. They do this in one of two ways. Either they undermine belief formation in ways that disrespect and harm their targets, or they unreasonably impede their targets' efforts at living authentically, deterring them from declaring their beliefs in public or from pursuing projects that they believe important. These are corrupt because they make their targets willing participants in undermining their own aims, subverting their ambitions not to allow money or social pressure to influence their beliefs and their most important actions. Such tactics are particularly objectionable when they aim to subvert these ambitions, but are also sometimes wrong if they risk corrupting targets while pursuing other goals. Although individuals must sometimes take responsibility for maintaining their own integrity – resisting temptations that might corrupt their thoughts and actions – people also have a duty not to undermine other people's efforts at integrity.

A boycott, according to one definition, is an organized and publicized collective action using the withdrawal of consumer or cultural interaction to protest perceived misdeeds, and often to effect change.⁷ Other definitions are broader, describing as boycotts actions that are neither public, nor collective, nor even necessarily aimed at protest, such as individual decisions not to purchase goods from a particular company. This paper will focus the subset of boycotts that most threaten corruption. These boycotts usually involve public, collective actions. They also focus on specific kinds of topics. These include boycotts that target companies based on their owners' charitable contributions, such as the Domino's boycott for antiabortion contributions and the Chick-Fil-A boycott for anti-LGBT contributions. Other possible examples include boycotts of companies on ideological grounds, such

⁶ Corruption is always a derivative concept; we cannot know what is corrupt unless we first have some account of an institution's (or society's) purposes and the norms or role expectations that support those purposes. See, e.g., Deborah Hellman, *Defining Corruption and Constitutionalizing Democracy*, 111 *Mich. L. Rev.* 1395 (2013).

⁷ Radzik, *supra*.

as the boycott of companies that affiliate with the NRA or support Planned Parenthood, and even the Montgomery bus boycott.

Shunning typically includes a broad refusal of social (rather than just commercial) interaction. Examples include religious communities (or families) that shun former members, denying them access to ongoing relationships, business connections, and even their own children;⁸ companies that hire only people who share their ideological commitments;⁹ and recent calls on universities to fire (or not hire) professors who have said or done controversial things.¹⁰

Shaming involves drawing public attention to someone's bad character or personal flaws, often by mocking or humiliating them.¹¹ Shaming differs from criticism (even though criticism might cause shame) in that shaming focuses mainly on the person, rather than specific behavior, identifying the person with a negative trait, and trying more to humiliate the target than to inform others on topics of legitimate interest. One example of shaming is Justine Sacco, who posted an arguably racist joke to social media. Her name and the joke were forwarded to millions of people, who in turn ridiculed and criticized her for months. Eventually she lost her job and could not go out in public.¹² Other examples include posting the names of those who donate to ballot measures, knowing that they may be harassed or subjected to humiliating online attacks, or identifying white nationalists who march in public, knowing that they might lose their jobs.¹³

The lines between shaming and criticizing are not always easy to see. Sometimes criticism leads to shaming. For example, the recent video of a lawyer yelling at restaurant workers for speaking

⁸ See, e.g., *Weisberger v. Weisberger*, 154 A.D.3d 41 (2017); Sharon Otterman, *When Living Your Truth Can Mean Losing Your Children*, N.Y. Times, May 25, 2018, <https://www.nytimes.com/2018/05/25/nyregion/orthodox-jewish-divorce-custody-ny.html>.

⁹ Elizabeth Dwoskin and Craig Timberg, Google, *Twitter Face New Lawsuits Alleging Discrimination against Conservative Voices*, The Washington Post, January 8, 2018, <https://perma.cc/83ZE-JYP6>.

¹⁰ Gerald Gray, *Open Letter to UC Community about John Yoo*, The Daily Californian, July 25, 2018, <https://perma.cc/AL2J-SACY>; John Mitchell, *Black Lives Matter Leader: Penn has to Fire 'Racist' Professor*, Philadelphia Tribune, March 17, 2018, <https://perma.cc/JLD6-UNB4>; *In Defense of Amy Wax's Defense of Bourgeois Values*, Heterodox Academy, September 2, 2017, <https://perma.cc/QE3Y-FH2W>; Steven Lubet, *Steven Salaita's Exile from Academia: 'I Refuse to Tolerate the Indignities of a Blacklist'*, Chicago Tribune, July 27, 2017, <http://www.chicagotribune.com/news/opinion/commentary/ct-steve-salaita-academia-exit-perspec-0728-jm-20170727-story.html#>.

¹¹ Krista Thomason, *Naked: The Dark Side of Shame and Moral Life* (2018).

¹² John Ronson, *How One Stupid Tweet Blew Up Justine Sacco's Life*, New York Times, February 12, 2015, <https://www.nytimes.com/2015/02/15/magazine/how-one-stupid-tweet-ruined-justine-saccos-life.html>; *'Overnight, Everything I Loved was Gone': the Internet Shaming of Lindsey Stone*, The Guardian, February 21, 2015, <https://perma.cc/26N9-NL5V>;

¹³ Emma Ellis, *Whatever Your Side, Doxing Is a Perilous Form of Justice*, Wired, August 17, 2017, <https://perma.cc/WMC7-VDNW>.

Spanish sought to expose and criticize racial harassment. But once the lawyer was identified, he was targeted for humiliation, including the posting of bad Yelp reviews of his law practice.¹⁴ Doxing is often ambiguous: when we identify politician who makes racist remarks in a private fundraiser, the public's interest in knowing his identity suggests that the purpose is informing, rather than just humiliating. When we post a video of a white person harassing African Americans, the purpose is providing information about racism to the public. But when we identify that private citizen, we likely aim at more than critique; we aim to humiliate the person by identifying her to her friends or her employer.

Boycotts, shunning, and shaming sometimes overlap. In the *Scarlet Letter*, Hester Prynne is shamed by being forced to wear the letter A on her clothing. Having been shamed, she is then shunned by the community. Harvey Weinstein was initially shamed for his behavior and shunned by his peers. Threats of boycotts then led to his ouster from the Weinstein Company.¹⁵ Efforts to deny someone employment share characteristics of both shunning (because they involve ostracism from social interaction) and boycotts (because they involve a refusal of commerce).

Boycotts, shunning, and shaming are not always corrupt. Most labor disputes and many consumer boycotts (including the Delano grape boycott, and the delete Uber campaign) do not, I will argue, do not give inappropriate reasons for belief or action. As well, these techniques sometimes aim at valuable goals (rather than at corrupting their targets). When this happens, I will argue, they can sometimes be justified despite the risk that they might corrupt their targets. Permissible uses of these tactics include social punishment (for example shunning Harvey Weinstein) and some civil-rights activism (including the Montgomery bus boycott). The distinctions between problematic examples and these disputes will be explored below.

I. Are Incentives for Belief Corrupt?

Incentives for belief could operate in two ways – as unconscious influences on how we evaluate reasons, or directly as reasons. Consider an example. My parents offer me \$25,000 if I become a vegetarian for moral reasons. Initially, I am unpersuaded by the moral arguments favoring plant-based diets. But over time, I become persuaded by those arguments. The prospect of much-needed money unconsciously made me more receptive to the arguments for vegetarianism. Money might operate in

¹⁴ Eli Rosenberg and Marwa Eltagouri, Lawyer who Threatened to Call ICE about Spanish Speakers is Now Target of Complaint, Washington Post, May 17, 2018, <https://perma.cc/2XE6-GZEC>.

¹⁵ Brent Lang, Harvey Weinstein Forced Out of His Own Company, Variety, October 8, 2017, <https://perma.cc/59E2-M3EM>.

this way -- as an unconscious influence, rather than as a reason. The alternative, that I regard financial gain as a moral reason in favor of vegetable-based eating, seems unlikely.

Although this hypothetical is contrived, the phenomenon it relies on seems possible given the pervasive influence of unconscious motives. Studies show that people are self-preferring in moral situations, even when they believe they are not,¹⁶ and that people's beliefs derive from fears.¹⁷ Such influence is unlikely in boycotts. The NRA leadership will not oppose gun rights because someone boycotts their donors. But it might be plausible in shaming or shunning cases. For example, members of a religious group that shuns former members might be disinclined to question their faith knowing the terrible financial and social costs that departure brings.¹⁸

Incentives for belief subvert valuable aspects of moral reasoning. For those who believe in discoverable moral truth, incentives for belief undermine the search for truth, diverting us from reason and evidence toward self-interested interpretation. For those who are skeptical about moral truth, incentives for belief interfere with efforts to evaluate moral reasons free from influences that we regard as distortions, undermining our aspirations about belief formation.¹⁹

Of course, these aspirations might no value, perhaps because they reflect an impossible goal. We often depart from idealized forms of deliberation, instead coming to believe things because our parents or teachers said them, because we want to fit in, or because we prefer to avoid the hard work of moral reasoning. Given our imperfect belief formation, why worry if incentives also contribute to our beliefs?

Financial and social incentives differ from many non-deal elements in belief formation. Incentives from boycotts, shunning, and shaming are sometimes intentional efforts to change beliefs, rather than simple facts about the world. We might resent having belief-formation intentionally controlled by other people more than non-agential influences.²⁰ Offering incentives for belief is usually

¹⁶ See, e.g., Kriss, Lowenstein, Wang, & Weber, Behind the Veil of Ignorance: Self-Serving Bias in Climate Change Negotiations, 6 **Judgment & Decision Making** 602 (2011); Messick, D., & Sentis, K., Fairness and Preference, 15 **J. Exp. & Soc. Psych.** 418 (1979). On motivated moral reasoning generally, see Peter H. Ditto, David A. Pizarro, and David Tannenbaum, Motivated Moral Reasoning in **Moral Judgment and Decision Making** (Bartels, Bauman, Skitka, and Medin eds 2009)

¹⁷ See Napier, J. L., Huang, J., Vonasch, A. J., and Bargh, J. A., Superheroes for Change: Physical safety Promotes Socially (but not Economically) Progressive Attitudes Among Conservatives, 10 **Eur. J. Soc. Psychol.** 187 (2017).

¹⁸ See Scott Altman, Taking Precautions when Shaping a Child's Values, 87 **UMKC L. Rev.** __ (2018).

¹⁹ Philosophers debate whether belief formation is governed by practical reason – i.e. by norms of means-end rationality that depends on having particular goals. See, e.g., Thomas Kelly, Epistemic Rationality as Instrumental Rationality: A Critique, 66 **Phil. & Phenomenological Research** 612 (2003).

²⁰ See Adam Elga, Lucky to be Rational (unpublished 2008).

disrespectful. It treats people as willing to respond to irrelevant reasons, offering incentives as if they were relevant reasons and as if irrational beliefs were just as good as rationally formed beliefs.²¹

Despite our many frailties, some of our beliefs rely on rational foundations and change in response to arguments. Incentives for belief subvert our efforts to be rational, undermining our valuable aim of rational self-government – an aim that is no less valuable for the fact that we achieve it imperfectly.

Incentives for belief are not only disrespectful; they might be harmful. They might harm people's characters, habituating them to forming beliefs based on incentives, and then perhaps to acting on those corrupted beliefs.²² Or they might make people's lives go less well, either because they fail to respond appropriately to moral reasons,²³ or because the experience of responding to these reasons will be less rich and fulfilling than the experience of responding to appropriately-formed reasons.²⁴ Or they might lead to alienation, if people understand and resent how their beliefs were formed.

My claim that incentives for belief are corrupt might be puzzling. Why call them corrupt if they can be condemned as harmful and disrespectful? My main reason is to highlight a distinctive harm of financial and social influences on belief – a harm that is comparable to the corruption of taking a bribe. Bribe takers show bad character by allowing self-interest to override a moral duty; they actively participate in a wrong by accepting as a relevant reason for action something that ought to be excluded. Adopting moral views based on an unconscious desire for money is corrupt in a similar way. If you give me a pill that changes my view of death penalty, you have harmed and disrespected me. But you have not corrupted me, because my desire for financial gain played no role. If I allow financial gain to act as a shadow reason for accepting an argument, I have failed morally by allowing self-interest to shape what ought to be a disinterested inquiry. Tempting me into this moral failing -- corrupting me -- is worse than rendering me irrational in other ways.

²¹ See R. A. Duff, ***Trials and Punishment*** at 50 (1986).

²² See Ruth Grant, ***Strings Attached*** (2012); Brian Barry, ***Lady Chatterley's Lover and Doctor Fischer's Bomb Party*** 11 in ***Foundations of Social Choice Theory*** (Elster & Hylland eds 1986).

²³ The literature on crowding out worries that people who respond to incentives become less able to respond to moral reasons. See, e.g. Samuel Bowels, ***The Moral Economy*** (2016). An opposite view comes from a Jewish tradition that says once people begin to act well, for whatever reason, they become habituated to good action and come to understand the reasons for it. I thank Dan Klorman for alerting me to this. A similar view is stated in Aristotle, ***Nicomachean Ethics***, Book II, 4; Book I, 7.

²⁴ See Emad Atiq, ***Why Motives Matter: Reframing the Crowding Out Effect of Legal Incentives***, 123 ***Yale L. J.*** 1070 (2014).

II. Are incentives for Hiding Beliefs or for Not Acting on Beliefs Corrupt?

Boycotts, shunning, and shaming do not always aim at changing beliefs; often they aim at changing behavior. Unlike with beliefs, these incentives might operate consciously, as direct reasons. Three characteristics often make these techniques hard to justify. First, they sometimes harm people by making it difficult for them to live authentically. Second, the means they use to impede authenticity are corrupt. Third, this corruption is often an intended means, rather than a side effect.

A. Authenticity

Living authentically (or with integrity) means living so that one's actions and one's values generally correspond. On many accounts, a life goes better if a person can pursue projects that match her values, avoid actions that conflict with those values, and at least sometimes, reveal those values to others.²⁵

Authenticity requires that people live generally in accordance with their values, not that every aspect of a person's life matches her view of the good. The harms from boycotts, shunning, and shaming that concern me thus involve pressure to hide or suppress important life goals or values: feigning religious belief or hiding (or not acting on) moral or political views.

As noted in the introduction, many (perhaps most) boycotts pose no problem of corruption. Labor boycotts aim to shape employer behavior through economic and social pressure,²⁶ but the incentives created do not threaten authenticity. In labor disputes, the employer has provided employees with pay, benefits, or working conditions that the employees regard as insufficient. The employees may express moral claims: that the working conditions are unreasonably dangerous, or that the pay reflects an unfair distribution of the proceeds from joint effort. But employers rarely claim that morality demands the current working conditions, benefits, or pay. In this respect, the employees are not asking the employer to change, act against, or hide moral beliefs or otherwise to live inauthentically.

The same is true of most consumer boycotts. For example, boycotts against garment manufacturers who run sweatshops, or against factory farms that raise animals in cruel conditions, do not threaten authenticity.²⁷ Improving conditions for workers or animals does not require the

²⁵ See William Galston, **Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice** (2002); Scott Altman, Reinterpreting the Right to an Open Future: From Autonomy to Authenticity, 37 **Law & Phil.** 415 (2018).

²⁶ Shaming is also widespread in labor disputes, for example, when strikers publicly identify workers who violate a strike. See, e.g., Scab Lists, Labor Watch, April 2015, <https://perma.cc/9JT5-HL4Q>.

²⁷ Should we Boycott Clothes Produced in Sweatshops?, Daily Record, April 1, 2013, <https://www.dailyrecord.co.uk/lifestyle/should-boycott-clothes-produced-sweat-1858750>; A Consumer Guide for Boycotting Factory Farms: Part One, Organic Consumers Association, November 20, 2013, <https://perma.cc/F3WP-UV36>.

company's owners to change, hide, or act against their beliefs. It simply asks them to be more generous than they think morality demands.

The claim that most labor disputes and consumer boycotts do not threaten authenticity might be disputed. An employer might morally oppose an employee demand, such as a seniority-based pay system, believing that pay should depend on individual merit. This strikes me as atypical. But even if true, the demand might not compromise authenticity to the same extent as boycotting Chik-Fil-A over its anti-LGBT advocacy. The desire not to pay people more than they deserve is unlikely to be a core life goal or as intensely felt.²⁸

Admittedly, some cases will be ambiguous. We cannot always know whether a target's actions grow out of an important life aim or out of mere self-interest. The companies that affiliate with the NRA might strongly support gun rights, or might simply want access to NRA members as potential customers. The bus companies targeted by the Montgomery bus boycott and the restaurants targeted by the sit ins might have been devoted to segregation, or might simply have been catering to the racist preferences of their customers.²⁹

Impeding another person's effort to live authentically is a harm, which requires justification. But often such harms are justified, because either the person imposing the harm has an equally strong interest at stake, or because allowing such harms advances important public aims. To see this, consider a variation on the Masterpiece Cakeshop case – the recent litigation in which a religious shop owner refused to bake a cake for a same-sex wedding. The baker, let's assume, had two important aims that animated his life: he wanted to make wedding cakes for a living; and he wanted not to be complicit in weddings he regarded as sinful.

Any number of things might make it difficult for him to pursue both goals. Citizens might lobby for a ban on discrimination in wedding services. The government might enact such a ban. Someone might open a competing shop than makes better cakes, driving the baker out of business. All of these make it harder for the baker to live according to his deeply held beliefs and to pursue important life goals. But they might be justified. Citizens who seek regulations are pursuing their own moral agenda,

²⁸ One might think that libertarian employers are wronged by boycotters because they are being made to compromise a moral norm they hold dear – not being compelled to act against their will. This seems to me a confusion. Libertarians may believe that concerted action taken against them is immoral – just as they may believe that regulations are immoral. But being subjected to pressures one thinks immoral is not the same as being corrupted by pressure to compromise a principle in exchange for money. Libertarians are not corrupted – made into hypocrites – by paying compulsory taxation that they oppose as immoral.

²⁹ Bell v. Maryland, 378 U.S. 226, 245 (Justice Douglas, Concurring) (1964) (describing the owner of restaurant where a sit-in took place as opposing segregation but needing to accommodate customer preferences).

trying to protect rights they reasonably believe to be important. Allowing them to do so helps sustain the virtues of our democracy. The lawmakers face a difficult choice between conflicting rights, both involving authenticity. Banning discrimination resolves this conflict in a reasonable way.³⁰ Someone who opens a competing bakery harms the baker. But allowing this harm is thought to benefit society by providing better goods and services.

If all of these impediments to authenticity can be justified, why are the harms imposed by boycotts, shunning, and shaming unwarranted? As I will argue below, the answer lies in the fact that they impede authenticity with corrupt means that are intentionally used.

B. Corruption

Coercive limits on authenticity are everywhere. Some of them interfere with authenticity more severely than the tactics I am discussing. But when boycotts, shunning, and shaming create incentives against authenticity, they do something worse than coercion: they corrupt their targets. If the government forbids me from worshipping, it interferes with my autonomy and my ability to live authentically in accordance with my values. But it does not corrupt me.

I emphasize the corruption of incentives against authenticity (just as I did with incentives for belief) to point out their distinctive harm. When people make decisions about what values to hold and pursue, they often do not want to focus on the financial or social costs of those decisions, reasonably believing that they should exclude as irrelevant to certain choices the desire for money or social connection. Inducing them in these cases to change their behavior in the pursuit of money or social connection not only undermines their efforts to be authentic, it also corrupts them in the process by tempting them to treat as relevant something that they regard as inappropriate to their decisions. By enticing them in this way, incentives corrupt them as agents (similar to how bribery corrupts the bribed) – making them complicit in their own failures to live well.

Admittedly, people often fail when trying to immunize certain decisions from financial or social influences. But just as the frailty of belief formation does not negate the importance of protecting our imperfect efforts at rationality, so too our frailty in trying to shelter moral decisions from social or financial pressures does not make our efforts irrelevant.

One might doubt that considering financial or social pressure when making important decisions is an interference with authenticity, much less a corrupt interference. After all, people have many aims

³⁰ See Douglas NeJaime and Reva Siegel, Religious Exemptions and Antidiscrimination Law in Masterpiece Cakeshop (draft 2018).

in life. I might want to advance the cause of abortion access. But I also want to provide for my family. If I stop donating to pro-choice causes due to a boycott, I am still living authentically. I am still pursuing one of my important aims (providing for my family), and thus living in conformity with my values.

This response seems to me mistaken for two reasons. First, even if I am living authentically when I aim to provide for my family, I am less able than I was to pursue an important life aim. My ability to give effect to an important value has diminished. Second, I have betrayed another important aim, which is not to compromise my moral principles – in this case my commitment to pro-choice causes – in exchange for financial gain. Being corrupted in this way is itself a form of inauthenticity.

The connection I have drawn between corruption and authenticity might seem to impose stringent demands on people, perhaps calling corrupt everyone whose life plans, values, or public declarations are shaped by concerns over money or social connection. For example, many people make prudential decisions about how publically to advocate for their views. Someone who earns a living from sales, or who hopes to become a judge, might decide not to have political yard signs or bumper stickers for fear of alienating potential customers or supporters. Unless I think they are corrupt – which I do not – why is it corrupting to induce someone to refrain from donations by making those donations financially or socially costly?

The corruption of incentives that make authenticity difficult comes not from the fact that people consider consequences or their self-interest when deciding how to act. It comes from making it difficult for people who want to exclude such considerations from particular decisions to accomplish that task. Perhaps the salesperson and the would-be judge place no importance on declaring their political views in public. Such values need not be important to people. Corruption arises from incentives that make it unreasonably difficult for people to express or act on their views when such expression or action is important to the person and that person aims to exclude social and financial concerns from such decisions. If this happens, I do think they have been corrupted.

Why does corruption matter for thinking about boycotts, shunning and shaming? Corruption seems like any other harm (comparable to coercive limits on authenticity) that might be justified by the legitimate goals of those who boycott, shun, and shame. I argued that efforts to outlaw discrimination by the Masterpeace Cakeshop might be justified. Why should corruption of the Cakeshop owner – which is really another way to undermine authenticity – not also be justified?

The answer lies in looking at the legitimate interests of the citizens who oppose LGBT discrimination. They have good reasons stopping discrimination, even if it imposes significant harms on the baker. But neither the state, nor its citizens, has a legitimate interest in corrupting the baker. His corruption is merely a means by which they aim to achieve a legitimate goal. The fact that this means might be effective and that the goal is worthy does not justify intentionally corrupting the baker. Certainly, it cannot justify intentional efforts at corruption if there are alternative means of pursuing their goals, such as lobbying for non-discrimination rules.

Unless corrupting a target can be shown to be a legitimate goal, there is no reason to balance the interests of two sides in corruption cases in the way there is when governments limit authenticity coercively. If balancing were appropriate, some of the examples I discuss would not favor the targets. For example, although restricting wealthy people from donating to social causes undermines their capacity to give effect to their moral views, it does not greatly limit authenticity. Such donors have alternative ways to live in accordance with their commitments. Certainly, it interferes less than banning religious practices or compelling people to violate norms they regard as mandatory. My argument therefore depends on rejecting the call to balance when corrupt means are used to effect goals.

C. Intended Means

Resisting corruption and protecting the capacity to live authentically is in part the responsibility of individuals. People must often be resilient in the face of modest pressures, protecting their own capacity for authentic action and resisting incentives for hypocrisy. If I hold an unpopular belief, I might be tempted to hide it, lie about it, or act against it in order to gain popularity or to avoid having my views criticized. Giving in to this temptation shows my weak character because I have allowed myself to be corrupted. People are entitled to criticize me, to protest against me, or to withhold their friendship, even though the prospect of protest, criticism, or denials of friendship might induce me to disguise my views or change my behavior. These impediments to my living authentically are reasonable interferences with authenticity. Responsibility for resisting them belongs to me. Others have no duty of non-interference.

How can boycotts, shunning, and shaming be unreasonable and corrupt interferences with authenticity if protest, criticism and withholding friendship are not? The line between reasonable and unreasonable interference depends in part, on how much pressure a person can normally withstand while living a happy life and on the centrality of the particular action to living authentically. On these criteria, boycotts do not differ from protests. But the line also depends on the intent of the person

creating incentives and on the value of allowing that pressure to be applied, and. People should be responsible for resisting the pressure of criticism because criticism can be personally and socially valuable and because critics typically do not aim to prevent the objects of their criticism from living authentically (but instead to change their views by giving reasons, or to communicate with other people).

Boycotts, shunning, and shaming differ from protests, criticism, and denials of friendship in their social value and particularly in their intent. All six of these behaviors have the potential to corrupt – i.e. to offer incentives that tempt people to betray their values for reasons that they rightly reject as inappropriate. But not all of them aim at corruptly undermining authenticity as a primary means of achieving their goals. Criticism aims to persuade (both the target and other audiences) using reasoned argument. Protest aims to convey a message, emphasizing how many people hold the same view and how strongly they feel about their cause. Any incentive that criticism and protest create to change or hide views is usually unintended – neither a goal, nor an intended means to reach a goal.³¹ For denials of friendship, the aim is primarily associational (and perhaps constitutive) – reserving intimacy for those one likes and admires, because intimacy requires these features. For boycotts, shunning, and shaming, incentives to hide views or to act against views may not be incidental, but central to reaching the intended goal; they are the means by which the goal will be reached.

For example, the boycott against Chick-Fil-A aimed to deter its founders from funding the anti-gay causes they supported.³² Corrupting them – leading them not to act on their principles for financial reasons – was central to the aim. It was not exactly the aim. The boycott organizers would not have objected had the founders become enlightened. But leading them to act against their own moral views was the intended plan. Because persuading them was unlikely, the means through which the boycott aimed to change their behavior was by inducing them to abandon their moral commitments for financial reasons. Were this not true – had the boycott aimed to change their views or not to change their behavior at all -- then the boycott would have been unnecessary; criticism or protest would have been adequate substitutes with less risk of corruption.³³ Many boycotts are intentionally corrupting in just

³¹ The word “generally” is meant to cover a variety of complexities. Some protests are likely efforts to encourage boycotts without explicitly saying so. Other protests use shaming techniques. As well, protests often aim to change the behavior of politicians, in part by inducing them to fear losing their jobs if they do not comply. This last category might be thought corrupt on the account in text. But if one views the job of a politician as at least in part being responsive to constituent preferences, then pressure to vote imposed by threat of job loss is not necessarily corrupt for elected officials.

³² Daniel Reynolds, Bill de Blasio Urges Boycott of Chick-fil-A, Advocate, May 8, 2016, <https://perma.cc/FLS6-UQX6>.

³³ See Martha Nussbaum, Against Academic Boycotts, 54 *Dissent* #3, 30 (2007).

this way – aiming to change their targets’ behavior without changing their beliefs by tempting them to treat financial matters as relevant to their moral aims.

Why does it matter if someone intends to use corruption as a means? Some moral theories emphasize the distinction between acts that intend harms as a primary means and those that merely cause harms as a byproduct.³⁴ According to these theories, boycotts that intend to cause corruption are more blameworthy than protests that cause corruption as a side effect. Even for those who do not accept this distinction, there may be reasons to scrutinize actions that seek to change behavior via corruption more heavily than actions that aim at other goals, but risk corrupting the target. In particular, when people pursue other goals, those aims may be important enough to justify the harms they risk. Often the risk of corruption is hard to mitigate. In those cases, it sometimes makes sense to ask those who might be corrupted to steel themselves against temptation. When behavioral change via corruption is the aim, there are usually other non-corrupting means available to those who pursue valuable ends.

Before moving on, let me summarize the argument so far about incentives for action. I have argued that (1) people have an interest in living authentically – in implementing important values in their daily actions – and that sometimes boycotts, shunning and shaming harm people by impeding this interest. Not all examples of these tactics threaten authenticity. In particular, most labor and consumer boycotts do not; (2) boycotts, shunning, and shaming sometimes corrupt people by tempting them to treat money or social pressure as a reason for abandoning important goals. Corrupt interference with authenticity cannot as easily be justified as easily non-corrupt limits on authenticity; (3) people should not intentionally aim to induce inauthentic behavior by tempting others with corrupting incentives. Corrupting people as an intended means of achieving goals is worse than doing so as a byproduct of other aims, and will rarely be justified; and (4) targets must sometimes take responsibility for resisting corrupting temptations, particularly when the temptation is not created intentionally and when those creating it aim at valuable goals.

III. Non-Corrupt Aims of Boycotts, Shunning, and shaming

The argument of Part II depends heavily on my claim that boycotts, shunning, and shaming aim at limiting authentic behavior via corrupt means. Advocates of these tactics might argue that they do

³⁴ I rely here on a traditional version of the doctrine of double effect. Alternative statements of that doctrine that do not focus so much on means could lead to a similar distinction. See, e.g., Warren Quinn, Actions, Intentions, and Consequences: The Doctrine of Double Effect, 18 **Phil & Pub. Aff.** 334 (1989).

not aim to change target belief or behavior. At worst, they create risks of corruption while pursuing other goals. In many cases, they will claim, imposing such risks is justified by the importance of their goals. Rather than aiming at changing behavior corruptly, they instead aim: (a) to punish wrongdoers or protect victims; (b) to avoid association or complicity; or (c) to persuade the public or to reinforce social norms.

Before considering these arguments, I note that even if boycotts, shunning, or shaming aim at these goals, they might still unintentionally risk corrupting their targets in ways that are unjustified. Even unintended corruption is a harm that requires justification. For example, some states prohibit employment discrimination based on political-party affiliation³⁵ or political activity.³⁶ The discrimination forbidden by these bans likely does not aim to alter the views or behavior of discrimination victims. Rather, it aims to protect the associational goals of its perpetrators. Jurisdictions that ban such discrimination recognize that jobs are important to people, which might make it unreasonable to ask those with dissenting views to withstand the prospect of unemployment as the price of openly embracing their moral positions. They apparently have concluded that the associational rights of employers or other employees are less urgent. Jurisdictions that allow discrimination based on political affiliation seem to reach the opposite conclusion.³⁷ Exactly this issue arises for some boycotts and shunning if they aim to exclude targets from employment.³⁸

A. Punishment and Rescue

Boycotts, shunning, and shaming sometimes aim at punishment. A punishment account might emphasize retributive or rehabilitative goals, rather goals of deterrence, in order to avoid the charge that the tactics aim to induce hypocrisy.³⁹ For example, boycotts, shunning, and shaming might aim at rehabilitation, seeking to jar targets into noticing the moral seriousness of public condemnation, and shocking them into examining whether beliefs so widely condemned are really justified. They would

³⁵ See, e.g. Cal Labor Code §1101; D.C. Code §2-1402.01; §2-1402.21.

³⁶ The California code supra forbids coercing or influencing employees' political activities.

³⁷ Federal law does not prohibit workplace party affiliation discrimination (other than for federal employees). See Alexander Hertel-Fernandez & Paul Secunda, Citizens Coerced: A Legislative Fix for Workplace Political Intimidation Post-Citizens United, 64 **UCLA L. Rev. Disc.** 2 (2016).

³⁸ For example, the US women's national soccer team included on its roster Jaelene Hinkle, a professional soccer player with strong religious views who has spoken out against same-sex marriage. Because the team refused to shun Hinkle, there were calls for a boycott of the national team's games. Christina Cauterucci, Kick Her Off, Slate, July 20, 2018, <https://perma.cc/4YX2-9TGD>. A short time later, Hinkle was removed from the team.

³⁹ Duff, supra.

function in much the way a glass of cold water thrown at a panicked friend might precede efforts at reason.⁴⁰

Alternatively, if deterrence is a legitimate punitive goal generally, then boycotts, shunning, and shaming might be justified as deterrence, offering appropriate reasons for good behavior – or at least reasons that are appropriate for those who are not adequately motivated by other reasons. According to these arguments, boycotts, shunning, and shaming do not aim to corrupt; they aim to impose deserved retribution, to shock culpable targets into recognizing their errors, or to give financial reasons for action only after wrongdoers fail to act on the moral reasons they should have accepted.

Boycotts, shunning, and perhaps shaming can sometimes be justified as social punishment -- with the well-known caveats that these techniques can unjustly harm innocent bystanders, can punish targets for wrongs they did not commit (or for which they have excuses), and can impose excessive punishments. As well, they can punish people who have done nothing wrong; the same social tactics that brought Harvey Weinstein to justice also ruined the careers of those who suffered under the Hollywood blacklist.

Social punishments seem particularly apt when state punishment has failed -- whether because the state wrongly under-enforces its law, or because the target has been shielded from punishment by wielding power. Boycotting companies where sexual harassment is widespread is one example. When official punishment does not vindicate important norms, then social punishment may be necessary.

Shaming as punishment raises some distinctive concerns.⁴¹ Among the strongest are that efforts to shame often impose punishments that are disproportionate to the wrong committed because collective shaming is difficult to contain. As well, the public nature of shaming can lead to permanent stigma, which is often unwarranted as punishment. Finally, public humiliation may not always encourage self-reflection and repentance, and may have limited deterrent value.⁴²

⁴⁰ Experts once recommended tough love – a form of shunning – as an approach to drug-addicted family members. See Deborah Roberts and Robert Haberl, Parents Face Difficult Decisions When Dealing With a Drug-Addicted Child, ABC News, February 16, 2010. <https://perma.cc/26KS-ZTUB>; Patt Denning, Harm Reduction Therapy with Families and Friends of People with Drug Problems, 66 *J. Clin. Psych.* 164 (2010).

⁴¹ See, e.g., Martha Nussbaum, Hiding from Humanity (2004); Toni Massaro, The Meanings of Shame, 3 *Psych. Pub. Pol’y & Law* 645 (1997); James Whitman What is Wrong with Shame Sanctions, 107 *Yale L. J.* 1055 (1998); Dan Kahan, What’s Really Wrong with Shaming Sanctions, 84 *Tex. L.Rev.* 475 (2006).

⁴² Krista Thomason, Naked: The Dark Side of Shame and Moral Life 184-190 (2018); Nussbaum *supra* at 233-34. Claudia Mills, Should we Boycott Boycotts at 138 (“Threats from without generally inspire a reactive, wagon-circling solidarity within.”). But see, Dan Kahan, What do Alternative Sanctions Mean, 63 *U. Chi. L.Rev.* 591, 638-641 (1996). The claim that shaming is ineffective does not mean that shame is useless. People behave better if they believe they are being watched (which might be explained by concern for anticipated shame). See, e.g., Rand, Yoeli, & Hoffman, Harnessing Reciprocity to Promote Cooperation and the Provisioning of Public Goods, 1 *Policy Insights from the Behavioral and Brain Sciences* 263 (2014). But see Ariely, Bracha & Meier, Doing Good or Doing

Although boycotts, shunning and shaming are sometime justified as social punishment, many punitive uses of these tactics are unjustified. Punishment is appropriate for wrongdoers – for people who deserve blame because they unjustly harm others -- not for everyone whose views opponents regard as immoral. A CEO who donates money to a cause that others regard as abhorrent has not committed a wrong deserving punishment. Certainly, this is so if the cause is something about which reasonable people might disagree. People who donate money to ISIS might deserve punishment; people who donate to Planned Parenthood, the NRA, or the Family Research Council do not. The difference between ISIS and these other groups is that ISIS acts on morally indecent principles – aiming to kill those who do not accept their faith because infidels do not deserve equal concern and respect. These other groups can rely on morally decent justifications for their positions. Their conclusions might be wrong. But they do not depend on denying the equal moral worth of all people.

This position might be questioned. Perhaps people should not be punished for expressing views for which there are morally decent arguments. But those who boycott donors as punishment object not to the donor's beliefs, but to the donor's harmful actions. The NRA supports rules that make guns widely available, which in turn causes many avoidable deaths. The same might be said (by different people) about Planned Parenthood and their advocacy for abortion rights. From the perspective of someone opposed to these groups, they deserve punishment because they knowingly contribute to undeserved deaths.

I disagree. Social punishment plays an important role in society. Private groups justly punish their members for violating group norms. Perhaps we all may reasonably punish people for behavior that is deemed criminal or tortious by the state or that exhibits indecent views that no society should tolerate. But social punishment outside these circumstances violates a duty of reasonable cooperation in a pluralistic society. Reasonable people seeking to cooperate in the face of deep disagreement need not remain neutral. If I favor abortion rights and you oppose them, both of us can advocate for laws that enshrine our favored outcome, opposing each other vigorously. But we cannot punish each other's advocacy if we are aiming at fair terms of cooperation. Each of us owes the other the respect of recognizing that our reasonable comprehensive doctrines lead us to favor opposing rules and that both of us act reasonably by trying to bring about outcomes that we can justify using public reason. Declaring

Well? Image Motivation and Monetary Incentives in Behaving Prosocially, 99 *Am. Econ. Rev.* 544 (2009) (finding a prosocial effect for making good behavior visible, but no prosocial effect from making bad behavior visible). Rather, efforts to humiliate may not succeed in using shame to have this effect. See Tom R. Tyler, et al., Reintegrative Shaming, Procedural Justice, and Recidivism: The Engagement of Offenders' Psychological Mechanisms in the Canberra RISE Drinking-and-Driving Experiment, 41 *Law & Soc. Rev.* 553 (2007).

culpable people who advocate for outcomes based on morally decent reasons violates this duty of respect. If I expect you not to declare me culpable and to punish me for supporting pro-choice causes, I reasonably ought to do the same for you.

Of course, partisans in these disputes regard their opponent's arguments as morally indecent. Pro-life advocates view pro-choice believers as expressing disdain for the equal dignity of fetal life; and pro-choice advocates view pro-life believers as ignoring the importance of women's autonomy. These characterizations – while understandable – seem to me inappropriate public stances for reasonable people seeking to cooperate in a pluralistic society. Charitable interpretations are demanded.⁴³

Most positions on gun rights and abortion rights can be supported with morally decent arguments – that is, by arguments that show the equal respect to all people.⁴⁴ A liberal society will have to choose one side or another – protecting abortion rights, or gun rights, or the rights, or not. But it will not punish the morally decent advocacy of controversial positions.

Beyond the injustice of punishing those who advocate positions for which there are morally decent arguments -- there is also a structural problem with such punishment. We have no deliberative or democratic process for deciding whether people deserve social punishment. Leaving that to whoever has the desire and capacity to punish risks descent into mutual mistrust and cycles of retaliation. In extreme cases, this has led to terrorism, such as the killing of doctors who perform abortions,⁴⁵ or of police officers in the wake of controversial police shootings.⁴⁶ But even if violence is not contemplated, the decision to punish those who advocate controversial views threatens social practices of mutual respect by assuming the power to resolve those controversies unilaterally. Social punishment in this context threatens to corrode an important social practice in addition to corrupting individuals.

Defenders of ideological boycotts might respond that punishment is not their goal; they aim to protect victims of the target's harmful behavior, without necessarily aiming to punish the target. Perhaps abortion-rights advocates boycotted Domino's to protect women from reproductive-rights

⁴³ This call for charity does not prevent us from recognizing truly indecent arguments, merely because they are dressed up as neutral or religious. Claims by modern racists that they mean no disrespect to people of color when they seek segregation cannot be taken as sincere in the light of our history.

⁴⁴ The same is arguably true of some debates over gay rights, such as the wedding services accommodation requests. See, Andrew Koppelman, **A right to Discriminate** (2009) (distinguishing groups that oppose gay rights for reasons that presume or communicate the inferiority of gay people – which is comparable to racism – from groups that adopt respectful reasons and forms of communications).

⁴⁵ Liam Stack, [A Brief History of Deadly Attacks on Abortion Providers](https://www.nytimes.com/interactive/2015/11/29/us/30abortion-clinic-violence.html), New York Times, November 29, 2015, <https://www.nytimes.com/interactive/2015/11/29/us/30abortion-clinic-violence.html>

⁴⁶ [Five Dallas Officers Were Killed as Payback, Police Chief Says](https://www.nytimes.com/2016/07/09/us/dallas-police-shooting.html), New York Times, July 8, 2016, <https://www.nytimes.com/2016/07/09/us/dallas-police-shooting.html>

violations. The difficulty with this argument is the same as with the argument for punishment. In circumstances of deep disagreement, individuals should not have the right to decide unilaterally who needs rescuing any more than they should have the right to decide who needs punishing if the rescue requires harming third parties. Wrongly presuming this right led Operation Rescue to block access to abortion clinics, and animal-rights activists to liberate animals from research labs.⁴⁷

B. Non-Association and Non-Complicity

A second version of the non-corrupt purpose response (on behalf of boycotts and shunning, but not shaming) is that they aim at non-association or non-complicity. Participants do not want others to perceive them as associated with the target, or do not want to be complicit in (or tainted by) the target's activities.⁴⁸

Many people seek to make morally pure commercial choices, aiming not to be associated with or to support businesses whose views or behaviors they condemn. Socially conscious investment funds are one example. The boycott of Uber for the behavior of its executives is another.⁴⁹ If individuals aim at non-association – rather than at trying to influence the target by participating in a boycott – then they do not have corrupt goals.

But people who organize boycotts – as opposed to those who merely participate -- must have aims beyond non-association or non-complicity. Pursuing non-association does not require collective action, or the efforts at publicity and ongoing pressure that characterize boycotts. Boycott organizers aim at punishment or at changing the target's behavior, not just at avoiding complicity or helping others to do the same.⁵⁰ Often boycott leaders state this aim explicitly.⁵¹

⁴⁷ Alison Abbot, Animal-Rights Activists Wreak Havoc in Milan Laboratory, *Nature*, April 22, 2013, <https://perma.cc/PQF8-EBR4>.

⁴⁸ On the distinction between complicity and taint, see Christopher Kurtz, **Complicity** 45 (2000).

⁴⁹ Alana Samuels, Why #DeleteUber and Other Boycotts Matter, *The Atlantic*, February 22, 2017, <https://perma.cc/LXD3-6QBR>.

⁵⁰ See Monroe Friedman, Ethical Dilemmas Associated with Consumer Boycotts, 32 *J. Soc. Phil.* 232, 235 (2001) (arguing that while non-complicity may motivate boycott participants, boycott leaders seek behavioral change).

⁵¹ When the NAACP boycotted South Carolina to protest the confederate flag flying at the state capital, it explicitly said the goal was to pressure the state into lowering the flag. See NAACP Boycotts Tourism in S.C., *Los Angeles Times*, October 17, 1999, <https://perma.cc/6WPX-Q8HH>. See also Richard Ford, Capitalize on Race and Invest in Justice, 126 *Harv. L. Rev. F.* 252 (2013) (“Whenever civil rights groups boycott . . . the hope is that the financial injuries and threat of bad publicity will induce the institution to open itself up to more minorities. The main goal is not to transform the sincerely held values of bigoted managers: it’s enough that the institution caves in to the pressure.”)

Martha Nussbaum offers a possible response. She claims that sometimes people engage in complicity-avoiding collective action that does not intend to influence the behavior of targets. They aim instead to facilitate informed decision making by the public. Usually they do not mention a boycott.⁵²

A few organizations fit Nussbaum's idea. For example, the nonprofit FollowTheMoney.org regularly publicizes political donations of all kinds, including corporate donations to social organizations.⁵³ Their core mission is helping citizens understand how money flows. Because they do so without focusing on any particular political or social goal, it seems plausible that they seek to inform consumers and voters. But most organizations that provide lists of donations do not match this pattern. For example, the Family Council publicizes a list of companies that support Planned Parenthood.⁵⁴ This pro-life organization does not aim primarily to provide information so that consumers can make informed choices. They more likely aim at the same things as boycott organizers – to influence consumer choices and in turn to shape the behavior of producers.

Even when boycotts aim only at non-association, they sometimes risk corrupting targets. A particularly difficult example is the Masterpiece Cakeshop case in which a baker refused to prepare a gay couple's wedding cake because he did not want to facilitate a same-sex marriage.⁵⁵ His refusal was likely motivated by non-complicity, rather than by a desire to deter this couple from marrying. He acted alone, not seeking to organize all bakers in the area. So he is not guilty of intending to corrupt LGBT customers or aiming to undermine their authenticity. His efforts nonetheless raise risks for the gay couple's ability to live authentically. The history of discrimination against LGBT people includes widespread shunning and shaming. If these tactics become widespread – a real possibility given the many recent demands to exempt religious people from antidiscrimination laws -- so might the kinds of social pressure that led people to remain closeted.⁵⁶

Individual shunning and boycotts that aim at non-association, such as Masterpiece Cakeshop, do not always risk corruption. This is especially so when participants are strangers, since the harm of lost intimacy is not involved. For example, the owner of the Red Hen restaurant recently refused service to Sarah Huckabee Sanders (President Trump's press secretary) because the staff and owner disapproved

⁵² Against Academic Boycotts, 54 *Dissent* 30, 31-32 (2007).

⁵³ The organization actively promotes such disclosures on its twitter feed.

<https://twitter.com/MoneyInPolitics>.

⁵⁴ <https://perma.cc/AX6D-4K4C>.

⁵⁵ Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission, 584 U.S. ____ (2018).

⁵⁶ See Douglas Nejaime & Reva Siegel, Conscience Wars: Complicity-based Conscience Claims in Religion and Politics, 124 *Yale L.J.* 2516 (2015); Amy Sepinwall, Conscience and Complicity: Assessing Pleas for Religious Exemptions After Hobby Lobby, 82 *Chicago L. Rev* 1897 (2015).

of her public actions.⁵⁷ Although this refusal of service can be criticized on several grounds,⁵⁸ it does not pose the same corruption worries as concerted boycotts, concerted shunning, or intimate shunning. Because the harm of being denied a single restaurant meal is far smaller, the incentives to alter beliefs or behavior is far less.⁵⁹

Collective shunning has a problem similar to boycotts: it often aims not just at avoiding complicity, but also at changing target behavior or at punishing. For example, academics might rely on non-association or non-complicity to justify excluding from their ranks those whose views or behavior they condemn. But people in workplaces regularly associate with those with views they do not share. No one infers from proximity that coworkers approve of each other's views. So perceived-endorsement versions of non-association seem weak justifications. Arguments from complicity and taint are more complex. We do little to aid anyone's political goals merely by sharing a workplace with them. And if our objection to their hiring focuses on their past actions, rather than their present and future work, hiring them does little facilitate wrongdoing. At the same time, if the employer regards the employee's current work promoting harm, the employer might reasonably regard providing an academic post as facilitating their harmful work.

Shunning by religious communities might be justified by non-association. Members of some religions avoid contact with outsiders. If they shun former members in the same way they treat outsiders, then the shunning may be part of a broader effort at non-association. Religious shunning can also be justified as constitutive of religious community: excluding someone from a religious community after the person violates religious norms could be inherent in the nature of that religious community. Neither of these justifications is corrupt.

But some religious shunning seems to aim for more than non-association. When shunning of former members is more intense than avoidance of outsiders generally, it raises questions about whether this is because former members are thought to be more tainted, or whether the added features of shunning are actually punitive and deterrent. Even if religious shunning does not aim at

⁵⁷ Avi Selk and Sarah Murray, The Owner of the Red Hen Explains why She Asked Sarah Huckabee Sanders to Leave, **Washington Post**, June 25, 2018, <https://perma.cc/748H-4EMX>.

⁵⁸ Adam Gopnik, Sarah Huckabee Sanders and Who Deserves a Place at the Table, **The New Yorker**, June 25, 2018, <https://perma.cc/9EV9-TVJ5>; Ross Douthat, The Red Hen and the Resistance, **New York Times**, June 27, 2018, <https://www.nytimes.com/2018/06/27/opinion/trump-civility-sarah-huckabee-sanders.html>.

⁵⁹ Even in in this case, there is some risk. There was a call for all employers to shun Sanders so that she cannot find a job after leaving her current position. Morgan Gstalter, Conservative Columnist: Sanders should be Shunned after White House Job, **The Hill**, August 5, 2018, <https://perma.cc/8ATX-K5R6>.

punishment, its consequences are sometimes quite severe – loss of access to minor children, and of an ability to earn a living within the community. In these cases, shunning might lead to corruption.

C. Communicating with the Public and Reinforcing Norms

Boycotts, shunning, and shaming might aim to communicate with the public or to reinforce norms. Most calls for boycotts do not persuade consumers to stop purchasing from a target at all, and fewer still sustain boycotts for an extended time.⁶⁰ This may never have been the organizers' goal. Rather, boycott organizers seek publicity and perhaps a chance to convey their message in a particularly vivid way. These boycotts are just protests.

The Domino's Pizza boycott, for example, was initiated by the National Organization for Women, nominally to deprive the Domino's owner of funds that could be used for anti-abortion advocacy.⁶¹ But that goal might have been less important than raising funds for NOW and rallying interest in the pro-choice cause. This aim is not corrupt. But one might ask if it is reasonable to use targets as a means of energizing opposition if the effort risks corrupting them, particularly when there are alternative methods of raising awareness and interest, including protests, petitions, and hunger strikes. The claim that boycotts are harmless because they are unlikely to succeed is problematic unless we can be reasonably sure of the anticipated failure.

Shunning and shaming might aim to communicate with community members -- reinforcing norms by declaring those who violate them to be outside of the community.⁶² For example, in *The Scarlet Letter*, after Hester Prynne is first shamed and then shunned, her scarlet letter serves as a visible symbol of the norm she violated. Perhaps they spared her from a death penalty so that she could act as a daily reminder of the norm against adultery.

This argument too is problematic. Reinforcing norms through boycotts, shunning and shaming is appropriate when the norms being violated are required of any decent society, such that violators deserve condemnation – appropriate for the southern racists who demanded segregation, and for the modern Nazis who preach hate. They are also appropriate for Harvey Weinstein and his fellow sexual predators. Shunning and shaming have been key to the #MeToo movement, which both publicized and reinforced all-too-fragile (and under-enforced) social norms against sexual harassment and predation.

The difficulty with extrapolating from these examples is that Harvey Weinstein deserved punishment. Shunning and shaming are inappropriate norm-reinforcing techniques when the target has

⁶⁰ Friedman, *supra*.

⁶¹ Kara Swisher, *Politics and Pizza*, *Washington Post*, June 13, 1989, <https://perma.cc/6HN2-K585>.

⁶² *Why do the Amish practice shunning?*, Amish America, <https://perma.cc/2AQL-Z9YH>.

done nothing wrong, even if shunning that person might help to reinforce a norm. We would not applaud norm reinforcement if the Academy of Motion Picture Arts and Sciences evicted from its ranks all members of the NRA, who were then blacklisted from working on film projects, or if Google adopted a policy against hiring anyone who voted for Donald Trump. Unless the norms are so basic that we expect any decent person to accept them, or the norms are applied to people who voluntarily accept them when joining a community, we ought not reinforce contested norms on those who have no obligation to accept them. Because norms can usually be enforced with less harmful means, shunning and shaming are appropriate for norm promotion only when punishment is also due.

IV. Objections

A. First Objection: Normal Moral Norms do not Apply to Political Battles

Boycotts, shunning, and shaming might be defended as appropriate forms of political combat. Perhaps the paper's arguments have mistakenly relied on demands of personal morality – demands for respect and restraint – that do not apply to politics. This idea offers a justification for the Montgomery bus boycott, for civil-rights-era lunch-counter sit-ins, and perhaps for boycotts of Israel and apartheid South Africa.

The bus boycotts and the sit-ins were partly communicative – aiming to shock the country into taking their message seriously, and to shame the country into reevaluating its positions. But they also aimed to desegregate the busses and restaurants by making segregated busing and foodservice unprofitable. This goal was possibly corrupt if evaluated in normal interpersonal terms; the civil-rights activists offered financial incentives to segregationists, hoping that they would be moved by money not to act on their deeply held beliefs.⁶³

But normal moral duties perhaps did not apply. The movement faced politically powerful opponents who used violent tactics and who sought to deny rights to the protesters on the often-explicit theory that the protesters were not due respect. Surely, civil-rights advocates were not constrained to use only respectful forms of dialogue when demanding their rights. Shaming, shunning, and boycotting were justified as politically necessary by the extremity of these circumstances.

I accept this argument about the bus boycott and sit-ins. Aggressive tactics that would not be justified in other realms are sometimes appropriate in political battles, especially by oppressed groups

⁶³ Civil-rights era boycotts and sit-ins may fall outside my corruption arguments for two reasons: the racists who enforced segregation deserved to be punished because the policies they adopted caused harm and had no morally decent defense; and many of the boycott targets did not act from principle, but instead sought to maintain profits by attracting racist customers.

whose opponents wield power, resort to violence, and justify oppressive outcomes based on the inferiority of the oppressed group. But this does not make such tactics appropriate in every dispute over important policies – even when rights are at stake.

Several reasons counsel that we treat civil-rights era battles as among rare exceptions to anti-corruption duties rather than as the norm. First, people on opposing sides in many current debates do not deserve to be vilified in the same way as segregationists. Their positions might be wrong. But they do not rely on justifications that treat others as inferior. Debates over abortion, gun rights, and environmental protections all fall into this category. Although some participants in these debates are disrespectful, the moral claims being advanced by each side can be (and often are) defended on morally decent grounds.

Second, although there is violence associated with these debates, its level pales in comparison to violent tactics used against African Americans seeking civil rights. Violent retaliation against those seeking rights through normal political means offers some justification for seeking rights outside of more respectful procedures. The comparatively nonviolent treatment of those advocating in most current debates weakens the necessity claim for aggressive tactics.

Third, aggressive tactics often escalate, with each side using the other's behavior as a justification for their own. Boycotts are met with counter-boycotts.⁶⁴ This is particularly likely when each side sees itself as a victim – identifying with the civil rights protesters in Montgomery, and viewing the other side's boycott as equivalent to McCarthy-era blacklists. Both sides in the abortion debate view the other as an oppressor, wielding state power to violate fundamental rights. In such cases, we all might benefit if norms of engagement fostered de-escalation.

Urging a gentler form of political engagement might be though naïve, inattentive to power imbalances, and perhaps unseemly when voiced by a privileged writer. Over the long history of

⁶⁴ When companies cut ties with the NRA after the Parkland shooting, gun-rights advocates targeted those companies for counter-boycotts. See Kate Taylor, More than a dozen companies have cut ties with the NRA — and pro-gun-rights activists are furious, **Business Insider**, February 26, 2018, <https://perma.cc/KCN8-WXT9>. When companies boycotted Israel over its treatment of Palestinians, several states enacted laws that ban hiring these companies as state contractors. Jesse McKinley, Cuomo to Halt State Business with Groups that Back Boycott of Israel, **New York Times**, June 5, 2016, <https://www.nytimes.com/2016/06/06/nyregion/cuomo-new-york-israel-boycott-bds-movement.html>. When the Red Hen restaurant refused service to Sarah Huckabee Sanders, her supporters organized a boycott of the Red Hen. Justine Wise, Virginia GOP Calls for Boycott of Restaurant that Refused to Serve Sanders, **The Hill**, June 25, 2018, <https://perma.cc/754S-LBQU>.

oppression, we have more reason to regret the failure to boycott, shun and shame than we do their excessive use. Oppressed people ought to use whatever effective tools they can find.

My only response is that powerful groups too use these techniques. Conservative groups boycotted Target after the store announced that it would allow transgender customers to use the bathroom matching their gender identity.⁶⁵ The NRA organizes boycotts (in addition to being the target of boycotts).⁶⁶ The Nazis boycotted Jewish businesses before the war. The Hollywood blacklist of perceived communists was combination of boycott and shunning. And antifeminist activists have regularly employed shaming as a means of oppression.⁶⁷ It is not obvious that these weapons favor the powerless over the powerful.

One might argue that only oppressed groups may legitimately use these tactics. But as a practical matter, people who employ these tactics usually perceive themselves as oppressed. This includes white nationalists, religious groups, men, gun owners, anti-abortion activists, and conservatives. Even if it makes theoretical sense to approve aggressive political tactics only for the truly oppressed, as a rule of political engagement, this exception would be invoked by everyone, returning us to the undesirable position of escalating reprisals among political opponents.

By arguing that we should confine to narrow circumstances aggressive political tactics that use corrupt means, I do not mean that they may never be used. The circumstances of the Black Lives Matter movement and some demands for LGBT rights resemble those of the civil rights movements, at least in some respects. Violence against African Americans and against LGBT people is significant. Some arguments against restraining police violence or granting LGBT people rights are morally indecent. And of course, powerful interests have opposed recognizing rights for both groups.

B. Second Objection: Boycotts against the Wealthy are Different

A more limited version of the “all is fair in politics” argument might focus on one narrow case – boycotts of wealthy companies and their owners. Perhaps we ought to approve such boycotts because large donors unfairly advance their own moral agendas and therefore cannot complain when less wealthy people strike back with the only tool they have. Or perhaps people who grow wealthy in

⁶⁵ Hayley Peterson, The Target Boycott Cost More than Anyone Expected — and the CEO was Blindsided, Business Insider, April 6, 2017, <https://perma.cc/P2SU-NV5E>. For a list of other recent conservative boycotts, see, Kate Taylor, Conservatives are Smashing Keurigs to Defend Sean Hannity — Here are the Other Brands that have Incurred the Wrath of the Right, Business Insider, Nov. 13, 2017, <https://perma.cc/2K7A-HNH5>.

⁶⁶ More than a Dozen Companies have Cut Ties with the NRA — and Pro-Gun-Rights Activists are Furious, Business Insider, February 26, 2018, <https://perma.cc/K8KC-34AY>.

⁶⁷ See Emily Poole, Hey Girls, Did You Know? Slut-Shaming on the Internet Needs to Stop, 48 U.S.F. L. Rev. 221 (2013-2014).

market transactions cannot complain when those with less money use market pressure as a means of combatting the power that comes with wealth.

This argument has some force, particularly when applied to extremely wealthy donors who wield influence over political campaigns. The NRA, George Soros, and Sheldon Adelson are examples. Ideally, the way to solve the problem created by their outsized influence on politics and public policy is to reform our campaign finance laws, rather than to allow otherwise inappropriate efforts to corrupt their behavior. But in the absence of such reform, perhaps ideological boycotts against their donations are appropriate. In any case, their vast wealth likely means that the chance of corrupting their actions is extremely small. Because they can probably withstand financial pressure and continue to act on their principles, boycotts against extremely wealthy targets may be mostly symbolic forms of protest rather than corrupt efforts to change their behavior.

When applied to less extravagantly wealthy people, I am less persuaded. First, most wealthy donors do not have outsized influence on our public lives, because their donations are not so huge. The anti-abortion donations by the owner of Dominos were allegedly only about \$100,000.⁶⁸ If average people need a means of counteracting this kind of donation, they can band together as donors themselves. As well, they can exert pressure in non-corrupt ways, such as protests. If this is feasible, perhaps it is not appropriate to aim at corrupting political opponents, even if those opponents happen to be wealthy. Second, there are wealthy donors on both sides of many important social issues, including abortion, gay rights, and gun control, making it unclear why we should regard the influence of wealthy donors as distorting these debates, or otherwise unfairly wielding power. Third, we may not be able to confine boycotts to just wealthy donors or large donations. For example, in 2008 a restaurant manager donated \$100 to a campaign in favor of Prop 8 – California’s anti-gay-marriage initiative. When people discovered the donation, they targeted the restaurant with an organized boycott and restaurant-review campaign, and the manager was forced to resign.⁶⁹ Even if we commit to using

⁶⁸ Domino's CEO uses Company Funds to Finance Cult, The Tech, April 9, 1991, <https://perma.cc/4SSY-BHWV>. Donations by Chick-fil-A to anti-gay groups were larger, perhaps \$2 million in 2019. Chick-Fil-A's Anti-Gay Donations Totaled Nearly \$2 Million In 2010: Report, The Huffington Post, February 2, 2016, <https://perma.cc/AR5T-5TP4>. This spending is dwarfed by the expenditures of wealthy individuals on political campaigns. For example, in 2016, the Koch brothers spent nearly \$900 million dollars on political campaigns. Nicholas Confessore, Koch Brothers' Budget of \$889 Million for 2016 is on Par with Both Parties' Spending, *New York Times*, January 26, 2015, <https://www.nytimes.com/2015/01/27/us/politics/kochs-plan-to-spend-900-million-on-2016-campaign.html>.

⁶⁹ Steve Lopez, Prop. 8 Stance Upends her Life, Los Angeles Times, December 14, 2008, <https://perma.cc/KY54-CRQL>; Lesley Balla, El Coyote Manager Resigns Over Prop 8 Crazyness, Eater, December 8, 2008, <https://perma.cc/M64Z-4MQQ>.

boycotts only against corporate donors, rather than vulnerable individuals, we may find ourselves targeting owners of small businesses, many of whom are also vulnerable.