

Questions on Feinberg, *Offense to Others*

1. The reading is from volume 2 of a 4 volume work. In volume 1 Feinberg explains what he means by ‘offense’:

Unhappy but not necessarily harmful experiences can be divided into two categories: those that hurt and those that offend....Analogous to [physical discomfort], however, are various nonpainful mental states, which are of sufficient interest to be placed in a separate category, and labeled ‘forms of offendedness.’ Like their physical analogues, these form a great miscellany of conditions that have little in common except that they don’t hurt but are nevertheless universally disliked. Some of the more prominent mental states in this category have already been mentioned: unpleasant sensations, disgust, shocked sensibilities, irritation, frustration, anxiety, embarrassment, shame, guilt, boredom, and certain kinds of responsive anger and fear.

Is this a good definition? Can you think of a better one?

2. What distinguishes a ‘mere nuisance’ from a ‘profound offense’?

3. ‘The advocate of punishment for those whose unwitnessed and unharmed activities offend in their very description can now be confronted with a dilemma. Either he bases his argument on an application of the offense principle, or else on a (tacit) appeal to the illiberal principle of legal moralism’ (p. 68). What is the principle of legal moralism? Feinberg thinks that principle is false—why?

Feinberg, Joel. In *Offense to Others: The Moral Limits of the Criminal Law*. Oxford University Press, 1988. © Oxford University Press. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <https://ocw.mit.edu/help/faq-fair-use/>.



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