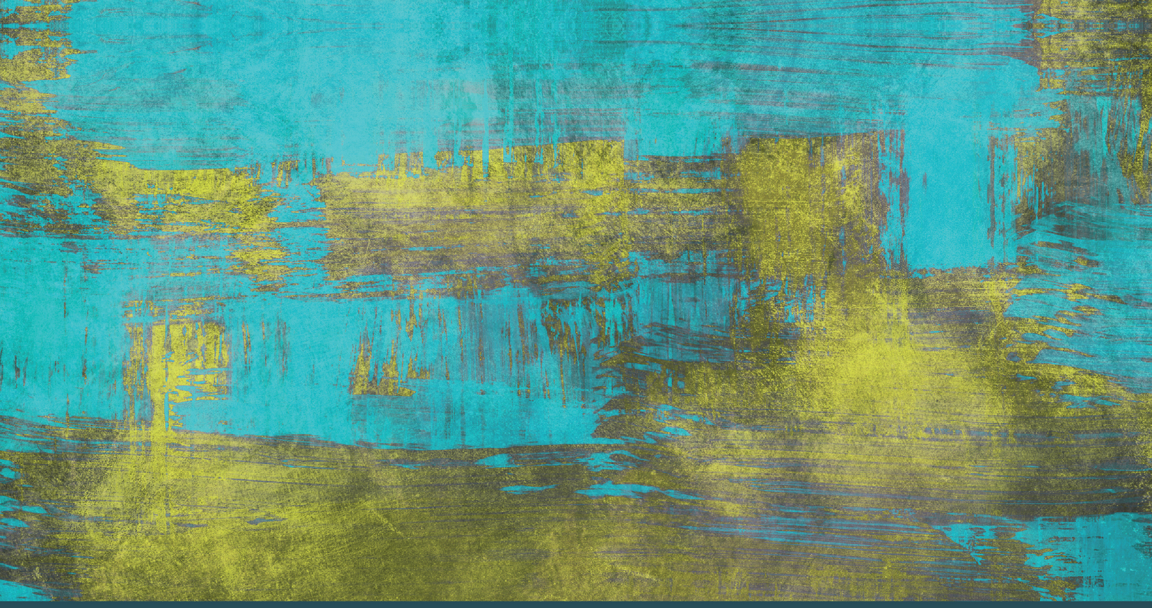
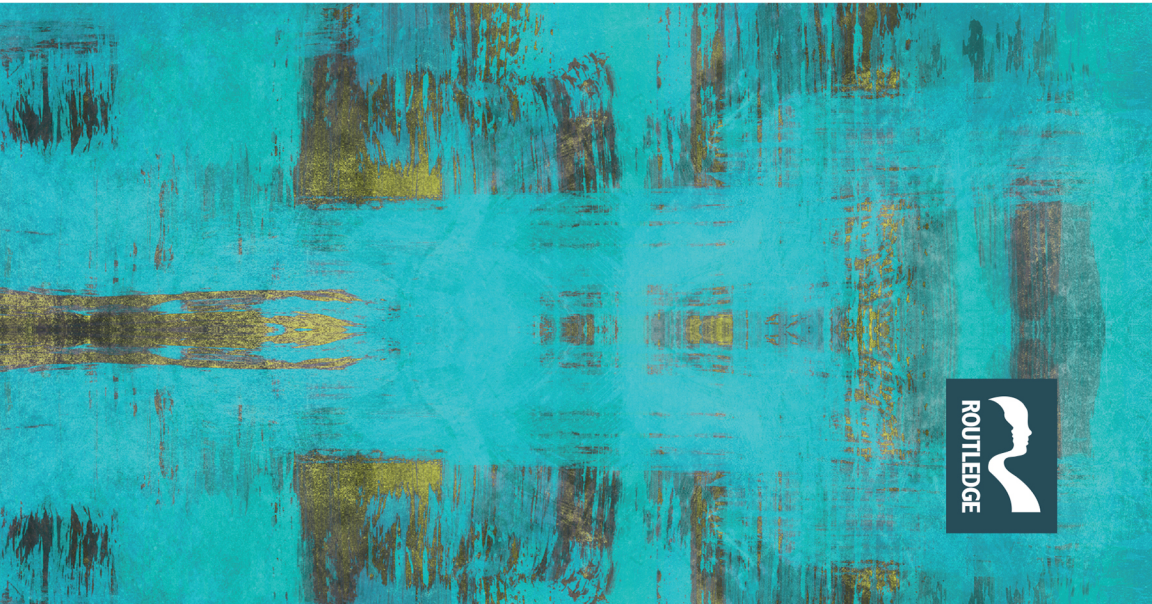


Routledge Studies in Ethics and Moral Theory

OFFENSE AND OFFENSIVENESS

A PHILOSOPHICAL ACCOUNT

Andrew Sneddon



Offense and Offensiveness

This book offers a comprehensive study of the nature and significance of offense and offensiveness. It incorporates insights from moral philosophy and moral psychology to rationally reconstruct our ordinary ideas and assumptions about these notions.

When someone claims that something is offensive, others are supposed to listen. Why? What is it for something to be offensive? Likewise, it's supposed to matter if someone claims to have been offended. Is this correct? In this book, Andrew Sneddon argues that we should think of offense as a moralized bad feeling. He explains offensiveness in terms of symbolic value. We tend to give claims of both offense and offensiveness more credence than they deserve. While it is in principle possible for there to be genuine moral problems of offense and offensiveness, we should expect such problems to be rare.

Offense and Offensiveness: A Philosophical Account will be of interest to scholars and students working in moral philosophy and moral psychology.

Andrew Sneddon is Professor of Philosophy at the University of Ottawa. He studies ethics and philosophical psychology. He is the author of *Action and Responsibility* (2006), *Like-Minded: Externalism and Moral Psychology* (2011), and *Autonomy* (2013).

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Offense and Offensiveness

A Philosophical Account

Andrew Sneddon

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In memory of Carbon,
Whom Nothing Offended

Contents

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Prologue

I study and teach moral philosophy. When they learn this, most people respond with disinterest or polite follow-up questions. However, it need not be this way. To study moral philosophy is to seek knowledge of good and evil. This is a pretty famous topic of scorn. In the second chapter of the biblical book *Genesis*, God forbids Adam to eat from the tree of knowledge of good and evil. The very first biblical prohibition, the one that leads to the removal of humanity from Eden (so the story goes), is against doing moral philosophy! Someone who took this biblical story seriously might not find my professional activities unremarkable or just-one-job-among-others. Such a person might well judge me and my job to be deeply offensive. Faced by details about my activities, such a person would be offended. As it happens, we need not merely imagine a hypothetical case. I have had students tell me that certain things in my courses, such as readings about the problems with Divine Command Theory as an account of the status and content of moral requirements, are offensive.

My university has a Latin motto which is plastered on various public items around campus: *Deus Scientiarum Dominus Est*.[1] This means something like "God is master of the sciences" or "God is master over knowledge." I hate this. My university is a publicly funded, practically and all-but-officially secular institution in a successful, multi-cultural, officially secular democracy. Putting aside antipathies about religion in general, one thing that I greatly dislike about this motto is its symbolic value. A university is an institution of higher learning where, crucially, research takes place. Genuine inquiry, either scientific or otherwise, cannot assume at the outset that a particular answer to a question is the correct one. That's what the research is for: to figure out the real answers to questions, regardless of our starting points. But this motto has things the other way around: it casts knowledge, or the sciences at least, as somehow falling under God's power. It assumes the existence and authority of a particular kind of deity over everything in general and over the academic activities at my university in particular. Presumably if anyone at my university took this seriously (which no one does), then lots of things that I and my colleagues currently do would have to change.

In more surly moods, I'm inclined to say that this motto offends me and that it is offensive for a university to have it as a motto.

In my more churlish moments, I would endorse the removal of my university's motto from public display on campus. Presumably, those of my students offended by having to think about Divine Command Theory would disagree. Since my students sometimes complain to me, I take it that they would also like certain of my activities to change. Maybe they would like all of my activities to change. Perhaps some people would approve of people like me losing our jobs due to cessation of the secular study of ethics. At least at particular moments and about particular topics, these people and I stand on opposite sides of a divide. We are moved to our respective sides by experiences of offense and judgments of offensiveness. Since people in general can judge lots of kinds of things to be offensive, since we are offended by more than religious issues, this pattern recurs through other corners of our lives. Indeed, it's even easier to find than my university example suggests. In this example both sides claim offense, but it typically just takes one party to claim this and another to resist it for the parties to be divided. Are we really doomed by these experiences and judgments to oppose each other in such standoffs? Should we be? Let's see.

Note

1 https://en.wikipedia.org/wiki/University_of_Ottawa.

1 Introduction

We have all heard someone claim that an action or remark or event is offensive. Odds are that either you have been offended or you have offended someone else; probably both. These are not exotic phenomena. But how much do we really understand the nature and significance of offense and offensiveness? Sometimes familiarity obscures the extent of our lack of understanding. We neglect to think about that which seems so obvious. I think that this is the case with offense and offensiveness. This book is an attempt to shed some light on these topics.

It is not just that these topics have not received much explicit study (which they haven't).[1] It is that our own descriptions of things as offensive, our claims to have been offended, and our shared sense of the appropriate reactions to offense and offensiveness exhibit such diversity that we might well wonder whether we aren't quite confused about the topics. To get a sense of our muddle, let's consider some examples. What follows are real-world applications of the idea of offensiveness; I shall turn to offense in Chapter 2.

First, if you are like me, you are very familiar with content advisories on television. Where I live these run before and during programs. Their job is to delineate certain sorts of content, thereby giving viewers a chance to prepare to experience the content in question or to avoid it altogether. City-TV in Canada uses a variety of content messages, two of which mention offensiveness. Here's one: "This program contains adult content and may be offensive to some viewers. Viewer discretion is advised." The other is similar but subtly different: "The following program contains content and language that some viewers may find offensive. Viewer discretion is advised." There are various implications here. If we take the advisories literally, one implication is that offensiveness varies with individual perception. Things are not offensive in themselves, but rather are offensive in an audience-relative way. Another is that offensiveness is not very important.[2] It's worth mentioning in advance to people, but it is not worth the effort to avoid producing or disseminating offensive material. After all, the advisories are for programs that are on the air at that very time. Viewers are directed to take their exposure to offensiveness as their own responsibility. As far as I can tell, viewers

generally agree with this: there is no groundswell of support in Canada to remove this sort of putatively offensive material from the air.

The City-TV advisories operate in a broadcast framework governed by the Canadian Broadcast Standards Council (CBSC). The CBSC classifies programs according to age/maturity of the audience and accordingly sets guidelines for appropriate content for each age group. Some of these guidelines make explicit reference to offensiveness. "Offensive language" is prohibited in programs for children under eight years of age. In programs for children between 8 and 12, "infrequent use of language which may be considered by some to be socially offensive" is allowed provided that it serves story or character development. In programs deemed appropriate for all age groups, "offensive slang" is allowed.[3] These guidelines are underwritten by a CBSC code of ethics. This requires that programs for adult audiences—that is, for people over 18—with "offensive language" be shown between 9 pm and 6 am. Importantly, Clause 11 of this code addresses content advisories, such as the one from City-TV. Besides nudity and sex, such advisories are needed for programs containing "coarse or offensive language, or other material susceptible of offending viewers."[4]

There are several things notable about the CBSC use of "offensive." By the standards of the CBSC, offensiveness is primarily but not solely a matter of what shows up in language. The first City-TV content advisory is neutral on this: it is content, whether spoken or depicted, that might be found offensive. The second one distinguishes content from language, but I take it that the boundary is not a rigid one. This advisory does not prioritize either language or content. The CBSC differs from City-TV on the audience relativity of offensiveness as well. Four of the five references to offensiveness are unqualified. The fifth refers to "socially offensive" language. I must confess that I do not know what this means. We are all part of one society of Canadian television viewers, presumably, for CBSC purposes, so this qualifier does not mark off some groups from others. My best interpretation is that this means that, to the CBSC, offensiveness is not very important.[5] It is a matter of social custom perhaps, but not part of a significant code governing right and wrong. The view might be that offensiveness is governed by etiquette but not morality. Still, the spirit of the CBSC approach is that offensiveness is sufficiently important for the Canadian broadcast industry to have a code of rules about it. Finally, the CBSC equates offensiveness with susceptibility of offense. Just how we should understand "susceptible" in the code is not specified. The general meaning is something like "tending to cause," in which case, for the CBSC, the offensive is that by which people tend to be offended. While there might well be something correct here, we shall see that it is a deeply problematic idea.

Wikipedia also has a sort of content advisory: a "disclaimer," as they call it.[6] It notes both language and imagery as potentially offensive.

More explicitly, its first warning points out that some Wikipedia articles address as topics "words or language that are considered profane, vulgar, or offensive by some readers." The disclaimer also addresses images and videos, "some of which are considered objectionable or offensive by some readers." Violence, sex, and human anatomy are offered as examples. Understandably, the Wikipedia disclaimer works differently from Canadian television content advisories. Readers are not required to read or acknowledge the disclaimer before reading Wikipedia articles. Wikipedia considered using a ratings scheme for articles, but the proposal was rejected.[7]

Wikipedia has guides for writers, and some of these address the offensive. There is a content guideline concerning "offensive material" for writers.[8] Such material is countenanced only when its omission would result in a less informative or accurate article. The content guideline addresses the use of "a vulgarity or obscenity" and "a vulgar or explicit image or verbal expression" as examples of offensive material. There is no extended treatment of just what offensiveness amounts to. There is also a set of style guidelines for images.[9] It is here that Wikipedia comes closest to spelling out a standard of offensiveness. The thing for article writers to consider is a putatively typical Wikipedia reader:

> Here a "typical Wikipedia reader" is defined by the cultural beliefs of the majority of the website readers (not active editors) that are literate in an article's language. Clarifying this viewpoint may require a broad spectrum of input and discussion, as cultural views can differ widely.[10]

Writers must determine whether material would be "vulgar or obscene" for such a reader. Nevertheless, this seems to be a more sophisticated version of the idea used by the CBSC: that which would tend to offend a typical Wikipedia reader is what is offensive and hence worth taking extra care with.

The Wikipedia disclaimer and guides suggest a stance between CityTV and the CBSC: offensiveness is worth taking seriously, to the extent of avoiding certain uses of imagery and language, but it's not worth much regulation nor the routine exposure of readers to ratings or other sorts of advisory. Offensiveness is sort of audience-relative since the standard to consider is the cultural beliefs of the majority of Wikipedia readers. However, it is not taken to be altogether audience-relative. What is offensive to a minority, for instance, is not something that the Wikipedia guidelines prohibit or warn against. For Wikipedia, the offensive is neither completely unproblematic nor altogether worth avoiding.

It is not difficult to find examples of people treating the offensive as a more serious consideration than what we have seen so far. The University of British Columbia has a First Nations and Indigenous Studies

Program. However, the experience of instructors and students was that people often came into the program with scant understanding of Canadian and North American First Nations and Indigenous cultures and issues. This lack of knowledge undermined the ability of the program to offer appropriately deep studies. To address this, the program developed a resource to get people up to speed, called Indigenous Foundations.[11] This resource has a statement about language usage.[12] The Foundation notes that "A term that might be acceptable to some might be offensive to others."[13] This is an ambiguous sentence. If we interpret it in terms of individual taste, it seems not to be about much important: what some like will be disliked by others. But if we focus instead on the contrast between "acceptable" and "offensive," something much more serious is intimated. The offensive is, somehow and to some extent, unacceptable. This treats the offensive, at least as found in language, as a more serious topic than do the behaviour and stances of City-TV, the CBSC, and Wikipedia. That the Foundation is inclined to something like this more serious interpretation is suggested by their subsequent discussion of the power dynamics and the opportunities for both damage and empowerment found in language. Like our prior examples, the Indigenous Foundations statement about terminology implicitly treats the offensive as relative to audiences.

There is an important difference in the domains associated with offensiveness among our examples. Wikipedia focuses on vulgarity, obscenity, violence, sex, and the human body. By contrast, the Indigenous Foundations statement focuses on terminology for referring to First Nations peoples, cultures, and issues. For example, they offer definitions and usage suggestions for such terms as "native," "Peoples," and "Indigenous" itself. The CBSC code is silent; presumably the "socially offensive" can include both vulgarity and cultural issues. The link between cultural sensitivity and problematic offensiveness can be explicitly found in the next example. *Vice* media published an article about "culturally offensive" outfits seen at the 2016 Coachella Valley Music and Arts Festival (Serrell 2016). "Culturally offensive" wearing of clothing happens when an outfit or clothing item that is part of a specific culture is worn by a person who has no particular link to that culture. Examples from the article include Caucasians wearing a Native American headdress and an African Dashiki (respectively). Kwele Serrell, the writer, begins by pleading, "Come on, guys. It's 2016. After going over this many, many, many times, we've all decided that wearing someone else's culture as a fashion statement shouldn't be a thing anymore."[14] The broader background for the Coachella instances is rising consciousness about cultural appropriation in general, especially when members of a majority culture use culturally specific items or practices from a minority culture. Serrell's exhortation that this "shouldn't be a thing" amounts to a claim that culturally offensive fashion is unacceptable. Moreover, there is no

built-in audience relativity here: offensiveness is portrayed as unacceptable, full stop. This is the most stringent implicit understanding of the significance of the offensive that we have seen so far.

If the offensive is sometimes thought to be outright unacceptable, then it would not be surprising to learn that official procedures for handling it, including but not limited to those deployed by the state through law and law enforcement, are sometimes considered. Our next examples show exactly this. In April 2016, a man in Alberta posted protests against the provincial and federal governments on his truck. With regard to Premier Rachel Notley and Prime Minister Justin Trudeau, the messages read "Next elections: Ditch the Bitch! Punt the Cunt!" (Rieger 2016).[15] The RCMP, prompted by 660 News, commented: "Things that are offensive are not necessarily criminal . . ."[16] This is an important distinction. The RCMP remark is telling, as it leaves open the possibility of the offensive being subject to regulation via the law and police enforcement: they might be treated by the law as criminal, sometimes. It is also important to note the at least one member of the press thought that this might be something that would be prohibited by Canadian law.

Other examples present cases which feature actual regulation by law or other formal regulations. For instance, Canada has a Human Rights Commission, the job of which is to administer the Canadian Human Rights Act. The purpose of this Act is, "to provide equal opportunity to everyone in Canada and to help people confront discrimination in their daily lives."[17] This includes assessment of human rights issues in employment contexts under federal jurisdiction. Human rights complaints can be brought to the Canadian Human Rights Commission for adjudication. In April 2016, a complaint was made to the Commission concerning Canada Post, the federally run (at arm's length) Canadian postal service. The subject of the complaint was a newsletter that Canada Post had delivered in Toronto. The newsletter, *Your Ward News*,[18] did not originate from Canada Post, but was merely carried by it along with the rest of the mail. The newsletter is not sealed in an envelope, meaning that Canada Post employees can easily see its content when handling it. The human rights complaint contends that via the newsletter, ". . . Canada Post and the Government of Canada are regularly and knowingly exposing Canada Post workers to misogynist, racist, anti-Jewish, anti-Muslim, and homophobic hate propaganda in the workplace" (Quoted in Mandel 2016). Before the official complaint, Canada Post was asked to consider voluntary cessation of delivery of *Your Ward News*. John West, then-vice president, general counsel and corporate secretary for Canada Post, replied, noting, "As offensive as the content of the mail item might be, it is very difficult to establish specific limits to free speech . . ." (Quoted in Mandel 2016). The Public Works Minister at the time, Judy Foote, also commented, calling it, "highly offensive and well outside the norm of Canadian values" (Quoted in Mandel 2016).

Interestingly, James Sears, the editor of *Your Ward News,* also calls it offensive: "We're just a satirical, offensive newspaper. It has been found multiple times by Canada Post lawyers that we're not breaking any hate-speech laws" (Quoted in Shane 2016). Despite this, in June 2016 Minister Foote issued a prohibitory order requiring the cessation of delivery of *Your Ward News*. The Canadian Civil Liberties Association (CCLA) has written a letter protesting this governmental interference. The CCLA challenges the order both on the grounds of principle—namely the importance of free speech in Canadian culture and law—and on grounds of procedure—the neglect to provide specific reasons for the order to *Your Ward News* despite being required to do so by the Canadian Human Rights Act.[19] Sears found private means of distributing the paper after Foote's order. In June 2017, Sears was charged under Canada's anti-hate speech legislation (Sec. 319.2 of the Criminal Code). He was convicted of promoting hate against women and Jews in January 2019, and in August 2019 he was sentenced to one year in prison (Perkel 2019).

Three things (at least) are worth noting about this case. First, while we have seen reference to social or cultural offensiveness in our prior examples, this is the first that concerns putative hate speech and imagery. *Your Ward News* publishes material—both text and pictures in the form of cartoons and photos—that is explicitly against certain groups, such as women or Jews, or against individuals in part because of their membership in such groups, or directed against individuals using stereotypically derogatory portrayals of these groups. Second, and importantly, this is done, putatively, as an exercise in satire. Assuming that this is correct, this should complicate our assessment both of just what's going on in the pages of *Your Ward News*, and of its reception. Satire is a complex art form; speech acts performed while doing satire cannot straightforwardly be taken at face value. Finally, it is worth noting the complex legal and political jurisdiction in which the assessment and order against *Your Ward News* has taken place. Before 2016, the impression was that nothing explicitly illegal had happened, yet there were official channels for assessment and interference with this sort of activity, involving the highest levels of the Canadian government. Whether such interference had taken place justifiably, from both legal and moral perspectives, was not at all clear. This holds, even though literally all the concerned parties agree that the material in question is offensive.

Other cases are handled more directly by Canadian law. Global News has reported on a case involving Ontario government interference with a man's long-standing personalized license plate. The governmental action was triggered by a complaint. The license plate in question read "VI6SIX." The complainant read this as a veiled version of "666," the "number of the beast" according to Chapter 13 of the biblical *Book of Revelation*. As it happens, the intended meaning of the license plate is secular and personal. It is a memorial to the car owner's deceased father.

"VI" is short for the French "vie," for "life." The man and his father were lifelong fans of the hockey team the Montreal Canadiens. Together they witnessed this legendary team win six Stanley Cups, the crowning glory of the National Hockey League, hence "six." "6" refers to 1976, the year in which the man was two years old and the Canadiens won the first of these six Stanley Cups. Also, Mario Lemieux (a Quebecer but not a Canadien, unfortunately) was a particular favourite player of the man and his father, and Lemieux's jersey number was 66 (Stevens 2016a.).[20] Despite all this, the government ordered that the license plate be changed on grounds that it is offensive, as interpreted by Global News. The man has received much public support for his continued use of the existing license plate. Ironically, the man notes his pique at the governmental interference in this way: "For a stranger in the government to call and say, 'Change it to this,' I took a little bit of offence to that . . ." (Quoted in Stevens 2016b).

Let's note two things about this case. This is the first example to contain explicitly religious content, in this case Christian: *Book of Revelations* is part of the Bible's *New Testament*. Presumably religious practices and values are covered by interpretations of offensiveness in terms of the social or cultural, but, as we shall see, questions of offense and offensiveness concerning religious ideas are particularly vexed. Second, and in contrast to the last example, the procedures and actions of the Government of Ontario are notable. Ontario license plate procedures concern symbols that Global News has no problem characterizing as "offensive." Presumably the Global News gloss of the nature of the issue is not idiosyncratic: ordinary viewers and readers would know what they mean when they characterize this in terms of offensiveness. Even though the man received community support for his license plate, the provincial regulations—both the code and the complaint response process—were set up to make sure that such perceived public offensiveness was prevented.

The next example concerns federal regulation of the offensive in Canada. When immigrants become Canadian citizens, one of the last official things that they do is take part in a ceremony with other new citizens. Collectively, an oath is sworn. In 2011, Jason Kenney, then-Minister of Immigration, introduced a ban on the wearing of face-coverings at these citizenship ceremonies. The burden of this ban fell primarily on Muslim women who wear the niqab, a veil that covers all of the face except for the eyes. The ban was challenged in court by Zunera Ishaq, a woman who had moved to Canada in 2008 and who had passed the citizenship tests in 2013. She had been scheduled to take part in an oath swearing ceremony shortly thereafter, but she put this off after learning of the ban. In February 2015 the Supreme Court of Canada sided with Ishaq and struck down the ban (Keung 2015). Days later, then-Prime Minister Stephen Harper commented. He announced that his government would

like to appeal the decision. He claimed that wanting to cover one's face at the moment of formally joining Canadian society was offensive. "This is a society that is transparent, open and where people are equal, and I think we find that offensive" (Quoted in Whittington and Keung 2015). Later in 2015, there was a federal election in Canada. Stephen Harper and the Conservative Party of Canada made the so-called "niqab ban" an election issue (Payton 2015). Specifically, they promised to restore the ban, and they wanted to ban such face coverings for federal employees while at work. It was a divisive issue, vigorously both supported and opposed. The Conservatives lost the election, and the attention given to the niqab ban was seen as part of the reason.

While both the banning of face coverings at Canadian citizenship ceremonies and the license plate episode concerned religious issues, there are differences of detail between the cases. The license plate case concerned linguistically encoded offensiveness, but the niqab is a non-linguistic symbol. More importantly, the overt reason for requesting a change to the license plate was religious: the perceived number seemingly offended someone with Christian sensibilities. But the overt reason for banning face coverings at citizenship ceremonies was not religious. Instead it was civil: the governmental and social symbolism of the ceremony was putatively spoiled by those who covered their faces while taking part in it. Still, in both cases, the law was used to regulate public symbols, at least in part on grounds of offensiveness and religion. In both cases this was seen largely as something that the law might legitimately do. The particular proposals concerning niqabs were rejected by many, but far fewer objected to the idea that the law should be used to regulate, even to prevent, that which is offensive.

The range of responses to the offensive does not run merely from acceptance through warnings and condemnation to the use of the law to prevent it. Some choose illegal means of combatting the offensive. Consider Brooklyn Fink. In February 2016 Fink, then a student at the University of British Columbia, burned the university's rainbow flag, the well-known symbol of LGBT pride. Fink is transsexual, and she claims that the LGBT community has done a poor job of including trans people. Her worry is that the flag is a symbol of such a failure of inclusiveness; her burning of it was a protest against the exclusion in question and against UBC's use of a symbol of such exclusion. Fink is an artist, so the flag burning had explicitly intentional performative and expressive functions with regard to the perceived problem. Crucially, Fink put the issue in terms of the offensive: "As a media artist, I intended in burning the flag only to illustrate my displeasure at the university's failure to come to an agreement on the fact of the flag's offensiveness" (Quoted in Johnson & Batchelor 2016). The use of illegal measures to respond to offensiveness is just the most overt feature of this particular example. Another feature is the nature of Fink's assessment of the case.

There is no audience-relativity in Fink's assessment: the flag is judged to be offensive, period. This assumption is complicated by the fact that such symbols as flags are patently heterogeneous in meaning. The rainbow flag in this case is a good example. To Fink this flag exemplifies, let's say, a failure of political solidarity with regard to marginalized gender-identified groups. More particularly, the university's flying of the flag shows the institution's complicity in this failure. But to others the rainbow flag is a sign of, most famously, pride, along with social and successful political solidarity. To still others the flag is a symbol of all sorts of things: sexual degradation, change, the disintegration of social mores, diversity. . . The list could go on. Crucially, other topics of claims of offensiveness are also multiple in meaning. This goes for the niqab, surely, and clearly for the license plate. Perhaps it pervades the domain of the offensive. When some people who watch a television show find it offensive and other audience members do not, it is reasonable to think that perhaps these people are seeing different things there. Their interpretations of what is going on are not necessarily the same. We will return to polysemy in Part II.

Even more importantly, the kind of offensiveness in this case deserves attention. This is not an example of vulgarity or human anatomy or religious symbolism. Instead it is a thoroughly social case, even a political one. The problem is a putative failure of inclusion on the part of a community that claims to be for various sorts of people who have been marginalized on grounds of gender or sexuality. The use of a flag that stands for this community by an institution which includes people who might have been failed by it is what is seen to be offensive.

Of course, as illegal responses to perceived offensiveness go, this is a pretty minor one. The most famous, at least in recent years, are the violent responses to satirical cartoons of Muhammad. In September 2005, the Danish newspaper *Jyllands-Posten* published 12 cartoons of Muhammad. A long and complex series of events happened as a response. Much of this has been peaceful, pursued through both legal and acceptable civil channels. Some, however, have not been so benign. Cartoonist Kurt Westergaard has been the subject of assassination plots and now lives under special protection.[21] Several Norwegians have been convicted of violent plotting against Westergaard and *Jyllands-Posten*.[22] Even more famously, French magazine *Charlie Hebdo* reprinted the Danish cartoons. *Charlie Hebdo* has also produced other cartoons of Muhammad. In November 2011, the *Charlie Hebdo* offices were fire-bombed (Simons 2012). In January 2015 the offices were attacked by gunmen; 12 people were killed.[23] Such events are not confined to Europe. In 2015, an event involving collective drawing of cartoons of Muhammad was planned in Texas. Two gunmen attacked the event. One person was wounded before the attackers were killed (Mai-Duc 2015). All of these attacks were responses partly to the production of images of Muhammad, partly to

the putative insults that the cartoons directed towards Muhammad and Islam. BBC News,[24] *Los Angeles Times*,[25] and *International Business Times*,[26] at the very least, summarize these as responses to offensiveness. While such attacks have been widely condemned by both Muslims and non-Muslims, they happen with sufficient frequency to judge that they are also seen by many as justifiable responses to offensive acts regarding Muhammad and Islam.

These examples exhibit great variety on several fronts. Take the issue of the proper domain of offensiveness. These cases offer the human body, sex, violence, representations of religious symbols and persons, cultural and political issues as examples of things that can be offensive. That they can be triggers of offense is perhaps trivial, since people can have any reaction to anything, in principle. But to say that these things can be offensive seems to say more than that they sometimes give offense. It is to say that they warrant this reaction, a much different claim.

The examples also differ on the significance of the offensiveness, and hence on the appropriate range of reactions to it. Here we find our shared views courting contradiction and disagreement. Just how serious is it to offend and to be offended? Is offensiveness a minor issue, perhaps belonging to the domain of etiquette rather than morality, as the television practices seem to have it? Or is it a much more serious affront to our collective mores calling for regulation by law and law enforcement? Are extra-legal destructive, even lethal responses to offensiveness ever warranted? These are important practical questions, not just theoretical ones.

There is also the question of, let's say, the status of offensiveness. Is offensiveness in the eye of the beholder? Suppose that one person judges something to be offensive. How should other people react to this thing? Should they refrain from doing certain sorts of activity? Or should they feel free to disregard the person's judgment? What about if something is judged to be offensive from the standpoint of a relatively well-defined group of people, such as a cultural or religious tradition? Or is it a mistake to qualify offensiveness judgment with reference to particular audiences? Is the real issue whether things are offensive or not, not whether they are offensive, for example, to some viewers? This issue connects with the previous one in complex ways. An audience-relative view of offense suggests that people who are not part of the audience in question are under no obligation to recognize the offensiveness in question. But if offensiveness is not relative to audiences, then it makes straightforward sense to ask whether judgments of offensiveness are true or not, and when they are, to think that those who are insensitive to it are making theoretical and practical mistakes.

Let's admit that our actual behaviour and talk about offense and offensiveness is a muddle. The combination of apparent confusion with

real world stakes shows that this domain needs some direct examination. Which of our thoughts about offense and offensiveness are defensible? Are any of them worth keeping? In order to answer these questions, I am going to pursue a "rational reconstruction" of offense and offensiveness.[27] Rational reconstruction comes in two steps. The first task is to acquire a clear view of offense and offensiveness. I shall do this by devising models of them both. Such a task is partly empirical, to be done by drawing on the various ways we talk and think about offense and offensiveness. This job is also partly theoretical: the muddle that we find here doesn't allow much headway to be made through mere description. Instead, I must do a bit of idealizing away from the plethora of ways that we invoke offense and offensiveness, smoothing out inconsistencies, resolving tensions. This task is hence to be governed by the regulative ideal of charity: I'm assuming that there's sense to be made here, and I'm trying to make it.

The second aspect of rational reconstruction is to subject the model that has been constructed to scrutiny. What are the rational credentials of these accounts of offense and offensiveness? If they don't do well, and if they are the best versions of the ideas that can be found in the starting muddle, then we should think that the whole body of ideas is a mess worth elimination. If, however, a case can be made for the rational defensibility of these reconstructions, then we will know that there are versions of the offense and offensiveness domain worth preserving, even aiming for. For present purposes, we need not commit ourselves to the idea that all of the ways in which we talk and act with regard to offense and offensiveness are correct and will be vindicated. Maybe none will be. But if I am right that our collective stance harbours contradictions, then we cannot literally commit ourselves to the defensibility of all of this; something has to go.

Rational reconstruction comes with risks. One is distortion. This is, in a certain sense, unavoidable: if a body of ideas is in a mess and one wants to try to make sense of it, then one has to change it to see what can be made of it. This is the case with offense and offensiveness: I am starting, to some degree, with inchoate attitudes and from this I am trying to extract propositions suitable for rational assessment. The downside might be thought to be that rational reconstruction will leave things out. But again, this is unavoidable if we're reformulating a mess. What really matters is just what is left out. Hence the most important risk of rational reconstruction, I think, is that it will prioritize the wrong things. This will turn on the details of the reconstruction, but it is worth keeping in mind from the outset.[28]

Here is a sketch of the territory that will be examined and the positions to be taken. Offense and offensiveness figure in ordinary talk as putatively morally significant things: when people claim offense or say

that something's offensive, they typically think that cessation or intervention is called for. Why might this be? Two models come to mind:

a "Offensive" = causes offense, which is a problem (probably because it's harmful);
b "Offense" = signal of offensiveness, which is a problem independent of the feelings that it gives rise to.

These aren't exclusive: both offense and offensiveness could be problematic. (a) puts the moral weight on offense, (b) on offensiveness. If (a) turns out to be indefensible, (b) is still in play, and vice versa. Both of these need examination if we are going to get a clear view of the moral significance of offense and offensiveness.

Part I of this book amounts to scrutiny of (a), the nature and significance of offense experiences. Part of what is done there is to argue for substitution of a preferable view of the relation of offense and offensiveness than the one that (a) uses. To be offensive is not to cause offense but to warrant it. I argue that offense is a complex psychological state typically consisting of feelings that seem bad to have and a judgment that these feelings have been caused by something offensive. The more important part of the job in Part I is to argue against seeing offense experiences as inherently problematic. Instead of seeing offense as harmful, or otherwise necessarily problematic, I urge that we see it as a cost to be borne for sharing and often benefiting from public aspects of our world. Costs can be fair, even well worth paying, so they are not necessarily a moral problem.

Part II amounts to scrutiny of (b), the nature and significance of offensiveness. There I argue that the best interpretation of offensiveness is in terms of symbolic value. This comes in two kinds: the symbolic mode of valuing and symbolism as a ground of value (particular instances can be hybrids). When the symbolic mode of valuing is involved, then the symbolism itself is not the issue; an independent moral value is. In such a case, to focus on offensiveness is a poor way of pointing to some sort of familiar moral problem (such as a harm, a vice, or a rights violation). When symbolism as a ground of value is involved, then there need not be some other sort of familiar moral problem. A claim of "offensive" in such a case is not a confused way of pointing to something better described in other terms. But when we focus on symbolism itself, it is difficult to see how what is involved could be particularly problematic. I make this case by looking at such things as blasphemy and cultural appropriation in Chapter 8. In principle there could be a significant moral problem of this sort, but it is rather unlikely.

Recall that my method is rational reconstruction aimed at formulating idealized versions of what seems to be going on in our talk of offense and offensiveness. My idealized view of offense is that it is a complex

psychological state involving both affect and a judgment about offensiveness. My idealized view of offensiveness is that it is found where we sense problems of symbolic value. These idealizations are not straightforward descriptions of offense and offensiveness; our talk and thought are too muddled for us to find anything so simple, let alone coherent, through such an approach. To the extent that my reconstructions of the best forms that our thought and talk about offense and offensiveness can take are apt, then the upshot is that we take offense and offensiveness too seriously. Neither (a) nor (b), as understandings of ordinary invocations of "offense" and "offensiveness," delivers an important moral problem. We should use these ideas less than we currently do.

Notes

1 The most thorough and famous discussion is by Joel Feinberg: *Offense to Others: The Moral Limits of the Criminal Law* (1985). Other legal theorists have joined in to much the same task as Feinberg, which is to address whether and how much offense and offensiveness might justify use of the power of the state to restrict individual liberty, but not in as much depth. Some examples: Schwartz (1963), Conway (1974), Vandeveer (1979), Ellis (1984), von Hirsch (2000). Narayan (1990) is an interesting extended treatment. Philosophers interested in moral issues surrounding speech and expression often brush up against offense and offensiveness, but they rarely treat it as a topic worth more than a few sentences or paragraphs: e.g., Scanlon (1979), MacKinnon (1984), DeCew (2004), Sumner (2004), the contributors to *Speech & Harm: Controversies over Free Speech* (2012). Jeremy Waldron is an exception, devoting a chapter of *The Harm in Hate Speech* (2012) to offense. Nigel Warburton does so as well (2009), but with less explicit attention to the nature of offense.

2 My topic is, in part, the moral significance of offense and offensiveness. I am not committing myself to a particular moral perspective (utilitarian, Kantian, and so on). Instead, I use "moral" in what I take to be the everyday sense that applies to a variety of sorts of values and associated rules. Harm, rights, and character will all receive attention in my discussion.

3 http://www.cbsc.ca/tools/ratings-classifications/ratings-classification-for-canadian-english-language-and-third-language-broadcasters/.

4 http://www.cbsc.ca/codes/cab-code-of-ethics/.

5 In another context, "socially offensive" might not be so innocuous. J.M. Coetzee discusses South Africa's experience with its 1975 "Publications Acts" (Coetzee 1996, Chapter 10). This act allowed for censorship of artistic work that was "offensive [. . .] to public morals." Depending on what "public morals" is taken to mean, we might find here a worry about the "socially offensive."

6 https://en.wikipedia.org/wiki/Wikipedia:Content_disclaimer.

7 https://en.wikipedia.org/wiki/Wikipedia:Rating_system.

8 https://en.wikipedia.org/wiki/Wikipedia:Offensive_material.

9 https://en.wikipedia.org/wiki/Wikipedia:Manual_of_Style/Images#Choosing_images.

10 See "nb 1" in the sub-section "Offensive images."

11 http://Indigenousfoundations.arts.ubc.ca/home/system/about.html.

12 http://Indigenousfoundations.arts.ubc.ca/home/identity/terminology.html.

13 See the second sentence of http://Indigenousfoundations.arts.ubc.ca/home/identity/terminology.html.
14 The "many, many, many" refers to prior *Vice* articles: [1] Cooper (2013); [2] Rex (2014); [3] Cooper (2016).
15 Slurs are a tricky topic for academic study, as there is a live question as to whether all presentations of slurs are offensive. That this is not the case is argued for by Christopher Hom (2008, 429, 433–5, 438–9); Luvell Anderson and Ernie Lepore argue that it is the case (2013a, especially 38–9; 2013b). I don't want to beg any questions on this issue, so here is my policy: when first used in my own text, slurs will be presented in full. Subsequent uses will adopt the convention of using the first letter plus fours asterisks: e.g., "cunt" will henceforth be presented as "c****." When quoting use of a slur, the slur will be presented in full. See Chapter 6 for an argument that the use/mention distinction does not unproblematically apply to slurs.
16 Strathcona County RCMP spokesperson Gibson Glavin speaking to 660 News, quoted in [1] Rieger (2016), and [2] Slimm (2016).
17 http://www.chrc-ccdp.gc.ca/eng/content/about-us
18 http://www.yourwardnews.ca/
19 See the Canadian Civil Liberties Association letter from 2016 on their website: https://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=5&cad=rja&uact=8&ved=0ahUKEwjj4jt8ofOAhWo6oMKHck3BpQQFggzMAQ&url=https%3A%2F%2Fccla.org%2Fcclanewsite%2Fwp-content%2Fuploads%2F2016%2F06%2F2016-06-09-Ltr-to-Minister-Foote-re-prohibitory-order.pdf&usg=AFQjCNGKMLEE9SpNxkZdzalniFYQazCSwA&sig2=zujIgeOc7YA08QXHXE8fgw&bvm=bv.127521224,d.amc
20 It is worth adding that the man in question got the license plate before 2010. In that year Ontario changed its license plate practices so that they would no longer contain the sequence "666." Before this many plates were issued with this sequence of figures.
21 "Danish Police Shoot Intruder at Cartoonist's Home." *BBC News*. 2 January 2010. Retrieved 1 February 2010.
22 Skille & Døvi (2013).
23 http://www.bbc.com/news/world-europe-15550350.
24 Abdelhadi (2006).
25 Mai-Duc (2015).
26 Ross (2015).
27 I adopt this idea from Kwame Anthony Appiah (1990).
28 I return to these worries in Chapter 5.

Part I

The Nature and Significance of Offense