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# What Are the Ramifications of Politically Incorrect Speech?

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# POLITICALLY CORRECT

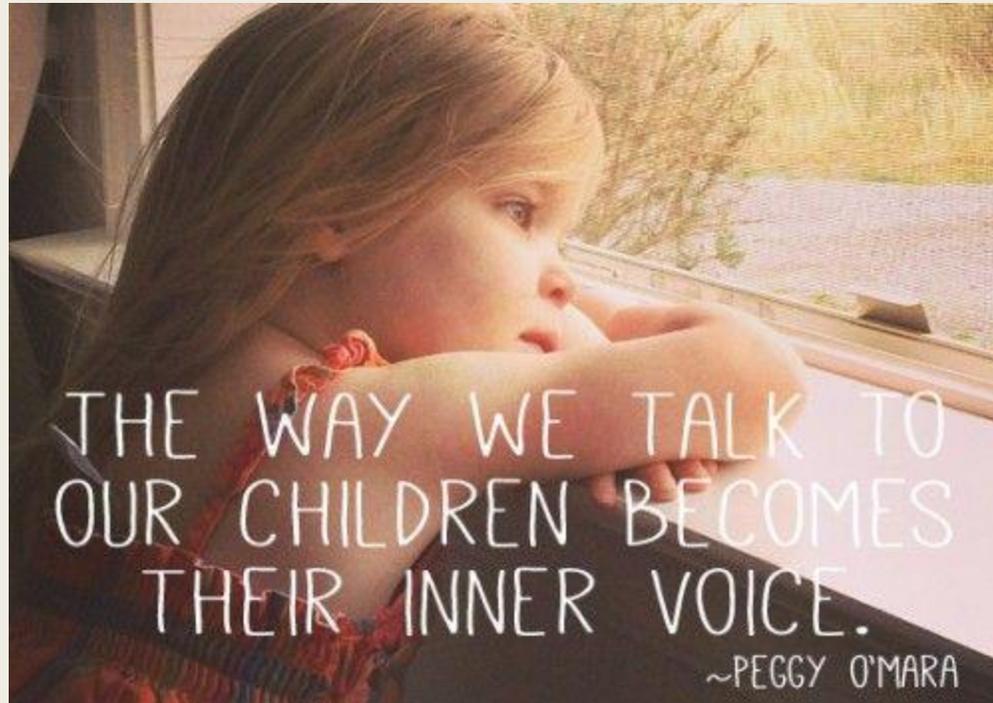
Language and the Public Good



*Sticks And Stones  
May Break My Bones  
But Words Will  
Never Hurt Me*



*Sticks and stones may break my bones,  
But words can also hurt me.  
Sticks and stones break only skin,  
while words are ghosts that haunt me.  
Pain from words has left its scar  
on mind and heart that's tender.  
cuts and bruises now have healed,  
it's words that I remember.*



Your words kill.

What does a **democratic society** do about hate speech and expression ?

We believe in freedom of speech, don't we ? (civil liberty)

We believe in an inclusive society where no one needs to be afraid, don't we ? (civil right)

We believe in the marketplace of ideas, don't we ?

We don't believe in censorship, do we ?

We believe in civility, don't we ? (social contract)

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According to some scholars, **civil rights** are legal actions that the government takes to create equal conditions for all people. For example, the Fourteenth Amendment to the U.S. Constitution guarantees citizenship rights and equal protection under law. Therefore, all U.S. citizens who qualify to vote have the right to do so and that right is enforceable by government intervention. Other examples of civil rights include the right to be free from employment discrimination based on race, gender, age, or disability, or equal access to health care and social services.

**Civil liberties**, on the other hand, refer to protections against government actions. For example, the First Amendment of the Bill of Rights guarantees U.S. citizens the freedom of religion. By law, the government is prohibited from interfering in our individual choice of religion and worship. We have "liberty" from government action or restraint.

**Stanford Journal of Civil Rights & Civil Liberties (CRCL)**

What does a **democratic society** do about hate speech and expression ?

- Outlaw it ?
- Restrict it by setting parameters ?
- Tolerate it ? [Assuming that it can't really do damage]
- Tolerate it ? [Assuming that reasonable people will not be swayed by it]
- Tolerate it ? [Assuming that the damage it may do will not affect the majority of its citizens]

**First Amendment Doctrine:** "Fighting Words" can be constitutionally banned but not all hate speech which is protected by freedom of speech and expression

## **Brandenburg vs. Ohio (1969)**

### **Facts of the case**

Brandenburg, a leader in the Ku Klux Klan, made a speech at a Klan rally and was later convicted under an Ohio criminal syndicalism law. The law made illegal advocating "crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform," as well as assembling "with any society, group, or assemblage of persons formed to teach or advocate the doctrines of criminal syndicalism."

### **Question**

Did Ohio's criminal syndicalism law, prohibiting public speech that advocates various illegal activities, violate Brandenburg's right to free speech as protected by the First and Fourteenth Amendments?

### **Conclusion**

The Court's Per Curiam opinion held that the Ohio law violated Brandenburg's right to free speech. **The Court used a two-pronged test to evaluate speech acts: (1) speech can be prohibited if it is "directed at inciting or producing imminent lawless action" and (2) it is "likely to incite or produce such action."** The criminal syndicalism act made illegal the advocacy and teaching of doctrines while ignoring whether or not that advocacy and teaching would actually incite imminent lawless action. The failure to make this distinction rendered the law overly broad and in violation of the Constitution.

<https://www.oyez.org/cases/1968/492>

However, in explaining and analyzing its decision, the Court failed to evaluate whether there were historical reasons to think that a Ku Klux Klan rally might spark racist conflict. Thus, its opinion that the speech would not incite listeners to lawless action was not grounded in an empirical foundation.

(Destructive Messages: How Hate Speech Paves the Way for Harmful Social Movements. Alexander Tsesis 2002)

Political Correctness as a response to 1<sup>st</sup> amendment interpretation

### **Definition of Political Correctness**

Various Groups and Institutions, in order to protect people who are members of groups historically subjected to discrimination, have adopted codes of language behavior to protect those groups, not merely from acts of ethnic intimidation but also from speech which they believe is itself an act of intimidation or which can lead to such acts over time. An example of such codes are on **College Campuses**.

## Other Universities place more restrictions on hate speech.

Hate speech codes follow several formats. Some codes. . . **prohibit speech** or conduct that creates an intimidating, hostile, or offensive educational environment. Others **ban behavior that intentionally inflicts emotional distress**. Still others **outlaw general harassment and threats**," without clarifying what constitutes such conduct. Court rulings have prohibited public (state-run) colleges and universities from enacting codes that restrict the constitutional right to free speech based on content. Private institutions, in contrast, are not subject to these decisions.

Proponents of hate speech codes see them as morally essential to **a just resolution of the conflict between civil rights (e.g., freedom from harmful stigma and humiliation) and civil liberties (e.g., freedom of speech)**. At the heart of the conflict is the fact that under-represented students cannot claim fair and equal access to freedom of speech and other rights when there is an imbalance of power between them and students in the majority. If a black student, for example, shouts an epithet at a white student, the white student may become upset or feel enraged, but he or she has little reason to feel terror or intimidation. Yet when a white student directs an epithet toward a black student or a Jewish student, ***an overt history of subjugation intensifies the verbal attack that humiliates and strikes institutional fear in the victim. History shows that words of hatred are amplified when they come from those in power and abridged when spoken by the powerless.*** <https://www.scu.edu/character/resources/campus-hate-speech-codes/>

La Salle's response to hate language is mission based. It acknowledges the harm of hateful words but still distinguishes words from actions.

Further, La Salle University firmly believes in providing a learning environment that is free from all forms of harassment and will not tolerate any form of impermissible harassment. . . .

•The following are examples of harassing behavior:

- **unwelcome verbal comments, name-calling, or symbolic or physical behavior that stigmatizes, insults, victimizes, or persecutes an individual based upon race, national origin, religion, age, disability, or other protected basis;**

La Salle University is committed to providing a campus community that is ***free of all forms of ethnic intimidation***. The University, in compliance with the Pennsylvania Intimidation Act of 1982, recognizes that certain ***criminal acts*** are a result of "malicious intention toward the race, color, religion or national origin of another individual or group of individuals." To be considered a crime in Pennsylvania, ***ethnic intimidation must occur in conjunction with another offense***, thereby raising the degree of the primary offense. The University encourages victims of ethnic intimidation to make complaints to appropriate University offices as set forth below and/or the appropriate law enforcement agencies:

Dear Class of 2020 Student:

Welcome and congratulations on your acceptance to the College at the University of Chicago. Earning a place in our community of scholars is no small achievement and we are delighted that you selected Chicago to continue your intellectual journey.

Once here you will discover that one of the University of Chicago's defining characteristics is our commitment to freedom of inquiry and expression. This is captured in the University's faculty report on freedom of expression. Members of our community are encouraged to speak, write, listen, challenge and learn, without fear of censorship. Civility and mutual respect are vital to all of us, and freedom of expression does not mean the freedom to harass or threaten others. You will find that we expect members of our community to be engaged in rigorous debate, discussion, and even disagreement. At times this may challenge you and even cause discomfort.

Our commitment to academic freedom means that we do not support so-called "trigger warnings," we do not cancel invited speakers because their topics might prove controversial, and we do not condone the creation of intellectual "safe spaces" where individuals can retreat from ideas and perspectives at odds with their own.

Fostering the free exchange of ideas reinforces a related University priority—building a campus that welcomes people of all backgrounds. Diversity of opinion and background is a fundamental strength of our community. The members of our community must have the freedom to espouse and explore a wide range of ideas.

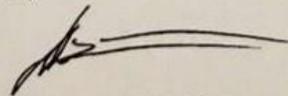
I am enclosing a short monograph by Dean John W. Boyer, the Martin A. Ryerson Distinguished Service Professor in History and Dean of the College, which provides a helpful primer. This monograph, entitled *Academic Freedom and the Modern University: The Experience of the University of Chicago*, recounts the history of debate, and even scandal, resulting from our commitment to academic freedom.

If you are interested in some of the source material mentioned in Dean Boyer's book, you can find links to the important reports (e.g. the Kalven report, the Stone report, etc.), at the website maintained by our University Provost at <http://freeexpression.uchicago.edu/>.

Again, welcome to the University of Chicago. See you in September!

Sincerely,

Jay



John (Jay) Ellison, PhD

Extending beyond institutions is the justification for limiting hate speech –the code of behavior that we call “**POLITICAL CORRECTNESS**”—which

- Acknowledges that speech is a form of behavior
- Acknowledges that hate speech, like all behaviors, has consequences which are both imminent and long term
- Acknowledges that these consequences damage people physically, emotionally and spiritually
- Acknowledges that people have the right to be safe from that danger, even in the public square
- Acknowledges that one of the responsibilities of good citizenship is therefore to avoid hate speech
- Acknowledges that politically correct speech should not compromise fact or reasonable differences of opinion

Politically Correct Speech has become an issue in this presidential campaign

1. Is hate language destructive? What kind of evidence is there of its destructive character?
2. Is a speech code on college campuses and elsewhere (in the press ? On social media ? In government arenas? ) a desirable solution to hate language ? An enforceable solution?
3. Has the doctrine of political correctness gone too far?

Donald Trump on Political Correctness

[https://www.washingtonpost.com/opinions/donald-trump-has-made-political-correctness-credible-again/2016/11/01/0f397c0c-9fb1-11e6-a44d-cc2898cfab06\\_story.html](https://www.washingtonpost.com/opinions/donald-trump-has-made-political-correctness-credible-again/2016/11/01/0f397c0c-9fb1-11e6-a44d-cc2898cfab06_story.html)

***"But I am so tired of this politically correct crap."***

**Some concerns about the Definition of Political Correctness:**

Disapproving avoiding language or behavior that any particular group of people might feel is **unkind or offensive:**

## What is Politically Correct language?

Language should: 1) not favor one group over another; 2) not infringe on any group's right to sovereignty; 3) not interfere with the peaceful relationship of any minority group with those from other groups; 4) not hinder society (i.e., the state) in its attempts to protect cultural groups (i.e., social, economic, and ethnic minorities) **whose views are declared to be equally valid and who have the "right" to equal opportunity, integrity, and point of view**; and 5) not promote stereotypes of any kind.

Political Correctness Threatens Free Society (Younkins)

Political correctness is *a style of politics in which the more radical members of the left attempt to regulate political discourse by defining opposing views as bigoted and illegitimate. . . .*

Liberals believe (or ought to believe) that social progress can continue while we maintain our traditional ideal of a free political marketplace where we can reason together as individuals. Political correctness challenges that bedrock liberal ideal. While *politically* less threatening than conservatism (the far right still commands far more power in American life), the p.c. left is actually more *philosophically* threatening. It is an undemocratic creed.

Not a Very P.C. Thing to Say: How the Language Police are Perverting Liberalism (Jonathan Chait New York Magazine 2015)

A way that we speak in America so we don't offend whining pussies.

Only pathetically weak people that don't have the balls to say what they feel and mean are politically correct pussies.



MAKE

AMERICA

WHITE

AGAIN



FUCK  
YOUR  
SAFE SPACE





Put up on the 78<sup>th</sup> Anniversary of Kristallnacht



“I don’t fear Trump as much as I fear the monster he’s awakened,” said Aysha Choudhary, a Muslim American who works with the aid group Doctors Without Borders in New York City. “It feels like he’s normalized discrimination, and I’m afraid it’s open season.”

“What upsets me is how in this whole election he has brought so many of these racists out,” said Maria Flores, a Cuban-American in Miami, who had once been a Republican but supported Mrs. Clinton this year. She said strangers had begun taunting her to speak English or leave.

Given Mr. Trump's vow to bar Muslims from entering the United States in an attempt to curb terrorism, Mr. Rashid, an American citizen who is Muslim, worried that his family — Pakistani nationals who live in Dubai — could never visit him here again. And he ached for a young cousin in Michigan whose classmates were mean to her after Mr. Trump won a mock election at school, prompting her to cry all day.

In many ways, Mr. Trump presented himself as the antidote to the Black Lives Matter movement, which has protested the killings of black men by the police over the past two years. While young black activists demanded that college campuses curb speech that could be considered offensive to minorities, Mr. Trump railed against “political correctness.” While black activists protested police killings and racial profiling, Mr. Trump promised to restore “law and order” and expand New York’s contentious “[stop and frisk](#)” policing policy nationwide.

**Far from ruining Mr. Trump’s chances of being elected, his remarks lay at the heart of his appeal to white voters, who expressed resentment over what they consider political correctness gone overboard.**

[https://www.washingtonpost.com/politics/trump-says-groping-allegations-are-part-of-a-global-conspiracy-to-help-clinton/2016/10/13/e377d7e4-915a-11e6-a6a3-d50061aa9fae\\_story.html](https://www.washingtonpost.com/politics/trump-says-groping-allegations-are-part-of-a-global-conspiracy-to-help-clinton/2016/10/13/e377d7e4-915a-11e6-a6a3-d50061aa9fae_story.html)

The problem, of course, is that Mr. Trump's campaign was based on appeals — some explicit, some coded — to racial and ethnic resentment and division. His followers heard it starting [with his speech](#) declaring his candidacy, warning of Mexican immigrant “rapists,” continuing to a rally last weekend where he promised to bar all Syrian refugees because they “will import generations of terrorism, extremism and radicalism into your schools and throughout your communities.” **These statements emboldened and even encouraged those who have been looking for a license to lash out against immigrants, refugees, minorities and anyone else they find threatening. They take his victory as vindication of their feelings.**

David Duke, the former Louisiana lawmaker and former imperial wizard of the Ku Klux Klan, tweeted that Mr. Trump's victory was “one of the most exciting nights of my life,” and also, “Our people have played a HUGE role in electing Trump!” In another tweet, he wrote, **“Anyone telling you this was a vote for ‘unity’ is a liar and they know it!”**

<http://www.nytimes.com/2016/11/11/opinion/denounce-the-hate-mr-trump.html?ref=opinion>

Political correctness is an unwritten and constantly changing code of forbidden language and practices, and most Americans sense its unfairness. . . . Americans take all sorts of reasonable and conflicting views. . . , but all . . . are subjects on which, depending on the nature of their views, many feel a keen reluctance to speak candidly.

That feeling of delegitimation, **of not being able to state one's beliefs without attracting accusations of bigotry and backwardness, isn't something most Americans will put up with for long.** Many of them felt gagged and irritated, and Trump shrewdly named the thing that troubled them: political correctness. A lot of people fell for it. . . . First, by promoting political incorrectness as a remedy to the taboos they rightly detest, they gave us a man so loathsome as to make those taboos seem almost sensible. In the saddest irony of this deeply strange election year, Trump's supporters have managed to enhance the credibility of political correctness: Given the choice between political correctness and the bigoted tirades of a dirty old man, I'll take political correctness.

[https://www.washingtonpost.com/opinions/donald-trump-has-made-political-correctness-credible-again/2016/11/01/0f397c0c-9fb1-11e6-a44d-cc2898cfab06\\_story.html](https://www.washingtonpost.com/opinions/donald-trump-has-made-political-correctness-credible-again/2016/11/01/0f397c0c-9fb1-11e6-a44d-cc2898cfab06_story.html)