

GOSSIP AND SOCIAL PUNISHMENT

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Abstract: Is gossip ever appropriate as a response to other people's misdeeds or character flaws? Gossip is arguably the most common means through which communities hold people responsible for their vices and transgressions. Yet, gossiping itself is traditionally considered wrong. This essay develops an account of social punishment in order to ask whether gossip can serve as a legitimate means of enforcing moral norms. In the end, however, I argue that gossip is most likely to be permissible where it resembles punishment as little as possible.

1 Introduction

When we become privy to other people's misdeeds or character flaws, we may react in a number of morally significant ways. We may offer them some friendly advice, deliver a rebuke, or mind our own business. Each of these, depending on the nature of the transgression and our relationship to it, could be an appropriate choice. Another option we have—one that most of us take on a regular basis—is to express our moral criticisms and disapprobation behind the wrongdoer's back. We gossip about other people's misdeeds and vices to our friends and connections.

Self-declared gossip aficionado, W. H. Auden provides us with an example of this sort of discourse:

'I saw John the other day. You know, he's engaged.'

'I did hear something about it. She's very rich, isn't she?'

'Yes. Her parents are perfectly furious. He turned up at a party at their house in a hired dress suit!'

'How's that friend of his? The one who's so worried about his hair?'

'Oh, David, you mean. I saw him last week at a cocktail party. He was tight, and insisted on talking French all the time. But it wasn't very good French. He'll be as bald as a coot in a few years' time. Talking of David, how's Helen?'

‘Not drinking quite as much as she used to. I think she’s lovely, don’t you?’

‘Yes. But, Christmas, how stupid!’

‘That’s the trouble. She knows she’s a bore.’

‘The one I’m sorry for is that child of hers, left alone all day with that ogre of a nurse. My dear, she positively eats him.’ (1938, 535)

This paradigm case of gossip brings to the fore some of the things that are worrisome about gossip, while reminding us how common gossip is. The two speakers casually chat about mutual acquaintances, passing on news and sizing up characters. Auden’s speakers call on values we might well endorse (don’t be pretentious), as well as ones we probably do not (don’t wear rented tuxedos). Some of the norms at work seem straightforwardly moral (don’t leave your child in the care of an unkind person), or concerned with moralized, personal virtues (don’t drink too much, don’t care too much about your appearance), while others are non-moral (avoid being stupid or boring if at all possible). Yet even when the evaluations seem reasonable, one may well feel unsettled either by the manner in which they are expressed—bluntly, flippantly, and coarsely—or the fact that they are being expressed at all. How is any of this the business of the speakers?

Anthropologist Max Gluckman famously wrote, “I find that when I am gossiping about my friends as well as my enemies I am deeply conscious of performing a social duty; but that when I hear they gossip viciously about me, I am rightfully filled with righteous indignation” (1963, 315). Here, Gluckman captures the mixed feelings many of us have about gossip. Gossip maintains social norms, including moral norms. Fear of being gossiped about leads people to mind their behavior. Insofar as they are responsible for transgressing legitimate moral standards, our disapproval of them is fitting. Yet, gossiping itself is traditionally considered wrong. No one wants to be labeled a gossip. Moreover, as Gluckman suggests, being gossiped about feels like a violation. This essay takes up the question: Is gossip ever appropriate as a response to other people’s misdeeds or character flaws?

Like Gluckman, my feelings about gossip are also mixed. I want to take seriously the harms and dangers that gossip poses, including damage to reputations, invasions of privacy, and, for the gossipers, the temptation to vices such as hypocrisy or voyeurism. Yet I also want to recognize that gossip serves a number of valuable social, moral and epistemic functions. Furthermore, while gossip generally has a bad reputation, one might argue that a subcategory of gossip—that which expresses fitting moral blame, and which I will call “blaming gossip”—might be defensible in ways that gossip as a whole is not. When I first approached the topic, I assumed that at least some blaming gossip would be justifiable as a means of holding wrongdoers responsible for their actions and their characters, and more

specifically that gossip would function as a means of social punishment.¹ The relevance of the category of punishment struck me as obvious. In punishing someone, we set back her interests; but where such harms are both deserved and socially beneficial, they can be justified. However, for reasons I will develop in this essay, I have come to believe that this line of defense will not work. I now suspect that the justifiable forms of gossip will be the ones that resemble punishment as little as possible.

Section 2 below will offer a working definition of gossip, as well as the subcategory of blaming gossip. Section 3 will summarize the arguments that are generally made both for and against gossip. Section 4–Section 5 explore the viability of defending blaming gossip as a form of social punishment. Part of the value of these sections will be in illuminating the category of social punishment, which has been under-theorized, especially in comparison with legal punishment. However, once we get a better understanding of the category of social punishment, it will become clear that blaming gossip is a poor fit. Even if we agree to classify some cases of blaming gossip as social punishments, they would be unlikely to satisfy reasonable standards for *justified* social punishment. Finally, section 6 proposes an alternative defense for gossip, suggesting that gossip is more likely to be justifiable where it abandons the project of holding wrongdoers responsible.

2 What is Gossip?

Before we can inquire after the justification of gossip (or, at least, of some instances of gossip), we must clarify what is picked out by the term ‘gossip.’ The social scientific and philosophical literature identifies a number of features of gossip that will help us focus our discussion. It is unlikely that we could list necessary and sufficient conditions for gossip that would satisfy all of our linguistic intuitions, nor is so precise a definition required for our purposes. There are paradigmatic cases of gossip as well as borderline cases. The purpose of attempting to provide a rough definition of gossip is to help us reflect on the moral status of our responses to other people’s behaviors and character traits.

With this in mind, we can describe gossip as *private, informal*, some will say *idle, evaluative communication about persons who are absent* (cf. Merry 1984, 275). This characterization excludes talk about celebrities in its published and broadcast forms, since this is neither private nor informal and it is accessible to the celebrities themselves. Public figures have complicated interests when it comes to questions of privacy and exposure. So, while celebrity gossip bears a strong family resemblance to the sort of talk that people engage in about their personal acquaintances, it seems reasonable to put it aside here as a distinct phenomenon.

¹ Following Watson (1996), I mean to distinguish between holding someone responsible and merely attributing moral responsibility to her.

Characterizing gossip as *private* communication means that it is aimed at a particular, typically small, set of hearers. It is not presently addressed to a general audience, nor would the speakers normally be willing to address it to a general audience. Gossip may be either verbal or written.

Characterizing gossip as *informal* emphasizes that it is unscripted and open-ended. It also helps us to distinguish gossip from formal or institutionalized types of discourse in which we might privately express evaluations of people and their actions in their absence, such as in writing letters of recommendation or consulting with one's therapist.² We could draw this distinction even more sharply by adding that gossip is *idle*, where this means that it has no announced purpose (Spacks 1985, 26). This description fits Auden's sample dialogue, where the speakers drift from topic to topic. However, it seems to me that someone who engages in gossip may well have an overt purpose, including warning the hearer of certain dangers or recommending some course of action to him. Gabriele Taylor interprets the claim that gossip is idle by noting that "the interest is in the talk itself" (1994, 35). This gloss on gossip's idleness is more appealing. Even when gossipers have some particular purpose, their private, informal, evaluative communication is also normally valued non-instrumentally. The participants generally find the activity of gossiping satisfying in itself, apart from any further purpose they may have in mind.

The nature of this satisfaction is complex and multi-various (Westacott 2000). Auden highlights the aesthetic pleasures of a story well told (1938, 536). The pleasures of sociability and intimacy with one's fellow gossip, as well as favorable, implicit comparisons of oneself with others are common enough. So is the sense of relief that comes from being able to speak freely and to vent negative emotions and attitudes. Having one's values confirmed by one's interlocutor is a validating experience. It is satisfying to be "in the know," and to feel that one better understands the world in which one lives. At the same time, being surprised and even scandalized by that world can be enlivening.

Gossip is *evaluative*, even if only implicitly (Merry 1984). On the surface, the talk may be merely descriptive (e.g., David spoke French all evening). But unless some sort of value-laden judgment or attitude is implied (such as, it is pretentious to speak French at a British cocktail party), it isn't a clear case of gossip. Some people only classify talk as gossip when it involves a negative evaluation or expresses malice.³ But it seems to me that relaying a positive evaluation or happy bit of news (that John is engaged or a good kisser) can also be a form of gossip, as long as it is not something one would comment on, or comment on in the same way, were the subject present. Further, my intuition is that our contemporary notion of gossip is not limited to malicious talk. Auden's gossipers exhibit a number of attitudes

² Thanks are due to an audience at Saint Louis University for these examples.

³ Eleonore Stump informs me that in the Middle Ages, only malicious talk was condemned as gossip.

toward the subjects of their gossip, many of which are not particularly flattering, but none of which betray the desire to destroy the subject, which I associate with malice. To my ear, ‘gossip’ includes talk that expresses less hostile negative attitudes (such as resentment, indignation, schadenfreude, or feeling shocked or scandalized), as well as more benign attitudes (such as disappointment, pity, sadness, amusement, fascination or even admiration).

Gossip cannot be defined by its content (Sabini and Silver 1982). Just about anything, in the right context, is fodder for gossip. The evaluations expressed in gossip also come in all kinds. Later in this essay, I will be chiefly interested in instances of gossip in which speakers express negative moral judgments and disapprobation. This is what I call *blaming gossip*. Auden’s gossipers, for example, appear to be blaming Helen for subjecting her child to poor care and David for being pretentious. But it is good to keep in mind that blaming gossip is only one kind of gossip among others, and that moral talk is not always easily distinguished from non-moral talk.

This brings us to the final element in this working definition of gossip. It is about *persons who are absent*; it is performed “behind their backs.” John Sabini and Maury Silver claim talk isn’t really gossip if “we wouldn’t be embarrassed by the subject’s overhearing us” (1982, 97n). There are exceptions to this rule, however, as when talkers feign a private conversation that they actually want the subject to overhear, usually in order to distress the subject. Normally, if we can say, “She wouldn’t mind me telling you this,” then that telling is not gossip. In fact, we often say just that sort of thing in order to claim that we are not gossiping.

Gossip is frequently the talk of bystanders or third parties to the events being relayed, and those cases may seem problematic for that reason. But it is also possible to gossip about things that happen to oneself—to narrate events to which one is a main party. If we have a case of gossip, though, there is some other central party behind whose back one is telling the tale.

The subjects of gossip are generally known, at least by reputation, to the ones gossiping. With the notable exception of celebrities and other public figures (who are “known” in some extended sense), people are not typically interested in chatting about people who are outside of their social circles. An unusual story about an outsider will capture an audience, but when we restrict our attention to insiders, even mundane news can be interesting. We would not be apt to describe our private talk about outsiders as “behind their backs,” since we don’t perceive them as being, in some socially relevant sense, nearby. We only talk behind the backs of people we expect we may face.⁴

⁴ This thought helps clarify what is distinctive and odd about celebrity gossip. It is neither behind the subject’s back nor to his face, since it is both accessible to him and yet expressed in a way that does not give that fact any moral weight.

3 The Case For and Against Gossip

Characterizing gossip as private, informal, somewhat idle, evaluative communication about absent persons helps us both to focus our attention on a set of practices and to see why gossip has traditionally raised moral concerns. Many of these pertain to the character of the person who engages in gossip habitually. Someone who speaks differently to a person's face than behind her back is often seen as dishonest, "two-faced," or inauthentic.⁵ In being prone to such idle chatter, the gossipier appears "small-minded,"⁶ judgmental, and prurient in his curiosity. Other criticisms present gossip as wronging the ones gossiped about (Spacks 1985, 24–46). In earlier centuries, gossip was viewed as a form of aggression or theft (of the subject's reputation). It is often seen as an invasion of privacy. Some charge the gossipier with objectifying the subject by reducing her to an object of entertainment.

However, since the 1960s, social scientists and moral theorists have pointed to a number of positive functions of gossip. Gossip helps build intimacy and social ties among its participants (Gluckman 1963). Indeed, Gluckman suggests that an anthropologist can know that she has successfully integrated herself into the community she is studying when she is able to partake in gossip (309). To gossip successfully, one must know who is a member of the community and who is not, some history of the players and their connections with one another, what the relevant norms are, when they have been violated, and what will be considered interesting. Gossip reinforces all of these forms of knowledge and connection.

Gossip provides a forum for working out conflicts and releasing aggression while preserving social harmony overall (Gluckman 1963). Gossip also conveys useful information that enables community members to select leaders and invest trust (Paine 1967; Baumeister et al. 2004). As Sissela Bok points out, "If we knew about people only what they wished to reveal, we would be subjected to ceaseless manipulation" (1989, 90). Gossip can be particularly valuable to the socially disempowered, who may be excluded from more public forms of information transfer and organization (Adkins 2002; Cuonzo 2008). Gossip also allows its participants to evaluate different ways of living as options for their own behavior. It provides a space in which people can reflect on and learn to apply moral standards (Sabini and Silver 1982; Baker 2004).

All of these positive functions of gossip are illustrated by the following example, which appears in Muriel Sparks's novel, *The Prime of Miss Jean Brodie*.⁷ The speakers are two 11-year-old girls, who are discussing their teacher.

⁵ Thanks to Theodore George for discussion on this point.

⁶ Andrew Altman recalled to me Eleanor Roosevelt's comment that, "Great minds discuss ideas; average minds discuss events; small minds discuss people."

⁷ I borrow this example from Spacks (1985, 58).

‘Do you think Miss Brodie ever had sexual intercourse with Hugh?’ said Jenny.

‘She would have had a baby, wouldn’t she?’

‘I don’t know.’

‘I don’t think they did anything like that,’ said Sandy. ‘Their love was above all that.’

‘Miss Brodie said they clung to each other with passionate abandon on his last leave.’

‘I don’t think they took their clothes off, though,’ Sandy said. ‘Do you?’

‘No. I can’t see it,’ said Jenny.

‘I wouldn’t like to have sexual intercourse,’ Sandy said.

‘Neither would I. I’m going to marry a pure person.’

‘Have a toffee.’ (Sparks 1961, 19–20)

In this passage, Sandy and Jenny are bonding, exchanging information on topics from which (as children) they are normally excluded, inquiring into the character of a teacher in whom they have placed great trust, considering their values, and imagining their own futures. I suspect that, for most people, gossip provides the primary forum in which they engage in moral reflection and inquiry with others.

How lonely and difficult life would be if conversations such as these were prohibited! And how boring! As Auden reminds us, gossip provides pleasure and an entertaining story is an exercise of creativity. Without gossip, he notes, all we would be left with would be official news, shop talk, and vapid small talk. “I would rather be dead,” Auden assures us (1938, 536).

In order to defend gossip, though, it is not enough to point out its positive functions, or even to argue that the good outweighs the bad. The advantages of gossip are primarily for the people who are doing the gossiping, while the harms of gossip are done largely to those who are gossiped about. We cannot justify harming one person simply by noting benefits to others. At the least, we must be able to judge that those harms are deserved. This line of thought brings us to the concept of punishment.

It is implausible to suggest that all instances of gossip could be classified as social forms of punishment. Praising someone behind his back for being a good kisser certainly would not fit the bill. But perhaps thinking in terms of punishment could help justify at least some of the more worrying kinds of gossip—those in which we morally criticize people’s actions or characters behind their backs. Blaming gossip, insofar as it is marked by negative reactive attitudes such as resentment, indignation, or disdain, is at least subtly aggressive. Bishop Butler holds that an attitude of resentment

or indignation over a misdeed includes “somewhat of a desire that it be punished” (1827, VIII.8).⁸ In its mild form this amounts to a “partial withdrawal of goodwill” and some “modification . . . of the general demand that another should, if possible, be spared suffering,” as P. F. Strawson puts it (1962, 207). Expressing a moral criticism to an audience also endangers the reputation of the subject among those hearers. Gossip of all types may also be viewed as a setting back of the subject’s interest in privacy.⁹ Blaming gossip poses harms to the subject, then; but where the moral judgments and reactive attitudes are sincerely held by the speaker and are fitting to the subject or her actions, we may see those harms as deserved. So, in the next section of this essay, I will ask whether this line of defense for blaming gossip is viable. Can blaming gossip be justified as a form of social punishment?

4 What is Social Punishment?

The next step in evaluating this line of defense for blaming gossip is to clarify the category of social punishment. First, I want to concentrate on *defining* the term ‘social punishment.’ Later, we examine criteria for *justifying* social punishment. I should note, however, that it is difficult to separate the task of definition from the task of justification. Some of the features that seem required for even describing an instance of harming as punishment are tied to our intuitions about what could be legitimate or justifiable. Furthermore, as with the task of defining gossip, we should be prepared to fall short of providing a set of necessary and sufficient conditions and instead be satisfied with a set of criteria that illuminates paradigm cases of social punishment and explains why contested cases are contested.

Unfortunately, the literature on the definition of punishment focuses overwhelmingly on *legal* punishments, such as the imprisonment or fining of criminals by the state. These discussions are sometimes extended to consider other types of punishment, such as parents grounding children, teachers giving students detention, or employers demoting employees. In a Lockean vein, we might say that social penalties are limited to those means left to us when we cede our right to use force to the state. But while these cases of punishment can be labeled as “social” so as to mark the contrast with “legal” punishments, they remain formal. The parents, teachers and employers are all acting within fairly well defined, hierarchically structured, institutional roles. The sort of punishment that most interests me here is instead what John Stuart Mill, in *On Liberty*, describes as the “moral coercion of public

⁸ The citation to Butler specifies the sermon and paragraph number.

⁹ One objection to gossip is that it is harmful to those who are the victims in the tale as well as those who are villains. The victim’s interests in privacy might be violated, even when the point of the gossip is to condemn the wrongdoer.

opinion” (1977, I.9).¹⁰ His examples include “depreciatory remark[s],” “disparaging speeches,” “sarcasm,” and “vituperation,” as well as shunning behaviors, such as pointed social avoidance or non-cooperation (III.14, II.44, and III.6). These are informal social penalties, imposed by “public opinion” or “society” or one’s “fellow-creatures,” rather than by any sort of authority figure acting in an official capacity (e.g., I.9 and I.11).

Mill is one of few philosophers to discuss social penalties at any length, so I will treat his discussion as a touchstone. He takes social sanctions quite seriously. In *On Liberty*, he writes,

Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practises a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. (I.5)

Readers who are familiar with Mill’s biography cannot help but imagine that these words draw on his own, and his beloved Harriet Taylor’s, painful experiences as the objects of gossip and scandal.¹¹ Yet, it is important to emphasize that Mill does not categorically reject social punishment, as he does not reject legal punishment. Indeed, although Mill’s concern about social sanctions is palpable, the only restriction on social sanctioning that he explicitly defends in *On Liberty* is the Harm Principle. Social (like legal) coercion may not be used to correct behaviors and character traits that harm only oneself (1977, I.9). However, this leaves social coercion on the table as a potential response to behaviors and vices that harm other people. Indeed, Mill writes, “If any one does an act hurtful to others, there is a *prima facie* case for punishing him, by law, or, where legal penalties are not safely applicable, by general disapprobation” (I.11).

Given the dearth of material on social punishment, I will proceed by considering a standard definition of legal punishment and then asking whether and how the features it highlights might also be appropriate for analyzing social punishment. David Boonin, drawing on the traditional Flew-Benn-Hart definition, holds that legal punishment is *authorized, intentional, reprobative, reactive harming* (Boonin 2008, 1–36; Hart 2008, 4–5).¹² We can clarify this definition by seeing how its five criteria fit the paradigm case of a criminal prison sentence.

¹⁰ Citations of Mill specify chapter and paragraph number.

¹¹ Thank you to an anonymous reviewer for encouraging me to include this history.

¹² Above, I have substituted the term ‘reactive’ for Boonin’s ‘retributive,’ since the latter term may suggest a specific view about the *justification* of punishment, namely a purely desert-centered justification that denies that good consequences are necessary for the justification of punishment. Gallagher (2013) influenced my reading of Boonin.

Firstly, being confined to prison is *harmful*, at least immediately. Following Joel Feinberg, we can conceive of harms as setbacks to interests (1987, Ch. 1). Other definitions of legal punishment substitute the term “hard treatment” for “harm” in order to recognize that, in the longer term, imprisonment could be a net benefit to the prisoner (say, by enabling the prisoner to break bad habits) (cf. Boonin 2008, 7). I take the point, but I see no problem with continuing to describe the loss of liberty as a harm, even in those cases.

Secondly, to say that a prison sentence is *reactive* is to say both that it is a reaction to the perceived transgression of a rule (here, a legal rule) and that it is applied to the person who is believed to have committed the transgression. Confinement of a person known to be innocent is kidnapping, not punishment.

The third condition in Boonin’s definition of legal punishment specifies that it is *reprobative*. The infliction of harm is meant to “express official disapproval of the offender” (2008, 22). This condition helps distinguish punishments such as fines from taxes or fees for engaging in particular behaviors.

Fourthly, imprisonment is a harm that is *intentionally* imposed on the prisoner. In contrast, a criminal who is accidentally trapped when the sheriff closes off a cave with a steel grate is not thereby punished.¹³ The sheriff did not mean to harm the criminal by installing the grate. Intention requires both that the punisher *knows* that he is imposing a harm and that he is imposing that harm for the *purpose* of punishment, that is, in order to cause harm as a response to the transgression. If the sheriff knowingly traps the criminal in the cave, but does so in order to prevent him from testifying about the sheriff taking bribes, the confinement would once again fail to qualify as punishment.

Finally, to count as a punishment a prison sentence must be *authorized*. It must fall within the legitimate jurisdiction of the agent imposing the sentence. The authorization criterion captures the intuition that, for example, mob aggression against accused, or even convicted, criminals is properly viewed simply as violence rather than punishment.

While Boonin offers this set of criteria in order to clarify the concept of legal punishment, it has broader validity. The case of parents grounding children, for example, also can be helpfully described as authorized, intentional, reprobative, reactive harming. Can we also profitably think of informal social punishments in these terms? Let’s consider cases of verbal rebuke and pointed social avoidance, imposed by ordinary members of the moral community on their equals, as paradigms of informal social punishment.¹⁴

¹³ The example is drawn from Mark Twain’s *The Adventures of Tom Sawyer* (1994).

¹⁴ A rebuke is an overt expression of disapproval, addressed to a perceived transgressor, that both attributes responsibility to him for the transgression and expresses some form of anger, such as resentment or indignation. By “pointed” social avoidance, I mean to refer to social

Characterizing rebukes and social avoidance as *harmful* seems fair enough. Being faced with angry moral criticism or excluded from social interactions is generally considered unpleasant. People have an interest in avoiding aggressive displays of disapprobation. They have an interest in social inclusion. Of course, if you don't like me, then you may consider my avoiding you to be beneficial rather than harmful. But exceptional cases like this do not undermine the general claim that rebukes and social avoidance are forms of harm.

David Shoemaker would deny that this sort of harming counts as punishment, since it is not a case of "depriving you of anything to which you would otherwise have rights" had you not committed the wrong (2013, 115). Shoemaker continues, "You don't have a right, for example, to my being pleasant around you or my not getting upset with you... So while I may rail and pout and bluster and cry and condemn," I do not thereby punish (115). However, conceptualizing the harm criterion of punishment as requiring what would otherwise be the violation of a right is too strong. It would leave no room at all for recognizing informal social punishments, which would be regrettable. Common experience shows that people have all sorts of ways of emotionally hurting, socially hobbling, and psychologically pressuring one another that fall short of violating any legal or moral rights. Developing an ethic of social punishment would help separate the permissible cases of railing, blustering and condemning from the impermissible.

It seems unproblematic to define social punishment as *reactive*, that is, as imposed in reaction to the perceived transgression of some sort of rule or standard, which is applied to the person who is believed to have committed that transgression. Characterizing social punishments as *reprobative* should also be uncontroversial. In rebuking or pointedly avoiding someone, we express disapproval of their character or behavior.

The suggestion that social punishments must be *intentional*—that is, knowing and purposeful—forms of harming is also compelling. Mill draws a distinction between social sanctions and "natural penalties," where the latter are "strictly inseparable from the unfavorable judgment of others" (1977, IV.6). If I judge you to be obstinate or conceited, I will not enjoy being around you; and so, I may choose to spend my time elsewhere. This is different from my avoiding your company in order to make you suffer some form of loss or pain. Natural penalties are not cases of social punishment for Mill because of a lack of an intention to harm.

Shoemaker suggests that rebukes and pointed social avoidance are not punishments because the *function* of actively blaming someone is communicative rather than punitive. The function of actively expressing blame, he writes, is to communicate to the wrongdoer a "basic moral demand, the

withdrawal or non-cooperation that is intended to send a message of disapprobation to a transgressor. See Radzik 2014.

claim we have on one another for goodwill (or at least no bad will)” (2013, 117). Shoemaker recognizes that punitive and communicative functions are not necessarily incompatible. In fact, he notes that legal punishment “is a kind of communication that is in actuality inseparable from the deliberate causing of suffering constitutive of punishment in the first place” (117). In contrast, Shoemaker describes any form of harm that attends “[a]nger, remonstrance and writing the other off” as purely incidental (117). However, I believe that the resemblance to legal punishment is much closer than Shoemaker allows. There is a significant difference between calmly stating a moral claim, or attempting to persuade an offender with a cool display of moral reasoning, and angrily confronting or shunning that person. Rebukes and pointed social avoidance send their moral message to the offender *by* knowingly and purposefully subjecting him to hard treatment.

This brings us to the question of whether social punishment, like legal punishment, must be *authorized*. Is a social punishment only really a punishment when it is meted out by someone with a claim to authority over the transgression and the transgressor? Given my earlier stipulation that informal social penalties are those imposed by ordinary members of a community, rather than by any sort of authority figure acting in an official capacity, perhaps I should reject the authorization criterion.¹⁵

However, Mill believes that ordinary members of society, considered merely as such, *do* have the authority to punish one another for violations of (at least some) moral norms against harming others. In defending the Harm Principle, and its distinction between self-regarding and other-regarding behaviors, Mill writes, “It makes a vast difference both in our feelings and in our conduct towards [a person], whether he displeases us in things in which we think we have *a right to control him*, or in things in which we know that we have not” (1977, IV.7, emphasis added). Given Mill’s agreement that the sanctions inflicted by public opinion are sometimes justified, he must believe that there are at least some situations in which ordinary members of society *do* have a “right to control” each other.¹⁶

So, Mill associates social punishment with the exercise of a form of authority. This seems appropriate. Our views about social sanctioning often turn on issues about authority or standing. For example, while we generally feel entitled to voice our condemnation of human rights abusers, or to boycott unjust corporations, we tend to think that only a spouse, close family member or friend can tell someone off for having an affair. We also object to someone rebuking another person for moral flaws she shares herself. The hypocrite is viewed as having no standing to deliver

¹⁵ For his part, H. J. McCloskey accepts the authorization criterion and so denies that there is such a thing as moral punishment. No one is “entitled to punish moral offenses *qua* moral offenses” (1962, 310).

¹⁶ Shoemaker dismisses the category of social punishment in part because he assumes that authority must be “asymmetrical” (2013, 114). Mill, on the other hand, seems to allow that the standing to socially sanction may involve a symmetrical form of authority.

such criticisms, even if they are fitting to their target. Whether authority should be categorized as a criterion for the *definition* of social punishment or for the *justification* of social punishment is hard to say. However, given the prominence of the authorization condition in definitions of legal punishment, I am inclined to treat it as a matter of definition.

To sum up this section, the object has been to identify some defining criteria of social punishment. I suggest here that social punishment can be conceived as authorized, intentional, reprobative, and reactive harming, where the means of harming are limited to those permitted by the state's monopoly on the use of force. Informal social punishments enact an authority that is not grounded in the punisher occupying some official role in a socially instituted hierarchy.¹⁷ I have also taken the position that expressions of blame in the forms of rebuke and pointed social avoidance are forms of social punishment. In the next section, I will ask whether moral blaming expressed behind the wrongdoer's back (blaming gossip), also qualifies as a case of social punishment.

5 Is Blaming Gossip a Form of Social Punishment?

The reason for suggesting that blaming gossip may be a form of social punishment is that it seems to be a way of holding wrongdoers responsible for their transgressions by treating them in a way they would not like to be treated. Gossip imposes harms, but, one may argue, those harms are sometimes deserved. Not everyone deserves the benefits of a good reputation. Not everyone should be allowed to hide their flaws behind a veil of privacy. But the lesson of the last section is that the concept of punishment is complex; we should take care to distinguish between punishment (a form of interaction that is traditionally granted a kind of weight and social recognition) and other forms of harming that more superficially resemble it. First, we must ask whether blaming gossip can even be categorized as authorized, intentional, reprobative, reactive harming. If it can be, then we must consider what else might be required for a social punishment to count as justified.

The reasons for describing blaming gossip as a kind of *harming* were presented in [section 3](#). Expressing moral criticisms about a person behind her back will predictably damage the subject's reputation and set back her interest in privacy. Blaming gossip is *reactive* and *reprobative* by definition; it is gossip that expresses a negative moral evaluation of someone who is believed to have violated moral rules or standards.

Yet, one might reasonably object that blaming gossip is not reprobative in the right way. Although it expresses disapproval, it does not express disapproval *to the offender*. Must disapproval be expressed to the transgressor

¹⁷ The contrast here is with formal social punishments, such as those at the disposal of parents, teachers, and employers.

in order for reactive harming to qualify as a punishment? In discussions of legal punishment, we assume that the offender will be privy to the expression of official disapproval. But what shall we say about social punishments? My intuition is that blacklisting is a form of social punishment, even though the potential employers do not address their reprobation directly to the perceived transgressors to whom they are refusing employment. Boycotts are also arguably a form of social punishment, yet one may boycott a store without directly telling the owners that one is not shopping there in order to express one's disapproval of their policies. So, my view is that while social punishments must express reprobation, they do not need to communicate that reprobation directly to the one who is punished.

But while the communication of reprobation to the offender may not be crucial to the definition of punishment, one might well think that it is crucial to its justification. For example, blacklisting strikes many people as a particularly nasty form of punishment because it operates secretly. And, while not every supporter of a boycott may communicate directly with the target of the boycott, leaders of the movement typically do. One might think that this is important to the justification of the boycott, so that the target is not merely manipulated (say, by a loss of sales) but morally engaged.

Similarly, some commentators in the philosophy of law hold that legal punishment's communicative role is crucial to its justification (e.g., [Duff 1991](#)). The moral communication with the offender prevents the harmfulness of punishment from operating on her merely as a kind of negative conditioning, such as that by which we train animals. In sending the moral message to the offender, one respects her status as a moral agent. The fact that blaming gossip does not address the subject opens it up to the charge that it disrespects the subject, even if the harm itself is deserved.

Returning to the question of whether blaming gossip can be categorized as a kind of social punishment, we must consider the *intention* condition. According to this condition, recall, harmful treatment does not qualify as a punishment unless the harm is imposed *knowingly* and with the *purpose* of punishment, that is, in order to return harm for a transgression. Blaming gossip, it seems to me, rarely satisfies this condition. People who exchange gossip about wrongdoing or vice may or may not be mindful of the harm caused to the subject. Perhaps we *should* know that our talk is harmful, but I suspect we often do not consider the issue when we gossip. Furthermore, even when we are aware of harming the subject of the gossip, I suspect that we seldom gossip *in order to* punish her. Gossip may sometimes have a punitive intent, but more commonly we are simply venting our emotions, trying to understand something, or looking to hold the interest of our audience.

The *authorization* condition also poses an obstacle to counting blaming gossip as a form of social punishment. One of the key features of gossip, I suggested earlier, is that it is done behind the subject's back. If the subject

could overhear our talk without causing us embarrassment, then we aren't really gossiping. But why would we be embarrassed if we are authorized to engage in this sort of talk? From this point of view, gossip looks like unauthorized talk almost by definition. We gossip when we say things in private that we have no standing to say in public.

Perhaps this is too quick, though. Perhaps our embarrassment is not a sign of our lack of authority to overtly express blame, but has another cause altogether. We may be shamed by the exposure of the pleasure we take in blaming. Or perhaps we are not willing to deal with the consequences of exercising our authority out in the open. Yet both of these possibilities cast further doubt on the question of standing. Even if we are tempted to be liberal in assigning the standing to socially sanction other people, such authority should be exercised only where there is good reason to do so. Inappropriate pleasure and an unwillingness to accept the consequences of exercising one's authority are generally signs that such authority is not being appropriately exercised in the case at hand.¹⁸

So far, then, the case for classifying blaming gossip as a social form of punishment looks weak. The fact that it is reprobative, reactive harming helps explain the temptation to see it as a form of social punishment. But it is frequently not intentional in the way punishment should be. Furthermore, the fact that gossip is kept secret from its target casts serious doubt on the claim that the gossipers are authorized to impose harm on her. It is possible that the intention and authority conditions could be met by blaming gossip, but these cases now appear to be quite rare.

Supposing we agree to classify these few cases as social punishments, the question still remains whether they can be justified. As noted above, the fact that blaming gossip does not address its reprobation to the wrongdoer may provide grounds for objecting that it is an insufficiently respectful form of punishment. Some theorists see moral communication with the offender as necessary to the justification of punishment. However, we need not settle that question since blaming gossip seems to run afoul of the most widely held criterion for justifying punishment: desert.

Nearly everyone agrees that, in order to be justified, punishment must be deserved. To deny this would be to allow the punishment of the innocent, which would be clearly unjust. The desert condition requires two things: *guilt* and *proportionality*. The one punished must, in fact, bear negative responsibility for the transgression in question and the severity of the punishment must not exceed what the transgressor deserves. Blaming gossip runs into trouble with both of these requirements.

First, consider the question of proportionality. Gossip is notoriously difficult to control. What is told to one person in confidence has a tendency to be retold. If I talk with you about what Jane did, the cost to her reputation

¹⁸ An unwillingness to deal with the consequences of holding others responsible is not always unreasonable. As mentioned earlier, gossip is sometimes one of the few tools the disempowered have to protest the actions of the powerful.

and our infringement of her privacy may be in line with what she deserves. But as you tell others, who tell still others, the harms increase. Eventually, they may far exceed the harmfulness of the original transgression. Someone who chooses to punish via gossip cannot determine how severe the penalty she sets in motion will become.¹⁹

Secondly, the question of guilt is also problematic. Because gossip is delivered behind the perceived transgressor's back, she is unable to defend herself against false claims. As gossip is passed on, becoming second- and third-hand, the risk that the one being harmed by blaming gossip is not really guilty of the reported transgression increases. Again, blaming gossip looks like a poor tool for anyone who is committed to the principle of keeping punishment within the limits of desert.

6 An Alternative Defense of Gossip

These reflections on gossip and social punishment were motivated by the concern to justify the harmfulness of a social practice that we all participate in. Punishment is a form of harm-causing that is at least potentially justifiable. But I have argued here that even the subset of gossip that expresses moral blame is a poor fit for the category for social punishment. Furthermore, even if we were willing to accept blaming gossip as a form of social punishment, it is unlikely to satisfy even the most basic standards for fair punishment. So where does this leave us? We could simply dismiss gossip as a morally impermissible form of discourse. But I am uneasy with that solution. As the dialogue between 11-year-olds Jenny and Sandy highlights, gossiping about other people's behaviors and characters can be a valuable form of discourse, which enables moral inquiry and reflection, as well as social bonding, the exchange of information, and decision-making. I doubt we would be better off in a world without gossip.

Perhaps the very obstacles to defending gossip as a form of social punishment—the lack of punitive intention, of authority, and of communication with the subject—will prove to be the keys to justifying gossip. Perhaps gossip is most likely to be justifiable in those cases where it *does not* hold people responsible. Ferdinand Schoeman suggests that one of the best things about gossip is that it is performed behind the subject's back (1992, 148–150). This prevents gossip from being coercive. When blame is expressed in private, the transgressor is allowed to preserve her public face. She is not pressed to answer for her conduct or character. Whereas rebuke and pointed social avoidance aim to influence the wrongdoer's behavior, gossip does not. From this point of view, part of the value of gossip is that it allows us to discharge our indignation and other negative emotions in

¹⁹ Jon Ronson documents how practices of moral rebuke via social media run into a proportionality problem as well (2015). Where one or two condemnatory tweets may be a fitting response to an inappropriate joke, condemnation by hundreds of thousands of Twitter users can destroy someone's life.

those cases where we *do not* have the standing to hold the transgressor responsible.

While this line of response may establish that blaming gossip is not coercive, it does not address the issue of harm. Gossip may result in harms to its subject, even when the gossipers have no intention to socially pressure or otherwise negatively impact the subject. Merely coming to believe that the subject is guilty of certain misdeeds or suffers from certain vices may influence the behavior of the gossipers in ways that will disadvantage the subject. Such harms are risked by gossip, and the gossipers should be aware of those risks.

According to Auden, this is why one should avoid gossiping with people “with strong moral views”; they are the ones who cause all the “mischief” (1938, 536). “If you really mind what people do,” he insists, “you have no right to gossip” (536). A number of commentators argue that harm results from how people respond to gossip, not gossip itself (e.g., Merry 1984, 272; Bergmann 1993, 142). Schoeman argues that the mere fact that people know about one’s affairs does not amount to a significant infringement of privacy unless such knowledge is used to apply pressure to the subject (1992, Ch. 8).

Furthermore, attending to the traditional norms internal to gossiping practices will reduce the risk of such harms (Gluckman 1963; Schoeman 1992, 149). These norms include: take everything learned through gossip with a grain of salt, take care not to be overheard, don’t gossip with people who will be indiscriminate in passing it along, don’t lie, don’t break trust with those close to you or reveal secrets you have promised to protect, don’t be a hypocrite, don’t hide an ulterior motive under the guise of gossip, and don’t gossip to people you suspect of having an axe to grind. These last two bits of advice suggest that the idleness of much gossip, which looks like a problem when one tries to defend gossip as a means of holding transgressors responsible, should instead ameliorate our view of the practice. Gossip may be easier to defend when it has no specific aim.

When we abandon the idea that gossip is or ought to be a way of holding people responsible for their behaviors and characters, it is possible to view the characters of the gossipers as much more benign. Consider again Auden’s sample dialogue, which I quoted in section 1. The gossipers judge their acquaintances in language that is blunt and impertinent, but I do not have the impression that their criticisms diminish their sympathy toward these people. On the contrary, according to Auden, “you can be quite sure that the person who dislikes talking dislikes the entire human race, himself included, which is worse than the person who talks shop all the time, who at least likes himself” (1938, 536). People are interesting; it is good that we find them interesting. We can believe that our acquaintances are morally flawed and even ridiculous, while maintaining our good will toward them.

On this point, Auden makes for an interesting contrast with Kant. Kant is a big believer in minding one’s own business (1996, 579–583). One

should not inquire too closely into one's neighbors' faults. Talking about other people's misdeeds in the absence of any clear and compelling need to do so is also wrongful. Kant further advises us not to talk about our own moral failings. His fear about all these activities is that they would encourage contempt for humanity (cf. [Stohr 2014](#)). Auden displays no such fear. His resilient bonhomie makes Kant appear misanthropic in comparison.

Furthermore, even Kant appreciates the value of freely engaging in moral discussion with a confidant, as Jenny and Sandy do. In a passage where Kant highlights the risks to both oneself and others of divulging one's thoughts, especially one's thoughts about others, he comments on the value of a trustworthy friend:

If he finds someone intelligent—someone who, moreover, shares his general outlook on things—with whom he need not be anxious about this danger but can reveal himself with complete confidence, he can then air his views. He is not completely alone with his thoughts, as in a prison, but enjoys a freedom he cannot have with the masses, among whom he must shut himself in himself. ([Kant 1996](#), 587)

Where one can reasonably trust one's interlocutor to abide by the norms of good gossiping, such talk need not be significantly harmful for the target and offers benefits for the speaker.

Not all gossip is defensible. Some of it is malicious and reckless. But these closing reflections suggest that when one abides by the norms of gossiping, works to maintain one's sympathy toward the subjects of one's gossip, and forswears any presumption to be getting back at them for their behavior, the risk of harm both to the subject and to one's own character can be significantly diminished. At that point, the benefits of gossip may be sufficient to render it permissible. While it can be tempting to see gossip as a means of delivering wrongdoers' just deserts, gossip is most likely to be defensible in those cases where no attempt is made to hold wrongdoers responsible.

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