

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**JOANNE ST. LEWIS**

**Plaintiff**

**- and –**

**DENIS RANCOURT**

**Defendant**

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**AFFIDAVIT OF DR. ADÈLE MERCIER  
(EXPERT WITNESS)**

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I, Adèle Mercier, professor at Queen's University, and resident of 57 York Street, in the City of Kingston in the Province of Ontario, **MAKE OATH AND SAY:**

## **I. Credentials Relevant to My Expertise**

1. My professional CV is attached as Appendix C.

### **A. Education relevant to my expertise**

2. I am a logician, philosopher of language, mind and cognition, linguist and natural language semanticist. I hold a *B.A. Honours in Philosophy and Political Theory* from the University of Ottawa. I hold two *M.A.'s in Philosophy*, one from the University of Ottawa and another from the University of California at Los Angeles (UCLA), as well as an *M.A. in Linguistics* from UCLA. I hold a *Ph.D. in Philosophy* from UCLA as well as a *C.Phil. (Ph.D. minus dissertation) in Linguistics* from UCLA. UCLA is internationally recognized as one of the leading universities world-wide for the study of logic, philosophy of language, mind and cognition, linguistics and semantics. I did two years of *post-doctoral* work: at the highly reputed Center for Studies in Language and Information (CLSI) at Stanford University in Palo Alto, California; at the Centre de Recherche en Epistémologie Appliquée (CREA), now the Jean Nicod Institute, of the Centre National de la Recherche Scientifique (CNRS) in Paris, France. My studies were entirely subsidized by awards and fellowships too numerous to mention. I am currently a Queen's National Scholar and tenured Associate Professor in the Department of Philosophy at Queen's University, cross-appointed to the Linguistics Program. I am also a Fellow Researcher with LOGOS –Language, Logic and Cognition Research Group—of the University of Barcelona in Spain. I have taught logic, or philosophy of language, mind or cognition, or linguistics, at the University of Ottawa, at UCLA, at Queen's University and at the University of Barcelona.

3. I am fluent (speaking, writing, understanding) in French, English, Spanish and Catalan. I have some fluency in Italian. I have studied and have (rusty) elementary knowledge (speaking, writing, understanding) of German, Hebrew, and some Swahili. I have studied Latin.



**B. General expertise about language and meaning,  
and reasoning about these**

4. The sort of philosophy in which I have been trained in all of these superlatively regarded centres of philosophy, and which I practice, is the practice of “analytic” philosophy, the method of doing philosophy that emphasizes close, meticulous analysis of words and concepts and rigorous evaluation of the logic of arguments.

5. My work as a philosopher is principally in the philosophy of language, the philosophy of mind and cognition, and logic. My work as a linguist is principally in the semantics and pragmatics of natural language (where “natural language” means those spoken by humans –English, French, etc—rather than formal languages such as mathematics, computer languages, etc.) I have a broad background in both philosophy and linguistics. I am a highly regarded researcher in a wide range of areas within these disciplines, including semantics and syntactic theory, ethics, metaphysics, and epistemology.

6. The philosophy of language is a branch of philosophy that deals with such questions as: how words acquire meanings and how speakers succeed in transmitting them to each other; whether, and if so how, the average speaker knows the meanings of the words in our language; what the relation is between the meaning of the word and the objects in the world to which the word refers; how we can refer to things that don't or no longer exist; under which conditions linguistic usages are sexist or racist; whether *kinds* of things (*biological* kinds like dogs, *chemical* kinds like water, *social* kinds like marriage, *functional* kinds like chair, and so on) are objective or natural or constructed by language; and other questions of this sort.

7. The philosophy of mind and cognition is a branch of philosophy close to the philosophy of language which deals with such questions as: what concepts are and how they are acquired; what role experts play in our acquisition of concepts; what social norms are, how they come to be, how we know them, and in what sense we are responsible to uphold such norms; whether and how we know the contents of our own thoughts; what kind of objects (metaphysical and objective, or psychological and private) thoughts are; how thought and language are related; how we succeed in thinking about objective things in the world; how changes in how we understand concepts come about and how such changes are related to linguistic change; whether and how language shapes perceptions of reality; and other questions of this sort.

8. The study of the semantics and pragmatics of natural language is both a theoretical and an empirical study which treats such questions as: how, in natural languages, different kinds of words mean what they mean; how one and the same linguistic expression can be used in different senses or to perform different functions; how speakers and hearers communicate certain kinds of information that remain unstated in the sentence; what role context plays in what is said; what distinction exists between what is *literally meant* by the words used (e.g. “I still haven’t had breakfast yet”), what is *implied* by the words used (e.g. “I should have had breakfast by now”), and what is *said or communicated in the context* in which those words are used (e.g. “I’m hungry”); and other questions of this sort.

9. The study of logic concerns both what makes reasoning valid and an argument sound, and the study of the underlying logical form of sentences and statements. It treats ambiguity, vagueness, and all departures from clear thinking and correct reasoning. I am a highly regarded professor of both elementary and advanced logic.

10. I have published several specialized articles in the leading journals in my field, and written several professional papers presented at many of the leading conferences in my field, dealing with all of the above topics.

11. I was elected Vice-President of the Canadian Philosophical Association in 2011, and elected its President in 2012.

### **C. Previous experience as an expert witness**

12. I have twice acted as expert witness, in the Canadian same-sex marriage cases in 2001 on matters dealing with the various meanings of the word ‘marriage’:

(a) for Kathy Lahey et al. at the **Supreme Court of British Columbia**

(Vancouver Registry No. L002698 -- PETITIONERS: Egale Canada Inc., et al.;  
RESPONDENTS: The Attorney General of Canada, The Attorney General of British Columbia,  
The Director of Vital Statistics for British Columbia; and Vancouver Registry No. L003197 --  
PETITIONERS: D.Barbeau and E.Barbeau, P.Cook and M.Warren, J.Hamilton and  
J.Masuhara; RESPONDENTS: The Attorney General of British Columbia, The Attorney  
General of Canada)

- (b) for Martha McCarthy and Johanna Radbord et al. at the **Ontario Superior Court of Justice (Divisional Court)**

(Court file No. 684/00 -- APPLICANTS: Halpern et al.; RESPONDENTS: Canada (Attorney General) et al.; and Court file No. 30/2001-- APPLICANT: Metropolitan Community Church of Toronto; RESPONDENTS: Canada (Attorney General) et al.)

**D. Language expertise specifically relevant to racial words and expressions**

13. Of specific relevance to the present case, I have written and presented in some detail on racial terms and on racist slurs, in particular on the words ‘negro’ and ‘nigger’ and on questions about how and when such words acquire derogation. I have written four papers that include discussion of the history and contours of the words ‘negro’ and ‘nigger.’ See:

- (a) *A Perverse Case of the Contingent A Priori: On the Logic of Emasculating Language (A Reply to Dawkins and Dummett).*

1996: published in **Philosophical Topics** (special ed. S. Haslanger), Arkansas University Press

1995: presented at the **Canadian Philosophical Association** meeting, Montréal, Jun 3

1995: presented at the **American Philosophical Association** meeting, San Francisco, Mar 31

1995: awarded **Best Paper** Selection of Program Committee at the **American Philosophical Association** meeting, San Francisco

- (b) *Weighted Words: What’s Wrong with Bad Words?*

2008: guest speaker, large public lecture at **Queen’s University**, organized by Syndicus, Nov

2013: guest speaker, noon hour series, Ban Righ Centre, **Queen’s University**, Mar 26

- (c) *Who Can Say What to Whom When? On Defamation and Racist Language*

2012: invited panelist on Language in Society at **American Philosophical Association** meeting in Chicago, Apr 13

(d) *What Is a Word? / On Conventions and Word-Individuation*

2000: presented at the **Canadian Philosophical Association** meeting, Québec, Jun 1

2001: presented at the **International Conference on Mental Phenomena**,  
Dubrovnik, Croatia, Sep 3

2002: presented at the **LOGOS –Logic, Language & Cognition-- Workshop**,  
Universitat de Barcelona, Spain Dec 12

**14.** I have presented some of the materials contained herein at the **American Philosophical Association** panel on Language in Society in Chicago 2012.

**E. Experience relevant to racism**

**15.** In my personal life, I have been assisting sub-Saharan African refugees to Kingston, Ontario (from Rwanda, Burundi, the Democratic Republic of the Congo) since 2004, providing material, financial, emotional, and advocacy support to several families and individuals.

**16.** My husband and I are foster parents to three Congolese children, now young adults, who consider our house their home and our family their family.

**17.** My husband and I have spent some time as volunteers for the **Pamoja Tunaweza** (Together We Can) in Moshi, Tanzania, a centre that provides care for women with AIDS.

**18.** I am generally well-traveled in sub-Saharan (black) Africa (Togo, Benin, Ghana, Côte d'Ivoire, Tanzania, Madagascar) and elsewhere in Africa, India, East Asia, the Caribbean, Central and South America.

**19.** I have lived in Los Angeles, California for the better part of twenty years, in particular during the racially charged Rodney King beating and trial, during the Anita Hill – Clarence Thomas affair, during the OJ Simpson murder trial.

**20.** I was a frequent traveler to the southern states of the USA (in particular, the Sea Islands off South Carolina) during and after the passage of the Civil Rights and Voting Rights Acts. One could say this marked me as a child. (I was sometimes mistaken for a black child, and treated accordingly.)

21. I am a member of QCARF, Queen's Coalition of Anti-Racist Faculty.
22. I am the (first ever) recipient of the 2011 **Anti-Oppression Award** of the Alma Mater Society (Queen's Student Council), an honour bestowed upon me "*in recognition of [my] exemplary commitment and initiative, both inside and outside the classroom, towards fostering a more inclusive and safer campus, community and society.*"
23. For the last two years, I have been volunteering as a community TV host for Diverse City: Kingston's Multicultural Connection, where I conduct interviews and lead panel discussions on multicultural issues, in an effort to make Kingston a more welcoming city for racialized persons.

## II. Preliminary cautions

### A. Use vs mention

24. Here, as in professional venues, we distinguish between *using* a word and *mentioning* it.
25. Words are said to be *used* when they function to talk *about their referents*, e.g.

Michael has seven children;

words are *mentioned* when they function to talk *about the words themselves*, in which case they are presented between single quotes, eg.

'Michael' has seven letters.

26. We consider emotional reactions to *mentioned* words to be utterly misplaced. For example, there is nothing rationally offensive about saying that the word 'fuck' is spelled with a CK as opposed to a CH. Reacting negatively to the mere mention of a taboo word is what children do.
27. We present "bad language" examples sometimes to illustrate their shock effect, but mostly for clarity.

### B. "Gut" reactions to "taboo" words

28. Some words have such shock effect as to be virtually unusable in any but the most extreme contexts, if then. The best example is 'cunt', which some people find so shocking that they find it unpalatable even *mentioned* as an example, as I have just done. Which words are "taboo" is a controversial question. It is a question that is settled by looking at empirical facts about language use. It is especially not a question to be settled by "gut" reactions. For example, although 'cunt' is unmentionable to some, for others, in particular today's youth, it is no more virulent about women than its male counterpart 'dick' is virulent about men. 'Nigger' is for some people the "dirtiest, nasty word in the English

language”; for others, it is a term of affection, yes, affection.<sup>1</sup>

29. It is important to understand our proneness to react irrationally to certain words, to be in a position to sort through all the emotional hype and hoopla typically associated with such usages. Our reactions to “taboo” words are in the nature of a physiological reflex; it is therefore of the utmost importance that we be conscious of such reflexes and thereby attuned to compensating for them with reason.

### **B.1 The danger of atavistic reactions to words**

30. There is perhaps no better illustration of the social danger of knee-jerk reactions to words than what happened in January 1999 at a budget meeting in the office of Mayor Anthony Williams of Washington DC: David Howard, a city employee, expressed his disappointment at having to work with “a niggardly budget.” A member of the audience was offended by Howard’s use of the word ‘niggardly’ and complained. To this person, the experience of hearing the word ‘niggardly’ was akin to the experience of “being called ‘nigger’” which “is like receiving a slap in the face.” (Camille Nelson, Expert testimony, p. 8, taken from Words That Wound p. 68) Mayor Williams fired David Howard –to the consternation of all those familiar with the highly respectable word ‘niggardly’.

31. For ‘niggardly’ is a standard English word from Old Norse origins, which means *miserly*. It is related to the verb ‘to niggle’ (to be preoccupied with trifles or petty details), as in “a niggling suspicion”. In particular, it has nothing to do with the word ‘nigger’, which is of Latin origin. (See Appendix A.) When David Howard protested, citing the flawless credentials of the word ‘niggardly,’ the Mayor nonetheless accused him of “*having shown poor judgment in using it.*” (When cooler heads prevailed, the Mayor tried to reinstate Howard, who refused the honour.)

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<sup>1</sup> On March 18, 2013, I asked the thirty-some students in my third year undergraduate class at Queen’s University (a conservative environment) if they had ever heard two men, unknown to each other, address each other as ‘nigger’. To my astonishment, the whole class had seen this happen: between two black men, between two white men, from a black man to a white one, and from a white man to a black one. The students reported that, in the latter case, there is sometimes “a tension”, but, “unless a fight breaks out”, it is apparently a new way of introducing oneself *as a friend* –a reminder that language is in perpetual flux.

32. To *feel* verbally assaulted is not to *be* verbally assaulted: an accidental kick in the head may feel rather like one delivered with the intent to assault. And hearing ‘niggardly’ can feel as much like a slap in the face as hearing ‘nigger.’ But were the Mayor’s logic to prevail, and respect for someone’s *feeling* of having been assailed by a word to become entrenched in Law, that would have obviously disastrous consequences on speech spontaneity and one’s sense of mental freedom (to say nothing of rights to freedom of speech). The list of perfectly regular English words to be banned as potentially assaultive is long indeed if we are to succumb to our most automatic reflexes in our decisions to ban them and punish their users. (Just think of ‘contiguous’ and ‘obituary’ in which the sounds ‘cunt’ and ‘bitch’ risk triggering an offended reaction in someone who is not familiar with those words.)

33. As we will see, Ms. Nelson’s (and others’) conflation, in her expert testimony, of the racist word ‘nigger’ with the non-racist word ‘negro’, or her hearing the one when the other is what is said, is exactly an instance of an irrational reaction. And the danger of irrational reactions is that they are arbitrary and unpredictable.

34. Ms. Nelson may have her own reasons for disliking the word ‘negro’ or feeling an adverse reaction when she hears it. But we are all in danger if such feelings by themselves suffice to transform those words into slurs, especially if we are to punish slurs or treat them as defamatory.

### C. Racial vs Racist

35. Our current situation is one of great confusion about race. On the one hand, we now understand that the concept of race is essentially ill-defined; that races are not natural (biological) kinds, but products of demography and social psychology governed by implicit biases. Yet at the same time, we are sensitized to race as perhaps never before, because we are at last reckoning with our mistaken, neglectful, self-interested, and cruel, past understanding of race. This new hypersensitivity is fertile ground for knee-jerk reactions from which we must guard.



## C.1 White guilt

36. The use of the expression ‘house negro’ is impugned because it (allegedly, but falsely as we shall see below) refers to someone *on the basis of race*.

37. Debra Leigh is the lead organizer for the Community Anti-Racism Education Initiative at St. Cloud University in Minnesota. Her discussion of “colorblindness” in her “28 Common Racist Attitudes and Behaviors”<sup>2</sup> is *à propos* here:

“I’m colorblind” can be a defense when afraid to discuss racism, especially if one [erroneously] assumes all conversation about race or color is racist. Speaking of another person’s color or culture is not necessarily racist or offensive. *Color consciousness does not equal racism*.

38. There is nothing offensive per se about racial discourse.

39. The use of the expression ‘house negro’ is impugned because it (allegedly, but falsely as we shall see below) criticizes someone *as a slave*.

40. Suppose, just for the sake of argument, that someone were actually of the considered opinion that contemporary blacks were in the grips of a slavish mentality. Would it be racist to express this opinion?

41. Here is Debra Leigh on “*white guilt*”:

### Bending Over Backwards.

“Of course, I agree with you.” (Said to a person of color even when I disagree) or “I have to side with Jerome on this.” (Even when Jerome, a man of color, represents opinions counter to mine.)

### REALITY CHECK + CONSEQUENCE

Your white guilt shows up here as you defer to people of color. The person of color is always right, or *you never criticize or challenge a person of color*. You don’t disagree, challenge or question a person of color the way we would a

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<sup>2</sup> Debra Leigh, 28 Common Racist Attitudes and Behaviours that indicate a detour or wrong turn into white guilt, denial or defensiveness, Community Anti-Racism Education Initiative.

white person. And if you do disagree, you don't do it with the same conviction or passion that you would display with a white person. *Your racism plays out as a different standard for people of color than for white people.* If this is your pattern, you can never have a genuine relationship with a person of color. People of color know when you are doing this. Your sincerity, commitment and courage will be rightly questioned. You cannot grow to a deeper level of trust and intimacy with people of color you treat this way.<sup>3</sup>

42. According to a lead organizer of a university Community Anti-Racism Education Initiative then, if one were inclined to criticize the actions of a white person as the actions of a house negro (as we shall below so see described the actions of many a white person), then it would be racist to *refrain* from so describing the same actions performed by a black person.

## C.2 “Political correctness”

43. The automatic, involuntary reaction to the use of a so-called taboo expression is typically superficial and short-lived (a matter of seconds), and would normally be overturned by an objective evaluation of the situation. (The DC Mayor's Aide was subsequently offered his job back.) But the reaction can be amplified by something in the hearer's personality (hypersensitivity) or by social reception. The “political correctness” speech movement has cultivated the amplification of our sensitivities, sometimes to the enhancement, but sometimes to the detriment, of our citizens' rationality.<sup>4</sup> “Political correctness,” whatever its virtues, has not only enabled but augmented, often through false rationalizations, our irrational reactions to words.

44. As we shall see in Section V.E entitled “**Why ‘black’ came to be preferred: or, How Malcolm X harmed a perfectly fine word and left a tattered and confused linguistic legacy**”, the word ‘negro’ gave way among some people to the word ‘black’,

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<sup>3</sup> Debra Leigh, “28 Common Racist Attitudes and Behaviours that indicate a detour or wrong turn into white guilt, denial or defensiveness”, Community Anti-Racism Education Initiative.

<sup>4</sup> See Mercier 2005: *Reflections on Out-of-Control-Political-Correctness and its Casualties* Diatribes, Nov issue.

which is now giving way among some people to the expression ‘person of colour’. There is a certain irrationality in this “Linguistic Treadmill” for those who have succumbed to it: first, there was the word ‘negro’, a word that means *nothing at all in English* other than being the name of a group of people (like ‘Asian’ or ‘Canadian’); in the 60’s, apparently under the ideological fervor of the “black power” movement, Malcolm X, etc., some began to favour the use of the word ‘black’, a word that *emphasizes race* by referring to blacks by their colour; this word is now itself in the process of being reneged upon, by some who ironically think they are aiding the fight against racism by so doing, in favour of the expression ‘person of colour’; this only makes matters worse, because now the entire population of the world is separated between whites *and everybody else*, thereby *reinforcing* precisely the odious view to be overturned: to wit, that whites are the norm, the race-less, the un-coloured.

### C.3 Racism

45. In its natural, ordinary, standard understanding, *racism* is an attitude grounded in an underlying belief in race superiority or inferiority. A *racist* act extols a race as superior or inferior.

46. A *slur* is by definition an aggravated term of disparagement, aggravated because it demeans, not by virtue of anything the target has done, but in virtue of what the target is (fixed properties that the target did not choose, cannot change, and for which the target is not responsible).

47. What is called a “*racial slur*” is a type of slur, one that uses *race*, as opposed to some other feature (sex, sexual orientation, cultural origin, or analogous grounds), to disparage. A *racial slur* is a racist expression.

48. People sometimes use the expression “*racial epithet*” to mean “*racist epithet*”. And people sometimes (mis)use the word ‘epithet’ (from Latin), which means simply *adjective*, to mean a *derogatory* adjective. But numerous epithets (i.e. adjectives) are racial (or ethnic) without being racist or in any way derogatory: ‘white’, ‘black’, ‘hispanic’, ‘Jew’, Chinese...

**49.** Conversation about race (or color or ethnic features) is not per se racist. Something else, i.e. *disparagement on the basis of race*, must be present.

**50.** As I shall show, ‘negro’ is a *racial* adjective, but no *racist* epithet, no *slur*. And as I shall show, ‘house negro’, in its contemporary usage, is neither a racist slur, nor even a *racial* expression.

### III. Executive Summary

51. I have carefully considered the February 11, 2011 blog post entitled “Did Professor Joanne St. Lewis act as Allan Rock’s house negro?” on the U of O Watch blog.

The issue on which Dr. Rancourt has asked me for my expert opinion is the issue of what the characterization of Professor St. Lewis as acting like a house negro can be reasonably taken to mean, given its context, and in particular whether, in that context, it can reasonably be seen as a racist statement. Nothing in my report should be taken as indicating a moral value judgment on the use of the expression in question. Thus, the purpose of my affidavit is three-fold.

**A. A first purpose of this affidavit: analysis of expert testimony of C. Nelson**

52. I was asked to review the expert testimony of Ms. Camille Nelson. Ms. Nelson’s Report, as it was provided to me by the defendant in this action, is attached as Exhibit 1. I have serious reservations both with respect to Ms. Nelson’s reasoning and methods, and with respect to the substance of her claims.

53. My reservations about her *reasoning* are mostly dealt with in **Section IV** below, where I also discuss her method, in particular, her misrepresentation of her own sources. One of two academic sources cited by the plaintiff’s expert witness is:

Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment  
(Eds. M. Matsuda, C.R. Lawrence III, R. Delgado, K. Williams Crenshaw 1993)

a work recognized as authored by the most influential proponents of racist speech exceptions to First Amendment (Free Speech) protections. The fact is, however, that even these most radical proponents of “wounding words” would not characterize Dr. Rancourt’s use of the expression ‘house negro’ as “assaultive racist speech” –the expression they use to describe the speech that, in their opinion, should be exempted from free speech protection.

54. My reservations about the *substance* of her claims are mostly examined in the rest of the affidavit, as I answer the various substantive questions I have been asked to address.

**B. A second purpose of this affidavit: analysis of the expression ‘house negro’**

55. I was asked to address the following basic question:

**What is the meaning (semantic and pragmatic, ordinary and extended)  
of the term ‘house negro’?**

56. By ‘semantic’ is meant the *(literal) meaning of an expression as an expression of English*, the sort of thing one understands by virtue of being a speaker of English. For example, the assertion “I have had breakfast” semantically means that I have had a morning meal.

57. By ‘pragmatic’ is meant the *message conveyed* by means of the expression, if and when these differ (they do not always), the sort of thing one understands by virtue not only of being a speaker of English, but one attuned to *general facts about the context* in which the conversation takes place. For example, in the context of the question: “Are you hungry?”, the answer “I have had breakfast” is pragmatically understood as conveying the message that I am not hungry, although the words, strictly speaking, do not say that. The reason this pragmatic meaning is available is because people are generally aware of the general fact that people are not generally hungry right after eating breakfast.

58. I will show that the contemporary semantic meaning of ‘house negro’ is:

*a black person who “works for the house”, who aligns their own interest, by their actions,  
with the interests of those in positions of power, usually for personal gain;*

and that the contemporary pragmatic use of ‘house negro’ is as a term of disparagement for:

*anyone of any race or colour who identifies with the interests of those in positions of  
power, usually for personal gain.*

59. By ‘ordinary meaning’ is meant the meaning that an expression has *for ordinary speakers of English, in an ordinary context* where those speakers have access to *ordinary information* relevant to the use of the expression that is ordinarily possessed by English speakers. For example, “She has had breakfast”, by its ordinary meaning, would have very little value as news, since having breakfast is not an unusual occurrence, a fact that is

generally known.

**60.** By 'extended meaning' is meant what the same expression would mean *in a special context where certain facts, extrinsic to the statement but known to a privileged person or group, affected what it conveyed*. For example, while "she has had breakfast" conveys its ordinary meaning to most people when it is used (namely that I have had breakfast), it would convey a special, extended meaning, to those people who had privileged information that I was staging a hunger strike. In that extended sense, the words "she has had breakfast" would mean that I have ended my hunger strike, an extended meaning not conveyed by the semantic or pragmatic meaning of the words "she has had breakfast" and not generally available from its ordinary meaning.

**61.** 'Extended' meaning, or what Ms. Nelson calls 'legal innuendo', (and what philosophers of language would call a variant of conversational implicature), is conceptually tied neither simply to the semantic meaning, nor to the implied or inferred pragmatic meaning, of an expression; rather, legal innuendo involves the *interplay* between the semantic-and-pragmatic meanings of a communication (as innocent, for example, as "she has had breakfast") and certain extrinsic circumstances (for example, that I am on a hunger strike) that change the nature of the message being conveyed or add to the message something that is not intrinsic to the ordinary meaning (for example, that I have ended my hunger strike).

**62.** A classic example of legal innuendo or conversational implicature in the philosophical literature is that of the professor who writes an academic a letter of reference for a student (say, for admission to graduate schools), *saying only good things*, but good things such as: that the student has excellent handwriting, is handsome, is a great cook, tells very funny stories, etc. with no mention of the student's academic accomplishments or intellectual skills. Such a letter says only positive things about the student, and might be read as flattering to all the people who ignore the fact that it is supposed to be an academic letter of reference, or who ignore what is normally written about in academic letters of reference. But to anyone cognizant of the purpose and normal contents of academic letters of reference, such a letter conveys (say, to the admissions committee) a different, and negative meaning. The student is being damned with faint praise.

63. I will show that ‘house negro’ not only does not, but cannot, carry racist innuendo.

**B.1 Outline of Questions Addressed in this Testimony**

64. I will answer the question about the (various aspects of) meaning of ‘house negro’, by providing answers to the relevant sub-questions, which I group here under the following headings:

(a) ‘negro’:

**What is the meaning and affective impact of the word ‘negro’?**

By “affective impact” is meant the physiological or psychological effect upon the hearer of hearing the word uttered. Words like ‘faggot’ have high negative affective impact; words like ‘Frenchmen’ have none.

(b) ‘house negro’:

**What is the meaning and affective impact of the expression ‘house negro’?**

**Is the expression ‘house negro’ a racist slur?**

I will address these questions both through a theoretical analysis of the expression, and through an empirical examination of the contexts in which, and the persons of whom, the expression ‘house negro’ is used.

(c) U.S. vs Canada:

**Does ‘house negro’ have the same meaning in Canada and in the USA?**

(d) extended meaning / legal innuendo:

**Does the expression ‘house negro’ carry any legal innuendo?**

In particular, as applied to a black person, does it, for example, imply that such a person has “forfeited her cultural and racial identity, heritage and/or traditions”, (as asserted in the Statement of Claim)?



(e) black vs white:

**Does the status of ‘house negro’ (as a slur or not) change depending on the race of the person speaking or the person hearing it?**

I will analyze the implications of various answers to this question.

65. I discuss the above question in meticulous, rigorous, analytical fashion, in roughly the above presented order.

## **B.2 Summary of conclusions reached**

66. I will attempt to explain why, in my professional opinion, considering as racist, or as imbued with racist legal innuendo, Dr Rancourt’s use of the term ‘house negro’ in its context, is empirically misguided, logically unsound, as well as socially dangerous.

67. I reach the conclusion that there is neither racism nor malice deducible from the words themselves, though there is objective criticism, in Dr. Rancourt’s use of the term ‘house negro’ in a question about Professor St-Lewis.

68. I will demonstrate why Ms. Nelson’s claim that the expression ‘house negro’ carries legal innuendo cannot reasonably be sustained. This analysis will be based both on the structure of legal innuendo, and on its alleged substance, in this particular case.

69. My analysis reveals that:

- there are huge semantic and affective differences between the words ‘nigger’ and ‘negro’, and important differences between *racial* and *racist* language;
- the word ‘negro’ is not a racist slur, but a neutral or positive word, one that is useful, indeed irreplaceable;
- ‘house negro’ is a common expression, well-understood by ordinary English speakers in both Canada and the US;
- it is often used in public fora to criticize public figures who express opinions or perform

actions in support of the powerful, usually for personal gain;

- it is used by blacks, whites, and others alike, and *about* blacks, whites, and others alike;
- it is used, not just often, but mostly, in contexts that are either not tainted with racism at all, or where racism is strictly irrelevant;
- although, because of its historical provenance, it conjures up unpleasant images of slavery, it does so *no more* than numerous ordinary expressions in use in the public domain;
- its value as a term of insult or denunciation derives not from the racial word ‘negro’ but from the innocent word ‘house’;
- it is a useful expression of criticism insofar as it encapsulates a simple critical concept;
- one would be hard-pressed to find an equivalent expression in English for this concept;
- the concept it expresses is not a racist concept, although it is a criticism, a “stinging rebuke”;
- how “damning” a criticism it is, depends on how true it is that one is indeed “working for the house” and how important it is that one not be, or not be seen to be, “working for the house”.

70. In answering these questions, I have found it professionally responsible and necessary to explain certain facts about the history of the words ‘negro’ and ‘nigger’, as such facts are not always appreciated, they go a long way to explaining reactions in the case at hand, and they should inform the understanding of any right-minded person. Where such explanations digressed from the immediate case at hand, in the interest of uninterrupted continuity, I have relegated them to **Appendix A**. This Appendix should, however, be read as integral to the discussion herein.

**C. A third purpose of this affidavit:**  
**analysis of the speech act of calling someone a ‘house negro’**

71. A speech act can be analyzed on three levels:

- as a *locutionary* act: the act of uttering of an expression with its meaning

- as an *illocutionary* act: the act of doing something by uttering the expression, eg. asserting, insulting, denouncing, etc.
- as a *perlocutionary* act: the actual effect of the locutionary or illocutionary act, such as convincing, enlightening, inspiring, getting someone to do or to realize something, etc.

The latter is studied by philosophers of language under the technical notion of *conversational implicature*: what a speech act accomplishes beyond, and sometimes in spite of, its ordinary meaning in a given context; how the act of uttering something can change depending on facts about the context in which it is uttered. This we discuss in Section VIII on legal innuendo, where we explain why ‘house negro’ does not, and cannot, carry the legal innuendo claimed for it in the Statement of Claim and according to Ms. Nelson’s expert evidence.

## IV. Reasoning and method in Ms. Camille Nelson's expert evidence

72. In my respectful opinion, Ms. Nelson's report suffers, as I demonstrate below, from a number of fallacies well known in the fields of philosophy, semantics and logic:

The Fallacy of Equivocation  
The Fallacy of Poisoning the Well  
The Fallacy of Repetition  
The Red Herring Fallacy  
The Fallacy of Association  
The Fallacy of Hyperbole

A fallacy is an erroneous type of reasoning that makes an argument logically unsound, and its conclusion unsupported. Fallacies are used rhetorically to lure inattentive or careless people into drawing conclusions that do not rationally follow from their premises.

The Fallacy of Equivocation occurs when a reasoner uses words of different meanings as if they were words with the same meaning.

The Fallacy of Poisoning the Well occurs when a reasoner sets out to discredit a person by presenting unfavorable information that will bias listeners against him.

The Fallacy of Repetition occurs when a reasoner makes the same erroneous point numerous times in the hope that it will eventually stick.

The Red Herring Fallacy occurs when a reasoner presents an irrelevant topic to divert attention from the original issue.

The Fallacy of Association occurs when a reasoner argues against one thing by associating it with something else that the audience will perceive as negative, thereby surreptitiously infecting the first thing with the negativity of the irrelevant second thing.

The Fallacy of Hyperbole occurs when an extravagant overstatement is used literally.

### A. Ms. Nelson's resort to these common fallacies

73. No less than twenty-four times, Ms. Nelson "poisons the well", thus inflaming passion against Dr. Rancourt with a Red Herring, by fallaciously associating the word 'negro' with the word 'nigger', and equivocating between them. This is incorrect reasoning.

## **A.1 Ubiquitous resort to the Fallacy of Equivocation and the Fallacy of Repetition**

74. Ms. Nelson repeatedly interchanges ‘negro’ and ‘nigger’; she claims, without argument, and by repetition in lieu of argument, that ‘negro’ and ‘nigger’ are, as she says, “synonyms”. Specifically (see **Exhibit 1**):

p.2 ln 13	“the term ‘house negro’ [...] like its synonym ‘house nigger’”
p.3 ln 1	“the term ‘house negro’ or ‘house nigger’”
p.3 ln 7	“a ‘house negro’ or ‘house nigger’”
p.3 ln 9	“‘house negroes’ or ‘house niggers’”
p.3 ln 21	“the terms ‘house negro’ or ‘house nigger’”
p.3 ln 24	“the meaning of ‘house negro’ or ‘house nigger’”
p.4 ln 4	“a ‘house negro’ or ‘house nigger’”
p.4 ln 9	“the term ‘house negro’ or ‘house nigger’”
p.4 ln 25	“‘house negroes’ or ‘house niggers’”
p.5 ln 9	“the terms ‘house negro’ or ‘house nigger’”
p.7 ln 1	“house negro/nigger”
p.7 ln 2	“a ‘house negro’ or ‘house nigger’”
p.7 ln 9	“the ‘house negro’ [...] so too ‘house niggers’”
p.7 ln 11	“‘house negro’, ‘house niggers’ or Uncle Toms”
p.8 ln 1	“‘house negro’ can be seen as synonymous with ‘house nigger’”
p.8 ln 22	“the experience of being called a ‘nigger’”
p.9 ln 2	“there is no benign meaning for the word ‘nigger’”
p.9 ln 6	“like ‘nigger’, ‘negro’ ...”
p.10 ln 2	“‘negro’ and ‘nigger’, ‘house negro’ and ‘house nigger’”
p.10 ln 6	“the term ‘house negro’ or ‘house nigger’”
p.10 ln 9	“a ‘house negro’ or ‘house nigger’”
p.10 ln 13	“use of the term ‘nigger’”
p.10 ln 16	“the expression ‘negro’ and ‘nigger’”
p.10 ln 17	“a ‘house negro’ or ‘house nigger’”

75. But ‘negro’ and ‘nigger’ are *very* different in pragmatic affect, as we demonstrate below.

## **A.2 Ubiquitous resort to the Fallacy of Equivocation and the Fallacy of Association**

76. Ms. Nelson repeatedly cites negative facts about the word ‘nigger’, which disparages by fallacious association Rancourt’s use of the very different word ‘negro’ (Exhibit 1):

p.8 fn 22, ln 2            Nigger is now probably the most offensive word in English.

p.9 ln 3                    There is no benign meaning for the word ‘nigger’. As Professor Kennedy has stated, “Nigger is a key word in the lexicon of race relations.”

p.9 ln 21                  The word ‘nigger’ “is the nuclear bomb of racial epithets.”

77. As we show below, with respect, it is simply false that negro is “now probably the most offensive word in English.” It is simply false that “there is no benign meaning of the word” ‘negro’. It is simply false that the word ‘negro’ is “the nuclear bomb of racial epithets.” *No one* cited by Ms. Nelson has asserted otherwise. This is another instance of Ms. Nelson’s resorting to the Red Herring Fallacy which “poisons the well” against Dr. Rancourt.

## **A.3 ‘Negro’ is neutral or positive; ‘nigger’ is only negative**<sup>5</sup>

78. While ‘negro’ and ‘nigger’ may have the same *referents* (i.e. the words both *refer* to the same things in the world), they are far from *synonymous* (i.e. synonyms are words that have the same *meaning*). Using the word ‘negro’ is very different from using the word ‘nigger’, as we show below. ‘Homosexual’ and ‘faggot’, or ‘Jew’ and ‘kike’, or ‘woman’ and ‘cunt’, have the same referents, but they are clearly not synonyms. Neither are ‘negro’ and ‘nigger’.

79. The mark of synonymy is *intersubstitutivity*. If one can truly say that the car is red, then one can truly say that the automobile is red. If it is false that the students are hard-working, then it is false that the pupils are hard-working. If it is acceptable to call someone

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<sup>5</sup> In ordinary, generic English. Things are different in some “registers of familiarity” where ‘nigger’ can be positive; however, even in such registers, ‘negro’ functions differently from ‘nigger’. See **Appendix A**, section C.

sick, then it is acceptable to call that person ill. If the President is a man of value, then the President is a man of worth.

**80.** A quick consideration of the example below suffices to show the huge difference between the use of ‘nigger’ and that of ‘negro’. The words are not intersubstitutable without considerable alteration in meaning and in pragmatic affect. Specifically, ‘negro’ can be neutral or positive, whereas ‘nigger’ is only negative:

The National Association for the Advancement of Negroes  
reads as a potential name for an association,<sup>6</sup> whereas

The National Association for the Advancement of Niggers  
reads only as sarcasm.

**81.** The failure of substitutivity of ‘nigger’ and ‘negro’ is ubiquitous. In the ordinary vernacular (excepting dialects of familiarity, some Rap music, etc.), there are no circumstances where ‘negro’ and ‘nigger’ are substitutable. Ms. Nelson, in her Report, commits the Fallacy of Equivocation every time she uses one word for the other.

#### **A.4 The word ‘negro’ is useful, indeed *irreplaceable***

**82.** The word ‘negro’ is both neutral and *useful*. For example, the following description would not be found shocking on public television (it is an adaptation of a description actually found on the internet):

The negroes of West Africa fall into two groups. With the exception of the Fulani, the geographical distribution of the two groups about AD 1000 seems, to a large extent, similar to what it is today. One group consists of negroes who live in the rain forest region of West Africa: The Wolof, Serer and Tukolor, who occupy most of the territory between Senegal and The Gambia rivers, and to the south in the forest belt, the Kru of Liberia and Ivory Coast, the Akan and Ga of Modern Ghana, the Ewe of

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<sup>6</sup> The National Association for the Advancement of Colored People (NAACP) was originally founded in 1909 as the National Negro Committee.

Togoland, the Fon of Benin, the Yoruba of south-western Nigeria and the Ibo of south-eastern Nigeria. The other negroes living north of the forest region have come under the influence of foreign hamitic (Berber) and semitic (Arab and Jewish) people across the Sahara desert. The principal hamitic negroes are:

1. The Songhai who occupy the country along the eastern bend of the Niger from Gao to Bussa. They are descendents of Tuareg Berbers and negroes.

2. The Voltaic or Gur-speaking negroes – the Mossi, the Dagomba, the Gurma and other small groups—inhabit the country between the Songhai in the north and the forest in the south around the head-waters of the upper Volta.

3. The Hausa inhabit the grasslands of northern Nigeria from the Niger in the west to the western limits of Bornu in the east.

4. The Kanuri are hamitic negroes found around Lake Chad, especially in the Bornu emirate.

The Fulani are the semitic negroes of West Africa and the last to arrive. They are widely spread across the west African grasslands from Senegal to the Cameroons.

**83.** Moreover, it is *impossible* to find a word that would adequately replace ‘negro’ in this description. ‘Black’ or ‘African’ certainly would not: there are black peoples (eg. in Southern India and Australia) and Africans (eg. in northern Africa and South Africa) who are not negroes. This should suffice to establish the contemporary relevance and usefulness of the word ‘negro.’

**84.** The impossibility of substituting the word ‘negro’ in the above description by the word ‘nigger’ should suffice to eliminate definitively Ms.Nelson’s erroneous suggestion that ‘negro’ and ‘nigger’ are contemporary synonyms. They clearly are not.

## **B. Ms. Nelson misappropriates her own sources**

**85.** No less than eleven times, Ms. Nelson makes her case about the use of the word ‘negro’ by citing authorities *who are not addressing the word ‘negro’ at all, but only the very different word ‘nigger’*. This is an example of the Red Herring Fallacy, the Fallacy of Association, and the Fallacy of Equivocation.



**B.1 Misappropriation of sources: *Randall Kennedy***

**B.1 (a) Randall Kennedy is concerned *only* about the word ‘nigger’**

86. Ms. Nelson cites Randall Kennedy (himself a black man; born in 1954 in Columbia, South Carolina –one of the most racist states in the USA at the time; Princeton undergraduate; Yale Law degree; Rhodes Scholar; law clerk to Supreme Court Justice Thurgood Marshall; now faculty at Harvard Law School), author of:

Nigger: The Strange Career of a Troublesome Word, NY: Vintage Books, 2003.

In the passage which Ms. Nelson cites, Kennedy is himself citing Hosea Easton’s 1837

Treatise on the Intellectual Character and Civil and Political Condition of the Colored People of the United States: and the Prejudice Exercised Toward Them:

“the word nigger is an opprobrious term, employed to impose contempt upon [blacks] as an inferior race...” (p.3 fn 5, ln 3 --all italics, here and below, original)

87. Ms. Nelson omits citing the *rest* of Kennedy’s analysis, which continues:

“Easton averred that often the earliest instructions white adults gave to white children prominently featured the word nigger. Adults reprimanded them for being “worse than niggers,” for being “ignorant as niggers”, for having “no more credit than niggers”; they disciplined them by telling them that unless they behaved they could be carried off by “the old nigger” or made to sit with “niggers” or consigned to the “nigger seat”, which was, of course, a place of shame. Nigger has seeped into practically every aspect of American culture, from literature to political debates, from cartoons to song.”

[here Kendall proceeds to cite numerous songs with the word ‘nigger’ in the title:

“De Nigga Gal’s Dream,” “Who’s Dat Nigga Dar A-Peepin?,” “Run, Nigger, Run”, “A Nigger’s Reasons,” “Nigger Will Be Nigger,” “I Am Fighting for the Nigger,” “Ten Little Niggers,” ... “Nigger War Bride Blues,” “Nigger, Nigger, Never Die,” ... ]

Throughout American history, nigger has cropped up in children’s rhymes.”

[here Kendal cites numerous rhymes with the word ‘nigger’] pp. 5-7 and foll.

*The word 'negro' nowhere appears in Randall Kennedy's discussion here.*

**B.1 (b) Randall Kennedy himself *uses* the word 'negro'**

**88.** Ms. Nelson also fails to cite the fact that Kennedy *himself uses the word 'negro' no less than eleven times* in a natural, ordinary, non-derogatory fashion in the very same chapter she has cited:

**from Randall Kennedy, Nigger: The Strange Career of a Troublesome Word**

- p. 3 "The seminal lexicographer Noah Webster referred to Negroes as 'negers'"
- p. 8 "... black people cheered when a representative from Wisconsin rebuked a colleague from Mississippi for blaming lynching on Negro criminality."
- p. 9 "As in Georgia, so in Mississippi, where white judges routinely asked Negro defendants..."
- p. 12 "...Wright saw his boss and his son drag and kick a Negro woman into the store."
- p. 12 "Along with intimidation, sex figured in Wright's tales of Negro life under segregationist tyranny."
- p. 13 "On a different evening at this same hotel, Wright was leaving to walk one of the Negro maids home."
- p. 13 "This watchman boasted of having killed two Negroes in self-defense."
- p. 28 "African Americans recounted the tale of the Negro who got off a bus down south."
- p. 39 "Some blacks use *nigger* to set themselves off from Negroes who refuse to use it."
- p. 39 "... the opposite, in short, of a Negro..."
- p. 40 "... he did once write that *nigger* was a red flag for all Negroes."

**89.** Indeed, **Randall Kennedy** *uses the word 'negro' numerous other times in a natural, ordinary, non-derogatory fashion in the rest of the book*, for example:

- p. 57 "...Harry S. Truman and Lyndon B. Johnson both used *nigger* in private conversation, and yet both surprised observers by taking unprecedented steps to elevate the fortunes of Negro Americans."

p. 63 “There is an American Negro tradition...”

p. 127 “All Negroes do not react to *nigger* in the way he described. Hughes himself did not.”

## **B.2 Misappropriation of sources: *The Greenwood Encyclopedia***

### **B.2 (a) *The Greenwood Encyclopedia* is concerned *only* about the word ‘nigger’**

90. Ms. Nelson cites The Greenwood Encyclopedia of American Folklore (ed. Anand Prahlad, 2006) seven times in support of her view that ‘negro’ is a racist slur and “an insulting term” (Nelson, p.9, ln 12). But *on none of those occasions* is The Greenwood Encyclopedia mentioning the word ‘negro’, but *only* the word ‘nigger’: see Nelson’s Report p.4 line 15; p.5 line 1; p.5 line 3; p.5 line 4; p.6 line 16.

## **B.3 Misappropriation of sources: *Words that Wound: ...***

### **B.3 (a) *Words that Wound: ...* does not even mention the word ‘negro’**

91. Ms. Nelson claims that:

Like ‘nigger’, referring to someone in a contemporary reference as ‘negro’, is understood by black people as “offensive and only calculated to wound.

(Nelson, p.9 ln 7, citing Words that Wound:... 1993)

92. The reference she cites is Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment (Eds. M. Matsuda, C.R. Lawrence III, R. Delgado, K. Williams Crenshaw 1993). Again, Ms. Nelson fallaciously equivocates between ‘nigger’ and ‘negro’.

93. With respect, it is simply not true, as I show below [see **Section IV**], that the word ‘negro’ is “only calculated to wound.” It is also simply not true that the authors of Words That Wound are talking about the word ‘negro’ when they discuss words that are “calculated to wound.” The relevant passage in Words That Wound reads: “Most people today know that certain words are offensive and only calculated to wound. No other use

remains for such words as ‘nigger’, ‘wop’, ‘spick’, or ‘kike’.” There is *no mention* of the word ‘negro’. This is the Fallacy of Association.

### **B.3 (b) *Words that Wound: ...* does not mention the expression ‘house negro’**

94. In fact, in Words That Wound, a 136-page treatise devoted entirely to racist speech, racist insults, racist symbols, descriptions of racist acts, with every manner of “assaultive speech” and “wounding word” and symbol turned over and examined with the aim of criminalizing “fighting words”, the words ‘negro’ and ‘house negro’ appear in the discussion *not even once*.

95. Thus, when Ms. Nelson (p. 4) cites Words That Wound in claiming that referring to a person as a ‘house negro’ is an “example of what some scholars have conceptualized as words capable of inflicting trauma”, she is literally putting the words ‘house negro’ in the mouth of those scholars. Not once are they referring to those words *at all*. Again, Ms. Nelson fallaciously equivocates between ‘nigger’ and ‘negro’.

### **B.4 Misappropriation of sources: *Malcolm X***

#### **B.4 (a) *Malcolm X* does not mention the expression ‘house nigger’**

96. On p. 5 of her Affidavit, Ms. Nelson claims that Malcolm X “popularized the terms ‘house negro’ and ‘house nigger’, *which he used interchangeably*.” She cites as reference for this claim the historical video of Malcolm X delivering his famous “Message to the Grassroots” speech on the difference between the house negro and the field negro, and she provides its link on YouTube at: <http://www.youtube.com/watch?v=znQe9nUKzvQ>

97. The Court may listen to Malcolm X delivering his “Message to the Grassroots”. Nowhere does he use the expression ‘house nigger’ *at all*. Again, Ms. Nelson fallaciously equivocates between ‘nigger’ and ‘negro’.

## **B.5 Misappropriation of sources: *Eldridge Cleaver***

### **B.5 (a) Malcolm X and Eldridge Cleaver spoke different dialects of English**

98. Ms. Nelson finds it “telling” that Eldridge Cleaver uses the word ‘nigger’ in paraphrasing Malcolm X, where the latter has used the word ‘negro’. But here Ms. Nelson is ignoring well-known facts of English dialectology.

99. Eldridge Cleaver was born in 1935 in the southern US State of Arkansas, in the regional dialect of which ‘nigger’ was still, at the time, an *ordinary* word designating African-Americans (derived from ‘neger’, the Dutch word borrowed into 17<sup>th</sup>-century British as ‘negar’ by slave traders – see **Appendix A**). That the word ‘nigger’ was in ordinary use at the time in the Southern US states is known from the frequency of use of this word in local newspapers of the period, and from recordings of the vernacular language as spoken by both whites and blacks in non-racist contexts. (See **Appendix A** for full corroboration.)

100. Malcolm X, on the other hand, was born in 1925 in the midwestern US State of Nebraska, where ‘negro’ was, at the time, the ordinary word designating African Americans. There is nothing to extrapolate from Eldridge Cleaver’s paraphrase of Malcolm X, except that he spoke a southern regional dialect and was paraphrasing Malcolm X in his own dialect.

101. It is exactly as if Malcolm X had said ‘tomahto’ and Eldridge Cleaver had repeated what he said as ‘tomayto’. The word ‘nigger’ in Eldridge Cleaver’s dialect was not the slur that ‘nigger’ has evolved into in today’s dialects of English.

## **B.6 Misappropriation of sources: “The Urban Dictionary”**

### **B.6 (a) Ms. Nelson appeals to disreputable sources to support her own contentions**

102. According to Ms. Nelson (p. 3), “the use of the expression ‘house negro’ against a black person is intended as a racial slur meant to taint him or her as a *race-traitor*, a *racial defector* and one not to be trusted by members of the black race.” According to her (p. 6), “it is an insult that seeks to undermine one’s integrity, loyalty, morality, justice-orientation,

intelligence and mentality.” On p. 7, she claims that “those referred to as ‘house negro’, ‘house niggers’, or Uncle Toms, are cast as *sell-outs desirous of pleasing their (white) master at any cost to themselves or their community.*”

**103.** On p. 9, Ms. Nelson cites the Urban Dictionary definition of ‘house negro’ as “a black person who *rejects their cultural identity to please the White Man*. Generally less offensive than house nigger.”

**104.** With respect, the Urban Dictionary is by no means any kind of respected authority. It is an online “dictionary” in which anyone can write anything, and there is no editing for correctness. The best that can be said for it is that it represents the personal views of the authors who opine on this blog.

**105.** The Urban Dictionary provides the following entry under ‘house nigga’:  
[reproduced verbatim]

a black person that performs the acts of a slave, specifically household chores and work indoors.

shaniqua; “baby, fold my laundry and do the dishes.”

tyrone; “bitch please! i ain't your house nigga!”

In this sense of the term, every black housewife or househusband (indeed anyone who does the dishes or folds laundry) is a house nigga.

### **C. Ms. Nelson commits the Fallacy of Hyperbole: example 1**

**106.** A hyperbole is an extravagant overstatement, examples of which include:

From Rush Limbaugh

A feminist is a woman to whom the most important thing in life is seeing to it that as many abortions as possible are performed.

From Bill Maher

A conservative is one who thinks that all problems can be solved either by more guns or more Jesus.

### **C.1 Ms. Nelson confuses the meanings of words with their historical associations**

107. Consistent with Ms. Nelson’s expert testimony, the Statement of Claim declares that “in their natural and ordinary meaning, the words [‘house negro’] meant and were understood to mean that Professor St. Lewis *acted as a “slave” to her white “master,” forfeited her cultural and racial identity, heritage and/or traditions, [...] is a race traitor, is a pariah in the black community, has forfeited her social identity with the black community, has severed her bond with the black community and her racial and cultural heritage.*”

108. To suggest that Dr Rancourt treated Professor St. Lewis as a slave who forfeited her identity, traditions, and cultural heritage... is hyperbolic.

109. Hyperbole can be a useful rhetorical device to evoke strong feelings or to create strong impressions through emphasis, but it is not meant to be taken literally. Hyperbole is often used in poetry, and is frequently encountered in casual speech. It is doubtful that it has its place in Law, and it would be dangerous if it did.

### **C.2 Every word about historical beings has the potential for triggering hyperbolic historical associations**

110. The word “Mrs” is an abbreviation of *mistress*.<sup>7</sup> Yet in its natural and ordinary meaning today, it does not *mean*, and cannot reasonably be understood to *mean*, that its bearer is *a kept woman maintained by a wealthy man so that she will be available for his sexual pleasure...* It is a mistake even for someone who is intimately familiar with the history of women and of words denoting them to understand the word ‘Mrs’ *as used today* as meaning all the facts and evocations of its history. Likewise, in its natural and ordinary meaning today, someone who kowtows (borrowed from *kòu tóu* in Mandarin Chinese) is someone who grovels or shows servile deference, not someone *who shows high reverence to the emperor or to a superior by kneeling and prostrating themselves until their heads touch the ground*, the gesture and context to which the word is historically attached. The word ‘assassin’ is related to a history of *hashish eaters who would go off on violent rampages*: for

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<sup>7</sup> Grémas, Dictionnaire de l’ancien français jusqu’au milieu du XVe siècle, Librairie Larousse, 1980: from Old French ‘maistresse’, *female lover* (XII<sup>th</sup> c.), *paramour* (XIV<sup>th</sup> c.), feminine of ‘maistre’ in English ‘master’ and ‘mister’, from Old French ‘meister’ (modern French: *métier*), *job* (XIII<sup>th</sup> c.)

all that, calling someone an assassin today does not mean, and cannot reasonably be understood as meaning, that they eat hashish.

111. *All* words have the potential to evoke memories, positive and negative, in their hearers. The expression ‘house negro’ is unpleasant in triggering automatic negative associations in thought; we may react in anger at having such associations foisted upon us. But neither the expression itself nor what it means in the contemporary vernacular are responsible for the associations: the association of black people with slavery exists mind-independently because of history. But it is crucial to understand that words trigger that association when they do *because the association exists in the mind to be triggered*. Muting negative associations by punishing words that trigger them does nothing to make those associations disappear. If we were to ban all words that conjure up negative associations, or prosecute all those who use them, we would soon all be cautioned to muteness.

## **D. Ms. Nelson commits the Fallacy of Hyperbole: example 2**

### **D.1 The expression ‘house negro’ is not a “weapon” capable of “inflicting trauma”**

112. Ms. Nelson (p. 4) cites Words That Wound in claiming that referring to a person as a ‘house negro’ is “an example of what some scholars have conceptualized as words capable of *inflicting trauma* ‘by racist assailants who employ words and symbols as part of an integrated arsenal of weapons of oppression and subordination’.

113. Apart from the fact that, as we have seen, *none* of the “scholars who have conceptualized words as capable of inflicting trauma” even considered the expression ‘house negro’ among the many they did consider, there is another fallacy here: it is almost true by definition that a racist *assailant* is capable of inflicting trauma: assaults will be traumatic. The same is true of the use of some symbols: waking up to a burning cross on one’s front lawn, or a swastika painted on one’s door, can be genuinely traumatic. (The trauma is not essentially caused by *the cross itself*—unless it threatens to burn the house down—but by the *sense of danger* its presence reveals, in particular, the fear of *those who put it there*.) But it is hyperbolic to claim that being called a house negro, however unpleasant the criticism implied, causes trauma.



114. The importance of this point should not be underestimated: each and every one of us is at risk if the mere fact that someone finds a word offensive turns its user into an assailant.

**D.2 Otherwise every word has the potential for “inflicting trauma”**

115. Ms. Nelson (p. 3) asserts that “if one has any sense of slavery, reconstruction, the Jim Crow era, segregation or systemic and individual racism, the meaning of ‘house negro’ or ‘house nigger’ is all the more cutting and offensive.”

116. It is certainly true that these expressions will conjure up painful associations with slavery, the Jim Crow era, segregation and racism. But *so*, and for the same reasons, *will the words ‘slavery,’ ‘Jim Crow,’ ‘segregation’ and ‘racism’.*

## V. *Question #1:*

### **What is the meaning and affective impact of the word ‘negro’?**

#### A. **Is ‘negro’ an insulting term or racial slur?**

117. According to Ms. Nelson, the word ‘negro’ is “an insulting term”. She states:

“While ‘negro’, as an insulting term, seems to remove some of the rawness of the racial epithet ‘nigger’, and seems less vulgar, it is nonetheless a racial slur.”  
(p.9)

I must disagree with Ms. Nelson. Of course, Ms. Nelson, no less than anyone else, is free to find insulting whatever term she wants. People will take offense at all sorts of things. Many feminists find the words ‘lady’ and ‘wife’ and ‘Mrs.’ insulting: ‘lady’ because of such invectives as “lady driver!”; ‘wife’ because of historical connotations of servitude; ‘Mrs’ because of its roots in ‘mistress’ and its sexist connotations in calling a woman by the name of her husband.

118. There is simply no empirical case to be made that ‘negro’ is *generally* perceived as offensive, much less that it is a *slur*. The best that can be said is that there is currently much confusion around the word ‘negro’ among both blacks and non-blacks, with some Americans, British and Canadians finding the word outmoded, while others prefer it, and even think of it as a genteel alternative to ‘black.’ Still others refrain from using it out of precisely the confusion here discussed, being unclear as to whether or not it is offensive, and what such offense is or should be based upon.

119. The best proof of this confusion is the US Federal Census, which has had the word ‘negro’ as a category since at least 1950. The word was dropped in the 1990s, but put back on the 2000 Census after research in the late 1990s showed that some African-Americans self-identified with ‘negro’ *to the exclusion of* ‘black’ or ‘African-American’, “to the point that 56,000 persons took the time to write in under the “some other race” category the

word ‘negro’. Above half of them were less than 45 years of age in 2000.”<sup>8</sup>

**120.** A National Public Radio (NPR) informal poll conducted on *January 8, 2010*, about whether to leave the word ‘negro’ on the Census form revealed that 53% thought it should stay, while 46% thought not.<sup>9</sup> There is no reason to suppose that those who thought not, did so because they thought the word was a slur, rather than simply because they dislike the word, or saw no need for ‘negro’ alongside ‘black’ and ‘African American’. That was a mere three years ago.

**B. How slurs are made:**

**negative attitudes and linguistic uses of words as invectives**

**121.** Of course this is not to say that the word ‘negro’ cannot be used to offend. “Stupid negro!” delivered as an invective (an angry name-calling with clenched teeth) is meant to offend. However, “Stupid Italian!”, “Damned feminist!”, “Fucking lawyer!”, “Catholic!”, and basically *any word used as an invective* would be equally offensive. What offends is not the word, but the recognition of the contempt behind the *invective use* of the word. Calling a woman a tigress (after a female tiger) is not offensive, but calling a woman a bitch (after a female dog) is. This is not because humans are fond of tigers but not fond of dogs. It is because of the existence of an invective use of the word “Bitch!” and the absence of an invective use of the word “Tigress!”

**122.** Why some words rather than others develop an invective use is a complicated issue. That words shift in meanings and in usages over time is a fact of language. Words can go from being innocuous in one age to being virulent in another. This phenomenon is well illustrated in the little known fact that progressive derogation accrued to the word ‘nigger’ itself, which was once upon a time an innocuous word. For the sake of clarity and out of professional responsibility, I feel that a digression into the histories of the words ‘nigger’ and ‘negro’, and how they developed their different affects, would be in order at this point

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<sup>8</sup> Robert Groves, Former Census Bureau Director, Director’s Blog, January 19, 2010.  
<http://directorsblog.blogs.census.gov/2010/01/19/the-word-negro/>

<sup>9</sup> Mark Memmott, Should The Word ‘Negro’ Appear On 2010 Census?, NPR, January 8, 2010.  
[http://www.npr.org/blogs/thetwo-way/2010/01/negro\\_the\\_census\\_the\\_word\\_has.html](http://www.npr.org/blogs/thetwo-way/2010/01/negro_the_census_the_word_has.html)

in the general discussion. But for the sake of the flow of the discussion of the immediate case at hand, I have relegated this discussion to Appendix A.

See Appendix A: ‘negro’ vs ‘nigger’ *paragraphs 295 – 32*

A.	The history of the words ‘negro’ and ‘nigger’	292 – 303
B.	How ‘nigger’ evolved as a (usually) racist term	304 – 319
C.	Current meaning specialization of ‘nigger’	320 - 321
D.	Even ‘nigger’ is not always a racist term of abuse	322 - 32

However, I beg the Court’s indulgence in treating Appendix A as an integral part of this Affidavit, especially but not only because passages below may refer back to information contained in it.

C. **Why ‘negro’ is neither an insulting term nor a racial slur: invectives**

123. Slurs are words that are, or have become because they were, used mostly or typically *as invectives*. Clearly, the word ‘negro’ is not in this state: ‘negro’ is no more used invectively than any ordinary word. Even if some people (e.g. Ms. Nelson) are offended by the use of the word, as we have seen, their taking offense is very far from generalized.

124. There is a good reason why the word ‘negro’ never developed an invective use.

125. It is a ubiquitous fact about language change that languages or dialects borrow words from one another. When a language borrows a word that has the *same referent* as a word that already exists in the borrowing language, the borrowed word takes on a specialized meaning. For example, English borrowed from the French the word ‘mouton’, which refers in French to sheep, yielding the English word ‘mutton’; but English already had a word referring to sheep, namely the word ‘sheep’; hence the borrowed word ‘mutton’ acquired a specialized culinary meaning, namely that of meat-of-sheep-to-be-eaten. The same happened with ‘beef’, from French ‘boeuf’, which refers to oxen in French, but which

specialized to its current culinary meaning. Such cases are legion: a chaise in English is a special kind of chair (a lounging chair) from French: ‘chaise’ (any kind of chair); a tart is a special kind of pie (with cooked whole fruit and without an upper crust) from French: ‘tarte’ (any kind of pie); a café is a place for drinking coffee (from French: ‘café’, coffee); lingerie is specialized underwear in English; an armoire is a special kind of closet in English, and so on.

**126.** The word ‘negro’ was the ordinary word used to refer to blacks for speakers of northern and midwestern US English dialects (for as long as these have existed), all educated Americans, and universally in Canadian English. Speakers of these dialects of English had (and still have) available the word ‘nigger’ which they could (can) borrow from southern US dialects, to which had (has) attached a specialized derogatory meaning. It was never necessary to say “Negro!” invectively, as one could always use the specialized-for-derogation word “Nigger!” (See [Appendix A](#) for details.)

**D. Why ‘negro’ is neither an insulting term nor a racial slur: attitudes**

**127.** Words are objects that get transmitted from person to person, like germs. Some words are like noxious viruses: nasty attitudes get attached to them. How does this happen?

**128.** First, it starts with people hating, or having contempt for, *the object* the word refers to. Then, and only then, does the word absorb the contempt for the thing as part of its connotation or colouring. This is a genuine way in which language is a reflection of the mind: the meanings of our words reflect our *attitudes about the objects* denoted by those words. In acting as reflections of our attitudes to things, words behave much as do our attitudes about accents: ask people in a country where people speak with different accents, which of them are the ugliest accents. The question calls for an aesthetic judgment about the sound of a speech pattern; but people inevitably respond that the ugliest accent is the one that happens to be spoken by the people they most loathe. (In the US, for example, a contender for “ugliest” accent might be the hillbilly talk of the Appalachians; in France, it’s the accent of the Belgians, and so on.) This is so despite the fact that blind studies by people who hear the language without knowing the social status of its speakers find those accents pleasant. Likewise, names for groups are not born slurs: they become slurs, when they do, only because *the people to whom those words refer* are held in contempt (and

hence the names for those people are used invectively). If all or most of us developed a loathing for Italians, the word ‘Italian’ would eventually become a slur (through the invective name-calling use of ‘Italian!’).

**129.** The differences between ‘nigger’ and ‘negro’ reflect the historical fact that the speakers of the English dialect in which ‘nigger’ is the word for blacks were racist slaveholders, whereas the speakers of the English dialect in which ‘negro’ is the word for blacks were not (indeed many were abolitionists). As African-American actress Whoopi Goldberg has said, responding to the fact that she, as a northerner, had never been called ‘nigger’:

“Who’s going to call you ‘nigger’ in New York?”

**130.** The differences between ‘nigger’ and ‘negro’ also reflect the historical fact that the original referents of ‘nigger’ from the Sea Islands plantations off the coast of South Carolina and Georgia were, let us not forget, oppressed, dirt poor, downtrodden slaves who spoke Gullah, an English creole that most certainly would have been judged “ugly” by local English speakers (judge for yourself from the Gullah excerpts in **Appendix A**) –whereas the referents of ‘negro’ were largely free and proud people (there being little to no slavery in the states where the ‘negro’-dialect was spoken) who worked for money, had material goods, some education, and spoke English, often with proud diction (none of which is meant to deny that they faced racism, just that they were not loathed to the same extreme).

**E. Why ‘black’ came to be preferred: or, How Malcolm X destroyed a perfectly fine word and left a tattered and confused linguistic legacy**

**131.** The erosion of the word ‘negro’, *not long ago universally accepted as genteel*, begins no sooner than after 1963. The word was criticized by Malcolm X, at the time only a fringe African-American leader, in his speech defining the difference between the Negro Revolution of Martin Luther King and his own preferred Black Revolution.<sup>10</sup>

**132.** The Organization of Afro-American Unity (OAAU) founded in 1964 by Malcolm X and other nationalist leaders, advocated separatism, i.e. that institutions for blacks should be

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<sup>10</sup> See Malcolm X’s speech on the Black Revolution VS the Negro Revolution, 1963: [http://www.youtube.com/watch?v=eRZbGYu\\_Vnk](http://www.youtube.com/watch?v=eRZbGYu_Vnk)

run only by and for African Americans; the OAAU opposed Martin Luther King's ideals of integration of blacks and whites into a single society. (In order to keep the OAAU strictly in African American hands, the organization refused membership to whites.)

**133.** At the founding conference of the OAAU, Malcolm X stressed the importance of escaping terms like 'negro', 'integration', or 'emancipation', insisting that such language was antithetical to the ideology of the OAAU because it was not radical enough: in particular, 'integration', he felt, fell short of guaranteeing full equality between blacks and whites.<sup>11</sup> It was thus important to have a "real" revolution, one which would separate blacks from the white dominant regime.

**134.** It is Malcolm X who contributed to creating the confusion surrounding the word 'negro' and its respectability, by insinuating, for ideological –not empirical, linguistic— reasons, that neither the racist term 'nigger' nor the respectable term 'negro' could express a non-degrading view of blacks in the context of a society that countenanced racism. Ms. Nelson approaches this position when she claims (p. 7) that "the modern day usage of such terminology bespeaks this slave reference and *is tethered* to the oppressive regime of forced bondage." Malcolm X's (and Ms. Nelson's) views here are entirely tantamount to eschewing the word 'woman' on the ground that, in a sexist society, any word that refers to women is "essentially the same," that is, is tethered of necessity to sexism. It is tantamount to the feminist banning of the word 'history' on the grounds that all history is *his*-story. It is an ideological position, not a descriptive one about how words actually function in our language. *All* of our words come from somewhere, and that does not mean that they drag their histories with them in their contemporary usages: our word 'sofa' comes from cushions used to ride on camels, but it is not for all that tethered to Bedouinism.

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<sup>11</sup> From Malcolm X et al., Program of the Organization of Afro-American Unity, section on General terminologies:

"We have observed that the usage of the term 'integration' was designated and promoted by those persons who expect to continue a (nicer) type of ethnic discrimination and who intend to maintain social and economic control [...] Careful evaluation of recent experiences shows that 'integration' actually describes the process by which a white society is (remains) set in a position to use, whenever it chooses to use and however it chooses to use, the best talents of nonwhite people. Therefore, we must reject this term as one used by all persons who intend to mislead Afro-Americans." [This failure of radicalism is what explained Malcolm X's reference to Martin Luther King as an Uncle Tom.]

**135.** This ideological position has been counter-productive: language has its own organic, natural processes; *it does not function by decree*. Malcolm X's decree about the word 'negro' caused cognitive dissonance in speakers, forcing them subconsciously to choose between his ideological and their own organic use of the word 'negro', which confusion is still with us today.

**136.** In any event, Malcolm X did not criticize the word 'negro' for being a racist term of abuse; he criticized it for being an *exonym*: a name that is not native to the people or place or language to which it refers, but given to those people by foreigners, a word chosen by whites for blacks, not by blacks for themselves. He did this for the same reason he changed his surname to 'X': just as he felt that his actual surname "Little" had been given to his immediate ancestors by whites (as the name of the slave lord who owned them) thus replacing the African surname of his distant ancestors, so he felt that 'negro' was a term that "was made up by the white man" to denote blacks, and he urged the adoption of 'black' as an *endonym*, a name *self-chosen* by blacks.<sup>12</sup>

**137.** Certainly, exonyms abound in English: the Finns do not refer to themselves as 'Finns' but as 'Suomalaiset (sing. Suomalainen)' and to their homeland not as 'Finland' but as 'Suomi'; the Greeks do not refer to themselves as 'Greeks' but as 'Hellenes' and to their homeland not as 'Greece' but as 'Hellas'; the Chinese do not refer to themselves as such, nor to their country as 'China' but as 'Zhongguo'; the Basque are from 'Euskadia', the Hungarians from 'Magyarország', the Japanese from 'Nippon' or 'Nihon'; Indians are not from 'India' but from 'Bharat'; Germans are not from 'Germany' but from 'Deutschland.' Canadians were so-named by the Iroquois.

**138.** Malcolm X's rejection of the exonym 'negro' in favour of the endonym 'black' implies a certain political outlook, shared originally largely by "angry blacks" but not by any means universally shared even today. Ms. Nelson reveals partisan allegiance to the linguistic views of Malcolm X when she too talks of "the expression[s] 'negro' and 'nigger' as *terms imposed upon black people*." (p. 10)

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<sup>12</sup> See Malcolm X's speech on the Black Revolution VS the Negro Revolution, 1963: [http://www.youtube.com/watch?v=eRZbGYu\\_Vnk](http://www.youtube.com/watch?v=eRZbGYu_Vnk)



**139.** The complexities that Malcolm X (and his linguistic followers) failed to recognize – which may account for the current confusions about the word ‘negro’ –are several:

- (a) English speakers (including black English speakers) referred to blacks as ‘negroes’ –rather than as what they would have called themselves in their native languages from Africa— *because they were speaking English* (not the native languages of Africa). The Finns and the Greeks likewise refer to themselves as ‘Finns’ and as ‘Greeks’ rather than ‘Suomilaiset’ and ‘Hellenes’ when they speak English. So are “les Français” called ‘the French’ in English.
- (b) *There existed no common endonym* for blacks at the time, no self-label understood by all blacks, since they all spoke different native languages and hence all had their own, different, endonyms to refer to themselves. Had each black person used their own word for themselves in their own language, it would have been more difficult for blacks to identify as members of the same group: there would have been the Akan, the Ga, the Kru, the Ewe, the Fon, the Yoruba, the Ibo, etc. (some of them mortal enemies of the others), or different words for blacks in each of these languages. It is because and to the extent that they spoke English, and English gave them the unifying name ‘negro’, that they could refer to themselves as a group. (As an African once remarked to me, in Africa, there are no blacks.) Otherwise, they would have been bereft of a name expressing their unifying property.
- (c) Even if English had called blacks ‘Africans,’ a word from closer to their original home, that still would not have been an endonym: the word ‘Africa’ comes from Arabic ‘afer’ (meaning earth) and was an endonym for north Africans around Tunisia who are not black.
- (d) According to some scholars, the word ‘black’ had already been in use in English, *before* the words ‘coloured’ and ‘negro’ superseded it as *more* polite terminology. And in many languages (Dutch, Hungarian, Portuguese, Haitian Creole) the local variant of ‘black’ (‘svarte’, ‘fekete’, ‘preto’) is a slur, while the local variant of ‘negro’ is the neutral term (‘neger’, ‘negro’, ‘nèg’).

## **F. Why ‘negro’ has survived despite the criticism of Malcolm X**

140. After Malcolm X’s assassination one year later in 1965, most members deserted the OAAU and the fledgling movement died. Nonetheless the OAAU became the inspiration for “black power” groups that emerged during the next decade.

141. One reason that explains why some African-Americans are loathe to use the word ‘black’ for themselves but prefer the word ‘negro’, is their own political outlook, in particular, their loyalty to the ideals of Martin Luther King. Because Malcolm X was a hero to “angry blacks”, this may explain the still lingering preference for ‘negro’ over ‘black’, which may sound too militant for some.

## **G. Why some people prefer ‘African-American’: Jesse Jackson**

142. In 1989, Jesse Jackson proposed that blacks call themselves ‘African-Americans,’ after seeing in (Martin Luther King’s widow) Coretta King’s house a poem by Johnny Duncan, which emphasized the “I CAN” in Afr-I-Can Amer-I-Can” ...much to the disaffection of African non-Americans (African-Canadians, African-British, African-Brazilians, African-Caribbean, etc., all of whom are now thrust by nomenclature into different solidarity groups when they all used to belong to the same one.

143. The expression ‘African-Canadians’ is currently novel enough to be considered rare and awkward.

## **H. Conclusion: ‘negro’ is not a racist term in *American English***

144. In concluding that the word ‘negro’ is “a racial slur”, Ms. Nelson goes on to say:

“indeed, in modern parlance, in addition to its caricatured racist implications, [‘negro’] adds an element of a pathetic lack of self-awareness to its contemporary connotation.” (p. 9)

To the extent that I can make sense of what Ms. Nelson means by this, she seems to be claiming that using the word ‘negro’ about a black person implies that that black person pathetically lacks self-awareness.

145. This is a strange thing to say about a word which, for many speakers, is a word of pride, so much so that *56,000 of them deliberately went out of their way* to add it to a Federal Census that already gives them the option of labeling themselves either ‘black’ or ‘African American’, *with the support of 53% of their fellows*. Ms. Nelson’s judgments of “contemporary connotation” are her own, and she is entitled to them. But two things are certain: she provides no justification for this claim; and her judgments are empirically shown to be far from universally shared.

146. The word ‘negro’ is the word used by Martin Luther King, and comfortable to his ideological followers. As this leader fades in popular memory, and *if* the leaders who take over eschew ‘negro’, it is to be expected that, as the older population dies off and new generations appear, the fate of ‘negro’ will be affected. Ms. Nelson may be prescient as to the future of the word, but just as surely she may not; and one thing is certain: we are far from there yet.

147. It would be unfair and dangerous to bring the strong arm of the Law to control the use of the word ‘negro’ by whites when most blacks disagree that it is derogatory.<sup>13</sup>

## **I. Conclusion: ‘negro’ is not a racist term in Canadian English**

148. It is contrary to empirical evidence and much too controversial to be true that the racial word ‘negro’, either in meaning or in pragmatic colouring, is a racist term in American English. Since that is so, by the same empirical evidence, and for the same considerations—as well as for further considerations discussed below about the less virulent history of racism in Canada, the more conservative rate of language change in Canada, and the linguistic facts about black immigrants in Canada—it is *a fortiori* much too controversial to be true that ‘negro’ is a racist term in Canadian English.

### **I.1 Why ‘negro’ is not a racist term in Canadian English**

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<sup>13</sup> A further deplorable consequence of banning ‘negro’ too unthinkingly as a racist term is to guarantee to Martin Luther King’s beautiful and moving recorded speeches the same fate as Mark Twain’s anti-racist Huckleberry Finn, namely to be banned from schools on account of much of its wording having become considered as racist.

**149.** Several reasons would lead us to expect Canadians to be generally comfortable with the word ‘negro’:

- Canada is a country whose participation in the African slave trade has been relatively minor;
- Canada witnessed the violent racial clashes of the USA from a safe distance, and did not experience the strong “Black Power” movement that pushed for the word ‘black’ to the exclusion of ‘negro’;
- in Canada, Martin Luther King is better known, and his views more popular and influential, than Malcolm X’s;
- ‘negro’ was Martin Luther King’s ordinary word for blacks.

**150.** Moreover and importantly, let us not forget that Canada is a country whose black population comes not only from the USA but from Africa and the Caribbean; and many immigrants who ignore the influence of Malcolm X on north American English (which would be most of them) are either completely comfortable, or at least not uncomfortable, with the exonym ‘negro’.

## **I.2     On ‘negro’ and ‘indian’ in Canada and the USA**

**151.** The word ‘negro’ has similarities with the word ‘indian’ as used to refer to native peoples of the Americas (with the exception that where ‘negro’ is descriptively accurate, ‘indian’ stems from the historical error of Columbus’ thinking he had landed in south-east Asia). “As of 1995, according to the US Census Bureau, 50% of people who identified as indigenous preferred the term ‘American Indian,’ 37% preferred ‘Native American’ and the remainder preferred other terms or had no preference.”<sup>14</sup> It is the United States’ government that proposed the nomenclature ‘Native Americans’, not the Indians themselves, many of whom prefer to be so-called. Likewise, it is no decision of “the black community” to call itself ‘black’ and to eschew ‘negro’ (there is no such thing as “the black community”) but of some black leaders.

**152.** But the similarities between ‘negro’ and ‘Indian’ do not end there. The use of ‘native American’ to refer to the indigenous peoples of the Americas came into widespread common use in the USA during the civil rights movements of the 1960s and 1970s; in Canada, that change did not take place at all, or is doing so at a much slower pace: *The Canadian Indian Act*, in defining the rights of people of recognized First Nations, refers to them as ‘Indians.’ To this day, the act officially recognizes people commonly known as ‘Status Indians’, although ‘Registered Indian’ is the official term for those on the so-called Indian Register. Lands set aside for the use of First Nations are still known as *Indian Reserves*.<sup>15</sup>

**153.** This reveals Canada to be linguistically more conservative than the USA, a fact linguistically predicted by its greater youth as a country and its sparser and more dispersed population. It is a staple of historical linguistics that language in peripheral regions changes less rapidly than language at the source region, which is why Britain (and the USA) have a greater number of distinct English dialects than Canada.

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<sup>14</sup> Clyde Tucker, Brian Kojetin, and Roderick Harrison (May 1995) *A statistical analysis of the CPS supplement on race and ethnic origin*. Bureau of Labor Statistics, Bureau of the Census.

<sup>15</sup> Mandel, Michael. *The Charter of Rights and the Legalization of Politics in Canada*, Revised edition. (Toronto: Thompson Educational Publishing, Inc., 1994), pp. 354-356

**154.** And if Canadian English is more conservative in its nomenclature about the First Nations, central as they are to Canada's historical identity, and less ready to tax as racist the word 'indian' even as Canadians are in the midst of acknowledging and atoning for their sins against First Nations as never before, how much less likely is Canadian English to have evolved to the point of considering 'negro' a racist term, when only three years ago it was unobjectionable to 53% of black Americans.

## VI. *Question #2:*

### **What is the meaning and affective impact of the expression ‘house negro’? Is it a racist slur?**

155. I show below that the expression ‘house negro’ is a term of criticism, and therefore unpleasant in affect as all criticisms will be; however, it is not an expression that is even *racial*, as it makes no essential reference to race, but rather to social class or caste. Because the expression does not demean by virtue of race, it cannot be a racist expression. Hence it is no slur at all. It is a stinging rebuke of a person’s actions, not a denigration of a person’s being.

156. Ms. Nelson concludes her expert evidence by maintaining that:

“While ‘negro’, as an insulting term, seems to remove some of the rawness of the racial epithet ‘nigger’, and seems less vulgar, it is nonetheless a racial slur.

Adding the word ‘house’ to ‘negro’ rings as an added insult as it returns the rawness and gravity back to the term[] as it is more clearly tethered to the demeaning caricatured notion of the slave sellout in perpetual service of the white master of slavery.” (p.9)

157. Ms. Nelson’s intuitions about ‘negro’, or how it “rings” to her, are impressionistic gut reactions, just the sort of “armchair linguistics” I have cautioned against in **II.B**. With respect, they are incorrect as an empirical analysis of how the word actually functions in English.

158. I now show in what way precisely adding the adjective ‘house’ to the noun ‘negro’ modifies its meaning. I will show why, Ms. Nelson’s own “ringings” aside, it is a mistake to think of ‘house negro’ as a racist insult.

#### **A. The distinction between a ‘house negro’ and a ‘field negro’ is not based on race but on social standing**

159. The distinction between a ‘house negro’ and a ‘field negro’ is not a *racist* one: it is not grounded in an underlying belief in race superiority or inferiority, nor does it extol any race as

superior or inferior.

**160.** Nor is the distinction even a *racial* or *ethnic* one: the distinction between a ‘house negro’ and a ‘field negro’ does not make *any* distinction (racial or racist) *on the basis of race*. Whatever may be meant by ‘race’, both house and field negroes are understood in the expression as referring to people of the *same race*. Calling someone a house negro may offend the hearer, but it is not a racist offence.

**161.** The distinction between the ‘house negro’ and the ‘field negro’ is a distinction of social *class* or caste *privilege*: it highlights a power differential which may affect two people in spite of the identity of their race (or ethnic origin, or group otherwise defined). It is a distinction that draws attention to the protection of their own privilege, engaged in by the dominant within a group, for their own personal gain (whether or not with collateral damage to the dominated within the same group). The distinction is analogous to that between workers who side with management as opposed to siding with other employees. *House negroes accrue and secure privilege by aligning their personal interests with the most powerful, rather than with the most oppressed, the field negroes*. The distinction is about “working for the House”, that is to say, privileging one’s own interests by working for the House, versus compromising the personal interests and privilege one derives from siding with those in power, by siding instead with the “Underdog.”

**162.** In exactly the way that the distinction between the country mouse and the town mouse is not ultimately about mice, the distinction between the house negro and the field negro is only incidentally about negroes. It is about social standing.

## **B. The expression ‘house negro’ is a contemporary term of social criticism**

### **B.1 A house negro in contemporary usage is *not* a slave**

**163.** It is true that the expression ‘house negro’ is, historically, a term designed to refer to black slaves living in the same houses as their white masters. But for precisely this reason, since there no longer exist house negroes, the expression has contemporary value in vernacular language (as opposed to in historical texts) not literally, but *only as an analogy* or metaphor. In today’s vernacular, a house negro is no more beholden to a white master than I am to a Chinese



Emperor when I kowtow to my children's demands. All talk about words being "tethered" to their history is inaccurate.

**164.** The fact that the distinction between a house negro and a field negro manifested itself during times of negro enslavement is not an accident: being put in situations of survival does not always bring out the best in people. But slavery is not essential to the metaphor *as it is used today*. It is not an accident that a housewife is so called: it comes from the Old English word 'wif' meaning *woman*, and from the tradition that it is women who take care of the house. That does not prevent the word from being used, by analogical extension, about people who are not women: "My husband is the housewife in our family."

**165.** Here is a description of the distinguished Professor Henry Louis Gates Jr. from Harvard University as a house negro:

"As chief interpreter of the black experience for white America, Harvard's Henry Louis Gates Jr. may be the most influential black man in the United States today. Some of [his] critics accuse Gates of dispensing a brilliantly framed but "Kenny G. lite"—as one activist puts it—version of what it means to be black. More important, they say, now that he's at Harvard, he's not devoting enough of the spectacular resources at his disposal to policy research designed to rescue the black underclass from its quickening slide into a social abyss. Has Gates become so vanilla in kowtowing to the Harvard establishment, they ask, that he isn't really down with the brothers? Or is he just an opportunist who loves hanging with rich folk and driving around in his Mercedes—who is merely doing what it takes to become, in the parlance of black activists, the new HNIC? Translated *politely* [emphasis mine], that stands for Head Negro In Charge." <sup>16</sup>

**166.** Likewise, Barack Obama is President of the USA, not a slave, and neither are secretaries of state Colin Powell and Condoleezza Rice. Yet all of them have been called house

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<sup>16</sup> Henry Louis Gates Jr.: Head Negro In Charge, by Cheryl Bentsen, Boston Magazine, April 1998 <http://www.bostonmagazine.com/2009/07/henry-louis-gates-jr/>

negroes by groups as opposite as Al Qaeda<sup>17</sup> and the hyper-educated Editors of 3 Quarks Daily (described in prestigious terms as “The Paris Review of the internet age”)<sup>18</sup>.

**167.** The expression ‘house negro’ in today’s vernacular is not related to slavery, as the following use of the expression to criticize Obama clearly shows:

“In the house sits the master -- *Wall Street and Big Oil and Big Pharma and Big Agribusiness and the big Military-Industrial Complex.*”

**168.** Note the analogical use of “the master” here, which neither refers to whites, nor to slavery, but to powerful Corporations that only *metaphorically* “enslave” the world.

“In the same house, in the attic and the basement, live the house negroes. Chief among the house negroes is the President, [...] Barack Obama, who might turn out to be the best house negro of all, because he's the one who's got the most field negroes fooled. [...] One can hear the masters talking among themselves:

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<sup>17</sup> From Ayman al-Zawahiri: “You represent the direct opposite of honorable black Americans like Malcolm X. You were born to a Muslim father, but you chose to stand in the ranks of the enemies of the Muslims, and pray the prayer of the Jews, although you claim to be Christian, in order to climb the rungs of leadership in America. And so you promised to back Israel, and you threatened to strike the tribal regions in Pakistan, and to send thousands more troops to Afghanistan, in order for the crimes of the American Crusade in it to continue. And last Monday, your aircraft killed 40 Afghan Muslims at a wedding party in Kandahar. You have climbed the rungs of the presidency to take over the leadership of the greatest criminal force in the history of mankind and the leadership of the most violent Crusade ever against the Muslims. And in you and in Colin Powell, Rice and your likes, the words of Malcolm X concerning “house negroes” are confirmed.”

Ms. Nelson finds it appropriate to cite (p. 7) White House press secretary Dana Perino labeling such above name-calling of President Obama as “despicable and pathetic” and as evidencing “*the kind of people that we're dealing with.*” But while the Muslims of Al Qaeda may be easy to think of as “those kinds of people,” it is not so easy to dismiss the writers of 3 Quarks Daily (see next footnote).

<sup>18</sup> A quick look at the website of 3 Quarks Daily reveals its illustrious following, which countenances among the most revered intellectuals in the world today: Steven Pinker, Johnstone Professor of Psychology, Harvard University; Robert Pinsky, former U.S. Poet Laureate; Richard Dawkins, Charles Simonyi Professor of the Public Understanding of Science at Oxford University; Michael Chabon, Pulitzer Prize-winning novelist. “One of the most celebrated writers of his generation,” according to the *Virginia Quarterly Review*; Daniel Dennett, University Professor of Philosophy at Tufts University; Andrew Sullivan, former editor of *The New Republic*; John Allen Paulos, Professor of Mathematics at Temple University; and others.

‘Man, we’ve got that house negro Obama jumping to do our bidding. Much more fun than we had when our Fellow Master Bush Two went downstairs to run the show for us. We bought that smart house negro Obama a long time ago, and groomed him in our elite institutions along with our own kids, and now it’s such fun to see a guy who’s smarter than most of us, follow our orders so blindly.’ ”<sup>19</sup>

169. As the above shows, the concept of slavery is related only metaphorically to the contemporary use of the expression ‘house negro’.

## B.2. A ‘house negro’ in contemporary usage *need not be black*

170. The following shows that the concept of race is no more essential to the use of the expression than the concept of slavery:

“In the same house, in the attic and the basement, live the house negroes.

They are *the Washington politicians and lobbyists and the media people -- journalists and Beltway pundits and Faux News* -- who serve the master. The creepiest-creingiest circus of all is the downstairs squabbles between the Republican and the Democratic Party that the house negroes keep orchestrating among themselves, when no matter who is currently the Master’s favorite, they all serve the Master anyway. These house negro squabbles are there for entertainment value: they distract the field negroes. (*Among these field negroes are found **the bizarre Tea Party field negroes**, who are really sore because they think they should be house negroes.*)

***The best house negro of all was Ronald Reagan. The second best was Bill Clinton.*** The two Bushes didn’t have to be house negroes, because they were from the master class themselves.

The master has Obama on a very short leash. They’ve got him surrounded by **other house negroes -- like Tim Geithner and Hillary Clinton, and Summers and**

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<sup>19</sup> Evert Cilliers, “Obama The House Negro -- Pity The Man Who Walks On His Knees (And The Nation He Leads From That Position)”, November 22, 2010. [http://www.3quarksdaily.com]

*Rahm Emanuel*, who are now being replaced by other house negroes. They've got that whole White House packed full of *white house negroes* slaving away for them.”<sup>20</sup>

Ronald Reagan, Bill Clinton, Tim Geithner, Hillary Clinton, Larry Summers and Rahm Emanuel are white, not black, as are most if not all members of the Tea Party. And as Cilliers puts it, “Anyway, let's face it: today, you and me and everyone else in America are the Field Negroes. America is one big fat plantation.”

171. Just as a housemate need not be a mate, a housecoat is not a coat, a housemother not a mother, and a dog can be housebroken without being broken, likewise, a house negro need not be a negro. Adding the adjective ‘house’ to ‘negro’ does not “return the rawness and gravity back to the term [‘negro’]” at all: it changes the meaning of the expression ‘negro’ entirely, from one that essentially designates negroes to one that does not.

### **B.3 The expression ‘house negro’ is understood in contemporary usage *only* as an analogy**

172. And every normal speaker of the language understands it *only* as an analogy, witness the fact that no one merely shrugs it off as a simple falsehood on the grounds that there are no longer slaves, which is exactly what they would do if they read the expression in its literal historical sense.

## **C. The expression ‘house negro’ is not racist: ‘house’ vs ‘negro’**

### **C.1 Racist expressions demean *by virtue of race*: ‘house negro’ does not**

173. A racist expression is *by definition* an expression that demeans by virtue of race.

“Malcolm X is a nigger”                      demeans by virtue of race.

“Malcolm X is a field negro”                      does not.

On the contrary, it was something of which Malcolm X was proud.

174. Since ‘house negro’ is in the same category as ‘field negro’ *as regards anything*

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<sup>20</sup> Evert Cilliers, op. cit.

having to do with race, it follows straightforwardly that:

“Obama is a house negro” does not demean by virtue of race.

It is undoubtedly an unpleasant criticism to hear (as all criticisms are wont to be); but it is not a racist criticism.

175. Merely using a racial term does not imply racism.

## **C.2 People *ordinarily* understand ‘house negro’ as a *non*-racist expression**

176. Evert Cilliers says:

“Bill Clinton is a house negro.”

Yes, people will have a knee-jerk reaction to the juxtaposition of a *racial* word in the same expression as a criticism –remember the niggardly budget (see Section II, B.1). Once they recover from their momentary irrational reaction, there are four ways that people might respond to Cilliers:

- (a) “No he isn’t. Bill Clinton is white.”
- (b) “No he isn’t. Bill Clinton has never sided with the Establishment for his own gain.”
- (c) “Yes, he is. But he isn’t a negro, he’s white.”
- (d) “Yes, he is.”

177. The response in (a) is that of someone who is grasping *only* the semantic ordinary meaning (according to which a house negro is a *black* person whose actions reveal alignment of their own interest with those in people in power, usually for personal gain). Hence, “no he isn’t.”

178. It is interesting to note that someone who responds as in (a) has importantly *failed to understand what the speaker was saying*. Sometimes, the semantic meaning is *clearly* not what is meant. If, seeing you seated next to a beautiful old woman, I say: “your mother is beautiful”, there is a clear sense in which you have not understood what I meant if you reply: “she is not my mother.”

179. The awkwardness of the response in (a) further supports the contention that ‘house negro’ is not about race.

180. The response in **(b)** disagrees with the “house”-part of the expression: hence, “no he isn’t”; that in **(c)** corrects the “negro”-part of the expression, while agreeing with the “house”-part: hence, “yes he is”; the **(d)** response agrees with the “house”-part without even mentioning the “negro”-part. All three responses – **(b)**, **(c)**, **(d)** – reveal the interlocutor to be grasping the pragmatic ordinary meaning (the analogical meaning according to which a white person counts for practical purposes in this context “as a negro”). The naturalness of these responses itself shows that race is inessential to being a house negro.

181. The concept of the house negro is thus raceless. Nonetheless, the term is a racial term. In the skittish linguistic context of political correctness, some people mistakenly react to the use of racial terms as if they were racist terms. This is especially so when racial terms are used by white people towards blacks. Generally, only whites who are sufficiently self-confident about their non-racism would dare honestly to criticize the actions of a black person using racial language.

### **C.3 Racist expressions demean *the person*: ‘house negro’ criticizes *behaviour***

182. As the above examples show, the offense in being called a house negro is carried by the (racially innocent) word ‘house’, *not* by the word ‘negro’. ‘House negro’ is a criticism, not of one’s *Being* (as ‘nigger’ and other slurs are an offense against one’s very being), but of one’s *doings*. While it may be unacceptable (even if not defamatory) to criticize someone merely for being who they are, it is legitimate to criticize people for doing what they do.

### **D. House negroes “undo what is said”**

183. In the preface to his internet blog, Dr Rancourt makes plain his intention to use the phrase ‘house negro’ as a considered term of contemporary criticism. He prefaces his discussion by providing a video of Malcolm X defining this critical usage of the term.

184. In the *contemporary* sense in which Malcolm X said of himself in 1965 that he was a “field negro”, the expression already deviated from the historical sense: Malcolm X is obviously not saying of himself that he is a hard-toiling field slave of white masters. As Malcolm X is

using it, ‘house negro’ is as a term designed to refer to *black people charged with the duty “to undo what [critical, resistant] black people said,”* when it went against the privilege of the dominant.

Malcolm X (*Message to the Grassroots*, cited by Dr. Rancourt):

“Back during slavery, *when black people like me talked to the slaves, they didn't kill 'em; they sent some old house negro along behind him to undo what he said.*”

**185.** This was a criticism of those black leaders whom Malcolm X despised for undoing what he was saying about the need for a “real” revolution. Although Malcolm X harks back to slavery times to explain the original distinction, the distinction as he uses it does not *refer* to slavery or to slaves. He is already using the expression *as a metaphor*, as an analogy, and he is analogizing certain black leaders to house negroes, *along some, but not all*, dimensions of the original house negroes, as all analogies are wont to do.

#### **E. What “acting as a house negro” does not imply**

**186.** Dr. Rancourt’s criticism that Professor St. Lewis acted as a house negro nowhere implies, and does not rest on the supposition, that the President of the University of Ottawa is white. Had the President of the University been Chinese, an aboriginal, or indeed a black person hiring Professor St. Lewis to evaluate the SAC Report, no reason exists to suggest that Dr Rancourt would have used a different expression to describe Professor St. Lewis’ actions. Obama has been labeled as a ‘house negro’ not for literally serving a white master, but for serving *the Establishment*. The suggestion about Professor St. Lewis is that she acted as a house negro in dismissing the concerns of racialized students at the (implicit or explicit) request of the Administration of the University of Ottawa.

**187.** Ms. Nelson’s claim that those referred to as house negroes are cast as *sell-outs desirous of pleasing their (white) master at any cost to themselves or their community* is inconsistent with the fact that the racialized students whose complaints were effectively dismissed by Professor St. Lewis in her public reassurances that nothing had been shown to be amiss at the University of Ottawa, were neither necessarily, nor even perhaps actually,

black. It is perfectly consistent with Dr. Rancourt's analogy to a house negro that the Report that Professor St. Lewis dismissed should have been entirely about complaints lodged, for example, by non-black Asian students.

**F. 'House negro' is a useful expression with no lexical alternative**

**188.** One would be hard pressed to find another English expression that expresses the combination of properties expressed so precisely by 'house negro'. The only other lexical expression (one or a few words) I can think of that captures the analogical reading of 'house negro' is 'kapo' –the equivalent of 'house negro' in the context of prisoners of Nazi death camps –but the expression is rare and not widely understood. Of course, one could use a lengthy descriptive locution of what one meant, but, as Henry Louis Gates Jr. wisely asks, would such words, though protected by fair comment, truly be less wounding? <sup>21</sup>

**189.** Phyllis Schlafly could be accurately described in a lengthy locution as:

a white, wealthy woman, herself a lawyer, politician, author and syndicated columnist, who spent a lifetime virulently defending traditional house-wifery,

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<sup>21</sup> In his criticism of Words that Wound, the distinguished (black) Humanities professor from Harvard, Director of the W.E.B. Du Bois Institute for African and African American Research, Henry Louis Gates Jr. *disputes* the conclusions of what he calls "the most widely cited and influential papers making the case for the regulation of racist speech." He asks the reader to "contrast the following two statements addressed to a black freshman at Stanford:

(A) LeVon, if you find yourself struggling in your classes here, you should realize it isn't your fault. It's simply that you're the beneficiary of a disruptive policy of affirmative action that places underqualified, underprepared and often undertalented black students in demanding educational environments like this one. The policy's egalitarian aims may be well-intentioned, but given the fact that aptitude tests place African Americans almost a full standard deviation below the mean, even controlling for socioeconomic disparities, they are also profoundly misguided. The truth is, you probably don't belong here, and your college experience will be a long downhill slide.

(B) Out of my face, jungle bunny."

And he adds:

"Surely there is no doubt which is likely to be more "wounding" and alienating to its intended audience. [Gates, of course, means (A).] Under the Stanford speech regulations, however, [A] is protected speech, and [B] may well not be: a result that makes a mockery of the words-that-wound rationale."



proposing that women find their fulfillment in “tending babies and preparing dinner for a hard-working husband,” and, herself a married woman, advising men not to marry career women; a person of considerable power who used it fiercely to oppose the Equal Rights Amendment, the Violence Against Women Act, contraception, any aid to unemployed and poor women, especially to unwed mothers, divorce, and all feminists “fantasies” (as she called women’s demands for increasing their own power), and who generally spent her entire career fighting to make it impossible for women to participate in American society in just the powerful way she does.

**190.** Or she could be described in few words, as a ‘house negro of the patriarchy’.

**191.** There simply exists no expression in English better tailored to the curt expression of social criticism that ‘house negro’ conveys. To the exact extent that such social criticism is legitimate, indeed useful, the expression ‘house negro’ is indispensable.

## **VII. *Question #3:***

### **Does ‘house negro’ have the same meaning in Canada & the USA?**

#### **A. How do people know what is meant by ‘house negro’?**

**192.** In both Canada and the USA, there will be people who are unfamiliar with the expression. But like an American, a Canadian can generate a meaning for the expression ‘house negro’ in two ways.

**193.** One way is to learn its meaning as a fixed idiomatic expression. Although Malcolm X’s political views are probably not as well known in Canada as, say, Martin Luther King’s are (the same could be said about the USA), the most famous speech by Malcolm X is well-known, I dare say, among all educated Canadians. Films and television documentaries depicting slavery and portraying house negroes are a widely popular way for someone to have learned the expression as a fixed idiom.

**194.** Canadians who ignore the historical meaning of ‘house negro’, popularized by Malcolm X, can nonetheless generate a meaning for it using the productive mechanisms made available to native speakers by English morphology (word formation rules).

**195.** In ‘house negro’, the word ‘house’ functions as an adjective. There are very few expressions in English where ‘house’ is an adjective: ‘housewife’, ‘housekeeper’, ‘housemate’, ‘housemaster’, ‘housemother’, are among the few. All have the general meaning of somehow working for the house: the housewife stays at home to take care of its inhabitants, the housekeeper cleans the house, the housemate helps pay for the house, the housemaster takes care of the students in the institution. Were someone to generate a meaning for the expression ‘house negro’ “from scratch” as it were, using only their own linguistic resources in ignorance of the historical origin of the expression, it would mean: a black person who somehow works for the house. Since there is also in English the well-known expression ‘working for the house’, which applies for example to casino card dealers who are charged with protecting the profits of the casino rather than enriching its patrons, once this meaning is generated, it is a short analogical step to the meaning of:

black person who works in the interest of the owners or directors or managers of the house, for their own self-interest, against those playing against it, and once there, the meaning is easily broadened to mean anyone who acts out of self-interest in serving the interests of those in power over those oppressed by them.

**196.** The productivity of analogical extension is ubiquitous in language: I can call a man a ‘wife’ even though he is obviously not a woman; Arabs are disparaged as ‘sand niggers’ even though they are not black; we name-call humans ‘pigs’, ‘dogs’, ‘rats’, ‘snakes’ by analogical extension.

**197.** Both the historical and the generative ways of understanding the meaning of the expression ‘house negro’ converge analogically on the same meaning. So it is safe to surmise that everyone familiar with the expression understands it in roughly the same way. Since the morphologically productive generation of meaning uses resources readily available to both American and Canadian speakers, there is no reason to think that the meanings differ between the USA and Canada.

## VIII. *Question #4:*

### **Does the expression ‘house negro’ carry legal innuendo ?**

198. It is asserted in the Statement of Claim that calling Professor St. Lewis a ‘house negro’ carries the legal innuendo that she has “forfeited her cultural and racial identity, heritage and/or traditions”. I will attempt to show why it is not only empirically untrue that the expression ‘house negro’ carries such legal innuendo, but logically problematic to claim that it does.

199. I refer the reader back to Section III.B, paragraphs 58\*\*\* to 61\*\*\*, where legal innuendo is defined and illustrated.

#### **A. Here are clear examples of legal innuendo**

##### **A.1 Ordinary meaning**

200. **Example 1:** Suppose, knowing Bill but not his wife, I say:

“Bill and his wife were in Barbados last week. I saw them dancing.”

The ordinary meaning of what I said is that Bill and his wife were in Barbados, dancing. That is the meaning it has in an ordinary context where people have ordinary information, viz. they know who Bill is (or that ‘Bill’ is a proper name for a man), and what ‘wife’ means, what dancing is, etc. So a typical person who believes me, will believe that Bill and his wife (whoever they are) were in Barbados (wherever that is) last week, dancing.

201. **Example 2:** Suppose someone writes a letter about you *saying only good things* (that you are polite, well-mannered, have good diction, are handsome, friendly, a great cook, tell very funny stories, etc.). The ordinary meaning of what the letter says is that:

you have *numerous good qualities* (you are polite, well-mannered, etc.).

That is the meaning the letter has in an ordinary context where people have ordinary information and knowledge of English. So a typical person who believes the letter, will believe that you have numerous good qualities.

## **A.2 Extended meaning or legal innuendo**

**202. Example 1:** Now suppose that Mary has privileged information that Bill and his wife have recently separated. *To Mary*, what I said now conveys an extended meaning:

Bill and his *new girlfriend* were dancing in Barbados last week.

**203. Example 2:** Now suppose that someone knows that the letter written about you was written by a professor for your application to a graduate school. *To that person* (or to the admissions committee), what the letter conveys, for want of any positive information about your academic accomplishments or intellectual skills, is an extended meaning:

You have *no good qualities* of an academic sort deserving of mention.

**204. This is legal innuendo:** a *change* from ordinary meaning based on *facts extrinsic to what is said*: facts like Mary's privileged information about the separation of Bill and his wife; facts like knowing that the letter is an academic letter of reference, rather than a letter for a dating site.

**205.** Legal innuendo involves *facts unrelated to the words themselves* that, juxtaposed to those words, yield a meaning different from the ordinary meaning, a meaning that the ordinary meaning does not convey, a meaning that is *not directly inferable* from the ordinary meaning.

## **A.3 Inferences inferable from ordinary meanings are of necessity different from inferences inferable from extended meanings**

**206.** The essence of legal innuendo (i.e. extended meaning) is that it constitutes a *change* from the ordinary meaning.

**207.** Leibniz' Law is a foundational principle of logic. Leibniz' Law states that two statements are identical in meaning if and only if they have all the same entailments, i.e. the same things are inferable from them. That means that statements different in meaning will have different entailments, i.e. what is inferable from them will also be different.

**208. Example 1:** The ordinary meaning of "Bill and his wife were in Barbados dancing" will lead to inferences such as that:

- (A) Bill and his wife are happy,  
Bill is a nice guy to be dancing with his wife.

while the extended meaning will lead to inferences such as that:

- (B) Bill and his wife are not happy,  
Bill is a creep to be cheating on his wife.

209. In particular, it would be *illogical* to draw the (B) inferences from the ordinary meaning of Example 1; and it would be *illogical* to draw the (A) inferences from its extended meaning.

210. **Example 2:** The ordinary meaning of the letter will lead to inferences such as that:

- (A) The letter writer supports you.

While the extended meaning will lead to inferences such as that:

- (B) The letter writer does not support you.

211. Likewise here, it would be *illogical* to draw the (B) inference from the ordinary meaning of Example 2; and it would be *illogical* to draw the (A) inference from its extended meaning.

212. When the meanings change, so does what is inferable from them.

#### A.4 By necessary implication, extrinsic facts will not be *generally known*

213. **Example 1:** For suppose that it is *customarily known* that Bill and his wife have separated. In that case, when I say:

“Bill and his wife were in Barbados last week. I saw them dancing.”

there are two ways that people might respond:

- (a) “No they weren’t. Bill’s wife was in Toronto. That was his new girlfriend he was with.”
- (b) “Yes they were. But she isn’t his wife, she’s his girlfriend.”

214. The response in (a) is that of someone who is grasping *only* the semantic ordinary meaning (according to which a wife is a legally married spouse). Hence, “no they weren’t.”

215. The response in (b) is that of someone who is grasping the pragmatic ordinary meaning (the analogical meaning according to which a woman on a romantic holiday in Barbados counts for practical purposes in this context “as a wife” –in just the sense that, if

upon seeing Bill and the woman dancing, one were to tell Bill “your wife is beautiful”, Bill would have failed to understand what was meant were he to reply: “No, she’s ugly. That’s why we’re separated.”).

**216.** Either way, if it is *customary knowledge* that Bill and his wife are separated, then my statement will be customarily interpreted as having as its ordinary meaning:

Bill and his *new girlfriend* were dancing in Barbados last week.

The important thing to notice is that *if it is general knowledge* that Bill and his wife are separated, then *there is no extended meaning* to be had. By necessary implication, extrinsic facts cannot be *generally known*.

**217. Example 2:** For suppose that it is *customarily known* that the letter written about you was an academic reference letter for admission to graduate school. Then it will be customarily understood that although the letter semantically says only nice things, it pragmatically conveys, as a matter of ordinary meaning, that you have no good qualities.

**218.** *If it is general knowledge* that the letter is a graduate school reference letter, then *there is no extended meaning* to be had. For what *would have been* the extended meaning had the knowledge been the province of the privileged few, is now the ordinary meaning known to all.

**219.** Extrinsic facts that change the message conveyed are *of necessity* facts *known only to a small subset of any population*; for otherwise, if they were widely known, there would be no change of message.

## **B. ‘House negro’ does not, indeed *cannot*, carry legal innuendo**

**220.** One cannot have one’s cake and eat it too. If, as per Ms. Nelson and the Statement of Claim, “in their natural and **ordinary** meaning, the words [‘house negro’] meant and were understood to mean that Professor St. Lewis acted as a “slave” to her white “master,” forfeited her cultural and racial identity, heritage and/or traditions, [...] is a race traitor, is a pariah in the black community, has forfeited her social identity with the black community, has severed her bond with the black community and her racial and cultural heritage,” then it is a *logical inconsistency* to say, as Ms. Nelson does, that ‘house negro’ “bears legal innuendo to which members of the black community in Canada would ascribe a negative

and insulting meaning.” If that were what ‘house negro’ meant in their ordinary meaning, it *could not* be innuendo. There is no change of meaning.

**221.** We have shown that the meaning of ‘house negro’ as represented in the Statement of Claim and in Ms. Nelson’s expert evidence is hyperbolic, and that a correct linguistic analysis of how the term is used in English reveals its natural and ordinary meaning to be a *person who identifies with the interests of those in positions of power, usually for personal gain*. There are no extrinsic facts, no privileged information known only to the few that, juxtaposed to the words ‘house negro’, change its meaning to someone who has “forfeited her cultural and racial identity, heritage and/or traditions”.

### **B.1 All relevant information is customarily known by whites as well as by blacks**

**222.** It is clear that ordinary speakers of English possess all the customary information about slavery and house negroes to understand ‘house negro’ in its historical context. (The very popular recent movie Django (by Quentin Tarantino), for example, features prominently the character of a house negro, as have others before it.)

**223.** It is also clear that ordinary speakers understand, in an ordinary way, the historical implications (ethical, personal, cultural, etc.) of being a house negro, just as they understand, in an ordinary way, the current implications (ethical, personal, cultural, etc.) of identifying with the interests of those in positions of power for personal gain.

**224.** ‘House negro’ may very well be the only succinct expression in English that captures the concept precisely; but house negroes are not the only historical people to have identified with the interests of power for personal gain.

**225.** People also understand, in an ordinary way, the collateral damage done to the underdog from the fact that some will side with the powerful against them, and the reasons why some would resent those who do so. It is hyperbole to claim that someone who sides with the powerful “forfeits their heritage and traditions.” A more truthful claim is the more modest one that someone who sides with the powerful is not being loyal, or friendly, or charitable to the powerless. But everybody knows this. This is all part of the ordinary person’s ordinary understanding of the ways of people.

**226.** Appeal to what “the black community” will think to establish the presence of legal



innuendo is misguided. By necessary implication, extrinsic facts cannot be generally known.

227. We have demonstrated that ‘house negro’ does not demean by race; it does not carry racist innuendo: it criticizes behaviour. To suggest that such behaviour cannot be denounced because “the X community” will think ill of the one who engages in it is logically bizarre. It is like saying we should not send criminals to prison because the community will think they have done something wrong.

228. ‘Selfish’ does not *mean* having few friends; but anyone who understands what it does mean can predict that the selfish person will have few friends. No privileged access to extrinsic facts is required to presume that.

## **B.2 Word associations are not and cannot be innuendo**

229. Ms. Nelson is correct that “terms [like ‘house negro’, ‘field negro’, ‘house nigger’] are associated with slavery, and therefore, their use conjures up the context of slave society.” *All* words conjure up mental images, memories of experiences, ideas of *anything* associated with them. Language is an organ in the brain, and it is connected to all the other organs in the brain: imagination, memory, cognition, general knowledge, etc. There is nothing special about these expressions that “conjure up the context of slave society”: the words ‘context of slave society’ conjure up the context of slave society.

230. Such conjurings are not innuendo. They are not extrinsic facts that change the ordinary meaning of the words. They are mental phenomena that are intrinsic to cognition in general.

231. Such conjurings cannot be innuendo. They are not privileged information known to a few; they are ubiquitous and systematic. The words ‘Don’t visualize a pink elephant’ make everybody visualize a pink elephant.

## **B.3 Feelings are not and cannot be innuendo**

232. It is undoubtedly true that such conjurings may trigger *feelings*, including painful ones. It might be respectful to avoid confronting people with their past, and disrespectful

not to. The word ‘rape’ might be sensitively avoided before someone whom one knows to have been raped. But feelings evoked by language are not, and cannot be, innuendo. Feelings are not *extrinsic facts that change the meaning of expressions in the circumstances*. If they were, given that everyone’s feelings are subjective and private, the meanings of expressions in the language would all be subjective and private, and would change from person to person.

233. If I talk about Chicago, and the thought of Chicago evokes painful feelings in you for whatever reason, that does nothing to change the meaning of ‘Chicago’.

### C. **An insult is not identical to a reputational injury**

234. Ms. Nelson states, “the term ‘house negro’ *is so commonly understood* by black people to be an insult that it is almost ridiculous to assert that it is not so commonly known” (p. 2), from which it follows *logically* that its insulting nature *cannot* be innuendo.

235. Describing someone’s actions as those of a house negro is indeed insulting, in the sense that it is a negative criticism, and negative criticisms will offend. It is insulting to be criticized as selfish; it is insulting to be criticized for aligning one’s interests with those in positions of power for personal gain. Like *all* criticism, it hurts the ego. But unless we are to outlaw criticism altogether, we had better distinguish carefully between acceptable and unacceptable criticism. Offending someone is not a crime. Openness to criticism, even virulent criticism, is essential in a free society.

236. The imputation here is that describing someone’s actions as those of a house negro is unacceptable criticism because it is racist. We have shown that this is precisely what is not the case. ‘House negro’ does not criticize by virtue of race. It criticizes a person’s behaviour, not a person’s Being.

#### C.1 **Racist insults do not cause reputational injury to anyone but their issuer**

237. Not only is the use of ‘house negro’ not racist, but the plaintiff’s imputation would only be harmed if it were. One’s reputation is not injured because one is a target of a racist insult. The only person whose reputation is injured by a racist insult is that of the issuer.

**D. A problem internal to “the black community”**

**238.** The expression ‘house negro’ does not imply that a person has “forfeited her cultural and racial identity, heritage and/or traditions”. It simply means that, in a certain action or behaviour, the person advanced her own personal or class interests before the interests of those less fortunate in the same group, no matter how defined.

**239.** One important problem with the notion of “cultural sell-out” and “race betrayal” and “forfeiture of one’s heritage” is that it is a psychosocial fact that in communities that are or that perceive themselves to be embattled, the slightest deviation from some imaginary norm can trigger the accusation. Ms. Nelson herself acknowledges that “declaring oneself a Republican, or dressing conservatively, may be enough to invite one of these labels.” (p. 6) One individual who opines about ‘house nigger’ on the so-called Urban Dictionary states:

“Now the term refers in a derogatory manner to lighter-skinned people of color, who are sometimes perceived as acting superior to darker-skinned people, and who because of their color, associate with whites in what is viewed as a fawning manner, and greater success in life, are sometimes resented by those less fortunate.” [sic]

Another individual who opines about ‘Uncle Tom’ writes that:

“Uncle Tom is a term used by black people to try to convince other black people that working, education, living well, and setting a good example for their children is selling out.”

**240.** When accusations of “being a sell-out”, a “race-traitor”, and “forfeiting one’s heritage” can be triggered by such things as having lighter skin, joining the Republican Party, wearing certain clothes and not others, not enjoying rap music, speaking “educated” English or being overly educated, or being resented for having greater success in life, or other “characteristics or affiliations” that are all too quick to trigger suspicions about race loyalty and suppositions of “conflict with a very positive embrace of and commitment to black culture” (see p. 6), it should be clear that such accusations have lost all meaningful content.

241. There is a real danger of scapegoating, in holding a social critic responsible for the fact that people in “the black community” are quickly triggered to accuse each other of being sell-outs.

**E. There is no such thing as “The Black Community in Canada”**

242. Ms. Nelson was

“specifically informed that the "issue to which [her] opinion relates is whether the expression, "House Negro" bears legal innuendo meanings that would be ascribed to the expression by members of the Black Community in Canada. If so, what are the legal innuendo meanings that would be ascribed to the expression by that Community?”

243. One thing about which Ms. Nelson is correct is that “the black community is diverse.” (p.1) It is in fact so diverse that there is no sense in which it can meaningfully be said to exist in any way relevant to the present discussion.

244. Black people in Canada speak a wide variety of dialects of English when it comes to many types of words. Plus, there are different ways of speaking English within dialects: the older and the younger, the educated and the non-educated, the urban and the rural, teenagers, immigrants, etc. And within each of these sociolects, some words have different meanings and different affects. However we are to conceive “the Black community in Canada”, it is not a *linguistic* community. With members from highly distinct regions in Africa, the Caribbean, South, Central and North America, some native French speakers, some native English speakers, many, indeed perhaps most of them, allophones, it is a community of linguistic communities.

245. There is no agreement in “The Black Community” over how much of a slur the word ‘nigger’ is in the first place, how appropriate, or even fruitful, it is to use it: As with the world, so with the word, and with respect to ‘nigger’, there are language mavens who would abolish it (Reverend Al Sharpton), who would emancipate it (Chris Rock, rappers), and myriad dazed followers in between. (See **Appendix A**). To impose one’s own dialect forcibly upon others is linguistic imperialism. Non-natural linguistic changes should come from rational persuasion not ideological decree.

**246.** But if there is no agreement about ‘nigger’, there is no more about ‘negro’. *Pace* Malcolm X and Ms. Nelson, ‘negro’ never generally became a derogatory word, but is, on the contrary, in ordinary use in books published as recently as 2003 by distinguished Harvard faculty (*mis*)quoted by Ms. Nelson herself. In my professional opinion, for reasons previously explained (see **II, C.2**), in the fight against racism, sticking with the word ‘negro’ is a good thing.

## IX. *Question #5:*

### **Does the status of the expression ‘house negro’ (as a slur or not) change depending on the race of the person speaking or the person hearing it?**

247. As we have shown, the expression ‘house negro’ is not about race, but about class or caste. Journalists, pundits and commentators of every stripe and colour publicly and customarily use the expression ‘house negro’ when issuing a particular sort of criticism. In the contemporary vernacular, a house negro can be anyone who “sucks up to power” in lieu of “speaking truth to power,” anyone who puts their own self-interest ahead of the downtrodden in a social group to which they belong along some dimension or other. In the contemporary vernacular, it has status as a term of social criticism.

248. As an expression of social criticism, ‘house negro’ has the same meaning regardless of who says it. To suggest that a term of social criticism is acceptable in the mouth of a black commentator but not in that of a white commentator, especially where that term has no alternative equivalent, is straightforwardly to suggest that whereas a black commentator could criticize a black person for certain actions, a white commentator could not criticize a black person for those same actions. Apart from shielding black people from due criticism, that suggestion makes one’s capacity to criticize a black person depend on one’s race. *That* is racist.

249. To allow some people to express opinions, using certain descriptive vocabulary, while disallowing others the same privilege *on the basis of their race*, is to practice **linguistic apartheid** [Afrikaans, from Dutch ‘apart’, *separate* (from French ‘à part’, *apart*) + Dutch -heid, -hood.] It forces us to attend to the race of the speaker even when it is strictly irrelevant. Here, the race of the doer of the deed may have been thought relevant to the credibility of her conclusions about complaints by racialized students (see below X.B.1); but the race of the denouncer of the deed is not.

250. Enforced segregation, linguistic or otherwise, is anathema to the goal of racial integration.

**251.** When all it said and done: *words* are not racist; people are. Even the most innocent word can become an expression of racism in the mouth of someone pronouncing it with clenched teeth; and even the most virulently racist expression—even ‘nigger’—can be innocuous in a friendly mouth. In my professional judgment, the only thing racist in the present action is the suggestion by the plaintiff that it was racist of Dr. Rancourt to utter the words ‘house negro’: for it is this suggestion that is based *on his race alone*.

## **X. Concluding remarks about speech acts**

252. I feel a professional duty to conclude with a few lingering reflexions about the importance of protecting social criticism.

### **A. Outlawing the very expression of the view that calls out for criticism**

253. In the fight against racism, irrational, knee-jerk reactions to words are socially dangerous and counter-productive: as Henry Louis Gates has pointed out, it is impossible to conduct a rational conversation about something if the very words necessary to the conversation are to be outlawed, or if one is to be endangered for saying them.

### **B. Making an issue about someone's race**

254. To point out or make an issue out of someone's race can be neutral, or positive, or negative (i.e. racist):

- (a) neutral: "25% of the applicants for the job were black."
- (b) positive: "Let's hire her! She's smarter than the rest, and she's black too!"
- (c) negative: "Let's not hire her. She's smarter than the rest, but she's black."

To point out someone's race when it is irrelevant can be fine—as in (b)—or not—as in (c). That does not depend merely on the words used: "Hey, Blackie!" can be just as offensive as "Hey, Nigger!"

255. To hire a woman "because she is black" can be racist or not racist:

- (a) racist : if she is not qualified, and her race figures prominently in her hiring;
- (b) not racist : if she is qualified, and her race is relevant to the job (e.g. an actress).

### **B.1 Hiring a black person by virtue of their race is a racist act**

256. A President of an institution faced with imputations of systemic racism can do one of two things: one is to commission an inquiry into the allegations; another is to engage



(merely) in damage control.

**257.** The latter is what Allan Rock chose to do; he hired a person to evaluate, *not* the situation on the ground, but whether *the report* about the situation on the ground was methodologically sound.

**258.** That Professor St. Lewis possessed the competence to perform an inquiry into the allegations is something I do not doubt, but that I am not competent to judge. As an expert on critical thinking, however, I am in a position to assert that a criticism of statistical methodology is seldom what lawyers are trained to do. By way of illustration, Bayes' theorem is as essential to figuring out the probability that there is racism given the number of allegations, as Pythagoras's theorem is to geometry; yet it would be surprising if Professor St. Lewis had any knowledge of, much less expertise in applying, Baye's Theorem.<sup>22</sup>

**259.** That Professor St. Lewis is black is a relevant fact of which Allan Rock was presumably aware when he considered her for the task of evaluating the methodology of the SAC Report. Hiring a black person, *by virtue of their race*, is a racist action, the black person having being selected *by virtue of their race* in a way that is not essential to the performance of the task.

**260.** In a racist climate, it might be thought that only a black person would have the credibility to criticize a report that alleges racism: a white person hired to evaluate the methodology of a report alleging racism, especially if they were to end up debunking the report, might be suspected of self-interest, of preferential loyalty to the institution over loyalty to a minority of racialized students, of collaborating with the administration for personal gain, and (for any of the above reasons and others) of insufficient sensitivity to the allegations. If a white person were suspected of such, the evaluation performed by this white person might be found less persuasive should the evaluation end up debunking the report.

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<sup>22</sup> Bayes' Theorem: The Probability that racism exists given the number of allegations is a function of the probability of the allegations given that racism exists multiplied by the probability that racism exists, divided by the probability of the allegations.

$$P(A|B) = \frac{P(B|A)P(A)}{P(B)}.$$

261. Such a hiring decision, in succumbing to the racism of others, plausibly falls short of institutional leadership; it might be an explicable, and perhaps excusable, racist action, as long as the black person were truly competent for the performance of the task, in the case at hand, competent as a statistician –since the SAC Report was criticized on the basis of its allegedly faulty statistical reasoning.

## **B.2 Thinking that a black person could not act as a house negro is racist**

262. But if we can understand that a *white person* hired to criticize a report alleging racism could be correctly suspected of self-interest, or of preferential loyalty to the institution over a minority of racialized students, or of collaborating with the administration to salvage the reputation of the institution for personal gain or for public relations reasons, or of insufficient sensitivity to the allegations, what *is* racist is thinking that a *black person* hired for the job could not just as correctly be suspected of the same. *This* is attributing differential dispositions *on the basis of race*. *This* is racist.

263. Likewise, suppose one felt inclined to criticize someone's actions, but refrained from doing so *merely because of their race*. This would be treating someone differentially *on the basis of race*. This would be racist. (See Section II, C.1)

264. It is only a short logical step from there to here: suppose one felt inclined to criticize someone's actions as, let us say, stemming from a slavish mentality, and the word 'slave' came to mind to express the criticism. Suppose one would have issued the criticism using the word 'slave' had one addressed the criticism to a person of one race, but faced with a person of a different race, one eschews the word 'slave', or the criticism altogether for want of another way to express it. This is clearly treating someone (linguistically) differentially on the basis of race. This is racist.

265. Suppose someone of a provocative bent, such as Dr. Rancourt, is inclined to criticize someone else provocatively, as is Dr. Rancourt's wont and prerogative. If such a person were to act less provocatively towards a black interlocutor than the same person would be inclined to act towards a white interlocutor, this too would be racist.

**266.** The great philosopher Nietzsche, for instance, openly and with inimitable provocation, criticized Christian morality –and Christians by extension– as in the grips of a slavish mentality. He even used the word ‘slave’ in expressing his views about current people who identify themselves in their historical imaginary with people once fed to lions for entertainment.<sup>23</sup> Yet no one would suggest that Nietzsche has done anything legally or morally or linguistically wrong. No one would suggest that Nietzsche should have refrained from criticizing Christians’ actions as stemming from a slavish mentality because they were descendents of people who have been enslaved. We have to ask whether there isn’t a time limit on how long ago one’s descendents have to have been enslaved before it is permissible to do so. And the fact is that there is no authority and no agreement on such a time limit.

**267.** As Henry Louis Gates Jr. notes:

“the test of membership in a “historically oppressed” group is either too narrow (just blacks) or too broad (just about everybody). Are poor Appalachians “historically oppressed” or “dominant group members”? Once we adopt the “historically oppressed” proviso, I suspect, it is a matter of time before a group of black women in Chicago are arraigned for calling a policeman a ‘dumb Polak.’ Evidence that Poles are a historically oppressed group in Chicago will be in plentiful supply; the policeman's grandmother will offer poignant firsthand testimony to that.”<sup>24</sup>

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<sup>23</sup> Friedrich Nietzsche (1844–1900) was a German philosopher of the late 19th century who challenged the foundations of Christianity and traditional morality. He was interested in the enhancement of individual and cultural health, and believed in life, creativity, power, and the realities of the world we live in, rather than those situated in a world beyond. Central to his philosophy is the idea of “life-affirmation,” which involves an honest questioning of all doctrines that drain life's expansive energies, however socially prevalent those views might be. Often referred to as one of the first existentialist philosophers along with Søren Kierkegaard (1813–1855), Nietzsche's revitalizing philosophy has inspired leading figures in all walks of cultural life, including dancers, poets, novelists, painters, psychologists, philosophers, sociologists and social revolutionaries. [From [The Stanford Encyclopedia of Philosophy](#)]

<sup>24</sup> Henry Louis Gates Jr, “Let Them Talk”, op. cit.

## **C. Malicious assaultive speech vs honest denunciation**

268. ‘Nigger!’ uttered as an invective by a person clearly expressing racist attitudes, like ‘Faggot!’ uttered during an attack against gays, are cases where the intention to aggress is indisputable. But saying that someone has acted as a ‘house negro’ in order to express one’s opinion that this person has locked elbows with the authorities in dismissing the complaints of an underclass is not to issue an invective at all, much less a racist one.

### **C.1 Picturing a black person is *not* a racist speech act**

269. In putting a picture of Joanne St. Lewis on his blog about the SAC Report—thus revealing her race—Dr Rancourt is opening up to public discussion the hiring of a black person *as such* for reasons inessential to the performance of the task. Dr Rancourt’s reporting of a *prima facie* racist act, or just calling attention to this *racial* fact, cannot itself be considered a racist gesture. This is not a case of the gratuitous advertising of the race of someone for some nefarious purpose. It is part and parcel of the commentary on the handling of race by the administration of the University of Ottawa.

### **C.2 Of words and wounds**

270. Critical Race Theorists well understand—what is entirely missing from the Statement of Claim allegations and from Ms. Nelson’s opinion—that ‘house negro’ is a legitimate term of social criticism, and that calling someone a ‘house negro’ is *not* assaultive speech but an act of criticism. The language used to perform this act is not per se assaultive and wounding; nor is it any kind of evidence of an intent to wound the person (or, at any rate, any more than any criticism of any sort may wound). As Henry Louis Gates notes, it is impossible to ban critical words *without killing critique*. Adds Gates:

“Critical race theorists are fond of the ideal of conversation. “This chapter attempts to begin a conversation about the First Amendment,” Matsuda writes toward the end of her contribution. “Most important, we must continue this discussion,” Lawrence writes toward the end of his. It is too easy to lose sight of the fact that the conversation to which they are devoted is aimed at limiting conversation.”

### C.3 Of words and deeds

271. When a student asked Presidential candidate Ralph Nader “how he squared his long history as an advocate for black people” with his use of the expression ‘Uncle Tom’ in asking whether Barack Obama as President would be “an Uncle Sam for all the people, or an Uncle Tom for big corporations”, Ralph Nader replied:

“The question I would have liked you to have asked me is: Why did Obama turn his back on 100 million poor people in this country? In his statements, in his policies, and his association with corporate lawyers who flood him with money. [...] That’s the reality.

You need a course in semantics. *You are overwhelmed by the word, not by the deed.* [...]

One reason I [raised the question about whether Obama would be an Uncle Tom to big corporations rather than an Uncle Sam to the people] is because it’s accurate.

And another reason I did it is because it makes people like you angry, and you start thinking about the difference between the word and the deed. Students today, the way you get a rise out of them is not by describing grim reality, not by describing slaughter overseas, and poverty here, and 20,000 dying every year because they can’t afford health insurance. [...] No, no, you can’t get any rise out of this. Here’s how you get a rise out from your generation: ethnic slur, gender slur, racial slur. That will drive you up the wall. And you’ll have meetings, and demonstrations, and protests, and “Fire the Professor!” I’m trying to bring you down the abstraction ladder. You’re entitled to be much much more angry about what these words represent on the ground, rather than just the words.”

### C.4 “The lack of elegance is sometimes indispensable to the credibility of the insult”

272. We often use “colourful” language deliberately to provoke, to criticize, to denounce. As the French (descendants of the Franks, known for their blunt frankness) are fond of saying, “le manque d’élégance est parfois indispensable à la crédibilité de l’insulte.”

## **Appendix A: 'negro' vs 'nigger'**

### **A. The history of the words 'negro' and 'nigger'**

273. The English words 'negro' and 'nigger' both emerged in the 1550s from 'negro', the ordinary adjective meaning *black* in Spanish and Portuguese, which itself emerged, like the French 'nègre', from the Latin adjective 'niger', meaning *black* and Latin noun 'nigrum', meaning *black thing* (with Latin verbs 'nigro', 'denigro', *to blacken*; adjective 'subniger', *blackish*; and abstract noun 'nigritia', 'nigritudo', *blackness*).

274. 'Negro' is today the ordinary word used by Spanish and Portuguese speakers for black people. The Latinate French word 'nègre' has a non-derogatory usage as a word for black people (alongside 'noir' –the French vernacular word for 'black'). French speakers everywhere (in North America, in Europe, in Africa) would deny that describing a black man as "un beau nègre" (a beautiful Negro) is offensive: indeed, to some French ears, it has greater poetic value than "un beau noir". Pierre Vallières, a Québécois activist, authored Nègres blancs d'Amérique [literally: White Negroes of America –although because of its main thesis, it is translated in English as White Niggers of America] (1968), in which he compared the struggle of French-Canadians to that of African-Americans. The book provoked French audiences in virtue of its ideas, not its title. Haitian-Canadian novelist Dany Laferrière wrote Comment faire l'amour avec un nègre sans se fatiguer [How to Make Love with a Negro Without Getting Tired] (1985) to no linguistic outcry. 'Negritude' is the current name, in both French and English, of a literary and ideological movement originated by French-speaking black writers and intellectuals.<sup>25</sup>

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<sup>25</sup> The movement is marked by its rejection of European colonization and its role in the African diaspora, pride in "blackness" and traditional African values and culture, mixed with an undercurrent of Marxist ideals. Its founders (or *les trois pères*), Aimé Césaire, Léopold Sédar Senghor, and Léon-Gontran Damas, met while studying in Paris in 1931 and began to publish the first journal devoted to Negritude, *L'Étudiant noir* (*The Black Student*), in 1934.

The term "négritude" was coined by Césaire in his *Cahier d'un retour au pays natal* (1939) and it means, in his words, "the simple recognition of the fact that one is black, the acceptance of this fact and of our destiny as blacks, of our history and culture." Even in its beginnings, négritude was truly an international movement--drawing inspiration from the flowering of African-American culture brought about by the writers and thinkers of the Harlem Renaissance while asserting its place in the canon of French literature, glorifying the

**275.** The word ‘nigger’ is a phonetic variant of the word ‘negro’, derived by *metathesis*. Metathesis is a common, indeed ubiquitous, phonetic process in linguistic borrowings, consisting in the interchange of two sounds. Thus the English word ‘center’ (in which the ‘e’ of the last syllable is pronounced before the ‘r’) is derived by metathesis from the French word ‘centre’ (in which the ‘r’ is pronounced before the ‘e’); likewise the English word ‘table’ (in which the ‘e’ of the last syllable is pronounced before the ‘l’) is derived by metathesis from the French word ‘table’ (in which the ‘l’ is pronounced before the ‘e’). In Ebonic English (a dialect of American English spoken by some black Americans), the pronunciation of ‘ask’ has been metathesized into ‘aks’. Examples of metathesis are legion.

**276.** The word ‘nigger’ has two convergent derivations. It comes from the pronunciation of Spanish-Portuguese ‘negro’ as [nigra], derived from two instances of the common phonetic process of vowel shift, precisely *raising* (from ‘e’ to ‘i’) and *lowering* (from ‘o’ to ‘a’), then metathesized into [nigar]. Vowel shifts and metathesis are ordinary ubiquitous staples of language change. It also comes directly from the pronunciation of Dutch ‘negar’, itself metathesized from Spanish-Portuguese ‘negro’ or direct from Latin ‘niger’ (with liquid pronunciation of the rhotic /r/). It is useful to remember that Spanish, Portuguese and Dutch traders engaged in much contact in the seventeenth century.

**277.** The word ‘negar’ appears in 1619 in slave shipping diaries of Englishman John Rolfe, as a regular name for black people shipped to Virginia colonies. Of course, John Rolfe did not have great respect for black Africans since he was willing to trade them as slaves; but especially in a historical context where blacks were actually thought by Europeans to belong to a different species than whites, and where blacks were themselves enslaving and selling blacks, the point is that in 1619 the word ‘negar’ to refer to them was no more derogatory than the word ‘goldfish’ is a derogatory terms for goldfish. All through the 1600’s, the word ‘neggar’ is used by the Dutch in New York for people of African descent. ‘Neger’ is still the neutral term for blacks in Dutch today, as it is in Yiddish and in Hungarian.

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traditions of the African continent, and attracting participants in the colonized countries of the Caribbean, North Africa, and Latin America. The movement's sympathizers included French philosopher Jean-Paul Sartre and Jacques Roumain, founder of the Haitian Communist party. Negritude has remained an influential movement throughout the rest of the twentieth century to the present day.

[From the Academy of American Poets, <http://www.poets.org/viewmedia.php/prmMID/5666>]

**278.** The first non-native settlers of the southern USA were slaves imported from the west coast of Africa and the English plantations owners, who settled on the coast of what is now Georgia and South Carolina, in particular on the Sea Islands, to the northern boundary of Florida. The Africans spoke a variety of African languages (Fula, Mende and Vai are among those identified) and developed an English-based pidgin to communicate among themselves. A pidgin is simplified language that develops as a means of communication between groups who do not have a language in common. A pidgin is not the native language of any speech community, but is learned as a second language. The native language that children of pidgin-speaking parents end up speaking is known as a creole. The English creole spoken in the Sea Islands by African slaves and their descendants is known as Gullah (the name thought to come from ‘Angola’) or Geechee. The regional southern dialect of English spoken by southern blacks today (and the whites that live among them) is an evolutionary admixture of English and differing amounts of the Gullah creole.<sup>26</sup>

**279.** Gullah texts recorded as lately as 1932 from black speakers reveal that the most usual word used to refer to themselves in Gullah is ‘nigger’.

From Edisto Island, South Carolina:<sup>27</sup>

“He say he ha no use for nigger [...] ain’t got no use for nigger.”

“Bukra [white man]<sup>28</sup>gi’ the people corn – colored people corn for make crop.

Ain’t he bukra what brag, say the nigger make him crop of grain corn?”

“[They] say they make the crop of the nigger –the corn.”

“Then they brag say the nigger make them crop.”

**280.** On the supposition that newspapers will print, if not elevated language, then at least not swear words and slurs, we have evidence, from the frequent appearance of the word ‘nigger’ in editorials, of its lack of derogation *as a word* (although the attitudes of the speakers towards the referents of the word leave much to be desired).

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<sup>26</sup> Lorenzo Dow Turner, *Africanisms of the Gullah Dialect*, University of South Carolina Press, 2002 (first published by University of Chicago Press, 1949), chap. 1.

<sup>27</sup> Lorenzo Dow Turner, *Africanisms of the Gullah Dialect*, pp. 261-263.

<sup>28</sup> Perhaps from ‘bougwan’?



To give a rough idea: in 1862, the *Memphis Daily Appeal*, a newspaper that had widespread distribution across southern states, shows **11** instances of the word ‘nigger’ on an single arbitrary page of its February 1 issue, versus **3** instances of ‘negro’ in its February 5 issue;<sup>29</sup> in 1865, the *Daily Phoenix* from Columbia, South Carolina, shows **14** instances of the word ‘nigger’ on a single arbitrary page of its November 8 issue, versus **22** instances of ‘negro’ on an arbitrary page in the same issue;<sup>30</sup> in 1867, the *Memphis Daily Appeal* shows **17** instances of ‘nigger’ on one page of its September 21 issue, and **16** instances of ‘negro’ on an analogous page of its September 20 issue.<sup>31</sup>

The use of ‘black’ is also widely attested: in 1868, the *Fairfield Herald* from Winnsboro, South Carolina, shows **29** instances of ‘blacks’ or ‘black man’ on an arbitrary page of its August 26 issue.<sup>32</sup>

The *Weekly Thidobeaux Sentinel* (from Thidobeaux, Louisiana), reveals that, still in 1900, ‘negro’, ‘nigger’ and ‘coloured’ were interchangeable in the vernacular, at least in the southern USA.<sup>33</sup>

Our sugar planter friends, who threw off their allegiance to the party to which they had belonged for a lifetime, in order to join the Republican Party, which they imagined, in the innocence of their hearts, would give their industry protection from foreign sugars, now have an opportunity of realizing that they were leaning on a broken reed, when they relied on the

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<sup>29</sup> *The Memphis Daily Appeal* (Memphis, Tenn.), 01 Feb. & 05 Feb. 1862. Chronicling America: Historic American Newspapers. Library of Congress.  
<http://chroniclingamerica.loc.gov/lccn/sn83045160/1862-02-05/ed-1/seq-3>

<sup>30</sup> *The daily phoenix*. (Columbia, S.C.), 08 Nov. 1865. Chronicling America: Historic American Newspapers. Library of Congress.  
<http://chroniclingamerica.loc.gov/lccn/sn84027008/1865-11-08/ed-1/seq-4/>

<sup>31</sup> *The Memphis Daily Appeal* (Memphis, Tenn.), 01 Feb. & 05 Feb. 1862. Chronicling America: Historic American Newspapers. Library of Congress.  
<http://chroniclingamerica.loc.gov/lccn/sn83045160/1862-02-01/ed-1/>  
<http://chroniclingamerica.loc.gov/lccn/sn83045160/1862-02-05/ed-1/>

<sup>32</sup> *The Fairfield Herald* (Winnsboro, S.C.), 26 Aug. 1868. Chronicling America: Historic American Newspapers. Library of Congress.  
<http://chroniclingamerica.loc.gov/lccn/sn84026923/1868-08-26/ed-1/seq-1>

<sup>33</sup> *The Weekly Thidobeaux Sentinel* (Thidobeaux, La), 17 Feb. 1900. Chronicling America: Historic American Newspapers. Library of Congress.  
<http://chroniclingamerica.loc.gov/lccn/sn88064490/1900-02-17/ed-1/seq-2>

Republican Party to give them protection against coolie-raised sugars.

The *Daily States*, in a lengthy editorial on the proposed coalition between the Populists and the Republicans, says: "In the second place, the Populist party, the men who compose it, were before their secession a strong body in that element of the Democracy which took extreme grounds in favor of white supremacy and in excluding the **negro** absolutely from the electorate. On the other hand, the Republican party, State and National, in every locality of this Union, is a "**nigger** party." This plain statement may grate harshly on the feeling of some of our Republican friends, especially upon our sugar-teat friends, who pride themselves upon being high toned, and who became Republicans not because they loved association, socially or politically, with the **nigger**, but because they were more intent on securing "bounty" from the Federal Government than they were interested in preserving the honor, dignity and Caucasian characteristics of the State, and who realized that it was only by yielding to the **nigger** that they could secure the bounty. So it was in the Alexandria convention. The sugar-teats put down the Populists, but the **niggers** put down the sugar-teats. Thus we are told that at the opening of the convention, to which there were accredited a number of **negro** delegates, an effort was made by the sugar planters to have them—the **niggers**—excluded. One of them, a very reputable **man of color**, peremptorily declared that if the **colored** delegates were refused recognition, he would call his delegation out of the convention and take them directly to Washington to the President and that he had the money to carry out the threat. This caused quite a sensation, and when Blandin walked out of the convention a committee was sent to him where he was dining, imploring him to return and all would be well and satisfactory to him. Blandin returned; the sugar-teats, theoretically speaking, tumbled down on their knees; the **negroes** were seated without opposition, and so the convention proceeded to its business. This is only one of a multitude of similar incidents that show the dominating power of the **negro** in the Republican party.

And this is entirely logical. The **nigger** is actually the corner-stone, the foundation, the life and soul of the Republican party. Indeed, if there had never been a **nigger** slave in the land: if the New Englanders had not grown rich by importing **negroes** into the country and selling them for slaves to their neighbors, there would never have been a Republican party. The origin of the Republican party is to be traced to the slavery agitation in Congress in, we think, 1832. The motif of the Republican party was to war upon the institution of slavery and indirectly on all the interests of the south.

The emancipation of the **negro** by Lincoln had been declared by him to be unconstitutional, but it was necessary to the life of the Republican party.

281. However, only the word 'negro' is used in official news.

## **B. How 'nigger' evolved as a (usually) racist term**

282. The difference between 'negro' and 'nigger' is one of *sociolect* and *register*. A sociolect is a way of speaking the language (a dialect) associated with a social group such as a socioeconomic class, an ethnic group, an age group, etc. A register is a way of speaking the language used in a particular social setting (for example, in a formal setting, a speaker may be more likely to choose more formal words (e.g. *father* vs. *dad*, *child* vs. *kid*, etc.), refrain from using contractions such as *ain't* and *gonna*, and refrain from swearing and using "bad language" than when speaking in an informal setting.

283. Basically, "high class" people and those with such aspirations spoke a sociolect in which 'negro' was the widely accepted term, while "low class" people (among which figured blacks)

spoke a sociolect derived from an older, southern dialect, in which ‘nigger’ was the widely accepted term. Moreover, because of attitudes between northerners and southerners (enhanced by the fact that the northerners won the civil war), the ‘negro’-using northern dialect was a prestige dialect, whereas the ‘nigger’-using southern dialect was its opposite. It is a virtual truism that “bad language” emerges from dialects perceived as low class. This is due to our attitudes toward low class people: our contempt for the speakers makes us find their language ugly. So when we emulate their language, we speak in an “ugly” fashion. And prestige-dialect speakers speaking in a low register borrow the terms from the low-prestige dialects.

**284.** We can see the attitudes changing for the word ‘nigger’ in this letter from a newspaper in Hawaii, which I chose because Hawaii is as far as one can get from the attitudes on the ground (i.e. in the very racist southern states).

Your scurrilous paragraph in Saturday nights’ issue referring to me as a **nigger** and to W O Achi as a **Chinaman** makes me smile. To think that a gentleman of Testa’s character and culture should furnish the money to print such blackguardism as runs through your article, stuff that could come from the tongue or pen only of a cad or of a man who is not always responsible for what he says and what he writes. You represent your friend as saying: “When a **nigger** Ti McCants Stowart and a Chinaman W O Achi take the stump for the Republican, I say pass and my time has come to become a Democrat.” Either such a man is a myth or if any man made such a remark his brain has been softened by too much rum or he is a born ignoramus. Instead of printing such stuff Mr Editor you should have said to your friend something like this: “Why, man, you are a fool. *Where do you come from? Americans of intelligence and character say “Negroes.” Only low bred Americans say “niggers.”* But using your own words you must remember that such **niggers** as Fred Douglass, one of the greatest of American orators, and John M Langston, Henry Highland Oarnett and other **niggers** took the Stumpin 1856 for John C Fremont the first nominee of the Republican party for President and these helped to elect Abraham Lincoln in 1860 as the first Republican President of the United State. <sup>34</sup>

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<sup>34</sup> *The Independent*, (Honolulu, H.I.), October 22, 1900 Chronicling America: Historic American Newspapers. Library of Congress.

285. Here, we see that ‘nigger’ is denounced as stemming from “low bred Americans”, but nonetheless acceptable to use in a newspaper, even by someone who denounces the word. It is clearly still not our dirty word ‘nigger’ of today.

286. Compare the above, elevated in both sociolect, vocabulary, and sentiment, with the below, from 1904 Mississippi via Alabama, to this day two of the poorest states in the union:

NIGGER BE GOOD

A Very Warm Article in a Mississippi Paper  
Birmingham Ala., Sept 1.

The Rev. C.A. Buchanan, colored, who published a paper called Teachers’ Safeguard, at West Point, Miss., advocating social equality of the races, has been run out of town by a committee of white citizens, appointed by a mass meeting. It is charged that he was fomenting strife between the whites and the blacks. He was told that he would be allowed to take his effects with him or dispose of them before leaving. The West Point Daily Times-Herald in the same connection has also published the following editorial on its front page with the heading in large black type: “NIGGER, BE GOOD.”

“The white people of the town have at last become inflamed. They don’t ask you to be good as a favor: you have it to do. We are going to have no more midnight riding, a d--n sight less preaching, no nigger wenches sitting around refusing to do honest work, and no big acting from any nigger that lives. If you don’t live right, do right and make an honest livink [sic] you will have to go. You know the white people are your friends when you do right. But, you know, too, that we will not stand anything that smacks of social equality, sass or big like Nigger. You have got to do right. This means preacher, merchant, doctor, school teacher, farmer, laborer, and nigger woman. As to the women, one washing won’t support you, nor two. You have got to earn a living. Nigger, be good!”

Other Mississippi towns have warned Buchanan against coming there.<sup>35</sup>

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<http://chroniclingamerica.loc.gov/lccn/sn85047097/1900-10-22/ed-1/seq-2>

<sup>35</sup> *The Ocala Evening Star*, September 02, 1904 Chronicling America: Historic American

287. Finally, this excerpt from 1909 in the *New York Tribune* shows the clash both of northern and southern dialects, and of high- and low-class sociolects:

--Former Slave Thinks Patience Must Attend Their Development.

I had a talk with an old negro who used to be a slave. He is a veritable storehouse of wisdom. His many years of life, stretched over one of the most testing and instructive periods of our national history, have taught him what Henry Ward earlier expressed in ISGS, that "all the laws of the world cannot lift a man higher than the natural forces put in him." The old darky expressed it more crudely: "*A nigger's got a nigger's chance,*" he said.

While I as speaking to him of the education of his race he remarked that the negro race was a child race, and must learn like a child. Was it not another way of laying that "the mills of the gods grind slowly" and that a century in the life of a race moans little more than a month to the individual? Indeed, he might almost have said that no Emancipation Proclamation nor Fifteenth Amendment, nor any hot house methods could give this child race what every other race has paid for by age-long effort. "*It takes times to teach 'em,*" he said, "*for they's hard headed.*" And as proof of his assertion he related the incident of a negro in Georgia who was struck on the bend by lightning. "*Didn't hurt de nigger, but nobody knows what com'o the lightning.*" But, as I told him the point is not well taken. Only yesterday, so to speak, the negroes were slaves. Today there is open to them every avenue leading to industrial success, and it has been attained by a few of them in all the professions. Yes, it has taken time, but it proves that the negro as a race is not so insulated educationally as the Georgia individual was electrically. At times the colored man's astuteness in many things is rather bewildering, as witness the old negro who, full of saving thrift and wishing to lend the sum of \$5 to one of his brethren, applied to an attorney for a mortgage upon the borrower's cow, pledged as security for payment. "What!" cried the lawyer, "a mortgage for \$3 on a cow? Why, the amount involved would not pay for the writing

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Newspapers. Library of Congress.

and registering of the instrument! You don't want a mortgage.” “*No, boss,*” said the old man, “*I don't want the mortgage so bad, but you don't seem to see fur enough into de jewrisprudence ob dis case – It's dat nigger's cow what I wants.*”<sup>36</sup>

**288.** Mark Twain in Huckleberry Finn (1884), Joseph Conrad in The Nigger of the 'Narcissus' (1897) and Agatha Christie in Ten Little Niggers (1939) use the word ‘nigger’ with no derogatory meaning. Lyndon B. Johnson, a Texas southerner and one of the most important figures in the American civil rights movement who as President brought into law the 1964 Civil Rights Act and the 1965 Voting Rights Act, used the word [nigra] and its metathesized version [nigar] for Black people.

**289.** The degeneration of the word ‘nigger’ from (merely) a name for black people into a term of abuse, is both illustrated and explained in this statement by South Carolina’s racist Strom Thurmond, who said in his bid for the Presidency in 1948:

“I want to tell you, ladies and gentlemen, that there’s not enough troops in the army to force the southern people to breakdown segregation and admit the nigger race into our theaters, into our swimming pools, into our homes, and into our churches.”

‘Nigger’ is here a southern regional dialectal equivalent of the northern regional dialectal ‘negro’. But the word is drowned in such heinous attitudes that it becomes impossible to distinguish the meaning of the word itself from the heinous attitudes of its speaker. And the more speakers drown the word in heinous attitudes whenever they use it, the more the word itself ends up absorbing and becoming a vehicle for these heinous attitudes.

**290.** What turned the word ‘nigger’ into the offensive term it is today is the frequency with which the word was pronounced *as an invective* by racist people: “Nigger!” “Damned niggers!” This frequency increased progressively as blacks enraged racists as never before by claiming rights and privileges; it is this invective use that accounts for the word’s descent into a slur. It is because this invective use is typical that the word is now stored in

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<sup>36</sup> *New-York Tribune*. (New York [N.Y.]), July 11, 1909 Chronicling America: Historic American Newspapers. Library of Congress.

our brains as a slur.

**291.** In principle, ‘nigger’ is no different from the word ‘Feminist!’ or ‘Catholic!’ or ‘Italian!’ or ‘Jew!’ uttered by those who would pronounce them with clenched teeth. The difference is in the frequency of such invective use, the strength and level of rage underlying it, and the depth of the harm done to those so labeled. The word ‘nigger’ is more highly offensive in direct proportion to the invective rage with which it is usually issued, and to the recognized depth of the offense done to blacks by slavery and virulent racism. It “is the filthiest, dirtiest, nastiest word in the English language” (prosecutor Christopher Darden in OJ Simpson trial) because it brings to mind the filthiest, dirtiest, nastiest episode of English speakers’ history: the brutal, cruel inhumanity, and then contemptuous rage, of white racists towards blacks.

**292.** What contributes to its offensiveness is also that the word ‘nigger’ is used by people who do not normally speak a southern American dialect; here, what adds to the offense is that, in borrowing the pronunciation [nigger] from their southern neighbours, non-southern speakers effect a dialect switch—they “speak like a southerner”—and in so doing, they present themselves as deliberately stepping out of their own dialect of English to share in the south’s notorious racist attitudes. They use that word, as opposed to their own local non-racist variant ‘negro’, precisely to express racism, much like an adult might use teenager talk to sound younger and hip. Northerners and midwesterners who use ‘nigger’ where their own dialect would use ‘negro’ are going out of their linguistic way to express racism.

**293.** But in all this, it is important to remember that it is *the racist attitude towards the referents* that causes offense. The word’s only fault is to act as a vehicle for such attitudes. This is why ‘nigger’—filthy, dirty and nasty as the word may be—is nonetheless acceptable, indeed can even serve as a term of endearment, when it is uttered by someone who cannot be suspected of racism. As African-American actress Whoopi Goldberg has said, responding to the fact that she, as a northerner, had never been called ‘nigger’:

“Who’s going to call you ‘nigger’ in New York? —*except other niggers.*”

**294.** What we learn from the history of words denoting people with African ancestors, just as we do from the history of words for people with intellectual or physical

disadvantages, or of words for any group held in contempt, is a lesson in language attempting to run away from offensive attitudes by shedding the words that act as vehicles for such attitudes.

black → coloured → nigger → black → African American → person of colour → ...  
crippled/retarded → handicapped → disabled → challenged → differently abled → ...  
sodomite → pederast → queer → homosexual → gay → ...

**295.** This is what Steven Pinker calls “The Euphemism Treadmill.” Once a word has been co-opted as a vehicle of bad attitudes, it is sometimes thought easier to adopt a non-offensive substitute word (however much an inelegant mouthful it may be, like ‘African-American, or ‘physically differently abled’) than to attempt to sanitize the damaged word. Sanitizing a word can nevertheless be successful, as in ‘gay’. It is mistaken however to expect the adoption of a new word to result in the eradication from society of the offensive attitudes that ride on the use of the old word. As long as the offensive attitudes persist, they will eventually infect whatever words are around that denote their target. [See Mercier, 1996]

**296.** It is important to remember that it is *the racist attitude towards the referent* that causes offense. The word’s only fault is to act as a vehicle for such attitudes. This is why ‘nigger’ –filthy, dirty and nasty as the word may be—is nonetheless acceptable, indeed can even serve as a term of endearment, when it is uttered by someone who cannot be suspected of racism. As Whoopi Goldberg added, responding to the fact that she had never been called ‘nigger’:

“Who’s going to call you ‘nigger’ in New York? –*except other niggers.*”

**297.** To think that by sanitizing language, we sanitize attitudes, or that by outlawing words we change attitudes, is to commit **the Linguistic Fallacy**. It is a version of the Linguistic Fallacy to presume that, because someone utters a word that some people consider racist, that person is therefore being racist or committing a racist act in uttering that word.



### C. Current meaning specialization of ‘nigger’

298. ‘Nigger’ has become so specialized-for-derogation that it now has a new specialized meaning as referring to a certain class of black people who glorify ignorance and sloth, brag about not shirking minor responsibilities, and engage in petty crimes. This specialized meaning for ‘nigger’ was expressed and coined in 1996 by the famous black comedian Chris Rock, in what is widely regarded as his *chef d’oeuvre*, Niggas vs. Black People, reproduced in part here:

“There’s a lot of racism going on in the world right now. Who’s more racist? Black people or white people? Black people. Who know why? ‘Coz we hate black people too. Everything white people don’t like about black people, black people really don’t like about black people. [...] There’s like a civil war going on with black people. And there’s two sides: black people, and there’s niggers. And niggers have got to go. Everytime black people wanna have a good time, ignorant-ass niggers fuck it up. [...] I love black people but I hate niggers. [...] I am tired of niggers. Tired, tired, tired. [...] You can’t have anything valuable in your house. Niggers will break in and take it all. [...] Niggers always want credit for some shit they’re supposed to do. They’ll brag about stuff a normal man just does. They’ll say something like, “Yeah, well I take care of my kids.” You’re supposed to, you dumb motherfucker. “I ain’t never been to jail.” Whaddya want? A cookie? You’re not supposed to go to jail, you low-expectation-having motherfucker! [...] I see some black people looking at me: “Man, why you got to say that? It ain’t us, it’s the media. The media has distorted our image to make us look bad.” Please, cut the shit, okay? When I go to the money machine at night, I ain’t looking over my back for the media. I’m looking for niggers! What, you think I’ve got three guns in my house ‘cause of the media outside?”

299. As one can see for oneself in the hysterical laughter from a largely black audience, the idea sparks ready recognition: <http://www.youtube.com/watch?v=f3PJF0YE-x4>. (Even President Obama refers to Chris Rock’s routine in his widely praised Father’s Day speech on fatherhood from the pulpit of one of Chicago’s largest black churches: <http://www.youtube.com/watch?v=Hj1hCDJwG6M>.)

### D. Even ‘nigger’ is not always a racist term of abuse

300. The word ‘nigger’ –filthy, dirty and nasty as the word may be—is nonetheless acceptable, indeed can even serve as a term of endearment, when it is uttered by someone who cannot be suspected of racism. As African-American actress Whoopi Goldberg has

said, responding to the fact that she, as a northerner, had never been called ‘nigger’:

“Who’s going to call you ‘nigger’ in New York? –*except other niggers.*”

**301.** The black comedian Chris Rock says:

“Whenever the word ‘nigger’ is spoken,  
it is always followed by the same question:  
“Can white people say ‘nigger’?”  
And the correct answer is: “Not really.”  
You have to check with your nigger consulate,  
talk to your nigger representative,  
and they will tell you the nigger rules where you are at that particular time.”<sup>37</sup>

**302.** Because ‘nigger’ has a current lexical usage as a racist invective, as Rock’s routine suggests (and mocks), using it risks offense if the user is not authorized to do so, at least implicitly, by the conversational participants. Such authorization is tacitly lent only to those whose “race-acceptance credentials” are clear. That is why black people can use the word ‘nigger’ towards each other.

**303.** It is more tricky for white people to use the word ‘nigger’ without derogation, but it is possible. This is due to the fact that the offensiveness of words depends on the context in which they are used. Even the most aggressive slurs are not slurs at all when used in certain contexts. Such contextual variations are both linguistic and social.

**304.** The *linguistic* context surrounding a word (the words around it) can nullify or increase its offensiveness. Even someone susceptible to offense at being called a ‘bastard’ won’t take offense at the expression in the locution ‘you lucky bastard’ (compare ‘you fucking bastard’). No one is offended even by the word ‘nigger’ in the haunting song written by John Lennon (a white person): “Woman is the nigger of the world.”

**305.** The *social* context surrounding a word (the social agents involved) can also nullify or increase its offensiveness. Even the highly sensitive (African-American agitator) Reverend Al Sharpton was not offended when (white) Ralph Nader, complaining that

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<sup>37</sup> Chris Rock, “Can White People Say Nigger?”  
<http://www.youtube.com/watch?v=iau-e6HfOg0>

Democratic Party powerbrokers had kept him off the ballot in some southern states, and being reminded thereby of the oppressive Jim Crow laws that denied African-Americans equal rights, said: “I felt like a nigger.” Said Sharpton:

“If Ed Koch had said what Ralph Nader said, we’d be marching.

This doesn’t rise to the level of a march. It rises to the level of a wrist slap.”

**306.** Unlike Ed Koch, who was Mayor of New York City during racial tensions, Ralph Nader’s credentials as a black supporter are undeniable.

**307.** The reason it deserves even “a wrist slap”, according to Sharpton, is that

“Nader has to be careful *that he doesn’t sanitize* the word.”

Sharpton belongs to those African-Americans who prefer to keep alive the bad memories associated with the word ‘nigger’ (for reasoning along the lines of: those who forget history are bound to repeat it). Sharpton’s strategy contrasts sharply with that of numerous other African-Americans, including but not only many blacks rappers, and their younger generation followers, who aim precisely to “sanitize” the word, to erode its power to wound, through overuse. This is an attempt by targeted groups to preempt offense by turning the word deliberately on themselves, a strategy of *desensitization by word reclamation*.

**308.** The aggressiveness of a swear word diminishes with desensitization through overuse –what linguists call Semantic Satiation. For example, in 1914, George Bernard Shaw scandalized audiences with the word ‘bloody’ in Eliza Doolittle’s mouth in Pygmalion. When the play was made into the film My Fair Lady in 1956, the words had to be changed to generate the same reaction, the scandalizing effect of ‘bloody’ having been eroded through overuse.<sup>38</sup> (The 1956 screenplay has Eliza using the word ‘arse’ to generate outrage; in 2012, it is clear that a new screenplay is now due.) Likewise, ‘hell’ and ‘damn’ have lost their sting, and ‘a pox on you’, once damning, has now only the status of a joke.

**309.** The use of a word as a slur can disappear entirely through word reclamation, a practice of neutralizing words by conspicuously flaunting them in defiance and solidarity by the referenced community itself (e.g. ‘queer’, ‘nigger’, and ‘bitch’, although not (yet)

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<sup>38</sup> See Pinker, The Stuff of Thought, 200 .

neutralized, are currently in a process of reclamation: Queer Nation is an LGBT (lesbian, gay, bi-sexual, transgendered) association; Niggaz With Attitude are a popular hip-hop group; “you call me a bitch like it’s a bad thing” seen on a feminist button). But *the strategy can only be successful if the community at large, not just the originally referenced community, accepts it and contributes to spreading the reclaimed use*. This strategy has been entirely successful with the word ‘gay’, which is no longer a term of abuse for male homosexuals although it once was; and ‘jerk’ and ‘bugger’ have lost their original reference to masturbation and sodomy respectively, and become consequently milder (to the point that ‘little bugger’ can be used as a term of endearment). Descriptive slurs, like ‘motherfucker’, have been softened by overuse in some sociolects, while others in the same sociolects have not (compare ‘cocksucker’).

**310.** Word sanitization can have a positive anti-racist effect by removing the power of words to wound, hence denying racists some of their arsenal. This is why word sanitization is widely supported by many blacks.

**311.** The point here is that Sharpton (mildly) criticized Nader *not by accusing him of making a racist remark*, as he would have accused Ed Koch had he said the very same thing. Sharpton’s criticism of Nader was for contributing to sanitizing a word that Sharpton would rather keep dirty to bear historical testimony. The “wrist slap” Sharpton would deliver to Nader is the same as the one he is busy delivering to all the African-Americans who call themselves and each other ‘nigger’ without generating offense, as gays can call each other ‘faggot’, and lesbians ‘dyke’, and so on. Sharpton’s preference for keeping bad words unsanitized reflects his own political outlook and is by no means universally shared.

**312.** Note that the word ‘negro’ does not figure at all in reclamation attempts. This is because there is no offense there to reclaim.

## **Appendix B :**

## ***Bibliography***

Academy of American Poets,

<http://www.poets.org/viewmedia.php/prmMID/5666>]

Aristotle, The Poetics, 21.

Bentsen, C., *Henry Louis Gates Jr.: Head Negro In Charge*, Boston Magazine, April 1998

<http://www.bostonmagazine.com/2009/07/henry-louis-gates-jr/>

Bikerton, D., Bastard Tongues, Hill and Wang, 2008.

Bloomfield, Language, Holt, Rinehart & Winston, 1933.

Bryson, B. Mother Tongue: English and How It Got that Way, Avon Books, 1990.

Burge, T., Truth, Thought, Reason: Essays on Frege. Oxford University Press. 2005.

Chomsky, N., Current issues in linguistic theory. The Hague: Mouton, 1964.

--- Aspects of the theory of syntax. Cambridge: M.I.T. Press, 1965.

--- Cartesian linguistics: a chapter in the history of rationalist thought. New York: Harper & Row, 1966

--- Topics in the theory of generative grammar. The Hague: Mouton, 1966.

--- Language and mind. New York: Harcourt, Brace & World, 1968.

--- Studies on semantics in generative grammar. The Hague: Mouton, 1972.

--- Syntactic structures. The Hague: Mouton, 1972.

--- The logical structure of linguistic theory. New York: Plenum Press, 1975.

--- Reflections on language. New York: Pantheon Books, 1975.

--- Lectures on government and binding. Dordrecht: Foris, 1981.

--- Some concepts and consequences of the theory of government and binding. Cambridge, Mass.: MIT Press, 1982.

--- Knowledge of language: its nature, origins, and use. New York: Praeger, 1986.

--- Language and Problems of Knowledge. Cambridge, MA: MIT Press, 1988.

--- with Herman, E.S., Manufacturing consent: the political economy of the mass media. New York: Pantheon Books, 1988.

--- Manufacturing consent: Noam Chomsky and the media. The companion book to the award-winning film by Peter Wintonick and Mark Achbar. Montreal; New York: Black Rose Books, 1994.

--- The minimalist program. Cambridge, MA: The MIT Press, 1995.

Chronicling America: Historic American Newspapers. Library of Congress.

--- *The Memphis Daily Appeal* (Memphis, Tenn.), 01 Feb. & 05 Feb. 1862.

<http://chroniclingamerica.loc.gov/lccn/sn83045160/1862-02-01/ed-1/>

<http://chroniclingamerica.loc.gov/lccn/sn83045160/1862-02-05/ed-1/>

- The daily phoenix*. (Columbia, S.C.), 08 Nov. 1865.  
<http://chroniclingamerica.loc.gov/lccn/sn84027008/1865-11-08/ed-1/seq-4/>
- The Fairfield Herald* (Winnsboro, S.C.), 26 Aug. 1868.  
<http://chroniclingamerica.loc.gov/lccn/sn84026923/1868-08-26/ed-1/seq-1>
- The Weekly Thidobeaux Sentinel* (Thidobeaux, La), 17 Feb. 1900.  
<http://chroniclingamerica.loc.gov/lccn/sn88064490/1900-02-17/ed-1/seq-2>
- The Independent*, (Honolulu, H.I.), October 22, 1900
- The Ocala Evening Star*, September 02, 1904  
<http://chroniclingamerica.loc.gov/lccn/sn85047097/1900-10-22/ed-1/seq-2>
- New-York Tribune*. (New York [N.Y.]), July 11, 1909
- Cilliers, E., *Obama The House Negro -- Pity The Man Who Walks On His Knees (And The Nation He Leads From That Position)*, November 22, 2010. <http://www.3quarksdaily.com>
- Comrie, B., *Language Universals and Linguistic Typology*, Basil Blackwell, 1981.
- Donnellan, K, *Reference and Definite Description*.
- Frege, G. *Function and Concept*. (Jena: H. Pohle, 1891). Reprinted in Geach and Black.
- On Sense and Reference*. *Zeitschrift für Philosophie und philosophische Kritik*, 1892.  
 Reprinted in Geach and Black.
- Comments on Sense and Reference*, in *Posthumous Writings*.
- The Thought: A Logical Investigation*. *Beiträge zur Philosophie des deutschen Idealismus*, 1918.  
 Reprinted in *Collected Papers*.
- Gates, H. L. Jr., *Let Them Talk* in *The New Republic*, September 20 & 27, 1993.
- Grosjean, F., *Life With Two Languages*, Cambridge University Press, 1982.
- Robert Groves, Former Census Bureau Director, Director's Blog, January 19, 2010.  
<http://directorsblog.blogs.census.gov/2010/01/19/the-word-negro/>
- Hawkins, J.A. (ed.), *Explaining Language Universals*, Basil Blackwell, 1988.
- Hendrickson, R., *American Talk. The Words and Ways of American Dialects*, Penguin 1986.
- Hogben, L., *The Mother Tongue*, NY: Norton & Co., 1965.
- Hughes, G., *Words in Time: A Social History of the English Vocabulary*, Basil Blackwell, 1988.
- Kachru, B.B., Kachru Y., Nelson, C.L., *The Handbook of World Englishes*, Wiley Blackwell, 2009.
- Kaplan, D., *Afterthoughts* in *Themes from Kaplan* (eds. Almog & Wettstein), 2005.
- Words* (manuscript), 2008.

Kennedy, R., Nigger: The Strange Career of a Troublesome Word, NY: Vintage Books, 2003

Kripke, S., Meaning and Necessity.

Lawrence, C.R. III, *If He Hollers Let Him Go* in Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment (by Matsuda, Lawrence, Delgado and Crenshaw), 1993.

Lederer, R., Crazy English,

Leigh, D., *28 Common Racist Attitudes and Behaviors that indicate a detour or wrong turn into white guilt, denial or defensiveness*", Community Anti-Racism Education Initiative, St. Cloud University, Minnesota, 2012.

Malcolm X: "the Black Revolution VS the Negro Revolution", 1963:

[http://www.youtube.com/watch?v=eRZbGYu\\_Vnk](http://www.youtube.com/watch?v=eRZbGYu_Vnk)

<http://www.youtube.com/watch?v=znQe9nUKzvQ>

Mandel, M. The Charter of Rights and the Legalization of Politics in Canada, Revised edition. Toronto: Thompson Educational Publishing, Inc., 1994.

Matsuda, M., Lawrence, C.R. III, Delgado, R., Williams Crenshaw, K. (eds) Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment, 1993.

Matsuda, M., *Public Response to Racist Speech* in Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment (by Matsuda, Lawrence, Delgado and Crenshaw), 1993.

McCrum, R., Cran, W., MacNeil, R., The Story of English,

Memmott, M., "Should The Word 'Negro' Appear On 2010 Census?", NPR, January 8, 2010.

[http://www.npr.org/blogs/thetwo-way/2010/01/negro\\_the\\_census\\_the\\_word\\_has.html](http://www.npr.org/blogs/thetwo-way/2010/01/negro_the_census_the_word_has.html)

Mercier, A., *A Perverse Case of the Contingent A priori: On the Logic of Emasculating Language*. In Philosophical Topics, (ed. Haslanger), Arkansas University Press, 1996.  
---*Reflections on Out-of-Control-Political-Correctness and its Casualties* Diatribes,  
Nov issue, 2005.

Morton, H.C., The Story of Webster's Third. Philip Gove's Controversial Dictionary and Its Critics, Cambridge University Press, 1994.

Nader, R. Fox News interview, Nov 4, 2008

<http://www.youtube.com/watch?v=ibsP6XN2dIo>

Nader, R., University of Buffalo Law School talk, Nov 14, 2008

[http://www.youtube.com/watch?v=b\\_MmPIHWJIU&feature=youtu.be](http://www.youtube.com/watch?v=b_MmPIHWJIU&feature=youtu.be)

Neaman, J.S., Silver, C.G., Kind Words. A Thesaurus of Euphemisms, McGraw-Hill 1983.

Nietzsche, F., The Stanford Encyclopedia of Philosophy  
---Genealogy of Morals  
---Thus Spake Zarathustra

Pinker, S., The Stuff of Thought : Language as a Window Into Human Nature. NY: Viking, 2007.  
---The Blank Slate. New York: Viking, 2002.  
---Words and Rules. New York: Harper Perennial, 1999.  
---How the Mind Works. New York: W. W. Norton & Company, 1997.  
---The Language Instinct. New York: Harper Perennial Modern Classic, 1994.  
---Levin, B. (1991). Lexical and Conceptual Semantics. Cambridge: The MIT Press.  
---Learnability and Cognition: The Acquisition of Argument Structure. Cambridge: The MIT Press, 1989.

Pyles, T., Algeo, J., The Origins and Development of the English Language, Harcourt Brace Jovanovich 1982.

Rock, C., "Niggaz vs black people"  
<http://www.youtube.com/watch?v=f3PJF0YE-x4>.

Rock, C., "Can White People Say Nigger?"  
<http://www.youtube.com/watch?v=iau-e6HfOg0>.

Russell, B., *On Denoting*, 1905.

Sapir, E., Language. An Introduction to the Study of Speech, Harcourt Brace Jovanovic, 1921

Shopen, T., Languages and their Speakers. Mass: Winthrop Publ, 1979.  
--- Languages and their Status. Mass: Winthrop Publ, 1979.

St.Lewis, J. et al., Racial Equality in the Canadian Legal Profession. Two Reports  
*The Challenge of Racial Equality: Putting Principles into Practice*  
*Virtual Justice: Systemic Racism and the Legal Profession*  
Presented to the Council of the Canadian Bar Association by the Working Group on Racial Equality in the Legal Profession, February 1999

The Sussex Circle, *Speaking Truth to Power*, Notes for Remarks by James R. Mitchell at the Induction of New Executives. "Can I Really Speak Truth to Power? Practical Advice for New Executives" March 27, 2007

Tucker, C., Kojetin, B., Harrison, R., *A statistical analysis of the CPS supplement on race and ethnic origin*. Bureau of Labor Statistics, Bureau of the Census, May 1995.

Turner, L. D., Africanisms of the Gullah Dialect, University of South Carolina Press, 2002  
(first published by University of Chicago Press, 1949).

Winchester, S. The Meaning of Everything. The Story of the Oxford English Dictionary, Oxford University Press, 2003.



## **Appendix C**

# Curriculum vitae

Adèle Mercier

2013

# Adèle MERCIER

**ADDRESS** Queen's University, Dept. of Philosophy (613) 548-7944 (home)  
Kingston, Ontario K7L 3N6 (613) 533-2182 (office)  
CANADA (613) 533-6545 (FAX)  
adele.mercier@gmail.ca

**PERSONAL** July 30, 1958, in Ottawa, Canada. Canadian citizen.  
Married, Mother of Olivier (born 1996) & Antoine (born 1998).

## PROFESSIONAL STATUS

Full-time tenured associate professor  
Dept of Philosophy, cross-appointed to Linguistics Program, Queen's University  
Research Fellow, LOGOS, Universitat de Barcelona, Spain

## LANGUAGES (spoken, read & written)

Fluent in French, English, Spanish, Catalan.  
Intermediate competence in Italian  
Elementary competence in Hebrew, German; studied Latin, some Swahili

## AREAS of SPECIALIZATION

Philosophy of language, philosophy of mind, related issues in metaphysics & epistemology.  
Natural language semantics.  
Philosophy of linguistics, foundational issues in theoretical linguistics.  
Logic, mathematical linguistics, formal semantics, (generative) syntactic theory.

## AREAS of COMPETENCE

History of analytic philosophy.  
General linguistics, history of linguistics.  
Modern philosophy (esp. Descartes, Locke, Hume).  
Ethics (esp. Kant, Rawls, Contractarianism).  
History of political philosophy (esp. Plato, Aristotle, Hobbes, Locke).

## ACADEMIC TRAINING and DEGREES

Post-Doc	Philosophy	Stanford University, CSLI – Center for the Study of Language and Information, 1993
Post-Doc	Philosophy	CREA – Centre de recherche en épistémologie appliquée, CNRS, France 1991-92
Ph.D.	Philosophy	UCLA – University of California, Los Angeles, 1992

Dissertation title: Linguistic Competence, Convention and Authority:  
Individualism and Anti-Individualism in Linguistics and Philosophy

C.Phil.	Linguistics	UCLA, satisfied Ph.D. requirements 1990 (all but dissertation)
M.A.	Linguistics	UCLA, 1988
M.A.	Philosophy	UCLA, 1983
M.A.	Philosophy	University of Ottawa, 1981
B.A.	Philosophy & Political Theory	University of Ottawa, 1979 <i>Magna Cum Laude</i>

## SPECIAL DISTINCTIONS

2012	Selected as one of <b>1,000 Women Speakers Worth Listening To</b> , Michael Nugent, August 29
2011	Winner of <b>Anti-Oppression Award</b> of Alma Mater Society (Queen's Student Council)
2010	Nominated for <b>Queen's Alumni Teaching Award</b> by Queen's faculty colleagues
2009	Nominated for <b>Frank Knox Teaching Award</b> by Alma Mater Society (Queen's Student Council)
2005	Nominated for <b>Frank Knox Teaching Award</b> by Alma Mater Society (Queen's Student Council)
1995	<b>Best Paper</b> Selection of Program Committee at American Philosophical Association meeting for <i>A Perverse Case of the Contingent A Priori</i>
1992	<b>Queen's National Scholar</b> (University-wide competition)
1987	Nominated for <b>UCLA Graduate Teaching Award</b> by Department of Philosophy

## **EMPLOYMENT HISTORY**

### **Queen's University**

*Associate Professor*  
*Assistant Professor*

### **Dept. of Philosophy**

1999-present (Granted tenure Jul 1999)  
1994-1999 (Hired S 1992)  
(On post-doc leave 1992-1994;  
On leave at UCLA: W 1995, W 1996, W 1997, 1998-1999)

### **Queen's University**

*Cross-appointment*

### **Language and Linguistics program**

1998-present

### **Queen's University/ SSHRCC**

*Primary Researcher*

### **Philosophy and Linguistics project**

1994-1998 Research group on Semantics for Natural Language

### **Universitat de Barcelona**

*Visiting professor*  
*Research fellow*

### **LOGOS –Logic, Language & Cognition Research Group, Dept de Lògica, Història i Filosofia de la Ciència**

2002-2003, 2011  
2003-present

### **Superior Court of Ontario**

*Expert Witness*

2013

Court file No. 11-51657

APPLICANT: Joanne St. Lewis

RESPONDENT: Denis Rancourt

### **Supreme Court of British Columbia**

*Expert Witness*

2001

Vancouver Registry No. L002698:

PETITIONERS: Egale Canada Inc., et al.

RESPONDENTS: The Attorney General of Canada

The Attorney General of B.C.

The Director of Vital Statistics for B.C.

Vancouver Registry No. L003197:

PETITIONERS: D.Barbeau and E.Barbeau,

P.Cook and M.Warren,

J.Hamilton and J.Masuhara

RESPONDENTS: The Attorney General of B.C.

The Attorney General of Canada

### **Ontario Superior Court of Justice** (Divisional Court)

*Expert Witness*

2001

Court file No. 684/00

APPLICANTS: Halpern et al.

Toronto

RESPONDENTS: Canada (Attorney General) et al.

Court file No. 30/2001

APPLICANT: Metropolitan Community Church of

RESPONDENTS: Canada (Attorney General) et al.

### **UCLA (University of California at Los Angeles)** **Linguistics Department**

*Visiting Scholar* 1998-1999, 1995 Winter

*Research Assistant* 1989-1991

*Teaching Fellow* 1989-1990

### **UCLA (University of California at Los Angeles)** **Philosophy Department**

*Visiting Scholar* 1997 Winter, 1996 Winter

*Visiting Assistant Professor* 1994 Fall, 1992 Fall

*Teaching Assistant & Fellow* 1982-1988

### **Stanford University**

*Post-Doctoral Research Fellow*

### **CSLI (Center for Studies in Language & Information)**

1993

### **Paris, France**

*Research Associate*

*Post-Doctoral Research Associate*

### **CNRS (Centre national de la recherche scientifique)**

### **CREA (Centre de recherche en épistémologie appliquée)**

1993

Research group on cognition

1991-1992

Research group on cognition

### **Seiko Instruments Inc.**

*Translator*

Seiko Translation Project

1988

French-English/Spanish-English

### **University of Ottawa**

*Instructor*

*English-French Translator*

### **Dept. of Philosophy**

1980

Symbolic Logic

1979-1980

Russell, Lectures on Logical Atomism

## **FELLOWSHIPS and AWARDS**

2012	Queen's: Travel Grant	
2011	Queen's: Travel Grant	
2011	Spain: NOMOS travel award	
2010	Spain: NOMOS travel award	
2008	Spain: LOGOS travel award	
2004	SSHRCC 4A	
2002-2003	Spain: Government Research Fellowship	(34,800 Euros)
2002	Spain: Government Travel Award	
2002-2004	Catalunya: Generalitat Research Fellowship ( <i>declined</i> )	(45,600 Euros)
2001	Queen's: Advisory Research Committee Travel Grant	
1999-2001	Queen's (SSHRCC 4A): Office of Research Services Research Grant	
1994-1998	Canada: Research Council (SSHRCC) Standard Research Grant	(\$35,600)
1994, 1998	Queen's: Advisory Research Committee Travel Grant	
1992-1994	Canada: Research Council (SSHRCC) Post-Doctoral Research Fellowship	(\$55,000)
1991-1993	France: Government Research Fellowship	(\$17,000)
1981-1991	UCLA: Graduate Fellowship	(\$120,000 USD)
1981-1985	Frank Knox Graduate Award for Study at Harvard ( <i>declined</i> )	(\$68,000)
1981-1985	Canada: Research Council (SSHRCC) Doctoral Fellowship	(\$65,000)
1979-1981	Ontario: Graduate Scholarship Award	(\$13,000)

## **PUBLICATIONS**

- 2013: *Affidavit on the meaning of 'house negro'*, Expert witness for the defendant in *St. Lewis v. Rancourt*  
Filed in the Superior Court of Ontario. Court file No. 11-51657
- 2012: *The Structural and the Semantic : Subject-Object and Referential-Predicative Asymmetries.*  
*Theories of Everything: Essays in Honour of Ed Keenan.* UCLA Working Papers in Linguistics, Volume 17,  
Article 29: 243-252.
- 2012: 종교적 믿음과 *self-deception*  
Korean translation of Mercier 2009.
- 2011: *Wiara religijna a samooszukiwanie sie*  
*Dlaczego Jesteśmy Ateistami* (Polish translation of Mercier 2009 by O. Waskiewics & W. Marcysiak),  
Wydawnictwo Czarna Owca.
- 2009: *Religious Belief and Self-Deception*  
*Voices of Disbelief* (eds. Russell & Schucklenk), Wiley-Blackwell.
- 2008: *On the Nature of Marriage: Somerville on Same-Sex Marriage*  
*The Monist* 91 (3-4) (24 ms. pages)
- 2008: *Reply to Lee*  
*The Monist* 91 (3-4) (3 ms. pages)
- 2007: *Meaning and Necessity: Can Semantics Stop Same-Sex Marriage?*  
*Essays in Philosophy*, Vol 8, No 1 (60 ms. pages)
- 2005: *Reflections on Out-of-Control-Political-Correctness and its Casualties*  
*Diatribes*, Nov
- 2005: *How We Got to the Chapel: The Fight for Gay Marriage*  
*CanWest Newspapers across Canada*, Jul 22 (3 ms. pages).
- 2003: *Conventions, Convergence and the Metaphysics of Words: It's Shirt-Buttoning All the Way Down, Ruth!*  
*Croatian Journal of Philosophy*, (23 ms. pages).
- 2002: *L'homme et la factrice: Sur la logique du genre.*  
*Dialogue: Canadian Philosophical Review*, VOL. XLI, No. 3 (45 ms. pages).
- 2001: *Affidavit on the meaning of 'marriage'*, Expert witness for petitioners in *Egale v. Canada (A.G.)*.  
Filed in the Supreme Court of British Columbia  
In the matter of Applications for Licences by Persons of the Same Sex who Intend to Marry;  
and in the matter of The Marriage Act and The Judicial Review Procedure Act  
(Vancouver Registry No. L001944; L002698; L003197), August (60 pages).
- 2001: *Affidavit on the meaning of 'marriage'*, Expert witness for applicants in *Halpern v. Canada (A.G.)*.  
Filed in the Ontario Superior Court of Justice  
(Court files 684/00, 30/2001), November (31 pages).

- 1999: *Dogmatic Scepticism, Cynicism, and the There-Is-No-Such-Thing-As-Truth Syndrome*.  
SiteStreet, an on-line journal of art, criticism and ideas (6 ms. pages)  
<http://www.sidestreet.org/sitestreet-arch/issue-four-frame/words.html>.
- 1998: *On Communication-Based De Re Thought, Commitments De Dicto, and Word-Individuation*.  
Philosophy and Linguistics (ed. R. Stainton), Westview Press (37 ms. pages).
- 1997: *Review of E. Corazza, Réf rence, Contexte et Attitudes*, Bellarmin-Vrin.  
Dialogue: Canadian Philosophical Review, Vol. XXXVII, No 1 (5 ms. pages).
- 1996: *A Perverse Case of the Contingent A Priori: On the Logic of Emasculating Language (A Reply to Dawkins and Dummett)*. Philosophical Topics (special ed. S. Haslanger), Arkansas University Press (52 ms. pages).
- 1995: *La discrimination positive change de genre*.  
Le Devoir, Part I: Aug 4; Part II: Aug 5-6 (8 ms. pages).
- 1994: *Consumerism and Language Acquisition*.  
Linguistics and Philosophy, Vol.17, No 5 (29 ms. pages).
- 1993: *Normativism and the Mental: A Problem of Language Individuation*.  
Philosophical Studies, Vol.72, No 1 (25 ms. pages).
- 1981: *Carnap on External Questions: A Contextualist Vindication*.  
De Philosophia, Vol.2, pp.1-13 (15 ms. pages).

### **Other major WRITINGS**

- 1992: *Linguistic Competence, Convention and Authority: Individualism and Anti-Individualism in Linguistics and Philosophy*.  
 PhD dissertation (Phil.), UCLA University Archives (247 pages).
- 1988: *On Rule Ordering Paradoxes in Morphology: A Semantic Alternative to the Level Ordering Hypothesis*.  
 MA thesis (Ling.), UCLA University Archives (70 pages).

### **BOOKS in progress**

*What Is a Language? (if there is such a thing...)*  
*A User-Friendly Yet Philosophically Uncompromising Course in Formal Logic*

### **ARTICLES in progress**

*What is a Word?*  
*Linguistic and Other Imaginary Communities: The View from the Bilingual Mind*  
*Metasemantics, Subjectivism and Reference-Fixing: An Essay on Subjectivist Semantics*  
*Indexicality and the Homonymy View: Is 'Water' an Indexical Term?*  
*What is French but Bad Latin?*<sup>Proust</sup>

### **Known published REFERENCES TO MY WORK**

My work is googled on a daily basis on Academia.edu: from Canada, USA, UK, Ireland, France, Spain, Germany, Finland, Romania, Brazil, Argentina, Indonesia, Iran, Sri Lanka, Australia, New Zealand

- 2013 N. Stoljar, "What Do We Want Law to Be? Philosophical Analysis and the Concept of Law" in Philosophical Foundations of the Nature of Law
- 2012 METHODOLOGIES OF LAWS. "Esta revista forma parte del acervo de la Biblioteca Jur dica Virtual del Instituto de Investigaciones Jur dicas de la Universidad Nacional Aut noma de Mexico."
- 2010 Sally Haslanger, "Language, politics, and "the folk": looking for "the meaning" of "race"" in *The Monist*.
- 2010 Fran ois Recanati, Truth-Conditional Pragmatics, Blackwell.
- 2010 Michael Devitt, "Deference and the Use Theory," in *ProtoSociology* 27
- 2010 Ada S. Jaarsma, "Rethinking the Secular in Feminist Marriage Debates" in *Studies in Social Justice* Volume 4, Issue 1, 47-66
- 2009 Sally Haslanger, "Language, Politics and "The Folk": Looking for "The Meaning" of "Race""
- 2009 Michael Fox, The Remarkable Existentialists, Prometheus.
- 2009 Nenad Miscevic, "Can We Save A Priori Knowledge?" in *Balkan Journal of Philosophy*, Issue 2, 103-116
- 2009 <http://openparachute.wordpress.com/2009/10/14/why-we-are-atheists/>

- 2009 <http://www.mandm.org.nz/2009/10/guest-post-dan-brown%E2%80%99s-history-of-science.html>
- 2009 <http://www.amazon.com/50-Voices-Disbelief-Why-Atheists/product-reviews/1405190469>
- 2009 <http://www.shopdeal.net/1405190469.htm>  
 “The highlights of the book (for me) were as follows:  
 2) Adele Mercier’s thought provoking discussion”
- 2009 <http://www.religioustolerance.org/atheist3.htm>  
 “Adele Mercier’s critical analysis of the first and second orders of belief was fascinating”
- 2009 <http://www.firstthings.com/article/2010/04/believe-it-or-not>  
 “Adèle Mercier comes closest to making an interesting argument”
- 2009 <http://richarddawkins.net/articles/5530-idiotic-australian-senator>  
 “I thought the same thing and then remembered reading Adele Mercier’s (p. 41) contribution to *“50 Voices of Disbelief”*, where she describes something that I still am absorbing:  
 Religion is all about believing that one’s beliefs are right, not in having right beliefs  
 Her 6-page dissection of this idea (belief *in belief* is a ‘second-order’ belief, not the belief itself) is a good short read, and has taken some of the mystery out of this for me.”
- 2009 <http://ebook68.com/50-voices-of-disbelief-why-we-are-atheists.html>
- 2008 Michael Devitt, “Reference Borrowing,” *Croatian Journal of Philosophy* Vol. VIII, No. 24, 2008
- 2007 Steven Schroeder, *Essays in Philosophy*, Vol 8, No 1
- 2004 Revue des revues, *Revue philosophique de la France et de l’étranger* 2003/4, Tome 128 - n° 4, p. 511.  
[http://www.cairn.info/article.php?ID\\_REVUE=RPHI&ID\\_NUMPUBLIE=RPHI\\_034&ID\\_ARTICLE=RPHI\\_034\\_0507](http://www.cairn.info/article.php?ID_REVUE=RPHI&ID_NUMPUBLIE=RPHI_034&ID_ARTICLE=RPHI_034_0507)  
 “un article hautement original et drôle”
- 2003 Arthur Sullivan, “Paging Dr Lauben! Dr. GustavLauben!: Some Questions about Individualism and Competence” in *Philosophical Studies*, 115, 203-224
- 2003 Equal Marriage for Same-sex Couples, Attorney General of Canada’s Circular Logic: The Ontario Same-Sex Marriage Appeal, April 15  
[http://www.samesexmarriage.ca/legal/ontario\\_case/appeal/AGC\\_circles.htm](http://www.samesexmarriage.ca/legal/ontario_case/appeal/AGC_circles.htm)
- 2003 Piše Nenad Mišcevic, *Homoseksualni Brak* in *Kultura, Novi List*, p.46, 13 travnja
- 2002 Piše Nenad Mišcevic, *Kada ženidba i udaja postanu jedno* in *Objektiv*, p.7, 2 svibnja
- 2001 Jennifer Hornsby, “Meaning and uselessness: how to think about derogatory words” in *Midwest Studies in Philosophy* volume 25 (Figurative language, edited by P French and H Wettstein) January, pp 128-141.
- 2001 Noam Chomsky, *Reply to* in *Chomsky and His Critics*
- 2001 Idil Boran, “Contra Moore: The dependency of identity on culture” in *Critical Review of International Social and Political Philosophy*, Volume 44, Issue 2, pages 26 - 44
- 1996 Noam Chomsky, “Explaining Language Use” in *Philosophical Topics*, footnote 49.
- 1996 Richard Dawkins, personal communication

## **CONFERENCE PRESENTATIONS**

- Brain Scams, Neuro-Nonsense, Implicit Bias, and Why the Still Vexing Question of Women in Philosophy is Everybody’s Business*
- 2013 **Presidential Address, Canadian Philosophical Association**, Victoria, BC, May 28  
*Beliefs, Derogation, Presupposition: On the Psychological Reality of Subject and Predicate*
- 2013 **Philosophy of Language Conference**, Lodz, Poland, May  
*Who Can Say What to Whom When? On Defamation and Racist Language*
- 2012 **APA (American Philosophical Association) meeting**, Chicago, Feb 18  
*Epistemic and Hermeneutical Injustice, comments on Fricker and Medina*
- 2011 panel on *Applied Epistemology*, **NOMOS Research Group**, Barcelona, Spain, Nov  
*The Apology Ritual, comments on Bennett*
- 2011 panel on *Apology*, **NOMOS Research Group**, Valencia, Spain, Jan 28-29  
*The Use and Abuse of ‘Collegiality’*
- 2010 panel on *Outsider Feminists in Science: The Case for Expanding Science and Gender and Race Discrimination Law*, **National Women Studies Association annual conference**, Denver Colorado, Nov 12  
*Feminists in Philosophy*
- 2010 panel on *Double Outsiders Who Remain on Campus After Harassment and Discrimination*, **National Women Studies Association annual conference**, Denver Colorado, Nov 14  
*On Norms of Assertion*
- 2008 **LOGOS Language Workshop**, Girona, Spain Oct  
*More on Memes and Genes: Reflections on the Transmission of Information*
- 2007 **Conference on Interdisciplinarity**, ACFAS, Trois-Rivières, Québec, May 8

- Referential and Predicative Effects on Presupposition*  
2006 **UQAM**, Workshop around Corazza's *Reflecting the Mind*, Montreal, May 27  
*So, Laziness Aside, Who's Santa Claus? Four Thoughts for Kripke's Forethoughts*  
2005 **Kripke Conference**, Barcelona Dec 21 (undelivered)  
*Meaning and Necessity: Can Semantics Stop Same-Sex Marriage?*  
2004 **APA** (American Philosophical Association) meeting, San Francisco, Mar 30  
*A Discussion on Spousal Hirings*  
2004 **CPA** (Canadian Philosophical Association) meeting, London, Apr  
*Certaines différences entre genres de termes généraux*  
2003 **SOPHA** (Société de philosophie analytique), Montréal, Sep  
*A Striking Case of Difference between Kinds of Kind Terms*  
2003 **Third Barcelona Workshop on Reference**, Barcelona, Spain, Jun 6  
2003 **Dubrovnik Conference**, International Center, Dubrovnik, Croatia, Apr 16  
*What is a Word? On Kaplan on Words and Onwards*  
2002 **LOGOS Language Workshop**, Universitat de Barcelona, Barcelona, Dec 12  
*On Conventions and Word-Individuation*  
2001 **International Conference on Mental Phenomena**, Dubrovnik, Croatia, Sep 3  
2000 **CPA** (Canadian Philosophical Assoc.) meeting, Québec, Jun 1  
*Whence Sexism in Grammar?: Surprising Contrasts between French and English*  
2000 **Conference on Analytic Feminism**, University of Michigan, Ann Arbor, Mar 31  
One of three invited guest speakers (with Louise Anthony and Ann Kudd)  
*Tense: Quantification, Anaphora & Indexicality*  
1998 **CPA** (Canadian Philosophical Association) meeting, Ottawa, May 30  
*Un cas particulièrement pervers de l'a priori contingent*  
1997 **Conférence Internationale de la Société de Philosophie Analytique**, Université de Caen, France, May 24  
*Are Quotas Inherently Evil? Affirmative Action, Diversity and Merit*  
1996 **CSWIP** (Canadian Society for Women in Philosophy) meeting, Kingston, Oct 27  
*Qu'est-ce que le français sinon du mauvais latin?* (Proust)  
1995 **CPA** meeting, Round table: Language, Convention et Société, Montréal, Jun 5  
*Two Concepts of Belief: Commentary on Michel Seymour*  
1995 **International Conference on Consciousness & Intentionality**, Montréal, Jun 5  
*A Perverse Case of the Contingent A Priori*  
1995 **CPA** meeting, Montréal, Jun 3  
1995 **APA** (American Philosophical Assoc.) meeting, Pacific Division, San Francisco, Mar 31  
*Metasemantics, Consumerism and the Historical Chain*  
1994 **APA** meeting, Pacific Division, Los Angeles, Mar 31  
*Indicator Semantics on Colour & the Emotions: Commentary on Mohan Matthen*  
1994 **Conference on Complex Representations: Indicator Semantics in Cognitive Science**, Virginia Polytechnic Institute, Blacksburg, Mar 19  
*Wherein Is Language Social in "Wherein Is Language Social?" ?*  
1993 **Paris Conference on the Nature of Language**, CNRS, Oct 28  
*Normativism and the Mental*  
1993 **International Conference on Meaning**, Karlovy Vary, Czech Republic, Sep 6  
*Naming in Subjectivist Semantics*  
1993 **CPA** meeting, Ottawa, Jun 21  
*Quelles leçons doit-on tirer des expériences de pensée terres-jumelles?*  
1993 **ESAP** (European Society for Analytic Philosophy), Aix-en-Provence, Apr 27  
*La notion de langage communautaire dans l'individualisme linguistique de Chomsky*  
1991 **CPA** meeting, Kingston, May 28  
*A Semantic Alternative to the Level Ordering Hypothesis*  
1988 **LSA** (Linguistic Society of America) meeting, New Orleans, Dec 28

## **INVITED COLLOQUIA**

- 2011 *Tenia rao Simone de Beauvoir? Son les dones "l'Altre"?*  
**Institut d'Estudis Catalans**, Barcelona, Feb 9
- 2008 *Non-conventional function and argument structures: On the Logic of Information Transmission*  
**Carleton University**, Dept of Philosophy Colloquium, Ottawa, Sept
- 2007 *Genes, Memes, Morphemes and the Kitchen Sink: Reflections on the Logic of Information Transmission*  
**Queen's University**, Dept of Philosophy, Kingston, Sept
- 2004 *Meaning and Necessity: Can Semantics Stop Same-Sex Marriage?*  
**San Francisco University**, Dept of Philosophy, San Francisco, Mar 29
- 2003 *Analyticity and the Case about Gay Marriage*  
**University of Rijeka**, Dept of Philosophy, Croatia, Apr 12
- 2002 *What is a Word?*  
**Queen's University**, Dept of Philosophy, Kingston, Jan 17
- 2003 **Universitat de Barcelona**, LOGOS --Logic, Language and Cognition Research Group, Feb 5
- 2000 **University of Western Ontario**, Dept of Philosophy, London, Mar 10
- 2000 **University of British Columbia**, Dept of Philosophy, Vancouver, Jan 28
- 1999 **Queen's University**, Language and Linguistics Research Group, Kingston, Nov 26
- 1999 **Queen's University**, Dept of Philosophy, Kingston, Oct 7
- 1999 **Arizona State University**, Dept of Philosophy, Tempe, Feb 19
- 1999 *Reference and Semantic Creationism: Are the Thoughts of English Speakers Causally Connected to English?*  
**York University**, Dept of Philosophy, Toronto, Apr 2
- 1998 *Pourquoi Chomsky? Fonctionalisme, structuralisme et générativisme en linguistique scientifique*  
**Université de Montréal**, Dépt de Linguistique, Montréal, Apr 9
- 1998 *A Perverse Case of the Contingent A Priori*  
**UCLA**, Dept of Linguistics, Los Angeles, Mar 26
- 1996 **University of Western Ontario**, Dept of Philosophy, London Ont., Dec 18
- 1994 **Carleton University**, Dept of Philosophy, Ottawa, Nov 25
- 1994 **Queen's University**, Dept of Philosophy, Kingston, Sep 22
- 1998 *On Kaplan on Words and Onwards on Words*  
**York University**, Dept of Philosophy, Toronto, Mar 5
- 1998 **University of Waterloo**, Dept of Philosophy, Waterloo, Feb 27
- 1997 **Concordia University**, Dept of Philosophy, Montréal, Nov 28
- 1998 *The Difference of Chomsky and the Difference it Makes (Part II), Or: Who's Afraid of the Big Bad WFFs?*  
**Queen's University**, Dept of Philosophy, Kingston, Feb 4
- 1998 *The Difference of Chomsky and the Difference it Makes, Or: What Chomsky-Bashers Always Don't Know about Syntax But Are too Arrogant to Ask (A Reply to Shanker)*  
**Queen's University**, Dept of Philosophy, Kingston, Jan 22
- 1995 *On Communication-Based De Re Thought: Considerations on the Semantics and Metasemantics of Naming*  
**McGill University**, Dept of Philosophy, Montréal, Nov 10
- 1995 **Queen's University**, Dept of Philosophy, Kingston, Nov 2
- 1995 **University of Western Ontario**, Dept of Philosophy, London, Oct 27
- 1994 *Qu'est-ce qu'un langage?*  
**Queen's University**, Linguistics Program, Dept of French Studies, Kingston, Nov 8
- 1994 *commentary on R. Stalnaker, "Reference and Necessity"*  
**Queen's University**, Dept of Philosophy, Kingston, Nov 4
- 1994 *Having Aristotle in Mind: A New Old Theory of Reference*  
**Stanford University**, CSLI (Center for Studies in Language and Information), Apr 28
- 1994 *An Autonomous Theory of Naming*  
**UCLA**, Linguistics & Philosophy Workshop, Los Angeles, Mar 8
- 1993 **Queen's University**, Dept of Philosophy, Kingston, Aug 30



- Normativism and Language Individuation*
- 1992 **CREA** (Centre de Recherche en Epistémologie Appliquée), CNRS, Paris, Apr 23
- 1992 **Virginia Polytechnic Institute**, Dept of Philosophy, Blacksburg, Feb 26
- 1992 **SUNY** (State University of New York), Dept of Philosophy, Albany, Feb 3
- 1992 **University of Ottawa**, Dept of Philosophy, Jan 31
- 1992 **Queen's University**, Kingston, Dept of Philosophy, Jan 29
- 1992 **University of Arizona**, Dept of Philosophy, Tucson, Jan 23
- 1992 **University of Washington**, Dept of Philosophy, Seattle, Jan 20
- 1992 **UCLA**, Dept of Philosophy, Los Angeles, Jan 17
- 1992 **University of Michigan**, Dept of Philosophy, Ann Arbor, Jan 10
- Innateness and Conceptual Content*
- 1992 **UCLA**, Dept of Linguistics, Los Angeles, Jan 17
- Conventionnalisme et théorie linguistique*
- 1991 **Université de Montréal**, Dépt de Philosophie, Montréal, Aug 20
- On Saussure and Chomsky: West Coast Semantics Meets East Coast Syntax*
- 1991 **University of Toronto**, Dept of Philosophy, Jan 29
- Descartes, Locke and Chomsky on Innate Ideas: Psychologism and Externalism about Mental Content*
- 1990 **UCLA**, Cognitive Revolution Series, Los Angeles, Mar 1
- What on Earth Do You Mean by 'Sofa'?*
- 1989 **UCLA**, Dept of Philosophy, Graduate Colloquium, Los Angeles, Apr 13
- What Philosophers Learn from Linguistics*
- 1989 **UCLA**, Dept of Philosophy, Graduate Colloquium, Los Angeles
- Morphology and Semantics: Pesetsky reconsidered*
- 1988 **UCLA**, Dept of Linguistics, Syntax and Semantics Workshop, Los Angeles, Nov 16

#### **PUBLIC LECTURES & DEBATES, MEDIA INTERVIEWS**

- 2013 *Is There Anything Wrong with Bad Language?*  
**Queen's University**, Ban Righ Noon Hour Series, Feb 26
- On the Canadian Linguistic Census*
- 2012 **CKRW television** interview on its relevance to Kingston, Oct 24
- Global National television** interview on its relevance to Canada, Oct 24
- The Montreal Gazette** interview with Max Harold on its relevance to Quebec, Oct 24
- CBC Radio Hamilton** interview with Adam Carter on its relevance to Hamilton, Oct 24
- CBC Radio Ottawa** interview with Deborah MacAskill on its relevance to Ottawa, Oct 25
- On the Neurolinguistics of Swearing*
- 2011 **Radio-Canada** interview, Mar 1
- CBC Ontario Today** interview, Feb 29
- The Urgency of a Living Wage*
- 2011 **Kingston Mayor's Roundtable on Poverty**, Oct 29
- Gender Neutral Language for the Canadian Anthem*
- 2011 **Roy Green Radio Show** interview, Dec 11
- 2010 **CBC Ontario Today, Goldhawk Live, Radio-Canada Téléjournal** interviews
- 2010 **Globe and Mail, Whig-Standard, Toronto Star** interviews and write-ups
- Representation of French Language at Vancouver Winter Olympics*
- 2010 **CTV and Radio-Canada** interviews
- Humanism and Evolutionary Theory*
- 2009 **Queen's Secularists and Inquirers**, panel debate for Darwin Week, Feb 12
- Politics in the Classroom*
- 2009 **TVO, The Agenda with Steve Paikin**, panel debate with Stanley Fish on  
Save the World On Your Own Time, Jan 29  
<http://feeds.tv.o.org/tvo/TxZN>
- Is Belief in an Afterlife a Good Thing?*
- 2008 **Queen's University Philosophy Undergraduate Society**, debate  
with James Miller (Religious Studies, Queen's), Feb
- Weighted Words: What's Wrong with Bad Words?*
- 2008 **Queen's University**, organized by Syndicus (undergraduate Journal), Nov
- On the Gap between Science & Morality*
- 2008 **Queen's University**, organized by Boris Castel for a large science class, Nov

- On the Competition Between Cultures*
- 2007      **Queen's University**, presentation and debate, AMS Multiculturalism Week
- Does God Exist?*
- 2006      **Queen's University**, debate with Kirk Durston (Campus Crusade for Christ), Oct 17
- 2006      **Queen's University**, debate with Kirk Durston (CCC), Jan 25

### **CONFERENCE ORGANIZATION**

Conference on contextualism	Queen's University, Sept 4-6	2009
Conference on <i>de re</i> belief	Queen's University, Sept 5-7	2004
Philosophical exchange with Croatia	Queen's University, Feb 10-18	2001
CSWIP conference (Canadian Society for Women in Philosophy)	Queen's University, Oct 25-28	1996

## **SUPERVISION**

### ***Post-Doc supervisor***

1997-1999	Manuela Ungureanu	Post-Doc, Queen's University PhD 1997 (McGill); C.Phil 1992 (Oxford) 2000-present: teaching at Okanagan College
1994	Richard Vallée	Post-Doc, Queen's University Post-Doc 1993 (Stanford); PhD 1991 (UQTR) 1996-present: tenure-track Assistant Professor (Univ of Moncton)

### ***Doctoral supervisor***

2007-present	Mastoureh Sadeghnia	PhD Candidate
2009-2010	Benoît Conti	PhD Candidate, Jean Nicod Institute, Paris, France (temporary supervisor)
2002-2009	Mark Smith	PhD Phil 2009, Queen's University: <u>Mathematics, Meaning, and Commitment: A Fregean Ontology of Mathematics</u>
1995-1999	Arthur Sullivan	PhD Phil 1999, Queen's University: <u>Rigid Designation</u> Winner, <b>Best Graduate Paper</b> Award, 1997 CPA. 2002-04 Post-Doc (Rutgers, NYU), 2004-present: tenured Associate Professor (Memorial University)

### ***PhD Committee member***

2003-2005	Ambros Domingo	PhD Phil 2005: Universitat de Barcelona <u>Dir i implicar no lògicament</u>
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### ***MA Supervisor***

2011-present	Bonnie King-Yee Chin	MA Candidate
2006-2007	Mastoureh Sadeghnia (published by invitation)	MA Phil 2007, Queen's University: <u>Phenomenal Consciousness in Chalmers</u>
2004-2005	Aaron Landry	MA Phil 2005, Queen's University: <u>Contextualism and Metaphor</u>
2001-2002	Philip Kuchar	MA Phil 2002, Queen's University: <u>Conceptual Pluralism and the World's Neutrality:</u> <u>Putnam's Pragmatic Realism</u>

### ***MA Committee member***

2009-2010	Frédérique Offredi	PhD candidate, French Studies/Linguistics, Queen's University
2006-2007	Heather Kuiper	MA Phil 2007, Queen's University: <u>Mass terms and count nouns</u>
2004-2006	Andy Hryhorowych	MA Phil 2006, Queen's University: <u>Arguments about God's Existence</u>
1994-1995	Arthur Sullivan	MA 1995, Queen's University: <u>Russell's Theory of Objects</u>

### ***Logic T.A. Training***

2012-2013	Jason Parker	BA Candidate, Queen's University
	Erich Schaeffer	MA Candidate, Queen's University
2009-2011	Adrian Muresan	BSc, Mathematics, Queen's University
2008-2010	Mastoureh Sadeghnia	PhD Candidate, Queen's University
2007-2008	Teresa Kouri	BSc, Mathematics, Queen's University
2006-2007	Karen Lewis	MA Candidate, Queen's University
2005-2006	Todd Orvitz	MA Candidate, Queen's University
2004-2005	Michael Yang	PhD Candidate, Queen's University
1999-2000	Andrew Sneddon	MA Candidate, Queen's University
1994-1999	Arthur Sullivan	PhD Candidate, Queen's University

### ***Philosophy of Language Research Group* (SSHRCC grant):**

1994-1996	Arthur Sullivan	MA & PhD Candidate, Queen's University
1994-1996	Leslie Elliott	MA Candidate, Queen's University

## **TEACHING EXPERIENCE**

( + = Graduate Course, or cross-listed as Graduate Course)

### *Metaphysics and Epistemology*

Descartes, Berkeley, Hume, Kant, Frege, Russell, Quine, Putnam, Kripke, et al.

### *Philosophy of Language and Mind*

- + Frege
- + Recanati et al. on literal meaning, semantics and pragmatics, contextualism
- + Survey courses from Frege & Russell to Quine, Kripke, Putnam, Burge, Donnellan, Kaplan, etc.
- + Current Issues in Philosophy of Language: Kripke, Evans & Donnellan on the contingent *a priori*
- + Special Topics in Philosophy of Language and Mind: Chomsky, Wittgenstein et al. on what a language is
- + Locke, Russell, etc. On Acquaintance and Understanding

### *Logic*

- Symbolic Logic I: Propositional and Monadic Predicate Logic
- + Symbolic Logic II: Polyadic Predicate Logic with Polyadic Operations and Identity, Metalogic
- + Symbolic Logic III: Modal Logics (Leibnizian, Kripkean) & Non-classical Logics, philosophy of logic
- + Formal Philosophy & Semantic Theory: Mathematical Linguistics, Montague Grammar, Formal Semantics, ...

### *Existentialism*

Kierkegaard, Nietzsche, Heidegger, Sartre, Simone de Beauvoir

### *Metaphilosophy*

Perspectives on Philosophy: Modernism and Post-modernism in Philosophy (for advanced Honours students)

### *Introduction to philosophy:*

Great Works of Philosophy: Selections from Descartes, Locke, Berkeley, Frege, Kripke

## **GRADUATE COURSES**

### Seminars

2011	The Nature of Language (in Barcelona)
2008-09	Philosophy of Language: On Literal Meaning
2007-08	Philosophical Figures XXth Century: Frege
2005-06	Philosophy of Language: Semantics and Pragmatics
2005-06	Philosophy of Logic: Modal and Non-Classical Logics
2004-05	Philosophy of Language: Semantics and Pragmatics
2003-04	Philosophy of Mind & Language: Chomsky, Kripke & Wittgenstein
2002-03	Philosophy of Mind & Language (in Barcelona)

### Directed Studies

2013	Tim Juvnik	Wittgenstein
2012	Bonnie Chin, MA	Logic
2012	Jason Parker	Logic, Formal Semantics
2007-08	Mastoureh Sadeghnia, PhD	Philosophy of Mind
2006-07	Mastoureh Sadeghnia, MA	Logic
2006-07	Omid Hejazi, MA	Logic
2006-07	Amos Vaca Paniaguas, MA	Logic
2006-07	Mastoureh Sadeghnia, MA	Philosophy of Language
2006-07	Omid Hejazi, MA	Philosophy of Language
(data missing for previous years)		

## As Teaching Fellow/Assistant during graduate studies at UCLA

- + *Mathematical Backgrounds for Linguists*
- Symbolic Logic I*
- Critical Reasoning*
- Introduction to Linguistics*
- Historical Introduction to Ethics*
- Philosophy in Literature*
- Scepticism and Rationality*
- Philosophy of Mind*
- Philosophy of Psychology
- Philosophy of Religion
- Contemporary Moral Issues

## **EDITORIAL and ASSESSMENT SERVICE**

Board of Editors	<u>Law, Ethics and Philosophy</u>	2011-present
	<u>Linguistic and Philosophical Investigations</u>	2008-present
	<u>Analysis and Metaphysics</u>	2005-present
	<u>Glossa: An Interdisciplinary Journal</u>	2005-present
Special Editor	<u>Revue Frontenac</u>	1998
Publication Referee	<u>Senso Latu</u>	2012
	<u>Philosophical Psychology</u>	2011
	<u>Social Theory and Practice</u>	2011
	<u>Canadian Journal of Philosophy</u>	2010
	<u>Disputatio</u>	2008
	<u>Synthese</u>	2008, 2007, 2006, 2005
	<u>Philosophers' Imprints</u>	2008, 2007
	<u>Australian Journal of Philosophy</u>	2006, 2012
	<u>Philosophical Papers: International Journal of Philosophy</u>	2003
	<u>Croatian Journal of Philosophy</u> (occasional)	since 2003
	<u>Dialogue, Canadian Philosophical Review</u> (occasional)	since 1996
	<u>Pacific Philosophical Quarterly</u>	1995, 2000
	<u>Linguistics and Philosophy</u>	1995, 1997
	<u>Perspectives on Science</u>	1993
Conference Referee	<i>Canadian Philosophical Association</i> (occasional)	since 1992
	<i>American Philosophical Association</i> (occasional)	since 1996
	<i>Western Canadian Philosophical Association</i>	2010
Book Referee	Broadview Press	2000
Book Grant Assessor	<i>Social Sciences &amp; Humanities Research Council of Canada</i>	1999, 2005
	<i>Canadian Federation of Social Sciences &amp; Humanities,</i>	1996, 1997
	Aid to Scholarly Publications	
Adjudication panel	<i>Ministry of Research and Innovation, Government of Canada</i>	2012
	Early Researcher Awards Program	
Grad. Scholarship Assessor	Ontario Graduate Scholarship	2012
	<i>Social Sciences &amp; Humanities Research Council of Canada</i>	2006
Undergrad. Scholarship Ass.	Student Awards, Office of the Registrar Queen's University	2006
Essay Competition Assessor	Philosophy Department, Queen's University	2007
Reviewer	<u>Choice</u> : Current Reviews for Academic Libraries	2012-present

## **ACADEMIC COMMITTEE SERVICE**

### *Queen's University*

#### Senate:

Senate Committee on Academic Procedures	2007-2009
<u>Office of the University Registrar (Students Awards):</u>	
Selection Committee, Major Admission Awards	2012, 2013

<u>Faculty of Arts &amp; Science:</u>	
Internal Review Committee (French Studies Department)	2004-2005
Headship Appointment Committee	2003, 1999
Dean's Advisory Library Committee	1997-1999
<u>Department of Philosophy:</u>	
Appointments Committee	2003-2010, 1996-2000
Promotions & Tenure Committee	2001-2004
Colloquium Organizer	2001-2005
Board of Graduate Studies	1999-2002, 2009-2010
Board of Undergraduate Studies	1994-1996
Nominating Committee	2008-2009
Liaison with Linguistics Program	1994-present
<u>Language and Linguistics Program:</u>	
Executive Committee	1994-present
Promotion & Tenure Committee (Chair)	2003-2004
<u>Department of French Studies:</u>	
Appointments (Linguistics position)	2007-2008
<u>Société Francophone de Queen's:</u>	
Steering Committee	1996-2004
<u>Queen's Faculty Association:</u>	
Political Action and Communication Committee	2011-present
<i>Société Internationale de Philosophie Analytique</i>	
Elected, Steering Committee	1993-1995, 1996-1999
<i>Canadian Philosophical Association</i>	
Elected, President	2012-2013
Elected, Vice-President	2011-2012
Elected, Committee on Equity	1995-1997
<i>Women's Legal Education and Action Fund</i>	
Member	2010-present
<i>Academic Women for Justice</i>	
Member	2010-present
<b><u>COMMUNITY SERVICE</u></b>	
<i>Community Television Host</i> (volunteer)	
<u>Diverse City – Kingston's Multicultural Connection</u>	
<b>2012 Winner, best Lifestyle programming award for Ontario,</b> TVCOGECO Star Awards Gala, Burlington Ontario	2011 to present
<i>Kingston Mayor's Community Roundtable on Poverty Reduction</i>	
Living Wage Working Group, Spokesperson and Participant	2011 to present
<i>Ontario NDP</i>	
Nominee for Kingston and the Islands	2011
<i>Kingston Coalition Against Poverty</i>	
Spokesperson against Barriefield Land Swap Option, Kingston City Hall address, May	2010
Spokesperson for Affordable Housing in Barriefield Kingston City Hall address, Sept	2010
<i>Kingston Coalition for Refugees</i>	
Sponsorship and support of refugees	2004 to present
<i>Ontario Ministry of Education</i>	
Comité sur la participation des parents, Conseil des écoles catholiques du Centre-Est in Ottawa	2009, 2010
Parents partenaires en éducation	2006
<i>Regiopolis Notre Dame High School</i>	
Costume Designer and seamstress for the musical "South Pacific"	2010
<i>École MGR Rémy Gaulin</i>	
Parent Council: Board Member & Vice-President	2004-2010
<i>École Madeleine de Roybon</i>	
Parent Council: Board Member	1999-2002, 2003-2004

## REFERENCES

- Dr. Noam Chomsky MIT (Linguistics & Philosophy), E29-245, 77 Massachusetts Ave., Cambridge, MA 02139  
(617) 253-4141  
[chomsky@mit.edu](mailto:chomsky@mit.edu)
- Dr. William Demopoulos University of Western Ontario (Philosophy), Talbot College, London, Ontario N6A 3K7  
(519) 661-3453  
[wgdemo@julian.uwo.ca](mailto:wgdemo@julian.uwo.ca)
- Dr. Keith Donnellan Emeritus UCLA (Philosophy), 20 Park Ridge Road, San Rafael, CA 94903  
(415) 492-1890
- Dr. David Kaplan UCLA (Philosophy), 405 Hilgard Avenue, LA, CA 90095-9000  
(310) 825-4641  
[kaplan@humnet.ucla.edu](mailto:kaplan@humnet.ucla.edu)
- Dr. Edward Keenan UCLA (Linguistics), 405 Hilgard Avenue, LA, CA 90095-9000  
(310) 825-0634
- Dr. Alistair Macleod Emeritus Queen's University (Philosophy), Watson Hall, 3<sup>rd</sup> floor, Kingston, Ontario K7L 3N6  
(613) 533-2182  
[macleoda@post.queensu.ca](mailto:macleoda@post.queensu.ca)
- Dr. John Perry Stanford University, CSLI (Center for Study of Language & Information), Ventura Hall  
Palo Alto, CA 94305-1901  
(415) 723-3084  
[john@clsi.stanford.edu](mailto:john@clsi.stanford.edu)
- Dr. François Recanati Institut Jean Nicod (former CREA), CNRS, 75006 Paris  
(33) (1)  
[recanati@ehess.fr](mailto:recanati@ehess.fr)
- Dr. Georges Rey University of Maryland (Philosophy & Linguistics), College Park, MD 20742  
(301) 405-5707  
[georey2@gmail.com](mailto:georey2@gmail.com)
- Dr. Mark Richard Tufts University (Philosophy), Medford, Massachusetts 02155  
(617) 627-3230
- Dr. Edward Stabler UCLA (Linguistics), 405 Hilgard Avenue, LA, CA 90095-9000  
(310) 825-0634  
[stabler@ucla.edu](mailto:stabler@ucla.edu)
- Dr. Timothy Stowell UCLA (Linguistics), 405 Hilgard Avenue, LA, CA 90095-9000  
(310) 825-0634  
[stowell@ucla.edu](mailto:stowell@ucla.edu)

**Exhibit 1**

**Expert Witness Report of Ms. Camille Nelson**



**Expert's Background:**

My name is Camille Nelson. I reside at 95 Dedham St., Newton, MA, USA, 02461. I am a law professor who has read and written extensively in the areas of critical race theory, criminal law, cultural studies and mental health law.

I received my BA (Administration) from the University of Toronto in 1991, and my LL.B from the University of Ottawa in 1994. Thereafter I clerked at the Supreme Court of Canada for The Honourable, Mr. Justice Frank Iacobucci.

I practiced in the litigation department of McCarthy Tétrault (Toronto) from 1996-1998. Thereafter I did an LL.M at Columbia University.

I joined the legal academy in 2000 as faculty at Saint Louis University School of Law. I later visited at Washington University in St. Louis and served as a Scholar in Residence (2008-2009). Additionally I have taught, as a visitor or tenured faculty member, at Seattle University School of Law, the Faculty of Law at the University of Ottawa, the Université de Paris-Dauphine and the William S. Richardson School of Law (Hawaii), and Hofstra Law School.

I am presently Dean and Professor of Law at Suffolk University Law School having been appointed in 2010.

I have attached my resume with further details about the above and as providing information on my teaching and research interests.

**Instructions provided and nature of opinion being sought:**

I have been asked to comment on whether the term "house negro" bears certain legal innuendo meanings. Specifically, I have been informed that the "issue to which [my] opinion relates is whether the expression, "House Negro" bears legal innuendo meanings that would be ascribed to the expression by members of the Black Community in Canada. If so, what are the legal innuendo meanings that would be ascribed to the expression by that Community?"

**Meaning and Impact of term "House Negro"****Introduction:**

The black community in Canada, like the black community in the United States, is diverse. This community has been created in many ways, including from the descendants of slavery around the world, as well as descendants of free blacks and Africans who have come to Canada and the United States in several waves of migration. Despite this diversity, the legacy of slavery, its impact and the consequences of historic and

contemporary racism is known and understood by African Canadians and African Americans. Additionally, the ways in which the insults and offenses of slavery continue to be manifest are, perhaps, more identifiable by members of the black community who seek to overcome and be free of the ugliness generated from this aspect of our shared histories. While all insults are upsetting or distressing on some level, “racial insults, relying as they do on the unalterable fact of the victim’s race and on the history of slavery and race discrimination in this country, have an even greater potential for harm than other insults.”<sup>1</sup>

### **“House Negro” as racial insult:**

If I might analogize between judicial notice and legal innuendo, the term “house negro” is so commonly understood by black people to be an insult that it is almost ridiculous to assert that it is not so commonly known. As such, as I will explain in greater detail in this report, the legal innuendo of this term amongst black Canadians, and black Americans, is one of demeaning insult. Like its synonym, “house nigger,” the term is so well grounded in our shared histories of slavery that seeking evidence of its import ignores its notorious nefarious meaning.<sup>2</sup>

Simply put, to be a “house negro” is to be a sell-out to one’s race, to be a conspirator and accomplice with those who seek to oppress black people and to further white privilege and racism.<sup>3</sup> The term means to be a black person who did, or does, the oppressive bidding of the white slave owner or master.<sup>4</sup> It is obvious that the term “house negro” or

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<sup>1</sup> Ed. Mari Matsuda, Charles R. Lawrence III, Richard Delgado Kimberlè Williams Crenshaw, *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, Richard Delgado, *Words That Wound: A Tort Action for Racial Insults, Epithets, and Name Calling*, at 94 (1993).

<sup>2</sup> Slavery commenced in Canada in 1628. See, Robin E. Winks, *The Blacks in Canada: A History*, (1997) (detailing the history of people of African descent in Canada from 1628 to the contemporary age). See also Joseph Mensah, *Black Canadians: History, Experience, Social Conditions*, (2010).

<sup>3</sup> Note the slippage between, even the inference, of “moving into the master’s house” and being seen as a sell-out, as evidenced in the popular understanding of the import of Harry Belafonte’s critique of Colin Powell. See, *The Guardian*, *Harry Belafonte brands Colin Powell ‘a house slave,’ Actor, singer and civil rights activist angers Powell with ‘unfortunate’ comparison*,

<http://www.guardian.co.uk/film/2002/oct/11/news> See also, *The NY Times*, Todd Purdum, *Powell Finesses a Sour Note from Harry Belafonte, ‘a Friend’*

<http://www.nytimes.com/2002/10/10/world/powell-finesses-a-sour-note-from-harry-belafonte-a-friend.html>

For further information see *infra* footnote 19.

<sup>4</sup> *The Greenwood Encyclopedia of African American Folklore*, Ed. Anand Prahlad at 432 (2006)

“house nigger” is neither a compliment, nor even benign in its meaning.<sup>5</sup> Rather the terms are synonymous and are understood by black people, Canadians and Americans alike, as what has been referred to as “a dignitary affront,” an insult denying the victim’s right to be treated with respect – these insults are particularly serious because they “derogate[ ] by race, a characteristic central to ones’ self image” and over which one has no control.<sup>6</sup>

The sting of this insult, “house negro,” is especially derogatory given the treacherous and traitorous nature of the assertion – a “house negro” or “house nigger” is untrustworthy, disingenuous, and disloyal to his or her own community. To use the vernacular, those accused of being “house negroes” or “house niggers” are race traitors who throw their fellow community members “under the bus” to advance their own interest and the interests of their white benefactors, the historical or contemporary white master, in order to maintain oppression against their community members. In this way, those demeaned as “house negroes” are to be regarded by members of their race with grave suspicion and as enemies to the cause of racial equality.

For instance, the “house nigger” becomes suspect in the eyes of the black majority, and their allegiance to the black community is questioned. In folklore, the psychology of the “house nigger” is that of someone who despises his/her own race and who will do whatever is necessary to look good in the eyes of the slave owner and other whites.<sup>7</sup>

The meaning of the terms “house negro,” or “house nigger” is even more defamatory to those who have a deep appreciation of Black History. Specifically, if one has any sense of slavery, reconstruction, the Jim Crow era, segregation or systemic and individualized racism, the meaning of “house negro” or “house nigger” is all the more cutting and offensive.<sup>8</sup> It is my opinion that black Canadians would have a common understanding that use of the expression “house negro” against a black person is intended as a racial slur meant to taint him or her as a race-traitor, a racial defector and one not to be trusted by

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<sup>5</sup> Lecturer, abolitionist, writer, and minister, Hosea Easton wrote in *A Treatise on the Intellectual Character and Civil Political Condition of the Colored People of the United States: and the Prejudice Exercised Towards Them* (1837) that the word nigger, “is an opprobrious term, employed to impose contempt upon [blacks] as an inferior race...” as referenced in Randall Kennedy, *Nigger: The Strange Career of a Troublesome Word*, at 5 (2002).

<sup>6</sup> Ed. Mari Matsuda, Charles R. Lawrence III, Richard Delgado Kimberlè Williams Crenshaw, *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, Richard Delgado, *Words That Wound: A Tort Action for Racial Insults, Epithets, and Name Calling*, at 94 (1993).

<sup>7</sup> The Greenwood Encyclopedia of African American Folklore, Ed. Anand Prahlad at 432 (2006).

<sup>8</sup> For a discussion of race and racism in Canada see ed. Dr. Charmaine Nelson and Camille Nelson, *Racism Eh? An Inter-Disciplinary Anthology of Race and Racism in Canada*, (2004).

members of the black race. "Hence, the 'house nigger' is a symbol of the black person who suffers from internalized racism, who desperately wants to be loved by his/her white family, and who cannot imagine black autonomy."<sup>9</sup> On a macro level, referring to a black person as a "house negro" or "house nigger" are examples of what some scholars have conceptualized as words capable of inflicting trauma "by racist assailants who employ words and symbols as part of an integrated arsenal of weapons of oppression and subordination."<sup>10</sup> These are certainly not words promoting unity, uplift, harmony or equality.

### **History and Context of the term "house negro":**

Historically, the term "house negro" or "house nigger" has been juxtaposed against the term "field nigger."<sup>11</sup> These terms are associated with slavery and, therefore, their use conjures up the context of slave society. These historical grounded expressions captured the difference in the nature of work required of slaves. Historically, "field niggers" were assigned to toil manually outdoors. Fieldwork is regarded as the more physically arduous work that slaves were made to undertake. Specifically;

The term "field nigger" refers historically to the slaves who worked in the fields, who did the grueling, long hours of manual labor that kept the plantation economy and hence the economy of the South flourishing and afloat. Such labor included picking cotton; planting and harvesting tobacco; plowing, sowing, and harvesting a variety of other crops; and digging and providing the labor for the construction of buildings, and so on. It also included the common experience of being "driven" by an overseer who lashed those who seemed to be moving too slowly, getting too little done, or for whatever reason he deemed they needed it.<sup>12</sup>

Whereas, "house negroes" or "house niggers" were historically seen as laboring under different, albeit still demanding, circumstances they were seen as better off than the "field negro" for a number of reasons. Unlike "field niggers" they worked inside, in the master's home, taking care of house and hearth. This work was seen as preferable to the work done by other slaves.

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<sup>9</sup> The Greenwood Encyclopedia of African American Folklore, Ed. Anand Prahlad at 432-433 (2006).

<sup>10</sup> Mari Matsuda, Charles R. Lawrence III, Richard Delgado Kimberlè Williams Crenshaw, Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment, at 7 (1993).

<sup>11</sup> The Greenwood Encyclopedia of African American Folklore, Ed. Anand Prahlad at 432 (2006).

<sup>12</sup> The Greenwood Encyclopedia of African American Folklore, Ed. Anand Prahlad at 432 (2006).

By contrast, the “house nigger” was the domestic laborer, whose work included cooking, cleaning, and taking care of children. According to folklore, the “house nigger” has it good compared to the “field nigger.” Not only did the “house nigger” not have to labor as hard or in the heat of the southern sun, but he or she did not have to worry about being whipped, and proximity to the slave owner and his family yielded social advantages.<sup>13</sup>

Through his activism, the civil rights leader Malcolm X popularized the terms “house negro” and “house nigger,” which he used interchangeably.<sup>14</sup> He stated in his famous speech, on the “House Negro” and the “Field Negro,” that because the house slave (house negro) worked and lived in the big house in close proximity to the white master, he or she had a special insider status and a better life than the slaves who worked in the field, further away from the master and the master’s family. It was Malcolm X’s position that the “house negro” was deluded at best, and treacherous, at worst.

To Malcolm X, the “house negro” was traitorous precisely because his or her well-being was contingent upon the maintenance of the institution of slavery, the system of legalized forced bondage of people of African descent that profited from the denial of the humanity of those enslaved. Thus the self-interested ways of the “house negro” led Malcolm X to conclude that the “house negro” sacrificed his or her integrity and community in subservience to the master. Malcolm X juxtaposed the “house negro” with those he saw as conscious slaves, the “field negroes,” those with intelligence and integrity in his estimation – these were the slaves worthy of our collective esteem. To be cast as a “house negro” is an insult, to be cast as a “field negro” is authentic and complementary. He stated as follows:

*The house negro always looked out for his master. When the field negroes got too much out of line, he held him back in check, he put him back on the plantation. The house negro could afford to do that because he lived better than the field negro, he ate better, he dressed better and he lived in a better house. He lived right up next to his master, in the attic or basement. He ate the same food his master ate and wore the same clothes. And he could talk just like his master, good diction. And he loved his master, more than his master loved himself. That’s why he didn’t want his master hurt. If the master got sick, he’d say, what’s the matter boss, we sick? When the master’s house caught on fire, he’d try to put the fire out – he didn’t want his master’s house to burn. He never wanted his master’s property threatened. And he was more defensive of it than the Master was. That was the house negro.*

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<sup>13</sup> The Greenwood Encyclopedia of African American Folklore, Ed. Anand Prahlad at 432 (2006).

<sup>14</sup> See YouTube, Malcolm X, The House Negro and the Field Negro, <http://www.youtube.com/watch?v=znQe9nUKzvQ>

*But then you had some field negroes who lived in the huts – had nothing to loose. They wore the worst kind of clothes, they ate the worst food, and they caught hell, they felt the sting of the lash. They hated their master, oh yes they did. If the master got sick, they prayed that the master died. If the master's house caught on fire, they prayed for a strong wind to come along? This was the difference between the two.*

*And today you still have house negroes and field negroes. I am a field negro.*<sup>15</sup>

Thus, despite the inherent subjectivity of what is and is not race loyalty, versus disloyalty, the term “house negro” has become synonymous with the expression Uncle Tom, “the humble, nonthreatening house slave eternally loyal to his master.”<sup>16</sup> It is an insult that seeks to undermine one’s integrity, loyalty, morality, justice-orientation, intelligence and mentality.

The determinants of what constitutes race loyalty is often a subjective judgment, and therefore people may be labeled a “house nigger,” or “Uncle Tom” based on characteristics or affiliations that, in fact, are not in conflict with a very positive embrace of and commitment to black culture. For instance, belonging to white organizations, declaring oneself a Republican, or dressing conservatively may be enough in some circumstances to invite one of these labels. Rather than encouraging an understanding of the diverse social circumstances and political positions that exist among African people, these expressions tend to endorse a simplistic and polarized perspective.<sup>17</sup>

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<sup>15</sup>YouTube, Malcolm X, *The House Negro and the Field Negro*, <http://www.youtube.com/watch?v=znQe9nUKzvQ>

For different versions of Malcolm X’s House Negro vs. Field Negro speech, *see also* THE RACE PROBLEM IN AMERICA 1/23/1963, Michigan State University, East Lansing MI and MESSAGE TO THE GRASSROOTS

11/10/1963, Detroit MI at The Malcolm X Project at Columbia University <http://www.columbia.edu/cu/ccbh/mxp/mxspeaks.html>

<sup>16</sup> The Greenwood Encyclopedia of African American Folklore, Ed. Anand Prahlad at 1322 (2006).

<sup>17</sup> The Greenwood Encyclopedia of African American Folklore, Ed. Anand Prahlad at 433 (2006).

### Continuing Resonance of “house negro/nigger” slur:

Despite the diversity of blackness and black perspectives, to be labeled a “house negro” or “house nigger” is an insult that still carries weight today and is recognized by black people, including black Canadians, as highly offensive and demeaning. It is nonsensical to separate the meaning and insulting nature of these racial slurs from their historical roots in slavery, “the historical context of subordination.”<sup>18</sup>

Just as Malcolm X stated that the “house negro” takes pride in being the “only one” and would never want to separate from the master, so too today, those cast as “house niggers” are seen as exclusionary sell-outs interested in their own advancement and disparaging or dismissive of the majority of black people.<sup>19</sup> In this way, those referred to as “house negro,” “house niggers,” or Uncle Toms, are cast as sell-outs desirous of pleasing their (white) master at any cost to themselves or their community.

The modern day usage of such terminology bespeaks this slave reference and is tethered to the oppressive regime of forced bondage. This term has taken on international import as evidenced by Al-Qaida’s denunciation of, then, President-Elect Barak Obama as a “house negro,” bent on doing the bidding of white oppressors.<sup>20</sup> In his response, White House press secretary Dana Perino underscored the current understanding of the term as being “despicable and pathetic” and as evidencing “the kind of people that we’re dealing with.”<sup>21</sup>

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<sup>18</sup> Mari Matsuda, Charles R. Lawrence III, Richard Delgado Kimberlè Williams Crenshaw, *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, at 10 (1993).

<sup>19</sup> The Internet is rife with commentary and critique about what is and is not a “house negro.” See for instance, commentary on Harry Belafonte’s critique of Colin Powell. Apparently Harry Belafonte did not use the actual words “house negro” in referring to Colin Powell, but this inference has been drawn. His comments during a radio interview were that, “There’s an old saying in the days of slavery. In the days of slavery, there were those slaves who lived on the plantation and there were those slaves that lived in the house. You got the privilege of living in the house if you served the master ... exactly the way the master intended to have you serve him.” CNN US at [http://articles.cnn.com/2002-10-15/us/belafonte.powell\\_1\\_slave-reference-powell-and-rice-state-colin-powell?s=PM:US](http://articles.cnn.com/2002-10-15/us/belafonte.powell_1_slave-reference-powell-and-rice-state-colin-powell?s=PM:US)

See also Black Commentator [http://www.blackcommentator.com/14\\_belafonte.html](http://www.blackcommentator.com/14_belafonte.html) and Blacknewsweekly <http://www.blacknewsweekly.com/195.html>

The Field Negro <http://field-negro.blogspot.com/2006/04/you-might-be-house-negro-if.html>

<sup>20</sup> Terrorism on MSNBC, *Al-Qaida No. 2 insults Obama with race epithet: In first video since election, he says president-elect does bidding of whites*, [http://www.msnbc.msn.com/id/27800654/ns/world\\_news-terrorism/t/al-qaida-no-insults-obama-race-epithet/#.TuuoM2TD3I](http://www.msnbc.msn.com/id/27800654/ns/world_news-terrorism/t/al-qaida-no-insults-obama-race-epithet/#.TuuoM2TD3I) (Nov. 19, 2008)

<sup>21</sup> Terrorism on MSNBC, *Al-Qaida No. 2 insults Obama with race epithet: In first video since election, he says president-elect does bidding of whites*,

It is worth noting that insofar as “house negro” can be seen as synonymous with “house nigger,” the expression “nigger” has been recognized as likely the most offensive word in the English language.<sup>22</sup> Civil rights activist Eldridge Cleaver’s use of the term “nigger,” instead of “negro,” in his paraphrasing of Malcolm X’s critique of “house negroes” is telling. Specifically, Cleaver wrote:

Malcolm X used to tell a little story that points up the difference in perspective and perceived self-interest between the House Nigger and the Field Nigger. The House Nigger was close to the slavemaster. He ate better food, wore better clothes, and didn’t have to work as hard as the Field Nigger. He knew that he was better off than his brothers, the Field Niggers, who were kept cooped up in the slave quarters, had only a subsistence diet this side of garbage, and had to work hard “from can’t see in the morning until can’t see at night.” When the slavemaster’s house caught fire, the House Nigger, even more upset and concerned than the slavemaster himself, came running up to say: “Master, master our house is on fire! What shall we do?” On the other hand, the Field Nigger, viewing the conflagration from the distance of the slavequarters, hoped for a wind to come along and fan the flames into an all-consuming inferno.<sup>23</sup>

It should also be noted that the word “house” in front the word “nigger,” does not mitigate its quality as an epithet. As has been noted, “[t]he experience of being called a “nigger,” ... is like receiving a slap in the face. The injury is instantaneous. There is neither an opportunity for intermediary reflection on the idea conveyed nor an

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[http://www.msnbc.msn.com/id/27800654/ns/world\\_news-terrorism/t/al-qaida-no-insults-obama-race-epithet/#.TuugM2TD3I](http://www.msnbc.msn.com/id/27800654/ns/world_news-terrorism/t/al-qaida-no-insults-obama-race-epithet/#.TuugM2TD3I) (Nov. 19, 2008)

<sup>22</sup> Randall Kennedy, *Nigger: The Strange Career of a Troublesome Word* at page 183, note 57, (2002), “Nigger is now probably the most offensive word in English.” Indeed, there is some controversy over the etymology of the word nigger. Prof. Kennedy notes that a linguist has speculated that the word nigger evolved into a racial slur as a mispronunciation of the word Negro. This linguist, Robin Tolmach Lakoff, speculates that the terminology caught on as a signal of contempt as an insult because of the intentional mispronunciation of the word Negro, Randall Kennedy, *Nigger*, at page 178, note 4, referencing Robin Tolmach Lakoff, “*The N-Word: Still There, Still Ugly*,” *Newsday*, September 28, 1995. On the other hand, the Random House Historical Dictionary of Slang contests this notion, but states that the word nigger has taken on a racially derogatory meaning over time. See for an exploration of the etymology of the word “nigger,” see Randall Kennedy, at page 4-5.

<sup>23</sup> Eldridge Cleaver, *The Fire Now*,

<http://www.nathanielturner.com/eldridgecleaverfirenow.htm> as cited in *The Greenwood Encyclopedia of African American Folklore*, Ed. Anand Prahlad at 433 (2006).



opportunity for responsive speech. The harm to be avoided is both clear and present.”<sup>24</sup> There is no benign meaning for the word “nigger.” As Professor Kennedy has stated in his book, *Nigger: The Strange Career of a Troublesome Word*, “nigger is a key word in the lexicon of race relations... To be ignorant of its meaning and effects is to make oneself vulnerable to all manner of perils, including loss of a job, a reputation, a friend, even one’s life.”<sup>25</sup> Like “nigger,” referring to someone in a contemporary reference as “negro,” is understood by black people as “offensive and only calculated to wound.”<sup>26</sup> Modern day usage of “negro” is a throwback to a different time period, a time period of inequality during which the humanity and rights of peoples of African descent was still contested.

## Conclusion:

While “negro,” as an insulting term, seems to remove some of the rawness of the racial epithet “nigger,” and seems less vulgar, it is nonetheless a racial slur. Indeed in modern parlance, in addition to its caricatured racist implications, it adds an element of a pathetic lack of self-awareness to its contemporary connotation. While the urban dictionary states that a “house negro” is “[a] black person who rejects their cultural identity to please the White Man. Generally less offensive than house nigger,” one does not typically parse such insults with nicety.<sup>27</sup> Indeed, adding the word “house” to “negro” rings as an added insult as it returns the rawness and gravity back to the term as it is more clearly tethered to the demeaning caricatured notion of the slave sellout in perpetual service of the white master of slavery. The demeaning insult is transparent. This is especially the case if, as journalist and cultural critic Farai Chideya’s asserts, the word “nigger” “is the nuclear bomb of racial epithets,” -- small movement from that point is still a powerful and demeaning insult.<sup>28</sup>

<sup>24</sup> Ed. Mari Matsuda, Charles R. Lawrence III, Richard Delgado Kimberlè Williams Crenshaw, *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, Charles R. Lawrence III, *If He Hollers Let Him Go: Regulating Racism Speech on Campus*, at 68 (1993), (adding that “[l]ike the word ‘nigger’ and unlike the word ‘liar,’ it is not sufficient to deny the truth of the word’s application... One must deny the truth of the word’s meaning...” at 70.

<sup>25</sup> Randall Kennedy, *Nigger: The Strange Career of a Troublesome Word*, Pantheon Books at 4 (2002).

<sup>26</sup> Ed. Mari Matsuda, Charles R. Lawrence III, Richard Delgado Kimberlè Williams Crenshaw, *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, Richard Delgado, *Words That Wound: A Tort Action for Racial Insults, Epithets, and Name Calling*, at 94 (1993).

<sup>27</sup> Urban Dictionary,

<http://www.urbandictionary.com/define.php?term=house+negro><http://www.urbandictionary.com/define.php?term=house+negro>.

<sup>28</sup> Farai Chideya, *The Color of Our Future*, (1999), 9 at cited in Randall Kennedy, *Nigger: The Strange Career of a Troublesome Word*, at 28 (2002).

To understand the nature and impact of these words one must simultaneously appreciate that, for black people, “negro” and “nigger”, “house negro” and “house nigger,” have a disparaging offensive meaning, especially when one understands the historical resonance. Once used, especially by a white person against a black person, given our history, there is very little that can be said to mitigate the dimensions of these racial slurs. Hence the meaning and power of the term “house nigger” or “house negro” “is derived from its historical and cultural context.”<sup>29</sup> It is the history of slavery, and the civil rights movement, that provides the common contextual understanding amongst black people about the import of being cast as a “house negro” or “house nigger.” The contemporary debate about being labeled in this way is infused with this socio-historical understanding and it has become a cultural touchstone for race loyalty, or betrayal, and black consciousness more generally.

Use of the term “nigger” is so weighty in its gravity that it is likely the worst insult that a black person can be called. This sense has added to the call by some scholars for greater “public regulation of racially abusive hate speech.”<sup>30</sup> Given the connection between the expression “negro” and “nigger” in our contemporary cultural consciousness, as terms imposed upon black people, being called a “house negro” or a “house nigger” bears legal innuendo to which members of the black community in Canada would ascribe a negative and insulting meaning. This meaning is firmly rooted in the historical context and usage of the term that lends it weight as a demeaning and offensive indictment. Once leveled, this term is not susceptible to parsing with nicety. Whether the insulter meant something different from the common understanding, or did not intend to be insulting, or asserts some complimentary meaning, the commonly ascribed understanding of “house negro” amongst black Canadians and Americans is as described above, as a potent assaultive insult firmly grounded in the history of slavery and the degradation and dehumanization of black people.

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<sup>29</sup> Mari Matsuda, Charles R. Lawrence III, Richard Delgado Kimberlè Williams Crenshaw, *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, at 8 (1993) (describing the Ujamaa incident (in which two white students at Stanford, after an argument with some black students, racially defaced a Beethoven poster and wrote “nigger” across another poster for a black fraternity party) as deriving its power from “its historical and cultural context, from the background of minstrel shows, of racist theories about brain size and gene pools and biblical ancestors that has shaped our conscious and unconscious beliefs about the intellectual capacity of Blacks.”)

<sup>30</sup> Mari Matsuda, Charles R. Lawrence III, Richard Delgado Kimberlè Williams Crenshaw, *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, 2 (1993).

## Camille A. Nelson

### EDUCATION

- 1998 – 2000      **Master of Laws (LL.M.)**  
Columbia Law School, New York, NY  
*Associate-in-Law Program*
- 1991 – 1994      **Baccalaureate of Laws (LL.B.)**  
University of Ottawa Faculty of Law, Ottawa, Canada  
*Magna Cum Laude*
- 1987 – 1991      **Bachelor of Arts (Honors), Administration**  
University of Toronto, Faculty of Arts and Science, Toronto, Canada  
*With High Distinction*

### WORK EXPERIENCE

- Sept. 2010 – Present      Dean and Professor of Law, Suffolk University Law School
- Sept. 2009 - August 2010      **Professor of Law**, Hofstra University School of Law, Hempstead, NY  
Courses: Comparative Criminal Law, Transnational Law
- July – Dec. 2009      **Dean's Scholar in Residence**, Washington University in Saint Louis  
School of Law, St. Louis, MO
- 2008 – 2009      **Visiting Professor of Law**, Washington University in Saint Louis School of Law, St. Louis, MO  
Courses: Contracts and Criminal Law
- 2000 – 2009      **Professor of Law**, Saint Louis University School of Law, St. Louis, MO  
Courses: Comparative Criminal Law, Contracts I and II, Criminal Law, Criminal Procedure, Critical Race Theory, Legal Profession (Professional Responsibility), Sports Law Ethics  
Taught Comparative Criminal Law in Madrid, Spain (summer 2005)  
- Chair of Appointments Committee (2004, 2005, 2007)  
- Member, Appointments Committee 2001-2007  
- Member, Center for Health Law Studies  
- Member, Center for International and Comparative Law  
- Member, Saint Louis University Athletic Advisory Board (2001-2006)  
(Member subcommittee on Fiscal Integrity for NCAA re-accreditation)  
- Member, Voices Project, Saint Louis University (2002-2004)  
- Member, Law School Dean's Liaison Committee (2004-2005)

- Faculty Advisor to Black Law Students' Association (2001-2006)
- Faculty Advisor to Sports and Entertainment Law Group (2001-2006)

January term 2006-2009 & 2003	<b>Distinguished Scholar in Residence</b> , University of Ottawa Faculty of Law, Common Law Section, Ottawa, Canada Intensive courses: Comparative Criminal Law & Comparative Critical Race Theory
Jan. - June 2007, summer 2009 & 2010	<b>Visiting Professor of Law</b> , University of Hawaii, William S. Richardson School of Law, Honolulu, Hawaii Courses: Criminal Justice, Criminal Procedure, and Upper Year Writing Seminar
Summer 2006	<b>Adjunct Visiting Professor</b> , Seattle University, School of Law Taught Criminal Law with added Legal Methods component
Feb. – March 2006	<b>Visiting Professor</b> , Université de Paris-Dauphine, Paris, France Taught Intensive course, Introduction to the Common Law of Contracts
1998 – 2000	<b>Associate-in-Law</b> , Columbia Law School, New York, NY Taught first year law students Legal Writing and Research
Jan. 1996 – Aug. 1998	<b>Litigation Associate</b> McCarthy Tétrault, Barristers and Solicitors, Toronto, Canada
July 1994 – July 1995	<b>Clerk in the Chambers of the Honorable Mr. Justice Frank Iacobucci</b> Supreme Court of Canada, Ottawa, Canada
Summer 1993 & Summer 1992	<b>Summer Law Student – Litigation, Labor, Insolvency</b> McCarthy Tétrault, Barristers and Solicitors, Toronto, Canada

## AWARDS & ACHIEVEMENTS

2011	Executive Committee, AALS Section on the Law School Dean
2010	Elected to American Law Institute
2010	Selected to receive a Hofstra Faculty Diversity Research and Curriculum Development Grant.
2008	Featured in documentary, <i>Seeking Freedom</i> , HEC-TV (this Emmy-winning documentary explores the impact of approximately 300 slave freedom suits which pre-date <i>Dred Scott v. Sanford</i> , filed in the St. Louis Circuit Court in the early to mid-1800's)
2006	Faculty Excellence Award, Saint Louis University (University-wide award based upon competitive nomination process)
2005	Derrick A. Bell Jr. Faculty Award, Association of American Law Schools, Section on Minority Groups {The Derrick A. Bell, Jr. Award, named in

	honor of Professor Derrick A. Bell, Jr. - the first tenured African-American on the Harvard Law School faculty (now at New York University Law School) - honors a junior faculty member who, through activism, mentoring, colleagueship, teaching and scholarship, has made an extraordinary contribution to legal education, the legal system or social justice.}
2004	Extraordinary Service Award, National People of Color Legal Scholarship Conference, George Washington University School of Law; Saint Louis University, School of Law, Professor of the Year; Common Law Honor Society, University of Ottawa (inductee in inaugural year)
2002	Honorable Theodore McMillian Award, Saint Louis University School of Law, Black Law Students' Association
1999	Fellowship, Columbia Law School
1998	Fellowship, Columbia Law School
1994	Montreal Association of Black Business Persons and Professionals, Scholarship for Recognition of Educational and Community Achievement; Women and the Law Award, University of Ottawa (in recognition of excellence in research and writing)
1992 & 1993	Fasken, Campbell, Godfrey Scholarship
1991	Law Society of Upper Canada Bursary
1991	Scholastic Award, University of Toronto
1987-1991	Dean's Honor Roll, University of Toronto

## PUBLICATIONS

Forthcoming	<b>Colonial Optics: Dancehall and Legal Imperatives against the "Unnatural"</b> solicited book chapter co-edited anthology by Professor Martha Fineman (Emory University School of Law) and Professor Michael Thomson (Keele University, Staffordshire UK)
Aug. 2010	<b>Racializing Disability, Disabling Race: Policing Race and Mental Status</b> , 15 <i>Berkeley Journal of Criminal Law</i> 1 (2010) SSRN Top Ten CSN: Development (Topic), LSN: Ethical Issues (Topic) and PSN: Politics of Race (Topic), SSRN's Top Ten download list for Disability Law eJournal
Aug. 2009	<b>Racial Paradox and Eclipse: Obama as Balm for What Ails Us</b> 86 <i>Denver University Law Review</i> 743 (2009)
June 2009	<b>The Radical King: Perspectives of One Born in the Shadow of a King</b> , 32 <i>New York University Review of Law and Social Change</i> 485 (2009)
Nov. 2008	<b>O.J., Batson and Snyder: Lessons from an Intersecting Trilogy</b> , 93 <i>Iowa Law Review</i> , 1687 (2008)

- Jan. 2008      **Lyrical Assault: Dancehall versus the Cultural Imperialism of the North-West**, 17 *Southern California Interdisciplinary Law Journal*, 231 (2008) SSRN Top Ten download for Music, October 7, 2009.
- Dec. 2007      *Lovin' the Man: Examining the Nexus of Irony, Hypocrisy and Curiosity*, 543 *Wisconsin Law Review* (2007)
- Nov. 2007      **American Husbandry: Legal Norms Impacting the Production of (Re) Productivity**, 19 *Yale J. L. & Feminism* 1 (2007) (lead article)
- Fall 2006      **Multicultural Feminism: Assessing Systemic Fault in a Provocative Context**, 17 *University of Florida Journal of Law and Public Policy* 263 (2006)
- Honor in the American Criminal Law** Max-Planck-Institut fuer auslaendisches und internationales Strafrecht (Max-Planck-Institute for Foreign and International Criminal Law in Freiburg, Germany)
- Starting Anew: The ADA's Disability with respect to Episodic Mental Illness**, 75 *Mississippi Law Journal* 1039 (2006)
- Summer 2006      **Considering Tortious Racism**, 9 *DePaul Journal of Health Care Law* 905 (2006)
- The Conflicting And Contradictory Dance: The Essential Management Of Identity For Women Of Colour In The Legal Academy**, Chapter in refereed Canadian book (hence spelling), *Calling For Change: Women, Law And The Legal Profession Ten Years After Touchstones*, Elizabeth Sheehy and Sheila McIntyre, eds. (Ottawa: University of Ottawa Press, 2006)
- Spring 2006      **Of Egg-shells and Thin Skulls: A Consideration of Racism-Related Mental Illness Impacting Black Women**, 29, Issue 2 *The International Journal of Law & Psychiatry*, March-April 2006 (peer reviewed)
- Fall 2004      **Consistently Revealing the Inconsistencies: The Construction of Fear in the Criminal Law**, 48 *St. Louis University Law Journal* 1261 (2004) (Teaching Criminal Law Edition)
- April 2004      **Racism Eh? A Critical Inter-Disciplinary Anthology of Race and Racism in Canada**, Captus Press, Toronto, Canada (2004). Co-edited anthology with Dr. Charmaine Nelson
- Jan. 2004      **Breaking the Camel's Back: A Consideration of Mitigatory Criminal Defenses and Racism – Related Mental Illness**, 9 *Michigan Journal of Race & Law* 77 (2003 – 2004)

- Jan. 2003      **Carriers of Globalization: Loss of Home and Self Within the African Diaspora**, 55 *University of Florida Law Review* 539 (2003)
- Fall 2002      **Micro and Macro Economic Effects: Secreting Assets to Evade Non-Business (Private) Obligations and Responsibilities**, volume 10, number 2, *Journal of Financial Crime*, October 2002, co-authored article with Saint Louis University Professors Ellen Harshman, Ph.D., Dean of John Cook School of Business, Associate Professor of Management, Muhammad Islam, Ph.D., Professor of Economics and Henry M. Ordower, J.D., Professor of Law
- Spring 2002    **Towards a Bridge: The Role of Legal Academics in the Culture of Private Practice**, 10 *Journal of Law & Policy* 97 (2002)
- Jan. 2002      **(En)Raged or (En)Gaged: The Implications of Racial Context to the Provocation Defense**, 35 *University of Richmond Law Review* 1007 (2002); excerpts reprinted in Cynthia Lee, *MURDER AND THE REASONABLE MAN: PASSION AND FEAR IN THE CRIMINAL COURTROOM*, New York University Press (2003); excerpts reprinted in Lee & Harris, *CRIMINAL LAW: CASES AND MATERIALS*, Thomson West, St. Paul, (2005)
- 1999            **Racism in the Legal Profession**, Critical Legal Essay for the Working Group on Racial Equality in the Legal Profession – Appendix to the Report of the Working Group, Canadian Bar Association
- July 1999      **Out of Sync: Reflections on the Culture of Diversity in Private Practice**, Published Paper in *Canadian Woman Studies Journal* Spring/Summer 1999 (Women and Justice Issue) - Republished by the American Bar Association, Minority Retention Summit Journal, Boston, MA, April 2000

## PRESENTATIONS, SPEECHES & PANELS

### SPEECHES & KEYNOTES

- April 2010      ***Sexuality Without Borders: Towards a Non-Neo Notion of Sexual Equality***, Get Up Stand Up: Homophobia in the Caribbean, *The Inter-American Center for Human Rights*, Nova Southeastern University
- March 2010      ***Mission Possible: Achieving Diversity in Complicated Times***, Moving Forward: Advancing Diversity in Leadership, Annual Conference, Advisory Committee on Visible Minorities, Department of Justice, Ottawa, Canada
- March 2010      ***On Whose Backs?: Assessing a Restitutionary Response to Medical Advancements***, Hamline University, School of Law Symposium,

Opening Our Eyes to Health Disparities: A Look Through the Lens of Critical Race Theory

- June 2009      ***Colonial Optics: Dancehall and the Legal Imperatives Against the "Unnatural,"*** Caribbean Studies Association conference, Kingston, Jamaica
- April 2009      ***Racializing Disability, Disabling Race: Policing Race and Mental Status,*** Southern Illinois University School of Law Dean's Colloquium Speaker, Carbondale, Illinois
- January 2009      ***Pursuing the Dream: Revisiting Dr. King's Message in the Age of Obama,*** selected as keynote speaker for Dr. Martin Luther King Jr. Day celebration, Shattering Ceilings: Celebrating Success in Pursuit of the Dream, Washington University in St. Louis
- Nov. 2008      Delivered the Patricia Allen Memorial Lecture, "***Racializing Disability, Disabling Race: Policing The Intersection of Race and Mental Disability,***" November 7, 2008, McGill University Faculty of Law, Montreal, Quebec, Canada
- Oct. 2008      Delivered the Marlee Kline Lecture in Social Justice "***Racializing Disability, Disabling Race: Policing The Intersection of Race and Mental Disability,***" October 16, 2008, University of British Columbia, Vancouver, Canada
- Oct. 2006      ***Lovin' the Man: A Critical Comparative Perspective 40 years after Loving v. Virginia*** University of Toronto, School of Law, Ontario, Canada, Feminism and the Law Speaker, Co-Sponsored by The Law and Diversity Workshop, Faculty Workshop and Presentation to Law School Community
- April 2006      ***Considering Tortious Racism and its Implications for the Rights of the (Mentally) Disabled,*** Harvard Law School, invited by Professor Michael Stein to deliver paper to first year Torts students
- Sept. 2004      ***Keynote address to the entering class at the University of Ottawa, Faculty of Law,*** Ottawa, Canada
- Jan. 2003      ***Keynote speaker for City of Berkeley,*** MO, Martin Luther King Day Celebrations
- March 2001      ***Race and Representation in the Legal Profession and the Judiciary,*** Law Society of Upper Canada
- Feb. 2001      ***Breaking Barriers: Strategically Assimilated or Assimilated Strategically,*** Keynote Speaker, Black Law Students' of Canada Conference, Ottawa, Canada



- Sept. 2000 *Towards a Bridge: The Role of Legal Academics in the Culture of Private Practice*, The Future of Canadian Legal Education: Critical Appraisals 2000, University of Ottawa, Canada
- April 2000 *American Bar Association Minority Retention Summit*, Commission on Opportunities for Minorities in the Profession, Boston, Massachusetts
- 1995 – 1998 *Connecting Communities; Emerging Legal Issues for the New Millennium; Beyond Law Schools: Strategies for Survival; Shaping the Legal Paradigms for the 21<sup>st</sup> Century* Speaker at Annual Black Law Students' Association Conferences, Canada
- March 1997 *Diversity Issues in Legal Careers* Queen's University School of Law, Kingston, Ontario
- 1996 *Issues at Examinations for Discovery: Opinion Evidence, Speculative and Hypothetical Questions* McCarthy Tétrault, Annual Litigation Department Seminar, Vancouver, British Columbia
- 1995 *Challenges to Inclusivity: Women's Rights and Social Justice*, University of Ottawa, International Women's Week Conference, Ottawa, Canada
- Towards Black Justice*, University of Ottawa, Black History Month Celebrations, Ottawa, Canada

#### PRESENTATIONS

- Feb. 2011 UNLV, William S. Boyd School of Law, Multidimensional Masculinities and Law: A Colloquium, *Sexuality Without Borders: Exploring the Paradoxical Connection between Dancehall and Colonial Law in Jamaica*
- Jan. 2011 AALS, Workshop on Criminal Justice: New Challenges and Persistent Controversies, *On the Chopping Block: Hard Choices in Teaching First-Year Criminal Law, Consistently Revealing the Inconsistencies*
- June 2010 *Racial Paradox and Eclipse: Obama as Balm for What Ails Us*, Workshop on Post Racial Civil Rights Law, Politics and Legal Education: New and Old Color Lines in the Age Of Obama, AALS Mid-Year Meeting
- Oct. 2009 *Sexuality Without Borders: Towards a Non-Neo Notion of Caribbean Sexual Equality*, LatCrit XIV, American University, Washington College of Law, Outsiders Inside: Critical Outsiders Theory and Praxis in the Policymaking of the New American Regime

- Sept. 2009 *Colonial Optics: Dancehall and the Legal Imperatives Against the "Unnatural,"* Feminism and Legal Theory Project, Masculinities Conference, Emory Law School
- Aug. 2008 *Examining our Post-Racial Selves: Obama As Balm For What Ails Us,* Denver Symposium, Obama Phenomena: Facets of a Historic Campaign, Sturm College of Law
- July 2008 *Lyrical Assault: Dancehall versus the Cultural Imperialism of the North-West,* Association of Cultural Studies, Bi-Annual Conference, University of the West Indies, Mona Campus, Kingston, Jamaica
- April 2008 Commentator on paper by Professor Oluyemisi Bamgbose, "Child Trafficking: A Transborder Journey of Hope to Hopelessness," sponsored by The Center for International and Comparative Law Speaker Series, Saint Louis University, part of ATLAS week series
- March 2008 *Dancing in the Closet: Lyrical Assault in Dancehall,* Association for the study of Law Culture and Humanities Conference, University of California, Berkeley
- Norms Towards Husbandry: Legal Imperatives Influencing (Re)productive Interference,* "Routes to Freedom: Reflections on the Bicentenary of the Abolition of the Slave Trade," University of Ottawa Faculty of Law, Canada
- Feb. 2008 *Batson, O.J. and Snyder: Lessons from an Intersecting Trilogy,* *Batson v. Kentucky* and the Use of Peremptory Challenges panel, Iowa Law Review Symposium, Procedural Justice: Perspectives on Summary Judgment, Peremptory Challenges, and the Exclusionary Rule, Iowa City
- Jan. 2008 Three presentations at the Association of American Law Schools Annual Conference, Reassessing Our Roles as Scholars and Educators in Light of Change, New York, NY
- Dancing in the Closet: Lyrical Assault in Dancehall versus the Cultural Imperialism of the North-West,* Section on Law and Humanities, Law and Order: SVU - Sexuality, Videos and You
- The Radical King: Perspectives from One Born in the Shadow of a King,* Section on Minority Groups, "In the Name of Love": What Does Martin Luther King Mean on the 40<sup>th</sup> Anniversary of His Assassination?
- Considering Tortious Racism* Section on Torts and Compensation Systems: Frontier Issues on Race and Torts

- Nov. 2006      University of California, Berkeley School of Law, Boalt Hall, organizer and presenter, **Loving v. Virginia 40<sup>th</sup> Anniversary Symposium** presenter *Lovin' the Man: Examining the Nexus of Irony, Hypocrisy and Curiosity* {two day symposium, other featured speakers included Professors Kevin Johnson (UC Davis), Richard Banks (Stanford), Charles Ogletree (Harvard) and Angela Onwuachi-Willig (Iowa)}
- University of Wisconsin Law School, Madison, Wisconsin, organizer and presenter, **Loving v. Virginia 40<sup>th</sup> Anniversary Symposium** presenter *Lovin' the Man: Examining the Nexus of Irony, Hypocrisy and Curiosity* {two day symposium, with publication of papers, other featured speakers and essayists include Professors Rachel Moran (Berkeley), Catherine Smith (Denver), Reginald Oh (Texan Wesleyan), Carla Pratt (Penn State, Dickenson)}
- Oct. 2006      *On Professionalism: Service and Balance, Constructing Life as a Law Professor (with an Emphasis on Life), Disability Issues at a Dangerous Intersection*, LatCrit XI, Las Vegas, Nevada, organizer and presenter, Faculty Development Workshop
- Aug. 2006      *Racial Crusades at a Gendered Intersection*, American Bar Association, Commission on Racial and Ethnic Diversity in the Profession (organizer and presenter), Honolulu, Hawaii
- March 2006      *Lovin' The Man: Can Film Inform the Law of Interracial Love?*, and *Breaking the Camel's Back Through an Hawaiian Lens*, The Association for the Study of Law Culture and Humanities
- Jan. 2006      *(Dis)Ability, Race and the Criminal Law Curriculum*, Disability Law section panel, American Association of Law Schools, Annual Meeting, Washington, DC
- Nov. 2005      *Bleeding for the Court: The ADA and Episodic Mental Illness*, University of Mississippi, Law School, The Americans with Disabilities Act at 15: Past, Present and Future
- Nov. 2005      *American Husbandry*, Queen's University, School of Law, Ontario, Canada, Faculty Workshop and Presentation to Law School Community
- Oct. 2005      *American Husbandry*, California Western, School of Law, Faculty Workshop
- Oct. 2005      LatCrit X, San Juan Puerto Rico, organizer and presenter, Faculty Development Workshop, *On Professionalism: Constructing Academic Success*; Organizer and Presenter, *Critical Relationships: Political & Professional Consequences of Choosing Different-Race Partners*

- Sept. 2005      *American Husbandry*, Washington and Lee, School of Law, Faculty Workshop
- July 2005      *Critical Mental Health Issues: Tort Law Possibilities*, Minorities and Multiculturalism, 29<sup>th</sup> International Congress on Law and Mental Health, Paris, France (additionally, arranged for 15 participants and organized Critical Mental Health panels)
- May 2005      *American Husbandry*, Gender, Reproductive and Sexual Rights Panel, South East/South West People of Color Conference, “*The Struggle Continues: De Facto Segregation Educational Achievement and Beyond*,” New Orleans, Louisiana
- March 2005      *Property Law as Oxymora*, Disentangling Fact from Fiction: The Realities of Unequal Health Treatment, DePaul University College of Law, Chicago, Illinois
- Jan. 2005      *Legal Strategies to Eliminate Mental Health Disparities in People of Color*, First Annual Winter Institute for Black Studies: Keys to Reducing Health Disparities Among People of Color, University of Hawai’i at Manoa, East-West Center, Honolulu
- Oct. 2004      *Assessing our Role: Class and Legal Education* Society of American Law Teachers Teaching Conference, University of Nevada, Las Vegas, William S. Boyd School of Law
- Property Law as Oxymora*; Organizing and participating in *Family Balance and Professionalism Roundtable*, Second National People of Color Legal Scholarship Conference, George Washington University Law School, Washington, D.C.
- July 2004      *Law Review Publishing: The Process and Politics* Southeastern Association of Law Schools Annual Meeting, Kiawah Island, South Carolina
- June 2004      *Breaking the Camel’s Back: A Consideration of Mitigatory Criminal Defenses and Racism – Related Mental Illness*, The 28th Annual Health Law Teachers Conference, Seton Hall University School of Law, Newark, New Jersey
- May 2004      *Talking and Teaching about Race in the Law School Classroom: Critical Race Theory and its Implications*, Law and Society Association Annual Conference, Chicago, Illinois

- April 2004 *Breaking the Camel's Back: A Consideration of Mitigatory Criminal Defenses and Racism – Related Mental Illness*, Teleconference presentation to students of Southern University Law Center, Baton Rouge, Louisiana
- Jan. 2004 *Emerging Trends in Critical Scholarship*, National Black Law Students' Association Mid-West Regional Convention, St. Louis, Missouri
- Citizenship & the Constitution*, part of African American Heritage Series, National Parks Service, Old Courthouse, St. Louis, Missouri
- Sept. 2003 *A Dangerous Intersection: Exploring the Interplay of Race and (Mental) Disability*, 28<sup>th</sup> International Congress on Law and Mental Health, Sydney Australia
- July 2003 *University of Michigan, Affirmative Action and the Supreme Court*, St. Louis Industry Liaison Group, hosted by University of Missouri – Saint Louis, St. Louis, Missouri
- April 2003 *Breaking the Camel's Back: A Consideration of Mitigatory Criminal Defenses and Racism – Related Mental Illness*, 2003 Critical Race Theory Workshop held at American University, Washington College of Law
- Mentoring and Retention for Persons of Color in the Academy*, Seventh Annual Northeast People of Color Legal Scholarship Conference/St. John's Ronald H. Brown Center for Civil Rights and Economic Development Conference, St. John's University, School of Law, New York
- March 2003 *The Construction of Fear: Rape, Race and Jack in the Box*, Sixth Annual Conference for the Study of Law, Culture, and the Humanities, Benjamin N. Cardozo Law School, New York
- Jan. 2003 *Of Egg-shells and Thin Skulls: A Consideration of Racism-Related Mental Illness Impacting Black Women*, Law, Cultures, and the Philosophy of 'Science,' Mid-Atlantic People of Color Conference, Washington and Lee, Lexington, Virginia
- Property Law as Oxymora: Female Slaves as Breeders of Property*, Hawaii International Conference on Arts and Humanities, Honolulu, Hawaii
- Oct. 2002 *Affirmative Action: The Legacy*, Forest Park Community College, St. Louis, Missouri
- June 2002 *Breaking the Camel's Back: Extreme Emotional Disturbance, Provocation and a Consideration of Race*, North Eastern People of Color Legal Scholarship Conference, University of the West Indies, Barbados

- April 2002 *Walking on Eggshells: Racism and the Thin-Skull Doctrines*, Urban Health & Race Law Weekend: A Global Dialogue, DePaul University College of Law and Loyola University-Chicago Law School, Chicago, Illinois
- Sept. 2001 *Micro and Macro Economic Effects: Secreting Assets to Evade Non-Business (Private) Obligations and Responsibilities*, 19<sup>th</sup> Cambridge International Symposium on Economic Crime, co-presenting co-authored paper, Cambridge, U.K.
- July 2001 *Racism-Related Mental Disorders and the Applicability of the Thin Skull Doctrine*, XXVI International Congress on Law and Mental Health, Montreal, Quebec
- April 2001 *Adrift in the Diaspora*, LatCrit XI Conference, University of Florida School of Law
- Property Law as Oxymora: Female Slaves as Breeders of Property*, Interdisciplinary Nineteenth Century Studies Conference, University of Oregon, "Exhibiting Culture/Displaying Race," Eugene, Oregon
- March 2001 *(En)Raged or (En)Gaged: The Implications of Racial Contextualization to the Provocation Defense*, Northeastern People of Color Legal Scholarship Conference, CUNY Law School
- Feb. 2001 *(En)Raged or (En)Gaged: The Implications of Racial Context to the Defense of Provocation*, Mid-Atlantic People of Color Scholarship Conference, Dickinson School of Law, Pennsylvania State University
- June 1999 *The Culture of Private Practice*, Canadian Association of Law & Society Annual Conference, Sherbrooke, Quebec, Canada
- Oct. 1998 *Equality Concepts and the Charter*, Nominated as a "Future Leader" and speaker at Conference on "Building a Human Rights Agenda for the 21<sup>st</sup> Century: A Practical Celebration of the 50<sup>th</sup> Anniversary of the Universal Declaration of Human Rights," Human Rights Research and Education Center, Ottawa, Canada
- 1996 *Submissions to the Working Group on Racial Equality in the Legal Profession*, Canadian Bar Association.

**PANELS**

- Dec. 2010 Society of American Law Teachers, Teaching Conference, **Teaching in a Transformative Age: The Law School of the Future, "Hip Hop in Legal Education: The Bridge Between Pedagogy and Practicality" & Teaching While Black (and Female) in the 21<sup>st</sup> Century Law School: Voices from One Generation**
- June 2010 **Teaching: Strategies to Success**, Workshop for Pretenured Minority Law School Teachers, AALS 2010 Workshop for New Law School Teachers
- March 2010 **Breaking In: A Workshop on Becoming a Law Professor, Adjunct, or Administrator**, SALT Pipeline Project, Golden Gate University School of Law & SALT
- March 2010 **Intersectional Transnationalities**, UCLA School of Law 4<sup>th</sup> Annual CRS Symposium, Intersectionality: Challenging Theory, Reframing Politics, Transforming Movements
- 
- Oct. 2009 Discussant, **Power, Politics and Public Service: The Legal Ethics of Lawyers in Government**, Hofstra Law School Legal Ethics Conference
- Oct. 2009 **On Pedagogy: Teaching, Authenticity, and Critical Reflection**, also **Roundtable on SALT/Best Teaching Practices: Developing Best Practices for International Programs Run by U.S. Law Schools**, LatCrit XIII, Representation and Republican Governance: Critical Interrogation of Election Systems and the Exercise of the Franchise, Seattle, Washington
- Sept. 2009 Moderator, **The Job of the Dean**, Promoting Diversity in Law School Leadership Conference, SALT, Seattle University School of Law & the Fred T. Korematsu Center on Law and Equality
- 
- Jan. 2008 **On Teaching in the Law School**, Mentorship for the Junior professor, LatCrit Mini-Junior Development Workshop, Association of American Law Schools Annual Conference, Reassessing Our Roles as Scholars and Educators in Light of Change, New York, NY
- Oct. 2007 Discussant, **Suddenly Senior Session**, LatCrit XII Conference, Florida International University, College of Law, Miami Florida
- Sept. 2007 **Just Between Us: A Mentoring Session**, Northeast People of Color Legal Scholarship Conference, **Criminal Justice and Immigration in the 21<sup>st</sup> Century**, Southern New England School of Law, North Dartmouth, Massachusetts
- Constitution Day Program**, Saint Louis University, School of Law

- Oct. 2006      ***Critical Relations: Identity Matters***, LatCrit XI, UNLV Nevada, Las Vegas, Nevada
- Jan. 2006      ***Respondent to the paper of Professor Lani Guinier, Bennett Bosky Professor of Law, Harvard University, Law School, "Meritocracy INC: How Wealth Become Merit, Class Became Race and College Education became a Gift from the Poor to the Rich,"*** Washington University St. Louis, Assembly Series, Chancellor's Fellowship Lecture
- Feb. 2005      ***Ebony Roots, Northern Soil: Perspectives on Blackness in Canada***, McGill University, Montreal, Quebec, Canada
- Jan. 2005      ***Engaged Scholarship, Evaluating Students and Evaluating Outputs: Vision, Revision, Envision: Critical Perspectives in Assessment***, Small Group Leader, American Association of Law Schools Annual Meeting, San Francisco, California
- Nov. 2004      ***Can a Constitution Really Guarantee Socio-Economic Rights? Respondent to Chief Justice Chasklson, South African Supreme Court***, Millstone Lecture, Saint Louis University School of Law, St. Louis, Missouri
- March 2003      ***Of Egg-shells and Thin Skulls: A Consideration of Racism-Related Mental Illness Impacting Black Women***, Saint Louis University Women Law Students' Association & Health Law Association annual panel, St. Louis, Missouri
- Feb. 2003      ***Panelist, Courts and Insanity***, NPR affiliate KWMU 90.7, St. Louis On The Air, <http://www.kwmu.org/Programs/Slota/Archives/030220.html>
- Feb. 2003      ***Panelist, The Courts and Insanity***, Saint Louis Psychoanalytic Institute, St. Louis, Missouri
- July 2000      ***Selected participant in the Law and Society Summer Institute on Race and the Law***, Baldy Center for Law and Social Policy, School of Law, State University of New York at Buffalo
- April 2000      ***Different Perspectives: Understanding Some of the Sources of The Problem - Appreciating Different Cultural Values an Understanding Community Pressures Upon Lawyers***, American Bar Association Minority Retention Summit, Commission on Opportunities for Minorities in the Profession, Boston, Massachusetts
- July 1999      ***Roundtable Consultation on Provocation, Self-defense and Mandatory Minimum Sentences***, Canadian Association of Elizabeth Fry Societies,



Ottawa, Ontario, Canada, Consultation Proposal requested by the Honorable Minister of Justice, Ottawa, Ontario

- 1997      **Participant on *Diversity Issues Panel*** with David Lepofsky, Ministry of the Attorney General, Keith Norton, Chief Commissioner of the Ontario Human Rights Commission and Susan Elliot, former Treasurer of the Law Society of Upper Canada, Queen's University, School of Law, Kingston, Ontario
- 1995      **Participant, *Reformulation of the Criminal Code, Self-Defense Roundtable***, National Action Committee on the Status of Women, Canada
- 1994      **Participant, *Reformulation of the Criminal Code, Provocation Defense Roundtable***, Ontario Women's Directorate, Canada
- Provocation Defense Reformation Proposals** Recognized contributor in submissions to the Honorable Minister of Justice, Canada

## MEMBERSHIPS & ASSOCIATIONS

*Working Group on Critical Race Theory and Empirical Research Methods, invited participant University of California, Hastings College of Law*

*Elected Member of American Law Institute, 2010*

*Editorial Board, Law and Society Review, 2009*

*Board of Governors, Society of American Law Teachers (SALT), (Co-Chair Access to Justice Committee 2010, Member Pipeline Committee, Co-Chair SALT Teaching Conference Planning Committee 2006-7, Co-Chair Cover Workshop Committee 2008-2010)*

*Board Member, AALS Section on Disability Rights (Co-Chair Program Committee for AALS conferences) (2006-7)*

*National Steering Committee, National People of Color Legal Scholarship Conferences (National Conference are held every five years. I have been involved in planning the 2004 and 2010 conferences.)*

*Member Planning Committee for 20<sup>th</sup> Anniversary Critical Race Theory Symposium and Speaker Series (held at the University of Iowa, College of Law, April 2009)*

*Member of Board, Steering Committee and Secretary for Latina & Latino Critical Legal Theory (LatCrit) Inc. (2007-2009)*

*Member Faculty Development Workshop Coordinating Committee, Latino and Critical Theory (this committee organizes the junior faculty workshops and works-in-progress sessions for the annual LatCrit conferences) (2004-2008)*

*International Scientific Committee, International Academy of Law and Mental Health (2005-2008)*

*Member Planning Committee, Northeast People of Color Legal Scholarship Conferences (2001-2007)*

*American Bar Association Commission on Racial and Ethnic Diversity (Co-Chair of planning committee for ABA panel in Honolulu 2006)*

*Coordinator, Race and Health Working Group, Saint Louis University (2003-4)*

*Member of the Bar, Law Society of Upper Canada (Ontario, Canada) 1996- present*

## **PERSONAL INTERESTS**

- Cooking
- Wine tasting
- Pottery
- Glassblowing
- Volleyball
- World Music
- Reading (anything that transports me)