



Paving the way to a better world or the end of free speech? Political correctness reviewed

A critical analysis of the restrictions on freedom of expression imposed by political correctness, based on the harm and the offence principle.

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Abstract

One of the most frequently heard arguments in the debate about political correctness is that political correctness conflicts with freedom of speech and is therefore objectionable. According to Mill's harm principle, which states that speech and behaviour can only be rightfully restricted if it prevents serious harm to others, the restrictions political correctness imposes on free speech cannot be justified since they restrict more than only harmful speech and behaviour. According to Feinberg's offence principle on the other hand, limitations on speech and behaviour imposed by political correctness are justifiable when they prevent offence, caused by wrongful behaviour of others. The question arises whether the restrictions on freedom of speech imposed by political correctness are justifiable. In this thesis, this question is answered by a critical analysis of the harm and the offence principle. Both a broad interpretation of the harm principle and the offence principle are accepted as justifiable principles to impose restrictions on free speech. According to the offence principle, at least certain types of political correctness can be justified. Since the offence principle offers valid standards to determine when offence ought to be (legally) restricted, the justification of restrictions on speech and behaviour imposed by political correctness in particular cases by the principle is convincing. It can be concluded that the restrictions political correctness imposes on language and behaviour are justifiable in some cases. In contrast, limitations on opinions imposed by political correctness are objectionable, because they conflict with the importance of free expression.

Key words: political correctness, harm principle, offence principle, freedom of speech

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1. Introduction

These days, political correctness is a term you hear more and more all over the news. Brazil's recently elected president Jair Bolsonaro stated that the country has been 'freed from socialism and political correctness' (Reuters, 2019). According to Donald Trump, the big problem the United States have is being politically correct (Caesar, 2017). The term is not only used in politics. On university campuses, the debate about political correctness has been increasing as well. In 2017, there was for instance a huge protest during a lecture of Charles Murray at Middlebury College in Vermont. Murray was accused of being a white nationalist (Seely, 2017). More than 400 students chanted phrases like 'Racist, sexist, anti-gay, Charles Murray go away'. For his own safety, Murray had to be moved to another room where he continued the lecture over a live stream. The protest caused a lot of criticism. People on the side of the protesters believed they did the right thing since they think there is no place for racism and hate speech on their campus. Opponents thought the protesting students were intolerant and free speech was violated. The Middlebury College protest is one example of the many debates related to political correctness at universities at the moment. Also in the media, the role of political correctness has become more visible during the past decade. The Dutch newspaper NRC (2015) published a 'politically correct ABC' and the decision of the NOS (2018), a big news organization in the Netherlands, to use 'wit' (white) instead of 'blank' (a term for the white skin colour) caused a big discussion across the country.

The term political correctness is used by people from all over the political spectrum and causes a lot of noise in different fields of society: politics, the media, education and so on. What is striking is that there is not a clear definition of political correctness. Some definitions refer to avoiding or eliminating the use of certain words and ideas (Loury, 1994), others to a demonstration of ideals (Hughes, 2010) or to confirmation of ideals (Bakker & Geling, 2018; Hughes, 2010). Political correctness often has a negative connotation: one can be accused of being politically correct. Nevertheless, it is used as a badge of honour as well. The debate about political correctness is fuzzy and hardly scientifically or philosophically substantiated. Yet, there are several opposing (philosophical) arguments about the justification of political correctness.

One of the main arguments for the justification of political correctness is that it can be used to change problems in society, through changing discourses (Fairclough, 2003). A change in discourses may lead to changes in social practices via 'dialectical internalization' (ibid., p. 22). This can for instance be done by using 'politically correct' words. This is more than simply re-labelling: it changes the value of the words. An example of this is the use of gender-neutral language, which is supposed to be able to change unequal gender relations and diminish stereotypes. Besides that, Gerben Bakker and Gert Jan Geling (2018) argue that people should have the right to determine how they are called. Only the people to whom certain words refer, experience the burden of it. Therefore, people should have the

right to determine what the 'politically correct' words to address them are. For instance, the use of the word 'negro' is nowadays seen as insulting and strongly connected to a history of slavery, oppression and racism against people of colour. People of colour should have the right to demand that people use a 'politically correct' word, instead of one that insults them.

However, Jonathan Haidt and Greg Lukianoff (2015) argue that political correctness makes people become too easily affected by ideas that conflict with their own worldview. If people do not learn to deal with confronting convictions and beliefs, they will have countless conflicts during the rest of their lives. Political correctness can therefore be harmful. Bakker and Geling (2018) state that political correctness can be a moral risk for the individual itself. It can be harmful for one's personal integrity, because it restricts critical thinking and self-reflecting. Political correctness gives people a need to constantly consider whether something is acceptable to say or not. They start to rely on judgements of others. Susan Wolff's argument against a moral saint can be used as an argument against political correctness as well. Wolff (1982, p. 419) states that that a moral saint, by which she means a person 'who is as morally worthy as can be', is not a good, rational or desirable model of personal well-being people must strive for. It is not desirable, because attempting to act as morally good as possible would play a too dominant role in forming one's character.

Probably the most frequently heard critique of political correctness, is that it undermines freedom of speech. One of the first defenders of free speech is John Stuart Mill. He defends freedom of speech in his famous book *On Liberty*. According to Mill, both freedom of conscience, which is related to freedom of speech, and freedom to live as one wants are fundamental for a meaningful life. Mill gives four reasons why there should be freedom of speech. Firstly, Mill states that all individuals, societies and governments are fallible (Lacewing, n.d.-a). Even when people are certain they are right, they may still be wrong (Klosko, 2013). This cannot and should not be denied. Therefore, it is not justified to oppress opposed opinions. Secondly, it should be allowed to express statements, even when it is very clear that they are incorrect, because it is good for one's ideas to clash with opposing ones. In this way, people are challenged to critically reflect upon their points of view. Thirdly, knowledge has more value when it is supported by awareness of opposing points of view. By debating both correct and false opinions and ideas, our understanding of both sides increases. Fourthly, conflicting convictions in an open discussion help to distinguish truth from error. In most cases, arguments possess both truths and errors, which can become clear by discussing them.

According to Mill, only under some circumstances free expression may be limited against one's will, namely when it falls under the harm principle. The harm principle entails that interference is only justified if actions cause serious harm to *other* people and if they cause a direct and evident violation of right-based interests (van Mill, 2017). Thus, paternalistic interference in the case of individuals is not allowed. People must be able to live the life they want to live, as long as they do not harm others.

Examples of legitimate limitations on freedom of speech according to the harm principle are the expression of views in an angry crowd that lead to a riot, defamation and perjury.

According to Mill's position, it would be hard, if not impossible, to justify restrictions on speech and behaviour imposed by political correctness since it violates freedom of speech and the limitations implied by political correctness are not in line with the harm principle. Opposing views should be allowed and discussed, in order to come closer to the truth. Moreover, one can never be sure that politically correct language and opinions are the only right ones. According to the harm principle, freedom of speech and behaviour should only be limited if they cause serious harms to others. The aim of political correctness, the protection of marginalized people, is much broader than preventing harm as Mill defines it: a violation of interests, based on utilitarianism. Political correctness is not only about speech or behaviour that causes physical harm, but also about conduct that psychologically harms or offends people.

However, Joel Feinberg states that the harm principle is not extensive enough (van Mill, 2017). According to Feinberg (1985), speech and behaviour can be restricted in the case of insult. Averting disgust, fright and aversion is a morally appropriate reason for legal prohibitions. Feinberg argues in favour of the so-called offence principle, from a liberal perspective. The offence principle gives guidelines for the restriction of behaviour and speech in the case of offence. Being offended by an act means that the act causes an 'unpleasant mental state' or a 'disliked mental state' (Petersen, 2014, p. 3). Moreover, the offence must be caused by morally wrong behaviour of *others* and it has to be caused *directly*. Thus, a feeling of disgust or anger when one sees a victim of a murder does not comply with the offence principle, because the victim is not the one who acted morally wrong, but the murderer. In order to legally restrict an act that causes offence, the seriousness of the offence and the reasonableness of the offensive behaviour should be considered. These are determined by several standards such as the earnestness, the social value, the avoidability and the intensity of the act. According to Feinberg's position then, the limitations on freedom of expression imposed by political correctness seem justifiable, or even necessary, when convictions, language or behaviour meet the formulated requirements of the offence principle.

Hence, Mill's standpoint can be used as an argument against the justification of limitations on free speech imposed by political correctness. The restrictions on behaviour and speech limit people's liberty of thought and discussion, which is essential for a meaningful life. Moreover, opposing ideas and beliefs must be allowed since it is never certain which of them are false, and they are valuable for formulating a critical opinion. Behaviour and speech can only be rightfully restricted if it is in line with the harm principle. However, political correctness restricts more than acts that prevent physical harm to others, as defined by Mill. According to Feinberg's offence principle on the contrary, certain types of political correctness might be justifiable when the imposed limitations on freedom of speech and

behaviour prevent offence, caused by morally wrong behaviour of others. The justification is determined by the seriousness of the offence and the reasonableness of the offensive behaviour. The social value, earnestness, intensity and ability to avoid the act play, among others, an important role in the justification of political correctness. This leads to the following research question:

Can the restrictions on speech and behaviour imposed by political correctness be justified if we accept that certain types of offence ought to be avoided and even prohibited, as the offence principle states, or are the limitations that political correctness imposes objectionable if we acknowledge that speech and behaviour should only be limited if causing harm to others, as the harm principle states?

This question will be answered by examining both Mill and Feinberg. Mill is used, because he is one of the most influential philosophers on freedom of speech. His defence is seen as one of the most persuasive and has been a great contribution to political theory (Klosko, 2013). He argues from a utilitarian perspective: freedom of expression is in the best interest of society. Moreover, Mill's argumentation for freedom of expression and thought has laid the foundation for freedom of speech in many constitutions. Feinberg is chosen, because he offers an original and nuanced alternative for restrictions on free speech and behaviour. Feinberg's philosophy has influenced both political philosophers and philosophers of law (Corlett, 2006). However, there is little literature on the offence principle, neither criticism nor elaboration.

Mill and Feinberg offer opposing theories on the legitimation of interference over individuals that give a different perspective on political correctness. By examining both theories, their validity will be critically analysed. Besides that, there is little scientific literature and research on political correctness. In most literature and the media, political correctness is used as a tool to serve a political purpose. Therefore, political correctness should be defined as neutral as possible and must be critically reflected upon, from a philosophical, scientific perspective. Applying Mill and Feinberg's theories to political correctness provides new philosophically substantiated arguments regarding the justification of the restrictions on free speech imposed by political correctness.

Furthermore, it is important to answer this question, because there is a lot of power behind language and political correctness. Language is a social practice that is intertwined with power (Fairclough, 1994). It reveals power, for example through threats with violence. Moreover, language reflects power. This can be seen in the dominant language spoken in a nation or a region within a nation. Additionally, language creates influence, through single words, stories, narratives and discourses (Hung Ng & Deng, 2017). Political correctness has a big influence on people's beliefs and the way people think and act: it effects what language is used and how and what convictions and beliefs are expressed. This does not only contribute to reality; it also shapes reality and the way people interpret it. When political correctness is used in the 'wrong' way, it can be dangerous. Certain views

might be oppressed, which can lead to self-censorship (Loury, 1994). At the same time, political correctness can be a form of respect and serve as a tool to change unequal power relations. In addition, freedom of speech is a fundamental right in most countries. Since this right can be limited by political correctness, it is important to examine whether the restrictions on free speech that political correctness imposes are justified or not.

In order to answer the research question, a conceptual clarification of political correctness will be given, followed by an overview of the philosophical debate about political correctness in chapter 2. After that, both Mill's harm principle (chapter 3) and Feinberg's offence principle (chapter 4) will be elaborated upon and related to the central question: it will be determined whether the harm principle and the offence principle can justify the limitations that political correctness imposes on freedom of expression. In chapter 5, both theories will be critically reflected upon. After that, it is examined whether the objection or justification of political correctness by the principles is convincing and justifiable. Finally, a conclusion will be drawn and recommendations for further research will be made (chapter 6).

2. Political Correctness

Political correctness does not have a single definition. The various definitions refer to the demonstration of ideals, the elimination of particular words and ideas and to confirmation to ideals. Moreover, political correctness has both a negative and a positive connotation. Whilst one can be accused of political correctness, it is also used as a badge of honour. In this chapter, an overview of the different definitions of political correctness will be given, followed by the definition that will be used to answer the research question. After that, the historical debate about political correctness will be outlined in order to clarify the term. To give an insight in the current political correctness debate, an overview of the broader discussion is given by an explanation of several arguments concerning the justification of political correctness. Finally, the most important theories on (restrictions on) free speech are outlined to expand upon the broader debate about freedom of expression.

2.1 Conceptual clarification

Although political correctness is used very often, it is a fuzzy term. It is used in many ways, often in political arguments by people with opposing political aims. Therefore, it is 'framed' in a way that fits best with the ideology that is adhered to. In scientific literature on political correctness, there is not a single definition either. In this paragraph, the various definitions will be explained. Thereafter, similarities and differences between them are presented in order to formulate the definition of political correctness that will be used to answer the research question.

Geoffrey Hughes (2010) states that political correctness is easier to observe than to define. According to him, political correctness has three characteristics that makes it a 'unique sociolinguistic phenomenon'. Firstly, it is not imposed by a certain recognized authority. It is derived by multiple undefinable source and produced and formulated by an unlocatable minority. Secondly, political correctness is not connected to a single ideology. Although it focusses on marginalized people and is aimed to 'correct' for dominating and unequal power relations, it is used by and related to both left and right winged ideologies. Thirdly, political correctness emphasises a moral objection of offensive language and abusive behaviour towards marginalized groups.

Besides these characteristics, Hughes states that political correctness is based on three idealistic assumptions. The most fundamental idealistic assumption is that of equality. It strives for and tries to improve equality among people. Another assumption is the need for sufficient representation in public forums, in terms of race and gender. The problem with this assumption is that it may clash with the criteria of democratic choice in politics and that of talent in other fields. Lastly, there is an assumption of conformity. This one is the most problematic according to Hughes, because norms are changing over time and one cannot expect conformity in politics.

Glenn Loury (1994, p. 430) defines political correctness as an 'implicit social convention of

restraint on public expression, operating within a given community'. Such conventions arise, because a community may need to evaluate if the beliefs of its members are similar with its collective accepted goals. Besides that, close examination of public statements is an effective way to see if the beliefs relate to communal norms. Lounsbury approaches political correctness as general phenomenon and a form of strategic behaviour.

Gerben Bakker and Gert Jan Geling (2018) address the importance of the 'political' in political correctness. According to them, the political is about how human existence is entwined with people's actions in a community. It indicates that political correctness is something that happens in the public sphere, in contrast to social desirability, which belongs to the private sphere. Furthermore, since 'the political' is changing, 'political' in political correctness implies that political correctness itself and the discussions about it change over time. They distinguish between two forms of political correctness. Both forms result from the use of language as a model of moral superiority, but they stem from different motives. The first one is *dogmatic political correctness*. This means that people in the public sphere actively defend certain convictions, because they think they are indisputable morally just. The second form is *conformist political correctness*. Here, people in the public sphere line up with dominant convictions, without being convinced that they are indisputably just. In both cases, conflicting morally 'wrong' convictions are silenced. These two forms are not strictly separated, but go hand in hand. When 'dogmatic' activists for instance frequently advocate for the ban of a particular word, it is likely that other people will be influenced and confirm to the use of other words, without necessarily being convinced by their reasoning.

Dan Moller (2016) defines political correctness as the endeavour to set up norms of speech and behaviour that are aimed to protect marginalized and historically victimized groups, shape public discourse and are presumed to avoid offence to such groups. Moreover, Moller states that political correctness is not about personal morality. Donating money to a foundation that fights against gay marriage is not politically incorrect. However, writing a newspaper article with arguments against gay marriage is politically incorrect. Thus, political correctness is not about private choices, but refers to the shaping of public discourse. Additionally, political correctness is about the offence itself. It cannot be outweighed by the argument that the overall effect was helpful. Something is politically incorrect if it undermines the public status of marginalized people, which is for instance reflected in a sense of insult or a lowered self-esteem. Furthermore, the norms are primarily restrictive and negative. They might seem positive, for instance a plea for including more non-Western authors to the canon on a university. However, the underlying goal is to avoid that these groups are marginalized, because they are not represented in the canon. Thus, in this case political correctness restricts an implication, namely that unrepresented people become marginalized, that otherwise would have informed public discourse.

The various definitions have in common that political correctness is about restriction on or prohibition of language and expressions of convictions and beliefs in the public sphere. While the goal of political correctness in these definitions slightly differs: improving equality, avoiding offence, or acting 'morally just', it can be concluded that it is about 'protecting' marginalized people. The definition of political correctness that will be used is:

Political correctness refers to *restrictive and prohibitive norms¹ of speech and behaviour in the public sphere that are aimed to protect marginalized² people.*

'To protect' refers to protection in the broadest sense of the word: it refers to both speech and behaviour that directly violates marginalized people, such as abusive words, and to behaviour and speech that is indirectly violent, for example via prejudices and stereotypes. This definition is chosen, because it entails the core aspects of political correctness. Moreover, it refers to the use of language, behaviour and to convictions and beliefs. The distinction between dogmatic and conformist political correctness that Bakker and Geling make is not included in the definition, because this is not an aspect of political correctness itself, but a reason why people act 'politically correct'. The characteristics that political correctness is not connected to a single ideology and determined by an unlocatable source are not included either. This are features of political correctness rather than necessary conditions.

2.2 History

The first known use of the term political correctness is found in communist publications in the 1930s. Correctness referred to devotion to the Mao regime. It was not only about acting in the right way, but also about 'thinking the right thoughts' (Hughes, 2010, p. 62). The term became well known in the West through Mao's *Little Red Book*. During the 1960s and 1970s, the term political correctness became more widespread and was used in American leftist circles. Whilst political correctness used to have a serious connotation, it was now used ironically, to joke that someone was self-righteous (Weigel, 2016). Until the 1980s, political correctness was only used within the left and was often associated with feminism. The term was used to criticize 'politically correct' orthodoxy. Political correctness became part of the broader debate in the late 1980s, as a consequence of debates on university campuses in the United States (US). During this time, the call for change within academia increased. Scholars had become sceptical about universal truths, due to philosophers such as Jacques Derrida and Michel Foucault. Besides the academic debate, there were social changes and protests for more inclusiveness. It was only in the beginning of 1990, when the phrase 'politically correct' started

¹ The restrictive and prohibitive norms that political correctness refers to are not fixed. They may differ per country and context and change over time (See also 2.2 History). In this thesis, political correctness refers to 'typical' restrictive and prohibitive norms.

² This refers to both ethnic and/or cultural minorities and to marginalized people such as women, people of colour, disabled, poor, low-skilled, non-heterosexual, not cisgender and non-binary people.

to appear in newspapers and articles. The article *'The Rising Hegemony of the Politically Correct'*, written by Bernstein (1990) was one of the first famous articles about political correctness, followed by many others. At this time, the political right started to use the term to criticize progressive, leftist ideas. Before, politically *correct* was used ironically by the left, but now political *correctness* referred to a broad, left movement. According to John Wilson (1995), the conservatives turned political correctness into a silencing mechanism, by extending the meaning of political correctness to the expression of any progressive idea. Richard Feldstein (1997) states that right-wing neoconservatives appropriated political correctness to undermine feminism. After 2001, the public debate about political correctness decreased and was replaced by discussions on terrorism and Islam. In early 2010s, when movements against sexual violence and Black Lives Matter started to rise, the debate about political correctness increased again (Weigel, 2016). The article *'Not a Very PC Thing to Say'* by Jonathan Chait published in 2015, in which he criticizes political correctness and warns against its dangers, was one of the first 'new' statements against political correctness. Now, columns and articles on political correctness are published almost daily. The term most often has a negative connotation, especially within the political right. Nevertheless, the left uses it as a badge of honour as well (Hannah, 2016).

The political correctness debate is very much focused on the context of the US. The history of and debate about political correctness is different in other countries. Bakker and Geling (2018) describe for example the difference between the US and the Netherlands. The core idea of political correctness in the US is that history and language should be cleared from racist, sexist and paternalist expressions that disenable minorities. The Dutch concept of political correctness, on the contrary, emanates from the polder model (consensus decision-making), the ideal of multiculturalism and fear of relics from the Nazi dictatorship. It referred mostly to the suspicion of denying problems related to multiculturalism and is strongly connected to the 1990s. During this time, problems arising from the 'multicultural society' became more obvious, but the established political order did not mention these problems or they were downplayed. This changed with the rise of politician Pim Fortuyn. He extended the boundaries of what could be said publicly, which gave rise to the debate about political correctness. Nowadays, multiculturalism still plays an important role in the political correctness discussion. However, it has become increasingly influenced by American activism for equality.

2.3 Current debate

Arguments about the justification of political correctness are often related to political goals and not always philosophically substantiated. Most articles focus on only one or a few arguments, without seriously considering other arguments. The most common arguments in favour of and against the justification for political correctness will be briefly discussed.

A frequently heard argument for the justification of political correctness is that it can be used to change problems related to unequal power relations in society, because political correctness can change problematic discourses. According to Michel Foucault (1972) a discourse is a social system that produces knowledge and meaning. It is about the way in which knowledge is organised. Knowledge plays a crucial role, because it structures social relations: it shapes how we collectively understand things. Moreover, a discourse is accepted as a social fact and is shaped and reproduced through patterns of power (Schneck, 1987). Norman Fairclough (2003) states that discourses function in social practices, which are essential for social change. Social practices are reflexive: when people interact, they represent what they do to themselves and to others. These representations become internalized, which is called 'dialectical internalization'. Fairclough distinguishes three ways in which discourses function in social practices. First of all, discourses are representations: Different positions in social relations of a social practice lead to different representations. Secondly, it functions as a genre: the way of acting and interacting, for instance teaching or chatting. Thirdly, discourses function as styles: as ways of being, how people identify themselves. If a discourse changes, these three aspects in social practices may change as well. Political correctness can for example restrict the use of problematic words that contribute to the underlying discourse of systematic oppression. If these words are not used in social practices, they will not become internalized. In this way, the discourse will change, which leads to a change for both the oppressed group and the dominant group.

Gerben Bakker and Gert Jan Geling (2018) argue that people should be able to determine how they are called. In this case, political correctness is justifiable, since only the people who are addressed by these words experience the possible burden of it. An example is the word 'queer', which used to be a politically incorrect word of abuse for homosexuals. 'Queer' changed slowly into a badge of honour and today it is becoming politically correct to use for people who identify themselves as such (Strossen, 1993). According to Bakker and Geling, queer people should have the right to decide whether they want to be called queer or not.

However, there are several arguments against the justification of political correctness. Bakker and Geling (2018) state that political correctness is a moral risk for individuals. In order to create an honest character, one should be able to critically think and be self-reflective. If people constantly have to consider whether something they want to do or say is socially acceptable, they cannot create an honest character. They only rely on moral judgements of others. Additionally, it creates fake images of people, which makes it difficult to judge what someone's intentions are. It creates suspicion. Bakker and Geling substantiate their argument by Immanuel Kant's deontology. Political correctness implies that people are able to evaluate whether their statements meet the social standard. Therefore, political correctness is an indicator that people possess moral intelligence. However, the question is how moral intelligence should be used to act justly. According to Kant, an act is morally just, if the

reason for acting is just and not because of the consequences. To make a good judgement about the intention of the act, reflectiveness is needed. Bakker and Geling argue that political correctness conflicts with reflectiveness since people may line up with politically correct ideas and beliefs while they are actually not convinced that they are just. People simply follow others, without critically reflect whether it is morally good to do so, which is against Kant's principles.

Susan Wolff's (1982) argumentation against a moral saint can be used as an argument against political correctness as well. According to Wolff, a moral saint is a person whose actions are as morally good as possible. This would entail that one's life is controlled by the pursuance to improve the wellbeing of others. Being as morally good as possible would be determining for one's character. A moral saint must be very careful and all preferences that conflict with moral perfection must be oppressed. This is neither rational nor desirable. Since political correctness is seen as the most 'moral', a moral saint should for instance constantly act and speak politically correct, must have politically correct convictions and must do a politically correct job. According to Wolff, this is objectionable, because in this way people will neglect their 'nonmoral' interests and competences, which is not good for one's well-being.

Jonathan Haidt and Greg Lukianoff (2015), fierce opponents of political correctness, state that political correctness makes people overly sensitive for ideas that conflict with their own worldview. Their critique on political correctness focusses on the context of college campuses. According to them, emotions dominate the debate on campuses. A subjective feeling of being offended is translated into a public charge that someone has said or done something objectively wrong. They argue that students will have many conflicts during the rest of their lives if universities and teachers keep up with this so-called 'emotional reasoning'. This will damage their mental health. Instead of acting in line with political correctness, colleges should help students to deal with different convictions, rather than 'protect' them by banning certain words and ideas.

2.4 Freedom of speech

One of the most frequently heard arguments against the justification of political correctness is that political correctness violates freedom of speech. This argument is mostly found in opinion articles and blogs (Heard, 2018; Bowen, 2018; Leef, 2016). There is little scientific literature that elaborates on the free speech argument. Craig Anderson (1993) argues that the right of free speech in college campuses is under attack because of political correctness. Not only is it conflicting with freedom of expression, it is also harmful for students, because they must learn to value diverse opinions. Moreover, not all students are equally protected by the restrictions political correctness imposes. Loury (1994) states that political correctness, besides that it threatens free speech in the case of formal speech codes on campuses, is threatening since it makes people voluntarily limit their speech. It implies self-censorship.

In all societies, freedom of speech is limited to a certain extent. Stanley Fish (1994) argues that speech is never unlimited. Free speech, in the sense of unrestricted speech, does not exist. Therefore, the debate about free speech is not only about whether it should be unlimited or not, but mostly about how, when and why free speech should be limited. There are several arguments for free speech, based on democracy (Langton, Fish, Dworkin), autonomy (Dworkin, Scanlon) and consequentialist arguments (Mill). Some authors argue that restrictions of freedom of speech should be limited (Dworkin, Scanlon, Kateb), and several authors offer principles to guide restriction (Mill, Feinberg).

Firstly, there are arguments for (restrictions on) freedom of speech deriving from the underlying values of liberal democracies. Rae Langton (1990) argues for restrictions on free speech based on values as equality and respect. She states for instance that pornography and other material that pictures women in a humiliating way should be forbidden, since it is not in line with the value of equality (van Mill, 2017). Fish (1994) argues that there cannot be one general principle that determines the limitation of freedom of speech. Every case must be considered individually and different values should be taken into account (van Mill, 2017). Freedom of speech should be balanced against values such as security, privacy, equality and the prevention of harm. In this way, it become clear what is on the line and what the dangers and advantages are of alternative action. According to Fish, arguments based on freedom of speech are never neutral, because arguments about freedom of speech are never free from a political perspective. They are advantageous to some interests and indifferent or adverse to others. Therefore, in each case it has to be examined if free speech is undermining or advantaging basic moral values. Ronald Dworkin's justification for free speech is based on democracy as well. According to Dworkin, freedom of expression is justified since it guarantees equality (Levin, 2009). One of the goals of democracy is facilitating equality. Free speech offers everyone the opportunity to speak. Regulation of speech by the state cannot offer this equal opportunity. Moreover, freedom of speech is fundamental for moral agency, which is the foundation for democracy. Freedom of expression is valuable, because it is a crucial and constitutive characteristic of a 'just political society that government treat all its adult members, except those who are incompetent, as responsible moral agents' (Dworkin, 1996, p. 200). Thus, Dworkin states that freedom of speech is an instrument to moral independence and at the same time constitutes moral independence. Since Dworkin sees freedom of speech as a prerequisite of democracy, restrictions on free speech are a violation to democracy (Levin, 2009).

Secondly, there are arguments in favour of free speech based on autonomy. Thomas Scanlon (1972) defends freedom of expression by the 'Millian Principle'. According to Scanlon, restrictions on freedom of speech by the government with the aim of protecting citizens against harm, violates people's autonomy (Brison, 1998a). Therefore, the state is not allowed to suppress freedom of expression based on harmful or offensive speech (Badamchi, 2014). Autonomous people need to be

able to freely and independently judge other's views.

Thirdly, there are instrumental, consequentialist justifications for freedom of expression. The most famous liberal defence for freedom of speech is made by John Stuart Mill. Mill stresses the importance of discovering truth (Barendt, 2007). According to him, freedom of expression is useful in distinguishing truth from error. Moreover, people are able to live an active intellectual life, since they are challenged by opposing views (Klosko, 2013). Free speech must be restricted when it causes serious harm to others. Mill's argumentation will be explained in more detail in chapter 3. The harm principle has laid the foundation for many positions on the limitation of free speech. George Kateb argues for instance that the harm principle reaches too far (van Mill, 2017). According to him, the harm principle implies that both political speech and religious speech must be banned, since they can cause a lot of harm. Kateb (1996, p. 221) defends 'almost unrestricted freedom of expression'. Joel Feinberg (1985), on the contrary, argues that the harm principle is not comprehensive enough. He states that forms of speech can be prohibited when they are offensive. This seems hard to apply, since being offended is subjective. Therefore, when applying the offence principle, several factors must be considered. These will be further explained in chapter 4.

In this chapter, it has become clear that the debate about political correctness is much broader than freedom of speech. According to Moller (2016), the argument that political correctness violates free speech is cliché. He states that the possible loss is not merely expressive. Although this thesis focusses on the context of freedom of speech, other aspects will be considered as well in the critical evaluation of the harm and the offence principle. In the next two chapters, the theories of Mill and Feinberg will be further examined and linked to political correctness.

3. Mill

Mill's book *On Liberty* is one of the most famous defences of freedom of expression. Why exactly are liberty and freedom of speech so important? And if they are so fundamental, are all forms of speech and behaviour allowed or are there legitimate reasons to restrict speech and behaviour? In this chapter, these questions are answered. The goal is to determine if the limitations that political correctness imposes on free speech and behaviour are justifiable according to the harm principle. First, it will be explained why Mill argues that liberty is essential. Thereafter, the harm principle is examined, followed by an outline of Mill's argumentation for freedom of expression and legitimate restrictions on free speech. Finally, it will be examined whether political correctness can be justified on the basis of Mill's defence of free speech and the harm principle.

3.1 On Liberty

In *On Liberty* Mill answers the question which restrictions on power, exercised by society over individuals, are legitimate (Wolff, 2015). Mill (1859) states that not only the power of governments should be limited, individuals should be protected from the power society has on them as well. Theorists believed that people would be able to protect themselves once they were protected from political tyranny by a democracy. According to Mill, on contrary, this is not the case, since power in a democracy is exercised by a select number of people, over all people in a society. Thus, power is never only exercised over the people who exercise it. Moreover, the 'will of the people' is in practice the will of the most active part of society, the majority or the people who make themselves be accepted as the majority. Society has the propensity to force its own views, ideas and expected behaviour on those who differ from them. Through social pressure, people can be forced to conform to certain norms, without making their own, well-considered choices to do so. Therefore, protection against tyranny by government institutions is not enough. In order to guide the way society deals with individuals, in the way of coercion and control, Mill (1859, 13) defines 'one very simple principle', that makes it possible to assess each case separately on its own quality (Wolff, 2015). This principle is called the liberty principle, nowadays better known as the harm principle and will be further explained in the next section (3.1.2 the harm principle).

Mill defends a strong principle of negative freedom, on utilitarian grounds (Klosko, 2013). According to Mill (1859, p. 14), utilitarianism is the 'ultimate appeal on all ethical questions'. It must be based on the long-lasting interests of people as progressive beings: the greatest happiness for the largest number of people. Mill connects utilitarianism to rights. He states that the greatest happiness is attained by offering people a private sphere based on rights, where interference is not allowed and a public sphere where interference based on utilitarian arguments is permitted. Thus, Mill formulates rights that maximize the general happiness (Wolff, 2015). These rights ensure that more happiness can

be attained than without a system of rights.

According to Mill (1859), offering people a private sphere with the right to non-interference is the best way to increase general happiness, since liberty is fundamental for people's well-being. Although he recognizes that liberty does not always lead to improvement, it is the only stable and certain source that can lead to improvement in the long term. This statement is substantiated with three arguments (Wolff, 2015). Firstly, Mill states that individuals are more likely to be right about what makes them happy rather than following others. Secondly, freedom of choice is essential for the development of human nature. The ability to choose is one of the most remarkably human capacities. In order to flourish, it is important for people to be able to develop this capacity. Thirdly, Mill argues that the best way to improve human progress, is giving people the possibility to experience different ways of living. In this way, people learn which forms of living they like most and offer an example for those who do not have the capacity to experiment with different forms.

3.1.2 The harm principle

Mill's answer to the question when and what forms of restrictions on freedom exercised by society over individuals are legitimate, is formulated in the so-called harm principle:

'The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.' Mill (1859, p. 13).

The principle only applies to fully competent people. Children and people who need to be taken care of by others must be kept safe from harm or injury, caused by both themselves and by others.

Harm to others

As briefly addressed before, Mill makes a distinction between the public and the private sphere. Only in the public sphere individuals are receptive for behaviour of others. In the private sphere, individuals are sovereign (Klosko, 2013). Thus, self-regarding actions should not be interfered with. Mill recognizes that no action is completely 'self-regarding'. One's behaviour in the private sphere is likely to have an influence on others. No one is absolutely secluded from society: seriously harming oneself will at least always have influence on one's closest relations (Mill, 1859). The principle stresses that only actions that cause harm to *others* should be intervened with. A drunk person for instance cannot be penalized for being drunk. A drunk police officer on duty on the other hand, should be punished. The same goes for people who cannot support their family because of their alcohol abuse. 'Whenever, (...), there is a definite damage, or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty and placed in that of morality of law' (Mill, 1859, p. 100).

Hence, people should only be punished for the harmful consequences their act has to others.

People's freedom cannot be restricted for the reason that they are addicted to alcohol. However, when this makes them unable to take care of their family, they can be intervened with.

Definition of harm

The question arises what 'harm' exactly entails. Mill does not explicitly explain what he means by harm. Piers Norris Turner (2014) even argues that it should be accepted that Mill does not define harm, in order to give a consistent explanation of *On Liberty*. However, Mill does give some insights in what harm encompasses. He often refers to 'interests' when he talks about doing harm: 'As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it becomes open to discussion' (Mill, 1859, p. 92).

As explained before, Mill argues for right-based interests on utilitarian grounds that achieve the greatest happiness for the biggest amount of people. For instance, a law that protects people from being attacked on the streets increases the general happiness. It is in the interest of all people to be able to safely walk the streets and they have the right to do so. Therefore, people are harmed when they are attacked on the streets. However, not everything that is in people's interests is also within their rights. For example, a law that determines that grandparents should or should not put their grandchildren in their will decreases general happiness. Although it might be in the interest of grandchildren to be put in their grandparents' will, they do not have the right to be included. Since grandchildren do not have this right, grandparents do not harm their grandchildren if they do not include them in their will. Pickpockets on the other hand, do harm others, because pickpocketing reduces the general happiness: pickpocketing violates people's interests and pickpockets do not have the right to pickpocket. Another example is economic competition. While competition can cause people to lose their money or even go bankrupt, Mill states that economic competition is in the general interest of society since it increases the general welfare. People do not have the right to be protected against economic competition. Therefore, it should be allowed. Thus, harm is a necessary condition for interference, but it is not sufficient (Lacey, n.d.-b). Interference is only allowed when an action causes harm *and* it is in the general interest to do so. The general interest, based on utilitarianism, is the greatest welfare for the greatest number of people.

Besides that, harm can be caused by both action and inaction (Mill, 1859). In both situations, one can be held accountable for the harm. In the case of inaction, one must be much more careful in the implementation of force. There are several good reasons for not holding people responsible. For instance, when it is likely that the person in case would act better without intervention, or because interference would cause greater misery than the one that is tried to be prevented. Furthermore, Mill does not address psychological harm (Warburton, 2009). He recognizes that many people consider

disgust or offence as harmful. However, a feeling of offence does not count as harm. Mill (1859, p. 102) states that '(...) a person's taste is as much his own peculiar concern as his opinion or his purse'. Thus, the harm principle is about physical harm rather than psychological or economic harm.

Hence, the only goal for which power is legitimately exercised, is to avert physical harm to *others* and it is in the general interest to do so. Although Mill does not provide a clear definition of harm, it can be concluded that harm is a violation of interests that are right-based and determined by utilitarianism.

3.1.3 Defence of freedom of speech

One of the most important elements of *On Liberty* is Mill's defence of freedom of speech. According to Mill, free speech is not only essential for individual happiness, but also for a 'flourishing' society (Warburton, 2009). According to Mill (1859), silencing opinions is depriving the human race: if the opinion is right, there is no opportunity to distinguish truth from falsity. If the opinion is wrong, the clearer understanding of truth, which is formed by its clash with error, is lost. Therefore, freedom of expression is a necessary condition for the well-being and development of humankind, on which all other well-being is depending. Besides that, freedom of expression is one way in which people are protected from the power society (may) has over them. Mill states that opinions may be either true, false or partially true (Macleod, 2016). In all situations, freedom of speech should be allowed since it is valuable for finding and preserving the truth.

First, one can never be absolutely certain whether an opinion is correct or not. Therefore, there is no authority that can decide whether an opinion is true or not. This would imply that the authority has absolute certainty, which is never possible. Oppressing a discussion is 'an assumption of infallibility' (Mill, 1859, p. 22). The objection to this argument that can be made, is that it is the duty of both people and the government to carefully form true opinions. When it is sure opinions are true, it is reasonable to impose them. It would be cowardly to allow dangerous opinions. However, as Mill argues, there is a difference between assuming an opinion to be true, because it has not been disproved and supposing an opinion to be true, because the opinion is not allowed to be disproved. To assume something to be true, it is necessary to have the possibility of hearing conflicting ideas and disapproval; liberty is needed. History has shown that many convictions that were once conceived as the truth, are now considered false, or even preposterous (Wolff, 2015).

In the case an oppressed opinion is false, it may possess a part of the truth and it is favourable to permit it to be expressed. Mill (1859) states that the value of human judgement is depending on the ability to make things right when they are wrong. People are able to improve their mistakes by discussion: facts and arguments need to be discussed to come closer to the right opinion. By studying different opinions, objections, answers and angles of approach, one is able to make a better judgement

than someone who has not been able to consider those aspects. Only when opposite opinions clash, there is a chance the truth is revealed. Therefore, incorrect opinions must be allowed as well (Klosko, 2013).

In the case opinions are thought to be true, but are not openly and freely examined, it is very unlikely they are held to be true. When people are unable to substantiate their argument and cannot respond well to counter arguments, it does not have anything to do with knowing the truth. According to Mill, the greatest speakers always study their opponent's arguments. Only when they know as much as possible, they have ground for defending their own opinion. Hence, it is essential for a true opinion to conflict with opposing opinions, since it strengthens its truth.

In most cases, the truth lies somewhere in between two opinions. Opinions often contain both truths and errors and most popular opinions 'are often true, but seldom or never the whole truth' (Mill, 1859, p. 56). Therefore, it must be possible to consider every opinion that contains some parts of the truth. No matter the amount of error and entanglement it accompanies. Through the collision of conflicting ideas, truth is separated from error and emerges in a more clarified and powerful form (Klosko, 2013).

Restrictions on free speech

Mill imposes very little limitations on freedom of speech. Legitimate restrictions that can be imposed, must be in line with the harm principle. According to the harm principle, opinions lose their impunity when the situation in which they are expressed make the opinion lead to a harmful act. Not economical or psychological harm, but only physical harm should be prevented (Warburton, 2009). Being offended by other's opinion, either written or spoken, is not sufficient for limiting freedom of speech. Mill (1859, p. 67) gives an example of the opinion that 'corn dealers are starvers of the poor'. When this statement is spread through the press, it may lead to a bad image of corn dealers or they might get under investigation, but it will not cause serious harm. However, when the statement is expressed to an excited mob in front of a corn dealer, it can become dangerous for the corn dealer. In the first case, the statement should be allowed, even when it is incorrect or immoral. In the latter case, it is an act of incitement and should therefore be forbidden according to the harm principle. Hence, free speech can only rightfully be restricted if it causes physical harm to others and if it is in the general interest to do so. In practice, this means that most speech is allowed.

3.2. Political Correctness

To determine whether political correctness can be justified from Mill's point of view, both his defence of free speech and the harm principle are connected to political correctness: it will be examined to what extent the restrictions on speech and behaviour that political correctness imposes are in line with the harm principle. As stated in chapter 2, the definition of political correctness that will be used to

answer the research question is: political correctness refers to '*restrictive and prohibitive norms of speech and behaviour in the public sphere that are aimed to protect marginalized people*'.

Freedom of speech

According to Mill's position, political correctness stands in the way of revealing the truth and therefore restricts the flourishing of society. In order to come closer to the truth and strengthen true opinions, Mill argues that it must be possible to express all opinions and it is even desirable. Restrictive and prohibitive norms of speech do inhibit this. All opinions, how immoral they might be, must be able to be expressed. It is never certain whether opinions that are considered as politically correct or not are true. Restrictions on politically incorrect views would assume infallibility, which is impossible. Moreover, politically incorrect views are helpful to come closer to the truth even if they are false. By expressing them, they can be discussed and refuted based on substantiated arguments. Besides that, they must be both morally and legally allowed because they might contain a part of the truth and they can be used to strengthen politically correct views.

Prohibitive and restrictive norms that ensure that people who will express politically incorrect ideas do not get a platform to speak (the 'No Platform' argument), are not in line with Mill's standpoint either (Warburton, 2009). A platform refers to both a literary platform, such as a lecture, and to ways of expression via the media. Defenders of the No Platform viewpoint argue that it is morally wrong to give people credibility by offering them channels to express politically incorrect opinions. In this way, homophobic, sexist and racist views can be spread, which further undermines the position of marginalized people. They do not argue for complete censorship, but they do not want to support spreading politically incorrect ideas. Nevertheless, this is not justified from Mill's point of view. When people are frequently forbidden to express their views, it might begin to look like informal censorship, which is objectionable. One can even argue that providing a platform to express politically incorrect opinions is desirable, since it is useful for receiving the truth.

Harm principle

Since political correctness interferes with people's actions, it is only justifiable if the imposed limitations on speech and behaviour prevent harm to others. However, this is not the case, because the aim of the restrictive and prohibitive norms that political correctness prescribes are more extensive. According to the harm principle, only expressions of opinions and behaviour that cause serious physical harm to others, such as acts of incitement to violence, should be forbidden. While political correctness can prevent incitement, the norms go far beyond this. The aim of political correctness is to protect marginalized people against both direct and indirect violations, such as abusive words, prejudices and stereotypes that have negative mental and physical consequences. Thus, political correctness is not only about preventing direct physical harm, but also about speech and

behaviour that leads to (psychological) harm in an indirect way and about conduct that causes offence.

An example of political correctness that clarifies this, is the use of the Dutch word 'wit' (white) instead of 'blank' (a term that refers to a white skin colour), briefly addressed in the introduction. The reason of using the former rather than the latter, is that 'blank', in contrast to 'zwart' (black), has a positive connotation. It invokes associations with 'pure' and 'clean', which 'zwart' does not. Therefore, using the word 'blank' reproduces unequal power relations. It contributes to stereotypes that lead to all kinds of negative consequences. While this prohibitive norm does protect marginalized people against different types of disadvantages, it does not prevent direct harm: using 'blank' does not directly harm people. Causing harm is a necessary condition to justify the prohibitive norm according to the harm principle.

Hence, the restrictions on freedom of expression imposed by political correctness cannot be justified according to the harm principle as formulated by Mill, since political correctness implies restrictive and prohibitive norms on speech and behaviour that aim to prevent more than only harm as defined by Mill.

Extensions of the harm principle

The above explanation and interpretation of the harm principle is based on Mill's work from 1859. Modern interpretations of the harm principle are often about more than physical harm. Susan Brison (1998b, p. 47) argues for instance that 'speech undeniably does cause (sometimes serious) harms' and that speech has both physical and psychological effect on listeners. According to her, it is impossible to distinguish psychological and physical harm, because they often go hand in hand and influence each other. Besides that, she states that it cannot be assumed that physical injuries are worse than psychological ones. The psychological consequences of a physical attack last for example much longer than the physical effects. Furthermore, many researches show that certain types of speech and behaviour, such as racism and discrimination, have negative consequences on both mental and physical health (Harris et al., 2006; Anderson, 2012; Williams, Yu, Jackson & Anderson, 1997). Discrimination and racism can lead to physical and emotional stress and are associated with cardiovascular disease, smoking, depression and lower physical functioning. It also indirectly influences people's health: Galea et al. (2011) show for example that in the US racial segregation causes 176000 deaths annually.

According to a broader interpretation of the harm principle, speech and behaviour can be legitimately restricted if they cause psychological harm. Just as in the 'narrow' interpretation of the harm principle, psychological harm is defined as a violation of interests that are right-based and determined on utilitarian grounds. Racist speech that leads to depression can for instance violate people's interests to live a happy life. The victims in this case might not be able to go to their work

anymore because of their depression. Hence, speech that may lead to serious psychological harm could therefore rightfully be limited according to a broader interpretation of the harm principle. Since restrictions on behaviour and speech that political correctness imposes may prevent this kind of harm, some forms of political correctness can be justified according to this broader interpretation.

In short, according to a narrower interpretation of the harm principle, the limitations on free speech imposed by political correctness are not justifiable. A more modern and broad interpretation of the principle leaves more room for the justification of restrictions on behaviour and speech that political correctness imposes, because it includes psychological harm.

4. Feinberg

In contrast to Mill, Feinberg argues that offence is a legitimate reason to restrict free speech and behaviour as well. One can imagine that not everyone is offended by the same opinion or behaviour. It is likely that offence has to do with one's personal view on a topic, the way in which something is expressed or with the person who causes the offence. Being offended is subjective and difficult to measure. All people can claim that they are offended by a certain opinion, even when they are not. The question arises what Feinberg means by 'offence'. Does the offence principle impose major restrictions and prohibitive norms on speech and behaviour? Does it justify the restrictions on free speech imposed by political correctness or does Feinberg's offence principle requires even more than political correctness? In this chapter, Feinberg's defence of the offence principle will be explained. The definition of offence is given followed by several factors that must be considered in order to determine whether an offensive act should be punished. Finally, to determine whether political correctness can be justified on the basis of the offence principle, the offence principle will be connected to political correctness. It is examined whether the restrictions on free speech and behaviour imposed by the offence principle are in line with the restrictive and prohibitive norms implied by political correctness.

4.1 Defence of the offence principle

In *The Moral Limits of the Criminal Law* Feinberg (1985) answers the question what types of behaviour the state can rightly criminalize. According to Feinberg, feelings of disgust, shame or dismay are not necessarily harmful, but they are inconvenient and therefore evil. Although occurrences might not be harmful, they can be so displeasing that their victims are wronged. For that reason, Feinberg argues that legal protection can be rightly demanded in case of offence. The harm principle cannot provide legitimate reasons to interfere in liberties of others for the purpose of preventing such kinds of unpleasant states. Therefore, Feinberg formulates another principle that, next to the harm principle, determines when the state can rightly intervene in one's behaviour.

To illustrate the necessity for a principle that regulates offence, Feinberg gives examples in six different 'classes of offended states', to make readers think how they would protect themselves in each situation. In each example, the reader is a passenger on a crowded public bus. The stories start relatively 'innocent': a smelly fellow passenger who sits down next to you. The last stories are more shocking. They are about a fellow passenger who has sexual contact with a dog and a demonstrator against feminism who carries a banner with 'Keep the bitches barefoot and pregnant' (Feinberg, 1985, p. 13). One can imagine that the latter two examples ought to be prohibited, but that the example of the smelly fellow passenger might not be serious enough to penalize. This show that there are different forms of offence and that only some of them should be prohibited.

Hence, even though victims of offence are not harmed, they are wronged. According to

Feinberg, this is a morally legitimate reason for criminal law to be involved in the regulation of offences. This is formulated in the so-called offence principle.

4.2 The offence principle

Feinberg (1985, p. 1) formulates the offence principle as follows:

‘It is always a good reason in support of a proposed criminal prohibition that it would probably be an effective way of preventing serious offence (as opposed to injury or harm) to persons other than the actor, and that it is probably a necessary means to that end’.

Thus, according to Feinberg, averting offensive behaviour is a task of the state. However, there are many reasons to be careful in applying the principle. For instance, because offence can be an outcome of an excessively sensitive nature or intolerance and prejudices. Therefore, it is important to determine what offence is and when it should be prohibited and punished. Feinberg formulates several standards that must be met in order to apply the principle. This will be explained in the following paragraphs.

4.2.1 Offence

Feinberg (1985) states that offence refers to an ‘unpleasant mental state’ that must be caused by ‘wrongful’ behaviour of others. An unpleasant mental state entails feelings of disgust, embarrassment, nervousness, feeling disgraced and so on (Petersen, 2014). Moreover, the offence principle is about offence in the broadest sense. This entails, in contrast to offence in the strict sense, that it does not matter whether one blames the offender. The victim must have an unpleasant mental state caused by wrongful behaviour of another, regardless of whether the victim is aware that the unpleasant mental state was caused by the wrongful act of another. One does not necessarily have to have a feeling of ‘resentment’. Thus, there must be a wrong, but is it not necessary that the victim feels wronged.

Feinberg recognizes that offence is less serious than harm. People tend to see offence as a part of harm, because ongoing extreme offence can cause harm, for instance when people get so distressed that they fail to look after their own interests. However, offence is not a condition of harm. It is a self-contained concept. Moreover, the offended mental state itself is relatively insignificant, aside from possible causal relationships with harmful consequences³. Therefore, Feinberg argues that the law should not treat offence and harm in the same way. Offence should not be controlled by the law if other directives are equally able to do so and offensive behaviour should be punished proportionally to the severity of the act. In some cases, the ‘power of custom and public opinion’ are effective enough to prevent offence (Feinberg, 1985, p. 49). In order to determine whether and how offence should be controlled by law, two factors must be considered.

³ Hence, there is a difference between offence and psychological harm. Psychological harm lasts longer than offence and causes mental health issues.

4.2.2 Nuances

Feinberg (1985, p. 35) formulates two factors, determined by several standards, that legislators must consider in order to determine whether offensive behaviour falls under the offence principle and therefore can be prohibited and possibly be punished. In every single case, the two factors must be considered and balanced against each other.

The first factor that must be considered is *the seriousness of the offence*. This is determined by four standards.

1. *The magnitude of the offence*: The more intense, the longer its time span and the more widespread the vulnerability of the offence is, the more serious the offence is.
2. *The standard of reasonable avoidability*: the more difficult it is to stay away from the offence without serious trouble to oneself, the more serious the offence is. It is for instance unreasonable to require the bus passengers from the example in the beginning of this chapter to leave the bus. They would have to wait for the next bus, pay for a new ticket and arrive later than they wanted to at their destination. In this case, the anti-feminist demonstrator could be legally punished. However, Feinberg states that no one has the right to be protected by the state from offence if it can be easily avoided. It would for instance be unreasonable to forbid 'obscene' books: the content of these books is hidden by their covers and people can choose not to pick them from the shelves in a bookstore. If one opens such a book by accident, it can easily be closed.
3. *The 'Volenti maxim'*: people can be offended by actions or behaviour to which they have consented. However, being offended as a result of a voluntary experience is not covered by the offence principle. Although voluntary experiences can cause as bad offended states as non-voluntary experiences, it is not caused by wrongful behaviour of others, which is a requirement for offence to fall under the offence principle. This is for instance the case when people go voluntarily to a pornographic cinema, knowing that what they are going to see can make them feel ashamed or disgust them, but they are willing to take the risk of being offended out of curiosity. This is not covered by the offence principle.
4. *The 'discounting of abnormal susceptibilities'*: if people are offended, because they are unusually sensitive to offence, the seriousness of the offence reduces. People can for instance be disgusted or embarrassed by certain activities that one knows are allowed by law, when they are done behind closed doors between consenting adults. One can already become displeased when they walk past a house with closed curtains, knowing that such kind of activities might be going on there. This kind of offence is not covered by the offence principle.

After the legislator has determined the seriousness of the offence, it must be weighted up with *the reasonableness of the offending behaviour*. This is defined by six standards (Feinberg, 1985, p. 44).

1. *Personal importance* to actors themselves: the more important the offending behaviour is to actors, for instance because they earn money by it or it improves their health, the more reasonable the behaviour is. However, perverse or malicious behaviour done on a whim and thoughtless, arbitrary behaviour do not meet the standard of personal importance.
2. *The social value*: the bigger the social value of the offensive behaviour, the more reasonable the actor's behaviour is. There is for instance a difference between being offended as a consequence of the investigation of a crime and being offended by someone who listens to loud music in a public bus. The former case has a greater social value than the latter.
3. *Free expression*. Feinberg emphasizes the importance of free speech, based on Mill's argumentation. It is important that individuals are able to voice their opinion and that they have access to other's opinions. Moreover, it must be possible to criticize governmental policies. This relates to both the standard of personal importance to actors and the standard of social value. Nevertheless, there are two ways in which an opinion can be offensive: one can be offended by the expression of the opinion itself or by the way in which it is expressed. According to Feinberg (1985, p. 44) 'no degree of offensiveness in the expressed opinion itself is sufficient to override the case for free expression (...)'. Only the offensiveness of *the way of expression*, on contrast to its substance, might have sufficient weight to prohibit the expression. Thus, even public advocacy of legalization of homicide or that democracy should be replaced by Nazism must be allowed, as long as the way of advocacy itself is not offensive, as the offence principle determines it.
4. *Alternative opportunities*: the bigger the possibility of other times and places that are equally fulfilling to the actor, but less offensive to others, the less reasonable the behaviour is. In most cases, Feinberg argues, offensive behaviour is legally in the actor's own residence. However, it might be that the reason for doing so is lost if it can only be done in the private sphere. For example, if a certain way of dressing is part of people's identity or important for their health. This must be taken into account as well.
5. *Resentment*: offensive behaviour is unreasonable if the motive for it is only malignant or spiteful. The motive must be determined carefully, because it can be difficult to see the difference between spite and malice and other motives.
6. *The nature of the locality*: offensive behaviour in a place where it is common is more reasonable than in places where it is unexpected. Feinberg gives the example of sex shops and pornographic cinemas with neon signs and obscene advertisements. In residential and

commercial neighbourhoods of cities, this is often unwanted and can cause offence, while this is probably not the case in neighbourhoods where such places have been for a long time.

It is the legislator's task to balance the different standards against each other. Feinberg acknowledges that this can be complicated and ambiguous. In some cases, it is clear whether an act falls under the offence principle or not, for instance when the *Volenti maxim* is applicable: books cannot be legitimately forbidden on the basis of offensiveness, because they can be easily avoided. In other cases, it can be more complicated, because standards can conflict. Therefore, there is not an automatic way to conclude whether an act is offensive or not. According to Feinberg (1985, p. 46) 'when the facts are all in, and the standards all duly applied to them, there is no more need for a philosopher; the judge or legislator is entirely on his own'. Furthermore, the offence principle depends on cultural standards that differ per location and change over time. This causes problems, because it leads to punishment of reformers and innovators: the first people who go against the norm are more likely to offend others. Feinberg states that this is inevitable. He argues that they should get minor punishments. Moreover, people who are punished for stimulating already progressing changes will soon be proved right, which is a compensation for most of them.

4.3 Political correctness

In order to determine if the restrictions on freedom of speech imposed by political correctness are justifiable according to the offence principle, it must be examined whether *the restrictive and prohibitive norms of speech and behaviour in the public sphere that are aimed to protect marginalized people*, prevent or prohibit offence. Only if they do so, political correctness is in line with the offence principle. After that, the seriousness of the offence and the reasonableness of the offending behaviour must be examined. Since the two factors, determined by ten standards, are context dependent, it is difficult to draw a single conclusion. It will differ per situation whether speech or behaviour can be considered as offensive and serious enough, and therefore be legitimately prohibited.

4.3.1 Offence

The aim of political correctness is to protect marginalized people against speech and behaviour that directly and indirectly violates them. 'Violate' implies a certain type of behaviour or speech, that is likely to cause offence, as the offence principle defines it. Examples of speech and behaviour that political correctness restricts are the use of stereotypes, abusive words or overgeneralizations. These can lead to an 'unpleasant mental state', caused by wrongful behaviour of others. One does not necessarily have to be aware of the wrongful behaviour of others. For instance, the frequent use of stereotypes in newspapers. This can lead to a feeling of disgrace in two ways, without knowing it is caused by these stereotypes. One can be offended by reading the stereotypes and if other readers of

the newspaper copy them and start to use them in day to day live. Thus, political correctness prevents speech and behaviour that causes offence as the offence principle defines it. However, it depends on the seriousness of the offence and the reasonableness of the offending behaviour if it should be prohibited or not.

4.3.2 Speech

As explained before, Feinberg (1985) argues that offensiveness in expressed opinions itself is not sufficient to restrict freedom of expression. Only if the way in which opinions are expressed is in line with the factors offered by the offence principle, such opinions can be legitimately be prohibited. This relates to the reasonableness of the offence. It should be balanced against the personal importance to the actor, the social value and the alternative opportunities. If the same opinion can be expressed in a less offensive way, it should be done so.

According to the offence principle, the norm to use the politically correct Dutch word 'wit' instead of 'blank' from the example in chapter 3 can be justified, because it is about the way of an expression rather than the content. Since the two words mean the same, people can easily use the former word and still express their opinion (standard 3 and 4). It could be argued that people personally value the use of the word 'blank'. However, this will probably not outweigh the personal and social value of people who are offended by the term. This shows that some form of political correctness can be justified according to the offence principle.

The 'No Platform' argument, not offering people a platform to speak, because they will express politically incorrect opinions, on the contrary, is more difficult to justify. While the expressed opinion during a lecture might offend the audience, the *Volenti maxim* can be applied. It can be argued that it is a voluntary experience, people choose to go there. They can look up the reputation of the speaker beforehand. Therefore, the lecture of the speaker cannot be legitimately prohibited according to the offence principle⁴. However, a lecture where politically incorrect opinions are expressed that is an obliged part of the curriculum, might be prohibited.

4.3.3 Behaviour

Besides speech, political correctness aims to protect marginalized people against behaviour that violates them. Here, the justification of restrictions on behaviour imposed by political correctness depends on the context as well. Examples of politically incorrect behaviour are the wearing of culturally appropriative⁵ costumes on holidays such a Native American 'costume'. This can be offensive for

⁴ Only when a relatively impeccable speaker unexpectedly starts to be offensive, the *Volenti maxim* does not apply. In this case, the standard of reasonable avoidability must be considered: one can always leave the lecture hall.

⁵ Cultural appropriation entails that people from the dominant culture within a country use aspects of a culture of people who have been systematically oppressed by the dominant group (Rogers, 2006).

people, because their culture is not taken seriously: marginalized people experience disadvantages in their everyday life, because of unequal power relations of which most people from the dominant group are not aware. By dressing up as native American, people from the dominant culture take the 'benefits' of a culture and underplay historical oppression. Another example is 'Black Pete', a blackface character from the Dutch St. Nicholas holiday, which is offensive for many people of colour⁶.

In both cases, it is complicated to balance the two factors that Feinberg defines against each other. On the one hand, it can be argued that this behaviour cannot easily be avoided, because holidays are often celebrated throughout the whole country, at schools and universities. Moreover, there are plenty of alternative opportunities. One can easily dress up in a less offensive way. This seems to strengthen a (legal) rejection of such phenomena. On the other hand, it can be argued that people who are offended by such costumes are 'abnormally susceptible'. This is in line with Haidt and Lukianoff's argument against political correctness. This shows that the justification of restrictions on freedom of expression imposed by political correctness by the offence principle depends on both the context and the interpretation of the standards.

Hence, it has become clear that at least certain restrictive and prohibitive norms of speech or behaviour implied by political correctness can be justified according to the offence principle when they are in line with the described standards. Yet it cannot be argued that the offence principle always justifies the restrictions on speech and behaviour that political correctness implies, because the weight of the factors and standards differ per case. Each case must be carefully considered. In general, it can be concluded that political correctness, as defined in this thesis, aims at preventing offence and that some cases of political correctness are therefore justified.

⁶ Black Pete is offensive for many people of colour, because it is a blackface character with painted red lips and golden earrings, helping a white man. This is associated with a history of slavery and oppression of people of colour.

5. Critical evaluation

As we have seen in the previous chapters, it is difficult to justify political correctness according to the harm principle. A narrow interpretation of the harm principle only legitimizes limitations on speech and behaviour that cause physical harm to others, while the restrictive norms that political correctness implies are more extensive. Only a broader interpretation of the harm principle, which also includes psychological harm, can justify some forms of political correctness. The offence principle, on the contrary, can justify certain types of limitations on behaviour and speech imposed by political correctness more easily. It allows for restrictions on freedom of expression that prevent offence, which is determined by several standards that must be weighed against each other.

In order to determine if the restrictions on speech and behaviour implied by political correctness are justifiable, it must be critically evaluated whether the harm principle and the offence principle themselves are acceptable to impose restrictions on freedom of expression. Is the harm principle extensive enough or do we need a more far-reaching principle? Does the offence principle impose fair and justifiable limitations on speech and behaviour, or does it limit people's freedom too much? In this chapter, these questions will be answered. After a critical evaluation of both principles, it will be examined whether the objection or justification of restrictions on free speech that political correctness imposes by the accepted principle is justifiable. Is the rejection or justification of political correctness by the accepted principle convincing and justifiable?

5.1 The principles

5.1.1 Harm principle

Mill's harm principle, which only legitimizes restrictions on behaviour and speech that avert harm to others if the restrictions are in the general interest, seems a valuable principle for the interference of society over individuals. It is important that people are able to do what they want to do, as long as they do no harm to others. Acts of incitement should be forbidden, because they can endanger people's lives. However, the question is if protection against physical harm is enough, as the narrow interpretation of the harm principle requires, or if we need a broader definition of harm. In the following paragraphs, the two interpretations of the harm principle are critically evaluated.

Narrow interpretation

The narrow interpretation of the harm principle entails that behaviour and speech can only rightly be limited if it prevents physical harm to others and if it is in the general interest to impose limitations, determined on utilitarian grounds. However, is protection against physical harm enough? As briefly addressed in chapter 3, certain types of conduct are (indirectly) harmful to both one's physical and one's mental well-being. Demeaning speech and behaviour can lead to serious mental harm and to

physical harm, such as cardiovascular disease (Harris et al., 2006). For that reason, a principle that only restricts speech and behaviour that cause physical harm is not comprehensive enough. People should be protected against conduct that causes mental harm as well. As Brison (1998b) argues, psychological harm is not necessarily secondary to physical harm. In many cases, psychological harm lasts longer than physical harm. Mental injuries can be as bad or even worse as injuries hurts. People who are structurally bullied or depreciated can internalize humiliating thoughts, which lowers their self-esteem and can eventually have physical consequences. This is a serious form of harm, against which people should be protected. However, the narrow interpretation of the harm principle does not allow for this.

Furthermore, there are other equally important, or in some cases even more important, legitimate reasons to restrict speech and behaviour. This can be explained by the 'famous' Nazi march through Skokie, Illinois. In 1977, neo-Nazis, wearing Nazi uniforms with swastikas, wanted to walk through a Jewish community of which many were holocaust survivors (van Mill, 2017). The marchers did not have the intention to take part in a political discussion. This can be seen as an act of incitement: it is likely that people from the Jewish community started a riot. For that reason, the march could be forbidden according to the narrow interpretation of the harm principle. However, the fact that the marches themselves are highly offensive and can make people's war traumas arise alone should be reason enough to restrict people's freedom of expression and behaviour. The question can be raised why they choose to demonstrate in this particular neighbourhood. Should their motive not be considered as well? In this case, it could be argued that freedom of speech does not outweigh the offensiveness and sensitivity of the act, given the connection of the march with the Holocaust. Nevertheless, the harm principle does not cover such reasoning. According to Mill, feelings of disgust or offence do not count as harm, because it is a person's taste and therefore one's own concern. Although some people are more sensitive to offensive or derogatory speech and behaviour than others are, some forms of conduct are so reprehensible that it is not about a person's taste, such as the Skokie march. This example shows that the harm principle is not able to deal with certain consequences of speech and behaviour that are morally wrong and objectionable and therefore a legitimate reason to restrict freedom of expression.

Hence, the 'narrow' interpretation of the harm principle does not include psychological harm, which is at least as bad as physical harm. Moreover, it does not consider other morally objectionable consequences of speech and behaviour, such as offence. Both are needed in order to provide comprehensive enough and morally defensible guidelines for restrictions on freedom of expression. This shows that the narrow interpretation of the harm principle is not extensive enough. Therefore, the narrow interpretation of the harm principle is rejected as a justifiable principle to impose restrictions on freedom of expression.

Broader interpretation

As explained in chapter 3, a broader interpretation of the harm principle does consider psychological and indirect physical harm. From this point of view, the Nazi march in Skokie could be forbidden if it can be argued that the marches cause psychological harm to the residents of the neighbourhood, which might result in physical harm. As explained before, emotional stress can for instance lead to lower physical functioning, depression or cardiovascular disease (Harris et al., 2006). Therefore, psychological harm is a valid reason to limit the marcher's freedom of speech. This example shows that the broader interpretation of the harm principle is better able to deal with cases in which speech or behaviour can cause psychological harm. This is important, because mental harm should be taken as serious as physical harm. They can both have a destructive impact on people's life.

However, what if people are not psychologically or physically harmed by behaviour or speech, in the sense that their interests are violated as defined by Mill, but that they do experience serious negative consequences? It can be that someone does not have physical or mental health problems, but does experience other consequences of racist or homophobic speech. This kind of speech can strengthen stereotypes and discourses, which for example make police officers stop people of colour without a reason. Although people in this example might not be harmed as the harm principle states, they are wronged: their interests might not be violated, but it can lead to feelings of fear or anger. The harm principle cannot prevent this. The same goes for the Skokie example. According to the broad interpretation of the harm principle, the Nazi march could be forbidden on the ground that it causes psychological harm to residents. However, the march cannot be forbidden for the reason that it wrongs people by offending them. Mill argues that such feelings are subjective and not a good enough reason to limit speech, given the importance he attaches to free speech for progress and general utility. In most cases, this will be true. People's freedom of speech should not be restricted for the reason that some people are sensitive to particular language or opinions. People may be tempted to claim that they become distressed by an opinion, because they disagree with it or it is not in their favour. This must be prevented. However, what if people intentionally and repeatedly make other people feel anxious or depreciated only for the purpose of their own pleasure? This kind of behaviour is morally objectionable. Therefore, it should at least be considered whether there is another way of expressing oneself that is less destructive.

Hence, a broader interpretation of the harm principle does allow for limitations on speech and behaviour that cause psychological harm. This is necessary for a principle to be acceptable, because mental harm should be taken as seriously as physical harm. Therefore, the broader interpretation of the harm principle is more acceptable than the narrower. However, the broad interpretation of the harm principle does not restrict speech and behaviour that makes people frightened or disgusted for no other reason than one's own pleasure. The principle does not allow for limitations on conduct that

wrongs people, while some conduct can be so reprehensible that it is morally legitimate to restrict it. Think of the more extreme examples of offence on a bus given in chapter four. Thus, the broader interpretation of the harm principle is a valid principle for the restrictions on free speech and behaviour. Nevertheless, it does not cover all forms of speech and behaviour that should be limited. Can the offence principle make up for the shortcomings of the harm principle?

5.1.2 Offence principle

In this paragraph, both Feinberg's argumentation for prohibiting offence and the way in which offence is determined are critically reflected upon. As has become clear from Mill's argumentation for free speech, freedom of expression is fundamental for people's well-being and the development of humankind. This argumentation is considered in the evaluation of the offence principle. A justifiable principle should not allow for restrictions that limit people's well-being and development too much.

Argumentation for offence

In contrast to the harm principle, the offence principle does impose restrictions on behaviour and speech that lead to unpleasant mental states. As argued in paragraph 5.1.1, certain types of conduct are not necessarily harmful, but they are so inappropriate that they are evil and should therefore be restricted. For instance, in the case of the Nazi march in Skokie. As we have seen in the previous paragraph, the harm principle cannot forbid the march on the ground that the march is offensive for (Jewish) residents of the neighbourhood. As a result, feelings of anxiety, fear and disgust cannot be prevented. The offence principle on the other hand, can in principle prohibit this kind of behaviour. Whether offence should be forbidden in a particular case, depends on the context. Not every form of speech and behaviour that leads to unpleasant feelings ought to be forbidden. This would impose unacceptable restrictions on free speech, which is undesirable and unjustifiable. However, under the right circumstances, offence ought to be prohibited, because it can be so disgusting that people are wronged. Therefore, Feinberg's argumentation why offence should be restricted is convincing and valid.

Furthermore, Feinberg rightly recognizes that offence is less serious than harm and should therefore only be controlled by the law if other directives are not able to do so. Moreover, Feinberg argues that offensive conduct should be punished proportionally to the seriousness of the act. The differences in penalties following from the distinction between harm and offence are well founded and necessary for a justifiable principle. In this way, major and unacceptable control over people by the law, which infringes on people's freedom, is prevented. However, it remains unclear what ought to be done when offensive conduct is not serious enough to be controlled by law, but does fall under the offence principle. What non-legal measures should restrict offence in such cases? According to Feinberg, in some cases custom and public opinion are effective enough to prevent offence.

Nevertheless, if the offensive act has occurred, it seems that custom and public opinion were not effective enough to prevent it. In short, it is valuable that Feinberg emphasizes that only serious forms of offence must be controlled by law, but it is vague what the offence principle requires when the offensive conduct is not serious enough.

Nuances

Feinberg recognizes that not all offensive conduct can and should be forbidden. By the different examples of fellow passengers in a bus, Feinberg effectively illustrates that some forms of offence are so serious that they ought to be prohibited, while others are not. After that, Feinberg formulates two factors, the *seriousness* of the offence and the *reasonableness* of the offending behaviour, determined by respectively four and six standards, that determine whether or not offensive conduct can be legitimately be prohibited. Both the factors and the standards are important for the legitimation of the principle. In this paragraph, these will be critically evaluated.

The first factor, the *seriousness* of the offence is determined by the magnitude, the standard of reasonable avoidability, the *Volenti maxim* and abnormal susceptibilities. *The magnitude of the offence* is a logical consideration. It makes sense that the more intense, the more widespread and the longer the offence takes, the more serious it is. Therefore, the magnitude of the offence is accepted as a valid standard.

Furthermore, Feinberg correctly states that *easily avoidable offence* is an invalid reason to limit freedom of expression. This standard is necessary, because it is important that people take responsibility themselves. When it is easy for people to avoid certain speech or behaviour by which they can be offended, they have the responsibility to do so. If they choose not to avoid it, they must deal with the consequences. Other's freedom of expression should not be limited because of this. However, when it is difficult to keep away from offence, for example from offensive posters that are scattered throughout the whole city and even at one's workplace, it is logical that the reason to prohibit offensive conduct increases. In this case, people have to sacrifice too much to avoid the posters. By including this standard, Feinberg ensures that the principle does not become patronizing, which is valuable.

The *Volenti maxim* is convincing, because voluntarily experienced offence should not be a valid argument for restrictions on behaviour and speech. People should not have the right to be protected against offensive conduct when they voluntarily choose to be exposed to it. Just like the previous standard, the *Volenti maxim* rightly ensures that people take responsibility for the consequences of their own behaviour. Therefore, it is reasonable that this kind of offence does not fall under the principle. Through both the standard of reasonable avoidability and the *Volenti Maxim*, Feinberg ensures that the offence principle does not become paternalistic, which is essential for the principle in order to be acceptable.

Lastly, Feinberg is right that the *susceptibility* of the offended person must be considered. Normally harmless actions and speech that offend abnormally vulnerable people should not be restricted. In this case, the offenders should not be punished, because they cannot help it. Nevertheless, Feinberg does not explain how one's susceptibility should be determined. In some cases, it will be clear whether someone is abnormally susceptible or not. However, when this is not the case, the level of susceptibility becomes a subjective consideration. This can be problematic and might reduce the justification of an outcome of the principle. Furthermore, Feinberg does not pay attention to traumatized people. They are obviously more sensitive to certain types of speech or behaviour than others are. Should these people not be extra protected? Think for example about the holocaust survivors in the Jewish community in Skokie. It can be assumed that the neo-Nazis knew that people from the Jewish community had a war trauma. In this case, the 'abnormal' susceptibility would increase the seriousness of the offence instead of decreasing it. Unfortunately, Feinberg does not consider this. Although the consideration of one's susceptibility is reasonable, the elaboration of the standard is insufficient.

The second factor, the *reasonableness* of the offending behaviour, is determined by personal importance, social value, free expression, resentment and the nature of the locality. *Personal importance* is a necessary standard, because it prevents that people are not allowed to do certain things that are of great value to them, just because others take offence. People can for instance claim that they are offended by homosexual couples walking hand in hand. In this case, the personal importance of the couple outweighs the personal importance of the offended people. The 'offensive' behaviour of the homosexual couple is an expression of identity and therefore signifies real personal importance. Thus, Feinberg rightly stresses that the personal importance to actors themselves must be considered.

The same goes for the *social value*. It should be considered whether an act adds social value or is necessary for social functioning. Activities such as the renovation of a building or the investigation of a crime should not be forbidden for the reason that people are offended by it. It is necessary that Feinberg includes this standard, because in this way the social value of freedom of expression, such as the development of humankind and discovering the truth, is considered.

The standard of *free expression* is convincing. It is one of the most important standards, because it defends the value and benefits of freedom of expression and it prevents censorship, which is crucial for justifiable restrictions on speech and behaviour. Feinberg rightly argues that only the *way* of expression can be legitimately punished if it is offensive, not the content itself. In this way, it remains possible to express convictions and ideas, as long as other standards of the offence principle do not weight up against it.

The standard of *alternative options* contributes to the justification of the offence principle as

well. It is valid that the easier it is to express or act at other times or places, the less reasonable the offence is. Additionally, the standard stresses people's responsibility to have consideration for others. This standard is nuanced, because it considers someone's personal importance to the place in which speech is expressed.

The standard of *resentment* is valuable, because it is convincing that the motivation of malice reduces the reasonableness of the offensive conduct. The last standard is the *nature of the locality*. It sounds valid that some forms of offence are more reasonable in places where they are more common. However, what about places where homosexual couples are less 'common'? Can people in such neighbourhoods rightly claim that they are offended by couples of the same gender showing affection? Should these couples therefore be forced to go to a neighbourhood where their 'behaviour' is more common? According to Feinberg (1985, p 43), this should not be allowed since we cannot impose limitations on 'expressions that we think of as natural rights in our own cases'. Everyone has the right to walk hand in hand with people they love. Feinberg states that the standard is therefore more applicable to for example 'overtly erotic behaviour'. It is important that Feinberg stresses this difference. However, he does not substantiate it enough. It remains unclear what natural rights exactly entail. Therefore, they could be interpreted in many ways, which may lead to confusion and a subjective interpretation of the principle. This is problematic. Since this substantiation of this standard is fundamental, it should have been made more explicit.

In practice, the evaluation of the standards can cause difficulties. How can it for example be proved that someone could have easily avoided a lecture? People can argue that they did not know beforehand that the speaker would offend them, while they actually did know. As addressed before, the standard of abnormal susceptibilities can be difficult to determine. What makes someone more sensitive to certain behaviour than others? Moreover, can susceptibility also increase the seriousness of the conduct rather than decrease it, for example when someone is traumatized? Besides that, it will not always be clear which factors outweigh others. It might be complicated to 'measure' personal value and compare it to social value, or to determine whether the motive for an act is only malice. Hence, the implementation of the principle can cause difficulties. Feinberg does recognize this and argues that, despite the difficulties, the legislative decision can be 'unwise', but not illegitimate if the standards are correctly applied. Since the standards of abnormal susceptibility and the nature of locality are not entirely clear, the question remains how it can be determined whether all standards are correctly applied.

Conclusion

From the above evaluation, it can be concluded that it is convincing that the offence principle, in contrast to the harm principle, can legally limit conduct that wrongs people, by causing offence. Both

the seriousness of the offence and the reasonableness of the offensive behaviour offer valuable and valid standards that, if they are well considered and balanced against each other, can lead to legitimate restrictions on speech and behaviour. Furthermore, the two factors prevent misuse of the principle. People who want to oppress opinions or prevent certain behaviour, because it is not in their advantage or because they disagree with it, cannot simply do this by claiming that they are offended. Every single case requires a thorough consideration. In this way, it remains possible to express false opinions, which is fundamental for finding the truth and the development of humankind, as Mill argues.

However, the standard of abnormal susceptibilities can be questioned, because it seems hard to determine whether someone is abnormally susceptible. This can make the interpretation of the principle subjective, which is problematic. On top of that, particular circumstances, for instance when the offender knows about a trauma, can be a reason to protect people against offence rather than a reason to decrease the seriousness of the act. Furthermore, the standard of the nature of locality is not substantiated enough. To make sure that behaviour and speech that are fundamental to people's identity are not restricted for the reason that they are 'uncommon' in particular neighbourhoods, the argumentation of 'natural rights' must be elaborated upon. Although speech and behaviour that are essential to one's identity are also considered through the standard of personal importance, it is so fundamental that it must be emphasized in the nature of locality as well. Additionally, the implementation of the principle will go hand in hand with practical difficulties. It might be difficult to measure the standards and determine which standard outweighs others. Despite these shortcomings and practical difficulties, the principle will lead to a justifiable decision if all standards are correctly applied.

In short, Feinberg's argumentation for prohibiting certain types of offence is convincing. Although some standards are not substantiated enough and can cause practical difficulties, Feinberg does succeed in formulating right, well-considered and relevant factors that determine whether behaviour and speech fall under the offence principle. In this way, only cases that are serious and reasonableness enough can legally be prohibited. Therefore, the offence principle is accepted as a justifiable principle to impose restrictions on speech and behaviour.

5.1.3 Conclusion

All in all, the narrow interpretation of the harm principle is not extensive enough, because it does not cover psychological harm, which can be as serious as physical harm. The broader interpretation on the other hand, does address psychological harm. However, the broad interpretation of the harm principle cannot impose restrictions on speech and behaviour that wrongs people, by making them feel disturbed or disgusted. Therefore, a more extensive principle is needed. The offence principle offers valid and justifiable limitations on speech and behaviour. Although some standards must be enhanced,

the two factors allow for fair nuances between different cases of offence. Moreover, it is convincing that Feinberg argues that offence should only be controlled by law if other directives are not able to do so, because offence is less serious than harm. By stressing this, it becomes clear that Feinberg recognizes the importance of freedom of expression. However, it remains unclear what ought to be done when offence is not serious enough to be controlled by law, but does fall under the offence principle. Feinberg does not specify measures that can be used in such cases, which is a shortcoming of the offence principle. Nevertheless, the offence principle is, next to the broad interpretation of the harm principle, accepted as a justifiable principle to impose restrictions on freedom of expression.

5.2 Political correctness

Now the offence principle, next to the broad interpretation of the harm principle, is accepted as a convincing and justifiable principle to impose limitations on speech and behaviour, it will be examined whether the justification of the limitations on free speech that political correctness imposes by the offence principle is convincing and justifiable. As concluded in chapter 4, at least certain types of political correctness can be justified according to the offence principle. Whether this is convincing and desirable is examined by different forms of political correctness: politically correct language, opinions and behaviour will be reflected upon separately⁷. Hereby, Mill's argumentation for freedom of speech is taken into account since free expression is necessary for people's well-being, discovering the truth and for the development of humankind.

5.2.1 Politically correct language

An example of 'politically correct' language is the use of gender-neutral nouns and pronouns. Most languages only have male or female pronouns or the gender-neutral pronouns are not often used. The same goes for nouns. Some languages, for instance German, have either feminine or masculine words for professions: 'Professor' (masculine) and 'Professorin' (feminine). Only recently, the gender-neutral 'Professx' has come into existence (Eijsvoogel & Vermaas, 2017). Language has a lot of influence, because it effects people's perception and construction of reality. If there are only two options for referring to people, people think that everyone is either male or female. Moreover, language excludes non-binary and transgender people, because they cannot be referred to in the right way. When there are no words for particular entities or when they are not used, people do not become aware of their existence. In this way, people are taught from an early age that transgender and non-binary people do

⁷ Politically correct speech and behaviour are examined in chapter 4 as well. In chapter 4, the examples of the word 'blank', Black Pete and the 'No Platform argument' are used to determine whether the offence principle can justify the restrictions on free speech imposed by political correctness. In this chapter, the justification of some forms of limitations that political correctness imposes by the offence principle is critically reflected upon. It is evaluated whether the justification of some forms of political correctness by the principle is convincing and acceptable. Although the examples in this chapter sometimes overlap with the examples of chapter 4, they have a different purpose.

not exist or are not as important as others. Using gender-neutral nouns and pronouns does not only makes it easier to talk about non-binary and transgender people, it also shows that they are recognized and can help to increase their acceptance (Postma, 2016). Therefore, it is politically correct to use gender-neutral pronouns and nouns when referring to non-binary people or a group of people, in academic texts or when one is unsure about a person's gender.

The question arises why and how restrictive norms of speech and behaviour that politically correct language imposes can be justified. According to the broad interpretation of the harm principle, norms for gender-neutral language are justified if gendered language causes psychological or physical harm. When non-binary people are constantly referred to as 'he' or 'she', they can feel excluded and might internalize a low self-esteem, because their identity is not recognized. This might lead to depression. However, it is hard to find scientific literature on gendered language causing psychological harm. According to the offence principle, the use of gender-neutral language is justified if gendered language leads to offence. Feinberg (1985) defines offence as an 'unpleasant mental state' such as feelings of nervousness, disgust or anxiety. If non-binary and transgender people are continually addressed in a way they do not want to be addressed, they can feel offended. Moreover, research has shown that gendered language contributes to sexism for various reasons, including stereotypical views of gender (Bigler & Leaper, 2015). On an individual level, people are more likely to have 'gender-discriminatory attitudes' when they speak a gendered language (Mavisakalyan, 2015). This shows that it is likely that not only non-binary or transgender people, but also women might feel offended, because of sexist attitudes caused by gendered language. In this case, the offence principle could justify norms for the use of gender-neutral language. Thus, according to the offence principle, the norms to use gender-neutral language imposed by political correctness are justified in some cases. To determine when and how this is the case, the seriousness of the offence and the reasonableness of the offending behaviour must be considered.

The *magnitude of the offence* caused by gender-specific language can be big: language is used every day, in almost all situations. Moreover, it is difficult to avoid. People are approached in stores, at their workplace and so on. Television shows, newspapers and scientific articles often use binary terms and groups of people are mostly addressed with 'ladies and gentlemen'. This also shows that language cannot always be *avoided easily*. Nevertheless, the demand for gender-neutral language cannot be justified according to the offence principle if one voluntarily chooses to attend a lecture of a sexist or discriminating speaker who uses gendered language. However, this will typically not be the case, because language is mostly not something one '*voluntarily*' experiences. One could argue that non-binary or transgender people are *abnormally susceptible* to language. In this case, gender-neutral language cannot be justified according to the offence principle. This is in line with Haidt and Lukianoff's (2015) argument against political correctness. As explained in chapter 2, they argue that political

correctness makes people extremely sensitive for ideas that conflict with their own worldview, which is problematic. Whether people are abnormally susceptible towards gendered language must be considered per case. The problem of measurement might be encountered: it can be difficult to prove whether someone is overly susceptible to gendered language. If this is the case, the justification of the outcome of the principle is questionable.

The personal importance of actors to use either feminine or masculine words seems low. However, one might disagree that non-binary people exist, for instance because of one's religion. Does this outweigh *the social value* of gender-neutral language? One could argue that the number of people involved is small. A study from 2016 shows that only 0,58 percent of the American population identifies as transgender (Flores et al., 2016). Since the offence affects a small percentage of the total population, it can be argued that the social value of gender-neutral language is low⁸. However, as briefly addressed before, research shows that gendered language is likely to increase a gender-discriminatory attitude that stimulates sexism as well. This shows that gendered language can also cause offence by other people, such as women. For that reason, the use of gender-neutral language can lead to a more inclusive and tolerant society, which may increase the general social value. This might be context dependent.

Besides that, this type of politically correct language does not conflict with *the standard of freedom of expression*. Gender-neutral language is about the *way* of expression rather than the content. People are still able to formulate arguments or express opinions. They should only take the audience they address into account and be aware about the words they use. However, as explained in chapter 1, language is constitutive: it has an influence on the way people think and act. Therefore, it could be argued that politically correct language is also about the content of an expression. Although it is scientifically proved that one's biological sex does not determine one's gender identity and that more than two biological sexes exist (Zucker, 1999), some people do not agree with this, for instance on religious grounds. The use of gender-neutral language might restrict and constitute the way and what these people think. This strengthens the importance and outcome of the nature of locality factor, which entails that the offence principle does not require people to use politically correct language in day to day live (see 'the nature of locality' below). In this way, people remain able to think and act in the way they want to.

In addition, there are *alternative opportunities*. It can be the case that people are not aware of the alternatives. As soon as gender-neutral words and references become more common, the

⁸ It must be noted that the percentages of transgender and non-binary people highly differ. Research of interest groups for non-binary and transgender people show higher percentages: 3% of the US population identifies as transgender (GLAAD, 2017) and between 130 thousand and 1 million people in the Netherlands identify as non-binary or transgender (COC, 2019). Moreover, the percentage has been increasing over the years, because of an increase in acceptance of transgender and non-binary people (Valens, 2017).

possibility of alternative opportunities increases and the offending behaviour becomes less reasonable. Moreover, the use of gender-neutral language is more justifiable when people's *motive* for using gendered language is resentment. The reasonableness of the act decreases for instance if someone refuses to call someone else 'they' instead of he or she, after they frequently asked to do so, for the reason that someone takes pleasure in insulting they.

The *nature of locality* is important as well. Gender-neutral language is for instance more reasonable at schools, because children are educated and formed at schools. It is important that the knowledge they get is inclusive and that they learn about different identities and genders. Moreover, education itself should be inclusive. Therefore, it can be expected that teachers are aware that not all children are either male or female and that schoolbooks for example do not confirm stereotypes about feminine and masculine professions. However, in day to day life, when people approach each other in the supermarket for example, it might be less likely that people are constantly aware of the language they use. In this case, the reasonableness of the offence decreases.

Hence, according to the offence principle, the use of politically correct language is justifiable when the offence is serious enough and the reasonableness of the offending behaviour is low. However, the justification of political correctness by the offence principle is context dependent. The distinction that the offence principle makes between different contexts is necessary and valuable, because it cannot be expected of people that they are constantly aware of the language they use. Firstly, because it has practical complications: how does everyone become aware of which language they must use in what situation? Secondly, requiring people to use politically correct language at all times is too demanding. This is in line with Wolff's argument against a moral saint: it will play a too dominant role in people's life.

Additionally, it must be noted that offence is less serious than harm. In the case of the politically correct use of gender-neutral language, it is clear that the offence principle does not require the use of language to be controlled by law⁹. People should not be punished when they do not use the right words. Newspapers that do not consider the use of gender-neutral language should not be forced to do so. For the justification of political correctness by the offence principle to be acceptable, it is crucial that the principle does not impose legal restrictions on the use of gendered language, because this would impose unacceptable restrictions on freedom of expression and it is paternalistic. Unfortunately, as addressed before, Feinberg does not explain what ought to be done when an offensive act is not serious enough to be controlled by law, but does fall under the offence principle.

⁹ In 2017, the words 'gender identity or expression' were added to the Canadian law that forbids discrimination and to the Criminal Code that targets hate speech (CBC, 2018). This has led to a fierce debate. One of the most famous opponents of this law, Jordan Peterson, argues that the law will penalize people who do not use the right pronouns when referring to people (see also: LBC, 2018). Legal experts disagree whether this is the case.

According to him, if other directives are equally able to restrict offensive conduct, they must be implied. However, it remains unclear what these 'other directives' entail. Therefore, the offence principle does not describe how these forms of political correctness should be adhered to¹⁰.

Besides that, it is valuable that the offence principle ensures that discussions about what politically correct language entails are possible at all times, because political correctness changes over time. Lastly, the example of gender-neutral language shows that the justification of the norms that political correctness imposes on speech and behaviour are context dependent. Political correctness itself, as defined in chapter 2: 'restrictive and prohibitive norms of speech and behaviour in the public sphere that are aimed to protect marginalized people', does not indicate when and by whom these norms must be complied with. The offence principle distinguishes between different situations. Therefore, it offers a nuanced way to determine when and where the limitations that political correctness imposes on behaviour and speech are justified. Thus, politically correct language can be a justifiable *form* of political correctness: restrictive and prohibitive norms for language in the public sphere that are aimed to protect marginalized people are justified.

5.2.2 Politically correct opinions

Since political correctness changes over time and is used in different ways, it depends on the context whether opinions are seen as politically correct or not. According to Rutger Bregman (2016), examples of Dutch politically incorrect opinions are 'Black Pete is not racist, but part of a nice holiday' and 'The Netherlands are full. We cannot accept more refugees'. Although these opinions can make people feel offended, they cannot be legitimately forbidden according to the offence principle. The prohibition of expressions on the basis of their content is against the standard of free expression. Feinberg states that only the way of expression can be a reason to limit free speech. Offensiveness of the expressed opinion itself is not sufficient to overrule freedom of expression. Therefore, 'politically incorrect' opinions cannot rightly be forbidden. The offence principle can only be applied if it is expressed in a way, by offensive language or through offensive images, that leads to offence. In that case, the same opinion can be expressed in a less offensive way. As argued before, the standard of free expression is essential, because it ensures that all opinions can be expressed, as long as they are in line with the other standards of the principle. It remains possible to express (partly) false opinions. This helps people to come closer to the truth and it is beneficial for the development of humankind. Moreover, it prevents censorship. Therefore, it is convincing and justified that the offence principle does not justify the restrictions on opinions that political correctness might impose.

¹⁰ It could be argued that the offence principle prescribes moral norms for the use of politically correct language rather than legal prescriptions and restrictions, because the offence caused by politically incorrect language is not serious enough to be restricted by law. However, Feinberg strongly emphasizes that the offence principle is about criminal prohibition rather than moral norms.

Hence, limitations on or the prohibition of particular opinions for the reason that they are politically incorrect are not justifiable according to the offence principle, because they conflict with the standard of free expression. Therefore, restrictive and prohibitive norms for opinions expressed in the public sphere that are aimed to protect marginalized people are not justifiable. It must be noted that politically incorrect opinions can be rightly prohibited if they lead to serious harm to others, as the harm principle states. If the opinion that 'the Netherlands are full and more refugees cannot be accepted' is expressed in front of a centre for asylum seekers, it might lead to a riot. In this case, the restrictive norms that political correctness imposes on speech are justifiable.

5.2.3 Politically correct behaviour

In chapter 4, the example of politically incorrect behaviour of wearing culturally appropriative costumes showed that some forms of behaviour can be forbidden according to the offence principle when it leads to offence. Also in this case, it can be difficult to balance the seriousness of the offence and the reasonableness of the offending behaviour against each other.

The *magnitude of the offence* caused by someone who for example dresses up as Black Pete for the Dutch holiday St. Nicholas or as a Native American for Halloween, is context dependent. The magnitude of the offence of a single person dressing up as a Native American will be less than Black Pete, a figure that can be seen throughout the whole country for several weeks. The same goes for *the standard of reasonable avoidability*. It is easier for someone not to attend a party where people are dressed up in an offensive way than to avoid a national holiday where a lot of people go out on the streets dressed up as Black Pete. In the former case, the seriousness of the offence reduces, while in the latter case it increases.

Besides that, politically incorrect behaviour does not fall under the offence principle when people *voluntarily experience offence*, for instance because they go to a party with the theme 'cowboys and Indians'. Also in the case of politically incorrect behaviour, the measurement of *abnormal susceptibilities*, which influences the seriousness of the offence, can cause difficulties. How is it determined whether someone is abnormally susceptible to Black Pete or culturally appropriative costumes and does this weight up against the other factors? *The personal importance* to actors to dress up as Native Americans will probably be low. Only when it is for example someone's job, it might increase the reasonableness. This might be different in the case of Black Pete, to which some people claim to attach personal importance.

The social value of wearing offensive costumes will be low. It cannot be considered as a tribute to Native American cultures, because it is often a stereotypical representation. In the case of Black Pete, it must be considered whether the social value of Black Pete is higher than alternative options, such as 'helpers' of Saint Nicholas painted in all kinds of colours. Both examples do not fall under *the*

standard of free expression as defined by Feinberg, because it is not about expressing an opinion. Even if people want to spread an opinion by dressing up like this, it is a way of expression and could therefore be rightly rejected according to the offence principle. The possibility of *alternative opportunities* in both cases is high since there are many alternatives one can choose for. This reduces the reasonableness of the offence.

The *standard of resentment* is important as well. If people only dress up as Black Pete or as a Native American because of malignant motives, the offensive behaviour is unreasonable. Lastly, the *nature of locality* must be considered. The offensive behaviour is for example less reasonable in a region where a lot of people of colour or Native Americans live.

The examples of Black Pete and dressing up as a Native American show that the justification of some forms of restrictions on behaviour that political correctness imposes by the offence principle is convincing. Firstly, it is important that the justification of politically correct behaviour by the offence principle is context dependent. Moreover, it is valuable that the limitations on behaviour imposed by political correctness do not conflict with free expression. Since wearing a costume is not about expressing an opinion, but rather a way of expression, the standard of free expression does allow for restrictions. Just as in the case of politically correct language, it cannot be expected from people to be constantly aware of their behaviour and consider whether this is politically correct or not. Therefore, it is valuable that the offence principle provides justifiable guidelines to determine when it can rightly be demanded of people to act politically correct. Additionally, it is essential that the offence principle does not require politically incorrect behaviour to be controlled by law, because it will mostly not be serious enough to do so. In short, politically correct behaviour can be a justifiable *form* of political correctness: restrictive and prohibitive norms for behaviour in the public sphere that are aimed to protect marginalized people are sometimes justified.

5.2.4 Conclusion

All in all, the justification of political correctness by the offence principle in particular cases is convincing. The limitations on *language* imposed by political correctness can be justifiable in some cases. The different standards of the offence principle provide clear guidelines to determine when politically correct language is justifiable and when it is not. It is for instance more reasonable for media to use politically correct language, because it reaches a lot of people, it is difficult to avoid and they have the knowledge of alternative options. The use of politically correct language by people in day to day life might be less reasonable, because the magnitude of the offence is smaller and people may have fewer alternative options. This can change once language becomes more common. Moreover, it is important that it remains possible to express opinions, because the offence principle states that only the way of expression can be a reason for restrictions. The restrictions political correctness imposes

on *opinions* cannot be justified according to the offence principle, because it conflicts with the standard of free expression. This is convincing, because it is essential that people are able to express all convictions and beliefs, even when they are false. In this way, censorship is prevented. Restrictions on politically incorrect *behaviour* is justifiable in some cases. When the magnitude of the offence is big and the avoidability is low, the offence becomes more serious. Moreover, in the case of offensive costumes, people will have a lot of alternative options. A big national holiday where a lot of people are dressed up in a way that offends others is more serious and reasonable to restrict than when people cause offence by dressing up in an offensive way at a house party.

The examples of politically correct language, opinions and behaviour show that the justification of political correctness according to the offence principle is context depended. As briefly addressed before, political correctness itself does not determine when and how it should be applied. The offence principle offers valid guidelines do determine when and by whom it is justifiable to impose restrictive and prohibited norms of speech and behaviour in order to protect marginalized people. Furthermore, the offence principle states that, in most cases, language and behaviour should not be restricted by law since this is disproportionate to the severity of the act. This contributes to the justification of political correctness by the offence principle and it is in line with political correctness, because political correctness is about norms rather than legal restrictions. However, the offence principle does not prescribe how offence that is not serious enough to be controlled by law, but does fall under the principle, ought to be restricted. According to Feinberg, 'other directives' must be used, but they are not specified. Therefore, the offence principle cannot offer an answer to the question *how* justified cases of politically correct language and behaviour must be adhered to. Lastly, it must be noted that the limitations on speech and behaviour imposed by political correctness are justifiable in all cases if it is in line with the broader interpretation of the harm principle: the restrictions on speech and behaviour that political correctness imposes are justified if they prevent language, opinions or behaviour that cause physical or psychological harm.

6. Conclusion

During the past decade, the debate about political correctness is increased and has become a hot topic. One of the most frequently heard argument against political correctness is that it conflicts with freedom of speech. While this argument is often used in opinion articles and blogs, there is little scientific literature on the free speech argument against political correctness.

John Stuart Mill, one of the first and most famous defenders of free speech, argues that speech is essential for discovering the truth and the development of humankind. According to him, speech should only be restricted if it causes serious harm to others. This is the so-called harm principle. Mill's standpoint can be used as an argument against the justification of limitations on speech and behaviour imposed by political correctness. According to Mill's view, it is hard to justify political correctness since it limits people's freedom too much. All ideas and convictions must be allowed, because in this way false opinions can be discovered and opposing ideas can strengthen one's own opinion. Moreover, political correctness imposes restrictions that limit more than speech and behaviour that causes harm to others, as described by the harm principle. According to Joel Feinberg, on the other hand, behaviour and speech can also be rightly restricted if it causes offence. Feinberg argues that conduct can be so offensive that it wrongs people. Therefore, some forms of offence ought to be prohibited and sometimes even legally restricted. Whether offensive speech and behaviour can be rightly restricted is determined in the so-called offence principle. According to the offence principle, the restrictions on freedom of expression imposed by political correctness can at least be justified in some cases, when they prevent offence. This led to the following research question:

Can the restrictions on speech and behaviour imposed by political correctness be justified if we accept that certain types of offence ought to be avoided and even prohibited, as the offence principle states, or are the limitations that political correctness imposes objectionable if we acknowledge that speech and behaviour should only be limited if causing harm to others, as the harm principle states?

This question is answered by an examination of Mill's and Feinberg's position. Both the principles and their justification and objection of political correctness are critically evaluated. Since political correctness is a highly debated term, first a conceptual clarification of political correctness was given.

Political correctness is a fuzzy term. It is used in many ways and it is often 'framed' in a way that fits best with the political arguments made. In scientific literature, there is not a single definition of political correctness either. The definition of political correctness that was used to answer the research question is: *political correctness refers to restrictive and prohibitive norms of speech and behaviour in the public sphere that are aimed to protect marginalized people.*

In *On Liberty*, Mill argues which restrictions on power over individuals exercised by society are legitimate. His answer is formulated in the harm principle. This entails that power over individuals can

only be rightfully exercised, against their will, when it prevents harm to *others*. Harm is defined as a violation of interests that are right-based and determined on utilitarian grounds. The harm principle as described by Mill, only entails physical harm to others. Since Mill argues that freedom of speech is fundamental, speech and behaviour can only be rightly restricted if it is in line with the harm principle. Thus, if conduct causes physical harm to others and it is in the general interest to impose limitations. According to this interpretation of the harm principle, the limitations on free speech imposed by political correctness are objectionable, because the aim of restrictive norms that political correctness prescribes are more extensive than the prevention of physical harm. A broader interpretation of the harm principle also includes psychological harm for the reason that mental harm is often at least as bad as physical harm and it can result in physical harm. This interpretation of the harm principle leaves more room for the justification of political correctness. Nevertheless, according to this interpretation, political correctness can only be justified if it restricts conduct that causes harm to others.

From the critical evaluation of the harm principle, it has become clear that the narrow interpretation of the principle is not justifiable, because it is not extensive enough. Psychological harm is at least as serious as physical harm and often lasts much longer than physical harm. Moreover, mental harm can lead to physical harm, such as depression or cardiovascular disease. For that reason, the narrow interpretation of the harm principle is rejected. The broader interpretation on the contrary, does include psychological harm. This is valuable, because in this way mental harm is taken as seriously as physical harm and can be prevented. However, the broad interpretation cannot restrict speech or behaviour that wrongs people by making them feel frightened or disturbed. The example of the Nazi march in Skokie has shown that such conduct can be so reprehensible that it ought to be restricted. Therefore, it is concluded that a more extensive principle is needed.

Feinberg, in contrast to Mill, argues that an additional principle is needed in order to restrict offensive speech and behaviour. Although insults do not necessarily cause harm, they can be so displeasing that people are wronged. Therefore, Feinberg formulates the offence principle, which states that averting insult can be a morally acceptable reason for legal prohibitions. Offence is defined as an 'unpleasant mental state' that is directly caused by morally wrongful behaviour of others. To determine whether conduct falls under the offence principle, two factors must be considered: the seriousness of the offence and the reasonableness of the offending behaviour. The seriousness of the offence is determined by the magnitude of the offence, the standard of reasonable avoidability, the *Volenti Maxim* and the 'discounting of abnormal susceptibilities'. The reasonableness of the offending behaviour is determined by the personal importance to actors themselves, the social value, freedom of expression, the possibility of alternative opportunities, the motive of resentment and the nature of the locality. These standards must be weighed up. According to Feinberg, offence is less serious than harm. For that reason, they should not be treated in the same way and the law should only control

offence if other directives are not able to do so. In many cases, customs and public opinion will have enough power to prevent offence. Given the different factors that must be considered in order to determine whether speech or behaviour falls under the offence principle, the justification restrictions on free speech imposed by political correctness differs per situation. However, it is clear that at least certain types of restrictions on speech and behaviour that political correctness imposes can be justified, when they prevent offence.

From the critical evaluation of the offence principle, it has become clear that it is important that the offence principle can legally limit offensive conduct, because offense can be so evil that it wrongs people. Moreover, Feinberg rightly stresses that offence is less serious than harm and should therefore only be restricted by law if other measures are not able to do so. This is necessary for the principle in order to be acceptable: without this nuance, the principle would impose unacceptable restrictions on speech and behaviour. However, Feinberg does not clarify what these other measures entail. Furthermore, the factors and standards that must be used in order to determine whether speech and behaviour falls under the offence principle, are necessary and convincing. They guarantee that the principle cannot be misused by people who want to oppress opinions for personal gain. Additionally, Feinberg recognizes the importance of freedom of expression, by ensuring that only the way of expression can be a reason to limit speech. However, not all standards are comprehensible enough. It remains unclear how 'abnormal susceptibility' can be measured. Therefore, the interpretation of the principle can become subjective, which is problematic. On top of that, some forms of 'abnormal susceptibility' might increase instead of decrease, as Feinberg implies, the seriousness of the offence and thereby increase the justification of the limitations on speech and behaviour imposed by political correctness. This is not included. The nature of locality is not clarified enough either, because Feinberg notion of 'natural rights' is not elaborated. Besides that, the interpretation of the principle can cause practical difficulties. How does one determine which standards outweighs others? Despite the practical complications and some shortcomings in the standards, the principle will lead to justifiable decisions when the standards are correctly applied.

After the offence principle was, next to the broad interpretation of the harm principle, accepted as a justifiable principle to impose restrictions on freedom of expression, the justification of political correctness by the principle was critically analysed. The critical evaluation of the offence principle has shown that the *justification of restrictions on language and behaviour* imposed by political correctness in some cases is convincing and acceptable. In both cases, the offence principle provides guidelines to determine when the offence is serious enough to be forbidden. Moreover, it is valuable that the offence principle only requires politically incorrect language and behaviour to be restricted by law if other directives do not work. In practice, few cases will be prohibited by law, which is convincing since paternalism should be prevented. However, the offence principle cannot prescribe how

politically incorrect language or behaviour ought to be restricted otherwise, because Feinberg does not specify 'other directives'. The *rejection of restrictions political correctness imposes on opinions* by the offence principle is convincing as well. Given the importance of freedom of speech for the well-being and development of humankind, it is necessary that all opinions are allowed to be expressed. Therefore, politically incorrect ideas and convictions should not be forbidden.

Hence, the research question if restrictions on speech and behaviour imposed by political correctness are justifiable if we accept the offence principle, or if they are objectionable if the harm principle is more reasonable, is answered by three conclusions. Firstly, the broad interpretation of the harm principle and the offence principle are acceptable principles to impose limitations on freedom of expression. Secondly, the limitations on language and behaviour imposed by political correctness are justifiable in cases where they prevent offence, while the restrictions that political correctness imposes on opinions are objectionable since that would conflict with freedom of expression, which is fundamental for the development and well-being of humankind. It must be noted that only some forms of political correctness prevent offence that is serious enough to be restricted by law. For most forms of political correctness, this will not be the case. However, it remains unclear what other directives can be used to imply political correctness according to the offence principle. Thirdly, all restrictions on speech and behaviour imposed by political correctness are justifiable when they prevent serious psychological or physical harm to others, as the broad interpretation of the harm principle describes.

Scientific implications

Hitherto, the debate about political correctness is barely philosophically or scientifically substantiated. There is little scientific literature on the free speech argument against political correctness. This research contributes to a scientific approach to political correctness: it has provided new philosophically substantiated arguments concerning the justification of political correctness. Furthermore, by formulating a definition of political correctness that is as neutral as possible, part of the fuzziness around the concept is clarified. The new formulated definition can be used in further philosophical and scientific research on political correctness. Additionally, the validity of both Mill's and Feinberg's theory has been critically analysed. The narrow interpretation of the harm principle is rejected, while the broader interpretation of the harm principle and the offence principle are accepted as justifiable principles. These findings can be used for applications of the principles to other contexts.

Societal implications

The conclusion that the restrictions that political correctness imposes on opinions cannot be justified according to the offence principle can be used as an argument to prevent the suppression and rejection of politically incorrect opinions. This argument contributes to the defence of one of the most important liberties of many societies: freedom of expression. The conclusion that the justification of politically

correct language and behaviour is context dependent makes room for discussions on what language should be used or what behaviour is acceptable. The harm and the offence principle provide substantiation for arguments in such discussions. These two conclusions are of significant social importance since both the way of expression, such as language or images, and the content itself is intertwined with power and influences our society. It affects what people think and how reality is shaped and conceived.

Limitations and recommendations

Since the offence principle requires each case to be considered separately, it is difficult to draw a general conclusion on the question whether the limitations on language or behaviour imposed by political correctness are justifiable. Therefore, it might turn out that legislators who interpret the offence principle, hardly justify political correctness in practice. Moreover, the interpretation of the two factors and ten standards make the outcome of the application of the principle subjective. This is not only a shortcoming for the principle itself, but also for the answer to the research question. Nevertheless, it was attempted to give an as neutral and critical interpretation of the principle as possible. Furthermore, Feinberg does not specify 'other directives' that must be used to restrict speech and behaviour if they are as capable of limiting conduct as the law. For that reason, it remains unclear how politically correct language and behaviour must be adhered to in cases when the offence is not serious enough to be restricted by law. In further research, it can be examined what these directives must entail and which are justifiable. Additionally, this research is focussed on the free speech argument. In chapter two (2.3 Current debate), it has become clear that the debate about political correctness is much broader than freedom of speech. Whilst some arguments from the broader debate are briefly addressed in the critical evaluation, they are not fully evaluated. Additional research is needed in order to examine these arguments and provide a more complete analysis of the justification of political correctness.

Lastly, what has not been considered in this thesis, is that political correctness can also have negative consequences for marginalized people. The aim of political correctness is to protect marginalized people. However, it can work counterproductive. The examples of Jair Bolsonaro and Donald Trump in the introduction show that political leaders and parties gain a lot of votes by raising their voice against political correctness. Research shows for instance that overexposure to politically correct norms increased support for Trump (Conway, Repke & Houck, 2017). Moreover, research suggest that 'oversalience' of politically correct norms subverts its positive aim and leads to more negative communication within and between different groups of people (Conway et al. 2009). While social pressure to adhere to norms imposed by political correctness is aimed to improve the situation of marginalized people, it may actually weaken their position. Due to a political climate that is

increasingly becoming 'anti-political correctness', people might for example become more reluctant or even repulsive to use politically correct language. The question arises whether political correctness actually protects marginalized people and if the negative consequences outweigh the positive ones. This could be examined in further research.

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