

Abstract

In recent years, the so-called “Stop Snitching” phenomenon has gained increasing attention in both the national media and legal scholarship. Broadly speaking, Stop Snitching describes a perceived cultural norm whereby members of poor, minority communities refuse to cooperate with law enforcement officers seeking to solve crimes. This refusal to cooperate has been roundly condemned as an aberrant, self-defeating violation of the social contract. Commentators accordingly seem both puzzled and deeply troubled by what motivates these citizens to withhold information that could result in the removal of criminals from their neighborhoods.

In this Article, I endeavor to contextualize Stop Snitching in order to show that the refusal to cooperate with law enforcement officers need not be viewed as aberrant or irrational, but rather as a natural extension of the innate human value of loyalty. To do so, I draw first on George Fletcher’s *Loyalty: An Essay on the Morality of Relationships* to show that loyalty has historically been among the most cherished of attributes and that the violation of loyalty—betrayal—has long been consistently and sharply condemned across cultures.

I then describe the continuing importance of loyalty in contemporary society. Children are taught not to be a tattletale before they are able to read or write. Police, physicians, and even lawyers work under social norms whereby telling on another member of the profession who has violated his or her duty is deemed worthy of contempt, notwithstanding professional rules of conduct that encourage or require these professionals to do so. And corporate whistle-blowers, though often lauded outside of their organizations, frequently become subject to retaliation and harsh treatment from within. Each of these instances evidences a widespread cultural norm of loyalty and underscores the pervasiveness of its accepted value in contemporary society.

Viewed in this context, Stop Snitching begins to look far less puzzling to outside observers. To the extent the criminals sought are considered members of the potential witnesses’ community, and the law enforcement officers investigating them are not, the desire not to tell can be viewed as an act of loyalty rather than an act of civil disobedience. My argument is that Stop Snitching is not the *sui generis* aberration it has been portrayed to be, but rather a predictable, rational mode of behavior given the continuing importance of loyalty in modern society and racial and economic segregation that remains pervasive throughout America.

Having thus contextualized Stop Snitching, I explore some of the reasons why it has been singled out for condemnation and offer suggestions for how to diminish its prevalence.