

## 8 Danse macabre

### Levity and morality in a plague year

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#### 8.1 Introduction

After two weeks of multiple health screens and asking everyone to quarantine, I surprised my closest inner circle with a trip to a private island where we could pretend things were normal just for a brief moment in time. We danced, rode bikes, swam near whales, kayaked, watched a movie on the beach and so much more.

– Kim Kardashian (2020)

Even if they hadn't gotten caught or risked infecting others, there would still have been something 'off' about their behaviour. Intuitively, *they shouldn't have been having such good times in the first place.*

– Ben Bramble (2020, 115)

In the statement above, Ben Bramble invokes an intuition (henceforth: “the Intuition”): even if our behavior presents no risk to others, we should not party during pandemics. But is it wrong to be publicly happy, or to engage in certain sorts of social leisure, when many members of one's community are sick and dying?

We might characterize this question as a matter of “onlooker” morality: having controlled for risk to others, how should a relatively unaffected person act and feel while they know that many of their compatriots are suffering? Is it true that (even private and safe) pandemic parties “*shouldn't have been having such good times in the first place*”?

To the end of justifying the Intuition, I construct and consider a variety of plausible arguments in its defense. Some are inspired by public discourse about the propriety of feeling and behaving in overtly joyous ways during a pandemic, others by Bramble's discussion. I focus on arguments with a moral or political dimension – there may be something imprudent or inapt about experiencing or expressing joy during dark times – but my central concern here is with how we should relate to others, even incidentally, during times of great public suffering. These arguments are not comprehensive, but they cover much of the available ground. I consider whether they vindicate the Intuition.

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Ultimately, I take the side of the good-times-havers. There's nothing inherently wrong with dancing while the world crashes down. While the arguments considered don't ultimately provide a defensible principled account of the Intuition, some could, under the right circumstances, warrant moral disapproval of "having such good times." But whether they do or not is an empirical question – and we shall have cause to note that circumstances allowing for such disapproval were not the norm in liberal societies during the COVID-19 pandemic.

In closing, I suggest that those who promote the Intuition as justified absent a compelling argument in its favor, are not just guilty of moral overreach, but of turpitude. Morality requires us to resist the urge to condemn the capacity of others to enjoy themselves during times of social crisis *where the target of criticism is simply the fact that a good time was had*.

## 8.2 Such good times

What does Bramble mean by "such good times"? His discussion fingers fun activities, like partying, as well as certain sorts of affective states, like pure or unadulterated joy. These states and activities often coincide, but I think that it is helpful to treat them as distinct. We may surmise on the basis of his discussion of onlooker morality, that Bramble would condemn ostentatious partying in the context of the pandemic, even if it failed to generate joy, and that he would look askance at unadulterated joy even if were generated by means other than partying.

What is important for Bramble's analysis is that partying and the experience of pure joy are undertaken against a background social context that is widely appreciated as *sad*. It is important that the activities and affect are incongruous with this context: in particular, that they fail to express (at least in a publicly discernable way) appreciation of the background cause for sadness. By way of analogy, Bramble says that to pursue such activities and states during a pandemic is like "watching cat videos during a funeral." The implication is that people in a context like a funeral *should not* (at least to the watchful observer) be engaged in having such a good time.

So, in what follows, let's adopt two target "good times" phenomena for investigation:

- 1 an activity: partying – enjoying oneself at "a lively gathering, typically with drinking and music" (Oxford English Dictionary), and
- 2 the pursuit and expression of an affective state: unadulterated joy.

We will take it as given that (1) and (2) take place against a background like the pandemic that is standardly acknowledged as sad, and that their pursuit fails to clearly communicate an appreciation of the sadness of the

background circumstances. Since our ultimate object of inquiry is a matter of onlooker morality – a question of how a relatively unaffected person should act and feel while they know that many others are suffering – let’s also abstract away from the worries about disease transmission that attended social behavior during the pandemic. Let’s stipulate that *no direct risk* of infection attends (1) or (2).

Next, it might be helpful to have some illustrations in hand. The following cases illustrate behaviors of concern. One is adapted from an actual court’s proceedings, the other from the court of public opinion.

### 8.2.1 *Case one: Kim*

I know that none of them have had any release or break from their kids, from their life. And I thought it would just be so amazing for us all to have just a mental break, and got a private location... I’ve rented a plane, that can you know, fit all of us. And we’ll do really intense quarantining process and Covid testing...but I am so excited!

(Kim Kardashian, quoted in Stark 2021)

In the first case, a celebrity, Kim Kardashian, throws herself a 40th birthday party on a private island with 30 guests. It’s October 2020, and the pandemic rages at home, but her party is planned in accordance with public health rules, and she is careful, when publicly discussing the event, to note the safety procedures followed. Assume, for the sake of argument, that these procedures are fail-safe, and no direct risk of harm to the public or participants attends the meeting. Assume too, that the party did not use funds that should otherwise have been dedicated to the commonweal. Was Kim wrong to throw a party during the pandemic?

### 8.2.2 *Case two: Maria*

MARIA GIOVANBATTISTA: They arrested me in the house belonging to my brother in Via S. Gallo, opposite the stables of the Signor Cardinale about ten days ago.

JUDGE: How were you found in the house of your brother?

MARIA GIOVANBATTISTA: Yesterday evening the door was open and in the house there was nobody else except for us, three sisters, and Domenico Fantini, our brother the priest, and in order to pass the time we dressed up our brother in a mask, and we were dancing among ourselves, and while he was mounted on the stairs dressed up like that, the corporal passed by and hearing us laughing he came closer to the door and saw what was going on inside the house.

(Henderson 2019, 260)

Maria's community in 15th-century Florence is in lockdown. The bubonic plague rages. She and her sisters are bored by their forced confinement and torment their older brother with games and dancing. A local official hears their laughter from the street and charges the sisters with breach of the quarantine. It is believed at the time that activities like dancing had the potential to spread bad air. But assume, for the sake of argument, that there is no risk to the public, and that this is known. The real offense is the expression of a degree of levity that is incongruous with the serious and sad public moment. Were Maria and her sisters wrong to engage in dancing and loud games during the plague?

There are various promising ways to proceed to the conclusion that Kim and Maria have done something wrong. Let's start with an argument from solidarity.

### 8.3 Solidarity

In the United Kingdom, public discourse concerning COVID-19 frequently invoked World War Two's Battle of Britain. The British were fighting on the "homefront." The National Health Service (NHS) workers were heroes of national defense, saluted nightly from the windows and doors of private homes by applause through the "Clap for Our Carers" movement (Stewart et al. 2022; Wicke and Bolognesi 2020). The moment even had its own uniformed World War Two hero, Captain Tom Moore. Moore was a 99-year-old veteran who pledged to walk 100 lengths of his garden to raise money for the NHS. He was wildly successful in his fundraising efforts and became a national icon. Moore was knighted by the Queen and featured in a new recording of "You'll Never Walk Alone," the 1945 Rogers and Hammerstein song that had become an anthem of support for essential workers and the quarantined. All this in 2020. In early 2021, Moore tested positive for COVID-19 and passed away. He asked that his tombstone read, "I told you I was old" (BBC 2021). He was a paragon of grit and derring-do, and an exemplar of solidarity.

Social scientists who studied the language used on NHS crowd-funding pages in the United Kingdom noted that many donor comments reflected an "intensely localized desire for normality and community," with invocations of aspirations for "togetherness." Themes of duty also figured prominently:

We coded a range of related phrases across many of the pages as describing a sense of duty: 'we must all play our part,' 'give something back to the NHS', 'they deserve our support' and 'we owe so much'. The frequent use of 'we' and 'our' here mobilised a collective entity.

(Stewart et al. 2022, 5)

Also prominent in the analysis was a sense that people were striving to help and wanted to galvanize others to do so, despite fears of impotence:

Pages often expressed the need to ‘do one’s bit’ in the context of relative helplessness: a wish to ‘do what I can’.

“To me and you, it may feel like we’re not able to do anything, but we can still help from home too.”

“Everyone feels pretty helpless at the moment but it doesn’t mean we can leave it to others.”

“Important that we try to help each other out in whatever way we can.”

Stewart et al. 2022, 5

Such responses communicate a desire for *solidarity*: the aspiration to participate in a collectivity whose members are interested in the well-being of each other, and/or stand in opposition to a common foe (such as disease, social instability, want). They express a relatively organic impetus, originating in small individual actions, and aimed at collectively rational ends like galvanizing an effective political response to the pandemic, preventing people from defecting from public health ordinances, and making the pandemic more bearable as a site of community connection.

Whether or not the solidarity pursued through fundraising campaigns and actions like “Clap for Our Carers” helped to promote public health or welfare goals, it is plausible that it might have. So, here’s an argument against partying and unadulterated joy from a concern for solidarity.

### 8.3.1 *The argument from solidarity*

- 1 At any given time, many people in the community cannot directly contribute to the official response to COVID-19 (as first responders, essential workers, the quarantined, etc.). Call these people the relatively helpless (RH).
- 2 The RH nonetheless have a role to play: they should band together in solidarity to provide indirect support to the pandemic response (by reducing the incidence of illness through information and compliance/making charitable contributions/engaging in activities that alleviate social despair).
- 3 Any collective activities or public expressions of affect that members of the RH engage in should support the solidarity described in (2).
- 4 The RH should not engage in partying and public expressions of unadulterated joy that will not contribute to efforts to support solidarity.

Note that this does not rule out partying or the expression of unadulterated joy tout court – just instances of each that fail to buttress solidarity.

So, the argument gives us a nice result: the simple and joyful decisions of thousands of British schoolchildren to paint beautiful rainbows to display in their home windows in support of the NHS are not ruled out, but Kim and Maria's activities clearly fall afoul of the rule. Except that, perhaps they don't.

There are many problems with the argument from solidarity. It's illiberal. It's unclear what form the normative claim in (2) takes. But perhaps most striking is its failure to establish our goal – namely, the wrongness of Kim's party and Maria's good time. Take premise (4). Why suppose that Kim and Maria will fail through their activities to contribute to solidarity?

From a pragmatic perspective, apparent defectors – especially flagrant defectors – could be quite a good thing for the overall project of solidarity. After all, solidarity is standardly conceived as a volitional undertaking – part of its inspirational power comes from the fact that participants freely undertake to support the collective end, even at personal cost. The existence of defectors helps to insure a public appreciation of this. They demonstrate by example that the present atmosphere of solidarity is not attributable to global conditions of coercion, but rather, to common feeling. Having a few folks who don't clap undermines the case for cynicism about the spontaneity and authenticity of events like “Clap for Carers” – events that might otherwise look authoritarian and grim.

“But,” someone might respond, “ultimately, solidarity relies on cohesion, and defectors cause division!” It's certainly true that where people were caught partying and enjoying themselves during the pandemic, it caused resentment and public outrage. But again, it's not clear that this was bad for the overall project of solidarity. Resentment can be a pro-social, pro-solidarity force. As Bishop Butler points out, shared resentment of deviant others is “one of the common bonds, by which society is held together, a fellow-feeling” (Butler 2017, VIII: 7). It's deeply satisfying to stand in common resentment with others. Defectors might galvanize solidarity.

There's also an interesting question about whether some perceived defectors are *required* to make standing in solidarity feel worthwhile for participants. Perhaps participants in solidarity movements can be more effectively motivated to feel good about the costs that they are shouldering if there's a clear comparison class of bad actors against whose example their virtue can blaze like a light. If this is the case, then Kim Kardashian arguably did the solidarity movement a great favor by deviating from public pandemic norms of behavior so spectacularly.

If any of the above suggestions about the value of defectors can be shown to hold – if they (a) helpfully illustrate the volitional character of solidarity, (b) inspire solidarity-galvanizing resentment, and (c) make participation in solidarity feel more creditable – then Kim and Maria, who acted *safely and ostentatiously* might have made real contributions to

solidarity. Albeit, a contribution that turns on their playing a sacrificial role – for the contribution to be effective, a large portion of society must look askance at their behavior and engage in public shaming.

Of course, whether Kim and Maria ultimately buttress solidarity depends on empirical factors – how many defectors there are, what the social mood is like, and so forth. But we may observe that the argument from solidarity fails to preclude even those acts of partying and projects of joy that bear *no direct relation* to the pandemic effort.

## 8.4 Fairness

I've said that there's no reason to assume that defectors will undermine or compromise solidarity movements. But, even if defectors functionally support solidarity, they may still give members of solidarity movements (taken as members of solidarity movements) cause for complaint. After all, all members of society stand to benefit from the collective efforts of those working in solidarity to improve social conditions during crises like the pandemic. In a context of general solidarity, defectors inspire a free rider worry: they may be enjoying social benefits while failing to make a fair contribution to their production.

### 8.4.1 *Free-rider argument*

- 1 The members of the solidarity movement are engaged in providing shared resources (call these SR) that stand to benefit all members of society (in the form of positive public sentiment, effective political action, well-provisioned hospitals, etc.)
- 2 Defectors from the solidarity movement could contribute to the provision of the SR, but they choose not to.
- 3 Defectors nonetheless derive benefit from the SR.
- 4 It is unfair to derive benefit from the SR if you choose not to contribute to its provision.
- 5 So, defectors should contribute to the SR.

Now, we might resist the conclusion of this argument. Charity is standardly conceived as supererogatory. There are plenty of costly yet prosocial activities that we could imagine some people volunteering to perform, whose benefits will be enjoyed by a larger portion of the population, and where those beneficiaries have no concomitant obligation to contribute. If a group of idealists decides to spend an hour each morning cleaning carriages in the New York Subway, I might – as an ordinary metro-user – be happy to ride a cleaner train to work, but I don't have any special obligation to pitch in.

Free-rider worries are most potent where free riders impose a burden that threatens the viability of a critical shared resource. Clean trains are nice but hardly essential. Now perhaps the failure of defectors to pitch in

to the solidarity movement will imperil key resources (if my neighbors and I would just each just donate 5 cents, then our local council would have the funds to save the local hospital from bankruptcy – but we all choose not to, and the hospital fails). But whether the moral censure of defectors is justified will arguably still depend upon a complex calculus involving the nature of the shared resource, standing social expectations about responsibility for its maintenance (the council should arguably pay for the hospital with its own funds – it should not rely on private donations), the costs imposed on individuals (on the other hand, 5 cents isn't very much), and the extent of social need (we really need that hospital!).

But why assume that partiers and the exuberantly joyful are defectors from solidarity or the production of social benefits in the first place? Why class them as free riders? Ostentatious partying and joy might trigger the enforcers of fairness norms because they do not, at least *prima facie*, look like the sturdy business of “pulling together” or “doing one's bit.” But of course, there's no reason why the jovial partier shouldn't also be making a fair contribution. No just norm of solidarity could demand that the relatively helpless spend all of their working hours on pandemic-related projects. Even the most virtuous keyboard warrior, who fights daily in the trenches of Twitter to bring emergent pandemic norms to public attention, will bake sourdough or watch Netflix from time to time. Making a fair contribution to the pandemic effort should not preclude leisure or rest. Would we really characterize someone who spent all day working to raise funds for the NHS, and all night safely drinking and carousing as a free rider? So, the free-rider argument doesn't go through.

## 8.5 Influence

But perhaps focusing on individual acts of partying and joy expression, as if they were isolated acts of solidarity-defection or incidents of free-riding, elides a more serious threat to solidarity and its goals. Maybe what we should really be concerned about when it comes to *good times*, is their potential to inspire further, more dangerous, good times. Good times that threaten not just the fabric of the collective, but its ultimate goals (like public health). Even safe good times might, in short, create an adverse influence.

### 8.5.1 The argument from adverse influence

- 1 Good times are inspirational.
- 2 If a member of the public witnesses someone having a good time, they will often be inspired to initiate their own good time.
- 3 Safety measures are often inconspicuous and less inspiring than the fun aspects of a good time.
- 4 So, we may observe that safe good times will have a propensity to inspire progressively more reckless good times.



Kim and Maria might be frolicking safely, but others who see them will not appreciate this, and some of those others might take the frolicking as inspiration to much more unsafe behavior. Now, this isn't a devastating worry. It's easily dealt with by making sure that one's party or joy remains a private affair. It doesn't rule out good times, although it might rule out tweeting about them.

Indeed, to push back in defense of having an ostentatiously good time, we might note that whether a safe party or joyous activity inspires a reckless one will depend on background social norms. Is everyone in my society already habituated to testing, wearing masks, meeting outside? Then, if I am inspired by Maria to have a good time, I may reflexively ensure that it is a safe good time. The propensity of a specific act to have an adverse influence will also depend on its expressive content. Celebrities often function as norm-setters and so might in fact exercise a positive influence by advertising the safety measures they are taking. Kim publicly discussed her plans for a COVID-safe event. She followed public health rules. Perhaps, in doing so, she exercised positive rather than adverse influence on her followers.

But maybe what bothers us about Kim's partying is not its tendency to create an adverse influence, but the fact that it was only possible *qua* safe partying because she is so outrageously privileged. Perhaps the real worry here has to do with social inequality.

## 8.6 Inequality

Here, we may bring Ben Bramble back into the mix. Bramble says, "No one who properly understood and cared about what was happening in the world right now [during the pandemic] would be building luxury add-ons to their houses at the moment, or buying new ones" (Bramble 2020, 119). In a similar vein, he calls out wealthy New Yorkers and Rhode Islanders who built pools for themselves while citizens in those states were banned from swimming at public beaches (due to ordinances targeted at mass gatherings). To Bramble, there's something very wrong about luxury consumption during a pandemic. And the cases he focuses on are especially symbolically potent: they really dot the "i" in inequality. Appropriately moral onlookers, Bramble tells us, would not want to engage in activities like "ostentatious partying, building luxury add-ons to their homes, commissioning diamond-encrusted masks, etc." (Bramble 2020, 123).

One way to read the complaint from privilege is to observe that the economic, health, and social burdens of events like the pandemic are disproportionately borne by the socially disadvantaged. Pandemics aggravate existing circumstances of inequality. Perhaps, in the interest of reducing social inequality, those who are relatively unaffected by the crisis should refrain from activities and acts of consumption and enjoyment

that express their relative privilege. This might include partying and the expression of unadulterated joy.

### 8.6.1 Leveling down argument

- 1 Equality requires leveling down when leveling up is impossible.
- 2 Many people are suffering significant harm as a result of the pandemic (call these SH), while others remain relatively unaffected (call these RU).
- 3 The disparity in levels of pandemic-induced harm has resulted in significant social inequality between the SH and RU.
- 4 This inequality is not just material, but emotional.
- 5 We cannot make SH like the bereaved or illness-stricken happier.
- 6 We cannot justly intervene to make the RU less happy.
- 7 Nonetheless, to the end of equality, the RU can and should forgo nonessential activities and purchases that they know will increase their experience of joy and thereby their relative emotional advantage over the SH.
- 8 So, the RU should not party or pursue joyous experiences.

Imagine that there is a planet on the other side of the Milky Way – call it Alpha Hedontauri. Surprisingly, it is peopled by human beings. Even more surprisingly, they live lives full of welfare. Illness, both mental and physical, is nonexistent. People are happy. They engage in lots of social leisure activities. By contrast, our condition on Earth remains relatively awful. We have no hope of improving our lives to any significant extent, no real prospect of attaining the collective level of joy that people experience on Alpha Hedontauri every day. Sadly, given the distances involved, the Alpha Hedontaurins cannot help us in any material way. Now, should individual Alpha Hedontaurins nonetheless commit to forgo the nonessential pursuit of joy and leisure, in recognition of the grotesque emotional inequality that obtains between our planets?

Perhaps some readers will think that the answer to this question is “Yes.” But why? Leveling down is standardly a strategy of last recourse where ends of social justice are implicated. We might close schools like Eton, for example, so that the future leaders of Britain are schooled among the children of the middle and working classes, whom they will ultimately rule. Doing so could make Britons generally better off by reducing educational disparities and class distinctions that undermine social cohesion and the good function of democracy. But the policy might also lead to no good social consequences, and yet we might still think it justified, because it’s just *unfair* that some children are so privileged in educational attainment. But what end of justice do we secure by asking that the inhabitants of Alpha Hedontauri pursue lives that are slightly less full of welfare? It certainly doesn’t help or reassure me here on Earth,

as I contemplate my miserable lot, to know that under the light of a distant star, someone skipped their skee-ball league. Nor does it seem to me unfair that someone else's life is, through no fault of their or my own, going better than mine.

Standard arguments for leveling down deal with areas of life in which the state is justifiably concerned with inequality and arguably licensed to engage in social engineering. They deal with public aspects of our lives, like employment, education, and economic status – aspects that are already highly regulated and mediated through social institutions whose features are determined by political decisions and can be adjusted to conduce to justice. And even so, many political theorists are loath to endorse any form of leveling down in these domains because of its potentially negative (if incidental and indirect) consequences for overall well-being. But the argument above demands a direct reduction in the pursuit of joy and social leisure – aspects of our experience that condition, and might even constitute, well-being. It *aims* at a reduction in global well-being. And it fails to supply a compelling reason of justice for doing so.

It is a mistake to approach relational disparities in emotion and the pursuit of harmless leisure activities in these political terms. What social entitlement are we protecting? What could be more justly distributed? It's nice to party, but there's no general right to be invited to party. It's nice to experience joy, but there's no general right to enjoyment. Even if such rights did exist, counseling people to avoid their exercise in order to secure equality with less fortunate others would be unjust. Our emotional lives and social pastimes are intimately connected to individual well-being and sense of self. Their maintenance is a matter continuous with the maintenance of one's body. As Kurt Vonnegut's heavy-handed but effective fable *Harrison Bergeron* illustrates, no righteous system of social normativity could ask us to mutilate our bodies, minds, and social pastimes to the end of relational equality (Vonnegut 1998, 7).

## 8.7 Flaunting it

But maybe the problem at hand isn't really one of injustice borne of relational inequality, but rather of how spectators are led to experience that inequality. Alpha Hedontauri is very far away. We don't think about it very often. But we have to live alongside people like Maria and share cyberspace with people like Kim Kardashian. Individual human beings may not know much about the people on the other side of the galaxy, but they are daily exposed to the lives of compatriots. And while the leveling-down argument also fails for compatriots for the reason that emotional well-being and harmless private leisure are not the sorts of things that can or should be justly targeted in pursuit of relational equality, it might still harm someone suffering during the pandemic to see evidence of Maria and Kim's relative well-being. And Kim and Maria might, under the right

circumstances, be blameworthy for exposing their fellows to such evidence. For, even if good times are morally permissible, Kim and Maria arguably still shouldn't be "flaunting" their fun! They shouldn't be *showing off*. Nor, indeed, should the Alpha Hedontaurins. Imagine if the inhabitants of that far-off place decided to project an image of their relatively happy world onto our ozone layer. Forced to confront images of their joy daily, while suffering through a global pandemic, we might soon find real cause for moral complaint. Not with their happiness, but with their flaunting of it. A *flaunting* complaint could involve a couple of distinct moral worries – we'll deal with the first here and move to the second concern in the next section.

Where a person knows that an act of exhibitionism is liable to provoke envy – and where they seek to provoke envy by it, they arguably aim at the moral degradation of others. This is a generic worry that could be leveled at many of the Instagram activities of the rich and famous. It's not pandemic-specific, and indeed, as a moral critique, it arguably depends upon an appreciation of the propensity of the activity in question to provoke envy, and the desire that it do so. It's also a complaint that is somewhat complicated by the fact that there is a market for "flaunting" – people seem to want to feel jealousy and outrage and avarice, and contemporary celebrities appear happy to indulge this market. It's morally shabby to be prone to envy. And it's not good to cruise social media for a hit of jealousy or outrage. But the mere fact that many of us have poor moral hygiene and a propensity to envy doesn't indemnify those who exploit the situation. Nonetheless, leveling the flaunting critique at Maria and Kim will involve making complicated moral assessments that might also function to impugn those whom Maria and Kim are said to have wronged.

But here we should note that flaunting, construed as a moral worry about deliberately (or even negligently) inviting envy, fails to meet our target anyway. That is, it doesn't suffice to explain the wrongness of partying or unadulterated joy during a pandemic. For, it's not intrinsic to the activity of partying, or to the expression of joy, to seek to inspire envy in others. As for our protagonists: Maria is not trying to provoke envy in her neighbors – her exuberant horsing around is not aimed at spectators. Kim might be flaunting her party on Twitter to elicit envy. That would be bad. But it's still not the partying that is wrong, but its instrumentalization to the end of the moral degradation of others.

## 8.8 Disrespect

An onlooker who truly understands what is happening in the world right now, and is appropriately moved by it, and who happens to, say, live by a lovely beach in a remote location, might well take a stroll along that beach each day and take pleasure in that. But *it wouldn't be the same sort of fully relaxed or carefree pleasure they*

*might feel in normal times.* It would be a mixed pleasure, one in some sense backgrounded by an awareness of the dire state of things elsewhere, pain at these far off events, and a sense of humility at themselves having been spared the worst of it.

(Bramble 2020, 117)

The phenomenon of *flaunting* prompts consideration of a second moral worry: a classic. For, under the right circumstances, certain actions function to express *disrespect*. And for such actions, when we complain about flaunting, what we might really be complaining about is the *amplification or aggravation of the expression of disrespect*.

It's possible that, in the context of a crisis like the pandemic, displays of partying and joy that seem unaltered by appreciation of the background darkness might be taken to express disrespect. Flaunting might aggravate or amplify that expression. But note that our partiers are *onlookers* – they are relatively unaffected by the pandemic. They are not sick, their intimates are not sick, they do not work with the ill and dying. So, toward whom, or what, are their good times supposed to be disrespectful? In what follows, we will consider a couple of plausible candidates. First, we will ask whether good times might be disrespectful in view of (1) important social norms and the compact that subserves them, and then we will consider whether they might express disrespect for (2) members of especially afflicted groups, like the ill and dying.

### 8.8.1 *Argument from respect for shadow laws*

It's disrespectful to sneeze in public without covering one's mouth. It's disrespectful to fail to wash one's hands after using the bathroom. There are activities that the state can't justifiably suppress (for fear of violating civil liberties, for example), but that the public still has a powerful safety interest in suppressing. In such cases, the public might develop and promulgate its own social norms to regulate behavior: call these the "Shadow Public Health Law" or "shadow law." Because the ultimate goal is public health, the norms of the shadow law are treated as weighty, and acts of disregard are liable to provoke outrage and disgust in spectators.

We have taken it as given that Maria and Kim are behaving in a way that is safe and in accordance with public health law and guidance. But we have not assumed their compliance with unofficial norms that govern behavior during the pandemic. If they can be shown to have flouted a shadow law, then their compatriots may have a justified social complaint against them. It may even be a justified *moral* complaint, if observing shadow law is widely deemed a matter of respect for the fundamental commitments of society, or for the general safety of its members. There's a kind of anarchic spirit that goes with licking bus poles that we may rightly view as disrespectful to the whole social project.

- 1 The shadow law exists to protect us all from disease.
- 2 The shadow law is promulgated by shadowy means, but we know that it is in force when a majority of members of society recognize its observance as *the done thing*.
- 3 The shadow law is enforced by the informal mechanism of social shaming.
- 4 Partying and other exuberant good times are associated with a heightened risk of disease transmission. They are “*risky activities*.”
- 5 Given the pandemic, the shadow law strictly prohibits risky activities.
- 6 Violating the shadow law, and/or being indifferent to the threat of shaming, expresses disrespect for key social norms and, by extension, for the social project.

Defenders of the shadow law will emphasize its softly coercive character, contrasting minor liberty costs with significant public safety gains. They will be untroubled by the claim that the ban in (5) captures all sorts of activities that present no real risk of disease transmission. In response, they will stress that many social activities that fall under the “good times” rubric *do prove risky* in practice, and they will say that we cannot afford to take a fine-grained approach to regulation where lethal risk to the public is involved – we need a clear and general norm.

Indeed, whether or not the prohibition on good times can be justified on public health grounds, we may observe that shadow laws, as significant social norms, *should* be followed. We may not agree with a particular rule, but compliance is still necessary to show due respect for the larger project of public health and societal well-being. For example, in many countries where food is eaten with the hands, there is a strict norm that only the right hand should be used to touch food. Eating with the left hand is taboo because the left hand is reserved for matters of personal hygiene. A left-handed person may think it a generally good rule to reserve one hand for eating and one hand for bathroom business but prefer to use their dominant hand to eat. But effecting the switch would violate the shadow law. Whether considerations of hygiene are observed or not, it is disrespectful to the generic other of society to eat with the left hand. Now social normativity is not moral normativity – but flouting a social norm, widely understood to support the common weal, may, if the norm is taken seriously enough, be construed as immorally disrespectful toward society. So here, perhaps is the sense in which our protagonists may be said to have acted immorally.

Note, however, that it’s not the activity, not the partying or expression of joy, that’s bad in itself. Rather it is the act of norm-flouting which – whether intentionally or not – functions to express disregard for the social project. If Kim and Maria were subject to a shadow law against good times, then their activities arguably expressed disrespect for society.

Of course, for this result to hold, we are required to accept the existence of the shadow law against good times (contentious), as well as the expressive significance ascribed to its violation (also contentious). But say that we do so. We might yet note that moral considerations can be outweighed by other moral considerations. Kim and Maria might have acted in a fashion that communicated an immoral form of disrespect for society, but perhaps their actions can be justified in light of a competing moral consideration. If the norm contained in the shadow law is a bad norm, then noncompliance – even at the cost of expressing disrespect to innocent others – might be the morally right choice. And indeed, a shadow law against good times might have quite oppressive and harmful implications.

Arguably, even in a democracy, the appropriate arbiters of public safety norms are public health officials. Public beliefs and superstitions about health may be one element in the calculus of public health, but we should be careful not to license norms that punish the individual exercise of hitherto standard freedoms without strong public health justification. Stigmatizing energetic outdoor activities such as jogging – activities that make a significant contribution to mental health and well-being and that pose little risk of disease transmission – arguably did more harm than good in the early days of the pandemic. Maria's exuberant activity with her family and Kim's legal adventures on the island might not meet the general public's standards for safe COVID-19 practice, but those standards are not necessarily scientifically informed or justified. Perhaps they should be challenged.

Let's move to our final argument – which will draw these considerations into sharper relief.

### *8.8.2 The argument that attention must be paid*

- 1 During crises like the pandemic, it is disrespectful to the sick and dying if an “unaffected person” (someone not sick or dying or intimately connected to those who are), knowing of the situation of the sick and dying, nonetheless engages in partying or the expression of unadulterated joy.
- 2 During the pandemic, it was a standardly appreciated fact that many people were sick and dying.
- 3 During the pandemic, it was wrong for unaffected people to party or express unadulterated joy.

Kim and Maria are connected to the sick and dying by membership in a community and the common experience of a social crisis. But they are still relative strangers to the sick and dying. Normal duties of care and relational standards of behavior proper to intimates do not apply. Nonetheless, if the argument above is correct, then witnesses to Kim and Maria's behavior might justifiably say, “That's very disrespectful to all those sick and dying today!”



Now, it's quite possible that a norm against good times – a norm that says “it's disrespectful to the sick and dying to have a good time during the present moment” could have arisen during the pandemic. Social norms concerning behavior in view of illness and death tend to be both highly mutable over time and cultural context, and strictly observed (often in a morally freighted fashion) in any given moment: we wear black and somber expressions to funerals, unless we are in New Orleans, in which case, we wear white and dance in the streets. Such norms can regulate a wide range of behaviors and even claim jurisdiction over those who are relative strangers: if a hearse passes on a public road, other cars must slow down or show disrespect to the deceased. Norms pertaining to onlooker behavior in cases of illness and death can also serve to significantly restrict our fun. When Queen Elizabeth II died, the United Kingdom observed ten days of public mourning, which meant, among other things, that comedy programming on public broadcast networks was suspended (Wilkins and Lane-Godfrey 2022). As onerous as this might seem, this was a relative improvement on the experience of the nation after the death of Elizabeth's father, when the official mourning period lasted for 16 weeks, and irritability became a conspicuous public companion to grief. As reported in the *Guardian*:

After the death of George VI, in a society much more Christian and deferential than this one, a Mass Observation survey showed that people objected to the endless maudlin music, the forelock-tugging coverage. “Don't they think of old folk, sick people, invalids?” one 60-year old woman asked. “It's been terrible for them, all this gloom.” In a bar in Notting Hill, one drinker said, “He's only shit and soil now like anyone else,” which started a fight.

(Knight 2017)

So, did a novel behavioral norm mandating a particular means of showing respect to the sick and dying arise during the pandemic? That's an empirical question. If it did, then violators like Kim and Maria might well have shown immoral disrespect to the sick and dying. But like the patron of the Notting Hill bar and the woman concerned with the well-being of the sick and invalid, we might yet think it stupid to adopt and observe such a norm. How does it help the sick if I am sad? How does it tend to the frayed bonds of the community if I avoid recreational socializing?

Indeed, we might, on reflection, decide upon joy as a means of moral revolution. It's a perilous affair to contest norms of respect in matters as emotionally charged as death, but *if we are successful* in shifting social normativity, then our previous sins are likely to be forgiven. Past failures to observe now-defunct norms are not going to figure prominently in the calculus of character that others assign to us. My sister's history of complaining loudly about gender-reveal parties, back when they were a thing to be piously enjoyed, has aged like a fine wine.



As important as they are, our practices with respect to the ill and dying are contingent and mutable. It may be that Maria and Kim violated standing norms and that their behavior accordingly functioned to express disrespect. It's certainly bad to disrespect others, perhaps especially when it comes to vulnerable and suffering others. But, as a society, we get to determine what actions function to express disrespect, and it's not necessary that good times during bad times should have this semiotic function. Indeed, since good times are things that add to the general store of human well-being, they arguably shouldn't have this function. Individuals might rightly fight the tendency to a dour propriety.

It's hard from inside a norm of somberness to see other more vital ways of life and of addressing death and suffering as preferable. But wouldn't it be better if, to hark back to the solidarity warriors, the pandemic became a site of social connection and even the mutual pursuit of joy? Not a joy that is *required* to be mixed, as Bramble would have it, with sadness. Such a joy will no doubt arise. But wouldn't it be nice to sometimes encounter a joy that escapes the sobriety of the moment? A joy that strikes cracks through the dour social mood. A joy that laughs and dances. That says: *la vita è bella*. A joy whose raucous sounds we are not required to resent, but that we may greet with a welcoming smile.

It may be that, for contingent reasons of culture and circumstance, we come to regard joy and partying as disrespectful or dangerous during times of great public suffering. But that doesn't render the pursuit of good times against a sad background necessarily immoral or bad-in-itself. And it remains an important consideration that, in the case of respect, we are the ultimate arbiters of what joy and partying function to express; just as, in the case of safety, we set the norms for safe behavior and determine what sort of provision is made for safe socializing by the general public.

## 8.9 Conclusion

According to the Census Bureau's American Time Use Survey, the amount of time the average American spent with friends was stable, at 6½ hours per week, between 2010 and 2013. Then, in 2014, time spent with friends began to decline. By 2019, the average American was spending only four hours per week with friends (a sharp, 37 percent decline from five years before). Social media, political polarization and new technologies all played a role in the drop. (It is notable that market penetration for smartphones crossed 50 percent in 2014.) Covid then deepened this trend. During the pandemic, time with friends fell further – in 2021, the average American spent only two hours and 45 minutes a week with close friends (a 58 percent decline relative to 2010–2013).

(Ward 2022)

In this chapter, we addressed a matter of onlooker morality: of how a relatively unaffected person should act and feel when they know that many of their compatriots are suffering. In particular, we asked whether it would be wrong to party or express unadulterated joy. Addressing case studies drawn from life during pandemics, we considered whether such behavior might unjustly violate standards of solidarity or fairness, aggravate inequality, immorally provoke envy, or express disrespect for social standards, the general weal, or the sick and dying. Several putatively plausible arguments were examined, but each failed to support the general conclusion that our protagonists were “wrong to have such good times.” We were, as such, unable to discover support for the Intuition adopted at the outset of the chapter, whether as a general moral rule, or in the specific context of the COVID-19 pandemic.

So, what should we do now? Given the lack of a good argument in favor of the Intuition, we might opt to be cautious. We might say: we just don’t have justification *yet*. Indeed, if online discourse during the pandemic was any indication, many people (and not just moral philosophers like Bramble) look askance at good times during dark times. The justification for their sentiment may be just around the corner. In light of this worry, we might adopt a wagering attitude.

### 8.9.1 *The wager*

The Intuition is correct, or it is not. We cannot presently decide between the two alternatives. Nonetheless, the Intuition claims to govern us in matters of practical morality, so we must take a stance on its practical application – we must choose whether to follow it or not. Opting out is not an option. So, we weigh the potential gains and losses of acting as if the rule suggested by the Intuition is binding on behavior. If we follow the rule and the Intuition turns out not to be true, then we still have not harmed anyone or done anything immoral. We may have elected to have fewer good times, but importantly, we haven’t done anything wrong. But if we don’t follow the rule in some situations where it would apply, and the Intuition turns out to be true, then we have behaved immorally. Therefore, if our ultimate concern is to behave morally, caution should be the watchword of the hour! We should assume the Intuition is true until it has been decisively falsified.

But this is no way to live. Joy is hugely important for human flourishing. So is fun in company. The cautious approach of the wager is flawed because it fails to acknowledge that it is standardly good to enjoy oneself and to socialize with others. Reducing the amount of human well-being in the world *is* a real cost, one that is not appropriately assessed. And although the wagering agent only claims to abstain for themselves, it is often the case that our subjective experience of joy and engagement in social life is a boon to others as well. Indeed, whether or not the

conclusion of the wager is supportable, we have good reason to be highly suspicious of its starting premise, of the possible truth of the Intuition. A morality worth observing – a morality appropriately concerned with human well-being – would not wantonly license reductions in joy and sociality, especially during times of great suffering and isolation. So, absent a compelling argument, we should ignore the Intuition. It will always be tempting to condemn the capacity of others to enjoy themselves during times of social crisis. But we must resist the urge where the target of criticism is *simply the fact that a good time was had*.

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