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Evaluating a Discourse of Political Correctness in the  
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## **"Europe Will Soon Be Lost to Political Correctness": Evaluating a Discourse of Political Correctness in the Main Treaties of the European Union**

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### *Summary*

*Political correctness* (PC), a contemporary phenomenon imported from the United States, has continuously been targeted as one of the key reasons for current troubles the European Union (EU) is facing. Even more, some predict that PC will be the cause of the eventual demise of Europe. This article investigates the presence of the discourse of PC in the fundamental treaties of the EU to explore whether the EU is in danger of being lost to PC. In the first part, the key traits of the discourse on PC and multiculturalism as a dominant philosophy behind it, are presented. One of the key traits of PC is linguistic engineering that may be labelled as mild or radical. In the second part, the content of the EU treaties and the Charter of Fundamental Rights of the EU are analysed comparing three different versions of the Lisbon Treaty and the Charter, namely English, German, and Croatian. The third part is focused on the analysis of the guidelines: *Gender-neutral language in the European Parliament*, as the most politically correct official document of the EU. The analysis showed that a change with regards to the employment of the discourse of PC came with the Lisbon Treaty and the Charter and is based on mild linguistic engineering. The change in the EU's legal discourse arose from a cultural change that occurred in some member states. Mild linguistic engineering should not be seen as a real threat to Europe but may be interpreted as a way of reshaping the EU's core value of non-discrimination. On the other hand, an (in)attentive slip from mild into radical linguistic engineering may ignite the flourishing of the far-right and anti-EU movements that could lead to a serious destabilization of Europe.

**Keywords:** Discourse of Political Correctness, Multiculturalism, Liberalism, European Union Treaties, Linguistic Engineering

## Introduction

“The Left believes that right-wing tribalism – bigotry, racism – is tearing the country apart. The Right believes that left-wing tribalism – identity politics, political correctness – is tearing the country apart” (Chua, 2018: 240). According to Amy Chua, a professor at the Yale Law School, both sides are right as far as the United States (US) are concerned. Similar claims are often heard with regard to the current situation in the European Union (EU). *Political correctness* (PC), a phenomenon that crossed the Atlantic and found its way into Europe is, as stated by the former British ambassador to the US, “an American import” (Meyer, 2011). Numerous examples on an almost daily basis point out how PC is to be blamed for troubles that Europe is facing. PC was targeted as one of the main reasons why the EU was unable to deal with the migrant crisis (Hallet, 2017; Blisty.cz, 2016) and it was accused of killing political freedom by a former leader of the European Commission (Waterfield, 2007). PC, seen by one member of the European Parliament as the “cornerstone of this EU”, is causing “enormous damage to the safety of women” (Youtube.com, 2017). “Politically correct fanaticism” is perceived as the main reason of Brexit’s success (Theaustralian.com.au, 2016) and the rise in PC is the reason why Brexit cannot be honestly discussed (Express.co.uk, 2018). After the terrorist attack on Barcelona, a former Polish prime minister called the elite running the EU to wake up and “ditch political correctness for common sense” (Gutteridge, 2017). Some announced that the total decline of Europe under the Muslim threat was caused mainly by Europe’s acceptance of “policies that promote multiculturalism” and the practice of PC (Sharify-Funk, 2013: 445). The Nice attack was described as a “consequence of multicultural politics and political correctness... Europe will soon be lost to political correctness” (Mansfield, 2016).

This paper aims to explore the presence of a discourse of PC in the EU treaties to contribute to the debate on whether the EU is endangered to be torn apart by the “left wing-tribalism” and “lost to political correctness”.<sup>1</sup> In the first segment of the paper, I present key traits of the discourse of PC and multiculturalism as the

<sup>1</sup> There is no and “there can be no simple, general theory of multiculturalism” (Rex, 1997: 31). “Multiculturalism has fluid meanings and serves as a mold into which new models are poured” (Guiraudon, 2009: 131). The abundance of different understandings and definitions of multiculturalism fluctuate within the literature and public discourse with no just one, universally accepted definition. This article has no ambition to offer such definition of multiculturalism. The so-called “broad-ranging movement” has been composed of a heterogeneous and diverse set of programmes, theories, institutional frameworks, philosophies, and policy agendas that have been labelled as multiculturalism, the politics of difference, identity politics, the politics of recognition etc. (Kymlicka, 2002: 327). For the purpose of this article, I will disregard their differences and heterogeneity and will focus on some common traits of the movement which I will mainly call by its most popular label – *multiculturalism*.

dominant paradigm behind it, in contrast to the liberal paradigm. I claim that the discourse of PC has several traits amongst which the most prominent is linguistic engineering. I distinguish between mild and radical linguistic engineering based on modified definitions and ideas proposed by Fengyuan. Mild linguistic engineering attempts to change beliefs and attitudes of people by modifying potentially discriminatory language whilst respecting linguistic traditions at the same time. On the other hand, radical linguistic engineering is a coordinated attempt that forces people to drastically change their linguistic practices and to express a thought in a politically correct way. In the second segment, I analyse the content of the EU treaties and the Charter of Fundamental Rights, to explore whether the discourse of PC found its way into the EU's most important documents responsible for its legal and political construction.<sup>2</sup> I claim that the key switch towards the adoption of the discourse of PC occurred in the Lisbon Treaty and the Charter of Fundamental Rights of the European Union. In the last part, I analyse the EU's "most politically correct document" issued by the European Parliament in 2009, that is, *Gender-neutral language in the European Parliament* and will show how the used argumentation balances between the liberal and the multicultural paradigms.

I claim that modifications detectable in the EU documents are an example of mild linguistic engineering caused by a cultural change that came from the US and "infected" some EU member states, mainly those of Western and Northern Europe. This cultural change may be partially responsible for the new rise of the right and anti-EU movements: both in those parts of Europe where the change occurred, and even more so in countries of the so-called Eastern Enlargement which started re-claiming their original allegiance to the new politically correct EU.<sup>3</sup> I believe that

<sup>2</sup> This article relies on a view that "legal language, like any other language usage, is a social practice and that its texts will necessarily bear the imprint of such practice... Law, as a linguistic register or as a literary genre, can be described linguistically or, more importantly, discursively, in terms of its systematic appropriation and privileging of legally recognised meanings, accents and connotations (modes of inclusion), and its simultaneous rejection of alternative and competing meanings and accents, forms of utterance and discourse generally, as extrinsic, unauthorised or threatening (modes of exclusion)" (Goodrich, 1987: 2-3).

<sup>3</sup> It is generally believed that Western and Northern European countries (sub-regions defined according to EuroVoc, the thesaurus of the EU) accepted the discourse of PC which is not so much the case for Southern Europe and especially Eastern Europe. In a research investigating popular understanding of prejudice in Poland and the United Kingdom, the interviewees from Poland were convinced "that language is becoming more regulated and that limits about what can be said in public space are being introduced. This 'political correctness' was characterised as a Western practice – evident in the United Kingdom – that is being spread to Poland, and that Polish social normativities are starting to be re-shaped as a consequence of the deployment of these ideas from another context" (Valentine et al., 2015: 580). The largest EU Eastern European member state – Poland is often a vocal critic of PC. Poland is even proud to admit that it "doesn't

mild linguistic engineering is not a real threat to Europe but only a way of reaffirming some fundamental values such as non-discrimination upon which the EU, as a liberal-democratic *politeia sui generis*, was founded. However, slipping into radical linguistic engineering may provoke a counter-cultural change; deepen the existing political and social clashes, and incite further flourishing of the far-right and anti-EU movements that could lead to the destabilization of Europe.<sup>4</sup> If that happens, Europe really could be “lost” to PC or something worse.

### ***Made in USA – Multiculturalism and the Story on Recognition***

*“They didn’t recognize me,” I repeat.*

*He stops in turn, my hand still on his arm.*

*“It is because they have never seen you,” he says.*

*“I would recognize you anywhere.”*

(Barbery, 2008: 501-502)

Dominant culture does not recognize the needs of deprived groups. It does not even see others. In its own blindness, the dominant culture does not recognize itself as dominant but represents itself as “neutral” and “universal”. This dominant liberal-democratic culture is anything but neutral and universal. A “normal” citizen is perceived as the “able-bodied, heterosexual white male. Anyone who deviated from this model of normalcy was subject to exclusion, marginalization, silencing, or assimilation” (Kymlicka, 2002: 327). Therefore, even though the liberal mantra “everyone is equal” is formally embedded in the laws, real equality does not exist. The dominant culture has different ways of oppressing marginalized groups and their cultures. Some ways are purposeful and conscious. Some are unconscious and vi-

have a thing called political correctness”. Polish politicians repeatedly refuse anything that resembles PC and often include a fierce attack on PC in their public speeches: “We will never allow anyone to blackmail us. We will never give in to political correctness”..., “We must reject political correctness and call things by their true names”..., “Either Europe will get up off its knees and start to seriously consider counteraction measures, but that means rejecting political correctness, or these types of incidents will continue”... (Voice of Europe, 2017). The fear of PC by mainly right-wing movements in the EU member states would be an interesting topic to explore, but it would require a large multi-lingual research project. This exceeds the scope of this article and will, therefore, not be further investigated.

<sup>4</sup> Tensions related to the ratification of the Council of Europe’s *Convention on preventing and combating violence against women and domestic violence* (Istanbul Convention) is the recent example of a political and cultural clash which is based on a belief that a radical political, ideological, and linguistic engineering is being forced upon the EU member states. For more see R. Kuhar and D. Paternote *Anti-gender Campaigns in Europe: Religious and Political Mobilizations against equality* (2017).

sible in everyday practices. Both should be challenged. An early warning of this was signalled mainly in the 70's and 80's by "a broad-ranging movement", discussed under different labels such as *multiculturalism*, *the politics of difference*, *the politics of recognition*, and *the identity politics* (*ibid.*). This demand for recognition was based on the "ground on which recognition has previously been denied". This demand is not a liberal type of "inclusion within the fold of 'universal humankind'" ..., "nor is it for respect 'in spite of' one's differences. Rather, what is demanded is respect for oneself *as different*" (Kruks in Chua, 2018: 261).

The dominant liberal paradigm where "everyone is equal before the law", places issues like family, marriage, religion, and sexual relationships in the individual's own private sphere. Within that space, individuals should be free from any state-imposed restrictions. They can practice their religious beliefs how and when they choose and engage in sexual intercourse with consenting adults of their own choice. This is their private matter so "there's no place for the state in the bedrooms of the nation" (Trudeau, 1967). "Liberalism does, indeed, mandate that for some purposes, gender should be treated as irrelevant. Women should have the same civil and political rights as men, and should not be discriminated against in education nor in employment. That is fundamental to liberalism" (Barry, 1997: 7). The same applies to race, sexual orientation, religion etc. These should be treated as (ir)relevant in the same way as we treat the person's eye colour.<sup>5</sup> Also, liberalism is a philosophy which recognizes the claims of individuals, not that of groups (Kukathas, 2002: 195).

On the other hand, the broad-ranging movement accuses liberals of inhospitality and blindness towards differences and requires the recognition of specific group identities. The personal is no longer just a private matter, it is a public matter and therefore political, as famously emphasized by the feminist slogan: *The personal is political*. Non-recognition of differences in public, is a form of oppression by the dominant culture. All cultures are equally valuable and should be recognized as such (Kelly, 2002: 5). "Indeed 'misrecognition' includes having to bear the stigmatizing gaze of a culturally dominant Other and also having to face institutionalized inferiority or invisibility. Consequently, one cannot develop a positive self-image, which means enduring a lesser status" (Guiraudon, 2009: 132). Special identities of different religious, cultural, racial etc. groups should be publically recognized in

<sup>5</sup> According to Brian Barry, liberal is "someone who holds that there are certain rights against oppression, exploitation and injury to which every single human being is entitled to lay claim, and appeals to 'cultural diversity' and 'pluralism' under no circumstances trump the value of basic liberal rights" (2001: 132-133). He also claims all liberals are by definition universalists because they hold that "everybody in the world is equally entitled to the protections afforded by liberal institutions, whether they actually enjoy them currently or not" (*ibid.*: 136).

order to combat discrimination and inequality. The politicization of culture<sup>6</sup> or the culturing of politics found its way to dismantle the liberal “private-public split”.

### *Equal Opportunities vs. Equal Outcomes*

Imagine three people of different height watching a soccer game over the fence. The first person is tall enough to see the game well. The second person is shorter and does not see that well but can still see some of the game. The third person is too short to see the game over the fence. To help them, we can choose two scenarios. The first one is to give them three equal-sized boxes to climb on. The second one is to provide them with only two different-sized boxes, that is, give the largest box to the shortest person and leave the tallest person with no box. Which scenario would you choose?<sup>7</sup>

One of the fundamental premises of liberalism is “that the subject of fairness is the distribution of rights, resources and opportunities” (Barry, 1997: 5). For example, everyone should have an equal right to be employed in a certain position based on their merit, regardless of their gender, race, or sexuality. This means everyone has equal opportunities and the state has to “create conditions that give individuals equal access to education, training and jobs, and leave individuals to make the best of these opportunities” (Krstić, 2003: 826). Equally, identical treatment is fundamental for *formal equality*.<sup>8</sup> Therefore, everyone should get an equal box no matter how tall they are.

Now imagine that the three same-sized boxes provided are not large enough for the shortest person to see the game. In that case, the tallest person will see the game much better than the other two persons, and the shortest person will still not be able to see the game. Equal laws could have different effects on different groups because of their specific beliefs, practices, traits etc. Therefore, laws may as well be discriminatory even though they seem to treat everyone equally. Legal equality

<sup>6</sup> Culture, as well as multiculturalism, does not have one unified, universally accepted definition. It has often been perceived broadly by the proponents of multiculturalism, so that was one of the major sources of criticism by the opponents of multiculturalism. Sometimes the term is perceived so broad that religion, language, ethnicity, race, nationality have become its synonyms (Song, 2007: 177). The politicization of culture “by confronting the cultural imperialism that has denigrated or silenced its specific group experience, is a necessary and crucial step in confronting and reducing oppression...” It “derives from the women’s movement” (Young, 1990: 154).

<sup>7</sup> The difference between *equality of opportunities* and *equality of outcomes* is sometimes portrayed as the difference between *equality* and *equity*. Equity is a sort of “fair equality”. In the media, this is often shown with a simple image in which three people of different height try to watch a match over a high fence.

<sup>8</sup> “The liberal commitment to civic equality entails that laws must provide equal treatment for those who belong to different religious faiths and different cultures” (Barry, 2001: 24)

creates equal opportunities but not *equal outcomes*. The so-called *substantive equality* is based on equal outcomes (Horvat, 2008: 1473). In our boxes analogy, the first scenario achieves only formal equality. The second scenario would achieve substantive equality because eventually no matter how high a person is, they would all be able to see the game *equally*, that is, from the same height. "Equality, defined as the participation and inclusion of all groups in institutions and positions, is sometimes better served by differential treatment" (Young, 1990: 195). This policy agenda that promotes adopting specific measures to combat discrimination towards certain disadvantaged groups is known by the various names such as affirmative action, positive discrimination, special measures, special advantages etc.<sup>9</sup> Its key goal is "to remove deeply-rooted social practices that interfere with the process" of substantive equality in a society (Krstić, 2003: 826). Due to the unfairness of liberal legal, formal equality, underprivileged groups should have, besides equal rights, certain special rights. It is an important means to fight oppression, "especially oppression that results from unconscious aversions and stereotypes and from the assumption that the point of view of the privileged is neutral... Recognizing particular rights for groups is the only way to promote their full participation" (Young, 1990: 12). Recognition of the need for providing special advantages to the disadvantaged groups so they may achieve the equality of outcomes is an agenda multiculturalism advocates for.<sup>10</sup>

Now imagine our three people who are watching the game are actually waiting for the job interview for the new soccer club manager. They all have the same experience and qualifications. The club owner is a white, heterosexual man. If one person is a woman, one a gay man, and one a heterosexual man, who is the most likely to get a job? The broad-ranging movement has a simple explanation behind

<sup>9</sup> For the purpose of this article, I will treat all terms as synonyms and will not present the debate on proper terminology as well as the debate on criticism of affirmative action, because it would exceed the scope of this article. For criticism of affirmative action see Thomas Sowell's *Affirmative Action Around the World* in which he showed negative consequences of such policy agenda. To explore affirmative action's different historical and legal application in the legal systems of the EU and the USA see Ivana Krstić's article *Affirmative action in the United States and The European Union: comparison and analysis* (2003).

<sup>10</sup> The politics promoted by multiculturalism "asserts that oppressed groups have distinct cultures, experiences, and perspectives on social life with humanly positive meaning, some of which may even be superior to the culture and perspectives of mainstream society" (Young, 1990: 166). Based on that logic specific group rights and representation can be sought for different groups. This idea was strongly criticized by Brian Barry who attacked a vague understanding of culture and criticized the claim for special group rights. For him, this would only make sense if these groups were homogenous, well connected, and had specific interests. However, if for example women are divided based on their age, nationality, religion etc. the whole idea that they can be represented as one "group" becomes useless (Barry, 2001: 211).



the idea that it is unlikely that the club owner would opt for a woman or a gay man. The owner has an unconscious aversion towards the possibility that a gay man or a woman could run a soccer club. The position of a *manager* is for a “real man”.

Judgments of beauty or ugliness, attraction or aversion, cleverness or stupidity, competence or ineptness, and so on are made unconsciously in interactive contexts and in generalized media culture, and these judgments often mark, stereotype, devalue, or degrade some groups... Group oppressions are enacted in this society not primarily in official laws and policies but in informal, often unnoticed and unreflective speech, bodily reactions to others, conventional practices of everyday interaction and evaluation, aesthetic judgments, and the jokes, images, and stereotypes pervading the mass media (*ibid.*: 133-148).

### *Political Correctness – “An American Import”*

*A doctor had a brother named Arno. Arno died. While Arno was alive, he didn't have a brother.* How long did it take to solve the riddle? You probably did it faster than someone would have forty, fifty years ago. What is the catch? Even though “doctor” is a term that can be used for both men and women, the strongest mental association with this term is a “man”. Moreover, a white man in white scrubs is the kind of doctor our subconsciousness usually sees. Such an image is so deeply embedded in our perception that we do not see it as exclusive and stereotypical.

“Patsy Mink dreamed of becoming a doctor, but none of the 20 medical schools she applied to accepted women” (Feminist.org, 2007). It was not possible until the 70's when the USA introduced legislation to fight sexual discrimination in education. Nevertheless, this was not enough to tackle the real discrimination that went beyond formal legal equality. Discrimination is embedded in our language. How can we claim that a woman has an equal opportunity and the same legal rights as a man to become a *policeman*, a *fireman*, a *spokesman* or a *manager* if the name of the profession is already discriminatory towards women? That was one of the reasons why feminists campaigned for the de-masculinization of language. Such claims were usually sarcastically dismissed by the distinguished linguists who reminded that *he/man* or *masculine generics* are only a neutral grammatical fact of the English language.<sup>11</sup> But the new movement taught us how powerful words really are. The way we talk, reflects the way we think, which in turn influences the structures of power in a society. In other words, “our relationship to ‘reality’ is always mediated through language” and “language and discourse are central to the operations of power” (Hall, 1994: 167). This is the fundamental idea behind the “revo-

<sup>11</sup> These claims were often ridiculed. For example, in 1975 it was suggested that the Arab country Oman should be renamed *Operson* (Cameron, 2012: 18).

lution" in social sciences and humanities known as the "linguistic turn" (Phillips, Hardy, 2002: 12).<sup>12</sup>

The linguistic turn, as well as the common traits of a broad-ranging movement, are common denominators of an agenda related to another phenomenon that also originated in the US – *political correctness*. In other words, the "common philosophy" behind the broad-ranging movement is the core of PC. As stated by Richard Bernstein, the "view that Western civilization is inherently unfair to minorities, women and homosexuals has been at the center of politically-correct thinking" (1990). The relationship between the two phenomena – PC and multiculturalism – is complex but indisputable. Both PC proponents and PC opponents acknowledge their strong link. As stated by Beckwith, radical multiculturalism is the core of PC, its "executive arm" (1994: 33). Cai believes that an attack on PC is actually an attack on multiculturalism (Cai, 2002: 92). According to Drury, PC is a vision that includes feminism, gay liberation, multiculturalism, and affirmative action (Drury, 1996: 161-168). Similarly, but from another point of view, a strong critic of both PC and multiculturalism, David Thibodaux, thinks that PC is responsible for the birth of multiculturalism, genderism, Afrocentrism and other -isms and is just a new name for "radical feminism" (1992: 12). Another PC critic, Alvin Schmidt, believes that by now Americans know that PC "means getting people to conform to the thoughts, names, and actions that are promoted and advanced by the zealous advocates of multiculturalism" (1997: 85).

The contemporary version of the phenomenon formed in the 80's at Universities across the USA.<sup>13</sup> It started from the English departments with the introduction of so-called "speech codes". As Johnathan Zimmerman put it, "sometime in the 1980's, the story goes, left-leaning American and British professors made racial minorities into 'people of color'; the handicapped into the 'differently abled'; and older students into 'non-traditional learners'. The rest of us – both inside and outside the university – followed behind" (Lea, 2008: vii). However, PC is "not one

<sup>12</sup> "Over the last 30 years, a revolution of sort has swept across the humanities and social sciences. Beginning with the work of linguistic philosophers such as Wittgenstein (1967) and Winch (1958), the idea that language is much more than a simple reflection of reality – that, in fact, it is constitutive of social reality – has become commonly accepted" (Phillips, Hardy, 2002: 12). The book of essays *The Linguistic Turn: Recent Essays in Philosophical Method*, is considered to be responsible for popularization of the term "linguistic turn". It was published in 1967 and edited by Richard Rorty.

<sup>13</sup> The term "political correctness" has also its historical meaning that is different from the contemporary understanding of the phenomenon. For example, historically "political correctness originally had quite a clear literal sense in a limited context, referring to the orthodox Communist party political line" (Hughes, 2010: 16). For more about the term's semantic history see the section *Origins of the Phrase* in Hughes (2010).

thing and does not have a simple history” (Hughes, 2010: 3). PC has been blamed for very diverse events such as: terrorist attacks, illegal immigrants, (self)censorship, bad media reporting, the declining quality of education, unfounded public defamation of respected scientists, Donald Trump’s victory, rising discrimination of white heterosexual men, destruction of art, changing history, limiting freedom (of speech), bringing down the Roman Empire, decline of Europe, increasing the atmosphere of hypocrisy, unfair trials, ruining people’s careers, removal of religious symbols from the Slovakian two-euro coin, imposing repression at Universities, killing humour, introducing totalitarian newspeak etc. From its bashers to its supporters, the definitions vary from extremely negative ones such as one of Doris Lessing’s who says it is “the most powerful mental tyranny in what we call the free world” (*ibid.*: xi) to positive ones which state PC contains “theories and practices that are designed to end injustices based on sex, race, class, and other social variables” (Choi, Murphy, 1992: 2). Contribution to this cacophony of definitions is also the fact that PC on a daily basis is used to denote so many different things that it has become a buzzword, a “catch-all” phrase. One of the first dictionaries that decided to take the hard job of defining PC was The Oxford Companion to the English Language from 1992.

The phrase is applied, especially pejoratively by conservative academics and journalists in the US, to the views and attitudes of those who publicly object to: (1) The use of terms that they consider overtly or covertly sexist (especially as used by men against women), racist (especially as used by whites against blacks), ableist (used against the physically or mentally impaired), ageist (used against any specific age group), heightist (especially as used against short people), etc. (2) Stereotyping, such as the assumption that women are generally less intelligent than men and blacks less intelligent than whites. (3) “Inappropriately directed laughter”, such as jokes at the expense of the disabled, homosexuals; and ethnic minorities... Both the full and abbreviated [i.e. PC] terms often imply an intolerance... of [opposing] views and facts that conflict with their “progressive orthodoxy”.

Even though different behaviours, linguistic patterns, and choices<sup>14</sup> have been labelled as politically (in)correct, in its essence PC debate “has been about naming, or rather renaming” (Hughes, 2010: 15). I will not present the wide-ranging debate on uselessness or usefulness of PC or offer a unified definition of this phenomenon. Rather, to analyse complex legal texts such as the EU treaties, based on the norma-

<sup>14</sup> Hughes made an interesting list containing linguistic modes, behavioural patterns, and lifestyle choices that are considered to be politically incorrect: using ethnic slurs, rape, chauvinism, sexism, homophobia, racism, cruelty to animals, smoking cigarettes, wearing fur and eating veal. On the other hand, these are, in his opinion, not considered politically incorrect: religious swearing, paedophilia, blasphemy, smoking cannabis and eating beef (Hughes, 2010: 11).

tive political theory and phenomena such as PC, I will focus on the specific traits of the discourse of PC.<sup>15</sup> "Without discourse, there is no social reality, and without understanding discourse, we cannot understand our reality, or ourselves" (Philips, Hardy, 2002: 2).

Guiraudon believes that "to translate debates in normative political theory (on multiculturalism – a/n) into legal terms, the first step toward recognition is the prohibition of direct and indirect discrimination" (Guiraudon, 2009: 132). As shown above, according to the philosophy of this broad-ranging movement, discrimination is rooted in the language we use. Therefore, the most obvious trait of the discourse of PC is a so-called "linguistic engineering". "In a loose sense", the term "can be applied to any attempt to change language in order to affect attitudes and beliefs. In this sense, linguistic engineering probably exists in all societies" (Fengyuan, 2003: 3). For the purpose of this article, I build on this definition and employ a term *mild linguistic engineering* and define it as an attempt to change the discriminatory language in order to affect people's attitudes and beliefs while at the same time taking into account specific linguistic traditions. By *radical linguistic engineering*, I understand "a centrally coordinated attempt to remake people's minds by forcing them to speak and write, as far as possible, in set formulae – carefully crafted words, phrases, slogans, and scripts expressing politically correct thought" (*ibid.*).<sup>16</sup>

<sup>15</sup> PC is strongly connected with *freedom of speech*, *hate speech*, and *discrimination*. One of the key differences between all three concepts and PC is that the latter is not defined in any legal document. However, people suffered serious consequences for employing what is considered to be politically incorrect language or behaviour. For more about their relationship see Klepač Pogrmilović, Bojana (2016) *Govor mržnje i politička korektnost – Hrvatski sabor kao 'slika društva'* (Hate speech and political correctness – Croatian Parliament as a "mirror of society"). Exclusive focus on detecting the discourse of PC within legal documents is one of the limitations of this paper.

<sup>16</sup> Fengyuan attached this type of engineering, which I call radical, only to totalitarian societies and he researched its development and effects in China. I believe this definition is also useful to explore the discourse of PC in non-totalitarian societies, because PC often gets accused for changing non-totalitarian society into a totalitarian one by imposing "Orwellian newspeak". Canada recently passed Bill C-16. According to some interpretations of Bill C-16 that changed Canadian Human Rights Act and Criminal Code, people can be fined or jailed for not using correct gender pronouns that correspond to a person's gender identity. Professor of psychology at the University of Toronto Jordan Peterson for whom Camille Paglia said is "the most important and influential Canadian thinker since Marshall McLuhan" (Lynskey, 2018) commented the passing of Bill C-16 in the Senate with the sentence: "Compelled speech has come to Canada" (Prestigiacomio, 2017). He also said that these laws are the first laws he has ever seen "that require people under the threat of legal punishment to employ certain words, to speak a certain way, instead of merely limiting what they're allowed to say... So the law's put words into our mouths" (Artuso, 2016). If we assume Jordan Peterson

Various techniques can be used to modify language. For example, switching from masculine generics to using more “gender-fair” language is one such method. Also, not addressing women in a way which reveals their marital status, such as Ms/Mrs, is a part of the discourse of PC.<sup>17</sup> Furthermore, completely removing some words from the discourse is also a type of linguistic engineering.<sup>18</sup> Another trait of the discourse of PC is the use of euphemisms<sup>19</sup> when discussing oppressed groups, that is, avoiding the expressions “that are perceived to exclude, marginalize, or insult groups of people who are socially disadvantaged or discriminated against” (Oxford Living Dictionaries, 2018).

One additional trait that is the product of the broad-ranging movement and political theory of multiculturalism that often gets attached to PC, is affirmative action. “Affirmative action is politically correct” (Bernstein, 1990). Or, in Hughes’ words, PC “generates contradictions like *positive discrimination*” (2010: 11). As stated above, to achieve equal opportunities disadvantaged groups are entitled to special advantages that can contribute to fixing the injustices done towards them by the dominant culture. Therefore, providing special advantages to a certain group is one of the most common consequences of a policy with a “multicultural agenda”.

is correct in his interpretation of the introduced changes, this would be an example of introducing a radical linguistic engineering in a non-totalitarian society. Fictional pronouns such as ‘ze’ or ‘zir’ are not a part of the standard English language but are crafted and imposed on people as a centrally coordinated attempt to “remake people’s minds”. However, some legal experts such as Peterson’s colleague from the University of Toronto Brenda Cossman disagree with him and claim that Peterson is “mischaracterizing” the Bill. Cossman said she does not think there is “any legal expert that would say that [this] would meet the threshold for hate speech in Canada” (Cumming, 2016).

<sup>17</sup> Revealing women’s marital status is considered discriminatory because no similar practice can be applied to men.

<sup>18</sup> Removing the words from public discourse is not always connected to PC. There is a famous story of a Chinese journalist who used the German F-word, that is “Führer” to address his new boss in German international broadcaster Deutsche Welle. After seeing surprised faces of his colleagues, he explained that the word “leader” is normally used in China. Germany’s F-word has been a taboo before the contemporary discourse of PC came from the USA, “the homeland of political correctness”, to Europe (Todeskino, 2013). In Austrian *Gleichbehandlungsgesetz*, that is Federal Equal Treatment Act, the word *Rasse* (race) has been substituted by *ethnische Zugehörigkeit* (ethnic belonging). Even though PC is a phenomenon almost exclusively blamed for eliminating words, in this case, as well as in the case of the German F-word, Europe’s history is to blame. Because of the heritage related to Nazism, Austria found it important to eliminate “the term *Rasse* with all the negative connotations that this term carries with it in the German language” (Möschel, 2014: 125).

<sup>19</sup> “Typically, politically correct language avoids judgmental terms, preferring an artificial currency of polysyllabic abstract euphemistic substitutions” (Hughes, 2010: 14).

Positive discrimination is a politically correct solution to discriminatory practices embedded in the law and beyond it.

In the next part, I will analyse the EU treaties based on detected traits of the discourse of PC and multicultural agenda focusing especially on the use of gender-fair language, the use of language when addressing vulnerable groups, the recognition of prohibiting direct and indirect discrimination and allowing for positive discrimination.

## The Discourse of Political Correctness in the Treaties

*In the EU legislative procedure the text is often perceived as a way to fix the result of political negotiations. Thus the use of a vehicular language with a relatively neutral semantics makes it possible to ensure a mix of national interests while remaining at the same time politically correct (Felici, 2015: 128).*

The EU treaties are perceived as the fundamental expression of the values held by the EU. The EU's legal and political development's eight main treaties have been about setting up the goals of the EU, establishing rules for the functioning of the EU institutions, and guiding the relationship between the EU and its member states. These are namely: the Treaty establishing the European Coal and Steel Community; the Treaties of Rome, that is, the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community (Euratom); the Merger Treaty or the Brussels Treaty; the Single European Act; the Treaty on European Union or the Maastricht Treaty; the Treaty of Amsterdam; the Treaty of Nice; and the Treaty of Lisbon, that is, the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).<sup>20</sup> The

<sup>20</sup> The Treaty establishing the European Coal and Steel Community (ECSC) was signed in 1951 and it entered into force in 1952. Its main purpose was to develop interdependence in steel and coal "so that one country could no longer mobilise its armed forces without others knowing". This treaty expired in 2002. Treaties of Rome were signed in 1957 and they entered into force in 1958. Their key purpose was to establish the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). The Merger Treaty or the Brussels Treaty was signed in 1965 and it entered into force in 1967. Its key purpose was to create one Council and one Commission to serve European communities, namely the ECSC, the EEC, and the Euratom. This Treaty was repealed by the Treaty of Amsterdam. The Single European Act was signed in 1986 and it entered into force in 1987. Its main goal was to establish a single European market by the end of 1992. The Treaty on European Union or the Maastricht Treaty was signed in 1992 and it entered into force on 1 November 1993. This Treaty has been fundamental for the establishment of the EU. The Treaty of Amsterdam was signed in 1997 and it entered into force on 1 May 1999. It amended the Maastricht Treaty and it had a key focus on more transparent decision-making. The Treaty of Nice was signed in 2001 and it entered into force on 1 February 2003. Its main purpose has been to provide legal

consolidated versions of the TEU and the TFEU (2016), along with the Charter of Fundamental Rights of the European Union (2016) and the Treaty establishing the European Atomic Energy Community (consolidated version, 2016) are currently in force.<sup>21</sup> The analysis includes English versions of all treaties signed after 1980 and English, German and Croatian versions of the TEU/TFEU and the Charter of Fundamental Rights.

### *Evolution of the Gender-fair Language in the English Versions of the Treaties*

According to the typology by Stahlberg and colleagues (2007: 163-170), languages can be divided into *grammatical gender languages*, such as German, French, or Croatian, and *natural gender languages* such as English.<sup>22</sup> This difference also reflects two different linguistic trends with a similar purpose. In *natural gender languages*, there is a trend towards the reduction of the use of gender-specific terms. On the other hand, in *grammatical gender languages*, there is a trend “towards introducing more gender-specific terms” (European Parliament, 2009: 6). Both trends can be interpreted as politically correct since their goal is to modify existing language and create a more “gender-fair” language.

The generic use of the masculine gender is present in all treaties. For example, article 196 of the Treaty establishing the Euratom defines a ‘person’ as “any natural person who pursues all or any of *his* activities in the territories of Member States

basis for the reform of the EU institutions after the accession of the ten new member states. The 2004 enlargement of the EU was also the largest single EU expansion. The Treaty of Lisbon was signed in 2007 and it entered into force on 1 December 2009. Its main purpose has been to “make the EU more democratic, more efficient and better able to address global problems, such as climate change, with one voice”. It amends the Treaty on European Union (the Maastricht Treaty) and the Treaty establishing the European Economic Community (the Treaties of Rome), which was renamed the Treaty on the Functioning of the European Union. Source: [https://europa.eu/european-union/law/treaties\\_en#](https://europa.eu/european-union/law/treaties_en#) (accessed: 17 May 2018).

<sup>21</sup> Source: <https://eur-lex.europa.eu/collection/eu-law/treaties/treaties-force.html> (accessed: 18 May 2018).

<sup>22</sup> “This typology is based on the fact that in some languages (e.g., Italian) sex is coded as a grammatical category, that is, as grammatical gender, while other languages show no grammatical marking of sex (e.g., English). In the first group of languages, nouns are assigned to different grammatical classes, such as feminine and masculine, and the class membership of a noun is marked on its satellite elements (e.g., pronouns, attributes, articles). As the classification is semantically related to sex (at least with human nouns), the marking of sex is almost unavoidable when speaking about human beings. Languages of this type are called Grammatical Gender Languages, they are found in different language families, such as Germanic (e.g., German), Romance (e.g., Italian), and Slavic (e.g., Czech). In the latter typology, nouns do not constitute classes such as feminine and masculine, and there is no formal agreement between a noun and its satellite elements. Therefore, most personal nouns and their dependent forms can be used to refer to both males and females” (Moser et al., 2011: 5).

within the field specified in the relevant chapter of this Treaty" (2016: 48). In the Maastricht Treaty, the president of the Governing Council and the Executive Board of the European Central Bank is referred to as if he was a male, that is "the President or *his* nominee" and "the President or, in *his* absence" (1992: 154). The same case applies to the Governor – "*he* may nominate another representative of *his* institution" (1992: 176). In the Treaty of Nice the judges of the Court of First Instance elect the president and "*he* may be re-elected" and "the duties of a Judge shall end when *he* resigns" (2001: 33-54). The Treaty of Lisbon also frequently uses masculine generics, for example, a member of the Court of Auditors as well as a Judge of the Court of Justice "may be deprived of *his* office or of *his* right to a pension" (2016: 170-211).

Nevertheless, the Treaty of Lisbon contains some exceptions which may be interpreted as an increased awareness of the need for the use of a more gender-fair language. All treaties that refer to the position of "chairman" use the word *chairman* with the exception of the Lisbon Treaty which, besides *chairman*, occasionally employs the gender-neutral term *Chair*. Also, with regards to the positions of the European Ombudsman and the High Representative<sup>23</sup>, both functions are referred to as "he or she", which is the first time such a "linguistic construct" has been used in the treaties.<sup>24</sup> In the amended article 149, a newly introduced provision also adopted a gender-fair discourse referring to the protection of "the physical and moral integrity of *sportsmen* and *sportswomen*" (2016: 120).

A gender-fair discourse is also present in the Charter of Fundamental Rights. In the English version of the Charter, no masculine generics are present. All pronouns such as he/his/him or she/her are used in both the male and female versions. For example, article 7 states that "everyone has the right to respect for *his* or *her* private and family life, home and communications" (2016: 395). Such construct has been consistently used throughout the Charter. *Ombudsman* is the only function mentioned in the Charter that could be interpreted as "politically incorrect".<sup>25</sup>

<sup>23</sup> This function was originally introduced for the first time with the Lisbon Treaty.

<sup>24</sup> However, further in the text the Ombudsman is referred to as 'he'. "In accordance with *his* duties, the Ombudsman shall conduct inquiries for which *he* finds grounds, either on *his* own initiative or on the basis of complaints submitted to *him* directly or through a Member of the European Parliament... Where the Ombudsman establishes an instance of maladministration, *he* shall refer the matter to the institution, body, office or agency concerned, which shall have a period of three months in which to inform *him* of its views" (2016: 150).

<sup>25</sup> In the case of the term *ombudsman*, Canadian province British Columbia went a step further towards politically correct language and changed the name of the function into *ombudsperson* (source: <http://bcombudsperson.ca>). In the European Union, "ombudsman" is commonly used. The term is rooted in the word *umboðsmaðr*, which means "representative". The modern use of the term began in Sweden (Ombudsman, 2018). Since 2013, the European Ombudsman is



In the Charter and the Lisbon Treaty, the common phrase “equality between men and women” that was used in the Maastricht Treaty, the Amsterdam Treaty, and the Nice Treaty got replaced with “equality between women and men”. This may be interpreted as a step towards decreasing discrimination embedded in language which usually puts “men” before “women”.

With regards to the use of masculine generics, the Charter of Fundamental Rights proved to be the most politically correct, followed by the Lisbon Treaty. In all three treaties: The Maastricht Treaty, the Treaty of Amsterdam, and the Treaty of Lisbon there is no title such as Ms/Mr, whereas the Single European Act and Treaty of Nice both contain titles Mr/Ms in front of names of the plenipotentiaries of the heads of the EU member states.

The changes detectable in both the Lisbon Treaty and the Charter indicate the presence of the discourse of PC which shows that the EU introduced a mild linguistic engineering. The language was partially transformed to become more gender-fair but was not completely changed according to the postulates of PC: most masculine generics from the previous treaties remained the same in the Lisbon Treaty and some traditional names of occupations such as *fisherman* were not transformed into their more politically correct versions.

### *The Discourse of PC in Grammatical Gender Languages*

In the Croatian and German versions of the TEU/TFEU and the Charter, generic use of masculine gender is more common because of the substantial differences between Croatian and German which are classified as grammatical gender languages, and the English language as a natural gender language.<sup>26</sup>

Emily O'Reilly. It is interesting to note that the English and Swedish versions of an official website of the European Ombudsman (source: <https://ombudsman.europa.eu>) employ the term *ombudsman*, unlike the German version of the website which uses the German term *Europäischen Bürgerbeauftragte* (literally meaning European citizens' representative) and also the term *Ombudsfrau* which can literally be translated as *ombudswoman*. Croatian version of the website employs three different terms: *ombudsman*, *pučka pravobraniteljica* and a newly coined word *ombudsmanica*. The word *ombudsmanica* is the most peculiar of the three. It is not yet a part of standard discourse in Croatia but it can be interpreted as an attempt to be politically correct towards women who hold the function of ombudsman, while at the same time being incorrect towards Croatian language that has its own perfectly politically correct and gender-fair words for both female ombudsman *pučka pravobraniteljica* and male ombudsman *pučki pravobranitelj*. In the Croatian version of the Lisbon Treaty, the translators have also been “incorrect” towards Croatian language because they left the foreign word *ombudsman* even though Croatian translation exists and is commonly used.

<sup>26</sup> For example, in English words such as *president*, *minister*, *member*, *secretary*, *judge*, *lawyer*, and *citizen* can be used for both female and male persons. In Croatian, a female and a male form of the same noun have the same root but a different ending. The word *predsjednik* means a male

The Croatian translation of the Charter respected the intention of the English translation, and in the case of male and female pronouns, the Croatian version employed both. For example, in article 8 of the Charter which deals with the right to access data "concerning him or her", the Croatian version explicitly mentions "nje-ga ili nju" (him or her) (2016: 359). In cases specific to grammatical-gendered languages where both singular and plural male nouns are used generically to include women and men, Croatian translators of the TEU/TFEU and the Charter opted for a traditional approach. For example, in the case of the word *citizens* only the word *građani* (male citizens) is used. The same applies to other words such as *radnik* (male worker), *sudac* (male judge), *odvjetnik* (male advocate), *stručnjak* (male expert) etc.

German versions of the TEU/TFEU and the Charter employed the discourse of PC to a greater extent compared to the Croatian versions.<sup>27</sup> In the TEU/TFEU, in the case of the word *citizen*, the plural form of both the female and male versions of the word have been used – *Bürgerinnen* (female citizens) and *Bürgern* (male citizens) (2016: 17). However, some other words such as *Arbeitnehmer* (male workers), *Arbeitgeber* (male employers), and *Richter* (male judges) are only used in the masculine form. In this respect, the Charter is more politically correct and consistent in using gender-fair language. For example, for words *workers* and *employers* both female and male versions are used, that is *Arbeitnehmerinnen* (female workers) and *Arbeitnehmer* (male workers), and *Arbeitgeberinnen* (female employers) and *Arbeitgeber* (male employers) (2016: 399). It is also interesting to note that German translators put the female form of the word before the male one, which is rare. This may also be interpreted as a conscious step towards reducing discrimination embedded in language which usually puts the male version of the word before the female one.

Even though the German versions of the TEU/TFEU and the Charter include more examples of using gender-fair language, in both the Croatian and German versions, masculine generics are still commonly used. Only in specific cases, such as under the names of the plenipotentiaries of the heads of the EU member states, the female version of the profession of a female plenipotentiary was used (e.g. *ministra* in Croatian and *Ministerin* in German, meaning a female minister) as well as

president while *predsjednica* is a female president, *tajnik* is a male secretary and *tajnica* is a female secretary. The same applies to the German language. *Präsident* is a male president, *Präsidentin* is a female president, *Richter* is a male judge, and *Richterin* is a female judge.

<sup>27</sup> Only in one case, the German version of the Lisbon Treaty was less politically correct compared to the Croatian version. In the German version *sportsmen* and *sportswomen* are addressed only as *Sportler* (sportsmen) while the Croatian version respected the intention of the English version and used the words *sportaši* (sportsmen) and *sportašice* (sportswomen).

the male version of the profession under the name of a male plenipotentiary (e.g. *ministar* in Croatian and *Minister* in German, meaning a male minister).<sup>28</sup>

### *Euphemisms and Addressing Vulnerable Groups*

Focus on specific disadvantaged groups is one of the traits of a multicultural agenda. The Amsterdam Treaty was the first treaty to acknowledge people with disabilities as a special group whose needs should be taken into account. In the *Declaration regarding persons with a disability*, it is mentioned that “the institutions of the Community shall take account of the needs of persons with a disability” (1997: 135). Since declarations have less of a legal and more of a “political value”<sup>29</sup>, the first major step towards recognition of rights of specific groups has been outlined in the Charter. The Charter specifically targeted “elderly” and “persons with disabilities” groups whose rights should be “recognized” and “respected”: in article 25 – “the rights of the elderly” and article 26 – “integration of persons with disabilities”. The phrase used to designate “people with disabilities” shows a high level of awareness for appropriate use of the language. This is not the case with the use of the term “elderly” which is considered to be “ageist” and politically incorrect (Avers et al., 2011; Wardrop, 2009). In the German version of the Charter *persons with disabilities* are consistently and correctly referred to as *Menschen mit Behinderung*, unlike the Croatian version of the Charter which contains a “politically incorrect” word. Prior to the Croatian accession to the EU, that occurred in 2013, the official Croatian translation of the Charter used the term *osobe s invaliditetom* (persons with disabilities) and the term *hendikepirane osobe* (handicapped persons) (2010: 403), which is considered offensive (Lansdown, 2011: 101). This was changed in the new Croatian translation of the Charter (2016) and the term “hendikepirane osobe” was removed.

### *(Positive) Discrimination*

The Single European Act had economic integration as its primary goal, so the *discrimination* mentioned and prohibited in the treaty is primarily market-oriented (e.g.

<sup>28</sup> In Croatian language, some linguists distinguished between “general or neutral” and “individual or specific” usage of nouns. In case of “general usage”, it is justified to use a male form of noun for designating both males and females, whilst in “specific” cases (as done in the Lisbon Treaty with plenipotentiaries’ professions) male noun should be used for designating males and female noun for females (Babić, 2006). This “solution” is unacceptable to some linguists and feminists, because its premise includes a “neutralization” of a male noun that is considered to be a norm. Therefore, in Croatian language, a woman is a “deflection” in relation to the socially accepted dominant norm that is represented by a male language (Pišković, 2014: 151). In Croatian dictionary from 1991, a woman was defined as “a person of opposite sex in relation to a man” (Sharifi, 2013).

<sup>29</sup> Source: <http://eur-lex.europa.eu/legal-content/SL/TXT/?uri=LEGISSUM:xy0021> (accessed: 17 May 2018).

non-discrimination practices are related to fair competition, trade liberalization, shipment, quotas, production of goods, products, rates, and conditions of carriage). Even the gender-based non-discrimination is related only to the "equal pay". The only other type of discrimination prohibited is the discrimination on nationality grounds among the nationals of the EU member states.<sup>30</sup> Ten years after the Single European Act came into force, combating discrimination on grounds of race, religion, disability, sexual orientation etc. was introduced with the Treaty of Amsterdam:

Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (1997: 26).

This article enabled broadening the grounds for non-discrimination which is seen as the EU's recognition of the need for a coherent approach to combat discrimination (Vasiljević, 2014). As stated by Guiraudon, the members of the negotiating teams who were working on reforming the treaty "suggested that member states considered the new article as a thrifty way of appearing to be 'politically correct'" (2009: 150). This article was the foundation for the so-called Race Directive, that is: *Council Directive 2000/43/EC of 29 June 2000 Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*. Guiraudon stressed that the Directive is innovative in several aspects such as for example allowing "positive discrimination" or "positive action" as the measure is called in the Directive:

With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting *specific measures* to prevent or compensate for disadvantages linked to racial or ethnic origin (The Council of the European Union, 2000: 24).

Even though the discourse of the Directive firmly relies on the liberal principle of equal treatment, which is obvious from its title, it allows for exceptions and the adoption of "positive actions".<sup>31</sup> Positive discrimination is a novelty of this Direc-

<sup>30</sup> Within the Single European Act only the *Declaration against racism and xenophobia* was signed which condemns "all forms of intolerance, hostility and use of force against persons or groups of persons on the grounds of racial, religious, cultural, social or national differences" and outlines that "respect for human dignity and the elimination of forms of racial discrimination are part of the common cultural and legal heritage of all the Member States" (1987: 1117). However, declarations do not have the same legal power as treaties.

<sup>31</sup> The Directive also applies to some domains where the competence of the EU did not previously exist, like for example housing. It defines both direct and indirect discrimination and in-

tive, in the sense that it allowed adopting specific measures based on a person's racial or ethnic origin. However, positive discrimination based on sex was introduced in Article 6 of the Maastricht Treaty which stated that member states can have or adopt "measures providing for *specific advantages* in order to make it easier for *women* to pursue a vocational activity or to prevent or compensate for disadvantages in their professional careers" (1992: 200). This article was amended in the Treaty of Amsterdam and the word *women* was replaced with the *under-represented sex* (1997: 38). This is a significant change because instead of presenting women as a discriminated and marginalized group compared to men (which is a characteristic of multicultural discourse), the legislators probably wanted to avoid the discrimination against men and changed the wording in the Treaty of Amsterdam. This new approach is more in line with a liberal rather than a multicultural paradigm.<sup>32</sup>

The Lisbon Treaty further extended the basis for non-discrimination, so the list includes: "sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" (2016: 53). This was complemented with an even more comprehensive list in the Charter where discrimination is prohibited based on "grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation" (2016: 398).

Throughout the EU's history, as political and legal construction of the Union changed, the scope of discrimination expanded from primarily market-oriented discrimination to the prohibition of discrimination on several different bases. This might be a sign of the acceptance of the discourse of PC and a "multicultural agenda". Also, allowing for specific advantages related to racial or ethnic origin visible in the Directive, is a step in the same direction. However, a discourse based on a liberal paradigm<sup>33</sup> is still firmly present in the treaties. Apart from the mild linguistic engineering present in the Lisbon Treaty and the Charter there are no other visible signs of a major acceptance of the discourse of PC and/or multiculturalism.

introduces another concept imported from American legal system "harassment". Vasiljević (2014) states that *harassment* as a concept "became one of the most controversial forms of discrimination". The Directive acknowledges the existence of both direct and indirect discrimination and recognizes that "women are often the victims of multiple discrimination" (The Council of the European Union, 2000: 23).

<sup>32</sup> Both the Lisbon Treaty (art. 157) and the Charter (art. 23) provided an option for maintaining or adopting measures providing for specific advantages in favour of the under-represented sex.

<sup>33</sup> This is especially visible in the EU's commitment towards respecting the principle of "equal treatment" and "equal opportunities", which are consistently mentioned throughout the treaties.

## Towards a More Gender-neutral Language in the EU

*Using gender-neutral language is more than a matter of political correctness* (European Parliament, 2009: 3).

The opening sentence of the only official document published by the EU institution that prescribes gender-neutral language in all publications and communications immediately distanced itself from possible accusations of being a politically correct booklet. The guidelines called *Gender-neutral language in the European Parliament* are the first official attempt of "language engineering" in the EU, which is why I chose to analyse the discourse used. The Parliament is the first EU institution that provides such guidelines "on gender-neutral language in all the Community's working languages" (*ibid.*: 1).<sup>34</sup> The discourse adopted in the guidelines balances between the liberal arguments on the one side and multicultural ones on the other. The guidelines stress the idea that "language powerfully influences attitudes, behaviour and perceptions" (*ibid.*: 3), which is in line with the philosophy behind the discourse of PC. However, the "purpose of gender-neutral language is to avoid

<sup>34</sup> A German Member of Parliament Hiltrud Beyer posed a question to the Commission (8 April 2009) asking whether *the Commission adopted any rules on the use of gender-neutral language in its documents or in its communications and information policy? If so, how has the use of gender-neutral language been ensured?* Jose Manuel Barroso who was at the time the President of the Commission composed an answer from which we can assess the Commission's standpoint related to gender-neutral language (18 June 2009): "The Commission shares the point of view that gender-neutral language forms in EU publications are desirable and welcomes the efforts of the Parliament to that effect. The Commission agrees that in texts concerning topics where there is an intrinsic gender imbalance (such as the representation of women in some areas of research and engineering, and the different interests of girls and boys regarding science and mathematics) special efforts should be made, whenever possible, to ensure that the meaning of the text conveys a balanced message, and does not perpetuate unhelpful stereotypes. However, it has to be borne in mind that the different EU languages do not always provide to the same extent for a suitable linguistically satisfactory gender-neutral form. Therefore, the Commission has not adopted mandatory internal rules or guidelines for its services regarding the use of gender-neutral forms in its published documents or its Information and Communication policy, preferring to leave it to the common sense and sensitivity of the author services in cooperation with its Translation service to find the adequate form for each text. The Translation service for its part has developed internal guidelines for its translators for the different official languages. Likewise, the Interinstitutional Style Guide, for which the Office of Official Publications in Luxembourg is the lead service, contains useful recommendations for the use of gender-neutral forms" (Parliamentary questions, 2009). The Commission took the approach that balances between advocating for gender-neutral language on one hand, and the respect for different linguistic traditions. It is interesting to note that the Interinstitutional Style Guide Barroso made a reference to does not contain recommendations on the use of gender-neutral language. Source: <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2009-2611&language=EN> (accessed: 16 May 2018).

word choices which may be interpreted as biased, discriminatory or demeaning by implying that one sex is superior to the other, since in most contexts, a person's sex is – or should be – irrelevant” (*ibid.*). Such an argument is typically liberal – a person's sex is equally (ir)relevant as a person's eye colour.

The creators of the booklet acknowledged that the Parliament operates in a multilingual environment and that “some expressions that may be acceptable in one language are controversial in another” (*ibid.*). Therefore, it is crucial for the translators and interpreters to “take account of such cultural and linguistic differences” (*ibid.*). This discourse that emphasises cultural and linguistic differences is attributable to multiculturalism.

The booklet stresses the three key issues common to most languages.<sup>35</sup> The first one is related to the “generic use of the masculine gender” (*ibid.*: 4), which means the masculine gender is used as “neutral”, inclusive of both men and women. It is advised that in the English language, a generic use of the word ‘man’ should be avoided (e.g. instead of *statesman* the term *political leader* can be used), as well as the generic use of ‘he’ or ‘his’ and complicated, combined forms such as ‘he/she’, ‘him/her’, ‘s/he’.

The second issue is related to the “names of professions and functions” (*ibid.*: 6). In case of vacancies in Parliament, the booklet advises on the use of gender-neutral job-titles (e.g. *Chair* instead of both *Chairman*) or in case of *grammatical gender languages*, the Parliament adopts the use of traditional generic forms, followed by ‘f/m’ (*ibid.*). Also, for practical reasons, double forms such as *spokesman/spokeswoman* should be avoided in favour of generic forms such as *press officer*.

The third issue relates to “names, marital status and titles” (*ibid.*: 7). In the Parliament, a reference to a woman's marital status (Miss/Mrs) should be avoided. Instead, a person's full name should be used.

All three issues are addressed in line with the discourse of PC and the philosophy behind it. However, the booklet refrained from making general conclusions that would apply to all EU languages and allowed for exceptions and respect for context and linguistic diversity. The authors of the booklet call for using various strategies to ensure gender neutrality but also opt for “the occasional generic use of the masculine gender in difficult situations” (*ibid.*: 5). The translators are asked to respect the authors' intentions and apply the non-sexist terminology in accordance with the national customs and linguistic traditions and in line with other relevant national

<sup>35</sup> The booklet has two parts. The first, general part where three issues are discussed is the same for all EU member states. The second part is a “language-specific part”. This part provides specific guidelines for each language and prescribes potential gender-neutral solutions by following traditions and customs common in that language. The booklet was translated into most official languages of the EU.

sources. On several occasions, the booklet emphasized the cultural and linguistic differences within the Union and the importance of taking those into account. Also, the guidelines are intended to be used by interpreters and translators for all Parliament's publications and written communications but are not designed to restrict or guide language used by the members of Parliament (Moser et al., 2011: 31). Therefore, even in the most politically correct document there is no intention of introducing radical linguistic engineering. The only instance of mild linguistic engineering that is recommended is the extension of one of the fundamental values of non-discrimination. The typical liberal form of non-discrimination, that is, formal and legal non-discrimination, exceeded its scope and entered into the domain of language and consequently into the legal discourse.

## Conclusion

The contemporary phenomenon *political correctness* imported to Europe from the USA has been blamed for various events. In the US, it was held liable for Donald Trump's victory, in Europe for migrant crisis and the success of the Brexit poll. The Polish Minister finds the phenomenon so powerful, that he claimed that "Europe will soon be lost to political correctness" (Mansfield, 2016). This paper aimed to explore whether the European Union accepted the discourse of PC within the fundamental treaties which are responsible for the establishment of the Union's political and legal system. The analysis of the treaties showed that the evolution in the treaties towards the introduction of the discourse of PC, is based on a mild linguistic engineering – an attempt to affect peoples' attitudes and beliefs by modifying discriminatory language whilst simultaneously respecting specific linguistic traditions. A significant change in regards to the use of a more politically correct language came with the Lisbon Treaty and the Charter. Nevertheless, all analysed versions (English, German, and Croatian) of the Lisbon Treaty, that is TEU/TFEU, and the Charter, only partially employed the discourse of PC. In the majority of cases, all versions of the Lisbon Treaty opted for traditional, that is, non-PC formulations. Even the Charter, which consistently employed a gender-fair language, used the word that is considered to be politically incorrect. German translations of the TEU/TFEU and the Charter employed the discourse of PC more extensively compared to the Croatian translations. The most politically correct document issued by the European Parliament also aimed to introduce more gender-fair language into official communications without radically altering the traditional linguistic practices and customs of each member state.

The discourse of PC became a part of the culture of some EU member states, mainly those of Western Europe. Such cultural change imported from the US had an impact on the language employed in the EU treaties. In other words, the change



in the EU's legal discourse occurred as a result of a cultural change in some EU member states. Employment of the discourse of PC is not a part of any specific, centrally coordinated EU policy. Mild linguistic engineering is not a real threat to Europe but only a way of reshaping the fundamental values of non-discrimination. A principle of legal non-discrimination connected with liberalism: *a woman should have the same legal right as a man to hold a position of a chairman*, expanded its scope to a linguistic non-discrimination principle related to the discourse of PC and multiculturalism: *a woman should have the same legal right as a man to hold a position of a Chair because the word chairman may not be inclusive towards women and may be responsible for bias towards electing female chairmen*. In other words, I do not believe that PC based on mild linguistic engineering represents a dangerous threat to Europe. Such PC is just the extension of the core values on which the EU was founded and which the member states "signed up" for when joining this *politeia sui generis*. An attack on this type of PC is an attack on liberal democracy and a paranoid fear of Europe being "lost" to PC based on mild linguistic engineering is therefore unfounded.

On the other hand, PC based on radical linguistic engineering could lead to the rise of tendencies that may become a threat to the unity of Europe. The most prominent opponents of political correctness were held responsible for the victory of Donald Trump. Regardless of which tribalism dominates the US, there is "no immediate danger" of its states "actually breaking up" (Chua, 2018: 240). On the other hand, the United Kingdom (UK) has recently left the European Union. As claimed by some, PC contributed to the break up. Due to economic and migrant crises in the recent years, the EU experienced many social, political and religious clashes between groups whose values often diverge greatly: domestic workers v. migrant workers; Muslims v. Catholics; pro-immigration v. anti-immigration groups; liberals v. conservatives; pro-EU v. anti-EU etc. With the spread of new far-right and anti-EU movements across Europe, the EU should be especially careful not to further ignite the clashes and precipitate a shift from mild to radical linguistic engineering. This may cause a further expansion of movements that, unlike the PC based on a mild linguistic engineering, have the real power to tear Europe apart. Unlike the USA where "national identity" transcends any "tribal politics", the EU does not have a similar safety net. "Some people, mostly elites and well-educated students, do feel a strong sense of collective 'European' identity and pride. But as Brexit and the explosion of anti-EU, Far Right nationalist movements all over Europe show, a great number of Europeans, particularly in the working class, feel little allegiance to or identification with Brussels" (*ibid.*: 43). If we assume one of the most prominent European philosophers J.-J. Rousseau was right when he claimed the real equality and moral freedom can "be achieved only in a community whose members feel

an intense loyalty to it, which they will not do if their manners and values diverge greatly" (Plamenatz, 1973: 25), then institutions of the EU should work harder to achieve greater loyalty of its peoples. The deep clashes across Europe show how values of the members of this community often diverge greatly. If this unique historic project of the peaceful, united Europe really gets "lost", irreversible damage would be done and it would not matter whether the cause was PC or something far worse.

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