The Ethics of Offensive Comedy: Punching Down and the Duties of Comedians[1]

EMILY MCTERNAN

Abstract

During comedians' performances, most of the usual norms around what we should and shouldn't say are, rightly, suspended. Yet there are still some offensive jokes that ought not be told. To mark such jokes out, some comedy nights and venues have adopted an ethic of 'don't punch down', ruling out jokes that target the disadvantaged, vulnerable, and oppressed. This paper argues that such an ethic threatens to misdirect our attention. I begin by getting clear about the distinctive sense in which some offensive jokes can 'punch'. Rather than focusing on what discriminatory attitudes the joke reports, or conjectures about the true beliefs of the comedians who make the joke and the audiences who laugh, I draw our attention instead to what a joke *does*. In particular, the crucial question is whether, and how, an offensive joke contributes towards undermining anti-discriminatory norms, or towards reinforcing unjust hierarchies and damaging stereotypes. In order to track the offensive jokes that 'punch' in this sense, I propose two revisions to the ethic of don't punch down. First, that ethic overemphasises the relative position of the comedian as compared to the joked-about party and the direct target of a joke. Instead, our focus should be on what a joke of this kind does, in the context in which it is told. Second, I argue that the joke's audience is a crucial, often determining, factor in our ethical assessments.

1. Introduction

Comedy is often subversive and boundary pushing. Few would think that it is a desirable goal to make a comedy performance as bland and as inoffensive as possible. On the audience's side, when opting to attend a comedy performance it is foreseeable that you might be exposed to jokes that could make you feel uncomfortable and that push the boundaries of what you think is okay to say or to joke about. That is especially true where the comedian is known for that kind of content as opposed to, say, attending a night of child-friendly slapstick comedy.

[1] With thanks to Christopher Nathan and to participants at the Philosophy & Comedy events, University of Kent, for their insightful comments. I am also grateful for earlier discussions on offensive comedy with Simon Kirchin and Richard Child.

Nonetheless, certain jokes still appear unacceptable: the kind of jokes that ought not be told. So, too, it looks like the audience would be right to take offence at such jokes, even when they have deliberately exposed themselves to a risk of being offended by attending a comedy performance. The subject of this article, then, is the ethics of telling offensive jokes in the context of a comedic performance. In particular, does it make a difference that it is comedians, and not the rest of us in ordinary social interactions, who are making the jokes? Are comedians free to tell any joke they like, or are a subset of offensive jokes morally unacceptable, such that they ought to be off-limits?

When I talk of comedians, I include both amateur and professional performances. There are some boundary cases in terms of who counts as a comedian on a stage. Those who use social media platforms to perform comedy without being professional comedians or otherwise participating in offline comedy performances, count for the purposes of the argument to follow in so far as their channel is dedicated to providing comedy to an audience and much of that audience knowingly consumes the material in that light. Likewise, best man speeches may count as a marginal case for the ethic, given the widely shared understanding of that a role as a comic performance, whilst father of the bride speeches would not.

In what follows, first, I address what counts as an offensive joke and address the differing position of the comedian. During comedians' performances, the usual norms regarding what we should and should not say are, for the most part, suspended. Second, I argue that, all the same, there are jokes that comedians ought not make. Whilst comedians are in a special position regarding our norms about what is, and is not, acceptable to say, that doesn't relieve them of ethical responsibilities, given the ways in which jokes can interact with our norms. There appears to be a ready-made answer as to which jokes then remain unacceptable, found in the guidance of some comedy nights and venues: one that appeals to the familiar distinction between jokes that 'punch up' (acceptable) and those that 'punch down' (unacceptable). However, rather than focus on the position of the joker as compared to the joked-about party as this ethic would, I draw our attention to what jokes can *do*. I detail how that ought to shift the shape of the ethic of 'don't punch down', especially highlighting the centrality of one's audience in determining when jokes are, and are not, acceptable.

2. Offensive Jokes, What We Shouldn't Say, and the Comedian

This article does not address free speech and its regulation. I exclude from what follows those jokes that would count as legally defined hate speech. What counts as hate speech is, of course, contested: legal systems vary in their definitions. Still, jokes will often be hard to

characterise as hate speech. Take, for instance, the category of hate speech of direct incitements to violence: even where jokes propose violence they are, by nature, non-serious. Putting to one side these complexities, this paper's interest is in jokes that don't reach the bar of hate speech and yet offend: offensive jokes, not hate speech in the form of a joke. My question is, *ought* we to make such offensive jokes, ethically speaking?

Some humour won't offend: take innocuous punning that consists of playing with language; some slapstick humour; and a certain strand of absurdist humour where the humour comes from the flights of fancy. Nonetheless, offensive jokes, or jokes that risk offending their audience, are very common. Clear contenders would be overtly racist jokes and non-subversive rape jokes (defining racist jokes, see Anderson, 2015; on subversive vs. non-subversive rape jokes, Bergmann, 1986). Some, like the comedy nights that adopt a 'no punching down' ethic later discussed, include a far broader range of *any* jokes that are racist, homophobic, sexist, transphobic, or otherwise take aim at, or make fun of, marginalised, vulnerable, or oppressed groups in society. That would include jokes that send up people's identities or cast doubt on them; jokes that make light of another group's sufferings, such as Holocaust jokes; and jokes that reiterate stereotypes, such as, sexist mother-in-law jokes.

The category of offensive jokes goes beyond just those that target certain salient social groups. Various breakings of taboos and moral sensibilities can also offend. Take 'dead baby' jokes, where the humour lies in imagining various unpalatable things one might do with babies: 'Which way should you put a baby in a blender? Feet first, so you can see the look on its face'. In general, joking about deaths, tragedies, or the mistreatment of dead bodies is risky grounds in terms of the chances of offending one's audience, along with anything else in the category of 'sick humour' (on sick humour and dead babies, see Dunde, 1979).

Ought *any* offensive jokes be told? There is something special about comedy with regards to its permission to say some offensive things, a permission that we don't get in our serious talk. In general, we take it that there are things we ought not say without good reason. For instance, don't insult others, mock their grief, grotesquely affront their sensibilities, or make light of their pain. Some may even regard us as having a duty not to offend, or even a positive duty to treat others in accordance with norms of politeness, civility, and respect. This would be a social, and not a moral, duty but, regardless, it is one with some weight and moral significance to it (Buss, 1999; Calhoun, 2000; McTernan, 2023; Olberding, 2019). The things that offend people, like putting them down, making them feel uncomfortable or distressed, or insulting or demeaning them, even in small ways, are best avoided. Instead, we should follow

the social norms that put others at their ease and that demonstrate respect and consideration – or, at least, toleration – of those around you (Buss, 1999; Calhoun, 2000). So, shake another's outstretched hand, don't stare at people on the tube, and don't say inappropriate or insulting things.

When we break these social 'oughts', others may be offended. It is important here to observe that to offend someone in itself isn't necessarily to *harm* the offended party. People may, of course, be upset, hurt, insulted, or disturbed by offensive content. Sometimes, however, we can even enjoy being offended, delighting in the opportunity to show off just how offended we are by someone else's remark, especially when we think that others will agree with us (McTernan, 2021, p. 182). Still, we've reason not to offend others because in doing so you fail, in their eyes, to treat them with consideration and respect and because often you fail to abide by the social norms that let our social relations run smoothly, without disruption and distraction. Deeply unpredictable or transgressive behaviour is a nuisance or worse, distracting and preventing others from pursuing their own aims and projects.

One could think that our jokes are no exception. Perhaps we have a duty not to tell offensive jokes derived from the duty not to interfere with others' peaceable enjoyment and pursuit of their own ends, or from the duty to show some respect for, or consideration and toleration of, one's fellow citizens. Yet such a social duty not to offend seems to be suspended, at least for comedians. Even in our everyday interactions, the social 'oughts' look looser for humour. The fact that you are joking, and that the content is delivered as non-serious, means we can sometimes say things that would be taken to be rude or inappropriate if delivered seriously. Some social norms are partially suspended or adapted. You can make jokes with friends about topics that you'd not raise with them in serious talk; for instance, you can joke about your wife to a loose acquaintance, where you'd not think it acceptable to reveal personal things about your intimate life directly. But I suspect that we can all think of people who make jokes that they shouldn't in their social interactions: jokes that make everyone uncomfortable, that raise topics that just aren't appropriate, or that insult or demean, such as innuendos in the workplace. In everyday life, then, there remains some social duty not to make highly offensive jokes; albeit one that might be outweighed by other considerations, or where such jokes are welcomed by their audience, as when friends have a shared practice of openly mocking each other.

Yet this picture of a partial suspension of ordinary social rules in everyday humour won't suffice as an account of the ethics of offensive comedy for two reasons. The first is that these social rules look more completely suspended for comedians in particular and for good

reasons, as I explain below. The second, and subject of the following section, is that a subset of offensive jokes are bad in a way in which the above picture of social rules fails to account for. There is more wrong with racist, sexist, homophobic, transphobic, or ableist jokes, amongst others, than the social transgressions described thus far.

So, on the first, many social rules seem to be suspended for comedians during their performance. To begin with, there is a starker boundary pushing aspect to comedy in this form that we generally accept. Jokes in this context very often transgress against our norms, pushing at the bounds of what we should and should not say. Sometimes comedians say out loud what is in our heads. Sometimes they break taboos. Comedians sometimes want their audiences to be surprised or uncomfortable, rather than desiring to leave their audience unstartled, unprovoked, or placid. By contrast, in everyday interactions the role of humour is often a softer one: to bring a sense of levity, a moment of pleasure, or to bond with others. This characterisation of comedic performance applies beyond the usual characters in discussions of 'edgy' comedy such as Ricky Gervais. Take Hannah Gadsby in her show *Nanette*. In it, she offers us a challenging turning of the story of a homophobic attack, where as she first tells the story in an amusing way of a man's aggressive response to her at a bus stop, she leaves out the fact that the man came back and attacked her – a fact which she later brings back in (Gadsby, 2018). I suspect that for some the value of comedy stems from these features of how comedy is conducted; while others see the risk of causing offence as integral to, or the source of, much of our humour (see McTernan, 2023, ch. 5; on humour and benign violations, see Warren & McGraw, 2016). To illustrate, comedian Rowan Atkinson comments:

> The job of comedy is to offend, or have the potential to offend, and it cannot be drained of that potential. Every joke has a victim. That's the definition of a joke. Someone or something or an idea is made to look ridiculous. (As reported in Freyne, 2022)

The further reason to think that comedy on stage looks different is that the audiences of comedians *consent* to the offence and to the suspension of the usual rules of conversation and interactions. That isn't true in our ordinary interactions in general, although one can find local agreements of this kind, as when a group of friends mutually cultivate a practice of 'bantering' with or mocking each other. In coming to the comedy event, the audience agrees to being made uncomfortable: to the suspension of the usual rules of respect and consideration, of what is appropriate and what is inappropriate, that let us rub along

together. Indeed, for the most part, the audience is not merely consenting to but actively seeking out the suspension of the usual rules of our social engagement.

Joel Feinberg, when discussing restrictions on causing offence, observes the importance of whether your exposure to offending conduct was avoidable. In Feinberg's imagined bus cases, where people do things like defecate on the bus or masturbate, one of the features that make their behaviour objectionable is that you can't easily avoid it – it might be costly for you to have to get off the bus and whilst on the bus you can't easily avoid witnessing their acts (1984, pp.10–14). It is thus an 'attention-capturing' nuisance and one that provokes a disliked state in you (Simpson, 2018). But if you seek out the offensive behaviour, then you lack such clear grounds for complaint: after all, you went looking for it. The audience member who complains after deliberately purchasing a ticket for, and attending, a performance by a comedian who is known to be offensive is thus on a weak footing.

It is worth noting that comedians often appear on a mixed bill, such that the exposure to a particularly offensive comic is not always something brought on oneself, nor consented to, so clearly. The extent or nature of the potentially offensive content that one signs up for can also vary. For instance, being on the front line of the audience invites mockery and questioning from some comedians but not others. Still, to the extent that comedy, in its current form, is something that tends towards the subversive and edgy, the audience ought not be surprised when the comedy that they see offends their sense of what is appropriate or acceptable. Thus, there is a case to be made for the permissibility of comedians engaging in some transgressions and taboo violations, being edgy and subversive, and so risking the audience's discomfort and offence.

3. Punching Down: How Jokes Can 'Punch'

There is, however, a crucial counterargument to thinking that the above is where our ethical consideration of offensive comedy should stop and, indeed, to the broader adequacy of characterising the reason not to tell certain offensive jokes in terms of a social duty. Sometimes, comedy targets the vulnerable, marginalised, and oppressed. In particular, it can repeat negative stereotypes about relevant groups, insult them, or make light of the injustices they face (e.g., on racist jokes, Anderson, 2015; on sexist jokes, Bergmann, 1986). It may only be a social duty to, in general, treat people with respect and consideration, one suspended in part or fully when at a comedy performance. But to tell racist, sexist, homophobic, ableist, and otherwise discriminatory jokes is surely *morally* wrong. This

motivates a turn to an alternative answer as to which jokes ought not to be told; namely, to adopt the distinction that some comedy nights and venues implement: 'don't punch down'. Don't make offensive jokes that target those who are vulnerable, marginalised, or oppressed – i.e., those with less power. By contrast, 'punching up' jokes – offensive jokes that take aim at the powerful – are deemed permissible, or even admirable. Sometimes this ethic is expressed with a list of the socially salient groups not to take aim at, ruling out racist, sexist, homophobic, transphobic, and ableist humour, amongst other types.

At times, this rule is discussed as if it is a matter of aesthetics: that jokes that punch down can't be funny.[2] However, it seems better understood as an ethical distinction and I'll address it as such. Some such jokes can be funny, as when they are told with comic expertise, even when their content is ethically defective (e.g., on the speaker's skill in delivery, Anderson 2015, pp. 504–505.).[3] I also address the no punching down rule as an ethic, primarily, for comedians: for those performing comedy to an audience, rather than making jokes in everyday social encounters. I first examine what is wrong with comedians telling racist or sexist or otherwise discriminatory offensive jokes: how, exactly, they 'punch'. In the following section, I explore how well 'don't punch down' fares as a practical ethic for the comedian.

The obvious answer to what is wrong with telling jokes that are racist, sexist, or homophobic and so on is simply that they *are* sexist, racist, or homophobic and so on. And that is so.[4] All the same, it is worth delving a little deeper into why some jokes are, themselves, morally salient. Borrowing Merrie Bergmann's framing, I search for what the joke *adds* to the offence of those discriminatory attitudes, norms, or beliefs it contains, or that are – perhaps – present in the head of the joker or their audience (Bergmann, 1986, p.78). Let's call jokes of this variety 'discriminatory offensive jokes'. Below, I look for a way of

[2] See, for instance, the 'Yes Men' at https://theyesmen.org/lessons/always-always-punch-never-down.

[3] Here, I reject comic moralism, which holds that moral defects make jokes less funny, but stop short of endorsing strong comic immoralism, where moral defects make jokes funnier, see Kianpour (2023). On the debate on comic moralism vs. comic immoralism, see e.g. Woodcock (2015).

[4] For a detailed account of ways in which a joke can be racist, and the difference between racist and racially insensitive jokes, and the ethics of each, see Anderson (2015, 2020).

carving out this category of jokes that captures those that 'punch': as I'll understand it, those that do, or risk doing, harm to members of the targeted group.

As a first stab, such jokes are those that *report* or, for the joke to work, *rely on* racist, sexist, or otherwise discriminatory beliefs or attitudes or norms, such as negative stereotypes of the group. But that won't do and so we need a different criterion. For a start, subversive jokes designed to challenge these, say by undermining a stereotype or revealing its absurdities, also rely on a background of such beliefs, attitudes, or norms, and can also involve reporting these too. The same is true for jokes designed to expose that the audience has the discriminatory belief, where the aim of the exposure is to make the audience feel uncomfortable or unsettled about that fact, rather than encouraged by the fact others share the view too.

Perhaps then we could propose that the relevant subset of offensive jokes, of discriminatory offensive jokes, which rely on the discriminatory beliefs or attitudes *without subverting them* and so *endorse* these discriminatory beliefs or attitudes. Such endorsement is what makes them morally wrong (e.g., de Sousa, 1987; Bergmann, 1986). This endorsement thought, however, runs into an immediate challenge and one that comes up repeatedly in discussions of the ethics of humour; namely, that to tell a joke, the joker need not endorse these beliefs, nor may the audience endorse these by laughing. Instead, they merely need to know of the discriminatory beliefs, such that the joke can make sense (e.g., Benatar, 2014). Joking is often characterised as non-serious, even as a form of play, and so it can be a challenge to prove there is a genuine commitment to the discriminatory beliefs in question (e.g., Morreall, 2020a; on comic pretence, see Child, forthcoming).

So, I want to draw our attention away from judging the moral character of the joker or the person who laughs and from investigating their true moral beliefs. Instead, I focus on the distinctive wrongdoing of telling jokes like this to an audience as a comedian, in order to get clearer on the harm or the wrong of making a joke that relies on – but doesn't subvert – discriminatory beliefs, attitudes, or norms. Discriminatory offensive jokes, I suggest, are those that provide *support* to the underlying discriminatory beliefs (etc.): what matters is the likely, or reasonably anticipated, effect on our background beliefs and attitudes, and not the intent, intended meaning, or genuine commitments of the comic or those that laugh.[5] As to

[5] Another option, not considered here for the sake of space, is that racist or sexist jokes *harm* directly through, say, hurting their targets or causing offence, discussed by Luvell Anderson (2015, pp. 504–505).

what is wrong with telling this category of offensive jokes, comedians can *do* something particular when they transgress against anti-discriminatory norms, such as when they say things that we'd usually think shouldn't be said or thought about a group, say stating a negative stereotype, or when they diminish the perceived seriousness of the harms they face, as when making rape jokes. The reason for that has to do with the nature of jokes, and what is expected and received from the audience. [6]

Jokes are, in a sense, odd. They tend to demand the active assent of the audience, in searching the endorsement of a laugh. There is often an expectant pause and we know what is expected of us (McTernan, 2023, p. 129). Other kinds of statements, barring questions, tend not to demand the same active assent of their hearer. In this article's case, that is still more so given the form of the performance too: we come to the comedy show, expecting to laugh and, in general, the comedian carefully structures their show in order to produce the laughs. A social pressure arises, too, when we are at a comedy show and surrounded by others. It is awkward not to laugh when those around you do. That doesn't make laughing obligatory, and usually there are no particular penalties applied if you don't. Still, there can be just enough pressure so that we are likely to laugh along, even when not especially amused, where we wouldn't were others not laughing.

Most importantly, the audience, if they mostly laugh – and even if not all members of the audience laugh – signal the acceptability of what has been said or suggested (see, in a footnote, Bergmann, 1986, p. 79; for a defence, McTernan ,2023 pp. 126–29). To elaborate, sitting in the audience, thinking perhaps that the joke went too far, or transgressed against a norm in a way that was, despite the humour, inappropriate or harmful, you observe that it seems like no one else agrees. After all your fellow audience members are *laughing* at the joke. That suggests that they take it to be *funny* – and so not a serious or wrongful transgression: seeing it as a 'benign violation', to borrow a phrase from psychologists on humour (e.g., Warren & McGraw, 2016).

As a result, sometimes, offensive jokes – those jokes that violate norms of how we should treat and regard one another, that offer affronts to some person or group – can do bad things to our norms: to our perceptions of what is and isn't okay, regarding what people

[6] For a longer statement of the following argument, focused on whether telling a joke different to an equivalent, serious statement of the discriminatory content and addressing different accounts of humour, see McTernan (2023). Here, that discussion is applied to the case of comedians, and the mechanisms by which the effect occurs is explored in more detail.

ought to think of other groups. Take sexist mother-in-law jokes, rape jokes, transphobic jokes, jokes about racialised or ethnic groups or immigrants. Jokes of this kind often rely on a shared background of assumptions and stereotypes, since otherwise the joke won't make sense to the audience. But these jokes also, sometimes, reinforce such stereotypes: reminding us of them in the joke being made, demonstrating how shared they are since the joke is intelligible to us. When the audience laughs, it suggests to the room that we all agree that thinking such things is not so bad: this is an active, public form of endorsement. There is a public revealing of discriminatory attitudes when a comedian tells the joke, and the audience laughs.

It could be objected that a parallel worry raised earlier, i.e. that telling a joke, or laughing at it, requires no *endorsement* of discriminatory attitudes or norms, recurs when we turn to the effects of the joke. Isn't the fact that the utterance is a joke and so non-serious, or even a form of play, something that undermines such its effect on our attitudes or norms (e.g., Child, forthcoming)? The comedic performance might be considered a separate and suspended context with little effect on the rest of our lives. However, to respond, the fact it is a comedic performance is precisely how it threatens our norms against discriminatory attitudes: it treats such transgressions as not so serious. Take the case of rape jokes in societies where rape and sexual assault are prevalent. By making light of the act, the joker threatens to undermine a not especially stable anti-discriminatory norm, that rape is a serious wrong, precisely through making it funny. John Morreall depicts one mechanism by which this may happen:

> As listeners enjoy sexist and racist jokes, they let harmful stereotypes in under their moral radar, as a kind of mental toy or aesthetic object. And that keeps those stereotypes in circulation, which perpetuates racism and sexism. (Morreall, 2020a, p. 45; see also Morreall, 2020b).

But it isn't only stereotypes that get in under the radar. Merrie Bergmann argues in the case of sexist jokes that these both reiterate sexist beliefs and offer an *insult* to those who suffer from them. Sexist beliefs do harm in ways that the audience is complicit in, and so to laugh is just like, she suggests, laughing at the person who falls over, when you are the one who put down the banana skin they slip on (Bergmann, 1986). The insult of the laughter, and of setting up someone as the punchline of one's joke, affirms our complicity in the sexist norms of our society.

The above offers some content to the idea that some jokes – the ones that ought to be off-limits – punch down. It also provides some sense of the way in which they are an attack: when such jokes are performed, they can insult publicly, and in a way that suggests that other people endorse the views that underlie the insult. Jokes can also suggest that thinking these things about that group, or saying these things, may not be such a bad thing. As a consequence, discriminatory offensive jokes can make a small contribution to the background of the very attitudes that lead to the group being marginalised, oppressed, or vulnerable. When that is aimed upwards, and the joke punches 'up', so deflating the inflated standing of the joked-about party, that might be acceptable – sometimes, even desirable. But when the joke aims downwards, at a group already facing insults and attacks on the basis of their group membership, and in a way that contributes a small piece to the continued expression of such insults, that looks unacceptable.

One might object that the contribution made by a joke to an unjust background context is very small and so easily outweighed by the many benefits of humour. David Benatar rightly suggests we do too little to weigh the positives of humour against its potential negative effects (2014, p. 33–35). Morreall offers us a list of some of these benefits of humour, from reducing anger and stress to providing a social lubricant (2020a, 2020b). Yet it matters that a comedian's joke is a *public* suggestion that violating some anti-discriminatory norm is not so serious: when that happens, and goes unchallenged, it is a potentially important challenge to that anti-discriminatory norm. Further, while the joke is only one small and only possible contribution to how negative stereotypes and other discriminatory beliefs are supported and reproduced, the *spread* of that small contribution can be grand in scale. Sometimes, comedians are performing to hundreds or thousands of people, whether directly or through clips of the joke appearing online. While our jokes in everyday contexts, too, can contribute in a small way to the background of discriminatory attitudes and norms, the comedian has a stage, a public. As a result, comedic performances face a more significant risk of contributing to that background context.

The thought that such contributions – or the risk of making such a contribution, since the causal effect of a particular joke will be too hard to measure – could be outweighed by the diffuse benefits of humour, requires consequentialism of a form I'd reject. At the least, getting a laugh, causing a unit of pleasure, or improving people's mood, cannot, even cumulatively, outweigh another's being treated as less than an equal, or experiencing oppression. We cannot deliberately murder one person for the sake of curing thousands of

thousands of people's minor headaches: not all costs and benefits are commensurable in that way. So, too, for oppression when weighed against a pleasure.

Still, this last point leaves us with too stark a case against humour. There is a more important role that comedy plays, rather than the benefit it brings, by virtue of being edgy and subversive. Richard Child offers one characterisation of this: 'the value of freedom to play around with ideas through humour' (forthcoming). One way to capture this aspect of comedy's importance is to conceptualise it as an art form: in general, art plays an important role in society of challenging and examining our norms and ideas. Benatar offers another, looking at humour against tyrants and the greater possibilities for criticism through humour, as compared to in our serious talk (2014). It does seem that comedy may play a significant role in our freedom of speech and thought: it lets us play with ideas and expectations, challenge them, turn them around and reconsider them, in ways that are valuable even when they sometimes misfire. The case of the 'meta-bigots' is an interesting instance of this. This term is coined to describe comedians like Sarah Silverman, who play with the ways that we think we ought to respond to prejudice and its contradictions and tensions – but who, sometimes, are hard to distinguish from actual bigots (on 'meta-bigots', see Anderson, 2005).

To weigh freedom of thought, of artistic oppression, of protest against the risk of a small contribution to oppression may appear less immediately repulsive. At the least, it is a common thought that there are tensions between freedom and equality. Comedy, then, is but one more case. However, not all offensive jokes can easily be defended by appealing to the broad social value of comedy. Many jokes are simply mocking and nasty, appealing to our underlying discriminatory attitudes and beliefs. We need not read any particularly significant contribution to our freedom or to society into such jokes.

4. A Practical Ethic?

Suppose that the description above captures how jokes 'punch', offering one underpinning of concerns that some jokes might do harm. Would following 'don't punch down' as a practical ethic then suffice for the comedian who wishes to avoid making these discriminatory offensive jokes – i.e., the jokes that risk the harms just sketched? On the face of it, the ethic of don't punch down appears attractive. It is straightforward – it seems – and it leaves some space for desirable bits of potentially offensive comedy, where we have some relief from taboos and social customs. Further, those jokes that violate the no punching down ethic could seem to be the ones we should worry about on the picture laid out above: i.e., the jokes that

threaten to contribute to the background of attitudes, stereotypes, and beliefs that discriminate and lead to harm.

However, in what follows I argue that, at best, the don't punch down ethic is a rough rule of thumb when delineating the acceptable offensive jokes from the unacceptable one. Critically, it may encourage us to focus our attention in the wrong places: first, too much on the relative standing of comedian and joked-about party, and too little on what the joke does in its context and, second, too much on the intended aim or target of the joke, and too little on the audience.

4.1 The Boundaries

I begin with reasons to doubt that the don't punch down ethic is any better than (at best) a rough rule of thumb. I argue that ethic rules out both too much and too little, if what we want to avoid are jokes that can contribute, if in small ways, to background injustices. This discussion reveals, too, the way in which the ethic misdirects our attention. I'll demonstrate this through considering a range of forms of jokes. So, first, take:

> (I) *The idiosyncratic nasty joke*
>
> A comedian tells a joke that targets a member, or a collection of members, of a particular marginalised group. However, the way in which they target the group is idiosyncratic in that it does not connect in any way to background tropes and negative attitudes about that particular group that are widely shared in a society.

This sort of joke punches down, but it won't contribute to the kinds of patterns of attitudes and beliefs and norms above. That this first joke would be ruled out by the don't punch down ethic, yet doesn't contribute to the relevant sort of harm, might not look particularly troubling for anyone other than the especially pedantic philosopher. However, it motivates a worry about the ethic that may be more widely shared. Sometimes, in public discussions of the ethic, it is suggested that there is something bullying or nasty about punching down jokes. That would motivate including idiosyncratic cases like the above in the category of offensive jokes to be ruled out. Indeed, 'that's mean', and mean about the already disadvantaged, looks like a much simpler way to motivate the ethic of don't punch down than my discussion in the last section, with its appeal to the background of discriminatory norms and attitudes.

Yet such a 'that's mean' take on the ethic leaves it on weak grounds. Recall the Atkinson comment above that all jokes have their victim. Opponents of the ethic often see it

as ruling out too much, and on this 'don't be mean' take, it will rule out a great deal. Indeed, while jokes that punch down can be bullying or nasty, so too can be the jokes that punch up. The mere fact someone has power or privilege does not by itself render bullying or nasty behaviour impossible, although it may make it harder to bully them and may make them more impervious to the effects. So, the first motivation to look more closely at what jokes might do against a background of unjust norms and stereotypes is that this is what lets us truly distinguish those jokes that punch down from those that punch up.

Continuing the case that what jokes *do* ought to be the focus, and not the mere fact that their target is downwards in a social hierarchy, take a second form of joke:

> (II) *Male nurses*
> Some jokes reinforce sexist attitudes and norms yet their ostensible target is men. David Benatar offers a nice example of a making joke about male nurses. That, as he observes, could be worse than a joke about female doctors in terms of its supporting sexist attitudes (2014, p. 38).[7]

On the don't punch down ethic, it is unclear the joke about male nurses gets ruled out, at least if it clearly targets the male nurses. Yet jokes like this, about the ineptitude of men at household, care, or childcare tasks, may contribute, in a small way, to a background of patriarchal, sexist norms that women are the ones that ought to do this work – even if the *victim* of the joke is the man.

Let me offer one more joke type to cast doubt on the completeness of an ethic of don't punch down:

> (III) *Punching up jokes*
> Punching up jokes often mock their powerful targets through taking aim at their appearance or their physical features, or by drawing on some aspect of their identity that is 'weaker': say that they are female, that they fall short of standard beauty norms, or that they are fat.

[7] I suspect, from context, that he thinks this joke harms the men, but I am concerned with its impact on women.

We might think here of puppets caricatures, and cartoons of politicians, but also impersonations, all of which often include this mocking of features. Such jokes punch up. But they also affirm discriminatory attitudes and norms, for instance, sexist beauty norms, or ableist or anti-fat norms.

To sum up where things seem to be going wrong in (II) and (III): the ethic of don't punch down on the face of it emphasises the *target* of the joke. We look at the target's position on (or off) the list of those marginalised, oppressed, or otherwise disadvantaged. Yet if the reason that we are concerned about discriminatory offensive jokes is not just the content of the joke (that it has some content such as a negative stereotype) but, rather, the harm it does (the 'punch'), what matters is what a joke does – against a background of norms and attitudes – rather than its intended or direct target.

These cases suggest that this ethic of don't punch down, despite its appealing simplicity, may not be as helpful as it first appears to be in setting the parameters for which offensive jokes should, and should not, get told. The real work is in figuring out which kinds of jokes are attacks on marginalised or oppressed groups, whatever their apparent targets, and considering the extent of the harms that might then be done. To give a sense of the determining questions to consider on this reframing, it looks worse to make jokes that appeal to widely shared stereotypes that might have been waning or are being challenged at the moment for instance (e.g., sexual assault related jokes about women along the lines that she wanted it really or that the act was not so serious), than to make jokes about less harmful stereotypes (e.g., women are bad at parking) or niche stereotypes (e.g., mothers-in-law being a pain). That is, these are the significant questions if we want to preserve the idea that these offensive jokes do something extra beyond stating discriminatory content, such that there is a particular and problematic sense in which they punch.

4.2 Subversive jokes and the audience

Let me offer one last case of types of jokes:

> (IV) *The failed subversive joke*
>
> Imagine a comedian tells a joke about rape which they intend to be subversive. But it fails. The audience laughs at the wrong thing: the very discriminatory attitudes and norms that the joke was intended to send up.

Failed subversive jokes can end up doing just the same harm as jokes that are intended to punch down. Worse, the subversive joke is very likely to be playing with the familiar prejudices and stereotypes – *exactly* the ones to which we rightly worry that jokes may contribute a small piece of support. What makes a subversive rape joke acceptable, from the point of view of it not contributing to the attitudes or norms underpinning injustice, is that its *audience* receives it as subversive. As a further complexity, when the comedian tells the joke, there are different places where this failure could happen. It might happen in the room, or when the joke is retold elsewhere, or the clip of the joke-telling shared on the internet. Even the very same joke-telling can thus have different audiences.

Hence, what one ought to attend to is not (only) the precise target of the joke, but the audience in front of which the joke is told. The case of the failed subversive joke broadens out into a bigger concern about the ethic; namely, that it doesn't do enough to encourage us to attend to the audience. More widely, it looks like the *target* of the joke – even if that is nuanced to capture the fact that the apparent target may not be the true target, as in the male nurses case – turns out to matter less than the *audience*. To illustrate, if our concern is contributing to a background of problematic norms, it looks worse to offer risky subversive jokes, of the sort that might not be understood *as* subversive, to audiences that are likely to have the wrong views, than it is to offer deliberately punching down jokes to an audience that already strongly endorses the anti-discriminatory views that the joke plays with.

So, too, we are encouraged by the ethic of don't punch down to consider the relative standing of the comedian and the joked-about group. The comedian assesses their standing, relative to the joked-about group, considering whether they have the right standing to tell this kind of joke.[8] This explains, perhaps, the reason that those who are telling edgy jokes on this kind of material tend to spend a fair amount of time setting up with the audience that they have the standing to tell the joke: the facets of their social identity that make that joke of the kind they can make. While the relative positioning won't, in itself, automatically mitigate the

[8] Another way to take the ethic is to say that 'down' is settled by reference to the inequalities of our society: any group that is in any sense marginalised, oppressed, or vulnerable counts as down, and is not an apt subject of a joke if that joke 'punches' out at the group, say by (non-subversively) referencing stereotypes or negative beliefs about that group. But that has a serious drawback of appearing to rule out in-group jokes, which many find acceptable (e.g. Anderson, 2015). For a discussion questioning the easy acceptability of in-group jokes, see Benatar (2014, p. 37).

potential attack of a joke, and so the ethic is misleading, happily for this piece of comedic practice that explicit set up will often influence how the joke is understood by its audience: knowledge of the comedian's standing can change how a joke is perceived. To illustrate, suppose that a comedian is taken by an audience to be straight but is in fact bi. The comedian makes a joke about the erasure of bisexuality. The audience might hear that as a punching down joke; they may laugh at the wrong thing, say, at the attack on the coherence of bisexuality, rather than the comedian's intended send up of it, since the audience has not realised this facet of her identity. A more careful telling of the joke with its context in view could better ensure that the joke comes across as intended.

However, while such a careful set-up might work for those who are in the room, it will not entirely avoid the risk of punching down. Especially in the era of the internet, jokes are often taken out of their context. People do not always consume the comedian's joke as part of their full set. Rather, any individual joke can be clipped and viewed separately – and perhaps without the elaborate set-up.

Thus, the don't punch down ethic simplifies too much what is required: namely, a nuanced reading of one's audience and the likely wider impact of one's joke. To focus on the effect and the audience will carve the acceptable from the unacceptable in a different way as compared to simply avoiding jokes that punch down. For instance, subversive jokes will appear far riskier on the revised ethic than the original, and in-group jokes will have to be handled with care. To some, these revisions may seem too demanding. One could think the burden ought to be, instead, on the audience to better interpret the jokes, to not take the jokes and let them affect, or infect, their attitudes towards marginalised, oppressed, or disadvantaged groups. However, given a good comedian is one who is skilled at reading their audience, such capacities may not be too much to ask. Luvell Anderson observes that:

> Telling edgy jokes to an audience one can expect to "get wrong" carries some blame for the speaker. It would be like leaving a child in a room full of sweets with instructions not to eat anything. (Anderson, 2020, p. [please provide])

There is a sense in which this comparison between child and audience is apt. Audiences suspend their usual social norms and judgements in order to participate in the comedic performance: such a suspension is needed to be a 'good' audience member, to be open to the possibility of finding humour. Further, the comedian is the director of the experience that those in the room are having and so the person who bears primary responsibility. But I'd add

that it is not just in *telling* the joke that the comedian may be blameworthy, but also in failing to prepare the audience for the joke in such a way that they receive it in the way in which it is intended.

5. Conclusion

To conclude, I have argued that offensive jokes made by comedians sometimes threaten to contribute in a small way to background injustices. Many – but not all – of this troubling kind of offensive joke would fit, too, the category of jokes that punch down. However, I also argue that it is inadvisable for comedians to use the ethic of don't punch down to determine entirely which jokes are off-limits, ethically speaking. The ethic of don't punch down threatens to mislead and misdirect our attention in two ways. First, it emphasises the respective standing of the comedian and the joked-about party, in order to answer which way is down. But the more important question in picking out which jokes do harm is what the joke does, against a background of unjust social norms and stereotypes. The second misdirection of the ethic is that it leads us to focus on the ostensible target of the joke, or on the intent of the joker to punch down. However, where we should look instead is at the audience: at the audience's uptake (of lack thereof) of the joke, and the effects that joke has on its audience.

I close the paper on a challenge that then arises for an ethics of offensive comedy. The proposed revision to the ethic, namely, to contemplate more closely the audience and impact of one's joke, may be dramatically demanding in the internet era. Now, the question arises: who is the audience? For many comedians, especially those with moderate fame, the audiences of any joke are many and various. Comedians often record their live performance for other uses, from content for subscribers to posting it online. Does that mean that jokes intended to be subversive, and even many in-group jokes, are off-limits, ethically speaking? Would it be enough that the audience in front of you as you tell the joke will receive that joke in the right kind of way? How many risks ought a comedian take in how they might be interpreted by more distant audiences? Richard Child aptly notes that we'd rule out too much if we opted to avoid any possible negative consequences of a joke (forthcoming). Yet to attend not at all to one's broader audience, beyond the room, seems unjustifiably naïve in the era of the internet. I end, then, by posing a problem for a practical ethics for comedians. It turns out the audience matters more than the target or the intent of the comedian when determining which jokes ought to be off-limits. But who is the audience?

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