

Philosophy in the Pub

On the first Tuesday of the Month (excluding January and February)
Gunners Arms Tavern, 23 Lawrence St, Launceston, 6-7:30pm May 4th 2021.
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Is it wrong to cause offence?

Definition of ‘offence’: “upset and hurt or annoyed feelings, often because someone has been rude or shown no respect” (Cambridge Dictionary).

Meaning of ‘wrong’: here we will consider the word ‘wrong’ to be used in a moral sense (in contrast to a legal or practical/pragmatic sense).

Distinguishing what is illegal from what is immoral: What is immoral and what is illegal might not be the same in any jurisdiction – so some things that are legal may not be moral and some things that are moral may not be legal. What is legal is determined by the law of a jurisdiction, what is moral is (assumed here to be) determined by something other than the law (what determines what is moral is a very interesting question)!

Australian Law: Racial Discrimination Act: “Section 18C of the Racial Discrimination Act makes it unlawful for someone to do an act that is reasonably likely to "offend, insult, humiliate or intimidate" someone because of their race or ethnicity.”

ABC News - <http://www.abc.net.au/news/2016-08-30/racial-discrimination-act-explainer/7798546> - accessed 29 Sept 2016

Australian Law: Cyber-crime: Relevant section - s.474.17 Criminal Code—using a carriage service to menace, harass or cause offence. The maximum penalty for using a carriage service to menace, harass or cause offence is 3 years imprisonment.

So, it may be the case that causing offence is illegal, but is it immoral? – Some questions:

Are all instances of offence being caused either immoral or moral?

Or is there a spectrum here where some instances of offence are immoral and some instances are not?

Is it possible to identify objective instances of offence or will this issue always be subjective?

Is something about the (assumed) subjective nature of instances of offence the reason why it should not be immoral to cause offence?

Is it the (assumed) harm caused by offence that makes it immoral (if it is), or is it something about the person causing the offence that makes it immoral (if it is), for instance does it reflect badly on the character of the person causing the offence?

What is wrong with being offensive? “One — perhaps the dominant — explanation of their wrongfulness lies in the hurt that is caused to those at whom such acts are directed. [But] The wrongfulness of some kinds of expressive acts does not lie in the hurt they occasion but in what they seek to do. What is aimed at can be variously expressed at this stage but essentially it consists in an attempt to denigrate, humiliate, diminish, dishonour, or disrespect the other.”

David Archard (2014) Insults, Free Speech and Offensiveness, *Journal of Applied Philosophy*, 31:2, 127-141.

Do we have a duty not to take offence? ““while I accept that there should be some limits on (what is designated as) offensive behaviour, I think that we also have a duty not to take offence too readily.”

Robin Barrow (2005) On the duty of not taking offence, *Journal of Moral Education*, 34:3, 265-275.

Is there a reason that morally justifies (potentially) causing offence?

Free speech, is often the value pointed to that justifies potentially causing offence.

A thought experiment:

Imagine a culture that takes ‘causing offence’ very seriously and avoids causing offence at all costs. It would be possible (for someone who wished to stop other people discussing certain things) to claim to be offended by such a discussion.

Thus, this technique could be used as a form of censorship. The standard response to this possibility is to say that freedom of speech is more important than any risk of offence.

Censorship and Mill’s argument for freedom of speech

For Mill, freedom is centrally important for any individual, in order for that individual to be able to pursue happiness (however they conceive it). So, for Mill, society should protect the freedom of the individual.

Censorship obstructs the ability to speak/write and also to listen/read. Censorship may obstruct an individual from experiencing happiness. Or, it may obstruct an individual’s ability to learn about options in the process of deciding what will make them happy.

Censorship obstructs personal liberty - so it is a harm.

The limits of freedom of speech

For Mill, there is no moral justification to censor unless the act of communication is itself causes harm. For example, the speech may directly incite violence - (e.g., an angry mob outside the corn seller), or lead to potential injury (shouting ‘Fire’ in a crowded theatre).

So, is it wrong to cause offence?

Are there good reasons to rank freedom of speech above any right not to be offended?
Are there good reasons to rank the right not to be offended above a right to free speech?

What benefits and costs are relevant when justifying a right to freedom of speech?
What benefits and costs are relevant when justifying a right not to be offended?

Are the benefits and costs different for different individuals in our society?